

Human Rights Defenders Alert - India

National Coordination Office

No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu, INDIA

Tel: +91-452-2539520 Cell Phone: +91-9994368540 Email: hrda.india@gmail.com

Date: **January 03, 2011**

Special Rapporteur on the situation of human rights defenders,
Mrs. Margaret Sekaggya
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland
Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: ***HRD Alert - India - Urgent Appeal for Action - Journalist facing persecution for reporting about a mass grave in Gujarat - Reg***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the criminal case registered against Mr. Rahul Singh, a journalist working for Headlines Today by the Gujarat State Police.

We are informed that on 29 December, 2010, the Gujarat State Police went to Rahul's house in Bophal, Madhya Pradesh state, reportedly to serve him a court summons, issued by a court in Gujarat. It is reported that the court has issued the summons to Rahul upon the request of the Gujarat state police, since the police have made Rahul a co-accused in a crime registered against four other persons, including human rights defenders, working in Gujarat state in an alleged act of vengeance against their involvement in taking up and reporting cases of genocide and religious violence perpetuated by Hindu fundamentalist forces operating in Gujarat in collusion with the BJP-led state administration, notorious for their orchestrating of the 2002 Gujarat genocide.

We are aware that Rahul now stays in New Delhi and was not present at his home in Bopal when the police arrived. It is reported that the police had demanded Rahul's father, Mr. N. K. Singh, to accept the summons on behalf of Rahul, which Mr. Singh denied to comply. It is alleged that the police then ordered Singh to issue a statement, which also Singh denied. It is reported that the six police officers who came in two vehicles, left from Rahul's house only when other journalists in the city, coming to know about the incident, came to Rahul's house and questioned the process by which the summons was sought to be served.

We are informed that Rahul suspects that the purpose of the police visiting Rahul's house is for the officers to arrest Rahul and take him to Gujarat state or even to endanger his safety. We are informed that in ordinary circumstances a court summons is served by a police officer or by a court staff, to the person concerned, wherein the summons will specify the time, date and the address of the court in which the person has to be present. We are worried that in this case, the police arrived in full force, as if they were to arrest an absconding criminal, which in unambiguous terms justifies Rahul's apprehension that his life might be at risk in the hands of corrupt officers of the Gujarat State Police.

We are also informed about the background in which the police have registered a crime against Rahul. We are aware that in December 2005, Rahul, on behalf of Sahara TV, had documented and reported the exhumation of the remains of 21 persons by the family members from a mass grave in Panderwada village in Gujarat. It was reported that the mass grave was that of 21 persons, reported missing, after the 2002 Gujarat genocide. We are aware that the report revealed the criminal attempt of those who were behind the Gujarat genocide to hide the evidence of mass executions. We are also informed that the Gujarat state administration since then has been witch-hunting those responsible for exposing the state administration's role in perpetuating the genocide, of which we are afraid, Rahul is the latest victim.

We are informed that the Gujarat State Police have now incorporated Rahul's name as the fifth accused in a case registered against those who exposed the criminal nexus between the Gujarat state administration, the state police and the Hindu fundamentalist groups operating in that state, all suspected to be responsible for the

2002 genocide. We are also aware that the UN Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, in her report to the UN General Assembly dated 26 January 2009, in paragraphs 34 to 36 has criticised the Government of India, in particular, the Government of Gujarat, in taking no responsible and conceivable action against those who were responsible for the genocide. The report in paragraph 36 specifically mentions about the Godhra train burning incident and the violence that erupted thereafter in Gujarat. The Rapporteur expresses concern about the demonstrated lack of interest of the state government in investigating and prosecuting those responsible for the genocide.

We are worried that the registering of this concocted case against a journalist like Rahul, who followed the events and exposed the culpable nature of the state administration of Gujarat in the genocide, is further proof to the fact that the allegations and apprehensions of all those who are concerned about the role played by the state administration in orchestrating what is today more known as the modern India's shame is not baseless.

We are informed that the series of events that has now culminated in the Gujarat State Police's attempt to smother whistle blowers like Rahul raises a series of questions, including that of the freedom of opinion and expression in India, which a journalist like Rahul is entitled for like any other Indian. I am also informed that given the despicable track record of the Gujarat State Police in orchestrating fake encounters and undertaking extrajudicial executions at the behest of the state government or the political party that rules the state, Rahul's life is at risk.

Appeal:

We, therefore, urge you to immediately take necessary steps to ensure that:

1. All necessary steps are taken to guarantee the professional and personal freedom and personal safety of Rahul;
2. The discovery of the mass grave in Panderwada village in December 2005 and its background is investigated by an independent agency like the Central Bureau of Investigation;
3. The case against Rahul Singh is immediately withdrawn.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator