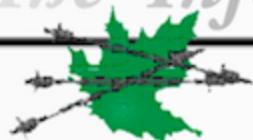


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People carrying Dar's body allegedly
killed by forces

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KASHMIR TORTURE TRIAL

The 47 minute documentary “Kashmir Torture Trial” released by UK based Channel 4 on July 10, highlighting the issue of torture in Kashmir, has shocked the viewers in England. The documentary director Juzza Neumann, is an internationally acclaimed undercover documentary film maker. The film was produced by Catie White of True Vision TV, a Denmark Based Production house known for producing documentaries on issues of international interest. The film revolves around the Editor, who travelled to torture survivors and according to the documentary tries to uncover “India’s best kept secret”. Before the formal release, Copenhagen based International Rehabilitation Council for Torture (IRCT) supports and collaborates with the global network of contribution for campaigning against torture in Jammu and Kashmir.

Kashmir Torture Trail was not the first documentary focusing on human rights issues in Kashmir. In past, there has been efforts on local level as well. “Global Witness”, a production cell of JKCCS produced a documentary *Chandaw* (Search) focusing on enforced disappearance in Kashmir and the chorus was later joined by Indian film makers highlighting the issues like half-widows through video.

Kashmir Torture Trail director acclaimed for making the documentaries like “Dispatches: Undercover in Tibet” happened to meet the Editor last year. After having threadbare discussions on the issue of torture and mass graves, we agreed to extend full support for the project, which was approved by BBC Channel 4. We introduced him with torture survivors and travelled different places to shoot and interview the survivors. The team was careful while selecting the survivors for the documentary. The team wades through the documentary evidences and only after getting fully-satisfied selected the survivors for interviews. Though the film was focused on torture, but the other issues like mass graves and militarization were also touched.

The whole exercise was kept low-key; apprehensions were the government could scuttle the effort, as Channel 4 has the potential to invite larger international attention towards the issue. There were also fears the team would be barred from visiting the valley if the govt. has some sense of it. Extra caution was adopted during phonic conversations. All the four visits were kept inconspicuous in order to avoid all sorts of attention and to conduct the shooting smoothly.

Before formal release, an online 7 minute trailer of the film had already surpassed hundreds and thousands of tweets. A debate was already generated on social network. On its release, the nitizens took it to social networking shared and exchanged their thoughts and experiences about torture in Kashmir.

The Editor was confident about the success of the documentary. Immediately after its release, lot of unknown people particularly from UK called and emailed the Editor congratulating him about the documentary highlighting his contribution towards human rights violation in J&K. Undoubtedly, it was encouraging. A considerable number of Kashmiri diaspora appreciated the film and the Editor requested the BBC Channel 4 to re-telecast the film. One radio broadcaster from Luton, UK made a request for Editor’s interview on the subject of the film, in which Lord Nazir and Lord Qurban also participated and discussed pros and cons of the issue. Apart from it, there were appeals and requests offering contributions or help to the conflict victims in one or the other way.

The documentary has successful to bring into focus the least highlighted torture at global level. But it is naïve to conclude that one documentary will mould the international opinion against torture in Kashmir. The much needed follow-up is needed to sustain the issue. There are hundreds and thousands of torture survivors in every nook and corner of the state deserves attention. They have horrendous tales to narrate and it needs engagement of documentary film makers like Juzza Neumann, and also there are other issues needed to be highlighted.

The film has made a noticeable difference here, it had dispelled the perception that the issues in Kashmir have not been taken seriously outside after 9/ 11 due to the Islamophobia in the West. It also played an important role in exposing the Indian chauvinist and jingoist mainstream media, which are ignoring the systematic and institutional repression in Kashmir. On the contrary, there was an outcry by the Indian media over the documentary. A write-up appeared in Indian leading newspaper Times of India calling the documentary “a coordinated assault against Indian’s human rights record.” The reporter mourned no opportunity was given to J&K Govt. or Center to express its point of view further malign and misinform, strangely the production team was in Kashmir last year at the time of stone pelting incidents, (which was in 2010 not in 2011 and over 100 youth were killed). The Indian media like Indian civil society obsessed with the image of India abroad, felt uneasy by the documentary which definitely will embarrass them internationally and may be difficult to defend. The other factor was that the way the reportage of the documentary was carried by the international media and ignored by Indian mainstream media has further humiliated them.

This documentary is not the end. Such efforts need to be sustained. It poses a big challenge for Kashmir civil society to engage in such initiatives and takes up issues of serious concern. That will be definitely a concern for Indian state because already successful documentary on torture seems to be state’s intelligence failure.

YOUTH KILLING EXPOSES WELL-KNIT CONSPIRACY

SHRC, NHRC TAKES COGNIZANCE

On July 25, army killed a 25-year-old man, allegedly in a fake encounter, in north Kashmir's Bandipora district. The killing followed by massive protests prompted the state regime to order a customary magisterial enquiry to quell the seething anger. Police registered a murder case against the army soldiers. Defence Minister AK Antony ordered a separate enquiry into the killing. While National and State Human Rights Commissions took notice of the killing.

Police claimed it has arrested two persons both working for the army who had struck a deal with the army to get Hilal killed in encounter.

Hilal Ahmad Dar, a resident of Lahipora, Aaloosa, works with a private cement factory in Srinagar had decided to stay for nightlong prayers at Helmatpora mosque, local residents said. Hilal, according to locals, sported a long beard and hair perhaps made him a suitable catch for the army to kill him and project him as a militant. One of the residents alleged that his hand was tied before he was fired upon.

Hilal was affiliated to *Tableeghi Jamaat*, an apolitical religious group and, according to his father Ghulam Mohi-ud-Dar, had returned home from Srinagar six days before his killing and his marriage was scheduled in 6 days time. On the morning of July 25, his bullet-ridden body was found in the forests of Ashtengo Retnar, nearly a kilometer from the Helmatpora mosque.

Locals said there were visible torture marks on Hilal's body suggesting that he was captured before his killing.

However, army insisted that they killed Hilal in an encounter. An army spokesman told media: "Based on information regarding move of two to three terrorists in the general area Alusa-Halmatpura, surveillance cum ambush was launched in area Ashting Nar on night of July 24/25. At about 2345h, the ambush party noticed suspicious movement. On being challenged, the ambush party of 27 RR was fired upon. A brief fire fight ensued. Later during the search of the site, one body and AK-47 along with ammunition were recovered. The body was later identified as Hilal Ahmed Dar."

Army said the body and "the recovered arms and ammunition" have been handed over to the police.

But police has refused to accept the army's claim that the victim was a militant. Police say there was no record of Hilal's involvement in militancy.

Police said it's investigating the killing and has lodged a case of murder under FIR No. 143/2012 in this regard.

In a little while, after his body was found, hundreds of people including a large number of women took to streets chanting anti-India, anti-army and pro-freedom slogans. The protesters were holding army responsible for killing Hilal in cold-blood.

Carrying Hilal's body, the mourners marched in a procession towards Bandipora town, demanding action against the killers. Police and civil administration officials intercepted the protesters near Tarabal, Aaloosa and tried to pacify them.

The assurance of a probe into the killing however failed to pacify the protesters. The protesters offered a stiff resistance and refused to bury the body, triggering stone-pelting in which 15 policemen including SHO Bandipora Nisar Ahmad Mir were injured.

Police retaliated with tear smoke shells and baton charge, leaving at least one dozen civilians injured.

Police managed to take away Hilal's body into its custody and it was taken to a neighbouring army camp, where later a doctor conducted the postmortem of the body. A team of FSL experts was also sent from here to collect the samples of the vital body parts of Hilal.

Taking to media, the District Development Commissioner, Manzoor Ahmad Lone said that a magisterial probe will be conducted into the circumstances that led to death of Hilal.

Later, Hilal's body was handed to his legal heirs in the evening after post-mortem. Hundreds of people participated in his funeral prayer.

Deputy Commissioner Bandipora has ordered magisterial probe into the incident. Additional Deputy Commissioner Bandipora Tariq Ahmad Zargar has been appointed as the inquiry officer to probe the incident.

On July, 29, police said that two persons have been arrested in connection with the killing of Hilal Ahmed Dar. A police officer told media the *prima facie* evidence reveals that it was a "planned killing" and the matter is being investigated minutely. "We have arrested two persons Muhammad Ramzan Bhat alias Rameez and Nazir Ahmed Bhat. They along with an Army officer of 27-RR are being interrogated," the officer added.

Initial Investigation, he said, has revealed that an Army informer Muhammad Ramzan Bhat of Aaloosa got Hilal killed allegedly for monetary benefits and Police have recovered a weapon from the house of the another arrested person Nazir Ahmed.

"The main accused Muhammad Ramzan Bhat, an ex-militant turned army informer, struck a deal with 27-RR that he will help them in trapping a militant allegedly in exchange for money. After getting confirmation from the Army, he started working on the plan. He chose Hilal Ahmed Dar, an innocent poor tall boy with long hair and beard, who frequently wore a turban and a Khan dress," the officer said.

Bhat, according to the officer, had hatched the plan of "staged encounter," four months ago after seeing Hilal's attire.

While giving the details, the officer said that during interrogation Bhat revealed that it took four months for him to motivate Hilal. "I met him on many occasions and told him that I have a close affiliation with militants and he should meet them. It took me four months to convince him," the officer quoted Bhat as having revealed during interrogation.

"On July 24, Bhat called Hilal and told him that a meeting has been fixed during night and he should come alone. On the same evening Bhat informed 27-RR camp that militants will come to Ahstangoo from Aloosa and they can lay an ambush," he said.

"The last call received by the deceased was made by Bhat. He wanted to ensure that he is coming," the officer added.

The officer said Bhat revealed that he asked Hilal to reach Ashtangoo, Halmathpora. However, Hilal asked his close friend Nazir Ahmed to accompany him. "Bhat gave two rusted weapons to Hilal and his friend (Nazir) and they left for Ahstangoo. As soon as the trio reached there, Hilal inquired from Bhat where the militants are. Bhat asked him to move forward and meet them. As he walked a few steps soldiers of 27- RR, who had laid an ambush, opened fire, killing Hilal on the spot. Bhat knew from where the shots would hit Hilal as he fled from the spot. Nazir also managed to escape," the police officer added.

"The next day Bhat went to 27-RR camp to seek shelter. However, Army refused to allow him inside and he was left with no other choice than to surrender before the Police," he said.

The investigation team camped at Bandipora is headed by the Deputy Inspector General Rajesh Kumar.

"We are investigating from where Bhat got the weapons and how he hatched the plan of staged encounter. Bhat had hatched a plan to kill both Hilal and Nazir as he knew it very well that Hilal won't come alone, but Nazir survived," the officer added.

A gun recovered from the site of encounter was given to the former militant turned army informer, and the main accused, Muhammad Ramzan Bhat, alias Rameez, allegedly by the Army, media quoted its sources.

"Army had given two guns to Bhat four months ago. One was found near Hilal's body while another was recovered from Nazir's house," they said. "It is not clear which unit of the Army gave guns to Bhat."

Media sources said the call details analysis of Bhat has revealed that he was in touch with Hilal, Nazir and local Army unit of 27- RR. "It has been found that the accused Bhat had made last call to Army unit, after calling Hilal," they added.

On July 27, overruling the Army, Defence Minister A K Antony ordered an inquiry into the killing.

Ordering the inquiry, Antony directed the Army to take strict action against anyone found guilty. Earlier, the Army had ruled out any inquiry into the matter contending that the youth was a militant as weapons were recovered alongside him.

"For us there is nothing to prove ... it is clear. Army is a disciplined force and carries out operations with honesty and integrity," General Officer Commanding of the Army's 15 Corps Lt General Om Prakash told reporters on the sidelines of a function in Srinagar.

However, after Defence Minister A K Antony stepped in army ordered a separate probe into the killing of Hilal Ahmad Dar saying that action would be taken as per law against those found involved in the incident. This is a climb-down from Army's earlier position in which it had described the killed youth as a militant and the incident as an encounter.

"Upholding the sentiments of the people, Army have ordered a thorough probe headed by a senior officer to investigate into the incident of Ashtingoo, Bandipora, on the night of 24/25 July 2012, in which Hilal Ahmad Dar of village Aloosa had died," a statement released by Public Relations Officer (PRO), Ministry of Defence, said.

The Army probe came three days after police arrested two informers of Rashtriya Rifles unit involved in the incident.

July 27, State Human Rights Commission (SHRC) took *suo moto* cognizance into the killing and has asked Director General of Police and Deputy Commissioner Bandipora to file reports on the matter.

Taking notice of reports appearing in newspapers, the members of the SHRC, Javaid Kawoos and Rafiq Fida, have admitted the killing of Hilal Ahmad Dar of Aloosa Bandipora by Army, allegedly in a fake encounter, as a complaint and instructed the SHRC office to diarize the case.

"Prima facie, the news item discloses violation of human rights. A *suo moto* cognizance in the matter is taken. Office to diarize and admit the same as a complaint," reads an order of the SHRC communicated vide No. SHRC/217/2012 dated 27/07/2012.

The Commission has directed for issuance of notices to DGP J&K and Deputy Commissioner Bandipora to file their reports by the next date in the case on August 22.

Four days later, on July 31 National Human Rights Commission (NHRC) sought reports from Government of India (GoI) and Jammu and Kashmir on the Bandipura killing.

Observing that the allegations, if true, raise a serious issue of violation of human rights, the Commission issued notices and asked Defence Secretary and Jammu and Kashmir Chief Secretary to file reports on the matter within four weeks.

CRPF BEATS YOUTH TO DEATH

2 'EYEWITNESSES' DETAINED BY POLICE

July 30: Protests and clashes broke out in Shopian town of south Kashmir after a youth was allegedly beaten to death by paramilitary troopers inside their camp on July 29 night.

Police, however, said that Mohammad Aaqib Bhat, 22, a water tanker driver, died when he was repairing his tanker fetching water to a joint camp of army and Central Reserve Police Force (CRPF) camp in Balpora.

Aaqib, a resident of Balpora village, "came under the water tanker during its repair and was removed to hospital for treatment where doctors declared him dead," a police spokesman said.

Local residents however rejected police claim and allege that Aaqib was beaten up by the CRPF men after an altercation. They allege that he was hit in the belly, causing his death.

Aaqib's father Mohammad Yousuf Bhat said his son had an argument with some CRPF personnel inside the camp in the presence of two other drivers – Mukhtar Ahmad and Ishfaq Ahmad – on Monday.

"This infuriated the soldiers who beat him up badly and then handed him over to Mukhtar and Ishfaq present in the camp who then informed us about the incident," Bhat told media.

Aaqib was in a moribund condition and was declared dead by the doctors at district hospital Shopian. Aaqib's body had visible marks of beating,

Bhat said. "Mukhtar and Ishfaq were later taken into custody by police to hush up the matter," he added.

Postmortem of the body was conducted in the morning and as the word about Aaqib's death spread, people took to the streets and staged massive anti-India and pro-freedom protests. A shutdown was also observed across the district against the killing.

According to Deputy Inspector General of Police, South Kashmir, Vijay Kumar, investigations have been launched into Aaqib's death. "Initial investigations reveal that Aaqib came under his own vehicle after he was doing its routine check up," Kumar said.

However the conductor/cleaner of Aaqib's vehicle who had left the camp half an hour before the incident said that "everything was fine with our vehicle and no repairing was needed. As I reached home, news came that Aaqib had met with an accident. It shocked me as both of us were supposed to go for rest after day's work. However Aaqib asked me to go home and himself decided to stay in the camp."

Meanwhile, People's Democratic Party leader and local MLA of Shopian, Abdul Razaq Zawoora has demanded a magisterial inquiry into the death of Aaqib. Ruling National Conference leader and deputy chairman of state Legislative Council, MY Tang has also demanded "immediate enquiry in the matter so that culprits be brought to book."

STUDENT FIRED AT, RESIDENTS PROTEST

July 3: Soldiers of 21 Rashtriya Rifles (RR) allegedly shot at and injured a youth in Zachaldara area of north Kashmir's Kupwara district. The incident provoked the people who went on streets to hold protests. Deputy Commissioner Kupwara ordered a magisterial inquiry into the incident.

According to residents of Tarakpora, 21 RR personnel fired on a 2nd year student Bashir Ahmad Magray last evening while he was driving his vehicle.

"Army men were patrolling Tarakpora village when Bashir passed the route in his vehicle. He was moving towards the paddy grinding machine with paddy. The army men without any notice or provocation fired towards the vehicle, causing bullet injuries to the youth," they said.

They said Bashir managed to reach his uncle's house in a nearby village in an injured condition. "However, the troops cordoned off the village and asked locals to hand over the injured militant. We told them that he was civilian and not militant. The army men did not relent from their demand and mentally tortured locals till they were shown injured Bashir. Afterwards, they lifted the cordon and moved back to their camp," the locals said.

Bilal had received bullet injury and was shifted to District Hospital Handwara. However, the medics referred him to SK Institute of Medical Sciences, Srinagar for specialized treatment.

As the news spread in the area, residents of Zachaldara and its adjoining areas thronged the streets to protest. The protesters were demanding action against the soldiers.

To continue their protest, next day, people in hundreds staged protest demonstrations against the army. "We are living in a reign of terror. The army comes in our villages and beat youth. Now they fired on a youth without any provocation," the protestors said.

A police contingent rushed to the spot and resorted to baton charge and fired tear smoke shells to disperse the protestors. The protestors retaliated by pelting stones and bricks towards them. The clashes between the two sides continued for some time.

Later, Deputy Commissioner Kupwara along with SP Handwara reached the spot and assured the protestors that action would be taken against the erring troopers. "We have initiated a magisterial inquiry and guilty personnel would be punished," he told protestors and urged them to maintain calm.

SP Handwara Mohammad Aslam said police have registered an FIR under No 146 against army.

"The inquiry has been started to ascertain the cause of incident. The statement of witnesses was recorded," he said.

A defence spokesman said the youth was injured when he tried to bypass a checking barrier set

up in the area following information about movement of militants.

"An operation was going on in Handwara. There was information about three militants travelling

on Zachaldara-Handwara road in a vehicle last night and multiple barriers were erected," he said.

He claimed that Bashir along with his brother tried to bypass the barrier when signalled to stop, following which the security personnel fired at them.

SOLDIERS FIRE ON CIVILIAN IN BANDIPORA

CASE OF MISTAKEN IDENTITY: ARMY

July 23: a civilian got injured when army personnel of 9 Para opened fire in Lashkoot forest in Bandipora late in the evening. The injured had been identified as Muhammad Anwar Tas, 32, son of Naik Ali of Malangam.

The incident occurred when Army personnel laid an ambush in Lashkoot forest of Malangam near Line of Control. Locals said that Anwar was chasing a bear, and while returning to the village changed his track and was caught in the ambush.

"He was walking with a stick in his hand. We asked him to stop but he did not. So we opened fire on

him," an Army official said. "It was a case of mistaken identity. We referred him to Srinagar where he is being operated upon by doctors."

He said the injured man was shifted to Srinagar in an Army chopper.

The Lashkoot area of Malangam is known for infiltration, Army lays ambushes in the forests to halt infiltration, said the Army officer.

Police have registered an FIR on the incident in police station Bandipora.

SHELL KILLS MAN, INJURES WIFE

July 8: A 40-year old man was killed and his wife sustained critical injuries when an artillery shell exploded in their makeshift shelter at Tosamaidan in Khag (Budgam) in central Kashmir, officials said.

They said Ali Muhammad Khan son of Sulla Khan had collected artillery, mortar scrap from Tosamaidan firing range and brought the material to his makeshift shelter last evening. "An unexploded shell went off killing Khan on the spot. His wife Zeba sustained critical injuries in the explosion," officials added.

After completing all legal formalities Khan's body was handed over to his relatives for last rites. The injured woman was treated by the Army doctors and her condition is stated to be stable.

Pertinently, locals a few days back had staged massive protests against the Artillery regiment of Army, which undertakes artillery drill in Tosamaidan

area of Budgam, when an artillery shell exploded in air and injured a few villagers including a woman Fatima seriously.

The artillery shells are fired from the banks of Sukhnag river near Chill village in Khag area towards Tosamaidan which has been declared as a firing range by the Army.

In the past four decades scores of people have died in the area due to the explosions caused by shells. There are more than two dozen people who have been left permanently disabled in Chell, Shonglipora, Drang, Sutaharan and other adjoining villages located on the foot hills of Tosmaidan which is huge pasture located on the Pir Panchal mountain range. The shells which remain unexploded during the firing drills are hidden under bushes and rocks in the Tosamaidan pastures. During rainy season these shells come down towards the villages and pose a threat to locals.

1995 FOREIGNERS' ABDUCTION

SHRC SUMMONS GILL, WANI

On July 3, the State Human Rights Commission (SHRC) asked for personal appearance of P S Gill the former IGP Kashmir and SSP Ashkoor Wani, warning that otherwise they would face adverse interference of the Commission in an application by two rights groups seeking re-investigation into the 1995 abduction of six foreigners allegedly by Al-Faran militant outfit.

According to the applicants, a division bench of the Commission has directed the Secretary of the SHRC to write appropriately worded D.O. to all the reporting officers to submit their reports by or before the next date.

"The administrative officer will write fresh reminders to P.S. Gill and Ashkoor Wani impressing upon them that in case their personal responses are not received by the Commission by or before the next date, adverse inference in the matter will be drawn against them. The IG, Crime will be also informed that in case the investigations conducted and concluded by the

Crime Branch is not received in the Commission by or before the next date, coercive orders will be passed," reads the order passed by the Commission today.

The Commission has further said in its order that proceedings are in a state of status quo. "No reporting officer or P.S.Gill or Ashkoor Wani against whom there were some personal allegations have responded to the communications addressed to them by the Commission. Even the documents pertaining to the investigations conducted by the Crime Branch have not been received. CPO submits that though he too has written necessary letters to the concerned but till date he has not received any reports either from the DGP, IGP Crime, Jammu and

Kashmir, or DC, Anantnag," reads the SHRC order. The next date of hearing has been fixed on August 7.

On April 17 this year, the Commission sought response from four police officers, including former

IGP (Kashmir) PS Gill, to an application by two rights groups seeking re-investigation into the 1995 abduction of six foreigners by Al-Faran militant outfit.

A division bench of SHRC comprising Javaid Kawoos and Rafiq Fida had issued notices to Director General of Police, IGP Crime, Deputy Commissioner Anantnag, former SSP Anantnag Ashkoor Wani and ex-IGP Kashmir P S Gill, who unsuccessfully contested recent assembly elections in Punjab.

International People's Tribunal on Human Rights and Justice had filed a petition in the SHRC on April 6 seeking a fresh probe into the case. "As part of the ongoing work on the issue of nameless and

2080 UNIDENTIFIED MILITANTS KILLED IN RAJOURI, POONCH: GOVT

UNMARKED GRAVES

In response to a RTI application filed by JK Coalition of Civil Society (JKCCS), the government on July 3 disclosed that number of unidentified militants killed in Poonch and Rajouri was 2080 and it was ready to probe specific cases of enforced disappearances.

"As many as 2134 militants have been killed in Poonch and 1297 in Rajouri. Among the 2134 militants killed in Poonch, 648 have been identified while as 1486 have not been identified. Among the 1297 militants killed in Rajouri, 703 have been identified while as 594 have not been unidentified," said Home department in its reply to the State Human Rights Commission.

SHRC fixed August 7 as next date for hearing in the case of unmarked graves in Poonch and Rajouri and also directed Police and Deputy Commissioner Rajouri to submit their reports on next date.

While hearing the case, the double bench of SHRC comprising Javaid Ahmad Kawoos and Rafiq Ahmed Fida directed the Chief Prosecuting Officer to ensure the submission of the report from the DGP by or before the next date.

During the hearing, the Commission said Secretary SHRC will address a D.O. to DC Rajouri impressing upon him to submit the report positively before the next date considering the gravity and seriousness of the matter.

The DC Poonch and Under Secretary to the Government Home Department have submitted their replies to the Commission.

Home Department reply

"The Government is willing to enquire into any complaint of enforced disappearance about which any human rights group may have any specific information," the reply says

"The apprehension that some of the dead bodies which are unidentified may be of the enforced disappearances is only based on the statements of some persons and not on the facts," it reads.

Castigating human rights activists, the report says that they are raising the bogey of human rights violations at the behest of forces inimically disposed towards the country.

unmarked graves in Jammu and Kashmir, we request that the case of the four kidnapped persons (foreigners) be considered by the SHRC," the petition had said.

Paul Wells and Keith Mangan of Britain, Dirk Hassert (Germany), John Childs and Donald Hutchings (US) and Hans Christan Ostro (Norway) were kidnapped by little-known Al-Faran militant group - believed to be a shadow outfit of Harkat-ul-Ansar - from the woods of Pahalgam in 1995.

While Chid managed to escape in the cover of darkness six days after his abduction, 27-year-old Ostro was killed and his body was located on August 13, 1995. The other four foreigners remain untraced.

"It needs to be noted that while hundreds of such youth are still in Pakistan their mentors are crying hoarse and deliberately accusing the state security apparatus for their forcible disappearance," it added.

The J&K Government has also said that all necessary steps have been taken to ascertain the identity of dead bodies for their proper disposal. "However, identity of foreign militants and those not belonging to the areas where these engagements with security forces took place but were operating elsewhere under disguise (using code names) have always remained a problem hence they were categorized as unidentified persons," it said.

The government has said that the dead bodies of all the local militants were handed over to their heirs for final rites. "However, in case of militants who were not identified their bodies were handed over to the local Auqaf who had been carrying the burial as per religious rites," it stated.

"An impression is generated that unidentified bodies have been buried in unmarked graves ignoring the fact that police hands over the dead bodies of militants to the legal heirs for their last rites or local Auqaf Committee."

Jammu and Kashmir Coalition of Civil Society (JKCCS) programme coordinator Khurram Parvez said that they had submitted the prima-facie evidence about existence of 3844 unmarked graves in Poonch and Rajouri.

"The Home Department conveniently in their report has chosen to not respond on the number of unmarked graves and the details of graveyards submitted by us. The figure which they have produced in the report appears to be yet obfuscation," Khurram said.

He also said that government has, so far, been claiming that 6000 foreign militants were killed in Jammu and Kashmir in last two decades.

"So far we have produced the evidence of more than 6217 unmarked graves across five districts of Jammu and Kashmir out of 20 districts. The total number of unmarked graves in Jammu and Kashmir

is far more than the total number of foreign militants

EXHUME UNMARKED GRAVES: SHRC

July 4: The State Human Rights Commission (SHRC) has recommended exhumation of an unidentified body buried in north Kashmir's Kupwara district for DNA matching to resolve the contesting claims by a family and police.

This is the first such direction from SHRC after it recommended the DNA profiling of all the nameless graves present in north Kashmir's Baramulla, Kupwara and Bandipora districts in September last year.

The division bench of SHRC in its judgement has recommended the state's Home Department and Deputy Commissioner, Kupwara to exhume the body buried in a nameless grave in Kanipora, Kalaroos for DNA matching and solve the nine-year-old case.

The petition was filed before SHRC by Ghulam Mohammad Bhat of Lalpora, Kupwara who claims that his son Mohammad Yousuf Bhat, then 14, is buried in that nameless grave after he was murdered by pro-government gunmen after his abduction. Bhat's claim was rejected by police who in its report to SHRC has said that Yousuf was a militant and has crossed over to other side of LoC.

Yousuf, according to his family, was kidnapped by the government gunmen on July 27, 2003 along with two other boys while they were on way to Dewar village from Thandoora after attending a religious gathering.

The trio, the family says, was later taken to forests in Kalaroos where some encounter between army and militants was going on in which Yousuf was killed. The two other boys managed to escape.

"These two boys later informed us about the incident but we were afraid to go into the forest to search for his body. But three days later somebody from Kalaroos told us that Yousuf has been buried in

IT'S SC'S DOUBLE-STANDARD: APDP

July 31: Association of Parents of Disappeared Persons (APDP) lambasted the Supreme Court's disregard to large-scale human rights violations taken place in J&K since 1989. Referring to the proactive approach of the apex court in taking up the matter of deaths of Amarnath pilgrims, while maintaining silence over the unabated grave human rights violations taking place in J&K since 1989.

APDP issued a press statement, the complete text of which is here in below, in which it pointed out the selective approach of the apex court when it comes to J&K.

The statement read:

On 15 July 2012, the Supreme Court took *suo-moto* cognizance of the deaths of 67 Amarnath pilgrims over the first 17 days of the Amarnath yatra. Referring to a clear disregard for human life, the Supreme Court cited the constitutional rights to life [Article 21] and freedom of movement [Article 19(1) (d)] in India and issued notices to the Central

killed. Government needs to answer this," he added.

their village after his body was handed over to locals by army," said Bhat.

He said that police station Kalaroos had registered him as foreign militant from Multan but he could identify his son from the clothes and shoes which were lying with villagers.

However, the report sought by SHRC from police regarding the case has said that Yousuf had joined militancy and crossed over to other side of LoC.

The investigating officer of SHRC has confirmed that the family has "recognised the grave of Yousuf from the clothes and has declared the report of the police as false and concocted."

To solve these contesting claims, SHRC has recommended the DNA test of the remains and has said that if DNA tests of remains matches with the relatives of Yousuf then government shall sanction and pay *ex-gratia* to the next of his kin.

The SHRC has also recommended the reopening of the case lodged by Yousuf's family at police station Lalpora, Kupwara so that culprits are shown the doors of court.

The exhumation of remains of any dead body buried in nameless grave is first such recommendation made by SHRC since its inception in 1997.

Earlier the commission on September 16, 2011 in its six point recommendation had sought investigation in all aspects of nameless graves and DNA profiling of the bodies buried in them in several villages of Baramulla, Bandipora and Kupwara.

Also the investigating wing of the SHRC last year had also reported the presence of more than 2,000 nameless graves in three districts of north Kashmir.

Government, Government of Jammu and Kashmir and the head of the Amarnath Shrine Board. Subsequently, a high powered committee was constituted to investigate the reasons behind the deaths.

This pro-active approach of the Supreme Court when contrasted with its past record in Jammu and Kashmir related human rights matters raises serious questions on the manner in which human rights violations in Jammu and Kashmir from 1989 to date are viewed in New Delhi. The approximately 8000 persons subject to enforced disappearances, 70,000 persons killed during the conflict, at least 120 persons killed in the 2010 protests, disclosures of 6217 unmarked graves largely authenticated by the Government of Jammu and Kashmir through the RTI process and the State Human Rights Commission, rape, widespread torture and numerous other human rights violations should surely have merited similar pro-active action from the Supreme Court. On the

contrary, cases that have been litigated before the Supreme Court, from the Masooda Parveen case to the recent Pathribal fake encounter case, have been dealt with in disappointing and problematic ways.

APDP believes that the enforced disappearances of the men, women and children of Jammu and Kashmir are a clear disregard for human life and should shake the conscience of any State or judicial system that considers itself civilized, and respectful of the rule of law and human life. The right not to disappear and right to life in Jammu and Kashmir should also be a concern for the Supreme Court.

POLICE RELEASES UNIVERSITY STUDENT STUDENTS MOUNT PRESSURE

Jul 24: A Kashmir University student arrested by state police for having links with militants was released on parole after consistent protests by student fraternity. Peerzada Iqbal, a student of Media Education Research Centre (MERC), Kashmir University was arrested on July 22 by the police accusing him of having links with militants. Iqbal's family rejected the police charge vehemently as concoction and baseless.

According to police, he was set free on personal bond and was picked up for questioning some days back in connection with alleged militant links.

Iqbal's arrest had led to strike by the students of MERC and protests. After protesting and staying away from classes on July 23, the students refused to return to the classes on July 24. The situation, as per the students, prompted the varsity proctor to meet the students, trying to convince them to end the strike.

"He tried to motivate us to call off the strike, saying that University would take every necessary action, which, however, may take time..." a senior student in the department informed.

The students, however, did not change the call.

"We told him that the strike will continue," the student said.

Later, the departments' senior faculty members and representatives from both first and third semesters went to meet the Inspector General of Police (IGP), S M Sahai.

The faculty in the department too was pushing the varsity administration for intervention, but nothing substantial has resulted so far.

The senior faculty members were consistently in touch with the authorities.

"We held a meeting with varsity administration on July 23, and today July 24 also we followed closely the proceedings," a senior faculty member shared.

After his arrest, Iqbal was lodged in Ram Munshi Bagh police station. He is the first semester student in the department, and contributing in an English Daily.

That the human rights violations, coupled with the complete failure of the investigative and prosecutorial mechanisms in Jammu and Kashmir, are not considered worthy of attention by the Supreme Court is shocking and a damning indictment of the Indian State and all its functionaries. This prioritization of some lives over others is condemnable.

APDP reiterates its commitment to continue to bring the truth forward, including the double standards and duplicity of Indian systems of "justice".

On July 22, Peerzada Iqbal, a resident of HMT Zainakote was picked up by police on charged of having connection with militants. Iqbal's family members of detained Kashmir University student Peerzada Iqbal of HMT Zainakote, have alleged that their son is being framed without any evidence as "police has no concrete proof for his militant links"

Talking to media, a family member of Iqbal said he (Iqbal) was arrested on baseless allegations and police is forcing him to accept the allegations.

Family members said police has detained Iqbal for having alleged links with some militant group and having phone contact with them. "We asked police to show us voice samples of Iqbal if he had some conversation with any such organization. They did not show any proof but asked Iqbal to accept the allegations," said one of the family members of Iqbal, wishing not to be named.

According to family members, Police detained Iqbal allegedly for having conversation with a militant group on June 30 at 7:45 pm. However, family members said Iqbal had gone for prayers that time and had left his mobile phone at home. "That is why we are asking police to show evidence against Iqbal," they said.

Family members also claimed that Police pressurized them not to approach media or any higher authority in Police. "Police officers threatened us that if Iqbal is freed from this case they will involve him in fire incident at Dastgeer Sahib Shrine," family member alleged. Meanwhile, students of Kashmir University have threatened to launch massive protests against the detention of Peerzada Iqbal, who is studying in MERC Department of Kashmir University.

"This is a student protest. We are protesting on behest of our colleague who has been arrested by police for alleged links with militants. Iqbal is our brother and organ of the department as well as of University. It is our moral responsibility to stand for him and his family," said Sheikh Qayoom, a senior student of MERC department.

Students have demanded immediate release of Iqbal and have asked the government to stop

“torturing students” on basis of false allegations. “We won’t bear these harassments and illegal detention. Police should come up with concrete evidence against the detained student,” said Abid Hafiz, a third semester student of MERC department.

He said they have informed students of every department in University to participate in a sit-in protest on July 23 against the illegal detention of KU students. “We have appealed students of every department of university so that everyone knows about the happening,” Abid said, adding “Police not only fabricate the evidences, but also have warned Iqbal's family not to inform any media outlet regarding the issue.”

An online petition directed to chief minister Omar Abdullah has been filed by Iqbal’s colleagues

on change.org demanding that evidence be produced against Iqbal, if he is found guilty.

Vice Chancellor Kashmir University, Prof Talat Ahmad said they are trying to know the causes of Iqbal’s detention by Police. “We cannot interfere in Police actions. Our proctoral staff is in touch with Police authorities and we are trying our best to know the cause of Iqbal’s detention.”

Meanwhile, SDPO Nehru Park, Ghulam Jeelani Wani said Police have no personal rift with family. He said Iqbal has been detained on basis of some information. “We detained Iqbal only after receiving some information against him. We are still investigating the matter,” he said.

J&K’S TORTURE STORIES CAPTURE EUROPEAN AUDIENCE

CHANNEL 4 TO RELEASE ‘KASHMIR’S TORTURE TRAIL’ ON JULY 10

July 5: A documentary by the world’s largest membership-based civil society organisation, the International Rehabilitation Council for Torture victims (IRCT), on torture in Kashmir is all set to be released on Tuesday, July 10. Titled ‘Kashmir’s Torture Trail’, the 47-minute film to be released on UK-based Channel 4, has already sparked a debate among the netizens on social networking sites.

Directed by Jezza Neumann, an internationally acclaimed undercover documentary filmmaker, the film is based on the trail followed by a prominent Kashmiri human rights lawyer and activist Parvez Imroz who travels to meet torture victims and tries to “uncover India’s best kept secret.”

The IRCT, which is based in Copenhagen, Denmark, supports and collaborates with a global network of rehabilitation centres and programmes and also supports rehabilitation of torture victims and the prevention of torture worldwide.

The Kashmir film has been produced by Catie White of True Vision TV, a Denmark-based

production house known for producing documentaries on issues of international interest.

The film captures harrowing details of victims tortured allegedly by the armed forces during the time of armed uprising in ‘90s and recent civilian uprisings of 2008 and 2010.

A small trailer note of the film on the ICRT website reads: “Meeting the rioters to find out why they risked their lives, and accompanying a local human rights lawyer determined to investigate how India restored an uneasy peace, this powerful and shocking film uncovers a state-sanctioned torture programme that has set India on a collision course with the international community.”

Online trailer of the film has already surpassed hundreds of thousands of hits and has generated hundreds of shares on social networking sites.

Within a day of the release of the trailer, the netizens took to twitter and posted about the film besides sharing their thoughts and experiences on torture in Kashmir.

1994 KUPWARA KILLINGS: POLICE INQUIRY HOLDS ARMY RESPONSIBLE

July 10: Criminal Investigation Department (CID) of police indicted army for the January 27, 1994 massacre in Kupwara town.

Residents of Kupwara had alleged that 27 civilians were killed in unprovoked army firing near bus stand in Kupwara on January 27, 1994.

The CID report submitted to State Human Rights Commission (SHRC), a copy of which *The Informative Missive* obtained says, troops deployed for duty in Kupwara town under command of 2nd Lieutenant S Bakshi had indiscriminately fired in Bus stand Kupwara without any provocation.

The inquiry report further says, "During the investigation, 18 bodies including body of a police man were handed over to their legal heirs after completion of all legal formalities. At least 38 injured people were shifted to hospital for treatment".

It further stated that after recording statements of the witnesses under Section 161 of CrPC, it was found that army men, who were deployed for duty in Kupwara were responsible for the commission of 'crime punishable' under Section 307, 302, 149 of RPC.

The CID report states that it tried several times to contact the concerned army unit and seek nominal roll of officers deputed for duty in Kupwara on the day. "However, the army unit did not respond to our repeated calls".

"The investigative agency made correspondences with Colonel General staff 28

infantry division Kupwara through DPO Kupwara. The army issued a letter stating that a Court of Inquiry was already constituted to probe the incident. However, the final outcome of Court of Inquiry was not furnished to police. The investigation of the case was closed as 'un-traced' on April 10, 1997 on basis of non co-operation of army authorities," report states.

The CID report further states that due to dilly-dallying approach of the army unit, no requisite information was provided as the ASC 31 Med. Regiment unit claimed that no documents were lying with them. "Despite repeated reminders, the concerned army unit has failed to give any information about the case. The investigation is pending due to non cooperation of the 31 Med regiment and 28 Infantry Division."

Despite clear-cut directions from Chief Judicial Magistrate Kupwara vide notice U/S 94 CrPC to ASC 31 Med. Regiment to submit the necessary information, the concerned Army unit has not provided any information.

Later, a notice U/S 25 Police Act was served to Bakshi 2nd Lieutenant 31 Med. Regiment (ASC) C/O 56 APO through GoC Northern command to appear before I/O of the case along with nominal roll dated January 26,27 of 1994. "However, the army unit did not cooperate with the investigating agency," added the CID report.

POLICE ARRESTS 3 GIRLS IN KULGAM

Jul 6: Few days after killing of a policeman in Kulgam area of South Kashmir district, police arrested three girls from Yaripora. The trio was later released after questioning.

Police sources said the girls hailing from the Yaripora area of Kulgam were arrested by police in connection with the murder of a cop on 3rd of July at a busy market place in the same village. "They were questioned to ascertain their links, if any, with militants involved in killing of the cop," sources said.

As the news about arrest of girls spread, people in the area came out on roads and staged demonstrations. They blocked the cavalcade of Higher Education Minister and demanded release of the girls. "The minister was forced to take a different route as the furious people refused to let go the cavalcade pass through the area," locals said.

SP Kulgam Mohammad Shafi Mir confirmed the arrest of the girls. "They were rounded up for questioning and released after interrogation".

He said police is investigating the murder case. "Whosoever's name comes up during the investigations, police are bound to question them, regardless of their gender".

Mir said the girls were handed over to their families after questioning. "Their families have cooperated to the fullest with the police," he said.

He said police will soon crack the murder case and arrest the attackers.

Meanwhile, people of Yaripora alleged that they were living under severe restrictions after killing of cop in the area. "The village is virtually under a curfew. We are being frisked and questioned just on venturing out of our homes," said a local while talking to the media.

SHOPIAN 'RAPE AND MURDER' CASE

FAMILY, MAJLIS TO RECEIVE INVESTIGATION REPORTS

July 4: A double bench of the State Human Rights Commission (SHRC) has directed its secretariat to provide copies of all the investigation reports to the victims' family in the 2009 Shopian alleged rape and murder case.

The double bench consisting justices (rtd) Javaid Kawoosa and Rafiq Fida, issued the orders on

July 3 when the Shopian case came up for hearing before the bench.

The sisters-in-law, Asiya Jan, 17 and Nilofar, 22, were allegedly raped and killed by men in uniform in Shopian during the intervening night of May 29-30, 2009. The incident triggered intense Kashmir-wide protests demanding identification and

punishment of culprits. The victims' family and a citizen's body Majlis-e-Mashawarat (MM) also accused the government and police in particular of hiding the facts of the case.

The copies of different investigation reports received by the SHRC secretariat would be given to the MM and Shakeel Ahangar, the brother and husband of Asiya and Nilofar respectively.

Amidst public outcry, the state government, on June 3, 2009, appointed a commission headed by Justice Muzaffar Ahmad Jan to investigate the case. The Commission in its report called for more investigation into the role of forces personnel in the deaths of the duo.

On June 1, 2009 SHRC had taken suo motto cognizance of the incident after a local daily reported the 'double rape and murder'.

During the hearing, in which Shakeel and president of MM, Abdul Rasheed Dalaal were present, the SHRC directed that copies of reports and investigations of the incident by Justice Muzaffar Jan Commission, Central Bureau Investigation (CBI) and other related documents to the appearing parties (Ahangar and MMS).

On August 12, 2009, the state government decided to hand over the case to the CBI which held a forensic enquiry after exhuming the bodies of victims

four months after they had died. The CBI investigation ruled out rape and murder in the case and concluded that the two victims had died due to drowning. The findings were widely contested by the civil society and the victims' family.

The SHRC also asked the investigating agencies to present their point of view to the commission and asked the police submit their report before to it.

Dalaal also claimed that the investigations done by Jan commission had identified the agencies involved in the incident. "The Jan commission had pointed towards the involvement some agencies, now we want the real faces behind the heinous crime should be brought to fore," Dalaal told media.

"The findings of the Jan commission were not rejected by the government; therefore we want the SHRC should follow the same procedure as by Jan commission," Dalaal said.

The MM is planning to file its own case in the SHRC after receiving copies of various investigations in the case. "We have not filed any case in the commission, they had taken a suo motto cognizance," Dalaal said. "It will take few days for these agencies to submit their reports before the commission after getting the documents we will file our suit/relief in the commission."

CISF RESORTED TO UNPROVOKED FIRING: REPORT

'PROTESTERS WERE PEACEFUL'

July 20: Contradicting Central Industrial Security Force theory, the magisterial inquiry ordered by Jammu and Kashmir Government has indicted the paramilitary force of resorting to unwarranted and disproportionate force that lead to the killing of Altaf Ahmad Sood in Boniyar, Uri, in north Kashmir on January 1 this year. The CISF men had opened fire on local residents demanding proper electricity in the area, killing a youth and injuring two others.

While rejecting the claim of CISF that protesters resorted to arson or gate-crashed on the fateful day, the inquiry by Additional Deputy Commissioner Baramulla has held the paramilitary force responsible for violating Standard Operating Procedure (SOP). Ironically, police have not charged the CISF personnel with murder.

"In my opinion, CISF personnel guarding the NHPC Barrage Complex have violated the SOP and have resorted to excessive use of force which was unwarranted and disproportionate to the action from the protesters. The situation that arose could have been avoided had the CISF personnel shown restraint. As a result of the action by the CISF personnel one innocent life was lost," reads the inquiry report, quoted by media.

Following protests against the killing of Altaf Ahmad Sood, Jammu and Kashmir Government had ordered a magisterial probe.

"Even if there was threat perception they (CISF) could have informed SDM Uri or Tehsildar Uri

who were at stone's throw and could have also asked the local police to take control of the situation. However, CISF personnel without following the SOP opened fire on peaceful protesters that too without any provocation and without warning the protesters. This inference is corroborated by the visit to Barrage Complex as there are no signs of arson or gate-crash nor has any building or structure been burnt that could have prompted the CISF personnel to react such forcefully," the report adds.

The report further says that version put forth by CISF personnel that they resorted to aerial firing is negated by the type of injuries inflicted upon the deceased and two injured persons.

"The type of injuries proved that the fire arms were aimed at the protesters although there was no such need as the protesters had not resorted to any sort of violence that could have prompted the CISF personnel to react with such a quantum of force," the report says. It said the version put forth by CISF personnel that they resorted to firing in self-defence and that too inside the Barrage Complex is negated by the photograph wherein the CISF personnel could be seen in an aggressive posture with their weapons on the National Highway, about 100 feet away from the Barrage Complex gate.

While further incriminating the CISF personnel, the report says, "The version of CISF is also negated by the fact that the deceased as well as injured persons were hit on the National Highway

about 100 feet away from Barrage gate, which is possible only if the fire arms are aimed at the protesters just outside the Barrage Complex. Otherwise if the CISF personnel would have reacted from inside their bunkers no one would have been hit and the firing thereof would have scared away protesters."

The inquiry officer has blamed CISF Commandant M K Chaturvedi for being indifferent as well as Sub-Divisional Magistrate Uri for negligence.

"In this incident the role of the Commandant CISF M K Chaturvedi remained indifferent as he did not bother to take control of the situation himself but let the entire situation being handled by a junior officer. He took the situation casually and confined himself to his office which led to the situation being handled by his juniors," the report adds.

While recommending disciplinary action against SDM Uri, the report says that "the efforts made by him to control the situation and to resolve the issue are dubious."

"He did not take any proactive step by way of making sufficient deployment of J&K Police personnel in the area where the protesters had assembled or where there was a possibility of

confrontation between the protesters and the CISF personnel or to discuss the issue with NHPC authorities or CISF," the report says.

"As such he is also responsible for the mishap which could have been avoided, had he taken a timely decision in this behalf," it adds.

The report says that that the people protesting in the area were peaceful and allowed Army /BSF/ police vehicles as well as ambulances to ply normally.

The inquiry has virtually put a question mark on police investigation as they have charged five CISF personnel under sections 304 and 308 RPC and not under 302 RPC (murder).

As per the charge-sheet, one of the personnel has been charged under section 304 RPC, the remaining four have been charged under section 308 RPC.

The copy of the inquiry report was provided by Jammu and Kashmir Government in response to an RTI application by Irfan Hafiz Lone, prominent RTI activist of the Valley, vice-president of Baramulla Bar Association and president of People Against Corruption.

AI TOOK NOTE OF TEENAGER'S DETENTION ISSUES URGENT ACTION

The Amnesty International issued an urgent action urging the release of a PSA detainee Mushtaq Saleem Beigh who has been detained without trial in Jammu & Kashmir, following a grenade attack on the town police station on 19 May.

The Amnesty statement read Mushtaq Saleem Beigh's family claims that he is 17 years old, but does not have any proof of his age. They say they are trying to get proof from his school records. According to the family, he stopped going to school a few years ago, and has since been working as a mason to support his family.

Amnesty quoting Mushtaq Saleem Beigh's family wrote the state police's Special Operations Group (SOG) took him and his uncle to an SOG camp for interrogation following a grenade attack on 19 May on a local police station in Sopore town, Jammu & Kashmir, in which nine people were injured. They released his uncle the next morning, but held Mushtaq Saleem Beigh for 12 days. They later moved him to Sopore police station where he was detained for a further 15 days. He was later produced in a local court and transferred to Baramulla sub-jail.

"On 2 June, police announced that Mushtaq Saleem Beigh, along with Ishfaq Shafi Kana, another resident of Sopore, were arrested for their alleged involvement in the grenade attack. However, Mushtaq Saleem Beigh's family has not been allowed to see the first information report or formal charge-sheet. Fearing that he may have been detained illegally, on 28 June, the family entered a petition in the Sopore court seeking his release on bail.

Following this, the court ordered the police to file a report stating the reasons for his arrest. However, no such report has been filed so far," Amnesty statement said.

The urgent action further said, Mushtaq Saleem Beigh's father, Mushtaq Ahmad Beigh, has said that when he went to Sopore police station and sought documents including a copy of the report, he was detained there for two days and physically assaulted. The family was able to meet with Mushtaq Ahmad Beigh at the police station and at the Baramulla sub-jail. They have said that he was tortured at the police station and the SOG camp in an attempt to force him to confess to his involvement in the grenade attack, and hence he was unable to walk when they met him.

The Amnesty put few points in its urgent action:

- a) Demanding that the state authorities immediately end the detention of Mushtaq Saleem Beigh unless he is being held on charges of a recognizably criminal offence;
- b) Urging that if he is to be held on charges of a recognizably criminal offence, and if he is under 18 years old, he be afforded all fair trial guarantees set out in international law and specifically the UN Convention on the Rights of the Child, ratified by India.
- c) Urging that the state authorities investigate allegations of his torture and other ill-treatment in custody and ensure that, in the meantime, he has access to adequate medical treatment in jail

Amnesty International has been campaigning for the repeal of the PSA. Amendments to the PSA, passed by the Jammu and Kashmir state assembly on 5 April 2012 disallowing detention of those below 18 years of age and reducing the period

POLICE DIDN'T COOPERATE WITH COMMISSION OF INQUIRY FORMED IN 2007

GOVT SET UP PROBE INTO 5 CUSTODY DEATHS, WOUND IT UP QUIETLY

July 8: The inquiry commission set up by the state government in 2007 to investigate the role of police and army in alleged custodial deaths in the state was closed by the government in 2008 on the recommendation of the police.

The documents furnished by the Department of Law through an RTI application reveal that the government on April 2, 2007 appointed an inquiry commission headed by Justice (retired) M L Koul to investigate five different cases of custodial deaths allegedly by police and army.

But the documents reveal that the commission was closed on December 31, 2008 on the basis of a letter addressed by the office of Director General of Police to Law Department.

"It appears and is construed that the term of the commission in the wisdom of the government has been ceased on the basis of letter addressed by the Director General of Police to Law Department vide his No. HRC-4-2007 dated 16.10.2008," states the commission's report.

DGP in his letter has stated that out of five cases being investigated by the commission three are under police investigation and two are *sub-judice*. "Therefore no formal opinion could be formulated and furnished by the commission to the government," reads the letter.

While the letter doesn't directly seek the closure of the investigation, it urges the commission to take "appropriate decision with regard to continuation or otherwise of the commission of inquiry—under intimation to the (police) headquarters."

The commission's report reveals that the police didn't cooperate in the investigation of five cases. "The commission with great endurance and effort was seeking the report with regard to these five complaints from DGP with up to date action. But no positive report about these cases was received by the commission," the report states, adding that the government also did not extend the tenure of the commission despite repeated requests and reminders.

ARMY ENFORCES SHUTDOWN IN PAMPORE

July 09: The shopkeepers of Kadlabal area in Pampore have alleged that after recent killing of army men in a militant attack in the area, troops have been enforcing shutdown in the market and even not allowing medical shops to open.

The locals alleged that 50 RR personnel have increased patrolling in the market after July 7 militant

of detention from two years to six months, came into effect on 18 April 2012. The Jammu and Kashmir authorities have claimed that no children are being detained in the state.

"The tenure of the commission was not extended beyond June 6, 2008 and in that way the work of the commission remained in suspended animation till December 29, 2008 when its term was extended for a day till December 30, 2008," the report states.

The government later declared that the commission shall cease to exist from December 31, 2008 in terms of section B of the Jammu and Kashmir Commission of inquiry Act, 1962, the report says.

However, the government in its reply says that it ordered "to cease the existence of commission" after it found that the report submitted by the commission on December 30, 2012 did not reveal anything substantial.

Unaccounted Murders

The five cases to be investigated included that of Zahoor Ahmad Sofi of Brar, Bandipora, who was picked up by Special Task Force personnel from his residence on August 26, 2006 and on September 9, 2006 his body was handed over to his family by police station Bandipora. On the orders of Home Department on January 12, 2007, a case under section 302 RPC was registered in police station Bandipora against the officers of SOG camp Kaloosa and investigation is going on.

Aashiq Hussain of Pir Bagh, Srinagar, was held by soldiers of 20 Grenadiers regiment camped at Gariend Khurd, Budgam on May 24 2005; his whereabouts are still known. The case against the army officer was registered at police Station Budgam on the directions of High Court.

Munshi Khan of Poonch was killed by soldiers of 17 RR on April 19, 2001. FIR against the army officers at police station Poonch was lodged on the direction of court.

Farooq Ahmad of Inderbugh, Kupwara was picked up by army on August 8, 2003 and allegedly killed in custody. The case is lodged at police Station Rainawari, Srinagar.

Abdul Rehman Padder was killed in fake encounter. The case is registered at police station Batamaloo and is *sub judice*.

attack in which one army man was killed and another injured.

They said the army men have warned shopkeepers of dire consequences in case they open shops and commercial establishments.

"The army men have told us that we must observe the customary four day mourning for the

deceased Army man as we do for our family members," said a shopkeeper from the area.

Another shopkeeper, pleading anonymity, said there is fear psychosis among the people and nobody wants to be beaten by army men. "We have been forced to follow the army diktat," he said.

The shopkeepers said even though police intervened and asked Army to clear the market place, they still don't feel safe because army men even warned them today of dire consequences if they opened the shops.

"I was there for two and a half hours today. After asking army men to leave the marketplace, I tried to convince the shopkeepers to open their establishments. However, they were not ready to do

ANTI-ARMY PROTESTS ROCK RAJWARA

July 15: Hundreds of people in Rajwar area of Handwara staged protest demonstrations against Army after soldiers allegedly beat up civilians without any provocation, a charge denied by the Army.

Locals said that at around 1:30 pm soldiers of 21-RR Army caught hold of several youth who were working in fields and grazing their cattle. "Army men swooped on us and beat us ruthlessly, without any provocation," said one of the victims.

"Three teenage boys Manzoor Ahmad Khan, Muhammad Arif Khan and Manzoor Ahmad were beaten severely. They were grazing cattle when the soldiers thrashed, dragged and beat them ruthlessly. We had to hospitalize them," said the locals.

As the word about the incident spread locals staged a sit-in at Handwara-Wadar road for many

CRPF BEING ARMED WITH ISRAELI-MADE X 95 RIFLES

July 23: To increase capability of its men to fight militancy, CRPF is being equipped with new sophisticated Israeli-made X 95 assault rifles in Jammu and Kashmir.

"X 95 rifles have been inducted in the force," CRPF spokesman Sudhir Kumar said.

He said the new weapon can give them "upper hand" in any form of combat operation.

"We would be steadily replacing X 95 rifles with ones we already have. We are inducting these rifles from past many months into our battalions. You might have seen our boys carrying X 95 guns while patrolling or during ant-militancy operations" Kumar told Rising Kashmir.

He said the gun would be especially used during sensitive operations in Kashmir.

"The gun, by all sorts, is advanced weapon as it is sophisticated. It has higher shooting range and is fitted with lasers for 'bulls eye' target," Kumar said.

The X 95 gun, which weighs around 3 kilograms, is said to be a compact light weight rifle and is specially designed to fight militancy and urban warfare.

so," SHO Pampore, Rashid Akbar told Rising Kashmir.

He said safeguarding lives of people and their property was their prime concern. "I will make sure that the establishments open tomorrow and normalcy returns to the busy Kadlbal market".

However, army has denied the allegations.

"I have been personally monitoring the situation and I am ensuring that ethos of our modus operandi are not compromised with. Whenever an operation is launched, it is being ensured that civilians don't suffer," General Officer Commanding (GOC) Victor Force R R Nimbhorkar.

He said after July 7 militant attack, army patrolling in the area has been increased. "This may be the reason of the panic.

hours. They were demanding that erring soldiers should be punished. Police reached on the spot and pacified the protesters.

"There was an altercation between soldiers and local youth after the youth were asked to stay clear of army compound as mines could be laid there", said Brigadier A. Arun of Sector 7 Rashtriya Rifles. "However the allegations of beating up youth are baseless", he added.

Meanwhile, a top police officer in Handwara on conditions of anonymity revealed to KNS that the civil administration of Handwara and Kupwara didn't cooperate with police after the incident. "Not a single officer visited the spot," he said. KNS

The rifle can be fired by one hand and is portable to be carried anywhere in plains or mountain warfare. The rifle can fire 237 rounds continuously.

The X 95 rifle, which is the stand weapon of Israeli Defence forces, incorporates advanced technology that allows interchangeability from 5.56mm ammunition to 9mm ammunition. This allows the fighter to use the same weapon for wide use.

Another quality of the weapon is that it can be used after being submerged in the water even if the rifle is not completely dry.

The rifle can be easily used from left hand to right hand and vice versa and costs around Rs two lakh a piece.

CRPF spokesman Sudhir Kumar said they are training their men to use the weapon. "We have sent our men outside to get trained in handling of the weapon".

He said CRPF is being modernized and new armoury, apart from weapons, is being used by the force.

"Now we are also looking for light weight bullet proof jackets to induct in the force," Kumar said.

Earlier, the CRPF men were equipped with X 95 weapons in Maoist-affected areas. More than 1100 rifles were distributed among the CRPF men - who

were specially trained by Israeli trainers to use the weapon.

In late 2002, India had signed an INR 880 million (about USD 17.7 million) deal with Israel military industries for acquiring weapons 3,070 micro Tavor X 95 assault rifles. These weapons are to be issued by India's Special Forces.

MILITARIZATION

➤ PROTESTS IN SOPORE AGAINST ARMY'S 'OCCUPATION OF PLAYGROUND'

July 10: Accusing the army of illegally occupying the playground of a government school, scores of youth took to streets in Mazbug area of Sopore town in this north Kashmir district.

The youth, who staged a protest demonstration on the Sopore-Rafiabad road, alleged that Army's 22 RR had illegally occupied the 50 kanal playground of Government Middle School Mazbug a month ago and also restricted access to locals.

"The playground belongs to the Government Middle School Mazbug and we are using it from decades. But a month ago, the army personnel belonging to nearby camp of 22 RR illegally occupied it," said Manzoor Ahmad, a protesting youth.

"From past many years, besides local sportsmen, army was also using this play ground as helipad and sometimes for sports activities. But a month ago, they restricted the access to locals and now they have also started to fence it," said another youth", Sajad Ahmad.

OFFICIAL STATEMENTS

➤ GOVERNMENT PUTS CONFLICT CASUALTY FIGURE AT 43000

DECEASED INCLUDE 16000 CIVILIANS, 21449 MILITANTS

July 3: While unofficial militancy-era death count in Jammu and Kashmir is stated to be around one lakh fatalities, official figures put the death count during past 22 years of turmoil at 43000 including 16000 civilians. Among the 16000 civilians, according to official data, 3600 fell to the bullets of the central and state forces.

As per the data furnished by the state's Home Department to the State Human Rights Commission (SHRC), 43000 persons including 16000 civilians lost their lives in the armed conflict between 1990 and May 2012. The state government has admitted that 3600 civilians have fallen prey to bullets of the central and state forces in the last 22 years.

The statement submitted by the government to SHRC states that 3655 civilians were killed while maintaining Law & Order (civilians killed in incidents not related to militancy). And the figure of civilians killed in "militant violence" has been put at around 13246.

The government claims that 21449 militants were killed in the state during past two decades, while the number of forces personnel (who died here) has been put at 5396.

The deceased forces personnel include 3866 from Army and paramilitary forces personnel, 922 police personnel, 477 Special Police Officers (SPOs) and 131 Village Defence Committee (VDC) men.

The government figures contradict the figures of the separatists and the human rights groups who have been repeatedly claiming that more than one lakh people of Kashmir have died in the conflict, since 1990. However, no extensive survey throughout the state has been conducted by government or any

other non-governmental group so far to assess the real number of casualties in 22 years.

INJURED

The figures reveal that 34000 persons have been wounded in the conflict.

According to government version, 22088 civilians have received non-fatal injuries and 12947 Army/paramilitary forces personnel were also injured.

The reply states that 10324 troopers and paramilitary forces personnel, 2106 cops, 462 SPOs and 55 VDC men were injured during the turmoil.

ARRESTED

The government claims that 21655 militants were arrested in two decades in the state.

WEAPON AND AMMUNITION SEIZURE

The state government claims to have recovered 30752 AK 47/56/74 rifles in the state since 1990. While as many as 11431 revolvers, 1027 UMGs and 79 Carbines were recovered and at least 2262 RPGs have also been recovered, according to the official documents. As many as 69 GPMGs, 219 LMG/SLRs, 295 three-not-three (303) rifles, 391 Sniper Rifles and 2831 Rocket Boosters have been recovered since '90.

The official documents reveal that at least 70071 magazines of AK 47/56/74 Rifles, 11055 pistol/revolver magazines, 1321 UMG magazines, 150 LMG/SLR magazines, 31 Carbine magazines and 32 Telescope Rifle magazines have also been recovered.

The documents reveal that ammunition of AK 47/56/74 rifles worth Rs 39.39 lakh while ammunition of pistols/revolvers worth Rs 22060 has been recovered. The documents reveal that ammunition of UMGs worth Rs 127905, ammunition of Sniper Rifles worth Rs 46367, ammunition of three-not-three 303 Rifles worth Rs 8530, belted

ammunition of worth Rs 122464 has been also recovered.

The state government further claims to have recovered at least 12938 kilograms of RDX and 32072 kilograms of other explosives. It states that as many as 6071 IEDs, 63335 grenades/hand grenades, 7567 electronic detonators and 61689 P detonators have also been recovered.

➤ **NO TROOP REDUCTION IN JAMMU AND KASHMIR: ARMY**

July 9: Observing that security situation has improved in Jammu and Kashmir, Army said there was no move to reduce the number of troops deployed in the state as it might lead to problems for security forces engaged in counter terrorist operations for over two decades.

"No, there is no such proposal... We have to carry on the pressure on terrorists. If you let anything loose, then we may have problems," a senior Army official said when asked if there was any proposal for 'thinning' troop presence in Jammu and Kashmir in view of the improved security situation there.

They said the situation has improved considerably in the state but it had not reached a situation where such a move can be made by the government.

➤ **300 MILITANTS ACTIVE IN KASHMIR: ARMY**

July 17: The Indian Army said there was an increase in the number of active militants in Jammu and Kashmir, pegging the militant number at around 280-300, more than 100% jump from the figure of 119 in 2011.

"Still 280-300 militants are active in Kashmir. Though militancy related incidents are taking place, but the overall situation is stable," said 15 Corps General Officer Commanding Lt General Om Prakash in Srinagar to the media.

The army officer, however, said compared to year 2000, militancy has come down. "In 2000, security forces had gunned down two thousand militants in one year alone.

➤ **KASHMIRI YOUTH TO GET SPECIAL CERTIFICATES FOR SAFE STAY OUTSIDE JK: UNION MINISTER**

July 23: Special certificates would be provided to the youth of Jammu and Kashmir for their safe accommodation outside the state, said Union Minister for Rural Development, Jairam Ramesh.

The announcement comes in the backdrop of the reports about denial of accommodation and other forms of harassment faced by Kashmir youth outside J&K.

Ramesh was addressing a training-cum-placement letters presenting programme under 'Himayat project' at Jammu and Kashmir Entrepreneurship Development Institute (JKEDI) complex at Pamore.

Expressing his concern over the accommodation problems faced by the youth of the state in different parts of India, Ramesh said, "It is very unfortunate that youth of J&K are being looked upon with suspicion and face accommodation problems outside the state. Special certificates will be given to them for their safe accommodation in every part of India."

➤ **6,000 BLACKLISTED ISSUED PASSPORTS: CM**
July 27: The government said that Passports were issued to six thousand blacklisted persons this year.

Chief Minister Omar Abdullah disclosed at the inauguration of a Passport Seva Kendra, Srinagar here that the office has cleared 50,000 passports during 2011-12.

"We have also cleared 6000 cases this year which were placed in black list. Passport clearance was also given to 2700 Hajj pilgrims," Omar said.

The government has maintained a list of reportedly 70,000 persons and barred them from receiving passports for their direct or indirect, real or perceived links with militants.

The Chief Minister said that the number of passport seekers was increasing year after year. He said his government has taken various measures to fast track the security clearance for issuance of passports by the CID of the police.

Omar said the government was considering possibility of bringing passport clearance by CID within the purview of Public Service Guarantee Act to make delivery of this service time bound.

External Affairs Minister S M Krishna who was here to inaugurate this new facility said that security concerns remain the prime cause for the delay in issuing Passports.

"We can't take too many liberties to issue passports without proper verification with intelligence inputs are inevitable and to speed up the service we are connecting Passport office with police station through a digital network," Krishna said.

➤ **REDUCE "VISIBILITY" OF TROOPS IN J&K: ANTONY**

July 28: Reviewing the security situation in Jammu & Kashmir, Union Defence Minister A. K. Antony said the "visibility" of troops should be reduced as much as possible in the State without compromising efficacy.

He also asked security forces and intelligence agencies to enhance their coordination to thwart enemy attempts to disturb peace in the border State.

Addressing a joint security review meeting, the Defence Minister said: "Efforts should be made to reduce the visibility of the armed forces as much as possible without compromising efficacy."

Cautioning the security forces, he also said: "In a democratic set-up like ours, there can be no justification for violation of human rights". - PTI

DATE	TROOPERS	MILITANTS	CIVILIANS	OTHER
July 01	-	-	-	-
July 02	-	-	-	-
July 03	2	-	-	-
July 04	-	-	-	-
July 05	-	3	-	-
July 06	-	2	-	-
July 07	1	-	-	-
July 08	-	-	1	-
July 09	-	-	-	-
July 10	-	1	-	-
July 11	-	-	-	-
July 12	-	-	-	-
July 13	-	-	-	-
July 14	-	-	-	-
July 15	-	-	-	-
July 16	-	-	-	-
July 17	-	-	-	-
July 18	-	-	-	-
July 19	-	-	-	-
July 20	-	-	-	-
July 21	-	-	-	-
July 22	-	-	-	-
July 23	-	-	-	-
July 24	-	-	-	-
July 25	-	-	1	-
July 26	-	-	-	-
July 27	-	-	-	-
July 28	-	-	-	-
July 29	-	-	-	-
July 30	-	-	-	-
July 31	-	-	1	-
TOTAL	3	6	3	0
IN TOTO			13 killings	

CHRONOLOGY OF INCIDENT JULY 2012

July 01: No incident of violence has been reported from any part of the state.

July 02: No incident of violence has been reported from any part of the state

July 03: Two police cops were shot dead in separate militancy incidents in busy markets of Pulwama and Kulgam districts. Police said that the two constables, Dalbir Singh of Chandoosa Baramulla and Mukhtar Ahmad Bhat of Dialgam Islamabad (Anantnag), were killed when some unidentified gunmen, suspected to be militants, shot at them at close range while the duo was on duty. In a separate incident, soldiers allegedly shot at and injured a youth in Zachaldara area of north Kashmir's Kupwara district. The residents told media that soldiers of 21 RR, who were patrolling Zachaldara in Handwara, fired upon Bilal Ahmad Magray, 22, son of Sanaullah Magray on the evening of July 3.

July 04: As many as 12 persons were reportedly injured when clashes broke out between protesters and police in Zacaldara, Handwara over an incident on July 3 in which a youth was shot at by army allegedly without any provocation.

July 05: Army claimed they had killed three militants whose identities were not ascertained during a gunfight in Nowgam and Zachaldara areas of Handwara in Kupwara district of north Kashmir

July 06: Army claimed that they have killed two more unidentified militants in Nowgam and Zachaldara areas of Handwara in Kupwara district in an encounter which continued for two days. On July 5, army

had made a statement claimed killing of three militants. None of the militants killed had been identified by the army. Army further said, in the encounter 4 of its soldiers and a police man received injuries.

July 07: Militants attacked Army's Corridor Protection Party (CPP) on Srinagar-Jammu highway near saffron town Pampore killing a Rashtriya Rifles (RR) soldier on the spot and injuring another.

July 08: A 40-year old man was killed and his wife sustained critical injuries when an artillery shell exploded in their makeshift shelter at Tosamaidan in Khag (Budgam) in central Kashmir, officials said. The deceased has been identified as Ali Muhammad Khan son of Sulla Khan and wife Zeba sustained critical injuries in the explosion.

July 09: No incident of violence has been reported from any part of the state.

June 10: A senior commander of the Hizbul Mujahideen killed in a gun fight army and police in central Kashmir's Ganderbal district, police said. The deceased militant was identified as, Ghulam Nabi War alias 'Jangi', a district commander of the Hizb. In a separate incident, unknown persons hurled a hand grenade towards the CRPF bunker of 179 BN near Town Hall Sopore. The grenade exploded with a loud bang. However no one was injured in the incident.

July 11: No incident of violence has been reported from any part of the state.

July 12: No incident of violence has been reported from any part of the state.

July 13: No incident of violence has been reported from any part of the state.

July 14: No incident of violence has been reported from any part of the state.

July 15: No incident of violence has been reported from any part of the state.

July 16: No incident of violence has been reported from any part of the state.

July 17: An unidentified militant was killed in a gunfight with forces in frontier district of Kupwara, police said. A police officer said a joint party of Army's 21-RR and police cordoned off Budshingi forest area near Zachaldara and launched searches. "Militants present there opened fire on the search party which was retaliated triggering an encounter in which an unidentified militant was killed," the officer said.

July 18: Suspected militants fired a rifle grenade towards the civil secretariat Srinagar, the seat of government. Police said the grenade landed inside the premises. However, it did not explode.

July 19: No incident of violence has been reported from any part of the state.

July 20: No incident of violence has been reported from any part of the state.

July 21: No incident of violence has been reported from any part of the state.

July 22: No incident of violence has been reported from any part of the state.

July 23: One person was injured when army personnel of 9 Para opened fire in Lashkoot forest in Bandipora. The injured man was identified as Muhammad Anwar Tas, 32, son of Naik Ali of Malangam.

July 24: No incident of violence has been reported from any part of the state.

July 25: Army soldiers of 27 RR gunned down a person whom people claimed was a civilian not a militant as claimed by the army. Residents of Aloosa and Ashtangoo told media that they heard heavy firing in the Sahil Halmathpoa forest last night. The residents said that a civilian Hilal Ahmed Dar S/o Ghulam Mohiuddin Dar of Aloosa was killed in the firing. Police said that they have recovered an identity card from the pocket of the deceased named as Hilal Ahmed Dar son of Ghulam Mohiuddin Dar of Aloosa.

July 26: As many as 30 persons including 21 police and CRPF personnel were injured in clashes between police and protesters at Bandipora against the killing of youth, whom people alleged was killed in custody.

July 27: As many as 30 persons were injured in clashes between youth, who were protesting against killing by army, and CRPF and police in Bandipora in north Kashmir.

July 28: No incident of violence has been reported from any part of the state.

July 29: Suspected militants shot at a man Mohammad Rafi Malla at Pahalpora, Shopian while coming out of Masjid after offering prayers. In a separate incident a *Sarpanch* escaped a life bid when attacked by unknown gunmen at Kanispora in Baramulla district.

July 30: No incident of violence has been reported from any part of the state.

July 31: Mohammad Aaqib Bhat, 22, a water tanker driver was allegedly beaten to death by the CRPF troopers in Shopian south Kashmir after an argument. However, the CRPF denied the allegation and said he died accidentally. In separate incidents, two grenade blasts rocked Sopore in North Kashmir's Baramulla district injuring a policeman and two civilians.

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