

AFSPA MUST BE REPEALED !

THE 10 YEARS HUNGER STRIKE OF IROM SHARMILA'S MUST END NOW!

We the undersigned human rights NGOs from across Asia celebrate Ms. Irom Chanu Sharmila's unwavering courage for standing as a voice for thousands of voiceless people demanding to repeal the Armed Forces Special Powers Act of 1958 (AFSPA). Her 10-year fasting symbolizes the journey of the people of Manipur and other areas of Northeast India for genuine peace and freedom from violence.

The direct cause for the hunger strike of Ms. Irom Sharmila is the Malom massacre in 2 November 2000 which had claimed lives of 10 civilians, including women and children, by the Indian security forces. Ms. Irom Sharmila took an indomitable stand that she will only end her fast when the Government of India repeals the AFSPA. Ironically, the Government of India responded to this act of peaceful protest by arresting her several times on charges of attempted suicide which is unlawful under Section 309 of the Indian Penal Code. The cycle of arrests of Ms. Irom Sharmila has continued for the past 10 years.

Ms. Irom Sharmila has been recognized internationally for her work on the issues of women's empowerment, peace and human rights, and her non-violent means of fighting for human rights. In 2007, Ms. Irom Sharmila has been awarded the Gwangju Prize for Human Rights and in 2010, the Rabindranath Tagore Peace Prize. Despite the international community's recognition of Ms. Irom Sharmila's work, the Indian government insists on keeping her under judicial custody in the Security Ward of the Jawaharlal Nehru Hospital in Imphal, Manipur, and forcibly feeding her through nasogastric intubations.

The AFSPA was initially introduced in 1958 and was enforced in Manipur in 1980, initially intended to be in effect for only 6 months in order to maintain public order in areas deemed to be "disturbed" by the Indian government. However, the AFSPA is still being implemented in Manipur until now. The Act allows wider discretionary power to an officer of the armed forces to arrest without a warrant, and with the use of necessary force, anyone who has committed certain offenses or is suspected of having done so. Moreover, the Act also grants officers of the armed forces to fire upon or otherwise use force, even if this causes death, against any person who is acting in contravention of any law or order as well as to enter and search without warrant any premises to make arrests. The Act further stipulates that any officer of the armed forces may only be prosecuted upon the permission of the central government, a provision that further entrenches the culture of impunity.

The repeal of the AFSPA has been demanded over the years by the international community including the AFSPA Review Committee which formed by the Government of India as well as many human rights defenders in India and all over the world. In fact, in 2009, the High Commissioner for Human Rights, Ms. Navanethem Pillay, during her visit to India in March 2009, said that the Act breached "contemporary international human rights standards." The European Parliament, in 14 June 2010, also raised the demand for the repeal of the AFSPA.

In 2007, the UN Committee on the Elimination of Racial Discrimination urged the Government of India to repeal AFSPA and replace it with a more humane Act within one year. The Committee on the Elimination of Discrimination against Women also asked the Indian Government to “provide information on the steps being taken to abolish or reform AFSPA.”

The criminalization of Ms. Irom Sharmila’s peaceful protest against the AFSPA violates Article 1 of the UN Declaration on Human Rights Defenders, which guarantees the right of human rights defenders and women human rights defenders to promote and protect the realisation of human rights. Moreover, restriction imposed on Ms. Sharmila depriving her access with public media, human rights defenders and other people is in violation with said Declaration which ensure freedom of assembly and the right to communicate (Art. 5) and the right to access and disseminate human rights information and to draw public attention to human rights issues (Art. 6) .

On 2 November 2010, Irom Sharmila as well as the people of Northeast India will mark a decade of the hunger not only for fundamental human rights but also for truth on the foundations of Indian democracy. We join this collective message that we do not want another year of celebration of Ms. Irom Sharmila’s hunger strike and we do not want another year of the AFSPA’s enforcement in India.

We, human rights defenders and women human rights defenders in Asia, stand as one in demanding that the AFSPA should be repealed immediately and that the hunger strike of Ms. Irom Sharmila must end now.