

SUMMARY  
OF  
REPORT OF ADHOC DELEGATION OF  
EUROPEAN PARLIAMENT  
ON KASHMIR  
AND  
RESOLUTION ON UNNAMED MASS  
GRAVES IN INDIAN OCCUPIED  
KASHMIR

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## ***FOREWORD***

The human rights violations perpetrated by the Indian security forces in the Indian occupied Kashmir (IOK) have evoked a world wide condemnation. World leaders, governments, organizations, intellectuals, civil society have condemned this state terrorism in the IOK.

The European Parliament has passed resolutions in support of the Kashmiris. It also sent a delegation to the IOK, which gave an eye opening report. The delegates termed the IOK as “the most beautiful prison of the world”.

There is a great demand for this publication. Therefore, its second edition is issued. It also contains the recent resolution of the European Parliament on the unnamed mass graves discovered in the IOK. According to the Association of the Parents of Disappeared Persons (APDP) over 10,000 Kashmiris are missing. It is, therefore, possible that some of them may have ended up in these graves.

**(MAULANA FAZL-UR-RAHMAN)**  
CHAIRMAN  
PARLIAMENTARY SPECIAL COMMITTEE  
ON KASHMIR  
February 5, 2009

## ***PREFACE***

The Committee on Foreign Affairs, Human Rights Common Security and Defence Policy of the European Parliament issued the Report of its Adhoc Delegation on 27<sup>th</sup> July, 2004. The Delegation visited both parts of the State of Jammu and Kashmir to see the ground reality. In this Report the Delegation condemned the atrocities perpetrated by the Indian security forces, calling Indian Held Kashmir (IHK) “the most beautiful prison in the world”. The Delegation also recommended appointment of a Standing Rapporteur. Moreover, it called upon India to allow the United Nations Military Observer Group (UNMOGIP) to carry out its mandatory functions.

Similarly, the European Parliament in its Annual Report 2004, has again condemned the human rights violations in IHK.

Summary of the Report/Recommendations of the Delegation as well as the relevant part of the Annual Report on Human Rights, 2004 of the European Parliament is published, enabling the readers to know the ground reality in the State of Jammu and Kashmir.

**(HAMID NASIR CHATTHA)**  
CHAIRMAN  
SPECIAL COMMITTEE OF THE PARLIAMENT  
ON KASHMIR

**SUMMARY  
OF  
REPORT OF ADHOC DELEGATION  
OF  
EUROPEAN PARLIAMENT**

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament sent a delegation, comprising its members, to both parts of State of Jammu & Kashmir. The delegation's objective was to meet people from different walks of life, to learn their views and to have a firsthand knowledge of the situation on the ground.

2. The delegation visited both sides: Islamabad and Azad / Independent Jammu & Kashmir (AJK) and New Delhi & Indian Held Kashmir (IHK). The first visit took place on 8 – 11 December, 2003 and the second on 20 – 25 June, 2004.

3. The delegation, led by Mr. John Walls Cushman, comprised Mr. Bob van den Bos, Mr. David Bowe, Mr. Glyn Ford, Mr. Jas Gawronski, Mr. Reinhold Messner and Ms. Luisa Morgantini. However, during the visit of June 2004, Mr. Per Gahrton replaced Mr. Messner, who was no more Member of the European Parliament. Besides, Mr. Gawronski was also unable to accompany.

4. The delegation met the following dignitaries: -

**Pakistan:** President General Pervez Musharraf; Ch. Amir Hussain, Speaker National Assembly; Mian Khurshid Mehmood

Kasuri, Foreign Minister; Mr. Aftab Ahmed Khan Sherpao, Minister for Kashmir Affairs and Northern Areas.

**AJK:** President Sardar Muhammad Anwar Khan; Prime Minister Sardar Sikandar Hayat Khan; Sardar Siab Khalid, Speaker Legislative Assembly; Shah Ghulam Qadir, Finance Minister; Leaders of Muslim Conference, Peoples Party, JKLF and All Parties Hurriyet Conference (AJK Chapter).

At Islamabad, the delegation met the EU Ambassadors, representatives of UNMOGIP and civil society.

**India:** Mr. Somnath Chatterjee, Speaker Lok Sabha; Mr. Parnab Mukherjee Defence Minister; Mr. Shivraj Patil, Home Minister; Mr. Ghulam Nabi Azad, Minister for Parliamentary Affairs and Urban Development and Mr. N. N. Vohra, Special Representative of the Government of India for Kashmir.

**Indian Held Kashmir:** Lt. Gen. (R) Srinivas Kumar Sinha, Governor; Mufti Muhammad Saeed, Chief Minister and his daughter Ms. Mehbooba Mufti; Mr. Mangat Ram Sharma, Deputy Chief Minister and Mr. Muzaffar Beig, Finance Minister.

**APHC:** Mr. Ali Shah Geelani, Mr. Abbas Ansari, Prof. Abdul Ghani Bhatt, Mir Waiz Umar Farooq, Mr. Bilal Lone, Mr. Shabbir Shah, Mr. Yasin Malik and Mr. Muhammad Yousaf Tarigami.

At New Delhi, the delegation also met the EU Ambassadors, representatives of UNMOGIP, NGOs, civil society and media.

### **RECOMMENDATIONS**

5. After the visit to Azad Jammu & Kashmir (AJK) and the Indian Held Kashmir (IHK), the delegation made the following recommendations: -

**Recommendation No. 1: We believe that there are three parties which have a legitimate interest in finding a solution to the Kashmir problem namely the Indian government, the Pakistan government and the Kashmiri people and their representatives, and therefore that all three should be fully involved.**

While the delegation made it clear that it supports the current India-Pakistan dialogue, they also recognized that at least one of these parties would find any form of direct involvement (classified as “interference”) as unacceptable, nonetheless as members of a democratically elected parliament, representing over 450 million people, the delegation maintained that there are three parties with a legitimate interest in being involved in finding a solution-the Indian government, the Pakistan government and the Kashmiris.

**Recommendation No. 2: The delegation unequivocally repudiates the use of all terrorism and violence. We demand that militant groups immediately cease their violence and that action be taken to protect human rights. We also believe that continued abuse of human rights on all sides feeds the cycle of violence. In addition, we strongly recommend better monitoring of all detainees.**

While urging the creation of an environment conducive to breaking the cycle of violence and human rights abuses, the delegation also recognized that the reported human rights abuses by Indian security forces continue to feed this cycle of violence. In order to start a real process for leading to a definitive peace, there is a need for an atmosphere free of intimidation and violence. It has been alleged that most militants come from outside Kashmir, although in the Kashmir Valley itself it would appear that the majority are indigenous.

In IHK, there is a huge military presence, with approximately 1 soldier to every 10 civilians in Jammu and Kashmir. The psychological pressures of 'stop and search' practices and the sense of being in a war zone are strong.

**Recommendation No. 3 We support the recent emphasis on confidence-building measures as part of the current peace process and ensuing dialogue between India and Pakistan. However, we believe that the dialogue must be meaningful and have real substance.**



The delegation welcomed the steps taken by both India and Pakistan since spring 2003, including the Composite Dialogue. However, fears were expressed that this new dialogue would be no different. The message that the delegation heard time and again was that unless it made a difference to the life in Kashmir, the process was “not useful”.

Kashmiris expressed hope that they would be allowed to travel across the Ceasefire Line / Line of Control (LOC) to visit family and friends without the need for visa.

**Recommendation No. 4: We would propose that a conference involving academics and relevant experts from both sides of Kashmir, India, Pakistan as well as from the EU, be held to examine options for conflict resolution.**

The delegations encouraged further development of cross-border academic meetings and exchanges. Moreover, the delegation believed that the EU could provide an input by funding a conference, possibly to be held in two separate sessions, one in IHK and the other in AJK, with experts on conflict resolutions. Besides, the European Parliament may host meetings in Brussels or Strasbourg for parliamentarians from Pakistan, India and the two parts of Kashmir.

**Recommendation No. 5: We would propose the establishment of cross-border bodies (e.g. on tourism, environment)**

In order to involve Kashmiris in controlling their own destiny and with goodwill on the part of both India and Pakistan, cross-border bodies (e.g. on tourism, environment) should be established. The business communities on both sides of the LOC should be free to contact each other to expand trade

**Recommendation No. 6: We would call upon the new Indian government, in the new climate, to reconsider its position on UNMOGIP (United Nations Military Observer Group in India and Pakistan), and to enable it to properly carry out its UN mandate by once again allowing and facilitating equal access for UNMOGIP to the Indian-administered side of the LOC.**

The United Nations Military Observer Group for India and Pakistan (UNMOGIP), based in Rawalpindi (Pakistan) and Srinagar (India) was appointed in 1949. Its mandate is to monitor and investigate all the incidents which take place (incursions, shelling, etc) on and around the Ceasefire Line/LOC and to report back to the United Nations.

The delegation called upon the Indian government to enable UNMOGIP to properly carry out its mandate by allowing and facilitating equal access to them to the Indian – administered side of the LOC.

**Recommendation No. 7: We strongly recommend that the European Parliament's Committee on Foreign Affairs appoint a standing Rapporteur on Kashmir.**

While many Kashmiris expressed their delight at the interest being taken by the European Parliament, it is difficult for them not to lose faith in the international community because they have not really shown any enduring commitment to the problem of Kashmir, nor have they stayed long enough to get a sense of the real dimension of the Kashmir issue.

The delegation expressed the firm conviction that the European Parliament must continue to engage with Kashmir by keeping open the lines of communication and continuing to track events. The delegation strongly recommended that the European Parliament's Committee on Foreign Affairs appoint a Standing Rapporteur on Kashmir to be the focal point for the existing contacts and to report back to the Committee at regular intervals.

## **OTHER REPORT**

- The European parliament is deeply concerned about human rights situation in occupied Kashmir. (Anita Pollack, Head of 4-Member European Parliament Delegation-May 1997)
- Remains concerned at reports of human rights abuses in the Kashmir region by members of the Indian military and police forces; calls on the Government of India to ensure that all reports of such abuses are investigated promptly by a judicial authority; strongly condemns all acts of terrorism and violence throughout the region and insists on full and open access for media and human rights organizations to the Kashmir region. (Annual Report on Human rights in the World, 2004 and the EU's Policy)
- Welcomes in this context declarations by Prime Minister Singh calling for “zero tolerance for human rights violations” in Kashmir, and calls on the Indian government to put an end to all practices of extrajudicial killings, “disappearances”, torture and arbitrary detentions in Jammu and Kashmir;  
Notes that widespread impunity both encourages and facilitates further human rights abuses across the State; calls on India and the State government of Jammu and Kashmir to repeal all legal provisions providing effective immunity to members of the armed forces and to establish an independent and impartial commission of inquiry into serious violations of international human rights and humanitarian law by Indian security forces since the beginning of the conflict; (Baroness Emma Nicholson, Rapporteur of European Parliament on Kashmir's report, 2007)

## **RESOLUTION ON THE UNNAMED MASS GRAVES IN HELD KASHMIR (JULY 10, 2008)**

*The European Parliament,*

- having regard to the recommendations of the ad hoc delegation of the European Parliament, following its visits to Kashmir from 8 to 11 December 2003 and from 20 to 24 June 2004,
- having regard to its Annual Report on Human Rights in the World 2005 and the EU's policy on the matter of 18 May 2006,
- having regard to its report on the EU's economic and trade relations with India of 28 September 2006,
- having regard to its report on Kashmir: present situation and future prospects of 24 May 2007,
- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas hundreds of unidentified graves have been discovered since 2006 in Jammu and Kashmir and whereas at least 940 persons have reportedly been found in 18 villages in Uri district alone,

B. whereas the Srinagar-based Association of the Parents of Disappeared Persons (APDP) issued a report on 29 March 2008 indicating the existence of multiple graves in localities which, because of their proximity of the Line of Control with Pakistan, are not accessible without the specific permission of the security forces,

C. whereas the grave sites are believed to contain the remains of victims of unlawful killings, enforced disappearances, torture and other abuses which occurred in the context of armed conflict persisting in Jammu and Kashmir since 1989,

D. whereas estimates on numbers of persons having gone missing since 1989 vary greatly between associations of families of victims speaking of more than 8000 and the Indian central and state authorities claiming less than 4000,

E. whereas a state police report of 2006 confirmed the deaths in custody of 331 persons and 111 enforced disappearances since 1989,

F. whereas human rights violations committed by the armed forces of India continue in an atmosphere of impunity despite the government of India's commitment in September 2005 not to tolerate human rights violations in Jammu and Kashmir any longer,

1. Strongly condemns the unlawful killings, enforced disappearances, torture, rape and other human rights abuses which have occurred in Jammu and Kashmir since the beginning of the armed conflict in 1989;

2. Calls on the Government of India to urgently ensure independent and impartial investigations into all suspected sites of mass graves in Jammu and Kashmir and as an immediate first step to secure the grave sites in order to preserve the evidence;

3. Calls on the Commission to offer financial and technical assistance to the Indian Government in the context of the Stability Instrument for such a thorough inquiry and possible further measures of conflict resolution in Kashmir;

4. Re-iterates its call on the Indian government and the state authorities to investigate all allegations of enforced disappearances; urges to assign a civilian prosecutor's office with the jurisdiction for all cases in which military, security or law enforcement agents are suspected of being involved, and to create a single public database of all persons who have gone missing and of all bodies which have been recovered;

5. Calls on the state authorities to ensure that all detentions meet minimum requirement of international legal standards, proper treatment, registration and prosecution, prompt access to family members, lawyers and independent courts, as well as accountability for any violation of such procedures;

6. Insists that victims of unlawful killings, enforced disappearances, torture and rape or their families be granted full reparation;

7 Expresses its concern over the alleged attack against human rights defender and co-founder of the Association for Parents of Disappeared Persons, Mr Parvez Imroz;

8. Calls on the Indian Government to ratify and implement the UN Convention for the Protection of All Persons from Enforced Disappearance without reservations, including declarations pursuant to Articles 31 and 32 to recognize the competence of the Committee on enforced Disappearances, and to ratify the Rome Statute of the International Criminal Court;

9. Calls on the Indian Government to grant access to Jammu and Kashmir for the UN Special Rapporteurs under the terms of reference of the UN Special Procedures, notably the Special Rapporteur on Torture, on Extrajudicial, Summary or Arbitrary Executions and the UN Working Group on Enforced or Voluntary Disappearances;

10. Re-iterates the call on the Lok Sabha to amend the Human Rights Protection Act in order to allow the National Human Rights Commission to investigate independently allegations of abuse by members of the armed forces;

11. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of India, the Government and Parliament of the State of Jammu and Kashmir and the UN Secretary-General.

# **HUMAN RIGHTS VIOLATIONS COMMITTED BY INDIAN TROOPS IN INDIAN OCCUPIED KASHMIR**

**(FROM JANUARY, 1989 TO JANUARY, 2009)**

Total Killings	—	92,704
Houses/Shops Destroyed	—	105,666
Children Orphaned	—	107,218
Women Molested	—	9,849
Women Widowed	—	22,678

(Source: All Parties Hurriyet Conference)  
Courtesy: Kashmir Media Service

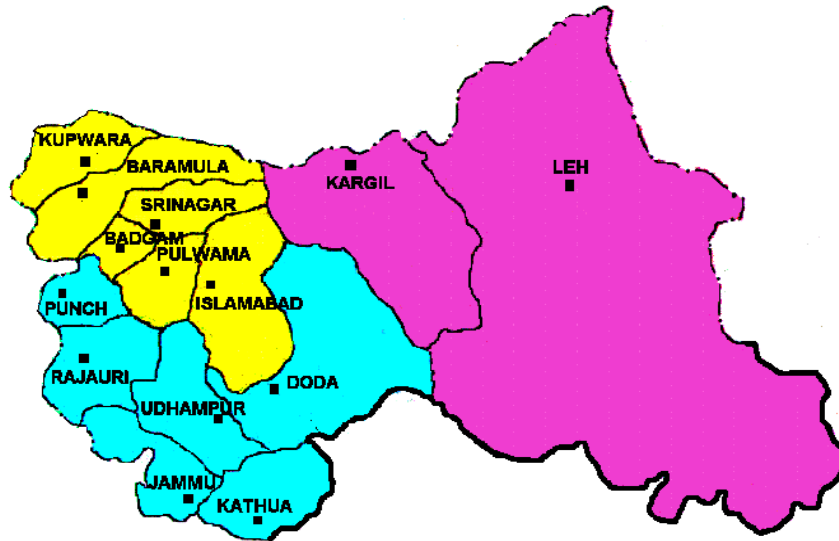


# JAMMU & KASHMIR





# INDIAN OCCUPIED KASHMIR



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