

OPERATION LOKTAK

(A case study of Human Rights Violations)

Report of Joint Fact Finding Team

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FACT-FINDING TEAM

A thirty-six (36) member Fact Finding team of human rights activists and volunteers from various voluntary organizations of Manipur, visited Thanga and Karang on 20th March, 1999. The Organization are, Committee On Human Rights (COHR) of Manipur, All Manipur United Clubs Organization (AMUCO), Poirei Leimarol Meira Paibi Apunba Manipur (PLMAM), Meira Paibi Welfare Association Kangleipak (MEPWAK), Manipur International Youth Centre (MIYC) and Meira Paibi Apunba Lup (MPLA) of Bishnupur District. The team included an oath Commissioner and 10 women activists.

The purpose of the visit was to assess the affects of the *Operation Loktak*, Which was started of the midnight of 10th March, 1999 and called off on 16th March, 1999. Thanga and Karang were reported to be the most affected islets by the "OPERATION LOKTAK". The team stayed for two days and met people of Thanga and Karang. The team was divided into seven groups and six team visited the six most affected villages of Thanga and Karang. The six villages are Thanga Salam leikai, Thanga Heisnam leikai, Thanga Chingkha leikai, Thanga Shamukol Leikai, Thanga Oinam Leikai and Thanga Karang. The team of Thanga Karang also visited the *phumsangs* (floating huts). The teams visited the residents of the villages and met the representatives of the various voluntary organisations of the local area and members of the village authority to directly assess the affects of the operation. The remaining team including the Oath Commissioner took affidavits of the victims of the Operation. A separate team visited the villages in the shore of Loktak Lake in an effort to assess the impact of the operations later from 24th March to 26th March.

The fact-finding team collected facts about the operation, affidavits of the victims and damage reports of properties.

A team of advocates also visited the court of Chief Judicial Magistrate, Bishnupur to collect official stand and the legal documents concerning the arrested persons in the Operation Loktak.

The following is the report of the findings of the joint Fact-Finding Team.

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1. OPERATION LOKTAK

1.1 Around 2000 personnel of Indian Army launched "Operation Loktak" at the midnight of Wednesday the 10th March, 1999. After the operation was started, Central Reserve Police Forces (around 300 nos. including one platoon of Lady CRPF) and some personnel of Manipur Police (around 18th Nos.) joined. The Operation lasted for 6 days up to Monday the 16th March, 1999. According to Press Information Bureau (Defense Wing) the operation was launched to flush out "Insurgents" from Loktak area. The operation completely cordoned off the islets of Thanga, Karang and Ithing in the Loktak Lake. Nobody was allowed to go in and out of Loktak Lake for all those six days. Selected cordoning and search operations were also conducted in the villages situated at the shore of the Loktak Lake. Army did not allow anybody to go in and out Loktak Lake for all six days. During these days, Army patrolled the Lake using Motor boats.

2. BACKGROUND

2.1. Loktak Lake

Loktak Lake is located in the southern part of Manipur valley. The lake is situated about 38 km. away from Imphal, the capital city of Manipur. Loktak Lake of Manipur is the largest freshwater wetland in North Eastern part of India which occupy an area of 286 sq. km. The Lake has been designated under the Conventions of Wetlands of International importance (Ramsar Convention 1971) Loktak Lake is the lifeline of the people of Manipur due to its importance in their social, economic and cultural life. The Lake is rich in bio diversity and played an important role in the ecological and economic security of the region. A large population of about 1,00,000 people living in 55 rural and urban settlements in and around the lake depends upon the Lake resources for their nourishment. About 30,000 people depend upon fishing, in the Lake as their only source of livelihood. About 1,500 tones of table fish is produced annually from the lake (source DRDA, Bishnupur Report) making an average of 4 to 5 tones of fish production daily.

A unique feature of the lake is the floating mats locally called "PHUMDIS". On these PHUMDIS around 1200 families live in the floating huts, locally called "PHUMSANGS". Southern portion of the lake forms the Keibul Lamjao National Park, which is a continuous mass of floating *Phumdis* occupying an area of 40 sq. km. The park is the natural habitat of endangered and endemic species the Brow-Antlered Deer (cervous eldi eldi) locally called *Sangai*. The islets of Thanga, Karang and Ithing are also located on the lake with a total population of 14,940 according to 1991 census (source: Director of Census Operations, Manipur). The people in these islets and the 'PHUMSANGS' completely depend on fishing for their daily earning and livelihood. They obtain essential commodities such as rice, kerosene, firewood etc. from the nearest markets of Moirang and Ningthoukhong located at the shore of Loktak Lake.

2.2 Manipur

Manipur existed as an independent country for centuries before she was defeated in Anglo-Manipuri War 1891. She became a British protectorate till 15th August 1947, when British left her free. Elections based on adult franchise was held in June-July 1948 under the Manipur Constitution Act 1947 and a Constitutional Monarchy was established. Dominion of India annexed Manipur on 15th October, 1949. Since then Armed Opposition Groups have existed resulting in an Internal Armed Conflict Situation.

3. LOKTAK OPERATION – SUMMARY OF EVENTS.

"OPERATION LOKTAK" was launched by 18 companies of Indian Army in the midnight of 10th March, 1999. They used local boats to reach the islets of Thanga, Karang and Ithing. On 11th March, 1999, they were joined by 3 companies of Central Reserve Police Force (CRPF) which included a platoon of Lady CRPF and 3 teams of Rapid Action Police Force (RAPF) from Manipur Police. The cooperation was commanded by Brigadier N. Thambhuraj, commander 8 sector Rashtriya Rifles stationed at Leimatak, Bishunpur. The following summary of events about the *Operation Loktak* could be documented by the fact-finding team.

The total population of Thanga, Karang and Ithing and *Phumsangs* were completely cordoned off, cut off physically from the outside world for six complete days in a virtual concentration camp like situation. This started from midnight of 10th March, 1999 lasted upto noon of 16th March, 1999. Besides completely obstructing normal duties, People were not allowed even to go out of their respective houses to answer nature's calls. In these areas toilets are normally constructed outside of their houses. People were therefore forced to answer nature's call in their own bedrooms or living room inside the houses.

".....in the early morning of 11th March 1999, I found the presence of army personnel encircled our locality and did not allow the free movement of the locality.." (from the statements on affidavit of Mr. Ningthoujam Nongthon Singh of Thanga Salem Leikai)

The people in these areas needed to buy the essential commodities daily from local markets, who in turn collected these items from Moirang, or from Imphal. The people in the *Phumsangs* collect their requirements daily from Moirang or Ningthoukhong by coming in their boats. During all these six days of operation People could not buy or collect the essential commodities. People depended on their meager stocks of food for their daily requirements. Many people were reported to be virtually starving during the operation. All men above the age of ten including the old and infirm were held and paraded under sun for four to eight hours daily at selected locations. Residents of Salam Leikai area were held in Thanga Higher Secondary School Ground. Residents of Chingkha locality were held at Chingyang Bazar and roadsides. Residents of Heisnam leikai locality were held at roadsides. Residents of Shmukol leikai locality were at roadsides. And residents of Karang village were held at Khumanpokpa Lampak (a ground). The residents of *phumsangs* were under virtual house arrests, where nobody was allowed to go out of their houses.

"..... asked all male members who are over 10 yr. to assemble at Khuman pokpa ground and as such we the male villagers who are over 10yr. assembled there due to fear under the sun" (from the statement on affidavit of Salem Kheda Singh, an assistant teacher of Karang K.L.Jr. High School).

"..... On the same day at around 3 p.m. malefolk of locality were called out to Khumanpokpa ground (a ground) by the army through village panchayat members and forced us to gather at the said ground..... After identification we were released from the ground at around 5:30.p.m. of the same day On 12th March, 1999 and on 14th March, 1999 also were called out houses at around 8 a.m. and forced us together at the same ground till 6 p.m. of the days." (from the statement on affidavit of Mr. Salam Birendra Meitei of Thanga Karang).

The Indian army set up a temporary camp at Chaoba Chingdol (Top of hillock locally known as Chaoba Chingdol) at Thanga Village. This location was being developed as a tourist spot by LDA. Hundreds of Teak and Pine Plants were grown in this hillock at local initiative and Department of Forest, Government of Manipur. While setting up the camp the army burnt down these plants for the reasons best known to them. This camp was under the command of one Col. Abhey Kridhna, CO of the 18 Rashtriya Rifles who was known as simply CO to the local folk during the operation. Since morning of 11th March, 1999 all houses were searched more than once a day. In the

affidavit of Mrs. Manisang Devi of Salam leikai, she stated that four army personnel came inside the house around 8 a.m. of 11th March, 1999. They searched bedrooms, almirahs and bookshelves. All beds were overturned, cloths were pulled out of almirahs and books were pulled out of shelves. All men above the age of 10 were detained at Thanga Higher Secondary School Ground by around 2:30 p.m. The army returned; around 3 p.m. at the absence of men folk and searched the house again for an hour or so. Mrs. Manisang along with her daughter, daughter-in-law and four minor sons stood together at courtyard during the search. In this operation, neither civil police nor anybody who knew local language was present. Such type of search operations in the houses continued for all days during the operation.

Army picked up individuals 'on suspicion' detained on the camp and interrogated. Some were arrested and detained more than once. The Indian army arrested Miss Ningthoujam Momon Devi of Thanga Salam leikai on 11-03-99 around 7:30 a.m. from her residence. She was beaten and interrogated about the presence of insurgents in the local area. Even with her denial of having any knowledge, she was taken to the army camp. She was later released in the afternoon after identification by Mr. Ningthoujam Rajen Singh, member of Thanga Part-1 Gram Panchayat (village assembly). She was again arrested on 12-03-99 at around 7:00 a.m. and taken to the camp. She was later handed to the Moirang police station on the afternoon.

The Indian Army also conducted selected cordon and search operations at the villages settled at the shore of the Lake. On 11th March, 1999, army troops conducting cordon and search operations fired upon and assaulted the MEIRA PAIBIS (Women Human Rights Activists) at Toubul, a village located at the shore of the Loktak Lake. On 11th March 1999, Army picked up one Mr. Thangjam Somen singh (25) of Khoijuman Mayai leikai. He was picked up on the way to his farm house, which was occupied by the Army. Earlier he bought rice and fish and cooked food for the Army as instructed by them. He was told to come back again in the afternoon. When he was detained at Toubul by another group of Army, he was on his way to his farm house as instructed. The Army immediately interrogated him. On seeing this, local Meira Paibis approached the army and asked them the reasons of arrest and demanded arrest memo. On denial by the army, there was confrontation between the meira paibi and the Indian army. The Indian army received bullet injuries in her right forearm. Miss Thiyam Ebema Devi(24) and Miss Soibam Sunibala Devi (24) sustained bullet injuries in the leg. Mrs. Sagolsem Ongbi Sana Devi (45) also sustained injuries on the head.

3.1 Torture

Many arrested persons were subjected to mental as well as physical torture. Miss Ningthoujam Momon Devi of Thanga Salam leikai was beaten by the Rifle butt, kicked and slapped several times asking her to disclose the whereabouts of the insurgents. Mr. Oinam Yaima Singh of Thanga Chingkha Leikai, who is a teacher by profession and husband of the pradhan of Thanga Part-1 Gram Panchayat, was arrested from his house on 14-03-99 by the Indian Army led by the CO himself on the charge of harboring *insurgents*. The CO beat him at the time of arrest. He was subjected to severe physical and mental torture at the army camp before he was released on 16-03-99. During his detention, his hands were tied and eyes were blindfolded.

Mr. Oinam Yaima was released on 16-03-99 and at around 11 a.m. he was taken to Imphal and admitted in RIMS. He remained in the hospital for four days and discharged on 20-03-99.

Mr. Ningthoujam Nongthon Singh, in his affidavit, stated about interrogation and torture with electric shocks by the Indian Army. Mr. Nongthon was arrested on 11-03-99 and released in the afternoon of 12-03-99. Mr. Ningthoujam Ibohal Singh of Thanga Salem leikai was arrested on 12-03-99. He was detained at the camp upto 15-03-99. According to his affidavit, he was slapped beaten with a stick and given electric shock eight times inquiring one Mr. Rajen. Mr. Oinam Yaima was subjected to severe mental torture. The Indian army at the camp told him and gave the impression that her mother and wife are brought to the camp and his wife was raped for his refusal to give the information the Army wanted.

"..... On reaching the camp, my hands were tied with rope and blindfolded. I was pulled and tied to something. After half an hour so, I heard the C.O. coming. He ordered to force me lie flat with my face down. I lied down. I felt my pants being pulled down and shirt being pulled up. I felt the pain of sticks slashing on my buttock. I was writhing with pain. Somebody stood on my legs and I could not move. They beat me for half an hour or so. I was shouting and crying with pain. -----
----- I was asked to turn over after this something was tied on my toes and I was threatened with electric shocks. Then they locked my hand and legs by inserting a bamboo stick in between my legs and hands. I was kept like this for nearly 3 to 4 hours. The bamboo stick was turned three to four times. I felt great pain" (from the statement on affidavit of Mr. Oinam Yaima Singh of Thanga Chingkha leikai.)

"..... After beating me for about half an hour in my house, I was blindfolded and thought to their temporary camp at Thanga Chaoba Chingdol. Soon after I reached their camp I was tortured again including administering electric shock on my body. " (from the statement on affidavit of Mr. Ningthoujam Nongthon Singh of Thanga Salam Leikai).

"..... they dragged me out of my house by pulling on the hair. They blindfolded me and tied my hands on the backside with a rope. The army personnel started beating me with rifle butt, kicking and slapping on my face without giving any reason, when I asked about the reason for beating me, instead of giving answer, they continued the beating" (from the statement on affidavit of Ms. Ningthoujam Momon Devi of Thanga Salem Leikai.)

Mr. Haobijam Sobha Singh, aged about 42 years of Shmukol, Thanga was arrested by the army at around 9:30 a.m. of 16th March, 1999 while he was attending his ailing mother at his house. The army personnel took him to a Phumdi and forced him to search weapons from the Phumdi. When he and army personnel could not find any weapons from the Phumdi he was tortured again and again until he got unconsciousness.

"..... I was assaulted by the gun-butt on the left side of my head. I was asked to lie down with my face upwards. After holding down by hands and legs, water taken from the lake was poured down on my face and my chest and kicked me again. The army personnel brought a six feet bamboo took hold of my testicle and pulled it strongly while one personnel was pouring water on my face. ----- I was tortured for nearly 15 to 20 minutes. I was asked to stand up and again

asked about weapon. When I said I have no knowledge about it. one army personnel caught me by the hair and forced my face inside the water for about a minute. I was again pulled up and beaten up repeatedly at knee, ankle and ankle joints by a heavy stick. They attempted even to break my fingers by forcing them backwards. ----- I was forced to crawl up to my house by the army personnel. They hit me on my back when I complained that I could not walk. They all laughed behind me while I tried to go back to my house in that condition. ----- On reaching my house, my mother, my wife along with my younger brother took me inside the house. Inside the house I lost my sense. I came to my sense after a half an hour. ----- " (from the statement on affidavit of Mr. Houbijam Shobha Shingh of Thanga Samukol).

On 17th March, 1999 Mr. Haobijam Shobha was examined by the Doctors at Regional Institute of Medical Sciences (RIMS) Hospital. According to Medical report his left *tympanic* membrane (ear drum) was perforated.

3.2 Arbitrary Arrest and Detention

Many persons who were arrested, detained and interrogated at the camp were released without pressing any charges and handing over to the civil police. Mr. Ningthoujam Nongthon, Mr. Oinam Yaima Singh, Salam Manichandra, Mr. Ningthoujam Sanayaima and many others were arrested, interrogated detained at the camp illegally and later released by the Indian Army without pressing any charges. The nearest Civil Police Station is located at Moirang, just 6 km. from the camp. However, Army kept them detained at the camp. Some detainees were forced to spend more than one night. Many of them were forced to spend night under inhuman conditions. The detainees were forced to sleep in the open and sometimes under the army vehicle. They were provided with an empty cement bag to sleep on. The hands of the detainees were tied with a rope in case of Oinam Yaima, his hands and legs were locked with a bamboo stick for the whole night of his detention.

Case of detainee being taken to various army camps and being interrogated was also reported. Mr. Salam Birendra of Thanga Karang was arrested on 14-03-99. According to his affidavit, he was then taken to Loktak Army Camp and interrogated. He was again taken to the Phubala army camp in the morning of 15-03-99, before handing over to the Moirang Police Station.

Most of the arrests were arbitrary. Arrests were made on mere suspicion or based on so called *reports*. They were arrested without any evidence against them. The persons arrested were also not informed the reasons of their arrest. They came to know of the charges against them when they were produced before the Magistrate. On 16-03-99 Miss Oinam Subhashini Devi of Thanga Chingkha came to know at the court that Army has claimed to have seized a magazine from her possession. She is reported to have expressed the ignorance of what a magazine is to the magistrate. The magistrate had to explain what a magazine is to her Mrs. Ningthoujam Ongbi Tongou Devi, who is also a member of the Thanga Part-I Gram Panchayat was asked to accompany. Momon devi to the Moirang Police Station as a witness of handing Momon Devi to the police. On reaching the Police station, she came to know that an FIR has been lodged against her. Mrs. Ningthoujam Ongbi Shanti Devi of Thanga Salam Leikai, whose husband is in the Border Security Force (BSF) and presently posted at Kohima, Nagaland, was arrested on the

fictitious charge of being the contact person of the insurgents. In her affidavit, she has described of Army repeatedly interrogation her of being one Laishram Shanti Devi. She was arrested on 15-03-99. She was taken to the Police Station along with her four year old daughter later in the evening. She was told later in the court that some incrimination documents, of which she had no knowledge was seized from her possession.

"..... Again on the next day i.e, on 12th March 1999 at about 7 a.m. the same army personnel came and pick me up from my house and took me to their camp... at about 3.p.m. of 12th March, 1999. I was put into a vehicle and drove down from their camp. On the way the army personnel pick up Mrs. Tongou Devi from Salam Atomba Leirak. After then the personnel handed over us to Moirang police station. Only then and there I came to know that I was arrested without giving any reasons and arrest memo... " (from the statement on affidavit of Ms. Ningthoujam Momon Devi of Thanga Salam leikai.)

Mrs. Ningthoujam Ongbi Tongou Devi, member of Thanga Part-1 gram panchayat was asked to accompany Momon Devi, as witness of handing over Momon Devi to Moirang Police Station. On reaching the Police Station, she came to know that a FIR has been fabricated against her.

All detainees and arrested persons were forced to sign some papers which was neither read out nor explained to them properly.

3.3 Forced Labour

Incidence of forcing the villagers to search for weapons were reported. In the Shamukhul Leikai Locality, villagers were detained from the morning and forced them to go to the Lake and search for *weapons* from the *Phumdis*. Some were tortured and beaten up severely while forcing them to search for such weapons. Mr. Haobijam Sobha Singh of Thanga Shamukol Leikai was arrested from his house, taken to the *Phumdis* and forced to search for weapons. In an affidavit, Mr Sobha was described the torture subjected to him by the army personnel. He was assaulted by the butt of a gun, kicked on his ribs, poured water into his face, beaten several times by a stick, pulled his testicles and was strangulated. After his release, he could barely crawl up to his residence and fainted after reaching his house.

3.4 Degrading and Inhuman Treatment

There are report of degrading and inhuman treatment meted out to locals by the Army. On 14-3-99. all males in Karang village above the age of ten years were held at Khuman pokpa ground since 7a.m. At around 3:00 p.m., CO separated those persons below the age of 40 years and forced them to dance and sing. Mr. Salam Kheda Singh of Karang Lamlon states this in an affidavit. On 15-3-99, all male members were again held at the same ground from 7am. At around 11 am army picked up around 40 men, put stones on their heads and asked them to remain seated for five hours without dropping the stones. Army threatened them to dire consequences if they dropped the stones.

"..... on 15th March, 1999 at about 11 am, I myself, Oinam Jugeshwar, Haobijam Tomba, Ningthoujam Sudhir, Oinam Sanatomba, Oinam __Mocha, Tongbram Raja and some others were called out and forced to seat under the sun till 4 p.m. by keeping stones over our heads with a strong warning if the stone fall from our head the consequences will be worse....." (from the statement on affidavit of Mr. Ningthoujam Kumar Meetei of Karang Chingjeng leikai).

There are reports of public humiliation also, Mr. Ningthoujam Rajen Singh who is a member of Thanga Part-1 gram panchayat was slapped in front of public when he tried to persuade the army to let the students go to Moirang to appear examination. According to him :

"..... around 8:30 a.m. on 12-3-99, the CO came down to the ground. Without telling me anything, he came to me, slapped to my face in front of the students, Tongbram Iboyaima, Pradhan of Thanga Part-II Gram Panchayat, Shanti Devi, Tababi, Panchayat members of Thanga Part-II and lots of others. The CO ordered to tie me with ropes. One army personnel tied my hands....."

3.5 Affects on Students.

All the schools of Thanga and Karang remain closed during the operation. Hence, students were prevented from attending schools. Students studying at Moirang College Located at six kilometers away could not attend their classes because of total restriction in their movements. The students who had to appear the XII std, Examination started from 18th March, 1999 could not prepare for their examination since they were all mentally disturbed. Even the students who were to appear examination to Moirang College during the operation were harassed. First, they had to beg permission to go to Moirang to appear the examination. Second, they had no means of travel to reach the examination centre since all the buses had been stopped plying by the operation. Consequently, they had to run for five kilometers to reach the examination hall. And expectedly they were half an hour late (according to Salam Ranjit Singh of Thanga Salam Leikai, who had appeared the TDC, core final examination at Moirang College).

".....I. along with other 5 students appearing the TDC (core) final examination sought permission for going to Moirang College to appear the examination and back home On 12th March, 1999 we, the students along with Mr. N. Rajen went to Henou Makhong ground to request the army authority to allow us to appear the examination. We requested them from 6 a.m. to 8:15 a.m. at around 8:30 a.m. army personnel dropped us by their vehicle up to Konjin around 5 km away from Moirang College, the examination centre..... From Konjin we could not get any transportation and as such we walked upto examination centre by foot.... We reached the examination centre around 9:30 a.m. 30 minutes after the examination had started We lost 30 minutes of examination due to the "Operation Loktak" of Indian Army" (from the statement on affidavit of Salam Ranjit Singh, aged about 23 years, a student appeared the TDC (core) final examination)

3.6 Destruction of Properties

Widespread damage and loss of a large number of fishing gears (boats, fishnets, angles etc.) used by the fishermen of Thanga lthing, Karang and villagers at the shore of the lake are reported.

The nets were either destroyed by the propellers of the motorboats used by the Army in patrolling the Loktak Lake area or, lost due to drifting of Phumdis during the operation

" I own 20 numbers of fish net. 10 are of 25 No. Grade and 10 are of 15 No. Grade. 10 Nos of 25 No. Grade is a gift from my father. I bought the remaining 10 Nos. of 15 No. Grade from Moreh at the rate of Rs. 1000.00 each in Feb. 1999. At around 3.00 p.m. of 10-3-99, I took all my fishing nets and made effort to lay them between Phumdis. Because of Strong wind, I laid only 10 Nos. of 15 No. Grade. I used only 15 No. Grade because this Grade catches more smaller fish, which is more profitable. On 11-3-99, I was not allowed to go out of my house. This continued upto noon of 16-3-99. Around 3:00 p.m. of 16-3-99, I went out to the Loktak Lake in my boat to find the fish nets. I couldn't find any of the nets in the place where I laid those nets. I searched for my nets for nearly three hours. Many other persons were also searching for their nets. On 17-3-99, all villagers went out to lake to search for the lost nets. Many boats sailed all around the lake dragging boulders tied on ropes. The nets deep into the lake were trapped to the boulders and recovered. All the recovered nets were put on the top of *phumdis*. I could identify only three of my nets from the recovered fish nets. They were all damaged. I have lost Rs. 13,000.00 only as the cost of the nets and accessories. I lost earning of Rs. 4,000.00 since we were not allowed to catch any fish for six days". (from the statement on affidavit of Mr. Ningthoujam Biren Singh of Thanga Salam Leikai.

Many locals lost their income because of the operation. Men and women were not allowed to engage their daily activity of fishing or, selling the catches to the market. Further, a large number of fish collection by UNJAS - fishdealers, on or before 10-3-99 were dead and lost on 16-3-99, when restrictions were relaxed and later announced by the Army that the Operation was over.

"I.....woke up at 4.30pm on 11-03-1999. I tried to come our of my house to collect fish from Salam Pat as already collected there on 10-03-1999. On reaching my courtyard I found army personal asking me to go back..... I was not allowed to go out from my house..... This routine continued upto 15-03-1999 I was allowed to go out only on 16-03-1999. On 16-03-1999 I went to Salam Pat for my fish worth Rs. 9500/- I found most of them dead and I wept seeing the dead fishes. I could not sell any of them" (from the statement on affidavit of Mrs.Ningthoujam Ongbi Tababi Devi of Thanga Salam Leikai)

3.7 Restriction to Journalists.

On the fist day of the operation journalists were also not allowed too enter the cordoned area. They were stopped at Sendra crossing, Maibam leikai point by a team of Rashtriya Rifles under the command of one Major. The said army officer threatened them, "You press people, leave immediately. If you don't leave harshest measure will be taken" (Report Freedom Manipur Daily on 12th March 1999). Next day onwards Army arranged tour programs for the press.

4. REACTION OF PUBLIC TO THE OPERATION

Public reaction against the Operation Loktak from the first day. Many political parties and voluntary organisations also made a call to end the operation. Many political leaders and individuals also appeared for calling off the operation.

On 11th March, 1999 Meira paibies (women human rights activities) of Toubul, a village in the shore of Loktak Lake confronted the Indian Army conducting cordon and search operation. In the confrontation four women sustain injuries, of them three bullet injuries. Protest meeting was held on 14th March '99 at Khoijuman Yangoiningthou Community Hall, Khoijuman.

Mr. H. Kangjamba, Spokesman of Bharatiya Janata Party, Manipur Unit major ruling partner in the present Indian Government had submitted a memorandum to the Chief Minister of Manipur on 12th March 1999, complaining that the people in Thanga area were suffering starvation following the launching of the operation. According to the memorandum, the operation has mostly affected the poor section of people in the area and those who live from hand to mouth. Following the operation no one has been allowed to enter or leave the area and people who have run out of ration and those who purchase their everyday needs on day to day basis were suffering starvation. The memorandum further said that a woman identified as Oinam Jati Devi was not allowed to participate the cremation ceremony of her mother who died on 10th March, 1999.

On 15th March, 1999 Mr. H. Kangjamba, Mr H. Megachandra, a state NGO representative and Mr. N. Sobha, a student representative in a joint memorandum to the Union Home Minister of India, Mr L.K. Advani demanded an immediate end to the then ongoing operation. The ex-deputy Speaker of the Manipur State Assembly and the president of the Bishempur District Unit of the Manipur State Congress Party, Mr. Heisnam Sanayaima had observed that the operation violation and rushing of relief materials to the people who had been exposed to the hardships due to the combing operation.

Mr. T. Mangibabu Singh, sitting member of Manipur Legislative Assembly from Thanga Constituency had castigated the ongoing Loktak operation as violations of Human Rights in a press conference held on 16th March 1999. He said that the Loktak fisherfolk and the daily wage earners of the area facing untold hardship during the operation as they were not allowed to go about their normal work. He also said that many of those arrested by the Army were innocents and charged the Army of torturing them in their custody.

On 17th March, 1999 the Manipur Pradesh Youth Congress Committee had also criticised strongly the operation for the hardship caused to the public. The committee further observed that the Governments' silence in this regard made it apparent that military rule is in force in the state.

Many organisations, Thanga Salam Leikai Meira Paibi Lup, Imphal East District Clubs Union, The Apunba Jiribam Meira Paibi, All Jiribam Women Vendors Association, The All Manipur Women Voluntary Association, Jiri Branch, District Development Council, Wangjing, to name a few, also publicly condemn the operation.

On 17th March, 1999 sit-in-protest were held against the operations at Imphal, Malom, Bishnupur and Moirang Lamkhai along the Tiddim Imphal Road. Residents of Thanga and Karang staged a

rally at Imphal on 22nd March, 1999 in protest against the operation and submitted a memorandum to the Chief Minister of Manipur. Sit-in-protest by Meira Paibies in many parts of Manipur continued even after the operation.

5. HUMAN RIGHTS VIOLATIONS

5.1 Torture, Cruel, Inhuman and degrading Treatment or punishment:

Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)

Art. 1. Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he, or a third person has committed or is suspected of having committed, or intimidating, or coercing him or a third person, or for any reason based on discrimination of any kind, or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Art. 2(2). 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.

Art. 2(3). An order from a superior officer or a public authority may not be invoked as a justification of torture.

International Covenant on Civil and Political Rights (ICCPR)

Art. 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment in particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Universal Declaration of Human Rights (UDHR)

Art. 5. No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.

Commentary:

Loktak Operation violates the rights guaranteed by the Art.7 of ICCPR as Art.5 of UDHR.

The very act of cordoning off and cutting off physically from the outside a local populace for six complete days in a virtual concentration camp like situation for *flushing out the insurgents* will come under the definition of torture in Art.1of CAT. Indian Army put local populace of Thanga, Karang, and Ithing virtually under house arrest in their own houses. From the very first day of

operation, the Indian Army asked the villagers to produce the insurgents or face dire consequences. They detained the males in-groups outside their houses and each and every house was searched more than once. The Indian Army thus inflicted severe mental torture to the villagers of Thanga, Karang and Ithing for six days in *order to obtaining from him or a third person information or a confession*.

The Indian army also intentionally inflicted severe physical pain or suffering, for *the purposes of obtaining from him or a third person information or a confession*, to many individuals, under the supervision of one Col. Abhey Krishna, C.O of the 18 Rashtriya Rifles. Army selectively picked up individuals including women, detained them to the camp at Chaoba Chingdol for interrogation. During interrogation Indian Army tortured them even using the third degree methods. This is in contravention to Art 5 of UDHR, Art.7of ICCPR and the provisions of CAT.

Many persons were also subjected to inhuman and degrading treatment for *the purposes of obtaining from him or a third person information or a confession* to art.5 of UDHR. Art.7of ICCPR and the provisions of CAT.

5.2 Arbitrary arrest or detention

International Covenant on Civil and Political Rights (ICCPR):

Art.9(1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

9(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.

9(3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgment.

Fundamental Rights under Indian Constitution:

Art. 22(a) No Person who is arrested shall be detained in custody without being informed, as soon, as may be, of the grounds for such arrest.

Art 22(b) No such person shall be denied the right to consult and to be defended by, a legal practitioner of his choice.

Art 22(c) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of arrest excluding the time necessary for

the journey from the place of arrest to the court or the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Commentary:

Many persons who were arrested, detained and interrogated at the camp were released without pressing any charges and handing over to the civil police. They were not informed of the reasons of their arrest in contravention to art, 9(2) of ICCPR and Indian Army did not Provide any arrest memos or/and seizure memos at the time of arrest to the family members or local people even for those who was arrested, detained and handed over to Moirang Police Station. Instead arrest memos and/or seizure memos were submitted to Moirang Police Station. In all cases of arrest and detention, the Indian Army have not complies with the decision of Supreme Court, in the judgement of D.K Basu Vs. Govt. of West Bengal regarding of issue of arrest memos. The arbitrariness of arrest or detention is explicit in the observation of Chief Judicial Magistrate, Bishnupur. In the case of Miss Ningthoujam Momon Devi, the Magistrate observed,

"An affidavit of the father of the accused is enclosed. It is stated therein that the deponent (father of the accused) was present at the relevant time of arrest of the accused and that no articles or documents were seized from the possession of the accused. Seizure memo of the alleged seizure by the army is not produced before the court. From these facts, I am inclined to have doubts of the alleged seizure by the Army."

Mr. Ningthoujam Ibohal Singh of Thanga Salam Makha leikai was arrested on 12-03-99 at around 7.40 p.m. from his residence, according to his affidavit. In the arrest memo issued by the Indian Army found in the CJM's Court at Bishnupur, he was arrested on 14-03-99 at around 5.00 p.m. The same arrest memo was signed by Barla Devi Pradhan of Thanga Part-1 Gram Panchayat on 15-03-99. This proves that the arrest memo is a fabricated one beyond doubt. The Indian Army simply forced many persons to put their signature on blank arrest and seizure memos. These memos were filled up and used later by the Army according to their convenience.

A serious issue has been the illegal detention and interrogation by the Indian Army. No Indian law, even the draconian Armed Forces Special Powers Act 1958 do not authorize the Army to interrogate to any arrest person. Arrested person must be released only through the civil authority. And after arrest of a person by the members of the Armed forces, he shall not be interrogated by the members of the Armed Forces (Do's and Don'ts of Armed Forces as given in the judgement of Supreme Court delivered in August 1997 in the civil writ petition No.5328 of 1980 case Challenging the constitutionality of Armed Forces Special Powers Act, 1958).

5.3. Restriction to Free Movement.

International Covenant on Civil and Political Rights (ICCPR):

Art.12(1) Everyone lawfully within the territory of the state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Universal Declaration of Human Rights (UDHR).

Art.13(1).Everyone has the right to freedom of movement and residence within the borders of each State.

Fundamental Rights under Indian Constitution:

Art.19(1)(d).All citizens shall have to move freely throughout the territory of India.

Commentary:

The area of Thanga, Karang and Ithing was completely cordoned off for six days. The movement of the villagers in these areas was completely restrained in contravention to Art.12(1)of ICCPR, Art 13(1)of UDHR and Art.19(1)(d) of the Indian Constitution. People were not allowed to go out of their houses to answer nature's calls. The Army forced them to answer such calls inside their own houses. They could not go to market to buy basic commodities. Students could not attend classes. Government employees, even, could not attend their respective offices.

5.4. Forced Labour:

Forced Labour Convention:

Art.2(1).For all purposes of this convention the "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said has not offered himself Voluntarily.

International Covenant on Civil and Political Rights (ICCPR):

Art.8(3)(a).No one shall be requires to perform forced or compulsory labour.

Fundamental Rights under Indian Constitution:

Art.23(1).Traffic in human being and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Commentary:

Indian Army forced all menfolk of 10 to 50 years in the Thanga Shalam Leikai to search for weapons in the *Phumdis*.

5.5. Prevention from working/earning a livelihood.

Art.6(1) The State Parties to the Covenant recognize the right to work which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Commentary:

The case of Loktak Operation has been the prevention of the existing enjoyment of this right. The People of Thanga and Ithing have chosen fishing in the Loktak Lake as a means of earning their livelihood. As mentioned above, a large population of about 1,00,000 people living in 55 rural and urban settlements in and around the lake depends upon the lake resources for their nourishment. Moreover, about 30,000 people depend upon fishing in the lake, as their only source of livelihood. The army operation did not allow anybody to catch fish for six days. Worst, the operation destroyed thousands of fishnets and boats, which is vital gear/equipment for the fisherman. This has been a great setback to earning their livelihood by fishing from the lake. In addition, fishing is no more the same after the operation. Fishermen can no longer enjoy their rights as before. Return of Indian Army and worst memories of the operation loom large on them.

5.6. Right to Life, Liberty and Security of persons.

Universal Declaration of Human Right (UDHR).

Art.3. Every human being has the inherent right to life, liberty and security of person.

International Covenant on Civil and Political Rights (ICCPR):

Art. 6(1). Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of life.

Fundamental Right under Indian Constitution:

Art:21. No person shall be deprived of his life or personal liberty except according to the procedure established by law.

Commentary:

A population of around 20,000 found themselves in a virtual house arrest situation one fine morning. Another tens of thousands of people found themselves unable to go for their normal activity of fishing in the Loktak Lake. There was no war, external aggression or a declared state of emergency. But Indian Army enjoying unfettered powers under the Armed Forces Special Powers Act, 1958 had launched cordon and search operation. Under section 3 of this Act, the whole of Manipur have been declared as disturbed since 1980 and many parts much earlier than this. Once the area have been declared as disturbed, under the section 4 of this Act, the Indian Armed forces down to the rank of a non-commissioned officer, has the powers to shoot and kill; to enter and search and arrest without warrant; any person against whom a reasonable suspicion exists that he has committed or is committing a cognizable offence.

If liberty and security of person encompasses the mental state of persons, these rights are non-existent for the people of Manipur. Everywhere one will find Camps and patrolling of Indian Armed Forces. Indian Army stops every passenger in Highways for identification and frisking daily.

In the midnight one may find the Indian Army breaking into one's house and arrest him without warrant or arrest memo. The arrested persons may be killed in an encounter, or escaped from the custody never to be traced again or army may deny the arrest. Women are being raped and any arrest by the army means a social stigma for women. Indian Army may launch cordon and search operation anywhere anytime as shown by the Loktak Operation. The people of Thanga, Ithing and Karang and Phumsangs still live in fear. They think Army may launch similar operations anytime in future. The Indian army also indicated this in their Press Release (PIB Defense Wing). When local press reported of attempted rape by the army personnel during the operation on 18th March, 1999, the Indian Army came to the village again searching for the person who made such report. Even the Indian Army came back again after the operation called a meeting of the Villagers asking them about the damages by the army themselves during the operation. This frightened the villagers much and most of them were hesitant and unwilling to testify against the Indian Army for the various human rights violations and property damages.

6.CONCLUSION:

The whole of Manipur has been declared as disturbed since 1980 under the Armed Forces Special Powers Act, 1958 and many parts much earlier than this. Empowered by the provisions of this Act, the Indian armed forces can launch and cordon operations like Loktak Operation, anywhere, anytime and have done so earlier (OPERATION BLUEBIRD: AI Index: ASA 20/17/90). Section 4, of this Act provides the Armed forces down to the rank of a non commissioned officer, the powers to shoot and kill to enter and search and arrest without warrant, any person against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence. Using the powers under this section the non-derogable right of *Right to Life* have been trampled upon (Right to Life: COHR/EJE/RPT-97; Official Sanction for killing in Manipur. AI Index: ASA 20/19/97; "Operation Bluebird" A case study of torture and extra-judicial killings in Manipur; AI Index: ASA 20/17/90).

Another fact to be mentioned here, in connection to the Operation Loktak is the existence of Internal Armed Conflict Situation. The 'Insurgents' the Indian Army wanted to flush out by the Operation are the members of the Armed Opposition Groups. Armed Opposition Groups existed in Manipur since 1949, when Manipur was "annexed" by the forces in the leaflets and Press handouts of these Armed Opposition Groups. The Indian Armed forces are always in the hunt of these Groups. And the Groups always take every opportunity to confront and ambush the Armed Forces. Anybody arrested by the army is charged being the members of these groups or sympathizers. All the thirteen arrested and handed to the civil Police in the Operation Loktak were charged under Section 121 of Indian Penal Code (IPC) for waging war against the Indian State. Ironically, except for three persons, the Magistrate found the ground of arrest to be insufficient and was released on bail.

Army operations like Operation Loktak is against of Universal declaration of Human Rights and other International Covenants. Human Rights violations are galore in such operations. Such operations are symptoms of a disease. The disease is the Internal Armed Conflict can only be solved politically and not militarily. This is evidenced by the happenings in many parts of the world and has been admitted by the Indian Politicians as well as top brass of the Indian Army. The

continuation of such conflict invariably results in Human Rights violations and it means the suffering and a lot of hard ship to the people of Manipur. Every individual and Organization, who wants to put an end to such human rights Violations permanently, should strive to bring end to the existing armed conflict by political means.