



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 09, 2020

To

Mr. Debindra Kundra

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 - India - Urgent Appeal for Action – Rajasthan – Harassment, Intimidation and threats issued to the local journalist and Human Rights Defender Mr. Sushil Paul in Ajmer, Rajasthan – 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 attempt to intimidate and threaten local journalist and human rights defender Mr. Sushil Paul of MT TV India by Divisional Commissioner of the Ajmer Municipal Corporation (Nagar Nigam) in Ajmer district of Rajasthan during the news coverage on 7 December, 2019.

About the Human Rights Defender:

Mr. Sushil Paul is a journalist and has been associated with Ajmer MT TV India for the last 2 years. He has been reporting on social political issues for the channel. In the past he has worked with local Sarera TV channel and E TV.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Rajasthan, India

The Perpetrators:

Mr. Ashok Meena, Divisional Commissioner, Ajmer Nagar Nigam, Ajmer

Date and Place of incident:

7 December, 2019

Ajmer Nagar Nigam Office

Near Chudi Bazar, Ajmer, Rajasthan

Details of the Incident:

According to sources on 7 December, 2019 Mr. Sushil Paul had gone to the local Municipal Corporation office in Ajmer district of Rajasthan to report on the issue of reported cases of cow deaths in the Kazi House, a cow shelter managed by Municipal Corporation in the city. On that day the representatives of Indian Farmers Union (Bhartiya Kisan Union) were gathered at the office of the Divisional Commissioner of the Municipal Corporation Mr. Ashok Meena. They had planned to hand over their memorandum to the Divisional Commissioner to look into the matter related to death of 30 cows in the shelter while only 3 cow deaths were being reported officially. The representatives of farmers were demanding that the administration should look into the matter and suggest measures to tackle the problem. The representatives of the Farmers Union were demanding the Divisional Commissioner to set up an enquiry to ascertain the conditions and causes leading to death of at least 30 cows in the city cow shelter and take steps to prevent recurrence of such incidents. The representatives of the Farmers Union and the Divisional Commissioner of the Municipal Corporation Mr. Ashok Meena got engaged in a heated argument. While the representatives of the Farmers Union continued to argue heatedly about the best way to tackle the problem, Mr. Ashok Meena got provoked due to their arguments and started shouting at them. After a while the situation became tense. Journalist and human rights defender Mr. Sushil Pal was recording the activities going around at that time. Seeing the journalist Mr. Ashok Meena objected and tried to snatch his camera. He used foul language and physically pushed him out of the room. Mr. Sushil Pal was manhandled by the Commissioner. The Commissioner also threatened the journalist for recording the event and warned that he would see him and the media. The Commissioner also threatened to file a case against the journalist under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act and under offences for obstructing a public servant in discharging, or attempting to discharge his public functions or responsibilities. Journalist and human rights defender Mr. Sushil

Pal approached the police at Kotwali police station located near Agra gate in Ajmer to lodge a complaint against the Commissioner for ill treatment and threatening him but so far the police has not registered his complaint.

The case is yet again an example of how journalists who are human rights defender are hounded and victimised for their work. In the present case as well, journalist and human rights defender Mr. Sushil Pal was threatened of being implicated in false cases by the Police Commissioner which is nothing but a repressive act by the police to deter Mr. Sushil Pal from carrying out his legitimate work of defending the truth.

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:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the Incident of intimidation and threats issued to the journalists and human rights defender Mr. Sushil Paul in Ajmer in Rajasthan;
- Take immediate legal action against the perpetrator as mentioned above for harassing and threatening the journalist and human rights defender Mr. Sushil Paul;
- Guarantee in all circumstances the physical integrity of the journalist and human rights defender who still face the risk of further reprisals and using all

provisions of law to ensure that the journalist and defender is not harassed and intimidated in Rajasthan in future and give this assurance to the NHRC of India in writing immediately and urgently;

- Ensure provision of reparation and apology to the defender for the physical and psychological suffering he underwent because of the threat while performing his legitimate work. (already mentioned above);
- Put an end to all acts of harassment and attacks against all journalists, writers and human rights defenders in general in the state of Rajasthan to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;
- 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 Rajasthan.

Looking forward to your immediate action in this regard,
Yours sincerely,

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

(Henri Tiphagne)
National Working Secretary