



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 14, 2020

To

Mr. Debindra Kundra,
National Focal Point - Human Rights Defenders & Assistant 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 – Human Rights Defender Mr. Neingulo Krome offloaded from his flight in Kolkata, restrictions on free movement – 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 targeted attack on the Naga civil society leader and human rights defender Mr. Neingulo Krome. He was offloaded from a plane to Bangkok, denying him his right to move freely. The arbitrary measure taken without any clarification, comes at the backdrop of a larger suppression of voices from the Naga civil society as many leaders face arrest and other forms of intimidation.

About the Human Rights Defender

Mr. Neingulo Krome is a Naga civil society leader and human rights defender. He currently serves as the Secretary General of Naga Peoples' Movement for Human Rights (NPMHR). In addition to his long-standing work on human rights, Mr. Krome participates in human rights events regularly and was recently a key speaker at the National Alliance for People's Movement's (NAPM) biennial program held at Puri as well as at a Democratic Rights Convention held in New Delhi in August 2019.

Source of Information on the Incident:

- Media Reports
- Statement by people's organisations and concerned individuals

The Perpetrators:

- Government of India
- Immigration Authorities, Kolkata Airport

Date and Place of incident:

February 5, 2020

Kolkata, West Bengal

Details of the Incident:

On February 5, 2020, while taking a flight from Kolkata to Bangkok, Mr. Krome was offloaded from the flight on the 'orders of the government'. The immigration authorities at the Kolkata airport informed him about an order by which he is not allowed to travel abroad. He was offered no additional clarification or shown any official document or list containing his name.

Besides violating Mr. Krome's right to move freely and travel abroad, this incident can be seen as part of a larger clampdown on civil society leaders that is ongoing in Nagaland. Violating the travel rights amounts to a targeted form of harassment and intimidation.

Sources from the region also highlight that as part of an ongoing peace process in Nagaland, a 'framework agreement' was reached between the Government of India and the National Socialist Council of Nagalim (I-M) in 2015. However, this is yet to be made concrete or public. Thus, in addition to the several cases of intimidation of HRDs among the Naga people, Mr. Krome's offloading can also be interpreted towards contributing to the Government of India's non-committal stance on the ceasefire and the framework agreement with the Naga people.

HRDA would like to insist that according to the Indian Constitution every Indian citizen has the fundamental right to peaceful assembly under Art 19 and right to free speech and expression under Art. 19(1) (a) of the Constitution. Mr. Krome, is to travel to exercise his fundamental right of free speech and expression. The Supreme Court of India in 'Maneka Gandhi vs Union of India' (1978) held that the freedom of speech guaranteed under Art. 19(1) (a) is exercisable not only in India but also outside and if State action sets up barriers to its citizen's freedom of expression in any country in the world it would violate Art. 19(1) (a) as much as if it inhibited such expression within India itself.

It was also held by the Delhi High Court in *Priya Pillai v. Union of India* (WP(C) 774/2015), when Ms. Pillai was offloaded at the Delhi Airport while her intended visit

to the United Kingdom, that though the civil rights activists may dissent against the policies of the Government and the State may not agree with their views, it cannot be a good enough reason to do away with dissent.

Appeal:

We urge you to immediately take necessary steps and ensure that this Hon'ble Commission urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of violation of the right to liberty of movement and, harassment and intimidation of human rights defender Mr. Neingulo Krome by the immigration officials at the Kolkata Airport;
- Ensures that the Government of India immediately revokes its decision to restrict foreign travel of human rights defender Mr. Neingulo Krome thereby enabling him to travel abroad;
- Take immediate and appropriate action against those who are responsible for the harassment of human rights defender Mr. Neingulo Krome and using all provisions of law to ensure that the defender is not harassed in any way in future and provide a re-assurance of not engaging in such acts against HRDs;
- Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and denial of his right to liberty of movement and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Neingulo Krome who is still under risk of further reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs; and,
- Put an end to all acts of attack and harassment of all human rights defenders like Mr. Neingulo Krome in the country to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary