

## URGENT APPEAL - THE OBSERVATORY

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**IND 004 / 0411 / OBS 068**

Death threats

**India**

April 21, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **India**.

### **Description of the situation:**

The Observatory has been informed by the Centre for Organisation Research and Education (CORE) of the death threats received by Mrs. **Ibempishak Takhellambam**, Mrs. **Memcha Sagolsem**, Mrs. **Anita Konjengbam** and Mrs. **Momon Mayanglambam**, four indigenous Meitei human rights defenders, members of Manipur Chanura Leishem Marup (also known as "Macha Leima"), an organisation dedicated to the empowerment and the defence of the rights of indigenous women. These threats occurred following to the refusal of the State Public Information Officer of the State of Manipur to inform them on taken by local authorities of Pallel Gram Panchayat to implement the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)<sup>1</sup>. The four women human rights defenders have been trying to obtain such information relying upon the Right to Information (RTI) Act of 2005 (see background information).

According to the information received, on April 2, 2011 at around 2 p.m., two unidentified young men entered the house of Mrs. Memcha Sagolem, who was absent. They asked her daughter-in-law where Mrs. Sagolem had gone, and where Mrs. Anita Konjengbam's house was located.

They subsequently went to Mrs. Takhellambam's house in Pallel Mamang Leikal, Thoubal district, Manipur, where they met her husband and her younger son and told them that the "work" done by the four women should stop immediately, otherwise they would face dire consequences. They gave them mobile telephone number +91 801 822 0380, and left. At around 7.30 p.m. the same day, Mrs. Takhellambam called the number. As a male voice reportedly picked up the phone, she asked this man to disclose his identity and to explain her what he wanted. The latter replied that there was no need for her to ask any questions, and that she should stop the activity that she was doing immediately, otherwise she would have to face dire consequences.

Following those threats, the four women fled their houses and stayed at relatives' and friends' places nearby.

On April 6, 2011, Mrs. Konjenbam and Mrs. Takhellambam filed complaints at the police stations of Kakching and Pallel. However, officers of the two police stations reportedly refused to file a First Information Report<sup>2</sup> (FIR) on their case.

On April 17, 2011, the four women human rights defenders returned to their respective homes.

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<sup>1</sup> MGNREGS is an Indian job guarantee scheme which provides a legal guarantee for 100 days of employment in every financial year to adult members of any rural household willing to carry-out public work-related unskilled manual work at a minimum wage which varies according to the State. . This act was introduced with the aim of improving the purchasing power of the rural people, primarily semi or un-skilled work to people living in rural India.

<sup>2</sup> A First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognisable offence. It sets the process of criminal justice in motion. It is only after the FIR is registered in the police station that the police takes up investigation of the case.

The Observatory is deeply concerned by the threats received by the four indigenous women human rights defenders, seeking information on the implementation of MGNREGS in accordance with the Indian legislation and international human rights standards (see background information).

The Observatory further recalls that defenders of economic and social rights are at risk in India. On March 2, 2011, Mr. **Niyamat Ansari**, human rights activist engaged in the defence of workers' rights in Manika Block, State of Jharkhand, was killed in an attack which seemed to aimed at sanctioning his work to monitor and to denounce cases of corruption related to the implementation MGNREGS<sup>3</sup>. His associate Mr. **Bhukhan Singh** received death threats and him and his family are still under police protection.

### **Background information:**

The threats received on April 2, 2011 by the four women human rights defenders are related to their attempts to obtain information under the Right to Information (RTI) Act of 2005. Since the promulgation of this Act, the four women human rights defenders have indeed been involved in the "RTI Apunba Nupi Lup" campaign and network, established and coordinated by Macha Leima, gathering associations working to defend the right to information.

In this framework, between September 2010 and November 2010, the women filed four separate RTI applications to the State Public Information Officer (SPIO) of Manipur, requesting information on the work undertaken to develop the MGNREGS in the area of Pallel. As no answer was given to their requests, they brought their cases to the First Appellate Authority (FAA), which refused to receive the complaints on the ground that the prescribed time to appeal had expired.

As a last resort, on December 23, 2010, the four women filed two separate complaints to the Chief Information Commissioner of Manipur Information Commission, as provided in section 18(1) of "RIT Act 2005"<sup>4</sup>. On March 31, 2011, the Commission stated in two separate rulings that the SPIO had failed to provide the information requested without reasonable ground, thus violating the provision of section 7(1) of RTI Act of 2005<sup>5</sup>. The Commission ruled that information should be provided by the SPIO to the claimants before April 13, 2011.

On April 19, 2011, the complainants received a letter from the SPIO, dated April 13, 2011, giving some information sought through their RTI applications. To date, the information provided is being examined by the four women human rights defenders.

### **Actions requested:**

The Observatory urges the authorities of India to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mrs. Ibempishak Takhellambam, Mrs. Memcha Sagolsem, Mrs. Anita Konjengbam Mrs. Momon Mayanglambam, and of all human rights defenders in India;
- ii. Order an immediate, thorough, effective, transparent and impartial investigation into

<sup>3</sup> For more information, see Observatory Urgent Appeal IND 003 / 0311 / OBS 044.

<sup>4</sup> The Section 18 (1) of the "RIT Act 2005" states that "subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission [...] to receive and inquire into a complaint from any person (b) who has been refused access to any information requested under this Act".

<sup>5</sup> The Section 7(1) of the « RIT Act 2005 » provides that « the Central Public Information Officer or State Public Information Officer, [...] on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of [an application] fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9».

- the death threats they received, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- iii. Put an end to acts of harassment and threats faced by defenders of economic and social rights in India, and by all Indian human rights defenders;
  - iv. Conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
    - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”;
    - its Article 6(a), which provides that “everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
    - its Article 9.2, which provides that “everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person’s rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay”;
    - and its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.
  - v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

#### Addresses:

- Shri Manmohan Singh, Prime Minister of India, Prime Minister’s Office, Room number 152, South Block, New Delhi, India. Fax: + 91 11 2301 6857 Email: [pmosb@pmo.nic.in](mailto:pmosb@pmo.nic.in)
- Dr. P. Chidambaram, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India. Fax: +91 11 2309 2979. Email: [hm@nic.in](mailto:hm@nic.in)
- Justice Kapadia, Chief Justice of India and RK. Raghavan, Chairman of the Special Investigation Team, Supreme Court, Tilak Marg, New Delhi -1, India. Fax: +91 11 233 83792, Email: [supremecourt@nic.in](mailto:supremecourt@nic.in)
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Please also write to the diplomatic representations of India in your respective countries.

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Geneva-Paris, April 21, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

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