



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 30, 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 – Guwahati: Misuse of law and non-compliance with mandatory procedures to harass and falsely implicate journalist Anirban Roy Choudhury on sedition charges for his editorial.

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 misuse of law and fabricated sedition charges against journalist Anirban Roy Choudhury for his editorial in his newspaper.

About the Human Rights Defender:

Mr. Choudhury is a founder and reporter of Barak Bulletin, he was earlier working in NDTV and Financial Express.

Source of the Information:

- Communication with the HRD
- Communication with HRDA North East Co-ordinator
- Media Reports

The Perpetrators:

- Officials of the Silchar Police Station
- Santanu Sutradhar (Complainant)
- Government of Assam

Date of Incident:

December 06, 2021

Place of Incident:

Silchar, Assam

Background:

On November 28, 2021 Mr. Choudhury wrote an editorial (the article link: https://www.barakbulletin.com/en_US/welcome-to-the-paradise-of-the-spineless-we-are-assamese-bhasha-shaheeds-are-dead-and-so-are-their-descendants/)

condemning the manner and reason for the arrest of Mr. Pradip Dutta Roy founder of Barak Democratic Front, for being a vocal critic against the imposition of Assamese language in Barak Valley.

Details of the Incident:

On December 04, 2021 at around 08:30 am two uniformed police personal from Silchar Police Station came to Mr. Choudhury's residence in Meherpur and issued a noticed IPC 41(A) under the complaint filed by a Mr. Santanu Sutradhar against him. They asked Mr. Choudhury to come to the police station on December 06.

On December 06, 2021, Mr. Choudhury went to the Silchar PS at 11 am. He was interrogated for nearly an hour on his article published on November 28, 2021. The police asked him to remove the article from the website as it was anti-government. Mr. Mr. Choudhury however refused to remove the article.

An FIR No. 4221/21 was registered under IPC sections 153A (deals with the offence of promoting disharmony, enmity or feelings of hatred), 124A (sedition), 501 (printing or engraving matter known to be defamatory) and 505(2) (deals with publishes or circulates any statement conducing to public mischief).

However, we believe that all the charges in the FIR are completely fake. The article clearly mentions about the freedom to exercise Bengali language in Barak valley within the Indian constitution.

We believe that charging a journalist with sedition for his published article clearly violates the article 19 (a) -the right to freedom of speech and expression-enshrined in our Constitution.

The right to freedom of speech and expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights. If journalists are muffled up their reporting on facts when they criticise politicians and public officials, seldom human rights activists will dare to take a stand and the democracy will be crushed further.

Globally, human rights defenders face major risks as a result of their work both from the state and out of state actors. The protection of journalist like Mr. Choudhury, 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 human rights defenders. A free expression and active civil

society are essential to ensure the public's right to know, so that governments and institutions can be held accountable.

The fabricated charges against Mr. Choudhury shows that the Assam Police are severely abusing their power to stop journalist from giving critics to the government.

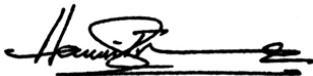
Appeal:

We appeal to the NHRC to treat this as a case of reprisal against journalist for exercising his fundamental rights guaranteed through Article 19 of the Indian Constitution and malafide actions by the Assam Police and Government of Assam. Thereby, we urge the NHRC to urgently to –

- Order the DGP of Assam to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into illegal and un compounded charges on journalist Mr. Anirban Roy Choudhury for giving mere critics on the governance of Manipur.
- Depending on the result of the investigation, order the DGP of Assam to initiate strict action against Assam police officials flouting DK Basu guidelines and other international and national laws.
- Order the DGP of Assam to quash the false FIR made against journalist Mr. Anirban Roy Choudhury and ensure that no further harassment is carried out against him..
- Direct the Chief Secretary of Assam to create a safe atmosphere conducive to journalists in the state.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary