



Human Rights Defenders Alert- India

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Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
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Sub: HRD Alert - India - Urgent Appeal for Action – Madhya Pradesh: Brutal assault in an attempt to kill journalist and human rights defender Mr. Aashish Vishwakarma by the family of a local ward corporator or Parshad in Jabalpur district of Madhya Pradesh - Regarding

Dear Sir,

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 brutal assault in an attempt to kill Mr. Aashish Vishwakarma, a journalist and human rights defender by the family of a local ward corporator or Parshad in Jabalpur district of Madhya Pradesh. Mr. Aashish Vishwakarma, a journalist became the latest victim of murderous attack for exposing the thriving nexus between land, mining mafia and politicians of Madhya Pradesh exploiting the city's land and mine resources through unlawful means for profits.

Status of Human Rights Defenders:

Mr. Aashish Vishwakarma, aged 28 years is a resident of Ambedkar colony, Katra, Adhrital in the city of Jabalpur. He secured graduate degree in journalism from Swami Vivekananda University in Chitrakoot, Uttar Pradesh. Mr. Aashish Vishwakarma actively participated in student politics when he was a student in Jabalpur Science College. Before joining journalistic profession he did a course on Community Health Work and

also received training as a community health worker in Seth Govind Das District Hospital in Jabalpur for one year. He joined Hindi regional daily “Deshbandhu” in the year of 2008 and worked for it till 2010. After that on December, 2010 he joined daily news paper “Raj Express” which is a largely circulated Hindi daily in the state of Madhya Pradesh. He has been covering state politics, city Municipal Corporation, state administration and other social issues. He has been socially active and has widely reported on corruption issues especially the illegal mining in the area during his journalistic career.

Source of Information on the Incident:

Coordinator of HRDA for the North of India.

Communication with the journalist and human rights defender Mr. Aashish Vishwakarma (HRD able to speak properly due to his injuries so communicating through his friend).

Media Reports

Date of incident:

9 October, 2015 between 9 PM to 10 PM

Place of incident:

Shastri Nagar, Garha police station, Jabalpur

The Perpetrators:

Mr. Hridayesh Rajput (husband of corporator/Parshad Ms. Reena Rajput)

Mr. Neeraj Rajput

Incident detail:

According to sources, Mr. Aashish Vishwakarma has been reporting on issues related to illegal mining and unlawful use of land areas in the rocky black stone hills around the city of Jabalpur. His recent news report was on the illegal plotting of colonies around these hills by mining mafia who were being supported by the local corporator or Parshad Ms. Reena Rajput. His latest and past reports have annoyed the corporator and the mining mafia for affecting their profit extracting enterprise. On 9th October to mark his birthday Mr. Aashish Vishwakarma first went to donate blood to the blind girl’s hostel in the evening and after that he went to a temple called Bajana Math near Shastri Nagar. He was called by Corporator’s husband and was invited to visit their house. At around 9 PM Mr. Aashish Vishwakarma reached the house of corporator at Shastri Nagar. Just at the gate Mr. Hridayesh Rajput and his brother Neeraj attacked Mr. Aashish Vishwakarma with a sword and a baseball bat in a well planned manner. Mr. Aashish Vishwakarma’s

left hand ring finger was cut off in the attack and other two fingers suffered fractures. He was hit on the head by the baseball bat and had injuries on all sides of his head. Then he was hit on his jaw with the same bat which broke his jaw bones. He suffered severe internal injuries. Mr. Aashish Vishwakarma was saved by the people of the locality. He was bleeding profusely and fell down. He remained unconscious for nearly 30 minutes. He was taken to Garha police station in a serious condition where sub inspector Mr. K K Tiwari refused to take him to hospital due to unavailability of police vehicle and constable in the police station. His friend took him to Netaji Subhas Chandra Bose Medical College hospital where he remained hospitalised for 11 days. Mr. Hridayesh Rajput has been arrested by the police but the other accused is absconding. Police have registered a case under sections 204, 307 and 34 of Indian Penal Code.

Appeal:

We therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Jabalpur District.

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident on life threatening assault on journalist and human rights defender Mr. Aashish Vishwakarma;
- Ensure complete medical check up of journalist Mr. Aashish Vishwakarma totally at state cost in the best medical facility available in the state to ensure that he is not suffering from any internal medical ailments;
- Take immediate action on the perpetrators by arresting them and using all provisions of law to ensure that the young journalist and defender is not harassed or attacked in future and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the human rights defender for the physical and psychological sufferings he has undergone and also ensure to compensate Mr. Aashish Vishwakarma for his medical expenses incurred during his treatment and give this assurance to the NHRC of India in writing immediately and urgently;

- Put an end to all acts of attack and harassment against all human rights defenders in Madhya Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution;
- Takes steps to 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:
 - 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;
 - Article 12.2, which provides 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Madhya Pradesh to also take necessary steps to establish a state focal point for HRDs in order that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Madhya Pradesh to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within Madhya Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Madhya Pradesh in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces

on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

- Recommend urgently and speedily during the pendency of this complaint, the Government of Madhya Pradesh to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Madhya Pradesh.

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