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Introduction

The Government of India passed a controversial Citizenship Amendment Act, 2019 (hereinafter referred to as “CAA”) on 12.12.2019 which led to massive unrest in the entire country, particularly among the religious minority groups. In order to consolidate majority votes, the CAA envisaged granting of citizenship on basis of religion, giving birth to unprecedented and highly discriminatory practice in the largest democracy in the world. It not only violates the spirit of the Constitution of India but also several international human rights instruments.

The fear of losing citizenship merely on the basis of religion and anger on the curtailment of civil rights led to a number of social protests across the country. The key centres of these protests turned out to be students from two prominent central universities namely Aligarh Muslim University, Aligarh and Jamia Millia Islamia, Delhi. Entire nation garnered support for the protests in these universities, which were focal points and a source of inspiration for everyone in the country.

In these protests the students exercised their democratic right to raise their dissenting voice against CAA and NRC. On 15th December, 2019 the state unleashed their forces to curb their voice which was resonating throughout India. At the first instance, it seems clear that the large scale violence carried out by the police and RAF forces was excessive, brutal and completely disproportionate to the stated objective of breaking up a protest. The culpability for this large scale violence against peaceful students lies with the police and RAF as well as the university administration which allowed them in. The actions of the police in particular violate all norms and standards of conduct in dealing with student’s right to freedom of expression and association, and with the basic right to demand for rights.
The horrifying incident of the fateful night not only terrified the students but also shook the pillars of the democracy in India. The report covers the democratic demonstration of the fundamental rights guaranteed by the Constitution of India. It reflects the details of the peaceful protest which was conducted by the students of Aligarh Muslim University against the discriminatory CAA. The report has also reproduced testimonies of the students who were victim to the brutality of the state on the horrific night. The testimonies reflect the injuries sustained by the students by use of excessive force by the police and RAF. It also reflects the detention of the students who were trying to save their lives from the wrath of the police and RAF.

The report also covers the legal struggle of the students and the continuous support provided by HRLN. HRLN lawyers conducted the preliminary fact finding, represented the students before the Supreme Court of India, High Court of Allahabad and also before the National Human Rights Commission.
Citizenship Amendment Act, 2019 (CAA)

On 13th February 2019 the Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 34/21, 34/6, 34/35 and 31/16 sought clarification on the rationale and the legal basis explaining the provisions of the Citizenship (Amendment) Bill, 2016 amending the Citizenship Act of 1955 from Government of India. They also sought information on measures undertaken to eliminate any discriminatory treatment of minorities with regard to the right to nationality and to ensure that no person belonging to an ethnic, religious or linguistic minority is arbitrarily deprived of her or his nationality.

However, on the 9th of December 2019, we saw the Lok Sabha discussing The Citizenship (Amendment) Bill, 2019 and on 13th December 2019, the Citizenship Amendment Act was assented by the President of India after it was passed by both the houses. The CAA grants citizenship to persecuted minorities from Pakistan, Afghanistan and Bangladesh. What seems to be evident through a plain reading is that, all persecuted minorities are not given the same protection under the Bill. For the very first time wringing secularism by the neck “persecuted minorities” have been divided on the basis of religion to only include:

1. Hindus
2. Jains
3. Parsis
4. Buddhists
5. Christian
As a follow up to the blatant discrimination on the basis of religion, it also restricts citizenship on the basis of country of origin to only include “persecuted minorities” from Bangladesh, Afghanistan and Pakistan. The concerns that arise from the Bill are not my own readings of secularism; they are those that gain their definitions from the Preamble, which forms as a guide as and when there is any lack of clarity regarding laws with respect to the constitution. It runs completely contrary to Chapter III of the Constitution of Indian and lays waste to international refugee law making the CAA a breeding ground of a vile form of discrimination the likes of which weren’t seen since the last world war.

A number of international instruments critical to enforcing Human Rights like Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of all Forms of Racial Discrimination, Declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief are brushed aside as if they aren’t to form the guiding principles in making any kind of law.

The questions that are lingering after passing of such a blatantly discriminatory law are what are parliamentarians then? Can they make laws that is basically tearing up the constitution? Do they get to make laws that blatantly spits on the faces of International Covenants put in place after years of discrimination to build the fragile peace that we have as of now? What is it then that would prevent them from making laws contrary to any understanding of natural justice? And do we as a whole country keep observing meekly with no ability to stop what is happening? Since, it has become more than evident that the government barely lays its eyes on protests.
Constitution of India and CAA:

The very core of the constitution, Article 14, is a hollow sounding noun with no weight to be carried through in the face of the laws that blatantly burn, rip through and lay waste to the pages of the constitution. If laws created are challenging the constitution, do we even consider them to be laws? If all laws gain the authority from the constitution, should there even be an articulation of a law that directly challenges the constitution as a whole?

Article 14 of the Constitution of India provides equal protection of law and equality before law, in the simplest terms all persons and things similarly circumstanced shall be treated alike. Equality before law is emphasized through the understandings that, equals be treated equally in front of the law and the like should be treated alike. Therefore, discriminating between persons who are in substantially similar circumstances and conditions are both illegal and unconstitutional.

Not only does the CAA fail to protect others being persecuted on the same grounds in the aforementioned countries, such as bloggers in Bangladesh, Ahmadiyya in Pakistan and Hazara all of whom are persecuted on the basis of their faith and are minorities in their respective countries.

International Refugee law, International Human rights instruments and CAA:

At this point it is to be shown how by passing the Citizenship Amendment Act we are running in contravention of the definitions and rights enshrined in our constitution and contravening a number of laws, conventions and rules that a number of countries have agreed to. The definition of refugees under international refugee law is “a person having a well-founded fear of persecution based on race, nationality, religion, membership of a particular social group or
“political opinion”. Pertinent to note that there isn’t any difference that is drawn out on the basis of a person’s religion or country of origin.

Furthermore the 1951 convention relating to the status of refugees, categorically specifies that religious persecution cannot be selective. The understanding of religion in international refugee law understands religion with more than a singular understanding of religion – religion as belief (including non-belief), religion as identity and/or religion as a way of life. Establishing sincerity of belief, identity and/or a certain way of life is both irrelevant and impossible in every case. It may not be necessary, for instance, for an individual (or a group) to declare that they belong to a certain religion, of a specific faith, or adhere to the religious practices, where the persecutor imputes or attributes this religion, faith or practice to the individual group. Article 3 of the 1951 Convention mentions that all the provisions of the convention will apply to refugees without discrimination as to race, religion or country of origin. Similarly, the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) under Article 2 (1) prohibits and eliminates any act or practice of racial discrimination against persons and/or groups. In accordance with article 6, States Parties must not only ensure the effective protection against racial discrimination of everyone within their jurisdiction but also provide access to remedies and adequate reparation to victims of racial discrimination.

Further, International Covenant on Civil and Political Rights (ICCPR) under Articles 2(1) and 26 provides equality before the law, mirroring the text of Article 2 of the UDHR and the ICCPR as well as General Article 2(2) of the ICESCR. ICCPR under Article 4(1) refers to public emergencies, it again prohibits discrimination on grounds of race, colour, sex, language, religion or social origin and Article 24(1) in its reference to providing protection to children, also prohibits discrimination based on race, colour, sex, language, religion, national or social origin,
property or birth. United Nations 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities), under Article 1 refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end, as well as, under Article 4 to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination.

However, CAB addresses the religious persecution of minorities but limits the protection to particular religious groups. It violates the international refugee law as there cannot be a selective selection of individuals who are being persecuted on the same grounds. The protection from religious persecution will include the entire religiously persecuted group. CAB also violates the international human rights law on ethnic and racial discrimination. India is not signatory to 1951 Convention but has signed and adhered many other human rights conventions i.e. International Covenant on Civil and Political Rights (ICCPR) to which India is a State Party since 10 April 1979, International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), ratified by India on 3 December 1968, Universal Declaration of Human Rights (UDHR) etc, which prohibits ethnic and racial discrimination.

Therefore, CAA is unconstitutional and illegal not only through the lenses of the Constitution of India but also through the international human rights instruments. The violation of the international convention and concern of international communities can also be inferred by the joint concerned raised by the Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Special Rapporteur on freedom of religion or belief.
Background

The Aligarh Muslim University (AMU) has a glorious history of leading socio-political movements and playing an influential role in these movements even before the independence of India. It will be inscribed on the plates of history that how the students of Aligarh Muslim University waged a struggle against the charlatan-democratic and authoritarian regime merely to protect and conserve the secular principles and free spirit of the Constitution of India. History will look back and see, that when an authoritarian regime functioned under the garb of democracy and geared itself to revise and crumple all the principles of the country, the students of AMU stood firmly against it. These moments will be carved in the annals of history, when the readers will be glad and feel terrible. The terrible plight of students and the suffering they bore will make the a reader of history churn in their stomach, but the enthusiasm and zeal of students to preserve the Constitution and the collective strength of the students will make the reader feel pleased.

The University inspired protests in the city of Aligarh and a number of other cities and towns across the nation. Intimidated by the magnitude of protests, in fact one of the largest in recent years, the Vice-Chancellor and the Registrar asked for police protection around the campus, and outside the main campus gate which was also a protest spot.

On 15.12.2019, erstwhile in Jamia Millia Islamia (JMI), the police and Rapid Action Force (RAF) illegally entered the campus and brutally assaulted peaceful students and vandalized property. Many students were critically injured with one student also losing his eye. Hours after the incident, in AMU, the police outside the campus gate started provoking students by using communal slurs and abuses in a pre-planned manner.
The UP Police and RAF entered the AMU campus and created a war zone situation by throwing stun grenades, tear gas shells in extremely large numbers and used water cannons. The Police and RAF beat up the students mercilessly, vandalized their vehicles and university property. A particularly outrageous incident was where the police broke the windowpane of a hostel room and fired tear gas inside at point-blank range. As soon as the students in the room ran out, they were picked up and beaten up. One student lost his right hand from an explosion of a stun grenade near him.
The Peaceful Protest by the Students of Aligarh Muslim University (AMU)

On 09\textsuperscript{th} of December, 2019 when CAB was passed and approved in the Indian Parliament, the students started their peaceful protest. The motive of this bill was to demolish the secular spirit and the prevailing brotherhood of India which was and is never acceptable to students of AMU.

To halt the expanse of the poison of this law, the students on 09\textsuperscript{th} of December 2019 hold a public dialogue in one of the University simply to discuss and aware the students and public about how this CAB ordinance is unconstitutional and fatal for the brotherhood prevailing in different communities across India. On the same day at around 7 P.M., the students of the University saw the bill as a symbol that has to be resisted tooth and nail, plainly rejected it and made it amply clear for the authorities that the students of AMU wouldn’t abide by this extremely discriminatory law, the Citizenship Amendment Law.
The next day on 10\textsuperscript{th} of December 2019, seeing how the issue was increasing in sensitivity and garnering support across the country, the students of University gave a showcase notice to AMU administration stating “\textit{Why VC of University, teaching staff and non-teaching staff are not enthusiastic and not even cooperating to redeem the Democratic and secular spirit of the country}”. Later in the evening around 8 P.M., a \textit{Mashaal} procession was led by the students of AMU to announce unconditional rejection of the bill.

On the following day, 11\textsuperscript{th} of December, around 25000 students of the University crouched on starvation strike to mark the uproar against the discriminatory and unconstitutional CAB. The situation became extremely grave when on the same day 700 unnamed FIR’s were installed against students from Aligarh Muslim University students just because they wielded their Right of peaceful gathering and Right of speech and expression. On the same day around 4 P.M., police forces were deployed in extremely large numbers on the gates of Abdullah Hall (Girl’s Hostel) as if to threaten the female students.
However, on the next day on 12th December 2019, these female students of AMU splintered the cages of fear and worry, to raise their voices against CAB. AMU girls held a massive rally against CAB at Abdullah College of the University. Most of the girls were not allowed to leave the college premises, however they raised their voice against the discriminatory bill from within their college premises. All these marches were carried out while multiple personnel from the police were present at the gate, they marched from IG hall and Abdullah hall to join protests of Bab-e-Syed.

At around 6 p.m. on the exact day, some well-known activists including Yogendra Yadav, Dr. Kafeel Khan, Maskoor Usmani held an assembly at Bab-e-Syed where they spoke about how CAB is both unconstitutional and against the spirit of democracy in India.
On the 13th of December 2019, after CAB passed, given assent by the President and published in gazette, the students of AMU started protesting against the Citizenship Amendment Act, 2019 (CAA). A peaceful rally of over 10,000 students was organized by AMUSU (Aligarh Muslim University Students Union) against the passage of CAB in the Rajya Sabha.

A memorandum addressed to Chief Justice of India was handed over to District Magistrate Aligarh in the presence of thousands of protestors. The large procession of students was completely peaceful. The students requested the AMU administration to open the Bab-e- Syed Gate. When the students reached the University Circle, they found it to be barricaded heavily and there was a lot of personnel present.

The UP Police and RAF stopped the students from reaching the District Magistrate's office. The students resisted peacefully and return after three hours along with the teachers of Aligarh Muslim University Teacher’s Association, who joined the students on the spot.
The Resident Doctors Association condemned CAB and protested against it at JN Medical College. On the 14th of December, the students of Aligarh Muslim University also raised their voice against the mishandling and abuse of students from Jamia Millia Islamia, who were also protesting against CAA. The students of the varsity also launched “Muslim lives matter” campaign.
On the 15th of the December 2019 any semblance of democracy that was there completely demolished. The constitutionally guaranteed fundamental rights were chopped with the soles of jackboots. On the day, the forces of Delhi police threatened and intimidated the students in Jamia Milia Islamia who were also protesting peacefully against to defend the democratic spirit of the country like the students in AMU. Delhi police not only brutally beat them up with lathis and butts and also ransacked university property. On hearing this, the students of Aligarh Muslim University staged a peaceful march from University canteen to Bab-e-Syed.

When the students reached Bab-e-Syed, the police personnel and Rapid Action Forces that were already there stopped them. The forces unleashed a tremendous amount of violence on the students. They shot rubber bullets, smoke canisters, stun grenades and tear gas. They hurled abuses like “Azaadi Do Inhai”, “Aao Azaadi dein tumhai”, and “Baharaa wo madar****d”. It is pertinent to note that there was no prior written permission from authorities of AMU, for the police to intervene on the 15th of December 2019. The entry of the Police and RAF in University gate was illegal and excessive use (misuse) of power and authority.
That at around 8 pm the police and RAF entered the university campus. The police and RAF started firing tear gas shells, rubber bullets, stun grenades, pellets and other kinds of explosive weapons into the crowd inside the gate. The video recorded by the students of AMU categorically shows the police abusing and firing massive amounts of tear gas on the students. According to the students who witnessed that incident and were hiding at the Guest House no. 2, the proctor and unarmed students repeatedly demanded the police and RAF to step out of the university campus, even after the first round of lathi charge and firing of tear gas, rubber bullets and pellets. However, armed forces started entering buildings nearby i.e. Guest House No.2 and 3 where the students were hiding. There were about nine students hiding in the abovementioned locations who were dragged out by the police and RAF and heavily lathi charged. Many of them were also assaulted by the butt of the gun and by multiple officers of the Police and RAF.
The clearest evidence of disproportionate and extraordinary use of force with malafide intent by the police and RAF can be found from the incidence that took place at room no. 46 of Morrison Court hostel. The hostel included many students who were not even part of the protests. One crucial notable incident that took place in Morrison Court hostel was, where Police and RAF forcefully entered by brutally thrashing the guard at the gate (later admitted) and then firing the tear gases. Shockingly, the police then cut the window of Room no. 46, shattered the glass window and fired tear gas into the room from point blank range.

As a result, room caught fire and the three students who were in the room, and weren’t a part of the protest, walked out of the room dazed, confused and not fully conscious. Police and RAF then brutally assaulted those students and detained them at the police station. AMUSU outgoing president, Mohd Salman Imtiyaz, witnessing the massacre called Dr. Mohammad Hamzah, who heads the JNMC Resident Doctors' Association to activate trauma centre for mass causality, and send ambulances with doctors for help. Dr. Hamzah approached the CMO of the Trauma Centre, who denied sending the ambulances and said that the Proctor of AMU has directed not to do so; Dr. Hamzah forced the CMO to send three ambulances to Bab-e-Syed. He also arranged 16
additional ambulances from private owners. Twenty ambulances were ferrying injured students from Bab-e-Syed to JNMCH. In total, they made four rounds to save the lives of students.

The students were heavily injured by the brutal lathi charge, rubber bullets and explosives. The ambulances of the university hospital were taking the injured students of AMU to the hospital for medical attention.
The inhumane and grave misuse of power by the police can be seen from the videos of the CCTV footage which shows the police officers dragging a student out of an ambulance and brutally assaulted him. The students were also informed that the police and RAF was heading towards Jawahar Lal Nehru Medical College Hospital (JNMCH) and anyone present in the hospital would be arrested and criminal charged would be imposed on them. The statement of the doctors reflects that there were more than 100 students who were in dire need of first aid. They started going back to their hostels without even taking the necessary first aid treatments essential for their well-being at that time. The students were traumatized and ran for their safety to safeguard themselves from the illegal coercive action by state administration.

The students taken to the city hospital (Malkhan Sigh Hospital) were all tortured and later detained without proper medical examination. There are accounts of students as how they were called terrorist and denied medical assistance.

Mohd Salman Imtiyaz, sustained injury on his chest from unknown object. Soon after, a tear gas shell exploded near him and created smoke because of which he fell unconscious. Thereafter, he
Nadeem Akhter, Student of AMU

Intensive Care Unit of JNMCH. Nasir Chaman, student of BA LLB, lost his hand as it had to be amputated. He was attacked by a stun grenade. He has a web space on right hand where there was crush lacerated wound and first metacarpal was fractured along with proximal phalanx of thumb. K-wiring on both was done on 15th night. He was admitted in the plastic surgery division of JNMC.

Similarly, Nadeem Akhter, a 20 year old student who was hit in the head and was lying in ICU of JNMC. He has extra dual haemorrhage overlying left frontal lobe with mid line shift of 10 mm towards right side.
Mohammad Tariq, a PhD Scholar at Chemistry department, an industrial chemistry background with NET JRF qualification besides 3 GATE qualification certificates. He was going to his lab when he heard the noise in the campus. He walked towards Bab-e- Syed as students, ran for life he fell down and was hit by a stun grenade in his hand. He had only the index finger left in his hand when he reached the hospital. His dominant hand has been amputated. He got the debridement with K-wiring done on the night of 15th December 2019. Another student, Tabrez, was referred to Delhi’s Sir Ganga Ram Hospital with injuries to his stomach. Dr Malik said Tabrez was seeing repeated episodes of shock, having been hit by two tear gas canisters in his stomach. Further, Tazeem Khan, student of Urdu at Aligarh Muslim University, was among the nine students taken out of the Guest House Toilet and ruthlessly beaten. He was taken to hospital again where doctors advised an urgent treatment by a Plastic surgeon. He was later released after signing a document, the content of which is not known. He has fractures in metacarpals and hematoma in the arm.

Shahid Hussain, a student of MA History at Centre for Advanced History of Aligarh Muslim University. He was taken out from Room No. 46 of Morrison Court and beaten inside the hostel. He was dragged into the police van and asked about his domicile state. He had torture marks from head to toe. JNMC doctors had to capture 16 X-Rays to assess his condition. He left for home immediately once emergency was declared in the campus.
The police officers not only brutally assaulted the students of AMU but have also been seen vandalizing the vehicles that the students had parked in the University Campus near Library. The Police and RAF also vandalized the ambulances which were taking the injured students to the JNMC Hospital. It is pertinent to mention that even the ambulance drivers were also victims of the police brutalities for helping me injured students to get in the ambulance. The fact finding team also saw that a small tractor was picking up bikes parked around the university and throwing them onto a truck parked in front of the Maulana Azad Library, on the main university road.

The AMU administration worked hand in glove with the state administration.

Mr. Tariq Mansoor, Vice Chancellor, AMU watched around doing nothing and permitted butchering his own students regardless of them being part of any protest.

His deputies, including Registrar and Proctor have only added to that act. Mr. Tariq Mansoor, AMU Vice Chancellor and Mr. Abdul Hamid IPS allowed the police to storm the into the campus and accused student protestors for being anti-social elements. However, they did not
provide any written permission to the forces and later in a letter apologise to the students for their actions. They did not employ deans of the faculties, AMUTA, or themselves to engage with students protesting against the police violence in JMI, a standard practice to disperse protests at AMU. The fact being that AMU students were holding protests of their own and were exercising their democratic right. A group of teachers could have been sufficient to talk to students. But the VC and Registrar, held executive power in the campus and allowed police to run amok in the campus for 14 hours.

By giving a free hand to police to create a war like situation in the campus, they have failed miserably as administrators. The VC and Registrar issued Winter Vacation orders but practically imposed Sine Die. The students were forced to leave the university campus without even considering the situation at the houses of the students and in States which were already facing violence due to CAA. AMUSU in their statement through the outgoing president found the Vice Chancellor and the Registrar as the main culprits in the campus violence as they partnered in the crimes committed against AMU and its students. While the violence was committed by the state, the FIRs have been lodged against students. More than 52 students/others have been booked under sections 147, 148, 149, 153,
188, 189, 307, 332, 336, 504, 507 and others. The charges have been levelled only to suppress the students and to force them to silence.

On 16th of December at around 4:00 am, a team of lawyers from HRLN visited the AMU campus and witnessed a massive contingent of armed forces, comprising largely of RAF but also included local police, spread in large groups, right from university circle and Bab-e-Syed to Chungi gate.

The right side gate of Bab-e-Syed was lying to one side and there were barricades at every intersection inside the campus. The HRLN team had detailed open ended conversations with a number of students in their hostels (individual and groups), injured students admitted in the JNMCH and their attendants, student leaders, admin staff at the medical college, university security guards and faculty administrators of two residential halls. Most people the team spoke to were apprehensive of speaking on record for fear of reprisals, both at the hands of the university as well as the district administration. Therefore, the team did not disclose their identities while publishing a report with title “Preliminary Fact Finding Report into the events of 15th and 16th December 2019 at AMU”. The report was covered by all newspapers as it reflected brutality on the students of AMU. Later a detailed statement by Mohd Salman Imtiyaz, President, Aligarh Muslim University Students' Union (2018-19) on the incident with the testimonies of the students of AMU was published by the AMUSU titled “Protests Against Citizenship (Amendment) Act 2019 & The Unleashing Of State Terror In AMU”
Testimonies

Shahid Hussain, Department of History

On the evening of 15th December 2019, everything was going as usual for me. As I was coming back from the gym, around 7:30 PM, I found that groups of students were going towards the protest site.

I was on the part of the normal atmosphere of protest that was going on in the campus against CAA-NRC and I came to know that the matter was heightened due to Jamia Millia Islamia issue as well. I, after coming back to my room joined my friends and went to the protest site. I saw there was shelling from the sides of the police that is tear gas and sound shells were being exploded there. I found the police entering Bab-e-Syed (University gate) and throwing tear gases on the students and many students were dangerously injured by these tear gases and something else.

I saw students being transported to medical in ambulances etc. After the lapse of some time, I came back to S.S. North Hostel in the room of my friend, (Room Number 90) and stayed there for about an hour and then went to find out that what was going on because I heard from someone that protest was still going on. When I reached Morrison Court, I found that police had reached the beginning of the Morrison Court and I remained there for some time before police
vehicle rushed in and we had to enter the hostel. I was witnessing this moment from the gates (inner gate) of the Morrison Court, so I rushed into the nearest room that was open.

I, along with many students who I didn’t know at that time, rushed into that room and one of us switched off the lights so I could hear their voices only. The police started banging on the door and students including me pleaded for them to stop and leave us but police were continuously clambering “Agar Zinda Rehna Chahte Ho Toh Baahar Niklo”.

I along with a couple of students held the door tightly as the lock from inside was ineffective so we had to manage to hold it with muscular power. Then, they broke the window glass by something that I thought (at the time) it was rifle butt (or it could have been something else) then the first tear gas came. It fell inside the room but very close to the window so we were able to get through it as most of the smoke went out from the window.

Then I heard a loud noise of something as if something had exploded in the room with immense unimaginable noise and my senses fainted for some time and the whole room became suffocated. I was able to hear the helpless cries in the dead silence. Before I could recollect myself another explosion of the same kind happened and I don’t know what happened in the room after that.

The room became so much suffocated that I thought I’ll die in that air. Other students were asking me to open the door and I myself without thinking anything opened the door. The police in the meantime were still clambering “Agar Zinda Rehna Chahte Ho Toh Baahar Niklo” I
thought it is better to go outside than to die out of suffocation. So, I opened the door and the moment I opened the door, I received the first blow on my left shoulder and then I was dragged by that blue-colored uniform-clad personnel who were beating with rods, hands, feet.

First, I was taken to the left side of the corridor as some personnel were standing there so all of them could beat me. Then, I was dragged outside the hostel, beaten along the road and at the end of the Morrison court, they asked me about ‘my hometown’. After coming to know about my Kashmiri background, the degree of the brutality heightened many folds. They started screaming “Acha Tum Hi Ho Jisko Azaadi Chahiye” and then as they beat me the screamed “Yeh Lo Azaadi”. Now, one of the personnel said to others that beat him with a wooden rod instead of a plastic rod. I was literally tied to a tree and then they beat my frontal legs.

At the corner of the road which leads to Morrison Court, I received a blow on my ear and it began to bleed heavily. I fell unconscious and I said to the police personnel who was holding my collar that my head has been injured and then he held me from my head and asked others not to hit me on the head while another body was left exposed for them to hit me wherever they wanted.

I was kept in a large police vehicle (truck) along with many others and we were beaten in the vehicle as well. A policeman who was having a short rod-like object in his hand by which he was counting us repeatedly after every few minutes beat us while...
counting every time. He stepped on my face, my legs and wherever he could step on. When the brutality heightened many times, I said to him that my brother was in the Army as well. He asked me for his name and battalion. I said to him and then his focus shifted from me to the next student who was lying down and was wearing sherwani. He was beaten while using the slurs like “Tu Sala Sherwaani Waala”. He was beaten to the extent that I was feeling pity for him and in every counting he got more tortured than others. When we were being taken out, every other student told him to take his sherwani off. I was asked about my phone which I gave and still, I have no trace of that phone. I saw a phone by my side as I was lying on the vehicle that was crushed, I thought it was mine. Later, a student who was detained with me told me that my phone was broken with a rod by that policeman while placing it on that student’s head.

When we were taken in the small police vehicle (jeep) we were beaten even in that time i.e. the time between being transferred from big vehicle to smaller vehicle. Then we were taken to Malkhan Singh Hospital, the first aid was given there (painkillers, etc.) but still, I saw students were slabbed even while giving the treatment there. Fortunately, I was spared there. Here, a non-Muslim student who was detained was beaten and was being said by the police personnel- “Acha Toh Tumko In Logon Se Muhabbat Ho Gyi”.

Then I was asked about my permanent residence, contact details of my family members, etc. Then I was transferred to Akarabad Police Station along with four other students. As we were being taken, a fear of being taken for an encounter ran through the minds of every one of us. Then, we reached the police station. First, we were taken to a room, given a thin blanket, told to lay it down on the floor and we all one by one was asked to lower down our trousers and lie down and four of five slabs of that thick and wide rubber-like belt were beaten on our butts/hips. After that, although the physical violence ended, verbal violence continued.
Repeatedly, I was called a Pakistani due to my Kashmiri background and one of the personnel told all us- “Jo Rohingya KeSaath Hua Burma Main, Hum TumhaareSaathWaisa Hi Karenge.” Then we made entries into the diary and then three students were given one room in which later all of us resided. I, along with another student were taken to the initial room again. I don’t know why but I was asked about my personal information and again that rubber belt was used on my hands but not so brutally as before. Then, we slept back in the room with everyone. The next day, we were Civil Lines Police Station around 10 PM and by 10:30 PM, I was released from the Civil Lines Police Station.

The degree of brutality can be summed from the point that when I went to hospital soon after my release, I was prescribed Sixteen X-rays and full body CT Scan as every body part except head and feet had crumbled in pain and nearly whole skin had turned blue.
Aquib Siddiqui, Morrison Court Hostel of Aftab Hall, AMU

According to me, 15th December 2019 is the most horrific day in the entire history of Aligarh Muslim University when police stormed into the campus and unleashed terror on the peaceful student protesters. They indiscriminately fired the bullets and teargases, destroyed our properties, detained the innocent students and injured hundreds of these students inside the peaceful campus.

On the same day I was in the hostel room of Morrison Court Hostel of Aftab Hall, AMU, studying for my exams, which was supposed to be on the next day i.e., 16th December 2019.

Prior to this day, there were already protests happening in the campus against the NRC and CAA, where I was also the part of and in fact in relation to these same protests all of our classmates had decided to boycott the exams and we didn’t appear for the exams. The University administration made a public notice on the University website that those who had missed the exams would be not be allowed to sit in the exams again and all of them would be marked absent and have to appear for the same paper in the next year. Since ours was a one-year degree program, therefore the students fell succumbed to the pressure created by the university out of this circular. It was this reason that we didn’t participate in the protests on 15th December 2019 and were studying in the hostel for our next paper.

At around 10:00 pm, we heard a lot of gunshots and noise from outside. We couldn’t concentrate on the studies, we ran outside to see what was happening. I was terrified, I haven’t had seen anything like this ever happening in my life. The students who were in the protests had been beaten by the police and those who escaped ran into different hostel to take shelter and the police and RAF started chasing them. Then all of a sudden we hear that some shouting and abusing RAF and UP Police Cops entering in the hostel. We quickly ran inside and locked ourselves in
the room. I was in Room No. 46, and along with two other students and a security guard, we locked the room inside. They came to the door and trying to break open it but they couldn't do so. They were shouting and abusing at us outside the room.

We were repeatedly saying from inside the room that we were not protesting, we were just studying in the room and are not involved in any of the matter as our examination were going on. But they didn’t stop abusing and were saying that “gets out, we will tell you". When they couldn't open the door, they broke the window of our room with the butt of their gun and started firing rubber bullets and teargas shells. One of the bombs exploded inside the room actually resulting in the fire inside and the room started burning. We started choking and got compelled to come out. As we came outside, they began to beat us brutally with their sticks and butts of their guns. No one was listening to us, whoever came started beating us and were saying, dhooodo dhaado (move away, move away)” but were not actually letting us move because they were continuously beating.

I received a head injury there and got 2 stitches in my head.

They dragged us from Morrison Court Hostel to Bab-e-Syed into the truck that was placed there and all the policemen who came in between abused us and beat us. The blood was oozing out of my head. There was a policeman who, on the way, said to the other policemen, ‘chodoisko, ye already pit gayahai’(stop beating him, she is already beaten) but no one paid heed. It seemed like they were taking some revenge against us.

I was thrown into the truck, where RAF personnel came. He laid me down and put his foot on my face and said, “Ab mango aazadi, Azaadi chahtay thay ghaddaro” (Now ask for freedom,
you were demanding freedom you traitors!). He further went on saying, ‘Desh ka namak khaantay ho, Desh say ghadari kartay ho’ (This nation gives you bread and butter, you’re still betraying your nation). He punched on my face and it started bleeding, the blood was oozing out of my lower lip that he punched and my knees were bleeding.

When we reached Bab-e-Syed, they snatched my phone and wallet and dragged me out of the truck and shoved me into jam-pack police van, full of detainees who were placed one on top of others and then locked the door. They directly drove us to Malkhan Singh Hospital, some 9-10 kms away from AMU. I was not able to walk, and then some students and doctors helped me to the emergency room where my external wounds were cauterized to stop the blood flow and I was given some painkillers. No X-Ray was done. We repeatedly told the policemen to carryout X-Rays because our bones were fractured. They didn’t pay any heed. They told us, ‘filhaal ina hi (For now, it is enough). In the hospital itself, where we were undergoing treatment, some policemen came and started investigation. This was done to know about our identities. We were screaming of pain but they didn’t let the treatment to be completed and started questioning like anything. During question, they followed a trend, ‘One Question- One Slur- One Slap’. One policeman came and did it, then second. It got repeated around 7-8 times.

One police inspector came to me, I could just see his 2-star badge, and pulled my beard and said, ‘Ye tou aatangwadi lag raha hai’, (he is looking like a terrorist). Ashutosh, one Hindu friend, who was also detained and was sitting with me was told by this police officer, ‘aapka is ayinkay saath ho, inkay behkaway mai kaisaya agayay’ (How are you with these guys, how did you fall in their trap). Then they took him away and started pampering him. We were all noticing helplessly.
At around 2-2:30am we were taken to the Gandhi Park Police Station and were thrown into the police lock-up. We repeatedly requested them to allow us to call our parents. They didn’t let us talk to anyone. Instead they started abusing and castigating us. Since they’ve already snatched our phones, therefore we were completely helpless.

The condition of the lock-up was pathetic. We were around 9 students in a single room and there was no separate washroom and toilet. The room was stinking and it was very cold as well. We were not even provided with the blankets. Nine people had to share only three blankets. That gripping gelidity was more painful than the injuries.

We were not even spared in the lock-up. Everyone passing by started abusing and inveighing against us. I was screaming of pain for the entire night.

Next day morning, a new lot of policemen arrived. Same as the earlier, they started abusing and scolding us. Harassing us by saying, “Saalo jail mai hi sado gay, koi lenay nahi aayega. Haraamiyo! Desh Drohiyo” (You bastards! You’ll decay in jail only and no one would come to your rescues. You bastards! You’re traitors).

At around 10:00pm, the proctor and the members of AMUSU came to the police station and got us out on bail. We were directly shifted to JLNMC for treatment where X-Rays and other tests were done.
Tazeem Khan, 20, M.A. Urdu, Department of Urdu, AMU

I was the part of the peaceful solidarity march organized by the students of AMU in solidarity with the students of JMI. I was at Guest House No. 3, some 200-250 meters away from Bab-e-Syed, the main gate of the university. After 15-20 minutes, when students demanded the opening of the gate, the police started rebuking and scolding the students and told them to go back to their hostels. What happened later was they, without giving a second thought, started indiscriminately tear-gasing and lathi charging the students. One of the teargas shells exploded in front of a student and his stomach got severely blown and he was shifted to the hospital in emergency.

The police barged inside the campus and used brute forces against the students including lathi charge, violent blowing with gun buts on the vital parts and rubber bullets from point blank range etc.,

When teargas bombs got exploded, everyone started dispersing. I also rushed into Guest House No. 3, entered into the room and locked it inside. The police moved into the GH3 and started breaking the doors. When I found that they’re going to break-open my door, I left the door quickly and entered into the washroom along with some other students and locked it inside. The
police tried to break the door but failed to do so. When we heard the screaming of the students who were beaten outside, we got terrified. We were inside the washroom almost for 2-hours but we did not know that the police was still waiting outside. During this time, I Whatsapp messaged many of my friends and requested for help but no one was in a position to come and help us. We were completely helpless. It was at around 10:00 pm they finally broke open the door and dragged us outside. I was beaten to pulp by 6-policemen resulted in my two hands and two fingers (left little finger and right index finger) fractured. The violent blows by the gun buts resulted in the swelling in the entire hand and face. Doctors told me that if the swelling didn’t reduce in your hands, you might probably get operated. One of the students who were with me, when he was told wherefrom he is. He replied him, ‘Kashmir’. Then he was beaten again and this time much ruthlessly.

After beating, when I was left half dead, they took me to the police station. One the way to the police station, I was abused and rebuked as if I was a criminal. I was told, “Aap Pakistan kyu nahijaatay, Deshdrohiyo?” (You traitors! Why don’t you go to Pakistan?). I was kept in the police station for about 30 minutes. I had shooting pain in my hands and blood was continuously oozing out of my body. I requested them to take me to the hospital but they didn’t pay any heed. Amidst this pain, I was asking myself only one question. Am I a terrorist that they’re treating me like this? What is my crime? Is being a Muslim a crime? Or demanding your legitimate right my crime? etc., these questions got popup in my mind all the time in the custody.

Finally they took me to Malkhan Singh Hospital. When doctors started doing my MLC, one of the policemen told the doctor not to do my MLC because he wanted to beat me again. Then another policeman stopped him and said, ‘stop it now, otherwise he will die, because he has already lost so much of blood.’
I have spent entire night in pain and my little finger has swollen so much, and blood was continuously oozing out of my body. It was at around 8:00 pm next day when we were released and I was directly shifted to JNMC and I am undergoing treatment since then. I have also filed a police complaint against the police officials but no progress has been done in that case. Further, I have filed a separate case before the High Court of Allahabad with others to inform the court about the wrongs done by the police and university administration.
I was about to reach library preparing for my exams at around 7:30 p.m. The library got closed because the students started gathering outside the library. The news of the killing of two students of JMI got surfaced all across the social media, therefore, in solidarity with the students of JMI, the students of AMU decided to protest.

When I saw the students rushing towards Bab-e-Syed, I also joined peaceful solidarity march. I was near Guest House 3, a tear gas shell exploded in-front of me. Since, I am asthma patient, I started choking and all of a sudden I fell down. Some students helped me to get into the washroom of the Guest House 3 where I washed my face. I thought the guest house would be the safest place amidst the protest but when police barged inside the campus, started lathi charging the students, number of students ran into the guest house for their safety. After sometime, the police and RAF raided the Guest House 3 and started indiscriminately firing rubber bullets and started beating the students brutally.

When I saw the students being beaten and police breaking the windows, I was traumatized and ran towards the toilet to save myself from brutality. The police moved into the Guest House No.3 and started breaking the doors. The police tried to break the door of the toilet but failed to do so. When we heard the screaming of the students who were beaten outside, we got terrified. We were inside the washroom almost for two hours but we did not know that the police was still waiting outside. Inside the toilet, we tried calling our friends to rescue us but most of them did not reply. Those who replied were not in a position to help us at all. It was at around 10:00 pm they finally broke open the door and dragged us outside. The moment the police tricked us to open the door, we were indiscriminately beaten by lathi and gun butts. Thereafter, the police
dragged me by saying communal slurs and brutally beating on the way out from the toilet to the police jeep, which was at Bab-e-Syed. The most inhumane part is where the police tried to choke me by the muffler I was wearing. They did not even bother to stop their violence even after seeing the blood oozing out of my lips. There were three policemen who were beating me simultaneously and I heard one of them saying “mat maaro is kemuh se khun nikal raha hai” (Stop beating him, the blood is oozing out of his mouth) and people have told me that this has been also shown in some video that have gone viral on TV and internet. I was injured badly, blood was flowing from my head, bruises on my neck, both my knees were badly injured, lower body contusion and big scratch on my back and the blood was also continuously oozing out of my lips. I was also not even able to walk. The Police Jeep took me along with other students to Civil Lines Police Station. I was detained at the Police station without even providing the first aid even after several requests. After around an hour, when one of the policemen informed the official about our critical medical conditions, the police was compelled to take us to the Malkhan Singh Hospital as we were also screaming in humongous pain. At Malkhan Singh Hospital, the medical officer stitched my upper lip, bandaged my knees and I was administered some painkillers. There was no medical examination or tests conducted by the Hospital.

At around 2:00 am, we were shifted to Bannadevi Police Station and were kept in a dark lock-up with attached latrine. It was stinky inside and we couldn’t even breathe inside. I was screaming of the pain all night, we needed painkillers but we were not provided. We were not even allowed to inform our parents about the detention. Instead, we were abused with communal slurs and scolded by the policemen inside police station. On 17th December, at around 1:00 am, I was released and directly taken to JNMC where some tests were performed including X-rays and CT Scan. X-rays showed some soft-tissue injuries and I was taken on a wheel chair.
Md. Salman Imtiyaz, Outgoing President, Aligarh Muslim University Student Union

He stated that he is at present a PhD student of AMU and is permanent resident of Aligarh itself. His address has already been mentioned in his petition. I am presently outgoing President of the Students Union of the University and students union was protesting from 08.12.2019 to 15.12.2019. On 15.12.2019 evening at about 5.15 p.m., I had gone to the Medical College to see a patient. Thereafter, I went to offer evening prayer and received information of a death of a student of Jamia Millia Islamia by the police. The same topic was being discussed in AMU. Around 40-50 students present there decided to call a general body meeting at 7.30 p.m., to decide the next course of protest. I left that place at around 7.40 p.m. and went to the President House at Suleman Hall where the students were demonstrating.

At around 8:30 p.m., I was also going to attend the general body meeting but did not find any student in the Library canteen. I came to know that the students had gone towards Bab-e-Syed and are protesting there. I reached Bab-e-Syed through V.C. Lodge and saw some students protesting there for taking back the CAA and against the atrocities against the students. When I reached Bab-e-Syed gate, saw a huge gathering of students there and found that a portion of the gate has been broken. I was told that there are some non-students who are instigating the students that police will do the same here also like that at Jamia Millia Islamia.

I stood about 50 meters apart from the Bab-e-Syed and was discussing the issue with the old students about the presence of outsiders. I myself saw that 3-4 people of 35-40 years of age are standing among the students. I sent some boys in the crowd for their identification but then they went outside towards police. Some boys came to me telling to stop them as they are instigating the students. Suddenly the police started charging tear gas shells. Stones were also pelted which
caused injury to some students. A tear gas shell fell just in front of me and was chocked. My vision also got blurred. Few students took me to JNMC where he regained consciousness at about 12:00 am. Still, I am feeling uncomfortable and the pain is persistent in chest. Doctor informed me that I have perhaps suffered rubber bullet hit. I saw that about 30-40 students had arrived in the Hospital with serious injuries.

Many of the students who were injured left the hospital without treatment. Some of the students, asked me to leave the hospital but I was not in a position to leave and remained there. He went out from the hospital at about 4.00 a.m. After coming outside he came to know that the University administration has postponed the examination and has announced the winter vacation. I requested the Registrar and the Proctor to not announce the winter vacation, as some of the students are under police custody. We were unable to locate all the students but the university authorities did not take any cognizance.

I informed the University administration that the situation of north-east states and Jammu & Kashmir are not good and it is not safe to send the students there but they said that they will not let students stay in the university campus. The university was closed within 12 hours; however, in cases of sine-die also 24 hours are given to vacate the University. The students of north-east remained outside the campus during the closure. All the students were told to be a terrorist and you should be sent to Pakistan by the Police and RAF. They were also called them kids of Jinnah and that AMU is hub of terrorism and so on. They were badly abused too. The students are under immense fear and are not coming back to the university. Efforts are being made to develop confidence in him. I am in constant fears that police may implicate me falsely. They are trying to implicate me under NSA and are trying to extern me out of the city.
Mohammad Osama, Department of Chemistry

On the evening of 15th of December I saw a notice on social media of a GBM (general body meeting) to be held at 8 pm at Library canteen. It was called to discuss the police brutality perpetrated on Jamia students on the same day. When I reached library canteen I saw students moving towards Bab-e-Syed rather than attending any meeting. So I also accompanied everyone else.

At Bab-e-Syed (University main gate) was a huge crowd of students. Many were sloganeering against Delhi Police and were demanding the government's action against the same. I could see a huge police deployment and barricading at university circle, and some students were reaching out to the barricades. In no time I saw water canon fired at students in front of the gate. Students rushed inside the Bab-e-Syed and closed themselves in. I left the main road and went to University guest house near the Bab-e-Syed.

At the same time police started firing tear gas shells inside the university gate. Students were forced to move back more inside the campus. At that moment I thought police will remain outside the university gates but police entered the Bab-e-Syed with continuously firing tear gas shells. Many students were injured by shells. Few had inhaled a lot of gas and were having fits. In the guest house where I was hiding, a student was brought by his friends, he was having difficulty in breathing, few ran out for water which couldn't be found nearby.

As police came nearer tear gas shells began falling in the guest house too, so I left the guest house and ran towards Aftab hall. I stood at NRSC provost office where I heard a very strong blast sound, something I had never heard. We thought it to be bomb thrown by the police, a
strong panic in students followed. This sound was then heard a number of times. Few counted it more than twenty times.

Fearing for my life I ran more inside the campus, towards Maulana Azad library by Noor Masjid Street which goes behind the VC lodge. When I reached main road at library I saw a number of ambulances coming and going. Many injured students were loaded and carried in those vehicles.

I could not bear the sight and left for my lab in department of Chemistry as the University gate at Chungi was locked and I was unable to walk to my hostel.

The whole incident is something which will remain for a lifetime as a horrible memory. It was as if I was in a terrorist attack depicted in movies. I was never more threatened for my life than in that fateful night of 15th December and that too by the hands of police.
Syed Mohammad Mehdi Rizvi, MSc (Statistics) Final Year Student, A.M.U

On 15.12.2019, at about 10:30-11:00 PM, I was resting in his room No. 46, of the Morrison Court Hostel. Suddenly two students namely Shahid and Aqib rushed into my room. After some time, I saw police and RAF entering the hostel. I myself heard a police officer asking to bring and throw the grenade in the room. They were using very abusive language and in the fear of the grenade, I tried to hide myself. The glass of the window was shattered by the police officer and thereafter, they fired teargas inside the room. The police fired two teargas shells, one of the teargas shells landed on the ground and other over the bed. I also heard a blast sound, which was of a stun grenade.

We were forced to open the room as we were suffocating with smoke and there was fire in the room. Two beds in his room caught fire due to the use of tear gas by the police. There were 3-4 RAF soldiers in front of the gate who not only captured us but also brutally assaulted us with lathi and gun’s butt.

The Police and RAF were continuously using communal slurs and abusive language while
beating us. My mobile, wallet and money were also taken by the police. After brutally beating, the police took us to the Malkhan Singh Hospital, where our medical examination was carried out. One of the police also slapped me at the hospital. Thereafter, I was taken to Police station Akrabad and kept locked for 24 hours. I was also beaten at P.S Akrabad by a belt called “Patta” on my hips.

On the next day at about 8.00 PM he was taken to P.S Civil Line from where I was granted bail and the later the university administration forced me to leave the university campus. I have filed a complaint to Judicial Magistrate, District Court, Aligarh against the action of the police.
I was at the Library Canteen when I heard that a peaceful march was being taken from the library canteen to the University Gate in continuation of the ongoing anti-CAA protest. I also joined the peaceful protest and moved towards the gate. Before we could even reach the gate, we saw that the police and Rapid Action Force (RAF) had started pelting teargas shells and firing rubber bullets indiscriminately. The unarmed students inside the gate, watching this unprecedented scene started dispersing. Number of students got injured and fell on the road. The JNMC ambulance was taking some injured students to the hospital. I was present around 100-200 meters away for the gate trying to prevent myself and my friends from getting injured. It was during this time a ‘white van’, carrying ammo laden with teargas weapons and rubber bullet guns, came inside with a speed of around 80-100 km/h and behind it were the police and RAF and started firing indiscriminately and one of my friends received the teargas shell and got badly injured. I witnessed them saying, ‘seeday maaro saalu ko’, (Directly hit those bastards). I was in the lawn of Guest House No. 2 and tried to run away from the spot when a rubber bullet directly hit my stomach but fortunately, I didn’t receive much injury because that directly hit my ‘jacket zipper lock’ and left less mark on my body. However, my collar bone was injured badly.

I left the spot immediately and reached Aftab Road. I started running and directly jumped into the main road from behind and went into Suleman Hall. There was one of my friends who was severely injured. He has got head-injury at the canteen and was taken to the Hall. We couldn’t take him to the hospital because the police had beaten the ambulance drivers and there were chances of him getting detained. We managed somehow to get the first aid for about an hour. When we realized that the blood is not stopping, we called the ambulance for emergency. When we came out, police stopped us. They started rebuking and asking questions. ‘Is CAB for the
minority?, Yes, I replied. Are Muslims minority in India? Yes, I replied’. He started beating and saying, “Tum Saalo Minority Ho… (You Muslim Bastards! Are you in minority?)”

After almost an hour, the ambulance came and we admitted him in the hospital.

I moved to Nadem Tareen Hall to see my friend who has got injured by a loud blast or sound bomb that exploded in front of him. His phone was snatched by the police and was given to him in broken condition. The broken phone is still with me.

Finally at around 3:00 am, I went to SS Hostel South, where my friends had taken refuge and joined them and we stayed for the rest of the night.
Mohd Sufyan, MA Economics (final), AMU

On 15-12-2019 I heard that a protest was taken out to Bab-e-Syed against the violence done by police at Jamia University. I also went to join the protest. When I reached near to Bab-e-Syed, even before I could reach the gate I saw that a large number of students were at the gate while the police was at the university circle. From there, police was firing tear gas shells. Tear gas shells were being fired inside the gate. I couldn’t tolerate the smoke and became almost unconscious. Some people supported me and took me inside Guest House 3, where they helped me wash my face with water. After some time when I regained my senses a little bit I saw that outside the Guest House police was firing tear gas shells as well as what looked like rubber bullets directly at the students on the University Road inside the gate. I ran from the guest house to the staff club side, away from the university road.

After some time when most students had dispersed from the university road some of us who were near the staff club at the Tikona raised our hands in surrender and pleaded with the police to not come there. We told them that all students are dispersed and no one is protesting anymore, so the police should please stop their action and leave us. Some students were also waving white handkerchief. At first we thought that maybe the police are going back but then suddenly a white van of police along with police persons charged at us and we ran in different directions. I ran towards Suleiman Hall through a side road. The last I saw of the police who had charged us was that the van stopped at Morrison Court and police was going inside the hostel. As I was running towards the side road I was also hit by a rubber bullet but I forced myself to keep running. After I reached Suleiman Hall I was just relieved to be alive. I didn’t go any place for medical treatment of my injuries as I was afraid of being beaten up or detained by the police.
Representation before the Court and National Human Rights Commission (NHRC)

The students of Aligarh Muslim University were represented before the Supreme Court of India in a petition filed by lawyer, Advocated Nabila Hassan, in which the account of brutality by the police and the medical condition of the injured students were brought before the Hon’ble Supreme Court. The information was collected by a team of two HRLN lawyers, Advocate Aman Khan and Advocate Fazal Abdali along with Fawaz Shaheen, Quill Foundation in a fact-finding mission. On 16th December 2019, the Supreme Court of India fixed the case¹ on the next day for hearing.

The Supreme Court after hearing the case passed an order on 17th December 2019. The Supreme Court held:

‘Having regard to the nature of the matter; the nature of the disputes and the vast areas over which these incidents are said to have occurred, we find that it might not be feasible to appoint a Single Committee to go into matters in different States. It would entail collection of evidence from various States. We, therefore, consider it appropriate that the petitioners be directed to approach the High Courts within whose jurisdiction the incidents are said to have occurred. We are confident that the Chief Justices of the concerned High Courts after hearing the parties, if found appropriate will cause interference to be made by considering appointing appropriate Committees, comprising former Judges of this Court or the High Court. Needless to say the High Courts would be at liberty to pass appropriate orders in regard to arrests and medical treatment if

¹Nabila Hasan and Ors. vs. Union of India and Ors ( W. P .(Crl.) 370/2019 at Supreme Court of India

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brought to their notices and after proper verification. One of the serious grievance made on behalf of the Petitioners was that the Vice Chancellors have been ignored by the police while taking action against the students.’

A team of two lawyers talked to the injured students and student leaders counselled them about the legal remedies available through writ jurisdiction. Students, who were scared for life, academic career, frivolous criminal cases and fear of arbitrary suspension, expressed their inability to approach the courts for apprehension of repercussion. Devoid of any alternative and the Supreme Court directions to represent before the respective High Courts, one of the HRLN lawyers from the fact-finding team, who co-incidentally was also an alumnus of AMU, became the petitioner.

Thereafter, on the same day two lawyers (Fazal Abdali and Aman Khan) left for Allahabad from Delhi, to represent the students of Aligarh Muslim University before the Hon’ble High Court of Judicature at Allahabad. The petition reflected detailed narration of the events of the horrific intervening night of 15th December 2019 along with video and photo evidences. The petition demanded: a) court-monitored committee headed by a retired High Court or Supreme Court Judge that shall conduct judicial inquiry into the acts of violence and arbitrary detentions by the State Police and Paramilitary Forces in a time-bound manner; b) instant and quality medical care to students and staff detained and others injured during the violence; c) immediate cease the violence being inflicted on to the students and residents of Universities; d) the full list with names of students and residents of Aligarh Muslim University that were detained by State Police forces on their website; e) access to the family members and to legal counsel of the detained students; f) release all the students and residents so detained; g) to quash any and all criminal proceedings initiated against students of the Universities; f) preservation of the CCTV footage
of all cameras in and around the Universities; g) adequate monetary compensation to all persons detained and/or injured; h) to ensure the safety of all students within AMU university campus and g) to ensure that no student is forced to leave the campus. University administration and armed forces not to take any coercive action against the students for peaceful protests, initiation of criminal proceedings against the armed force officials who can be recognized from the videos and audios committing violence and compensation for the vehicles destroyed by the armed forces.

The case² was mentioned on the next day i.e. 18th December 2019 before the Chief Justice of Allahabad High Court. The Chief Justice was apprised about the Supreme Court order, after which the mentioning was allowed. On the next date i.e. 19th December 2019, the case was heard, however, instead of going into the merits of the case, the lawyer representing the state of UP took preliminary objections. The Chief Justice lambasted the state and police machinery for brutal assault on students and summarizes the situation in a line “you have created war like situation (SIC)”. The Divisional Bench not only issued the notices but understanding the gravity of the situation, issued interim directions. The Bench passed an order on 19th December 2019, stating, “The District Magistrate, Aligarh is directed to ensure all necessary medical assistance and aid, if any required to the students and persons said to be injured as a consequence to the lathi charge or by any other means during the incidence of 14.12.2019 and 15.12.2019 and also subsequent thereto, if any taken place in the campus of Aligarh Muslim University.”

However, the bench did not pass any interim order regarding the detention students since the state submitted that at present no student was under any form of detention. The High Court also

²Mohd Aman Khan v. Union of India (CRIMINAL MISC. WRIT PETITION No.- 26085 of 2019) at Allahabad High Court.
looking into the urgent nature of the case did not give a long date even after several request of the state counsel. The matter was fixed for hearing on 02\textsuperscript{nd} January 2020.

The order restored faith of the students of Aligarh Muslim University in justice system, which gave confidence to the Aligarh Student Union. The Student Union on the next visit of the lawyers from HRLN to AMU, requested that they be represented by the same lawyers, so that, there comprehensive narrative is brought in the notice of Hon’ble High Court. The petition\textsuperscript{3} was filed by the outgoing president of AMUSU and also included the report release by the AMUSU on the horrific night of 15\textsuperscript{th} December 2019.

On the next date of hearing 02/01/2020, both the petitions were heard and tagged together. The bench deliberated on the issue and manner in which judicial enquiry could be conducted. Lawyer for the students, Senior Advocate, Colin Gonsalves, suggested few names of retired police officer of impeccable integrity. The bench, however, was not inclined to constitute an SIT, to be headed by the name suggested by the Senior Advocate, on ground of old age. Having no alternative at behest, the bench further, deliberated on enquiry/ investigation by National Human Rights Commission. Further, on next hearing i.e. , invoking extra …enshrined in Article 226 of the Constitution, the bench order/requested the NHRC, a statutory body under Protection of Human Rights Act, 1993, to enquire/ investigate report within 30 days. The court further asked NHRC to treat the original petition as a complaint and representation before the NHRC by the petitioner or through his representatives.

The petitioner (Aman Khan) represented himself before the NHRC on 10\textsuperscript{th} January 2020 and thereafter on 13\textsuperscript{th} January 2020, a representation through Mr. Colin Gonsalves, Senior Advocate,

\textsuperscript{3} Salman Imityaz vs Union of India ((CRIMINAL WRIT PETITION (PIL) No.- 1 of 2020) at Allahabad High Court.
on behalf of the petitioner suggested that the investigating team should be headed by an officer from outside the state of Uttar Pradesh. Also, the head of the SIT should not only be a very senior person but also a person who is not in the position subordinate to the Chief Minister of the state. He also informed NHRC about the unavailability of the students due to abrupt closer of the University. The team was visiting AMU from 13th January 2020 to 17th January 2020.

A team of lawyers and activist from HRLN (Fazal Abdali and Aman Khan) and Quill Foundation (Fawaz Shaheen and Naeemullah) visited AMU from Delhi, to mobilize the student to depose their testimonies before the team from NHRC. The NHRC was contacted by the team and asked to meet the students at convenient place, where the students would be comfortable deposing their testimonies. The team was initially reluctant but after a number of requests, they started operating from the PWD office, which was near the University.

The team along with the student union met the team from NHRC to provide an overview of the incidents and provided video evidence along with other relevant documents relating to the incidents.

The students were apprehensive about disclosing their identity as there was a continuous threat of criminal case against them. The team talked to the students about the provision of anonymous testimonies, the nature of enquiry, role of NHRC and the order passed by the Allahabad High Court in AMU violence by the police forces. The students slowly came forward and deposed their oral and written testimonies. The team was informed about the unavailability of the students due to arbitrary closer of the University and students being at their native places.

After a written request the team from NHRC, agreed to visit the University again to collect further evidence and testimonies of the students. The NHRC team notified Advocate Aman Khan
about their revisit to the university on 28th January 2020, the HRLN and Quill Foundation team immediately left from Delhi to Aligarh, to meet the students and inform them about the same. Unlike, the first visit, more students came forward and highlighted in their testimonies about the communal slurs like “Jinnah ki aulaad( Son of Jinnah), Pakistani, Katue, Jihhadi (Terrorist)” and the horrific and brutal violence that was inflicted on them by the police. The students deposed around 100 testimonies, the extracts of the testimonies were reproduced in their report which was provided to the High Court of Allahabad in sealed cover. The recommendations made by the Commission are as under:-

“Upon consideration of the facts discussed above, the Hon’ble Commission may be recommended to consider the following:-

a) Directing the Chief Secretary Govt. of Uttar Pradesh to provide suitable compensation to the six students who have been grievously injured commensurate with their injuries, on humanitarian grounds.

b) Directing the DGP-Uttar Pradesh to identify the policemen (both district police and PAC), as seen in CCTV footages involved in stray incidents of damaging motorcycles and unnecessarily caning the apprehended students which has no bearing on the task of controlling law and order. A suitable action may also be taken against them as per rules and provisions that exist for subordinate officers in UP Police. The police force should be sensitized and special training modules be carried out to inculcate professionalism in handling such situations.

c) Similar directions as in point (b) above may also be given to the Director General, CRPF for RAFRAF being a specialized force primarily set up to deal with
riots and handle law and order situations, should show utmost professionalism in such crisis situations while at the same time, respecting the human rights of civilians also.

d) Directing DGP of UP, to ensure that the SIT set up vide his order dated 06/01/2020 investigates all the related cases on merits and in a time bound manner. The Hon’ble court may also like to set the time limit and periodic review, if any, for the completion of investigations on time.

e) The DGP UP and Senior Officers are also advised to improve and set up a robust intelligence gathering system. Special steps may be taken to counter rumour mongering and circulation of distorted and false news especially on the social media. This is to better control such law and order incidents which occur spontaneously and unexpectedly.

f) To direct the AMU-Vice Chancellor, Registrar and other authorities to establish a mechanism of better communication with the students' fraternity so that they are not influenced by outsiders and rusticated unruly students. They should take up all confidence building measures to rebuild the trust of students so that such incidents do not occur in future."

The report has substantive recommendations, but has miserably failed to reflect the accounts of injustice done against the students of Aligarh Muslim University. For instance, the extracts of the important testimonies were removed, no record of use of communal slurs, no information on the complaints filed against the police forces and etc.
The High Court of Allahabad, while going through the recommendation provided by the NHRC asked the state government to comply with the same and file a compliance report before the bench on the next date of hearing i.e. The case is still pending before the High Court of Allahabad, where the students are willing to challenge the report and demand for independent enquiry/investigation by the Special Investigating team.
Conclusion

The peaceful protest which started on 8th of December 2019 at AMU started replicating in various universities and different districts of India. The Government to curb the dissenting voices of the students, finally on 15th December 2019 unleashed their forces on the unarmed students. The fateful police brutalities initiated on the night of 15.12.2019 and continued till the intervening morning. Two lawyers from HRLN, left from Delhi as soon as they received information about the violence at AMU and reached at around 4 A.M. and collected primary evidence in the form of photos and videos along with the testimonies of the affected and injured students.

A preliminary fact-finding report was prepared and was published in all leading newspapers and websites. Subsequently, on the very next day, a Public Interest Litigation (PIL) was filed before the Supreme Court describing the police brutalities on students of AMU and JMI. The Supreme Court, however, remanded the cases back to respective High Courts for perusal. Further, when the students were scared about the criminal charges and the administrative actions for approaching the High Court of Allahabad as directed by the Supreme Court, a lawyer from HRLN, who was part of the fact finding mission and also an alumnus became the petitioner before the High Court of Allahabad.

The very next day, on 17.12.2019, a writ petition was filed before Allahabad High Court and listed for next day, on 18.12.2019 after mentioning the urgency. Given the urgency of the situation, immediate interim orders were obtained from the High Court including directions for medical treatment of the injured students and the order also recorded apprehensions regarding the tampering of evidence including CCTV footage.
The efforts not only brought confidence in the students but also the AMUSU’s president contacted HRLN lawyer, to file comprehensive report. It also gave confidence to the injured students to file criminal complaints against the police, however, no actions have been taken in both the criminal cases.

One of the primary prayers was seeking an independent probe into the matter through the constitution of Special Investigation Team/ Judicial enquiry. The High Court ordered the National Human Rights Commission (NHRC) to conduct a probe and submit the report. HRLN visited the AMU and assisted students to give their testimonies/evidence before NHRC.

NHRC finally submitted a report finding evidence of police brutality with recommendations including training of police, disciplinary action against police personnel, and compensation to 6 injured students. One of the injured students has been appointed as Assistant Professor on an ad-hoc basis and other students have received compensation. Students whose vehicles were vandalized by police have been repaired and handed over. However, the students were shocked by the conclusions drawn by the NHRC as there were several incidents which have not been reflected. For instance, almost all the students who were detained by the police in their testimonies have provided specific communal slurs used by the police. Thereafter, all the petitions were provided to the police for registering of criminal complaint, however, no updates were provided on the same.

The students still wants to have an enquiry conducted by a Special Investigating Team and will be requesting the High Court of Allahabad regarding the same. The case is still pending before the High Court of Allahabad for further directions in the NHRC report. Also, they are will continue the peaceful protest against Citizenship Amendment Act, 2019, National Population Register (NPR) and National Register of Citizens (NRC), once the university is reopened.