

AMNESTY INTERNATIONAL

Public Statement

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India: Amnesty International calls for repeal of the Armed Forces (Special Powers) Act, 1958

Today Amnesty International wrote to a committee convened by the government of India to review the Armed Forces (Special Powers) Act (AFPSA) to recommend that the government of India repeal this Act and to ensure that any future legislation complies fully with international human rights and humanitarian law treaties to which India is a state party.

Amnesty International is concerned that the Act violates non-derogable provisions of international human rights law, including the right to life, the right to remedy and the rights to be free from arbitrary deprivation of liberty and from torture and cruel, inhuman or degrading treatment or punishment (ill-treatment). These rights are enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party since 1979, and other treaties and standards.

In a full set of recommendations, Amnesty International also urges the government of India to ensure the training of security forces in international standards that protect human rights, to invite independent international human rights monitors, and to fully investigate reported cases of human rights abuses.

In addition, Amnesty International calls on armed groups to respect minimum human rights standards and principles of international humanitarian law and to halt killings of civilians, torture, ill-treatment, hostage-taking and other abuses.

Background

Amnesty International is concerned that the AFSPA, a law operative in "disturbed areas", including large parts of the Northeast region of India and Jammu and Kashmir, violates international human rights law by giving the security forces (but not police) wide-ranging powers and has facilitated grave human rights abuses, including extrajudicial execution, disappearance, rape and torture.(1)

Concern about the AFSPA has been voiced both domestically by human rights groups, and internationally. In response to India's third (and most recent) periodic report in July 1997, the UN Human Rights Committee remained "concerned at the continued reliance on special powers under legislation such as the Armed Forces (Special Powers) Act, the Public Safety Act and the National Security Act in areas declared to be disturbed and at serious human rights violations, in particular with respect to articles 6, 7, 9, and 14 of the Covenant, committed by security and armed forces acting under these laws as well as by paramilitary and insurgent groups." (2) Abuses in the areas under discussion are also perpetrated by police officials and armed political groups.

After months of protests and bandhs (strikes) in the state of Manipur calling for repeal for the AFSPA, the Prime Minister of India Manmohan Singh visited Manipur in November 2004. A day before the visit, his government appointed a five-member committee to review the AFSPA.

1. The Armed Forces (Special Powers) Act, 1958 is in force in parts of the Northeast. In 1990, a version of the Armed Forces (Special Powers) Act was brought in force in parts of Jammu Kashmir.

2. CCPR/C/79/Add.81, para 18.