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India must release prisoner of conscience on prolonged hunger strike

The detention of Irom Sharmila Chanu, an activist from Manipur state, for close to thirteen years for her prolonged hunger strike is a continuing reminder of India's intolerance to dissent, Amnesty International India said today.

"Irom Sharmila is a Prisoner of Conscience, who is being held solely for her peaceful expression of her beliefs," said Shashikumar Velath, Programmes Director of Amnesty International India. "Authorities must drop all charges against her, and release her immediately and unconditionally."

Irom Sharmila has been on an indefinite fast since 2 November 2000, demanding the lifting of the Armed Forces (Special Powers) Act, 1958 (AFSPA).

She was arrested by the Manipur police shortly after she began her hunger strike and charged with attempting to commit suicide – a criminal offence under Indian law. In March 2013, a Delhi court also charged Sharmila with attempting to commit suicide in October 2006, when she staged a protest in Delhi for two days.

Irom Sharmila has never been convicted of attempting to commit suicide. However, as the offence is punishable with imprisonment for up to one year only, she has been regularly released after completing a year in judicial custody, only to be re-arrested shortly after as she continues her fast.

Irom Sharmila is being detained in the security ward of a hospital in Imphal, the capital of Manipur, where she is force-fed a diet of liquids through her nose. Anyone wishing to meet her, including her family and friends, have to go through a lengthy process of obtaining permission from the Manipur government.

Although attempting to commit suicide is a bailable offence in India, Irom Sharmila has refused to sign the bail bonds, maintaining that she has not committed any offence, and has instead called for the criminal charges against her to be dropped. She has pleaded not guilty to the charges of attempting to commit suicide, and has said she is holding a non-violent protest.

Speaking to Amnesty International India, Irom Sharmila, who says she is inspired by Mahatma Gandhi's philosophy of non-violence, said, "My struggle is my message. I love my life very much and want to have the freedom to meet people and struggle for issues close to my heart."

"Irom Sharmila's hunger strike is a protest against human rights violations, and is different from self-starvation as a way to commit suicide," said Shashikumar Velath.

"India has a long history of activists undertaking hunger strikes for noble causes. Authorities must consider the validity of Irom Sharmila's demands, not demean her protest by charging her with attempting to commit suicide," said Shashikumar Velath.

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.

In February 2012, the Supreme Court of India observed in its ruling in the *Ram Lila Maidan Incident versus Home Secretary, Union of India and Others* case that a hunger strike is "a form of protest which has been accepted, both historically and legally in our constitutional jurisprudence."

Background

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

Amnesty International and several other rights organizations continue to demand the repeal of the AFSPA.

The AFSPA, which has been in force in parts of Northeastern India since 1958, and a virtually identical law (The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990) in force in Jammu and Kashmir since 1990, provide sweeping powers to soldiers, including the power to shoot to kill in certain situations and to arrest people without warrants. They also provide virtual immunity from prosecution by requiring prior permission from the Central Government before security personnel can be prosecuted. This permission is almost never granted.

The law has provided impunity for perpetrators of grave human rights violations, including extrajudicial executions, enforced disappearances, rape, torture and other ill-treatment, and excessive use of force.

The AFSPA falls far short of international standards, including provisions of treaties to which India is a state party, and is inconsistent with India's international legal obligations to respect and protect the rights to life, liberty and security of person, to freedom from torture and other ill-treatment, and to an effective remedy.

Several UN bodies and experts, including the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders, have stated that the AFSPA must be repealed.

A number of Indian bodies, including the Second Administrative Reforms Commission, the Jeevan Reddy Committee to review the AFSPA and the Prime Minister's Working Group on Confidence-Building Measures in Jammu and Kashmir have also urged the repeal of the law.

The Justice Verma Committee, set up to review laws against sexual assault, said in January 2013 that the AFSPA legitimized impunity for sexual violence. The Justice Santosh Hegde Commission, set up by the Supreme Court in January 2013 to investigate cases of extrajudicial executions in Manipur, described the law as "a symbol of oppression, an object of hate and an instrument of discrimination and high-handedness."

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