

April 12, 2021

To
Mr. CS Mawri,
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

Sub: Urgent Appeal for Action – Imphal: Misuse of law and non - compliance with mandatory procedures by Manipur Police to harass, ill-treat, and falsely implicate human rights defender Mr. Laishram Herojit Singh alias Shintha

Dear Sir,

Greetings from HRDA, CHRI and HRA!

HRD Alert-India (HRDA) 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.

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit, organisation headquartered in New Delhi, with offices in London, UK, and Accra, Ghana. Since 1987, it has worked for the practical realization of human rights through research, strategic advocacy, capacity building, engagement and mobilization within the Commonwealth. CHRI specializes in the areas of access to justice, with a focus on police and prison reforms, access to information and freedom of information. CHRI is a Commonwealth Accredited Organisation and has a Special Consultative Status with the UN ECOSOC.

Human Rights Alert (HRA) is registered trust based in Imphal specialised in organising and empowering victimized communities and opening up their access to human rights redress mechanisms at the local, national and international levels.

We are writing to express our grave concern regarding harassment, ill-treatment, fabricated charges and arbitrary detention of human rights defender Mr. Laishram Herojit Singh alias Shintha by police officials of Thoubal Police Station in Manipur and him being charged under the draconian Unlawful Activities Prevention Act (UAPA).

We would like to state here that on April 7, 2021, at 9:45 PM, given the arbitrariness of the arrest and Mr. Shintha not allowed to meet his family members and lawyers, HRDA attempted to call you and when it didn't hear from you, at 9:54 PM urgent alert messages were sent seeking your urgent intervention with the Superintendent of Police, Thoubal district.

About the Human Rights Defender:

Mr. Laishram Herojit Singh alias Shintha is 27 years old and is a human rights defender based in Thoubal District of Manipur. He campaigns to end the menace of drugs and alcohol in Manipur. He is the Secretary General of the Coalition Against Drug and Alcohol (CADA), in Thoubal District, which is a respected and established civil society organisation campaigning against the menace of drugs and alcohol abuse in Manipur since its inception in 2006.

Source of the Information:

Information obtained from HRDA Regional Consultant for the North-Eastern region
Information received from the family of the HRD

The Alleged Perpetrators:

1. Police officials of Heirok Police Station; Thoubal District
2. Inspector Mr. Tiken, Thoubal District Commando P.S., Thoubal
3. Police officials of Thoubal Police Station, Thoubal District

Date of Incident:

April 07, 2021

Place of Incident:

Thoubal District, Manipur

Details of the Incident:

On April 07, 2021, at 10 AM, CADA had organised a protest meeting against the recent acquittal of Mr. Loukhosei Zou, Chairman, Autonomous District Council, Moreh, who was arrested along with seven others in a drug haul case where 28 crores worth of drugs were recovered in 2018. The protest was jointly organised by CADA and the Ningol Club, which is a civil society organisation of the local women. The protestors displayed placards with slogan "Chief Minister Should Resign". After the protest, according to Ms. Sofia Khundongbam, President Ningol Club, she received a call from Dr. Sarangthem Ibomcha, the Superintendent of Police of Thoubal stating that he was unhappy with the slogan "Chief Minister Should Resign" on the protest placards. According to him, this has created a "fuss in the high ups" and that his image had been ruined.

Later at around 01:30 pm on the same day, a team of Thoubal Police in three police Gypsy jeeps, led by Office-in-Charge of Heirok Police Station came to the house of Ms. Khundongbam and demanded for the banners and placards that they used during the protest, saying that the SP Thoubal would like to inspect them. Ms. Khundongbam told them that she kept it inside her house and would take it out. As she went inside the house the male police commando also barged into her house without seeking any permission. She demanded them to stay outside as it is a woman's room, but they refused and then the lady police personnel barged in searching for the placards. They confiscated all banner and placards, and took them away.

Following this, at around 2:00 pm, 18-19 policemen of Thoubal Police Station arrived in three Gypsy vehicles at the house of Mr. Shintha. His mother who was present in the house at the time says that the police took him away in a police vehicle without any arrest memo or arrest warrant given to him or the family. After about 3 km away from his house, Mr. Shintha was shifted to another vehicle of the Thoubal Police Commandos and taken to the Thoubal Police station. Inside the Thoubal P.S. he was allegedly slapped on his face by Inspector Mr. Tiken for not signing the arrest memo. Mr. Shintha refused to sign the arrest memo because it stated that he worked with militant groups, a charge he categorically denies.

An FIR No. 32(4)2021 TBL PS, under Section 39 of the UAPA has been registered against Mr. Shintha by the Sub Divisional Police Officer, Mr. H. Johnny Sharma. The FIR fabricating the arrest states that Mr. Shintha was arrested at Wangjing near Canteen Lampak on charge of being an overground worker of the United National Liberation Front (UNLF), a militant group.

The complaint by the police further goes on to state that at 2:15 pm on April 7, 2021, they received information *“that some cadres of banned outlawed UNLF were loitering around the Wangjing area. Acting on the information a joint team of commando unit Thoubar immediately rushed to the said area and conducted frisking and checking near canteen Lampak. They saw a unknown person coming from Heirol towards Wangjing, behaving in a suspicious manner and detained him for his suspicious manner. On verification it was proved that he was an over ground worker of the banned UNLF, working under the command of Maj Angoubi of Laphupat tera of their organisation. Hence he was arrested at 2:50 pm from Wangjing near Canteen Lampak.”*

Since Mr. Shintha was picked up by the police from his residence in the presence of his parents which was also witnessed by local neighbourhood, it is obvious that a false and fabricated narrative has been made up by the police to arrest an HRD.

On April 8, 2021, at about 10:30 am, he was produced in the court of Chief Judicial Magistrate, Thoubal, and was asked whether he agreed with the police charges calling him a worker of the militant group, which Mr. Shintha has categorically denied. He was then remanded to the police custody till April 12, 2021.

We appeal to the NHRC to treat this as a case of reprisal against a human rights defender for exercising his fundamental rights guaranteed through Article 19 of the Indian Constitution. Arrest of an HRD for peaceful protest against drugs and for placards asking an elected representative to resign amounts to criminalisation of dissent and denying citizens the freedom of expression and assembly that is guaranteed under Articles 19(a) and 19(b) of the Indian Constitution and international laws which guarantee the right to protest peacefully. The arrest of Mr. Shintha is another link in the now familiar pattern of HRDs being arrested for critiquing elected representatives in a violation of Freedom of Expression, Association and Assembly.

We further urge the Commission to take note of the alleged violations committed by the Manipur Police in the form of registering a complaint based on false charges to implicate a HRD, failing to comply with procedures on arrest as laid down in the DK

Basu guidelines by the Honourable Supreme Court of India, and for ill-treatment meted out to Mr Shintha inside the police station.

Appeal:

Therefore, we urge the NHRC to take urgent action in this case and:

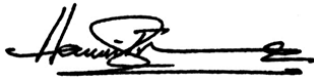
- Direct the Director General of Police of Manipur to produce within 48 hours all relevant documents pertaining to the arrest of Mr. Shintha for an independent examination by the NHRC –
 - arrest memo as required under Section 41B of the CrPC, including name and designation of the police officer who prepared the arrest memo
 - medico-legal certificate prepared under Section 53 of the CrPC, as well as report of the medical examination conducted under Section 54 of CrPC
 - Inspection Memo prepared at the time of arrest as required under the guidelines laid down by the Supreme Court in *DK Basu vs State of West Bengal* [1997 (1) SCC 416], as well as the name and designation of police officer who prepared the said Inspection Memo
 - names, duty records and registers of all arresting/detaining officers and Station In-Charge on duty in the Thoubal police station and Heirok police station on April 7, 2021
 - vehicle records and registers of the Thoubal police station and Heirok police station on April 7, 2021
 - call data records of all arresting/detaining officers and Station In-Charge, including of Dr. Sarangthem Ibomcha, the Superintendent of Police of Thoubal, and wireless records of the Thoubal police station and Heirok police station on April 7, 2021
 - General Diaries, FIR and arrest registers of the Thoubal police station and Heirok police station
 - CCTV footage from the Thoubal police station and Heirok police station for April 7, 2021
- Based on the above documents, direct Hon'ble Commission's investigation wing to examine –
 - compliance with all the mandatory procedures on arrest and detention laid down in Sections 41 of the CrPC, and Sections 50, 50A, 51, 54, 55A, 56, 57, and 60A of the Code
 - compliance with the NHRC Guidelines on Arrest
 - whether the District Legal Services Authority was informed by the Thoubal police station of the arrest and detention of Mr. Shintha
 - independently record the statements of Mr. Shintha and his mother
- Direct Hon'ble Commission's investigation wing to examine the legality and conduct of Heirok police station for the raids at the residence of Ms. Sofia Khundongbam.
- Depending upon the result of the investigation, direct the Director General of Police of Manipur, to take necessary disciplinary actions and institute legal proceedings under relevant IPC sections against all police officials involved in

the ill-treatment, harassment, misuse of powers and violation of arrest guidelines in this case.

- Direct the Chief Secretary of Manipur to provide adequate compensation to Mr. Shintha for the mental trauma inflicted upon him and violation of his fundamental rights.

Looking forward to your immediate action in this regard.

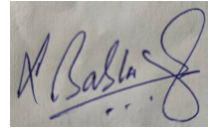
Yours sincerely,



Henri Tiphagne
National Working
Secretary
HRDA



Sanjoy Hazarika
Director
CHRI



Babloo Loitongbam
Executive Director
HRA