



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 18, 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 - Uttar Pradesh:
Fabricated case registered against journalists Mr. Ashish Tomar
and Mr. Shakeel Ahmad in Uttar Pradesh for reporting
discrimination of dalit families– Regarding***

Dear Sir,

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 writing to express our grave concern regarding fabricated case registered against journalists Mr. Ashish Tomar and Mr. Shakeel Ahmad in Uttar Pradesh for reporting discrimination of dalit families

Status of the Human Rights Defender

- Mr. Ashish Tomar is a law graduate and he has been covering social political news for Hindi daily 'Dainik Jagran' since 2009 in Uttar Pradesh.
- Mr. Shakeel Ahmad has been reporting for News 18 for the last 9 years. He has been covering news in and around Bijnor district in Uttar Pradesh. In the past he has worked with CNN news paper as a bureau chief. He was also associated with CNED new channel of Uttar Pradesh as bureau chief. Mr. Shakeel has over 25 years of experience as a working journalist.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Uttar Pradesh
- Communications with local journalists and human rights defenders in Bijnor, Uttar Pradesh
- Media Reports

The Perpetrators:

Police personnel of Mandawar police station of district Bijnor, Uttar Pradesh

Date and Place of Incident:

5 September, 2019

Mandawar police station of district Bijnor, Uttar Pradesh

Details of the Incident:

According to sources on September 5, 2019 a criminal case was filed against Mr. Ashish Tomar and Mr. Shakeel Ahmad in the Mandwar police station of district Bijnor in Uttar Pradesh under Sections 153 A (promoting enmity), 268 (nuisance) and 503 (criminal intimidation) of the Indian Penal Code and Section 66 A of the Information Technology Act reportedly on a complaint by Senior Sub Inspector Pramod Kumar of the Mandwar police station of district Bijnor.

According to the police FIR, reporters were booked for trying to vitiate social amity by manipulating and spreading fake news about “Dalits threatening to leave” at Titarwala Basi village under Mandawar police station after influential Harijan Dalit family prevented them from drawing water from a hand pump. The FIR alleges that the two reporters instigated the Dalits to threaten that they would leave the village. It further says that on the instigation of the reporters the Dalits put up a sign saying their houses were on sale.

According to the journalists, they are being targeted by the police for factual reporting. They informed that the local police was apparently finding itself in an unhappy situation over their reporting on the case of caste discrimination against a Valmiki dalit family in a dalit-majority village in Bijnor district. They confirmed to HRDA that they have recorded versions of the person quoted in the story and the police personnel from Mandawar police station of district Bijnor put pressure on Lokesh Devi of the Valmiki family to add the names of journalists in the statement given to the police to frame them in a false case.

In Uttar Pradesh journalists, writers and activists are facing the risk of getting hounded by the government for exposing stark ground realities. In most scenarios, while doing their job honestly and dedicatedly, journalists being the crusaders of truth often encounter harassment, intimidation and even life-threatening situations. On 31 August, 2019 in Mirzapur district of Uttar Pradesh, journalist Pawan Kumar Jaiswal was booked for criminal conspiracy by the state police for exposing a roti-salt “meal” being served to roughly 100 school children under the Mid-Day Meal scheme of the government. The FIR against Journalists and human rights defenders Mr. Ashish Tomar of Hindi daily Dainik Jagaran and Mr. Shakeel Ahmad has exposed the malafide intentions of the local police and is a big blow to the freedom of press.

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”.

Journalists who are human rights defenders as well 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. Threats, surveillance, attacks, arbitrary arrest and detention, and, in the gravest cases, enforced disappearance or killings, are too often the cost of reporting the truth. 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.

Therefore, the action of the police in the present case tantamount to clampdown on freedom of opinion and expression of the journalists who were just doing their duty of covering action of abuse by Non State actors.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that this Hon'ble Commission to urgently:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of registering criminal case against Journalists and human rights defenders Mr. Ashish Tomar and Mr. Shakeel Ahmad by the police of Mandwar police station of district Bijnor in Uttar Pradesh in an attempt to criminalise the work of journalists and suppress their right to freedom of speech and expression;
- Take necessary steps to ensure that the cases filed against Journalists and human rights defenders Mr. Ashish Tomar and Mr. Shakeel Ahmad are withdrawn and defenders are not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Take immediate legal action on the perpetrators in this case police personnel mentioned above from Mandawar police station of district Bijnor for filing false criminal cases against the Journalists and human rights defenders Mr. Ashish Tomar and Mr. Shakeel Ahmad and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of the Journalists and human rights defenders Mr. Ashish Tomar and Mr. Shakeel Ahmad as well as of all journalists in India, who merely exercise their right to freedom of opinion and expression;
- Put an end to all acts of harassment against all journalists, writers and human rights defenders in general in the state of Uttar Pradesh to ensure that in all circumstances they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including police and judicial harassment;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary