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A historic win for human rights

AIPP congratulates its first Secretary General, Luingam Luithui, upon his victory for the restoration of his fundamental right to citizenship after 22-year of ordeal

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Asia Indigenous Peoples Pact (AIPP) marks the Delhi High Court order to affirm the fundamental citizenship right of Luingam Luithui, a prominent Naga human rights advocate, as a historic victory for human rights in India. Along with Luithui, the Court on 24 August has finally ordered the restoration of Indian citizenship of his wife, Peingamla.

The Court has ruled that it is due to the unconstitutional acts of the Government of India (GOI) that Luingam Luithui and his wife were forced to take Canadian citizenship; and that they remained Indian citizens throughout this period, as they never gave up their citizenship voluntarily. A two-member Bench comprising Acting Chief Justice of Delhi High Court Justice Geeta Mittal and Justice Shankar pronounced the order.

Twenty-two years ago, India impounded Luithui's passport when he was traveling abroad. The government also refused to issue any travel document to his wife when she lost her passport abroad. It is a rare case where the GOI had abused the constitution of a democratic polity to forcibly exile and take away the citizenship right of its citizens.

The GOI resorted to arbitrary act of political prosecution, with complete disregard for rule of law, upon them because of Luithui's prominence in human rights advocacy and activism. He, along with his Naga friends, had conceived of an organized human rights movement back home after his active involvement in and exposure to anti-Emergency activism with other activists in mainland India. They thus formed the Naga Peoples Movement for Human Rights (NPMHR) in 1978, the first human rights organisation in northeast India.

Luithui played a crucial role in addressing human rights issues and taking cases of army atrocities to the courts from Naga areas where the Indian Army reigned supreme over civilian authorities because of a raging armed resistance movement. Cases include NPMHR vs. Union of India challenging the constitutionality of the Armed Forces Special Powers Act that led to the Supreme Court enunciating clear guidelines for the Army to adhere to while carrying out operations in disturbed areas. In another instance, in 1987, when Indian security forces sealed off Naga villages in the Oinam area of Manipur and razed 31 villages to the ground in what was called 'Operation Bluebird', he and his colleagues documented the atrocities committed and took the Army to the Guwahati High Court.



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Luithui was equally active in organising regional and international indigenous peoples' movements, and in the standards-setting regarding indigenous peoples' rights in the UN. He helped set up the AIPP and became its first Secretary General and was also instrumental in the formation of the International Alliance of the Indigenous and Tribal Peoples of the Tropical Forests.

Meanwhile, several members of his family were threatened, harassed and tortured. His brother died from the injuries due to torture and uncle died in a bomb blast by the Indian paramilitary force.

Nonetheless, as a human rights activist, Luithui did everything within his means with Lt. Gen. KM Seth to facilitate the peace process, between GOI and the National Socialist Council of Nagaland (NSCN-IM), which led to the formal ceasefire declaration in 1997.

Luithui's notable contribution to the human rights work include making the "sovereign" act of the Army judicable for the first time in India with the awarding of compensation for Army excesses in the case of Sebastian Hongray vs. Union of India. Further, through AIPP and otherwise, he played a prominent role in drawing the attention of the international community and governments on the state of non-recognition of the existence of indigenous peoples in Asia.

Having been targeted by the GOI, attempts of getting Indian passports and returning home failed. The couple survived in Canada doing hard manual jobs in Ottawa and in the oil fields of Canada. Nevertheless, they continued to fight for their justice and for the sake of human rights. Their determination and persistency finally paid off when the Court served them justice after 22 years of ordeal.

"The Hon'ble Court has clearly affirmed that their case is an abuse of fundamental human rights and due process, which must be prevented to protect its citizens as well as to protect and promote the dignity and integrity of the judicial system," AIPP's Chairperson, Kittisak Rattanakrajangsri, said. "The Hon'ble Court has established that there can be no such exercise of sovereign power against the State's own citizens, which is a victory for human rights."

For more information, please contact:

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