



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 10, 2018

To,

Mr. Khaleel Ahmad

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

Dear Sir,

Sub: HRD Alert - India - Appeal for Action – Manipur: Arbitrary arrest under National Security Act of Mr. Kishorchandra Wankhemcha, journalist by Manipur Police - 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 over the arbitrary arrest and harassment of Journalist Kishorchandra Wankhemcha in Manipur.

Source of Information on the Incident:

- The Coordinator of HRDA for the North East of India,
- Ms. Ranjita Devi, wife of HRD
- HRDs from Manipur
- Media reports

The Perpetrators:

Manipur Police

Date of Incident:

28 November 2018

Place of Incident:

Residence of HRD at Imphal, Manipur

Details of the HRD:

Mr. Kishorechandra Wangkhemcha is a journalist. He was also former sub-editor and anchor of Imphal based ISTV network. He has been a political critic and an outspoken in regard to political scenario of Manipur. In many occasions he has criticized the present ruling government of Manipur. It is mention worthy that on August 9, 2018 he had been unlawfully detained by the Manipur Police. A complaint had been filed by HRDA at National Human Rights Commission which had been duly register vide file No. 28/14/4/2018 on 23 August 2018. Therefore, the present arrest of Mr. Kishorchandra Wankhemcha clearly shows that he had been falsely targeted by the state to suppress his voice.

Details of the Incident:

One 21 November 2018 Mr. Kishorchandra Wankhemcha was arrested by the Manipur police on charges of sedition under Section 124-A/294/500 of the Indian Penal Code after he uploaded a video on social media where he questioned the government's agenda of celebrating Rani Jhansi on the occasion of Quami Ekta Diwas. On 27 November 2018 he was released on bail after the Chief Judicial Magistrate Mr. L. Tousing found that the video which he uploaded through social media did not attract section 124-A and that section 294 and 500 IPC are bail able offences. **(Annexure-I, Bail order)**. On 28 November 2018 at around 9.30 AM, the Officer In-charge of Imphal Police Station asked him over phone to come to the Police Station since Superintendent of Police wanted to talk to him. At around 12.30 PM while he was getting ready to go to the Police Station, around 6-7 police personnel in civil dress in 2 cars arrived at his residence and asked him to come along with them to the Police Station and was escorted by the police personnel. His wife Mrs. Ranjita Devi and brother, Mr. Elangbam Romesh also followed them. The police said that the Superintendent of Police and Additional Superintendent of Police are having meeting, so they have to wait. At around 5.30 PM Mrs. Ranjita came back from the Police Station. Later she was informed by Mr. Elangbam Romesh and informed that Mr. Kishorchandra was taken to Manipur Central Jail, Sajiwa by the police. On the next day, 29 November 2018 Mrs. Ranjita went to the jail to meet him. He informed that the

police had handed over the detention order (**Annexure-II**, detention order) at around 7.20 PM on 1 December 2018 after 3 days. (**Annexure-III**).

Appeal:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arbitrary arrest under NSA and harassment of Mr. Kishorchandra Wankhemcha
- Take immediate legal action on the perpetrators for arresting and harassing Mr. Kishorchandra Wankhemcha and using all provisions of law to ensure his release and not harassed or attacked or falsely implicated in future
- Ensure immediate appointment of a competent senior lawyer practicing on the criminal side in Imphal to defend the HRD in all the criminal cases registered against them at state cost with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals
- Guarantee in all circumstances the physical and psychological integrity of Mr. Kishorchandra Wankhemcha by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of his arrest and provide a re-assurance of not engaging in such acts against HRD
- Put 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 as defenders of human rights without any hindrances
- Take steps to conform to 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 realization 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 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)
- 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 the state of 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 drawn underneath it.

(Henri Tiphagne)

National Working Secretary