



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/North/UP/12/07/2020

July 30, 2020

To,
Mr. Debindra Kundra,
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: BBC Journalist Mr. Dilnawaz Pasha illegally detained and harassed by Uttar Pradesh Police in Sambhal

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 regarding the illegal detention of Mr. Dilnawaz Pasha, a journalist with the BBC Hindi, who had gone to the Bahjoi police station at Sambhal district in Uttar Pradesh (UP) with his cousin Mr. Muhammed Raza (38) to inquire about illegal arrest of his relative by the UP Police in Sambhal.

Source of Information:

- Communication with the HRD
- Communication with the HRDA North Regional Coordinator
- Media Reports

Date of Incident:

July 19, 2020

Place of Incident:

Bahjoi Police Station, Sambhal, UP

The Perpetrators:

- Mr. Ravindra Pratap Singh, SHO, Bahjoi Police station
- Police personnel of Bahjoi Station, UP

About the Human Rights Defender:

Mr. Dilnavaz Pasha (33) has been a journalist with the BBC Hindi for 7 years. Before the BBC Hindi, he was associated with Dainik Bhaskar.

Details of the incident:

On July 19, 2020, at about 02:00 am, some men in plainclothes, armed with guns, came to the home of one of Mr. Pasha's relatives (name withheld upon request) in Raipur, Amroha, UP. They had no arrest warrant and their Bolero car had no number plates. They said they were policemen from Bahjoi police station in Sambhal and a case of ATM robbery had come to them. Saying this, they abducted Mr. Pasha's relative and took him to Bahjoi police station, about 60 km away.

Mr. Pasha, who is a journalist based in Delhi, was informed about the incident immediately by his relative's family and at about 03:00 am he sent a message to the SP Sambhal, Mr. Yamuna Prasad. In his message, Mr. Pasha stated that some policemen had picked up his relative and he was putting it to the SP Sambhal's knowledge. However, the SP did not respond in the night. Later at about 10:30 am Mr. Pasha went to the Bahjoi Police Station with his cousin Mr. Raza and asked the SHO of Bahjoi Police Station, Mr. Ravindra Pratap Singh, the reason for kidnapping his relative in the night.

The SHO asked them to wait outside if they wanted an answer. While Mr. Pasha and Mr. Raza were waiting outside, some policemen surrounded them and took away their mobile phones and one policeman slapped Mr. Pasha and misbehaved with him. Mr. Pasha then disclosed to them that he is a BBC journalist, but the policemen did not listen to him. When Mr. Pasha and Mr. Raza couldn't be contacted all day, one of Mr.

Pasha's brother got worried and informed the details of his intended whereabouts to his colleagues at the BBC. Around 4:30 pm a senior policeman called the Bahjoi police station and asked them if they had arrested a BBC journalist. On being confirmed of his identity, the SHO Mr. Singh, apologised to Mr Pasha and said that his detention was by mistake and released him and Mr. Raza. He also released his relative who had been abducted at night. After his release, the SP Sambhal also called Mr. Pasha and apologised. Then Mr. Pasha met the SP and told him the entire incident and the SP assured him that they will take action against those policemen. However, no action has been taken against the policemen till now.

We believe this incident is a case of an HRD trying to do a public service by attempting to find out the whereabouts of a citizen abducted by the policemen of Sambhal. It also shows the attitude of police in UP towards law and human rights. There are multiple violations of law by the policemen in this instance. The abduction of Mr. Pasha's relative by policemen without uniform, without an arrest warrant, without an arrest memo, at 2 am in the night, etc. is a violation of the basic detention and arrest procedures laid down in the CrPC as well as guidelines in the DK Basu Vs the State of West Bengal and NHRC's own guidelines on arrest. It is clear that by abducting a citizen at 2 am, the police had some nefarious and illegal purpose in mind.

Furthermore, the illegal detention for 7 hours, inhumane treatment and physical assault of an HRD and his brother who had gone to inquire about the abduction of a citizen is a violation of the DK Basu and the NHRC guidelines. Mr. Pasha is anguished that the only reason they were released is because of their confirmation of his identity as a journalist. An ordinary person who goes to inquire about an illegal arrest by the police is himself detained in the police station and manhandled and has no recourse to law.

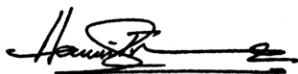
Appeal:

We would like to express our grave concern about the abuse of power by the SHO and personnel of Bahjoi police station in Sambhal, UP. They didn't only violate all laws and procedures and are directly involved in abduction of a citizen in wee hours but also illegally detained and assaulted journalist Mr. Pasha who had gone to enquire about the same. This incident clearly shows the misuse of official power by police personnel and they should be held accountable to ensure that law enforcement

agencies in UP do not violate and abuse law. We therefore urge the Hon'ble Commission to immediately take necessary steps and:

- Order Hon'ble Commission's investigation wing to initiate an immediate, fair and transparent inquiry in the instance of illegal detention, assault and abuse of Mr. Dilnawaz Pasha and Mr. Muhammed Raza, violation of CrPC, the DK Basu and the NHRC guidelines by the police personnel of Bahjoi police station, Sambal. The investigation should also cover the case of abduction and illegal detention of Mr. Pasha's relative by the police personnel of Bahjoi police station.
- Direct the Director General of Police of Uttar Pradesh to submit with the Hon'ble Commission urgently the CCTV footages, duty registers and vehicle logs of the Bahjoi police station for July 19, 2020.
- Based on the inquiry, take immediate and strict action against Mr. Ravindra Pratap Singh, the SHO Bahjoi Police Station and all the policemen who were involved in illegally detaining, harassing and physically assaulting Mr. Pasha and Mr. Raza. Also take action against the policemen who violated the law, and illegally abducted a citizen.
- Direct the Director General of Police of Uttar Pradesh to mandatorily conduct trainings on law and duty of the Police for all police personnel and report the update on the same to the Hon'ble Commission within 3 months.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary