

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: ASA 20/090/2004 (Public)

News Service No: 201

11 August 2004

## India: Call for repeal or review of the Armed Forces (Special Powers) Act, 1958

On the one month anniversary of the alleged sexual assault and killing in custody of Thangjam Manorama in Manipur and in light of a series of other reported abuses, Amnesty International today urged the Government of India to repeal or review -- ensuring its consistency with international human rights standards -- the Armed Forces Special Powers Act, 1958 (AFSPA). This law has been operative in "disturbed areas" including large parts of the north-east region for over four decades.

In its Common Minimum Programme, the United Progressive Alliance has stated its intention to repeal the Prevention of Terrorism Act (POTA) and recognized "concerns with the manner in which POTA has been grossly misused". While welcoming the government's initiative regarding POTA, Amnesty International has pointed to reports of equally serious human rights abuses occurring under the AFSPA as under POTA and on that basis appealed for AFSPA's repeal or review.

In areas declared as "disturbed" -- such as in the north-east region -- Amnesty International is concerned that the AFSPA:

- facilitates grave human rights violations,
- empowers the security forces to arrest and enter property without warrant,
- gives the security forces powers to use excessive force, including to shoot to kill without members of the security force lives being at imminent risk,
- facilitates impunity because no person can start legal action against any member of the armed forces for anything done under the Act without permission of the Central Government,
- by certain of its provisions violates articles of the International Covenant on Civil and Political Rights (ICCPR), including Articles 6, 9 and 14. These articles include, but are not limited to, article 6(1) which states "every human being has the inherent right to life", and article 9(1) which states "no one shall be subjected to arbitrary arrest or detention".

In a letter to the Chief Minister of Manipur, Amnesty International today sought clarification from the on the status of the judicial inquiry on Thangjam Manorama's case apparently promised on 11 July in meetings with Manipur-based organizations, including the *Meira Paibis* [torch bearers]. The organization further urged that if no judicial investigation has been initiated that it is done so immediately and that it examines allegations of rape and death in custody, that the findings be made public in a timely manner, and that criminal charges are filed against any security officials found to have been responsible for the killing and use of torture, excessive force or sexual assault.

Amnesty International further expressed concerns to the Chief Minister of Manipur

regarding the prohibition and criminalization of peaceful protests and assembly in Manipur in recent weeks. Amnesty International called for criminal charges to be brought against anyone who has been responsible for the arrests and firing upon peaceful demonstrators and to prevent any further such threats and harassment.