



## Human Rights Defenders Alert – India

National Coordination Office

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**October 28, 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint 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 - Appeal for Action – Bihar: Killing of journalist Mr. Mithilesh Pandey, block reporter of national Hindi daily “Dainik Jagaran” in Gaya district of Bihar - 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 now writing to express our grave concern regarding the murder of Mr. Mithilesh Pandey, a block reporter of Hindi Daily “Dainik Jagaran” in Gaya district of Bihar. Mr. Mithilesh Pandey was shot dead at his home by some unidentified persons in Kashta village of Paraiya block in Gaya.

**Status of Human Rights Defenders:**

Mr. Mr Mithilesh Pandey, aged 40 years was a resident of Kashta village, Paraiya block in Gaya district of Bihar. He was a graduate. He was working as a journalist for the last 10 years. Currently he was the block reporter of national Hindi daily “Dainik Jagaran”. Mr. Mithilesh was reporting for Dainik Jagaran for the last 5 years. Before joining “Dainik Jagaran” he was working with “Dainik Hindustan” as a reporter. According to his colleagues, Mr. Mithilesh Pandey was person with social concerns and was keen on reporting on issues related to corruption, scams and Naxals.

**Date of incident:**

24 October, 2015

**Place of incident:**

Kashta village, Paraiya block, district Gaya of Bihar.

**Source of Information on the Incident:**

- Regional Coordinator of HRDA for North
- Media Reports

**The Perpetrators:**

Unidentified assailants

**Details of the Incident**

According to sources, on October 24, 2015, Mr. Mithilesh Pandey filed his report related to Paraiya block through his cell phone on the day of Muharram around 7 PM. After talking to his friends on his cell phone he came back to his bed to take rest. After sometime around 7.10 PM, 2 masked men entered his room and fired one shot at him. First shot crossing his shoulder hit the room wall. In an injured state Mr. Mithilesh caught the one who fired at him. While fighting they both came out of the room. Probably Mithilesh told in local language that he has recognised the person. After that only the other masked man shot at him. Assailants just walked through the adjacent lane of his house. Hearing the gun shots, Mr. Mithilesh's wife rushed to his room and saw Mithilesh was lying in a pool of blood. His brother Mr. Umesh Kumar Pandey also came and in a hurry they took him to Magadh Medical College hospital on a motor bike. He was taken to the emergency ward and during the medical treatment Mr. Mithilesh took his last breath. No one has been arrested and police are still investigating the case. Reasons for his murder are still unknown.

**Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Gaya District:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of the killing of journalist Mr.

Mithilesh Pandey;

- Along with local district officials guarantee in all circumstances due compensation to the family of the deceased journalist and human rights defender and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment against all writers, journalists and all human rights defenders in the state of Bihar to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
  - Article 12.2, which provides that "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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Bihar to take necessary steps to establish a state focal point for HRDs in order that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Bihar to convene a meeting of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within Bihar for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint,

the State Government of Bihar in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

- Recommend urgently and speedily during the pendency of this complaint, the Government of Bihar to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- 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 Bihar.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary