



Human Rights Defenders Alert – India

National Coordination Office

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26th April, 2016

To

Shri A. K. Parashar

National 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: Physical assault in an attempt to kill a journalist and human rights defender Mr. Abhishek Agnihotri, reporter of 'Sudershan', a national Hindi TV news channel by the musclemen of local sand mafia in connivance with the Uttar Pradesh police on April 16, 2016 in Bharwa Sumerpur town in Hamirpur district of Uttar Pradesh - Regarding

Greetings from Human Rights Defenders Alert - India!

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

We are writing to express our grave concern regarding the brutal assault in an attempt to kill Mr. Abhishek Agnihotri, a TV journalist and human rights defender by the henchmen of sand mafia in Bharwa Sumerpur town of Hamirpur district of Uttar Pradesh. Journalist Mr. Abhishek Agnihotri is the latest victim of murderous attack for exposing the thriving nexus between sand mining mafia and the police in Hamirpur district of Uttar Pradesh. The journalist has been exposing rampant illegal sand (*mauram*) mining in Ken riverbeds in the region and regular practice of extortion of cash money "*Hafta*" (bribes) from the overloaded trucks carrying *mauram* at Bharwa Sumerpur town by the Hamirpur district police of Uttar Pradesh.

Status of the Human Rights Defender:

Mr. Abhishek Agnihotri, aged 26 years belongs to village Pareta, Tehsil Maudha in district Hamirpur, Uttar Pradesh. He is currently working as a district reporter for national Hindi TV news channel 'Sudarshan'. Mr. Abhishek started his journalistic career 7 years back. In the year of 2010, he joined a Hindi news daily '*Dainik Jagran*' as a district reporter. After that he joined '*Jan Jan Jagran*', a daily Hindu newspaper published from Jhansi city of Uttar Pradesh as a district reporter. He left '*Jan Jan Jagran*', after he became the bureau head of C News Portal. Now he reports for *Sudarshan TV* and covers social and police issues including district administration in Hamirpur. He has been socially active and has widely reported on corruption issues especially the *mauram* mining in the area during his journalistic career.

Source of Information on the Incident:

Media Reports

Date of incident:

April 16, 2016 around 10.30 PM

Place of incident:

Near bus stand at Bharwa Sumerpur town, district Hamirpur, Uttar Pradesh

The Perpetrators:

- Mr. Sant Dayal (aged 32)
- Mr. Rajesh Verma (aged 27)
- 4 Unidentified persons
- Mr. Dinesh Patel, Assistant of SHO, Bharwa Sumerpur police station, district Hamirpur, Uttar Pradesh for threatening him
- Constable Mr. Ashok Kumar, Bharwa Sumerpur police station, district Hamirpur for forcibly taking the recorded video tape and threatening the journalist and human rights defender

Details of the Incident:

According to sources, on April 16, 2016 journalist Mr. Abhishek Agnihotri was returning home in his car after attending a marriage party from a guest house in

Bharwa Sumerpur town in Hamirpur district, Uttar Pradesh. When he reached near the city bus stand, one motorbike with two person suddenly came in front of his car. He had to stop his car. Meanwhile, two more bikes with four people came there. Mr. Abhishek Agnihotri rolled down car window to talk to them. Through the car window the assailants immediately opened the car door and pulled him down. They abused him and immediately started beating him indiscriminately with hockey sticks. They also attacked him with a hard object. They took his chain and all cash. Mr. Abhishek Agnihotri was bleeding and ran to save his life. They continued to attack him while he was running. According to the defender, there is a police post nearby and police men were there but they did not intervene. Mr. Abhishek Agnihotri suffered injuries in his head, shoulder, chest and back. He was bleeding. He went to primary health centre where he was given medical treatment and discharged.

He called Mr. Ramashray Yadav, SHO of Bharwa Sumerpur police station and also spoke to Mr. Muniraj, SP of Hamirpur district informing about the incident. Mr. Ramashray Yadav, SHO of Bharwa Sumerpur police station refused to file his complaint in the night. Next day when local journalists and other people put pressure on the police, they agreed to file the complaint on April 17, 2016 at around 2 PM. Case has been filed under section 395 of IPC for charges related to looting. According to sources, charges were deliberately diluted with the clear intention of protecting the perpetrators. Police have arrested only 2 among the 6 accused and 4 others are still not arrested.

Background Information

On January 23, 2016, journalist Mr. Abhishek Agnihotri was on a reporting assignment in the city to cover a story on illegal *gutka* factory. After completing his work he received several threat calls. He went to the BharwaSumerpur police station to file his complaint about the threats issued to him, the police officials refused to file his complaint. Then again he approached the police on February 18, 2016, they again refused to file his complaint. Again on March 10, 2016, he contacted, Mr. Jay Prakesh Yadav, SHO of Bharwa Sumerpur police station who asked him not to pursue the case. Again his complaint was not filed. On March 28 and 30, Mr. Abhishek Agnihotri went with camera to cover the movement of trucks laden with illegally mining sand at a city police post which is one of the points where police men normally extort money from the drivers. The illegal sand is brought from the Ken river

beds at BhulsiBasha village. He was threatened by the police constable Mr. Ashok Kumar who forcibly took his tape which had all his recordings. Mr. Dinesh Patel, assistant to the SHO also threatened him and told him that he has to stay in the city safely. Soon after that journalist Mr. Abhishek Agnihotri was attacked on the night of April 16, 2016. Even after the attack he is still getting threatening calls and fears that a false case might be registered against him.

Appeal:

We therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police, the District Collector and District Magistrate of Hamirpur 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. Abhishek Agnihotri;
- Ensure complete medical check-up of journalist and human rights defender Mr. Abhishek Agnihotri 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 in this case all the accused and police officials of BharwaSumerpur police station, Hamirpur district for threatening the HRD and refusing to file the FIR on many occasions when approached by the HRD himself and using all provisions of law to ensure that the young journalist and defender is not harassed or attacked or falsely implicated by the police in future and provide a re-assurance of not engaging in such acts against HRDs;
- Guarantees in all circumstances the physical and psychological integrity of journalist and human rights defender Mr. Abhishek Agnihotri 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;
- Ensure provision of reparation, compensation, apology to the human rights defender for the physical and psychological sufferings he has undergone and

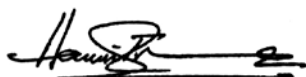
also ensure to compensate Mr. Abhishek Agnihotri for his medical expenses incurred during his treatment and give this assurance to the NHRC of India in writing immediately and urgently;

- Put an end to all acts of attack and harassment against all human rights defenders in Uttar Pradesh to ensure that in all circumstances they carry out their activities as journalists, writers and 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 Uttar 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;

- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within Uttar 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 Uttar 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 Uttar 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 Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary