



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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April 27, 2021

To,
Mr. C S Mawri,
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: Inhumane treatment and handcuffing of journalist Mr. Siddique Kappan at KM Medical College Hospital, Mathura.

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 the situation of journalist Mr. Siddique Kappan, who is currently lodged in KM Medical College Hospital in Mathura and treated like an animal, handcuffed to the bed, forced to urinate in a plastic bottle and denied the basic human right to use the toilet even.

Source of Information:

Information from media reports

Date of Incident:

April 24, 2021

Place of Incident:

KM Medical College Hospital, Mathura

The Perpetrators:

KM Medical College Hospital, Mathura

About the Human Rights Defender:

Mr. Siddique Kappan (40) is a journalist from Kerala, living in Delhi, writing for Malayalam-language news organizations. He is working at Azhilimugam channel. Mr. Kappan is also an elected secretary of the KUWJ (Kerala Union of Working Journalists).

Background of the Incident:

In October 2020, Mr. Kappan was arrested at Mathura by the Uttar Pradesh Police

while he was on his way to Hathras to report on the gangrape and murder of a Dalit girl, which had triggered nationwide outrage. The journalist was booked under Indian Penal Code (IPC) Sections 124A, 153A and 295A, sections of the Unlawful Activities (Prevention) Act (UAPA) and the Information Technology Act. Since October 2020, he has been imprisoned in the Mathura jail at Uttar Pradesh.

On April 20, 2021, he collapsed in the Mathura Jail bathroom and suffered serious injuries and after hospitalizing, he tested positive for COVID-19. He is currently admitted at the K.M. Medical College, Mathura.

Details of the Incident:

Mr. Kappan's wife Ms. Raihanath, mentioned about a recent telephonic conversation with Mr. Kappan where he stated that his life is in grave danger. He stated that he is admitted at the K.M. Medical College, Mathura and he is handcuffed to the bed and the hospital authorities are not allowing him to use the toilet since the last four days and instead giving a plastic bottle to urinate in it. According to Ms. Raihanath, *"Kappan is chained like an animal to a cot of the Medical College Hospital, Mathura, without mobility, and he could neither take food nor go to the toilet for more than four days, and is very critical. If immediate corrective steps are not taken, it will result in his untimely death"*.

She also alleged that the prison officials are not informing his family about his condition. *"I could only talk to him for two minutes on Saturday. It was then I came to know about his condition. I don't even know if he is in a ward or the intensive care unit (ICU). Before I could ask anything, the call ended"*, Ms. Raihanath stated. Mr. Kappan is diabetic and has high blood pressure and cholesterol for more than 15 years.

On April 22, the Kerala Union of Working Journalists sought his transfer from the Mathura hospital to All India Institute of Medical Sciences or Safdarjung Hospital, Delhi, citing his deteriorating health. He has fever for more than 10 days and his chin was injured after collapsing in the bathroom. Mr. Kappan's advocate, said that the latter is now in a "very bad" condition.

We are extremely concerned about the shocking condition of the journalist HRD in the hospital as claimed by his wife and lawyer. That a journalist under trial is chained to the hospital, not allowed basic hygiene facilities and is in grave danger is a complete violation of the national and international human rights norms.

Abuses against patients and individuals under medical supervision is considered cruel, inhuman and an act of torture. The UN Human Rights Committee emphasizes that article 7 "protects, in particular patients in teaching and medical institutions." The UN Manual on Reporting also notes: "Article 7 (No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment) protects not only detainees from ill-treatment by public authorities or by persons acting outside or without any official authority but also in general any person. This point is of particular relevance in situations concerning patients in medical institutions, whether public or private.

We would also like to recall for NHRC's reference here to provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular Rule 27 which states that –

1. *All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.*
2. *Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.*

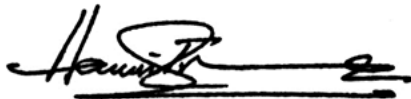
We believe that cases filed against Mr. Kappan are fabricated and false. However, our immediate concern is saving Mr. Kappan's life. Mr. Kappan is in a critical condition due to lack of health facilities and in treating him with dignity. The authorities need to shift him to a another hospital like AIIMS or Safdarjung for provide required medical care. Under the Indian Constitution, international human rights and the rights of an undertrial, the government has no right to deny the right to life to any person, much less an undertrial prisoner.

Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter relating to severe health concerns of a well-respected journalist and HRD and its direct effects on exercising Article 21 of the Indian Constitution – Right to Life and Liberty. It is the responsibility of the state to provide the best of health services and a healthy hospital environment. We therefore urge you to immediately take necessary steps and:

- Direct the Director General of Prisons, Uttar Pradesh, to take urgent and appropriate measures to shift Mr. Siddique Kappan to AIIMS or Safdarjung Hospital in New Delhi and prevent possible life threats due to Covid 19 and other ailments.
- Direct Hon'ble Commission's Investigation Division to undertake an independent inquiry into the inhumane conditions that Mr. Siddique Kappan was subjected to at the K.M. Medical College, Mathura and him being handcuffed and chained to bed which is a direct violation of Supreme Court directions.

Yours sincerely,



Henri Tiphagne

National Working Secretary