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India: Day of the "disappeared" - still no justice for the victims

The Government of India should make all those responsible for "disappearances" face justice for their crimes, Amnesty International said today, on the Day of the Disappeared 2001.

The "disappeared" are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed and whose custody is denied. "Disappearances" are used by security forces and police to combat insurgency. In India "disappearances" are most commonly seen in regions which have or have had strong secessionist movements.

"While recognising the responsibility of the state to combat armed insurgency, there is no legal or moral justification for the state to continue to cover up 'disappearances' and to deny justice to the thousands of victims and their relatives," Amnesty International said.

The organization estimates that around 1100 people have "disappeared" in Jammu and Kashmir since 1990, but figures are unreliable. In the last six months the State Government of Jammu and Kashmir has quoted the number of "disappearances" at both 750 and 1745.

No one directly or indirectly responsible for "disappearances" in the state has been made to face the judicial consequences of their actions before a recognised court of civilian law or a court martial. Not a single habeas corpus petition filed in the High Court of Jammu and Kashmir has been brought to resolution. In cases where an official investigation

has taken place, the central authorities have failed to prosecute any member of the security forces and to date no family has received compensation for the "disappearance" of a loved one.

Following the Day of the Disappeared in 2000, the Indian National Human Rights Commission requested a list of the "disappeared" in Jammu and Kashmir from NGOs working in the state: to date they have taken no action on this information.

In Manipur and Assam hundreds of people, including juveniles, remain "disappeared". In Punjab the state government continues to obstruct access to information held by the Central Bureau of Investigation on the alleged illegal cremation by police of hundreds of bodies of people they had shot dead during the early 1990s.

On this anniversary the government should acknowledge the continuing frustration and helplessness felt by the families of the "disappeared" and put an end to the impunity which denies them the right to come to terms with their bereavement. The impact of a "disappearance" upon the victim's immediate family is itself now internationally recognised as a form of torture.

In Colombia or the Philippines, memorials to those who have been "disappeared" or unlawfully killed have been of great value and brought comfort to the victims' families. Recently the construction of a memorial in Srinagar, Jammu and Kashmir, was halted when police removed its foundation stones.

Non-governmental organizations across Asia who are involved in the prevention of "disappearances" and the pursuit of judicial redress for the families of those who have "disappeared" will be marking the day with events and press conferences.

The Day of the "Disappeared" was started by the Latin American non-governmental organization FEDEFAM [Federation Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos].

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