



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 6, 2018

To

Mr. 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 - New Delhi: False accusations made against lawyer and human rights defender Adv.Sudha Bharadwaj, Mr. Gautam Navlakha and other human rights defenders and lawyers

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 false accusations based on two fabricated letters, made by Republic TV anchor Ms. Shivani Gupta, Deputy Editor Mr. Shawan Sen and its Managing Director Mr. Arnab Goswami against Adv. Sudha Bharadwaj, Mr. Gautam Navlakha and other human rights defenders and lawyers in a show aired on July 4, 2018.

Source of Information on the Incident:

- Republic TV shows on July 4, 2018 <https://www.republicworld.com/the-debate> and <https://www.republicworld.com/india-news/general-news/explosive-pm-modi-targeted-judiciary-attacked-in-sensational-urban-naxal-letter-all-details-here>
- Public Letter issued by Adv. Sudha Bharadwaj

The Human Rights Defenders:

Adv. Sudha Bharadwaj is a renowned lawyer, trade unionist and civil rights activist. She is the National Secretary of the People's Union for Civil Liberties and also associated with the Chhattisgarh Mukti Morcha. She has fought several cases of farmers, workers, adivasis and poor people as a practising lawyer in the High Court of Chhattisgarh at Bilaspur. She was nominated by the High Court to be a member of the Chhattisgarh State Legal Services Authority. For the past one year, Adv. Sudha Bhardawaj has been a visiting professor at National Law University, Delhi.

Mr. Gautam Navlakha is associated with the People's Union for Democratic Rights (PUDR) in Delhi. He has long campaigned for civil liberties, democratic rights and human rights. He was also associated with the Economic and Political Weekly for over three decades.

There are several other human rights lawyers and defenders who were mentioned by Republic TV.

The Perpetrators:

- Republic TV anchor Ms. Shivani Gupta
- Deputy Editor Mr. Shawan Sen
- Managing Director Mr. Arnab Goswami

Date of Incident:

July 4, 2018.

Incident detail:

Since early afternoon on July 4, 2018, Republic TV based on a report by its Deputy Editor Mr. Shawan Sen, commenced airing programs deliberately targeting Adv. Sudha Bharadwaj, Mr. Gautam Navlakha and other human rights defenders and lawyers. The entire targeting was based on two fabricated letters that they had accessed however refusing to disclose the source. Through these fabricated letters, they made a series of false, scurrilous and unsubstantiated claims against lawyers and human rights defenders, deliberately terming them as 'Urban Naxals' and attempting to establish links with the Kashmiri separatist groups. It is to be noted that the fabricated letters were telecasted only a few hours before a Pune court heard matters concerning arrest of five other human rights defenders under Unlawful

Activities (Prevention) Act (UAPA). This was followed by a debate at 9 PM hosted by Republic TV anchor Ms. Shivani Gupta.

According to the fabricated letters produced by Republic TV, "Comrade Advocate Sudha Bhardwaj" wrote a letter to a Maoist, one "Comrade Prakash", stating that a "Kashmir like situation" has to be created. She was then accused of receiving money from the Maoist. In the earlier arrests of five human rights defenders under UAPA, a similar fabricated letter was produced allegedly addressed to the same "Comrade Prakash". There were similar allegations made against Mr. Gautam Navlakha by airing bits of one of his speeches and also mentioning his name in one of the letters. It stated that "how 'human rights violation by the 'enemy' in Kashmir should be broadcasted on social media and through other media houses." The letter asks them to "get in touch with one Comrade Prashant who could help with legal assistance for pellet gun case in the Supreme Court." The Republic TV also mentioned names of other human rights defenders and lawyers.

It will be pertinent to mention here that several of the human rights defenders and lawyers whose names are mentioned by the Republic TV are actively engaged in human rights interventions including being vocal against the recent arrest of five human rights defenders under UAPA. On June 6, 2018, Adv. Sudha Bharadwaj addressed a press conference in New Delhi to condemn the arrest Adv. Surendra Gadling for allegedly being a member of the banned CPI (M). Further, the Indian Association of People's Lawyers (IAPL) has strongly taken up the issue of other lawyers such as Adv. Chandrashekar Azad Ravan of the Bhim Army who is arrested for close to nine months under the National Security Act (NSA) and Adv. S Vachinathan in Tamil Nadu in connection with the anti-Sterlite protests in Thoothukudi.

HRDA strongly believes that this is a deliberate strategy of the State to target human rights defenders in India and is done through a private news channel in this particular case. It is astonishing that Republic TV is the only channel on both the occasions to air the fabricated letters before it can be produced before a court or an investigating agency. The details concerning the procurement of these letters or their source is not revealed. The fabricated narratives produced by the Republic TV is an attempt to defame human rights defenders and lawyers and create an atmosphere of hostility against any dissent and questioning in India. It also puts the human rights defenders

to personal and professional risk. This is also an attempt of the State to silence those who stand for constitution, democratic rights of the citizens.

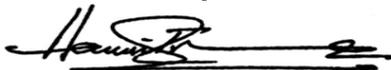
Appeal:

Hon'ble Commission is duty bound to protect human rights defenders and especially in this situation when they are being targeted across the country through a set narrative. Actions undertaken by the Hon'ble Commission in the case of arrests of five human rights defenders under UAPA are yet to be known. HRDA urges the Hon'ble Commission to acknowledge the urgency of the situation and immediately take urgent actions through the powers enshrined by the Protection of Human Rights Act 1993 and:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of false accusations made against Adv. Sudha Bharadwaj, Mr. Gautam Navlakha and other human rights defenders and lawyers by Republic TV;
- Summon the Republic TV through its managing director, deputy editor and anchor to produce the alleged letters they were airing on July 4, 2018, and the Hon'ble Commission should determine the authenticity of the same through an independent enquiry;
- Take immediate action against the perpetrators, in this case the Republic TV and order for legal prosecution with the Hon'ble Commission exercising its powers and legally intervening in this case; and.
- Ensure provision of reparation, compensation, apology to the human rights defenders and for the defamation they have faced.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary