

Human Rights Defenders Alert - India

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Dr. K.G.Balakrishnan,
Hon'ble Chairperson
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: covdnhrc@nic.in

Dear Sir / Madam,

Sub: HRD Alert - India - Urgent Appeal for Action – Manipur: Human Rights Defender Assaulted by the Police – Reg

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 over the criminal assault on Laimayum Sevananda Sharma a human rights defender, lawyer and law officer with HRLN by the Manipur Police last month.

Source of Information on the Incident:

Communications to us from the Coordinator of HRD Alert – India for the East of the country

About the Human Rights Defenders under attack:

Mr. Laimayum Sevananda Sharma, aged about 35 years, S/o. L.Kedarnath Sharma, residing at Sagolband Salam Leikai, Imphal West District, Manipur.

He is a Law Officer associated with Human Rights Law Network's (HLRN) Imphal center. HRLN is the network of lawyers and social activists working in solidarity with like-minded organizations and individuals to realize civil, political, economic, social, cultural, environmental rights and social justice for all. It works on promoting human rights through free / pro bono legal aid and legal awareness programmes, advocacy, networking and publications.

Sharma has been associated with HRLN since 2010 and practices law at the Imphal district court and also visits different trial courts nearby, in the state of Manipur. He does pro-bono lawyering on matters like Domestic Violence, Environment etc. and has filed several Public Interest Litigations.

The Perpetrators:

Mr. Dhanbir Singh, Police Commando, Manipur Police, posted at Imphal and another person.

Date and time of Incident:

13th June 2014, at about 6.30 p.m.

Place of Incident:

Near Hotel Bheigo, Kangabam Leikai, Imphal.

Incident

According to the information received, on June 13th 2014 at about 6.30 p.m. while he was returning from his office in his personal two-wheeler vehicle two persons followed him in a four wheeler vehicle (car) and intercepted him. When Sharma questioned them about this, the two persons seated in the car came out and started assaulting Mr. Sharma as a result of which he suffered severe pain in his chest and fell down from his vehicle.

As per the information, in the meanwhile another vehicle (TATA DI), in which about 8 Manipur Village Defence Force (VDF) personnel were travelling, also came there. Sharma identified one of the persons who assaulted him as Dhanbir Singh who is a commando with the Manipur police.

Sharma managed to escape somehow and went for a medical examination on the next day i.e. on 14th July 2014, and filed a complaint before the Director General of Police for necessary immediate action. The human rights work that Sharma is involved in has brought on this attack on him and he fears such assaults in future too.

Appeal:


We, therefore urge you to immediately take necessary steps to ensure that the concerned authorities in Manipur

- Guarantee in all circumstances the physical and psychological integrity of Mr. Laimayum Sevananda Sharma as he continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC in writing immediately and urgently. ;
- Repeal all emergency laws, the Armed Forces Special Powers Act, 1958, the Unlawful Activities Prevention Act, 1967 and the National Security Act, 1980 and other legislations that facilitate violations of human rights in Manipur which have been the subject matter of concern before the three UN Special Rapporteurs who visited India lately, in 2011 the UN SR on HRDs, in 2012 the UN SR on extra judicial killings and in 2013 the UN SR on violence against women.
- Ensure the full functioning of the Manipur DState Human Rights Commission by appointment of competent, independent and committed members through a transparent process following all the guidelines established by the Paris Principles and contained in the ICC/SCA General Observations of May 2013.
- The Government of Manipur should set up special cell for protection of human rights defenders.
- Ensure that all security forces in Manipur strictly adhere to recommendations of Supreme Court judgement of 1997 in hearing of AFSPA, 1958 especially to identify themselves in their operations as long as the AFSPA is in force..
- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events, and bring the perpetrators to book

- Provide reparation and compensation to Sharma for the attack made on him
- Put an end to all acts of harassment against all human rights defenders in India to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform 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:
 - 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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary - HRDA