



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/NE/MEG/01/11/2024

23 November 2024

To,
Mr. Indrajeet Kumar,
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: Urgent Appeal for action in case of threats and intimidation of HRD Napoleon S Mawphniang in Mizoram.

Greetings from Human Rights Defenders Alert!

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 concern regarding threats and intimidation of HRD Napoleon S Mawphniang by Henry Nongrum a political leader of Shakoikuna village National People's Party.

About the Human Rights Defender:

Mr. Napoleon S Mawphniang is an advocate, human rights activist and RTI activist from Ri Bhoi District, Meghalaya. He is also a writer and an environmental entrepreneur.

Source of Information:

- In Communication with the HRD
- In Communication with the other HRDs in the region
- Media reports

Perpetrators:

Henry Nongrum is a member of National People's Party & headmen of Shakoikuna village and other National People's Party officials

Date of Incident:

4 November 2024

Place of Incident:

Residence of HRD Syadheh, 11-Umsning (ST) Assembly Constituency, Ri Bhoi District Meghalaya. 793105.

Background:

The HRD had filed an RTI application to the Social and Conservation Department, Government of Meghalaya seek information pertained to the implementation of government of schemes in Shakoikuna village. There has been no reply to his RTI till now.

Details of the Incident:

On 4th November 2024, at 09.30 AM, Henry Nongrum accompanied by his associates trespassed in the house of the HRD. They confronted the HRD for filing the RTI application and exerted considerable pressure on the HRD to withdraw the RTI application. When the HRD refused to withdraw the RTI and informed then that the stipulated time under RTI Act has also passed for furnish information, Henry Nongrum and his associates threatened the HRD of dire consequences if he peruses the RTI application.

The HRD reported the threats to the media and submitted a letter to Chief Minister and requested the Superintendent of Police Ri Bhoi District to register an FIR against the Henry Nongrum and requested police protection. However, no action was taken by the police for the protection of the HRD.

HRDA strongly believes that the threats and intimidation on the HRD is an act of reprisal for his activism.

1. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and

Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders) reaffirms already existing human rights and fundamental freedoms and frames them in a way relevant to the legitimate work of human rights defenders:

- a) Article 1 provides that everyone has the right to promote and strive for the protection of human rights and fundamental freedoms;
 - b) Article 2 states that each State has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;
 - c) Article 6 states that everyone has the right to know, seek, obtain and receive and hold information about human rights and fundamental freedoms and freely to publish, impart or disseminate to others views, information and knowledge;
 - d) Article 8 refers to the right to submit to governmental bodies and agencies concerned with public affairs criticism and proposals for improving their functioning;
 - e) Article 12 states that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and that the State shall take all necessary measures to ensure the protection of everyone 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 those rights.
2. The Declaration on Human Rights Defenders 1999, also seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.
 3. UN SR on Human Rights Defenders report to Human Rights Council 2013 on 'The Role of National Human Rights Institutions in protection of Human Rights Defenders'.

*“84. National human rights institutions can potentially **play a substantive role in protecting human rights defenders**. The Special Rapporteur has recommended on numerous occasions that such institutions establish a focal point for human rights defenders with the responsibility of ensuring their protection. **Protection constitutes***

a wide range of possible measures and interventions, including formal complaints mechanisms and protection programmes; advocacy in favour of a conducive work environment for defenders; public support when violations against defenders are perpetrated; visits to defenders in detention or prison and provision of legal aid in this context; mediation when conflicts occur between defenders and other parts of society; and strengthening of the capacity of defenders to ensure their own security.

98. *When violations are perpetrated against defenders, in the form of threats, harassment, attacks and others, it is commonplace for human rights associations to make public statements condemning such acts. **The Paris Principles stipulate that national human rights institutions should be in a position to address public opinion directly or through the press in order to convey to the public its opinions and recommendations (para. 3(c)).** In the Special Rapporteur's view, this should include denouncing violations suffered by individuals and associations acting to defend human rights as a result of their work, as well as voicing public support for this.*

115. *As independent public bodies, national human rights institutions are in **a unique position to hold Governments accountable to their human rights obligations and international standards and principles** in this regard, thereby becoming **a vital actor in the fight against impunity** for human rights violations.*

117. *National human rights institutions can potentially play a significant role in the protection of human rights defenders. Such a role is ensured by national institutions having a **robust mandate with competence to receive complaints from individuals and associations working to defend human rights, investigate such complaints and provide a wide range of protection measures.***"

Human Rights Committee in its general comment (2018) observed that: –

*“20. States must respect the right to life of human rights defenders and **refrain from engaging in any conduct** resulting in an arbitrary deprivation of life, including by law enforcement officials. In ensuring their right to life, States must also exercise **due diligence to protect life against deprivations by persons or entities whose conduct is not attributable to the state.**”*

Appeal:

We urge the Hon’ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Police, Mizoram to provide to ensure the complete safety of HRD and his family and to protect them from further intimidation and give it in writing to the Hon’ble Commission within two weeks.
- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into threats received by the HRD and submit the report to NHRC within Two Weeks.
- Issue a public statement commending such treats on the HRD following the SCA recommendation to the NHRC in March 2023 & June 2024 and upholding the regional action plan on protection of HRDs of Asian Pacific Forum of National human Rights Institutions of March 2022.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary