

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI index: ASA 20/028/2013

17 June 2013

India: Authorities must reopen investigation into 2010 killing of Tufail Mattoo

Amnesty International India asks authorities in Jammu and Kashmir to reopen investigation into the death of a boy allegedly killed by police personnel in the Kashmir valley in July 2010, and accelerate delayed investigations into similar killings committed during the same period.

Over 100 people, some of whom engaged in stone-pelting, were killed in 2010 during widespread protests when the police and other security forces used excessive, and at times unnecessary, force.

On 11 June 2010, two police personnel in Srinagar allegedly killed 17-year old Tufail Mattoo as he walked home from a tutoring session for school.

According to eyewitnesses heard during the course of investigation, the two police personnel, who were clashing with protestors, fired a tear gas shell at Mattoo at close range which shattered his skull and instantly killed him.

Mattoo's father Muhammad Ashraf attempted to file a complaint reporting the killing of his son at the local police station the same day, but police officials refused to register the complaint.

The family approached a local court in July 2010, which directed the police to register the incident and carry out an investigation. In July 2011, the family went to the J&K High Court to question the delay in the investigation. The Court directed a special police team to investigate the incident.

In November 2012, after more than a year, the police team submitted a case closure report to a Srinagar trial court, without informing the Mattoo family, saying that the perpetrators of the crime were "untraceable."

The closure report said there was insufficient evidence available to identify Mattoo's killers. The report also stated that Mattoo's death was the result of being struck in the head by a stone, not a tear gas shell. When the Mattoo family learned about the police report, they challenged the closure of the investigation before the J&K High Court. The family said the investigation disregarded crucial evidence and eyewitness testimonies, including a post-mortem report submitted by a team of doctors stating that the cause of death was a tear gas shell.

The J&K High Court has asked the police to produce before it all evidence evaluated during the investigation. Hearings in the case will resume in July. Many of the killings caused by the use of force in 2010 have not yet been investigated. The state police have said that 79 First Information Reports have been registered relating to the deaths, of which charges have been filed only in 43 cases. The police have closed 18 cases because they say the perpetrators were 'untraced'.

The state government appointed a judicial commission in July 2010 to look into 17 killings committed during the unrest. But the commission stopped functioning in 2011 when the judges serving on it resigned.

On 7 June 2013, the J&K High Court gave the state government four weeks to state when the commission would resume its investigation, and explain why it was looking at only 17 cases.

The High Court was hearing a public interest litigation filed seeking the registration of First Information Reports on 117 deaths that took place in 2010.

Amnesty International India urges authorities in J&K to promptly bring those suspected of criminal responsibility in the deaths of those killed in firing by security forces in 2010 to trial in fair proceedings.

Authorities in Jammu and Kashmir have an obligation under national and international law to conduct prompt and thorough investigations into the deaths. Delayed, partial or incomplete investigations violate the rights of the victims' families to effective remedy and accountability, and contribute to the prevailing climate of impunity in J&K.

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For more information please call Amnesty International India in Bangalore at (080) 49388000 or email Amnesty International at contact@amnesty.org.in.