



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 18, 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

Dear Sir,

Sub: HRD Alert-India – Urgent Appeal for Action – Manipur: Misuse of law, fabricated charges, arbitrary detention and arrest under UAPA of activist Mr. Yumkhaibam Bimol Meitei for a speech critical of the Manipur Government.

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 misuse of law, arbitrary detention, arrest and fabricated charges under the draconian Unlawful Activities Prevention Act (UAPA) on HRD Mr. Yumkhaibam Bimol Meitei for a speech critical of the Manipur Government.

About the Human Rights Defender:

Mr. Yumkhaibam Bimol Meitei is an activist working for the protection of indigenous people in Manipur for decades. He is currently the Secretary of Yelhoumi Kunba Lup, President of Arapti Maning Leikai Youth Development Association, a senior member of the ST Demand Committee, and a regular columnist writer on indigenous issues.

Source of the Information:

- HRDA Regional Consultant North-East region
- Other HRDs in the region
- Media Reports

The Perpetrators:

- Officials of Imphal Police Station
- Officials of Lilong Police Station
- Government of Manipur

Date of Incident:

December 07, 2021

Place of Incident:

Lilong Arapti Maning Leikai, Thoubal District, Manipur

Background:

On December 05, 2021, Mr. Yumkhaibam Bimol Meitei attended an election rally of Ms. Thounaojam Brinda at Yaiskul Kendra, Yumnam Leikai and gave a speech on the current situation of governance in Manipur.

Details of the Incident:

On December 07, 2021, at around 06:30 am, a team of 4-5 police officials from Imphal East police came to the residence of Mr. Bimol. Two of them were in civil clothes and the rest in uniform. Two of the police personal barged in forcibly into his house. Mr. Bimol who was still sleeping was asked to come to Lilong police station by the personnel. When their family repeatedly asked about the reason he was being taken, one of the police personnel informed them that they were ordered to do so by the Superintendent of Police, Imphal East. One of the police personal in civil clothes told Mr. Bimol that he should not criticise the government in public. His phone was snatched by the police and they refused to return it. The family also alleges that some of the policemen were intoxicated.

He was then taken illegally by the police in a Gypsy jeep without any detention notice or arrest memo or any other paperwork. Before leaving they informed the family that they can meet Mr. Bimol at Commando Complex Minuthong at 9 am but when the family went to Commando Complex they were not allowed to meet him. Mr. Bimol was taken to the Lilong police station, where he was illegally detained for more than 24 hours.

An FIR dated December 07, 2021, (FIR 116(12)2021) pm was filed against Mr. Bimol by K. Dhananjay Singh, SDPO Thoubal, under the section 39/40 UAPA (Offence relating to support given to a terrorist organisation, Section 40-A person commits the offence of raising fund for a terrorist organisation. However, the family alleges that the FIR date and time is fake and the real FIR was filed much later. It was only on December 12, 2021, that an arrest memo was given to the family by the Lilong Police Station.

As per the narrative of Manipur police's arrest memo (which was given to family only on December 12, 2021 morning) he was arrested at 04:40 pm. He was produced before the magistrate next day on December 08, 2021, much after the mandate of 24 hours. The magistrate sent him to police custody for 5 days.

On December 13, 2021, he was produced before the CJM. Till this time he was in custody of Lilong PS. The CJM released him, scolding the police. However, till date the written release order has not been given to the family despite their repeated requests. Mr. Bimol now fears for his life.

We believe that the Manipur Police has misused the law and their powers, behaved arbitrarily and violated multiple sections of the DK Basu guidelines, and that the arrest can't be called valid in absence of proper arrest procedures or any proper paperwork.

The DK Basu guidelines categorically state that a detention memo or an arrest memo must be prepared at the time of arrest and the same should be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest. No detention memo or arrest memo was created at time of the arrest.

Furthermore, Mr. Bimol was kept in police custody in the Lilong police station more than 24 hours without being produced in front of a magistrate. Article 22(2) of the Constitution of India provides that any person arrested and detained in custody must be produced before the nearest magistrate within 24 hours of his arrest and no person can be detained beyond the period of 24 hours without the authority of the magistrate. The police cannot detain any person in its custody for more than 24 hours according to Section 57 of CrPC.

It was held in the case of **R.K. Naba Chandra Singh v Manipur Administration** by the Hon'ble High Court that if the police officer considers that the investigation can't be completed within 24 hours, then it is his duty to produce the accused forthwith before the Magistrate. In **Sharifbai v Abdul Razak** it was held that if the Police officer fails to produce an arrested person before a Magistrate within 24 hours of the arrest, he shall be held guilty of wrongful detention. Furthermore his family has still not been given the release order despite the CJM releasing him.

The family of Mr. Bimol allege that no prima facie evidence has been found by the Manipur Police linking Mr. Bimol to any terrorist organisation and that the Manipur Police acted illegally on political orders.

Our Constitution provides citizens to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of HRDs, including human rights defenders and activists. The right to freedom of expression encompasses three different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind.

On the aforesaid it is stated that Declaration on Human Rights Defenders 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. If citizens are muffled up their reporting on facts when they criticise politicians and public officials, seldom human rights activists will dare to take a stand and the democracy will be crushed further.

Globally, human rights defenders face major risks as a result of their work both from the state and out of state actors. The protection of human rights defenders like Mr. Bimol, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against human rights defenders. A free expression and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable. Mr. Bimol had full right under the Constitution to address a political gathering and be critical of the government.

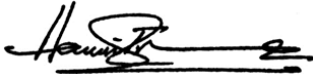
Appeal:

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 and malafide actions by the Manipur Police and Government of Manipur. Thereby, we urge the NHRC to urgently to –

- Direct the independent wing of the NHRC to initiate an immediate, independent, thorough, transparent, effective and impartial investigation into arbitrary detention and arrest of human rights defender Mr. Yumkhaibam Bimol Meitei.
- Depending on the result of the investigation, to initiate strict action against Manipur Police officials who carried out the arbitrary detention and arrest, flouting DK Basu guidelines and other international and national laws.
- Direct the Director General of Police of Manipur to provide complete security to Mr. Yumkhaibam Bimol Meitei and his family who fear for their lives.
- Direct the Chief Secretary of Manipur to provide adequate compensation to Mr. Yumkhaibam Bimol Meitei for the physical and mental harassment he had to go through and guarantee his and his family's safety from further harassment by the officials.

Looking forward to your immediate action in this regard.

Yours sincerely,



Henri Tiphagne

National Working Secretary