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India: Government of Manipur must release Irom Sharmila Chanu

The Government of Manipur must release Irom Sharmila Chanu – a protester on hunger- strike – and withdraw the criminal prosecution initiated 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 – an offence under Section 309 of the Indian Penal Code (IPC). Irom Sharmila has remained in judicial custody over the past nine years. She is currently held at the security ward of the Jawaharlal Nehru hospital in Imphal, the capital of Manipur, where she is fed a diet of liquids through her nose.

Although Section 309 is a bailable offence, 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. She has never been brought to trial, but as the offence under Section 309 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.

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.”ⁱ This position is embodied by the World Medical Association in its Malta Declaration on Hunger Strikers.ⁱⁱ

Amnesty International urges the Government of Manipur to release Irom Sharmila and withdraw ongoing criminal proceedings against her under Section 309, IPC.

Amnesty International also calls upon the Government to India to repeal the AFSPA as it 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.

Amnesty International has also previously called upon the Government to repeal the AFSPA.ⁱⁱⁱ 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.

ⁱ World Medical Association Declaration of Malta: A background paper on the ethical management of hunger strikes, World Medical Journal, 2006, Volume 52, pages 36-43

ⁱⁱ Adopted by the 43rd World Medical Assembly at Malta in November 1991 and revised in September 1992 and October 2006

ⁱⁱⁱ Parliamentarians must repeal the Armed Forces (Special Powers) Acts, AI Index: ASA 20/022/2009; Briefing on the Armed Forces (Special Powers) Act, 1958, AI Index: ASA 20/025/2005; Briefing: The Armed Forces Special Powers Act Review Committee takes one step forward and two backwards, AI Index: ASA 20/031/2006