

Human Rights Defenders Alert - India

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31st December 2014

Shri A. K. Parashar,
Focal Point - Human Rights Defenders & Joint Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh – Case of Criminal assault and ongoing campaign of harassment, intimidation and unwarranted restrictions on the basic freedoms of human rights defender Mr. Amit Mishra - 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 over the criminal assault, threats and acts of intimidation against Mr. Amit Mishra, a human rights defender based in Lucknow, Uttar Pradesh.

Source of Information on the Incident:

- A communication from the Coordinator of HRDA for the North of India.

Status of Human Rights Defender

Mr. Amit Mishra, coordinator, Vada Foundation, Lucknow, Uttar Pradesh is a social activist and a human rights defender. He has been working among the poor Dalit daily wage workers (working in the vegetable market), fighting to defend their rights in Lucknow, Uttar Pradesh. Amit has been instrumental in the release of 35 bonded labourers in Mohanlal Ganj, Lucknow in the month of March-April 2014 on behalf of

Vada Foundation. After the release of the bonded labourers he has received many threats to his life over phone. Amit has been fighting against police torture for the last many years. He has been the district human rights monitor for the human rights Organization People's Watch from 2006 to 2008 in its EU – funded National Project on Preventing Torture in India (NPPT), involved in fact finding missions on torture cases in Uttar Pradesh. Before this Amit was associated with Kisan Mazdoor Mahila Sanghatan (Farmers, Workers Women's Organisation) based in Varanasi which was working on indigenous people land rights, Dalit rights and Violence against Women.

The Perpetrators:

- Mr. Vipin (Son of Constable Shiv Dutt Singh posted at Naka Hindola Police Station)
- Police Officials of Krishna Nagar Police Station

Place of incident:

Aalam Bagh Nahar Chauraha (river crossing), Lucknow, Uttar Pradesh

Date and time of incident:

2nd December, 2014 around 9.30 AM

Incident:

According to a written testimony from Mr. Amit Mishra, the human rights defender under attack, he was having a meeting with the labourers in Barabirwas Mandi, near Aalambagh Crossing in Krishna Nagar Police station area during which he was attacked by the accused Mr. Vipin with murderous intent. The assailant took all his money and identity card and threatened Amit Mishra for instigating the workers against the contractor. The assailant also told him not to be seen in his area thenceforth. Due to the intervention of workers present in meeting Amit escaped Vipin's wrath.

Police control room no 100 was informed about the incident but no help came his way. The nearest police post from the place of incident is just 50 meters away. Amit Mishra's group informed Mr. Vikas Pandey, the SHO Krishna Nagar who asked him to come to the police station. Mishra informed him about the incident and he said after the investigation they would register the case. The SHO also asked Mishra why

he was doing the work of mobilising the workers and advised him to do some other work.

He then told Mishra to leave the place and that he would be communicated on phone once the complaint was registered. Mishra also informed the CO, ASP and SSP of the district through e - mail and phone. After a lot of pressure, on 5 December, 2014 exactly after three days of the incident, police FIR was registered on Mishra's complaint. The SHO informed Mishra's particulars to the family of accused and thereafter Mishra started receiving threatening calls urging him to compromise and withdraw his case.

On 6 December 2014 at around 12 PM when the accused Vipin was threatening the witnesses of the case, the workers of labourmandi called the police on telephone number 100 and handed over Vipin to the police. After Vipin was taken by the police, Mishra started facing additional pressure from the accused side. On the same night around 20 police men from Naka Hindola police post came to Mishra's office. One of the constables Mr. Shiv Dutt Singh told him that the person, against whom he had registered police FIR, was his son. And everybody immediately started putting pressure on Mishra to withdraw the case and strike a compromise deal. One of the policemen told him that they are giving him one hour's time to think and decide what he wanted to do. Asking him again to compromise they left the place. After exactly one hour they came back again and started asking what he had decided. Mishra told them that he intended to do nothing. Upon hearing this they again threatened Mishra with dire consequences and left.

Next day on 7 December, 2014 Vipin's arrest was reported in the local newspaper. Just after three days he was told by the witnesses that they were being threatened to change their statements. He also came to know that police post in charge and investigating officer of the area were going to the workers to force them to make false statements. On being refused by the workers they were threatening them. Mishra complained to the SHO of the police station and asked him about the arrest of Vipin. He told Mishra that Vipin had not been arrested so far and so there was no question of him going to jail as of then. Then from the local court he came to know that Vipin was not even booked and challaned and he was allowed to leave the police station being the son of a policeman. After coming from the police station Vipin has been threatening Mishra and other witnesses with dire consequences

unless they agree to a compromise. In a retaliatory move to Mishra's complaint on worker's exploitation, he has been made the target and physically attacked by the accused.

Appeal

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Lucknow;

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the perpetrators to book and pulls up the local police for their inaction;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Amit Mishra as he continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment and threats against Mr. Amit Mishra and all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
 - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
 - and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others,

against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

Honorary National Working Secretary