



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/North East/MN/02/04/2020

April 7, 2020

To,
Mr. Debindra Kundra,
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: Illegal detention/arrest, wrongful confinement and censorship of HRD Mr. Konsam Victor Singh by Manipur Police

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 illegal detention/arrest and wrongful confinement of Mr. Konsam Victor Singh by the Manipur Police. Mr. Konsam had shared a post on social media that allegedly 'promoted negativity against the Chief Minister of Manipur'. He was forced to delete the Facebook post and post an apology by the Manipur Police. Manipur Police's action severely infringed Mr. Konsam's fundamental rights enshrined under Article 19 and 21 of the Indian Constitution.

Status of the Human Rights Defender

Mr. Konsam Victor Singh is an administrative staff at the electrical engineering department at the Manipur Institute of Technology and takes interest in social issues.

Sources

- Communication with the HRD
- Media Reports

The Perpetrators:

Police personnel of the Porompat Police Station, Imphal East, Manipur

Date and Place of incident:

April 1, 2020

Imphal, Manipur

Details of the Incident:

On the evening of April 1, 2020, at around 7:30 PM, Mr. Konsam, a resident of Khurai Konsam Leikai in Imphal, was picked up from his residence and taken to the Porompat Police Station, Imphal East, where he was illegally detained for the night. He was allegedly illegally detained for a Facebook post. There was no FIR or official complaint filed and shared with him during the entire period of detention.

On March 31, 2020, at around 6 PM, Mr. Konsam had posted on Facebook stating, *“CM covid-19 relief fund da CM Biren masagi oiba lupa kaya hapkhi khangbiba yaobibaro? (Does anybody know how much has CM Biren contributed to the CM Covid-19 relief fund?).”*

As per Mr. Konsam’s statement, upon arriving at the police station, he asked the officials for an FIR copy or a complaint which resulted in his detention. Mr. Konsam was simply told that, *“The orders are from the CM, we cannot help, please contact him through someone”*. Confirming that the police action was illegal, Mr. Konsam asked that he be sent home, however, it was refused. At around 11 PM, Mr. Konsam was informed that he would be held at the Porompat Police Station for the night.

Mr. Konsam highlighted that despite the ongoing COVID-19 pandemic requiring physical distancing to maintain public health, he was held in a small cell with six others until the morning of April 2, 2020. His request for access to his lawyer was also denied.

On the following morning, Mr. Konsam was forced to delete his Facebook post and share another Facebook Post at around 9:30 AM – conditions for him to be released. The Facebook post read, *“I am deleting this post. I don’t have any negative interntion towards the CM of Manipur”*. He was released on April 2, 2020, after he was forced to oblige to these illegal police orders.

This is a case of gruesome actions by the personnel of Porompat Police Station. Mr. Konsam is a victim of police excesses – he was illegally detained/arrested and confined for over 12 hours in a police lockup. His exercise of Article 21 was severely curtailed by police actions not in conformity with the provisions of the Criminal Procedure Code (CrPC), DK Basu Guidelines and NHRC Guidelines on Arrest. Further, forcing him to delete his Facebook post is restricting him to exercise free expression and violative of Article 19.

Appeal:

We, therefore, urge you to immediately take necessary steps and urgently:

- Consider initiating an immediate independent inquiry through NHRC's own investigation division and direct the Director General of Police, Manipur to submit urgently –
 - Copy of the written summon served to Mr. Konsam Victor Singh under Section 160 of the CrPC.
 - The names, designations and duty timings and records of all arresting/detaining officers and Station In-Charge on duty in Porompat PS, Imphal East, for April 1 and 2, 2020.
 - Entries of General Diaries, FIR and Arrest Register of Porompat PS, Imphal East, for April 1, 2020.
 - CCTV footages of Porompat PS, Imphal East, for April 1 2020.
 - Call data records of all police personnel of Porompat PS, Imphal East for April 1 and 2, 2020.
 - Wireless logbook record of Porompat PS, Imphal East for April 1 and 2, 2020, or district police wireless HQ, where such log is maintained for April 1 and 2, 2020.
 - Logbook records of the government vehicles used by all police officers of Porompat PS, Imphal East for April 1, 2020.
- Record statements of Mr. Konsam Victor Singh through video conferencing or allowing him to submit written statements to the NHRC's investigation division.
- Provide security to the HRD Mr. Konsam Victor Singh as he stands at further risk of reprisals.
- Direct the Director General of Police, Manipur to submit a status report on the compliance to the Supreme Court judgement requiring all police stations to upload FIRs online within 24 hours of their registration.

Thanking you in anticipation.

Sincerely,



(Henri Tiphagne)

National Working Secretary

Human Rights Defenders Alert – India (HRDA)