

A monthly newsletter of Public Commission on Human Rights

The Informative

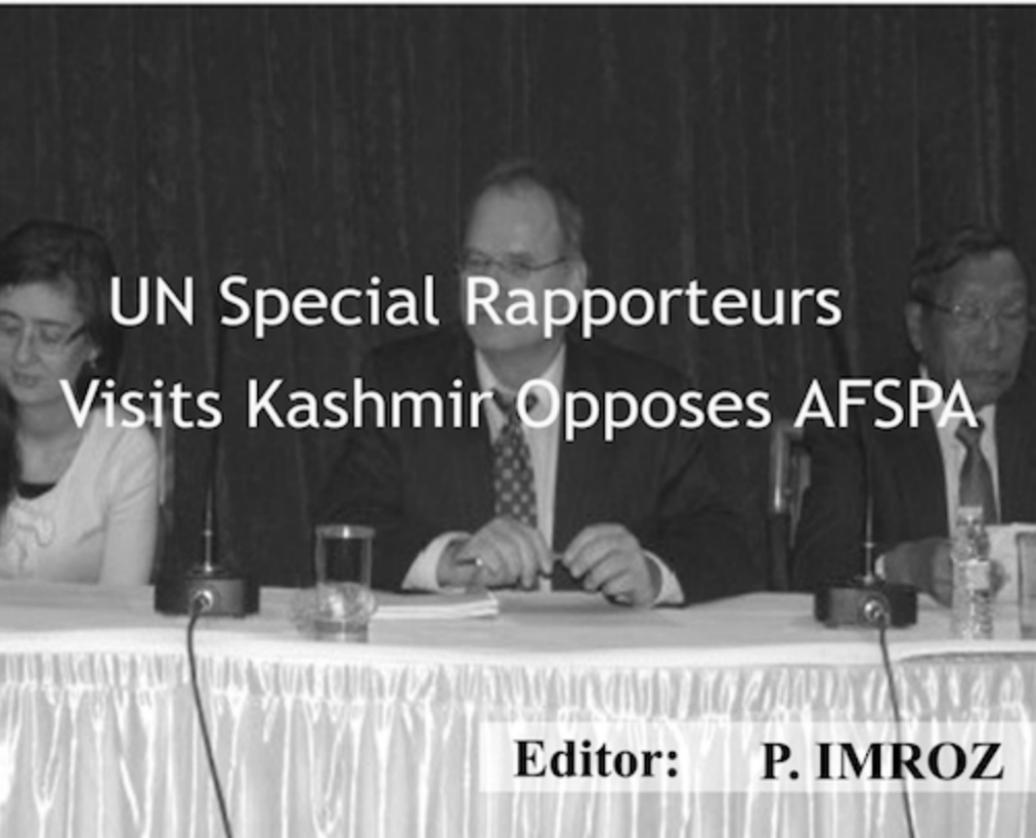


MISSIVE

(For Private Circulation)

VOL.177

March 2012



UN Special Rapporteurs
Visits Kashmir Opposes AFSPA

Editor: P. IMROZ

A WELCOME MOVE

Finally Govt. of India (GOI) has allowed the UN Special Rapporteurs (SR) to visit India. The SR on extrajudicial, summary or arbitrary executions, Christof Heyns visited Kashmir and other parts of India. Last year in 2011, SR on Human Rights Defenders was allowed to visit Kashmir, which later submitted its report in February 2012. The report underscored the difficult situation human rights defenders are confronting in Kashmir and elsewhere. It was a welcome development and is appreciated by the human rights organizations. The other Special Rapporteurs are yet to get access to India particularly the Special Rapporteurs on Enforced or Involuntary Disappearances and Special Rapporteurs on Torture. United Nation's Working Group on Enforced or Involuntary Disappearances (UNWGEID) in its annual report submitted on February 6, 2012 have also expressed concern over the alleged widespread practices of enforced or involuntary disappearances (EID) between 1989 to 2009 and the presence of mass graves in Kashmir.

GOI has been reluctant earlier to allow UN mechanisms to visit India, who since 2003 have been approaching it for an invitation. It is an irony that UN mechanisms find it easier to visit non-democratic countries including where there are military regimes. But in democratic countries sometimes Special Rapporteurs have to face lot of difficulties in having access. The reason one can understand that this year there is 2nd Universal Periodic Review (UPR) and in the UPR every year 48 states are reviewed. During three UPR sessions dedicated to 16 states each to provide an opportunity for all the states to declare the actions they have taken to improve the human rights situation in their respective countries.

In the 1st UPR in 2008, the issue was raised by Latvia, Switzerland about extending standing invitation to Special Rapporteurs and in recommendation 14 passed by UPR 2008 India had responded, she has been regularly receiving and will continue to receive Special Rapporteurs and other Special Procedure mechanism of human rights council, taking into account its capacity, the priority areas for the country, as well as the need for advocate preparation for such visits. Notwithstanding, the assurances extended to the UN Council, only lately in 2008, GOI has allowed 2 Special Rapporteurs to visit India. Whatever the reasons, it was an opportunity to highlight the human rights situation to these mechanisms, as already the Special Rapporteurs on religion and the human rights defenders have submitted their reports and the Special Rapporteurs on Summary or Arbitrary executions have highlighted the issues like AFSPA and the impunity laws in operation in J&K. It will definitely put pressure on the GOI. Though the report of Rapporteurs on Summary or Arbitrary executions is to be submitted next year, but it will make a lot of difference and the GOI which is parroting largest democracy and governed by rule of law and having institution to safeguard human rights will be defensive.

The visit of UN mechanisms particularly on torture and EID are much needed in Kashmir where there are thousands of torture survivors to relate their stories. Nevertheless, India was responding to the recommendation 15 the same when the Swiss Govt. have emphasized on the visit of Special Rapporteurs on Torture. These visits should not be confined to the UN mechanisms only but international organizations working on the special fields, who besides preparing report could empower the local initiatives for e.g. in the DNA profiling of unmarked graves where there are requirements of special expertise of international standards. Moreover, for monitoring of the elections which has always remain controversial in highly militarized areas, access of the International Observers to monitor elections should be also allowed so that there should be complete transparency of the elections. This exercise will only add the prestige of the Indian state which unfortunately has wriggle obsession of sovereignty and egos.

AFSPA SHOULD GO: UN RAPPORTEUR

'THE LAW HAS BECOME SYMBOL OF EXCESSIVE STATE POWER RESULTING IN CONSUMING INNOCENT LIVES'

Mar 30: A senior United Nations (UN) official called for repeal of controversial Armed Forces (Special Powers) Act (AFSPA) and Jammu and Kashmir Disturbed Areas Act (DAA) and Public Safety Act (PSA).

"AFSPA allows the state to override rights. Such a law has no role in a democracy and should be scrapped," Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions told reporters in New Delhi while releasing interim report of his 12-day visit to India. The contentious law has become a symbol of excessive state power and has resulted in consuming innocent lives in J&K and Assam, he said.

Describing AFSPA a clear violation of international law, Heyns said its repeal would "not only bring domestic law more in line with international standards, but also send out a powerful message that instead of a military approach, the government is committed to respect the right to life of all people of the country."

Accountability is circumvented by invoking AFSPA's requirement of obtaining prior sanction from the Central government before any civil prosecutions can be initiated against armed forces personnel, he said adding that information received through RTI applications show that this immunity provision effectively blocks any prosecution of members of the armed forces.

The UN official said the powers that authorities have to override rights in these areas are more extensive than they would be under a state of emergency "since the right to life is in effect suspended, and this is done without the safeguards applicable to states of emergency."

"This law has been described to me as 'hated,' and a member of a state human rights commission has called it draconian," said Heyns, who traveled through Kashmir and the states of Gujarat, Kerala, Assam and West Bengal for two weeks ahead of Friday's press conference. He is set to draft a report with his findings and his final recommendations, which he will present to the UN Human Rights Council next year.

Activists and critics say AFSPA has long allowed human rights abuses to go unchecked.

Noting that India's National Human Rights Commission is also in favor of its repeal, Heyns challenged the constitutionality of the special powers act.

In addition, the other laws that are not in conformity with the international standards, including the Code of Conduct on Extrajudicial Executions, should also be repealed. In this regard he pointed to J&K Public Safety Act, Jammu and Kashmir Disturbed Areas Act, 2005, Section 197 of the Code of Criminal Procedure Act, provisions of Unlawful Activities Prevention Act, 1967 and the Chhattisgarh Special Public Security Act, 2005.

"The main finding in my report is that despite constitutional guarantees and a robust human rights jurisprudence, extrajudicial killings continue in India and it is a matter of serious concern," Heyns said.

However, he maintained that the state has the right to defend itself against the violence perpetrated by Maoists, insurgents and militants. "The state has the right to act against them provided it abides by the international standards in this regard. The state however, cannot adopt unlawful or unconstitutional means or create a vigilance force to counter such violence," he observed.

In the face of allegations of fake encounters and mass graves in the Valley, Heyns has recommended that as a counter to impunity for extrajudicial executions, where the police cause the death of a person in an "encounter", the registration of FIR under Section 302 against the police should be made mandatory. It should be followed by an independent investigation of the matter and it should be left to a competent court to decide whether the police acted in self-defense or committed culpable homicide.

Yet, in another significant recommendation the UN official has said that the National Human Rights Commission should be given the mandate to investigate the actions of the armed forces. There should not be a year cut-off date on such cases which they can consider, he suggested.

Seeking a greater role for UN, he said that the practice of inviting UN special procedures be continued particularly in areas where international concerns have been expressed. These relate to torture, counter-militancy measures and minority rights.

However, Heyns was defensive when asked if the views and opinions that he came across in Jammu were compatible with the expressions he heard in the Valley. "The civil society in both the places was concerned about the abuse of power by the official machinery," he observed.

Commenting on the use of force by the "state actors", he said that due to "disproportionate" use of force during demonstrations in the Valley had resulted in the death of over 100 youth in 2010. In comparison in Delhi and elsewhere many demonstrations take place without bloodshed. He rued that a practice of "fake encounters" has developed in parts of the country. "Those killed are then portrayed as aggressors who had first resorted to opening fire and the police escape legal action," he further observed.

Prevalence of communal violence, encounter killings, custodial deaths, 'honour' killings and plight of dalits and adivasis are other areas of concern mentioned in the report.

In the report, Heyns proposed a number of provisional steps to be taken to address these concerns, including the establishment of a Commission of

Inquiry, consisting of respected lawyers and other community leaders.

"India also should ratify a number of international treaties, including the Convention Against

Torture and the International Convention for the Protection of All persons from Enforced Disappearance," he said.

PSA DETAINEE DIES

POLICE DENIED HIM MEDICAL TREATMENT: FAMILY; POLICE DENY

March 22, Sajad Ahmad Dar, a Public Safety Act (PSA) detainee lodged in District Jail Kupwara dies within jail premises. Sajad's family alleged police of killing him in custody, however, the police said he died a natural death. Government ordered a probe into the cause of the death. Sajad's killing triggered protest and shutdown in his native town.

Sajad, a contractual employee with BSNL office Sopore, was arrested by police on the night of December 11, 2011 from his residence Sangrampora, Muslim Peer Sopore. He was later booked under PSA on charges of assisting HM militants by helping them in communication system.

Sajad's father Ghulam Nabi Dar while talking to *The Informative Missive* said he was falsely implicated in the militancy case. He further said, there was nothing between him and militants and added now after killing him police declared his death as a result of natural cause.

"On time of his arrest, Sajad was un-healthy and was recovering from his bullet injury he had received on 9th October 2009. A bullet, fired by security forces, hit his head while they were dispersing protesters. Sajad was not the part of the protest and was returning from his duty. His injury was severe and he had to undergo neuro-surgeries", Ghulam Nabi stated.

Ghulam Nabi further said, "On October 24, 2011, SOG, Sopore picked up Sajad without any reason. He was kept in detention and tortured for four days in the town hall camp. When nothing implicating was found against him he was released. After his release, he was in dire need of medical care, as his health had badly affected due to the torture."

According to the victim family on December 11, 2011 at about 11:30 pm SOG raided their house and again picked up Sajad. When family asked for reason, they were told that he would be soon released after brief questioning. Instead he was booked under PSA.

"My son was under medical supervision, as he had developed neurological problems. Paying no care for his health, the SOG personnel picked him up and took him to the town hall camp, where he was tortured severely for two days. Then he was shifted to police station Sopore where he was detained till he got booked under the PSA. Ignoring his health problems,

police did not release him and denied him the medical treatment. On one side, he was suffering from neurological problem and on the other SOG personnel tortured him ferociously. After being hit by the bullet he was tortured twice by the SOG personnel and consequent torture caused grave ailments to him," Ghulam Nabi groused.

Ghulam Nabi while giving the details of his struggle he made to get his son released said, "We tried a lot for his release but in vain. We constantly requested police for his release so that he could get the medical attention, but the authorities every time turned deaf ear to all our pleas. On 20 January, 2012, he was booked under PSA and was sent to District Jail Kupwara, where his health condition got deteriorated further. Apart from approaching court for quashing his detention order, we persistently requested police for his release but they never paid any attention. Eventually on 21 March, 2012, Sajad health condition had got critical in Kupwara District Jail. The jail authorities took him to SKIMS where he succumbed to his injuries", stated Ghulam Nabi.

The family complained that despite being a critical patient, SOG personnel inflicted severe torture on Sajad and the medical assistance was denied to him. The parents of slain youth alleged that SOG and police personnel deliberately killed their son.

As soon as the news about Sajad's death spread in the Sopore town, all shops and business establishments were closed in the town while traffic was partially off the roads. The locals of area took to streets in several areas of the town and protested against the custodial death of slain youth. The locals condemned booking of victim under PSA and also they protested against the negligence of jail authorities. Later the protesters dispersed off peacefully.

Locals of Sangrampora stated that Sajad was never associated with militancy and was very generous and intelligent boy in the locality.

Govt. orders magisterial inquiry

Meanwhile, District Magistrate, Kupwara, Muhammad Shafi Rather was appointed Additional District Magistrate, Kupwara as Inquiry Officer to probe Sajad's death, an official spokesman said to the media.

YOUTH KILLED IN CAR BOMB IDENTIFIED: POLICE

'HE HAD NO PRIOR MILITANT LINKS'

Mar 23: Police claimed the youth killed on March 22 in car blast in Bijbehara town of South Kashmir has been identified and he had no prior militant links.

Police officials said the deceased has been identified as 26-year-old Mohammad Abbas son of

Mohammad Amin of Chursoo village in Pulwama district.

"The family members have identified the body and it has been conditionally handed over to them. Police is waiting for DNA results," Deputy SP Manavjeet Singh told Rising Kashmir.

He said the deceased youth was a graduate and had applied for Masters in University of Kashmir.

Asserting that he had apparently no militant links, Singh said, "So far there is nothing to indicate that he was linked to militancy. However, nothing can be ruled out at this point of time as the investigations are going on".

SP Operations Zahid Malik said on the basis of ID card recovered from the blast site, they were able to identify the deceased and his family.

"We cannot disclose what else we found from the site," he said.

SOPORE FAMILIES DEMAND RELEASE OF ARRESTED YOUTH

Mar 1: The families of two local youth, arrested by Delhi police, demanded their immediate release and denied the government claim that they were planning to carry out bomb blasts in Delhi. Two Sopore youth were arrested from the union capital and another from Jharkhand.

The family of an arrested youth, Ahtisham Ahmad Malik son of Farooq Ahmad Malik has migrated to Jammu way back. The other arrested person, Farooq Ahmad, is dealing with carpet business and is having business across the India. "He runs the carpet business in many states of India. He visits Sopore once in a year," the neighbors of Farooq said.

The neighbors added that Ahtisham was arrested in 2007 in Sopore and was released after sometime. Subsequently, his family sent him to Jharkhand as Ahtisham's mother is from Hazaribagh area of Jharkhand.

Touseef Ahmad Peer son of Muhammad Syed, a labourer, another accused is the relative of Ahtisham and is school dropout. He had gone to Jharkhand for work in carpet business. "The claims of police are hollow and hoax. He has gone to Jharkhand for laborer. He is having two sisters and two little brothers. He is the only bread earner in the family," said his family.

ARMY MAN KILLS 2 WOMEN IN POONCH

March 7: Suspecting his wife of having an illicit relationship, an army man shot dead two women and injured another in border district of Poonch on March 7.

Sources said early March 7 morning, Tariq Hussain son of Mohammad Hussain of Potha, Surankote of 156 battalion of Territorial Army (TA) working with Rashtriya Rifles (RR) in Mendhar belt of the district -- fired from his service rifle towards the house of one Sara Begam at Ala Pir area in Poonch.

"He had verbal dual with Sara Begum and another woman Yasmeen Begum. Afterwards, he opened indiscriminate fire on them, killing both of them. Another woman was injured," they said.

They said after hearing gun-shots and hue and cry of inmates, the force personnel and

However, sources disclosed that Abbas had visited Sub district Hospital Bijbehara to deliver lunch to his brother, who was admitted there.

"The deceased did not own the car and police is now trying to ascertain the ownership of the car, which was blown to pieces," a police officer, pleading anonymity, said.

He said primary aim of the investigation is to ascertain whether Abbas was inside the car or outside when the explosion took place.

While Abbas was killed on the spot, 20 persons including three CRPF men were injured in the explosion that rocked one of the busiest markets of this south Kashmir town March 22.

Touseef according to family members was questioned by police on January 10. "He was called by Sopore police for questioning. He was set free and was asked to carry on his daily job," the family members said adding that he is innocent. "We are unable to understand why he was arrested and he should be released," they said further.

Another arrested youth Shfakat Ahmad is an employee at a call center in Delhi. Ahtisham was arrested from rented accommodation Tughlaqabad Extension area of Dehli.

Though the middle rung police officers are tight lipped about the arrests of youth in Sopore, but the Director General of Police (DGP) J&K Kuldeep Khuda told media that if anybody was found innocent, he would be released.

"We are in constant touch with Delhi police. They are sharing the 'if and but's' of interrogation of these accused with us. We have not deputed any team for joint interrogation," he said and added that let Delhi police complete the investigation.

"We do not have proposal to get these youth to J&K for investigation, but if anybody among them was found innocent, he will be released soon," the police said.

neighbours rushed to the spot. "They overpowered Tariq and seized his rifle," sources said.

SSP Poonch Ashkoor Wani told media that the TA trooper Tariq Hussain suspected his wife of having illicit relations with a youth.

Police sources said Tariq was allegedly perturbed after not finding his wife when he returned home last night and suspected her of having an illicit relationship.

"In the morning today, he (TA trooper) went to Ala Pir village and shot dead two women including Sara Begum, mother of the youth, with whom he suspected his wife has having affair," Wani said.

He said another woman Yasmeen was killed by Tariq on suspicion that she was supporting the illicit relationship between his wife and Sara's son.

KILLING OF HANDWARA YOUTH: GOVT ACCEPTS INQUIRY REPORT

On March 13, the government revealed that it has accepted the inquiry report submitted into the killing of 20-year-old Sajjad Ahmed Ganai of Ganapora Handwara, who was allegedly killed by army men on October 25, 2009.

The revelation came in response to a question by independent legislator Sheikh Abdur Rashid in legislative assemble, who had sought to know whether the inquiry commission constituted to investigate the killing of Sajjad by 32 RR personnel has been submitted or not.

"Itrat Hussain Rafiqi, additional District Magistrate, Kupwara, who conducted magisterial inquiry into the killing of Sajjad, has submitted the report. It has been accepted by the government," Minister Incharge Home said in his reply.

He said pursuant to the recommendations of the Inquiry Officer, PHQ was asked to issue necessary

KPSS RTI DENIED INFO

The information sought by Kashmiri Pandit Sangharsh Samiti (KPSS) (Sociopolitical organization of Kashmiri Pundit) under Right to Information (RTI) Act questioning the passport policy of the state was withheld. The KPSS RTI demands the information on issuing passports to a particular section of separatist leadership, who were earlier denied of the same right. According to the CID headquarters, the information sought falls within the ambit of section 8 (a) of Jammu and Kashmir Right to Information Act 2009.

On 16th January 2012, KPSS filed a RTI application to the CID headquarters of Jammu and Kashmir Police. In this RTI application KPSS sought information for issuance of passports in favour of separatists' leaders like Mirwaiz Umar Farooq, Yasin Malik, Syed Ali Shah Geelani, Nayeem Khan, Mohammad Abbass Ansari, Sajad Lone, Bilal Lone, Prof. Abdul Gani Bhat and Syed Saleem Geelani.

KPSS sought this information in the context of cases filed against these separatist leaders in various courts. KPSS said, according to its understanding many of them have been denied passports in the past but somehow from last few years some of them have succeeded in acquiring passports.

On February 14, KPSS president Sanjay Tikoo said, "We received a response from the CID Headquarters vide letter no: CID/GB/RTI/2012/07/1423 dated: 6th March 2012, in which our request has been rejected and it is being claimed that this particular information does not fall

APDP REITERATES IMPARTIAL INVESTIGATION INTO GRAVES PHENOMENON

WELCOMES UN SPECIAL RAPPORTEUR VISIT

March 28: Association of Parents of Disappeared Persons (APDP) again assembled to hold it monthly

"Police have arrested the accused and launched investigations," added SSP Poonch.

Police have registered FIR No 31 under section 302 of RPC.

instructions to SP Handwara to record the statement of two officials of 32 RR. "The statement of both the eyewitnesses have been recorded under section 161 CrPC by Police Station Sopore," he said.

"The investigation is in progress," the minister said.

He said an amount of Rs one lakh was paid as ex-gratia to the victim family.

Sajjad was shot dead allegedly by 32 RR troopers at Watergam, Rafiabad area on October 25. Army had claimed that the youth was shot dead when he tried to intrude into their camp.

Sajjad was the sole bread earner for the family. He worked as a labourer in orchards of Langate and earned a meagre earning to meet the household expenses.

within the ambit of section 8(a) of Jammu and Kashmir Right to Information Act 2009, despite that the information is being withheld. We do not understand for what reasons the information is being denied, as it does not come under section 8(a) of J&K RTI Act 2009."

The information which the KPSS have sought is regarding those people, which the government claims are threat to the security of the state and are anti-nationals. According to government these separatist leaders have "waged a war against the Indian state for seceding Jammu and Kashmir from India".

"For the purposes of transparency, accountability and also for protecting the spirit and purpose of Right to Information Act, we believe this information should be revealed by the Jammu and Kashmir Police," KPSS further said.

On the one hand, we have these separatist leaders who are getting passports for the reasons best known to security agencies and on the other hand, we have more than 60,000 families (according to Indian Express Story) who are indexed to not receive CID clearance for acquiring passports. These 60,000 families are those who in last 22 years have directly or indirectly followed these separatist leaders in their struggle against Indian state. If these 60,000 families have been deprived from getting the passports, then how come their leaders are getting the CID clearance for passports?

sit-in to press and remind Chief Minister Omar Abdullah of his commitment for conducting a

thorough probe into the identities of the persons lay buried in nameless graves and unmarked graves.

The association members, who were assembled in a local municipal park in Srinagar, reiterated its demand for an independent and impartial investigation into the enforced disappearance and for conducting DNA tests to verify whether those buried in unmarked graves have any connection with those 8,000 people disappeared in Jammu and Kashmir.

Beginning its monthly statement with an inspiring quote "WE WILL NEVER FORGET, NOR WILL WE EVER FORGIVE..." the APDP statement read: Last year in the month of September after the State Human Rights Commission (SHRC) inquiry report on unmarked graves and mass graves in the 3 districts of North Kashmir was made public, Chief Minister, Omar Abdullah announced his commitment for conducting a thorough probe to ascertain who are the people buried in these unmarked graves. SHRC has recommended in its judgment the need for appointing

Also on 16th September 2011, APDP filed a case in the SHRC for investigating 3844 unmarked graves and mass graves in Poonch and Rajouri district.

In the last 7 months, the government has only tried use the delaying tactics. The government expects people to forget and thus forgive, which indicates the policy of institutional impunity for those who are responsible for crimes against humanity.

1600 BUNKERS STILL IN VALLEY, 367 IN SRINAGAR

Mar 2: After the removal of 39 bunkers, 12 among those makeshift ones, in Srinagar, there are 367 bunkers still in the city and the government has not yet requisitioned the removal of more bunkers.

Across the valley, according to records available with police and security establishment, there are around 1600 bunkers of army, police and paramilitary troopers established during last two decades to fight armed militants. In Srinagar there were a total of 406 security bunkers. However, 39 have been removed and three battalions of paramilitary Central Reserve Police Forces have been de-inducted.

The removal of bunkers was started after the central government took its first decisive step to quell the three-and-a-half-month-long massive protest rage against civilian killings in the Valley.

The decision was announced on September 25, 2010 and it intended to reduce its security footprint in valley and appoint a group of interlocutors to hold "sustained dialogue" with Kashmiri leaders. These were the two most important features of the eight-point peace package the centre unveiled after a meeting of the cabinet committee on security in New Delhi to stop the protest rage in valley.

APDP reiterates that these delaying tactics will never work towards the state's interest; we will never forget, nor we will ever forgive.

Chief Minister, Omar Abdullah had asked people to approach government if they would like to cooperate for the forensic examination of the unmarked graves. In the last 7 months, approximately 150 families have approached the SHRC for conducting forensic examinations. Till date there has been no action on part of the government.

The government of India and Jammu & Kashmir government claims that they have local mechanisms of justice and they have means and the capacity to conduct such a massive forensic examination. APDP doubts both the capacity and the credibility of the government in delivering justice and this delay is further contributing in cementing our understanding that only an international probe will suffice to ascertain the truth regarding unmarked graves and enforced disappearance.

It is a welcome step that the government of India has allowed United Nation (UN) mechanisms to access Kashmir. Recently UN Special Rapporteur Mr. Christof Heyns on extra judicial, arbitrary and summary executions came to Kashmir on a fact-finding mission. APDP demands that the government of India furthers an invitation to UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) to prepare a factual report on enforced disappearances and unmarked graves.

Inspector General of CRPF, Dr Ravi Prakash, who supervises the para-military troops in central Kashmir, said 39 bunkers have been removed. "Yet there is no new requisition from the state government about the removal of more bunkers," he said and added that after any removal, the state government had to manage the alternate accommodation for the CRPF troops.

However, Dr Ravi said that there is visible decrease in militancy in Kashmir, especially Srinagar. "No doubt the situation has improved and militancy has receded a lot. We have also de-inducted three CRPF battalions," he added.

Police maintains that 39 bunkers have been removed, but 12 among them are makeshift bunkers. These 12 bunkers were established temporarily. "If a CRPF or BSF company is deployed in any area for election duty, they establish their base in a school or another place and erect bunkers. Once they leave after their duty the bunkers are removed and these bunkers are called makeshift bunkers," said a police officer. "So removal of makeshift bunkers hardly matter and live bunkers are counted and mattered," he added.

The police officer said Srinagar city (also know as city of bunkers) has more than 80 living bunkers and almost all of them have been turned into

concrete structures. These bunkers are located on road sides and near vital installations. Srinagar city, police maintains, is having more than 400 bunkers, that including living, mobile (vehicle bunkers) and camp bunkers (bunkers in and outside the camps).

Many here feel that dismantling a few bunkers was conceived as smokescreen for evading the people's demand of demilitarization and removal Armed Forces (Special Powers) Act (AFSPA).

The list of bunkers that were removed did not include such bunkers in Srinagar city that remained the cause of conflict between the residents and the paramilitary forces. The list also did not include the bunker located in the city's hub at Lal Chowk known as Palladium Cinema Bunker.

SHRC SEEKS REPORT FROM GOI, STATE GOVT KUPWARA KILLINGS

Mar 4: Jammu and Kashmir State Human Rights Commission (SHRC) has sent notices to the Central and State Governments besides Army to file report in the killing of 24 civilians in January of 1994 in north Kashmir's Kupwara district.

In their petition to the Commission, the Chairman International Forum for Justice, Muhammad Ahsan Untoo and Secretary Human Rights Forum J & K Abdul Rouf Khan, have demanded a probe into killing of 24 persons in the allegedly by the personnel of 15 Punjab Regiment in Kupwara market.

"The army men killed them for observing shutdown on January 26 on the call of separatists. As a matter of revenge, the army men killed these innocent people" petitions states.

After public outcry against the incident, police had filed an FIR No-19/94 U/S 302, 307 RPC in Police Station Kupwara.

Taking strong note of the killings, the SHRC directed the Secretary to Home, New Delhi, Secretary to Home, J&K State, DG Police J&K, IG Kashmir, SSP Kupwara and Operational commanding Officer 15 Punjab Regiment Sharifabad Srinagar to file report by March 12.

ACCUSED SOLDIERS CAN'T GET AFSPA IMMUNITY: SHRC

'ARMY MUST GIVE TRAINING TO ITS MEN FOR GUARDING HUMAN RIGHTS'

Mar 7: The Jammu and Kashmir State Human Rights Commission (SHRC) has maintained that Army personnel accused of committing human rights violations can't get immunity under umbrella of laws including the Armed Forces Special Powers Act (AFSPA) and must face trial.

The judgment was pronounced by SHRC member Javaid Kawoos in a case of alleged custodial killing of a civilian of south Kashmir's Islamabad district by Army personnel in 1994. Pertinently, Chief Minister Omar Abdullah, who has been pitching for partial revocation of AFSPA in the State, had recently stated that the statute was not aimed at protecting acts of crime by the armed forces.

Pertinent to mention here that the bunkers made up of "piled up sand bags" became a common sight in Kashmir in 1989 after armed struggle broke out for "freedom" from India. Making the valley look like a battlefield and these bunkers created an aura of fear.

When the Central Reserve Police Force (CRPF) took over from Border Security Force (BSF), the sandbag bunkers were given a wooden makeover with hut-like facade. The CRPF termed the makeover as a "beautification drive" to make the security arrangements presentable before the tourists. However, within a year, cemented structures replaced them.

"On the perusal of the complaint and material annexed thereto *prime -facia* case of Human right violation is made out and non-applicants mentioned in the complaint are put to notice," SHRC member Rafiq Fida states in his order.

Meanwhile, in disappearance of a person of Kupwara, SHRC has sent notice to the Commissioner Secretary Home, Commissioner Delhi Police, Director General of J&K Police to file a report.

"Altaf Ahmed Shah a resident of Chandigarh Lolab disappeared while going to his hosiery shop, Al Huda in Sogam on 28 January 2012," Untoo and Khan State in the petition.

"After some days an unidentified caller called up Altaf's Uncle and informed them that he has been arrested by the Delhi police. After finding no trace of Shah, his family approached Police Station Sogam. But the concerned police station refused to lodge an FIR and asked them to lodge the FIR in Delhi," petition states.

The Commission's member Rafiq Fida has issued notices to the respondents asking them to file report in the matter.

In his four-page judgment, Javaid Kawoos has passed strictures against the accused armed forces for "undermining the authority of law and exceeding their powers" and recommend to the senior Army officers to impart training on protection of human rights among its personnel.

In her complaint to the Commission, Zaina Begum of Dabruna Islamabad had accused the 2 Rashtriya Rifles of killing her son Reyaz Ahmad Gilkar on April 25, 1994. She states that on the fateful day, the soldiers of 2 RR led by Col KS Khetri cordoned Ashajipora area to flush out militants.

"The crackdown was actually carried out under the active control and supervision of Captain SS Chouhan who with the help of a local

unidentifiable source picked up her innocent son Reyaz Ahmad Gilkar never to be seen or heard of thereafter. The complainant has not left any stone unturned to locate whereabouts of her son but has failed in her attempts," the Commission states in the judgment.

In 2009, the complainant approached the Chief Minister who forwarded her complaint to the SHRC. Taking cognizance of the complaint, the Commission sought report into the matter from police.

"From the reports submitted by the Police Chief of the State and SHO concerned, it is admitted beyond any reasonable doubt that on April 25, 1994, the Army personnel of 2nd RR had taken the subject Reyaz Ahmad Gilkar alongwith some other persons into their custody and though the other persons were later on released but the fate and the whereabouts of the subject are not know till date," the member observes.

He states that both the officers have affirmed that Army personnel of 2nd RR have not till date released the subject from their custody which has by now prolonged to 18 long years. "And as such under section 108 of law of evidence, it can safely be presumed that the subject is dead in the custody of Army 2nd RR."

The member observes that the Police Chief of the State has lastly tried to bring the antecedents of the subject under cloud by submitting he was a close associate of Javid Bhat, a commander of HuM. "But the SHO Anantnag has been fair enough to admit that though by coincidence the subject was a friend of Javid Bhat, the HuM commander, however personally the subject was not at all directly or indirectly connected with any banned organization or outfit. He was simply a student of BA IIInd year who in addition to his studies, was dedicated to a noble cause of imparting religious teachings to small kids which perhaps in all probabilities cost him his life," the judgment states.

The members castigated the 2nd RR for "remaining defiant, callous and resisting all pressures to disclose the fate and whereabouts of the detainee who is now presumed to be dead under illegal custody."

The member states that the SHO has admitted in his report that though by virtue of number of communications, the matter of missing

SHRC SEEKS REPORT ON 17 KILLINGS IN 1990

Mar 13: Jammu and Kashmir State Human Rights Commission (SHRC) directed the central and state governments to file report on the killing of 17 people allegedly by Border Security Force (BSF) in the frontier district of Kupwara in 1990.

The directions were issued by the SHRC on a petition filed by International Forum for Justice (IFJ) and Human Rights Forum (HRF) alleging that personnel of 125 Battalion of BSF killed 17 civilians at

subject was taken up with the officers of the accused RR battalion. "But they have not responded to any communication till date, Thereby the police is also facing hurdles and feeling helpless in tracing out the whereabouts of the missing subject or locate the identity of the culprits who have been responsible for the presumed custodial killing of Reyaz."

"The case is an example where the Army officers/officials feel safe and free despite having killed four persons in cordon and one being now presumably dead by virtue of an umbrella of laws protecting them from being answerable regarding their misadventures," the member observes.

However, the member maintains that "nobody questions the authority and the power of the armed forces to combat any external invasion of flush out anti-national elements in order to restore peace and tranquility in the State."

"But at the same time if any Army personnel has not adhered to the Standard Procedural Rules or has exceeded due use of power which has resulted in some sort of misadventure like the one in the present case, the concerned officer must show the courtesy to respond to the communications addressed to him by the police officer concerned who is just performing part of his duty."

The member states that by remaining defiant and not honoring the communication shows that, "the concerned officer/ officials undermine the authority of law enforcing agency which affects the high reputation earned by our patriotic force who have laid their lives at the altar of eradicating militancy from the affected areas."

"The behavior of the concerned officers/officials also shows that they little honour and perhaps are ignorant about the human rights of the citizens. The better course of action for the high ups is that such type of officers/officials must be imparted training courses regarding human rights. Sooner the better," the member states.

The Commission has directed the DGP to take up the matter with the commanding officer of 2nd RR, so that the investigation of FIR 147/1994 registered in Police Station Islamabad (Anantnag) is taken to its logical end.

The Commission also recommended an ex-gratia relief of Rs 1 lakh to the next of kin of the victim and benefit of SRO-43.

Handwara without any provocation on January 25, 1990.

IFJ chairman Mohammad Ahsan Untoo and HRF secretary Abdul Rouf Khan in their joint petition to the commission alleged that an FIR number 1990/10 was lodged in police station Handwara.

However, till date, no investigation was conducted to bring the accused to book, they said.

The petitioners further said that the deceased were not associated with any militant or political group and their families were starving as they were the sole bread-earners of their families which have not received any compensation from the government.

Taking cognisance of the petition, SHRC member Rafiq Fida in his order stated that the case was prima facie a human rights violation.

TRADERS AGHAST OVER POLICE VERIFICATION OF SHOPS, HOTELS

March 11: Police has initiated verification process of shop owners and salesmen in Srinagar to keep them under surveillance evoking resentment from the traders' community.

The hotel owners in the city also complained that they were put to "unnecessary harassment" by police who come every morning for checking the details of visitors.

Police has issued verification forms to shopkeepers and asked them to furnish their personal details and people employed by them.

"A couple of policemen came to my shop. They gave me a form and asked me to furnish details within a week," said a shop owner, who owns a medical shop in Lal Chowk.

The verification form asks shop owners to provide their photographs and details like name, parentage, present address, shop address, phone numbers and email addresses. The form also carries spaces for details of employees and articles sold.

The shop owners said the police handed them a separate verification forms for salesmen and salesgirls. "They have sought additional information like where we were earlier working. Addresses, qualification and photographs," a salesman working in a general store at Lal Chowk said.

The verification process has set panic among the shop owners. "We are just unable to comprehend why they enquire about us and our employees. We feel we are under now under constant monitoring," a shopkeeper said.

The hotel owners also accused police of harassing them.

1034 KASHMIRIS IN PAK APPLY FOR REHAB: GOVT

'NO GENERAL AMNESTY ENVISAGED UNDER THE POLICY AND RETURNEES WOULD BE DULY PROSECUTED'

Mar 27: The government disclosed that 1034 applications have been received from Kashmiris in Pakistan administered Kashmir (PaK) for their return under rehabilitation policy.

"So far 1034 applications have been received on behalf of persons presently in PaK, who intent to return under rehabilitation policy", Chief Minister Omar Abdullah said, in reply to a cut motion by CPI (M) member M Y Tarigami in J&K Assembly.

Omar, whose Home department's grants are being debated, said, "Out of these applications, 67 cases have been recommended, the decision on which is awaited".

He directed the respondents, including Union of India and state government through commissioner, secretary home, DGP, IGP

Kashmir Range, SSP Kupwara and Commanding Officer of 125 batallion to file reports in the case by March 27.

President, Kashmir Hotel Owners and Restaurant Association, Siraj Ahmad said police accompanied by CRPF men frisk their hotels in Lal Chowk.

"Every morning the policemen come and check our visitor registers," Ahmad said.

Many a times, he added, police and CRPF personnel question even our visitors.

"Our hotels are mostly occupied by tourists. They come to Kashmir for leisure. And if you start questioning them, how would they feel. They feel scared," Ahmad said.

"Now if we tell them (police) that some rooms are empty, they force us to show them that they are. It is an harassment."

Hotel owners have held several meetings with police to sort out the matter, but so far they have proved unfruitful.

"Nobody is paying heed to our requests," Ahmad said.

A police official said the verification process of shop owners and salesmen was must as it helps them in surveillance.

"Particularly the details of salesmen were necessary as many militants and miscreants masquerade as shop employees."

The official said the surveillance of hotels was increased after the *fidayeen* attack in Lal Chowk in 2010.

DIG Central Kashmir Abdul Gani Mir said there was nothing new in the verification process. "It's a routine census operation," he said.

PaK and Pakistan between 1-1-1989 and December 31, 2009 and their dependents will be eligible for consideration under the policy.

Elaborating about the policy, he said all applications would be first scrutinized by SPs, later by CID and dossier so prepared will be forwarded to Home Department by the CID where final decision would be taken by the high-level committee.

"Police Superintendents of the concerned districts from where the militants had earlier crossed over to Pakistan, would be the designated authority. The parents or close relatives of the prospective returnees, in exceptional circumstances, the returnee himself may apply in the prescribed proforma to the authority," he said.

MILITARIZATION

➤ FORCES OCCUPY 1561 PVT HOUSES, 306 GOVT BUILDINGS

March 27: The government disclosed that forces have occupied 1561 private houses and 306 government buildings including an educational institute and two health department buildings in the State.

In response to a question by PDP legislator Choudhary Zulfkar Ali regarding recommendations made by the Rangarajan Commission and status of implementation of these recommendations, the government in a written reply said forces including army have occupied 1561 private buildings and 306 government buildings in the State. "46 hotels and 7 cinemas are also under their occupation," it said.

The written reply further stated that out of 79 government buildings, the army has occupied one educational institution and two health department buildings.

"227 government buildings including two buildings of Health department -- Animal Plant SKIMS Soura and two rooms of L D Hospital Srinagar are occupied by CRPF," it said.

It said government is making all out efforts to vacate the private houses/ government buildings from the occupation of army/ paramilitary forces.

ARMY FORCED KASHMIRIS TO LABOUR: GOVERNMENT

DGP SHARES REVEALING FACTS WITH SHRC

Mar 29: For the first time in past 22 years, the state government has admitted that Army forced Kashmiri youth to labour for constructing bunkers and roads in border area of Qalamabad, Handwara, in Kupwara district during 1990s.

The government has admitted the revealing facts in a report submitted to State Human Rights Commission (SHRC) by the Director General of Police.

An extract from Director General Police's (DGP) report, furnished with reply to a question in the Legislative Assembly, reads that many people, mostly labourers, masons and carpenters were never paid by the Army and other security forces for the

Omar said under the proposed policy they would be permitted to enter only from Joint Check Points at Wagah, Attari or through Salamabad or Chakan-da-Bagh crossing at the Line of Control (LoC) or through Indira Gandhi International Airport, New Delhi.

"After completion of the formalities at the crossing points, returnees and their dependents will be escorted to the state and district authorities will be duly informed," he said.

Omar clarified that no general amnesty is envisaged under this policy and returnees would be duly prosecuted in cases registered against them which are of serious nature. "The returnees will be given trainings in suitable trades or skills for easing their re-integration into the society," he said.

"A comprehensive programme has been devised under security related expenditure wherein Alternate Accommodation is being constructed to shift them in a phased manner," it further said.

The government said rent for the occupied private buildings is being paid to the owner of the houses.

➤ 452 GOVT BUILDINGS VACATED BY FORCES IN JK: GOVT

Mar 29: As many as 452 Government buildings in Jammu and Kashmir have been vacated by security forces over the last three years.

"At least 452 government buildings have been vacated in Jammu and Kashmir by security forces till now," Chief Minister Omar Abdullah said in a written reply to a joint question posed by Abdul Haq, Vikar Rasool, M Y Shah, Hakeem Mohammad Yaseen and Garu Ram Bhagat in the Assembly here today.

"Of these, 177 such buildings have been vacated by the Army and 275 by other paramilitary forces," he said.

work they were forced in to build bunkers and other structures.

"The Army would use the services of local carpenters, masons and labourers to construct bunkers and roads. For the work, no wages were paid by the Army to the labourers. Besides this, Army would take local people along while conducting patrolling during night hours for which no payment was also made to them in cash or kind," the report reads.

The report says that the Army posted in the camps was involving common people of the adjoining villages in operations conducted in the area.

"The people travelling in the area were subjected to frisking, checking by the Army personnel

to curb the free movement of militants and their associates. During nights, patrolling was being conducted by personnel of local

Army camp as the Mawar Qalamabad area was highly infested with militants," the police report says.

The report says that enquires conducted on the subject reveal that with the onset of militancy in 1989, the Army and para-military forces established a number of camps to curb militancy and one such camp was established by Army at Qalamabad, Handwara, Nowgam road leading towards Line of Control (LoC), besides it had put in place a number of checking points along the road.

"In the year 2002, with decline in number of militants in the area, administration mounted pressure on security forces to abstain from such practices. With the result the practice of forcing

262 BSF MEN COMMITTED SUICIDE IN 8 YRS

Mar 28: A total of 262 BSF personnel have committed suicide in the last eight years with the maximum taking the extreme step due to domestic problems.

Union Minister of State for Home Jitendra Singh told Rajya Sabha in a written reply today that these suicide cases took place between 2004 and 2012.

A study was done to ascertain the reasons behind the suicides but it covered only the period between 2007 and 2011.

"The study has concluded that of the 158 suicides during the period, the main causative factors were domestic/personal problems (75), psychiatric disorders (11), detection of HIV/AIDS (4), illness (3), love affairs (2), illicit relations of wife (2) and other unknown reasons (59) among others," he said.

The Minister said a committee of experts constituted by the Bureau of Police Research and Development

10 CASES OF FRATRICIDE IN ARMED FORCES IN 5 YRS

Mar 28: A total of 10 cases of fratricide have been taken place in the armed forces in last five years, the government told Rajya Sabha.

"The maximum four cases of fragging took place in 2008 while 2010 and 2011 saw two cases each," Defence Minister A K Antony told the House in a written reply.

He said the government has taken several steps to prevent such incidents including counselling, improvement in quality of food and clothing, married accommodation, leave concessions, facilities for movement of troops and establishment of a grievance redressal mechanism in the states.

He listed out stress, depression, domestic, personal and financial problems and marital discord as possible causes for the incidents of fragging.

Replying to question on Army personnel killed in snow avalanches in Jammu and Kashmir, Defence Minister said due to heavy snowfall and

common people to accompany troops in patrolling came to an end. Since then, no such report has been received," the report says.

It is pertinent to mention here that Army is still camped at Qalamabad and its adjoining villages as the area falls under the control of 17 Brigade located at Nowgam, Handwara, since 1995.

The government said that the DGP submitted the report as the SHRC has taken up the matter of compensating the forced labour victims with the Ministry of Home Affairs (MHA) and Ministry of Defence, Government of India, vide communication no. SHRC/321/2009/2703 dated 22-09-2011.

It further says, "The Ministry of Home Affairs has sought comments of the state government in the matter. The matter is under examination."

(BPRD) conducted a detailed study into the reasons of suicides by the troopers of this border guarding force.

"There were eight recommendations (to prevent suicide cases) which include avoiding isolation, take part in various activities, communicate with colleagues, family members and friends, keep away from alcohol and drugs, regular exercise and games, yoga, meditation and self-education about the cause of stress and how to cope with them," he said.

In reply to another question, Minister of State for Home M Ramachandran said 41 BSF personnel posted along the Indo-Bangladesh border fell victim to snake bites in the last three years and one personnel died due to this.

"High ankle boots, jungle shoes and gum boots are provided to troops which cover their feet, lower portion of legs and knees," he said.

consequent snow accumulation posts, patrols and columns are sometime struck by avalanches in these areas."

On steps taken to safeguard troops from such incidents, he said detailed Standard Operating Procedure (SOP) for avalanches are promulgated in all formations.

"Comprehensive instructions on movement in these areas and rescue drills and procedures have been formulated. The Army has trained troops in addition to specialised equipment to minimise casualty threat due to avalanche and bad weather," Antony said.

He said that measures such as vacation of high-risk areas in winter according to operational requirement, periodic resisting of bunkers, dissemination of avalanches warning and training of personnel have been undertaken.

OFFICIAL STATEMENTS

➤ **MILITANCY DOWN BY 50%: DG POLICE**

March 2: Director General of Police, Kuldeep Khoda claimed that militancy has gone down by 50 % in the valley.

"Militancy has declined compared to last years. Due to this number of killings have also gone down," the DGP said while addressing a passing out parade at Manigam Police Training School in Ganderbal.

➤ **444 CASES REGISTERED AGAINST FORCES IN 3 YEARS: GOVT.**

March 5: The government disclosed that 444 cases have been registered against various security agencies and police in Jammu and Kashmir during last three years.

In a written response, the government stated that 304 cases have been registered against force personnel including those belonging to police in Jammu. "In Kashmir, 140 cases have been registered against forces," it said.

MLA from Langate Er Sheikh Rashid had south details from the Home Ministry about total number of cases registered against police and other forces in the State during last three years.

The government disclosed that of the 140 cases from Kashmir, 68 have been challaned while 52 are under investigation. "7 cases are stated as untraced while 8 are not applicable (NA)," it said.

"Similarly, of the 304 cases registered in Jammu, 230 have been challaned and 23 are not applicable. In 46 cases, the investigations are on," it said.

Srinagar tops the list in Valley. At least 36 cases have been registered against force personnel including policemen in the summer capital. It is followed by 16 cases in Islamabad, 15 in Baramulla, 14 cases in Sopore, 10 in Ganderbal and five each in Handwara, Kulgam and Kupwara district respectively.

"In Jammu province, Jammu tops the list with 97 cases having been registered against forces. It is followed by Doda with 88 cases, Udhampur with 29 cases, Reasi with 24, Ramban with 21, and Poonch and Kistshwar with 19 cases each," the government further disclosed

➤ **J&K HAS 23,690 SPOS**

GOVERNMENT MULLS TO ENHANCE HONORARIUM

Mar 9: Jammu and Kashmir government is contemplating to enhance the monthly honorarium of 23,690 Special Police Officers (SPOs) from Rs 3000 to Rs 5000 and a proposal has been submitted to the Union Home Ministry.

Nearly 23,690 Special Police Officers and 28,865 volunteers are working with Village Defence Committees (VDCs) in Jammu and Kashmir, mostly engaged in anti-militancy operations.

In Kashmir division around 8424 SPOs are working with regular police force on different operational duties while in Jammu region, 15269 youth have been engaged as SPOs by the government.

As per the data made available by government in Legislative Assembly, Doda district leads the list with 4155 SPOs working in anti-insurgency grid while 4866 persons are working as VDC members. There are 5861 VDC members and 948 SPOs in Reasi district while Rajouri has highest number of volunteers at 5818 and 1411 SPOs, the government said in a written reply in the House today.

As per the data, during past one year about 1884 youth have been recruited by the police department during Special Recruitment Drives at various locations in the state.

The aim of these drives is to give proper representation to the youth which were not getting proper attention in past.

Government has said that a proposal for enhancing the honorarium of SPOs from the existing Rs 3000 per month to Rs 5000 has been submitted to Ministry of Home Affairs, Government of India, for approval.

"We are awaiting for approval of the Centre for enhancing their honorarium while there is no proposal for payment of honorarium to volunteers working in VDCs," Home Department has said.

The state government has formulated a comprehensive policy for the conversion/ absorption of SPOs with minimum three years continuous engagement on operational grounds, excellence in sports and ITI diploma holders to the extent of 15 per cent of available vacancies of constables and followers, it added.

"Besides, SPOs who have crossed the upper age limit of 28 years can also apply for recruitment as constables up to the age of 37 years", government said in reply to question of Panthers Party MLA Harsh Dev Singh.

It said that there is no definite sanctioned strength of SPOs for any district and it depends upon the operational requirement at given point of time in a particular district

➤ **JK HAS 36,600 WIDOWS, ORPHANS AND HANDICAPS: GOVT**

'INFO REGARDING MISSING PERSONS BEING COLLECTED'

Mar 09: Stating that information regarding missing persons in the State is being collected, government disclosed that there are 36,600 widows, orphans and handicaps in Jammu and Kashmir.

"The information regarding missing persons in the State is being collected," said Minister of State for Home in written reply to a question of MLA Kulgam Mohammad Yousuf Tarigami, who had sought particulars of the missing persons.

In response to query by MLA whether any survey was conducted to ascertain number of widows/orphans as a consequence of such disappearances, the government said no such survey was conducted.

"However, in 2007-08, the Rehabilitation Council of Social Welfare Department conducted a survey of widows, orphans and handicapped persons affected by militancy related incidents", MoS Home said in his written reply.

He said as per the survey, number of widows, orphans and handicapped in the State is 36,600. "These include 6345 widows of civilians, 6345 widows of militants, 2070 orphans of civilians, 5379 orphans of militants and 1903 disabled/handicapped persons", he said.

➤ **5089 GUN LICENSES ISSUED IN UDHAMPUR IN 2 YEARS: CM**

Mar 19: Jammu and Kashmir Government has issued as many as 5089 gun licenses in Udhampur district during the last two years, Chief Minister Omar Abdullah said.

"As many as 5089 gun licenses have been issued in Udhampur district and 52 gun licenses have been issued in Reasi district during last two years," Abdullah said in a written reply to the question of member Baldev Raj Sharma in Legislative Assembly Jammu.

He said these licenses have been issued by the respective deputy commissioners in accordance with aforesaid procedure and norms laid down in Arms Act and other rules.

They have been issued after proper verification regarding their character and antecedents from the police department, he said.

With respect to security and Army personnel, the licenses have been issued on the recommendation and verification of character and antecedents by the unit's commanding officer, Abdullah said.

The arms licenses are being issued to civilians, Army and security personnel for self-protection as per the provisions of Arms Act.

➤ **5786 ARRESTED UNDER PREVENTIVE LAWS: OMAR**

Mar 27: Chief Minister Omar Abdullah said over 5,000 people have been arrested under substantive and preventive laws during the last two years in the State.

"As many as 5,786 persons were arrested under substantive and preventive laws during past two years between April 2010 and March 2012," Omar said in reply to a cut motion of PDP MLA Choudhary Zulfikar Ali in Assembly.

He said out of which, 5,782 persons have been bailed out. "As on March 10, 2012, 15 persons were under detention and lodged in different jails in connection with the summer unrest of 2010 in Kashmir," he said while giving details.

Omar said out of these 15 persons, 12 persons have been booked under Public Safety Act (PSA) and 3 are under judicial custody.

"The government has also announced amnesty for the youth arrested in March 2010 for involvement in stone pelting," he said.

The Chief Minister said amnesty policy was announced in the run up to Eid festival during the holy month of Ramadan.

He said scheme envisages amnesty to all those involved in stone pelting incidents during the summer unrest in Valley from March 2010. "However, the amnesty will not be extended to those who are involved in arson and damage to public property," he added.

➤ **GOVT. CLAIMS OF AMNESTY FOR STONE PELTERS PROVES HOLLOW**

5503 BOYS BOOKED FOR STONE PELTING, 34 STILL IN JAILS

March 27: Contrary to the government claims, no amnesty has been granted to boys charged for stone pelting.

The government response came in reply to an RTI application wherein the State Home Department has stated that "none of the stone throwers, numbering in thousands, have been provided amnesty since 2010".

The official reply also stated that since 2010 unrest, 5503 boys were booked by police in different stone pelting cases out of which 34 minors are still languishing in different jails of the state.

The announcement that youth charged for stone pelting and rioting will be provided general amnesty was made last year by none other than Chief Minister, Omar Abdullah on the eve of Eid-ul-Azha.

"It is an Eid gift for all these children," Omar had said.

The application under J&K Right to Information Act (RTI) was moved by a lawyer at J&K High Court lawyer, recently before Commissioner Secretary Department of Home J&K wherein he had sought information about the total number of boys charged under stone pelting and the number of youth granted amnesty by the government.

The applicant also wanted to ascertain the veracity of the chief minister's general amnesty offer to stone throwers.

However, in the written statement, Commissioner Secretary Home replied that none of the stone pelters has been granted amnesty till date.

The information received by the lawyer further revealed that 34 minors are still languishing in different jails of the state.

Besides, the Home Department reply also revealed that 5503 boys were booked by police in cases relating to stone throwing since 2010 unrest, in which more than 120 young stone throwers lost their lives during protests to the bullets of police and paramilitary forces.

In the RTI reply, the Home Department also claimed that 5468 stone throwers have been either released on bail or acquitted since 2010.

➤ **265 SPOS, 52 VDC MEMBERS KILLED SINCE 1990**

Mar 30: The state government Friday said that at least 265 SPOs and 52 Village Defence Committee (VDC) members were killed in the state since 1990.

Replying to a question by Sheikh Ghulam Qadir Pardesi and Naresh Kumar Gupta, the Minister for Rural Development, Ali Muhammad Sagar informed the Legislative Council that Rs 5.27 crore have been paid as ex-gratia in 265 cases of SPOs and Rs 49 lakh in 52 cases of VDCs who were killed since 1990.

He said, in addition, the wards of 38 deceased SPOs have been appointed as constables/followers in J&K Police on compassionate grounds under SRO 43.

The Minister said a proposal for enhancing honorarium of SPOs from Rs 3000 to Rs 5000 per month has been referred to Union Ministry of Home Affairs (MHA) and is under its active consideration.

He said Rs 96.80 crore is expended annually for these SPOs including those deployed with VDCs which include cost of honorarium, uniform and training allowance.

➤ **57287 KANALS OF EVACUEE LAND UNDER FORCES' OCCUPATION: GOVT**

Mar 30: Jammu and Kashmir government said that 57287 kanals of evacuee land is under occupation of Army and paramilitary forces in the state.

"The evacuee land has been rented out to Army/Paramilitary in the state on requisition basis and defense authorities pay rent in respect of hired property in accordance with relevant law," Minister for Revenue, Relief and Rehabilitation, Raman Bhalla told Legislative Assembly.

He said 1.72 lakh kanals of evacuee land is under illegal occupation in the state, out of which 1310 kanals have been retrieved. "Besides 3269 kanals of land were made immune from further encroachments in the state," he said.

The Minister said Rs 73.03 crore revenue was realized from evacuee property during last five years in the State. "Of this, Rs 40.81 crore was realized in Kashmir and Rs 32.22 crore in Jammu division," he said.

DATE	TROOPERS	MILITANTS	CIVILIANS	OTHERS
March 01	-	-	-	-
March 02	-	-	-	-
March 03	-	-	-	-
March 04	-	-	-	-
March 05	-	-	-	-
March 06	-	-	-	-
March 07	-	-	2	-
March 08	-	-	-	-
March 09	-	-	-	-
March 10	-	-	-	-
March 11	-	-	-	-
March 12	-	-	-	-
March 13	-	-	-	-
March 14	-	-	-	-
March 15	-	-	-	-
March 16	-	-	-	-
March 17	-	-	-	-
March 18	-	-	-	-
March 19	-	-	-	-
March 20	-	-	-	-
March 21	-	-	-	-
March 22	-	1	2	-
March 23	-	-	-	-
March 24	-	-	-	-
March 25	-	-	-	-
March 26	-	-	-	-
March 27	-	-	-	-
March 28	-	5	-	-
March 29	-	-	-	-
March 30	-	-	-	-
March 31	-	-	-	-
Total	0	6	4	0
IN TOTO			10 KILLINGS IN THE MONTH OF MARCH	

CHRONOLOGY

- March 01:** No violence related incident had been reported from any part of the state.
- March 02:** No violence related incident had been reported from any part of the state.
- March 03:** No violence related incident had been reported from any part of the state.
- March 04:** No violence related incident had been reported from any part of the state.
- March 05:** No violence related incident had been reported from any part of the state.
- March 06:** No violence related incident had been reported from any part of the state.
- March 07:** A Territorial Army man Tariq Hussain allegedly killed two women in Mendhar belt of the district of Poonch district. The deceased women were identified as Sara Begum and Yasmeen Begum and another woman was injured in the shootout. The army man accused his wife of having illicit relation with the son of deceased Sara Begum.
- March 08:** No violence related incident had been reported from any part of the state.
- March 09:** A police constable was injured in a suspected militant attack outside a shrine in busy Hari Singh High Street area of the city. The injured Constable had been identified as Afraz Hussian (No-860) of JKAP-12th BN.
- March 10:** A PDP *Sarpanch* (village head) was shot at by unknown gunmen in his house at Tral in south Kashmir. The injured was identified as Abdul Ahad of Darsara he received bullet in his leg.
- March 11:** A man was critically injured after being shot at from close range by unidentified men in Sopore. According to police, some pistol borne men fired at Ghulam Hassan Cheechack (37) of Yasin Colony, Arampora at around 8:30 pm on March 11 outside his residence.
- March 12:** Two civilians were injured when an unexploded grenade went off in Lidder River at Aang Matipora here in Islamabad. The injured were identified as 17-year old Tawseef Ahmad Wani S/O Abdul Rashid and 25 year- old Zahoor Ahmad Itoo S/O Gul Muhammad, both residents of Aang village who were busy with their daily work of extracting stones from the river when the unexploded grenade went off.
- March 13:** No violence related incident had been reported from any part of the state.
- March 14:** No violence related incident had been reported from any part of the state.
- March 15:** Two paramilitary CRPF men were injured after suspected militants hurled a grenade towards their bunker at Karan Nagar area in old city.
- March 16:** No violence related incident had been reported from any part of the state.
- March 17:** No violence related incident had been reported from any part of the state.
- March 18:** No violence related incident had been reported from any part of the state.
- March 19:** A brief exchange of fire took place between militants and police in north Kashmir's Bandipora district but no one was injured, reports said.
- March 20:** No violence related incident had been reported from any part of the state.
- March 21:** No violence related incident had been reported from any part of the state.
- March 22:** One person died and 21 persons injured some of them critically when a car bomb exploded in Bijbehara town of south Kashmir. The dead were a civilian who was identified as Mohammad Abbas Dar of Charsoo, Anantnag. In a separate incident a militant of Lasker-e-Tayeeba militant was killed in Pattan in a gunfight with troopers. The deceased militant had been identified as Nisar Ahmad Magray alias Shakti s/o Ghulam Qadir of Kilwara, Tangmarg. In a separate incident, Sajad Ahmad Dar, a Public Safety Act (PSA) detainee lodged in District Jail Kupwara dies within jail premises. Sajad's family alleged police of killing him in custody, however, the police said he died a natural death. Government ordered a probe into the cause of the death. Sajad's killing triggered protest and shutdown in his native town.
- March 23:** No violence related incident had been reported from any part of the state.
- March 24:** No violence related incident had been reported from any part of the state.
- March 25:** No violence related incident had been reported from any part of the state.
- March 26:** No violence related incident had been reported from any part of the state.
- March 27:** No violence related incident had been reported from any part of the state.
- March 28:** Five Lashkar-e-Toiba militants were killed in separate firefights with troops in Rajwar forest area of Handwara in border district of Kupwara. Three of the deceased have been identified as Aali Bhai, Abu Bakr and Zabiullah.
- March 29:** No violence related incident had been reported from any part of the state.
- March 30:** No violence related incident had been reported from any part of the state.
- March 31:** One person was injured in an explosion in border district of Kupwara. The injured police identified as Mohammad Yousuf Bhat r/o Panzgam Kupwara. The explosive went off when he was digging off the stream.

Published by:

PUBLIC COMMISSION ON HUMAN RIGHTS

Office: The Bund, Amira Kadal, Srinagar, Jammu and Kashmir

E-Mail: p_imroz@yahoo.co.in