

amnesty international

INDIA

"OPERATION BLUEBIRD" A CASE STUDY OF TORTURE AND EXTRAJUDICIAL EXECUTIONS IN MANIPUR

OCTOBER 1990

SUMMARY

AI INDEX: ASA 20/17/90

DISTR: SC/CO/GR

This report is a study of human rights violations in the northeastern state of Manipur. It describes a pattern of arbitrary arrests, detentions and torture of hundreds of villagers in and around Oinam by the Assam Rifles during "Operation Bluebird" conducted after armed secessionists belonging to the National Socialist Council of Nagaland attacked an Assam Rifles' outpost in July 1987, killing nine soldiers and removing arms and ammunition.

The report is based on many detailed eye-witness accounts - much of it sworn testimony which was cross-examined in court. It describes how villagers were beaten, given electric shocks, burnt with cigarettes or hung upside down. It also gives detailed accounts of the detention and torture of at least 11 and possibly 15 men who were allegedly illegally executed by the Assam Rifles during the counter-insurgency operation. The Assam Rifles claim they were killed in "encounters" or while "trying to escape". The torture victims include older people, teachers, women who say they were raped and several dozen children. At least four children died in detention due to lack of medical care.

The report also describes official reactions to the allegations of large scale abuses: the central government condoned the abuses, resisting many appeals that it order an investigation into the allegations (only a local police inquiry was held confirming some torture allegations). The Manipur state government's response was divided, some officials urged the then Prime Minister to investigate the alleged human rights violations. The Assam Rifles - who report directly to the central government's Home and Defence Ministries - attempted to cover up the abuses by wide scale harassment and intimidation of villagers, especially those willing to testify in court. The Assam Rifles threatened witnesses and some were arrested and tortured again in order to make them retract their accusations. Witnesses were arrested after testifying in court and a lawyer presenting

their claims for damages was threatened in court. The lengthy hearing of the evidence was concluded on 21 April 1990 and the Gauhati High Court is expected to reach a decision in late 1990.

The Oinam incident and its aftermath occurred when a Congress (I) government was in power at the centre and in the state of Manipur. In late 1989 a National Front coalition government assumed office in Delhi and an opposition United Legislative Front state government took over in Manipur in February 1990. Since the events described in this report occurred, there have been some further reports of human rights violations in Manipur, which included several reports of torture and allegations that three men, one of them only 17 years old, died in Assam Rifles' custody allegedly as a result of torture. But none of these reports are of the scale reported during the Oinam combing operation.

The report makes ten recommendations. They include a call on the government to order a full impartial investigation by an independent body into the allegations described in the report and to bring those responsible to justice. The Armed Forces (Assam & Manipur) Special Powers Act should be periodically reviewed and those sections which give the security forces broad powers to shoot to kill and provide them with immunity from prosecution should be withdrawn. Amnesty International believes that these provisions - also in force in some other parts of India where there is armed opposition to the government - contravene international standards for the protection of the right to life. Amnesty International also calls for adequate compensation for the victims of torture and for the relatives of those who are believed to have been killed in custody.

Local civil liberties lawyers have worked hard to ensure that the victims of the grave abuses described in this report receive adequate redress and the villagers themselves have withstood persistent pressures from the Assam Rifles to prevent them from testifying in court. So far the Gauhati High Court has rejected two claims of lawful killing, granting compensation to the relatives of the victims. But successful actions have only resulted from private complaints. The central government's response has been to obstruct the villagers' efforts, rather than to assist them in securing effective remedies, as the International Covenant on Civil and Political Rights, to which India is a party, obliges the government to do. The Manipur incident is an important test case of whether impartial investigations and effective remedies - including prosecutions of the perpetrators and adequate compensation - can be granted to the victims of human rights abuses in India.

This summarises a 73-page document, India: "Operation Bluebird": A Case Study of Torture and Extrajudicial Executions in Manipur, AI Index ASA 20/17/90, issued by Amnesty International in January 1990. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1.	INTRODUCTION 1
1.1	The Oinam Incident: Summary of Events . 6
1.2	The Context of Armed Insurgency 9
2.	THE CASE OF OINAM 10
2.1	The Forces Involved 10
2.2	Arbitrary Arrests and Detentions 11
2.3	Torture 13
2.3.1	Where Torture Occurred 13
2.3.2	Torture Techniques: Testimonies 14
2.3.3	The Victims 20
2.3.4	Detention Conditions: The Denial of Medical Care and Related Deaths in Detention 24
2.3.5	Deliberate Killings following Torture 25
2.3.5(i)	P. Sanglong, Th. Wakhao, B. Wa, P.L. Ring and L. Zamo 28
2.3.5(ii)	K. Sunai, R. Khova, M. Esou, R. Mathotmi, P. Rangkhiwo and N. Thava 33
3.	GOVERNMENT RESPONSE 38
3.1	State and Central Government Response . 38
3.2	The Reaction of the Security Forces . . 40
3.2.1	Denial of Access to Outside Observers, Detention and Torture of Journalists and Attempts to Manipulate the Press . 40
3.2.2	Reprisals for Complaints 44
3.2.3	Attempts to Discredit Politicians who Raise Human Rights Abuses 49
4.	LEGAL PROCEEDINGS 51
4.1	Court Cases brought against the Assam Rifles 51
4.2	The Intimidation of Witnesses 53
4.3	The Role of the Courts 59
5.	LEGAL FRAMEWORK 60
5.1	The Armed Forces' Special Powers 60
5.2	The Armed Forces (Assam and Manipur) Special Powers Act 61
5.2.1	Powers to Arrest and Detain 62
5.2.2	Powers to Shoot to Kill 64
5.2.3	Immunity from Prosecution 65
5.3	The Failure to Review Special Powers . . 66
6.	RECOMMENDATIONS 67

APPENDICES**Appendix A**

- Manipur and the Naga Insurgency: the Geographic and Political Context
- The Northeast During the British Administration
- The Rise of Naga Insurgency after Independence and the Indian Government's Security Concerns

Appendix B

Major Reports and Documents issued by Amnesty International 1970 - June 1990

Appendix C

Previous Reports of Human rights Abuses by the Security Forces in the Northeast

Appendix D

Reported Extrajudicial Executions of Mr Soshang, Seva, Lokho and Sangdua
cal Context

**"OPERATION BLUEBIRD": A CASE STUDY OF TORTURE AND
EXTRAJUDICIAL EXECUTIONS IN MANIPUR**

1 INTRODUCTION

This report focuses on evidence of human rights abuse in Manipur, one of India's remote northeastern states. It describes how Naga tribal villagers in and around Oinam were arbitrarily detained in appalling conditions, how women were raped and how hundreds of villagers were beaten or otherwise tortured by members of the Assam Rifles, a special security force operating in the area. Several torture victims are disabled and had to be supported when giving testimony of torture in court. Some were given electric shocks. The torture victims include several dozen children. There is strong evidence suggesting that at least 11 and possibly 15 men, including a 65-year-old village elder, were tortured and illegally executed by members of the Assam Rifles. The Assam Rifles claim that they were killed "in encounters" or "while trying to escape" (and that one man committed suicide). In two cases, the Gauhati High Court rejected the Assam Rifles' claims of lawful killing and has granted compensation to the relations of the victims. Several people, including at least four children, reportedly died in detention as a result of lack of medical care. The Assam Rifles have denied its forces were responsible for any of these abuses.

The incidents described occurred during a combing operation carried out by the Assam Rifles in the weeks and months after one of their outposts was attacked by armed secessionist insurgents belonging to the National Socialist Council of Nagaland (NSCN) in July 1987. Nine soldiers were killed in the attack and arms and ammunition were taken away by the insurgents. The Assam Rifles pursued the insurgents.

A major court case brought against the Assam Rifles by a civil liberties group requesting damages for many victims is continuing. The process of recording evidence concluded on 21 April 1990 - much of the court documentation has been drawn on in this report. The Gauhati High Court is expected to consider the evidence in late 1990.

The report also describes how people who subsequently wrote to the Prime Minister of India or other officials complaining of these abuses were arrested and sometimes tortured, and how witnesses testifying in court about specific abuses have been harassed and intimidated. Some victims were reportedly again tortured after giving such testimony and pressured to retract testimony implicating the Assam Rifles or

to give false statements which would exonerate the security forces. Available evidence suggests that the central government condoned the abuses, whereas the response of the Manipur state government was divided, some officials raising reports of torture and extrajudicial executions of villagers with the Prime Minister of India. As far as Amnesty International is aware, no central government investigation has been ordered so far into the allegations described in this report, although one local police inquiry found evidence that villagers had been tortured. Nor are members of the Assam Rifles known to have been subjected to disciplinary measures as a consequence of the Oinam incident.

Since the events in Oinam took place, there have been several reports of further human rights violations by the Assam Rifles in Manipur, including torture and death in custody following torture, but none on the scale of those reported during the Oinam combing operation. However, the risk that they may occur again is considerable. Although opposition coalitions have replaced Congress Party governments which were in power at the centre and in the state when the abuses described in this report occurred, the Assam Rifles continue to operate in the area as before. This year, Amnesty International has received several reports of torture, including of the use of electric shocks, by the Assam Rifles, and a 17-year-old man named S. Joel reportedly died in Assam Rifles' custody on 23 March 1990 following torture by beatings. There have been no curbs on the special powers given to them under the 1958 Armed Forces (Assam and Manipur) Special Powers Act, which, in Amnesty International's view, facilitates abuses of power resulting in grave human rights violations.

It has been difficult to document human rights violations in Manipur and other states of northeast India, since foreigners are not usually allowed access to the remote northeast and since travel is restricted to certain areas even for Indian citizens. For the last ten years Amnesty International has not been allowed to carry out on-the-spot investigations anywhere in India, nor has it been permitted to discuss its concerns with the central or state governments. (On two occasions during the last ten years, Amnesty International was allowed to visit India to attend international conferences.) However, in the first week of July, the government announced that Amnesty International could visit India to discuss general issues with the government, without clarifying whether the organization could travel outside Delhi in connection with its human rights concerns.

The denial of access to the area has posed particular problems for research and reliable reporting. In the case of Oinam, these difficulties have been overcome by access to a wealth of first-hand evidence in numerous sworn testimonies which have been cross-checked for their accuracy. Some of the statements corroborate those in other sworn testimonies.

Witnesses have also been cross-examined by lawyers for the Assam Rifles in court. These witnesses include people who allege that they were tortured, that they saw the torture of others or that they were present when people, later found shot dead in the forest, were seen being taken away by the Assam Rifles, sometimes hardly able to walk because of torture. Wherever possible, these allegations have been cross-checked against other sources. Some state government officials visiting the area have confirmed several allegations of torture, as did a report submitted by the local police. The detailed evidence obtained from so many witnesses and different sources about one specific incident is unique in Amnesty International's records of human rights violations in India. This and the lack of determination of the government to investigate these allegations of grave human rights violations and bring the perpetrators to justice prompted the writing of this report.

The Oinam incident and its aftermath - involving attempts to frustrate the judicial process - is typical of the manner in which members of the security forces in northeast Indian states, since their initial posting to the area in the 1950s, have reacted to demands by tribal groups seeking increased autonomy or a separate state.

More than 220 hill tribes live in seven Indian states in the quarter-million square kilometre region of northeast India: Assam, Nagaland, Manipur, Arunachal Pradesh, Meghalaya, Mizoram and Tripura. They feel ethnically, economically and socially different from inhabitants of other parts of India, from which the northeast is nearly cut off by Bangladesh. The area is connected with the rest of the country through a narrow twenty-kilometre corridor, known as the "Siliguri Neck". Accusing the central government of neglect and exploitation, some of the tribes have advocated autonomy or independence and some have taken up arms against the central government. Of these violent movements for a separate identity in northeast India, the Naga insurgency is the oldest.

The Nagas, who are divided into sixteen major tribes, live in four out of the seven northeastern states, namely Nagaland, Manipur, Assam and Arunachal Pradesh. In Manipur they live in the five hill districts of the state, along with two other tribal groups, the Kuki and the Chin. When plans for Indian independence were discussed in the 1920s, the Nagas, who had strongly resisted the imposition of British rule in the areas where they lived in the northeast, reasserted their demand for complete independence. They remained dissatisfied with the partial autonomy granted to them in 1947 and their protests were initially peaceful and non-violent. The central government responded by sending armed police to the area to counter such protests and one group of Nagas, under their leader Phizo, launched an armed separatist movement in 1955. In 1956 the central government sent in special security forces which had orders to implement strict counter-insurgency measures. Although many Nagas oppose the use of arms the

security forces have suspected many supported armed insurrection. Counter-insurgency operations carried out over the years have been accompanied by reports that Naga tribal groups have been indiscriminately subjected to illegal detentions, torture and extrajudicial executions.

For further information on the geographical and political context of Manipur and the Nagas, see **Appendix A**.

Violations of human rights by the security forces are not confined to Manipur but seem to be common to other states in northeast India - and elsewhere in India - where the army, paramilitary forces or the police have special powers to suppress insurrection. Allegations of human rights violations have been particularly frequent in situations where they have faced armed opposition.

For example, in Assam, the Bodos, living in the plains north of the Brahmaputra, have been agitating for autonomy since 1967. In 1987 the All Bodo Students' Union (ABSU) launched an initially peaceful autonomy campaign backed by strikes and road and rail stoppages. The Assam Armed Police were sent into Bodo-inhabited areas of the state with orders to deal firmly with the situation. There have been subsequent reports that members of the ABSU resorted to violence and that the police were responsible for extrajudicial executions, rape, illegal detentions and torture of Bodo civilians. The press has reported that the police often make little distinction between ordinary villagers and Bodos belonging to militant groups when they raid villages. Other reports suggest that many Bodos arrested or killed in "encounters" are in fact innocent villagers who have little or no involvement in separatist activities.

This report describes Amnesty International's concerns in only one of India's 25 states: Manipur. It is not a survey of other human rights violations reported from that state of which, for example, the tribal people from the plains, the Meis, claim to have been victims, and which Amnesty International has raised separately. In nearly all states Amnesty International has specific human rights concerns. They are: the detention without trial under "anti-terrorist" and preventive detention laws of several thousand political prisoners, among them prisoners of conscience; widespread torture and ill-treatment; deaths in police custody as a result of torture as well as extrajudicial executions and "disappearances". These concerns are described each year in Amnesty International's Annual Report and in separate reports describing patterns of abuses or specific incidents or allegations. A list of reports and documents published by Amnesty International on India since 1970 is attached as **Appendix B**.

The events in and around Oinam and other parts of Manipur covered by this report were not isolated incidents. There have been persistent and widespread reports of abuses of human

rights since the 1950s when the security forces were first sent to the Naga hills area. Some of these are summarized in Appendix C.

This report covers the period since July 1987. At that time, Manipur was ruled by a Congress (I) government (first led by Rishang Keishing, who was replaced on 5 March 1988 by R.K. Jaichandra Singh) while a Congress (I) government - led by Prime Minister Rajiv Gandhi - was also in power at the centre.

In cables of 17 November 1988 and 23 January 1989 Amnesty International asked the Home Minister in New Delhi to order an impartial investigation into complaints that witnesses giving evidence about alleged abuses by the Assam Rifles were threatened and intimidated for giving evidence against them. Amnesty International asked the government to take immediate measures to protect witnesses from future intimidation, as required by Article 13 of the United Nations (UN) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It urged that members of the Assam Rifles alleged to have participated in abuses be removed from any areas where they could exercise power over witnesses to or victims of abuses perpetrated by them. It also asked permission to attend hearings in progress before the sessions judge in Imphal who was recording evidence about these abuses. And although the Manipur government, to which Amnesty International had sent copies of its communications to the Home Minister, reportedly agreed that an Amnesty International observer could attend the hearings, the central government denied it permission to do so.

In November 1989 a National Front coalition government led by Vishwanath Pratap Singh - the leader of the Janata Dal - took office in Delhi. State elections in Manipur in February 1990 brought a United Legislative Front opposition coalition to power. Its main partners are the Manipur People's Party and the Janata Dal. For the first time in ten years the state is not ruled by a Congress (I) government. The new Chief Minister R.K. Ranbir Singh proposed a partial withdrawal of the Armed Forces (Assam and Manipur) Special Powers Act 1958, which has been widely criticized for giving arbitrary powers to the security forces, facilitating human rights abuses. However, the new government said the Act would not initially, be withdrawn from the hill areas where the NSCN are active. This includes Senapati district, in which the village of Oinam is situated.

The Manipur incidents represent an important test case of whether effective investigation and remedies can be brought about in India. As elsewhere in the country, local human rights organisations, lawyers and some sections of the press have sought to ensure that the allegations of abuse are the subject of investigation and appropriate action and the judiciary has demonstrated its independence in ruling on some of the resulting cases. However, the role of government itself

and of the security forces appears so far to have been to impede such investigation. The report concludes with recommendations which, if implemented by the Union and State administrations, would represent a commitment to remedy past abuses and guarantee the future protection of human rights.

1.1 The Oinam Incident: Summary of Events

Oinam is a small village in the Senapati district of the state of Manipur, bordering Nagaland. It is inhabited by Poumai Nagas, who are mostly Christians.

On 9 July 1987 a group of insurgents believed to belong to the NSCN attacked the Oinam Assam Rifles post, next to Oinam village. The insurgents left with a large quantity of arms and ammunition. Nine soldiers were killed in the attack and three were seriously injured.

The Assam Rifles sealed off the area and on 11 July began an extensive combing operation, code named "Operation Bluebird", in an attempt to recover the arms. Major General Kukrety, Inspector General of the Assam Rifles and General Officer in Command of the Manipur section of the Assam Rifles, supervised the operation which covered twenty Naga villages including Oinam, Chingmai Khullen, Khongdei Khuman, Khongdei Shimpung, Lakhmai, Ngamju, Ngari Lishang, Phaibung Khullen, Purul Akutpa, Phuba Thapham, Phubung Khunou and Thingba Khullen. Wide scale human rights abuses were reported during the combing operation, including torture and extrajudicial executions. In the course of these operations at least eleven men were killed in the custody of the security forces, apparently after torture.

Amnesty International has eye-witness accounts that the eleven men - whose bodies were returned to the village by the Assam Rifles claiming that they had died in "armed encounters" or "while trying to escape" - were first detained by them and tortured until they were hardly able to walk. More than three hundred villagers claimed they were beaten, some of them so severely that their limbs were broken. The victims include several children and boys of 15 and 16 years old. Pregnant women were also beaten, some aborting afterwards. Some torture victims were left for dead, one of whom survived. Others were reportedly subjected to other forms of torture including inserting chilli powder into sensitive parts of the body, being given electric shocks by means of a hand operated dynamo (there is no other source of electricity in the villages), or being buried up to the neck in apparent mock executions. The victims included senior villagers and leaders of the community. According to the headman of Oinam village:

"I was called out and interrogated throughout the day repeatedly demanding to restore the lost weapons...along with questions and demands I was beaten by the officers and jawans (soldiers). I

was blindfolded my hands tied to a post and was threatened that they would burn me alive or shoot me if I fail to meet their demands...they also indiscriminately attack the villagers - hitting with poles, kicking down and pulling them up by their hair and repeating the kicking and hitting while at the same time abusing... chilli powder dissolve in water were rubbed into the nostrils, eyes and soft parts of the body and took sadistic pleasure from the cries of pain by the victims."

Whole village populations were held in the open or in the churches for up to twelve hours at a time, day after day over a period of several weeks. Villagers were illegally detained without being told the reasons for their arrest. None were brought before a magistrate within 24 hours of the time of arrest, as Indian law requires. No exceptions were made and pregnant women were also detained.

Women say they were sexually abused. At least three women say they were raped, one woman by a Commanding Officer (CO). Several other young women were sexually harrassed by Assam Rifles officers whose names are known to Amnesty International. One was a captain posted at Ngamju village. Those particularly vulnerable to abuses were women whom the security forces said had relatives in the NSCN.

One victim of rape was a 17-year-old woman from Khongdei Khuman village. The Assam Rifles suspected that her brother was an NSCN member. She said in a sworn statement that she was summoned to the Captain of the Assam Rifles at Lakhmai (where she was at school) in July 1987 and questioned as to whether her brother had visited her. When she said he had not done so, she was accused of lying and threatened with torture if she did not give information about his whereabouts. On 15 August 1987 she was again interrogated and brought before the CO, who was stationed in the army camp set up at Khongdei village school. He also asked her whether her brother had come home. When she replied that he had not, she said the CO raped her. In a sworn statement made on 27 February 1988 to the Chief Judicial Magistrate, Imphal, she described:

"he told the jawan (soldier) to leave the room and I followed the jawan to the door. Just after the jawan crossed the door the CO closed the door and would not let me leave the room, and got hold of me very rudely. I shivered and at the sight of his cold-blooded anger I struggled to free myself from his hand. He pulled off the shawl I was wearing and continued pulling at my clothes while keeping me under suffocating grip. I screamed and shouted for help but no one came to my rescue. The CO in full military dresses pulled out pistol and

threatened to shoot me if I scream and cried out for help. He then pulled my hair and pinched my cheeks so hard and finally I was overpowered and the CO rape[d] me. It was most horrifying moment of my life and very painful. I became numb."

The Assam Rifles are accused of retaliating for the attack by the NSCN by burning and dismantling over 125 houses, looting villagers' grain stores, vegetable plots, domestic goods and livestock. Villagers say they were not allowed to tend their cattle who therefore ate up the paddy crop. As a result, the villagers claimed they suffered subsequent severe food shortages. Harassment continued for several months, and even by December 1987 the security forces were reportedly rounding up villagers for forced labour for such tasks as porter service, building new army camps, washing clothes and cutting firewood.

The Assam Rifles, according to the villagers of Oinam, forced them and their leaders to sign false affidavits denying all that had taken place under threats of torture. There was one police investigation, but no impartial and independent investigations have been ordered by either the state or central government, despite numerous requests from local organizations and individuals that they do so.

Various organizations have given legal assistance to the villagers who suffered under the combing operation, many of whom are illiterate, and have brought petitions in court on their behalf against the Assam Rifles. Among them are three habeas corpus petitions brought by the Civil Liberties and Human Rights Organization (CLAHRO) and one petition brought by the Manipur Baptists' Convention, the latter specifically on abuses against women committed during the combing operation. The most comprehensive case was brought on 5 October 1987 by the Naga People's Movement for Human Rights (NPMHR), which filed a Writ Petition in the Gauhati High Court on behalf of the villagers against the Assam Rifles. Victims detailed abuses allegedly committed by the security forces and requested damages. On 6 June 1988 the Gauhati High Court directed the Sessions Court at Imphal to record first-hand evidence from the villagers about the offences allegedly committed by the Assam Rifles. The process of recording evidence began on 22 August 1988. In January 1990, the Gauhati High Court ordered the Sessions Court in Imphal to limit the number of witnesses appearing for the Assam Rifles (from 700 proposed) to 32 and to finish the examination of witnesses by 18 April 1990. The Imphal Sessions Court concluded its hearings on 21 April 1990. The case will now reportedly be brought before the Gauhati High Court in the autumn of 1990. Throughout the hearings the security forces have reportedly attempted to intimidate witnesses and their relatives through illegal

detention, torture and death threats, trying to persuade them to drop the legal action. Consequently, some of the villagers have been too afraid to return to their village. The security forces have also attempted to discredit these human rights organizations by bringing legal proceedings against some of their members; one lawyer representing the victims has been threatened.

1.2) The Context of Armed Insurgency

Human rights abuses by the security forces frequently follow attacks on their units by insurgent groups such as the NSCN. Of the various non-Naga insurgent groups in Manipur, the leftwing People's Liberation Army, campaigning for independence of the entire northeastern region, has been particularly active. Other armed groups are the People's Revolutionary Party of Kangleipak (Prepak) demanding independence for Manipur, the Kangleipak Communist Party (KCP), the United Liberation Front (UNLF) and the Manipur Revolutionary Party (MRP). Press reports suggest that attacks by such groups occur regularly. Members of the security forces have been killed and arms and ammunition have been taken by insurgents. As noted, nine soldiers were killed during the 1987 NSCN attack on the Oinam army post; the insurgents are reported to have taken more than one hundred weapons and 128,000 rounds of ammunition. A similar attack was reported in May 1988 in which the NSCN was said to have ambushed a CRPF patrol which was escorting officials of the Manipur treasury carrying eight million rupees from Imphal to Tamenglong. According to reports, ten out of the thirty police were killed and the insurgents escaped with about two thirds of the money. On 8 April 1989 three police officers, including a twenty-six-year-old woman police officer belonging to the Indian Police Service, were killed in an attack at Konthongjam, in which both the NSCN and the PLA were allegedly involved, and on 1 September that year the NSCN attacked a Border Security Force (BSF) outpost on the Manipur/Nagaland border, killing five members of the BSF and two of the Assam Rifles.

According to some reports, villagers have been forced to act as porters of arms, ammunition and supplies for insurgents. A farmer from Oinam village, who had to act as a porter for the NSCN following the 1987 attack, told in a sworn statement how he was arrested by the Assam Rifles and asked why he had acted as porter. He replied that he was forced and had no choice.

"On 12th July '87, around 2 pm, I was called and blindfolded before entering the room. The question that they asked through an interpreter was, What did you carry? I replied, I carried ammunition and one rifle in a basket carrier. Then one questioned me, why did you carry? You are also an

underground! I replied that, the underground forced me and I had no choice."

According to press reports, villagers have been pressurized into paying taxes to the NSCN and threatened with violence if they did not comply. The NSCN are also reported to have killed villagers suspected of falling into a broadly defined category they describe as "informers". But villagers are in a particularly vulnerable position as the insurgents have reportedly applied the classification of "informers" to villagers merely for obeying military orders, and in some extreme cases for having signed affidavits under threat denying army abuses. India Today reported in 1987 that most of the 413 people said to have been killed by the NSCN since 1965 were "suspected informers".

Local political leaders have also been targets of attack by insurgents. In February 1984 the press reported that the NSCN had assassinated 17 political leaders, including a former Manipur Chief Minister, Om Yangmaso Shaiza. The then Chief Minister Rishang Keishing was also reported to be on the NSCN "hit list". By October of the same year nineteen District Council Members of Ukhrul had been threatened with death by the NSCN if they did not leave the council. The threats and assassinations were reportedly part of an attempt by the NSCN to get their own candidates elected to the council and Assembly. In 1986 India Today alleged that Nagas who had signed the 1975 Shillong Accord (agreeing to accept Naga independence within the terms of the Constitution of India) were also potential targets for assassination.

Amnesty International condemns as a matter of principle the torture or killing of prisoners by the Naga insurgent groups - or by anyone else. Even in situations of an armed conflict, all parties, including insurgents, should observe basic norms of humane treatment.

2 THE CASE OF OINAM

2.1 The Forces Involved

Since the Naga-inhabited hill districts were declared "disturbed" in 1972, a number of special security forces have operated, and still operate, in Manipur. These include the Border Security Force, the Central Reserve Police Force and the Assam Rifles. In the early 1980s the Sikh regiment was also posted to Manipur. All have been given special powers under the Armed Forces Special Powers Act and are directly responsible to the central government.

The Assam Rifles are responsible to the central government Home Ministry and the Ministry of Defence. The

top officers of the Assam Rifles are always seconded from the regular army. They are the oldest paramilitary force in India and were originally created by the British. In 1986 they were given a particularly powerful position in Manipur as they took over operational command of defense forces in the state from the regular army. The division of the Assam Rifles based in Manipur was called the M (Manipur) Sector and was under the authority of Major General P.L. Kukrety, General Officer in Command at the time of the Oinam operation. According to reports in the Indian press, he had openly sanctioned the torture of those suspected of involvement in the insurgency. In an interview with the Indian Express reported on 31 August 1987, Major General Kukrety was quoted as saying:

"If twisting of arms means torture then so be it...In spite of the hostile propaganda, we shall bash on regardless and not rest until we recover every single arm...we have neither raped a single woman nor have we harrassed the old. But we have not spared those whom we suspect of being involved with the underground movements."

And on 22 January 1988 the Indian Express said he had acknowledged that "villagers and suspected informers were interrogated and some of them beaten to extract the truth".

2.2 Arbitrary Arrests and Detentions

On 10 July 1987, the day after the attack on its outpost in Oinam, the Assam Rifles moved into Oinam and the surrounding villages in apparent attempts to recapture the stolen weapons. Many men were arrested and detained for interrogation. This was confirmed in a radio message sent on 21 August 1987 from the Sub-Divisional Officer, Paomata, to the Deputy Commissioner, Senapati, according to which:

"Confinement of villagers of Lepona and Chilivai areas in their respective village by 21 Assam Rifles for 24 hrs continues. Villagers of some villages have been confined since 10/7/87."

Large scale detentions of young men and boys were also confirmed by a report from the Joint Secretary (Home) following a visit on 17 and 18 November 1987 to the area with the Chief Minister:

"The Assam Rifles personnel apprehended large number of youths including boys aged about 10 years and detained them for considerable longer periods than permissible under the law."

The Armed Forces Special Powers Act does not allow

the security forces to detain people for interrogation. Section 5 of the Act specifies that all those arrested must be handed over to the nearest police station without delay (see section 5). Yet many of those arrested were detained by the Assam Rifles for months without being handed over to the police or a judicial officer. For example, N. Sosii, a member of the Khongdei Khuman Village Authority reported that he and 40 other men were arrested on 12 July 1987 and detained in the jungle until 24 September 1987 during which period they were made to search for the stolen weapons. People who worked in the villages, but who did not live there, were also arrested. L. Peter, a secretary of Ngari village high school, was arrested by the Assam Rifles from his brother's house at Lamphel, Imphal on 28 July 1987 and detained at Oinam army camp until 22 August 1987. In many cases those arrested were apparently not given any reasons for their arrest.

The Assam Rifles acted illegally. In his judgment of 12 July 1988, in a case brought by the CLAHRO in the High Court of Gauhati against Major P.L. Kukrety, G.O.C 'M' Sector, Assam Rifles and others, Justice Hansaria stressed that the security forces had a duty to uphold the rule of law in all circumstances, saying:

"the rule of law does not cease to function even under difficult circumstances. The clash of arms cannot drown the voice of law. Indeed, it is in difficult times that our concern for the rule of law is tested."

He reminded the court that section 5 of the Armed Forces Special Powers Act required that arrested persons be handed over to the nearest police station with the "least possible delay". He rejected the Assam Rifles' plea that difficult terrain had prevented them from handing the detainees in question over to the police, noting that they had handed over other detainees from the same village (Oinam) with no difficulty. He awarded a sum of five thousand rupees to each of the detainees who had thus been illegally detained.

The Assam Rifles were found to have rounded up, without discrimination, all the villagers, men, women, children and elderly people. They were held together for several weeks, either in the open or in schools or churches, even though a Supreme Court order made in 1983 (writ petition No. 550/82) had specifically prohibited such practices. The Court ruled that:

"the army authorities shall not use any church or educational institutions for the purpose of setting up any camp and for the purpose of interrogating and detaining people."

2.3 Torture

According to several witnesses, all villagers detained in the camps were beaten indiscriminately, regardless of their age or whether they were men or women. Many villagers were taken to Oinam army camp to be interrogated and beaten. For example, a member of the Village Authority from Tingsong village was arrested with two other men on 21 July and taken to Oinam army camp "where we saw many other persons from different villages being detained and tortured". The men were arrested and detained separately from the rest of the villagers and singled out for systematic beatings together with other forms of torture. Amnesty International has the names of 316 people (and their occupations) whom a local human rights group listed as having been tortured by the Assam Rifles. The youngest victim, F. Leishimon, was one year old; the oldest was a 65-year-old man. Thirty-four of them were children, 12 years old or younger.

The Joint Secretary of the state government visited the affected area in November 1987 and confirmed that "the Assam Rifles used third degree methods during the course of interrogation of suspects". Similarly, a police inquiry carried out by N. Surendra Singh, the Sub-Divisional Officer, Paomata, and S. Manglemjao Singh, the Sub-Divisional Police Officer, Mao, between 26 July 1987 and 2 August 1987, who visited 16 villages in and around Oinam, confirmed many people had been tortured by the security forces:

"The villagers stated that 50 villagers of Oinam were severely beaten up and detained... Six persons from Ngamju village were beaten up. A few villagers are still under detention...At Khongdei Shimpung village...25 villagers were beaten up by the security personnel...Similarly 26 villagers of Khongdei Khuman were beaten up...The Headman of Khongdei Khuman was also severely beaten up..."

2.3.1 Where Torture Occurred

Amnesty International has many eye-witness accounts testifying that people were tied up and beaten for several hours at a time with rifle butts, lathis (sticks) and chains until they lost consciousness, could not walk, or until their limbs were broken (in Oinam and Lairouching army camps, and in makeshift places of detention in Phaibung Khullen, Thingba Khullen, Khongdei Khuman, Ngari Lishang, Khongdei Shimpung, Ngamju and Phaibung Khunou villages) and that they were given electric shocks on their genitals (Oinam army camp, Lakhamai).

Others said they had chilli powder smeared on their

genitals, eyes and nose (Khongdei Khuman, Phaibung Khunou), were hung upside down and beaten sometimes until they lost consciousness and sometimes until their limbs were broken (Khongdei Khuman jungle, Phuba Thapam, Phaibung Khunou), had water poured over their faces until they lost consciousness (Khongdei Khuman), were burnt with cigarette butts (Oinam army camp) and had their hair and pubic hair burnt (Khongdei Khuman). Several required hospital treatment. Victims of torture include village elders and pregnant women, one of whom was reportedly beaten and threatened with her own and her eight-year-old son's "execution". Two women reportedly aborted within two weeks after being beaten. Some torture victims have apparently become permanently disabled.

2.3.2 Torture Techniques: Testimonies

The methods of torture used are illustrated by the following testimonies selected from a large number of affidavits.

Beatings

N. Sekho, a farmer from Khongdei Khuman who was chosen by the Assam Rifles to work as one of their interpreters, described in his court testimonial how most of the male villagers were beaten from July to September 1987, often by Assam Rifles officers. Those named as beating the villagers are identified in the affidavits, but it is Amnesty International's policy not to name alleged torturers (their names are known to Amnesty International and include a Brigadier). N. Sekho's statement goes into considerable detail in describing where and when torture took place and who carried it out:

"The said villagers were beaten from 11th July up to 20th Sept. 1987. The beatings were made in my presence as I was in the school for doing interpretation work for the Assam Rifles during the said period...

Capt. (X) and Capt. (Y) had beaten the villagers sometime in the 2nd week of July. Thereafter one Capt. (A) assaulted villagers for about 10 days. Then in the last week or in the 1st week of August, Capt. (B) committed beating of villagers for about 2 weeks. Then in the 1st week or 2nd week for about 8 to 10 days Commanding Officer (C) assaulted the villagers. During that time Brigadier (D) used to come by helicopter twice and halted for some hours. During his stay he assaulted villagers. On some occasions only one villager and on other occasion up to about 4/5 villagers were beaten at a time. The place of the assault of the villagers in the compound was on

the western side of the school building. The other officers except Brigadier (D) made assault both inside and outside the school building but Brigadier (D) assaulted the villagers in the room of the school. I did the work of the interpreter while [they were] making assault outside school building also."

Several torture victims had to be taken to hospital for treatment after beatings. Th. Lani, a 33-year-old farmer, said in a statement to the magistrate of Ukhrul district that after his arrest on 12 July:

"The jawans (soldiers) beat me up thoroughly...the next day...they made me sit down on the floor and stretch my legs and one jawan held my two big toes, while another tortured me beating my leg bones till it bled profusely and suddenly gave a hard blow with the blunt instrument on my thigh, I reacted by folding my knee. Not satisfied, one jawan got hold of my hair and pulled down my neck and another beat me on my back. The method they followed was one question one blow all throughout my one month detention in their camp...since my release, I have been going through medical treatment in the District Hospital. My general physical condition is no longer the same."

Beatings on the Soles of the Feet

In a sworn statement 42-year-old assistant teacher at Oinam High School, R.S. Rao, reported his treatment after arrest on 11 July:

"blows, kicks, slaps were showered on my person. With every question and answer, I was beaten on my back, legs, thigh and arms. Later I was dragged out by two jawans as I was unable to walk. For three days and three nights I was kept blindfolded with my hands tied behind and forced me to keep awake, when I doze off on account of fatigue, I was repeatedly beaten to keep awake...during the detention I was interrogated four times always in the same manner. At the time of the interrogation I was made to bend on my toes and hands and continued to beat on my back, thigh, foot, after which I was ordered to sit horizontally with my legs. Then one of the jawans held my toes together, while another jawan beat my sole hard with a blunt instrument, causing acute pain on my head and body."

"Roller Treatment"

Mr Thaiso, a member of Sorbung Village Authority, testified to this treatment in court on 24 August 1988:

"Before I was beaten by the Assam Rifles I can walk properly and work in the paddy fields and do cultivation work as done by ordinary able persons. But after I was beaten by the Assam Rifles on the said occasion I am a disabled person. I got fracture on my left wrist and not only that I got severe injury on pelvis, near anus and injury on both legs of mine. As a result of it I cannot [stretch] my hands straight and bend it now. I cannot work with my left hand now. My pelvis near anus was operated at R.M.C. hospital at Lamphelpat. They had beaten me mercilessly in such a manner that by one wooden log had rolled over left leg from thigh to feet and as a result of it I got severe injury permanently. Now I got scar on the bodies on my leg and hand as a result of the assault made by the Assam Rifles. [The scar portions are shown to court.] Now I am an invalid. I cannot stand, walk and work properly. Even now since the said assault I cannot sit properly."

At the end of Thaiso's testimonial the Presiding Officer in the court noted that:

"The witness is supported by two persons when he come to the court and takes seat in the witness box. He is also helped by 2/3 persons when he made to sit in the witness box."

Suspension upside down

N. Sosii, a 45-year-old member of Khongdei Khuman Village Authority, described seeing people hung upside down, beaten until they lost consciousness and then tied to trees:

"we were detained in the thick jungle, beaten up severely again, hung upside down on the branches of the trees. Foods were not given..the badly beaten ones who had fallen unconscious were tied physically to the standing trees...I personally saw the villagers of Oinam who was hung upside down on the trees in the jungle. Bashed up by rifle, rough wooden sticks were being used."

P.S. Paonai, a student from Phaibung Khunou, reported that people were hung upside down for hours and beaten by the Assam Rifles, while others were nearly suffocated:

"on 14th July '87, the 21st Assam Rifles arrived in the village. On their arrival some village youths and elders numbering about 12 were beaten seriously after having picked up from their respective houses. Chilli were applied to the nostril, anus, eyes and mouth and even male organs. Hanged upside down for hours together with

poles beating all over the person. Polythene blocked nose and mouth completely causing unconsciousness out of breathless hours. Water poured over the body to regain the senses with removing of blocked materials."

Electric Shocks

A farmer from Ngamju village, Ng. Khalang, made a sworn statement in court that he was also given electric shocks to his genitals and ears:

"I was taken to Oinam camp by the Assam Rifles and beaten up, [and asked] whether I had given food to the underground persons and seen any underground persons. When I denied the charge of the Assam Rifles and stated I did not help the underground persons they beat me with sticks and iron rods over my body and gave electric shocks on my private parts and over both my ears. Now I am so weak that I could not work properly...When those persons assaulted me blood oozed out from my body."

Amnesty International has the names of 17 men reported to have been tortured by electric shocks during interrogation, including a 15-and a 16-year-old. They are: H. Fiidai, 40 years old; Ng. Benjamin, 22 years old; O. Krisol, 23 years old; D. Benjamin, 22 years old; S. Kinamo, 24 years old; Kh. Thava, 25 years old; K. Jorah, 24 years old; T. Chipao, 30 years old; D. Kanmi, 30 years old; M. Sword, 42 years old; S. Jacote, 28 years old; S. Warson, 28 years old; W. Modai, 35 years old; S. Fiidai, 30 years old; S. Rishaol, 15 years old; Kh. Khosi, 18 years old; and Somi, 16 years old.

Mock Executions

Another farmer, from Oinam, K.R. Soshang, described in a sworn statement how he was arrested by the Assam Rifles on 10 July and was kept blindfolded and tied to a pillar for the first two days. He said he was then taken into the jungle, along with other villagers to help the security forces look for stolen weapons. He said the Assam Rifles:

"removed every dresses except underwear and started beating, ramming, thrusting over my back by cane sticks, rough wooden sticks and by rifle butts. I was kicked at many times and I fell unconscious for many times...after finishing the first round of beatings the 21 Assam Rifles personnel started punch at my face, cheek, nose, temple and ears to which my nose bleed for many times...that on July 22nd 1987... they forced other villagers to dig up a grave-like hole and I was buried up to neck along with Mr L. Relang of

Oinam for more than one hour inside the so-called grave. I was completely unconscious when the personnel of the Assam Rifles again dug up from that grave...by now I am completely a wretched man who could not even walk for few kilometre without a support."

A report of the medical and health services, Manipur, dated 28 September 1987, says he suffered pain in his back and "assault by army". The outpatient records of the Medical College Hospital, Lamphel, Imphal, dated 27 October 1987, describe "injury Lt. sole of the foot. Now a non-healing ulcer". On 19 December 1987 the District Medical Officer, Senapati, recommended to the Deputy Commissioner that Mr Soshang should be given financial assistance since he "had been treated for a long time at different places". It is not known whether any such financial assistance was given.

An eighteen-year-old student from Khongdei Khuman village, V. Daniel, survived after being left for dead after torture. He described how he was arrested on 8 August, detained at the village school along with eight other men and repeatedly tortured until he lost consciousness. The Assam Rifles reportedly told his family to collect his body; his family revived him after bringing his body home. Daniel stated:

"I along with the other...eight villagers were stripped naked by the Assam Rifles personnels with our hands tied at the back...the Assam Rifles personnels tortured me and beat me by lathi, chain on my bare naked body... the Assam Rifles personnels dragged me out of the room with the other villagers...my nose and mouth were gagged with cloth, and [I] also saw the same being done to the others... the Assam Rifles personnels poured water over my face and head till I lose consciousness...I was detained in the Assam Rifles camp til August 20 '87, subjected to torture and beating throughout my detention, during which I lost consciousness four times...on the fourth time, I lost consciousness and when I regained my senses, I found myself lying on my own bed at my house...my father told me that "you were considered to be death by the Assam Rifles personnels after you became unconscious, and we were told to collect your body from the Assam Rifles camp. After you were brought home we massaged you for a long time till you regained your senses"...I could neither stand nor move from 21-31st Aug. 1987."

Other Methods

Others were subjected to a variety of torture techniques. D. Kanmi, a farmer detained along with V. Daniel, described his treatment after he was arrested by the Assam Rifles on 3 August. He said:

"I was tied to a pole physically, two jawans stretched out both my hands and Commanding Officer of Lairouching Assam Rifles headquarters namely (C) hammered and battered me by his cane stick all over my body till he fractured my right arm...I was thrown and exposed to the rains after severe beatings. I lay there unconscious throughout the day long and only after dusk some jawans smeared chilli all over my private parts in an attempt to regain my sense. And when I cry out unable to bear the pains and aches the jawans mocked and spat on my face...I was brought to Oinam camp on 17th August '87. At Oinam camp I was blindfolded and beaten up again every now and then and thereby my spinal cord [column] had been broken...the army again administered electric shocks at my private parts during the detention at Oinam camp. That, at Oinam camp I was again tied to the pillar and some jawans lifted up my leg so that other watching jawans can hammer and batter all over my toes and soles by wooden stick. That, as a result of severe beatings on my toes and soles I could not even walk with bare foot till today."

D. Kanmi's torture was witnessed by two others. One is N. Sosii, the farmer and member of Khongdei Khuman Village Authority, whose testimony is cited above.

"...I personally saw that Shri Kanmi's right arm was fractured after severe beatings by Commanding Officer, namely (C) with his cane stick. His spinal cord [column] too had been fractured and he couldn't even stand on his own feet till now...Shri Chipao lost his four front tooth after wild beatings by the personnel of Assam Rifles in the jungle... That, Shri Jacob was also mercilessly beaten and as a consequence of it his right arm was broken."

The other reported witness to D. Kanmi's torture was N. Sekho, from Khongdei Khuman. He said:

"While we were kept in the school compound as said above the Assam Rifles tortured one villager namely D. Kanmi by beating with a piece of fresh stick having the diameter of two inches or so...as a result...D. Kanmi got fractured on the right hands. On receipt of the blows he fell down on the

ground unconsciously... After a while at our request one villager namely W. Dakva was allowed to attend the said D. Kanmi and he supported his fractured leg with a piece of bamboo by tying it..."

He also testified that:

"...I saw the sign of burning on the various parts of the body of S. Chitpao. I saw burning marks on cheek, chest and injury marks on his back. I was told by him that he was tortured by hanging by Capt. (Y).

When S. Jacob was sent back to home I saw his right hand was fractured and he told me that it was caused by the Assam Rifles by beating. I also saw injury marks on other parts of his body...

...On the same day [as D. Kanmi's torture] Assam Rifles tortured one villager namely P. Joshua. He was beaten so seriously throughout of his body. On receipt of blows he fell on the ground unconsciously. As a result of the assault on the knee, he became an invalid and cannot move freely without limping."

2.3.3 The Victims

Many of the victims of torture were men in positions of responsibility village leaders, teachers and pastors. The Chairman of the Village Authority from Chingmei Khullen reported that he, plus two gaonburas (clan leaders), two village authority members and the village headman were:

"blindfolded, tied both hands from back and beaten like anything till we fell unconscious. In this way we were beaten alternately for two days at Phaibung Khullen camp."

Mr Dong, a villager of Oinam, in a letter to the Chief Secretary, Manipur, listed ten people from Oinam village he said had been severely beaten and tortured, among them three members of the Oinam Village Authority, a village gaonbura, a school secretary and two teachers at Oinam High School. Benjamin Bane, a Member of the Legislative Assembly, wrote on 2 September 1987 to (then) Prime Minister Rajiv Gandhi, describing how he had personally witnessed severe beatings of the headman and one gaonbura of Thingba Khullen, two gaonburas from Thingba Khunou and the headman and five village authority members of Ngamju.

Other victims included the headman of Thingba Khullen, R. Hepuni, who said he was beaten so badly that his right eye was permanently injured. The pastor of Liyai

Khullen, H. Sow, was reportedly forced to strip and was then beaten until he became unconscious.

Villagers who had acted or were suspected of having acted as porters for the NSCN after the raid were also tortured, apparently because the Assam Rifles suspected they would know where the stolen arms were hidden.

The Torture of Women

Women too were tortured and several pregnant women reportedly miscarried as a consequence. There were also reports of threats against children, the beatings of mothers in the presence of their children, and the ill-treatment of children in the presence of their mothers. Mrs Somila, who was seven months pregnant at the time, reported in a sworn statement that:

"I was served a summon[s] by the camp commander to report at camp about my husband. I went there along with my son namely Master Thanmi (8) years and some villagers. On my arrival there in the camp I was told to stand before Capt. (B). He straightaway told me to produce the lost or captured arms and ammunitions before him. I replied to him that I did not know anything about the lost weapons. I was again asked about my husband who was missing from home after he was subjecting to various forms of torture and beating by the Assam Rifles personnel... The said Capt. threatened me by pointing his pistol against my chest that I would be shot unless I failed to provide any required information...my son was threatened by pointing his pistol at temple to shoot. My son broke down frantically out of fear and rushed to me for protection... unable to please him in any way the said Capt. started beating me with rough woods all over my body. I was slapped very violently and punched me with his fist for many times in front of my son. The said Capt. continued to thrash me till blood oozed out from my mouth and nose."

Her baby was born on November 3rd but died eight days later.

N. Sekho confirmed Mrs Somila's account in his own sworn statement and said he was beaten for trying to protect her. He also reported that other pregnant women and children had been beaten:

"One Mrs S. Somila w/o [wife of] Fiidai was beaten by Cap. (B) 24 Assam Rifles in front of me on the calf and shoulder and when I pleaded with the Captain for mercy on her as she was pregnant, I was also beaten and forced to beat her with my

hand on her back. Her son, five years Thanmi was threatened with his gun (pistol) to tell where his father K. Fiidai had hidden the guns... This child Thanmi was made to witness the mother been beaten and then he himself getting beaten by H. Jacob (30 yrs) who was forced to beat the child by the said Captain. Jacob himself was hit with poles so as to get him hit harder against the child, though the child was already crying in horror and pain...

Because of the beating one pregnant woman (38 yrs) w/o [wife of] K. Karamo, aborted the child she was carrying within about a week. Another woman, M. Sarah (32 yrs) w/o [wife of] Ruebin also aborted after suffering for 14-15 days..."

Mrs K.S. Ruth, a teacher from Oinam High School, also reported in her sworn statement that women were beaten and that the Assam Rifles attempted to rape some of them:

"...I saw many women severely beaten by the army during interrogation. Mrs Sone, w/o S.P. Teni was so severely beaten that she could not even move and stand hence, we five of us had to lift up her and take to her house. Mrs Khola w/o Thikhao was kicked and pulled down on the ground by the army by her hair while she was carrying home water from the pond. While she was still fell flat on the ground the Army continued to kick her and the water pot was damaged... I saw Mrs Pala, w/o Dowa running out from her house with her baby on one hand screaming that jawan had tried to rape her."

Allegations of Torture after Oinam

Torture has not been limited to counter-insurgency operations. Amnesty International has received several allegations of torture occurring since the Oinam incident, and one of these, particularly well documented, concerned a senior civilian administrator.

On 6 May 1988, the Assam Rifles arrested the Chief Judicial Magistrate, Max Phazang, and, according to his own account, subjected him to electric shocks. The press cited a First Information Report prepared by the Assam Rifles which reported that he had been arrested on suspicion of links with the NSCN and being involved in an NSCN ambush of a CRPF convoy on 19 April 1988. During the ambush ten CRPF soldiers were killed and eight million rupees taken.

Max Phazang comes from the Tamenglong district, an area where the NSCN are active. He was arrested at his home and taken to the 3rd Assam Rifles camp at Tamenglong. He was interrogated that morning by Brigadier (D) and three other officers. He denied having any involvement

with the NSCN. Max Phazang, described in an affidavit as "the deponent," has made a statement in court that during his interrogation at the 3rd Assam Rifles camp at Tamenlong Assam Rifles officers tortured him in the following manner:

"...on 6.5.88 at about...11.30 a.m. the said Brigadier (D) alongwith the Respondents 1, 2 and 3 started interrogation of the deponent. All the officers remained seated in a semicircle and the deponent was made to remain standing. In the course of the interrogation, the deponent stated that he was a responsible Judicial Officer loyal to the Constitution of India and that he had no links with any underground organisation or extremists or secessionist activities... The deponent was made to sit on a chair and his legs and hands were tied to the legs and arms of the chair with straps of cloth and electric wires. The zip of the trousers of the deponent was opened and two naked wires were inserted on both sides of the lower part of the abdomen. The two naked wires were so inserted so as to ensure that there was a direct contact between the naked wires and the skin of the deponent. The wires were connected to an apparatus resembling a telephone which was on the table. The said officers, particularly the said Brigadier (D) and the Respondents 1 and 3 started administering the electric shocks. In between each successive shocks, the deponent was told to disclose more facts to which the deponent replied that he had said everything of what he knew and had concealed nothing. Four successive shocks were administered at very quick intervals. The electric shocks were very painful and caused severe jerks to the body of the deponent. Unable to bear the pain at the fourth shock, the deponent struggled so hard that the legs and the arms of the chair were broken as a result of which the deponent fell down on the ground."

The interrogation ended at this point but was resumed again in the afternoon. Max Phazang said he was made to write a statement dictated by the officers under threat of further electric shocks:

"This session of interrogation was conducted by various officers from time to time but there was a constant threat that the electric shocks would be administered again. Under such duress, the deponent was forced to write a statement in the manner as wanted by the Respondents...After obtaining such a forced statement, the Respondents at about 5.30pm directed the deponent to go back and to report back to the camp at 8.00am on the next day."

He was handed over to the Imphal police on 7 May 1988 and was released on bail later that day at 6pm. His case is still pending in court.

2.3.4 Detention Conditions: The Denial of Medical Care and Related Deaths in Detention

Medical care was reportedly denied to some of the torture victims. For example, the Secretary of the Village Authority in Khongdei Shimpung reported:

"The Headman and other severely beaten persons of the Khongdei Shimpung are struggling themselves to move from the beaten bed but the military officers are not giving permission to get themselves medically treated."

Villagers who had become ill because of the bad conditions in which they were held also complained they were denied medical treatment. The detainees were held in the open without protection against the weather, without sanitary facilities, often without food or water, and the sick were reportedly denied medicines. One woman, who works as a teacher in the Oinam High School, described the conditions this way:

"the army poured into the village and herded up all the villagers at the camp ...everyday we were herded at the ground nearby the camp since early morning till 3pm in the night without food..since it was [a] rainy days we had to stand all our clothes and body completely wet, forced to sit on the muddy ground sometimes at the mercy of the scorching sun. That, we were not allowed to move even and had to defecate before the public..all the sick persons had to sleep on the muddy ground without water, food and medicines. Our complains and prayer for mercy on the sick persons was retorted with sharp reply that "the price of lost one rifle is far more greater than ten lives of villagers and there is no question of giving medicine to the sick persons."

According to the sworn statement of Miss K. Paothingla, a student from Khongdei Khuman, many children fell sick:

"during the confinement inside the church building many people suffered from various infectious diseases such as dysentery, diarrhoea, acute fever, whooping cough and so on because of the unhygienic environment. No medication was allowed to administer by the Assam Rifles personnel and as a result of it many children mostly below the age of two year became very sick during those days

inside the church building. It was in fact a very horrible sight as I had ever seen."

Several villagers apparently died because of the conditions of detention and the denial of medical care. In Oinam four children between the ages of nine and 17 months - L. Martin, Th. Tac, S. Henry and D. Posangla - who were exposed to heavy rains and sun received no medical attention and died of diarrhoea and fever. The number of children dead later rose to nine, according to a letter written to the Chief Minister of Manipur from the villagers of Oinam. Three more people are said to have died at Ngamju village through lack of medical assistance. Similarly, at Khongdei Khuman, an old man of seventy, H. Kamba, and a young woman of eighteen, K. Ningtharwon, died after becoming seriously ill in detention.

2.3.5 Deliberate Killings following Torture

There is strong evidence that at least eleven and possibly fifteen men were deliberately killed by the Assam Rifles after torture. They were P. Sanglong, Chairman of Oinam Village Authority, and B. Wa and Th. Wakhao, gaonburas of Oinam, P.L. Ring, headmaster of Oinam High School; L. Zamo, headman of Khongdei Khuman; K. Sunai, R. Khova, and M. Esou, all gaonburas of Khongdei Khuman; R. Mathotmi, member of the Ngari village authority; P. Rangkiwo, Ngari village headman; N. Thava, member of Khongdei Khuman Village Authority. Less clear were the circumstances in which S. Sosang, a farmer from Ngamju village, Mr Seva of Thingba Khunou, Mr Lokho of Mao Pudunamei; and Mr Sangdua of Oinam village were shot, but they may also have been victims of torture and extrajudicial executions (see Appendix D). Several of the victims were elderly men over sixty years of age.

The Assam Rifles maintain that these men were either killed in "encounters" between them and the NSCN or that they were shot while "trying to escape". But eye-witnesses have testified that they saw eleven of these men in custody with severe injuries apparently caused by torture. One woman testified that her husband, whom the Assam Rifles said was "shot while running away", was so badly tortured that he was unable to walk. Others testified that men the Assam Rifles claimed to have shot in an armed "encounter" were on the day of their death taken away by the Assam Rifles, who had to drag them out of the army camp because the men were unable to sit up by themselves. One witness said he saw three of the men being taken away by the Assam Rifles at night, one by one, to a lonely spot in the jungle. He said on each occasion he heard gun shots several minutes later and the Assam Rifles returned without the man they had taken away (this witness said he himself had in fact escaped and so survived being shot). Another witness said he found the body of the victim -

whom the Assam Rifles claim was shot while guiding the NSCN - lying on the ground with hands tied behind his back and eyes blindfolded. The eye-witness accounts corroborate each other.

In a memorandum to the central government, the Chief Minister of Manipur, on behalf of the Council of Ministers, questioned the Assam Rifles' account of the killings in the following terms:

"After the incident of 9th July, 1987 as many as 14 civilians lost their lives, [the Assam Rifles] alleging their involvement in NSCN activities... Out of these 8 persons were allegedly killed in encounters and the rest while making an attempt to escape from their custody. It is not, however, understood as to how could there be an encounter with the Security Forces in an area in which large-scale operations are being conducted... Similarly it is also not clear as to how the arrested persons could make an attempt to escape from Army custody? The Post Mortem reports of the deceased bodies will reveal the real causes of death of these people...The presumption could be that they were tortured while in custody and subsequently with a view to cover up the crime shot dead alleging fake encounters and or attempt to escape from their custody."

To demonstrate its concern for the victims, the Manipur Government decided to award 5,000 rupees to the relatives of the 14 men who had been killed during the combing operation (Telegraph, Calcutta, 21 November 1987).

The Gauhati High Court also rejected the Assam Rifles version of the killings in two cases: on 12 July 1988, Justice Hansaria of the Gauhati High Court said there was no evidence to support the Assam Rifles' defence claim that Mr B. Wa and Mr P.L. Ring were collaborators of the NSCN. He awarded damages to the victims' families in a civil claim brought by the CLAHRO. He placed responsibility for their killing squarely with the Assam Rifles. He ordered in his judgment that each of the families of the deceased men be paid twenty thousand rupees compensation:

"This takes us to the cases of the two persons who lost their lives in encounter with the undergrounds. We shall confine our attention in this regard to B. Wa and P.L. Ring... About these two persons it has been stated...that they died in encounter with the undergrounds when they were moving with the Assam Rifles to recover arms and ammunitions from the hideouts of the undergrounds. This shows that these two people had met their end while trying to help the Assam Rifles and were

moving with them to recover arms and ammunitions from the hideouts of the undergrounds. It has been submitted by Shri Chetia (defence for Assam Rifles) that these two persons were close collaborators of NSCN. We have no material to satisfy us in this regard. This has not been averred even in the affidavit of the Assam Rifles... May we point out here that after relying on the aforesaid decision [People's Union for Democratic Rights V. State of Bihar, AIR 1987 SC 355] this court had granted compensation amounting to Rs.20,000/- to each of the family members of the deceased persons who had met their end in police firing in Civil Rule No.167/88 which was disposed of on 9.6.88. We shall award the same amount to the family of the aforesaid two deceased."

Justice Hansaria ordered the Central Government to pay 75 per cent of the costs and the State Government to pay 25 per cent stating that:

"We have saddled the State also with liability because it cannot shed its responsibility in the matter completely as after all the Assam Rifles was called to aid it."

The Indian Post reported in 1987 that:

"According to senior police officers investigating the "encounters", they were nothing but "cold-blooded" shooting of villagers. The accounts of the so-called "encounters" furnished by the Assam Rifles were "flimsy" said the police. The NSCN, police claim, had fled the area shortly after the Oinam raid, dispersing either in the countryside or had left, presumably for their headquarters in the Somra tract, around Burma. Hence "encounters" were ruled out the police had said in its investigation report."

Amnesty International has copies of nine post-mortem reports carried out between three and five days of the time of death. They show that five men (Mr Lokho, M. Esou, R. Khova, R. Mathotmi and K. Sunai) were shot from the back. In the cases of Mr Lokho and R. Khova the trajectory of the wound track was markedly upwards. Two were shot from the front (B. Wa and P.L. Ring) and one P. Rangkhiwo, shot in the head. The body of Thava showed ligature marks consistent with hanging.

On examination of the reports by a forensic expert at Amnesty International's request, no conclusive evidence was found to explain the circumstances of their death. For example, the post-mortem report on the body of Mr Lokho showing a bullet path which was markedly upwards,

was found to be "consistent with him [Lokho] having been shot when running away with his body bent low. Alternatively, he might have been kneeling on the ground with his head bent forward and there shot from behind."

There was a considerable difference in the degree of detail and comprehensiveness of the reports, making analysis difficult. There was a complete lack of any description of injuries on the bodies, other than gunshot wounds and the ligature marks, and, in the case of N. Thava, that the tongue was "missing". However, this did not exclude the possibility that marks of injuries had gone unnoticed or unrecorded: "...bruises and other minor surface injuries to the body are obscured by the changes of decomposition and unless a careful autopsy is performed towards finding such injuries, they can be easily overlooked."

There is, however, strong evidence from witnesses that these men were first tortured and then killed by the Assam Rifles. These testimonies are given in part below.

2.3.5(i) P. Sanglong, Th. Wakhao, B. Wa, P.L. Ring and L Zamo

P. Sanglong and Th. Wakhao were reportedly arrested on 10 July 1987 and shot on 28 July 1987. According to the Assam Rifles both were "shot whilst running away" from the security forces. In his court testimonial Brigadier B.N. Singh of the Assam Rifles confirmed that two men had been killed on 28 July 1987. He said that they had been part of an underground contingent who walked into an ambush laid by the Assam Rifles. He claimed that weapons were recovered from their dead bodies. He said:

"The patrol commander reported to me that he had laid an ambush in the area of the Tri junction tracks joining of Thingba Khullen, Thingba Khunou and track coming from Oinam to this tract. He further stated that at about 2300 hours in July (11pm) on 28th July '87 some underground walked into the ambush and on challenging they started running. On the 2nd challenge to stop running they continued running. The ambush party commander ordered opening of fire. After the ambush the area was searched and two dead bodies were found lying at two different places. On the body of the peoples, grenades, ammunition, 2 inch mortar bombs and weapons were recovered."

But when cross examined he claimed that he could not remember whether the two men killed in the ambush were indeed P. Sanglong and Th. Wakhao.

B. Wa and P.L. Ring were also reportedly arrested on

10 July 1987 and L. Zamo on the 11 July 1987. They were shot one week later on the night of the 7/8 August. According to the Assam Rifles all three were "killed in cross fire" between the NSCN and the Assam Rifles. In his court testimonial Brigadier B.N. Singh confirmed that three men he described as "guides" had been killed on 7/8 August 1987 but said they were shot dead by the NSCN:

"The 3rd incident...took place in the area of Khongdei Khumar village during the night hours of the curfew period, on 8th August 1987. The people who had gone into the attack on Oinam Assam Rifles post along with the underground and had carried the weapons and ammunition...and had assisted the undergrounds in burning and cacheing. These people after much motivation persuasion and payment of money led the patrol to the caches. While short of the caches this patrol was ambushed by the NSCN. The patrol commander assaulted the underground firing their weapon. The leading guides faced the main brunt of the firing by the underground. In this NSCN ambush 3 guides and one jawan received bullet injuries and these three guides were found dead."

On cross-examination Brigadier B.N. Singh confirmed that one of the three men killed was L. Zamo but claimed he could not remember whether the other two were B. Wa and P.L. Ring.

His evidence was contradicted by villagers and their leaders, who testified they were detained and tortured by the Assam Rifles. Well before their deaths, Mr Dong, an Oinam villager, wrote on 22 July 1987 to the Chief Secretary, Manipur, that P. Sanglong, Th. Wakhao, P.L. Ring and B. Wa were in custody of the Assam Rifles and had been severely tortured and that he feared for their lives if medical attention was not immediately given:

"The torture meted out to the village authorities, G.Bs and teachers are beyond description...Some of them practically cannot sit nor properly eat due to serious beatings... The seriously beaten persons and tortured and their names are given below.

1. P. Sanglong s/o Late Pao. Chairman Village Authority
2. S.P. Teni, s/o Ping. Secretary, Village Authority.
3. Th. Wakhao, s/o Thelang. G.B.
4. B. Wa, former School Secretary. s/o late Bowang.
5. L. Relang, s/o late Lani, Village Authority.
6. K. Relang s/o Late Kelang. (student).

7. Kh. Southe, s/o Kho.
8. R. Soshang, s/o Raoping.
9. P.L. Ring, s/o Longni. Asst. Teacher of Oinam Hill High School.
10. R.S. Rao s/o Sangdua. Asst. Teacher Oinam Hill High School.

While beating everyone in detention, the persons stated above and their conditions are serious and in the absence of medical treatment I am afraid they may succumb to the injuries and atrocities meted out to them."

(underlining added)

P. Sanglong's wife also testified to the court that she saw her husband in the custody of the Assam Rifles and that he had been tortured so badly he could hardly walk:

"When I met my husband in the Assam Rifles camp I saw my husband seriously beaten and there was even bleeding in the feet...he was in a condition which he could not move and could not stand due to the injuries received by him as a result of the assault. I saw bleeding injury in the shin."

The day following her visit she reported that P. Sanglong was released and was brought home, supported by two men. But the next day the Assam Rifles ordered him to go to the area where the villagers were being held together. According to his wife's testimonial, P. Sanglong:

"...was unable to go and move from the house, he was dragged by tying with rope on his wrist, up to the place where people were kept in concentration...After that my husband and Wakhao s/o Thelang were taken towards the path leading to Thingba Khullen. After that they did not come back home and in that night when we slept Assam Rifles called all the villagers saying Salong (Sanglong) and Makh w (Wakhao) had run away from the camp...After about three days some villagers of Thingba Khullen working as labourers at Oinam village reported us that two dead bodies were found lying on the road connecting Thingba Khullen and Oinam...the Assam Rifles did not permit us to see those dead bodies...afterwards the dead bodies of my husband Sanglong and Wakhao were brought later on to our village and then I and some other villagers rushed to see the dead bodies and there we came to know that the dead bodies were of my husband Sanglong and Wakhao."

There is sworn testimony that P.L. Ring was detained and tortured by the Assam Rifles until he was nearly dead

before being shot. P.L. Ring's brother, P.L. Kah, who lives in Oinam and teaches at Oinam High School, said:

"...my younger brother had been tortured intensely was obvious by the torture marks on his face and the excruciating pain he was suffering from...I was made to witness another round of torture of my brother when he was beaten all over his body with rough woods and then burnt his face and lips with cigarette butt by two/three Assam Rifles personnel. As a result of it he could not eat anything but took only liquid...though his condition had become very critical the Assam Rifles personnel shifted him to various camps and that when he was brought back again to Oinam camp he was already in dying condition...my brother and B. Wa had by this time become extremely weak physically with many injuries all over their bodies and were not able even to sit up by themselves...on August 7th, 1987 night both of them were taken away from Ngamju for unknown destination because no villagers dared to venture out from their respective houses and see to which direction that both of them were taken...the villagers could hear the gunfire for some length of time from the forest side before dawn on August 8th, 1987...on August 11th, 1987 the Assam Rifles personnel announced that relatives of Shri P.L. Ring and B. Wa should accompany them to the Khongdei's forest and identify whether the dead bodies of those who was shot in "encounter" were that of P.L. Ring and Shri B. Wa."

The Assam Rifles' version of events was further contradicted by the eye-witness account of Mr Shimthing, a member of the Khongdei Khuman Village Authority who was the last witness to see P.L. Ring, L. Zamo and B. Wa minutes before their death. Mr Shimthing said he had been arrested and tortured himself on 11 July by the Assam Rifles. Released, he was rearrested on 7 August and taken to the Assam Rifles camp set up in Khongdei junior high school. There, he said:

"I saw Mr P.L. Ring, Mr L. Zamo and Mr B. Wa following the jawans with great difficulty, unable to stand and walk properly, the jawans dragging them as we walked...we were made to stop in a thick jungle and after some rest, I saw the jawans taking away Mr P.L. Ring towards a little higher ground by using their torch lights...after about 6 to 7 minutes, I heard several rounds of gun shots accompanied with a cry from Mr P.L. Ring...after a few minutes silence, I saw the five jawans returning to where we stood without Mr P.L. Ring...I became very afraid...after some time, I saw five jawans dragging away Mr B. Wa towards

where Mr P.L. Ring was taken earlier...after some minutes, I heard several rounds of gun shots and after some time, I saw the five jawans returning to the place where we were standing without Mr B. Wa or Mr P.L. Ring...I became more afraid, thinking what would be my fate...I saw the five jawans escorting Mr L. Zamo dragging away Mr L. Zamo towards the place where the two villagers were taken earlier...after a few minute I heard several rounds of gun shots and I saw the jawans returning without Mr L. Zamo or Mr P.L. Ring or Mr B. Wa."

Mr Shimthing reported that he managed to escape from the soldiers and went into hiding.

L. Zamo, the sixty-five-year-old headman of Khongdei Khuman, mentioned in the above testimony, had been arrested on 11 July 1987. The security forces claimed that he was also killed on 7 August in an "encounter" between the Assam Rifles and the NSCN. But a sixteen-year-old girl from Khongdei Khuman described how, on 11 July, while she was, as ordered, preparing food for the Assam Rifles:

"the door of the Head Master's office was opened by the jawan of the Assam rifles. As we turned our heads in that direction we saw and recognized the bodies of our village headman Zamo, H. Thungte, Shimthing and three other villagers laying on the floor of that room. Their bodies were all covered in blood and they were groaning and writhing in pain and agony. We were terrified by the scene. Then we saw five men in olive green uniform being led into the room by the jawans. Then the five men in olive green uniforms started showering and raining blows on our village elders, who cried out in pain."

Mr Washungo, L. Zamo's son, confirmed this in a sworn statement, testifying he personally saw his father being tortured by the Assam Rifles while detained at the school building.

And L. Zamo's nephew, K. Khova, described how he saw that his uncle on 7 August, the night of his death:

"...was picked up from the midst of the whole villagers where everyone was kept in the village school building. He was led away after blindfolded, tied both his hands from backside and I saw him beating all the way into the camp temporarily staying in the village Junior High School building. Both his leg was fractured after severe beating and when approached to allow us to take him to the nearest hospital we were beaten and driven from the room...I saw him removing to

the jungle along with two villagers from Oinam namely Shri B. Wa and Shri P.L. Ring... We heard the gunfire in midnight from the village paddy field side on that night...we were informed after a week to identify the dead body fully decomposed by the Assam Rifles personnel...In the jungle we found my uncle body highly decomposed and we brought home his soulless body for funeral."

The Assam Rifles have indirectly acknowledged responsibility for the unlawful killing of these four men by offering their relatives money as compensation. According to Ng. Longkha, a resident of Oinam, on 29 December 1987:

"some of the Assam Rifles went to the families with [of] those killed by the Assam Rifles consequent to 9th July '87 Oinam incident with Rs. 3000=00 and a blanket each, however, Mrs Th. Wakhao with tears turned them away. That I also learnt that families of B. Wah (Wa), P.L. Ring and P. Shanglong also refused the offer."

In her court testimonial S. Khyala, P. Sanglong's wife, said:

"The Assam Rifles tried to pacify us. They by giving money and clothes apologize to me that my husband was murdered by them and for that they requested me to take the money and clothes. But I refused to accept the money and clothes given to me by Assam Rifles."

2.3.5(ii) K. Sunai, R. Khova, M. Esou, R. Mathotmi, P. Rangkhiwo and N Thava

A week later five others were shot. (It is not certain whether the killings took place on the night of 10/11 or of 11/12 August 1987.) They were K. Sunai (65-year-old gaonbura of Khongdei Khuman), R. Khova (35-year-old gaonbura of Khongdei Khuman), M. Esou (32-year-old gaonbura of Khongdei Khuman), R. Mathotmi (Ngari Lishang Village Authority member), and P. Rangkhiwo (headman of Ngari Lishang). N. Thava (a 35-year-old member of the Khongdei Khuman Village Authority) was shot dead on 15 August. K. Sunai, R. Khova and M. Esou had all been arrested on 11 July, one month before their death. K. Sunai had been allowed to go back home but was rearrested five days later. R. Mathotmi and P. Rangkhiwo were arrested on 15 July.

The Assam Rifles claimed in court that the five men were NSCN guides and had been "killed in cross fire" between the Assam Rifles and the underground. Brigadier B.N. Singh described this:

"In this incident again, people who had gone into the attack with the underground and who had carried the weapons from Oinam Assam Rifles camp and had assisted in hiding and caching the arms and ammunition along with the underground when confronted with the knowledge and information of their activities and after persuasion and payment of money for the intelligence, a group of eight people agreed to guide and lead the patrol column to the place where they had buried the weapons and ammunition...this patrol again walked into an ambush of the underground and were fired upon. The patrol assaulted the underground position. In the firing by the NSCN five guides were killed and two jawans who were following behind them were wounded."

As with the previous cases, Brigadier B.N. Singh could not, in court, remember the names of the five men killed in the "encounter" when cross-examined. One Assam Rifles soldier acknowledged that two of the five, M. Esou and N. Thava, were detained previously by the Assam Rifles but told relatives they had been "released" and that N. Thava had "committed suicide".

The villagers' evidence, however, contradicts these claims. In several sworn statements, villagers gave similar accounts of how the five men were arrested and tortured before being shot by the Assam Rifles. S. Kharamo, the son of K. Sunai, a village gaonbura, described how his father:

"was severely beaten and tortured...on one occasion he was beaten to half death, while laying on the ground he was stripped into full naked and his soft parts were smeared by chilli. His pubic hair and arm pit hair was burnt by matches fire and also by a burning wood. I could hear the loud voices of cries which was clearly the voices of my father and other village elders who were subjected to the same treatment by the security forces. That, I saw my father being led into the jungle on the night of 10.8.87 along with other villagers. The whole villagers heard the gunfires near our paddy field after my father and others were led into the jungle. That, the news of my father being shot in the jungle by the Assam Rifles personnel was passed on to the family and the villagers only on August 16th '87. That, we found his fully decomposed body in the jungle near bridle path on August 16th '87 evening."

The sworn statement by Mr Shimthing, member of Khongdei Khuman Village Authority, quoted from above under Section 2.3.1 in connection with the killing of L. Zamo, also describes the arrest and torture of K. Sunai and of R.

Khova by the Assam Rifles on 11 July, the date he was himself arrested:

"I saw the Assam Rifles personnels arresting 1) Mr K. Sunai (65), s/o Khowa, Gaonbura of Khongdei village, 2) Mr L. Zamo (65) s/o Lungma, Headman of Khongdei Village, and 3) Mr R. Khowa (Khova) (35) s/o Kamra, gaonbura of Khongdei Village from their respective houses. That the Assam Rifles personnels took us to the Khongdei Jr. H. School which was used by the 21 Assam Rifle as their camp. That, my hands were tied at the back and I also saw the Assam Rifles personnels tying the hands of the three village elders. That, we were put in a room and the Assam Rifles personnels resorted to torturing us by beating with lathi, chains, boxing while I was enquired by Assam Rifles personnels about the whereabouts of the Naga undergrounds. That when I regained my senses, I found myself lying naked on the floor along with Mr L. Zamo, Mr K. Sunai and Mr R. Khowa (Khova). The Assam Rifles personnels tortured us the whole night and I lost consciousness several times."

N. Sekho, the farmer from Khongdei Khuman used as an interpreter by the Assam Rifles, whose testimony about torture is quoted in Section 2.3.2, claimed in his court testimonial that he saw R. Khova and K. Sunai in such a serious condition as a result of torture that they could not sit properly:

"On the following day of i.e. 7-8th August, 1987 when I came to the school building at about 5/6 a.m. for doing the work of interpreter, I saw 2 Gaonburas namely R. Khowa and K. Sunai in a serious condition and unable to sit even in the teachers quarters in the school building."

In court, N. Sekho gave further indications that the two men had been tortured prior to death, claiming that when their dead bodies were brought back to the village:

"I saw gun shot injury on the private parts of R. Khowa (Khova) and cut injury on his neck just after the throat and injury marks on hand and leg also and on back and other parts of his body. On the dead body of K. Sunai, I saw gun shot injury on his chest and injury marks of beating throughout his body."

P. Phanitphang, son of P. Rangkhiwo, headman of Ngari Lishang village, reported that his father, together with R. Mathotmi, a member of Ngari Lishang Village Authority was reportedly kept by the Assam Rifles from 15 July onwards and badly beaten.

On 23 July P. Phanitphang and three other men were ordered to escort P. Rangkhiwo and P. Mathotmi to Khongdei Khuman as the two men were too weak to walk. P. Phanitphang stayed at Khongdei Khuman until 6 August and in that period he saw his father beaten three times. On 15 August he was ordered to return to Khongdei Khuman. That evening he, along with other villagers, were taken into the jungle by an army officer and the Officer in Command of the Tadubi police station. One kilometre from the camp, he said, they found five bodies in a row, identifying one of them, that of his father, by his clothes. He had been shot in the head.

The fact that the army officer seemed to know which relatives to call for identification suggests the army knew the identity of the victims, a fact they might not have known if indeed the five men had been killed in crossfire, as the Assam Rifles claimed. Furthermore, eye-witnesses have given statements testifying to the fact that K. Sunai, R. Khova, P. Rangkhiwo and R. Mathotmi were in fact prisoners of the Assam Rifles when they were shot. Lastly, the post-mortem reports show that K. Sunai, R. Khova and R. Mathotmi were all shot in the back. (R. Mathotmi's post-mortem report is the only one showing an injury to the right elbow. The cause of the injury, described as a laceration 8cm x 6cm extending to the depth of the muscle, is not explained in the post-mortem report. It could be the result of the exiting bullet striking the elbow or alternatively be the result of beating.)

There is also evidence that the Assam Rifles detained and tortured M. Esou and N. Thava and killed them in custody. N. Thava, a member of Khongdei Khuman Village Authority was reportedly arrested on 11 July 1987. He died on 15 August. In court the Assam Rifles initially claimed that N. Thava had hung himself on 15 August. However, in his court testimony in March 1989 Brigadier B.N. Singh himself doubted the suicide claim stating that "No body told me that it was a suicide case. It may not have been a suicide case". Thus, the official cause of death is unclear.

The court testimony of N. Silas, the brother of N. Thava, and two affidavits from other villagers throw further doubt on the suicide claim. In court N. Silas said that when N. Thava was first detained, he saw how the Assam Rifles hung his brother up by his hands. When N. Thava returned home N. Silas said that he and his family could see several injury marks on his body:

"My sister reported to me that the Assam Rifles refused to feed my brother with the food brought by us from our home. She also told me that my elder brother was kept in hanging by the hands inside the Youth Hall. When I looked into the Youth Hall from outside I saw the condition of my

elder brother that he was hanging by hands...At about 12 midnight my said elder brother came back to our house saying that at about midnight they have been allowed to go to their respective house...When my elder brother came back to our home, he was not able to stand properly. We saw injury marks on back side and thigh back side of the buttock and back shoulder. We also saw black blood clot on those parts. He told me that those were the marks of injuries caused as a result of assault to him by the Assam Rifles...my brother told me that no reason was given by the Assam Rifles for assaulting him."

N. Thava was apparently rearrested twice and detained for the third time in the school office along with M. Esou. When N. Silas brought food to them he testified:

"I saw the Assam Rifles taking two persons namely N. Thavas/o Namo and M. Esho s/o Modei inside the school office...When I was giving food to my brother and M. Esou I found them without any shirts...I found my brother and Isho (Esou) sitting inside the room and my brother told me that they are very weak and tired after being beaten very badly."

N. Silas says that he was told the following day by an Assam Rifles sentry that his brother and M. Esou had been "released". However, his brother never returned home. N. Silas was one of eleven villagers who, a week later, on 15 August, was requested by the police to identify and carry back five dead bodies found in the jungle. He identified three of them as M. Esou, K. Sunai and R. Khova. On 16 August he was again chosen to go into the jungle and identify another dead body. He discovered it was that of his brother, N. Thava, hanging from a tree. He reported that the feet of the body were touching the ground, which he thought suggested the Assam Rifles had hung his brother by the neck rather than that his brother had committed suicide as the Assam Rifles claimed. In court, N. Silas testified:

"On the following day in the morning the Assam Rifles asked us to go to Khongdei Khuman for carrying things as porters. I was one of the sixteen villagers. After reaching Khongdei Khuman the police who were already there asked 3 of the villagers to go to the jungle to identify some dead bodies. I was one of the 3 villagers who were to go to the jungle. In the jungle we saw the dead body of elder brother N. Thava... hanging from a tree by neck with a piece of cloth which was a table cloth of the school. The dead body of my brother was highly decomposed. The hairs from his head were missing, the two eye balls and the

tongue were also missing from the dead body and the feet of the dead were touching the ground. There were maggots all over the body."

The post-mortem report concludes that "death was due to asphyxia resulting from hanging. Suicidal in nature", although the report does not substantiate this conclusion by reference to a full examination of the scene of death. Other witnesses have also testified that N. Thava and M. Esou had been detained by the Assam Rifles before their deaths.

N. Silas, a resident of Khongdei Shimpung, claimed that he saw the decomposed body of M. Esou with hands tied and blindfolded. If, as the Assam Rifles claimed, M. Esou had been guiding them to the stolen weapons when he was shot by the NSCN, it is improbable that he could have done so blindfolded:

"I saw the decomposed dead body of Eshou (Esou) lying on one side and his hands tied from behind with rope and his eyes were blindfolded with a piece of cloth and his body was about 4/5 bullet marks on the chest."

The circumstances in which Mr Soshang, Mr Seva, Mr Lokho and Mr Sangdua died are far less clear than those of the eleven men described above, whom Amnesty International believes to have been extrajudicially executed by the Assam Rifles. But there is some evidence suggesting torture and extrajudicial executions. This is set out in Appendix D.

3 THE GOVERNMENT RESPONSE

3.1 State and Central Government Response

The Manipur state government's response to reports that the Assam Rifles - which are under the control of the central government in New Delhi - had committed grave abuses in Oinam was divided. In a memorandum from the Council of Ministers signed by Rishang Keishang, the then Chief Minister, and presented on 8 September 1987 to the then Home Minister of India, Buta Singh, the State Government expressed doubts about the Assam Rifles' claims:

"The presumption could be that they were tortured while in custody and subsequently with a view to cover up the crime shot dead alleging fake encounters and or attempt to escape from their custody."

A fuller quotation from that memorandum is given in Section 2.3, which describes allegations that the Assam

Rifles had tortured villagers and had arbitrarily detained and interrogated people, including a member of the legislative assembly.

By contrast, the Governor of Manipur, General K.V. Krishna Rao -who is an official appointed by the central government - was reported to agree with the account of the Assam Rifles. The Governor is a former Army Chief of Staff, and press reports indicated that he had given considerable backing to the Assam Rifles through Major General Kukrety, General Officer in Command of the Assam Rifles M Sector. The latter had once been the Governor's service chief in the army (Sunday, Calcutta, 20-26 September 1987). Both men dismissed the allegations made in the Council of Ministers' memorandum, maintaining instead that local politicians, including the Chief Minister, had been aiding and had links with the insurgents.

On 24 August 1987 the Manipur Chief Minister met the then Prime Minister of India, Rajiv Gandhi, and reportedly informed him of the allegations against the Assam Rifles. Between July and October prominent citizens, politicians and various local organisations also complained to the Central Government: they included Solomon Veino, a member of the (ruling) Congress Party, Benjamin Bane, a member of the Legislative Assembly, members of the Manipur North Autonomous District Council, the Poumai Naga Union, the Baptist Convention and Poumai Naga Women's Organization and the Manipur Baptist Convention Executive Council. Other organizations that expressed concern to the Union Home Minister were the Naga Students Association, Manipur, the Lepaone Naga Union and the People's Progressive Council. A memorandum was also sent to the President of India by the Manipur People's Party.

In 1988 Rishang Keishang resigned under pressure of dissident members of his Congress (I) government. The new Chief Minister, R.K. Jaichandra Singh, said that he was open to negotiations with the NSCN, but the new Home Minister of Manipur, Tompok Singh, voiced a hardline policy, saying:

"The only solution to end the insurgency is to liquidate the self-styled leaders of the National Socialist Council of Nagaland (NSCN). And for this, we have decided to give full support and cooperation to the Army."

Apparently condoning the actions of the Assam Rifles, he described these as "understandable." When he visited Oinam, he reportedly urged the villagers to withdraw the cases brought against the Assam Rifles. This is how the village headman, Th. Raoping, described the minister's reaction:





1. Bopuni, village headman of Dhangra Shullen, who said he lost sight of his right eye as a result of beatings by members of the Assam Rifles (see page 20)



2. Wife and children of Tu Wakhao who was reported to have been shot by the Assam Rifles after torture. The family's original home was destroyed during the Assam Rifles operation (see page 28)

... and the ... of ... Russell ...
... and the ... of ... Russell ...
... and the ... of ... Russell ...



... of ... threats by members
... in killing ... testified in court and who
... before he was killed
... Appendix B

100-111

"at the village the minister was told about atrocities committed and the continuing harrassment and threat from the military in detail through written and verbal submission. That the Minister speaking to us said... it was natural for the army to react in anger when they suffered death and killed the villagers. And that the Minister told the villagers to forget the past and cooperate with the army as that is the only way to peace. That the Minister told the gathering that Human Rights [organisation members] who filed cases against the army in the High Court were Tangkhul students in Delhi and Gauhati who do not know anything and have made baseless charges. And that we cannot win the cases, and should tell the Human Rights [organisation] to withdraw them."

On 9 September 1987 the Union Home Minister, Bata Singh, visited Manipur. According to a report in the Sentinel, 5 October 1987, he spoke to the Assam Rifles but did not meet with the villagers who complained of abuses:

"the most strange part of the investigation is that Mr Singh persistently refused to meet the opposition political parties who had levelled serious charges, or the suffering villagers. Mr Singh also never went to the affected villages. Instead he left Imphal after having dinner with the Assam Rifles personnel."

During subsequent judicial proceedings brought against the Assam Rifles by a private group, the Naga Peoples Movement for Human Rights, representatives of the government denied all charges of abuses against the Assam Rifles. The government maintained that actions by the force were within the limits permitted by the Armed Forces Special Powers Act (which grants the security forces immunity from prosecution).

The Indian government's response to the evidence of human rights abuse in Oinam fell far short of the minimum requirement to impartially investigate such grave abuses as torture and extra judicial executions, the need of which the UN has repeatedly emphasized (for the relevant international standards, see Recommendation 1 in Section 6 of this report).

3.2 The Reaction of the Security Forces

3.2.1 Denial of Access to Outside Observers, Detention and Torture of Journalists and Attempts to Manipulate the Press

The Assam Rifles closed off the area around Oinam during the combing operation, making it difficult for local

politicians and independent observers, such as human rights groups and the press, to obtain first-hand information about what had happened. Several local politicians and representatives of student groups, who tried to visit the area were detained, despite obtaining prior official permission to travel there. Some were reportedly tortured and forced into signing documents denying that they had been detained or tortured.

Solomon Veino, a 35-year-old man originally from Phuba Thapham village, had worked for the Congress Party since 1986. He is a District Trainer at the Department of Political Training, All India Congress Committee (Senapati District). On 23 July 1987 he and Thio Daniel, President of the National Students Union of India (Senapati District), obtained permission from the Senapati Deputy Commissioner to visit Oinam and neighbouring villages the following day. Solomon Veino, Thio Daniel and four journalists accompanying them were stopped by the Assam Rifles before reaching Oinam. The journalists were ordered to return home but Solomon Veino and Thio Daniel were taken to the Deputy Inspector General (DIG) of the 4th Assam Rifles, Major General Kukrety, at the Oinam army post. On 8 April 1988 he testified before the Chief Magistrate, Imphal:

"That the DIG Assam Rifles (Manipur Range) (D) and two subordinate officers, surrounded me and started beating me, kicking me till I fell down on the ground. When I fell down on the ground they made me stand up again and again started beating and kicking me. When I was unable to stand they took me inside their camp and made me sign a paper thanking them for a cup of tea and their kind hospitality. I was compelled to sign on this and also on a blank paper at gunpoint."

Both men were then detained for five days, tied to a pillar in a sitting position before being handed over to the Kangpokpi police Station on 1 August 1987. They were kept at the police station until 9 August before being transferred to the Central Jail Imphal. They were released on bail on 17 August. Before their release by the army, however, they were made to sign a certificate and letters to officials denying that they had been arrested, detained or harrassed. In his statement before the Chief Judicial Magistrate, Imphal, on 8 April 1988, Solomon Veino stated:

"I was made to sign various documents, letters to the Prime Minister, another letter addressed to the Chief Justice of Gauhati High Court and a letter addressed to the DIG Assam Rifles (Manipur Range), and a certificate stating that I was not arrested, detained or harrassed. Some Assam Rifles personnels made me write a letter to the DIG Assam Rifles (Manipur Range) stating that the Manipur

Chief Minister, and three MLAs have links with the National Socialist Council of Nagaland (NSCN) and the four journalists who had accompanied me were anti-government."

Four members of Naga student organisations, Chokriveyi Venyo, Z. Neikuo Lhousa, Keuiletuo Khiewhuo, and L. Lohe, were prevented from proceeding to Oinam and said that when they returned to Kohima joined by Artax Shimray, the president of the All Naga Students Association, Manipur, they were arrested, beaten up and detained. Their affidavits contain allegations of abuses by the Assam Rifles consistent in pattern with allegations of abuses suffered by other detainees.

They were detained until 12 August. During their detention they were blindfolded, interrogated, beaten and one had chilli liquid poured down the nostrils. In his sworn statement Z. Neikuo Lhousa, the 25-year-old vice president of the N.S.F., reported that on the night of 7 August he was:

"...subjected to torture and interrogation by the... personnels and I was forced to stand on my toes throughout the night... I was beaten and tortured again on the 8th August '87... by the Assam Rifles personnels resorting to boxed on my head, pouring chilli powdered liquid inside my nostril, poked me severely on my stomach and ribs with lathi, causing me to vomit several times... I heard the Assam Rifles personnels beating and torturing Mr L. Lohe, Mr Z. Neikhuo, Mr Artax Shimray, Mr Pradeep Lama and Mr Keviletuo throughout the night."

On 11 August, Z.N. Lhousa, Chokriveyi Venyo, and L. Lohe, president of the Mao Naga Students Union, were brought before (D), the DIG of the Assam Rifles. He made light of their torture. Lhousa reports in his sworn statement that when he told the D.I.G. what had happened to them, he replied saying: "I am very sorry that my jawans have roughen[ed] you up."

Before their release they were made to sign a declaration stating that they had not been arrested, detained or tortured by the Assam Rifles. On return to Kohima the members of the N.S.F. team required hospital treatment. Z. Neikuo Lhousa said he needed hospital treatment from 12 to 24 August for injuries received in detention.

The Lepaone Naga Union wrote on 10 September 1987 to the Minister of Home, Delhi, to complain that both local journalists and those writing for the national press were prevented from visiting the area. The Sentinel reported on 5 October 1987 that editors of local papers had been

threatened by the Assam Rifles that if they published unfavourable reports against the army they would lose their advertising rights. The area remained sealed off to journalists who sought to come on their own initiative. In an article of 9 December 1987 in The Statesman, Arup Chanda described how he visited Oinam and the surrounding villages:

"disguised as a doctor since ordinary civilians are still not allowed to enter the area except with clearance from the Assam Rifles. All vehicles, including those belonging to the police, are usually stopped at Koidei village on the road leading towards Oinam by Assam Rifles men. They seek permission of the commanding officer over the wireless whether the vehicle should be allowed to proceed."

He also reported that some of the villagers he spoke to were too afraid to give their names for fear of being harassed or killed by the Assam Rifles for speaking to the press.

This fear had been borne out earlier, in October, when a television team from Delhi visited Oinam. K. Hoshi, a 33-year-old farmer, who had helped accomodate and feed the television team and who had answered their inquiries about the alleged abuses by the Assam Rifles said that he was later arrested by the army and beaten on account of this.

Nevertheless, some accounts of what had happened during "Operation Bluebird" appeared in the press. Later in the year the Assam Rifles made attempts to manipulate press coverage in favour of the security forces. Major General Kukrety, General Officer in Command of the Manipur sector of the Assam Rifles, organized a press conference at Oinam at the end of December for journalists working for the national press. One of them was a reporter from the Times of India who, in a report of 27 January 1988, described how he had "expected a very hostile reception by the predominantly Pangmei Naga residents of Oinam and the villages around in view of the reported stories of atrocities, molestation of women and destruction of houses in the area by the security forces..." Instead, he said his delegation, including three journalists and the Inspector General of the Assam Rifles, was greeted by over one thousand villagers and by smiling Naga girls presenting them with flower garlands and Naga shawls.

There is evidence, however, that villagers attending the press conference described above were forced to do so. Mr Ng. Longkha, a villager from Oinam, stated in an affidavit that on 29 December the villagers were ordered by the Assam Rifles to attend the cultural function for the benefit of the news media and that a statement in

their name, denying they were abused by the Assam Rifles, was read out against their wishes:

"the C.O. had said that anyone refusing to obey the order would face dire consequences including physical torture. That, out of fear, I decided to leave other works and attend at the said post, and took my children and my wife to the said post at about 8am on December 30th, 1987. That several hundred persons from our village attended at the Oinam 21 Assam Rifles post by morning and I did not know of anyone from our village who disobeyed the C.O.'s orders...a student... was made to conduct the gathering and that draft speech given by the Assam Rifles was read out by him in the name of the villagers gathered there... at the end of the dance and folk song programme, which was forcibly given by all the villagers the Assam Rifles officers made speeches... the officials spoke with emphasis that both sides i.e. the Assam Rifles and the villages have suffered loss of lives and other hardship in the past and that it was time to forget all that had happened and should not make any statement about atrocities, but should compromise. That no one took these speeches seriously as we were even at that very moment, being closely watch and forced to act against our wishes with threat to our lives."

3.2.2 Reprisals for Complaints

The Assam Rifles also sought to cover up abuses by arresting and in some cases torturing people for signing letters or memoranda to the central government alleging abuses by the Assam Rifles, by seeking to prevent villagers from making complaints or by forcing them to retract or alter them.

Four members of the Manipur North Autonomous District Council (MNADC), along with sixteen other people, had signed a memorandum to the Prime Minister of India on 22 July giving details of arrests, detentions, torture and killings carried out by the Assam Rifles in and around Oinam. One of the signatories was Th. Liba, a 46-year-old member of the MNADC. In a sworn statement to the court he described how he was arrested at his house in Imphal at midnight on 26 July 1987 by Major Ranjit Singh of the 4th Assam Rifles. According to Liba two other members of the MNADC were also arrested, namely L.R. Makiand and Th. Salono. Th. Liba told the court how they were taken to the 4th Assam Rifles camp at Imphal and were:

"told by the Major that we were under arrest for being the signatories on the memorandum written to the Prime Minister. Having said the words we were

blindfolded, tied hands and taken to the lock-up where we spent the rest hours of the night."

The next day they were taken to Lairouching army headquarters where they met L. Kasaso, another member of the MNADC. From there they were taken to Oinam. Th. Liba described how:

"...on reaching the camp, we were asked to sign one after another and immediately started calling one...inside a room for beating and interrogation... I was called... The D.I.G. started locating me with the cane stick... D.I.G. and C.O. kept beating me on rotation. They asked me if I were a signatory to the memorandum written to the Prime Minister if I saw villagers being tortured, houses burnt, women raped etc. I narrated the thing I had personally witnessed... Without stopping for a moment, they cha[r]ged me that I was the leader of the writing and my plea for freedom of speech and my responsibility as representative of thousand citizens was not respected. That, realising their unstop beating, I kept mum and having unable to bear the pains I cried out loud... That I saw other Council members were beaten in the same manner..."

The next morning, 20 July, they were:

"ordered to write on blank papers the words being dictated by C.O. (C) to the effect that we had written the memorandum to the Prime Minister under the instigation of some other politicians. In the C.O's presence we were forced to signed at least thirty times if not more without letting us know the contents of the papers."

The men were then brought before a military doctor for a medical examination. The army doctor specifically advised the men not to complain about torture, otherwise, he said, they might not be released. Th. Liba stated that, on 18 July 1987 in the morning:

"we were taken to Doctor (Military) for check-up. Doctor did suggest that we better not complain against the beating so that we were immediately released."

They were detained until 14 August when they were released on bail.

Similarly, Paul Leo and Mr Ngupani, two villagers from Oinam, wrote to the Chief Minister of Manipur, on 27 November 1987, that the Assam Rifles were looking for those people who had spoken to the Minister on his visit to Oinam about the conduct of the security forces during

the combing operation. Another villager, N. Sosii, told a court that in Khongdei Khuman:

"the villagers were threatened with dire consequences if the villagers reveal the facts and reality of how the 21 Assam Rifles personnel are behaving with the villager to the visiting Hill Areas Committee Chairman, Mr V. Mingthing, our local MLA, Mr Benjamin Banee, Staff Members and other two women social activists...on hearing of the coming of the Hill Areas Committee Chairman the personnel of AR had removed 12 male members who had been severely beaten to the Lairouching head Quarter. The other two whose arms had already fractured namely 1. T. Kanmi and 2. S. Jacob were also removed to their camp (because both of them could not walk on their own) and thus those unfortunate villagers were completely denied of meeting and telling their stories to visiting officials."

Force was commonly reported to oblige villagers to sign false affidavits denying atrocities were committed by the Assam Rifles. For example, Thio Daniel, the student leader who had accompanied Solomon Veino to Oinam and who had been arrested on 24 July, and beaten at Oinam army camp, said in a sworn statement that on 1 August 1987:

"I was forced to write one each application to the Prime Minister of India and the Chief Justice of Gauhati High Court which the contents of both applications was dictated by the Assam Rifles Officers stating that the villagers were never harrassed, beaten, tortured, shot dead, women folk were not sexually assaulted, houses/school building were neither demolished nor burnt, no property was destroyed or taken away by the security forces etc."

Other villagers, including the Chairman and Secretary of the Village Authority in Chingmei Khunou said in sworn statements that they were forced to make similar statements.

Some of the villagers were reportedly pressed to sign false affidavits under threats to their life. For example, Mr Kanmi from Khongdei Khuman, himself a torture victim mentioned earlier, stated in his affidavit that:

"the army have forcibly taken affidavit from me and my friend Jacob in the presence of Village Authority members by threatening us that if we really value our life then we should give affidavit to them. The affidavit swore as that: I was not arrested by the Assam Rifles, no torture was done to my person, villager[s] were not

harrassed and tortured by the army, women and children were not confined in the concentration camp, during the operation days the army never spate on us... and in any case I happened to meet my end due to the severe beating the Assam Rifles should not make liable for it."

Forced affidavits were also taken from groups of villagers. For example, Mr Raoping, the headman of Oinam, said that on 2 September 1987 the villagers were made to write a memorandum to the Hill Commissioner denying that people had been tortured and arrested and that women and children had been harassed. Two months later on 9 November he and 11 other village elders and youth leaders from Oinam, Ngamju and Thingba Khullen were also forced to sign affidavits to that effect.

Amnesty International has a copy of the affidavit signed by Mr Raoping in which he stated:

"Consequent to the raid on Oinam Post on 9 July '87 by the Nationalist Socialist Council of Nagaland, the Security Forces including Assam Rifles have been carrying out combing and search operations in area around Oinam village in Senapati District. Few people of our village who have affiliations with anti social and anti national organisations have been implicating Assam Rifles on one pretext or the other and they have been alleged to have committed excess.

We the villagers of Oinam village, are deeply hurt about this misrepresented facts and false implication of Assam Rifles and would like to bring on record that Assam Rifles have:

1. Not killed our people
2. Not tortured, beaten, assaulted any one in our village.
3. Not forced us to shift our houses or village and houses have not been dismantled or burnt.
4. Not raped any female and on the contrary full respect has been shown to our women folk. We live as brothers and sisters in the village."

Similarly, twelve villagers from Khongdei Khuman signed a false affidavit on 26 October 1987 in which they denied that the Assam Rifles had tortured villagers, even though one of the people who signed it, D. Chitpao, still bears the evidence of torture, having lost his four teeth as a result of beatings by the Assam Rifles (see section 2.3).

Villagers were threatened with violence if they did not sign such affidavits, whose contents they were sometimes not even allowed to read. For example, N. Sekho,

a farmer and village secretary from Kongdei Khuman, reported in his court testimony that he was arrested on 24 September 1987, detained by the Assam Rifles for about two weeks and then forced under threat of torture into signing a document:

"during this period, Captain (X) told me to give an affidavit by putting my signature on a document prepared already. When I inquired what was written in that document I was told by (X) that in this affidavit it was written only that when curfew was promulgated in our village we were not harassed by the Assam Rifles and we lived friendly with the Assam Rifles. When I expressed my unwillingness and stated that I was not a leader of our village and it would be better to get such an affidavit from our village leaders who were alive by then. On this I was threatened by Captain (X) stating that if I refused to give affidavit I would be taken again to Lairouching and there you would see you will be alive or not... Out of fear I volunteered to sign on the affidavit prepared by him or them."

The local magistrate made him sign the affidavit, even though Sekho made it clear that he did not want to do so:

"Thereafter I was brought in the court of a magistrate lying within this court compound. That magistrate was a Tangkhul by tribe and when I expressed my unwillingness to the magistrate and requested him to make an arrangement so that I may not give the affidavit the said magistrate told me in Tangkhul dialect that he knew that I was brought by the Assam Rifles and told me that if I refused to give affidavit I may face consequence. He also advised me that to give affidavit would be better for me. Then I put my signature on the affidavit before that magistrate."

In his cross examination by the Assam Rifles N. Sekho said that he was unable to understand what he was forced into signing and that the magistrate refused to translate the contents for him:

"To that magistrate I requested to read out the contents of the affidavit. And here the learned magistrate told me that if I did not know the English it was not needed for him to read out. When I stated further in Tangkhul dialect that I did not know English well and requested to translate it, the learned (magistrate said) it was not necessary for him to translate it. Thus he refused to make translation of the affidavit on which I was signed before him earlier."

Amnesty International has a copy of one of the affidavits which N. Sekho said he was forced to sign. The statement claims that the NSCN army was intimidating villagers, implicates two local politicians as having links with the NSCN, and denies the Assam Rifles harassed villagers.

3.2.3 Attempts to Discredit Politicians who Raise Human Rights Abuses

The Assam Rifles also tried to discredit local politicians who had spoken out against the abuses through making false statements implicating them in criminal activities or linking them to underground Naga organisations. Various members of the Legislative Assembly, including Benjamin Banee, a Naga politician from Oinam, and Mr Luikang, the Minister of State for Education, were singled out for such treatment.

For example, L.K. Kasaso, a member of the Manipur North Autonomous District Council, who had been detained at Oinam along with Mr Liba after signing a memorandum to the Prime Minister (see section 3.2.2), said in court that:

"on 28th July '87 we were ordered to write on blank papers the words being dictated to me by the C.O.... On reading the few lines I found Mr Benjamin and Luikang charged with many crimes against the state and the citizens by harbouring and donating money to the underground people."

Likewise, L. Johnathan, a construction worker, who had also been one of the twenty people to sign that memorandum to the Prime Minister, was arrested on 30 August and detained at Oinam camp where he was interrogated and said he:

"was forced to write whatever I know... Finally a major told me to write whatever he says otherwise my life would be in danger...I was forced to write that Mr Luikiang, Education Minister, Manipur is constructing a building at Maram Bazar costing rupees 1,300,000 only by collecting money from the public, his bus is used for transporting the underground people from Imphal to Mao and from Mao to Dimapur, Nagaland. That, about Mr K.S. Benjamin Banee, M.L.A., Manipur I was dictated that Benjamin Banee is collecting money from the public towards the construction of roads but that the donated money had been given to the underground people instead of the money being utilised for road construction."

Solomon Veino, a member of the Congress Party who tried to visit Oinam in July and was detained by the Assam

Rifles (see Section 3.2.1) reported that during his detention he was forced to write a letter to the DIG Assam Rifles (Manipur Range) saying that the Chief Minister of Manipur plus three members of the legislative assembly had links with the NSCN and that the four journalists who had accompanied him and Daniel to Oinam were "anti-government". Veino subsequently submitted an affidavit to the Gauhati High Court about this.

L. Peter, 35-year-old secretary of Ngari High School, who was arrested and detained on 28 July 1987, stated that:

"on 15th August '87, I was ordered to write bio-data and having written it was taken to the Major. But the Major flatly rejected along with all unbearable insulting words. The Major prepared his own statements implicating Mr Meichilung MP, Mr Luikang, Edn. Minister Manipur, Mr Mingthing, Chairman Hill Areas Committee, Manipur, Mr Benjamin Banee MLA. Mr Aurther, MLA, Mr Pao, Mr Lipa in all sorts of crime against the state in the nature of supporting the underground people by contributing money, feeding food, calling meetings, killing innocent people in collaboration with underground people, taking public donations for their own constructional purposes etc, and I was forced to sign over it before an Executive Magistrate, Senapati District, Manipur."

Villagers were also forced to make incriminating statements. On 7 September 1987 the Assam Rifles ordered the villages of Thingba Khullen, Thingba Khunou, Koide, Purul and Oinam to each send 100 men and 100 women to the Oinam army post. When the villagers arrived they were transported to Imphal. In a sworn statement, R. Wakhao, a resident of Oinam and youth leader said:

"That, I was also taken down to Imphal in their vehicle on the 7th Sept. '87 along with more than one thousand mostly youth members and village elders from Oinam and its neighbouring villages for proposed rally/procession of the 8th Sept. '87. We were kept at Mantripukhri Assam Rifles Camp and made to do many rehearsals including shouting of slogans such as BENJAMIN BANEE..MORDABAD [death to], LUIKANG... MORDABAD, M.P.P...MORDABAD, ASSAM RIFLES...ZINDABAD [long live], ASSAM RIFLES...BHAI BHAI [brothers] etc. etc."

According to the press the forced procession was meant to coincide with the visit of the Prime Minister and other ministers to Imphal on the 8th October. However, the procession never took place as the Deputy Commissioner in Imphal forbade it.

4 LEGAL PROCEEDINGS

4.1 Court Cases brought against the Assam Rifles

In view of the central government's failure to investigate the reported abuses, local civil liberties groups decided to bring private complaints against the Assam Rifles. The Civil Liberties and Human Rights Organization (CLAHRO) was the first organization to bring habeas corpus petitions on behalf of the detained villagers. The Gauhati High Court, in its judgment of 12 July 1988, awarded Rs. 5,000 to villagers who had been illegally detained for more than 5 days and Rs. 20,000 to the families of two men who were killed in Assam Rifles' custody. The Court took the opportunity to emphasize the importance of the need to uphold the rule of law, even under difficult circumstances (see Section 2). Another petition was brought by the Manipur Baptist Convention Women's Union on behalf of women claiming they were harassed and raped. In this case, the Gauhati High Court ordered the court registrar to investigate the allegations on the spot.

The most comprehensive case was brought in the Gauhati High Court on 5 October 1987 by the Naga People's Movement for Human Rights (NPMHR). It described the attack on the Assam Rifles' camp at Oinam and the subsequent combing operation. It listed the people reportedly killed, tortured and raped by the Assam Rifles during the combing operation, and the detention and torture of local politicians and student representatives. It described how the Assam Rifles had failed to hand detainees over to the police without delay as required by law. It concluded that the actions of the security forces during the Oinam combing operation resulted in the abuse of fundamental rights not only guaranteed in the Indian Constitution but also in the International Covenant of Civil and Political Rights, to which India is a signatory. It asked the High Court to direct the Assam Rifles to pay exemplary damages to the families of people who were killed, tortured, beaten, illegally detained, and raped. Finally, it requested that criminal prosecutions should be initiated against Assam Rifles soldiers and officers responsible for the abuses alleged.

In court the Assam Rifles were represented by central government officials, namely the Secretary, Ministry of Home Affairs, and the Secretary, Ministry of Defence. They denied all allegations of human rights violations and stated that the Assam Rifles' actions during the combing operation were protected by the Armed Forces Special Powers Act. They said their actions were justified on the grounds that the area was categorised as "disturbed" with a long history of insurgency. They implied that anyone who spoke against the Assam Rifles was a sympathiser of the insurgents. The Assam Rifles further supported their case by presenting affidavits by villagers who denied reported

human rights violations. As shown in Section 3.2.2, some of these were false affidavits obtained by force. For example, two students from Lakhmai village stated in a counter-affidavit that they were shocked to see statements they had themselves signed under duress used in court to support the Assam Rifles:

"we were shocked to see the affidavit which we were forced to sign at Imphal on November 13th, 1987 had been using by the Respondents No. 1 to 2 in Misc. Case No.1127 of 1987 in Civil Rule No. 1043 of 1987 [the petition brought by the NPMHR] as their reply copies which they had filed before this Hon'ble High Court on 20th November 1987 and 30th December 1987. We rebut the contents of this affidavit...because those two affidavit are the same which the Assam Rifles personnel had taken from both of us under duress."

On 6 July 1988 the Gauhati High Court ordered the Imphal Sessions Court to start recording the evidence of the many witnesses brought by the NPMHR. The judges directed the Sessions Court to record evidence on nine specific charges made in the petition, namely, murder, torture, rape and sexual assault, illegal detention, dismantling and desecration of churches, dismantling of houses, dismantling of schools, forced labour and looting. The Sessions Court at Imphal started work on 22 August 1988.

The NPMHR claimed that the affidavits presented by the Assam Rifles were false as they had been obtained under duress. It produced affidavits recorded in the magistrates courts at Imphal and Ukhrul as well as memoranda and letters written by state officials and various political and voluntary groups describing the abuses to the State and Central Government.

During the court proceedings, some Assam Rifles personnel claimed they had a right to different treatment from the villagers and their legal representative who had brought charges against them. For example, in January 1989, the Assam Rifles insisted on bringing their own chairs and tables into the courtroom, arguing that the position of senior officers of the armed forces required this. The Sessions Court, however, ruled on 9 January 1989 that members of the Assam Rifles must sit on the benches provided by the court, stressing the importance of the principle that:

"There must be equality before the law and treatment given to the petitioners and the respondents must be alike and the same."

As of writing, the Gauhati High Court has not yet given judgment.

4.2 The Intimidation of Witnesses

There is considerable evidence that the Assam Rifles have consistently tried to obstruct judicial investigations by threatening and intimidating villagers since the Gauhati High Court ordered in 1988 that witnesses' evidence should be recorded. The intimidation of witnesses giving evidence before the Imphal Sessions Court was also reported, with some of them and those assisting them reportedly arrested and tortured.

The court registrar, travelling to the villages to record statements from villagers on court orders issued in the case brought by the Manipur Baptist Convention Women's Union, found villagers had been warned not to make any statements. He informed the Gauhati High Court of this, and in a ruling of 17 May 1988, Justices Hansaria and Phukan criticized this clear interference with judicial procedures:

"We have also noted the statement of Registrar (Judl) in Para 7 of his report dated 1-5-88 that one day ahead of his arrival, one Major Ravindra Singh had gone to village, Oinam and asked the villagers not to make any statement before him. We regard this act as interference with the work of this Court."

Two witnesses, N. Sekho and Th. Stephen, said they were threatened, detained and/or tortured for giving evidence. A third, H. Peter, was briefly held after giving evidence in court.

N. Sekho, Village Secretary of Khongdei Khuman, is a key witness who claimed that he saw Mr Zamo, K. Sunai and R. Khova (whom the Assam Rifles said had died in an armed 'encounter') in detention of the Assam Rifles with signs of severe torture. He also testified that he saw the dead bodies of K. Sunai, R. Khova, R. Mathotmi, M. Esau and P. Rangkhiwo (see Section 2.3.2). He began giving evidence on 17 October 1988. Immediately after leaving the Sessions Court on the last day that he gave evidence, 3 November 1988, he was arrested by the police and taken to Imphal police station. N. Sekho stated that initially he was not given any reason for his arrest, but that the Assam Rifles later said he was involved in an NSCN attack on the Khongdei Khuman Assam Rifles camp on 30 July 1988 - a charge which he denied. On 5 November the Chief Judicial Magistrate for Senapati ordered N. Sekho released on bail on the ground that no progress had been made in the investigation against him. N. Sekho reported that when he reached his village his brother told him that the Assam Rifles had come in search of him, had threatened to kill him, and had told the village authorities that anyone else who dared to testify against the Assam Rifles would also be killed. In January 1989, when he and three other

villagers requested police protection, the Director General of Police told them that "he [the Director General] was helpless against the Assam Rifles".

Six months later, on 21 June 1989, Sekho attended a hearing at the Imphal Sessions Court where he sat with two members of the NPMHR. A week later, on 29 June, he was again arrested by Lt. Col. Kumar of the Assam Rifles, en route back from seeing his brother in Paomata. He was taken to the Assam Rifles camp at Paomata where he was threatened with torture and death if he did not make a statement that "the human rights organisation" (NPMHR) had forced him to give evidence about abuses against the Assam Rifles. He was also told to retract his earlier statement and not to associate with underground movements (although he denied he had ever done so). Eventually, he says he was forced to sign an affidavit the contents of which he was not allowed to read. He related this to the court in a sworn statement, describing how he was told that:

"I should not associate with the NSCN and instead I should work with the Assam Rifles. I told him that I did not associate or work with the NSCN...Further he said I should tell the truth and if I did not he would kill me. I replied that I had always told the truth and would always speak the truth. He replied that then why had I given evidence against the Assam Rifles. I told him that since I was the Secretary of my Village Authority and had seen my people suffering during Operation Bluebird I had to give my evidence... He told me that if I did not cooperate with the Assam Rifles they would silence me forever. That (Y) told me that I must give a statement saying that I was forced to give evidence by the Human Rights organisation and the Manipur Baptist Church against the Assam Rifles. As I was afraid of further torture and even death I said I would do as he asked..."

He reported that he was then taken to the camp at Lairouching where, he said:

"the 2 i/c D Kumar called me and told me to swear by biting a bullet that I would not co-operate with the human rights organization...he warned me that I should not be seen with the human rights people otherwise I knew what a bullet could do."

The Indian government dismissed his testimony out of hand. In his 1990 report, the UN Special Rapporteur on Torture said that he had asked the Indian government on 6 April 1989 about reports that witnesses testifying in court had been arrested by the Assam Rifles shortly after giving evidence against them. One of these witnesses was N. Sekho. The government did not comment on the substance

of the reports, but on 8 September 1989 simply informed the Special Rapporteur that these were false and politically motivated allegations. The government's response appears in the Rapporteur's report:

"Mr N. Sekho's allegations that he had been a witness to the torture of dozens of people by the Assam Rifles in July and August 1987 were false. Mr Sekho was presently an active supporter of the National Socialist Council of Nagaland and was reportedly involved in an attempt to raid a post of the Security forces towards the end of July 1988. He was subsequently arrested by the civic police" (Report of the United Nations Special Rapporteur on Torture, E/CN 4/1990/17 paragraph 86 at page 26).

The government reportedly did not give any evidence to support these claims or elaborate on the circumstances of N. Sekho's arrest -and subsequent release. Nor did it explain why N. Sekho was arrested on 3 November 1988 when leaving court after voluntarily appearing to give testimony, three months after the crime for which he was reportedly sought. He was released two days after his arrest because the magistrate found no evidence against him. The government appears to have attributed N. Sekho's arrest to criminal charges and to an alleged association with the NSCN - which N. Sekho strongly denies - in order to discredit his eye-witness testimony and that of other witnesses which corroborated this.

Th. Stephen, a 20-year-old school teacher from Ngamju village, had brought several girls from his village to the Gauhati High Court to give testimony that they had been sexually abused by the Assam Rifles (a case brought by the Manipur Baptist Church). Th. Stephen was later arrested at home on 19 December 1988 and taken to the Lairouching headquarters, along with S. Tio, a village gaonbura. Here, he says, he was blindfolded and given electric shocks while he was questioned about why he had brought the girls to court to testify against the Assam Rifles.

"The Assam Rifles personnel kept on asking me why I took the village (Ngamju) girls to the Court to which I replied that I had done so at the request of the Manipur Baptist Convention Women's Union and also as per the direction of the Deputy Commissioner, Senapati... All these while during the interrogation I was given electric shocks with dynamo over my shoulder, shins and other parts of the body...on 20.12.1988 the Commanding Officer (C), called me out and asked me why I had taken my sister and other girls to give statements before the Registrar (Judicial) Gauhati High Court on sexual harassment... He said we cheated him so he

would give us punishment. And that would be to hand us over to the police and send us to jail. And I will never be able to escape from the jail, and I will be out of a job... He also said he will harass anyone who does not co-operate with the Assam Rifles... I fear that the Assam Rifles will continue to harass me and other villagers unless we get some protection from the courts... I was also told by Pastor Wakhao sometime in the 2nd week of December, 1988 that one Captain had threatened the villagers that those who gave statements against the Assam Rifles in the Court will be killed."

Although this case, too, was raised by the UN Special Rapporteur on Torture, the Indian government again failed to comment on the specific allegations of torture, dismissing them by informing the Special Rapporteur, in a letter of 8 September 1989, that Th. Stephen had been apprehended by a patrol of 21 Assam Rifles for being in possession of two hand grenades and ammunition. It said the allegations made by him were concocted and a deliberate attempt to discredit the Assam Rifles and cover up his involvement with the underground movement. On 5 January 1989, however, the Special Court to try "terrorist" offences released Stephen on bail ruling that there was no prima facie case against him. It specifically ordered that he was not to be rearrested without permission of the court.

Lastly, H. Peter, pastor of Khongdei Khuman, was also arrested while testifying in court, although it is not clear whether his arrest was prompted by his court testimony or by fears that he might protest during the then forthcoming visit of the President of India to Manipur. H. Peter started giving evidence on 13 December 1988. On the night of 17 December, before he had finished giving evidence, he was arrested by the Assam Rifles, along with another witness, Kh. Kholu. The Assam Rifles later said that his arrest had been a part of "Operation President". He was released the next day, without being handed over to the police.

When H. Peter reported his arrest to the sessions judge on 19 December 1988 the lawyer for the Assam Rifles dismissed it, saying that "they had only picked him up and taken him away for breakfast." But the sessions judge, Manipur, hearing his complaint that he was arrested after giving evidence in court stated categorically, "I want to say that...if without permission of the Court, a witness is arrested, it would amount to interference of the proceedings of the Court. The judge referred to the order the Gauhati High Court had made ten days earlier on 9 December 1988 prohibiting such practices. The High Court ruled:

"When a witness is in the box the witness is not to be arrested till the examination is over.... We make it clear that as a witness is in the box the witness is in the custody and control of the Sessions Judge and it is for the Sessions Judge to see the witness is not harrassed..."

Other witnesses were detained apparently to prevent them from testifying. On 15 March 1988 five women - Th. Bathsheba, L. Sangla, Th. Shem, Elizabeth and Martha - who had complained they were sexually harassed by the Assam Rifles during the combing operation, were detained and brought to Lairouching Camp. They were about to appear in court as witnesses in the hearings of the case brought by the Manipur Baptist Convention Women's Union. They were taken along with Bathsheba's brother Th. Stephen (the school teacher from Ngamju village whose testimony is given above). Th. Bathsheba, Th. Shem and L. Sangla described the incident in a sworn statement before the Gauhati High Court registrar. L. Sangla said the women were detained at Lairouching for three days. She alleged that they were then brought to the residence of the Home Minister, Tompok Singh, who reportedly advised them not to tell the High Court anything about the sexual abuses they complained of. She claimed that he gave the women one thousand rupees to be shared between them. She reported that they were later made to sign some papers and were photographed with the wife of the Commanding Officer of the camp. They were instructed not to tell anyone about coming to Imphal and their meeting with Tompok Singh. She nevertheless did so and has consequently expressed fears for her safety.

Although these testimonies show that there have been clear attempts to intimidate witnesses, the Court has not, to Amnesty International's knowledge, offered witnesses any concrete protection. A request made by the NPMHR in 1989 for the court to provide such protection was rejected by the sessions judge. Nor has the state taken steps to protect witnesses.

Despite this, many villagers have come forward to testify in court. In its third report, the Co-ordinating Committee on Oinam described the difficulties these villagers had to overcome:

"The villager would have to come down to Imphal and find his or her way to court all alone. He/she would walk into the gates of the court compound at Uripok only to find the court full of jawans of the Assam Rifles standing with SLRs (Self-Loading Rifles). Then he or she would walk into the court room to find the officers of the 21 Assam Rifles sitting in the middle, in full uniform. The court room was charged with tension and the overbearing presence of the Assam Rifles. In these conditions far from home in a totally

alien or hostile atmosphere the villager told his or her story of the days of terror."

There have also been attempts to intimidate and discredit the advocate appearing on behalf of the victims. On 19 December 1988, T. Bhubhon Singh, Advocate for the central government and the Assam Rifles, said he "will use force" against the advocate for the NPMHR who had interrupted him when he spoke. The sessions judge reprimanded Bhubhon Singh, saying:

"I take an exception to use the said words "to use of force" in the Court room by a Senior Advocate of the status of Shri T. Bhubhon Singh, Advocate to an advocate of the other side, who is of fair sex. I have warned him not to utter such words in future in the Court room."

A month later, on 24 January 1989, members of the Assam Rifles entered the girls' hostel of the Manipur Baptist church and raided the room of the same lawyer who was threatened in court, reportedly taking away various legal and other documents. They apparently had no search warrant. In a First Information Report (No. 91(2)89) filed at Imphal police station on 12 February 1989, the Assam Rifles claimed they had acted on information that NSCN activists had visited the hostel and indulged in "subversive activities against the Nation and security force." They claimed that they found a "hidden gun" belonging to Rev. Prim Vaphei, a member of the Manipur Baptist Convention (although it was later established that the gun was licensed in 1988), as well as "incriminating material", including a pamphlet entitled 'Ten Years of Naga People's Movement for Human Rights' (describing the organisation's efforts to bring legal action on behalf of the victims of human rights abuses) and a magazine called 'Tribal Voice'. A case was registered against Paul Leo, a member of the Co-ordinating Committee for Oinam Issue and three members of the Manipur Baptist Convention. All were charged under Section 4(1) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) but later released: police withdrew the case because there was no evidence against them.

The Assam Rifles have also alleged that the NPMHR, which brought the court action, had links with the NSCN, implying that the charges brought were politically motivated. According to a report in The Telegraph (Calcutta) of 7 May 1989, the Assam Rifles said they found an accounts book showing that a Naga human rights organisation had received 20,000 rupees from the NSCN. However, the lawyers representing the NPMHR refuted these allegations in court. The central government agreed that there was no evidence of any such link. P Chidambaram, Minister of State in the Ministry of Home Affairs told the

Lok Sabha on 18 August 1988 (unstarred question no. 3081):
 "There is... no confirmation regarding links between NSCN
 and Human Rights organisations."

4.3 The Role of the Courts

The testimonies cited above demonstrate that witnesses giving evidence in court face a real risk of repercussions. This is one of the reasons why victims have only rarely complained to the civilian courts, even though reports of human rights violations in the northeast have been frequent. Another reason is that the victims live in inaccessible regions with poor communications; the only contact many have with outsiders is the army. Many are illiterate, and they often do not know how to approach the courts, do not have the funds to bring legal action and believe that petitions would not be accepted. Although villagers have complained to the civilian authorities such as the local police or deputy commissioner, these authorities have often said that they felt powerless to do anything about matters concerning the security forces that are controlled by the central government. Finally, as will be described in the next chapter, Section 6 of the Armed Forces Special Powers Act prevents citizens from bringing a case against the security forces without prior permission from the central government. Moreover, court cases often take years before a final ruling is given.

Nevertheless, some cases have come before the courts because human rights organizations have helped relatives of people who have suffered human rights violations to bring legal action. In several cases the courts, demonstrating their independence, have ruled that the security forces operating in northeast India were responsible for grave human rights abuses like those committed in Oinam. They have -even after long delays - granted compensation to the victims and their relatives. In several cases, the courts found that there was sufficient evidence to hold the security forces responsible for making people "disappear" and to charge them with murder. (Details are given in Appendix C.)

Some allegations of abuses have resulted in court martials and the punishment of responsible members of the armed forces for criminal offences, but details of these hearings are few, possibly because the military courts, unlike the civilian courts, do not publish judgments. The military courts' determination to investigate and punish reported abuses seems to vary considerably from case to case. In one reported case, for example, an officer was sentenced to life imprisonment for raping a woman. In another case, in April 1981, a captain from the 20 Assam Rifles who reportedly tortured a district councillor of Ukhrul was punished by four years' loss of seniority. No recent reports of courts martials of armed forces

personnel have come to the attention of Amnesty International for crimes committed in the context of counter-insurgency operations.

Legal proceedings against members of the security forces are rare in the northeast. One reason for this is that they are immune from civil prosecutions under special powers granted to them. These are described in the next section of this report.

5 THE LEGAL FRAMEWORK

5.1 The Armed Forces' Special Powers

Security forces operating in northeast India have for several decades had special powers to deal with insurrection, notably under the 1958 Armed Forces (Assam and Manipur) Special Powers Act. In areas declared "disturbed" under Section 3 of the Act, security forces have sweeping powers to arrest people on suspicion without warrant, and to shoot to kill on sight. The security forces have immunity from prosecution. Senapati district, in which the Oinam combing operation took place, is one of these areas declared "disturbed" in Manipur.

Amnesty International believes that the broad provisions of the Armed Forces (Assam and Manipur) Special Powers Act not only facilitate human rights violations but can also encourage violations because those responsible need not fear they will be held accountable for any action taken under its provisions. The security forces operating in the northeast appear to be aware that they will enjoy such immunity from prosecution. One member of the Assam Rifles reportedly told D. Kanmi from Khongdei Khuman, a prisoner whose torture testimony is given in Section 3, that even should the prisoner die the Assam Rifles could not be held accountable.

Moreover, although the Assam Rifles are only supposed to act "in aid of the civil power," they have in fact exercised absolute powers in certain areas outside any form of control by state officials responsible for maintaining law and order and upholding basic safeguards. Some of these state officials, including the Superintendent of Police, were themselves detained by the Assam Rifles. In a memorandum written shortly after the Oinam incident to the then Home Minister of India, the then State Government of Manipur concluded that:

"The Civil Law has, unfortunately, ceased to operate in Senapati District of Manipur due to excesses committed by the Assam Rifles with complete disregard shown to the Civil Administration. The Assam Rifles are running the

parallel administration in the area. The Deputy Commissioner and Supt. of Police were wrongfully confined, humiliated and prevented from discharging their official duties by the Security Forces. The Chairman, Hill Autonomous District Council was forced to proceed on foot from National Highway up to Oinam village and confined during night and thereby prevented from discharging his official functions. Whereas the acts of certain misguided elements need to be condemned strongly, we can hardly afford to term the entire population as anti-national as is being projected by the Assam Rifles. This is an extremely dangerous trend which must be avoided at all costs. We shall request you to kindly use your good offices to restore the rule of law in the affected areas immediately."

In his report following his visit with the Chief Minister of Manipur to the villages, the Joint Secretary for Home, K.P. Singh, noted that:

"The Assam Rifles authorities have been behaving with the Civil Administration in an extremely contemptuous manner and treat virtually every civil functionary as anti-national. This has led to virtual collapse of Civil Administration in the area as the Govt. Official visiting the area are scared of torture/harassment at the hands of Assam Rifles."

How this affected villagers seeking protection from local officials against abuses by the Assam Rifles is illustrated by the sworn statement of N. Sekho (see Section 3):

"...I and the other villagers told the Director General of Police that our lives were in danger and we needed protection from the Assam Rifles. The Director General told us that he was helpless against the Assam Rifles."

5.2 The Armed Forces (Assam and Manipur) Special Powers Act

In 1958 the Armed Forces (Assam and Manipur) Special Powers Act was enacted, giving the Governor of Assam or the Chief Commissioner powers to declare an area "disturbed" if the whole or part of these states "is in such a disturbed or dangerous condition that the use of Armed Forces in aid of the civil power is necessary." Different areas of Assam and Manipur were declared "disturbed" under these provisions at various times. After the division of Assam, the Act was amended in 1972, making it applicable to all seven northeast Indian states

and union territories, including Manipur. The amendment also empowered the central government to declare an area "disturbed" without consulting the state government.

After the amendment, the government, through the Ministry of Defence, immediately used these powers to declare the Naga-inhabited hill areas in northern Manipur - namely Senapati, Ukhrul and Tamenglong district - "disturbed areas" under the Act. This categorization continues until today.

The Act has now been uninterruptedly in force in northern Manipur for longer than a decade. The new state government, elected in February 1990, has proposed to discuss with the central government a phased withdrawal of the application of the Act from certain areas in Manipur. But it has advised against its withdrawal from hill areas in which the NSCN are active. This includes the Senapati district, covering Oinam.

5.2.1 Powers to Arrest and Detain

Section 4(c) of the Act gives a commissioned officer, a warrant officer, a non-commissioned officer or other ranking officer powers to:

"arrest, without warrant, any person who has committed a cognisable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable offence..."

Contrary to the customary legal obligation in Article 50 of the Code of Criminal Procedure, there is no corresponding provision in the Act which obliges an official making an arrest without warrant to inform the arrested person of the grounds of his or her arrest. Indeed, many villagers who were arrested claim they were never told formally of the grounds for their arrest. As such, the Act encourages the security forces to make arbitrary arrests and its provisions appear to have been widely misused, not only during the Oinam operation but also previously. Already in 1982 when the Gauhati High Court examined the "disappearance" of Chandam Chaoba Singh, the Court felt it was necessary to warn that:

"the members of the armed forces cannot arrest each and every person they choose but can exercise their powers only against those who fall in either of the aforesaid categories [as specified in section 4(c)]."

The Constitution of India stipulates in Article 22(2) that all people arrested and detained in custody shall be brought before the nearest magistrate within twenty-four hours of their arrest. This is an important safeguard

imposing a form of judicial control which can prevent illegal detention and especially ill-treatment and torture of detainees during the period of interrogation when they are most vulnerable. No such provision is made, however, under the Act, although it does specify that the Armed Forces may not detain people for purposes of interrogation: Section 5 of the Act stipulates that any person arrested under section 4(c) of the Act must be handed over to the nearest police station "with the least possible delay together with a report of the circumstances occasioning the arrest".

But the Act does not define the time limit within which detainees should be handed over to the police. The Gauhati High Court ruled in 1987 that a delay of up to five days, due to difficult terrain, was acceptable. But, as numerous testimonies in this report show, even that time limit was grossly exceeded in the case of Oinam, where many people were arrested and detained for interrogation for weeks without being handed over to the local police. They were held without legal safeguards or judicial control protecting them from torture, or from being killed in custody.

It appears that the armed forces have also previously abused their powers to make arrests under the Act - in fact to detain suspects without judicial or other control to interrogate them. In the 1982 ruling about the "disappearance" of Chandam Chaoba Singh, the Gauhati High Court said it had a duty:

"as a custodian of the constitutional rights of the people...to lay down succinctly the limit beyond which detention by armed forces will amount to curtailment of liberty in violation of Article 21 of the Constitution ...section 5 of the Act [which] requires in clear terms that any person arrested under the Act has to be made over to the nearest police station without delay...Let it be said clearly that the section does not permit the arresting armed forces to keep the arrested person in custody for the purpose of interrogation."

The court specifically rejected the suggestion by the Advocate General of India, representing the security forces, that people arrested could be further held for interrogation by the security forces and only be handed over to the police if this interrogation established a prima facie case against them. The court held that:

"The prima facie satisfaction must precede arrest...it cannot be allowed to follow it... If we were to concede to this submission of the learned Advocate General, we would virtually be giving untrammelled power of arrest to the armed forces much beyond what is permitted by section

4(c) of the Act."

If not the actual provisions of the Act itself, then certainly their application by the Assam Rifles during the Oinam counter-insurgency operation, contravened the safeguards laid down in the International Covenant on Civil and Political Rights. As a signatory to that convention India is bound to uphold its provisions which, in Article 9, prescribe that all arrested persons shall be promptly informed of the reasons for their arrest and the charges against them, and that they are entitled to take proceedings before a court in order to decide without delay on the lawfulness of detention.

5.2.2 Powers to Shoot to Kill

Section 4 (a) of the Armed Forces Special Powers Act gives any commissioned officer, warrant officer, non-commissioned officer or any person of equivalent rank in the armed forces, if he believes it necessary to do so for "the maintenance of public order," powers to:

"fire upon or otherwise use force, even to the causing of death against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or, explosive substances."

He may shoot to kill after giving "such due warning as he may consider necessary."

These very broadly defined provisions that give powers to the security forces to arbitrarily shoot to kill fail to meet the international standards to protect the right to life. International standards for the protection of that right are set out in Article 6 of the International Covenant on Civil and Political Rights which prohibits arbitrary deprivation of life. The Human Rights Committee has emphasized that protection of the right to life, which it considers to be a most important right, implies that the government has a duty to prevent arbitrary killings by its security forces. Rather than enacting broad provisions, the Committee stated that governments should set strict limits to the circumstances in which people may be lawfully killed. Furthermore, Article 3 of the United Nations Code of Conduct for Law Enforcement Officials states that use of force has to be exceptional and proportional to the legitimate aim to be achieved (see recommendation 7).

5.2.3 Immunity from Prosecution

Section 6 of the Act gives the armed forces, generally, immunity from prosecution, even for serious criminal offences, by stating that:

"No prosecution, suit or other legal proceeding shall be instituted except with the previous sanction of the Central Government against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act."

Villagers have complained that it is virtually impossible to obtain such permission. It is significant that the only legal proceedings which have so far taken place involving the Assam Rifles are those initiated by private human rights and social organisations bringing civil complaints asking for payment of damages on behalf of the victims of abuses in and around Oinam. They have brought such petitions despite claims by the Assam Rifles that the Act protects them from such legal proceedings. To Amnesty International's knowledge, with one exception, no criminal proceedings have so far been instituted in civil courts against any members of the security forces to establish their responsibility for specific human rights violations during the Oinam operation.

Amnesty International knows of one case where a court ruled that - despite Section 6 of the Act - the armed forces were not immune from all prosecution. In November 1982 the Chief Judicial Magistrate (Manipur East District) issued warrants of arrest against eight members of the 20th Assam Rifles, charging them with illegal detention, torture and attempted murder of eight members of the Village Volunteer Force from Poi. The magistrate held that the armed forces were not immune from prosecution if they had committed criminal acts and in such cases could be prosecuted without the need to obtain prior sanction from the central government. Amnesty International does not have any further information as to whether the eight men in question were in fact arrested and prosecuted.

In Amnesty International's experience, provisions like those in Section 6 of the Act granting immunity from prosecution are dangerous because they create the impression that the security forces can act with impunity. It facilitates grave abuses such as torture and extrajudicial executions as described in this report.

That those responsible for these abuses should, invariably, be brought to justice is a principle incorporated in international human rights standards. The United Nations Convention Against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment calls for such measures in Article 7, and the UN Special Rapporteur on Torture, in his February 1989 report, called on governments to ensure that: "Whenever a person is found to be responsible for acts of torture or severe maltreatment he should be brought to trial; if found guilty, he should be severely punished" (E/CN.4/1990/17). Furthermore, the UN Special Rapporteur on Summary or Arbitrary Executions has stressed it is essential that offenders be prosecuted if future extrajudicial executions are to be prevented. In his January 1988 report, the UN Special Rapporteur concluded that:

"Adequate investigation, prosecution and/or punishment in cases of death in suspicious circumstances are considered essential not only for bringing those responsible for such deaths to justice, but also for preventing further occurrence of summary or arbitrary executions, whether indiscriminate killings in internal armed conflict, killings by excessive or illegal use of force by law enforcement officials or deaths in custody."

5.3 The Failure to Review Special Powers

The Armed Forces (Assam and Manipur) Special Powers Act, as described above, shows features similar to those found in emergency legislation. Emergency laws often result in a subordination of civil to military powers. Such legislation is usually loosely defined so that a wider group of people can be held on suspicion of a broad range of offences. It is not uncommon that the security forces are given broad powers under emergency laws to shoot to kill and that they are granted effective immunity from prosecution for acts committed in the course of duty. Many of these features are found in the Armed Forces (Assam and Manipur) Special Powers Act.

International legal standards, such as laid down in Article 4 of the International Covenant on Civil and Political Rights, require that states of emergencies can only be imposed "in time of emergency which threatens the life of the nation", that it has to follow an official proclamation, that measures taken have to be "strictly required by the exigencies of the situation", and that certain fundamental rights, including the right to life and the right not to be tortured, can never be suspended. The Human Rights Committee, in its General Comment (5/13) on Article 4 of the Covenant took the view:

"that measures taken under Article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened and that in times of emergency, the

protection of human rights becomes all the more important, particularly those rights from which no derogations can be made..."

In many cases time limits are imposed on the period the emergency is to be in force with a provision for extension on the basis of an assessment of the adequacy of measures taken. However, the Act does not incorporate any basic safeguards such as laying down the duration of application of the Act or of a periodic review of the need to continue considering an area to be "disturbed".

6) RECOMMENDATIONS

Amnesty International makes the following recommendations:

Regarding government responsibility

Considering the lack of determination on the part of the government to order an official inquiry into the allegations of grave human rights abuses in and around Oinam, the specific denials by responsible officials that abuses had occurred and the statements and actions by other officials creating the impression that the government condoned abuses committed by the Assam Rifles (as described in Section 3):

1. The government should order a full, impartial inquiry by an independent authority into allegations of torture and extrajudicial executions as described in this report and in testimonies presented to the Gauhati High Court in private complaints. The inquiry should have powers to compel witnesses to attend, including officials allegedly involved.

Such a step would be in accordance with international standards. Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates that:

"Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."

In respect of suspected extrajudicial executions, the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions require such an investigation and - in Principle 9 - specify what its scope should be:

"There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-

legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.... The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide."

Considering the strong evidence that the Assam Rifles persistently abused their position to intimidate and harrass witnesses or potential witnesses wishing to register complaints:

2. The government should, while such investigations into abuses are in progress or whenever substantive complaints of abuses are received, take effective measures to protect witnesses and potential witnesses from all forms of threats and intimidation.

Article 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifies:

"Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

An important way to grant such effective protection in Manipur is to withdraw the Assam Rifles - whose forces stand accused of these human rights abuses - from areas where they can exercise power over witnesses. The Principles on the Effective Protection and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council of the United Nations on 24 May 1989 and endorsed by the General Assembly on 15 December 1989, stress the importance of such a measure. Principle 15 lays down:

"Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary

executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations."

Another way to protect witnesses - and to limit the possibility of false accusations being made against the Assam Rifles - is to allow journalists and outside independent observers unhindered access to areas from where these abuses are reported, as is customary in most other parts of India.

Considering that, so far, no prosecutions of perpetrators of human rights abuses connected with the Oinam incident have been reported:

3. Criminal proceedings should be brought against those against whom there is evidence of abuse of power by illegally detaining, torturing and/or killing people in custody or by intimidating witnesses and forcing them to make false statements. In order to ensure that such prosecutions take place, the government should withdraw Section 6 of the Armed Forces (Assam and Manipur) Special Powers Act, which effectively grant the Security Forces immunity from prosecution (see Section 5.2.3).

Although Amnesty International has as a matter of policy withheld the names of the alleged perpetrators from this report, their identities are known to the Assam Rifles command and are in the records of the Gauhati High Court.

Considering that, to date, only very few families of victims of extrajudicial executions in Manipur are known to have been granted compensation through the courts (of between 10,000 and 200,000 rupees, and that often years after the incident occurred - see Appendix C) - this being done on the basis of private complaints and not a government initiative; also considering that the State government announced in November 1987 an award of Rs. 5,000 to the families of the 14 men killed during the combing operation, which, if paid, would not constitute adequate compensation to relatives of the dead; and finally considering that no torture victims are known to have been compensated for their treatment:

4. Victims of torture and, in case of extrajudicial executions, their relatives, should receive full and adequate compensation.

Article 14 of the UN Convention against Torture lays down that victims of torture have an enforceable right to fair compensation:

"Each State Party shall ensure in its legal system that the victim of an act of torture obtains

redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation."

In respect of victims of extrajudicial executions, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions contain a similar provision in Principle 20.

Regarding torture

5. The government should publicly condemn torture and members of the security forces operating in northeast India - especially those involved in counter-insurgency operations - should be trained to observe the prohibition of all forms of torture, inhuman or degrading treatment or punishment, under any circumstances.

Article 2.2 of the UN Convention against Torture specifies that:

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

Article 10 of that Convention stresses the obligation to include the prohibition of torture in education and training programs of relevant personnel:

1. "Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civic or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment."

2. "Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons."

The UN Convention against Torture and the Code of Conduct for Law Enforcement Officials of December 1979, with its commentary, would be particularly relevant for training purposes.

6. No false statements extracted under threats or torture should be admitted in evidence in any legal proceedings - as happened in cases described in this report.

Article 15 of the UN Convention against Torture requires:

"Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

Regarding extrajudicial executions

7. Article 4(a) of the Armed Forces (Assam and Manipur) Special Powers Act, which gives the security forces broadly defined powers to shoot to kill, should be withdrawn. Such broad provisions contravene the requirements of international standards for the protection of the right to life which stipulate strict limitation and precise definition of the circumstances in which people may be lawfully killed (see Section 5.2.2).

The Human Rights Committee, in General Comment 6(16)d, emphasized:

"The right to life enunciated in Article 6 of the Covenant ...is the supreme right from which no derogation is permitted even in times of public emergency which threatens the life of the nation... The protection against arbitrary deprivation of life...is of paramount importance. The Committee considers that State parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities."

The Armed Forces (Assam and Manipur) Special Powers Act does not meet this requirement nor the standards provided in Article 3 of the Code of Conduct for Law Enforcement Officials and its Commentary:

"Law enforcement officials may use force only when strictly necessary and to the extent required for their performance of their duty." Commentary:

"(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional...

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality... In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate

objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender...

Regarding illegal detention

8. All arrested persons, including those arrested by paramilitary armed forces such as the Assam Rifles, should be brought promptly before a judge and allowed access to legal counsel. Special powers of arrest such as those given in Section 4(c) of the Armed Forces Act should not be misused to circumvent the constitutional requirement of the 24-hour rule.

Article 22 of India's Constitution stipulates that all arrested persons are to be brought before a magistrate within 24 hours.

Also, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted by the General Assembly in Resolution 43/173 of 9 December 1988) provide that:

"A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority."

9. If the Armed Forces Special Powers Act is to be maintained, a provision, like those in Article 50 of the Code of Criminal Procedure, requiring officials who make arrests without warrant to state the grounds for arrest, should be incorporated.

Such provision would comply with the safeguards provided in Article 9 of the International Covenant on Civil and Political Rights to which India is a party. This specifies, in paragraph 2:

"Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

Regarding special legislation

Considering that the Armed Forces (Assam and Manipur) Special Powers Act has been in operation in certain parts of Manipur for more than ten years and that the broad powers the Act grants to the security forces have features

similar to those in emergency legislation, but without these being subject to any form of periodic review:

10. That the government order a review of the Armed Forces (Assam and Manipur) Special Powers Act to determine whether its broad provisions to arrest and shoot to kill, and to shield armed forces personnel from prosecution for abuses are powers "strictly required by the exigencies of the situation" and that the government subject the exercise of these powers to periodic review.

If there is a need to continue to apply the Act in northeastern India, provision for periodic review is a minimum requirement to be incorporated into the law. In his first annual report, of January 1988, the United Nations Special Rapporteur on States of Emergency emphasized the importance of this principle:

"In situations where it is necessary to maintain a state of emergency in force over a lengthy period, it is therefore important that Governments should not forget to follow the applicable internal rules in the matter or should remember to incorporate relevant provisions into their legislation so that the reasons justifying the extension should be reviewed at regular and preferably short intervals and that any extension should be officially declared."

Appendix A

Manipur and the Naga Insurgency: the Geographic and Political Context

Unlike the other northeastern states, Manipur constituted a kingdom separate from Assam from the eighteenth century onwards. After independence it became a constitutional monarchy in 1948 with its own legislative assembly. But in 1956 Delhi assumed direct control, making Manipur a union territory. Opposition grew to this arrangement, and repeated demands for full statehood within the Indian Union were recognized when Manipur became a separate state in 1972.

Manipur borders Myanmar (formerly Burma) to its east and southeast. To the north lies Nagaland (which became a state in 1963) and to the west lies Assam. In the southwest it borders Mizoram. Manipur is dominated by thickly forested hills which cover ninety percent of the state's total area and which contain a third of the state's population. These hills encircle the rich alluvial plain of the Imphal or Manipur valley, where most of the population lives. Many are rice farmers. The main cottage industry is handloom weaving which is one of Manipur's main exports. There are no large scale industries and communications are poor. Manipur has a higher literacy rate (33 per cent) than the Indian average (29.5 per cent), but unemployment levels are high, particularly in Imphal itself. Some have been critical of the alleged unwillingness of the central government to tackle the need to invest in industry and suggest that this has contributed to unrest and insurgency in the state.

The Nagas, considered to be of eastern Tibetan origin, are divided into sixteen major tribes. The majority live in Nagaland but others live in neighbouring areas in Assam, Arunchal Pradesh and the Hill Districts of Manipur. In Manipur the Nagas are a minority and form twenty percent of the state's total population of some 1,500,000. The Nagas mainly inhabit the four northern hill districts of the state, namely Ukhrul, Tamenglong, Chandel and Senapati, where they are in a majority and practice a form of shifting cultivation. Because of colonial missionary activities they are largely Christian, although not all have converted. The southern hill area of Churanchanpur is inhabited by the Kuki tribes, considered to be of Chinese descent. During colonial rule the British attempted to control the Nagas by following a 'divide and rule' policy whereby they apparently used the Kukis to fight the Nagas. The Meteis, the tribal people from the plains, who inhabit the Manipur valley, form the majority in the state and are also considered to be of southern Chinese origin. They represent about seventy percent of

the state's total population and converted to Hinduism in the 17th century. Other inhabitants are Muslim Pangals and migrants from Nepal, Bengal, Bihar and Uttar Pradesh.

The Northeast During the British Administration

The British considered the mountainous region of the northeast as a buffer zone between India and China and by 1854 the whole of the Brahmaputra valley, Cochar plain and northeastern hills were under British rule. But the Nagas, traditionally accustomed to their sovereignty, resisted imposition of British authority, suffering the destruction of their villages and crops as a result. By 1891 a loose form of British administration had been established: taxes were levied and a police force was set up. Naga territory was categorised as the Naga Hills district.

In the 1920s the Nagas reasserted a right to be independent. In 1937, the Naga Hills were renamed "Naga Hills, excluded area" to underline these demands. By the 1940s two groups had developed. The more radical of the two, the Naga National Council (NNC), under the leadership of Phizo, demanded the creation of an independent, sovereign Naga state. The second group envisaged a Naga state as part of the Indian union.

The Rise of Naga Insurgency after Independence and the Indian Government's Security Concerns

Immediately following Independence in 1947, an agreement was signed with the then Assam Governor, Akbar Hydari, giving the Naga National Council control over the judiciary, agriculture, the legislature and the departments of tax, education and public works. The Hydari agreement was to run for ten years after which it would be decided whether to extend the agreement or work out a new one. The Naga National Council understood this clause to mean that after ten years the Nagas could be granted total sovereignty, but the Indian government maintained that they must remain part of the Indian union.

The Naga moderates accepted this, but the NNC did not and maintained its demand for independence. In 1952 the Council launched a non-cooperation movement whereby their supporters boycotted Indian schools, colleges and hospitals. This led to widespread police action in 1953 during which villages were raided for suspected NNC supporters. There were reports of human rights abuses committed by the security forces. Up until then the Naga protests had been mostly non-violent. However, by 1954 a small underground guerrilla force had developed and incidents of armed attacks by the Nagas were reported. That year, paramilitary forces entered the Naga Hill areas. The situation deteriorated and by 1955 the NNC had gone underground and launched an armed secessionist

movement.

In response, the government passed the 1955 Assam Disturbed Areas Act giving the Assam armed police, the Assam Rifles and the Indian army extensive powers (see section 5). This act was enforced in January 1956 in the Naga inhabited hill areas of Assam, and in April of that year peace-keeping duties were handed over from the police to the army. Fierce fighting developed between the Indian army and the Naga guerrillas, accompanied by allegations of Indian army abuses against Naga civilians during counter-insurgency operations. Reports of illegal detentions, torture and extrajudicial executions of Naga civilians by the security forces increased. In 1963, the Indian government eventually agreed to the creation of Nagaland as a separate state within the Indian Union. This consisted of the Naga inhabited hill areas formerly in Assam.

The NNC continued to demand complete sovereignty and that the substantial section of Nagas living in other areas of Assam and the neighbouring Manipur Hills should be included in Nagaland, the new state. Although a ceasefire was in force between 1963 and 1966, the NNC continued its armed insurgency in both Nagaland and the Naga -inhabited areas of the Manipur hills. In 1967 the NNC discussed whether to seek Chinese military aid and training in China. The next year, it was reported that two NNC leaders had taken one thousand of their men across the Burmese border into China to negotiate with the Chinese and to receive military training and arms. Fighting increased, especially in areas bordering Myanmar, the Indian army reporting the capture of Chinese arms. India accused China of conducting a "malicious campaign" against the "unity and territorial integrity of India". Finally, in 1973, after continued armed struggle, one Naga faction, headed by the "Revolutionary Government of Nagaland", announced their allegiance to the Indian Constitution and handed over arms. Two years later, the Naga underground movement (headed by the Naga "Federal Government") signed the Shillong Peace Accord agreeing to accept Naga independence within the Constitution of India and to deposit all arms with the Peace Council.

That Accord was not accepted by all NNC members. A secessionist group under the leadership of Muivah broke away in 1980 and set up the National Socialist Council of Nagaland (NSCN). The 1980 manifesto of the NSCN states its belief that armed struggle is the only way to achieve sovereignty:

"We rule out the illusion of saving Nagaland through peaceful means. It is arms and arms alone that will save our nation and ensure freedom to the people."

With bases inside Myanmar and pledged to the creation of a Naga State which would include all Nagas living in both northeast India and Myanmar, the NSCN continued a policy of armed insurgency in the Senapati and Ukhrul hill districts of Manipur and the Mon district of Nagaland. Although the NSCN say it is not their policy to attack civilians, they have been known to kill those they accuse of being informers as well as politicians whom they feel have betrayed the Naga cause.

In dealing with separatist demands in the northeast the central government has been particularly concerned about national security interests and maintaining the unity of the Indian State. The northeastern states are regarded as crucial to Indian defence and security interests because they border China and Bangladesh (until 1971 East Pakistan). The government has been particularly sensitive to these interests since 1959, when it was feared that China would invade India. Indeed, in 1962 China and India fought a war over disputes concerning the border in the northeast and northwest. Since then India has been particularly concerned about reports of Chinese support for insurrection in its northeastern border states, to which the only access is the narrow strip of land north of neighbouring Bangladesh. In this context the alleged links between the Naga insurgents and China, plus NNC and NSCN use of Chinese weapons, served to increase the central government's anxiety to suppress the rebels' activities. The central government's response has been to tackle Naga insurgency through counter-insurgency operations by the security forces, although 1989 reports indicated that the central government was once more considering negotiations and had held some preliminary discussions with top NSCN personnel. However, the new Manipur Chief Minister, Ranbir Singh, reportedly said in February 1990 that his government wanted to ban the NSCN, with whom it had "a difference of opinion," but declared an amnesty for other Manipuri insurgent groups.

Appendix B

Major Reports and Documents issued by Amnesty International: 1970- June 1990 (This is not a comprehensive list of all AI public statements, documents and reports issued on India.)

Short Report on Devention Conditions in West Bengal Jails, September 1974

News Release: Amnesty International Urges India to Free Arrested Opposition Leaders, June 1975

News Release: Amnesty International Appeals to India to Mark Anniversary of Emergency by Declaring General Amnesty for Political Prisoners, June 1976

Background to the large-scale arrests of political prisoners in India following the emergency declaration, September 1976

News Release: Amnesty International Concerned at Secrecy of Official Inquiry into Torture and Killings in Andhra Pradesh (NWS 02/39/78), June 1978

Report of an Amnesty International Mission to India, 31 December 1977-18 January 1978 (ASA 20/03/78), January 1979

Aide Memoire to the Prime Minister of India, concerning human rights concerns, including deaths in custody (ASA 20/02/80), October 1980

New National Security Ordinance in India - Background and AI Concerns (ASA 20/03/80), October 1980

Special Action against the Death Penalty in India (ASA 20/04/80), October 1980

Review of Amnesty International's Main Human Rights Concerns in India During 1983 (ASA 20/01/84), March 1984

Arrests and Detentions in Jammu and Kashmir (ASA 20/04/85), June 1985

Some Reports Concerning Deaths in Police Custody Allegedly as a Result of Torture or Shooting during 1985 (ASA 20/03/86), January 1986

Further Reports of Deaths in Custody in Andhra Pradesh (ASA 20/09/86), October 1986

Sikh Detainees From the Punjab Held Since June 1984. Background to Their Arrest and Detention (ASA 20/11/86), December 1986

Some Reports of Deaths in Police Custody as a Result of Torture during August 1987 (ASA 20/05/87), September 1987

Allegations of Extrajudicial Killings by the Provincial Armed Constabulary in and around Meerut, 22-23 May 1987 (ASA 20/06/87), November 1987

Some Allegations of Torture and Ill-Treatment of Tribal Leaders in Rajasthan (ASA 20/01/88), March 1988

Allegations of Rape by Police: The Case of a Tribal Woman in Gujarat, Gunta Behn (ASA 20/04/88), March 1988

A Review of Human Rights Violations (ASA 20/02/88), August 1988

The Need to Review Cases Against 324 Sikhs Held For More Than Four Years in Jodhpur Jail, Rajasthan (ASA 20/09/88), September 1988

Reports of Human Rights Violations in Bihar (ASA 20/12/88), November 1988

Appeals for Clemency for Satwant Singh and Kehar Singh (ASA 20/13/88), November 1988

Intimidation of Court Witnesses at Imphal, Manipur (ASA 20/03/89), January 1989

Some Recent Reports of "Disappearances" (ASA 20/08/89), July 1989

Continuing Reports of Human Rights Violations in Bihar (ASA 20/10/89), September 1989

The Death Penalty (ASA 20/13/89), October 1989

Torture of Members of Tribal Community in Maharashtra, One of Whom Died in Police Custody (ASA 20/15/89), October 1989

Amnesty calls for an investigation into killings in Kashmir (ASA 20/WU/04/90), February 1990

Torture and Killings of Unarmed Civilians in Kashmir (ASA 20/WU/02/90), June 1990

Appendix C**Previous Reports of Human Rights Abuses by the Security Forces in the Northeast**

There have been persistent and widespread reports of abuses of human rights in and around Oinam and other parts of Manipur since the 1950s, when the security forces were first sent in to the Naga hills area. Below we give examples of the most well-known cases. In some of them, the courts have held the government responsible for human rights abuses and, eventually, granted compensation.

In Manipur the 21st Sikh regiment mounted a massive combing operation following the death of 22 soldiers during an NSCN ambush on 19 February 1982. According to press reports the operation led to the torture of many Naga villagers. For example, on 20 February 1982, nine inhabitants of Ukhrul town were arrested by members of the 21st Sikh regiment and tortured near Pettigrew college. The hospital medical reports indicated that some of the victims would be permanently maimed as a result of torture. Villagers from Sharkaphung and Nungbi Khullen were rounded up and beaten, leaving seven men seriously injured. One of them, Mr Vareichung, died on 25 September of that year reportedly as a result of the injuries sustained. Villagers from Paorei village said they were not only beaten but also given electric shocks to their genitals. The Pastor of Huishi village, Mr Phanitphung, and the Pastor of Chingai, Mr Mahangthei, were reportedly given electric shocks and were hung upside down. In an apparent attempt to cover up their activities, the Sikh regiment reportedly forced villagers to sign false affidavits denying that the security forces had beaten or tortured villagers.

Some Nagas were allegedly killed in the custody of the security forces. C. Paul, the assistant pastor of Huining Baptist church and C. Daniel, the headmaster of the village junior high school, were reportedly taken away from Huining on 10 March 1982 by the security forces for questioning. Officials denied responsibility for their arrest and detention. They never returned.

On behalf of their relatives, a habeas corpus petition was brought by the Naga People's Movement for Human Rights. In November 1983 the Supreme Court ordered the government to produce C. Paul and C. Daniel in court on 12 December 1983. The Ministry of Defence and the Home Ministry informed the Court that the two men were not in the custody of Phungrei camp officials and therefore could not be brought before it. The Supreme Court ordered the Central Bureau of Investigation (CBI) to make further enquiries. In April 1984 the CBI also reported that the two men could not be found. The Supreme Court then held

that government officers had committed contempt of court for not producing the two men and held the Indian government responsible for their "disappearance":

"The two persons have not met their tragic end in an encounter as is usually claimed and the only possible inference that can be drawn is that both of them must have met an unnatural death. Prima facie, it would be an offence [of] murder...there is material on record to reach an affirmative conclusion that both Shri C. Daniel and Shri C. Paul are not alive and have met an unnatural death. And the Union of India cannot disown the responsibility on this behalf."

The Union Government was ordered to pay compensation of one hundred thousand rupees to each of the widows of the two men.

One year earlier Chandam Chaoba Singh (a non-Naga) also "disappeared." His family claimed he was arrested by the Central Reserve Police (CRPF) on 10 January 1981 during a combing operation carried out after reports that insurgents were collecting money in the villages. Chandam Chaoba Singh never returned home. His wife brought a habeas corpus petition in the Gauhati High Court in August 1982, and in response the commandant of the 5th Battalion of the CRPF claimed that Chandam Chaoba Singh had been arrested at 1.30am on 14 January 1981 and released later that day at 5.30pm. The judge ordered the Chief Minister of Manipur to produce Chandam Chaoba in court, but the authorities were unable to do this. The court eventually ruled that he had not been released and must therefore be still in custody. Seven years after his "disappearance", in 1988, Chandam Chaoba Singh's widow was awarded two hundred thousand rupees compensation.

Legal proceedings in such cases of "disappearance" are often subject to long delays. Khaidem Budha Singh, a teacher turned farmer and another non-Naga, was reportedly arrested by the army while visiting his parents at Pungdongbarh village on 6 November 1983. He also never returned home. His relatives insisted that Khaidem had no links with any insurgent group. Officials did not deny arresting him; but told relatives first that he had been "released" on 8 November at Chambung village, although the village chief denied this and wrote a statement to this effect. Later the army reportedly told the Deputy Chief Minister, Tompok Singh, that Khaidem had "run away" while being taken to show the army the whereabouts of an underground camp. In November 1983, however, the army denied his arrest altogether. In December, CLAHRO brought a habeas corpus petition in the Gauhati High Court and the court ordered the army to produce Khaidem Budha Singh before January 1984. But he was never produced before the court.

Four years later, in July 1988, the Gauhati High Court rejected the army's version of events about Budha Singh's "disappearance". The court concluded that he was no longer alive and that the army was responsible for his "disappearance" and probably his extrajudicial execution. It granted compensation of 100,000 rupees to be paid to his widow.

On 11 December 1984 K. Esau, a Naga carpenter from Ukhrul, allegedly died in the custody of the 12th Garwhal Rifles at Talloi Camp. He had been arrested by the Assam Rifles four days earlier following an ambush of the Chief Minister's convoy by suspected NSCN insurgents, and was handed over to the Garwhal Rifles the day after his arrest. The post-mortem report by the Ukhrul police showed K. Esau had been tortured, possibly by electric shocks.

The Human Rights Forum of Manipur has described abuses of which they say others than Nagas have been victims. On 26 April 1980 a group of armed CRPF personnel were ambushed just outside Patsoi by unidentified gunmen, leaving three CRPF men dead. During a subsequent combing operation, the CRPF shot three men and one woman. N Indrajit was shot while returning home, L. Angou, a driver for the Imphal municipality, was shot while on his way to work, and T. Leikham, a high school student, was shot while on an errand. A pregnant woman, Irom Ongbi Bino Devi, was also shot while she was hiding in her granary. The villagers were herded into a field and the men severely beaten, forty-two of them requiring medical treatment. The women alleged they were sexually molested and bitten. The Government of Manipur later granted compensation of 10,000 rupees to the families of N. Indrajit and Irom Ongbi Bino Devi, thereby admitting that the security forces had illegally killed these villagers. At that time, the cases of the other two families were being considered for compensation. But instances that the state, on its own initiative, has granted compensation to victims of human rights violations have been rare.

Appendix D

Reported extrajudicial executions of Mr Soshang, Seva, Lokho and Sangdua

These are four of the 15 men alleged to have been deliberately killed by the Assam Rifles while in their custody. The circumstances of their killing remain unclear. The Assam Rifles claim that two of the men were shot "while trying to escape", that one was shot "while running away from the security forces" and deny killing the fourth man.

According to the Assam Rifles Mr Soshang was shot "while trying to escape." But there is no independent evidence to confirm this. In his court testimonial Brigadier B.N. Singh described the circumstances in which a Naga villager who could be Mr Soshang was shot by the Assam Rifles on 28 August 1987. He denied that the person in question had ever been tortured:

"An individual who had taken part along side with the underground in the attack on Oinam post on 9th July 1987 and had carried arms and ammunition and had led the underground beyond Ngamju village towards Leishan Height after much persuasion and payment of large amount of money agreed to lead a patrol after told to the place where he had assisted the UGs in hiding 15 S.L.Rs. rifles. While with the troops at Ngamju in the evening of 28th August, he requested to go to the field for call of nature, it was about 1830 hours on 28th August, 1987 but he was escorted by two sentries to the nearby paddy field which had water. The sentry stood a distance away keeping watch on him. Suddenly, this man jumped and started running. Sentries opened fire and he was found dead...I do not know whether the person killed in the 6th incident was one Mr Sosang (Soshang)...It is not a fact that the said person was tortured to death by Major (F) of Assam Rifles."

But Soshang's brother, Mr Thithi, made a sworn statement that Sosang was one of eleven people arrested on 13 July by the Assam Rifles on suspicion of having acted as porters for the NSCN. He alleges that Soshang was severely beaten by the Assam Rifles and then deliberately killed by them around 19 August. He said he saw Soshang in detention in the second week of August and that he was:

"beaten again before all the people and when he fell down two jawans strongly pressed with heavy poles front side of my brother and in the process his wind pipe (throat) was damaged and afterwards he could neither drink nor eat food. That was the last day I saw him...in the army camp.... few days after he had been so beaten the army came out with the allegation

that my brother had run away from their camp and whosoever knew him should inform the army. On 19th August '87 the villagers could hear many bullets firing towards our paddy fields. On 27th August police came to my village and proceed towards the paddy field where we found only the bones of my brother due to many days exposure in the rain and sun."

Mr P.K. Wakhao, the pastor of Ngamju village also testified in court that he saw Sosang being tortured by the Assam Rifles before he was killed.

Mr Lokho, a milk supplier, of Mao Pudunameii village was reportedly arrested on 14 August 1987. The Assam Rifles claimed that Lokho was also shot on 16 August 1987 while "trying to escape" from the security forces. In his court testimonial in March 1989 Brigadier B.N. Singh described the attempted escape and shooting of a Naga whom he said had been arrested on 16 August. He claimed he could not remember, however, whether this person was Mr Lokho and in response to questioning denied that Mr Lokho had been tortured by the Assam Rifles. He said:

"Two suspected underground have been caught and brought to the Oinam post on 16th August 1987. One underground was caught in the area of Sornamai village on the morning of 16th August, 1987 and the 2nd suspected underground was caught at about 1930 hours (7.30 p.m.) during curfew period in the area of nullah below Koide village. These two suspected undergrounds were lodged in the same room in a hut at Oinam Camp and sentries were posted. Both these suspected underground sneaked out of their room and assaulted the sentry and tried to grab the sentry's rifle...The sentry raised the alarm on this suspected underground started running away. The 2nd sentry who was close by opened fire. One man...dropped on being hit by bullet and the other rolled down the slope and escaped...I do not remember whether the name of the person killed was M. Lokho of Mao Pudunamei village. It is not a fact that M. Lokho was tortured to death by the Assam Rifles."

In its petition to the Gauhati High Court, the Naga People's Movement for Human Rights claimed Mr Lokho was deliberately shot on 16 August 1987 after he was tortured by the Assam Rifles and that his dead body was brought outside Oinam camp riddled with bullets. The circumstances of his death remain unclear, as no witnesses have testified before the court about it.

Mr Seva was shot on 9 July 1987, the day of the raid on the Oinam post. The Assam Rifles claimed that he had been shot whilst running away from the security forces. In his court testimonial Brigadier B.N. Singh alleged that Seva had walked into an Assam Rifles ambush whilst leading

the NSCN away from Oinam. Despite being challenged to stop, the group ran away. The Assam Rifles therefore opened fire and Seva was killed. According to their version:

"Mr Sewa (Seva) of Thingba Khunou village walked into the ambush at Lower Khabung while leading the undergrounds away from the Oinam area after the attack on Oinam in the curfew hour, when challenged started running. On further warning not to run the group did not stop. Fire was opened on the fleeing underground and on checking one dead body was found in that area...This incident occurred in the night of 9th July 1987."

However, in a sworn statement his brother Mr Peter, also a resident of Thingba Khunou village, alleged that Seva had been shot while he was on his way to Karong Bazaar to buy items for the church. Mr Peter further claims that the Assam Rifles took him on 17 December to the Senapati Chief Judicial Magistrate's court and forced him to sign a statement to the effect that Seva had links with the NSCN and that he was shot because he gave them food, shelter and money. Mr Peter later alleged that he was witness to Seva being tortured by the Assam Rifles. But he reportedly refused to testify to this in court because he feared harassment from the Assam Rifles. Under the circumstances, no clear conclusions about Mr Sewa's cause of death can be drawn.

Few details are available about the death of Kh. Sangdua, from Oinam. It is not clear when he was arrested but Mr L. Khosi, member of the village authority from Oinam, testified he was tortured to death. He said:

"That, Kh. Sangdua an old villager who was picked up from the paddy field were tortured to death by the personnel of 21 Assam Rifle".

Another witness, Mr Raoping, also stated in his affidavit that Mr Kh. Sangdua was tortured to death. In court the Assam Rifles denied killing him.