



BURIED EVIDENCE:

Unknown and Unmarked Mass Graves in Indian-Administered Kashmir

A Preliminary Report

by Angana P. Chatterji, Parvez Imroz, Gautam Navlakha, Zahir-Ud-Din, Mihir Desai and Khurram Parvez

Buried Evidence documents 2,700 unknown, unmarked, and mass graves, containing 2,943+ bodies, across 55 villages in Bandipora, Baramulla, and Kupwara districts of Kashmir, based on applied research conducted between November 2006-November 2009.

Findings

The graveyards investigated by International People's Tribunal on Human Rights and Justice in Indian-Administered Kashmir (IPTK) entomb bodies of those murdered in encounter and fake encounter killings between 1990-2009. These graves include bodies of extrajudicial, summary, and arbitrary executions, as well as massacres committed by the Indian military and paramilitary forces.

Of these graves, 2,373 (87.9 percent) were unnamed. Of these graves, 154 contained two bodies each and 23 contained more than two cadavers. Within

these 23 graves, the number of bodies ranged from 3 to 17.

A mass grave may be identified as containing more than one, and usually unidentified, human cadaver. Scholars refer to mass graves as resulting from crimes against humanity, war crimes, or genocide. If the intent of a mass grave is to execute death with impunity, with intent to kill more than one, and to forge an unremitting representation of death, then, to that extent, the graves in Bandipora, Baramulla, and Kupwara are part of a collective burial by India's military and paramilitary, creating a landscape of "mass burial."

Post-death, the bodies of the victims were routinely handled by military and paramilitary personnel, including the local police. The bodies were then brought to the "secret graveyards" primarily by personnel of the Jammu and Kashmir Police. The graves were constructed by local gravediggers and caretakers, buried individually when possible, and specifically not *en mass*, in keeping with Islamic religious sensibilities.

The graves, with few exceptions, hold bodies of men. Violence against civilian men has expanded spaces for enacting violence against women. Women have been forced to disproportionately assume the task of caregiving to disintegrated families and undertake the work of seeking justice following disappearances and deaths. These graveyards have been placed next to fields, schools, and homes, largely on community land, and their affect on the local community is daunting.

The Indian Armed Forces and the Jammu and Kashmir Police routinely claim the dead buried in unknown and unmarked graves to be “foreign militants/terrorists.” They claim that the dead were unidentified foreign or Kashmiri militants killed while infiltrating across the border areas into Kashmir or travelling from Kashmir into Pakistan to seek arms training. Official state discourse conflates cross-border militancy with present nonviolent struggles by local Kashmiri groups for political and territorial self-determination, portraying local resistance as “terrorist” activity.

Exhumation and identification have not occurred in sizeable cases. Where they have been undertaken, in various instances, “encounter” killings across Kashmir have, in fact, been authenticated as “fake encounter” killings. In instances where, post-burial, bodies have been identified, two methods have been used prevalently. These are 1. Exhumation; and 2. Identification through the use of photographs.

The report also examines 50 alleged “encounter” killings by Indian security forces in numerous districts in Kashmir. Of these persons, 39 were of Muslim descent; 4 were of Hindu descent; 7 were not determined. Of these

cases, 49 were labelled militants/foreign insurgents by security forces and one body that was drowned. Of these, following investigations, 47 were found killed in fake encounters and one was identifiable as a local militant

IPTK has been able to study only partial areas within 3 of 10 districts in Kashmir, and our findings and very preliminary evidence point to the severity of existing conditions. If independent investigations were to be undertaken in all 10 districts, it is reasonable to assume that the 8,000+ enforced disappearances since 1989 would correlate with the number of bodies in unknown, unmarked, and mass graves.

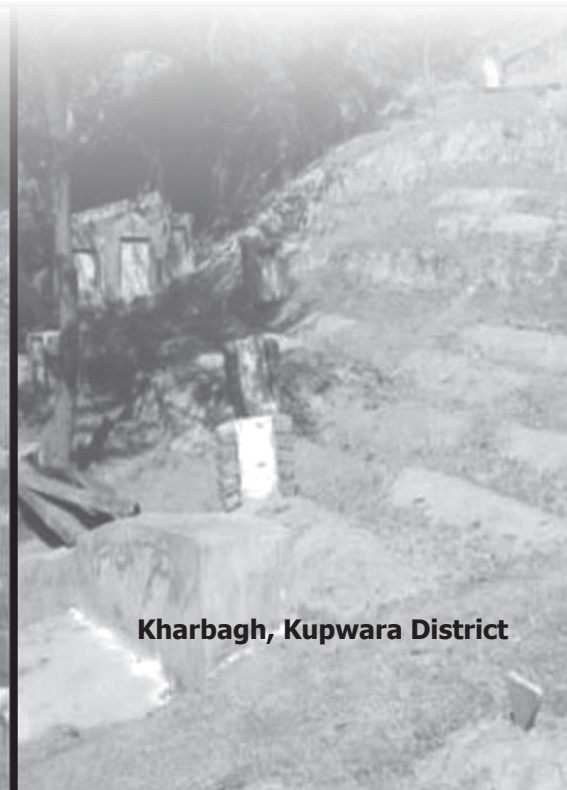
Allegations

The methodical and planned use of killing and violence in Indian-administered Kashmir constitutes crimes against humanity in the context of an ongoing conflict. The Indian state’s governance of Indian-administered Kashmir requires the use of discipline and death as techniques of social control. Discipline is affected through military presence, surveillance, punishment, and fear. Death is disbursed through “extrajudicial” means and those authorized by law. These techniques of rule are used to kill, and create fear of not just death but of murder.

Mass and intensified extrajudicial killings have been part of a sustained and widespread offensive by the military and paramilitary institutions of the Indian state against civilians of Jammu and Kashmir. IPTK asks that the evidence put forward in this report be examined, verified, and reframed as relevant by credible, independent, and international bodies, and that international institutions



Chehal Village, Uri Area, Baramulla District



Kharbagh, Kupwara District

ask that the Government of India comply with such investigations.

We note that the international community and institutions have not examined the supposition of crimes against humanity in Indian-administered Jammu and Kashmir. We note that the United Nations and its member states have remained ineffective in containing and halting the adverse consequences of the Indian state's militarization in Kashmir.

We ask that evidence from unknown, unmarked, and mass graves in Indian-administered Jammu and Kashmir be used to seek justice, through the sentencing of criminals and other judicial and social processes. As well, the existence of these graves, and how they came to be, may be understood as indicative of the effects and issue of militarization, and the issues pertaining to militarization itself must be addressed seriously and expeditiously.

The violences of militarization in Indian-administered Kashmir, between 1989-2009, have resulted in 70,000+ deaths, including through extrajudicial or "fake encounter" executions, custodial brutality, and other means. In the enduring conflict, 6, 67,000 military and paramilitary personnel continue to act with impunity to regulate movement, law, and order across Kashmir. The Indian state itself, through its legal, political, and military actions, has demonstrated the existence of a state of continuing conflict within Indian-administered Jammu and Kashmir.



NOTE: Released at a press conference by the IPTK, 2 December 2009, Srinagar, Kashmir. Report, photographs, video clips available at: www.kashmirprocess.org

Dr. Angana P. Chatterji is Convener of IPTK and Professor, Anthropology, California Institute of Integral Studies.

Advocate Parvez Imroz is Convener of IPTK and Founder, Jammu and Kashmir Coalition of Civil Society.

Gautam Navlakha is Convener of IPTK and Editorial Consultant, Economic and Political Weekly.

Zahir-Ud-Din is Convener of IPTK and Vice-President, Jammu and Kashmir Coalition of Civil Society.

Advocate Mihir Desai is Legal Counsel of IPTK and Lawyer, Mumbai High Court and Supreme Court of India.

Khurram Parvez is Liaison of IPTK and Programme Coordinator, Jammu and Kashmir Coalition of Civil Society.



Kichama Village, Sheeri Area, Baramulla District