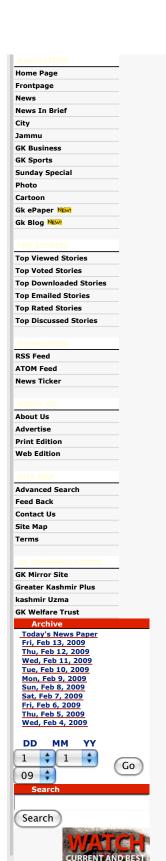




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Frontpage

CM to discuss ITHJ memo on JK rights situation



Group demands setting up of Truth and Reconciliation Commission

GK NEWS NETWORK

Srinagar, Feb 13: The chief minister, Omar Abdullah on Friday said that he would discuss the memorandum mailed to him by the International People's Tribunal on Human Rights and Justice in Jammu and Kashmir to address the human rights situation in the state.

"Yes I have received it through mail. It is my duty to consider it and discuss it in the government," the chief minister told Greater Kashmir.

The International Tribunal for Human Rights and Justice in JK today presented a detailed memorandum to the chief minister asking him for appropriate action regarding human rights including disappearances, mass graves, torture, fake encounters, prisoner's rights.

"We write you today mindful of how the conditions for peace and prosperity are linked to the possibility and necessity of justice in Kashmir. We hope that Tribunal would be allowed to continue with its work in conditions that are not impeded," the memorandum says.

The associate professor Anthropology California Institute of Integral Studies, Dr Angana Chatterji, founder Jammu and Kashmir Coalition of Civil Society Parvez Imroz, editor consultant economic and political weekly Gautam Navlakha and journalist Zahir-Ud-Din are convenors of the Tribunal in JK.

SET UP TRUTH AND RECONCILIATION COMMISSION

The memorandum reminds chief minister of his promise to establish a 'Truth and Reconciliation Commission. "We hope the chief minister will appreciate such a process and facilitate the implementation of justice as a precondition to reconciliation. But we realize that TRC can only be formed after demilitarization takes place," it says.

PROBE ENFORCED DISAPPEARANCES

On enforced disappearances the Tribunal has asked for a full-scale investigation under provisions of the Commissions of Inquiry Act, 1952, and/or other relevant laws, within a stipulated and reasonable timeframe. "We ask as well that all laws of Jammu and Kashmir incorporate the premise of the United Nations Declaration on the Protection of All Persons From Enforced Disappearance, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention Against Torture and Other Treatment or Punishment," the ITHJ memorandum says.

It has asked the chief minister to use his authority to take strong and effective preventive measures to ensure that atrocities are not repeated in future.

FOLLOW PENDING CASES

"We urge that the cases that have been pending in courts, and those that have not been filed, be expeditiously dealt with and justice be done. We ask the government of Jammu and Kashmir to follow the cases pending for sanctions before the Government of India's Home Ministry under Section 7 of Armed Forces Special Powers Act, 1958, (AFSPA). We ask that the state make public the number of cases in which sanctions have been sought from the GOI, and the number of cases in which the same have been granted," the memorandum adds.

'PROTECT MASS GRAVES'

About the mass graves the ITHJ says that existence of mass graves in Kashmir had been verified by the Association of Parents of Disappeared Persons and the International People's Tribunal for Human Rights and Justice in Kashmir in 2008.

It says there are connections between the number of persons disappeared and these unmarked, unidentified, nameless, and unknown graves. "We also note that various international institutions and bodies, such as the European Parliament, have referred to this issue and made recommendations for action. We ask that your government offer protection to the sites to not permit their desecration or destruction, enable independent and transparent investigations drawing upon varied, credible, and international expertise, and institute an independent and transparent judicial commission of inquiry," says the memorandum.

BAN TORTURE CENTERS

The ITHJ asks the state government to institute a comprehensive ban on practises of torture as defined by international law and humanitarian ethics. The GOI is yet to ratify the Convention Against Torture and Other cruel punishment, although it has been a signatory since October 1997.

The ITHJ has asked that unlawful detention and torture centers be made public, and banned. "We ask that international institutions, such as the International Committee of the Red Cross (ICRC), be permitted to visit the above places to assess the situation independently." the memorandum adds.

PROTECT WOMEN

"The women have been victimized by rape, and collective gang rape. Other categories of victims include whose male partners are missing and are labeled as half-widows. Government should ensure safety and security of the survivors and victims, and take requisite measures to rehabilitate them," the memorandum says.

It says the prisoners' rights must not be violated. They should be provide medical aid in time and their right to legal counsel should be protected.

PROTECT RIGHTS OF FORMER MILITANTS

Regarding the rights of former militants memorandum says the civil liberties of former militants and their families must be respected. "Civic and political rights of former militants are being violated. We note that some of them have been subjected to torture after serving sentences and many still have to report in camps on weekly basis," the

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Earn Your University Degree Online Studying in Kashmir or Anywhere! memorandum says and adds, "Former militants and their families continue to be subjected to maltreatment and denied access to social life, such as to institutions, employment, and pensions."

ENACT LAW TO GUARANTEE JUVENILE JUSTICE

The memorandum demands the youth must not be taken into custody, held, or tried as adults, and that their rights to legal counsel, due process, and fair and speedy trials be upheld. "We ask that a law be enacted that guarantees juvenile justice, that safeguards the rights of juveniles in conflict with law, and neglected and destitute juveniles," it says and adds, "We ask that all persons seeking to access institutions of law and justice be retreated with respect and non-violence by law enforcement agencies."

BAN USE OF LANDMINES

"We ask that the state government to institute a comprehensive ban on the use of landmines. An audit be conducted to ascertain the impact of landmines on local communities, to determine the extent of casualties, devastation, and displacement, and undertake rehabilitation of those affected and de-mining," the memorandum savs.

MAKE PROBE REPORTS PUBLIC

The memorandum demands the reports and findings of various Inquiry commissions that were set up in past 20 years to probe human rights violations be made public.

"Between 2000-2007 only three statutory inquiries were commissioned and other inquiries instituted were magisterial and administrative probes," the memorandum adds.

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