

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL IND 11/2024
(Please use this reference in your reply)

20 November 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 52/9 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the attacks and harassment faced by human rights defender Babloo Loitongbam and his family**.

Babloo Loitongbam is a lawyer and the director of Human Rights Alert (HRA), a non-governmental organisation which tracks and reports on human right violations in India. Mr. Loitongbam has advocated for the relocation of individuals and their right to seek asylum in instances where they have reported facing danger in their country of residence. He has particularly focused on assisting asylum seekers in India from neighbouring countries, often communicating and cooperating with Regional Foreigner Registration Offices and the UN High Commissioner for Refugees services. In his work, Mr. Loitongbam has often criticised State policies which impede upon the rights of local communities in Manipur. In July 2023, Mr. Loitongbam represented HRA at the UN Human Rights Committee in Geneva, where he raised concerns about ongoing violence in Manipur since May 2023.

HRA has notably monitored violence against human rights defenders and has fostered communications between the people of Manipur and the local government. This has been done in part by petitioning statutory bodies of the Indian state, ranging from District courts to the Supreme Court. They have advocated for women's organisations, demanded a full investigation on high profile cases such as the rape and murder of Thangjam Manorama Devi, and called for an end of the Armed Forces Special Powers Act (AFSPA).

Concerns regarding attacks and harassment of human rights defenders in the Manipur region were raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including IND 9/2023, IND 3/2020, and IND 18/2019. While we thank your Excellency's government for their reply to IND 9/2023, we regret that no response has been received for IND 3/2020 and IND 18/2019.

According to the information received:

On 10 May 2023, Mr. Loitongbam released an interview to media organisation 'News Click', in which he provided a statement regarding the role of the Arambai Tenggol and the Meitei Leepun, two militant groups, in inflaming the

Meitei – Kuki conflict. During the interview, he stated that these groups expanded militancy into the Meitei community. He was also critical of the role of Chief Minister Biren Singh, calling for his resignation.

On 12 May 2023, Mr. Loitongbam was informed the group Arambai Tenggol were conspiring to burn down his house, due to what he had said during this interview. The next morning, while Mr. Loitongbam was not at home, members of the Meitei Leepun people reportedly came to his house and threatened his family members. However, when he returned to Manipur, he continued to join public meetings and speak on the ongoing conflict.

On 5 October 2023, the Meitei Leepun held a press conference and issued a ban order against Mr. Loitongbam, directing him to not appear on public platforms or make any public appearances on TV or otherwise, until the ongoing tension and conflict was resolved. The Meitei group warned that they would not take responsibility for any unwanted incidents if Mr. Loitongbam violated his boycott.

Later the same day, at approximately 6.30 p.m., Mr. Loitongbam's residence in Kwakeithel Thiyam Leikai, Imphal West district was vandalised by a group of approximately thirty men, allegedly members of the organisation Arambai Tenggol. Members of the group were reportedly holding firearms. They threw chairs and tables at the house, smashing windows and the front door. The group assaulted one of Mr. Loitongbam's neighbours and heavily damaged his father's car. With him absent, the group demanded that Mr. Loitongbam's brother and daughter disclose who else was inside the house. They also ordered Mr. Loitongbam's family to provide access to their CCTV hard disk, which they kept when they left.

The group threatened to burn down his house if he did not issue an apology for the statements he made in the interview in May 2023. Via Mr. Loitongbam's brother, they gave him a deadline to issue a public apology on video. They asserted that if they did not receive a recorded apology to Arambai Tenggol by 8 p.m. on 5 October 2023, they would return to burn down his house. The group reportedly harassed Mr. Loitongbam's brother via phone calls for the entirety of the day, demanding that he post a video apologising on his Facebook page. In order to alleviate these threats, Mr. Loitongbam apologised on video and sent the recording to the group.

Following this incident, Mr. Loitongbam informed the Manipur Security Advisor, who reportedly requested for the Director General of Police (DGP) of Manipur to investigate the matter. The Imphal police were informed of the incident and visited the house in order to assess the damage. Despite the police providing a First Information Report (FIR) number, the content of the FIR was never disclosed and no investigation was carried out or concluded on the basis of this report. No protection measures were provided to Mr. Loitongbam or his family. Since the incident, Mr. Loitongbam has not been able to stay at his residence, due to safety concerns for himself and his family.

On 22 September 2024, Meitei Leepun held another press conference, during which they levelled accusations against Mr. Loitongbam and warned people against working with him. The organisation accused Mr. Loitongbam of

collaborating with the Kuki community against Meitei interests, alleging he sheltered a commander of the Women's Wing of the People's Defence Force (PDF) from Myanmar in Imphal before the Manipur conflict, which they claim escalated tensions. They also accused Mr. Loitongbam of financial ties with the Kuki community and criticised him for filing a Supreme Court case against the community. Additionally, Meitei Leepun claimed he sought foreign funds in Europe, which in turn was being used in order to purchase weapons.

On the morning of 23 September 2024, approximately fifty young men once again came to Mr. Loitongbam's house and threatened his family, stating that if he presents himself in any public domain or media, his family will face consequences. The video clips of the aforementioned press conference, as well as videos of the visit to his home, gained notable traction on social media.

Mr. Loitongbam's wife has since visited the Officer-in-Charge of the Lamphel Police Station as well as the Superintendent of Police of the Lamphel Police Station. Despite the police reportedly looking into taking up a Suo Moto case for this incident, the family have again not been provided with a copy of the FIR.

Without prejudging the accuracy of the information received, we wish to express our deep concern about the serious smear campaign and ensuing threats of violence faced by Mr. Babloo Loitongbam and his family, as well as the attacks on his place of residence and the resulting damages to his home. Our concern is heightened by the allegations being brought against him in the media, which appear to have been fabricated with the intention of hindering his peaceful and legitimate human rights activities. We are concerned about the most serious impact that such events will have on his ability to exercise his right to freedom of expression in the future, as well as about the chilling effect this case is prone to trigger among human rights defenders and civil society.

We are further concerned that the authorities appear to have taken little to no action in addressing the threats which he and his family face, thereby preventing him from making any public statements for over a year due to a legitimate fear of violence.

We wish to recall that according to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. The free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees.

We also recall States' duty under international law to guarantee the right to freedom of expression as well as to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression and investigate all such attacks vigorously and in a timely fashion, prosecute the perpetrators and ensure appropriate forms of redress for the victims (CCPR/C/GC/34, paras. 11 and 23).

It is pertinent to remind your Excellency's Government that, according to the UN Basic Principles on the Role of Lawyers, governments have the duty to ensure that legal professionals are able to perform all of their functions without intimidation,

hindrance, harassment or improper interference, including threats of prosecution or administrative, economic or other sanctions for any action taken in accordance with their recognized professional duties, standards and ethics (principles 16 and 17).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please inform of the immediate measures taken to ensure Mr. Babloo Loitongbam's physical and psychological integrity after the threats and alleged false accusations brought against him publicly, including any protection list or mechanism he and his family may be benefitting from.
3. Please provide information on the steps taken by the relevant authorities to investigate the allegation of harassment and attacks against Mr. Babloo Loitongbam and his family. In case no investigations have been undertaken, please provide information on the reasons thereof.
4. Please convey what measures have been implemented to ensure that Mr. Babloo Loitongbam can effectively continue his work as human rights defender in India as well as his international advocacy work in the field of human rights.
5. Please provide detailed information as to the specific measures that have been put in place by your Excellency's Government to ensure human rights defenders, notably lawyers and other members of civil society in India, can carry out their legitimate work in a safe and enabling environment, without fear of harassment and intimidation from the authorities or any other agent acting on their behalf or with their acquiescence.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to the applicable international human rights law and standards:

Articles 6, 19, 20, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by India in 1979, guarantee the right to life and physical integrity, freedom of opinion and expression and the right to freedom of peaceful assembly and of association.

We underline that States obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents and to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials. We note that the duty to investigate arises in circumstances in which a serious risk of deprivation of life was caused by the use of potentially lethal force, even if the risk did not materialise and that a failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13 and CCPR/C/GC/36).

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other media of his choice. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. The Human Rights Committee has furthermore noted that restrictions on freedom of expression must not impede political debate, and that the value placed by the ICCPR upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain. Moreover, those exercising the highest political functions are subject to legitimate criticism (CCPR/C/GC/34).

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders. In particular, we would like to draw your attention to article 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. We would further wish to stress the following articles of the Declaration:

- article 6(b), which holds that all persons have the right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- article 6(c), which guarantees the right to study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamental freedoms and to draw attention to these matters;
- article 9, paragraph 5, which holds that States shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction; and
- article 12, paragraph 2, holding that States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration.

We would also like to recall the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

Finally, we would like to refer to the report of the Special Representative of the Secretary-General on the situation on human rights defenders to the General Assembly in 2007 (A/62/225), which recommends States to create a safe and conducive environment for young adults and students to participate in demonstrations. Student protests have a high educational value as they are among the first experiences of public participation and human rights defence of students