

# The Informative Missive

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### Editorial: -

#### **ARBITRARY ISSUANCE OF PASSPORT**

Here one can understand the refusal of passport to pro-freedom politicians. The issuing of the passport is the discretion of the state. The government feels shaky and suspects their activities could be prejudicial to the security and integrity of India. Citizens have no fundamental right to leave the country according to the Indian constitution though it is contrary to article 12 of International Covenant on Civil and Political Rights (ICCPR), which ensures everyone, shall be free to leave any country including his own. But one

fails to understand the reasons of denying passport to a student for advanced studies in UK, where he has applied for his advanced course in the University at London. It is not an isolated case. The student obviously is exasperated by the rejection of his passport. The intelligence agencies have reported adversely since his brother happened to be a released militant (ironically his brother has managed the passport), though the law of land is that mere the applicant's involvement in 'subversive' activities cannot disentitle a person from obtaining the passport. In catena of judgments the superior judiciary has directed the passport authority to issue the passports. Notwithstanding, the State of Jammu and Kashmir has its own un written procedure and laws which further confirms the belief that they are being treated as subjects not citizens. Even the bona-fide passport holders while leaving India have been stopped and returned from the boarding lounges at airports. Passports have been impounded in violation of the law lead by the Supreme Court of India in the famous Menika Gandhi Case, without issuing of showcase notice. Human rights defenders treated as dissidents have been prevented from proceeding to Geneva and other international conferences.

In the era of globalization when the concept of the borders is changing and people are visiting different countries but in the state of J&K particularly in the Kashmir 80% of population have their relatives in Pakistan and are eager to meet them, other 20% are students, professionals, politicians etc. people applying for the passport have to undergo a cumbersome process to get the clearance of verification from three different intelligence agencies; Counter Intelligence Kashmir (CIK), Special Branch Kashmir (SBK) and concerned police station. It takes four months normally to complete the process of verification and even after clearing the verification the ADIG finally verifies them. He has the powers to withhold the verification/NOC even if it has been cleared from the respective agencies. There is a direction from the Ministry of External Affairs that even after verification the passport authority has to wait for 40 days for issuing the same. After completing all the formalities and verifications, a simple adverse report can stop the issuing of passport. The community which gets passport easily is the state functionaries, army officials and their relatives. According to the statistic rarely any passport has been issued to the people living in Kupwara (majority of the cases are of those whose antecedents are being alleged to have been involved in militancy). The statistics further reveal that in the state of J&K Srinagar office has issued 9995 passports as compared to 10143 to Jammu in year 2002. Nevertheless, the population of Srinagar is higher and the numbers of applicant are higher because of their relation in Pakistan administered Kashmir. Increase in percentage of passports were issued in 2003 i.e. 0.85% in Srinagar. In 2004 the passports issued from January to March is almost the same (2547 in Kashmir and 2475 in Jammu). Overall the statistics proved that Srinagar and Jammu passport offices have issued lowest passports as compared to anywhere in India i.e. 42 passports per day in Srinagar.

The state of J&K is been administered by different power centers and issuing of passports is not only been issued by the Passports Act 1967. The state has the highest

number of intelligence agencies from army, police etc. The offices are influenced by these agencies so getting a passport is not a normal process. The example of the circular issued by ADIG CID to the passport authority for excluding Pakistan from international passport in the month of July 2004 is an example in this regard. The circular was buffing for the legislators also. Such powers vest only to the ministry of external affairs and police officer of secretary level has no powers. It is blatant transgression of power. Though the circular has been withdrawn after it was assailed even by the section of the bureaucracy and not only by the Human Rights defenders the fact still remains that passport has become the symbol of Indian sovereignty. The state is issuing it arbitrarily and its non-issuance is as a collective punishment to the people.

## **RESTRICTED PASSPORT: A NEW MENTAL AGONY FOR KASHMIRIS**

**October:** Shabir, (name-changed) a law graduate from Kashmir University had a lifetime chance to go to the UK to pursue his L.L.M course in Coventry University of London in Feb 2004. He was due to join the University in Feb 2005. Although he had applied for passport way back in March 2002, he had not received it by then. But after he had applied for admission he began pursuing the matter seriously. For ensuring timely entry in U.K, he had to apply for the visa at the earliest and needed to acquire it by December 04.

As the Passport office had not received his verification clearance report from the CID, he went to the CID office personally for the follow-up, but it availed no positive results. However, Shabir came to know that the CID had found 'something adverse' in his report and hence had not forwarded his clearance report to the passport office. However, Shabir did not give up. He was successful in persuading the CID officials of his non-involvement in any 'unlawful activities'. As also he had got admission in the University in U.K, his case was re-opened.

**A person can be denied a travel document if he has any 'adverse report' against him/her. If there is nothing as such he/she has a right to get a full-fledged passport and not a restricted one. There is no basis on which the passport can be denied. The experts say that such an action can warrant legal action by the applicants. "They pay to get the passport, and the passport office is a service provider," says a legal expert.**

Finally the CID office sent the clearance to the passport office to issue a 'specific passport valid only for UK' in Shabir's favour. Thus Shabir received a letter from the

passport office directing him to meet the passport officer in person. The passport officer Mr. Shilchy told Shabir, that he could issue a passport to him only on the condition that he won't claim for a full-fledged passport. Shabir although agreed to this, but was apprehensive of the fact, that whether a visa would be issued on such a 'specific passport'. Therefore he again visited the CID office and tried to reason his concerns with the officials. But he was dodged all the time and had to visit various intelligence agencies like the SBK. He also had to continuously shuttle between Jammu and Srinagar, as the Intelligence offices had shifted to Jammu due to Darbar move. Failing in his efforts Shabir decided to accept the passport with the 'specific U.K tag' and try for the visa. Therefore, he again visited the passport officer for issuing the passport, but this time Officer Shilchy refused to oblige, on the pretext that it will cause problems for the department and therefore such passport would be sent to the External Affairs Ministry. Since then, Shabir has given up the hope for joining Coventry University. He is not even optimistic about getting the passport at all. He is back in Court practicing law. However the irony is that Shabir's brother who was earlier distantly related to militancy had been granted passport, while Shabir on this pretext was refused to. This speaks of the inefficiency of the passport department.

Such instructions are viewed as methods of curbing the freedom to move and travel abroad. According to the Passport's Act of 1967, two classes of passport may be issued to all the citizens of the India i.e. ordinary passport and official passport except for those coming under any one or more grounds set in S.6 (2). Further the Act confers the Passport authority to record reasons if it refuses to grant Passport. Under this act sec 6(3) states, "where the grant of passport was refused on ground that person applying for passport had bad antecedents because criminal cases filed against him and that he was a nexalite activist, however in most of the criminal cases filed against him, he was acquitted and there was no material to show that he was a nexalite activist, refusal of passport to him was not justified. In Kupwara district of Kashmir, which has the lowest number of passports, issued, majority of the cases are of those whose antecedents are being alleged to have been involved in subversive activities.

According to the Passports Act, any one who is not a citizen of India, is involved in activities prejudicial to the sovereignty and integrity of India, whose departure from the country is likely to be detrimental to the security of India, can prejudice the friendly relations with any foreign country, that the applicant has been convicted by the court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years, that proceedings against the criminal case are pending, that a warrant for court summon or arrest has been issued, that the applicant has been repatriated and has not reimbursed the expenditure incurred with such repatriation and that in the opinion of the Central government the issue of passport or any travel document is not in the public interest, may not be issued passport. But for Shabir's case nothing holds true and delaying the issuance of passport seems a means to harassment.

In a normal routine passports are issued only after verification from three branches of

police i.e. Counter Intelligence Kashmir (CIK), Special Branch Kashmir (SBK) and concerned police station. This process takes about 4 months before verification by the Additional Director General of Police (ADIG). However, it's upon the discretion of the ADIG to either withhold the passport or issue it. Further ADIG may wait upto 30-35 days for verification or clearance from the External Affairs Minister. In many cases passports have been withheld without any reason.

In any other state in India, passports are issued within 40-45 days. Recently, ADIG, Ashok Bhan issued a circular stating to issue passport to all places except for Pakistan. However in Kashmir, nearly 80% of the population is eager to go to Pakistan to meet their relatives and close one who had been separated. Non-issuance of passport to the members of the divided families has caused lot of dejection coinciding with a time when Srinagar - Muzaffarabad road open talks are at much hype. In Kashmir, Kupwara has lowest number of passport issued. Further there are many incidences when people have been denied of passports on false pretexts. According to a statement showing the output of percentage passports issued per year, for 2003 it was 0.85 i.e. the lowest no of passport issued in the country against the need as compared to any other state in India.

However of and on this act has been violated in Kashmir. Issuance of restricted travel documents to Kashmiris not only aims at curbing the free movement but a means of undue harassment. An important example could be of the passports issued after 1st Aug 2004, which carries a new info line: 'This passport is valid for all countries except for Pakistan'.

This action has also bemused the activist and citizens alike as they have come after the latest dialogue process and promotion of people to people contact. Also the Mufti Govt. is trumpeting the slogan of re-opening of the Srinagar - Muzaffarabad road running over the LOC.

The new condition has created problems for the Passport office in Srinagar too, with disappointed persons continuously pouring in with queries. The Passport officer clearly saves his department from any blame in the matter. "The CID verification certificate which is necessary to issue the passport has such directions for the particular person", says the Passport officer.

A local newspaper views the step as a deliberate one to stop the Kashmiri youth from availing study opportunities in Pakistan under SAARC programme. Further, it explains the move as an attempt to prevent the viewpoint of Kashmiris being heard outside.

Dismissing the move as unwarranted and illegal, the law experts say that counter intelligence department (CID) is not the authority to issue such directions at their own discretion. It is the Foreign Affairs Ministry, which can deliberate upon such issue

**TORTURE TURNS YOUTH INTO AN INSANE PERSON**

Gulzar Ahmad Khan is an insane person today. His condition is a direct consequence of the ongoing conflict in J&K. At a tender-age of 16, in the early March 1990, he crossed over the Line of Actual Control (LOC) for acquiring arms training. On his return three months later in June, he remained an active cadre of Jammu and Kashmir Liberation front (JKLF), until his arrest in August 1990 at Gunz Khod Alikadal by the army. He was kept at Harinawas (Joint Interrogation Centre) for a fortnight and thereafter booked under Public Safety Act (PSA) for two years. He was shifted to Kot Bhalwal jail Jammu for one and a half year.

“My son crossed the LOC in euphoric times; when people welcomed the armed youth with garlands. However, it was not easy for us as after his arrest he was tortured continuously. We were allowed to meet Gulzar only once in Kot Bhalwal jail and that too through prison bars. Nothing was allowed for the inmates not even a toothpaste or soap”, recalls his mother while talking to The Informative Missive.

Gulzar got released in 1992, after serving the detention period. The ground situation in the valley had not changed. On the other hand, the atrocities of the state security agencies had increased with operation ‘catch and kill’ at its zenith.

**Describing the circumstances, which led to Gulzar’s complete insanity his mother says, “He was hit with a gun butt on his back head by the then S.P Sahai. Since then, Gulzar began to loose his mental balance. Gradually, the events had their say on Gulzar’s psyche and he began to show signs of anxiety and depression. He preferred to stay indoors and suffered from fear psychosis”.**

“Each time there was a crackdown in the Shaheed Gunj locality, the ‘cats’ identified Gulzar and segregated him from the rest. He was always inquired of his past association with the JKLF, and looked upon with suspicion by the officers and soldiers alike”, says his mother Raja Begum.

It was the same time that Rajesh pilot the then minister offered Gulzar job in Bangalore and bank loan assistance to start his own business. But Gulzar still emotionally attached with the ongoing struggle refused to part with it, nor did his family agreed to betray their patriotic conscience.

Thereafter, Gulzar was often arrested and landed in makeshift centers and camps where he was tortured like others and was released after the officers satisfied themselves

checking his release order and other papers. “He was not even spared when he moved out of the locality. He was stopped at security bunkers all around the city for questioning”, says his aunt Shameema.

Gulzar was asked by the then SP to report each day to the DIG office Srinagar. In a routine visit to the camp, Sahai arrested Gulzar and tortured him severely for three days in Kothi Bagh police station. Adding further she said, “Soon after his release from the police custody, we got him examined by late Dr. Beigh (a renowned psychiatrist) and was under his supervision. In 1993 for his aggressive and abnormal behavior Gulzar was admitted in the mental hospital for six months. However, instead of improving, he became violent and drug addict. Nowadays, he is under the supervision of Dr. Hameed-ullah Shah, and on his advice we admit him in psychiatric hospital, when he becomes violent and uncontrollable”.

For his mere survival, Gulzar depends on steroids. It costs approximately Rs. 3000 per month and a good diet to resist the effect of the medicines. But, with only one earning brother, it becomes difficult for his family to manage.

Seeing his young and joyful son, shrink to the corner of a small room, Gulzar’s father who initially showed signs of depression now seem to follow Gulzar’s footprint. He has turn abnormal and irritating. For his short temperedness, one could often hear his screams as he shouts at his family members without reason.

What hurts Gulzar’s mother most is his conspicuous absence from home especially on important occasions like Eid this year, when he was in the mental asylum due to the severity in his mental condition. However, the positive part of the story is Gulzar himself. When inquired about his health, the neatly dressed Gulzar, who has by now reached early thirties replies, “I am all right now”, flanking a cigarette in his left hand.

## **VERBAL DUEL WITH STF LEAVES A VILLAGER BRUTALLY TORTURED**

**October 15:** On pretext of a verbal duel with Special Task Force (STF) personnel, a person identified as Mukhtar Ahmad Ganai, 24, s/o Late Muhammad Maqbool Ganai was allegedly tortured after being taken from his residence at Sadrakote Sumbal on October 14.

According to The Informative Missive team that visited the family revealed that on October 14, at 10:00 pm in the night, S.T.F personnel of Safapora camp lead by Station House Officer, Farooq Ahmad raided the house of Mukhtar Ahmad Ganai. All the inmates of the household were made to go for an identification parade. After identification, they took Mukhtar Ahmad along with them. On the intervention of the family members, the S. H.O identified himself as Farooq Ahmad posted at S.T.F camp Safapora.

Farooq Ahmad said that they wanted to search the shop of Mukthar located at Sadrakot road and for this reason they were taking Mukthar along with them. However, he was instead taken to the Safapora camp. The next morning the family members went to the Police Station Safapora and filed a report there. The S.H.O Safapora accompanied the family to the S.T.F camp Safapora and from there to the S.T.F camp Ganderbal. At the Ganderbal camp, it was found that Mukthar had been kept there. He had been allegedly tortured brutally for the whole night. Thereafter, he was released.

**Talking to *The Informative Missive* Mukthar incensed, “As they tortured me brutally, I kept asking for the reason which they ignored. Later I was asked by the Special task force D.S.P, if I had a personal rivalry with somebody or if I had an affair with a girl”.**

Talking to The Informative Missive Mukthar incensed, “As they tortured me brutally, I kept asking for the reason, which they ignored. Later I was asked by the STF D.S.P, if I had a personal rivalry with somebody or if I had an affair with a girl”.

Adding further he said, “I had an affair with a girl whose family might have conspired with S.T.F personnel to torture me. Also sometime back I had an argument with STF personnel. It dawned on me that this might had been the reason behind my arrest and subsequent torture.”

As Mukthar was being tortured at S.T.F camp Ganderbal, the same STF personnel came to him and mocked over his condition saying, “did you saw the result of messing up with me”.

## **RENEGADES HARASS YOUTH FORCING MIGRATION**

**October 30:** Troops of 2 Rashtriya Rifles (RR) on October 29, abducted a 12th class student during a raid at his house in Ashim Sumbal.

According to sources, Muzaffer Ahmad Shah s/o Muhammad Ameen Shah r/o Bandore Shah Mohalla Asham Sonawari was abducted by the government sponsored gunmen lead by Fayaz Ahmad Ganai of Sumbal presently residing at Sozeith Narbal aided by 2 RR of Gagerpora Narbal camp.

Talking to “The Informative Missive” Muzaffer recalled, “I was often harassed by the Ikwanis (government gunmen) and therefore migrated to Pattan in 1997, to live with my relatives. I got enrolled in a school in Pattan and studied there for six years. During the

period, Ikhwanis used to harass my other relatives in my hometown. My uncle Ghulam Mohammad Shah (a retired police inspector) and his daughter Shaheena were shot dead by the same Ikwani two years before. After six years I returned to my home as the Ikwani influence had ended and life seemed normal there".

**As soon as these people entered our house, while pretending to search they hid a Pistol and some bullets in one of the rooms. After sometime they left the house. We heaved a sigh of relief, but in short span of time they returned back and again pretended to search again. Soon they claimed to find the pistol and some bullets, which they themselves had hid in my house as if recovered from my room. They came out hurling abuses claiming that my family and I was supporting militants.**

However, in August 2004, Ikhwani Fayaz Ahmad Ganai accompanied by RR personnel forced their entry into Muzaffar's house. Day back, Fayaz had a quarrel with Muzaffar, therefore the intentions were quite clear. "As soon as these people entered our house, while pretending to search they hid a Pistol and some bullets in one of the rooms. After sometime they left the house. We heaved a sigh of relief, but in a short span of time they returned back and again pretended to search. Soon they claimed to find the pistol and some bullets, which they themselves had hid in my house as if recovered from my room. They came out hurling abuses claiming that my family and I was supporting militants. Saying this they left. After two days of this incident Fayaz came to my house and pretended to be friendly with me and often started visiting my house. He used to tell me "that RR personnel are intending to arrest me. And that it was he who was saving me from the wrath of the army", said Muzaffar.

On 24 October 2004, Fayaz accompanied by RR personnel came in Tata Sumo vehicle and abducted Muzaffar from his house. Ghulam Nabi Shah brother of Muzaffar said "After he was arrested, we searched for him continuously for fifteen days but we were not able to get even a single clue of his whereabouts. After fifteen days of persistent yet arduous efforts, the 2 RR of Gagerpora accepted that Muzaffar was in their custody but added that they had arrested him during an encounter with the militants at Chichlora and they have recovered some weapons from him as well. It was all a white lie. Muzaffar was never involved with any subversive activity or group. It was all preplanned thing aimed to involve Muzaffar into militancy". However, the family managed his release from the police station.

**GOING THROUGH A DECADE OF SUFFERING, A FAMILY WAITS**

## FOR JUSTICE

Thousands of deaths that have occurred during the conflict in Kashmir have had adverse financial ramifications on the families of the dead. In many cases the deceased was responsible for a large portion, if not all, of the family income. In order to alleviate the financial hardship of the families, the state government of Jammu and Kashmir has established a set of policies to provide financial compensation for those killed or injured, provided that there is no link between the deceased and subversive activity. While this policy of relief is well intentioned, it has proven to be ineffective in providing timely relief; the process is cumbersome and is often mired in bureaucracy. Many families have been waiting for nearly a decade to receive compensation but have not heard from the government.

In a similar case, one Wazir Muhammad Khan's family has been waiting for justice for the past decade. Neither have they received any monetary help from the government nor were they shown Wazir's face as soon after his killing he was burnt to ash by the security forces.

Talking to "The Informative Missive" Wazir's relative on anonymity said " In 1990, Wazir (40) r/o Kanchan Uri left his family in early 1990 and went to Pakistan to get arms training. But he never returned. Here his wife and three children struggled hard to somehow sustain their lives. Initially Wazir communicated with his family through letters whom he used to send to them through militants who after getting arms training would return to the valley through Uri border. But conscious about army's harassment to his family, the link ended. Aware of his worsening family condition, in 1995 he send some 1 lakh rupees and clothes for the family to his uncle Babu Khan through some militants. After receiving the money and the accessories, Babu assured the militants of sending it to Wazir's family, which infact he never did".

**Since Wazir's death, his family condition has become bad. Moving from post to pillar, the family sees no light at the end of the tunnel. Waiting for compensation, the family has suffered for a decade now in a hope of something to mitigate their endless woes.**

Since Wazir crossed over the line of control, army of and on used to harass his family and question about his presence. On 17th Sep 2002, Wazir came back from Pakistan along with three other persons. He straightway went to his uncle Babu Khan's house knowing that if he would go to his house, army quite skeptic would catch him. Staying for two days at Babu's place, on 19th Sep, Wazir asked the Babu to call her wife and children, as he

wanted to see them. However, before leaving Babu expressed his concern and asked Wazir Khan to dump all the arms and ammunition. Wazir handed over the arms to the Babu Khan.

Half-an-hour later Babu came back along with Wazir's wife and children. Wazir's wife perturbed over the condition of her children got furious with Wazir, as she had been struggling to live for all these years. This came as a shock for Wazir who had disposed off 1 lakh rupees and some clothes to them. Sensing danger, Babu send two locals Mehtabi and Sadiq Khan to call army. Wazir inquired from Babu but he remained silent. Babu's fraudulence aroused great verbal exchange. Anguish, Wazir's wife rushed back to her home.

In the meanwhile army cordoned off the whole area. Wazir asked Babu Khan for the arms he had dumped with them. But Babu refused to give them the arms. The army forced their entry into the Babu's house and caught all the militants. They were taken outside, tied to a tree and then showered with bullets killing them all on the spot. Villagers at around 1.30 pm. witnessed the whole incident Later all the bodies were burnt to ashes.

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## **ACUTE RENAL FAILURE AND PHYSICAL TORTURE (RHABDOMYOLYSIS)**

**October:** Thirty four males aged 16-40 in the period from Aug 1991 to Feb 1993 presented in acute renal failure (ARF) 3-14 days after they had been apprehended and allegedly tortured in police interrogation centers in Kashmir. This was revealed by a study conducted by Dr. G.H Malik Department of Nephrology Sher-i-Kashmir Institute of Medical Sciences (SKIMS) Srinagar that got published in Nephron- a medical journal from Switzerland in 1993.

According to the study all these cases were apparently well and active when apprehended. After apprehension the patients has allegedly been subjected in the interrogation centers to different types of physical torture including beating of the whole body by sticks, iron rods and butts of guns, repeated electric shocks, hanging upside down with ropes tied to legs and extensive beating of soles. The torture started immediately after they were apprehended and continued for many days. During this period their food and fluid intake was limited due to continued torture. They were released generally when they started symptoms like vomiting and weakness so that they could not stand on their own.

Perfectly normal individuals may sustain rhabdomyolysis as a result of prolonged violent, repetitive or exhausted physical exertion. ARF is much more likely to occur in a

healthy person with excellent renal function than in one whose muscle condition is poor. All the cases in the present study were young males in the age group of 18-28 years and apparently in good health when apprehended by the police. As these patients received very little to eat and drink during the interrogation period, dehydration could have contributed to myoglobinuric AFR.

According to the report, patients were studied in three groups. Group 1 comprised of 21 patients those with evidence of only myoglobinuria, group second of 10 patients those with both myoglobinuria and haemoglobinuria and group third comprised of 3 persons with only evidences of haemoglobinuria. From the sample of 34 patients, twenty cases were recovered and five died. All the patients were beaten on muscles of the body, in addition 13 were beaten violently on the souls, 11 were trampled over and ten had received repeated electric shocks. Besides all the patients were severely dehydrated because they were denied fluids and food during their captivity and they all presented severe acidosis.

N. Lameire and E. Vermeersch (Renal Division of the department of Internal Medicine and the department of Physiology, state university Gent and university hospital, 185 Depintelan, Gent, Belgium) raising the moral question regarding the medical practitioners when confronting with the victims of torture whether doctors should remain silent in the hope of being able to treat other victims, or should they protest publicly, call upon the authorities or alarm international organisations like Amnesty International, Human Rights Watch? Much of course will depend upon the particular circumstances, but in this case we are convinced that the authors, by drawing the attention of the nephrological community to these sad aspects of their work, have done well for medical science. At the same time, they have made it possible that these dark aspects of our human society are no longer totally hidden. Doctors who have worked and kept the records of such cases fled away the valley because of the prevailing conditions during 90's and those who remained did not pursue the study.

## **FREEDOM OF EXPRESSION CURBED**

**Doda October 26:** A stringer, reporting from Doda, for Hindustan Times has been continuously receiving ominous calls, since his report highlighting the highhandedness of 10 Rashtriya Rifles (RR), Indian Army appeared in a Indian National daily.

On 19th Oct 2004, a delegation of villagers from Dashan, Vgad, Akramabad, Koti, and Dhar called upon the Deputy Commissioner Doda and apprised him of their grievances against 10 RR. The villagers also appraised a journalist Naseer Khora, working as a stringer for a National Daily Hindustan Times of their grievance.

Talking to The Informative Missive, Naseer said, "The villagers approached me and narrated their woeful tales of daily harassment meted out to them at the hands of the 10 RR personnel, especially in the month of Ramadhan (month of fasting of Muslims). They

alleged that they were being questioned for staying out of their houses for long time, while performing Traveeh prayers- special prayers performed only in Ramadhan, held in late evening hours. As a result, the villagers were afraid to go to the mosques for performing Traveeh prayers,” On 20th Oct 2004, Naseer got the report published in the newspaper.

**Media is the fourth estate of any state and its objective is to present a situation to the audience or reader as impartially as possible. In any crisis situation, the first causality is always of the freedom of expression. In conflict zone like Kashmir where media channels and press are guarded by National Interest and gun culture, presenting of truth as objectively as possible becomes all the more important. However with considerable reported cases of curbing the freedom of expression in Kashmir, the challenges faced by the media persons cannot be ignored**

Two days later, the journalist received a telephone call from one Colonel Dinesh of 10 RR. The Colonel rebuked the journalist and questioned him regarding the report. He deplored him on the fact that Hindustan Times had published the story. The Colonel also questioned the journalist as to why he was unnecessarily reporting against the army, as it may not bore good consequences for the journalist.

Though the journalist tried his best to satisfy the Colonel by arguing the whole matter as an organizational policy but this did not pacify the anguished Colonel.

Replying to the question put forth by the colonel regarding other reporters not publicizing the issue Khora said “ I further divulged the argument by pointing to the fact that it was quite likely that other reporters too might have reported the story and that it all depends on their respective organizations whether to publish the story or not. Therefore, I cannot be held responsible for its publishing” says apprehensive Khora. Adding further he said, “I also asserted him of professional ethics and that I have been carrying reports highlighting excesses from militants’ side as well”.

Since that day, the journalist has been receiving anonymous calls often, threatening him

of dire consequences. One caller identifying himself as a Major of Delta Force also talked to Naseer on the same matter and asked for a meeting with him. But Naseer avoided meeting him for safety reasons.

Alarmed by the veiled threats the journalist reported the matter to the Jammu Bureau correspondent of Hindustan Times, Mr. Arun Joshi. He sought more details regarding the matter and Naseer obliged him accordingly. Sensing the seriousness of the matter, the President of Journalist Association Doda, called a meeting to discuss the issue. The Bhaderwah Journalist association also convened a meeting in this regard. Despite all the efforts by the concerned, the journalist is not optimistic, as he fears for his life, he argues that he is under pressure and army can do anything

## **SOG DSP BLAMED FOR KILLING RETIRED SI**

**October 28:** A Deputy Superintendent of Special Operations Group (SOG) of police who planned and carried out the murder of a retired sub-inspector of police in Poonch district in August this year and then entered into police records that Pakistan-trained militants committed the crime has been harassing the deceased family for pursuing case against him.

“P N Shan, DSP (SOG) Surankote killed my father Muhammad Bashir r/o Mastandra Surankote on the night of Aug 6. A Special Police officer (SPO) Ashiq Hussein and other person Muhammad Bashir helped him in the crime,” said Muhammad Khursheed Bhat, s/o deceased.

Khursheed said that during the Parliamentary elections in April this year his father objected to the shifting of a polling booth in Surankote by the SOG party headed by DSP, PN Shan. “Since then, DSP threatened to kill my father, which he finally did,” Khursheed said.

Khursheed said that he and his family was getting threats from SOG who according to him, are asking him to drop the murder charges against the accused and instead put the blame on militants or face the consequences. “They are trying to implicate me in a false case of killing a police constable,” Khursheed added.

Khursheed said that SOG personnel posted in Surankote have “let loose a reign of terror in the area and tales of untold atrocities abound in the place.”

“Everybody is afraid to speak and there is nobody to hear. The reason I came forward is because somebody has to take an initiative and I will fight till the killers are behind the bars,” he added. The First Information Report (no 127/4 of Aug 7) registered in Surankote police Station blames “Pakistan-trained militants” for the killing .It notes: “Pak-sponsored militants barged inside the house of the retired Sub-Inspector, Muhammad Bashir Bhat and sprayed volley of bullets on him. Later he succumbed on way to hospital. The report

further accuses Sartaj Ahmed s/o Muhammad Yousuf r/o Mastandara, tehsil Surankote, district Poonch and his associates for the killing.”

“Interestingly, police named the “killers” without talking to the family or any witness”. The family of the deceased says. When contacted, an official of Surankote police station refused to give any details. “Why should we give you the details,” said an official who identified himself as Bhundeshwar Singh, in charge officer of the station.

Sensing the intentions of the Surankote police, Khursheed registered a complaint with the State Human Rights Commission (SHRC) on 24th September. The Commission after taking cognizance of the case directed Inspector General of Police (IGP) Jammu, Additional Director General of Police CID and SSP Poonch to investigate the matter and file a report by Oct 20th. The commission has received no report from the concerned so far. “The commission considers the killing as a grave human right violation and takes serious note of it. The commission has come to know that P N Shan, DSP SOG Surankote is trying to sabotage the investigation into the alleged murder. We have communicated to the higher authorities to ensure that investigation is not hampered and the complaints are not put to any undue pressure,” Chairperson SHRC, Justice A.M Mir told. Despite the intervention of the SHRC, the family of Khursheed and the witness continue to be harassed by the SOG Surankote pressurizing them to withdraw the complaint against them from the SHRC.

Khursheed had met Director General of Police (DGP) and urged him to transfer the case to Crime Branch for investigations. However, his plea went unheeded, he said.

## **POLITICAL PRESSURE DELAYS ‘KILLING**

**October 28:** Political pressure delayed the custodial killing of a Pakistani ultra nabbed from Nai Dhangri area on Bhaderwah-Doda road on October 26 evening. A senior police official heading Doda Udampur range in a telephonic conversation with high-ranking police official unraveled this. He informed the high-ranking officer about their (police) plan to eliminate the dreaded Pakistani ultra Noor Ahmed Blouch alias Rashid Pakistani, s/o Haji Noor Hussein, r/o Chak Zahirpur Pakistan in a fake encounter at Pranu area of Bhaderwah. The militant as per plan was to be taken for ‘recovery’ there and shot dead, in a fake encounter. However, timely intervention of Power Minister, Mohammad Sharief Naiz, who is also Member Legislative Assembly (MLA) Bhaderwah, prevented the custodial killing. He reportedly rang up the senior officer heading Doda-Udampur range last night and directed him to shift the Pakistani ultra to the Joint Interrogation Centre (JIC) thus thwarting plot of the police. The same officer in a telephonic conversation with the top police official disclosed that the political pressure averted their plan of custodial killing. He, however, assured the senior officer that Rashid Pakistani would be eliminated soon after his release from JIC within next three to four days. He maintained that a plan has been prepared to convert the ‘custodial killing’ into a retaliatory action of police. He further disclosed that Rashid Pakistani will be taken to the forest belt of Pranu for

recovery of weapon and killed there. The senior police officer heading Doda- Udhampur police range also repented over the delay in fake encounter. He said that several agencies would be exposed if he remained alive.

The conversation of two top rank police officer and their plot to kill an ultra in fake encounter is an eye opener for the Human Right organizations. The dreaded Pakistani militant popularly known as Rashid Pakistani was active in Bhaderwah town for last seven years. He was elevated to the position of ‘Teshil Commander’ by Hizbul Mujahideen (HM) cadre keeping in view his tricky plan to dodge Doda police and troops. His modus operandi was such that he carried most of the attacks on the military camps and politician in Bhaderwah town. He was carrying reward of Rs. 5 lakh for his arrest. He also made a bid to attack National Conference (NC) patron Farooq Abdullah’s rally in Bhaderwah town during the last assembly elections. His plan to trigger grenade blast was foiled by the alert Special Task Force (STF) jawans then. It is worthwhile to mention here that Rashid Pakistani was provided shelter by the Over Ground Workers (OGWs) and some political activists in the town. He dodged the local police several times and was freely moving in vehicles in the township. His arrest was a prized catch for the army.

On October 26, he was riding a motorbike bearing registration number JK02G/3593 and was heading towards Doda. He saw the jawans of 4 Rashtriya Rifles carrying searches near Nai Dhangri and climbed a hillock. The army men became suspicious about his movement and caught him after a hot chase. One Chinese pistol, a pistol magazine and some rounds were recovered from his possession. He, however, tried to dodge the army by showing his identity as Bashir Ahmed. The identity card issued by Teshildar Doda on Feb.13, 2004 in the name of Mohammad Farooq Wani, r/o Shiva (Doda) was also recovered from him. The card carried photograph of Rashid Pakistani. Besides, a fake University degree was also recovered from his possession.

The survival of the Pakistani National in the Bhaderwah town raised fingers on the efficiency of the police. In order to hush up all his connections in Doda, police has knitted a plan to killed him in a fake encounter.

## **TERRITORIAL ARMY MEN RAPE 14 YEARS OLD GIRL IN LOLAB**

**October 12:** Two soldiers of Territorial Army have been accused of abducting and raping a 14-year-old girl in Kupwara – North Kashmir. Though police registered a case, the parents of the girl alleged that the army is threatening them to withdraw the complaint and has sheltered the accused.

According to sources, Zahoor Ahmed and Qayoom Bhat, soldiers of Territorial Army both residents of Khanthpora village, abducted Nigeena d/o Abdul Khaliq Sofi r/o Khanthpora in Lolab from a marriage ceremony at Abdul Rashid Sheikhs house.

“She was raped for many hours at an unknown place,” the parents of the girl said

adding Abdul Rashid Sheikh is a witness to the girl's rape.

Following a complaint by Nigeena's parents, the police station Sogam registered a case (FIR 60, 2004 under 366-367 RPC) on October 6. The accused are absconding, the police said. However, the girl's parents alleged that Zahoor Ahmed allegedly took shelter in 8 Rashtriya Rifles (RR) camp in Kulgam, while Qayoom is absconding.

Moreover, the girl's parent alleged the army of continuously harassing them and the witness. They also accused police of dilly-dallying. Superintendent of Police (SSP) Kupwara, Sunil Dutt while talking to a local daily said, "I briefed the additional SP Kupwara, he will personally look into the case."

The SSP however denied that Army was sheltering one of the accused and assured they will arrest them soon. On Oct 14, the State Human Rights Commission took suo moto cognizance of a news report about the "rape of a girl by territorial army men". A spokesman of the commission said that a notice has been issued to the Inspector General of Police, Kashmir zone to furnish a detailed report in the matter by or before October 30.

## NEWS IN BRIEF

### **\* 4 HELD IN ISLAMABAD**

**October 1:** Four persons identified as Riyaz Ahmad Teli, Mukhtar Ahmad Halwai, Tariq Ahmad Dar and Mukhtar Ahmad Sadroo were allegedly arrested by 1 RR troops at Darbari Mohalla in Bijebhara during a crack down. However, reason behind their arrest is not known.

### **\* JAWAN KILLED IN AN ACCIDENTAL FIRE**

**October 1:** A Rashtriya Rifle soldier was killed when his own service went on accidentally in Poonch district, official source said.

Sodi Ram of 39 RR, who posted at Khanetar Mendhar area, died on the spot, when a bullet hit him accidentally from his own weapon.

### **\* TROOPS TRIED TO KILL A LAWYER: BAR**

**October 2:** The J&K High Court Bar Association (HCBA) accused troops of trying to kill a lawyer, who had recently visited jails to meet detainees.

According to HCBA, "troops entered into the house of advocate Muhammad Abdullah Khanday with an intention to kill him". According to sources, the lawyer resides in a high troop concentration area with a BSF camp quite nearby. Bar further asked the govt. to desist from such "dirty tactics."

### **\* TEACHER DISAPPEARS IN CUSTODY'**

**October 3:** A teacher was allegedly subjected to enforced disappearance from Pulwama.

According to sources, Abdul Rehman Mir s/o Ghulam Rasool Mir r/o Litter Pulwama left his house on 1st October morning and since then his whereabouts are not known. The relatives have contacted various security agencies but no one has confirmed the arrest.

### **\* DETENTION QUASHED**

**October 3:** The High Court quashed detention of a cashier/clerk in Bank of India, Altaf Ahmad Mir s/o Abdul Rahim of Chanapora, Srinagar.

Court said, the detaining authority had not applied his mind while invoking the provisions of Public Safety Act (PSA). The court further held that the representation of the detainee had not reached the advisory board.

### **\* 2 COPS SHOOT SELF TO DEATH**

**Oct 4:** Two Security men in Pantha Chowk and Shopian ended their lives by firing themselves with their service rifles. Reports said, an army man of 44 Rashtriya Rifles, Mahaveer Singh fired himself with his service rifle in Choderi Gundh Shopian and died on spot. While as, a Border Security Personnel of 79 Battalion fired himself to death at Pantha Chowk. However, the cause of the suicide by the two security men is not known

### **\* GUNMEN ABDUCT SHOPKEEPER**

Unidentified Gypsy borne gunmen accompanied by a veiled woman abducted a shopkeeper Shabir Ahmed Bhat s/o Ali Muhammad Bhat r/o Natipora from Nowgam area. The reason behind his abduction is however not known.

### **\* YOUTH ARRESTED**

**October 5:** Police allegedly arrested brother of a Hurriyat activist Sajad Ahmed Bhat from his residence in Malik Angan Fathe Kadal.

Ghulam Nabi Bhat, sources said was arrested when police raided his house looking for his brother Sajad Ahmed Bhat. Sajad was recently released on bail and had gone out of the State for some business.

### **\* MILITANT'S FATHER BROTHER DISAPPEAR IN CUSTODY**

**October 9:** A father son duo disappeared in custody after security forces arrested them from Kulgam in September for having relation with a militant. The duo was identified as Gul Mohammad Wani (56) and his son Mohammad Amin Wani (25).

The relatives of the duo said, they visited various camps to trace them out but none of the security force confirmed their arrest.

### **\* SCRIBE ARRESTED**

**October 9:** Police arrested Rehmat-ullah-Khan, editor daily Rehmat and two others for allegedly collecting classified information and passing it on to some people in Pakistan.

A police spokesman identified the other two arrested persons as Sandeep alias Sonu (real name Jatinder Singh Sirohi) of UP who was working as a manager with the

newspaper and Manzoor Ahmad Wagay, a computer engineer of Kelan-Kulgam. They have been booked under Official Secret Act and Press and Publication Act.

### **\* THREE PERSONS WERE HELD**

**October 12:** Three persons Gulzar Ahmad s/o Ghulam Rasool of Anderakoot, Barkat Ali s/o Abdul Rashid of Sopur and Fayaz Ahmad of Uri were taken away by the 14 Rashtriya Rifles during a search operation at Sumbal Anderkoot.

### **\* 1 ABDUCTED**

**October 15:** Unidentified gunmen abducted Mukhtar Ahmad Ganai s/o Muhammad Maqbool Ganai from his residence at Sadrakote Sumbal. His whereabouts, according to his family is still not known.

### **\* YOUTH MISSING**

**October 15:** A youth Showket Ahmad Khan of Kraligund Handwara is missing since Sept 15. According to his family nothing is known of his whereabouts.

In another case, Fareed Ahmad Ahwan (11) s/o Zameer Ahmad Ahawan of Hariwan Kangan is missing since few days.

### **\* PSA DETAINEES NOT RELEASED**

Five persons detained at Udampur jail were not released even after completing their term under draconian Public Safety Act, said a delegation comprising families of the detained persons.

The detained persons, Munir Ahmad Bada, Muhammad Subhan, Muhammad Maqbool Wani of Uri, Muhammad Yousuf Sheikh of Sopore and Muhammad Abdullah Sheikh of Srinagar, have developed health problems due to poor healthcare facilities at the jail, the families told while appealing the authorities to provide proper medical care to the detainees.

### **\* FOUR PERSONS MISSING IN 3 MONTHS**

**October 26:** Local sources claim, four persons have gone missing in the valley in the past three months.

Shabir Ahmed Zar (28) s/o Ghulam Ahmed Zar r/o Marjan Pora is missing for the past three months and despite of several attempts the family has failed to know his whereabouts.

Similarly, 17-year-old Altaf Ahmed Khan s/o Akbar Khan of Batnoor Tral is missing since Oct 12, when he left his home for some work. Mohammed Altaf Jehra s/o Ghulam Hassan Jehra r/o of Aharbal Tangmarg is missing for the past two weeks .He had gone to the market but didn't return his family said. Another person Mohi-ud-Din Mir r/o Salun is also missing.

### **\* YOUTH HELD**

**Srinagar:** Security forces arrested a student of 10th standard during crackdown, from Palhalan area of Pattan. Ghulam Hassan Bhat s/o Abdul Aziz was arrested during identification parade when forces cordoned off the area in evening and asked people to come out.

#### **\* 4 JAWANS, 3 OTHERS GANG-RAPE GIRL**

**Srinagar, Oct 28:** A twenty-one-year old girl was allegedly raped by four force personnel in connivance with two persons at a Guest House at Zero Bridge-Rajbagh. Six persons including two army men and two cops have been arrested in this connection.

According to reports, the girl hailing from Sopore returned from Jammu in a sumo and reached Srinagar at around 10 Pm. On reaching Tourist Reception Centre (TRC), she got perturbed over being alone at such late hours and asked for help from a person accompanying her in the sumo. Taking advantage of the girl's apprehension, the man lied to her and told the girl that the state government had kept a hotel reserved for the females at Zero-Bridge Rajbagh.

Lured, she was taken to Sara Guesthouse Rajbagh, where she was raped by six persons whole night.

On a tip off, a police party from police station Rajbagh raided the Guesthouse early in the morning and arrested all rapists. They were identified as Bal Krishna of 6 JAKLI, Rakesh Kumar of 4 JAKLI, Ashwani Kumar, PSO of SP Vigilance Mushtaq Sadiq, Sanjiv Kumar, a policeman, and Shamas-u-Din, a driver and Karnal Singh, a government employee.

The victim was removed to LD hospital for medical examination, where doctors confirmed that the girl was gang raped. A security man involved in the rape managed to escape during the raid. Police has started man hunt to nab him. Army on Oct 29 said that a detailed enquiry would be conducted in this matter and the several possible punishment will be awarded to the individuals if found to be guilty.

#### **\* TROOPS ARRESTS YOUTH**

**Oct 30:** Troops of 2 RR on Oct 29 took Muzaffer Ahmad Shah s/o Muhammad Ameen Shah into custody during a raid at his house in Ashim Sumbal.

#### **\* THREE PERSONS MISSING**

**Oct 30:** Three persons are reported to be missing since 26th Oct, (Friday) evening from Sopur. Reports said Muhammad Shafi Dar s/o Fayaz Ahmad Dar of Warpora Sopur and Suliman Bashir Halwai s/o Bashir Ahmad Halwai of Ganpathyar Sopur are missing. Police has registered a case in this regard.

Meanwhile, Sumo borne unidentified persons on Saturday morning 27th Oct kidnapped Ali Muhammad Najar s/o Muhammad Subhan Najar of Tergam Malpora.

DATE	Custodial killings / Extra judicial Executions	Women Killed	Children Killed	Alleged Disappearances
Oct 1	-	-	-	2
Oct 12	-	1	-	1
Oct 13	-	1	-	-
Oct 15	-	-	-	2
Oct 20	-	1	-	-
Oct 21	-	1	-	-
Oct 24	-	1	-	-
Oct 25	-	1	-	-
Oct 26	-	1	-	3
Oct 27	-	1	-	-
Oct 31	1 fake encounter	-	-	-
<b>Total</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>8</b>

### KILLINGS IN THE MONTH OF OCTOBER

Date	Soldiers	Militants	Civilians	Others	Injured
Oct 1	-	-	2	-	4
Oct 2	-	3	-	-	3
Oct 3	1 RR	6	1	1 PDP	-
Oct 4	2 BSF	5	3	-	5
Oct 5	3	10	2	-	-
Oct 6	2 (RR & BSF)	2	-	1 Renegade	-
Oct 7	3	9	1	-	-
Oct 8	-	3	-	-	1
Oct 9	-	5	1	-	2
Oct 10	4	3	3	-	51
Oct 11	-	4	2	-	-
Oct 12	-	4	-	-	7
Oct 13	-	4	-	-	1
Oct 14	-	1	1	-	17
Oct 15	-	1	3	-	-
Oct 16	1 SI	2	2	-	3
Oct 17	-	2	-	-	1
Oct 18	4	6	1	-	16
Oct 19	1 Army man	6	3	1 VDC	-
Oct 20	1	2	-	-	1
Oct 21	1 PSO	2	1	-	2
Oct 22	-	2	-	1 NC	2
Oct 23	-	-	1	-	3

Oct 24	1	-	3	-	-
Oct 25	1	1 HM	3	-	12
Oct 26	-	4	4	-	3
Oct 27	1	1	1	-	-
Oct 28	-	1	1	-	-
Oct 29	2 (1 STF)	2	2	-	2
Oct 30	4	-	-	-	5
Oct 31	-	2	2	1 Congress	2
<b>TOTAL</b>	<b>32</b>	<b>93</b>	<b>43</b>	<b>5</b>	<b>143</b>

## **CHRONOLOGY OF OCTOBER INCIDENTS**

**Oct 1:** Two civilians killed and three injured in various violence related incident

**Oct 2:** A 39 RR troop and three militants were killed and three injured in various violence related incidents.

**Oct 3:** Two soldiers, six militants, a civilian and a PDP activist were killed in various violence related incidents.

**Oct 4:** Three soldiers, five militants and three civilians were killed and five injured in various violence related incidents.

**Oct 5:** Two soldiers, ten militants and two civilians were killed in various violence related incidents.

**Oct 6:** Three soldiers, two militants and a renegade were killed in various violence related incidents.

**Oct 7:** Nine militants and a civilian were killed in various violence related incidents.

**Oct 8:** Three militants were killed and one injured in various violence related incidents.

**Oct 9:** Five militants and one civilian were killed and two injured in various violence related incidents.

**Oct 10:** Four Soldiers, three militants and three civilians were killed and fifty-one injured in various incidents.

**Oct 11:** Four militants and two civilians were killed in various violence related incidents.

**Oct 12:** Four militants were killed and seven injured in various violence related incidents.

**Oct 13:** Four militants were killed and one injured in various violence related incidents.

**Oct 14:** A militant and a civilian were killed and seventeen injured in various violence related incidents.

**Oct 15:** A militant was killed and three injured in various violence related incidents.

**Oct 16:** A soldier, two militants and two civilians were killed and three injured in various incidents.

**Oct 17:** Two militants were killed and one injured in various violence related incidents.

**Oct 18:** Four soldiers, six militants and one civilian were killed and sixteen injured in various violent incidents.

**Oct 19:** A soldier, six militants, three civilians and one VDC were killed in various violence

related incidents.

**Oct 20:** A soldier, two militants were killed and one injured in various violence related incidents.

**Oct 21:** A PSO, two militants and a civilian were killed and two injured in various violence related incidents.

**Oct 22:** Two militants and NC activist were killed and two injured in various violence related incidents.

**Oct 23:** A civilian was killed and three injured

**Oct 24:** A soldier and three civilians in various violence related incidents.

**Oct 25:** A soldier, a militant and three civilians were killed and twelve injured in various violence related incidents.

**Oct 26:** Four civilians were killed and three injured in various violence related incidents.

**Oct 27:** A soldier, a militant and a civilian were killed in various violence related incidents.

**Oct 28:** Four militants and a civilian were killed in various violence related incidents.

**Oct 29:** Two soldiers, three militants and two civilians were killed and two injured in various violence related incidents.

**Oct 30:** Four soldiers and three militants were killed and five injured in various violence related incidents.

**Oct 31:** Four militants' two civilians and a Congress activist were killed and two injured in various violence related incidents.

## The Informative Missive

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