



# 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](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

**HRDA/UA/North/UP/06/05/2023**

May 18, 2023

To,  
Mr. Indrajeet Kumar,  
Focal Point - Human Rights Defenders & Deputy Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: Fabricated charges by the Azamgarh police on HRDs undertaking a peaceful mass protest at Khiriya Bagh.**

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 over the fabricated FIR by the Azamgarh police on well-known HRDs like Sandeep Pandey, Mr Rajeev Yadav and others for taking part in an ongoing peaceful mass protest against illegal acquisition of farmers' land. We are also shocked at the inaction of the Azamgarh police on the misbehavior of policemen with women protestors and the abduction of Mr. Rajeev Yadav.

#### **Source of Information:**

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

**Date of Incident:**

December 27, 2022

**Place of Incident:**

Azamgarh, Uttar Pradesh

**The Perpetrators:**

- Mr. Pradeep Kumar Mishra, Sub-Inspector, Kotwali Police station, Azamgarh
- Police Personnel of Kotwali Police station, Azamgarh
- Police personnel of Azamgarh

**About the Human Rights Defenders:**

- Mr. Sandeep Pandey is a well-known Gandhian social activist and an educationist. He is a recipient of the prestigious Ramon Magsaysay award in 2002 – considered the ‘Asian Nobel’. 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 grassroots organization National Alliance of People’s Movements (NAPM).
- Mr. Rajeev Yadav is a social activist and journalist. He is the General Secretary of Rihai Manch, a legal-political advocacy group for justice for the marginalised. He is also associated with farmer movement in Uttar Pradesh and is leading the Khiriya Bagh movement in Azamgarh which has been going on for 76 days.
- Mr. Vinod Yadav is a social activist and lawyer in Azamgarh, UP.
- Mr. Ram Narayan Yadav, Mr. Virendra Yadav, Ms. Kismati devi, Ms. Neelam are protestors at the Khiriya Bagh movement in Azamgarh UP.

**Background of the Incident:**

Since October 12, 2022, a protest has been ongoing in Azamgarh's Khiriya Bagh against land acquisition for an upcoming international airport in Azamgarh without the landowners and farmers’ consent. Apart from the affected eight villages people, women, and labourers are also involved in this peaceful mass protest.

On October 12-13, 2022, a heavy contingent of police along with the SDM and the Sub Inspector reached the protest site and on excuse of land survey beat up the women, senior and children sitting at the protest site as well as abused the Dalit protestors. When the protestors complained to the administration, they were threatened with being charged with false charges.

On December 24, 2022, one of the leaders of the protest, Mr. Rajeev Yadav, and Mr. Vinod Yadav were abducted by some plainclothes men who are alleged to be policemen and was released left after being tortured and assaulted. This was submitted as a petition to the honorable commission by HRD. **(NHRC Case No. 532/24/6/2023)**

On December 27, 2022, protestors like Sandeep Pandey, Mr. Rajeev Yadav, Mr. Ram Narayan Yadav and others went to the SP office in Azamgarh and tried to register a complaint against culprits. But no action was taken based on their complaint.

A letter was also written by the women protestors to the Governor and the Chief Minister of Uttar Pradesh alleging that no action has been taken against policemen who misbehaved with them and to arrest those who abducted Mr. Rajeev Yadav. However there has been no response to their letter.

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

On March 9, 2023, Azamgarh police reached Khiriya Bagh protest site and told Mr. Ram Narayan Yadav, a protestor, that on December 27, 2022, an **FIR (0602)** was registered against Mr. Sandeep Pandey, Mr. Rajeev Yadav, Mr. Vinod Yadav, Mr. Ram Narayan Yadav, Mr. Virendra Yadav, Ms. Qismati Devi, Ms. Neelam and 60-70 unknown people at kotwali police station, Azamgarh under IPC sections **143-** Magistrate may prohibit repetition or connivance of public nuisance, **145-** Joining or continuing in unlawful assembly, knowing it has been commanded to disperse, **149-** Every member of unlawful assembly guilty of offence committed in prosecution of common object, **188-** Disobedience to order duly promulgated by public servant, **353-** Assault or criminal force to deter public servant from discharge of his duty. The complainant was Mr. Pradeep Kumar Mishra, Sub-Inspector, Kotwali Police station, Azamgarh. No further action has been taken on the FIR.

We believe that the fabricated FIR on the protestors shows the malafide intentions of the Azamgarh police and is a form of reprisal against the protestors sitting in the

ongoing mass protest. It is shocking that HRDs like the Magsaysay award winner Mr. Sandeep Pandey and other peaceful protestors have been charged with serious charges, without any basis. Furthermore, no action has been taken on the complaint of kidnapping of Mr. Rajeev Yadav or the misbehavior of the police at the women protestors on the protest site.

Peaceful protests are a right under national and international law. Article 19 (b) of the Indian Constitution guarantees freedom to assemble peaceably and without arms and to form associations or unions. The Human Rights Council resolution 15/21 adopted in October 2010 reaffirms that everyone has the right to freedom of peaceful assembly free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law.

Further, the Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”*

We believe that fabricate charges are a form of putting pressure on the protestors to end their movement.

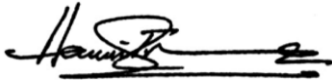
**Appeal:**

We appeal to the Hon’ble Commission to urgently take action and:

- Direct the Director General of Police of Uttar Pradesh to urgently quash the fabricated FIR against all peaceful protestors of Khiriyabad and submit it in writing to the NHRC within two weeks.

- Direct the Director General of Police Uttar Pradesh to initiate an impartial transparent inquiry into why no action has been taken till now regarding the abduction of Mr. Rajeev Yadav and misbehavior of the policemen against women protestors and submit a report to the NHRC within two weeks.
- Depending on the inquiry, direct the Director General of Police Uttar Pradesh to take strict action against the police officials who have filed a fabricated FIR against the peaceful protestors and submit a report to the NHRC within two weeks.
- Ensure that there is no further harassment of the protestors at Khiriya Bagh movement by the Uttar Pradesh police.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary