



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 26, 2021

To
Mr. CS Mawri,
National Focal Point - Human Rights Defenders & Assistant 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: Illegal and repeated detention of HRDs Mr. Sandeep Pandey, Mr. Rajeev Yadav, Mr. Santosh Kumar and others at Lucknow by the Uttar Pradesh Police.

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 now writing to express our grave concern regarding the repeated illegal detention of a group of social activists who were on their way to a peaceful protest at Shaheed Smarak, Lucknow, as well as their forcible signature on document declaring that they will abstain from further peaceful protests.

About the Human Rights Defenders:

- Mr. Sandeep Pandey (56) is a well-known Gandhian social activist and an educationist. He is a recipient of the prestigious Ramon Magsaysay award – considered the 'Asian Nobel' in 2002. He also works on right to information and other forms of citizen participation in removing corruption and improving the efficiency of governance and is the co-founder of the well-known grassroots organization National Alliance of People's Movements (NAPM).
- Mr. Rajeev Yadav (34) is a social activist and journalist. He is the general secretary of Rihai Manch, a legal-political advocacy group for justice for innocents.
- Mr. Santosh Kumar is farmer leader. He has been in the farmers' movement continuously for more than a year.
- Mr. Adil Khan is a student activist.
- Mr. Virendra Gupta (38) is a social activist. He works on issues related to his area like cleanliness, water electricity.

Source of the Information:

- Communication with the HRDA North Regional Consultant
- Communication with HRD and local HRDs
- Media reports

The Perpetrators:

- Police officials of Lucknow
- District administration of Lucknow

Date of Incident:

October 16, 2021

October 18, 2021

Place of Incident:

Lucknow, Uttar Pradesh

Details of the Incident:

On October 16, 2021, at around 2:00 pm, the members of Sanyukt Kisan Morcha (SKM) assembled at Shaheed Smarak, Lucknow, to protest against the government for the Lakhimpur-Kheri incident, wherein many farmers lost their lives. The protestors were demanding the dismissal of Union Minister of State for Home Mr. Ajay Mishra. Being Dussehra, some members of SKM also tried to burn the straw effigy of Mr. Ajay Mishra, son of the union minister and the alleged perpetrator in this case.

As they were raising slogans, the police stopped them from sloganeering. When Mr. Santosh Kumar started taking videos and photos, the police snatched his mobile and forcibly deleted the photos and videos. Mr. Sandeep Pandey, Mr. Rajeev Yadav, Mr. Santosh Kumar, Mr. Amit Maurya, Mr. Muneem, Mr. Virendra Gupta and Mr. Adil Khan were forcibly put in the police jeep and taken to a place called the Eco Garden.

The HRDs were extremely pressurised to sign a paper by the police saying that they will not take part in future farmers protest to be held on October 18-19, 2021. Mr. Sandeep Pandey says that under pressure he was forced to sign the document but told the policemen verbally that they will be taking part in any peaceful protest of future. During the detention, the activists were not told how long they would be detained, no legal memo was given nor their family members were informed.

On October 18, 2021, at around 10:00 am, Mr. Sandeep Pandey, Mr. Rajeev Yadav, Mr. Adil Khan and other activists went for the protest to Alamanagar and were detained again by the police and taken again to the Eco Garden. They were again forced to stay there till 5:00 pm and were released on a personal bond again.

We believe that these repeated detention of HRDs in Uttar Pradesh against peaceful protest are completely arbitrary, illegal and serious violation of constitutionally guaranteed rights. Their purpose is to gag democratic dissent against the government. No written orders were furnished to the HRDs confirming permission for such detention ordered by a magistrate. The pressure and forcible signature on personal bond not to attend any future peaceful protest is also a violation of their human rights.

The Indian Constitution gives its citizens the right to peaceful protest. It's a breach of Article 19 (1) (a) of the Indian Constitution which guarantees to all its citizens the right to freedom of speech and expression. Mere discussion or even advocacy of a particular cause howsoever unpopular is at the heart of Article 19(1)(a). Article 19 (1) (b) of the Constitution guarantees the right to peacefully assemble and it is evident that the acts of police restricting free movement of HRDs has resulted in barring exercise of this fundamental rights. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the right to freedom of opinion, expression and information.

Therefore, the government is bound by its national and international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21, and the right to freedom of speech and expression and peacefully assemble under Articles 19(1)(a) and (b) of the Constitution of India.

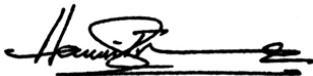
Appeal:

Thus, we appeal to the NHRC to urgently to:

- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident and submit the report to the Commission within two weeks.
- Ensure that social activists and human rights defenders in the state of Uttar Pradesh are allowed to carry out their human rights work as per the fundamental rights enshrined in the Constitution and India's commitment according to the UN Declaration on Human Rights Defenders.
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution is accessible to all individuals in the State of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary