



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April 24, 2019

To

Mr. Khaleel Ahmad

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 – Assam: Complaint against journalists Nitumoni Saikia, Ajit Kumar Bhuyan, Afrida Hussain and Manjit Mahanta, Convenor of Forum against Citizenship Act amendment Bill – 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 complaint against Nitumoni Saikia, Chief Editor of Pratidin Times, Ajit Kumar Bhuyan, Chief Editor of Prag News, Afrida Hussain, Editor of online news portal 'Inside NE' and News18 – Assam TV and Manjit Mahanta, Convenor of Forum against Citizenship (Amendment) Bill.

Status of human rights defenders:

- Nitumoni Saikia, Editor-in-chief of popular Assamese news channel Pratidin Time
- Ajit Kumar Bhuyan, Chief Editor of Assamese news channel Prag News,
- Afrida Hussain, Editor of online news portal 'InsideNE' TV
- Manjit Mahanta, Convenor of Forum against Citizenship Act amendment Bill

All of the above-mentioned journalists have been vocal and critical about the Citizenship (Amendment) Bill which was tabled in the parliament by the Union Government lead by Bharatiya Janatha Party (BJP). They have also been critical about the policies of the Assam state government also lead by BJP.

Source of Information on the Incident:

- Focal Point for HRDA in Assam
- Media Reports

The Perpetrators:

- Mr. Vinay Joshi, Legal Rights Observatory
- Ministry of Home Affairs, India

Date of Incident:

April 16, 2019

Details of the Incident:

A complaint has been sent to the Ministry of Home Affairs from Mr. Vinay Joshi, head of the Maharashtra based Legal Rights Observatory, a voluntary organization against the above-mentioned journalists. The complaint falsely alleged that these media outfits promoted violence during the anti- Citizenship (Amendment) Bill protests. The complaint asked for actions against these journalists for “*their role in spreading militant ideologies and actively assisting fresh recruitment of Assam youth in banned militant groups by running loud media propaganda.*”

The entire north-eastern part of India went through massive protests against the Citizenship (Amendment) Bill and during protests their videos of some young people taking about opposing the Bill through violent means that went viral on social media platforms before they were broadcasted in the news channels.

The complaint which was sent to the Ministry of Home Affairs has been forwarded to the Assam Government for action on their side. It is apprehended that the state government would initiate criminal charges against them including that of sedition as it has been seen in the past where HRDs who have been critical about the Citizenship (Amendment) Bill have been charged with sedition.

Background Information:

There has been widespread protest against the passing of the Citizenship (Amendment) Bill in Assam since 2016 in the north eastern states of India. But with the decision of the Union Government to table the Bill in Lok Sabha, have hurt the sentiments of the indigenous people of Assam as well as other north eastern states of India. There have been rampant protests against it through-out north eastern states of India. More than hundreds of organization and common people have joined the protest very strongly. To suppress the voice of the peaceful protesters the state has resorted to arrests, detentions, prohibition orders etc. Many were also injured due to police firing and lathi charge. During this period the above-mentioned media houses had covered the news relating to the ongoing protest against Citizenship Amendment Bill and other related news.

It is also mention worthy that HRDA had sent an Urgent Appeal for action to the Hon'ble Commission on April 4, 2019 over the fabricated charges of sedition against Dr. Hiren Gohain, Akhil Gogoi of Krishak Mukti Sangram Samiti and Manjit Mahanta, Convenor of Forum against Citizenship Amendment Bill, who were protesting against the Citizenship (Amendment) Bill in a peaceful and democratic way in Guwahati, Assam.

It is observed that over the past few years, dissenting voices are being shut down by the state in the forms of enforced disappearances, threats, torture, police and legal harassment. Framing of false cases like sedition is a legal harassment that has become a routine practice by the state to harass human rights defenders who are fighting for rights and justice. This is a similar case which puts forward the repressive attitude of the state towards dissenting voices by encouraging a frivolous complaint.

The right to free speech and expression is guaranteed by Article 19 (1) (a) of the Constitution of India. Curtailing an individual's right to free speech and expression only for pointing out the odds of the State authority contradicts the theory of promotion of a right to free speech and expression. In India, the freedom of press is also protected under Article 19 (1) (a). This complaint is an attempt to create a fear psychosis among the journalists and media to prevent them from being critical about the actions and policies of the state.

Appeal:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arbitrary charges and harassment of the above named HRDs
- Ensure that there is no arbitrary use of the law with intend to suppress and intimidate the democratic voice of the above named HRDs and media and also their protection
- Guarantee in all circumstances the physical and psychological integrity of Nitumoni Saikia, Ajit Kumar Bhuyan, Afrida Hussain and Manjit Mahanta
- Ensure provision of reparation, compensation, apology to the defenders for the psychological sufferings they are undergoing because of their arrest and provide a re-assurance of not engaging in such acts against HRDs;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary