



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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NHRC Diary No. 2460/IN/2023 for the complaint submitted online

HRDA/NE/MRP/01/02/2023

February 10, 2023

To,

Mr. Indrajeet Kumar,
Focal Point - Human Rights Defenders & Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Manipur – Arbitrary arrest of RTI activist and lawyer as an act of reprisal by Manipur police.

Greeting from Human Rights Defenders Alert!

HRD Alert – India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our concern regarding the fabricated charges and the arbitrary arrest of Mr. Wahengbam Joykumar from his residence by police personnel of Thoubal police station personnel. We believe that the HRD is being targeted for his RTI work and PIL filed against government officials and has been falsely arrested in a murder case as an act of reprisal.

Source of Information:

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

Date of Incident:

January 28, 2023

Place of Incident:

Imphal East, Manipur

Perpetrators:

- Police officials of Thoubal Police Station Manipur
- Mr. W. Ibocha Singh, Manipur Police Service, Sub Divisional Police Officer, (SDPO) Thoubal

About the Human Rights Defender:

Mr. Wahengbam Joykumar is a RTI activist based in Manipur. He was the former Ombudsman at Mahatma Gandhi National Rural Employment Guarantee Scheme MGNREGS, Imphal; East District, and Former Co-Convenor of National Campaign for Peoples' Right to Information, NCPRI. Mr. Joykumar has consistently taken a public stand against corruption and collusion of Manipur government officials with armed opposition groups.

On December 7, 2022, Mr. Joykumar Wahengbam had submitted a complaint application to the Hon'ble Chief Minister of Manipur to take necessary action against (1) the Hon'ble Minister (CAF & PD), (2) the Commissioner, (CAF & PD) namely Bobby Waikhom, IAS and (3) the Deputy Secretary of Manipur (CAF & PD) namely T. Vei, MSS, Government of Manipur of Manipur for relating to support and criminal conspiracy with an Armed Opposition group/ proscribe group,

In 2022, Mr. Joykumar Wahengbam was threatened by an insurgency group based in Manipur to withdraw the application which he had filed as a PIL to High Court of Manipur to ensure the distribution of rice under PMGKAY during the Covid-19 times.

On August 16, 2020, he was picked up from his residence at Wangkhei, Imphal East at by Imphal Police Station and detained him around two hours at the Imphal Police station for posting a comment on his Facebook.

Background of the Incident:

On January 24, 2023, two unidentified men in a white Mahindra XUV 300, shot dead Laishram Rameshwor Singh (55), in Thoubal District, Manipur.

Mr. Laishram Rameshwor Singh was a retired army personnel and also current member of Rashtriya Swayamsevak Sangh (RSS) and the convener of BJP ex-serviceman cell. He was admitted to Raj Medicity in Imphal after the shooting but succumbed to bullet injuries.

According to the police, after a chase and search operation, the vehicle used in the crime and the driver of the vehicle was arrested. The man was identified as Naorem Ricky Singh alias Amu, son of N Kesho of Keinou Thongthak Maning Leikai, Bishnupur District, staying at Haobam Marak Irom Leikai. Imphal West District. The police also recovered one empty case of .32 bullet from the place of the crime.

Later, the main accused, Ayekpam Keshorjit, 46, surrendered himself before Inspector P Achouba Meitei. A licensed gun, a .32 pistol, two magazines and nine .32 bullets were seized from his possession. One mobile handset Samsung A70 belonging to the accused was also seized. Mr. Ayekpam Keshorjit's wife claimed that her husband was a RTI activist, and he shot L Rameshwor in self-defence.

Details of the Incident:

On January 28, 2023, at round 8:10 pm, two gypsy vans filled with security personnel, led by Mr. W. Ibocha Singh MPS, reached the residence of Wahengbam Joykumar in Imphal East. The policemen reached the back door of the house, which was opened by the HRD's wife, Ms. Wahengbam Purnimashi. The policemen asked her if this was Mr. Joykumar's residence. His wife replied in the affirmative and requested the security personnel to come to the main gate.

Some personnel got inside the courtyard and told her to call her husband. Mr. Joykumar came out from the house and the security personnel told him that they have come to arrest him in relation with a murder case.

The security personnel did not allow Mr. Joykumar to change his clothes and one personnel stayed with him in his room as he changed his clothes. The security personnel also interrogated his wife and got her to sign an arrest memo which they bought according to which the time of arrest is 8:10 pm.

An FIR was filed against him (FIR No. 17 (1) 2023 TBLPS) under Indian Penal Code sections 307; (Attempt to murder); 326, (causing grievous hurt by dangerous

weapon)IPC 34 (Acts done by several persons in furtherance of common intention; IPC 25 (1-B) (in Arms ActWhoever—. (a) acquires, has in his possession, or carries any firearm or ammunition in contravention of section 3).

At around 8:21 pm, the security personnel took Joykumar to the Thoubal police station.He was detained in the police station for two hours during which time he was allowed to contact his lawyer. Mr. Joykumar was produced in front of the Judicial Magistrate Thoubal and has been remanded to police custody till February 02, 2023.

On February 2, 2023, Joykumar Wahengbam was produced in the court at around 3:30 pm. but the court rejected his bail, and his lawyer will apply for regular bail in future. HRD Mr. Joykumar continues to be in Central Jail at the time of writing.

Civil society groups in Manipur have condemned the arrest of Mr. Joykumar. HRDA believes that the arrest of Mr. Joykumar is an act of reprisal for frequently speaking up on issues related to the Right to Information and a misuse of powers by the Manipur police. The civil society groups also demanded that advocate Joykumar's professional and legitimate action of advising his client cannot be construed in any way as criminal conspiracy and that he should be released immediately.

The Declaration on human rights defenders adopted in 1998 by the UN general Assembly was Clauses 2 and 3 of Article 12 of the declaration state: "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

The arrest of Mr. Joykumar is one more in an increasing pattern of intimidation and lack of protection of HRDs in Manipur who critique the state government officials.

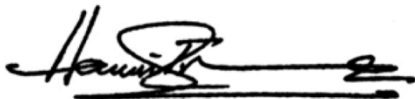
Journalists have been picked up for commenting in the media and social media, and activists are being intimidated for their human rights works and FIRs filed against the HRDS.

Appeal:

We appeal to the NHRC to treat this as a case of reprisal against a RTI activist for exercising his constitutionally guaranteed fundamental rights and urge the NHRC to urgently

- Direct the Director General of Police of Manipur to initiate and immediate, independent, thorough, transparent, effective, and impartial investigation into the false and arbitrary arrest of RTI activist and submit a report to the NHRC within two weeks. Based on independent investigation's, recommend prosecution proceedings against all police officials for registration of false FIR
- Direct the DGP, Manipur to ensure the protection of the life and liberty of HRD and RTI activist and his family and give it in writing to the NHRC within two weeks.
- Exercise powers under the Protection of Human Rights Act and intervene before the court through an experienced criminal lawyer and seeking quashing of the FIRs against Mr. Joy Kumar.
- Ensure that Mr. Wahengbam Joykumar is not tortured in police custody and submit a report to the NHRC within two weeks.

Yours sincerely,



Henri Tiphagne
National Working Secretary.