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Aged Mother Holds Picture of Her Disappeared Son Susheel

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COLLABORATOR WHO?

Molvi Showkat Ahmad Shah, president *Jamiat Ahli-Hadith* (a religious organization) was killed in a blast outside a Masjid at Gow Kadal, Srinagar. The killing was rightly condemned by political parties and by different sections of the society. There were whisperings about all political killings taken place in Jammu & Kashmir in last 21 years. Political leaders, human rights defenders, journalist, lawyers have been killed. The killings were carried out by both, state and non-state actors. The state and non-state actors didn't even spare human rights activists. If Jaleel Andrabi was killed by army, H. N. Wanchoo was assassinated by militants. For some people it took more than 15 years to people speak out the truth. The killing of 209 members of minority Kashmiri Pandit community was globally condemned. According to the Chief Minister's statement in Legislative Assembly, 698 political activists were assassinated in Jammu & Kashmir. According to an Indian Home Ministry statement, 420 activists of National Conference were killed in last 20 years.

It was a two-way process. Hundreds of activists of *Jamaat-e-Islami* (a religious-politico group) were killed by the army and large number of its members resorted to internal migration. The perception of people sometime was clear and sometime doubtful. At some occasions the killings followed with different developments convenient to the government and the militants to blame each other.

Jammu and Kashmir Coalition of Civil Society (JKCCS) believes political assassinations are not acceptable at all. In conflict (whether international or non-international) International Humanitarian Law (IHL) and Geneva Conventions are to be adhered. Even in war, there are limits, how the warfare has to be conducted and how combatants should behave. That is why JKCCS approached the United Jihad Council (UJC) with a Memorandum of Understanding (MOU) for adhering to Geneva Conventions. UJC positively responded to JKCCS appeals made in 2007 on land mines and again in 2010 to adhere to "does and don'ts" of conflict, including a complete ban on political killings. UJC agreed upon and morally UJC was bound to adhere to its public commitment.

A very small section of society has advanced an argument, where in they believe that collaborators working for the state are its extension and do not come under the protection of IHL, which is not acceptable. Collaboration in Jammu and Kashmir or any other conflict area is a part and parcel of the state policy, and it is also true that there can't be occupation without collaborators. But if they are not using violence and are not combatants it is different and merely through their convictions or privileges are supporting government agenda, then nobody has the right to use violence against them.

The main question is that who is a collaborator? There are active collaborators and passive collaborators. People have right to hold political views and it is a fact that a section of the population even from majority community are for status quo. They are not convinced that the present resistance movement is freedom struggle and consider it as useless, unrealistic and against public interest. Whatever their reasoning may be, they cannot they be qualified as collaborators. Somebody blaming them as passive collaborators is unfair because people have the right to hold political views and democratic choices. No doubt there is a section of collaborators working with the state but again we have to differentiate among them, who have not advocated violence or who have not aided and abetted violence directly or indirectly.

There is a section in bureaucracy, in police and other institutions of state including judiciary, who have been instrumental in perpetuating violence and violating International Humanitarian Laws and local laws for their own vested interests. According to Article 25 of Rome Statue, anybody who orders, solicits, or induces or aids, abets in the crime which has qualified as joint enterprise are responsible for indirect criminal responsibility. They cannot escape from indirect criminal responsibility for crimes against humanity, which have taken place in Jammu and Kashmir in an institutional and systematic manner. They have to be accounted for, according to the international conventions and international humanitarian laws. Shortcomings like lynch justice are illegal, counterproductive and it is more problematic than solutions. It will only oblige the forces against people's aspirations and it further isolates people from their goal.

We believe that the democratic movements should be morally based on public opinion and people are best judges, their perceptions and decisions about the activist in any field are final, including the collaborators, who have to stand in the dock of history. History will give the judgments but not unless the truth is placed before the people about the role played by them and state. That is a challenging task for civil society.

IMAM TORTURED; SHOT DEAD

FAMILY SUSPECTS SOG HAND

On April 24, Mohammad Ashraf Lone, 30, s/o Ghulam Rasool Lone, r/o: Chothpoora, Rohama was shot dead after being tortured by unknown gunmen in Kreeri area of Baramulla district. Ashraf, an *Imam* (one who lead prayers) and *Hafiz-e-Quran*, (one who memorize whole Quran) was kidnapped from Sopore town, where he had gone to confirm an appointment with a doctor for his ailing daughter. According to eyewitnesses, three persons in civvies appeared in Sopore town and in no time bundled Ashraf into a sumo vehicle with mud-spattered number plate. He was taken to Kreeri where he was tortured and executed. The identity of the kidnappers could not be established, however, the victim's family blames security agencies for his killing. Police have registered cases in Kreeri and Sopore police stations.

Ashraf's killing triggered strong resentment in his native village. His funeral was taken in a procession by the people, who were demanding probe and punishment to the people responsible for his killing. The procession, which people claimed was peaceful, was baton charged by police and many mourners were beaten up. When people started getting disperse (after burial) police lobbed tear smoke shells, which people alleged was to intimidate them not to hold any sort of protest. Four civilians were injured in police action.

Shortly after the incident a researcher of *The Informative Missive* visited Chothipoora area of Rohama, Sopore and talked to the family members and relatives of the deceased *Imam*.

Ghulam Rasool, Ashraf's father said, "My son was innocent and was killed without any reason. On the fateful day of April, in the morning he left home for Sopore to re-confirm appointment with a doctor for his ailing 1 ½ year-old daughter. He had arrived into the market early at about 10 am and was moving around after visiting the clinic. When he reached on Tarzoo road, near fish market, he was kidnapped by three Sumo borne unknown persons. As per shopkeepers, who had witnessed his kidnapping, he was forced to board Sumo which sped away immediately."

Ghulam Rasool, added, "He had been taken to Ningli stream at Chooru, Sopore where he was tortured by his captors. He was seen tortured by a cook of *Darul Uloom* (religious school) at Rebban Sopore. Frightened, the young cook couldn't intervene but an old man who was passing through in a Maruti car objected to unknown men and asked for the reason of his torture. They keep dipping his head into water while talking to this old man. The old man was told that he was being torture for being a militant and they have recovered ammunition from him. On this, the elderly person and cook moved away from the spot."

According to eyewitnesses, Ashraf had been taken to Kreeri, a village in Baramulla. The captors had taken him towards Hael village, a hilly place in Kreeri. He has been

taken by foot. A flock of shepherds, who saw him being taken to Hael, asked (Ashraf's) captors where they were going. The shepherds were told that they were looking for orchards, as Ashraf intended to buy some fruits. The shepherds informed them that for orchards they have to go back to the village, as there they can't find anything. The captors further told shepherds that they would have a look around in the area and they proceed. Ashraf, according to shepherds, was walking little ahead of his kidnappers. He then had been taken on the other side of the hill top where he was shot dead. One of the gunmen fired by his pistol into his mouth and the bullet pierced through his head.

According to the locals of Hael Kreeri, on hearing gunshot they called police. Army also reached the spot. Locals had filed a FIR in Kreeri police station.

Maisar Bano, sister of slain Ashraf stated, "My brother was not involved in militancy or affiliated with any other agency, we don't understand why he was murdered mercilessly. He was eldest in the family, therefore, has more responsibilities than his father. He was looking after his wife, Shameema, his three minor children, four sisters, old-aged parents and a younger brother. He was looking into every family affair. The family is now rendered helpless. Our father has worked round the clock to ensure Ashraf's education in Islamic studies outside Kashmir. Ashraf has memorized whole Quran and was preaching it at different places. He was not only our patron but the patron of many students of Islamic studies."

Maisar added, "Ashraf was working as a teacher in *Darul Uloom* (Islamic school), Nowpora where he had rented a room. Things turned ugly, when SHO, Sopore police station started harassing him for unknown reason. The continuous harassment forced him to resign and he discontinued his job in January 2011 with school shut for winter vacations. Thereafter, only once he went to school in February 2011 to get his pending salary released. In March 2011, Ashraf was summoned by SHO. But he never disclosed before us what had happened at police station and what SHO had told him."

"Ashraf had friendship with Abdul Ahad Alias Chottu of Handwara, Mohammad Shafi of Nowpora, Sopore. Both are working with Special Operation Group (SOG) and were posted in Sopore. The duo became Ashraf's friend only few years back and Ashraf had shared everything with them. After his killing none of them ever visited us or made a phone call. It appears that they have knowledge about Ashraf's killing," said Abdul Rasheed, Ashraf's uncle.

Rasheed further said, "In his congregational preaching Ashraf often speak in favor of Kashmir freedom movement and his SOG friends were well aware about it. We think his love for Kashmir cause would have become the reason of his killing.

GUNMEN KILL BOY

On the evening of April 10, Sajad Ahmad Dar, 18, son of Abdul Rehman r/o Kralteng area of Sopore was shot dead by unknown gunmen. Sajad, a part-time salesman, had gone out for a stroll with his friends when gunmen appeared to kill him.

The killing triggered panic in Kralteng and its adjacent areas. Locals said, Sajad has nothing to do with militancy or politics, and he was not involved in any subversive activity. Police has filed a First Information Report

(FIR) in PS Sopore and claimed, before the victim family, that it would investigate the matter.

While talking to a researcher of *The Informative Missive*, Abdul Rehman, father of slain boy, stated, "There was nothing criminal against my son. On April 10, he had gone out to meet his friends and for stroll as well. After having his tea at 6 pm Sajad left home. Before leaving he had received a phone call and he confirmed to the caller that 'he is

coming out'. He told us he will be back soon after meeting his friends, with those words he left".

Rehman added, "Usually he goes out in the evening to meet his friends, namely Mudasir and Irfan for strolling. At about 7:30 pm, there were rumors in the area that a youth has been shot dead. One person from Rahim Sahab shrine locality had called his friends and relatives in Kralteung and informed them about Sajad's killing. Only then, we got his killing news from our neighbours. On our visit to the spot of incident, we were told that he was rushed to sub-district hospital by police. In the hospital we found him dead. He was fired six bullets. One on the back side of his neck, two in his right side of abdomen, two more in his chest and one in his right arm. Police station Sopore registered FIR and assured us of investigation into the matter."

According to victim's parents they brought Sajad body home for his last rites. In the area, locals were whispering that Sajad was shot dead near Rahim Sahab Shrine by some unidentified gunmen carrying pistol in their hands. The locals had seen Sajad strolling around with his friends having potato snacks.

Eyewitnesses' account, on his way back to home, Sajad was fired. Bullets were fired at him first from his backside, four bullets were fired, two each into his abdomen and chest, and one shot was fired into his right arm to make sure his on spot death. The assailants, witnesses said, took the advantage of darkness and rain to flee from the spot.

Abdul Rehman further stated, "On seeing Sajad falling to bullets his friends ran away from the spot. We believe that his last year's participating in protests became reason of his killing. My son was neither associated with militancy nor he had ever worked for army or any other agency. But he, like many other youth, actively took part in

On April 30, Shamsudin Mir, 22, alias Jana Mir, son of Mohammad Shaban Mir of Chankhan Sopore was shot dead by unidentified pistol borne men at Chankhan road. Shamsudin was receiving threat letters from Hizbul Mujahideen (HM) for quite some time. HM had charged him of being police informer. He was once arrested by Special Task Force (STF) for facilitation the escape of a foreign militant. Police has filed FIR into his killing.

According to his family members, they have no idea who killed Shamsudin. However, the family believes his killing was the result of some personal animosity. The family maintained that Shamsudin, a hawker, has no militant connections or any affiliation with any security agency.

Talking to a researcher of *The Informative Missive*, Shamsudin's cousin, Mohammad Ibrahim, an eyewitness to the incident stated, "On the evening of April 30, around 8 pm, Shamsudin was with me at my STD shop and we were talking to each other. In the meantime, he went near to the entrance of my shop and stood there. Suddenly, some unidentified persons carrying pistols appeared outside my shop. They fired many bullets at him. He made an attempt to take refuge in a provision shop, across the main road, opposite to my shop. Before I could move out to see, one of the armed men entered into my shop pointed his pistol on my neck and threatened me not to move. In few seconds they fled from the spot. I couldn't identify them as there was dark outside."

Ibrahim added, "Few minutes later, I moved out of my shop to see Shamsudin. I spotted him in a pool of blood

protest demonstrations and stone-pelting last year. A month before his killing, SHO Sopore, Gazanfar Ali once stopped his Gypsy (jeep) on the roadside and asked my son, 'about his role in stone-pelting. My son denied for being taken part in stone-pelting. Twice the SHO went to the shop, where he was working as salesman, and questioned him. Police were after him from last one year. We suspect police hand into his killing."

"My son's closest friends, Mudasir and Irfan never visited our house since Sajad killing. Shortly, after the killing, many boys including Sajad's friends were picked up by police. All the boys were released after few days. Even after their release they (Sajad's friends) never visit us. We have suspicion that they might have some knowledge about Sajad's killing and the arrests were made only to prevent them from disclosing anything before anybody," Abdul Rehman complained.

Rehman's family is living a tough life. He is running his family by daily labor work. Mostly all the family needs were being fulfilled by Sajad. Sajad, according to his parents, quit his studies in 12th standard and started to improve conditions of his poverty ridden family. Sajad's killing has rendered his family devastated and shattered. On one hand, the family is distress; and on the other hand, they have no knowledge how to seek judicial help to uncover the culprits.

Rehman expressed, "I had three children and now I have only one. My daughter died of brain hemorrhage, now my eldest son fell to the bullets of ruthless gunmen. Now I am worried about the future of my last and only 7 year-old son Adil. I am anxious, as how could I make his career in such ghastly atmosphere of Sopore, where spilling of innocent blood is a routine.

MYSTERIOUS MURDER OF A YOUTH

flat on the floor of the provision store. I raised an alarm and people gathered around. We took blood drenched Shamsudin to sub-district hospital Sopore, where doctors declared him brought dead. He had received five bullets: three in his chest, one in left arm, and one the right side of face. After medical examination, his dead body was handed over to us at about 9:30 pm. From hospital, we carried his body to his home, performed his last rites and laid him to rest in our local graveyard. Police did not bother to visit the spot. They only came to the hospital and took some details about the incident."

According to victim family, Shamsudin was never involved in any subversive activity. The family has no idea for which of his fault he was killed. In 2007 he got caught in an intricate situation. He helped a foreign militant (who later was killed by STF) in escaping.

"Once in 2007, Shamsudin while talking to his girlfriend near a native playground, meanwhile, a foreign militant of Harkat-ul-Mujahideen outfit was running for his life. The militant sought Shamsudin help to guide him to a safer place, as he was chased by troopers. He had taken him to some safe place, where they both stayed for a night. Next day, he guided him to a safe place through Shalbagh area of Sopore and accompanied him all the way through till they reached to some safe location. The militant was in constant phonic communication with some of his comrades, who seemed to be forces informer. Wherever they go, they were followed and cordoned by the SOG. When Shamsudin took the militant to Lalad Sangrama through the Shalbagh

orchards, the militant after reaching to particular place again talked to his colleague and informed him about his location. Shortly, the SOG & army personnel laid an ambush on the said spot. Shamsudin along with the militant were about to cross the Sopore-Srinagar highway. As soon as they appeared on the road the SOG personnel opened fired on them killing the militant on the spot while few bullets had pierced through Shamsudin's trouser. After the incident, the SOG arrested Shamsudin. He served one month detention in Cargo STF camp and Sub-jail Baramulla. He was tortured severely during his detention. Eventually, he was released on the intervention of some STF informer (who helped SOG in killing the militant). Police told us that the informer impressed upon the STF and assured them of his non-involvement with militancy," narrated Mohammad Shaban, father of deceased.

Mohammad Shaban said, "Immediately, after his release he received a threat letter asking him to quit his job. My son was working as cable operator since 2007. A little later, another letter written on HM letterhead was pasted outside a local Masjid. In view of the threats, Shamsudin quit his job and moved to Srinagar and worked there for more than two years. Then in the end of 2009 we received another letter which read, that my son can return back to Sopore now. In 2010, he returned back home. After his return he started selling readymade garments on a handcart at Sopore Chowk."

MAN KILLED IN FIRING

IT'S CUSTODIAL KILLING: LOCALS

Apr 16: Controversy has raged over the killing of an unidentified person in a firing incident in Lalpora village of Lolab in north Kashmir's Kupwara district. The residents claim that the deceased was a civilian while police maintains that he was a militant.

Residents of Lalpora told media that during April 15-16 they heard heavy firing on the border of the village. Later, the residents said, army brought the body of a young man, who appears to be 25, on a stretcher and handed it over to the local police.

"He has newly cropped beard. His back is broken and there are visible marks of a string on his wrist and neck," a villager said.

"When police handed over the body to local Auqaf for burial, the villagers refused to do so," he added.

JKCCS CONCERNED OVER CIVILIAN POLITICAL WORKERS KILLING

On 11th April, the Jammu Kashmir Coalition of Civil Society (JKCCS) in a statement said that JKCCS is concerned at the spate of killing of civilian political workers belonging to different religious and political parties. So far in this year, five civilian political workers have been killed.

Farooq Ahmed Sheikh s/o Abdul Gani Sheikh, of Koil Pulwama was shot dead on Feb. 6. Farooq Ahmed was a National Conference activist.

Ghulam Hassan Dar (47), s/o Ghulam Muhammad of Dander Mohalla, Hajin Bandipora was shot on Feb. 18. Ghulam Hassan was associated with National Conference.

Abdul Rashid s/o Mohammad Akbar of Nowbugh Chadoora was strangled to death on March 16. Abdul Rashid was a Congress worker.

Ghulam Mohi-ud-Din Bhat of Pinglish, Tral was shot dead in the evening of March 30. Ghulam Mohi-ud-Din was NC Block President.

Things seemed better for Shamsudin and there was no threat letters anymore. He was doing his work peacefully. "We were happy hoping that bad days were over. Shamsudin was doing good business and was improving in it. Suddenly, the killers came from nowhere and killed an innocent. With his killing our hope shattered. He was entirely looking after his family shouldering huge family responsibilities," Mohammad Shaban mourned.

The victim family said that their son was innocent and was killed without any reason. According to them neither he was a police informer nor a militant associate. They expressed that his killing has shattered whole family and since his killing his mother is suffering from severe cardiac disorders. The family challenged, if anybody in Sopore could ever prove Shamsudin's link with police or militancy they would accept the killing as reasonable.

"Police so far did not initiate any investigation into the killing. Sensing retribution, the family didn't think of legal remedies. Nobody from administration visited our house and nobody offered us any help in terms of investigation into the killing. We are wandering for which of his fault he was murdered. If my cousin was an informer or involved into the killing of Harkat militant, why the letters were sent on HM's name. Moreover, after his killing, why HM outfit didn't own his killing. There are numerous unanswered questions. My uncle wants justice into his son's killing but idealess how to take his case to judiciary," concluded Mohammad Ibrahim, cousin of the slain Shamsudin.

Villagers said they believe that the killed person was a civilian killed in custody.

"We won't bury him till he is identified," the villagers said.

SP Kupwara, VK Birdi, said they were intimidated by the army's 18 RR that there was militant movement in the area.

"Later they cordoned the area. During patrolling they were fired upon by unknown men. The army retaliated and in the exchange of gunfire one militant was killed. We have recovered one AK 56 rifle, a magazine and a grenade. After post mortem we handed the body to local Auqaf for burial," Birdi said.

Moulvi Showkat Ahmed Shah (55), president of Jamiat-e-Ahli Hadith was killed in an IED blast outside Jamia Masjid Ahle Hadith, Gow Kadal, Srinagar on 8th April.

As a civil society organization, JKCCS has always expressed unacceptability of any civilian killings at the hands of any state or non-state actors. Killing of civilian political workers only creates a culture of intolerance and chokes dissent.

JKCCS has been urging all the combatant forces - Indian military forces and the members of United Jihad Council to refrain from killing any civilian political workers. In March 2010, United Jihad Council responded positively to the demand made by JKCCS regarding the observance of International Humanitarian principles in Jammu and Kashmir.

JKCCS demands an impartial and independent investigation into all the killings of civilian political workers.

Impartial investigations would help bringing the perpetrators to justice and also act as a deterrent.

APDP AGHAST OVER CONTINUED DISAPPEARANCES IN J&K

On April 28, during the monthly sit-in programme the Association of Parents of Disappeared Persons (APDP) condemned the nonstop phenomenon of enforced disappearances in the state of J&K. APDP in its statement said that Susheel Raina, 21, son of Badrinath Raina disappeared from Chandergam, Aishmuqam in district Anantnag (Islamabad) on 4th April 2011. Susheel left his home to collect a certificate from Boys Degree College Anantnag (Islamabad) and since then never returned.

Police is said to be investigating, as they claim about hundreds of others who have disappeared in last two decades. These investigations either never begin or never end and in very rare cases where police investigations have indicted the perpetrators, no one has been prosecuted.

When it comes to high profile political murders, (like the one of Moulvi Showkat Ahmed Shah recently) police swiftly comes out with a charge sheet against some people without even providing a shred of evidence, but when there are cases of common Kashmiris like Susheel no one seems to

POLICE CLUELESS ABOUT MISSING PANDIT YOUTH

April 16: Police are still clueless about the whereabouts of a missing Pandit youth of this south Kashmir district Anantnag.

Susheel Raina, 21, son of Badrinath has been missing from Chandergam village of Aishmuqam from April 4. He had left his home to collect a certificate from Boys Degree College Islamabad (Anantnag) and failed to return.

Sources said that Police have formed many teams to trace the missing youth but so far no headway had been made in the case.

"We have launched a manhunt to trace Susheel and we are hopeful of a lead in the case," a police officer said.

He said that the family members of the boy were being informed about the developments at regular intervals.

The Station House Officer (SHO) Aishmuqam said that efforts were on to trace Susheel.

Parents of the missing youth are worried about his well being. "Whenever Susheel used to move out, he used to seek permission from us and would make it sure that he reaches home in time," said his father, Badrinath Raina.

MAN KILLED IN ARMY FIRING IN KUPWARA

DECEASED WAS MILITANT: POLICE
LOCALS REFUSE TO BURY BODY

April 16: A man was killed in an army firing in border district of Kupwara during the preceding night. While police claimed that the deceased was a militant and died in gunfight, the locals refused to bury the body saying it resembles with that of a missing youth.

"A militant was killed in a gunfight with 18 Rashtriya Rifles personnel during the search operation at Lalpora, Kupwara," DIG North Kashmir Muneer Khan told media.

He said the militant had fired towards the search party and in the ensuing gunfight, the militant was killed. "A rifle, wireless set and some ammunition was recovered from the deceased militant," he said.

Political killings in Jammu and Kashmir have always remained an enigma. Every time it results into blame game, this only has helped the perpetrators to escape responsibility.

be interested in investigating these cases. Intelligence agencies are clueless and news analysts are silent.

Susheel's disappearance is an indicator about the continued phenomenon of people disappearing in Jammu and Kashmir. Susheel is not the first one to disappear but if the government does not allow independent and impartial investigations into the phenomenon of enforced disappearances, unfortunately Susheel will not be the last one as well.

Like so many young men, justice too appears to have been forced to disappear from Jammu and Kashmir. People who seek justice are branded as hardliners and the ones denying justice claim to be the torch bearers of democracy. Democracy is strengthened by truth and justice but here in Kashmir transparency, accountability and truth are the most hated concepts for democrats.

APDP while reiterating its demand for independent investigations into all the cases of enforced disappearances urges the government to shun callousness and help the family members of Susheel Raina establish his whereabouts.

He said whenever someone knocks at the door Susheel's mother rushes outside with the hope that it might be his son. "We searched him everywhere but all in vain," he added.

Susheel's family was among a few Pandits who didn't flee from the valley in 1990. "Everyone in the village and his friends are searching for him. Due to his caring nature everyone loved him. So they too are worried about his well being," Raina added.

Pertinent to mention here on April 11, police said a Sikh boy has been arrested in the case after he tried to mislead the police. "The Sikh boy was trying to misinform and blackmail the family," a police officer told me media. "When we questioned him, he (the Sikh boy) retracted his statement and said he was playing a prank."

The police officer said the Sikh boy had called the police and the family, telling them that he had seen Susheel Raina board a train in Budgam district. However, when he retracted his statement, the police got suspicious and arrested him. The police, however, have not identified the Sikh boy, fearing it may affect the case.

DIG said the body was handed over to locals for identification. "So far, the identity of the deceased has not been ascertained," he said.

Meanwhile, the locals said that they heard some gun shots in the paddy fields of Lalpora in the midnight. "The gun shots continued till 2 am. In the morning, army men brought a body from the fields and handed it over to police," they said.

"I saw the body and it was having some gunshot wounds. However, there was not much blood on the spot, where the reported encounter had taken place," said a local resident, pleading anonymity.

He said police asked people to bury the body. "However, the locals refused and put the body in Lalpora

main chowk for identification. We informed a family of Uri, Baramulla, whose boy had gone missing few years back in the area. The body resembles with that of the missing youth," he said.

COURT ACQUITS KASHMIRI ACCUSED IN LUCKNOW SERIAL BLASTS

April 14: A Lucknow court on April 11 discharged and ordered immediate release of a Kashmiri youth Sajad-ur-Rahman arrested in 2007 for six serial blasts in Uttar Pradesh courts. The court, however, ordered trial of other accused Mohammad Akhtar (Kashmir), Mohammad Khalid and Mohammad Tariq Qasmi from UP, though dropping various charges.

After the conclusion of arguments on the charge-sheet filed by the UP police against the accused, the sessions court noted that there was no direct evidence linking Sajjad from Kishtwar district of Jammu and Kashmir to the blasts that rocked courts in Varanasi, Faizabad and Lucknow on November 22, 2007. The court noted that case cannot be pursued only on the basis of circumstantial evidence.

According to police, Sajjad had confessed his involvement in the blasts. But the court rejected the confession. The court, however, upheld police argument to pursue cases against other three youth. Police claimed having found finger prints of Mohammad Akhtar. Deleting other charges, court directed police to pursue trial under 120 IPC. "Police could not substantiate any charge. They could find finger prints of Sajjad and were trying him only on the basis of his confessional statement taken out of duress," his lawyer Mohamamd Shoib told media.

Six bombs -- three in Varansi, two in Faizabad and one in Lucknow - some planted on cycles, went off within a span of 15 minutes in the crowded court complexes killing 15 people, four of them lawyers, and injuring over 80 in 2007. Ammonium Nitrate and timer devices were used in triggering the blasts in Lucknow and Varanasi. Police claimed that Bangladesh-based Harkat-ul Jihadi Islamia militant was behind the attacks.

"We called the family of the missing boy to identify the body and took possession of it in case it belongs to their missing son," the locals said.

Just a day after, the Special Task Force of Uttar Pradesh police arrested two Mohammed Tariq (30) and Khalid Mujahid (24) from near Barabanki railway station. Jammu and Kashmir Police also arrested Sajjad from Kishtwar on same day charging him providing explosives for the blasts.

Police charge sheet said Tariq and Khalid were arrested while they were going to deliver 1.25 kg of RDX, six detonators and ammonium nitrate rods to an accomplice for making bombs. The two accused had planned to take delivery of the bombs from their accomplice who was to arrive by a train at the Barabanki railway station on Saturday morning, police said. Three cell phones, SIM cards and HuJI literature were seized from them.

Newspaper in Delhi fed by intelligence agencies even claimed that Sajjad was a top Harkat ul-Jihad-e-Islami organiser Shortly before the bombings, Wani had told a woman on a phone in code language that samaan [luggage] has arrived in Faizabad. Based on the call, though, the Uttar Pradesh Police traced. Wani's contacts in an operation which involved tracking multiple mobile phones purchased using false identity documents. The police were then able to arrest Azamgarh-based Unani doctor Mohammad Tariq and Jaunpur resident Mohammad Khalid Mujahid, who investigators say were among HuJI's most important Uttar Pradesh-based operatives.

A resident of the hamlet of Kushal in Kishtwar district, Sajjad had studied for several years at the Dar-ul-Uloom seminary in Deoband. Lawyers in UP had refused to take up the cases of accused leading delay in the arguments on their chargesheet. When advocate Mohammed Shoib took up the case of behalf of the UP unit of Peoples Union for Civil Liberties (PUCL), he was targeted by his fellow lawyers and accused fighting cases for Pakistanis.

WOUNDED IN STONE PELTING

SRTC DRIVER SUCCUMBS

On April 28, a State Road Transport Corporation (SRTC) driver, who was injured on April 25 during stone pelting on panchayat elections staff in north Kashmir's Baramulla district, succumbed to the injuries.

Ghulam Jeelani Bhat, a resident of Srinagar, was injured when he lost control of his vehicle due to stone pelting at Azad Gunj in Baramulla, 55 km from Srinagar, on Monday while he was ferrying panchayat poll staff to their respective polling stations, police officials said.

Bhat was admitted to SKIMS hospital where he succumbed this morning, they said.

Meanwhile, according to police statement since last summer unrest four persons including a nine-day-old baby died in stone pelting related incidents.

On April 25 last year, nine-day-old baby died in a scuffle between stone pelters and passengers at Chakloo, Rafiabad.

On April 30, Shafiq Ahmad Sheikh was hit in the head by a stray brick in Batmaloo area. He succumbed on way to hospital.

On September 8, Ghulam Mohammad Guroo (55) was critically injured in stone pelting at Tengpora, Bypass. He died on way to hospital.

TROOPER 'MOLESTS' TEENAGER

CRPF DENIES ALLEGATIONS

April 17: A 7th standard student was allegedly molested by a paramilitary CRPF trooper in Door Darshan Kendra (DDK) here on April 17 when she was going to participate in a programme for children.

Sources within DDK said a student (name withheld) of Kashmir Havard School Malabagh was on way to participate in a weekly programme for children when a CRPF

trooper followed her and allegedly molested here in the wash room.

"As the girl raised hue and cry the staff on duty rushed to the spot and saved her from the clutches of trooper," sources said, adding, the girl fainted and lost consciousness.

Director DDK, Dr Rafiq Masoodi said the officials on duty have informed him about the incident, but he is out of station and can not divulge the details.

"The official on duty informed about the incident. I am returning to Srinagar from Chandigarh tomorrow and will find out the facts," he said, adding that no such 'dastardly' will be tolerated.

CRPF spokesman, Prabhakar Tripathi however denied the allegations.

FAIZAN RELEASED

Apr 5: Teenager Faizan Rafiq Hakim of this South Kashmir town who was detained and booked under the controversial Public Safety Act (PSA) on February 7 was released from Kathua Jail today after the state Government succumbed to intense pressure from political, human rights and civil society groups over his detention.

Superintendent of Police (SP) Kathua Jail, Muhammad Ayub, talking to Greater Kashmir said, "Faizan was released at around 12:30 pm and handed over to his parents after they signed a bond and completed other formalities." He said they had received the orders of his release yesterday only but were waiting for his parents.

"He was released today after his father and mother signed an undertaking that their son will not indulge in any unlawful activity in future," the SP said.

Faizan's father, Muhammad Rafiq Hakim, said, "I cannot express my joy. I am simply ecstatic."

He thanked Amnesty International and local media for highlighting the case of his son.

"I am very thankful to Amnesty International and the local media for helping my son out. My son would not have been released had AI and the local media not highlighted the case," Rafiq said.

Faizan was arrested on February 7 outside his house in Reshibazar locality of Islamabad (Anantnag) town and was later booked under PSA.

"A child alleged that she was molested inside studio where our CRPF men are not supposed to enter. So how come is it possible? We also conducted the identification parade but the girl did not identify anybody. So there is no reality in it." Tripathi said.

He said CRPF men are actively involved in several educational programmes in the Valley.

The family said that their son was a minor and was booked on false charges.

They produced his date of birth certificate to the Amnesty International which along with the local print media launched a campaign for Faizan's release.

The Amnesty International (AI) has welcomed the Government decision to release Faizan. It also reiterated its demands that the Jammu & Kashmir authorities repeal the PSA and end the system of administrative detention, releasing all detainees or charging those suspected of committing criminal acts with recognized offences and trying them fairly in a court of law; in particular those below age 18 should be freed or held only on charges of a recognizably criminal offence and be given fair trials in accordance with Article 40(2) of the UN Convention on the Rights of the Child.

The detention of Faizan led to an outcry from human rights organizations and the local media, with Amnesty International calling for his immediate release.

The rights bodies, the media and the Opposition PDP stepped up pressure on the government. Bloggers too joined in and launched a 'Release Faizan Campaign' on the Internet. Facing severe criticism, the Government revoked his PSA.

COURT ORDERS TAWSEEF'S RELEASE

'PSA ON 16-YR-OLD IS NON-APPLICATION OF MIND'

April 6: A day after government released teenager Faizan Rafiq from Kathua jail, High Court Wednesday quashed the detention order (PSA) of another minor Tawseef Hussain Bhat of Shopian presently detained in Kathua jail and ordered his release.

The court order came in response to the habeas corpus petition filed by Tawseef's parents through their counsel Advocate Mir Shafqat Hussain, wherein his detention under PSA was challenged on multiple grounds.

Tawseef, 16, of Baba Mohalla, Shopian was arrested by police on December 1, 2010 on charges of stone-pelting and 'instigating violence'. Soon after his arrest, he was booked under Public Safety Act and is currently lodged in Kathua jail, Jammu.

While quashing the detention order passed by District Magistrate, Shopian against Tawseef, Justice Muzaffar Attar today admitted that he (Tawseef) is a minor.

While quashing his detention order, the judge held that PSA order speaks about "non-application of mind by the detaining authority" besides it "violates Section 8 of PSA".

The family members of minor seemed relaxed over the breather granted by the High Court.

"We are happy that High Court has quashed his detention. We have not yet received the order copy. As and when we get it, we will approach Kathua jail authorities for his release," said jubilant Mohammad Rafiq, the elder brother of Tawseef, who was present in the court.

In the petition, defence counsel Shafqat Hussain had challenged Tawseef's detention on multiple grounds.

"According to Tawseef's school records he is a minor and a minor cannot be detained under PSA. Besides, the detention order also speaks non-application of mind by the detaining authority," the defence counsel submitted in the petition allowed by the HC today.

Tawseef's Date of Birth, according to a certificate issued by State Board of School Education, has been recorded as 26/1/1995. The D.O.B. clearly shows that he is less than 18. In the PSA dossier, his age has been shown as between 18 to 19 years old. Besides, he has also been accused of having links with Hurriyat (G) and stone-pelters.

"You were weak in studies and remained unsuccessful many a times in lower classes and were presently studying in 10th class. You kept close contacts with Hurriyat activists and stone pelters, who motivated you to join Tehreek-e-Hurriyat, headed by Syed Ali Geelani. You

participated in number of meetings organized by the APhC activists in district Shopian," the detention grounds read.

In the dossier, police claimed that several cases under FIR No 18/2010 under section 148, 149,336,332, 427

AMNESTY SEEKS 17-YR MURTAZA'S RELEASE

April 15: Even as High Court has given authorities one week's time to file its response to a petition challenging detention of 17-year-old boy Murtaza Manzoor under PSA, human rights watchdog Amnesty International has launched a global campaign for his release.

In a statement released today, Amnesty called upon its members all over the world to write appeals to J&K Chief Minister Omar Abdullah and Indian Home Minister P

RPC and FIR No 325,/2010 U/S 148,149, 336, 427 and 332 RPC stand registered against Tawseef in Shopian.

According to PSA dossier prepared by police, he is an "incorrigible antisocial element", who was leading a protest march during which protestors pelted stones on police.

"Under UN Convention on the Rights of the Child (CRC), Murtaza is a child. His family members gave us a copy of his official date of birth certificate, which shows his age is only 17 years," said Bikramjeet Batra, Amnesty International's

On April 19 High Court reserved its judgement in a petition challenging his detention under PSA.

Justice Hasnain Masoodi before whom the habeas corpus petition came up for hearing reserved his final judgement after hearing both the sides today.

Praying for the quashing of detention order and release of Murtaza, his counsel Mir Shafqat Hussain presented before the court the official birth certificate mentioning his age as 17 years.

"As per the official date of birth certificate, Murtaza is a minor and thus cannot be detained under PSA," he said.

Chidambaram for seeking Murtaza's release.

It urged J&K government to provide a fair trial to the child if he is to be held on charges of a recognizably criminal offence.

"The Chief Minister Omar Abdullah should provide Murtaza a fair trial guarantees set out in international law and specifically the UN Convention on the Rights of the Child".

Murtaza son of Manzoor Ahmad of old city Srinagar was arrested by police on January 21, 2011 from Srinagar regarding a June 2010 case registered against him on allegations of attempted murder, assault and rioting. He was subsequently booked under Public Safety Act on February 8 by District Magistrate, Srinagar and sent to Kotbalwal Jail, Jammu.

India Campaigner in a statement.

He said Murtaza has been held at Kotbalwal Jail, Jammu, nearly 300 km away from his home, since 8 February, 2010. "The prison does not have any special facility for children and provision of healthcare is limited. The minor boy's father is an auto rickshaw driver in Srinagar and the family is struggling to meet the expenses for jail visits and legal proceedings for his release," he said.

The Amnesty member urged the J&K government to end the administrative detention of minor boy.

It is pertinent to mention here that High court has given J&K Government a week's time to file its response to the habeas corpus petition filed by the parents of Murtaza challenging his detention under PSA.

CRPF INVOLVED'

TUFAIL MATOO CASE

April 7: A policeman informed a local court that paramilitary CRPF and not the police was involved in the killing 17-year-old Tufail Ahmad Matto, whose death on June 11 last triggered summer unrest in Valley.

Advocate Imtiyaz Ahmad, who appeared on behalf of the complainant before Chief Judicial Magistrate Srinagar, Yaspal Bournay said In-charge Officer (IO) of police rejected the eyewitness claim that a police constable fired the teargas shell that caused the death of the teenager.

"At the time of incident, only CRPF men deployed in the area were carrying the teargas guns," the policeman informed the court.

It is pertinent to mention here that on March 16, a woman witness identified a police constable who she claimed had fired the teargas shell towards Tufail.

Meanwhile, the CJM directed police to expedite the investigations in the case and listed the case for further hearing on April 12.

On March 8, the court had directed police to complete identification parade of all the 75 suspects in the case within 30-days.

Tufail's death triggered off cycle of violence in the Valley and at least 112 persons were killed in subsequent five months of unrest.

According to Tufail's family, he was returning home from tuition on June 11 last when a teargas shell fired by police hit him near Gani Memorial Stadium in old city, killing him on the spot.

Initially police refused to lodge file and it was on the directions of the court that a case was registered.

2010 KILLINGS: PROBE COMMISSION FAILS ANOTHER DEADLINE

SEEKS MORE TIME TO INQUIRE 17 DEATHS

April 07: The Commission of Inquiry (CoI) probing the killing of 17 youth in alleged police and paramilitary troopers action between June 11 to July 19 last year has sought 4th

extension in its term from the Government. Its third term ended in March this year.

The probe panel said that submission of final inquiry report has been withheld as High Court has directed the Commission not to submit the report to the government without its consent.

by Special Director General CRPF (J&K) and the Inspector General (Operations) CRPF-Kashmir.

After admitting the petition, High Court had directed the Commission not to submit the final report

NHRC ASKS GOVT TO RESPOND TO 2010 KILLINGS

April 15: The National Human Rights Commission has directed the State and centre authorities to respond to the deaths of several persons allegedly in action by troopers in the Valley in September last year, prompting the rights panel to issue a second reminder to them.

The case relates to death of eight persons, including a 19-year-old girl and a 10-year-old boy allegedly in action by troopers in September 18 and 19 last year.

Lawyer Radhakanta Tripathy filed a petition before the rights body, seeking its intervention in the matter.

The Commission had earlier asked the Chief Secretary and Director General of Police of Jammu and Kashmir as well as the Union Home Secretary to submit reports on the issue.

"Despite reminder dated 31.01.2011, no report has been received from them," the NHRC noted in its order and directed, "Issue reminder to the Chief Secretary as well as to the DGP of Jammu and Kashmir and Secretary, Home Department, Government of India, to submit a report on the incidents mentioned in the complaint within four weeks."

The two member Commission comprising Justice (Retd) Syed Bashiruddin Ahmad and Justice (Retd) Y P Nargotra was appointed by the Government on July 27 last year to probe the 17 civilian killings from June 11 to July 19.

Initially, the panel was given three-months time to complete its probe. However, the Col's terms have been extended many times.

"Our third extended term ended on March 28 and we have again sought extension from the government," Secretary to the Commission Tariq Banday told media.

The term of the probe panel was extended for the third time for a period of two months.

Sources in the Commission said the fresh extension has become inevitable as High Court is hearing a writ petition filed by CRPF in February this year. The petition seeks quashing of the notification under which the Commission was formed to probe the 17 civilian killings.

"The petitioners have lost faith in the Col particularly in its Chairman and in case the Commission is allowed to proceed with the inquiry, it is sure to indict the law abiding and innocent CRPF men," reads the petition filed

without its permission. Meanwhile, sources in Col said the submission of the report has been delayed due to the Court stay. "Once the stay is vacated, the report will be submitted within a fortnight. The Col has already submitted its reply to the High Court through Advocate General, who is representing the State as well as Commission in the CRPF writ petition," they said.

Advocate General J&K High Court Mohammad Ishaq Qadri told Rising Kashmir that State is trying its best to get the stay vacated. "We are very particular about it (vacating the stay). The State has already submitted its reply and we hope the case will be listed for hearing soon", he said.

The Commission has already completed the evidence part of its report. It has already heard both the sides including government and police in all the 17 killing cases, which it is probing.

As part of its probe, the Commission visited Baramulla on December 13 and 14, 2010 to record the statements of witnesses. Seven of the 17 deaths had taken place in Baramulla district alone. The Commission also heard and recorded statements of the witnesses in Srinagar on December 15, 16 and 17, 2010.

MACHIL FAKE ENCOUNTER FALLOUT SHRC ASKS ARMY TO PROBE ARMS "RACKET"

April 4: The State Human Rights Commission (SHRC) has asked Army higher-ups to investigate the recovery of arms and ammunition allegedly shown to have been recovered by 4th Rajput battalion of Army in Machil fake encounter which led to the death of three innocent civilians in Kupwara district in May last year.

Javaid Kawos the member of the SHRC who disposed of a complaint filed by MLA Langate Engineer Sheikh Abdul Rashid, has observed that a serious aspect which has surfaced from the Machil fake encounter is the recovery of arms and ammunition shown by the Army after they killed three civilians who were kidnapped from Nadihal Baramulla by the Army with the help of some Special Police Officials (SPOs).

"From this whole drama (Machil fake encounter) besides the tragic part that three innocent persons have been killed by labeling them as militants and infiltrators, I gather one more serious thing from the same which needs no proof to be proved because the Army 4th Rajput have themselves shown that they are in possession of illegal arms and

ammunition, wireless sets, Pakistani currency etc which is allegedly shown to have been recovered from the bodies of these three persons," the Commission's recommendation to the government states.

The Commission has further said: "Can Army high-ups look into the matter and enquire and investigate as to where from 5 AK 47 Rifles, Magazines, Pistol Ammunition, Pistols, Grenades, Radio Set and Pakistani currency were lying with the accused persons which after the fake encounter were allegedly shown to have been recovered from the slain militants (even as they are all innocent persons)."

Terming it a racket which needs to be probed by the Army high-ups, the Commission has taken a dig on Army superior officers for failing to keep checks and balances so that the elements with vested interest are prevented from earning a bad name to the Army as an institution.

"This is a racket going on within the disciplined force because in my opinion there should be no occasion that the Army will be and should be in possession of unaccounted illegal arms and ammunition plus the Pakistani currency,

unless the Army is operating some counter operation with the knowledge of their superior officers," the Commission's recommendation reads further.

After noticing that human rights violations are being carried out in an institutionalised and systematic manner by the security forces for petty vested interests, Engineer Rashid had moved an application before SHRC in May last year after the Machil fake encounter was exposed in the press.

Member SHRC Javaid Kawos later called reports from DGP, deputy Commissioner and SSP Kupwara besides a detailed report from divisional administration of Kashmir regarding MLA Langate's complaint which established that the three missing youth from Nadihal were lured by some locals and handed over to army which killed them in the fake Encounter.

"From all the reports including the enquiry reports available, it is clearly established that three innocent persons have lost their lives in a fake and false encounter as they have

SHRC TOOTHLESS, NOW FROM HORSE'S MOUTH CHAIRPERSON CALLS FOR AMENDMENT IN J&K HR ACT

Apr 5: Is Jammu and Kashmir State Human Rights Commission (J&K SHRC) an autonomous body? The answer is an emphatic - No.

Interestingly, this time this assertion has come from none other than the Chairperson J&K SHRC himself. "Though the provisions of the J&K Protection of Human Rights Act at first sight give an impression that Human Rights Commission is autonomous but on a closer examination, the Act is not so," observes J&K SHRC Chairperson Syed Bashir-ud-Din in the annual report of J&K SHRC for the Year 2009-10.

How? The answer to this seemingly straight yet very tricky question is a bit prickly as he explains in an 'Overview' of the Commission's functioning.

"Without meaning to cast shadow on the bonafides of the legislature in proclaiming autonomous character of the Commission to safeguard, protect, spread and promote human rights within the State, the provisions of the Act and rules in practice have not yielded desired results and in many hard cases, realisation of human rights to life, liberty, opportunity and dignity has remained illusory and even public servants found negligent in preventing violation of such rights have not been made accountable for their omissions and commissions."

"Over a period of time non-accountability, combined with lax attitude, in absence of exercise of due control and monitoring, has given currency to widespread impression that due consideration of the Commission's recommendations interim or final, howsoever, weighty may be are in practice not meant for compliance/implementation, rather for the officials' convenience, to provide a comfort zone for such officials to maintain calculated silence," observes the Chairperson.

He points out that to make the Act effective and purpose-oriented, besides to serve the very purpose of its enactment, it is just expedient that the Act needs to be amended. "It is so to bring it in tune with the times. Amendment(s) are imperative if the State Human Rights Commission is to play effective role to prevent violation of Human Rights or abetment thereof, to bring to justice the public servants who are negligent in preventing violation of Human Rights literacy and to promote and prevent the violations.

CONSTITUTE SIT TO RE-PROBE CIVILIAN KILLING: SHRC TO DGP 'LET RULE OF LAW PREVAIL, ACCUSED BE PUNISHED'

April 20: The J&K State Human Rights Commission (SHRC) asked the Director General of Police to constitute a Special Investigation Team (SIT) from the Crime Branch of the Police Department to reinvestigate the killing of a youth allegedly by the army in north Kashmir's Kupwara district in year 2000.

The directions were given by the SHRC member, Javaid Kawos on a complaint filed by Bakhti Begum of Sahilpora Handwara in which she had accused the army of killing her son, Farooq Ahmad Sheikh in cold-blood. "My son was picked up by the

been projected to be militants only for vested interests to gain undue promotions, awards and rewards. The proceedings before the commission clearly shows that the violations of human rights in the instant case (Machil) have been carried out to the hilt. Right to live is supreme human right and if the same is taken away in such a crude and obnoxious way, I think even compensatory justice is too little to solace the next of kin," Javaid Kawos has observed in his recommendation.

The Commission has further asked the government to pay ex gratia relief of Rupees One lakh to the kin of the victims of Machil fake encounter if the same is yet to be paid by the government. "Further relief under SRO-43 be extended to the eligible next of kin of the deceased and if per chance there is no eligible next of kin of any of the deceased then benefit under government order number 893-GAD of 2008 dated 4-7-2008 be extended to the next of kin of that deceased," the commission has recommended.

The suggested amendments (which as per the report have already been suggested and addressed to all concerned on the government side by Chairperson) include amendment of Sections 3, 4 and 6 regarding appointment of Members, refixing of the term of the Chairperson at par with the provisions of Central Human Rights Act 1993, making the Headquarter of the J&K Commission both at Srinagar and Jammu, rather than keep its headquarter only at Srinagar.

Yet another very important rather crucial amendment is suggested in case of Section 12, regarding the failure of the public authority to initiate action and complete the follow up report and intimate the action taken to the Commission within stipulated prescribed time period needs to be made compulsory and the concerned officer may be subjected to fine/disciplinary action.

The Chairperson has maintained that to strengthen the provision of Section 12 of the Act, J&K Protection Rules 1999 may be suitably amended to provide Nodal officer/authority to effectively stall the attempts mostly for no good reasons to buy time and kill time-bound-recommended action and in the final analysis simply forget the matter.

According to him, the Section 22 of the Act which provides for making available funds to the Commission as grants needs to be adhered to and the practice of providing budget to the Commission instead of grants needs to be stopped. The provision of law needs to be followed in letter and spirit. Section 22 needs to be explicitly clarified so that the words/language used provided for full range of powers to the Commission to expend funds rather than to be controlled with financial strings by the government through Finance and Law departments. After all laws are meant for public and to serve public cause, as in this case to prevent violation/protection and promotion of human rights.

The Chairperson feels that either Section 28 of the Act needs to be amended or rules need to be framed to give the Commission and him (the Chairperson) full range of powers and say on questions of appointments/transfers/disciplining of the Commission staff. Unless the staff is under over all administrative control of the Commission, the desired results cannot be achieved.

soldiers of 30 Rashtriya Rifles headed by Commanding Officer, Rustum Patnaik during a crackdown of village Sahipora on March 30, 2000 and thereafter he was shot dead in cold blood in front of all the civilians in broad daylight," Bakhti stated in her complaint to the Commission.

On the basis of the complaint, the Commission had sought a factual report from the police. In its report to the Commission, the DGP acknowledged that on the fateful day, Army's 30-RR camp Sahipora cordoned the village during which they came under fire

from militants and in cross-firing, a civilian Farooq Ahmad Sheikh got killed.

"There is nothing adverse in the police report other than the manner in which the youth got killed. It is proven that the deceased was not in any way involved in militancy related or subversive activities. While as the Police Chief of the state has tried to carve out a justifiable explanation and reason for the killing of the deceased, the complainant has alleged that it was a cold blooded murder at the hands of the Commanding Officer. However, whatever the case the irresistible conclusion is that an ordinary peace loving citizen has lost his life in a militancy related incident to the bullets of army men," the member states in the judgment.

"In the present case, I respect the sentiments of the complainant who is a woman from one of the remotest villages of the

SHRC INDICTS BSF FOR CIVILIAN'S CUSTODIAL DISAPPEARANCE

ASKS GOVT TO INITIATE LEGAL ACTION AGAINST ACCUSED

April 27: The State Human Rights Commission (SHRC) has indicted the personnel of Border Security Force for subjecting a civilian of Budgam district to enforced disappearance in 1990 and recommended the State Government to initiate legal action against the accused personnel.

In her complaint to the Commission, Naza Bano had stated that her brother, Muhammad Shafi Chopan of Chaiya Guion Budgam was taken into custody by BSF on July 7, 1990 at Dhobiwan Tangmarg and since then his whereabouts are not known.

Taking cognizance of the complaint, the Commission had sought a factual report from the Director General of Police. "The enquiries conducted into the matter have revealed that on July 7, 1990, the BSF men from Waripora Magam camp raided the house of Muhammad Shafi Chopan of Chaiya Guion and Abdul Sattar Ganaie of Kanihama Beerwah, picked up both the individuals and later took them to their camp. No recovery of arms and ammunition was made from both houses," the DGP states in his report to the Commission.

The DGP further states that: "Reports further reveal that while as Abdul Sattar was detained for a night and released next day, Muhammad Shafi Chopan was not released and since then his whereabouts are not known till date. As per the report, nothing adverse has been found against Muhammad Shafi Chopan prior to 2001," the DGP further states.

GOVT ACCEPTS RECOMMENDATIONS OF 86 HR VIOLATIONS CASES

April 19: Jammu and Kashmir government has accepted recommendations of 86 cases of human right violations, out of a total of 216 submitted to it by the State Human Right Commission (SHRC).

The state government has accepted recommendations of SHRC in 86 cases out of total 216 cases submitted and discussed by the Empowered Committee (EC) since December 2008, a State Home Ministry report said.

Giving further break up, it said that 216 cases were submitted and discussed in meetings of EC, out of which 86 recommendations of SHRC were accepted and as many recommendations rejected.

EX-MILITANTS MOVE COURT, ALLEGE COERCION

HC DIRECTS GOVT, POLICE TO FILE OBJECTIONS WITHIN TWO WEEKS

APR 12: Alleging harassment and intimidation at the hands of police and security agencies, former militants approached High Court, which directed the government and police to file objections within two weeks.

In petition filed by Abdul Qadeer Dar, president of Peoples Rights Movement (PRM), a group of former militant, through his counsel Advocate Parvez Imroz, it was alleged that the former militants are being forced to work in counter-insurgency operations by police and army.

"The government repeatedly announced rehabilitation of former militants but nothing has been done so far. On the contrary, the former militants are being harassed, humiliated, threatened and even deprived of NOCs for petty government jobs", the petition reads.

State but still has not spoken a word regarding any relief in her complaint. All she wants is that the rule of law must prevail in the country. I honor her sentiments and recommended that the DGP should reinvestigate the case FIR no 132 of 94 registered in Police Station Handwara through some Special Investigation Team to be constituted from the Crime Branch of the Police Department so that the guilty are brought to the book and rule of law prevails," it states.

The Commission also directed the Police to reinvestigate a similar case in which one Fayaz Ahmad Sheikh of Unisoo Handwara was shot dead in full public view allegedly by the soldiers of 26 Punjab Regiment on September 29, 1994.

The Commission also recommended an ex-gratia relief of Rs one lakh (If not already paid) in favour of the next of kinds of the deceased Farooq Ahmad Sheikh and benefit of SRO-43.

The Commission maintained that the complainant produced five witnesses in the case. It states a witness, Abdul Rehman Wani of Roshanbad Beerwah had testified that Muhammad Shafi Chopan was lifted by the BSF, while others witnesses Abdul Ghani, Ghulam Muhammad Mir and Chowkidar Hafizullah Parray corroborated his version.

In his judgement, the member SHRC, Abdul Rashid Khan has indicted BSF for subjecting the civilian to custodial disappearance.

"The facts and material on the file and the report of DGP makes its clear and established beyond any doubt that Muhammad Shafi Chopan was picked up by the BSF and was not released. Therefore as per the report of DGP and statement of eyewitness, Abdul Rehman Wani, Chopan has been subjected to enforced/custodial disappearance," the member stated.

The Commission recommended to the Government through Chief Secretary to issue instructions to the DGP for taking legal action against the BSF personnel of the concerned unit responsible for Chopan's custodial disappearance.

The Commission also recommended the Government to take measures for grant of ex-gratia relief to the next of kinds of the civilian.

Similarly, 48 cases were sent to investigation agencies of the government for re-verification for action taken under law, the report said.

The SHM report said that 12 meetings were held since December 2008 by Empowered Committee, which was setup by the State Government under Governor's rule on December 31, 2008.

The Government also accepted *ex gratia* relief and grant of government job to next of kinds of the deceased persons by the EC, it said, adding that 67 such cases were approved for ex-gratia relief and 43 for government jobs.

The report said that Government is committed to protecting Human Rights and to this end has put a legal framework in place to ensure protection of Human Rights.

It alleged that the former militants are being made scapegoats and forced to work with police agencies. "The PRM members are being harassed and intimidated by army, police and intelligence agencies to work for the counter insurgency operations, which they have vehemently refused", the PIL reads.

Alleging that former militants in general and the PRM members in particular are being forced to share personal details with police, the petition states that on October 08, 2010 an order vide No. PFM/SP.OPS-/10/4838-48 dated October 08, 2010 was issued by SP (Ops) Baramulla wherein he directed all SHO's to collect personal details from all the released and surrendered militants.

"The practice is illegal and against the law. The refusal by the PRM members to comply with the orders have annoyed the police officials and they are resorting to harassment. Sometimes they lure

our members by promising them incentives, which have always proved to be hoax," the PIL alleges.

Stating that there are more than 30,000 former militants in Kashmir, who have abandoned violence and adopted peaceful means for achieving their civil and political rights, PRM in its PIL prayed that government and police be directed to stop harassment and withdraw the police order seeking details of former militants.

After admitting the PIL this week, High Court Division Bench comprising Justice Hakim Imtiyaz Hussain and Justice

SHRC DEPICTS DISMAL PICTURE OF INMATES IN KOTBALWAL JAIL

Apr 2: Prisoners at the Kot-Balwal jail are provided a "ridiculous" quantity of just 58 grams of meat or cheese once in a week while as there is a lack of para-medical staff at the Prison Hospital in the jail, the State Human Rights Commission has said in its annual report for the year 2009-10.

"It is reported that there is a ten-bedded hospital in the jail to provide 24 hours health care to the prisoners and staff. One B-

DENIAL OF PASSPORT TO KIN OF MILITANTS ECHOES IN LA

250 CASES CLEARED: GOVT

Apr 1: The issue of denial of passports to relatives of militants for performing Hajj pilgrimage echoed in the Legislative Assembly at Jammu.

As the members assembled in the House this morning senior Peoples Democratic Front (PDF) legislator Hakeem Muhammad Yaseen expressed concern over the problems faced by the relatives of militants wanting to perform Hajj.

He said despite the directions from the Chair, relatives of the militants are still facing the problems to get passports and clear direction should be passed on to the government for making process hassle free.

The Speaker Muhammad Akbar Lone however said the Chief Minister Omar Abdullah has categorically said in the House that if the relatives of a militant want to perform Hajj they would be

AIR FORCE TRAINEE, NCC CADET DENIED PASSPORT

WILL RECONSIDER DECISION: IG CID

April 13: Even participating in R-Day parade, defense activities and Prime Minister's rally in New Delhi last year could not guarantee him a passport. Reason- he is son of an alleged former militant.

Suhail Samad, a student of BSc 1st year in Gandhi Memorial College Srinagar, was chosen no less than by Director General of National Cadet Corps for advance training abroad. However, the authorities have so far denied him the travel document on the grounds that his father is a former militant.

Documents lying with media reveal that Samad has successfully completed a course of Indian Air Force at Paratroopers Training School Agra in 2010. He was awarded second position by Director General of NCC in All India National Cadet Corps Cancer Awareness competition in New Delhi.

Samad had also represented his Directorate of NCC at Annual NCC Republic Day parade camp and the Prime Minister's rally held at New Delhi from Jan 1 to Jan 29, 2010. Samad has passed certificate "B" examination in 2010 under the Ministry of Defence, Government of India.

Despite receiving certificates and appreciations from Defence Ministry, Samad has been denied passport clearance by the state Government.

Samad said he participated in number of other training programmes and events organised by NCC but still the "stigma" of being the son of a "former militant" had not gone yet.

Samad said he was short-listed by NCC for obtaining advance training in a foreign country. "This is a golden opportunity for me. It will enable me to polish my skills for becoming the most skilful cadet," he said. However, Samad said, the authorities here were not issuing him passport.

Samad said he applied for passport before the Passport Authority but was granted a passport under Tatkal Scheme valid for one year from March 25, 2010 to March 24, 2011, which stands expired. "Now they are denying me a fresh passport," he said.

Muzaffar Attar issued notices to the government through Commissioner Secretary Home, DGP and SP (Operations) Baramulla, directing them to file their objections within two weeks.

"It is an incriminating statement. The court has now asked the respondents to file detailed responses to the averments made in the petition", defence counsel Parvez Imroz told said.

He said the case has been listed for further arguments after two weeks.

Grade physician and one Asst. Surgeon with para-medical staff is posted at the hospital. (However,) the information supplied shows that para-medical staff is not provided as per sanctioned strength. Instead it is seen that about 40 percent of sanctioned staff, as at present, is not at all posted in the hospital," the report says, adding that inmates who require special treatment are referred to and treated at GMC Jammu, SMGS Hospital Jammu and CD Hospital Jammu.

given passports. "You should appreciate the intentions of the Chief Minister. He has directed the Home Department to make the process easier and the order will be implemented," Lone said.

During the Zero Hour, the Minister for Law and Parliamentary Affairs Ali Muhammad Sagar rejected allegations that relatives of militants were not being given passports. "Over 250 such cases have been cleared after the directions were issued by the Chief Minister. We are strictly following orders. Director General of Police, Kuldeep Khoda has convened a meeting recently relaxing certain rules," he said, adding that the directions would be implemented in letter and spirit.

He however said that no applicant is provided passport if he is himself involved in any militant and subversive activities.

Samad said his father was apprehended by the security forces and detained under Public Safety Act on June 11, 1996. "But, his (father's) PSA was quashed on October 7, 1997 and later he was released," he said.

He said his father was never connected with any kind of subversive activity and after his release he never indulged in any kind of activity prejudice to the security of the State.

After moving from pillar to post, Samad finally filed a writ petition through Advocate Mir Shafaqat Hussain before the High Court seeking issuance of passport.

Shafaqat pleaded before the court that his client could not be denied passport on the ground that his father was allegedly involved in subversive activity. "My client throughout his life has remained a brilliant student and a good cadet participating in a number of courses organized by NCC," Shafaqat said.

Samad has no criminal case or FIR registered against him and neither there was any trial pending against him in any court of law, Shafaqat said.

Shafaqat pleaded that passport could not be denied to his client and sought direction to Government for issuance of passport to his client.

Shafaqat said if there was adverse report of the police against his client's father, this could not be the ground for denying him passport.

He said Samad was already issued passport for one year and he had not violated any condition of the Passport Act. "In case passport is not issued to my client, his career in NCC will get jeopardized," Shafaqat said.

Shafaqat pleaded that passport is the fundamental right of every citizen and denial of passport to Samad was unconstitutional.

After hearing the submissions, court issued notice to state Government to file objections within two weeks.

"We will provide him the passport. Send him to my office," Inspector General of Police, CID, Dr B N Srinivasan said.

CPA TEAM TO MOVE SC AGAINST KILLINGS

April 3: A 10-member civil society group from New Delhi said they are mulling to file a petition in Supreme Court to seek punishment for the security personnel involved in the killing of 118 persons during the 2010 summer unrest in Kashmir and also to seek the release of High Court Bar Association (HCBA) President and Vice-President.

The group—under the banner of Centre for Policy Analysis (CPA)—is currently on visit to the Valley.

In response to a question, Supreme Court lawyer, Prashant Bhushan, who is part of the delegation, said: “We are discussing and consulting legal experts to file petition against the security forces involved in the killing of 118 civilians in 2010 unrest.”

He said the petition would also seek release of the HCBA President Mian Qayoom and Vice President GN Shaheen.

The team members include social activist Swami Agnivesh, filmmaker Syed Mirza, editor Daily Siyasat, Zaheer Ali Khan, author Geeta Hariharan, Professor Kamal Mitra Chenoy, Anuradha Chenoy, social activist Meena Menon and journalist Seema Mustafa.

“The cases of persons killed in custody and those who have disappeared need to be investigated. And the guilty security personnel must be punished,” Bhushan said.

He said they would urge the central government to set up a high-level judicial committee headed by Chief justice of India to probe into the arrests and killings of innocent people in Kashmir.

The group said Kashmir was a political problem and should be addressed according to the democratic aspirations of people of Kashmir, India and Pakistan.

“Our role is to facilitate a dialogue between Kashmir, India and Pakistan,” Bhushan said.

Swami Agnivesh said the summer unrest of 2010 has proved that “there was no hand of Pakistan and Lashker-e-Toiba in instigating any disturbance in Kashmir.”

“It has become clear during the summer unrest of 2010 that the Kashmiri movement was indigenous and expression of their aspirations,” Agnivesh said. “It was in no way fuelled by LeT or Pakistan. The Indian civil society has realized it.”

Journalist Seema Mustafa said the delegation is trying to get ideas to decide what it can do. “Government of India has not taken a single concrete step to address the Kashmir issue,” she said.

Prof Kamal Mitra Chenoy, who teaches at the Jawaharlal Nehru University, said laws like AFSPA and PSA must go. “These laws are against the international covenants signed by India,” he said.

COURT ISSUES WARRANT AGAINST 7 SUSPECTED ITBP MEN

‘ABDUCTION’ OF VERINAG YOUTH

Apr 5: A local court here has issued warrant against the seven suspected persons of Indo Tibetan Border Police (ITBP) for their alleged involvement in the abduction of a youth of Verinag area of this South Kashmir district in the year 2001.

The warrant was issued by the Chief Judicial Magistrate (CJM), Islamabad against the suspected persons of 10th Battalion ITBP following an application moved by the State in connection with the abduction of Muhammad Ashraf Koka.

The father of the youth had then filed a written report regarding alleged abduction of his son. Accordingly, the police took up the investigations and formed an opinion at the strength of deposition of witnesses and other evidences that the officials involved in the abduction included; the then deputy commander of unit, five officers of JCO rank, a sub-inspector, head constable and two other officers. The case FIR no 96/2001 u/s 364, 302, 201 RPC and 7/25 Arms Act was then registered against the suspected ITBP officials in the police station, Dooru.

It has been submitted in the application moved by the prosecuting officer that out of the ten suspected officials only two participated in the investigations while one died and the rest did not turn.

Subsequently, the CJM passed the order to Director General, ITBP C/O 56 APO through Director General of Police, Jammu, which reads, “Whereas, as the seven officials of 10th Bn ITBP are suspects in the commission of offences punishable u/s 364, 302, 201 RPC and 7/25 Arms Act and even if the Investigating Agency has from time and again been asking for their attendance, but they have not turned up despite repeated reminders.”

It says that as the participation of the suspects was imperative for the conclusion of trial in the Court so, as such the DGP, ITBP is directed to arrest all the suspects and produce them before the Investigating Officer by April. 6.

MIAN QAYOOM RELEASED

Apr 9: The Kashmir Bar Association President, Mian Abdul Qayoom, was released after nine months of detention.

Qayoom, arrested on July 6 last year during summer unrest, was released from Police Station Janipur Jammu on bail where

he was detained a few days back in some case after the High Court quashed his PSA detention.

Additional District and Sessions Judge, Gopi Krishan Pandita, gave bail to Advocate Qayoom in FIR 5/2011 under section 121A, 124

A RPC registered against him in Janipur police station.

SHAHEEN RELEASED AFTER 9 MONTHS

Apr 13: After nine months of detention and quashment of Public Safety Act for three times, the High Court Bar Association, general secretary, G N Shaheen was released on Wednesday from Kothi Bagh police station.

The High Court on April 7 quashed Shaheen’s detention under PSA and directed the Government to release him.

On July 17, 2010 Shaheen, who had led a demonstration here in support of the demand for release of Bar president, Mian Abdul Qayoom, was arrested from Lethpora and shifted to District jail Rajouri.

Subsequently, the District Magistrate Srinagar Me’raj Ahmad Kakroo issued orders of his detention under Public Safety Act and lodgement in Rajouri jail.

Kakroo in the detention orders had said, Shaheen was a secessionist element and affiliated with Muslim Conference, a

constituent of Hurriyat (G) faction. “You have been found endorsing the ideology of Syed Ali Shah Geelani, which is primarily secessionist in nature and illegal,” order said.

Detention orders Stated: “You have been found misusing your position as Bar secretary. You are inciting public to illegal activities for seceding of J&K from India, thereby affecting the maintenance of the security of the State.”

Shaheen had been accused of launching a vicious media campaign to propagate secessionist ideology.

Shaheen was booked under three consecutive PSA and lodged in different jails of Jammu.

Since the arrest of KBA president advocate Mian Abdul Qayoom and GN Shaheen, the lawyers boycotted work in courts on several occasions including 125-days of continuous strike till November 08 last year.

HC DIRECTS DEFENCE SECY TO PAY RS 10 LAKH

CUSTODIAL DISAPPEARANCE

Apr 2: The J&K High Court has directed Defence Secretary, Pradeep Kumar to pay Rs 10 lakh as compensation to the mother of a youth, who disappeared in army’s custody 14-years ago.

Court of justice F M Ibrahim Kalifulla in the case of Mushtaq Ahmad Dar of Tengpora, who was taken into custody by the soldiers of 20 Grenadiers on April 13, 1997, directed Kumar to

deposit the money in J&K Bank, High Court Branch Srinagar within 8-weeks.

While disposing off the petition filed by the mother of the victim seeking whereabouts of her son and adequate compensation, the court directed the police to proceed with the prosecution of the case registered in Parimpora Police station expeditiously.

Police have been asked to file the final report within 3-months before the trial court.

Dar's mother, Azizi Begum in the petition had stated that after her son was arrested she approached the concerned army camp. According to her, army admitted that it had detained her son and assured her that he would be released soon.

CRPF GETS NEW ISRAELI ASSAULT RIFLES

Apr 11: To fight the militancy the paramilitary CRPF troopers in the valley are finally laced with the next generation Israeli assault rifles 'X95' and 'Tavor'.

Sources said that the high command has considered these highly sophisticated weapons for the CRPF troopers after they were directed to remain actively involved in the anti-militancy operations along with the Jammu and Kashmir police and army.

They said that one of these sophisticated rifles 'X95' has already been procured by the CRPF while the procurement of 'Tavor' is yet to be received by them.

"The CRPF has already procured the 'X95' while the procurement of 'Tavor' the samples of which have already been dispatched to them on trial basis will be received soon," sources said.

A top CRPF officer wishing anonymity said that both the weapons are costly and were first used in some areas in India by the CRPF.

"The two sophisticated rifles were considered for the CRPF troopers in J&K after they yielded better results in other areas of the

HABBA KADAL DEMANDS REMOVAL OF 20-YR-OLD BUNKER

IF AUTHORITIES ORDER, WE WILL ABIDE: CRPF

April 06: While majority of the old city areas have heaved a sigh of relief after removal of 40 bunkers, the residents of Habba Kadal are still living under the constant intimidation of the 20-year old bunker outside the Soomyar temple.

According to locals, the bunker has become an 'eye-sore' for them and they fear reprisal for raising voice to dismantle it.

On the recommendations of New Delhi appointed three interlocutors, the authorities have so far removed 40 bunkers, 39 of which were in old city and one in civil lines.

The location of bunker near the temple in main chowk Habba Kadal is the primary hurdle in its removal. It (the bunker) stations the 144 battalion of CRPF outside the decades old Soomyar temple.

Locals of the area have been silently lobbying for the bunker removal but have not succeeded so far.

AFTER AMNESTY CHIDE, JK TO AMEND JUVENILE ACT

TO RAISE CUT-OFF AGE FROM 16 TO 18

Apr 11: After severe criticism by Amnesty International for not making amendments in Juvenile Justice Act 1997, the state Government is likely to raise the cut-off age of juveniles from 16 to 18 years.

"In next few days we will send the proposal to Law Ministry for making necessary amendments in the Act. Amendment in the cut-off age will be on priority," Director Social Welfare, Hilal Ahmad Parray told Greater Kashmir.

Ironically, under Juvenile Justice Act 1997, the age of a juvenile in the state is 16 years while in other states it is 18.

In 2000, in keeping with the United Nations Convention on the Rights of a Child, the central Government raised the cut-off age for juveniles from 16 to 18 years. However, state Government is yet to make any amendment in the age of juveniles.

On March 21, the Amnesty International while releasing its 70 page report- 'Lawless Law, Detentions under the Jammu and Kashmir Public Safety Act' - here underscored the need to amend the Juvenile Justice Act of 1997. "As per the Act 16 year old is regarded as a major," said AI South Asia member, Bikramjeet Batra.

However, Dar was not released after repeated requests, she said. This forced Begum to file a petition before the Court through advocate Shafaqat Hussain.

Justice Kalifulla said, "I am convinced that the payment of Rs 10 lakhs can be directed to be made by the Defence Secretary in the first instance with liberty to recover the same from the other respondents."

Court said if the respondents failed to pay the compensation in stipulated time, the said amount shall carry interest at the rate of 6 per cent per annum.

country," he said. Sources said that the CRPF men in the areas where there has been rise in the militancy related incidents like Sopore, Tral and Shopian will be handed with these rifles in the first phase.

"Since both the rifles are difficult to operate so the CRPF men will be made to undergo a special training to use them," they said. Both the rifles 'X95' and 'Tavor' were manufactured by Israeli Weapon Industry (IWI) with the intention to battle it out with the militants in Gaza and other desert battlefields of Palestine. Later with their effective results, the weapons were widely used by some other countries.

Confirming that the CRPF men in the valley will be laced with the two sophisticated weapons, Public Relations Officer (PRO) CRPF, Prabhakar Tripathi told Kashmir Times that they have already procured 'X95' and the 'Tavor' will also be procured soon.

"The unique and multi-faceted features of the two rifles would prove more effective in anti-militancy operations in the valley," he said adding "The weapons are feasible during both day and night operations."

"In early 90's, the temple was damaged by some unscrupulous elements. We are worried for its security. Let the authorities remove the bunker and deploy police for its security," he said.

"Since the bunker is in centre, it is prone to stone attack from every side. Some stones hit the nearby shops and even the walls of historic mosque popularly known as Kani-masjid," he said, adding the entire locality is waiting for the day the bunker will be dismantled from Habba Kadal, the gateway of old city.

CRPF spokesman, Prabhakar Tripathi said if decision of dismantling the Habba Kadal bunker comes from the higher authorities, they would abide without any delay. "We have no problem if authorities decide its removal," he said.

"After signing a convention with the UN, the Act was amended in whole of India. However, in case of Jammu Kashmir, the state Assembly has not yet amended or updated the Act," he said.

In 2010, when Kashmir witnessed more than hundred deaths and several hundred were injured in different incidents of police action, the High Court directed the state Government to implement Juvenile Justice Act in letter and spirit.

Court took serious note of the Government's failure to implement the Act even after 12 years of its enforcement in the state.

"Even though the Act was passed in 1997, and its rules were framed in 2007, the provisions of the Act and the rules have not been implemented yet. Government has not taken steps to set up Juvenile Homes, Observation Homes and Juvenile Courts," the Court said in response to a Public Interest Litigation seeking implementation of the Act.

As per Juvenile Justice Act of 1997 adequate number of juvenile homes, special homes and observation homes are must to be present in the state. But non availability of such homes vitiates the already worsened situation in Kashmir.

For speedy reformation of the juveniles of Kashmir, Parray said an orphanage established under Prime Minister's National Relief Fund at Harwan Batpora would be converted into observation home.

The orphanage would be used as observation home for the reformation of juveniles. "The observation home will be open in few days for the juveniles of Kashmir," he said.

MILITARIZATION

➤ ARMY OCCUPYING EXCESS LAND IN J&K

April 1: The Indian Auditor General (CAG) has found the Indian Army occupying excess land of 2071.81 acres and 2461.11 acres respectively in Jammu and Rajouri than it was allotted by the authorities. As per Defence Estate Officers (DEO) records, the Army had been allotted 3409.78 acres and 2472 acres of land in Jammu and Rajouri respectively. After verifying records locally, the CAG found Army occupying 5481.59 acres and 4933.96 acres at these two places. For Srinagar, the Army is yet to finalise data records as demanded by the CAG. In Poonch and Rajouri, they were found having occupied less land of 2511.28 acres and 1985.53 acres than what the records suggested.

➤ TROOPS IN KASHMIR SCHOOLS

SUBMIT STATUS REPORT, SC TELLS JK GOVT

April 13: Standing firm on its decision that schools and educational institutions cannot be used as a staging ground against militants and the naxals, the Supreme Court has asked J&K Government to file a status report about the number of schools and educational institutions being occupied by Security forces in the state in anti-militancy operations.

Besides the apex court has also directed the State to answer within six weeks when it is going to take back the possession of these schools from the security forces.

➤ CRPF EYES SINGPORA LAND, LOCALS THREATEN MIGRATION

Srinagar, April 11: Residents of Singhpora in north Kashmir's Baramulla district say they are on the brink of "migration" as a Central Reserve Police Force (CRPF) camp, despite repeated pleas by the locals to authorities, seems likely to come up in the area soon.

The village, with a population of barely 5000 people, already has a Border Security Force (BSF) camp, one of the largest in north Kashmir, spread over "3000 kanals of orchard" and agricultural land since 1979. Then, in 1994, at the height of militancy, Army's 52 Rashtriya Rifles (RR) "occupied 1750 Kanals" of land at Singhpora and constructed another camp.

As reported by Press Bureau of India, in August 2010, the paramilitary force was eyeing up to 1000 kanals of land in the area for a camp.

Earlier that month, according to villagers, CRPF officials had visited Singhpora and Uplona villages and expressed their willingness to acquire land "they had been eyeing for long" in the area against compensation. The villagers had turned down the offer and refused to give the CRPF the land.

However, on August 27, 2010 the residents were shocked to see the CRPF men accompanied by engineers carrying survey on the land belonging to the villagers. Fearing that the forces were up to something, the villagers had brought the issue into the notice of then Deputy Commissioner, Baramulla, Lateef-ul-Zaman Deva who had promised that the forces will not be given land in the district.

"The forces have acquired enough land in the district. No more land will be allotted to them," Deva said.

2 KILLED IN SHELL EXPLOSION IN JMU

April 12: Two persons were killed and another seriously injured when a shell exploded inside a scrap dealer's shop in Akhnoor area in outskirts of Jammu, police said.

"The shell exploded this morning inside a scrap dealers shop in Jourian area of Akhnoor in which two persons were killed and one person was critically injured," police said.

The deceased were identified as shop owner, Y Kumar son of Karam Chand of Dunchak Jammu and Pretam Lal son of

Senior lawyer Mir Shafaqat Hussain quoting section 11 of the Juvenile Justice Act said, "Government may establish and maintain as many as observation homes as may be necessary for the temporary reception of juveniles during pendency of any inquiry regarding them under this Act."

So far the definition of home was concerned, it means any place or institution not being a police station or jail, he said.

"In 2007, after the then Deputy Chief Minister, Muzaffar Hussain Beig's intervention the CRPF deferred their plan to build the camp in the area. After reports of the paramilitary force eyeing the land again a couple of years ago, we met chief minister Omar Abdullah's political adviser, Devinder Singh Raina, who intervened and directed the deputy commissioner Baramulla to stop the process," the delegation said.

But, notwithstanding the official assurances, from the last few days the villagers say CRPF officers have been visiting the area again, raising fears that the paramilitary force is likely to begin demarcation of the camp in the next two-three days. "If another forces camp comes up in the already heavily militarized area, we will be forced to migrate," a delegation headed by Showkat Ahmad Bakshi, local Sarpanch and president local Masjid Committee said on Monday.

➤ REDUCE CRPF BUNKER SIZE IN SOPORE: DIV COM TO SP

EXPRESSES DISPLEASURE OVER SLOW WORK ON SOPORE-B'PORA ROAD UP-GRADATION

Sopore, Apr 14: Divisional Commissioner, Dr Asgar Samoon today asked the Superintendent of Police Sopore to reduce the size of CRPF bunkers spread over main roads in the area.

During a meeting, Dr Samoon expressed displeasure over the slow pace of work on the expansion and up-gradation of Sopore-Bandipora Road, an official communiqué said.

It said the Economic Reconstruction Agency, Executive Engineer, assured Dr Samoon that 50 per cent of the remaining work would be completed by July end and whole work shall be completed by October.

➤ GHASTLY TALE OF AUQAF ISLAMIA'S INACTION

58 GRAVEYARDS OVER 1553 KANAL LAND UNDER ILLEGAL OCCUPATION OF ARMY, GOVT DEP'TS, LOCALS

April 27: Thousands of kanals of graveyard land, as per the government records, have been usurped by Army, Police, Jammu Municipality and the residents with impunity and put to use for construction of urinals, schools and cow sheds besides establishments of army camps- with total disrespect to the thousands of the graves beneath these structures.

Interestingly, while in some cases the body, also known as Auqaf trust, has won the claim over the property in the court, it has failed to retrieve the land - thanks to the laidback approach of the subsequent authorities which run the trust.

The case of Rehari graveyard is a befitting case in point - of which 112- kanal 19 marla land continues to be under the illegal occupation of the usurpers despite the fact that the court decree in favour of the trust.

To the utter disappointment of the sentiments of the people, a vast portion of the Rehari Graveyard comprising 76-kanal have been allotted by the Custodian Department to its employees, 34-kanal and 10 marlas are under the occupation of Army, while on over 15 marlas of land Jammu Municipality has constructed urinals.

Ramlal of Dokhalsa Jammu. The critically injured identified as Gurdiyul son of Shamlal of Duwachak Akhnoor was shifted to GMC, Jammu for specialized treatment.

Police also recovered two more live shells from the scrap dealers shop. "A case has been registered and investigations taken up," a police official said.

LOC BLAST

2 BSF MEN HURT

April 17: Two BSF men were injured in an improvised explosive device (IED) blast near the Line of Control in Poonch district, officials said.

April 16: At least seven unidentified men stormed the house of a woman candidate, Hasina Begum of People's Democratic Party, and shot her dead in Karpura area of district Budgam.

The family suspects that her murder was related to the polls, since militants have issued threats.

"They asked my mother why she filled the forms. My mother told them she will withdraw and apologise but they didn't

WOMAN CANDIDATE SHOT DEAD

During patrolling of LoC in Sonagali area in Poonch district, a powerful IED blast triggered by militants took place resulting in injuries to two BSF men, they said.

The injured, identified as Manoj Kumar and S M Patel, have been hospitalised, they added.

listen to her and killed her," said Omar, the son of Hasina Begum to media.

Hasina's killing; many believe could be a desperate attempt to create fear. However, Chief Minister Omar Abdullah said the murder may not be related to polls and the police say it could be family dispute.

OFFICIAL STATEMENTS

> 'KASHMIR CAN'T BE RESOLVED MILITARILY'

NOT ENOUGH ARMY PRESENT IN VALLEY: LT GEN HASNAIN
Handwara, Apr 3: General Officer Commanding of Army's 15 Corps, Lt Gen Syed Atta Hasnain, said that no problem in the world, which involves people, can be resolved militarily.

"No problem in the world involving people can be solved militarily. But military has a role to stabilize environment. I don't think the state, the Indian Union, has ever looked upon this situation as if it can be resolved militarily. India has always felt that the army and the military is here to stabilise the turbulence and there after it has to be a political solution," he said, speaking to media persons on the sidelines of his public interaction in this north Kashmir town.

He said at the Human Resource Development Centre at Army's Srinagar-based headquarter, officers and soldiers are learning Kashmiri language. "There are many soldiers who are learning Kashmiri language. It will help us in reaching out to the people. What we are trying to do is to make extra efforts to reach out to them," Hasnain said.

> 57 HURRIYAT ACTIVISTS ARRESTED: MHA

Apr 4: A total of 57 activists of All Party Hurriyat Conference (APHC) were arrested in the Kashmir valley during last year's summer unrest, a state home ministry document reveals.

"57 APHC activists were detained under Public Safety Act (PSA) during summer unrest of 2010 in the Kashmir valley", official document of State Home Ministry said.

Out of 57 APHC activists arrested under PSA, 13 were released, it said.

It further said that 161 stone-pelters were also arrested under PSA, out of which 57 were released during the same period.

> ISSUE PASSPORT TO KINS OF MILITANTS: CM

Apr 5: Chief Minister Omar Abdullah while interacting with all sections of civil society said kith and kin of militants should be given passport. CM has issued the directions to CID department that clearance of passports shall not be stopped in case any body's relative is involved in the militancy. "Since there is huge back log of 20-years, priority will be given for Hajj pilgrimage," he said.

> 6000 TROOPERS REMOVED FROM KASHMIR

They'll come back after poll: CRPF; It's a joke: PDP; NC for permanent troop-cut

April 4: At least 6000 CRPF men have been removed from Kashmir and deployed for election duty elsewhere in the country, official sources said adding the troopers would be later redeployed in Valley.

The move comes in the wake of election due in five states including one Union Territory. The exercise would require 45000 CRPF personnel to maintain calm during the polls.

Various political groups here believe no temporary withdrawal of troops from Valley would bring any relief to the beleaguered people. With the key opposition PDP terming it a "joke", the ruling National Conference insists such moves should not be projected as a confidence building measure (CBM) in favor of Kashmiris.

While confirming removal of troops from Kashmir, CRPF spokesman Prabhakar Tripathi said five CRPF battalions have been pulled out of the Valley and deployed in five Indian states - Assam,

West Bengal, Kerala, Tamil Nadu and Pondicherry (UT). "The move is temporary. All five battalions will return to Valley after elections are over," he said.

Official sources said each CRPF battalion comprises 1000 to 1200 men. "At least 6000 CRPF men have been withdrawn from Kashmir. Their re-deployment in the Valley depends on how situation shapes in May and June".

At least 45,000 CRPF and police men would guard the polling stations in the five Indian states. The present terms of the five State assemblies will expire in May-June this year. Election Commission was duty bound to hold polls before the end of the term.

"Since JK is going for 16-phased polls from April 13, 80,000 forces including police and CRPF men would be deployed for the smooth conduct of elections," official sources said.

> 45 % DIP IN MILITANCY: KHODA

April 01: There has been a 45 per cent drop in militancy in Jammu and Kashmir in January to March compared to the corresponding period last year, state police chief, Kuldeep Khoda said on Friday.

"We have stepped up our operations and several top terrorist commanders have been killed while the number of civilian and security casualties have come down drastically," Khoda told reporters.

"Overall, it has been a 45 % decline in militancy," he said, adding that "militancy is there and militants are there. Our efforts are on to neutralise them".

> CRPF TO CONTINUE EXISTING STRENGTH

NEW INDUCTION AS PER THREAT PERCEPTION: SPECIAL DG

April 9: Central Reserve Police Force (CRPF) will continue with its existing strength and there are no plans for any additional deployment to meet the summer challenge this year.

"Deployment pattern in valley and other parts of the state will be same as was last year and new induction of troops would only be as per the threat perception," Special Director General (J&K Zone) of the force, Anirudh Uppal, told media persons at the sideline of the function here at Jammu.

> SITUATION UNDER CONTROL: CRPF

'PARA MILITARY INTELLIGENCE UNIT IN OFFING'

Agartala, Apr 11: The Director General of CRPF K Vijay Kumar said situation in strife torn Jammu and Kashmir was under control and paramilitary force plans to raise its own intelligence wing.

"The situation in Jammu and Kashmir has been under control," Kumar told reporters here.

> MILITANT TRAINING CAMPS STILL OPERATING IN PAK: ARMY

Apr 14 (Agencies): General Officer Commanding (GOC), Romeo Force, Rashtriya Rifles, K A S Bhullar at a function in Poonch said here that militant training camps still exist in Pakistan which supports infiltration into Jammu and Kashmir.

> TROOPS WON'T BE REDUCED: GOC

April 15: Ruling out reduction of troops in Kashmir, Army said the terror infrastructure was still intact on the other side of the Line of Control where militants were waiting to infiltrate into the Valley.

"The situation cannot be normal as the militant infrastructure and intent across the border is alive as also their over

ground network in the Valley. In this scenario, we cannot reduce the army presence," General Officer Commanding of 15 Corps Lt Gen S A Hasnain told reporters.

He said the infiltration bids are likely to increase in the next few days due to melting of snow. "However, we are ready to face the challenge," he said.

Asked about the number of militants waiting to infiltrate, GoC said it was difficult to give an exact figure. "There can be 600 to 700 militants at the launch pads but the number can increase or decrease," he added.

> GREAT IMPROVEMENT IN JK SECURITY SITUATION: DGP

Jammu: Director General of Police, Kuldeep Khoda, today said the security situation in the State had shown "great improvement."

After chairing a meeting of executive body of Police Parivar Fund, DGP sanctioned over Rs 6 lakh scholarship in favour of 217 school going children of the personnel of J&K Police. The wards include children of policemen, killed while protecting public property and human lives.

Scholarships have also been sanctioned in favour of meritorious wards who secured distinction in class 8th examination during the academic session (2009-2010).

Khoda said over Rs. 5.60 lakh had been sanctioned in favour of 159 children of policemen killed during anti-militancy operations in J&K and more than Rs. 0.48 lakh in favour of 58 meritorious wards of serving policemen.

> NO MILITANCY IN SRINAGAR: SAHAI

April 26: Inspector General of Police Kashmir S M Sahai said there was no militancy in Srinagar but militants were trying to sneak into the city from other districts to create disturbances.

"Militancy is zero in Srinagar city. The militants present in rural areas are trying hard to sneak into the city. However, police is vigilant and militants have no option but to retreat," IGP said while talking to media persons on the sidelines of wreath-laying ceremony

SUICIDE / FRATRICIDAL KILLINGS

> CRPF MAN COMMITS SUICIDE

Apr 11: A paramilitary CRPF man allegedly committed suicide by shooting himself with his service rifle at the residence of a Congress MLA in Jammu's Doda district.

Ananta Kumar, of 76 battalion of CRPF was on guard duty at the residence of Congress MLA and former Minister Abdul Majid Wani, when he fired on himself with his service weapon this morning, police said.

"After hearing the gun shot, other colleagues rushed to the spot and saw him in a pool of blood and was later declared dead by the doctors. Police registered a case, conducted post-mortem of the body and later handed it over to the CRPF authorities," a police official said.

> SOLDIER COMMITS SUICIDE

April 16: The body of an Army soldier was found hanging in an Officers Mess in Udhampur district of Jammu and Kashmir, official sources said.

Parshotam Kumar of 35 Border Roads Task Force (BRTF), who joined duty two days ago after a month long leave, was found hanging late last night, they said adding that it appears to be a case of suicide.

of two policemen killed in militant attack at Nowgam in city outskirts.

> NO STONE PELTING THIS YEAR: ARMY '450 MILITANTS WAITING TO INFILTRATE'

April 26: Army on said that stone-pelting won't be allowed to recur in Kashmir valley this summer.

"I am very hopeful that this year we will be able to curtail it," General Officer Commanding (GOC), 25 Infantry Division, Maj Gen Om Prakash told reporters on the sidelines of a function at Nagrota, Jammu, when asked about the 2010 summer protests that left around 117 civilians dead in the Valley.

The GOC said that around 450 militants were waiting to cross the Line of Control (LoC) and infiltrate into Jammu and Kashmir. "As per intelligence reports, there are about 42 training camps across the LoC. Nearly 450 militants are lodged in these camps and launching pads, and staged for infiltration," he said.

Referring to the rehabilitation policy for the youth, who want to return from Pakistan, the GOC said that around 600 applications have been received from the kin of the militants in Pakistan administered Kashmir (PaK) desiring to return to their homes.

> GOVT DOING EVERYTHING TO ENSURE PEACEFUL SUMMER: OMAR

Jammu, Apr.27: The Chief Minister Omar Abdullah said that his administration was leaving no stone unturned to ensure a peaceful summer ahead.

"There isn't another person alive who wants as much as I do, not to see a repeat of the summer of 2010. We are doing everything possible to ensure a peaceful summer but Jammu and Kashmir is, perhaps, one of the most unpredictable places. Given our experience of last year, we are reacting to situations more proactively and much better. We have adopted better crowd control techniques, we have better trained personnel. But the proactive measures are more important and the administration is handling the situation effectively."

Post-mortem has been conducted and a case registered in this connection while a court of inquiry has been ordered into the incident, they said.

> ARMY MAN KILL 4 OF HIS COLLEAGUES

April 28: An army man went on a shooting spree inside a security camp in South Kashmir's Islamabad district, killing four of his colleagues including an officer.

A police officer said the incident took place in the Panzgam camp, Islamabad. "At around 6 am an army man went berserk and started firing indiscriminately from his service weapon. Three army men and a junior commissioned officer were killed in the shoot-out before the erring trooper could be disarmed," he said.

He said another trooper sustained bullet injuries and has been hospitalized.

While giving details of the incident, army spokesman Lt Col J S Brar said Havaladar Abhay Kumar fired at his colleagues this morning resulting in the death of one junior commissioned officer and three other ranks. "Besides, an army man also sustained gunshot wounds. He was evacuated to the hospital and is out of danger. Havaladar Abhay was overpowered by the troopers and is presently in military custody," he said.

He said a detailed high level court of inquiry has been instituted to ascertain the facts of the case.

DATE	TROOPS	MILITANTS	CIVILIANS	OTHERS
April 1	-	-	-	-
April 2	-	-	-	-
April 3	-	1	-	-
April 4	-	-	-	-
April 5	2	1	-	-
April 6	-	-	-	-
April 7	-	-	-	-
April 8	-	-	1	-
April 9	-	-	1	-

April 10	-	-	1	-
April 11	1	-	-	-
April 12	-	-	2	-
April 13	-	-	-	-
April 14	-	-	-	1 (dead body recovered)
April 15	-	-	-	-
April 16	1	-	2	1 (Panchayat candidate)
April 17	-	-	-	-
April 18	-	-	-	-
April 19	-	-	-	-
April 20	-	-	-	-
April 21	-	2	-	-
April 22	1	-	-	-
April 23	-	-	-	-
April 24	-	2	1	1 (dead body recovered)
April 25	2	-	-	-
April 26	-	-	-	-
April 27	-	-	-	-
April 28	4	-	-	-
April 29	-	-	-	-
April 30	-	-	1	-
Total	11	6	9	3

DATE	CK/EJK	WOMEN KILLED	CHILDREN KILLED	ALLEGED DISAPPEARANCES
April 04	-	-	-	-
April 16	1	1	-	-
Total	1	1	0	0

CHRONOLOGY OF INCIDENTS

April 1: No incident of violence related incident reported from any part of the state.

April 2: No incident of violence reported.

April 3: Police said a militant belonging to Hizb-ul-Mujahideen was killed in a gunfight in south Kashmir's Shopian district. He identified the slain militant as Tariq Hussian alias Abu Zaid son of Abdul Rashid of Mangotra-Doda.

April 4: No incident of violence related incident reported from any part of the state.

April 5: A sub-inspector of Special Operations Group (SOG) of police, an army trooper of Army's 42 RR and a militant were killed in an encounter at Dadasara-Tral in Pulwama district. The police officer and the army trooper killed in the gunfight have been identified as Strizen Nargo of Ladakh and Amarjit Singh of 42 RR and the killed militant as, Sajad Ahmad alias Balay of Pingleish Tral of Hizbul Mujahideen. Meanwhile, suspected militants hurled a hand grenade towards the gypsy in which SDPO Khaniyar, Pervaiz Ahmad, was traveling near Islamia College at Gojwara. The SDPO escaped unhurt.

April 6: No incident of violence related incident was reported.

April 7: No incident of violence related incident reported from any part of the state.

April 8: Religious head of Jamiat-e-Ahlehadith Moulana Showkat was killed in a cycle bomb explosion in Maisuma area of Srinagar.

April 9: Unidentified gunmen shot dead a man in Ganderbal district last night, police said. The deceased was identified as Muhammad Aslam Thakre, 42, son of Abdul Rehman of Badergund, Gujar Basti

April 10: Unidentified gunmen on the evening of April 10 shot dead a youth in Sopore in north Kashmir. Reports said that unidentified gunmen fired upon Sajad Ahmad Dar son of Abdul Rehman Dar of Kralteng at 7:45 pm killing him on spot.

April 11: No incident of violence reported.

April 12: Two persons were killed and another seriously injured when a shell exploded inside a scrap dealer's shop in Akhnoor area in outskirts of Jammu, police said.

April 13: No incident of violence reported.

April 14: Police recovered body of a man at village Naira Pulwama. According to police spokesman, the deceased has been identified as Ishaq Ahmad Wani son of Ghulam Mohi-ud-Din of Aarizal Beerwah. Ishaq had drowned in a river, he said adding after completion of all formalities, the body was handed over to legal heirs for last rites.

April 15: No incident of violence reported from any part of the state.

April 16: A man was killed in an army firing in border district of Kupwara during the preceding night. While police claimed that the deceased was a militant and died in gunfight, the locals refused to bury the body saying it resembles with that of a missing youth while body of Muhammad Amin Ganaie son-in-law of Ghulam Muhammad Khan resident of Watto, Kulgam working as a driver in Irrigation Department was found in suspicious circumstances in his personal Tata Sumo bearing registration number JK13-2032 at Aharbal, falling under the jurisdiction of Police Station Damhal Hanjipora. In another incident, at least seven unidentified men stormed the house of a woman candidate, Hasina Begum of People's Democratic Party, and shot her dead in Karpura area of district Budgam. An Army soldier was found hanging in an Officers Mess in Udampur district of Jammu and Kashmir, official sources said. Parshotam Kumar of 35 Border Roads Task Force (BRTF), who joined duty two days ago after a month long leave, was found hanging late last night, they said adding that it appears to be a case of suicide.

April 17: Two BSF men were injured in an improvised explosive device (IED) blast near the Line of Control in Poonch district, officials said on Sunday. During patrolling of LoC in Sonagali area in Poonch district late last night, a powerful IED blast triggered by militants took place resulting in injuries to two BSF men, they said.

April 18: No incident of violence was reported from any part of the state.

April 19: No incident of violence was reported from any part of the state.

April 20: No incidents of violence reported from any part of the state.

April 21: Two militants of Lashkar-e-Toiba (LeT) were killed in an encounter with troops in the mountainous Kishtwar district of Jammu province. The deceased were identified as district commander Sultan Bhat alias Namon and Jaan Mohammad.

April 22: A police constable was killed under mysterious circumstances in border district of Kupwara. A police spokesman said gunshots were heard inside the staff quarter at Police Station Kupwara. "On rushing to the spot, Constable Mohammad Sageer Khawaja (Belt No. 1151/PL) son of Abdul

Rashid of Sadipora Taad Karnah was found in pool of blood. He was shifted to Sub District Hospital Kupwara where doctors declared him brought dead," he said. He said a case has been registered and investigations taken up.

April 23: No incident of violence reported.

April 24: Police claimed two militants of Lashkar-e-Toiba (LeT) were killed in a gunfight with forces in Ramban district, while army claimed that it foiled an infiltration bid in Poonch district. The deceased militants were identified as, a top LeT Commander of Pir Panchal belt Ayaz Ahmed Malik alias Musa and Farooq Ahmed Thakri alias Zulkarnain of Deesa Doda. While a man shot dead by unknown gunmen in Baramulla district of north Kashmir, officials said. The deceased was identified as, Muhammad Ashraf Lone, r/o Rafiabad, Baramulla. In another incident body of Mohammad Ashraf Lone son of Abdul Rashid Lone of Chotipora Sopore was recovered from an orchard in Seerjagir area of Sopore.

April 25: Militants struck late night, killing two police officials in Pohru Nowgam in the outskirts of Srinagar. According to police a head constable and selection grade officer were killed in the assault. "Gunmen fired upon a police party near Nowgam Chowk at around 9:45 pm on Monday night. We lost two our men in the attack," police official said.

April 26: No incident of violence reported.

April 27: No incident of violence reported.

April 28: An army man went on a shooting spree inside a security camp in South Kashmir's Islamabad district, killing four of his colleagues including an officer.

April 29: No incident of violence reported.

April 30: Unidentified gunmen shot dead a youth Shamsudin Mir alias Jana son of Muhammad Shaban Mir in this north Kashmir Sopore town. In another incident, two soldiers were injured when militants fired upon a search party at Inder village in Pulwama district early in the morning.

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