

The background is a deep red color with a textured, almost marbled appearance. A thin, dark horizontal line runs across the upper third of the image. A diagonal line, also dark, descends from the left side towards the bottom right. The entire scene is punctuated by numerous white and light red splatters and blotches of varying sizes, some resembling ink or paint. The text is centered and written in a white, distressed, stencil-like font.

four months
the kashmir valley will
never forget

AN ENQUIRY INTO THE MASS UPRISING OF 2010



For four months following June 2010, the Kashmir valley was torn by mass protests - locally called the uprising or *intifada* - which were met with overwhelming force by Indian security forces. Curfews and closures were frequent, often shading into each other. Well over a hundred were killed, most of them students and youth. Hundreds were injured, many of them possibly incapacitated in one way or the other for life. Those killed and injured could have been active protesters, but also those who just happened to be at the wrong place at the wrong time. But there are also cases, as this report points out, where mourners and even people engaged in daily activities have been indiscriminately fired upon. An independent fact-finding team went to the Kashmir valley at the end of October to go into the totality of the situation, principally to inquire into the causes for the unconscionably large number of deaths that have occurred in this phase of mass agitation. The present report deals with various facets of the situation that civilians in the Kashmir valley faced in a season of unabated turmoil.

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Our very special thanks to Ved Bhasin, for generously granting us his time and sharing with us from his vast fund of knowledge. Shujaat Bukhari was of enormous help in assembling a part of this picture, especially in regard to the challenges facing journalists and media professionals in Kashmir. Samir Bhat and Prabodh Jamwal were always reliable with their support, advice and fine company.

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Fact Finding Team to Kashmir, 2010

introduction

The mass uprising of mid-2010 in Kashmir sent shock waves across all of India. It caught most experts on Kashmir thoroughly unawares, after they had managed to persuade themselves that the situation in the valley - routinely referred to as “troubled” - had rapidly changed for the better.

Warning signals had emerged from the valley through the two years before, but these were evidently not heeded. There are, as a consequence, different opinions about when the 2010 civil disturbances in Kashmir, locally called the uprising or *intifada*, began. The killing of Zahid Farooq in the Nishat Brane neighbourhood of Srinagar in February has been identified in some narratives as the point at which public rage erupted. Others have focused on the cold-blooded murder of three who fell victim to the perverse system of military rewards and incentives for killing supposed “terrorists”. Shahzad Ahmad, Riyaz Ahmad, and Mohammad Shafi were shot down in Macchil village near Kupwara in a supposed “armed encounter” on 30 April 2010. It took the furious reaction of the local people for an official admission of error and a commitment to fix accountability for the atrocity.

As the official response took shape, people in Kashmir kept up the protests against a seemingly unaccountable deployment of security forces in their area. But maybe these dispersed and uncoordinated popular protests would not have gathered the dimensions of a full-fledged rebellion, had it not been for the killing of 17-year old Tufail Ahmad Mattoo in Srinagar on 11 June.

Different interpretations are possible, but few among those with a basic familiarity with Kashmir, would dispute that the clumsy and disingenuous official response to each of these incidents has fuelled public fury. Further, the unquestioning attitude in what is called “mainland India”, towards any official claims on Kashmir, has contributed little of value.

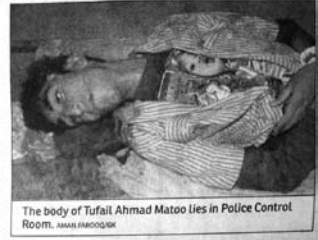
Teenager killed

Witnesses Say Police Killed Him; Cops Say 'Death Mysterious'

MUDDASIR ALI

Srinagar, June 11: A class 12th student was allegedly shot dead at Rajouri Kadal in downtown Srinagar this evening with eyewitnesses accusing police of killing the teenager in cold blood. Police described the killing as “a mysterious death.”

Eyewitness said Tufail Ahmad Mattoo son of Muhammad Ashraf of Saidda Kadal died when police opened fire on youth in Giant Memorial Stadium. Incidentally another teenager, Waseem Farooq of Rainwari was allegedly killed.



The body of Tufail Ahmad Mattoo lies in Police Control Room. NABIL AHMAD/ANP

Media images of Tufail Mattoo's killing inflamed feelings in Kashmir, leading to a state of full-scale revolt

Civil society groupings in Kashmir affirm that the demonstrations the valley saw for three uninterrupted months since June 2010, were very much a reflection of the public mood, continuous in every sense with the eruption in 1989 of what they call the *azaadi* movement. The spirit and the scale of the 2010 uprising, though, have been of a magnitude not seen since 1989.

On the part of Indian State authorities¹, the protests were described as a Pakistan conspiracy, or alternately, a shallow and short-lived commotion orchestrated by designated terror groups - such as the Jaish-e-Mohammad and the Lashkar-e-Taiyyaba. The Indian union government, after sending out signals of support to the state administration under Omar Abdullah, later seemed to turn its back on the beleaguered chief minister, characterising the disturbances as the outcome of a “trust and governance deficit”.

These arguments have taken up much public attention in recent times. But what has caused most alarm in mainstream political commentary is the discovery of a new weapon by the *azaadi* movement in Kashmir and a new mode of delivery. Stones thrown even with the most power, have little efficacy when facing firearms with lethal capacity. But stones have a moral capacity to shock and disturb, especially when they become the weapon of choice for a people that seem simply unwilling to accept defeat, even in the face of all the coercive might deployed against them.

The State has thought up various means of dealing with the situation, but politics has largely been absent from the mix. A parliamentary delegation that visited Srinagar in September and made the significant gesture of meeting with representatives of the so-called “separatist” political stream, succeeded to some degree, and temporarily, in cooling violent passions on the streets. The subsequent announcement by Prime Minister Manmohan Singh, that a team of “interlocutors” would be empowered to engage with all sections of opinion in Kashmir and discuss ways out of the trap of antagonistic politics, also briefly, held some promise.

The team of “interlocutors” as finally constituted, seemed an active effort at denying the political element. In Kashmir itself, the three-member team was dismissed as yet another dilatory tactic, which would do little to address the real issues.

The simultaneous announcement by the Prime Minister, that he would ask his Economic Advisory Council to explore ways of bringing about greater participation by the youth of Kashmir in the economic mainstream, was also viewed with considerable scepticism. Every announcement of a special economic “package” for Kashmir - as a magic bullet to appease its political grievances - is well remembered in the valley as yet another futile effort to change the subject and evade the fundamental issue.

The Director-General of Police for Jammu and Kashmir (J&K) has drawn several lessons from the unrest, but public attention most likely would be attached to his

1 Through this document, the capitalised word “State” will be used to refer to the “Indian State” in the sense of representing the entirety of the ruling apparatus of the nation. When the word “state” is used without capitalization, it should be taken to refer to a province of the Indian union. The word “government” will be used in lower case throughout this document, whether referring to the union or the states. “Media” is another word that will frequently recur in this document, always as a singular noun.

proposals on changing “standard operating procedure” (SOP), as used by police forces in dealing with mass demonstrations.²

More than 120 people lost their lives and many more were severely injured, in the highly unequal street contest that went on in Kashmir last year. Contrary to the alibi advanced on their behalf, the security forces were by no means acting always in self-defence. Indeed, the people of Kashmir believe that the men in *khakhi* were actively involved in the coercive effort to deter and discourage demonstrations. They showed little hesitation to preempt what they thought would be violence directed against them, by inflicting serious violence on all those who they thought capable of such actions.

Deterrence often slipped over into active repression, particularly in situations when it seemed likely that the “protest calendar” announced on a regular basis by Hurriyat leader Syed Ali Shah Geelani was likely to attract public support and loyalty.

A generation has grown to maturity in the turbulence of the valley’s two-decade long insurgency. And anger lurks just beneath the placid surface, waiting for an opportunity to express itself. Only the naive could have believed that the relatively high turn-out in the 2008 elections to the J&K legislative assembly constituted evidence that Kashmir was rapidly becoming reconciled to life under Indian rule.

Several Kashmir watchers within Indian civil society were completely puzzled by the events beginning June. This bewilderment also arose from the nature, scale and persistence of protests. Although the protests following the Shopian murders in 2009 and the transfer of land to a religious trust administering the annual Amarnath *yatra* in 2008, were no less widespread, a new vigour was manifest in the 2010 visitation. There was also something new in the way each killing led to protests - typically associated with the burial ritual - that themselves became so threatening to the State agencies that they responded, more often than not, with disproportionate force. This in turn, set the stage for a further escalation in the cycle of killings and protests.

The idea of a fact finding team to Kashmir was mooted in August 2010. Apart from the most evident objectives such a team would set for itself in a situation of widespread human rights violations, the aim also was to talk to people and assess different shades of opinion on the origins of the problem, its present status and possible routes towards resolution. While the Kashmiri media has documented deaths and injuries through the valley’s long summer of unrest, there still were gaps in documentation, since numerous eye-witnesses to the lethal force applied by the security forces still believe that they have something to add - by way both of narrations of personal loss and considered opinions on the *modus operandi* of the Indian State.

What role did stone-throwing play in the protest strategies of Kashmir’s youth? How equipped were the security forces to cope with the situation without further

2 Media reporting on the J&K DGP’s year-ending press conference in 2010 speak of his new ideas on how mass demonstrations should be controlled. The proposals include the use of “laser guns, pump action guns and plastic pellets” apart from several other new weapon systems that the Defence Research and Development Organisation (DRDO) have been tasked with developing. See: <http://www.hindu.com/2011/01/04/stories/2011010464590900.htm>

aggravating matters? It was important in the context of the growing understanding that the security forces - far from being the solution to the Kashmir dispute, could actually contribute to its aggravation -- to understand chains of command and discover how civilian casualties are seen within the apparatus of the Indian State. Equally important was an assessment of the status of the promises made by the Omar Abdullah government, to bring human rights violators to book, to punish those who recklessly took life and to compensate - to the extent possible - those who suffered from the excessive use of force.



Security forces remain a constant presence in all Kashmir's streets and villages

This fact-finding team (FFT) was in Kashmir at the end of October and met several families of those killed and injured during the period of maximum violence. Each member of the team spent varying lengths of time in the valley, but in total, roughly about twenty-five person days were put into the fact-finding exercise. In groups or individually, the team met the families of almost 40 persons who had been killed since the beginning of the civil unrest. Several individuals who had suffered serious injuries were also met. The team worked out of the state capital of Srinagar, and visited villages and towns in five of Kashmir's ten districts: Baramulla in the north (Sopore and Baramulla tehsils); Anantnag (Bijbehara and Anantnag tehsils) and Pulwama (Pulwama tehsil) in the south; Badgam in the west (Chadura and Badgam tehsils) and Srinagar itself. Separate sessions were held with journalists and media practitioners, university teachers and students, doctors, lawyers and activists, besides officials in the police headquarters and the civil administration.

Some of this team's findings have already been circulated through internet channels and discussed in conferences and seminars in Delhi and Mumbai. What follows is the final report.

2008 and 2009: warning signals ignored

Protests and demonstrations through the summer of 2010 had an intensity never seen since the first eruption of the *azaadi* movement, but there were perhaps warning signals available from the two earlier years. A rising level of public anger was evident in Kashmir in both 2008 and 2009, as also a response pattern in Indian public opinion marked mostly by incomprehension and insensitivity.

Mass protests in 2008 were sparked off by the allocation of a seemingly trivial quantum of land in the valley - 100 acres (or 40 hectares) - to the Shri Amarnath Shrine Board (SASB), a newly created trust with the J&K state governor as chairman. As evident from its name, the trust administers the annual pilgrimage to the Amarnath cave in the hills to the north of Pahalgam. Till the eruption of the militancy in 1989, the Amarnath *yatra* used to be low-key annual voyage of piety undertaken by a few thousands. Following some years of suspension, the *yatra* was resumed in the mid-1990s as an officially sponsored annual ritual. With Kashmir's more extreme political units being intent on depriving it of the support and patronage of the people - till then willingly given -- the *yatra* became an annual contest of wills, with the Indian State elevating it to a matter of honour and prestige. In this manner, the *yatra* was moved out of the sphere of voluntary effort in which the people of Kashmir gladly participated, and institutionalised as an adversarial activity in which the Indian State and Kashmir's most radical Islamist elements faced off annually.

Till the second term of Governor Jagmohan, who was by all accounts, including his own, possessed by a messianic vision for hastening Kashmir's integration with India by reforming Hinduism and spreading its benign light over lesser faiths, the Amarnath *yatra* was always dependent on the patronage of the Kashmiri people, who saw it as a season of economic opportunity when they could give ample expression to their legendary hospitality. After the number of pilgrims literally exploded in the mid-1990s, there were concerns over the squalid conditions in which the trail was left after the devout withdrew. But except when they came under overt coercion by militant groups, the people of Kashmir continued to welcome the pilgrims and simply trusting that the environmental consequences would be overcome by the resilience of the valley's ecological system.

Why J&K governor S.K. Sinha, a retired army general of the three-star rank and an active member of the BJP since the end of his military career, should have chosen in June 2008 - just when his term was ending -- to allocate a tract of land to the permanent tenancy of the SASB is not known. The decision was embroidered with all the necessary proprieties of popular governance in Kashmir, with the chief minister

and all other concerned officials signing off on it. But it is believed that this was part of a contest of wills between the governor in the last months of his tenure and the elected government in the state. It was obviously a decision that they hoped, would pass without serious scrutiny by the public.

Shortly after the land allotment was announced, Yasin Malik, leader of the Jammu and Kashmir Liberation Front (JKLF) and probably the most recognisable public face of Kashmir's *azaadi* movement, denounced it as part of a long-term stratagem to alter the demography of the valley. Protests broke out in the valley and the Peoples' Democratic Party of Mehbooba Mufti - a rather reluctant partner at the best of times, withdrew from the ruling coalition in the state -- reducing the Congress(I) led government to a minority and compelling its resignation.

The land allotment was rescinded, but almost on cue, protests began in the Jammu region, escalating in little time into a blockade of the Kashmir valley, imposed with an overt revenge motive. Kashmir's political forces retaliated by marching towards Muzaffarabad in what is called Pakistan Occupied Kashmir. The long-thwarted ambition to reunite the cultural topography of Kashmir, an explicit priority for every mainstream politician since Sheikh Abdullah, again became an active motif in the politics of the valley.

The State response to this action-reaction sequence did little credit to its claims as a neutral arbiter between rival camps. Neither did the Indian State enhance its credentials to being even-handed and secular in its attitude towards provocative actions by civil society actors. Protests in the Kashmir valley were brutally repressed, including through the imposition of a week-long curfew in the entire valley towards the end of August. In Jammu though, riotous mobs enjoyed wide latitude to establish their coercive will on chosen targets.

Like most cycles of violence, this too subsided after a while, partly as a consequence of political calculation on both sides. It cannot be said though, that the bitter legacy has been forgotten.

For several otherwise unbiased observers, it has seemed more than puzzling that a land allotment of a mere 40 hectares was portrayed as part of a serious effort at demographic re-engineering in Kashmir. This reaction of the dissident political forces in Kashmir falls neatly into a stereotype of rampant cultural paranoia in the valley, aligned with a huge dose of political opportunism.

Looking at some of the background though, it seems not quite so puzzling. There have been politicians and commentators in high standing in Indian civil society, who have unabashedly advanced the claim that a demographic "Indianisation" of Kashmir is absolutely imperative if peace is to be brought to the valley. The suggested modes of achieving this objective have varied, but the Hindutva ideologue Arun Shourie, in the days when he was a widely read media commentator, has spoken of granting land titles to security personnel deployed in anti-insurgency operations in Kashmir, as one possibility.

Within Kashmiri civil society, there is a perception that much of their most valued territory is being encroached upon. A seemingly exaggerated figure is often heard

in the valley, that no less than 1.5 million acres (about 600,000 hectares or 6,000 square kilometres) of its land is under the occupation of the security forces. This may seem alarming, since the total area of Jammu and Kashmir is just 222,000 square kilometres, of which about half is outside Indian control. Of an estimated 110,000 square kilometres that India does control, the area alleged to be under the occupation of the armed forces is 6,000 square kilometres - by any criterion, an extraordinarily high ratio.

An element of reality though, needs to be introduced and the official figure on land under military occupation is a good place to start. According to a reply by the Union Defence Minister to a Rajya Sabha question, 72,561 acres (about 30,000 hectares or 300 square kilometres) of land in all of J&K is under the armed forces. No separate estimation is available for the Kashmir valley alone. But it needs to be noted that the valley is the most densely settled, with the largest expanse of cultivable land among the three regions of J&K. And the total area of the valley is just over 15,000 square kilometres. According to the Defence Ministry, of the total land under occupation by the armed forces, 46,891 acres (about 190 square kilometres) has been hired or requisitioned “recently”. This is inclusive of about 15,892 acres (about 60 square kilometres) of orchard and agricultural lands. If the land hired or requisitioned “recently” were assumed to be entirely in Kashmir, that alone would be over 1.2% of the total land area of the valley. This speaks of a rapid and intrusive growth of the military presence in the Kashmir valley.

There is obviously greater transparency called for in terms of troop deployments in the Kashmir valley and the land that has been appropriated, not just by the three uniformed services, but also by the CRPF, BSF and other paramilitaries. Irrespective of the figures, which the government releases only with extreme reluctance, the indubitable reality is that the people of Kashmir see the presence of the military and the occupation of parts of their land - including orchard and farmland - as abiding proof that they live in a state of unfreedom. The substantive content of *azaadi* cannot be very easily described, but the absence of freedom is a very visible reality in Kashmir.

These basic concerns of the people of Kashmir passed the comprehension of the rest of the country, which saw little amiss in the blockade of the valley by political forces in Jammu and indeed may have actively endorsed it as a tough and long overdue message: that offending the sensibilities of the majority faith would attract swift and decisive punishment.

There was great anxiety in the wake of the Amarnath land allotment agitation, over the possibility of state-wide assembly elections being held before October 2008, when they were due. After an expected postponement, the election took



Armed convoys pass through a busy market area in Srinagar

place in seven phases spread over November and December, drawing an unprecedented voter turnout of over 60 percent, though the turnout in the Kashmir valley itself was significantly below the average. Despite the quibbles, the final outcome was deemed to be a vote of confidence in the system.

It did not take long for the complacency to evaporate. Just around daybreak on 30 May 2009, two women, Niloufer Ahangar and her young school going sister-in-law Asiya Jan, were found dead at different spots in a stream near the district town of Shopian, 52 kilometres from Srinagar. They had gone missing late the previous evening and the stretch of the stream where they were finally found had been searched till late into the night by family members, neighbours and the local police. Tension gripped the area and the local administration promptly deployed security forces in strength in an effort to deter possible mass protests. As the numerous independent news channels in Kashmir stepped up their coverage, residents of Shopian came out on the streets, protesting what they were convinced, was a case of rape and murder, in which the security agencies were directly culpable.

The local police put out a clumsily worded press release that day which announced the two deaths but recorded that “post-mortems conducted revealed no marks on the dead bodies including private parts”. This release was reportedly withdrawn quickly, though without an alternative explanation given for the deaths. No first information report (FIR) was filed for seven days. In other words, the document that formally records the beginning of an investigation was not in existence till well after the first signs of a suspected crime emerged.

As the issue caught fire, local news channels carried lengthy reports on 31 May, involving accounts from the family members of the two women. Also featured was the official explanation, given by the Divisional Commissioner of Kashmir, the top official looking after civil administration in the Kashmir valley.

For various reasons, not unrelated to intrinsic credibility, the official narration on the deaths remained subdued all through this cycle of events. The news channels and print media meanwhile, reconstructed the sequence of events leading to the death of the two women, seemingly from interviews with local residents and family members. Media accounts of the tragedy - in a situation of active information denial by the local and state authorities - mutated rapidly over the first two days, while conforming to the broad template of an atrocity perpetrated by the security forces that have been deployed in strength in the valley.

A day afterwards, with state and local authorities seemingly caught flat-footed by an eruption of public anger, the police continued to insist that the two bodies bore no scars of injury at the moment of their discovery - other than bruises that may have been inflicted by being dragged into a river and colliding against rocks. This narration indicated death by drowning.

As stated by J&K Chief Minister Omar Abdullah at a press conference on June 1, the media had been irresponsible in putting out the worst possible interpretation on the deaths. But in virtually the same breath, Abdullah also admitted that there was a trust deficit between the administration and the people of the state. This was not specific to his tenure, since it applied to much of the state’s modern history.

Under relentless public pressure, partly arising from wide coverage of the matter by Kashmir's media, the state government finally relented and empowered a judicial commission of inquiry to determine the facts about the Shopian deaths. Meanwhile, in a replay of the "blaming the messenger theme", the Directorate of Information in the state government issued notice to all local cable TV channels to suspend news broadcasts. As the editors and owners of the channels put it, they were summoned early in June and given a virtual ultimatum by the authorities that they needed to "behave properly". Several were told that their relationship with the secessionist political formation, the All-Party Hurriyat Conference, was well known, and that the dossiers available with state intelligence agencies provided ample grounds for their prosecution under the special security laws in force in Kashmir.

An account of the content that was broadcast by the Kashmir news channels through those days does not establish clear grounds for this extreme action against the media. The various news channels in Kashmir may indeed have only done what the authorities failed to do: take note of a serious crime and document the public concern that those responsible be brought to account.

When the judicial inquiry into the Shopian killings by Justice Muzaffar Jan submitted its report, there were special words of criticism for the media. Also targeted with rather pointed censure was the husband of one of the dead women. He was painted as a person of dubious morality and a possible criminal bent. For some reason, these engaged public attention much more than the substantive finding: that the police had failed colossally in following basic rules of procedure in investigating what was potentially a serious crime. When protests erupted over the gratuitous remarks made against the dead woman's spouse, the inquiring judge distanced himself from them, pleading that they had been interpolated, without his authorisation, by the police. The inquiry commission's recommendation that the policemen who were possibly involved in covering up the crime and destroying evidence be prosecuted, remains unimplemented so far. And the three special teams that were formed to investigate the crime were finally disbanded in September 2009 when the Central Bureau of Investigation (CBI) was brought into the case.

Over six months after the event, after the exhumation of both bodies, the CBI returned a finding of death by drowning. The CBI's investigation found few takers in Kashmir as no persuasive evidence was advanced to contradict the initial post mortem findings which ruled out drowning as the cause of death and indicated sexual assault. The CBI has recommended the prosecution of the doctors, members of the Shopian Bar Association and public witnesses for tampering with evidence and misleading the police investigations. Ironically the four police officers who by their own admission allowed crucial material and circumstantial evidence to be destroyed, have been exonerated.

The Shopian deaths paralysed Kashmir for close to two months. The final outcome has almost by deliberate design, undermined any residual faith that the people in the valley may have had in the system of administration of law and justice.

Those who believed that life would go back to normal in Kashmir, despite the incendiary material steadily accumulating, were plainly deluded.

the death trail

Kashmir witnessed over a hundred violent deaths through its summer of turmoil, known in some circles as the “second uprising” for freedom. In most cases, lethal force was applied against unarmed civilians – protestors, mourners, mere bystanders, or those who inadvertently got drawn into the cycle of protests. The pattern was similar in all parts of the valley that this team visited, whether rural or urban. Instances were rife of the armed forces firing on unarmed assemblies or protests. And nowhere did this team encounter the slightest suggestion that people were joining the protests against their will, under pressure or coercion.

Militancy in the valley, some people believed, was on the decline since 2004 though a small spurt of high-profile incidents occurred in January 2009 in places like Sopore. But there were fears that popular discontent was on the rise, after the controversy over the Amarnath land allotment in 2008, the suspected rape and murder of two women in Shopian in 2009 and the cold-blooded killing of three civilians in Machhil in what was described as an armed encounter in April 2010. The dam burst with the killing of Tufail Mattoo in June and in the weeks that followed, the people of Kashmir, especially the youth, took to the streets in protest. Unarmed in the first instance, they picked up stones in retaliation when attacked with lethal firepower. The stone-pelter or *sangbaaz* has in this manner entered the lexicon in Kashmir as the distinctive face of the protest through the summer of 2010.

Sections of the national media and some security and intelligence officials have suggested that a hand from across the border lurks behind the protests. Those that this team met were positive that they were in the movement of their own volition and that the beginnings of the cycle of protest lay in the spontaneous rage provoked by army and police excesses. Syed Ali Shah Geelani, the leader of the Hurriyat Conference faction that is most uncompromising in its allegiance to Pakistan, was late in comprehending the nature of the uprising, though he soon adapted to it by issuing periodic “calendars” laying out the schedule of protests and demonstrations. Once this element of order was introduced into the demonstrations, days of *bandh* or *hadtal* alternated with “working” days, when people caught up with necessary activities that were otherwise on hold. The days when “normalcy” was declared were busy for the people, with milling bazaars and crowded roads and highways. Such was life in the Kashmir valley between June and the early days of September, when the long cycle of protests began to wind down - though nobody was prepared to hazard a guess as to how long.

Barring a few exceptions, most of those who were killed were youngsters, the youngest being an eight-year old. There are profound and deeply moving human stories behind these, which need to be narrated. What follows is a first and admittedly limited attempt at assembling these narratives that all too often, get lost in what is called “mainland India”.

SHOOTING THE SANGBAAZ

Logripora is a middle-sized village of around 200 houses in Sopore *tehsil* of Baramulla district, known to have been at the forefront of the militancy since its early days, as it has been during the present uprising. People in Sopore regard the estimated two-thousand martyrs they have contributed to the struggle as a matter of some pride.

On Friday, 13 August 2010, Samir Ahmed Lone and Farhat Ahmed Meer of Logripora village were killed. In his early-20s, Samir was a carpenter by profession and had his own shop in Silu, 3 kilometres away from the village. At around 2.30 in the afternoon Samir and five other youth (including Farhat, a class 10 student) started for the nearby town of Bomai. As a neighbour recalls: “During those days there was a protest almost every day in Bomai. There has been a CRPF camp in Bomai since 2009. Before that there was an RR (Rashtriya Rifles) camp for ten years. We waged a long struggle to get the RR camp removed from our village. RR forces had committed many atrocities. In one instance in an RR shooting Firdauz of Bomai was killed and one other youth was in coma for a long time. Both were innocent. Due to such atrocities of the RR we had protested and fought for its removal. After that the CRPF came.”

Soon after Samir and his friends reached Bomai they fell victim in a shoot-out by the CRPF. Samir and Farhat were killed on the spot. Many others from the group sustained bullet injuries. Those that this team spoke to, said that there was no stone pelting in the protest that day but the security forces opened fire nonetheless, without the slightest effort to go through the non-lethal options prescribed as first recourse, such as water cannon and teargas. Farhat’s father Mohammad Maqsood Meer, a landless agricultural labourer, is unable to accept his loss and asks how bullets could be regarded, even in the event of a stone being flung by protesters, as the appropriate response. Farhat, he says, was hit by up to four bullets in his stomach by shots fired from the front.

From Bomai the bodies of the two youths were brought in a *janaza* procession of several thousand to Logripora, when personnel believed to be of the Special Operations Group (SOG) of the J&K Police who were accompanying the CRPF opened fire. Upto twenty were injured in this firing, including several women. One of the injured, Kausar, a class 12 student, had to be taken to Srinagar. Family members of the deceased, informed this team that an FIR could be registered only six days later in the Bomai police station. The family had received no communication from the government regarding compensation.

Not all families think it necessary to file an FIR. This sentiment was expressed in a straightforward manner in the case of 18-year old Tajamul Bashir Bhat. Tajamul lived in a small *mohalla* of around twenty five households called Ashanmodan around

5 kilometres from the main Logripora village. Like other inhabitants of the *mohalla*, Tajamul's family also depends on agriculture for a livelihood. His mother, Zarifa Begum, said that they were mainly dependent on labour for a livelihood since they had very little land of their own. Tajamul was the oldest of her five sons, studying in class 10 in a school in the nearby village of Silu.

Zarifa still suffers a profound sense of loss but is factual and dispassionate when she puts down her son's death to the part he took up voluntarily in the struggle for freedom. People from the *mohalla* she said, were part of the protest procession that started towards Sopore around mid-morning that day. There were, in her recollection, around fifteen thousand people that day and men, women and children of the Jhanger area (which comprises around sixteen villages) joined in. Two hours later at around 1.30 pm, when the protest reached the Sopore Khapra neighbourhood, the CRPF started teargas shelling and firing. People scattered. Tajamul was hit in the left side of the chest and died on the spot. Five or six others in Zarifa's recollection, from Silu, Nethipora and Model town, were seriously injured.

Tajamul was first taken to the sub-district hospital in Sopore and then brought home. His mother recalls that there may have been upto thirty-thousand people in the *janaza* - the figure cannot at this point be verified. But as Zarifa tells it, the procession included not only those who were in the protest but also others from the villages *en route* between Sopore and Logripora. Tajamul's body was taken for burial to Vodra village where he was born and where the family had lived till not far back. In reply to an enquiry regarding the filing of an FIR, a local youth simply said flat out that the struggle for freedom does not allow any manner of accommodation with the security forces which it is sworn to opposing. "*Azadi ki ladai main FIR kis baat ka? Hum to police or fauj ke khilaf jate hai.*" By the same principle, the offers of compensation made by the state government would be turned down.

Harassment of youth who are accused, often arbitrarily, of being stone pelters, is common. Two days prior to this team's visit to Logripora, a young boy called Bitta (a class 9 student) had gone to the fields to get his cow when a person in civilian attire, believed to be from the SOG, caught him and accused him of being a stone pelter. He was then pushed into the jeep and taken to Bomai. The entire village turned up in protest at the police station, and Bitta had to be released. In another instance, some nine students of Bomai were accused of being *sangbaaz* and threatened with arrest under the state's Public Safety Act (PSA). The parents were asked to pay a certain amount if they wanted their children back. Even on that occasion the entire village turned up in protest and solidarity and secured the release of the boys.

"In response to the stones, the government is using the PSA or firing bullets", said one villager. Added another: "The security forces have in some instances photographed our youth while they were in town and later gone to their homes in the night and accused them of being *sangbaaz*."

SHOOTING TO KILL

It cannot be said that the killings that this team came across were all targeted in the sense that the identity of the victim was known to the security forces when

they fired their lethal volleys of bullets. But there is a broad consensus among the people of Kashmir, that lethal force was often applied without regard to possible human consequences. There was in other words, an intent to kill, though without any specific victim being the target. The purpose may have been to intimidate the protesters and quell the uprising by creating a pall of fear with scant regard for the attendant loss of young lives.

Yasir Rafiq (called Raju at home), a resident of the Maisuma Bagh area of Srinagar died on September 16 of pellet injuries suffered on August 30. The day he was shot at was a day of curfew, but there had been no reported incident of stone throwing or any other form of demonstration. Two of Raju's friends, eighteen-year old Ishfaq and seventeen-year old Sajid were playing a game of carroms in the narrow lane outside his house. Such activities though strictly speaking disallowed, are normally tolerated, except during the worst days of shutdown enforced by either side. Raju was not out in the street, but had come down the stairs and was standing at the doorway watching the game or perhaps thinking of joining it, when he was hit at very close quarters. The volley of pellets was fired by a J&K police person who came around the corner, and just as quickly vanished from the scene.

Raju's injuries were not regarded at first, as life threatening but after a few days in hospital, he began suffering multiple organ failure because of the numerous points of entry of the pellets. He was flown to Delhi for urgent medical attention but died a few days later.

Raju is Yasin Malik's nephew. The day he was hit was the fourth since Yasin's release from over two months in preventive detention. The family feels that the policeman who shot Raju was familiar with the identity of his target, since anybody deployed in the area should have known that the inhabitant of that modest dwelling was Kashmir's most widely-known face of political dissent.

From all the evidence that this team has been able to access, it seems undeniable that the policeman on duty had the clear intent to deeply hurt a family member of one of Kashmir's most widely recognised dissident leaders. Whether there was an intent to kill or not is a matter to be established through criminal investigation, but the person who fired the volley of pellets towards Yasir that morning was either acting with deliberate intent, or in complete innocence of the consequences of his action. That being the case, his immediate superiors - and indeed, the DG of J&K Police, where the buck finally stops - are obliged to explain what the purpose of the fusillade of pellets launched that day against young Yasir was. Because the pellets were fired from very close, Yasir suffered severe perforations in his vital organs. The damage was to prove fatal by the time its full dimensions were diagnosed and Yasir was brought to Delhi for emergency medical treatment.

The Pampore Deaths

On 12 September, the day following Eid, young Maqbul and Nura set off from their village Tengen (Chadoora tehsil, Budgam district) for Pampore town, 2 km away. Maqbul's married sister lives there. He stayed there overnight and was heading back home the following day after lunch when at Kadalbal chowk, a CRPF contingent

sitting at the curb opened fire, hitting him in the head and killing him instantly. Curfew had been imposed that day in Srinagar, though not in Kadalbal. But because a hartal had been called by Kashmir's dissident political formations, all shops were shut and roads empty.

Maqbul was first taken to Ahmed private hospital in Naugam 15 kilometres from Pampore where his brother Nazir Ahmed works. Until then they were under the impression that he was only injured.

“*Yahan jakhmi ko uthana bhi jurum hai,*” said Firdouz, brother of Maqbul's friend Riyaz, who was with him that day. After Maqbul fell, Riyaz and a few others were trying to carry him into a nearby vehicle to take him to medical help, when he was hit on the head with a brick, by a CRPF man. He started bleeding profusely from the wound and till as late as October, when this team visited, was required to regularly visit the hospital for attention. As his brother recounted to this team, Riyaz was a school dropout who used to earn a living as a casual labourer. He has since this incident, been unable to do any work.

The second victim of the day's events was Eizaz Ahmed Gojari who lived in the Meer *mohalla* in Kadalbal, Pampore. His elder brother, Hilal, tells the story of Eizaz, aged around thirty and working in a family-owned shop selling electrical goods. He was married in 2007 and had a two year old son. On 13 September at three in the afternoon he had gone to the market, only five minutes walk from their house, to buy some fruit. There was no declared curfew in place, though a *hadtal* had been declared. It is understood though, that certain vital services can function even during *hadtal* days, such as the *nanvai* (bakery), the chemist, and a few others. Even fruit-sellers are allowed to function in certain circumstances, since within the locality, there is an understanding of the need that some families vending these services have, as also of others that seek to avail of them. Eizaz that day became victim of a targeted shot fired by the CRPF and police contingent who were stationed near the shops. Either they had no understanding of the local compact that operated even during *hadtal* hours, or they may have been acting with deliberate intent to destroy the tacit understanding on which civil society functions locally.

“The lane on which Eizaz was killed is not a major thoroughfare. Even during *hadtal* these interior areas remain open and children continue to play in there,” said his brother.

Javed Iqbal Rathar, aged a little over thirty, was the third victim that day. Javed's joint family also lives in the Meer *mohalla* of Kadalbal, Pampore. His brother, Bilal, informed this team that Javed that afternoon went to the local shop to get some bread. There was no curfew or protest that day and in any case even when imposed, curfew is only believed to be in force along major thoroughfares and the national highway running through the state. Venturing into these prohibited zones could be hazardous, but it is understood that free movement is allowed within the *mohalla*, even during curfew time. But since that was a festive day people were in their homes and the streets were empty.

Javed's family runs its own business and is reasonably affluent. Nobody in the family has been involved in political activity. Javed was married just last year. He was a graduate as is his wife.

Bilal related at some length the problems they faced while taking the three who were shot at to the SMHS hospital in Srinagar. Their experience speaks volumes about the treatment that the injured received at the hands of the security forces:

After the firings the three of them were taken to Srinagar in two vehicles that belonged to Eizaz's family. Eizaz and Maqbul were in one vehicle and Javed in another. They started from Tolli *mohalla* where the incident occurred. From Tolli *mohalla* their vehicle had reached Kadalbal chowk when CRPF and J&K police broke the glasses of their vehicles and beat up the people inside. A boy was injured but they pressed on. From Kadalbal *chowk* they took the usual route towards the highway. On the way near the Punjab National Bank their vehicles were attacked again, stones were thrown and batons rained down at the window panes of the vehicles. In Darangbal *chowk* and Irestabal *chowk* they had the same experience. In the latter location, one of the boys in the vehicle fell down due to the beatings and had to be admitted for two days. In Bypass *chowk*, barbed wire had been laid across the road, due to which a tyre of one vehicle was punctured. Somehow they reached SMHS hospital. Eizaz died there. Javed was put on a ventilator and shifted to the Sher-e-Kashmir Institute of Medicals Sciences (SKIMS) at Soura. He died at 7:45 pm. Maqbul had died on the spot.

Later that day there was teargas shelling and pellet gun firing in the air during Eizaz's *janaza* due to which some persons were injured.

The following day curfew was imposed on Pampore. On the night of 15 September, the security forces raided Kadalbal (which includes Kadalbal, Meer, Tolli and other small *mohallas*). Around 15-20 boys were arrested. They visited around two dozen houses. In every house they first fired in the air and then took the youth of the house with them to the police station at Pampore and from there to Srinagar central jail. Subsequently these youth were granted bail but they have 7-8 charges against them.

With the Chinar tree as witness

Mubina Akhter, a 21 year old graduate, lived in Nethipora village of Sopore tehsil (Baramulla district). Her elderly uncle, Ghulam Mohammed Wani, said that on Sunday, 19 September, there was a public protest that started at 9 am, in which around ten youth of their village had joined. The protest continued till mid-day and dispersed without any untoward incident. At 6:30 that evening, four girls including Mubina had gathered on the road a short distance away from his home, for a casual chat. A shot was fired at her from a CRPF vehicle parked under a *chinar* tree some five hundred metres away. Mubina was hit in her lower abdomen. The three women with her, Mahmuda and Shakila - both her close



Mubina Akhter (Nethipora, Sopore)

relatives - and a friend Parveena were not hurt, but are witness to what happened. Mubina was rushed to the sub-district hospital at Sopore and referred to Srinagar. By the time she was brought to the SMHS hospital in Srinagar, it was 8 in the evening and the hospital records indicate that she was “brought dead.”

Sopore’s first pellet gun victim

The state government has justified the use of pellet guns in crowd control on the grounds that it is a weapon that deters, but does not kill. This however, is not the experience of those who have been hit by these guns, since if fired from close range as the practice invariably was, the pellet gun was absolutely certain to create multiple organ injuries, with a quite definite possibility of death. The first victim of such a gun in Sopore tehsil was Mudassir Nazir.

Mudassir, from Aarampora in the Hazam mohalla of Sopore, was in his early 20s, working with the mobile telecom company Aircel since finishing secondary school. On 19 August, Mudassir had gone to Vatlab Zurimanz village some fifteen kilometres from Sopore. It was the month of Ramazan and he came out that evening of a *masjid* at *iftaar* time (around 6.45 pm). While passing a CRPF vehicle on a narrow road, he was hit at what his family is willing to swear, was a distance of a mere one metre, from inside a police vehicle. Mudassir was hit a little above his right thigh, but close to the stomach. Initially, nobody could understand what kind of a weapon had been used. Local residents were aware that small shrapnel wounds can occur even in grenade blasts. Only later did they understand that Mudassir had been hit with a pellet gun.



Mudassir Nazir - the first pellet gun victim of Sopore

“Pellet gun janwaro par istamal kiya jata hai, inhone insaano par kiya. Agar doorie se kiya jaye to insaan jakhmi hota hai, par inhone pas se kiya. Doctor keh rahai the ki pet ka koi hissa bacha nahi hai jisko si sakain (pellet guns are used on animals, but they used them on human beings. If fired from a distance it only causes injury, but they fired from close range. The doctor was saying that nothing of the stomach remained that could be stitched)”, said Mudassir’s cousin. Apparently, around 40-50 pellets had shredded the entire area.

“Koi jhagde ke bina CRPF ne firing ki (the CRPF fired though there was no tension or conflict)” said his mother, Nasima. Mudassir was the only son and is survived by his parents and two younger sisters. Mudassir’s family has received the compensation amount. An elder of the community remarked - *“sarkar ne hamara rate lagaya hai”* (the government has fixed our rate).

Snuffing out dreams

Mudassar Bashir Kachru, all of twenty years old, was a software engineering student and star footballer who captained of the J&K state junior team. He was born in a humble family in Khushal Matoo *mohalla* in Sopore town. He was killed on 15

September, shot twice through the chest while coming out of a *masjid* after the evening *namaz*. There was neither a curfew nor *hadtal* in force at the time, nor was there any demonstration going on. Bashir Ahmed Kachru, his father, says that they have registered an FIR but refused compensation. “The government first kill our youth, and then give us money”, he says: “Our youth have faced a lot of brutal repression. I am not a big man. A son is a support for his father. They are killing us poor people”.

Firing on *janazas*

Many lives have been lost during the last four months in attacks on funeral processions. Typically, when a death occurs, people gather in thousands and what is a social occasion of mourning acquires a political colour. Each such death is a reminder to the people of their subjugation and the mood of mourning is in this manner, transformed into chants of *aazadi*.

In case after case, this team came across firing on such processions, often leading to more deaths and injuries than were being mourned. After Faizan Rafiq Buhroo, a class 7 student, was drowned as he sought to flee in terror from a security sweep by the CRPF - or perhaps thrown vindictively into the fast-flowing river – on 17 July in Baramulla, the security forces (CRPF and SOG) opened fire on the funeral procession several thousand strong, injuring around upto forty persons including women, and killing Faiyaz Ahmad, a labourer who was returning home at the end of the day.

CIVILIAN DEATHS FOLLOWING DEATHS OF MILITANTS

In the Karaltaing mohalla of Sopore, this team came across one case which showed us how civilian deaths may occur following so-called “encounters” with militants. On 26 June on the bridge in the south side of Sopore town an encounter had taken place in which two militants (allegedly belonging to the LeT) were killed. One of them, Firdoz, was from Sopore. Firing occurred after that on protesters, in which two innocent persons were killed (Bingli of Sopore and Lalad of Amargadh, close to Sopore). As tension mounted, the local authorities imposed a curfew.

The following day after the *teesri namaz* at 5 pm, Bilal Ahmed Wani, a youth in his early 20s, was returning home when he became conscious of a commotion in a nearby lane. He looked into the lane to see what the problem was, when a CRPF contingent fired a salvo of bullets in his direction. He was hit in the throat, according to a friend, by a rubber bullet. Still on his feet but realising that he needed urgent medical attention, Bilal started walking towards a doctor’s clinic in the *mohalla*. He collapsed on the way but was carried by others to the clinic where he was administered first aid and referred to a hospital.

Curfew was still in force and Bilal’s friends tried to take him in a private vehicle to Sopore but were stopped by a CRPF group. They managed somehow to dodge these obstructions and reach the hospital. They were taking Bilal into the hospital when some SOG persons came and took the driver of their vehicle, Ubed Tariq, a roughly nineteen- year old youth of their *mohalla*, to the official guest house in Sopore.

Ubed later told them that there were other officers there who asked him to narrate all that had happened. After he had related the sequence of events, he was told to change his statement and say that the CRPF had fired teargas. When he refused, he was threatened with arrest under PSA. Meanwhile, Bilal had been taken from Sopore hospital to SMHS hospital in Srinagar in an ambulance, but died on the way.

Bilal was the sole wage earner in his family and his loss is going to be very heavily felt. His father is old and had to leave his job as a driver in a saw mill after an injury at work. Bilal left school after completing his higher secondary due to his family's poverty. He was the fourth child after three daughters. He has left behind his aged parents, a divorced sister and two unmarried sisters. The family has received the *ex gratia* amount but as Bilal's teacher said: "Government *ex-gratia de rahi hai, par justice nahi*".

Bilal's teacher estimates that during curfew times there is often stone-pelting. It was quite possible that somebody may have thrown a stone and the forces, in reaction opened fire. Bilal's teacher also reports that a Sikh officer in the task force – of the DSP rank had admitted to him – that the situation did not justify the use of firing with bullets.

KILLING OF BYSTANDERS AND INJURED

On 2 August Bashir Ahmad of Wachi village was killed. He was a mechanic and had his own shop on the highway. He was from a poor family and had stopped studying after secondary school. He was only sixteen at the time of his death. He was not part of the protest gathering happening that day. When the crowd of demonstrators reached his shop he came out to watch, when he was hit by two bullets - one on his chest and the other on his neck. The attack on the protestors was done by the CRPF and police who were stationed near a bridge.

An FIR has been registered by the police in the Sangam police station. Family has not received a copy though they went to the police station. They did not insist or protest since fear is dominant, or as one of them said: "*yahan dar jyaada hai.*" They know about the compensation being given to victims but they have not received any formal information in this respect by the government. No government official has come here. There is nobody in this family who can follow up since the grandparents are old and both Bashir's father and brother are labourers who are occupied during the day to in basic subsistence. A neighbour said: "From the police behaviour it would seem that the police wanted a bribe before they gave a copy of the FIR."

KILLING BY UNIDENTIFIED GUNMEN

During this fact-finding exercise, the team came across only one instance where a civilian was killed by unidentified gunmen. Ghulam Nabi Wani was a resident of Chakura village (Pulwama tehsil and district). Around 15 kilometres from Pulwama, this village has 450 houses. There was a high school there though the nearest hospital was in Bijbehera or Anantnag. This village had three mohallas: Khanpora, Mirpora and Sherpora.

Ghulam Nabi Vani, 37 years of age, lived in Sherpora *mohalla*. At around 10 p.m. on 23 August he was killed by unidentified gunmen when on his way back from the local *masjid*. Ghulam has been an active member of the National Conference, especially since Omar Abdullah came to power. He did not participate in pro-*aazadi* protests. He was also the panchayat secretary. That day he got out of the *masjid* earlier than the others. Those who were pro-*aazadi* shouted slogans after coming out, as was customary at the time. Ghulam's thinking different but he was also not fearful of the others. A year ago, close to mid-night, some persons attacked his house, threw stones and broke the window panes. At the time he had also received a warning from the Hizbul Mujahideen. But after his death in August, HM has in a local newspaper denied having any hand in his killing. This is contrary to the group's usual practice of owning up to any political assassination. Nobody can be sure who was responsible for Ghulam's killing. It could be the militants, it could be a political party that opposed the National Conference, or surrendered militants now acting as accessories of the police and armed forces, or anybody at all with a personal motivation. Some of the locals think that the killing could also have been by the security forces, since the Rashtriya Rifles camp was just about four km from the *mohalla*. The RR deployment, present in the village since many years have been known to frequently engage in crackdowns, harassment, and the destruction of property.

July 6: violence explodes in a lethal action-reaction sequence

On 7 July 2010, the Indian Army came out on the streets of Srinagar for the first time in several years. Since being pulled out of Kashmir's main urban areas as part of a well-advertised return to what is rather optimistically called "normalcy", this was an admission that things were going horribly awry in the calculations of the Indian State. The decision to bring the army back into the cities was one made in precipitate haste. And the events of 6 July, which illustrated how unrest in Kashmir could explode in a lethal upward spiral of violence and resistance, seemed to have been instrumental in persuading the authorities that the pretence of "normalcy" was running rather thin, even by the normally deluded standards of the official discourse on Kashmir.

The explosion of violence on 6 July had a seemingly trivial cause: a minister's embarrassment. Four lives were lost in the cycle of reprisal and resistance that followed. All the massive force and intimidation that the security forces brought to bear to suppress the explosion of 6 July, plainly had little impact. Rather, it showed up the security strategy in Kashmir as self-defeating, with no other recourse than multiplying the application of force. in complete disregard of human costs. And when the potential for embarrassment arose from an escalation of the human costs, a strategy of denial or blaming the victims would ensue.

6 July was recorded in Kashmir's largest circulated English-language newspaper, *Greater Kashmir*, under the headline: "Bloodbath: 4 killed in Srinagar". In what is called "mainland India", *The Hindu* reported the day's trauma under a more sober and rather sanitised headline: "Indefinite curfew in Srinagar after 4 die in fresh violence". And the country's largest English newspaper, the *Times of India*, led its front-page story on a rather regretful note: "after months of calm that had raised hopes of normalcy, Kashmir appears to be getting swept into a spiral of violence again, forcing the authorities to call out the Army across the entire Srinagar city". The story, under the headline "Army out in Srinagar as turmoil worsens", went on to report, on the authority of the Director-General of J&K Police, Kuldeep Khoda, that the army would "take over the entire patrolling responsibility in the city from the CRPF and police."

The toll of the dead in demonstrations across the valley had just crossed into the double digit mark at this point. As reported by the *Times of India* that day: "The decision (on deploying the army) was taken after three more protesters, including a 25-year old woman, were killed in CRPF firing on Tuesday, bringing the death toll in such incidents to 14 since June 11."

In keeping with the established pattern, the mainstream media fluffed the figures and reduced the story of human tragedy unfolding in Kashmir, to anonymous identities and actions devoid of agency. Lives were lost because bullets were fired. There was no greater enlightenment on offer. This is not to say that Kashmir's journalists have not tried against great odds to bring to public notice, the brutal realities of life under siege and the constant threat of death – only that their efforts have been futile, considering how the media discourse on Kashmir is organised in “mainland India”.

The violence of 6 July was set in train the previous day, when a minister of state in the J&K government, Nasir Aslam Wani, visited the Tengpora area of Srinagar, adjoining the Gangbugh bypass on the highway to Baramullah. He came with intent to examine the damage inflicted on civic life as a consequence of the tactics that security forces had been adopting to quell the growing tide of protests - including breaking windows and shattering household effects.

The minister's visit was seen in the locality as a publicity gimmick. Reflecting the public sentiment, a group of young boys bathing in a canal that runs along the pathway into the neighbourhood, jeered at him. There is no evidence that any stones were hurled, though the media narrative that followed seemed without serious query, to accept that the protest against the minister's visit followed the pattern that was becoming the defining template of that summer in Kashmir.

Subsequent events, as reported in the media, are somewhat confusing. *Greater Kashmir* says that Muzaffar Ahmad Bhat was one among a group of boys that was surrounded by the CRPF after protests erupted during the minister's visit. Muzaffar for reasons yet unknown, was taken in, while the others in his group of play-mates were let off.

Other media reports have said that all boys were chased down the road by an angry company of policemen. The boys indeed, may have not been quite so innocent, and may have pelted stones at the minister's entourage. But when pursued by the uniformed personnel, Muzaffar may have leapt into the Gangbugh canal in panic.

A QUITE DIFFERENT NARRATIVE FROM LOCAL SOURCES

Muzaffar was the third child of Bashir Ahmad Bhat, a small-holding farmer in the area. As his father narrates the day's events, Muzaffar, aged 17 at the time, was working in the fields with him till about two o'clock on the afternoon of 5 July. They both came back home for lunch, following which Muzaffar went out to bathe in the *dariya* (flood channel) that runs close to the highway, along the road leading to their neighbourhood.

The minister arrived on his visit of inspection around 3:30 that afternoon and was met by a number of irate protesters. Shortly after he left, a group of policemen came back into the village on what seemed a mission of settling scores. Muzaffar and his friends, still bathing in the *dariya*, were the first target they spotted. Muzaffar was picked up from among the group and taken away, for no reason other than the need for the police to make an example of somebody.

As word spread of another disappearance, the entire neighbourhood came out in anxiety and gathered on the highway to Baramullah, shouting slogans and demanding Muzaffar's release. By late-evening, the highway was choked and traffic movement paralysed. The top police officials - from superintendent to inspector-general -- turned up to negotiate an end to the blockade. Tengpora was unwilling to relent and tear-gas shells and lathi charges proved to be of little use in dispersing the massed demonstrators on the highway.

Muzaffar's father – Bashir – had meanwhile visited the two police stations in the vicinity, at Batamaloo and Shergarh and been told that there was nobody answering to his son's description in their custody. Suggestions made by the police then, as he recalls, that his son may have fallen into the reservoir adjoining the highway, while fleeing the security crackdown. As Bashir recounts that day's incidents, the reservoir was then drained out by a group of local residents, but the boy remained untraced.

By five the next morning, the siege of the highway was lifted, in part because the protesters were in a state of fatigue. Bashir suspects that Muzaffar's lifeless body was surreptitiously brought to the site after the crowd dispersed. When found, his body was brought in a shroud to the point on the highway where the road turns in towards Tengpora. A crowd soon assembled, shouting *aazadi* slogans and demanding justice for the slain youth.

COLLATERAL DAMAGE

This was the context in which Fayaz Ahmad Wani, an employee of the state government's department of parks and gardens, set out for work. The highway was blocked and there was a company of the CRPF advancing towards the demonstrators, but Fayaz was moving in the other direction, with no intent other than reporting for duty on time.

Saqib Nazir Wani, Fayaz's younger brother, was by his own admission, part of the demonstration. But as he tells it, Fayaz was not -- and there is no evident reason at all why he should have been targeted in a lethal volley of gunfire by the CRPF. There were a number of others among the demonstrators who were injured in this firing, but Fayaz, hit in the neck, was the only one to die.

DIGNITY DENIED TO THE DEAD

Fayaz's body was laid out, wrapped in a shroud, alongside Muzaffar's. The highway to Baramullah became the scene of one of the largest gatherings of mourners and protesters that Kashmir had seen in several years. At a loss on how to deal with the explosion of rage, the police force let loose their most brutal instincts. Abdul Ghani Bhat, Muzaffar's uncle, in an image widely publicised and seen through the valley, was kicked and beaten by the police as he kept a vigil over the body of the slain youth.

As news of the deaths in Tengpora spread, crowds came out in other parts of the valley. The most vigorous protests occurred in the Maisuma Bagh area of Srinagar, where Fayaz had been a resident with his family, till relocating to Tengpora. Abrar Ahmad, an 18-year old, was killed in the firing that ensued in this area.

All through that morning and well into the afternoon, most of Srinagar was in turmoil. In the Lakshmanpora neighbourhood within the Batamaloo police station precinct, protests began that morning after announcements were made from the mosques about the killing of Muzaffar and Fayaz. All through the morning, demonstrators and the police fought a war of manoeuvre for control of the streets. At some time in the afternoon, J&K police forces facing off against protesters, charged down the main street of the neighbourhood, dispersing the crowd with several bursts of teargas.

FANCY JAAN: RANDOM VICTIM OF DELIBERATE CRIME

Some of the teargas shells were fired down a side street on which Abdur Rahim, a casual worker, lives. As the fumes started entering the home, his daughter Fancy Jaan noticed that they were causing some distress to her asthmatic mother. Fancy went up to the first floor to draw the curtain. The home had no windows then since a minor renovation was underway and curtains were the only protection. Fancy may have looked out of her window for a fraction of a second. She was at that precise moment, hit by a shot fired by a policeman patrolling the main street.



Fancy Jaan's sister by the window where the killing took place

Considering the distance and the angle at which the shot was fired - not to mention the fractional instant when Fancy looked out - the possibility of the bullet hitting any live object, let alone proving fatal, must have been the most remote. Yet Fancy was hit in the chest and died almost immediately. It may have been a shot fired on impulse - with intent to intimidate rather than kill - but it was certainly done without care for consequences, an obligation incumbent upon anyone handling lethal weapons.

It was mid-afternoon. Fancy's family brought her down in order to take her to the hospital. They had little hope of bringing her back from the world of the dead where she already seemed banished. But just at the time the family was seeking some measure of closure, it was forced to retreat indoors by massive tear-gassing.

Fancy's body was left on the main road, following which the security forces reportedly left in a hurry, rather than take responsibility either for the killing or its aftermath.

Unlike others caught in similar situations, Fancy's family chose to lodge an FIR with the local police station. But they encountered great difficulties in the process. Once the news of her death spread and the protests began multiplying, officials at Batamaloo police station seemingly felt compelled to register the FIR.

Despite their straitened circumstances, Fancy's family has disdained the offer of compensation. Fancy herself did *kravel* embroidery work to supplement the family income. Though her neighbourhood had frequently been swept up in the fervour of the protests engulfing Kashmir, she had herself never been an active participant. Her death in the words of her parents shows that in Kashmir, no place is safe, even the supposed haven of a "family home".

the toll of young life

Tufail Mattoo died on 11 June 2010, just eighteen days short of his eighteenth birthday. The cause of death was identified, after much avoidable early confusion, as a grievous head injury. In Srinagar's fevered public mood, his death soon came to be understood as a deliberate act of vendetta, of a roguish police officer seeking to stamp his authority on public demonstrators, without making too fine a point over the legality of his action.

Tufail was an only child who had spent several of his years outside Kashmir. He may have known about the politics of the insurgency in the valley, but his years in Dubai and Mumbai, where his father had establishments promoting his handicrafts, had made Tufail a pragmatist, intent on pursuing academic work and seeking a career free of the tensions enveloping Kashmir. At the time he was killed, he was on his way to his grandmother's residence in the Nowhatta area of Srinagar, after a session of private tuition. It was a routine he had long been used to. And despite the tense atmosphere in the city that day, he thought there was little to fear as he alighted from a bus to begin the short walk to his grandmother's home.

A demonstration was underway in the vicinity of the Ghani stadium but Tufail was reportedly some distance away. Eyewitness accounts have mentioned a J&K police contingent at the venue, under the command of Deputy Superintendent Abdul Hamid Saka - then in charge of the two adjacent police stations of Nowhatta and Maharajganj.

The record of the events that followed have tended to get a little confused. Tufail's family believes that he was some distance away from the demonstrators but perilously close to the police contingent then gearing up for crowd control.

Certain media reports have said that Tufail was probably walking through the open field of the Ghani stadium when he got caught in the exchange of projectiles between the demonstrators and the police. As reported in the *Indian Express* of June 13: "Tufail .. was caught in a skirmish between a group of protestors and the police". An eyewitness account from one of the protestors has it that Tufail "was inside the playground when they (the police) fired (a teargas shell) at him. It hit his head and he fell down".

Three policemen then reportedly "got down from their vehicle" and one of them "kicked (Tufail's) body and told the other two that he was dead". Then the police personnel reportedly "fled".¹

Local newspapers did not manage to uncover any further forensic details. The city was in turmoil and there was little room for analytical and dispassionate news

1 See the story headlined "Valley Schoolboy was Killed by Teargas Shell" in the Indian Express of June 13, available at this writing at: <http://www.indianexpress.com/news/valley-schoolboy-was-killed-by-teargas-shell/633123/0>.

gathering. Once the body of the young boy was received in Srinagar's SMHS Hospital, the local authorities it seems, sought to drive a bargain with the family. The police were anxious to avoid any aggravation of the public mood and keen to see the boy's burial concluded under cover of night. The family was adamant that they would make no such sordid deal over the boy's death. A manner of settlement was arrived at after the Senior Superintendent of Police (SSP) for Srinagar at the time, Riyaz Bedar, arranged to provide all necessary information for the causes of Tufail's death to be established. But as Tufail's body was being taken away from the medical facility for a burial that the family intended as a private affair, it was intercepted in the Rainawari area. Angry demonstrators snatched the body from the Mattoo family, insisting on laying him to rest in the burial ground that has come to be known as the "martyr's graveyard" in Srinagar.

The *Kashmir Times* reported then: "Thousands of people defied the curfew restrictions and held massive protest demonstrations. Police had to fire in air, burst smoke shells and resorted (sic) to *lathi* charge to disperse the protestors. Even excessive force (sic) was used on the people in the funeral procession of Tufail at several places. At some places including Zinda Shah Masjid the protestors were forced by cops to keep the coffin, carrying the body of Tufail, on road amid heavy shelling and firing in air".²

Details of the autopsy conducted into Tufail's death soon emerged, which established that he was killed by a high-velocity projectile striking at very short range. The autopsy had used ballistics matching with a specimen provided by the local police to arrive at the conclusion that death was caused by a tear-gas shell striking at high velocity and close range.³

The police for its part sought to first put out one version and then another. One held that Tufail had been fatally hurt in stone throwing by the demonstrators. Another put down the fatal injury to a brawl that the boy got into while playing cricket, during which he was supposedly hit with a wicket.

Despite the autopsy report, the police showed little urgency about registering a case. On June 18, Tufail's uncle Manzoor Ahmad Mattoo moved an application before the Chief Judicial Magistrate, Srinagar, asking the police to register a case and begin investigations. The first information report (FIR) that was subsequently filed, reflected none of the findings of the autopsy and clung to the story that death was a consequence of a cricket field brawl.

Riyaz Bedar, the Senior Superintendent of Police for Srinagar at the time of the killing, had to an extent cooperated with the effort to establish the circumstances behind Tufail's death, by providing a specimen teargas shell to the medical staff for ballistics matching. He was transferred out of his post on June 22. The investigation has made little progress since.

Early December, an 11-member delegation, drawn from an independent research foundation based in Delhi - the Centre for Policy Analysis - and diverse regional

2 Accessible at <http://www.kashmirtimes.com/> on clicking through the "archives" link to June 12, 2010.

3 <http://www.timesnow.tv/Bullet-killed-teen-not-tear-gas/videoshow/4347803.cms>

and left-wing political parties visited Kashmir. Since Tufail's death had proved a pivotal event in the year's disturbances, the delegation's first visit was with his father, Mohammad Ashraf Mattoo.⁴ The suspicions of the local police and security agencies were reportedly aroused by this visit. Since then, the elder Mattoo has reported several visits by security personnel in civilian attire, who have urged him to accept the cash compensation of Rs 5 lakh on offer and withdraw his petition seeking investigation into his son's death.⁵

AN EARLY PROVOCATION: THE KILLING OF ZAHID FAROOQ

Tufail's killing was the point at which mass fury erupted in Kashmir, but a slow fuse was perhaps lit on February 5, when 16-year old Zahid Farooq was shot dead in a neighbourhood of Srinagar. Zahid's family lives in the modest Nishat Brane suburb, just a short walk from the majestic Boulevard encircling Srinagar's Dal Lake. Zahid had with two friends, walked down to a park abutting the Boulevard that day, with no other intention than spending some time hitting a cricket ball around. It was cold and rainy and by the time they reached the park, they found the conditions not quite right for a friendly cricketing joust. As they hung around, they saw three vehicles of the BSF halting on the Boulevard just adjoining the park. Subsequent reconstructions have suggested that there were perhaps three vehicles in the BSF convoy.

According to Zahid's father Farooq Ahmad Shaikh - a driver with the state government's Public Health Engineering Department - there may have been an exchange of words that followed. But it is not clear what could have set off a surge of uncontrollable rage among two of the BSF personnel, who alighted from the convoy, armed but clothed in civilian attire. The altercation, if at all there was one, led to the three boys being chased through the alleys of the neighbourhood. His two friends ducked to safety but Zahid was either specifically targeted - or he was just the single kill that the two armed pursuers were looking for, to expend their rage. A post-mortem examination revealed that Zahid was killed by one shot to his chest.

The company involved was identified as 68 battalion of BSF, using closed circuit TV footage available at a nearby camp of the Central Reserve Police Force (CRPF). Ballistics matching further narrowed the number of suspects, since very few had the lethal weapon in their possession that day. Interrogation finally identified constable Lakhwinder Singh (alias Kumar) as the person who had fired the fatal shot. He was soon afterwards handed over to the J&K Police. Under further questioning, he revealed that the order to fire that day had been issued by commandant R.K. Birdi, who was suspended soon afterwards and surrendered to the J&K Police in March.

Criminal prosecution commenced in April, but the BSF almost immediately moved an application before the Chief Judicial Magistrate, pleading that proceedings be

4 See the report in the Hindustan Times, Delhi edition, December 4, 2010; extracted on January 3 from: <http://www.hindustantimes.com/Parliamentary-civil-society-team-visits-Kashmir/Article1-633974.aspx>.

5 Greater Kashmir in Srinagar reported the story on December 28 under the headline "Tufail's father looking for asylum". The Hindustan Times followed the next day in its Delhi edition, with a story titled "Scared, Tufail's father mulls asylum". The stories are available as on January 3, at: <http://www.greaterkashmir.com/news/2010/Dec/28/tufail-s-father-looking-for-asylum-33.asp> and <http://www.hindustantimes.com/Scared-Tufail-s-dad-mulls-asylum/Article1-643976.aspx>.

transferred to the jurisdiction of the General Security Forces Court (GSFC). The J&K Police argued that it had the authority to prosecute the personnel involved without obtaining prior sanction, because neither was on active duty at the time. This also, in their estimation, ruled out the jurisdiction of the GSFC, normally the forum for cases involving misconduct and criminal misdemeanour by force personnel.

On November 25, the CJM Srinagar, ruled that under relevant notifications issued by the Central Government, all BSF personnel deployed in J&K between the dates of July 1, 2007 and June 30, 2010, were to be deemed on active duty at all times. On this basis, he allowed the transfer of the trial to the GSFC. The state government on 2 December 2010, filed a revision petition against this order before the J&K High Court. While the High Court initially on the first hearing of the case, stayed the proceedings before the GSFC, in February 2011, it vacated its own stay and allowed for evidence to be recorded by the GSFC with the rider that a final decision in the trial would not be taken.

AN INTRUSIVE AND OVERBEARING *KHAKHI* PRESENCE

Though Zahid's killing was initially put down to an unprovoked firing, his family was – when meeting this team in October – prepared to concede that there may have been an act of verbal defiance by the three boys when they saw the BSF convoy stopping in the vicinity of the park. If so, the circumstances then prevailing would provide the reason.

On 31 January 2010, just five days before, Wamiq Farooq, a 17-year old, was killed while taking part in a peaceful demonstration in Srinagar. The cause of his death was then suspected to be a teargas shell fired from close range, which impacted with fatal effect on his head.

Much of Kashmir was in turmoil after this incident, but few among the local authorities had shown the slightest inclination to accept responsibility for the death of the young man. Kashmir's youth have grown up in an environment where uniformed personnel are an intrusive and often overbearing presence. To this should be added the growing evidence that the men in uniform see themselves as unaccountable to all but their own internal chain of command.

For a generation of Kashmir's youth, the constant presence of *khakhi* in their lives is evidence that they live in a regime of unfreedom. Any act of defiance against the men in *khakhi* or the symbols of their presence and authority, is an assertion of this deeply ingrained belief. Zahid may on that day, have expressed that widely held sentiment in a manner that invited the ire of the BSF company that just happened to halt in his neighbourhood on their way to some other destination. His killers perhaps reacted with aggravated fury to an expression of disdain by the three boys that day. It may in circumstances that pass for "normal" in Kashmir, have been considered a part of the routine of daily life. But that day for some reason, was different.

AN 8 YEAR OLD KILLED

Samir Ahmad Rah had no intent of making a political statement when he set out from his home in the Batamaloo area in Srinagar on August 2. He was all of eight

years old and though the area was under curfew, few in his family saw any danger in him playing in the back alleys. A close relative of his father's lives in the immediate vicinity and between the two households, it was assumed that a sufficiently close watch could be maintained to keep the boy out of danger.

That day, Samir may have strayed too far from safety. A ten-minute walk from his home, he encountered a CRPF picket. His family insists that he was attacked with no provocation.

Rising Kashmir, a local newspaper, on August 3 reported, ostensibly on the basis of eyewitness accounts, that Samir may have shouted an *azaadi* slogan on seeing the uniformed men. If that indeed is the case, then it was obviously a child's innocent and relatively uncomprehending emulation of a pattern of behaviour seen among elders all around. The CRPF contingent on duty though, seemed disinclined to make the fine distinctions of judgment between an informed slogan shouter and an innocent imitator.



My son, Samir

Eye witnesses speak of Samir being administered a very violent blow across his head with a rifle butt and a *lathi* being thrust down his throat. The boy was then abandoned where he fell. Personnel of the J&K police happened to reach the site soon afterwards, reportedly after being told of the incident. Samir was taken to the nearest police control room and from there to the SMHS Hospital. The hospital records show him being brought to the casualty ward at 3:45 that afternoon. He was already on emergency life support and ventilation. There was no detectable cardiac activity. Cardio-pulmonary resuscitation was carried out, but the boy suffered another cardiac arrest at 7:25 p.m. and was pronounced dead about an hour afterwards.

Samir's neighbourhood meanwhile was in turmoil. His father Fayaz Ahmad Rah, was resting, just having returned that morning from a few days out of town. Crowds had gathered to confront security personnel on duty. Tempers were aflame when Fayaz woke up and stepped out. Long hours of uncertainty followed, before the family came to know that the boy was dead. The neighbourhood had meanwhile erupted in protest. Late that evening water and electricity supply was cut off to the neighbourhood and cable television went off the screens.

The following day, Fayaz says, the head of the local police station visited him to express contrition and grief at what had happened to Samir. Privately, he admitted that a great wrong had been committed. Yet the FIR that he filed shortly afterwards, recorded the cause of Samir's death as injuries caused in a stampede. Fayaz, who ekes out a modest living selling fruits off his pushcart at a nearby street corner, has refused to accept this finding. Indeed, the post-mortem report that the family still retains, mentions no injury aside from a "bruise on the occipital region, not actively bleeding". There was no other mark of a visible injury on Samir's body, nor any evidence of bleeding through any part of the body. On the face of things, the post-mortem findings seem to rule out the possibility that the boy was killed in a stampede.

YOUTH AND THE SECURITY FORCES' AGGRAVATED THREAT PERCEPTIONS

Through the months of Kashmir's turmoil, a strange negative affinity seemed at work between security personnel and the youth. The men in *khakhi* tended to look at every young person - even children of tender years - as a threat. Where some restraint in dealing with the innocent and often erratic behaviour of the youth would be among the first lessons taught a security person deployed in politically sensitive zones, the record in Kashmir has been one of responding with maximal force at the slightest provocation. People that this team met and interacted with, were often inclined to identify the large-scale induction of former militants into the police force as a contributory factor. These former militants once functioned as active elements of the counter-insurgency operation, with overt support from the state security agencies. They now occupy official positions, often in key positions of the chain of command.

Some of these factors were in evidence in the northern Kashmir town of Baramulla on July 17, in the killing of 12-year old Faizan Buhroo. Faizan's father Rafiq Buhroo, works as a blacksmith in Uri. He used to take the route to Uri every day but has since the recent disturbances, been compelled to curtail his daily trips. Like much of Kashmir's population which depends on infrequent and unpredictable opportunities for work, the economic condition of this family seems fragile.

Faizan's older sister, Rizwan, recalls that on July 17, curfew was relaxed in Baramullah since the school exams were on. Faizan, a class seven student, returned early when it turned out that the day's exam could not be held. Along with a group of friends, he went out soon afterwards to the *Azadganj-pul* - a bridge newly opened across the Jhelum, that has become a site for the few recreational activities that ordinary people in Baramulla can permit themselves. The bridge is just half a kilometre from Faizan's home, and his family felt no undue anxiety as he set off.

According to a later account they heard, Faizan and his friends while at the bridge, found a convoy of the security forces coming across in what is called a "civil truck". When armed personnel started alighting from the truck, the children turned and started to run. Faizan saw an older boy jump into the river below, but he was no swimmer and lacked the courage to take the plunge.

The family has since heard that Faizan and two companions who remained on the bridge, were overpowered by the forces. As his sister narrates subsequent events: "Faizan had an old injury on his forehead. They must have thought that he was a stone-pelting. He was beaten mercilessly with teargas guns and *dandas*".

A boy younger to Faizan, whose identity the family did not remember, suffered a serious ear injury and had to be taken to hospital at Srinagar. Faizan was beaten on his head and thrown into the river below. His mother arrived at the scene at roughly the same time. She was told that a child had been thrown into the river, that he had been flailing his arms and showing obvious signs of distress, and that people had been unable to go to his assistance because of intimidatory tactics adopted by the security forces.

Faizan's older brother, Faisal, a class eleven student, was meanwhile told that the child in question was his own brother. He reportedly kept this information to himself,

but the family guessed the awful truth when the father arrived back at a late evening hour, and Faizan still remained missing.

The whole town was by this time alerted and the local administration and army command base stepped in with offers of assistance. The army provided a boat manned by experienced deep-water divers to help in the search.

Faizan's body was purportedly found on July 20 and handed over to his family at 5 p.m. that day. The family feels that he was actually found some time earlier and the local administration may have delayed handing over the body to dress up some incriminating evidence.

Faizan had a bleeding injury from the nose when his body was handed over to the family. They could also see three injuries on his head, of which one was particularly severe and could have been caused by a gun butt.

For the three days since Faizan went missing, thousands of Baramulla's residents had been keeping a vigil night and day on both sides of the Jhelum. The day his body was discovered, the assembled crowd, along with numerous others who came, took out a procession through the town, ending at the district headquarters. The size of the demonstration reportedly numbered about tens of thousands.

Security forces on duty at the district headquarters opened fire on the procession, injuring around 30 and killing one. Faiyaz Ahmad, a labourer who joined the procession as he was returning home at the end of the day, died on the spot of a bullet injury in the chest.

Baramullah's residents have since come to know that the most active role in Faizan's beating and subsequent death, belonged to somebody known locally as Kaka Mir. He was once a militant, then a prominent practitioner of counter-terror under official supervision. He now is an officer in the J&K Police, as part of the Special Operations Group (SOG).

AN ALIENATED YOUTH

Data that this team has been able to gather, shows that perhaps 27 of the 112 persons reported killed in civil disturbances in the valley in 2010, may have been under 18 years of age. This team was able only to access a limited number of these case studies for constructing detailed narratives. But among the large number of cases surveyed in Sopore and Anantnag, of families that had lost young members in the recent turmoil, several were willing to proclaim that their children had been willing participants in the demonstrations - that they knew as they went to join in the public protests, that they may not return home alive.



Remembering Faizan who was forcibly drowned in Baramulla

attack and killing on pattan hospital premises: urgent need for accountability

The historic town of Pattan in Baramulla district, situated on the highway to Srinagar, is just a few kilometres from the village of Palhallan, which has attracted a disproportionate measure of repression since the current phase of mass civil unrest began in Kashmir. Palhallan was under a virtual siege for over two months, shut away from public attention, only beginning to emerge into the light around the time this team visited.

Doctors and other staff at the Pattan hospital vividly recall July 30, when armed personnel of the Central Reserve Police Force (CRPF) forced their way into the hospital early in the evening, shortly after several injured civilians had been brought in for urgent medical attention. They shattered windowpanes, broke down doors and destroyed vital medical equipment, while hospital staff were thrown into a state of sheer terror. Surgeons performing urgent life-saving procedures in the casualty ward and the minor operating theatre, were alerted to the incursion of armed forces and warned to stay indoors.

When he heard the violent thumping on the door of his surgical ward, the more senior among the two surgeons on duty then, judged the risks of not responding to the demands of the armed intruders greater than actually opening the door. He was then attending to between ten and twelve patients on an urgent basis, besides which the casualty ward was packed with the numerous volunteers that had brought in the patients, in the absence of ambulance and stretcher services. His recollection is that there were then about five volunteers within the ward for every patient. A possible panic by the assembled crowd within the casualty ward could potentially have proved fatal for the seriously injured patients under his care.

The moment he opened the door, the senior surgeon found three rifle barrels thrust into his chest. He kept his composure and managed to avert further danger by explaining that he needed to return quickly to urgent life-saving tasks. As he turned to go back into surgery, he saw the CRPF men roughing up numerous other staff and bystanders within the hospital precincts. A car belonging to the hospital's chief medical officer was smashed in the process as was a recently acquired ambulance.

Other members of the hospital staff recall that the CRPF men then made their way to the women's ward where they broke down the door before the terrified staff withdrew into an adjacent room. But for a shopkeeper from the neighbourhood who

happened to be on the premises at the time and locked the staff in, drawing the wrath of the intruders on himself, the women staff of the hospital fear that they too might have been seriously endangered. Likewise, three doctors are reported to have locked themselves inside a bathroom to avert danger.

Eye-witness accounts of the day's events at Pattan cannot naturally offer a full reconstruction, since every account is confined within the limited canvas that any particular individual could see. And much would have been obscure to any individual's gaze in those frenzied moments, when everybody was looking out for his or her own safety. There is however, an account by a family from the village of Palhallan which demands attention, since it points towards a crime that should shock the conscience.

Mohammad Ramzan Sheikh, like several other residents of Palhallan, had been taking part in protests against the security forces since the cycle began with Machhil encounter in April 2010. On the afternoon of July 30, he set off to the spot assigned for the protest, accompanied by his 12-year old son, Adil Ramzan Sheikh. Mohammad insists that he always kept the little boy at a safe distance from the epicentre of the demonstrations. But on July 30 though, the boy seemingly escaped the attention of his father.

At around 3 pm, Mohammad was informed by telephone that his son Adil had been taken to the Pattan hospital with a gunshot injury. He was told that a bullet had grazed his shoulder and the wound was bleeding profusely. But soon after Adil was admitted in the Pattan hospital, his wound staunched and an intravenous (IV) drip administered, his father recounts - based on the narration heard from others present there - the CRPF personnel raided the premises, ripped out the IV cord from Adil's arm, pulled him off the bed and shot him dead at point blank range.

Mohammad asked his informant to bring back Adil's body for burial. With the roads closed by a heavy security blanket, the body was brought back late evening by some

people who carried it on their shoulders. Mohammad reported seeing one wound on his son's upper back and another wound in the lower chest that seemed to have been caused by a bullet fired at close range. Adil was buried the same night. The family does not have any papers relating to the case. There has been no FIR registered, nor does the family know if a post-mortem report exists.



Scene of ward at Pattan hospital - what was Adil's bed

As the doctors at Pattan hospital recall it, the boy they received for treatment that day was already grievously injured and offered at first sight, little hope of survival. The circumstances in which Adil suffered the fatal wound remain a matter of conjecture. Doctors think that he could have been admitted to the ward as a case not requiring immediate attention and administered the IV drip. In the turmoil and confusion caused by the CRPF intrusion, he may possibly have been one of many who fled for shelter. Several patients admitted to the ward at that hour are known to have fled when the wrath of the CRPF descended on the hospital, some of them leaping out of the windows. And then, according to various eyewitnesses who have given their accounts to the doctors, Adil may have run towards the compound wall of the hospital which adjoins a school, where he could have taken the fatal bullet from a CRPF firearm.

Whatever the truth about the events that led to Adil's death, there is little question that Pattan hospital on July 30 suffered an attack which by all acknowledged covenants, puts the CRPF and all other elements party to it, under the cloud serious criminality. This constitutes a clear violation of International Humanitarian Law, which necessitates an urgent and impartial investigation.

From all available accounts of the day's events, it appears that protests in Pattan began late afternoon on July 30 after news was conveyed of a police firing in the north Kashmir town of Sopore, some 20 kilometres away. Passions were raw after two protestors who took to the streets that day were reported killed in Sopore. When protests in Pattan escalated, with people from Palhallan participating, the forces



Pattan hospital

deployed at the site opened fire. As reported the next day in *Greater Kashmir*, as many as 90 may have been injured in these rounds of firing. Protesters in retaliation, reportedly attacked the police station and sought to set it afire. ¹

Given the severe restrictions on movement in place then - not to mention the various curbs on communication links and the virtual blockading of the press - there have been mixed and varying accounts of the Pattan hospital attack. While *Greater Kashmir*, reported the attack on the hospital in some detail, it identified the boy who was killed that day as 14-year old Mohammad Rafiq Bhat.

The other two English-language dailies published from Srinagar, *Kashmir Times* and *Rising Kashmir*, have registered the incident in Pattan in their editions of July 31, though without agreeing on the precise sequence of events.² *Kashmir Times* reported that security forces had attacked the hospital, ransacked it and beaten patients and staff. *Rising Kashmir* did not have this detail. Both newspapers however, agreed on

1 See "Friday Bloodbath: 2 killed in Sopur, one in Pattan", *Greater Kashmir*, 31 July 2010.

2 See "4 killed, 17 Injured in CRPF, police firing", *Kashmir Times*, 31 July 2010 and "Bullets kill 4, injure 250", *Rising Kashmir*, 31 July 2010.

the identity of the 14-year old boy who was killed at the time, reporting his name as Mohammad Rafiq Bhat.

A report on the news portal Rediff (www.rediff.com) which may well have been sourced from a news agency within Kashmir, reported the event as follows: “An unruly mob also attacked and torched a portion of the north Kashmir Pattan police station, 30 km from Srinagar on Friday evening. Security forces had to resort to firing to quell the mob, killing a teenager identified as 14-year-old Adil Sheikh on the spot”.³

Within weeks, the reporting had been transformed, with Adil’s death being ascribed not to a randomly fired bullet at the protest site, but to a cold-blooded murder within the hospital compound. *Greater Kashmir* in a report on the travails of Palhallan on October 6, over two months since the event in question, reported that eight persons from the village had died in the course of the “ongoing unrest”, among whom the first was “twelve-year old Adil Ramzan Sheikh (who) was shot by troopers in sub-district hospital Pattan on July 30”.⁴

The fact that the Jammu and Kashmir Police has filed charges against a few of its own men, apart from some army and CRPF personnel (as mentioned to our team by Director General of J&K Police, Kuldeep Khoda), is an acknowledgment of numerous instances of the illegitimate and excessive use of force through Kashmir’s long summer of turbulence. The incident at Pattan on July 30 falls within the majority of cases where serious investigations have not been undertaken. In the circumstances, security forces have repeatedly breached the red lines which should not be crossed under any circumstances. Medical personnel, ambulances and other facilities have been repeatedly targeted when they should be under all applicable rules of engagement, exempt from the slightest threat of the use of force.

Pattan doctors recall that on September 6, they were unable to respond to urgent calls to deploy staff to the medical post in Palhallan, after numerous injuries were suffered in the village in a clash between protesters and security forces. Victims had to be transported through dirt roads running at a considerable distance from the highway, rendering a ten minute transit time into something closer to two hours. In the circumstances, many preferred to take the casualties through to Srinagar directly. Two lives were perhaps lost that day because of delayed medical care.

Though the staff of the Pattan hospital are outraged at the July 30 attack, they are discouraged from pursuing remedies because of the widespread climate of impunity. They have not sought an intervention by the doctors’ association, because they are aware of its futility. And the quest for criminal prosecution is laughed away. “Who should we file an FIR against?”, asks a witness to the attack: “against all of India?”.

3 <http://news.rediff.com/report/2010/jul/30/jk-2-protestors-injured-in-firing-by-forces.htm>.

4 <http://www.greaterkashmir.com/news/2010/Oct/6/palhallan-a-victim-of-govt-ire-22.asp>.

palhallan under siege

Saqib, a 13-year old in the orchard village of Palhallan in Baramulla district of Kashmir, knew Adil Ramzan Sheikh, a slightly younger boy killed on July 30, in circumstances that remain contentious.

He struggles to cope with the abrupt disappearance of a young playmate, but has no serious doubt that the future of Kashmir lies in *azaadi*. Like most Kashmiris, he is aware of the various options on the menu: between a return to the 1953 situation, a fuller accession to India or Pakistan, or just plain *azaadi*. And he is able to recite out aloud – almost like a catechism -- that the commitments made by “Pandit Jawaharlal Nehru”, necessarily mean that India owes Kashmir the right to decide between these options.

What possibly could *azaadi* mean to Saqib? A major criterion emerges a little while into the conversation: *azaadi* means in part, to be free of “Major Sharma”, the local army commander who made it a regular routine to swagger into Saqib’s school in the company of other soldiers from his unit -- all displaying lethal firearms -- to threaten children that they participate in protest demonstrations only at enormous risk to their lives.

This fact-finding team had no opportunity to meet “Major Sharma” but was able to assess that he loomed large in the consciousness of the residents of Palhallan, all through the months of Kashmir’s turmoil. As the village suffered a comprehensive lockdown for weeks together, Major Sharma’s iron first stirred fear within its residents, who hesitated in going about their usual routines for fear that they may invite an unpredictable and violent retribution.

October 24, when this team visited Palhallan, was the first day in many that the village was exempt from heavy-handed restraints on movement. These severe restrictions were imposed since an upsurge in protests on September 6 was met with ruthless fury by the security forces. A virtual lockdown of civilian movement was soon afterwards declared in the village. All points of entry and exit were sealed by Indian army units and J&K police deployed in force within the village.

It has not been easy to reconstruct what happened on September 6. The *Rising Kashmir* report the following day, has recorded a statement issued from the Kashmir range police headquarters -- within at the most a couple of hours of the bloodshed -- acknowledging that lives had been lost and injuries suffered. The Kashmir range police headquarters then went on, reportedly, to commit itself to an inquiry that would fix responsibility for the loss of life that day.¹

1 *Rising Kashmir*, September 7 2010,

Rising Kashmir also reported though, that within two hours, another statement came out of the same source, which claimed that two senior police officials - the Inspector-General for Kashmir range and the Senior Superintendent for Baramulla district - were passing through the highway when their convoy was blocked and pelted with stones by demonstrators from Palhallan and Pattan. The trouble erupted at the point where the highway forks towards Palhallan. Police and other security men then dispersed the demonstrators but found that force had to be applied to “prevent mobs from merging into the police party”. The demonstrators were on this account “chased” away from the spot where they could have posed a danger. This, in the sanitised narration of the security agencies, resulted in injuries to three, who later died.

This team met Altaf Ahmad Wani, a civil engineering graduate in the class of 2005 from the National Institute of Technology, Srinagar -- now employed with a project consultancy firm in Baramulla town. Wani commutes to and from his place of work regularly by public transport. As he returned from work on September 6, he found that the road leading into Palhallan was blocked where it intersected with the highway. He took an alternative route in as a precaution, but as he walked home, found his path meeting with another, down which security forces, firearms at the ready, were in hot pursuit of a group of protesters. Wani sought to flee from the danger but was struck by a bullet on his left leg, just above the ankle. His bone was shattered and he had by the end of October, undergone the first of many rounds of surgery to repair the damage. There was little possibility that he would be able to return to work before four months. Despite being in evident pain, Wani did not let his immobility interfere with his sense of hospitality. He was visibly disappointed that this team chose to decline his repeated requests to enjoy a round of refreshments. As the team took its leave of him, he had his family fill up a bagful of walnuts to take away.

Khan Javed, on his way back from a sawmill in Pattan, also took a bullet in his leg at the same time. A blood vessel was cut just below his knee and he had to have a vein and skin graft from his other leg to repair the damage. He was taken to a hospital in Srinagar shortly after suffering his injury as his immediate family remained immobilised two days because of restrictions on movement that allowed no exemptions.

Declared a “model village” in April this year and designated for special attention in terms of funds allocation, Palhallan was under curfew for a length of time difficult to assess. Local residents claim that the village was under complete closure since at least September 8, only seeing the first glimmer of an opening late in October. Media reports put the duration of the closure at about the same.

The official account though is different. On October 23, Kuldeep Khoda, Director-General of J&K Police, claimed at a meeting with this team, that Palhallan was not under any form of closure, merely under heightened surveillance to check the movements of “undesirable” elements.

Khoda concedes that Palhallan does have ‘genuine’ grounds for grievances. Intake from the village into the state administration for instance, has been way below par.

Against one employee for every 25 individuals in the rest of Kashmir, the average for Palhallan was just one in 150. The allocations in development and welfare too may have been below the state average.

The residents of Palhallan could not possibly disagree more profoundly. In the local narrative, the village's contribution to the ongoing movement is a matter of some pride. And this stretches back through the two decades that Kashmir has been in a state of active insurgency. Ghulam Mohammad Waza, a villager who lost a son in the recent phase of disturbances, estimates that roughly eighty "martyrs" to the struggle lie buried in the village graveyard. The eight who have been killed since the current phase of protests began in Kashmir valley, are part of a wider continuum.

The killings of September 6 in Palhallan came after a week of relative quiet in the entire Kashmir valley. Three demonstrators were killed that day - one from Palhallan and two from Pattan -- and several injured. Harsh restrictions on movement prevented several of the wounded from reaching medical attention.

Though the official account suggests that the lethal firing followed intolerable provocation and a possible threat to the security of senior police officials, Palhallan residents think that the motive of the shooting was quite clearly to puncture the morale of the civilian demonstrators. The day's hartal - as determined in the protest calendar drawn up by the Hurriyat leader Syed Ali Shah Geelani - was formally declared over at 2 p.m. and the village was about to resume its normal activities. The shooting, they say, was designed with deliberate intent, to destroy public fealty towards Geelani's protest calendar.

Following the events of September 6, Palhallan became the focus of much of the protest mobilisations in the valley. On September 17, Geelani announced his protest calendar for the week to follow. A prominent place was reserved for a "*Palhallan chalo*" call the following day, when people were exhorted to march toward the village to register their outrage at the loss of life and express solidarity with those affected.

Palhallan residents recall that the conduct of the security forces became increasingly lawless and overbearing following this. Raids into the village, forced entry into randomly chosen houses, the roughing up of boys and young men who were identified as possible participants in the protests, and the destruction of household property and assets - including the shattering of furniture and windowpanes -- were common all through the day preceding.

To these tactics of intimidation was added a fresh ingredient of terror through the night intervening between September 17 and 18, when the forces kept up a steady din as they discharged firearms in regular fusillades to warn the village of the dire consequences that lay in wait, if they were to take part in the protests.

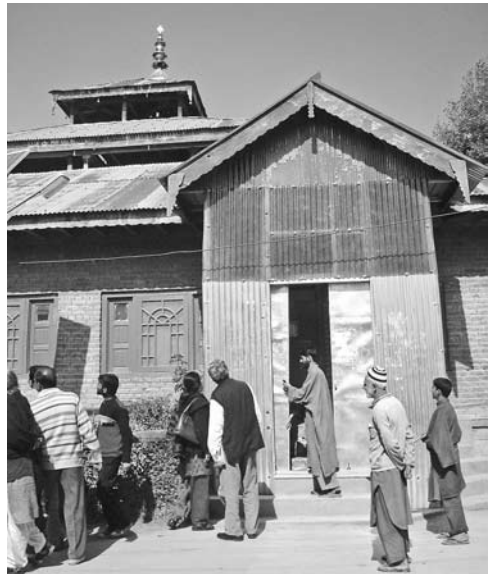
The mood in the village was inflamed on September 18 and closure as enforced by the security forces, was absolute. But Palhallan's residents were intent on seeking to go about their business as if nothing was amiss. Ghulam Mohammad Waza, who makes a living as a cook at traditional Kashmiri banquets, set out around noon that day for Pattan where he had an engagement. Travelling with another eighteen villagers, he

travelled through the fields adjoining the village, reaching Pattan after a trudge of one-and-a-half hours.

The next few moments are vividly imprinted in Ghulam Mohammad Waza's memory. He had just finished lunch and begun work when he was minded to call his son Ali Mohammad, just to check that all was well. He was told by a rather agitated Ali Mohammad, that a young man from a neighbouring house, Ansarullah Tantry, alias Munna, had just been shot dead.

The news was grim, but Ghulam Mohammad Waza was by this time inured to hearing tales of sudden and unexplained deaths. Yet he says, nothing could have prepared him for the telephone call he received a bare ten minutes later, which conveyed the grim news that his son too had fallen to a bullet.

Munna's father, Ghulam Mohammad Tantray had seen his younger son Naeem Mohammad badly hurt in the September 6 protests. On September 18, he says, Munna was one among a group who gathered in the local mosque for afternoon prayers. He recalls that without the slightest provocation, the mosque was surrounded by security forces who ordered all the worshippers out. This peremptory diktat by the security forces, he says, was accompanied - seemingly for effect - by a few bullets aimed at the door of the mosque and a tear gas shell hurled to make the exit route as painful as possible. Munna, says Ghulam Mohammad Tantray, came out through a door on the side to avoid the tear gas fumes. But he then made the fatal mistake of thinking that the wrath of the security personnel had been exhausted. He was the first of the worshippers to emerge and as he walked towards the front of the mosque to retrieve his footwear, he was reportedly shot dead on sight.



Members of FFT being shown a mosque in Palhallan that was attacked by the security forces in which Munna was killed

Ali Mohammad Waza then emerged from another mosque in an adjoining mohalla and walked towards the spot where Munna had fallen, perhaps to retrieve his body. He too was shot dead.

At the time that this team visited, school-going children in Palhallan were gearing up for their term exams. These had long been delayed and it was obvious that Palhallan's children were making a laboured effort to shut out all the turmoil and suffering seen from up close, while they turned their attention to scholastic matters. The resilience of civil society in Kashmir has ensured that morale has stood up despite the debilitating closure that the village has been put through. But any complacency about the spirit of resistance being extinguished, would be grossly misplaced.

the injured

The story of injuries suffered through Kashmir's long months of unrest is in many ways as shocking as the story of the deaths. The official figure is that as many as 515 persons were injured between June and mid-October 2010; the actual numbers are likely to be many more. While more fortunate than the dead, most the injured this team met are aware that it is by sheer chance that they still live.

This fact-finding team chose to focus, in the first instance, on those who had lost their lives. But the injured could not for long be ignored. In most instances of deaths investigated this team inevitably also heard about severe injuries sustained at the same time. For example, in the Pattan-Palhallan incidents of 30 July, according to one newspaper report, no fewer than 90 persons were injured and a good many of them seriously. Another newspaper called that day a "Bloody Friday" since firing had also occurred in Sopore and Baramulla injuring as many as 250 persons altogether. In one of the areas this team visited one person remarked that so many persons were injured before and after June that "you can spend a month writing on the injured alone."



Altaf Ahmad Wani

Most of the injured went first to the district hospitals and subsequently if warranted, to SMHS, the largest and oldest government hospital in Srinagar, or to SKIMS at Soura, a super-speciality hospital that deals with head, chest and cardiac injuries, or the Bone and Joint hospital at Barzalla, once they were referred. Some of the more serious cases came directly. Commenting on the increase in the patient load the Deputy Superintendent of SMHS remarked: "The patient load after June increased many fold. Patients were from all districts of Kashmir. Most were young, many were just teenagers. While these patients increased in number, routine patients - those who came regularly to the out-patient department (OPD) - decreased significantly due to curfews and *hadtals*." The Chief Medical Officer of SMHS recalled how on one day he had recorded 48 cases. No record was kept, he said, for cases involving trivial injuries which were in large number and also treated in the OPD.

NATURE OF INJURIES

In the SMHS hospital records, the following categorisation of injuries had been made: bullet injury; pellet injury, firearm injury, tear gas burn, trauma, scalp injury, beating injuries, near drowning, eye injury, and stone pelting injuries.

Most of the cases this team encountered were bullet injury cases. Table 2 summarises the details of the injury cases this team investigated. As seen, most of the victims were youth and students below 25 years. These were all post-June cases since this was the period of investigation. However, the few old cases that the team came across, like Shabir Ahmed's case (dealt with below) draw attention to the likelihood of many cases which may have escaped notice of journalists or human rights activists. The cases are alike in many respects and may appear monotonous to the reader. However, this is exactly the point: that for instance, in one random lane of a small town of Kashmir, there are no fewer than sixteen cases of bullet injuries; in house after house the same story. As astounding as this may seem to anybody from "mainland India", this is very much what life is like for the average Kashmiri.

Bullet injuries

Khushal Matoo is a working class neighbourhood in Sopore town. The plight of the injured was brought home in a forceful way during this team's visit to the *mohalla* in the twilight hours. Hearing about the visit, relatives of the injured soon swarmed the lane; so many were they, that it was difficult to record each case in the short time available before darkness fell.

Tanveer Ahmed Kana (s/o Abdul Khaliq Kana) is 19 years old. After completing class nine, he started working as a mason. On 14 April 2010 he was hit by a CRPF bullet on



Families of the injured coming out of their houses to tell their stories

his thigh. After a period of hospitalization he is now unemployed and at home. His mother said that they had not lodged an FIR. *“Police FIR darj nahi karte. June 11 ke baad hazaron ki tadad me log jakhmi hue par police jakhmi ka FIR nahi likhti”* (the police do not register FIRs. After June 11, people were injured in thousands but the police do not write an FIR for the injured).

Posha is mother of Aizaz (20 years) and Mudassar (22 years). Her husband Abdul Rashid Susha is handicapped and therefore not able to work. Both her sons are today unemployed, spending most of their time at home. They used to work as domestic labourers and earned a modest amount each month, roughly in the range of Rs 1000. Somehow the family was limping along on these meagre earnings and what could be made from a small fruit shop. In July Aizaz was hit by a bullet on his arm that was fired by the CRPF. His is virtually completely incapacitated in that arm. One month later Mudassar who was standing at the doorway of his house, was shot through his thigh by a CRPF constable. No FIRs have been registered for these injuries. Posha said that they had to sell half their shop in order to get enough money for the treatment of her sons. She added: *“Sarkar se koi madad nahi mili. Yahan sarkar keval daawa karti hai, karti nahi”* (we have not received any help from the government. The government here makes promises but never keeps them).

Washim Ahmed Ganai (s/o Abdulla Ganai) is 18 years old, also a school drop-out after class nine. He was coming home with his father from Amargadh in the evening on a July day when in a place called Chankan *en route* they were fired upon by a group of CRPF jawans. Washim was also hit that evening on his right ankle. He spent 26 days in hospital, first in Sopore and then in Barzalla in Srinagar. Now he is disabled and unable to work for a living. Families like his who are dependent on casual labour for their livelihood (in this case his father works as a cook during social functions) have suffered the most.

There was little respite even in September. Firdoz Ahmed Dar (s/o Mohd. Afzal Dar), 17 years old and a school drop-out, said that on 3 September he was crossing the road after reading *namaz* in the *masjid*, when a contingent of CRPF walking on the road fired upon him and hit him on his thigh. Amir Shabir Dar (s/o Shabir Ahmed Dar), 19 years, a student of class 12 also was hit on the same day. Pushing his *pheran* aside Amir showed the bullet mark on his shoulder. He said that at around 6 p.m. after the curfew was over, the CRPF was going through their lane when he was fired upon.

An elder woman drew attention to the plight of her grandson, Shabir Ahmed Kana (s/o Gulam Nabi Kana) who was seriously injured six years ago. He was studying in class 9 then. His father who has a wholesale fruit business had sent him to Batpora to collect money from a client when he was hit and suffered bullet injuries on both his legs. Even though he was treated and the treatment is still continuing his legs have become useless and now at 19, he spends all his time at home - unable to leave home to either study or work.

There are others who have received serious injuries due to beatings by the paramilitary after being taken in custody. Abid Nabi Kachru (15 years), a student of class 9 is an example. In November 2009 he was taken into custody by the CRPF

in the night. That night he was by his account, subjected him to severe beating by about eight personnel of the force. His knee-cap was severely fractured and his father, Ghulam Nabi Kachru, who sells fruit on a handcart, had to somehow arrange for Rs 1 lakh for his treatment. Abid is the cousin of Mudassar Bashir Kachru, who was killed on 15 September.

Also in September, Shiraz Ahmed Bagwan (25 years) had gone to visit his sister in Batpora when he was hit on his ankle. He was admitted in Srinagar for a long time and now is no longer able to roam about selling dry fruits as he used. He was the main bread earner in his family which is now on the brink of destitution.

Shemima Begum (w/o Ghulam Nabi Kana) also reported that her mohalla had suffered from an undue degree of repression, even by Kashmir's standards. CRPF was a frequent visitor and had broken the windows of their houses countless times. They had also attacked their mosque and made it a regular practice to enter the precincts in their shoes. She talked about her son Rashid, a student of class 10, who was going for his tuition when he received two bullet wounds in his leg. He was operated in Srinagar but is unable to walk now.

Catapult injuries

Besides bullet injuries, other forms of crowd control that were used by the forces, such as pellet guns, teargas shelling and catapults, also did much damage. The last has been used since 2008 but is not talked of enough. During this fact-finding a few cases came to light where the CRPF had deliberately aimed at somebody's eye, causing permanent blindness. A young Kashmiri scholar drew the team's attention to a school student in Srinagar's downtown area who was thus hit and lost one eye; he is now in deep depression, not wanting to emerge out of his room. Another young girl we met in Srinagar said that her father Mohammad Siddiqui Sheikh (65 years) was hit by the marble of a CRPF catapult shot at him when he was returning home from his field one evening in June. She mentioned another youth, Farqan Bashir (18 years), whose eye had been similarly hit a month prior to this team's visit.

This young girl described the difficulties they faced while attempting to get treatment for their loved ones. She said that most such cases were referred for specialised treatment and had to be taken to far off places like Amritsar or Delhi; Farqan was in Amritsar already for a month. Not only was such treatment expensive but they had to often face many humiliations. Describing her own family's trial in this respect she remarked: "India says that Kashmir is ours but when we go to Delhi we do not even get a room in a hotel without difficulties. Kashmiris are looked at with suspicion as though we were all carrying guns. We experienced this in Yusuf Sarai when we took our father for treatment."

Injuries due to teargas shelling

Using teargas should be harmless enough, not endangering life or limb. But this is not the case if the basic instructions for its use are not followed and are rather, deliberately abused. During the four months in question in the valley, teargas

shelling has caused not only injuries but also deaths. Tufail Matoo in June and Wamiq Farooq in January 2010, were killed by the impact of teargas shells fired from close range. A relative of one such injured person remarked: “Teargas was being used on people’s heads and marbles on their eyes”.

Security forces and the injured

During the fact-finding, this team had plenty of evidence which showed that the security forces were not really working on the principle of minimising civilian harm. In fact, the team came across several cases where somebody who suffered injury was deliberately put in danger of death. Even children like Adil Ramzan Sheikh (of Palhallan) and Faizan Rafiq Buhroo (of Baramulla) were not spared.

People complained of the actions of the CRPF in this respect in words such as these:

“The CRPF do not allow the injured to be attended to immediately. This has resulted in many deaths. If there is a delay of even half-an-hour or one hour, somebody who has received a bullet injury can die due to blood loss.”

“Here only when they know that *pura khoon ho gaya* (the person has died) do they allow the body to be lifted.”

In some cases, this team saw how the CRPF-police combine had made every effort to create hurdles for those who attempted to come to the aid of the injured. This team also obtained corroborative information from doctors and medical staff of the SMHS hospital about the hurdles and harassment that ambulance drivers and medical staff faced while they attempted to reach timely help to the injured or to reach the hospital during times of curfew and *haddal*. One such period of extended crisis was after the incident of the stone throwing on the MLA and the subsequent firing in which four persons were killed following which a strict curfew was imposed for 33 days. The following excerpts from the testimony rendered by a senior official of the hospital to this team is revealing in this respect:

”From end May till date we have had to ferry all the employees of the hospital in ambulances. 16 ambulances - 12 of SMHS and 4 from the Red Cross - are devoted morning and evening for this. During this period, medical staff has had to work hard because the number of patients has been on the increase. Many patients died due to blood loss on account of interference by the security forces who in many instances hindered the free movement of ambulances which were carrying the injured. Such obstructions were more on curfew days and there reported cases from Srinagar and outside where ambulance drivers were beaten”.

The official also said that he could recall four instances where SMHS drivers had been beaten and one where a driver from the Directorate of Health was admitted in SMHS after having received similar beatings. He related how one day the ambulance in which he was travelling was stopped by the police and the doctor and medical staff were unofficially arrested and taken to the police station in Barzalla. Such harassment was fairly common and continued to some extent till the time of this team’s visit, he said.

Another senior doctor recalled a few instances when ambulances were smashed and medical staff were beaten. He said that even a doctor of SMHS, a post-graduate student, was beaten severely and had injuries on his body. Another doctor from an associated hospital had suffered a head injury two months before this team's visit.

The Medical Superintendent pointed out that the situation had worsened from the days of militancy in another important way. The security forces no longer respected the protocol that they were required to follow. Even during the time of active militancy when militants were admitted, the security forces would seek the permission of hospital authorities before entering the wards or disturbing the patients in any way. But the year 2010 brought about a sea-change. Security forces were often found through the unrest to enter medical premises at their will. He recalled an instance that occurred in June, when a patient from Kupwara had been operated upon and was required to stay in bed for three days. However, the very next day after the operation he was pulled out of bed by the CRPF and the police force and dragged to the police station. In September, there was another instance where another admitted patient was taken in the morning and brought back in the evening by the police. They learnt later that it was actually the attendant that the police wanted, but not finding the attendant, they had taken the patient presumably for questioning.

Doctors also shared their disquiet about the use of the pellet gun. A high-ranking surgeon explained the devastating consequences of the use of the pellet gun thus:

“If a pellet gun is fired from a distance then it remains in the wall of the abdomen and will not penetrate, but if it has been fired from a close distance then it can cause devastating injury and even death. Multiple pellets can go in different organs and therefore also in blood vessels. The distance requirement is therefore crucial. Earlier, when pellet guns were used the pellet was of a different type and perforation was single. Single pellet is manageable, but multiple pellets are devastating. Amongst the recent fatalities there have been deaths as well as injuries due to the use of the pellet guns as was observed in patients in SMHS and Soura hospitals.”

In response to a specific query, he said that he could not recall any instance since June when they had received a police or paramilitary person for surgery. Another doctor mentioned that they had also received members of the security forces upon being injured after June. However, their numbers had not been much. There was no shift in their numbers unlike in the case of civilians. Even if they were hit by a stone they were well protected by helmets, leg-guards, and shields. This was unlike the times when there were armed actions from both sides when equal numbers of cases were received from both sides.

blaming the messenger:

kashmir's media under pressure

Junctures of civil unrest in Kashmir invariably call forth the reflexive attitude of blaming the messenger, making any form of restraint on the working of the valley's journalists - which often stretch all the way to active repression – a perfectly permissible stratagem for restoring order.

Since the upsurge in civil unrest in Kashmir in June 2010, media practitioners saw their situation in terms of daily work routines, sharply deteriorating. Gaining access to spots of breaking news became an ordeal and gaining authentic information on the disturbances virtually impossible.

There was a lessening of the violence in Kashmir since the visit of an all party parliamentary delegation to the valley in September and journalists were reassured for a while that they could travel to work and back without serious hindrance. But they continued to suffer enormous restraints on daily functioning.

Newspapers were shut for an estimated total of thirty days since Kashmir's protests began to rise in fury mid-June. The travails for journalists became particularly grim from about July 7, when after several years, the Indian army was summoned out of its barracks and deployed in the streets of Kashmir. A notification by the state government and local authorities at the time extended curfew to cover the movement of all civilians, and word was put out that press passes would no longer be honoured.

Photographers and news cameramen in Srinagar were assaulted as they sought to record the day's events. Some had their professional equipment confiscated by security agencies. Media identity cards were scant protection against the easily roused rage of the security forces, nor did they afford the least assurance of mobility for the discharge of professional obligations.

These incidents followed similar occurrences the preceding day, when at least 12 photographers working for local, national and international media were assaulted in Srinagar and suffered injuries of various degrees of seriousness, as security forces sought to restrain them from recording ongoing demonstrations. As the photo-journalists and news cameramen were attacked, senior police officers were heard remarking that without media attention the demonstrations would soon die out.

On July 2, authorities in the region of Jammu sealed the premises of three publications on the grounds that they had allegedly carried false and misleading

news reports that tended to aggravate tensions between religious communities. The following day, copies of *Greater Kashmir* and *Kashmir Uzma*, the leading newspapers in English and Urdu in the Kashmir valley, were seized as they were readied for distribution.

All Kashmir's media personnel were confined to their homes for several days following the entry of the Indian army on July 7. A few days into this round of closures in the valley, the Kashmir Press Guild - a platform of senior journalists in the region - issued a statement deprecating the situation in which local journalists were confined to their homes by an unrelenting curfew, while media personnel flying in from Delhi were afforded armed protection and allowed considerable freedom of movement. It was as if the story of Kashmir - if at all it were to be told - could only be entrusted to the narrative skills of journalists enjoying the stamp of official approval that comes from working in the national capital.

On July 9, when curfew and closures were at their most oppressive in the Kashmir valley, the state government seemed to relent marginally after virtually locking all journalists in for days. Journalists in Srinagar were given a telephonic assurance that they would be provided fresh curfew passes to replace the ones invalidated after the army deployment of July



Journalists in Kashmir gather at Srinagar's Press Enclave in September to protest media repression

7. As senior journalist Riyaz Masroor set off from his home in the Alucha Bagh neighbourhood of Srinagar, to collect the fresh issue of his curfew pass, he was stopped at a police checkpoint on the main thoroughfare near his home. Personnel of the local police reportedly did not ask him why he was stepping out during the curfew, nor did they wait for an explanation. Few seemed to care that he was responding to a summons from the state government's Information Department. He was attacked with heavy batons and forced to return home with injuries to his hip and right wrist.

On August 14 and again on September 28, a senior journalist now working with India's largest news agency, the Press Trust of India, was stopped as he was going to work and his curfew pass confiscated by security forces. No reasons were given and it was made abundantly clear to him that he was not entitled to ask for any.

On October 1, Merajuddin and Umar Meraj of the Associated Press TV news service, and Mufti Islah and Shakeel-ur Rahman of the Indian news channel CNN-IBN, were assaulted by security forces while on their way to the state legislative assembly building in Srinagar. The incident began with a heated argument over the police insistence that they would not allow journalists to pass, even if they held curfew

passes. Merajuddin, whose documentation remains one of the richest visual records of Kashmir's years of insurgency, suffered a serious injury to his neck in the incident and spent days recovering in hospital.

Through fifteen days in September, few newspapers were printed in Srinagar because journalists and print workers could not reach their places of work. Those who made the effort and succeeded on any one day, often were confined within their workplaces indefinitely. Among the few newspapers published, most found distribution channels blocked, as delivery vehicles were detained at the Mirgund and Kotibagh checkpoints just outside Srinagar.

On September 30, all copies of *Greater Kashmir*, *Rising Kashmir*, *Kashmir Uzma* and *Buland Kashmir* were seized from points of production in Srinagar city and taken to local police stations. The following day, the chief minister of Jammu and Kashmir, Omar Abdullah, informed the state assembly that he had not issued any order for the seizure of the newspapers, though the police had the authority to examine all media content prior to publication.

Journalists in Srinagar hesitate to use the term “discrimination”, but they have reason to believe that an increasing degree of arbitrariness has crept into the allocation of government advertising budgets among newspapers. The evidence available today, of severe cutbacks in official advertising to newspapers that are seen to be independent, comes on the heels of longstanding grievances that government advertising budgets overwhelmingly favour newspapers in Jammu rather than Srinagar. Illustratively, the annual report of the central government's Directorate of Advertising and Visual Publicity (DAVP), the nodal agency for the placement of official advertising, records a spending of over Rs 3.44 crore in the print media in Jammu city in 2008-09 and just fractionally more than Rs one crore in Srinagar. The number of newspapers benefiting from official ad allocations is higher in Jammu and the average budget here stands at close to Rs 8,40,000, against just over Rs 5,50,000 in Srinagar.

The cross-section of journalists that this team met in Srinagar was convinced that even this relatively meagre allocation for the print media in their city, is now distributed with intent to ensure compliance with the official *diktat*. Three leading newspapers published from Srinagar - *Rising Kashmir*, *Greater Kashmir* and *Kashmir Uzma* - believe that they have been unfairly deprived of advertising, and have had to enforce stringent curbs on staff salaries and in some cases, limited staff retrenchments.

News gathering processes in Kashmir have been severely impeded by restrictions on movement and disruptions of communications. Illustratively, text messaging (or SMS) through the state's mobile telephone network was suspended with effect from June 2010. This final crackdown on a service that Kashmir's journalists had begun to use as a vital news gathering facility, came after a rather long prelude. In June 2009, when the valley witnessed large-scale civil disturbances over the suspected rape and murder of two women in the southern orchard town of Shopian, bulk text messages, which were a news source that media organisations in the capital city of Srinagar could tap in the more remote districts where they had no presence, were

banned. This effectively put out of work newsmen in these districts who were able to generate a modest, though significant, revenue stream for themselves through the provision of news items to Srinagar's newspapers. SMS services have since been restored, but bulk messages remain proscribed.

In April 2010, well before mass protests became a daily occurrence, India's central government ordered telecom companies in Kashmir to suspend text messaging for all subscribers of post-paid cellular telephone services. Subscribers using the pre-paid facility were to be allowed no more than ten such messages a day. This measure ostensibly was taken in response to a request from state security and intelligence agencies in Kashmir.

It soon became evident that serious miscommunications about communication services are a regular feature of Kashmir's policy landscape. The state government was quick with the denial. Far from calling for a ban on all text messaging, the state government, it emerged, had only requested that bulk messages be proscribed, since these had been identified by security agencies as a source of destabilising and disruptive rumour. This was merely the reiteration of a ban decreed during the Shopian disturbances, though over time, it had begun to be breached in some measure. The ban on text messaging was revoked within a day, leaving the prohibition on bulk messages in place.

In June though, with the protests registering a sharp upward spiral, the state government ordered a complete ban on text messaging services. The numerous restraints on communication, both declared and otherwise, remain a serious impediment to legitimate news gathering activities in the Kashmir valley, especially since curfew impositions and other forms of restrictions on physical movement are common.

These restrictions are often introduced in response to imagined security anxieties. Illustratively, on August 15, when India's independence day observances were being held in Srinagar's Bakshi stadium - under a heavy security cordon - mobile telephone and internet services were suspended over the entire valley for at least six hours. Already constrained by closures and restrictions on personnel movement, Kashmir's news organisations were prevented by this unannounced shutdown, from updating their websites for the duration of the Bakshi stadium event.

Kashmir's numerous TV channels were a major source of local news and had an especially vital role in days when civic security was badly disrupted and few could feel sure of what lay in store if they ventured out of home. That facility was effectively ended in June 2009, in the wake of the Shopian disturbances, when the Directorate of Information in the state government issued notice to all local cable TV channels to suspend news broadcasts. This *diktat* was partly diluted a month later, when the channels were allowed to air the 15 minutes of news permitted under their rules of registration. All channels were under compulsion moreover, to confine their news broadcasts to the same time of day, i.e., 8 p.m.

As the editors and owners of the channels put it, they were summoned early in June 2009 and given a virtual ultimatum by the authorities that they needed to "behave properly". Several were told that their relationship with secessionist political

formations was well known, and that the dossiers available with state intelligence agencies provided ample grounds for their prosecution under the special security laws in force in Kashmir.

13 September was the worst single day of bloodshed in Kashmir since the 2010 protests began, with twenty killed and an estimated 200 injured. Protests ascended that day to a level of rage not seen before, after the Iranian news channel Press TV telecast news of the alleged burning of the Quran Sharief in a U.S. city. The report was swiftly denied but anger had already erupted on the streets of Kashmir.

Immediately afterwards, the state administration decreed that Press TV would be taken off the menu of all local cable TV operators. Concurrently, in what seemed

احتجاجی کلینڈر / اکتوبر 2010ء تا 08 نومبر 2010ء

تاریخ	دن	پروگرام کی تفصیلات
27-10-2010	بدھوار	مکمل ہڑتال ... یوم سیاہ کے طور منایا جائے، لوگ سیاہ جینٹے پہرائیں گے اور بازوؤں پر کالی پٹی باندھیں گے۔ Internet Users اتوار جمعہ کے سکرینری جزل ہاگی مومن کو پیغامات بھیجیں گے جن میں ان کی توجہ تازہ کشیر کے فوری حل کی طرف مبذول کرائی جائے گی۔
28-10-2010	جمعرات	ڈھیل ...
29-10-2010	جمعہ	ڈھیل ...
30-10-2010	سنچوار	مکمل ہڑتال ... شایانہ احتجاج... لوگ نماز مغرب سے لے کر نماز عشاء تک بھارتی فوجی قبضے اور انسانی حقوق کی پامالیوں کے خلاف پراسن احتجاج کریں گے اور اس دوران میں مساجد کے لاڈ ڈھنگروں سے اسلام اور آزادی کے حق میں نعرے بلند کئے جاتے رہیں گے۔
31-10-2010	اتوار	مکمل ہڑتال ... شایانہ احتجاج... لوگ نماز مغرب سے لے کر نماز عشاء تک بھارتی فوجی قبضے اور انسانی حقوق کی پامالیوں کے خلاف پراسن احتجاج کریں گے اور اس دوران میں مساجد کے لاڈ ڈھنگروں سے اسلام اور آزادی کے حق میں نعرے بلند کئے جاتے رہیں گے۔
01-11-2010	سوموار	مکمل ہڑتال ... شایانہ احتجاج... لوگ نماز مغرب سے لے کر نماز عشاء تک بھارتی فوجی قبضے اور انسانی حقوق کی پامالیوں کے خلاف پراسن احتجاج کریں گے اور اس دوران میں مساجد کے لاڈ ڈھنگروں سے اسلام اور آزادی کے حق میں نعرے بلند کئے جاتے رہیں گے۔
02-11-2010	منگلوار	ڈھیل ۔
03-11-2010	بدھوار	مکمل ہڑتال ... گرفتاریوں کے چکر کے خلاف پراسن، مگر زور دار احتجاجی مظاہرے ہوں گے۔
04-11-2010	جمعرات	ڈھیل ۔
05-11-2010	جمعہ	سول کرفیو ... 6 نومبر 1947ء شہداء جموں کی یاد تازہ کرنے اور صدر امریکہ مسٹر اوباما کے دورہ بھارت کے موقع پر مسئلہ کشمیر کی طرف عالمی توجہ مبذول کرانے کیلئے ان چاروں کے دوران میں ریاست کے طول وارض میں سول کرفیو نافذ ہوگا۔ ایپولیس کے فیر کی گاڑی وغیرہ کو چلنے کی کسی بھی طور اجازت نہیں ہوگی Internet Users صدر امریکہ کو مسئلہ کشمیر کی گتینی اور جموں کشمیر میں ہوری انسانی حقوق کی پامالیوں کی طرف متوجہ کرنے کیلئے مصروف کو پیغامات بھیجیں گے۔

- نوٹ ۱۔ خردب آفتاب سے طلوع آفتاب تک کاروباری سرگرمیاں جاری رہیں گی اور اس دوران میں ٹرانسپورٹ بھی چالو رہے گا۔
- ۲۔ لوگوں سے اہل کی جاتی ہے کہ وہ زیادہ سے زیادہ اللہ تبارک و تعالیٰ کی ذات کی طرف رجوع کریں اور مشکل کی اس گٹری میں خشوع و خضوع سے دعاؤں کا اہتمام کریں۔

شعبہ نشر و اشاعت کل جماعتی حریت کانفرنس

a panic reaction, local channels were told to suspend all news broadcasts. The situation that arose was described with great aptness by one of the news channel representatives who met this team: “none of the local channels cover any news and the national channels do not cover Kashmir.”

Despite frequent disruptions, the internet has become, ever since the current phase of troubles began, the principal mode for getting the word out in Kashmir. Transmission bandwidths are small and the volumes of data that can be transacted, limited. But essential information gets around, such as the protest calendars and schedules periodically announced through the months of turmoil, by the leadership of Kashmir’s Tehreek-e-Hurriyat (Movement for Freedom).

Social networking sites have become a means through which journalists and other citizens in Kashmir conduct the conversations that are otherwise denied by heavyhanded restrictions. Unsurprisingly, users of the social networking site Facebook have begun to attract the hostile attention of the security agencies. One user, Faizan Samad, was arrested in August for allegedly posting material that brought the armed forces to disrepute. He was released shortly afterwards.

Another Facebook user, Mufti Wajid Yaqoob, was arrested in the south Kashmir town of Shopian after being held responsible for organising protest demonstrations through his network of friends on the site.

Journalists in Kashmir have organised to deal with these multiple threats on the two main platforms of the Kashmir Press Guild and the Kashmir Press Association. Following complaints filed by three newspapers from Srinagar and the efforts of Kashmiri journalists based in Delhi, the Press Council of India (PCI) on 4 August, issued notice asking the state government to explain the many restrictions imposed - both formal and informal -- on the functioning of the press.

Journalists’ bodies based in Delhi have also stepped in with gestures of solidarity and support. The Delhi Union of Journalists (DUJ) has been particularly vocal, with a statement by its executive committee in September, sharply deprecating the “undeclared ban on newspapers in Kashmir” and calling on the PCI to conduct its own independent inquiries to restore a semblance of normalcy for journalistic functioning in the valley.

The Editors’ Guild of India and Press Club of India have also at various times, organised to show solidarity with colleagues in Kashmir. It has often been the case that journalists in the national capital and the main metropolitan centres of India remain relatively indifferent to the travails of colleagues in outlying parts of the country. Even if Kashmir has not suffered from this form of indifference in its most acute form, the enemy of press freedom here is the brevity of public memory and short attention spans in the rest of India to the incessant turmoil there.

agencies of repression

For a population of 5 million in the Kashmir valley - formally known as the Kashmir division of J&K state - India has military and paramilitary troops deployed in numbers that remain a closely guarded secret. Kuldeep Khoda, Director-General of Police for J&K, was kind enough to reveal to this team, that the number of Central Reserve Police Force (CRPF) personnel deployed numbers 58 battalions in the Kashmir valley. A recent media report by a journalist known to be intimately connected to the security and intelligence agencies, puts the army deployment in counter-insurgency operations - under various formations of the Rashtriya Rifles - at 32 battalions.¹

Taking an average battalion to be about 1,000, this amounts to 90,000 armed persons - already near what the British *raj* needed in terms of European administrators and military officers in order to maintain itself in a land of 300 million.

The figure of 90,000 is of course a serious under-estimate, since it only covers the army deployments that are designated to be on active counter-insurgency operations. There are more deployed in patrolling and static guard duty, not to mention the many at the border with Pakistan, including those manning artillery and air-defence units. People in Kashmir believe that there is probably one armed person of the Indian army and paramilitary for every 12 of their number.

Irrespective of the precise figure, which the government releases - if at all -- only with extreme reluctance, the indubitable reality is that the people of Kashmir see the presence of the military and the occupation of parts of their land - including orchard and farmland - as abiding proof that they live in a state of unfreedom. The substantive content of *azaadi* cannot be very easily described, but the absence of freedom is a very visible reality in Kashmir.

The uprising in Kashmir, after the heavy-handed response that it first elicited, led to some loud thinking within official circles about the possibility of thinning the heavy security presence and allowing the normal rituals and routines of civilian life some unimpeded space. Earlier talk about withdrawing the Armed Forces (Special Powers) Act (AFSPA) subsided rather rapidly, and even the few verbal concessions to the need to bring down the visible and obtrusive presence of troops in Kashmir, has invited some rather revealing responses.

1 Praveen Swami, "Combat Fatigued CRPF Needs Intensive Care", *The Hindu*, July 17 2009, available at this writing at: <http://www.hinduonnet.com/2009/07/17/stories/2009071752570900.htm>.

Union Home Secretary G.K. Pillai's full intent in January this year, when he declared a possible reduction of 25 percent in force levels in Kashmir within a year, as a "confidence-building measure", is not clear. It may have been an offhand thought put out in a moment of reflection before an academic audience. It may have come out of a deeper process of consultations within duly constituted official bodies. While announcing this at a public forum in Delhi's Jamia Millia Islamia University, Pillai also proposed that residents of Pakistan Occupied Kashmir (or Azad Jammu and Kashmir as it is known in those parts) would be granted "unilateral six-month entry permits" for meeting family members on the Indian side.

Within hours, the general who heads the Army's northern command came up with his own opinion: that a troop cut would not be feasible given operational requirements in the Kashmir valley.² Army chief of staff, General V.K. Singh meanwhile, put in his assessment that troop levels would have to be reviewed in Unified Command Headquarters for Kashmir, based in Srinagar.

Less consequentially, but with the symbolic importance that it represented a viewpoint that portrays itself as the "nationalist mainstream", the J&K state president of the BJP, Shamsher Singh Manhas, came out with his own opinion: "It is an open fact that India's administration over Jammu and Kashmir is based on presence of armed forces here. So if there is troop-cut then neighbours like China Pakistan and Afghanistan won't sit silent. Such decision will prove detrimental to the integrity of India". Manhas also virtually rubbished the proposal to allow entry permits for Kashmiris on the other side of the Line of Control, on the grounds that the requisite climate of trust with Pakistan could never be established.³

The final word on this series of exchanges came when Defence Minister A.K. Antony clarified that the 25 percent target for troop reduction would apply only to the CRPF and other paramilitary forces, not to the army.⁴

It does not take great sagacity to see that civilian political control over the armed forces, a principle central to democratic governance, is under pressure in Kashmir and indeed, could soon start eroding. The shift in the balance of power in matters of immense political sensitivity, was apparent soon after the Machhil killings in April last year. As Kashmir's uprising raged and prime minister Manmohan Singh scheduled a visit to the valley, chief minister Omar Abdullah observed that Machhil cast a shadow of doubt over every supposed encounter involving the elimination of terrorists. A greater sense of accountability was needed, if necessary through amendments in AFSPA. A PTI report quoted Abdullah as then saying: "Obviously there will be serious repercussions and doubts will emerge. J&K police is flooded with such complaints and enquiries about encounters are now going back more than five-six years and in some case even eight years". The problem in part, arose from the impunity that AFSPA afforded: "because it is built for the armed forces, Army is the judge, jury

2 See the report sourced from PTI in *The Hindu* dated January 15, 2011: "Situation in J&K does not allow cut down of troops: Army", available at: <http://www.thehindu.com/news/national/article1094750>. ece.

3 See "Army Keeping Kashmir with India: BJP", *Rising Kashmir*, January 18, 2011, available at: <http://www.risingkashmir.com/news/army-keeping-kashmir-with-india-bjp-5499.aspx>.

4 Vinaya Deshpande, "Army presence in J&K will not be reduced: Antony", *The Hindu*, January 22, 2011, available at: <http://www.thehindu.com/news/national/article1109454.ece>.

and the hangman. Therefore, there is absence of transparency as a result of which people have lost faith in the system”.⁵

The army command for its part, affirmed its commitment to transparency in all cases involving the right to life. It promised its cooperation in the Machhil killings inquiry and swore allegiance to any decision on AFSPA by the political leadership. Beyond this ritual obeisance to civilian leadership, the army command did assert its own will, by reminding the public that AFSPA was a necessary legal cover for armed forces personnel engaged in anti-insurgency operations.

A further intervention from the uniformed forces came with the army chief of staff General V.K. Singh, advancing the public alibi that the necessary legal action against persons behind Machhil could not be initiated because of the infirmities of the criminal justice system in Kashmir. Responding to a question on why the army was blocking legal proceedings under applicable criminal law, General Singh was quoted as saying: “I don’t know how much you are aware of the legal system in the Valley. There are various pressures out there. You are aware of Mian Abdul Qayyum, who was president of the Bar Association and is now in detention. He has been rabidly anti-Indian ... With this kind of situation, what kind of justice would we expect or legal provisions would be followed, is the question mark. And that is why as per the laws and procedures laid down, we would like to complete our inquiry before we come to a conclusion”.⁶

IMPUNITY THE RULE

If Machhil was about an alarming distortion of the system of rewards and incentives for armed forces serving in Kashmir, the killing of 17-year old Zahid Farooq in the Nishaat Brane area of Srinagar in January last year, was about security personnel being carried away by a fit of vengeful rage. There too, the prosecution has lost its way in the labyrinth of the justice system, with the BSF intent on exploring every diversionary tactic available.

Police in Kashmir believe that the Machhil and Nishat Brane killings will be a departure from the past pattern, since they have found a way to cut through the thicket that could impede the course of justice. If past experience is any indication, this is either bravado or quite simply an effort to deflect public scrutiny. A similar display of unswerving purpose was staged for public consumption after it emerged that five innocent civilians had been killed by the army in the Pathribal encounter of March 2000. It was proclaimed as retribution for the thirty-four members of the minority Sikh community who had been killed just days before, and evidence that the army had the will and ability to identify and retaliate against those responsible for terrorist crimes.

The crude fiction was soon exposed. But its authors remain unpunished, and needless to say, Chhattisinghpura has vanished into a blackhole of historical memory.

5 “Omar Talks Tough on Troops”, *Greater Kashmir*, June 6, 2011; available at: <http://tilmb19.www.greaterkashmir.com/news/2010/Jun/6/omar-talks-tough-on-troops-50.asp>

6 “Army Chief questions J&K justice”, *Indian Express*, January 15, 2011, available at: <http://www.indianexpress.com/news/army-chief-questions-j&k-justice/737619/0>.

ATTITUDES

The penchant that army personnel have shown for speaking up in public on governance issues, is vivid illustration that politics is rapidly making way for a purely military calculus in Kashmir policy. And despite the ritualistic obeisance to the virtues of transparency and accountability, the refusal by the uniformed services to be subject to the judicial system in the valley, speaks of the deep investment they have made in the indefinite sustenance of the prevailing climate of impunity.

Add to this the complaint that this team encountered with few exceptions -- that Kashmiris in every other part of India are constantly made to feel like aliens who do not belong, as potential terrorists who should be watched over - and the shallow pretence that Kashmir is like any other part of the country is decisively blown apart. The Director-General of Police for J&K admitted that this was a serious issue, responsible for much ruffled sensitivities in Kashmir. And the Union Home Ministry recently conceded the point when it sent out a circular to all state governments, urging that prevalent attitudes towards Kashmiris, marking them for special scrutiny and suspicion, be changed. This extraordinary measure, reportedly, followed the advice of the three-member team of interlocutors who have been given the mandate to engage with a cross-section of Kashmiri society, to explore possible ways out of today's crisis.⁷

TRUTH-TELLING AND ACCOUNTABILITY

There have been in recent times, certain startling admissions made about official culpability in serious human rights violations, by senior civil servants who served in Kashmir through the years of most serious militancy. An instance would be the revelations by Wajahat Habibullah, about the 1993 assassination of Dr Abdul Ahad Guru, a respected medical practitioner in Srinagar and one of the leading lights of the JKLF. Unfortunately, there has been very little accountability for much of what followed, all of it under the watch of individuals who have recently suffered an awakening of conscience.⁸

There was for long an active strategy followed by the Indian State of silencing voices of reason in Kashmir. When this policy ran its course, the state evidently changed tack and began arming an extremist fringe to fight on its behalf. From the mid-1990s on, the counter-insurgency strategy deliberately sought to arm insurgent elements that had since disavowed the *azaadi* objective, in part in response to financial inducements, for the rest under torture.

Kuka Parray, a former Ikhwan-ul Muslimeen militant, played a major role in enforcing the will of the Indian State when general elections to the J&K state assembly were held in 1996, winning himself a seat in the process. He fell out of favour soon afterwards, lost his seat in the 2002 elections and his life in an ambush - conducted in Kashmir's remembered history by men in police uniform - in September 2003.

7 See Iftikhar Gilani, "Be Humane to Kashmiris: Home Ministry Advisory", *Tehelka* (online), February 3, 2011, available at: http://www.tehelka.com/story_main48.asp?filename=Ws03021JK.asp.

8 Wajahat Habibullah, *My Kashmir: Conflict and the Prospects for Enduring Peace*, United States Institute for Peace, 2008, pp 81-2.

He remains the canonical case study of a militant who ostensibly saw the light and decided to fight India's cause against the *jihad*, never making too fine a point of distinction between preemptive terrorism and preventive police action.

Another case came to light in 2010 when the name of Ghulam Mohammad Mir was listed in the Republic Day honours as recipient of the Padma Shri. It was an identity that mystified even the most knowledgeable observers of Kashmir and was only revealed after several days to belong to a man popularly known as Muma Kanna.⁹ And it was a name that in his native village and the wider area, had "become synonymous with extortion, torture and extra-judicial murders". The national award conferred on this person, as the Kashmiri journalist Muzamil Jaleel observed, "came as a rude shock". With "zero tolerance" for human rights violations then being declared policy, the award was read as an "open endorsement" by the Indian State, of Kashmir's "brutal past where private militias had become notorious for extra-judicial killings, torture and extortion in the name of counter-insurgency". "It also exposed a fundamental disconnect between Kashmir and New Delhi. Awarded for public service, Kanna is only viewed as a public tormentor in Kashmir".¹⁰

The terms "STF" and "SOG" are used interchangeably in Kashmir, as synonyms for an apparatus of repression, accountable seemingly to none and able for the most part, to script its own rules. Several recent instances when the police force were held to have used disproportionate force, involved personnel of the Special Operations Group (SOG) which is also referred to as the "Special Task Force" (STF), though no such police formation is officially in existence. The three deaths in the Batamaloo area on July 6 were put down to the proclivity that the Deputy Superintendent of Police in charge of the area had for imposing his will, if necessary even at the cost of human life.

In various other atrocities, this team found that the SOG's seeming willingness to apply maximum force almost as first recourse, was widely held to blame. The SOG has had a controversial career since it was constituted in 1994 and equipped with vastly improved



J & K Police worked together with the CRPF during the present turmoil

9 See Muzamil Jaleel's report "Attempt to Murder, private militia, extortion and Padma Shri", Indian Express, February 3, 2010, available at: <http://www.indianexpress.com/news/attempt-to-murder-private-militia-extortion-and-padma-shri/574810/0>

10 Muzamil Jaleel, "Clueless in Kashmir", Indian Express, February 6, 2010, available at: <http://www.indianexpress.com/news/clueless-in-kashmir/576355/0>.

firepower during Farooq Abdullah's tenure as chief minister between 1996 and 2002. Its formation coincided with the strategy that was beginning to acquire a definite shape around then, of setting militant against militant and throwing the might of the State behind one side. At some point, it is believed that several of the militants who had turned apostate and agreed to fight the battle on behalf of the State authorities, were brought into the police force as SOG personnel.

The SOG was disbanded during Mufti Mohammad Sayeed's chief ministership, but reinstated following the return of the National Conference to authority in 2008. It has added a new dimension to the impunity enjoyed by the security agencies in Kashmir. This higher freedom of absolute impunity that they claim is seen as a continuing affront in Kashmir, one among the many modes by which their freedom is denied.

ABSOLUTE IMPUNITY THE NORM

The near absolute impunity enjoyed by security forces for egregious human rights violations is in many ways a function of the legal framework that they function under, which ruthlessly abridges the fundamental rights to life and liberty, and imposes severe restrictions on the rights to free speech, assembly and association.

Security forces in Kashmir are equipped with extraordinary powers of detention, arrest, search and seizure and operate under a very low threshold in the use of lethal force. These extraordinary powers are granted under laws, such as the Jammu and Kashmir Public Safety Act, 1978, the J&K Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act 1990. These statutes provide immunity to those exercising powers under these laws, which confer on them the presumption of good faith. No prosecution can be initiated against forces in Kashmir without the prior sanction of the concerned government.

The global campaign and advocacy body, Human Rights Watch, observed in a 2006 report that: "In addition to facilitating impunity, laws in force in Jammu and Kashmir encourage the security forces to use excessive lethal force in dealing with law and order problems, to commit arbitrary arrests, and to detain suspected militants in violation of the right to a fair trial. These laws on their face are contrary to international policing standards, particularly the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and violate the due process provisions of the International Covenant on Civil and Political Rights".¹¹

The legal framework within which security forces operate in Kashmir makes it extremely remote - or a virtual impossibility - that personnel of the armed forces could be held accountable under general criminal law for offences relating to illegal detention, torture, excessive or criminal use of force, disappearances or extra judicial killing.

¹¹ From "Everyone Lives in Fear" *Patterns of Impunity in Jammu and Kashmir*, Human Rights Watch, 2006, available at: http://hrw.org/reports/2006/india0906/4.htm#_Toc144362280

There is only one known case in which the Indian government has granted sanction for prosecution: the disappearance and murder of human rights lawyer, Jilil Andrabi in 1996. The army officer responsible, Major Avtar Singh, of Unit 103 of the Territorial Army, was however, allowed to leave the country before sanction was granted, rendering the remedy ineffective. Recent reports of Avtar Singh's arrest on 20 February 2011 in California, in a case of domestic violence, once again placed the spotlight on the seriousness of purpose of the Indian government in addressing the issue of impunity. But after the initial flurry of activity when there seemed to be a pretence that extradition proceedings would begin, the trail seems to have gone cold.

The possibility of a political settlement in Kashmir is inextricably linked to issues of justice and accountability for human rights violations.

DEATH AS PROXIMATE REALITY

On 31 January this year, two sisters -- Arifa and Akhtar -- were dragged out of their one-room home in Sopore's *mohalla* Muslim Peer and shot dead by unidentified gunmen. The following day, the town witnessed sporadic demonstrations and some expressions of public grief at the killing of the two young daughters of a daily wage-earner. The state authorities issued a strongly worded condemnation, which was a virtual challenge to the militant groups to spell out a clear and unequivocal position. The JKLF condemned the act and the groups yet to foreswear violence and believed to be controlled from Pakistan - the Hizbul Mujahedin and the Lashkar-e-Taiyyaba - denied involvement.

As with numerous other killings engineered by faceless individuals and groups that claim to act in the cause of *azaadi* and arrogate to themselves the right to punish those deemed guilty of transgressing a rigid moral code, this most recent crime did not initially attract the kind of wide public condemnation as the Shopian killings in 2009.¹²

On the first Friday following the killings, Sopore shut down in belated, though unanimous protest. Women took to the streets in one of the first public protests against a killing attributed to the militants. And a representative of the separatist Hurriyat leader Syed Ali Shah Geelani, arrived in Sopore to express solidarity with the protests.¹³

That very night, 24-year old Manzoor Ahmad Magray was shot dead near his village in the Handwara area of northern Kashmir. The army admitted to the killing but insisted that proper rules of engagement had been followed. The youth had been given adequate warning to turn himself in after he walked into a night-time ambush. Since he chose instead to flee, the army had adequate cause to shoot to kill.

12 A Kashmiri blogger has written a moving comment on the incident, which is also a powerful indictment of the course that the *azaadi* movement has taken over the last decade: <http://barzul.blogspot.com/2011/02/one-about-sopore.html>

13 See Riyaz Wani, "First time in Kashmir: Sopore protests killing by 'militants'", *Indian Express*, February 5, 2011, available at: <http://www.indianexpress.com/news/First-time-in-Kashmir--Sopore-protests-killings-by--militants-/746396>

Chief Minister Omar Abdullah would have none of it. He travelled from the winter capital of Jammu to Handwara to meet the family of the slain youth and spoke out in unusually strong language against army tactics. The J&K police have been ordered to treat Manzoor's death as a case of murder and to investigate accordingly. The family has meanwhile advanced its own claim: that Manzoor was picked up from his home and shot dead by the army.¹⁴

As Kashmir's biting winter slowly gives way to the spring thaw, the various actors on its political stage prepare for a new round of contestation. Unlike all other parts of the country, some of these players bear arms and bring that coercive power to the bargaining table. Firepower from the so-called "secessionist" side is nowhere near matching the greater ammunition that the Indian State deploys. And all evidence is that little has been learnt from Kashmir's long years of turbulence.

14 Muzaffar Raina, "Omar hits out at army: Youth picked up from home and shot dead, says family", *The Telegraph* (Calcutta), February 6, 2011, available at: http://www.telegraphindia.com/1110206/jsp/frontpage/story_13543043.jsp.

commission of inquiry

With the death toll rising steadily and protests continuing unabated, the state cabinet on 27 July 2010, announced the constitution of Commission of Inquiry (COI) under the Jammu and Kashmir Commission of Inquiry Act, 1962, pursuant to a resolution of the All Party Meeting called by Chief Minister Omar Abdullah. The COI comprised of two retired high court judges, Justice Syed Basher-ud-Din as chairman and Justice Y.P. Nargotra as member. Its mandate was to inquire into the 17 incidents in Kashmir division, in which fatalities had occurred on account of action by the state police and central security forces, between 11 June and 19 July 2010. The Commission was required to conduct the enquiry and submit its report within three months.

The 17 killings brought within the scope of this inquiry included seven from Islamabad (Anantnag), seven from Baramullah and three from Srinagar. According to the notification, the inquiry was to consider all incidents of the use of force resulting in deaths, beginning with the killing of Tufail Ahmad Mattoo of Saida Kadal, Srinagar, upto and inclusive of Fayaz Ahmed Khanday of Kreeri, Baramullah who died on June 19, when the CRPF opened fire on the funeral procession of Faizan Rafeeq Buhroo.

The terms of reference of the Commission were “to enquire into circumstances leading to deaths by firing or otherwise into the 17 incidents; fixing responsibility wherever excessive force has been used resulting in fatalities; suggest measures to avert recurrence of such incidents in future; recommend the action to be taken against persons or authorities found responsible in any such incident”.

On 31 August the Col issued a notification asking people having direct or indirect knowledge of the facts and circumstances related to the 17 killings to furnish their statements in the form of sworn affidavits by September 15 or before. The Col later extended this deadline for submission of affidavits to 15 October 2010. Due to the ongoing turmoil in the Valley and the inordinate delay by the JK Police and CRPF in submitting documents, the term of the Col was extended by 1 month, till 29 November 2010.

Some of the families this team met had filed affidavits before the commission. The brother of Fayaz Ahmed Wani, who was shot dead on 6 July in Batmaloo had filed an application before Justice Bashir-ud-din. He was however not sure whether his application was being inquired into by the State Human Rights Commission (SHRC) or the Col, as Justice Bashir-ud-din heads both.

According to news reports, by end October the Commission had received applications and affidavits with regard to 13 killings.¹ The Commission held hearings at Srinagar, Baramulla, Sopore and Anantnag and recorded statements of family members of the victims, police officers and security personnel. The Commission is said to have issued notices to CRPF battalions number 177, 179 and 53 from Baramulla and Sopore and others from Srinagar among others.² Both sides were given an opportunity to cross-examine each other. Rafiq Ahmad father of Faizan Buhroo, who the team met, joined the inquiry, since it gave him “a chance to ask a question to a senior official regarding the circumstances of death of my son.”³

Justice Bashir-ud-din, had given an assurance that by December end, the Commission would complete its probe and submit the report to the government in January 2011. However on 15 January 2011, on a petition filed by Special Director General, CRPF, Justice Sunil Hali of the Jammu and Kashmir High Court directed the Commission of Inquiry “not to submit the final report without the permission of this court.”⁴ The High Court also issued an interim order directing the Col to issue copies of the relevant records to the CRPF so they could “submit their defence.”

Even as family members of the dead file affidavits and participate in the Col proceedings, they carry a cynicism derived from experience. Commissions constituted in the past in Kashmir have failed to lay bare the truth or facilitate the pursuit of justice. Once again will truth and justice elude the people of Kashmir? Will these killings become another bloody milestone in the grim trail of impunity that haunts Kashmir?

Even otherwise an inquiry under the Commission of Inquiries Act can only record its findings and suggest measures to be taken by the State Government. The recommendations of the Commission are not binding on the Government and will entail no punitive consequences for those responsible for the killings.

To seek judicial redress, for these killings, the JKLF leader Yasin Malik on 14 January 2011, filed a Public Interest Litigation before the High Court with respect to the events/ situations/ offences committed between January, 2010 to December, 2010 by the armed police/ armed personnel resulting in the death of 117 persons and the course followed consequent to these deaths by law enforcing agencies. This petition seeks a broad range of reliefs:

- a. That the respondents be directed to register cases wherever deaths have occurred and where cases have not been registered under proper First Information Report.
- b. In cases where the First Information Report has been registered and are pending investigation, the High Court is requested to monitor and supervise

1 The Daily Rising Kashmir: Kashmir Killings: Panel probing 17 deaths gets extension, Report likely to finish by Nov. end, ISHFAQ TANTRY, SRINAGAR, OCT 28:

2 CRPF in dock over civilian killings, COI Sends Notices To 6 Battalions, SAMAN LATEEF, Srinagar, December 23, 2010, Greater Kashmir

3 Panel records statements in B'la Asem Mohiuddin Baramulla, Nov 24: The Daily Rising Kashmir

4 HC restrains Col from submitting final report, Excelsior Correspondent, JAMMU, Jan 15, www.dailyexcelsior.com/web/1/11jan16/body.htm

investigation, and ensure proper evidence is collected and the investigation taken to its logical conclusion.

- c. That the High Court may also constitute, appoint and direct a High Level Committee comprising persons of eminence to suggest ways and means of preventing such deaths in future and to lay down norms to be publicly observed by the armed personnel before resorting to firing against the demonstrators.
- d. To direct that in the case of peaceful demonstrators or those who resort to stone pelting, no lead bullets are used but instead only rubber bullets or water cannons may be used to disperse the demonstrators.
- e. To direct that in any event requiring the use of lethal force, it be done only under the express order of a magistrate who has at least 20 years service and is a person of integrity.
- f. That such magistrates be qualified in law so that while taking the decision he or she would take into consideration relevant elements of law..
- g. To direct that the Col , already constituted and or to be constituted, identify, ascertain and evaluate the circumstances attending the death of 117 persons between January 2010 to December 2010 except those where the final report, consequent to investigation, has already been submitted before the competent court.
- h. To declare that in the event any armed personnel is found guilty of any act of omission and commission attracting penal provisions he or she would not be entitled to claim immunity under the provisions of Armed Forces (Special Powers) Act and or any similar statute.
- i. To pass further orders and directions in the larger interests of the people of the state so that the lives of the people are protected against wanton, arbitrary state action.⁵

5 Muhammad Yaseen Malik V/S State of J&K and Ors

compensation

After the all party delegation visit to the valley, on 20 September 2010, the Government of India with the approval of the Cabinet Committee on Security, announced an eight-point formula, for dealing with the crisis in Kashmir. One of the clauses of this eight-point formula announced a compensation of Rs five lakh for the families of those killed since June 11, 2010.

This compensation, not surprisingly, was rubbished by the political leadership with the Tehreek-e-Hurriyat leader Syed Ali Shah Geelani reiterating that the withdrawal of armed forces from the state would be the only form of compensation acceptable to the people of Kashmir. Some families including the kin of young Tufail Matoo whose killing on 11 June sparked off the unrest, have refused the compensation amount decrying it as tantamount to selling martyr's blood. Others under more obvious compulsion, have accepted the compensation distributed through the office of the Divisional Commissioner for Kashmir.

In a conversation with this team, Kuldip Khoda, Director-General of J&K Police repeatedly pointed out that even those who had not died due to the action of the police or the security forces, had been awarded compensation. Khoda enumerated 13 such instances of death where the police believe that compensation was awarded undeservedly, derisively remarking in relation to each of them that "*inhe bhi hamaare khate mein dal diya hai*" (these too have been put under our account).

This list of 13 deaths includes young Samir Ahmed Rah and Faizan Rafiq.¹ Clearly since no punitive consequences other than compensation are expected to flow from killings in the valley it made scant difference to the DGP under what head the deaths were categorised.

In Palhallan this team visited the house of Ghulam Mohammad, whose son Ali Mohammad had been shot dead on 18 September in a joint operation by the SOG (J&K police), the CRPF and the Army. Ghulam Mohammad showed us the 5 cheques of varying denomination that he had received as compensation from the administration, totaling Rs 5 lakh. These cheques were issued in the names of all the legal heirs of the deceased in accordance with Muslim personal law. Both parents got one-sixth each of the total compensation, while the wife was given one-eighth,

¹ This report elsewhere details both these killings. As per eye witness accounts 8 year old Samir was beaten to death by CRPF men on August 2nd in Batmaloo and Faizan from Baramulla, who on July 17 was beaten by security personnel and his body thrown in the water to mask it as a case of drowning.

the two-year old son just over a third and the four-year old daughter exactly half the son's share.

It is not known if any form of consultation had preceded the decision on precise quanta of compensation to be received by each of the family members. Nor is it known if there was any kind of needs assessment carried out to determine how the total should be shared out. But it by no means axiomatic that every decision by the State and its agencies should reflect the biases entrenched in the applicable system of personal law. This is a point on which wider consultations are obviously called for with civil society in Kashmir.

About a week prior to this team's visit, Ghulam Mohammad had gone to J&K Bank to encash the cheques he had received. He was informed that there the local tehsildar's account at the time held a mere Rs 11,000 and that he would have to return after a few days for another attempt, lest his cheque be dishonoured.

Neither the State, nor the leaders of Kashmir, nor the people, view compensation as a right accruing to victims. State functionaries treat it as dole given out of largesse. Payment of compensation has in the past been used by the State to coerce families into abandoning the pursuit of justice and the quest to hold accountable men in uniform when they have been guilty of gross human rights violations. This explains to some extent the reluctance of families to accept compensation that is often described as "blood money".

That compensation is not being awarded by the State as an admission of its responsibility is also apparent from the fact that no compensation has been announced for injuries suffered during this period. According to a State Government reply in the Legislative Assembly, between 11 June and 4 October 2010, 534 persons were injured due to the action of security forces. Further the government stated that 13 persons were permanently and temporarily disabled due to bullet and pellet injuries during police and paramilitary action. In Palhallan the team met Khan Javed and Altaf Ahmed Wani both of whom had suffered multiple fractures of the leg due to bullet firing. Substantial sums of money have already been spent by them on surgery and full recovery would require much more expenditure. Coupled with loss of work days, the resources of the families of the injured would be severely impacted.

by way of conclusion: reflections on the current situation

The 117 people estimated to have died in lethal crowd control actions by the security forces in Kashmir, the scores that have been permanently incapacitated and the hundreds that have been grievously injured, have all been victims of a highly unequal street contest that went on for four months in the valley. It cannot by any stretch of imagination be said that the security forces who took on the demonstrators and inflicted such damage were acting in self-defence. Their endeavour could more accurately be described as one of actively discouraging demonstrations through a strategy of shock and awe.

All through the four-month long killing spree, questions were raised by various groups and opposition parties critical of the strategy of facing down street demonstrations with lethal gunfire. While the Indian State kept repeating that dialogue was the way forward, its agencies and representatives on the ground seemed to be actively suppressing all such possibilities by responding with massive force to every demonstration. So-called “non-lethal” forms of crowd control that were introduced testified not so much to humane intent, but to the State’s willingness, in its eagerness to avoid the political fundamentals, to reduce Kashmir to a laboratory for testing every new apparatus of control that took its fancy.

People in Kashmir are accustomed to seeing the police go berserk in face of rising protests. What sets the events of 2010 apart from the past, is the absolute “free-hand” that the police and security forces assumed in dealing with the demonstrations. This is amply evident in the incidents at Pattan and Palhallan recounted here, as also in the attacks on funeral processions and the numerous instances when particular individuals were picked out for acts of targeted retribution.

There is a clear case that most deaths and grievous injuries were caused by deliberate intent. Kashmiris are certainly right in questioning why similar protests across India are treated differently and they alone seem fair-game for trigger-happy policemen. It is becoming an irrefutable case, that this is an outcome of deliberate policy, an indubitable consequence of the culture of impunity that has flourished over the decades that special security laws such as AFSPA have been in force. Peaceful assemblies are criminalised under the law, and under the over-broad characterisation of situations when it is fair to shoot with intent to kill, any threat posed by “weapons” or of “things capable of being used as weapons”, could be met with lethal force: meaning that a stone could be treated as a weapon under this law.

NEW DIRECTIONS IN THE KASHMIR MOVEMENT

Developments over 2010, coming in the wake of the turmoil of the two preceding years, have changed the landscape of the *azaadi* movement. The voices for *azaadi* have become stronger indicating the preference of a majority of Kashmiris, particularly among the youth, to visualise a future where their state will maintain equidistance from both India and Pakistan. In that sense the ideology of an Islamic state and one that will merge with Pakistan has receded. This may also have a connection to the worsening internal situation in that country.

Quite paradoxically though, Syed Ali Shah Geelani, who has been a staunch supporter of the merger of J&K into Pakistan and the most recognisable face of the Islamist side to the Kashmir movement, has emerged the acknowledged leader today. It is evidently not his political doctrine that has catapulted him to this position, but rather his position within Kashmir's political landscape as the one politician who has refused to talk terms until the fundamentals are addressed.



As Khursheed Ahmad of Palhallan mentioned to this team: “we welcome even Omar Abdullah when he said in the state legislative assembly that J&K had acceded but by no means merged with India, we also welcomed Yasin Malik when he came to our village during his *Safar-e-azaadi* campaign”. Stirring at the roots of this increasingly widespread public attitude is the yearning for freedom and the bitter resentment that is increasingly voiced, at military domination by India.

While rejecting the demand of Omar Abdullah for revoking AFSPA and not even acknowledging the five-point formula advanced by Geelani, New Delhi took its own counsel when the agitation became an acute international embarrassment, sending an all-party delegation to Kashmir to assess the ground situation. Despite the reservations of the principal opposition party, members of the delegation met with Geelani and other Hurriyat leaders, such as Yasin Malik and Mirwaiz Umar Farooq. The brief hope that a political approach towards Kashmir would finally prevail over

the militaristic course, was belied when a team of “interlocutors” was announced for gauging the entire range of public opinion in Kashmir, without any seriously credible political figure in it. The interlocutors began their exertions in Kashmir in October, but have failed in establishing their credibility with the larger public.

What lies in store for the Indian state in Kashmir? A distinct feature of the situation across the valley after more than four months of turmoil has been the manner in which the name and identity of each person killed or maimed is known across the community. Everywhere this team went, it was not difficult at all to locate families that had suffered loss and bereavement. Every incident has become a part of public memory. Every attack has been memorialised. At some places, banners have been put up declaring the killed person a “martyr”.

A FAILURE OF THE POLITICAL IMAGINATION

“Kashmir” as conceived in the Indian political imagination is an inheritance of the distant past. As an *issue* - and not a *dispute* as the Indian official establishment never tires of underlining -- “Kashmir” is about little else than cross-border mischief by a neighbouring, inimical and envious state.

Kashmir’s current generation was assumed, by implication, not to have a stake in the legacy of a partition in the Indian body politic, effected over sixty years back. Images of the last year in Kashmir speak of a generation that refused with furious insistence, to accept this invitation to forget the legacy of the past and partake of a supposedly glitzy future of a “shining India”.

This is the generation that was born, or grew out of infancy, after Kashmir’s insurgency erupted in 1990. In *Curfewed Nights*, an acclaimed account of growing up through the years of strife in Kashmir, Basharat Peer talks about boys moved to join the militancy by impulses that they could not quite describe, of a generation that learnt the basic alphabet by rolling strange and alien words off their tongues, such as “frisking, crackdown, bunker, search, identity card, arrest and torture”.

Basharat’s book has gained prominence after a U.S. edition was published in 2010. India has had access to Basharat’s work at least two years before the U.S. edition was published. Yet the truths that it documents - of torture, human shields, and families traumatised by their children’s political impulses to join the insurgency - have remained a message that the “establishment” has simply failed to grasp.

For most of India, it has seemed beyond strange to hear slogans of *azaadi* resonating through the long weeks of street protests in the valley last year. It has been emotionally troubling - for some, deeply offensive -- to view wall graffiti in all parts of Kashmir, ordering India out with all the baggage that it has brought along. What possibly could be the meaning of these battle cries, which for those weeks of turbulence were on every Kashmiri’s lips?

Beyond the sheer implausibility of an *azaadi* demand, it is in the perception of most Indian citizens, beyond permissible political sloganeering to seek a breakup of what they consider the sacred topography of the nation. This is a land that was retrieved from colonial oppression, secured from planned balkanisation and built up as a

homeland where all could live under a constitutional order. To permit the people of Kashmir to pursue their dream of *azaadi* would be to begin the rapid unravelling of the nation state, with constitutional governance collapsing and life reduced to a state of anarchy.

Late in October last year, a day-long conference was held in the national capital under a banner proclaiming *azaadi* as the only way forward in Kashmir. Lost in the din that ensued and repeated demands that the more prominent participants in the conference be booked for sedition, was any effort to engage with the issues raised in day-long discussions that were for the most part, conducted in a tone of rational civility.

Aside from the perception that a pathway towards *azaadi* had to be found to bring peace to Kashmir, which they shared and endorsed by their presence on the same platform, there was seemingly little else in common between the participants in the conference. And even *azaadi* would have meant different things for each of the participants.

Azaadi as an ideal is impossible to argue with, since individual liberty and the protection of group rights are essential guarantees of the Indian constitution. If the people of Kashmir have for all the years of the Indian republic -- and with rising insistence over the last twenty years, argued that they do not enjoy the freedom they were promised - the knee-jerk reaction would be to brand them all as unworthy citizens who need to be disciplined with an iron hand. The more considered reaction would be to reflect on how true India has been to its sworn republican values. How has Kashmir become an exception within a constitutional arrangement that guarantees the basic rights for all? How is it that Kashmir has become a zone of unfreedom where the liberties promised by the Constitution are no more than a chimera? And how do all Kashmiris continue to be stigmatised as disloyal and worthy of no more benign mode of governance than the jackboot?

Since Kashmir erupted two decades ago, the Indian State and the wider public have had ample time and opportunity to debate these issues and seek rational ways out. That they have failed to take that path is testimony to the tyranny of unreason in discussions about group rights, particularly when they involve persons of the minority faith. Increasingly, the debate is drowned out in shrill recriminations by ultra-nationalist forces, which have caused sufficient damage to the body politic in "mainland India" with their medievalist programme of righting imagined historical wrongs.

Kashmir's wounds run deep but could still be staunched. Chief Minister Omar Abdullah recently spoke in terms of instituting a "truth and reconciliation" commission to address past abuses and chart a course forward for Kashmir. The proposal fell flat for obvious reasons. Standards of truth-telling in the Indian political establishment and its agencies - particularly those that operate in Kashmir - are yet to achieve any level of public credibility. And a people cannot be asked to reconcile themselves to a recent history of repression when they are unconvinced that the political leadership at all levels has the will to establish full accountability and institute safeguards against the recurrence of these abuses. Tired gestures like doling out packages -

variously labelled “economic” and “political” - will no longer work. The people of Kashmir have spoken out clearly and unequivocally in favour of a political dialogue that will involve all parties with a stake in the future of their state. And the Indian State needs, as it sets about this dialogue, to establish its serious intent.

This would require, minimally, a substantial reduction of the military presence in Kashmir, the withdrawal of all special security laws that establish a climate of impunity for the security agencies, the release of all persons detained under these laws, and credible investigations into the recent killings. Rhetoric about the need for justice in Kashmir has long since outlived its utility. The current situation calls for concrete, observable and irreversible actions.