



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 21, 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  
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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action - Uttar Pradesh: Police misusing law to register fabricated FIR against journalists, media organization and political activists.**

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 attack on freedom of expression of media by the Uttar Pradesh police in Ghaziabad, for tweeting a testimonial video of an old Muslim man, recorded by him, regarding an incident of assault and hate crime.

**Source of Information:**

- Media Reports
- Communication with the HRDA North Regional Consultant

**Date of Incident:**

June 15, 2021

**Place of Incident:**

Loni Border Police Station, Ghaziabad

**The Perpetrators:**

- Mr. Atul Kumar Sonkar, Circle Officer, Loni, Ghaziabad
- Mr. Naresh Singh, Sub Inspector, Loni Border police station, Ghaziabad
- Mr. Iras Raja, Additional Superintendent of Police, Ghaziabad (Rural)

### **About the Human Rights Defenders:**

- **Mr. Mohammad Zubair**, is a journalist and Co-founder of a news portal Alt News which debunks fake news on social media.
- **Ms. Rana Ayyub**, is an award-winning journalist, author and columnist with international media houses like The Washington Post and the Time magazine.
- **Ms. Saba Naqvi** is a well-known author, journalist and commentator and political analyst. She has also been the Political Editor of Outlook India.
- **The Wire** is an independent media organization and news portal.
- **Mr. Salman Nizami**, is a political activist and associated with the Indian National Congress.
- **Mr. Maskoor Usmani**, is the former president of the Aligarh Muslim University Students' Union.
- **Dr. Shama Mohammad**, is a dentist and national spokesperson of Indian National Congress.

### **Details of the background:**

On June 05, 2021, a Facebook Live video became viral on social media in which Mr. Abdul Samad Saifi, a 72-year-old man narrated his ordeal in his own words, *“I was traveling in an autorickshaw near the Loni border when two people sitting in front of me abducted me. They took me to a forest area, where I was released and started hitting me. They grabbed me from both sides. I kept begging them to leave and chanting a prayer. They asked me if I was taking Allah’s name and told me to chant ‘Jai Shri Ram’ repeatedly. They hit me on the back from the hunters and insisted that I should say ‘Jai Shri Ram’. I couldn’t bear the pain. They brought scissors and cut my beard. I feared for my life. These people recorded the video and told me that they would do the same to Muslims. The assault lasted for about four hours after which they let me go.”*

Both this Facebook Live video and the video of the assault went viral on Twitter and Facebook. Mr. Saifi also lodged an FIR against unidentified persons on June 07, 2021.

### **Details of the Incident:**

On June 15, 2021, at 11:20 PM, FIR No. 0502 was filed by Sub Inspector Mr. Naresh Singh at Loni Border police station, Ghaziabad. The FIR was against Mr. Mohammad Zubair, Ms. Rana Ayyub, Ms. Saba Naqvi, The Wire (Media Group), Mr. Salman Nizami, Mr. Maskoor Usmani, Dr. Shama Mohammad, Twitter Inc and Twitter Communication India Private Limited, for posting video related to the above-mentioned incident.

The FIR was lodged under sections of **IPC- 153** *Wantonly giving provocation with intent to cause riot*, **153-A** *Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony*, **295-A** *Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs*, **505** *Statements conducing to public mischief*, **120-B** *Punishment of criminal conspiracy*, and **34** *Acts done by several persons in furtherance of common intention*.

The FIR stated that the Ghaziabad Police had issued an explanatory statement with the facts of the above-mentioned incident, but despite this, the accused did not remove

the video from their Twitter handle. The police also alleged that those who attacked Mr. Samad included Hindu and Muslim men and that the incident was a result of personal issues between them and not communal. The FIR did not have any mention of him being forced to chant 'Jai Sri Ram' and the young Muslim men said that they had gone to help the old man, from the goons, not to assault him.

On June 16, 2021, Ghaziabad (Rural) Additional Superintendent of Police Mr. Iras Raja said that three persons – Kallu Gurjar, Parvesh Gurjar and Adil – had been arrested for assaulting Saifi. The police were looking for others involved in the case, including Poli, Himanshu, Arif and Murshid. Contrary reports appeared after the UP police version. The arrested youth Adil's family said that he was on the spot "only to save Saifi" and Mr. Saifi's son denied the UP police's contention about his father selling amulets.

Ms. Saba Naqvi tweeted after her name appeared in the FIR *"It seems the Ghaziabad police is investigating the case of the elderly Muslim man and has put forward a different version. My comment on Twitter was based on a newspaper report. I will wait for the investigation to be completed before further comment."*

Ms. Rana Ayyub tweeted after her name appeared in the FIR *"The tweets I had shared earlier about the attack on Abdul were based on a video and various news reports, published by print and electronic media including the Indian Express that were in wide circulation already. In view of the cops investigating the matter claiming a different narrative, I shall wait for the truth to prevail at the earliest. My endeavour remains as always to share news that highlights the truth and thereby promotes peace and harmony in our society. I hope the victim gets justice."*

The Press Club of India (PCI) took note of the police action and demanded that the FIR against journalists be quashed because it shows the vendetta of the police for creating a sense of terror in media and society at large. The PCI has appealed to the UP government to intervene in the matter at the earliest to ensure that journalists are not made easy targets of police arbitrariness by registering FIR.

The Editors Guild of India (EGI) has also condemned the FIR for reporting on the allegations of an elderly Muslim man who was attacked in Ghaziabad. *"The Guild is deeply concerned by the UP Police's track record of filing FIRs against journalists to deter them from reporting serious incidents without fear of reprisals. It is the duty of the journalists to report on the basis of sources and in case facts become contested later on, to report the emerging versions and facets. For police to wade into such professional calls by journalists and attribute criminality to their actions is destructive of freedom of speech, which is constitutionally protected and is an entrenched feature of the rule of law."*

Reporters Without Borders (RWB) in a statement that, *"The accusation brought by the Uttar Pradesh police is based on absolutely no tangible element and clearly amounts to judicial harassment."*

HRDA believes that this FIR is an act of vendetta against journalists, media organisations and political activists for writing about a hate crime against a citizen practicing Islam as a religion. The tweets were based on the confession of the victim

Mr. Saifi in a video and his complaint was the same as the video. Journalists were perfectly within their right to show the story of the old man as he alleged. They also put up the version of the police. It was the duty of the police to investigate the crime further and in detail rather than file a quick FIR on those who merely tweeted based on the old man's plight in the video. Tweeting information about a hate crime based on evidence by established journalists is not against the law. This FIR indicates that the law is being misused by the State to silence journalists and activists by creating political pressure.

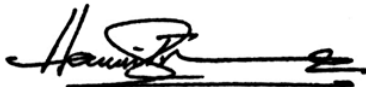
A free media is an extremely important fourth pillar of the Indian democracy. These FIRs filed by functionaries violate his right to freedom of speech and expression under Article 19(a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects: 1) 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 the 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.

**Appeal:**

We would like to express our concern about the abuse of power by the administration and police in Ghaziabad. The Hon'ble Commission should urgently:

- Direct the Director General of Police of Uttar Pradesh to submit with the Hon'ble Commission on officials in Ghaziabad misusing laws to suppress free expression of journalists, media organisation and political activists.
- Direct the Director General of Police of Uttar Pradesh to take measures to initiate closure of case registered against journalists, media organisation and political activists.
- Direct the Director General of Investigation of the Hon'ble Commission to initiate a transparent, urgent, impartial inquiry into the incident of hate crime against Mr. Abdul Samad Saifi who was assaulted, and his beard cut off.

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary