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India: Need for urgent action as police report confirms existence of unmarked graves of disappeared persons in Jammu and Kashmir

Following a report by a police investigation team, confirming the existence of unmarked graves containing bodies of persons subject to enforced disappearances, urgent action needs to be taken including preserving the evidence and widening the investigation across Jammu and Kashmir said Amnesty International today.

Over 2700 unmarked graves have been identified by the 11-member police team of the State Human Rights Commission (SHRC) in four districts of north Kashmir. Despite claims of the local police that the graves contained dead bodies of “unidentified militants”, the report points out that 574 bodies have been identified as disappeared locals – 17 of these have already been exhumed and shifted to family or village grave sites.

The police report concludes that there is “every probability” that the remaining over 2100 unidentified graves “may contain the dead bodies of [persons subject to] enforced disappearances.” The report further clarifies that the only way to negate such a claim is to study the DNA profiles of the unidentified dead bodies and warns that in the absence of such tests, “it has to be assumed/ presumed that [the] State wants to remain silent deliberately to hide the Human Rights violations”.

Amnesty International welcomes the report based on investigations in four districts of north Kashmir, but reiterates the call for the Government of India to initiate thorough investigations into unmarked graves throughout the state. All unmarked grave sites must be secured and investigations carried out by impartial forensic experts in line with the UN Model Protocol on the disinterment and analysis of skeletal remains.

Amnesty International also calls upon the Government of Jammu and Kashmir to ensure the safety of the 62 witnesses who have given statements to the police team and ensure that they, along with relatives of the disappeared persons, local human rights defenders and members of the police investigation team are not pressured, intimidated or subject to any reprisals.

India is a signatory to the International Convention for the Protection of All Persons from Enforced Disappearances. The Governments of India and Jammu and Kashmir must ensure that all past and current allegations of enforced disappearances are promptly, thoroughly, independently and impartially investigated and that, where there is sufficient evidence, anyone suspected of responsibility for such crimes is prosecuted in proceedings which meet international fair trial standards.

The current investigation led by a Senior Superintendent of Police was initiated after the SHRC took up the issue in the light of reports on the existence of unmarked graves from local human rights groups, including the Association of Parents of Disappeared Persons, in early 2008 and Amnesty International’s subsequent call for an investigation.

Notes to Editors:

See previous statement in April 2008: Amnesty International, *India should investigate all allegations of enforced disappearances in Jammu and Kashmir following reports of mass graves*, (Index: ASA 20/005/2008) <http://www.amnesty.org/en/library/info/ASA20/005/2008/en>