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"SURVIVORS OF SURANKOTE MASSACRE STEADFAST TO FIGHT FOR JUSTICE"

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HIGH COURT ORDERS CBI ENQUIRY

For the first time, J&K High Court has directed Criminal Bureau of Investigation (CBI) to probe into the infamous Sailan Massacre 1998 in which 19 members of three members were brutally murdered allegedly by army and police. The Court has directed the investigation would be done according to the law, and it is hoped and trusted that investigation be conducted with reasonable dispatch.

In past also, the premier investigation agency of India has conducted investigations in different matters in Kashmir. In Pathribal fake encounter case, CBI conducted impartial investigation indicted four army official for carrying out the fake encounter of five Kashmiris and later braded them as foreign mercenaries. In that case, the investigating agency filed chargesheet against the indicted army officers before the CBI designated court. CBI also exceptionally contested the army version who sought refuge under Sec 7 of Armed Forces (Special Powers) Act. The CBI even confronted the army before the Supreme Court against it taking shield of legal impunity, which was appreciated in the valley.

While in Shopian case, the same agency's conduct was questioned. CBI was accused of cover-up and shielding the actual perpetrators, thereby, exonerating the actual culprits responsible for double rape and murder. The unconvincing CBI findings that the victims died of drowning and cases against lawyers only invited public ire. The role of top investigation agency in infamous Sex Scandal Case 2006, in which the high-profile bureaucrats and politicians, was also came under severe public scrutiny. The high-profile politicians and bureaucrats, barring few frays, were exonerated by the agency at the behest of intervention from New Delhi. Only a fringe was chargesheeted and the powerful were exonerated.

CBI, creation of Delhi Police Establishment Act, has been conducting investigations from time to time in high-profile matters. Since CBI being controlled by the Prime Minister and the political interference has dented its credibility in past. CBI has been criticized in many high-profile cases for its role in exonerating the guilty. In Babri Masjid demolition case, CBI gathered no evidence except oral testaments or in anti-Sikh riots 1984, in which 5,000 Sikhs were killed, CBI exonerated Jagdish Titler. Or in Provident Fund Scam, it bailed out judges by stating it has no evidence against them. In other high-profile politically sensitive matters UBI for its role has invited criticism from the opposition and civil society.

First time in any massacre in Kashmir the matter has been re-opened at the behest of judicial interference. The federal organizations or institutions have set different yardsticks for Kashmir related issues, where there are fears of things getting internationalize and can affect "morale and image of India". Even the Supreme Court of India in matters related to Kashmir has taken different approaches, which is presumably independent and free from any political interference.

Knowingly these facts, the victims have left with no alternative but to seek re-investigation by CBI, as sought in the writ petition or altogether accept the injustice meted-out to them. The local police have closed the investigation as untraced. Even the police according to the status report filed before High Court does not know whether the investigation U/S 173 Cr. PC was submitted to the concerned magistrate for closure of the case.

The victims could not seek investigation from external agencies, so with all fallacies, he/she has to cooperate with the CBI hoping fair investigation and mount pressure on the organization to deliver. In this matter, even the media could be a part of strategy to build pressure on CBI for conducting fair investigation. Mindful of the fact the investigating agency susceptible to the political pressure may dilute the investigation. But in the given circumstances, the pressure is to be exerted on the agency for retaining its left over credibility in the state.

It is also an opportunity for the victims to expose the Indian institutions / organizations who are oversensitive on K issues. All still it is a welcome step to re-open the matter which was dead 18 years before. The only challenge is how to make CBI to deliver i.e. to conduct fair investigation without any political interference. The pressure is to be mounted on the agency to file chargesheet against the culprits, who are still serving in police and some of whom are promoted and are holding important positions.

HIGH COURT HAND OVER SAILAN MASSACRE TO CBI

Nov 21: The Jammu and Kashmir High Court directed Central Bureau of Investigation (CBI) to probe the infamous 1998 Sailan massacre of Poonch district in which 19 members of three families, including 13 women, were brutally murdered.

Disposing of a petition filed by the surviving members of the families through their counsel advocate Parvez Imroz, a single bench of the court comprising Justice Muzaffar Hussain Attar directed the CBI to take up the matter for investigation.

In the massacre, named after the village Sailan in Surankote area where it took place on the intervening night of August 3/4, 1998, 19 persons—six males and 13 females—were killed in a house. Some of them were shot dead while others were axed to death. The police had blamed foreign militants for the massacre but an inquiry conducted by the State Human Rights Commission (SHRC) in October 1998 ruled out the involvement of militants and implicated the army and police.

Justice Attar said: "It is provided that CBI will conduct investigation in accordance with law and ensure that justice is meted out to the petitioners. It is hoped and trusted that investigation will be conducted 'with reasonable dispatch' (as soon as reasonably possible)".

Before asking the CBI to take over investigation, the court held that while a gruesome offence has been committed, it was the duty of the state and its authority to investigate the case so as to unearth the truth and bring culprits to justice.

"The matter cannot be shelved. The state has to perform its functions in accordance with the statute and law of the land," the court said.

Earlier, Station House Officer of Surankote police station filed a status report stating that the case was investigated and closed on three occasions. He submitted that it was uncertain if the closure report was ever produced before a court as the relevant documents could not be retrieved from the court or the police offices because office of the Sub-Divisional Police Officer (SDPO), Mendhar, where the file last reached, was gutted in a fire in September 2010.

In their petition, Abdul Ahad, Mohammad Shabir and Masood Ahmad Sheikh said that six males and 13 females were killed in the house of Hussain Muhammad Sheikh with alleged active participation of then SSP JP Jain Singh, Major Goora of 9 Para Rashtriya Rifles C/O 56 APO, Sevak Singh (Additional SP), Mohammad Younis alias Tiger (SPO PS

LAJPAT NAGAR BLAST: 2 KASHMIRI CONVICTS ON DEATH ROW ACQUITTED

HC REBUKES DELHI POLICE FOR SHOWING CASUAL APPROACH IN CASE

Nov 22: Slamming police for "serious lapses" in probe of the 1996 Lajpat Nagar bomb blast case, the Delhi high court acquitted two alleged Jammu and Kashmir Islamic Front (JKIF) militants, sentenced with capital punishment in the case, and commuted the death penalty of the third terrorist to life imprisonment.

A bench of justice S. Ravindra Bhat and justice

Surankote), Mohammad Rafiq Gujjar alias Pathan (SPO Police Line Poonch), Maqsood Ahmad (Hawaldar Grade Surankote Poonch), Mohammad Akbar (Hawaldar Grade PS Surankote).

All the accused were arrayed respondents besides state's Home Department, DGP police, Defence Secretary, and SHO Police Station Surankote.

Besides seeking a probe by Special Investigation Team or CBI or any other agency to bring the accused to book, the petitioners sought directions by the court for implementing the recommendations of the SHRC in the case.

Counsel for the petitioners, advocate Imroz had argued in the case that massacre of the 19 civilians (aged between 4 to 70 years) including a pregnant woman, Zareena Begum, was reported widely in the media and SHRC had taken suo moto cognizance by carrying on the spot investigation.

The SHRC, Imroz said, had ruled out the involvement of militants in the massacre and instead implicated the army and the police in the killings.

The police in its report had said that the massacre was perpetrated by foreign militants.

HR groups welcome court order

J&K Coalition of Civil Society (JKCCS) welcomed High Court order. The organization stated the order is also an indictment of the State Police that took no action for 14 years, and in fact sought to scuttle any fair investigations into the massacre.

The JKCCS said the struggle of the families continues as it is important to ensure that the CBI carries out a fair, speedy and impartial investigation.

"The government on its own, without waiting for court interventions, should investigate all massacres—such as Gow Kadal, Hawal, Zakoora, Bijbehara, Wandhama, Chattisinghpura, Nadimarg, Chotta Bazaar, Sopore, Handwara and Kupwara," it said.

CHRONOLOGY OF EVENTS

3/4 August 1998: 19 members of 3 families killed

4 August 1998: FIR no 22/1998 registered, SHRC takes suo moto cognizance

21 October 1998: SHRC rules out involvement of militants, recommends enquiry

December 1998: Case closed by police

2 Nov 2011: Family members move High Court

8 Feb 2012: HC admits petition

17 June 2011: Families approach Chief Minister for reinvestigation of the massacre

G. P. Mittal converted JKIF terrorist Mohammad Naushad's death penalty to life term, while acquitting Mirza Nissar Hussain and Mohd Ali Bhat alias Kille, who had been given the capital punishment by the trial court.

The bench, however, upheld the life sentence given to third convict Javed Ahmad Khan alias Chotta

Javed.

The court gave its verdict, rebuking the Delhi Police for its failure to adduce even "the minimum standard of proof". Pulling up the police in its 200-page order, the court said that the Delhi Police "has shown casual approach in the case."

"Police has not maintained minimum standard of probe in the case, test identification parade was not conducted, statement of vital witnesses were not recorded. There was also absence of 'Delhi Diary' entry in the case," the bench said.

A JKIF team had set off a very high intensity blast at Lajpat Nagar market on 21 May 1996, triggering it in explosives kept in a stolen Maruti car in the market.

A city court had in April 2010 convicted six alleged JKIF militants, awarding death sentence to Naushad, Bhatt and Hussain, while their fourth accomplice Khan was sentenced to life imprisonment.

The remaining two convicts, Farooq Ahmed Khan and his woman accomplice Farida Dar, who had been held guilty for offences under the Explosive Substances Act and the Arms Act, were sentenced to imprisonment for seven years, and four years and two months, respectively.

The high court had been hearing the appeals of the four—Naushad, Bhatt, Hussain and Khan—against their conviction and sentencing by the trial court.

The HC verdict came on appeals filed by the four -- Naushad, Ali Bhatt, Mirza Nissar Hussain and Javed Ahmed Khan -- against their conviction and sentencing by the trial court.

The trial court had convicted six suspects. Farooq Ahmed Khan and Farida Dar were held guilty under milder penal provisions and were sentenced to seven years' jail term. However, they were released as they had already spent much more time than that in prison.

Originally, 10 people were arrested and put on trial. Besides these six, the others were Mirza

AFTER ACQUITTAL, MAQBOOL 'DENIED' PASSPORT

Nov 19: The Jammu and Kashmir Government has allegedly denied passport to a resident of Srinagar, Syed Maqbool Shah, who was held in 1996 in Delhi in connection with Lajpat Nagar blasts and acquitted after 14 years in April 2010.

Shah said the state government has failed to rehabilitate him. "Two years have passed since I was freed. The government has failed to compensate me. My life is a pot of miseries," he told media.

He said he had applied for the passport but was denied it for unknown reasons. "When I was arrested in Delhi, we lost our business. Our source of income was over forever. We have nowhere to go. While I was in jail, my family back home was without

Iftikhar, Latif Ahmed Waza, Syed Maqbool Shah and Abdul Gani.

A very high intensity blast took place at Lajpat Nagar Central market on May 21, 1996, killing 13 people and injuring 39 others.

CHRONOLOGY OF EVENTS

May 21, 1996: Thirteen people killed in bomb blast at Lajpat Nagar's Central Market.

Thirteen people were killed and 39 others were injured in the blast that took place in south Delhi's Lajpat Nagar on May 21, 1996.

August 26, 1996: Police file chargesheet in a Delhi court against the 10 accused including a woman. Police also give list of 201 witnesses.

November 20, 2000: Court frames charges of murder, attempt to murder, anti-national activities and under the Explosives Act. The accused claim innocence.

September 1, 2009: District judge transfers the case to court of Additional Sessions Judge SP Garg.

September 7, 2009: Hearing begins in ASJ Garg's court.

March 30, 2010: Court defers verdict.

April 8, 2010: Court convicts six accused and acquits four.

April 13, 2010: Court hears arguments on quantum of sentence.

April 22, 2010: Court awards death penalty to Mohd Naushad, Mohd Ali Bhatt and Mirza Nissar Hussain, awards life sentence to Javed Ahmed Khan. One convict gets seven years' imprisonment. Lone woman convict gets jail term of four years and two months.

July 10, 2010: Four convicts file an appeal in Delhi High Court challenging the trial court's conviction order.

October 12, 2011: The High Court reserves order on their appeal.

November 22, 2012: The High Court reduces the sentence of Mohd Naushad from death penalty to life imprisonment, while it acquits Mirza Nissar Hussain and Mohd Ali Bhat. It, however, upholds life sentence of Javed Ahmad Khan.

any source of income. Now I am home but it doesn't make much difference. The government is not even issuing me a passport."

Pertinently, the Communist Party of India (Marxist) had urged the government to adequately compensate Shah. "Syed Maqbool Shah should be adequately compensated... the Centre should intervene and give him a job and ensure a secure life. He has been a victim of a totally flawed investigation and we cannot shrug it off as collateral damage. We should rehabilitate him to give the right message to the people of Jammu and Kashmir," CPI (M) member Brinda Karat had said in the Rajya Sabha.

HALF-WIDOW PETITION SHRC FOR ITS INTERVENTION

Shahzada Begum, a half widow from Shopian area of south Kashmir battling hard to carry on somewhat a decent life. Having humongous saddle of her four growing kids, Shazada is displaying a couragerous role hitherto in securing her kids seemingly jeopardizing future. So far, she has managed them feeding but can't guarantee them with secure future. Pressured by the circumstances aroused around her, she had decided to take her case to State Human Rights Commission (SHRC) for want of *ex gratia* relief, technically to which she is entitled to. She feels, if compensation recommended in her favour would help her in allaying manifold sufferings.

In her narration to *The Informative Missive* she talks of her problems and challenges she is facing after the day her husband disapperead without any trace.

Wayback in 2002, her husband, Abdul Rashid Sofi, then 25, an ordinary baker disappeared. Her husband had simply gone to Shopian town to collect money he had lent to someone there. It was then she had last seen him. Her husband's dispperance sets insurmountable challenges before her with minor children to feed and social hostilities. Her wearying efforts to locate her husband failed to fetch any results so far. And she is yet to sort out the reson behind his mysterious dispperances. Mystery still shroud over the identity of the people or agency who disappear him. Now, she figured in a long-list of half-widows in Kashmir.

Shahzada is confident that her husband was never got himself associated with militancy or politics or had shared animosity with anyone. Prior to his dispperaance, Shahzada didn't find any sign of disturbance or worry on her husband's face. He was happy and there were no warrisome indication from her husband.

Her husband's painful dispperance prompted her to register a missing report with Rajwar police station. However, police couldn't prove of any help to her. After the police failure, she took it on herself and made efforts to reach to her husband. To streamline her struggle, she joined Assocaition of Parents of Dispperead Persons (ADPD) to know the whereabouts of her husband. But she couldn't carry for long her

allegiance with the association for the resons well-understood.

It were her over engagements at home with her minor children and humiliating poverty. She doesn't have enough money to travel regularly to follow her case at Srinagar or join APDP campaign exercises. For a long time, she remained disconnected with the association till she found her travel to Srinagar unavoidable, as she has to take her case with SHRC.

Pushed into the state of penury and desperation by husband's dispperance, she reposed some faith on SHRC to ensure her *ex gratia* compensation. She is hopeful SHRC may come to her rescue and help her alleviate her mountaneous sufferings. In her application to the Commission, she highlighted different aspects of her seemingly endless sufferings.

There was nothing except a meager and insufficient support from Govt. Social Welfare Department to her. Despite social hostilities and difficulties she was confronting, she managed her children's feeding and their education to this point in time. But her established fears keep her disturbing that she could not continue the same, if there would not be sustained financial intervention from any quarter.

She remained away from her in-laws for over 6 years, as she was deserted by them immediately after she met with the tragedy. Her desertation made her vulnerable and lucky enough she was provided shelter by a villager, whom she rated as a messiah. It was the timely refuge that positioned her agaist the odds of the life and she managed schooling and feeding of her children. It was only in 2009, she was re-owned by her old and frail father-in-law.

Now the same services, she was delivering to her children, seems meeting dead end. Her father-in-law is a poorman owns no land or any property; therefore, her economic state is continuously in bad shape. She is now only hoping for SHRC's intervention, as she belives a good amouot of relief could be a lifechager for her family.

POLICE INDICTS ARMY IN KUPWARA MASSACRE 1994

NON-COOPERATION BY ARMY OBSTRUCTED FURTHER INVESTIGATIONS INTO MASSACRE

Nov 20: Jammu and Kashmir Police have held Army responsible for the killing of 27 civilians in frontier district of Kupwara in 1994.

This was disclosed in a communication sent by the Union Ministry of Home Affairs (MHA) to Defence Ministry. "Non-cooperation by Army has obstructed further investigations into the massacre," the communication adds.

In response to a notice from the J&K State Human Rights Commission (SHRC), the MHA has sent a communication to the Ministry of Defence, quoting a report of the Director General of Police (DGP) (J&K) which has observed that Army personnel were

responsible for the civilian killings.

"In spite of repeated efforts, including a notice from Court of Judicial Magistrate Kupwara, the concerned Army unit (ASC 31 Medical Regiment) has not cooperated with the investigating agency," reads the MHA letter. "Non-cooperation by Army has jeopardized further investigations of the case."

MHA has requested the Defence Ministry that this matter "may please be taken up with concerned Army authorities on priority" for extending full cooperation and also for furnishing nominal role of officers, soldiers, who were on Road Opening Party (ROP) duty in Kupwara town on January 27, 1994. It

has also requested SHRC for granting extension of time for submission of required details.

In response to a petition at the SHRC about the case, the DGP has said that the army refused to cooperate again when the case was revived in 2004.

Filed on May 11 this year, the DGP's reply states that (police) investigations had clearly indicted army for "unprovoked firing with criminal intent" and found servicemen "directly responsible" for the killings in Kupwara town.

Police investigations under Section 302, 307 and 149 of the RPC which begun soon after the killings had also found that second lieutenant S Bakhshi had been commanding the unit then.

The petition was brought before the SHRC this February by human rights activists Muhammad Ahsan Untoo and Abdul Rauf Khan.

ARMY CONFIRMS INVOLVEMENT OF 2 MAJORS

GANDERBAL CUSTODIAL KILLING

Nov 22: The investigating officer of Crime Branch probing the custodial killing of Muhammad Sultan Bhat of Ganderbal informed the High Court that he has received a communication from Army confirming that Major Adjutant M R Nunia and Major Sunny Kurian have shot dead Bhat in 1999.

A Crime Branch probe report had earlier named Major Adjutant S Sehgal, Lance Naik Vikram Singh, and Vinod Kumar of 5 Rashtriya Rifles as the main accused in the case. The report also indicted Ghulam Muhammad Sheikh alias Mama Ikhwani who it said was physically guiding and instructing 5 RR in Ganderbal.

Bhat was picked up during the intervening night of September 19- 20, 1999, by Army's unit of 5 RR stationed at Ganderbal from his residence with Ghulam Muhammad Sheikh alias Mama Ikhwani guiding them to Bhat's house.

The investigating officer told the court of Muzaffar Hussain Attar that the Crime Branch has received communication from the Army authorities

ARMY REJECTS BOMAI KILLINGS PROBE, INVOKES AFSPA

Nov 27: Invoking the controversial Armed Forces Special Powers Act (AFSPA), Army rejected the magisterial inquiry into the killing of two civilians by soldiers in Bomai, Sopore in 2009 which had indicted the soldiers, an RTI application has revealed.

The Commanding Officer of 5 Sector Rashtriya Rifles and Company Commander of 22 RR had refused to appear before District Magistrate Baramulla who was probing the killing of Mohammad Amin Tantary and Mohammad Ismail Dar.

This has been revealed by the state Home Department in response to an RTI application filed by a lawyer Shafqat Nazir, a Bomai resident.

The twin killings by the soldiers of 22 RR on February 21, 2009, triggered massive protests across the Valley prompting Chief Minister Omar Abdullah to order a magisterial inquiry. The District Magistrate Baramulla was asked to furnish his report within 15

"The police had written to army authorities to furnish the names of the personnel deployed in the area," the DGP has stated. "Repeated requests to the army yielded nothing except a letter in the beginning that a court of inquiry had been instituted over the incident. But no details of the army inquiry were communicated to the police."

"When army authorities gave no cooperation, the police closed the investigation on April 10, 1997," it states.

"Investigations were revived in June 2004 under the then additional superintendent of police for the district, but the army again refused to cooperate."

The DGP states that army had also ignored orders issued by a Kupwara court under section 94 of the CrPC.

stating that Major Adjutant R Nunia and Major Sunny Kurian have shot dead Bhat.

Justice Attar granted two months to IO to complete the probe.

"The IO will also file the latest status report in view of the submissions made by him," the court said.

Begum Khatija of Batvina Ganderbal had filed a petition in High Court seeking reinvestigation into the case of kidnapping and custodial killing of her son Sultan Bhat.

The petitioner is seeking implementation of the recommendations of SHRC directing the government to reopen the FIR No. 158 of 1999 registered in Police Station Ganderbal. After the police investigation, the family had approached the DGP with the request of carrying out fresh investigation into the case. The DGP referred the case to Crime Branch.

The petitioner was represented by Advocate Mian Abdul Qayoom while state was represented by Shujaul Haque Tantray.

days.

After the District Magistrate issued notice to the CO of 5 Sector RR and Company Commander of 22RR to appear before the inquiry officer, the unit filed an objection stating that the "inquiry set up is not legally competent to probe the army."

"Since 22 RR is deployed by virtue of power vested exclusively with the Central government under item 2A of list 1 of the VII schedule and are operating under the Armed Forces Special Power Act (AFSPA), 1990 at the relevant time, the present inquiry set up in exercise of the state's executive authority is not legally competent to probe the conduct of 22 RR being a matter within the executive authority of the Central government," said the copy of preliminary objections filed by army.

The army had also asked the District Magistrate to cancel its notice to 22 RR seeking the

appearance of its CO and Company Commander before the inquiry officer and take the matter with the state government for appropriate action.

But the army filed an 'incidental report' before the inquiry officer stating "they had preliminary information about the presence of militants among the people at the place of incident wearing combat fatigue under the 'pheran'." "On reaching the spot they asked the group of civilians standing on the road to lift their 'pherans' when a militant standing amongst civilians opened fire in which one civilian was critically injured and in the resultant cross-firing two more civilians were injured, and in melee the militants managed to escape," said the report submitted by army.

However the magisterial inquiry report—submitted by the then Deputy Commissioner, Baramulla, Baseer Ahmad Khan—had confirmed that based on reports of police, statement of witnesses, brief history of the case filed by the army, medical report and on spot examination, the army's claim of presence of militants was not based on facts.

"No blank cartridge of a pistol or any other gun was recovered from the scene of occurrence or around the vicinity which belies the claim made by the army that it was a case of cross-firing," the magisterial inquiry report added.

It also said that it was the case of failure of command and control on the part of army, and the

KASHMIRI SHAWL VENDOR FOUND DEAD IN SIMLA

Nov 8: Panic gripped the Kashmiri community living in Simla after a Shawl vendor from Kokernag area of south Kashmir district was found dead in the capital city of Himachal Pradesh.

Reports said that the body of a shawl vendor Ghulam Mohiuddin Tantray, 28, son of Ghulam Qadir Tantray of Watinar Naravpora of Kokernag was found in the Jubbal village of Ruhru Tehsil November 7. The deceased had gone missing on November 6 and his body with visible torture marks was found the very next day.

"A customer wishing to purchase some shawls, had called him to his home and he had left his accommodation early Tuesday morning," said Bashir Ahmad Bhat, who runs a showroom of Kashmiri handicrafts in the Ruhru area.

He said that Tantray's friends got worried after he did not turn up to his place in the evening and they went searching for him. "Unable to find him anywhere they lodged a police complaint," said Bhat. However on the November 7 Tantray's friend received

SOP—which lays it mandatory upon the forces to associate and inform the concerned police unit about any counterinsurgency operation—was not adhered to or followed by army.

"Even if it is presumed that there was fire directed on army from amongst the public, yet it was incumbent upon them to exercise restraint before opening indiscriminate fire when a large number of persons were either standing in front of them or walking on the road," the inquiry report said.

It further said that there was "no precision fire but a complete indiscriminate firing" by an army unit which resulted in death of two civilians and critical injuries to another.

"The examination reveals that the bullets were fired at a height of four to five feet which means these bullets were fired to kill and hit the vital parts of the body and not to injure anybody," added the inquiry report.

But even after receiving the inquiry report within the stipulated time no action has been taken by the state government against the accused.

Further, the Home Department has not given answer to the question asked in RTI application: "If the government has sought any sanction from the central government to prosecute the accused?"

a call from the Sarpanch of the Jubbal village informing them that the villagers had found a body.

Reports said that Tantray body bore torture marks and seemed to have been apparently strangled, "The post-mortem has been carried out on the body and the report is awaited," said a police officer.

Tantray's family back home is in a state of shock. "Our family is associated with Shawl business in Simla from last 36 years, said Tantray's elder brother.

He said that it was however the first time that his brother went to this place for selling shawls. "He got married last year and has a 2 month old daughter," said he.

"There are about 150 Shawl vendors from the village who sell Shawls in Simla and their families are concerned about their safety," said a villager.

They demanded immediate arrest of the culprits.

DETAINEE'S FAMILY GOES ONLINE FOR RELEASE

Nov 12: The desperate family of incarcerated Kashmir University student, Muhammad Rafiq Shah, launched an online campaign to gain support for his release.

Shah, son of Mohammad Yaseen Shah of Alesteng, was arrested on November 21 2005 for his alleged involvement in pre-Diwali blasts in New Delhi in the same year. He has been languishing in Tihar jail for seven years now.

An online petition addressed to Prime Minister, Dr Manmohan Singh, was uploaded by Shah's mother, Mehmooda Begum, pleading that her son was "falsely implicated" in the case and was not being released "despite evidence in his favour."

"My son, Muhammad Rafiq Shah, was arrested on 21 November 2005. He has been in Tihar Jail for seven years despite evidence supporting the fact that he is innocent. He has been falsely implicated in the pre-Diwali blasts in Delhi in 2005," reads the petition on change.org: world's largest platform for submitting petitions online.

"My son," she continued, "had never visited Delhi and was in the Kashmir University when the blasts happened. The state and central agencies have found nothing against him."

The security agencies have been claiming that Shah was present in Delhi at the time of blast, while the family has produced his attendance records suggesting that he was in the class in Kashmir University.

"The then VC of KU, Prof Abdul Wahid, and even Prof Riyaz Punjabi after him have provided the attendance register confirming Rafiq's presence in the university on the said dates. Despite all evidence confirming my son's innocence he is still languishing in jail," she pleads.

Mehmooda has appealed everyone to sign the petition for more support to his son's release, and already more than 100 supporters from across the world, including many from India, have signed it.

"I want to see a mother smile, whose son has been kept away from her since 7 years," a signatory from Turkey, Muhammad Faysal, explains the reason behind his support to the petition, "Enough of your tears, mother. Your son shall come soon, Insha allah."

And Aqqiela Zuhra from Selangor Malaysia writes: "To end the pain of a mother who wants to be re-united with her son."

SHRC RECOMMENDS ACTION AGAINST SHO NOWPACHI

YOUTH'S KILLING IN 2006

Nov 5: Jammu and Kashmir State Human Rights Commission (SHRC) has recommended departmental enquiry against Station House Officer of Police Station Nowpachi Marwah in Doda district for showing "unprofessional approach" which led to death of a youth and caused damage to public property in the area in 2006.

A Division Bench of the SHRC comprising members Javaid Kawoos and Amlok Singh gave the direction while disposing off a case of the killing of a youth of Marwah in police action during protests against the alleged custodial killing of a local.

The Commission had taken suo-moto cognizance of a report '1 dies, 2 injured in police firing on protesters' published in media on December 28, 2006. The Commission had sought reports regarding the case from IGP Jammu Zone and Deputy Commissioner Doda.

On the fateful day, the locals had recovered body of one Muhammad Ramzan Sheikh of Dherna Marwah and accused the security forces of killing him in fake encounter. The locals had staged protests and in police firing one youth Muhammad Hussain got killed.

After perusing the report of the enquiry officer Assistant Commissioner (Revenue) Doda, the

Commission maintained that the SHO PS Nowpachi had shown "unprofessional attitude" while dealing with the situation.

"Before parting with the file we are of the considered opinion that the whole incident right from the death of Muhammad Ramzan has occasioned only because of unprofessional and immature approach shown by the then SHO Police Station Nowpachi Marwah. Had he shown professional skill and not jumped to have the recovery of LMG in the dead of night that too without any assistance 15-16 kms away from police station, neither the deceased Muhammad Ramzan would have been able to give a slip which ultimately proved fatal for him nor the incident of firing against the protesters would have taken place," the Bench observed in its judgment.

"In these circumstances we recommend DGP J&K to initiate departmental enquiry against the then erring SHO P/S Nowpachi (Marwah) for showing immature and unprofessional approach towards the situation which ultimately resulted in loss of two lives and injuries to many and damage to the concerned police station.

"This misuse of powers be also got enquired into and Action Taken Report be communicated to the Commission," the Bench recommended.

SOLDIERS 'BEAT' SHOPKEEPERS IN KUPWARA, 6 INJURED

'ARMY ORDERS INTERNAL INQUIRY'

Nov 22: At least six shopkeepers were injured when soldiers of Army's 6-Rashtriya Rifles allegedly thrashed them at Tarathpora Vilgam in this frontier district last evening. The incident triggered protests in the area.

Reports said that soldiers of Hafrada Army camp on the evening of November 22 ordered the shopkeepers in Tarathpora market to down their shutters in the wake of some search operation in Ramhal area.

When the shopkeepers declined to stop their routine business activities, the soldiers allegedly resorted to indiscriminate thrashing. Six persons were injured in the Army action who were identified as Abdul Aziz Hajam, Muhammad Maqbool Mir, Abdul Gani Malik, Muhammad Qasim Bhat and Showkat Ahmad, all residents of Tarathpora. The injured were shifted to primary health centre Vilgam for treatment.

On November 22 residents suspended their routine activities and closed all the shops and other business establishments against the alleged high-handedness by Army.

Protestors raised slogans and demanded stern action against the erring soldiers, registration of FIR and inquiry into the incident.

Deputy Commissioner Kupwara Sarmad Hafeez, DSP Handwara and Tehsildar Handwara reached the spot and pacified the protestors by assuring legal action against the erring soldiers. This pacified the protestors.

When contacted, SP Kupwara Muhammad Aslam said, "Soldiers have beaten some shopkeepers and a couple of them have been injured. Army has ordered an internal inquiry into the incident and the issue has been sorted out."

Despite repeated attempts, Army officers could not be contacted for their version.

OFFICIAL STATEMENTS

➤ '2632 INMATES LODGED IN 14 JAILS OF JK'

Nov 8: There are 2632 persons lodged in fourteen different jails of Jammu and Kashmir against the total capacity of 2991, the government said on November 8. According to an official handout, Minister of State for Home Nasir Aslam Wani inaugurated a Reformation Block at Kotbalwal jail, offering a "range of activities for the inmates."

The Reformatory Block comprises of yoga mediation hall, physical fitness centre and skill development centre. On the occasion, Wani said the centre was established to keep the inmates engaged in progressive activities for their emotional, psychological and physical transformation.

"Later, in a high-level meeting of prison department, Wani was told that 2,632 inmates are lodged in 14 jails of Jammu and Kashmir against the total capacity of 2,991," the handout said.

The meeting was informed that the authorities have also introduced free legal aid facilities to the undertrials who cannot afford their private counsel. Referring to the proposal of establishing video conference facility in the jail, Nasir said that the same was under the consideration of the government. "It is a good concept for facilitating the meeting of the inmates with their families," he said.

➤ 4,000 SOLDIERS KILLED SINCE 1999 KARGIL CONFLICT

Nov 26: Without going to war, India has lost close to 4,000 soldiers in counter-insurgency operations as well as in manning high-altitude areas like Siachen in the last 12 years since the 1999 Kargil conflict with Pakistan. Moreover, over 100 soldiers continue to commit suicide every year.

Defence minister A K Antony, in a written

reply in Lok Sabha on November 26, said that while 530 soldiers were martyred during Operation Vijay in 1999, another 3,987 have been killed in the 2000-2012 timeframe.

The number of soldiers being killed in counter-insurgency operations in both Jammu and Kashmir and north-east, of course, has been steadily declining over the last decade with the Army achieving a much better "kill ratio" versus the militants.

But suicide and fragging (to kill a fellow soldier) cases continue to remain as high as ever. Around 1,020 soldiers have committed suicide just since 2003. Disclosing the figures, Antony said while 96 soldiers had committed suicide in 2009, the figures stood at 115 in 2010, 102 in 2011 and 81 till now this year.

As reported by media earlier, three ugly face-offs between officers and jawans have also been reported in the 1.13-million strong Army in just the last one year. This is a clear indicator of the declining standards of leadership and discipline in the 1.13-million strong Army, where jawans are no longer willing to be humiliated by their officers, as well as the stressful working conditions in the force.

The stand-off between officers and jawans of an armoured corps unit at Samba in J&K, in fact, had been triggered after a soldier had committed suicide on August 8. The one in Nyoma sector of eastern Ladakh in May had ended in a violent clash between officers and jawans of the 226 Field Artillery Regiment, leaving the unit commanding officer, two majors and two jawans hospitalised with limb fractures, bruises and other injuries.

Also, 25,063 soldiers have also proceeded on pre-mature retirement during the last three years.

"However, reasons for seeking pre-mature retirement cannot be attributed to stressful working environment," said Antony, who added that government had been continuously taking steps to reduce stress among soldiers after undertaking a

number of studies. But the parliamentary standing committee on defence has repeatedly criticized the MoD for taking only piecemeal steps instead of totally revamping existing mechanisms to deal with stress and other problems faced by soldiers.

DATE	TROOPERS	MILITANTS	CIVILIANS	OTHERS
Nov 01	-	-	-	-
Nov 02	-	-	-	-
Nov 03	-	-	-	-
Nov 04	-	-	-	-
Nov 05	-	-	-	-
Nov 06	-	-	-	-
Nov 07	-	-	-	-
Nov 08	-	-	-	-
Nov 09	-	4	-	-
Nov 10	-	-	-	-
Nov 11	-	-	-	-
Nov 12	-	-	-	-
Nov 13	-	1	-	-
Nov 14	3	2	-	-
Nov 15	-	-	1	-
Nov 16	-	-	-	-
Nov 17	-	-	1	-
Nov 18	-	-	-	-
Nov 19	-	-	-	-
Nov 20	1	-	-	-
Nov 21	-	-	-	-
Nov 22	-	-	-	-
Nov 23	-	-	-	-
Nov 24	-	1	-	-
Nov 25	-	-	-	-
Nov 26	-	-	-	-
Nov 27	-	-	-	-
Nov 28	1	-	-	-
Nov 29	-	-	-	-
Nov 30	-	-	-	-
TOTAL	5	8	2	
In Toto		15 Killings		

CHRONOLOGY OF EVENTS

Nov 01: No incident of violence reported from any part of the state.

Nov 02: No incident of violence reported from any part of the state.

Nov 03: No incident of violence reported from any part of the state.

Nov 04: No incident of violence reported from any part of the state.

Nov 05: No incident of violence reported from any part of the state.

Nov 06: No incident of violence reported from any part of the state.

Nov 07: No incident of violence reported from any part of the state.

Nov 08: No incident of violence reported from any part of the state.

Nov 09: Army claimed four militants were killed when soldiers foiled an infiltration bid along the Line of Control (LoC) in Kupwara district of north Kashmir. "The armed militants trying to sneak into the Kashmir Valley in the early hours from across the border were killed by troopers in Keran sector," Army spokesman Lt Col J S Brar said.

Nov 10: No incident of violence reported from any part of the state.

Nov 11: No incident of violence reported from any part of the state.

Nov 12: No incident of violence reported from any part of the state.

Nov 13: One HM militant was killed in an encounter with troopers at Kujjar village of South Kashmir's Kulgam

district. The deceased militant was firstly identified as Showkat Ahmad Tak of Panzgam village and later as Shabir Ahmad Mir, 25, of Chinigam, Kulgam after Showkat's family did not identify him as its member.

Nov 14: Army claimed that while foiling an infiltration bid three of its soldiers and two militants were killed in the gunfight Nowgam sector of Kupwara district.

Nov 15: In an attack, claimed by HM militant outfit, on a wine shop at Boulevard, Dal Lake, Srinagar one person salesman with the shop was killed and four others were injured. The deceased has been identified as Mushtaq Ahamad of Aloochoi Bagh, Srinagar.

Nov 16: No incident of violence reported from any part of the state.

Nov 17: One person died, when suspected militants targeted a liquor shop with a hand grenade at Narwal, Jammu. However, police said, it was not clear whether the target was actually the shop. In the the explosion six persons sustained injuries and later one among them succumbed to injuries. The deceased has been identified as, Kuldeep son of Raki Ram of Akhnoor, Jammu.

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

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

Nov 20: One Special Police Officer (SPO) was killed when suspected militants fired at him at main Chowk, Baramulla. The deceased has been identified as SPO Mushtaq Ahmad Malla (Belt No 504) and was posted as personnel security guard with National Conference worker Irfan Ganderbali.

Nov 21: No incident of violence reported from any part of the state.

Nov 22: No incident of violence reported from any part of the state.

Nov 23: No incident of violence reported from any part of the state.

Nov 24: One Jeish-e-Mohammed was killed in a encounter with troopers of 22 RR in Sopore area of Baramulla district. Two civilians and a trooper were also injured in the incident. Police said the deceased was a Pakistani national who was working on different code names Shoib, Yasir, Shahzeb, Showkat etc.

Nov 25: As many as 40 persons injured when clashes broke out at various places in downtown Srinagar between mourners and forces personnel in the backdrop of the Ashoora procession.

Nov 26: No incident of violence reported from any part of the state.

Nov 27: No incident of violence reported from any part of the state.

Nov 28: One CRPF soldier was killed while two others and a civilian were injured in two separate militant attacks. The CRPF man died when militants attacked a CRPF camp at Bemina area of Srinagar district. The deceased was identified as Praveen Singh Rajout. In other incident, two CRPF personnel and a civilian were injured when suspected militants lobbed a hand grenade in Bijbehara town.

Nov 29: A grenade was tossed by suspected militants at police station Sopore in Baramulla district. However, the grenade exploded without causing any damage.

Nov 30: No incident of violence reported from any part of the state.

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