



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/North/UP/5/7/2018

July 18, 2018

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 – Uttar Pradesh: Case Ref: - 10824/24/0/2018-AFE, harassment and intimidation of human rights defender Mr. Rajeev Yadav – 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 now writing to express our grave concern about the harassment and intimidation of human rights defender and journalist Mr. Rajeev Yadav on July 5, 2018, in Azamgarh, Uttar Pradesh. Mr. Yadav is one of the petitioners in case no. 10824/24/0/2018-AFE which is enquired by the NHRC. This urgent action appeal should also be seen as a case of reprisal for submitting cases of extra-judicial killings with the NHRC.

Source of Information on the Incident:

- The Regional Coordinator of HRDA
- Audio clips produced by Mr. Rajeev Yadav
- Communication with HRDs in the region

Status of the Human Rights Defenders:

Mr. Rajeev Yadav is a human rights defender and the head of the Rihai Manch, a human rights organization in Uttar Pradesh.

The Perpetrators:

- Mr. Arvind Yadav, Officer-in-charge, Kandhapur Police Station, Azamgarh, UP
- Other police personnel in UP

Date of Incident:

- July 5, 2018

Details of the Incident:

As per the sources, on the night of July 5, 2018, Mr. Yadav was threatened and harassed on a phone call by the police personnel of Azamgarh district, UP for raising

voice against extra judicial police killings in Uttar Pradesh. He released the audio clip of the same at a press conference held by Rihai Manch on July 6, 2018 demanding action against UP police official who threatened him. Mr. Yadav received a call from police station incharge, Mr. Arvind Yadav from his CUG No. 9454402912 from Kandhapur police station in Azamgarh, UP. During the call, Mr. Arvind threatened to file a false case against Mr. Yadav for bringing up his name and alleging his involvement in an extra-judicial killing case. Mr. Yadav had issued a press release based on his conversations with families of victims in Azamgarh and the recent Supreme Court notice to the Uttar Pradesh government over the encounters. Mr. Yadav also stated that the police threatened the lawyer Adv. Farman Naqvi in the Muzaffarnagar Furqan fake encounter case and the case was withdrawn by Furqan's family following threats and harassment of the family by police officials.

HRDA strongly believes that threats to Mr. Rajeev Yadav are an effort to create an environment of fear among the human rights defenders fighting against the extra-judicial killings in the State of UP. There are concerns about his safety and physical and mental well-being of his family and friends and other human rights defenders working in UP, particularly on the issue of extra-judicial killings.

Appeal:

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

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of threat and intimidation of Mr. Rajeev Yadav and demand immediate suspension of police station incharge Mr. Arvind Yadav during the investigation
- Take immediate action on the perpetrators and demand removal of police station incharge Mr. Arvind Yadav from the cases probing into extra-judicial killings to ensure impartiality.
- Based on the independent investigation, order for legal proceedings against Mr. Arvind Yadav for misusing his powers and threatening and intimidating Mr. Rajeev Yadav.
- Ensure provision of reparation, compensation, apology to Mr. Rajeev Yadav and his family and guarantee in all circumstances the physical and

psychological integrity of the defender and his family from further reprisals from the perpetrators and using all provisions of law to ensure that they are not harassed or intimidated in future.

- Put an end to all acts of attack and harassment and attempt on the life of all human rights defenders like Mr. Rajeev Yadav and in the State of Uttar Pradesh and to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.
- 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”;
- 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