

MEMORANDUM

To

Supreme Court Appointed Commission

Justice (Retd) N. Santosh Hegde
(Former Judge of the Supreme Court of India)

Mr. J.M. Lyngdoh
(Former Chief Election Commissioner of India)

Mr. Ajay Kumar Singh
(Former DG & IGP, Karnataka)

**In the matter of the undated Public Notice published
in the Manipuri daily newspaper "*Poknapham*" and
English daily newspaper "*The People's Chronicle*" on
9th February 2013**

18th February 2013
Imphal

Copy to:
Hon'ble Shri Justice Altamas Kabir
Chief Justice of India, Supreme Court

(1)

**CIVIL SOCIETY
COALITION ON
HUMAN RIGHTS
IN MANIPUR
AND THE UN**

CSCHR

Respected

Shri Justice (Retd) N. Santosh Hegde

Shri J.M. Lyngdoh

Shri Ajay Kumar Singh

The Civil Society Coalition on Human Rights in Manipur and the UN, a coalition of human rights and civil society organizations based in Manipur in India's North East express our deepest appreciations for your prioritisation of, as members of the Special Commission appointed by the Supreme Court of India, the question of extra-judicial executions that prevails in Manipur.

We also express our highest appreciation to the Honourable Supreme Court of India for constituting this Commission under a directive on 4th January 2013 (WP [Crl] No.1/2009 and WP [C] No. 445 of 2012). Mention may be made here that the Commission was appointed following the recent petition filed by Extrajudicial Execution Victims' Families' Association (EEVFAM), which pleaded for an independent probe into more than 1500 cases of extra-judicial killings in Manipur.

The Civil Society Coalition on Human Rights in Manipur and the UN made a formal submission to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Christof Heynes, who visited India upon the invitation of the Government from 19th-30th March 2012, highlighting over 1500 cases of alleged or reported extra-judicial, summary or arbitrary executions in Manipur, of which more than 500 were children below the age of 18 years of age.

We are making this submission before this respected Commission that a Public Notice was published on 9th February 2013 in the local Manipuri daily newspaper *Poknapham*, page 3 and an English daily newspaper *The People's Chronicles*,

**The constituent members
of the Civil Society
Coalition on Human
Rights in Manipur and the
UN signing this letter are:**

*Centre for Organisation Research
& Education (CORE)*

*Citizens Concern for Dams and
Development (CCDD)*

*Civil Liberties and Human Rights
Organisation (CLAHRO)*

*Civil Liberties Protection Forum
(CLPF)*

*Committee on Human Rights,
Manipur (COHR)*

*Extra-judicial Execution Victim
Families' Association Manipur
(EEVFAM)*

*Families of the Involuntarily
Disappeared's Association
Manipur (FIDAM)*

*Federation of Regional
Indigenous Societies (FREINDS)*

*Forum for Indigenous
Perspective and Action (FIPA)*

Human Rights Alert (HRA)

Human Rights Initiative (HRI)

*Human Rights Law Network
Manipur (HRLN-M)*

Just Peace Foundation (JPF)

Life Watch

*Movement for Peoples' Right to
Information Manipur (M-PRIM)*

*North East Dialogue Forum
(NEDF)*

*Threatened Indigenous Peoples
Society (TIPS)*

United Peoples Front (UPF)

Individual Members

(copies of the said newspaper are furnished for your kind reference). The Public Notice was issued on behalf of the Commission by one P.S. Moorthy, Secretary, Supreme Court Appointed Commission, Manipur Bhavan, 2 Sardar Patel Marg, Chanakyapuri, New Delhi 110021.

The mentioned Public Notice has no date and no further contact details besides the postal address. Further, the contents of this said Public Notice says that signed and properly sworn affidavits with three additional copies in the English language are to be submitted by interested parties and individuals, etc., regarding seven (7) named victims of alleged encounter killings by the Manipur police or Indian security Forces officers/personnel during 2009. These affidavits have to reach the above mentioned office of the Commission in New Delhi, the notice further said, within ten (10) days of publication of the Public Notice. According to a news item in the local English language daily newspaper *Hueiyen Lanpao*, dated February 7, 2012, "*The apex court also instructed Centre and Manipur government to provide necessary manpower and secretarial assistance to the Enquiry Commission. Furthermore, the apex court instructed the Government of Manipur and all related agencies to handover any evidence, records and materials to the Commission*" (a copy is furnished for your reference).

The daily further reported that "*the three-member Enquiry Commission headed by Retired Supreme Court Justice N Santosh Hegde, which was formed under a directive of Supreme Court of India to conduct an independent probe into 6 different cases of extra-judicial killings in the state, would be coming to Imphal on March 1.*"

"*During the visit, N Santosh Hegde would be accompanied by the two other members of the Enquiry Commission namely former Chief Election Commissioner J.M. Lyngdoh and Retired DGP of Karnataka Police Ajay Kumar Singh.*"

"*Confirming the visit of the probe panel members to Imphal on March 1, a reliable source, however, informed that the term of reference or what they would be doing during their enquiry is not yet known.*"

On behalf of the Civil Society Coalition on Human Rights in Manipur and UN, I, as Convenor, seek to bring the following issues and concerns before this Commission.

1. Considering that the Hon'ble Supreme Court of India has taken a very grave view of the matter brought before it by the Writ Petitions, and further issued specific directives while establishing this special Commission, the methods and manners adopted to inform the

public and invite necessary sworn affidavits by the Commission's office at a New Delhi address with such haste and minimal time given for public responses bely the spirit and content of the Hon'ble Supreme Court's directives.

2. The sombre work to be completed by the Commission concerns the alleged fake encounter killings of several persons including a child in Manipur by government forces. The State government of Manipur has also been issued directives by the Hon'ble Supreme Court of India to provide necessary manpower and secretarial assistance. Yet, the Commission has chosen to establish its good office at an address in New Delhi, which is thousands of kilometres away from Manipur and with very poor functional communications avenues available for the general public. Further, submitting duly sworn affidavits in English to this office would require enormous effort, resources and time for many people in Manipur to whom English is a foreign language and financial resources are extremely scarce. Therefore, we are constrained to infer that the Government of Manipur is earnestly and wilfully undermining the efficient conduct of business by this Commission to make it inaccessible to the concerned families and public of Manipur.
3. We are unsure when this Public Notice was actually issued by the Secretary to the Commission, Shri P.S Moorthy as this information is not included in the published notice. Apart from this lacuna, the time given (10 days from the date of publication) for sworn affidavits in English to reach the Commission's New Delhi office is not only unrealistic but also has no precedent. We are further constrained to conclude that matters are not quite right, and a very serious national and international human rights and legal issue is being treated in a most cavalier fashion.
4. In our past experience with magisterial and judicial Commissions set up for alleged fake encounter killing in Manipur witnesses of the event and surviving family members of the deceased have been consistently unwilling or afraid to depose before the commission due to reasons of personal safety, threats received from state agents and security reasons. Since India does not have a witness protection program, we strongly apprehend that this Supreme Court appointed Commission will have a similar experience during the conduct of its business. We have reasons to believe that in at least two of the seven cases being examined by Commissions there were independent witnesses to the extra judicial, or summary execution. Therefore, it is incumbent on this Commission to ensure the safety and security of all interested parties who may provide material or oral evidence before this Commission.

5. Furthermore, the vast number of such fake encounter killing in Manipur occurred repetitively at particular areas and spots around Imphal valley. Such spots or areas have become known to the peoples as the "Killing Fields". Many so-called encounter killings have also occurred in broad daylight witnessed by people living or working around the vicinity. Therefore, we have reasons to believe that there may be witnesses to the summary executions in the list of cases being examined by the Commission. The Commission is urged to ensure that reliable and independent witnesses submit evidence(s) or depose before it.

We pray, therefore, that:

- I. Public notification please be re-published or broadcasted in both state-run and private-run information dissemination mediums like the radio, television, daily newspapers, etc at least three times in English, Manipuri and other languages in the State.
- II. The full Terms of Reference of the Commission must be fully informed to the public through such a re-notification.
- III. Last date for receipt of information by the Commission regarding the facts and circumstances relating to the killing of the aforesaid seven persons be kindly extended till 28th February 2013 to lend more transparency, accountability and inclusivity to the process.
- IV. The Commission should establish due processes and effective mechanisms to protect the witnesses, surviving family members of the deceased and other interested parties who wish to depose or appear before it.
- V. The Commission must also institute a confidential mechanism as established by communications procedures worldwide and in the United Nations Human Rights Council. This will further contribute to the personal security of witnesses and those who wish to appear and depose before the Commission.
- VI. The Commission's present office at New Delhi is not acceptable to us or the families of the deceased; and the Commission's office must immediately be established at Imphal, Manipur with the full cooperation and other essential support including financial assistance extended by the governments of India and Manipur. This office should be empowered to receive any material evidence or statements or affidavits to the

Commission, as such facilitation would greatly ease the hardships being faced by the interested parties in the cases being examined.

- VII. The present referred Public Notice is inadequate and does not give adequate contact details thereby nullifying a feasible mechanism of communications by telephone, fax or email (Internet based channels). Make available contacts through fax, email address where the original may be presented at Imphal before the Commission.
- VIII. Reduce the number of copies of documents required to be submitted to one copy. The burden of making necessary copies must lie with the office of the Commission, and not imposed on the poor and suffering families of the deceased. This is due to severe financial constraints of the poor families.
- IX. Apart from printed/written documents, also request the Commission to allow the submission and inclusion of audio, video, photos, object/material evidences including "killing fields" leading to the facts and circumstances of the killing of seven people in Manipur during 2009 for effective delivery of justice to the aggrieved party.

On behalf of the Civil Society Coalition on Human Rights in Manipur and the UN,



Dr Laifungbam Debabrata Roy 18/2/2013

Convenor

Tel: +91 9774043541 (M), 2451319

Email: cschrmanipur@gmail.com

Attached:

1. Copy of Public Notice published in Poknapham daily on February 9, 2013
2. Copy of Public Notice published in The People's Chronicles daily on February 9, 2013
3. Copy of news item carried by Hueiyen Lanpao daily on February 7, 2013

Supreme Court Appointed Commission

Manipur Bhavan, 2 Sardar Patel Marg, Chanakyapuri, New Delhi - 110 021

Public Notice

The Hon'ble Supreme Court of India in its order dated 4/01/2013 in W.P. (Cri.) No. 1/2009 and W.P. (Civil) No. 445 of 2012 has appointed this Commission comprising of Mr. Justice N. Santosh Hegde, former Judge of the Supreme Court of India, Mr. I.M. Lyngdoh, former Chief Election Commissioner and Mr. Ajai Kumar Singh, former DG & IGP, Karnataka, to make a thorough enquiry into certain cases of alleged killings by security forces/State police, and to record findings with respect to the past antecedents of the said victims and the circumstances in which they were killed. The Commission will also address the larger question of the role of the state police and the security forces in Manipur. The commission will also look into the functioning of the State Police and security forces in the State of Manipur and in case it finds that the action of the police and/or the Security forces transgressed legal bounds, the Commission shall make its recommendations for keeping the police and security forces within legal bounds without compromising the fight against insurgency.

Notice is hereby given to all persons having knowledge of the facts and circumstances relating to the killings of the following persons, especially with regard to the past antecedents of the victims and the circumstances in which they were killed, to file their duly sworn affidavits along with supporting documents, if any, before the commission, with three spare copies. The affidavits should be sent to the office of the Commission at Manipur Bhavan, 2, Sardar Patel Marg, Chanakyapuri, New Delhi - 110 021 within 10 days of the publication of this notice :

Serial	Name of Victim	Particulars of Victim	Date of Incident
1.	Azad Khan	Son of Md. Wahid Ali, Resident of Phoubakchao Makhha Leikai, PS Mayang Imphal, District Imphal West Manipur	4/3/2009
2.	Khumbongmayum Orsonjit	Son of Imo, Resident of PO & PS Manipur District, Manipur West	16/3/2010
3.	Nameirakpam Gobuin Meitei @ Tamo	Son of Roman, Resident of Bashikhong Mamang Leikai, PO & PS Iribung, Imphal East District, Manipur	4/4/2009
4.	Nameirakpam Nobo Meitei	Son of N. Basanta, Resident of Bashikhong Mamang Leikai, PO & PS Iribung, Imphal East District, Manipur	4/4/2009
5.	Elangbam Kiranjit Singh	Son of Ibohah, Resident of Thoubal Hachha, Thoubal District, Manipur	24/4/2009
6.	Chongtham Umakanta @ Munalton	Son of Gunamani, Resident of Iroisemba Mamang Leikai, Imphal West District, Manipur	5/5/2009
7.	Akoijam Priyobroto @ Bochou	Son of Mongsangei Boroi Makhong, Imphal West, Manipur	15/3/2009

The affidavit (s) shall be verified in the following manner :
"Verified that the statements made in paragraphs ___ of the above affidavit are true to my personal knowledge, and those in paragraphs ___ are based on information received and believed to be true by me."

The affidavit (s) shall be filed in English. The deponents may be required to be present at the proceedings of the Commission, for cross-examination, at Imphal on March 1st, 2013, at a time and venue that shall be notified subsequently.

Sd/- P.S. Moorthy, Secretary
Supreme Court Appointed Commission

Psd/04/5b

পুরণী মপান্দগী



রাই খিনলিনা মনমোহন সিংহগা উমরি

গত তেখিবা কার
মীওই ২৯ শিখ্রে

মশিং ১০০ তেবোরিক্তিখিংনা খমাতপসু মী চিনবা
কৈখেলশিংনা হেই হেই তারগেত
নী লাইফম লৈবা উচেক
না কার বোম পোকখায়বদা
শিবি অদগা না সেকুরিতি
মেদিকেল ফংবা পাউনা
অন্যক পুং ৯
কখায়বিবনি।

তেবোরিক্তিখিংনা খমাতপসু মী চিনবা
কৈখেলশিংনা হেই হেই তারগেত
তৌদুনা লাকখি। ইং ২০০৮ গী
ফেব্রুয়ারী ১ দা সেক্টেল অমসুং
নোংপোক বাদ্দাদতা মসিগুয়া
কৈখেলনা বোম এত্তেক তৌবদা
মীওই ১০০ বোম হাংখি।
সিয়া মুশ্রিমশিংনা নম্বা তাবা
বাবিল পোভিলতপু কার বোম অনী
পোকখায়বগী খৌদোজা মীওই ১৩
শিবি অদগা ২৬না শোকখি।
শিবিবশিংদুগী মনুংদা নুপী অমসুং
অজ্ঞাং হাওখি হায়রি।

২৪৭১১৯
COMPUTING
DMCA
Discount
DHI MI
Java Script
ng Technique
Govt of India
3rd Floor

দিল্লী পব্লিক স্কুলগা
সোং হো হায়
স্কুলগা খুৎশম্নখ্রে

ইমফাল, ফেব্রুয়ারী ০৮ : হৌখিবা
জানুয়ারী ১৯ ল সডিখ কোরিয়াগী
জিওংগি প্রোভিসরী অদানদা লৈবা
সোং হো হায় স্কুলগী প্রিন্সিপাল মিস
পার্ক হে রন সোনিপত্তা লৈবা দিল্লী
পব্লিক স্কুলগা লাকখ্রে। মদুনা মহাক্সা
দিল্লী পব্লিক স্কুলগী প্রো ভাইস
চেয়ারপার্সন মিস রঞ্জ মানগা য়াম্মা
চে অমা সতি তৌনখ্রে।
য়ামখিবা অদনী মতুং ইয়া
স্কুল অনীসিগী মনুংদা
পাউ ফাওনোক্তবা, একাডেমিক
কাবিকুলম অমদি মইনোয়, ওজা
অমসুং মমা-মপাশিং অমনা অমদা
কায়বদা হাওখি হায়রা দিল্লী

সুপ্রিম কোর্ট এপ্লোইস্টেড কমিশন
মণিপুর ভবন, ২, সরদার পতেল মার্গ, চনক্যাপুরী, নিউ দিল্লী-১১০০২১
পব্লিক নোতিস

ওনরবল সুপ্রিম কোর্ট ওফ ইন্ডিয়ানা মপাগী ওর্দর দেতেড ৪-০১-২০১৩ দল্লিট সি (সি আর এল) নম্বর ১/
২০০৯ অমসুং দল্লিট সি (সিডিল) নম্বর ৪৪৫ ওক ২০১১ গী মখাদা সুপ্রিম কোর্ট ওফ ইন্ডিয়ানী হায়গী জজ মিস্তর
জিস্তিস এন সন্তোস হেপ্রে, হায়গী চাক ইলেম্বন কমিশনার মিস্তর জে এম লিন্দো অমসুং করনাতজাগী হায়গী ডি জি
অমসুং আই জি পি মিস্তর অজয় কুমার সিংহনা শাবা কমিশন অমা এপ্লোইস্টেড হৌপ্রে। মসি সেকুরিতি ফোর্সেস/
স্টেত পুলিশনা মীওই কখা হাংখি হায়বগী মতাজদা কুপথনা থিঙ্কিন চুমজিমা, ডিক্টিমনি হুমরিবশিংগী মাজলমচং
অমদি মরমদগী মখোয়বু হাংখিবনো হায়বদগী অকুলা মরোল কয়া বেকোর্ড তৌনবগীদমক্লেনি। কমিশন
অসিনা মণিপুরনা স্টেত পুলিশ অমদি সেকুরিতি ফোর্সেসনা লৌরিবা খৌদাং মতাজদা হোয়া চাউবা বাহংসু
য়েশিনগনি। কমিশন অসিনা মণিপুরনা স্টেত পুলিশ অমদি সেকুরিতি ফোর্সেসকী খবক খৌশিল য়েগশিনগনি
অদুগা করিগুয়া স্টেত পুলিশ অমদি সেকুরিতি ফোর্সেসকী খবক খৌশিল অদু আইনগী রাংখাদা ওইরপ্তা তারবদি
লালহৌবশিংগী মায়োজা খেংখরিবা অদু কাযহনবা তৌননা স্টেত পুলিশ অমদি সেকুরিতি ফোর্সেসকী খবক
খৌশিল কখা আইনগী মনুংদা ওইহম্বা কমিশনগা বেকমেন্দ তৌগনি।
মখাদা পীরিবা মীওইশিংসি হাংখিবগী মতাজদা মদুগী অকুলা মরোল খন্তবা অমদি মরমদগী হাংখিবনো হায়বা
খন্তবা মীপুম খুদিমজী মফমদা নোতিস অসি য়োক্তি। মসি মক ওইনা ডিক্টিমশিংগী মাজলমচং অমদি মখোয়সি
করি মরমদগী হাংখিবনো হায়বগী মতাজদনি। মসি কমিশনগী মফমদা অহেনবা কোপি অহম্বা পুরা সযোত
তৌনিংজাই ওইবা চে চাংশিং লৈবকদি মদু মঠেই মাজলমচং নিংখীনা রাশক্লেবা এফিডেবিত ওইনা শীখবেলক্লেবগীদমক্লেনি।
এফিডেবিতশিংদু মসিগী নোতিস অসি ফোক্তলবা মতুং নুমিৎ ১০ গী মনুংদা মণিপুর ভবন, ২, সরদার পতেল মার্গ
চনক্যাপুরী, নিউ দিল্লী- ১১০ ০২১ দা লৈবা কমিশনগী ওফিসতা খারক্লেবনি:

সে নং	ডিক্টিমগী মমীং	ডিক্টিমগী অকুলা মরোল	খৌদোক খোকখিবা তারিখ
১.	অজাদ খাম	অপোকপগী মমীং এমদি রাহিদ আলি, লৈফম মৌবাকটৌ মখা লৈকায়, পি এস ময়্যাং ইমফাল, নিট্রিক ইমফাল বেস্ত, মণিপুর।	৪/৩/২০০৯
২.	মুশোংমম্বম ওরসোনাজিত	অপোকপগী মমীং ইমো, লৈফম মৌবাকটৌ মখা লৈকায়, পি ও অমসুং পি এস মণিপুর নিট্রিক মণিপুর বেস্ত।	১৬/৩/২০০৯
৩.	নামৈরাকপম গোবুইন মৈতে এলিজ তাহো	অপোকপগী মমীং রোমেন, লৈফম বাসিগোং মমাজ লৈকায়, পি ও অমসুং পি এস ইরিলবুং, ইমফাল, ইস্ত্রি ডিক্টিক মণিপুর।	৪/৪/২০০৯
৪.	নামৈরাকপম নোবো মৈতে	অপোকপগী মমীং এন বসন্তা, লৈফম বাসিগোং মমাজ লৈকায়, পি ও অমসুং পি এস ইরিলবুং, ইমফাল ইস্ত্রি ডিক্টিক মণিপুর।	৪/৪/২০০৯
৫.	এলাংবম কিরাজিত সিংহ	অপোকপগী মমীং ইবোহাল, লৈফম খৌবাল হাওখা, খৌবাল ডিক্টিক মণিপুর।	২৪/৪/২০০৯
৬.	চোংখাম উমাক্সা এলিহুজ মুনালতোম	অপোকপগী মমীং গুনমনি, লৈফম ইরোমসেসা মমাজ লৈকায়, ইমফাল বেস্ত ডিক্টিক মণিপুর।	৫/৫/২০০৯
৭.	অকোংজম শ্রিঘোত্রোতা এলিজ বোটে	অপোকপগী মমীং বোরেই মশোং, ইমফাল বেস্ত ডিক্টিক মণিপুর।	১৫/৩/২০০৯

মখাদা পীরিবা মওংসিদি এফিডেবিতশিং য়েগশিনগনি :
“মমাজ পাজিবা এফিডেবিতকী পেরাশ্রাক দা হাওখিবা রাংখামি এহাক্সা খন্তবা ফাওবদা চুপে
হায়না তেরিকাই তৌরে, অদুগা পেরাশ্রাক দা রাওখিবশিংসি হাংখিবা জি পাউনা চুম্ফন ওইবনি
অদুগা এহাক্সা মসি অক্লেবনি হায়না থাউলে।”
এফিডেবিত (শিং) দু ইংলিসতা মেনগদরমি। মখা তাবা নোতিসতা পীরক্লেব মতম অমসুং মফমদা লাক্লেব মার্চ
০১, ২০১৩ দা ইমফালনা ক্রোস একজমিনেসন তৌবদা দিপোনেস্তশিং কমিশনগী প্রোসিডিংনা লাকপগী তঙাই
ফদবা লৈগনি।

পি এস মুক্তি,
সেক্রেটারি,
সুপ্রিম কোর্ট এপ্লোইস্টেড কমিশন।

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Extra-judicial Killings: Probe team to visit State on March 1

<http://www.hueiyenlanpao.com/headlines/item/7568-extra-judicial-killings-probe-team-to-visit-state-on-march-1>

HNS/Imphal, Feb 07: The three-member Enquiry Commission headed by Retired Supreme Court Justice N Santosh Hegde, which was formed under a directive of Supreme Court of India to conduct an independent probe into 6 different cases of extra-judicial killings in the state, would be coming to Imphal on March 1.

During the visit, N Santosh Hegde would be accompanied by the other two members of the Enquiry Commission namely former Chief Election Commissioner JM Lyngdoh and Retired DGP of Karnataka Police Ajay Kumar Singh.

Confirming the visit of the probe panel members to Imphal on March 1, a reliable source, however, informed that the term of reference or what they would be doing during their enquiry is not yet known.

Mention may be made here that the Enquiry Commission was constituted under a directive of the Supreme Court of India on January 4 following a petition filed by Extrajudicial Execution Victims' Families' Association (EEVFAM, which pleaded for an independent probe into more than 1500 cases of extra-judicial killings in Manipur.

The apex court also instructed Centre and Manipur government to provide necessary manpower and secretarial assistance to the Enquiry Commission. Furthermore, the apex court instructed the Government of Manipur and all related agencies to handover any evidence, records and materials to the Commission.

Out of the many cases, the Supreme Court gave its approval for enquiry into six cases. The six cases are that of Kh Orsonjit (19) of Sega Road Konjeng Hazari Leikai who was killed by Manipur Police Commandos in 2010; Y Kumarjit (18) of Irom Meijrao who was killed in 2009; Ch Umakanta (24) of Iroishemba Mamang Leikai who was killed in May 2009; E Kiranjit (22) of Thoubal Haokha who was killed in April 2009; N Govind alias Dhopa (25) of Bashikhong Mamang Leikai who was killed in April 2009 and Md Azad Khan (14) of Phoubakchao Makha Leikai who was killed in March 2009.

14-year old Md Azad Khan son of Md Wahid Ali was arrested by Manipur Police Commandos in the morning of March 4, 2009 while he was reading newspaper along with a friend named Anand. Family members tried to stop the CDOs from taking their son away but in vain. Later, he was found shot dead in a nearby field by the police commandos.

Source: Hueiyen News Service