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## **India: High time to end the suffering of the "disappeared" and their families in Jammu and Kashmir**

Hundreds of unsolved "disappearances" in Jammu and Kashmir bear testimony to the pressing need for strong government action, Amnesty International said in a new report released today.

According to the human rights organization, up to 800 people have "disappeared" since 1990. They include children and the very old, and come from all professions -- business people, lawyers, labourers and many teachers. Many appear to be ordinary citizens picked up at random, with no connection to the armed struggle.

"It is high time that the Indian government put an end to the nightmare of 'disappearances' by bringing down the wall of silence which hides the truth and allows this gross violation of human rights to continue," Amnesty International said.

"No one underestimates the difficulty of the security situation in Jammu and Kashmir, where armed groups with foreign backing have committed terrible abuses against the local population. But this does not excuse the use of 'disappearance' as a weapon of war -- or remove the authorities' responsibility to trace these people and ensure justice."

It is virtually impossible for relatives of the "disappeared" in India's troubled northern state to trace their relatives or find redress from the institutions supposed to protect and promote human rights, including police, security forces, the courts and statutory human rights bodies, the report argues.

"In its courts and other institutions, India has the means to end this problem. But in many cases the machinery of justice is obstructed by the state, which has even withheld sanctions to prosecute those responsible for this abuse," Amnesty International said.

To this day the organization is not aware of a single case in which those responsible for 'disappearing' a person in custody have been convicted and sentenced for the crime.

"Ending this virtual impunity by investigating all 'disappearances' and bringing the perpetrators to justice is key to ending this disturbing practice forever," the organization said.

"The experience in Sri Lanka shows that the truth can be revealed and prosecutions launched in such cases, even in the midst of a terrible conflict. While serious problems persist, the Sri Lankan government's actions have brought the level of 'disappearances' to a new low."

"Many people in Jammu and Kashmir are threatened and abused by the perpetrators of 'disappearances' to give up their search for a relative. Some have even put their lives at risk. Tragically, those brave enough to persist in the face of such harassment are often forced to back down anyway because of poverty -- they simply cannot afford the fight."

When Haleema Begum's son, Bilal Ahmad Bhat, "disappeared" in December 1992, the local police refused to register the case. They later promised to tell her where he was, but when she returned for the information they chased her away. She eventually filed a High Court petition,

but since Bilal had been the family's main breadwinner she could not afford to pursue the case for long.

Haleema Begum's search came to a brutal end in September 1998, when she and her younger son were shot dead in their home by masked gunmen. Some local observers link the killing to her persistence to find Bilal.

"The law must also guarantee human rights defenders -- including relatives of the 'disappeared' -- the freedom to document human rights violations and to campaign and protest without fear of reprisals," Amnesty International concluded.

### **Background information**

Amnesty International's new report, "*If they are dead, tell us*", describes the different facets of "disappearances" against the backdrop of recent political developments in Jammu and Kashmir.

Fewer people "disappeared" in 1998 than in previous years, but the whereabouts of hundreds of others who "disappeared" earlier have still not been established. Up to 800 people have "disappeared" since 1990 after being arrested by police or armed or paramilitary forces.

The report also identifies the legal, institutional and political factors which facilitate "disappearances" and stop justice from being done, and lists a number of recommendations which can help end "disappearances" and promote justice.

Hoping to engage in a constructive dialogue with the government of India, Amnesty International submitted to it a draft report for comments in November 1998. A delegation visiting India in December 1998 discussed it with government officials and requested that specific submitted cases of "disappearance" be expedited. The organization offered to send an expert delegation -- including security personnel with experience in conflict situations -- to further discuss the issues with government ministries and security forces. The Indian government has yet to make a substantive response. ENDS.../

**To arrange an interview or to receive a copy of the report, please call Amnesty International's press office in London, UK, telephone number (+44) (0) 171 413 5566.**