

**REDRESS**

*Ending Torture. Seeking Justice for Survivors*



ASIAN HUMAN RIGHTS COMMISSION



প্ৰতিবেদন হাৰ্টস অৱাৰ্ট  
HUMAN RIGHTS ALERT

## **INDIA: ARMED FORCES ACT IS A DEEPENING BLOTCH ON DEMOCRACY**

Statement by Asian Human Rights Commission, REDRESS Trust, and Human Rights Alert

[18 August 2011] A draconian legislation like the Armed Forces (Special Powers) Act, 1958 and the concept of democracy do not go together. While democracy nurtures values of justice, equality and fraternity, laws like the AFSPA are synonymous with injustice, discrimination and hatred.

A report that analyses the legislation's complete incompatibility with India's domestic and international human rights obligations was released today in India, Hong Kong and London.

The organisations that have co-authored the report are Human Rights Alert, a human rights organisation working in Manipur, India; REDRESS Trust, a human rights group based in London, UK; and the AHRC, a regional human rights body based in Hong Kong. The report is titled "The Armed Forces (Special Powers) Act, 1958 in Manipur and other States of the Northeast of India: Sanctioning repression in violation of India's human rights obligations".

While analysing the Act, the report draws extensively upon international and domestic human rights jurisprudence, which India is mandated to follow. The report exposes the visibly different standards - even the Supreme Court of India has adopted - while deciding the constitutionality and thus the compatibility of the law with India's international and domestic human rights obligations.

Despite repeated calls to repeal the law immediately by government-sponsored Committees that have studied the law, the Government of India is yet to take any steps in that direction. International human rights bodies like the Human Rights Committee and the Committee on Racial Discrimination have expressed concern about the law and its implementation in India, suggesting that the law should be repealed.

The law has attracted repeatedly wide-ranging criticisms from jurists, human rights activists, and even politicians within India and abroad. Organisations like the AHRC and Human Rights Alert have documented more than two hundred cases, over the past eight years, where the state agencies operating under the statutory impunity provided by the Act have committed serious human rights violations in states like Manipur.

Most of these cases have been reported by the AHRC through its Urgent Appeals Programme and brought to the attention of authorities in India and within the United Nations. Yet, so far not a single military or police officer has been prosecuted for the human rights abuses they have committed under the cover of impunity provided by this law.

The report also places emphasis upon the unique form of protest by Irom Chanu Sharmila,

through her decade-long hunger strike, which has been largely ignored by the national media in India.

Organisations and individuals who were present during the release of the report and support the global call for the repeal of AFSPA 1958 are:

1. Advocacy Forum, Nepal
2. Janasansadaya, Sri Lanka
3. Kishali Pinto Jayawardane, Sri Lanka
4. Dr. Jayantha Almeda Junaratne QC, Sri Lanka
5. Sharmaine Gunaratne, Research Scholar, UK
6. Shariful Islam, University of Dhaka, Bangladesh
7. Nervazhi, Human Rights Protection Network, Kerala, India
8. Yohannes Budi Hernavan, Australian National University, Australia/Indonesia
9. Human Rights Lawyers Association, Thailand
10. Cross Cultural Foundation (CrCF), Thailand
11. Rehabilitation and Research Centre for Torture Victims (RCT), Denmark
12. KAWAGIB (Moro Human Right Organisation), Philippines
13. Dr. Lagare Emely Santiago, Former Chairperson, Gabriela, General Santos City, Philippines
14. The Commission for Disappeared and Victims of Violence (KontraS), Indonesia
15. Balay Rehabilitation Center, Philippines

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**Note to editors:** REDRESS has been fighting since 1992 for the rights of torture survivors and their families in the UK and abroad. It takes legal challenges on behalf of survivors, works to ensure that torturers are punished and that survivors and their families obtain remedies for their suffering. REDRESS cooperates with civil society groups around the world to eradicate the practice of torture once and for all and to ensure that survivors can move forward with their lives in dignity.