



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/RJ/09/07/2019

July 29, 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 – Rajasthan – Brutal physical assault with the intention to kill Mr. Daulat Bharti, a journalist in Rajasthan – 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 brutal assault with the intention to kill local journalist and human rights defender Mr. Daulat Bharti. The journalist was attacked with iron rods on 21 June, 2019 in Kishangarh Bas in Alwar district of Rajasthan. He was severely injured in the attack and suffered multiple bone fractures in his hands and back. Mr. Daulat Bharti was targeted and brutally attacked by the local goons hired by Mr. Vishwas Yadav alias Dabhu, district vice president of BJP Yuva Morcha for publishing news items related to his land dispute, unauthorised road construction and other unfair business practices.

About the Human Rights Defender:

Mr. Daulat Bharti is senior journalist with many years of experience of reporting on local social and political issues in Rajasthan. He is currently associated with Hindi daily Rajasthan Patrika covering Alwar district and he is also the editor of Kishangarh Times.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Rajasthan, India

The Perpetrators:

Mr. Vishwas Yadav alias Dabbu, district vice president of BJP Yuva Morcha, Alwar and other accomplices Mr. Harish Rodha and Mr. Khajjar

Date and Place of incident:

21 June, 2019

Khairthal Road, Kishangarh Bas, District Alwar, Rajasthan

Details of the Incident:

According to sources on 21 June, 2019 around 7 PM Mr. Daulat Bharti was going to his home on his motorcycle from his office located at Khairthal road in Kishangarh Bas Tehsil of Alwar district of Rajasthan. As he barely moved to a few meters away from his office, a car came in front of him and stopped him and around 4 to 5 people allegedly led by Mr. Khajjar came out of the car and attacked Mr. Daulat Bharti with iron rods. He was severely injured and suffered three fractures in right hand and two fractures in his left hand. He also suffered injuries in other parts of his body. After a crowd gathered at the spot, the assailants ran away towards Khairthal road on the car. He was first taken to the Kishangarh Bas hospital from where he was referred to Alwar hospital by the doctors. Seeing his critical condition and after giving him first aid the doctors at Alwar hospital finally advised his family to take him to Jaipur for proper medical treatment.

Mr. Daulat Bharti was targeted for reporting and publishing a news item about a land dispute between Vishwas Yadav alias Dabbu, district vice president of BJP Yuva Morcha and Mr. Ashok Batra in Alwar Times and Rajasthan Patrika newspaper on 12 June, 2019. In article he wrote that Mr. Vishwas Yadav and Mr. Harish Rodha are partners in liquor business and are running a liquor shop (Theka) in the area. Mr. Daulat Bharti also reported about the unfair liquor prices as they were charging more than the actual rates in liquor bottles. Vishwas Yadav alias Dabbu was not happy with the journalist for exposing their fraudulent and illegal business activities and Vishwas Yadav and his business partner Mr. Harish Rodha also threatened the journalist many times on phone before he was attacked. According to sources Mr. Khajjar Mandawar in Dausa district was allegedly hired by Mr. Vishwas Yadav to carry out the attack to take revenge. A case in Kishangarh Bas police station naming five persons as accused with Case No. 228/19 under Sections 307 and 295 of Indian Penal Code. The police have arrested only 2 accused so far and rest are still absconding.

Journalists who are human rights defenders face major risks as a result of their work. Governments and other powerful actors, seeking to escape scrutiny and stifle dissent, often

respond to critical reporting or activism with attempts to silence them. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. Creating a safe and enabling environment for their work necessitates legal reform, the creation of special protection mechanisms, and protocols to guide effective investigations and prosecutions where attacks occur. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable.

The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity supports member States in the implementation of proactive initiatives to address the prevailing culture of impunity. The safety of journalists and their role in promoting inclusive and sustainable societies has been recognized by the United Nations in the 2030 Agenda for Sustainable Development. Goal 16 of the said agenda outlines the promotion of peaceful and inclusive societies for sustainable development provide access to justice for all and build effective and inclusive institutions at all levels.

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".

Therefore it is urged to the Commission that in present case your indulgence is sought to bring the perpetrators to book who because of their political affiliations are trying to attack the above said human rights defenders in retaliation to stifle dissent and to avoid scrutiny of their nexus in carrying out their illegal activities.

Appeal

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the Incident of brutal attack on the life of journalist and human rights defender Mr. Daulat Bharti;
- Take immediate legal action against the perpetrators after identifying all of them and arrest them for assaulting the journalist and human rights defender Mr. Daulat Bharti;

- Ensures complete medical check-up of journalist and human rights defender Mr. Daulat Bharti totally at state cost in the best medical facility available in the state to ensure that the defender is not suffering from any internal medical ailments after this brutal attack;
- Guarantees in all circumstances the physical integrity of the journalist and human rights defender who still faces the risk of further attacks from the perpetrators and using all provisions of law to ensure that the journalist and defender is not attacked or intimidated in Rajasthan in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation and apology to the defender for the physical and psychological sufferings he is undergoing because of the attack on his life while performing his legitimate duties and provide a re-assurance of not engaging in such acts against journalists and HRDs;
- Ensures to protect the right to life and personal liberty guaranteed under Article 21 of the Indian Constitution;
- Put an end to all acts of harassment, intimidations and attacks against all journalists, writers and human rights defenders in general in the state of Rajasthan to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- 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 Rajasthan.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary