



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 26, 2020

To,
Mr. Debindra Kundra,
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 – Manipur: Grave threats to life of whistle-blower Ms. Thounaojam Brinda. Laws misused and defamation case filed against her and journalist. Seeking PHRA Section 12(b) intervention.

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 regarding the safety and security of whistle-blower Ms. Brinda Thounaojam, Additional Superintendent of Police, Manipur, who revealed the nexus between drug mafia, high profile politicians and police officials in the largest drug haul in Manipur, which took place on June 20, 2018.

Source of Information:

- Regional Coordinator of HRDA for North-East of India
- Media reports
- HRDs in the region

About the HRD:

Ms. Thounaojam Brinda is the Additional Superintendent of Police, Narcotics and Affairs of Border (NAB), Government of Manipur. She is a recipient of the Gallantry Medal and the Chief Minister's Commendation Certificate.

The Perpetrators:

- The Chief Minister of Manipur Mr. N. Biren Singh and his wife Ms. Olice
- Mr. Moirangthem Asnikumar Singh, Vice President of BJP, Manipur
- Mr. Themthing Ngashangva, Former SP Imphal West
- Mr. LM Khaute, DGP Manipur

Date of Incident:

July 23, 2020 – Defamation case against Ms. Brinda and 11 editors and publishers

Place of Incident:

Imphal, Manipur

Details of the incident:

Assistant Superintendent of Police Ms. Thounaojam Brinda had accused the Manipur Chief Minister (CM) Mr. N Biren Singh, his wife and senior police officials of pressurizing her to let off an arrested drug smuggler. She has submitted these in an affidavit filed before the Manipur High Court on July 13, 2020.

According to Ms. Brinda's affidavit, on the night of June 19, 2018, a team of officials from NAB, commanded by Ms. Brinda, arrested Mr. Lhukhosei Zhou – Chairman of the Autonomous District Council (ADC), Chandel, at his residence, along with seven others and seized 4.595 kg of heroin, 2,80,200 "World is Yours" tablet, Rs 57.18 lakh in cash, another Rs 95,000 old currency notes, and several other incriminating articles. This is the biggest drug bust so far in the history of Manipur. During the operation, she received a call from Mr. Moirangthem Asnikumar Singh, Manipur BJP's Vice President, who made her speak to the CM in middle of the operation. She told the CM about the drug trail and he lauded her and asked her to go ahead with the operation. When Mr. Zhou was arrested he asked Ms. Brinda to allow him to speak to the CM and the DGP, which she refused.

On June 20, 2018, at about 7 am, Mr. Asnikumar went to her residence and in the presence of her husband told Ms. Brinda that the arrested ADC member Mr. Zhou was the right-hand man of CM's wife Ms. Olice who was furious about the arrest and that he should be released. Ms. Brinda refused to do this. Mr. Asnikumar returned for a second time on the same day, and again in the presence of her husband told her that the CM and his wife were furious at her refusing the order and reiterated Mr. Zhou's

release. Ms. Brinda refused this again and said that she will let the courts and the investigation decide the culpability of Mr. Zhou. Mr. Asnikumar told her that he was just conveying the order of the CM and left. At 11 pm, Mr. Asnikumar returned to her residence for a third time with the then SP of Imphal West Mr. Themthing Ngashangva and again asked her to release Mr. Zhou. Ms Brinda refused again and said that the case be left alone and both of them left after that.

On December 14, 2018, Ms. Brinda and the SP of NAB, were called for a meeting at the DGP's office at the police Headquarters in Imphal. The DGP Mr. LM Khaute asked them for the charge sheet of Mr. Zhou's case. Ms. Brinda responded that it had reached the court. The DGP then ordered them that the CM wants the charge sheet to be removed from the court. Ms. Brinda replied that it was not possible since the charge sheet was already in the court. The DGP once again told them that it was the order of the CM and ordered the SP NAB and Ms. Brinda to direct the concerned Investigation Officer (IO) to do so.

On March 31, 2019, when this was reported by the media, the SP NAB released a statement that there was no pressure on anyone from NAB to remove the charge sheet from the court. The following day, on April 1, 2019, the CM called Ms. Brinda, the SP NAB and the Special Public Prosecutor and scolded them, specially Ms. Brinda, by saying *"Is this why I gave you the gallantry medal?"*.

On May 21, 2020, Mr. Zhou was granted interim bail by the Judge Ms. Noutuneshwari Devi, Special Judge, Narcotic Drugs and Psychotropic Substances (NDPS) Court. On 21 May 2020 and 23 May 2020, Ms. Brinda criticised the bail granted to Mr. Zhou by the court her social media page. For this, she was charged with contempt of the court for her "offensive" remarks for undermining and criticising the judiciary on May 26, 2020, by the Manipur High Court. On June 2, 2020, Ms. Brinda filed an application with the Registrar General of Manipur High Court explaining the above-mentioned events in detail.

On July 23, 2020, the Manipur CM filed a defamation case against Ms. Brinda and 11 newspaper editors and publishers. Civil Judge Senior Division Imphal East, Mr. Y Samorjit Singh gave an order restraining Ms. Brinda from making any unsubstantiated and ex facie statements regarding the CM either orally or by reporting or reporting the articles published against him until further order. The other 11 journalists were also restrained from speaking writing or publishing any defamatory comments re the CM regarding the articles.

Ms. Brinda is facing extreme political vendetta and is being targeted for following her duty honestly and with extreme integrity. That by not giving in to pressure from the highest political office, she has upheld the dignity of the police force and the state and

that she is being victimised for doing her duty diligently. She is a whistle-blower and has raised grave concerns alleging nexus between senior state functionaries and drug mafia in Manipur. HRDA believes that there is a grave danger and potential and imminent threat to her life. Manipur CM's repeated attempts to pressure her to remove the charge sheet should also be perceived as intimidation and threat to the whistle-blower.

HRDA expresses strong concerns in the defamation case filed against Ms. Brinda and 11 other editors and publishers. This is a clear attempt by the state functionaries to stifle freedom of expression guaranteed by Article 19 of the Indian Constitution.

Appeal

HRDA most respectfully appeals that this Hon'ble Commission to immediately take necessary steps and consider exercising Section 12(b) of the Protection of Human Rights Act and intervene in the case where the Civil Judge Senior Division Imphal East, Mr. Y Samorjit Singh, have passed restraining orders on Assistant Superintendent of Police Ms. Thounaojam Brinda and 11 journalists. A whistle-blower and HRD's freedom of expression, especially when it has worked towards promoting and protecting the rule of law, must never be curbed.

HRDA also urges that this Hon'ble Commission consider directing for protection to whistle-blower and HRD Ms. Thounaojam Brinda who has grave threat to her life. Hon'ble Commission may consider directing the Home Secretary, Government of India, to cause an inquiry into this matter and take all necessary steps to save her life.

Hon'ble Commission may consider writing to the Governor of Manipur to ensure that HRDs and whistle-blower, specifically Ms. Thounaojam Brinda in this case, are provided protection and that the police personnel must be only committed to advancing law and not bow down to political pressures.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary