

Human Rights Defenders Alert - India

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Shri A. K. Parashar

Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Manipur: Irom Sharmila arrested for continuing hunger strike demanding repeal of the draconian AFSPA, treated in cruel, inhuman and degrading manner by police – Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern over the re-arrest of Irom Sharmila in Imphal on the 22nd of August, 2014 after she continued to protest against the contentious Armed Forces Special Powers Act (AFSPA). She was protesting, along with other activists against the Act at a place which was just half a kilometre away from the hospital where she was kept as a prisoner for 14 years. Police forcefully evicted and arrested her from the fast site.

Source of Information on the Incident:

- Press Reports dated 22nd August, 2014
- Communication from Centre for Organization, Research and Education (CORE), based in Imphal, Manipur, dated 22nd August, 2014

About the Human Rights Defenders under attack:

Irom Sharmila Chanu, aged 42, is a civil rights activist, political activist, and poet from the North East Indian state of Manipur. On 2 November 2000, she began a hunger strike demanding that AFSPA be repealed and is still fasting. Having refused food and water for more than 500 weeks, hers is purportedly the world's longest hunger strike. On International Women's Day, 2014 she was voted the top woman icon of India by MSN Poll.

Sharmila was awarded the 2007 Gwangju Prize for Human Rights, which is given to "an outstanding person or group, active in the promotion and advocacy of Peace, Democracy and Human Rights". She shared the award with Lenin Raghuvanshi of People's Vigilance Committee on Human Rights, an Uttar Pradesh – based human rights organization.

In 2009, she was awarded the first Mayillama Award of the Mayilamma Foundation "for achievement of her nonviolent struggle in Manipur".

In 2010, she won a lifetime achievement award from the Asian Human Rights Commission. Later that year, she won the Rabindranath Tagore Peace Prize of the Indian Institute of Planning and Management, which came with a cash award of 5,100,000 rupees, and the Sarva Gunah Sampannah "Award for Peace and Harmony" from the Signature Training Centre.

The Perpetrators:

The Police / the State

Date and time of Incident:

22nd of August 2014, at about 10.24 AM

Place of Incident:

At her fast venue, half a kilometre away from the J N Govt. Hospital in Imphal, Manipur

Incident

According to sources, at round 10:24 A.M (Indian Standard Time) on the 22nd August 2014, Irom Chanu Sharmila, aged about 42 years, a woman belonging to the indigenous Meitei community of Manipur was picked up by armed police personnel of Imphal East Police station, while continuing her hunger strike after she had been

released from jail on 20th August 2014 by the judgment and order of the District and Sessions Judge, Imphal East, dated 19th August 2014 (Irom Chanu Sharmila vs. The State of Manipur [Criminal Revision Case No. 14 of 2014]).

The team led by the Superintendent of Police (SP) of Imphal East along with the Additional SP and women personnel violently dragged Irom from the shed where she was conducting her peaceful hunger strike for the repeal of the Armed Forces (Special Powers) Act of 1958. The police personal grabbed her, pushing her towards the police vehicle, and threw her into a police vehicle. In the action by the police personnel, they injured and broke her right big toe nail and her clothes were ripped off from her body as she protested her arbitrary handling by the police. Women protestors sitting alongside Irom heard the SP shout to the police personnel to drag her out.

It may be noted here that Sharmila is frail and fragile as she has been on hunger strike since November 2000 to remove the draconian military law from the state of Manipur. According to reliable information, Irom has been taken by the police to the Jawaharlal Nehru Institute of Medical Sciences (JNIMS) Hospital in Porompat, Imphal East where she was given some medical attention for her injuries and then admitted in the special ward under police custody. There was no arrest memo served on her, and the police provided no specific reason for the arbitrary and illegal abduction. The SP who had picked her up refused to give any statement regarding the arrest and that he has acted merely on 'orders'.

Background:

The 42-year-old, known as the Iron Lady of Manipur, began her fast in November 2000 after 10 people were killed in a shooting at a bus stop near her home in Manipur. Activists blamed the army for the killings, which included two children. Police registered a case but no arrests were made.

Twelve years after the rights activist started a hunger strike seeking repeal of Armed Forces (Special Powers) Act from Manipur, a team of National Human Rights Commission (NHRC) met her for the first time in the security ward of JN Hospital on the 23rd of October 2013. Accompanied by rights activists, including Human Rights Alert (HRA) executive director Babloo Loitongbam, Balakrishnan and some members recorded Sharmila's statement on the state government's frequent denial to grant permission to visitors, including her family members, to meet her.

Despite calls from judicial inquiries and human rights groups, the federal government has kept in force the AFSPA that gives soldiers virtual immunity from prosecution in regions hit by insurgencies. The Act grants special powers to the armed forces, including those to detain, use lethal force and enter and search premises without warrant. The most criticised aspect of the act is the legal immunity it provides to army officers.

Though charges of atrocities have often been brought up against the army for the misuse of the act in the Northeast and Kashmir, the government says the AFSPA is a functional requirement for the armed forces in disturbed areas.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the NHRC urges for

- Release of Ms. Irom Sharmila immediately and unconditionally and drops all charges against her as her detention is arbitrary since it is aimed at stalling her human rights activities
- Immediate action to be taken against the police team headed by the SP who subjected her to cruel, inhuman and degrading treatment during her arrest
- Repeal of all emergency laws, the Armed Forces Special Powers Act, 1958, the Unlawful Activities Prevention Act, 1967 and the National Security Act, 1980 and other legislations that facilitate violations of human rights in Manipur.
- Full functioning of the Manipur Human Rights Commission by appointment of competent and committed members through a transparent process.
- Setting up a special cell for protection of human rights defenders in the State.
- Conforming with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”

- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- More generally, ensuring in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Manipur.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

Henri Tiphagne

Honorary National Working Secretary