

ASSOCIATION OF PARENTS OF DISAPPEARED PERSONS

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SHRC Orders Government to Investigate 2080 unmarked graves and mass graves of Poonch and Rajouri districts

Association of Parent of Disappeared Persons (APDP) welcomes the recent 24th October, 2017 order of State Human Rights Commission [SHRC] regarding the existence of unmarked and mass graves in Jammu and Kashmir. On 24th October 2017, in response to a petition filed by APDP regarding the presence of **3844 [Poonch with 2717 Graves and Rajouri with 1127]** unmarked graves in Poonch and Rajouri Districts of Jammu and Kashmir, SHRC in its order once again acknowledged the presence of unknown, unmarked and mass graves in Jammu and Kashmir and has directed the government for a comprehensive investigation including DNA [Deoxyribonucleic Acid] Testing, Carbon dating and other forensic techniques.

The Commission, after examining the report of J&K Government's Home Department [Dated 30-06-2012] has observed that the government in its report has accepted that there are 2080 unmarked graves in Poonch [1486 graves] and in Rajouri [594 graves] Districts. The Commission has directed the government for a comprehensive forensic examination, including DNA testing into all these graves and said that the direction shall be complied within six months.

The recent order is in line with the SHRC's 2011 judgment in which the Commission had found that in the 38 graveyards, which they have investigated, have documented 2730 graves, out of which 2156 graves are still unidentified graves, and 574 persons were later after being buried as foreign militants, identified as local residents of Jammu and Kashmir. The then enquiry was conducted after taking suo-moto cognizance of the research report of IPTK/APDP, documenting discovery of 2700 unknown, unmarked, and mass graves, containing 2943 bodies, out of which 2373 were unmarked graves, in 62 graveyards spread across some areas of north Kashmir's Kupwara, Baramulla and Bandipora Districts. Since 2011, instead of complying with the directions and recommendation of SHRC for investigation into all the unmarked graves, the government continued to avoid undertaking any such investigations on the pretext that the investigation would lead to a law and order problem in J&K and also argued government's inability in terms of expertise and infrastructure for such investigation. The Home Department's action taken report stated that the DNA testing would be done only when the complainant [relative of the disappeared] could locate the graveyard and the grave in which their relatives might be buried with a fair amount of certainty. APDP termed government's response as the utter mockery to the principles of truth and justice.

Pertinently, the European Parliament adopted a resolution in July 2008 [RC B6-0349/2008] and called on the Government of India to urgently ensure independent and impartial investigations into all suspected sites of mass graves and as an immediate first step to secure the grave sites in order to preserve the evidence. The EU Parliament resolution also offered financial and technical assistance to the Indian Government for such a thorough inquiry. Further under the UN Convention on Protection of all Persons from Enforced Disappearances, the Government of India is obliged to fully investigate the discovery of unmarked and mass graves. Despite widespread international call for investigation into unmarked graves, the Indian state continues to decline any investigation into unmarked and mass graves of Jammu and Kashmir and managed to hood wink the international community regarding the alarming issue of enforced disappearances and mass graves in Jammu and Kashmir.

It is relatable to mention that since 2015, the Spanish government has begun a process of exhuming and investigating mass graves in a search for disappeared victims of the country's civil war [1936-1939] during Franco's regime. The government of Spain has also enacted a law titled "Law of Historical Memory". If the governments like Spain can take remedial measures and investigate mass graves why cannot government of India initiate a similar process?

The families of disappeared amid constant agony and distress have continuously been struggling for knowing the truth behind enforced disappearances in Jammu and Kashmir. APDP today reiterates that unlike past, the government of India, a claimant of the permanent seat in the UN Security council, must initiate a comprehensive investigation into all the unknown, unmarked and mass graves discovered across Jammu and Kashmir, to ascertain the truth behind the enforced disappearance of more than 8000 people of Jammu and Kashmir. Further, the global civil society must urge Indian state to respect international humanitarian and human rights principles by extending comprehensive investigation into all the alleged cases of enforced disappearance as well as existence of unmarked and mass graves in Jammu and Kashmir, so that there will be a way forward for providing truth, justice and reparation to the thousands of victimized families.

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