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**CO-ORDINATING COMMITTEE ON
OINAM ISSUE**

THE SECOND REPORT

But let justice flow like water and integrity like
an unfailing stream. —Amos 5 ; 24.

MANIPUR: JANUARY 1989

“ Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as justification of torture or other Cruel, inhuman or degrading treatment or punishment”

—United Nations Declaration on the Protection of all Persons from Torture, and other cruel, Inhuman or Degrading Punishment.

Co-ordinating Committee on Oinam Issue has already brought out their first Report in November, 1988 covering every detail about the court case being filed by the Naga People's Movement for Human Rights (NPMHR) against the Assam Rifles for the atrocities committed on the people of Oinam and its surrounding 30 or more villages during “Operation Blue-Bird” in July-September, 1987.

The Sessions Court, at Imphal has been recording evidence from the victims of the Assam Rifles since 22nd August, 1988 in accordance with the directive of the Gauhati High Court's Order dated July 6, 1988.

Many things have happened. And we feel the need to share with you all our experiences over the past few months. So much has happened that it would fill several books if we were to tell you all the details so we are writing the facts in a diary form for your easy reference :

DIARY OF EVENTS

November 3, 1988

NPMHR witness No. 13, Mr N. Sekho, the Village Secretary of Khongdei Khuman finished giving his evidence before the Sessions Judge. He is one of the key witnesses since he is among those who saw the five villagers (these villagers were later brought to the village dead) brutally tortured. The Assam Rifles said they had been killed in an encounter.

Just after finishing his evidence he was arrested outside the Court by the police on the basis of a case filed by the Assam Rifles.

Saturday, November 5, 1988

Mr. N. Seikho is released on bail. The Magistrate says in his bail order that no investigation worth the name had been made so Mr Seikho must be released.

The Sessions Court adjourns for three weeks till November 28, 1988.

Tuesday, November 15, 1988

The NPMHR move the Gauhati High Court for certain urgent directions, including the transfer of 21st Assam Rifles Battalion from Senapati District to another District in Manipur during the continuance of the proceeding before the Sessions Court; to stop intimidation or terrorising the NPMHR witnesses; not to allow the Assam Rifles officers to sit in the Court; not to arrest the witnesses in this present case without prior permission of the High Court; to limit the cross examinations by the counsel for other side and others. The other side lawyer asks for three weeks time to reply to the NPMHR petition. The Gauhati High Court gives them the time.

Monday, November 28, 1988

Mr N. Sahini, Chairman of Phaibung Khullen Village Authority, gives his evidence before the Session Court. He asks for police protection and the Court provides him with a police escort to his place of stay at Imphal.

The respondents (Assam Rifles) files contempt case against the petitioners (NPMHR), which they later withdraw.

Friday, December 9, 1988

The NPMHR petition comes up for hearing at Gauhati High Court. The High Court directs that no witness is to be arrested while he or she is in the witness box. And if he or she is to be arrested it must be with the permission of the Sessions Judge.

Saturday December 10, 1988

Universal Human Rights Day. It was on this day 40 years ago that the Governments of the World sitting at the United Nations passed the International Bill of Human Rights. World over it is observed as Human Rights Day.

At Imphal for the first time in the history of Manipur all the political parties, except Congress-I, the Student Unions and Civil Liberties groups and various women organisations observed Human Rights Day with a one point demand-REVOKE ARMED FORCES SPECIAL POWERS ACT, 1958. At Ukhrul too NPMHR observed the day by holding a huge public meeting which was addressed by human rights activists from all over India. Special Prayers were offered in the Churches on this occasion to renew our pledge to continue our struggle for human rights.

Tuesday, December 13, 1988

Mr. H. Peter, Pastor of Kodom Khullen, begins his deposition in Court.

Wednesday, December 14, 1988

Mr H Peter's head reels and he feels dizzy so the Court is adjourned. He said he has been feeling like that ever since he was beaten by the Assam Rifles during the Operation Blue Bird,

Saturday, December 17, 1988

Mr. H. Peter is picked up at night by the Assam Rifles, along with another witness, Mr Kh. Kholu, Village Secretary of Liyai Khullen.

Sunday, December 18, 1988

Mr. H. Peter and Mr. Kh Kholu are released by the Assam Rifles. Both of them were taken to the 24 Assam Rifles Headquarters and never handed over to the police as required by the law.

Monday, December 19, 1988

Mr. Peter complain to the Sessions Judge that he had been arrested by the Assam Rifles. The lawyer for the Assam Rifles deny the arrest. Later they say he was not arrested but merely "picked up" and was taken in a vehicle and given breakfast ! As if that can justify the fact that they burst into the privacy of his home and whisked him away from his home.

The advocate for the Assam Rifles, Mr. T. Bhubon Singh threatens to use force against the lawyer for the NPMHR and is told by the Court that he must not utter such words in the future.

Thurssday, December 22, 1988

We learnt that NPMHR witness Mr Stephen, a government school teacher and resident of Ngamju Pongvah, had been arrested by the Assam Rifles and detained at their Headquarters at Lairouching. We are also told that Mr S. Tio, GB of the same village had also been taken by Assam Rifles.

NPMHR files an application before the Sessions Court asking the sessions Judge to direct the Assam Rifles to hand over the two persons to the police.

Mr. Stephen and Mr. Tio, are handed to the police, produced before the Chief Judicial Magistrate, Senapati and sent to Manipur Central Jail, Imphal.

Saturday, December 24, 1988

NPMHR Lawyers meets Stephen, main witness, in Jail He tells them that he was given electric shocks and so was Mr. Tio. The lawyers informed them that they have been arrested under terrorist act. Mr. Stephen said an affidavit that he was told by the Commanding Officer of the 21st Assam Rifles, C.P, Singh, that because he had taken his sister and cousin sister before the Registrar of the Gauhati High Court to give evidence against the Assam Rifles he was a "bastard" and he would punish Stephen by sending him to jail for ten years.

Tuesday, January 3, 1988

Peoples Union For Democratic Rights, Delhi hosts a Press Conference for COCOI at New Delhi. COCOI gives details of the Oinam case to focus attention on military repression in North East and appeals to the National Press not to come to North East on 'army-conducted' tours but to look at the conditions of the people living under the Armed Forces Special Powers Act, 1958 through the eyes of ordinary villagers.

The Solidarity group for North East also extends all co-operation to make the Press Conference a success.

All major dailies carry reports of the Press Conference.

Thursday, January 5, 1988

Mr. Th Stephen is released on bail by the Designated Court (Special Courts for trial of " terrorists") and the Judge holds that there was no prima facie case against Mr. Stephen and he was not to be arrested without the permission of the Court.

The advocates for the NPMHR object to the Assam Rifles bringing their own chairs and tables inside the Court. Violent arguments take place on this issue. The lawyers for the Assam Rifles state that it is not quite correct on the part of their clients to bring their chairs and tables into Court.

Monday, January 9, 1989

The Sessions Court directs the Assam Rifles not to bring their own chairs and table into Court room but to sit on the benches provided by the court. The Sessions Court observed "There must be an equality before the law and treatment given to the petitioners and the respondents must be alike and same.....". The Court did not accept the argument of the Assam Rifles Counsel that Assam Rifles Officers must be treated differently from the petitioners since they were senior officers of the armed forces.

Mr. S. Tio, GB of Ngamju Pongvah Village, was released on 12th January on bail.

Tuesday, January 24, 1989

Assam Rifles enters MBC Centre Church, raids girls hostel and NPMHR lawyer's room without police.

So far twenty-one witnesses from fourteen villages have given their evidence to the Sessions Court. Each person's statement fills more than 25 to 30 pages. Since we cannot give all the details, important parts of each witness's deposition are extracted so that you may know the extent of barbarity and savagery perpetrated on our people by the Assam Rifles

HERE ARE THE EXTRACTS

Ng Khailang of Ngamju Shah Village: I was taken to Oinam Post and beaten severely during interrogation..... I was beaten with sticks and iron rods all over my body and given electric shocks in my private parts.....

L. Jonathan of Phuba Thapham Village: I was arrested by the Assam Rifles on 30th August, 1987 and taken to their camp till 3rd September 87. On 4th September I was taken to a Magistrate at Imphal and forced to put my signature on a false affidavit prepared by Assam Rifles.

Thaiso of Sorbung Village: I was beaten very badly outside the Church. I got a severe injury in my pelvic bone and legs. I can no longer walk or sit.

P.K. Wakhao of Ngamju Shah Village: Pastor Ten houses were forcibly dismantled by the Assam Rifles in my village...the Commanding Officer C P. Singh was himself in the village when they dismantled houses... I saw one villager, Sosang, being badly tortured. Later he was found dead.

L. Khola of Oinam Village I was nine months pregnant at the time. I was forced to give birth to my baby in the concentration camp where we were all confined.

S. Seiba of Phuba Khuman Village: Major Ravindra extorted Rs. 12,000 from my village. I was beaten and I cannot do work now. I saw Somila

and Solomi being badly tortured

Neikuo Lhousa The NSF decided to form a Good Will

Vice President Naga team to visit Oinam. Our team was

Students Federation: detained and five of us and our driver

were not allowed to sleep and were tortured the whole night. We all had to be hospitalized at Kohima

S Khyala of Oinam Village: When I saw my husband again he was in great pain with bruises all over his

body. He was taken to the Assam Rifles camp the next day. After three days the dead body of my husband and Wakhao were brought to the village for burial.

Officer in Charge Tadubi P.S. He brought the post mortem reports of nine people tortured to death by Assam Rifles during Operation Bluebird.

L.M. Thaipi of Thingba Khullen Village: I saw with my own eyes the dismantling of the Government High School Building of Oinam by the Assam Rifles...

The Headman of my village was brutally tortured and as a result our villagers had to carry him on a stretcher to the Oinam post when he was ordered to go there. Our standing crops were destroyed by the cattle because we could not tend them.

L. Lao of Phuba Thapham Village Six persons including the Pastor were brutally tortured by the Assam Rifles.

No villager was allowed to go to the paddy fields...Tiger Major threatened to shoot our Headman for refusing to provide him with women...

N Silas of Khongdei Shimphung Village: My elder brother, N. Thava, and another villager M. Essou were kept confined in the school office. When I

took food to my brother and M. Essou. I found them without shirts, sitting inside the room My brother told me that they both were feeling very weak and tired after being beaten

repeatedly... Later the police party told us to identify some dead bodies lying in the jungle. One of them was M. Essou's. The next day we found the dead body of my brother hanging from a tree, his feet touching the ground.

N. Sekho

**Khongdei khuman
Village**

When I was in the school building working as an interpreter for Assam Rifles I saw them beating Village

Authority members, villagers and even a pregnant woman. I saw two Gaonburas, R. Khowa and K. Shunai, in a serious condition. Later the police told us to collect their bodies from the jungle. I saw gun shot injuries on the private parts of R. Khowa and injury marks on the body of K. Shunai.

**N. Saheni of Phaibung
Khullen Village**

The Assam Rifles ordered the villagers to construct a road, nothing

was paid either for the timber or for our labour. We have made a list of property looted or damaged by the Assam Rifles during the curfew days. It amounts to more than five lakhs rupees. A Major demanded women from a school teacher and when he refused to oblige he was beaten. The school teacher's house was dismantled

Zhiiso of

Lakhamai Village

We were told to take the school girl, Miss Kholo, to the Commanding Officer who was stationed at Khongdei Khuman.

**R. Kangshang of
Ngari Village:**

I saw P. Rangkhiwo and R. Mathetmi, Headman and Village Secretary of our village severely tortured by the Assam Rifles. Later the two died.

**H. Peter of
Kodom Khullen
Village: Pastor.**

The villagers were taken inside the school building in turns and beaten severely with wooden sticks. I was among those

severely beaten and till today my head reels. We were detained inside the school building and not allowed to tend our cattle so our standing crops were destroyed. Assam Rifles took away our hens, pigs, rice etc without payment.

Ch. Daihrii of Liyai Khullen Raja I was ordered to gather all the villagers within four minutes. They separated men and women. Then they started beating the Village Authority members. The Pastor of my village Church was also beaten by the Assam Rifles. The villagers were used as porters.

R. Hepuni of Thingba Khullen Village; Raja They blind folded me and started to beat me... As a result of this beating my right eye is permanently damaged. The Assam Rifles destroyed my house which was constructed after the performance of special rites. My villagers were used as porters to carry rations.

H. Sow of Purul, Pastor at Liyai Khullen The Assam Rifles forced me to remove my clothes and I was beaten till I fell unconscious. I saw thirteen others beaten severely by Assam Rifles.

Th. Stephen of Ngamju Pongvah Villge: Government School Teacher I pleaded with the officers of the Assam Rifles at Oinam to allow me to take my ailing wife to hospital but the Commanding Officer, C P. Singh, flatly refused ... I then approached D.I.G. B.N. Singh and he replied by boxing me and shouting "teachers are bastards" I fell unconscious. My wife died. I came to court straight from jail. I was arrested by Assam Rifles and given electric shocks because I brought my younger sister to Imphal to give evidence against them...They handed me to the police on a false charge and now I am on bail.

These extracts give you only a glimpse of the extent of human loss and property damage suffered by the people of Oinam and its surrounding 20 or more villages. And every day we get reports of the continuing torture, harassment and criminal intimidation of our people who have already gone through such hardships.

The Assam Rifles have threatened journalists and even gone to the extent of threatening the Sessions Judge recording evidence at Imphal. But neither their threats of violence nor their terror tactics will shake us from our resolve to fight for justice and for human rights.

The tremendous courage shown by those people who have stood in the witness box has been a great source of inspiration. The continuing violence by the Assam Rifles only strengthens our belief in the justness of our struggle. And our chosen method of fighting State violence with democratic means has helped us grow stronger, morally and politically.

We are confident of your continuing participation and support in this long struggle. We once again appeal to you to continue your valuable support to this effort of ours. You may help us by:

- a) Sharing the information in this pamphlet and translating it for those who may not know English. We are giving a section by section commentary on the Armed Forces (Special Powers) Act, 1958. See: Appendix.
- b) Attending the Court at Imphal on any week day between 10:00 A.M. and 1:00 P.M. to show your solidarity.
- c) If you receive information about Assam Rifles interfering in the case please let us know. Remember this interference is totally illegal.
- d) Send us a contribution or donation to the Treasurer, Co-ordinating Committee on Oinam Issue (COCO1) c/o Ms Aram Pamei, MBC Centre Church, Imphal - 793 001. Manipur, India.

APPENDIX

The Armed Forces (Special Powers) Act, 1958

All of us know that the armed forces have immense powers under the Armed Forces (Special Powers) Act but most of us do not know the exact provisions of the Act. We need to know what the law says for our own protection and also to equip ourselves better to fight against it.

First of all we should know that no law of the land, not even the armed forces special powers act gives anyone, neither the police nor the security forces, the power to commit crimes against our people. They do not have the legal power to murder anyone, or to torture anyone, or the legal power to burn, dismantle or destroy our property. In fact the security forces do not have the power even to detain, interrogate or investigate. The power to detain and to interrogate (remember, interrogate does not mean torture) vests only with the police. And only the police have the power to investigate into any illegal act. We are giving you a section by section commentary on the Act.

Section one of the Act states that this Act will be called Armed Forces (Special Power) Act, 1958. And that the Act extends to all the seven states of the North East - Assam, Manipur, Nagaland, Meghalaya, Tripura, Mizoram and Arunachal Pradesh.

NOTE : Till 1980's this Act was applicable only to the North East but in 1985 a similar Act was passed for the State of Punjab and the Union Territory of Chandigarh.

Section two of the Act defines certain terms used in the Act. It states that the term armed forces also includes the air force.

Section three states that if the Governor or the Central Government feel that any part of the State or the whole of State is in a disturbed or dangerous condition then the Governor or the Central Government can declare that part or the whole of the state as "disturbed" and once an area or the State is declared "disturbed" the Armed Forces Special Powers Act comes into force.

NOTE: When this Act was passed only the Governor had the power to declare any part of the State or the whole of the State as "disturbed" but in 1972 the Central Government amended the Act and gave the Central Government the power to declare a part or the whole of any North East State as disturbed. This means that even if the State Government does not want to declare any part of the State disturbed the Central Government can undermine the authority of the State Government and declare an area disturbed as was done in Tripura, recently.

Section four of the Act gives the armed force a lot of powers to enable them so maintain law and order. It has four subsections. (a), (b), (c) and (d);

Subsection (a) states that an officer of the armed forces can fire upon anyone who is acting against the law when an area has been declared disturbed. The officer has the power to use as much force as necessary and even cause death. But he can do so only after giving due warning.

Subsection (b) states that the officer can destroy any arm dump, or any structure which can be used as a training camp for armed volunteers or from where armed attacks can be made. They can also destroy any structure which can be used as a hide-out by armed gangs.

NOTE: This section does not give the power to armed forces to dismantle; destroy or burn houses, schools or churches.

Subsection (c) states that the armed forces can arrest anyone who has committed a serious offence or any person whom they suspect has committed a serious offence or about to commit it and they can use such force that they may think necessary.

NOTE: This section makes it clear that the power to arrest is limited and the armed forces cannot arrest anyone at random. The section clearly does not give the armed forces the powers to detain the person arrested or to interrogate him or her.

Subsection (d) states that the armed forces have the power to enter and search without a warrant any place where they suspect any arms, ammunition explosives or stolen property has been kept or where anyone has been illegally detained.

NOTE: This section does not give power to the armed forces to barge into people's houses and violate their privacy at any time of the day or night.

Section five of the Act states that any person arrested by the armed forces must be handed over to the officer-in-charge of the "nearest police station with the least possible delay" along with a report on the circumstances of the arrest.

NOTE: This section makes it clear that the armed forces do not normally have the power to arrest and if they do arrest they have no power to detain anyone and they must hand over the person to the police at the soonest possible time. The power to arrest, detain and interrogate vests with the police alone.

Section six states that no person can start any legal action against any member of the armed forces for anything done in exercise of the powers conferred by this Act, without permission of the Central Government.

NOTE: This section does not forbid you from reporting to the civil authorities i.e. the police or the district magistrate about any crimes committed on the people. It also does not stop the police from arresting any one of the armed forces who commits a crime. And this section does not bar any of us from filing a petition directly in the High Court or even in the Supreme Court if our fundamental rights are violated by the armed forces. Our fundamental right to life and personal liberty are guaranteed to each of us under the Indian Constitution.

CO-ORDINATING COMMITTEE ON OINAM ISSUE (COCOI): All Naga Students' Association, Manipur (ANSAM), United Naga Council (UNC), Manipur Baptist Convention Women's Union (MBCWU) and Naga Peoples Movement for Human Rights (NPMHR).

I will lift up my eyes,
From the dark Night of despair,
To the dawning of my commitment to freedom.
For I cannot be forced to submit
My hopes to perpetual slavery.
Behold, they who define their freedom
In the struggle for justice
Cannot be deprived of it
By the principalities and powers of this world.
The people's will to be free
Is our unshakable support;
Neither intimidation nor force of arms
Can destroy it.
The power of human love
Struggling to transform and to celebrate all of creation
Testifies that goodness and freedom
Shall ultimately prevail.

-Canaan Banana
Tribal Brother from
Zimbabwe (Africa)