

General allegation

Ninety-ninth session (11-15 March 2013)

India

58. The Working Group received information from credible sources concerning obstacles encountered in the implementation of the Declaration in India. This information was transmitted to the Government on 29 April 2013.

59. The allegations received by the Working Group concerned previous information transmitted to the Government by the Working Group on 11 February 2011 (see A/HRC/19/58/Rev.1, paras. 219-225). In this general allegation, it was noted that, according to the source, between April 2008 and November 2009, a total of 2,700 graves were examined by civil society organizations in three provinces, encompassing a total of 55 villages. It was documented that in Baramulla province 1,321 bodies were found; in Kupwara province 1,487 bodies were found; and in Bandipora province 135 bodies were found. In 177 cases, a grave contained more than one body, resulting in the discovery of more than 420 bodies. It was alleged that approximately 99 per cent of those buried were men.

60. In the present allegation, the source reported that, in response to those findings, the State Human Rights Commission (SHRC) took cognizance and conducted an investigation into the existence of unmarked graves and mass graves in North Kashmir. On 19 October 2011, the Division Bench of SHRC allegedly passed an order regarding the existence of unmarked and other graves in three districts of North Kashmir and recommended the creation of an independent body to investigate the issue. SHRC reportedly issued another order of 16 September 2011, based on information from civil society, in which it instructed official authorities in Jammu and Kashmir to produce a factual report on allegations of unmarked and other graves in Poonch and Rajouri Districts.

61. According to the source, on 13 August 2012, the Jammu and Kashmir government informed SHRC that the State did not intend to carry out DNA investigations of all the unmarked graves and mass graves. The source further alleges that existing national agencies competent in the field of DNA profiling have discredited themselves in the past. According to the information provided by the source, there are many instances in Jammu and Kashmir where in crucial cases DNA samples were not accurately examined by the forensic science laboratories. In some cases of exhumations, the families have allegedly been waiting for more than five to six years for the government to present the DNA reports in the courts. The source concludes that there is both a lack of willingness and capability at the national level.