



End Army Rule

*A Report on the working of the
Armed Forces Special Powers Act in the North East*

**Committee for the Repeal of the
Armed Forces Special Powers Act, Delhi**

Repeal The Armed Forces Special Powers Act

An Appeal To Reason

In Post-9/11 scenario the countries in the first world such as Britain and America, which contributed significantly in the modern definition of liberal democracy are busy waging wars and promulgating draconian laws in the name of protecting democracy. It is heartening to see that in a relatively backward country such as India not only the human rights and civil liberties movement but even mainstream political parties are resisting and creating public opinion against such acts.

The significance of the efforts being made for the repeal of POTA in strengthening and broadening democracy in the country can never be overstated. Yet it is time to attract the indulgence of these forces against similar draconian laws and acts that are in force in the relatively marginal regions of the country.

One such act is the Armed Forces Special Powers Act that has been in operation in the states of the Northeastern region of the country since 1958. Initially, the Act was applicable to the states of Assam and Manipur to eradicate “militancy” amongst the Nagas. Subsequently, the Act was amended in 1972 in order to extend it to all the states lying in the Northeastern region of India. Then, it was extended to Punjab for a brief while. Currently, the Act is in force in the states of the Northeastern region of the country and Jammu and Kashmir. Purportedly aimed at fighting insurgency the Act has proved singularly ineffective. However, it has not only led to de facto implementation of emergency in the areas of its implementation and the suspension of even the fundamental rights of common citizens, including their right to life.

Why is the Armed Forces Special Powers Act One of the Most Pernicious Draconian Laws?

Draconian laws are antithetical to modern democracy since they overturn the fundamental tenet of modern jurisprudence on which democracy rests viz., a person is presumed to be innocent till proven guilty. The genre of draconian laws thereby makes it difficult for a person booked under it to redress their grievance and get relief such as bail. It grants extra-ordinary power to the investigating agencies (police etc.) to elicit confessions etc. Thus, such laws empower the investigating agencies to easily frame a person whom they suspect to be guilty.

Provisions relating to the Armed Forces are far more severe. The provisions of the Act provide special powers to the Governor where by they can on their own discretion (without consulting the duly elected Chief Minister) by notification in the Official Gazette declare the whole or part of the state or union territory to be a disturbed area. By passing duly elected and representative political authority tantamount to de facto imposition of emergency.

Unlike other draconian laws the Armed Forces Special Powers Act does not stop at providing special powers to the investigating agency to elicit confession and to conduct search and arrest operations. It in fact provides the investigating agency with absolute powers where by even a hawaldar “if he is of the opinion that it is necessary” to fire or otherwise use force, even to the causing of death, demolish any structure, enter and search any premises and arrest without warrant and for these use force “as may be necessary”. Those arrested may be kept in army custody for as long as the army wishes since the Act does not specify the maximum period for such incarceration.

More disturbingly, even while it provides the armed forces with such absolute powers it also provides them with immunity from any legal accountability. Even though the acts are in operation in the states, the elected governments of these areas cannot initiate legal proceedings (let alone administrative action) against the Armed forces without previous sanction of the Central government. (for details of the provisions of Armed Forces Special Powers Act see Appendix I)

Controversy Around the Act

Right since its inception the Act has had a controversial career. It has elicited impassioned responses in its support and opposition both within and outside the government. When the Armed Forces Special Powers Bill was first tabled in the Parliament the Government had supported it as a necessary piece of legislation to fight militancy in the Naga Hills.

There were, however, serious objections to its extreme provisions. Parliamentarian Mr. Dhenkanal Mohanty while supporting the idea that the Naga hostility must be settled quickly had opined that the Act had provisions that were not related to the concern of quelling the rebellious Nagas. He pointed out to that prohibiting the state government from initiating legal proceedings against the army takes away the right of the states to seek constitutional remedy to secure fundamental rights for their residents given under article 32(1). As per the Constitution this right shall not be suspended without declaration of emergency.

Parliamentarian Dr. Chingleput Krishnaswami opposed the Act since it violated the rights of the state provided under concurrent list. While not opposing the requisitioning to army to quell disturbance, he disputed the provisions of the Act since it violated the right of the state to call the army if it so desired. The Armed Forces Special Powers Act provides the center with absolute power to deploy army in states. Thus the question does not pertain to the use of army to quell disturbance. The moot question that the provisions of the Act raised was that all powers were given to the army and civil authority divested of all control. In support to Dr. Chingleput Krishnaswami’s argument it can be shown that the sufficient provisions already exist to call in the Army in aid of civil power. There have been several instances of such use spanning the length and breadth of the country. This law however substitutes civil authority by army rule.

Parliamentarian Mr. Jaipal Singh opposed the Act on the ground that it seeks military solution for a question that is essentially political in nature. Just because the Act was aimed at what the government termed as a small section of Naga hostiles it does not make an extraordinary piece of legislation, martial law, into an ordinary law.

Can there be a draconian law with a human face?

Government in order to allay the fears of parliamentarians such as the three worthies mentioned above and human rights activists has sought to justify draconian acts by promulgating some mandatory safeguards. In recent times, POTA, we were told is a more humane version of TADA, till the witch-hunt of Vaiko happened.

In a similar vein Armed Forces Special Powers Bill was sought to be justified by the Hon' Home Minister, Mr. G. B. Pant, on the grounds that it was aimed at a very small section of hostiles and was applicable to a very clearly demarcated area that was declared as 'disturbed'. Both these checks have proven to be farcical since the Act was extended not only to almost the entire North Eastern region but also to Punjab and Jammu & Kashmir. More alarmingly the prime targets of the act did not remain a small band of hostiles but the bulk of non-combatant civilians. (See Annexure II)

Blatant targeting of civilians, human right activists and regular trespass of civilian institutions soon made this Act the rallying point of all human rights movement in the North Eastern region. Army atrocities during operation Blue Bird (July 1987) in the Senapati district of Manipur contributed in the formation of Naga Peoples Movement for Human Rights, and formation of MASS (Manab Adhikar Sangram Samity) and COHR (Committee for Human Rights) can also be traced back to army excesses. There are also several individual and equally heroic oppositions to the Act. The brave but extremely tragic story of Irom Chanu Sharmila needs to be mentioned—a young girl who instead of falling in love as most people at that age do, is sitting on a hunger strike since November 2000 demanding repeal of the Act.

Attempts were also made to challenge the constitutionality of the Act in the Supreme Court. In 1997, fifteen years after the filing of petitions, the court, in its wisdom, chose to declare the Act to be good but sought to impose some checks. It cautioned that the Act must not be imposed for an indefinite period. However, immunity to armed forces built into the Act has rendered these checks useless. The Act continues to exist uninterrupted even in areas where militancy has ceased or where ceasefire is on. Civilians continue to be harassed by the army under the provisions of this Act. (See Annexure II)

Immunity provides unlimited powers to the army without any accountability. The adage absolute power corrupts absolutely has never been proven more correct. The armed forces in the North Eastern region have become so used to operate under unfettered power that they assume that power even in areas such as Arunachal Pradesh where the Act. (See Appendix IV)

Has the Act Succeeded in checking Insurgency?

Since its inception the Armed Forces Special Powers Bill (subsequently Act) aims at empowering army with special powers to bring normalcy in an area disturbed by insurgency. While introducing Armed Forces Special Powers Bill Hon' Home Minister Mr. G. B. Pant had argued, "...owing to the hostile activities of certain misguided section of Nagas, Government has to take special measures to restore normalcy." This has become the *raison d'être* of the Bill and its subsequent amendments.

Yet the Act has singularly failed in its stated objectives. In spite of the Act, militancy has not only continued but also thrived. When the act had been promulgated and imposed on the whole of Assam and Manipur there was only one militant organization that was based in the

Naga areas. Now, militancy has spread in the entire region covered under this Act with several militant organizations functioning in the area. When the Act was first implemented only Naga National Council was declared a militant organization, however, now, government's own agency admit that there are more than 80 such organizations.

Spread of militancy lays not so much in the imperfect implementation of the Act as in the imperfect nature of the Act. Parliamentarian Dr. Chingleput Krishnaswami had already indicated that under the Act, all power was given to the army and the civil authority divested of all control. In fact, it weakened not only civil authority but also civil space.

Operating under absolute immunity, the army brooked no dissent even when peaceful and democratic. Human rights activists such as Shelly Charia, Parag Das etc., were found murdered in mysterious circumstances. Prominent journalists such as Ajit Bhuiyan were subject to humiliating searches and third degree torture. The army intimidated Mr. Max Phazang, the magistrate presiding over the Oinam case in Tamenlong. Even Chief Ministers, ministers and senior members of bureaucracy have not escaped their ire.

In such a scenario, where peaceful movements become increasingly restricted, the growth of militancy is not surprising. It is a matter of historical record that most of the movements in the North East started as peaceful movement. The Naga National Council started its movement under the inspiration of Gandhian principle of civil disobedience. Mizo Nation Liberation Front started as an organization for famine relief. Hmar People's Convention was a peaceful movement demanding autonomous district council. However, these and several other such organizations when confronted with an unresponsive and unsympathetic state and a belligerent army were soon driven underground. It is a sad irony of our times that now it is the activities of these movements that is being used as a post factum justification of the continuation of the Act.

Undermining of civil space, a direct consequence of immunity extended to the army, has eroded the available space for democratic and peaceful dissent. The Armed Forces Special Powers Act, therefore, rather than curbing political disturbance has actually added to it.

The Act adversely impacts on India's International standing

The Armed Forces Special Powers Act came up for discussion in the UN to determine if it were in accordance with the provisions of Human Rights Covenant. The discussion was conducted by the Human Rights Committee consisting of 18 experts and it is instructive to see that how their concerns echoed the concerns of the Indian Parliamentarians in the parliamentary debate in 1958.

The experts on human rights were concerned on the absolute powers given to the Army without any checks. They were concerned that the Act did not provide for adequate mechanism for redressal. They were concerned that the Act that had already lasted for 33 years in the year 1991 created a condition of continuous and perpetual emergency. The experts were alarmed that the Act had provisions that empowered the army to resort to shooting to kill on mere suspicion and wondered if that was responsible for large-scale political deaths in the areas in which the Act was in operation. Lastly, the experts were worried that the Act would have an adverse impact on the structure of the Indian Constitution.

All the experts mentioned approvingly of Indian democracy and its role in International initiatives such as NAM. In the same breath they asked if acts such as the Armed Forces Special Powers Act enhanced or eroded India's international standing.

Conclusion

Armed Forces Special Powers Act is a bad law since it has failed in its stated objective of curbing hostility. When first conceived and implemented there was only one political organization that was deemed militant by the government, now by government's own admission there are close to eighty such organizations in the various areas of North East. It is alarming to note that there is a direct correlation in the extension of this act to the entire region of the northeast and the spread of 'militancy'.

The reason for this is not far to seek. They inhere in the very nature of the act. Provisions of the act provide special powers to the governor and the armed forces that undermines the authority of the duly elected civilian government; leading to the regrettable consequence of underdevelopment of institutions of electoral democracy. The Center assumes even those powers that are there in the state and concurrent list. Thus, State governments are reduced to mere appendages to the wishes of the Center.

While, at the same time, army is not only equipped with absolute power but also absolute legal immunity from the state governments. This has not only led to undermining of civil administration and consequent reduction of civil space but also a virtual imposition of military rule in the areas where the Act is in force.

Unilateral undermining of state government and civil administration has rendered democratic institutions to such a state of powerlessness that they are unable to meet even the basic aspirations of the people. To make the matters worse, legal immunity to army makes them act with impunity, thus, making democratic and peaceful articulation of grievance and difficult and risky affair.

In fact, there is a direct correlation between the Act and the alarming incidences of transgression of peoples' rights and the increasing political instability. Here the warning of parliamentarian Mr. L. Achaw Singh has been prophetic:

"Instead of helping keep the law and order position in these areas, if they declare some areas as disturbed areas, it would cause more repression, more misunderstanding and more of unnecessary persecutions...This is also an act of provocation on the part of the Government. How can we imagine these military officers should be allowed to shoot to kill and without warrant arrest and search? This is a lawless law. There are various provisions in the Indian Penal Code and the Criminal Procedure Code and they can easily deal with the law and order situation in these parts. I am afraid that this measure will only sever the right of the people and harass innocent folks and deteriorate the situation." (Lok Sabha Debates Vol 18 (2), 11th August to 22nd August 1958.)

Therefore, we appeal to the Indian policy makers and the Indian people to repeal this draconian Act.

**The Armed Forces (Assam and Manipur) Special Powers Act
(Amendment) Act – 1972 [No - 7 of 1972 (5 April 1972)]**

An Act to enable certain special powers to be conferred upon the members of the armed forces in disturbed areas in states of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram. Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:

This Act may be called the Armed Forces (Special Powers) Act, 1958.

1. It extends to the whole of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram.
 - a) "Armed Forces" means the military and the Air Force of the Union so operating;
 - b) "Disturbed Area" means an area which is for the time being declared by notification under Section 3 to be disturbed area;
 - c) all other words and expression used herein, but not defined in the Air Force Act, 1950, or in the Army Act, 1950, or in the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.
2. If in relation to any State or Union Territory to which this Act extends, the Governor of the State, or the Administrator of the Union Territory, or the Central Government in either case; is of the opinion that the whole or any is in such a disturbed or dangerous condition that the use of Armed Forces in aid of civil power is necessary, the Governor of that State or the Administrator of that Union Territory or the Central Government as the case may be, may, by notification in the Official Gazette, declare the whole or such part of such State or Union Territory to be a disturbed area.
3. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces may, in a disturbed area:
 - (a) if he is of the opinion that it is necessary to do so for maintenance of public order, after giving such due warning as he may consider necessary, 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 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 fire-arms, ammunition or explosive substances;
 - (b) if he is of opinion that it is necessary to do so, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as a training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offense;
 - (c) arrest, without warrant, any person who has committed a cognisable offense or against whom a reasonable suspicion exists that he has committed or is about to commit a cognisable offense and may use such force as may be necessary to effect the arrest;
 - (d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property

- or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises: and may for that purpose use force as may be necessary.
4. Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest.
 5. No prosecution, suit or 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 powers conferred by this Act.

Appendix II

Atrocities by the Indian Army

SEXUAL ASSAULTS AGAINST WOMEN

09.12.1970: Over forty women subjected to sexual assault ranging from molestation to rape at Cheswezumi village.

24.03.1971: Several women at Mao Song Song village were molested in public.

11.07.1971: Four girls (all below 18 years of age) were raped inside Yankeli Baptist Church, by a contingent of the Maratha Regiment. The girls were dragged inside the church from amongst the villagers who had been rounded up. The villagers were not allowed to move out of the village for 4 complete days.

03-05.03.1974: Personnel of 95th BSF under Maj. Pundir Brahm Prakash and captain Negy, carried out mass tortures and sexual assaults on Ngapurum and Grihang villagers.

Ngapurum: Rose, in her teens (around 19 years of age), committed suicide the next day after he was raped in front of her Ngapurum village elders on the 4th of March. In her suicide note, she said she did not see any reason for living in a world where such nasty crimes could be committed in the full knowledge of her people and nothing could be done against it.

Grihang: At Ukhrul hospital, Ngashingla (23) was brought in in near dying condition, tortured and raped continuously for three days from the 3rd of March to the 5th of March, by the same 95th BSF personnel. On the third day, she was dragged to the school building where the villagers had already been rounded up. She was dragged by her around the classroom, kicked and beaten, forcibly stripped, sticks forced into her private parts causing profuse bleeding. All the villagers suffered immense tortures for three days. Fathers were taken to the outskirts of the village with their wives and daughters, who were raped before their eyes by the personnel of the 95th BSF.

The villagers of Ngapurum and Grihang were then threatened that if news of the BSF's crimes comes to the knowledge of the general public, the villagers would be wiped out.

18.05.1979: Kuonou, a 60-year-old woman of Kohima village was on her way to the field when suddenly, a personnel of the 99th BSF, pounced upon her and dragged her into the nearby bushes and raped her.

1980: Captain N. L. Sharma, Post Commander of Kuingai, Ukhrul, molested village girls at the military doctor's room. The girls had gone there at the invitation of the wife of the doctor. When the girls ran home, the Captain followed them with a number of personnel. At the village, the Captain broke into the houses in the name of carrying out house-searches, where as, he was actually looking for one of the girls. At last he found the girl, ordered everyone to go away while pulling the

girl inside an empty house. The owner of the house who had been pushed out, held on to the girl and at the risk of her own life helped the girl to flee. While attempting this, several elders of the village were beaten up for coming out in the night.

The Chairman of the Autonomous District Council, Kongsui Luithui took up the matter with the higher authorities.

Immediately, Captain N. L. Sharma was brought to Ukhrul town as Commander of Operations. With additional power, Captain N. L. Sharma went around entering many a girl's room.

25.02.1982: When the Army came to Nungbi Khullen village and began brutally assaulting the villagers; some women sought shelter in K. Yarsing's house. But the army forcibly entered the house, drove out the women and began sexually assaulting the women. They forced them to undress and plucked their pubic hair as part of their enjoyment. The names of the women are K. Pangamla, K. Chareiphi, Ruth and Zingnila.

24.01.1986: Two Army officers killed Luingamla (19) of Ngaimu, Ukhrul, inside her home when she resisted rape.

1989: Assam Rifles Personnel from Shangshak Post, Ukhrul, under two Majors – one of them was Major Shukla – rounded up and tortured Maku villagers and molested several women inside the houses where they had been isolated.

05.04.1995: 7 security men of the 21st CRPF entered the village of Jutulibari under Bordubi Police Station and gang raped 6 (six) women. The victims included a 10 year old minor, a mother of a three-month-old child, two 15-year-old minors and two other girls of 17 and 20.

CUSTODIAL TORTURES, KILLINGS, KIDNAPPINGS AND DISAPPEARANCES

1963: Six Naga students from Pfsutero Government High School were kidnapped by the Indian Army and later butchered into pieces and scattered those pieces in the jungle.

10.04.1979: Chikoy (15) and Nuhutso (14), two school children at Phek were beaten up by the 14th Assam Rifles as "anti-national elements". Another 11-year-old boy escaped. The Assam Rifles personnel cited the inability of these children to understand Hindi as adequate proof of being anti-national elements.

April 1981: Captain N. L. Sharma picked up Kongsui Luithui and tortured him for hours. Kongsui had to be airlifted to Imphal in critical condition.

25.02.1982: Ngalangam Ramthao and Arthing, (both schoolgirls) of Kalhang village were abducted by the army. Earlier, three girls, Thotwonla, Thingthing and Kathingla from the same village had been publicly molested and taken away by the army and released after nearly two weeks. From Paorei village 11 women were taken away to an unknown place following mass torture of villagers and released after days of illegal detention. Their names are: L. Maireila, Y. Lungmila, P. Woringla, Y. Tharawon, K. Peace, Sanyaola, Y. Sothingwon, Y. Hormila, L. Khoreila, Y. Luishomla and V. Vangamla.

April 1983: Three boys preparing for the Class X Board Examination at Tadubi, were shot dead in their room without any reason.

December 1984: Esau was pulled out from his home in Ukhrul and tortured to death (his neck was broken) at Talloi Camp.

1985: E. P. Winson of Tusom, Ukhrul, "disappeared" after being picked up from his village by the 9th Grenadiers. His remains were found in the jungle adjacent to the Phungyar military camp.

24.05.1986: A contingent of 4th Assam Rifles along with Peoples' Militia of Nagaland pulled out seven public leaders from their homes in Tamenglong, and tortured them severely. Two of them, S. T. P. Injellung, Headmaster, Tausem High School, and R. K. Shonghuwang, former Chairman of Small Town Committee, died on the spot. Others survived with serious injuries.

October 1987: Two boys from Talloi brought to Ukhrul hospital with deep burn injuries after they were roasted in fire at the Talloi Mahar Regiment Camp.

07-10.07.1988: Z. V. Canaan, S. C. Esau and R. S. Isaac, were among the hundreds of persons rounded up from Ukhrul by the Security Forces and severely tortured. On the 10th, Canaan and Esau were taken to the nearby jungle and shot. Their bodies bore multiple injuries. R. S. Isaac has since "disappeared".

24.02.1991: the Indian Army picked up Prafulla Gogoi, a student of Naharkatia college, from the college premises along with two other friends. While the other two were released the next day, Prafulla remains to be traced till now.

13.04.1993: after an "encounter" in which the army had killed one NSCN activist, the army entered Leishokching village and ordered all persons to assemble in the common ground where the villagers were accused of harboring and assisting the NSCN activists. Three young men were picked up as a part of the "jungle operation," detained for three days and tortured with electric shocks.

22.11.1993: the 7th Assam Rifles arrested Baharul Islam (14) of Mojing Wangmataba Makha Leikai (Manipur). He was later found dead.

03.12.1994: Pankaj Sharma (25) from Borongabari under Khairabri police station, in Darrang district was killed in police custody at Mangaldoi.

24.06.1994: the Army picked up Rudra Deka, Subarna Knowar and Pradip Bora along with five other boys. While the dead bodies of the five boys were handed over to the administration on the same day, the three mentioned boys' fate remains unknown.

07.09.1995: Inashe Ayemi (36), Project Director of the District Rural Development Agency (DRDA) Zunheboto, was kicked and hit with gun butts by army men in front of his mother and sister, who were helpless. Inashe was then dragged away into an army camp. When his body was handed to the police, he had bruises all over and a deep gash on the head, which had been stitched up. There was stamp-pad ink on his fingers, which is itself suspicious. Why should an educated man person give his thumb impression, if he was conscious?

19.02.1996: Gaibi, a 20-year-old youth had carried his licensed gun while going hunting with a friend. Some army men began random firing in the market of Jalukie town on the 19th. Gaibi's fore arm was hit with two shots and got fractured. He was picked up and detained for one day and night without food and water. No medical attention was given to his wounded arm. Ngoulung, Saina, Hoksen and Raku were also picked up at the same time and badly tortured.

04.04.1996: Humangot, an 18-year-old farmer from the Zeliangrong tribe was picked up by the army at 2:30 p.m. from Jalukie town and was taken to the 16th Assam Rifles camp at Samzuiram, one and a half km from Jalukie, under Major Rana. There he was blindfolded, his body pricked all over with pins and a lathi squeezed on his lower body – from hips to feet. For 5 days he was beaten severely, abused and forced to admit that he was an underground worker. Not only were his wounds not treated but red-chillies were rubbed into his open sores. He was then handed over to the police on April 19.

13.04.1996: Pekung, Hudang, Ningkhonlung, Kaihibe and Taisiakbe, were picked up, interrogated and tortured in the 16th Assam Rifles camp at Zamzuriam, and released the next day. Pekung had

Rs. 1, 900/- on his person, which was payment from his log business. The army men appropriated the entire amount.

17.04.1996: Kehuing (25), of Ngwalwa village was picked up by the army at around 9 a.m. from the village weekly bazar, and taken to the 26th Assam Rifles camp at Ngwalwa.

He was blindfolded, his hands tied and interrogated at gunpoint in Hindi and beaten when he could not answer. He was released on the 19th after signing a “no harassment certificate.”

31.05.1996: Ratan Mazumdar (18) died in police custody due to inhuman torture by Assam Police personnel under Hijuguri Police station in Tinsukia district.

15.06.1996: Naren Baishya, an innocent villager of Devashara Gaon under Mushalpur police station in Nalbari district, was inhumanly killed by the Indian Army. Later, his neighbors recovered his dead body from a pond.

16.06.1996: Usha Sonowal, a girl, was killed in front of Debarapara police station in Jorhat district, when the Indian Army fired on a peaceful procession of villagers protesting against Army atrocities. In another incident beside the river Jaggi, near Amguri town of Jorhat district, Ratul Baruah and Bhudhin Lahon were killed in a fake encounter with the Army.

27.08.1996: Bibhuti Malakar died in police custody due to inhuman torture in the police station of Silchar district. In another incident, Army personnel under Nakachari police station in Jorhat district killed 18 year old Simanta Gogoi.

24.09.1996: the Army picked up Tarun Sonowal (32) of Megela village, Dangari, and Osman Ali (28) of Rupban near Guwahati. The dead body of the former was handed over to DoomDooma Police on the 24th of September, while the later was brought to the police station in a critical condition the next morning. Ali died on way to the hospital.

28.12.1996: The Army picked up Bhubon Phuka, a resident of Beltola area in Guwahati and later his bullet torn body was dumped outside his house.

MASS KILLINGS, TORTURES, GROUPINGS, ARSON AND LOOT

18.06.1957: The Indian Army declared Tsungiki village an “Underground Sub-Headquarter” and burnt down the village along with all their granaries. Not satisfied with that, the Army even went to the extent of torching their field barns too. The villagers were grouped; many able-bodied males tortured and left handicapped for life and women and girls sexually assaulted. When the villagers re-built their thatch-houses, the Army came and burnt it down again. This went on and on and subsequently, the village was burnt down seven times within a span of one year.

1962: Indian Army rounded up all the 12 adult male members of Matikhru village and after torturing them for hours, took them into the village chief’s house chopped off their heads one by one. One of them who survived with serious injuries managed to reach the outskirts of the village, but the army followed him and burned him to death. The womenfolk were chased out of the village and their village burnt down. The Captain commanding the Indian Army responsible for these heinous crimes was promoted.

1976: Security Forces summoned all village chiefs in Ukhrul district and told them to bring in the “undergrounds” by July or face dire consequences. Christian leaders were forced to set themselves up as peace committees. Then they imposed two month long curfew over 50 villages in May-June-July, and prevented the villagers from even ploughing their fields.

1982: Army staged mass torture and detention in the villages of Ukhrul making hundreds of them invalid for life. Hundreds of women were subjected to rape and other forms of indignities. On numerous occasions, the Security Forces stopped their vehicles in the middle of the road when

they saw girls and abused them. The finding of the All Women Team from Delhi that visited the villages confirmed these atrocities. The Supreme Court of India awarded a relief of Rs. 200, 000/- to two widows whose husbands “disappeared” in the hands of the 21st Sikh Regiment.

October 1987: 3rd Assam Rifles forcibly evicted villagers from 22 houses located on the hillside of the Maram Bazar, Senapati. The said 3rd Assam Rifles converted the local church building into a canteen, 2 of the houses as schools and the rest as their quarters. The area was fenced off. Then they picked up village elders and youth leaders and tortured them in order to silence them from telling the outside world this forcible occupation.

15.08.1994: CRPF personnel opened fire on hearing the sound of an approaching scooter. Five persons got injured. Then the army came to Paraodon village, ordered the people to lie down on the ground. Three girls were among them. The persons injured were K. L. Chumringe, N. L. Piningam, S. N. Elpis, L. S. Hopeson, P. S. Shungnal and S. R. Ngatun who was tortured for 12 hours.

25.08.1994: CRPF personnel after being fired upon by unidentified gunmen at Terra Kethel, resorted to indiscriminate firing, killing 5 innocent civilians including an old man, a woman and a child.

12.11.1994: When UNLF militants killed a CRPF jawan and took away an SLR at Ningomthongjao, the CRPF retaliated by cordoning off the entire area, torturing many innocent civilians and looting and destroying property and household goods worth lakhs of rupees in their “search operations.”

07.01.1995: 9 civilians were killed and another civilian and 1 constable of the 119th battalion of the CRPF injured, during heavy firing in and around the Regional Medical College (RMC) complex in Imphal.

19.12.1995: personnel of CRPF battalion fired indiscriminately at a crowd at Bashingkhong and killed three innocent persons, Thokchom Imocha Singh (30), a hockey player of 1st Manipur Rifles, Ningmbam Babuni Singh (50), a cultivator and Sapam Ibocha Singh (65), a tailor. Five others sustained bullet injuries and another four were severely beaten up.

VIOLATIONS IN RELIGIOUS PLACES / AGAINST RELIGIOUS LEADERS

1956: Rev. Pelesato Chase was burnt alive on Bible Hill, Phek.

03.03.1982: Pastor P. Mashangva of Huishi village and Pastor Mahangthei of Chingai were abducted and tortured in the army camp for a week without food. They were subjected to electric shocks in their soft and private parts, hanged upside down, made to dig their own graves and when unconscious made to lie on chipped stones. When they cried out to God to end their sufferings and take their lives, they were mockingly told to bring Jesus Christ to rescue them.

05-06/ 03.1982: From 6:00 p.m. on the 5th of March to 10:30 a.m. of the 6th of March, all the villagers of Huining village were detained inside the village church leading to near suffocation, especially of little children and babies. Later, C. Paul, the Assistant Pastor was taken away.

K. Somi, Pastor of Phungchan village, Matuiching, Pastor of Kalhang village and Vaomi, the church chowkidar were also meted out severe torture and electric shocks.

25.03.1982: Vareichung, Pastor of Kurei village Baptist Church, and three deacons, Z. Ronrei, R. V. Mahuiri and Ngashanglung, were taken into the church building and tortured. They were released after forcing them to sign statements saying nothing had been done to them.

October 1987: Rev. Father Chacko, was knocked down and trampled upon inside the Ukhrul Parish compound by a contingent of the 4th Assam Rifles under the command of a Major because he told them that they cannot burst into the room of the nuns.

Violations During the Present Ceasefire Period in Naga Areas

Tabanglong Massacre, 28.12.2000: Suspected militants attacked a patrol party of the 15th Jat Regiment near Tabanglong bus stand killing one army personnel and injuring four. After the attack, the army stopped all the day's Imphal bound buses at the attack site and forced all the passengers of one bus bearing registration No. MN03 0778 (Blue In Travels) to get down from the bus and beat up all the male passengers and detained them at the attack site. Dingam Newmai, the driver of the Deputy Commissioner, Tamenglong, was hospitalized after receiving head injury. Then the army forced the same bus to carry the dead body of the army personnel and the other four injured to the battalion HQ of 15th Jat Regiment stationed at Tamenglong. While doing this, the army used women and children passengers as human shields by forcing them to sit in the bus along with them.

The same day, 15th Jat Regiment personnel came to Tabanglong village and forced all the 12 males present at that time to gather at the village volleyball court and beat them up one after the other. Then they shot dead eight of them including two Meitei chilly traders. One survived with bullet injuries while another escaped by jumping and running to the bushes nearby. The other two took shelter with the womenfolk and children, who were, before and during the killings, kept in groups in different houses and not allowed to come out. After the killings, they were taken to the church and detained there for the rest of the day. Then at dusk, six villagers, including four women were forced to carry the dead bodies of the two Meitei chilly traders to the Tabanglong bus stand while the other six bodies were kept in the village itself.

Wokha Incident, 14.07.2001: Indian Security Forces led by one Maj. O. P. Singh of 24th Assam Rifles were having a clandestine meeting with some cadres from one of the NSCN factions in one M.E. School at Wokha village. When some villagers came upon them, Maj. O. P. Singh immediately ordered them the village elders to ensure a safe passage to the said cadres. With no other options left, the village elders accompanied those cadres along the way as ordered. On their return, the same officer and his boys captured the village elders including the village Council Chairman and tortured them. One of the elders fainted in the process. They were questioned as to why they had "hidingly" provided a safe passage to the NSCN cadres when they (Indian Security Force) were about to apprehend them. The Vice-Chairman of Wokha Town Committee was among those tortured. After torturing them, they were left almost half dead along the road and the men of the village were prevented from carrying their bodies back to their homes or to the hospital. Instead, the women were ordered to carry them.

15.07.2001: Four young civilian boys were captured and tortured with their limbs bound for hours together without any reason: again by the same Maj. O. P. Singh.

Some days later, at Elumyo village (about 6 kilometers from Wokha), the Indian Security Forces destroyed 4 civilian houses on the ground that there were some NSCN boys taking shelter in them.

Tadubi Incident, 14.08.2001: Captain K. K. Sharma, the post commander of Tadubi 3rd Assam Rifles post, in his civvies along with his armed bodyguards started harassing and disturbing the women peace rallyists who were on a "Human Chain Peace Rally" organized by the Naga Women in Senapati District. Sensing the commotion, the Secretary General (S.G.) of NPMHR, who had joined the rally along with his colleagues, attempted to intervene and diffuse the situation. However, the said Captain jumped on him and in the scuffle that followed, he was caused bodily injury. His still camera, with which he was covering the rally side by side, was

also partially damaged. Then the women peace rallyists were indiscriminately fired upon. Three persons received serious bullet wounds and many women peace rallyists injured.

09.03.2002: Xutovi Achumi, a physical training teacher of Government Middle English School, Nito (Nuiland), was illegally detained and tortured at the Rangapahar Forest check gate, Nagarjan Road, Dimapur, by the 6th Bihar Regiment. The 6th Bihar Regiment personnel then came out with a clumsy ploy heaping unfounded allegations on Xutovi and then getting him registered under Bokajan Police Station, Assam, listed as “general area”, far away from the assumed formal coverage of the cease-fire area. Then the victim’s (a literate, school physical trainer!) thumb impression was taken for a “no damage” claim certificate by the 6th Bihar Regiment.

26.07.2002: Three persons arrested without any justified reason by Security Forces in two separate incidents in Chandel. Md. Abdul Kadir (45) of Solan village, an employee in the DBO office as a VLW, and S. Themreiwng (29) of Solan village, an instructor in NGO Typing Institute, were arrested from their residences at around 1AM early morning, by security forces posted at Kakching Lamkhai. Later, they were handed over to the Thoubal Police.

In another incident Ishwar Singh (42) son of Kirshin Singh (Haryana), proprietor of Ishwar Singh and Shamer Singh shop at Japhou Bazaar, Chandel, was arrested by Commando Police who came from Imphal at around 11:30 AM. Later, he was released at Imphal Police Station.

None of these cases were reported at the local Police Station.

06.04.2003: On the evening of 6th April 2003, Achumbemo Kikon, the President Elect of Naga Students’ Federation (NSF), was coming up from the Naga Hospital after paying a visit to some patients when the Assam Rifles stopped his vehicle at TCP gate, Kohima, exactly at 8:15 PM and asked to get down. The president obeyed their order and got down from the vehicle whereby the Assam Rifles frisked him and took him to a dark corner. As per their order, the president was standing and looking at the vehicle being checked when suddenly an armed constable went near the president and assaulted him physically using abusive words. After the president identified himself, the Assam Rifles personnel denied they assaulted him: a grim reminder of the Security Forces’ habitual records of obtaining signatures on sheets of blank paper from innocent victims saying they were not harassed or tortured.

Appendix IV

Violations In Arunachal Pradesh

(which is not declared disturbed)

5.06.2002: Some armed miscreants along with Indian security forces went to one Ransiat Ruttum (40), ex. Assam Regiment’s house in Borduria village and assaulted the villagers. They came in search of NSCN(IM).

08.06.2002: All the villagers of Borduria were gathered in the football ground at 7 a.m. Even women and young children were not spared. Only after 9 a.m. women were allowed to go back. All the male members were interrogated throughout the day.

On the same day, around 3 a.m. the Indian Security Forces entered the house of one Liahang Lamra, Rtd. SSB (46), and began to search the house. They also rudely woke up Liahang’s daughter, Chalit (15), who was sleeping along with her friend. The girls were assaulted and only allowed to go after Liahang intervened.

One school-going boy, Janglin Medam (17), son of Wangnoap, who was coming from his uncle's house was beaten up by the same Gurkha Regiment.

12.06.2002: Mukhiak Mongwang (44), and Rangwang Henkhey (40), with other friends were kept under house arrest for one whole night with no proper reason. They were forcefully made to play cards the whole night. Curfew was imposed in Borduria village and the villagers were warned not to come out of their house after 6 p.m.

17.06.2002: the following persons were arrested by the Indian Security Forces: 1. Wanghoan Mongchan (58), 2. Wangrian Mongchan (18), 3. Ranlanm (37), 4. Ransiat Ruttum (40), 5. Phoaja Wangha (34).

In yet another series of incidents, the 6th Assam Rifles personnel under the command of Lt. Col. Sekhawat, harassed the local innocent people:

21.05.2002: at around 2 p.m., near Khonsa Petrol pump check gate, the 6th Assam Rifles jawans in the name of searching for UGs stopped the State Transport bus plying between Khonsa and Katang village. They enquired the whereabouts of Tumriate Lobwang (38), of Khela village. It is worth mentioning that Tumriate had been missing from his village since 19th April 2002. In the process, the villagers of the area were asked to get out of the bus and they started beating them mercilessly.

Panic-struck, the villagers stopped going to Khonsa town, the Headquarter of Tirap district, even for essential commodities. The children of Khela village who were seriously ill could not get medical treatment at Khonsa hospital due to harassment by the 6th Assam Rifles.

06.06.2002: At around 1:30 p.m., in the same bus, the chief of Katang village, Phonong Lowang, Ex-SSB, head constable, in his late 60's whose hearing is impaired, was going back to his village. He was beaten up mercilessly by the 6th Assam Rifles without any rhyme or reason.

13.06.2002: At around 4 p.m., the 6th Assam Rifles soldiers took three women and four men from Laju village for carrying their belongings as porters without any payment. Thereafter, between Laju and Khothung village there was a firing and Yangbay Kongkang (37), wife of Yangli Kongkang (40), resident of Laju village, of Tirap, succumbed to head injury. It is believed that the injury was a bullet wound, which was clearly shown by the injury. But the 6th Assam Rifles claimed that the injury was due to her falling down a rock.

On the same day, at around 7 p.m., Yumsen Homcha (29), from Nogklo village was arrested by the 6th Assam Rifles from the Khonsa hospital where he was attending to his ailing relative. Witnessing this arrest, the seriously ill Kamthoak Khocha (40), died of shock.

The 6th Assam Rifles rationale for using the villagers as porters without payment: if the UGs can ask villagers to carry their loads, why not by them too...

Appendix V

Some Infamous Incidents

Oinam, 09.07.1987

On the 9th of July, suspected NSCN activists attacked an Assam Rifles outpost killing nine soldiers and decamped with large quantities of arms and ammunitions. The Assam Rifles responded by conducting a large-scale operation code named, "Operation Blue Bird," in 30 villages in and around Oinam village.

In the course of this operation, 15 men were killed in the custody of the Security Forces, apparently after torture, at least three women raped, whole village populations held in the open or in the

churches up to 12 hours at a stretch, day after day, over a period of several weeks. All villagers detained in the Army camps were beaten indiscriminately regardless of their age or whether they were men or women, tied up and hung upside down and beaten for several hours at a time with rifle butts, lathis and chains until they lost consciousness, or until they could not walk, or until their limbs were broken (in Oinam and Lairouching army camps, and makeshift places of detention), given electric shocks on their genitals (Oinam army camp, Lakhamai). Still others had chilli powder smeared on their genitals, eyes and noses, water poured over their faces until they lost consciousness, burnt with cigarette butts and had their pubic hair burnt. Victims of torture included village elders and pregnant women; two women aborted within two weeks after being beaten. Some of the tortured victims have since died after prolonged illnesses and others, permanently disabled.

The Assam Rifles also burnt down and dismantled over 125 houses, looted villagers' grain stores, vegetable plots, domestic goods and livestock. The villagers were not allowed to tend to their cattle who therefore ate up their paddy crop, as a result of which the villagers suffered severe food shortages whereas, they used to sell surplus rice earlier. Harassment continued for several months and even by December, the Security Forces had not stopped rounding up villagers for forced labor for such tasks as porter services, building new army camps, washing clothes and cutting firewood.

Ukhrul, 09.05.1994

When two Majors of the Assam Rifles were killed by alleged NSCN activists near the Ukhrul town post on the 9th of May, the Assam Rifles bombarded Ukhrul town with 2 Inch mortar bombs. Firing into the houses with SLR and AK47 continued non-stop for two hours. The Security personnel went berserk, searched houses, destroyed anything that came their way, and beat up many people including women and children. In the end, the town was left with miraculously just three deaths, many damaged houses, broken furniture, utensils, and over hundred bleeding men and women, out of which 75 were admitted with broken limbs and other serious injuries.

Mokokchung, 27.12.1994

On the 27th of December, suspected insurgents fired upon a patrol of the Maratha Light Infantry (MLI) moving near the Police Point in Mokokchung town. One jawan of the MLI was killed and one insurgent died in the return fire, while another was chased and shot dead. The JCO of the patrol party died while attempting to charge inside a house with insurgents inside.

The MLI then doused woolen balls and other inflammable materials with petrol and set houses and shops on fire even while civilians were still trapped inside them. Five civilians were burnt alive inside their houses, three others died despite being able to come out of their houses and four women raped at gunpoint.

The army personnel threatened the Superintendent of Police (SP), when he tried to arrange for a fire brigade.

The army was to later claim that the houses caught fire as a consequence of the initial grenade attack and the snapping of high-tension wires. Then it spread naturally in the wind, they said.

Akuloto, 23.01.1995.

At around 3:50 on the morning of the 23rd January, some insurgents fired upon a post of the 15th Assam Rifles stationed at Akuloto. The exchange of fire carried on till 5 o'clock in the morning. Then Subedar Khelaram and 15 jawans of Assam Rifles went in pursuit of the insurgents. Unable to find them, the army men encircled some houses, got the people out, poured kerosene on the houses and burnt them. They had "suspected" the residents of being sympathetic to the militants and harboring them.

Hozheto Sema, a farmer, and his wife were asked to put down their children and come out of their house. They refused. A jawan fired at Hozheto's wife killing her on the spot and blowing off the hand of her three-month-old child.

Kohima, 05.03.1995

On the 5th of March, a convoy of 16th Rashtriya Rifles was going from Bishnupur in Manipur to Dimapur in Nagaland. The convoy had 63 vehicles with 5 officers, 15 JCOs and 400 jawans, and stretched over 5 kilometers. They were halting at Kohima when a tyre of one of the convoy's Shaktiman trucks burst, and the RR personnel started shooting immediately thinking that they were being attacked. They fired automatic weapons and shelled the civilian areas with 2 Inch mortars. They were soon joined by the CRPF and Assam Rifles posted at Kohima. Together they conducted combing operations and fired indiscriminately at various parts of Kohima. In the operation that lasted 2 hours, seven persons including two minor girls of three and a half years old and an 8 year old were killed, 22 persons injured by shrapnel and bullets, 15 persons physically assaulted and 26 persons arrested and tortured by the Security Forces in their camps. The firing included 1,207 rounds of gunfire and 5 rounds of mortar shells. Doctors were prevented from attending to the injured and the generator of the only hospital in the town was switched off, forcing the doctors to operate with candles and torches.

Namtiram, 07-12/ 08.1995

In the aftermath of the shoot-out between 21st Rajputana Rifles and suspected NSCN activists on the 7th of August, near Namtiram, the Security Forces' personnel went berserk. They carried out combing operations in the 5 villages of Namtiram, Azuram, Saramba, Thiulon and Joute Pabram in Tamenglong district, Manipur. They detained people without food, hundreds of villagers were tortured, women were sexually assaulted and the homes of these villages were looted. From the 8th to the 12th of August, the area was completely sealed off. No one was allowed to go in or out. Villagers were not allowed to go out and tend to their fields where the crops were fully ripened and left to destruction by wild animals. The Civil Administration was rendered helpless, as the civil authorities were not allowed to enter the area. On August 10th, the Deputy Commissioner, Superintendent of Police and the Sub-Divisional Officer of Tamenglong were turned back from Ahahu (Barak) bridge. The first medical team was turned back. It was only when the public protested that the team was allowed into Namtiram on the 12th of August.

The Rajputana Rifles' Company Subedar Major had demanded women from the villagers in lieu of cash since the time they came to Namtiram outpost. This is something alien to Naga culture. Apart from physical and mental tortures and the looting of household goods of the villagers, the same demand was made while torturing was going on after the August 7th incident.

Jesami, 02.01.1996

On January 2, at about 4:00p.m. 6 or 7 army personnel came to the Jesami bazaar in a "jonga". They turned the vehicle around and alighted. Vicky Tamang, a Nepali was sitting in the Muslim Hotel. The moment he saw the army personnel he ran out and started shouting. The army personnel asked him, "Where is that man?" He pointed to a local boy who started running. They fired towards the running boy who escaped unhurt. Hearing the gunfire, 15-16 more army personnel came down from the army post towards the bazaar. Then all of them started firing indiscriminately in all directions. The army later claimed that NSCN militants shot at the Nepali. The SP of Ukhrul who interrogated Tamang was categorical that Tamang was not shot at all and the entire story he was giving was false and inconsistent.

People outdoors began running helter-skelter. A party of army personnel commanded by one Major Singh and captain Sahni began dragging people out of their homes and congregated them at Zero Point where they were systematically assaulted with rifle butts and the blunt edge of daos (machete), kicked with boots. The helpless villagers saw the houses of Raju, a Rajasthani shopkeeper, Augustine, a policeman and Pamreiphy, a businesswoman, going up in flames. They pleaded with the army personnel to let them put off the fire, but to no avail. Only after the houses were almost completely gutted did the officers shout at them to go and put out the fire asking as to what they were doing when their houses were on fire.

Another set of villagers were attending service in church when Captain Ashwini rushed into the church and on to the pulpit, took out his revolver and pointing to the congregation shouted at them to stop praying or that he would shoot them. The jawans immediately took up positions at the church windows pointing their rifles inwards. The men and women were grouped separately on either side of the aisle. Tamang was then brought in and all the persons were checked. One person from Talloi village was brutally beaten inside the church compound. Two other visitors from Kachai village were taken to the camp and tortured. Only after two days were they handed over to the village authority. A Nepali blacksmith, the police wireless operator, the school principal, the village chairman and village secretary were especially targeted for attack and they sustained serious injuries. 2 Nepali women were also sexually molested. Shoving fingers into her vagina they molested another woman, a mother of four. In all, 63 persons were injured.

So with the concocted story of an attack on a Nepali man who was new to the village, the army was successful in spreading terror in the village of Jesami.

Huishu, 11.03.1996

On March 11, at the crack of dawn, a group of militants believed to be from the NSCN attacked the 20th Assam Rifles post at Huishu. The heavy exchange of fire between the NSCN and the Assam Rifles lasted for about three hours. The panic stricken villagers who were caught unawares by the burst of rapid gunfire of the encounter and the subsequent explosions of 2 Inch mortars in the civilian areas ran for safety leaving behind all their belongings. One third of the villagers who had gone to participate in the Centenary celebrations to mark the coming of Christianity to Ukhrul could not return home because of the reign of terror unleashed by the Assam Rifles. Those who fled to the jungle managed to find shelter while those who took the main road to Poi village were intercepted by the reinforcements from the Poi outpost near Sharok stream. The reinforcement from the Poi outpost under the command of one Captain Sharma forced the villagers (about 26 of them), to march back to Huishu. As this group of villagers and the personnel of the Assam Rifles neared the village, a few shots were fired towards them. As the villagers ran for cover, they were pulled back by the Assam Rifles personnel and used as human shields by placing the muzzle of their guns on their shoulders. This was the first time that women were used as human shields by the army. Khachungla, a woman, was made to cover Captain Sharma with a Naga shawl while approaching Huishu. When this group reached the village, they were beaten up and interrogated. None of them was spared. Paisho (51), a sector leader of the Village Voluntary Force attached to SSB, Poi post, and Parshuram Karki (45), a carpenter of Nepalese origin were taken away and shot. Their bodies bore torture marks and on Paisho's dead body, intestines were oozing out from the right side of his stomach.

Then the Assam Rifles with bottles of kerosene torched the village, house by house after ransacking and collecting all the valuables in sacks at around 10:30 a.m. Except the church building, school building and six other houses which were located at odd places, everything else was burnt down. A total of 103 houses mostly with CGI roofing and 19 granaries/barns were reduced to ashes.