FACT FINDING REPORT
MUZAFFARNAGAR

ABSTRACT

In the event of passing of the Citizenship Amendment Act, there have been protests across the country. Incidents of violence and use of excessive and brutal force by the police and paramilitary forces have been widely reported across Uttar Pradesh. Cities like Gorakhpur, Bulandshahr, Bijnor, Meerut, Firozabad and Muzaffarnagar are the worst affected. This fact finding aims at verifying the alleged reports of assault, detention and damage to private property by the forces in Muzaffarnagar.

Fact Finding Conducted by:-

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Introduction

A team of five people comprising of Ali Qambar Zaidi (Advocate), Tarique Anwar (Journalist), Amit Singh (Journalist), Riad Azam (Independent Researcher) and Akram Akhtar Choudhary (Advocate and Social Activist) visited Muzaffarnagar on 22/12/19 to conduct a fact-finding enquiry into the violence that took place in Muzaffarnagar following the anti-CAA protests in the city on 20/12/19.

Initial Events on the 20th December 2019

Local residents told the team that on 20.12.2019 in Muzaffarnagar, a large section of people gathered for peaceful protests in different parts of the city. When the protestors were moving towards the collectorate to handover a memorandum to the District Magistrate, the police tried to stop them from proceeding. A scuffle broke out between the police and the protestors and during the chaos some anti social elements started pelting stones at the police. This infuriated the police which started lathi charge and began beating the crowd indiscriminately. A number of peaceful protestors which had nothing to do with the violence were also beaten mercilessly. It is also reported that certain other groups purposely resorted to violent activities in order to dilute the peaceful protests. However, these acts were later attributed to those who did not indulge in any violence at all.

When the local police intervened and stopped them midway a scuffle broke out between the police and the protestors during which some anti-social elements started pelting stones at the police.

We were told by the local populace that the police began “lathi charge” against the protestors and started beating people in the crowd indiscriminately. A number of peaceful protestors who had nothing to do with the stone pelting were beaten mercilessly. It has been told that there were certain other groups which purposely resorted to violence in order to provoke to peaceful protestors and to disrupt the peaceful protest. However, the police later attributed the stone pelting to those who did not engage in any kind of violence at all. Brute force was used against people belonging to muslim community over the following days.

Incidents at Sadaat Hostel

According to an eye-witness, amidst the havoc created by the police the people started running in different directions some made their way to Sadaat Hostel. The hostel is a residence for students from economically marginalised communities, many who were children of single parents. The care taker of the hostel is a 72-year old Maulana named Asad Raza
Hussaini, who was beaten up brutally and dragged out of the hostel compound.

All the students who were staying in the hostel were beaten up by the police in an extremely barbarous manner and dragged out of their premises along with the maulana. As a result of pressure from various quarters Hussaini was released. Even though Hussaini was in custody for more than 24 hours he wasn’t produced in front of a magistrate, neither was any medical assistance provided during the period of this illegal detainment.

There is a Madrassa that is next to Sadaat Hostel and the students studying there are between the age group of 14 to 19 years, they have no other means of livelihood or continuing their education other than the donations that are made to the trust that operates the Madrassa. According to accounts by local people, after the police while behaving like savages beat up the Maulana, the police and paramilitary forces barged into the residential floors where the students stay and callously vandalised everything that was there around. The boys from the hostel also faced the brunt of the barbaric and inhuman violence as they were picked up and beaten up in custody. Most of the boys from the hostel have serious injuries and one of them having a ruptured knee cap.

Death of a person
A 26 year old rickshaw puller from an extremely poor family was killed on the day of the protest. The team visited his home in Nayi Abadi area. As per the family Noor Mohammad, after offering Friday prayers had gone to attend the protest and was killed by a shointo his head. Though he was taken to a Hospital in Muzaffarnagar, he was then referred to Meerut. Before he could reach Meerut he died en route. The post-mortem was done in Meerut, after his death the district administration pressurised the family to not bring his body back to Muzaffarnagar as it could turn the present situation further volatile.

We were told that the Meerut administration refused to give the family permission to bury the deceased there. After which when the family requested permission to bury Noor at Sardhana, it was again denied, eventually Daurala District Administration agreed to let the family bury Noor in their district. According to the family this was done because of the less Muslim population in Daurala and the lesser chances of people getting agitated over Noor’s death.
Vandalism
The team visited a mobile shop – Sameer Mobiles, Meerut Road – and recorded the testimony of Mr. Asif Khan (Shop Owner). Mr Khan owns a shop that sells and repairs mobile phones, he alleged that on the 20\textsuperscript{th} of December 2019 in the afternoon a large number of people broke into his shop by damaging and destroying the shutter of the shop. After which the people went onto smashing glass cases and looted mobile phones and cash amounting to lakhs of rupees. He further went on to tell us how a shop belonging to a flower seller adjacent to the abovementioned shop was set on fire.

The team then visited the house of Mr. Anwar Ilahi, a resident of Khalapar area of Muzaffarnagar. According to Mr. Anwar, he was woken up by a loud noise at his main gate, before he could understand what the issue was there were around 100 – 120 men who barged into his house and started asking him details of other male members in his family. One of the personnel grabbed him by the neck and thrust and pushed him into a police van. He was illegally detained for over 40 hours and when he returned to his house, all of it was destroyed, including furniture and fixtures. He states that approximately 200 gm of Gold Jewellery and 3.25 Lakhs in cash which he had saved for the marriage of his two daughters was also looted. His wife and daughters who were present at the time when their home was attacked are still in a state of trauma and shock. The family is frightened and fears for their safety and well being.

The team took pictures of vandalised houses and shops and recorded testimonies of people staying in the houses.

Detention and Custodial Torture
On the condition of anonymity it has been told that the police picked up people at random, detained them illegally and beat them up inhumanely for hours in illegal and arbitrary custody. Most of the people who were picked up were picked up after the 20\textsuperscript{th} of December, even a large number of minors of detained illegally and beaten up for no reason during their illegal detention. Those who are injured fear for their lives and do not want to come up for lodging complaints.

In the present scenario it would be critical to show that there have been over 1100 arrests in Uttar Pradesh, in Muzaffarnagar alone there have been 75 – 80 people who have been arrested till date. According to locals, police is behaving with absolute impunity by exerting their power and position to frisk people randomly and forcing people to show their identification cards, if it were the case that the person is from a minority community they were detained immediately, albeit illegally. Most of the persons who were picked up right after the incidents on the 20\textsuperscript{th} of
December 2019, were severely beaten up while in custody. They were released and allowed to go back only under the condition that they would not lodge complaints or get themselves medically examined at government hospitals for the injuries inflicted on them.

We couldn’t ascertain the exact number of persons injured because the victims fear for their life, and fear that if they came forward with their complaints the police would foist false cases on them and book them under various stringent sections. It has been told that a number of people who went to register complaints about their missing family members were also detained and later arrested. After interactions at length with the families of those arrested or illegally detained, we got to know that they haven’t been provided with documents that records their arrest which would help them in taking legal recourse against this grave travesty of justice.

Disappearing Evidence
As we interacted we also realized that after the police with absolute no concern for human life brutally assaulted people and engaged in vandalism they made sure that all evidence was also destroyed. It was clearly observed through various footages that after the police entered a mosque the police started breaking CCTV Camera. Residents of Khalapar also said how the police broke CCTV Cameras they had installed in the locality. Even the CCTV Cameras in Sadaat Hostel were destroyed and the DVR tapes that recorded video footage was taken away.

Arbitrary Filing of FIRs
We had access to two different FIRs lodged by the police in which they had named around 250 people and around 6000 unknown people holding them responsible for the violence. Those are FIR No. 684/2019 PS Civil Lines, Distt. Muzaffarnagar and FIR No. 1161/2019 PS Kotwali Nagar, Distt. Muzaffarnagar. A perusal of the FIRs shows that the text was completely incoherent and illogical with a number of details missing, they were done in a haphazard manner without any kind of verification. For instance in FIR no. 684 accused no. 43 has been named as ‘Danish ka bhai’, accused no. 57 as ‘Imran Qasai ka chota bhai’, accused no. 58 as ‘sitara ka ladkaboni’, accused no. 66 as ‘Javed Malik, Sohail ka dost’, and accused no 94 as ‘Aabad, Sarik ka Mama’. The column of father’s name has been left out blank in certain cases.

Such blatant misuse of power to lodge FIRs, without ascertaining the actual identity of the accused shows that the police has tried to include whatever names that they could gather, neither is it the case that the police verified the fact that persons whose details they have written in the
FIR even existed, with the additional possibility of multiple people with the same name living in a particular locality also not been given heed to.

Non Registration of FIRs of the victims
Members of the minority community are terrified of the law enforcement agencies as they are under the constant fear of being implicated and subsequently prosecuted on mere suspicion by the police. After speaking to the victims of police brutality and those whose homes and property were vandalised, we realise that they were afraid that if they approach the police to report their grievances and losses they would face threats in order to not pursue their cases. Those who did approach the police were threatened and in other cases the police refused to lodge their complaints.

Sealing of Shops
After the protest the state continued to use extreme repressive measures to instil fear among the local residents. They started attacking the livelihood of persons from the minority community, and residents and shopkeepers of Meenakshi Chowk. We got to know that about 67 shops were sealed in an arbitrary manner on the fictitious belief of the state that the shop owners facilitated, aided and abetted the violence. Further, the District Administration told the media that cost of damage to public property would be done through selling this property. The sealing of these shops were done without any prior show-cause, warning or investigation completely based on the whims and fancies of the administration. The administration has clearly acted in vengeance and in a moment, livelihood of hundreds of families was snatched without any just, reasonable or legal explanation.

Clampdown on Internet
Internet services in Muzaffarnagar had been completely shut down, along with 21 major cities in Uttar Pradesh. This had completely razed all kinds of basic services such as communication, net banking, functioning of ATMs and hospitals all of which critically depend on functional internet. On the 19th of December 2019 there was a complete shutdown of all kinds of mobile services in certain parts of Muzaffarnagar increasing the fear among residents.

Incidents of Loot and Arson by certain groups
The team also visited a mobile shop located at Meerut road, around 250 metres ahead of Meenakshi Chowk. According to the shop owner, shutter gate of his shop was broken and items including mobiles, laptops and cash
were looted. When he reached the spot and tried to intervene he was brutally assaulted. A flower shop and cars belonging to a local congress leader were also set on fire.

Testimonies
Case – 1
Name of the House owner – Mr. Haji Anwar
Age - 74
Address – Ilahi Building, Khalapar, Near Meenakshi Chowk, Kanji House Gully
Testimony
During the late hours on the 20th December 2019 at about 1230, about 80 – 100 armed men, both in uniform and plain clothes, barged into my house after breaking open the gate. They went inside the house and began breaking and destroying each and everything in the house. My car which was parked in the garage was also damaged, the windows were smashed. Glass panes of the windows, Tiles and washbasins in my bathroom were demolished as well. Further more the Holy Qur’an and other religious books were desecrated and were thrown on the floor. They came and also looted the jewellery around 200 gms and cash around 3.25 lakhs which I had kept for my daughter’s wedding.

None of my sons was present at the time of this incident. I was grabbed by my neck, pulled away and lodged in a police vehicle.

On the very night I was detained from my home by the police and was kept at Police Lines where I was kept in a big hall along with other detainees. Saturday Night, I was shifted to Kotwali, Police Station. They didn't torture or physically abuse me during detention. Though they did keep repeating questions “Tu Bhaiyya ka baap hai kya?” (Are you bhaiyya’s father? - Bhaiyya is nickname of one of his sons). I was released from the Kotwali, Police Station on the 22nd of December 2019 in the morning.

I have no idea why my house was attacked since none of my sons have any prior criminal record against them. I have not filed a complaint about the vandalism as of date.

Testimony of Hajjan Fakhra and Humaira
Hajjan Fakhra is Mr. Anwar’s wife and Humaira is Mr. Anwar’s daughter. Mrs Fakhra stated that she was in his room at the first floor, when she saw beams of light and noise of bangs on their doors. She said that the armed men eventually broke down their door and window and entered inside the house.
These men waved around the flashlights, pointed them at their faces and asked where the male members of the house were. Both of them said that they tried to ameliorate the tension and pacify the crowd by speaking to them but they were shut up while the men went ahead with destroying their goods and property in front of them.

Case – 2
Noor Muhammad

Age – 26 years

Occupation – Manual Labourer

Status – Died due to bullet injury on his head

Testimony of Mr. Umar Daraz (Relation to the deceased – Elder Brother)
The fact finding team spoke to him to understand in detail as to what led to the killing of Mr. Mohammad.

Mr Noor Mohammad was a 26 year old man who used to work as a manual labourer. He is survived by his wife and a 6 month old daughter, his wife is pregnant with another child and has carried a through a term of six month.

On day of the protest, 20th December 2019, Mr. Noor Mohammad had gone to attend Friday prayers and subsequent protest. As the protestors were on Meenakshi Chowk Mr. Noor was shot in the head.

After the incident Noor Mohammad was taken to hospital and subsequently referred to Meerut. Noor passed away before the vehicle could reach Meerut. After his death, the Muzaffarnagar administration started pressurising his family not to bury him in Muzaffarnagar since it would escalate the present volatile situation in the city. The family was asked to bury, Mr. Noor at Sardana but the local administration refused permission. Eventually he was buried at Daurala. According to Umar, he says that this location was chosen since it had a very sparse muslim population and the chances of people getting agitated would be much less.

As of date they have still not been provided with a copy of the post-mortem report. Mr. Noor’s family has still not filed a police complaint, since they fear for their life and have no one supporting them. They allege that Mr. Noor was killed by supporters of Mr. Sanjeev Baliyan, Union Minister and Member of Parliament, Muzaffarnagar.

Testimony of Mr Mohd. Manshad (Relation to the deceased – Uncle)
After speaking to the brother of the deceased, the fact finding team recorded the testimony of Mr. Mohd Manshad, the maternal uncle of the deceased. According to Mohd Manshad, Noor was an orphan who worked as a daily wage labourer and as a driver. At the time of the incident Mr. Manshad was at his home when he head the news that Noor had been
shot. Upon hearing this news he went towards Meenakshi Chowk. He saw a contingent of police at the location, fearing for his life he ran back to his house.

In the evening of the 20th of December 2019, the City Magistrate had sent two people to the house of Noor Mohammad to ask relatives from his house to accompany them. The relatives were made to sit at Meenakshi Chowk for an extensive period of time while the official proceedings with regard the death of Mr. Noor Mohammad was going on. As mentioned earlier from the testimony of the elder brother, Noor was taken to Meerut and he died on the way. After his death Noor’s wife, father-in-law, sisters and some other people in the neighbourhood were brought to Meerut so that they could have a last look at the deceased. The authorities refused to give them Noor’s body and were threatened not to talk about it, and told that they would face dire consequences if they tried to speak about the incident.

Noor was buried in Daurala on the night of the 21st of December 2019.

Case – 3
Testimony of Salman Saeed (Local Political Leader)
Mr. Saeed told that on the afternoon of 20th December 2019, a Friday, a mob broke into his garage located at Meenakshi Chowk and set fire to two of his cars and two other cars of other people who had parked them in his garage. In addition to this the crowd broke into the stable and vandalised it, furthering injuring two of his horses.

He said that the police has refused to file an FIR till now against the violence, destruction to public and private property and the vandalism that has taken place till date.

Conclusion
The situation among Muslim population is a situation of dejection, betrayal and fear. People are petrified, shaken and terror stricken by the actions of the police and para-military forces over the past few days. Any belief in justice is all but lost to them. There needs to be urgent action to ensure that the police register FIRs against the atrocities and vandalism that had taken place. The situation needs to be monitored closely and legal and financial aid and assistance to the affected persons must be provided.
Photographs

Noor Mohammad

Vandalized Shop and burnt cars
House of Haji Anwar Ilahi