



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/North East/MN/7/7/2018

July 27, 2018

To

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders & Deputy Registrar

National Human Rights Commission

Manav Adhikar Bhawan,

Block-C, GPO Complex, INA,

New Delhi – 110 023

Email: hrd-nhrc@nic.in

**Subject: Urgent Appeal for Action by Human Rights Defenders Alert (HRDA)
– Imphal – Manipur.**

IN THE MATTER OF

1. July 16 and 19, 2018: Brutal police action (lathicharged without provocation and use of tear gas) on protesting students demanding removal of Professor Adya Prasad Pandey the Vice-Chancellor of Manipur University at Raj Bhawan and State Bharatiya Janta Party (BJP) office, located at Sinjamei and Uripok areas of Imphal, Manipur
2. Government Order of July 19, 2018: Temporary suspension of internet and all telecom services except voice calls for 5 days.

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

HRD Alert, India is a forum of Human Rights Defenders working towards protection and promotion of Human Rights Defenders. It endeavours to initiate action/s on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern over police brutality on July 16 and 19, 2018, which include lathi charge without provocation and firing of tear gas on protesting students of Manipur University Student's Union (MUSU), other student groups & civil society groups. The protestors were demanding removal of the Vice Chancellor, Professor Adya Prasad Pandey for alleged mismanagement, misappropriation of funds and failure to discharge his duties.

Alongside, this Appeal is also to draw your attention on misuse of Rule 2, of Temporary Suspension of Telecom Services (Public Emergency and Public Safety) Rules, 2017,

which is often being used by the Government of Manipur to suspend internet and telecom services in the state in order to suppress and refrain from leakage of information outside the state about such protests and human rights violations. This particular suppressive provision was once again made operational on July 19, 2018, particularly to avoid the news of the above said protests and police brutality going viral for it would damage the credibility of the Government of Manipur.

Source of Information: The Coordinator of HRDA for the North East of India;
HRDs from Manipur;
Media Reports;

The Perpetrators: Manipur Police, CRPF

Date of Incident: July 16 and 19, 2018

Place of Incident: Raj Bhavan, State BJP office, Sinjamei and Uripok areas of Imphal,

Background of the incident:

The present Manipur University Vice Chancellor (VC) Professor Adiya Prasad Pandey was appointed as VC on October 26, 2016. The appointment was as per the university procedure. The earlier VC prior to Professor Pandey got retired in 2016 and since then there we no permanent VC. With no permanent VC, the university was faced with numerous administrative and academic problems.

As soon as Professor Pandey took the charge of VC at the Manipur University, there is an allegation that he recruited a person from his own town without the knowledge of the recruitment board to study the security situation of Manipur University. A huge money was spent on this study. He recruited another person from his own town to assist him on his regular work by bypassing the recruitment board. He appointed a PhD scholars from Banaras Hindu University as external examiner.

He demanded Z category security and was given Y category security. Wherever he goes for any meeting even inside the university campus, he goes with security guards. When students, teachers visit him in his office they are frisked. He is constantly out of station, travelling outside the state and it is said that he comes to office for around 10 days a month. He usually comes at 2 PM and sits till late night when nobody is at the office. He organises late night parties in his office where he invites contractors, politicians, businessmen etc. He donated a huge amount of money to ABVP and to

some Lucknow based farm. He ordered exam answer sheets from outside at 24/- per sheer whereas locally it is available at Rs 5/-. He himself prepared the annual objectives of the university whereas according to the University Act 2005, it has to be done through court. Similarly, as per the act the financial committee has to sit 3 times a year, but he never called a single meeting in the past year. He is said to be very close to the ruling BJP.

Ever since Mr. Pandey assumed the office of the VC, the students also have been facing lots of problems. He remains constantly out of station and because of which, it is difficult for the graduate students to get their certificates of semester exams on time which results in hampering their further studies.

The students have given complaints and petitions to the Governor of Manipur, Chief Minister, Ministry of Human Resource Development etc. but nothing has been done in this matter so far. The government every time passes the onus on the University Grants Commission (UGC) saying that they are the only ones who can take action in the matter.

Details of the Incident:

The Democratic Students' Alliance of Manipur (DESAM) joined the protest with MUSU for the removal of the VC. According to sources on July 6, 2018, they cautioned the government that if they fail to fulfill their demand they would launch intensive agitation starting July 15, 2018, midnight. The protesting students were marching towards the Raj Bhavan shouting slogans against the governor and the chief minister for their inability to remove the VC and resolve the crisis of Manipur University for such a long time.

The protesters were stopped by a team of Imphal West district police personnel in front of Raj Bhavan gate and a scuffle took place. The CRPF personnel were deployed for security reasons inside Raj Bhavan and also at the main entrance of Raj Bhavan. The protestors were stopped by putting up an iron barricade wrapped with barb wires. Then the police and the security personnel lathi charged the protesting students, amongst which 7 students (3 women and 4 Men) got injured who were later taken to Raj Medicity. The 7 injured students were:

1. L. Sophia Devi (injured at her forehead and fainted on the ground).
2. M Linda,

3. O Naresh,
4. S Manjuna,
5. H Suresh
6. H Johnson
7. Oinam Shital, DESAM's Secretary General

During the scuffle with the police and security personnel, one of the police personnel pushed Oinam Shital towards the main road, he lost his balance and fell under the moving petrol tanker and his left shoulder was run over by the rear tyre of a truck. He was immediately taken to Raj Medicity, he suffered at least two fractures in his left hand and a broken bone on the back side of left shoulder blade. On July 17, he was operated by the doctors at the Raj Medicity.

In the meantime a group of protesters ran towards the BJP Head Office from Raj Bhavan entrance gate by raising slogans like 'Remove AP Pandey', 'Down with the State Government', 'Down with BJP Government' etc. Later, the agitating DESAM volunteers were successfully pushed back to Keishampat junction by a large number of police team.

Thereafter, a 48-hours general strike was called by MUSU which ended on July 19, 2018. The general strike of MUSU was supported by Manipur University Staff Association (MUSA), Manipur University Teacher's Association (MUTA) and other civil society groups. The university community, civil society groups condemned the brutal and violent action of the police and security personnel on the students who were protesting democratically and demanding judicial inquiry in the incident and against the VC. On July 19, rally was organised in the evening in several parts of Imphal including Uripok, Soibam Leikai, Singjamei etc. under the aegis of AMSU, MSF, DESAM, KSA, SUK and AIMS to extend support to the general strike of MUSU. Police resorted to firing of tear gas to disperse the agitators where some protesters got injured particularly at Sinjamei and Uripok.

Further, Government of Manipur, vide its order dated July 19, 2018, suspended all internet and telecom services on the grounds that it would avoid rumor mongers from spreading false news through the use of social media and that spreading of such information would affect public safety and security. This action of the Government is infringement of fundamental rights to freedom of expression and association as

guaranteed under constitution of India. Copy of the Government order dated July 19, 2018 is attached herewith with this Appeal.

Post the incident, in a covering up action, the Government of Manipur constituted a fact finding committee which comprises of UGC members and two officers from the HRD Ministry. This composition is being challenged and rejected by the MUSU and other student bodies.

APPEAL

We, therefore urge you to immediately take steps and exercise powers granted under the Protection of Human Rights Act 1993 and:

- Order an immediate, thorough, transparent, effective and impartial investigation through NHRC's investigation wing into the above-mentioned incident of brutal and violent physical assault on protesting students of Manipur University by Manipur Police and CRPF and suspension of internet;
- Takes immediate legal action on the perpetrators, in this case, personnel of Manipur police and CRPF for the brutal assault and denial of the right to assemble and associate freely to all the students the MUSU, DESAM and other students' groups 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 Manipur to ensure that in all circumstances they carry out their activities without any hindrances;
- Take appropriate steps to maintain peace, law and order situation of the state without violating the fundamental rights of freedom of expression and assembly, access to information and human rights by suspending the telecom services temporarily;
- Take immediate measures on the issue of the Manipur University amicably without harassing the future of the student fraternity;
- 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 subjected 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 Manipur to be made functional and then to also take necessary steps to establish a focal point for HRDs in Manipur in order that HRDs in Manipur have a new protection mechanism for them;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Manipur 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 Manipur 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); and,
- 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 Manipur.

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 it.

(Henri Tiphagne)
Honorary National Working Secretary