



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: hrdaindia@gmail.com Web: www.hrdaindia.org

HRDA/UA/North/UP/04/12/2022

December 31, 2022

To,

Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Uttar Pradesh: Abduction, intimidation, and brutal assault of HRDs Mr. Rajeev Yadav and Mr. Vinod Yadav by Azamgarh Special Task Force.

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 deep concern regarding the shocking abduction, intimidation, threats and assault, of Mr. Rajeev Yadav (the General Secretary of Rihai Manch) and Mr. Vinod Yadav, by Uttar Pradesh police.

Source of Information:

- Information from HRDA North Regional Consultant
- Communication with HRD
- Media Reports

Date of Incident:

December 25, 2022

Place of Incident:

Varanasi-Azamgarh highway, Varanasi Uttar Pradesh

Perpetrators:

- Mr. Anurag Arya, Superintendent of Police, Azamgarh.
- Senior Superintendent of Police, Azamgarh
- Mr. Vinay Dubey, STF Azamgarh and 5 other personnel of Azamgarh STF Crime Branch, Azamgarh
- Mr. Dileep Singh, Station House In charge, Kandharpur police station, Azamgarh

About the Human Rights Defenders:

- Mr. Rajeev Yadav (36) is a social activist. He is the general secretary of Rihai Manch, a legal-political advocacy group for justice for innocent undertrials. He is also associated with farmer movement in Uttar Pradesh, Kisan Andolan, and farmworkers organization. He is currently one of the leaders of the Mr. Rajeev Yadav is also active in the Khiriya Bagh movement
- Mr. Vinod Yadav (42) is a social activist and lawyer from Azamgarh

Background of the Incident:

For the last 75 days, a peaceful protest is being held by the farmers and villagers of Khiriya Bagh, Azamgarh, whose land is being acquired forcibly for the construction of an international airport.

On December 24, 2022, a foot-march was to be held from Varanasi to Khiriya Bagh, Azamgarh, supported by Dr. Sandeep Pandey, a Magsaysay awarded activist and other well-known activists to support the Khiriya Bagh movement. However, the administration and police of Varanasi and Azamgarh did not allow the march to start and all the peaceful protestors were sent back. Dr. Sandeep Pandey was also sent back to Lucknow.

Details of the Incident:

On December 24, 2022, Mr. Rajeev Yadav and Mr. Vinod Yadav were returning to Azamgarh from Varanasi after the peaceful Khiriya Bagh foot march was not allowed

by the police. At around 2:30 pm they stopped to drink water at danganj taraav bypass near the Cholapur thana.

At the same time a white Tata Sumo without a numberplate drove by and a man called out "Rajeev bhai" (brother Rajeev). Mr. Yadav thought that perhaps it was someone known to him and he went towards the person. However four to five people in civilian clothes came forward, snatched his mobile, punched him in the face and forced him to sit inside the car and started slapping him and punching him with their hands. Mr. Vinod Yadav who was trying to click photos of them was also forced into the car which then sped towards Varanasi.

The abductors forcibly searched Mr. Rajeev Yadav and asked him questions like "*tumhari pistol kahan hai?*" (where is your pistol?). Mr. Rajeev Yadav replied that he had no pistol and was a farmer activist.

They also interrogated Mr. Rajeev Yadav with questions like: "why are you running the movement? And about Rihai Manch, Khiriya Bagh Kisan andolan and about other HRDs like Mr. Sandeep Pandey. Mr. Yadav continuously asked the abductors questions about where they were from but they refused to answer, held him tight inside and kept threatening him.

The kidnappers kept getting calls on their phones from a number saved as SSP Azamgarh. One of the abductors who was in the front seat informed someone of their abduction. The man who was leading that team identified himself on a phone call as Vinay Dubey. After a few kilometres the car was taken back on the route they had come.

A sizeable crowd had gathered at the abduction point by now and one of the abductors said that there is a crowd here and they sped the car forward. Inside the car they kept interrogating him about why he was participating in the Khiriya Bagh movement, criticised the Narmada villagers' movement and asked them if they have anything ever to help any policemen? They said to him that "haven't you understood by now who we are?".

After stopping the car a few times, Mr. Dubey got a call from a contact number named Dileep Singh and Mr. Rajeev Yadav and Mr. Vinod Yadav were taken to Kandharpur police station, Azamgarh. The station in-charge there was Mr. Dileep Singh. Mr. Yadav asked Mr. Dileep Singh why they were brought there, and he said that he did not know.

After being questioned for an hour in the police station, Mr. Rajeev Yadav and Mr. Vinod Yadav were made to sit in a police vehicle and taken towards Azamgarh. The kidnappers' white car with no number plate also drove after the police vehicle.

They were then taken to the court of SDM Sadar Azamgarh and were asked to "fill some papers". There two lawyers sitting there forced them to sign some papers mentioning bail and then their mobiles were returned and they were released from illegal custody of the police and the abductors.

In the meantime, some people at the place from where they had been abducted, called the 112 police number to report their abduction; however the local policemen told them that the Azamgarh STF Crime Branch had picked Mr. Rajeev Yadav and they should be contacted for his whereabouts.

Mr. Rajeev Yadav repeatedly told the policemen that he suffered from high blood pressure, diabetes and a heart ailment and has also had a heart attack in the past. However that made no difference.

On Monday December 26, 2022, many villagers included many women protestors of Khiriyia Bagh movement went to the SSP Azamgarh's Office to give a memorandum against the kidnapping of Rajeev Yadav and Vinod Yadav and demanded action against the abductors.

Since the Azamgarh SSP refused to meet the women, the protestors then stood in a dharna in front of the main gate and demanded that the memorandum will be given only when women are allowed inside. Dr. Sandeep Pandey from Lucknow also reached Azamgarh SSP's office to file a complaint of misbehaviour and torture with Rajeev Yadav by Azamgarh police personnel. Finally, SSP Azamgarh gave permission for entry of all women and received the memorandum.

Mr Rajeev Yadav also gave a letter to SSP Azamgarh narrating the entire incident in the letter and demanded action against those persons who abducted and assaulted him.

We are shocked at the horrific abduction and illegal interrogation of a reputable HRD allegedly by the Azamgarh STF police. This is in essence an abduction and violation of multiple **DK Basu guidelines** (Guidelines 2,3, 4, 5) of arrest and detention by the Supreme Court of India wherein all legal process and mandatory arrests procedures were ignored. From the repeated questions about the Khiriyia Bagh movement it seems

that the kidnapping of the HRDs was a part of the reprisal against the Khiria Bagh peaceful protest movement

Furthermore, in violation of the multiple codes of the CrPc, there were no uniformed officers, no arrest memo, no seizure memo, information to immediate family was not provided despite being missing for over 4 hours.

Mr. Yadav was repeatedly threatened, intimidated and brutally assaulted. His abduction and illegal interrogation make us fear that he might be indicted in a fake case and/ or tortured in custody in future.

Taking him to the police station and the SDM court clearly proves that the police and the administration was in collusion with the kidnappers.

The Indian Constitution gives its citizens the right to peaceful protest. It's a breach of Article 19 (1) (a) of the Indian Constitution which guarantees to all its citizens the right to freedom of speech and expression.

Article 19 (1) (b) of the Constitution guarantees the right to peacefully assemble and it is evident that the acts of police restricting free movement of HRDs has resulted in barring exercise of this fundamental rights.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets forth the right to freedom of opinion, expression and information. Therefore, the government is bound by its national and international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21, and the right to freedom of speech and expression and peacefully assemble under Articles 19(1)(a) and (b) of the Constitution of India.

Appeal:

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

- Direct the Director General of Police of Uttar Pradesh to submit the following urgently within the next 24 hours:
 - CCTV footages of inside and outside the Kandharpur Police Station, Azamgarh for December 25, 2022 between 2 pm to 8 pm.

- Duty records, register, call records, vehicle movement records and other necessary information pertaining to the Kandharpur Police Station for December 25, 2022.
- Detailed call records from the phone of the SSP Azamgarh.
- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into the kidnapping of the HRD Mr. Rajeev Yadav and submit a report to the NHRC in 2 weeks.
- Based on the inquiry, order the DGP of Uttar Pradesh, to take immediate and strict action against all the errant policemen including the SSP Azamgarh, and Mr. Dileep Singh, SHO Kandharpur police station, who were involved in violating the DK Basu Guidelines and the law and submit a report to the NHRC within four weeks.
- Provide complete physical and psychological security to Mr. Rajeev Yadav to protect him from future assault, abduction and intimidation by the UP police.
- Put an end to all acts of harassment, intimidations, and attacks against all human rights defenders in general in the state of Uttar Pradesh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary