



India: Oral intervention at the 23rd session of the UN Human Rights Council (27 May – 14 June 2013)

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Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Interactive dialogue with the Special Rapporteur on extrajudicial, summary or arbitrary executions

Mr President,

Amnesty International welcomes the report of the Special Rapporteur on extrajudicial executions on his visit to India in March 2012. We also welcome that the Government of India facilitated his visit notwithstanding that it must have anticipated that he would express some serious concerns. We are disappointed, however, by the hostile elements of the Indian remarks this morning.

Professor Heyns has observed that most unlawful killings in India occur as a result of the excessive use of force by the security forces, attacks by various armed groups and killings of vulnerable persons. He observed that impunity remains the central problem in India. Amnesty International concurs with these assessments.

Alleged extrajudicial executions and other unlawful killings have been carried out in Assam, Jammu and Kashmir, Gujarat, Manipur, Nagaland, Punjab and other states. Impunity for these remains pervasive. The Armed Forces (Special Powers) Act and the Disturbed Areas Act grant excessive powers, including the use of lethal force, to security forces and provide them with de facto impunity for alleged crimes.

Under the Armed Forces (Special Powers) Act, and the identical act of 1990 that covers the state of Jammu and Kashmir, no legal proceeding can be initiated against a soldier without prior sanction from the Central Government. Sanction is virtually never granted.

Section 197 of the Code of Criminal Procedure, 1989, also gives immunity to the police in Jammu and Kashmir by requiring prior state sanction before any serving public servant can be prosecuted “for any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty”. Such approval is rarely granted.

Amnesty International encourages the Indian authorities to engage constructively with the Special Rapporteur’s findings and observations and respond positively to his recommendations.

Professor Heyns: Do you have in place any arrangements with the Indian authorities to follow-up on your recommendations and assess progress in their implementation?

Thank you Mr. President.