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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Indigenous People of Africa Coordinating Committee, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2023]

* Issued as received, in the language of submission only.



Human Rights Violation Under Armed Forces Special Power Act (AFSPA) – 1958 in Northeast Indian States

Human rights are morally based, individual freedom and autonomy rights that every human being is entitled to because of his or her humanity. Country like India where the Indian government violate these right under AFSPA 1958 in North East Indian states. AFSPA-1958 (Armed Forces Special Power Act) has always been a big issue of Human Rights. AFSPA-1958 stand for the Armed Forces Special Power Act and It is implemented by Indian government through the Armed Forces special power Act 1958 from last century to control freedom movements and it is a such type of act who gives judicial immunity to the Armed forces. For example If any soldier shot any innocent person on suspicion that he may be terrorist than victim family can not move to Supreme Court and High Court for the protection of fundamental right of that person . No Judicial proceeding can be initiated without the consent of ministry of Home Affairs.

Under this act, Arrest and search warrants are not required for any operation for Indian army and army officers can fire upon and use lethal force on an unlawful assembly of five or more people or for the illegal possession of firearms; and no army personnel are prosecuted, unless sanctioned by the Indian Government. It gives the armed forces powers to arrest on insubstantial pretexts, conduct warrantless searches and shoot to kill without the fear of being held accountable. Since it came into force, disturbing reports have emerged from this region. Soldiers allegedly raped and murdered many women during interrogation by paramilitary group the Assam Rifles. The Assam Rifles used women as human shields where in mid of 2022 a 14-year-old girl was gang-raped by five soldiers in Assam, efforts were made to hide this incident from the media. Moreover, AFSPA has caused human rights violations including enforced disappearances, faking an encounter with criminal and extrajudicial killings. Occasionally Indian government suspending AFSPA in some areas of North East India for sometime but actually Act remains intact is always in this region. AFSPA has transformed the North East Indian state into an area occupied by people viewed as 'suspicious' and 'dangerous' by the military. We urge this council to ask Indian government to repeal AFSPA 1958 and protect human rights of its citizens of North east India.
