

PUBLIC

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UA 192/06 Fear of torture or ill-treatment/forcible return

INDIA/
THAILAND Romen THOUNAOJAM, alias Robin Ruwang (m) aged 35
Sharatchandra THINGUJAM, alias Roben Khuman (m) aged 40
Ibomcha Meitei LICHONGBAM, alias Ajit Meitei (m) aged 34
Kesho Kumar Meitei UREMBEM, alias Bangkim Meitei (m) aged 37

Indian nationals Romen Thounaojam, Sharatchandra Thingujam, Ibomcha Meitei Lichongbam and Kesho Kumar Meitei Urembem were forcibly returned from Thailand to the Indian capital, Delhi, just after midday on 6 July. The deportations took place despite the fact that they were trying to claim refugee status. Their current whereabouts are unknown. They are at risk of torture or ill-treatment upon their return to India.

The four men had been in prison in Thailand, but were reportedly released at the end of June under a royal amnesty to mark the sixtieth year of King Bhumibol Adulyadej's reign. They were then transferred to the Suan Phlu Immigration Detention Centre (IDC) in Bangkok as "illegal migrants" pending deportation, where their claims for refugee status were assessed. No formal extradition proceedings are known to have been conducted prior to their removal from the country.

The four men have previously been associated with the Revolutionary People's Front, an organisation outlawed by the Indian government in the wake of the long-running and violent separatist conflict in the Manipur region in the north-eastern part of the country. The four are believed to have been in prison from the late 1990s until their release. It is unclear what crimes they were convicted of but Romen Thounaojam was arrested in 10 March 1997, possibly in connection with the possession of arms and ammunition. It is also unclear why they were pardoned, given that at least two of them still had over 20 years of their sentences to serve at the time of their release.

Given their previous association with the Revolutionary People's Front, the four risk being drawn into the conflict in Manipur on their return to India. In Manipur, the Armed Forces Special Powers Act (1958), which gives wide powers of immunity to the armed forces, is still in use. A 2005 Amnesty International Briefing also pointed out that these powers include the power to detain and state immunity from prosecution for human rights violations (see AI Index: ASA 20/025/2005). Although the Government of India has ordered a review of the provisions of the act, the official review panel's report has not yet been made fully public or acted upon by the authorities. Also, Amnesty International is aware that several armed groups, some of which are banned, continue to function in Manipur. India has also yet to ratify the UN Convention Against Torture. Torture is widespread during interrogation and detention in India.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

To the Indian authorities:

- calling on the Indian authorities to disclose the whereabouts of Romen Thounaojam, Sharatchandra Thingujam, Ibomcha Meitei Lichongbam and Kesho Kumar Meitei Urembem;
- urging the Indian authorities not to subject the four men to torture and ill-treatment if they are to undergo interrogation or be remanded in custody;
- urging the Indian authorities to ensure that the four men are given full access to lawyers of their own choosing, their families and any medical treatment they may require, should they be remanded in custody;

- urging the Indian authorities that should the four men be charged with a recognisably criminal offence, they will receive a trial meeting both international fair trial standards and Indian constitutional guarantees.

To the Thai authorities:

- expressing concern to the Thai authorities that the four men were forcibly returned to India where they may face persecution, despite the fact that the determination of their refugee claims had yet to be concluded;
- calling on the Thai authorities to clarify the circumstances surrounding the extradition of the four men, especially why formal extradition proceedings did not take place prior to the deportation;
- reminding the Thai authorities that forcible return, in particular during a Refugee Status Determination procedure conducted by the Office of the UN High Commissioner of Refugees, would contravene the principle of *non-refoulement*, which places an obligation on all states not to deport anyone to a country where they would be at risk of torture, ill-treatment, threats to their lives, or other serious human rights violations;
- urging that they ensure all those seeking asylum in Thailand have access to fair and satisfactory procedures to determine their refugee status, and that no one is returned to a country where he/she is at risk of torture and other forms of ill-treatment.

APPEALS TO:

Indian authorities

Shivraj Patil
Minister of Home Affairs
Government of India
104-107, North Block
New Delhi 110 001, India
Fax: +91 112 309 2979
Salutation: Dear Minister

Mr. Okram Ibobi Singh
Chief Minister, Manipur
Government Secretariat
Imphal 795 001, India
Email: cmmanni@man.nic.in
Fax: +91 385 222 1817/+91 385 222 1149/ +91 112 611 1808
Salutation: Dear Minister

Thai authorities

Kongsak Wantana
Minister of Interior
Ministry of Interior
Atsadang Road
Bangkok 10200
Thailand
Fax: + 66 2 226 4371
Salutation: Dear Minister

COPIES TO: diplomatic representatives of India and Thailand accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 August 2006.