

**Mandates of the Working Group on Enforced or Involuntary Disappearances and the Special
Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: OL
IND 1/2015:

23 January 2015

Dear Mr. Reddy,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 27/1 and 26/12.

In this connection, we would like to bring to the attention of your Government information we have received concerning the **situation surrounding the discovery of the mass grave of suspected victims of enforced disappearance in Manipur**.

According to the information received:

On 25 December 2014, eight human skulls and skeletal remains were found along with other human artefacts on the compound of the former Tombisana High School in Imphal Town, Manipur, during the excavation works for a new complex on the school site. The school was reportedly occupied for almost three decades by the Central Reserve Police Force, the Border Security Forces and Manipur Police Commandos, all at the time allegedly engaged in counter-insurgency operations against organizations fighting for Manipur's political self-determination. According to reports, the Manipur University's Anthropology Department provided a preliminary estimated that the skeletal remains are between 17 and 40 years old. This is reported to coincide with the high period of enforced disappearances in Manipur from 1980s until 2000s. Human rights organisations report at least 21 cases of enforced disappearances from the period between 1980 and 2011.

It has been reported that excavation works using heavy machinery continued to dig and remove earth from the compound for another five days despite the human remains discovery. The private firm carrying out the excavation works allegedly expressed an inability to halt the excavation works without orders from the higher authorities. On 27 December 2014, a request to the Chief Minister of Manipur to halt all construction work and to institute a full independent investigation was put

forward, but no action was taken. On 29 December 2014, a case at the High Court of Manipur was filed in connection with the discovery of eight human skulls requesting an interim order to halt the construction until a forensic exhumation is carried out. On 29 December 2014, the Government of Manipur allegedly decided to hand over the investigation to a central agency and on the same day announced through a press release that the remains were to be handed over to the Central Bureau of Investigation (CBI). The source however expressed concern over the neutrality of the CBI. On 7 January 2015, the Manipur High Court heard the petition and decided not to issue the interim order to halt the excavation works at the site, allegedly because the investigation and remains had already been handed over to the CBI.

Concern is expressed about the continuing construction work on the site and the effects that this may have on an effective criminal and forensic investigation and the right to truth and justice of the victims.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide information on the steps taken to secure the site of the mass grave area.
2. Please provide information on steps taken to ensure that all human remains and other findings are kept in a secure and appropriate place and that an independent forensic, medical, legal and archaeological investigation is carried out.
3. Please provide information on steps taken to ensure that potential victims' families and public are informed of the process.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the potential perpetrators. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please explain if there is a genetic databank that would allow the collection of blood samples from families searching for disappeared persons in the area.

6. Please explain if the archives of the Central Reserve Police Force, the Border Security Forces and Manipur Police Commandos are available to the investigators and if they can be accessed by the relatives of the disappeared.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Reddy, the assurances of our highest consideration.

Ariel Dulitzky
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we urge your Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Furthermore, we would like to draw your Government's attention to the Declaration on the Protection of All Persons from Enforced Disappearances, and in particular to:

- Article 13 (1) which states that:
(..) Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.
- Article 13 (2) which states that "Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits".