



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/East/OD/01/12/2019

December 12, 2019

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 – Odisha- Right to Information (RTI) activist and human rights defender Mr. Abhimanyu Panda shot dead for using Right to Information Act (RTI) to expose irregularities in government work - 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 regarding the killing of an RTI activist and HRD Mr. Abhimanyu Panda in the Kandhamal district for using RTI to expose irregularities in government work in Odisha.

Source of Information:

- Regional Coordinator of HRDA for East of India
- Communication with the HRDs in the region
- Media Reports

Date of Incident:

December 10, 2019

Place of Incident:

House of Mr Abhimanyu Panda

The Perpetrators:

Unidentified persons and Police of Kandhamal district, Odisha

About the Human Rights Defender

Mr. Abhimanyu Panda, aged 54 years, was a RTI activist, leader of anti-liquor movement, former sarpanch of Bataguda Gram Panchayat and ex-vice chairperson of Baliguda block. He was an executive body member of Jagannath Temple, Puri. The HRD was filing RTIs from the past eight years to expose corruption and irregularities in the government development work. His recent RTI was filed for the four blocks of the Kandhamal district which infuriated the contractors and the public distribution service (PDS) dealers. He also filed RTIs about the irregularities in the management of Jagannath Temple.

Details of the incident

According to sources, On December 10, 2019, at about 7.30 AM, noted RTI activist, Mr Abhimanyu Panda was shot dead in front of his house in Patrasahi village, Kandhamal district, Odisha. His village falls under the jurisdiction of the Baliguda police station. The assailants, on a bike, used a revolver to open fire from a close range and sped away. Hearing the sound of firing, the locals gathered and rushed him to the Baliguda district hospital where the doctors subsequently declared him brought dead. A cousin brother of Mr. Panda, Mr Nirmal Kumar Sahu, on the day of incident, at 8.30AM, reported to the police in writing about the death of his brother. A FIR has been registered under Section 302 and 304 of IPC read with Section 25 and 29 of the Arms Act. On the basis of the complaint, four perpetrators have been identified by the police.

According to the copy of the FIR, at the time of death of the HRD, the assailants argued with him on the Jagannath temple issue and uttered "TU BADA BADA LOKANKA BIRUDHARE JAUCHHU TOTE MARIDEBU" (you are going against prominent people, we will kill you). We would like to bring this to your notice that one of the last RTIs filed by the HRD was on the irregularities in the management of the temple.

The HRD was also vocal about irregularities in the government work. The HRD received various threats due to his activism. According to sources, in the past, District Superintendent of Excise had threatened Mr Panda and asked him to withdraw one of his case. The threat was in furtherance of a case filed by Mr Panda in which the High

Court subsequently decided in his favour and ordered for closing down of the liquor shop. The RTI activism of Mr Panda forms the motive of the death. Mr Panda informed the police about the various threats he was receiving but still the police failed to provide protection to him. This incident is a result of inaction on the part of police and other state authorities.

According to a statement given by Pradeep Pradhan, leading RTI activist and Convener of Odisha Soochana Adhikar Abhiyan, RTI activists in Odisha have been facing harassment and threats over their RTI applications from the past 3 years. The activists have lodged FIRs regarding the threats and torture, but the police and the state government have not taken any action till date. Other RTI activists who have suffered due to police action are Krupasindhu Sahu, Ganesh Panda, Suresh Lanka etc. They have been brutally attacked and murdered for exposing corruption in government schemes and projects.

Since the RTI Act has been enacted in the year 2005, various cases of assaults and killings of RTI activists have been reported. The activists have been instrumental in exposing corruption and bringing transparency in the governance system. The only way to curb the menace is well established mechanism consisting of defined procedures and quick action by the police officials on complaints of RTI users.

Appeal:

We therefore urge you to immediately take necessary steps to:

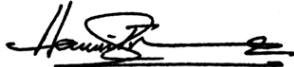
- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of the gruesome murder of RTI activist and HRD Mr. Abhimanyu Panda;
- Ensure provision of reparation, compensation, apology to the family members of RTI activist and HRD Mr. Abhimanyu Panda for the psychological sufferings they are undergoing and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of the family and friends of Mr. Abhimanyu Panda who face the risk of further attacks and intimidation from the perpetrators;
- Put an end to all acts of harassment and attacks against all RTI activists and human rights defenders in the State of Odisha to ensure that in all

circumstances they carry out their activities as 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 Odisha.

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