

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **India: Manipur authorities should cooperate with Supreme Court-appointed panel to probe extrajudicial executions**

Amnesty International welcomes the 4 January order of India's Supreme Court to set up an independent panel to investigate six alleged extrajudicial executions in the northeastern state of Manipur, and urges the Manipur authorities to fully cooperate with the three-member panel.

The Supreme Court was responding to a public interest litigation filed by a Manipur-based victims' group and a local human rights organisation seeking the Supreme Court's intervention in the cases of 1528 alleged extrajudicial executions during 1979-2012. The panel appointed by the Court, consisting of retired Supreme Court judge Santosh Hegde, former Chief Election Commissioner, J M Lyngdoh, and former Karnataka police chief Ajay Kumar Singh, has been instructed to submit its report by 12 March. The court has not yet accepted the petitioners' request for a special investigation team to be set up to look into the other cases of alleged extrajudicial executions in the state since 1979.

Authorities in Manipur should fully cooperate with the probe to ensure the panel's investigations are thorough and fair as directed by the Supreme Court, and the panel should complete its investigations in a timely manner to ensure that those responsible for these deaths are eventually brought to justice and the rule of law restored.

Amnesty International welcomes the Supreme Court's order as a positive first step towards battling impunity prevailing in Manipur, which has faced an armed insurgency over the last few decades. The independent investigation offers a ray of hope for the families of hundreds of people who were allegedly extrajudicially executed in Manipur since the late 1970s. Parts of Manipur remain declared officially "disturbed areas" where the Armed Forces (Special Powers) Act remains in force providing soldiers wide powers, among them, to use force, including lethal force; for such actions they are granted immunity from prosecution and civil suits unless the Central government sanctions such proceedings, which it very rarely does.<sup>1</sup>

In the past, human rights activists in Manipur have urged the Supreme Court to appoint a special investigation team to investigate all the cases to help end the prevailing culture of impunity in Manipur and provide justice for the victims' families. Speaking to Amnesty International, Neena Ningonbam, the wife of one of the victims and member of the Extrajudicial Execution Victims' Families Association of Manipur (EEVFAM), welcomed the Supreme Court order and hoped that it would bring justice to the victims in the first six cases and help combat impunity in Manipur.

Describing "the right to life and personal liberty of every person" as "the most precious of all rights," the Supreme Court also directed the panel to address the larger question of the role of the Manipur police and the security forces in the state, report on their functioning and, if it found their actions "transgress the legal bounds," make recommendations to ensure that this is redressed, "without compromising the fight against insurgency."

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<sup>1</sup> Amnesty International has been demanding the repeal of the AFSPA. See India: Briefing on the Armed Forces (Special Powers) Act, 1958, AI Index: 20/025/2005.

<http://www.amnesty.org/en/library/info/ASA20/025/2005/en>

A one-member panel comprising a retired Supreme Court judge H S Bedi is already investigating 17 extrajudicial executions in Gujarat during 2002-2006, as instructed by the Supreme Court on 25 January 2012.

Impunity in cases of extrajudicial killings is a matter of grave concern in Manipur and some other parts of India. In his comments after visiting India in 2012, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns observed that “Impunity for extrajudicial executions is the central problem. This gives perpetrators a free rein, and leaves victims in a situation where they either are left helpless, or have to retaliate.”<sup>2</sup> The National Human Rights Commission has itself on occasion said ‘extrajudicial executions have become virtually a part of state policy’.<sup>3</sup>

Among the recommendations made by the Special Rapporteur is that India set up a credible Commission of Inquiry (into extrajudicial executions) “that inspires the confidence of the people and which also serves a transitional justice role”.<sup>4</sup>

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<sup>2</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12029&LangID=E>

<sup>3</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12029&LangID=E>

<sup>4</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12029&LangID=E>