

REPORT

## Killing the Peace Process

**[Preliminary Report of the All India Fact Finding Team on the Killing of Azad and H C Pandey Released to the media at Hyderabad on 22 August, 2010 by COORDINATION OF DEMOCRATIC RIGHTS ORGANIZATIONS.]**

CDRO put together a team of concerned citizens consisting of Prof Emeritus Amit Bahaduri, JNU, Delhi, Senior Counsel of Supreme Court Mr Prashant Bhushan, Kavita Srivatsava, Human Rights worker from Rajasthan, Gautam Navlakha writer & from PUDR, Delhi, Kranthi Chaitanya, Advocate and General Secretary of APCLC, D Suresh Kumar, Advocate, APCLC, Sudhakar Rao, President of OPDR, D Venkateswarlu, OPDR. The team visited Wankadi Mandal, Adilabad District on 20th & 21st of August, 2010 where the alleged encounter of Mr Azad @Cherukuri Rajkumar who was spokesperson of CPI (Maoist) Central Committee and Journalist Hemachandra Pandey took place on the intervening night of 1st and 2nd July, 2010. Three fact findings had earlier already carried out spot investigations. The team met the local villagers, local police, and local media personal and perused FIR, inquest and postmortem report. The FIR No.(Crime ) 40/2010 registered at the Wankadi PS of Adilabad District by the Station House Officer, Mr Mansoor Ahmed at 9.30 am of 2nd July, 2010 in the English Language gives the following account.

1. The Spl. Intelligence police provided the information that a group of 20 CPI Maoists had crossed into AP from Maharashtra and moving about the forest.
2. The police attached to Asifabad PS along with Spl. Party police, equipped with "night vision device" went to search for them and found them between Tarkepalli and Welgi Forest Hillock.
3. On being intercepted the Maoists opened fire and the police also fired in self defence. The firing lasted for 30 minutes after which the police climbed the Hill top and halted there for the night. Next morning during the search they found two unidentified bodies one with AK -47 Rifle lying next to a 50 years old man and the other 30 years old "wearing sandals" with 9 mm pistol. This story raises several questions.
  - a. How were the police able to pin point the location of the Maoists in a forest several hundred square kms along with the border of AP and Maharashtra?
  - b. Why did the police plan this location? As the villagers clearly said that in recent years there had been no Maoist activity in the region.
  - c. Despite 30 minutes, from 11 pm to 11.30 pm, of firing not a single policeman suffered any injury, whereas only Azad and Hemachandra Pandey were killed.
  - d. If there were twenty Maoists as stated in the FIR, how come, the police found only 2 kit bags and two weapons? In any escapade there would be more belongings left behind.
  - e. If Azad was travelling with a dhalam of 20 Maoists then surely he too would have been in Olive Green dress rather than in civilian dress.
  - f. If the police were unaware of the identities of the two deceased upto 9.30 am at the time of filing the FIR, then how did the electronic media learned by 6.00 am on 2nd July that Azad had been killed in an encounter. Several electronic media channels

have also announced his death. So it clearly, shows that the police knew who they had killed.

- g. Overwhelming doubt about the police version is raised by the postmortem report of Azad which shows that the fatal bullet entry wound from the chest "at the left 2nd intercostal space" had "darkening burnt edges". The burnt mark at the entry wound are a clear indication of a bullet being fired from a very close range (no more than a foot). The corresponding exit wound is at the 9th & 10th inter vertebral space and depth is 9 inches. That means the bullet entered from upper chest and travelled downwards. This questions the police version that Maoists were on the top of the hill and they were below.

It was widely known and reported that the Union Ministry of Home Affairs, through Swami Agnivesh was engaged in exploring the possibility of a dialogue with CPI (Maoist) and the person with whom Swami Agnivesh was talking with was Cherukuri Rajkumar @ Azad.

5. The alleged encounter in these circumstances and such a time raises important questions.
- a) How could the Spl. Branch of AP Police dedicated to combating Maoists, murder Azad in this manner without knowledge of the Union Home Minister as well as the State Government particularly when the Union Home Ministry is said to be leading the joint offensive against the Maoists.
- b) Why has the Union Home minister not interested in seeking an independent investigation/enquiry into the encounter, despite so many demands for the same.
- c) If the Union Government was sincere in seeking a peace dialogue, it would have been natural for the Home Minister Mr Chidambaram to express concern about the execution of the key actor from the Maoist side with whom he was exploring the peace dialogue. His explanation on the floor of the Parliament was that the enquiry is a State subject. This is unacceptable because the AP State Government is run by Congress Party and had the Union Home Minister sought an enquiry they could not have refused.

In any case the Central Government is empowered to constitute an enquiry under the Commission of Enquiries Act,1952.

#### **DEMANDS :**

1. In the light of the significance of the assassination, which has scuttled the peace process, it is imperative that the Government institute a high level independent enquiry headed by a Sitting/Retired Judge of the Supreme Court of India, nominated by the Chief Justice of India.
2. Register an FIR against the police who killed Mr Azad and Hemchandra Pandey and the case be independently investigated in accordance with the NHRC Guide Lines. □□□