

HRW sceptic over judicial probe

Contributed by Editor
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The US-based international Human Rights group Human Rights Watch (HRW) has welcomed the judicial inquiries into the alleged fake encounter killings in Kashmir but has expressed its scepticism "given the government's track record".

"We hope that the Indian government will surprise us with speedy and credible investigation", HRW has said adding that the government must launch a credible and independent investigation into all disappearances and fake encounters since 1989 in the state. The Rights watchdog has further said that India has signed on February 6 a new United Nations treaty to combat forced disappearances.

HRW has made particular reference to the recent investigation wherein body of Abdul Rahman Paddar and four other persons, allegedly killed in custody and fake encounter, were exhumed for forensic examination. "Recent revelations have confirmed what families in Kashmir have been alleging all along. The Indian security forces have 'disappeared' countless people in Jammu and Kashmir since 1989 and staged fake encounter killings while fabricating claims that those killed were militants."

It has further said: "The Association of the Parents of Disappeared Persons in Jammu and Kashmir (APDP), fearing that their relatives might have met the same fate, is now calling for an investigation into all "disappearances." The APDP alleges that more than 10,000 people are missing in Jammu and Kashmir. The government has admitted that nearly 4,000 people are missing, but claims that some of them may have crossed into Pakistan to join militant groups. Until now, authorities have denied all responsibility for the fate and whereabouts of the "disappeared" persons in response to habeas corpus petitions." The remaining text of the report released in New York on Thursday reads as follows:

Officially, the government has always denied allegations of staging fake encounter killings. However, according to Indian security officials who have spoken to Human Rights Watch on condition of anonymity, fake encounter killings are a common occurrence. Fake encounter killings are even encouraged through decorations, gallantry citations or promotions of personnel credited for the death of "militants." However, it has long been alleged that these incentives lead to abuses, including the murder of innocents, as happened in the case of Abdul Rahman Paddar.

When there are public demonstrations protesting a fake encounter killing, the official response usually is to offer an oral assurance of an inquiry, though these rarely happen. If such inquiries are seldom made public. If any action is taken against those found responsible, that too is rarely made public.

Human Rights Watch urged the Indian authorities to establish an independent commission on "disappearances" and fake encounter killings, one that is empowered to compel both the testimony of state agents and the disclosure of documents. According to the ADPD, many families have not filed missing person complaints because they fear retribution from the security forces.

"To end the vicious cycle of violence and mistrust, Kashmiris have to be able to trust that their complaints will be heard and addressed."

Human Rights Watch said that to prevent "disappearances" and fake encounter killings, the government should also strengthen and enforce laws and policies that protect detainees from torture and other mistreatment, including strict implementation of requirements that all detainees be brought before a magistrate or other judicial authority empowered to review the legality of an arrest within 24 hours.

Establish a centralized register of detainees, accessible to lawyers and family members.

Respond promptly to habeas corpus petitions in cases of alleged "disappearances."

Take swift and public action against all state officials who have obstructed or ignored judicial orders to produce detainees in court.

Take all feasible measures to account for persons reported missing as a result of armed conflict and provide information to their family members.

Allow the International Committee of the Red Cross to undertake the full range of its protection activities in Jammu and Kashmir, including giving it full access to all army and paramilitary interrogation and detention centres.

Promptly ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance, which India signed on February 6, the date the treaty was opened for signature.

We commend India for signing the new international convention on enforced disappearances. Ratifying and implementing it would go a long way toward showing Kashmiris that the government is committed to ending Human Rights abuses there.

(Kashmir Times, Feb 26)