

For Immediate Release**India: End Criminalisation of Peaceful Protest and Repeal Outdated Law on “Attempt to Suicide”**

(Bangkok/New Delhi, 28 January 2015) - The Asian Forum for Human Rights and Development (FORUM-ASIA), deplored the re-arrest of Ms. Irom Sharmila Chanu on 24 January 2015 over the very same charges she had been cleared of by the local court and released hours prior. Such repeated aggression against a peaceful protestor is an affront to democracy and prohibits dialogue, the regional human rights group said. In a joint open letter to the Prime Minister of India today, FORUM-ASIA, together with 20 other organisations across Asia, called for the immediate and unconditional release of Ms. Sharmila and for the government of India to end its criminalisation of peaceful protests.

Ms. Sharmila has been on a hunger strike for over 14 years demanding the repeal of the draconian Armed Forces (Special Powers) Act (AFSPA), which effectively grants the security services immunity from prosecution. Ms. Sharmila embarked on this long and arduous peaceful protest challenging the abuse by armed forces under the Act and killing of civilians, for which the authorities have consistently harassed her by framing charges of attempted suicide under Section 309 of the Indian Penal Code.

“We condemn this vicious cycle of arrests and re-arrests since Ms. Sharmila began her hunger strike in November 2000, and demand her immediate and unconditional release. The issues raised by Ms. Sharmila affect the lives of thousands of civilians. Instead of addressing these concerns the authorities have sought to prosecute her for exercising her constitutionally guaranteed right using an outdated law on attempted suicide,” said Mr. Henri Tiphagne, Executive Director of People’s Watch Tamil Nadu, Convenor WGHR and Chairperson of FORUM-ASIA. *“This re-arrest must be viewed as contempt of court as it makes a mockery of the judicial processes that have already exonerated her of any charges of attempted suicide. The National Human Rights Commission must immediately take cognisance of this matter and prevent further harassment,”* added Mr. Tiphagne.

Ms. Sharmila’s continual arrests have been made under an out-dated provision of the Indian Penal Code (Section 309) that criminalizes “attempt to suicide,” which the Law Commission of India in its 210th report found “anachronistic” and “undesirable” and recommended that it be repealed. Several States and Union Territories as well as the central government have expressed support for these recommendations. Nevertheless, legislative attempts to repeal this provision have thus far been unsuccessful.

“While it is obvious that Section 309 must be repealed immediately and as matter of priority, the courts must intervene in the interim to prevent the wrongful application of this law and further harassment and arrest of Ms. Sharmila. She must be released immediately,” urged Mr. Babloo Loitongbam, Director, Human Rights Alert, Manipur. *“Criminalising human rights defenders, particularly in a country that prides itself on a history of non-violent protests, including hunger strikes in its independence movement, is a tragic irony. Such transgressions cause serious harm to the democratic space for free expression, especially in conflict-prone areas,”* explained Mr. Loitongbam.

FORUM-ASIA has repeatedly called for the protection of human rights defenders in India, including for the release of Ms. Sharmila in particular. Recently FORUM-ASIA together with the May 18 Memorial Foundation and the Just Peace Foundation (JPF) jointly organised an international solidarity mission comprising Ms. Sharmila’s fellow laureates of the Gwangju Prize for Human Rights from India, Nepal and Indonesia. The mission, which also included leaders of the May 18 Memorial Foundation from South Korea and representatives from FORUM-ASIA and other NGOs from India, met with relevant government authorities, including the media to lobby for the release of Sharmila and the immediate repeal of AFSPA.

Reiterating this call, FORUM-ASIA's Executive Director, Ms. Evelyn Balais-Serrano, stressed, *"The international community has repeatedly raised concerns relating to AFSPA as it provides unfettered powers to the armed forces and has perpetuated a culture of impunity. We urge the government of India to engage in a meaningful dialogue with those raising concerns relating to AFSPA or advocating for its repeal, as should be the case in any democratic society."*

About FORUM-ASIA:

FORUM-ASIA is a Bangkok-based regional human rights group with 47 member organizations in 16 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta and Geneva. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expressions, assembly and association, human rights defenders, and democratisation.

For further inquiries, please contact:

Bangkok

1. Gayatri Khandhadai, South Asia Programme Officer, gayatri@forum-asia.org, +66 912019828
2. John Liu, South & East Asia Programme Manager, johnliu@forum-asia.org +66 802828610