



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 15, 2017

To,
Shri Srinivasa Kammath
National Focal Point - Human Rights Defenders & Deputy 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 - Kerala: Denial of permission to screen documentary film at an international film festival curtailing the freedom of speech and expression by the Union Government in Thiruvananthapuram - Regarding

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 writing to express our grave concern over the blatant violation of freedom of speech and expression by denying permission to screen three documentaries at a film festival by the Union Ministry of Information and Broadcasting.

Status of Human Rights Defender:

The Kerala State Chalachithra Academy, is a body under the state government's Department of Cultural Affairs. Mr. Kamal, is the Chairman of the Kerala Chalachitra Academy and Festival Director of the International Film Festival of Kerala in Thiruvananthapuram, to be inaugurated by the Kerala Chief Minister on June 16, 2017. Last year too, Mr. Kamal had faced the ire of the Sangh Parivar after police picked up delegates for not standing up for the National Anthem.

Source of Information on the Incident:

- Media Reports

The Perpetrators:

- Union Ministry of Information and Broadcasting

Details of the Incident

The 'International Documentary and Short Film Festival of Kerala' is being organised in Thiruvananthapuram. The festival, which begins on June 16, is organised by the Kerala State Chalachithra Academy, a body under the state government's Department of Cultural Affairs, where at least 262 short films and documentaries are expected to be screened.

The Union Ministry of Information and Broadcasting has denied censor exemption to three documentaries, based on recent controversies, for screening at the upcoming festival. The three short films denied screening at the International Documentary and Short Film Festival of Kerala are:

- '*The Unbearable Being of Lightness*' (about Dalit scholar Rohit Vemula, who allegedly committed suicide),
- '*In the shade of Fallen Chinara*' (on the unrest in Jammu & Kashmir), and
- '*March, March, March*' (based on the student agitation at Jawaharlal Nehru University).

The Kerala State Chalachithra Academy had sent in all 200-odd films to the Union Ministry of Information and Broadcasting seeking censor exemption and all the films, except these three, got exemptions. The Ministry hasn't cited any reason for denying censor exemption for these films, which are based on socially relevant themes.

It is further learnt, that, the films screened at film festivals do not require a certificate from the Censor Board, but they must have a censor exemption certificate from the Ministry. Without censor exemption, no documentary or feature film can be screened at a festival.

These incidents of denial of permission to screen documentaries are clear and blatant violation of fundamental rights ensured to every citizen under the Indian Constitution and international instruments on human rights. The right to freely express one's opinion in varied forms are violated.

Appeal:

We, therefore urge you to immediately take necessary steps and:

- Independently enquire into the denial of issuing censor exemptions to the above mentioned three films;
- Direct the Union Ministry of Information and Broadcasting to withdraw the denial of issuing censor exemption to three documentary films and ensure that these are screened at the upcoming festival.
- Puts an end to all acts of denial, attack and harassment against all acts of denial of speech and expression of all and the human rights defenders and ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Take 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”;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)
National Working Secretary

Copies to:

Justice (Retd.) H L Dattu
Chairperson, National Human Rights Commission
Manav Adhikar Bhawan, Block-C, GPO Complex,
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Special Rapporteur on the situation of human rights defenders,
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