

PETITION

Save Irom Sharmila, Abolish the Armed Forces Special Powers Act

Tuesday 15 December 2009, by [Collective / Multiple signers](#) (Date first published: 11 December 2009).

To: President of India,

Madam,

This November, poet and activist Irom Sharmila from Manipur entered the 10th year of her hunger strike demanding the repeal of the Armed Forces (Special Powers) Act, 1958(AFSPA). She started the hunger strike after the Indian Army massacred ten civilians in Malom, Manipur. This was already the twentieth year of the application of the AFSPA in Manipur. On 6 November 2000, she was arrested by the police and charged with attempt to commit suicide under section 307 of the Indian Penal Code. Her health deteriorated gradually and she did not accept even a single drop of water except being forcefully fed by nasogastric intubation.

We feel that AFSPA grants the Indian Army special powers throughout North-East India and Kashmir to:

- Arrest citizens and enter their property without warrant;
- Shoot and kill anyone on mere 'suspicion';
- Enjoy immunity against legal action.

According to the government appointed Justice Jeevan Reddy Commission 'the Act has become a symbol of oppression, an object of hate and an instrument of discrimination and high-handedness.' The United Nations Committee on Racial Discrimination has urged the Indian government to repeal the law.

AFSPA is one of the most draconian legislations that the Indian Parliament has passed in its 60 years of history. Under this Act, all security forces are given unrestricted and unaccounted power to carry out their operations, once an area is declared disturbed. It is the army, rather than any civilian authority, which decides that in order to "maintain the public order", one must shoot to kill.

This Act empowers the armed forces wide powers to shoot, arrest and search, all in the name of "aiding civil power." It was first applied to the North Eastern states of Assam and Manipur and was amended in 1972 to extend to all the seven states in the north-eastern region of India. They are Assam, Manipur, Tripura, Meghalaya, Arunachal Pradesh, Mizoram and Nagaland, also known as the "seven sisters". The whole of Manipur has been under AFSPA since 1980. The enforcement of the AFSPA has resulted in innumerable incidents of arbitrary detention, torture, rape, and looting by security personnel. In Manipur alone, security forces kill on average one to two persons per day, according to non-governmental sources.

The Armed Forces Special Powers Act contravenes the Indian constitution and law standards.

- Violation of Article 21 - Right to life
- Protection against arrest and detention - Article 22
- The Indian Criminal Procedure Code
- Military's Immunity / Lack of Remedies
- The Army Act
- States of Emergency

It also contravenes the following International law standards of which the Government of India is a signatory.

- International Covenant on Civil and Political Rights (ICCPR)
- International Customary Law comprising of The UN Code of Conduct for Law Enforcement Officials, the UN Body of Principles for Protection of All Persons Under any form of Detention, and the UN Principles on Effective Prevention and Investigation of Extra-legal and summary executions
- International Humanitarian Law comprising four Geneva Conventions of 1949 along with the two optional protocols.

It is also evident to us that there is a political cause behind this sustained violation of human rights. That cause is the establishment of the rule of the Indian elite over the north east. Manipur, for example, was incorporated into India while ignoring the promise of a democratic Legislative Assembly for Manipur by the then Maharaja. Moreover, Manipur was placed under central rule for many years, by being proclaimed a Union Territory. Even when Nagaland was granted statehood, Manipur was not, giving clear evidence that the Government of India would negotiate only with violent resistance, not peaceful struggles. The "mainstreaming" of the North East had come to mean imposition of economic exploitation and cultural dictations from the "mainstream". This is what led to increasing resistance, and the decades of AFSPA have increased further, rather than decreasing violence. We strongly feel that a country which prides in calling itself a democracy cannot condemn a section of the population living under legalized martial law for almost six decades. We also feel that the recurrent sexual violence on women by the armed forces (highlighted after the murder of Thangjam Manorama) must not go unpunished, though, given the refusal of the government to prosecute the army for acts committed under the AFSPA, no case has ever been brought to court.

It is in this context that the heroic struggle of Irom Sharmila has been taking place. In expressing our solidarity with her, we demand:

- The immediate repeal of the AFSPA without its reintroduction under any other name.
- The removal of the military from playing a governing role in the area.
- The prosecution of army personnel for all cases of murder, rape, sexual violence and torture, and the punishment of all the guilty.

Copy to

Prime Minister of India

Sincerely,

The Undersigned

http://www.petitiononline.com/mod_perl/signed.cgi?radical1

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View online : [To signe the petition](#)