



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 Web: www.hrdaindia.org

HRDA/UA/NORTH/UP/06/05/2024

May 30, 2024

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 – Brutal attack on a journalist covering a political rally in Uttar Pradesh and negligence of Uttar Pradesh Police in taking any action.

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 brutal assault on journalist Mr. Raghav Trivedi for reporting critically on a political rally by the Home Minister and the inaction of the UP police in arresting the perpetrators.

Source of Information:

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

Date of Incident:

May 12, 2024

Place of Incident:

Rae Bareli, Uttar Pradesh

Perpetrators:

- Police personnel of Rae Bareli
- Administration of Rae Bareli

About the Human Rights Defender:

Mr. Raghav Trivedi (27) is a journalist, works with news portal Molitics. He has worked as a senior reporter in National Dastak (is an Indian web channel and focuses on the issues of Bahujan and marginalized sections of India). He also runs his own YouTube channel.

Details of the Incident:

On May 12, 2024, Mr. Raghav Trivedi went to Rae Bareli by car along with his cameraman to cover the election news and election rally related to the Lok Sabha elections 2024. Around 02:30 pm while covering the rally of Mr. Amit Shah, BJP leader and home minister of India, he was attacked by BJP workers. At the time of the attack, there were 40 to 50 policemen present there but no one protected him.

The journalist said that during the rally, he interviewed women and many of them said that they were brought to the event by their village head with the promise that they would be paid ₹100 and said they did not know who Mr. Amit Shah is. After this he approached local BJP leaders to know the reality of paid spectators at the rally. When he asked BJP workers about this allegation, initially, these BJP workers denied any wrongdoing, but when Mr. Trivedi told them that he had recorded the statements of the women, a group forcibly took him in to a secluded place and demanded him to delete the recorded videos. When he refused, they started beating him. He appealed to the police and people standing nearby him for help, but no one intervened. He became unconscious. When he regained consciousness, he found himself in the City Government hospital, Rae Bareli.

At 04:58pm, FIR 0256 was registered against six unknown persons at Rae Bareli police station, Rae Bareli under sections 147-rioting, 323-voluntarily causing hurt, and 504-intentional insult with intent to provoke breach of the peace of the Indian Penal Code based on a complaint from Mr. Trivedi's colleague and cameraperson, Mr. Sanjeet Sahni. Though the police registered an FIR but have not arrested anyone yet, and no action of any kind has been taken.

The Press Club of India has condemned the attack against journalist during Union Home Minister Amit Shah's rally in Rae Bareli, Uttar Pradesh. "Journalists are regularly

subjected to physical intimidation, harassment, and assault in their day-to-day reporting. Such things weaken India as the fourth pillar of democracy."

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.

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”.

Several senior human rights defenders and opposition parties and leaders have come out strongly in Mr. Trivedi’s support and condemned both BJP workers and leaders and the Uttar Pradesh police for the incident.

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *suo moto* cognizance of this incident and initiate an independent inquiry through NHRC’s investigation wing.

We hope and expect that the NHRC will intervene in this case impartially and in a time-bound manner.

Appeal:

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

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the attack on Mr. Raghav Trivedi and submit the report to NHRC within two weeks.
- Direct the Director General of Police of Uttar Pradesh to initiate an independent and urgent inquiry of the failure of the police officials to take any action against the attackers of Mr. Raghav Trivedi and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Uttar Pradesh to immediately investigate and arrest the people responsible for the attack on Mr. Raghav Trivedi.
- On the basis of the investigation, direct the Director General of Police of Uttar Pradesh to take urgent action against the police officials who were responsible for negligence in providing protection to the journalist and submit the report to the NHRC.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary