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India: Authorities must release Irom Sharmila Chanu

Indian authorities must immediately release Irom Sharmila Chanu – a protester on a prolonged hunger-strike – and drop all charges against her, Amnesty International said today.

Irom Sharmila has been on an indefinite fast since November 2000, protesting against the imposition of the Armed Forces (Special Powers) Act, 1958 (AFSPA) in the state of Manipur. She was arrested shortly after she began her hunger strike and charged with attempting to commit suicide – a criminal offence under Indian law.

Irom Sharmila, was released on 12 March 2013 by the Chief Judicial Magistrate Court of Imphal East only to be re-arrested on 14 March and remanded again to judicial custody till 26 March. On 4 March, a Delhi court had also charged Irom Sharmila with attempting to commit suicide in October 2006, when she staged a protest in Delhi for two days.

Irom Sharmila has never been brought to trial, but as her alleged offence is punishable by a term of one year only, she has been regularly released upon the completion of such period in judicial custody, only to be re-arrested shortly thereafter as she continues her fast.

Sharmila has remained in judicial custody in Manipur over the past twelve years. She is currently held at the security ward of the Jawaharlal Nehru hospital in Imphal, the capital of Manipur, where she is force-fed a diet of liquids through her nose.

Sharmila has pleaded not guilty to the charges of attempting to commit suicide, and has said she is holding a non-violent protest.

"I do not want to commit suicide. Mine is only a non-violent protest. It is my demand to live as a human being," Sharmila reportedly told the Delhi court on Monday. "I love life. I do not want to take my life but I want justice and peace."

Although attempting to commit suicide is a bailable offence in India, Sharmila has refused to sign the bail-bonds, maintaining that she had not committed any offence, and has instead called for the criminal charges against her to be dropped.

Irom Sharmila has undertaken her hunger strike as a form of protest against the AFSPA. The British Medical Association, in a briefing to the World Medical Association, has clarified that "A hunger strike is not equivalent to suicide. Individuals who embark on hunger strikes aim to achieve goals important to them but generally hope and intend to survive." This position is embodied by the World Medical Association in its Malta Declaration on Hunger Strikers.

Amnesty International has also previously called upon the Government to repeal the AFSPA, which provides impunity for perpetrators of serious human rights violations, including extrajudicial executions, enforced disappearances, rape and torture.

Background

Irom Sharmila Chanu began her hunger strike after the killing of 10 Manipuris by the Assam Rifles (a paramilitary force) in Malom, Imphal in November 2000. She demanded the removal of the AFSPA

from Manipur. The AFSPA provides for soldiers who are operating in government designated 'disturbed areas' the authority to use lethal force against any person contravening laws or orders "prohibiting the assembly of five or more persons" as well as to destroy property, enter and search premises without warrant and arrest in the interest of 'maintenance of public order'. Soldiers are also protected from any legal proceedings unless such action is sanctioned by the central government.

Repeal of the law has also been recommended by a number of national bodies including the Second Administrative Reforms Commission, Jeevan Reddy Commission and the Prime Minister's Working Group on Confidence-Building Measures in Jammu and Kashmir. The Justice Verma Committee on Amendments to Criminal Law said in January 2013 that the AFSPA legitimized impunity for sexual violence, and recommended an urgent review of the law.