

July 15, 2017 12:00AM EDT

## India: Top Court Orders Manipur Killings Inquiry

Ensure Transparent Investigation, Repeal Armed Forces Special Powers Act



25 जनवरी, 2008 को नई दिल्ली में, सशस्त्र बल विशेष अधिकार अधिनियम (अफ़्सा) के खिलाफ विरोध प्रदर्शन करती मणिपुरी महिलाएं. © 2008 रॉयटर्स

(New York) – [India](#)’s Supreme Court on July 14, 2017, ordered an investigation into alleged unlawful killings by government security forces in Manipur state from 1979 to 2012, Human Rights Watch said today. The court [directed](#) the Central Bureau of Investigation (CBI) to set up a five-member team to examine at least 87 killings by police, army, and paramilitary forces in response to a petition filed by victims’ families and nongovernmental groups in Manipur seeking investigation into 1,528 killings.

The creation of a transparent, time-bound investigation team that has the full cooperation of local authorities would be an important advance for accountability in the Manipur killings.

“There is finally some hope for justice for the families of the hundreds of men, women, and children who were killed by government forces in Manipur,” said [Meenakshi Ganguly](#), South Asia director. “The

Supreme Court order is a testament to the courage, hard work, and perseverance of victims' families and rights groups."

The lack of accountability for serious abuses has become deeply rooted in Manipur because of the [Armed Forces Special Powers Act \(AFSPA\)](#), the 1958 emergency law under which the armed forces are deployed in internal conflicts and have broad powers to arrest, search, and shoot to kill. The law, which provides soldiers who commit abuses effective immunity from prosecution, is also used in other parts of India's northeastern region and in the state of Jammu and Kashmir.

In a September  
2008 report,  
["These Fellows  
Must Be  
Eliminated,"](#)

Human Rights

Watch documented

human rights

abuses by all sides in Manipur, where close to 20,000 people have been killed since separatist rebels began their movement in the 1950s. The army, protected by AFSPA, committed widespread rights violations that fostered a culture of violence which encouraged similar abuses by the Manipur state police.

The Supreme Court's order follows its [landmark decision](#) in July 2016 that any allegation of use of excessive or retaliatory force by uniformed personnel resulting in death requires a thorough inquiry into the incident. The court added that such force was not permissible "even in an area declared as a disturbed area under AFSPA and against militants, insurgents and terrorists."

The court had initially set up a three-member committee under retired judge Santosh Hegde to investigate six of the 1,528 alleged extrajudicial killings, and in 2013 the committee informed the court that all six were unlawful. In July 2016, the court, ruling that the cases should be investigated, sought more information in each of the 1,528 cases from the petitioners, Extra Judicial Execution Victim Families Association and Human Rights Alert.

The petitioners submitted additional information on 655 cases. In its final order on July 14, 2017, the court limited its directions largely to cases in which allegations were based on a judicial inquiry, an inquiry by the National Human Rights Commission, or an inquiry set up by Manipur state government under the Commissions of Inquiry Act. "It is not that every single allegation must necessarily be inquired into," the court said. "It must be remembered that we are not dealing with individual cases but a systemic

September 29, 2008

## "These Fellows Must Be Eliminated"

Relentless Violence and Impunity in Manipur



Download full report



Download full report with cover

or institutional response relating to constitutional criminal law.”

---

“ **Fighting militant groups requires governments to make difficult decisions, but they cannot come at the cost of the rights to life and liberty. ”**

**Meenakshi Ganguly**

South Asia Director

---

The court directed the CBI to file official complaints, known as First Information Reports (FIRs), in at least 87 cases, and then investigate, file charges where appropriate, and submit a compliance report by January 2018.

The government and the army had opposed any investigation into the killings, asserting that all those killed were militants who died in counterinsurgency operations. The army

said it cannot be subjected to FIRs for carrying out anti-militancy operations in insurgency-prone areas like Jammu and Kashmir and Manipur.

The Supreme Court also noted that the state police not only failed to file FIRs against any police officers or other security force personnel in these alleged extrajudicial killings, but instead registered FIRs against the deceased for alleged violations of the law. The court stated: “Under these circumstances, it would be inappropriate for us to depend upon the Manipur Police to carry out an impartial investigation more particularly when some of its own personnel are said to be involved in the fake encounters.”

Several government-appointed commissions and international bodies have recommended that the Indian government repeal AFSPA, but so far, the government has failed to take any action.

“Fighting militant groups requires governments to make difficult decisions, but they cannot come at the cost of the rights to life and liberty,” Ganguly said. “To restore public confidence and prevent such abuses in the future, the Indian government should promptly repeal AFSPA.”