



Human Rights Defenders Alert – India

National Coordination Office
No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu,
INDIA
Tel: +91-9994368540 Email:hrda.india@gmail.com

11th June, 2016

To

Shri Srinivasa Kammath

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 - Urgent Appeal for Action – Delhi: Brutal lathicharge on protesting young tribal students, professionals and human rights defenders from Manipur organized by the ‘Manipur Tribal Forum’ Delhi on June 7, 2016 by the personnel of Delhi Police and Manipur Rifles at Manipur Bhawan at Sardar Patel Marg in New Delhi / denial of their right to freedom of assembly and association and right to protest.

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern over the brutal lathi charge, harassment, molestation and firing of water cannons on young tribal students, professionals and human rights defenders from Manipur by Delhi Police and Manipur Rifles who were protesting under the banner of ‘Manipur Tribal Forum-Delhi’ on June 7, 2016. The young students and human rights defenders were targeted when they were gathered outside the Manipur Bhawan at Sardar Patel Marg in New Delhi to protest against a delegation led by Manipur Chief Minister Ibobi Singh. The delegation had come to Delhi to meet Indian Home Minister Mr. Rajnath Singh to seek presidential assent on the three controversial anti-immigrants state bills to be made into acts. The three bills are related to the Inner Line Permits which were

passed by the Manipur Legislative Assembly on August 31, 2015. The protesters were demanding that the bills should be revoked.

Source of Information on the Incident:

Media Reports

The Perpetrators:

Personnel of Delhi Police and Manipur Rifles.

Date of Incident:

June 7, 2016

Place of Incident:

Manipur Bhawan, Sardar Patel Marg, police station Chanakyapuri, New Delhi

Details of the Incident:

According to sources on June 7, 2016, students and other professionals from 'Manipur Tribal Forum-Delhi' were protesting at MaipurBhawan at Sardar Patel Marg in New Delhi against the delegation led by Chief Minister of Manipur Mr. Ibobi Singh who had come to Delhi to get assent from the President of India on three Bills namely the Protection of Manipur People Bill, 2015; the Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill, 2015 and the Manipur Shops and Establishments Bill (2nd Amendment) Bill 2015.

The peaceful protesters were harassed and brutally beaten outside the Manipur Bhawan by Manipur Rifles personnel. The Delhi Police personnel lathi charged the protesters brutally and fired water cannon without prior warning to them. According to the eye witnesses, personnel from Manipur Rifles attacked the protesters from inside Manipur Bhawan throwing bricks at the protesters resulting many head injuries. Women protesters were intentionally molested physically by the policemen during the lathi charge. Women were manhandled by the policeman. Many tribal women including four young mothers were indiscriminately thrashed, beaten, slapped, kicked and pulled by their hairs; two young women were even groped and molested by the Delhi Police. Around 23 men and 20 girls were detained at the Chanakyapuri police station at around 9 PM. They were detained till the 4PM next

day. Women were released at night at 11 PM but they refused as they demanded to get all released. The Initially FIR was registered in the name of everyone detained but after the resistance from protesters FIR was not registered in the name of any individual.

Background Information

In north-east Indian state of Manipur around 9 tribal people were killed in police firing during the protest against three Bills passed by the Manipur Legislative Assembly on August 31 2015. No FIR has been filed since the date of killing. No action has been taken against the guilty security personnel till date. The Manipur Government has refused to initiate Judicial Enquiry till date. The Joint Action Committee formed against the three anti-tribal bills had submitted its Charter of Demands to the state government on November 9, 2015 in which it outlined the contentious provisions of the bills and gave their suggestions for amendments. When the JAC met the Chief Minister in person, the Chief Minister replied that "they are not legal experts" and do not understand the provisions of the bills and the JAC's suggestions for amendments. The Chief Minister in a meeting with the JAC and other tribal bodies on December 29, 2015 admitted that the bills were passed with pressure from *CorCom*, a conglomerate of valley based Meitei insurgent groups. The so-called "all-party delegation" which is now in Delhi to push for assent of the three bills do not consist of tribal political parties like the Naga People's Front (NPF). Hence, calling the delegation "all-party delegation" is a blatant lie and an attempt to mislead the Central Government and the public.

The drafting Committee of State Legislators formed by the State Government to draft three Bills did not have any tribal legislator as its Member. These Bills, when passed will be applicable to the whole State of Manipur including the tribal/hill areas but the Hill Areas Committee was never consulted before the introduction of the Bills nor after the introduction of the Bills. This is in clear violation of Order 4(2) of the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 which states that, "Every Bill, other than a Money Bill, affecting wholly or partly the Hill Areas and containing mainly provisions dealing with any of the Scheduled matters shall, after introduction in the Assembly, be referred to the Hill Areas Committee for consideration and report to the Assembly". The classification of the Protection of Manipur People Bill, 2015 as

a Money Bill is nothing but a sinister design to bypass the Hill Areas Committee. The expenditure from the Consolidated Fund is only incidental to the bill and not the main provision of the bill.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, Delhi:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal physical assault on protesting young tribal students, professionals and human rights defenders of the 'Manipur Tribal Forum' Delhi;
- Takes immediate legal action on the perpetrators in this case personnel of Delhi police and Manipur Rifles for the brutal assault and denial of the right to assemble and associate freely to all young tribal students, professionals and human rights defenders of the 'Manipur Tribal Forum' Delhi who participated in the peaceful assembly and protest;
- Ensures provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the use of brutal force and ill - treatment and provide a re-assurance of not engaging in such acts against student HRDs;
- Puts an end to all acts of harassment against all human rights defenders in general in Delhi to ensure that in all circumstances they carry out their activities without any hindrances;
- Take steps to ensure the provisions contained in the Code of Conduct for Police In India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art 4 and 5 of the UN Basic Principles on the use of force and firearms.;
- Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has

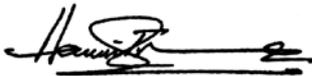
the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;

- 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”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Delhi to be established and then to also take necessary steps to establish a focal point for HRDs in Delhi in order that HRDs in Delhi have a new protection mechanism for them;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Delhi to be established and then the NHRC in collaboration with the SHRC, Delhi 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 the State of Delhi for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi 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 Delhi 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, ensure 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 Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary