



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/NE/MPR/01/07/2023

July 12, 2023

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: HRD Alert – Urgent Appeal for Action – Manipur–FIR against three Women
HRD's who were part of all Women Fact-finding team by the Manipur
police.**

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 the registration of an FIR for undertaking a "Fact Finding Mission" over the Manipur Ethnic Conflict in Manipur.

Source of Information:

Media Reports

Date of Incident:

July 08, 2023

Place of Incident:

Imphal, Manipur

Perpetrators:

Police officials of Imphal, Manipur

About the Women Human Rights Defenders:

- 1. Mrs. Annie Raja**, General Secretary of the National Federation of Indian Women (NFIW)
- 2. Mrs. Nisha Siddhu**, National Secretary (NFIW)
- 3. Mrs. Deekshua Duivedi**, Advocate

The NFIW is a national organization of women which raises issues of women's rights and was formed in the year 1954 and presently has Ms. Aruna Roy, the Magsaysay Award winner of 2000 as its President since 2008. It presently has its units in almost every state of the country and raises several issues of women and human rights.

Current scenario leading to the constitution of a FFT by the NFIW:

- Manipur has witnessed violence since Wednesday, May 3, 2023, with clashes between tribals and non-tribal communities that have displaced over 50,650 people and caused the deaths of more than 105 people. Around 310 people have been injured, and 4,500 houses were gutted in the fire.
- More than 50,000 people are taking shelter in 349 relief camps, where the total number of displaced people is more than 100,000.
- National highways NH-2 (which connects Dibrugarh in Assam & Tuipang in Mizoram) and NH-37 (which connects Karimgang in Assam to Imphal in Manipur) are blocked, causing a struggle to access essential commodities and price hikes. Communities are trying to resolve by taking alternate routes.
- Certain regions have implemented curfew relaxations allowing access to essential goods and services, depending on the improvement of law and order; however, these exhibit a high degree of volatility and are subject to daily revisions. Notably, in locations such as Kakching, where spontaneous conflicts and violence persist, a stringent curfew remains in effect.
- The network prohibition has undergone successive extensions, and currently it has been prolonged until the 15th of June, resulting in a continuous period of 45 days without access to internet services across the entire state.

- Around 2,000 people of the Chin-Kuki community from nearby districts have taken shelter in ten relief camps in Jibiram district, which borders Assam. Also, Kuki and Vaiphei communities are taking shelter in Churachandpur district. There are around 92 camps there with around 15,000 people.
- In the meantime, 7,724 people from the Meitei community are seeking refuge in 56 camps in the Bishnupur district of Manipur.
- Around more than 14,000 Meitei community members have taken shelter in more than 100 relief camps in Imphal East and Imphal West districts.

Even this Hon'ble Commission had not thought it fit to initiate any suo moto action on this issue of grave concern not only to the national but also the international community.

Details of the Incident now being complained of:

The NFIW had therefore in the above circumstances only, decided to undertake a formal fact finding mission to the state of Manipur between 28th June and 1st July. The members of the Fact Finding Team [FFT] were the following: (i) Mrs. Annie Raja, the General Secretary of the NFIW (ii) Mrs. Nisha Siddhu, the National Secretary of the NFIW and (iii) Mrs. Deekshua Duivedi, an independent Advocate from Delhi. Upon their return from Manipur, the NFIW called for a Press meet at the Press Club of India through an invitation dated 2nd July and the press meet was held on the 3rd July.

HRDA relies on the report of the FFT presented to the media at this press meet to urge this Hon'ble Commission to initiate action on this urgent appeal since it affects several rights of women human rights defenders that are enshrined in the United Nation's **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in short referred to as the Un Declaration on HRDs .**

The FFT investigated the clashes between Meitei and Kuki groups in Manipur. On June 28 the FFT visited three relief camps in Imphal East and the Regional Institute of Medical Sciences, On June 29 the FFT visited relief camps in Moirang (Bishnupur district) and the District Collector's (DC) office. On June 30, they met Churachandpur's District Collector and Bishnupur's Assistant Collector of Bishnupur district. The FFT visited Churachandpur district and met many victims of the violence at relief camps.

On 1st July the FFT also visited the Manipur Baptist Convention Centre Church and the catholic Bishop House of Imphal West District.

The FFT at their press meet on 3rd July, 2023, concluded that “What is occurring currently in Manipur is not communal violence nor is it merely a fight between two communities.” The FFT alleged that Violence “didn’t occur without any build-up. A clear backdrop of mistrust and anxiety was stoked amidst both communities by the ruling dispensation at the state and Centre to precipitate a full-blown civil war-like situation”. The FFT is of an opinion that the Manipur violence involves the “questions of land, resources, and the presence of fanatics and militants. The government of Manipur shrewdly carried out strategies to materialize its hidden pro-corporate agenda, which has led to the current crisis. Portions from the FFT’s press release are herein after provided verbatim for the convenience of this Hon’ble Commission:

Excerpts from the Press release of the FFT dated 3rd July 2023:

General Observations

The first and foremost thing that engulfed our team as we began our journey was the sheer devastation of all sense of peace and life itself. Life as was known and held dear by the people of Manipur, navigating through the socio-economic precarity of everyday life, remains unavailable to them currently.

What is occurring currently in Manipur is not communal violence nor is it merely a fight between two communities. It involves the questions of land, resources, and the presence of fanatics and militants. The fascist government shrewdly carried out strategies to materialize its hidden pro- corporate agenda, which has led to the current crisis.

- It is a State-sponsored violence.
- The violence that broke out on the 3rd of May did not occur by itself, without any build up. There was a clear backdrop of mistrust and anxiety that was being stoked amidst both the communities by the ruling dispensation at the State and Center in order to precipitate a full- blown civil war-like situation. Many incidents took place in the months of March and April 2023 which clearly indicated the possibility of violent clashes. But the government chose to ignore it and allowed the brutal violence to happen.

- The socio-political history of Manipur is such wherein the society was hierarchically organized with the Meiteis being the dominant community and the Kukis being looked down upon as 'uncivilized'. The constitutionally guaranteed affirmative action policies resulted in the Kukis in achieving some degree of social mobility in terms of gaining education and entering government jobs. This mobility of the Kukis has generated general anger and dissatisfaction amongst the majority Meitei community.
- Instead of taking steps to safeguard the lives and livelihood of the people of Manipur, the government continues its provocative actions which further deepens the anger and rift between two major communities. Some of the key moments were: -
 - 1: Demolition of three churches by the government in New Chekon on the pretext of being built on encroached land;
 - 2: Eviction of Kuki villagers from Kangpopki and Tengoupal areas and the demolition of their houses in the name of Forest Preservation and Wildlife Protection;
 - 3: the order of the Manipur High Court regarding ST status to the Meiteis; and
 - 4: Attempt of the state government to put an end to Suspension of Operation.
- The All Tribal Student's Union Manipur took out a Peace Rally on 3rd May against these incidents in Churachandpur district at around 12pm and the violence started around 3pm.
- It has been alleged by the Kukis that Meiteis were angry with the peace march, therefore, they tried burning the sacred Indo-Kuki War Memorial. Meiteis had come in large numbers to Churachandpur. They had also marked the houses of Meiteis and Kukis in advance.
- Both communities allege each other of attempting to raze down the sacred Indo Kuki War Memorial.
- Militants, fanatics and miscreants took advantage of the troubled situation.
- On 3rd and 4th May majority of the houses were burned. It was shared that the security forces including the state police were lax and lethargic in controlling the violence. The Chief Minister was busy hosting the Vice President and uploading pictures on Twitter till 7 pm, while the state was burning.

- The general sense which prevails in both communities is unhappiness and anger with the Chief Minister over his mishandling of the situation.

Relief Camps

- The Relief Camps are mostly being run with the efforts of well-meaning citizens and civil society organization with very limited support from the government. The condition of the relief camps is reflective of the state government's disinterest regarding the well being of the displaced and victimized citizenry. This clearly is disrespect to the dignity of the victims of violence.
- Most of the people in the camps are daily wage workers and ordinary people.
- Children and young people are worried about the uncertain future as they are unable to continue their studies or pursue any employment opportunities.
- The populace of the relief camp who suffered violence are not aware of any registering of FIRs or any compensation being offered by the State Government. It also came to light that no Compensation Claims Commission was set up by the state government.
- The camps have persons aged 1 month to those who are 80 and above. Many pregnant women are also there in the camps. Persons with various health conditions are struggling without proper medical attention.
- Food provided by the government is insufficient, especially for infants, elderly, pregnant, and lactating women. There is also a massive shortage of clean water, sanitation, and sanitary pads.

Conclusion

The State government and its machinery remain defunct in the ongoing crisis. The criminal apathy of the Union government exacerbates the prevailing grim situation. Their current inaction and the preceding selective actions are what is sustaining the unabated violence of whose worst victims are the women and children of Manipur. The grotesque present of Manipur is one that has been curated by the State and its private agenda. The citizens of Manipur desire peace and normalcy to be restored. They remain wary of the dubious role played by the governments and the various security forces. Safety and security have become the responsibility of the people. They also remain keenly vigilant against violent fringe groups. While there remains massive

trust deficit between the communities, there also stands an overwhelming desire to reclaim and restore dignified life for all.

CHARTER OF DEMAND

1. Disarming all groups and individuals
2. All efforts to restore peace and harmony must be strongly initiated.
3. Initiate confidence-building measures involving all stakeholders, particularly women organizations.
4. Immediate Resignation of Chief Minister Biren Singh.
5. High-powered/ Supreme Court monitored inquiry and justice process.
6. Registration of FIRs.
7. Constitute Compensation Claims Commission immediately and give compensation to the victims.
8. Urgent improvement of the conditions in the relief camps.
Time-bound relief and meaningful rehabilitation with livelihood opportunities.
9. Urgent steps to ensure the continuity of education of students.
10. Set-up buffer zone with same security force on both sides.

On 8th July, 2023, the Imphal police registered an FIR on the basis of a complaint preferred by one Mr. L. Liben Singh, son of late Sanoujam Pholo Singh. The FIR has invoked IPC Sections as follows :

Sec 121- A : Conspiracy to commit waging war against India or against the state)

Sec 124 (A) :(sedition),

Sec 153, 153-A, 153-B (provocation with an intention to cause riot, promoting enmity between different groups and imputations prejudicial to national integration),

Sec 499 (defamation),

Sec 504 & 505(2) (insult to provoke breach of peace, false statement, rumour etc with intention to create enmity between different classes), and Section 34 (common intention) of the Indian Penal Code.

It is pertinent to bring to the kind attention of this Hon'ble Commission that the rights of HRDs under the UN Declaration on HRDs of 1998 reads as follows :

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

The Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security of 9 December 1991 defines a "fact finding" as follows :

" ...any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security. "

Thus what has been undertaken by the NFIW is legitimate human rights activity and the Declaration referred above provides it not only the right to " To know, seek, obtain, receive and hold information ' through a FFT but also further to, " freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms" meticulously gathered through the FFT and then finally also, " to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters." It is the medium of a press meet that the FFT of the NFIW had used to draw public attention to the happenings in Manipur. Thus, the activity of a FFT being appointed by the NFIW and its report being made public are all legitimate exercise of the rights of HRDs contained in the UN Declaration.

HRDA strongly believes that the registration of a First Information Report against the three Women HRD's is an act of reprisal for their human rights activism as Women Human Right Defenders and for not only undertaking a Fact Finding but also for freely expressing their opinion and disseminating their dissenting views to the media. The FFT of NFIW is the first citizens' team to assess the present situation in Manipur. This all-women FFT went to hear the distress of women and report the stories of violence, loss, displacement and deaths. This effort is now being criminalized via the allegation of the complaint that they have hurt the sentiments of the Meira Paibi Women and defamed the state government.

The Right to exercise freedom of Speech and Expression is enshrined under Article 19 (a) of the Indian Constitution. The Right to freedom of opinion and expression encompasses three different aspects: (i) The right to hold opinions without interference, (ii)The right to access to information, and (iii) The right to impart information and ideas of all kinds.

The WHRD's Press Statements does not, by any stretch of imagination, create or promote any instigation of war against the state. The WHRDs in question are very respectable persons and possess the right to express without being scapegoated by criminal offences against them.

We urge the Hon'ble Commission in the above-mentioned circumstances to immediately intervene in this matter of the Manipur police grossly misusing the criminal law to restrict the fundamental right to expression, dignity, association and liberty. As the Apex national human rights institution of India, we urge you to intervene in this case by independently analysing the press statement made by the WHRD's owing allegiance to the NFIW within the framework provided by the Supreme court on free speech and expression on numerous occasions and according to the provisions of international law and the standards laid down by the Special Procedures of the United Nations , namely, the UN SR on HRDs, the UN SR on Freedom of Association and to peaceful Assembly and the UN SR on freedom of Opinion and expression.

HRDA sees this as an opportunity to integrate international standards that have been so carefully been developed over the years by various UN Special Procedures.

This Hon'ble Commission will do well to also call the WHRDs in question for a discussion about their effort to undertake the said FF mission and come to know first-hand about what had actually taken place in the absence of any effort of this sort.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case, meet the WHRDs in question as stated supra and then urgently and without any delay:

- Issue a public statement condemning the registration of criminal charges against the WHRDs, thus leading to the process of criminalising the genuine work of WHRDs at such important times in history.
- Intervene in the relevant court, either before the Manipur High Court or the Supreme Court to quash the false charges against the WHRDs as empowered under Sec 12 of the PHRA 1983.
- Direct the Director General of Police Manipur to ensure the physical security of Mrs Annie Raja, Nisha Siddhu and Deeksha Duivedi and take preventive steps to ensure that they are not arrested under the sections of the law that have been registered against them.

We hope to hear from you soon,

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

National Working Secretary-HRDA-India