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India: Extrajudicial executions must be investigated and suspects prosecuted

As investigations into the recent Machil killings continue, the Government of India must order thorough, effective investigations through independent and impartial bodies into all current and past allegations of extrajudicial executions in Jammu and Kashmir (J&K) as a first step towards ending impunity in the state, Amnesty International said today.

J&K police recently named an officer of the Indian Army and four Kashmiri men, including a reservist soldier, as suspects in the kidnapping and murder of three local youths. The killings took place in a remote area of Machil in Kupwara district along the Line of Control (LoC) with Pakistan on 29-30 April 2010.

The youths had reportedly been lured to the LoC to work as porters for the Army stationed there but were instead shot dead by the Army. The local police were informed that the three men were armed insurgents killed while attempting to infiltrate from Pakistan. The killings had reportedly been committed to secure cash rewards.

Following widespread protests, the bodies of the three youths – Shehzad Ahmad, Riyaz Ahmad and Mohammad Shafi – were exhumed last week. A judicial inquiry has been ordered by the State Government and the Army has also initiated an internal inquiry. In addition to suspending the suspected officer from the 4th Battalion of the Rajput regiment, the Army has also removed the Battalion's Commanding Officer from his post. Neither of the officers however has so far been handed over to the police for investigation and prosecution.

The Indian Prime Minister, Manmohan Singh, is concluding a two-day visit to the state capital Srinagar. If his promise of “zero tolerance” of human rights violations is to have any significance, the Central and State Government needs to ensure that all persons suspected of involvement in the Machil killings, including Army soldiers and officers irrespective of rank, are brought to justice, in proceedings which meet international standards of fairness. The Government must also ensure that all incidents of suspected summary, extrajudicial or arbitrary executions are probed promptly, thoroughly and effectively through independent and impartial bodies in line with India's obligations under international human rights law.

Amnesty International urges the Governments of India and Jammu and Kashmir to:

- issue orders unequivocally prohibiting all extrajudicial, summary and arbitrary executions and clarifying that such acts will not be tolerated, and ensure that these orders are promulgated throughout the security forces;
- remove all legal provisions including repealing the Armed Forces Special Powers (Jammu and Kashmir) act that grants immunity to security forces personnel and prevent prosecution of those suspected of responsibility for offences involving human rights violations, and ensure prosecution in proceedings which meet international fair trial standards;
- ensure that the relatives of those found to be extrajudicially executed are granted full reparations, in accordance with international standards;
- facilitate the long-standing requests for visits to India including Jammu and Kashmir, by the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions, and

the UN Working Group on Enforced or Involuntary Disappearances by setting dates for them to undertake missions in the near future.

Background

Jammu and Kashmir (J&K) has witnessed a two-decade long armed insurgency. Since the early 1990s, Amnesty International has issued a series of reports and statements on the human rights situation in J&K detailing in particular arbitrary detentions, enforced disappearances and extrajudicial executions. The organisation has also consistently opposed human rights abuses perpetrated by armed opposition groups, repeatedly appealing to them to abide by minimum standards of international humanitarian law which bind all parties to armed conflict, and which prohibit among other things hostage-taking, torture, murder and any inhumane treatment of those taking no active part in hostilities.

Earlier last month, an Amnesty International delegation met with a number of families of victims of extrajudicial executions and civil society organizations in Srinagar who informed them of a large number of such killings of local residents, especially along the LoC, and of hundreds of enforced disappearances in the state. Local organisations have also documented unmarked graves of nearly 3000 persons.

While Amnesty International has welcomed inquiries initiated by the Government in a few previous high-profile incidents, follow up action on such inquiries have been rare as both the Army and the Government of India have blocked attempts to prosecute members of the armed forces suspected of serious human rights violations.

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