



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 20, 2021

To,
Mr. C S Mawri,
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 - India - Urgent Appeal for Action – Jammu & Kashmir: Takeover and closing down of the Kashmir Press Club by the J&K Administration in a bid to suppress the Freedom of Expression and Association of the media.

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 regarding the Jammu and Kashmir administration's decision to close the Kashmir Press Club, which was an institution for exchange of ideas and information for the journalists in the state, under false pretenses. We believe this to be a grave violation of the right to free expression and association as granted by the Constitution of India.

Source of Information:

Media reports

Date of Incident:

January 17, 2022

Place of Incident:

Srinagar, Kashmir

The Perpetrators:

Jammu & Kashmir Administration

About the Organisation:

The Kashmir Press Club (KPC) has been in operation since 2019 and has provided a valuable space for journalists to work and for press conferences. It has issued statements when journalists were attacked and advocated with the government on issues of journalist safety.

Details of the Incident:

Following the directives of the J&K administration, the KPC had applied for re-registration last year in May 2021, and it was approved by the registrar of societies on December 29, 2021. On January 14, 2021, announced elections for a new management body, however, the administration withdrew the re-registration, citing a report by the Criminal Investigations Department, of the J&K Police. The details of the report have, however, not been made public.

On January 15, 2022, an unelected group of journalists allegedly said to be friendly to the state government and police, forced themselves into the club premises and appointed themselves as the managing body and announced that they were locking the premises for a week. The presence of armed police prompted an uproar with prominent journalist bodies and free speech activists across the country criticising the involvement of the J&K administration in the *"illegal takeover"*.

On January 16, 2022, a group of independent journalists associated with the national and international news organisations, including the BBC, Associated Press and others, announced that they had nominated a committee *"to hold the elections"* for the new managing body of the KPC.

On January 17, 2022, authorities shut down the KPC, the largest elected body representing journalists in J&K, suspended its registration and cancelled the allotment of its premises in Srinagar.

The J&K administration led by Lieutenant Governor Mr. Manoj Sinha said that the KPC, which was registered as a society in J&K, has *"ceased to exist"* after it *"failed to re-register"* under the Societies of Registration Act, 1860, a central law which was extended to Jammu and Kashmir after the abrogation of Article 370. KPC's existing managing body *"too has come to a legal closure on 14 July, 2021, the date on which its tenure came to an end"*, the administration said in a statement, effectively seizing control of an institution which was set up to look after the welfare of journalists in Kashmir.

The closure of KPC has been heavily criticised by the journalists and media across the nation. The Indian Journalists Union said the KPC *"has been vocal on media issues, sustained harassment and intimidation of journalists in the valley and the twin actions smack of vendetta and brazen attempt to silence dissenting voices."*

We strongly condemn the J&K administration's closure of an institution which is essential for the media within a democracy and that this will signal an attempt to further silence the dissenting media. We also believe that this is another attack on the fast vanishing freedom of expression and association, as guaranteed by the Article 19 of the Indian Constitution and the Universal Declaration of Human Rights.

Our Constitution gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of HRDs, including journalists. The right to freedom of expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind. On the aforesaid it is stated that Declaration on Human Rights Defenders 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. If journalists are muffled up their reporting on facts when they criticise politicians and public officials, seldom journalists will dare to take a stand and the fourth pillar of the democracy will be crushed further.

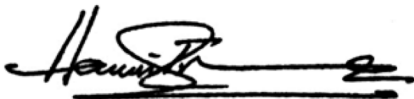
Globally, journalists who are human rights defenders as well face major risks as a result of their work both from the state and out of state actors. The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to protect journalists and human rights defenders. 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 request the Hon'ble Commission to urgently –

- Direct the Jammu and Kashmir administration to submit a report on the reasons for the closure of the Kashmir Press Club.
- Inquire independently in the case of closure of the Kashmir Press Club.
- Recommend actions against officials who have misused powers and legislations to close the Kashmir Press Club.
- Direct the Jammu and Kashmir administration to restore the registration of the Kashmir Press Club till the time NHRC completes an independent inquiry.

Yours sincerely,

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

Henri Tiphagne
National Working Secretary