**Open letter to Prime Minister of India and Member of Parliament in India**

**Greetings from PVCHR and Wide Angel.**

The Government of India has been actively considering amendments to the Armed Forces Special Powers Act (AFSPA). In this regard, the Armed Forces (Special Powers) Amendment Bill 2009 has been listed for discussion during the ongoing winter session of the Parliament.

Pertinently the proposed amendments have not been placed in the public domain for a discussion on the same. Peoples’ Vigilance Committee on Human Rights (PVCHR) and NATT alliance member Wide angle from Manipur would like to urge that AFSPA should be repealed in totality and no part of it should be inserted in any other legislation of the country.

The AFSPA grants special powers to the armed forces of the union to operate in the States of Assam, Manipur, Meghalaya, Nagaland, Tripura,Mizoram and Arunachal Pradesh since 1958, and in Jammu Kashmir since 1990. Once an area is declared 'disturbed' under this Act, the armed forces of the union can arrest and detain citizens without warrant, search and destroy properties without warrant, and even use force to the extent of killing citizens on mere suspicion.

Civil society groups in these regions as well as human rights groups outside the regions have documented gross violations of human rights under this Act and have been demanding its repeal. Ms. Irom Sharmila, a Manipuri poet, has created history as she enters the tenth year of her indefinite hunger strike against the Act, despite several attempts by the state to forcibly feed her. She has been uncompromisingly demanding the repeal of this draconian law.

· India: Please take immediate action to save the life of the Female Human Rights Defender in Manipur, India.

<http://pvchr.blogspot.com/2009/08/india-please-take-immediate-action-to_19.html>

· Thanks from the mothers of Manipur to you

<http://testimony-india.blogspot.com/2009/08/thanks-from-mothers-of-manipur-to-you.html>
· PVCHR actions against torture in Manipur
[http://testimony-india.blogspot.com/2009/08/pvchr-actions-against- torture-in.html](http://pvchr.blogspot.com/%20http%3A/testimony-india.blogspot.com/2009/08/pvchr-actions-against-%20torture-in.html)

· Open letter in the matter of Manipur
<http://testimony-india.blogspot.com/2009/08/open-letter-in-matter-of-manipur_02.html>

<http://pvchr.blogspot.com/2009/08/petition-in-murder-in-plain-sight-at.html>

<http://www.tehelka.com/story_main42.asp?filename=Ne080809murder_in.asp>

**We wrote the open letter to Shri Rahul Gandhi for repeal of AFSA on 2 August 2009.Please visit:**

 <http://testimony-india.blogspot.com/2009/08/open-letter-in-matter-of-manipur_02.html>

My personal experience in two times visits to Manipur, I gaze the behaviour of the military and the police with the common people and I also witnessed the frustration of the Manipurian people for the main land Indian. Torture and corruption by law enforcement agencies and violence by underground forces are eliminating the democratic space for democratic processes, which is converting in collapse of rule of law in Manipur fueled by the frustration and anxiety of common Manipurians.

I met the Irom Chanu Sharmila, co-awardees of Gwangju Human Rights Award from Manipur, a Northeastern province of India. Burning the fire of non-violence in the land of insurgents, Sharmila has made the extraordinary protest against a black law. She started 'fast unto death' six years back, demanding repeal of the draconian law 'Armed Forces (Special Powers) Act 1958' (AFSPA). The Guinness Book of World Records has already recognized Sharmila as the longest surviving fasting individual in the world. According to the Guinness Book, it is the longest protest on a social cause by a single individual anywhere in the world. Sharmila was also one of the '1000 Peace Women', who were nominated for the Nobel Peace Prize, 2005.

In fact, the curly-haired, fair complexioned Sharmila has changed the face of protest in the insurgency torn Manipur. Located nearly 2400 km away from the national capital, the Myanmar (Burma) bordering state is home to 30 ethnic groups. Moreover Manipur nurtures near about 25 armed outfits, who are fighting New Delhi with demands ranging from sovereignty to self-determination. Sharmila completes six years of her non-violent protest on November 2. She started hunger strike immediately after the Malom massacre of November 2, 2000 in which the security personnel (of Assam Rifles) killed 10  innocent  people.

During her fasting days in Manipur, Sharmila was kept in a well-guarded ward of the Jawaharlal Nehru Hospital in Imphal. On November 20, 2004, Prime Minster Dr Manmohan Singh assured Sharmila that the government would review the controversial law to fight insurgents in the region. Later, a review committee was constituted by the central government to review the imposition of AFPSA. However, Sharmila remained unmoved. "I will continue my non-violent agitation until my demand is fulfilled," she told government representatives.

In August 2004, Chief Minister of Manipur, Okram Ibobi Singh, tried to persuade her to give up her fast as the state government had lifted the 'Disturbed Area Act' (this act is preliminary essential to impose AFSPA somewhere) from the Imphal municipal areas. But she refused to entertain the request of the chief minister, as the decision of the cabinet was 'not up to her expectations'.
It may be mentioned that, AFSPA that is applied only in Kashmir and Northeast empowers the security forces to arrest people and enter property without warrant, and to use excessive force (including shooting or killing, even if the lives of the members of the security force are not at imminent risk). The Act facilitates impunity because no person can initiate legal action against any member of the armed forces for anything done under the Act, without permission of the central government.

AFSPA was first applied to Assam (now Asom) and Manipur and later amended in 1972 to extend to all Northeastern states (of the country), including Nagaland, Tripura, Meghalaya, Arunachal Pradesh and Mizoram. Insurgency-torn Manipur was completely placed under AFSPA in 1980. Manipur has witnessed innumerable killings ever since. Manipur chief minister Okram Ibobi Singh himself admits, "Over 12,000 security personnel and insurgents, and 8000 innocent people have lost their lives till date."

In the last decade, the armed forces have often been accused of committing brutalities under AFSPA. The brutal July 11 (2004) slaying of weaver Manorama Thangjam, 32, by the men of Assam Rifles sparked off a public outcry. When this failed to elicit any response from the authorities, grief-stricken angry women stripped naked and rattled the gates of Kangla Fort (headquarters of the Assam Rifles), demanding justice.

Born in 1972 to Irom Nanda and Irom Shakhi, Sharmila, the youngest of the 9 children, has always been considered to be very brave and sensitive. On the third day of her fast-unto-death, Sharmila was arrested by the state police and charged of attempting to commit suicide. Sharmila has been under judicial custody ever since.

In 2002, Chief Minister Singh told Sharmila that as the government would not be able to repeal the act, keeping in view the law and order situation of the state, she should withdraw her agitation. Sharmila said in reply, "I love peace very much, but first of all, we must have the right to justice." Later in the year, a frustrated Singh told the Manipur State Assembly that the state government had to spend around Rs 147,000 in two years to keep Sharmila 'alive'.
 **The legitimate question that may be raised here, that how can India, which prides itself as the largest democracy in the world, ignore the spirit of non-violent movement that was initiated by none other than Mahatma Gandhi?**

 So in this hostile situation, to provide the psychological support to the survivors of arms conflict area PVCHR – RCT with the support of Wide Angle a local organization of Manipur is organizing training of the trainer on the testimonial therapy from 10th August to 21st August, 2009. In the workshop Manual “Giving Voice” will developed in the context of the North –east region.

The imposition of the Armed Forces (Special Powers) Act, 1958, a draconian law pressed to use in several parts of India, in the states of Manipur and Jammu and Kashmir in particular, provides statutory impunity to the state agencies. The vires of this law was repeatedly challenged before the Supreme Court of India. Each time the Court dismissed the petition. Caught between two equally inhuman forces, the underground militants and the state agencies, the people of Manipur live as if they are caught between the devil and the deep blue sea.

Concerns have been expressed about this situation by domestic and international agencies. For example, the National Human Rights Commission of India has repeatedly requested the Government of India and the state administration to deal with the situation of law and order in Manipur on several occasions. The annual reports of the Commission for the past four years consistently reflect this fact.
Justice B. P. Jeeven Reddy Commission, deputed to study and report to the Government of India about the Armed Forces (Special Powers) Act, 1958 has also highlighted this fact, in addition to recommending to the Government of India an immediate withdrawal of the law from the state. The Commission filed its report to the Government in 2005. The Prime Minister of India responded by stating in a press conference that the law will be withdrawn as early as possible. Since then nothing is heard about the governments’ plan to withdraw the law. International human rights organizations have also expressed similar concerns.

**The PVCHR and wide angle therefore requests you to:**

1) Encourage the Government of India to immediately withdraw the Armed Forces (Special Powers) Act, 1958;

2) Suggest the government to constitute an independent agency to investigate and prosecute cases of human rights violations committed by the state agencies in Manipur;

3) Recommend the government to implement the recommendations made by the Justice B. P. Jeevan Reddy Commission submitted to the government in 2005;

4) Urge the government to simultaneously find a political solution to the problems affecting the rule of law in Manipur though a process of interactive dialogue with the people and their leaders, thereby creating an environment of mutual respect and understanding.

With warm regards,

**Dr. Lenin**