



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North/UP/09/06/2019
June 19, 2019

To

Mr. Khaleel Ahmad

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 - India - Urgent Appeal for Action – Uttar Pradesh: Brutal physical assault, cruel and inhuman treatment of a TV journalist and human rights defender Amit Sharma during the reporting of derailment of a goods train in Shamli district of Uttar Pradesh- Regarding

Greetings from Human Rights Defenders Alert - India!

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 grave concern over the brutal physical assault and cruel and inhuman treatment of a TV journalist Mr. Amit Sharma of News24 channel. The Journalist was brutally beaten up by Government Railway Police (GRP) personnel while he was covering the derailment of a goods train near Dhimanpur gate of Shamli city of Uttar Pradesh on the evening of June 11, 2019. It is also claimed that the journalist was repeatedly slapped, punched and stripped by the railway policemen and treated in the most inhuman manner by the SHO Rakesh Kumar Upadhyay who is alleged to have urinated in the defender's mouth. The reported allegation is being considered as the cruel, uncivilised and highly disgraceful act by a public servant.

About the Human Rights Defender

TV journalist Amit Sharma works as a reporter with Hindi national TV channel known as News24. He has extensively reported on corruption especially its prevalence in the GRP forces. He has exposed the organised illegal nexus of the unauthorised vendors and GRP

operating in railway sector in Uttar Pradesh which involves huge illegal monetary transaction in favour of the railway police.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- Media Reports

The Perpetrators:

GRP Shamli's Station House Officer, Inspector Rakesh Kumar Upadhyay
Constable Sanjay Panwar and others

Date and Place of incident:

June 11, 2019 around 9 pm, Dhimanpura gate of Shamli city, Shamli district, Uttar Pradesh

Details of the Incident:

According to sources on June 11, 2019, TV reporter Amit Sharma had gone on a reporting assignment to Dhimanpura gate of Shamli city in Uttar Pradesh. He was covering the train accident that took place near Dhimanpura in which two wagons of a goods train derailed around 8.50 pm on that day. A unit of the GRP including GRP Shamli's station house officer (SHO) Mr. Rakesh Kumar Upadhyay and a contingent of local journalists were present at the site. Some of the police personnel were dressed in civil clothes. SHO Rakesh Upadhyay and constable Sanjay Panwar objected to Amit's presence at the derailment site. The policemen entered into an argument with Sharma when he was covering the derailment of a goods train. The policemen started thrashing Amit Sharma when he tried to film the incident for news coverage. They were repeatedly slapping and punching the journalist.

According to local journalists, also witnesses to the incident, Sharma was not only beaten but dragged all the way from where the accident occurred to the local GRP station, which is located almost 200 metres away from the spot. They also abused him and locked him up. In the graphic video of the incident that went viral on social media on June 11 night, the accused GRP personnel, dressed in plain clothes, can be seen repeatedly slapping and punching television journalist Sharma as he pleads with them to stop. Police officers were present, however, they made no effort to try and shield or protect Sharma from those assaulting him. Sharma was locked up in a police station in Shamli for the night and according to the report, GRP personnel took his camera and snatched his mobile phone which contained all of coverage on the railways. Sharma also claimed that he was stripped by the cops and GRP Shamli's SHO Rakesh Kumar Upadhyay urinated in his mouth.

Sharma was bailed out by two fellow journalists on June 12, 2019. After a protest by the local journalists, the police registered a case against the four personnel, including the SHO Rakesh Kumar Upadhyay on June 12, 2019 under provisions of the Indian Penal Code pertaining to causing hurt (Section 323), insult (Section 504), abduction (Section 364), robbery (Section 392) and wrongful confinement (Section 342). Of the four GRP officers, Rakesh Kumar Upadhyay and Constable Sanjay Pawar were suspended on June 12, 2019.

This case is yet again an example of how a human rights defender is hounded and victimised for his past work. This repressive action of the police is a result of exposing corruption by journalist Amit Sharma so that he is deterred in the future to carry out such reports.

Globally, Journalists who are human rights defenders as well face major risks as a result of their work. Governments and other powerful actors, seeking to escape scrutiny and stifle dissent, often respond to critical reporting or activism with attempts to silence them. Threats, surveillance, attacks, arbitrary arrest and detention, and, in the most grave cases, enforced disappearance or killings, are too often the cost of reporting the truth. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. Creating a safe and enabling environment for their work necessitates legal reform, the creation of special protection mechanisms, and protocols to guide effective investigations and prosecutions where attacks occur. 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.

Appeal:

We appeal to the Hon'ble Commission to:

- Order an immediate, thorough, transparent, effective, independent, timebound and impartial investigation into the above-mentioned incident of brutal physical assault, cruel and inhuman treatment of journalist and human rights defender Mr. Amit Sharma;
- Take immediate action on the perpetrators in this case the Government Railway Police personnel for the assault, cruel and inhuman treatment of the journalist and human rights defender Mr. Amit Sharma and use all provisions of law to ensure that actions are taken against the perpetrators and the human rights defender is not harassed, ill-treated and falsely implicated by the police in future;

- Guarantee in all circumstances the physical and psychological integrity of the journalist and human rights defender Mr. Amit Sharma as he continues to be under the risk of further attacks by the perpetrators;
- Ensure provision of reparation, compensation, apology to the human rights defender for the physical and psychological suffering he is undergoing because of the assault and inhuman treatment and provides a re-assurance of not engaging in such acts against HRDs;
- Put an end to all acts of harassment against all human rights defenders such as Mr. Amit Sharma in the State of Uttar Pradesh to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)
National Working Secretary

Mr. Justice S. Rafat Alam

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