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India: Revoke preventive detention of human rights defender in Manipur

Amnesty International urges authorities in the north-eastern Indian state of Manipur to immediately revoke the arbitrary detention of Jiten Yumnam, a human rights defender, since 14 September 2009.

Jiten Yumnam is currently held under the National Security Act, 1980 (NSA) which provides for preventive detention for up to 12 months. He is an active member of the Asia Pacific Indigenous Youth Network and joint secretary of the Citizens' Concerns on Dams and Development.

The Manipur police's initial memorandum of arrest claimed that Jiten Yumnam was an active member of a banned armed organization, the People's Liberation Army (PLA). He now faces charges under Sections 16 (committing a terrorist act), 18 (conspiracy to commit a terrorist act) and 39 (supporting a terrorist organization) of the Unlawful Activities (Prevention) Act, 1967, and Sections 121 and 121A (waging war against the State) of the Indian Penal Code (IPC), 1860 and Section 3 (spying) of the Official Secrets Act, 1923.

After the arrest, a local court remanded Jiten Yumnam to police custody for two weeks. Amnesty International has received reports that he was tortured while in police custody. Before the completion of this period, the state authorities detained him under the NSA. An undated document listing the grounds for his detention does not include any of the above specific charges against him; it merely states that he was being detained for being a member of the Committee on human rights (COHR), which as a constituent of the Apunba Lub, a conglomerate of 32 Manipur-based organisations, was actively involved in a protesting against recent extra-judicial executions in the state.

Instead, the detention order claims that the PLA and other banned organizations financially supported the Apunba Lub-led protests. It includes vague allegations that the Apunba Lub and COHR "enforced a general strike by forcefully deflating the tyres of vehicles plying on the road [and] destroying goods and properties." It further alleges that the Apunba Lub and COHR under Jiten Yumnam's active guidance "indulged in widespread violence and criminal acts".

Amnesty International points out that these allegations of destruction of public property are covered by various sections of the IPC. None of the other serious charges against Jiten Yumnam have been substantiated. Instead of allowing the ordinary legal process to continue, the state authorities are using NSA to detain Jiten Yumnam arbitrarily and for long months.

Jiten Yumnam's continued detention violates international human rights law which is binding on India, in particular his right to liberty, which includes freedom from arbitrary detention. This right is provided in Article 9 of the International Covenant on Civil and Political Rights, to which India is a state party.

Amnesty International also calls upon the Government of Manipur to:

- revoke the NSA detention order and immediately release Jiten Yumnam, unless he is remanded by a civilian court and under proceedings which meet international standards of fairness. He should only be tried for internationally recognisable crimes, in fair proceedings, in particular as provided in Article 14 of the International Covenant on Civil and Political Rights.
- take urgent steps to ensure that Jiten Yumnam is safe from any further ill-treatment.
- ensure a prompt, impartial and independent and effective investigation into the allegations of torture and ill-treatment of Jiten Yumnam; those suspected of involvement including persons with command responsibility should be prosecuted, in proceedings which meet international standards of fairness and Jiten Yumnam must be awarded full reparation.
- take all necessary measures to guarantee that human rights defenders are able to carry out their legitimate human rights activities without fear of harassment and threat of torture.

Amnesty International calls upon the Government of India to repeal the NSA, a legislation long been abused to arbitrarily detain a number of persons without trial on a range of criminal charges.

Background

Enacted in 1980, the NSA permits administrative detention for up to 12 months on loosely defined grounds of national security and maintenance of public order and has been subjected to widespread abuse in several states. Although the legislation provides for review of detention orders by a government-appointed advisory board, the detainee has no right to be represented by a legal practitioner. The report of the board also remains confidential.

Amnesty International has previously documented a number of cases of human rights defenders detained under the NSA¹ and is aware that a number of persons, including human rights defenders, continue to be held in preventive detention in the country.

¹ Amnesty International, *India: persecuted for challenging injustice: human rights defenders in India*, April 2000, AI Index: ASA 20/008/2000