

# AMNESTY INTERNATIONAL

## Public Statement

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### **India: Amnesty International renews its call for an unconditional repeal of the Armed Forces (Special Powers) Act, 1958**

Amnesty International is deeply concerned that the Indian government may seek to retain provisions of the Armed Forces (Special Powers) Act 1958 that contravene its international human rights obligations and that continue to pose grave threats to the human rights of its people.

On 2 December, the Prime Minister of India, Dr. Manmohan Singh, announced that the Home Ministry was working on “modifying existing provisions or inserting new provisions” in the Armed Forces Special Powers Act, 1958 (AFSPA), so as to give “due regard to the protection of basic human and civil rights”.

A decision to amend, rather than to repeal the AFSPA would fly in the face of the most significant recommendation by the five-member Committee led by former chairperson of the Law Commission, Justice B. P. Jeevan Reddy, contained in its report submitted to the Government of India in June 2005.

Amnesty International has repeatedly expressed its concern that the AFSPA contains provisions which contravene, either directly or by granting perpetrators impunity, key human rights including the right to life, the right to be free from torture and other ill-treatment, the right to be free from arbitrary deprivation of liberty and the right to remedy and reparation. These rights are enshrined in international law and standards, including the International Covenant on Civil and Political Rights, to which India is a state party<sup>1</sup>. The AFSPA, which is operative in “disturbed areas”, including large parts of the Northeast region of India and Jammu and Kashmir, gives security forces wide-ranging powers, including the power to use lethal force in contravention of international standards.

In light of the main provisions of the AFSPA being in violation of international human rights law, Amnesty International fully supports the recommendation to repeal the Act and urges the Government of India to implement this part of the Committee’s recommendations.

Amnesty International is also opposed to the incorporation of the offending provisions of the AFSPA into any other piece of legislation, including the Unlawful Activities (Prevention) Act, 1967 (UAPA)<sup>2</sup>.

Amnesty International calls on the Government of India to repeal unconditionally the AFSPA and not to incorporate its offending provisions into any other legislation.

<sup>1</sup>India: Briefing on the Armed Forces Special Powers Act, 1958 (ASA 20/0135/2005).

<https://intranet.amnesty.org/library/Index/ENGASA200252005?open&of=ENG-IND>

<sup>2</sup>India: Briefing: The Armed Forces Special Powers Act (AFSPA) Review Committee takes one step forward and two backwards (ASA 20/029/2006)

<http://web.amnesty.org/library/Index/ENGASA200292006?open&of=ENG-IND>