



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/North/UP/03/07/2019**

**July 15, 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](mailto:hrd-nhrc@nic.in)

**Dear Sir,**

***Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh – Preventing journalists from news gathering during Chief Minister Mr. Yogi Adityanath's inspection at Government Hospital in Moradabad – 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 attempt to harass, ill-treat and intimidate around journalists and human rights defenders by the District Magistrate of Moradabad in Uttar Pradesh with the help of UP police during Chief Minister Mr. Yogi Adityanath's inspection at Government Hospital in Moradabad.

**Source of Information on the Incident:**

- The Coordinator of HRDA for the North of India
- Communication with the journalists in Moradabad
- Media Reports

**The Perpetrators:**

- Mr. Rakesh Kumar Singh, District Magistrate of Moradabad,
- Mr. Shakti Singh, Station House Officer of Civil Line Police Station, Moradabad

**Date of incident:**

30 June, 2019

**Place of incident:**

Civil Hospital, near Ambedkar Park, Civil Lines, Moradabad, Uttar Pradesh

**Details of the Incident:**

On 30 June, 2019 around 15 to 20 journalists from print and electronic media including photo journalists went to the District Government Hospital in Moradabad, Uttar Pradesh to collect information about the official visit of the Chief Minister of Uttar Pradesh (CM), Mr. Yogi Adityanath. According to local journalists, they were not allowed to go inside the hospital from the main gate as the police barricaded the main entrance by rope. Hence, they had to rush to the back gate around 50 meters away from the main gate to enter into the hospital premise where Chief Minister was conducting the routine inspection and interacting with patients and their family members. At around 12.30 PM that all journalists were asked to go to the emergency ward and wait in the room. They were told that once the CM returns after the inspection, they can meet him. Journalists allege that when they were in the mini OT room of the emergency ward, the District Magistrate (DM) of Moradabad Mr. Rakesh Kumar Singh closed the door with its latch from outside and asked the police men to guard it. The SHO of Civil Line police station, Inspector Shakti Singh was posted outside the gate to ensure that the journalists do not come out under the apprehension that they would ask uncomfortable questions to the CM or other hospital officials regarding the deteriorating condition of the public health services in Uttar Pradesh. The journalists were supposed to question the staff, patients and other people on-duty in the hospital. Journalists alleged that they were kept under watch for at least 20 minutes and though many of them shouted and protested against the action of the District Magistrate, they were allowed to come out only after the Chief Minister left the hospital. Journalists also allege that the DM asked them not to visit the hospital without any invitation.

The action of the administration to block journalists is a direct threat to the public's right to know about the functioning of their elected representatives and government

institutions. Moreover, Indian Constitution and international law guarantee freedom of expression, including for the free and fair functioning of the media and the ability of the media persons to do their legitimate work freely and without fear.

Article 19, of the Universal Declaration of Human Rights (UDHR) mandates right to freedom of opinion and expression and is protected in all relevant human rights treaties. Freedom of opinion and expression are fundamental rights that contain both a personal and a social dimension. As per General Comment No. 34 on Freedoms of Speech and Expression, Human Rights Committee has observed that free speech and expression is an “indispensable conditions for the full development of the person”, “essential for any society” and a “foundation stone for every free and democratic society”.

Under the International Covenant on Civil and Political Rights (ICCPR), freedom of expression includes the “freedom to seek, receive and impart information and ideas of all kinds. The United Nations states by way of an example that without free speech, the enjoyment of other rights is not possible. Freedom of speech, along with freedom of assembly and association, are necessary for the effective exercise of the right to vote. The right to vote is compromised in a society that does not have a free exchange of ideas and information on public and political matters between citizens, candidates and elected representatives. However, free speech not being an absolute right can be only limited when it is necessary and is done in a proportionate manner.

Therefore, the action of the DM in the present case tantamount to clampdown on freedom of opinion and expression of the journalists who were confined only to stop them from asking tough questions to the chief minister.

**Appeal:**

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of ill-treatment, harassment and intimidation of journalists in Moradabad;
- Take immediate action on the perpetrators in this case the District Magistrate of Moradabad, Mr. Rakesh Kumar Singh and SHO of Civil Line Police Station, Moradabad, Mr. Shakti Singh for the harassment and ill treatment of the journalists and using all provisions of law to ensure that the journalists and defenders are not harassed or intimidated by the district administration and

police in future and provide a re-assurance of not engaging in such acts against journalists and HRDs;

- Guarantees in all circumstances the physical and psychological integrity of journalists and human rights defenders as they continue to be under risk of further harassment by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of apology to the journalists and defenders for the psychological sufferings they are undergoing because of their harassment and ill treatment and provide a re-assurance of not engaging in such acts against Journalists and HRDs;
- Put an end to all acts of harassment and intimidation against all human rights defenders, especially journalists 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.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

**(Henri Tiphagne)**

Honorary National Working Secretary