

AFSPA: An open letter to NHRC



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To:

The Chairperson
National Human Rights Commission
Faridkot House
New Delhi 110001

Subject: Request to act in the cases of human rights' violation in North-East and Jammu & Kashmir

Respected Sir,

With due respect, we request you to kindly consider this as a letter from one human being to another. This is about a situation that NHRC is well-aware of. We know that hundreds of letters, appeals and requests have been sent to NHRC. As members of Save Sharmila Solidarity Campaign, we have met you twice regarding this issue. Sir, the issue remains the same - to save the life of people of North east and Jammu & Kashmir from the demon named AFSPA or Armed Forces Special Powers Act.

It is a fact that the world has acknowledged the struggle of Irom Sharmila. They salute her for her sustained faith in the democratic and non-violent way of struggle. She has been considered for the Noble Peace Prize. It is also a fact that UN has also questioned India on the validity of this law. The UN had recognised the horrendous lives that the AFSPA has granted to the unfortunate people of these states. The Government-appointed Jeevan Reddy committee had also demanded the repeal of the law. These are all facts. But these are not the grounds on which we appeal to you.

We appeal to you on a humanitarian basis. Sir, we are not from these states. But this cause does move us, for the reason that we are human beings. It is unimaginable and unacceptable to us the horror in which people of these states live. Every day is a struggle for them to save their life and honour. Sir, you know about the horrendous incidents of the Malom massacre where 11 innocent people including a 60 year old lady and a recipient of the Child Bravery award had died, the Kunan Poshpora incident of Kashmir wherein about 100 women were raped by army men, the Shopian case, the case of Manorama Devi but these are only few cases. There are everyday stories of torture. Everyday is a struggle to escape from the clutches of the army men. The landscape in these states is mapped by army check-points and camps which are impossible to pass without being interrogated. In Kashmir, failing to show the identity card can mean torture, rape or killing. But this does not mean that the house is a safe place. Any moment, the army men can come and raid the house. According to news reports and research reports (enclosed), during the search operations, there have been many reported and unreported cases of sexual assault and rape. The night is most dreadful as the army men begin their search. In the name of searching for "millitants", all they do is to raid into villages, break-open doors of any random house and identify the male in the house as a "suspect". The widows of these "suspects" is also not able to get any state benefit meant for widows because their deceased husband are regarded as militants. We have enclosed several stories. According to a report entitled 'Manipur: Memorandum on Extrajudicial Summary or Arbitrary Executions' submitted by the Civil Society Coalition on Human Rights in Manipur and the UN to the UN Special Rapporteur on Extrajudicial Summary or Arbitrary Executions reported that 1528 people, including 31 women and 98 children were killed in fake encounters by security forces in Manipur between 1979 and May, 2012.

Sir, you had said that this is the issue of Government and the Government has to take action but Sir, they are clearly not bothered. The report of the Jeevan Reddy Committee had gone to the Government. The State Governments obviously know the situation but still no-one is ready to do anything. So then what? Where do the common people go? Isn't it the responsibility of NHRC to protect their rights? It is a matter of right to life. Why can't NHRC do anything? NHRC is an autonomous body. If even NHRC will not take any action, where will the people go? It is not acceptable that a certain section of the population should suffer to save the "integrity" of the nation. And which integrity, Sir? And more importantly, at what cost? The people who are suffering every day, are their lives not precious? are they not human beings? What is their fault? What was the fault of those 11 civilians who were shot dead only because the Assam rifles could not shoot down the militants? Their fault was that they were not privileged like you and me and were born in these states. This was their only fault. Sir, is it acceptable?

We are proud to say that our politics has so many women politicians. We are proud to dub it as "women empowerment" but what about the rapists in army uniform who rape our sisters in Kashmir and North East India. What about Asiya, Nilofar, Manorama Devi and thousands of women who have been raped. What about Irom Sharmila? For 12 years, the lady has been on a hunger-strike and no-one cares. She is accused of committing suicide but is that the case? The lady was not even a direct victim of AFSPA but she has sacrificed her life to repeal the cause because she has seen the horrors. Aren't you sympathetic towards her? She could have got married, have kids, would have migrated to Delhi or to some other place but she did not do that. She is under house arrest in a hospital. Today, she can't even talk properly. When she came to Delhi, even though we had only seen her in the photographs, we were traumatized to see her condition. Today, the lady can't even walk. She has become so weak, yet she has not lost hope. Sir, we feel helpless as we write this letter because there is really nothing that we could do for her and for these people who are suffering only because they had a hard luck of being born in these states. They are no different from me or from anyone else in this country, then why do they have to suffer? A kashmiri youth had said that, "While you people grew up playing, we grew up seeing guns." He also said that in Kashmir, there is an increasing no. of blind youths as the army men fire pellets into their eyes if they protest against any extra-judicial killing, murder or rape.

Is this inhumanity acceptable? Should we turn blind to their sufferings? Should we turn deaf to the screams and wails of mothers, widows and children? What about our own conscience?

As about the law, is this the way to "integrate" the nation? By torturing innocent people, destroying their lives, rendering them unemployed, how are we integrating the nation? As about the militants, is this the way to deal? The Government should open talks with them, instead of punishing the innocent people for the crimes of the militants. Torturing innocent people, depriving them of basic rights, underdevelopment are also causes that do encourage people to take up arms. The Government should think of "integration" in more positive and humane ways. NHRC must break its silence and speak out.

Sir, we request you to kindly respond and act strictly and immediately on this issue. Please take action through the following ways:

- *Send a fact-finding team to all AFSPA-imposed states to investigate into the cases of violence and the affected everyday life of the people.

- *The report of the team should be analysed and a document on the validity of the law on account of the human rights' violation should be made. NHRC can atleast suggest on the basis of evidence.

- *The report should be sent to the Government, to the judiciary and other authorities and demand an action. It is not about a law, it is about the lives of thousands of human beings.

Sir, we request you to please intervene to save the life and honour of the people of North East and Jammu & Kashmir. If NHRC will not take action, where will the people go? Please save their lives from this draconian law. Laws can't be bigger than people.

Hoping for a positive and immediate response.

Thanking You

Regards,

Ravi Nitesh and Devika Mittal

Volunteers of Save Sharmila Solidarity Campaign

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