



HRDA/UA/South/KL/06/11/2023

27 November 2023

To,
Mr. Indrajeet Kumar,
National 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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – South – Kerala - Kozhikode –FIR against journalist Rejaz M Sheeba Sydeek & arbitrary seizure of his electronic devices for writing a news report.

Greetings from Human Rights Defenders Alert!

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 concern regarding the registration of an FIR against journalist Rejaz M Sheeba Sydeek by Vadakara police station of Kozhikode rural district in case No 1166 of 2023 under section 153 (Provocation with a Intent to create a Riot) and the illegal and arbitrary seizure of his electronic devices including his SIM card.

About the Human Rights Defender:

Mr. Rejaz M Sheeba Sydeek is a freelance journalist who writes for Maktoob Media, Kerala (an independent media initiative founded in 2014.)

Source of Information:

- Communication with HRDA South Co-ordinator
- Communication with the HRD
- Communication with other HRDs in the region

Perpetrators:

Police officials of Vadakara police station of Kozhikode rural district

Date of Incident:

November 17, 2023

Place of Incident:

Vadakara Police Station, Kozhikode rural district

Background:

On October 31, 2023 journalist Rejaz M Sheeba Sydeek published an online news report in Maktoob Media about the backlash faced by Kerala police for detaining a Muslim youth with no leads while investigating the Kalamaserry blast in October 2023. The story included comments from the police officers who were related to the incident. The journalist quoted community leaders and advocates who called out institutional bias faced by the Muslims in Kerala by law enforcement agencies.

On October 31, 2023, at 23.30 hours, Vadakara police station of Kozhikode rural district registered an Suo Moto FIR (case no 1166 of 2023), under section 153 of Indian Penal Code 1860 against the Journalist Rejaz M Sheeba Sydeek stating that “online page of Maktoob Malayalam published provocative news that the police is anti-Muslim with the intention of creating a riot in the society”

Details of the Incident:

On November 17, 2023 Mr. Rejaz M Sheeba Sydeek was called to Vadakara Police Station, Kozhikode district for an enquiry. When the journalist went there, this mobile phone and Sim card was seized by the police.

HRDA strongly believes that the registration of FIR and seizure of the phone and Sim card is an act of reprisal for his activism as a journalist. A free media is an extremely important fourth pillar of the Indian democracy.

The Right to exercise freedom of Speech and Expression is enshrined under Article 19(a) of the Indian Constitution, which is crucial to the work of HRDs, including journalists. The Right to freedom of opinion and expression encompasses three different aspects: 1) The right to hold opinions without interference. 2) The right to access to information and 3) The right to impart information and ideas of all kinds.

The protection of journalists and ending impunity for attacks against them, is a priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists. 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. Sydeek and ending impunity for attacks against them, is a priority for safeguarding freedom of expression. States are under an obligation to prevent,

protect against, and prosecute attacks against journalists and HRDs. Mr. Sydeek's article incited no riot. If journalists are punished for merely publishing news stories then democratic structure of the nation will weaken.

We urge the Hon'ble Commission to immediately intervene in this matter of the police misusing law to restrict fundamental rights to expression, dignity and liberty. As the Apex national human rights institution of India, we urge you to intervene in this case and independently analyze the news post made by the HRD within the framework provided by the Supreme Court on free speech and expression and according to the provisions of international law.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry to illegal and un compounded charges on journalist Mr. Rejaz M Sheeba Sydeek by police personnel of Vadakara, Kozhikode district police station, and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Kerala to produce within 48 hours copies of all relevant documents pertaining to the FIR and investigation against the journalist for an independent examination by the Hon'ble Commission.
- Direct the Director General of Police of Kerala, on basis of the inquiry, to initiate urgent actions against the police personnel responsible for abuse of power and continued harassment of Mr. Sydeek.
- Direct the Director General of Police Kerala to ensure the physical security of journalist and his family.
- Intervene in the relevant court to quash the false charges against journalist Rejaz M Sheeba Sydeek.
- Issue an urgent circular to the Chief Secretary of Kerala reiterating that the fundamental right to freedom of speech and expression is an integral part of the Indian Constitution and laws must not be misused to criminalize the same.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary