

## URGENT APPEAL - THE OBSERVATORY

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### New information

**IND 002 / 0310 / OBS 037**

Arbitrary re-arrest / Ongoing detention /  
Judicial harassment

**India**

March 16, 2010

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in **India**.

### New information:

The Observatory has been informed by reliable sources about the arbitrary re-arrest of Ms. **Irom Chanu Sharmila**, a human rights defender who has been on hunger strike since November 2, 2000 in protest against the Armed Forces Special Powers Act (AFSPA), which is at the origin of many acts of police violence in the State of Manipur (See background information).

According to the information received, on March 10, 2010, at around 4.20 pm, Ms. Irom Chanu Sharmila was re-arrested by the Porompat police, led by Officer K. Geetchandra, and charged for "attempting suicide" under Section 309 of the Indian Penal Code. She had just been released two days before, in the evening of March 8, 2010, from the security ward of Jawaharlal Nehru Hospital, where she was under the judicial custody of Sajiwa Central Jail, and had continued her hunger strike at the shed of Sharmila Kanba Lup, a voluntary body of the Safe Sharmila Campaign in Porompat, where she was re-arrested.

In the evening of March 10, 2010, Ms. Sharmila appeared before the Additional Chief Judicial Magistrate in Imphal and was remanded in custody until March 24, 2010. She is currently detained in the security ward of the Jawaharlal Nehru Hospital, Porompat Imphal under the custody of Porompat police.

The Observatory denounces the ongoing arbitrary detention of Ms. Irom Chanu Sharmila, which seem to merely aim at sanctioning her human rights activities, in particular her peaceful protest against the AFSPA, and fears for her physical and psychological integrity. The Observatory therefore urges the Indian authorities to put an end to her ongoing detention and drop the charges against her.

### Background information<sup>1</sup>:

Ms. Irom Chanu Sharmila began her hunger strike after the "Malon massacre" of November 2, 2000, in which members of the Assam Rifles shot down ten suspected insurgents at a bus stop near Imphal, in Manipur. This event illustrates the abuses generated by the AFSPA, which entered into force in 1958 and gives the Indian army full powers in areas affected by armed uprising, notably in Kashmir and in the north-eastern States, including Manipur, where separatists rebels are present. In particular, the AFSPA empowers soldiers to arrest, keep in detention and shoot at any person (Section 4.a) so as to "maintain public order" if the soldier has reasons to believe that such person is an "insurgent". This can be carried out with total impunity, as the law requires the permission from the central Government to prosecute a member of the army.

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<sup>1</sup> See Observatory Annual Report 2007.

Ms. Sharmila was arrested for the first time in November 2000 for "attempting suicide" and has refused to eat or drink since then. As a consequence, the authorities have since then regularly resorted to forced nasal feeding.

According to the Indian Penal Code, the maximum sentence for the charge of "attempting suicide" of is one year in detention. Therefore, Ms. Sharmila is released every year and then placed in detention shortly afterwards again for the same reasons.

### **Actions requested:**

Please write to the authorities of India, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Irom Chanu Sharmila as well as of all human rights defenders in India;
- ii. Release Ms. Irom Chanu Sharmila immediately and unconditionally since her detention is arbitrary as it only aims at sanctioning her human rights activities;
- iii. Put an end to all acts of harassment - including at the judicial level - against Ms. Irom Chanu Sharmila as well as against all human rights defenders in India so that they are able to carry out their work without hindrances;
- iv. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with its Article 1, which provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels", as well as with Article 12.2 ("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");
- v. More generally, ensure 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 and regional human rights instruments ratified by India.

### **Addresses**

- Shri Manmohan Singh, Prime Minister of India, Prime Minister's Office, Room number 152, South Block, New Delhi, India. Fax: + 91 11 2301 6857 / +91 11 23019545. Email: [pmosb@pmo.nic.in](mailto:pmosb@pmo.nic.in)
- Mr. P. Chitambaram, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001, India, Fax: +91 11 2309 2979
- Justice K. G. Balkrishnan, Chief Justice of India, Supreme Court, Tilak Marg, New Delhi - 1, Fax: +91 11 233 83792, Email: [supremecourt@nic.in](mailto:supremecourt@nic.in)
- Chairperson, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: [chairnhrc@nic.in](mailto:chairnhrc@nic.in)
- Mr. T. Theethan, IAS, The Joint Secretary, National Commission for SC, 5<sup>th</sup> Floor, 'B' Wing, Lok Nayak Bhavan, Khan Market, New Delhi 110103, India. Email: [jointsecretary-ncsc@nic.in](mailto:jointsecretary-ncsc@nic.in)
- Mr. Gurbachan Jagat, Governor of Manipur, Raj Bhavan, Imphal, India. Fax: + 91 385 222 0278
- Mr. Okram Ibobi Singh, Chief Minister of Manipur, Chief Minister's Secretariat, Babupara, Imphal, Manipur, India. Fax: +91 385 2221817, E-mail: [cmmani@hub.nic.in](mailto:cmmani@hub.nic.in)

- Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9, 1202 Geneva, Switzerland. Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: [mission.india@ties.itu.int](mailto:mission.india@ties.itu.int)
- Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the diplomatic representations of India in your respective countries.

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Geneva-Paris, March 16, 2010

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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