



Human Rights Defenders Alert - India

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Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

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New Delhi – 110 023

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Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh: Physical assault in an attempt to kill a journalist and human rights defender Mr. Dharmshil Dev Pandey, associated with national Hindi daily ‘Umar Ujala’ by the anti-social elements supported by local mafia as well as local police of Sonbhadra district on April 17, 2016 in Sonbhadra district of Uttar Pradesh - Regarding

Dear Sir,

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 brutal assault in an attempt to kill Mr. Dharmshil Dev Pandey, a journalist and human rights defender by the anti-social elements hired and supported by the vested interests such as local mafia with the support of local police in Sonbhadra district of Uttar Pradesh. Journalist and human rights defender Journalist Mr. Dharmshil Dev Pandey has been targeted for his active involvement in human rights work as well as for his reporting and writing against the vested interests including police in the Sonbhadra region.

Status of the Human Rights Defender:

Mr. Dharmshil Dev Pandey, aged 34 years belongs to Budharkala village in district Sonbhadra, Uttar Pradesh. He is a journalist, writer and human rights worker. In the last 12 year he has worked with various national Hindi dailies. He started his initial career in journalism with '*Dainik Jagaran*', a national Hindi daily in 2004 as a district reporter. After that he worked with '*Dainik Hindustan*', as a district report and since 2008 he has been associated with national Hindi daily, '*Umar Ujala*'. He has extensively reported on district related social and political issues including illegal sand mining from Son River and illegal activities of stone crusher units of the region. He has received threats to his life on several occasions. Along with his writing career he also formed a voluntary organisation called 'Voice of Rural India Society' and registered it in the year of 2007-08. For the last 8 years, he has been actively doing the work as a human rights defender and his organisation 'Voice of Rural India Society' has taken up several cases of human rights violations. The society has intervened in more than 100 cases mostly related to atrocities on Scheduled Castes (SCs) and

Scheduled Tribes (STs), domestic violence, school corporal punishment and police atrocities in the region.

Source of Information on the Incident:

Coordinator of HRDA for the North of India

Communication with the journalist and human rights defender Mr.

Dharmshil Dev Pandey

Date of incident:

April 17, 2016 around 5.00 PM

Place of incident:

At the waiting room or place in village Budharkala, district Sonbhadra, Uttar Pradesh

The Perpetrators:

Only three assailants could be identified among the 10 acceded persons.

Mr. Shiv Kumar

Mr. Manoj

Mr. Jaini

Mr. Pradeep Mishra, Sub Inspectors of Robertsganj police station, district Sonbhadra, Uttar Pradesh

Details of the Incident:

According to sources, on April 17, 2016, journalist and human rights defender Mr. Dharmshil Dev Pandey was going to Robertsganj city in Uttar Pradesh from his village Budharkala with his uncle Mr. Sushil Kumar Dev Pandey on a motorbike. Robertsganj city is at a distance of three kilometres from village Budharkala. At around 5 PM, they reached the waiting room located outside the village where they were stopped by a person who was unknown to them. There were 10 people around at that place. The person who stopped the motorbike forcibly took the key of his bike. According to sources, an accused identified as Mr. Shiv Kumar, aged 37 years hit Mr. Dharmshil from behind with an iron rod attached to a wooden handle. Again he hit from the front side on his head and eyes. The blow broke Dharmshil's eye glass. Two other assailants identified as Mr. Manoj and Mr. Jaini also started hitting both. His uncle was also hit on the head and brutally assaulted. All assailants were carrying iron rods. They all started hitting with iron rods both Mr. Dharmshil and his uncle. The accused Mr. Jaini was heard saying that they will kill both of them on the spot. Mr. Dharmshil was bleeding profusely and fainted after some time. He collapsed on the ground along with the bike almost half dead. His uncle also fell on the ground. Realising that they were dead, the assailants left the spot. Meanwhile Mr. Ajit Kumar Tripathi, husband of woman village head, came there after hearing about the incident. He along with the help of other villagers took both of them to Sonbhadra district civil hospital for medical treatment. After assessing their head injuries they were referred to Banaras Trauma Centre in Varanasi by the doctors. At around midnight both were taken to Banaras Trauma Centre where city scans were done for their head injuries. They were given treatment there and allowed to leave.

Police have not filed First Information Report but they just lodged an NCR (Non-cognizable Report) under sections 504 and 323 of Indian Penal Code (IPC). According to the defender, Sub Inspector Mr. Pradeep Mishra of Robertsganj police station even tried to cover up the crime and it is for this reason, the police have invoked less stringent sections of the IPC to dilute the charges with the clear intention of protecting all the accused involved in the incident who assaulted the defender and his uncle with the intention to kill them.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident on life threatening assault on journalist and human rights defender Mr. Dharmshil Dev Pandey;
- Ensure complete medical check-up of journalist and human rights defender Mr. Dharmshil Dev Pandey and other totally at state cost in the best medical facility available in the state to ensure that they are not suffering from any internal medical ailments;
- Take immediate action on the perpetrators in this case all the accused and police official of Robertsganj police station, district Sonbhadra, Uttar Pradesh for refusing to file FIR in an attempt to cover the crime and using all provisions of law to ensure that the journalist and defender is not harassed or attacked or falsely

implicated by the police in future and provide a re-assurance of not engaging in such acts against HRDs;

- Guarantees in all circumstances the physical and psychological integrity of journalist and human rights defender Mr. Dharmshil Dev Pandey as he continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation, compensation, apology to the human rights defender for the physical and psychological sufferings he has undergone and also ensure to compensate Mr. Dharmshil Dev Pandey for his medical expenses incurred during his treatment 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 human rights defenders in Uttar Pradesh to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution;
- 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 Uttar Pradesh to also take necessary steps to establish a state focal point for HRDs in order to ensure that HRDs have a new protection mechanism in their own state;
- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within Uttar Pradesh for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh 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 Uttar Pradesh 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 Uttar Pradesh.

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 underneath.

(Henri Tiphagne)

National Working Secretary