



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/North/UK/02/05/2024

May 23, 2024

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 – Uttarakhand – Illegal arrest, fake cases on journalist Mr. Ashutosh Negi by Uttarakhand police.

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 arrest including fabricated cases on journalist Mr. Ashutosh Negi for trying to get justice in case of Ankita Bhandari murder case.

About the Human Rights Defender:

Mr. Ashutosh Negi 50, is resident of Pauri Garhwal, Uttarakhand state. He is editor of a weekly newspaper Jago Uttarakhand. He is also a Lawyer and is registered with District Bar Council.

Source of Information:

- Communication with HRDA Regional Co-ordinator
- Communication with other HRDs in the region

The Perpetrators:

Uttarakhand Police Officials.

Date of Incident:

March 05, 2024

Place of Incident:

Pauri city, Uttarakhand.

Background of the incident:

HRD Ashutosh Negi is a known local journalist. He is editor of a weekly newspaper 'Jago Uttarakhand'. HRD Ashutosh Negi has been raising the issue of murder of a young woman Ankita Bhandari in Uttarakhand in which the state politicians are accused. Locals allege that the Police is trying to save political leaders and is pressurizing HRD so that he keeps himself distant from this murder case. Mr. Ashutosh also joined a demonstration organized by deceased girl Ankita Bhandari.

Details of the Incident:

On March, 05, 2024, Mr. Ashutosh Negi was travelling in his car with his friend in the town of Pauri, Uttarakhand. At about 1 PM, he was stopped near the RTO office by a police jeep at around 1:00 pm. First they asked him to show his vehicle's papers. He showed his papers to the police. Then police personnel told the HRD Ashutosh that he is being arrested in connection with an old case which was shut. His family was not informed, no arrest memo or FIR was given. An FIR was filed against him by Rajesh Singh Rajakoli, in thana Pauri City for tearing the uniform of a police officer. The same evening, he was produced, before CJM Pauri at 4 pm. He was the sent to jail and got bail on March 13, 2023.

Mr. Ashutosh is out on bail now, but a new case has been registered against him under the Protection Of Children from Sexual Offences Act (POCSO) for publishing a case of child molestation by a teacher. Mr. Negi fears that further harassment and arrest by the state police.

HRDA believes that the journalist Mr. Negi is being harassed, falsely implicated and intimidated for his work as a journalist for pursuing a citizen murder case which involves high level state politicians.

A free media is an extremely important fourth pillar of the Indian democracy. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable. The protection of journalists and

ending impunity for attacks against them, is a priority for safeguarding freedom of expression.

The Right to exercise freedom of Speech and Expression is enshrined 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 to access to information and 3) The right to impart information and ideas of all kinds. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable. The protection of journalists and ending impunity for attacks against them, is a priority for safeguarding freedom of expression.

Every person has a the right to life and liberty enshrined under Article 21 of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of International covenant on civil and political rights, 1966. The Right to life includes right against harassment and threats. The targeted attack on the HRD by the police amounts to violation of life and liberty.

States are under an obligation to prevent, protect against, and prosecute attacks against HRDs. The United Nations Declaration on Human Rights Defenders 1999 states the following:

- Article 12 (2) and (3) "*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.*"

- Article 9 (1) "*In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration,*

everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights”.

The Declaration of Human Rights Defenders 1999 also 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. According to Article 11 United Nations Declaration on Human Rights Defenders 1999 “Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession”.

Appeal:

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

- Direct the Director General of police of Uttarakhand to quash the FIR against Mr. Ashutosh Negi and submit a report to the NHRC within four weeks.
- Direct the Director General of Police of Uttarakhand to submit a report on the illegal arrest and charges against journalist Mr. Negi to the NHRC within two weeks.
- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the arrest and false charges on Mr. Ashutosh Negi and submit the report to NHRC within four weeks.
- On the basis of the investigation, direct the Director General of Police of Uttarakhand to take urgent action against the officials who were responsible for the harassment and illegal arrest of Ashutosh Negi and submit the report to the NHRC within two weeks.
- Direct the Director General of the Police of Uttarakhand to ensure the complete physical and psychological safety of the HRD and his family and assure the NHRC of the same actions within one week in writing.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary