

# TORTURE

Indian State's Instrument of Control in Indian Administered Jammu and Kashmir



A REPORT BY  
ASSOCIATION OF PARENTS OF DISAPPEARED PERSONS  
AND JAMMU KASHMIR COALITION OF CIVIL SOCIETY





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*Indian State's Instrument of Control in Indian administered Jammu and Kashmir*

Association of Parents of Disappeared Persons (APDP)  
And  
Jammu Kashmir Coalition of Civil Society (JKCCS)

***Torture: Indian State's Instrument of Control in Indian administered Jammu and Kashmir (2019)* is the first ever comprehensive report on the phenomenon of torture in Jammu and Kashmir perpetrated by the Indian State from 1990 onwards.**

Published By: Association of Parents of Disappeared Persons (APDP) and Jammu Kashmir Coalition of Civil Society (JKCCS)

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Cover Image: Qalander Khatana [Case no. 350], from Kalaroos, Kupwara, whose legs have been amputated as a result of torture.

***“Till I am alive, I will continue to fight for justice and speak truth to power”***

***- A Kashmiri torture survivor***

## **ACKNOWLEDGMENT AND DEDICATION**

We dedicate this report to those countless and unheard survivors of torture in Jammu and Kashmir, who despite all tribulations and continuous fear have decided to speak truth to power. Without their cooperation, this report would not have been possible.

Fear should not triumph, was always an inspiration for APDP and JKCCS to continue to documentation, litigation and campaign work in the Indian administered Jammu and Kashmir. This report is an addition to the reports produced by APDP and JKCCS since last 19 years. These reports besides their value for advocacy serve as an institutionalised form of memory of trials and tribulations of the people of Jammu and Kashmir.

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**Adv. Parvez Imroz**

**Patron – APDP  
President - JKCCS**

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## PROLOGUE

**Juan E. Mendez**

*Former UN Special Rapporteur on Torture (2010-16), Professor of Human Rights Law in Residence, Washington College of Law, American University (Washington DC, USA).*

I feel deeply honored to be given the opportunity to comment on this significant report on torture in the Indian administered Jammu and Kashmir. Although it makes for painful reading, the report is an outstanding example of how human rights organizations of civil society should monitor, investigate and report on violations of internationally-recognized standards of how governments must behave toward all persons under their jurisdiction. It is particularly noteworthy that the report includes a very helpful historical analysis of the long and enduring conflict that is the backdrop to the severe attacks on human dignity that populate this study. That history does not excuse a single act of torture. Similarly, it is well established in international law that no state of emergency or counter-insurgency campaign can relieve the State from the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment. At the same time, a fair and balanced historical account of the conflict helps the reader understand the recurrence of the acts of cruelty that are depicted here. More importantly, a serious study of the background to torture should guide the efforts of public policy initiatives to reduce the incidence of torture in the first instance, and then to abolish the practice in reality rather than in law alone.

Some inevitable conclusions about the context of torture are painfully familiar to those of us who have studied torture in other countries and in societies of vastly different legal cultures. Impunity for the acts of torture that are well documented, even by State agencies and courts, is undoubtedly the principal factor in the recurrence of the practice. It stands to reason that, if an interrogator or law enforcement officer is aware that acts of torture will not be investigated, he is more likely to engage in them as a quick and easy way to accomplish the “mission” entrusted to him: to obtain a confession and thus “solve” a crime, or to elicit intelligence that can lead to the capture (and renewed torture) of other suspects. Impunity for very serious crimes can be related to limited human resources or scarcity of material means to conduct serious investigations. But when impunity is the almost universal outcome of every first investigatory step, and when that outcome is repeated over hundreds of cases, no matter how well documented, then impunity is not a weakness of the State: it is the public policy of the State. And if impunity for torture is policy, the inevitable conclusion is that torture is policy as well.

The militarization of the response to insurgencies and civil unrest is another feature that characterizes other contexts where torture, disappearances and extra-judicial killings become widespread. Governments tell the international community that their armed forces are more professional than police and other law enforcement bodies, that they are better at obeying a unified command and maintaining discipline in their ranks. For those reasons, governments that make the fateful decision of militarizing their response to unrest usually claim that deploying the armed forces to fight alongside constabularies that are ill-trained and ill-equipped will bring the conflict under control and will also correct any “excesses” in the use of force. Experience shows that it almost never works that way. Soldiers are trained for combat, not for investigations. They are also trained to distinguish between legitimate military targets and unlawful civilian ones. But in a conflict that includes part-time militants and also civilians who exercise legitimate and peaceful exercise of freedom

of expression and assembly, the lines that separate legal use of force from grave violations of the law of armed conflict soon get blurred. In addition, the armed forces are usually not much better than the police in investigating and curbing illegal actions committed by their members. A misunderstood *esprit de corps* builds up as a conspiracy of silence that prevent the serious and impartial investigation of abuses by soldiers and officers, including those bearing the highest responsibilities for them. In that regard, militarization of a law-enforcement problem generally contributes to impunity, not to accountability. What is worse: militarization and the impunity that accompanies it tend to recreate the cycles of resentment and violence that perpetuate the conflict rather than bring it to a peaceful and democratic solution.

The inefficiency and weakness of State institutions that should provide balance to the excesses in the exercise of power is another feature that explains the seemingly endless cycle of torture and ill-treatment. Tolerance for torture – sometimes in explicit terms, as in statements quoted in this report – represent an abdication of the democratic authority and of fundamental duties of judges, prosecutors and members of institutions of control. In a democracy, the independence and impartiality of all State agents that provide checks and balances is a measure of the effectiveness of the rule of law. Judges, prosecutors, lawyers and ombudsman's offices should be the bulwark against abuse that protects citizens from torture and other abuses. When torture occurs, it becomes the ultimate test of that independence and impartiality.

For the worldwide struggle against torture, this report will constitute a landmark. It is to be hoped that it will be an example to other civil society organizations in India and in other countries, as a model for dispassionate and precise language, even when discussing tremendously tragic suffering. It is also remarkable that the report describes its methodology in strenuous detail, which very evidently increases the credibility of its findings. Interviews and analysis of official documents, specifics about how and where the interviews were conducted, statistical analysis of the trends that the 432 cases demonstrate, acknowledgment of the difficulty of access to places and of the pervasive fear that prevented many victims from volunteering to talk to interviewers: all of these features point to an intent to be thorough and comprehensive, while also suggesting how much larger is the unseen lower part of the iceberg. Impressive as well are the fact that the research took place over a ten-year period, that it involved examination of other reports going back much longer, and that it consisted of efforts by many contributors among university students, volunteers and staff of non-governmental organizations. That such a collective effort results in a rigorous and persuasive report is a tribute to the coordination and supervision skills of those who guided the endeavor.

The report will be enormously helpful in drawing attention in the international community to the need to express concern about India's human rights record. The ability of inter-governmental monitoring mechanisms to affect events on the ground in India has been sorely insufficient. A variety of reasons account for that failure but, more importantly, fit is a weak response that has continued for a very long time as well. When I became the UN Special Rapporteur on Torture, in late 2010, there were many countries that had pledged to cooperate with the Special Procedures set up by the UN Human Rights Council but that were unwilling to invite special rapporteurs and working groups to conduct fact-finding missions. The list of non-cooperating countries included many that had issued "standing invitations" but then refused to put dates on such missions (or invited only those mechanisms that they were particularly interested in). Unfortunately, the list has continued

to grow. Sadly, in 2010 my predecessors had been seeking an invitation from India for the preceding 25 years. Needless to say, I reiterated that request every year of my own tenure, at times meeting in Geneva with India's head of mission to seek a favorable response. To no avail: my two consecutive terms ended in late 2016 and India never invited me. I assume that my successor has continued to insist, but what I do know is that a country mission to India by the UN Special Rapporteur on Torture has not yet happened.

With or without the benefit of an on-site visit, the Special Procedures are asked to receive complaints from the public and to make inquiries with the States on those allegations that are found to be *prima facie* credible and relevant to the mandate. My Rapporteurship acted on an average of 200 such "communications" each year from virtually all States members of the United Nations. During my mandate we issued each year an equal number of "Observations reports" as appendices to my annual reports to the Human Rights Council. Those observations reports are essentially the views of the Rapporteur as to whether a violation has been conclusively established, as well an opportunity to make recommendations on how to address the problem. It should be mentioned that the number of such interventions could be much higher but for the very limited staff and material resources allocated to each mandate (an allocation that was lower and lower each year of my two terms). As a result, it is possible that we did not act on many complaints from India, or from other countries, simply for lack of time and resources. Nevertheless, the observations during my term regarding India do offer a picture, if not of the overall human rights situation, at least of the attitude of India's authorities towards expressions of concern from the United Nations. There were 31 Observations Reports on India between 2010 and 2016, for issues ranging from torture and sexual violence, to pending legislation about torture in Parliament, to forced or non-consensual sterilization in rural areas. 13 of those inquiries submitted to the Indian government received no response at all; in two other cases the only response was to say that more details on places and dates were needed in order to respond (though names of towns or villages and police stations had been submitted). There were five replies that amounted only to an acknowledgment of receipt or that did not address the substance of the allegations in any way. In three cases the Government said that investigations were pending but never submitted further information. And in eight cases, the replies flatly denied the allegations without explaining what investigation had been conducted to support the government's conclusion.

Hopefully, a serious debate among the Indian public about this report will prompt the national authorities to take the matter of torture seriously and establish effective controls, and to act as a more responsible global citizen and cooperate with the human rights machinery of the United Nations. I am under no illusion that an independent report by non-governmental organizations can put an end to torture, in India or elsewhere. But I am convinced that a report, when it is as rigorous, evidence-based and persuasive as this one is, constitutes a building block towards public awareness of the tragedy of torture. It can also spearhead democratic debate about measures of public policy needed to re-establish the rule of law in this extremely sensitive area. In that sense, the report and the debate that it will produce will be an enormous contribution to the struggle to abolish torture in practice, in India and everywhere, in our lifetime.

February 2019

## Executive Summary

***Torture: Indian State's Instrument of Control in Indian-administered Jammu and Kashmir*** is the first report, which focuses on torture, perpetrated systematically and indiscriminately by the Indian State since 1947, and intensified further since the armed struggle for self-determination began in the late 1980s. Torture is the most under-reported human rights violation perpetrated by the State, carried out with complete impunity for the perpetrators, and without a single prosecution ever having taken place.

The Indian State's response to the armed conflict in Kashmir shows the characteristics of classic counter-insurgency warfare, where military strategies are both 'population-centric' and 'enemy-centric'.<sup>1,2,3</sup> The disproportionate presence of Indian armed forces and Police in Jammu and Kashmir (between 650,000 – 750,000)<sup>4</sup> is mainly to exercise control over the population. The widespread human rights violations, including use of indiscriminate torture, is a tactic employed to break people's will. This is reflected in the Indian Army's Doctrine on Sub-Conventional Operations, which says, "The endeavour should be to bring about a realization that fighting a government is a 'no win' situation and that their anti-government stance will only delay the process of restoration of peace and normalcy."<sup>5</sup>

After the killing of militant commander Burhan Wani in July 2016, the present period has witnessed unprecedented cycles of State violence. In the last two years, Kashmiris have witnessed gross violations of human rights in the form of extra-judicial executions, injuries, illegal detentions, torture, sexual violence, disappearances, arson and vandalism of civilian properties, restriction on congregational and religious activities, media gags, and ban on communication and internet services.

Unlike other forms of heinous human rights abuses like extra-judicial killings, enforced disappearances or indiscriminate and excessive force exemplified by the use of pellet shotguns, torture is a state crime that often remains hidden even from the media, unless the victim dies as a result of his/her injuries. As many deaths due to torture-related injuries are not immediate but may occur after years or even decades, accurate figures of such fatalities and morbidity are extremely hard to estimate.

This report builds on the body of human rights documentation on torture in Kashmir through an examination of 432 case studies of torture, focussing on the trends and patterns, targets, perpetrators, contexts and impact of torture in Kashmir. Moving between the present and the past what emerges is a vast archive of narratives of forms of torture perpetrated by various arms of the state forces. Through the cases, torture emerges as one of the ways of retaliation by the State against the Kashmiri 'other', seen as a challenge to its very legitimacy. But it also emerges as part of routine, intrinsic to the very existence of the Indian State in Kashmir.

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<sup>1</sup>Indian Army. *Doctrine on Sub-Conventional Operations*. 2006. Simla: Headquarters, Army Training Command. <http://indianstrategicknowledgeonline.com/web/doctrine%20sub%20conv%20w.pdf>

<sup>2</sup>Van Wagenen M J. *An Analysis of the Indian Government's Counterinsurgency Campaign in Jammu and Kashmir*. 2004. (Thesis submitted to Army Command and General Staff College, Fort Leavenworth, Kansas) <https://apps.dtic.mil/dtic/tr/fulltext/u2/a428962.pdf>

<sup>3</sup>Hodermarsky D G. *Lessons from India's Counterinsurgency Campaign in Jammu and Kashmir*. 2013. (Monograph submitted to Army Command and General Staff College, Fort Leavenworth, Kansas) <https://apps.dtic.mil/dtic/tr/fulltext/u2/a606326.pdf>

<sup>4</sup>JKCCS. Structures of Violence. 2015; Page 14. <https://jkccs.files.wordpress.com/2017/05/structures-of-violence-e28093-main-report.pdf>

<sup>5</sup>Indian Army. *Doctrine on Sub-Conventional Operations*. 2006. Simla: Headquarters, Army Training Command.

The UN Istanbul Protocol<sup>6</sup> (2004) sets out the many forms of torture and other cruel, inhuman and degrading treatment to which people may be subjected and which cause physical and psychological suffering. Many reports, including this research, show that the vast majority of these have been applied in Jammu and Kashmir. Apart from verbal abuse, the other forms of torture that we have come across during this research include stripping the detainees naked (or down to bare minimum), beatings with wooden sticks, iron rods or leather belts, roller treatment whereby a heavy wooden log or an iron rod is rolled over the legs of the detainee, with extra weight applied to it by forces personnel who sit on the opposite sides of this rod, water-boarding, electrocution, hanging from the ceiling, dunking detainees' head in water (which is sometimes mixed with chilli powder), burning of the body with iron rods, heaters or cigarette butts, solitary confinement, sleep deprivation, sexualized torture including rape and sodomy, among others. The following figure lists the number of times these and other methods came to be used in the 432 cases studied for this report.

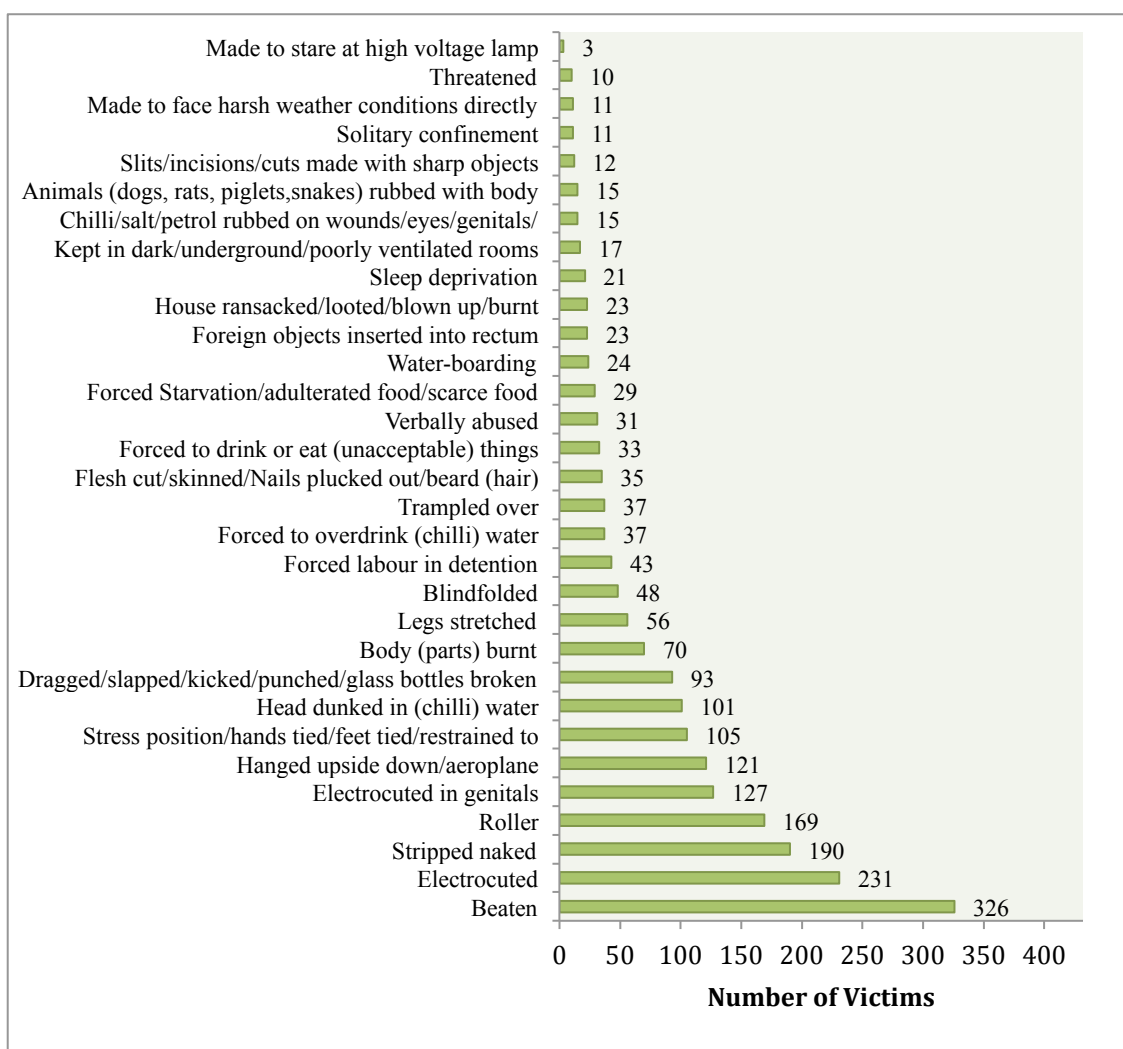


Figure: Number of people subjected to different forms of torture or other cruel, inhuman or degrading treatment

<sup>6</sup>Office of the United Nations High Commissioner for Human Rights. *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. 2004. <https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

Out of the 432 victims, 222 (51.4%) suffered some form of health complications after being tortured. Out of these 222, 209 (94.1%) people suffered health issues with long-term ramifications, and among them, 49 (23.4%) suffered acute ailments e.g. cardiac problems, nephrological issues, complete or partial loss of eyesight or hearing ability, amputations, sexual impotency, etc. and many of these people have been on regular (or irregular) medication ever since they were tortured. Documented studies of the early 1990s have previously noted that torture has resulted in people developing Rhabdomyolysis and consequent acute renal failure.<sup>7,8</sup>

Survivors of torture have battled with psychological issues long after their physical wounds were healed. Of the 432 victims, 44 suffered from some form of psychological difficulty after being subjected to torture. According to an extensive study published by *Medecins Sans Frontieres* in 2015, 19% of Kashmiri population suffers from Post-Traumatic Stress Disorder.

In Kashmir torture has been used by Indian armed forces and police without any distinction of political affiliation, gender or age. An inordinate 293 out of 432 torture victims were civilians, 119 were militants, 5 ex-militants (essentially civilians at the time of being tortured), 8 'over ground workers', and 2 from the Jammu & Kashmir Police. (Affiliations were un-verified in 5 cases). The civilians include political activists, human rights activists, journalists and students. Of the 432, 27 were minors when tortured. Professionals like doctors, paramedics and journalists have also been regularly targeted and assaulted since the early 1990s.

A lack of faith in institutions prevents victims from seeking justice or redressal for the torture. Of the 432 cases studied, only 27 had gone to the State Human Rights Commission (SHRC). 20 of these complainants obtained recommendations in their favour. It is pertinent to mention here that in 2017, the Jammu and Kashmir government turned down almost 75% of the recommendations made by the SHRC, accepting only 7 of the 44 compensation and ex-gratia relief recommendations made by it<sup>9</sup>. Even in the recommendations of SHRC, which government implements, only the monetary relief part of the recommendation is accepted, while as there is no instance available where on SHRC recommendations punitive action was taken against the culpable officials. The Jammu and Kashmir government informed the State Legislative Assembly in 2018 that out of the 229 recommendations made by the panel since 2009, only 58 were accepted by the government<sup>10</sup>.

The use of torture in Kashmir can be traced back to a longer history of authoritarian state practices and the repression of political struggle opposing Indian control in the region, and this precedes the onset of armed insurgency in the late 1980s. Apart from the humiliating practices of collective ill-treatment, more 'orthodox' torture techniques such as blind-folding, beatings, stress positions, burning with clothing iron and stuffing hot potatoes into

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<sup>7</sup> Malik G H et. al. Acute renal failure following physical torture. *Nephron*. 1993;63 (4):434-7  
<https://www.ncbi.nlm.nih.gov/pubmed/8459879>

<sup>8</sup> Malik G H et. al. Further observations on acute renal failure following physical torture. *Nephrol Dial Transplant*. 1995;10 (2):198-202.  
<https://www.ncbi.nlm.nih.gov/pubmed/7753452>

<sup>9</sup>Bhat R. Govt turned down 75% of recommendations of SHRC in 2017. *Rising Kashmir*. 2017 December.  
<http://www.risingkashmir.com/news/govt-turned-down-75-of-recommendations-of-shrc-in-2017>

<sup>10</sup>Maqbool U. Now, SHRC can't entertain complaints older than a year. *Greater Kashmir*. 2018 December.  
<https://www.greaterkashmir.com/news/front-page/now-shrc-can-t-entertain-complaints-older-than-a-year/304701.html>

the mouth were routinely used as a mode of 'interrogation' and coercing 'confessions' about anti-India, 'Pro-Pakistan' and other anti-establishment political activities, as well as punishing political dissent from the earliest days of the Emergency Administration in Kashmir since 1947.

The massive fraud and rigging of elections in 1987 is widely seen by commentators as the proximate cause that led several prominent political figures to take up arms against Indian control over Jammu and Kashmir. Decades of repression of all forms of democratic opposition to Kashmir's accession to India, such as constitutional negotiations, peaceful mass protests and electoral politics had preceded the armed rebellion.

In September 1990, the Armed Forces Special Powers (Jammu and Kashmir) Ordinance was legalised as the Armed Forces Special Powers (Jammu and Kashmir) Act (AFSPA), which gave the Indian armed forces sweeping powers of arrest of civilians, and even to use lethal force on 'unlawful assemblies' on law and order grounds. Human rights groups have stated that while in 1990, 36,000 armed forces including regular army personnel and police were deployed to counter the estimated 300 active militants, by 1991 their numbers had risen to 200,000 while the number of militant groups had also proliferated and militant numbers were estimated to be in thousands.<sup>11,12</sup> By May 1990, a new specialised counter-insurgency force, called the Rashtriya Rifles, with troops drawn from existing Army Regiments was created specifically to deal with the insurgency in Kashmir.<sup>13</sup>

The Cordon and Search Operations (CASOs) had, by 1990, been established as a widely dreaded and commonplace event where a large number of atrocities, ranging from mass sexual violence and torture, and illegal arrests leading to eventual disappearances, or custodial and extra-judicial killings took place. In 1991, a human rights fact-finding delegation from India, comprising of different groups like Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR), noted that "most of the people who are tortured and killed in custody are young men picked up by the army or paramilitary forces during "crackdown" operations in villages or other areas to identify suspected militants."<sup>14</sup>

The mid-1990s also saw the emergence of State controlled 'pro-government militants', colloquially referred to as *naabid* or *Ikhwan*, consisting of armed groups which had begun operating as clandestine counter-insurgents on behalf of the Indian army. They operated with absolute impunity, openly engaging in criminal acts and terrorising neighbourhoods. The year 1994 saw the establishment of the Special Task Force (STF, later re-named 'Special Operations Group') as a specialist 'elite' and 'frontline' counter-insurgency wing of the police. The STF soon became notorious for its 'excesses' including routine use of torture and reprisals.

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<sup>11</sup>Physicians for Human Rights & Asia Watch (A division of Human Rights Watch). *The Crackdown In Kashmir: Torture of Detainees and Assaults on the Medical Community*. 1993; Page 12.

<https://www.hrw.org/sites/default/files/reports/INDIA932.PDF>

<sup>12</sup>Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR). *Undeclared War on Kashmir*. 1991; Page 10.

<sup>13</sup>People's Union for Civil Liberties (PUCL), Citizens for Democracy, Radical Humanist Association, Manav Ekta Abhiyan. *Report on the Kashmir Situation*. 1990.

<sup>14</sup>Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR). *Undeclared War on Kashmir*. 1991; Page 14-16.

Human Rights Watch (1993) and Amnesty International (1995) have drawn a direct correlation between the extremely high custodial death and extra-judicial killing figures in Kashmir, with the widespread phenomenon of illegal, arbitrary and incommunicado detentions, coupled with the pervasiveness of brutal torture methods in custody. Amnesty International stated that the severity of torture meted out by the Indian armed forces in Jammu and Kashmir was the main reason for the number of deaths in custody.<sup>15</sup> These deaths, and permanent disabilities such as amputations, were not caused only as a result of the direct effects of the physical abuse, but also due to the lack of medical access, and the inhuman and unhygienic conditions of illegal detention in dark, overcrowded cells where chances of untreated wounds becoming infected and gangrenous was extremely high.

While Joint Interrogation Centres (JICs) were constructed primarily to execute torture in and around Kashmir valley, the gruesome practice wasn't limited to these centres. Police stations, military camps, SOG camps and even abandoned buildings were also used for this purpose. During CASOs, the government buildings in a particular area, like schools, Primary Health Centres, Rural Development Offices etc., and sometimes even the houses of local people, would be turned into makeshift torture centres. Certain camps were also designated for torture – like the notorious PAPA-2 and Hari Niwas, where many youth are believed to have been tortured to death in the 1990s. In the 432 testimonies, at least **15** JICs, **52** Police Stations/Posts, **144** Indian armed forces camps (Army and Para-military), **19** SOG camps and **9** *Ikhwan* camps were identified where torture has been perpetrated on detainees.

The 1996 Jammu and Kashmir Assembly elections, after which the National Conference came to power, saw widespread coercion by *Ikhwans* and Indian armed forces to make people vote. The Peoples' Democratic Party (PDP) came to power in 2002 on a platform that promised the disbanding of the notoriously brutal and corrupt SOG, demilitarisation and removal of bunkers, and beautification of city areas, called the 'Healing Touch' policy. However, instead of disbanding SOG, it was merged with the Jammu & Kashmir Police and led to the entire Police department getting involved in counter-insurgency operations. As a consequence the Jammu & Kashmir Police has also become highly militarized.

The seeming decline in political violence after 2002, and the government's claim of 'return to normalcy' was belied by the 2008 mass uprising in Kashmir. The uprising saw the emergence of the young 'stone pelter' as a criminalised classification subjected to repeated cycles of illegal and unrecorded arrests on the basis of suspicion and profiling, prolonged detentions, torture, inhuman treatment, release, and then re-arrest at the slightest indication of political unrest.

Although India is a signatory to the United Nations Convention against Torture (UNCAT) since 1997, it has not ratified the treaty till date. In all the three UPRs conducted by the UNHRC in 2008, 2012 and 2017, it was recommended that India ratify the Convention. In 2010, Prevention of Torture Bill was introduced in the Indian Parliament but was not passed and it lapsed in 2014. In 2017 the 273<sup>rd</sup> report of the Law Commission of India recommended to the Government of India that it ratify the Convention, and also introduced the new Prevention of Torture Bill. This Bill states, "The State should own the responsibilities for the injuries caused by its agents on citizens, and principle of sovereign

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<sup>15</sup> Amnesty International. *India: Torture and Deaths in Custody in Jammu and Kashmir*. 1995; Page 2. <https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>



immunity cannot override the rights assured by the Constitution.” However, the Indian State has continued to evade its’ responsibilities and refuses to acknowledge the role of its forces, and by extension its own role, in perpetrating torture in Kashmir.

In the absence of any law criminalizing torture and the absolute impunity that the Indian armed forces enjoy in Kashmir, torture continues unabated. Since currently the main targets of torture are the young boys labelled as “stone pelters”, many of them see their future prospects as bleak. They are often caught in a whirlpool of illegal or arbitrary detentions, torture and continuous harassments, which makes some of them lose all hope. In bringing out this report documenting the cases of torture our attempt forms a part of our larger campaign against varied forms of human rights violations perpetrated with impunity in the state of Jammu and Kashmir, and as a challenge to state-imposed erasure of history and memory.

## Introduction

On September 5, 2018, Feroz Ahmad Hajam from Kokernag was arrested from Khanabal by SOG personnel, who first took him to Joint Interrogation Centre (JIC) Khanabal, then to the Rashtriya Rifles (RR) Camp in Kapran Anantnag and finally to the 19 RR Camp Nodura, Anantnag. At this camp the SOG personnel slit his throat, holding him from behind and damaged his vocal cords severely so that he won't be able to speak again. On July 1, 2016, Irfan Ahmad Dar of Qaimoh, Kulgam was severely beaten by personnel of the Central Reserve Police Force (CRPF) while he was trying to save his 12-year-old brother from being beaten. Irfan died on July 14. On July 10, 2016, Hilal Ahmad Parray of Tengpora was beaten by CRPF personnel. He died in the hospital on July 16. On July 20, 2016, Ghulam Mohi-ud-Din Mir of Lolab, Kupwara was tortured to death by the Army's 41 RR regiment. Ishfaq Ahmad Dar of Tarzoo, Sopore was tortured by CRPF on July 23, 2016, and died on July 31. The body of Aqib Ramzan of Lone Mohalla, Khonmoh was recovered on July 27, 2016 bearing marks of severe torture. Shabir Ahmad Mangoo of Khrew was beaten to death by armed forces on August 18, 2016, in front of his family members. Mansoor Ahmad Lone of Hardshiva, Sopore was tortured by personnel of the Army's 22 RR regiment in their custody and died on September 14, 2016. A government employee, Abdul Qayoom Wangnoo of Aali Kadal, Srinagar was beaten severely by the CRPF personnel at Hyderpora, Srinagar on September 9, 2016, while he was on his way to work. He died in the hospital a few hours later. A teenager, Kaiser Amin Sofi was first tortured and then forced to consume poison by the police on October 10, 2016. He died in the hospital on November 4, 2016 after making a dying declaration.

These cases are only recent evidence for the continuing phenomenon of the use of extreme torture by Indian state forces in Jammu and Kashmir. Torture has been long prevalent, and is most often considered a part of a continuum of coercive questioning and punishment. It includes both physical and psychological methods of infliction of pain, ranging from questioning, to verbal abuse, to 'enhanced interrogation' and other cruel and inhuman treatment that causes distress and disorientation, and outright physical torture which leads to injuries and may cause long term debilitation. Torture can also be a form of social control and a mode of discrimination aimed at spreading fear or exacting individual reprisals or punishment against particular individuals belonging to certain identified and criminalised groups. The use of the most brutal forms of torture in Kashmir, including physical mutilation<sup>16</sup>, and the torture of the most vulnerable sections of the population such as children<sup>17</sup> has been studied by medical and forensic professionals based on clinical studies.<sup>18,19,20,21</sup> Torture and other kinds of intentional infliction of pain and degradation

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<sup>16</sup>Petersen HD, Vedel OM. Assessment of evidence of human rights violations in Kashmir. *Forensic Science International*. 1994 October. 68(2):103-15.

[https://www.researchgate.net/publication/15210206\\_Assessment\\_of\\_evidence\\_of\\_human\\_rights\\_violations\\_in\\_Kashmir](https://www.researchgate.net/publication/15210206_Assessment_of_evidence_of_human_rights_violations_in_Kashmir)

<sup>17</sup>Petersen HD, Wandall JH. Evidence of physical torture in a series of children. *Forensic Science International*. 1995 August 28. 75(1):45-55.

<https://www.ncbi.nlm.nih.gov/pubmed/7590548>

<sup>18</sup>Malik GH. Rhabdomyolysis and Myoglobin-induced Acute Renal Failure. *Saudi J Kidney Dis Transplant*. 1999. 9(4):273-284.

[http://www.sjkdt.org/temp/SaudiJKidneyDisTranspl93273-8872403\\_022752.pdf](http://www.sjkdt.org/temp/SaudiJKidneyDisTranspl93273-8872403_022752.pdf)

<sup>19</sup>de Jong K et al. Conflict in the Indian Kashmir Valley I: exposure to violence. *Conflict and Health*. 2008. 2:10.

<https://conflictandhealth.biomedcentral.com/track/pdf/10.1186/1752-1505-2-10>

<sup>20</sup>de Jong K et al. Conflict in the Indian Kashmir Valley II: psychosocial impact. *Conflict and Health*. 2008. 2:11.

<https://conflictandhealth.biomedcentral.com/track/pdf/10.1186/1752-1505-2-11>

<sup>21</sup>Buhroo AM, et al. Observations on Rehabilitation of Peripheral Nerve Injuries in Kashmir Valley. *Indian Journal of Physical Medicine and Rehabilitation*. 2003 April. 27-32.

<https://www.ijpmr.com/ijpmr2003/200308.pdf>

have been used as techniques of reprisal, interrogation or performative state violence condoned by military, judicial and administrative institutions in Kashmir, and instrumentalised to target and terrorise the civilian population. This is widely known and acknowledged by Kashmiris, although denied by Indian officials.

The use of torture has been frequently documented and condemned by various international and Indian human rights organisations, including the United Nations Office of the High Commissioner on Human Rights (2018), Jammu Kashmir Coalition of Civil Society (2012, 2015, 2016, 2017), Amnesty International (1992, 1993, 1995, 1996, 1997, 1999, 2000, 2001, 2005, 2011, 2012, 2015), Human Rights Watch (1993, 1996, 1999), and Indian democratic rights and civil liberties groups such as People's Union for Democratic Rights (PUDR), Human Rights Forum (HRF), and Andhra Pradesh Civil Liberties Committee (APCLC) (1990, 1991, 1995, 1996, 1997, 2001).<sup>22</sup> Human rights commentators on Kashmir have highlighted the forms, prevalence and patterns of torture and other human rights violations, particularly since the commencement of counter-insurgency operations in the early 1990s. They have also focussed attention on the problems of legally enabled impunity and lack of access to justice which makes human rights violations including extra judicial killings, enforced disappearances, sexual violence and torture, an entrenched part of counter-insurgency military and policing policy in Kashmir.<sup>23</sup> This report builds upon the work of such human rights documentation, by providing a snap-shot of torture in Kashmir, through a detailed analysis of 432 case studies of torture and inhuman treatment.

This introduction briefly contextualizes the use of torture as a means of governing dissent in Kashmir from 1947-1989, and as a tactic of counter-insurgency warfare since the onset of the armed rebellion (1990 to present). It provides an overview of the changing historical and geo-political contexts in which torture has been deployed, in violation of local and international law. It also tracks broad commonalities and patterns that persist across time and context, such as intensive militarization, the cycle of illegal detention, torture and disappearance, and the use of torture as a form of collective punishment.

## **I. Historical Background (1947-1989)**

The use of torture in Kashmir can be traced back to a longer history of authoritarian state practices and repression of political dissent in the region, which preceded the onset of armed insurgency in the late 1980s. The *begaar* system of forced military labour was prevalent in the Dogra rule (1846 to 1947). G. M. D. Sufi, in his book, writes, "The Dogra period is also notorious for 'Begaar' (the forced labour); the people were dragged out of their homes and were asked to carry military provisions to distant places like Gilgit and Ladakh. They were neither paid nor given any ration during this period. Many died due to starvation or harsh weather on way to or from these far off places of northern Kashmir."<sup>24</sup> The practice of forced military labour continues to this day.

Apart from such humiliating practices of collective ill-treatment, more 'orthodox' torture techniques such as blind-folding, beatings, stress positions, burning with a clothing iron and stuffing hot potatoes into the mouth were routinely used as a mode of 'interrogation' and for coercing 'confessions' about anti-India, 'Pro-Pakistan' and other anti-establishment

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<sup>22</sup>For a list of Human Rights reports dealing with torture in Kashmir, see the footnotes of this report.

<sup>23</sup>See for instance: *Kashmir's Torture Trail*: BBC Channel 4. 2012.

[https://www.youtube.com/watch?v=oNTB\\_d3Ifq0](https://www.youtube.com/watch?v=oNTB_d3Ifq0)

<sup>24</sup>Sufi GMD. *Kashir: Being A History of Kashmir – From the Earliest Times to Our Own, Vol. II*. 1996; Page 810.

political activities, and for punishing political dissent from the earliest days of the Emergency Administration in Kashmir, established during the First Kashmir War in October 1947 and headed by the National Conference (NC) leader Sheikh Mohammad Abdullah. Widespread popular sympathy for the rival Muslim Conference, which was aligned with Pakistan and opposed Sheikh Abdullah's stance of a constitutional pact with India, was dealt with using war-time emergency laws that suspended all civil liberties, and allowed for arbitrary arrests, prolonged administrative detentions and summary externment of political dissenters and so-called 'enemy agents'. These laws which endured even after the cessation of hostilities with Pakistan, and some of which such as the Enemy Agents Ordinance continue to the present day, established conditions of a virtual police state with a well-organised and intrusive intelligence-gathering and surveillance apparatus manned by not just members of the police establishment and Indian intelligence agencies, but community-based political workers belonging to the ruling NC party establishment who functioned with absolute impunity.

In an interview with the researchers, Srinagar based historian P.G. Rasool stated that the Emergency Administration's primary responsibility was the suppression of all political expression against Jammu and Kashmir's highly controversial accession to India. He elaborated that people living in the newly created border areas such as Poonch, Rajouri, Karnah, Keran, etc. were indiscriminately targeted by the new military and political establishment, as their loyalties were considered suspect due to their pre-existing family and trade ties which now crossed 'enemy lines'. One of the most common reasons for indiscriminate torture and even killings in these early years was the crossing of the newly established, and in some cases porous and un-demarcated, 'borders' by refugees displaced due to the war and partition massacres, accusing them of being enemy agents or "infiltrators" primarily on the basis of their Muslim identity.

According to Srinagar based poet Zareef Ahmad Zareef, the system of informers and party 'strong-men', acting as political enforcers for the State, was further consolidated and formalised after the arrest and preventive detention of Sheikh Abdullah, and his replacement by Bakshi Ghulam Mohammad. Bakshi, who headed the Kashmir government as the Prime Minister from 1953 to 1963, was responsible for the creation of the "Peace Brigade", an armed and uniformed militia of party functionaries, referred to colloquially as *Khoftan Faqeer*, a vigilante group aided by the State. The "Peace Brigade" which was established to quell the widespread protests and agitations against the imprisonment of Sheikh Abdullah, primarily targeted political activists who supported the popular movement for the release of Sheikh Abdullah and Plebiscite in Kashmir, as well as members of political and religious organisations that favoured unification with Pakistan, including members of the Muslim Conference, Mahaaz-e-Raishumari (Plebiscite Front), People's League, Jamaat-e-Islami, and the Islamic Students League. They were notorious for their secretive intelligence gathering and surveillance, patrolling neighbourhoods at night and often raiding homes and brutalising Kashmiris for holding political meetings, possessing 'subversive' literature, listening to Radio Pakistan, or even singing wedding ballads and folk songs in praise of Pakistan. They drew monthly government salaries of around 30 Indian Rupees and were feared for their terrible violence which included public beatings and humiliating punishments, torture, vandalism, rapes, theft and burning the property of dissenters.<sup>25,26</sup>

<sup>25</sup> Ahmad W. Repression and Resistance in Kashmir. *Al Jazeera*. 2011.

<https://www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict/2011/07/2011726122116677591.html>.

<sup>26</sup> See also Handoo B. Ikhwanis of Yore, *Kashmir Life*. 2014.

Zareef, three generations of whose family (his maternal uncle, he himself and his son) have suffered illegal detentions and torture at different periods since 1947, recalled the reign of terror unleashed by the “Peace Brigade” in the mid 1950s and 1960s in some detail. He explained that each neighbourhood in the old city of Srinagar was under the command of a particular member of the “Peace Brigade”, usually referred to by a nickname, responsible for collecting information, coercing ‘confessions’, and conducting clandestine surveillance and interrogations in the area. On the basis of their information, ‘suspects’ were rounded up and presented before the *halqa* (neighbourhood) committee of the NC, and subjected to public beatings and humiliation. Qadir Ganderbali (Sheikh Ghulam Qadir, Head Constable, Special Staff), who he referred to as the ‘Chief Interrogator’ was particularly notorious for his unusual methods of torture, public humiliation and targeted sexual harassment of women. He recalled the names and areas of operation of the following well-known members:

Area	Torture conducted by
Amira Kadal	Qadir Natte, Khalil Kachur
Habba Kadal	Sulle Barbaer
Fateh Kadal	Cherry Bede (Ghulam Mohammad)
Zaina Kadal	Amme Darzee
Aali Kadal	Amme Kachul
Nawa Kadal	Shabe Gaade
Safa Kadal	Bakshi Hamid, Maame Koel
Rainawari	Habibullah Shayer
Arempura	Mohammad Arempur

After a period of informal operations, several members of the “Peace Brigade” including Qadir Ganderbali were ‘regularised’ by inclusion in the Police’s CID (Criminal Investigation Department) Zareef said. Qadir Ganderbali was later promoted and worked at some top ranks in the Jammu & Kashmir Police department before he retired as the Deputy Inspector General.<sup>27</sup>

Apart from the members of the “Peace Brigade” who were paid an official salary by the State, the Bakshi regime was also notorious for the employment of another class of party workers, called *Goggas* who were personally loyal to Bakshi himself, and rewarded by awarding them government contracts, timber and fishing licenses, etc. As a parallel militia owing personal allegiance to the ruling family, they too functioned with complete impunity, informing against dissenters and terrorising the population through public violence and torture. Among the most notorious *Goggas* was Bakshi’s younger brother Bakshi Abdul Hamid, and his associate *Mam Gul*. Another such man was *Shabe Gaade*

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<https://kashmirilife.net/ikhwanis-of-the-yore-issue20-vol06-62400/>

<sup>27</sup>Ibid.

who was famous for 'interrogating' people wearing his traditionally flamboyant turban (*Patka*) in his shop at Nawa Kadal.<sup>28</sup>

The "Peace Brigade" continued for 11 years and finally ended when Ghulam Mohammad Sadiq came to power. In the mid-sixties, the Second Kashmir War (1965) and the widespread political agitations, including the mass protests surrounding the theft of the Hazratbal relic<sup>29</sup>, inaugurated another phase of repression using mass political imprisonments under the Defence of India Rules (DIR) and preventive detention laws, interrogations and torture. Operation Gibraltar, during which Pakistani covert operatives and volunteers (*razaakars*) were sent to Indian-held territory, resulted in large scale combing operations, in which Jammu and Kashmiri civilians suspected of aiding and supporting the 'infiltrators' were targeted by Indian armed forces. Torture, brutal reprisal attacks and collective punishment of civilians was perpetrated at the hands of Indian soldiers, including the burning of fields and villages, particularly in parts of the Chenab valley, Budgam, Handwara and in Batamaloo area, on the outskirts of Srinagar. The Prison Diaries (1965 - 1967) of Mohammed Youssef Bhat, a political prisoner, first held incommunicado in illegal detention for weeks, and thereafter imprisoned under the Defence of India Rules, 1948, detail many instances of illegal detentions, inhuman treatment and torture faced by political prisoners and dissenters of this period.<sup>30</sup> According to Mohammad Anwar Ashai, a prominent civil society member, there were many interrogation cells operating during 1960s, which were used as torture chambers. These include Bagh-e-Mehtab sub-jail, Red interrogation centre, Gupkar Road Srinagar and White interrogation centre, Tulsi Bagh Srinagar. All of these interrogation centres were under the control of Jammu & Kashmir Police.

After the re-instatement of Sheikh Abdullah and the signing of Indira-Abdullah accord in 1975, a new preventive detention ordinance was immediately enacted. Various district level sub-jails, and Humhama (Joint Interrogation Center), Badami Bagh (Headquarters of 15 Corps Indian Army), and Islamia College became notorious for housing 'interrogation centres' synonymous with the use of third-degree torture methods. However, the political unrest and systemic repression of dissent in this period while frequently recalled in oral histories is scarcely documented.

In 1987, the Muslim United Front (MUF), an alliance of mostly religio-political and pro-plebiscite parties such as Jamaat-e-Islami, Islami Jamiat-e-Talaba, Ummat-e-Islami, Jamiat-Ahle-Hadith, Anjuman-Tahfaz-ul-Islam, Ittihad-ul-Muslimeen, the Muslim Employees Front, contested the Jammu and Kashmir Assembly elections. Prior to the polling, most of the prominent MUF leaders and political activists were arrested, preventively detained and subjected to beatings and torture in prisons. The elections themselves were subject to massive fraud and rigging, as later admitted by the Indian state.<sup>31</sup> The violence of 1987 elections is widely seen by commentators as the proximate cause that led several prominent political figures to take up arms against Indian control over Jammu and Kashmir. Decades of repression of all forms of democratic opposition to Kashmir's accession to India such as constitutional negotiations, peaceful mass protests

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<sup>28</sup>Ibid.

<sup>29</sup> On December 27, 1963, a holy relic, which is believed by many Kashmiris to be a strand of hair from the beard of the Holy Prophet was stolen from the Hazratbal shrine, where it has been placed for centuries, leading to widespread protests and mass agitation. It was recovered on January 4, 1964.

<sup>30</sup>Bhat MY. *Diary: Kashmir Untold Story 1965-1968*. 2017.

<sup>31</sup>Hussain A. Kashmir's flawed elections. *BBC*. 2002.

[http://news.bbc.co.uk/2/hi/south\\_asia/2223364.stm](http://news.bbc.co.uk/2/hi/south_asia/2223364.stm)

and electoral politics preceded the armed rebellion. The forms of state violence used in these decades, including suspension of civil liberties, promulgation of extra-ordinary and preventive detention laws, and the use of surveillance, state-backed militias, specially designated interrogation sites and torture based 'interrogation' techniques show many continuities with what followed. However, the means adopted by India to militarily crush the armed rebellion ushered in a new phase of use of extreme state brutality, human rights abuses and reprisals against the popular uprising, in which not just political activists and armed insurgents but the general population became the targets.

## **II. Torture and Counter-Insurgency in Kashmir (1990-2018)**

*The Indian Army is facing a dirty war in Jammu and Kashmir, which has to be fought with innovative ways.*

-Indian Army Chief, Gen Bipin Rawat defending the use of a Kashmiri civilian as a 'human shield' May 2017<sup>32</sup>

*Third degree methods have not been abandoned. It is in vogue and to a limited extent, if one does not use it, no investigation is possible.*

- Justice Ranganath Mishra, National Human Rights Commission of India Chairperson regarding use of torture in Kashmir, August 1994<sup>33</sup>

The use of custodial torture by police and law enforcement officials in the criminal justice process is endemic throughout South Asia.<sup>34,35</sup> Such torture generally occurs during criminal investigations – as a technique of extracting confessions or eliciting evidence from suspects in order to secure convictions, or as a form of punitive or discriminatory violence during detention in police stations and prisons. While such torture is also observed in Kashmir against ordinary criminals and against Kashmiri prisoners in Indian prisons<sup>36,37</sup>, this report focuses on the more pervasive and specific forms of instrumentalization of torture within Jammu and Kashmir since the onset of the armed conflict in the late 1980s. The politics and practices of such torture in Kashmir can be distinguished from other contexts of general policing by its rationale, severity, systemic and pervasive nature and the governing legal regimes.

In Kashmir contemporary practices of torture and inhuman treatment, whether clandestine or public, must be understood within the context of an armed conflict. The Indian State views Kashmir as a 'sub conventional' or asymmetric war, which includes elements of insurgency, terrorism, 'proxy war' and border skirmishes.<sup>38</sup> The alleged perpetrators of

<sup>32</sup> 'Dirty war' in Kashmir has to be fought with innovative ways: Army Chief Rawat. *The Tribune*. 2017 May.

<https://www.tribuneindia.com/news/jammu-kashmir/community/-dirty-war-in-kashmir-has-to-be-fought-with-innovative-ways-army-chief-rawat/414023.html>

<sup>33</sup> Amnesty International. *Torture and Deaths in Custody in Jammu and Kashmir*. 1995 January; Page 2.

<https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>

<sup>34</sup> Ramakrishnan N. *In Custody Law, Impunity and Prisoner Abuse in South Asia*. New Delhi: SAGE. 2013.

<sup>35</sup> Lokaneeta J. Defining an Absence: Torture 'Debate' in India. *Economic and Political Weekly*. 2014 June.49 (26-27): 69-76.

<sup>36</sup> Peoples' Union for Democratic Rights (PUDR). *Shadow of Fear Harassment of Kashmiri Muslims in Delhi*.2002.

<sup>37</sup> Jamia Teachers' Solidarity Association (JTSA). *Framed, Damned, Acquitted: Dossiers of a 'Very' Special Cell*.2012.

<http://www.jamiajournal.com/wp-content/uploads/2012/09/JTSA-Report-Framed-Damned-and-Acquitted-Dossiers-of-a-Very-Special-Cell.pdf>

<sup>38</sup> Indian Army. *Doctrine on Sub-Conventional Operations*. Simla: Headquarters, Army Training Command. 2006.

<http://indianstrategicknowledgeonline.com/web/doctrine%20sub%20conv%20w.pdf>

torture in Kashmir include military actors and intelligence agencies, motivated by concerns about internal and national security and transnational terrorism. The collective punishment and torture of civilians and combatants often takes place during military-policing operations such as Cordon and Search Operations (CASOs) and Search and Destroy Operations (SADOs), enabled under extra-ordinary 'disturbed areas' and 'special powers' laws that allow the military and police to operate with impunity in civilian areas. Because of the prevailing armed conflict, torture in Kashmir must be seen as being covered by the protections and safeguards of humanitarian laws, alongside the human rights and domestic legal regime. These systemic practices and patterns are informed by long-standing historical connections between torture and colonial counter-insurgency warfare doctrine and strategy.

Colonel Roger Trinquier, a Frenchman who perfected many of the practices of modern counter-insurgency, wrote the classic text on the subject, *Modern Warfare* (1961), where he argued that counter-insurgency inevitably involves torture.<sup>39</sup> Torture is more likely to be used in counter-insurgency compared to other types of warfare.<sup>40</sup> Military tactics, commonly classified as counter-insurgency warfare, developed in colonial contexts to suppress mass rebellions, establish territorial dominance and political sovereignty over the colony. They have been perfected through the nineteenth, twentieth and twenty-first centuries in a range of conflicts across the globe (including the Malay Peninsula, the North Eastern and North Western frontiers of British-India, Kenya, Algeria, Korea, Vietnam, Northern Ireland, Palestine, Afghanistan and Iraq) involving large, State-backed armies pitted against groups of armed rebels who enjoy widespread popular support.<sup>41</sup>

The Indian army has had considerable experience in counter-insurgency in various theatres, including in the North Eastern states since the 1940s and in Sri Lanka against Tamil rebels in the 1980s. It has been deployed on such operations almost constantly over the last 70 years, in continuity with its past of violent British colonial counter-insurgency campaigns in South Asia. It takes pride in this professed expertise in tactics of counter insurgency and asymmetric warfare.

Community-based intelligence gathering, intensive grid-based military command and control structures, and 'population-centric' operations aimed at profiling, 'persuading' and punishing the civilian populace, and eventually destroying popular loyalty to the rebels are viewed as key to militarily successful counter-insurgency campaigns. Marnia Lazreg contends that torture was not an unintentional effect of colonial counter-insurgency warfare, but rather a central tactic of control. Lazreg's extensive interviews with both victims and perpetrators of torture in the context of the brutal French–Algerian counter-insurgency campaign show that torture was "rationalized, professionalized and systematized under the leadership of committed generals [...] Torture became a standard method for screening individuals picked up during roundups, identity checks or operations. It was not only inflicted to get confessions, but also to obtain information of any kind."<sup>42</sup>

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For a critique, see: Navlakha G. Doctrine for Sub Conventional Operations: A Critique. *Economic and Political Weekly*. 2007 April. 7: 1242-46.

<https://www.epw.in/journal/2007/14/commentary/doctrine-sub-conventional-operations-critique.html>

<sup>39</sup>BassTA. Counter-insurgency and torture. *American Quarterly*. 2008. 60(2): 233-240.

<sup>40</sup>Wolfendale J. Torture Lite and the Normalization of Torture. *Ethics & International Affairs*. 2009. 29(1): 47-61.

<sup>41</sup>Hajjar L. *Torture: A Sociology of Violence and Human Rights*. New York: Routledge. 2013.

<sup>42</sup>Khalili L. On Torture. *Middle East Report*. 2008. 249, Page 3

<http://www.merip.org/mer/mer249/khalili.html>



The post 9/11 world has seen a global resurgence in laws and discourse legitimizing torture as a counter-insurgency and counter-terrorism tactic in liberal democracies.<sup>43</sup> This is true particularly in the case of “enhanced interrogation” techniques such as waterboarding, sleep deprivation, hooding and stress positions which cause severe disorientation and distress but do not result in permanent mutilations, euphemistically referred to as “torture lite”.<sup>44</sup> Such tactical use of torture in modern counter-insurgency warfare is viewed as ‘interrogational’ rather than ‘terroristic’ or ‘retributive’ in the sense that its utility is claimed to lie in law and order and national security aims of extracting confessions and intelligence information, rather than punishing targets for their past or future criminal acts.<sup>45</sup> Recent proponents of torture advance their argument through the “ticking time bomb hypothesis” claiming that the judicious use of such techniques can save lives by helping expedite the eliciting of actionable intelligence information in emergency situations.<sup>46,47</sup>

However, sociologist Lisa Hajjar argues that torture for national security and counter-insurgency is in essence a mode of discrimination and retributive violence. She writes “[T]he politics and practices of national security distinguish between “legitimate communities” and “enemies”. The former are conceived as those members of the nation in good standing whose safety and security are the responsibility of the state, and the latter are those categories of people deemed to threaten security, either who need to be tortured (or executed, massacred, relocated, and so on) or who do not deserve not to be.”<sup>48</sup> As part of counter-insurgency and counter-terrorism, torture is deployed to intimidate and control the population, by punishing them for their allegiance to the insurgents or by creating a greater degree of fear of the counter-insurgents than the insurgents, thus eroding the popular loyalty, which is crucial to their survival. For instance, the British state policy of torture and widespread abuse in the counter-insurgency campaign against the Mau-Mau in Kenya was premised on security forces and government brutalising the civilian population more ‘effectively’ than the insurgents.<sup>49</sup> While counter-insurgency sees its strategic objective as winning over the ‘enemy’ population’s ‘hearts and minds’, its dependence on torture and coercion to achieve this dehumanises people to the status of racially and religiously marked inferiors, whose pain and fear is weaponised towards military and political objectives.

The armed conflict in Kashmir shows the characteristics of classic counter-insurgency warfare, where military strategies are both ‘population-centric’ and ‘enemy-centric’.<sup>50,51,52</sup> The Kashmiri civilian population is viewed as the ultimate prize, even as its members are

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<sup>43</sup>Lokaneeta J. *Transnational Torture: Law, Violence, and State Power in the United States and India*. New York: NYU Press.2011.

<sup>44</sup>Wolfendale J. Torture Lite and the Normalization of Torture. *Ethics & International Affairs*. 2009. 29(1): 47-61.

<sup>45</sup>Rejali DM. *Torture and Democracy*. NJ: Princeton University Press. 2007.

<sup>46</sup>Dershowitz AM. Why Terrorism Works? *New York Times*. 2002 September 15.

<https://www.nytimes.com/2002/09/15/books/chapters/why-terrorism-works.html>

<sup>47</sup>Luban D.Liberalism, Torture, and the Ticking Bomb. *Georgetown University Law Centre*.2005. 91: 1425-1461.

<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1163&context=facpub>

<sup>48</sup>Hajjar L. Does Torture Work? A Sociolegal Assessment of the Practice in Historical and Global Perspective. *The Annual Review of Law and Social Science*. 2009. 5: 311-45; Page 322.

<http://mtis1.ds.iscte.pt/2010-11/Tortura%20funciona.pdf>

<sup>49</sup>French D. *The British Way in Counter-Insurgency, 1945-1967*. London: Oxford University Press. 2011; Page 251.

<sup>50</sup>Indian Army.*Doctrine on Sub-Conventional Operations*.Simla: Headquarters, ArmyTraining Command. 2006.

<http://indianstrategicknowledgeonline.com/web/doctrine%20sub%20conv%20w.pdf>

<sup>51</sup>Van Wagenen MJ. *An Analysis of the Indian Government's Counterinsurgency Campaign in Jammu and Kashmir*. 2004. (Thesis submitted to Army Command and General Staff College, Fort Leavenworth, Kansas)

<https://apps.dtic.mil/dtic/tr/fulltext/u2/a428962.pdf>

<sup>52</sup>Hodermarsky DG. *Lessons from India's Counterinsurgency Campaign in Jammu and Kashmir*. 2013. (Monograph submitted to Army Command and General Staff College, Fort Leavenworth, Kansas)

<https://apps.dtic.mil/dtic/tr/fulltext/u2/a606326.pdf>

collectively and individually treated with extreme suspicion for aiding and supporting the militancy, degraded as anti-national, Muslim 'others', and objectified as sources of intelligence and targets of interrogational and terroristic torture. Despite these common themes that characterise it to this day, the three decades of conflict in Kashmir can be divided into distinct phases on the basis of the nature and intensity, as well as the shifting patterns of human rights violations and the use of torture.

In the next section we provide a brief overview of the various phases of counter insurgency warfare and the corresponding pattern of the use of torture in Kashmir.

## **Phase 1**

### ***Crackdowns and Mass Torture (1990-1992)***

The largely indigenous movement for self-determination, initiated by the Jammu Kashmir Liberation Front (JKLF), took on the character of an insurgency in Kashmir valley after the formal declaration of an 'armed struggle' by JKLF leader Amanullah Khan in July 1988 following upon a bombing campaign at several locations in Srinagar. Large-scale demonstrations in support of self-determination and protests against Indian rule had been taking place through that summer, in the wake of the violently rigged elections of 1987, and the parliamentary polls of 1989 were widely boycotted. An escalating campaign of militant actions in the form of political bombings, attacks on border posts, and the attempted assassination of former Director General of Police, A.M. Watali, and Neelkanth Ganjoo (he was later killed), the judge who had sentenced JKLF leader, Maqbool Butt to death, culminated in a high profile hostage crisis involving the December 1989 kidnapping of Rubaiya Sayeed, the daughter of Mufti Mohammad Sayeed, the then Indian Home Minister.

After the resignation of the civilian government in protest against the Central Government's handling of the crisis, and the release of JKLF militants, direct rule from New Delhi was declared on January 19, 1990 under Governor Jagmohan, who initiated a 'tough' no-tolerance policy including continuous and complete civil curfews against the mass protests for self-determination, and marches against the escalating army atrocities. In 1990, Kashmir was put under continuous curfew for 175 days from January to May, in response to the killing of 60 mourners in the funeral of Mirwaiz Mohammad Farooq.<sup>53</sup> Many such curfews for long periods were imposed in the following years. Fear of reprisals from the Indian armed forces, who would raid houses or carry house-to-house searches during crackdowns led people in the Valley to burn down any documents or literature related to struggle for self-determination.

Initially regular army troops had been called in from the border to aid civilian authorities to 'restore law and order'. After the establishment of direct rule, the armed forces including the central armed police forces that had been additionally deployed, embarked upon an even more brutal campaign of lawless, terroristic violence, including indiscriminate attacks and open firings on civilian crowds resulting in several mass killings such as the Gaw Kadal massacre (January 2, 1990; 50 killed), Handwara massacre (January 25, 1990; 21 killed), Zakoora and Tengpora massacre (March 1, 1990; 33 killed), etc. In early 1990s, many incidents of targeted killings of Hindu and Muslim civilians, who were accused of

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<sup>53</sup>Bukhari S. Why The 51-Day Curfew Will Change Nothing In Kashmir. *ScoopWhoop News*. 2016August. <https://www.scoopwhoop.com/Why-51-Days-Of-Curfew-Is-Nothing-New-For-Kashmir/#.gn42opwp0>

being informers, supporting government policies and being against the objectives of some militant groups, took place. This led to the mass migration of Hindus and some Muslim professionals.<sup>54</sup> Human rights groups have stated that while in 1990, 36,000 armed forces including regular army personnel and police were deployed to counter the estimated 300 active armed fighters, by 1991 the numbers had risen to 200,000 while the number of militant groups had also proliferated rapidly and militant numbers were estimated to be in thousands.<sup>55,56</sup> By May 1990, a new specialised counter-insurgency force, called the Rashtriya Rifles, with troops drawn from existing Army regiments was created specifically to deal with the insurgency in Kashmir.<sup>57</sup>

On July 5, 1990, the Jammu and Kashmir Armed Forces (Special Powers) Ordinance and the Jammu and Kashmir Disturbed Areas Act passed by the Governor, declared six districts in the Kashmir Valley (Budgam, Srinagar, Anantnag, Baramulla, Kupwara and Pulwama) and Rajouri and Poonch districts in Jammu to be “disturbed” areas, officially giving the armed forces sweeping powers, including to use lethal force against civilians. On July 18, 1990, Governor’s rule was extended through the imposition of President's rule (constitutional emergency). In September 1990, the July ordinance was legalised as the Jammu and Kashmir Armed Forces (Special Powers) Act (AFSPA), which gave the army sweeping powers of arrest of civilians, and even to use lethal force on ‘unlawful assemblies’ on law and order grounds.

The draconian Terrorist and Disruptive Activities Act (TADA), 1987 enacted to deal with the insurgency in Punjab was used in Kashmir to arrest and detain thousands on so called ‘open FIRs’, without charge for months and even years, often without any intimation to their families. While the military was supposed to function as an ‘aid’ to civilian authorities under the law, in practice the army or paramilitary authorities such as the Border Security Force (BSF), and Central Reserve Police Force, were the ones in charge of all operational activities, including detentions and interrogations in the field. Due to the widespread civil disobedience and militant presence, the police and civil administration had virtually lost any authority to function effectively.<sup>58,59</sup>

According to official estimates, 539 people were killed in cross firing or random firing incidents in 1990, and 390 between January 1 and September 30, 1991. However, these figures are a likely under-estimate as thousands were simply ‘picked up’ or indiscriminately attacked and randomly fired at, without any official record whatsoever,

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<sup>54</sup>Physicians for Human Rights & Asia Watch (A division of Human Rights Watch). *The Crackdown In Kashmir: Torture of Detainees and Assaults on the Medical Community*.1993; Page 37.

<https://www.hrw.org/sites/default/files/reports/INDIA932.PDF>

<sup>55</sup>Ibid., 12.

<sup>56</sup>Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR). *Undeclared War on Kashmir*. 1991; Page 10.

<sup>57</sup>People’s Union for Civil Liberties (PUCL), Congress for Democracy, Radical Humanist Association, Manav Ekta Abhiyan. *Report on the Kashmir Situation*.1990.

<sup>58</sup>Asia Watch (A division of Human Rights Watch) and Physicians for Human Rights. *Kashmir Under Siege*. 1991; Page 108-125.

<sup>59</sup>Asia Watch (A division of Human Rights Watch) and Physicians for Human Rights. *The Human Rights Crisis In Kashmir: A Pattern Of Impunity*.1993.

<https://www.hrw.org/sites/default/files/reports/INDIA937.PDF>

leading a human rights fact-finding delegation in 1991 to characterise it as a 'war against an entire people', whose exact casualties were impossible to estimate.<sup>60</sup>

In 1993, Amnesty International identified the phenomenon of enforced disappearances as one of the persistently perpetrated forms of human rights violations. It reported that since 1990 other widespread forms of human rights violations included "hundreds of extrajudicial executions, sometimes in the form of staged "encounters", routine and brutal torture, including [...] rape, and the detention of many thousands of political prisoners held for months or years without being brought to trial while they are denied the minimum legal safeguards provided in international human rights standards."<sup>61</sup> It reported that many thousands of people had been detained without trial in the state since 1990 under the Public Safety Act (PSA) and the Terrorist and Disruptive Activities Act (TADA), stating that "many have died in custody after torture and numbers of custodial deaths in Jammu and Kashmir have reached alarming proportions; they are currently by far the highest in any Indian state. Hundreds of people are alleged to have died in custody in recent years in Jammu and Kashmir and often their bodies were dumped in the open, sometimes with visible injuries".<sup>62</sup>

In 1995, in a report focussing on torture and deaths in custody in Kashmir, Amnesty International further reported that between 1990 and 1993, the Urdu-language press in Srinagar carried numerous reports of people arrested by the Indian armed forces whose bodies were later simply thrown on the roads, in rivers, or brought to the Police Control Room or were returned to their relatives often with multiple injuries and marks of torture.<sup>63</sup> In 1992, a doctor from a major government hospital told the *Federation Internationale des Ligues des Droits de L'homme* (FIDH), International Federation of Human Rights Leagues, that 20 per cent of beds in the hospital were occupied by young men who were being treated for gunshot wounds or for "burns and other injuries caused by serious torture."<sup>64</sup> Amnesty also reported that according to the doctor-in-charge of the dialysis unit of the same institute, the unit had treated 40 cases of acute renal failure as a result of torture since 1990. Amnesty International stated, "The brutality of torture in Jammu and Kashmir defies belief. It has left people mutilated and disabled for life. The severity of torture meted out by the Indian security forces in Jammu and Kashmir is the main reason for the appalling number of deaths in custody."<sup>65,66,67</sup>

The provisions of the AFSPA allow for arrests, search, seizures and destruction of arms and ammunition to be carried by the army in civilian areas in the aid of civilian authorities

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<sup>60</sup>Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR). *Undeclared War on Kashmir*. 1991; Page 13.

<sup>61</sup>Amnesty International. *An Unnatural Fate: Disappearances and Impunity in the Indian States of Jammu and Kashmir and Punjab*. 1993; Page 5.

<https://www.amnesty.org/download/Documents/188000/asa200421993en.pdf>

<sup>62</sup>Ibid., 6.

<sup>63</sup>Amnesty International. *Torture and deaths in custody in Jammu and Kashmir*. 1995; Page 2.

<https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>

<sup>64</sup>Ibid., 22.

<sup>65</sup>Ibid., 2.

<sup>66</sup>Asia Watch (A division of Human Rights Watch) and Physicians for Human Rights. *The Human Rights Crisis In Kashmir: A Pattern Of Impunity*. 1993.

<https://www.hrw.org/sites/default/files/reports/INDIA937.PDF>

<sup>67</sup>Petersen HD, Vedel OM. Assessment of evidence of human rights violations in Kashmir. *Forensic Science International*. 1994.68(2):103-15.

[https://www.researchgate.net/publication/15210206\\_Assessment\\_of\\_evidence\\_of\\_human\\_rights\\_violations\\_in\\_Kashmir](https://www.researchgate.net/publication/15210206_Assessment_of_evidence_of_human_rights_violations_in_Kashmir)

in order to maintain law and order. With the promulgation of AFSPA, in July 1990, the Cordon and Search Operation, colloquially referred to as a 'crackdown', as well as indiscriminate arson attacks under the pretext of destroying hidden arms, emerged as an almost daily phenomenon.<sup>68</sup> As the counter-insurgency forces attempted to establish their territorial dominance over the countryside their campaign began centring around increasingly frequent and brutal crackdowns and indiscriminate reprisals on civilian support bases, particularly in downtown Srinagar and in northern Kashmir villages that fell on 'infiltration' routes for Pakistan-trained militants. By mid-1990, the neighbourhood crackdown had been established as a dreaded but commonplace event where a large number of atrocities, ranging from mass sexual violence and torture (example, the case of the Kunan Poshpora mass rapes and torture<sup>69</sup>, 1991 and Operation Wular, 1993), and illegal arrests leading to eventual disappearances or custodial and extra-judicial killings took place.

In a crackdown, armed forces cordoned off an area, disallowing anyone from entering or exiting it. Thereafter public announcements were made ordering people from the locality to come out of their homes. Sometimes women were allowed to remain indoors, whilst in other instances men and women were segregated and made to stand or crouch in separate places outdoors, sometimes in frozen fields or rain. House-to-house searches were undertaken by search parties in the absence of the residents, accompanied by reported thefts, vandalism and destruction and damage to properties. Search parties often used 'human shields' to enter into areas where militants were suspected to be sheltering. In cases where women and children remained indoors, sexual and physical assaults were also widely reported. Meanwhile, military vehicles stopped in front of the assembled gathering, and hooded men ('cats'/informers or *Mukhbir*) pointed out specific 'suspects' accused of crossing the border to gain militant training, or otherwise aiding the militancy. This could end with usually male children, or young men between the ages of 15 to 30, and ranging in number from less than a dozen, to more than fifty being identified and 'arrested' during a single crackdown. These men were then rounded up and taken to interrogation centres, or to a temporary makeshift interrogation centre set up in one of the buildings in the neighbourhood. A 1991 human rights fact-finding delegation consisting of several human rights groups from India visited the valley in November 1991, and found that they were frequently "transported in a particularly inhuman manner crouched in a truck under a tarpaulin, while the army people sit on them".<sup>70</sup>

The Jammu and Kashmir High Court Bar Association recorded 70 separate instances of crackdowns between July and December 1990, and 79 between January 1991 and June 1991, many of which went on for several days. The 1991 fact-finding delegation noted that "most of the people who are tortured and killed in custody are young men picked up by the army or paramilitary forces during "crackdown" operations in villages or other areas to identify suspected militants. The relatives of those arrested are often not told why they are taken away or where they are being taken." The team recorded the testimonies and details of 12 separate victims during a single hospital visit, most of whom were 'picked up' for interrogations during searches and crackdowns in their villages. These victims had a range

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<sup>68</sup> Amnesty International. *Torture and deaths in custody in Jammu and Kashmir*. 1995.

<https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>

<sup>69</sup> JKCCS. *Structures of Violence*. 2015. Page 70-80

<https://jkccs.files.wordpress.com/2017/05/structures-of-violence-e28093-main-report.pdf>

<sup>70</sup> Andhra Pradesh Civil Liberties Committee (APCLC), Committee for Protection of Democratic Rights (CPDR), Lok Shahi Hakk Sanghatana (LHS), Organisation for Protection of Democratic Rights (OPDR). *Undeclared War on Kashmir*. 1991; Page 14

of horrific injuries such as tears to the rectal muscles, perforated abdomens, diaphragm and intestines, and permanent mutilations of the limbs.<sup>71</sup>

## Phase 2

### ***'Catch and Kill' and the outsourcing of torture (1993-1996)***

The armed insurgency against Indian rule continued to grow exponentially through the early years of the decade, with official estimates putting the number of militants at 20,000 in 1994<sup>72</sup>. It also changed in character, from the JKLF which had advocated Kashmiri reunification and independence, to the emergence of over a hundred armed groups (*tanzeems*), many of whom supported merger with Pakistan, the most dominant of these being Hizbul Mujahideen. Amnesty International reported that in areas where the armed forces were engaged in counter-insurgency, the entire civilian population was at risk of torture. In urban areas, arson attacks destroyed entire townships and congested downtown neighbourhoods under the pretext provided by AFSPA provisions allowing for search and destruction of structures sheltering insurgents, or stores for arms and ammunition including attacks on Anantnag (1992), Handwara (1992), Lal Chowk, Srinagar, (1993), Sopore (1993), and Charar-e-Sharief (1995). Asia Watch and Physicians for Human Rights also documented a pattern of increasing violations of medical neutrality, and attacks on hospitals and medical personnel including arrests, killings, 'crackdowns' and torture, as part of a deliberate campaign to prevent militants and civilian victims of torture and attacks from accessing medical care. In 1995 Amnesty International reported that "many 'crackdowns' have been reported since the launching of 'Operation Tiger' in the summer of 1992, involving an estimated 400,000 Indian troops and police."<sup>73</sup>

'Operation Tiger', launched in August 1992, was the first in a series of systemic counter-insurgency operations code-named 'Shiva', 'Eagle', and 'Cobra', etc. These were locally referred to as the "catch and kill" policy. Suspected armed militants picked up through "crackdowns" were shot dead, and later claimed to have been killed in an "encounter". Torture sites too became more institutionalised with the emergence of 'Joint Interrogation Centres', which were co-ordinated and managed by the Army, Police, Paramilitary and Intelligence agencies, besides military and paramilitary camps.<sup>74,75</sup> In 1993, Asia Watch and Physicians for Human Rights, published a list of 12 interrogation centres in Jammu and Kashmir where severe torture and extra judicial custodial killings had been reported, many of which were camps run by the BSF and CRPF.<sup>76</sup> The generalised and indiscriminate state violence of 'catch and kill' was accompanied by attacks, raids and assassinations of outspoken human rights defenders in this period, including human rights activist Hriday Nath Wanchoo (1992), orthopaedic specialist Dr. Farooq Ahmed Ashai (1993), prominent cardiologist and JKLF leader Dr. Abdul Ahad Guru (1993), Advocate Jaleel Andrabi

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<sup>71</sup>Ibid., 14-16.

<sup>72</sup>PUCL et al. *Blood in the Valley: Behind the Propaganda Curtain*.1996; Page 70.

<sup>73</sup>Amnesty International. *Torture and deaths in custody in Jammu and Kashmir*.1995.

<https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>

<sup>74</sup>Ibid., 34.

<sup>75</sup>Physicians for Human Rights & Asia Watch (A division of Human Rights Watch). *The Crackdown In Kashmir: Torture of Detainees and Assaults on the Medical Community*. 1993.

<https://www.hrw.org/sites/default/files/reports/INDIA932.PDF>

<sup>76</sup>Asia Watch (A division of Human Rights Watch) & Physicians for Human Rights. *The Human Rights Crisis In Kashmir: A Pattern Of Impunity*.1993; Page 83.

<https://www.hrw.org/sites/default/files/reports/INDIA937.PDF>

(1996) as well as attacks on journalists and political activists, and dissidents particularly those belonging to the *Jamaat-e-Islami*.<sup>77</sup>

The early 1990s had seen a breakdown of trust between army and civilian authorities, with the torture and killing of a police constable in 1993 even leading to a rebellion in the police force. To counter the problem of lack of police co-ordination, 1994 saw the establishment of the Special Task Force (STF, later re-named 'Special Operations Group') as a specialist 'elite' and 'frontline' counter-insurgency wing of the police. It was manned largely by ethnic minorities and personnel from the Jammu region, following a classic colonial counter-insurgency technique of 'divide and rule' through the exploitation of societal fault lines. Personnel from the STF were entitled to special monetary rewards for militant 'kills' creating an economic incentive for the 'catch and kill' policy of systematic extra judicial killings and 'fake encounters' within the local police and military organisation. The STF soon became notorious for its 'excesses' including routine use of torture and reprisals, and the STF camp became synonymous with police corruption, and the use of third degree torture methods, while also contributing to a divisive communalisation of the conflict.

As the international outcry against Indian atrocities in Kashmir grew, human rights groups noted the emergence of a new phenomenon, that of the state backed 'pro-government militants' or 'irregular militia', colloquially referred to as *naabid* or *Ikhwan*, consisting of armed groups, which had begun clandestinely operating as counter-insurgents on behalf of the Indian army. Taking advantage of the multiplicity of armed groups and the rivalries between indigenous and Pakistan-based outfits, several shadowy mercenary outfits emerged, that received regular payments and patronage from the Indian State. In the early years, these were often termed as 'reformed' or 'surrendered' militants and described as 'voluntarily' working for the state having grown disenchanted with the militant struggle. They operated with absolute impunity, openly engaging in criminal acts and terrorising neighbourhoods. Such State supported pro-government militias ran parallel administration in areas such as Hajin and Sumbal in Bandipora, and parts of Anantnag district in South Kashmir.

They were often attached to particular Special Operations Group (SOG) camps or army units to whom they reported. Human Rights Watch commented in 1996, "While attempting to reassure the international community that they have taken steps to curb human rights abuses in Kashmir, Indian forces have in effect subcontracted some of their abusive tactics to groups with no official accountability. The extrajudicial killings, abductions and assaults committed by these groups against suspected militants are instead described as resulting from "intergroup rivalries."<sup>78</sup> These irregular counter-insurgents operated with impunity, under the broad command of the armed forces, openly accompanying them on raids, interrogations and crackdowns, as well as undertaking politically inexpedient covert abductions and killings on their behalf, such as the kidnapping of human rights lawyer Jaleel Andrabi while he was travelling in a car with his wife. Andrabi's dead body was later fished out of the river Jhelum with a bullet wound to his head.<sup>79</sup> They engaged in official counter-insurgency tasks of intelligence gathering and interrogations, while simultaneously also operating as a terrorizing force, perpetrating campaigns of kidnapping, extortion, land grabs, timber smuggling, sexual violence and trafficking.

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<sup>77</sup>PUCL et al. *Blood in the Valley Behind the Propaganda Curtain*. 1996; Pages 25, 101.

<sup>78</sup>Human Rights Watch. *India's Secret Army In Kashmir: New Patterns Of Abuse Emerge In The Conflict*. 1996; Page 1. <https://www.hrw.org/legacy/reports/1996/India2.htm>

<sup>79</sup>APCLC et al. *Voting at the point of a gun: Counter Insurgency and the Farce of Elections in Kashmir*. 1996.

The Indian State's response to the spread of militancy in Jammu was to recruit increasing numbers of community based counter-insurgency operatives, overwhelmingly Hindus and nomadic Gujjars. Termed as Village Defence Committees (VDCs) and Special Police Officers (SPOs) attached to the brutal STF, as well as incorporated as members of covert army units, these operatives led to the further polarisation of the 'dirty war' on religious and ethnic lines.<sup>80</sup> VDCs were constituted in Jammu Division under the Government order Home-293 of 1995 on September 30, 1995. The order was implemented with effect from October 1, 1995.<sup>81</sup> According to the order, the VDCs were first constituted in Kathua, Udhampur and Doda districts of Jammu region and later extended to Rajouri and Poonch as well. The mountainous terrain of the region allowed for the establishment of secret militant hide-outs in the forested hills and ravines. The counter-insurgency campaign to 'sanitize' the Pir Panjal hills termed 'Operation *Sarp Vinash*' was characterised by the violent coercive use of locals as informants, forced military labour, and armed 'irregulars' and human shields in covert military units<sup>82</sup>.

Human Rights Watch in its 1999 report observed, "VDCs have become a communally based militia sponsored and armed by the Indian Army but operating outside of its chain of command. Members of the VDCs have accompanied army soldiers during cordon and search operations in Muslim villages and neighbourhoods. They have been responsible for serious abuses, including extrajudicial executions and assaults."<sup>83</sup>

### **Phase 3**

#### ***Civilian government and the normalization of torture (1996— 2001)***

*It is our gun that has made elections and democracy possible in Kashmir.*

- Papa Kishtwari, Deputy Supreme Commander of *Ikhwan-ul-Muslimoon*, second in command to Kuka Parray, notorious counter-insurgent and electoral candidate.<sup>84</sup>

The increasingly vicious *Ikhwan* led counter-insurgency campaign in the mid-1990s reached its peak with the announcement of parliamentary elections to be held in Jammu and Kashmir in May 1996. A report by an Indian fact-finding delegation on the elections of 1996, *Voting at the Point of a Gun: Counter insurgency and the farce of elections in Kashmir*, noted that in the 9 months since their last visit, State-sponsored counter militancy

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<sup>80</sup>JKCCS Press Release: <https://kafila.online/2013/08/20/communalisation-in-the-name-of-security-and-sovereignty-jkccs/>  
In 2013, in response to a RTI application, the Government of Jammu and Kashmir provided the following details regarding VDCs in Kishtwar, Doda and Ramban Districts: In Kishtwar District, where the ratio of Hindus to Muslims is 35:65, of a total of 3287 VDC members, 3174 [96.56%] are Hindus. Further, out of 3287 VDC members, 865 are paid as VDC/SPOs, and of these 865, only 21 [2.43%] are Muslims. The rest of the paid VDC/SPOs [97.57%] are Hindus. In Doda District, where the ratio of Hindus to Muslims is 30:70, of a total of 6521 VDC members, 5874 [90.08%] are Hindus. Further, out of 6521 VDC members, 1729 are paid as VDC/SPOs, and of these, only 126 [7.28%] are Muslims. The rest of the paid VDC/SPOs [92.72%] are Hindus. In Ramban District, where the ratio of Hindus to Muslims is 30:70, of a total of 2901 VDC members, 2697 [92.96%] are Hindus. Further, out of 2901 VDC members, 177 are paid as VDC/SPOs, and of these, only 1 [0.6%] is a Muslim. The rest of the paid VDC/SPOs 176 [99.4%] are Hindus.

<sup>81</sup>Kashmir Life. Village Defence Committees: The Policy Document. 2016 June.  
<https://kashmirlife.net/village-defence-committees-the-policy-document-109644>

<sup>82</sup>Swami P. The Hype and the Folly. *Frontline Magazine*. 2003.  
<https://www.frontline.in/static/html/fl2013/stories/20030704007300400.htm>

<sup>83</sup>Human Rights Watch. *Behind the Kashmir Conflict*. 1999.

<sup>84</sup>APCLC et al. *Voting at the point of a gun: Counter-insurgency and the farce of elections in Kashmir*. 1996; Page 16.



had increased to the point where “it is central to the fears of the Kashmiris”. On the basis of the falling number of official militancy-related casualties, at the end of 1995, the Indian state pronounced that it had secured the establishment of ‘peaceful conditions’ in the region, and ‘broken the will of terrorists’. These claims, however, did not take into account the fact that levels of casualties continued to hover at around ten civilians killed per day, or the rising number of killings by the ‘unknown gunmen’, which were widely attributed by locals to the *Ikhwan*.<sup>85</sup> The parliamentary elections were widely projected as signalling the return to ‘normalcy’, and the Kashmiri desire to participate in Indian democratic processes and finally accept the contested accession to India. As a result, the conduct of elections itself was undertaken as a counter-insurgency exercise. Several prominent counter-insurgents were fielded as electoral candidates, and campaigned openly carrying arms with full state and military backing.

Describing in detail the complete criminalisation and subversion of the polling process, including attacks and torture of political dissidents, elimination of political rivals, and widespread booth capturing and poll rigging, the Indian fact-finding delegation in another of its reports stated, “For a government that rules in the name of the law to give up the last vestiges of legality and encourage its uniformed forces to create, sponsor and physically accompany private armed gangs in their criminal acts of murder, loot and extortion is certainly a very shameful level of degeneration”. While the overall number of militancy-related killings showed a slight decline after the setting up of the National Conference civilian government in the period immediately following the elections, killings by ‘unknown gunmen’ continued to increase, leading to a generalised atmosphere of suspicion and fear.<sup>86</sup> The 1995 abduction by the Al-Faran militant group and the killing (including a decapitation) of a group of foreign tourists, at first attributed to the militant outfit, and on later investigations revealed to be carried out by pro-government militants, illustrates the dirty war and covert operation tactics had become the mainstay of counter-insurgency operations by this time.<sup>87</sup>

One of the major electoral planks on which the National Conference had campaigned was that of disarming of the numerous shadowy counter-insurgency groups, who were collectively termed the *Ikhwan*. In his first press conference after the election, Farooq Abdullah announced that these counter-insurgents who had hitherto been operating under different command structures such as the army, BSF and CRPF would be unified and brought within a single unified command. The question of completely disbanding and disarming the *Ikhwan* was not raised. A number of such ‘irregular’ counter-insurgents were thereafter formally absorbed into the army/police chain of command, by regularising them as Special Police Officers (SPOs) attached to the police or counter-insurgency related SOG forces, as personal security officers attached to VIPs, or as part of the Territorial Army and paramilitary battalions. Official protection was withdrawn from some others, and they were either forced to flee, or killed by militants.<sup>88</sup> Many of those who were not ‘regularised’ into the armed forces continue to enjoy official patronage and impunity for their crimes, and even stand for elections right to the present day, though no longer engaged in active combat operations.

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<sup>85</sup> *Ibid.*, 14.

<sup>86</sup> APCLC et al. *Civil War and Uncivil Government: Human Rights Violations in Kashmir under the National Conference Government*. 1997.

<sup>87</sup> [Levy A, Clark CS](#). *The Meadow: Kashmir 1995 - Where the Terror Began*. London: HarperPress. 2012.

<sup>88</sup> APCLC et al. *Civil War and Uncivil Government: Human Rights Violations in Kashmir under the National Conference Government*. 1997.

Custodial torture and other human rights abuses unsurprisingly continued to follow familiar patterns, after the so-called 'normalisation' as only the official designations of the perpetrators had changed, not their identities, motivations or methods. In fact, as has been the official counter-insurgency policy, crimes against civilians were actively encouraged and rewarded, by making perpetrators permanent employees of the state apparatus, and thus immune from prosecution for acts carried out in the course of their duties. The Institute of Kashmir Studies estimated 130 custodial killings in the first six months of the National Conference civilian government. Sexual violence by armed forces continued unabated, with a 1997 report by an Indian fact-finding delegation detailing as many as 10 separate cases of violent sexual assaults between April 1996 and May 1997, including cases involving minors, gang rapes, and assaults on multiple members of a single family. A single visit by the fact-finding team in May 1997 to a medical institute in Srinagar yielded four separate examples of severe torture, including the familiar cases of Rhabdomyolysis (a condition in kidneys which results due to severe muscle injury releasing the contents of muscle cells directly into the bloodstream) as a result of pressure related torture treatments.<sup>89</sup>

However, despite the state violence, including mass killings (for example at Magam in 2001, in which 7 people were killed) and extra-judicial killings, the later part of the period did see a gradual return to certain conditions of normal life in Kashmir valley, including the relaxation of curfews, reduction in the number of crackdowns, and the resumption of normal activities in the evening hours. However, the communalisation of the conflict in the Chenab and Pir Panjal regions of Jammu brought about a further worsening of conditions, as Village Defence Committees were aggressively set up and armed as a vigilante counter-insurgency force. The VDCs targeted Muslim civilians, thought to have greater sympathies and kinship ties to Pakistan, in these remote areas. The violent counter-insurgency campaign in Jammu involving civilian massacres (including Sailan 1998, Mohra Bichhail, 1998) extra-judicial killings, disappearances, unidentified and mass graves, indefinite mass detentions, severe torture, use of human shields in combat and "combing" and search operations, forced labour and sexual violence went virtually unreported due to the remoteness of the region and marginalization of the Kashmiri Muslim and nomadic communities who were their targets.<sup>90</sup>

#### **Phase 4**

##### ***'Healing Touch' and the invisibilization of torture (2002-2008)***

The early 2000s to mid 2000s continued to see a decline in militant numbers, and number of armed engagements with militants compared to mid 1990s,<sup>91</sup> and the counter-insurgency was proclaimed by the state to be a resounding success. However, far from having ended, the conflict had taken on a more brutal and invisible form. The alleged false flag attack in which 36 civilians belonging to the minority Sikh community were killed in Chhitisinghpura, a remote village, by uniformed men who eye-witnesses identified as belonging to the Indian army, was immediately followed by a staged "encounter" at Pathribal of five local men alleging that they were the perpetrators of the Chhitisinghpura massacre, and thereafter open firing on a crowd protesting the fake encounter at Brakpora,

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<sup>89</sup>Ibid., 28-31.

<sup>90</sup>APCLC et al. *Grim Realities: of life, death and survival in Jammu and Kashmir*. 2002.

<sup>91</sup>JKCCS. *Dead But Not Forgotten*. 2006.

[https://jkccs.files.wordpress.com/2017/05/report\\_dead\\_but\\_not\\_forgotten-bla.pdf](https://jkccs.files.wordpress.com/2017/05/report_dead_but_not_forgotten-bla.pdf)

Anantnag in which 8 civilians were killed. In the 2002 State Assembly elections, though large participation by people was recorded, large-scale complaints of coercion were reported from various parts of Kashmir, particularly the remote areas. According to a 2002 election monitoring report by JKCCS, forms of coercion that were employed included threats and warnings announced from the loudspeakers of local mosques by the Indian armed forces, asking people to vote. They warned people of dire consequences if the indelible ink mark (the evidence of voting) was not found on the finger. In many places, army and SOG were seen herding, sometimes dragging people from their homes to polling booths, while carrying *lathis*. In a village in Bijbehara, Anantnag a crackdown was declared and people were ordered to vote by Rashtriya Rifles. Destruction of property was frequent: in Zaindaar Mohalla, Srinagar, SOG entered a dozen homes, destroyed property and beat people up for boycotting the elections.

The Peoples' Democratic Party (PDP) came to power on a platform that promised the disbanding of the notoriously brutal and corrupt SOG, demilitarisation and removal of bunkers, and beautification of city areas, called the 'Healing Touch' policy. After the Kargil war of 1999, the Vajpayee and Musharraf governments in New Delhi and Islamabad began to bring about a thaw in the belligerence of India-Pakistan relations. Several initiatives to build confidence and encourage cross-border trade and people-to-people contacts were begun along with a historic ceasefire announced in 2001. However, fact-finding teams visiting the valley and border regions in the aftermath of the ceasefire found that little changed on the ground in terms of torture, forced labour, sexual and other violence against civilians.<sup>92</sup> The number of reported deaths in custody, rapes and disappearances showed a decline; however, a new pattern of threats, surveillance, repeated illegal detentions, police harassment, torture, blackmail, extortion demands was seen. The practice targeted surrendered or former militants, political dissidents and their families through systematic illegal detentions, and the promise of release on payment of bribes, as those who had once taken up arms against the state tried to resume their lives. WikiLeaks dispatches have revealed that US diplomats in Delhi were briefed in 2005 by the International Committee of the Red Cross (ICRC) about the systematic use of electrocution, beatings and sexual humiliation against hundreds of detainees.<sup>93</sup>

Despite the decline in the number of active militants, and the much publicised promise of demilitarisation and reduction in troop numbers, the number of armed forces deployed did not decline, though some bunkers were 'beautified' and deployment of the army in central city areas of Srinagar was restricted. The SOG was not disarmed or disbanded but merged within the regular Jammu and Kashmir Police, and continued to be composed of many former *Ikhwan* after being accommodated in police as SPOs. This resulted in the involvement of the entire Police department in counter-insurgency operations: in Kashmir, it was commonly said that the whole police had become SOG. The phase also saw the intensification of Army goodwill programmes under the name of "Operation Goodwill/*Sadbhavna*". These are 'people-centric' (*awaam*) hearts-and-minds policies of community-based development programmes, such as building schools, offering vocational, sports and cultural training, and organising school and college tours. This intensive militarised involvement in day-to-day activities of the population especially of young people in rural and border areas consolidated the state's hold over the bodies and lives of

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<sup>92</sup>APCLC et al. *Grim Realities: of life, death and survival in Jammu and Kashmir*.2002.

<sup>93</sup>The Guardian. WikiLeaks Cables: India accused of systematic use of Torture in Kashmir. December 2010. <https://www.theguardian.com/world/2010/dec/16/wikileaks-cables-indian-torture-kashmir>

civilians, through surveillance and economic dependency under the guise of humanitarianism.

### ***Phase 5***

#### ***Civilian uprisings, street protests and the re-visibility of torture (2008—2018)***

The seeming decline in political violence and government's claim of 'return to normalcy' was belied in 2008, when Kashmiris took to the streets in large numbers against a proposal to acquire and use forest land for the purpose of building a township for Hindu pilgrims for the highly militarised Amarnath pilgrimage. Protests in the valley were met with large-scale Hindu supremacist mobilisations in the Jammu region, and blockading and violent attacks on the national highway to the Kashmir valley, its' only road link to mainland India. In Kashmir, peaceful demonstrators were fired upon in several separate incidents leading to the killings of over 50 civilians and escalation of protests and funeral processions into fierce stone-throwing protests, largely by adolescent male youngsters, against armed forces personnel, barricades and installations. The period saw the emergence of the juvenile 'stone pelter' as a criminalised classification subjected to repeated cycles of illegal and unrecorded arrests on the basis of suspicion and profiling, prolonged detentions, inhuman treatment, release and re-arrest at the slightest indication of political unrest. In the subsequent summer of 2009 cycles of civilian killings, strikes and street protests broke out across the valley, and in the Chenab and Pir Panjal regions against the rape and murder of Asiya and Neelofer Jan of Shopian by armed forces personnel<sup>94</sup>, and again in 2010, initially against a staged encounter killing of 3 civilians in Macchil, Kupwara<sup>95</sup>, and in 2013 against the hanging of Afzal Guru in Tihar jail<sup>96</sup>, New Delhi. Armed forces personnel resorted to the use of live ammunition and pellet shot-guns as a crowd control measure against protests and funeral processions on a routine basis leading to horrific permanent injuries, including mass blinding, further killings, funeral gatherings and protests.

The "crowd-control" measures were accompanied by a targeting of organisers, political activists, journalists and street protesters ("stone pelters") under the Public Safety Act, 1978, and using a system of 'open FIRs' to hold them in continuous recurring preventive detentions. The indiscriminate harassment, illegal detentions and tortures particularly of children and adolescents on grounds of being involved with street protests intensified. Pictures and videos of Indian forces engaged in human rights violations became viral through social media, even as they were sought to be invisibilized under the healing touch policy. To counter this re-visibility of torture and other violations, social media emerged as a site of intense surveillance, monitoring and profiling, with many being picked up for 'interrogations' on the basis of social media content and public posts.

The present period, after the killing of militant commander Burhan Wani in July 2016 has been marred by unprecedented cycles of such violence. In the last two years, Kashmiris have witnessed gross violations of human rights in the form of extrajudicial executions, injuries, illegal detentions, torture, sexual violence, disappearances, arson and vandalism of civilian properties, restriction on congregational and religious activities, media gags, and

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<sup>94</sup> The New York Times. 2 Killings stoke Kashmiri rage at Indian force. 2009 August  
<https://www.nytimes.com/2009/08/16/world/asia/16kashmir.html>

<sup>95</sup> The Nation. Kashmir 2010: the year of killing youth. 2010 September.  
<https://www.thenation.com/article/kashmir-2010-year-killing-youth/>

<sup>96</sup> BBC news. Afzal Guru: Kashmir anger over hanging. 2013 February.  
<https://www.bbc.com/news/world-asia-india-21406874>

ban on communication and internet services, etc. Fundamental rights and civil liberties of people were curtailed through the imposition of curfew, strikes and continued violence and intensive re-militarisation. Along with social media posts, cell phones and laptop computers and other electronic devices, are now regularly scrutinised during random stop and frisk searches. Anyone found to have any content seen as pro-self-determination or pro-militancy; including innocuous material such as Pakistani music or pictures of Pakistani cricketers is subject to abuse, assaults, and confiscation of their devices, arrests and possible torture.

In 2017 Operation All Out was launched in Jammu and Kashmir by Indian armed forces, an offensive mission to flush out militants in the state. While this Operation was going on, 2018 emerged as the most violent year in Jammu and Kashmir in a decade. Yashwant Sinha, India's former finance minister and BJP leader, and a frequent visitor to Kashmir, said on December 30, 2018 that India has been quelling rebellion in Kashmir by the use of brute force. He said that the present Indian government believes only in the use of force "to solve problems, not consensus, not democracy, not *Insaniyat* (humanity) but sheer use of brutal force to kill as many as you can."<sup>97</sup>

The long pending conflict in Jammu and Kashmir continues to take human lives every year, with no end in sight. According to the data from APDP and JKCCS, a total of 4042 people have been killed between 2008 and 2018 in Jammu and Kashmir. 1067 were civilians, 1898 militants and 1077 armed forces personnel.

### **III. Contexts of Torture**

As will be clear from the above description of the use of torture, collective punishment and inhuman treatment (such as the use of human shields) in the various phases of the counter-insurgency warfare in Kashmir, these have occurred in a variety of specific contexts. This could be during interrogation, CASOs or crackdowns, or in the form of forced military labour particularly in remote rural and border areas. In this section, we look more closely at some of these contexts, as well as the relationship of torture with other widely prevalent forms of human rights violations particularly illegal detentions, enforced disappearances and custodial deaths.

#### **a. Intensive Militarization**

The densely militarised Kashmiri context involves a complex grid of police and other armed agencies deployed on counter-terrorism or counter-insurgency duties including Central Armed Police Forces, Border Security Forces and community based state-militias, such as Village Defence Committees and pro-government militants or *Ikhwan*. APDP and JKCCS has estimated that between 650,000–750,000 armed forces (including military, police, paramilitary and pro-government militias), are deployed on the ground in Jammu and Kashmir under the counter-insurgency policy of 'force saturation' and 'area domination', making it the most densely militarised conflict zone in the world.<sup>98</sup> In Kashmir the landscape is dotted with permanent and temporary military establishments

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<sup>97</sup> Kashmir Indepth. "Kill as many people as you can". Use of force to quell rebellion in Kashmir is the state policy of India. Former BJP Minister Yashwant Sinha. 2018 December.

<http://kashmirindepth.com/kill-as-many-people-as-you-can-use-of-force-to-quell-rebellion-in-kashmir-is-the-state-policy-of-india-former-bjp-minister-yashwant-sinha/>

<sup>98</sup> JKCCS. *Structures of Violence*. 2015; Page 14.

<https://jkccs.files.wordpress.com/2017/05/structures-of-violence-e28093-main-report.pdf>

such as air-fields, firing ranges, camps, barracks, bunkers, check posts, many of which function out of former civilian facilities such as university campuses, stadiums, cinema halls, schools, hospitals, recreational clubs and government rest houses.<sup>99,100</sup> In January 2018, the State government disclosed in the Legislative Assembly that about 21,400 hectares (i.e., 214 square kilometres) of land was under the illegal occupation of the armed forces in Jammu and Kashmir.<sup>101</sup> The government obviously through this figure is only highlighting its concern on the land which is illegally occupied by army, but in fact the land which army has acquired through legal procedures also amounts to around 19,000 hectares, therefore the total land held by armed forces in Jammu & Kashmir is more than 40,000 hectares (i.e. 400 square kilometres, which in size is larger than 12 smallest sovereign nations of the world).

Armed forces personnel are officially or unofficially empowered to arrest, detain, question and search, damage and destroy civilian persons and property with no accountability. Detention (both unrecorded and lawfully recorded under special security laws, such as Public Safety Act, 1978) as an instrument of intelligence gathering is a central component of policing and counter-insurgency. Along with police stations and sub-jails, specialised custodial locations in almost every military camp or police station, such as 'joint interrogation centres', and clandestine interrogation facilities are sites of torture. The methods and patterns of torture, as well as its reporting shows certain variations between various parts of the region. It is reflective of the different topographies, kinds of militarisation and aims of the counter-insurgency operations in these areas. Thus, in urban areas in the Kashmir valley, much of torture and inhuman treatment is either related to interrogation or intimidation of the population, and to prevent the spread of the militancy in the interiors. Border villages or those on militant infiltration routes particularly in the northern districts of valley on the other hand have had a history of violent crackdowns and use of mass torture in the 1990s. Gaining information related to infiltration, and militant movements, is the main operational reason cited for the use of "interrogation". Military and paramilitary camps and police stations, as well as centralised locations such as the JICs recur as the sites of interrogation, while crackdowns and post-encounter protests are common sites and contexts. However, in the remote and mountainous areas, particularly in Jammu division, which have been difficult to access by human rights investigators, militarisation is even more intensive and forms of collective punishment such as forced labour in camps, is also very common alongside the forms such as rape and interrogational torture seen in the valley.

The following box which contains the details of military camps and establishment in areas in Jammu and Kashmir, namely Shopian in Kashmir and Banihal in Jammu, shows the density and intensity of such excessive militarization and the omnipresence of military establishments in Kashmiri everyday lives.

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<sup>99</sup>Ibid.

<sup>100</sup>JKCCS. *Occupational Hazard*. 2015.

<https://jkccs.files.wordpress.com/2017/05/occupation-hazard-jkccs.pdf>

<sup>101</sup>Greater Kashmir. 4,28,000 kanal land under illegal possession of forces in J&K: CM. 2018 January.

<https://www.greaterkashmir.com/news/front-page/4-28-000-kanal-land-under-illegal-possession-of-forces-in-j-k-cm/271849.html>

**List of camps from Shopian District and Banihal Tehsil from Ramban District**

<b>Camps in Shopian District</b>	
Shadimarg	Army (44 RR)
Sangerwani	Army (44 RR)
Mastpora	Army (44 RR)
Balpora	Army (44 RR)/CRPF
Sanimarg	Army (44 RR)
Aglar	Army (44 RR)
Pahnoo	Army (44 RR)
Bihibagh	Army (44 RR)
Chilipora	Army (RR)
Dachoo	Army (RR)
Nagbal	Army (RR)
Dhobipora	Army (RR)
Lassipora	Army (RR)
Peer Ki Gali	Army (RR)
Dubjan	Army (RR)
Chowgam	Army (44 RR)
Sedow	Army (44 RR)
Kousarnag	Army (44 RR)
Nagisharan	Army (44 RR)
Keller	SOG/CRPF/ Police Station
Keelgam	SOG
Imam Sahib	SOG
Gagren	SOG/JAKLI
Zainapora	SOG/CRPF/ Police Station
Hirpora	SOG/Police Station
MaintownShopian (Hospital Road)	Police Station
Mantribugh	Army (34 RR)

<b>Camps in Banihal Tehsil</b>		
Naugam	Army	
NaugamNagri	Army	
Jawahar Tunnel	Army	
Chareel	Army	
Shafa Pani	Transit Camp	
Lamber	Army	
Kaskoot (Balnad)	Army	
Karawa	Army	
Chapnadi	Army	Now removed
Amkoot	Army	Now removed
Thachi	Army	Now removed
Thakar Basti Chapnadi	Army	

Tetnihal	Army	
Kralchihal Chamalvas	Army	
Khan Mohalla Chamalvas	Army	Now removed
Niksihal Chamalvas	Army	Now removed
Neel Top	Army	
Zradi	Army	
Ramsoo	Army	Now removed
Digdol	Army	
Mangot	Army	
Shaggan	Army	Now removed
Khari	Army	
Shagan	Army	Now removed
Paristan	Army	
Ukharhal	Army	
Fago-Hinjhal	Army	Now removed
Dodegam	Army	
Main town Banihal		Police Station
Ramsoo		Police Station
Pogal Area		
Gohalla	Army	Two camps earlier, now only one
Koot	Army	Two camps earlier, now only one
Trigam Area		
Kumla	Army	Now removed
Buzla	Army	Now removed
Lablotha	Army	Now removed
Sumbarh Area		
Varnal	Army	Now removed
Bajjmasta	Army	

#### **b. Torture, Illegal detentions, Custodial Deaths and Enforced Disappearances**

Detention, particularly prolonged unrecorded detentions for the purpose of custodial interrogations, has been a continuing and constant feature of the counter-insurgency policy. It bears a close causative correlation to the high occurrence of custodial deaths that have been reported in Kashmir since the commencement of counter-insurgency operations. Many such detentions are entirely lawless, without any basis in law whatsoever. Moreover the existence of extraordinary legislations, which dilute the requirements of the Indian and Jammu and Kashmir constitution and the Criminal Procedure Code, and are in violation of international human rights standards with respect to the rights of detainees, creates a moral and legal climate where prolonged, pre-charge and without charge detentions are legitimised.

The Terrorist and Disruptive Activities Act (TADA), enacted in 1985 and extended to Jammu and Kashmir in 1987, allowed for detention for investigation for up to one year without charge (under normal laws that period is limited to a maximum of 90 days). People



could be arrested on mere suspicion and held for prolonged periods in police custody. Indian law normally restricts police remand to a maximum of 15 days (section 167 Code of Criminal Procedure), but TADA extended the period to 60. While the normal law required a judicial magistrate to authorize a detention, TADA transferred these powers to a “Judicial Magistrate, Executive Magistrate or Special Executive Magistrate”, thus severely limiting the judicial control over TADA detention.

After the repeal of TADA, another special legislation the Prevention of Terrorism Act 2002 (POTA) which provided for similar draconian and unconstitutional detentions was enacted via an ordinance after the attack on the Indian parliament in 2001. The practice of “Open FIRs”, whereby unidentified and unnamed number of “suspects” could be arrested at will and detained indefinitely, was endemic in Kashmir in the 1990s, as has been described above. As with TADA, the prohibition of extra-judicial confessions, a measure specifically devised under British Indian evidence laws to guard against custodial torture, was diluted allowing for confessions made to police officials of a certain rank to be made admissible. After the repeal of POTA in 2004, Unlawful Activities Prevention Act (UAPA) was amended to allow similar divergences from the long-standing norms of criminal and human rights law. Unsurprisingly, many detainees held under these special legislations have accused officials of extracting forced confessions, using brutal third-degree methods. One of the most well known and publicised of such cases is the confession under torture of S.A.R Geelani, Afzal Guru (for details see Annexure 1), and Showkat Guru accused of the 2001 attack on Indian Parliament.<sup>102</sup>

In October 1994, a Jammu and Kashmir High Court judge, S.M. Rizvi, ruling on a public interest petition alleging widespread torture and arbitrary detention of detainees, observed:

“The Police agencies and the administration appear to have thrown to winds the rule of law. All sorts of illegalities are being committed by them and even criminals and terrorists may be ashamed of them. The High Court is replete with such complaints and many of which stand substantiated. Hundreds of cases have been brought to my notice where the detainees are in illegal detention. Despite the strong directions of this court they are not be[ing] released... Scores of cases are pending wherein the detainees have been allegedly done-away with after arrest. For years the detainees are languishing in jails/Sub-jails and interrogation centres without any legal authority. In short, there is total breakdown of law and order machinery.”  
- (Order of the High Court of Jammu and Kashmir, Srinagar, October 17, 1994, High Court Petition No.840/94, Jalil Andrabi vs State).<sup>103</sup>

As early as 1993, Amnesty International drew the connection between this pattern of routine arbitrary detentions and unrecorded detentions, torture and enforced disappearances. Amnesty reported that thousands of young men were being held without any record of detention in the police stations, interrogation centres, jails and sub jails. The main factors prompting their arrest was their religious affiliation (Muslim), sex, age, and place of residence, if within areas associated with the activities of armed secessionist

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<sup>102</sup>Chakravarty I. Fact sheet: What you need to know about SAR Gilani, Afzal Guru and the 2001 Parliament attack case. *Scroll.in*. 2016 March.

<https://scroll.in/article/805427/the-quick-guide-to-sar-gilani-afzal-guru-and-the-2001-parliament-attack-case>

<sup>103</sup>Amnesty International. *India: Torture and Deaths in Custody in Jammu and Kashmir*.1995; Page 5.

<https://www.amnesty.org/download/Documents/176000/asa200011995en.pdf>

groups. People illegally detained were not brought before a magistrate within 24 hours of arrest, as mandated by the Indian Constitution and Indian and Jammu and Kashmir's Criminal Procedure Codes. It described how when required to respond to a *Habeas Corpus* petition, filed in hundreds in this period, police sometimes retrospectively registered a First Information Report (FIR) acknowledging the arrest, changing the actual date to a later one, usually the day before the detainee is eventually brought before the magistrate.<sup>104,105,106</sup> It found that, "Torture is a daily routine for the vast majority of thousands of men and women who have been arrested in connection with the campaign for Kashmir's independence or for the state to join Pakistan. Scores of women claim that they have been raped."<sup>107</sup>

This continues to be the pattern of illegal detentions and falsified arrest records that is followed to this day, though the targets of such arbitrary detentions has shifted from suspected militants to militant 'sympathisers', Over Ground Workers ("OGWs") and 'stone pelters'. These persons are repeatedly booked in multiple cases under different sections of the Ranbir Penal Code (RPC), which are associated with rioting (e.g. Sections 147, 148, 149, etc.). Sometimes, they are booked under more serious sections like 307 RPC for attempt to murder. Not only are these young people, many of them juveniles, subjected to verbal abuse and coercive and inhuman treatment such as overcrowded cells and contaminated food but they are also subjected to physical and sexual torture. Such detentions are also often used to extort money from the families of these youngsters, with the promise of better treatment or even release if the demands for bribes are met. Joint Interrogation Centres, and special counter-insurgency police stations, whose jurisdictional oversight is not disclosed, bolster the systemic and widespread impunity, and official secrecy with regard to custodial interrogation methods. In addition, several police station based lock-ups or cells within or attached to police station premises are officially designated as 'sub jails' by notification, thus blurring the traditional strict demarcation between judicial remand (custody under prison authorities in jails) and police remand (custody for investigative purposes in police stations) and enabling greater abuse and lack of judicial scrutiny of the investigative process.

In the past two years, thousands of Kashmiris, mostly below the age of 25 years, have been detained by Jammu & Kashmir Police and different units of Indian armed forces. The state resorted to indiscriminate mass arrests, and nocturnal raids on restive neighbourhoods, particularly during the mass uprising in the summer of 2016, with an estimated 8000+ civilians under illegal detention including more than 582 under the Public Safety Act, 1978<sup>108</sup> – a preventive detention law, internationally condemned as a "lawless law".

Both Human Rights Watch (1993) and Amnesty International (1995) drew a direct correlation between the extremely high figures for custodial death and extra-judicial killing in Kashmir, with the widespread phenomenon of illegal and arbitrary and incommunicado detentions, coupled with the pervasiveness of brutal torture methods in custody. Amnesty International stated that the severity of torture meted out by the Indian armed forces in

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<sup>104</sup> Amnesty International. *An Unnatural Fate*. 1993.

<sup>105</sup> Agarwal, Ashok. *In Search of Vanished Blood: The Writ of Habeas Corpus in Jammu and Kashmir, 1990–2004*. Kathmandu: South Asia Forum for Human Rights. 2008.

<sup>106</sup> Allard K. Lowenstein International Human Rights Clinic, Yale Law School. *The Myth of Normalcy: Impunity and the Judiciary in Kashmir*. 2009.

[https://law.yale.edu/system/files/documents/pdf/Intellectual\\_Life/Kashmir\\_MythofNormalcy.pdf](https://law.yale.edu/system/files/documents/pdf/Intellectual_Life/Kashmir_MythofNormalcy.pdf)

<sup>107</sup> Amnesty International. *India: Torture and Deaths in Custody in Jammu and Kashmir*. 1995; Page 3.

<sup>108</sup> JKCCS. *Annual Report*. 2016.

<http://jkccs.net/wp-content/uploads/2018/03/2016-Human-Rights-Review-JKCCS.pdf>

Jammu and Kashmir was the main reason for the number of deaths in custody.<sup>109</sup> These deaths (and permanent disabilities such as amputations) were not caused only as a result of the direct effects of the physical abuse, but also due to the lack of medical access, and the inhuman and unhygienic conditions of illegal detention in dark, overcrowded cells where chances of untreated wounds becoming infected and gangrenous was extremely high.

According to estimates by Association of Parents of Disappeared Persons (APDP), a constituent of JKCCS, more than 8000 people have been subjected to enforced or involuntary disappearances since 1990<sup>110</sup>. On June 22, 2016, the then Chief Minister Mehbooba Mufti, in her written reply in the state legislative assembly stated that there were 4587 'missing' persons. She claimed that these 'missing' persons had crossed over to Pakistan administered Kashmir for arms training, a claim strongly refuted by the relatives of the disappeared. Instead of probing the cases of disappeared persons, successive governments have repeatedly tried to obstruct inquiries and disseminate false and unverified information as to the whereabouts of the missing.

Through this present research as well as previous documentation efforts, it becomes clear that most of these enforced disappearances can be related to state efforts to secretly dispose of bodies of victims of custodial torture, in order to destroy the most telling evidence of widespread state criminality. In the early 1990s, hundreds of bodies were found dumped in ditches, or thrown in water bodies weighed down with stones, bearing marks of unnatural death or routinely used torture methods like electrocution, mutilations and burnings.

Many of these were officially attributed to "encounter killings" or "militants" though the evidence of torture as well as the fact these were persons often picked up by state forces during 'crackdowns' or last witnessed alive in armed forces' custody, pointed to a different truth. Statements by grave diggers, forced by the state to bury unidentified bodies in mass and unmarked graves throughout Kashmir, often refer to the fact that a majority of these bodies which the state claims to be of 'militants' killed in encounters, bore marks of severe torture techniques and unnatural death, including signs of blunt force trauma, burning, close range gunshot wounds, tying and suspension, electrocution, and mutilation.<sup>111</sup> Co-detainees who were often the last persons to see a particular disappeared person alive too have frequently given testimony asserting to the fact that they had been tortured. Such testimony recurs throughout this report. Far from being a past phenomenon that happened only during the worst years of the counter-insurgency campaign in the early 1990s, this well documented cycle of illegal detentions, torture and disappearance continues unabated.

A case of torture and disappearance, which took place in 2017, was that of Nasrullah Khan and Manzoor Ahmad Khan from Kupwara in north Kashmir. Both the men were detained in the afternoon of August 31, 2017 by army (27 Rashtriya Rifles) from Trehmokh Camp (after entering their details in the army ledger which is required of anybody who passes through the camp). Nasrullah was thrown out of the camp at 9 pm the same evening in a near comatose condition. He was treated at Sher-e-Kashmir Institute of Medical Sciences (SKIMS), Srinagar where he was diagnosed with Rhabdomyolysis. He stayed in the hospital for 27 days after which his condition stabilized. Manzoor Ahmad Khan is still missing. In a reply to the Jammu & Kashmir High Court on November 25, 2017 the Commanding officer

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<sup>109</sup> Amnesty International. *India: Torture and Deaths in Custody in Jammu and Kashmir*. 1995; Page 2.

<sup>110</sup> JKCCS. *Alleged Perpetrators*. 2012.

<https://jkccs.files.wordpress.com/2017/05/alleged-perpetrators.pdf>

<sup>111</sup> Video statement of grave digger, Ata Mohammad on file with JKCCS.

of 27 Rashtriya Rifles has denied having arrested him. However, according to a police report submitted to Jammu & Kashmir State Human Rights Commission (SHRC), he was still in the wrongful confinement of army. This is an excerpt from the statement given by Nasrullah's family to JKCCS researcher:

“We (family) saw Nasrullah in half-dead condition outside the army camp. He had torture marks all over his body. He could not stand on his feet. Nasrullah told us that he was beaten with a cricket bat. When Nasrullah was asked about Manzoor, he said that Manzoor was kept in another room and he had heard Manzoor's screams while being tortured. After sometime of hearing it, Nasrullah had fallen unconscious and does not know what the army did to him (Manzoor). After that Nasrullah was taken to Sogam hospital, Kupwara on the same night from where he was shifted to SKIMS, Soura for advanced treatment.”<sup>112</sup>

In 2016, four persons disappeared in the Kashmir valley, three of them during the mass uprising. Three persons were recorded as disappeared though their bodies were later found from different locations. In two of these cases, there were visible torture marks found on the bodies of victims. Fayaz Ahmad Sofi, 45, son of Ali Mohammad Sofi, resident of Naidyar, Rainawari, Srinagar disappeared on July 9, 2016 and his dead body was later found on July 16 in Kangan, Ganderbal, 30 kilometers away from Srinagar. According to Fayaz's family, his hands were tied, grave injuries were visible on his head and he had bruises all over his body. It appeared that he was tortured before being killed. His family alleged he was being chased and arrested by the state forces. Another boy, Aqib Ramzan, 17, son of Mohammad Ramzan Lone, resident of Lone Mohalla, Khonmoh, Srinagar disappeared on July 24, 2016 and his body was found on July 27. He was tortured to death by the state forces before being thrown in Khonmoh Industrial area. An FIR was registered in the case but the fate of the investigation is unknown.<sup>113</sup>

In 2017, during India's review under UPR (Universal Periodic Review) at the UN Human Rights Council, despite the recommendation by various UN member countries, the government of India refused to accept the recommendation for ratification of International Convention for the Protection of all Persons from Enforced or Involuntary Disappearances which India signed in 2007.

### **c. Repeated torture and re-victimization**

Many victims of torture in Kashmir have been put through years of re-victimization i.e., a person is subjected to repetitive cycles of torture, harassment, frequent and illegal detentions under multiple and repeated criminal cases or PSA detentions, remaining in custody without charge, bail or trial for years, and sometimes, as in the case of political leader Masarat Alam Bhat, more than 22 years. There is no escape route from this repeated cycle, as once an individual is profiled as a threat, he is treated with constant suspicion, and repeatedly detained illegally, on a routine basis. He may be required to report at the police station at any time when there are reports of any protests or tensions, whether he is

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<sup>112</sup>JKCCS. *The Informative Missive*. 2017 September.

<http://jkccs.net/informative-missive>

<sup>113</sup>Kashmir Reader. Protests in Khonmoh over 'murder' of youth. 2016 July.

<https://kashmirreader.com/2016/07/28/protests-in-khonmoh-over-murder-of-youth>

involved or not. Children and young adults who are profiled as 'stone pelters' are often routinely rounded up in neighbourhood sweeps or nocturnal raids, or required to report to the police station on certain dates due to security considerations such as Indian Independence and Republic Day. They are kept in over-crowded, poorly-ventilated cells, routinely assaulted and subjected to coercive interrogation and torture techniques including stripping, pulling out of nails, and beating on the feet to restrict mobility. Family members of some of these youngsters are subject to constant extortion and demands of bribes in order to secure their release, prevent an escalation from a routine illegal detention in a nearby police station to formal detention of 6 months to two years under the dreaded PSA, or to prevent them from being beaten and tortured in custody. Numerous recent news reports point to the clear nexus between this pattern of repeated revolving door detentions and torture (of themselves or their family members) and a resort by young men to militancy as a means of escaping from this nightmarish scenario. The following case study illustrates the intensity of this process of re-victimization:

Zubair Ahmad Turray from Shopian was arrested for the first time in 2003 when he was just a 13-year-old school boy. The army from Town hall camp, Shopian, raided their house at night and detained Zubair. He was detained in the camp for the night and tortured, which his family only came to know about only when they saw torture marks on his body. He had been directed by the army men not to tell anyone about the torture. Next day the 44 Rashtriya Rifles from Chowgam Camp, Shopian again came looking for Zubair. Since he was not at home, his father was directed to present him at the camp, which he did. For about a month Zubair was made to report at different camps regularly. After a month, he was arrested by BSF from Bonur camp, Pulwama and detained for 4 days. This time also he was severely tortured. He was not able to move his arms; his clothes were torn when he was released. He had to take rest for about a month to recover. He could not even eat by himself and had to be fed. Zubair was arrested multiple times after that and tortured every time. Once, Zubair even confessed to having some weapons hidden at his home, just to get some respite from the torture. He was once sent from Chowgam camp to Balpur camp, Shopian, where he was made to sit on a burning heater and if he refused to sit, he was beaten mercilessly and forcefully made to sit on the heater.

Zubair was arrested multiple times by Jammu and Kashmir Police and SOG. He had 15 FIRs registered against him under different sections and he served detention under PSA 9 times. Every time his PSA would be quashed by the court, he would be illegally detained in a Police Station, new charges framed against him and booked under another PSA. After serving his last PSA, he was released on February 28, 2017 and asked to report to CIK Humhama. He went there on March 4, 2017. He was again detained illegally and sent to Police Station Shopian from where he was shifted to Police Post Keegam. He was kept in illegal detention for another three months. Finally he fled from Police Post Keegam on May 1, 2017 and joined Hizbul-Mujahideen militant group. Upon joining the militant group, he released a video where he mentioned that he did not want to be booked under one more PSA for no reason and thought joining militant ranks was the only way out.

Even his family and friends are of the same opinion. Zubair was killed in an encounter on April 1, 2018.

#### **d. Under Reporting**

Most survivors of torture choose not to report what has happened to them for various reasons, most importantly the fear of state reprisals and social stigma. Many feel lucky to have escaped with their lives, and do not wish to invite further state attention to themselves by speaking out. Therefore, unlike some other forms of heinous human rights abuses like extra-judicial killings, enforced disappearances or the use of pellet shotguns (indiscriminate and excessive force), torture is a state crime that often remains hidden even from the media, unless the victim dies as a result of his injuries. Further as many deaths due to torture related injuries are not immediate but may occur after years or even decades, accurate figures of such fatalities and morbidity are extremely hard to estimate.

Furthermore, India has tried to stop the reporting of human rights violations meted out in Kashmir by banning the entry of foreign journalists into Jammu and Kashmir, which has been denoted as a “protected area” under Foreigners’ (Protected Areas) Order, 1958. Foreign journalists need a permit from the Indian Ministry of Home Affairs to enter protected areas. Reuters’ chief photographer at its New Delhi office, Cathal McNaughton was denied re-entry into India in December 2018 for the stated reason that he had reported from Jammu and Kashmir without the special permit.<sup>114</sup> Earlier the Washington Post South Asia Bureau chief, Annie Gowen was denied the special permit to report from Kashmir in the summer of 2018.<sup>115</sup>

As most people who have been tortured don’t have any documents relating to their arrests, or even medical records, even documenting torture is not easy. The detainees would not get any treatment while in detention and if in some extreme cases, people were hospitalized for treatment, they were not given any documents. When released, they would seek treatment from private clinics for fear of profiling in public hospitals.

Though hospital based studies by doctors have provided some of the most valuable in-depth information about the nature of torture, victims fear accessing the largely government run public health system fearing further profiling and identification, as plain-clothes’ policemen and informers usually patrol the hospital wards seeking to identify ‘suspects’. This was also reported to be the case in the instance of pellet shotgun victims who gave false names, or did not access the health system fearing further police victimization. Physicians for Human Rights in its 2016 report observed, “Every doctor interviewed by PHR stated that police, both uniformed and in plainclothes, were present at hospitals and monitored protesters being admitted for treatment. They said police sometimes asked for the names and registers of patients admitted at the end of the day, and used the information to arrest those injured on the grounds that they had participated in “unlawful assemblies.”<sup>116</sup>

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<sup>114</sup> Kashmir Reader. Pulitzer-winning journalist denied entry into India for travelling into ‘protected areas of Jammu and Kashmir’. 2018 December. <https://kashmirreader.com/2018/12/28/pulitzer-winning-journalist-denied-entry-into-india-for-traveling-into-jammu-and-kashmir/>

<sup>115</sup> Greater Kashmir. Washington Post India head awaits permission to cover Kashmir since June 22. 2018 August. <https://www.greaterkashmir.com/news/kashmir/washington-post-india-head-awaits-permission-to-cover-kashmir-since-june-22/292194.html>

<sup>116</sup> Physicians for Human Rights. *Blind to Justice: Excessive Use of Force and Attacks on Health Care in Jammu and Kashmir, India*. 2016.

One of the most silenced aspects of torture in Kashmir is the widespread use of sexualized torture and humiliation techniques such as stripping, parading naked, photographing, electric shocks to the private parts, and forced sexual acts including rapes and sodomy. Most victims prefer not to talk about torture at all due to social stigma of such humiliation. During the research for this report, many torture victims who suffered sexual abuse preferred not to talk about it or referred to it openly only with male researchers.

## **Methodology**

This report builds on the body of human rights documentation on torture in Kashmir through an examination of 432 case studies, focussing on the trends and patterns, targets, perpetrators, contexts and impact of torture in Kashmir.

The report relied broadly on the definition of torture as laid out in the United Nations Convention against Torture (UNCAT), which states “the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”<sup>117</sup>

The report primarily relied on a fieldwork based case study method where the research mostly hinged on snowball sampling. The research, consisting of 432 cases that form the basis of this report, was conducted for over 10 years, starting from 2007 alongwith other work that was going on at APDP and JKCCS, with researchers visiting survivors and their families in their homes and conducting both structured and unstructured interviews. The data was collected in intervals due to other ongoing activities, which consumed all the human resources available at the time. The final compilation of this report was started in January 2017. Apart from APDP and JKCCS researchers, the fieldwork was carried out by intern researchers and volunteers from various educational institutions. The researchers worked in coordination with the other volunteers who, most often, were the local residents of areas where fieldwork was conducted. Some of the volunteers were the victims of torture themselves who knew some more torture victims, thus helping us do snowball sampling in many cases. A few interviews were conducted at the APDP and JKCCS office where the victim or their families visited for litigations in court or State Human Rights Commission (SHRC). Due to the dearth of human resources, it was impossible for the APDP and JKCCS researchers to visit many places, like some districts in Jammu Division. Even when the researchers visited these areas, it was impossible to visit more than once or twice. Therefore, the fieldwork in such areas was conducted entirely by the local volunteers. In many cases, it even proved difficult to convince people to work as local volunteers as it might sometimes prove to be “unsafe”; many a times people backed out at the last moment or after one or two field visits to their areas and researchers had to cancel the whole schedule.

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<https://phr.org/wp-content/uploads/2018/09/Kashmir-Report-Dec-2016.pdf>

<sup>117</sup>See for reference: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

Statements were elicited from the respondents initially through a structured questionnaire (See Annexures 2) that sought to identify and seek basic information on the methods, patterns, perpetrators and impacts of torture. The questionnaire was administered by APDP and JKCCS researchers/volunteers and responses audio/video recorded with consent from the respondents/victims/resource persons. In some cases, where the victims did not want their identity revealed, confidentiality of the identifying information was assured. Consent was obtained from the respondents. After the structured interviews on the basis of the questionnaire, more detailed and unstructured follow-up interviews were conducted with many respondents.

Other sources for understanding the background of torture in Kashmir and analysis of the trends for this study include first-hand accounts from victims, signed statements from eyewitnesses, legal documents from the Jammu and Kashmir High Court, findings and documents filed before the SHRC, Annual Reports from SHRC, judgements of the High Court of Jammu and Kashmir and reports from APDP and JKCCS like *Structures of Violence, Occupational Hazard, Alleged Perpetrators*, and *State of Human Rights in Jammu and Kashmir*. In order to identify general patterns and to explore the historical background, interviews were also conducted with medical practitioners, lawyers, political and social activists, historians and journalists. We further relied on scientific papers published in international journals, reports in the Indian and Kashmiri press, Institute of Kashmir Studies (IKS) reports, detailed reports from civil liberties groups based both in Jammu and Kashmir and in India, and reports from various international human rights organisations. We have, to the extent possible, independently cross-checked and corroborated the data from all the sources.

Numerous RTI applications were filed to different Jammu and Kashmir Government departments for obtaining the relevant and official information. RTI application process itself is a very cumbersome process<sup>118</sup> where we filed many appeals to get the responses. The information that was received has been used in different sections of this report, although the response was denied to certain RTI applications, or incomplete information was provided.

Aside from the narrative analysis based on these sources, information from the APDP and JKCCS questionnaires and SHRC annual reports was compiled and classified into a data set using Microsoft Access. Analysis to elucidate the trends and patterns of torture perpetrated in Kashmir was based on this database. This analysis became the basis for the graphs and charts that form a part of this report.

### **Shortcomings/Challenges**

This report does not claim to be a comprehensive sample or survey-based study but provides an overview of the nature and patterns of torture including the various shifts, and inclusion of different perpetrating agencies. In Kashmir, an on-going and active conflict, it is very complicated for the human rights organisations to work in the field. Most of the cases of torture in Kashmir go unreported due to many factors, the most important being

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<sup>118</sup>The Times of India. RTI rank: India slips a spot to No. 6. 2018 October. <https://timesofindia.indiatimes.com/india/rTI-rank-india-slips-a-spot-to-no-6/articleshow/66172060.cms>;

See also: Hindustan Times. Is the RTI law in danger of losing its might? 2017 July. <https://www.hindustantimes.com/india-news/is-the-rTI-law-in-danger-of-losing-its-might/story-6HhIHRG3lmuI9ZagiU6aJ.html>



fear of reprisals from the perpetrating agencies. Another factor which made this study (and all such studies) particularly difficult is the victims' loss of faith in the institutions, and their loss of hope in getting any redressal or reparations. Many victims who chose to report the torture have talked about it so many times and for so long that they deem it futile to talk anymore. It was only after explaining the purpose of this research to them, that many of them were convinced to give their testimonies.

Since many of the torture cases are related to sexual violence, some victims prefer not to talk about torture at all due to social stigma associated with rape and sodomy. Even during the research for this report, many torture victims who suffered sexual abuse, preferred not to talk about it. When some of the men talked, they preferred to speak with a male researcher only or used vague terms.

The number of cases from each area is not representative of the extent of torture perpetrated in that area. As the sample for this report is based on a snowballing methodology, relying on an initial pool of cases that came to our attention through a few victims, volunteers and media reports, this data might seem biased towards certain districts and areas. However, the uncertainties of working in an active conflict were always involved. For example, it became increasingly difficult for the researchers to visit southern Kashmir due to the uncertain situation prevailing there for some years now. Visiting north Kashmir became comparatively easier and hence there is more data from those areas. Since the fieldwork was conditional upon accessibility, it was particularly difficult to visit areas near the Line of Control (LoC), Chenab valley and Pir Panjal districts in Jammu division. The areas near the LoC are heavily militarised and under constant surveillance which makes it difficult for human rights organisations to work there without attracting trouble for themselves from the state agencies.

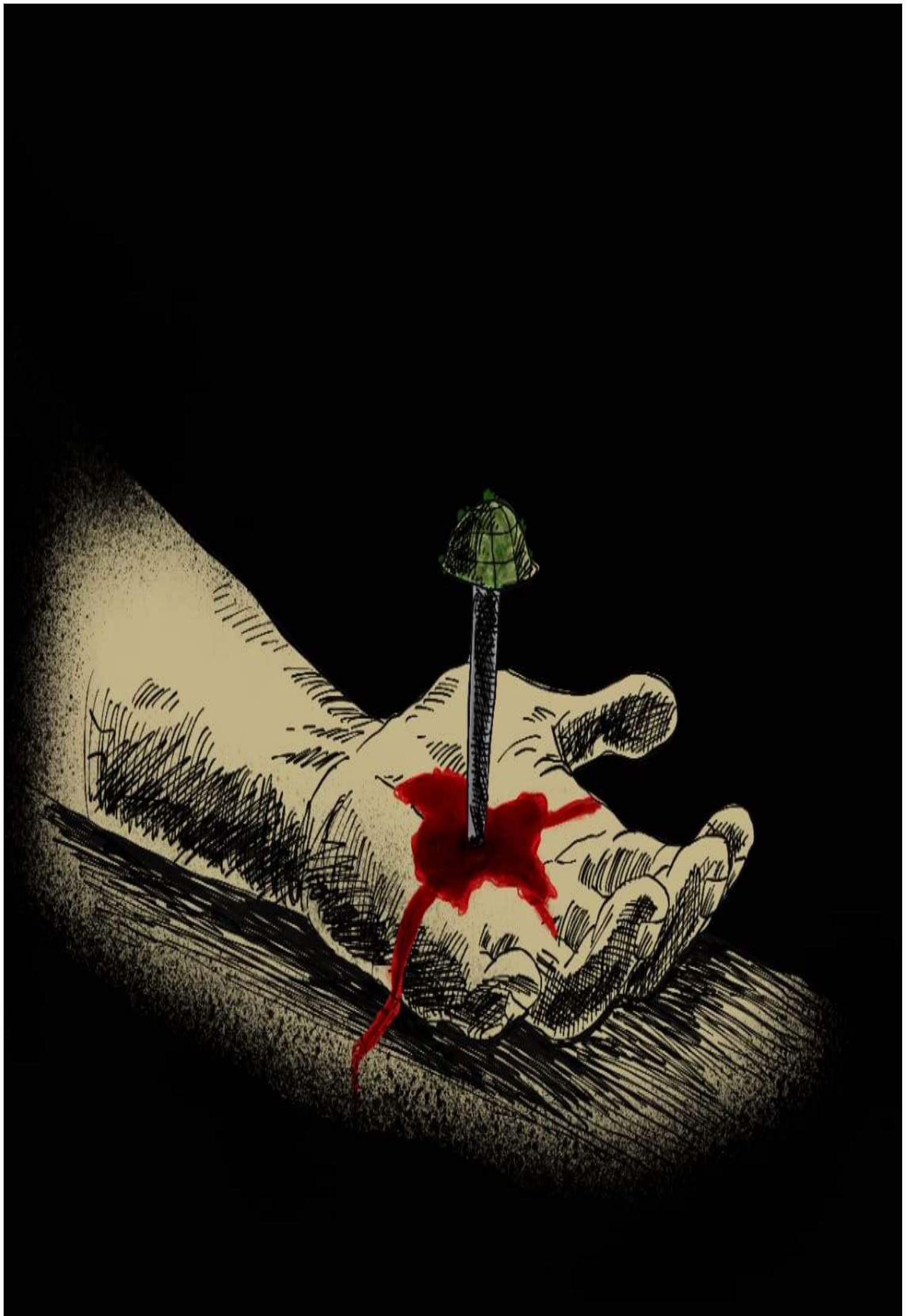
Another bias that may be apparent from this data is the under representation of torture in the recent years. Talking to the people who have been tortured in recent years posed another hurdle as many of these people (mostly boys below 20 years of age) are under continuous surveillance, and prefer silence over seeking redressal. Many of these torture survivors have to report regularly to their local police stations and feel insecure in talking to human rights organisations. The cases that are reported in the media are miniscule and mostly only those cases are reported which are associated with some other form of human rights violations, like disappearances or killings.

Representation of women torture survivors in the data set may also seem biased. It proved more difficult for the researchers to elucidate testimonies from women torture survivors. Women mostly prefer not to talk about the torture they have endured, perhaps, for the fear of bringing disrepute to their families, according to the existing narrative about reporting women sexual violence.

There is a severely limited literature available about torture in Kashmir. The violence and the use of torture has been normalised in Kashmir due to the long duration of the conflict and the impunity that the perpetrators enjoy. Many people feel "lucky" to have gotten away with "only torture" and thus, chose not to talk so that they don't invite the State's wrath. Only a few, most horrific torture cases have been reported in the past by some international human rights organisations like Physicians for Human Rights and Amnesty International. A 2012 report by Citizens Council for Justice, *Atrocity and Suffering* is the only survey-based

report of 50 villages in North Kashmir, which gives an insight into the widespread use of torture in Kashmir.

Taking these limitations into account, this report has attempted to bring together survivors' accounts of varied forms of torture, the sites and methods, the impunity that the perpetrators enjoy, essentially highlighting the systemic and systematic ways in which it is carried out, and pressing for accountability in the face of state denial and obfuscation.



## **Chapter 1: Patterns of Torture**

Torture has been used by the Indian State in Kashmir as one of the most widely used instruments to exercise control and inflict physical and mental pain over a population that is fighting for their right to self-determination. It has been used to terrorize the entire population, intimidate them, interrogate them, coerce confessions, or punish them for being seen as sympathizers of the resistance movement. From the turmoil in 1947, which saw a suspension of civil liberties and arbitrary detentions under the Emergency Administration, to the terror unleashed in the 1950s and 1960s against members of certain political and religious organizations, to the systemic repression and mushrooming of 'interrogation centres' in the 1970s, continuing through the 1980s' detention and torture of political activists, to the massive identification parades common during early 1990's, to the thousands of detentions in the post-2008 period to quell popular uprisings – torture deaths, disappearances, and marking of the Kashmiri body and psyche with violence have been intrinsic to the Indian State's rule over Kashmir.

Over the decades of its' violent control over Kashmir, the Indian State has attempted to hide these 'sights, sounds, and smells of the body in pain'<sup>119</sup> behind the façade of a modern, liberal and democratic State. On their part, the victims are usually reluctant in reporting the atrocities due to the fear of reprisal at the hands of State forces. Even though torture is widespread, and severe in many cases, only a miniscule number of survivors opt for medical help, fearing investigation that can lead them to unending episodes of reprisal and interrogation at the hands of the State.

### **Purpose of Torture**

#### **a. Torture as Routine State Practice**

Ever since the Indian forces landed in Kashmir in 1947, the State has attempted to integrate Kashmir into its idea of a 'secular' nation with the Muslim-majority valley being a proof of such credentials it claims. One of the state's practices to ensure obedience to this idea has been the widespread use of torture. Rather than torture being seen as the Indian State's "response" to a popular armed rebellion or a "retaliation" against the armed fighters and their civilian supporters, it has to first be seen within a context whereby the State itself is the instigator of human rights abuses, including torture, because it sees them as essential to maintaining its legitimacy by means of coercion. Torture has been especially normalized in the CASOs where family members are beaten, houses looted, property destroyed, an attack at the foundations of the civilian structure seen as the enemy 'other', and to be dehumanized by violence. Given how common this is, the state has not just made use of specific interrogation centres or safe houses to inflict torture; the practice has extended to people's homes as well, making it a common ritual of the state to dismember the support structure of militancy.

Victims have been randomly picked up, tortured and never even told what they were tortured for. A 17 year old boy, for example, was arrested in May 2017, taken to Police Station Batamaloo, where he was beaten and verbally abused for two days (Case 389). The boy was not told why he had been picked and detained. He hasn't been able to find out since either.

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<sup>119</sup>Garland D. The Problem of the Body in Modern State Punishment. *Social Research*. 2011. 78 (3): 767-798.

Abdul Rashid Dar was picked up from his house in Ganderbal in 1993 by BSF personnel from a nearby camp (Case 45). He was tortured for two days, released, only to be killed by *Ikhwanis* the same day. The family has no idea why he was picked or killed.

As this report reflects, torture has been a routine part of the State practice. Besides individual perpetrators, there is an entire structure in place forming the basis of a state torture system, providing impunity to the perpetrators, facilitated by overlapping institutions, governmental and non-governmental actors. It is this impunity that then seeps down into the 'normal' criminal cases. As Cases 192 and 196 demonstrate, a case of theft saw the two accused minor boys, Ishfaq, 13, and Irshad, 14, being subjected to severe torture in the police station. Ishfaq's arms were tied behind his back and his buttocks and the soles of his feet were beaten for about 15 minutes. His head was dunked into water that had chilli powder mixed into it. Irshad was forced to lie on a large sheet of iron to which they applied an electric current for 15 minutes. His head was dunked into water mixed with chilli powder, after which his stomach was trampled upon causing him to throw up blood and water.

For a system to which violence is so intrinsic, it comes as no surprise that 'non-political' detainees have been subjected to torture as well.

#### **b. Torture for Punishment and Reprisal**

People in Jammu and Kashmir who live on the Line of Control (LoC) have had to survive the shelling, firing, arrests, tortures, rapes or forced disappearances, as front-liners, yet the problem of access has resulted in them being pushed to the margins of these narratives. This is not to say that in other parts of Kashmir, women, men and children have not been killed and tortured in reprisal attacks by state forces, but only that the practices extend across the territory. In this procedure of retaliation by state forces where they are involved in revenge and counter revenge activities, it is not just that many innocents lose their lives, but many others are left to live a life with mutilated bodies, a life of fear, intimidation and torture.

Out of 432 case studies in this report, at least 50 victims were tortured as a measure of reprisal and/or punishment. Abdul Rehman Bhat (Case 54) from Narbal, Budgam was picked up by 2 Rashtriya Rifles on June 20, 2008. He was arrested and subsequently tortured as an act of revenge by the armed forces personnel who had suffered heavy casualties because of an IED blast at Narbal crossing, on the outskirts of Srinagar. After the incident, along with Abdul Rehman the armed forces personnel also beat up hundreds of men and arrested many under the pretext of investigation.

Atta Mohammad Naik, Ameera Lone, Shafiq Banoo, Mohammad Ramzan, Ghulam Qadir Lone, all from Manthori, Doda were tortured on February 9, 2004 by personnel of 8 Rashtriya Rifles of Indian army. This was a reprisal attack on the villagers after some gunshots were fired in the area. The armed forces personnel came barging into the village and indiscriminately tortured many villagers. They were beaten with sticks and rifle butts. Ghulam Qadir Lone received a head injury, leaving him unconscious. He got nine stitches and was hospitalized for 11 days. His son, Mohammad Ramzan was also tortured and has constant back pain and cannot walk longer distances. His daughter, Shafiq Banoo was left with an injured toe and is still unable to walk properly. Ameera Lone received multiple

injuries when he was beaten ruthlessly, including a serious head injury for which he remained hospitalized for 12 days.

Irshad Ahmad Ganai (Case 191) from Baramulla was picked up along with his brother when there was a firing incident outside the Indian armed forces camp. He and his brother were tortured in front of each other. Both of them were severely beaten and also given sustained electric shocks. Javaid Ahmad (Case 206) from Hajin was picked up in 1995 by *Ikhwanis* headed by Kuka Parray when there was a grenade hurled on a group of *Ikhwanis*. A day before he and his friends were distributing photographs among themselves of a trip they had made to Gulmarg. The *Ikhwanis* suspected that Javaid and his friends' distribution of photographs was the hatching of a conspiracy to hurl the grenade. They picked them all up one by one and tortured them. Javaid and his friends were blindfolded, beaten and burnt with hot iron rods before they were released.

These reprisal attacks are as common today as they were in the 1990's. In one such incident in 1993, more than 200 shops and houses were burnt in Lal Chowk area of Srinagar, after militants had attacked an empty building<sup>120</sup>, which was previously used by armed forces. This practice of retaliation against the civilians continues till today. On September 5 2018, government forces ransacked houses of neighbours of an active Hizbul Mujahideen militant, Lateef Ahmad Dar in Awantipora area.<sup>121</sup> Many people suffered severe injuries and were hospitalized later.

In the 2016 mass uprising in Kashmir, some boys who were injured, mostly by pellets, would give fake names at the hospitals where they were treated, for fear of reprisals from the State. Consequently all their medical documents contain fake names and this has become a hurdle for some of them in getting any compensation.<sup>122</sup>

### **c. Torture for Information Gathering**

Torture has been used extensively in Jammu and Kashmir for obtaining information or coercing confessions from the detainees. Article 15 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) states, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." Thus under international law, any confessions made under torture are not admissible as evidence in the court of law.

However, as is true of other conflict and war zones, in Jammu and Kashmir torture has been used to gather information. The detained militants would be asked for the whereabouts of other militants and also their weapons. The families, neighbours and even friends of the militants would not be spared. They are often tortured and asked about the same information.

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<sup>120</sup>Washington Post. Kashmir's brutal and unpublicized war. 1993 June.

<https://www.washingtonpost.com/archive/politics/1993/06/07/kashmirs-brutal-and-unpublicized-war/6e937d23-2632-4498-8f1f-6e198d6ddc40>

<sup>121</sup>Kashmir Monitor. Forces 'ransack' militant's house, 'thrash family members, neighbours. 2018 September.

<https://www.thekashmirmonitor.net/forces-ransack-militants-house-thrash-family-members-neighbours/>

<sup>122</sup>Greater Kashmir. 'Fake' identity diminishes pellet victims' chance to get compensation. 2017 August. <https://www.greaterkashmir.com/news/kashmir/-fake-identity-diminishes-pellet-victims-chance-to-get-compensation/256895.html>

Many studies have been conducted over the years, which prove that the information obtained under torture is not reliable. In 2003, a CIA interrogator, Glen Carle said that, "Information obtained under duress is suspect and polluted from the start and harder to verify."<sup>123</sup> At least 118 out of 432 victims of torture said that they were tortured to provide information about their militant relatives, or were forced to own affiliation to militants, or provide information about militant associates or to provide the weapons of the militants. 11 of the 432 torture victims said that they were forced to make confessions of crimes, which they were not involved in. The data in this report also shows that some victims gave fake information to the interrogators just to get some respite from torture and pain.

Rouf Ahmed Bhat (Case 366) from Srinagar was picked up for the second time on April 8, 1996 by the SOG (He had previously been arrested and tortured in November 1991). He was taken to the Air Cargo SOG camp, Srinagar. When he was tortured continuously for eight hours, he falsely admitted to having a weapon at his home. During the torture, he suffered a fractured hand, was subjected to hanging by neck and given electric shocks to genitals. As no weapon was recovered from his home, he was again brought to the camp and tortured for another 18 days.

In a similar case, Sheikh Iqbal Phiroz Ahmed (Case 402) from Srinagar was arrested in January 1994 by 2 Grenadiers of Indian Army. His torture began soon after he was arrested. Cold water was poured on his back and the men started to beat him with wooden planks. He was stomped upon. He was electrocuted in his genitals and chest, as two men stretched his legs to 180 degrees and administered the electric shocks. Due to the torture, he falsely admitted to having a weapon. The army could not find any weapon as Iqbal had lied about it. He was then tortured again.

Another case where the victim falsely admitted to knowing about weapons is of Mohammad Shafi Hajam (Case No 282) from Anantnag who works as a barber. During the torture, Officer Malik from CBI questioned him about weapons. Even though he initially denied having any knowledge, after being tortured for long, he said that the weapons were in a ditch next to his shop. The next morning, he was taken to the spot, where the ditch was filled with human refuse. The army personnel made all nearby inhabitants and shopkeepers enter the ditch. The victim too was forced to go inside and bring out the weapons, which of course weren't there. They were made to search from 9 am till 5:30 pm but they couldn't find anything. Consequently, Officer Malik banged the victim's head against a rock and broke some of his teeth near the ditch itself. He was then taken back to the camp and tortured.

## **Methods of Torture**

Over the decades, the Indian armed forces have inflicted a wide range of torture techniques on the Kashmiri population. During the research for this report, it was found that Kashmiris have been subjected to many different forms of physical, sexual and psychological trauma which can be categorised into torture or other cruel, inhuman, or degrading treatment as defined in UNCAT.<sup>124</sup> According to Metin Basoglu, a leading authority on the subject of

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<sup>123</sup>Newsweek. Science Shows That Torture Doesn't Work and Is Counterproductive. 2016 August.

<https://www.google.com/amp/s/www.newsweek.com/2016/05/20/science-shows-torture-doesnt-work-456854.html>

<sup>124</sup> See for details: *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*  
<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

torture, inhuman and degrading treatment causes the same severity of mental suffering as different forms of physical torture.<sup>125</sup>

The UN Istanbul Protocol<sup>126</sup> (2004) sets out the many forms of torture to which people may be subjected and which cause physical and psychological suffering, including blunt trauma, positional torture, burns, electric shocks, sexual violence, humiliation, threats, behavioural coercion, among others. Many reports, including this research, show that the vast majority of these have been applied in the state of Jammu and Kashmir. Those in detention are most at risk as they are vulnerable to the stress of being kept in appalling conditions, assaulted, humiliated and threatened but the wider population has also been subjected to many forms of abusive and degrading treatment, such as threats, destruction of property and violence, especially during crackdowns by the military and other Indian armed forces.

While it would be possible to compile a simple list of each torture technique used in Jammu and Kashmir, it is the case that, as everywhere, in Jammu and Kashmir no method of torture is used in isolation, but rather in a continuum. While physical torture often affects a victim's mental health, the use of psychological abuse often impacts a person's physical health and, according to the United Nations, "the distinction between physical and psychological methods is artificial". Also, people are almost always subjected to a sequence or mixture of abuses: for example, interrogators may use verbal abuse and threats, then beat them with hands and feet, then strip them naked, then hanging by limbs and then electrocution. Therefore, while it is appropriate to mention individual methods of torture, each method should be viewed as a part of a wider and encompassing experience.

Suffice to say that those finding themselves in detention in Jammu and Kashmir are vulnerable to solitary confinement, overcrowding, being forced to eat adulterated food, consume degrading substances, lack of toilet facilities, psychological duress and physical assault. They may be denied medical treatment and the visits of loved ones. Those being questioned or interrogated by Indian armed forces are vulnerable to verbal abuse and threats, physical assault, psychological abuse, sexual assault and other degrading treatment: their property may be stolen or destroyed, their families beaten or subjected to extortion. Members of the wider population are indiscriminately subject to the destruction of their property, sexual assault, physical assault or looting as well as the psychological torture of living in a constant state of anxiety caused by the on-going conflict. The psychological impact of the impunity with which these crimes are committed may, arguably, be regarded as itself being a form of torture as is the on-going suffering of those who, in the past, have lost a loved one through "disappearance".

While the case studies in this report indicate the widespread use of various methods of torture and how they impact those who endure them, they should not be taken as a complete account of the torture techniques used. Where acts of torture took place many years ago, none of the subjects have been given justice or adequate compensation for what happened to them in the past, which continues to have a major impact on their lives.

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<sup>125</sup>Başoğlu M, Livanou M, Crnobaric C. Torture vs Other Cruel, Inhuman, and Degrading Treatment. Is the Distinction Real or Apparent? *Arch Gen Psychiatry*. 2007. 64(3):277-285.

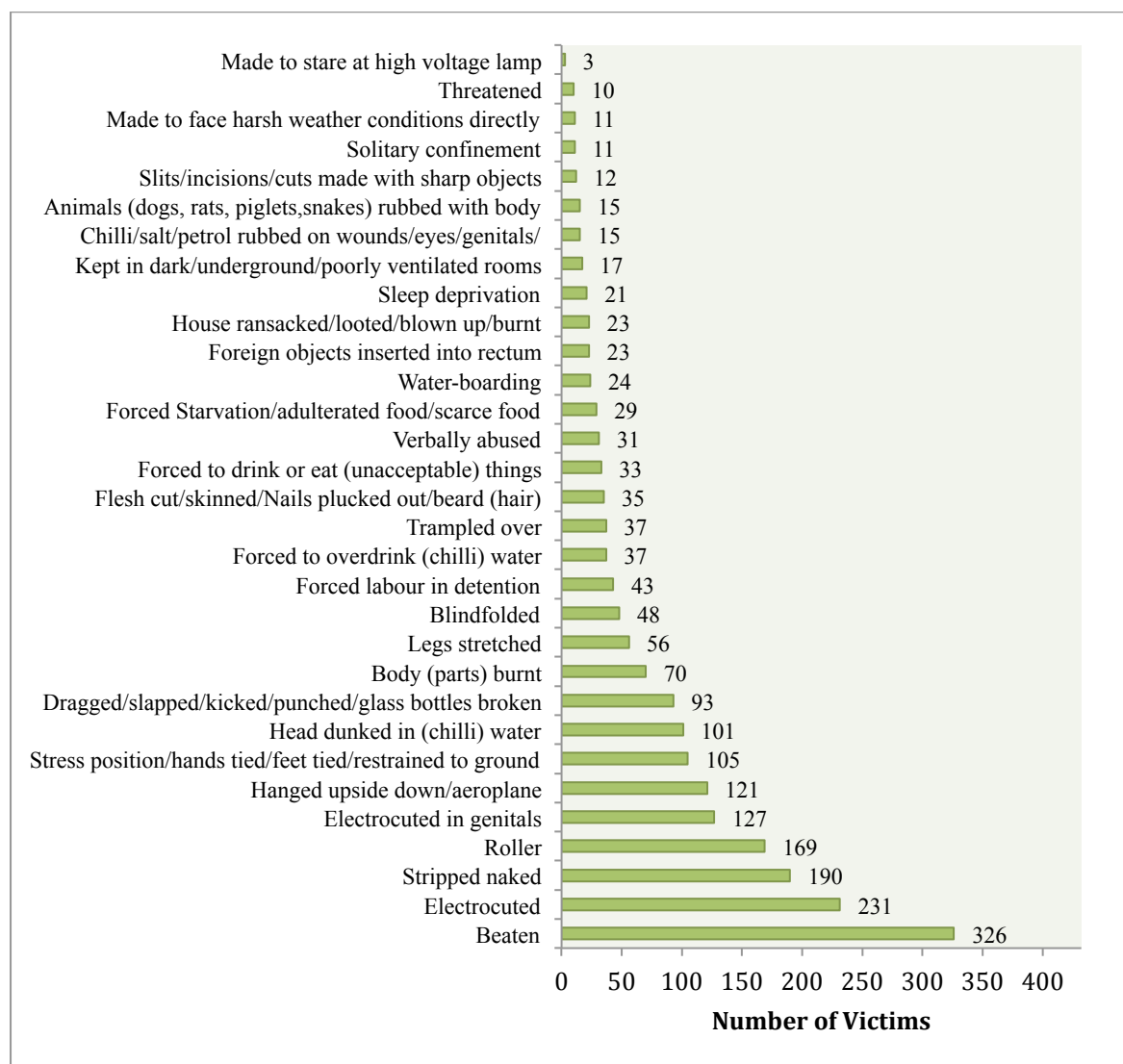
<https://jamanetwork.com/journals/jamapsychiatry/fullarticle/482225>

<sup>126</sup>*Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

<https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>



During the research for this report the different forms of torture and other inhuman or degrading treatments that Kashmiris have been subjected to over the years are enlisted in the following figure:



*Figure 1: Number of people out of 432 subjected to different forms of torture or other cruel, inhuman or degrading treatment*

Most of the people were subjected to more than one form of torture, carried out in tandem. Physical beating, beating on the sole of the foot, stripping naked and suspension from the ceiling are four widely and most commonly used procedures of torture carried out by state forces in Kashmir after an arrest. Apart from verbal abuse which starts from the time and place of arrest and seems to never end, the various forms of torture that are used in Kashmir, and which this Report details, are stripping the detainees naked or down to bare minimum, followed by beatings with wooden sticks, iron rods or leather belts.

325 of the 432 torture victims in their testimonies said that they were beaten. The instruments used were bamboo or wooden sticks, iron rods and leather belts. Beatings were common and would continue for days together. 93 people said that they were dragged, slapped on their faces, kicked, punched or glass bottles were broken on their heads. 3

people had been pushed against a hard background, like a wall or piles of rocks. 2 people had been pushed: one was pushed to make him fall down and strike his head on the concrete floor and another was pushed down a hill.

People have been held in stress positions during detentions for days together. 121 victims said that they were hanged from the ceiling upside down. This method would be called as "Aeroplane" where in a big wooden plank would be suspended from the ceiling and the person under torture would be suspended from it with his hands and feet tied. 105 people said that their hands and feet were kept tied for many days at a stretch and some of them were also held down to the ground for hours together by many men. Tariq Ahmad Dar (Case 415) who was arrested by Delhi Police Special Cell was kept bound with iron rods and chains at night. The rod from stomach to neck was short. Therefore Tariq was always bent forward and unable to straighten his spine. To add to the misery, he was made to stand away from the wall, so that he could not lean on it. His torture continued for 55 days. 56 of the 432 people said that their legs were stretched 180 degrees.

70 victims had been burned using different techniques. Most of these victims were burnt using live cigarette butts, the scars of which they still carry. Acid was used on 2 people. Hot handcuffs, melted candle wax, being forced to sit on a burning stove, were the other methods used to burn victims. A victim (Case 147) from Anantnag said that when he was arrested by *Ikhwan*, he was stripped naked and petrol was poured on his body including on his face. Then he was set on fire, leaving his body badly burnt and his face completely disfigured. Bashir Ahmad (Case 90), who was arrested by Army in March 2001, said that boiling water was poured on his naked back, which was already wounded due to the torture he had been subjected to earlier.

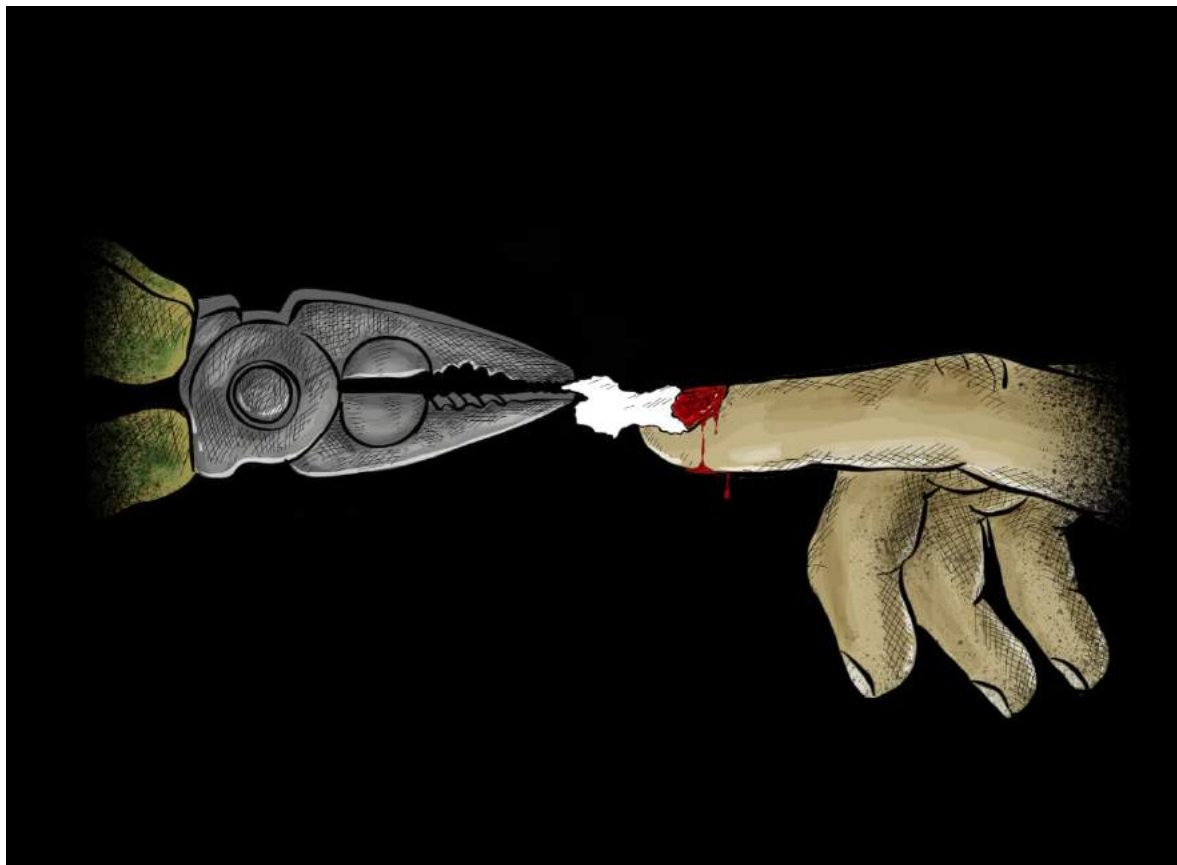
A staggering 231 of 432 victims said that they were electrocuted during detention. 127 out of them had been electrocuted in their genitals. During CASOs in the 1990s, the armed forces used to carry a portable battery along with them and it was used to electrocute people who were tortured during these operations.

24 people out of 432 had been subjected to waterboarding. Jan Mohammad Parray (Case 207) from Doda said that water was poured on his face, which went in through his nostrils. Mohammad Altaf Sheikh (Case 247) from Srinagar said that during torture, his face was covered with a cloth and a bucketful of water was poured over it. Mohammad Ramzan Shoosha (Case 276) from Sopore said that his mouth was gagged with a cloth and a bucketful of water was poured on his face. 101 victims said that their head was dunked in water repeatedly. Often times this water would be filthy or mixed with chilli powder. They would swallow some of the water through their nasal cavity and mouth. Abdul Rashid Dar (Case 44) from Pulwama said that he was arrested by BSF in 1992 and taken to a nearby river in Nilora. Here, they took his shirt off and put his head into the water; and kept repeating the process for the next two hours.

169 of the 432 victims had been given the roller treatment. During this treatment, the victims were restrained to the ground. A heavy wooden log or an iron rod was rolled over their legs. It was pressed down by the weight of the torturers who would sit on the opposite sides of the rod. This treatment caused serious breakdown of the muscle tissues leading to cell necrosis. It also caused fractures. 37 victims said that they were trampled over on their chest and abdomen. This was usually done after the victims were forced to over drink

water, sometimes mixed with chilli powder. This would result in them vomiting out water along with blood causing chronic health issues to many.

12 out of 432 victims had been subjected to slits and cuts on their bodies with sharp objects. Some people received small incisions throughout their body. Ghulam Rasool Lone (Case 166) from Baramulla was arrested by BSF. During his detention, one of the interrogators slit Ghulam's throat with a knife, and then stabbed him in the back once he fell down. In that state, they threw Ghulam on the pavement in front of his shop in the market. Abdul Rashid Parray (Case 49) was arrested by 9 Gorkha Rifles in 1993. When he was arrested, he received bullet injuries in his throat, right arm and right hand fingers. In this injured state, the army took him to a nearby orchard and tortured him. They tied his arms and legs, and cut off his two injured fingers with a razor. During this, Rasheed fell unconscious. 35 victims had their flesh cut (13), skinned (1), nails plucked out (9) and beard (hair) shaved, plucked out or burnt (13). Sometimes more than one such technique was used on the same person. Abdul Hameed Ahanger (Case 16) from Baramulla was arrested by BSF in 1991. During detention after electrocution and burning his body with cigarette butts, the flesh from his thighs and his nails was plucked out with pliers.



15 out of the 432 victims had chilli, salt or petrol rubbed on their wounds, eyes or genitals. Mushtaq Ahmad Wani (Case 319) from Sopore was tortured by the Army in Watergam Camp Baramulla. After subjecting him to different torture techniques due to which his body was covered in wounds, his wounds were rubbed with salt and chilli powder. Manzoor Ahmad Natnoo (Case 220) from Doda was arrested by 8 Rashtriya Rifles in 1994. He was stripped naked, beaten with iron rods after which the army personnel pissed on his head and body.

48 victims were blindfolded at the time of detention or were kept blindfolded for a long period during detention. 17 victims said that they were kept in dark, underground and/or poorly ventilated rooms for many days together. Javeed Ahmad Lone (Case 205) from Baramulla was detained first in JIC Baramulla and later shifted to Badami Bagh Cantonment Srinagar. In JIC he was kept, along with ten other detainees, in a 10x15 feet room where all the windows were covered with thick cloth. The room was completely dark. They would be taken out of the room twice a day only to be tortured in a separate room. In Badami Bagh Cantonment, he was kept in an underground, poorly ventilated room with thirty other detainees. All of them were kept naked and blindfolded. They were taken out of the room once each day for torture.

3 victims were made to stare at a high voltage lamp while in detention. Ghulam Hassan Sheikh (Case 141) from Baramulla, who was detained in G-Branch Baramulla, was forced to stare at a high voltage lamp for about an hour. He was unable to see anything for a long time after that. 11 victims were made to face harsh weather conditions like snow or scorching sun. Nazir Ahmad Zarger (Case 338) from Anantnag was arrested in January/February 1993 by Rashtriya Rifles during a cordon operation. He was taken to the Khanabal Camp. He was kept in the grounds of the camp in the snow, along with 11 other boys who had been picked up on the same day. They were stripped right there and beaten; and kept on the ground for several hours. Abdul Aziz Sheikh (Case 11) from Poonch was summoned to 27 Rashtriya Rifles military camp in Potha, Poonch by an officer named Purshotam on January 6, 1997. There he was beaten and his nails plucked out. Then he was kept in a water tank in the open on a freezing winter night; the next morning Aziz was dead.

While in detention 29 victims were forced to starve for days together. Even when the food was given, it was adulterated or scarce. Jana Begum (Case 197) from Kupwara was tortured continuously for 3 days by Jammu & Kashmir Police. Her hands and feet were tied, head was dunked in water mixed with chilli powder and she was electrocuted. All this while, she was not given any food to eat. Mohammad Ismail Sheikh (Case 267) from Handwara was arrested and tortured multiple times since 2001 by Indian Armed forces. Once in May 2008, Ismail was arrested from the mosque by the 30 Rashtriya Rifles, along with two other people named Manzoor Ahmad Khan and Abdul Quyoom Dar. They were taken to Langate, Handwara Camp for four days. During that time, he was kept out in the harsh sunlight on a tin sheet for four straight days without food or water. The other two men were also badly tortured.

10 victims said that they were threatened during detention that they will be killed, raped or their family members will be harmed. A victim (Case 173) from Doda was tortured on May 16, 2000 by troops of 10 Rashtriya Rifles. She was beaten and stripped naked. She was taken to the camp along with her family where they were detained for 2 nights. During detention, she was threatened with gang rape and being paraded naked in their village. Mohammad Shafi Pandith (Case 286) from Srinagar was arrested for the second time in 1995 by 144 Battalion BSF. The forces personnel would aim their guns at him and threaten to kill him, if he did not give them the information they were seeking.

Many detainees were put under behavioural coercion where they were forced into activities that were against their religious beliefs, like rubbing piglets on their bodies or forcing them to consume alcohol. 15 people had different animals which included piglets, rats, dogs and snakes rubbed on their bodies. In some cases, rats were put inside victims' trousers after

putting sugary water on their legs. 33 victims said that they were forced to eat or drink filthy and harmful substances like human excreta, chilli powder, dirt, gravel, chilli powder mixed water, petrol, urine and dirty water.

21 victims were sleep deprived for many days at a stretch. Fayaz Ahmad Tantray (Case 117) from Pattan was arrested and tortured multiple times. Once in 2003, he was detained and kept in water tank about 50 meters deep. A bright light was kept on, pointing towards his face. He was kept in that place for seven days during which he was not allowed to sleep as the bright light was continuously on.

11 victims had been kept in solitary confinements for prolonged periods of time during their detention. The cells they were kept in are usually very small and even stretching legs is difficult. They also lack basic facilities like toilets. Hilal Ahmad Akhoun (Case 184) was arrested in November 1996 by the Army and detained at their Langate camp, Handwara. During detention, he was kept alone inside a small cell for 29 consecutive days. He was taken out after every 2 or 3 days only to be tortured in another room. His cell had no ventilation and in the absence of any toilet facilities, he had to urinate and defecate inside his cell, which became filled with stench. The food that he received was also thrown on this floor.

A startling 252 out of 432 torture victims were subjected to repetitive torture, which works out to more than 55 per cent of the victims. 84 of the 252 victims were arrested multiple times and tortured each time, while 168 of these victims were tortured multiple times over many days during a single detention. Among these 252 victims of repeated torture, 104 were civilians, which included 11 political activists and 2 human rights activists.

### **Collective Punishment**

Collective punishment can be described as imposing harsh punitive measures on a person or a group of people without due regard to their responsibility for any punishable act. It means shifting punishment to an individual or a group of individuals who have no responsibility over any dissenting act done by other(s) who happen to be part of the same group.

It is a form of retaliation whereby a suspected perpetrator's family members, friends, acquaintances, sect, neighbours or entire ethnic group is targeted. The punished group may often have no direct association with the other individuals or groups, or direct control over their actions.

Collective Punishment, according to the International Committee of the Red Cross (ICRC), is explained as:

“It is not only to criminal punishment, but also to other types of sanctions, harassment or administrative action taken against a group in retaliation for an act committed by an individual/s who are considered to form part of the group. Such punishment therefore targets persons who bear no responsibility for having committed the conduct in question. Historically used as a deterrence tool by occupying powers to prevent attacks from resistance movements, collective punishments for acts committed by individuals during an

armed conflict are prohibited by IHL against prisoners of war or other protected persons.<sup>127</sup>

In Kashmir, the government forces have used the tool of collective punishment with the aim of curbing dissent. The different forms of collective punishment that the Kashmiri population has been subjected to are Cordon and Search Operations (CASOs), communication controls (internet ban and media gag), use of pepper gas, vandalism of properties (whether residential or commercial), sexual violence, torture, etc.



Image courtesy: Habib Naqash

In the 432 cases studies for this report, at least 80 had been tortured during CASOs, raids or at checkpoints. The practice of CASO starts with cordoning an area, followed by assembling the people within the cordon at some place(s) for identity verification. According to APDP and JKCCS, in the year 2017 alone at least 540 CASOs were carried out in Jammu and Kashmir, which is more than one CASO per day.<sup>128</sup> In August, 2018, a school in Tral area of Pulwama district was cordoned by 42 Rashtriya Rifles at around 10:30 am with a couple of armoured vehicles parked at the main gate. This operation continued from 10:30 am to 2 pm i.e., for three and a half hours during which the CCTV footage was also scanned. The students, who were present in the premises during this time, were virtually paraded before the armed personnel. The school buses were also searched.<sup>129</sup> In 2018, 275 CASOs were conducted in Jammu and Kashmir.<sup>130</sup>

The people of Kashmir have experienced molestation, rape and loot during CASOs. On the intervening night of February 23/24, 1991 the armed troopers from 4 Rajputana Rifles, 68

<sup>127</sup> ICRC. Collective punishment. <https://casebook.icrc.org/glossary/collective-punishments>

<sup>128</sup> APDP and JKCCS. *Annual Report*. 2017.

<https://jkccs.files.wordpress.com/2017/12/jkccs-annual-human-rights-review-2017.pdf>

<sup>129</sup> Kashmir Life. CASO gets a new photo frame. 2018 August.

<https://kashmirilife.net/caso-gets-a-new-photo-frame-184108/>

<sup>130</sup> APDP and JKCCS. *Annual Report*. 2018

<http://jkccs.net/wp-content/uploads/2018/12/Annual-Report-2018.pdf>

Mountain Brigade camped at Trehgam cordoned off the twin villages of Kunan and Poshpora in District Kupwara at around 11:30 pm in the night. During the cordon, the army men dragged out all the men and took them to a *kuthar*, a makeshift barn, where they were tortured. They were given electric shocks in their body parts, most specifically to their private parts, and water-boarded. More than 35 women irrespective of their age, marital status, pregnancy etc. were gang raped by the army men till 9 am the next day. The victims ranged in the age group of 13-80.

In one of the reports of Human Rights Watch (HRW), it was observed,

“Since the government crackdown against militants in Kashmir began in earnest in January 1990, reports of rape by security personnel have become more frequent. Rape most often occurs during crackdowns, cordon-and-search operations during which men are held for identification in parks or schoolyards while security forces search their homes. In these situations, the security forces frequently engage in collective punishment against civilians by assaulting residents and burning their homes. Rape is used as a means of targeting women whom the security forces accuse of being militant sympathizers; in raping them, the security forces are attempting to punish and humiliate the entire community.”<sup>131</sup>

There have been many killings during the crackdowns and according to a report, *The Crackdown in Kashmir* by Human Rights Watch, the people of Kashmir have frequently alleged that government forces have refused to provide or permit medical care for the wounded. One such instance reads,

“On September 29, 1992 there was a crackdown in the Tara Bal area of Srinagar. Security forces entered a house where M., 22, a businessman in Srinagar, lived with his parents. Without warning, the soldiers opened fire with automatic weapons. M. received numerous bullet wounds. After the soldiers left, the family transported M. to the hospital. As they passed security forces on the way, one soldier said to them, "You mean this bastard is still living?" and began striking M. with the butt of his rifle. The soldier stopped after several women interceded and the family was able to get M. to the hospital. As of October 1992, M. remained in intensive care”.<sup>132</sup>

On September 12, 1991, a unit of the Dogra regiment of the Indian army cordoned off a number of villages of District Bandipora, and this siege lasted for seven days. The conduct of the soldiers in the village continues to haunt the villagers. Named “Operation Wullar” by the Army this operation is riddled with tortures, killings, mass rape of women, loot and damage of properties, indiscriminate firing and resultant casualties, insult to the dead, defilement and desecration of religious places. “During the seven days of siege from September 12, 1991 to September 19, 1991, our life had become hell”<sup>133</sup> the villagers said. According to them the army had laid siege to different villages of District Bandipora such as, Aloosa, Ashtengu, Kunis, Malangam, Koil, Muqam Koil, Trakapora, Putshai, Kunargam, Panzigam and other neighbouring villages of Bandipora.

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<sup>131</sup> Asia Watch (A division of Human Rights Watch) and Physicians for Human Rights. *The Human Rights Crisis in Kashmir: A Pattern of Impunity*. 1993.

<sup>132</sup> Physicians for Human Rights and Asia Watch (A division of Human Rights Watch). *The Crackdown in Kashmir*. 1993.

<sup>133</sup> International Human Rights Organization (IHRO). *Indo-US shadow over Punjab*. 1992.

As part of collective punishment, the use of tear gas and pepper gas has been widespread and indiscriminate. The government has been using these toxic gases over a long period, with the stated purpose of dispersing protestors during a protest. But the repercussions of every single use puts the general public in a precarious health condition. While it affects the whole population, its most immediate victims are old people and children. The elderly and children are more prone to develop respiratory issues after getting exposed to pepper gas. For infants and the elderly who already have some respiratory issues like Asthma or breathlessness it becomes even more difficult.

In 2013 Amnesty International had asked the government to suspend use of pepper gas in the state of Jammu and Kashmir but the government did not respond. According to Amnesty International, the use of pepper gas in Jammu & Kashmir has resulted in many civilian deaths. Amnesty International had recorded some cases in 2013, for instance:

“On March 8, a 60-year old woman living in Srinagar died after a stray pepper spray grenade landed in her house from outside and detonated, engulfing her home in fumes. Two others, Muhammad Yusuf Sofi, age 40, Abdul Rashid Sheikh, 60, also died allegedly from exposure to the pepper gas. All three were residents of Srinagar, and died in separate incidents where pepper spray grenades were used by law enforcement. All three individuals suffered from pulmonary diseases such as chronic asthma, which were exacerbated by prolonged exposure to the pepper spray, say doctors quoted in local media reports.”<sup>134</sup>

In the year 2016, some health experts termed pepper gas as “bio-terrorism” as its use has led to many civilian deaths. According to Dr. Naveed Nazeer from Government Chest Diseases Hospital, Srinagar, “Pepper gas can cause temporary blindness, uncontrolled coughing and skin irritation.” “Moreover”, he added, “excessive pepper gas causes irritation with whatever it comes into contact with eyes, skin, nose and throat. It is followed with continuous cough, sneezing and irritation in eyes. This is the effect on normal, healthy people. Persons suffering from asthma can suffer [an] asthma attack, and in those with bronchitis, it can lead to exacerbation, which can be life-threatening.”<sup>135</sup>

There have been some cases where people, mostly elderly, have suffered and died due to pepper gas. On July 14, 2018 an Asthma patient named Jawahira aged 55 resident of Kani Kadal, Srinagar died due to suffocation caused by the pepper gas used by the forces outside her home. According to her son, Asif, “My mother (Jawahira) died silently in her room and I couldn't inform any relative because of the communication blockade in Kashmir.”<sup>136</sup>

Similarly, a three-month-old infant residing near Jamia Masjid, Srinagar and a pregnant woman resident of Saraf Kadal, Srinagar, both, died of suffocation by inhaling pepper gas.<sup>137</sup> The use of both, pepper gas and pellet guns, was seen as more widespread in the year 2016, the year of a major civil uprising. In mid-2018, SHRC had again asked the police authorities to submit Standard Operating Procedures (SOPs) on the use of pepper

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<sup>134</sup>Kashmir Watch. Stop using pepper gas in Kashmir: Amnesty to Govt. 2013 March.

<http://kashmirwatch.com/stop-using-pepper-gas-in-kashmir-amnesty-to-govt/>

<sup>135</sup>Global Press Journal. Kashmiri Community Links Police Use of Pepper Gas on Protesters to Civilian Deaths. 2013 April.

<https://globalpressjournal.com/asia/indian-administered-jammu-and-kashmir/kashmiri-community-links-police-use-of-pepper-gas-on-protesters-to-civilian-deaths/>

<sup>136</sup>Kashmir Life. Pepper Paradise. 2017 March.

<https://kashmirilife.net/pepper-paradise-issue-no-49-vol-08-134390/>

<sup>137</sup>Ibid.



gas. The statement given by SHRC Chairman Justice (Rtd) Bilal Nazki reads, “Last opportunity of one week is granted. If copy of SOP is not produced by next date, it will be presumed that there is no SOP and it is a free-for-all.”<sup>138</sup>

Another form of collective punishment witnessed in Kashmir over a long period is a communication ban in terms of mobile phone usage and disruption of the internet. On May 12, 2017, UN Special Rapporteur on freedom of opinion and expression, Mr. David Kaye, highlighted the incessant communication ban particularly on the internet in Jammu and Kashmir. He noted, “The Internet and telecommunications bans have the character of collective punishment and fail to meet the standards required under international human rights law to limit freedom of expression.”<sup>139</sup>

There have been many instances where internet ban has been imposed in the state of Jammu and Kashmir. According to JKCCS, there have been 42 instances of total suspensions of telecommunication and internet rights, from July 8, 2016 till December 31, 2017.<sup>140</sup> It was followed with the ban on 22 social networking sites and applications including Facebook, WhatsApp and Twitter, causing problems for the people of Kashmir, particularly for those who have settled outside India.<sup>141</sup> The clampdown on internet continued in 2018 with 108 reported instances<sup>142</sup>.

Through the continuous internet shutdowns, people have suffered in numerous ways. Not only is it a matter of pressing concern for journalists and media organisations who could not respond to events in a timely manner, it has also had a strong impact on education and business. Many students were not able to find study material and could not complete their assignments and the business community of Kashmir had to suffer significant losses due to the internet shutdowns. According to one news report, internet shutdowns in the past six years have lost Kashmir's economy around INR 40 billion.<sup>143</sup> The continuous internet shutdowns have had a serious impact on the people of Kashmir and added to the already widespread suspension of rights in the valley.

## **Human Shield**

On April 9, 2017, a man namely Farooq Ahmad Dar resident of Brass in Khan Sahib, Budgam was tied to an army vehicle and a statement; “this is the fate that will befall upon stone throwers” was pinned to his chest. The incident was seen in video footage that was uploaded on social media, and became viral very soon. Dar was also beaten before being tied to the vehicle. On investigation, it emerged that on the same day, before being tied to the army vehicle, Dar had cast his vote in the by-election. The tying of Farooq Ahmad Dar to the vehicle was conceived by Major Leetul Gogoi of 53 Rashtriya Rifles, and after tying

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<sup>138</sup>Kashmir Reader. SHRC gives police one week to submit SOP on use of pepper gas. 2018 July.

<https://kashmirreader.com/2018/07/18/shrc-gives-police-one-week-to-submit-sop-on-use-of-pepper-gas/>

<sup>139</sup>Greater Kashmir. UN calls Kashmir social media ban a ‘collective punishment’. 2017 May.

<https://www.greaterkashmir.com/news/front-page/un-calls-kashmir-social-media-ban-a-collective-punishment/249061.html>

<sup>140</sup>JKCCS. *Annual Report*. 2017.

<sup>141</sup>HuffPost. With 31 Internet Shutdowns In Four Years, Kashmiris Unhappy With Latest Social Media Ban. *Huffpost*. 2017 April.

<https://www.huffingtonpost.in/2017/04/27/with-31-internet-shutdowns-in-four-years-kashmiris-unhappy-with-a-22057991/>

<sup>142</sup>JKCCS. *Annual Report*. 2018. <http://jkccs.net/wp-content/uploads/2018/12/Annual-Report-2018.pdf>

<sup>143</sup>Greater Kashmir. Kashmir's economy lost Rs 4000 cr in 6 years due to internet shutdown. 2018 April.

<https://www.greaterkashmir.com/news/business/kashmir-s-economy-lost-rs-4000-cr-in-6-years-due-to-internet-shutdown/283419.html>

him to the vehicle; Dar was driven through nearby villages for five hours. This case of human shield was condemned and criticized around the world. In a statement, Amnesty International described this act as “cruel, inhuman and degrading treatment amounting to torture”.<sup>144</sup> On May 22, 2017, well before the completion of an inquiry into the incident announced by the Government of India, the Army awarded Major Leetul Gogoi a commendation medal.<sup>145</sup>

Human shield cases have been reported since the early nineties when Kashmiri civilians were used by armed forces during their anti-militancy operations in the valley. There have been many cases, which went unreported, or did not get the attention due. As a result, the use of human shields continued and perpetrators remained unaccountable. These cases have sometimes come in disguised forms. Civilians were frequently forced to drive the Indian armed forces to the sites of “encounters”, putting them in the line of fire. In an incident on May 05, 2017, a driver Nazir Ahmad Sheikh, son of Abdul Ahad Sheikh of Kachdoora village, Shopian, was used as human shield by the armed forces during a militant attack on the same day. His family has alleged that the driver was forced by the army to transport its men from Kapran to Shopian area. In a similar incident in the year 2006, a Sumo taxi driver named Mukhtar Ahmad Sheikh from Shopian was killed in militant firing while ferrying army men in Pulwama district.<sup>146</sup>

The 2004 case of Chittibandi, Bandipora reflects the uncaring use of civilians as human shields in Kashmir. As reported in *The Informative Missive*, on February 07, 2004, five civilians were killed after they were dragged out of their homes and used as human shields in an encounter between the militants and armed forces. The encounter, which took place at Pethwari Behak in Kreshnaar, Bandipora on 7<sup>th</sup> of February resulted in the death of fourteen people including six militants and three soldiers of 10 Jammu and Kashmir Light Infantry (JAKLI). The slain civilians were identified as Mohammad Sakhi Charoo S/O Qasim Charoo, his son Farooq Ahmed Charoo, Mohammad Aslam Mir S/O Mohammad Yusuf Mir, Mohammad Yaqub Batian S/O Abdur Rehman and Ghulam Jeelani Qureshi S/O Faqeerullah. Maulvi Abdur Rasheed, Imam of the village mosque and one of the witnesses, says of the incident, “Forces picked about two dozen civilians from Chittibandi, Argam, Pazalpora and Garoora. At gunpoint, the soldiers forced them to proceed towards the caves from where militants were responding to the Army’s gunfire. When the people used as the human shield reached close to the caves, there was firing from different directions. Some managed to escape but others fell to the bullets. According to the Maulvi, five civilians died due to excessive loss of blood, one survived with two gunshots and 15 more went “missing”.<sup>147</sup>

The lone survivor, Mr. Abdul Majeed Malla S/O Ghulam Mohammad Malla resident of Arin Dardpora, narrates his ordeal as, “They (troops) collected our identity cards and asked us to tell the militants to surrender. When we were close to the caves, bullets rained from different directions and five of us died after sustaining critical injuries”. Mr Malla had received two gunshots in his left arm during the operation.<sup>148</sup>

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<sup>144</sup>BBC News. Why Indian army defended Kashmir 'human shield' officer. 2017 May.

<https://www.bbc.com/news/world-asia-india-40103673>

<sup>145</sup>The Wire. Army Major behind Kashmir human shield given award. 2017 May.

<https://www.google.com/amp/s/thewire.in/government/leetul-gogoi-award-army-human-shield/amp/>

<sup>146</sup>JKCCS. *Annual Report*. 2017. <http://jkccs.net/informative-missive/>

<sup>147</sup>JKCCS. *The Informative Missive*, 2004 February. <http://jkccs.net/informative-missive/>

<sup>148</sup>Ibid.

Such cases have been reported from various districts of Kashmir valley over the years. For example, on May 6, 2005, according to the locals from a village in Trehgam, Kupwara:

“The troops of Gorkha Rifles cordoned off Goffabal Shumnag village on the night of May 06, around 12 am and ordered the men to assemble at one spot. From the assembled lot, the troops picked up Ghulam Mohi-ud-din Sheikh, Muhammad Ismail Wani, and Abdul Rashid Sheikh, forcing them to accompany the troops for searches.” Mohammad Ismail Wani, one of the three men accompanying the armed forces said, “Troops made us enter the houses first and they would follow later. Searches of most of the houses yielded nothing. As we moved inside Ghulam Ahmed Wani’s house, Mohi-ud-Din who stepped first, being dark inside noticed some movement and turned back. No-sooner he came out, army fired volley of bullet on him killing him on spot.”<sup>149</sup>

As recently as December 15, 2018, when the Indian forces killed 7 civilians during an encounter in Sirnoo, Pulwama, it was reported that four civilians of Kharpora village were dragged by the Army to the orchard where a cordon was already in place and later three militants were killed. Firdous Ahmad Najar, 35, his brother, and two of their neighbours were used by the Army as human shields as they were made to remove the logs scattered in the orchard to find out the exact hideout where the militants were suspected to be hiding. “I removed the logs and saw two tactical boots. The army man beside me immediately fired bullets, without bothering for our lives”, Firdous recounted later. The four of them were kept hostage in the orchard and made to lie down on their abdomen until the encounter ended with the killing of the three militants.<sup>150</sup>

Human shield cases, being one of the forms of grave human rights violations, have resulted in killings and enforced disappearances. These acts have also resulted in psychological trauma for the victims and their families, and as is true of other violations used as a strategy by the armed forces, obtaining justice in these cases has become a far-fetched dream.

**List of human shield cases from the year 2000 as recorded in monthly publication of APDP and JKCCS, *The Informative Missive*:**

S. No.	Date	Name of the victim (Age)	Place / District	Agency of the perpetrator (s)
01	13.03.2000	Ashiq Rasool Bhat (25)	Chunt Waliwar, Lar, Ganderbal	19 Rashtriya Rifles
02	05.03.2003	<ul style="list-style-type: none"> <li>• Abdul Rashid (government teacher)</li> <li>• Aashiq Hussain</li> </ul>	Kawacheck, Kreeri, Pattan, Baramulla	Rashtriya Rifles
03	07.02.2000	<ul style="list-style-type: none"> <li>• Mohammad Sakhi</li> </ul>	Chitthibandi	10 JAKLI

<sup>149</sup> JKCCS. *The Informative Missive*, 2005 May. <http://jkccs.net/informative-missive/>

<sup>150</sup> Economic Times. Kashmiri Pandit family mourn Hizbul commanders killing in Kashmir. 2018 December. <https://economictimes.indiatimes.com/news/politics-and-nation/kashmiri-pandit-family-mourn-hizbul-commanders-killing-in-pulwama/articleshow/67116595.cms>

	4	Charoo S/O Qasim Charoo <ul style="list-style-type: none"> <li>• Farooq Ahmad Charoo</li> </ul> S/O Qasim Charoo <ul style="list-style-type: none"> <li>• Mohammad Aslam Mir</li> </ul> S/O Mohammad Yusuf Mir <ul style="list-style-type: none"> <li>• Mohammad Yaqub</li> </ul> Batian S/O Abdur Rehman <ul style="list-style-type: none"> <li>• Ghulam Jeelani Qureshi</li> </ul> S/O Faqeerullah	, Bandipora	
04	02.06.2004	Mohammad Shafi (25)	Madha, Surankote, Poonch	45 Rashtriya Rifles
05	26.07.2004	<ul style="list-style-type: none"> <li>• Suhail Ahmad Pandit</li> <li>• Azim Salam</li> <li>• Wajahat Subhan</li> <li>• Ashraf Ahmad</li> </ul>	Khaur Pattan, Baramulla	Army
06	13.12.2004	Ghulam Qadir Waza S/O Ali Muhammad (a chef)	Wusan, Pattan, Baramulla	Rashtriya Rifles
07	26.12.2004	Jalal Din S/O Abdullah Khan	Mangmil Doda	Army
08	24.01.2005	Shakeel Ahmad	ZamPathre Kellar, Pulwama (now Keller is part of Shopian)	Army
09	06.05.2005	Ghulam Mohi-ud-din Sheikh	Goffabal Shumnag, Trehgam, Kupwara	Gorkha Rifles
10	13.08.2005	<ul style="list-style-type: none"> <li>• Habib-ullah Tantray</li> <li>• Ghulam Tantray</li> <li>• Ghulam Mohammad Lone from Ashrawara village</li> <li>• Abdul Rashid Shah</li> <li>• Mohammad Ismail Dar</li> <li>• (Relatives of the then militants)</li> </ul>	Kelanwam, Bijbehara, Anantnag	Army
11	27.09.2005	Javed Iqbal (student) S/O of Suleman	Pathana Teer, Mendhar, Poonch	Lashkar-e-Toiba Militants
12	12.11.2005	<ul style="list-style-type: none"> <li>• Shabir Ahmad Shah, (21) S/O Mohammad Akbar Shah</li> <li>• Aijaz Ahmad Dar, (18) S/O Ghulam Mohammad Dar</li> </ul>	Palhalan, Pattan, Baramulla	29 Rashtriya Rifles

		(Both students)		
13	26.12.2005	Amir-ud-Din Bhat and two Unnamed girls	Bemina, Srinagar	Police and CRPF
14	30.06.2006	<ul style="list-style-type: none"> <li>• Manzoor Ahmad Dar, S/O Ali Muhammad Dar R/O Ward No.1, Plaana, Bandipora</li> <li>• Abid Shah, 21, S/O Saif-ud-Din Shah, R/O Papchan, Bandipora</li> </ul>	Nowpora, Bandipora	14 Rashtriya Rifles, 15-Rashtriya Rifles, 81-Brigadiers of Army, BSF and SOG
15	12.07.2006	<ul style="list-style-type: none"> <li>• Amir Adil</li> <li>• Peerzada Mudasar</li> <li>• Irfan Hussain</li> </ul>	Papchan, Bandipora	15 Rashtriya Rifles
16	03.12.2006	Shamima Bano	Assasi Premnagar, Bhaderwah, Doda	Rashtriya Rifles
17	13.01.2007	Muhammad Jabbar Lone	Sumlar, Bandipora	Army
18	03.07.2007	Bilal Ahmad Wani S/O Abdul Ahad Wani	Nagpathri PehlaChak area of Tral, Pulwama	Police and troops of 42 Rashtriya Rifles
19	28.02.2008	<ul style="list-style-type: none"> <li>• Aftab Ahmad</li> <li>• Parvez Ahmad</li> <li>• Shakeel Ahmad (sons of Abdul Ahad</li> <li>• Tufail Ahmad Bodha S/O Abdul Majid</li> <li>• Nisar Ahmad Khan S/O Ghulam Muhammad</li> <li>• Shiraz Ahmad Bhat S/O Ghulam Hassan</li> <li>• Gulzar Ahmad Gatoo S/O Abdul Rashid</li> </ul>	Saidapora, Shopian	44 Rashtriya Rifles and SOG
20	18.03.2008	<ul style="list-style-type: none"> <li>• Manzoor Ahmad</li> <li>• Ghulam Nabi</li> <li>• Aijaz Ahmad</li> <li>• Muhammad Abbas</li> </ul>	Jamia Masjid, Dogripora, Awantipora, Pulwama	SOG and Rashtriya Rifles
21	19.04.2009	Shams-ud-Din Khan (retired police constable)	Kandi Nutnusa, Kupwara	Army and SOG
22	23.01.2010	Mushtaq Ahmed Mir S/O Ghulam Ahmad Mir	Kalampora, Rajpora, Pulwama	44 Rashtriya Rifles and SOG
23	09.04.2017	Farooq Ahmad Dar S/O Abdul Rahim Dar	Chill Brass, Khan Sahab,	53 Rashtriya Rifles (Major Leetul Gogoi)

			Budgam	
24	05.05. 2017	Nazir Ahmad Sheikh S/O Abdul Ahad Sheikh	Kaczdoora, Shopian	Army

## **Forced Labour**

According to the International Labour Organization Forced Labour Convention, 1930 (No. 29), forced labour means any work or service which people are forced to do against their will, under threat of punishment. Article 2 of the Convention states, "...the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily."<sup>151</sup>

There have been many cases of forced labour from Kashmir both reported as well as unreported. The reported ones did not create any extraordinary impact as the victims of this forced labour never saw their perpetrators being brought to justice by the present law.

In a case filed by MLA Langate, Engineer Rashid in SHRC, it was alleged that during early nineties, people from 39 villages in the vicinity of 30 Rashtriya Rifles camp stationed at Qalamabad, Kupwara (which still exists there) were used as human shields during night patrolling, and forced to search for explosive materials while accompanying the road opening parties. These people were also subjected to forced labour without being paid any wages for the same.

In an enquiry report by Deputy Superintendent of Police (Dy.S.P.) SHRC, Srinagar, to Secretary SHRC, Srinagar, dated 11-7-2011, (Annexure 3), the allegations have been vindicated. The enquiry report reads:

“Enquiry conducted into the matter has substantiated the allegations levelled in the complaint and the number of such days in which people have been subjected to forced labour without compensation runs into thousands. It has been further established that besides humiliating these civilians and subjecting them to inhuman treatment, their lives were put to risk by forcing them to search for explosive material while accompanying the road opening parties. In support of the contents of the complaint, a number of witnesses have furnished their affidavits and some have signed statements. All these statements/affidavits corroborate the contents of the complaint.”

In this case, the response from the Inspector General of Police Criminal Investigation Department (CID), Jammu & Kashmir (Annexure 4) seems to be justifying the forced labour inflicted upon the people of Handwara. The IGP, in his reply, said that to curb the movement of militants, the people were needed to work for the construction of camps and bunkers. “During nights, patrolling was being conducted by Mawar Qalamabad Army camp as the village Mawar was highly infested with militants. The army posted in the said camp allegedly involved common people of the adjoining villages in their operations in the area. The army allegedly would use the services of local carpenters, masons and labourers to construct the bunkers, roads etc. For this work allegedly no wages were paid by the army to the local labourers.”

<sup>151</sup> C029 - Forced Labour Convention, 1930 (No. 29).

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)

The response further reads, "In the year 2002, with the decline in number of militants in the area, the administration mounted pressure on the Security Forces to abstain such practices. With the result the practice of forcing common people accompany troops in patrolling etc. came to an end since then and no such report has been received." This statement itself proves that the state and the local administration was aware of these human rights violations and let it continue till 2002.

In the same case, 36 people from the same area (Qalamabad, Kupwara) have filed affidavits containing statements of their having been subjected to forced labour. The victims were subjected to forced labour between January 1990 and February 2003. The table below gives the details of these 36 victims.

<b>S. No.</b>	<b>Name</b>	<b>Age</b>	<b>Parentage</b>	<b>Address</b>	<b>Number of days</b>
01	Ghulam Mohammad Tantray	33	Abdul Jabar Tantray	Shivhama, Handwara	320
02	Ghulam Qadir Bhat	45	Ghulam Mohammad Bhat	Shivhama, Handwara	330
03	Abdul Ahad Bhat	40	Abdul Jabar Bhat	Chantipora, Handwara	340
04	Khursheed Ahmad Peer	36	Ghulam Qadir Peer	Sanzipora, Handwara	306
05	Abdul Gani Lone	60	Abdul Khaliq Lone	Mangapora, Handwara	314
06	Abdul Rashid Dar	35	Abdul Rehman Dar	Manzpora Qalamabad, Handwara	330
07	Mohd Ashraf Dar	42	Ghulam Nabi Dar	Chantipora, Handwara	340
08	Mohd Ramzan Khan	50	Gul Khan	Chantipora, Handwara	340
09	Tahir Ahmad Mir	25	Mohd Khaliq Mir	Sheikhpora, Haril, Handwara	344
10	Mohd Sultan War	65	Abdul Jabar War	Lach, Handwara	344
11	Ghulam Mohidin Zargar	65	Mohd Akbar Zargar	Shivhama (Dakpora), Handwara	320
12	Abdul Aziz Shah	66	Bukhtar Shah	Shivhama (Dakpora), Handwara	320
13	Ghulam Mohd Mir	50	Ghulam Qadir Mir	Batpora, Handwara	330
14	Mohd Aasan Shah	60	Abdul Gafar Shah	Mirpora, Handwara	325
15	Mohd Maqbool Lone	65	Mohammad	Mawer Bala,	340

			Ramzan Lone	Handwara	
16	Abdul Gani Dar	68	Abdul Subhan Dar	Chantipora, Handwara	330
17	Abdul Ahad War	65	Abdul Kabir War	Kargama, Handwara	350
18	Abdul Khaliq Mir	50	Ghulam Mohidin Mir	Kargama, Handwara	350
19	Haji Mohd Sultan Khan	68	Abdul Aziz Khan	Mawer Bala, Handwara	320
20	Mohd Ramzan Tantray	50	Ghulam Ahmad Tantray	Mawer Payeen, Handwara	344
21	Ghulam Mohidin Ganie	55	Ghulam Ahmad Ganie	Sanzipora, Handwara	306
22	Noor-u-Din Qureshi	60	Mohammad Maqbool Qureshi	Sanzipora, Handwara	306
23	Abdul Gaffar Sheikh	60	Abdul Jabar Sheikh	Sanzipora, Handwara	306
24	Bashir Ahmad Sheikh	38	Ghulam Mohammad Sheikh	Yahama, Handwara	322
25	Mohd Akbar War	48	Habibullah War	Yahama, Handwara	322
26	Haji Sana-u-llah War	62	Abdul Jabar War	Lawoosa, Handwara	305
27	Nazir Ahmad Sheikh	45	Rustum Sheikh	Yahama, Handwara	322
28	Ghulam Nabi War	40	Mohammad Jamal	Lach, Handwara	350
29	Sanaullah Bhat	60	Mohammad Sabar Bhat	Qalamabad, Handwara	315
30	Bashir Ah Shah	47	Abdul Gani Shah	Qalamabad, Handwara	315
31	Abdul Gani Reshi	35	Habibullah Reshi	Qalamabad, Handwara	315
32	Fayaz Ahmad Rashie	28	Abdul Aziz Rashie	Shatgund Payeen, Handwara	330
33	Ghulam Nabi Sheikh	45	Mohammad Rustum Sheikh	Yahama, Handwara	335
34	Mohd Maqbool Tantray		Ghulam Ahmad Tantray	Mawer Payeen, Handwara	340
35	Engineer Abdul Rashid	42	Khazir Mohammad Sheikh	Mawer Payeen, Handwara	306
36	Ghulam Nabi Sheikh	52	Mohammad	Lawoosa,	305



			Mukhtar Sheikh	Handwara	
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The above mentioned 36 people from Handwara tehsil of district Kupwara were subjected to forced labour over a period of thirteen years, on rotation basis, between 1990 and 2003 by the 30 Rashtriya Rifles, Indian Army, stationed at Qalamabad Camp, Handwara. The duration of forced labour is different in all the cases but exceeds 300 days in each case. The forced labour included being made to search for IEDs, without having any training. It also included night patrolling, menial labour such as washing personal clothes, illegal sawing of timber, construction of bunkers etc. and all without any remuneration.

Two important inferences from this table are first, the age span, 25-68, which vividly speaks of the fact that this form of torture was inflicted on men irrespective of their age. And secondly each victim has served approximately 350 days without any remuneration. According to *Atrocity and Suffering*, a survey-based report published in 2012 by The Citizens' Council for Justice, between 1989 and 2011 at least 6888 individuals out of the total population of 161,086 (with 89, 693 males; as per the 2011 Census) in the 50 villages of Baramulla and Kupwara districts were subjected to forced labour. The report says, "The adult males from these 50 villages who have been subjected to forced labour were forced to work in camps, mostly to do the different jobs inside the camps. And many of them were asked to help army in detecting mines on the streets and sometimes even people were asked to help lead army for launching military operations inside the localities or in jungles."

In another case of forced labour filed in the Jammu & Kashmir SHRC, Mehndia Tedwa stated that his brother, Abdul Rashid Tedwa was taken by army personnel for forced labour after they barged into their house in Kalaroos, Kupwara. It was December 5, 1990 when army stationed at Moori Camp took around 10 people from Narikoot village in Kupwara and forced them to carry some loads, at a time when the area had almost 4 feet of snow. The army forced these people to carry their materials through a treacherous route which is normally a three-hour walk but takes double the time in snow. Next day the dead body of Abdul Rashid was found lying unattended. He had died due to the extreme cold coupled with exertion.<sup>152</sup>

There have been cases of forced labour reported as recently as 2018. Three youth from Ashmuji area in Kulgam District in February 2018 reported that the 9 Rashtriya Rifles an army unit stationed in their village, summoned them to their camp. While in there, they were beaten and forced to do work like carrying construction material, oil barrels, iron rods and boulders. The other people from the area also alleged that not only young boys but also middle-aged men are forced into working in the army camp.<sup>153</sup>

## Sexualized Torture

Any act of sexual violence that qualifies for torture is Sexual torture.<sup>154</sup> Sexual torture consists of any act of sexual violence, from forced nakedness, forced sodomy to rape. This

<sup>152</sup> JKCCS. *The Informative Missive*. 2016. <http://jkccs.net/informative-missive/>

<sup>153</sup> Greater Kashmir. Kulgam village allege youth forced into labour by army. 2018 February.

<https://www.greaterkashmir.com/news/kashmir/kulgam-village-allege-youth-forced-into-labour-by-army/277138.html>

<sup>154</sup> ICRC. *Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law*. 2015 September.

<https://www.icrc.org/en/international-review/article/sexual-violence-armed-conflicts-violation-international-humanitarian>

form of torture not only has physical and sexual health consequences but has a great mental impact on the victims. In Jammu and Kashmir, stripping a victim naked appears to be a part of standard procedure for perpetrators. The circumstances in which the sexual torture happens and the consequences it leaves behind break not only the victim's body but his will too. Moreover, the mental impact of sexual torture is such that it can even lead to psychogenic erectile dysfunction.<sup>155</sup> Sexual torture as a weapon of war has been applied to both men and women in Kashmir.

As mentioned in the Istanbul protocol<sup>156</sup>, sexual tortures begin as soon as a victim is forced to strip his or her clothes. Describing the vulnerability that is associated with nakedness, it encourages mental trauma and potential abuse linked to it, in terms of rape or sodomy and even the verbal abuse that accompanies it. The groping of women is traumatic sexual abuse.

According to various studies conducted in different conflict or war zones the world over, sexual torture was not perpetrated because of the sexual desires of the prison officers or the victims but was simply the abuse of power.<sup>157</sup> Likewise, in Kashmir, sexual torture is carried out to fulfil the sadistic desires of the perpetrators, that lets them overpower the victims and break their will not only for survival but also to dissent. The idea is to also reinforce gendered power dynamics with the perpetrator assuming 'superior masculinity'.

Even though the number of men and women who have been sexually tortured in Kashmir is substantial, no real figures are available to analyse the trend due to the social stigma associated with the issue and the general impunity that perpetrators enjoy. Very few victims admit to being sexually tortured or seek help from professionals. Also due to the lack of political will, no perpetrators involved have been punished so far. Therefore, the silence that envelops sexual violence at different personal, social and administrative levels in Kashmir is only building further impunity for perpetrators. This is also one of the main reasons that sexual torture has become an epidemic in Kashmir.

Including other forms of torture, at least 238 out of 432 victims (almost 55.1%) were subjected to some form of sexual torture. 190 people were stripped naked. 127 people were electrocuted in their genitals. Foreign objects like rods, petrol, chilli powder and needles were inserted into rectums of 23 of the victims. Muzaffer Ahmed Mirza (Case 322) from Tral and Manzoor Ahmad Naikoo (Case 225) were subjected to insertion of a rod through their rectum. It caused multiple ruptures to their internal organs. While Mirza died after a few days in hospital of lung rupture, Naikoo had to undergo 5 surgeries to finally heal the wounds he received due to this torture. Apart from insertion, a cloth was wrapped around Naikoo's penis and set on fire.

Mohammad Ahsan Untoo (Case 240), who is a prominent human rights activist from Kashmir, said in his testimony that he was sodomized when he was detained in Tihar Jail in Delhi. On October 27, 2009, 11 boys between the age of 13 and 19 were arrested in Srinagar on the charges of stone pelting. During their detention, the boys were forced to

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<sup>155</sup> Kashmir INK. A country of broken men. 2016 April.

<http://www.kashmirink.in/news/specialreport/a-country-of-broken-men/128.html>

<sup>156</sup> Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment <https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

<sup>157</sup> Oosterhoff P, Zwanikken P, Ketting E. Sexual Torture of Men in Croatia and Other Conflict Situations: An Open Secret. *Reproductive Health Matters*. 2004.12 (23):68–77.

<https://www.tandfonline.com/doi/pdf/10.1016/S0968-8080%2804%2923115-9?needAccess=true>

sodomize each other. Not only did the perpetrators watch the whole incident, they even recorded it on their mobile phone, hurled abuses on the victims and spat on them.<sup>158</sup>

In the 432 cases studied for this report, 24 are women. Out of these 12 had been raped by Indian armed personnel. A bride (Case 300), from Anantnag, was travelling to her husband's house on May 18, 1990, alongwith her aunt and some other relatives. They were stopped by BSF personnel and indiscriminately fired upon, killing one person. The bride and her aunt were dragged into the nearby field and gang raped. They later pumped five bullets into her body, injuring her critically. A case was registered in Police Station Dooru against the BSF personnel under FIR. No 53/1990 (under section 302/IPC) and a *challan* was filed in the District Court, Anantnag. The case was later closed for unknown reason.

In 2004, a 19-year-old man from Pattan, Baramulla was sodomised by an army officer at the camp where he was hired to work on a construction site. Few weeks later, he was informed by the same army officer about his HIV infection after which the victim went for a check-up in which he also tested positive. Six months later his wife gave birth to a boy; both mother and the baby had HIV infection. The baby died within one year. The army officer threatened him with killing if he disclosed anything.<sup>159</sup>

On May 29, 2009, two women (17 and 22) from Shopian district in southern Kashmir, were raped, reportedly by more than one perpetrator, and murdered. In an attempt to cover up the rapes and murders, the whole administrative mechanism was deployed, right from a botched autopsy to the enquiry commission.<sup>160</sup>

Table 1: Number of victims subjected to sexualized torture

Sexualized torture	Number	Percentage
Rape	12	2.8
Stripped naked	190	44
Electrocuted in genitals	127	29.4
Sodomized	1	0.2
Foreign object inserted into rectum	23	5.1

## Perpetrators of Torture

Enjoying absolute impunity, the Indian armed forces in Jammu and Kashmir have unabashedly perpetrated all forms of human rights violations, including indiscriminate torture on the general population. After the armed struggle for self-determination began in 1989, India responded with a heavily militaristic approach subjecting people to violent manifestations of such control.

Whether it is the Army, Central Armed Police Forces, Jammu and Kashmir Police or the State-sponsored gunmen – *Ikhwanis* in Kashmir and Village Defence Committees (VDCs) in the Jammu area, all of them have been involved in perpetrating torture on the population

<sup>158</sup> JKCCS. *The Informative Missive*. 2009. <http://jkccs.net/informative-missive/>

<sup>159</sup> The Caravan. "He was cruel, like a mad dog": Survivors speak about forced sodomy by members of the security forces in Kashmir. July, 2018.

<https://caravanmagazine.in/crime/survivors-speak-forced-sodomy-members-security-forces-kashmir>

<sup>160</sup> See the details: JKCCS. *Militarization with Impunity: A Brief on Rape and Murder in Shopian, Kashmir*. 2009. <https://jkccs.files.wordpress.com/2017/05/shopian-rape-and-murder-report.pdf>

in Jammu and Kashmir and have enjoyed impunity under the Jammu and Kashmir Armed Forces (Special Powers) Act (AFSPA) and otherwise. The encouragement to these armed forces personnel comes not only from this impunity but also the incentives, awards and monetary rewards they receive from the government. This section details some examples to highlight this.

In the 'human shield' case of April 9, 2017, that has already been described in the chapter, an Army officer, Major Leetul Gogoi was awarded with the Chief of Army Staff's Commendation Card "for sustained efforts in counter-insurgency operations" on May 22, 2017. This highlights how acts of brazen violation of human rights are encouraged by the State, thus allowing the forces afreer hand, knowing that it brings rewards.<sup>161</sup>

Ghulam Mohammad Mir (alias Muma Kana) a dreaded *Ikhwani* from Magam, Budgam, and notorious for torture, kidnappings, extortion, etc. was awarded the Padma Shri, the fourth highest civilian award in India, by the Indian State in 2010.<sup>162</sup>

In the cases that have been studied in this report, it was found that armed forces would arrest people and keep them in illegal detentions for long periods of time, sometimes for many weeks before being handed over to the local police authorities. This amounts to flouting even the draconian AFSPA, Section 6 of which says that, "Any person arrested and taken into custody under this Act and every property [...] shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, ...".

Abdul Ahad Bhat (Case 7) spent two months in Sopore army camp before he was finally shifted to Baramulla Sub-jail. Abdul Hameed Tantray (Case 22) was detained in Badami Bagh Cantonment, Srinagar for 15 days during which he was continuously tortured. Reyaz Ahmad Dar (Case 357) was taken to Kreeri Army camp, Baramulla, after being arrested and kept there for 22 days while being continuously tortured. He was then shifted to Badami Bagh Cantonment, Srinagar where he was detained for another one month and tortured. From there he was finally shifted to Kot Balwal Jail, Jammu. It is during these illegal detentions that most people are tortured and this practice is clearly a violation of even the AFSPA, which only suggests that perpetration of crimes like torture and other human rights abuses are not aberrations due to legal impunity and bad laws, but because of the lawlessness which has been allowed to flourish due to political and moral impunity extended for the actions of the armed forces in Jammu and Kashmir.

In the 432 cases, various units of Indian armed forces and Jammu and Kashmir Police were found to be involved in perpetrating torture. This is not to say that only the armed forces and police units mentioned in this report have been involved in perpetrating torture; a comprehensive investigation has the potential to reveal all the armed forces' formations and police personnel involved in torturing people in Jammu and Kashmir. However, our analysis is based on a very small data size compared to the actual magnitude of the torture perpetrated. But it is still enough to prove how torture is not perpetrated by some armed forces personnel gone rogue and in their individual capacities, but that it is a systemic instrument used by Indian State to scuttle the voices and support for the struggle for right to self-determination of the people of Jammu and Kashmir.

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<sup>161</sup> JKCCS. The Informative Missive. May 2017. <http://jkccs.net/informative-missive/>

<sup>162</sup>The Indian Express. Former militant is a Padma Shri, 2010. 2010 February 2. <http://archive.indianexpress.com/news/former-militant-is---a-padma-shri-2010/574391/>

The research for this report has brought out that different regiments of Indian army, Central Armed Police Forces like Border Security Force (BSF) and Central Reserve Police Force (CRPF), Jammu and Kashmir Police, Special Operations Group, *Ikhwanis* and VDCs have been involved in perpetrating torture. Militants were also found to be involved in perpetrating torture in a small number of cases. The following table gives the details.

Table 2: Different agencies involved in perpetrating torture

Agency of the perpetrators	Number	Percentage
Army	288	46.7
Central Armed Police Forces	101	16.4
Special Operations Group	89	14.4
Jammu and Kashmir Police	49	7.9
<i>Ikhwan/VDC</i>	44	7.1
Intelligence Agencies	8	1.3
Delhi Police Special Cell	4	0.6
Militants/Unknown Gunmen	4	0.6
Do not know/remember	30	4.9
Total	<b>617</b>	

Out of the total 617 times that the different armed forces and police units have been named by survivors for perpetrating torture in the 432 case studies examined for this report, various battalions of army have been accused 288 times (46.7%) by the survivors.

The Central Armed Police Forces, which consist of BSF, CRPF, ITBP etc, have been accused for perpetrating torture 101 times (16.4%) in the 432 cases studies. The BSF is accused 82 times, while as the CRPF has been accused 18 times and the ITBP has been mentioned once in the 432 cases in this report.

While the Special Operations Group (SOG) is now formally a part of the Jammu and Kashmir Police, until 2002 it was a separate group known as Special Task Force (STF), and for this report, it has been calculated separately from Jammu and Kashmir Police. The SOG has been named 89 times (14.4%) for torturing people in the 432 case studies, while as Jammu and Kashmir Police has been mentioned 49 times (7.9%). The *Ikhwan/VDCs* have been mentioned 44 times (7.1%) for torturing people. In the *Ikhwan/VDCs* section, the maximum number of torture cases involve *Ikhwanis* (43) and there is only one case where VDC is involved.

The Indian army is composed of many regiments and all of them have played their role in counter-insurgency in Jammu and Kashmir, and by extension, in perpetrating torture. The Rashtriya Rifles regiment which was raised in 1990 as a special force to counter the insurgency in Jammu and Kashmir was found involved in the maximum number of cases. From the 288 times where army regiments have been mentioned, the Rashtriya Rifles stands accused the most number of times – 121 times out of the 432 case studies.

The different regiments of army that were found involved in the 432 cases are enlisted in the following table.

Table 3: Different regiments of Indian army involved in perpetrating torture

<b>Army (Regiment)</b>	<b>Number</b>	<b>Percentage</b>
Rashtriya Rifles	121	42
Punjab Regiment	25	8.9
The Grenadiers	16	5.5
Gorkha Rifles	14	4.9
Rajput Regiment	12	4.2
Mahar Regiment	11	3.8
Guards Regiment	10	3.5
Garhwal Rifles	7	2.4
Dogra Regiment	6	2.1
Bihar Regiment	5	1.7
Jammu and Kashmir Light Infantry	4	1.4
Rajputana Rifles	4	1.4
Sikh Regiment	4	1.4
Field Artillery Regiment	2	0.7
Naga Regiment	2	0.7
Kumaon Regiment	1	0.3
Madras Regiment	1	0.3
Unknown Regiments	43	14.9
<b>Total</b>	<b>288</b>	

Different battalions of these Indian Army Regiments were found involved in perpetrating torture e.g., 10 RR in Doda, 44 RR in Shopian, 15 and 26 Punjab in Sopore, etc. This research makes it clear that it is not just any particular battalion or regiment of the State forces involved in perpetrating torture. In the maximum number of cases, more than one agency was involved in torturing the survivors, reinforcing the belief that violence is intrinsic to the state structure and that torture is a systemic and systematic part of state practice.

### **Sites of Torture**

Kashmir is the most densely militarized region in the world. There is a presence of Indian armed forces' camps at an interval of every few kilometers. According to estimates, there are more than 650,000 Indian armed personnel present in the state of Jammu and Kashmir.<sup>163</sup> The frequency of armed forces' presence is even more in areas closer to LoC where mass surveillance is common practice. Army establishments, camps and cantonments have been used for illegal detentions and torture. Illegal and arbitrary detentions have been and still are frequent in Jammu and Kashmir.

Apart from the assigned land or buildings for the establishment of army camps, some government buildings, hotels and cinemas were also converted into garrisons in the early 1990s and continue to be so. While Joint Interrogation Centres (JICs) were primarily constructed to execute torture in and around the Kashmir valley, the gruesome practice

<sup>163</sup>JKCCS. *Structures of Violence*. 2015.

wasn't limited only to these centres. Police stations, military camps, SOG camps and even abandoned buildings were largely used for this purpose. Besides, some camps were specially designated for torture and the most notorious of these, like PAPA-2 and Hari Niwas, where many youth are believed to have been tortured to death in the 1990s. Hari Niwas was a palace built by the Dogra ruler, Hari Singh in 1925-26.

Torture has been perpetrated on Kashmiris during CASOs and raids as well. During CASOs nearby government buildings like schools and panchayat houses would often be used as makeshift torture centres. In the cases that have been documented in this report, it was found that government schools, colleges, houses owned by locals, grounds and orchards have been used as temporary sites for torture. Many government buildings have been converted into army camps permanently. Many houses of the Kashmiri Pandits who migrated from Kashmir in early 1990s were also occupied by the Indian armed forces and converted into camps. Some of these camps became known as the most notorious torture centres like Gunjoo House in Sopore, Baramulla as well as the SOG camp in Kaloosa, Bandipora.

When cinemas were closed in Kashmir in early 1990s, some of them were occupied by the Indian armed forces. When tourism, one of the sources of economy in Jammu and Kashmir, was adversely affected in the 1990s, many hotels in Srinagar were converted into camps. These places have also been used as torture centres.

While in different countries, the sites of torture are usually turned into museums and made a part of public memory like Auschwitz in Germany, Tuol Sleng Genocide Museum in Cambodia or the Red House museum in Iraq, in a place like Kashmir, the effort is to erase it from the public memory. With this policy to camouflage the places of atrocious torture and destroy vital evidence of custodial torture and killings, the state hampers the administration of justice. Formerly an extravagant palace, Hari Niwas, a property situated on 200 kanals of land (25 acres), has now been converted into a state guesthouse.<sup>164</sup> The infamous PAPA 2 interrogation centre was converted into the residence of ex-Chief Minister Mufti Mohammad Syed and later his daughter and ex-Chief Minister Mehbooba Mufti.<sup>165</sup> The Association of the Parents of Disappeared Persons (APDP) accused the then government of “destroying material evidence of custodial torture” by facilitating renovation of Hari Niwas Palace.<sup>166</sup>

Jails, which are supposed to be for custody and are governed by a jail protocol have also been used for torture. Many Kashmiri detainees, lodged in different jails in the state of Jammu and Kashmir or in jails across India, have been subjected to torture and inhuman treatment there. A glaring example of prisoners being tortured in jail is that of Shahid Yousuf S/O Mohammad Yousuf (also known as Syed Salahuddin, currently the Muzaffarabad based Chief of the United Jihad Council). He was arrested in October 2017 on charges of funding “terror” by the National Investigating Agency (NIA). During his detention in Tihar Jail in New Delhi, he and other Kashmiri detainees (Annexure 5), were

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<sup>164</sup>Greater Kashmir. Hari Niwas: From torture chamber to luxury state guesthouse. 2007 December.

<https://www.greaterkashmir.com/news/news/hari-niwas-from-torture-chamber-to-luxury-state-guesthouse/26255.html>

<sup>165</sup>India Today. Srinagar's dreaded interrogation centres get makeover. 2012 February.

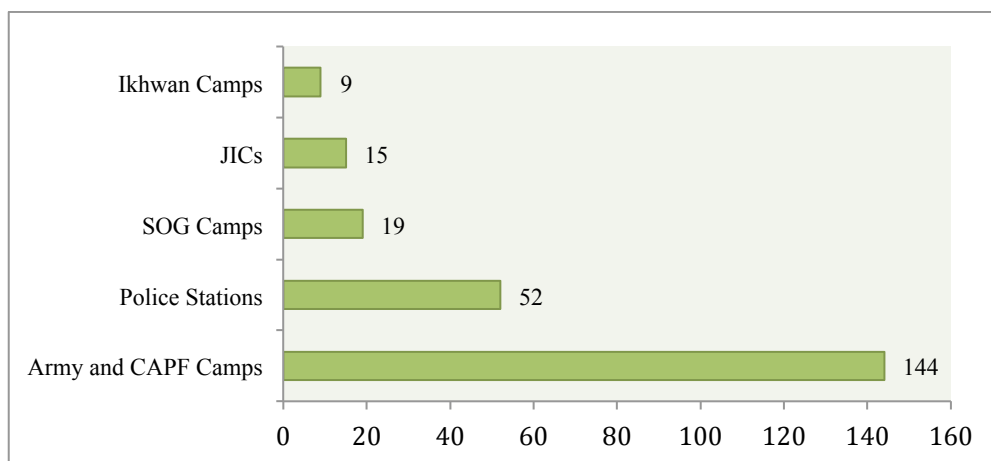
<https://www.indiatoday.in/india/north/story/srinagar-dreaded-interrogation-centres-get-makeover-93597-2012-02-20>

<sup>166</sup>Greater Kashmir. Torture tales continue to haunt Kashmir's notorious Hari Niwas Palace. 2015 August.

<https://www.greaterkashmir.com/news/kashmir/torture-tales-continue-to-haunt-kashmir-s-notorious-hari-niwas-palace/195493.html>

beaten, which resulted in several serious injuries to them. The committee, constituted by the Delhi High Court in response to the petition, in its submitted report said, “The incident is a gross violation of the fundamental human and other legal rights of prisoners who have been subjected to severe physical torture without any justifiable reason.” (Annexure 5) Apart from this, many prisoners are strip searched when moving into the jail and are routinely given sub-standard food to eat.

From the 432 testimonies that were collected for this report, at least 15 JICs, 52 Police Stations/Posts, 144 Indian armed forces camps (Army and Para-military), 19 SOG camps and 9 *Ikhwan* camps were identified where torture has been perpetrated on detainees.



*Figure 2: Number of armed forces establishments used as torture centres in the 432 cases.*

The names of all these sites of torture are enlisted:

#### **JICs (Number of cases)**

1. JIC Baramulla (45)
2. JIC Khanabal, Anantnag (16)
3. JIC Kathua Jammu
4. JIC Jammu (7)
5. JIC - 2 Baramulla
6. JIC Udhampur Jammu
7. JIC Srinagar (6)
8. JIC Sonwar Srinagar (6)
9. JIC Pulwama
10. JIC Doda (13)
11. JIC Old Airport Road Srinagar (2)
12. JIC Talab Tilu Jammu (5)
13. JIC Budgam
14. JIC Satwari Jammu
15. JIC Kupwara

#### **Police Stations (Number of cases)**

1. Bandipora Police Station
2. Banihal Police Station, Ramban
3. Baramulla Police Station
4. Batamaloo Police Station, Srinagar (2)



5. Bathindi Police Station
6. Bomai Police Station Baramulla
7. Boniyar Police Station, Baramulla
8. Budgam Police Station
9. Chollan Police Post, Uri Baramulla
10. Darhal Police Station, Rajouri
11. Dhaula Kuan Police Station, Delhi
12. Doda Police Station (4)
13. Ganderbal Police Station
14. Gandoh Police Station, Doda
15. Gantmulla Police station, Baramulla
16. Handwara Police Station (3)
17. Hira Nagar Police Station, Kathua
18. Karan Nagar Police Station, Srinagar
19. Khanabal Police station Anantnag
20. Kothi Bagh Police Station Srinagar (4)
21. Kralgund Police Station, Handwara
22. Kulgam Police Station, Kulgam
23. Lal Bazar Police Station, Srinagar
24. Magam Police Station, Budgam (2)
25. Mattan Police Station, Anantnag
26. Nowgam Police Station, Srinagar
27. Nowhatta Police Station, Srinagar
28. Pampore Police Station, Awantipora
29. Pantha Chowk Police Station, Srinagar
30. Panzipora Rafiabab Police Station, Baramulla
31. Parimpore Police Station, Srinagar
32. Poonch Police Station
33. Pulwama Police Station
34. Ram Munshi Bagh Police Station, Srinagar
35. Sadder Police Station, Srinagar
36. Safa Kadal Police Station, Srinagar (2)
37. Shaheed Gunj Police Station, Srinagar (4)
38. Sheeri Police Station, Baramulla (2)
39. Sherbagh Police Post, Anantnag
40. Shergari Police Station, Srinagar
41. Shopian Police Station (3)
42. Sirhama Police Station Anantnag
43. Sopore Police Station (11)
44. Soura Police Station, Srinagar (3)
45. Srigufwara Police Station, Anantnag
46. Trikuta Nagar Police Station, Jammu
47. Udampur Police Station
48. Uri Police Station, Baramulla
49. Wanyar Police Post, Srinagar
50. Women's Police Station, Srinagar
51. Zachaldara Police Station, Kupwara
52. Delhi Police Special Cell, Lodhi Colony, New Delhi

**Army and Para-military camps (Number of cases)**

1. Army Camp Adoosa, Baramulla
2. Army Camp Al Kanda Koti, Doda (2)
3. Army Camp Aloosa, Bandipora
4. Army Camp Amargarh Sopore, Baramulla
5. Army Camp Arnora, Doda (7)
6. Army Camp Bambla, Rajouri
7. Army Camp Banderkoot, Kishtwar
8. Army Camp Beerwah, Budgam
9. Army Camp Behota, Doda
10. Army Camp Bomai Sopore, Baramulla (7)
11. Army Camp Bonda, Doda
12. Army Camp Boys Degree College Hostel Sopore, Baramulla (3)
13. Army Camp Chadoora, Budgam
14. Army Camp Chanam Rafiabad, Baramulla
15. Army Camp Chandpora Harvan, Srinagar
16. Army Camp Chatoosa, Baramulla
17. Army Camp Chinad Baramulla (Biscuit Factory)
18. Army Camp Chollan Uri, Baramulla
19. Army Camp Chooria Baramulla (2)
20. Army Camp Chowgam, Kulgam
21. Army Camp Cobra Post, Poonch
22. Army Camp Dangerpora Sopore, Baramulla (6)
23. Army Camp Dashnan, Doda
24. Army Camp Doabgah Sopore, Baramulla (2)
25. Army Camp Doda Stadium
26. Army Camp Dolegam, Ramban
27. Army Camp Dudi Machil, Kupwara
28. Army Camp Frisal Yaripora, Kulgam (5)
29. Army Camp Gagerpora Narbal, Budgam
30. Army Camp Goha, Doda
31. Army Camp Government Middle School Zamboorpattan Uri, Baramulla
32. Army Camp Hadipora Rafiabad, Baramulla
33. Army Camp Hajin, Bandipora (2)
34. Army Camp Hajinyar Karnah, Kupwara
35. Army Camp Halor, Kishtwar
36. Army Camp Hamray, Baramulla (4)
37. Army Camp High Ground, Anantnag
38. Army Camp HMT, Srinagar (4)
39. Army Camp Hyderbeigh Pattan, Baramulla (4)
40. Army Camp Kalantara, Baramulla (4)
41. Army Camp Kalsa Zamboorpattan Uri, Baramulla
42. Army Camp Kangan, Ganderbal
43. Army Camp Keegam, Kupwara (4)
44. Army Camp Khag, Budgam
45. Army Camp Khanabal, Anantnag (8)
46. Army Camp Khellani, Doda
47. Army Camp Khrew, Pulwama
48. Army Camp Khundru, Anantnag (2)
49. Army Camp Kishtwar
50. Army Camp Kralhar, Baramulla

51. Army Camp Krankshivan Sopore, Baramulla (2)
52. Army Camp Kreeri, Baramulla (4)
53. Army Camp Labber Sarak, Doda
54. Army Camp Ladhoo, Pulwama
55. Army Camp Langate, Kupwara (7)
56. Army Camp Lettar, Pulwama
57. Army Camp Main Town, Baramulla (8)
58. Army Camp Manasbal, Ganderbal
59. Army Camp Mukam, Anantnag
60. Army Camp Nagrota, Jammu (2)
61. Army Camp Naidkhai, Baramulla
62. Army Camp Nasarpora Khag, Budgam
63. Army Camp Nishat Bagh, Bandipora
64. Army Camp Nool Padar Kuleed, Kishtwar
65. Army Camp Nowgam, Handwara (5)
66. Army Camp Odura, Baramulla (3)
67. Army Camp Old-town Stadium, Baramulla
68. Army Camp Palhallan, Baramulla (6)
69. Army Camp Panchalthan, Anantnag (4)
70. Army Camp Panzilpora, Baramulla
71. Army Camp PDD, Baramulla
72. Army Camp Potha, Poonch (2)
73. Army Camp Qalamabad, Handwara
74. Army Camp Reban, Baramulla (7)
75. Army Camp Safa Kadal, Srinagar
76. Army Camp Safapora, Ganderbal (2)
77. Army Camp Salkote Rafiabad, Baramulla
78. Army Camp Seelo, Baramulla (3)
79. Army Camp Sempora, Pulwama
80. Army Camp Shariefabad, Srinagar (3)
81. Army Camp Sheeri Zandfaran, Baramulla
82. Army Camp SICOP, Srinagar
83. Army Camp Sirhama, Anantnag
84. Army Camp Sonawari, Bandipora
85. Army Camp Tangmarg, Baramulla
86. Army Camp Tappar, Baramulla (4)
87. Army Camp Thatri, Doda (5)
88. Army Camp Tragpora Rafiabad, Baramulla (5)
89. Army camp Trehmokh, Lolab Sogam, Kupwara
90. Army Camp Tulmulla, Ganderbal
91. Army Camp Udyanpur, Doda (4)
92. Army Camp Uri, Baramulla (2)
93. Army Camp Veterinary, Shopian
94. Army Camp Wadura, Baramulla
95. Army Camp Waghama, Anantnag (2)
96. Army Camp Wagoora, Baramulla
97. Army Camp Warpora, Baramulla
98. Army Camp Watergam, Baramulla (13)
99. Army Camp Watlab, Baramulla (7)
100. Army Camp Wusan, Baramulla (4)

101. Army Camp Yakanpora Pattan, Baramulla
102. Army Camp Zangil, Kupwara (5)
103. Army Camp, Old Airport Rangreth, Srinagar (14)
104. Army Cantonment, Badami Bagh Srinagar (35)
105. BSF Camp Bagh-e-Ali Mardan Khan, Srinagar
106. BSF Camp Baramulla
107. BSF Camp Bonur, Pulwama (2)
108. BSF Camp Chanapora Srinagar (4)
109. BSF Camp Charwan Kangan, Ganderbal
110. BSF Camp Dugadda, Manjmi Doda (2)
111. BSF Camp Fruit Mandi Sopore, Baramulla (3)
112. BSF Camp Ganpatyar, Srinagar
113. BSF Camp Hawal, Srinagar
114. BSF Camp Industrial Estate Sopore, Baramulla (4)
115. BSF Camp Iqbalabad, Anantnag (2)
116. BSF Camp ITI Sopore, Baramulla (2)
117. BSF Camp Karan Nagar, Srinagar (13)
118. BSF Camp Khag, Budgam
119. BSF Camp Kheer Bhawani, Ganderbal (4)
120. BSF Camp Lal Bazar, Srinagar
121. BSF Camp Lethpora, Pulwama
122. BSF Camp Magam Handwara, Kupwara
123. BSF Camp Magam, Budgam (2)
124. BSF Camp Nagam Chadoora, Budgam
125. BSF Camp Nowshera Mill, Srinagar (3)
126. BSF Camp Saraf Kadal, Srinagar
127. BSF Camp SKIMS Soura, Srinagar (3)
128. BSF Camp Tulail, Bandipora
129. BSF Camp Wanbal Nowgam, Srinagar
130. BSF Camp Water Tank Sopore, Baramulla
131. BSF Headquarters Singpora, Baramulla
132. CRPF Camp Higher Secondary School, Doda
133. CRPF Camp Jawahar Nagar, Srinagar
134. CRPF Camp Jovbura Awantipora
135. CRPF Camp Neelam Chowk, Srinagar
136. CRPF Camp SICOP, Anantnag (2)
137. CRPF Camp Srigufwara, Anantnag
138. CRPF Camp, Hotel Kahkashan, Srinagar
139. Gogoland Humhama (PAPA 1), Srinagar (8)
140. Gunjoo House Sopore, Baramulla (13)
141. Habba Kadal Camp Srinagar
142. Holiday Home Camp, Srinagar
143. Nowhatta Camp Srinagar
144. PAPA 2 Srinagar (19)

**SOG and Ikhwan Camps (Number of cases)**

1. CIK Humhama, Srinagar
2. Ikhwan Camp Frastbal, Pampore, Pulwama
3. Ikhwan Camp Humhama, Srinagar
4. Ikhwan Camp Kanalwan, Anantnag (2)

5. Ikhwan Camp Kaw Mohalla, Baramulla
6. Ikhwan Camp Malangam, Bandipora
7. Ikhwan Camp Mattan Chowk Anantnag (2)
8. Ikhwan Camp Pahalgam, Anantnag
9. Ikhwan Camp Sagam, Anantnag
10. Ikhwan Headquarter Janglat Mandi, Anantnag (2)
11. SOG Camp Air Cargo, Srinagar (22)
12. SOG Camp Baba Taing Pattan, Baramulla (2)
13. SOG Camp Cargo Anantnag
14. SOG Camp Cargo Awantipora
15. SOG Camp Chandpora Harwan, Srinagar
16. SOG Camp Dak Bunglow, Baramulla
17. SOG Camp Handwara, Kupwara (2)
18. SOG Camp Humhama, Srinagar (6)
19. SOG Camp Kawdara, Srinagar (2)
20. SOG Camp Kaloosa, Bandipora
21. SOG Camp Letpora, Pulwama
22. SOG Camp Magam, Budgam (2)
23. SOG Camp Nowgam, Srinagar
24. SOG Camp Phagsoo, Doda
25. SOG Camp Shivpora, Srinagar (3)
26. SOG Camp Townhall Sopore, Baramulla (3)
27. SOG Camp, Gagren, Shopian (2)
28. SOG Camp, Ganderbal
29. SOG Camp, Sumbal

## Chapter 2: Targets of Torture

Since the onset in the late 1980s of the armed struggle in Kashmir, torture has been perpetrated unabated. It has been used indiscriminately and systematically upon civilians, militants, political workers, men, women, minors and elderly. Physical, psychological and sexualized torture in Kashmir has been documented in many reports by different international human rights organisations and scientific papers published since 1990. Apart from targeting people physically, their properties have been destroyed, land or buildings illegally occupied<sup>167</sup> and family members tortured and harassed. Children (below the age of 18 years) have been forced to witness assault, torture or killings of their family members, which has left chronic impacts on their mental health. According to a study by Dr. Akash Y. Khan and Dr. Mushtaq A. Margoob from the Department of Psychiatry, GMC Srinagar, 49% of the children suffering from PTSD in Kashmir have been witness to a killing of a close relative while 15% of these children have witnessed the arrest or torture of a family member.<sup>168</sup>

Torture has been used for reprisals, as a punitive measure and as a controlling tactic widely and extensively across Kashmir. It is used as a systematic mechanism to create a fear-psychosis in the Kashmiri people and weaken the people's resolve to resist the occupation. Women<sup>169</sup> and children<sup>170</sup> have been targeted particularly to humiliate and bring people into submission. Torture is used as a show of absolute power and to make examples out of people who are tortured, so that the entire society may "fall in line".

Torture has been practised throughout Jammu and Kashmir. For this study, we collected cases from districts in northern, central and southern Kashmir as well as districts of the Chenab Valley and Pir Panjal region in Jammu division. We collected the details of 190 torture cases from northern Kashmir, 87 from central Kashmir, 69 from southern Kashmir, 69 from the Chenab Valley and 10 from Pir Panjal region.

<b>Northern Districts</b>	<b>Number</b>
Bandipora	26
Baramulla	144
Kupwara	20
<b>Total</b>	<b>190</b>
<b>Central Districts</b>	<b>Number</b>
Budgam	13
Ganderbal	10
Srinagar	64
<b>Total</b>	<b>87</b>
<b>Southern Districts</b>	<b>Number</b>
Anantnag	47
Pulwama	8

<sup>167</sup>JKCCS.*Occupational Hazard*.2015.

<sup>168</sup>Data from Khan AY, Margoob MA. Paediatric PTSD: clinical presentation, traumatic events and socio-demographic variables – experience from a chronic conflict situation. *JK-Practitioner*. 2006. 13 (Suppl1).

<http://medind.nic.in/jab/t06/s1/jabt06s1p40.pdf>

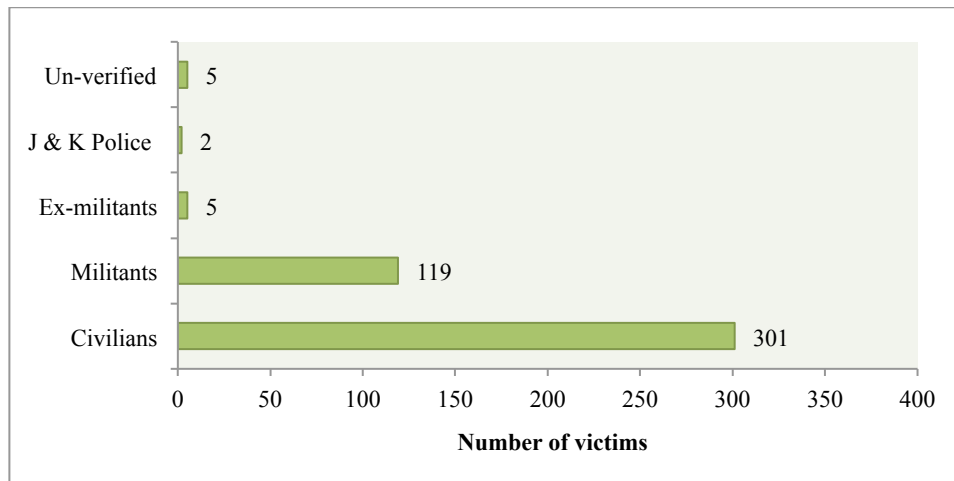
<sup>169</sup>Ranjan A.A Gender Critique of AFSPA: Security for Whom?: *Social Change*. 2015. 45(3), 440–457.

<sup>170</sup>Rashid J. An analysis of self-accounts of children-in-conflict-with-law in Kashmir concerning the impact of torture and detention on their lives. *International Social Work*, 2012. 55(5), 629–644.

Shopian	8
Kulgam	6
<b>Total</b>	<b>69</b>
<b>Chenab Valley Districts</b>	<b>Number</b>
Doda	54
Kishtwar	12
Udhampur	2
Ramban	1
<b>Total</b>	<b>69</b>
<b>Pir Panjal Region Districts</b>	<b>Number</b>
Poonch	8
Rajouri	2
<b>Total</b>	<b>10</b>

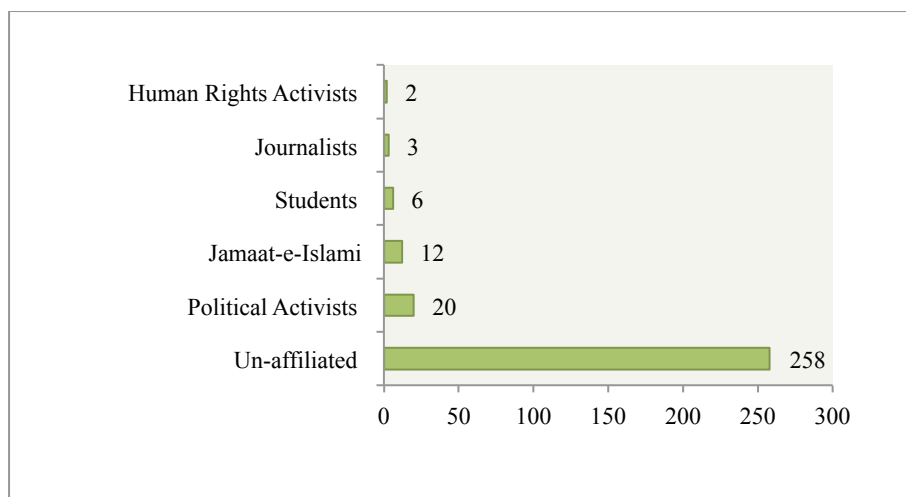
### Use of torture on combatants and non-combatants

In our study of 432 cases, it was found that torture has been used in Kashmir by various Indian agencies (including armed forces) without any distinction of the political affiliation, gender or age. The modes of torture used are similar in cases of combatants and non-combatants. We found that out of the total 432 cases, an inordinate 301 torture victims were civilians and 5 were ex-militants i.e., people who had already shunned militancy and had no involvement in any militant related activity when tortured.



*Figure 3: Affiliations of the 432 victims of torture*

Of the 301 civilians, 20 were political activists associated with various organisations, 2 human rights activists, 3 journalists, 6 students and 12 were associated with Jamaat-e-Islami (a politico-religious group). 258 civilians did not have any affiliations with any organisations, political or otherwise.



*Figure 4: Affiliations of the 301 civilian victims of torture*

Civilians were mostly targeted on suspicion of having some information regarding the whereabouts of militants, their activities or their movements. Some of them were tortured for being a family member, relative or even neighbour of a militant. There have been cases where civilian population was targeted in retaliation to some militant incident in the locality, and many such incidents have been documented. As an example, a case from the Srinagar outskirts documented by IKS:

“On March 7, 1990, at Channapora, following firing by militants on the CRPF, the latter raided the houses in the locality. We visited the area on March 14 and interviewed the victims-mainly women who were molested and raped by the para-military forces. ██████ (24), wife of Abdul Rehman told us that she was working in the kitchen in the morning that day when she heard sounds of firing out-side. She claims that some twenty CRPF personnel walked in, dragged her out and raped her. She added that her sister-in-law (██████) was also raped. She saw two girls, ██████ (14) and ██████ (16) molested by the CRPF. An elderly lady, Ayesha, wife of Samad Ganai told us that when the CRPF assaulted her son, her daughter-in-law Maymoona tried to rescue him. The CRPF threw her down but she managed to escape by getting up and jumping out of the first floor window. The male members of the affected families in Channapora told us that they had sent away their women-folk to places outside the area to escape humiliation by the CRPF personnel who still come to the locality every day harassing the inhabitants. Atleast 15 families had left their homes. We were told that one of the residents, Abdul Majid had been taken away by the CRPF alongwith his father Ghulam Mohammad Sheikh. Their whereabouts are not known till now. The residents took us around the locality and invited us to their houses where we saw house-hold goods destroyed by the CRPF-broken TV sets, radios, glass utensils and mirrors strewn all over the place.”<sup>171</sup>

5 people amongst the 432 cases were ex-militants. More often ex-militants are the first people to be arrested and subsequently tortured whenever any militant related activity is seen or suspected in any area. Apart from being interrogated about the whereabouts of the

<sup>171</sup>Documented in: Farooqi, Justice B. Kashmir Cries for Justice. *Institute of Kashmir Studies Srinagar*. 1994.



militants, many a times they are also tortured and asked questions about the weapons which they used to possess when they were militants and which they do not own anymore.

Out of the 432 cases, 119 torture victims were militants when arrested. Most of these arrests are not registered with the local police on the exact date of arrest, a prerequisite even under AFSPA, one of the most draconian laws in effect in Kashmir, thus making these detentions illegal. Torturing militants is a form of punishment for their political standing. They are also tortured to get the information about the other militants and for retrieving their weapons.

40 people out of 432 said that they were made to report to the military camps after their release. Of these 8 were civilians, 2 political workers, 29 militants, and 1 was unverified. All of them were put through forced labour during this reporting time while simultaneously humiliated by verbal abuse. The labour included lawn mowing, cleaning bathrooms, washing utensils and sweeping the camp premises.

Even personnel from Jammu and Kashmir Police are not immune to the torture by Indian Armed forces. In the 432 case studies from our data, 2 victims of assault were working as constables with Jammu and Kashmir Police and were on duty when beaten by the personnel of 104 Battalion BSF. Apart from these, many cases of assault of Police personnel by Indian armed forces has been reported in the local press. A few incidents that have been reported in the monthly news magazine of JKCCS, *The Informative Missive*<sup>172</sup>, are:

- SHO Police Station Baramulla was beaten and assaulted by CRPF personnel on December 28, 2008 when he tried to stop them from resorting to hooliganism. An FIR (No. 235/2008) was registered against these CRPF personnel under sections 353, 427, 332, 307.
- SHO Police Station Poonch was beaten by personnel from 17 Rajput Regiment on September 4, 2009 when he was going to their army camp to investigate a case of fake currency. An FIR (No. 114/2009) was filed against two army officers and 17 soldiers in this case.

In 432 cases studied for this report, families of 32 were targeted. Family members of these victims were also tortured and harassed. Families are targeted as a pressure tactic to force people to make confessions or gather information. Sometimes a family member is arrested and tortured in place of a person who is the actual target.

### **Torture irrespective of Gender and Age**

In Kashmir, torture has been perpetrated on people irrespective of gender and age. Women have been targeted for their own political standings and more often as a means of forcing the men (or the whole population) into silence and submission. In a patriarchal society like Kashmir, targeting women, torturing, humiliating and harassing them, can prove to be a fruitful tactic of control and it has been used extensively for the same purpose.

Out of the 432 case studies, 22 cases are those of women (24 women in total; in 2 cases a pair of women are included) and 410 are those of men. We feel that the number is not proportionate to the actual number of women tortured and the under-representation is

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<sup>172</sup>See JKCCS. *The Informative Missive*: <http://jkccs.net/informative-missive/>

caused by the reluctance of women to openly talk about torture. Women have been put through physical as well as sexual torture. Women have also been tortured to extort money like in the case of Jana Begum (Case 197), a middle aged woman who was severely tortured by state forces when Government paid her a ex-gratia relief of INR 100,000 under the Statutory Rules and Order - 43 (SRO-43) because her four sons and husband lost their lives in the conflict. She was picked up by the police in 1999, threatened and tortured, so that she would hand over the INR 100,000 to them. According to Jana Begum, the night of her torture was the most harrowing night of her life. She was tortured by nine policemen in front of a female Deputy Superintendent of Police (Dy.SP). Her hands and feet were tied with rope and her mouth was filled with water. Then two buckets of water were poured on her clothes rendering them totally transparent. Her head was dunked in water mixed with chilli powder. Later she was made to lie on the floor and electric current was applied to her toes, ears and hands till she fell unconscious. The same torture was repeated for the next three days till she finally agreed to pay the entire money to the police. During this time, she was not given any food.

Of the 432 cases, 27 victims were minors. Of these 1 was a female and 26 were male. From 2008 onwards thousands of juvenile boys have been arrested and tortured. The arbitrary detentions of minors under the Public Safety Act, has seen an unprecedented increase in numbers since the onset of the non-violent mass uprising of 2008.<sup>173</sup> These arrests are usually made on the charges of stone pelting. According to the data obtained through an RTI application (Annexure 6), the number of juveniles, arrested on the charges of stone pelting, lodged in the Srinagar Juvenile home between September 23, 2011 and April 21, 2017 is 623 out of a total of 1086 detentions, which is well above 50 per cent. Since 2008 at least 7 minors have died due to custodial torture and another 6 have died due to merciless beatings by the state forces.<sup>174</sup>

The minors are often not produced before the magistrate within 24 hours of arrest and are illegally detained for longer periods during which they are tortured. In 2009, 11 boys between the age of 13 and 19 years were arrested during night hours, detained in a police station, tortured and sodomised. According to the victims' lawyer, "The SHO and the Dy.SP forced them to sodomize each other. Whosoever among them refused to accept the order, was ruthlessly beaten up. Out of fear the boys followed their orders. The Dy.SP, the SHO and other policemen, according to the boys, were laughing, taking their pictures and filming the scene with their mobile phone cameras. The boys were lodged in the police station for two nights and were continuously tortured."<sup>175</sup> A 9 year old boy, Sameer Ahmad Rah, son of Fayaz Ahmad Rah, resident of Batamaloo, Srinagar was beaten to death by CRPF troopers on August 2, 2010. According to his father, CRPF personnel pounced on Sameer while he was on his way to his uncle's house. They started beating him with long bamboo sticks and kicked him. "His head was repeatedly smashed on right side due to which he fell down on the ground. The troopers then trampled (over) his chest under boots and inserted a bamboo stick into his mouth to take out the toffee from his mouth. When troopers thought that he lost consciousness, they threw him into a nearby field full of stones, which caused his on spot death."<sup>176</sup>

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<sup>173</sup> JKCCS. *Terrorized: Impact of Violence on Children of Jammu and Kashmir*. 2018.

<http://jkccs.net/wp-content/uploads/2018/03/2018-Impact-of-Violence-on-Children-of-JK-JKCCS.pdf>

<sup>174</sup> Ibid.

<sup>175</sup> JKCCS. *The Informative Missive*. 2009. <http://jkccs.net/informative-missive/>

<sup>176</sup> JKCCS. *The Informative Missive*. 2010 August. <http://jkccs.net/informative-missive/>

## Targeting of protected persons

It is often seen in Kashmir that many personnel from the medical and journalism profession are targeted and have faced assaults. This phenomenon has seen a steep rise since 2008 when the new phase of mass uprisings began. Doctors, paramedical staff and ambulance drivers have reported torture, assault and harassment particularly during the periods of unrest in 2008, 2010 and 2016. Hospitals have been targeted and tear gas shells shot into hospital premises<sup>177</sup> by the Indian armed forces and Jammu and Kashmir Police. In 2016, injured people and their attendants were assaulted while on way to the hospitals.<sup>178</sup>

As recorded in *The Informative Missive*, 2008<sup>179</sup>:

“The ambulance drivers were at the receiving end during the recent curfew days. They faced abuses, harassments, intimidation, threats and severe thrashings at the hands of paramilitary personnel during the 10-day long period but kept shifting the injured to hospitals. Of the 12 ambulances in SKIMS, 10 were damaged. The ambulance drivers of various hospitals said that the curfew period was the toughest time in their careers.” Further they added, “It was not a curfew but a siege of valley laid by the troopers to curtail the movement of people associated with the lifelines,” they said. An ambulance driver with SKIMS hospital, Ghulam Mohammad Mugloo said, “This was an act of collective punishment by the troopers. We had to face batons and abuses while ferrying the injured to hospitals.”

On August 12, 2008, CRPF personnel attacked an ambulance carrying two critically wounded people from Bandipora at Parimpora. When they reached Parimpora, a few CRPF personnel pounced on their vehicle and started beating everybody inside. They did not even spare the wounded, one of which died at the spot.<sup>180</sup> In April 2017, personnel from Jammu and Kashmir Police and SOG stopped an ambulance in Beerwah town and beat up the driver who sustained injuries in his shoulder. The officials from the Sub-District hospital, Beerwah said the forces' personnel also ransacked the ambulance and broke its windowpanes as well.<sup>181</sup>

There have also been reports where doctors have been coerced to write autopsy reports as dictated.<sup>182</sup>

Journalists usually bear the brunt of Indian forces while covering stories in the field. Many journalists working in Kashmir over the years have reported assaults and targeted firearm injuries. Some of the incidents of last 10 years reported in *The Informative Missives*<sup>183</sup>:

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<sup>177</sup> Kashmir Reader. Forces fired teargas inside SMHS Hospital, four chronic lung disease patients suffocated: Doctors Association. 2016 July. <https://kashmirreader.com/2016/07/11/forces-fired-teargas-inside-smhs-hospital-four-chronic-lung-disease-patients-suffocated-doctors-association/>

<sup>178</sup> Amnesty International. *Jammu and Kashmir: Attacks on hospitals and medics must be prosecuted*. 2016 July. <https://www.amnesty.org.uk/press-releases/jammu-and-kashmir-attacks-hospitals-and-medics-must-be-prosecuted>

<sup>179</sup> JKCCS. *The Informative Missive*. 2008 September. <http://jkccs.net/informative-missive/>

<sup>180</sup> See JKCCS. *The Informative Missive*. 2008 August. <http://jkccs.net/informative-missive/>

<sup>181</sup> See JKCCS. *The Informative Missive*. 2017 April. <http://jkccs.net/informative-missive/>

<sup>182</sup> Greater Kashmir. When '30 cops forced incompetent' doctor to write autopsy report in custodial killing case. 2018 March. <https://www.greaterkashmir.com/news/kashmir/when-30-cops-forced-incompetent-doctor-to-write-autopsy-report-in-custodial-killing-case/277928.html>

<sup>183</sup> JKCCS. *The Informative Missive*: <http://jkccs.net/informative-missive/>

- August 12, 2008: CRPF personnel beat many journalists including Greater Kashmir Islamabad correspondent, Khalid Gul. He was assaulted near Mattan Chowk, Islamabad.
- August 13, 2008: CRPF personnel assaulted two photojournalists of Greater Kashmir in Batamaloo when they were on their way home after finishing their professional duties. The paramilitary personnel stopped the vehicle carrying Danish Ismail and Mubashir Khan, thrashed them severely, and damaged the vehicle they were travelling in.
- August 26, 2008: Two staffers of Rising Kashmir, Farooq Ahmed Sofi and Rahil Massud were beaten by CRPF troopers at Batamaloo when they were on their way to their office.
- April 26, 2010: Police thrashed Greater Kashmir correspondent, Gowhar Bhat, while he was carrying out his professional duties at Lal Chowk. Gowhar was rushed to the Bone and Joints Hospital where doctors said he had received multiple soft tissue injuries due to severe beating.
- August 05, 2016: Kashmir Reader photojournalist, Muneeb-ul-Islam was beaten up by government forces at Semthan, Bijbehara, Anantnag.
- August 17, 2016: Sumaiya Yousuf, a female journalist working with Rising Kashmir was abused by police officials in Jawahar Nagar, Srinagar.
- October 19, 2016: A Greater Kashmir journalist Irfan Parray was beaten by CRPF at Karan Nagar where he was dragged out of his car. He was on his way to Press Enclave, Lal Chowk Srinagar. He was abused and humiliated, and the beating was so severe that his left leg was fractured.
- March 16, 2017: Senior photojournalists Tauseef Mustafa and Mubashir Khan were assaulted by police at Hyderpora, Srinagar where they had gone to cover a press conference of Syed Ali Shah Geelani.
- April 09, 2017: Cameraman Bilal Ahmad, two reporters from Rising Kashmir, Yawar Hussain and Javaid Ahmad, and journalist Peer Viqar-Ul-Aslam were threatened by SOG while they were performing their duties in Nasrullahpora during parliamentary polls in Budgam.
- August 6, 2017: Journalist Javid Zargar from Kupwara was thrashed by Jammu and Kashmir Police personnel at Sopore, Baramulla. Javid told local media that the policemen assaulted him after they heard he was a journalist.
- October 17, 2018: At least 10 journalists working at the site of an encounter in Srinagar were assaulted by personnel from Jammu and Kashmir police in presence of the officers.<sup>184</sup>

In 2010, after the WikiLeaks cables showed that ICRC had intimated US State Department officials about the use of torture on Kashmiri prisoners detained in different jails, Omar Abdullah, the then Chief Minister of Jammu and Kashmir, said in a statement that torture in Kashmir was a thing of the past<sup>185</sup>, inadvertently, admitting to the use of torture in Kashmir. But till date, no prosecutions of any state forces personnel on charges of perpetrating torture have taken place. An environment where torture, both against combatants and non-combatants, is carried out with impunity, and irrespective of gender and age, is telling of the widespread prevalence of this practice as a 'normal' way of punishing a community to teach them a lesson and coerce them into falling in line.

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<sup>184</sup>FreePress Kashmir. #JournalismIsNotACrime: Beaten mercilessly in front of officers, say journalists assaulted by SOG, CRPF in Fatehkadal. 2018 October. <https://freepresskashmir.com/2018/10/17/journalismisnotacrime-beaten-mercilessly-in-front-of-officers-say-journalists-assaulted-by-sog-crpf-in-fatehkadal/>

<sup>185</sup>The Independent. Kashmir torture is a thing of the past, says India, 2010 December.

<https://www.independent.co.uk/news/world/asia/kashmir-torture-is-a-thing-of-the-past-says-india-2163635.html>

## Chapter 3: Legal Framework

Torture, as an institutional expression of power and social control,<sup>186</sup> is an instrument for states to intimidate or even eliminate enemies and non-enemies.<sup>187</sup> When torture becomes a routine practice of the State, it is a reflection of the State's use of authorized violence and impermissible coercion, practices which are backed by the notions of self-defense, national security and at a broader level, the very survival of the State.<sup>188</sup> Since the acts of torture are an attack on the physical as well as the psychological integrity of a human being, therefore, its' prohibition exists across international, regional and national laws.<sup>189</sup>

### 1. Proscription of Torture under International Law

#### A) Customary International Law, *Jus Cogens & Erga Omnes* Norms

There is a universal consensus in the international community that torture and other forms of cruel, inhuman, or degrading punishment or treatment cannot be reconciled with a global order fundamentally committed to basic respect and human dignity. This international consensus makes the prohibition against torture and cruel, inhuman or degrading treatment a norm of Customary International Law<sup>190</sup>, in addition to there being international agreements on the issue. The implication of being prohibited under Customary International Law is that it is binding on every member of the international community, regardless of whether the state has ratified any international treaty or agreements, which expressly prohibit torture.

Apart from being prohibited as a part of Customary International Law, prohibition against torture has further been recognized as a part of peremptory norm or *jus cogens*.<sup>191</sup> The implication of it can be understood through Article 53 of the Vienna Convention<sup>192</sup> that makes such norms, accepted and recognized by the international community of states as a whole, as non-derogable in nature, the consequence of which is that treaties conflicting with it are considered to be *void*.<sup>193</sup> The first Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. P. Kooijmans, also concluded that the prohibition of torture belonged to the rules of *jus cogens* due to its essential importance in safeguarding a human being.<sup>194</sup>

The acceptance of prohibition against torture as *jus cogens* has been based on the “widespread international practice and *opinion juris*”<sup>195</sup> of States”, its appearance in “numerous international instruments of universal application”, as well as its constant

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<sup>186</sup> Winston PN, Atkins L. The International Law of Torture: From Universal Proscription to Effective Application and Enforcement. *Harvard Human Rights Journal*. 2001. 14: 87-121; at p. 91.

<sup>187</sup> *Ibid*.

<sup>188</sup> *Ibid*.

<sup>189</sup> *Ibid*.

<sup>190</sup> Weissbrodt D, Heilman C., Defining Torture and Cruel, Inhuman, and Degrading Treatment, *Law and Inequality*. 2011. 29: 343-394; at p. 361.

<sup>191</sup> International Court of Justice. *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)*. Judgment of 2012 July 20. Para. 99

<sup>192</sup> Available at: <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

<sup>193</sup> Articles 53 & 64 of Vienna Convention on Law of Treaties, 1969.

<sup>194</sup> *Question of the Human Rights of All Persons subjected to any form of detention of imprisonment*, Report by the Special Rapporteur, E/CN.4/1987/13, 9<sup>th</sup> January, 1987. At p. 13.

[http://ap.ohchr.org/documents/E/CHR/report/E-CN\\_4-1986-15.pdf](http://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf)

<sup>195</sup> Definition: *Opinio juris* is a short form of the Latin Phrase *opinion juris sive necessitatis*, which means “an opinion of law and necessity”.

“denunciation in national and international fora”.<sup>196</sup> Along with prohibition on torture, the other peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity, and the right to self-determination.<sup>197</sup>

Additionally, the prohibition against torture also forms a part of *erga omnes*<sup>198</sup> norms. Conceptualised by the International Court of Justice (ICJ) in the famous *Barcelona Traction* case, an *erga omnes* norm creates an obligation of a particular State, towards the international community as a whole.<sup>199</sup> This principle of *erga omnes* norms is also recognized and distinguished from the obligations arising out of violation of treaties between two/multiple states (Article 42) under Articles on Responsibility of States for Internationally Wrongful Acts. As per Article 48, in case of breaches of specific obligations protecting the collective interests of a group of States or the interests of the international community as a whole, responsibility may be invoked by States which are not themselves injured by the acts of the accused State.<sup>200</sup> In the *Barcelona Traction* case, the ICJ, through an *obiter dicta*<sup>201</sup>, specifically enumerated four *erga omnes* obligations: the outlawing of acts of aggression; the outlawing of genocide; protection from slavery; and protection from racial discrimination.<sup>202</sup>

Subsequent to this decision, Right to Self-Determination<sup>203</sup> and prohibition of torture was also brought under the umbrella of *erga omnes* norms. In the landmark judgment of the International Criminal Tribunal for Former Yugoslavia in *Prosecutor v. Anto Furindzija*<sup>204</sup> in 1998, the Tribunal not only recognized the prohibition of torture as a part of peremptory norms (or *jus cogens*), but also stated it as an *erga omnes* obligation. The Tribunal noted that as a result of it being an *erga omnes* obligation i.e. obligation owed towards all the members of the international community, it gave rise to a “correlative right”.<sup>205</sup> The violation of such an obligation, as per the Tribunal, simultaneously constituted a breach of the correlative right of all members of the international community, giving rise to a claim for compliance accruing to each and every member. As a result, any state has the right to insist on fulfilment of the obligation or in any case to call for the breach to be discontinued.<sup>206</sup> However, in 1987, much before this landmark judgment, the report of the First Special Rapporteur, Mr. P. Kooijmans, had also concluded that based on contemporary international law, torture should be considered as a violation of *erga omnes* obligation, wherein, if torture is practiced in a persistent and systemic manner or on a widespread scale, it would amount to an “international crime”.<sup>207</sup>

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<sup>196</sup>International Court of Justice. *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)*. Judgment of 2012 July 20. Para. 99.

<sup>197</sup>See Paragraph 5 of the Commentary to Draft Article 26 on State Responsibility.

[http://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)

<sup>198</sup> Definition: *Erga omnes* is a Latin phrase which means “towards all” or “towards everyone”.

<sup>199</sup> *Barcelona Traction, Light and Power Company Ltd* (Second Phase) [1970] ICJ Rep 32.

<sup>200</sup>See Paragraph 2 of the Commentary to Draft Article 48 on State Responsibility.

[http://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)

<sup>201</sup> Definition: *Obiter dictum* is the Latin phrase which means “by the way”, that is a remark in a judgement that is “said in passing”. An incidental remark.

<sup>202</sup> *Barcelona Traction, Light and Power Company Ltd* (Second Phase) [1970] ICJ Rep 32

<sup>203</sup> See I.C.J. Reports. *Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. 2003. Paras. 88, 155, 156. Also see: I.C.J. Reports. 1995 (Portugal v. Australia).

<sup>204</sup> *Prosecutor v. Anto Furindzija*, Judgment. Case No.: IT-95-17/1-T. 10 December 1998., at paras, 151-153.

<sup>205</sup> *Ibid.* at para 151.

<sup>206</sup> *Ibid.*

<sup>207</sup> *Question of the Human Rights of All Persons subjected to any form of detention of imprisonment*, Report by the Special Rapporteur, E/CN.4/1987/13, 9<sup>th</sup> January, 1987. At p. 15.

[http://ap.ohchr.org/documents/E/CHR/report/E-CN\\_4-1986-15.pdf](http://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf)

Hence, it can be understood that the international community universally and absolutely prohibits torture and other inhuman and degrading treatment. Apart from being prohibited under the general principles of international law such as Customary International Law, *jus cogens* and *erga omnes* norms, there also exists express prohibition of torture under various international and regional legal instruments.

## **2. International & Regional Instruments prohibiting Torture and other inhuman and degrading treatment**

### **A) International Human Rights Law**

Beginning from the Universal Declaration of Human Rights of 1948 (UDHR), there have been constant efforts to outlaw torture in international law. Article 5 of the UDHR effectively states that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".<sup>208</sup> Under the International Human Rights Law framework, the 1966 International Covenant on Civil and Political Rights (ICCPR)<sup>209</sup> became the first treaty to explicitly include the prohibition of torture and other cruel, inhuman or degrading treatment.<sup>210</sup>

Prohibition of torture also exists in regional human rights systems such as Europe, the Americas and Africa. Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>211</sup> Article 5 of the African Charter on Human and Peoples' Rights,<sup>212</sup> Article 5 of the American Convention on Human Rights<sup>213</sup> – all prohibit torture or any kind of inhuman or degrading treatment or punishment.

### **B) International Humanitarian Law**

Apart from the above-mentioned international human rights instruments, even International Humanitarian Law proscribes torture and inhuman or degrading treatment. The four Geneva Conventions for the Protection of Victims of Armed Conflict that were promulgated in 1949 form the core of International Humanitarian Law.

The Third Geneva Convention<sup>214</sup> on the protection of prisoners of wars, in its Article 17, prohibits any kind of physical or mental torture, as well as any form of coercion from being inflicted on prisoners of war to secure information from them. The Fourth Geneva

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<sup>208</sup>Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

<sup>209</sup>UN General Assembly. *International Covenant on Civil and Political Rights*. 1966 December 16. United Nations, Treaty Series, vol. 999, p. 171

<http://www.refworld.org/docid/3ae6b3aa0.html>.

<sup>210</sup>See: Article 7 of ICCPR

<sup>211</sup>See European Convention for the Protection of Human Rights and Fundamental Freedoms, open for signature Apr. 11, 1950, 213 U.N.T.S. 222, art. 3 [hereinafter European Convention for the Protection of Human Rights and Fundamental Freedoms] (prohibiting torture by stating that, "[no one shall be subjected to torture or to inhuman or degrading treatment or punishment]").

<sup>212</sup>See African Charter on Human and Peoples' Rights, opened for signature June 27, 1981, O.A.U. Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58, art. 5 (1982) [hereinafter African Charter on Human and People's Rights] (extending the protection to the maximum when it sets out that "[a]ll forms of exploitation and degradation of man, particularly ... torture, cruel, inhuman or degrading punishment and treatment shall be prohibited").

<sup>213</sup>See American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123, art. 5(2) (stipulating in Article 5 (2) that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person").

<sup>214</sup>International Committee of the Red Cross (ICRC). *Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)*. 12 August 1949. 75 UNTS 135.

Convention<sup>215</sup> pertaining to the protection of civilian persons, in Article 32, provides that during periods of international armed conflicts, including periods of military occupation, no measure can be taken which causes physical suffering or extermination of protected persons, including torture, and extends its prohibition of measures of brutality to both civilian and military agents. Article 3, common to all four Geneva Conventions (Common Article 3) also provides additional protections during armed conflict not involving military action between State parties. Common Article 3 pertains to persons taking no active part in the hostilities and contains prohibitions against torture and humiliating or degrading treatment.

However, with the enactment of Additional Protocol-I<sup>216</sup> to the Geneva Conventions in 1978, the prohibition against torture and ill treatment was expanded to cover all persons, regardless of their status in international armed conflicts. Article 75 of Additional Protocol-I bans torture “at any time and in any place whatsoever” during international conflict and further prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment.”

### **C) International Criminal Law**

Additionally, torture has also held a prominent place in the list of international crimes. Torture of civilians was considered as the third of the thirty-two distinct violations of the laws and customs of war by the Commission on Responsibilities, established under the Paris Peace Conference in 1919.<sup>217</sup> Subsequently, with the adoption of the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 2001, the UN Security Council listed “torture or inhuman treatment, including biological experiments” as a grave breach of the Geneva Conventions.<sup>218</sup> Following the adoption of the ICTY statute, the Security Council included the act of torture as a crime against humanity<sup>219</sup> and a war crime<sup>220</sup> in Statute of the International Criminal Tribunal for Rwanda (ICTR). More recently, provisions relating to torture from the statute of the ICTR, were identically imported to the Statute of the Special Court for Sierra Leone.<sup>221</sup> With the adoption of the Rome Statute in 1998, which established a permanent International Criminal Court (ICC), torture has been recognized under the definition of both ‘crimes against humanity’ (Article 7) and ‘war crimes’ (Article 8).<sup>222</sup>

### **3. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)**

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<sup>215</sup>International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*. 12 August 1949. 75 UNTS 287.

<sup>216</sup>International Committee of the Red Cross (ICRC). *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*. 8 June 1977. 1125 UNTS 3

<sup>217</sup>Schabas WA. The Crime of Torture and the International Criminal Tribunals. *Case Western Reserve Journal of International Law*. 2006.37 (2): 349-364 ; page 349.

<sup>218</sup>See Article 2 of the ICTY Statute.

[http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_sept09\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf).

<sup>219</sup>See Article 3 of the ICTR Statute, available at: [http://legal.un.org/avl/pdf/ha/ict\\_r\\_EF.pdf](http://legal.un.org/avl/pdf/ha/ict_r_EF.pdf) (last accessed on 23rd May, 2018)

<sup>220</sup>Ibid. see, Article 4 of the ICTR Statute.

<sup>221</sup>See Articles 2 & 3, Statute of the Special Court for Sierra Leone, arts. 2-3, in Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, annex, Jan. 16, 2002, available at: <http://www.rscsl.org/Documents/scsl-statute.pdf> (last accessed on 23rd May, 2018)

<sup>222</sup>See Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90 (entered into force July 1, 2002) [hereinafter Rome Statute]. <https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>



Despite the existence of international instruments prohibiting torture, the major development with regard to the elimination of torture was through the adoption of the Declaration on Protection of All Persons from being subjected to Torture and other Cruel, Inhumane or Degrading Punishment by the United Nations General Assembly in 1975 (UN Declaration on Torture).<sup>223</sup> A further development happened in 1984, when the United Nations enacted the Convention Against Torture and Other Cruel Inhumane or Degrading treatment or Punishment (UNCAT).<sup>224</sup> As of 2018, the UNCAT has 163 state parties to the convention who have signed as well as ratified the convention.<sup>225</sup> There exist only 8 states (including India) that have signed the convention, but have not yet ratified it.

The UNCAT is the most important UN treaty for controlling, regulating and prohibiting torture and forms an intricate part of other UN General Assembly initiatives promulgated to eradicate torture and other related activities. These initiatives include Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment,<sup>226</sup> the Code of Conduct for Law Enforcement Officials,<sup>227</sup> and the Principles of Medical Ethics.<sup>228</sup> Additionally, along with Committee against Torture established under the UNCAT,<sup>229</sup> the UN Special Rapporteur on Torture<sup>230</sup> as well as the UN Voluntary Fund for Victims of Torture,<sup>231</sup> constitute the three most important UN-sponsored mechanisms dedicated to the eradication of torture.

The State parties to the UNCAT are under certain obligations which are created as a result of the state signing and ratifying the treaty. At the outset, Article 2 of UNCAT mandates the state parties to "take effective legislative, administrative, judicial and other measures to prevent acts of torture," thereby establishing a specific legal obligation on the state to prevent torture. Furthermore, it nullifies the most common argument behind the use of torture by a State i.e. national or security imperatives. By stating that torture cannot be validated by the claim to exceptional circumstances as in, for example, "war or a threat of war, internal political instability or any other public emergency," it creates an effective mechanism to ensure state compliance.

The UNCAT also requires state parties to mandatorily educate their "law enforcement personnel, civil or military, medical personnel, public officials, and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment" about the prohibition against torture (Article 10). It also necessitates to "keep under systematic review interrogation rules, instructions,

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<sup>223</sup>See Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 34/52, U.N. GAOR, 39th Sess., Supp. No. 34, U.N. Doc. A110034 (1975).

<sup>224</sup>Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, at 197, U.N. Doc. A/39/51 (1984)

<sup>225</sup>Status available at: <http://indicators.ohchr.org>

<sup>226</sup>Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, G.A. Res. 43/173, U.N. GAOR, 43rd Sess., Supp. No. 49, U.N. Doc. A/43/49 (1988).

<sup>227</sup>Code of Conduct for Law Enforcement Officials, G.A. Res. 34/169, U.N. GAOR, 34th Sess., Supp. No. 46, at 185, U.N. Doc. A/34/46 (1979)

<sup>228</sup>Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 37/194, U.N. GAOR, 37th Sess., Supp. No. 51, at 210, U.N. Doc. A137/51 (1982).

<sup>229</sup>See Article 17 of UNCAT.

<sup>230</sup>The UN Special Rapporteur was created pursuant to the U.N. Commission on Human Rights' Resolution 1985/33

<sup>231</sup>U.N. Voluntary Fund for Victims of Torture set up pursuant to U.N. General Assembly Resolution 36/151 of December 16, 1981.

methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment" (Article 11).

The Convention further requires parties to "promptly and impartially" investigate allegations of torture and mandates the investigation of torture practices within its jurisdiction if "there are reasonable grounds to believe that an act of torture has been committed" (Article 12). UNCAT imposes an obligation to ensure the safety of witnesses who allege torture and requires the state to allow access to file complaints to state authorities regarding the same (Article 13). Recognizing both the physical and mental trauma that torture victims go through, the Convention advocates for an enforceable right to fair and adequate compensation (Article 14).

#### **4. Defining and documenting different forms of Torture as recognized under International law**

##### **A) Defining Torture**

Despite the proscription of torture in both International Humanitarian Law and Human Rights Law, there existed a lack of definition on what constitutes torture. The first instrument to define torture was the UN Declaration Against Torture in 1975. However, the most influential definition of torture is found in Article 1 of UNCAT, which has also been considered to be representative of Customary International Law.<sup>232</sup> It includes an act by which "severe pain or suffering" is intentionally inflicted on a person or a third person with the intention of obtaining "information or a confession"; or as a "punishment for an act committed or suspected of committing"; or on any reason based on discrimination of any kind.<sup>233</sup> This definition extends to both physical and mental forms of torture. However, this is a restrictive definition of torture, where such acts need to be committed by or at the instigation or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>234</sup> Moreover, this definition also excludes pain or suffering arising from or inherent/incidental to lawful sanctions.<sup>235</sup>

While there has been criticism of such a narrow or restrictive definition under the UNCAT, more recently and with the adoption of the Rome Statute, a wider definition of torture has been established.<sup>236</sup> Under Article 7 (2) (e) of the Statute, torture is intentional infliction of severe pain or suffering (whether physical or mental) on a person who is in "custody" or "under the control" of the accused. This definition extends to an act committed by any person who has the victim under his control and is not limited to acts committed by a public official or a person acting in official capacity. This difference in the definition is arguably a reflection of different elements required for an act to constitute torture, i.e. under International Human Rights Law, (UNCAT) and International Criminal Law (Rome Statute).

Hence, as a generic definition, torture denotes the intentional infliction of pain or suffering on a powerless person to achieve a particular purpose. Ill-treatment, on the other hand,

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<sup>232</sup> *Prosecutor v. Delalic* Case No. IT-96-2 I-T, Judgment (Nov. 16, 1998), at para 459

<sup>233</sup> See Article 1, Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, at 197, U.N. Doc. A/39/51 (1984).

[https://cti2024.org/content/docs/UNCAT%20PCAT%20treaties\\_ENG.pdf](https://cti2024.org/content/docs/UNCAT%20PCAT%20treaties_ENG.pdf)

<sup>234</sup> *Ibid.*

<sup>235</sup> *Ibid.*

<sup>236</sup> Article 7, Rome Statute of the International Criminal Court.

denotes any other cruel, inhuman or degrading treatment or punishment, which does not necessarily require the intentionality and purposefulness of the act or the powerlessness of the victim.<sup>237</sup>

## **B) Torture: Conditions, Forms and Links to other human rights violations**

In 1986, a comprehensive study was carried out by the first Special Rapporteur on Torture, Inhuman or Degrading Treatment or Punishment. In the report, the Rapporteur not only documented the conditions under which torture is practiced, but also made an attempt to catalogue the types and methods of torture that were being practiced across the globe.<sup>238</sup> The report highlighted that in most of the cases, there were no eyewitnesses of the act of torture apart from the victims and the perpetrators themselves.<sup>239</sup> According to the information received by the Rapporteur, secrecy was essential in the practice of torture, and this secrecy was effectively created by “incommunicado detention”, whether legal or illegal.<sup>240</sup> Torture was also being committed by officers as a method of interrogating detainees in order to get a “quick solution”, or in order to extract confession so as to use it in the court against him/her.<sup>241</sup>

Allegations were also received by the Special Rapporteur regarding detention in secret detention centers, called “safe houses”, such as military facilities, abandoned houses in remote areas or ordinary apartment buildings in the cities.<sup>242</sup> In such situations, according to the Rapporteur, there was no physical or psychological restraint on the practice of torture, which often led to the death of detainees.<sup>243</sup> Additionally, the practice of torture was also prevalent during situations of emergency, where “preventive detention” was provided for as a measure to the state to arrest and detain persons considered to be threats to the security of the state.<sup>244</sup> Such forms of legalized detentions would often exist in situations of acute “internal conflict”, which had a large number of allegations of torture.

The Special Rapporteur also enumerated violations of other human rights, which are linked to the phenomenon of torture. Primary amongst these violations was the link of torture to enforced disappearances and/or summary executions. The Rapporteur received numerous allegations where persons disappeared after being arrested by military or police personnel or men in plain clothes identifying themselves as security personnel.<sup>245</sup> Additionally, the Rapporteur found out that most of the victims of torture were either opponents or suspected of opposition to the government, or were persons who had been organising meetings or peaceful demonstrations critical of the government or its policies or prejudicial to national security.<sup>246</sup> The torture of such people was a blatant violation of the right of freedom of thought, opinion, and expression as well as right to freedom of peaceful assembly and association.

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<sup>237</sup>Seventieth anniversary of the Universal Declaration of Human Rights: reaffirming and strengthening the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, A/73/207, 20<sup>th</sup> July, 2018, at para 7.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/232/16/PDF/N1823216.pdf?OpenElement>

<sup>238</sup>Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Report by the Special Rapporteur, E/CN.4/1986/15, 19<sup>th</sup> February, 1986, at p. 26,

[http://ap.ohchr.org/documents/E/CHR/report/E-CN\\_4-1986-15.pdf](http://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf)

<sup>239</sup>Ibid.

<sup>240</sup>Ibid.

<sup>241</sup>Ibid., 27

<sup>242</sup>Ibid.

<sup>243</sup>Ibid.

<sup>244</sup>Ibid., 27-28.

<sup>245</sup>Ibid., 31.

<sup>246</sup>Ibid., 31-32.

## **5. Prohibition of Torture under the Indian Constitution and judicial pronouncements**

On October 14, 1997, India became a signatory to the United Nations Convention against Torture, Inhuman or Degrading Treatment or Punishment or UNCAT.<sup>247</sup> However, till date, India has not ratified the Convention.

### **A) India's response to the Universal Periodic Review (UPR) and international criticism regarding ratifying the torture convention**

In the 2017 Universal Periodic Review (UPR), over 30 countries, including Germany, Australia, Japan, Israel and Russia urged India to ratify the United Nations Convention against Torture. The Bill, which was sent to a Parliamentary Committee in 2010 lapsed in 2014 as the recommendations were never accepted. In the first as well as second UPR cycle (2008 and 2012, respectively), India had likewise been urged to expedite the process for the ratification of the Convention against Torture.

These recommendations to ratify the convention on torture were duly “noted” by India, even as the then Attorney General Mukul Rohatgi who led the Indian delegation promised India will ratify the Convention. India had made a similar promise in 2012, when it faced the second UPR cycle.

In the 2017 UPR, several countries also urged India to repeal the Armed forces Special Powers Act. Notably, Hungary also recommended that India allow the visit of the Special Rapporteur on torture and other cruel, inhumane and degrading treatment or punishment. This request continues to remain pending for over 18 years. In all these years, only 3 Special Rapporteurs to India have visited Kashmir – these are the Special Rapporteurs on Human Rights Defenders, Extra-judicial, arbitrary or summary executions, and Freedom of religion.<sup>248</sup>

However, in the absence of a specific law, which criminalizes torture, there exists specific protection from torture and illegal detention under the Indian Constitution as well as other statutory laws.

### **B) Protection against Torture under the Indian Constitution**

Under the Indian Constitution, protection against torture relies on three main bases: Article 20(3) which provides an accused with the right against self-incrimination; Article 21 which states that a person cannot be deprived of life and liberty apart from the procedure established by law; and Article 22 (1) & (2) which prohibits detention of any person in custody without being informed of the grounds of arrest and states that such a person be produced in front of a judicial magistrate within 24 hours of being arrested.

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<sup>247</sup>Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, at 197, U.N. Doc. A/39/51 (1984)

<sup>248</sup> The UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya travelled to India during 10–21 January 2011 and visited Jammu and Kashmir; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christoff Heyns, conducted an official visit to India from 19 to 30 March 2012 and travelled to Jammu and Srinagar; the Special Rapporteur on freedom of religion and belief visited Jammu and Kashmir while on her visit to India between 3 to 20 March 2008.

One of the underlying principles behind the right against self-incrimination under Article 20(3) was to serve as a vital safeguard against the coercive powers of the State, which manifest in the form of police brutality, custodial violence and torture. Justice K.C. Das Gupta's separate, but concurring opinion in *State of Bombay v Kathi Kalu Oghad*<sup>249</sup>, discussed this aspect while deliberating on the historical origin of rules against 'testimonial compulsion'.<sup>250</sup> The court recognized the history of police brutality in evidence production through illegitimate means and highlighted the dangers of the lack of a provision guaranteeing the right against self-incrimination. The existence of Article 20(3), hence, reflects the intent of the constitution drafters for such a right safeguarding against practices such as torture. This safeguard was further reinforced by the Supreme Court in *Nandini Satpathi v P.L. Dani*,<sup>251</sup> which condemned torture and other forms of excessive violence during detention. Subsequently, the Supreme Court in *Selvi v State of Karnataka*,<sup>252</sup> has also held test results of polygraph and brain finger printing tests to be testimonial compulsions and thus barred by Article 20(3).

In addition to the safeguard under Article 20(3), Article 21 of the Constitution of India has also been held to be an essential safeguard against practices of torture. The Supreme Court in *Francis Coralie Mullin v The Administrator, Union of India*,<sup>253</sup> while dealing with a preventive detention law, held that "any form of torture or cruel, inhuman or degrading treatment would be offensive to human dignity and would be prohibited by Article 21".<sup>254</sup> It further held that Article 21 constituted an implicit right to protection against torture. The Supreme Court also reiterated its stance taken in *Sunil Batra v Delhi Administration*,<sup>255</sup> wherein it stated, "fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration." Finally, in the judgement of *D.K. Basu v State of West Bengal*,<sup>256</sup> the court held that 'custodial violence' was a naked violation of human dignity, and any form of torture or cruel, inhuman or degrading treatment, whether during investigation, interrogation or otherwise, would fall within the inhibition of Article 21.

### C) Statutory provisions as safeguards to Torture

Under the Indian Penal Code, 1860, there exist provisions, which have been specifically designed to deter any official from resorting to third degree methods of interrogation, which may amount to torture. Sections 330 (Voluntarily causing hurt to extort confession, or to compel restoration of property), 331 (Voluntarily causing grievous hurt to extort confession, or to compel restoration of property), 342 (Punishment for wrongful confinement) and 348 (Wrongful confinement to extort confession, or compel restoration of property) criminalise interrogative techniques, which may amount to torture.

Sexual violence as a form of torture has also been recognized under the code, wherein Section 376(1)(b) punishes in case of custodial rape committed by police officers, and Section 376 C provides penalty for sexual intercourse by a person in authority.

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<sup>249</sup> AIR 1961 SC 1808

<sup>250</sup> Ibid., at para 28.

<sup>251</sup> (1978) 2 SCC 424

<sup>252</sup> (2010) 7 SCC 263

<sup>253</sup> (1981) 1 SCC 608

<sup>254</sup> Ibid. at para 6.

<sup>255</sup> AIR 1978 SC 1675

<sup>256</sup> AIR 1997 SC 610

Additionally, as eliciting confessions has been one of the major reasons behind the acts of torture, with respect to it, Sections 24-27 of the Indian Evidence Act 1872, act as primary safeguards. Section 24 provides that any confession obtained by inducement, threat or promise from an accused, would not be relevant to criminal proceedings. Section 25 specifies that confessions recorded by the police are not admissible as evidence and cannot be used by prosecution to obtain conviction.<sup>257</sup> Section 26, on the other hand, recognizes the admissibility of confessions as evidence, only if they have been recorded by a judicial magistrate.

## **6. Institutional responses to Torture in Kashmir**

Torture in Kashmir is widespread and the torture survivors, due to the fear of reprisals, ignorance, or lack of hope in the judicial processes, are unable to initiate any legal action against the perpetrators. The greatest factor in this is the impunity granted to the army and para-military, which renders the institutions meant to protect human rights ineffective.

Under the Jammu & Kashmir Armed forces (Special Powers) Act 1990 (AFSPA), Army has impunity as Section 6 reads that no suit or proceedings could be initiated against the army personnel without the sanction of the central government. The impunity granted to the Army under AFSPA has deprived the torture survivors from initiating any action against the perpetrators or claiming compensation from the federal governments. In the last 28 years the Home Secretary or Defence Secretary have not granted sanction to a single case. Even for prosecution against police officials sanction under section 197 of the CrPC is required, which is also impossible to obtain. The torture survivors in the state of Jammu & Kashmir have virtually no remedy, and the judiciary has failed to provide any relief to the victims or to implement the *ratio decidendi*<sup>258</sup> of the judgments of Supreme Court, which are binding on the state of Jammu & Kashmir under Article 141 of the Indian Constitution.<sup>259</sup> This includes D.K. Basu's directives, and non compliance of the armed forces to the list of do's and don'ts issued by the Army Headquarters in the Naga People's Movement of Human Rights vs Union of India case, which the Supreme Court has observed as the binding instructions for armed forces exercising powers under AFSPA.<sup>260</sup>

Torture survivors often do not file a First Information Report (FIR) against the law enforcement officials, particularly in rural areas where the writ of the army runs, resulting in a culture of silence. An analysis of the testimonies in our data shows that in 355 out of 432 (82.2%), no case was filed. There is no documented FIR or case filed in any court or even the State Human Rights Commission (SHRC) in these cases. For 4 of the 432 (0.9 %) cases, no details are known about whether or not there was any case filed. Only in 73 of the 432 cases, a modest 16.9 %, some sort of legal recourse was sought by the victim or their kin. 18 of 73 (24.7%) people filed First Information Reports (FIRs) alleging torture, while 27 people complained in the SHRC.

Often, even filing an FIR is made difficult for the victims. In 2 of the 73 (2.7%) cases, the victims or their families tried to file FIRs but were denied. In one of these cases, that of Umer Qayoom, who died because of torture in 2010 (Case 420), the family had a case

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<sup>257</sup>Ram Singh v. Central Bureau of Narcotics, AIR 2011 SC 2490

<sup>258</sup> Definition: *Ratiodecidendi* is a Latin phrase meaning, "the reason" or "the rationale of the decision".

<sup>259</sup> The article states that "Law declared by the Supreme Court shall be binding on all courts."

<sup>260</sup>Naga People's Movement etc. vs Union of India; 27 November, 1997

going on in the court to simply get an FIR registered, and this continued till August 2018 when the court finally ordered the police to file an FIR.

In many cases, the victims are also coerced into withdrawing their complaints. In our study, 5 of the 73 (6.8%) people who filed some form of complaint were forced to withdraw them following coercion by the Indian armed forces. In the case of Mohammed Ramzan Naikoo who died of torture in 2000 (Case 275), for example, the army used to frequently threaten the family members of the victim until they finally withdrew the case. Similarly, due to repeated threats by the Rashtriya Rifles, Ayaz Akbar (Case 87) was forced to withdraw the complaint he had made in a local organization.

As per the research conducted so far, there are only a few cases where the victims have been consistent in seeking justice, are allowed to seek legal recourse, or have been awarded satisfactory compensations. In granting compensation to victims even in cases unrelated to torture, the armed forces personnel have contested that it is the state which has requisitioned the army for maintaining law and order and therefore the state government is responsible for payment of any compensation for the violations committed by the armed forces. For example, in the case of *Habibullah Bhat v State of J&K and others*, the single bench of the High Court directed the Deputy Inspector General of CRPF to pay an amount of INR 50,000 as compensation for enforced disappearance of Mohammad Maqbool Bhat, the son of the petitioner. However, the Union of India filed an appeal arguing that since central law-enforcement agencies and paramilitary forces have been called in by the state of Jammu & Kashmir, the state government is bound to pay the compensation for violations committed by the forces.<sup>261</sup>

## **The Judiciary**

*“...Amidst the clash of arms, the laws are not silent. They may be changed but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting, that the judges are respecters of persons, and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law.”*

- Lord Atkin in *Liversidge vs Anderson* (1941) UKHL1<sup>262</sup>

In the early stages the judiciary was one institution of the State in which victims had faith, but this faith has also waned with the passage of time. Although supposed to be independent the judiciary has self-imposed limitations. There has been a lack of assertiveness on the part of the judges officiating in a conflict zone. Due to non-cooperation from the army and the police, the judiciary has been rendered ineffective. There are 4000 Contempt of Court petitions pending before the Srinagar bench of the High Court. This came forth when the Chief Justice of the Court made this observation highlighted by a government order of November 29, 2018, noting that it implied that the Government was not complying with the directions of the Court (Annexure 7). This alarmingly high number highlights the total undermining of the judiciary in the state.

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<sup>261</sup> Habibullah Bhat vs State of J&K and others.

Source: JKCCS. “Who is to pay compensation, state or centre govt for the excesses committed by the security forces?”. *The Informative Missive*. 2001 May; page 4. <http://jkccs.net/informative-missive/>

<sup>262</sup> United Kingdom House of Lords Decisions. *Liversidge Appellant; And Sir John Anderson and Another Respondents*. <http://www.bailii.org/uk/cases/UKHL/1941/1.html>

It is worthwhile to mention here the words of one of the judges of the Jammu & Kashmir High Court, S.M. Rizvi, regarding how the judiciary has been rendered powerless. In a 1994 petition, Mr. Rizvi contended that “there is a total breakdown of the law and order machinery [in Jammu and Kashmir]...the [High Court] has been made helpless by the so called law enforcing agencies. Nobody bothers to obey the orders of this court.” In the same petition, Justice Rizvi noted that during his tenure in the High Court, there were “thousands of directions given to top administrative and law enforcing agencies” which were not even given a response, much less acted upon.<sup>263</sup>

Unlike other human rights violations like arbitrary detentions, enforced disappearances, extra judicial killings, and massacres which are *sub judice* before the High Court in hundreds, there are very few reported torture cases where the judiciary has passed orders. During our research, we were only able to locate 3 such cases. Among these is the case of Manzoor Ahmad Naikoo (Case 225), the only case for which we were able to attain documentary evidence. In 1991, the victim was tortured multiple times by army personnel, first in a local government school and later, inside his own house. In the 2004 judgement pronounced in District Court Srinagar, the victim was awarded a total compensation of INR 500,000 with interest at the rate of 5% per annum.

Another is the 1990 case of a Kashmiri detained under the Public Safety Act in Varanasi Jail. In this case, a letter by the detainee was addressed to Justice S.M. Rizvi who treated it as a writ petition and directed Adv. H.U. Salati to assist the Court. The Sessions Judge Varanasi was ordered to visit the jail and submit report to the Court. In compliance with the order, Sessions Judge Varanasi visited Jail premises and submitted a report to the Jammu and Kashmir High Court. The sessions Judge substantiated the allegations of custodial torture and death of the detainee. After completing the pleadings, the case was argued for exemplary (punitive) damages to the legal heirs of the detenu before Justice Syed. However, following this, the case was never listed.<sup>264</sup>

In the case of *Ghulam Mohammad Shah Vs State of Jammu and Kashmir (and Union of India)*, dated 1990, the State of Jammu & Kashmir admitted in a written statement that the son of the plaintiff had died during his custody by Army and his dead body was handed over to the Police after 48 hours. Subsequently, the case was transferred to the Additional District Judge Srinagar for further proceedings. Evidence on behalf of the plaintiff included 2 police officials of the State who in their statement proved the documentary evidence produced by the plaintiff in support of his case. Even though immunity under AFSPA was claimed by the Union of India but in the decision delivered by the District Judge, Mohi-ud-Din Dar, it was rejected on the grounds that immunity of the servants of the state is restricted to the discharge of their official duties under the Act and it does not cover the illegal activities committed by them purportedly under the official duties. In support of his findings, the District Judge relied upon the decision of the Privy Council and one of the decisions of the Supreme Court of India.<sup>265</sup>

## **The State Human Rights Commission**

The State Human Rights Commission constituted under the Jammu & Kashmir State Human Rights Commission Act 1997 as an institution to protect the human rights also has no mandate on the omissions and commissions of the army personnel or para-military in Jammu & Kashmir. The Commission has referred cases to the National Human Rights Commission

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<sup>263</sup> Rizvi, S.M. High Court Petition Number 850/94 submitted in October 1994.

<sup>264</sup>Source: Personal interview with Advocate H.U. Salati, legal counsel in the case. No documents could be recovered.

<sup>265</sup>Source: Personal interview with Advocate H.U. Salati, legal counsel in the case. No documents could be recovered.



(NHRC) for initiating the action under section 19 of the Protection of Human Rights Act 1993 (NHRC institution Act) and so far 35 cases have been referred to the NHRC, which itself has been reduced to a “toothless tiger” as observed by the Supreme Court of India in a 2017 judgement.<sup>266</sup>

The Jammu & Kashmir State Human Rights Commission is a recommendatory body in nature and belief, and thus possesses only recommendatory powers. However, often these recommendations are not implemented by the government. In 2006, SHRC chairman Justice (Retd) A.M. Mir resigned from his post citing “SHRC is just an eyewash to befool the international community that human rights of people are being respected. When our recommendations were not implemented, Commission’s credibility got eroded and people lost faith in it.”<sup>267</sup>

It is pertinent to mention here that in 2017, the government turned down almost 75% of the recommendations made by the Commission, accepting only 7 of the 44 recommendations for compensation and ex-gratia relief made by it.<sup>268</sup> In fact, the state government informed the Assembly in 2018 that out of the 229 recommendations made by the panel since 2009, only 58 were accepted by the government.<sup>269</sup>

Of the 432 cases we studied, 27 had gone to the SHRC. Of these cases 20 got recommendations in favour of the complainants, 6 are still ongoing, and 1 case has been filed to stop harassment by the Police and the Special Operations Group.

A recommendation in favour of the complainants in 20 cases highlights the acknowledgement of torture in these cases by the SHRC. For example, in the case of Farooq Ahmad Nayak (Case 108), SHRC observed that a disability to the extent of 50% was caused to the complainant due to torture by the then SHO Hira Nagar and other police personnel. The Commission recommended action against the then SHO Police Station Hira Nagar and other police personnel involved in the torture. In another case (Case 160), the Commission noted that the rank and file of Police Station Darhal had brutally tortured Ghulam Qadir. It recommended compensation of INR 100,000, as well as for the prosecution of the accused to be taken to the logical conclusion for trial in the court of law.

As per sub-section (5) Section 19 of the Jammu & Kashmir Protection of Human Rights Act 1997, after the Commission’s recommendation it is mandatory for the government to “forward its comments on the report, including the action taken or proposed to be taken thereon” within one month to the commission.<sup>270</sup> However, there has been a severe lack of responsiveness on the part of the government. In this regard, a Public Interest Litigation (PIL) was filed in the State High Court in 2018, seeking that the Action Taken Report (ATR) filed on the recommendations of State Human Rights Commission (SHRC) be made public by the government.<sup>271</sup> The petitioner also highlighted that none of the SHRC reports

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<sup>266</sup> NHRC has been reduced to a toothless tiger: Supreme Court. *Live Law.in*  
<https://www.livelaw.in/nhrc-reduced-toothless-tiger-supreme-court-read-judgement/>

<sup>267</sup> Wani AS. SHRC Chief Resigns. *Greater Kashmir*. 2006 August.  
<https://www.greaterkashmir.com/news/news/shrc-chief-resigns/10259.html>

<sup>268</sup> Bhat R. Govt turned down 75% of recommendations of SHRC in 2017. *Rising Kashmir*. 2017 December.  
<http://www.risingkashmir.com/news/govt-turned-down-75-of-recommendations-of-shrc-in-2017>

<sup>269</sup> Maqbool U. Now, SHRC can’t entertain complaints older than a year. *Greater Kashmir*. 2018 December.  
<https://www.greaterkashmir.com/news/front-page/now-shrc-can-t-entertain-complaints-older-than-a-year/304701.html>

<sup>270</sup> Jammu and Kashmir Protection of Human Rights Act 1997.

<sup>271</sup> Shah S. Make public the Action Taken Report filed on recommendations of SHRC: PIL in HC. *Greater Kashmir*. 2018 June.

for the year 2013-14, 2014-15 and 2016-17 included the Action Taken Report from the government. In many cases, it is the victims who in fact have to go to the High Court to obtain a writ for implementation of the recommendations of the Commission.

Thus, the State Human Rights Commission has not been able to go beyond substantiating the existence of torture in particular cases. The Commission has been rendered ineffective since it only possesses the power to make recommendations, and which the government has been consistently unwilling to act on.

In a context of unprecedented militarization in the state of Jammu and Kashmir post 1989, the army is omnipresent in all the villages and towns of the Kashmir valley. Following the Doctrine of Sub-Conventional warfare (breaking the will of the people), the armed forces have perpetrated *inter alia* massive torture in the state of Jammu & Kashmir. More than 6,56,638 security forces<sup>272</sup> in Kashmir are equipped with legal, political and moral impunity. Moreover, the state institutions have become a part and parcel of this suppression. Due to AFSPA, many victims are left with no legal remedy against the perpetrators. As we also noted earlier, despite possessing some powers the judiciary is avoiding confronting the executive, resulting in an overall state of judicial impunity. At the same time, neither the Jammu & Kashmir State Human Rights Commission, nor the National Human Rights Commission of India have any mandate over the army as they are both only recommendatory bodies. The combined effect of all this has left torture victims without any reliable legal recourse. In comparison to the other human rights violations in Kashmir where the victims have agitated their matters before the courts, torture survivors are left to feel content merely with the realization that they have survived.

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<https://www.greaterkashmir.com/news/kashmir/make-public-the-action-taken-report-filed-on-recommendations-of-shrc-pil-in-hc/287216.html>

<sup>272</sup>Source: JKCCS. *Structures of Violence*. 2015.



## Chapter 4: Impacts of Torture

### Impact of torture on Health

“Torture is a technique that must produce a certain degree of pain, which may be measured exactly. It is not applied to the body indiscriminately; it is calculated according to detailed rules. The number of lashes of the whip, the position of the body hanging from the wrist with the tip of the toes touching the floor, the number and parts of the body where electrical shocks are applied, etc. The purpose is to carry pain almost to the infinite. Torture is the art of maintaining life in pain, by subdividing it into a thousand deaths, by achieving before life ceases the most exquisite agonies.”<sup>273</sup>

Before he died in a public hospital in Srinagar on August 25, 2010, Umer Qayoom Bhat, a seventeen-year old student of class 11 from Soura Srinagar, had gone missing on August 20. While searching for him his father, Abdul Qayoom Bhat, came to know that he was beaten ruthlessly by the Jammu & Kashmir Police and CRPF personnel outside the mosque after Friday prayers, and had been arrested by personnel from Police Station Soura. It was already evening when Abdul Qayoom reached the Police Station only to find his son in a morbid condition, not even able to stand on his feet. Umer requested his father to take him to the hospital as he was in unbearable pain. Abdul Qayoom requested the concerned police officer to let him take his son to the hospital but was denied and asked to leave under threat. Umer was again tortured during the night. Next day, Abdul Qayoom got the bail for his son at 2:00 pm, but the police released him only at 7:30 pm. Umer was taken directly to Sher-i-Kashmir Institute of Medical Sciences (SKIMS), Soura where the doctors treated his wounds and sent him home. Next morning when Umer vomited blood, he was again rushed to the hospital where a CT scan of his chest showed his lungs had collapsed. He was immediately put on the ventilator where he stayed for two days, paralysed. After two days, the doctors told his father that it was too late as his lungs had ruptured and blood had spilled into his chest cavity. On August 25, 2010, he died in the hospital. It took his family a full eight years (August 20, 2018) in court to get an FIR filed in the case.

A similar case from 1991 is that of Muzaffar Ahmed Mirza (35),<sup>274</sup> a teacher from Tral, a town in southern Kashmir. He was arrested in a crackdown on October 4, 1991. In detention, he was beaten and electrocuted in his genitals. An iron rod was thrust into his rectum, perforating various internal organs. He was found by locals on the roadside and taken to the Government Medical College Srinagar in severe pain and coughing up blood. Doctors diagnosed him with peritonitis i.e., inflammation of the abdominal cavity, which was caused due to rupture of internal organs. They performed a laparoscopic operation of the abdominal cavity and the damaged part of his large intestines was repaired. Shortly afterwards he began to have problems in breathing for which a chest X-Ray showed ruptured lungs. The analysis of the fluids in lungs was positive for bile, which indicated that the rod had first perforated his liver and then ruptured the diaphragm before damaging the lungs. A chest surgery was performed during which a large cut in his diaphragm and a perforation in his left lung were discovered. He died a few weeks after the surgery from internal infections. Nobody has been prosecuted for his torture and consequent death.

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<sup>273</sup>Gurr R. and Quiroga. Approaches to Torture Rehabilitation - a desk study covering effects, cost effectiveness, participation, and sustainability. *International Rehabilitation Council for Torture Victims*.2001.

[https://www.researchgate.net/publication/315715938\\_Approaches\\_to\\_Torture\\_Rehabilitation\\_-\\_a\\_desk\\_study\\_covering\\_effects\\_cost\\_effectiveness\\_participation\\_and\\_sustainability](https://www.researchgate.net/publication/315715938_Approaches_to_Torture_Rehabilitation_-_a_desk_study_covering_effects_cost_effectiveness_participation_and_sustainability)

<sup>274</sup>Physicians for Human Rights and Asia Watch (A Division of Human Rights Watch). *The Crackdown in Kashmir: Torture of detainees and Assaults on the Medical Community*. 1993.

Kashmir has witnessed unprecedented torture since the late 1980s when the armed struggle started. Thousands of residents of the state of Jammu and Kashmir have been subjected to various brutal forms of torture and inhuman treatment, which has led to deaths or severe health complications among the survivors. For this report, we collected case studies of 432 people from across Jammu and Kashmir. Our data shows that 222 (51.4 %) out of the 432 victims suffered some form of health complications after being tortured. Of these 209 (94.1%) suffered health issues with chronic ailments e.g., cardiac problems, nephrological issues, complete or partial loss of eyesight or hearing ability, amputations, sexual impotency, etc. and these people have been on regular or irregular medication since. Ashiq Hussain Zargar (Case 86) from Bijbehara, Anantnag, was tortured in 2010. He was kept in the Police Station Bijbehara for 15 days. After that he was shifted to Joint Interrogation Center (JIC) in Khanabal, as per the directions of Station House Officer (SHO) of Police Station Bijbehara. In the JIC, Superintendent of Police (SP) Operations tortured him. He was beaten with a rubber belt for two days and water-boarded during his detention. He was forced to drink water mixed with some chemicals. Due to the torture, Ashiq Hussain Zargar's stomach was badly affected, the right side of his body was partly paralyzed and his jaw bone was damaged.

While most of these 209 torture survivors suffer from ailments like general physical weakness and frequent aches in different parts of body which renders them incapable of doing hard physical work, 49 (23.4%) out of these suffer from acute ailments like cardiac and nephrological problems, partial or total paralysis, loss of eyesight, internal organ injuries or have become disabled for life due to amputations. These people are completely dependent on medication and some of them have undergone one or multiple surgeries.

Out of these 222 survivors, 13 (5.9%) suffered some immediate and short-term health issues after torture such as fractures and dislocated joints. Of these 6 (46.2%) torture survivors suffered serious ailments. Arbaz Khan (Case 80) was arrested in 2010 and kept at Police Station Karan Nagar for 8 days where he was tied and then beaten with sticks and belts. During the detention, he wasn't allowed to sleep. He was then shifted to Shaheed Gunj Police Station where he was kept for 22 days. Here he was tortured again due to which his ankle was fractured. He was then taken to the Police Control Room, Srinagar where the doctor referred him to the Bone and Joint Hospital, Barzulla, Srinagar. His foot was in a plaster cast for 3 weeks.

*Table 4: Number of survivors of torture with chronic, short term and acute health effects.*

<b>Health effects</b>	<b>Number</b>	<b>Total</b>	<b>Percentage</b>
Chronic	209	222	94.1
Short term	13	222	5.9
Chronic/Acute	49	209	23.4
Short term/Acute	6	13	46.2

The health effects that these 222 victims of torture suffered, and continue to suffer, range from general physical weakness to amputations, nephrological issues and complete or partial paralysis. We found that 71 (32%) of these survivors suffer from general physical weakness which has rendered them incapable of doing any laborious work, thus affecting their economy as well. 82 (37%) of them suffer from frequent aches, ranging from headaches to backaches and different joint aches.

Out of these 222, 11 people (5%) have suffered nephrological problems and 4 (1.8%) out of them said that they developed Urinary Incontinence (losing control over urination) after they were subjected to torture. Nasrullah Khan (Case 327) from Kupwara who was tortured by 27 Rashtriya Rifles from Trehmokh Camp on August 31, 2017 developed Rhabdomyolysis. He was treated in SKIMS, Soura for 27 days before his condition stabilized and he was discharged.

In a study published by Dr. G. H. Malik et al., in *Nephron* in 1993 titled “Acute renal failure following physical torture”<sup>275</sup>, ten cases of acute renal failure have been studied between July 1990 and August 1991 in the Department of Nephrology in SKIMS, Srinagar. According to the study, “All were males in the age group of 18-28 years and in apparent good health when apprehended by the police. There was alleged history of physical torture of different types. All had been beaten on the buttocks, back and limbs; in addition, 2 cases had been given repeated electric shocks and 1 case put to 'sit-and-stand' exercise for about 3 h.” These people showed all the symptoms of Rhabdomyolysis; their serum creatinine and urea levels were many folds above normal, which could be a direct result of beatings on skeletal muscles leading to cell necrosis. Myoglobin was also found in their urine, another indicator of cell necrosis.

According to Dr. G. H. Malik, beatings and electrocution have similar effects on the body, as electric shocks send muscles into spasms, causing cell death similar to those caused by beatings. Furthermore, beatings cause crushing of Red Blood cells (RBCs), which release haemoglobin into the blood stream. Increased levels of myoglobin, haemoglobin, creatinine and urea need to be cleaned up by kidneys, which lead to damage. Moreover, in the testimonies of torture survivors, many have said that they were not given enough water to drink and were not even allowed to urinate, which aggravates the symptoms of Rhabdomyolysis and can lead to kidney failure and death, if not treated in time.

In another study published by the same group of doctors in 1995 in *Nephrology Dialysis Transplantation* titled, “Further observations on acute renal failure following physical torture”,<sup>276</sup> 34 cases of acute renal failure were studied between August 1991 and February 1993. All were males between the ages of 16-40 years. All had been arrested and tortured in interrogation centres in Kashmir. They write, “All were beaten involving muscles of the body, in addition 13 were beaten on soles, 11 were trampled over and 10 had received repeated electric shocks.” 21 of these patients had only myoglobin in urine (myoglobinuria), 3 had only haemoglobin (haemoglobinuria) and 10 excreted both myoglobin and haemoglobin with urine. Ecchymotic patches (blue or purple patches on skin due to leakage of blood from a broken capillary under skin) were also found on the bodies of these patients. Besides, hypertension and pulmonary edema (fluid accumulation in the lungs, which causes problems in respiration and can lead to respiratory failure) was also found in five patients. Of these patients 29 survived and 5 died. The study further mentions:

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<sup>275</sup> Malik GH et al. 1993. Acute renal failure following physical torture. *Nephron*; 63(4): 434-437.

<https://www.ncbi.nlm.nih.gov/pubmed/8459879>

<sup>276</sup> Malik GH et al. 1995. Further observations on acute renal failure following physical torture. *Nephrology Dialysis Transplantation*; 10 (2): 198-202

<https://academic.oup.com/ndt/article-abstract/10/2/198/1812879?redirectedFrom=fulltext>

“Twenty-nine of the 34 cases recovered over a variable period of 5-30 days. The patient was considered to have recovered when serum creatinine declined to 180  $\mu\text{mol/l}$  or less. Five cases died, four from group I (myoglobinuria) and one from group II (myoglobinuria + haemoglobinuria). One patient admitted with uraemic encephalopathy and pulmonary edema died within an hour of hospitalization while on peritoneal dialysis. The other four had septicaemia. Three of them died of adult respiratory distress syndrome and one with *Klebsiella* septicaemia died in shock. Autopsies were not performed.”

Based on the data of this report, of the 222 torture victims 4 (1.8%) suffer from complete or partial paralysis and 2 (0.9%) survivors suffered damage in nerves. On April 29, 2015, Javaid Ahmad Lone (Case 199) was arrested by the local police in Baramulla when police and Indian army raided his house at midnight. He was released after four days of the arrest. His father, Mohammad Amin Lone said that he was severely tortured by the Deputy Superintendent of Police (Dy.SP). In the evening of May 8, Mohammad Amin Lone was asked to travel to SMHS Hospital, Srinagar along with two police officials. When he reached the hospital, he found Javaid there in a critical condition. He was shifted to ICU where he stayed for two days. Javaid had suffered hypoxic brain injury and is living a vegetative life ever since.

On the morning of June 2, 1992, Mohammad Shafi Rather (Case 288) from Bijbehara, Anantnag, was picked up during a cordon in his village by personnel of the Naga Regiment of the Indian army. He was later taken to the field where all the people were forced to assemble and was tortured in front of everybody. They beat him continuously from 7 a.m. to 2 p.m. He was suspended from a tree branch for about half an hour and severely beaten on his buttocks. He was then forced to place his legs on a stone ledge and place all his body weight on the arms. While in this position, he was continuously beaten on his legs for about half an hour with a thick shaft due to which he lost sensation in his legs. He was later treated in the hospital for two days. He says, “Due to forceful lashes, my right leg swelled due to some nervous damage. Since then I am unable to walk properly or do any physical work. Doctor has advised me to remain cautious about any injury as the high blood pressure in permanently swelled veins can cause high blood loss which may cause death also.”

5 (2.3%) of 222 survivors have suffered heart ailments and some of them have had to go for surgeries for the same. One of the most prominent examples is that of Muhammad Yasin Malik (Case 306), leader of Jammu & Kashmir Liberation Front (JKLF) from Srinagar, Kashmir who has been arrested multiple times since he was a 20 year old student leader in 1986. He has been tortured multiple times in detention which included solitary confinement and sleep deprivation. In 1991, he had to undergo an open heart surgery due to the cardiac problems he developed during detention. In another surgery, his heart valve was replaced. Till now he has undergone 11 surgeries.

5 (2.3%) out of 222 survivors are suffering from hypertension ever since they were tortured.

8 of the 432 victims of torture received injuries in various internal organs, which later caused the death of 5 of them. The injuries range from perforations in large intestines, mostly due to insertion of rods in the rectum of victims, to bleeding kidneys and ruptured lungs, which resulted from ruthless beatings. 12 (5.4%) of the 222 survivors said that they face frequent gastrointestinal tract (GIT) infections after torture. Many of these survivors

also suffer from stomach ulcers. The GIT is particularly damaged and rendered susceptible to infections because during torture people are made to over-drink water and then trampled over which results in them vomiting out the water alongwith blood. This leads to abrasions to the GIT causing considerable damage. Another form of torture is the insertion of foreign objects like metal or wooden rods, chilli powder, petrol, etc. into the rectum of the victim. This causes injuries in the intestines, sometimes leading to perforations and making the intestines prone to infections. The perforations in the intestines can result in blood infections as well, due to the entry of the normal microflora e.g. *Klebsiella* from intestines into the blood stream, which could lead to septicaemia and even death. According to a report by Marcussen H. et. al., survivors of torture are more prone to infectious diseases, cancer, cardiac problems and cerebrovascular diseases.<sup>277</sup>

18 (8.1%) of the 222 survivors said that their eyesight was completely or partially affected after torture while 17 (7.7%) of them had their hearing ability affected. The injuries are usually a result of the ruthless beatings. Muhammad Syed Dhobi (Case 305) was arrested in 1989 and detained and tortured in many jails and detentions centres in and outside Jammu & Kashmir. He was finally shifted to Satwari Interrogation Centre, Jammu where he was tied up and blindfolded. He was detained in Satwari for two and a half months, during which the interrogators there beat him with everything they could use. On one of these days he received a blow to his left eye, and from that day, the vision in that eye started diminishing. After losing his left eye, he gradually lost vision in his right eye too. Now he is unable to do any work or earn a living: he and his family are completely dependent upon the financial help they receive from their relatives and neighbours.

16 (7.2%) of the 222 survivors suffer from dislocated joints as a result of torture. The most common dislocations that torture survivors suffer is disk dislocations in their vertebrae (10 of 16 cases i.e., 62.5%) which they suffer from for the rest of their lives and become incapable of doing any physically exerting work. 15 (6.8%) of the 222 survivors suffered fractures because of the torture, mostly in their arms and legs. In 1999, when Alif Din Tass (Case 70) was released after 13 days of detention and continuous torture (his second torture, the first was in 1994), he was unable to walk or even stand on his own. He says, "After my release, my relatives had to carry me, as I was unable to walk a step. The torture was so severe that for weeks I frequently fell unconscious and for months I remained bedridden. For 20 days I remained in the hospital. The torture reduced my appetite, causing further health complications. My ribcage was badly damaged and my whole body had fractures all over. Since torture I have never had a desired sleep. It seems that my physical and psychological problems will never end and the torture has not only left physical but also mental scars. The torture still haunts me."

3 (1.4%) out of 222 people had to undergo amputations after torture. Qalandar Khatana (Case 350) who lives near the Line of Control (LoC) in Kalaroos area in the border district of Kupwara in north Kashmir has been tortured multiple times since 1990. In 1992, Khatana was arrested by BSF personnel and tortured brutally. His flesh was cut from buttocks and he was made to eat it. His legs were broken and he was not given any medical assistance. He says, "I passed out and when I regained consciousness, I found my blood-stained limbs had been tied with strips of cloth. I learnt fellow inmates at the torture centre had torn off the sleeves of their shirts and had tried to stop the bleeding." He was

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<sup>277</sup>Gurr R. and Quiroga. Approaches to Torture Rehabilitation - a desk study covering effects, cost effectiveness, participation, and sustainability. *International Rehabilitation Council for Torture Victims*. 2001.



shifted to Kot Balwal Jail, Jammu in this condition. While in jail, his wounds got infected with maggots and both his legs had to be amputated.

3 (1.4%) survivors out of 222 have permanent deformities in their bodies as a result of torture. In a case filed by Farooq Ahmad Nayak (Case 108) at the SHRC, the Commission in its order has observed that the complainant has permanent residual deformity to the extent of 50% which was mentioned in the medical certificate that was issued by the board of doctors. The SHRC further observed that the deformity was a consequence of the torture perpetrated on him by the SHO Police Station Hira Nagar and other police personnel present.

11 (5%) of the 222 survivors said that they suffered impotency or other sexual disorders as a result of torture. One of the predominant causes of these disorders is the electrocution in genital areas, to which 29.4% victims of the total of 432 were subjected to during torture. High voltage electrocution in genitals doesn't only physically damage the genitals but also sends muscles into spasms causing cell necrosis, which can result in oligospermia in male torture victims. Bashir Ahmed Rather (Case 92) from Baramulla, who was arrested and tortured in 1993, said that he was tortured ruthlessly. Apart from hanging him upside down and being rolled over, flesh from his buttocks was plucked and the wounds were rubbed with chilli powder. They also applied electric shocks to his penis and ears. Bashir's one testicle has been permanently damaged and he still carries severe torture marks on his buttocks.

49 (11.3%) out of 432 torture victims died during or after torture. Of these 40 (81.6%) deaths were caused due to the injuries the victims received as a result of torture. The injuries range from ruptured lungs to perforated liver and intestines. The victims were put through forced starvation and given little or no water to drink, while continuously being tortured, which led to kidney failure of many victims. Some of these victims, who did not receive treatment in time, died. The torture survivors said that they were not given any medical care after torture except for painkillers in some cases. The death of Ghulam Qadir War (former MLA of Khan Sahib Constituency, District Budgam, Annexure 8) during detention is one such instance. According to a report from his lawyer, Adv. Hafizullah Mir:

“On 10<sup>th</sup> day of June 1990, the deceased Ghulam Qadir War was called by SHO Police Station Beerwah with the direction to take him to the then S.S.P. Budgam S. P. Vaid. The deceased was presented before him at District Police Lines, Ompura Budgam where he was interrogated and during night hours was flown to Jammu and was handed over to the interrogators at Kot Balwal Interrogation Center, Jammu on the directions of S.S.P. Budgam. The deceased was interrogated severely in Kot Balwal, which was then an interrogation centre and subsequently it is (sic) been converted into a jail. The deceased was already suffering from diabetes and was 70 years old and could not sustain the interrogation. Later he was taken to the Government Medical College (GMC) Jammu where the doctors declared him dead. The son of the deceased namely Ghulam Hassan War was called to Jammu for identification of the dead body but was refused to hand over the dead body and even the post-mortem [...]. The son of the deceased while identifying the dead body of his father stated that there were visible marks of injuries of torture on his whole body.”

The death certificate of the deceased clearly shows torture to be the cause of death.

Out of 49 victims who were killed due to torture, 8 (16.3%) victims were shot dead after they were tortured. Although the torture marks were visible on their bodies, autopsies were not carried out. One victim, Kaiser Ahmad Sofi (Case 209) was badly tortured and subsequently poisoned by the police in custody as per the statement he made before his mother and the doctors who were treating him in the hospital. He later died in the hospital.

*Table 5: Number of deaths consequent to torture*

Deaths	Number
Death due to injuries caused during torture	40
Tortured and shot dead	8
Tortured and poisoned	1
Total	49

### **Mental Health**

“Torture is intended to damage the person’s self-esteem and personality, to destroy trust in fellow humans, and to terrorize the population.”<sup>278</sup>

“Psychological torture and cruel, inhuman, and degrading treatment can have extremely destructive health consequences for detainees. The effects can include memory impairment, reduced capacity to concentrate, somatic complaints such as headache and back pain, hyper arousal, avoidance, and irritability. Additionally, victims often experience severe depression with vegetative symptoms, nightmares, and feelings of shame and humiliation associated with sexual violations, among others.”<sup>279</sup>

Many people who have suffered torture carry the psychological scars long after their physical wounds have healed. 42 (18.9%) of the 222 survivors suffer from various psychological disorders after they were tortured. The different forms of psychiatric disorders that these people suffer from are Post Traumatic Stress Disorder (PTSD), depression, anxiety, insomnia, dementia and weak memory. In the case of Gulzar Ahmad Khan (Case 175) from Srinagar, he was hit on his head during torture. Gulzar was associated with JKLF in 1990 and was arrested, tortured and detained for 2 years. He was released in 1992 but the harassment continued. In 1993, he was detained in Kothi Bagh Police Station and tortured continuously for 3 days by S. M. Sahai, a police officer. His behaviour became abnormal after this. His mother says, “Soon after his release from the police custody, we got him examined by late Dr. Beigh (a renowned psychiatrist) and was under his supervision. For his aggressive and abnormal behaviour, Gulzar was admitted in the Psychiatric Hospital for six months. However, instead of improving, he became more violent and addicted to drugs. Nowadays, he is under the supervision of Dr. Hameed-ullah Shah, and on his advice we admit him in psychiatric hospital when he becomes violent and uncontrollable”. Gulzar keeps roaming on the streets. His mother says that he had received a blow of a gun butt on the back of his head during his detention in the Police Station, after which he developed mental health issues which only worsened with each passing day.

<sup>278</sup>Ibid.

<sup>279</sup>Physicians for Human Rights. *Break Them Down: Systematic Use of Psychological Torture by US Forces*. 2005. [https://s3.amazonaws.com/PHR\\_Reports/break-them-down.pdf](https://s3.amazonaws.com/PHR_Reports/break-them-down.pdf)

Mushtaq A. Margoob, et al., in a paper published in 2006 in *Jammu Kashmir - Practitioner* titled, "Community Prevalence of Trauma in South Asia - Experience from Kashmir"<sup>280</sup> write, "Traumatic events and the way people cope with them have a crucial role in development of Post-traumatic stress disorder (PTSD), major depressive disorder (MDD), generalized anxiety disorder (GAD), somatisation, and dissociative disorder". Moreover, specifically related to Kashmir, they write, "Data reveals that in the prevailing conflict situation over the past fifteen years in Kashmir, there has been a phenomenal increase in psychiatric morbidity, including stress related disorders". For this study, they carried out a survey in four districts of Jammu and Kashmir – Srinagar, Anantnag, Baramulla and Pulwama, with 300 subjects from each district. All the respondents were adults and permanent residents of Jammu & Kashmir.

*Table 6: Various impacts on health that torture survivors suffer*

Health Effect	Number	Percentage
<b>Frequent pain in different body parts</b>	82	37
<b>General physical weakness</b>	71	32
<b>Eyesight affected completely/partially</b>	18	8.1
<b>Hearing problems</b>	17	7.7
<b>Dislocated joints</b>	16	7.2
<b>Fractures</b>	15	6.8
<b>Stomach ailments</b>	12	5.4
<b>Nephrological problems</b>	11	5
<b>Impotency and sexual problems</b>	11	5
<b>Internal organ injury</b>	8	3.6
<b>Cardiac problems</b>	5	2.3
<b>Hypertension</b>	5	2.3
<b>Urinary Incontinence</b>	4	1.8
<b>Complete/partial paralysis</b>	4	1.8
<b>Amputations</b>	3	1.4
<b>Deformity</b>	3	1.4
<b>Nerves damaged</b>	2	0.9
<b>Psychological problems (PTSD, depression, anxiety, insomnia, lost sanity, dementia, weak memory)</b>	42	18.9
<b>Total</b>	<b>222</b>	

In another publication by Akash Y. Khan and Mushtaq A. Margoob in *Jammu Kashmir-Practitioner* in 2006 titled "Paediatric PTSD: Clinical presentation, traumatic events and socio-demographic variables – experience from a chronic conflict situation", a study was conducted with 100 children suffering from Post Traumatic Stress Disorder (the sample consisted of 100 consecutive cases of PTSD, only one from each family seeking treatment in the Out Patient Department of Government Hospital for Psychiatry, Srinagar) between the age 3-16 years. Of these cases 60% were females and 40% males. 49% of these

<sup>280</sup>Mushtaq A. Margoob et. al. Community Prevalence of Trauma in South Asia - Experience from Kashmir. JK-Practitioner 2006; 13 (Suppl 1) S14-S17. <http://medind.nic.in/jab/t06/s1/jabt06s1c.shtml>

children had witnessed killing of a close relative (i.e. father, brother, uncle, grandfather), 15% had witnessed arrest and torture of a close relative, 11% had witnessed night raids, 14% had been caught up in cross firing, 4% had been beaten up / tortured and 7% had heard about killing of a close relative. Of the six possible trauma exposures, every child had gone through at least one traumatic event.<sup>281</sup>

In an extensive study conducted by *Medecins Sans Frontieres* (MSF) across all ten districts of Kashmir valley with the total number of respondents being 5428, titled, “Kashmir Mental Health Survey Report” and published in 2015, they found that 19% of the Kashmiri population suffers from PTSD. They observe, “The high prevalence of probable PTSD (19%) in the Kashmiri population may reflect the impact of cumulative exposure to traumatic events, delayed manifestation of symptoms, a longstanding disorder that has not been treated or a combination of factors.”<sup>282</sup> The impact of trauma on a person’s mental health can result in delayed appearance of symptoms (sometimes taking years to show) and is worsened by further exposure to trauma. A study conducted in Yugoslavia by Priebe S. et. al. in 2009 concluded that survivors with untreated conflict-related PTSD are at high risk of still having PTSD, more than 10 years post the traumatic event.<sup>283</sup> Recurrent violence also results in increase in PTSD and persistent feelings of injustice contribute to mental disorders.<sup>284</sup> People in Kashmir are living in an active conflict where violence and abuse of human rights, at the hands of State forces, is witnessed on a daily basis. The people who have suffered torture and consequent psychological problems years ago find it difficult to move on from the trauma as they are faced with similar situations regularly.

### **Impact of Torture on Economy**

In Kashmir, torture has been used indiscriminately on men, women, children, and the elderly right from the onset of the armed struggle in 1989. The effects of torture have been severe, not only in terms of the deteriorated health of the torture victims but also the loss of livelihoods of many of them. Torture, harassment and frequent arrests led people to completely shut down their businesses due to which they suffered economic losses worth millions of rupees over the years. Some people had to sell their properties, jewellery and even livestock to meet the expenses of treatment for the injuries, which they sustained as a result of torture, and to meet the legal expenses in case they decided to pursue their cases in courts for drawing a semblance of justice. Assessing the economic loss of an individual, a family and the society as a whole, as a consequence of torture, warrants in-depth research across all the districts of Jammu and Kashmir, which is beyond the scope of work that APDP and JKCCS does. Some impacts on the economy that the individuals and their families have suffered which we have come across in our case studies are briefly explained in this section.

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<sup>281</sup> Khan AY, Margoob MA. Paediatric PTSD: clinical presentation, traumatic events and socio-demographic variables – experience from a chronic conflict situation. *JK-Practitioner*. 2006. 13 (Suppl1) S40-S44.

<http://medind.nic.in/jab/t06/s1/jabt06s1p40.pdf>

<sup>282</sup> *Medecins Sans Frontieres. Kashmir Mental Health Survey Report*. 2015.

[https://www.msfindia.in/sites/default/files/201610/kashmir\\_mental\\_health\\_survey\\_report\\_2015\\_for\\_web.pdf](https://www.msfindia.in/sites/default/files/201610/kashmir_mental_health_survey_report_2015_for_web.pdf)

<sup>283</sup> Priebe S et. al. Consequences of Untreated Posttraumatic Stress Disorder Following War in Former Yugoslavia: Morbidity, Subjective Quality of Life, and Care Costs. *Croatian Medical Journal* 2009. 50(5):465-75.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2765735/>

<sup>284</sup> Silove D et al. Effects of recurrent violence on post-traumatic stress disorder and severe distress in conflict-affected Timor-Leste: a 6-year longitudinal study. *The Lancet Global Health*. 2014. 2 (5); 293-300.

<https://www.thelancet.com/action/showPdf?pii=S2214-109X%2814%2970196-2>

From our case studies of 432 torture victims, 36 of them (and their families) live in abject poverty as a result of loss of livelihood or death of the earning member due to torture. Of these 36 families, the members of 4 families have died consequent to torture. The case of Abdul Aziz Sheikh (Case 11), a public sector employee from Poonch, stands as an example of how torture can ruin the prospects of a family. Abdul Aziz Sheikh was arrested on January 6, 1997, by an officer named Purshotam of 27 Rashtriya Rifles, based at Potha Military camp, Poonch. Aziz was forcefully stripped naked, beaten, and could barely walk after coming out of the torture room. His feet were swollen and covered with blood because his nails had been plucked out. The next morning, Aziz died. According to eyewitnesses, locals engaged in forced labour who were present in the camp, he was kept in a freezing water tank all night in the month January, which killed him in no time, possibly due to hypothermia. Aziz's brother, Sadaruddin Sheikh, who was working in Saudi Arabia, filed a case in Jammu bench of the Jammu and Kashmir High Court. As soon as Sadaruddin Sheikh went back to Saudi Arabia, the army forced Aziz's wife to withdraw the case at the High Court. The family continues to suffer economically and has only Sadaruddin Sheikh to support them. Since he left his job in Saudi Arabia, he too can hardly make ends meet. Not only did Aziz's death have economic ramifications for his family but also his brother's family. Sadaruddin had to leave his job, which was their source of income, and take up the financial responsibility of his brother's family as well. Aziz's death under torture affected both families economically.

27 of these 36 victims suffer from chronic health effects of torture, ranging from slipped disc, recto-abdominal perforations, fractures, partial or complete paralysis and psychological problems. Of the 27 victims suffering chronic health issues, 8 suffered or continue to suffer from acute ailments as a result of torture. They are unable to work as most of them are manual labourers and their work is physically demanding. They have to take frequent off days; many say that it is 2 days of work and 1 day off. Din Mohammad (Case 99), a manual labourer from Mangota, Marmat, District Doda was detained on September 20, 2001 by army personnel of 8 Rashtriya Rifles stationed in their village. His family consists of his wife and four kids who are entirely dependent on him financially. He was stripped naked, beaten and a baton was thrust into his rectum. On the evening of September 21, 2001, he was handed over in a morbid condition to his family. His wife, with the help of some relatives, managed to shift him for treatment to a hospital in Doda where he was diagnosed as a case of "Recto-Abdominal Perforation with peritonitis caused by a blunt object inserted forcefully through his rectum". His wife managed the cost of his treatment by begging for money. Din Mohammad has undergone a major surgery as first stage of treatment for the injury. The doctors at the time had advised another surgery for his complete treatment.

222 (51.4%) out of 432 victims studied for this report suffered health issues after torture and 209 of them suffered chronic ailments. They have been bearing the costs of their treatments without any compensation from the government. When tortured in detention none of them receive any medical care, which aggravates their injuries even further. After coming out of detention, they either consult doctors working in private clinics or if the injury warrants serious medical care e.g. surgery, they go to the public hospitals which in turn puts an additional burden on the already overburdened public hospitals in Kashmir. The cost of the treatment can run into millions of Indian rupees, which the family has to provide for. The people who suffer from chronic ailments have to continue treatment for an extended period, (sometimes lifelong) which gradually drains their economy. One family among 432 lost their entire life savings to treat their son, Amanullah Bhat from Srinagar

(Case 74), who was tortured in 1997. He suffered psychological problems post torture, the treatment of which consumed their entire savings.

31 (7.2%) of the 432 victims said that they are unable to do physically exhausting work. Almost all of these victims are either farmers or manual labourers. So they take frequent off days, which affect their overall economy. Not only are these people not able to earn enough; they also have to spend on medication and continuous treatment, which is a double blow to their economy.

3 of the 432 people had to discontinue their work after they were tortured. Previously these three were working as garage worker, carpet weaver, and mason. The torture has rendered them physically unable to continue with their work (or do any other work). Nazir Ahmad Sheikh, (Case 334) who was a mason before he was tortured, is now unable to do any work as both his legs and the fingers of his left hand had to be amputated after he was tortured. Not only did he lose his livelihood, he also had to sell 2 kanals (0.25 acres) of land to raise enough money for his treatment. He receives INR 1,000 monthly from the State Social Welfare department as pension.

Bribery and extortion is another aspect of how the economy of an individual or a family is burdened in a place of active conflict, where arbitrary detention on fallacious pretexts is rampant. 25 (5.8 %) of the 432 victims of torture said that they have paid bribe or extortion money, ranging from INR 5,000 to INR 200,000 to different agencies including Jammu and Kashmir Police, SOG and *Ikhwan*, to secure their release or to keep their families safe from frequent harassments. Abdul Samad Dar (Srinagar) (Case 58) has paid almost INR 400,000 to the army on different occasions to keep his family from getting harassed. Dar's son was a militant as a result of which his family members were frequently harassed, arrested and tortured. A torture victim from Shopian, Aneeq (Name changed) said, "Bribe is accepted from anyone who has enough money to pay to evade filing of an FIR against him. In case the arrested boy belongs to a poor family, an FIR is directly filed against him as he cannot afford to pay the bribe."

Families of 5 victims out of the 432 had to sell their land either to pay extortion or for the treatment of the ailments, which they suffered as a result of torture. The loss of land affects the income that these families generate from farming for generations to come. A victim (Case 83) from Anantnag says that his family had to sell four shops and 7 kanals (0.87 acres) of land to pay extortion money to *Ikhwanis* and SOG to evade frequent arrests and torture. When the harassment didn't stop even after paying money, he had to migrate to Jammu where he stayed for about 2 years.

People have reported looting during raids, CASOs and SADOs. CASO, which is a form of collective punishment, has been inflicted on Kashmiri people since 1990s. People have reported loot of valuable items like gold jewellery, cash, electronic items, etc., from their homes during these search operations. Abdul Rashid Sheikh from Anantnag (Case 51) says that groceries were looted from his shop whenever there was a raid at his house. As the *Ikhwan* headquarters were nearby, the *Ikhwanis* would take groceries from his shop without paying him. He says that groceries worth approximately INR 850,000 were looted from his shop over the years. A victim (Case 339) from Doda, was raped at her home during a raid by personnel from 8 Rashtriya Rifles on April 5, 2000. Besides raping her, they also looted her jewellery, two transistors and INR 30,000.

Other than the medical expenses, victims of torture who take some legal recourse have to bear the additional expenses for years together. Manzoor Ahmad Naikoo from Palhallan, Baramulla had to undergo 5 surgeries to treat the injuries he received during torture, when a rod was inserted into his rectum. His intestines were perforated and he could not urinate or defecate naturally for almost two decades. He had to sell all his livestock and wife's jewellery for his treatment. He filed a suit before the Additional District Judge, Srinagar, against the Union of India and the State of Jammu and Kashmir for damages for injuries sustained. He had to fight the case for 17 years before the court decided in favour of the victim and confirmed the torture against the victim by the 2 Dogra Regiment, Indian Army but did not identify specific perpetrators. The court ordered that the victim be given INR 500,000 with interest, which he received.

Some people's businesses also suffered due to torture and continuous harassment. Mehraj-ud-Din Pandith's (Srinagar) (Case 235) business suffered because his house was frequently raided and to evade arrests and torture, he would stay in hiding for months together, affecting his business adversely. Mohammad Shafi Rather's (Baramulla) (Case 287) family fruit business was affected first by his arrest and torture, and later by the case in the court against him. Showkat Ali Rather (Bandipora) (Case 405) was running a successful carpet weaving business in 1994 when he was first arrested and tortured. He had to wrap up his business since he was frequently arrested and tortured after 1994 and could not keep up with the requirements of his business. He tried setting up another business, a medical shop, but due to the frequent arrests, he was not able to sustain it and had to close it too.

Muhammad Hussain Fazili (Case 303) from Srinagar and Mohammad Shafi Rather (Case 288) from Anantnag are completely dependent on their families financially. Muhammad Hussain Fazili was tortured and jailed for 12 years before he was acquitted of all charges and released. He used to work as a shawl weaver before his arrest. Mohammad Shafi Rather's nerves were damaged after torture, which rendered him unable to walk properly. Both these people are financially supported by their brothers.

While it is difficult to map the impact of torture, given how 'unspoken' it might be, or how delayed the impacts might be, and while it is too widespread to trace the entire picture, it is, however, clear that torture not only adversely impacts the physical well-being but the mental health of the survivors as well. This is not to put into question the resilience of people who have survived such adverse methods of 'breaking their will' or punishing them, but only to bring forth that from health to economy to the overall well-being of the family and the larger community, the impacts of torture seep down to the very core of the society, affecting it in myriad ways. As this report notes, study after study has highlighted the psychological trauma that victims go through following the torture. At the larger level, the kind of fear and paranoia that the use or threat of torture by the State evokes in the community with regard to their security is an everyday concern for the people dealing with the violent manifestations of a militaristic state.

## **Recommendations**

### **To the International Community**

1. The UN Security Council should exercise its power to refer the situation in Jammu & Kashmir to the Prosecutor of the International Criminal Court, under Article 13 (b) of the Rome Statute, acting under its obligations to maintain international peace and security.
2. The United Nations Human Rights Council (UNHRC) should establish the Commission of Inquiry, as recommended in the report of Office of the High Commissioner for Human Rights (OHCHR), which should be mandated to investigate allegations of all human rights violations perpetrated in Jammu & Kashmir.
3. Foreign governments and their embassies/missions in India should peruse this report for blacklisting personnel of various Indian armed forces formations mentioned in this report from obtaining visas. In case any of these alleged perpetrators are found to be present in a foreign territory, they should be prosecuted according to the principles of universal jurisdiction.
4. UN-Department of Peacekeeping Operations (UN-DPKO) should peruse this report for blacklisting personnel of various Indian armed forces formations mentioned in this report and bar them from serving on UN-DPKO missions in any capacity. UN-DPKO should involve the civil society from Jammu & Kashmir for vetting the applications of Indian armed forces before their deployment for international peacekeeping operations.
5. The European Union (EU), which adopted a resolution on Kashmir on July 10, 2008 on allegations of mass graves in Kashmir, has been giving tariff benefits to India in direct contravention of its Generalized Scheme of Preference (GSP) trade policy, which is based on the foundation of protection and promotion of human rights. The EU, by continuing trade under GSP and allowing India to evade being part of the structured dialogue on human rights, becomes complicit. The EU should review its trade relations with India and withdraw GSP trade benefits to India.
6. The European Parliament like it has in other contexts of institutionalised human rights abuses should adopt a resolution to demand the appointment of Commission of Inquiry by the UNHRC and also on its own institute a monitoring mechanism for monitoring human rights situation in Jammu & Kashmir through its diplomatic missions in New Delhi.
7. International Committee of Red Cross (ICRC) should revise its Memorandum of Understanding with India and the government of India should allow the ICRC to work on its global mandate in Jammu & Kashmir.
8. Under the provisions of the Responsibility to Protect (R2P) doctrine, the international community should intervene diplomatically and force India to cease the ongoing human rights violations in Jammu & Kashmir and provide justice to the survivors of human rights abuses.

### **To the Government of India**

1. Give UN-OHCHR, all UN Special Rapporteurs and other Special Procedures, European Parliament and other International institutions unhindered access to Jammu & Kashmir to conduct impartial fact-finding into allegations of rights violations.



2. Give global International human rights organisations unhindered access to Jammu & Kashmir to conduct impartial fact-finding into allegations of rights violations.
3. Ensure that the material witnesses and individuals with knowledge of the occurrence of rights violations, including military, police, administrative officials and victims, receive protection against reprisals, threats and intimidation.
4. Ensure that the material evidence in cases of torture by state armed forces be preserved.
5. Ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and Rome Statute of the International Criminal Court.
6. Repeal all laws which are in contravention to the international human rights framework.
7. Adopt rehabilitation policies in Jammu & Kashmir for the victims to overcome physical, psychological, economic and social consequences of torture.

### **To the International Civil Society**

1. Enhance their presence in Jammu & Kashmir and increase their activities regarding documenting and disseminating reports of the widespread human rights violations in the state.
2. Facilitate a campaign to persuade UNHRC for appointing the Commission of Inquiry for investigation of the human rights violations in Jammu & Kashmir.
3. Provide support, through their action, for the protection of the human rights defenders, lawyers and victims in Jammu & Kashmir.



## **Chapter 5: Testimonials of Torture Victims**

### Case 01

#### **Aarif Ahmad War**

Male / Butcher

Residence: Warpora, Baramulla

Parentage: Mohammad Maqbool War

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

#### *Case Information*

Aarif Ahmad went for arms training to Pakistan administered Kashmir in 1991 and returned in 1993 to join the militant group Jamiat-ul-Mujahideen. After remaining active for a year and a half, he was arrested by the 26 Punjab Regiment of the Indian Army, after an ambush on the road. He was later transferred to several Army camps, where, he claims he was tortured.

Aarif, along with a companion, was going to Warpora village from Dangerpora, but were ambushed on the way as the Army directly fired upon them. Aarif and his friend were without weapons, so they attempted to escape, but were chased and trapped from all sides in a field. As the soldiers came closer, they asked Aarif's companion to take off his *pheran* (outer garment) and step towards them. As he complied, they shot him dead. Then they directed Aarif to do the same. When he took off his *pheran*, they pointed a gun at him, but their officer instructed them not to kill him. They later took Aarif to a stream in the vicinity of the village and tortured him by its banks. It was winter; they removed all his clothes and put him into the cold stream for about fifteen minutes. Then they beat him with bamboo sticks and used a wooden roller over his legs. An hour later, they took him to Dangerpora village for an identification parade in a three-day long crackdown to identify persons having an affiliation with the armed struggle. Over the course of the crackdown, they dragged him through fields; beat him with sticks and gun butts for hours looking for a weapon, which he had already handed over to them on the second day of his arrest. But he was still beaten for information of the whereabouts of other companions. When the crackdown was lifted in the village, they took Aarif to Watlab Camp, where he was detained for six days. There, he was tortured four times daily for hours at a time, which included being beaten with bamboo sticks and leather belts. His head was dunked into a bucket of chilli water several times; a wooden roller was used over his legs. Electric current was applied to his genitals and fingers several times. He was suspended upside down from the ceiling for hours.

Six days later, Aarif was taken to Sopore town for an identification parade during a crackdown. He did not identify anyone, because he did not recognize any of them as affiliated with the armed struggle. After that, he was taken to ITI Sopore camp for three days, during which he was tortured, twice daily for at least one hour at a time. Every night before sleeping, he was forced to drink about two litres of water mixed with chilli powder. After this, he was put naked into a sleeping bag, in which five to ten large rats were also placed. The rat bites left his entire body bruised, but he was never taken to a doctor. During this time, Aarif's family members were not allowed to meet him. From ITI Sopore, he was

transferred to JIC Baramulla for six months. Here, he was not tortured, but regularly taken with another detainee to crackdowns at different places for identification parades. Once Aarif and another detainee were to be taken to Takipora, Kupwara to a crackdown, but were instead taken into the forests and beaten with bamboo sticks for nearly an hour. At JIC, the doctor visited several times for treatment, and gave them painkillers and ointments for their wounds.

Aarif was shifted to Kot Balwal jail from JIC Baramulla and held there for nine months. He was not tortured there, but once all Kashmiri detainees were beaten and kept in the barracks for nearly a week. This followed Masood Azhar, JeM (Jaish-e-Mohammad) chief, being transferred there and forced by the jail authorities to give a statement before the media admitting that there was terrorism in Jammu and Kashmir. Masood sought the support of Aarif and other detainees to hold a demonstration in the jail, so as to prevent the authorities from forcing him to give the statement. The day Masood was taken out, Aarif and the other detainees all assembled in the jail yard and yelled anti-India and pro-freedom slogans. In order to quell the protest, the jail authorities resorted to heavy baton charge and fired directly upon them, resulting in the killing of one of Aarif's companions, Naweed Hakeem. They later imposed a curfew in the jail, and locked them all into the barracks for a week.

From Kot Balwal Jail, Aarif was transferred to Kathua Jail for six months, and then to JIC Baramulla, wherefrom he was released on bail. After that, he was never picked up again by any agency, but he did have to report at different camps every week, which only ended in late 2008. During those instances, he was beaten several times on trivial pretexts and forced to do labour in the camps by the Army. He was also called to the camp if any untoward incident took place in his area, where he was then harassed and confused by being asked irrelevant and confusing questions. The torture Aarif was put through has rendered him weak. He usually has back and joint pain, and has to take breaks from work.

In 2009, the case was still on-going at Baramulla District Court, and required him to go for a hearing every month. After his release, Aarif did not join the armed struggle again. He enrolled in higher secondary school and studied up to the 12<sup>th</sup> class.

## Case 02

### **Name and identifying information withheld on the request of the victim/witness**

Male

Residence: Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. SP Zahid Malik, SOG
2. ASI Reyaz Punjabi, SOG
3. Ram Das, SOG
4. Tariq, SOG

### *Case Information*

In January 2011, the victim was arrested from Srinagar by Anantnag (Islamabad) police. First, he was taken to Kothi Bagh Police Station for 3-4 hours and then shifted to JIC Khanabal. There, at about 10:00 am, he was stripped and kept in a dark room for about 2 hours. After that, he was taken to the office of SP (Operations) Zahid Malik where another officer namely Reyaz Punjabi (probably ASI) was also present. In SP Zahid's office, they

switched off the lights and the SP asked Reyaz to shoot the victim. The SP then asked Reyaz to put the gun down and leave the office. After that, SP Zahid sipped some alcohol and started questioning the victim for some time. He then called two SOG men, Ram Das and Tariq, to take the victim out of the office. They took him to the torture cell, made him sit on a chair and tied him to it. On Zahid's orders, his men beat the victim with bamboo sticks for about half-an-hour. He was then made to bow down; a stick inserted into his rectum and kept in that position for 10-15 minutes. He was hung from the ceiling 30 to 45 minutes. After this, he was made to lie down and a roller was run over him. The torture continued till 03:00 am after which he was put in a dark room. He was bleeding through his rectum. He was shifted to Sadder Thana the next day for two days and then booked under PSA.

#### Case 03

##### **Name and identifying information withheld on the request of the witness**

Male / Contractor

Residence: Bijbehara, Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Sheikh Tahir alias Tahir *Phoph*, Ikhwan (now with the Territorial Army)
2. ASI Kaka Battaa, SOG

##### Case Information

In September 2005, personnel of the 3 Rashtriya Rifles of Khanabal camp cordoned the area at about 5:30 am. Sheikh Tahir *Phoph*, an *Ikhwan*, informed the army that there were militants in the victim's house. The army first sent local residents inside the house to ask them to get out and assemble in the compound. After they left, the army along with Tahir entered the house and searched all the rooms. Tahir asked the wife of the victim about the militants. She replied that there were none in the house. They broke the windows and doors of the house and threw the bedding outside in the compound. Tahir also cut the landline connection and electricity of the house. Then the army picked up the victim and took him to the JIC Khanabal.

The army returned to their house the same night, asking about the victim's son who worked as a guard in a park. On that night he was on his night duty and the army somehow came to know about it and picked him up from the park taking him to the JIC Khanabal as well.

An officer in the camp, called Kaka Battaa, tortured both of them; they were hung upside down and beaten. They were held at the JIC for 4 days. The son was released after a few days and his father was shifted to Mattan Police Station for 15 days. After that, he was shifted to Central Jail, Srinagar. From there, the victim was brought to Anantnag (Islamabad) court and booked under the Public Safety Act (PSA). Then the victim was shifted to Kot Balwal Jail, Jammu and kept there for one year before being released.

#### Case 04

##### **Name and identifying information withheld on the request of the victim/witness**

Male / Shopkeeper

Residence: Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Dy. SP Harmeet Singh, SOG

2. ASI Kaka Battaa, SOG
3. SI Ramesh, SOG

### *Case Information*

The victim has been detained numerous times since 2002.

In 2002, the victim was picked up by the Jammu & Kashmir Police from his house on the pretext of having links with militants. He was taken to Sadder Police Station where he was kept for about a week and released thereafter. On this occasion, SHO Mushtaq of the police station took INR 100,000 from the family of the victim for his release and for ensuring that there was no case filed against him. The SHO received the money through a person namely Zahoor Ahmad, who was acting as mediator between the family and the SHO.

Two years later, one early morning in November 2004, the victim was taken to JIC Khanabal. Many youths had been taken away that time because of an attack (mine blast) on Farooq Abdullah. The victim was straight away subjected to torture on the orders of Dy. SP Harmeet Singh. Like all the youth who were beaten, he was hung upside down. His hands were tied behind his back. He was kept stark naked and tied to a rope; he was electrocuted in the genitals and toes and a roller was rolled over his legs. Two SOG personnel were at either side of the roller and two were pressing down on the center. The torture was being physically done by ASI Kaka Battaa and SI Ramesh, in addition to others. There were a total of 10 people torturing the victim at a time. The victim was tortured for 4 hours and then thrown into a cell where he was kept for 7 days. He was asked to accept the responsibility of the attack but he pleaded his innocence. Then he was released from JIC.

In December 2004, an escort of alleged Dy. SP (SOG) Harmeet Singh got killed. The victim's house was cordoned and surrounded by SOG and *Ikhwanis*. Then, ASI Kaka Battaa took the victim away, along with his father and two of their domestic helps. They were taken to the JIC and beaten and kept there for 2 days, after which they were sent to Sadder Police Station and released on the third day.

On 3 March 2005, the victim was again picked up from his house by perpetrator no.3 and other SOG men. He was taken to the JIC, accused of having weapons of the Al Badr group and then tortured severely. He was electrocuted; roller was used on his legs. This torture continued for 24 hours. On this occasion, he was also "questioned" by S.P. Ashiq Bukhari.

Then after three days he was sent to Police Post Sherbagh and then to Police Station Sadder, Anantnag where he was kept in custody for 13 days, and eventually booked under the PSA, and sent to Kot Balwal Jail, Jammu. He remained in jail for 14 months and was released only in May 2006.

Shortly after his release, he was first taken to Police Station Sadder, Anantnag (Islamabad), and then to CIK Humhama, then again to Police Station Sadder before being finally released.

Due to the torture, the victim's shoulder bones were damaged and he developed serious disorders. He could not eat with his hand for 9 months.

Case 05

**Name and identifying information withheld on the request of the victim/witness**

Male

Residence: Poonch

Affiliation: Ex-militant

Alleged Perpetrators/Agency: Not known

*Case Information*

This person was first arrested in Mumbai at the age of 18 in 1990, for being an active militant. He was brought to Surankote jail soon after, then shifted to the Kathua jail and eventually ended up in a Punjab jail where he was tried for the next two years. His investigation and torture went on till he was released in late 1992 and his PSA was also over. According to him, his torture was “extreme”, as he faced all major forms of torture. Different agencies came to interrogate him and tortured him in their own way. In his own words, “May God never bring those days again. Even the thought of that makes me shiver”. Once released, he felt socially ostracized and joined militants again in early 1994. He was active till 1996 when he was again arrested in Jammu but this time without any arms. Eventually, this led to his quicker release in 1996 and he went back to his village. Since then, he is jobless as he cannot get any private sector or government work. In addition to an obvious passport issue, even the bank denies him a loan to start his own small business. He cannot get a contractor card either. He has a family of four to support, which includes his two children. People still maintain a social boycott with him and so do the authorities. His torture has left him in a very bad physical state, which doesn't allow him to do any physical labour, thus leaving him helpless and economically weak. He still lives under continuous surveillance and has to present himself in the police station every now and then.

Case 06

Unknown 1 /Unknown 2<sup>285</sup>

Female(s)

Residence: Rajouri

Affiliation: Civilians

Alleged Perpetrators/Agency:

1. Ct. Showket Hussain, SOG
2. SPO Abdul Rehman, SOG
3. SPO Mohammad Latief, SOG
4. Basharat Hussain, SOG

*Case Information*

In a petition submitted in the State Human Rights Commission, the complainant reported that his wife and sister-in-law were raped on the intervening night of February 13/14, 2005, when four SOG personnel from Rajouri Police Station barged into his house, “behaving” as militants. They were later identified as Ct. Showket Hussain, SPO Abdul Rehman, SPO Mohammad Latief and Basharat Hussain. In a report submitted by IGP J&K to the SHRC,

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<sup>285</sup> Source of the case: SHRC Annual Report

it was revealed that an FIR under sections 376/380/336/34 RPC had been filed against these people and a charge sheet was produced in the court on August 3, 2005.

SHRC in its findings substantiated that the four SOG personnel were guilty of the crime. It also recommended the J&K Government pay an ex-gratia relief of INR 75,000 to each victim.

#### Case 07

##### **Abdul Ahad Bhat**

Male / Farmer

Residence: Tarzoo, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Tegi, BSF

#### *Case Information*

Abdul Ahad Bhat was a militant affiliated to Hizbullah before he went on to join Hizbul Mujahideen. In 1990, he went to Pakistan and returned in 1991. He was arrested a couple of months after his return, the first time on October 18, 1991 by the BSF. The officer in charge was Tegi. Bhat spent two months in Sopore Military Camp, before being detained and booked at Baramulla Sub Jail under PSA. He was released after two years. In 1993, during a crackdown, Bhat and his companions were attempting to escape after dumping their weapons when he was caught and arrested by personnel of 15<sup>th</sup> Punjab Regiment, and taken to JIC Baramulla. First, he was beaten with rods, a roller applied over his legs, and electric shocks administered to his entire body. After that, the beatings continued. He was interrogated for the information about other militants and his gun, which the Army wanted him to surrender but he refused to give up his weapon. Bhat's family was allowed to visit him after 20 days of detention.

During his second capture, he was beaten and his head dunked in water. He was kept in JIC Baramulla, where there were no basic facilities, including water, or sanitation. It was so overcrowded there that was hardly any space to sit. There were about 400 or 500 men there, but the facility was not built to hold that many. Bhat spent four months there and handed over his weapon. He also got typhoid in jail, but was not given any medical treatment. After that, in 1993 or 1994, Bhat was picked up two or three times and tortured again.

Due to the torture, his eyesight has grown weak. A bone in his left hand was fractured and he received a lot of internal injuries, which has led to weakness.

#### Case 08

##### **Abdul Ahad Khan**

Male

Residence: Lilam, Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army



Testimony by the victim's mother, Azi Begum

*Case Information*

Abdul Ahad Khan was a 15-year-old student when he was picked by the Army and tortured, which eventually resulted in his death. Azi Begum, his mother, recounts the mid summer night of 1994 when the Army cordoned the area and picked her son up from their home. With his father having passed away, as the elder son of the household Abdul Ahad studied as well as did menial jobs to sustain the family. Eight days after his arrest, he was released in a morbid condition. He had been brutally tortured and was unrecognizable. His body bore torture marks and most of the facial parts were swollen. He was immediately taken to a hospital and provided necessary treatment. Ever since, Ahad used to remain ill. During this curative period, the Army again picked up Ahad on allegations of supporting militants. Horrified by the past experience, the family firmly resisted, but to no avail. Nearly fifteen days later, Ahad was released in a terrible state. Azi sold a part of her land and sent him to Punjab for his safety but his condition continued to worsen and he returned home. A day after his return, Ahad started vomiting blood and was immediately taken to the district hospital from where, in view of his deteriorating condition, he was shifted to SKIMS, Soura where the doctors examining him declared him to have kidney failure. All tests carried in the SKIMS, Soura confirmed renal failure and liver injury. The doctors further alleged it to be a case of atrocious torture that caused kidney failure. The family arranged some money and took him to Chandigarh but it needed lakhs of Rupees for kidney transplantation, which the family could not afford. It was in 1998, nearly four years after the arrest that Ahad succumbed to his injuries. Ever since, the only means of sustenance for the family has been begging.

Case 09

**Abdul Ahad Sheikh**

Male / Baker

Residence: Chopan Mohalla, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 11 Garhwal Rifles, Army

*Case Information*

Abdul Ahad Sheikh crossed the LoC in 1991 and returned after 15 months. He was active for only 2-3 months in 1992 before being detained during a search by 11 Garhwal Rifles. He was tortured every 3 or 4 hours during the detention, which lasted three days. He was kept naked and forced to drink water before being given electric shocks. He was beaten with a steel rod and lost consciousness when he was hit on his head by the rod. A roller was also used on his body.

The extent of mental torture inflicted on him was also horrible. He was asked degrading questions about his character, about how many women and girls he enjoyed while he was a militant and how much wealth he amassed.

Frequently called to the camps after that, Abdul Ahad was forced to collect garbage, prune branches, do laundry and sweep.

Post torture, he has faced a lot of problems. He suffers from multiple health issues, is unable to walk and cannot work. It is very difficult for him to take care of his six daughters.

### Case 10

#### **Abdul Aziz Bhat<sup>286</sup>**

Parentage: Ali Mohammad Bhat

Residence: Pahloo, Brain, Nishat, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 167 Field Regiment, Army

#### *Case Information*

Abdul Aziz's wife, Mrs. Taja Banoo petitioned the SHRC in 1998 that her husband was killed under torture by Indian armed personnel of 167 Field Regiment camped at Chandpora Harvan, on the intervening night of December 26/27, 1996. The widow, along with two other witnesses, Ghulam Ahmad Bhat and Mohammad Ramzan Bhat, deposed before the SHRC that her husband was detained during night hours and next day, his dead body was handed over to the family through Police Station Nishat. Mrs. Taja said that her house was raided during the night hours by Army personnel. Her husband was first tortured inside their house in front of her and her minor children. His body was burnt with a clothing iron, in addition to other ways of torture, resulting in him falling unconscious. Taja could not raise any hue and cry as she was threatened by the armed personnel who then carried Aziz along with them in the same state. The family received his dead body the next day.

Two FIRs were registered in Police Station Nishat, one by Abdul Aziz's wife and another by the Army (167 Field regiment). In FIR No 140/96 lodged by the Army on 27-12-1996, it was stated that during the night of 26/27, December, 1996 they arrested one Abdul Aziz Bhat from Pahloo, Brain, Nishat, Srinagar and he agreed to lead the Army party for recovery of ammunition. When they reached the hideout, he took out one AK 56 rifle, and fired upon troops. The troops retaliated and he was killed in that exchange of fire. The second FIR (No. 8/97), U/S 302 RPC, was filed by Abdul Aziz's wife but only after the order from Chief Judicial Magistrate, Srinagar. The FIR was registered against H.P. Singh, Company Commander C/o Infantry 167 Battalion and the Commanding Officer of the same Battalion. The cause of the death was mentioned as severe torture in custody.

The SHRC in its order, states, "The Crime Branch and the police have projected the incident in a different way, that is to say, he was lifted and agreed to take them to hideout where he took the rifle and started firing. The report projected on this point is highly unrealistic and devoid of logic. When a person is arrested for recovery he remains handcuffed. How could he take the gun from hideout and fire on them when he was in their very grip?"

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<sup>286</sup> Source of the case: SHRC Annual Report

The SHRC recommended that the victim's wife be provided with a relief of INR 200,000 with benefit under SRO – 43.

Case 11

**Abdul Aziz Sheikh**

Male / Social worker and government employee

Residence: Lathung village, Surankote, Poonch

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Officer Purshotam, 27 Rashtriya Rifles, Army

*Case Information*

On January 6, 1997, a civilian Aziz was summoned by army officer Purshotam to Potha Military camp 27 RR in Poonch. His 16-year-old nephew, Rizwan, was arrested by the military a day before on no charges. Purshotam sent a letter to Aziz telling him he would release his nephew if he appears in the camp. Aziz's cousin, who accompanied him, notes that Aziz was asked to take off his clothes. Initially he refused but they forced him to. When he resisted taking off his pants, they started beating him ruthlessly. Rizwan, who saw his uncle when he was brought out of the torture room, noticed that he could barely walk or speak. His feet were swollen and covered with blood because the military had extracted his nails. The next morning, Aziz was dead. According to some local forced labourers who were the eyewitnesses, he was kept in a freezing water tank all night in the January cold, which killed him in no time.

For seven days, there were continuous protests in Poonch to return his body but the military didn't, despite accepting that he was an innocent person. A case was filed in Jammu High Court against Purshotam by Aziz's brother and Rizwan's father, Saddarudin Sheikh, who was working in Saudi Arabia when Aziz was killed. Purshotam accepted in court that Aziz was innocent. But nothing happened further in the case. As soon as Saddarudin Sheikh went back to Saudi Arabia, the army forced Aziz's wife to withdraw the case. She went to Jammu High Court and pleaded to close the case. Currently the family suffers due to economic crises and has only Saddarudin Sheikh to support them. Since he left his job in Saudi Arabia he too can hardly make ends meet now.

Case 12

**Abdul Gaffar Sheikh**

Male

Parentage: Abdullah sheikh

Residence: Ashtingoo, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Officer RD Singh and Officer RK Khanna, Army

Testimony by the victim's wife, Rafee Begum

*Case Information*

During a search operation in 1991, the army ordered all the men to leave their wives and children behind and assemble in the nearest school ground. The army personnel misbehaved and mistreated women. It was during the crackdown that Abdul Gaffar Sheikh was taken by the army personnel for interrogation. His wife, Rafee Begum recounts that he was accused of being a relative of militants and also asked about weapons.

After torturing him for hours, he was brought back half dead by two army officers named R.D. Singh and R.K. Khanna. On the third day of operation, he was again taken under custody by the army personnel. The next day, his body was found near the Watlab top with seven bullets.

According to the locals, many civilians were killed during what has been referred to as Operation Wullar. Since it continued for seven days over a very vast area, the exact number of the people killed remains unknown.

#### Case 13

##### **Abdul Gani Batt**

Male / Farmer

Parentage: Rustum Batt

Residence: Dhal, Khankoot, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency: Not known

##### *Case Information*

Abdul Gani was arrested from Jammu in June 1989 by the CID and taken to JIC Kathua for interrogation. He was detained there for 35 days after which he was shifted to Central Jail Jammu from where he was released on bail after six months.

He was tortured in JIC Kathua for 35 days, everyday from 10:00 am to 2:00 pm. He was beaten with leather belts and iron rods, electric shocks were given to his body, roller was used on him and his nails were also broken.

He used to work in a garage in Jammu before he was tortured but became physically weak after the torture. He could not work there anymore. He still suffers from regular back pain. He even has difficulties in walking properly.

#### Case 14

##### **Abdul Gani Dar<sup>287</sup>**

Male / Shawl vendor

Residence: Kawoosa Khalsa, Beerwah, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Anzar, Police Station Magam, Jammu & Kashmir Police

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<sup>287</sup>Source of the case: SHRC Annual Report

### *Case Information*

In January 2005, Abdul Gani Dar visited Jammu to talk to some politicians for release of his son, Mohammed Amin Dar, who was arrested by Magam Police. He stayed with his acquaintances, Abdul Majeed Wani resident of Chak Kawoosa and Ghulam Hassan Dar resident of Rasoo Beerwah at Gujjar Nagar Jammu. At about 11:30 am, a police party headed by SHO Anzar from Police Station Magam raided his residence and arrested him along with Abdul Majeed and Ghulam Hassan. They were taken to Police Station City Chowk Jammu. The next day they were brought to Police Station Magam and then handed over to SOG Camp, Magam. In the SOG camp, he was subjected to severe torture before being shifted back to Police Station Magam where he breathed his last.

A report filed by the DGP J&K to SHRC on March 5, 2009, states, "All the three persons were arrested by Police party of Police Station Magam/SOG Camp Magam from Jammu on 18-01-2005 and brought to Police Station Magam. The reports further revealed that Ab. Gani Dar was involved in case FIR No. 162/04 U/S 302 RPC, 7/27 A. Act and 163/04 U/S 302 RPC, 7/27A. Act at Police Station Magam. Said Ab. Gani Dar was a notorious pickpocket (an allegation denied by his daughter). During investigation, Abdul Gani Dar died in Police custody. An enquiry was ordered by Deputy Commissioner Budgam into the death, which was conducted by ADC Budgam recommending that a case be registered against I/C SOG and Department action be taken against SHO Magam. However, on 30-04-2007, District Magistrate Budgam ordered a fresh inquiry. It is also revealed that Abdul Gani Dar was not involved in militancy related activities."

The SHRC in its order considered the contents of the report filed by the DGP as the admission of arresting Abdul Gani Dar by police from Police Station Magam and his consequent death in police custody due to torture.

The SHRC recommended an ex-gratia relief of INR 100,000 and benefits under SRO-43 to the next of kin of the victim.

### Case 15

#### **Abdul Gani Tantray**

Male

Parentage: Shams-ud-Din Tantray

Residence: Tantraypora, Banihal, Ramban

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SP Makhan Lal Sharma, Jammu & Kashmir Police
2. Inspector Wani, Jammu & Kashmir Police
3. Dy.SP Thapa, Jammu & Kashmir Police
4. SHO Chaudhary Ghulam Rasool, Jammu & Kashmir Police

### *Case Information*

Abdul Gani Tantray was arrested for the first time in 1994 by a party of the Jammu & Kashmir Police working under SP Lingoo. He was detained in the Banihal Police station for 4-5 days without any FIR. After that he was shifted to JIC Jammu where he was

detained for 50 days, where torture started as soon as he (and another person arrested with him, Bitta Khanday) entered the premises. He found out after a long time that he and Bitta were framed in a blast case, which he says is a false allegation. Both of them were never taken to the magistrate and no official police or judicial remand was ever taken making the detention illegal.

Tantray says he was tortured continuously during the period of detention; his hands were kept tied to the ceiling for about 10 continuous days while being simultaneously beaten and were untied only when he had to eat or go to the washroom. The food given was scarce. He was kept in a separate cell and not allowed to sleep. He was not allowed to change clothes as a result of which it got infested with lice. His face (and the face of 4 other detainees, Mushtaq Ahmad R/O Yaripora, Anantnag; Farooq Ahmad Bhat R/O Yaripora, Anantnag; Farooq Ahmad Sofi R/O Shopian; Farooq Ahmad Pal R/O Shopian) was shaved on one side only. This was done in presence of SP Makhan Lal Sharma. Interestingly, no questions were asked or no information was sought from him, making the torture merely an instrument for inducing fear and humiliation. He was continuously tortured for the period of his detention. The torture was perpetrated by or in presence of Inspector Wani, Dy. SP Thapa, SHO Chaudhary Ghulam Rasool. During this time, he was provided no medical treatment and was made to sign some blank papers. After 50 days, he was shifted to Police Station Banihal, where he was verbally abused by Inspector Rouf Lone, detained for 4 days before being finally released.

He was again tortured in 1996. His brother had died in an accident and relatives and neighbours were present in his house when the army laid a cordon around the village. Everyone present in the village was taken to the Dolegam camp premises, and many were beaten. Then Abdul Gani and two of his brothers, Mohammad Abdullah and Mohammad Yousuf, were taken inside the camp building, stripped naked in front of each other and beaten so ruthlessly that his brothers lost consciousness after sometime. Abdul Gani's head and chest were trampled over and he was threatened that he will be shot. Due to the pain, he shouted "Allah" which irked his torturers who asked him to say "Ram Ram" or they would shoot him; when he refused, he was beaten so mercilessly that other officers rushed in from outside and "rescued" him. All the three brothers were taken outside the building in only their underwear. They were shifted to Karawa camp where his brother, Mohammad Yousuf's health deteriorated. He was shifted to the Banihal district hospital and Abdul Gani and his other brother were also released to attend to their sick brother. Since then Yousuf's feet are disabled and he is unable to work. He has become completely dependent on his brothers.

Abdul Gani Tantray has been tortured many times since and was still booked under PSA at the time of conducting this interview.

#### Case 16

##### **Abdul Hameed Ahanger**

Male / Shopkeeper

Parentage: Abdul Samad

Residence: Ahanger Mohalla, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF

### *Case Information*

Abdul Hameed Ahanger crossed the LoC in 1990 for arms training and stayed for a month in Pakistan administered Kashmir; he returned the same year. He was associated with JKLF and remained active for 4 months. While he was active, the army made frequent visits to his house and beat his family members with gun-butts and batons.

On 6 July 1991, he was arrested by the BSF at Wadoora where he was detained for 10 days. Once released from there, he was detained again at Mazbugh, and then at Redoo. In detention he was each time subjected to torture. He was beaten with a steel rod. He was forced to drink excessive water before being subjected to electric shocks, and kept on a wet cement floor during the shocks. The duration of these was 15-20 seconds and his genitals were electrocuted. Hameed's ears were burnt with cigarette butts and his neck and lips were burned with hot iron. His nails were plucked by pliers. He would be kept naked and steel rollers were rolled on his body.

The torture has had long-term implications on Hameed's health. He suffers from general fatigue, impaired visual and auditory powers, stomach and backache. He has been unable to work and cannot provide for his family.

Hameed had to report to the camp once a week early on, and later once a month. He was subjected to endless humiliation and forced to perform menial tasks like doing the laundry and sweeping.

### Case 17

#### **Abdul Hameed Mir**

Male / Labourer

Parentage: Ghulam Ahmad Mir

Residence: Managam, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 15 Rashtriya Rifles, Army

### *Case Information*

Abdul Hameed did not have any connection with militants. In 1999, he was picked up from his home by personnel of 15 Rashtriya Rifles during a raid. They wanted to know the whereabouts of his elder brother, Sanaullah Mir, who the Army was searching for. That day, Hamid's brother had gone to Sultanpur, Sonawari to attend the marriage ceremony of a friend. Abdul Hameed was taken to Kalantra Camp for two days, where he was tortured. After he was stripped naked and beaten, a wooden roller was applied over his legs. His head was dunked into water several times, and for three to four minutes at a time. An electric current was applied to his chest, fingers, and toes. Abdul Hameed gave them the whereabouts of his brother, but they still continued to torture him. The Army later picked up his brother, and Hamid was released the next day.

Case 18

**Abdul Hamid Parra**

Male

Parentage: Abdul Khaliq

Residence: Parra Mohalla, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

*Case Information*

Abdul Hamid Parra crossed the LoC in 1989 and stayed in Pakistan administered Kashmir for about 10 months. On his return in 1990 he was associated with Al-Jihad militant outfit and had been active for eight months when he got arrested in February 1992 by personnel of 26 Punjab Regiment, Keegam camp.

During the time when he was an active militant, his house was frequently raided by army and other agencies. Later when arrested, he was detained for 12 days and tortured for the first three. He was beaten with steel rods, his legs were stretched, he was forced to drink excessive water and kept on a tin sheet with water sprayed on it after which he was given electric shocks. His private parts were tortured about 10 times, his body was burned and he was kept naked. He was hung upside down; a roller was also used on his body.

He was told that he was committing excesses with people and amassing wealth besides raping women and asked to work with them as an informer.

His family was allowed to meet him after three days of his arrest, and he was provided some medical care like antibiotics. After his release, he was arrested scores of times by different Indian agencies and tortured every time. He was kept naked and forced to sweep and perform other tasks. Whenever he was called to report to the camp, he would be kept in custody throughout the day and directed to perform forced labour like burning wood for making coal and other things like sweeping, cleaning bathroom drains and cutting grass.

There was no schedule of reporting to the camp. He would be called at any time, sometimes daily, sometimes weekly and sometimes on a monthly basis. Along with others, he was used as human shield scores of times. Whenever any law and order condition prevailed, he was ordered to turn up at the camps.

The left side of his body is almost paralyzed; he is affected by constant aches in his joints, and is mentally disturbed owing to the torture. He is totally unable to work and is not hired by anyone because his work is not satisfactory for them and he faces economic hardships and cannot meet the expenses of his family. The frequent call by army to visit camps is compounded by his already frail and fragile economic conditions.

Case 19

**Abdul Hamid Bhat**<sup>288</sup>

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<sup>288</sup> Source of the case: SHRC Annual Report



Male

Residence: Drangbal, Pampore, Pulwama

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

#### *Case Information*

Nisar Ahmad Bhat, son of the victim, Abdul Hamid Bhat, petitioned the SHRC that his father was tortured on the intervening night of July 22/23, 2002. He states that his father was arrested by the army and tortured. Consequently, he was admitted to the hospital, where he died after sometime.

The police in their report submitted to SHRC said that the victim died at his home on November 15, 2004. According to this report, he was tortured by some unidentified uniformed men during the intervening night of July 22 – 23, 2002.

The SHRC in its order observed that the victim died due to the injuries he received during torture. It recommended the Government pay an ex-gratia relief of INR 100,000 to the next of kin of the victim and benefits under SRO-43.

#### Case 20

##### **Abdul Hamid Bhat**

Male / Tonga driver

Residence: Sheeri, Zandfaran, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. Rashtriya Rifles, Army

#### *Case Information*

Abdul Hamid Bhat was picked up by SOG personnel on August 1, 2003 at 5.35 pm from his home and taken in a handcuffed and blindfolded condition to the nearby village of Gundmul, where he was kept for 10 minutes and later shifted to JIC Baramulla. As soon as they reached JIC Baramulla around 6.30 pm, the torture began, and continued upto 11 pm. A blade wire was put into his legs, which tore his flesh. Then he was put in a cell where 4 men stood upon his chest and hit him with hands and legs for the whole night. He was taken out of the cell at 11.30 am and presented before the Dy. SP Muneer Khan. It was on account of the intervention of local MLA, Hassan Rahi, that he was released. He was hospitalized for 2 months in Baramulla hospital and later in SKIMS, Soura for 17 days, where he spent about INR 40, 000 for the treatment.

A year later, he was picked up at 10 pm by personnel of the RR (Sheeri camp, Zandfaran) from his home, asking him to show them the short route to the nearby village of Nambal. But only a few steps away from his home, he was blindfolded and taken to the camp where he was tortured. He was suspended upside down for the whole night and slapped

continuously from 11.30 pm to 5 am. At 6.30 am he was released on account of a favour done by an army Major.

However, he had to report to the Boniyar camp every Sunday for weekly attendance (*haziri*) and if for some reason he could not make it, he would be severely punished and made to do labour work for hours together. This torture has rendered him unable to work or earn a living.

#### Case 21

##### **Abdul Hamid Mir**

Male / Farmer

Parentage: Haji Abdul Samad Mir

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

#### *Case Information*

Abdul Hamid, along with ten others, was randomly picked up during a crackdown in his native village by the 26 Punjab Regiment after they had asked everyone to assemble in a nearby field. After he was unable to answer a question – on account of his inability to speak Urdu and Hindi – he was taken with the others into a newly constructed building in the same village where, he claims, he was tortured.

He was first stripped naked and beaten with bamboo sticks. They also applied an electric current to several parts of his body and dunked his head into water that had chilli powder mixed into it. After two hours of continuous torture there, they later took him into the house of Mohammad Sultan Mir in the same village. They had some information about the house, but were unable to find anything during the search, so they tortured him again. A large cloth was put inside his mouth and pressed into the back of the mouth with a stick, all this while simultaneously beating him. They later pulled it out with such force that blood started oozing out of his mouth. In this state he was taken back to the building and beaten once more. They applied a heavy wooden roller over his legs, and forced him to drink a full bottle of alcohol, due to which he fell unconscious. After the crackdown was lifted they put Hamid into their vehicle and took him away, and pushed him out on the road after half a kilometer. He was later taken to the hospital by some villagers, where he was admitted and treated for 20 days. He had multiple fractures and some scarring in his windpipe. He was confined to the bed for three years after that, and is still unable to do any heavy physical work.

#### Case 22

##### **Abdul Hameed Tantray**

Male / Farmer

Parentage: Abdul Satar

Residence: Dangerpora, Bonipora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Grenadiers, Army

*Case Information*

Abdul Hameed went to Pakistan administered Kashmir for arms training in 1990 and returned after twenty days. He remained active with Al-Umar outfit for about two years and was later arrested by the 5 Grenadiers at Dangerpora, Sopore. He was taken to different Army camps and jails, where he claims he was tortured.

Hameed states that he was in a *tonga* (horse cart) going from his village to Sopore town when he was stopped by the Army for frisking. They identified him and arrested him on the spot. They tied his legs to the vehicle and dragged him on the road for two or three kilometers. They later took him into a nearby orchard, where they removed all of his clothes, gagged his mouth with his underwear, and poured about three litres of water mixed with chilli powder through his nostrils. After that, several men kicked Hameed's stomach, which made water and blood come out through his mouth and nose. Then they took him to Gunjoo House, Sopore, where he was kept for five days. Over the course of those days, he was tortured three times a day, and for hours at a time. He was beaten with thick bamboo sticks, an electric current was applied to his genitals, and a wooden roller was used over his legs. He was put naked into a small cell, where it was difficult to sit properly and he was only taken out for torture. Abdul's family was not allowed to meet him during this period.

He was later transferred to Badami Bagh Cantonment, Srinagar for 15 days, where he was subjected to the same torture methods every day. He was tortured for information about his weapon and the whereabouts of companions, but he did not give them any. His family was then allowed to see him for the first time since his arrest. Hameed was then transferred to Kot Balwal Jail, Jammu for two years, and then to Udhampur Jail for one year, wherefrom he was released in 1996. He was not tortured in jail.

After his release, he did not join the armed struggle again and he was never picked up by any agency. However, after that, he had to report at different camps of the area every week. He reported at all the camps of the area, one after another. At every camp on reporting days, he was kept hungry all day and forced to do laborious work. He was also harassed very often and beaten on trivial pretexts. At Dangerpora Camp, Hameed and some other ex-militants were forced to jog and crawl on the stony road through the village, and people were forced to taunt and spit upon them. The torture he was subjected to has had a serious effect on his health. He is unable to do any of the physical work that he would normally be able to do at his age. He usually has to rest after three consecutive days of work, which has also affected his livelihood.

Case 23

**Abdul Hamid Wani**

Male

Residence: Tral (Mandora), Pulwama

Affiliation: Militant

Alleged Perpetrators/Agency:

1. SOG
2. Hashim, *Ikhwan*
3. Rashtriya Rifles, Army

### *Case Information*

Abdul Hamid Wani was arrested for the first time in September 1997, from Bone and Joint Hospital Barzulla, Srinagar by SOG. He was pushed into a Gypsy vehicle, his hands tied with a jute rope and his face covered with a black cloth. SOG took him to the Air Cargo camp, Srinagar, where he was laid on a wooden bed and all his clothes were removed. Cement bags were put on his chest, his nude body was tied to the bed with a belt and his feet were tied to a rope. Chilli water was then poured on his face and he was beaten with a belt. In the evening, he was taken upstairs where he was hung from the ceiling for the whole night.

Next morning they laid him on the floor and his whole body was rolled with an iron roller. They kicked and slapped him and verbally abused him in an attempt to break him psychologically. Under brutal torture he admitted to his affiliation with Hizbul Mujahideen on the third day. After that they heckled and questioned him about his activities while he was active, and although there was no physical torture the psychological trauma continued. This continued for 26 days after which he was booked under PSA and shifted to Srinagar Central Jail. He was in the jail for a year, where no medication was provided to him and his relatives were also not given a chance to meet him.

On the fifth day of his release, he was again captured in a crackdown by the *Ikhwanis* in his uncle's home, where he had gone to attend his cousin's marriage ceremony. He was tortured in the kitchen of their house. An *Ikhwani* named Hashim, who had nails in his boots, kicked him for about 10 minutes continuously. His cousin, who was the bride, tried to rescue him but she was also beaten and her clothes were torn. His two teenaged cousins were also beaten. After that he was kept inside the gypsy for the whole day. In the evening he was taken to the hospital and then released.

In the year 1994 while he was an active militant, his wife was brutally beaten up by personnel from Rashtriya Rifles. Since then she too remains unwell. She has bone and joint problems and has to visit a doctor regularly. In the year 1995, his house was blasted and the cowshed was burnt to ashes. Almost all of his relatives were tortured and his brother-in-law was half buried in the ground and then kerosene was sprinkled over him.

In 1999, he was again arrested by SOG and held in detention for 5 days. He was beaten and electric shocks were given to his genitals. After his release, he joined Tehreek-e-Hurriyat and is working as a Hurriyat activist since then. Every month he has to report to a police station as part of routine investigation.

### Case 24

#### **Abdul Hamid Wani<sup>289</sup>**

Male

Parentage: Mohammad Jamal Wani

Residence: Machwa, Chadoora, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

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<sup>289</sup>Source of the case: SHRC Annual Report

## 1. Jammu & Kashmir Police

### *Case Information*

Mohammad Jamal Wani filed a petition in the SHRC that SHO Police Station Nowgam, Srinagar, arrested his son, Abdul Hamid Wani. During the detention, he was subjected to inhuman torture. The victim died in the hospital due to injuries caused during torture.

The police reported to SHRC that the enquiry into the matter was already done and ex-gratia relief of INR 100,000 was provided to the family but the benefit of SRO-43 has not been provided.

The SHRC, after considering the whole material on record, recommended to Government that benefit of SRO-43 be provided to the son of the victim.

### Case 25

#### **Abdul Jabbar Mir**

Male / Political Worker, Tehreek-e-Hurriyat

Residence: Rafiabad, Sopore, Baramulla presently Batamaloo, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Captain Rathore, Rashtriya Rifles, Army

### *Case Information*

Abdul Jabbar Mir was affiliated with Jamaat-e-Islami, a religio-political organisation, as a *maulvi*, a religious preacher, in Rafiabad when a *mukhbir* (informer) reported that he was instigating people for *Jihad*. On January 27, 1995, during a crackdown, his home was cordoned and the Rashtriya Rifles picked him up even as he was about to offer *namaz*. The soldiers refused to let him and instead began beating Mir to make him walk faster. Outside the Rashtriya Rifles camp, he was asked to wait for a while. Captain Rathore then asked his men to tie Mir up. The people of the village tried to tell the soldiers that he had no connections whatsoever with militants but the Rashtriya Rifles paid no heed.

Mir was hung upside down and once the beatings started, his entire family was brought to the camp. (Here the interviewee became reserved about what exactly happened there and said that he cannot describe what had been done there). Mir asked why they were beating him and what he had done, but the beatings continued for ten to fifteen days, and Mir thought that he was going to die. He was dunked in water, forced to drink excessive water, a roller was applied over his legs, his legs were stretched, and he was stabbed in the left leg with a knife. Despite knowing that he was a religious man, in a form of mental torture Captain Rathore made Mir drink alcohol, despite his telling the captain that Islam did not permit him to drink alcohol.

He was released after fifteen days. *Ikhwanis* continued to harass him, and once a grenade was thrown at his house. They took everything from his home while he was away. Eventually the people of his village suggested that Mir leave the village with his family to save themselves. Mir then migrated to Srinagar's Chattabal area where the *Imam* gave him a room to stay, and the work of teaching the Quran. On August 17, 1997, people from Hari

Niwas came while Mir's children were asleep and he was picked up again. Mir asked the SP Nisar Khan what the charges against him were but received no answer. He was released after ten days of torture. After that, Mir stayed at a *Pandit's* place in Karan Nagar while he asked people to look for a house that he could rent. With a salary of only INR 1500 and his daughter sick at that time, he soon had no money left.

One morning, in September 1997, Mir's three brothers-in-law (aged 17, 20 and 30 years) were picked up by armed forces. Their dead bodies were returned that night. They were simple farmers and had nothing to do with the movement. They were killed in a fake encounter by Major Ganpati of the Rashtriya Rifles and branded as militants. Today, Mir cannot go home and has not been there for about 14 or 15 years. His relatives cannot visit him and according to him, that is one of the worst forms of mental torture.

He had filed a case, but was forced to revoke it, because the Army coerced him to do so. Even today, the harassment continues and the Army visits his home at night. The childhood of his children has been a nightmare, and they have grown up fearing for their lives.

He was denied all medical treatment during his detention and when he went to a private doctor named Abdul Qayum for treatment, the Army picked the doctor up as well and asked him why he had treated Mir.

Mir claims that he has never touched a gun in his life. He is an *Imam* and he wonders that if this is how they treat civilians what do they do to those who actually take up arms. He states that the Army conducts this type of torture and oppresses people, so that the strength of the people may be broken and they finally accept India's rule.

## Case 26

### **Abdul Kabir Bhat**

Male

Parentage: Habib Bhat

Residence: Chetlora, Rafiabad, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

### *Case Information*

Abdul Kabir Bhat, 60, of Chetlora, Rafiabad constantly lives in fear of being harassed and beaten by various security agencies for the whereabouts of his son, who is associated with the armed struggle. Just a week before this interview, he and his other son were picked up by SOG from their home, and beaten up for the same reason.

His son, Reyaz Ahmad, did not go for any arms training, but he did join Al-Jihad outfit as an overground worker in 1990. He was arrested in 1995 and released after thirteen months of detention. After that he worked as a mechanic, but again joined the armed struggle in 2007. Abdul Kabir said that since then he has not seen him, but different security agencies very often raid his house, beat him and harass his family members.

A few days before this interview i.e., January 2009, the SOG came to his home at dawn and picked him and his son up. They were taken to Reban village, to a house, which was cordoned by the forces. He was told that his son was trapped inside the house, and was forced to go inside and ask his son to surrender before them. He went inside the house, but there was no militant inside. Later, they forced him to search the entire house three times. After finding nothing, they beat both Kabir and his son and kept asking the whereabouts of Reyaz. They were then taken into another house, and forced to remove all of their clothing. They were beaten for a long time.

Kabir states since his son has joined the armed struggle, soldiers have come to his house at least a hundred times to beat him, ransack the home, and harass the women. Different agencies have called him and his son to various camps, where they are beaten and asked questions about Reyaz. Kabir's other son was working as a salesman in Sopore, but has since left his job out of fear that he may be picked up by an agency there and tortured.

#### Case 27

##### **Abdul Kabir Dar**

Male / Tailor

Parentage: Asadullah Dar

Residence: Gund Bon, Shahgund, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Kuka Parray, Ikhwan
2. 16 Rashtriya Rifles, Army

#### *Case Information*

Abdul Kabir claims that he was picked up by different Indian agencies several times and subsequently tortured for being associated with Jamaat-e-Islami and for having a personal rift with some renegades in his village. He claims that he was associated with Jamaat-e-Islami before the eruption of the armed struggle in Kashmir. In 1992, when several militants in his native village became renegades, they started harassing him to join them. They came to his home several times, and harassed and beat his family. They ransacked his house and looted money from his home. Abdul's father had kept INR 30,000 hidden in a television set, which was later broken and the money was stolen by the renegades. They also broke all the windowpanes and doors of the house. After continuous harassment for over six months, he left home in 1993 for about one year. When his family told him that the situation had improved a bit, he returned. The renegades did not harass him for some time, but in 1994, he was picked by personnel of 16 Rashtriya Rifles from the field where he was working. They took him to Manasbal Camp for seven days, where he was severely tortured. They kept him naked the entire time and tortured him twice a day. They beat him with thick wooden shafts, and applied a roller over his legs and back. They also applied electric current to different parts of his body. They kept him blindfolded and handcuffed in a small room during the night. The renegades in the camp also tortured him for an alleged connection with militants and the possession of a weapon. He was kept hidden from his family during that time. After seven days Abdul was released.

One year later, the Army again picked him up from his home for allegedly providing shelter and food to militants. These were simply excuses to harass him. Abdul was detained

in Naidkhai Camp for four days, where he was tortured continuously. He was beaten with bamboo sticks and an electric current was applied to his private parts. They released him half dead after four days. He was unable to stand for a long time after that. After four months, he was again picked up by renegades from his home and taken to their patron Kuka Parray, who beat him and asked him to join them. Abdul Kabir refused to join his party. Due to the intervention of villagers who pleaded with Kuka Parray, he was released. After that, Kuka Parray occasionally called him to his home, where he was questioned. Due to the torture, Abdul has become frail and weak. He is now unable to do any heavy physical work.

#### Case 28

##### **Abdul Kabir Waza**

Male / Farmer

Residence: Hartrat, Singpora, Pattan, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. BSF

##### *Case Information*

Abdul Kabir was not associated with any militant organization, but was subjected to torture and harassment by various security agencies several times, because his younger brother was a militant. He was tortured even though he and his brother did not live together.

Kabir's brother Abdul Gani was an active militant in 1992 and 1993. After that, he was arrested by the Indian Army and remained in jail for another two years. His brothers were tortured not only during his time as an active militant, but even when he was in jail. Their families were harassed and their houses were frequently looted by various security agencies on trivial pretexts.

Despite being in his sixties, Abdul Gani was subjected to torture and harassment by various Indian armed agencies. During early nineties, when Gani's brother joined the armed struggle, various Indian armed agencies would come to their home at least thrice a week to torture, harass, and beat them seeking the whereabouts of his brother. There was an *Ikhwani* who worked closely with the Indian Army and had a personal grudge against Gani. In order to settle his personal vendetta, he misinformed the Army, who would then come and harass Gani's family. They would come anytime and torture his family both physically and mentally.

Gani does not remember the exact number of occasions when their house was raided and he was tortured. Three different security agencies, accompanied by renegades, once came to their house one after the other in a single day. They beat the whole family and looted the house. They did not even leave their hen. One day, they took Gani into a separate room and after tying his hands to the ceiling, beat him with bamboos. One of the interrogators hit him on his head with a gun butt, which opened up a large wound on his head and he began bleeding profusely. They left him there with his family, who later took him to a hospital where he was operated upon and the wound was stitched. He had lost a lot of blood, and it was a miracle that he survived. They also tortured Gani's daughter. They kicked her, beat



her and abused her. They gagged her mouth and beat her with bamboo sticks for the whereabouts of Gani's brother. They also tortured his son, only ten years old at the time, leaving him unconscious and hospitalized for two days. His head was dunked into icy water for several hours. They were helpless during that time, preferring to remain outside their home most of the time.

The harassment and torture did not end even after Gani's brother was arrested. Once his brother was in jail, Gani's house was raided by the Indian Army (RR). They kept all of them in a single room and stole everything, even their every day cutlery. They also took Gani with them to Hari Niwas Camp. He was beaten the whole night on the trivial pretext of possessing the pistol of his brother. The next day, an officer took pity on Gani because of his old age and released him. A few months later, the renegades came to their house, beat Gani severely for the whole day, and told him that his brother had confessed to giving Gani a gun. He pleaded with them that he did not own a gun, but they did not listen.

A while later, he was beaten by the BSF during a crackdown in his village. They picked Gani up during the crackdown, took him into his home, and tortured him without questioning him. They beat him and applied an electric current to his fingers. He could not bear the torture and fell unconscious. After that, they stopped torturing him, took him outside, and handed him to his family. There are many other incidents in which Gani was tortured and harassed—so many that he cannot even remember them all. The same thing happened to Gani's younger brother's family. His house was also ransacked, looted, and his family members were harassed and tortured several times by various Indian armed agencies.

Gani's brother has since been released from jail, and is engaged in his own business.

#### Case 29

##### **Abdul Majeed Dar**

Male / Fruit Businessman

Parentage: Sonallah Dar

Residence: Fiddarpora, Rafiabad, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army
2. S.P. Vinod (JIC Udhampur), Jammu & Kashmir Police

##### *Case Information*

Abdul Majeed did not go for any arms training, but he joined Al-Jihad outfit as an overground worker in 1993. He was arrested in 1994 by personnel of 15 Punjab Regiment at Budden village during a crackdown. Later, he was transferred to several Army camps and jails, where he claims that he was tortured.

Majeed states that when he and his companion were arrested by 15 Punjab Regiment they had no weapons on them. They were taken to the Watergam Camp, where he was detained for five days and continuously tortured four times daily for hours at a time for a weapon that he did not have. During the torture, they first stripped him naked and beat him with thick bamboo sticks. Then they tied him to a chair and stretched his legs 180 degrees apart,

which injured his thighs. After that, he was forced to drink excessive water, and several interrogators kicked and stepped on his stomach in order to force the water out from his mouth. They also suspended him upside down from the ceiling, and simultaneously beat him. This continued for five days. At night, he was kept in a small cell with three other people, inside which it was difficult to stretch his legs and breathe comfortably. Majeed's family members were not allowed to meet him during these days.

After five days, he was transferred to 2<sup>nd</sup> JIC, Baramulla for one month. He was not tortured there, but interrogated several times by different investigation agencies. After that, he was transferred again to JIC Baramulla for 14 months. There, he was not tortured, but was unable to sleep because he was kept with some 200 other detainees in a small congested space. They had to lean on one another to sleep, and had to share only one bathroom between all of them. Because it was often hard to get a turn to go to the bathroom, they would often defecate in polythene bags. The doctors occasionally would visit the jail and give them pain killers and other medicines.

From there he was transferred to JIC Udampur for 14 months. Initially, he was not tortured there, but after three months, a new supervisor named S.P. Vinod was transferred to the jail. He was very cruel and would force the inmates to remove all of their clothing, and stand outside in the hot sun while they were beaten with a thick steel wire. This torture continued for about one year. After that, Majeed was transferred to Kot Balwal Jail for one month, and then to JIC, Srinagar for one night. From there, he was taken to Srinagar TADA court, accompanied by police of the Panzala Rafiabad station for his hearing. After that, he was transferred to JIC Baramulla for six months, where from he was released, and the court case came to a close. Majeed was not tortured in any of these jails. After his release, he had to report every week at different army camps until June 2008. When reporting, he was forced to do laborious work at camps, and beaten on trivial pretexts if any incident took place in the locality. Due to the torture, Majeed has many health problems. He cannot do any physical work or walk long distances.

#### Case 30

##### **Abdul Majeed Ganai**

Male / Carpenter

Parentage: Muhammad Maqbool Ganai

Residence: Asham, Sumbal, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Ranjeet, Army

##### *Case Information*

On 04 June 2004, at about 1:30 pm, the army personnel headed by Major Ranjeet cordoned off the house of Abdul Majeed and asked about the presence of militants. The family responded that no militant had come to their house. But the army beat Abdul Majeed and shot him on his left hand. Despite blood oozing out from the bullet wound, the Major continued to torture him ruthlessly until 04:45 pm.

At that point an army doctor came to the house of the victim and treated him, thereafter he took the victim to Sumbal Hospital from where the victim was taken to Bone and Joint

Hospital Barzulla, Srinagar. Doctors there told the family that his hand needs to be cut from the wrist. Dr. Manzoor Ahmad Halwai operated on the victim and eventually saved his hand. The victim was then shifted to SKIMS, Soura from where he was eventually discharged and returned home.

### Case 31

#### **Abdul Majeed Shiekh**

Male / Labourer

Parentage: Sanaullah Sheikh

Residence: Khanoo, Handwara

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Chatterji, 9 Gorkha Rifles, Army
2. Rashtriya Rifles, Army

#### *Case Information*

Abdul Majeed Shiekh joined the armed struggle in 1990, after receiving arms training in Pakistan administered Kashmir. He remained active for seven years with the Hizbul Mujahideen. He was arrested in August 1997 after his house was raided by personnel of the 9 Gorkha Rifles, led by Major Chatterji and camped at Seelu, Sopore. They took him to Seelu Camp for one month, then to Sopore Downtown Camp for two months, and then to JIC Baramulla for one year.

Abdul Majeed recounts that he was tortured at every place where he was detained. At the Seelu Camp, he was beaten with sticks after being suspended upside down. A thick wooden rod that was pressed down on both sides was rolled over his legs, which tore his muscles and broke his bones. He was given electric shocks on various body parts, including his genitals. Petrol was inserted into his body through the rectum. He was beaten every day continuously for three hours. They asked him repeatedly about his weapons and the whereabouts of his companions. He surrendered his weapons to them, but there was still no relief from the torture, and he continued to be beaten ruthlessly. During his detention he was never taken to a doctor for treatment. His family was allowed to visit after 18 days of his detention at Seelu Camp, and they would bring him medications. In JIC, there was some relief from the torture, but conditions were very bad there. He did not get any treatment for his wounds and bruises, except some pain relief ointments provided by his family.

After his release from JIC Baramulla, when he was driving home in a local cab with his cousin, he was stopped and arrested again by the forces at Sopore, who took him to Rashtriya Rifles Camp, Krankshivan Colony, Sopore. There, his hands and feet were bound, and he was beaten every day for hours at a time with belts. A wooden roller was applied over his partially-healed legs, and for four hours daily, he was forced to stand upside down on his hands and lean like that against the wall. He was kicked and beaten if he fell down. Majeed was forced to drink urine and his head was dunked into water mixed with chilli powder. He was tortured for information about hideouts, which confused him because he had already been detained for one year. Unable to elicit any information from him, Majeed was released after 18 days of detention, and after his family paid INR 20,000 to an *Ikhwani* who acted as a mediator in his release.

Even though several years have passed, he suffers from various health problems as a result of the torture. He cannot stand for long, or walk long distances. He lives in constant fear of being arrested again, despite having been 'freed' years ago.

## Case 32

### **Abdul Majid Khan**

Male / Fruit Businessman

Residence: Nowpora, Jagir, Baramulla

Activities: Political Worker, People's Rights Movement

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 27 Rajput Regiment, Army
2. Ikhwan

### *Case Information*

Majid went to Pakistan administered Kashmir to get arms training in 1990 and returned the same year. He joined Muslim Janbaz Force and remained active for one year. He was arrested in 1991 by personnel of 27 Rajput Regiment at Chandrapura Sopore, when he was trapped in an identification parade during a crackdown. After he was arrested he was taken to a shed in a nearby apple orchard, where he was tortured brutally. They hung him upside down, dunked his head into a bucket of water, and beat him with sticks. They wanted him to confess that he was a militant because they had no other information on him other than that the place where he was arrested from was not where he was actually residing. He was simply visiting his in-laws, so no one knew him there. When the torture became too much for him, Majid asked them to untie him if they wanted information. They gave him a cigarette after untying him. However, after he finished smoking it, he told them that he was not a militant and did not have any information. This angered them and they started beating him again. After that, they dressed him in an army uniform, and took him to some villages where they were holding people in crackdowns. They took him for identification parades, but he could not identify anyone because he did not know any of them. On the way back, the jeep that Majid was being driven in was fired upon by militants. The army retaliated, but no one was killed or injured in the process.

After that, they took him to a house that was under construction, and tortured him severely. They asked him to hand in his gun, but he pleaded continuously with them that he did not possess one. They dunked his head into water with chilli powder mixed into it, and plucked his beard out. They beat him constantly with sticks and gun butts. Then he was taken to an army camp, and kept there for one night. The next day, they took him to another camp, where he was subjected to brutal torture methods. His head was dunked into water. His mouth was gagged with a full apple to stop his cries during the beatings.

After that, a low-ranking army personnel came into the room, and claimed that he had the ability to make militants talk. Then he began to torture Majid. His legs were stretched apart to 180 degrees. Petrol was inserted into his rectum through a pipe. One night, some drunken boys came to the room and beat him. He was then taken to the Kreeri Camp, where he was kept for 10 days.

His family members were not allowed to see him during his entire period of detention. After the detention of one and a half months, he was finally released. After his release, he did not join the armed struggle, but the harassment by different Indian armed agencies did not end, and continues till date. In the initial days after his release, he had to report at Palhallan Army Camp after every 10 days, and later once a month. When reporting, he is forced to do laborious work at the camp like cutting grass and killing dogs in the vicinity of the camp. He was once picked up by *Ikhwanis* in 1993 as well. They beat him severely and asked him to join them, which he strongly refused. They then threw him into a nearby canal, which he managed to swim across and escape from the other side.

Majid was never taken to a doctor for treatment during his detention. He received many injuries during his torture, which he was only able to treat after his release. He still has several health problems, including persistent back and joint pain. He was also hit once in the elbow by the butt of a gun, and as a result, cannot move his arm freely.

### Case 33

#### **Abdul Manan Banday**

Male / Stamp Vendor

Parentage: Abdul Latif Banday

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

#### *Case Information*

Abdul Manan was tortured in 1993 and 1995. He was beaten on his soles in 1993. When he was tortured in 1995, he was stripped naked and hung from the ceiling by a nylon rope. This led to the dislocation of his right shoulder. Electric current was given to different parts of his body regularly for one week.

He was tortured at different places like Government Girls Higher Secondary School Doda and in an army camp in District Police Lines Doda.

He still feels pain in his right shoulder and feet during winters.

### Case 34

#### **Abdul Qadeer Dar**

Male

Residence: Ushkara, Baramulla Kashmir

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army

#### *Case Information*

Abdul Qadeer Dar was arrested in 1995 in Srinagar while traveling from Raj Bagh to Lal Chowk. Qadeer states that he was picked up by unidentified military personnel (the agency was not identified). They blindfolded him and took him to an unknown place where he was

detained for four days. The armed personnel tortured him brutally, using methods such as mega shocks, rollers, and stretching. Qadeer was later transferred to various interrogation centers and jails. He was subjected to third-degree torture including continuous beating for hours, with rifles and thick sticks all over the body, especially the thighs and buttocks. They even used wooden rollers on his thighs. One Army personnel would sit either on his stomach or his back and apply the roller on his legs, which crushed his thigh muscles. They also applied electric shocks to his various body parts. Qadeer's head was often dunked into a bucket of water. One of his legs was tied and Army personnel forced him to stand on the other leg for hours at a time. He was also denied sleep for months.

In addition to physical torture, Qadeer and others suffered mental torture as well. The Army personnel humiliated him very often by treating him like a terrorist, or as an untouchable. Furthermore, they were provided a very limited amount of water to drink. In summer, they were given hot water instead of cold water to drink and in winter, the opposite happened. The space provided in the prisons was barely enough to breathe. Fifteen to twenty people were stuffed into a 10x10 room.

Qadeer has developed many health problems as a result of the torture. He often complains of pain in his arms, because they were fractured once during interrogation. Because his arm and leg had received major fractures, he was taken to the Army hospital located in Badami Bagh Cantonment, Srinagar where this was confirmed. However, the Army hospital authorities did not issue any documentary confirmation of this.

Qadeer also stated that if any victim died in custody, no autopsy or forensic examinations were conducted. Either they labelled the dead victim as a foreign militant who had been killed in an encounter or they threw the body into a river.

Qadeer was detained in various interrogation centers and jails of the Valley for about three years, even though he had only been sentenced for a year. When asked for the purpose of his torture, Qadeer replied that he had been arrested for being involved with militancy. The Army also tried to convince him to work with them, which he refused.

#### Case 35

##### **Abdul Qayoom Ganie<sup>290</sup>**

Male

Parentage: Mohammad Sadiq Ganie

Residence: Drangbal, Pampore, Pulwama

Affiliation: Ex-Militant

Alleged Perpetrators/Agency:

1. 10 Grenadiers, Army

#### *Case Information*

Nazir Ahmad Ganie petitioned the SHRC that his brother, Abdul Qayoom Ganie was arrested by army personnel from a camp situated in Khrew Pulwama on May 31, 2000. Abdul Qayoom's house was raided by the army at 10:30 pm on the said date when he was arrested and detained in their camp. During detention, he was brutally tortured and then his

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<sup>290</sup>Source of the case: SHRC Annual Report

dead body was handed over to Police Station Pampore by the Army. The complainant petitioned the SHRC to direct the SHO Police Station Pampore to file an FIR under Section 302 against the Army personnel involved in the killing.

The police, in their report submitted in the SHRC, said that Abdul Qayoom had been affiliated with Al-Jihad militant group in the past. He was arrested in 1997 and after remaining in detention for four months was released. After his release, he did not join the militants and remained busy with his business. This report confirmed that he was arrested by 10 Grenadiers from Ladhoo, Pulwama camp on the intervening night of 31 May/1 June, 2000. His body was handed over to police station Pampore with the report that, "he was moving in the area and when he was challenged, he was fired (upon) and then died in the cross firing." Another report submitted by the DGP Jammu & Kashmir to the SHRC also confirmed his arrest by personnel of 10 Grenadiers, Ladhoo camp.

SHRC in its order states, "The commission after considering the whole material on record observed that the fact was not denied that Abdul Qayoom Ganie was arrested on 31 May/1<sup>st</sup> June, 2000 and then his dead body was given to police Station Pampore by Grenadiers Camp of Ladhoo. The report of DGP received by the commission (SHRC) has also established that the person was killed after his arrest before 3<sup>rd</sup> June, the date of his death. If we give thoughtful consideration to the reports of DGP then the concerned person died during cross firing is not ruled out. His dead body was bullet ridden and was handed over to the Police Station Pampore by 10 Grenadiers and it is also undisputed that he was arrested by some Army unit located at Ladhoo and this was clearly an indication that he was done after his arrest during night of 31<sup>st</sup> May /1<sup>st</sup> June, 2000."

The SHRC observed in its order that the petitioner was entitled to the ex-gratia relief for the death of his brother at the hands of 10 Grenadiers. The SHRC recommended to the J&K Government to pay an ex-gratia relief of INR 100,000 to the next of kin of the deceased.

#### Case 36

##### **Abdul Qayoom Rather**

Male / Carpenter

Parentage: Habibullah Rather

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

##### *Case Information*

Abdul Qayoom crossed the LoC to Pakistan administered Kashmir in 1993 for arms training and returned in 1994. After remaining active with Jamiat-ul-Mujahideen for four years, he was arrested by personnel of 5 Guard Regiment after he was identified in a parade during a crackdown in his native village. During his detention period of six months, he claims that he was tortured on several occasions.

After he was arrested during the crackdown, the forces took him to Sopore College hostel camp, where he was detained for 15 days. During this time, he was ruthlessly tortured. Upon his arrival, he was put into the torture room, stripped naked, and his hands and legs

were bound together. He was beaten with bamboo sticks, leather belts, and the butts of guns all over his body for an hour. After that, they put him into a tub of water, and applied an electric current to it for about 10 minutes, so that he fell unconscious. When he regained consciousness the next day, Qayoom was in severe pain. His entire body was swollen and covered in abrasions. He was given a cup of tea and asked about his weapon. He denied any possession of a weapon. He was then suspended upside down from the ceiling for about half an hour while his wounds were beaten with sticks.

After he was untied, a wooden roller was applied over his legs, which were held down by several men on both sides. After that, he was put on a cemented floor completely naked for hours where he was shivering with the cold and reeling with severe pain. So as to prevent himself from further torture and allow time for his wounds to heal, Qayoom decided to hand over his weapon. He took them to the spot where his weapon was hidden, and they recovered it. However, he did not find any relief from torture. He was then brutally tortured for eight straight days, twice a day for about an hour at a time. He developed deep wounds all over his body, and was unable to stand or walk. His injuries grew more severe with every passing day, but he was never taken to a doctor or given any medicine. On cold nights he did not sleep at all; with a single ragged blanket, not even long enough to cover his body. During this entire time, his family was not allowed to meet him. They were only allowed to see him from a distance for the first time after seven days of his detention.

After 15 days of constant agony, he was transferred to JIC Baramulla for six months. There, he found a bit of relief, because he was not tortured anymore aside from occasional beatings from an army person guarding his room. He was never taken to a doctor there, but the medicine provided by his family during their visits helped heal his wounds. He was kept with some 200 other men in a congested hall, where they were forced to lean on one another because they were unable to fully stretch their legs.

After six months, Qayoom was released. He did not join the armed struggle again, and was never picked up again. However, after his release, he was ordered by forces to report at various camps on every Sunday. He reported at nearly every camp in his area. During his reports at different camps, he and other ex-militants were forced to do laborious work and were beaten if they failed to obey their orders. They were forced to carry garbage, clean the campus, cut grass, clean drains and bathrooms, and break coal. Additionally, on the nights preceding Indian Independence and Republic days each year, he was forced to stay in camps and act as a shield to prevent any militant attacks. It was only by the end of 2008 that Qayoom stopped reporting to camps. The torture he was subjected to has badly affected his health. He is unable to do any heavy physical work, or walk long distances.

#### Case 37

##### **Abdul Rajvi**

Male / Farmer and Shopkeeper

Residence: Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF

#### *Case Information*



In October 1990, Abdul Rajvi was taken from his home by the Army on suspicion of being associated with militants. He had been supporting the militants out of fear that they might molest his daughters. He was first taken to the Uri Camp, where he was kept for one month. Then he was transferred to Old Airport Camp and held there for two months. Then he was transferred JIC in Sonwar, where he was kept for two or three months. Then he was sent to Kot Balwal Jail for about six months.

The torture had begun right from his home where he was dragged to the cowshed and beaten with *lathis*. Then he was forced to drink water until he was unable to drink anymore. After that, he was made to lie down on the floor and a roller was applied over him. Then Abdul began puking blood. He became numb due to the constant torture. Then he was hit hard on his leg. He became unconscious, because the pain became unbearable. He was tied to a vehicle and dragged for 50 meters, and received cuts all over his body.

Then he was taken to a room in the Uri Camp where all his clothes were removed, and he was made to stand for an entire day. For the next fifteen days, he was beaten by iron rods for an hour each day. At that point, he was covered in cuts and bruises. Recognizing his deteriorating condition, he was transferred to the Old Airport Camp, where he was interrogated about owning weapons. Rollers were applied over his body. His health became worse, so he was then taken to Badami Bagh Cantonment Hospital, Srinagar.

After he recovered somewhat, he was sent to the hospital in JIC Sonwar, which was where he met his family for the first time since his arrest. In that camp, where he remained for three months, he was not tortured. He was then sent to the CRPF camp for about two months and told that he would be released soon. Then from the CRPF camp, he was transferred to a camp in Jammu. He was driven in a bus to the camp, in which the torture began. As the bus drove around the city, he and some other prisoners were beaten with barbed wire for an hour. Abdul was then hit with an iron rod over the head, which caused him to lose consciousness. When he woke up, he found himself in Kot Balwal Jail, Jammu. His wounds had not been attended to, and they developed infections that smelled very bad. Abdul says that he suffered memory loss after the blow to his head. There was no treatment given to him, and his leg was fractured.

Abdul was released after two months there. He received medical treatment for five months and had to pay for everything himself. When he finally came home, he was told that the Army had come to their house many times and conducted investigations. They had also beaten his wife on the grounds of aiding militants. Since 2007, there has been no interrogation or harassment from the forces. Abdul received permanent injuries, and is still unable to move.

#### Case 38

##### **Abdul Rasheed Beigh**

Male / Fruit Businessman

Parentage: Ghulam Rasool

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army
2. Mahar Regiment, Army

### 3. CID of Jammu & Kashmir Police

#### *Case Information*

Abdul Rasheed crossed LoC in 1989 for arms training and returned in 1991. After remaining active with Al-Jihad outfit for about three years, he was arrested in 1993 by personnel of the 5 Guard Regiment during a raid in Saidpora village of Sopore town. He spent almost one year in different military camps and jails, where he was continuously tortured.

When the village where he was hiding was raided by the Army, he tried to escape, but without a weapon. He was trapped by the army, identified and they began torturing him at the very spot of his detention. They took him to a nearby orchard, and removed all of his clothing. They beat him with bamboo sticks and the butts of their guns for nearly half an hour. They later dunked his head into water several times for 2 to 3 minutes at a time. After that, they dragged him into their vehicle and whisked him away to Sopore Camp (Gunjoo House). They kept him there for 20 days, and tortured him four times daily. Upon reaching the camp, they first blindfolded him and tied his hands and legs together. They beat him ruthlessly and applied a heavy roller over his legs, held down by several men on both sides. They also applied an electric current to his earlobes, genitals, toes, and fingers with a portable machine. Later, in that same condition they put him into a small cell where it was difficult to breathe or stretch legs properly. The next morning, when they began torturing Rasheed again, he disclosed the location of his weapon to get some relief from the torture. However, they did not stop torturing him even after that. They kept him in that cell for seven straight days, only taking him out to torture him. For 20 continuous days, Rasheed was beaten, given electric shocks, kept naked, suspended upside down from the ceiling, and given only enough food to survive. They tortured him for further weapons and information on other companions. During that time, Rasheed's family was not allowed to visit him, and he was never taken to a doctor or given any medication for pain.

From there, he was later transferred to JIC Baramulla for six months. There, he was tortured and interrogated by CID agencies once a week. He was also taken to a doctor several times who gave him some medicine. The worst problem was the lack of accommodation. Rasheed was kept with some 200 other men in a small space. They could not stretch their legs fully, so they would lean on one another. There, his family was allowed to visit him for the first time. From there, he was transferred to Kot Balwal jail for eight months, then to Hiranagar sub-jail for four months, and then to JIC Baramulla again for six days, after which he was released. During his jail detention Rasheed was never beaten, except once when all prisoners were beaten inside the jail and locked into the barracks for a week.

In that incident, Masood Azhar (Jaish-e-Mohammad Chief) had been transferred to the same jail, and came to the prisoners to ask for their support in a demonstration, because he was being forced to give a statement before the media that there was terrorism in Jammu and Kashmir. On the day that he was taken out to give the statement, Rasheed and the other inmates all came out of the barracks and chanted anti-India and pro-freedom slogans in order to prevent Masood from being taken. Then the officers resorted to heavy baton charge, and even fired upon the inmates. One of the inmates, Naveed Hakeem, was killed during that incident. When the situation worsened, a curfew was imposed in the jail and the inmates were kept locked in the barracks for a week.

After Rasheed was released, he was forced by the army to report every week at the camp in his village. He often also had to report at several camps in his area, forced to do laborious work inside the camps and beaten on trivial pretexts. Once, he and some other ex-militants were forced to report seven times in a single day at Warpora, Sopore Camp. In winter, they were stripped of their clothing, and forced to go into a frozen stream while being simultaneously beaten.

After his release, he was once picked up at midnight from his home by personnel of the Mahar Regiment, Dangerpora Camp. He was detained for one day, during which they beat him and forced him to take an Indian Rupees 50 note in exchange for becoming their informer. The next day, he was again called by them and asked for information. He did not have any information, as he was not affiliated with the armed struggle at that point. He did not agree to become their informer, for which he was beaten.

The torture that Rasheed was subjected to has had damaging effects on his health. He is unable to do any heavy physical work and has constant back and knee pain.

#### Case 39

##### **Abdul Rasheed Ganai**

Male / *Kangri* Weaver

Parentage: Mohammad Ramzan Ganai

Residence: Parray Mohalla, Hadipora, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Gorkha Rifles, Army

#### *Case Information*

Abdul Rasheed went to Pakistan administered Kashmir for arms training in 1993 and returned in 1995. After remaining active with Harkat-ul Mujahideen for a year, he was arrested by personnel of the 9 Gorkha Regiment at Nowpora, Sopore, after the house he was hiding in was raided. He was taken to different army camps and jails where, he claims, he was tortured.

His torture began from the very spot where he was arrested. They took him to another room in the same house, removed all of his clothing, and beat him with bamboo sticks and the butts of their guns. They later blindfolded him and put him into their vehicle. Inside the vehicle, about five people sat on top of his body and simultaneously kicked him and poked him with the barrels of their guns. They took Rasheed to the Wagoora Camp, where he was detained for three months. There, he was tortured continuously during the initial 10 days of his detention at least three times daily. On the first day, they stripped Rasheed naked and beat him with thick bamboo sticks for hours. Later, they applied a heavy wooden roller over his legs and back several times. They also dunked his head several times into a mixture of water and chilli powder for about two to three minutes at a time, during which he swallowed a lot of water. Then, they suspended him upside down from the ceiling, and two interrogators punched his stomach for about half an hour, due to which all of the water he had swallowed came back out of his mouth along with blood. They later put him in a small cell for 24 hours, where it was difficult to stretch and breathe. After taking him out of

the cell, Rasheed was tortured again. This time, he was unable to bear it, and revealed the location of the weapon he was hiding. They recovered the weapon, but continued to torture him continuously for eight more days, during which he was subjected to the same torture methods as before.

After three months, he was transferred to JIC Baramulla for six months. Conditions there were somewhat better. He was not tortured, but investigative agencies interrogated him several times, during which he was slapped. Several times, doctors visited and gave Rasheed medicine and ointment for his wounds. After that, he was transferred to Sub-Jail, Baramulla for three months. He was also not tortured there, and the food there was given according to a menu for INR 17 per day.

After that, he was released. He did not join the armed struggle again, and was never picked up again by any agency. However, after his release, he had to report at different army camps in the area every week until July 2008. During that time, he was forced to do laborious work at the camps, and was very often harassed and beaten on trivial pretexts. Rasheed had to report at the camp every time an incident would take place in the area, and on Indian Independence and Republic days every year. There, he was often harassed and beaten.

#### Case 40

##### **Abdul Rasheed Lone**

Male / Shopkeeper

Parentage: Abdul Gani Lone

Residence: Nowpora, Wagoora, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 27 Rajput Regiment, Army

#### *Case Information*

Abdul Rasheed went to Pakistan administered Kashmir for arms training in 1992 and returned after two months. After remaining active with Al-Jihad outfit for about three years, he was arrested in 1996 by personnel of the 27Rajput Regiment during a crackdown in his native village. He was identified in a parade and taken to different army camps where, Rasheed claims, he was tortured.

After he was identified in a parade during a crackdown, they took him to a nearby apple orchard and tortured him severely from 11 o'clock in the morning to 5 o'clock in the evening. First, they stripped him naked, suspended him from a tree branch, and beat him with a spiky leather belt all over his body. After an hour, they let him down from the tree, and dunked his head several times into water with chilli powder mixed into it. Each time, they kept his head under water for about two or three minutes and only pulled him up when he was close to death. They did this for about two hours. Later, they applied an electric current to his genitals and other body parts. That evening, they blindfolded him and whisked him away to Sopore, where he was detained for one month at the Gunjoo House Camp.

Upon arrival at this camp they beat Rasheed once again with leather belts for about an hour. After that, they inserted petrol mixed with chilli powder into his rectum, and put him into a cell for 48 hours. The cell was so small that it was impossible to stretch one's legs fully or sit properly. Rasheed was very cramped in the cell, and found it difficult to breathe. After that, he was moved to another small room with some 22 other detainees. They used to lean on each other in turns because the room was so small. From there, Rasheed was taken four times a day for torture for at least one hour at a time. During the torture, he was beaten with a leather belt that had the words *bolta rah* (keep speaking) written on it. A portable machine applied an electric current and a roller was applied over his legs and back. They tortured him for a weapon that he did not possess, because he had handed it over to his outfit a few days before his arrest. He was given very scant food—two pieces of bread and a small bowl of dal was his daily meal. Rasheed became weak and his wounds grew more severe with each passing day. He was never taken to a doctor or given any medicine. His family was allowed to meet him for the first time after 22 days of his detention. Because his condition was deteriorating rapidly, he was released after one month. It took Rasheed about six months to recover. He was unable to walk for about three months after his release.

Rasheed did not join the armed struggle again and was never arrested again. After only two months of his release, he was called by the army to Putkhah Camp. He was forced to report there every week. Later, he had to report to various other army camps in the area, including Delina, Choor, Wagoora, Hamray, Kreeri, and Bulgam, where he was harassed and beaten several times. He was forced to do laborious works like cutting grass, cleaning drains and bathrooms, and breaking coal. Once when Rasheed failed to report to Putkhah Camp on a particular day, the soldiers came to his home in the evening, beat his family members, and ransacked the house. They also mixed all of the family's food items together. On Eid-ul-Azha, all the ex-militants in the area were asked to report to Bulgam Camp within the hour. Because they all arrived late, they were forced to run about 3 kilometers in one hour. Some of the elderly people among them were unable to finish in time, and were later beaten severely.

In 2009 (when this interview was conducted), Rasheed had to report to Putkhah Camp every month. He developed several health problems because of the torture he was subjected to. He is unable to do any physical work, and his family is living in poverty because of it. He has started a shop in his own village, but finds it difficult to make ends meet.

Case 41

**Abdul Rasheed Rather**

Male / Teacher

Parentage: Haji Khazir Mohammad Rather

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Ikhwan

*Case Information*

Abdul Rasheed was picked up by *Ikhwanis* from his home along with his elder brother, Ghulam Nabi Rather in April 1996, and taken to Kanalwan Camp of *Ikhwanis*. He claims that he was tortured there the whole night for allegedly providing shelter to militants.

He was picked up from his home along with his older brother by *Ikhwanis* after they raided his house at 2 o'clock in the morning. They knocked on the doors, barged inside, ransacked the house, and took him and his brother 14 kilometers away to Kanalwan Camp. All the way from their home to the camp they were beaten by the renegades. One of the renegades even fired at them during this journey, telling them he would kill them, but Rasheed and his brother were not hit. Once they reached the camp, the renegades stripped both of them naked and beat them with belts and bamboo shafts, continuously on their backs, buttocks, and thighs, due to which Rasheed's whole body turned black. After that, they broke a very heavy glass bottle over his head, due to which he fell unconscious. The next day, it was rumoured in the village that he had been killed by renegades. When his family came to the camp, the renegades demanded INR 45,000 for the release of Rasheed and his brother. After taking the money from their family, the renegades released them.

#### Case 42

**Abdul Rashid** (name changed)

Male

Residence: Pampore, Pulwama

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF
2. SOG
3. Major A. T. Salwan, 169 Battalion JAKLI, Army
4. Captain S.K.Sinha, 169 Battalion JAKLI, Army

#### *Case Information*

In the 1970s, Abdul Rashid was affiliated with the People's League, and later joined the Al Jihad group. He was arrested for the first time in 1990 by the Army of Haft Chinar camp, Srinagar although no FIR was recorded. First, they took off all his clothes and tied his hands behind his back. Then, an iron rod was put on his legs while five to six interrogators sat on both sides of the rod, due to which his left leg was broken. Electric shocks were given to his body. They had a wooden horse there, on which Abdul was made to sit with his hands bound by rope. After this preparation, they would beat him ruthlessly on all sides of the body. He was in Haft Chinar camp for three months, where he sustained grave torture at the hands of the Army. He developed weakness in his left leg because of the torture. Therefore, he was hospitalized for some time. His situation was such that whenever he had to walk, he had to be supported by two people.

Three months after his release from Haft Chinar camp, he was detained again by Army of Frisal Yaripora Camp. He was at home in bed, when they raided his house and took him to their camp. They tried to have him identified by their sources, but without success. After 20 days, he was released.

In 1992, he was again arrested by BSF personnel of Lethpora Camp, Pampore without any FIR. There, he was continuously interrogated for 18 days. He was kept naked in a water

tank. with his hands tied behind his back. A cloth was stuffed into his mouth and water was poured over his face. They also would beat him ruthlessly, and stretched his legs. The torture was administered with such intensity that his hands and legs became swollen.

After 18 days of detention in the camp, he was transferred to Gujjar Hostel SOG camp near Degree College Anantnag. There, the torture was executed by the Joint Director. He was kept completely naked and the interrogators there would torture him continuously at night, from about 9 pm to 1 am. His legs and buttocks were always targeted during interrogations. In this camp, they tied his legs and hands with chains. After that, water was poured over his body and he was beaten with belts and bamboo sticks and a whip was also used. He spent one month and ten days in this camp, where he was brutally tortured. His relatives were also arrested because of his involvement in the militant ranks, all of which was done without any FIR. He was repeatedly questioned about arms and ammunition. He also witnessed the torture and killing of a 21-year-old boy, Mehraj, executed by a renegade namely Lateef Sombur of Samboora and Asghar. Eventually, an FIR was registered against Abdul Rashid.

In 1997 he was again arrested in Anantnag by personnel of 169 battalion, JAKLI Regiment stationed at Khrew Camp, where he was taken and subjected to mental torture. Many officers of different military ranks came to ask him very straining questions. After some physical torture, he was transferred to Sempora Camp. There he was kept in a cell that was two by three feet, and was kept constantly blindfolded for seven months. Over the first three months, they would torture him continuously. The torture was done by Major A. T. Salwan and Captain S.K. Sinha. After seven months of detention, when the blindfold was finally removed, he could not see at all and felt as if he had lost his eyesight completely. He was then admitted to Badami Bagh Cantonment Hospital in Srinagar, where he was treated for ten days. After ten days, an Army officer came to the hospital at 1 am to make him sign a document. He was discharged from the hospital on that day and transferred back to the same camp. He was tortured again for not having stood up on the arrival of that military officer. A roller was used over his legs and he was given electric shocks. He was then taken to the hospital again when blood began oozing from his mouth. After that new documents were filed against Abdul, but he was unable to sign them due to the effects of the torture. At around 2:30 am, he was transferred to Khrew Camp, from where he was transferred to Police Station Pampore, wherefrom he was dropped on the Pampore Road. He went straight to his home, and only after that he began to treat his tortured body, as his health had completely deteriorated.

In 2001, Abdul was picked up again by BSF personnel of Bonur Camp, Pulwama. They asked him about arms and ammunition, but he did not understand what was being sought of him. Therefore, they began to torture him. They first tied his hands behind his back, and bound his legs, then hung him upside down, gave him electric shocks, and beat him ruthlessly. All this was done without any FIR filed against him. In this camp, he was tortured for two days after which the Joint Director (JD), who called himself Wajahat Khan, apologized to him and said, "You became victim of injustice at our hands". After seven days of detention, he was released. However, the harassment continued, because he had to visit Bonur Camp every Sunday for three months.

The major complications he developed after torture are that he completely lost vision in his left eye, and his left leg no longer functions properly.

Case 43

**Abdul Rashid Bhat** (name changed)

Male

Parentage: Ghulam Rasool Bhat (changed)

Residence: Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF
2. Babloo, Ikhwan
3. Dy. SP Harmeet Singh, SOG

*Case Information*

Abdul Rashid Bhat was first arrested in 1995 by Border Security Force (BSF), stationed at the Gujjar Hostel, Dak Bunglow, Anantnag (Islamabad). He was not associated with any armed or political group at that time. He was arrested from his home during a raid and taken to General Post Office Camp, Anantnag (Islamabad), where he was tortured for the first time.

When he was arrested in 1995 he was a student studying in 10<sup>th</sup> class. However, it was because of his brother-in-law's association with Hizbul Mujahideen that Abdul Rashid was arrested and tortured, and asked to reveal the former's whereabouts.

He was stripped naked and made to stand in front of many BSF soldiers. Then the physical torture began as they bound his arms and legs with rope. Then he was made to lie down on a blanket. They rolled a large iron rod (roller) over his legs, which caused serious damage to the muscles in his legs. At the same time, another person stuffed a cloth into his mouth and poured hot water in through his nostrils (describing water boarding). Another person beat the soles of his feet with a cane. During all of this, there was another person standing in wait with an electric wire connected to a battery, who would put one electrode in Abdul Rashid's mouth and another on his genitals and give pulses of electric shocks to his body. All these methods of torture were applied simultaneously.

He was kept in detention for 29 days. Many times during this detention, when he felt he was unable to bear any more torture, he lied to them, and told them that he could tell them the whereabouts of his brother-in-law. But once they discovered that he was lying to them, they suspended him upside down from his knees. Then they beat his soft muscles and the soles of his feet with bamboo sticks, to the point where his toenails came off. When they realised that he could not give them any information, he was moved to Gujjar Hostel, Dak Bunglow, Anantnag (Islamabad). There, they tortured him again for five days, using the same methods as before.

His family was allowed to visit him on the fifth day of his arrest. After that day, they would beat him, but other torture methods were not used for the rest of his detention period. When they went out on raids, they would take Abdul along so that he might identify militants. But when he was unable to identify anybody, they would just beat him in the vehicle itself. After 29 days, he was released.



Just one month after his release, he was abducted by renegades (*Ikhwanis*) led by one Babloo. They took him to Mattan Chowk, where they had headquarters in a building belonging to some Kashmiri Pandits. Abdul was not tortured there, and was released after a couple of hours when his family intervened. After about two months, he was again arrested by *Ikhwanis* and again taken to the same building in Mattan Chowk. He was detained there overnight and beaten. Three months later, in 1996, Abdul was once again arrested by *Ikhwanis*. He was taken to their headquarters called Janglat Mandi. An *Ikhwani* named Liyaqat knew Abdul, and became the mediator for his various releases from *Ikhwanis*.

The ordeal of Abdul's arrests continued, and he was arrested once more in 1997 when someone was arrested with guns and named Abdul as the owner of those guns. Abdul was taken to Mattan Chowk Ikhwan camp again. However, he was not tortured there, because the Ikhwan knew that the guns did not belong to him. He was instead only detained for one day.

Abdul was not arrested again until 2004, when there was an attack on some SOG personnel just outside his photography shop. The attack was carried out by some Pakistani militant, and two people died in this attack. During investigations, someone informed the police that Abdul had picked up a gun and returned it to the militant during the attack. In order to arrest him, Abdul's house was raided by a joint party of SOG and CRPF. However, he was away on a video shooting assignment and therefore not at home. A month and a half later, Abdul and his younger brother were arrested by SOG and CRPF at his sister's house in Anzwola, Anantnag. Abdul was taken to Shamsipora Camp, where they intended to kill him in a fake encounter. He lied to them and said that he had two guns, which he would hand over to them, intending them to take him to some headquarters or official place where his arrest would get reported. They called Dy.SP Harmeet Singh, who ordered them to bring Abdul to JIC Khanabal. Once there, the Dy.SP interrogated him. Abdul told him the truth, and asked for the real reason for his arrest. Instead of answering, Dy.SP Harmeet Singh verbally abused Abdul and instructed the soldiers to torture him. They used the same torture methods that they had used in 1995. Abdul was detained for 14 days, while his brother was released after only four days. After 14 days, Abdul was transferred to Mattan Police Station, where he was kept for two and a half months. Then he was sent to Kot Balwal Jail, Jammu, under PSA. After six months, Abdul's PSA was revoked and he was released.

Since then, Abdul is always detained for a day or two whenever there is any kind of militant attack in the area. He also has to report to General Bus Stand Police Station, Anantnag on 15<sup>th</sup> August and 26<sup>th</sup> January every year. In April 2017, Abdul's shop was raided by policemen from General Bus Stand, Anantnag Police Station. They searched his shop for any posters linked to militancy.

Case 44

**Abdul Rashid Dar**

Male

Parentage: Ghulam Mohammad Dar

Residence: Kulpora, Pulwama

Occupation: Political Worker of People's League

Alleged Perpetrators/Agency:

1. Company Commander Gurnam Singh, BSF

2. Sub-inspector Alawat, BSF
3. Lt. Col. Patel, 9 Dogra Regiment (Camp-in-charge, Lettar Camp), Army
4. Major Raju, 9 Dogra Regiment (Lettar Camp), Army

### *Case Information*

In 1992 (victim does not remember the month or date), the victim was returning from his in-laws' house from Rakh Lettar. On his way, there was a BSF patrolling party passing through the same area. Gurnam Singh, company commander, BSF, Bonura Camp, Pulwama, and Sub-inspector Alawat then abducted the victim from there and took him to their camp (the victim found out their names because he was made to spend a long time in the camp). One of the army personnel pulled his collar from behind and put his shirt over his face so that he would not be able to see anything. He was then taken for about 2 kms on foot, at which point they reached a river Nilora. Here, they took his shirt off and put his head into the water; and kept repeating the process for the next two hours. Then, they put his shirt over his face once more and took him to Bonura Camp.

The BSF personnel who abducted him were unaware that the victim was affiliated to the Peoples' League, because they never asked him about any of his affiliations.

At Bonura camp, the victim saw that about 30-35 persons had been abducted. The forces were asking all of them about the whereabouts and weapons of militants. The victim was tortured at the camp continuously for 22 days.

First torture: In the camp, the victim was made to lie on the floor near the opening of a water tank, which was buried under the ground and its opening was at the same height as the floor. Then his head was placed over the opening of the tank and was forcibly immersed into the water tank. During this process, a few BSF personnel stood over the shoulders and back of the victim.

Second torture: The victim was stripped and both his legs were tied and then stretched, by pulling the ropes around his legs; electric wires were attached to his toes, mouth, around the belly and his chest. They then put water on him so that his entire body would get electric shocks.

Third torture: The victim was stripped and hot candle wax was put on his body.

The food that they gave him was not edible and was given to him in dirty utensils. The victim was kept in the camp for four and a half months and then was shifted to JIC Pulwama.

At the JIC Pulwama, the victim was kept in custody for six months. However, he was not subject to any torture there. He was charged under the Public Safety Act (PSA) while in the JIC.

Six months later, he was taken to Central Jail and kept there till 1996. The victim was not subject to any torture in the jail. He was released after the completion of his sentence on 3 June 1996.

In 1997 (probably in January), the victim was arrested again. It was the month of *Ramazan* and the victim was in *Aitikaf* (an Islamic practice of staying and worshipping in a mosque for the last 10 days of the month of Ramzan) inside the mosque. Major Raju (although a Sikh) of 9 Dogra Lettar Camp came and arrested him from there. He was released the same day. He returned to the masjid, resumed Aitikaf and completed it on Eid, after which he returned home.

At 9:30 pm that day, personnel of the 9 Dogra Lettar camp raided his house. Lt. Col. Patel was the camp-in-charge and led the personnel who picked him up. The victim's hands were tied behind his back and he was taken to Chokur, Chudribagh on foot, almost 2 kms away from his house.

At Chudribagh, the victim was put in a tractor and was taken to the camp. They reached the camp at 12 am. From then on till the morning Azaan, he was tortured. They would give him electric shocks, put cloth in his mouth and put water on his face. After sunrise, the victim was taken to Kalpora Chowk and from there he was dragged home naked on the snow.

Right after reaching home, they took him back to the camp and kept him there for another 9 days. He was tortured once more – his head was immersed in water that was mixed with chilli powder. The victim was kept in a bunker and there was nothing by which he could warm himself.

After a few days in the camp, a second officer Ram Dutt approached the victim and told him that he was innocent. He took him near a *bukhari* (coal heater) where the victim was able to warm himself. Ram Dutt told the victim “as soon as you will be released, you should shift to a different place to live”. When the victim was released, he did exactly that and shifted to Srinagar. He lived there for 12 years.

But during these years, his father and brother were picked up by personnel of the 9 Dogra Lettar camp, taken to the camp and interrogated there. The father of the victim was told to produce the victim or else they would kill the entire family. The victim neither lodged an FIR nor did he approach the court because of the threat of the Army to kill their family.

As per the victim, he was arrested many times by the 9 Dogra army personnel and it was all happening on the instructions of the Lt. Col. Patel. He has done the same with many other inhabitants of the village.

#### Case 45

##### **Abdul Rashid Dar**

Male / Carpenter

Parentage: Abdul Khaliq Dar

Residence: Tulumulla, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Nisar Ahmad Khanday, Ikhwan
2. Maame Sheikh, Ikhwan
3. Other Ikhwanis

Testimony by the victim's brother, Bashir Ahmad Dar

*Case Information*

Abdul Rashid Dar was a carpenter by profession. As the eldest son, he was the only bread earner of the family. He was not affiliated to the militants or any political outfits. On the fateful day, Rashid along with other workers was working, when around 4 pm some unknown gunmen accompanied by BSF personnel of Kheer Bhawani Camp raided the house and picked up Rashid. After two days of severe torture, he was released. On the same day of the release, while they were all at home, some *Ikhwanis* namely Nisar Ahmad Khanday, Maame Sheikh and others killed him.

“My son was an innocent civilian with no affiliation with militancy”, stated his mother.

Case 46

**Abdul Rashid Khan**

Male / Driver

Parentage: Ghulam Mohi-ud-Din

Residence: Khag, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 7 Dogra Regiment, Army
2. 37 Battalion BSF

*Case Information*

In 1994, Abdul Rashid Khan was asked to visit Khag army camp by Gul Thanthur, a CAT member, since he had been called by an army officer of 7 Dogra Regiment, although for no reason. In the camp, the torture first began with stripping off all of his clothes as part of the psychological torture followed by putting his head in water tubs to bring in the sense fear of drowning. It was then followed by giving electric shocks wherever possible including to his private parts and then after this his legs were stretched as well. The process continued from morning 9 to 5:30 in the evening without any break in between. At 5:30, he was carried by people to his home on their shoulders.

After two years, in 1996 there was a grenade blast in Magam Chowk and he was around the market at that time. After a tip off by an *Ikhwani* Amme Kanna, he was picked up by 37 Battalion of BSF from the Magam main market and taken to Magam army camp for torture. In the camp, all the detainees were kept blindfolded and then the torture began by stripping off clothes first. Rashid's hands were tied behind the back and he was hit forcefully by a brick on his head first, followed by a full blow on his head again with a rifle butt because of which he got 11 stitches later. After that he was beaten and tortured for no reason.

After three years, in 1999, he was travelling home to Khag in a bus from Srinagar, when the bus was stopped near Gumbur by BSF Khag and he was picked up and taken to Khag army camp for torture. First, all of his clothes were taken off and then a huge cut was made using a blade on his left thigh, over which chilli was sprinkled and a hot iron was pressed against the same leg. Then he was electrocuted and beaten till he blacked out.

He was called several times again after that but mostly for questioning, although a few times he was also beaten. Because of all of these tortures, he has developed various physical problems such as an intense headache all through the day, and his left leg doesn't work properly, in addition to other weaknesses.

Case 47

**Abdul Rashid Malik**

Male / Carpenter

Residence: Zandfaran, Sheeri, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

*Case Information*

Abdul Rashid Malik was arrested by the Rashtriya Rifles (RR) as a suspect for conspiring in a mine blast incident at Zandfaran. He was taken to the Adoosa camp where, he claims, he was tortured.

Abdul Rashid Malik had just come from the school on a pleasant August day in 1998. That evening, as he was going out into the fields there was an explosion. Hardly ten minutes had gone by when the whole village was surrounded by the army. He was soon whisked away to the Adoosa camp along with many others. As soon as they reached there, he was stripped down to his undergarments and asked to name the militants responsible for the mine explosion. Since he had no clue regarding the people responsible, he was thrashed as hard as they possibly could. They kept beating him for an hour with bamboo sticks and then left him alone for two hours.

Two hours later, he was given a battering for some 25 minutes. After this, he was asked no more questions but imprisoned for the next thirteen days. He was released with a fractured arm and dislocated leg, following which he had to report at the camp for a week.

Even today Abdul Rashid complains about knee problems especially during the winter months and also feels angry as well as frightened on seeing army personnel.

Case 48

**Abdul Rashid Pandit**

Male / Businessman

Parentage: Mohammad Ramzan

Residence: Pandit Mohalla, Duroo, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Guralp Singh

*Case Information*

In April 1993, the army unit at the Nowgam Camp (victim does not know the battalion) arrested the victim. The victim was associated with the Muslim Janbaz Force. Major Gural Singh tortured him. He was detained for two years and five months. He was arrested at Nowgam; from there, he was shifted to Kot Balwal Jail. He was beaten with steel rods and wooden batons. His legs were stretched and he was forced to overdrink water. A roller was also run over his body. His head was dipped in a mixture of water and chilly powder. He was kept naked. The detainees were provided some medical help but the medical assistance was only in name. His relatives were allowed to meet him after two to three months. The victim was not tortured at Kot Balwal Jail.

Major Gural Singh tortured the victim at Nowgam camp. Everyone knew Major Gural Singh, as he was very notorious on account of how oppressive he was. He gave electric shocks to the victim in the head about 10 times. The detainees were tortured for five consecutive days, morning and evening. Each time, he was tortured for about half an hour.

The victim's family members were also arrested and tortured. The army and other security agencies also wanted his brother to trace his whereabouts. The victim still needs medical help because he was severely tortured. His livelihood has sustained setbacks because he can't work or earn. He suffers general weakness. For the last one year, the army does not call him as frequently as earlier. He is supposed to report to the camp on some special occasions such as Independence Day or Republic Day or whenever any militant activity takes place.

#### Case 49

##### **Abdul Rashid Parray**

Male / Footpath readymade vendor

Parentage: Habibullah Parray

Residence: Haigam, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Gorkha Rifles, Army
2. Rajput Regiment, Army

#### *Case Information*

After he joined the armed struggle, Rasheed was arrested three times by different army agencies, and spent at least two years in different jails and Indian armed forces' camps. Rasheed states that the torture he was subjected to has rendered him frail and incapacitated.

Rasheed went to Pakistan administered Kashmir in June 1992 and returned after three months. After remaining active with Muslim Janbaz Force for a year, he was arrested at Abur, Tangmarg, Baramulla by personnel of 9 Gorkha Rifles. On the night preceding his arrest, Rasheed and 12 other people had taken shelter in a house in Abur village. The next day, the house was cordoned and the military asked them to surrender, but they refused. After negotiation, a person working with the Army came to Rasheed and the other men and told them that the Army was willing to give them a safe passage out of the village. When they left the house and headed towards a nearby river, they were cordoned by the army from all sides. The army fired at them, but they did not retaliate. As a result, all of Rasheed's companions were killed. Rasheed had hidden himself in some bushes, and after

the firing stopped, he tried to escape. While he was running, the army fired bullets and mortar shells on him. After half a kilometer, he ran into more army men and was arrested. During this process, Rasheed was severely injured, having been shot in his throat, right arm, and fingers of the right-hand. In this injured state, the army took him to a nearby orchard and tortured him. They tied his arms and legs, and cut off his two injured fingers with a razor. During this, Rasheed fell unconscious. Two hours later, when he regained consciousness, they tied his legs to their vehicle and dragged him around for three kilometers. However, when they noticed his worsening condition, they put him into a jeep and took him to Shariefabad Camp on the outskirts of Srinagar. Instead of giving him medical assistance, they tortured him continuously for three days. They gave electric shocks to his head and toes, and sprayed petrol over his legs and threatened to light them on fire. They tortured him in order to recover his gun, which they had actually already recovered from the encounter site. After three days, they admitted Rasheed to the Cantonment hospital, Srinagar for two days. There, they removed the bullets from his body and bandaged his fingers.

Then they took him to Badami Bagh Cantonment, Srinagar where he was again severely tortured. They beat him with sticks and the butts of their guns, and gave electric shocks to his head and genitals. They threatened to make him sexually impotent and insane. He was not provided proper food. His daily food was two rotten oranges or bananas, and they would beat him if he refused to eat it. The Army commanding officer then demanded a bribe for his release. Rasheed's brother then sold two *kanals* of land, and gave the commanding officer INR 200,000. After five days, Rasheed was released.

Two days later, when he was at his home, personnel of the Rajput Regiment of the Indian Army raided his house. They arrested Rasheed, and took him to Hamray, Baramulla Camp. Even though he was already wounded, he was still beaten. He was suspended from a tree with his hands tied behind his back, and beaten with a spade. He lost consciousness and regained it after two days. They fed him adulterated food, and then transferred him to Badami Bagh Cantonment, Srinagar. Rasheed was mentally tortured for two days, after which he lost his sense and began speaking incoherently. On the third day, he was transferred to a Psychiatric Hospital in Delhi, where he was treated for five days and regained his sense. From there, they took him to Kot Balwal Jail for 10 days. During the last two days of his detention, he was beaten with bamboo sticks. Rasheed was then transferred to a jail in Rajasthan. There, he was kept with another person in a small solitary confinement cell. In the cell, there were two 1000-watt bulbs kept constantly on, and a toilet facility. Rasheed and his fellow inmate spent one year in that cell, and were only taken out for half an hour daily. It was extremely hot inside the cell, and it was infested with poisonous insects. They were stung several times by some insect, and to remove the poison, they were taken to a hospital, only to be thrown back in the same cell again once they had recovered. They were given adulterated food and hot water to drink. When he was released, Rasheed's family could not recognize him, as he had grown long hair and become frail. His eyesight had also become weak due to the high-voltage bulbs.

Two days after his release, personnel of the Rajput Regiment from Panzipora Camp, Baramulla arrived and began beating him and his family, including his wife and his eight-year-old daughter, who also then acquired psychological problems as a result. They beat Rasheed with guns and sticks, and dunked his head into water several times. Then they took him to the camp, and tortured him continuously in order to recover a gun from him. He told them that he was released just two days prior, so he was obviously unable to

acquire a gun in that time. They did not agree. First, they put him into a stream that flowed through the camp for a long period, and then they hung him from a tree and beat him severely. They then demanded INR 40,000 from his family for his release. His family had to sell their remaining land to fulfil the demand. They released him after five days after they felt that Rasheed had become completely incapacitated. He was never arrested again, but during crackdowns, he is always picked up and kept isolated for the day. He must also report at different army camps, where he is forced to do menial labour.

The torture that Rasheed was subjected to has completely ruined his health. He is now unable to do any work. His family is facing financial problems due to his impacted ability to work. Today, he is selling used ready-made garments on the footpath in Sopore to make a living. He is unable to do any physical labour, because the army cut his fingers off, which could have been saved with an operation.

#### Case 50

##### **Abdul Rashid Rather**

Male / Fruit Businessman

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Sohan Lal, 195 Battalion BSF
2. Brigadier J.J Singh, 9 Gorkha Rifles, Army
3. 9 Grenadiers, Army
4. 26 Punjab Regiment, Army

#### *Case Information*

Abdul Rashid Rather went to Pakistan administered Kashmir in 1990 and returned the same year. He remained active with Muslim Janbaz Force for about a year. He was first arrested in March 1992 by personnel of 195 Battalion BSF, at Mukaam, Zainageer (Sopore) after the house in which he was hiding was raided. At the time of the arrest, he was badly wounded and was under treatment, because he had received nine bullets in left leg, right thigh and in right hand in an encounter two months earlier. When the house he was hiding in was raided, two of his companions managed to escape before the raid, but he could not as he was unable to walk. The BSF, after arresting him, took him to the Watlab camp, where he was detained for 21 days. During the detention period, despite being wounded, he was severely tortured for his weapon. It was very cold then, and the snow was still falling. They first stripped him naked in an open field and put him under frozen snow for about 2 hours. After that they applied electric current to his eyebrows, lips, fingers and private parts. After tying his hands from behind, they suspended him from a tree for 2 hours. After that, upto 1:00 am at night in an interrogation room, they beat him with leather belts and electric wire after tying his feet and hands, and blood started coming out of his wounds. They then blindfolded him and put him in a small room – actually a broken down bathroom – for about 16 days. There were lots of rats, which often bit him as they were kept specifically for this purpose. His hands would be untied at mealtimes, when the food was thrown at him. Blindfolded, he could take only that which he could grab, and the rest was taken by rats. He had grown feeble and frail; and they perhaps thought he would die, so they released him after 21 days of detention. But before that their officer named Sohan Lal took INR 21,000 as a ransom from his family.



After his release, he did not rejoin the armed struggle, but on June 4, 1992, he was picked up again by 9 Gorkha Rifles during the crackdown in his own village. They took him to the nearby Higher Secondary School building where Brigadier J.J Singh was present. Abdul Rashid was still wounded then, but they tortured him severely. They first applied electric current to his tongue, ear lobes, fingers and wounds. They beat him with iron rods, gagged his mouth with his own clothes and applied wooden roller over his legs for about 15 minutes. After that, he became unconscious and found himself at Baramulla camp (Corps of Signals) when he regained consciousness. Initially he was beaten there with hard sticks for information about his weapons. But later the torture stopped and he was released six months later.

On October 18, 1994, he was picked up again by the 9 Grenadiers from his home and detained for a week at Watergam camp. He was not tortured but the soldiers wanted to verify whether he possessed weapons from the militants they had nabbed. After verification, he was released. On August 28, 1996, he was again picked up by 26 Punjab Regiment of Watlab camp (Sopore) and released after three days. During the time, he was not tortured physically but threatened of getting killed off in an encounter if he did not become an informer. He refused. After that, he was not picked up again, but since then has had to report at different army camps every Sunday. At the time of this interview, he was to report at Bomai (Sopore) Army post once in a month.

During his detention, he was never taken to a doctor for the treatment. His family members were allowed to meet him only once. It was after 5 months of his second detention that his father, after giving an application to Corps Commander, Lt Gen. M. A. Zaki, was permitted to see him at Corps Signal Camp (Baramulla). He has been facing a lot of health problems due to torture; he is unable to do any physical work. He is into fruit business, but feels that he is not able to give as much physical attention towards it as it demands.

#### Case 51

##### **Abdul Rashid Sheikh**

Male / Shopkeeper

Parentage: Abdul Gani Sheikh

Residence: Old Mattan Chowk, Anantnag (Islamabad)

Affiliation: Civilian (Associated with Al-Fatah militant outfit in 1960s)

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police
2. Dogra Regiment, Army
3. Seathe Gujjar, Ikhwan

##### *Case Information*

At the age of 16, Abdul Rashid Sheikh was affiliated with a militant outfit named Al-Fatah. In 1968, he was detained by Jammu & Kashmir Police who took him to Police Station, Kothi Bagh and according to him that was the first time when he was tortured. His nails were plucked out and skin removed. Both his legs were broken because of the roller treatment he was subjected to during the torture. He still has problems while sitting. Then he was interrogated by some personnel from CID who took his statement. In the torture cell, he would get lunch at 3 pm and dinner at 4:30 pm and after that there was nothing

given to him to eat till next day. On the death of his grandfather, which came after 8 months of detention Abdul Rashid was released on parole. He doesn't know whether any FIR was registered against him or not.

When Ghulam Muhammad Shah was the Chief Minister in the 1980s, he was again detained by the forces of Dogra Regiment. He was kept in detention for 3 days, and handcuffed with heavy chains weighing 50-60 kilograms. His legs were already broken because of the previous roller treatment but they still tied him. They accused him of showing them a gun but they only recovered a shotgun from him, the kind used to hunt animals, so he was arrested on the same charges and tortured.

During the *Ikhwan* era, several *Ikhwanis* including Seathe Gujjar would loot his shop. Being the owner of a prominent general store in the locality, the *Ikhwanis* would often get things from him and routinely not pay anything. If anything untoward would happen in the locality they would come to his shop, beat him, and loot his shop. They would take what they needed from his shop without paying. He says, "I burnt the account books in which I had kept the record of those items they (Ikhwanis) had taken from my shop and those items are worth INR 850,000." Abdul Rashid says that he was picked up at least 5-6 times by *Ikhwanis*.

#### Case 52

##### **Abdul Rashid Sheikh**

Male / Embroider

Parentage: Ghulam Mohammad Sheikh

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Naga Regiment, Army

#### *Case Information*

Abdul Rashid was picked up during a crackdown by personnel of the Naga Regiment on June 2, 1992, and tortured to reveal the names of the militants in his native village. It was only the second day that the Naga Regiment had been in the area when they conducted the crackdown, assembling all the villagers, and randomly picking 20 people, including Rashid.

The tortured took place in front of all the villagers. When they picked Rashid, they asked him for the name of militants in the village, and told him to identify them among the people gathered. Rashid told them that there were indeed a few militants in the village, but they were not present. After that, they began torturing him. They removed all of his clothing, except for his trousers, and beat him on the back with thick shafts. They also slapped him in the face about 100 times, and kicked and abused him. The leader suspended him upside down from a tree branch, gagged his mouth with a stone, and beat him on his buttocks for two hours. In the meantime, one of the army men beat Rashid's arms about 100 times each. While he was suspended from the tree, another army person forcefully kicked him in the back, so that Rashid fell down and strained his backbone. After that, he asked them for water, but they refused to give him any. His torture continued from 10 am to 3 pm. The army tortured all of the selected villagers in the same way in front of the whole village, in

order to display the repercussions of supporting militants.

Rashid was then released as the crackdown was lifted. He crawled towards his cousin and fell into his lap. They gave him water and took him to a hospital. It took him about one month to recover from the wounds and abrasions he received during the torture, but he is still unable to stand for a long time due to the back strain he received. Before the incident, Rashid was a labourer. Now he is no longer able to do any physical work. These days, he is engaged in embroidery, which he can do while sitting down. However, he does not earn much from this, and struggles to make ends meet. Due to poverty and his inability to work, Rashid was unable to provide education for any of his five children. His eldest son started working at 16 to earn money for the family.

#### Case 53

**Name: Abdul Rashid Wani**

Male / Shopkeeper

Residence: Hardshiva, Manzpora, Sopore, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. Rajputana Rifles, Army

#### *Case Information*

Abdul Rashid Wani was associated with JKLF and went to Pakistan administered Kashmir for arms training. When he was returning to Kashmir after the completion of training he was detained on October 27, 1991 by personnel of the Rajputana Rifles, Keegam Camp, along with his accomplices, Mohammad Yusuf Dar and Manzoor Ahmad Rather. All three were kept in the Army Camp, Zangil. He was then taken to Badami Bagh Cantonment, Srinagar. After that he was shifted to Kot Balwal and Hiranagar Jails in Jammu for three years.

During the interrogation, he was kept naked, beaten with steel rods, his legs stretched and he was forced to drink excessive water before electric shocks were administered to his private parts. He was also burnt by hot iron. His head was dunked into the water containing chilli powder. He was not given any medical assistance.

In the detention centers, he was forced to recite the verses of Geeta and the scriptures of other religions excluding Islam. After three years in detention, he was finally released in 1994.

His health conditions have deteriorated due to the torture. The left side of his body remains completely paralyzed. He has lost the visual power.

#### Case 54

**Abdul Rehman Bhat**

Male

Residence: Goripora, Narbal, Budgam

Affiliation: Ex-militant

Alleged Perpetrators/Agency:

1. 2 Rashtriya Rifles, Army
2. Garhwal Regiment, Army,
3. SOG

### *Case Information*

Abdul Rehman Bhat, 41, an ex-militant from Goripora Narbal, was picked up by 2 Rashtriya Rifles (RR) on June 20, 2008. That day a powerful IED blast by militants at Narbal crossing that day had resulted in the killing of dozens of security forces. Hundreds were beaten and on the pretext of investigation he was arrested along with many others.

Rehman says that this behaviour is not new to him. Whenever an incident takes place in his vicinity, he is the first person to be arrested. When he was taken from his home under the pretext of investigation of the IED blast, Rehman was unaware that the incident had even taken place, and the Hizbul Mujahideen had already claimed responsibility for it.

On that day, he was at home after a week-long treatment at SMHS hospital in Srinagar, because of thyroid problems and hypertension. He was still ill, and lying in bed. That evening, Army personnel accompanied by *Numberdar* (revenue head) of the village came to his home and took him to Gagerpora Narbal Camp. There, Rehman was interrogated and tortured throughout the night. They beat him with *lathis* and used a portable machine to give electric shocks to his chest, toes and genitals. They continuously asked for details about the IED blast, even though they knew that he had had no hand in it. They had only taken him to harass him. Rehman repeatedly pleaded his innocence, but to no avail. He was released the next day at 1:30 pm.

While talking to reporters, Rehman was afraid to give the complete details of the torture he was subjected to, as he had been taken by the army to the office of the Commanding Officer, 2 RR, situated at Poultry Farm, HMT on 28th June for giving details of torture to media persons on his release. At the camp, he was forced to give a statement before the camera that he was not tortured in custody.

Several other people from his own village, who were either ex-militants or working near the IED blast spot, were also taken by the army that evening. He was held in the camp with Chaspeed Ahmad (20), a tea stall owner near Narbal Chowk, Abdul Rahim Bhat (36) S/O Ghulam Mohammad, a daily wager, Mohammad Ayub Bhat S/O Ghulam Mohammad Bhat, Abdul Majeed Bhat S/O Mohammad Sultan, Abdul Majeed Dar S/O Abdul Razaq Dar – all released militants, and Ghulam Mohammad Bhat (65) S/O Abdul Salam. Several men working near the Narbal Chowk as corn vendors were also beaten after the blast, Rehman said, and were afraid to go back to work.

Prior to this, Rehman had been arrested several times by various agencies, and tortured because he had joined the armed movement. He had gone to Pakistan administered Kashmir for arms training in March 1990 and returned in September the same year. He first joined Muslim Janbaz Force and later Al-Jihad outfit. He was arrested on July 7, 1992 by the Garhwal Regiment of Tattoo Ground, Srinagar at Takanwari during a crackdown. They took him to Tattoo Ground for one night and then transferred him to Badami Bagh Cantonment, Srinagar for one month. There, he claims, he was severely tortured for eight to ten days. He was stripped naked and beaten continuously. His head was forcibly smashed against the wall several times, and dunked into water. After gagging his mouth

with a cloth, they poured water down into his body through his nostrils. He was beaten for the possession of a weapon, but never gave it over.

From Badami Bagh Cantonment, he was transferred to JIC Srinagar for three months. He was kept in a small cell with 10 other people during the period of his detention, and was only allowed out for 15 minutes per day. He was never taken to a doctor for treatment, even though he was seriously injured. Instead, they would take Rehman out of the cell under the pretext of taking him to a doctor for treatment, but then took him to the torture room. They frequently took him out of the cell and beat him ruthlessly. They also applied electric current to his fingers, nipples, toes, and genitals.

From JIC Srinagar, they transferred him to Central Jail, Srinagar for 18 months, and then from there to a sub jail, from where he was released after three months. Over the course of his detention period, his family was first allowed to visit him at Badami Bagh Cantonment, a month after his arrest.

After his release, Rehman did not join the armed struggle again, but resumed his normal life with a fruit business. However, this was not the end of his woes. He was picked up several times by different Indian agencies and tortured under trivial pretexts. He was once picked up by SOG police, Magam in 2004, who detained him for five hours and tortured him severely. After that, he was picked up several times, whenever an incident took place in the vicinity of his village. The label of militant on his back makes him a primary target of security agencies. His health has deteriorated due to the severe torture he was subjected to. He is unable to do any physical work and suffers from hypertension and obesity.

#### Case 55

##### **Abdul Rehman Bhat**

Male / Retired Inspector, Power Development Dept.

Parentage: Ghulam Mohammad Bhat

Residence: Nowpora Jagir, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF
2. Major Chatterjee, Army

##### *Case Information*

Abdul Rehman joined the armed struggle in 1990, becoming a member of Al-Jihad militant outfit, but was arrested the same year. It was the day of Eid, and he was returning home from the funeral prayers of a friend who had been killed. The BSF arrested him and took him to their headquarters at Singhpora, Baramulla, where they kept him for 40 days. After that, he was transferred to JIC, Srinagar, then to the old airport, then to Kot Balwal jail for one year, and then to Kathua jail for another year. Finally, they transferred him to Srinagar Central jail, from where he was released on parole in 1992.

He was brutally tortured at each of these places. They applied a roller over his legs that was pressed down by several men on each side. They dunked his head into chilli water, due to which he swallowed a lot of water. Then, they suspended him from the ceiling, tied his hands behind his back, and beat him with heavy sticks. They also gave electric shocks to

his genitals. They would torture Abdul Rehman until he fainted, and after he regained consciousness, they would torture him more. Once they put a pistol into his mouth and told him to give them information about militants, otherwise they would kill him and label it as an encounter. However, he did not give them any information, because he had none.

He was subjected to the same torture methods everywhere. He was taken to doctors several times in the torture camps, but only received painkillers. His wounds became more severe, because they were left unattended. Later, when he was in jail, he was given some medical treatment. His family was first allowed to visit him at JIC, Srinagar, after six months of his detention.

After his first release, he gave up arms, but was still troubled by various Indian agencies. Once an army officer named Major Chatterjee came to his house, and took him and his son to the camp after seizing his licensed gun, and they were tortured for 20 days. His son was only 15 years old then, and studying in the eighth class. They interrogated and tortured both him and his son in a single room. They asked him about his connections with militancy, but he did not admit anything to them, because he was worried about his son. He feared that if he admitted his past connections with militants, they would both be booked. Abdul Rehman and his son were stripped naked in front of each other, forced to do things to each other that Abdul cannot bring himself to describe. Then they took them upstairs and showed them human remains of a militant, and said that if they did not confess, they would meet the same fate as the corpse had. Then they beat him and his son so violently with sticks that Abdul Rehman's right arm was broken. His son was also brutally beaten, and developed many mental problems as a result of the torture. Finally, one day, one of the Army personnel asked Abdul why he was not admitting to his affiliation with militants, and that if he were to confess, the Major would set his son or both of them free. He decided then to confess, because he did not want his son to suffer for any decisions that he had made. After his confession, before setting both of them free, the Major asked Abdul why he had not confessed earlier and instead endured the torture; he would have been immediately released on confession. During their 21 days of detention, their family members were not allowed to visit them.

After his first release, Abdul left militancy completely because he realized that his whole family was suffering because of him. The security forces troubled his family and children, which he did not want. Even now he is sometimes picked up and tortured. The last time he was tortured was four years ago. If any incident takes place in their locality, Abdul is the first suspect.

#### Case 56

##### **Name and identifying information withheld**

Male / Shopkeeper

Residence: Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

##### *Case Information*

The victim was kidnapped by Indian armed forces in March 2017 for a suspicious phone call made from his phone by a mysterious person at K.P Road Anantnag. The victim was

thrashed, dragged from his house at midnight by Indian armed forces and taken to Frisal Military camp leaving his family shocked. The victim was suspended from the ceiling. The torture started with abusing the victim, then physically beating him with rods, keeping him starved for days, administering electric shocks, physical bending. He was taken to Cargo camp, Anantnag for further investigation. The victim, although just a schoolboy, was tortured in the camp for a couple of weeks, both physically and mentally. He was then sentenced to jail for a year.

The torture that the victim felt that day has changed his life. He has lot of joints' problems, mental imbalance, physical damage. He left his studies due to this torture and is currently a shopkeeper at his native village.

#### Case 57

##### **Abdul Samad Batt**

Male / Government Employee (Animal Husbandry)

Parentage: Abdul Gani Batt

Residence: Nagbatna, Drabshalla, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Naib Subedar Arjun Singh, 26 Rashtriya Rifles, Army

#### *Case Information*

Abdul Samad was detained on the morning of June 1995 by armed personnel from 26 Rashtriya Rifles. The person who tortured him during the detention was Naib Subedar Arjun Singh. His hands were tied with a rope; he was beaten with rifle butts. Electric shocks were given to his body and he was forced to drink a bucket full of water. He was released on the evening of the same day.

He has regular pain in right leg (which was fractured during torture) and back. He is suffering from disk dislocation problem in his vertebrae.

#### Case 58

##### **Abdul Samad Dar**

Male

Residence: Tengpora, Batamaloo, Srinagar

Affiliation: Civilian (His son was a militant)

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG

#### *Case Information*

Abdul Samad Dar's son, Ibrahim, was a militant affiliated with Hizbul Mujahideen. In 1994, after a local had revealed his son's militant connections, soldiers took him to a nearby *mohalla*, where he led the military officials to the medical store where his son used to work. Abdul Samad's son's absence from there led to his torture. He was beaten with a gun while being taken to the camp, where he was released on condition of getting

his son to the camp. He did, and both of them were allowed to leave shortly. A month later, during a cordon by Rashtriya Rifles (RR), his son was identified and taken to the Police Station from where he was taken to the Central Jail, Srinagar for about two and a half years. A month after his release the SOG came to arrest him. On not finding him there, his father was picked up yet again. They hung him upside down and beat him for 18 days before he was released. The son was then again picked from Galwanpora and kept in custody for one and a half years. Two months after he was released the SOG again raided their home and took Abdul Samad and his father with them.

Abdul Samad claims that his family faced a lot of problems, including torture. His father's leg was broken. He claims to have given about INR 400,000 to the army on different occasions to make sure his family stays safe. With a lot of money spent, he faced an economic crunch and was forced to leave his house for 8 years along with his family. During this exile, Abdul Samad was unaware of his militant son's whereabouts. His son was eventually caught from Lal Bazar during this period and killed by the Task force. Since the time of his son's death, his family was targeted thrice. On one occasion his other son was taken and tortured. He was released but the family still suffers from the after effects of torture.

#### Case 59

##### **Abdus-Subhan Batt**

Male / Bakery shop owner

Parentage: Abdul Ahad Batt

Residence: Majmi Dessa, Bhagwah, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

#### *Case Information*

Personnel from 10 Rashtriya Rifles tortured Abdus-Subhan in his own village. He was beaten ruthlessly with iron rods and bamboo sticks by a group of army men. He was dragged to the water mill in the village and beaten there repeatedly, and continuously for one and a half hour. He has developed chronic pain in knees because of which he is unable to walk long distances.

#### Case 60

##### **Abid Hussain** (name changed)

Male / Handicrafts and Arts Business

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Gautam, CRPF

#### *Case Information*

On August 13, 1992, Abid was at the mosque for his evening prayers when there was a sudden blast outside. A bomb had gone off in a CRPF vehicle outside the Old Secretariat.



There was an immediate crackdown in and around that area, and all the adults were beaten. The CRPF then fired at people on the street to gain control of the crowd. Some of the bullets severely wounded people on the road. At the same time, everyone in the mosque was taken to the Old Secretariat, somewhere between 300 and 400 people. An informer was brought there and asked to identify people from those assembled. In the process, Abid was identified along with 20 to 25 people. He was blindfolded and taken to the Indoor Stadium in a gypsy vehicle, where he was then put in a room. He was stripped naked and abused verbally. They then passed an electric current through his toes and hands. He was tortured like this for three hours, receiving only a 15-20-minute break in between. Abid spent three days there, and was accused of being a *militant* who owned guns and grenades and had a hand in the blast.

That night, Abid was taken into a room at 1:00 am, where he was bound to a bed in such a way that he was unable to sleep. During this time a CRPF sentry entered the room and Abid asked him for water. However, he was not given any. In the morning, he was given some breakfast, but at around 11 am, the Major summoned him. Abid was blindfolded and taken to another room. He was then again tortured with electric shocks. His head became very heavy and began to hurt. He was tortured for 20 to 25 minutes with two or three minute breaks in between. At the end of this he fainted and was taken to another room. That night, Abid was again bound in such a way he could not move or sleep comfortably.

On the third day, he was tortured in the same way, and then informed that he was to be transferred to Jammu Jail. Instead, he was taken in a CRPF truck to Hari Niwas, Srinagar. He arrived there at 1:30 pm. He was kept on a veranda with five other men. He noticed that his file was with them as well. Abid was then threatened and he began to cry. He was taken into a room, where he was made to watch another person being tortured, causing him to faint. When Abid awakened, he was forced to drink a lot of water and a rope was tied around his stomach, after which he was beaten with sticks. He says that he felt completely helpless in that moment and felt that it would be better to die rather than endure the torture.

At 3:30 pm, Abid was taken to another room. The room was bare and he stayed there until 2:00 am. Then he was taken to Major Gautam, where he was verbally abused and accused of murdering CRPF men. He was asked where he kept his weapons and burned on the lower abdomen with a lit *beedi*, a kind of cigarette used in India. At this point, Abid had started to cry a lot, but was shown no sympathy. He was hung upside down and beaten on the feet and hands with sticks for one or two hours. His genitals were also tortured.

Abid was kept there for 15 days, although he was tortured only once after that, for a day. He was released, and told that he was to be taken to Jammu again. However, he was taken to the Police Control Room in Batamaloo, where he was thrown out of the vehicle. He was taken in by the Kashmir Police, who made him sign a paper stating that he was receiving all his belongings back. He was then dropped off at home. He says he returned home in no better state than a dead body.

Upon returning home, Abid went to the hospital where he was told that he had become impotent. However, he took some medication for it and says that he is fine now. He has spent almost INR 30,000 on medications. For three or four years, he was very tense and would start crying without any reason. He was very depressed and felt that there were problems with his heart. He would wake up in the middle of the night and cry. He went to Jammu for treatment. There, Abid met with a psychiatrist and was given anti-depressants.

He often still gets dizzy. Every August, around Indian Independence day, he becomes paranoid about going outside and does not leave his house.

He has not filed a complaint against anyone, and also talks about his friend who was tortured under similar conditions and has become completely psychologically damaged.

Case 61

**Aijaz Ahmad Trumboo**

Male

Parentage: Ghulam Nabi Trumboo

Residence: Krankshivan colony, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

*Case Information*

Aijaz Ahmad claims that he was arrested in 1998 near LoC in Bandipora area by personnel of Rashtriya Rifles. He was trying to cross with a group of 12 people for arms training. The army fired at his group for about one hour, during which Aijaz hid behind a big stone, closed his eyes, and waited for death. Because his group did not retaliate, the Army stopped firing and arrested them. In the process, three men in the group were killed.

After arresting them, the Army first beat them all with the butts of their guns. After that, they tied the men to one another and put the dead bodies of their companions on their backs, so that they would carry them down the hill to the army camp. While the group was walking back to the camp, the army men would kick them from behind, which caused them to tumble down the hill and sustain injuries. This continued for some distance, until they reached the camp on the foothills.

Upon reaching the camp, Aijaz and the other men were dragged around in the yard over spiky rocks. After that, the army men forced them to drink dirty water out of a ditch. Then they put all of the men into separate rooms, and tortured them one by one. First, Aijaz was stripped naked and beaten with bamboo sticks, which turned his entire body black with bruises. They also applied an electric current to various parts of his body. After that, they applied a heavy wooden roller over his legs. For three days, they kept him on a cement floor without food or water. On the fourth day, they took Aijaz and the other men to the police station in Bandipora, where a case was registered against them. His family was informed of the situation, as Aijaz had run away from his family without telling them anything. He was detained at the police station for one week, during which he was not tortured. Later, he was transferred to Sub Jail Baramulla for four months, where from he was released on bail by Baramulla district court.

Aijaz's case was still on-going in 2009 (when this interview was conducted) and he had to attend the court every month.

Due to the torture that he was subjected to, he has several health complications. He often has prolonged headaches as a result of the blows of gun butts on his head, and suffers from constipation due to his intake of dirty water.

Case 62

**Aijaz Ahmad Wani**

Male / Pashmina Weaver

Residence: Nawab Bazar, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

Aijaz Ahmad Wani had crossed over to Pakistan administered Kashmir in 1989 and returned in 1990. He was associated with Hizbul Mujahideen and stayed active for about four months after his return, before he was arrested in a village Tulail in September 1990.

He was arrested along with four of his associates by BSF personnel stationed at the Tulail Camp in a cordon operation. They were beaten ruthlessly. They were ordered to give information, and threatened that they would otherwise be killed one by one. After beating them, the BSF took one of Aijaz's associates aside and shot him dead. This person's name was Rafiq (not sure about it), and he was from Batamaloo, Srinagar. Afterwards, Aijaz and the others were told to carry his body to the Tulail camp, which was on a hill. When they reached near the camp a Gujjar man was already there and had prepared a grave for Rafiq's body. They were then taken inside the camp, a wire was tied to their feet, and they were hung upside down, with their heads touching the floor. They were kept in this position for three days, and not released even when they had to urinate. They fed Aijaz and the others some *dal* when they were hanging upside down. After three days, when they were released from this position, they had no sensation in their feet. They were told to walk and when they could not do that, they were beaten. They were untied from the wire because Ved Marwah (Advisor of then Jammu & Kashmir Governor at the time) was visiting the camp. Then they were bound, blindfolded, and boarded into a helicopter that took them to Old Airport, Humhama Camp. They were kept blindfolded in this camp for three months and continuously tortured. Aijaz still carries a mark on his nose that he got from the constant blindfolding.

While narrating the horrors of the torture, which he suffered for these three months, he states that he was stripped naked every time he was tortured. Water was poured on his body, and then an electric current was given to different parts of his body, including his genitals. His legs were stretched by two men pulling them in opposite directions. He has no count of how many times his legs were rolled over. He got an infection in the wounds on his wrists that came from being constantly bound. Puss started flowing from these wounds. The four of them were only given one plate of food to share. After three months, they were shifted to Kot Balwal Jail, Jammu.

Case 63

**Akhtar Hussain**

Male / Farmer

Parentage: Abdul Aziz Khan

Residence: Mangotta, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. Sikh Regiment, Army
3. BSF

### *Case Information*

Akhtar was arrested in April 1995 by personnel from Military Intelligence. He was taken to JIC Doda where he was kept in the military vehicle for 17 continuous days. He was stripped naked, tied with a rope, beaten with *lathis* and rifle butts. He was given electric shocks to his body, forced to drink water in which chilli powder was mixed. Roller was rolled on his body, his nails were plucked out, chilli powder was put on those wounds and then he was dipped in water.

He was tortured multiple times. He was also tortured in his village, Mangotta and has been tortured by the personnel from Rashtriya Rifles, Sikh Regiment of the Indian army and Border Security Force. He has developed several health issues. He has regular pain in his body, cannot do any hard work and suffers from heart ailments, disc dislocation problem and nephrological problems.

### Case 64

**Ali Mohammad Bhat**

Male / Apple cultivator

Residence: Chatoora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army
2. 6 Rajput Regiment, Army
3. 22 Rashtriya Rifles, Army

### *Case Information*

Ali went to Pakistan administered Kashmir for a month-long training as a militant during August 1999 during which he also received training for handling grenades and guns. Within a month of returning home, he was caught by personnel of 26 Punjab Regiment. He could not however, be identified, so he was interrogated by having the soles of his feet and back burned with cigarette butts and being hit with sticks on the legs. He was also administered electric shocks while naked. This torture happened in his home, and lasted for about two hours. Later, he was released, because the informer could not identify him. He had a fractured leg as a result of the torture, which had to be treated for a month. After this, he began working with the militant group again.

In March 1991 Ali was caught during a crackdown at his home at 7 am. He was stripped down to his undergarments, his head repeatedly dunked into a pot of water that had been mixed with red chilli powder. This time, he had been caught by the 6 Rajput Regiment. He was hit with sticks and the soldier's bare hands. At about one o'clock in the afternoon, he was taken to Watergam Camp. He was not tortured for three days, because his physical

condition was quite poor. He was then transferred in a convoy to Baramulla Camp, around 8 am. There he was interrogated by the IB. They applied rollers over him for an hour and every two minutes, electric shocks were administered to his genitals, legs, and hands. He lost consciousness several times during the torture. When he regained his consciousness, they asked him repeatedly for details regarding terrorist hideouts, whereabouts, and ammunition stores. For two days, he was kept in the camp and subjected to similar torture. After this, Ali's family was allowed to visit him. No medical treatment was provided to him, except medicines that kept him from vomiting. He was detained in the camp for eight months, during which he was tortured continuously and beaten with bare hands by camp officers. He was later told that he was arrested under the PSA, and transferred to Hiranagar sub-jail in Jammu. He spent 14 months there, during which time he was not tortured, and only subjected to very poor food. He was then released. Until 2007 Ali had to regularly report to four different camps every Sunday, where he was given menial tasks to do.

In 2006, he was tortured in his house by personnel of the 22 Rashtriya Rifles. He was hit with sticks and bare hands, after which he had to be admitted to Baramulla Hospital for seven days. He says that his family doctor claimed that if he had not been treated in time, he would have surely died of torture. Ali suffers from hearing problems and chronic headaches, and is unable to work as he could before. The expenses of all his medical treatment have been paid by him.

#### Case 65

##### **Ali Mohammad Butt**

Male

Parentage: Ismail Butt

Residence: Manjmi Desa, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF

#### *Case Information*

One morning in 1999 Ali Mohammad was detained by BSF personnel stationed at a camp in Dugadda Manjmi, Doda. He was beaten mercilessly throughout the day, for about 9 hours, with rifle butts and *lathis*, which made him bleed from his mouth. His body was burnt with live cigarette butts, the marks of which he still carries. He was released on the same evening.

He has been bed ridden since then facing many health problems. He developed severe nephrological problems because of this torture.

#### Case 66

##### **Ali Mohammad Dar**

Male / Retired Teacher

Parentage: Habibullah Dar

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF
2. Major Kalwal, Rashtriya Rifles, Army,
3. Officer Dilbagh Singh, Rashtriya Rifles, Army

### *Case Information*

Ali Mohammad was tortured and harassed several times by various Indian agencies and renegades for being an active member of Jamaat-e-Islami. They alleged he was assisting militant outfits and collecting funds from people for them in Kashmir.

The first time that he was beaten was by CRPF in 1991, when they stopped him on a road in his native village. They took him and another person into a nearby orchard, and beat them violently with rifles and sticks. One of the CRPF men took Ali by the throat, and squeezed it so hard that Ali nearly choked. He pushed Ali down to the ground and kicked him. He and the other man who had been tortured were left there in poor condition.

The second time that he was tortured was on May 5, 1996, after he was picked up from his home by the Rashtriya Rifles from Sirhama Camp, Anantnag. They raided Ali's home in the morning, and took him to Srigufwara Camp, Anantnag where he was then tortured. First, they stripped him of all his clothing, and beat him with bamboo sticks for about one hour. They also applied an electric current to his fingers and earlobes. They kicked and verbally abused him continuously after that for about two hours. Major Kalwal also beat Ali and accused him of supporting militants and collecting money in support of them. The Major told Ali to arrange INR 700,000 in the exchange of his release. Ali told him that he did not have that much money, but could get it by the evening if he was able to sell his land. The men continued to beat and abuse him. After four hours of torture, the army men from Sirhama Camp visited again, and took him back to the camp with them and held him there for three days. He was beaten repeatedly. After three days there, officers named Dilbagh Singh and *Kowpulas* (an alias: a Kashmiri word for plier) asked him about his property. They then told him what he had been accused of, and took him to the school where he was posted and finally released him.

After his release, renegades began coming to his house and harassing him under trivial pretexts. They harassed his family and asked them for money. After that, Ali tried to stay away from his home. He was called several times to report to the camps, but never went. However, they kept taking money from his family. The renegades at Kanalwal Camp and Srigufwara Camp took INR 5000 and INR 10,000 from him, respectively. They also sent him letters on several occasions demanding INR 200,000, but Ali did not pay much attention to their demands.

On January 28, 2000 during a crackdown Ali was tortured again in front of many people by the Indian Army from Sirhama Camp. Two days prior to that, on the eve of the Indian Republic Day, militants attacked the camp. The next day, the Army patrolled the village and did not say anything to anyone but simply stood on either side of the road with thick sticks in their hands, beating every passerby. After assembling all of the villagers at one spot, an army officer ordered his men to beat everyone. After beating everyone for about half an hour, they transferred them from the center of the village to the outskirts, and beat all of them again. Then, they read out a long list of names, which included Ali and described him as a senior member of Jamaat-e-Islami. They forced him to remove all of his clothing, except for his trousers, and then beat him with bamboo sticks all over his body.

They hit his head several times, which caused him to fall unconscious. When he regained consciousness, he asked them for water, which was denied. After that, they tied him up and asked him to provide information about militants. He denied having any information. They later kicked and abused him, and ordered him to provide them with information within 15 days.

Ali was tortured while he was in his 50s, when the torture is more difficult to bear. Due to the torture that he was subjected to, he is unable to walk long distances and suffers from chronic back pain and headaches. He also cannot spend time outside during the cold season, otherwise his entire body aches.

#### Case 67

##### **Ali Mohammad Seharie**

Male / Associated with Jamaat-e-Islami

Parentage: Ghulam Rasool Wani

Residence: Village Mangate, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Hawaldar Mandela, Army
2. Major Chotu, Army
3. Manjeet, Army
4. Tinda, SOG
5. Angad, SOG
6. Yanki, SOG
7. Bashir Ahmad, SOG
8. Devinder Kumar, SOG
9. Yaqoob Groos, SOG
10. Sagwan, BSF

#### *Case Information*

On March 24, 1995, Ali Mohammad Seharie was picked up from his home by the Indian Army. He was taken to a stadium in Doda, which is occupied by the army. At the stadium, he saw his brother-in-law, Hakeem Mohammad Shafi and Hakeem's son Jan Mohammad Parray were detained there as well. While in detention at the stadium, the three men were hung upside down and ruthlessly tortured. Seharie and Jan Mohammad Parray were tied to the army vehicle and kept in this state for two days. Thereafter, they were taken to a police station and then shifted to JIC Doda. They were released after 45 days of detention.

In the same year, Seharie was yet again picked up by the army. This time, he was taken to Mangota camp where he was continuously tortured for 72 hours. Afterwards, he was shifted to Goha Camp, Khelani Camp and then JIC from where he was released after 32 days.

In 1996 or 97 (the victim doesn't remember the exact year), Seharie was picked up from his home by the Army and BSF. He was taken to another village named Labbar and was detained at a camp there. While in the camp, he was tortured. He was hung upside down for two days and filthy hot and cold water was poured through his nostrils. The army personnel rolled an iron roller over his entire body. He was made to sit on a burning stove. The army

personal would brand him with cigarette butts and they would give him electric shocks. Once he requested his torturers for drinking water; instead they gave him urine. He was not provided any kind of food. Due to the torture he was subjected to, his hands and feet had turned dysfunctional and it was only after sustained medical treatment that he was able to walk properly.

Seharie was again taken to Army camp situated at Goha where he was tortured for 6 hours. He was handed over to Doda Police from where he was shifted to JIC and released after three months.

In May 2002, the Incharge of SOG, Devinder Kumar accompanied by Yaqoob *Groos* and others, picked up Seharie from his home. Seharie was hung upside down for one day and one night due to which he lost his eyesight partially. Due to the constant torture by the armed forces, Seharie's left shoulder got deformed which never was cured.

In the year 1999, Seharie was once again picked up by SOG personnel who took him to their camp where he was beaten ruthlessly. The perpetrators included Army Hawaldar Mandela, Major Chotu, Sagwan from BSF, Manjeet from Army, Tinda, Angat, Yanki, Bashir Ahmad from SOG, Devinder Kumar from SOG and others.

In Seharie's village in Mangotta, Marmat, the Army set ablaze more than 135 houses including Seharie's. Following the destruction of their house by the army, Seharie and his family had no option except to migrate to Kishtwar. However, there was no respite from the harassment and intimidation by Army as it continued even after his migration to Kishtwar. The perpetrators continued to follow him in Kishtwar. He was rendered homeless with no economic means to sustain himself and his family.

After living in Kishtwar for two years, Seharie returned to his native place in Doda. But only after a short span of time, he was picked up by the armed forces and taken to Goha Army Camp where he was again tortured. Following this ordeal, Seharie decided to migrate to Kishtwar indefinitely and lived there for 12 years. In Kishtwar he joined a private academy and worked there as an administrator.

It was after 12 years of exile from his home district that Seharai decided to return to his hometown in (add year) with his family.

Case 68

**Ali Mohammad Sheikh**

Male

Parentage: Late Ghulam Mohi-ud-din Sheikh

Residence: Tantraypora, Marazi Mohalla, Palhallan, Pattan, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Special Cell, Delhi Police

*Case Information*

Ali Mohammad Sheikh had gone to Delhi to consult some fruit merchants in connection with his business when on November 27, 2006 the Special Cell of Delhi Police detained



him at Nizam ud Din railway station New Delhi. On January 1, 2007, his detention was made public through media. His arrest was telecast on every national channel and the police claimed to have recovered two IEDs from his possession. He was booked under the act 4/5 for possessing explosives and 120 B, 121 of IPC for executing war against the nation and for criminal conspiracy and sent to jail. For the next 4 years the trail went on and finally the court (which court?) announced 10 years' detention for Sheikh. The term was reduced to 8 years following a legal battle fought by Sheikh. After the completion of his sentence in 2014, he was released.

Sheikh claims he was tortured during his detention at the police station for 4 to 5 days and every day the torture would last for 4 to 5 hours. They didn't follow any schedule; they would torture him whenever they wanted, sometimes in the morning and sometimes in the evening. He was given electric shocks in his private parts. He was kept naked and his legs were stretched. He was forced to sleep on the concrete floor.

Sheikh claims that his life, after years-long detention and the torture he faced, has been turned upside down. He wasn't able to get married due to lack of any livelihood. He is regularly called by the army and other security agencies that leaves him disturbed and fearful about his security.

He has developed health issues resultant of the torture perpetrated against him. The experience of detention and torture has changed his life altogether on the social, psychological and economic fronts.

#### Case 69

##### **Ali Mohammad Wani**

Male/Fruit Businessman

Residence: Midroo, Awantipora, Pulwama

Affiliation: Civilian (Associated with Jamaat-e-Islami)

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. Major Showkat, Madras Regiment, Army
3. Narayan, Officer Incharge, Army
4. CRPF (Camp Jovbura, Awantipora)

#### *Case Information*

Ali Mohammad Wani was detained for the first time by personal of Rashtriya Rifles on September 15, 1992, from his orchard where he was working with other workers. There was a crackdown in the village at 12:00 noon and he was taken to a nearby Government High School and kept in one of its rooms. His face was covered and hands tied with a rope. A roller was slid on his body by the army personal. This torture continued till 4:00 pm, after then he was taken to an officer present in the school ground who enquired about his association, and if he knew anything about the militants and where they keep the weapons. After this session, the officer warned him about the consequences he would have to face if he kept any link with the militants. He was released at 4:30pm. His condition was bad; he couldn't walk and had to be taken by his family on their shoulders.

Following his torture at the hands of army at the nearby camp, the frequent raids at his home and the sufferings that his wife and family had to face left Ali Mohammad tormented. The only way to escape the ordeal for him was to leave his place, which he did in the year 1995. During this period, he stayed with his various friends and relatives, lurking around from one place to another.

In these 4 years, his house was destroyed by the Army; nothing was left in the house. In August 1999, his brother Nazir Ahmed was arrested by the Madras Regiment of Indian army. He was tortured for 1 night by Major Showkat (not the real name) and asked about the whereabouts of Ali Mohammad who was then staying at his friend's house in Bijbehara, Islamabad. The extent of torture faced by Nazir Ahmad in one night was so intense that he couldn't take it anymore and decided to take the army to the place where his brother was living.

Ali Mohammad was, at the time of the raid, coming out of the house. He was accompanied by a small girl, who he was going to take to the hospital. Since the army men were in civvies, Ali Mohammad couldn't make out and he was caught. He was then taken to Jovbura (Awantipora) CRPF army camp from where he was taken to Lorgama, Tral. He was kept in a house, which according to him belonged to Ghulam Rasool Mirza. They started beating him with bamboo sticks and the beating continued for at least an hour. The room contained ropes and sticks, apparently to be used for torture purposes. For the next two hours till 7 pm, he was kept in that room alone. One Sikh officer brought food for Ali Mohammad and for the two officers, he brought alcohol. The victim was forcibly administered alcohol through his mouth causing him to vomit before losing consciousness. While in this unconscious state, he was shifted to another room, which had a mat. He The victim regained consciousness around 8 p and Major Showkat, without wasting any time, started to ruthlessly beat him. This continued for another hour following which he was then removed to a bathroom where he was kept naked. For the next fifteen minutes the victims face was brought under the running water of a tap and he nearly choked before he was brought back to the room and hung upside down with a rope. His head was dipped in chilli water; they would keep his head in the chilli water for one minute and then take it out. This continued for another fifteen minutes. He was also given electric shocks on his head. The victim was tortured continuously for 5 days and later was shifted to Wagad Camp, Tral and kept there for 3 days. Two more persons namely Mohammad Sultan (Naibuk, Tral) and Asadullah (Lam, Tral) were present in the camp and had promised to pay INR 50,000 to Narayan, the officer incharge, for their release. Ali Mohammad also followed the same and paid for his release. After 3 days, he was taken to a local police station of Awantipora and released.

After 1 month, he was again arrested by SOG, Lethpora and held for 18 days at the SOG camp. This time, however, he wasn't put through any torture; in fact, he was given food regularly.

The torture has resulted in medical complications for the victim, including a major problem with the legs, for which the treatment is still going on.

Case 70

**Alif Din Tass**

Male/ Farmer

Parentage: Salam Din

Residence: Zamoorpattan, Uri, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 11 Grenadiers, Army
2. 9 Rajputana Rifles, Army

### *Case Information*

Seventy-two-year-old, Alif Din Tass, a peasant from Zamoorpattan of Tehsil Uri of north Kashmir was arrested and tortured twice in 1994 and 1999 for demanding the release of his two sons, who were arrested and subsequently subjected to enforced disappearance by the army. Owing to the torture, he had developed severe multiple fractures all over his body and his right arm became dysfunctional.

Alif Din Tass has no idea as to why his sons were disappeared and why he was subjected to torture. Alif Din comes from a village about 90 kilometers from Srinagar city with proximity to the Line of Actual Control (LoC) and the large-scale presence of Indian army. While relating his ordeal to he said, "In 1994, troops of 11 Grenadiers camped at Chollan area of Uri picked up my son Mohammad Iqbal, 20, and for three days I was pleading for his release and every time we were assured that he will be set free soon. Fearing about the welfare of my son, I frequently visited the army camp. I was irked by my repeated visits and demand for my son's release, they caught hold of me and took me inside the camp."

He further said, "In the camp they took me into a room where I was surrounded by 7 army men. They told me to forget him (my son) and started beating me with rods, sticks, gun butts, and also kicked my genitals. When I refused to give up my claim, they blindfolded me and stripped me naked. Few of them tied my hands and hung me upside down and forced me to drink large quantity of water. While I was hung upside down they put chilli mixed water bucket under my head and dipped my head into it. Few of them punched me and pressed my eyes to make sure that the chilli water has gone well inside my eyes. Following this, they splashed me with water and administered electric current all over my body. They tied wires on my fingertips, private parts and passed electric current through it. I was denied any rest. They administered continuous electric currents all over my body and hung me upside down intermittently with continuous beatings for three consecutive days till I was released after some villagers protested against my arrest."

Alif Din remained bedridden for months together with his right hand incapacitated caused by the persistent electric shocks in army custody. In the year 1999, tragedy re-visited Alif Din when his other son namely Mohammad Ismaiel, 19, was arrested, along with a neighbour, by the troops of 9 Rajputana Rifles camped at Chollan area and subjected to disappearance. Alif Din, with his wife, mother, sister and uncle of the neighbour, went to the army camp to ask for their release. But on reaching the camp, the army personnel on duty at the gate of the camp beat all of them and dragged Alif Din inside the camp.

In the camp, he was tortured for 13 consecutive days with his eyes blindfolded. A roller was used over his body; electric shocks were administered on his private parts. After regular intervals, he would be hung upside down and beaten with gun butts, rods and sticks. Water was forced into his belly with constant kicking on his abdomen. Petrol was poured into his rectum and the beatings never stopped until he was released in morbid conditions.

He was moved to SMHS Hospital Srinagar where he was provided intense medical care for 20 days. The torture had been so severe that for weeks, he frequently fell unconscious and for months, he remained bedridden. The torture impacted his appetite, which caused further health complications. His ribcage had been badly damaged and his whole body had fractures. Traumatized by the torture, the victim is unable to sleep.

Case 71

**Altaf Ahmad Waza**

Male/ Shopkeeper

Parentage: Abdul Ahad Waza

Residence: Singpora Pattan, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Altaf Ahmad was arrested by the Indian army from his home and tortured for taking part in a protest against the Army. Altaf claims that in July 2007, he was sitting near his shop near Hartrath Bridge on the Srinagar-Baramulla National Highway when he saw a grenade being hurled from a passing army vehicle towards a group of people standing on the side of the road. Several people were injured in the blast. This incident was also witnessed by other people.

Following the incident, local people assembled near the bridge to protest and they chanted slogans against the army. The next day, Altaf left for Tangmarg in the morning, but received a phone call from home while still on his way, informing him of the arrest of his brother, who had also taken part in the protest. The army had told his family that he should also report to the camp that evening. When Altaf arrived home in the evening, the army raided his house. He was taken away and held with his brother and both were tortured. The armed personal stripped him naked and beat him ruthlessly with bamboo sticks.

They also applied an iron roller over his leg, which was pressed down upon by several interrogators on either side. They connected a wire to his genitals and chest, and applied an electric current through it. They dumped his head into bucket full of Chill-water. Following this torture, he was put in a small room for the night. The room had a bare cement floor with no bedding. The next day, a protest against Altaf's detention was carried out in his village by a pro-independence leader Nayeem Khan and his associates. The protests against Altaf's detention forced the Army to release both Altaf and his brother. After his release, he was hospitalized for two days, as his entire body had turned black with bruises and wounds. It took him at least two months to completely recover from his injuries.

Case 72

**Altaf Ahmed**

Male / Cycle repair shop owner

Residence: Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

## 1. SOG

### *Case Information*

Altaf Ahmed was picked up by the SOG on June 14, 1997, at around 1 pm. He was held in a nearby task force camp for about two and half months where he was sadistically tortured. He was forced to take off his clothes and his hands were tied on his back with a rope. His head would be dunked into Chilli-water several times for about 3 minutes each. They wouldn't release it till he felt choked. He would usually get unconscious after this and on regaining his senses, electric current would be administered on his private parts and other organs and a roller would be moved on his legs and back. They would sometimes put chilli powder into his eyes, mouth and rectum. The same procedure was continued for 2 months after every two days. The torture has had serious implications on his health. The victim has lost control over urination and developed ulcers in stomach. Despite excruciating pain during the torture, he was neither examined by any doctor nor was he provided with any medicines.

No one from his family or acquaintances was allowed to meet him till he was taken to Gaddi Dupatta Thaana where he was kept for a year. He wasn't tortured there but he had once attempted to run away from there and was shot on the leg and hand. He was later operated upon in Jammu on his own expenses and from then onwards, his left leg is paralyzed and he has lost a finger of his left hand.

He is still not able to live a free life and feels miserable when he has to report at the army camp every Sunday where he is forced to do laborious work like cutting grass, cleaning utensils, etc. He runs a small cycle-repair shop in Sopore that fetches him a meagre amount of money, which he uses to support a large family.

### Case 73

#### **Altaf Hussain**

Male / Political Worker, JKLF

Residence: Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. CRPF

### *Case Information*

In his youth, Altaf Hussain was associated with the Student's Liberation Front. He used to participate in pro-freedom protests in Srinagar. On February 10, 1991, Altaf and some members of the organization were having a meeting in Iqbal Park in Srinagar. An army informer had seen them at the park and informed the CRPF about the meeting. CRPF raided the park and Altaf was identified and captured by the armed forces. Altaf tried to escape and ran about a kilometer but the CRPF managed to get hold off him. After being captured, he was beaten and his hands were tied. He was blindfolded and taken to the CRPF camp. He was moved to a hall. His hands and legs were bound, and they beat him for one and a half hours, causing him to lose consciousness. He was transferred to PAPA 2 Interrogation Center. At the PAPA 2, five to six military personnel trampled on him and

beat him. Altaf was later suspended from the ceiling and beaten with *lathis* without being questioned. His feet had turned black as a result of beatings.

After a while, electric shocks were given to his hands, chest, feet, and genitals. This continued for thirty minutes after which the victim fell unconscious. The victim's torture continued for the next 12 days. Altaf was also forced to drink a lot of water until he was unable to drink anymore. He was detained for 25 days at PAPA 2. Every morning and evening, he was tortured between two and a half to four hours. He was tortured by SP Raman and SP Gautam. After three and a half months, his family was finally allowed to visit him.

Altaf was handed over to police custody, and after some days, sent to an Army camp. He was forced to take a bath in freezing water. His hands were bound, and he was forced to stand and face the wall. He was kept in police custody for a month at the JIC Humhama. A few times during his detention, he was provided with painkillers and pain relief ointment.

At the camp, there was a hall where all the detainees were kept naked. Altaf witnessed a father and son duo that had been arrested and stripped naked. The inmates were beaten with wires, which caused infections and many men died as a result. They were beaten regularly with *lathis* until they began to bleed.

Altaf was kept in the Kot Balwal Jail for four months. The armed forces forcefully hit his ear, due to which he still cannot hear properly. He was released in exchange of a hostage.

On October 20, 1991, Altaf was captured again and tortured in a hotel room. Afterwards, he was kept in a camp for a year until March 1992, where he underwent further torture. The torture inflicted at the camp included the use of rollers, water, and electric shocks. He was kept under solitary confinement. In between, he was sent to PAPA 2, but was not tortured that time.

#### Case 74

##### **Amanullah Bhat**

Male / Businessman

Residence: Rajouri Kadal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 100 Battalion, BSF

##### *Case Information*

Amanullah was a 13-year-old teenager when he was arrested on October 8, 1997 by 100 Battalion BSF. He was arrested on suspicions of being a militant. He remained in detention for a period of three months and was released in January 1998 as the Court found him not "guilty".

While in detention, Amanullah was tortured continuously for 15 days and not provided any medicines or a doctor's consultation although he was severely injured and had deep wounds on his body. Every time when he would be tortured, he was forced to take off his clothes and his hands would be tied behind his back with a rope. His head would then be

dunked into Chilli-water several times after every 2-3 minutes. Following this, the victim would get unconscious and soon after regaining his senses, he would be subjected to further torture as electric currents would be passed through his body, which was unbearable for the victim. Electric current was passed through his toes, ears and his private parts. He was later made to lie on the floor and a wooden roller was moved on his legs with two people sitting on opposite ends of the roller. The armed forces would sometimes beat him with sticks and gun butts on his arms and legs. Once the armed forces hit him on his head due to which the victim lost consciousness for a day. The victim was only a young boy and the torture inflicted was very painful.

The victim was tortured at the Soura camp. The camp's condition was horrible and ghastly. The torture rooms had bloodstains on the walls and floors. There were all kinds of torture instruments at this torture center, which frightened the victim – being only a child that he was. After being released, the victim remained psychologically disturbed for many years. Following this torturous ordeal, the victim had to undergo psychiatric treatment. His studies suffered and he had to marry quite early in his life. His family too had to suffer a great monetary loss as his parents had to spend all of their savings for his treatment.

Although the victim's health has improved and his condition is somewhat normal now, however, he is still afraid of being caught and tortured again.

#### Case 75

##### **Amir (Name changed)**

Male/ Labourer

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 7 Rashtriya Rifles, Army

##### *Case Information*

During the months of October or November 2002 (the victim doesn't remember exact month), one day at around noon, army came to Amir's house and accused him of having association with militancy. He was taken in a vehicle to Panchalthan Camp, which was four to five kilometers away. Half an hour later, Amir was taken into the interrogation room of the Camp and tortured for possessing information and his associations with militants.

He was first stripped naked, hung upside down, and beaten with lathis. Then he was forced to drink a lot of water until his stomach became bloated, and he was beaten until he vomited up water and blood. An electric current was passed through his fingers and toes.

He was kept in the camp for an entire day before his family came to the camp to find him. Despite being tortured and sustaining injuries, he wasn't given any medical treatment in the camp. Once released, he had to pay for his medical expenses at a hospital nearby. He was admitted at the hospital for three days and spent between INR 1000 and 1200 on the treatment.

A year later, Amir was stopped at a roadside by the Army (7 Rashtriya Rifles) when he was walking towards his home. He was asked whether he had seen a particular militant.

However, before he could answer, he was beaten up with lathis and kicked before being let go.

#### Case 76

##### **Amir Lone**

Male

Parentage: Muhammad Jamal Lone

Residence: Ashtang, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Gul Totha, Ikhwan
2. Ghulam, Ikhwan

Testimony by the victim's son

##### *Case Information*

Eighty-year-old Amir Lone was summoned by the Ikhwanis, Gul Totha, and Ghulam S/O Safiullah Bhat to their camp in Maligam. Upon arriving at the camp, the Ikhwanis demanded a sum of INR 200,000 from him, failing which he will be killed. Amir pleaded with them that he is a poor man and cannot afford to pay such a huge amount of money at one time. The Ikhwanis Ghulam and Gul Totha tortured him in the camp resulting in the victim's death at the camp.

The family had already paid INR 30,000 to Gul Totha and Ghulam.

It was a big group of *Ikhwanis* that was working in the area; the group included Mir Neyazi, Shafeeq Pandith and some other *Ikhwanis*.

Due to the fear of *Ikhwanis*, the family did not file any FIR of the incident.

#### Case 77

##### **Amir Rashid**

Male/ Shopkeeper

Residence: Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 20 Rajput Regiment, Army
2. SOG

##### *Case Information*

Amir Rashid went to Pakistan administered Kashmir for arms training in 1992 and returned after one year in 1993. He remained active for three years with Muslim Janbaz Force before being arrested in August 1995 by 20 Rajput Regiment when they raided the house where he was hiding with three more militants. He was later taken to different army camps and jails where, he claims, he was tortured.



In the year 1992, there was an incidence of cross firing 3 kilometers away from the National Highway, in which the army suspected Amir, then an active militant, to be involved. There was a crackdown in the area where he lived but he managed to escape, leaving behind his father, mother and brother. They were beaten with guns, sticks and all the windowpanes of the house were broken.

In 1995, he was hiding in his native village when the army personnel started firing at him and his other accomplices. They were without arms and thus there was no exchange of gunshots. His other companions were killed while he was arrested. He was beaten badly with sticks at the spot and taken to a nearby farm. There they blindfolded him, tied his hands and then took him to a camp in the evening. At 12:00 midnight, they took him into a separate room and began to torture him. They first stripped him naked, tied his hands and covered his eyes. Then they suspended him upside down from the ceiling and started beating him with a leather belt and wooden sticks simultaneously for an hour. They repeatedly kept asking him who else was associated with him and why he went to Pakistan. He got unconscious, and after they applied current to his private parts and the other parts of his body for 15 to 20 minutes. They followed it by pouring petrol on his wounds. This torture continued for a week. During the day he would be kept in a small room and at midnight tortured. After 15 days he was sent to JIC Baramulla. Once at JIC Baramulla, they suspended him upside from ceiling again and beat him with sticks and leather belts and used roller on his body. After putting him down on the floor, they kept dunking his head into the water bucket several times and 5 to 6 men were sitting on his back so that he could not take his head out. This continued for 5 to 10 minutes twice a day and once a night but all this while he wasn't given any medical treatment. He was tortured for 2 days and sent to another jail where he was kept for a year before being released. During this time, his family members came to meet him twice. After he was released, he had to undergo medical treatment for 3 to 4 months, which cost him INR 20,000 – 25,000. He was also supposed to report daily at the camp till June 2007.

On June 20 2007, he was again arrested from his shop at Baramulla by SOG. They dragged him to JIC where he was beaten by 20 to 25 people badly for 3 to 4 hours. Then after a few hours they suspended him upside down from the ceiling, beat him till 4:00 am in the morning with sticks. This practice of beating him from 12:00 midnight till 4:00 am in the morning continued for 5 days. He was given dirty food to eat. Then he was handed over to Sopore police. When the family members tried to approach him to meet, the police demanded INR 25,000 but he did not allow them to do so. Then he was released on bail but after a month at home, a fake case was filed against him and he was suspected for carrying out a mine blast in Sopore. He was sent to Udampur jail for 7 months and then to JIC Jammu for one month. In JIC Jammu, for the first five days he was beaten with sticks and a roller was used. He was not allowed to bath or change his clothes for that period in JIC. He had no interactions with his family during this time. After a month, he cleared the screening and was released. He was, however, not set free, but again kept in Police Station Sopore for another month. During this period, he was beaten with sticks thrice, then his family members approached the SP and he was set free. No medical treatment was given during his detention. He has developed severe back problems because of the torture and is not able to do physical work, and can't sit for a long time.

Case 78

**Amira Lone**

Male

Parentage: Noora Lone

Residence: Mamthori, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

### *Case Information*

On February 9, 2004, a militant was killed by troops of the 8 Rashtriya Rifles near village Mamthori in an encounter in which a few army personnel also got killed. Thereafter, the 8 Rashtriya Rifles troops ran amuck and entered the houses in the village, beating men and women. Amira Lone, an eighty-year-old man, was also mercilessly beaten with rifle butts and sticks. He received multiple injuries in his leg and arms. The women of the village too were not spared; several of them were also verbally abused by the troops.

Amira Lone was admitted in district hospital Doda for treatment. Villagers of Mamthori area lodged a complaint in police station Doda.

### Case 79

#### **Aneeq (Name changed)**

Male/ Student

Residence: Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Irshad, Police Station Shopian, Jammu & Kashmir Police
2. SHO Jeelani, Police Station Shopian, Jammu & Kashmir Police

### *Case Information*

The victim was first arrested in 2013 after being picked from the market by SHO Irshad and then taken to police station Shopian. Earlier his father was also arrested by the forces, who broke his arm during torture. During the victim's first arrest, he was tortured inside the army vehicle from 4 in the evening till 10 at night. They tore all of his clothes, leaving him completely naked and then he was beaten by almost 10 to 12 policemen using batons. At that time, stone pelting was going on and he was forced to give names of people involved in the stone pelting. He was then taken to the police station. He was tortured and verbally abused as the armed personnel repeatedly used expletives on his mother and sister. They pressed lit cigarettes against his body as well. He was released after 10 to 20 days of continuous beating. An FIR was filed against him, which was later closed.

Then he was taken to the magistrate office and kept on remand. The magistrate ordered not to file a case against him as he was a juvenile back then (15-year-old), which they clearly refused to obey. There was another boy who was much younger than him and still had several FIRs filed against him. The victim's family had to pay a bribe of INR 10,000 - 30,000 for his release.

He was again arrested in 2016 from August to September. He was picked from home by SHO Jeelani and taken to police station, Shopian. He had received a surgery in his jaw 2-3 months earlier but after his arrest, they repeatedly punched his face and broke his jaw because of which he bled profusely. That did not stop them and they continued beating him. During the nights, 5 to 10 policemen used a roller over his legs and beat him intensely

and would verbally abuse him. They did the same to other arrested boys as well. He was released after 8 days but only after he had paid a bribe of INR 50,000 to the SHO. He had no FIR filed against him. He said, "Bribe is accepted if anyone wants to get released from the prison. In case the arrested boy belongs to a poor family, an FIR is directly filed against him as he cannot afford to pay the bribe."

After his release, whenever he came across the SHO in the market or anywhere else, the SHO would stop him and harass him and ask him questions. After an incident of stone pelting in his area, the forces raided his house to arrest him but he was not home as he had gone to his maternal home that day.

Because of the torture he has gone through, his health has worsened and he frequently has back aches now or frequent pain in his arms and legs. The pain worsens when there is a drop in the temperature. He has lost interest in studies as well because of the constant threat of being arrested and also because of the fact that there are bleak chances of getting a job in the future.

He says that police has a selected list of people who are arrested whenever any protests happen in the area irrespective of whether these people are involved or not.

#### Case 80

##### **Arbaz Khan**

Male

Parentage: Feroz Ahmad Khan

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Mannan, Police Station Karan Nagar, Jammu & Kashmir Police

#### *Case Information*

Arbaz was arrested in 2016, after the killing of Burhan Wani. He used to participate in stone pelting and someone eventually informed the police about him. Arbaz was in Batamaloo when he was arrested by SHO Mannan and taken to Police Station Karan Nagar, where he was kept for eight days. While in detention, his hands and legs were tied and he was beaten with sticks and whipped with belts. They broke bamboo sticks on him and wouldn't let him sleep. Afterwards, he was transferred to Shaheed Gunj Police Station, where he was kept for 22 days. After his ankle was broken, he was taken to Police Control Room, where the doctor referred him to Bone and Joint Hospital Barzulla, Srinagar. Upon his release, they even charged him money for the food he was given during his detention. Since he was tortured and because of it, he feels general weakness in his body.

#### Case 81

##### **Arkam Khan**

Male/ Labourer

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

### *Case Information*

In 1995, Arkam was taken to an Army camp on the allegation of being associated with militants. He was forced to drink water until he could not drink anymore. Then the military men stood on him and started beating him, due to which he vomited up whatever water he had drunk. He was beaten with *lathis* for three hours. Cold water was thrown on him, and he was suspended from the ceiling.

Arkam was released from the camp after four days. He sought medical treatment on his own, because the Army had not provided him any.

In 2005, he was caught by the Army and continuously beaten for an entire day. Then he was released. Arkam required five days of medical treatment and paid it out of his own pocket.

### Case 82

#### **Arshad Mohiuddin**

Male/ Teacher, Preacher in Mosque

Residence: Lach, Handwara, Kupwara

Affiliation: Civilian (Associated with Jamaat-e-Islami)

Alleged Perpetrators/Agency:

1. Major Jagrup, 6 Dogra Regiment, Army

### *Case Information*

On March 22, 1999 at around 2 pm., Arshad was on duty at his school, when he was asked to visit the Major of 6 Dogra Regiment Camp, 17<sup>th</sup> Brigade, Nowgam. He was asked to give his ID to the company commander. Following orders, Arshad went to visit Major Jagrup with a fellow teacher at around 3:30 pm.

He was made to wait in the barracks for half an hour, after which the teacher who accompanied him was asked to leave. Later, Arshad met a man with black overalls and a black scarf who asked him about his association with a known militant from Arshad's village named Farooq. Arshad claimed that he knew him, but had no knowledge of his acts and had not seen him for a very long time. He was then asked to confess his association or be killed. Fearing death, Arshad admitted to an association, thinking that they would let him go after the confession. However, as soon as he admitted it, his clothes were removed and he was tied up with ropes. He was forced to lie down and caned on the soles of his feet. A piece of wood was placed between his legs and an electric current was passed through it, which sent electric shocks to his genitals. This was repeated several times; after which he was untied. Later, Arshad was addressed as a hardcore militant and the second-in-command of the brigade came in to interrogate him. Throughout this ordeal, Arshad was blindfolded. At the beginning of his interrogation, he heard the distinct click of an audiotape, and knew that the conversation was being recorded. He was repeatedly asked if he had any association with the militants. Upon his refusal, a roller made of wood was applied over his body. Arshad was exhausted, but refused to comply with the Army man's orders. This ordeal lasted through midnight, and he was then put into a cell until the next morning.

The next day, Arshad got up at 8 am and asked the sentry if he could offer *Namaz*. He was allowed, and the sentry offered him tea and potato with *puris*. Arshad didn't drink or eat that as he was fasting. He was led again into the cell and locked up for another hour. Then, he was blindfolded and taken to a helipad, or so he assumed. The blindfold was removed and he could see a forest area around him. He was asked to run, but he refused, because he thought that they would later use this against him or state that they fired at him as he was trying to escape custody. Upon his refusal, he was forced to have his picture taken wearing a *pheran* and holding a gun. He was then blindfolded once again and taken back to the cell. Later that day, at around 1 pm, Arshad was released.

His family took him to a local private hospital, from where he was discharged after three days of treatment. He was issued summons, and went to the camp whenever he was asked to for the next three months. He also learned of an encounter in the jungle, where the Army claimed that a militant was shot while attempting to escape. Arshad would have met the same fate had he run as asked by the Army men on that particular day.

Three months after the incident, he was approached by an Army officer and told that the Commanding Officer had asked him to stop coming to the camp. The second-in-command also called him and asked him how he was related to a person named Engineer Rashid. When Arshad told him that this person was one of his neighbours, the second-in-command smiled. Arshad believes that this proves that Rashid had informed the Army about a possible connection between Arshad and the militants. He later met the Commanding Officer, who asked him to not report to the camp any more and according to Rashid, that was the end of the whole ordeal that year.

He was tortured again in another incident by the Army on December 7, 2001. According to Arshad, when he was making his way to the mosque for his daily teaching sermon, he was stopped by the Army and searched. Arshad was asked by the Army men to accompany them to the camp and was made to wait in the car. The men in the car remarked that he was someone who preached support for the freedom movement and would also pray for it. Arshad was later taken to the Langate Camp of the Army and tied to a wooden post for the day. At around 1 pm, he was measured and a file stating 'fit for jail' was shown to him. He signed the file, believing that jail would be better than the camp torture. He was put into a cell again and later blindfolded and taken to the Police Station Handwara. He recognized the men at the police station, who regarded him highly and gave him back all the valuables that were on his person at the time that the Army had picked him up. He was shown a document that claimed that the Army had found four detonators and one kilogram RDX in his kitchen.

He was in custody for 15 days, after which he was released on bail. A case had been registered against him and for five years, he fought it in the High Court.

Arshad was hospitalized again and has permanent injuries as a result of the torture, including erectile dysfunction and chronic pain. He also claims that his memory has been affected.

Case 83

**Identifying Information withheld**

Residence: Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Dy.SP Chauhan, SOG
2. S.P. Ashiq Bukhari, Jammu & Kashmir Police

3. S.S.P. Ashkooor Wani, Jammu & Kashmir Police
4. Dy.SP Harmeet Singh, SOG
5. Tahir Phoph, Ikhwan (now working in Territorial Army)
6. Pin Khan, Ikhwan

### *Case Information*

The victim was arrested for the first time in 1994 at the age of 19 by SOG who were accompanied by some *Ikhwanis*. The most prominent *Ikhwani* among them was Tahir *Phoph* and the SOG was headed by Dy.SP Chauhan. At the time, he owned a cosmetic shop in Sher Bagh, Anantnag. They initially raided his house and his father was arrested. Then they would arrest the victim about once a week, and demand money from him for his release. He claims to have paid at least INR 30,000 per week for his release. He and his father had to sell the four shops they owned at the time as well as almost 7 Kanals (= 0.87 acre) of land in order to have enough money to pay as ransom. Because of this continuous harassment, he went to Jammu in 1996 and stayed there for about two years, until he was asked by the *Ikhwanis* to return. Tahir *Phoph* had himself given him the assurance that he will not be harmed anymore.

In 1998, while he was returning, he was arrested from Kathua by a renegade (Ikhwan), Pin Khan (alias Pin Jin) of the Muslim Mujahideen group. He was booked under the Public Safety Act (PSA) and taken to Pin Khan's own camp in Pahalgam. He was detained there for about 14 to 15 months and continuously tortured. After his release, he was frequently arrested and tortured in different camps, interrogation or torture centers. He was warned that if anything seemed out of place on his side, he would be killed. All the people from his village were also ordered to not enter his house, or they would also be killed. The economic conditions of his family suffered as he sold his land to keep himself out of jail, and he struggled to provide for his family. His brothers had to discontinue their studies to earn a livelihood and take care of household expenditures while he and his father were being arrested and tortured.

The torture was extreme in the JIC Khanabal and executed by *Ikhwanis*, Army and SOG alike, and the victim claims to have faced torture there at least 80 times. Among the torturers were Dy.SP Chauhan, Ashiq Bukhari (SP), Ashkooor Wani (SSP), and Dy.S.P. Harmeet Singh. In the JIC, he was water boarded, given electric shocks and beaten. The food he was given there was rice mixed with sand. He was only given one glass of water, and he had to choose whether to use it for drinking, ablution, or bathing. Ashiq was also forced to urinate in an area that was infested with snakes.

In JIC Talab Tilu, the victim was kept for three months and only allowed to eat ten times for the entire duration of stay. There, he endured a specific type of torture where he was thrown from a height of one or two floors. They also hit him with gun-butts and used rollers on his body.

The victim has not been arrested since 2014, but the torture has had a profound and lasting impact on him and his family. His brothers were often abducted and tortured in Ashiq's place, and his sister's engagement broke because of the continuous raids on their house. During these raids, they would take everything from their house. His father was tortured so much that he remained bed-ridden for two straight years.

The victim still experiences pain in his legs and his eardrum was ruptured during waterboarding and the torture has rendered him impotent.

Case 84

**Ashiq Hussain Narchoor**

Male/ Teacher

Parentage: Mohammad Yousuf Narchoor

Residence: Mattan Chowk, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SP Ashiq Bukhari, Jammu & Kashmir Police
2. SI Rashid, SOG
3. Dy.SP Harmeet Singh, SOG
4. ASI Kaka Battaa, SOG
5. SHO Shabir, SOG
6. ASI Rashid, SOG

*Case Information*

In 2004, the SOG and 42 Rashtriya Rifles (RR) of Khanabal camp picked up the victim. Four persons belonging to the SOG – SI Rashid, Dy.S.P. Operations Harmeet Singh, ASI Kaka Battaa, and SHO Shabir– entered the victim's house and took him away. A few other SOG personnel and the army, which remained outside and cordoned the house, accompanied them. They took him to the JIC Khanabal in a “*Rakshak*” Jeep.

At the JIC, the victim was tortured – he was hanged upside down and was beaten on his back; his legs were stretched and a wooden roller was rolled on them. SI Rashid removed the victim's toenails; Rashid (one star policeman) rolled a roller on the victim's legs. The victim learnt about the identities of these officers within the JIC itself.

Eight or nine days later, the victim was taken to Khanabal Camp where he was kept in a torture cell. His head was dunked in water by the army personnel. He was also beaten by Ashiq Bukhari (the victim was unaware of his designation but as per official information Ashiq Bukhari was SP Anantnag from June 2004 to May 2006) who asked the victim to produce all his weapons. He was accused of being a militant and of being associated with other militants, namely Ghulam Rasool Wagay alias Kach Gour and Babar (a Pakistani militant). The former was the victim's neighbour and so they were on good terms with one another. But they had no common militant connections. The same evening, at around 7 pm, the victim was brought back from Khanabal camp to the JIC.

He was then kept in the JIC again for 18 days, after which he was taken to Kot Balwal Jail, Jammu. Due to the torture he had undergone in the JIC, he remained on bed rest and under medical treatment in Kot Balwal Jail for three and a half months. He was unable to walk for a long time. The victim was in jail for many months with proceedings initiated against him in the local court.

Case 85

**Ashiq Hussain Rather**

Male/ Driver

Residence: Padshahi Bagh, Srinagar

Affiliation: Civilian (Associated with All Parties Hurriyat Conference)

Alleged Perpetrators/Agency:

1. BSF
2. Garhwal Regiment, Army

### *Case Information*

Ashiq Hussain Rather was in the eighth standard when one of his brothers crossed the LoC. In 1991, his brother came back from Pakistan administered Kashmir, and became an active militant. As a result, the family house was frequently raided by Indian armed forces (Garhwal Regiment, CRPF). Ashiq said that there was a time when in one week Indian armed forces would raid his house three times and during the raids, they would take him away or his cousins. Due to living in constant fear, he left his studies and went to work at a stone crusher unit in Baramulla, where he also learned how to drive. He was away from his home for three or four years, during which time, his militant brother Mohammed Ayub was killed in an encounter with the SOG on the Padshahi Bagh Bridge. Ashiq's other brother passed away a few years later.

In 1993, Ashiq was abducted by the Army three or four times. In April 1993, he was picked up by the BSF during a crackdown in Padshahi Bagh and taken to a vegetable market—G.M. Dar's Mandi. He was stripped naked, beaten, and then left at Natipora. He became fed up with the harassment, and escaped to the jungle to work at a stone crusher unit.

The second time he was picked up was by the Garhwal Regiment of the army. He was stripped naked and asked for the whereabouts of his brother and weapons, and then beaten with sticks. Ashiq states that they would beat him up whenever they felt like. They applied an iron roller over his legs, which made him feel like his bones got broken. He thought that he would be killed. He was also given electric shocks, and subsequently released.

The third time Ashiq was tortured was along with his brother, Abdul Qayoom, who was a militant with the Hizbul Mujahideen outfit, and had served one-year sentence in jail and become a vegetable vendor after his release. They were kept in the same room, asked to hand over their weapons, and tortured. Ashiq's brother then presented a JIC letter to the torturers that stated that he had served his sentence and was no longer a militant. However, the torture continued. They were tortured jointly by the personnel from Garhwal Regiment and SOG. After a few minutes, Ashiq's brother, Abdul Qayoom was taken outside, and then the family heard gunfire. He had been shot and killed in the garden of the family residence. Ashiq was tortured for another day, which included electric shocks and beatings.

Ashiq never received any medical treatment by doctors during his detention, and was first treated by private doctors after his release. Due to this, he can no longer drive vehicles, and was forced to quit his education due to the frequent arrests and subsequent tortures.

Case 86

Survivor: 1

**Ashiq Hussain Zargar**

Male/ Electrician

Parentage: Abdul Majeed Zargar

Residence: Feroz Shah Mohalla, Bijbehara, Anantnag (Islamabad)



Survivor: 2

**Irshad Ahmad Zargar**

Male

Residence: Bijbehara, Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. SP Zahid Malik, SOG (JIC Khanabal)

*Case Information*

During the 2010 uprising, a youth and a friend of the victim Ashiq Hussain Zargar, namely Nazir Ahmad Wani, son of Abdul Rehman Wani from Bijbehara locality was allegedly shot in the head with a shell by Dy.S.P. Farooq Ahmad Zargar outside a mosque where he had gone to offer Friday prayers. This led to protests in the area against the perpetrators involved. Ashiq Hussain Zargar was a close friend of Nazir's and also the eyewitness to the killing. Following this Ashiq Hussain Zargar was harassed.

Eventually, the Jammu & Kashmir Police picked up the victims during a cordon. They were then taken to Police Station Bijbehara. They were detained there for fifteen days in the lockup.

Afterwards, they were shifted to JIC Khanabal, as per the directions of Mohammad Rafiq, the SHO of Police Station Bijbehara. In the JIC, SP Operations Zahid Malik from Poonch, tortured the victims. They were taken to the interrogation room so as to compel them to accept the false charges, which were brought against them. SP Zahid Malik directed his escorts to torture the victims. They were then beaten with a rubber belt for two days. Also, during their detention, their mouths were gagged with cloth and then water was put on top of them to suffocate them. They were forced to drink water mixed with chemicals. Due to the torture, Ashiq Hussain Zargar's stomach was badly injured and the right portion of his body was partly paralyzed and his jaw bone was also injured.

The victims were subsequently released.

Case 87

**Ayaz Akbar**

Male/ Political worker, All Parties Hurriyat Conference

Residence: HMT, Maloora, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 2 Rashtriya Rifles, Army
2. Ikhwan

*Case Information*

Ayaz Akbar never join the armed struggle, but instead joined the pro-freedom political struggle. He became a member of Hurriyat Conference when it was formed in 1994. He was first arrested on March 15, 1996, by 2 Rashtriya Rifles at Barzulla, Srinagar. They took him to the Rashtriya Rifles Camp at HMT, where he was tortured for 17 days. The day he

was arrested, it was raining, and after reaching the camp, they pushed him into their van again and drove him to a pond about 2 km away. They tied his hands together with rope and threw him into the pond. One officer held the other end of the rope, and when Ayaz was close to drowning, he was yanked out of the pond. After that, they made him lay on the bank of the pond, and 8 to 10 army men stood on his back. They kicked him with their boots and beat him with thick sticks. They kept asking him about his affiliation with militants.

Then they took him back to the camp, where they stripped him naked and beat him. They applied electric shocks to his genitals, and dunked his head into a bucket of water several times for about one minute at a time. All of these torture methods were continuously inflicted on him for about 17 days. Some of the torture methods Ayaz found too brutal or shameful to describe. Once, they shot two detainees in front of him, who they had arrested from an encounter site.

Later, Ayaz was handed over to *Ikhwanis*. They did not torture him, but one of them named Javeed Shah demanded INR 70,000 from Ayaz's family in exchange for his release. His family arranged the money, gave it to the *Ikhwanis*, and Ayaz was then released. He was unaware until after his release that the *Ikhwanis* had threatened to kill his family if they were unable to provide the money. He filed a complaint through local organization, but the 2 Rashtriya Rifles threatened him to drop the charges or face serious repercussions. Ayaz withdrew the complaint because he did not want any trouble for him or his family. While he was in detention, his family members were not allowed to see him and he received no medical treatment for his injuries.

Ayaz was arrested for the second time in 2003 for carrying a political book and press statement of APHC with him that were considered anti-national. He was booked under the Public Safety Act and taken to Kot Balwal Jail, Jammu for 17 months. After that, the charges were dropped and he was released.

The torture has had a terrible impact on Ayaz's health. Due to the electric shocks he received to his genitals, his prostate has become enlarged and needs to be operated on. He suffers from chronic back and joint pain. His ears constantly ooze fluid. He did seek medical treatment for these issues and was only given medicine. He says, "I feel army just wanted to kill our spirit and that's why they harass us this way. It leaves us so frustrated because we believe we've done nothing to deserve such treatment."

Case 88

**Baldev Singh and his family**

Residence: Singhbagh, Baramulla

Alleged Perpetrators/Agency:

1. Major Rakesh, 46 Rashtriya Rifles, Army

*Case Information*

Baldev Singh was wrongfully confined and beaten up in his own house, as were his wife and son, by Major Rakesh on August 18, 2003 due to a dispute on the parking of vehicles in an area.

Baldev Singh and his family were then dragged to the army camp where they were illegally confined. With the intervention of other locals, they were set free.

First Information Report (FIR) no.179/2003 was filed at the Baramulla Police Station u/s 452 (House trespass after preparation for hurt/assault/wrongful restraint), 354 (Assault/Criminal force to a woman with intent to outrage modesty), 342 (Wrongfully confining person) Ranbir Penal Code, 1989 (RPC) on August 18, 2003. The May 22, 2012 communication from the Jammu & Kashmir Police states that the case was under investigation.

The Ministry of Defence, in its affidavit before the High Court of Jammu and Kashmir in 2009 on sanctions for prosecution under the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA), stated in relation to this case that it was under consideration. The victim of the incident is referred to as Amar Deep Singh.

Case 89

**Basheer Ahmad Mir**

Male/ Shopkeeper

Parentage: Ghulam Mohammad Mir

Residence: Delina, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army

*Case Information*

Basheer Ahmad was picked up by Indian armed forces from 15 Punjab Regiment from his home on August 18, 1993, after they were pursuing militants who eluded the forces close to his house. He claims that he was later taken to different army camps and jails where he was tortured.

It was around 10:00 am when Bashir, along with his other family members, was in the house compound and three or four militants ran through, crossed over to the neighbour's premises and then went beyond. They were being chased by the army. After five minutes, 10 to 20 army men entered into Bashir's compound and asked all the family members to assemble at one spot; they later entered their home and ransacked it. They also kicked down the walls of their under-construction house. After half an hour, they asked Bashir about the militants. He pointed to them towards the way wherefrom the militants had run away. The armed forces laid a siege on the village and a crackdown was enforced. But they took Bashir with them, whisking him away in their vehicle to Chinad, Baramulla camp. On reaching the camp, they put him into a small room, forced him to take off his clothes and tied his hands on the back. They put his head, almost 15 times, into a bucket full of chilli water for 2 to 3 minutes each. After that, they lay him on the floor and trampled and kicked his stomach. They also beat him with bamboo sticks and gun butts. They asked him about the weapon which he never possessed. Then they tied his hands, suspended him from the ceiling for about half an hour and beat him simultaneously with thick bamboo sticks due to which his whole body turned red and black. There were abrasions and wounds all over his body. After he was tortured, they threw him into a separate room for the night without food and water. He was detained there for 40 days and regularly tortured for the initial 8 days.

Every day, he was tortured twice for two hours each during which he was stripped naked and beaten with thick leather belts by three army men. Every day after the torture, he was put into a 10 feet deep trench for one hour, which was covered by tin sheets and it was difficult to breathe. While inside the trench, due to scarcity of air he would find himself gasping to breathe.

During the time of detention, he was never taken to a doctor for treatment but he was once given painkiller tablets by the forces. His family was allowed to meet him first time after two days of his detention and then once every week after that. After 40 days, he was shifted to Badami Bagh Cantonment, Srinagar for one month. He was tortured there only on the first day for almost one hour during which he would be forced to stay completely naked and beaten with bamboo sticks. After that, he was never tortured there but the conditions he was put under were very harsh. He was put into a small room along with 30 other detainees, where it was difficult to accommodate all. They had to lean on one another as due to cramped space they couldn't stretch their legs fully. They were also given adulterated and half cooked vegetable, which was difficult to digest. He was never given any medicine; during those days his whole body used to be in pain. After that, he was shifted to Kot Balwal Jail under trial but was released after five months following an intervention by politician who was their distant relative. He was not tortured in the jail and was taken to a doctor several times. Due to the torture inflicted on him, he developed several health complications. For a long time, he had a stomach problem, which has now been cured to a large extent. But he still has constant back and knee pain.

#### Case 90

##### **Bashir Ahmad**

Male/ Farmer

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. Army

##### *Case Information*

In March 2001, Bashir was picked up the Army from his home after a crackdown in his village. He was blindfolded before being transported to a camp in an Army jeep. He reached the Khanabal Army camp at 11 in the morning and was repeatedly hit with wooden planks and slapped. Boiling water was poured on his naked back, which was already sore due to injuries he received during the torture.

He was asked about his association with militants, their whereabouts, and other details. Bashir claims that he had no knowledge of militants, so there was nothing that he could disclose to the Army. He was then beaten at the camp until 5 pm, and taken to another room. There he was told that he should admit to having relations with militant groups if he wanted the beating to stop.

Bashir was hit again with wooden planks and a wooden roller was applied over his body. He was directed to lie down on the floor while his hands and legs were bound with ropes. Electric shocks were then administered to his genitals and legs. He was given shocks three times in a row with a two minute rest in between and repeatedly questioned about his

connections with the militants. He fainted as a result of the torture, and was later moved to another room. He was given medicines and injections for his condition.

The next morning, the tortures woke him up and a breakfast consisting of tea and snacks was given to him. He was kept in custody for 18 days, during which he was beaten many times and asked to admit that he had knowledge about the whereabouts of the militants. In the meantime, Bashir's family had visited the camp many times and because of their repeated visits, the Army released him. There was no case filed against him, but he was told to report to the camp whenever they asked him to. During these visits, Bashir was made to do unpaid work, such as trim the trees and carry the personal belongings of the staff.

Bashir was tortured for the second time in 2003. Bashir claims that a known militant named Jafar was on the run from the Army at that time and while escaping the militant entered the backyard of Bashir's house. The Army had already identified Bashir's house, so they picked him up and took him to the jungles where Jafar had run towards. They blindfolded him, beat him up and they demanded to know where Jafar was heading to. They beat him with gun butts and dragged him around while they were trying to trace Jafar. This lasted for two or three hours, and they eventually lost sight of Jafar. This angered the armed forces and they took out their anger on Bashir by torturing him.

According to Bashir, they tied his hands and legs and made him wear an Army uniform, because the clothes that he was earlier wearing were torn apart. They took him to the Army camp, where they hit him with wooden planks and a roller was also applied over his body to extract information about Jafar. Bashir told them that he had no clue as to Jafar's whereabouts and they were pointlessly interrogating him. This went on until the early hours of the night, after which he was placed in a cell.

For the next three days, Bashir was repeatedly tortured in the same fashion. He was given little medical attention at the camp, but his sore body was tortured again, so the medicines made little difference to his condition. Bashir's family again came to the rescue, and due to their pressure, he was released. He had to report to the camp whenever he was asked to.

Bashir had to make these visits to the camp until the death of his brother in 2005, after which the Army stopped visiting his home. He still has to receive medical treatments as he continues to suffer from body aches due his physical work. There are no cases filed against him.

#### Case 91

##### **Bashir Ahmad Kar**

Male

Parentage: Late Ghulam Ahmad Kar

Residence: Hardshiva, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

#### *Case Information*

Bashir Ahmad Kar crossed the LoC in 1991 for arms training and returned after four months. He was associated with the militant outfit Muslim Conference. He was arrested at Trehmukh border Aloosa by 5 Guard Regiment along with five other associates, and detained for 2 years. He was taken to the Badami Bagh Cantonment Srinagar and tortured for about one month, each day for 2 to 3 hours. He doesn't know the names of the personnel who perpetrated the torture.

During the torture, he was kept naked and beaten with leather belts, steel rods and his legs were stretched. He was forced to drink excessive water and given electric shocks and a wooden roller was used on his body.

He was forced to perform menial and degrading work during his detention at the camp. His relatives were never allowed to meet him in the first month of his detention.

He had been in the prime of his age – quick and fit – in the pre-torture days. However, post the torture, aging and pathological signs began to appear like impaired sight and backaches due to dislocated discs. Since he was a militant, he feels his arrest was justified. He was arrested along with five other associates who had joined him in Pakistan administered Kashmir but he didn't know their names because in those days' youth were crossing the LoC in herds. And the identity was kept secret even from the closest companions by the elders of the movement.

His family remained mute spectators to the torture because the state agents harassed and intimidated them. The family was beaten and intimidated and they had to be concerned about themselves than about the victim's security.

He was forced to report to the camp with other ex-militants after his release. Whenever any militant activity takes place, like a grenade blast or a movement of militants is reported, he and his family consequently grow anxious fearing for the soldiers' wrath.

#### Case 92

##### **Bashir Ahmad Rather**

Male

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army

##### *Case Information*

On June 17, 1993, Bashir Ahmad Rather was arrested in Dangerpora, Sopore. Bashir states that he was a core member of a militant outfit and that is the reason the army tortured him. The army demanded arms and ammunition from him despite having recovered his weapon.

When Indian Army officials arrested him, they took him to the Sopore Boys Degree College Hostel. At that time, the hostel had been turned into an Army camp. Many army personnel viciously tortured him there, and he was later transferred to JIC Baramulla and then to Rajasthan Jail.

Bashir states that the ways in which the Indian Army tortured Kashmiris were horrendous. On the first day of his detention, Bashir was hung upside down for three straight days while Army personnel beat him ruthlessly. Then they rolled an iron rod over his legs and back. Two officials exerted pressure on both sides of the rod so that it crushed his thigh muscles. They stripped flesh from his buttocks and rubbed the wounds with chilli powder. They also applied electric shocks to his penis and ears.

Bashir still bears marks of the severe torture on his buttocks. One of his testicles has also been damaged, and both his legs were broken. Though he was badly injured, the army never allowed him to visit any doctor or hospital. The torture continued for a full month. After about a month, Bashir's parents were allowed to visit him.

At JIC Baramulla, he had narrated his ordeal to a CBI officer, which caused the Army to transfer him to Rajasthan Jail, where he spent three full years without any legal trial.

### Case 93

#### **Bashir Ahmed Reshi**

Male/ Fruit Businessman

Parentage: Sana-ullah-Reshi

Residence: Yemberzalwari, Shiva, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

#### *Case Information*

Bashir Ahmed Reshi was associated with the Muslim Conference. He crossed the LoC for arms training in October 1991. After returning in 1992, he remained an active militant for a year. In October 1993, during a crackdown in Shiva, he was arrested by 5 Guard Regiment. He was detained for 3 years in Kot Balwal Jail, Jammu, then brought to Police Station Sopore from where he was finally released. After his release from Kot Balwal jail, he was arrested multiple times from 1993 onwards.

During his detention, he was beaten with steel rods and his legs were forcefully stretched. He was forced to drink excessive water before being subjected to electric shocks. In addition to being hung upside down, he was kept naked and his head dipped in chilli water. A roller was also rolled on his body. The food Bashir was given in detention was leftovers served in the containers that were used in the toilets and the food was often contaminated by rats.

Bashir was subjected to enforced disappearance by the army about 15 times, each time detained for 15 to 20 days without his family or anyone else having any information about his detention. He does not know the identity of the perpetrators who inflicted torture on him. In the days when he was an active militant, Bashir's father was also subjected to torture.

Bashir has multiple body ailments now, as well as a general fatigue and weariness. Although in his forties, he is unable to have a reliable source of income and feels very insecure both financially and socially. Whenever he reports to the army camp, he has

apprehensions that people will call him a “double crosser”. He believes that all surrendered militants face insecurity in their lives and this preoccupation often leads to depression as well as damages their marital relations.

Case 94

**Bashir Ahmad Sofi**

Male/ Shopkeeper

Parentage: Habibullah Sofi

Residence: Managam, Wagoora, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

Bashir Ahmad was not associated with any militant outfit, but was tortured by Indian army solely because some people indirectly linked to renegades (Ikhwanis) and the army had personal grudges against him.

Bashir says that in 1993, he founded a new readymade garment shop at Kunzar, Tangmarg. Because his business was thriving, other local shopkeepers developed a grudge against him as their own businesses were suffering. As time passed, Bashir started to be harassed by renegades at the request of the other shopkeepers. The renegades would arrive at his shop and steal anything from his shop without paying. They wanted him to close his shop, but he refused.

After a while, the room that he was renting in the village was raided one night at around 10 pm by the Army, accompanied by few renegades. They took Bashir out of his room and beat him with bamboo sticks and the butts of their guns. They applied electric currents to various parts of his body with a portable machine. They beat him severely accusing him of hiding a weapon, which he never owned. To make the torture stop, Bashir lied and told them that the weapon was buried in the yard. They forced him to dig it up, but found nothing. They gagged his mouth and poured at least five litres of Chilli-water through his nostrils. Then they trampled his stomach until he threw up water and blood. The torture continued for the entire night. Eventually, he fell unconscious and was left there. Bashir's cousin was also there that night but was not tortured.

The next morning, Bashir's cousin took him to the hospital and informed his family about what had happened. He was admitted to the hospital for five days. He was unable to walk for a long time due to a fractured bone in his right leg. He also developed intestinal problems from the chilli water. After this incident, Bashir closed his shop and suffered the consequent financial losses.

Case 95

**Bilal Ahmad Badyari**

Male/ Tailor

Residence: Batwara, Srinagar

Affiliation: Militant



Alleged Perpetrators/Agency:

1. SOG

*Case Information*

Bilal Ahmad Badyari joined Hizbul Mujahideen in 1993 and went to Pakistan administered Kashmir for training and returned in 1994. He was actively involved in the armed resistance till 1997. He was arrested at Batwara on November 16, 1997 at 3:45 pm by the SOG during a raid. Badyari was brought to Shivpora Camp, where he was kept for one and a half hours. Then he was transferred to Hari Niwas, where he remained for three and a half months. He then spent two years in Kot Balwal Jail in Jammu under the Public Safety Act (PSA). Afterwards, he was transferred to Udhampur Jail for one and a half years, where he was booked for a murder case. He was released on April 21, 2002. Only after nine days of his release, he was arrested again by the Army and taken to Air Cargo SOG Camp, Srinagar, where he was kept for 16 days.

In Hari Niwas, Badyari was tortured for three and a half months. At the time of his arrest, the beatings started in the car on the way to the camp. At that point in time, the Dy.S.P. was a person named Bhat. Badyari's hands were tied and he was hung upside down for around ninety minutes, after which he fell unconscious. His legs were stretched, water was forcibly thrown on him, and an electric shock was given to his toes and genitals. He said that a direct electric current was applied to him. After this, he was branded with hot iron and burned between his thighs. Acid was also put over his thighs. On the same day at 3:00 o'clock in the morning, the SOG people, who had tortured him, came again and this time they were drunk. A roller was applied over his legs, which caused his skin to come off. For twenty-eight days, Badyari was given no food. After one and a half months, they told his anxious relatives to pay INR 20,000 to see his face. The family paid the amount, but were only allowed to see his face from a distance. After this, Badyari's hair was tied to a car and he was dragged for a distance. His hair was torn off as a result. He suffered internal burn injuries, because petrol was inserted into his rectum. He was also forced to drink alcohol. Badyari's father was also beaten in front of him.

During his interrogation, he was asked to surrender his gun, but he did not have one at that point of time. However, the SOG did not believe him and the torture continued. After nine days, they asked for his gun again. He said that he did not have it and the same torture started again. In Hari Niwas, the SP had told the doctor not to give any medication to Badyari. After 28 days of forced starvation, he was given urine when he asked for water. Badyari was asked why he wanted freedom and why he was working against the nation. He replied that Bhagat Singh was not a terrorist and likewise, he is also not a terrorist, but a freedom fighter.

In Jammu Jail, Badyari was beaten with a leather belt by the SP. His condition deteriorated due to continuous torture and lack of treatment for eighteen months. His wounds developed severe infection. He was in a wheelchair for days altogether. Even now, as a post-effect of the torture, he can not walk for long or run. Every Sunday, he has to report at the Badami Bagh Cantonment and is forced to do unpaid menial work. Every year on the occasion of India's Independence and Republic Day, he is detained for two days.

Case 96

**Bilal Ahmed**

Male

Residence: Shaheed Gunj, Srinagar

Affiliation: Militant (associated with JKLF)

Alleged Perpetrators/Agency:

1. Garhwal Regiment, Army

*Case Information*

In January 1994, Ahmed was picked up from his house by the Garhwal Regiment at 10:30 a.m. during a crackdown. He was taken to an interrogation centre in New Secretariat and upon arrival there, he was blindfolded and a *khaki topi* (military cap) was put on his head. His clothes were removed and he was put in a water drum, after which electric shocks were given to his legs and hands. The electric shocks lasted for two seconds each and he claims that this process was repeated every five to six minutes until 2:00 pm. Ahmed was then tied to a chair with his hands behind his back, while an Army soldier exerted enormous pressure on Ahmed's arms by pressing hard with his hands. This torture method continued for about 30 minutes. Then they bound his legs and hit his calves with batons until about 5:30 pm. Afterwards, he was taken to Rangreth Camp for interrogation. Here, he was caned and given electric shocks on his legs and hands. Ahmed was kept at the Rangreth camp for 12 days, during which he was interrogated and he was questioned about the militant network in the Valley and the whereabouts of ammunition. Ahmed doesn't know why he was arrested and why he was tortured in this way.

After 12 days, he was transferred to Badami Bagh Cantonment, Srinagar. At the Badami Bagh Cantonment, he was hit with iron chains and belts so much so that his skin began to peel off. Electric shocks were given to his private parts, and an aluminium rod was also inserted into his anus. The torture lasted for the first few days of his detention at the camp.

After one and a half months, Ahmed was sent to Kot Balwal Jail, Jammu. Inside the jail, even the cooks would beat him and his hands and legs were kept bound all the time. He awaited trial for two years, after which he was charged under the PSA. After two years, Ahmed was transferred to Srinagar Central Jail and a lower court convicted him of the charges. But he appealed his case in the High Court and his sentence was quashed. He was released soon thereafter.

Ahmed's family was allowed to visit him five months after his arrest. Today, Ahmed's body is in bad shape and he suffers from impotency. He has spent INR 50,000 on treatment but has not recovered from the torture inflicted on him.

Case 97

**Name and identifying information withheld**

Male/ Student

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Showkat, Police Station Soura, Jammu & Kashmir Police

*Case Information*

In 2016, the victim was sleeping in his room around midnight. He heard dogs barking outside. The victims' sister informed him that a police party was outside their home. It was the JK Police, with almost 15 vehicles, that had come to take him. The victim was put into a police vehicle, immediately questioned about his involvement in the protests and ruthlessly beaten. The police played loud music and told him that there would be dire consequences if he did not cooperate. But he remained silent and he was taken to the Soura Police Station and detained there for three days.

Even after his release, the harassment continued. The SHO Showkat of Police Station Soura would call him on his cellphone and order him to visit the police station on Fridays. The victim was quite disturbed by the continuous harassment. The police threatened of slapping PSA on the victim.

Unable to handle this harassment, he left Kashmir and went to New Delhi in order to escape the harassment. He remained there for a month and a half. Now, after his return from New Delhi, he does not go to school on Friday as he is afraid that that the police would detain him and torture him.

Case 98

**Davinder Singh**

Male/ Farmer, Numberdar

Parentage: Puran Singh Rajput

Residence: Kotal, Drabshala, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Militants
2. 26 Rashtriya Rifles, Army

*Case Information*

Davinder was abducted and tortured by militants in June 1996. He was released after 10 days. He was beaten with lathis during the entire time that he was held. The torture by the militants was followed by torture by personnel from 26 Rashtriya Rifles, Thatri camp. He was beaten with lathis and rifle butts while being verbally abused.

Due to this torture inflicted on him, Davinder has constant pain in back and shoulders. His teeth too were broken due to the torture. He cannot do any hard physical work.

Case 99

**Din Mohammad**

Male/ Labourer

Parentage: Abdul Aziz Bhat

Residence: Gudhori, Mangota, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Subedar Chauhan, 8 Rashtriya Rifles, Army

*Case Information*

On September 20, 2001, Din Mohammad was picked by 8 Rashtriya Rifles troops stationed in his village and taken to their camp amidst cries and protest by his wife and children. Inside the camp, he was accused by the troopers of possessing knowledge of the whereabouts of militants and their movements in the area, which he denied and declared was baseless. Din Mohammad was brutally tortured to extract information from him, which he didn't possess. He was stripped naked and beaten with sticks and rifle butts by a soldier locally known as Subedar Chouhan, under the instructions of an army officer. He was inflicted with third degree torture and a baton was pushed up his rectum, which left Din Mohammad writhing in pain.

In the evening of the following day, he was handed over to his wife and children in a wrecked condition. His wife, with the help of some relatives managed to shift him to a hospital in Doda for treatment where he was diagnosed as 'a case of Recto-Abdominal Perforation with peritonitis caused by a blunt object inserted forcefully through his rectum'. His wife managed the cost of his treatment by begging on the streets. Din Mohammad has undergone a major surgery as the first stage of treatment for the injury. According to the doctors, if the victim has to survive, he must undergo another major surgery to complete the treatment.

There is no one in the family of Din Mohammad who can file an FIR against armed forces and pursue the case for dispensation of justice.

Case 100

**Faiz Mohammad**

Male

Parentage: Lal Din Narwani

Residence: Burgana Bhadaat, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

A farmer by occupation, Faiz Mohammad, was frequently harassed by the army. He would often be taken to various army camps & tortured there without any reason. The frequent torture and harassment by the army forced him to leave his house one day in January 1996 so as to avoid further torture at the hands of the armed forces. Since then, the victim's whereabouts are not known. A complaint has been lodged with the police to trace him but no progress in the case has been made.

Case 101

**Fareeda Begum**

Female/ House-maker

Parentage: Abdul Rashid Beigh

Residence: Hajam Mohalla, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

### *Case Information*

Fareeda's brother-in-law, who was a militant associated with the Hizbul Mujahideen, was arrested in 1993 and died in custody of the 26 Punjab Regiment. On the same day of the brother-in-laws' arrest, Fareeda was detained on the charges of hiding away his gun.

During detention, she and her brother-in-law were kept in the same room where they were both tortured. The torture inflicted on his brother-in-law resulted in his immediate death. Fareeda was beaten with steel rods and wooden logs. Her head was hit with gun butts and chilli powder was put into her mouth, nostrils and eyes. She was stabbed with a sharp tool made of iron, resulting in severe wounds on her neck, throat, face and shoulders. Following this, chilli water was poured over her wounds. The perpetrators also attempted to remove her clothes, but she screamed and made a lot of noise and thus was able to stop her perpetrators.

Fareeda is still traumatized by the torture inflicted on her, the lewd remarks and gestures of the armed forces, as well as the humiliation she underwent. Her husband and all her in-laws have faced torture by the armed forces. Due to the torture she faced, she has developed several health issues like frequent headaches, painful backaches, and including physiological problems. She is on constant medication. Fareeda also worries about how society perceives her since her arrest and this causes her a lot of anxiety.

### Case 102

#### **Farid Ahmad Malik**

Male

Parentage: Ghulam Hasaan Malik

Residence: Koshan, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. 11 Rashtriya Rifles, Army

### *Case Information*

The victim was arrested on July 16, 2001 from Kishtwar hospital by SOG and personnel of 11 RR and was taken to Bandarket army camp. He was severely beaten; electric shocks were applied to his private parts resulting in his death. According to his family, torture marks were clearly visible on the victim's body. The local version is that the dead body was handed over to the police but they denied taking it, following which the SOG & Army tried to cremate the body although the victim was a Muslim. People of the area held protest demonstration against the army atrocities and the killing. No enquiry was ordered by the police and the local administration.

Case 103

**Farooq Ahmad Baba**

Male

Parentage: Abdul Rasheed Baba

Residence: Khayar, Bandipora

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Sikander Ahmad Malik, Ikhwan
2. Shafi Ahmad, Ikhwan

*Case Information*

Farooq was an active member of Jamaat-e-Islami and Hizbul Mujahideen. On February 19, 2000, the victim was coming home from the house of Syed Ali Shah Geelani. He was picked up by *Ikhwanis* and taken to their camp at Humhama, which was headed by Sikander Ahmad Malik, a resident of Tulmulla, Ganderbal and Shafi Ahmad from Uri, Baramulla. He was kept there for nineteen days and continuously tortured, resulting in his death in the camp. His dead body was thrown in an orchard belonging to a Pandit at Rawalpura. The body was found by the police there and handed over to the family. He was buried in the martyr's graveyard at Eidgah. An FIR was lodged by the Police. After his killing, the family of the victim was harassed for years by Indian agencies.

Case 104

**Farooq Ahmad Bhat**

Male / Wood seller

Parentage: Mohammad Khalil Bhat

Residence: Hairpora, Waghama, Islamabad

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Arshid Khan, Police Station Srigufwara, Jammu & Kashmir Police
2. Dy.SP Harmeet Singh, SOG
3. Ramesh Lal (popularly known as interrogation master) SOG
4. SI Mohammad Yousuf, SOG
5. SI Parvaiz Ahmad Shah, SOG
6. ASI Javaid Mattoo, SOG

*Case Information*

At around 9:15 am on 22 July 2006, the CRPF and SOG cordoned the victim's house. They had come exclusively to pick up the victim, as they had been informed by a source that he provided shelter to militants. The victim denies this allegation and he doesn't know who had informed SOG/CRPF about this. The CRPF cordoned the house of the victim and remained outside while SOG personnel barged into the house. The SOG personnel picked him up. The SOG were accompanied by the SHO of Police Station Srigufwara, had come to pick up the victim. Later, in the police station, the victim came to know through other detainees that the SHO's name was Arshid Khan.

The SOG/CRPF took the victim to Police Station Srigufwara. In the police station, Arshid Khan and other SOG personnel tortured him; they stripped him, hung him upside down and beat him on his backside with sticks. This torture lasted almost 6 hours from 10:15 pm to 4 am.

After four days, Arshid Khan took him to the JIC Khanabal and handed him over to Dy.SP (SOG) Harmeet Singh.

On the very first day at the JIC, Ramesh Lal and other SOG personnel tortured the victim. Ramesh Lal was known in the JIC as interrogation master. The victim came to know about name of Mohammad Yousuf, Sub-Inspector (SI) of the SOG, Khanabal from other detainees. He was stripped and his body and penis were electrocuted, a roller was rolled over his body and he was forced to drink chilli water. Harmeet Singh would sometimes be present in the torture room; he would ask the victim about the militants' whereabouts during the torture and he kicked and slapped him many times. The torture severely harmed the victims' health and also impacted his psychological well being, which included depression and bouts of aggressive behaviour. The victim was kept in the JIC for 20 days and was interrogated daily from 11 pm to 2:30 am.

During these 20 days, he was taken to the office of Senior Superintendent of Police (SSP), Abdul Gani Mir who also asked him about the militants and their whereabouts. The SSP named some militants such as Jehangir Dar of Hulmula, Sangam, Bijbehara and Fayaz Dar of Waghama. The victim did not know the militants or about their whereabouts. After 20 days, the SSP Gani told him that he will release him, but instead, he will arrest his younger brother Mohammad Ibrahim Bhat, 18, up, as he might tell them something about the militants. He was handed over to Police station Bijbehara who released him on the same day. But the harassment by the armed forces continued.

3 Rashtriya Rifles of the Waghama Camp; SOG of Srigufwara used to come to his house daily and kept his house under surveillance. He was also asked to appear daily to the SOG camp Srigufwara by Arshid Khan for 10 days.

The repeated harassment of the victims' family and torture by the armed forces led his brother to join the Hizbul Mujahideen. His brother feared that also be arrested or face the same type of torture. It was during the days when the army and the SOG were coming to their house that the brother of the victim joined Hizbul Mujahideen and became an active militant but he didn't cross the LOC for training.

Following his brother's becoming a militant, Arshid Khan, SHO Srigufwara, summoned the victim. He asked him about his brother's whereabouts. Aijaz Khan, Dy.S.P. Bijbehara, also summoned him and asked him to force his brother to surrender. The victim didn't had any knowledge of his brother's whereabouts and he said the same to the officers.

One day (insert year), the victim's house was raided and when they couldn't find his brother there, they used explosions to blast his and gutted it down. His brother was an active militant for nine months and he was killed in an encounter with armed forces at Panjpora, Sangam on April 6, 2007.

Twenty days after the killing of his brother, Ramesh Lal, along with other SOG personnel, came to the victim's house and detained him. They took him to the JIC Khanabal, where he

was tortured and was asked to produce the weapons of his brother and give information about his other militant friends. He was electrocuted, his legs were stretched and he was given the roller treatment. On this occasion, the SI (SOG) Parvaiz Ahmad Shah and ASI (SOG) Javaid Mattoo were demanding information about the militant friends of his brother. He was released after 2 months because his health had deteriorated due to the torture and he would often bleed from his mouth. He was taken to the hospital by SOG personnel and was released thereafter.

The victim's ordeal continued and he arrested on such occasions as during India's Independence Day and Republic Day every year or when an Indian politician would visit Kashmir. In 2013, the then Indian Prime Minister Manmohan Singh was due to visit Kashmir and as a result, Dy.SP (SOG) Puri of Police Station Sangam summoned the victim but the victim ignored the summon. But he realized that he was being kept under surveillance.

Eight days later, the SOG picked him up at Awantipora market. He was taken to SOG Police Station Sangam. They kept him there for 15 days. This time he was not tortured.

Since that day, the victim has to appear at the SOG Police Station Sangam whenever they call him. The victim has undergone depression due to this repeated harassment. Due to the fear of being arrested or taken away, the victim is unable to sleep peacefully at night.

Case 105

**Farooq Ahmad Ganai**

Male/ Farmer

Parentage: Abdul Jabbar Ganai

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army
2. BSF

*Case Information*

Farooq Ahmad went to Pakistan administered Kashmir for arms training in 1991, and returned after seven months. After remaining active with Hizbullah for five years, he was arrested in 1995 by the 26 Punjab Regiment at Dooru, Sopore. He was taken to Bomai Army Camp, where, he claims, he was tortured.

Farooq says that he and his companion were arrested while on his way to Shiva village after being intercepted by the Army. The Army fired at Farooq and his companion, and they retaliated. In the process, his companion successfully escaped, but Farooq ran out of ammunition and was arrested. He was taken to Bomai Camp and tortured for an entire day. They beat him with bamboo sticks and leather belts relentlessly for three straight hours. In the evening, they took him to Watlab Camp, where he was detained for 22 days. During the initial seven days, he was tortured three times a day. Each time, he was beaten with bamboo sticks, electric shocks were applied to his genitals, a roller was used over his legs, and he was suspended upside down naked for hours on end. After the torture would be over and still naked, he would be put into a small cell. His family was allowed to visit him after



three days of detention. Then, due to the intervention of the renegade Samad Khan, who was a distant relative, Farooq was finally released.

After his release, Farooq did not join the on-going armed struggle. He was forced to report at different Army camps every week, where he was often beaten, harassed, and forced to do unpaid laborious work.

In 1998, Farooq was picked up by the BSF after they raided his house at around 9 PM. They took him to Soura, Srinagar Camp, where he was detained for eight days. During this period, he was tortured every day. They would beat his naked body with hard leather and bamboo sticks at every opportunity, dunk his head under water for several minutes at a time, apply roller over his back and legs, and apply electric current to his genitals. They tortured Farooq for a weapon, which he did not possess. His family was given no information about his whereabouts. After eight days, when they were unable to elicit any information from him, Farooq was released.

He continued to report at various camps until August 2008. The victim was a frequent target of the Army if any incident occurred in the area. He was often called to camps, harassed, and beaten under trivial pretexts.

Case 106

**Farooq Ahmad Khan**

Male

Parentage: Ghulam Ahmad Khan

Residence: Gundpora, Rampora, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Joshi, 10 Bihar Regiment, Army
2. Major Manoj, 10 Bihar Regiment, Army

*Case Information*

On December 1, 1992, Army's 10 Bihar Regiment camped at Safapora conducted search operations in a village, Gundpora (30 kms away from their camp) led by Major Joshi and Major Manoj. All the villagers were asked to assemble in the playground of a local school. An identification parade was carried out by the army. Two people Mushtaq Ahmad Lone S/O Ghulam Ahmad Lone and Farooq Ahmad Khan S/O Ghulam Ahmad Khan were arrested from Farooq's friend's home. Army picked up both the young men of the village and took them to Safapora army camp. After eight days of their arrest, army troops brought them back to their native village Gundpora. The same officers were present on this occasion.

Farooq Ahmad had been brutally tortured by Indian troops. The village elders including the head of the village Sanaullah Bhat and senior citizens Abdul Ahad, Muhammad Afzal Lone, Ghulam Ahmad Bhat and other relatives talked to Farooq before the army personnel took him back to Safapora army camp.

Farooq's family approached the army one the next day at the Safapora camp, where they met Major Joshi. They were assured of Farooq's release. However, from that very day, his

whereabouts are not known. The family went from pillar to post to search for him. They repeatedly demanded to know from the officers about the whereabouts of Farooq, but to no avail.

#### Case 107

##### **Farooq Ahmad Mir**

Male/ Baker

Parentage: Ghulam Nabi Mir

Residence: Aaru, Potushay, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF
2. Major Shaitan Singh, Army

#### *Case Information*

In the year 1995, the BSF cordoned the Potushay village of Bandipora. The BSF had an input about militants' presence in the village. The BSF caught the alleged militants and no exchange of firing took place. Following the capture of the alleged militants, the BSF started beating the locals of the village. Among them was a 17-year-old Farooq Mir who was severely beaten by the army. For nearly thirty minutes, the army beat him up with their gun butts and sticks. The crackdown continued till evening. People were only allowed to go back home after the forces had left the area.

Three years later in 1998, Army of Aloosa Camp headed by a Major named Shaitan Singh cordoned the house of Farooq at 12:30 am. The Major told the family that they were looking for a militant who is hiding in their house. All the family members were taken out of the house. The army searched the house but couldn't find anyone. Frustrated and angry, the army started beating Farooq's father, Ghulam Nabi Mir. The army men forcibly thrust a stick inside Ghulam Nabi Mir's mouth breaking his teeth. He was beaten ruthlessly and stick was inserted in his rectum. The beatings and the torture for three hours. The family had no information about the alleged militant and no militant was hiding in their house.. The torture left Ghulam Nabi unable to excrete for 25 days.

While Ghulam Nabi was tortured at his house, his son Farooq was taken away and beaten up. He was asked to reveal the whereabouts of militants, of which he had no information. Farooq was taken to a nearby river and for nearly thirty minutes he was forcibly held under the cold water of the river. The forces repeatedly dunked his head into the river. When he was taken out of the water body, he was trampled by 3 to 4 army personnel. Farooq's torture continued till 3 am after which the forces left. The father son duo were left in critical condition and had to undergo medical treatment for months.

A year later in 1999, Farooq was abducted from main market Bandipora by the BSF camped at the main market. He was taken to Tehsil Office camp. There he was stripped naked and his feet and hands were tied. While being tied up, he was submerged in a water and kept there for thirty minutes. The armed forces electrocuted him by putting live electric wires into the water tank. After being taken out of the water tank, a wooden roller was used over his body. Around 5 BSF personnel were torturing him. The BSF men trampled him under their feet. The forces kept telling him that he had information about a cache of arms

and ammunition hid in his area by the militants that Farooq denied. He was kept there for two days and then sent to Police Station Bandipora, from where he was released after five days.

On another occasion, SOG raided the victims house. Farooq and his brother were not at home. During the raid, the SOG men caught hold off victims' father and ruthlessly beat him. The armed forces lit a haystack on fire and threw his father into it. The villagers saved the victim's father, who had minor burn injuries due to the fire.

Case 108

**Farooq Ahmad Nayak<sup>291</sup>**

Male

Parentage: Abdul Gani Nayak

Residence: Sungli, Tehsil Baderwah, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

Farooq Ahmad Nayak petitioned in the SHRC that he was arrested by personnel from Police Station Hira Nagar on September 1, 1993. He was passing through the Thangas Pass in Kathua District at that time with his livestock. He was detained in Police Station Hira Nagar for 12 days during which he was tortured. After 12 days, he was sent to JIC Jammu where he was further tortured. From there, he was produced in front of the Judicial Magistrate Hira Nagar wherefrom he was released.

The report filed by the then Divisional Commissioner, Jammu, Anil Goswami, to the SHRC said that on May 29, 2000 he had reported to the JK Government through Home Department that Farooq's case has been submitted for appropriate orders for grant of ex-gratia relief. Further, in his report he also maintained that on the basis of the medical certificate issued to the victim by the board of doctors, the victim has suffered a permanent deformity to the extent of 50%.

The SHRC in its order recommended to the Jammu & Kashmir Government to pay an ex-gratia relief of INR 75,000 to the victim. Further the SHRC observed, "the disability has been caused to the extent of 50% by the torture by then SHO Hiranagar and police personnel with him after the arrest of petitioner on 11-09-1993. Therefore, necessary action should be taken against the said police officials causing torture of such a vulgar magnitude that has caused permanent disability to the extent of 50% to the petitioner."

Case 109

**Farooq Ahmad Parray**

Male

Parentage: Mohammad Sultan Parray

Residence: Tulumulla, Ganderbal

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<sup>291</sup>Source of the case: SHRC Annual Report

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Captain Qadir Khan, BSF

Testimony by the victim's father, Mohammad Sultan Parray

### *Case Information*

On July 2, 1992 there was a crackdown in Tulmulla area of Ganderbal by BSF headed by Captain Qadir Khan. All the villagers were made to assemble at Tulmulla Chowk. Zia Malla, a BSF informer identified 24 young and old men as alleged militants or as sympathizers of militants. All of the identified civilians were arrested by the BSF. The arrested civilians were taken to BSF Camp Kheer Bhawani. Farooq was one of the arrested people. In the camp they were tortured by Captain Qadir Khan. When Farooq's father went to the camp to enquire about his son, he was told by Captain Qadir Khan that he escaped from the custody. Perturbed by the answer, the victim's father approached the higher authorities of BSF at Dadderhama Camp where an official asked him to wait for two days. During this time, Farooq's family searched for him in every military camp in Ganderbal and Srinagar.

After some days Farooq's family came to know about his killing in the custody at Kheer Bhawani Camp. He was killed on the first day of his torture and his body was dumped in a stream. The victim's body was finally recovered from Sindh *Nallah*. After victims' body was recovered, a protest was held against his custodial killing.

Case 110

### **Farooq Ahmad Parray**

Male/ Farmer

Parentage: Ashur Parray

Residence: Hadipora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army
2. 14 Mahar Regiment, Army

### *Case Information*

Farooq Ahmad went to Pakistan administered Kashmir in 1990 for arms training and returned after four months. After remaining active with Al-Jihad militant outfit for four years, he was arrested in 1994 by the 15 Punjab Regiment at Chetlora, Rafiabad during a crackdown. He was taken to Watergam Army Camp and where he was detained for two and a half months, during which, he claims, he was tortured.

Farooq was picked up in an identification parade during the crackdown, and taken into a nearby field where he was tortured for nearly an hour. The armed forces beat him with thick bamboo sticks and dunked his head into water several times for three to four minutes at a time. Following his torture, they put him into their vehicle and took him to Watergam Army Camp, kicking and beating him the entire way.

Upon reaching the camp, they immediately took Farooq into a room designated for torture and tortured him for two hours. They stripped him naked and beat him with bamboo sticks and spiked leather belts that created deep wounds and gashing's. They also dunked his head into a bucket full of water several times and tried to drown him, only pulling him out when his breath nearly stopped. They applied electric currents to his genitals and other parts of his body. The victim finally led them to the place where his weapon had been hidden. However, despite after giving the location of his weapon he was still tortured. For the next two and a half months, he was tortured every day for nearly one to two hours. He was later put into a 5x5 foot cell with five other men. It was difficult to sleep or stretch out inside the cell, so the men took turns leaning on one another. Farooq's family was allowed to visit him after 15 days of his detention. As the victim's condition was worsening with each passing day and fearing he would die in their custody, the armed forces finally released him.

After his release, Farooq was forced to report at different camps in the area every week. Since the mass uprising in Kashmir in July 2008, he has stopped reporting at the camps.

In 1997, while reporting to 14 Mahar Regiment of Reban Camp, he was detained at the Camp for 10 days. During his detention, he was tortured for one hour each day. He was beaten every day on the back with bamboo sticks, and a roller was applied over his legs. Following his torture, he would not be allowed to sit down. He was forced to stand upside down on his arms and lean against the wall for hours. If he would fell down, he was beaten and forced to stand again. His family was not allowed to visit him during his detention, and Farooq received no medicine or treatment for his wounds inflicted by the torture. In those days, that particular regiment of the army would pick up all the militants in the area one by one and only release them after ruthless torture.

The torture Farooq was subjected to has rendered him feeble and incapacitated. He is unable to do any physical work, which has affected his livelihood.

Case 111

**Farooq Ahmed**

Male/ Labourer

Parentage: Wali Mohammad Wani

Residence: Kotwal, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

Farooq was arrested in April 1995 by personnel of 26 Rashtriya Rifles from an army camp in Hilode village. He was detained at the camp and beaten with lathis and iron-rods and tortured everyday. On the first day of his detention at the camp, the victim lost consciousness due to being hit on the head with a rod. The victim doesn't remember well what happened after days, as due to the injury his memory was foggy. The victim was released after one week.

Due to the torture inflicted on him, the victim has constant pain in his back and knees. The victim still carries torture marks on his knees.

Case 112

**Fayaz Ahmad**

Male/ Shopkeeper

Residence: Tarzoo, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Fayaz Ahmad was arrested in 1996 on account of suspicion regarding his involvement with militant outfits, following which he was taken to an army camp where, he claims, he was tortured.

It was the summer of 1996 when Fayaz had gone to pay a visit at his relatives place. Fayaz and one of his cousins were taking a stroll when he found himself and his cousin surrounded by a wall of men dressed in green. Puzzled at the sight, he was not even given a chance to ask as to what was happening, and soon, before he could react, he was thrown into the army *tonga* and taken away to the Gunjoo House army camp, Sopore.

On reaching the camp, he inquired why he was arrested and in return he was abused and slapped several times by a Captain who accused him of running a militant organization. On denying the allegation, he was stripped down to his undergarments and beaten mercilessly by the personnel to the extent that he literally begged to be spared, but every time he pleaded for mercy, the intensity of the thrashing increased. This continued for about half an hour, after which he was left alone in the same condition for another half an hour, following which a Major stepped in and asked him to confess his involvement, but maintained his innocence. The Major offered to release him only on the condition that he agrees to work as an informer for the army. Fearing further torture by the army and because his body had given in to pain, he said he would think about it. However, this answer did not convince the officer and he commanded that Fayaz be thrown in a cell full of rats. He was locked up for an hour and the battle with the hungry rodents left him with scratches all over the body, although he somehow escaped their bites. After 3 hours, he was again asked if he was willing to work as an informer. He couldn't take it anymore and broke down and weeping bitterly he pleaded with the officer to spare him, for he was a civilian and had no connections with the militancy. After about half an hour, the forces released him on the condition that he might be picked up again by the army as and when required, or if they suspected him of anything dubious. After that, he was released but had to report without fail for 15 days at the Gunjoo House camp.

Although his wounds, incurred by the torture, have healed but the humiliation and frightening experience instilled by the armed forces continue to horrify him.

Case 113

**Fayaz Ahmad Bhat**

Male/ Shopkeeper, Political worker

Parentage: Ali Mohammad Bhat

Residence: Machoo, Bagh-e-Mehtab, Budgam

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Sikh Regiment, Army
2. BSF
3. SOG

### *Case Information*

Fayaz Ahmad went to Pakistan administered Kashmir for arms training in April 1990, and returned in August 1991. He remained active with Al-Umar militant outfit up to December 1994 when he was arrested for the first time by the Sikh Regiment from Machoo Chowk, Chadoora. He claims that he was later taken different army camps where he was tortured.

He was arrested by the Sikh Regiment from his father's shop at Machoo Chowk, which was raided by the same regiment an hour before he arrived at the shop. The forces had thrashed his father demanding to know his whereabouts and ransacked the shop. As he arrived at the shop to see the condition of his father, the forces raided the shop and arrested him. It was 10:30 am. They took him to a nearby civilian house and tortured him there for about three hours. The forces forcibly brought out all the family members of the house and dug a trench on the floor of one of its rooms and filled it with water. After that the forces took him into the same room and tied his hands behind his back. Three men pushed his head into the trench filled with water, submerging for nearly four minutes each. This procedure was repeated about fifteen times. The forces would pull him out when they felt that he was choking. Following this, they stripped him naked and beat him on buttocks with heavy bamboo sticks till the skin on his posterior turned black. They applied electric current to his toes, chest and private parts with their portable machine for about fifteen minutes. Then he was taken to a BSF Camp Wanabal Nowgam where he was immediately taken into a torture room and tortured by five armed personal for two hours. They removed his clothes, tied his hands with rope and suspended him from the ceiling and started beating him with leather belts (the ones used in band saw machines) and sticks. The torture turned his entire body black and the leather belt lashes created deep scars on his back and chest. He was taken to Bagaat-e-Kanipora, where they put him into an under construction house. In one of its gravel-floored rooms, they laid him down and three men trampled over his abdomen, resulting in deep wounds. His wounded body was beaten with heavy bamboo sticks. The pain was unbearable and it left him unconscious but the torturers sprinkled water on his face to bring him back to a conscious state. They demanded to know where his weapon was but he denied possessing any.

At around 5:00 pm, they dragged his tortured body into an army vehicle and whisked him away to the Budgam camp (Sikh Regiment headquarters). He was taken to two army officers who demanded to know about the weapon, which he denied possessing. The victim had already handed over his weapon to the militant outfit as he had decided to take care of his parents following his younger brother's death in an accident. The officers didn't believe his story. They tortured him again by beating him with bamboo sticks and leather belts. At 7:00 pm, they took him to Chadoora camp (Sikh Regiment), where they had taken two other unknown Kashmiri prisoners. He was asked to identify the unknown persons but he couldn't nor could they identify him. They were released but he was put inside a small room where fifteen detainees were also put in. He was not tortured during that night, but the room was too small to accommodate all of them comfortably and they had to lean on one another.

Next evening, he was again taken to the officer who accused him of possessing eleven weapons. Fayaz told him that he did have a weapon and he had handed it over to his outfit. The officer slapped him several times but got no admission out of him. He was not tortured again at the camp. His father was allowed to meet him on the sixth day of his detention during which the officer demanded fifty thousand rupees from his father or threatened to send Fayaz to jail. On the 14<sup>th</sup> day, his father handed over INR 50,000 to the officer and he was released next day. His wounds had festered, as he was never given any medical treatment during detention. It took him at least two months to recover from the wounds. He did not join the armed struggle again, but started helping his father at the shop. However, he was picked several times by different Indian agencies and subsequently harassed and tortured.

In 2001, Dy.SP SOG along with his men raided Fayaz's house at 1:00 a.m. He was sleeping then; they blind folded him and took him to Bachapura to his maternal uncle's home. They picked up two of his maternal uncles, two cousin sisters and maternal aunt from there. They took him to Wanyar police station and his uncles to cargo camp and his aunt and cousin sisters to police station Solina. On reaching the Police Station Wanyar, the Dy.SP alleged that Fayaz was involved in the kidnapping of the son of SP Abdul Quyoom. His son had gone missing a day before Fayaz's arrest, but Fayaz denied having any information about it. The Dy.SP alleged that he had attended a meeting with General Musa (a militant) three days before the incident regarding the kidnapping of SP Quyoom's son, and that if he did not provide them any information, they would kill him and his relatives. He and his relatives were detained in different places for 11 days. He was not tortured anymore but his aunt was to later tell him that she had been tortured once by ladies' police personal in Solina Police Station. During his time at the police station, he was asked confusing questions and interrogated by different groups of police. But on the 10th day, SHO, Rasheed Billa told him that they had found the son of S.P Qayoom who had run way from home to cross the LoC for arms training but was caught by police at the Poonch border. Next day they assembled him and his relatives at Parimpora police station where the Dy.SP asked them if they had any questions. Fayaz responded that injustice had been done to him and his family, after which the Dy.SP released them.

One day in 2002, SOG from Nowgam camp raided their shop thrice but Fayaz was not there. Next day, on the request of his father, Fayaz went to the camp and met the SOG officer, Madan Lal, who accused him of having connection with Lashkar-e-Toiba. Fayaz strongly refuted his allegations. The officer told him that it was the SP who was looking for him. He asked Fayaz to give INR 20,000 to him as he would help him in clearing his name or involvement, or otherwise the SP would send him to jail. Fayaz told the officer that he wasn't in a position to pay the money. Fayaz had already taken a loan from the bank for his shop but the officer would not listen. With constant pleas, Fayaz convinced the officer that he would pay him INR 10,000. Next day, Fayaz gave him the money and he was not called again by the SOG.

After the incident, he joined Jammu Kashmir Salvation Movement, which is a political organization, only to free himself from the constant harassment of different security agencies. He was never picked up or harassed by anybody after that.

The torture he was subjected to has had adverse effects on his health. Since he was first released, he has been suffering from diabetes and hypertension. Fayaz is unable to do much



physical work as he suffers from constant knee and back pain.

Case 114

**Fayaz Ahmad Dar**

Male/ Bus Conductor

Parentage: Ghulam Mohammad Dar

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Rashtriya Rifles, Army

*Case Information*

Fayaz Ahmad was not associated with any militant outfit. He was picked up by Indian armed forces for being the brother of a militant. He was then taken to several Army camps and jails where, he claims, he was tortured.

Fayaz says that in 1999, the Rashtriya Rifles from Nowgam, Handwara Camp raided his house at three o'clock in the morning and picked him up. They took him into the Auqaf Building in his village, and tortured him severely. They first stripped him naked and repeatedly dunked his head into Chilli water for about half an hour. As in this way, Fayaz had swallowed a lot of water; they trampled his back to force him to vomit out the water. They also applied an electric current to his genitals, tied his hands behind his back and beat him all over with bamboo sticks until morning. They accused Fayaz of being a militant.

In the morning, they carried out a crackdown in his village, forcing him to take part in an identification parade. During that time, they also kicked and beat him. In the evening, they took him to Nowgam, Handwara camp, where he was tortured for the first six days. He was detained at the camp for 15 days. He was tortured three times a day, during which his head was hit with thick sticks and dunked into water, and an electric current was applied to various parts of his body. The rest of the time, he was kept in a small cell, where it was difficult to sit properly or breathe. They booked Fayaz in a false case accusing him of being a militant, and stated that some ammunition including an AK-47 rifle and magazine had been recovered from him.

He was soon transferred to Badami Bagh Cantonment, Srinagar for two months. He was kept naked and thrown into a cell and taken out only twice a day for two hours of torture. During that torture, Fayaz was beaten with thick wooden shafts and leather belts, and was forced to do squats for hours at a time. He was allowed to go to the bathroom only once a day for five minutes, and was beaten if he took any longer than that. Sometimes, they would take Fayaz into a separate room where he was blindfolded and beaten.

Fayaz was then transferred to JIC Humhama for three months. At JIC Humhama, Fayaz was thrown into a small, dark room with nearly 100 other detainees. They were not allowed to bathe or wash their faces, and they all shared one toilet in the room that would sometimes overflow, which created a horrible smell. The detainees, including Fayez, were never allowed outside during that time.

Once released from JIC Humhama, Fayaz was taken to Srinagar Central Jail for six months, where the situation was slightly better. He was not tortured at the Central Jail and his family was allowed to visit him for the first time since he had been arrested. From there, he was transferred to Kot Bhalwal Jail, Jammu for three days and then finally to Kathua Jail for 14 months.

Fayaz was then released and has never been picked up again. The torture that he was subjected to has greatly affected his health. He is not able to work much, and has chronic back pain and headaches.

Case 115

**Fayaz Ahmad Ganai**

Male/ Baker

Parentage: Ghulam Mohammad Ganai

Residence: Ketpora, Palhallan, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Dalal, 29 Rashtriya Rifles, Army
2. Shahnawaz, Ikhwan
3. Mohammad Shaban Tantray (alias Shaban Kawa), Ikhwan
4. Abdul Rashid Hajam, Ikhwan
5. Abdul Rashid Malla, Ikhwan
6. Abdul Rasheed Hakim, Ikhwan
7. Ghulam Mohammad, Ikhwan
8. Mukhtar, Ikhwan

*Case Information*

In 1995, the victim was at his bakery shop when 10 to 15 government gunmen (Ikhwanis) raided it. They included Shahnawaz, Mohammad ShabanTantray, Abdul Rashid Hajam, and Abdul Rashid Malla. The victim was taken by the Ikhwanis to Kaw Mohalla, where their camp was. He was picked up at about 11:30 am on the allegation that he was affiliated with militants. In the camp, his hands were tied and he was beaten with sticks by the following gunmen: Abdul Rashid Hakim, Abdul Rashid Malla, Ghulam Mohammad and Mukhtar. They also trampled the victim. This torture continued till 2 pm. The victim was threatened to join the Ikhwanis or else he would be killed. He was released at about 6 pm the same day.

On the next day, the victim left his home, along with his family, and stayed at Baramulla. Afterwards, they lived in Srinagar for ten months. After 10 months, the victim returned home, but two months later, the government gunmen again started harassing the victim. They led the Mahar Regiment of the army to arrest the victim in 1996 at about 9 am in Palhallan. In the camp, the victim was stripped naked and hanged upside down. Two army personnel beat the victim with a belt and hot oil was poured in his rectum. This torture continued till 5:30 pm. The victim was released on the next day noon.

In 2007, the house of the victim was raided at midnight by the army of Wusan Camp, 29 Rashtriya Rifles. Major Dalal was their commander. The victim identified Major Dalal, as he was known in the area. The victim was arrested again on the allegation of being a

militant. He was taken to Wusan Camp. From 12:30 am onwards, 8 to 10 army personnel tortured him. The victim was stripped, and was then hanged upside down. His body and private parts were electrocuted. Major Dalal was also in the cell during the torture; he was forcing the victim to admit to being a militant. But he denied this. He was tortured till 2:30 am. On the next day, he was released at about 3 pm, when the army realized that he was “innocent”.

In 2010, Major A.K. Sharma called the victim twice to the army camp at Palhallan. He was asked about his affiliations with the militancy. He was not detained or tortured on these occasions. After this, he was not harassed anymore.

#### Case 116

##### **Fayaz Ahmad Lone**

Male

Parentage: Habibullah Lone

Residence: Maidanpora, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 11 Gorkha Rifles, Army

##### *Case Information*

Fayaz Ahmad crossed the LoC in 1989 and stayed in Pakistan administered Kashmir for about one year before he returned to join Al-Jihad militant outfit. After remaining active for about six months he was arrested by 11 Gorkha Rifles in 1991.

During the days when he was active, his house was raided frequently and all the rooms of his house were dug. His relatives were threatened too.

He was arrested during a crackdown when he was trying to escape from the army but he was caught by the army at the last tier of the cordon. He was taken to Higher Secondary School Dangerpora, Sopore and kept there for three days until the crackdown was lifted. He was then taken to Baramulla Camp and tortured there for three months. He was then taken to Badami Bagh Cantonment, Srinagar where he was kept naked in an underground cell for two hours. Afterwards, he was taken to Kot Bhalwal Jail, Jammu, where he remained for one year and was later sent to Udhampur Jail. A year later, he was released on bail but was re-arrested at the gate of the Court and was sent to Kot Bhalwal Jail again. He was later released by the screening committee from the Jail.

He cannot identify his perpetrators but he remembers being by steel rods, drowned in a water barrel and then electrocuted. He was kept naked for the entire torture period, which lasted for about one hour per day and continued for three days at the school where he was held and then three days at Baramulla Camp.

He usually feels ill, suffers from general weakness, stomach ache, causing inability to work resulting in financial insecurities. The torture inflicted on him has had social implications like isolation and a sense of inferiority complex. He was not alone in this ordeal as his family members too were victimized. They couldn't stay at home because the army kept raiding their house and the neighbours too were threatened if they provided them shelter.

Case 117

**Fayaz Ahmad Tantray**

Male/ Government Employee, Dept. of Irrigation and Flood Control

Parentage: Abdul Hameed Tantray

Residence: Tantraypora, Palhallan, Pattan, Baramulla

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. SP Mushtaq Sadiq, SOG
2. Major Rakesh, Army (Watergam Camp)

*Case Information*

In 1990, the brother of the victim, Rafiq Ahmad Tantray went across the LoC to join the militancy movement. Since then, the army has been harassing the family and the victim.

The army of the Hamray camp raided their house many times and enquired about the brother. Since 1995, the victim was forced to appear in the army camps at Palhallan, Wusan and SOG Camp Baba Taing every Sunday. Intelligence Bureau officers Bishnu Pandey and Verghese also called the victim to Hyderbaig camp. At the camp, the victim came to know about the name of these officers.

Since 1998, the victim and other persons of the village (anyone whose family members were militants) were forcibly kept in the camp for every night and made to sleep there. Then in the morning, the victim and others were made to sweep the camp and only then were they allowed to leave. This continued till 2001.

In 2002, at about 9:30 am, the victim was at the shop of his maternal uncle, Ghulam Mohammad Bhat. Meanwhile, two *Ikhwanis* Mohammad Abdullah Yattoo and Reyaz Satta passed by the shop. At that time, the abandoned Pandit houses were occupied by the army and were used as camps. One of them, Mohammad Abdullah Yattoo, was shot on his head. Nobody knew where the bullet was fired from. The army also fired in the air. The victim and the uncle ran away from the spot and hid themselves at Kumar Mohalla. The army raided the same place where the victim and the uncle were hiding. They were arrested and brought to the spot of incident again. There the Dy.SP (SOG) Rashid Billa grabbed the ear of the victim and asked him about the killing. Then both the victim and uncle were taken to Palhallan Camp and kept there for 5-6 days before being released.

On the night they were released, at about 11:30 pm, the SOG from Baramulla raided the house of the victim. The victim was taken to G-Branch, Matches Factory, Baramulla. For first 1-2 days, no torture was done. After 2 days, the victim was tied to a chair and was beaten by sticks. SP (SOG) Mushtaq Sadiq himself would beat the victim. After beating him, the victim was electrocuted. When the victim was going out to the bathroom, SOG personnel beat him till he reached the bathroom. The victim was released after 16 days and torture was done to the victim on and off during these days. Then the victim was brought to Police Station Pattan for 5-6 days and was released then.

On the same day when the victim was released, SP (SOG) Mushtaq Sadiq was going on a raid to Shalpora, Palhallan. When he reached Palhallan, he sent the watchman of the area to

call the victim. The SP took the victim along for the raid. On returning from there, the SP handed over the victim to Police Station Pattan and the victim was kept there for 2 days.

On 15 August 2002, the victim and other inhabitants of Palhallan were forced to hoist Indian Flags on their shops and houses by the army of Wattergam. Major Rakesh was along with the army. The Major noticed that the flag hoisted on the shop of victim's maternal uncle was not correct. He asked the victim who had hoisted the flag and told him to bring the flag down. The victim tried to bring the flag down but he couldn't reach the height of the flag. The Major abused the victim verbally and scolded him to bring it down. The victim jumped and brought the flag down, but the flag fall down on the road. So the army beat the victim with sticks, and Major Rakesh slapped the victim 10-15 times. He was trampled by the army and dragged on the road.

In 2003, the victim was going to his office to Sopore in a bus, but he noticed that he was being followed by a sumo (the sumo was stopping where the bus stopped and was trailing the bus till Sopore). At Sopore, when the victim alighted from the bus, four boys came out of the sumo and asked the victim about Huda College; the victim replied that it was in Pattan. All the four boys were non-Kashmiris; the victim identified this by their language and look. The boys took out a pistol and forced the victim to get into the Tata Sumo vehicle. They covered the eyes of the victim and after driving around for 2-3 hours, kept the victim in a water tank, which was in an army camp. The victim feels that he was kept in Choor Camp, as there was a water tank in Choor Camp. The tank was almost 50 meters deep. The victim was brought down using a ladder. On the first day in the tank, the victim was made to drink chilli powder water and was not allowed to sleep, as a bright lamp was kept on in the tank, which was pointed towards his face. The victim was kept there for seven days and for this period the victim was not allowed to sleep.

After this, the victim was transferred to Shariefabad camp for seven days. At both the places, the victim was asked about his brother's whereabouts. On the seventh day at Shariefabad camp, an army officer told him that he would be killed the next day. He was told that his parents would receive a message tomorrow that their son had been killed while crossing the border. The victim doesn't know the name of the army person who said this to victim. On the same night, the victim was brought to Narbal with his eyes covered at about 12:30 am and was tied there with a tree. Some army person told the victim that he was going to shoot him and he asked the victim where he would like to be shot. The victim replied on the heart. The army left the victim there, but the victim wasn't aware about it as his eyes were covered. He was under the threat that he would be shot. After an hour, the then SHO Police Station Pattan Muneer was passing through the same road along with his personnel where the victim was tied. He found the victim tied to a tree. He took the victim to Police Post Mirgund. From there he took the victim to Police Station Pattan. He gave food to the victim. He also called his family and told them that he had found Fayaz. The family wasn't aware where the victim was kept. The victim was then released the next day.

After a few days, Major A.K. Sharma of Wusan Camp, along with his personnel, visited the house of the victim. He told him that the Research and Analysis Wing (RAW) from Delhi had picked him up. The Major also asked the victim if any of his belongings remained with the RAW personnel; the victim replied his watch, mobile and Rs. 1300 with the wallet. The Major told the victim that he would receive every thing back. After 10-15 days, the victim received his things back from Wusan Camp.

After 2003, the victim wasn't harassed anymore.

Case 118

**Fayaz Ahmad War**

Male

Parentage: Abdul Kareem

Residence: Warpora, Sedeeqa Colony, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

*Case Information*

Fayaz Ahmad went to Pakistan administered Kashmir for arms training in 1990 and returned in December 1991. He remained active with Tehreek-ul-Mujahideen for about two years, and was arrested in March 1993 by the 26 Punjab Regiment. He was later transferred to different interrogation centers and jails where, he claims, he was severely tortured.

Fayaz says that he was arrested when his house was raided by the Indian Army. He had a weapon, which he surrendered to them. The Army arrested him and took him into a different house, where they tortured him for three hours. They beat him with bamboo shafts and dunked his head into water that had chilli powder mixed into it. They also stretched his legs apart to 180 degrees. After that, they took Fayaz to Watlab camp for seven days.

There, Fayaz was constantly tortured the entire time. Once he was continuously tortured for the entire day by various groups who took turns. He was suspended from the ceiling and beaten all over his body, due to which his elbow was fractured. They also beat his head with a cycle chain, which caused a deep wound. The wound was dressed and Fayaz was given medicine for it, but it did not stop bleeding.

The next day, Fayaz was taken to Gunjoo House, Sopore, where he received 22 stitches for his head wound. After five days, he was taken to PAPA 2 interrogation center in Srinagar, where he was detained for five months and 22 days. Fayaz says that those were the worst days of his life. He was tortured three times a day for two hours at a time. He was kept completely naked the entire time. During the torture, his hands were kept tied behind his back, he was suspended from the ceiling, and a large block of ice was kept beneath his feet. After that, an electric current was applied to his genitals. They also inserted a small glass rod into his genitals, through which they poured in acid, which has left Fayaz permanently damaged. Then they pulled off all the toe nails on his right foot and poured salt into the wounds, applied a heavy roller over his legs and back, and forced him to drink water with chilli powder mixed into it every day. Fayaz was subjected to these methods of torture every day, which left his body aching and made him believe he was going to die. He paid INR 3.50 per day for the food, which was adulterated, which he once found a large rat in. He was beaten if one single grain of rice fell from his plate. He saw an Afghani militant tortured to death for letting a single piece of food fall off of his plate.

Fayaz and the other detainees were kept naked in a single cell, from which they were called for torture by specific numbers. He was only allowed to go to the toilet once every three days, and only for 27 seconds. He was taken to the toilet handcuffed to an army personnel

and was pulled out after 27 seconds. He says that many detainees asked their families to bring pomegranates, because the seeds cause constipation.

Fayaz was once put inside a 45 feet deep trench, which was covered with an iron slab for eight straight days. There was no ventilation inside and Fayaz found it very difficult to breathe. He was only taken out for two hours each day.

He says that it was very difficult to survive this torture. Most of the detainees killed under torture were put into the deep trench and sprinkled with a powder that caused the flesh to fall off their bones. Then their skeletons were pulled out and taken away to an unknown place.

After this, Fayaz was transferred to some camp at Gupkar Road, Srinagar for eight days, and then to another camp for three days. He was not tortured at either of these places. After that, he was transferred to Badami Bagh Cantonment, Srinagar for one month and 22 days. He was admitted in the hospital there for one month because his condition was severe. He was treated well there. He was unable to put clothing on during those days because his entire body was covered in wounds. After his condition improved, Fayaz was transferred to Old Airport Camp, Rangreth for one year. He was not tortured there. From there, he was transferred to JIC Talab Tilu, Jammu for two days. He was kept in a small room underneath two 5000-watt bulbs. Fayaz was then transferred to Kot Bhalwal Jail for one year, then Songroth, Rajasthan for one and a half years and then finally to Hiranagar Sub-jail for 14 months. From there, he was released.

Fayaz spent almost five years in various jails and interrogation centers. After he was released, the Army called him to Warpora camp every week. There, he was often harassed and forced to do laborious work. He later had to report at various camps, where he was beaten under trivial pretexts and harmed unnecessarily.

Once, Fayaz was picked up by the Army and taken to Hathlangoo Camp, where he was beaten with thick bamboo sticks for two hours straight by an officer named Major Kadam. Another time, he was beaten in Warpora Camp and forced to stand in cold water for half an hour by Major Harbhans Lal. He picked Fayaz up from his home, and later demanded INR 10,000 from Fayaz's family for his release.

Since August 2008, Fayaz no longer has to report to a camp every week, although he is still occasionally called to camps by the Army. The torture he was subjected to has rendered him frail and weak. He is no longer able to work.

Case 119

**Fayaz Ahmed Bhat**

Male/ Farmer

Parentage: Ghulam Mohammad Bhat

Residence: Tantray Pora, Palhallan, Pattan, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Sinha (Operational name: Liyaqat Ali Khan), Army
2. Officer Malik, Army
3. Sher Khan, Ikhwan (deceased)

4. Mohammed Shabaan Kawa, Ikhwan
5. Saeb Hajam, Ikhwan

### *Case Information*

The brother of the victim had been a militant with the Hizbul Mujahideen. As a result, the family of the victim was frequently targeted. Fayaz Ahmed Bhat, Mushtaq Ahmad's brother, was picked up and taken to the Palhallan army Camp, under the authority of Major Sinha (operational name: Liyaqat Ali Khan) and Officer Malik of the same Camp.

The victim was kept at the camp for 2-3 days at a stretch and then released, only to be captured again. They tortured him and the others in custody in various ways: electric current through toes, they stripped him and his brother in front of each other, hung him upside down for 20-25 minutes continuously and put ice and freezing water over their body. Two to three people simultaneously would beat the victim with sticks for about 10 minutes. They would then stop for an hour and resume the beating. They would heat up an iron rod and place it over their bodies. Major Sinha forced the victim to sit on a stove and burnt him, for others they put petrol into their anus, and passed electric currents through the genital area. They would release him after 2-3 days but then they would pick him up again and the cycle kept going on for 1-2 times a month, sometimes even 1-2 times a week.

*Ikhwanis* like Sher Khan, Mohammed Shabaan Kawa and Saeb Hajam also tortured him. They would regularly pick him up, threaten him and ask him for money. After the army officers had beaten him, they would beat him further with sticks in the same army camps.

### Case 120

#### **Feroz Ahmad Shah<sup>292</sup>**

Male/ Pharmacy owner

Residence: Tuli, Nowpora, Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

### *Case Information*

In July 2016, Feroz's three daughters had gone outside to join the protests during the mass uprising. He went outside to bring them home. In the meantime, a police vehicle arrived on the spot and detained him. He was stripped naked on the road itself and beaten. They held his legs and dragged him all the way to their camp, which was about 500 m away from the spot.

In the camp, he asked them for water. They instead got a bottle filled with urine and sprinkled it all over his face. A stick was thrust inside his rectum after which he fell unconscious. He was taken to Police Station Kulgam where he regained consciousness after 2 days.

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<sup>292</sup> Source of the case: The Informative Missive



While in custody, he was not given any medical. After being released, he was taken to District Hospital Kulgam. He had a fracture in his left arm.

Case 121

**Gulzar Ahmad Ahangar**

Male/ Blacksmith

Residence: Haigam Chowk, Chotipora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Balbir Singh, 24 Battalion, BSF

*Case Information*

Gulzar Ahmad Ahangar, a resident of Sopore, went to Pakistan administered Kashmir for arms training on June 19, 1990. In September of the same year, he came back to Kashmir. After remaining active for a year with Muslim Janbaz Force and the Al-Jihad militant outfit, he was arrested. He had been travelling when he was caught through the information of a *mukhbir*. The 24 Battalion of BSF headed by Major Balbir Singh arrested him and took him to Watlab, where he was tortured for four or five days. His hands were tied behind his back, and he was drowned and badly beaten. The same evening, he was tortured again. This time he was hung upside down and beaten. Eventually, he was forced to confess that he was a militant. He was taken to Singhpora in Baramulla. There, he was subjected to more torture. He was burned with a hot object, but does not know exactly what because he was kept blindfolded. A roller was applied over his legs and he was beaten with a stick or a rod. Ahangar surrendered his gun after this, which caused the torture to stop. His family came to visit him after 15 days, and a doctor examined him after 10 days of torture. After this, he was released.

He was left alone for six or seven months, during which he gave up the armed struggle and began working as a blacksmith in Haigam Chowk, Sopore. However, after this period, he was picked up by the Indian Army again in 1995, along with his brother-in-law at 4:00 am. They again demanded his gun. When he asked the Army officers how many guns they have, they told him they only have one each. Ahangar replied that if they have only one gun each, where was he supposed to get another gun. He had only owned one gun, which he had handed over to BSF when he was arrested the first time. However, the Army men became angry because of his reply, and he was tortured. He was hung upside down and beaten. After that, he asked for a glass of water. They gave him a bottle, which he suspected contained urine, so he refused to drink it.

Ahangar was released after two days when it was proved that he was innocent and had no other guns. His relatives met him on the morning of his release, but he had received no treatment from a doctor and went instead to a private practitioner after his release. As a result of the torture, Ahangar has burn scars on his hand and he is unable to do any heavy work.

After his release, he had to report to the Army camp every seven days. Eventually, every seven days became every 15 days, and then once a month. If he failed to report to the camp on time, the Army would go to his house for an enquiry and his family members were beaten. In Army camps, on days of report, Ahangar was forced to work all day without

receiving wages. He did not lodge an FIR against the Army, because he thinks that there is a connection between the Army and the police, and the judiciary is inefficient in bringing people justice. Poor people have nowhere to go for justice, and they cannot complain to anyone about the injustices they suffer.

#### Case 122

##### **Ghulam Ahmad Bahar**

Male/ Associated with Jamaat-e-Islami

Parentage: Wali Muhammad Bahar

Residence: Bahar Abad, Sumbal, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jarman Tunda, Ikhwan
2. Ghulam Mohammad Wani, Ikhwan
3. Abdul Ahad Mughal, Ikhwan

#### *Case Information*

Ghulam Ahmad Bahar was working as a carpet weaver in his village first when the *Ikhwan* came to surface, as Kuka Parray sent two persons Ghulam Hassan and Gul Mohi-ud-Deen Mallah to him asking him to join the *Ikhwan*. Ghulam Ahmad Bahar migrated to Srinagar. He was working as a labourer. Once he came home to settle disputes of his sister Fatima. Jarman Tunda R/O Tundapora Hajin, along with his associates raided his house but Ghulam Ahmad escaped from the clutches of *Ikhwan*. But in the nearby village Markundal, he was picked by Jarman Tunda and others. His sister Haja was with him. She came back home and told the family that Ghulam Ahmad was held by the said *Ikhwanis*. He was brutally tortured and gunned down by two *Ikhwanis* of Hajin, Ghulam Muhammad Wani and Abdul Ahad Mughal who are still working with the same organization as sources for Hajin's 13Rashtriya Rifles camp. As per his brother Ghulam Muhammad, Ghulam Ahmad Bahar was tortured by Jarman Tunda of Hajin, and on the third day of his kidnapping he was killed by an *Ikhwani* Muza of Hajin. His brother says he counted fifteen bullet marks on his body when they recovered him lying half dead in an irrigation shed of Markundal. They shifted him to Hajin hospital from where he was shifted to SMHS Srinagar where he breathed his last. His brother says that he had nothing to do with militancy but was a lover of the freedom movement and affiliated to Jamaat-e-Islami. No FIR was filed against the killing due to terror and fear.

#### Case 123

##### **Ghulam Ahmad Dar**

Male

Residence: Rakhi Haigam, Sopore, Baramulla

Alleged Perpetrators/Agency:

1. Garhwal Regiment, Army

#### *Case Information*

Ghulam Ahmad Dar, a resident of Rakhi Haigam, Sopore was arrested at Naidkhai Sonawari by the Garhwal Regiment of the Indian Army. After his arrest, he was taken to

Doabgah Camp, Sopore and detained there for about two months. The Army demanded arms and ammunition from him, which he denied possessing. The Army personnel hung him upside down for hours altogether. Iron rollers were applied over his legs and back. Chilli powder was forced into his mouth. His head was dunked into a bucket of cold water mixed with chilli powder. Electric shocks were given to various parts of his body. The scars from the torture are still visible. During the torture, Army personnel broke several of Dar's bones.

Dar's family was allowed to visit him fourteen days after his arrest. Even though he was brutally tortured and severe injuries were inflicted on him during his detention, he was never taken to a hospital or given any medical treatment.

Case 124

**Ghulam Ahmad Marazi**

Male/ Fruit Businessman

Parentage: Abdul Aziz Marazi

Residence: Sangrampora, Sopore, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. Officer Mishra, 51 Battalion, BSF
2. Sunil, 51 Battalion, BSF
3. Balaram, 51 Battalion, BSF

*Case Information*

Ghulam Ahmad Marazi had crossed the LoC in the year 1990 and stayed in Pakistan administered Kashmir for nearly seven months. He returned and remained active in the valley for five years. It was during a crackdown at Shalpora at around 11 am when he was arrested by Mishra of 51 Battalion of BSF. His other fellows namely Ghulam Mohammad Mir and Bashir Ahmad Bhat were also arrested by Sunil and Balaram during the same crackdown and they were later killed in custody. He was detained for one year in JIC Baramulla from where he was released by the screening committee.

At the time of his arrest, his mother, sister and wife were tortured which enraged the people of Sopore and they filed an FIR in the Police Station Sopore. But consequently he was released on the condition that he would not take part in anti-armed forces activities.

During the detention, he was interrogated for seven consecutive days. He was beaten with steel rods. He was tortured to pulp for the first 24 hours. He was given electric shocks in his private parts for 14-15 hours. Roller was used on his body. His head was dunked in the Chilli water. During the whole interrogation, he was kept naked and upside down. Chilli powder was sprinkled in his private parts and eyes. Molten polythene was dropped on his legs.

After the interrogation, he was given antibiotics and painkillers. During the detention, he was made to clean toilets and bathrooms, do sweeping and laundry. His wife was beaten with wooden rods and roller was used on her body. His mother and sister were also subjected to the same treatment as his wife.

His legs are crippled due to the continuous torture he has faced and he is on constant medication. The torture badly impacted his livelihood, as he is not able to eke out a living.

Case 125

**Ghulam Ahmad Mir**

Male/ Farmer

Residence: Haigam, Chotipora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army
2. SOG

*Case Information*

Ghulam Ahmad Mir, a resident of Sopore, went for arms training to Pakistan administered Kashmir in March 1990. He came back in July of the same year. He remained active with the Muslim Janbaz Force for 3 years. He was arrested in Baramulla during a crackdown operation by the 15 Punjab Regiment of the Indian Army. He underwent torture for four days. His hands were tied behind his back, and he was forced to drink water mixed with chilli powder. His head was repeatedly dunked in water, he was given electric shocks all over the body, burned with a hot object, and his legs were stretched. They interrogated him mainly about his connection with the other militants, and he was forced to handover his gun, an AK-47, to the Army. After four days, he was sent to JIC Baramulla and kept there awaiting trial for a year. His relatives and family came to visit him after one month of his detention. Mir was released after one year and began living his life as a civilian.

A year passed and he was again picked up by the SOG. They came to Mir's house at midnight to arrest him. They harassed his family members. His uncle died as a result of that incident. Mir was taken to JIC Baramulla again. This time, he was hung upside down and beaten till he lost consciousness. The SOG questioned him about his weapon. He told them that he had already handed it over to the 15 Punjab Regiment and no longer had one. He was detained at JIC Baramulla for a year, awaiting trial. Once at the interrogation center, a doctor examined him and gave him painkillers. Mir's family came to visit him 10 days after his arrest.

He has registered a case against SOG, which is on-going in the Baramulla Sessions Court. He had to report at the Army camp for many years after his release. When reporting, he was forced to work for long hours without any food, water, or rest. The work he was forced to do depends on the whims and fancies of the Army. In early 2000s, Mir was forced by the Army to cast a vote in elections. He was picked up again and kept in a house for a day. However, he refused to cast his vote. He was not tortured, but the Army then forced Mir's children to vote. Due to the torture that Mir was subjected to, he is unable to do any taxing work. He cannot raise his arms beyond a certain angle and there is a burn scar on his right leg. Adequate water was not given to him during his detention, which caused him to develop kidney stones. He has spent a lot of money on his treatment.

Case 126

Survivor: 1

**Constable Mohammad Yousaf, No.1845/A, Jammu & Kashmir Police**

Survivor: 2

**Constable Ghulam Ahmed, No.1519/A, Jammu & Kashmir Police**

Alleged Perpetrators/Agency:

1. Dy.SP Surinder Singh, 104 Battalion, BSF

*Case Information*

First Information Report (FIR) no.421/2002 u/s 392 (Robbery), 332 (Causing hurt to deter public servant from duty), 341 (Wrongfully restraining person) and 342 (Wrongfully confining person) Ranbir Penal Code, 1989 (RPC) was filed at the Anantnag Police Station.

The 9 July 2012 communication from the Jammu & Kashmir Police states this case had been closed as chargesheeted. By communication dated May 16, 2014 from the Jammu & Kashmir Police it was stated that sanction related documents would not be provided, as “status of sanction is obviously not relevant question at this stage”. By communication dated 18 December 2004, from the Jammu & Kashmir Police, a copy of letter dated January 15, 2005 from Dy.S.P., Anantnag, to SHO, Police Station Mattan, Anantnag, was provided. This communication refers to attached CD file and a letter from the Police Headquarters dated December 23, 2004. In view of these documents, the SHO is directed to process the file again for obtaining sanction.

The victims were on duty at Payabuk on August 27, 2002. Dy.S.P. Surinder Singh came there along with other personnel of the 104 Battalion BSF. The victims were beaten, and obstructed from doing their official duty. Constable Ghulam Ahmed's uniform was torn and both of their weapons were taken away. They were taken in a BSF vehicle to the Iqbalabad Camp and detained.

The Government of Jammu and Kashmir, in response to information sought through the Jammu and Kashmir Right to Information Act, 2009 (RTI) on sanctions for prosecutions under the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA), stated on September 6, 2011 in relation to this case that sanction was sought from the Ministry of Home Affairs on August 29, 2008 and was awaited.

It is noteworthy that it took the Jammu & Kashmir Police and Government of Jammu and Kashmir six years to investigate and process the case for acquiring sanction for prosecution under AFSPA, which apparently helped the perpetrators in evading justice. Further, the Jammu & Kashmir Police response to RTI is also telling as they suggest that a question of sanction is not “relevant”.

Further, the available documents do not suggest that even a court-martial was conducted in this case by the BSF.

Case 127

**Ghulam Haider Ahanger**

Male/ Farmer

Parentage: Mohammad Ramzan Ahanger

Residence: Sangna, Kishtwar

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Major Arjun, Commanding Officer, 26 Rashtriya Rifles, Army

*Case Information*

Haider was detained by 26 Rashtriya Rifles of Indian army in June 1993 and was released after six hours on the same day. The commanding officer of the army unit was Major Arjun. During these few hours of detention, the victim was tortured in the camp in Hillore village. He was brutally beaten with *lathis*, shoes and leather belts. He received injuries in his entire body. He still suffers from pain in his back and shoulders.

Case 128

**Ghulam Haider Rather**

Male

Parentage: Ghulam Mohammad Rather

Residence: Chilatron, Kalihand, Doda

**Alleged Perpetrators/Agency:**

1. Ravi Guran, 8 Rashtriya Rifles, Army
2. Gafar, 8 Rashtriya Rifles, Army
3. Lieutenant Colonel Mehta, 8 Rashtriya Rifles, Army

*Case Information*

The victim was arrested by personnel from 8 Rashtriya Rifles from Arnora camp, Doda. He was detained for 5 days in the camp and then shifted to Police Station Doda for 14 days from where he was released later. A group of personnel from 8 Rashtriya Rifles stripped him naked, beat him ruthlessly with rifle butts and *lathis*. Electric shocks were given to his genitals. His torture started right from his home from where he was arrested and continued in the camp.

The torture has left the victim with many health complications. His memory has weakened, he has continuous pain in his back, shoulders and knees. He is still on regular medication.

He has received a compensation of INR 12,000 from the government for the loss of his residential house.

Case 129

**Ghulam Hassan Bhat**

Male/ Grocer

Residence: Rajouri Kadal

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

*Case Information*

Ghulam Hassan Bhat used to be a member of Awami Action Committee. One day in 1991, he was whisked away by army near Jamia Masjid where he used to sell vegetables and fruits in a small shop. He was beaten with gun butts on his arms, thighs and back for about

45 minutes till he was half dead. The bones in his legs were fractured and his hip joint broken. He was taken to Bone and Joint Hospital Barzulla, Srinagar by some friends where he was operated upon and his joint was replaced. He remained hospitalized for about 4 months. After 4 months, he was taken to his home but he was unable to walk for 2 years and even today, after 18 years of this incident, he is still faces difficulty in walking fast.

#### Case 130

##### **Ghulam Hassan Dar**

Male/ Businessman

Parentage: Abdul Khaliq Dar

Residence: Dar Mohalla, Duroo, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

##### *Case Information*

Ghulam Hassan Dar had crossed over to Pakistan administered Kashmir in 1989 and stayed there for 9 months. After coming back, he sustained a bullet injury during an encounter in Pazalpora, Sopore on October 12, 1994. He was hit in his abdomen and back. He was arrested by the 5 Guard Regiment, Army in an injured state and when he regained his consciousness, he found himself in Badami Bagh Cantonment, Srinagar. As he was badly wounded, the army first provided medical aid to him but 18 days later he was tortured.

Ghulam Hassan was kept in an underground cell for 1 month and 11 days. He was given electric shocks, and his head was dipped into chilli water, which would enter his nostrils. A roller was also rolled on his body. Following his torture, he was sent to Sonawar for 20 days. He was booked under PSA for 2 years and referred to Central Jail Srinagar for 1 year. He was then taken to Baramulla Sub-jail, where he remained for 1 year and after which he was finally released. In detention, he was forced to sign a document, which stated that he was involved in activities that were detrimental to India's national security.

While he was an active militant, the army would constantly visit Hassan's family and beat them.

For Hassan, the aftermath of the detention has been harsh, cruel and crippling, as he would often be called by the army till 2012. Since 2012, he has not received calls as frequently as before.

#### Case 131

##### **Ghulam Hassan Hajam**

Male/ Labourer

Parentage: Abdul Rahim Hajam

Residence: Duroo, Sopore, Baramulla

Alleged Perpetrators/Agency:

1. Dy.SP Mukesh Bhatia, SOG

##### *Case Information*

A joint party of the police and the army arrested the victim on charges of assisting militants by providing them food and shelter. He was taken to Gunjoo House, Sopore where he was detained for two nights and then shifted to the SOG camp at Townhall, Sopore for ten days. Later on, he was taken to Police Station Sopore for one night and then to Baramulla Sub-jail for one week. From Baramulla Sub-jail, he was shifted to Udampur Jail for nine months, after which he was transferred to Humhama for two months and ten days and then shifted to Police Station Sopore, from where he finally got released.

The victim has never spoken about his torture before. In SOG camp, Townhall, Dy.SP Mukesh Bhatia and another army officer tortured the victim but he does not know the name of the latter. He was beaten with both steel and wooden rods, his legs were stretched, and electric shocks were given to his penis and toes. He was kept naked. He was hung upside down and a roller was rolled on his body. The Dy.SP and army personnel used cigarette butts to burn his skin. The victim, however, was given antibiotics and ointments.

Advocate Abdul Salam Rather, worked on his case in the sessions court Baramulla. The army claimed that they caught him in an encounter and recovered an AK-47 from him. However, since the army never appeared before the court, he was acquitted. He was arrested in front of his family members including uncles and aunts and neighbours. His parents lodged a First Information Report in police station Sopore regarding his arrest. The police told his parents that they would trace their son's whereabouts within fifteen days.

The police disclosed to his parents that he was in custody of the SOG in Town Hall. The SOG personnel met his parents and demanded INR 50, 000. The victim's family came from a modest economic background and they were not in a position to pay such a princely sum. Consequently, he was booked under the PSA.

His family members were very anxious regarding his security; hence, they suffered financial losses because his detention and the army's frequent raids disturbed the working schedule of his father. The police were a mute spectator; they did not act in an impartial way. The police were very timid and were following the directions of the army in a very submissive way.

Case 132

**Ghulam Hassan Khan**

Male/ Shopkeeper

Parentage: Ghulam Nabi Khan

Residence: Palhallan, Pattan, Baramulla

Affiliation: Civilian (His uncle was a militant)

Alleged Perpetrators/Agency:

1. Major S.S. Sinha, Palhallan army camp, Army
2. Dy.SP Mohan Singh, SOG
3. Ghulam Nabi Dar, Ikhwan
4. Ghulam Ahmad Yattoo, Ikhwan
5. Abdul Rashid Malla, Ikhwan
6. Mohammad Shabaan Kawa, Ikhwan

*Case Information*



Ghulam Mohammad Khan, uncle of the victim, was not only an active Hizbul Mujahideen militant but also a commander, due to which the family had to face constant raids and torture.

In 1996, the army killed Ghulam Mohammad Khan in an encounter. After nearly 8 months, the victim was accused of storing weapons. The army headed by Major S.S. Sinha along with *Ikhwanis* Ghulam Nabi Dar, Ghulam Ahmad Yattoo, Abdul Rashid Malla and Mohammad Shabaan Kawa raided the house. In an act of punishment against the family, the army mixed the whole ration of the house and left it unusable. Major S.S. Sinha also stole a carpet from the house of the victim. Later, after one year, when Ghulam Hassan invited him on his marriage, he returned it. He invited the Major so as get rid of this harassment.

In the absence of the victim in the house, his father Ghulam Nabi Khan was taken to the Palhallan army camp. He was tortured at the Camp, resulting in weakened eyesight. After two days, Ghulam Hassan went to the camp, he handed himself over to the army, after which they released his father.

The victim was taken under custody and was tortured due to which he lost consciousness. He was submerged in water for two days till he woke up. Once taken out of the water, the army dug a hole in the mud and placed his body inside the mud hole only leaving his head out. They placed rifles around him. Then Major S.S. Sinha asked him, "What are you going to do now?"

Every time his family visited the camp, they were sent back with the response that, "your son ran away". They even destroyed their house and took away their belongings.

In 1997, Dy.SP Mohan Singh, heading the SOG at Baba Taing picked him up. He was taken to the SOG camp and kept there for two days. He was tortured; a wooden roller was applied on his legs and electric shocks were given to him. Besides this, he was beaten ruthlessly. The victim was tortured on the first day only. He was tortured till he lost consciousness. Then after two days, he was released.

Case 133

**Ghulam Hassan Kumar**

Male/ Guard

Parentage: Abdul Habib Kumar

Residence: Jodi Nambal, Rahama, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Yadav Singh alias Aman, 28 Rashtriya Rifles, Army
2. Akbar Khan, Ikhwan
3. Chidiya, Ikhwan

*Case Information*

First Information Report no. 12/2001 u/s 307 (Attempt to murder), 343 (Wrongful confinement for three or more days), 326 (Grievous hurt by dangerous weapons/means)

Ranbir Penal Code, 1989 (RPC) was filed at the Police Station Panzalla. The May 22, 2012 communication of the Jammu & Kashmir Police states that the case was under investigation. The FIR states that Ghulam Hassan Kumar was tortured by Major Yadav Singh and other army personnel. On February 8, 2001, Ghulam Hassan Kumar, working as a guard at a Sikh family's house, was taken by the personnel of the 28 Rashtriya Rifles and then tortured. Kerosene was sprinkled on his body and his neck was tied. He was released on February 12, 2001. On February 20, 2001 his condition deteriorated.

The family of the victim gave the statement. They state that there was enmity between the families of Abdul Habib Kumar and Abdul Salaam Kumar. This enmity was for the land, which was of Abdul Habib Kumar and his neighbour Abdul Salaam wants to take over it without paying its price to the owner. The sons of Abdul Salaam Kumar namely Khursheed Kumar and Abdul Hameed who were the informers of army gave the wrong information to the army that Abdul Habib's use to provide food and shelter to militants. On February 8, 2001, at around 07:00 pm, Ghulam Hassan Kumar was picked by army 28 Rashtriya Rifles headed by Major Yadav who was called as Amaan in the area and *Ikhwan* identified as Akbar Khan of Kaambar Rafiabad and one more known as Chidya. He was taken from the house of Kar Singh son of Dhiraj Singh resident of the same village, where he was working as watchman. Ghulam Hassan was first beaten on the spot where he was picked and then was taken to the camp of 28 Rashtriya Rifles camped at Tapiana Saab, Salkote, Rafiabad. In the camp army threw kerosene over the body of the victim and was burnt then. A neighbour namely Farooq Ahmad Khan who had seen taking the victim to the camp told the family about the incident on the next day morning. Family approached a person namely Duminder Singh resident of Salkote who had good relationship with the major. They plead to him for the release of the victim. Duminder Singh spoke to the Major for the release of the victim. After four days the Major released the victim. He was in the critical condition as the body was burnt. Family tried to take him to the hospital but the army did not allow them to do so. They forced the family to take the victim home. After three days family took the victim in the night and managed to take him to District Hospital Baramulla.

The Ministry of Defence, in its affidavit before the High Court of Jammu and Kashmir in 2009 on sanctions for prosecution under the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA), stated in relation to this case that it was not received.

Case 134

**Ghulam Hassan Magray**

Male/ Businessman

Parentage: Late Ghulam Mohammad

Residence: Nowpora Jageer, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Arvinder Singh, 73 Battalion BSF
2. Officer Pathik, 73 Battalion BSF

*Case Information*

Ghulam Hassan Magray did not cross the LoC for arms training, but joined Al-Jihad militant outfit as an upper ground worker in 1993. After remaining active for one year, he was arrested from his home by the 73 Battalion BSF in 1994 at Nowpora, Baramulla. He

was taken to the Industrial Estate camp, Baramulla for two days. During that time, he was brutally tortured. On the first day, they beat him and applied an electric current to various parts of his body, such as his armpits, toes, and genitals. The next day, at 3 pm, BSF Officer Arvinder Singh came to Ghulam Hassan, accused him of being a militant, and demanded to know the location of his gun. However, he denied any connection with militancy or possession of the weapon. He was then stripped naked, his hands were tied behind his back, and he was made to lie down. Then they gagged his mouth with his clothing and poured three buckets of water through his nostrils. Whenever his stomach would become bloated with water, two men would jump on to his stomach, which made Ghulam vomit the water back up. An electric current was applied to various parts of his body around 100 times. After this, an iron roller was applied over his legs, which they moved with spiky soled shoes. The scars from these injuries are still visible on Ghulam's legs, because they worsened due to lack of medical treatment. During that torture, he fell unconscious. Once he regained consciousness, one of the interrogators put his clothes back on. Then Officer Arvinder Singh and Officer Pathik instructed him to walk to the gate of the camp, which was between 100 and 200 meters away from the interrogation room. Ghulam was unable to walk, but under coercion, was somehow able to reach the gate.

At the gate, he was taken to Kralhar, Baramulla interrogation camp via the Seer-Delina route. There, Ghulam was kept in a room with around 30 other detainees for one night. During the night, the other detainees gave him blankets and a *Kangri*, which eased his pain to some extent. Ghulam also asked one of the security personnel for a painkiller, but was beaten instead. The next day, Arvinder Singh took him into a tent for interrogation. Inside the tent, they hung him upside down from his feet and beat him with bamboo sticks. They fractured and permanently dislocated one of Ghulam's toes.

After 14 days, he was transferred to JIC Baramulla, where he spent six months. During that time, he was not tortured. From there, he was transferred to Baramulla Sub-jail, and released on bail after 10 days. During his jail term, Ghulam was never taken to a doctor or given any medicine. He instead had to rely on the medicine given to him by his family during visits. After his release, he had to handle his two cases at Baramulla Court and Srinagar Lower Court, because security forces had wrongly filed two FIRs against him, stating that they had recovered a grenade and other ammunition from him. His struggle with the case continued for 14 years, before ending in 2008.

Since his release, Ghulam has to report at different army camps in the area. Initially, he had to report every Sunday, but for the last few years, he has only reported once a month. While reporting, the army forces him to do laborious works in the camps, such as cutting grass, cleaning the road, breaking coal, and cleaning utensils. Once, in 2000, Ghulam failed to report to Bulgam, Baramulla Camp. That night, the army came to his home, beat him, and took him along to the homes of other people who had also failed to report. He then had to report for the next three days straight.

Case 135

**Ghulam Hassan Mir**

Male/ Fruit Businessman

Parentage: Late Ghulam Mohammad Mir

Residence: Nowpora Jageer, Sopore, Baramulla

Affiliation: Militant

**Alleged Perpetrators/Agency:**

1. Commanding Officer Tyagi, BSF

*Case Information*

Ghulam Hassan Mir joined the movement for self-determination in 1990 and went to Pakistan administered Kashmir for arms training and came back in 1992. He remained active for 13 months with Muslim Janbaz Force before he was arrested by BSF. He with another militant in a hotel when the hotel was raided by the armed forces and he was caught. Commanding Officer Tyagi took him to a camp in Sopore. At the camp, he was stripped naked and tortured. After a month, he was shifted to PAPA 2 where he was kept for 3 months before being taken to Gogoland. He claims that the authorities threatened him that if he didn't provide information he would be killed in a fake encounter. Following his detention at Gogoland, he was taken to Gupkar where he was kept for 10 to 15 days.

While in detention, he was severely tortured. Petrol was put in his mouth and electric shocks were given to him. Overall he spent about 4 years in jail. In those 4 years he spent 2 in Jodhpur Jail, and half a year in Tihar Jail. He wasn't released ever after he served his sentence. It was after the intervention of DIG Police, he was released. During his stay in the jail, he was regularly tortured but post his release, after a span of 6 months, he was again detained and tortured in Baramulla. He was released after 3 months. Getting beaten up has been normalized for the survivor now. The torture inflicted on the victim has resulted in health complications. He attributes his poor health conditions to the lack of medical care during the period of his detention.

He was not allowed to meet his family in the entire time of the detention except only thrice; once when he was in Sopore and twice in Srinagar. He claims to have known several people who the army killed in fake encounters, including a 12<sup>th</sup> class student Faizan. These fake encounters were mostly a product of the detained individual's family not being able to pay the army the desired amount demanded by them as ransom.

Case 136

**Ghulam Hassan Mir**

Male/ Shopkeeper

Parentage: Mohammad Mukhtiyar Mir

Residence: Managam, Wagoora, Baramulla

Affiliation: Militant

**Alleged Perpetrators/Agency:**

1. 29 Rashtriya Rifles, Army
2. Major Rajat Dinesh (Kalantra Camp, Baramulla), Army
3. SOG

*Case Information*

Ghulam Hassan Mir went to Pakistan administered Kashmir for arms training in 1990. He was arrested in 1992 when returning to the valley. He was then taken to different army camps and jails where, he claims, he was tortured.

Ghulam states that he was part of a big group trying to get into Kashmir, but they were cordoned and fired upon by the army at Doodiyal Ganga border. The firing continued for one full day, during which 11 militants were killed. Ghulam and a companion managed to escape, but were arrested two days later at Hajinyar, Karnah border by Rashtriya Rifles. They were taken to a nearby camp and detained there for 14 days. Ghulam's torture began from the very spot where he was arrested. He was beaten with bamboo sticks and the butts of guns all over his body, causing blood to start oozing out of his ear and nose. After reaching the camp, they put him into a torture room, stripped him naked, and applied an iron roller over his legs. They tied his hands behind his back, suspended him from the ceiling, and beat the soles of his feet. After taking him down from the ceiling, they beat Ghulam with a spiky leather belt all over his body, which inflicted deep wounds. They also applied an electric current to various parts of his body. Ghulam was subjected to the same torture methods twice a day for two hours at a time. At night, he was blindfolded and kept in a small cell, where it was difficult to stretch his legs. Sometimes, the cell door was opened by guards, who would then prick him all over his body with needles. He was only given tea extract and dal to eat.

After that, Ghulam was transferred to Badami Bagh Cantonment, Srinagar for three months. During the initial 10 days, he was severely beaten. Every day, he was beaten with a spiky iron rod and leather belts. An electric current was applied to various parts of his body from nine in the morning to four in the afternoon. From there, he was transferred to Old Airport Camp for two months. He was only tortured there during the first two days. After that, Ghulam was kept with 20 other detainees in a small room. It was difficult to stand and breathe inside it. The detainees were not permitted to go to the toilet during the night, so they were forced to defecate in a tin inside the room.

After that, Ghulam was taken to Kot Bhalwal Jail for two years, and then to Jammu Central Jail for one year, from where he was released on parole. During his time in jail, he was not tortured. His family was allowed to meet him for the first time after 25 days of his detention at Badami Bagh Cantonment, Srinagar, and for the second time at Kot Bhalwal Jail after 1-½ years.

Five months after his release, Ghulam joined the armed struggle again. After remaining active for about four years, he was arrested on December 3, 1998, by SOG in Srinagar. He was taken to Hajin Camp for three months, but was not tortured there, because he had surrendered his weapon to them. Later, Ghulam was handed over to the 29Rashtriya Rifles of Hamray Camp. He was detained there for 13 days and tortured regularly. He was stripped naked and beaten with sticks. An electric current was applied to his genitals and a steel rod was inserted as well. His body was cut with razors and salt was poured into the wounds. His head was repeatedly dumped into water that had chilli powder mixed into it.

Once, they took Ghulam to his native village for an identification parade during a crackdown. Because he could not identify anyone, he was tortured again. They tied him to a tree, and beat him with thick shafts that had spiky wire wound around them. After the crackdown was lifted, they took him to Kalantra Camp, Baramulla for one night, where he was beaten continuously. The next day, he was released.

After that, Ghulam did not join the armed struggle again, but was picked up from his home again by Major Rajat Dinesh of Kalantra Camp in 1999. During those days, they also picked up Ghulam's father, younger brother, and maternal uncle. Ghulam's father and

brother were released, but his uncle was unable to bear the torture and died in custody. Ghulam and his family were not allowed to register a case against them. The torture that he was subjected to has left him weak and incapacitated.

Case 137

**Ghulam Hassan Parray**

Male/ Fruit Businessman

Parentage: Abdul Karim

Residence: Hadipora, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 19 Battalion BSF
2. 28 Rashtriya Rifles, Army
3. Major Sidhu, 19 Mahar Regiment, Army

*Case Information*

Ghulam Hassan Parray went to Pakistan administered Kashmir for arms training and returned after six months. After remaining active with Al-Jihad militant outfit for about four years, he was arrested in 1994 by the 19 Battalion BSF in his home village during a raid. He was later taken to different army camps and interrogation centers where he was tortured.

Ghulam states that he was arrested by the patrolling party in his village. They saw Ghulam in the village, chased him, and arrested him. He was unarmed. He was taken to Fruit Mandi Camp, Sopore where he was detained for two months. During the first two days, they handcuffed him and threw him into a shed. They did not torture him, but demanded that he become their informant, which Ghulam refused. After three days, they took him into a torture room and tortured him for about four hours. First, they removed all of his clothing, and tied his hands and feet to a table. They later beat him with a sharp spiky leather belt, which led to injuries all over his body. Then they gagged his mouth with a thick cloth and poured a bucket of water through his nose. They would do this for 1 to 2 minutes at a time, until he was close to death. After that, they applied an electric current through his toes. This torture continued for two days. They beat him for a weapon he did not possess. He had had a light machine gun, but had handed it over to his outfit a few days before he was arrested. Failing to elicit anything from Ghulam, they inserted petrol mixed with chilli powder into his rectum three times over the course of his two-month detention. He was kept constantly handcuffed in a shed, and was only occasionally taken out to be tortured. He was also beaten several times by the guard with a bamboo stick on the pretext of having made too much noise with his handcuffs. He was given very scant food there, consisting of one slice of bread and one cup of tea twice daily.

After two months, Ghulam was transferred to PAPA 2, Srinagar for 18 days, where he was treated very poorly. At that time, many militant commanders and political leaders such as Syed Ali Shah Geelani, Ahsan Dar, Shabir Siddique, Javed Mir, and Jamaal Afghani were also detained there. Ghulam, along with 25 other people, was put into a small room, which was only supposed to accommodate five people. They took turns sitting on each other, and were taken out of the room in small groups for torture. There was poor ventilation in the room, and they were not allowed to talk to each other in loud tones. When the door of the

room was opened by a guard, the detainees were forced to greet him with “Jai Hind” (Long live India) in unison. If they failed to do this, the guard would beat them. Once, when one of the detainees did not greet the guard, they were all taken outside at midnight and forced to do squats for about three hours. With every squat, they had to shout “Jai Hind”. Anyone who stopped was beaten and forced to keep going.

In addition to being beaten, Ghulam experienced other forms of torture, including having large rats put into his trousers. The rats would bite him, and he was unable to stop them, because his hands were tied behind his back. He was not allowed to make any noise when this was happening. In addition, the detainees were not allowed to bathe. They were taken in groups of 10 to a tap that had very little water, and had to finish their washing within one minute. They were consistently beaten if they were unable to finish their washing in time. His daily food was very scant, consisting of a single slice of bread without tea. He was never taken to a doctor, or given any medical attention there. His family was never allowed to visit him there.

From there, he was transferred to PAPA-1 for four months. After two months there, his family was allowed to visit him for the first time, which had only been possible with intervention from the Deputy Commissioner. His family could only see him from a 40-foot distance for 10 minutes. There, Ghulam was kept with 15 other detainees in a large, cold hall. Each detainee was provided only one blanket, and a single plate of rice had to be shared between two people. According to the menu, the daily expenditure of food was only INR 3.50 per detainee per day. Once a day, they were allowed out for five minutes to defecate in an open field. If they needed to do so more than once per day, they had to do it in polythene bags inside the room. Ghulam was once taken out for torture, where he was stripped naked and suspended upside down from the ceiling and beaten for nearly 3 hours. He was never taken to a doctor or given any medicine. His wounds became more severe, to the point that pus was oozing out of them.

From there, Ghulam was transferred to JIC Rangreth, Srinagar for four months. There, the condition was a bit better. He was not tortured there, and he was given 17 Indian rupees worth of food every day. His family was allowed to visit him there every week. After that, he was transferred to Rangreth Sub-jail for 14 months, where from he was released on bail. Two years after his release, his case was finally quashed by the court.

After his release, he had to report at various army camps in the area every week, a practice stopped in 2008. Now he no longer reports anywhere. When reporting, he was forced to do laborious work, such as cutting grass, building a fence, breaking coal and cleaning drains inside the camp. Additionally, he and other ex-militants in the area faced harassment by the army whenever an incident took place nearby. They were also always summoned to the camp every year a few days before Indian Republic and Independence days. Once, during reporting, Ghulam was forced by 28 Rashtriya Rifles of Watergam Camp to suspend himself from an apple tree for an entire day.

In 1997, Ghulam was picked up again by the 19 Mahar Regiment of Reban Camp, led by Major Sidhu. The regiment raided his home and took him with them. The Major forced him to carry a 30 kg milk powder tin to the camp. After he took it to the camp, Ghulam was detained there for four days and tortured. That year, the Major picked up all the ex-militants in the area one by one and tortured them for no reason. During his four days of detention, Ghulam was tortured twice daily. On the first day, he was stripped naked and

beaten with bamboo sticks. They applied a wooden roller over his legs, and an electric current to his genitals and other body parts. These methods of torture continued for four days. After he was released, Ghulam was unable to move for about a month. The torture that he was subjected to on various occasions has left him weak and incapacitated. He is unable to do any physical work and cannot walk long distances.

Case 138

**Ghulam Hassan Parray**

Male/ Student

Residence: Lawaypora, Srinagar

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG

*Case Information*

Ghulam Hassan Parray's father Rashid Parray was killed on November 6, 1995. He was associated with Jamaat-e-Islami. In Umar Abad, his father was arrested and tortured for seven days. The Army asked for a payment of INR 350,000 for his release. Parray's family did not have that much money. The Army came the next day again and asked for INR 100,000 in cash. After two or three days, they came again and asked for INR 25,000. Parray's wife's sister sold her jewellery and gave them the money. The Army said that they would then release Parray. Parray was brought to the village and when he began walking towards his house, he was shot from behind and died on the spot.

A year prior to that, in 1994, his son, Ghulam Hassan Parray, was arrested and interrogated by Rashtriya Rifles. This was highlighted by the media. He was a student of ninth class then. Ghulam was interrogated about his father's contacts. He said that his father was a member of Jamaat, but was not a militant. He was then tortured. He was beaten with iron rods, a roller was applied over his whole body, and he was thrown against a wall, which broke his right knee. After the media highlighted his case, Ghulam was released.

In 1995, when he was preparing for his 11<sup>th</sup> grade exams, the Army came to Ghulam's house and knocked on the door. His three sisters, two brothers, and mother were sleeping. Ghulam asked who was there, but there was no answer. On the third knock, the Army responded and he found that his house had been cordoned. He was asked to wake up his whole family and gather in one room. The officer asked him to help them search the house. His sister insisted that she go with them, but they locked her in a room with the rest of the family and took Ghulam away to the camp. Ghulam was beaten with the muzzle of a gun, which caused him to bleed from the mouth and become deaf in one ear. There were six men who beat him up. He had no weapons with him. They interrogated him about pistols and a wireless set, which Ghulam believes was just an excuse for them to torture him. After the beatings, he was unable to recognize anyone. He asked them to leave him, so that he could buy a gun and give it to them, because he really did not have one with him. He repeatedly told them that he was a student with no connection to militancy, Pakistan, or weapons. Ghulam said that he had never been to Azad Kashmir or Pakistan, and that by such torture; they were forcing him to take up gun. He was then lit on fire and burnt. Someone took him out of flames and again asked for gun, but he repeated that he still did



not have one. That person shot at him, but the bullet missed. Ghulam does not know whether it was deliberate or accidental. He was given worm infested food to eat. He could not even chew or eat anything with his own hands.

One morning, an officer came and asked Ghulam to give up whatever he had. Ghulam replied that he had only his 11<sup>th</sup> grade exam books, his land, and his house and he was willing to give up everything. They began interrogating him again, and due to beatings, Ghulam lost consciousness for eight or nine hours. Electric shocks were given to him, after which he was soaked in water. His head was dunked in water mixed with chilli powder. The people from his village raised a hue and cry about his arrest, and blocked the national highway for five hours. The officer in-charge decided that the situation was getting difficult. Ghulam was taken in a jeep and abandoned on the open road. He does not know who came to pick him up and take him to hospital. He stayed in Bone and Joint Hospital Barzulla, Srinagar for twenty-two days, during which he could not move, eat, or chew. He was on a liquid diet. After twenty-two days, he could walk on his own again. All of that was a result of two days of torture.

In 1999, Ghulam was picked up again. He used to teach Quran to 97 young boys and girls in a tin shed in the village. One and a half months after opening the school, the SOG came to Ghulam's house. He was not there, so his younger brother was picked up. Ghulam was informed of this, and learned that the Army wanted to ask him something. Ghulam then went to the SHO and had his brother released. Then the personnel from Air Cargo SOG camp, Srinagar got hold of him. He was beaten with his own belt. Then he was taken to a room, which contained human bones, flesh, and blood stains. Ghulam was told that if he did not speak, he would end up like the remains in that room. Ghulam agreed to only tell the truth.

He was hung upside down, his head was drowned in water mixed with chillis, and he was badly beaten up again. He was left after three and a half hours, and asked to surrender his gun. The Dy.S.P. came in the morning and asked about his school. Ghulam was ordered to close it. The reason given was that the children would end up as "terrorists" if they studied with Ghulam. He replied that he only taught religion, and not terrorism. Still, Ghulam agreed to close it. However, he asked what to do if students came to his house to learn. The Dy.S.P. said that in such cases, Ghulam would be allowed to teach them. He still teaches students in his home.

After that the forces from the camp have not asked him anything. Ghulam says that no one would believe he is the same person after the torture. Even today, he suffers from chronic pain all over his body, and has frequent intestinal infection as a result of torture. He has not had any relief from his miseries.

Case 139

**Ghulam Hassan Parray**

Male/ Labourer

Parentage: Abdul Aziz Parray

Residence: Soinsaydnar, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF

## 2. Gorkha Regiment, Army

### *Case Information*

Ghulam Hassan went to Pakistan administered Kashmir for arms training in 1990 and returned after six months. After remaining active with Operation Balakot outfit, he was arrested at Hebb, Rafiabad by BSF during a raid in the house in which he was hiding. He was then taken to different Army camps where, he claims, he was tortured.

Ghulam states that he was arrested while he was unarmed and hiding in someone's house. The BSF raided the house, picked him up, and took him to Langate Camp, where he was detained for three months. During the initial 10 to 15 days, Ghulam was regularly tortured 2 to 3 times per day. He was stripped naked, beaten with bamboo sticks, and a heavy wooden roller was applied over his legs and back. An electric current was applied to his various body parts, including his genitals. His head was also dunked into water for 2 to 3 minutes at a time. He would be suspended upside down from the ceiling for hours at a time. Ghulam was beaten for a weapon, which he had given to them on the second day of his detention. However, he continued to be beaten. His family was allowed to visit him after 15 days of his detention. As his condition was worsening day by day, he was released after three months.

Ghulam did not join the armed struggle again after his release, but was again picked up by the Gorkha Regiment in 1992 at Panzalla, during a crackdown. He was taken to Baramulla, (JR Camp) for one month. There, he was tortured further for the weapon, which he did not possess. He was tortured once daily for one hour at a time, during which he was beaten with bamboo sticks and leather belts. After one month, he was transferred to Badami Bagh Cantonment, Srinagar for nine days. There, he was not tortured and was finally released. Ghulam was never taken to a doctor or provided any medicine in either place, but his family was allowed to meet him at both places once a week.

After his first release, Ghulam had to report at various camps in the area every week. There, he was often forced to do laborious work, and kept hungry the whole day. He was harassed and beaten by the army under trivial pretexts. Due to the torture that he was subjected to, he developed several severe health problems.

Case 140

### **Ghulam Hassan Rather**

Male/ Farmer

Residence: Tarzoo, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

### *Case Information*

Ghulam Hassan Rather went to Pakistan administered Kashmir in 1990. Training for two years, he came back to the Valley and remained active with the Al-Jihad militant outfit. He was arrested by the Army in 1993 during a crackdown in his village. After being caught, he was first taken to a nearby abandoned house and beaten severely for an entire day. He was

then dragged into a vehicle and taken to the Kreeri Camp by the Rashtriya Rifles. At the camp, he recalls being allowed to drink water. Rather claims that he was tortured for four to six days at the Kreeri Camp and was not even allowed to excrete during that period. He was first stripped naked and his hands were tied behind his back. He was then subjected to sustained drowning in water, which contained spices and other chemicals. An iron roller was rolled over his legs and thighs.

He recalls being transferred to the Shariefabad Camp. The victim was tortured at the camp for 12 days and remained at the camp for 15 days. He was kept in a tiny cell at Shariefabad Camp, where he often lost consciousness. He was humiliated and made to crawl. Rather had handed over his weapon to the other members of the organization. He was sent home after a month of remaining active. Rather did not know their whereabouts. Following the torture, Rather got himself treated but his poor economic health did not allow getting proper treatment. Sometime later, Rather claims to have been abducted by the BSF and tortured for a whole day. He was taken by the Army a second time during a crackdown on his village.

For a long time, he had to report at the Panzipora Army Camp once a week, where he was made to do unpaid menial jobs. Once when failing to report in time because of his deteriorating health, he was abducted by the Army and tortured. Rather was hung upside down and tortured rigorously. Later, he would have to go to the Sopore Camp and do menial jobs for the Army and was beaten up if he refused to do so. Now he has to give attendance at the Amargarh Army Camp in Sopore once in a month. He complains of deteriorating health issues like body aches and general aches, but does not have the economic means for proper treatment or medication.

The victims' relatives were only allowed to meet him after six days at the Kreeri Camp and on the last day at the Shariefabad Camp. The victim did not seek any compensation from the government or register a case with any law enforcement agency.

Case 141

**Ghulam Hassan Sheikh**

Male/ Farmer

Parentage: Abdul Ahad Sheikh

Residence: Parraypora, Hadipora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Pathik, BSF (Kralhar Camp)
2. Officer Sharma, BSF (Kralhar Camp)

*Case Information*

Ghulam Hassan went to Pakistan administered Kashmir for arms training in 1994 and returned after 15 days. He remained active with Al-Jihad militant outfit for about two months. That same year, he was arrested by BSF during a crackdown from a house where he was hiding. He was later taken to different camps and jails where, he claims, he was tortured.

Ghulam was hiding in a relative's house, without a weapon, when he was arrested by the

BSF. They began torturing him in the house itself. They took him into one of the rooms, removed all of his clothes, and tortured him for about one hour. They beat him with the butts of their guns, dunked his head into water several times, applied a roller over his legs, and inserted petrol into his rectum. Following this, they took Ghulam into the High School building of the village, where he was tortured again for about two hours. They stuffed a towel deep into his throat, and beat him with bamboo sticks. This continued for half an hour, until Ghulam began to suffocate. At this moment, something happened outside the school that caused commotion. The towel was then taken out of his mouth and he was pushed into a vehicle. Ghulam was then taken to Kralhar Camp, Baramulla where he was detained for two months.

Upon arrival, Ghulam was pushed from the vehicle to the ground, and then taken into a room by other detainees. After some time, two interrogators came and put a spiky rod down his throat. They rotated the rod once it was down his throat, which caused many deep wounds. When they removed the rod, a lot of blood began flowing from Ghulam's mouth. Later, they inserted a large iron nail into his neck. The next day, he was taken into the torture room, suspended upside down from the ceiling for about eight hours. During that time, Ghulam was beaten on the ankles by senior officers JD, Pathik, and Sharma. After that, they heated a pair of handcuffs over a stove, and then put them on to Ghulam's hands and ankles for about five minutes. This caused deep wounds on his wrists and feet, and he could smell the burning of his flesh. He was then thrown into a small room with about 40 other detainees, in which it was difficult to fully stretch his legs. They were not allowed to use the toilet more than once a day, and therefore usually had to defecate into polythene bags.

From there, Ghulam was transferred to G-Branch Baramulla for one month. Upon arrival, he was put into a small underground cell for 48 hours without food or water. Then he was taken into another room, and forced to look directly at a high voltage light bulb for one hour. After the light was turned off, Ghulam was unable to see anything. A man was sent into the room who kicked and punched Ghulam continuously for half an hour, which caused his entire face to swell up and turn black. After that, another group of interrogators came and inserted a thin steel rod into his genitals, through which they applied an electric current. He was given a break from the torture for one day. The next day, they applied a heavy spiky wooden roller over his legs, which punctured deep wounds into his thighs, which then became infected due to medical negligence.

After that, Ghulam was transferred to JIC Baramulla for nine months. During the initial three days, he was tortured twice a day for two hours at a time. He was beaten with leather belts, his head was dunked in water, an electric current was applied to his various body parts, and petrol mixed with chilli powder was inserted into his rectum. However, after one week, they took Ghulam to a doctor, who gave him ointment and painkillers.

After nine months, Ghulam was released.

In 1997, he was picked up again from his home by the 14 Mahar Regiment of Reban Camp and detained there for two days. During that time, he was severely tortured again. He was beaten with bamboo sticks and spiky leather belts, and an electric current was applied to his various body parts.

He did not join the armed struggle again, but had to report at various camps in the area once a week. There, he was forced to do laborious work and harassed for trivial issues. The torture that Ghulam was subjected to has had a negative effect on his health. He is unable to do any physical work, and suffers from intestinal problems, including constipation.

Case 142

**Ghulam Jeelani**

Male/ Clerk at a flour mill

Parentage: Haji Sher Mohammad

Residence: Khodi Mawar, Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. Rashtriya Rifles, Army

*Case Information*

Ghulam Jeelani was never associated with any militant organization but was constantly harassed and beaten by various Indian agencies for approaching human rights organizations regarding his younger brother's case. His younger brother had been picked up, tortured, and thrown down a hill by personnel from an Indian intelligence agency. Jeelani was once picked up by SOG in 2004 from Srinagar and subsequently tortured in custody.

Jeelani claims that his younger brother was picked up by Intelligence agency in 2001. He was tortured and later thrown down a 300 feet hill, but he miraculously survived. One month after the incident, various Indian agencies began coming to their home and harassed them on trivial pretexts. They threatened Jeelani and his brother with dire consequences if they would not refute the media reports against them. Jeelani took the case to Amnesty International, which in response issued 'Urgent Action' for the safety of his family. The harassment stopped for a few months, but then started again. They would beat him, harass his family members and ransack their household items. They would come almost every week at any random time. Due to the constant harassment and several rape cases by the Indian Army in the area, Jeelani moved to Srinagar along with his family, as he feared the armed forces might bring harm to his daughter. Since then, he has been living in a rented house in Srinagar. In 2004, he was picked up by SOG from the flour mill where he was working. They took him to Air Cargo Camp, Srinagar where he was detained for 10 days. They tortured him continuously during the initial four days. On first day, they tortured him for about four hours. They first stripped him naked and beat him with bamboo sticks and leather belts. After that, they applied a heavy wooden roller over his legs. They also tied him to a chair and several personal stretched his legs in opposite directions. They inserted a thin steel rod into his penis and applied an electric current through it, which caused him to suffer from erectile dysfunction for a long time. They also inserted chilli powder into his rectum. They beat him for having a connection to militants, which was a false allegation. The same torture continued for four days.

After that, they tortured Jeelani psychologically. They threatened to kill him or trap him in a false militant case. This was all the result of a personal grudge that the Indian Army had against him and his family. They also demanded INR 60,000 from his family in exchange for his release. Jeelani was released after ten days, after his family gave the desired money

to the Army. Even after his release, he lived under the constant threat that he could again be picked up by the Indian agencies. His younger brother was also continuously harassed in their native village. He was picked up again in August 2008 by the Rashtriya Rifles and was booked in a false case of supporting militants and instigating people to join the armed struggle.

Case 143

**Name and identifying information withheld**

Male

Residence: Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Hilal Haider, Ikhwan
2. Tahir *Phoph*, Ikhwan (now working with Territorial Army)
3. Seatha Gujjur, Ikhwan

*Case Information*

On October 27, 1990, the victim's 16-year-old son was killed by the Indian armed forces in Cheeni Chowk, Anantnag. He had no militant affiliations. Militants associated with JKLF had fired some rounds in Cheeni Chowk following which the Army came and burnt the whole Malakhnag area down, killing two children in the process – including Ghulam's son. The events of his son's death perturbed him, and he left his job as a teacher to become involved with Kashmir's right to self-determination movement.

One day, when he was going to his friend's place in Shopian to buy rice, he was caught in a crackdown. The armed forces accused him of being a militant, even though he was not affiliated with any militant organization at that time. First, he was taken to Police Station Pantha Chowk, where he was tortured for 13 continuous hours. He tried to explain to them that he was not a militant and was simply trying to buy rice, but they would not listen and tortured him because they suspected he was an Afghani militant. Ghulam was then taken to the JIC Pulwama. At the JIC Pulwama, the armed forces burned his feet to the point causing an infection. They heated an electric plate, on which they put his feet. They inserted a thick stick into his mouth all the way down into his epiglottis. He was severely beaten, his nose was broken and cut with a knife, and they burned his body with a hot clothing iron. His genitals were thrice given electric shocks with metal needles. His throat would become so clogged with blood that it took much hardship to breathe. Because of the blood clogging his mouth and frequent unconsciousness, the victim was unable to eat or drink anything for eight days. They folded his body and bound it together, and then kicked him around like a football. When they finally pulled the stick out of his throat, many of his teeth came out with it. During this time of torture, they inquired at many police stations about the victim and were investigating whether or not he was affiliated with the militancy. The victim was taken to the Badami Bagh Cantonment Hospital, Srinagar where he was admitted and treated for 22 days. The blood clot in his throat was removed, and he was able to recover a bit.

After his hospital visit, they took the victim to Gogoland, Humhama. He remained there for 22 to 23 days and was not tortured. Instead, he was interrogated for 11 days, during which they asked him about his case history and he explained his innocence to them. He was released afterwards. However, he was only home for eight days until another crackdown

took place, and he was arrested once again by the Army. They took him to Khanabal Army Camp, where they kept him and 21 other men outside in the snow for three days. There he was forced to drink urine. He was also suspended upside down naked, and they used a roller on his arms and legs. Then they took him to Awantipora where he was interrogated once again. He was released after 11 days.

Following this torture and unable to take it anymore, the victim became associated with the Hizbul Mujahideen as an over ground worker. In 1996, when he was in Akoora, a car containing men from Muslim Mujahideen (renegade group) pulled over on the street and arrested him. He was taken to Janglaat Mandi Camp in Anantnag (Islamabad), where they intended to kill him. However, many people came to his rescue and advocated for his release and the *Ikhwanis* were pleaded by people to not kill him as he was the only person able to provide for his daughters. He was then taken to the *Ikhwan* Camp in Mattan Chowk, Anantnag where he was kept for six days. Among the *Ikhwanis* there were Hilal Haider, Tahir *Phoph*, Seatha, and many more. The Army asked the *Ikhwanis* to kill him because he was associated with Jamaat-e-Islami, but Seatha took the victim with him to Dangerpora to a house where he used to stay and kept him there. When the Army asked Seatha if he had killed the victim, he said yes. Then Seatha handed him over to the SOG, who detained him for two and a half months in JIC. There he was tortured and made to drink alcohol so that he might speak the truth.

In March, the victim was sent to the Central Jail, Srinagar. After nine months, he was released, and ran away directly to Pahalgam so as to avoid being arrested and apprehended by the renegades (*Ikhwanis*). He eventually reached the Wadwan mountain range, where he lived for 3 years. Over the next decade and a half, the victim lived with nomads in the forests. His family used to visit him in Pahalgam. After 20 years, he finally returned home to his son and two daughters. It was the fear of both the Army and *Ikhwan* that caused him to live in Pahalgam for such a long time, away from his home and family. He even started his own business while he lived there.

Ghulam's health has badly impacted as a result of the torture. Because of what the Army did to his feet, he could not walk for six months and he had to crawl instead. He still has limited mobility. He has been impotent for 25 years, and his eyesight is weak.

Case 144

**Ghulam Mohammad Dar**

Male

Parentage: Habibullah Dar

Residence: Maidanpora, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 56 Battalion, BSF

*Case Information*

Ghulam Mohammad Dar crossed the LoC in 1992 for arms training and stayed there for about one year before returning in 1993. He was active with Al-Jihad militant outfit for about one year before he got arrested at Sopore in 1995 by 56 Battalion BSF. He was taken to the BSF camp at Water Tank Sopore and kept there for about one month and then shifted to JIC

Baramulla for 8 months before being released. During the days when he was active, his family members were beaten and subjected to all sorts of harassment and other inhuman treatment.

During the torture, he was beaten with wooden rods, his legs were stretched, electric shocks were also given to him about six times, each time for a duration of about 10 seconds, including in his private parts. He was kept naked, held upside down, a roller was also applied on his body and his head was dipped in water for about 10 times.

He was given some ointment and antibiotics during the torture, and eventually released on bail. The charges against him were annulled after 10 years. The torture caused his health to deteriorate resulting in constant headache and joint aches. His employment opportunities were also affected because he was detained too often, unnecessarily summoned and harassed by the Army, held at camps through the day and made to perform laborious work in the camps. He has had to face a lot of challenges on the social and economic front in addition to marital discord because he is unable to offer anything to his family.

#### Case 145

##### **Ghulam Mohammad Dar**

Male/ Farmer

Parentage: Sanaullah Dar

Residence: Wangipora, Sumbal, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashid Bucha, Ikhwan
2. Ali Kulloo, Ikhwan
3. Manzoor Naabid, Ikhwan
4. Fayaz Naabid, Ikhwan
5. Shafi, Ikhwan
6. Ghulam Mohammad Mir (alias Moma Kana), Ikhwan

Testimony by the victim's wife, Ashia Begum

#### *Case Information*

It was on an evening in 1995 as Aisha Begum's husband Ghulam Muhammad returned from work when few *Ikhwanis* entered their our house along with Rashid Bucha R/O Shilwath, Ali Kulloo R/O Dempora, Sumbal. They caught her husband and dragged him out. It was a large group of *Ikhwanis* including Manzoor Naabid, Fayaz Naabid and Shafi. Aisha requested them to free her husband but they refused. They took him to the house of a Kashmiri Pandit, Pandit Janki Nath where the head of *Ikhwan* Ghulam Mohammad alais Moma Kana was present. Within half an hour, her husband was killed. There were no bullet marks on his body but some torture marks were visible. Following his killing, there was a huge protest against the *Ikhwanis* but the *Ikhwanis* threatened the family immediately take away the body or they would burn it up.

#### Case 146

##### **Ghulam Mohammed Dar**

Male

Residence: Rakhi Haigam, Sopore, Baramulla

Alleged Perpetrators/Agency:



1. 131 Battalion, BSF

*Case Information*

On June 17, 1994, Ghulam Mohammed Dar was arrested in Haigam, Sopore by 131 Battalion BSF. He was taken to the Industrial Estate camp in Sopore and later to JIC Baramulla. While narrating the method of torture that the forces used, Dar states that the Indian armed forces crushed his thigh muscles and back with a heavy iron rod. Two army officials sat on both sides of the rod and exerted pressure. They also applied electric shocks to his various body parts, such as his penis and forehead. They used the main electricity server while giving him electric shocks. In addition, Chilli-water was poured into his mouth, and chilli powder was put into his rectum. They hung him upside down for three straight days and burned the flesh of his buttocks.

As a result of the torture, Dar had severe injuries all over his body. His fingers, elbows, and knees were broken. He was never given any medical treatment at the camp or a visit to a doctor, and his family was not allowed to bring him any medication either.

Case 147

**Name and identifying information withheld**

Male

Residence: Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Ghulam Nabi Daand, Ikhwan
2. Abdul Rashid Munshi, Ikhwan

*Case Information*

In the April of 1992, the victim was an employee at Forest Department in Pohru Addigam Jungle. One night, some militants came and camped there for the night. Soon after, the Army came for the militants and picked up the victim with them and took him to their camp wherefrom he was taken to PAPA 2, an infamous torture centre where the victim was brutally tortured and interrogated. The armed forces broke his arms and legs, water boarded him, electrocuted his genitals with electric rods, and used a roller over his body. When the Commanding Officer at the camp asked the victim about his identity, he told him that he simply worked for the Forest Department. The victim was arrested along with the militants, and transferred to the Srinagar Central Jail. The victim was released on December 14, 1992.

Following his release, the victim returned to his job. One day the victim was travelling to Kokernag to buy slippers for his daughter, he was arrested by *Ikhwanis* Ghulam Nabi Daand of Sagam and Abdul Rashid Munshi of Gudmun, Laarna. They took him to Sagam Camp, where they burned his beard and face to the point that he became unrecognizable. They demanded to know about the weapons, because he was a Harkat-ul-Mujahideen sympathizer. They removed his clothes, poured petrol all over his face and body, and lit him on fire. His body was badly burnt, but his face was completely disfigured. The *Ikhwanis* wanted to kill him, but the uncle of Mushtaq Ahmad Daand saved him, as the victim had helped his nephew secure a permanent job in a Government department. After 24 hours, he was released. In 1997, he paid them INR 16,000 as extortion money.

After he was released, the victim confided his life to his job and his home. His knees pained a lot; his urinary tract would often become blocked due to the torture that he had faced. His wife states that the *Ikhwanis* came to burn their house down. They pulled her hair out and tore her clothes, while threatening to kill or abduct their daughters.

Case 148

**Ghulam Mohammad Sheikh**

Male/ Labourer

Parentage: Ghulam Nabi Sheikh

Residence: Tantray Pora, Palhallan, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Dhandaan (probably alais), Army(Palhallan army camp)
2. Major S.S. Sinha (alias Liyaqat), Army(Palhallan army camp)
3. Abdul Rashid Ganai, Ikhwan
4. Latief Mir, Ikhwan
5. Ghulam Mohammad Waza (alias Amma Waza), Ikhwan
6. Ghulam Nabi Bhat, Ikhwan

*Case Information*

The victim was picked up by army many times during crackdowns. After the establishment of the Palhallan army camp, the victim was taken to the camp many times. He was accused of being informer to militants.

Once during the time of Major “Dhandaan” the victim’s house was raided by army and government gunmen. They cordoned the victim’s house. The army was led by their Major “Dhandaan” and the government gunmen accompanying the armed forces were Abdul Rashid Ganai, Latief Mir, Amma Waza and many others. As army raided the victim’s house, the victim and his family rushed upstairs and began to shout in order to draw attention of the neighbours, who would listen to their shrieks and would come out, possibly to help them. The Army and Ikhwanis broke open the door and barged into the house. They went upstairs and brought the family down. The victim was beaten along with his family: his mother Raja Begum (60) and wife Taja Begum (35). Army took the victim to Palhallan camp and he remained detained there for 3 days. During these 3 days he was tortured; roller was applied on his legs for about 10 minutes and simultaneously they were demanding to know about the militant whereabouts. Around 8 to 10 army personnel tortured the victim, which lasted an hour. Following his torture, he was taken to the office of the Major and he too demanded to know from the victim about militant whereabouts. The Major beat up the victim with a belt. On the fourth day they released him.

Once a government gunman named Ghulam Nabi Bhat came to the victim’s house at around 7:00 pm and told the victim that Major Liyaqat wanted to see the victim at the camp. The victim went to the camp accompanied by the government gunman and army personnel. Other persons were also picked up on the way. In the camp they beat the victim and dunked his head in water. One army personal was dunking his head into the water and another army personal was putting electric wires into the water to give him electric shocks. This torture continued for around 10 minutes. On the next day he was released.

Case 149

**Ghulam Mohi-ud-din**<sup>293</sup>

Male

Parentage: Dilawar Malik

Residence: Mala Mahore, Udhampur

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

Ghulam Mohi-ud-Din petitioned in the SHRC that he was dragged and tortured by the Police officials due to which he had to be hospitalized. The police in its report submitted to the SHRC stated that Ghulam Mohi-ud-din was involved in a criminal case. A case under FIR No. 171/99 had been registered against him.

Ghulam Mohi-ud-din produced a certified copy of the order of the Judicial Magistrate, Mahore of his case in the said FIR. The Judicial Magistrate had dismissed the charge sheet produced against him in the court.

The SHRC in its order stated, "From the medical prescriptions and the discharge certificate filed by the complainant it is established that the complainant was tortured by the police officials and thus committed a great violation of human rights. It has seen that police first commit the offence and then register the case against victim with counter allegation."

The SHRC recommended the Chief Secretary to start a departmental enquiry into the case by the officer of a rank no less than SSP and DGP Jammu & Kashmir was directed to provide interim compensation of INR 15,000 to the complainant. It was also directed that the money should be taken from the salaries of the erring police officials if found guilty in the Departmental enquiry.

Case 150

**Ghulam Mohi-u-Din Dar**

Male/ H.R worker, Public Health Engineering Department

Parentage: Abdul Aziz Dar

Residence: Kalihand, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Kulbir Singh, 8 Rashtriya Rifles, Army
2. Milkeet Singh, 8 Rashtriya Rifles, Army

*Case Information*

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<sup>293</sup> Source of the case: SHRC Annual Report

Ghulam Mohi-u-Din was arrested in August 1995 by 8 Rashtriya Rifles and kept in detention in their camps, first in Udyanpur and later in Arnora. He was beaten with lathis and rifle butts in Udyanpur camp. He was tortured by Sardar Kulbir Singh and Milkeet Singh. He was again tortured in Arnora camp where he underwent third degree torture. He was released after seven days of detention.

Due to the torture he has faced, he suffers from general weakness in his body.

Case 151

**Ghulam Mustafa Bandey**

Male/ Government employee, Fisheries Department

Residence: Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

On August 5, 2008, there was a curfew in the valley, during which the military had warned the people of Handwara region to keep inside their houses. After the daily *Namaz* at the *Masjid*, Ghulam's family heard the wail of a child who was being beaten by men from the Indian armed forces. The neighbours had already gathered and were yelling slogans against the Indian forces. Ghulam's uncle, hearing the commotion, came out of the house to check what was going on. During this time, the Army had started using gunfire and tear gas against the people. In this process, a stray bullet hit Ghulam's uncle in the stomach. Ghulam and few relatives transported him to the district hospital. There were immediate agitations against this incident in the neighbourhood and near the hospital. The entire family reached the hospital and saw the police trying to control the crowds. The use of tear gas was followed by force and *lathis* to control the crowd. Ghulam was also beaten up by the police and injured on the shoulders. He then heard that his uncle was to be transported to Srinagar, and he was to accompany his uncle's family. However, he was detained in the hospital. From there, he and five others were taken to the SOG camp in Handwara. The SOG personnel took off all their clothes and their hands were bound by ropes and handcuffs. Ghulam states that there were already 20 others in the camp. The police continued to beat them with iron and gaze rods for four to five hours. They were forced to lie down and were beaten again by three policemen at a time. They were given only breaks for the time taken for three other policemen to replace the ones who were doing the beating.

After the death of his uncle, there was political pressure on the police, so they stopped beating him and the others in custody. The police were forced to release him and his family, and promised that there would be no case against them. However, fifteen days later, they found out that there was one case filed against them in the court. He was charged under Sections 188, 148, 149, 353, 333, and 307 of RPC.

Ghulam received no medical treatment in custody, but a doctor was asked to come to his home after he was released, because he was not even able to move. Ghulam says that at times, the pain stabs him in his genitals when he sleeps. He had to take leave for 10 to 15 days before he could return to work. Currently, there is an ongoing case against him. He

says that he feels betrayed that whatever was done to him by the police has been used as allegations against him in the charge sheet.

Case 152

**Ghulam Mustafa Sheikh**

Male

Parentage: Ali Sheikh

Residence: Loas, Bhadaat, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

Without informing any of the family members, Ghulam Mustafa, *Imam* of the village masjid, was arrested by troops from 26 Rashtriya Rifles from his home in 1994 and taken to the nearest camp where he was illegally detained. The victim was subjected to severe torture as he was beaten continuously for the first thirteen days, which caused damage to his kidneys. He was given third degree torture and no medical examination was conducted during his detention, which lasted for a month. At the time of the release, he was threatened and forced to put his signatures on a blank paper.

Case 153

**Ghulam Nabi Batt**

Male/ Government employee, Consumer Affairs and Public Distribution Department

Parentage: Abdul Ghani Batt

Residence: Nagbatna, Drabshalla, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

Ghulam Nabi was arrested in November 1996 by personnel from 26 Rashtriya Rifles stationed at the camp in Nool Padar road near Kuleed in Kishtwar. He was released after three days. He was beaten with leather belt and his body was burnt with live cigarette butts. He was also verbally abused.

He usually feels unwell. He has regular pain in back and shoulders.

Case 154

**Ghulam Nabi Bhat**

Male/ Shopkeeper

Parentage: Mohammad Maqbool Bhat

Residence: Dooru, Sopore, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. 21 Rashtriya Rifles, Army

*Case Information*

In the year 1992, Ghulam Nabi Bhat went to Pakistan administered Kashmir for arms training and was detained by 21 Rashtriya Rifles while returning, while the others in the group were killed. He was detained in Macchil and was taken to Dhoodi Camp and then shifted to Zangil camp. He was kept in both the camps for a period of six months. After six months, he was shifted to Hiranagar sub-jail for two years.

During the interrogation, he was beaten with leather belts. He was given electric shocks in his private parts. Roller was used on his body. His head was dunked into the water containing chilli powder. He was some given medical assistance during his detention but according to him that was insufficient and negligible. His family was allowed to meet him after six months.

His family was also harassed. His brother was beaten and his sister was humiliated by hurling lewd remarks at her.

Case 155

**Ghulam Nabi Khanday**

Male/ Contractor, R&B and Rural Development Department

Parentage: Mohammad Wali Khanday

Residence: Gotha, Bhagwah, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Manjeet, 10 Rashtriya Rifles, Army

*Case Information*

Ghulam Nabi was tortured for the first time in March 1995 when he was coming back from Shimla to his native village in Doda. He was detained by personnel from 10 Rashtriya Rifles and beaten ruthlessly with rifle butts. He received multiple injuries on his body and his left leg was fractured. It took three months for his leg to heal.

He has been tortured about a dozen times after 1995. His wife has been tortured many times along with him. He has frequent headaches and pain in his left leg. He is still unable to do hard physical work.

He received a compensation of INR 50,000 for his house, which was burnt down by the army.

Case 156

**Ghulam Nabi Parray**

Male/ Tailor

Parentage: Abdul Kareem Parray

Residence: Hyder Colony, Tulmulla Ganderbal

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Major Yadav, Army(Tulmullah Camp)

Testimony by the victim's father, Abdul Kareem Parray

*Case Information*

Ghulam Nabi Parray was a well known tailor and had nothing to do with militancy. On February 16, 1997, he was picked up by army personnel headed by Major Yadav and taken to Tulmulla Camp. There he was brutally tortured. On February 17, 1997 his dead body was handed over to Police Station Ganderbal at around 9 pm. Torture marks were visible on his body. Army had pumped dozens of bullets in his chest. Ghulam Ahmad, a relative who buried the body said that blood was oozing out from it. His wife has been left too shattered by the incident to even be able to talk about it.

Case 157

**Ghulam Nabi Rather**

Male/ Teacher

Parentage: Haji Khazir Mohammad Rather

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Ikhwan

*Case Information*

Abdul Rasheed was picked up by *Ikhwanis* from his home along with his elder brother, Ghulam Nabi Rather in April 1996, and taken to Kanalwan Camp of *Ikhwan*. He claims that he was tortured there the whole night for allegedly providing shelter to militants.

Rasheed and his brother were picked up at 2 O'clock in the morning when the renegades raided their home. They knocked on the doors, barged inside, ransacked the house, and took him and his brother 14 kilometers away to Kanalwan Camp. The renegades beat them from their home all the way to the camp. On the way, one of the renegades fired at them, telling them he would kill them, but Rasheed and his brother were not hit. Once they reached the camp, the renegades stripped both of them naked and beat them with belts and bamboo shafts, continuously on their backs, buttocks, and thighs, due to which Rasheed's whole body turned black. After that, they broke a three kilogram glass bottle over his head, due to which he fell unconscious. The next day, it was rumoured in the village that he had been killed by renegades. When his family came to the camp, the renegades demanded 45,000 Indian rupees for the release of Rasheed and his brother. After taking the money from their family, the renegades released them.

Case 158

**Ghulam Nabi Wani**

Male/ Businessman

Parentage: Mohammad Abdullah Wani

Residence: Shriyan, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Pandey, 10 Rashtriya Rifles, Army

### *Case Information*

Ghulam Nabi Wani was arrested in April 1995 by 10 Rashtriya Rifles camped in Dashnan camp, Doda. The commanding officer of 10 Rashtriya Rifles was Major Pandey. During the period of his detention, he was continuously tortured, twice during days and thrice during night time. He was released after eight days.

He was subjected to brutal torture in the camp. He was given electric shocks to his genitals, forced to eat large quantity of chilli powder, forced to drink bucket full of water. He was suspended from the ceiling while simultaneously being beaten with canes. His body was burnt with cigarette butts. One of the fingers was chopped off from his hand.

After his release, he was hospitalized for two and a half months for the treatment of his injuries. He could not work and earn his livelihood for almost a year, as he had to take complete bed rest for this duration. Even now he cannot work adequately to earn his livelihood. He is still on regular medication.

Case 159

### **Ghulam Nabi Waja (alias Jan Nisar)**

Male/ Political worker, Muslim League

Parentage: Abdul Salaam Waja

Residence: Kaw Mohalla, Khanyar, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF
2. SOG

### *Case Information*

On the intervening night of 4<sup>th</sup> and 5<sup>th</sup> January 2003, a joint posse of CRPF and SOG carried out a raid on the house of one Ghulam Nabi Waja (alias Jan Nisar Kashmiri) at 12 am. Waja was arrested, blindfolded and taken to some unknown place. While boarding the gypsy he had a glimpse of both two other arrested boys namely Manzoor and Mushtaq, though at the interrogation center they were kept apart. Waja was not as submissive as the other two guys; he advocated the right of self-determination for Jammu and Kashmir. This enraged the cops and he was given a sound beating. Waja is an active worker of Muslim League, which is part of All Parties Hurriyat Conference (G). He pleaded with the cops to not remove his trousers atleast as they are also humans and they should have respect for human dignity. But the cops did not listen to him and removed all his clothes, which made him weep bitterly. He was laid on the ground naked and soldiers trampled over his whole body including his chest due to which he developed acute pain in the chest. He was also made to swallow water, which in his words is the worst torture as water pipe is kept in the mouth and nose is completely blocked. With water continuously entering the mouth at high pressure without any scope of breathing normally, it felt like a close brush with death every time. Then Waja was taken in a vehicle and thrown down near Ali Jan shopping complex,



just outside the CM's residence. He argued with the cops in a half dead state that they can not leave like this as he may be mistaken for a *Fidayeen* (suicide attacker) and eliminated by any patrolling party of the bunker manning forces but they did not listen and sped away. Luckily it all happened in front of the BSF sentries at the CM's gate and Waja at once gave them his identity though he appealed with them to allow him to spend the rest of the night with them. They did not agree.

It was 3:00 am, Waja had nowhere to go. He spent nearly one hour on the pavement in front of the CM's residence and then when scared away by the sentries. He went to the cops of Jammu & Kashmir Police some distance away and remained near that post till the morning.

#### Case 160

#### **Ghulam Qadir**<sup>294</sup>

Male

Parentage: Mohammad Mahfooz Malik

Residence: Darhal, Rajouri

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Farooq Ahmad Khan, Police Station Darhal, Rajouri, Jammu & Kashmir Police
2. SI Mohammad Bashir, Jammu & Kashmir Police
3. Constable Mohammad Sadeeq, Jammu & Kashmir Police
4. Constable Abdul Hamid, Jammu & Kashmir Police
5. Constable Parvez, Jammu & Kashmir Police
6. SPO Zakir Hussain, Jammu & Kashmir Police
7. SPO Muneer Hussain, Jammu & Kashmir Police
8. SPO Farooq Ahmad, Jammu & Kashmir Police
9. SPO Riyaz, Jammu & Kashmir Police

#### *Case Information*

Mohammad Mahfooz Malik petitioned the case of the arrest and torture of his son, Ghulam Qadir in SHRC. During the proceedings of the case in the SHRC, Mohammad Mahfooz stated that on November 1, 2006, his son was called by SHO Police Station Darhal. After being detained in police lock-up for one month, he was released after taking INR 50, 000. He was called a second time and again locked up in the police station. He was tortured through the night, given electric shocks and acid was sprinkled on his private parts, which put him in a miserable condition. He was given the first aid in the Police Station itself rather than being taken to the hospital. It was only after the residents of Darhal demonstrated and brought the matter to the notice of Senior Superintendent of Police Rajouri that Qadir was shifted to district hospital Rajouri for treatment. After preliminary examination there, he was sent for further treatment to Government Medical College, Jammu.

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<sup>294</sup> Source of the case: The Informative Missive

The SHRC sought a detailed report about the incident from IGP, Jammu. The report filed by the police to the SHRC stated, "Enquiry conducted revealed that the individual was allegedly arrested in FIR number: 71/2006 U/S 364 RPC of Police Station Darhal and was put to sustained interrogation to ascertain his involvement/links with militants. SI Muhammad Bashir along with some unknown police officials with their faces covered tortured the individual in presence of SHO Darhal. During interrogation, the officials tortured the subject causing bodily injuries in order to ascertain his involvement in the militancy related activities."

The report filed by the police also mentions that a case under FIR number 89/2006 U/S 330 RPC was registered at Police Station Darhal and investigation was taken up against the accused police personnel. The then SHO Darhal Farooq Ahmad Khan inspector, SI Mohammad Bashir, constable Mohammad Sadeeq, constable Abdul Hamid, constable Parvez, SPO Zakir Hussain, SPO Muneer Hussain, SPO Farooq Ahmad and SPO Riyaz were found involved in the commission of crime. The police personnel were placed under suspension and SPOs were disengaged. The investigation of the case was ongoing at the time this report was filed.

Mohammad Mahfooz produced the documents of admission and discharge (dated 7-11-2006) of his son from the GMC, Jammu in SHRC. The discharge certificate issued by the doctors and signed by Dr. Kailash Singh, Registrar Surgery GMC Jammu mentions, "Certified that Ghulam Qadir resident Darhal Rajouri was admitted in SI -I on 07-11-2006 under MRD number 433504 MLC number 6548. The patient had been referred from Rajouri hospital as a case of assault from police. The patient had bilateral perineal abscesses, which were drained. The patient was discharged on 24-1-2006."

The SHRC in its judgment said, "While coming to the case in hand this commission is shocked to find that heart hitting and distressing instances of torture in police custody are rampant by some of the personnel of J-K police against their own brethren."

The judgment also recommended that INR 100,000 should be paid as compensation in the ratio of INR 50,000 by SHO Muhammad Farooq Khan, the then SHO police station Darhal and SI Muhammad Bashir in equal shares and INR 50,000 should be paid by constables Muhammad Sadeeq, Abdul Hamid, Parvez and Aurangzeb in equal shares. It also recommended that the prosecution of the accused in FIR number 89/2006 U/S 330 of RPC should be taken to its logical end.

Case 161

**Ghulam Qadir Dar**

Male/ Vegetable vendor

Residence: Chankhan, Sopore, Baramulla

Affiliation:

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

*Case Information*

Ghulam Qadir Dar first crossed the LoC in 1990. He returned after four months of training and joined the armed struggle with the Al-Jihad militant outfit for one year. Dar was

arrested on November 17, 1991 in an identification parade during a crackdown in Pattan. He was taken to Tappar Camp in Hyderbaig, where he was interrogated by the Rashtriya Rifles of the Indian Army. Dar could not identify the specific Army brigade or platoon. Before being taken to Tappar Camp, Dar was subjected to various forms of physical and mental torture in a nearby playground. There, wires were attached to his toes, hips, and genitals, and he was subjected to electric shocks. In addition, he was beaten with sticks, punched and kicked, and then ultimately dragged to a van, in which he was taken to Tappar Camp. For the three days that he was kept there, he was often beaten with sticks and rods all over the body. His eyes were kept covered throughout most of the various torture ordeals he went through.

After three days, he was transported to the Badami Bagh Cantonment, Srinagar. Dar received several beatings from the Army at the Cantonment as well. He was never allowed to see his family at any of the Military Camps. Dar recalls having a roller applied to his legs, but does not recall exactly where it took place. Dar was then taken to Kot Bhalwal Jail in Jammu and kept there for one year. He recalls being beaten up by the jail authorities at Kot Bhalwal, but says that he was still fed once a day and allowed to pray for the year that he was kept there. Dar was often interrogated at Kot Bhalwal with other militants. He recalls not being fed for seven days when he and other Kashmiri inmates protested against the torture. They were then given only a single *roti* and a cup of *dal* between them at Kot Bhalwal.

From Kot Bhalwal Jail, Dar was taken to Hiranagar Sub-jail and then transferred to the Jodhpur prison in Rajasthan. Every time Dar and other Kashmiri militants protested against the torture or poor living conditions, the jail officials had them beaten up by criminal inmates. He was not treated by the doctors at any of the military camps, and says that he was only examined by the doctors in the various jails instead of receiving actual treatment. Doctors would only give painkillers and never treat injuries that came as a result of torture. After his release in 1994, Dar was treated privately. Dar was not allowed to see relatives during his time at all the military camps. He saw his family once after two years in Jammu, and does not recall meeting them often in Hiranagar or Jodhpur either.

A couple of years after his release from prison, Dar and his family were picked up by the Indian Army and beaten. He had to report at the Tappar Army Camp every Sunday, and was often subjected to torture or humiliation there. Dar is a vegetable vendor now, but complains of Army harassment every time there is a crackdown or any militant activity in his area. Due to the torture that he was subjected to, he suffers from chronic back and leg pain. The wounds in his leg did not heal properly, and Dar also has problems urinating.

Case 162

**Ghulam Qadir Malik, Aijaz Ahmad, Ghulam Mohammad Malik, Ghulam Nabi Malik, Mohammad Shafi Hurrah, Abdul Gani Malik**

Male(s)

Residence: Bonkote, Bandipora

Affiliation: Civilians

Alleged Perpetrators/Agency:

1. Major Trivedi, 14 Rashtriya Rifles, Army

*Case Information*

Ghulam Qadir states that his 17-year-old son, Riyaz Ahmad, left home to join militancy in 1990 with the Harkat-ul-Ansar outfit. After three years, the army began to raid the family home, and harass them for his son's involvement with militancy.

On August 13, 1994, at around 10 pm, a group of 14 Rashtriya Rifles headed by Major Trivedi from Bonkote Camp raided his house. They asked for his son's whereabouts, but Ghulam Qadir had no idea where his son was. Major Trivedi accused Ghulam Qadir and his other son, Aijaz Ahmad, of being associates of the Harkat-ul-Ansar outfit, and asked them to turn over Riyaz's ammunition. They were also accused of feeding and sheltering militants. Ghulam and his son denied everything, because they had no information on Riyaz or any other militants.

Ghulam Qadir and his son were then taken into the nearby house of Ghulam Mohammad Malik of Khoj Mohalla, Bonkote, where three more persons, Ghulam Nabi Malik, Mohammad Shafi Hurrah, and Abdul Gani Malik of the village were already detained. At about 12:30 am, the troopers began to torture them. All of Ghulam's clothing was forcibly removed, and he was directed to lie face down on the floor. The forces personnel then took a long bamboo stick that had an iron socket fixed to its top, and drove it down into Ghulam's spine. Meanwhile, two other troopers began to beat him with sticks and rods on the feet, particularly the ankles.

While beating them, the troopers repeatedly asked for Ghulam Qadir to provide weapons and information about militants, but he continually pleaded his innocence. The troopers seemed not to hear him, and beat him until 5:30 am. The torture badly damaged his spine and the beating caused swelling in his feet. Ghulam's son and Abdul Gani Malik were beaten until they were black and blue, while Ghulam Nabi and Mohammad Shafi Hurrah received the same treatment as Ghulam Qadir.

On August 14, at around 5:45 am, they were all taken to a nearby hill near the water supply tank. Abdul Gani Malik was released, on account of the fact that he was 70 years old. At the water supply tank, Major Trivedi asked them again to provide information on the militants, which they refused. That same day, at about 9:30 am, they were all transferred from the water supply tank to Sonarwani Rashtriya Rifles Camp, which was about 2 km from their village. There, they were kept on the ground for about 20 minutes and beaten with bamboo sticks by some troopers. From there, they were transferred about 3 km away to Bandipora Nishat Bagh Camp. At the camp, the men were taken into an interrogation room, where they found electric batteries, electric circuits, chains, iron rods, and many other torture devices. Then about five people, probably from military intelligence or IB, entered the room and questioned all of the men one by one. After that, they were all taken to another building, and beaten by rows of troopers along the way.

They were not given any food until 2 o'clock on August 15<sup>th</sup>. After that, they were provided with some *chapattis*. The families of all the men were not informed about their detention in the camp, and when they contacted the Army, they had been told that the men had been released on the night of August 13.

Ghulam Qadir was eventually released on August 21, after the army was unable to get any information on his militant son. During their detention, the men were not given any medical treatment and suffered grave injuries to their bodies. Ghulam Qadir was unable to

remove his shoes until after his release, because his legs and feet had become swollen. He now suffers from poor vision and back problems. It took the men more than one year to recover.

Case 163

**Ghulam Rasool Butt**

Male/ Farmer (Died on October 27, 2007)

Parentage: Abdullah Butt

Residence: Labber Sarak, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Regular Army
2. Rashtriya Rifles, Army
3. BSF

Testimony by the victim's son, Raj Mohammad

*Case Information*

Ghulam Rasool was arrested and tortured multiple times. He was arrested for the first time in March 1995 and released in July 1995. He was again arrested in 2002 and 2003. He was detained by Regular Army, Rashtriya Rifles, and Border Security Force. He was subjected to all kinds of torture including electric shocks to different body parts including genitals. He was tortured in a camp in his native village, Labber Sarak and also in JIC Doda.

According to Raj Mohammad, his father died due to the ailments he developed as a consequence of torture.

Case 164

**Ghulam Rasool Dar**

Male

Parentage: Mohammad Sultan Dar

Residence: Banyari Sharki, Hajin Sonawari, Bandipora.

Affiliation: Civilian (His son-in-law was a militant)

Alleged Perpetrators/Agency:

1. Bashir Yaar, Ikhwan

Testimony by the victim's eldest son, Abdul Majeed Dar

*Case Information*

Ghulam Rasool Dar's son-in-law, Ghulam Mohiuddin Dar was a trained militant and was active with Hizbul Mujahideen. On October 5, 1999 *Ikhwanis*, headed by Bashir Yaar, raided his house where along with him, his son, Mohammad Shafi, daughter Gulshana and wife Nisaara were present. Ghulam Rasool was taken and hung near the Government Boys Middle School, Banyari Sharki. Some stones were tied to his back while hanging due which his backbone and kidneys were damaged. He was severely tortured and after 7 days was released. When he was released, Mohammad Ameen Dar S/O Ghulam Mohammad

Dar took him to home on his shoulders, as he was unconscious. Then he was taken by his family to SKIMS, Soura. He regained consciousness after 2 days when he was discharged.

Then after one month, he condition again deteriorated and was taken to SKIMS, Soura where he breathed his last after remaining under treatment for about a month.

#### Case 165

##### **Ghulam Rasool Lone**

Male/ Farmer

Parentage: Abdul Khaliq Mir

Residence: Kunisa, Bandipora

Affiliation: Militant

Alleged Perpetrators/Agency:

1. SOG
2. Javaid Shah, Ikhwan
3. Shafiq Pandith, Ikhwan
4. Usman Majid, Ikhwan
5. Mir Niyazi, Ikhwan

#### *Case Information*

Ghulam Rasool Lone was associated with Hizbul Mujahedeen. His wife Saja Begum was pregnant and was living in a rented house at Bemina, Srinagar. He visited her there and took her to the doctor for treatment the next day. At Haft Chinar, the SOG stopped the vehicle in which Ghulam Rasool was and dragged him out of the vehicle. They took him in their vehicle to Bandipora, Block Office for two hours. When the news of his arrest spread, the high officials of army of North Kashmir assembled to see him. The army officer told him that if he and his associates will surrender they would make him a parliament member. But Ghulam Rasool refused and he was handed over to Ikhwanis namely Javaid Shah, Shafiq Pandith, Usman Majid and Mir Niyazi. They took him to Kunan, Bandipora, and tortured him there. Thereafter he was shot on his forehead and killed on spot by Ikhwanis. The family couldn't lodge the FIR.

#### Case 166

##### **Ghulam Rasool Lone**

Male/ Businessman

Residence: Syed Karim Mohalla, Old Town, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Rajput Regiment, Army
2. BSF

#### *Case Information*

Ghulam Rasool went to Pakistan administered Kashmir in 1989 and after receiving nine months of arms training there, joined the Muslim Janbaz Force militant outfit. He remained active for a month and a half, until he was arrested during a crackdown at Old Town Baramulla by the Rajput Regiment in 1991 after being identified in a parade. His torture

began from that very spot. He was stripped naked right there, and made to walk through busy roads for five kilometers up to the Old Town Baramulla Stadium Camp. He was beaten and kicked the entire way there. Upon arrival, they put him onto a concrete floor, threw water on him, and then applied a heavy electric current around 20 times. Ghulam Rasool's head was shoved several times into a pit filled with dirty toilet water, and he drank some of the water in the process. He was then forced to drink a bucketful of water, after which he was blindfolded and put into a pit. After taking him out, they applied an electric current to Ghulam Rasool's toes and genitals. They beat him with sticks and belts, during which he lost consciousness a couple times.

After three days, they took Ghulam Rasool to JIC Baramulla, where he was severely tortured both physically and mentally. He was kept in a cell with two other detainees. One night, one of Ghulam Rasool's cellmates was taken out for torture, and thrown back into the cell once he was unconscious and black from the bruising. He stayed unconscious for a long time, until they washed him with hot saline water. Later, it took that man six or seven years to recover from the torture inflicted that night.

After that, Ghulam Rasool was transferred to Badami Bagh Cantonment, Srinagar, and then back to JIC Baramulla. From there, he was handed over to the police after six months, and consequently released. After his release, he did not join the armed struggle again, but continued suffering from the vengeance of various Indian agencies. He was picked up by BSF again, and tortured almost to the point of death. Ghulam Rasool says that it is a miracle that he survived.

One year after his release, Ghulam Rasool had started working at a medical shop in Baramulla. Once, after a grenade attack in the area, BSF cordoned the market and started a crackdown. Ghulam Rasool was picked up from his shop, blindfolded, and taken to the camp. He was detained there for two days and subsequently tortured ruthlessly. One of the interrogators slit Ghulam Rasool's throat with a knife, and then stabbed him in the back once he fell down. In that state, Ghulam Rasool was taken back to the market and left on the pavement in front of his shop. He was bleeding profusely, and people immediately took him to the Baramulla hospital, where he was admitted for treatment for 15 days.

Ghulam Rasool's woes did not end there. His house was deliberately burned down by BSF, one month before the marriage of his sister. They had information that militants were present in a house nearby, and in order to find them, the BSF gutted 17 houses, including Ghulam Rasool's. All of the material for his sister's wedding was also burned. As a result, her wedding was not only delayed, but eventually cancelled as well. Ghulam Rasool and his family no longer have their own house, and instead live in rented accommodations. Ghulam Rasool still faces many problems because of his connection with militancy. He has two children, but is unable to send them to a good school due to lack of money. His relatives also suffer, because they are not allowed passports as a result of Ghulam Rasool's experiences.

Case 167

**Ghulam Rasool Malik**

Male

Parentage: Ahmadoo Malik

Residence: Behota, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

### *Case Information*

In the middle January 2004, the victim was arrested by army Rashtriya Rifles from camp Behota. The victim was not involved in any militancy related activities but claims to have been arrested because of a quarrel between the two neighbours over a land issue following which one of the neighbours made a baseless complaint that a group of militants had come to the victim's house during the previous night. Rashtriya Rifles personnel, without conducting any enquiry, beat up the victim mercilessly with sticks and rifle butts. He remained under treatment in the hospital for about 9 days.

Case 168

**Ghulam Rasool Malik**<sup>295</sup>

Male

Residence: Koli Masta, Gool, Udampur

Affiliation: Civilian

Alleged perpetrators/Agency:

1. BSF

### *Case Information*

Bashir Ahmad Malik petitioned in the SHRC that his father, Ghulam Rasool Malik, was manhandled and tortured by BSF personnel, which resulted in his death. The SHRC sought a report in this matter from the Police.

The report submitted by the police to the SHRC stated that on April 25, 2001 police received information about the dead body of Ghulam Rasool lying in a gorge in suspicious conditions. It also stated that the post mortem was conducted and his viscera were sent to FSL, Jammu for analysis. According to this police report, Fatima Begum, daughter of the victim, a witness in the case, could not identify the BSF personnel in the identification parade. The report also said that according to the statements of other witnesses, the victim was not beaten but jumped and drowned in the *Nallah*.

During the proceedings, Bashir Ahmad stated that the culprits were deliberately not included in the identification parade. The statements of *Sarpanch*, *Nambardar*, *Chowkidar* of the village and some neighbours of the victim were recorded by the *Tehsildar* on spot. All of them, in their statements, said that the BSF personnel injured the subject after a severe beating and then killed him by throwing him down into the *Nallah*, which caused his death. Post mortem report revealed that the victim had multiple injuries on his chest, fractured ribs on both sides, fractured right leg, haematoma, fractured spine, head injuries with bleeding nose and ears.

The SHRC in its judgment stated, "The stand of the police in the case is very disappointing. They have neither investigated the case nor have tried to come to a truthful consideration.

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<sup>295</sup>Source of the case: SHRC Annual Report



According to the police report the subject himself jumped into the *Nallah*. This is falsified both by the post mortem and FSL report. Both reports are candidly clear to show the subject has been beaten severely and then kicked into the *Nallah*, not only multiple injuries and fractures were caused to him but there was presence of blood also on his clothes.”

The SHRC also stated that, “The statement of Fatima Begum who is the eye witness has categorically deposed that her father was beaten in her presence by the BSF personnel.”

Case 169

**Ghulam Rasool Najar**

Male/ Driver

Parentage: Abdul Rehman Najar

Residence: General Bus Stand, Anantnag (Islamabad)

Affiliation: Militant (alias Rasool Afghani)

Alleged Perpetrators/Agency:

1. Dy.S.P. Harmeet Singh, SOG
2. Mukesh, SOG
3. Ramesh, SOG

*Case Information*

In 2004, there was an attack on Omar Abdullah at Sarnal, while going to Safdar Baig's house on the fourth day of the death of Safdar Baig. Ghulam Rasool Najar was alleged to have carried out the attack. He was charged with section 307 (attempt to murder). He was arrested by the Army, SOG, Central Reserve Police Force (CRPF), from his home and taken to the JIC Khanabal. In the JIC, he was kept for 9 days and tortured by Dy.S.P. (SOG) Harmeet Singh, Ramesh and Mukesh there, through methods such as electrocuting his body and hanging him by his hands and dipping his head in water.

Then he was taken to Kot Bhalwal jail for two years under the Public Safety Act (PSA). Since his release he has been driving an auto-rickshaw.

Case 170

**Ghulam Rasool War**

Male/ Labourer

Residence: Chatoosa, Rafiabad, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

1. 9 Grenadiers, Army

*Case Information*

Ghulam Rasool was an inactive member of the JKLF and was arrested from Balhama from where he was shifted to several camps where, he claims, he was tortured.

On 24 October 1994, Ghulam Rasool had been out in the woods of Balhama labouring as a routine part of his daily chores when he came across a patrolling party of the 9 Grenadiers. As he saw the army approaching, he was terrified and sensed something wrong; within

seconds, he was dragged by a couple of soldiers and before he could analyse the situation, he found himself in the Chatoosa Army camp. Initially nothing was asked and he was straightaway taken to a separate room where he was stripped off his garments and beaten with belts and *lathis* by 5 personnel. This continued for a little less than an hour and it was so brutal that after it was over, he could not move any of his body parts. After an hour they asked him for his weapon- a weapon that he never possessed.

His denial infuriated them and they applied current to his private parts and other parts of the body, while telling him they would make sure he is left impotent. They eventually stopped only when he had gone unconscious. The next day after gaining consciousness, he felt as if his skin had been peeled off but it hardly mattered to them as once again he was administered electric current and beaten with *lathis*. This continued for three days until his body went numb. He was then shifted to Watergam headquarters and left on his own without being tortured on the first day. As the second day dawned, he was asked for his weapon and insisted on naming a few militants. His denial was met with horrifying aggressions. For the next three days, six times a day, he was hung upside down and beaten. They applied roller to his legs, which took away every ounce of energy that was left in him, and from time to time needles were inserted through his rectum. For 12 more days, he was kept there but not harmed, for they feared that he might die. After that, he was handed over to the Intelligence Bureau Baramulla where he stayed for a week before being handed over to the police at Matches Factory where he remained imprisoned 18 months sharing the room with 100 other detainees, making it impossible to sleep. His relatives were allowed to meet him twice a month so he could enjoy home cooked meals which was a luxury compared to the under prepared unhygienically cooked food which he got in the sultry conditions of the jail. The condition of the jail was in such a bad shape that for 100 detainees one toilet was allotted, therefore having no choice, majority of them used to defecate in polythene bags.

After 18 months he was transferred to the Srinagar Central Jail where he remained imprisoned for 7 months before being released. For a year after that, he was not able to walk properly even after undergoing treatment. For five years regularly he was harassed by the army; even on occasions like Eid, he was manhandled by the army for reasons unknown and accused of forming strategies against the Indian government. He had to report at the Chatoosa Army camp twice a day initially, then it reduced to four times a week and even today he has to report for his attendance.

Ghulam Rasool War is incapable of doing any form of laborious work and works as a domestic farmer but he is not able to make both ends meet.

Case 171

**Gowhar Bhat**<sup>296</sup>

Male/ Journalist

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SI Javid Ahmad, Jammu & Kashmir Police (Police Station Kothi Bagh)

*Case Information*

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<sup>296</sup>Source of the case: The Informative Missive

Gowhar Bhat, a journalist working with a local daily, Greater Kashmir, was assaulted by JK Police while he was in field in Lal Chowk on an assignment on April 26, 2010. Gowhar was rushed to the Bone and Joint Hospital Barzulla. The doctors said that he had received multiple soft tissue injuries due to severe beating and advised him to take rest for some days.

He was covering the PDP protest from a distance, when the police started chasing the protesters. Suddenly, a police official came rushing towards him and slapped his face without any provocation. The officials did not stop even after knowing that he was a journalist. When Gowhar tried to note the name of the official on his nameplate, he became enraged. In no time, more than a dozen policemen who had been following the official started beating Gowhar with batons.

According to eyewitnesses, a police party led by sub-inspector Javaid Ahmad of Police Station Kothi Bagh caught hold of Gowhar and pounced on him while chasing away the PDP activists, who were participating in a protest rally at Lal Chowk.

A local photojournalist, who was also covering the protest, said the police came rushing menacingly towards the journalist before pouncing on him with batons. A group of photojournalists including Omar Ganai working with PTI, and Syed Muzaffar of local daily, Srinagar Times, tried to rescue Gowhar but they were also beaten by the police. Muzaffar was hit on head.

Case 172

**Gul Mohammad<sup>297</sup>**

Male

Parentage: Late Abdul Gani Sheikh

Residence: Bun, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Village Defence Committee (VDC)

*Case Information*

Zafarullah Sheikh petitioned in the SHRC about the killing of his brother, Gul Mohammad by the members of the VDC of Baghyana Jodhpur Tehsil, Doda. Gul Mohammad had withdrawn an amount of INR 32,000 from the Bank on July 16, 2007. He was looted by the VDC members and killed the next day. The medical reports submitted along with the petition reflected that the dead body contained signs of torture.

The report submitted by the SSP Doda to SHRC states that on July 17, 2007, Police Station Doda received information that an encounter took place between militants and the VDC members at Bhagyana. In the encounter one militant was killed and a Chinese pistol and one hand grenade was recovered from his possession. An FIR No. 89/2007 U/S 307 RPC and 7/125 Arms Act was registered at Police Station Doda in the case.

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<sup>297</sup>Source of the case: SHRC Annual Report

The report also said that during the investigation, the investigation officer visited the place of encounter and dead-body was taken into police custody for post-mortem. The body was identified to be that of Gul Mohammed S/O Abdul Gani R/O Bun Doda. The dead body was handed over to the family after the post-mortem was conducted.

The medical report by District Medical Officer Doda, which was submitted along with the petition to the SHRC read as under:

1. "3 bullet injuries on right side of chest which is wound of extreme and exit wounds are on the back.
2. Fracture neck due to physical torture, burns all over the body due to hot object caused by physical torture. There are no hairs on the occipital are of head by physical torture.
3. Bullet injuries on right side of the chest and exits are on back interscapular region. After conducting an autopsy I am of the opinion that the death in this case is because of cardio respiratory failure caused by multiple bullet injuries on right side of chest with fracture neck and burn marks all over the body due to physical torture by hot object.

Special remarks: Signs of physical torture all over the body."

The SHRC in its judgment observed, "It is purely a case of custodial torture and death. The injuries reflected upon the body of Gul Mohammad have been reported as signs of torture and the death is the result of thereof. The version of the police projected before the commission is rejected."

Further, in its judgment, the SHRC recommended that INR 100,000 should be paid by the J&K Government as ex-gratia relief to the next of kin of the victim and that money should be charged from the VDC members who were the perpetrators. Also, "A case of murder be registered against VDC members and investigation may be entrusted to crime branch."

#### Case 173

##### **Name withheld**

Female

Residence: Doda

Age: 14 years

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

##### *Case Information*

On May 16, 2000, about twenty troops of 10 Rashtriya Rifles barged inside the house of the victim and started shouting and hurling abuses at her. The army asked her to move into another room where she was followed by ten other army men. She was enquired about the whereabouts of the militants and of her brother, and threatened with rape and being paraded naked through the village. Then they started beating her with sticks and gun butts while slapping her repeatedly. She was then stripped and made to stand naked before them. She was tortured both mentally and physically for more than an hour and then asked to wear

another pair of clothes and follow them, along with her entire family, to their camp situated in village Zangra. She reported to the camp one mile away from her house along with her mother, grandmother, aunt and two brothers and four children aged between three months and two years and they were all detained for two subsequent nights. During their detention they were severely tortured and threatened with gang rape, stripping and parading the women folk. Sensing their innocence, they all were released except her two brothers. The victim was directed to bring food for her two brothers but instead she went to the Deputy Commissioner who assured them of help.

Case 174

**Gulzar Ahmad**

Male/ Baker

Residence: Odura, Sheeri, Zandfaran, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 29 Rashtriya Rifles, Army
2. Rajput Regiment, Army

*Case Information*

In May 2005, Gulzar Ahmad was traveling in a bus to Srinagar for some work. On the way to the city, the bus was stopped by the Army (29Rashtriya Rifles) for checking. While he was being frisked, one of the Army men asked Gulzar for his identification card. He politely replied that he did not own an identification card, because he was only 19 years old and had not applied for one yet. Upon hearing this, the Army men immediately began to slap Gulzar, and one of them began to hit him with his gun. They ordered him to stand on one leg, and then kicked and punched him for an hour. During this, the bus driver and other passengers pleaded with the Army men, asking them to leave Gulzar alone for he was just an innocent village boy. After an hour of beating and harassment, the Army men finally left.

After this incident, Gulzar applied for an identification card. However, it took him a while to get it. Unfortunately, during this time, he was caught again by the Army (Rajput Regiment, Odura Camp) and subjected to worse treatment than before. They slapped him, hit him with guns, and thrashed him with kicks and blows. Some of them laughed at him while he was being tortured, and they were abusing him. Gulzar states that the humiliation was worse than the physical torture. Both of these incidents have left an impression on Gulzar. He becomes frightened whenever he sees men in uniform, and is frightened of leaving his village in case the Army men find him again.

Case 175

**Gulzar Ahmad Khan**

Male

Residence: Tankipora, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

Gulzar Ahmad Khan is mentally ill. In March 1990, at the age of 16, he crossed the LoC for arms training. After returning three months later, he became an active member of Jammu and Kashmir Liberation Front (JKLF), until he was arrested by the Army in August 1990 at Gunz Khod Aalikadal. He was kept at Hari Niwas for two weeks, and then booked under Public Safety Act (PSA) for two years.

He spent one and a half years in Kot Bhalwal Jail, Jammu. Gulzar's father said that they were only allowed to meet him once in Kot Bhalwal. The conditions there were bad, and the inmates were not even allowed toothpaste or soap. Gulzar was released in 1992, after serving his sentence. However, the situation in the valley had not improved. State agencies continued to commit atrocities during operation "Catch and Kill". Every time there was a crackdown in the vicinity, Gulzar was identified and segregated from the rest. He was always interrogated about his past association with JKLF, and treated with suspicion by officers and soldiers alike.

Gulzar was offered a job in Bangalore and loan assistance to start his own business by Indian agencies. However, he was very emotionally attached to the ongoing struggle in the valley, and refused to betray his patriotic conscience. After that, Gulzar was often arrested and taken to makeshift centers and camps, where he was tortured. Even when he moved out of the locality, he was stopped at military bunkers all over the city for questioning.

Gulzar was then asked by the SP to report to the DIG office in Srinagar every day. During a routine visit to the DIG office, he was arrested and severely tortured for three days in Police Station Kothi Bagh. Soon after his release, his family took him to be examined by a psychiatrist named Dr. Beigh. In 1993, Gulzar's aggressive and abnormal behaviour required him to be admitted to the mental hospital for six months. However, instead of improving, he became more violent and addicted to drugs. Today, he is under the supervision of Dr. Hameed-ullah Shah, and is admitted to the psychiatric hospital whenever he becomes violent or uncontrollable.

For survival, Gulzar depends on steroids. They cost about INR 3000 per month, and must be accompanied by a good diet, so as to avoid side effects. However, with only one brother earning money, his family is finding it difficult to manage.

Gulzar's father has been severely impacted by this. He initially showed signs of depression, but now seems to follow in his son's footsteps. He has become irritable and his behaviour is abnormal. His temper is now very short, and he is heard screaming at his family members for no reason.

However, Gulzar's condition has improved a bit. When interviewed about his health, the neatly dressed 34-year-old replied that he was doing alright. His mother said that being hit with the butt of a gun on the back of his head was what triggered Gulzar's mental decline. The events have had a profound effect on his psyche, and he now shows signs of anxiety and depression. He also prefers to stay indoors, because he suffers from fear-induced psychosis.

Case 176

**Hafizullah Malla**

Male

Parentage: Abdul Rehman Malla

Residence: Raipora, Palhallan, Baramulla

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Major Verma, Wusan Army Camp, Army

*Case Information*

On 27 September 2004, Major Verma sent army from Wusan camp to pick up the victim and bring him to the camp. At the camp they took two photographs of his and asked him to come again on the next day. The following day, the victim again went to the camp and there they took him to the torture cell. In the cell, Major Verma himself ordered his personnel to connect wires to the victim's penis. Then they gave him electric shocks for around half an hour. They also beat him with the sticks. He was accused of being a militant, which the victim denied. On the same evening he was released but was ordered to appear in the camp daily. Therefore, he appeared in the camp for a consecutive 37 days. Then it stopped for 15 days, as it was the month of *Ramazan*.

Case 177

**Name withheld**

Female/ Government Employee, Social Welfare Department

Residence: Doda

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Ravi Guran, 8 Rashtriya Rifles, Army
2. Lieutenant Colonel Mehta, 8 Rashtriya Rifles, Army

*Case Information*

The victim was detained by army personnel from 8 Rashtriya Rifles and kept in illegal detention in Arnora camp for five consecutive days. There were no female personnel present in the camp. She was first beaten in her own house and then continuously tortured during detention. She was beaten and molested amidst constant verbal abuse.

She was then shifted to Police Station Doda where she was kept for one night and released the next day from there.

According to her, the torture has rendered her unable to do any hard physical work. She also suffers from migraine.

Case 178

**Hakam Singh**

Male/ Farmer, Numberdar

Parentage: Hakeek Singh Rajput

Residence: Kotal, Drabshala, Doda

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Militants
2. 26 Rashtriya Rifles, Army

*Case Information*

Hakam Singh was abducted and tortured by militants in June 1996. He was released after 10 days. He was beaten with lathis in this entire duration. This torture was followed by torture by personnel from 26 Rashtriya Rifles from Thatri camp, and he was later shifted to Nagrota camp in Jammu. He was beaten with lathis and rifle butts while being verbally abused.

Due to this torture, Hakam Singh has constant pain in back and shoulders. He is still on regular medication.

Case 179

**Hamidullah**

Male

Parentage: Aziz Din Beg

Residence: Behota, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 14 Bihar Regiment, Army

*Case Information*

On 30<sup>th</sup> October 2000, Hamidullah's house was raided by the 14 Bihar Regiment and he was picked from his home. He was taken to an army camp where he was physically and mentally tortured. He was given electric shocks to the whole body. He was hanged from a tree. He was then laid on the ground and four army personnel trampled his body. They also forced him to eat dust, stones and thorny wood. He was left in a field, half dead on November 2, 2000. The Army had threatened to kill him with a bullet in case he did not die of torture. The people of the village took him to his home. Now the victim is unable to move properly and cannot do any work. Being a very poor man and due to his ill health, he has not been able to register any FIR.

Case 180

**Hamza Ashiq**

Male/ Pharmacist

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

In 1992, Hamza was playing cricket with his friends in the colony where he lived. BSF was patrolling the area on that day. The BSF men got out of the vehicle and started yelling at the children. They came towards the children and all of them ran away. While Hamza was helping another friend of his to climb the wall, he was caught and hit by the BSF men. Then he was beaten by gun butts and fell unconscious. Blood was oozing out from his head and BSF assumed that he was dead; therefore to avoid any trouble for their own self they left the scene.



It was Hamza friend and cousin who took him to the hospital. Hamza also mentioned that the BSF men created troubles for him to reach the hospital. His cousin, who was attempting to take him to the hospital, was also beaten.

In later part of the year in 1992 as Hamza was going to get the LPG cylinder refilled, he along with some others on the street was forced to get inside Badami Bagh Cantonment, Srinagar. They were made to sit on the ground from 9am to 5pm.

Hamza only wants to know, "What was my fault?"

Case 181

Survivor: 1

**Name withheld**

Female/ Home maker

Residence: Doda

Affiliation: Civilian

Survivor: 2

**Name withheld**

Female/ Home maker

Residence: Doda

Affiliation: Civilian

Survivor: 3

**Name withheld**

Female/ Home maker

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

### *Case Information*

On June 1, 2001, when Survivor No. 1 was busy in household chores, her house was cordoned by armed personnel from 8 Rashtriya Rifles. At this time, all the men of the house were away for their work and only women and children were at home which included Sakina Begum and her daughters-in-law Survivor No. 2 and Survivor No. 3. All the three women were brutally raped by the 8 Rashtriya Rifles personnel in separate rooms. They tried to raise hue and cry but were mercilessly beaten by the armed forces personnel. According to them, the armed personnel were in their uniforms and had nameplates on. Although they have not named any personnel, they say that they can identify them in the identification parade.

They filed an FIR in Police Station Doda on June 3, 2001 regarding this incident. An FIR No. 59/2001 U/S 452,342,149, 226,392 RPC was booked. The police took the women to the District hospital Doda for their medical examination.

Survivor No. 2 in her written statement has stated, "Since I do not expect any justice from the Government and its agencies, I shall have no objections if my case is taken up by any human rights organisations within the country or abroad".

Case 182

**Name withheld**

Female/ Student

Residence: Kupwara

Age: 17

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Dy.S.P. Altaf Khan, Jammu & Kashmir Police
2. Constable Parveena
3. Constable Haleema

*Case Information*

On July 3, 2004, 17-year old victim was allegedly picked up from Zachaldara Higher Secondary School at noon, by Jammu & Kashmir Police Dy.S.P. and two female constables. They accused her of helping an unidentified gunman involved in Mushtaq Ahmed's murder. Mushtaq had been a CRPF officer for nine years, and was killed on June 14, 2004. The victim states that she was taken to Zachaldara police station, where Dy.S.P. Altaf Khan and female constables Parveena and Haleema interrogated her. She repeatedly pleaded her innocence, but they did not listen to her. They accused her of being involved in the murder. Eventually, they told her to accuse Mushtaq's sister of having an affair with a Major, and that affair being the reason for the murder. The victim still refused, because she knew the family well and knew that no such relationship existed. This infuriated the Dy.S.P., who began tearing the victim's clothing off, and beating her severely. Still, she resisted, and was beaten even more viciously. The Dy.S.P. gagged her mouth and tied her hands, and while two female constables held her down, he kicked her until she fainted. When she regained consciousness, the victim was told to name any neighbours; otherwise she would be sent to SOG camp, Handwara and tortured. She asked the Dy.S.P. for evidence, but he said there was no need for proof. With that, he kicked her hard in the abdomen, and she began bleeding profusely. She asked for water, and was instead given water with chilli powder mixed into it.

After beating her for nearly 4 hours straight, the Dy.S.P. bundled her into a jeep and took her to SOG camp, Kupwara. Meanwhile, the victim's father, reached the police station, and pleaded with the Dy.S.P. that his daughter needed medical attention. He said that he would treat her and bring her back to the police station. The Dy.S.P. agreed, and said that two female constables would retrieve her from the hospital. The victim was admitted to Zachaldara hospital, where she was referred to Handwara hospital. At 4 o'clock, the two female constables came to visit her in the hospital, and asked for her forgiveness. They said that they knew she was innocent, but that one of her enemies had dragged her into this. The same day, three more female constables came to the hospital, and repeated the same thing. They asked the victim to keep quiet and not reveal anything, but because she was in critical condition, she had already given her written statement.

As the victim's condition worsened, the doctors referred her to Srinagar JVC hospital.

However, the Dy.S.P. would not allow it, because he feared that she would name him as her torturer. But at dawn on July 5, the victim was transferred to JVC hospital, where she was admitted for two weeks. After returning back to Zachaldara, the victim was called upon by the DIG, who held a press conference on July 11. They asked for her forgiveness, and promised her a job and INR 200,000 as compensation to the family. The DIG further promised that he would demilitarize the whole area, provided that the victim remained quiet about the situation.

The victim says that the statement by the DIG has made her and her family's life miserable. The villagers believe that her family is supporting forces, and feel threatened by the possibility of demilitarization, which would also mean facing the wrath of militants. Since that day, the victim is constantly harassed by the other villagers, who accuse her of being a bad person. They are all against her, and want to banish her from the village. She is harassed and abused, and must wear a veil when she goes outside so that she cannot be identified.

The victim and her family went to the Police Station Zachaldara to file an FIR, but the police told her that the DIG had already filed one for the incident. They asked for a copy of the report, but the police refused to give her one

Her father, a farmer, struggles to support his six children. The victim now finds herself entangled in fear and disgrace. The Army has spread the rumour that the victim has taken money from them, which she never did. She and her family live in constant suspicion of the villagers.

#### Case 183

#### **Unknown**<sup>298</sup>

Male

Parentage: Hassan Din Malla

Residence: Baghyal Dera, Haveli, Poonch

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Captain Toor, Army

#### *Case Information*

Hassan Din Malla petitioned in the SHRC that his son was arrested by Captain Toor on August 23, 2003. During detention, he was tortured which resulted in serious injuries. He was handed over to Police and shifted to GMC Jammu for treatment. But his injuries led to his death.

The report submitted by IGP, Jammu to the SHRC corroborated the allegation in the petition. The report also said that the case had been investigated by them and a charge sheet had been submitted to the Government for sanction.

The SHRC in its judgment recommended the J&K Government to pay an ex-gratia relief of INR 100,000 to the next of kin of the deceased.

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<sup>298</sup>Source of the case: SHRC Annual Report

Case 184

**Hilal Ahmad Akhoon**

Male/ Shopkeeper

Parentage: Mohammad Ramzan Akhoon

Residence: Shaheed Gunj

Affiliation: Civilian (Political Worker associated with Muslim League)

Alleged Perpetrators/Agency:

1. Regular Army
2. 55 Battalion, BSF

*Case Information*

Hilal Ahmad was first time picked up by Regular Army (Langate camp) from his home in November 1996, after they raided his house at 1:00 am. He was alone at the house as the other family members had gone to attend some marriage ceremony. The Army dragged him out to a neighbour's house where he was tortured. They stripped him naked and beat him with sticks and gun butts. They asked him the whereabouts of a militant who used to come to his maternal aunt's home, but he had never seen him. They accused him of knowing his whereabouts as an informer had told them so. When he denied it, they tied his legs with his arms and beat him again with bamboo sticks and gun butts. After half an hour, they sprinkled petrol over his body and threatened to burn him if he did not say anything. But he did not, for he knew nothing. Then he was blindfolded and whisked away to the Langate camp. He claims that during the course of his detention, he was taken to several army camps where he was tortured and ill treated continuously.

In the vehicle taking him to the Langate camp, several men sat on his back and continuously pricked him with gun nozzles till they reached the camp. On reaching there, he was put into a cell so small that it was difficult to sit or stretch legs. He was kept there for 29 days, occasionally taken out after 2 or 3 days for an hour only for torture. There was a lot of stench inside the cell as there was no ventilation and he had to defecate inside it. Even the food for him was thrown inside it. During torture, he was stripped naked every time and beaten with bamboo sticks. Several wooden shafts were kept on his chest, abdomen and knees, which were weighted down by several interrogators on both sides. Due to this, he could feel the stress on his ribs and knees; sometimes he could hear them crumbling under the weight. They also applied electric current to his private and other body parts and poured water over his body in order to enhance its effect. These were the routine methods he was regularly subjected to. His whole body was wounded and full of abrasions, but he was denied any medical treatment. His wounds were gaining severity. After 30 days stay in the same conditions, he fell ill due to severe infection of wounds and had to be shifted to military hospital where his wounds were dressed and he was given painkiller injections. He was admitted there for five days. On the 35<sup>th</sup> day, he was taken to the camp again where his family was allowed to meet him for the first time.

On the next day, he was shifted to JIC Baramulla, where he was kept for 4 days and tortured continuously, three times each day for one hour every time, during which he was beaten, and current was applied to his private parts. Due to this, the pain in his wounds intensified. His family was not allowed to meet him and he was denied any medical treatment. Then he was shifted to police station Shaheed Gunj, Srinagar. He was not

tortured there and released after three days. After that he had to get himself medically treated for about one month. He passed blood with urine for about one month after that. His eyesight also became weak and since then he has to use lens. He was in 9<sup>th</sup> class then but had to drop out that year; he managed to study upto 12<sup>th</sup> class eventually.

In June 1999, he was again picked by 55 Battalion BSF. From the local mosque during evening prayers when one of the BSF personnel entered into the mosque and dragged him out. He was put into a vehicle and asked for the whereabouts of Riyaz Ahmad, a militant from their locality who was a bit friendly with Hilal. He told them he could show them his house but did not know his whereabouts. They beat him inside the vehicle with wooden shafts and took him to the Karan Nagar camp blindfolded. On reaching the camp, they tortured him for about five hours. They stripped him naked and beat him with bamboo sticks; they put a roller over his legs, which was pressed down by several interrogators on both sides due to which he developed deep scars on his thighs. Electric current was also applied to his private body parts. After that they put him in a dark room on the cemented floor for the whole night. For next two days, they tortured him continuously, 2 to 3 times daily subjecting him to the same methods. Then he was shifted to Police Station Shaheed Gunj wherefrom he was released the same day.

During the time in the camp, his family was not allowed to meet him and he was not provided any medical assistance. This torture also affected his health badly. He had to be put under medical treatment for about one month and he was unable to walk for a long time after that. He usually has back and knee pain and is unable to walk long distances. After one year in 2000, he joined the Muslim League so as to be a part of the political movement in Kashmir.

On October 11, 2006, he was picked up again by the SOG at Jehangir Chowk when they caught him from behind and put him into their vehicle, whisking him away to Humhama Camp. Few days before the incident, there was a grenade attack in Lal Chowk, Srinagar on SOG and they had suffered heavy casualty. On reaching the camp, he was told that he, along with two other unknown persons, was behind the attack. He denied any involvement but they started torturing him. They first stripped him naked and beat him ruthlessly. After that, they suspended him upside down from the ceiling for about one hour after tying his feet and beat him simultaneously. They also applied current to different parts of his body. Next day, they put him into a big vehicular tyre and beat him on soles for about one hour. They threatened to kill him if he did not tell them anything. Having failed to elicit anything from him, they plucked flesh from his left leg with a plucker. His leg was bleeding profusely and he could see the bone of his leg. They did not dress it properly but wrapped a simple cloth over it. In the next few days, the wound got infected and he was unable to walk. On the seventh day, seeing his bad condition, they called his family members to the camp and handed him over to them. The family straightaway took him to SMHS hospital, Srinagar. They examined and dressed the wound and suggested its surgery. The wound had developed severe infection and he had to take lot of medicine for about three months constantly. During the time, he also got the date for his surgery at the Soura hospital where Dr. Shabir Iqbal took flesh from his buttocks and put it on his leg. The wound took about one month to heal. But since then, he has had to take extra care as there is not enough flesh over the bone. He has to tie a cloth over it underneath the trousers so as to protect it from any damage. Apart from this, he has developed multiple problems due to torture he was subjected to. He usually has back and knee pain and also weak eyesight for which he has to put on lens regularly.

Case 185

**Imran Ali<sup>299</sup>**

Male/ Photojournalist

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

On July 1, 2009, Police ruthlessly thrashed photo Journalist of The Kashmir Times Imran Ali when he was carrying out his professional duties at Gaw Kadal, Srinagar. Narrating this horrible tale, a bruised and depressed Imran said that he rushed towards Gaw Kadal when he saw police constables chasing people away and damaging window-panes of houses, street lights, hoardings and carts of roadside vendors.

When he started clicking pictures while they were damaging the public party, the police constables pounced on him and asked him to refrain from clicking at this demolition exercise. After this, they started beating him up with whatever they caught hold of. They constantly dealt hard blows on his body with canes and blunt weapons. They pelted stones at him and one of the stones hit his head, causing a deep wound from which blood started oozing out, before he managed to rescue himself.

Case 186

**Name withheld**

Male/ Shopkeeper

Residence: Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Dy.S.P. Mukesh Kumar, SOG
2. SI Pankaj, SOG
3. ASI Gulzar, SOG

*Case Information*

The victim was travelling from Shopian to Srinagar in a local cab on March 2008. The vehicle was stopped by police near District Police Lines, Pulwama. The SOG checked his identity card and called the Dy.S.P. to verify about him and then from there took him into the custody. First his clothes were stripped off and he was left naked in front of all officers present there, which had a huge mental impact on him. He was so mentally disturbed that he does not even remember for how long he was left naked, as if that moment had frozen. He also does not remember what questions they asked then and the answers he gave. After that, the SOGs along with the Dy.SP Mukesh Kumar took him to a 6ft cell, which was 3ft, wide, wide enough to fit in only a single person. This room was pitch black and had no source of light in it at all.

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<sup>299</sup>Source of the case: The Informative Missive

After this, one afternoon he was taken out into the mess for lunch, when one SOG member came to him and said, 'I do not beat anyone or torture anyone; *khaali mai insaani gosht khata hoon* (I only eat human flesh)' and with this he started biting off the flesh of his shoulders.

Next day, another sub inspector namely Pankaj came to him who already told him that he had some links with Lashkar-e-Toiba. He also started beating him as much as he could. Then after one hour, he was shifted to Gagran SOG camp where he was imprisoned for 8 days. He was under the custody of an ASI Gulzar. On some days, they used to beat him but not like he was earlier.

After that, he was taken to police station Shopian. His uncle who was a minister in Social Welfare at that time came to visit him and talked to Dy.S.P. Mukesh Kumar about my release. After his uncle left, the Dy.S.P. called him and told other policemen to get a thick wooden rod. At first he thought they were going to beat him with that; instead, he was pushed to the floor and that wooden rod was used as a roller over his legs with two men standing at the ends of the rod. When it ended, he was not able to walk on his legs for many days and then he was released.

Later on 29 May 2014, an FIR was filed against him for being involved in many unlawful activities; however, at that time he was in Ladakh along with his other friends since two days. He came back home on June 5 and was arrested again and taken into the custody of SHO Javaid.

During his arrest, his family had to give bribe to the officials for his release as well. His health deteriorated as he was infected when imprisoned in Pulwama. Because of the lack of proper medical assistance at that time, he is very prone to infections now and tends to fall sick more often. The cell he was imprisoned in was very unhygienic and he was not even allowed to go to the toilet, instead was given a bottle to urinate in.

There was no specific proof against him, but he was arrested on mere allegations. Once he asked them for what reason he was arrested; they simply called another prison mate and asked him whether the victim was involved in stone pelting and other unlawful activities or not to which the prisoner replied in affirmative. The victim was given no chance to speak anything on his own behalf, which completely looked pre-planned. During his second arrest, he was released after a period of 12 days. Since then, he has not been arrested.

Case 187

**Imran Malik** (name changed)

Male/ Shopkeeper

Residence: Sheeri, Zandfaran, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 8 Grenadiers, Army

*Case Information*

Imran Malik went to Pakistan administered Kashmir for arms training in November 1989 for about 4 months. After getting back in March 1990, he worked as an active militant till

December 19, 1990 when he was identified by CAT (renegades) during a crackdown and caught by 8 Grenadiers. He was picked up at 2 pm. He was blindfolded and his hands and legs were tied. He was taken to a nearby house where he was kept in a naked condition and tortured for 15 hours. He was beaten up ruthlessly with canes and gun butts.

Then next day at around 5 am, he was shifted to some other place in the same village. There he was kept for 10 hours. He wasn't given anything to eat or drink. Then he was shifted to Baramulla camp for 10 days, and for all the days he spent there, not even a single time was the blindfold removed. Severe methods of torture were administered which included rollers, chain block and electric shocks. Electric shocks were applied all over his body (head, shoulders, thighs, neck region, feet and private parts).

Then he was shifted to Badami Bagh Cantonment, Srinagar where he was kept naked and made to lie upside down on the floor and beaten up with ropes, belts, gun butts for about 2 hours. This left him unconscious for 6-7 hours. His head was dunked into water containing chilli powder and this water was passed even through his nose while his mouth was gagged with a cloth. All this while he was blindfolded and had to even go to toilet in the same condition. He was asked to defecate in a tin lying by his side in the same room. He wasn't even sure about the water given to him for drinking as it smelled foul. The food given was insufficient. He was forcibly made to drink water containing baking soda as a result of which he suffered from stomach ache. Since it was winter season so the cold was unbearable. But they were not given any woollens to wear; rather they were not allowed to even cover their body. After this, he was shifted to Kot Balwal Jail, Jammu (wearing just an underwear and not even vest in chilly winters) in a Dakota along with 14 other boys. It was for the first time after his arrest that he could open his eyes in Kot Balwal Jail. It took them 9 hours to reach there. They were given some water to drink and clothes to wear. He was kept there for a year. The level of physical torture reduced there but mental torture only exceeded with the passage of time. They were given a half glass of water early in the morning and very little food at 12 noon and 7 pm. This was their diet for the day and nothing else was offered to eat. They were allowed to take a bath after one and a half months.

Then he was shifted to Udhampur Jail under PSA for 8 months. This jail had normal facilities. No physical torture was carried out there. After 8 months, he was released. While he was waiting for the bus to return home, he was attacked by Shiv Sena activists but escaped narrowly and reached back home. Since then, he has again been picked up by armed forces (8 times by Army and 2 times by SOG). He was tortured five times again. He had to go to army camps like Sheeri, Hawen, Oadur, Wadwan for *haziri* once in a week and if somehow he wasn't able to go, he was punished and made to do all kinds of laborious work like cutting grass, washing clothes, cleaning drains. He suffered many losses because of it. Even at present, he has a lot of health issues. He suffers from weak eyesight, skin and stomach infection, memory loss. The economic condition of his family is not satisfactory and it is worsening day by day as he is unable to work and his medical treatment has cost a lot of money (more than INR 50,000). It has created many other problems and most difficult of them is that his children have had to drop out of their education.

Case 188

**Imtiyaz Ahmad Shah**

Male

Parentage: Ghulam Mohammad Shah

Residence: Shah Mohalla, Dooru, Sopore



Affiliation: Militant

Alleged perpetrators/Agency:

*Case Information*

In the year 1990, Imtiyaz Ahmad Shah went to Pakistan administered Kashmir for arms training and returned after 3-4 months the same year. He was affiliated with Tehreek-e-Jihad-e-Islami (TJI). He remained active in the valley for one year before he was arrested along with a fellow militant, Javid Ahmad Shah, of the same outfit.

At the time of his arrest, he was taken to ITI Sopore camp and then shifted to JIC Baramulla. He was kept under trial for 8 months and later he was booked under PSA after which he was shifted to Udampur Jail. The two years detention elapsed in Talab Tilu and Kot Bhalwal Jail, Jammu. From Kot Bhalwal he was shifted to Hari Niwas Srinagar. During the torture, he was given electric shocks, roller treatment and his head dunked repeatedly in water. And during the course of his detention, he was given no medical assistance. His family was also beaten and harassed by the armed forces.

He knows the kind of torture perpetrated by the army personnel on him, but he doesn't know their names and other identities.

Case 189

**Inayatullah Malik, Muhammad Ashraf Malik, Gul Muhammad Malik<sup>300</sup>**

Male(s)

Residence: Doda

Alleged Perpetrator:

1. 21 Battalion, CRPF

*Case Information*

On 4 April, 2002, three youth namely Inayatullah Malik S/O Muhammad Iqbal Malik and two brothers Muhammad Ashraf Malik and Gul Muhammad Malik, sons of Ghulam Muhammad Malik, all residents of Boilee, Doda had been sawing logs in a nearby field, some six kms away from Doda. A contingent of 21 Battalion CRPF happened to pass by. The CRPF personnel saw them engaged in sawing the timber and ordered them to carry the timber to their camp. The youth requested the forces personnel that the timber was for their personal use and they were in dire need of the same and could not oblige. However, the CRPF personnel remained adamant on timber being removed to the camp. Unable to comply with the orders, the youth argued.

Angered by the refusal, the CRPF personnel arrested all the three youth, took them to the camp premises and tortured them severely. Inayat was inhumanely beaten and tortured to the extent that he fell unconscious. In the same state, he was admitted to the district hospital in Doda. Hearing the news, the villagers of the area protested and demonstrated against the uncalled for arrest and torture of the innocent youth. The

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<sup>300</sup>Source of the case: Institute of Kashmir Studies documents

local police rushed to the spot and pacified the irate demonstrators. On the intervention of the police, the two brothers were released by the CRPF.

Case 190

**Iqbal Jan**

Male/ Guard of the village

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian (His son was a militant)

Alleged Perpetrators/Agency:

1. Army

*Case Information*

The Army picked up Iqbal for the first time in the early 1990's. He is not able to remember the exact year of the incident, but states that at that time, none of his family members had connections with the militants. He further adds that the militant scare was so evident in the village that during that time, the villagers offered the militants services when they were asked to. He admitted that his home was also sometimes used by the militants as a place to sleep, and he would then offer them tea and snacks.

Iqbal believes that the incident happened because a neighbour informed the Army that Iqbal's house had been used by the militants to sleep in the previous night. He was therefore picked up by the Army for interrogation in the early hours of the morning, following a crackdown at his place. What then followed was continuous torture and constant questioning regarding the whereabouts of the militants. Iqbal stated that he had seen the militants and offered them tea, but had no idea as to where they went after they left. When the Army did not get the information that they wanted out of Iqbal, they stripped him naked and began hitting him with their bare hands and sticks. By then, his body had turned blue from the injuries and he was on the verge of fainting. His family had arrived at the camp by then, and in the evening, Iqbal was let off with a warning of never entertaining the militants again. His house was also ransacked and searched.

According to Iqbal, his elder son then turned to the militant group Harkat Ul Mujahideen, so as to enable the family to have a secure life. The militants left Iqbal's family alone, but the Army began visiting his house daily. He cannot remember the exact date that his younger son was picked up by the Army. He was at work when this happened, and rushed with his family to the camp to try and have his son released. The family panicked and people pelted stones at the camp. Angered by this, the Army officials first charged the mob with *lathis* and separated Iqbal from his other handicapped son and took him further into the camp. They released his son and instead focused their anger at Iqbal. They repeatedly hit him with belts and fists, injuring his head in the process. The injury worsened and he bled profusely, which caused the Army to release Iqbal with another warning to not entertain militants.

The Army also told him to visit the camp every time they asked, and Iqbal had no choice but to obey. He had to report at the camp until the year his elder militant son died. He says that his son was killed by the Army in an encounter in April 2005, when six militants were cornered and while five managed to escape, his son was killed.

Between 2000 and 2005, Iqbal was picked up by the Army several times and beaten. He has injuries to his eye, leg, and hand. No medical treatment has been given by the Army, so has had to pay for all of his medical expenses. He has spent about INR 10,000 on his medical treatment so far. No case has been registered against him and his family has not been questioned after his son's death.

Case 191

**Irshad Ahmad Ganai**

Male

Residence: Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Atal Joshi, 29 Rashtriya Rifles, Army
2. Captain Firdous, 29 Rashtriya Rifles, Army

*Case Information*

Irshad Ahmad crossed over to Pakistan administered Kashmir in the year 2000 for arms training. He joined Hizbul Mujahideen upon his return and was arrested for the first time on May 3, 2002 from the Baramulla-Srinagar highway near Choorra village on the basis of intelligence inputs. He was only fifteen years old then. The regiment that arrested him was 29 Rashtriya Rifles headed by Atal Joshi as their commandant. He was saved from an encounter when traveling to Sopore wearing a white salwar kurta, where he was picked up during the journey.

He was taken to the Choorra camp for interrogation and bombarded with questions in one go and not given the time to answer. While being questioned, he was beaten simultaneously for around 20 minutes. He was hanged upside down, naked with his hands tied at the back. He was beaten continuously and thrown cold water at. His head was also dunked in water continuously due to which he drank almost half the water. This torture happened in front of the Major.

Later he was kept in a room where around 4 people came and tortured him again. They started hitting him with a huge rubber band and a 2-3 quintal rod was used as a roller on him with two men sitting on it to press it down. He could see his hair and skin sticking to the roller in the process. The torture resulted in his bone getting fractured and he was taken to the hospital from where he was then released.

He started to live a civilian life and appeared in his class 12 exams. All this time, he had to report to the camp once every week. Once he was taken to the camp and asked to open a shop in front of the camp so that they could keep a continuous watch over him.

Once there was a firing incident near the camp; he was picked up from his residence along with his brother. He and his brother were tortured in front of each other. He complained to them about it, asking them not to torture his brother but only him if they had to. But he and his brother both were severely beaten and also given sustained electric shocks.

He shifted his base to Jammu for a year. When he returned, the Major had been transferred. He was called to the camp and asked to narrate his story, which he did in front of Captain

Firdous. He was directed to sign two papers, one stating he was a militant and the other saying he was a *Mukhbir*.

In 2006, around the end of the year, he was taken to the camp and kept there for 6 days. He was asked no questions and left to himself in a room. S.K was the Commanding Officer (C.O) and people from the village came to see him then.

One day at around 2 pm, some people came and he was told to take off his clothes. He was thrown cold water at and they even threw water in the room. Then they applied electric current in the room and on him around 15 times till he was drained out. He remembers he had a ten rupees note, so he took it out and asked them to get water for him. They had a juice bottle so he drank half of it. The Company Havildar Major (CHM) was Surinder of Chooria camp.

The other method of torture used was by hanging him upside down naked with hands tied at the back.

After 15 days, he was put in a vehicle with his eyes blindfolded and taken to some other camp. He was tortured in front of the C.O, Captain Firdous came to the camp where he was being tortured. He had known that Irshad was innocent and had left militancy. But still the tortured didn't stop as the Major was there. The Captain apologized to him later telling him that the torture couldn't be stopped due to the presence of the C.O. there. It disgusted Irshad and he questioned the Captain on what he would have done had he died during the torture.

Then he was taken to CIK for interrogation and beaten with a rod. He had to pay INR 20,000 to get released.

The effects of the torture continue to impact him. He had been injured on the head also. He has lost his weight drastically and has a problem with his blood pressure. He also has to report to the Chooria camp every Sunday. If he somehow can't make it, he has to write an application to them and make up for the absence on the next reporting where he has to do a lot of manual work like cleaning the premises or pruning the trees, etc. He cannot even apply for passport, leave alone getting a job. This has had an immense impact on his mental health, for this is continuous mental torture, in addition to the fear of when he would be picked up or tortured next. He has not filed any complaint.

Case 192

**Irshad Ahmad Malik**

Male/ Student

Parentage: Mohammad Suleiman Malik

Residence: Zandfaran

Age: 13

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SI Hyder Ali, Police Station Sheeri, Jammu & Kashmir Police

*Case Information*

Irshad Ahmad, 13, and Ishfaq Majeed, 14, were picked up by Jammu & Kashmir Police on theft charges, without any clear evidence against them. They were picked up only on the suggestion of a conjurer who used his magic to identify the two boys.

The boys were arrested on December 21, 2006 from their respective homes on charges of stealing from another house in the village. Fareeda (wife of Habibullah Mir) had registered a case against the boys, claiming that they had stolen INR 5000 and a few film CDs from her house. She lied due to a land dispute between the two families. After Irshad and Ishfaq's arrest, they were taken to Police Station Sheeri, where they were tortured. On the first day, Sub Inspector Hyder Ali asked the boys about their involvement in the robbery, which they denied. They were later taken into the torture room and tortured one by one.

The first day, the police removed all of Irshad's clothing and beat him with thick bamboo sticks for about half an hour. After that, they forced him to lie on a large sheet of iron to which they applied an electric current for 15 minutes. They later dunked Irshad's head five times into water with chilli powder mixed into it, for about three minutes at a time. After he had swallowed a lot of chilli water, they trampled and beat his stomach, which caused water and blood to pour out of his mouth. That evening, they beat Irshad again and applied an electric current to his fingers and toes. During all nine days of his detention, he was tortured every evening for about three hours at a time. His body was covered with wounds and bruises as a result. He needed one month after his release to recover from it. Due to the torture, Irshad suffers from chronic back pain and prolonged headaches, which have affected his studies

The boys were later released on bail after an FIR was filed against them and referred to Baramulla district court.

Case 193

**Irshad Ahmad Rather**

Male

Parentage: Mohammad Ahsan Rather

Residence: Rather Mohalla, Hardshiva, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

Irshad Ahmad was arrested by a joint party of army and police on charges of stone pelting on April 7, 2014. He was detained for 21 days at Police Station Bomai. During this period, he was subjected to torture by being beaten with steel rods. He claims to have been falsely implicated in stone pelting, arrested from his house amid pleas of innocence but the police was adamant. They lodged an FIR against him and others and the case was sent to the Sopore Court. He has consulted a lawyer to facilitate his acquittal but has to constantly report to the Court.

The fees of the lawyer, besides managing transportation charges and staying away from work for days of Court hearing have put more burden on the already poor economic conditions of the family.

Case 194

**Irshad Ahmad Sheikh**

Male/ Teacher

Parentage: Ghulam Hassan Sheikh

Residence: Hergam, Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Inderjeet Singh (Chowgam army camp), Army

*Case Information*

On Friday, June 5, 1998, the victim was arrested. The victim remembers the date because it was a prominent day for prayers and he prays regularly. It was evening and the army was searching for him. He was called out of the house and taken on foot till the Chowgam camp. Inderjeet Singh was not with them. The victim came to know of him in the Camp when his subordinates referred to him as Major Inderjeet inside the camp. He doesn't know the army unit or rank.

In the camp, he was brutally tortured with a wooden roller that was rolled over his body; his hands and legs were tied with a rope and he was hanged upside down; his body parts were burnt with cigarette butts. He was tortured the entire night, after which he was not able to walk, sit, or run.

Next morning, he was released but in a half dead condition. Major Inderjeet did not torture him in person but when he said that he wanted to meet him, he was not allowed to do so.

He was left because he was found to be "innocent". They arrested him, as they thought he had weapons and other items.

Case 195

**Ishfaq Ahmad Khan**

Male/ Constriction Business

Residence: Nawab Bazar, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Ikhwan
2. S.P. Farooq Khan, SOG
3. Manohar Singh, SOG
4. Gulbadan Singh, SOG
5. S.P. Ramesh Kumar Jalla, SOG
6. Davinder Singh, SOG
7. Mehmood, SOG

*Case Information*

Ishfaq joined Hizbul Mujahideen in 1990 when he was 16 years old. During the time that he was active, the Army and some *Ikhwanis* of Safapora camp raided his house on

February 6, 1996. The gold belonging to his mother and sister was looted by them in that raid. Ishfaq's mother told him that they hadn't come for him; they had only wanted to loot his family. Ishfaq's father was also arrested in the raid. He was taken to an unknown camp, robbed of the money in his pocket, and then left alone to fend for himself.

Later in the same year, Ishfaq was arrested by SOG and taken to Air Cargo Camp, Srinagar. First, he was stripped completely naked. He was kept alone for 17 days under a staircase with his hands tied behind his back. After 17 days, he was made to sit with other inmates. The torture began when he was forced to drink contaminated water. They would hang Ishfaq upside down, give him electric shocks, and use a roller on his legs. They would also make inmates eat their own vomit. The torture was executed by SP Farooq Khan, Manohar Singh, Gulbadan Singh, Ramesh Kumar Jalla, Davinder Singh, and Mehmood. He was detained for six months in Air Cargo SOG camp, Srinagar, where the torture was unending. After six months, Ishfaq was transferred to Police Station Safa Kadal where he remained for ten to fifteen days.

Afterwards, he was sent to Central Jail, Srinagar under PSA for three years. There, an inmate would survive on only INR 17 per day. In 1999, Ishfaq was released from Central Jail, Srinagar. But the raids and harassments by BSF, Army, and SOG continued even after his release.

In 2000, when he was in his maternal home one day to attend a ceremony, his house was raided. His family was beaten ruthlessly and his father was instructed to accompany them to Ishfaq's maternal home so that Ishfaq could be arrested. He was detained around 11 PM.

His economic condition suffered because of the harassments by SOG and Army.

Recently, when his mother was intending to go for Hajj, her passport application was denied because of Ishfaq's past record.

#### Case 196

##### **Ishfaq Majeed Malik**

Male/ Student

Parentage: Abdul Majeed Malik

Residence: Zandfaran, Baramulla

Age: 14

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SI Hyder Ali, Police Station Sheeri, Jammu & Kashmir Police

##### *Case Information*

Ishfaq Majeed, 14, and Irshad Ahmad, 13, were picked up by Jammu & Kashmir Police on theft charges, without any clear evidence against them. They were picked up only on the suggestion of a conjurer who used his magic to identify the two boys.

Ishfaq said that he was arrested on December 21, 2006 from his home on charges of stealing from another house in the village. Fareeda (wife of Habibullah Mir) had registered a case against the boys, claiming that they had stolen five thousand Indian Rupees and a

few film CDs from her house. She lied due to a land dispute between the two families. After Ishfaq and Irshad's arrest, they were taken to Police Station Sheeri, where they were tortured. On the first day, Sub Inspector Hyder Ali asked the boys about their involvement in the robbery, which they denied. They were later taken into the torture room and tortured one by one. Ishfaq was instructed to remove his clothing, but refused. Then his arms were tied behind his back and his buttocks and soles of his feet were beaten for about 15 minutes. Later, they dunked his head into water that had chilli powder mixed into it several times for about three minutes at a time, until Ishfaq nearly drowned. The last time they pulled him from the water, his head struck the cement floor and he fell unconscious. When he came to, Ishfaq was moved to a different room. That evening, they tortured him again by beating his entire body with bamboo sticks and applied an electric current to his fingers and toes. These methods were used during his entire nine days of detention. Ishfaq was never taken to a doctor and never received any medical treatment. As a result, his body was covered in wounds and black with bruises.

The boys were later released on bail after an FIR was filed against them and referred to Baramulla district court. Due to the torture he was subjected to, Ishfaq was unable to pass his 10<sup>th</sup> class examination, because the injury to his head had strongly affected his memory. He also suffers from frequent headaches.

Case 197

**Jaan Begum**

Female

Residence: Lolab, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

Jana Begum, a middle aged woman, has lost her four sons and her husband in the turmoil. She was provided with INR 100,000 as compensation by the government, which further worsened her condition as she was picked up by police in 1999 as they wanted that money.

She was tortured sadistically until she promised to give them the whole money. She said she could never forget the night when she was tortured in a local lineman's house. She was tortured by 9 policemen in presence of a lady Dy.S.P. Her hands and feet were tied with rope and her mouth was filled with water. Then two buckets of water were poured on her body and it was very embarrassing as it showed her body. Her head was dunked in water mixed with chilli powder. Later she was made to lie on floor and current was passed through her toes, ears and hands till she got unconscious. The same torture procedure was repeated for three days. When she was unable to bear the pain anymore, she promised to pay the money. She was given no food to eat. They would only give her some water to drink.

This torture had serious implications on her mental and physical health. From that day till now she is having heavy periods, she has lost control on urination, she has become insomniac and even if she sleeps, the nightmares of the torture wake her up. She usually has spasms in her hands and feet, and she has developed ulcers in her stomach. She is



mentally disturbed and afraid of moving out of her place after 5 and doesn't like lights. Her fears of her daughter's studies, security and marriage have become a serious concern in her life.

Case 198

**Jaffer Ahmad Ganai**

Male/ Driver

Parentage: Abdul Samad Ganai

Residence: Frisal, Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

*Case Information*

Jaffer Ganai was arrested in August 2004 by Rashtriya Rifles, taken to Frisal army camp, and was tortured for a day. He was beaten, given electric shocks, beaten by steel rods. A heavy roller was used over his legs, his legs were stretched, all this while he was kept naked.

He has health complications like chest infection, tuberculosis, sexual weakness and joint pain.

Case 199

**Javaid Ahmad Lone**

Male

Parentage: Mohammad Amin Lone

Residence: Qazi Hamam, Baramulla

Affiliation: Civilian

Alleged perpetrator:

1. Dy.S.P. Javaid Yahya Teli, Jammu & Kashmir Police

*Case Information*

On April 29, 2015, Javaid Ahmad Lone was arrested by the local police in Baramulla when police and Indian army raided their house in midnight. He was arrested along with his elder brother Parvaiz Ahmad Lone who was a drug peddler. According to Javaid's father, Javaid was innocent and the police assured him that he will be released the next day. Unfortunately, he wasn't. He was released after four days of the arrest, severely tortured mentally and beaten as well by the station Dy.S.P. To complain about the same, Mohammad Amin went to the DIG Srinagar, K Rajendra on May 5. The DIG wrote a letter to SSP Baramulla to investigate the matter. Eventually, the Dy.S.P. arrested Javaid again on May 8 and tortured him again. At the same time his father was put in police custody as well and in the evening was asked to travel to SMHS Hospital, Srinagar along with two police officials. When they reached the hospital, the doctors declared his son dead. The police officials ran away from the hospital where the body of his was lying. When the people picked him up, he let out a cry, he was still alive and he was quickly shifted to the ICU where he was kept till April 11.

He was then shifted to a general ward keeping his improved condition in view. On April 12, a separatist leader, Nayeem Khan visited them at SMHS Hospital and enquired about the case. According to Amin Lone, he was the one who informed Dy.S.P. Baramulla about his son being alive. The same evening, the Dy.S.P. raided the ward and tried to snatch away all their medical records but failed in his attempt after a doctor stopped him. Amin Lone says that he continuously got death threats after that. Meanwhile, the team of doctors who attended Javaid got changed. Allegedly the doctors put Javaid on a drug overdose, which worsened his condition and led to hypoxic brain injury. After a lot of requests, Javaid's father failed to get him discharged from the hospital and eventually took a leave document on a normal piece of paper on May 28. He then went to Chandigarh Fortis hospital after selling his properties to pay the costs for his son's treatment. They stayed there for 90 days and finally left without much improvement and because of lack of funds. To this day, Javaid lies on his bed blind and crunched. His father is trying to raise the money for his surgery, which costs around INR 900,000.

#### Case 200

##### **Javaid Ahmad Teli**

Male/ Baker

Parentage: Ghulam Mohammad Teli

Residence: Teli Mohalla, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Officer Raju, CRPF(SICOP Anantnag Camp)
2. Officer Sharma, CRPF(SICOP Anantnag Camp)
3. Chaman Mosi, CRPF (SICOP Anantnag Camp)

#### *Case Information*

CRPF personnel from the SICOP Camp picked up the victim. The victim does not remember the particular battalion or the date on which he was picked up by the CRPF.

Some CRPF personnel, namely, officer Raju, officer Sharma and Chaman Mosi picked him up from his home. He does not know whether these were their real names or not. These officers were notorious for their cruel nature and that is how he was able to recognize them.

The victim was taken in a Gypsy to the Bus Stand at Bijbehara. He was pulled out of the vehicle and stripped naked. The above-mentioned officers ordered their personnel to beat him. He was beaten for 10 to 15 minutes, after which he was allowed to wear his clothes. He was then taken to the CRPF camp at SICOP.

In the camp, the victim was stripped naked again and a roller was used on his legs and his private parts were electrocuted. Two CRPF personnel pulled his legs apart and stretched them.

They accused him of being a militant. Previously, the victim's friend, Nazir Shah son of Abdul Rehman Shah, had also been taken to the same camp and tortured. Abdul Rehman Shah due to severe torture against him had proclaimed that Nazir was a militant and had given his name.

The above-mentioned three officers used to enter the torture cell and demanded to know where about the victim's weapon. Officer Raju threatened him that if he did not give any information about weapons, he would kill him. These three officers never tortured the victim themselves but they would order their personnel to torture him. He was continuously tortured on and off for 18 days. After 18 days, he was released and sent home on a stretcher.

After his release, whenever there would be a militant attack in the area, he would be taken to the camp and tortured. Every time he would be taken to the CRPF Camp at SICOP and tortured under the supervision of the three above-mentioned officers.

There were allegations that his friend, Nazir Shah was a militant and affiliated to the Hizbul Mujahideen. However, the truth is that he was not; he had merely partaken in stone pelting on the streets during the protests in 2008 and in 2010.

Armed forces personnel killed Nazir Shah in 2010 during stone pelting clashes. The allegation on the victim and Nazir Shah was that they were affiliated with Hizbul Mujahideen.

During the torture, the victim's right foot was cut by a scissor and no medical treatment was given to him. As a result, he was unable to walk even after his release. Even today, he cannot stand for a long period of time. In fact, he was released and handed over to his family only when his health really deteriorated and he was nearly dead.

Even after his release, he is often picked up, arrested and kept in custody for 1 to 2 nights for no reason.

Case 201

**Javed Ahmed**

Male

Residence: Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Javed was had been feeling unwell, so his family decided to take him to a faith healer. While he and his family were on their way to the faith healer, the bus they were travelling in was stopped and they discovered that there was a crackdown in the area. All the men were taken out of the bus, and one of the Army informers identified Javed as a militant. His brother was also accused of being militant and was taken away and dunked into the Jhelum River. In this process, his brother was forcibly made to accept that he was a militant. Javed's brother was taken away and there was no news of him for the next 35 days. Whenever they tried to enquire about his brother, the Army gave no response. All the family members believed him to be dead. After 35 days, Javed's brother was released by the Army, but his health had deteriorated significantly due to the torture he had faced. He was bedridden for eight months and eventually became disabled. After these incidents, Javed went to the Major and asked him why he had abused and tortured his brother to this

extent. The Major got angry and asked his two men to take Javed to a room, where he was beaten with the butts of guns and belts. They charged him for possessing illegal weapons. Javed was taken to PAPA 2 and beaten there so badly that his genitals began to bleed. Javed was detained for 18 days without any medical treatment. He was asked to pay INR 30,000 for his release, but he was unable to pay the ransom money. After 18 days, he was released.

After his release, Javed remained in the hospital for two and a half months.

In 2002, a pro-government militant (Ikhwani) was interested in marrying his sister, which she resisted. Javed decided to support his sister and confronted the Ikhwani about his proposal. After two or three days, some Ikhwanis came with the Army men and told Javed that they would rape his sister if she refused the marriage proposal. Javed's other option was to pay them INR 30,000. He stuck to his decision and did nothing, and they later withdrew.

#### Case 202

##### **Javed Iqbal Sohil**

Male/ Tea stall owner, Associated with Jamaat-e-Islami

Parentage: Late Ghulam Ahmed Sohil

Residence: Shinal, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jatinder Singh, Jammu & Kashmir Police

#### *Case Information*

Javed Iqbal was arrested on July 12, 2000 by Jammu & Kashmir Police from Police Station Doda. He was released on August 20, 2000. He was again arrested by Jammu & Kashmir Police on December 11, 2000. An FIR No. 93/2000 was filed against him in Police Station Doda, he was booked under PSA and detained in JIC Doda. He was tortured for 6 to 7 days during his first detention and 4 to 5 days during the second one. He was tortured by Jatinder Singh in JIC Doda.

He was ruthlessly beaten with iron rods and rifle butts. He was hanged from the ceiling with his hands tied with a rope. He was forced to drink huge amount of water mixed with chilli powder. Some of it was put in his eyes also. He was released on August 20, 2003.

He has developed some health complications due to the torture. His left shoulder is in continuous pain during winters.

His case received some media attention.

#### Case 203

##### **Javeed Ahmad Bhat**

Male/ Government employee (Water works department)

Parentage: Late Ghulam Rasool Bhat

Residence: Brain Nishat, Manzgam Mohalla, Srinagar

Affiliation: Civilian

Alleged perpetrators/Agency:

1. BSF
2. 3 Garhwal Regiment, Army
3. Fayaz Ahmad Shiekh, Ikhwan
4. Mohammad Sultan Ganie, Ikhwan
5. Sanaullah Bhat, Ikhwan

### *Case Information*

Javeed Ahmad Bhat was picked up several times by different Indian agencies on concocted pretexts and subsequently tortured. His father was also picked up by the army and *Ikhwanis* and brutally tortured resulting in his death. Javeed Ahmad claims that he was working at an Army camp (Tali Manzil, Srinagar) as a labourer for the construction of water tanks. Unable to remember the exact date, he said that once (apparently in 1998) it was the month of *Ramazan* and he was coming back to his home from work. It was the time of *Iftaar* (time of breaking of fast and he was dining. The BSF cordoned their house, picked him up, and took him to the camp at Shivpora, Srinagar. He was not tortured there and was given proper food and allowed to sleep. On the next day at 10:00 am, they started questioning Javeed about his father, accusing him of possessing ammunition. They told him that his father was a militant and had a gun and asked him to hand over his father to them, as his father was not at home when Javeed was picked up. However, he could not understand why they did not ask him about his father's whereabouts or tried to pick him up. They told Javeed that because they have arrested him; his father will come on his own. But next day at 4:00 pm, he was handed over to Police Station Nishat and released after an hour.

After about two months, he was working at the camp. Incidentally, his father was also there, as he was called by the contractor for fitting of pipes there. His father was an expert in fitting pipes as he was a government employee in the waterworks department. The two BSF jeeps arrived at the spot and picked up his father and took him with them to the Shivpora camp. After being ruthlessly tortured for possessing a gun, he was released after three hours. His father was brutally beaten on the back and a roller was applied to his legs.

Two months later, one day at 10:00 pm, militants came to their house and beat all the family members. They told Javeed that his father was an informer, who was on the night shift that night and was not at home. Javeed said that he was then in a quandary whether his father was a militant or an informer. He said after this incident, they did not allow his father to come home, and instead told him to stay in Jammu. They called back his father after six months as they found out the militants who had come to their home were either killed or arrested.

After about two months, on December 19, 1999 during *Ramazan*, the Army from 3 Garhwal Regiment, Haft Chinar Camp, Srinagar accompanied by two *Ikhwanis* named Fayaz Ahmad Shiekh and Mohammad Sultan Ganaie of Bandipora came to their house at the time of *Iftaar* and ruthlessly beat the family members. Javeed's mother, grandfather, grandmother, and sister were beaten and the *Ikhwanis* broke the legs of his brother with a shovel. His father was not at home, so they blindfolded Javeed and took him away with them.

At the camp, he was brutally tortured and they demanded where his gun was, which he denied possessing. He was told to raise his arms up and was beaten on the back, buttocks, joints, and knees with a thick stick and iron rod. If he would put his arms down, he was beaten on the wrist to put his arms up again. They burnt his body with cigarette butts over his arms, back, and legs, the marks of which are still apparent all over the body. Most of his teeth were broken after being hit by gun butts, the roots of which he had to remove later. He was not given food. He was given only tea thrice a day that had pins, nails, and wheat grains in it.

On the third day, they stopped torturing him and told him that he owned a lot of land, and they would release him if he gave that land to them. Javeed told them that he could convey their demand to his family only if he is released. The next day, they stripped him naked and put him on the ground. After some time, a doctor came and gave him a painkiller injection. The armed forces lied to him and told him that they had given him a poisonous injection and he would die after some time. They also told him that they would chop out his eyeballs so he would not be able to see. They blindfolded him and gave him the stick with which he was beaten and told him to practice walking blindly. He said that he did so and he fell down several times, and every time they taunted, ridiculed and laughed at him. This humiliation was much more painful to him than anything else. Several men later grabbed his legs and arms and threw him on the piles of bags filled with stones, which he felt only by touching as his body was numb. Later he felt that he was thrown on bags filled with stones present in a vehicle when the vehicle started moving. They also gave him something in his hand, which he felt was his wallet and identity card, and he realized that they were going to release him.

They took him to the Police Station Nishat and next day on December 23, 1999 he was released. He was later admitted to hospital for some days where he was cured. However, after a few days when he was at home two *Ikhwanis* (Fayaz Ahmad and Mohammad Sultan) came to his home and demanded INR 1.2 million from them and left. After a few days they came to his home again and asked for money. The family told them that they could not pay that huge sum of money. They, later on, persuaded the *Ikhwanis* to bring down their demand of money first to INR 500,000 and then to INR 200,000. The *Ikhwanis* threatened them that if they could not meet the demand they would kill them all. After some thought, the family called some relatives to their home to discuss the matter of *Ikhwanis* demanding the money. That evening, the *Ikhwanis* again came to their house accompanied by army personnel from 3 Garhwal Regiment. They took all the members out into the lawn, and the two *Ikhwanis* took Javeed and his brother into the room for torturing him. They were about to torture them when his grandfather and grandmother yelled "*Ho Sona Ye Kuho Koruth* (Oh Sona! What have you done?)". They all came out and saw the military taking their father. Actually, his grandmother had recognized the third *Ikhwani* accompanying them when his hood went down while she was resisting the army's efforts to pick his Javeed's father. She recognized him as Sanaullah Bhat of Brain Nishat who was the cousin of Javeed's grandfather. The family had not seen him before accompanying the *Ikhwanis*. The family was surprised to see their own relative collaborating with them. The army took his father to the camp with them. His grandfather and brother went to Police Station Nishat to file a report.

They were still away when the army and *Ikhwanis* came again to their home and beat the whole family. They dug their lawn and cowshed floor. The *Ikhwanis* beat him with sticks and iron rods. They pushed his mouth into cow urine, which was present on the floor of

cowshed and he was forced to drink it. His back was beaten simultaneously. They ransacked the whole house and mixed all the food grains. They beat all the family members and told them that it was the outcome of their reluctance in giving money. During the course, the *Ikhwanis* beat and forced his mother to fill tobacco into the *hukkah* (hubble-bubble) for them, which she did. Then they left the house at about midnight.

After five days the army released his father, but he was brutally tortured. He had been forced to drink acid, which had damaged his stomach and kidneys. His fingers had been pulled apart, as there were clear cuts between his fingers. His armpits had been cut as well. The flesh had been plucked from his toes, as there were black scars on his soles. His legs had also been rolled over. After his release, he was directly taken to SKIMS, Soura, where after 17 days, on March 17, 2000 (Eid-ul-Azha), he died. They took his body to Police Station Soura, where the post-mortem was carried out, which revealed that he had died due to the intake of acid and brutal torture.

The family lodged FIR no. 23/2000 at Police Station Nishat and filed a case at Lower Court, Srinagar against the three involved *Ikhwanis* and the army. The police on court orders arrested three *Ikhwanis* in 2001 and they were detained at Central Jail, Srinagar. The court also sent notices to the army camp, but they did not turn up as they denied the presence of that particular Regiment (3 Garhwal Regiment) posted there. However, the court on the judgment of Altaf Kirmani acquitted the culprits in January 2008, as according to court, the crime was not established against them. The judgment stunned the family, for before the judgment, Javeed had approached the High Court to give an order to the doctor who had done the post-mortem of the body to appear before the court. However, before its order, the court gave the judgment.

The torture Javeed was subjected to has had an adverse effect on his health as well. He has chronic back pain and headache. He suffers from insomnia. Most of his teeth are broken, and he cannot do physical labour. He has been given a job in the waterworks department under SRO-43. He is also under threat of getting killed by *Ikhwanis*, as they once threatened him in court during the hearing.

#### Case 204

##### **Javeed Ahmad Gilkar**

Male/ Welder

Parentage: Mohammad Akbar Gilkar

Residence: Arampora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army

#### *Case Information*

Javeed went to Pakistan administered Kashmir for arms training in 2002. He was arrested at the Uri border along with 18 other persons when he was returning in 2006 after four years of training. These men were arrested along with arms and ammunition. Javeed was taken to the Uri Army Camp where he was kept for two months and subsequently tortured.

For the first two days, he was only interrogated, but later on, he was ruthlessly tortured. His hands were tied, and he was continuously beaten. He said that he was kicked and thrashed after every question they would ask. A roller was applied over his legs, pressed down by several persons on both sides. His head was forcibly dunked into water in to which chilli powder and turmeric powder was mixed. He was kept in a small cell (4x4) along with another person. All of the detained boys were made to inform their families about their arrest on telephone. His family came to meet him. After two months, Javeed was handed over to Police Station Sopore, wherefrom he was released. He was never taken to a doctor during his detention period.

Five months after his release, Javeed was picked up again by Rashtriya Rifles from Sopore when he was sitting in a shop. He was detained at the Ganjoo House, Sopore for two days, where he was tortured and interrogated. After two days, he was released. Javeed has to give *haziri* (report) at BSF camp at Mehrajpora, Sopore every Sunday, where he is sometimes forced to do laborious work like cutting grass and cleaning camp premises.

#### Case 205

##### **Javeed Ahmad Lone**

Male/ Carpenter

Parentage: Habibullah Lone

Residence: Dangerpora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. JAKLI, Army

#### *Case Information*

Javeed was arrested, without weapon, on the first day of a three-day crackdown when he tried to break the cordon. He was then taken to a Government Higher Secondary School building, where he was repeatedly tortured for three days. First, Javeed was stripped naked and beaten with thick sticks for nearly an hour, during which a bone on his right leg was fractured. Following this, they poured water on him and applied an electric current to his temples and chest for about fifteen minutes. A heavy wooden roller pressed down by men on both sides was applied over his legs. Then Javeed showed them the site where he had dumped his weapon, which they then recovered. The same day, he was beaten again.

After three days, when the crackdown was lifted, Javeed was taken to JIC Baramulla for three months. Upon arrival, they laid him out on the ground so that the men could step on his chest. They also beat him with bamboo sticks and dragged him into a compound, where he was kept in a small cell with five other people for fifteen days. One by one, the detainees were taken outside twice a day for torture that lasted an hour at a time. Javeed was beaten with bamboo sticks and an electric current was applied to his various body parts. While he was kept in the cell, he and the other detainees were not allowed out to use the bathroom, so they were forced to defecate inside the cell. Due to the stench and dirt in the cell, it was difficult to breathe. They were given sub-standard food that was thrown into the cell on the dirt floor. The men often did not want to eat, so as to avoid having to go to the bathroom.



After fifteen days, Javeed was transferred to another building in the same camp, where he was put into a 10x15 foot room with ten other detainees. The windows were closed and covered with thick cloth so that the room was kept completely dark. Again, the detainees were taken one by one outside twice a day for torture that lasted an hour at a time, during which they were beaten with thick sticks and leather belts.

From there, Javeed was taken to Badami Bagh Cantonment, Srinagar, where the conditions were much worse. He was put into a poorly ventilated underground room with thirty other people. They were all kept blindfolded and naked. They were taken out one by one for torture once daily, during which the military officers would torture the men themselves. During the torture, Javeed was regularly beaten with thick sticks and leather belts. A heavy roller was applied over his legs several times, which was pressed on both sides by men. An iron rod was put in between his fingers, which were later pressed on by several men. Javeed's condition was deteriorating with each passing day, but he was never taken to a doctor or given medical treatment.

Javeed was then transferred to Udampur Jail for one year. There, the condition was a bit better compared to the other places. His family members were allowed to see him for the first time since he was arrested. His wounds healed to some extent because he saw a doctor a few times.

From there, he was transferred to JIC Jammu for two years. During that time, he was taken to Khati Talab interrogation center several times, where he was tortured by intelligence agencies. He was beaten with bamboo sticks and his head had bricks smashed over it. Two years later, in 1996, he was transferred to JIC Baramulla and subsequently released.

After his release, Javeed did not join the armed struggle again, but had to report at several military camps in the area once a week. This ended only in late 2008. While reporting, Javeed was harassed and beaten several times on trivial issues. They would normally be detained for a full day and forced to do laborious work without food.

At Warpora, Sopore Camp, by JAKLI, he was often forced to remove his clothing and stand in sun for a long time. Several times, he was forced to put his hands into cold water for hours in the winter and then put them over a fire. Apart from that, Javeed was called to camp every time an incident took place in the area and then subsequently harassed. The torture has rendered him feeble and weak. He is unable to do any physical work or carry heavy loads. He has chronic back and joint pain and cannot stay outside for any amount of time in the winters.

#### Case 206

##### **Javaid Ahmad**

Male/ Carpet weaving

Parentage: Ghulam Ahmad Parray

Residence: Hajin, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Kuka Parray, Ikhwan

#### *Case Information*

Javaid Ahmed claims that he was picked up by renegades and subsequently tortured on suspicion of hurling a grenade at the *Ikhwanis* in 1995, when he was only 12 years old. Javaid was picked up along with four other friends from his native village. A day before the grenade was lobbed; they were distributing their photographs among themselves in the market, which they had taken at Gulmarg a few days before. The next day, when the grenade was lobbed on a group of *Ikhwanis* in the market, they suspected Javaid and his friends' distribution of photographs as the hatching of a conspiracy to hurl the grenade. The *Ikhwanis* picked them all up one by one and tortured them.

They picked Javaid from his home in the morning, blindfolded him, and took him to someone else's home. They stripped him naked, and beat him with thick shafts all over his body for almost an hour. After that, they tried to burn him with the stove, but fortunately, they could not find kerosene to light it. They later took him into the kitchen of another house. There, they heated an iron rod in the oven and applied it to Javaid's back several times. After that, they took him to their chief Kuka Parray, where he was again beaten and interrogated about the grenade throw, which he did not know anything about. After that, they put Javaid into a separate room, where he started offering *Namaz*, but as he went down to prostrate, one of the *Ikhwanis* beat him with the butt of his gun on his back. He fell to the floor and was unable to move or stand. Unable to elicit any information from him, the *Ikhwanis* released Javaid in the evening. He was later hospitalized for several days and was unable to walk for a long time. He is still suffering from occasional back pain, and during winters, he has to stay inside and put on many layers of clothes, otherwise his entire body aches due to the cold.

#### Case 207

##### **Jan Mohammad Parray**

Male

Parentage: Hakeem Mohammad Shafi

Residence: Mangota, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 56 Battalion, BSF
2. 10 Rashtriya Rifles, Army

##### *Case Information*

Jan Mohammad Parray has been arrested and tortured multiple times. He, along with his father, Mohammad Shafi Parray and his uncle, Ali Mohammad Sehraie, were arrested for the first time on March 24, 1995. All the three people were tortured together by the army in their camp inside the stadium in Doda. He was shifted to JIC Doda after torture. He was released from there after 45 days on the recommendations of the screening committee.

He was tortured ruthlessly in the camp. He was beaten mercilessly, forced to drink a lot of water, electric current was given to different parts of his body, a roller was rolled over his legs, his body was burnt with cigarette butts and dirty water was poured on his face which went in through his nose.

He was again arrested in 1996 by 56 Battalion, BSF from his home. He was taken to BSF camp, Doda where he was kept hanging upside down for 2 days and wasn't even given water to drink. He was released from there after 2 months. Due to this torture, he lost sensation in both of his hands. After treatment, his right hand has become functional again.

He was arrested the last time in either 1997 or 1998 (he does not remember it exactly) by 10 Rashtriya Rifles from his home. He was implicated in a false case of the recovery of a hand grenade, which according to him was planted by the army personnel themselves. He was tortured during this detention continuously for two months. He was later booked under PSA and lodged in Kot Bhalwal Jail, Jammu for about 2 years.

He has developed many health related issues as a consequence of torture. He has a disk dislocation problem in his back. He cannot hear from his right ear.

He was under trial for almost eight years after which he was acquitted by the Additional Sessions Court, Doda.

Case 208

**Kaiser Ahmad Dar**

Male/ Student

Parentage: Ghulam Rasool Dar

Residence: Seer Hamdan, Anantnag (Islamabad)

Age: 15

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Kaiser, a 15-year-old boy, studying in 9th class was beaten by Indian armed forces while he was working in a paddy field on September 7, 2001. The Indian armed forces barged into the field without any warning and started beating him with the butts of their guns, and later a stick was inserted into his rectum. He cried for help, and ultimately it was because of the intervention of the village head Ghulam Hassan Ganie, his sister, and neighbours that he was spared by the forces. However, Kaiser had already been left in a pool of blood and soon lost consciousness. He was transferred to SMHS Hospital, Srinagar, where doctors said that his survival chances were minimal.

Case 209

**Kaiser Ahmad Sofi<sup>301</sup>**

Male/ Student

Parentage: Abdul Hamid Sofi

Residence: Dadha Mohalla, Shalimar, Srinagar

Age: 16

Affiliation: Civilian

Alleged Perpetrators/Agency:

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<sup>301</sup>Source of the case: The Informative Missive

1. SHO Anzar Khan, Police Station Nishat, Jammu & Kashmir Police

*Case Information*

On October 27, 2016 at 10 a.m., Kaiser went to fetch milk and biscuits and came back home. After spending around half-an-hour at home he went out again. A *Muharram* procession was to be carried out in the afternoon, so there was rush of people in the area since morning. When he left his home he didn't inform anyone in the family where he was going.

The family assumed that he might have gone to a nearby Shrine, situated in his native village, where he normally goes to pay obeisance. The area was relatively calm since the July 8, 2016 uprising. His absence at lunch did not worry his family much. When Kaiser didn't return home till 4 pm, his family became worried. They went out to look for him. However, the family did not approach the police. They stopped searching during the night, which they described as "a painful night". Next morning with the breaking of the dawn, they re-started the search.

Kaiser's brother was told by a local that Police Station Harwan had arrested 4 boys the previous day and he should look for his brother there. The local also informed him that he saw the 4 boys being blindfolded with their shirts when they were being taken to the Police Station. The family went to police station Harwan at 9 am. When they enquired from *Munshi*, at the police station, about the arrested boys, he denied having arrested anyone. The *Munshi* asked them to look in the Police Station Nishat.

In the Nishat police station, the family was mocked by the policemen, who all were dressed in civvies. One of the policemen told the family either Kaiser might have eloped with some girl or crossed over to Pakistan administered Kashmir to join militancy. They became enraged with the police behavior, which led to a heated argument. Then the police asked them to come again at 4 pm along with an application and photograph of the disappeared. When the family in the evening visited the police station with an application, the *Munshi* while reading the application slapped Tanveer, the victim's brother, for some "grammatical mistakes" in the application. Then the *Munshi* started calling other police stations to ascertain whether any of the police stations had arrested the boy. He asked a boy, who was using Facebook, to upload Kaiser's photograph as disappeared along with contact details. Soon after uploading the picture, the victim's father received a phone call from a guard of Cottage Industry Exposition (C.I.E) showroom informing him that his son is lying on the road side outside the showroom at Shalimar.

The guard had spotted Kaiser lying on the roadside near garbage pile. Kaiser himself had given his father's number to the guard and told him to inform his family that he had been poisoned and tortured. The family was still in the police station when they received the call. As the family members started moving towards the spot, the police stopped them asking them to file an FIR first. The police also told the family that they will provide a vehicle to reach to the spot; however, that time there was no vehicle at police station.

According to the family, "It was a police trick to stop the family from reaching to the spot before them." The victim's father was eager to see his son so they declined the police offer. On way, Tanveer called his maternal uncle to reach to the spot with his vehicle. The family was dumbfounded on seeing Kaiser's conditions. His chest bore jackboot marks, his neck

and ears had cigarette burn injuries and his hands and arms had pores as iron nails had been inserted in them. They took him to SKIMS Soura.

At that time, Kaiser was able to speak, however with regular pauses. He told his mother, “I was poisoned and tortured, I resisted taking poison but they forcibly made me drink”. The mother enquired “who poisoned you”? He replied “Policemen, some in uniform and some in civvies.” He later slipped into coma.

The doctors after conducting medical examinations declared that the boy had been poisoned and tortured. For more than a week, the victim remained in coma. Kaiser died on November 5, 2016 at the hospital. The total expenditures incurred on Kaiser’s treatment were around INR 300,000, which was a huge amount for the family.

The SHO, Police Station Nishat Anzar Khan repeatedly called Tanveer coercing him to bury his brother during the night. The police officer even threatened Tanveer of serious consequences if he did not oblige to police diktats. However, Tanveer didn’t relent.

Next morning, when people gathered to participate in funeral, the police targeted the mourners with tear smoke shells and pellets. People who were performing *gusl* (ablution) of Kaiser’s body were also injured. One of the maternal uncles of the victim was hit by pellet cartridge in his legs. He was taken to Bone and Joint Hospital, Barzulla and admitted there. Kaiser’s other relatives, his aunt and a cousin also suffered injuries and were admitted in the hospital. His aunt’s hand was injured with teargas shell while his cousin received pellet injuries on her face and legs.

Police never bothered to contact the family to record their statements. However, a case under FIR no. 95/2016 was filed in Police Station Nishat. The FIR filed mentioned that the victim was an epilepsy patient and committed suicide.

Case 210

**Khausar Mohammad Choupan**

Male/ Shepherd

Residence: Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

During the time of the Amarnath Land Protest in June and July 2008, the military was in charge of patrolling the village and there was curfew in Khausar’s village in Handwara. During the curfew, on August 5, the family needed to fence their front yard, so some members of the family were working on it when the incident of torture occurred.

The Army men questioned them about breaking the curfew and asked them to step back into the house. An argument ensued and the men of the family were beaten with wooden sticks and the butts of guns. Following the screams of the men, the women of the household came out to see what was happening. They got in the way and were thus also beaten in the process. The women claim that the Army men came inside the rooms of the house and, as they protested, the women were dragged outside by their hair. Their scarves

and clothes were all dirtied in the process. Witnessing the family's plight, the neighbours gathered and began protesting against the Army. The Army men were forced to retreat, leaving many of the family members injured. The entire incident lasted 20 minutes.

Khausar's son Zahoor Ahmed sustained head injuries and was rushed to the hospital. When they determined the seriousness of his injuries, he was later taken to SKIMS Hospital in Srinagar. Riyaz Ahmed, another son of Khausar, sustained shoulder injuries. Bashir Ahmed received leg injuries. Mushtaq Ahmed had a left arm injury. Fatima, the wife of Bashir Ahmed, sustained left arm injuries.

All 30 family members were taken to the hospital by an ex-MLA Choudhary Mohammad Ramzan. The family paid for their expenses, but received no medical reports. The incident was never reported by the family to the police, because they feared further persecution.

Case 211

**Khazir Mohammad Mir**

Male/ Fruit Businessman

Parentage: Abdul Khaliq Mir

Residence: Parraypora, Hadipora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army
2. Major Sidhu, 14 Mahar Regiment, Army

*Case Information*

Khazir Ahmad crossed the LoC in 1991 for arms training and returned after two months and remained active with Al-Jihad militant outfit for a year. He was arrested in 1993 by the 15 Punjab Regiment, at Tengpora, Rafiabab during a raid on the marriage ceremony of his friend. He was later taken to different army camps and interrogation centers where, Khazir claims, he was tortured.

After the arrest, he was taken to Watergam camp for a week, during which he was tortured. On the first evening, he was beaten with leather belts and bamboo sticks for about four hours and they put him into a room naked for a night. The next day, they took him into the torture room again, and after they tied his feet, they suspended him upside down from the ceiling for about two hours. They simultaneously beat him with thick rubber belts and bamboo sticks. After taking him down, they dunked his head several times into water that had chilli powder mixed into it. After he swallowed a lot of water, at least two people stood over his stomach and forcibly trampled and kicked it. As a result, all the water he had swallowed came out with some blood through his mouth. Then they applied a heavy wooden roller over his legs that was simultaneously pressed down by several people on both sides. With that, the muscles in his thighs got wounded and dislocated on one side. After that, they inserted a thin rod through his private part and applied an electric current through it, which resulted in bleeding. Then a thick rod was put through his legs, and his hands were tied to it. He was then beaten with thick sticks for the weapon. They had already recovered it during a raid few days before Khazir's arrest. He did not possess any weapon at that time. After that, they put him into a narrow trench, where it was difficult to sit or stretch the legs properly. The trench was poorly ventilated, as it was covered with a

cement lid. Khazir was unable to sleep due to pain and the scant, filthy air inside the trench. He was suffocating to death. He was taken out of the trench twice daily and that too only for torture, during which he was beaten, his legs were rolled, and an electric current was applied to various body parts.

After a week, he was taken to JIC Baramulla for five months. He was tortured there during the first four days, two to three times daily. He was beaten, kicked, his legs were rolled upon, and he was suspended from the ceiling upside down for hours. After that, he was no longer tortured. After five months, he was released, when the screening committee inside the jail provided a positive report about him.

After he was released, he did not join the armed struggle again, but he was arrested again by the 14 Mahar Regiment in 1997, who detained him for four days at Reban Camp, during which time he was subsequently tortured. The regiment was led by Major Sidhu at that time, and he picked up all the ex-militants in the area one by one and released them only after torturing them. Khazir was called by the same Army to report at the camp, and when he went there, he was detained for four days. During the detention, he was ruthlessly tortured. He was tortured thrice daily for hours, during which he was beaten with rubber belts and bamboo sticks all over the body, and an electric current was applied to his private and other parts of his body every day. He was kept suspended from the ceiling upside down several times and simultaneously beaten. Due to continuous beatings, one of his lungs was damaged and remains non-functional even after undergoing surgeries. During torture, they did not ask Khazir anything. They used tactics to incapacitate him and make him powerless to join the armed struggle again.

After he was released, he was admitted to the hospital for one month. After his first release, he had to report at various camps in the area every week, which ended only some four months back. He reported at almost all the camps in the area, during which he was forced to do laborious work and often beaten if some untoward incident would take place in the area. During crackdowns in the village, they (ex-militants) were always kept separated and were beaten, asked confusing questions, and ridiculed in front of everybody. Due to torture, Khazir is unable to do any physical work and unable to walk or stand for a long time. He also has suffered from erectile dysfunction.

Case 212

**Khursheed Ahmed**

Male/ Labourer

Parentage: Ali Mohammad Ganai

Residence: Ponchra Kulhand, Bharath Bagla, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Inspector Ashwani, SOG

*Case Information*

Khursheed was arrested on June 25, 2006 by SOG. He was detained in JIC Doda and JIC Jammu. He was tortured in both the places; for 6 days in JIC Doda and 14 days in JIC Jammu. He was tortured by SOG Inspector Ashwani from JIC Doda. He was beaten with

sticks and given roller treatment. He was released after 3 years and 3 months on 22 August 2009.

His family suffered a severe economic crisis as he was the lone bread earner in the family. His family received a monetary help of INR 55,000 from International Committee of the Red Cross (ICRC). He still suffers from general physical weakness because of the torture he was subjected to.

Case 213

**Lateef Ahmad**

Male/ Fruit Businessman

Parentage: Ali Mohammad Parra

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army
2. 5 Mahar Regiment, Army
3. 22 Rashtriya Rifles, Army
4. SOG

*Case Information*

Lateef Ahmad was arrested several times by different agencies and subsequently tortured for allegedly providing food to his distant relative, who was a militant. Lateef states that he was first arrested in 1994 from his home by the 26 Punjab Regiment and was taken to Dangerpora camp, Sopore where he was beaten severely for an entire night to reveal the whereabouts of his relative who was a militant. They accused Lateef of providing his relative food and shelter, but the truth was that Lateef had never seen him again after he became a militant. They removed all of Lateef's clothing and beat him with bamboo sticks. The next day, after they failed to elicit anything from him, Lateef was released.

But only four days later, he was traveling from Sopore town to his home when he was arrested again by the Army of the same camp. They kept Lateef detained for two days, during which they tortured him ruthlessly. They kept him in the torture room, removed his clothing, and kept his hands and legs tied. They beat him with bamboo sticks all over his body. After that, they forced his head into chilli water several times for 2 to 3 minutes at a time. After he swallowed a lot of water, they forcefully kicked his stomach to make him vomit back all the water. They applied same methods of torture for two consecutive days and did not provide any food for two days, except a plain cup of tea in the mornings. They asked Lateef again for the address of his militant relative, which he did not know. After two days, they released him.

A few days later, the 5 Mahar Regiment replaced the 26 Punjab Regiment at the camp. After only one month, the same Regiment raided his home during the night and took Lateef with them. They detained him for eight days and tortured him continuously for two to three times a day for hours. On the first day, they stripped off all his clothes and beat him with leather belts. They also dunked his head into the water several times for 2 to 3 minutes at a time. After that, they tied an electric wire to his earlobes and private parts and applied electric currents to them for about fifteen minutes. They also inserted petrol into his



rectum, due to which he felt he would soon burst. After that, they blindfolded him and put him into a small cell for 24 hours, where a person could not stretch his legs properly. It was also difficult to breathe inside it due to poor ventilation. After that, they put him into another room, wherefrom he was taken out for torture twice a day for one hour each. During the torture, he was beaten with thick bamboo sticks, and a heavy roller was applied over his legs. They did not ask him anything, and he did not know the reasons for his torture. During those eight days, Lateef's family members were not allowed to meet him. The regiment also threatened to have him killed in a fake encounter. He was forced several times to put on clothes and to get ready to go to an unknown place to be murdered. But every time, they only threatened him and did not take him.

After eight days they released him, but Lateef did not stay at his home. He remained outside of his village for about three years, until his militant relative was killed. When Lateef returned, the army asked him to report every week at the Dangerpora Camp, Sopore. He continuously reported for about two years. During that time, he was beaten several times on trivial pretexts and forced to do laborious work in the camp. He was several times forced to clean the drains and bathroom of camps, cut the grass, clean utensils in the kitchens, and break charcoal in the winter. As some time passed, the assembly elections (2002) approached in the state. The army told him that in order to end reporting at the camp, he should be the first person in the village to vote. On Election Day, Lateef was the first person to enter the polling booth. The army later ended his reporting at the camp.

On July 30, 2006, he was picked up again by the 22Rashtriya Rifles, after they and the SOG raided his home at 10:30 pm and took him to the Seelu Camp. They kept him there for a night and transferred him the next day to the SOG Camp, Sopore, where he was beaten for allegedly providing shelter to militants. Lateef asked them that if they had reports of the presence of militants in his home, why they had not raided it. After beating him the entire day, they released him and told him to be in the camp on the first day of the next month. On that day, when Lateef approached the camp in the morning, they kept him waiting full day there without asking him anything. In the evening, they told him to come again the following day. When he went there again along with his cousin the next day, they told his cousin to leave and come back in the evening, and they would release Lateef also. They did not release him, but took him to the Air Cargo SOG Camp, Srinagar, where he was detained for two days. During that time, he was tortured brutally. They put him on a chair, which they could lift and suspend in the air with a person sitting on it. They kept him suspended upside down tied to the chair for the complete day and simultaneously beat him with thick bamboo sticks and a thick leather belt. From here, they again took him to SOG Camp, Sopore for 16 days, where he was tortured everyday twice for hours. Every day, they applied a heavy roller on his legs, applied electric currents to his various body parts, and beat him on his soft muscles. From there, Lateef was taken to Police Station Sopore for another 16 days. He was not beaten there. He was later transferred to Udhampur jail under a false case.

After 11 months, he was released on bail. While Lateef was at SOG camp, the Dy.S.P. told him there that it was only due to the wish of the then-MLA of Sopore, Abdul Rashid, who belonged to the village, that Lateef was detained under false charges. It was also Abdul Rashid who did not want Lateef released. Lateef still fails to understand why Rashid had such animosity towards him. After that, he was never arrested again. The torture Lateef was subjected to had a very adverse effect on his health. He is unable to do heavy physical work or walk long distances.

Case 214

**Lateef Ahmad Khan**

Male

Parentage: Ghulam Mohi-ud-Din Khan

Residence: Khag, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Shanty Singh, SOG
2. Sidhu, SOG
3. 34 Rashtriya Rifles, Army

*Case Information*

Lateef Ahmad was picked up from his home on one morning in October 2003, on the accusation of being linked with militants, by Magam SOG (Shanty Singh and Sidhu) along with CRPF. He was taken to the Magam SOG Camp. On the first day, he was kept in a dark room, where there was no light and the floor was covered with grass and the roof had rats and dogs moving over it. On the second day in the evening, he was beaten first and then both of his hands and legs were tied to a rope, which was fixed to the roof. He was facing the floor; they called this position as *jahaaz* (aeroplane) and then he was beaten again with a wooden rod of almost 5 to 6 inches of thickness. They hit him mostly on the joints and stretched his shoulders and legs to the extent that they were dislocated from their joints. He was kept in that position for almost 2 hours and 30 minutes till he blacked out. They repeated the torture after a gap of two to three days. But this time he wasn't hung as his shoulders were dislocated, therefore his head was first put in a wooden square frame, a person would hold it in place and then he was beaten from behind. This process was repeated after 2 to 3 days and then he was released after 15 days.

They did try to take him again for torture but could not as he was not able to walk on his legs due to joint dislocation. After that, 34 Rashtriya Rifles used to call him for reporting, so he had to go there several times during which they tried to convince him to work for them as their informer which he denied and then they used to abuse him verbally as well.

The torture that he went through affected his health as even today when the temperature drops even a few degrees, his hands and legs get paralyzed and he cannot move. Doctors recommended a surgery, which he couldn't get done because of floods of 2014 and since then he is on medication. There was no FIR filed against his and he was taken for torture for no reason.

Case 215

**Majid Ahmad Ganai**

Male/ Driver

Parentage: Ghulam Rasool Ganai

Residence: Frisal, Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army

2. SOG
3. Jammu and Kashmir Police
4. CRPF

*Case Information*

Majid Ganai was arrested in December 2008 and was tortured for the whole day before being released. He was tortured alone while the perpetrators were in a group. He was given roller treatment, physically beaten by steel rods and wooden logs, given electric shocks, his face was burnt using electric heater.

He has physical weakness, sexual problems and constant joint pain. His family is also affected by the torture that was inflicted on him.

Case 216

**Manzoor Ahmad Bhat**

Male/ Carpet weaver

Parentage: Ghulam Muhammad Bhat

Residence: Tulumulla, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Commander Qadir Khan, BSF (Kheer Bhawani, Tulumullah Camp)

*Case Information*

Manzoor Ahmad Bhat was the lone brother among five sisters. On 24 July 1994, during a crackdown, he was arrested by BSF Commander Qadir Khan. Their camp was situated at Kheer Bhawani, Tulumulla. Many others were arrested along with Manzoor during that crackdown: Farooq Ahmad Parray R/O Astan Mohalla Tulumulla, Mumtaz Dar Parentage: Maqbool Dar R/O Bonpora. During the identification parade, Nazir Molvi, Nowpora, Rashid Parray, Mazir S/O Abdul Khaliq, Ahad Sofi, a bread maker were also arrested by the BSF headed by Qadir Khan. Manzoor Ahmed was arrested at around midday and later killed in custody after having been brutally tortured.

The BSF had tied him with a rope after his arrest and dragged him tied to their vehicle for about one kilometer from Chowk Tulumulla to Bonah Mohalla. BSF commander Qadir Khan pumped stones in the mouth of Manzoor. When he was being taken, one of his sisters approached Qadir Khan and promised to marry him if he were to set her brother free.

When Manzoor was being taken away, he pleaded with the head of his village to, "Please tell them I am not a militant."

Case 217

**Manzoor Ahmad Gani**

Male

Parentage: Abdul Aziz Gani

Residence: Wakura, Ganderbal

Affiliation: Civilian

**Alleged Perpetrators/Agency:**

1. Rashid Kumbay, Ikhwan
2. Major I.B Malik, 10 Bihar Regiment, Army

Testimony by the victim's father, Abdul Aziz Gani

*Case Information*

Abdul Aziz Gani, age 70 years was brutally tortured by *Ikhwani* head Rashid Kumbay along with others. Manzoor along with Gul Bhat, Muhammad Yousuf Rather, Hilal Bhadr, Peer Nasrullah Shah and Bashir Ahmad were picked by 10 Bihar Regiment during a crackdown. They took Manzoor and others to Safapora Camp. After severe torture for eight days, all the detainees except Manzoor were released from the Safapora Camp. When his family went to the camp to find out their son, Major I.B Malik told them to get a vehicle and take Manzoor to the hospital. Manzoor was handed over to his family in a very morbid condition. They took him to Bone and Joint Hospital Barzulla, Srinagar. Seeing his condition the doctors were first reluctant to admit him there. But after he was admitted, both his legs were amputated. He was later shifted to SMHS Hospital, Srinagar where he breathed his last after 42 days.

Even after Manzoor's death, his house was raided and his family harassed multiple times by Ikhwani, Rashid Kumbay who was working with army at that time.

Case 218

**Manzoor Ahmad Khan**

Male/ Businessman

Residence: Khanyar, Srinagar

Affiliation: Militant

Alleged perpetrators/Agency:

1. SOG

*Case Information*

Manzoor Ahmad Khan was a part of Hizbul Mujahideen and received his training in Kashmir. He joined the armed movement in 1995 and was active for two years. In 1997, he was arrested in Srinagar's Hawal area, when the SOG raided his house one night. The SP (SOG) was Ashkoor Wani. Khan was taken to Humhama, and spent twenty-two days there. After that, he was transferred to JIC Budgam, where he spent three and a half months. He was in Hiranagar Sub-jail in Jammu for nine months, then in Kot Bhalwal Jail for eight months. He was then transferred to Hari Niwas for one and a half months, and then to a police station, where he spent a month before being released. In total, he spent 20 months in detention before he was released in 1998.

In Humhama, Khan was kept in a 3x4 foot cell with three other boys. Two of the boys, named Khalid and Shabir, were killed in a fake encounter. They were Pakistani and were asked why they had come to fight in a foreign land. They were also asked why they wanted freedom, and were then killed and buried in Budgam.

During interrogation, Khan was asked to surrender his gun, but he could not give it to them, because he did not have it on him at that time. In Humhama, he was hung upside down (which he called 'aeroplane'), given electric shocks, and water-boarded. When he asked for water, he was instead given alcohol. He was dragged to and from his cell for torture. Petrol was inserted into his rectum, his legs were stretched, and the beatings continued for nine days. After this, he was transferred to Budgam, where his condition became so serious that doctors referred him to the hospital. He was then given glucose and the torture continued every alternate day.

After that, Khan was transferred to the jail, where he was not tortured. However, only in JIC Budgam was he allowed to see his family members and that too from a distance of fifteen feet.

Due to the effects of torture, Khan cannot walk properly and his kidneys do not function well. He cannot lift heavy things, even many years after the torture. During the torture, he was referred to doctors many times, but the SOG and Army never followed through.

Khan refused to report at the camps every week. He had said that he would come if there was a need for it, but he had not done anything wrong. Members of the Red Cross would visit him at his home, but he never received justice. He was arrested again about three or four times. He states that the Army picks him up whenever they feel like it, tortures him for ten to twelve days, and then releases him. Last time, he was picked up in December 2007, and tortured for eleven days. This process of being tortured for no reason continues everywhere in Kashmir.

#### Case 219

##### **Manzoor Ahmed Lone**

Male/ Fruit Businessman

Residence: Delina, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, BSF
2. 29 Rashtriya Rifles, Army
3. 9 Gorkha Rifles, Army
4. 4 Madras Regiment, Army

#### *Case Information*

Manzoor joined the armed struggle in 1990, after he went to Pakistan administered Kashmir for arms training. After returning in 1992, he remained active with Muslim Janbaz Force militant outfit in Kashmir for about a year and a half. The 15 Punjab Regiment arrested him in 1993, after he was trapped in a crackdown in his own locality. He then spent more than two years in different interrogation centers and jails.

Manzoor was taken to Baramulla Signal camp after his arrest, and tortured there. They asked him about his weapons. At first, he denied his association with militancy, but as the torture continued, he gave his gun to them. However, that did not make the torture stop. It was very cold then, as it was December. They stripped him naked and poured cold water over his body. They beat him with sticks and belts. They forced him to drink six buckets of

chilli water, from which his stomach became bloated. After doing so, they kicked his stomach forcefully, and as a result, bloody water began oozing out of his mouth and nose, and lost consciousness.

After he regained consciousness, they started torturing him again. Manzoor was given electric shocks to various parts of his body, including his private parts. They poked him with a hot knife on different areas of his body, the marks of which can still be seen on him today. He was forced to drink petrol and chilli powder was inserted into his rectum. They hung him upside down for hours by tying his feet to the ceiling. One interrogator pulled at the flesh on Manzoor's forearms while another cut it with the red-hot scissors. Then they applied salt and chilli on the wounds and covered them with filthy cloth. His wounds were left unattended, and as a result, became infected and full of puss. They took him to doctor but he did not examine Manzoor properly, and instead gave him only Paracetamol tablets after a cursory examination. Manzoor was kept there for three days, after which he was transferred to different interrogation centers and jails like Hari Niwas, PAPA 2, Badami Bagh Cantonment, Srinagar and Kot Bhalwal Jail, Jammu for different periods of time until he was finally released in 1995.

After his release, Manzoor did not join the armed struggle again, but he was picked up several times by different Indian agencies. He was detained by BSF in 1995 for one month, by the 29 Rashtriya Rifles at Baramulla for one and a half months, by the 9Gorkha Rifles at Sopore in 1997 for three months, and arrested twice by the 4 Madras Regiment in 1997 and 1998. Manzoor was subjected to brutal torture methods during all of his detention periods.

Different Indian agencies harassed Manzoor, even though he had shunned the armed struggle. They picked him up any time they wanted to. They tortured him to the extent that he has attained several health problems. Once, they forcefully hit him on belly with spade and as a result, he has developed swelling in his stomach. The doctors are not ready to operate on it, as they feel it may prove fatal. Manzoor has some kidney problems as well, and doctors have suggested removing one of them. He usually has unbearable back and joint pain, and cannot walk for very long. After that, the Army came several times to his home, but after seeing his bad condition, they did not arrest him.

#### Case 220

##### **Manzoor Ahmed Natnoo**

Male/ Contractor, Associated with Jamaat-e-Islami

Parentage: Abdul Rashid Natnoo

Residence: Bhaboore, Doda

Affiliation: Civilian

Alleged Perpetrators/ Agency:

1. Major Raman, Military Intelligence, Army
2. 8 Rashtriya Rifles, Army

#### *Case Information*

Manzoor was arrested for the first time on July 17, 1994 by 8 Rashtriya Rifles unit of the Indian Army. He was released in November 1994 and during this time he was tortured severely, first in the army camp and then in JIC Doda. The commanding officer of this Army Unit was Major Raman who was working for Military Intelligence.

He was arrested by Military Intelligence from his house and was kept in their camp where he was subjected to third degree torture. He was stripped naked, beaten with iron rods and the army personnel pissed on his head and body. During this whole time, he was verbally abused and humiliated and was forced to give a confessional statement. He was kept in the army camp for three weeks during which he was continuously tortured. He was then shifted to JIC Doda where the same torture was continued for another three months. For two nights, he was put inside a gunny bag with his arms and legs stretched out and the bag was tied. He was repeatedly kicked while he was in this bag.

His right ankle and ribs were fractured during this torture; his left eye was severely bruised and he received a deep wound on his forehead. He was not provided any medical assistance for these injuries.

He was later shifted to Police Station Doda and was released from there after the recommendations by the screening committee.

He has been arrested and tortured multiple times after this.

He has developed several health problems. He is still unable to do any physical work due to the torture he suffered, which also caused him psychological trauma. His hands tremble while writing. He is still on regular medication due to the health complications he developed as a consequence of torture.

He had lodged a complaint with SHRC J&K and his case was also reported by Amnesty International London.

Case 221

**Manzoor Ahmad Rather**

Male/ Shopkeeper

Parentage: Abdul Khaliq Rather

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

The Indian Army picked up Manzoor Ahmad in 1993 from his village after he attempted to flee from a crackdown there. He was detained for one night at Khanabal Army Camp, where he was tortured. Due to the torture inflicted on him, the left side of his body does not function properly.

It was 1993 when the Army came to his village, apparently for crackdown. One year before, the Indian army had laid a crackdown on June 2, 1992 during which they beat several people in the village. Scared of being beaten, Manzoor tried to flee the village through a route that appeared to be un-cordoned. However, he was picked up on his way by the Army, who took him to a nearby field and beat him with bamboo sticks. After that, they took him to Gujjar Hostel Camp, Anantnag and then transferred him to Khanabal Army

Camp, where he was kept for one night. Manzoor was beaten there again on his shoulders with thick bamboo shafts for nearly an hour, due to which he lost sensation in the left side of his body. The next day, he was taken to Police Station Khanabal, wherefrom he was later released.

He was constantly beaten on his shoulders. Later, he had to undergo a surgery to regain partial sensation, but still he is unable to do any work with his right hand. Manzoor has started a small shop near his home, but he is not able to earn enough money to make a good living from it. However, with the assistance of his brothers with whom he is living jointly, he is able to make ends meet.

#### Case 222

##### **Manzoor Ahmad Sheikh**

Male/ Labourer

Parentage: Abdullah Sheikh

Residence: Parraypora, Hadipora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Grenadiers, Army
2. Major Sidhu, 27 Mahar Regiment, Army

#### *Case Information*

Manzoor Ahmad went to Pakistan administered Kashmir for arms training in 1990 and returned after seven months. He remained active for one and a half year with Al-Jihad militant outfit before being arrested by the 9Grenadiers and taken to different army camps and jails where, he claims, he was tortured.

Manzoor was arrested in his own village after the Army raided the house in which he was hiding. He was without weapon. The army took him to Trekpora, Rafiabad camp, where he was detained for five days during which he was tortured continuously, all day and night. Different groups tortured him, one after the other. He was stripped naked and beaten repeatedly for hours. Heavy rollers were applied over his legs, which dislocated his joints and muscles. His head was dunked into a bucket of water several times for 2 to 3 minutes at a time. They gagged his mouth and poured a bucket of water through his nostrils. They applied an electric current to his private parts and chest. After one group would finish the torture, he was put into a bunker until another team came for him. In the bunker, Manzoor was not allowed to sit. He was forced to remain firmly standing, despite his wounded legs. His family was not allowed to visit him during these five days.

After that, he was transferred to Watergam camp for another five days. There, he was tortured only during the nights. He was beaten there with spiky leather belts all over his body. At every lash, these spikes would penetrate into his flesh, causing deep wounds. Manzoor was also suspended upside down from the ceiling several times for hours on end and simultaneously beaten. During the day, he was kept in a small cell, where it was impossible to stretch the legs. It was painful to stay inside it. During these days, he was kept hungry, and they only once gave him a cup of tea. His family was not allowed to meet him.



From there, he was transferred to G-Branch Baramulla Camp for two months. There, he was tortured thrice daily. He was beaten with leather belts and electric current was applied several times to different parts of his body. Several times, he was interrogated by various investigative agencies. For two months straight, he was kept in a cell and was not allowed to bath. Several layers of dirt had accumulated on his body and his hair was full of lice. Hundreds of lice would cling to the fingers if rubbed through his hair. His family was allowed to meet him after one month for only five minutes. From there, he was transferred to JIC Baramulla for 14 months. Here he was taken out for torture once every week, during which he was beaten and an electric current was applied to several body parts. He was then released after a positive report from the screening committee.

After his release, he was asked by the Army to report at different camps in the area every week. He reported at nearly all the camps in the area, until August 2008. When reporting, he was several times forced to do laborious work in camps for a full day and without any food. He was also summoned to camps on the eve of Indian Republic and Independence Days. If any untoward incident took place in his area, he was called to the camp, where very often he was harassed.

He was once again picked up from his home by the 27 Mahar Regiment led by Major Sidhu and detained for 15 days at Reban, Sopore Camp. Manzoor was continuously tortured there four times during the day. They used thick bamboo sticks to beat him and a heavy roller was rolled over his legs. He was also suspended on several occasions from the ceiling for hours and simultaneously beaten over the buttocks. They broke all his fingers after one of the interrogators pulled them apart. They did not tell Manzoor reasons for the torture. Actually, it was the kind of tactics adopted by that particular Major to further suppress the ex-militants.

Case 223

**Manzoor Ahmad Sheikh Zargar**

Male

Parentage: Wali Mohammad Sheikh Zargar

Residence: Zargar Mohalla, Dooru, Sopore, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

*The testimony was given by the father of the victim; Wali Mohammad Sheikh Zargar as the victim is mentally unwell.*

*Case Information*

In the year 1990, Manzoor was detained at Rohama, Rafiabad along with his other associates by 20 Punjab Regiment and taken to Nowgam Camp, Kupwara. Manzoor was an upper ground worker. He was detained for about 4 years in Kot Bhalwal Jail, Hiranagar Sub-jail and Central Jail, Srinagar. His father had approached the army Camp, but Manzoor was not released. The army, as per Mr. Wali, seemed very adamant and pitiless, as they didn't release him.

Manzoor was released after completing the term in Kot Bhalwal jail. According to his accomplices, Manzoor was ruthlessly tortured. His whole body including head was beaten. He was given electric shocks. Roller was rolled on his body.

Case 224

**Manzoor Ahmed Bhat**

Male / Transporter

Parentage: Abdul Rashid Bhat

Residence: Sarnal, KP Road, Gulshanabad, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. S.P. Ashiq Bukhari, Jammu & Kashmir Police
2. Dy.SP Harmeet Singh, SOG
3. ASI Kaka Battaa, SOG

*Case Information*

On 12<sup>th</sup> *Ramadhan* in 2004, Dy.S.P. (SOG) Harmeet Singh, who was accompanied by the army, picked up the victim at the New Market in Kralyar. He was in the market in his Tata Sumo vehicle. After being arrested, Dy.S.P. Harmeet Singh told him that he has connections with militants and he was straightaway taken to JIC Khanabal.

Harmeet Singh was Dy.S.P. of SOG and had his office at the JIC. On the same day at around 1:00 am SOG personnel including one Kashmiri Pandit personnel, namely, Kaka Battaa took him into the Interrogation Centre. He was forced to remove his clothes, his hands were tied at his back and his legs were also tied. He was made to lie down on the floor, then the personnel started to beat him with bamboo sticks particularly the bottom of his feet. They then beat him on his shoulders, and brought forth an electric circuit. One wire was put into his penis and another one over his foot and he was electrocuted. After this, an iron roller was rolled over both his legs. Three personnel on each end of the roller were trampling down his legs. This torture continued for the whole night.

At about 2:30 am on the same night, SP Ashiq Bukhari came to the interrogation room, wearing a tracksuit, accompanied by some other personnel. Dy.S.P. (SOG) Harmeet Singh was still present in the room and told Ashiq Bukhari, "He is Meenu" (Meenu was the victim's nickname). They had accused him of killing an MLA, namely Safdar Beigh and police personnel Mohammad Yousuf of Mattan and two *Ikhwanis*, Mohammad Amin Sadru and Mukhtar Khan. Ashiq Bukhari asked him about his involvement with Hizbul Mujahideen. Ashiq Bukhari, Harmeet Singh and Kaka Battaa accused him of being accompanied by some Pakistani militants while killing the above named persons. Ashiq Bukhari snatched a stick from one of his men and started to beat the victim. The victim was in the interrogation room for about half an hour during which he questioned him as well as beat him. While beating him, Ashiq Bukhari asked him to give up the gun, pistol and asked him to reveal the name of the Hizbul Mujahideen commander. He replied saying that Shabir Ahmad Badoooodi was their commander and that he worked for Hizbul Mujahideen after receiving training for three years in the early 90's. Harmeet Singh trampled his chest during the torture and Kaka Battaaa inflicted most of the torture on him. At that time Kaka Battaa was the Assistant Sub- Inspector, now he has attained the rank of SHO (Inspector).

On the second day at the JIC the victim was once again tortured. Nails of both of his toes were broken by repeated blows with a wooden hammer. A few days later Ashiq Bukhari and Harmeet Singh took him into their chamber and asked him to provide information about Pakistani militant Babar and also asked for ammunition. But he pleaded saying that he had no such information. For about twenty-five days he was detained and tortured at JIC Khanabal. Out of those twenty-five days, he was severely tortured for four days. Harmeet Singh and Ashiq Bukhari forced their men to increase the torture so that they could extract more information from him.

There were three other persons who were detained with him at that time. Among the detainees were: Khurshid Ahad Lone, resident of Mazibagh, Mattan Chowk, Islamabad, Suhail Ahmad Din, resident of Mattan Chowk, Islamabad, Ashiq Narchoor, resident of Mattan Chowk, Islamabad.

The above-mentioned persons were tortured severely as well. Suhail Ahmad Din's beard was plucked out by Kaka Batta and other SOG men due to which he developed an infection and puss.

Twenty-five days later, all of them were taken to the army camp near JIC by Dy.S.P. Harmeet Singh. There, some IB Officers questioned them and in the evening Harmeet Singh took them back to JIC. They were detained at JIC for ten more days, during which their photographs were taken and some documents were prepared and all four of them were booked under PSA. Then along with Ashiq Narchoor, the victim was sent to Kot Bhalwal Jail, Jammu while the others were taken to Kathua Jail. No medical assistance was provided to them in JIC. They received help from their fellow inmates at Kot Bhalwal Jail. They provided them some medicines.

After serving two years sentence in the Kot Bhalwal Jail, the victim's detention order was quashed, but instead of releasing him he was then taken by Counter-Intelligence Kashmir (CIK) in Jammu, who got him transferred to Baramulla Jail and then from Baramulla he was shifted to Srinagar Central Jail. When his family brought a release order to Srinagar Central Jail, he was taken by CIK personnel to Humhama Camp. He was detained there for about a month. Following further transfers between detention centres, he was finally released in the last month of 2007. After his release, he started a service station.

Case 225

**Manzoor Ahmad Naikoo**

Male/ Businessman

Parentage: Abdul Aziz Naikoo

Residence: Palhallan, Pattan, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

1. 2 Dogra Regiment, Army
2. Major Sinha, 8 Rajputana Rifles, Army

*Case Information*

The victim was tortured on three separate occasions.

First, on 23 April 1991, at the Hyderbeigh Army camp, Pattan. Manzoor Ahmad Naikoo does not remember the identities of the perpetrators of the torture. Also, he did not file any complaint.

Second, on 28 September 1991, Manzoor Ahmad Naikoo was brutally tortured by personnel of the 2 Dogra Regiment, Army, at his residence and in the nearby Higher Secondary School building. Manzoor Ahmad Naikoo was beaten and his hands were tied. A cloth was tied to his penis, which was then set on fire. Manzoor Ahmad Naikoo was electrocuted. Further, a rod was inserted in his rectum. Lateef Mir, son of Gaffar Mir, resident of Palhallan (a teacher at Kralwat), was also tortured at the Higher Secondary School building and then shifted to the victims house for further torture, where a rod was inserted in his rectum.

Following this incident of torture, the victim was operated upon and a medical certificate was issued by the SMHS Hospital, Srinagar that confirmed that the operation was for an injury sustained during interrogation.

Manzoor Ahmad Naikoo continued to live the horror of the torture as he had a medical condition where he cannot defecate or urinate naturally. Manzoor Ahmad Naikoo has undergone 5 surgeries for his medical condition, which he developed due to the torture. He is still taking continuous medication 22 years later. He had to sell all his livestock and wife's jewellery for his treatment. Manzoor Ahmad Naikoo does not remember the identities of the perpetrators of the torture.

FIR no.120/1991 u/s 302 (Murder), 307 (Attempt to murder) Ranbir Penal Code, 1989 (RPC) was filed at the Police Station Pattan for the second incident where there was a crackdown and interrogation at the Higher Secondary School building that resulted in custodial deaths as well. The FIR itself refers to the death of Lateef Mir, but does not mention the victim. Further, names are provided of other people who were picked up during the crackdown that went on for two days, such as: Mushtaq Ahmad, son of Ali Mohammad Bhat, Ghulam Mohi-ud-Din Sofi, son of Abdul Razzak Sofi, a name that is unclear on the copy of the FIR and others. The FIR was filed by Abdul Gani Mir, resident of Raypora, Palhallan, a cousin of Lateef Mir. The victim states that while his name was not originally in the FIR, it was added subsequently. By communication dated 22 April 2014 from the Jammu & Kashmir Police a copy of the FIR was provided and information that the case was closed by declaring the perpetrators as untraced. Communication dated 6 January 2015, states it was closed on 25 November 1999 and that a fire resulted in the case files being lost.

The victim, in relation to the second incident of torture filed a suit before the Additional District Judge, Srinagar, against the Union of India and the State of Jammu and Kashmir for damages for injuries sustained. The court found in favour of the victim and confirmed the torture against the victim by the 2 Dogra Regiment but did not identify specific perpetrators. The court ordered that the victim be given INR 500,000 with interest. The Government of Jammu and Kashmir appealed this decision. Manzoor Ahmad Naikoo received the money ordered. This case was in the court for 17 years before Manzoor Ahmad Naikoo finally received the monetary compensation.

Third, at the army camp of the 8 Rajputana Rifles, Palhallan in 1996. Manzoor Ahmad Naikoo, while digging a pit in his ancestral orchard to plant trees, found the dead body of a

person who had disappeared earlier from a nearby village. After the body was exhumed, Manzoor Ahmad Naikoo was called to the 8 Rajputana Rifles Camp at Palhallan. He was questioned for an hour on why he had informed others about the dead body and then he was allowed to leave.

15 days later personnel of the 8 Rajputana Rifles arrived at his shop. Manzoor Ahmad Naikoo was asked to leave his shop and in the meanwhile soldiers of the 8 Rajputana Rifles planted *Jamaat-e-Islami* literature in his shop. Major Sinha arrived at the shop and told his men to take Manzoor Ahmad Naikoo to the camp.

In the camp, Major Sinha started beating the victim with a cane and accused him of selling *Jamaat-e-Islami* literature. Manzoor Ahmad Naikoo was detained at the camp for a night. During the night, he was interrogated and asked to reveal all the information he had about his relatives. The victim had no idea why he was being asked for this information as none of his relatives were either militants or in politics.

Next morning, the village *Lambardar* (Numberdar, de facto revenue authority in the village) came to the camp and met Major Sinha. Major Sinha called Manzoor Ahmad Naikoo into his room and questioned him on why he had informed other people about the dead body he had found, instead of informing the army immediately. The *Lambardar* pleaded the victim's innocence and he was set free.

#### Case 226

##### **Maqsood Ahmad Dar**

Male/ Farmer

Parentage: Habibullah Dar

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 59 Gorkha Rifles, Army
2. JAKLI, Army
3. Rashtriya Rifles, Army
4. SOG

##### *Case Information*

Maqsood crossed the LoC in 1996 for arms training and returned in 1997. After remaining active with Jamiat-ul-Mujahideen, he was arrested on September 24, 1997 by the 59Gorkha Rifles during a raid in his village. Maqsood spent about 14 months in different army camps and jails where, he claims, he was tortured.

After he was arrested, the Army took him to Dangerpora, Sopore camp where he was detained for about seven days, during which he was tortured. On the first day, he was put directly into the torture room, where they stripped him naked, poured cold water over his body, and applied an electric current through his thumb and toes for about 15 minutes. After that, they beat him with thick bamboo sticks all over his body. They also applied a heavy wooden roller over his legs and suspended him upside down by his feet from the ceiling for about half an hour. After that, Maqsood agreed to give them his weapon, but the torture still did not stop. He was beaten again for more weapons and the whereabouts of

other companions for seven straight days. He was taken out for torture twice a day for hours at a time. During that time, his family was not allowed to meet him, even when they visited the camp every day.

From there, he was transferred to JIC Baramulla for 15 days. He was occasionally tortured there for further information. However, due to limited space, he was transferred to Baramulla Sub-jail for 13 months. There, the conditions were better. He was never tortured there and his family members were allowed to meet every week.

From here, he was directly released. He did not join the armed struggle again, but he was told by the Army to report every Sunday at Dangerpora, Sopore camp, and later to other camps in the area. When reporting, he was beaten several times and forced to do laborious work. His worst experience with torture and harassment was by JAKLI at Warpora Camp, where he reported for about three years. He and other ex-militants were forced to jog naked through the village and the villagers were forced to taunt and spit upon them. If any villagers would refuse, he was also beaten. Several times, they were forced to crawl on stony roads and were simultaneously beaten. They were also forced to stand in a frozen stream for hours in cold weather.

At Shiva Camp, the Army at the time of reporting would force all of them to do shameful activities like get on one another naked and be simultaneously beaten. They were also forced to cook food, chop vegetables, cut wood, and clean the camp campus while reporting, and were kept without food for the whole day. In addition to this, different security agencies also used to come to his home any time and harass his family. Once on February 11, 2006 at 10: 30 pm, the Rashtriya Rifles along with SOG and renegades raided his home. They ransacked the household material, beat family members and threatened him with dire consequences. They took him and his brother a bit away from their home and beat them for a while. After they were brought back, the Army Major accused Maqsood of providing food and shelter to militants. He pointed a gun towards Maqsood and told his associates to search the house. After they found nothing, the Major kicked him and abused him. Maqsood told the Major that he had just witnessed the first time any army officer abusing someone. He became enraged and beat Maqsood with his gun. He later took Maqsood inside the room, put the gun over his shoulder, and shot several photographs. After threatening him with dire consequences, he left. After that, Maqsood could not sleep properly for months, as the incident was always on his mind. He was sure that they would do something with these photographs and trap him in some false case. Luckily that never happened.

Case 227

**Maqsood Ahmad Dar**

Male/ Farmer

Parentage: Habibullah Dar

Residence: Hajam Mohalla, Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Gorkha Rifles, Army

*Case Information*

Maqsood Ahmad Dar went to Pakistan administered Kashmir in 1992 for arms training. After returning, he was active for 1 and a half years before he got arrested by 9 Gorkha Rifles. When he was an active militant, all his family members were frequently detained; his brothers were beaten. He was detained for 2 years in JIC Baramulla and Baramulla Sub-jail.

In detention, he was tortured for 5 days. He was beaten with wooden logs, his legs were stretched. He was given electric shocks in his toes, and was also hung upside down. Maqsood's head was dipped in water containing chilli powder—this was done around 5-8 times with an interval of 30 seconds. He was also kept naked and a wooden roller was rolled on his body.

During detention, he was given medical aid, painkillers and other medicines as needed. After 4 days of his detention, his parents were allowed to meet him. While detained, he was not allowed to meet any magistrate or civil administrative officer.

He suffers from cardiac disorder, insomnia and a disturbed mind. He feels that he cannot provide for his family financially. He is on constant medication for backache. Socially, he had to face a lot of hardship in getting married.

Even after being released, he had to report to different army camps regularly and follow whatever directions he was given. He had to do menial tasks like laundry, cleaning, sweeping, etc.

Case 228

**Name withheld**

Female

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

On April 10 2000, a group of about sixteen Indian army men raided the house of the victim, arrested her husband and took him away to the army camp located about three kilometers away from their house. The army unit operational in the area is 26 Rashtriya Rifles.

On April 11 at 11:00 pm, about a dozen of armed soldiers in uniform barged into their house. The victim was sleeping in her house along with her in-laws and two small kids, while her husband was under detention. As the family woke up, they could see the army throwing light on them with torches. One of the army men started asking the victim the whereabouts of her husband to which she replied that it was they who had taken him to their camp a day before. The army men levelled false allegations against the family of providing food and shelter to the militants. Then they held the victim with her arm and dragged her out of the house. All the family cried and pleaded them not to hurt her but they didn't listen to anyone. The house inmates were beaten and were locked inside the house.

The victim was dragged to a small distance away from her house in an open field. She was gagged, laid down on the ground and her trousers were pulled down. They raped her, one by one amid her screams. Five of the army men raped her and she felt unconscious. When she regained consciousness, she found herself in a bed in district hospital Doda on April 12 with doctors examining her. She says that she doesn't remember what happened to her in between.

Case 229

**Mashkooor Ahmed Sheikh**

Male

Parentage: Mushtaq Ahmed Sheikh

Residence: Burgana, Sitgarh, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

Mashkooor Ahmed Sheikh was taken on December 6, 2003 by 26 Rashtriya Rifles from his shop to the local army camp where he was asked to surrender the weapon, which he had procured from militants. The victim claims that the allegations were false and he was only working as a domestic help in the locality. He was tortured using rifle butts, iron rods and belts. He was released on December 10, 2003 in a very critical condition. He was unable to walk for 2 weeks after being tortured.

Case 230

**Name withheld<sup>302</sup>**

Female/ Home maker

Residence: Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

During the intervening night of 18/19 February 2011, at around 3:00 am, there was a knock at the victim's house. A group of SOG men called them to open the door. As soon as her husband opened the door, the SOG personnel barged inside. They took their cell phones away. The SOG official slapped the victim and caught her by hair. He was asking the victim and her husband for the whereabouts of militants. When they got no answers, they again slapped the victim and bundled the whole family, which included their two minor children, son aged 6 and daughter aged 5 into their vehicle.

They were taken to the SOG camp Dak Banglow Town Hall, Sopore. On February 19 they were kept detained in the *Rakshak* vehicle till 1pm. Then the SOG personnel took the victim and her husband inside the official chamber room while their children were taken to

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<sup>302</sup>Source of the case: The Informative Missive



some other place. The SOG official chamber room was decorated with maroon color sofas and in the center there was open space. They spread a plastic sheet in the center and kept both of them on it. The officials sitting on the sofas asked them to provide information about militants. When both of them pleaded innocence and said that they don't have any knowledge about any militants, the officials ordered the personnel to torture them.

The SOG personnel gave them electric shocks and rolled a heavy roller on their legs. They thrashed both of them with gun butts and sticks. The husband's left arm was broken during this beating. They caught hold of the victim's hair and dragged her around. One of the SOG officials ordered her to remove her clothes. She says she has no words to speak what they did to her in front of her husband. The officials sitting around on the sofas were photographing their inhuman treatment to her. She recounts that her cries for mercy went unheard, as there was no one with human heart around.

While the torture was going on, she began bleeding through the nose and her husband was bleeding all over. She tried to wrap her scarf around his injured arm, but the SOG official snatched her scarf and tore it into pieces. One of the SOG men who were torturing her had covered face. He whispered in her ear that she should beg the SOG officers to let them go. She crawled near the feet of an officer and begged for their innocence and release. In return, the officer kicked her face and thrashed her further.

They were tortured continuously from 1:00 pm to 11:00 pm. When both of them were almost half-dead, the SOG personnel took them to their vehicle and kept them there. From 11:00 pm on February 19 to 10:30pm of February 20, they were kept in that vehicle in that morbid condition. On February 20, at about 11:00 pm, they were handed over to Police Station Sopore. Her children had been handed over to her father-in-law who was called to the police station in the afternoon of February 19.

From Police Station Sopore, she was shifted to Women's Police Station, Rambagh, Srinagar while her husband was kept there. On way to Srinagar, she was accompanied by two women cops with covered face. Meanwhile, when the face cover of one of the cops fell, she recognized her as Fahmeeda. In Police Station Rambagh, women cops further interrogated her. Next day on February 21, in the morning, she was taken to the Baramulla Court where she was presented in front of a judge. The Judge after observing her condition reproached the cops and ordered them to rush her to the hospital for medical treatment.

From Baramulla Court, she was taken back to Srinagar and admitted in SMHS hospital. She was hospitalized for 8 days and 4 policemen including one-woman cop were surrounding her bed. She underwent many medical check ups, which confirmed sexual abuse. Her mother and sister spent their own money for her checkup; police did not pay anything despite the fact that she was in their custody. She was also given a contraceptive to avoid pregnancy. Some important medical reports including Ultra Sonography report were taken by the policemen and no copy of those reports was given to the victim or her family. She could not eat or drink anything for 5 days. Eventually, after 8 days of treatment, she was discharged from the hospital and released on bail.

The victim did not file any case against the SOG because she was scared that if she did so the SOG personnel would harm her husband who was still in custody.

Case 231

**Mehmood Ahmad**

Male/ Laboratory technician

Parentage: Ghulam Ahmad

Residence: Lathung, Surankote

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

In August 2002, SOG arrested Mehmood in Jammu for the first time. He was 20 years old and was studying to be a laboratory technician. His real offense was that he had won a cricket tournament against SOG players but SOG labelled the entire team as anti national and Pakistan sympathizers. He was blind folded and taken to a 'safe house' in Jammu (undesignated places, run by SOG, which are not police stations and are purely meant for interrogation and torture). He was taken there along with his eight team members and was kept there for 25 days and tortured severely. They were beaten ruthlessly. The wooden canes got broken in the process. He was hanged upside down and eventually remained unconscious for four days. During his 25 days in the safe house, no FIR was filed. He was kept in chains for 24 hours and couldn't even go to washroom. Finally, a human rights activist who was also brought to safe house under arrest helped him. He helped to get their FIR's filed and finally they were presented in front of the magistrate. Eventually they were moved to Police Station Bathindi for five months. Then they were shifted to Police Station Trikuta Nagar for 10 days and were again severely tortured with rollers.

After six months, they finally got bail because police failed to file a charge sheet. But they were again arrested right from outside the gate of the court and booked under PSA. They were again put behind bars for two years. Eventually, they went to jail on and off and finally all cases against them ended in 2017. Media covered the case but it proved to be only harmful for Mehmood and his friends. Mehmood runs a pathology laboratory in Poonch now.

Case 232

**Mehrajuddin Bhat**

Male

Parentage: Abdul Rashid Bhat

Residence: Marazi Mohalla, Tantray Pora, Palhallan, Baramulla

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. Captain Vishal Dhobi (alias Kaloo), Army(Wusan army Camp)
2. Dy.S.P. Kuldeep, SOG
3. ASI Surjeet, SOG
4. Rajendra, SOG

*Case Information*

In 1992, Ghulam Hassan joined Hizbul Mujahedeen and went to Pakistan administered Kashmir for arms training. Since then the family was harassed by various agencies of the armed forces. Between 1992 to 1994 army personnel of Hyderbaig Camp continuously raided his house. His brother Mehrajuddin, the victim, and father Abdul Rashid were taken many times during raids by the army of Palhallan Camp. Each time they were detained for days together. At the camp, they were beaten and were forced to do manual labour.

In 1994, after the establishment of an army camp in Palhallan, they were detained at this camp quite often. Both father and son were picked up by SOG personnel Surjeet and Kuldeep. Mehrajuddin was detained for 7-8 days. At the SOG camp, a *Munshi* known by the name Rajendra tortured him. He tied his hands using a rope, hung him from a height and applied a roller over his legs. He was also given electric shocks by connecting electric wires to his mouth and feet. Around 5-6 SOG personnel trampled him under their feet.

In 2005, Mehrajuddin was called to the army camp at Wusan. They would call anybody to the camp by sending a handwritten note through a civilian. Once, Mehrajuddin decided not to go to the camp and the army sent 12 handwritten chits on the same day. On the same evening his father Abdul Rashid Bhat was picked by the army from their house. The next day Mehrajuddin went to the camp and handed himself over to the army in exchange for his father's release. He was detained there for three days and was beaten by 3-4 army personnel and a roller was applied to his legs. Mehrajuddin recalled that it was Captain Vishal Dhobi, known as Kaloo in the village, who had tortured him. While beating Mehrajuddin, he had told him his name. He had also told Mehrajuddin that "you are responsible for any militant action from Narbal to Sangrama".

#### Case 233

##### **Mehraj-ud- Din Dar**

Male/ Journalist

Residence: Rawalpora, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. DIG A.K. Malik, 194 Battalion, BSF
2. Ghulam Mohammad Mir (alias Muma Kanna), Ikhwan

##### *Case Information*

First Information Report (FIR) no. 42/2001 u/s 307 (Attempt to murder), 109 (Abetment) Ranbir Penal Code, 1989 (RPC) was filed at the Magam Police Station. The communication of December 21, 2011 stated that on May 10, 2001 Mehraj-ud- Din Dar and other journalists reported to the Police Station Magam that on that day they went to the Magam Chowk to cover the firing incident, which took place there on May 9, 2001. In the meanwhile, DIG A.K. Malik and his personnel snatched their cameras and beat them ruthlessly. They fled from there. By communication dated July 9, 2012 from the Jammu & Kashmir Police a copy of the chargesheet filed on June 3, 2004 against Ghulam Mohammad Mir was provided.

The chargesheet states that on May 9, 2001 Mehraj-ud- Din Dar and others had gone to do reportage. DIG A.K. Malik instructed his personnel to beat Mehraj-ud- Din Dar and the others and open fire on them, but no one was injured.

While Ghulam Mohammad Mir is mentioned as an accused in the chargesheet, no details are provided on his role.

Case 234

**Mehraj-ud-Din Kalwal**

Male/ Businessman

Residence: Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army

*Case Information*

Mehraj-ud-Din Kalwal was a member of Hizbul Mujahideen and had gone to Pakistan administered Kashmir for arms training. On April 19, 1990 in Uri, they were cordoned from five sides. In the gunfight that followed, nine out of fifteen men were killed. The army asked the remaining men to surrender, and those who did were also killed in cold blood. Kalwal was badly wounded and had been shot in the right leg.

Then Army rounded him up and asked him to stand. When Kalwal told them that he was unable to because of his injury, he was beaten. He was then blindfolded and taken to the hospital. Until he reached the operation theatre, he was beaten continuously on the stretcher by several Army men. He had been taken to the Badami Bagh Cantonment Hospital, Srinagar and for twelve days, he remained there tied to his bed. The guards would beat him up even on the hospital bed. Kalwal was blindfolded continuously for about one and a half months, and when he was given food, he was asked to extend his hand to feel the food so that he could take it. After the blindfold was removed, he could not see for several days. He remained at Badami Bagh Cantonment, Srinagar for about two and a half months.

He was then transferred to Udampur Jail. The SHO in Udampur was Abdul Qayum Manhas. He informed the higher authorities that Kalwal was very sick and had just had an operation. They responded that only his right leg was injured, but the rest of his body was fine. They were drunk and beat Kalwal until they tired themselves out. The food he received in the prison was extremely inadequate. He was only given one *chapati* (bread) per day. When he complained to the authorities about this, SHO Manhas told him that they were being fed just enough to be kept breathing. The prison authorities behaved very rudely, and their actions were inhumane.

Kalwal mentioned how one person from Anantnag (Islamabad) was beaten very badly, and that as long as the Army themselves did not get tired, there was no break from the beatings. Kalwal was beaten by a rod and wherever it hit, Kalwal's flesh would tear, which caused him to start bleeding. After one and a half months of detention, his family members were allowed to visit him for the first time.

He was then transferred to Hisar in Haryana, where he spent seventeen months. There, all the prisoners were blindfolded and their bags were put round their necks. They were taken to a small cell and told to take off their blindfolds. Haryana police were so suspicious of Kashmiri prisoners that they considered them to be highly dangerous monsters, so they

never came anywhere near Kalwal. For seventeen months, he lived without any basic amenities. The detainees started a hunger strike there. For several months, they had no idea where they were even being kept. They noticed that some of the bowls used to serve food had Punjabi writing on them, so they thought they could potentially be in Punjab. However, the bowls were so old that they came from a time when Punjab and Haryana were the same state. Soon after that, they started noticing that Hisar, Haryana was engraved on other bowls. That is how they figured out that they were in Haryana. The detainees asked the authorities to allow them to write letters to their families. They were allowed to, but a *sepoy* (Indian soldier) told them that those letters were never sent.

Meanwhile, Kalwal's family was looking for him. The Home Department told his father that Kalwal was in Jodhpur Jail in Rajasthan. His father went there, but was unable to find him. After a year and a half, Kalwal's father finally found his son, and was allowed to see him from a distance of fifteen feet. Kalwal told his father that he was doing alright, and was then taken away again. His father had travelled thousands of kilometers just to see him, and he had been taken away just after one sentence. Kalwal mentioned that there were many people there who were not fortunate enough to ever see their family members.

Kalwal was released on parole and joined the armed struggle again with Hizbul Mujahideen. He was captured again on January 3, 1995 by the BSF 63 Battalion headed by Rainawari. At the time, he was a teacher of the Hizbul cadres. Kalwal was taken to PAPA 2 in Gupkar. He was forced to take off all his clothing and lie down in the snow. His skin became black because whenever he tried to get up from the snow, he was forced back down again. After a few hours, he was picked up. After that, he was burnt with hot iron rods and beaten until he lost consciousness. An electric current was applied to his toes and genitals. It took him a long time to recover from that.

Kalwal was taken from one interrogation center to the other. He was very sick at that time, but the abuse continued regardless. One day, a few detainees said that they were sick and needed to see a doctor. The Army men forced those who said that they were sick to come out and sit in the snow. After sitting for a while, they were asked if they felt better, to which they all said yes. Any form of medical treatment was denied to the detainees.

In 1996, Kalwal was booked under the Public Safety Act and was detained in Hiranagar Sub-jail for a year without an FIR or trial. He was transferred to Kot Bhalwal Jail for about seven months. His case started in court then. Then he was transferred to Hari Niwas for three months, and then on to Rangreth for six months. He developed asthma there. The ICRC came to do a check-up and said that he had developed an allergy from the cold, when he was forced to sit outside in the snow for hours. He was admitted to SMHS hospital and even after medical treatment, he was still not released. After four more months, Kalwal was released in 1998. He was very sick then. The SOG raided his house sometime around the end of 1998, and Kalwal was picked up and taken to the police station. There he was brutally tortured for 10 to 15 days. He was released on August 16, 1999. One source told him to leave Rainawari, or else he would be killed in an encounter. Kalwal then sold his house and moved to Nowgam. He was arrested again in 2000 and released in 2001, when he came to the frontline political set up, under Tehreek-e-Hurriyat.

He told the Army that he would not report at their camps. They could call him whenever they wanted to, but he would not come. Kalwal mentioned that during his entire ordeal, he had encountered only one good person. His name was Lieutenant Colonel G. L. Tiwari, and

he was stationed at Badami Bagh Cantonment. He had told the interviewee that he does not know what he has done but to him he is only a patient and he would treat him like any other patient. He had kissed Colonel Tiwari's hand and told him that he was the only human being in the whole place as he was beaten up even immediately after his operation, which was one of the inhuman things he witnessed there.

Case 235

**Mehraj-ud-din Pandith**

Male/ Businessman

Parentage: Ghulam Mohammad Pandith

Residence: Lal Bazar, Srinagar

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

Mehraj-ud-din Pandith was not associated with any militant or political outfit. He was arrested and tortured multiple times because his brother had joined militancy. His brother eventually left militancy after being arrested and tortured. Pandith said that when his brother joined militancy in 1990, their house used to get raided by security forces three or four times each day. Whenever the Indian armed forces would be patrolling the road nearby Pandith's home, they would raid his house first and then move on. Pandith's father and other brother were also beaten many times during these raids. This continued to happen even when his militant brother was arrested and was serving his jail term. Pandith was arrested for the first time in 1994 by the BSF stationed in Bagh-e-Ali Mardan Khan Camp (torture center). He was fasting when he was arrested, but they paid no heed and began torturing him as soon as they reached the camp. Pandith was tortured brutally. They stripped him naked, beat him, drenched his body with water and then applied an electric current to him. He was detained for four days in the camp and tortured continuously during this time. After four days, he was released.

The raids continued at his home until 2000, many years after his brother had left militancy. Pandith's business suffered because he hid for many years from the security forces in order to evade arrests and tortures.

Case 236

**Mohammad Aarif Malik**

Male

Parentage: Mohammad Sidiq Malik

Residence: Rajouri Kadal, Srinagar

Affiliation: Civilian (Student at that time)

Alleged perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

It was around 3 pm when Aarif left his home for tuitions, on a day when a shutdown call had been given by Hurriyat Leader Syed Ali Shah Geelani. He had only walked a few steps from home when he saw people following a protest rally and police trying to stop them. He tried to move back but saw police beating people from that side. He got confused and could not understand where to go. The police was trying to catch the protestors. He tried to rush back home but in that commotion, could not find a way and was caught by the police. He tried to plead his innocence with them but they turned a deaf ear. There were around 25 policemen who at once started beating him with canes for at least 10-15 minutes. They dragged him to the police station.

His family knew nothing about the incident up to 10:30 pm when they saw him in news on a local news channel *Mouj Kasheer*. The police had not informed them during the period he was being ruthlessly tortured. He was kept in a dark room and his clothes were stripped off before everyone and he was kicked and given punches and blows. He could see a boy lying unconscious in the same room. At 11 pm, they gave them some food to eat but they refused to eat it. Then they were kept awake till the morning and whosoever came there used to kick them. They used very abusive words, which were quite intolerable and painful to hear.

Early in the morning the next day at 5 am, his brother-in-law and mother came to the police station and requested the SHO to release him. They asked for Rs. 5,000/- but his mother said that she could not afford it. Finally she gave them 300 rupees and when Aarif asked them what for they were asking this money, they said it was for the food, which he had been provided with last night. They kept his voter ID card with them and even his brother-in-law's ID card was taken. They threatened him that they'd kill him if they caught him again. His mother was very scared with this incident and did not let him go out for few days. It had a very bad impact on his studies. He was very depressed and as a result of this, stopped his studies.

Case 237

**Mohammad Abbas Tantray**

Male/ Farmer

Parentage: Abdul Kamal Tantray

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

*Case Information*

Mohammad Abbas went to Pakistan administered Kashmir for arms training in 1991 and returned in 1992. He remained active with the Al-Jihad militant outfit for one year and was arrested by the 26 Punjab Regiment at Dangerpora after they raided the house in which he was hiding. He was taken to several army camps and jails where, he claims, he was tortured.

After his arrest with a weapon, he was taken to Dangerpora camp for 13 days. During the initial seven days, he was regularly tortured twice a day for three hours at a time. During the torture, they would keep him naked and beat him with bamboo sticks and the butts of their guns for hours. They would also apply an electric current to his private parts and a

heavy wooden roller over his legs and back. They would keep him suspended from the ceiling upside down every day for one hour and simultaneously beat him on the buttocks. After seven days, Mohammad Abbas was also occasionally beaten in the room he was kept in. The guard would come any time and beat him with a thick aluminium wire. His family was never allowed to meet him there, even though they tried.

After 15 days, he was taken to Watlab Camp for five days. He was tortured there every day, thrice a day. His already-injured body was beaten with bamboo sticks, which turned his whole body black and swollen. They also applied a roller over his legs, with which the muscles on his thighs were dislocated. Two interrogators also twisted both of his wrists to the extent that they became useless. They also put out cigarette butts on his hands and arms. During the night, they put Mohammad Abbas naked and blindfolded into a small cell where it was difficult to sit. They gave him no food during these days, except a plain cup of tea in the morning. His family was allowed to meet him after three days.

After five days, Mohammad Abbas was transferred to JIC Baramulla. He was not tortured there, and doctors visited him and gave him medicine and painkillers, with which his wounds healed to some extent. After nine months, he was released from there. Mohammad Abbas did not join the armed struggle again after that but had to report at different army camps of the area every week. When reporting, he was harassed and beaten on trivial pretexts by the army and was forced to do laborious work. He reported at almost every camp in the area, which ended in August 2008. The torture he was subjected to has had an adverse effect on his health. He has great difficulty doing any physical work.

Case 238

**Mohammad Abdullah**

Male

Parentage: Ramzan Niak

Residence: Kalihand, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

*Case Information*

Mohammad Abdullah was arrested in August 1995 and kept in detention by 8 Rashtriya Rifles in their Arnora camp. He was beaten with *lathis* and rifle butts, electric shocks were given to his different body parts. He was released after seven days of detention. He had to stay hospitalized for several days after his release.

He suffers from general weakness in his body due to this torture, acute pain in his arms in shoulders in cold weather. He is unable to do any physically hard work.

Case 239

**Mohammad Abdullah Dar**

Male

Parentage: Haji Asad Dar

Residence: Shah Gund, Hajin, Bandipora



Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashid Manda, Ikhwan
2. Zahoor Dar, Ikhwan
3. Ahad Manda, Ikhwan
4. Ghulam Nabi Manda, Ikhwan

Testimony by the victim's son, Nisar Abdullah Dar

### *Case Information*

On January 12, 1994, the house of Muhammad Abdullah Dar, on Wular link road near the *Masjid*, was raided. After 2pm, the *Ikhwanis* of Shah Gund, Hajin headed by Rashid Manda, Zahoor Dar, Ahad Manda and Ghulam Nabi Manda in civil dress raided the house and broke everything including doors, windows, Television set and looted the jewellery in the house. Rashid Manda was working with Indian army and along with the other *Ikhwanis*, was in search of 70-year-old Abdullah Dar. The family hid Abdullah Dar in the house of their next-door neighbour, Asadullah Rather, whose family members were all present in the house. Two villagers from Shah Gund, Sanaullah and Abdul Rashid Dar, took him to the other side of the house, but someone eventually informed the *Ikhwanis* that Abdullah Dar was hiding in the house of Asadullah Rather. They went into the house and after a half an hour search; they dragged 70 year old Muhammad Abdullah from the roof of the house. He was dragged to the shop of one Muhammad Sultan Rather, and tortured. The inner parts of his body had come out due to the torture, and certain that he was dead, the *Ikhwanis* left the place. But he was still breathing and the family got him home where he breathed his last.

Case 240

### **Mohammad Ahsan Untoo**<sup>303</sup>

Male/ Human Rights Activist

Parentage: Ghulam Hassan Untoo

Residence: Dewar, Anderbugh, Lolab, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Inspector Ravinder Kumar Tyagi, Special Cell, Delhi Police
2. DCP Dipinder Pathik, Special Cell, Delhi Police
3. ASI Charan Singh, Special Cell, Delhi Police

### *Case Information*

Human rights activist, Mohammad Ahsan Untoo, was released after 4 years and 10 months' detention. He was arrested from Priya Guest House by the Delhi Police Special Cell (DPSC). He was charged with sharing official secrets and attack on one of the accused of Indian Parliament attack, SAR Geelani. He was arrested on December 30, 2004 from Priya Guest House Darya Gung, Delhi but in police records his arrest was wrongly mentioned on 12 February 2005 and from Gopinath Bazaar, Nagesh Garden.

Untoo was running a human rights group in Kashmir, the Human Rights Forum since the

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<sup>303</sup> Source of the case: The Informative Missive

year 2000. In December 2004, he had gone to Delhi to file a rejoinder in the National Human Rights Commission of different human rights violation cases he had filed there. He was there also to assist his ailing nephew, Izhar Hussain Khan to get him treated at All Indian Institute of Medical Sciences (AIIMS).

He says about his arrest that he was staying in Priya Guest House in Room No. 5 since 4 days, when at around 9:30 pm there was a knock at his door. As soon as he opened the door, four people in civvies entered and identified themselves as policemen. Then more people entered the room and now the total number of policemen in his room was around 20. They were led by Inspector Ravinder Kumar Tyagi. They took him along with them but instead of putting him in a police vehicle he was taken in an auto rickshaw. In rickshaw, he was blindfolded and his mouth was gagged with a cloth. After about half a kilometer, he was shifted into another vehicle. One of the police personnel mentioned the name of Dipinder Pathik. Dipinder Pathik was Deputy Commissioner of Police (DCP) Delhi Police Special Cell Police Station, Lodhi Colony. First he was taken to Lodhi Colony area and from there to Police Station Daula Kuan, which is about 2 ½ km from Lodhi Colony.

In the police station, his blindfold was removed, and he was shocked to see his belongings, including the letterhead of his organization, Human Rights Forum, an amount of INR 72,260 (for medical expenses of his ailing nephew) in the police station, which they had collected after his arrest. Assistant Sub Inspector Charan Singh was examining his belongings.

In the police station he was stripped down to his underwear. The ASI asked his subordinates to tie him with a rope. There were eight interrogators present at the time. His hands were tied behind with a thick rope, and the rope was tied to a ceiling fan. He was hung from the ceiling for hours together. During torture, he was asked to sign some blank papers. The hanging, with hands tied backwards continued for weeks but on alternate days. He was given contaminated food and that too he couldn't eat because of his sore arms which he could hardly move.

After a few days of his arrest, they brought the sweeper in the police station namely Mangu to sodomize him. Mangu was a 55-year-old man. To humiliate him further, they brought another person namely, Beloo Singh, a clean shaved person who was running a tea stall outside the police station and forced his private part into Untoo's mouth.

They put ants, rats, frogs and bees into his Khan dress after tying it with a thin rope at his ankles, abdomen and neck and was asked to balance the bricks in both hands. During this time, he wasn't allowed to sleep for days together. This practice continued for days and each day for 21 hours with two breaks for food, one at 1:30 pm to 2:00 pm and the other from 7:30 pm to 8:00. This, he says, was the "cruellest form of physical torture."

The interrogators also injected acid into his back continuously for 15 days, causing unbearable pain. He was blindfolded and handcuffed and kept facing towards a wall for hours. He was detained in the police station for 56 days after which he was shifted to Tihar Jail on February 26, 2005.

On May 28, 2009, he was released from Tihar jail and brought to Srinagar CJM Court on May 30. The CJM Srinagar sent him to Central Jail Srinagar till 10 June 2009. On June 10, 2009 he got bail. But instead of releasing him, he was handed over to Counter Intelligence

Kashmir (CIK), Humhama. The CIK sleuths detained him at Humhama for a night. On June 11, 2009, he was taken by the Military Intelligence (MI) to Haft Chinar MI Headquarters where he was detained till June 17, 2009. He was handed back to CIK Humhama the same day. He was transferred to Police Station Maisuma on June 25, 2009 from where he was shifted to Police Station Lalpora, Lolab and was finally released from there.

Case 241

**Mohammad Akbar Dar**

Male

Parentage: Ghulam Mohammad Dar

Residence: Dar Mohalla, Duroo, Sopore, Baramulla

Affiliation:

Alleged Perpetrators/Agency:

1. Sikh Regiment, Army

*Case Information*

Mohammad Akbar Dar was arrested by Sikh Regiment of the Keegam camp at Warpora and then shifted to Zangil camp, Badami Bagh Cantonment, Srinagar and also kept for two and a half years at Kot Bhalwal Jail, Jammu. He was given electric shocks in his private parts. Roller was rolled on his body. The intensity of mental torture was more than the physical torture. His family members, including his brothers were beaten mercilessly.

His family was allowed to meet him after two days at Zangil camp and after that, they met him many times as per the schedule of the jail authorities. But he was never given any medical aid. After his release, he was forced to report to the camp and to do menial tasks.

He faced a lot of economic problems because when he was in his prime, all his energies and capabilities were in vain as he was held in detention and then subsequently reporting to the camps. He cannot manage the expenses of his family in a proper way because the torture has left him incapable of working as required.

His family hasn't seen solace in their life, so his sons cannot be at par with the others because of the troubled childhood they had. He usually feels upset because he couldn't bring up his children in a proper way and his marriage was a disaster. His economic opportunities got limited and he had to comply with the directions of the Army as he was kept under trial. He feels a lot of inferiority because every dimension of his life was affected by the torture and he feels unable to contribute to his family in the desired manner.

He never used any legal administrative remedies to secure his release because the entire administration was following the directions of the army and believes that only military might prevailed.

Case 242

**Mohammed Akbar Khan**

Male/ Farmer

Residence: Haigam, Chotipora, Sopore, Baramulla

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrator:

1. SOG

*Case Information*

The victim, Mohammed Akbar Khan, claims that he was abducted by the SOG on October 10, 2000. Khan says that he had differences with his wife and it was on her insistence that a certain Ghulam Rasool (believed to be an informer of the SOG) had him abducted at night around 12:30 am by giving false information to the SOG about Khan. Khan was taken to the JIC Baramulla. Khan's brother was a militant with the Hizbul Mujahideen.

At the JIC, Khan was first stripped naked and his beard was burned. He was then hung upside down and beaten up with sticks, rods, belts etc. After the first ordeal, his hands were tied behind his back and he was subjected to sustained drowning in a bathtub. He was asked for information on arms and militants. Khan could not give any information, as he had none and claimed to be innocent. Khan's stomach became bloated due to excessive intake of water and he excreted it while being tortured. His legs were rolled with a six feet long iron pipe. It was an extremely painful method of torture, as five or six men applied the pressure of their body weight on the iron pipe while it was being rolled on Khan's legs. Electric shocks were given to various parts of his body, including genitals, and he was then rolled again. Khan was then dragged all over the floor, probably to avoid blood clotting in his legs and thighs. The SOG did not allow him to sleep at all during the first few days of torture. Khan was then put in a 3x6-foot cell, in which he could not sleep at all, as he had had to stand every 5 minutes to breathe properly. After a few more torture ordeals, Khan excreted blood along with feces. He endured 16 days of torture and was not allowed to see any relatives or lawyers.

After 16 days, the SOG concluded that he had no information and therefore set him free. Besides the rigorous torture ordeal of 16 days, Khan claims to have been beaten up by the army five or six times between 1994 and 2000 during various crackdowns in his village.

Khan cannot work or walk for long durations due to the torture he endured in 2000. He complains of extreme pain in his entire body, especially his back, neck and legs. He often faints when subjected to heavy exercise, long walks, or prolonged exposure to heat and sunlight. His appetite for food has lessened and he was even operated upon in his stomach because of the issues caused by sustained drowning as a torture method. Khan claims that he cannot last an hour without drinking water. Khan had himself treated privately, but is not sure about the availability of his medical records.

Khan says that the SOG tried to implicate him in a fake case by planting grenades in his house, and he was rescued from this by the help of SHO Khursheed Khan in 2002. Khan took no remedial action after the torture, meaning he did not register a case with any law enforcement agency or seek compensation from the government.

Case 243

**Mohammad Akbar Lone**

Male/ Teacher

Parentage: Ghulam Rasool Lone

Residence: Lohrihama, Rafiabad, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. 15 Punjab Regiment, Army
2. 14 Mahar Regiment, Army

### *Case Information*

Mohammad Akbar went to Pakistan administered Kashmir for arms training in 1990 and returned after six months. He remained active with Hizbul Mujahideen for four years before being arrested in 1994 by the 15 Punjab Regiment, after which he was taken to different jails and army camps where he claims to have been tortured.

Akbar was traveling from Sopore town to his village when he was identified by the troopers of the 15 Punjab Regiment in Reban village. He had no weapon, so he was easily caught. It was 2:30 pm and his native village, Lohrihama was under crackdown, of which Akbar was unaware. They took him into someone's home in Reban, where they tortured him for two hours. They first stripped him naked and beat him with bamboo sticks. They also applied an electric current to his private body parts. After that, they put him into a stream and applied an electric current again to his toes and chest.

From here, they took Akbar to his native village for an identification parade. After the identification parade, they took him to a nearby orchard and beat him again. They also suspended him upside down from a tree branch and simultaneously beat him. They beat him for his weapon, but they had already recovered it during a raid a few days before his arrest.

After that, they took Akbar to the Ushkura, Baramulla camp for three days. He was tortured continuously there thrice a day for hours at a time. During the torture, he was beaten with bamboo sticks and leather belts, and a heavy roller was applied over his legs, which was pressed down by several interrogators on both sides. Every time he was tortured, an electric current was applied to his private body parts, due to which he suffered from erectile dysfunction for a long time. Luckily, he was cured with the help of proper medication after his release. After torture, he was put into a small cell (3x6 feet) along with three other detainees. Unable to sit properly inside it, they used to lean on one another. Akbar was not taken to a doctor or given any medicine there.

After that, he was transferred to JIC Baramulla for eight months. He was tortured there by investigative agencies during the first two days. After taking him into a separate room, they beat him with leather belts, suspended him upside down from the ceiling for hours, and also dunked his head into water several times for two to three minutes at a time. They also asked many questions and threatened of dire consequences if he provided any wrong information. They pressured him to become their informer. Akbar was not tortured thereafter and was taken to a doctor several times as well. However, the doctor only gave him painkillers. Akbar's family was allowed to visit him there after one month. After that, he was transferred to Baramulla Sub-jail for 14 months under the Public Safety Act. There the condition was a bit better. Akbar was not tortured there and was given proper food from a jail menu.

After his release, he was picked up from his home once again by the 14 Mahar Regiment of Reban Camp and detained for a week. During this detention period, Akbar was ruthlessly

tortured thrice daily for a week straight. During the torture, he was first beaten with bamboo sticks, then suspended from the ceiling for hours and hit on buttocks. They also applied an electric current with their portable machine to his genitals and other parts of his body. After every shock, Akbar fell unconscious, but he was beaten again to come back around. His family was not allowed to meet him during these days of detention. The kind of torture Akbar was subjected to has rendered him damaged and weak. He is unable to do any physical work, and suffers from chronic back pain and long-lasting headaches.

Case 244

**Muhammad Ali Bhat (name changed)**

Male/ Businessman

Residence: Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Papa Kishtwari, Ikhwan
2. Inspector Farooq Zargar (now Dy.S.P.), SOG
3. Davinder Singh, SOG
4. Gansham Singh, SOG
5. Manohar Singh, SOG
6. IGP Gill, Jammu & Kashmir Police

*Case Information*

Muhammad Ali was arrested on November 17, 1997, by *Ikhwan* and Special Operation Group (SOG) headed by Papa Kishtwari. Papa Kishtwari was affiliated with the *Ikhwan*. It was around ten o'clock in the morning. Muhammad was in Pampore Hospital for some treatment when he was detained. He was taken to *Ikhwan* Camp located at Frestbal, Pampore. There, he was questioned for half a day by *Ikhwan* and the Army. After the questioning, he was moved to Air Cargo SOG Camp, Srinagar. There, he was kept naked, suspended upside down, given electric shocks, and rollers were applied to his legs. They beat him ruthlessly after hanging him upside down. Another form of torture he endured was stretching, in which his legs were pulled out from opposite sides. This continued for one week. The torture was executed by Inspector Farooq Zargar (now Dy.S.P.), Davinder Singh, Gansham Singh, Manohar Singh, and IGP Gill. They would usually torture him at night after 11 pm. They did not want him to get any sleep. After one week, the methods of torture changed with Inspector Farooq Zargar. He would beat Muhammad, and used small, bumpy tree branches as rollers on his legs. Muhammad was forced to wash himself with cold water in the winter. A powder was used to make inmates impotent, as well as cause various biological problems. Muhammad developed kidney problems as a result.

Muhammad sustained both psychological as well as physical torture. He was detained for 30 days without an FIR filed against him, and his family was denied knowledge of his arrest. After one month of continuous torture, an Information Report (IR) was made, and he was shifted to Police Station Shaheed Gunj, Srinagar where he was detained for three months. Then he was transferred to Central Jail, Srinagar under PSA. After nine months, Muhammad was released on High Court orders.

Before his arrest in 1997, Muhammad's grandfather, father, and brother were tortured at their home in 1994 and 1996 by BSF, SOG and Army because Muhammad was not at home at the time.

Muhammad does not have a passport. He applied for it once, but was denied because of his past records.

Case 245

Survivor: 1

**Mohammad Ali Butt**

Male/ Farmer

Parentage: Nasar Din Butt

Residence: Behota, Marmat, Doda

Affiliation: Civilian

Survivor: 2

**Rehana Banoo**

Female

Parentage: Mohammad Ali Butt

Residence: Behota, Marmat, Doda

Age at the time of incident: 13

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Azad Hussain Khanday (alias Abdullah), SOG

*Case Information*

On the evening of March 3, 2001, Mohammad Ali was at his home when 15 to 20 SOG personnel barged into his house. As soon as they entered, the three people who were leading the SOG men started hurling abuses and invectives on him. One of the personnel started beating him, threw him on the ground and a group of them kicked him and beat him with sticks and rifle butts. Rehana Banoo, his daughter, tried to stop them from beating her father but the SOG men started beating her, tore her clothes rendering her completely naked.

The unit of the SOG, which raided their house and committed these atrocities, was commanded by I/C Azad Hussain Khanday alias Abdullah. Mohammad Ali Butt had approached the then Home Minister of Jammu and Kashmir for help.

Case 246

**Mohammad Ali Zargar**

Male/ Political worker, JKLF

Residence: Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 100 Battalion, BSF
2. SOG

### *Case Information*

Before the commencement of the armed struggle in Jammu and Kashmir, Zargar was a constable with the Jammu & Kashmir Police, but when the struggle started in 1989, he could not resist crossing the LoC to receive arms training. Upon his return, Zargar was positioned as a Commander in JKLF. But after being active for some years, he was arrested by 100 Battalion BSF on December 14, 1992, at Sopore, during a siege. After his arrest, he was transferred to several interrogation centers and jails where he was brutally tortured, using dreadful and shameful methods.

When giving the details of his arrest and torture, Zargar says that from the place of his arrest, he was taken to Sopore Mandi, which was then BSF headquarters, and where they put him into a special room to torture him. They first stripped him naked, poured cold water over his head, and beat him severely with *lathis*. After that, they inserted first a wooden stick and then a hot iron rod into his rectum, which made him bleed heavily. Then they applied an electric current to his private parts. They suspended him upside down from his feet and beat him severely. Once, they hit him so brutally that one of the bones in his buttocks dislocated. The same torture methods continued for about 100 days. But Zargar was never taken to any doctor. He remembers that one day; an officer came to the camp, who beat him cruelly. After beating him for hours, the officer asked him if he wanted something to eat. Zargar told him that he wanted a cigarette and a cup of tea. The officer offered him a cigarette, and ordered for a cup of tea, in which he poured some powdered *Mushqe Kafoor* (scented substance which is applied to dead bodies before burial) in front of him. If consumed, the substance leads to sexual impotency. The officer promised him that if Zargar would drink the mixture, he would not be tortured or killed. Having no other option, Zargar forcibly drank it. However, the officer did not keep his promise and continued to beat him.

After that, Zargar was transferred to the notorious interrogation center PAPA 2. He spent four months there under continuous torture. Once, they took him to a particular torture room, called *Qatl Khaana* (Murder Room). It was believed that a person subjected to torture in there would not come back alive. When Zargar was taken there, he felt that it was the end of his life, because they tortured him so ruthlessly there. They inserted an iron rod into his genitals and applied current through it, after tying another wire to his toes and temples. The intensity of the current was so strong, that it would jolt him two to three feet off the ground. While applying the current, they would shout lewd remarks. He says that by Allah's grace, he bore the torture and returned alive.

The condition in the interrogation center was pathetic. They accommodated many of the detainees in a single small room, where they had to eat and defecate in close proximity. They were not allowed to bathe, due to which their hair and clothes were teeming with lice. From there, he was transferred to Kot Bhalwal jail, Jammu for sixteen months, where he was booked under PSA. There the conditions were bit better. After that, they transferred him to Sungrur, Punjab jail, which was a notorious prison. However, here Zargar became *Amir-e-Zindaan* (head of jail prisoners) and fought for jail rights together with other detainees. From there, he was released in 1995.

Zargar retook arms and was also among the militants trapped during Dargah Hazratbal siege in 1996. One month after the siege was lifted and after bilateral negotiations, he was



arrested again by the army and taken to JIC Baramulla, where they applied a roller over his legs. From there, he was handed over to SOG, who took him to Zangil camp, Kupwara. He was not tortured there, but once during interrogation, one of the interrogators put a gun to his neck and threatened to kill him if he remained silent. Zargar recited some prayers and was ready to die, but the interrogator did not pull the trigger. Zargar told the interrogator that it would be better to kill him, and he was not going to give him any information anyway.

Zargar is now a full-time political worker of JKLF and is usually arrested during protest rallies, which has become a routine part of his life. Due to severe torture and limited medical intervention, he developed several health complications. Because he never saw a doctor during his detention period, he became impotent and never married.

Case 247

**Mohammad Altaf Shiekh**

Male/ Driver

Parentage: Ghulam Mohammad Shiekh

Residence: Shaheed Gunj, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 13 Grenadiers, Army

*Case Information*

Mohammad Altaf joined JKLF as an upper ground worker in 1993 (cannot recall the exact date of joining). He was arrested on August 9, 1994 by 13 Grenadiers at Shaheed Gunj after he was identified during crackdown. Altaf claims that he was taken to different army camps later, where he was tortured.

The army, after picking him, first took him to Broadway hotel in Srinagar where they tortured him for about three hours. They took him into one of its rooms where three other persons were also tortured. They stripped him naked in front of everybody, which was humiliating. Around three men then beat him with bamboo sticks all over the body till his whole body turned black, full of abrasions. After half an hour of continuous beating, they lay him on the floor, tied his hands, wrapped a thin cloth around his mouth and poured down a bucket of water through it. They simultaneously tied wire to his fingers and private parts of his body and applied current through it. As his mouth would get filled with water, they would administer electric current, the jerk of which made him swallow the water. After he took about 10 litres of water, at least three persons trampled over his stomach causing water to come out of his mouth. Then they put a hot iron rod over his back, belly and under his shoulder pits, which caused deep scars on his body, still visible on his body. After that, he was tied to a chair and two men on both sides stretched his legs apart in opposite direction up to 180 degree. This particular method was called *Fado* by them. They asked him about his weapon but he possessed only a pistol at that time but did not give it to them.

From there, he was taken to HMT, Srinagar camp where he was detained for three months. They did not beat him on the first day but put him inside a small cell (4x5 feet room) handcuffed and blindfolded. He was reeling under severe pain and it was very difficult to

stretch his legs inside it. Next morning they took him to torture room where he was tortured for two hours. It was small room (10x10 feet) with a single small window, which was covered with thick wooden planks to muffle the shouts and cries of tortured persons. He was tortured by five persons there who stripped him naked and suspended him in the air for about half an hour after tying his hands on the back with chain block (an instrument used to lift heavy things). They beat him with thick heavy sticks all over the body. After that, they put his head several times into the water bucket for 2 to 3 minutes every time. They beat him for the weapon, and after the ruthless torture, he gave them the location where he had hidden his weapon and they recovered it.

After that he was occasionally tortured there once or twice a week for about two hours during which he was beaten with bamboo sticks, electric current was given to his private body parts. For the rest of the time, he was put into the cell wherefrom he was taken out twice a day for 15 minutes each for the bathroom. Inside the cell it was difficult to breathe and there were lot of rats and insects inside it. The food was also given to him twice a day inside the cell. The wounds on his body developed severity but he was denied any medical treatment there. Pus was oozing out from the wounds created by hot iron rods.

During three months, his family was not allowed to meet him any time. After three months, he was shifted to Kot Bhalwal jail, Jammu for eight months. He was not tortured there but on reaching there he was slapped several times by one of the security personnel due to which some fluid emanated from his ears for several days. His family was allowed to meet him there. From there, he was taken to Srinagar jail for one month under PSA. He was not tortured there but kept in a small room along with 10 other persons where it was difficult to stretch legs. They used to sleep on one another and there was toilet inside the room due to which there was a lot of stench in the room. They were allowed to move out of the room for four hours every day.

After a year, he was taken to Police Station Shaheed Gunj, wherefrom he was released on bail. The hearing of the case continued for about 15 months after that at Lower Court Srinagar. After that he was never arrested again. Now he drives a three-wheeler to earn his livelihood. Due to the torture, he is unable to do heavy physical work.

Case 248

**Mohammad Azeem Zarger**

Male

Parentage: Ali Mohammad Zarger

Residence: Behrampora, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 100 Battalion, BSF

*Case Information*

The survivor joined the Police forces in 1958 and became a part of the pro-Kashmir movement in 1964 with National Liberation Front. He became the part of the armed insurgency in 1989 as a Launching Chief and was arrested on December 14, 1992 at 3 am in Sopore by 100 Battalion BSF. At the time of his arrest, a pistol was recovered from him. He was then taken to Sopore Fruit Mandi, which housed their Headquarters where he was

stripped naked and his head was put in water. Moreover, half burned wood was forced into his rectal cavity making him bleed. When the survivor was asked about weapons, he refused to give any information. He was kept in custody there for little more than 3 months and was provided no medical support even though he had a broken hip joint owing to the torture.

During one such day he was forced to drink tea with '*Muskhe Kaafur*' (scented substance which is applied to dead bodies before burial) in it. Post his release he was taken to PAPA 2 where torture had become a daily routine where he was interviewed by a news agency. He was once taken to Room no. 7, which was infamous as a torture room where electric shocks were given to him. After 4 months he was shifted to Kol Bhalwal Jail, Jammu where he was kept for 16 months and later transferred to Sangrur, Punjab. On his arrival there he was made an 'Ameer' there. He was released in 1995 and was caught again post his involvement in the Hazratbal siege operation in 1996 by 88 Rashtriya Rifles.

#### Case 249

##### **Mohammad Amin**

Male

Parentage: Abdul Aziz

Residence: Jangalwar, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF
2. SOG

#### *Case Information*

Mohammad Amin was picked up by CRPF on August 14, 1997 from Prem Nagar Market when he had gone to purchase some medicine for a child in the family. When he was at the medical shop, CRPF personnel barged into the shop, tapped him on the shoulder from behind, and asked for his identification. They also asked the shopkeeper whether he knew Amin or not. The shopkeeper told the CRPF personnel that he knew Amin, because he often came to the shop. The CRPF men paid no heed to the shopkeeper's reply, and accused Amin of purchasing medicine for militants. Amin told them that they should take a look at the medication he had just purchased, because it is only prescribed for minors and was just 250mg. But the CRPF personnel did not listen to him, and instead handcuffed him and took him to their camp. At the camp, he was trembling from the shame of being handcuffed because he had never expected it to happen to him. They asked Amin why he was trembling, and he told them. They did not torture him there.

The next day, they took him to JIC Doda, where he was detained for three and a half months and continuously tortured. Amin was beaten on allegations of owning a weapon and affiliation with the militants. They beat him with sticks and stretched his legs out to 180 degrees. When they could not extract anything from him, he was released after three and a half months.

After that, Amin was picked up from his home again by the SOG in November 1998, and taken to Phagsoo camp. He was ruthlessly tortured there for possessing the wireless set of which he did not have any information. They beat him with the butts of their guns, and

several men pounced on him like beasts. Amin was released after two days, following which he went to the Army Commanding Officer (CO) and asked him to call other agencies with any information on him; otherwise he would continue to be picked up. After that, Amin was picked up once again by CID person named Sagar, who took him to the Thatri Camp. But upon arrival, Amin deliberately went to CO's office, who was not there that time, and told Sagar that they should talk in front of the CO. This action annoyed Sagar a bit, and he told Amin to come outside and he would set him free, but Amin refused to come out. Sagar then took *Imam* of Grand Mosque of Thatri to the camp to convince him to come out of CO's office, and they would set him free. The *Imam* told him not to take any risk and come out of office and Sagar would release him. After that, he came out and was set free and was never picked up again.

#### Case 250

##### **Mohammad Amin Sofi<sup>304</sup>**

Male

Parentage: Ghulam Mohammad Sofi

Residence: Kaloosa, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF

##### *Case Information*

Ghulam Mohammad Sofi petitioned in the SHRC about the death of his son, Mohammad Amin Sofi by BSF personnel. Ghulam Mohammad had reported the case in Police Station Bandipora, where it was recorded in *Roznamcha* at No.22 dated: 10-07-1994.

Mohammad Amin Sofi was arrested by BSF Bandipora in 1994. He was released the next day but had been brutally tortured in custody. Due to the grievous injuries he had received, he was hospitalized in SKIMS, Soura and consequently died on July 10, 1994. This case was also registered in Police Station where it is mentioned that Amin was hospitalized because of torture. He had suffered acute injuries and renal failure. The case was reported in the local daily, Greater Kashmir in its issue dated: 05-07-1994. The caption of the news item read, "Brutal Torture Leaves Amin on Death Bed".

In its judgment, the SHRC states, "The Commission is satisfied that his son was arrested by Security Forces as an innocent citizen and subjected him to brutal torture. He was left half dead which necessitated his admission in SKIMS Soura. The injuries received after brutal torture was such that he could not survive in the struggle of his life during hospitalization."

The SHRC recommended to the Jammu & Kashmir Government to pay an ex-gratia relief on INR 100,000 to the next of kin of the deceased.

#### Case 251

##### **Mohammad Amin Wani**

Male

Parentage: Ghulam Ahmad Wani

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<sup>304</sup>Source of the case: SHRC Annual Reports

Residence: Preng, Kangan, Ganderbal

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Captain Tiwari, 167 Field Regiment, Army

Testimony by the victim's wife, Hasina Begum

### *Case Information*

On August 18, 1998, unidentified persons threw a grenade from the north side of Hasina's house, which didn't explode. After that, the Army cordoned their house and picked up her husband. They were questioning him about who threw the grenade while he repeatedly kept telling them he did not know.

On August 19, 1998, the Army headed by Captain Tiwari of 197 Field Regiment cordoned the village Preng. The people were ordered to assemble at a particular place in a village. During this crackdown, 11 persons including Hasina's husband were arrested. The other arrested persons were: Manzoor Ahmad Sheikh, Sahad Ahmad Sheikh, Hilal Ahmad Wani, Tahir Ahmad, Shahid ul Islam, Tanvir Ahmad Sheikh, Gulle, Abdul Ahad and Muzafar Ahmad. Mohammad Amin was tortured and beaten up by the said Army official publicly. Incharge officer Captain Tiwari, known for frequent raids in the area, repeatedly said to his soldiers to remember the person.

On August 20, 1998, Army headed by the same officer came back to the village early in the morning at about 7 am. First of all they entered Hasina's house. Her husband was reciting Quran when their son, Muzamil told his father that the Army was in their compound and asking for him. As soon as he came out from his room, two Army personnel dragged him out barefoot and tortured him. Army completed the door-to-door search operation till 3 pm. Mohammad Amin was separated from other arrested persons and tortured throughout the day. The Army then took him to Barawall Camp with other villagers. One of the arrested persons, Sajad Ahmad Sheikh R/O Preng later told them that Mohammad Amin Wani was with them at Kangan Camp near Agriculture Office Kangan. Sajad told them that his brother Manzoor Ahmad Sheikh and Mohammad Amin Wani were already in the room to which he was taken. His eyes were tied with clothes but it was a bit loose and he could see what was going on in the room. Amin wanted to go to the bathroom but the army didn't allow him to. His condition was very bad, Sajad who was witness to the torture killing, told the family. When the Army personnel took Amin to another room, before leaving he had told them that he had been brutally tortured and cannot make it alive. After 20 minutes, they brought him back to the room half-dead. He couldn't speak and he had turned pale. About half an hour passed and the Army personnel entered the room to examine whether he was alive or dead. As he was tortured badly, he died in the interrogation centre. The Army official called the Army doctor and they took Mohammad Amin out of the room. This was the last time when Sajad saw Amin. In the said Kangan camp, with Sajad, there were also Tahir Ahmad Mir, Hilal Ahmad Wani who witnessed it.

Case 252

### **Mohammad Amin Zargar**

Male/ Tailor

Parentage: Late Ghulam Mohammad Zargar

Residence: Feroze Shah Mohalla, Bijbehara, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major George, Army (SICOP Anantnag Camp)
2. Dy.SP Rathore, SOG

### *Case Information*

Mohammad Amin had crossed the Line of Control in 1992 for arms training and returned in 1995 and got actively involved with Al-Jihad for about 3 years. He was arrested in 1998 by personnel from the SICOP army camp. Mohammad Amin was picked up near Baba Naseem-ud-din Gazi's Shrine at Feroz Shah Mohalla by army personnel from the camps at SICOP and Dak Bungalow Bijbehara, headed by Major George.

At SICOP Camp, he was tortured severely for 10-12 days. His lips were burnt using cigarette butts, and even his eyebrows were burnt. After a period of twelve days he was shifted to JIC Khanabal. At JIC he was detained for a few days. After serving detention at JIC, Major George of SICOP camp, who had gone for leave returned to the camp and called Amin again to his camp, for about one hour. Major George scorched his chest. His private parts were electrocuted and burning coal was put over his body. When he was tortured severely at SICOP, his family approached Deputy Commissioner Anantnag who got Amin back to JIC for ten days. When he was detained at JIC Khanabal for the first time he had been tortured by Dy.S.P. (SOG) Rathore who was then the head at JIC. He had kept Amin naked in the month of *Ramazan*. Most of the torture inflicted on him was perpetrated by Major George of SICOP camp. Amin bore torture marks till his death.

After JIC, he was booked for some false charges and was sent to Hiranagar Sub-jail in Jammu. He was finally released from Police Station Bijbehara.

Major George also tortured many other locals of Bijbehara during their detention. Major George made a lot of money by arresting innocent locals and then demanding money for their release. He was transferred from the area four months after Amin's arrest. Amin was married in 2004 and lived comfortably until he developed certain disorders due to the severe torture inflicted on him. He developed lung cancer in 2013 and breathed his last on May 9, 2014.

Case 253

**Mohammad Aamir**

Male/ Teacher

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

### *Case Information*

In 2003, Aamir was taken to a room inside a military camp where his clothes were removed and he was beaten with *lathis*. He was asked if he had any association with militants and beaten for three hours. In between, he was also given electric shocks on his toes and palms.

After a few hours, he was released. He received medical treatment for two days, which was paid by his family.

Case 254

**Mohammad Arif Khan**

Male/ Labourer

Residence: Chakilpura, Anantnag (Islamabad)

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. Army

*Case Information*

On April 24, 2005, Arif's militant brother was killed by the Army. Three months after his killing, Arif was picked up from his home by the Army and taken to a military camp for two days. On the first day, he was only asked if his brother had owned any weapons. Arif replied that he was not aware of any weapons, and was therefore unable to tell them. On the second day, he was sent for physical torture. His clothes were removed and two Army constables sat on his chest. Then they beat him, and forced him to do sit ups. However, on the second day, some angry villagers came to the camp and demanded Arif's release. Arif was promptly released after two days of detention.

Case 255

**Mohammed Ashraf**

Male/ Secretary, Information officer JKLF

Residence: Ompura, Budgam

Alleged Perpetrators/Agency:

1. Army

*Case Information*

Mohammad Ashraf has been associated with the JKLF since 1990, and was active as an armed militant until May 18, 1994. In August of the same year, the Army came during a crackdown to his house and he was picked up. He was identified in an identification parade as a militant. He was first taken to a school and asked to remove all his clothes. Then his hands were tied, his legs were stretched in opposite directions, and a man sat on his chest. An electric current was passed through his body, including his genitals for 10 or 20 seconds. This continued for three hours. Water was poured into his mouth until he could not drink anymore.

Half an hour later, Ashraf was taken elsewhere, because the Army needed to raid some other place. However, there was nothing there. In anger, they took Ashraf out of the vehicle and threw him into a drain. He was then dragged by the car for 30 to 40 feet.

After this, Ashraf was being taken to another place when they stopped the vehicle and began to torture him again. His moustache was pulled so hard that it was ripped out on one side. A helmet was put over his head and he was beaten with sticks and *lathis*. Because of

the severity of the beatings, his lip was torn and his teeth were broken. He was beaten so badly that he turned purple.

He was taken to Solina Camp of Army Militia. He was kept there for 36 hours and was given tea, food, and cigarettes, but he was unable to get up and eat. For four days, he was in that camp and was not tortured. On the fifth day, a Sikh officer came and tortured him for one or one and half hours. This continued for the next three days.

Ashraf was then taken to another camp, where he was kept for eight to ten days. Two men from Bombay with the Intelligence Bureau questioned him. He was then transferred to the police control room for seventeen or eighteen days. He was forced to sign a note stating that he was not tortured. He was then released.

Upon release, Ashraf sought medical treatment on his own. He still suffers long-term effects of the torture, such as impotency and muscle aches. The SOG and BSF constantly raid his house. He has not filed a case against any of the people who have tortured him.

Case 256

**Mohammad Ashraf Bhat**

Male/ Driver

Parentage: Sanaullah Dar

Residence: Kutpora, Waghama, Bijbehara, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Kalwat, 3 Rashtriya Rifles, Army
2. Shafaat, Ikhwan
3. Rafiq, Ikhwan
4. Gani Gour, Ikhwan
5. Bashir Ahmad Katoo, Ikhwan
6. Dund Resh (Army informer)

*Case Information*

In 1997, the army and *Ikhwan* raided the house of Mohammad Ashraf and barged into his house. It was the month of *Ramazan*. They entered the house in the morning – at the time of Sehar. Dund Resh, resident of Waghama, an army informant and an activist of the National Conference led the raid. He had informed the army about the victim's connection to Hizbul Mujahideen.

The army was 3 Rashtriya Rifles, belonging to the Waghama Camp. Their officer in command was Kalwat. Officer Kalwat had himself raided the house of the victim, along with his personnel and some *Ikhwanis*, identified as Shafaat, Rafiq, Gani Gour, and Bashir Ahmad Katoo. Bashir Katoo was their commander.

When the army and *Ikhwan* raided the house of the victim, he was on the first floor; *Ikhwan* brought him into the kitchen and tortured him there. The victim was beaten with sticks by the above-mentioned *Ikhwan* and electrocuted him with a battery, which was brought along by army officer Kalwat. This went on for 20-30 minutes.



Then the victim was taken to the 3 Rashtriya Rifles camp at Waghama and was tortured there too. He was again electrocuted by officer Kalwat and beaten by the above said *Ikhwan*. He was made to drink chilli powder water and a roller was rolled over his body. One Sikh army personnel also cut his skin on the left foot. His ears, fingers, and penis were electrocuted and his legs were stretched.

During this period of detention, the *Ikhwan* visited the victim's house and picked up his father, Sanaullah Dar. They also verbally abused his wife. They brought him to the same camp as the victim's, where he was also tortured and beaten for 3 days. He was then released. When he was brought home, the army planted a bomb in the kitchen and threw gunpowder in the house. The wife of the victim requested Officer Kalwat, who was present there, not to damage their house. The officer didn't agree. The army kept the father of the victim close to the kitchen so as to kill him in the explosion. But a local villager pulled him and took him far away from the house. The army exploded the bomb and the house was gutted.

After seven days in the camp, the victim was shifted to Khanabal camp. There too he was tortured for one night. After one day in the camp, the victim was taken to the JIC Khanabal for two months; no torture was done there to the victim. Then he was booked under PSA and shifted to Kathua Jail, Jammu; he was kept there for 18 months. After this, he was shifted to Kot Balwal Jail, Jammu for one month and then shifted to Hari Niwas, Srinagar and kept there for 22 days. Then the victim was shifted to Police Station Bijbehara for one night and then released. A case under FIR no. 17/1997 at Police Station Bijbehara was filed against the victim.

#### Case 257

##### **Mohammad Ashraf Lone**

Male/ Shopkeeper

Parentage: Ghulam Rasool Lone

Residence: Hadipora Rafiabab, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Grenadiers, Army

#### *Case Information*

Mohammad Ashraf joined the armed struggle in 1990, and remained active for four years with Muslim Janbaz Force militant outfit. He was arrested on October 15, 1995 by the 9 Grenadiers, and consequently spent more than two years in various interrogation centers and jails where, he claims, he was subjected to various methods of torture.

Ashraf was arrested with four accomplices at 6:00 o'clock in the morning in Srinagar, after the place where they had been hiding was raided by the Indian Army. They were all unarmed, and therefore trapped. The Army blindfolded them and took them to an Army camp in Srinagar. They dragged Ashraf and his companions to the third floor of the building, and after taking their clothes off, they tied them to chairs and beat them severely. After that, several people stretched Ashraf's legs to 180 degrees in opposite directions. After an hour, they were untied, kicked down the stairs, and taken in a vehicle to Watergam

Camp in Baramulla. They kept Ashraf there for twenty days. The torture he was subjected to during that time was very difficult to survive.

Upon arrival at Watergam Camp, they tied Ashraf's feet to a mulberry tree in the yard of the camp and suspended him upside down for two hours. Then, they repeatedly dunked his head into a bucket of water for five to ten minutes, which made Ashraf feel as if he would drown. After that, they gave electric shocks to his fingers and genitals using a portable machine. They inserted petrol into his rectum, and pressed a hot iron rod into his thighs and back. They beat Ashraf continuously for twenty days for his weapon, but he did not surrender it to them.

From there, they took him to JIC Baramulla, where he was subjected to much more severe torture. They first stripped him completely naked and beat him with spiky wire all over his body. They poured petrol into his rectum and forced him to drink a large amount of dirty water. The next day, Ashraf developed pain in both of his kidneys, and passed blood with his urine. They took him to a hospital located inside the camp and injected him with two bottles of glucose solution within only ten minutes, and then took him back to center. They did not give Ashraf any medicine, so he was shivering with pain and cold. During that time, his family had known his whereabouts, but they were not allowed to visit him. After spending five days in severe pain, Ashraf was taken to Badami Bagh Cantonment, Srinagar, along with twelve other detainees. Upon reaching the gate, they were forced to strip down to their underwear. From the gate, they were all continuously beaten with spiky wire, until they reached the barracks, which was one kilometer from the gate. In the barracks, they were told to take off their underwear, and were all put in a single room. Then the men were abused, and forced to do dirty things. They all kept their gazes averted out of diffidence, but they were forced to look each other in the eyes. They were kept in there for fifteen days, without proper food. They were given unbaked bread and partially cooked food, which was difficult to eat, so they would only eat enough of it to stay alive.

After fifteen days, they took Ashraf to Kot Balwal Jail for two and a half years. He was not tortured there, but he developed severe kidney problems and was unable to stand or walk as a result of the pain. He was never taken to a doctor, so he spent the whole time in that condition. His family was allowed to visit him after two months of detention in Kot Balwal Jail after Ashraf had written to them about his whereabouts. After his term ended, he was handed over to the police and taken to JIC Baramulla again for a week. From there, he was handed over to Police Station Panzipora, Rafiabad, wherefrom he was finally released.

Only two days after his release, when Ashraf was at home in the evening, Indian Army of the 14Mahar Regiment barged in his door. On the pretext of talking to him, they took him to the Tragpora, Baramulla Camp. There, they tied him to a chair; beat him severely with leather belts, and stretched his legs apart in opposite directions. They tortured him for weapons and hideouts of militants, but unable to get any information out of him, they released Ashraf after seven days. Since then, he has had to report at various Army camps every week, where he is forced to do laborious work, such as cutting wood and grass. For many years Ashraf had to report every week to Tregpora, Rafiabad Camp. If he was unable to report to the camp one day, they would come to his home the following day to harass his family or detain them for a day or two.

Case 258

**Mohammad Ashraf Waza**

Male/ Carpet weaver

Parentage: Abdul Kabir Waza

Residence: Hartrat, Singpora Pattan, Baramulla

Affiliation: Civilian (His uncle was a militant)

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. Garhwal Regiment, Army

*Case Information*

Mohammad Ashraf was tortured by Indian armed personnel from Rashtriya Rifles in 1993 when he was only ten years old. He was beaten for the whereabouts of his uncle, who was associated with a militant organization.

When his uncle was a militant, their home was often raided by several Indian agencies, who would loot the house and torture the family members. Ashraf's father was arrested several times and brutally tortured. This happened when Ashraf was in the 4<sup>th</sup> grade, and was too young to understand what was going on, but knew enough to live in constant fear. In 1993, their house was raided by the Rashtriya Rifles of the Indian Army, led by Garhwal Regiment posted in Hyderbeigh Pattan. They came in the morning, barging into the house and beating everyone. They looted the house and tortured Ashraf's father and sister. Ashraf was taken out to a stream that flowed a few meters away from the house, during winter when the water was frozen. The Army men broke a hole in the surface of the ice. Then several people held Ashraf upside down by his feet and dunked his head into the stream several times for about two minutes at a time. Ashraf felt a lot of tension as all the blood flowed to his head, and thought his veins would burst. After a while, they dragged him to the bank of the stream and beat him with bamboo sticks and the butts of their guns. He lied to them about having kept his uncle's pistol hidden in his neighbour's house so as to prevent further torture. They took him to that house, but he was then beaten by the owner of the house for the lie he told the army personnel.

When one of the army personnel felt that Ashraf was lying, he put the barrel of his gun five inches deep into Ashraf's mouth and twisted it around inside. This caused several scars deep inside his mouth that began to bleed. After that, they took Ashraf into another house where they beat him for a long time. As a result, he eventually lost consciousness and regained it after two days in the hospital. He was unable to move because his legs were fractured and there were abrasions all over his body. Ashraf took two months to regain his proper health.

After that, his family's house was raided several times, his father was tortured, the house was looted, and his family members were harassed. These endless raids made an indelible mark in Ashraf's mind. He lived in constant fear in those days, as he and his family expected the Army to break into their house and torture them any time. This affected his studies as well, as he was unable to concentrate and he had to quit half way through to become a carpet weaver.

Case 259

**Mohammad Ayoub Lone**

Male/ Transporter

Parentage: Mohammad Kamal Lone

Affiliation: Militant

Alleged perpetrators/Agency:

1. Dy.S.P. Bali, 88 Battalion, BSF

*Case Information*

In the year 1990, Ayoub was associated with Hizbul Mujahideen and at the age of 15 he crossed over the border for arms training. After some years he returned but once again crossed the border in the year 1995. As his was being harassed by the Indian armed forces, he returned in the year 1996 and remained active in the valley till he was detained in September 2003 by 88 Battalion BSF. He was detained at Duroo, Sopore under section 7/25 Arms Act.

During his militancy days, his family members were mercilessly beaten by the armed forces. When he was arrested, the torture was executed by Dy.S.P. Bali. During the interrogation, he was beaten with wooden rods, his legs were stretched apart, roller was rolled on his body, chilli powder was mixed with water and his head was dunked into that water. He was kept naked during the whole interrogation and no medical assistance was given to him. After two days of torture, his relatives were given permission to meet him.

After the torture, he was booked under PSA and sent to jail. After completing the due term in jail, he was released.

About his health effects, he is unable to work. His vision has got impaired due to the torture. Due to the detention and torture, his employment opportunities have been limited to a great extent.

Case 260

**Mohammad Ayub Wani**

Male/ Farmer

Residence: Tarzoo village, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Officer Pathik, BSF

*Case Information*

Mohammad Ayub Wani was arrested during a crackdown in Sopore. He was a member of the Al-Jihad militant outfit and had gone for arms training to Pakistan administered Kashmir in 1990. He remained active for about four years. He was arrested in June 1994. He was on his way to visit his relatives and at the time of his arrest, he did not have a weapon with him. There was a crackdown in the area and someone gave Wani his gun for safekeeping. Wani was arrested by the BSF and they asked him if he was a militant. He

denied being a militant, and the BSF men told him that he would be allowed to speak only once he had been tortured.

He was given electric shocks, a cloth was stuffed into his mouth and water was poured through his nose. Petrol was inserted into his rectum, and a roller was applied to his legs. One officer named Pathik had bitten parts of Wani's ears off. During interrogation, he was asked if he knew the chief commander of his organization. Wani told his torturers that he did not know of any such people. He was tortured again and this time the torture frightened him and he got scared that they will kill him. The officer in charge, known as JD, put a knife on his neck and threatened to kill him if he lied again. Wani confessed that he was a trained militant and surrendered his gun. Even after his confession, he was tortured again and sent to JIC Baramulla, which was already overcrowded. Wani spent six to seven months there, and was then sent to Baramulla Sub-jail. His family came to visit him after he had spent nearly two months in sub-jail.

In JIC, the authorities refused to inform Wani's family of his whereabouts and only after the media highlighted his story did they allow his family to visit. Wani is still harassed by the Army. Anytime something untoward happens in his area, he is picked up, taken to camp, and tortured. This has become a routine for ex-militants, he says.

Case 261

**Mohammad Din**

Male/ Helper at a pharmacy

Parentage: Sardaru Gujjar

Residence: Dangrotta, Bijarna, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

*Case Information*

Mohammad Din was arrested in September 2004 by armed personnel from 10 Rashtriya Rifles from Al Kanda Koti. He was just 12 years old at that time. He was continuously beaten for 2 hours by a group of armed personnel with lathis and rifle butts following which he fell unconscious. He was detained for 1 night in the camp where he was tortured.

He still carries the torture marks on his body. Due to the torture inflicted on him, he experiences regular back and shoulder pain.

Case 262

**Mohammad Imran Khan**

Male/ Businessman

Residence: Shaheed Gunj, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army

*Case Information*

In August 1997, when Imran was still part of a local militant group, he was identified by an ex-militant during a crackdown and picked up by the Army. He was picked up around 4.00 pm and taken to the Tangmarg Camp. The torture began almost immediately. He was stripped off and hung upside down. He claims that his head was dunked into water and then electric shocks were applied to his genitals, ears, and feet. His legs were also stretched.

This torture continued for three days, after which he was taken to the Air Cargo SOG Camp, Srinagar. At the Air Cargo, he was interrogated and no torture methods were used. He was kept in the camp for almost a year, during which he would be beaten occasionally. He believes that because the armed forces themselves were not certain whether he was a militant, his torture was not severe. He was released on August 15, 1998 as a charity measure to his village by the Army.

It was only after two months of his incarceration that his family was allowed to visit him and he was given medical treatment in the camp. Since his release, he has spent about INR 25,000 on medical treatment. Due to the torture and pressures from his family, he quit his association with the militant group.

#### Case 263

##### **Mohammed Iqbal** (name changed)

Name/ Shopkeeper

Residence: Batamaloo, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF
2. Jammu & Kashmir Police

#### *Case Information*

One summer morning in 2000, 13-year-old Iqbal was walking home from school, when he was stopped by personal of the BSF near Karan Nagar. The BSF wanted to question him regarding a grenade blast. He lived in an area that was well known for having many militants, and when Iqbal revealed his address to BSF men it angered them and he was beaten. When the victim tried to file a complaint with the local police, they verbally abused him and he was slapped.

Two years later, he was questioned by armed forces about his relatives who were associated with militancy. At this point, he was approached by the JKLF to join the group. He became active in protests. He says that he joined JKLF because he felt it will keep him safe from the police and other agencies. By March 2007, Iqbal had become known to the local police. He had developed enmity with SHO Ali Mohammad Dar, who informed the CRPF about him. Consequently, he was taken to a CRPF Bunker. He was kept there for three days and from there, he was taken to Police Station Pampore, where he was kept for fifteen days. An FIR was filed against Iqbal charging him with attempted murder of the SHO. He was kicked and beaten with gun butts. An electric current was passed through his body. A knife was used on his body causing deep wounds and chill powder was applied over his wounds, causing him agonizing pain. The victim was suspended from the ceiling and his head was dunked in water. His face was wrapped with a cloth and water was

poured over his face, which he was forced to drink. A roller was applied over his legs and stomach. He was kept there for ten days and tortured daily for two or three hours at a time.

A bail application was filed by his family members but it was denied. This was because the police had filed an affidavit stating that he had been arrested only a day before, even though ten days had passed since his arrest.

He was kept further five days at the police station. He was later taken to the court and released. For the next four to five months, he received the medical treatment, the costs of which he bore himself. Over the course of the treatment, Iqbal was unable to eat because he was constantly vomiting. Although the victim suffers from psychological trauma, no psychiatric help was ever sought. Due to his detention, he has not been able to continue his studies. Iqbal claims that he is constantly monitored by the police and has to report to the Police Station before every shutdown or protest. There are nine FIRs against him (Flag burning, attempting to kill the SHO, unlawful association etc.) and the case is still on going. He is not allowed to leave Lal Chowk.

Case 264

**Mohammad Iqbal Wani**

Male/ Driver

Parentage: Ghulam Mohi-Ud-Din Wani

Residence: Dar Mohalla, Hardshiva, Sopore

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Major Rishi, 22 Rashtriya Rifles, Army

*Case Information*

Mohammad Iqbal Wani claims that he was falsely implicated in a case and accused of carrying out militant activities. On November 2, 2007, he was arrested by Major Rishi of 22 Rashtriya Rifles from Bomai Camp, Sopore. He was arrested on charges under section 7/25 Arms Act for assisting militants. He was kept in the custody of 22 Rashtriya Rifles for four days and then handed over to Police Station Sopore where he was kept for 15 days. After 15 days he was shifted to CIK Humhama for two days. Then he was shifted to Baramulla Sub-jail for one month and then to Udampur Jail for 11 months.

The army claimed that they had recovered one pistol and hand grenades from the victim. The victim was later booked under PSA. He claims to have been tortured by the army personnel but is unaware of the ranks and names they possessed. At first he was kept naked and hung upside down, then he was beaten with wooden rods followed by stretching. Roller was used on his body.

Due to the torture, his physical wealth has weakened and he is not able to work and he is unable to help his family. Being the elder son of his family he was unable to marry because of having become impotent due to the torture.

His family had approached Abdul Rashid Dar, the then MLA Sopore, for some help but it turned futile. Then they consulted Advocate Abdul Salaam Dar to facilitate his release.

Case 265

**Mohammad Ashaq Mir**<sup>305</sup>

Male/ Daily wager

Parentage: Abdul Rahim Mir

Residence: Magam, Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 34 Battalion, BSF

*Case Information*

Abdul Rahim Mir petitioned in the SHRC that the Company Commander of BSF 34 Battalion killed his son during custody after torturing him.

The *Chowkidar* of the village, Ghulam Mohi-ud-Din Ganaie, corroborated Abdul Rahim's statement that his son was arrested by BSF during night and killed during custody. Three other witnesses Mohammad Akbar Lone, Ghulam Hassan Lone and Mohammad Maqbool Lone also corroborated Abdul Rahim's claims.

The report filed by the DGP Jammu & Kashmir to the SHRC on September 25, 2007 states that on January 25, 1994, a report had been registered in Police Station Handwara by Inspector Mangeet Singh from 39 Battalion BSF that they have arrested one Mohammad Ashaq Mir S/O Abdul Rahim Mir resident of Magam for questioning. According to the report, Ashaq disclosed the location of some explosives in Vodhpura Jungle and on his instance one hand grenade was recovered. Meanwhile some unknown militants fired indiscriminately upon the party. The BSF personnel retaliated in self-defence and during encounter Mohammad Ashaq Mir sustained injuries and later on succumbed. A case under FIR No. 148/94d U/ S 302, 307 RPC and 7 / 27 Arms Act was registered in Police Station Handwara.

In the post mortem report it was found that Ashaq's body had multiple types of injuries and the cause of his death was multiple bullet injuries.

In its judgment the SHRC observed, "The question arises why alone Mohammad Ashaq Mir died during encounter not a single security personnel had any injury nor had they killed any militant during cross firing." Further the judgment says, "This is a clear case of custodial torture and death." The SHRC recommended to J&K Government that: -

1. The case FIR 148/94 be reopened for investigation in view of evidence recorded before the Commission.
2. The relief should be paid to the next of kin in accordance with the SRO-199 of 4.7.2008.

Case 266

**Mohammad Ismaiel Tass**

Male/ Preacher

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<sup>305</sup>Source of the case: SHRC Annual Report



Parentage: Raj Mohammad Tass

Residence: Zamoorpattan Tehsil Uri, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 9 Rajputana Rifles, Army
2. 5 Mahar Regiment, Army

### *Case Information*

Mohammad Ismaiel Tass was frequently arrested, tortured and detained by the different army units and police agencies. He was subjected to various forms of torture and he has served several years in detention in different jails and detention centers. The torture inflicted on him caused him physical and psychological complications and almost rendered him incapacitated. His one brother was subjected to enforced disappearance and another of his brothers was killed in a fake encounter.

In 1999, his ordeal started when his brother Jalal-ud-Din, 22, along with another youth Mohammad Ismaiel, 19, were arrested by 9 Rajputana Rifles army camped at Chollan area. Ismaiel was a student of 10<sup>th</sup> standard at that time. While protesting against the arrest of his elder brother outside 9 Rajputana Rifles camp, he was singled out by the troops and taken into the camp situated in the Government Middle School, Zamoorpattan, Uri. The army accused him of being a militant. Instantly, after they took him into the camp, they started beating him mercilessly with canes and gun butts. They repeatedly kicked his abdomen and sensitive parts of his body without paying any heed to his pleas. When he told them that he was protesting his brother's arrest, they got infuriated, stripped him naked, verbally abused and hung him upside down with his hands tied behind his back for hours and continuously beat him. They forced him to drink huge amounts of dirty water, and repeatedly kicked his abdomen. They smashed his head on the ground, punched and kicked his face repeatedly. Electric shocks were administered all over his body; on his arms, legs, fingertips, toe-tips, on his knees and on his genitals. They also pushed his head into a bucket full of chilli water. Chilli water was rubbed onto his eyes.

After regular intervals, they poured petrol into his rectum causing unbearable pain. Not only this, they also applied rollers on his legs and thighs. When he fell unconscious, they put him in a grave like ditch, which was over 3 feet deep, where they kept him for 3 days. They sprinkled some acid like liquid on his head, which caused baldness to half of his head and due to which he has severe headaches. The torture continued for 20 days without pause. They used every method of torture available with them.

The army filed an FIR in Police Station Uri, where in they claimed that they had arrested a militant. After 20 days of detention, they handed him over to Police Station Uri, where he was kept for another 20 days, but he was not beaten or tortured there. They could have done that, but his physical condition perhaps did not encourage them to. After that, he was shifted to Baramulla Sub-jail wherefrom he was released after one year.

Barely three and a half months after his release, one night when he was with his family, there was a knock at the door. When his mother opened the door, she spotted a joint posse of army from 5 Mahar Regiment and Police. They were asking for him. Among the contingent was incharge of the Police Post Chollan, Mohammad Ashraf, who dragged the victim out and took him to Police Post Chollan. In Police Post Chollan, they beat him

mercilessly with rods and sticks for half an hour. Subsequently, they took him to Police Station Uri and detained him there for 10 days before shifting him to JIC Baramulla where he was detained for three days.

After that, they again shifted him to Police Station Uri wherefrom the police took him to Srinagar Central Jail where he was detained for 2 months. In Central Jail, he was informed that he had been booked under PSA and was shifted to Udhampur Jail. After spending 2 and half years in Udhampur Jail, he was shifted back to Baramulla Sub-jail where he was detained for two months till he was bailed out. As soon as he came out of the Sub Jail, he was again arrested by the CIK sleuths who took him to Hari Niwas, where he was detained for three months. Then he was shifted to Police Station Uri wherefrom they released him after three days' detention.

While Ismaiel was recuperating, his elder brother Mohammad Yaqoob was arrested and killed, under the claim of being a Pakistani infiltrator, in a fake encounter by the army in *Maidan* area near LoC on July 25, 2004 and Ismaiel was re-arrested. Next day, on July 26, 2004, the police called the family to identify the body. While examining the body of Yaqoob, they found that he was strangulated as his throat had visible marks of strangulation and he had bullet wound on his rib cage, which had pierced through his shoulder. After performing his *chotha* (a ritual performed on 4<sup>th</sup> day after the death) in the evening while Ismaiel stood to lead the *Maghrib* (dusk) prayers in a local mosque, the army forced their entry into the mosque. He was dragged out of the mosque and taken to their camp at Kalsa, Zamoorpattan. One of the informers had told the army to arrest him in order to intimidate and stop him from making public his brother's killing by the army. In the camp, he was beaten and thrashed for the whole night with canes and gun butts. In the morning, they first took him to Chollan army camp, wherefrom they took him to Baramulla Police Lines in a Gypsy vehicle and handed him over to the police telling them that they had arrested a militant. Police filed an FIR against him, accusing him of providing food and shelter to the militants and he was booked under PSA, yet again.

He was shifted to Baramulla Sub-jail, where he was detained for two months and then to Udhampur Jail for 14 months till his detention was quashed by Srinagar High Court. Following the quashing of his PSA, he was again shifted to Baramulla Sub-jail, where he was kept for two and a half months. He was again bailed out but the CIK sleuths re-arrested him from outside the jail and sent him to Humhama camp, Budgam, where he was detained for one and a half months. Thereafter he was shifted back to Police Station Uri, wherefrom he was set free after one night of detention.

The arrests, torture and detentions caused Ismail physical ailments and psychological complications. The victim, who was once agile, has lost his physical strength due to the torture and is unable to work. He is still nursing the torture injuries. Some of the injuries inflicted by torture could be cured but most are incurable. The victim is experiencing diminishing eyesight with each passing day. The torture has almost rendered him handicapped. The victim has lost strength in bot of his legs due to heavy rollers applied upon them. He has been suffering from amnesia. He seldom sleeps well as he experiences recurrent body aches. After back to back tragedies that befell on his family, his financial condition has worsened. At present, the victim makes a living by leading prayers at a local mosque. The victim is still traumatized by his torture and experiences recurrent fears that he might be picked up and arrested anytime.

Case 267

**Mohammad Ismail Sheikh**

Male/ Preacher at a local mosque

Parentage: Haji Sher Mohammad

Residence: Khodi Mawar, Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 30 Rashtriya Rifles, Army

*Case Information*

Mohammad Ismail Sheikh, an *Imam* of a local mosque in Mawar, was picked up by an Indian intelligence agency in February 2001 for his alleged involvement with militancy. He was subsequently tortured and thrown down a hill, which he survived. However, he sustained internal injuries, due to which he is still incapacitated. Due to his appearance before media and Amnesty International India, which apparently offended and angered Indian agencies, he has since then been harassed by these agencies. Ismail claims that his house is raided frequently and ransacked by various agencies. He lives under constant threat.

Ismail states that on February 26, 2001, some Indian Intelligence agency came to his house and took him to Nowgam Camp, Handwara where he was tortured for possessing a weapon and aiding militants. They tortured him for about four hours, during which they beat him with bamboo sticks all over his body and applied a roller over his legs. They also tied his legs and arms together and beat the soles of his feet with thick sticks. They applied an electric current to his private parts and inserted chilli powder into his rectum. Following his torture, they took him to Kandia Nala Hill, Handwara and once they reached the top they pushed him down and he fell. He fell almost 300 feet. Some villagers found him and took him to a hospital. At the hospital, his urinary tract was operated on as it had become damaged by the electric current. Both his legs had sustained multiple fractures.

After one month in SMHS hospital, Ismail returned to his home, but the police had filed an FIR against him. In the FIR, they alleged to have recovered a pistol from his possession and that while they were taking him to an army camp; he had tried to commit suicide and jumped down from the hill.

Since his fall from the hill, Ismail is on constant medication. He had to sell his land for a paltry sum of money in order to meet the expenses for his treatment. These days, he cannot afford all the requisite medicine due to insufficient money and an inability to do physical work. The incident was reported by the media which angered the Indian agencies and they came to Ismail's home several times to harass and threaten him and his family with dire consequences if they would not refute the media reports.

Once, the Army and some *Ikhwanis* belonging to Ismail's village, named Mohammad Sadiq, Jamal-ud-din alias Launcher Khan and Wazir Ahmad Bhat, came to Ismail's home and ransacked all his household goods and wares. They also threatened to implicate him and his family in a false case. After constant threats, he approached Amnesty International, which in response expressed grave concern towards his case and issued an 'Urgent Action' for the safety of his and his family. Amnesty International also appealed to the then-Chief

Minister of State, Farooq Abdullah and the then-Home Minister of India, L.K Advani, due to which, the harassment stopped for some time. But after about six months, the agencies resumed harassing him. Every week, they would come to his home and harass his family.

On May 2008, Ismail was picked up again along with two other people named Manzoor Ahmad Khan and Abdul Quyum Dar by the 30 Rashtriya Rifles from a local mosque. They were taken to Langate, Handwara Camp for four days. During that time, he was kept in the harsh sunlight on a tin sheet for four straight days without food or water. They did not beat him, as they feared that he would die due to his partially cured internal injuries. However, the other two men were badly tortured. After four days, they transferred Ismail to the Police Station Kralgund, where a false case of having affiliation with Lashkar-e-Toiba (LeT) and instigating people for the armed struggle was filed against him. After fifteen days, he was released on bail, but the case is still pending at the police station and Ismail has to report there every month. A person named Zahoor Ahmad working with the Territorial Army has a personal grudge with Ismail and had instigated different Indian agencies against Ismail. These agencies often come to Ismail's home and threaten him and his family on trivial pretexts.

Due to the constant harassment of his family, Ismail's elder brother Ghulam Jeelani migrated to Srinagar along with his family in 2003. He was also picked up by SOG in 2004 in Srinagar and was detained in Air Cargo SOG Camp, Srinagar for 10 days where he was tortured severely. He was released after they paid INR 60,000 to SOG.

Case 268

**Mohammad Jameel Khan**

Male/ Daily wager

Parentage: Mohammad Shabir Khan

Residence: Dedyan, Thatri, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Basheer Ahmad Khan Poonchi, SOG

*Case Information*

Mohammad Jameel Khan of Dadyan village, Thatri, Doda was picked up by the SOG, tortured, and shot in the leg. According to Jameel, he was picked up by SOG led by Basheer Ahmad Khan Poonchi on December 13, 1997 at night from his home. The SOG had information about the hiding places of militants in several houses within the village, so they took him to identify those houses. However, the SOG were afraid to enter those houses on their own. Out of frustration and anger, they tortured Khan on the pretext of providing food and shelter to militants. He said that while Basheer Poonchi was torturing him, despite him being a Muslim himself, he told Khan that he had to wipe all the Muslims from the land. After severely beating Khan, they fired a bullet in his leg and left him there on the ground unattended.

The villagers then took him to the hospital, where he was admitted for 12 days. An FIR was lodged on same day at the Police Station Kishtwar, but nothing substantial came out of it. No progress was made in the case, nor was Khan given any compensation. According to another local, Mohammad Ramzan, Basheer Poonchi was a cruel person who had

unleashed a reign of terror in the region and committed several atrocities when he was posted in Balisa (Doda). He was later transferred to Jammu.

Case 269

**Mohammad Khan**

Male/ Labourer

Residence: Mendhar, Surankote, Poonch

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

In 1997, Mohammad, who was 75 years old at that time was arrested by Indian army in Bambla, Rajouri. He was accompanied by two other people, Khadim Hussain and Abdul Hamid and they were on their way to buy some buffaloes. Instead, they got arrested by the military that accused them of helping militants and of trying to cross the border which was miles away from the area where they were arrested from. They even accused Mohammad of being the area commander for the local militant group. The army detained them in Bambla military camp for 20 days and tortured them severely.

During their torture, they were stripped naked; electric current was applied to their private parts, due to which some of the victims became impotent. According to Asgar, the military was about to kill them in custody when one of the victims proclaimed that he had arms at his house and would show the military where it is hidden. On hearing this, the army men dressed the victim in an army outfit so that people would not recognize him. Once they reached his place, where the alleged weapons were supposed to be hidden, no weapons were found obviously but by this tactic at least people got to know that the victims were alive. The victim's families were otherwise searching in vain for them and thinking they are already dead. The victim was taken back to the camp. The risk that one of the victims took was huge because it could have got him killed, but due to pressure from local authorities and public protests, the army had to release them.

Case 270

**Mohammed Lateef Lone**

Male/ Businessman

Residence: Nowpora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 27 Rajput Regiment, Army
2. 15 Punjab Regiment, Army
3. 15 Rashtriya Rifles, Army
4. BSF

*Case Information*

After one year of arms training in Pakistan administered Kashmir, Mohammad Lateef Lone returned to the valley in 1992 and remained active with the Al-Jihad militant outfit for

about six months. He was arrested by the 27 Rajput Regiment in 1992 from his village during a crackdown, where he and some companions were trapped in a hide-out. He was taken to Hamray Camp, Baramulla, where he was detained for six months. During the period of his detention, he claims that he was brutally tortured for possessing a weapon that he surrendered to them.

Lone finds it difficult to narrate the story of the torture he was subjected to. He was continuously beaten with sticks and belts. Every day, they would dunk his head into water in which they had dissolved a capsule that turned it unbearably acidic. Sometimes, there was chilli powder mixed with the water as well. After dunking Lone's head into it, he would gasp and feel as if he would vomit up all of his internal organs. They placed an iron rod through his knees, tied his legs to it, applied an electric current to his penis, and simultaneously beat him on the back. They applied a roller over his legs, which was pressed down by several men on both sides. They did not take him to a doctor, so his wounds were left unattended. After six months, Lone was released.

He did not join the armed struggle further, but was picked up repeatedly nearly twenty times by various security agencies (including BSF, 15 Punjab Regiment, 15 Rashtriya Rifles, etc.) for different periods of time. His longest period of detention was 15 days, when the 15 Punjab Regiment picked him up and did not give any information to his family about his whereabouts. Each time, he was brutally tortured for possessing a weapon that he did not have, and at least about seven times, he was tortured nearly to death. Apart from the usual torture methods of beating, electric current, hanging, and the roller, the 15 Punjab Regiment once stabbed a hot knife into his belly. They did not treat the wound and released him in that state. The BSF once tore a portion of meat from his thighs with a sharp knife and released him in that state. The victim says that there were several other painful methods applied to him, which he was not able to narrate.

Lone was never taken to a doctor during any of his detention. He usually would go to a doctor after his release. He suffered several health complications as a result. Due to the torture, Lone is unable to do any physical work and he feels constant body aches. The victim was also subjected to forced labour during the time he spent at the Putkhah, Baramulla Camp.

Case 271

**Mohammed Maqbool Dar**

Male/ Political worker, Muslim Conference

Parentage: Ghulam Ahmed Dar

Residence: Chewdara, Umarabad, Beerwah

Alleged Perpetrators/Agency:

1. Commanding Officer Azad Singh, Sikh Regiment, Army
2. Amardeep Singh, Sikh Regiment, Army (Rangreth Camp)

*Case Information*

On February 4, 1993, he had gone to Wutrehal Budgam, when army cordoned the area early in the morning. He had no FIR registered against him, yet he was picked by Sikh Regiment of Rangreth Camp and taken along with other boys to a room and tortured. First he was stripped naked and then ruthlessly beaten. They stretched his arms and legs for

nearly two hours to the extent that his hip got dislocated from its joint. Following this, they poured ice-cold water over him. Because of the unbearable pain, he was forced to accept that he was working with *JKLF*. Afterwards, he was taken to Beerwah army camp for a night, tortured and asked to handover his weapons but he denied possessing weapons, as he had no weapons with him or anywhere else. He was taken to their camp at old airport Rangreth. The commanding officer at the camp named Azad Singh along with his other mate Amardeep Singh used to beat him ruthlessly every single night. This continued for 18 days. However, his family came to know about his whereabouts after 21 days. At the camp, his name was wrongly written own as Ali Mohammad. He didn't resist this name change. His family came to visit him at the camp. Due to the torture, he wasn't able to walk on his legs and instead walked with the help of a stick. After 27 days, the army told his family that they can take him and he was released.

Thereafter, on several occasions the armed forces tried to detain him but he would resist by showing his release papers. However, his efforts would not stop them from beating him ruthlessly.

Out of fear, the victim stayed at Khag, away from his home, for nearly six months.

He did not go to a hospital for the treatment, instead received his treatment at Tailbal from a traditional bonesetter. Due to this treatment, he was at least able to walk on his legs again.

Case 272

**Mohammed Maqbool Khan**

Male/ Labourer, Farmer

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

In December 2001, Maqbool Khan was picked up from his home by the Army at 8:30 in the morning. He was first beaten at home and slapped several times. His house was ransacked. He believes that some people in his village informed the Army against him, because of personal grudges.

He was blindfolded and was taken to Panchalthan Camp five kilometers away. His clothes were removed and he was hung upside down for 24 hours. Cigarette butts were butted out on his whole body and molten plastic was put on his toes and genitals. An electric current was passed through his genitals. Due to be being hung upside down, he acquired severe rope burns.

Khan was then taken to Khundru Camp. At the Khundru Camp, they used a roller on him. At this point, he was bleeding profusely and was quite weak. Fearing he would die due to the torture, they stopped torturing him. On the same afternoon, he was taken to JIC Khanabal. He was charged under Section 7/25 Arms Act and sent to Kathua Jail for a three-year sentence. He was released after three years but not without being taken to Jammu by CIK, where he received an NOC from them and came back home.

The court case against Khan took eight years to end. There was no evidence against him, so he was eventually cleared of all charges.

During his detention, he was not given any medical treatment by the Army. In Kathua, some of his fellow prisoners had created a fund of INR 18,000, which helped him receive some treatment in jail. The Red Cross also helped him.

Khan returned home in 2004.

By 2005, both of his sons had become militants. One had been killed, but the other was still alive. The Army picked up Khan up once again and took him to Thalar. At the camp, his clothes were removed and he was beaten with sticks for two to three hours. Khan was taken as a punishment against his militant son and they believed by taking his father, the militant's location would be found.

Three months later, Khan's other son was also killed. Khan had to report two to three times a month to the Army camp for a long time. Despite being harassed, tortured and intimidated in this way, Khan has not filed a single case against army due to the impunity enjoyed by them.

Case 273

**Mohammad Mukhtiyar Mir**

Male/ Labourer

Affiliation: Civilian (His son was a militant)

Alleged Perpetrators/Agency:

1. Major Rajesh Dinesh, Rashtriya Rifles (Kalantra Camp), Army

*Case Information*

Mohammad Mukhtiyar was picked up by the Rashtriya Rifles led by Major Rajesh Dinesh from his home and subsequently tortured for possessing a weapon belonging to his son. The victim didn't possess any weapon. His son had shunned the armed struggle a year before and had already given his weapon to the Army.

Mukhtiyar was picked up from his home by the Rashtriya Rifles and taken to Kalantra Camp, Baramulla for one night. They tortured him for possessing a weapon of his eldest son. His son was already in their custody and had already handed over his weapon one year earlier when he was arrested by SOG. They stripped Mukhtiyar naked, beat him with bamboo sticks, and applied a wooden roller over his legs. They also dunked his head into a bucket full of Chilli-water. This procedure was repeated several times due to which he swallowed a lot of chilli water. After his belly became swollen with water, several interrogators trampled his stomach and kicked his back, which caused him to vomit up all the water. They applied electric current to his genitals and other body parts. The victim repeatedly pleaded with them that he had no knowledge of the weapon, but they continued torturing him. Unable to get any information out of him, they released him the next day.

Case 274

**Mohammad Ramzan Dar**

Male/ Driver

Parentage: Ami-ud-Din Dar

Residence: Hardshiva, Sopore, Baramulla



Affiliation: Militant

Alleged perpetrators/Agency:

1. 5 Guard Regiment, Army

### *Case Information*

In 1989, Mohammad Ramzan crossed over the LOC to receive arms training and subsequently got associated with Hizbul Mujahideen militant outfit. He remained active for three years before being arrested during a crackdown in September 2003 in the Shiva locality by 5 Guard Regiment. He was taken to Badami Bagh Cantonment, Srinagar where he was kept for two months. Afterwards, he was shifted to Jammu for one year wherefrom he was shifted to Punjab for one year and afterwards he was released.

Ramzan says that his father, mother and brother were also beaten up by the armed forces. He has been detained 15 times and every time he had to undergo severe torture at the hands of armed forces. He doesn't know the perpetrators and can't identify them.

During the torture, he was beaten with steel rods, his legs were stretched and he was forced to huge quantities of water before giving electric shocks. He was kept naked and hung upside down. Roller was applied over his body. His head was dunked into the water, which contained chilli powder.

Due to the detentions and torture, Mohammad Ramzan has suffered on social and economic front.

The victim suffers from psychological ailments and frequent stress. The victim doesn't feel secure and also suffers from general health ailments like disk dislocation in his back and joint ache.

### Case 275

#### **Mohammed Ramzan Naikoo**

Male/ Caretaker of Dhar seed farm in Shivpora

Residence: Dhar seed farm, Shivpora, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 4 Battalion, Kumaon Regiment, Army

Testimony by the victim's son

### *Case Information*

Until January 2000, Mohammed Ramzan Naikoo had been the caretaker of Dhar Seed Farm in the Shivpora area of Srinagar for 40 years. On January 17, 2000, some people knocked on the door of his house around 10:30 or 11:00 pm. They were the *Chowkidaars* (gatekeepers) of the farm. They informed him that the Army had come for a routine check of the seed farm, which they had done every year in January before Indian Republic Day. The army wanted keys to the cottages on the seed farm, which were with Naikoo, so he took the keys and went over to the seed farm.

At 5:00 am, some Army men knocked on the doors of the Naikoo's family. His three sons in the house were asked to go with the Army, but they argued that all of them cannot go as that would leave the women alone at the house. Only one of the sons - Shaukat - went with them. He was blindfolded and put into a vehicle. He tried to figure out which way they were taking him, because he felt like he was being taken to jail. There was a Major and a civilian at the place where he was taken. Shaukat began asking about his father, and where he had been taken by the Army. The other detainee, a civilian told Shaukat that he was speaking too much and hit Shaukat on the hand. He also told them the names of the people who had picked him up. Shaukat could hear the voice of a *Chowkidar*, who was weeping and in pain, because he was being tortured. The *Chowkidar* told Shaukat that he had lied to the Army about weapons that were hidden in the seed farm.

Later on, Shaukat was put back into a jeep and dropped off somewhere in front of his house. He could hear the vehicle driving away and immediately removed his blindfold. Unfortunately, he saw that the vehicle had no number plate. His father and the *Chowkidaar* were also dropped at the same time. They had been badly tortured and were covered in wounds. They could not move. Shaukat's father was then taken inside the house and covered with blankets. His entire body was wet and his hands were swollen. His legs were injured due to a roller that was applied over them. There were stab wounds on his arms and armpits, but his family could not tell what kind of weapon had caused them. They rushed him to the hospital, but he died on the way there. The autopsy revealed that he had suffered internal injuries. His legs were swollen. There was excessive swelling in his hands, a hole in his armpit, and the colour of his entire body had changed as a result of the beatings and the torture.

The battalion that picked him up was 4 Battalion Kumaon Regiment of the Indian Army.

His autopsy report showed that he had been excessively tortured to death. He had not been affiliated with any political party. His family stated that in 2000, the situation in Kashmir was like that and that anyone could be picked up on mere suspicion. The army did not even interrogate or try to collect any background information on him. The Army men simply tortured a 65-year-old man to death for no reason.

The family did not approach any human rights organization. They did register an FIR with the police, but they were frightened by the constant harassment from the Army, who came regularly to their home to threaten them. As a result, the family withdrew the case. However, they did receive compensation from the State government, amounting to INR 100,000. The State government also promised to give one of the sons of the victim a job, but it never happened.

Shaukat is the caretaker of the farm now. He complained how it is impossible for anyone to come to the seed farm, because it is surrounded by the Jhelum River on one side and the Army Cantonment on the other. He mentioned that to this day, not a single weapon or bullet has been recovered from the farm, yet the army keeps coming to harass them.

Case 276

**Mohammad Ramzan Shoosha**

Male/ Cook

Residence: Bathpora, Sopore, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. Officer Pathik, BSF
2. JD, BSF
3. Chowdhary, BSF
4. Balakram, BSF

### *Case Information*

Mohammad Ramzan went to Pakistan administered Kashmir for arms training in 1991 and returned after two years. After remaining active with the Al-Jihad militant outfit, he was arrested in 1995 by BSF during a crackdown in Sher-colony, Sopore. He was detained for about two years in various interrogation centres and jails, where he was subjected to severe torture.

Ramzan states that he had once gone to Sher-colony in 1995. The next day, the entire area was cordoned by BSF. He was without a weapon and hid himself in a mosque. During the crackdown, the mosque was also searched twice, but they were unable to find him. However, they had accurate information about his presence there. They searched the mosque a third time, and after finding him there, asked him to come out. Ramzan came out because he did not have a weapon. They then took him to a nearby school and tortured him there. They first stripped him naked, made him lie on the ground, and tied his hands behind his back. They gagged his mouth with cloth and poured a bucket of water through his nose. Ramzan remembers two BSF officers, Pathik and JD, who beat him ruthlessly. They demanded to know where his weapon was, but he told them that he did not have it at the moment, because he had given it to his party. They did not believe him, and beat him brutally with sticks and gun butts. Ramzan told them that he had not committed any crime, and that he joined the armed struggle only to fight for freedom. Then they hit him with the butt off a gun in the mouth and broke his upper jaw. As a result of this injury, he now has an artificial jaw. They applied a heavy wooden roller over his legs from toe to thighs, which dislocated his knee. He is still unable to stand on his feet for long.

The next day, they took Ramzan to Industrial Estate Camp, Sopore, where they kept him for four days and tortured him continuously. They once tortured him continuously from 11 pm to 3 pm. They suspended him from the ceiling upside down by his feet and three bottles of petrol were emptied into his rectum. They burned his skin with acid and cut his skin at several places on his body. Following this, they transferred Ramzan to G-Branch Baramulla, where he was kept for three days and brutally tortured. They were beating him for possessing a gun and asked him to hand it over, but he continued to tell them that he had given it to his organisation. However, they would not listen and continued torturing him. Finally, he was taken to JIC Baramulla, where he was detained for two years. During the jail term, he was once taken to a doctor named Vinod, who treated his wounds and gave him painkiller injections.

After his release, Ramzan opened a tea stall in Sopore. However, that same year, two Army officers named Chowdhary and Balakram came to his home to fetch him. Ramzan went with them, because he had no choice but to obey their commands. Upon arrival at the camp, Chowdhary told Ramzan to take off his clothes. Ramzan asked them what they were going to do with him. In response, Chowdhary pulled his hair and beat him. Finally, Chowdhary made Ramzan lie down naked and tore flesh from his thighs with a plucker.

Ramzan was beaten for possessing a weapon, but he repeatedly pleaded with them that he was recently released from jail and did not possess any gun. Chowdhary did not listen to him, and told him that he had information on Ramzan. Ramzan told him that if he had information about him, why did not the informer say it to Ramzan's face. After some time, they brought the informer there and asked him in front of Ramzan about the alleged possession of a gun. The informer denied that Ramzan possessed a gun, and told Chowdhary that he had only accused Ramzan because of a personal grudge. After that, they kept Ramzan in custody for 20 days and released him after severe torture. However, this was not the end of their vengeance.

After some time, they came to Ramzan's home again and harassed his family. A BSF officer named Pathik pulled Ramzan's sister by the hair, while another officer named Balakram tortured Ramzan's father in front of them. He beat Ramzan's father severely, and then kicked him in the abdomen so hard resulting in his immediate death. Ramzan is still troubled by his father's death as he feels that his father died as a result of Ramzan's connection to militancy. The victim blames himself for his father's death and often visits his father's grave and asks him for forgiveness.

After some time after his father's death, some militants fired at the BSF camp in Ramzan's locality. After that, the BSF deliberately burned Ramzan's house to the ground. Since then, he has wandered around with no permanent place to live. His brothers do not allow Ramzan to stay with them, because they blame him for the devastation visited upon on his family. However, it was the Indian forces who are responsible for it. The victim feels that armed forces did this to him because he has the label of a militant branded on his back.

#### Case 277

##### **Mohammad Rustum Dar**

Male/ Labourer

Parentage: Ghulam Mohammad Dar

Residence: Hadipora, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Grenadiers, Army
2. 13 Mahar Regiment, Army

##### *Case Information*

Mohammad Rustum went to Pakistan administered Kashmir for arms training in 1990 and returned after six months. He remained active with the Al-Jihad militant outfit for four years and was arrested in 1994 by the 9 Grenadiers at Hadipora during a raid. Later, he was taken to various camps and jails where, he claims, he was tortured.

Mohammad Rustum was unarmed and hiding in someone's house with another companion when he was arrested. They put him into a separate room in the same house, removed all his clothing and beat him with bamboo sticks and gun-butts. They also dunked his head into water several times for two to three minutes each time. Following this, they took Rustum to Tragpora Camp, where he was detained for four days. He was continuously tortured there at least twice a day for two years at a time, during which, he was regularly beaten with leather belts and bamboo sticks. He was suspended from the ceiling upside

down and simultaneously beaten on the buttocks. An electric current was also applied to his genitals and other body parts. During the days when the victim would not be tortured, he would be put into a small cell. The cell was so small that he was unable to stretch his legs fully. He was tortured for possessing a weapon, which he had handed over to them on the second day of his arrest.

Rustum was later transferred to Watergam Camp for 15 days, but he was not tortured there. He was transferred to JIC Baramulla for 13 months. There, Rustum was tortured thrice by various investigative agencies. During interrogation, they would beat him with bamboo sticks and suspend him upside down from the ceiling. Once, he was slapped one hundred times by an investigative agency during one hour of interrogation. After that, Rustum was transferred to Rangreth Sub-jail, wherefrom he was released after nine months. He was never tortured there. After his release, Rustum had to report to all the army camps in the area every week, where he was forced to do laborious work. He was often harassed and beaten by several army regiments at different camps when reporting. After the mass uprising in Kashmir in July 2008, Rustum stopped reporting at the camps, nor was he called on by any regiments.

In 1997, he was once again picked by the 13 Mahar Regiment of Reban Camp from his home. He was detained in the camp for 10 days and was subsequently tortured. Rustum was beaten everyday with thick bamboo sticks all over his body and an electric current was applied to his genitals and other parts of his body. He was also tied to a chair, his mouth was gagged, and his legs were stretched apart by several interrogators in opposite directions. A heavy wooden roller was applied over his legs and back every day. These methods of torture continued for all ten days of his detention. After he was released, Rustum was admitted to the hospital for nearly one month. He had to walk on crutches for about two months after that. The torture he was subjected to has had an adverse affect on his health. He is unable to do any heavy physical work and cannot walk or stand for long periods of time.

Case 278

**Mohammad Saddiq (name changed)**

Male/ Farmer

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Army
2. SOG

*Case Information*

In June or July 1999, Saddiq was picked up by the Army from his home during a crackdown. Saddiq claims that during this time, he had no associations with any militant group. Only his uncle and cousin were militants, and his family had not maintained relations with them. The crackdown took place in the middle of the night. Saddiq was blindfolded and taken to the Army camp around four O'clock in the morning. At the camp, he was first hit with the butts of guns and wooden planks, after which his hands and legs were bound and he was placed on the floor. Electric shocks were administered to his genitals, ears, and chest. Each shock was administered every two minutes, for what Saddiq

claims to be around two hours. Wooden rollers were applied over his body while he was being questioned about his association with the militant groups. He further adds that the Army men had a diary to which they referred before asking questions. During the night, he was kept in a small cell and not allowed to sleep. The next day, he was tortured again using similar processes. Saddiq states that for the next eight days, he was tortured three times a day at 8:00 am, 1:00 pm, and 9:30 pm, respectively. Each session lasted 30 minutes.

Saddiq's inability to provide any relevant information led to him being transferred to the JIC Khanabal. He was interrogated by an SOG officer there. On the way to JIC Khanabal, he was taken to a river bank and his head was dunked in its cold water. At the JIC, the he was torture and electric shocks were applied to his various body parts. The electric shocks were given to him thrice as he was being questioned on his association with militants, which he denied.

By this time, his clothes were covered with blood, so he was taken to a cell that was made of mud and asked to change his clothes. He was kept blindfolded throughout the day. Later the torture stopped and during his month-long incarceration at the camp, he was hit with bare hands only.

Saddiq was released after a month, because there were elections in the Valley and the Army considered his release a favour to Saddiq's village. Though he was in need of medical attention, none was provided to him. As a result, he had to turn to the militant group for medical aid.

The militant group provided his medical aid in a hideout of theirs for a month. After this, Saddiq felt obliged to stay with the group and become involved in their activities. He was with the group for six years. In 2005, when he returned to the village, he was ambushed by the Army. He had to surrender, because he did not have enough ammunition to defend himself. After his surrender, Saddiq was taken to Khundru Army Camp and asked to disclose details about his organisation. Saddiq readily complied, because he had been beaten with sticks and wooden planks. Later, in Police Station Khanabal, a case was filed against him, which is still on going. The victim was not further tortured since his surrender, and he had to pay for his medical treatment from his own pocket. Every week when he would visit the Army camps for reporting, he would be asked to for hours on end about any details of militant hideouts, which the victim claims he provides whenever possible.

Case 279

**Mohammad Saleem Lone**<sup>306</sup>

Male

Residence: Mirgund, Khanabal, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 2 Rashtriya Rifles, Army

*Case Information*

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<sup>306</sup>Source of the case: SHRC Annual Report

Mrs. Nissar Akhter petitioned in the SHRC that her husband, Mohammad Saleem Lone was killed during interrogation by the Indian armed forces.

The report filed by the DGP Jammu & Kashmir to the SHRC stated that Mohammad Saleem Lone “was apprehended by army of 2RR during search operation and killed during interrogation.”

In its judgment, the SHRC stated, “This Commission after considering the whole material on record observed that this is a proved case of lifting of an innocent person and killed during custody.” The SHRC further recommended that an ex-gratia relief of INR 100,000 be paid to the widow and a male member of the family be provided relief under SRO-43.

Case 280

**Mohammad Shaban Tabardar**

Male/ Labourer

Parentage: Ghulam Qadir Tabardar

Residence: Hartrat, Singpora Pattan, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

Mohammad Shaban went to Pakistan administered Kashmir in 1989 for arms training. After six months of training, he was arrested with some companions on the border at Dudi Macchil, Kupwara, while crossing into Kashmir. He spent more than three years in various jails and interrogation centres where, he claims, he was subjected to severe torture that has left him incapacitated.

When coming to Kashmir from Pakistan administered Kashmir, Shaban's guide, who the victim believes was working for the Indian Army, misled them and took them to the Army camp uphill of Dudi Macchil, Kupwara. Upon arrival, the men found themselves surrounded by the Army from all sides. The Army began to fire indiscriminately, but Shaban and his companions managed to hide themselves behind rocks and bushes so as to avoid being shot. After the firing stopped, they were arrested. However, three of Shaban's companions had been killed and Shaban himself had been shot in the right leg. After being arrested, the men were all beaten with thick sticks and dragged down the hill. They tied Shaban's long hair with a rope and dragged him over spiky stones. They took them all to Zangil Camp, Kupwara where they were detained for one month. During that month, they were brutally tortured.

Upon arrival, they first stripped Shaban naked, suspended him upside down from the ceiling by his feet, and beat him with bamboo sticks. Afterwards, they applied an electric current to his tongue, fingers, and genitals. They also put his head into water mixed with chilli powder several times for about five minutes each time. Taking Shaban down from the ceiling, they inserted a hot iron rod into his penis and inserted long wooden spiky rod 5-inch-deep into his mouth. After rotating the wooden rod inside his mouth, they pulled it out which caused Shaban to start bleeding. After that, they put him into a small cell (6x6 feet) along with 18 other people. They were not able to sit properly inside the cell, and would adjust themselves by leaning on one another. They were taken out of the cell for four hours

daily and put into the torture room, where they were beaten and tortured using various methods. They were not given enough food, and received only three slices of bread with one morsel of rice on them as their daily meal. In the morning, a sentry would put a small, long-handled tin containing tea into the cell and move it close to the mouths of the detainees one by one. They were permitted to take only one sip from it, and if anyone dared to take a second sip, he was beaten and kicked by the sentry. They tried to avoid having to urinate for as long as possible, because they were beaten and kicked by the sentry if they asked permission to go to the bathroom. Shaban was never taken to a doctor for treatment there, except on the third day when the bullet in his right leg was removed. They operated on him and dressed his leg there, but after that, he was never taken to a doctor again. Every day after the torture, they were given painkillers to avoid pain, due to which most of the men had developed stomach complications.

After one month of detention, they were all taken to Badami Bagh Cantonment, Srinagar for fifteen days. Upon arrival, they were forced to remove their clothes and were beaten with plastic telephonic wires continuously for three hours. Following this beating, they put the detainees into a single long room, where they were beaten and kicked by the sentries for a long time. They were only allowed to urinate in a tin box placed in close proximity. Before going to bathroom, they were beaten, kicked, and abused by the guards. They were given only a small quantity of food there; two bread slices with two morsels of rice was their daily meal. They became weak and feeble with each passing day. They were all reeling with acute pain, as they had wounds all over their bodies. Shaban's wound on his leg was getting worse, but when he complained about the pain, he was beaten by the sentries.

Later on, Shaban was taken to Hiranagar sub-jail for 15 days, and then to Kot Balwal jail for two years. In Kot Balwal jail, he was beaten initially for a few days, but then the situation became a bit better than the previous detention centres. Shaban was taken to a doctor there several times, where he received good medical care, due to which his wounds began to heal. However, his right side once became swollen due to a failed injection. He was in constant pain for about fifteen days, and was unable to move without support. His family did not have any information of Shaban's whereabouts. They found out about his detention at Kot Balwal jail after three months, and after a one-year long struggle, his mother was allowed to visit him for the first time. After two years, Shaban was transferred to Central Jail, Srinagar, wherefrom he was released on bail after a few days.

Shaban was not arrested after that again, but he had to report at various army camps every Friday and at least for one full week every year prior to Indian Independence and Republic Days. This kept on for a long time. He was forced to work there, even though he was not able to do heavy physical work because of torture he was subjected to. They forced him to cut grass, clean drains and toilets, and break coal and all this was unpaid labour.

The torture Shaban was subjected to has had an adverse effect on his health. He is unable to do any work. During winters, he cannot remain outside for any long periods of time, as the chill of winter leads to severe pain throughout his entire body.

Case 281

**Mohammad Shafi Ahanger**

Male/ Blacksmith, welder

Parentage: Ghulam Nabi Ahanger



Residence: Rishi Bazar, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Sujan Singh, 2 Rashtriya Rifles, Army
2. George (operational name), 2 Rashtriya Rifles, Army
3. SHO Irshad, Police post Sherbugh, Jammu & Kashmir Police

### *Case Information*

In January 1993, personnel of 2 Rashtriya Rifles, Khanabal Camp, arrested the victim during the infamous 'Catch and Kill' operation launched by the army. A crackdown was imposed in the area and the victim was at his home. The victim came out of his house along with the others, as ordered by the army.

George (operational name) and Sujan Singh of the 2 Rashtriya Rifles at Khanabal camp were commanding the entire operation of the crackdown.

The inhabitants of the area were all assembled at Lal Chowk, Anantnag. During the crackdown, 9 persons were picked up and taken away by the army. Javaid Ahmad Raga, Mushtaq Ahmad Raga, Nazir Ahmad and five others along with the victim were taken away during the crackdown at around 12 pm. They were taken to the 2 Rashtriya Rifles Khanabal camp.

When they reached the camp, they were kept in the grounds. They were then beaten with *lathis*; 8 to 10 army personnel beat each boy for at least two to three hours. Following this beating, they were put into a room in the camp, from where army personnel took them to the interrogation cell one by one.

When the victim was taken to the interrogation cell, he saw Sujan Singh sitting there, commanding his personnel to torture them. Sometimes Sujan Singh would himself beat the victim. (The victim came to know about his name in the camp through other army personnel who were good natured and sometimes would give him tea but he doesn't remember their names now.)

At around 7 pm in the torture cell, the victim was stripped naked and made to lie on the ground. His hands and legs were tied with a rope. Thereafter, they rolled an iron roller over his body. To add to the weight of the roller, a few army personnel would often stand on top of it. They then electrocuted his private parts, as a result of which he used to faint. After this, they put a cloth over his face and took him to the bathroom and put his head in the water tank. They would also put electric wires in the water tank so as to electrocute him. One army person would stand on his back so that he could not take his head out of the water tank. Sujan Singh too electrocuted the victim.

Following this torture, the victim was taken back to the room at about 11 pm, where he was kept for 3 to 4 hours. Thereafter, at about 2 am, the victim, and the other detainees who had been picked up, heard noises coming from outside. It was the noise of the approaching army men. Around 30 to 40 army personnel entered their room (they seemed drunk); they took them out, stripped all of them naked and dragged them on the snow. George was amongst these army personnel who were torturing them. They beat them using *lathis*, and forced them to do "*Kaanpakdi*". They also cut his abdomen using a knife, making an 8 inch

cut on his abdomen in the process. It was only after this injury that he was given medical treatment.

This torture continued on and off for 10 days. The victim was released after 15 days of his torture. On the last day at the camp, an army officer told the victim that they were going to kill him. They put “*pheran*” over his head, took his wallet and wrist watch, and then took him to a police line.

On the same day, the victim was released from the police line. Police informed the family of the victim to take him home. The victim was not able to walk because of the torture; he also couldn't continue his studies due to his imprisonment.

Five months later, the victim was arrested again; probably by the army of High Ground camp, Islamabad. They cordoned his house, picked him up, and took him to the house of a Kashmiri Pandit. The house was close to his residence. They tortured him and beat him. He was released the same day. The cousin of the victim, Mudasir Ahmad Ahanger, who lived close to the post office, saw him when he was released and took him home. After this round of torture, the victim remained on the bed for 5 to 6 days and was unable to walk.

In 2008, Jammu & Kashmir Police from Police Post Sherbagh took away the victim in a stone pelting case. SHO Irshad kept him in custody for two days. Even though the victim had been arrested while stone pelting, SHO Irshad told him that he would charge him for hurling a petrol bomb on Police Post Sherbagh.

In 2011, Jammu & Kashmir Police personnel, including Ali Mohammed and others, again picked up the victim. They took him to Sadder Thana and kept him for 10 to 15 days for the 2010 stone pelting case.

Case 282

**Mohammad Shafi Hajam**

Male/ Barber

Parentage: Abdul Rahim Hajam

Residence: Feroz Shah Mohalla, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Officer Malik, CBI
2. Commanding Officer, Rashtriya Rifles, Army (SICOP camp, Bijbehara (as in 1993) (Referred to as “Singh Sahib”)
3. SOG
4. BSF

*Case Information*

In 1993, there was a cordon in the area around the victim's shop. CBI officer Malik, who used to work and investigate matters in Bijbehara, had informed the army that militants visited the victim's shop for getting haircuts. As a result, there was a cordon, in which the army picked him up from his shop, along with another person of the same village, Bashir Ahmad Wani, son of Abdul Rehman Wani.

They were both taken to the Rashtriya Rifles SICOP camp (the victim does not remember the battalion number). They were kept there for one night and tortured. A certain "Singh Sahab" was the Commander at the camp. They were stripped naked and their bodies, including their private parts, were electrocuted. They were forced to urinate on the electric heater, electrocuting their genitals. The torturers tied their penises with ropes and pulled on them.

During the torture, Malik, the CBI officer, questioned them about possessing weapons. The victims initially denied having any knowledge of the weapons but after being tortured continuously, they said that the weapons were in a ditch next to the victim's shop. The next morning, they were taken to the shop. The ditch was filled with human refuse. They made all nearby inhabitants and shopkeepers enter the ditch. The victim too was forced to go inside the ditch and bring out the weapons, which weren't there. They were made to search from 9 am till 5:30 pm but they couldn't find anything. Consequently, Malik banged the victim's head against a rock and broke some of his teeth near the ditch itself.

They were then taken back to the camp and the torture resumed. Their bodies were electrocuted; they were beaten and were forced to gaze at a high-voltage lamp. This happened for 4 to 5 days, after which, they were shifted to the Police Station Bijbehara. They were released after being kept in the police station for one day.

Six months later, the victim was again picked up. This time, he was taken by the SOG and the BSF to HMT camp. The victim doesn't know the name of the SOG or BSF personnel who picked him up that day. In the camp, he was again tortured on and off for four days. He was then shifted to the SOG camp at Chandpur in Harwan. *Ikhwanis* from Srinagar and some BSF personnel took him to the SOG camp. At the SOG camp, he was tortured once more. Six days later, he was handed over to the Police Station Bijbehara.

Thereafter, the victim was released. Since then, the victim has always had to report at the police station to record his presence. The torture led to health complications. The victim, on advice of a doctor, has to use a waist belt while walking or doing any work. The victim continues to be under medical treatment.

Case 283

**Mohammad Shafi Koka**

Male

Parentage: Bashir Ahmed Koka

Residence: Panzath, Qazigund, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency: Not Known

*Case Information*

Shafi was about 17 years old when he was picked up by local armed forces (Jammu & Kashmir Police) at 8:40 pm from his house while he was dining with his family. The police had cordoned his house and knocked on the door. When his father opened the door, the policemen entered into the house and asked Shafi to accompany them. But his mother didn't allow him and requested them to tell the reason for taking Shafi with them. However, they did not bother about her request and forcibly took Shafi with them. The

orders of his arrest were issued by SSP Pani and SHO Reyaz Ahmad Khan. However, the reasons were not stated. His mother spent nights together weeping and desperately waiting for her son's return during this period.

Shafi was a juvenile at that time and his arrest is a blatant violation of Juvenile Justice Act in the state. He was not only arrested but ruthlessly tortured. His family knew nothing about him for up to 13 days. His father searched for his missing son like a mad person asking all and sundry about him. After 13 days of his arrest they came to know that he had been shifted to Kot Balwal jail, Jammu.

Shafi was interrogated badly throughout this period, hung with ropes in an upside down position for nights together. As a result of this harsh and extremely inhumane treatment at the hands of police, he has suffered many physical and psychological handicaps and the most known among these is his broken leg.

The family was not allowed to meet Shafi and it was only when they approached Ghulam Ahmad Shah – the then minister of State from National Conference that they were able to see him and seek bail for him. Furthermore, his family alleges that he was arrested on the orders of Sartaj Madni, the then local MLA of a political party on the grounds of some political rivalry with the victim. His father filed a petition for his son in the High Court and he was granted bail. This case continued for about 6 months in the court and finally he was released and declared as innocent. However, no perpetrator was punished for his crime.

Case 284

**Mohammad Shafi Mir**

Male/ Labourer

Parentage: Mohammad Mukhtiyar Mir

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. Major Rajesh Dinesh, Rashtriya Rifles, Army
2. SOG

*Case Information*

Mohammad Shafi was picked up by the Rashtriya Rifles led by Major Rajesh Dinesh from his home and subsequently tortured for possessing a weapon of his brother, who had shunned the armed struggle and already given his weapon to the Army.

Shafi was picked up from his home by the Rashtriya Rifles and taken to Kalantra Camp, Baramulla for one night. At the camp, they tortured him for possessing the weapon of his elder brother. Shafi's brother was also in custody, and had already given his weapon to the Army one year before when he was arrested by the SOG. They stripped Shafi naked, beat him with bamboo sticks, and applied a wooden roller over his legs. They also dunked his head into a bucket full of Chilli-water. They did this several times, because of which he swallowed large quantities of water. After his belly became swollen with water, several personnel trampled his stomach and kicked his back, because of which he vomited out all the water. Following this, they applied electric current to his genitals and other body parts. Shafi repeatedly pleaded with them, saying he had no knowledge of the weapon, but they continued to torture him. Unable to get any information out of Shafi, they released him.

Case 285

**Mohammad Shafi Mir**

Male/ Carpenter

Parentage: Ghulam Ahmad Mir

Residence: Bonibagh, Kangan, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Captain Amar Singh, BSF
2. Captain Tomar, BSF (Charwan camp)

Testimony by the Victim's wife, Sharifa Begum

*Case Information*

On March 23, 1993, like every day, Mohammad Shafi Mir had gone to Kangan for work when a crackdown was announced by the BSF in the area. During the identification parade, he was taken under custody by Captain Amar Singh, head of Charwan Camp, claims his wife Sharifa Begum.

The following day, along with her mother-in-law Fazi Begum, daughters, and driver Bashir Ahmad Mir, a resident of Bonibagh, Sharifa approached the BSF officers named Captain Tomar and Captain Sharma but they did not allow anyone to meet Mohammad Shafi Mir. On the next day, along with brother Abdul Majeed Mir and Mohammad Shafi Mir's brother Abdul Rashid Mir, Haji Ghulam Nabi and twenty more villagers, Sharifa again approached Charwan camp. This time they allowed the meeting between the victim and his family. Later on, the BSF officer Captain Tomar entered Mohammad Shafi Mir's house and told Sharifa brother Abdul Majeed Mir to visit Haripora camp where Captain Amar Singh told the family to write a statement stating that they had received Mohammad Shafi Mir. But Sharifa refused to sign, and demanded to see her husband first. Due to severe torture inflicted on him, both the kidneys of Mohammad Shafi Mir had failed and he could barely speak. He was taken to the nearest hospital but the doctors suggested taking him to SKIMS, Srinagar. Abdul Majeed Mir, Mumtaz Mir, his cousin Abdul Mir took him to SKIMS, but when they reached the hospital, Shafi breathed his last.

After collecting his death certificate, Sharifa stated that there were deep bruises all over his body. The entire village rallied and demonstrated in the streets of Bonibagh and adjacent areas against the killing of the innocent civilian.

The family has not been provided with any compensation.

Case 286

**Mohammad Shafi Pandith**

Male/ Driver

Parentage: Ghulam Mohammad Pandith

Residence: Chanapora, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. R.K. Sharma, 144 Battalion, BSF

*Case Information*

Mohammad Shafi Pandith went to Pakistan administered Kashmir for arms training in 1990. He returned in 1991, after staying there for about a year. He remained an active militant for about a year thereafter with Al-Umar Mujahideen militant outfit. In 1992, Pandith was arrested for the first time at his home in Lal Bazar by the BSF. He was taken to Gogoland, Old Airport Road, Srinagar, where he was tortured. Recalling the torture, he states that he was ruthlessly tortured in Gogoland. He was beaten, a roller was rolled over his legs, and rats were put inside his trousers. His family did not know where he was detained. They searched for him in many camps and torture centres, and after two months, they were finally able to trace him at the Gogoland torture centre. According to his brother, when Pandith's family went to meet him after two months of detention, they were not able to recognize him as his face was unrecognizable due to the severe torture he had been subjected to. He was detained in Gogoland torture centre for about six months, after which he was taken to Kot Balwal Jail, Jammu and booked under PSA. He was moved from Kot Balwal jail to Central Jail Srinagar, from where he was finally released in 1994.

After his release, Pandith left militancy, bought an auto-rickshaw, and started working as a driver. But he was arrested again at his home in 1995 by 144 Battalion BSF. On this occasion, he was taken to PAPA 2, where he was detained for a month. From there, he was moved to Hiranagar Sub jail in Jammu, again under PSA. When recalling the time of his detention in PAPA 2, Pandith states that he was stripped naked, blindfolded, beaten for about six hours every day, he was given electric shocks, syringes filled with petrol were injected into his rectum, rats were put in his trousers and sugar water was also put inside his trousers. When recalling the names of his torturers, he could only remember one name R.K. Sharma. He says he was subjected to psychological torture by men who would aim their guns at him and threaten to kill him if he did not give them the information they were seeking. Pandith was then moved from Hiranagar Sub-jail to Police Station Kothi Bagh, Srinagar, from where he was released in 1997. Following his release, Pandith had to report to Police Station Lal Bazar on every August 15 and January 26 until 2007, after which he stopped. His brother says that one significant repercussion that has affected the whole family is that none of them were allowed to go for Hajj, as all of them have been denied passports.

Case 287

**Mohammad Shafi Rather**

Male/ Driver

Parentage: Mohammad Ramzan Rather

Residence: Hardshiva, Najar Mohalla, Sopore, Baramulla

Affiliation: Civilian

Alleged perpetrators/ Agency:

1. Major Reshi, 22 Rashtriya Rifles, Army

*Case Information*

On November 7, 2007, Shafi was picked up by 22 Rashtriya Rifles of the Army stationed at Bomai Camp. The arresting party was led by Major Reshi. Shafi was taken to Bomai camp.

After two days he was shifted to Police Station Sopore where he was kept for one month. After one month, he was shifted to Udhampur Jail where he was kept for eight long months. The shifting of Shafi to various places of detention continued for long. After serving eight months in Udhampur Jail, he was again shifted to CIK Humhama where he was kept for three months. During the detention, Shafi was tortured by Major Reshi and other army personnel. After this term, he was again shifted to Police Station Sopore from where he was released. He was arrested on the charges of assisting militants by providing them shelter and other means of help for their survival. He claims that the Army falsely implicated him in the militant case and that the army's claims that they recovered a pistol, RDX and two hand grenades from his possession was totally false and baseless. He was later booked under PSA. His detention was later quashed by High Court and he was released on bail and then he consulted Advocate Abdul Salaam Rather, a resident of Baramulla, to process and plead his case. During the court hearings, the army was summoned by the court but the army never turned up and consequently he was acquitted by the court after four years.

According to Shafi, he was arrested only once and during his detention, he was shifted to many places where he was tortured many a times. During the interrogation, he was beaten with wooden and steel rods. He was forced to over-drink water before being given electric shocks to his whole body including his genitals. He was hanged upside down. A roller was rolled on his body. He was kept naked and his head was dunked into a bucket full of water. During the whole interrogation, he was tortured physically as well as psychologically. He was freed by the army on the condition that he works as an informer for them and they would pay for it but he refused. He was given no medical aid during the detention. His relatives were allowed to meet him after three days.

At the time of arrest, he was a 12<sup>th</sup> grade student and due to the arrest and his torture, he was forced to leave his education midway. The victim faced problems in getting married and his family's business also suffered.

Case 288

**Mohammad Shafi Rather**

Male/ Farmer

Parentage: Late Abdul Qudoos Rather

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Naga Regiment, Army

*Case Information*

On the morning of June 2, 1992 Mohammad Shafi was picked up by the Naga Regiment of the Indian Army outside of his house during a siege and crackdown in the village. He was later taken to the field where all the villagers were forced to assemble, and was tortured in front of everybody.

Shafi claimed that on the morning of June 2, 1992, he went to a nearby stream to wash his face, but as he reached it, he saw a few army personnel talking to a civilian. When they saw Shafi, they called him over. They demanded to see his identity card, which he did not have

with him. On the pretext of not possessing the identity card, they slapped and beat Shafi with gun butts. They later dragged him for about one kilometre down the road to the fields, where they beat him again. They removed his shirt and hit him on the back with thick sticks. They asked him for the names of the militants hiding in Shafi's village, which he did not know. After that, they took him to the place where they had assembled all the villagers. They randomly took dozens of villagers, who were the namesake of militants in the village, and beat all of them in front of the rest of the villagers. They beat Shafi continuously from 7 am to 2 pm. They suspended him from a tree branch for about half an hour and hit him on the buttocks. After that, they forced him to put his legs on a stone hedge and put all his body weight on arms. As he did that, they beat his legs above ankles with a thick shaft for about half an hour, due to which he lost the sensation in his legs.

After he was released, Shafi was taken to a hospital where he was treated for two days. But due to the lashes he had received, his right leg had swelled due to nerve damage. Since he was torture on that fateful day, he is unable to walk properly or do any physical work. A doctor has advised him to remain cautious and careful about getting injured, as the high blood pressure in his permanently swollen veins can cause high blood loss, even death. The doctors have also told him that any surgery could prove fatal. Now he is unable to work properly. His unbalanced livelihood has affected the livelihood of his family, but due to the support of his brothers, he is able to make ends meet.

Case 289

**Muhammad Shakoor** (name changed)

Male/ Driver

Residence: Srinagar

Affiliation: Ex-Militant

Association: People's League

Alleged Perpetrator:

1. 47 Battalion, BSF

#### *Case Information*

Muhammad Shakoor joined the People's League in 1989 when the armed struggle for Kashmir's right to self-determination erupted. He was arrested for the first time in 1997 by 47 Battalion BSF, stationed in Mamta Hotel, Khayam, Srinagar. They took him to Mamta Hotel and kept him there for eight days. At the Mamta hotel, he was subjected to third degree torture. All of his clothes were removed and electric shocks given to his body. Following his torture, he was transferred to Police Station Nowhatta. He spent about seven days at the Nowhatta police and afterwards was booked under the PSA and transferred to Srinagar Central Jail. Muhammad was released six months after his PSA was quashed.

Case 290

**Mohammad Sultan Malik**

Male/ Government employee, Sericulture department

Residence: Sheeri, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army



*Case Information*

Mohammad Sultan was picked up by Rashtriya Rifles in November 2004 following a bomb blast in his area at about 4 pm. He was taken to an army camp in Odura where he was kept for 3 days. During this whole period of detention, he was beaten ruthlessly with bamboo sticks and gun butts. He was forced to take off all his clothes at night and was kept in the open in winters in the middle of the month November. He was beaten so severely that his hip joint was dislocated and 2 of his vertebrae were fractured for which he was operated upon thrice, on his own expenses. He still has marks of sticks and gun butts on his back and calls the torture period as “an unforgettable experience”. The victim felt humiliated when he had to report at the camp every Sunday where he was forced to do unpaid laborious work like cutting grass, cleaning utensils, etc.

Case 291

**Mohammad Sultan Mir**

Male/ Daily wager, Water works department

Parentage: Ghulam Hassan Mir

Residence: Managam, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Rajput Regiment, Army

*Case Information*

Mohammad Sultan joined Hizbul Mujahideen in 1991 after receiving arms training. He remained active for almost two years and was arrested in 1993 by the Rajput Regiment in his native village. He was later taken to several army camps and jails where, he claims, he was tortured.

Sultan was arrested during a crackdown in his native village by the Rajput Regiment in an identification parade. They took him into a nearby orchard and tortured him. They first stripped him naked and beat him with bamboo sticks and the butts of their guns for about an hour, dunked his head in water several times for two to three minutes each time. This continued for about half an hour. They later applied an electric current to his genitals and other parts of his body. They inserted a thin steel rod into his penis and applied an electric current through it. They then tied him, gagged his mouth, and left him on the ground beneath a hanging water pot that had a small hole at its bottom. The water drops trickling out of his hole straight into his nostrils. This continued for about one hour. The torturers broke his four top front teeth with a smash of the gun butt. They beat him for possessing a weapon and demanded to know the whereabouts of his other companions. Following his torture, Sultan gave his gun (AK 47 rifle and magazine) to them.

They took him to Kreeri Camp, Baramulla where he was detained for twenty days. There he was regularly tortured twice a day for two hours at a time. During torture, he was beaten with leather belts and the butts of guns, and a heavy wooden roller was applied over his legs, which was pressed down by several interrogators on both sides. His head was dunked into water mixed chilli powder. After this torture, he was put into a small room along with 15 other detainees. The room was tiny, and could hardly accommodate five people. Sultan

was never taken to doctor or given any medicine at the camp. His family was allowed to meet him after five days of his detention.

After that, he was transferred to HMT, Srinagar Camp for fifteen days. He was tortured there once a day, where he was forced to sit on a tin trunk to which an electric current was applied. Sultan was forced to sit on it for nearly half an hour and was beaten with bamboo if he would attempt to get down from it. Besides this, he was beaten, a roller was applied over his legs, and an electric current was applied to his several body parts.

Sultan was transferred to Badami Bagh Cantonment, Srinagar for eight days, where he was tortured once a day for one hour each time. Every day he was beaten with bamboo sticks, and a roller was applied over his legs. He was also forced to clean the floor with his beard and was kept naked in a big hall along with 15 other detainees. They were allowed to go to the bathroom only once a day and were allowed only one minute to defecate. One of the army personnel would take them to the bathroom handcuffed and blindfolded. If they remain on the toilet for more than one minute, he would pull them out. Every evening, a doctor would visit them and give them painkillers.

From there, Sultan was transferred to JIC Srinagar for two and a half months. He was put into a small, dark room along with other detainees in which the toilet was in close proximity. They were not allowed to have water. He never washed his face there, and his hair and body were full of lice. During the night, one of the army personnel would enter their room and beat them with aluminium wires for hours. They were given adulterated rice, placed on a plate, which they could not see due to the darkness. To avoid going to the toilet, the inmates preferred not to eat any food.

Later on, Sultan was transferred to Rangreth, Srinagar camp for 20 days. There, he was also put in a small room. During the day, the detainees were allowed to go out, but during the night, several army guards would enter the room and beat all of them with aluminium wire for hours. From here, Sultan was transferred to Gupkar JIC for one month. He was kept in a small cell along with ten other detainees. After that, he was transferred to Kot Balwal Jail, Jammu for six months, then to Kathua Jail for 11 months, and then to Udhampur Jail for three months. Sultan was released from Udhampur Jail on the eve of Indian Independence Day along with 200 other detainees.

After his release, he did not join militancy but was directed by the Army of Kreeri Camp, Baramulla to report there every week. Sultan later had to report at various other camps in the area. When he would report to the army camps, he was forced to work in the camp. He was beaten and harassed if any untoward incident would happen in the area. During a crackdown in his village, Sultan was forced to sit separately and was very often harassed and taunted in front of the other villagers. These days, he has to report at Watergam Camp every month. The torture he was subjected to has had an adverse effect on his health. He is unable to do any physical work.

Case 292

**Mohammad Yaseen Atayee**

Male/ Businessman

Parentage: Haji Atta Mohammad

Residence: Ompura, Budgam

Affiliation: Political Leader associated with All Parties Hurriyat Conference

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG
3. Jammu & Kashmir Police

### *Case Information*

Mohammad Yaseen was arrested by police for the first time in 1988 when he was 29 years old. He was a political activist and was picked up from Srinagar but was released soon without any torture, although he was verbally abused, as they could not ascertain anything against him.

On January 1, 1997, he was again caught by Indian armed forces (RR, Budgam & SOG) from his in-law's house. He was blindfolded and handcuffed and taken to Humhama camp. All through out the way to the camp, he was hit with blows, kicked and beaten with gun butts. On reaching the camp, he was at once surrounded by 7 to 8 security personnel and put to enquiry. He was asked about the hideouts of militants and their weapons which he couldn't answer as he didn't know, so he was brutally tortured. Electric current was applied all over his body including his private parts thrice a day. It left him unconscious for 2 to 3 hours. Iron rollers were moved over his thighs and back for 3 to 5 minutes and it left his body totally motionless. He developed painful back aches which persist till today.

He wasn't allowed to go to toilet and was asked to urinate in a pot placed in the same room and he had to clean this pot by himself. His family wasn't allowed to meet him. They had to approach higher authorities for getting permission to meet him.

During this period, his house was raided several times. The armed forces would ransack and loot whatever they could find. The armed forces would beat his father and wife. Even his in-laws were not spared.

One day, the commanding officer told him that they had found some ammunition in his home. He replied in a very soft tone that it was not possible and that he did not expect such fake stories from a man of dignity. The C.O was very ashamed and stopped abusing and accusing him. Later he was released. The victim remained bedridden bed ridden for about 2 to 3 months. The treatment cost him lot of money.

Case 293

**Muhammad Yousuf, Station House Officer, Police Station Baramulla<sup>307</sup>**

Alleged Perpetrators/Agency:

1. CRPF

### *Case Information*

On December 28, 2008, the SHO, Police Station Baramulla, Muhammad Yousuf, was assaulted by the CRPF personnel. There were protests going on in the area on that day when the CRPF personnel went berserk and started beating up people. When the SHO

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<sup>307</sup>Source of the case: The Informative Missive

along with his police party reached the spot, he intervened and tried to stop the CRPF personnel from barging into people's homes and beating civilians.

However, the CRPF personnel started beating the SHO and other police personnel. The SHO sustained fractured arm while his colleagues also had injuries. FIR No. 235/08 U/S 353 (Assault or criminal force to deter public servant from discharge of his duty), 427 (Mischief causing damage to the amount of fifty rupees), 332 (Causing hurt to deter public servant from duty), 307 (attempt to murder) was registered against the CRPF personnel.

No information is available whether the investigation concluded even in this case where a police officer was beaten up by CRPF.

Case 294

**Mohammad Yousuf Dar**

Male/ Carpenter

Parentage: Abdul Gani Dar

Residence: Aloosa, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Dy.S.P. Manohar Singh, SOG

*Case Information*

Muhammad Yousuf Dar was away from his native village Aloosa Bandipora, as he had been working as a carpenter for near about one year. The *Ikhwanis* of the area, Gul Toth and his associates Shafiq Pandith, Mir Niyazi Shah all were working together. Shafiq Pandith and Shahid made frequent raids to Yousuf's house. All the family members were asked to report to SOG camp at Kaloosa including his grandmother, Taja Begum, Grandfather Abdul Gani Dar, two sisters, two brothers; mother Ashia Begum and father Abdul Rashid. This was narrated by the elder daughter of the Dar family. While his family was harassed in his native village Yousuf was arrested from his rented accommodation. His rented accommodation in Haiderpora, Srinagar had been raided by SOG from Air Cargo SOG Camp, Srinagar under the command of Dy.S.P. Manohar Singh. His wife approached police officials in Bandipora for his release. During three days of his detention Yousuf was tortured by SOG and on September 3, 1997 he was brought to Kehima, Bandipora, where he was shot dead by SOG personnel and *Ikhwanis*. The people of Kehima saw his dead body after it was brought to the village by police personnel from Police Station Bandipora. His body had torture marks all over it and bore eight bullet wounds.

Case 295

**Mohammed Yousuf Lone**

Male/ Tailor

Residence; Nowpora, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Rajput Regiment, Army

*Case Information*

Mohammed Yousuf Lone returned after training in Pakistan administered Kashmir in 1992, and handed his weapon over to his organization (Al-Jihad) at the LoC. After remaining

unarmed in his village for a few months, he was trapped and arrested during a crackdown by the Rajput Regiment. They took him to an under construction house in his village, where he was ruthlessly tortured. He was beaten with leather belts and sticks. A wooden roller was applied over his legs and an electric current was applied to his body.

After two days, when the crackdown was lifted from his village, Lone was taken to Hamray Camp, where he was interrogated and tortured for possessing a weapon. He told them that he had given it to his organization, but they did not believe him. He was hung upside down and beaten continuously with leather belts. An iron rod was inserted into his penis and an electric current was passed through it. His upper tooth was broken during the beatings. His whole body turned swollen and red from the beatings, and his back and arms were bruised. Lone was never taken to a doctor for treatment, but he received Iodex (ointment for pain relief) purchased from market by an army person, which he rubbed over his bruises. After two and a half months, Lone was taken to Shariefabad, Srinagar Camp, where he was detained for another two months and then released. His family was allowed to visit him after one month.

Following his release, he did not join the organization and was never picked up after that. But every month, he has to give *haziri* (report) at army camps, where sometimes he is forced to do laborious unpaid work. Earlier, Lone had to report every 15 days, but for the last few years, he only has to report once a month. About one and a half years ago, he was unable to report at Putkhah Camp, so the Army came to his home to ransack the house and harass his family. Lone used to be a master tailor, but today he is unable to work due to his weak eyesight as a result of the torture. He is unable to do any physical work, as his tortured body doesn't allow him.

#### Case 296

##### **Muhammad Yousuf Malik**

Male

Parentage: Abdul Ahad Malik

Residence: Chitti Bandy, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Shabir Sofi, Ikhwan
2. Sattar Sofi, Ikhwan
3. Nazir Sofi, Ikhwan
4. Mansoor Sofi, Ikhwan
5. Sultan Ganai, Ikhwan

#### *Case Information*

On May 16, 1995, Muhammad Yousuf Malik was working in his paddy field in the village Brar, Bandipora, five kilometers from where his house was located. An *Ikhwani* namely Shahnawaz resident of Ajas had been killed by the militants. The *Ikhwanis* headed by Shabir Sofi (relative of Kuka Parray), the commandant of the group, Sattar Sofi son of Mukhtar Sofi, Nazir Sofi son of Ahad Sofi, Mansoor Sofi son of Kamal and Sultan Ganai son of Lassi Gani all residents of Brar raided the house of Muhammad Yousuf. These *Ikhwanis* were working with 13 Rashtriya Rifles camp of Brar. The *Ikhwanis* then picked

Muhammad Yousuf and took him barefoot to their camp, which was in the house of Shabir Sofi (nephew of Kuka Parry).

The family of the victim requested the *Ikhwanis* to free him, but the *Ikhwanis* fired some gunshots in the air and did not let his family members follow them. After that, the family approached the head *Ikhwani* Usman Majid, a resident of Garoora. At Majid's residence, Ghulam Nabi, the brother of Usman Majid, asked the family to look for the victim at the camp of Javaid Shah.

The next day, the family approached Javaid Shah S/O Sikandar Shah, R/O Nadihal but the *Ikhwanis* did not allow them to meet him. After a while, after persistent insistence by the family, they were allowed to meet Javaid Shah. The victim's wife Dilshada requested Javaid Shah to release her husband. Javaid assured her that the victim will reach his home by 4 pm.

The family came back with the belief that the victim would return. On their way back home at Gujjar Bastie, a fisherwoman met the family and told them that Muhammad Yousuf had been killed and his dead body was found at Sangree colony, Wular top. When the family reached their home, they found the dead body of the victim lying in the lawn of their house. The torture marks were visible on the body of the victim. The family did not receive compensation from the government.

Case 297

**Mohammad Yousuf Shah**

Male/ Shawl weaver

Parentage: Abdul Gani Shah

Residence: Mughal Masjid Hawal, Srinagar

Affiliation: Political worker associated with Peoples League

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

Mohammad Yousuf Shah was walking on the street, on March 1, 1995, when, only a few steps away from his house a few Indian armed personnel stepped out from their vehicles and surrounded him from all the sides. They blindfolded him and boarded him into their vehicle. His eyes were opened after almost an hour and he found himself in a camp. On enquiring, he was told that it was the BSF camp Hawal. Soon after his eyes were opened, they started interrogating him and he was continuously being asked about a weapon, which they believed he possessed. He was made to sit on a wooden chair and his legs were tied to it with a nylon rope. His hands were stretched and beaten with canes. His knees and feet were beaten.

Then they dunked his head into water containing chilli powder. He was made to lie on the wet floor and current was applied all over his body. After 2 hours, he was shifted to Nowshehra Mill (BSF Camp) where he was tortured for 45 minutes and beaten with canes while his arms were tied with nylon ropes. Next day early in the morning, he was shifted to PAPA 2 and kept there for 14 days. However, during this period he was regularly made to move from mill to PAPA 2 at 9.30 am and returned to the Mill camp at 6 pm. In PAPA 2, 3

to 4 personal used to beat him with chains, gun butts, leather belts and canes. Rollers were applied all over his thighs, back and shoulders for 3 to 4 minutes each. Electric current was applied to his body, including on his genitals. He wasn't given enough food.

Once on enquiring about his weapon, they asked him to swear upon Dargah Sharief Ziarat that he didn't possess any. On swearing, he uttered in Kashmiri *myaani Khudaaya mai diyizi maefti agar mai kenh khata goi*" (My Lord, pardon me if I have done wrong). This angered them and they tortured him continuously for two hours. They stripped off his clothes and poured acid into his rectum. They put water into his mouth and then applied current on his mouth.

Then he was shifted to Gogoland, Rangreth interrogation centre where he was kept naked for days in chilly winters. The harsh cold, adding to the brutalities and torture on his feeble body, made it unbearable. On day 16, he was taken back to Lal bazaar BSF Camp for one month. But at 6:30 am, he was taken back to the Mill for the identification of some unknown person. But he couldn't identify the person. For this reason, the Sikh officer there told them that they wouldn't like to hear anything from him. He was forcibly made to sit in the vehicle again and tortured for 15 minutes. During this time, they used abusive language against him. Later they shifted him back to the camp. When the level of torture got too much, he planned to cut his palate with a blade given to him by one on-duty BSF personnel. He did it according to the plan and blood started oozing out. He complained of bleeding and was taken to hospital (Sanat Nagar) for treatment where he was kept for 9 months and then released.

Case 298

**Mohammad Yousuf Sheikh**

Male

Residence: Shababad, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Mehta, 17 Battalion, BSF

*Case Information*

Mohammad Yousuf Sheikh was arrested in 1993 at Sopore by 17 Battalion BSF. He was associated with a militant outfit. He spent one full year in a detention centre (name not mentioned) without undergoing any trial. The Commanding Officer Major Mehta tortured him. He was stripped naked and trampled by around 20 troopers. Iron rollers were used on his body. His mouth was plugged with his underwear; then water was poured into his nose till he became unconscious.

Beside this torture, the BSF personal burnt his armpits by using candles. The burn marks are still visible on his body. They gave him electric shocks and beat him ruthlessly with canes and belts. Sheikh was asked about his weapon and ammunition.

No one was allowed to meet him except few members of his family. During his detention his family was allowed to meet him only twice. Sometimes the army personnel would lie to his family about his presence in the camp so as to stop them from meeting him.

As a result of the torture the muscles on the victim's thighs have shrunk and his legs have become skinny. The burn marks on his armpits are still visible. His legs were broken during torture and even now he is unable to walk properly. Even after torturing him so brutally, he was not provided any medical aid.

Case 299

**Mohammed Aslam Bhat**

Male/ Automobile seat maker

Residence: Tawheed Bagh, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

Mohammad Aslam joined Muslim Janbaz Force receiving arms training from Pakistan administered Kashmir in 1991. He remained active for some time, but in the same year, the Indian Army arrested him during a crackdown. They took him to Tappar Camp, where he was kept for eight days. During his detention at the Tapper Camp, he was subjected to severe torture. He was stripped naked and forced to lie on wet prickly grass while an electric current was given to his body. He was suspended from the ceiling with his hands tied behind him and beaten with sticks for hours. They also gave him cigarette burns and singed his body with an hot iron rod, the marks of which can still be seen on his body. Throughout the torture, his interrogators continuously insulted him. He was beaten for possessing a weapon, which he eventually handed over to them. But the torture still did not end.

The victim was then transferred to Badami Bagh Cantonment, Srinagar, for 14 days, where he was again brutally tortured. There he was kept in a small, filthy room with a wet floor with about fifty other detainees. He was not given water for several days and was given only adulterated food. He was transferred to Jammu Jail and booked under POTA for one year. Following his release after one year, Mohammad was re-arrested by BSF in the same year during a crackdown at Pattan, Baramulla. This time, he was first detained at Pattan Camp for 15 days, where he was interrogated and tortured for whereabouts of militants and ammunition stores. He told them that he had left militancy and had given his weapons to the army, who had arrested him earlier. But they did not stop torturing him. Mohammad was then transferred to JIC Baramulla, where he was detained for another year. During both detention periods, he was never taken to a doctor for treatment. He believes that God has given him the endurance to bear the torture and it is only God who has healed his wounds. He still carries the scars of cigarette burns all over his body, and there is a prominent burn scar on his right leg.

Case 300

**Name withheld<sup>308</sup>**

Female

Residence: Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

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<sup>308</sup>Source of the case: The Informative Missive



## 1. BSF

### *Case Information*

On the night on May 18, 1990, a *Barat* (marriage party) was returning from the house of Abdul Sattar (name changed) in Anantnag. It was the marriage party of his daughter. As around 100 *Baratis* (guests) left for Lissar village near Kokernag in bus number 1373/JKF, the BSF personnel posted in Hakhoora ordered them to stop and switch off the lights of the bus.

The forces personnel barged inside the bus and started firing indiscriminately on the *Baratis* killing one on the spot while injuring several others including the bridegroom.

The BSF personnel then dragged the bride (the victim) and her maternal aunt into the nearby field and gang raped them. They later pumped five bullets into the victim's body, injuring her critically.

The victim's sister, who was nine years old then, cannot forget the night and is continued to be traumatized by those images. Since that day, her heartbeat races as soon she sees any army or police personal in khakis and due to the trauma she can't even pass through the place where the incident occurred. For the victim, it was the end of the world and she never wanted to live any more, but her husband always supported her.

The victim's cousin, who was accompanying the *Barat* received injuries in his right arm, which was later amputated. According to the application signed by the then deputy commissioner, Anantnag, he received an ex-gratia of INR 5000. Although, a case was registered in the Police Station Dooru against the accused BSF personnel under FIR No. 53/1990 (under section 302 RPC) and a charge sheet was registered in the District Court, Anantnag, the case was later closed for unknown reasons.

A copy of a police report lying with the family of victim reads that the BSF troopers resorted to unprovoked firing and then sexually assaulted the victim and her aunt.

### Case 301

#### **Mudasir Ahmad Lone**

Male/ Pharmaceutical Distributer

Residence: Mahend, Bijbehara, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. Ikhwan

### *Case Information*

Mudasir Ahmad was picked up jointly by the Indian Army (Rashtriya Rifles) and *Ikhwanis* from his home in May 2007. He claims that he was tortured for allegedly possessing the weapon of his militant friend, who had died a year before.

Ahmad states that the Indian Army and *Ikhwanis* jointly raided his house at 2:30 am one night in May 2007 and took him to the Mukaam Army Camp, where he was mercilessly tortured for two days. He had undergone surgery in his back for a compressed disk about a month before his arrest and had not yet fully recovered. The armed forces tortured Ahmad for the weapon of a militant who had been his friend before he joined the armed struggle. He had died a year before Ahmad's arrest. Ahmad could not understand the reason for his arrest and torture. Perhaps they just wanted money from his family. Upon arrival at the camp, they stripped him naked and beat him with heavy wooden shafts. They also applied an electric current to his fingers and toes. After that, they suspended him from the rafter of the building upside down for about one hour. Ahmad continuously pleaded his innocence and showed them the scar from his surgery. However, they did not stop. They continuously beat Ahmad with anything they had. They beat him continuously for an entire day. The following evening, they transferred him to JIC Khanabal, wherefrom he was transferred to the Police Station Sirhama and was released the next day. In the mean time, the Ikhwanis involved in arresting him had demanded INR 25,000 from his family, and Ahmad was released only after the family had paid the money. After Ahmad was released, a doctor advised him complete bed rest for about a year, otherwise his already ailing back could become worse. Ahmad did nothing for one entire year. Now, he has started a pharmaceutical business. However, he is still advised by doctors not to carry heavy loads or walk long distances.

#### Case 302

**Misri** (name changed)<sup>309</sup>

Female/ Home maker

Wife of: Abdul Gani (name changed)

Residence: Budgam

Affiliation: Civilian

Alleged perpetrators/ Agency:

1. 171 Battalion, BSF

#### *Case Information*

A 50-year old woman, mother of four children, identified as Misri W/O Abdul Gani, resident of district Budgam was arrested and detained by the 171 Battalion of BSF. The victim was produced before the media, both Indian and International on December 4, 2001 at Nagam Chadoora. The forces claimed that Misri was the 'District Commander' of 'Dukhtaran-e-Millat', a separatist women's organization operating in the state of Jammu & Kashmir. They alleged that she had militant connections and was involved in the killings of 2 SPO's. The forces also claimed that Misri was linked with former commander of Hizbul Mujahideen outfit namely Shama Gujjar and at her behest two SPO's were executed. However, Misri vehemently refuted the charges levelled against her by the BSF in that very press conference. She said that she was coerced under torture into admitting the charges. She claimed that she was stripped off and brutally tortured for three days and was forced to accept the accusations. She said she did not know what 'Dukhtaran-e-Millat' was and she had never heard of it before. She narrated in the press conference how she was tortured and how her life was turned into hell. The BSF officials tried their best to stop her from expressing her views but media persons intervened and asked the BSF men to let her speak.

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<sup>309</sup>Source of the case: Institute of Kashmir Studies documents

She further said that she had never committed any murder nor had she helped anyone to kill anybody but that she was being unnecessarily harassed and involved. She had undergone two major surgeries in the recent past but the BSF interrogators tortured her to the extent that the wounds re-opened and bled. She tried to show the wounds to the media men, however, she was stopped by the BSF men present in the press conference. She admitted that her brother, now in jail, was a militant who was known by the nickname Saddam.

It is apt to mention here that the BSF officials had deliberately excluded local vernacular press and invited only correspondents belonging to the Indian and international agencies, casting aspersions on the very credibility of their story. A journalist noted that it seemed a well-planned drama to earn or add stars on their shoulders. The BSF's claim to dub a village woman as 'district commander' was frivolous, as Dukhtaran-e-Millat had no militant cadres.

### Case 303

#### **Muhammad Hussain Fazili**

Male/ Shawl weaver

Residence: Soura, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. D.C.P. Sanjeev Kumar Yadav, Special Cell, Delhi Police

#### *Case Information*

On November 21, 2005, at around eight o'clock in the evening, Muhammad Hussain and his family members were watching news on television regarding an incident that had happened in Delhi about ten days back. That night, he had come home from his friend's wedding party. In the news, he and his family came to know that a Kashmiri man namely Tariq Ahmad Dar had been arrested in connection with the aforementioned case in Delhi. On the day of the crime, Muhammad had gotten his gallbladder removed due to some health issues. While watching the news, he and his family heard loud noises of men outside and they thought that a crackdown (CASO) has been announced. Instead, some SOG personnel along with some men in civvies entered their house and started searching. They forced the family to remain standing and began searching their entire house. During this process, they asked for Muhammad's name and took him to a separate room. There, they began asking questions about him, his business, and about Tariq Ahmad Dar. When Muhammad answered that he did not know Dar, the atmosphere in the house suddenly changed. They immediately instructed Muhammad to come with them, and assured his parents that he would be released soon. He asked why he was being arrested, and was told that their senior officers needed to investigate him.

They took him to Air Cargo SOG Camp, Srinagar where he learned that the men in civvies were from Delhi Police Special Cell, Lodhi Colony, New Delhi. They began asking questions about Tariq Ahmad Dar, to which Muhammad continued to answer that he did not know the man. Then they began to torture him. He was made to lie on a desk with his hands tied behind his back. Then one person would pour soap filled water into his mouth while another rubbed his stomach. Then they would forcefully stuff bread and water into his mouth. The torture was executed by DCP Sanjeev Kumar Yadav, along with four or

five inspectors and ACPs. The torture continued for two days at Air Cargo SOG Camp, Srinagar. After two days, Muhammad (and Rafiq Shah) were taken to the airport and flown to Delhi. There they were taken to Delhi Police Special Cell, Lodhi Colony. Including Muhammad, there were four inmates. The others were Muhammad Rafiq Shah, Tariq Ahmad Dar, and Ghulam Ahmad Khan. Then the torture began. They would put the inmates' heads into latrine pits, and force them to drink urine. They would shove bread and water into their mouths. The inmates were paraded around naked, and rats and pigs were made to lick their faces and bodies. The interrogators always mocked the inmates' religion, and one day Rafiq Shah's beard was cut off. The torture was so inhumane that the *Sipahis* accompanying the interrogators used to weep whilst watching them during the torture sessions. During the torture, they would tell Muhammad that they knew he was innocent, but they had one hundred ways to prove him wrong. This put him in a psychologically fragile state. Whenever they had a date in court, the interrogators would threaten them that they would face more brutal torture if they said anything before the judge. The torture continued there in Lodhi Colony for a month and a half, until Muhammad and the other inmates were sent to Tihar Jail. In the meanwhile, his family learned of his whereabouts, and learned that he was still alive.

In Tihar Jail, Muhammad was made to sweep about 1.5 km long road and clean latrine pits with his bare hands and feet. At Tihar jail, other notorious inmates will attack them with a surgical blade.

On February 16, 2017, Muhammad was finally acquitted of all charges and released from Tihar Jail. After 12 years in jail, he was able to see his family. The victim had forgotten much about his home and he had even forgotten the face of his mother. On the day of he was acquitted by the Court, the judge was confused as to why Muhammad had spent 12 years in Tihar Jail and under what crime?

Muhammad has finally returned home, but he suffers from many health issues. He has clear symptoms of PTSD and depression.

Case 304

**Muhammad Kamal Sheikh**

Male/ Teacher

Parentage: Haji Abdul Gani Sheikh

Residence: Chattergul, Kangan, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Bahadur Khan, Ikhwan
2. Mir Zaman, Ikhwan
3. Saddam, Ikhwan

Testimony by the victim's wife, Khati Begum

*Case Information*

Master Muhammad Kamal Sheikh was abducted in October 1995 by Ikhwanis at his home after he had come home offering *Isha* (night) prayers at a nearby mosque. He was having dinner around 9 pm when *Ikhwanis* headed by Bahadur Khan, Mir Zaman and Saddam – all

three were working with Indian Army Camp Wusan – entered his house. His wife Khati recounts that they asked Kamal to accompany them to the house of Bashir Ahmad Wani, a renegade (Ikhwani). They then dragged him barefoot to the *Nallah* Brahmsar, while Khati kept requesting them to leave him but to no avail. All the neighbours, including Ghulam Rasool Sheikh, Ali Muhammad Sheikh, Misri, Shameema, assembled in one house to protest the abduction.

The whole village came out from their houses and went in search of Kamal but they came back home with no information. On the second day of the abduction a local villager, Bilal spotted the dead body of Kamal at *Nallah* Brahmsar. He had been brutally tortured and torture marks were visible on his body. Before the body was spotted, some of the villagers Ghulam Rasool Sheikh, Gani Sheikh, Ali Muhammad Sheikh had approached the Wusan Army Camp to know about the whereabouts of Kamal. There they had met the top *Ikhwani* commander Saddam, a resident of Chattergul. He assured the villagers and his relatives that they would free Kamal but sought INR 800,000 as ransom amount, which the family agreed to pay. However, the Army Brigadier told Kamal's brother, Ghulam Rasool Sheikh to search for his brother in the surrounding areas of the village. The villagers returned disappointed and set out to search for the victim and soon afterwards the victim's bullet-ridden body was found at *Nallah* Brahmsar.

Case 305

**Muhammad Syed Dhobi**

Male

Parentage: Late Ameer-ud-din Dhobi

Residence: Naid Kadal, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

Muhammad Syed had joined JKLF in 1989. He was 24 years old when he was arrested for the first time, and taken to Talab Tilu Interrogation Centre, Jammu. This detention lasted for almost two and a half months. From Talab Tilu, he was transferred to Kathua Jail and then to Nainital Jail, Allahabad, where he was detained for 14 months. Then Muhammad, along with other inmates, was transferred to Satwari Interrogation Centre, Jammu, where they were all tied up and blindfolded. They were detained in Satwari for two and a half months. The interrogators there would beat them with anything they could find. Muhammad does not know what instrument hit his eye, but he has since been lost vision in his left eye. He has had seven surgeries and been shot six times.

In 1992, Muhammad was arrested again and taken to PAPA 2 interrogation centre, Gupkar, Srinagar, where he spent almost ten months. He has seen and survived almost 26 interrogation centres, but PAPA 2 was the worst of them all. In those days, it was the most dangerous place in the entire valley. In PAPA 2, the torture was perpetrated by many Army officers, namely Goyal, Danny, Mal Chand, Vikas, Ghark, and Vishwas. The cell in PAPA 2, which was designed for two to three inmates, was usually filled with ten inmates. Danny and Goyal often made them urinate into a bottle and then make them drink the urine.

The inmates were allowed to go to the toilet once every 24 hours, and many of them had started taking food and medicine to induce constipation. It was a very harsh treatment for all of them. When an inmate had to go to the bathroom more than once in 24 hours, two inmates from the group would hold a blanket on each side and the one who had to urinate did so in a polythene bag behind the blanket. Surprisingly, there was only one bathroom for 365 inmates. Muhammad had never seen this kind of Interrogation Centre in his life and it continues to instil fear in him. The normal procedure at the torture centre was to fully undress every inmate before his torture would begin. Stripping a man in front of other people was a form of humiliation in itself. After undressing every inmate in front of the officers, the officers would then tie the inmates' hands behind their backs. After that, they would give electric shocks, mainly to the inmates' private parts. After electric shocks, a roller was rolled over their legs, making the victims completely broken and weak.

Muhammad was tortured in many interrogation centres, such as JIC Sonwar, Mamta Hotel, Kehkashan Hotel, Karan Nagar, Nowshehra (near mill), Nowhatta, and Kawdara. In Nowhatta, it was Kalia who tortured him while in Kawdara, Peter tortured him. Every interrogation center mentioned above is located in the Srinagar District. This continued until 1997, right after Muhammad was released from Central Jail, Srinagar the same year.

Due to the torture inflicted on him, Muhammad has developed many health complications, including a constant back ache. He has lost sight in his left eye in an interrogation centre, without which he feels worthless. After losing his left eye, his right eye also started to slowly lose its vision. Muhammad used to weave and sell carpets, but without his eyesight, he is unable to work. Following his arrest, his economic condition worsened.

Muhammad and his family are now dependent on donations from people. They get help from neighbours and relatives.

Case 306

**Muhammad Yasin Malik**

Male/ Chairman, JKLF

Parentage: Ghulam Qadir Malik

Residence: Maisuma, Srinagar

Alleged Perpetrators/Agency:

*Case Information*

In 1986, at the age of 20, Muhammad Yasin Malik and some other students used to initiate protests and publish posters showing a map of Independent Kashmir. Due to the circulations of these posters and protests, he was arrested by the police, who took him to Red 16 Interrogation Centre, located in the Sonwar area. Yasin Malik did not know where he was being taken, and once there, when he tried to go to the washroom, they blindfolded him. The torture began with abusive language and would include beatings and provided unhygienic food and contaminated water. He was also never allowed to sleep, which caused sleep deprivation issues. He was kept in Red 16 Interrogation Centre for 16 days and then transferred to a police lockup for three months.

The Islamic Students' League (ISL) was formed in 1986, the same year when Yasin Malik was released. During that period, a political forum, namely Muslim United Front (MUF)

had come into existence, which was a forum of different political, social and religious organizations. However, ISL had stronger base during that period of time. Yasin Malik was the General Secretary of the organization. Because his student organization had the support of the street crowd, the MUF approached them and asked them to become a constituent of their political organization. And ultimately, they did.

In March 1987, there were Assembly Elections in Kashmir and Yasin Malik was representing the student organization of MUF. The organization had a mandate to achieve resolution of Kashmir's Right to Self Determination through elections. They supported MUF and ran their election campaign all over the valley. Thereafter, many members of the student organization were arrested, and he was also arrested under Unlawful Activities Act. He was sent again to Red-16 Interrogation Centre, where he spent 20 days. Due to the torture, unhygienic food, and contaminated water, Yasin Malik developed a serious blood infection and he was transferred to a hospital, where he was treated for a few months. Later on, he was booked under PSA and transferred to Central Jail, Srinagar.

In 1988, they started an armed freedom struggle in Kashmir under the banner of Jammu and Kashmir Liberation Front (JKLF). On August 6, 1990, Yasin Malik was arrested as the Commander-in-Chief of JKLF. He was arrested in a house in the Barzulla area of Srinagar District. During incarceration his hands and legs were tied up, after which the forces beat him. The scars are still visible on his body after many years. Then he was shifted to Gogoland Interrogation Centre, located near Old Airport, Rangreth, where he was kept for only one day. From Gogoland, he was transferred to PAPA 2 Interrogation Centre, where he spent one night only, and was then transferred to Tihar Jail, Delhi on August 8, 1990.

In Tihar Jail, Muhammad Yasin Malik spent more than six months in a 4x6 cell. The authorities there would take him out of the cell only two times each day. Then in February 1991, he was shifted to Agra Jail, where he was kept for one year with mentally unwell people, who were all kept naked. Malik's health deteriorated and he lost considerable weight, he lost 23 kgs. Due to his deteriorated health, he was therefore transferred to All India Institute of Medical Sciences (AIIMS) in a private plane. The doctors there did an open-heart surgery on him. He stayed in AIIMS for two months for treatment and recovery.

After four years of solitary confinement in Agra Jail and Delhi Jail, Yasin Malik was released in 1994. In 1996, Yasin, along Abdul Gani Lone and Syed Ali Shah Geelani, were in Handwara for an anti-election campaign. He was addressing a gathering of 1200 people, and after few minutes some Army vehicles came, headed by a Major. Yasin Malik was given cover by a few girls in order to hamper his arrest. The Major, along with his other army men, began beating the girls and ultimately took him to their camp situated at Hanga, Handwara. There, he was once again beaten and tortured.

In 1997, Yasin Malik was in Handwara for public address and was talking to some lawyer when an army vehicle pulled up. The personnel in it told him that their CO wanted to see him. He asked them if he was being arrested and they told him he wasn't and that the army CO just wanted to see him. In the meantime, SOG people came and told him that he had been arrested. They took him to their camp. SP Dar was there, with whom Yasin Malik talked about the status of his deteriorating health. The Army persuaded SOG men to hand him over to the Army but SP Dar told them that Yasin Malik's health was not okay. Within no time, the Army had raided the whole SOG camp, and then took him to their camp where he was beaten brutally. Then he was transferred to a hospital for treatment.

Surprisingly, Yasin Malik was never asked questions during his torture. They would only beat and abuse him with any weapon possible. In 1999, he was arrested again and sent to Jodhpur Jail, Rajasthan under PSA detention. He spent one year there.

Yasin Malik's last torture was in 2001. He was arrested from his Srinagar office and taken to a torture centre in the Jammu region. He was kept there for one week, during which he was tortured and due to which he became deaf in his right ear.

Due to the torture inflicted on him, Yasin Malik has developed many health complications. He has developed kidney and heart complications. One of his heart valves has been replaced, and he has undergone 11 surgeries so far.

Until 1994, JKLF was an armed organisation. After announcing unilateral ceasefire in 1994, it became a political organization. Since JKLF declared ceasefire and after Yasin Malik's release in 1994, 600 workers of the party were killed by Army.

His passport has been revoked since 2013.

Case 307

**Mukhtar Ahmad Ganai**

Male/ Transport business

Parentage: Muhammad Maqbool Ganai

Residence: Sadrakoot, Balla, Sumbal, Bandipora

Affiliation:

Alleged Perpetrators/Agency:

1. SHO Farooq Ahmad Padder, SOG (Safapora Camp)

*Case Information*

On October 14, 2005, at night, personnel of the SOG raided the house of Mukhtar Ahmad Ganai. SHO Farooq Ahmad Padder was present. The SOG personnel were drunk. Mukhtar Ahmad Ganai was taken to the Manasbal Army Camp and accused of having assisted militants. He was tortured by SHO Farooq Ahmad Padder and another army personal. Mukhtar Ahmad Ganai was electrocuted and parts of his body were burnt.

Following this night of torture, Mukhtar Ahmad Ganai admitted to assisting militants and stated that he had a gun. Mukhtar Ahmad Ganai only confessed as he hoped to be allowed to meet with his family. The Commanding Officer then released Mukhtar Ahmad Ganai, who had thus far been hung upside down.

In addition to the torture, the SOG personnel stole INR 1040 from Mukhtar Ahmad Ganai. Following his release, Mukhtar Ahmad Ganai was hospitalized for three and a half months and spent around Rs. 200,000 on his treatment.

Case 308

**Mumtaz Ahmad Dar**

Male/ Carpet

Parentage: Mohammad Maqbool Dar



Residence: Tulmulla, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Captain Qadir Khan, BSF

Testimony by the victim's mother, Jahan Begum

### *Case Information*

On July 2, 1992, the village in Ganderbal where Mumtaz lived was cordoned by the BSF headed by Captain Qadir Khan. All the villagers were asked to assemble in Tulmulla Chowk. Zia Malla, a BSF Informer identified the 24-year-old Mumtaz along with a few others as militants or as sympathizers of militants. The BSF arrested around 24 people, including Abdul Ahad Parray, Rashid Khanday, Farooq Peer, Manzoor Ahmad Bhat and Jahan Begum's son, Mumtaz. She claims that her son had no affiliations to any militant groups or political parties. He was the sole bread earner of the family. The victim was killed, with three other boys, in custody of BSF Captain Qadir Khan stationed at Kheer Bhawani.

Case 309

### **Mushtaq Ahmad Beigh**

Male/ Businessman

Parentage: Ghulam Mohammad Beigh

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army
2. Major Gill, Rashtriya Rifles, Army

### *Case Information*

Mushtaq Ahmad crossed the LoC for arms training in 1990 and returned in 1991. After remaining active for about three years with the Hizbul Mujahideen militant outfit, he was arrested in 1994 by the 26 Punjab Regiment, after which he spent several months in various military camps and jails where, he claims, he was tortured.

Ahmad was arrested by the 26 Punjab Regiment from a rented house in Baramulla where he was living with his wife. They had picked up Ahmad's younger brother from his home the day before and tortured him for Ahmad's whereabouts. Ahmad's brother had given them the address of the rented house, and Ahmad was then arrested during a raid. From here, they took Ahmad to Dangerpora Camp, Sopore where he was detained for about two and a half months. During that time, he was brutally tortured, even though he had given his weapon to them the day after his arrest. They started beating him from the moment of his arrest. They first beat him with thick sticks and the butts of their guns. After that, they blindfolded him and dragged him into a vehicle, in which four to five people sat on his back and kicked him.

After reaching the camp, they threw Ahmad into a torture room and stripped him naked. They beat him all over his body with thick leather belts that had sharp spikes on them.

These spikes pierced his flesh and created deep wounds. Ahmad's entire body was bleeding. They later dunked his head several times into water, because of which Ahmad swallowed a lot of water. They suspended him upside down by his feet for about an hour and they beat him and kicked his stomach, due to which he vomited out all the water and blood too. When he was taken down, they applied a heavy wooden roller over his legs, which was pressed down by several people on both sides. The roller broke all his muscles and made him unable to stand. They also applied an electric current to his penis, toes, fingers, and temples. Due to the torture, Ahmad's entire body was aching. At one instant, Ahmad felt that he was going to die. They later put him into a small cell where it was impossible to sit and difficult to breathe for the entire night. The next day, they took him out again for torture. They tortured him again for his weapon; he gave them his weapon (AK-47 rifle and several rounds), but they continued to torture him for two and half months for more weapons and the whereabouts of other militants. They put him into a cell again for seven straight days, and took him out twice a day for torture. During torture, they beat the already-wounded parts of Ahmad's body. They applied a roller over his already wounded legs and applied an electric current to several parts of his body.

From there, Ahmad was transferred to Watlab Camp for 15 days. He was regularly tortured there, even though his body was already covered in wounds. He was usually tortured once a day in the evening, where the same torture methods were applied. A roller was applied everyday over his legs, his head was dunked into a bucket of water several times for two to three minutes at a time, and he was beaten with bamboo sticks. During the night, Ahmad was not allowed to sleep, because the person guarding his room would enter every hour or two during the night and beat him with a whip. From there, Ahmad was transferred to JIC Baramulla, but due to a lack of space, he was taken back to Watlab Camp and released that same day. After he was released, Ahmad did not join the armed struggle again. He started a shop in Handwara. However, he was picked up again by Rashtriya Rifles from his shop and detained for eight days in Langate Camp. During his detention, Ahmad was tortured for allegedly having another weapon. They again applied a roller over his legs, an electric current to his genitals, and beat him continuously for eight days (two to three times daily). They did not allow any of Ahmad's family members to meet him. On the eighth day, an officer named Major Gill informed Ahmad's son-in law to pay him INR 10,000 in exchange for Ahmad's release. Major Gill later released him, after taking the money.

Only one year later, in 1997, Ahmad was picked up again by the same regiment from his shop and detained at Langate Camp for two days. There, he was tortured again for allegedly possessing more weapons. After he was released, Ahmad closed his shop in Handwara, due to which he suffered a heavy financial loss. After his first release, he was asked by the Army to report at Dangerpora Camp and several other camps in the area every week. There, he was not only forced to do laborious work, but was also tortured and mistreated many times. Once, at Dangerpora Camp, he and some other ex-militants were forced to run naked through the village and people were forced to throw stones and spit upon them. Several times, they were forced to crawl on the highway for about a one kilometer stretch, and on the way, passenger vehicles were stopped and passengers were forced to kick and taunt them. At Warpora Camp, he was tortured several times. During the winter, he was forced several times to stand in frozen stream naked for long periods of time. During the time he was active militant, Ahmad's family was also harassed several times. His wife was beaten several times for the whereabouts of Ahmad. Once, her clothes were torn off, but she was luckily rescued by neighbours. Ahmad reported to almost every camp in the area, but for last few months, he has stopped reporting at any camps. The

torture he was subjected to has had an adverse effect on his health. He suffers from constant back pain and cannot stay outside during the winter.

Case 310

**Mushtaq Ahmad Bhat**

Male/ Businessman

Parentage: Ali Mohammad Bhat

Residence: Kachwa Muqam, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 27 Rajput Regiment, Army

*Case Information*

Mushtaq Ahmad went to Pakistan administered Kashmir for arms training in June 1993 and returned after three months of training. After remaining active for about nine months with Muslim Mujahideen, he was arrested by the 27 Rajput Regiment in his own village during a crackdown.

He was picked up with two other companions during an identification parade. From there, he was taken to the Sopore Camp, where he was detained for 21 days. He was then transferred to JIC Baramulla for 11 months and then sent to Baramulla Sub-jail, where he was booked under PSA for 14 months and finally released on bail. After his release, Ahmad had to appear before TADA Court Srinagar for hearings until 2007, when the case was finally dissolved.

Ahmad claims that he was tortured from the moment of his arrest. He was taken into a nearby orchard, where he was beaten, kicked, and his head was dunked into water that had chilli powder mixed into it, which caused him to swallow lot of water. After that, Ahmad's stomach was trampled by several interrogators, which caused the water he had swallowed to come out through his mouth mixed with blood. Ahmad was given electric currents to various body parts with a portable electric machine. He was beaten for a weapon and the whereabouts of his companions.

After that, Ahmad was transferred to Sopore Camp. There, he was tortured thrice daily for hours at a time. During the torture, he was stripped naked and beaten on his soft muscles with leather belts. After that, his hands were tied behind his back and kept suspended from the ceiling for long periods of time, which dislocated his shoulders. A heavy roller was applied over his legs and back every day, which dislocated his knees. An electric current was also applied to various body parts every day. Ahmad was subjected to these torture methods daily. Apart from that, he was frequently put into a small cell, where it was difficult for him to fully extend his legs.

Ahmad was never taken to a doctor or given any medicine, despite his severe wounds. His family was allowed to meet him for once for five minutes during his 21 days there. In jail, Ahmad was not tortured, and his family was allowed to meet him on several occasions. After his release, Ahmad had to report at various camps, where he was forced to do laborious work. These days, he has to report at Watergam Camp every month. He said that he was called at random times by the Army to the camp and harassed on trivial pretexts.

Case 311

**Mushtaq Ahmad Dar (alias Ajmal)**

Male/ Political worker, JKLF

Residence: Batamaloo, Srinagar

Affiliation: Ex-militant

Alleged Perpetrators/Agency:

1. 53 Battalion, BSF

*Case Information*

Mushtaq Dar joined JKLF in 1989, immediately after completing his Bachelor's degree. His main reason for joining was to fight for the right to self-determination. He therefore went across the border to the training camps in Pakistan administered Kashmir, and returned in January 1990. He then went underground for six years, during which time he carried out the activities of JKLF. In 1994, JKLF announced a unilateral ceasefire. Despite this, in November 1996, Mushtaq was picked up during a raid in Barzulla by the 53 Battalion BSF for being a militant. That night, Mushtaq was forced to sit in a tub full of cold water, after which a quilt was thrown on him and electric current was applied over his body. The electric current was particularly concentrated on his hands and the back of his neck. He was repeatedly beaten with sticks and kept with his legs stretched in opposite directions, so that he could not move. He was also handcuffed and cigarettes were put out on him. All this was done in Karan Nagar Camp in Srinagar, where he was kept for three days and tortured for two hours each day.

He was kept handcuffed and blindfolded throughout the night and was bound in such a way that he was unable to stand, sit, or lie down. He was given sub-standard food and no water to bathe. He was kept in that cell for two or three months. He was then transferred to the JIC for more interrogation and torture. There, he was abused a lot mentally and verbally, and still remembers his time there with obvious horror. He was kept there for two or three months before being transferred again.

Mushtaq was transferred to Srinagar Central Jail. Until then, he had had no idea where he was being detained and which area he was in. He was only then allowed a visit by his family. He was able to see his mother for the first time in six months from a distance of 15 or 20 feet. After a year, Mushtaq was transferred to Rangreth Sub-jail, where he was charged under the PSA for two years. This marked the beginning of his long shuffle between various jails.

Two years after his release, he was re-arrested and transferred to Jammu Central Jail under the PSA for two years. He was arrested again at the end of those two years, and sent to Hiranagar Sub-jail, where he was kept in solitary confinement. On January 19, 2005, Mushtaq was finally released. His release was accordant to procedures under the PSA. Mushtaq's counsel pleaded his case, and the High Court granted his release.

After his release, Mushtaq made his way to SKIMS, Soura for treatment. He suffers from irritable bowel syndrome, stress, and anxiety. His family has also been tortured as a result of his association with militancy. Mushtaq's brothers have also been picked up by various authorities.

Case 312

**Mushtaq Ahmad Malik**

Male/ Labourer, Farmer

Residence: Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Sometime in August 2001, between 5:30 and 6:00 pm, there was a mine blast in the quarries. As a result, there was a crackdown in the area and the Army took everyone out of their homes and fields to a place where they were all beaten. Mushtaq was taken to the road and made to travel to Baramulla on foot. At 8 pm, he reached Odura Camp where the Army men stood in a line. All those who had been picked up were kept between the Army men and beaten from both sides. At night, Mushtaq was beaten very badly, especially on his head and arms three times with sticks. He was questioned about the mine, because the Army wanted to know who had kept it there and why.

400 people were beaten that day, and the next day Mushtaq was taken to the field. There was an identification parade, during which he was not identified. He was then released, and went to the doctor to treat the wound in his head. In the winter, his body still hurts.

One month later, there was another crackdown in the area, during which the Army took everyone to one place and kept the men separate from the women. Mushtaq was kept there for one day. He was taken to a house for interrogation, where he was hung upside down and beaten on the legs. He was slapped and asked who the militants in the village were. This began at 8 am and Mushtaq was released at 6 pm. During each following crackdown, he was beaten.

He was treated and had to pay INR 1000 for treatment. Every winter, he suffers from aches and pains. He also suffers from problems in his legs, especially during work. He has not filed a complaint, and says that the whole village faces problems during crackdowns.

Case 313

**Mushtaq Ahmad Mir**

Male/ Government employee, Jammu & Kashmir Police

Parentage: Mohammad Majnoo Mir

Residence: Sheikh Pora, Rafiabad, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Bhaderwah, Army (Chanam Camp)
2. Khurshid Khan, Ikhwan

*Case Information*

In May 1998, Mushtaq was called to the Chanam Camp by the army. He was called at about 7 am, through *Numberdar* Abdul Khaliq. In the camp, the victim was told by an

officer known as Major Bhaderwah that he used to provide shelter and food to the militants and was asked to share the information of hideouts of the militants. The victim answered that he had seen the militants passing through their village but had never been with them and had not provided food or shelter to them.

The Major told the victim to help him catch militants but the victim refused, and after that, he was beaten ruthlessly by a few army personnel with sticks. An *Ikhwan* named Khurshid Khan of Kingroosa, Baramulla, who was in the camp, also beat the victim. He too asked the victim about the militants. The family of the victim approached the camp to ask for his release but they were not allowed to enter the camp. The victim was beaten on and off throughout the day. At around 7 pm, two other boys Mohammad Rustam Mir (son of Razaq Mir) and Bashir Ahmad Mir (son of Aziz Mir), both residents of Sheikhpura, were brought to the camp. They too were asked about the militants and were beaten.

In the night at about 2 am, the victim was referred to Watergam camp. In the morning, at around 5 am, he was taken to the room of the Commanding Officer. The Commanding Officer (not identified) alleged that the victim used to be with a militant Mubarak Shah and that he was close to him. Mubarak was a militant from the same village. The victim denied this. After that he was tortured –he was made to overdrink water and his head was put under a tub of water for almost 10-15 minutes. A roller was rolled over his thighs for around 20 minutes. The victim was stripped naked and wires were connected to his toes, private parts and chest to give him electric shocks. This was done to him for 10-15 minutes. The victim was tortured for the first day in the camp. He was released after seven days but was ordered to appear in the camp every day. On the seventh day, *Numberdar* Abdul Khaliq was called to the camp and the victim was handed over to him.

The victim obeyed the order and appeared in the camp daily in the morning. But the victim was detained there till evening. This continued for one month. After that, the victim was called to the camp only when any militant action took place. Then the victim joined the Jammu & Kashmir Police to get rid of this harassment. After that, the army never harassed him.

Case 314

**Mushtaq Ahmad Najar**

Male

Residence: M.E.T road, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

On October 8, 1993, Mushtaq Ahmed Najar was arrested in Sopore when Army personnel recovered some arms and ammunition from him. Mushtaq believes that he was arrested because he was involved with a militant outfit. Because the forces recovered arms and ammunition, they tortured him so that he would disclose the names of his associates. They also demanded more arms and ammunitions. Mushtaq was beaten ruthlessly for hours with rifles and sticks. They used a six-meter-long iron rod to roll over his legs while two people sat on both sides of the rod until Mushtaq fell unconscious. Then they forced water mixed with chilli powder down his throat so that he would regain consciousness. In addition, the

Indian forces hung Mushtaq from the ceiling for hours at a time. He was also not allowed to sleep for many days.

As a result of torture, Mushtaq's muscles were crushed and his bones were broken. His hands and feet became swollen. He was taken to an Army Hospital, where a doctor prescribed him medicines, but he was not given any of the medication. His relatives were allowed to meet him on every eighth day of his detention, but they were also not permitted to bring him medication. Mushtaq claims that that the main purpose of the torture he was put through is to disable detainees for the rest of their lives. They treat detainees so poorly that even after their release, they are unable to live a normal and healthy life.

Case 315

**Mushtaq Ahmad Pandith**

Male/ Businessman

Parentage: Haji Mohammad Ramzan

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army
2. Major Chatterjee, 9 Gorkha Rifles, Army

*Case Information*

Mushtaq Ahmad joined the Al-Jihad militant outfit in 1992. He was arrested after one year by the 5 Guard Regiment at Warpora village during a raid, when he was identified by another person while attempting to flee the village. Mushtaq claims that he was later tortured at various army camps in which he was detained.

Mushtaq was tortured from the very moment he was arrested. After his arrest, they took him into the high school building in Maidapora, where he was tortured for about three hours. They first stripped him naked and beat him all over his body with bamboo sticks. After that, they dunked his head into water several times for about two to three minutes at a time. This exercise continued for about half an hour. They also applied an electric current to his genitals, fingers, and toes with their portable electric machine. Failing to elicit any information from him, they resorted to more severe methods. They forced Ahmad to sit on a burning kerosene stove, but it extinguished because there was not enough kerosene in it. Unable to find more kerosene, they later lit a candle and put it underneath his genitals. After five to ten seconds, Ahmad agreed to admit to his connection with militancy, so they removed the candle. After this, he confessed that he was a company commander.

They then took him to Degree College Sopore Hostel Camp where he was detained for 21 days. During that time, Ahmad was tortured continuously at least two to three times per day. Upon arrival at the camp, they stripped him naked again and beat him with thick sticks and applied a roller over his legs that was pressed down by several men on both sides. They applied an electric current to his genitals and toes. They also laid him on the floor and with several people sitting on his back; they hit his toes with bamboo, which dislocated his right ankle. During the night, he was put into a trench that was covered with a concrete lid, in which Ahmad found it difficult to breathe. These torture methods were used on him continuously for 21 days.

From here, Ahmad was taken to JIC Baramulla for one year. There, he was not tortured, but he was interrogated several times by the personnel from Intelligence Bureau (IB) there. The main problem there was that about 200 men were kept in a room that was far too small to accommodate them all. They were unable to lean or stretch their legs freely. The room also only had one bathroom, and if they were not able to get a turn to go use it, they would defecate into polythene bags. There, Ahmad was taken to a doctor as well, who gave him some painkillers and ointment to rub over his broken ankle. Ahmad's family members were allowed meet him there after twenty-five days.

From there, he was transferred to Hiranagar Sub-jail for two years awaiting trial. He was not tortured there and was released in 1995 on bail. Ahmad did not join the armed struggle again, but after only six months, he was picked up again by the 9 Gorkha Rifles led by Major Chatterjee. Ahmad was taken to Seelu Camp, where he was detained for eight days and tortured continuously. During the torture, he was beaten and his legs were broken as a result of the heavy roller applied over them. His head was pushed into a bucket of water that had chilli mixed into it on several occasions and was forced to swallow it. They also beat his face with sandal, which damaged his left ear drum. He cannot hear properly out of this ear now. They also kept him naked into a small room for all eight days. When he was released, Ahmad had to report at various camps, where he was forced to do laborious work such as cleaning the campus, cutting grass, and breaking charcoal. They deliberately harass and beat Ahmad on trivial pretexts. Later he only had to report once per month. Due to torture he was subjected to, Ahmad is unable to do much physical work and suffers from chronic back and joint pain.

#### Case 316

##### **Mushtaq Ahmad Parray**

Male/ Shopkeeper

Parentage: Ghulam Ahmad Parray

Residence: Hajin, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

##### *Case Information*

Mushtaq Ahmad claims that he was picked up twice by *Ikhwanis* and subsequently tortured due to a personal grudge. He also claims that he had to pay money to the *Ikhwanis* for each of his releases.

In 1994, Mushtaq was working in a carpet weaving center where he had an altercation with his master over some money. His master had some relationship with *Ikhwanis*, and asked them to pick Mushtaq up. After a few days, he was picked up by *Ikhwanis* from his home, who blindfolded him and took him to another village. Mushtaq was tortured the whole night in someone's house. They removed all of his clothing and beat him with thick shafts and the butts of their guns. Then they dunked his head into water that had chilli powder mixed into it. They also punched his face continuously for half an hour, which caused his face to swell and his eye sight to become weak. They released Mushtaq the next day, but after two months, they picked him up again from the *Darsgah* (Religious School) where he was a teacher. They took him to someone's home again and tortured him the entire night.



They beat him with thick wooden sticks after they removed his clothing. They demanded INR 25, 000 from his family. The next day, they released him after they received the money from his family. After that, Mushtaq could not continue carpet weaving due to his poor eye sight and chronic back pain. He instead started a shop in his village.

Case 317

**Mushtaq Ahmad Sheikh**

Male

Parentage: Abdul Aziz Sheikh

Residence: Garmul, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

*Case Information*

Mushtaq Ahmad Sheikh, a resident of Garmul, Doda has been subjected to torture for more than four occasions by the troops camped in the Doda district. A poultry farmer by profession, the repeated torture has left Mushtaq literally paralysed, with left half of his body in bad condition.

Mushtaq Ahmad was tortured for the first time in the year 1998 in his village Garmul after an encounter had happened in his village. Men, women and children were beaten mercilessly for their alleged support to the militants. He too was picked by the Army personnel and subjected to intense torture by them. At first, they hit him with rifle butts, canes and sticks until he fell unconscious. When he came to, he was taken to a local dispensary, where he was given first aid medicine. Next day the army personnel again came to the village and cordoned it for 15 long days. This time the torture meted out to him was so bad that the left side of his body was paralysed and they made certain that he could not get any medical attention.

He was again picked by the troops in the year 1999 and subjected to torture. The merciless torture left him badly bruised and bed-ridden for fifteen days. He was again picked up by 10 RR from his poultry farm at Doda in the year 2003 and subjected to inhuman torture by troops camped at Doda. After arresting him, they administered third degree torture on him. He was electrocuted, trampled on and beaten with canes. The continuous and repeated torture has rendered him incapable of doing any heavy work. The repeated electrocution has made him physically weak which doesn't permit him to work long hours. His elder brother has been subjected to enforced disappearance for more than seven years now.

Case 318

**Mushtaq Ahmad Wagay**

Male/ Milkman

Parentage: Ghulam Qadir Wagay

Residence: Goriwan, Bijbehara, Anantnag (Islamabad)

Affiliation:

Alleged Perpetrators/Agency:

1. Officer Pillay (Corps of Military Police (CMP), Badami Bagh Cantonment, Srinagar), Army

### *Case Information*

In March 1996, the victim was at his maternal aunt's house at Pathar Masjid, Zainakadal, Srinagar. At about 1 pm, the army from Badami Bagh Cantonment, Srinagar raided the house. The victim's friend Feroz Ahmad, who was the only one aware about the whereabouts of the victim, gave that information. The victim had planned to leave, the next day, for Pakistan, along with family. But his friend informed the army and he was arrested. The house was raided and the victim was taken to the transit camp at Badami Bagh Cantonment, Srinagar.

In the camp the victim was tortured – a roller was applied over his body and a wire was put in the hole of his penis to electrocute him. The opening of a bottle was put in his anus and then it was broken, leaving the broken part behind inside his anus. Then they rolled the roller over it. This torture continued for 15 days and the torture was done for one hour in the morning and one hour in the night.

After 15 days, the victim was shifted to the Old Airport, Rangreth. There too, the victim was tortured at 6 am in the morning and at midnight, and the torture was done for 1-2 hours. The victim was kept in this camp for 15 days and then shifted back to Badami Bagh – at the Interrogation Centre. It was under CMP. When the victim was taken there, on the first day during the interrogation a rod was penetrated through the right leg of the victim. No treatment was provided to him for one month. It was some officer called Pillay who had penetrated the rod and was torturing the victim. The victim was mentally tortured too – he was asked to excrete in five minutes and he exceeded the time limit to clean his body by one minute, so he was made to put his excretion over his body. The time limit for urination was a single minute and if they exceeded this then they had to clean it with their tongue. The army made them bathe with a single jug of water, once in fifteen days. Army officers often came drunk and abused the boys sexually.

This continued on and off for eight months. Then the victim was shifted to JIC Rangreth for 9 months. No torture was done there. After that, he was shifted to Kot Balwal Jail, Jammu for one month and then to Central Jail Srinagar, where the victim was booked under PSA for 36 months. Later, the sentence was curtailed to 18 months in the High Court, where Advocate Ghulam Qadir Bhat fought his case.

After his release, the case was going on in the court and the victim was appearing in the hearings. After winning the case, the victim resumed his normal life.

Case 319

### **Mushtaq Ahmad Wani**

Male

Residence: Doabgah, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Thomson, Army

### *Case Information*

Mushtaq Ahmad Wani was arrested by Major Thomson of the Indian Army in Doabgah. Thomson took Mushtaq first to Watergam Camp, from where he was transferred to various detention centers. At the Watergam camp, they first beat him continuously for hours. They tied him upside down and beat him until he lost consciousness. Later, his head was dunked into a bucket of water over and over again until he regained consciousness. They inserted a petrol pipe in his rectum. The injuries he received during torture were treated with salt and chilli powder.

Mushtaq had been involved with a militant outfit. However, he surrendered before the Army. After one year, he was arrested and the Army demanded arms and ammunition from him. Mushtaq was detained for nearly four years. His family was not allowed to visit him during the first eighteen months, and was told that he was dead. When they demanded his dead body, they were allowed to visit him after eighteen months and after nearly fourth years of detention, his family was allowed to visit for the second time.

As a result of torture, Mushtaq is unable to work properly or live a healthy life. There are more than a thousand visible torture marks on his body. Like many detainees, Mushtaq was never taken to a hospital or given any medicine during his period of detention.

Case 320

### **Mushtaq Ahmed Najar**

Male

Parentage: Abdul Razak Najar

Residence: Chewdara, Beerwah, Budgam

Affiliation: Ex-Militant

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police
2. SOG

Testimony by the victim's mother

### *Case Information*

Mushtaq Ahmad had been to Pakistan for 14 years for militant training. He left Kashmir when he was studying in 9<sup>th</sup> class. After coming back home, he stayed at home for 15-16 days. One day on August 15 he went to Srinagar along with another friend. People were being frisked and checked by army at several places and they were too. Army found a poster and a 5 rupee note of Pakistan from his friend and arrested both of them on the spot near Police Station Sekidafar. They were taken to Police Station Safa Kadal from there. For 15 days, he was constantly tortured. No one knew about his arrest for 15 days till he told a policeman at the Police Station, who belonged to Beerwah area to inform the family about his arrest. After receiving the news of his arrest, his mother and father, who were not able to walk properly, both, went to the police station to meet him. After reaching the police station, they were asked about their son whether he had been to Pakistan, which they obviously refused. After 21 days, an informer informed the police about Mushtaq's training in Pakistan. The police and SOG both started to torture him more intensely. The other boy accepted that both of them were Pakistan trained. They made cuts on Mushtaq's body, his

shoulders, arms, legs and hands. Both the boys finally gave up and gave the police all the weapons that they possessed.

Mushtaq was kept in Safa Kadal Police Station for 2 months. During this time, the family tried everything to get him released. They were asked to pay a sum of INR 150,000. They sold their land and trees to make an amount of INR 150,000 and paid the money to SOG and Army. After that, they started questioning all of the family members about the reason for hiding his identity as a militant. No male member dared to meet him out of the fear of being arrested. So Mushtaq's mother along with another relative went to the Police Station to meet him. After reaching there, the SHO told her that she cannot go home and now she is under police custody as well for possessing and hiding some more weapons that belonged to her son. The SHO even went on saying that the weapon she possessed cannot be carried by less than 3 persons. She kept refuting the allegations saying they came to know about their son's arrival in Kashmir ten days after he had returned, so how were they to know about his weapons. The SHO abused her and threatened her of torture. He told another police man to imprison her but she kept crying and demanded to see her son. They finally took her to see her son and he got furious upon knowing how they had treated her. He told the policemen that he was a militant and not his mother and they cannot treat her like that. She noticed that her son had been brutally tortured. His nails were plucked off completely, his body was wounded all over, they had pierced a hook in his nose, his beard was partially pulled out and he was badly beaten. After a while a policeman came to her asking her to leave. She left the Police Station and went to Batamaloo bus stand, meeting with an accident on the way that left her badly injured. The police took her in an auto to her daughter's house in Bemina. Upon seeing her in that condition and listening to the story, the daughter cried and tried to strangulate herself.

From Bemina she was taken to Barzulla hospital for treatment and then to her home where she remained bed-ridden for fifteen days. After that, she went to the police station along with some female relatives to meet her son. She saw that he was brought out of the torture room and was still in the same condition when she had seen him earlier. He was covered in sweat and beaten very badly. She went again the next day as the police had assured them of his release after taking money but her son told her he was booked under PSA for 2 years and they were to take him to Kot Balwal Jail, Jammu the next day at 7a.m

After 2 years, he was shifted to Central jail, Srinagar for a month. He had a hearing in Budgam court and was granted a release order by the Judge. He was released and taken home. After a month, a search operation was carried out in their area. The army took several boys with them including her son as he had an argument with the army. He was tortured by Shanty Singh from SOG, then they released him but took away his card and told him to take it from Budgam camp. He refused to go to the camp out of the fear of getting arrested again. So he left home for hiding somewhere else from army. But the SOG started raiding their house on a daily basis sometimes 6-7 times in a single day. They broke everything and harassed the family to an extent that they had to go to Tangmarg to hide from the SOG. They stayed there for a month but their son didn't visit them. After a month they shifted to Maidanpora, Srinagar where their son lived with them for two months and went to work from there until one day at 1 am when the army and SOG along with Shanty Singh from Magam camp came to raid their house in Srinagar. Mushtaq was dragged down the stairs by the army from the second storey of the house. They also started dragging his younger brother Parvaiz who was physically handicapped and had plate joiners fixed at the

joints. Their father was beaten and slapped several times by the army. Both the sons were taken to Police Station Safa Kadal.

At the Police Station, Mushtaq asked the army not to arrest his brother as he was not guilty of anything; instead both were very beaten badly. Parvaiz was released but he was not able to walk, so some boys helped him reach home. Mushtaq was taken to the Magam Army camp. So his mother went to meet him along with the MLA Khaliq Mir and her husband but they claimed he was not there and eventually asked them to come after three days. They also arrested Mushtaq's cousin accusing him of having helped the family find a place to live in Srinagar. After 3 days when they went to the camp, they were asked to come back after 15 days. When they did, they saw he was in a very bad condition. He was tortured so badly that he was not able to talk to his family. His bones were fractured. He was not even able to sit properly. After 21 days he was shifted to Police Station Magam where he was kept for another 15 days and then shifted to Hari Niwas and the family was not even informed about this. When they went to the camp, they came to know of it from a policeman on condition of anonymity.

They went to Hari Niwas to meet him and were told to come next Wednesday but not allowed to meet him even then. After 12 days, they finally met him only to see he was not even able to talk. He was kept there for a month. His mother went to Tangmarg to meet a boy who worked with SSP Ashiq Bukhari, and then along with him went to meet the SSP and begged him to release her son for he was the only one they could rely upon and the lone bread earner of the family as the other son was handicapped and husband very ill. The SSP promised to shift her son back to Magam Police Station where he was kept for another month. During this month, she went to the Police Station every day begging the SHO to release her son but he did not. Her husband along with another relative got the release order but they refused to release him even after that for a long time.

When he was ultimately released, he got married after sometime and had a child later. He lived in Tangmarg after that and worked as a carpenter. Everything was going back to normal until one day when suddenly the SOG and police again raided our house in Chewdara in the afternoon. They were asking about Mushtaq and some informer told them about his location and they straightaway went to his workplace and arrested him. He was taken to Magam Police Station. When his mother went there, the SHO assured her that her son would be released the next day. But the following day, she received a call from a relative informing her that her son had been taken to Budgam Police Station from where he was to be taken to Kot Balwal Jail. The next day, she went to Budgam to meet him along with other relatives at 7 am. She was given a false assurance that he would be released after 10-15 days whereas they had filed the Act of 2 years against her son again. She was too poor to go to Kot Balwal Jail but her daughter sold her gold earrings to enable her to visit Kot Balwal Jail. After 2 years he was released for 2 months and then again taken to Kot Balwal Jail for another 2 years. At the end Beerwah police and army took him to the Police Station. They would not let the family meet him and even beat all of them including females; Mushtaq's mother received an injury in her ear which has resulted in decreased hearing. They got him out of the prison while dragging him all the way even though he was sick. He had developed kidney and bladder injuries because of the torture. Then he was shifted to Kot Balwal Jail for another year and then to Police Station Safa Kadal in 2005.

Some days later, there was a bomb blast at the Police Station that left Mushtaq injured. The police took him to the hospital where he lay in coma for a month and all of his face and

body was burnt completely. After a month, when out of coma, he was taken to the Police Station for 2 months and later released. After a month he was able to stand on his legs and walk slightly, then one day he had to go to Srinagar for a hearing and the same day army and police raided their home. Mushtaq's father, a heart patient, was taken from the home to Police Station Budgam, but later shifted back as he had become quite ill. The forces kept asking for their son and threatened to blast their home if they didn't bring him. Mushtaq's mother then went to the DC Budgam who assured to protect her son from getting arrested again.

Case 321

**Mushtaq Ahmad Sofi**

Male

Residence: Palpora, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

It was 9:30 pm on a cold evening of January in 2004 when a gypsy threw out a half-dead body on the road on the outskirts of Srinagar at Palpora, before it sped away. The youth remained still for some time presuming he might be shot dead any moment. This was not the first time he was tortured and left alive.

Mushtaq has undergone torture thrice in the past, this time he was sure he wouldn't survive. Apart from the normal caning on his naked body, he was tied to a charpoy and petrol sprinkled on his rectum and a rod was inserted in his rectum causing serious damage to his internal organs. It was on January 4, 2004 when he was picked by a joint team of CRPF and SOG who raided his house at 11:30 pm in the night and whisked him away to some unknown place. Thereafter he was tortured severely for 5 days and thrown at Palpora Qamarwari.

Mushtaq, a resident of Baghdad Colony, Khanyar, admits that he was once a supporter of a Pro-Pak outfit, then upon his release after serving jail term of 5 years, he wanted to live a normal with his family and at present was trying to establish a tailoring trade at his own place. But then he was never left alone and subjected to arrests and torture. Once on 29 March 2003 he was arrested by neighbouring 89 Battalion BSF stationed at Hotel Kahkashan, and kept in custody for 15 days. Then on July 17, 2003 he was arrested by SOG stationed in Air Cargo OSG camp, Srinagar, this time for 6 days.

Though Mushtaq is a free man now, he constantly lives in the fear of a 'nocturnal knock' and the torture that follows. His family has been seriously thinking of migrating to some other safe place.

Case 322

**Muzaffar Ahmed Mirza**

Male/ Teacher

Parentage: Abdul Jabbar

Residence: Tral

Affiliation: Civilian

Alleged Perpetrators/Agency:

### *Case Information*

A surgeon at the Srinagar Medical College described the case of Muzaffar Ahmed Mirza, 35, an Arabic teacher, who died as a result of torture. Muzaffar Ahmed Mirza, 32, was arrested on October 4, 1991, in a crackdown in Tral, a village about four kilometers south of Srinagar. He was beaten and given electric shock to the genitals. After that, an iron rod was inserted into his rectum and pushed through to his chest. He was found by the side of a road and taken to the Medical College hospital the next day in severe pain, coughing up blood and showing signs of peritonitis (inflammation of abdominal cavity). The physicians performed a laparotomy (opening up the abdomen) and a portion of Mirza's rectum was repaired. Shortly afterward Mirza began to have difficulty breathing, and an X-ray of the chest showed a ruptured lung. An aspiration of the chest cavity was positive for bile, indicating that the metal rod had perforated the liver and ruptured the diaphragm. The next day Mirza underwent chest surgery, which revealed a large laceration of the diaphragm and left lung. Within two or three weeks, he died of subsequent internal infection. A PHR examination of the abdominal and chest X-rays of the patient and confirmed the finding of a ruptured lung and signs of bowel perforation.

Mirza was interviewed by several journalists before he died and the case has been widely reported in the international press. The Indian video news program *Eyewitness* also interviewed Mirza, but the edition was censored. A writ petition was filed in the Jammu and Kashmir High Court while Mirza was still alive calling for a judicial inquiry into the allegation of torture. A second petition was filed after his death calling for a judicial inquiry and for the registration of a criminal case against the security personnel responsible for Mirza's death. To Asia Watch and PHR's knowledge, the government has never publicly commented on the incident or prosecuted those responsible for Mirza's death.

Case 323

### **Muzzafar Hussain**

Male

Parentage: Mohammad Ramzan Wani

Residence: Gorhal, Dhar, Doda

Affiliation: Civilian (His brother was a militant)

Alleged perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

### *Case Information*

On January 29, 2004, troops of the 10 Rashtriya Rifles descended on the house of Muzzafar Hussain and started beating him. He was asked to ensure the surrender of his militant brother and also demanded weapons from him. The victim was detained in Udyanpur army camp from the date of his arrest to February 9, 2004. The victim was tortured with sticks, belts, rifle butts, electric currents were also given to his private parts. At the time of the victim's release, he was threatened not to disclose this torture. Later on, Muzzafar was taken to Doda hospital by his relatives for treatment and had to undergo the treatment in the

District Hospital Doda for long time. The victim is now unable to earn his livelihood on account of his injuries.

Case 324

**Feroz Ahmad Hajam**

Male/ Businessman

Parentage: Ghulam Rasool Hajam

Residence: Khreti Iqbalpora, Kokernag, Tehsil Larnoo, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. 19 Rashtriya Rifles, Army

Testimony by the victim's brother, Tariq Ahmad Hajam

*Case Information*

On September 5, 2018, when Feroz was on his way to meet a person who owed him money, he was arrested from Khanabal by SOG personnel (some of them were in civvies) from JIC Khanabal. He was taken to JIC Khanabal and tortured there. He was stripped naked, his hands and feet were tied behind with a rope, he was given roller treatment with 8 men sitting on it to weigh it down, his feet and shoulders were burnt with cigarette butts. He was questioned to reveal the whereabouts of militants. He had a wallet in which he was carrying a pair of gold earrings, bank cheques amounting INR 10,000 & 4,000 and cash of INR 8500, he was wearing a watch worth INR 5500, carrying two mobile phones and keys, all of which were taken by the SOG personnel.

He was made to put on army fatigues in the JIC after which he was shifted to Rashtriya Rifles Camp in Kapran Anantnag at 11 O'clock in the night. From there he was shifted to 19 Rashtriya Rifles Nodura Camp in Anantnag. He was also tortured in this camp and was threatened that he will be killed in an encounter if he doesn't give them the information they were asking for. He was told that if he shares the information, he will be given INR 1 million. SOG personnel were also present in the camp.

The SOG personnel slit his throat from behind when he was in Nodura camp, on September 6, 2018. After slitting his throat, they called an ambulance from district hospital Dooru, Anantnag in which he was taken to Halsidar village. Here he was transferred into a critical care ambulance, which was called from District Hospital, Janglat Mandi, Anantnag. He was taken to district hospital Anantnag from the longer, Qazigund route and not the normal, shorter route through Dooru.

His brother, Tariq, came to know about his condition on September 6, 2018 through a call from CID when Feroz was already in the hospital. When Tariq reached the hospital, Feroz was being operated upon. There were two policemen present in the hospital for Feroz. He was shifted from district hospital, Anantnag to Sher-e-Kashmir Institute of Medical Sciences (SKIMS), Soura from where he was shifted to SMHS hospital, Srinagar. He was admitted in the hospital and was being treated there when this interview was conducted. He had two policemen accompanying him to the hospital initially and later one policeman was kept there who was keeping watch on the visitors all the time.



Feroz's elder brother, Mohammad Ashraf, had gone to Police station Larnoo to file an FIR in the case, but SHO Jasif Ahmad denied and instead told them to get a "written permission" from the SSP Anantnag, Altaf Ahmad Khan. When Ashraf met the SSP with a written application for registering an FIR, he was told that they will not file an FIR in the case but all the cost of the treatment will be taken care of. The SSP told Ashraf that Feroz is involved in some militant activities although Feroz has not been arrested or called to police station before this incident. The family has not even seen any FIR filed against Feroz till date.

Feroz received 25 stitches in his throat and he will not be able to talk again as his vocal cords have been completely damaged.

Case 325

**Naseer Ahmad Khan**

Male/ Glass fitter

Residence: Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Company Commander Srivastava, 2 Rashtriya Rifles, Army

*Case Information*

Naseer Ahmad Khan was a member of Hezbollah, a militant outfit involved in the armed struggle. He was picked up from his shop by the Rashtriya Rifles (2<sup>nd</sup> Grenade), headed by Company Commander Srivastava, on January 21, 1995. Immediately after the arrest, he was taken to Shariefabad camp blindfolded, where he was asked to clean the mud and snow off a tin shed with his hands and chest and was told that he would have to sleep there. He was beaten up for three straight hours, given electric shocks, and told to handover any ammunition and disclose the names of his associates. Khan surrendered an AK-47 rifle. But the torture became more severe after that. Shariefabad was very notorious for torture. The detainees were tortured in a place that also doubled as a slaughterhouse. They were given electric shocks, drowned in water mixed with chilli powder, forced to drink excessive water, and a roller was applied over their bellies to force any water back out of their mouths. They were also forced to drink alcohol and lit cigarettes were put off on their bodies. Their bodies were rubbed with sugar water and then a large rat was put on their bodies to bite them. The detainees were also suspended upside down for hours at a time. Khan was once slapped about one hundred times, which caused his eyes to swell. They were ruthlessly beaten with bamboo sticks until their bodies became red and blood oozed from their wounds. The room where they were tortured had blood stains all over the floor and walls. After being tortured, they were forced to clean the floor with their clothing. For several days at Shariefabad, the men were tortured by a lady while they were completely naked. It was very painful for them. They complained several times and eventually, she was removed.

They asked Khan about an additional weapon, which he did not have. Khan was very often threatened to be killed in a fake encounter. He was lucky enough not to get killed, because 'Operation Tiger' was in vogue those days, under which the Army could kill anybody within the initial 90 days of detention. Immediately after his arrest, Khan's father had filed

an FIR at the Police Station Batamaloo, due to which the Army was forced to admit his arrest. However, Khan was tortured further for this. Once at night, they were forced to unload a truck full of goods during which they were also beaten and kicked. After that, they were forced to drink rum, due to which Khan lost consciousness for three days. Eid passed during that time and he was unable to celebrate it.

Khan's family was allowed to visit him after about two and a half months. Before that, his family would come but they were not allowed to meet him. Khan was kept at Shariefabad camp for about three months, then was transferred to Badami Bagh Cantonment, Srinagar for nine months, then to Hari Niwas for another 9 months, and then to Rangreth camp for eight months, wherefrom he was released.

Just two days after he was released, the Army from a nearby camp raided his house at midnight. They put his parents, brothers, and sisters in one room and tortured him in another until the *azaan* in the morning. Electric currents, rollers, beatings, almost every type of torture were used. Perhaps their purpose was to put pressure on him not to join the armed struggle again.

Khan was never taken to a doctor while he was in jail. Sometimes pain killers were given to them after torture, and once some activists from the Red Cross visited the jail. There was a lady named Nathalina with them who treated Khan like a sister would. She told him that she will send him to Geneva and promised to help him find a job there. But he refused, because he wasn't sure when he would be released and he also needed to care for his parents and sisters. She even visited his shop years after he was released.

Due to the torture he was subjected to during his detention, Khan's knees became non-functional for a long time. He still feels severe pain in his legs sometimes and is unable to walk long distances. The marks of cigarette burns are still on his skin. He often has pain in his stomach and is allergic to many drugs. He always has to consult a doctor before taking any medicine.

Case 326

**Naseer Rasool Saboon**

Male/ Pharmaceutical Distributor

Parentage: Ghulam Rasool Saboon

Residence: Hardshiva, Kar Mohalla. Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

*Case Information*

Naseer was associated with Hizbul Mujahideen (HM). He was arrested by 5 Guard Regiment along with his close associates including Mohammad Ramzan, Ashraf Waza, Ghulam Rasool Dar and Mohammad Ashraf Khan. He was taken to Gunjoo House, Sopore where he was kept for two days. He was shifted to Tappar Camp for 15 days. After 15 days he was shifted to Badami Bagh Cantonment, Srinagar for 10 days, then Sonwar for one month. After this term he was booked under PSA and was shifted to Baramulla Sub-jail.

Naseer was kept naked and upside down. He was beaten with wooden rods, his legs were stretched and his head dunked in the water containing chilli powder.

His father was also tortured so as to extract information about Naseer's whereabouts and his brothers were continuously harassed by the army.

#### Case 327

##### **Nasrullah Khan**<sup>310</sup>

Male/ Labourer

Parentage: Shariefullah Khan

Residence: Kakarpati, Dewar, Lolab, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Nishant, 27 Rashtriya Rifles, Army

#### *Case Information*

On August 31, 2017, Nasrullah Khan from Kupwara was detained by the 27 Rashtriya Rifles in its camp Trehmokh in Lolab in north Kashmir's Kupwara district. Another person, Manzoor Ahmad Khan (25) S/O Ghulam Qadir Khan was also detained along with him. After the protests by the families, Nasrullah was released in morbid conditions, while the custody of Manzoor was denied by the army.

The camp at Trehmokh, Lolab is manned by 27 Rashtriya Rifles. Army has set a norm that if someone has to pass through the camp, he/she has to make entry at the camp gate. That day Manzoor took the identity cards of his uncle and aunt, who were accompanying him and entered into the camp to make the entries. After a while he came out and told his uncle and aunt that it will take him some more time as the Major wants to talk to him. He entered the camp again. Half an hour later with Manzoor still not coming out, his uncle and aunt started worrying about his safety. Meanwhile, two brothers of Nasrullah Khan namely Mohammad Sidiq Khan and Mohammad Shafi Khan also came to the camp. They were looking for their brother.

When the brothers asked Manzoor's uncle and aunt the reason for being outside the camp, Jalal-ud-din (Manzoor's uncle) shared the whole story with them. The brothers told Jalal that they were looking for Nasrullah who had gone with his pony and cattle from his *doka* (shack), which is near the camp. Manzoor's family also has a *doka* in the same location. Nasrullah was going to Trehmokh forests to graze his cattle. He too had to pass through the same camp. At around noon only the pony returned to the *doka* not Nasrullah. The arrival of pony triggered serious worries to the brothers and they went to ascertain the reason why Nasrullah didn't return and how the pony reached the *doka*.

When the brothers heard the story of Jalal-ud-din, they also entered the camp to check the entry of Nasrullah. They found the entry of Nasrullah at 12:10 pm. When the families asked about the duo, they were shocked when the army denied their custody. The families insisted to meet the army officer. They were told to wait as the Major would come out after sometime. A little later, Major Nishant came out only to tell the waiting relatives that they

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<sup>310</sup>Source of the case: The Informative Missive

(Manzoor and Nasrullah) were not in their camp. The officer told the relatives that both had entered the camp and after making the entry they were allowed to go.

The relatives have no reason to believe the Major as Manzoor's relatives themselves saw Manzoor entering the camp twice and never return after entering the camp the second time. When they refused to leave the spot and insisted the Major to produce the duo, the Major admitted the custody of only Nasrullah at 4:30 pm. He also told them Nasrullah would be released after a while. When asked about Manzoor, the Major lied that Manzoor left the camp right after making the entry. The Major accused Nasrullah of providing shelter to the militants. As per Manzoor's family, militants have never passed through the area since 1990s.

By evening, the people of the village had gathered outside the camp. At 8:30 pm, army switched off the lights of the camp and after sometime, the Major came out again and told the family of Nasrullah that they left him in the *doka*. But the reality was that they threw him outside the camp near the back gate. Manzoor's aunt and her husband who were waiting at the back gate of the camp witnessed army throwing Nasrullah outside the camp. They informed the other people who were waiting at the front gate.

They saw Nasrullah in half-dead condition. He had torture marks all over his body. He could not stand on his feet and said he was beaten with a cricket bat. When Nasrullah was asked about Manzoor, he said, Manzoor was kept in another room and he had heard Manzoor's screams while being tortured. After sometime of hearing it, Nasrullah had fallen unconscious and didn't know what the army did to him.

After that Nasrullah was taken to Sogam hospital on the same night and from there was shifted to SKIMS, Soura for advanced treatment. He was treated in Sher-e-Kashmir Institute of Medical Sciences (SKIMS), Srinagar where he was diagnosed with Rhabdomyolysis (a condition in kidneys, which results due to severe muscle injury releasing the contents of muscle cells directly into the bloodstream). He stayed in the hospital for 27 days after which his condition stabilized.

Manzoor Ahmad Khan has disappeared.

#### Case 328

##### **Nazir Ahmad Dar**

Male/ Shopkeeper

Parentage: Ghulam Mohammad Dar

Residence: Hadipora, Rafiabad, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Gorkha Rifles, Army
2. 14 Mahar Regiment, Army
3. 32 Rashtriya Rifles, Army

#### *Case Information*

Nazir Ahmad went to Pakistan administered Kashmir for arms training in 1989 and came back after five months. After remaining active with militancy for five years, he was arrested in 1995 by Gorkha Rifles at Hadipora, when the house in which he and four other

companions were hiding was raided. He was later taken to various army camps where, he claims, he was tortured.

After he was released, he was picked up again several times by various agencies and subsequently tortured. Nazir claims that his torture started from the very moment he was arrested. After he was arrested, they took him into someone's house in the village and beat him for an hour with bamboo sticks and the butts of their guns. After that, Nazir was taken to Tragpora Camp for a day, but he was not tortured there. Then he was taken to Watergam Camp for one month. There, he was continuously tortured there during first five days of detention. On the first day, they first stripped Nazir naked, tied his hands behind him, and applied an electric current to his genitals for fifteen minutes. After that, they dunked his head under water several times for two to three minutes at a time, which forced him to swallow a lot of water. They then forced him to lie on the floor and kicked his stomach to force the water back out through his mouth. They also rolled a five-inch-thick iron rod over his leg, which was pressed down by several interrogators on both sides. They also suspended him upside from the ceiling for hours at a time. These were the regular torture methods he was subjected to during the five days. During that time, he and five other people were put into a small room that had large rats inside it. These rats would bite them regularly while they tried to sleep. They were not even allowed to go to the bathroom, so they would defecate inside the cell. They were given scant, adulterated food which was thrown on the floor of the cell and mostly eaten by rats.

Nazir's family was not allowed to visit him. The same treatment continued for a month. He had grown weak and his wounds had become severe. As his condition was deteriorating, they released him after one month. After that, he did not join the armed struggle again. However, he was ordered by the Army of Hadipora to report to the camp every week. Later, Nazir had to report at other camps in the area as well. He reported at nearly every camp in the area, but stopped in July 2008 after the mass uprising in Kashmir. When reporting, he was always forced to do laborious work in the camp, such as cutting grass, clean drains and bathrooms, and breaking coal. Ex-militants were very often harassed and beaten on trivial pretexts during reporting. Also on Indian Independence and Republic days, they were always called to the camp and often had to stay there during the night to act as human shields for any expected militant attacks on the camp.

In 1997, Nazir was picked up again by the 14 Mahar Regiment from Sopore town. They took him to Hadipora Camp for one night. On that night, he was ruthlessly tortured for three straight hours. They first stripped him fully naked and beat him with bamboo sticks. After that, they gagged his mouth with a cloth and applied a heavy wooden roller over his legs and back. The roller was pressed down by several interrogators on both sides, which crushed his bones and ribs. Every 15 minutes, they applied an electric current to his genitals. After hours of torture, they put a hot iron rod on his back and head in several places. They left him gasping in pain the whole night. The next morning, they beat him severely again for an hour and applied a roller over his legs. They released him later that day. Nazir was admitted to the hospital for several days. He was unable to stand for about a month and could not wear clothing for long time because of the wounds and abrasions all over his body. In those days, the 14 Mahar Regiment picked up every ex-militant in the area one by one and released them after ruthless torture.

In 2002, Nazir was detained again for a day and subsequently tortured by the 32 Rashtriya Rifles at Doabgah Camp, after they called him to report to the camp. There, they tortured

him continuously from 1:00 pm to 5:00 pm and then released him. They first beat him and dunked his head several times into a bucket of water for two to three minutes at a time. After he swallowed a lot of water, they kicked his belly so that he vomited water and blood. Then they put a rod that expelled gas into his mouth and forced him to inhale, which caused him to feel that all his internal organs would either burst or churn out. They did this to him ten times. This was a new kind of torture method that Nazir had not experienced before. After that, they applied a roller over his legs and released him half-dead to his family.

Case 329

**Nazir Ahmad Dar**

Male/ Farmer

Parentage: Ghulam Ahmad Dar

Residence: Gundi Bon, Shahgund, Bandipora

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 18 Battalion, BSF
2. SOG

*Case Information*

Nazir Ahmad did not cross the border for arms training but joined the Al-Barq militant outfit as an upper ground worker in 1990. He remained active for almost four years in Kashmir before he was arrested by 18 Battalion BSF at Nowshera, Srinagar. He was later transferred to various interrogation centers and jails where, he claims, he was tortured.

Ahmad was at his relative's house in Srinagar when it was raided by the BSF. Ahmad was unarmed, so they arrested him and took him to Karan Nagar Srinagar Camp for about six months. During that period, he was taken to PAPA 2 interrogation center every morning for torture and taken back again in the evening. At PAPA 2, he was kept fully naked the whole time and tortured thrice per day. Every day, he was stripped naked and beaten all over his body with bamboo shafts. After that, his legs were pulled apart by several interrogators in opposite directions and stretched to 180 degrees. This torture method was called *Fado*. A heavy wooden roller was applied over his legs, which was pressed down by several interrogators on both sides. A thin steel rod was inserted into his penis every day and an electric current was passed through it. With the incessant usage of this method, Ahmad developed bruises in his urinary tract, which caused blood to pass out with his urine. Apart from these routine methods, he was very often put into a room with two dwarfs called Shunu and Manu, who were working with the Army. They would pluck all the hair out of Ahmad's body with their fingers. They pulled out hair from a major portion of his head and all over his body. After that, Ahmad was taken blind folded and with hands tied into other room, where an interrogator named Danny would punch his face and kick him all over his body. Ahmad could not predict where the punches and kicks would come from because he was blindfolded. Once, he received a punch in the mouth, which broke two of his upper teeth. His mouth was full of blood, but he was not given any treatment. Before being taken back to Karan Nagar Camp, he was beaten again with bamboo sticks and leather belts for about two hours. Ahmad was never taken to a doctor or given any medicine during this time, despite the severity of his wounds. His family was allowed to visit him after two

months at PAPA 2. Before that, his whereabouts had not been revealed this family. They had searched for him in every army camp.

After three months, Ahmad was transferred to PAPA 1 interrogation center, where he was also tortured. He was put into a small room with 30 other detainees and was taken out for torture once a day for two hours. During torture, he was beaten with thick bamboo sticks, a wooden roller was applied over his legs, an electric current was applied to different body parts, and he was sometimes suspended from the ceiling upside down and beaten simultaneously. A jailor named M K Panday sometimes would force the detainees in one room to sing loudly and in the mean time, kick and beat the detainees in another room with a big and thick shaft. The detainees were allowed to go to toilet only once a day, and that too for only five minutes. They were taken to the toilet handcuffed one by one in the morning and were pulled out of the bathroom if they exceeded five minutes inside the toilet. They often had to defecate into polythene bags, which they would later throw out. They were given adulterated and scant food every day – one cup of tea in the morning and a few morsels of rice with dal in the evening was their daily food. There, Ahmad was never taken to a doctor for treatment or provided any medicine. His whole body had turned black due to abrasions and wounds.

After that, he was taken to Kot Balwal Jail, Jammu for one month and then to Hiranagar Sub-jail for fourteen months under PSA. After the end of his jail term at Hiranagar, he was re-arrested at the gate and taken to Kot Balwal Jail for seven months and then to Udampur Jail for twelve months, wherefrom he was released. Ahmad was not tortured in any of the jails. After his release, he was harassed by the *Ikhwanis* to join them. They would come to his home and harass his family members, which forced them to migrate to Srinagar and live in a rental house for four years. Ahmad returned to his village after the chief of the *Ikhwanis* was killed by the militants. After that, he was forced by the army of Hajin Camp to report there every week, and later to other camps in the area. He was very often beaten and forced to work in the camps at the time of reporting.

In November 2007, Ahmad was again picked by the SOG at Baramulla when he was coming out of the mosque. They took him to JIC Baramulla for six days, where he was tortured continuously. On the first day, he was stripped naked and beaten all over his body with bamboo sticks and leather belts. He was also suspended from the ceiling upside down and beaten on the toes and buttocks. They also applied an iron roller over his legs and back. For the next six days, Ahmad was subjected to the same torture methods over and over. They beat him for having an alleged connection with militants. He was released on January 23, 2008. During that time, he was not tortured and was given medicine several times. His family was allowed to visit him every week. The torture he was subjected to has left him incapacitated and he is unable to do any heavy physical work.

Case 330

**Nazir Ahmad Dar**

Male/ Labourer, Farmer

Parentage: Ghulam Qadir Dar

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

### *Case Information*

Nazir Ahmad went to Pakistan administered Kashmir for arms training in 1990 and returned after one year. After remaining active with Al-Jihad militant outfit for about eight years, he was arrested by the 26 Punjab Regiment in Seer Sopore. He spent about one month in various army camps in Kashmir where he was tortured.

Nazir states that when the Army arrested him, he was in a bakery without a weapon. The bakery was then cordoned after the Army received information about Nazir. They told everyone inside the shop to come out, and then proceeded to torture them. They removed all of Nazir's clothing and beat him. They put cigarettes out all over his back and stomach. After that, they dunked his head into water mixed with chilli powder and forced him to swallow it. After he swallowed a lot of water, they forced Nazir to lie on the ground while two people stomped on his stomach, causing him to vomit up water and blood. Then, they put him into a burning oven for about one minute, which burned off all of his body hair. After that, Nazir fell unconscious and was then taken to Dangerpora Camp, Sopore. When he regained consciousness, he was tortured again until midnight. They applied a heavy roller over his legs, beat him, and kicked him. They later beat his face countless times with a sandal, which caused his whole face to swell. He lost consciousness again.

The next day, Nazir was taken to Watlab Camp for about one month. He gave his weapon over to them that day, but they continued to torture him. They put him into a small cell for about eight days. He was taken out only twice a day and that too only for torture. Inside the cell, it was difficult to breathe and impossible to sit properly. They did not even allow him to go to the bathroom during those eight days, so he defecated inside the cell. They also did not give him proper food. During torture, they used every method on Nazir. After the eighth day, they put him into another room and stopped torturing him every day. Nazir was in a poor condition, and close to death. He was not taken to a doctor or given any medicine. After one month, they feared that Nazir would die and decided to release him. That was the first time his family was allowed to see him since he had been detained. After his release, Nazir went through eight months of medication and treatment, because one of his ribs had been fractured and his left eye was operated on.

After that, he was never arrested again, but he had to report at several camps every week for long time. When reporting, he was forced to do laborious work, which he was otherwise unable to do. Several times, he was forced to clean the drains and bathrooms of the camp, clean the premises of camp, and collect garbage in the hem of his shirt. On Indian Republic and Independence days, he had to report one day prior to the camp and spend the whole night there to act as a human shield for any militant attack. The torture Nazir was subjected to has left him unable to work properly to earn his livelihood, as he can't work for more than a few days at a time. If he works for three days straight, he has to recover from it for two days. During the winter, Nazir is unable to stay outside, because his entire body aches as a result of the cold.

Case 331

**Nazir Ahmad Lone**

Male/ Teacher

Parentage: Habibullah Lone



Residence: Hakeem Gund, Ganderbal

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Bashir Khanday, Ikhwan
2. Yousuf Kashu, Ikhwan
3. Farooq Laway, Ikhwan
4. Dy.S.P. Jagtar Singh, SOG

Testimony by the victim's mother, Raja Begum

### *Case Information*

Nazir Ahmad Lone was the only breadwinner of his family. He had no affiliation to any militant outfits but was a sympathizer of *Jamaat-e-Islami*. He worked as a teacher at a private school named Gadura Public School Ganderbal. On that day in January 2001, he had gone to the school as usual but was unwell and had to purchase some household items near the hospital in Ganderbal. He was dragged from the *tonga* by *Ikhwanis* Bashir Khanday, Yousuf Kashu, Shal Boug, Farooq Laway. His mother claims that he was then taken to Police Station Ganderbal and SOG Camp where Dy.S.P. Jagtar Singh tortured him brutally before handing him over to the *Ikhwanis* again. Bashir Khanday killed him at Barosa. He had one bullet wound in his head and several bullet marks on his body.

The family found out about it when the next morning, a policeman from the Police Station Ganderbal was sent to inform them about the killing of Nazir. The whole village protested against the killing.

Case 332

### **Nazir Ahmad Rather**

Male/ Mason

Parentage: Abdul Khaliq Rather

Residence: Wangee Pora, Sumbal, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Dy.S.P. Farooq Reshi, SOG

Testimony by the victim's brother, Javed Ahmad Rather

### *Case Information*

On August 21, 2001, at around 7:00 am, Nazir Ahmad Rather was picked up at Mustafa Abad, HMT, Srinagar by SOG men. Witnesses said that he was working in a house as mason. Nazir was alleged to be working as an upper ground worker with a militant outfit. He had migrated from Sumbal to HMT, Srinagar. As per his brother Javed, the family had been told by some eye-witnesses that Dy.S.P. (SOG) Farooq Reshi arrested Nazir and brutally tortured him. A fake encounter took place in the house of Abdul Gani Lone resident of Hanjura Pattan where Nazir had been tortured and then shot dead, and the house was burnt down by the SOG personnel. On August 24, Nazir's body was received by Police Station Sumbal. There was clear visibility of torture like marks of iron rod, dozens of bullet marks.

Case 333

**Nazir Ahmad Rather**

Male

Parentage: Abdul Ahad Rather

Residence: Rather Mohalla, Hardshiva, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

Nazir Ahmad Rather was associated with the militant outfit JKLF. He crossed over the border in the year 1989 and came back in the year 1990. He remained active in the valley for about 7-8 months. He was detained at Shiva by Keegam Army. His family, including his son, was tortured when he was active. He remained in detention for about two years.

He was kept naked and upside down during the interrogation. He was tortured for about 2-3 hours on a daily basis. He was beaten with wooden rods, his legs were stretched and he was given electric shocks. Roller was rolled on his body and his head dunked into the water containing chilli powder. After the torture, he fell unconscious and when he regained consciousness, he found cuts over his body and he had no idea who did that. He was prevented from offering *Salah*. His family members were not allowed to meet him.

His family condition turned upside down following his torture. It affected him financially as well, as his health deteriorated and his visual capacity was impaired. He is constantly forced to report to the camps whenever any militant activity takes place in the area. He has been denied a passport.

Case 334

**Nazir Ahmad Sheikh**

Male

Parentage: Abdul Jabar Sheikh

Residence: Yahma, Mawar, Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Multani Veer Singh, 14 Dogra Regiment, Army

*Case Information*

On October 31, 1994, Nazir Ahmad Sheikh was picked up on his way to the market by army personnel belonging to the 14 Dogra Regiment. He was accused of being a militant and taken to the camp situated at Qalamabad, Mawar and severely tortured.

After eight days, he was taken to the 14 Dogra Headquarters at Langate. There he was severely tortured for another ten days. Nazir Ahmad Sheikh was taken to the army headquarters at Baramulla for two days and from there to the Badami Bagh Cantonment for ten days for treatment. Nazir Ahmad Sheikh was asked to leave the Badami Bagh

Cantonment. As a result of the torture Nazir Ahmad Sheikh lost both his legs, from the knees down, and four fingers of his left hand.

Nazir Ahmad Sheikh states that the torture was conducted mostly by the Major Multani Veer Singh, who was also responsible for picking him up.

First Information Report (FIR) no. 54/1995 u/s 325 (Grievous hurt) Ranbir Penal Code, 1989 (RPC) was filed at Handwara Police Station on 12 April 1995 by the mother of the victim Khatija Begum. The FIR does not name Major Multani Veer Singh but does refer to 14 Dogra Regiment, Camp Langate, as being responsible for his arrest and torture.

The SHRC was approached on March 31, 2003 and the final decision was issued on June 23, 2003. The SHRC received a report from the Inspector General of Police (IGP), Kashmir. This report confirmed the torture but stated that this was done by “unknown Army personnel”. This report also stated that Nazir Ahmad Sheikh was picked up on October 31, 1994. The SHRC also noted that the investigation was ultimately closed by declaring the perpetrators as untraced as the investigations were unable to identify the persons responsible for the torture of Nazir Ahmad Sheikh. Based on this information, the SHRC recommended INR 225,000 compensation and recommended the Government of Jammu and Kashmir to consider Nazir Ahmad Sheikh for employment for disabled and handicapped persons. In response to a RTI on Home Department Empowered Committee on SHRC recommendations, the Home Department by communication dated 24 March 2014 provided information on other cases, including the instant one. It was taken up in the 8<sup>th</sup> meeting on November 23, 2009 and 1<sup>st</sup> meeting on April 1, 2009. In the first meeting the Home department suggests that the circumstances of the case are unclear and the Superintendent of Police (SP) report before the SHRC and further information from the CID should be sought. But, in the 8<sup>th</sup> meeting it was stated that the requisite and due compensation of INR 75, 000 was already paid. Further, in both, there is a reference to the SHRC order recommending only INR 150, 000. But, in both cases, the reference is to a complaint by another person – Jennifer Y. Gallari of the United States on behalf of the victim and another person.

Nazir Ahmad Sheikh filed a petition before the High Court of Jammu and Kashmir (Original Writ Petition (OWP) 640/2003) for the implementation of the SHRC recommendations minus INR 75,000 which had already been received and an additional INR 100,000 for the non-payment of ex-gratia government relief due. The Deputy Commissioner (DC), Kupwara sought that the petition be dismissed as the SHRC recommendations were not mandatory as INR 75,000 as due had already been paid. On November 12, 2008, the final order was passed. The High Court stated that while INR 225,000 was on the “lower side”, it must be paid to the victim (Rs.75,000 had already been paid by the time of this order).

Nazir Ahmad Sheikh has received INR 225,000 but has not received any employment.

Subsequently, another petition was filed before the High Court (OWP 976/2011) for the completion of the investigations against the alleged perpetrator and for compensation of INR 5,000,000. Notice was issued on August 9, 2011. Superintendent of Police (SP), Handwara responded to the petition on October 14, 2011 and stated that the case was closed by declaring the perpetrators as untraced, as the perpetrators of the crime could not be ascertained.

The Ministry of Defence and the Commanding Officer of the 14 Dogra Regiment submitted joint objections. It was stated that no officer by the name "Major Multani Veer Singh" was ever posted in the 14 Dogra Regiment during the relevant time. The unit itself was present. Further, that the allegations were baseless.

Case 335

**Nazir Ahmed Teli**

Male/ Labourer

Parentage: Ghulam Mohammad Teli

Residence: Duroo, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 9 Gorkha Rifles, Army

*Case Information*

Nazir Ahmed Teli was arrested in July 1994 by 9 Gorkha Rifles, Dangerpora when he was alone in his house at dinner-time. He was taken from Dangerpora camp to Krankshivan army camp. From there he was taken to JIC, then to Baramulla Sub-jail, then to Kralhar camp.

During this time in detention, he was given electric shocks, forced to eat chilli powder and a roller was rolled on his body. The army also set dogs loose on him and directed them to bite him.

Nazir's arrest was also politicized by the army who took videos and then telecasted them to depict a militant surrender. In jail, Nazir also met other militants whose videos had been telecast on TV as well; these were Ajaz Ahmad Sheikh of Sopore, Mushtaq Ahmad of Harwan, Hafizullah Shah of Duroo, Imtiyaz of Panzipora, Abdul Rehman Khan of Putkha, and Mohammad Ashraf of Sopore. The army also registered a case against him in Police Station Sopore and claimed that they recovered 6 grenades from his possession. He claims to have been falsely implicated and the witnesses in the case, who happened to be army personnel and policemen, never showed up and he was finally acquitted.

Nazir was forced to report to the camp, sometimes even thrice a day, and subjected to degrading treatment. Often, he was also made to sweep and do laundry. But since the last one year, he has not received a call from the army or any other security agency.

Case 336

**Nazir Ahmad Wani**

Male

Parentage: Ghulam Hassan Wani

Residence: Beigh Mohalla, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

### *Case Information*

Nazir crossed the LoC in 1991 when he was 18 and stayed there for 2 years. After returning in 1993, he was an active militant for almost 2 and half years. During this time, the army would raid his house repeatedly and torture his family.

In 1996, he was arrested by 5 Guard Regiment and detained for 2 months. In detention, he was beaten with steel rods and his legs were stretched. He was forced to drink water and then given electric shocks in head, shoulders and toes. The duration of the shocks would be 5 to 6 seconds. His body was burned. His body was rolled on by a roller and kept naked. He was physically tortured only on the first day of his detention.

Nazir's mental torture was severe. He was forced to work as an informer and was promised financial security and a good job in the army. Very humiliating comments were made about his and his siblings' character.

He was not given any medical treatment while in jail. His family was allowed to meet him after 20 days of arrest. During detention, he was forced to do work like sweeping, collecting litter, cutting grass, unloading the food items and other groceries from the vehicle.

Case 337

### **Nazir Ahmad Wanie<sup>311</sup>**

Male

Parentage: Khazir Ahmad Wanie

Residence: Maidan Chowgal Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

### *Case Information*

Nazir Ahmad Wanie petitioned in the SHRC about his custodial torture which has rendered him disabled. He was arrested by BSF personnel in 1992 and tortured in custody. The police, in its report submitted in the SHRC stated that "the alleged incident has taken place in the year 1992 and no complaint was filed in the Police Station Handwara by the petitioner."

The witnesses that Nazir Ahmad produced in the SHRC corroborated his claim and stated that the he was arrested by BSF personnel from a shop. He was subsequently placed in custody where he was tortured and inhumanly treated which rendered his left arm disabled. The certificate from the doctor showed that Nazir suffered from, "Intra-cerebral Hemorrhage Rt. Partial Lobe seems to be secondary to aneurysmal rupture."

The SHRC in its judgment stated that, "the petitioner has been rendered disabled permanently by left arm." It further recommended the Jammu and Kashmir Government to pay an ex-gratia relief of INR 50,000 for his custodial torture by BSF in the year 1992.

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<sup>311</sup> Source of the case: SHRC Annual Report

Case 338

**Nazir Ahmad Zarger**

Male/ Shopkeeper

Parentage: Bashir Ahmad Zarger

Residence: Danganpora, Mattan Chowk, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Major Pradhan, Rashtriya Rifles, Army

*Case Information*

In January/February 1993, army from the Rashtriya Rifles Camp cordoned the area around the house of the victim. The victim is not aware of the Rashtriya Rifles battalion. He was taken to the Khanabal Camp, where there was a Major Pradhan. But the one who picked him up was an *Ikhwani* with the army (his face was covered and so the victim could not identify him). During the cordon, he claimed that the victim was a militant, and on that basis, he was picked up and taken to Khanabal Camp.

Major Pradhan was not present during the cordon. The victim only found out about him once he got to the camp. He was kept in the grounds of the camp in the snow, along with 11 other boys who had been picked up on the same day. They were stripped right there and beaten; they were kept on the ground for 2-3 hours. After this, all the 12 boys were kept in a single room. It was hard to adjust for all of them to be in that small room. Then, within the room itself, they were stripped again and their private parts were electrocuted; wooden logs were rolled over their body, and they were beaten too. Their legs were stretched by army personnel. This torture continued regularly for 10 days.

Major Pradhan was the one who was ordering his personnel to torture them. They were tortured many times in his presence and at his orders.

2-3 days into custody, during one torture session, the victim was hit on the head with a spade by an army officer. The blow caused serious injury to his head and brain, which resulted in a permanent stammer. At the time of the blow, he also bled profusely.

After 10-12 days in the camp, the victim, along with a few other boys, was shifted to the Old Airport camp at Rangreth. He was tortured there again, where his legs and abdomen were burnt. They would burn polythene off his body. He was kept there for over 2 months.

In 2008 and 2010, the victim continued to be harassed by the army. They would come to his shop as well as home to keep surveillance over his activities. His neighbours once took him away to another locality to protect him, as they feared that the army might hurt him or kill him. Army personnel would remain near his shop in civilian clothes. In 2010, few army personnel who were outside his house did not allow him to leave his house.

Case 339

**Name withheld**

Female

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

*Case Information*

On April 5, 2000 the victim's house at Bagla, Doda was descended upon by the 8 Rashtriya Rifles troops. They threatened her with dire consequences if she did not give them information about militants. One of the soldiers threatened to shoot her and throw her dead body in a river. One army man dragged her to the kitchen garden with another one covering her mouth with a cloth. They threw her behind the bushes on the ground. One of the army men untied her trousers, pulled them down and raped her in her pregnancy. She was warned of not disclosing it to anyone. She came to know about her husband's death from some local. Later, she also found that her jewellery, two transistors worth thousands of rupees, and 30,000 cash was also looted from her house by the troops.

Case 340

**Niaz Ahmed**

Male/ Government employee, Public Health Engineering Department

Parentage: Syed Siraj-u-Din

Residence: Kalihand, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

*Case Information*

Niaz Ahmed was arrested and tortured several times from 1997 to 2002. He has been tortured at his home, in Arnora camp and inside the watermill in his village by personnel from 8 Rashtriya Rifles. He was beaten with iron rods and rifle butts, electric shocks were given to his different body parts, his body was burnt with live cigarette butts. He was severely beaten in the watermill in his village. He was also forced to spend many nights in the watermill. After continuous torture and harassment by Indian armed forces, he moved out of his village in 2002.

He has developed heart problems and is on continuous medication. He is unable to do any physically hard work and finds it difficult to walk long distances.

Case 341

**Nisar Ahmad Afandi**

Male

Parentage: Haji Ghulam Nabi Afandi

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Officer Dilip Tiwari, 16 Battalion, BSF

*Case Information*

In 1993, a gas cylinder exploded in the Afandi's house. All the family members, including Nisar, received serious burns. Nisar was hospitalized for many days. The day after he was discharged from the hospital, a cordon and search operation was conducted in the Shaheed Gunj area. Nisar and his brother Nasir were among those picked up by the troops. Nisar was released, while Nasir was detained for nine months.

In 1994, Nisar was arrested again by the Battalion 16, BSF and detained for fifteen days. During that time, he was subjected to various forms of torture. In 1996, the BSF conducted another cordon and search operation in the Shaheed Gunj area. Nisar was picked up and taken to Karan Nagar Camp, where BSF officer Dilip Tiwari tortured him for fifteen days, until he was released.

In 2005, the BSF conducted a raid in Nisar's home. They picked him up and tortured him for three days. They took him to the Ganpatyar Temple (which has since been converted into a camp) located in the old town of Habba Kadal. His hands and feet were bound with ropes. He was taken into a room where a magician named Showkat Ali Khan, a few *sadhus*, and some BSF personnel were. The BSF personnel tied him to a cot, and beat his hands and feet. Nisar reiterated that he was not a militant. They gagged his mouth with a piece of cloth and tortured him for about three hours. After that, the cloth was removed and he was forced to drink large quantities of water. He was then beaten, and three people sat on his stomach so that he was forced to vomit all the water up. Then he was forced to drink more water until he lost consciousness. They then put him alone in a room for the night.

The next morning, a few BSF personnel made him walk for about ten minutes to a nearby camp. There, he was handcuffed and blindfolded. The commanding officer asked him a few questions regarding his family, background, and education. During this, a few soldiers kept slapping and abusing him. When Nisar tried to reply, a bucket of acidic water was poured over his head. Nisar thought it was petrol and feared they would burn him alive. While beating him, some soldiers injected things into him with syringes, which Nisar feared were drugs or HIV. They told him that they had to kill him, and then left the room. The cloth around his eyes loosened a bit, and he saw pictures of the Hindu god Shiva and goddess Parvati hanging on the walls of the room. After a while, some boys entered the room and began speaking with a northern Kashmiri accent. Nisar asked them where he was, and they replied that they had to beat him for working with the BSF. However, they did not beat him and instead talked to him with sympathy.

Nisar was then taken to another place, where his hands were untied. He was asked to eat some food, but refused because he feared that the food contained some poison or drugs. During one of his past detentions, he and other detainees were given contaminated food that caused renal diseases. When he refused to eat, the officers became angry. They bound his hands, cocked their guns at him, and shot empty rounds at Nisar. After that, someone put snakes on his body that were fortunately not poisonous. Then they put electrodes on his feet and teeth, and headgear was fixed on his head. After that, they poured water over his body and applied an electric current. He was given four shocks that each lasted between five and ten seconds. Nisar thought his body would explode. He was unable to walk after, but the personnel dragged him towards a room, propelling him with hot coal. Someone asked Nisar for his final wish. Then they cocked their guns and someone put a knife at his throat. Nisar began to recite the *Kalimah*. Then a phone rang, which saved his life.



Following his arrest, Nisar's family and neighbours demonstrated against the BSF and demanded his immediate release. The protesters were chanting slogans. Delegated people met with police and civil authorities for his release. Protests and *dharna* were conducted outside the DC office. This pressured the authorities into releasing him. After that call, the officers stopped torturing Nisar. They changed their behaviour towards him, and took him out to feel the sunshine. Before releasing him, one officer questioned him regarding his involvement and period of detention. Nisar replied that he felt that he had been there for 15 years. His blindfold was removed. They put him into their vehicle and released him to his family. Upon seeing his condition, his family began screaming. Nisar was rushed to the hospital, where he was kept under medical supervision for sometime.

Case 342

**Noor Mohammad Kalwal**

Male/ Political worker, JKLF

Residence: Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police
2. CRPF

*Case Information*

In 1984/1985, Noor was arrested in S. R. Gunj, Srinagar while distributing pamphlets that advocated the demand for free Kashmir. At that time, he was an active member of the Islamic Student League. He was arrested by the local state police, blindfolded, and taken to the local police station. He was beaten with bare hands, and his legs and hands were bound. Policemen also resorted to batons while interrogating him on his connections with militant groups. He was beaten until his body turned blue with bruises. According to Noor, this went on for two or three days, after which he was transferred to JIC Sonwar. He was also not allowed to sleep for the duration of his incarceration, and was forced to stay standing the entire night.

At the JIC, the torture methods that Noor was subjected to were very similar to the regular beatings with bare hands and usage of batons. This method of torture and interrogation continued for three days of his detention, after which the torture stopped. Noor was kept there for 25 days, after which, due to family and community pressure, the police released him. Noor says that his release could also have to do with the fact that he did not reveal anything to the police. The police warned him to keep away from anti-state activities in the future. No medical treatment was offered to him, but his family was able to visit him only after one day of incarceration.

Noor was picked up again in Soura on June 21, 1989, because he had become a member of JKLF by then. He was performing *namaaz* when he was identified in the mosque by an informer of the Crime Branch of Jammu & Kashmir Police in Srinagar. This time, he was blindfolded and taken to the JIC Srinagar.

There, Noor was beaten by the interrogators who also used batons. They used torches to prevent him from sleeping. He was kept at the camp for ten days, and constantly interrogated about his connections with JKLF and where ammunition was kept. He

admitted to being an active militant with JKLF. Noor was released as a result of a negotiation between the government and JKLF, in which he was exchanged for Rubiya Sayyed, who had been kidnapped by the militant group. This was on December 13, 1989. Noor then went underground, while remaining an active militant until 1991.

He was arrested again on October 8, 1991 by the CRPF. By this time, he had been promoted to deputy chief of JKLF. He was arrested because he had been identified by an informer of the police. This time, he was taken to the Hari Niwas camp. At the camp, his hands and legs were tied up. He was hung upside down and interrogated for hours about his work with JKLF. He was also given electric shocks on his genitals, legs, and hands. This continued for ten days for two hours at a time, after which the police let him rest his sore body. Noor was not given food for days and was prohibited from sleeping. There were also no fixed times to go the toilet, and he was forced to do his toilet business in the cell. Noor was at the camp for one and a half months, after which he was transferred to Kot Balwal Camp.

He and a dozen others were taken blindfolded to the camp in a helicopter and accompanied by officials. Upon reaching Jammu, Noor was kept blindfolded with only a few clothes for three hours in the sun. He was interrogated there by officials, who constantly beat him, but no other torture method was used. Noor was told that because he had never physically participated in the killings of people, the officials went easy on him.

Noor was later arrested under the PSA and transferred to various jails around the state, including Srinagar Jail, Rangreth Jail, and Udhampur Jail. He was released by the government on May 3, 2003, after spending 11 and half years in detention. He was not provided any medical treatment by the state during his stay in the various jails and police stations. Legal services and lawyers were provided by JKLF.

Today, Noor has weak eyesight, heart problems, back problems, and diabetes. He was also arrested again a number of times, as he is still an active member of the JKLF and participates in their propaganda activities.

Case 343

**Noor Mohammad Kathjoo**

Male/ Political worker, JKLF

Residence: Malarata, Bohri Kadal, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

*Case Information*

Bringing up the bitter memories of his arrest and subsequent torture, Noor Mohammad says that he became a part of the freedom struggle in 1980, when he founded a new organisation named 'Al-Maqbool', along with his friends Javeed Mir, Yasin Malik, and Shakeel Bakshi. Noor was first arrested in 1984, when his party burned the posters of Shiekh Abdullah in protest of the ban imposed on the film "The Lion of Deserts". Noor and some friends were kept in Srinagar Central Jail for about fifty days. After his release, he continued being a part of the freedom struggle. However, when the armed struggle began in 1990, he travelled across the border for arms training. He was arrested at the border upon his return.

Noor was in a group of around 40 men, and their guide was an army informer who deliberately took them on a path through an Indian military zone. After some time, the group found themselves cordoned by the army, so they hid themselves in some bushes. The army first asked them to surrender, and when five members of the group stepped forward to surrender, the Army shot them down. After that, they fired indiscriminately on the group. Noor and two of his companions managed to escape from the scene. One of them was injured and Noor himself was also slightly bruised. But while escaping the Army, the three men were arrested on another spot. Before that, they had managed to hide their guns somewhere among the stones. When they were arrested, Noor had INR 40,000 with him, which was taken by one of the Army personnel. They beat Noor and his companions severely, and asked for their weapons. They threatened to kill the three men if they did not give over their guns. Noor had actually forgotten the hiding place of their weapons. While they were being beaten, one of Noor's companions took the Army personnel to another place to retrieve some weapons, only to save himself from torture. Fortunately, there was a weapon there, which the Army then seized.

After that, the men were taken to Macchil village. There, the Army assembled all of the villagers in one place and forced them to spit on Noor and his companions. They were all forced to spit on him about which the villagers felt ashamed. Then the Army took the three men to Zangil Camp in Kupwara for twenty days. There, they were subjected to horrible torture. They kept them in a tiny cell, where eating and defecating were done in close proximity. During the initial few days, Noor and the others would urinate in the containers kept there, and were then forced to drink it. Their hands and feet were kept bound for twenty straight days. They did not give them food on plates, and instead would throw it on floor, from which Noor and the others would lick it up like animals. They also put them in a tin-covered pit for several hours at a time, and lit the cover on fire, which would cause them to suffocate. Everyday, they were beaten with cable wire for hours. They were made to count loudly and endlessly, and if they stopped, they would be beaten even more. This counting was only allowed to stop during eating and urinating. On the way to the urinal, the men would get a thrashing from every Army man they passed, so they tried to avoid urinating altogether. In addition to the other torture methods, they inserted a small rod into Noor's genitals and passed an electric current through it, due to which he suffered from erectile dysfunction for a long time. They also applied a current to his temples, which greatly affected his memory.

Noor was then transferred to Badami Bagh Cantonment, Srinagar, where he was kept for 70 days. There he was also tortured through several dreadful methods. There, they kept Noor naked and asked him various questions regarding his training in Pakistan administered Kashmir and the whereabouts of other militants. Then they transferred him to Kot Balwal Jail for two months, and then finally to Hiranagar Sub-jail for two years, wherefrom he was finally released. It was here that his family members were finally allowed to visit him.

During his jail term, Noor was never taken to a doctor for a medical checkup, which badly affected his health. After his release, he visited several doctors who ran tests, which determined some neurological problems. Noor's doctor advised him not to do any heavy physical work. Noor sold copper utensils before his arrest, but the doctor has forbidden him to return to his job. He suffers from chronic headaches, back, and joint pain. He often feels disoriented. Now, he has joined JKLF as a full time political worker.

Case 344

**Omar Wani**

Male/ Driving Instructor

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF
2. SOG

*Case Information*

On January 1, 1994, Omar was sitting at a tea stall having tea when a BSF vehicle came and picked him up. He was blindfolded and taken to Karan Nagar Interrogation Center. His hands were bound and he was thrown to the floor. He was beaten with *lathis*, and later given electric shocks to his hands, feet and genitals. He was tortured until he fell unconscious. Omar was tortured for three and a half months. After six and a half months of detention, he was beaten again and sent to PAPA 2. There, he was beaten with belts, rollers, and *lathis*. All the inmates were forced to take baths in cold water. They were not allowed to put any clothes on during their detention.

After a while, Omar was sent to the Old Airport Camp. At the camp, there were no toilets separate from the cells. The detainees were forced to urinate and defecate in the same room they were kept in. The smell and unhygienic conditions made their detention more difficult. There was no facility to take a bath in, due to which Omar developed a skin infection and lice in his hair.

Omar was charged under the PSA and labelled as a JKLF militant. He was also charged with possessing a grenade. In 1997, he was released, only to be detained again after a month. This time, it was SOG who had picked him. He was taken to Air Cargo SOG Camp, Srinagar and demanded to surrender his arms and ammunitions. For one and a half months, Omar was kept in the camp. He was regularly tortured for hours. The methods of torture included being suspended from the ceiling, having his hands bound, and being beaten with *lathis*. He was beaten until he began to bleed from various parts of his body, and was given electric shocks to the genitals. After his release, he was hospitalized for a month and a half. Omar remained in his house for three to four months, after which he was taken by the SOG to Air Cargo SOG Camp, Srinagar again. He was tortured for three days. As his condition deteriorated, he was sent to a police station. He was unable to move on his own. After fifteen days, when he had recovered a bit, Omar was taken to SOG Camp, Humhama and beaten with butts of guns for hours. He remained in the camp for three days, after which he was released.

In 1999, Omar was put in jail again during Indian Prime Minister Vajpayee's visit to the state. This time, he was not tortured.

Case 345

**Parvaiz Ahmad Beigh**

Male

Parentage: Ghulam Ahmad Beigh

Residence: Hajam Mohalla, Dangerpora, Sopore, Baramulla

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. 26 Punjab Regiment, Army

### *Case Information*

Parvaiz was tortured 7 times between the years 1992-1994. The BSF and the 26 Punjab Regiment tortured him as his brother was a militant who was captured in 1993 and died in custody. Parvaiz's wife, mother, father, and brother were tortured as well.

In detention, Parvaiz was beaten with a wooden baton and his legs were stretched. He was forced to drink water and given electric shocks. His body was hung upside down and he was offered petrol to drink. An iron roller was rolled on his body, and his head was dunked into chilli water. His body was cut with knives. While in detention, he was asked questions about the number of militants in his locality and their activities.

Parvaiz suffers multiple health problems and is unable to work because of general weakness, which has caused him tremendous financial problems. His marital life has suffered, and he cannot afford the medical expenses of his wife, who was also tortured. He is anxious and feels uneasy whenever there is a knock on the door.

Parvaiz and his family were constantly called by the army and other security agencies to report to camps where he has to do menial labour like light the coal heaters in the camps or remove weeds from the garden.

Case 346

### **Parvaiz Ahmed Shaikh**

Male/ Teacher

Residence: Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Dy.S.P. Geelani, SOG
2. SPO Faiz Ahmad, SOG

### *Case Information*

Parvaiz Ahmed Shaikh is a teacher at the Model Public School, Handwara, Kupwara. During the Amarnath Shrine Controversy in August and September, 2008, he was an active protestor against the government's stand on allocating the land to the Amarnath Shrine Board. On the night of September 1, 2008, at around 2:30 am, Parvaiz claims that he was picked up by the Special Operations Group (SOG). He adds that he was aware that action was going to be taken against him, and therefore took measures to hide himself. Embarrassed by the interrogation faced by his family, Shaikh surrendered himself to the police. He was then escorted to the SOG camp at gunpoint.

He was held by the SOG in the camp for four days, during which he claims to have been tortured for a little more than an hour for two days by Dy.S.P. Geelani and SPO Faiz Ahmed. The SOG tended to torture many people at the same time. The nature of the torture

that he faced included being initially stripped to his underwear and beaten with a baton on his thighs and back until he began to bleed. At that point, he was asked to sit down, but because of his injuries, he was unable to do so. He was beaten again on the back while being restrained on the floor by four people. Then he was taken out and locked up in a cell, where he was offered water, but as it was *Ramazan*, he requested to not be given water. This request was respected by the SOG. On the second day, he was verbally abused, to which he reacted badly and was again beaten in a similar fashion.

After four days in the camp, Shaikh was transferred to Police Station Handwara. He believes that this was basically because his family had pleaded with higher-ups to release him.

In police custody, he was not tortured as such, but the food given to him was not apt for someone observing *Ramazan*. Therefore, he refused to take the food. No medical treatment was provided to him during custody. After four days in police custody, he was granted bail, although a charge sheet was filed against him. After being released, Shaikh got medical treatment at his own expense. He was prescribed medicine for blood clots.

The case lasted for one or one and a half months in front of the first-class magistrate. He went two or three times for his summons. At one hearing, Shaikh was forced to wait outside for two hours. Parvaiz has not filed a complaint anywhere against the government machinery or the people who tortured him.

Case 347

**Parvaiz Ahmed Tantray**

Male/ Teacher

Residence: Handwara, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

On August 28, 2008, Parvaiz was coming back from offering *Namaz* when he heard some sounds coming from the street. He discovered that there was a protest happening, and the Army was firing at the protestors. In this shooting, a few people who were gathered around were injured. Parvaiz and his friend then attempted to take the injured to the hospital nearby.

At the hospital, the SOG discharged tear gas shells into the hospital. This was followed by a *lathi* charge on all the people in the area, during which Parvaiz was beaten. He received head injuries because of this beating.

Immediately afterwards, he was taken to Police Station Handwara with 29 others. He was kept there for four hours. There, his wound was dressed and he was not tortured. At the same time, a case was filed against him under various sections, including 302 – attempt to murder the SP. He was released on bail. After this, he went to the hospital on his own, where his head wound received eight stitches. He claims that the wound still hurts today. Parvaiz says that he cannot see any reason as to why these things would happen to him.

He has never made an attempt to file a complaint. His hearings are still ongoing.

Case 348

**Peer Atta-ullah**

Male/ Political worker, All Parties Hurriyat Conference

Residence: Beligam, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 6 Rashtriya Rifles, Army

*Case Information*

Peer was arrested for the first time by the 6 Rashtriya Rifles on October 26, 2002. He was picked up during a crackdown in Pushwa, Kupwara that seemed to have been planned in order to arrest him. During the identification parade, he was blindfolded, his hands were tied, and he was taken to a camp. First, they began asking him strange and confusing questions about his connection with militants. They accused him of being a launching commander and having a hand in transporting militants to the other side of the LoC. At that time, Peer was an 11<sup>th</sup> grade student studying at Beligam High School. He pleaded his innocence and refused any connection with any such activity. He told them that they could check his attendance at the school. But they did not pay heed to his pleas, and repeatedly told him that his real name was Aadil and that he possessed a satellite phone through which he was in direct contact with people in Pakistan. After this, they started torturing him.

They stripped him completely naked and started to beat him. They applied an electric current to his hands and earlobes, and repeatedly told him that his name was Aadil and he owned a satellite phone. Peer told them that he is innocent and his name is Atta-ullah, but they claimed that it was probably his assumed code name. Then they applied an electric current to his toes and beat him severely. They tied his hands and legs, and one of the *Ikhwani* beat him for nearly three hours. After that, they hung him upside down for about half an hour, which caused him to fall unconscious. When he regained consciousness, Peer found his chin had sustained a severe cut and was bleeding. They tortured him continuously from 6:30 am when he was arrested until 4:00 pm. Then they came again at 9:00 pm and began torturing him again. This time, they had a bucket of water mixed with chilli powder, which they wanted him to drink. When he refused, they forcibly dunked his head into it several times, which caused a lot of water to go into his eyes and nose. This chilli water damaged Peer's eyes badly, the effects of which he still suffers from. They applied a heavy roller over his legs, which dislocated his bones and muscles. Even now, the flesh on his thighs is still separated into two halves and according to his doctors, his nerves have been damaged. Then they made him lie on his stomach and beat him on the back with sticks and applied an electric current to his spine. Then they tied a wire into his penis and applied an electric current to it, which caused him to pass blood with his urine for two months after. They also made him listen to a recorded telephone conversation between two people about transporting people to Pakistan, which Peer said he had never heard before. For that, they beat him again severely.

One day, the SHO of Peer's village who was also his neighbour, came to the camp and told them to release Peer. He stated that he knew Peer well, but they did not listen to him either.

The next day, they took him to a nearby forest along with another detainee, Manzoor Ahmad. One Army personnel admitted that they had a plan to kill them there in a fake encounter, but they changed the plan later on and took them back to the camp after beating them ruthlessly there. They tortured Peer continuously for eight days using the same methods over and over. They didn't give him any medicine for his wounds or even proper food to eat. Peer's daily food was morning and afternoon tea and a *roti* (bread) with vegetables at night. They did not even allow his family to visit him. Once, Peer's father and his neighbours had come to the camp to check on his condition, but the Army instead humiliated them and threw his father's skull cap on the ground. Later on, the Army Major told Peer's father that they had information about his involvement in transporting militants. Peer's father told the major that someone had misinformed him about Peer, because he did not have any connection with a militant organisation.

They then transferred him to JIC Kupwara, where he was tortured again. The interrogators there would ask him about his links with militants and the whereabouts of his weapon. Peer was released from there after three and a half months. However, the vengeance did not end there. He was picked up again only one month after his release by the police. They kept him in the police station for three days and tortured him. Then he was transferred to various interrogation centers for short periods and finally to Kot Balwal Jail, where he was booked under PSA for two years. Peer was not tortured there, but when he was first taken inside the jail, he was stripped naked and humiliated in front of other detainees. Before being released, Peer was sent to JIC Baramulla, where he was kept for seven days and brutally beaten with thick sticks. They were asking him about the whereabouts of militants which he did not know as he was in jail. There, they told him that they would release him only if he was ready to become their informer, which Peer refused. He was kept there for a week and released after a lot of humiliation, which he could not describe.

However, this was not end of Peer's suffering. After a few days, he was called upon to 6 Rashtriya Rifles camp in his village. They kept him in custody, during which they beat him on trivial pretexts. They forcibly trimmed his beard, which used to be long then. Then they transferred him to Baramulla Sub-jail for two months, wherefrom he was released on court orders. However, even after that, the IB and other agencies would come to his home and harass his family members. Unable to bear the harassment anymore, Peer joined the Hurriyat Conference to fight for Kashmir's freedom. After joining Hurriyat, he was arrested several times on different charges. Once, he was arrested and detained for seven days by the police after returning from a protest rally. They beat him severely, kept him on a concrete floor the whole time, and did not allow him to offer *Namaz*. During all these years, Peer was tortured not only physically, but psychologically as well. Even today, various Indian agencies come to his house and harass his family. Once, they came to his home and broke all the windowpanes. Peer started living in Srinagar to avoid further harassment.

The torture that Peer endured for several years has poorly affected his health. He is unable to do many things that other men of his age can easily do. Due to the dreadful torture and lack of medical attention, the doctors tell him that he has developed neurological problems. In his calves, where he was beaten severely, 80 per cent of his nerves are dead. His legs have been reduced to half their width. Today, he needs the support of another person to walk upstairs. Peer has problems urinating due to the electric shocks that were given to his penis. He is young but suffers from many health problems that people usually get in their senior years.



Case 349

**Peerzada Firdous Ahmad**

Male/ Labourer

Parentage: Late Peerzada Ghulam Nabi

Residence: Batagund, Dooru, Verinag, Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

Firdous's brother, Peerzada Farooq Ahmad, was a militant with Hizbul Mujahideen who was killed on January 21, 2001. His other brother, Peerzada Mohammad Ashraf was arrested by SOG (from JIC Khanabal) in 2007 and is still under detention with 13 PSAs slapped on him till date. Initially he was booked under section 302. He was arrested in a case of a grenade blast that happened in Kapran village in Verinag during a health *mela* in which a chief engineer was killed. A boy, Syed Murtaza R/O Nowgam Verinag, was arrested in the case and was released after 2 years. Then, 2 years after the incident in 2007, Mohammad Ashraf was arrested by SOG from JIC Khanabal. He was tortured ruthlessly there with flesh cut off from his thighs. Police named 150 witnesses in the case including Asgar Samoon (then DC Anantnag), Ghulam Ahmad Mir (then R&B minister J&K) and Abdul Majeed Padder (then MLA Noorabad). He is currently lodged in District jail Anantnag. Although he has got bail, he is still in detention. Every time his PSA is quashed, he is booked under a new PSA under new charges without ever being released in all these years. His family is now scared of getting him out on bail because they don't want any new charges framed against him.

Firdous was himself first arrested in 2008 by SOG from JIC Khanabal. There he was put through brutal torture. He was stripped naked, beaten, wooden roller was rolled over his legs which was pressed down by two men on each side, electric shocks were applied to his different body parts including genitals, was hanged from the ceiling upside down. He was verbally abused and threatened that he would be killed in a fake encounter. He was detained in JIC Khanabal for around 2 months without an FIR or without ever being taken to a magistrate.

He was again arrested in 2011 and booked under PSA under 7/25 Arms Act. This time also he was arrested by SOG from JIC Khanabal, which was headed by SSP Ramesh Kumar Jalla at that time. He was tortured badly. He was stripped naked, beaten, roller was rolled over his legs, he was hanged on a plank with his hands tied behind (aeroplane), electric shocks were given to his genitals and other body parts, his armpits were burnt with a lighter. This torture continued for 3 days. During this time, his family was not aware of his whereabouts and he was only taken to a magistrate in the Sessions Court Anantnag on the 4<sup>th</sup> day of his arrest. He was put under police remand for 14 days after which he was shifted to Kot Balwal Jail, Jammu. His PSA was quashed by the J&K High Court and he was released in 2012. He was shifted from Kot Balwal Jail to Police Station Kokernag from where he was shifted to Police Station Dooru who slapped another PSA on him and sent him back to Kot Balwal Jail without releasing him for a single day. The second PSA was also quashed by the J&K High Court and he was finally released in 2014.

The harassment continues to this day. His house has been raided many times after that during which his family members including father, cousins and sister-in-law were beaten. He is still called to the Police Station whenever any incident happens in the area, or some minister or MLA has to visit. His minor nephew, Bilal (12 at that time) was also harassed and questioned by the police. His father finally complained in the SHRC against the harassment and this case has been reported in many local daily newspapers multiple times.

Case 350

**Mohammad Qalander Khatana**

Male

Parentage: Chana Khatana

Residence: Hori Kalaroos, Kupwara

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF
2. SOG

*Case Information*

In 1992, Qalander Khatana was arrested by BSF personnel and taken to their camp in Mori. They accused him of acting as a guide to the militants who crossed the LoC. They tortured him, beat him and hanged him upside down from the ceiling.

During detention, Khatana was transferred to many camps across the state and tortured continuously. He was tortured by BSF and SOG personnel. He was thrown down the hill many times. He was held in solitary confinement. But the worst happened in PAPA 2 torture centre. Flesh was cut from his buttocks and other soft tissues and he was forced to eat it.

He was beaten so ruthlessly that his legs broke. He fell unconscious. When he regained his consciousness, his legs were covered by blood stained pieces of cloth. The fellow detainees had covered his wounds with their shirts.

He was then shifted to Kot Balwal jail, Jammu. He stayed there for about four years. As he was not given any proper medical treatment for his wounds, they got infected with maggots. His legs were finally amputated in Badami Bagh Cantonment, Hospital in Srinagar. He was released in 1996 and got himself proper treatment in Bone and Joint Hospital Barzulla, Srinagar.

Khatana's wife was also tortured. She had been kicked on the chest, which resulted in broken ribs. She died a few years later due to the injuries.

Case 351

**Qari Muhammad Abdullah**

Male

Parentage: Habibullah

Residence: Brisnu, Kothad, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

Qari is a religious preacher who also teaches students. He was first arrested by the Army in 2007 and taken to Panchalthan Camp. There, they gave him electric shocks and burns to the genitals. They heated up a pair of scissors and cut his tongue and then he was made to take medicines. They suspended him upside down, beat him, and subjected him to waterboarding. Qari stayed in the same camp for three months, and after he was released, they still came frequently to beat him or arrest him for a day or two. Whenever crackdown would take place anywhere, the Army would torture him. They asked Qari for books related to Jihad, and burned a lot of his religious books. They even burned the Quran. Then they arrested him for another three months. His religion was ridiculed, and the Quran was crumbled under his feet. These random beatings and arrests continued until 2010. The Army used to throw his beddings and utensils outside. They would mix flour and rice together, along with whatever else they could find in the kitchen, so that Qari and his family would starve for days.

Today, the camp is no longer in the area, so Qari is no longer harassed by the Army. His health has been affected by the stress and torture. He has been taking medicines for his stomach, anxiety, and heart palpitations. He is also impotent, has a slipped disc in his back, and one of his legs remains completely numb.

Case 352

**Raj Mohammad**

Male/ Teacher

Parentage: Late Ghulam Rasool

Residence: Labber Sarak, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG

*Case Information*

Raj Mohammad says that he was arrested and tortured twice; first time in March 1995 and then again in July 2006. He was arrested by Rashtriya Rifles, Regular Army and SOG. He was beaten, stripped naked, electric shocks were given to his body and they even pissed on his body. He was tortured in his own village and at JIC Doda. Due to the torture, he suffers from weak eyesight, weak memory and knee pain.

Case 353

**Rana Shamas-ud-Din Pal**

Male/ Businessman

Parentage: Habib-ul Rehman

Residence: Syed Kareem Mohalla, Baramulla

Affiliation: Militant

**Alleged Perpetrators/Agency:**

1. Officer A.S. Garhwal, 8 Bihar Regiment, Army

*Case Information*

Rana joined the armed struggle in 1989 after receiving training and remained active with the Muslim Janbaz Force until 1994. He was arrested by the 8Bihar Regiment of the Indian Army from his home and was detained in several jails and interrogation centers.

Rana was at home to celebrate Eid with his family. The following night, the Army cordoned his family's home after receiving specific information about him. It was about 4:00 am when they barged in and pulled Rana out. They first put him into the cowshed and began torturing him there. They stripped off his clothing, beat him with belts and bamboo sticks, and dunked his head into water several times for about five minutes at a time. After an hour, they blindfolded him and while kicking him, took him into their vehicle to PDD Camp, Baramulla. There they kept him in a room for the night without food and did not interrogate him. The next day, they began to torture him. First, they stripped him completely naked and beat him on the back. They applied an electric roller over his thighs, which damaged his muscles. They burned his finger nails after putting them over a flame and inserted a hot 10-mm iron rod two inches deep into his body on his left ankle and left shoulder, the scars of which are still visible. For 15 straight days, they beat him severely for his weapon, but he refused to give it to them. They did not give him any medicine, so he spent this time in severe pain.

After 15 days, they transferred Rana to JIC Baramulla, where he was kept with 60 other people in a single hall. The detainees were afraid to talk to each other there, as the Army had kept spies among them. They would take Rana out and beat him with the butts of their guns and bamboo sticks anytime they wanted to. Sometimes, people from intelligence services would come to mentally torture him by asking confusing questions. Rana was given contaminated food, from which he developed severe renal problems. He was never taken to a doctor there. During their weekly visits, his family would give him medicine. Rana was released after one year and nine months.

He still suffers from kidney problems, hypertension, and swelling in his joints. In 1998, he was once beaten by an Army officer named A.S. Garhwal in Baramulla town. He was beating civilians in the market without any provocation. When he approached Rana, he punched him in the mouth after Rana had argued with him, which broke his tooth. A.S. Garhwal later put Rana into a vehicle, kicked him, and they beat him severely with the butts of their guns.

In 2001, Rana was picked up again from his home with three other people and detained in JIC Baramulla. After seven days, they released Rana and the others without asking them anything. This kind of mental torture is what they subjected Rana to in order to keep them under threat

Case 354

**Rashid Malik** (name changed)

Male/ Farmer

Residence: Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

In 1999, Rashid was picked up from his mulberry farm by the Army. His hands were bound, he was stripped naked, and beaten all over the body with the butts of guns. He was then taken to a fellow villager's house, where he was kept for one hour. Ten Army men circled him and threw him at the walls until his head started bleeding and he fainted. Due to the constant pressure from the villagers, he was taken to someone else's house. There, his hands and legs were bound, and his head was dunked in water until he fainted again. After some time, a Major came and apologized to him for mistaking him as a militant. No medical treatment was given and he remained on bed rest for two months. He has not filed a case anywhere against those who tortured him.

Case 355

**Name withheld**

Female

Residence: Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 3 Sikh Regiment, Army
2. 38 Rashtriya Rifles, Army
3. Inspector Jeel Khan, SOG

*Case Information*

The victim is the eldest in the family of two sisters and one brother. Married to one of the local youths, she lived happily, until May 13, 1990 when her father was picked up by 3Sikh Regiment between the check post and fruit forest nursery. The incident took place when he was returning home from his cooperative shop at Boniyar around 6:30-6:45 pm. Eyewitnesses said that some gypsy-borne armed forces personnel in civvies picked him up. Since that day nothing is known of his whereabouts.

Perturbed over the fate of her father, the victim searched for him everywhere in almost all jails throughout India. After long search, she was asked by Dy.S.P. in Kot Balwal Jail as to who she was looking for. The victim replied that she was looking for her father. This infuriated the Dy.S.P. who asked her why she was searching for him, for he had earned quite a lot and she could just spend that money and enjoy her life, instead of wasting her time at the jails. On persistent pleas of the victim, he asked her if she had met her father before and she said no. The Dy.S.P. then went and talked to the S.P. who refused to give her permission to meet her father and said that he was not there. Later she came back to Srinagar and met I.G. police and some ministers. They assured her that they would see to it but nothing happened.

Five years later in 1995, 38 Rashtriya Rifles arrested her. They put her for five days in their custody. During those five days, they tortured her and beat her ruthlessly in which she got a serious head injury for which she was stitched upon in the 38 Rashtriya Rifles dispensary.

Then they handed her over to police station Gantamulla. She asked the SHO Gantamulla, Gul Mir, a resident of Tral, to release her as she was innocent. But he demanded INR 50,000. Unable to pay, she was sent to JIC Baramulla for 14 months. There she was kept in a cell and tortured with electric shocks. Then after 14 months they shifted her to Baramulla Sub-jail under PSA for 24 months.

After 24 months she was released but as soon as she came out of the jail, S.P. Munir Khan re-arrested her. They put her again in JIC Baramulla for three months. During this period, they started torturing her with electric shocks and verbal abuse. After her release 3 months later, she stayed at her maternal home as her husband had deserted her when she got arrested. During her detention, her brother got married and settled separately. Disillusioned with no male support, the victim started her poultry farm. Earlier she had been working in the social welfare department on adhoc basis. But when police arrested her, she lost her job. Cruelly the day she got released coincided with the remarriage of her husband. With all these sufferings she continued to live for her mother and two sisters.

On April 29, 2003 SOG from Air Cargo SOG camp, Srinagar arrested her from Boniyar and took her to Srinagar. Inspector Jeel Khan tortured her and made her nude and started beating her on her legs and thighs. Then after two months, they handed her over to Police Station Boniyar. There they detained her for one month. She was released on June 21, 2003.

For her head injury suffered during torture, she went to Jammu to meet Doctor Sushil Razdan for treatment. But CIK and IB arrested her at Jewel Chowk in Jammu on June 12, 2004. She was taken to JIC Talab Tilu ladies cell and there she was tortured and released after one and a half weeks. Now she received a letter from state home minister, who booked her again on charges of supporting militancy.

She has been booked under FIR 36/2003 under sections 121, 212 RPC, 13 Unlawful Activities Prevention Act. In the FIR, she has been accused of harbouring militants and being involved in unlawful activities. The case has been filed in District Sessions Court Baramulla and she is facing the trial there.

The victim states that she has been persuaded by different intelligence agencies in Uri to work for them, which she has refused. She was even approached to contest the assembly and parliamentary elections held in 2002 and 2004, respectively. The special secretary to the government has issued a notification vide no. home/pros45/2004 dated 26.7.2004 where the government has expressed their satisfaction that the prima facie case has been made up against the accused. Now therefore in the view of power conferred under section (16) under the Unlawful Activities Prevention Act, the government has been given consent for the prosecution.

Case 356

**Rehmatullah**

Male/ Government employee, Public Health Engineering Department

Parentage: Abdul Aziz

Residence: Dhimpa, Dhar, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

*Case Information*

On February 7, 2004, Rehmatullah in connection of his official work went to Doda. He was arrested by 10 Rashtriya Rifles in front of the hospital gate and was taken to JIC Doda. The victim was physically and mentally tortured there. He was alleged to possess illegal weapons and was demanded to surrender the same by the interrogators. The victim denied this allegation persistently. He was given electric shocks, kicked and beaten by electric rods and rifle butts.

On February 8, 2004, Rehmatullah was undressed completely, bundled into an army vehicle and then taken to Udyanpur Army camp where he was tortured again and made to sign some blank papers forcefully. He was later released on February 9, 2004 with the threat of not disclosing it to anyone. An FIR against him was registered by Police at Police Station Doda.

According to the family, one of the interrogators often visits the victim in the hospital and harasses him. So far only one person has been identified by the family as Sunil Kumar of 10 Rashtriya Rifles as the torturer.

Case 357

**Reyaz Ahmad Dar**

Male / Carpenter

Residence: Nawhamam, Sopore, Baramulla

Affiliation: Ex-militant

Alleged Perpetrators/Agency:

1. 27 Rajput Regiment, Army
2. BSF

*Case Information*

Reyaz went to Pakistan administered Kashmir for arms training in February 1991 and returned in 1992 after getting the training there. He remained an active militant for 7 months, working for Al-Jihad militant outfit till August 13, 1993 when he was caught by 27 Rajput Regiment from Krankshivan Colony, Sopore near his native village during crackdown. He along with his group members (around 12 – 13 militants) were arrested from the paddy fields where they had hidden to save themselves from being caught by the army.

After arrest, the personnel tied their hands, blindfolded them and took them to a nearby house where they had already tortured 5-6 militants before. They dunked their heads into large buckets containing water mixed with chilli powder. Then they started beating them with spiky leather belts. Continuous hits and blows were given to them. This continued for three and a half hour. After this, they were again blindfolded and taken to Kreeri Army Camp. They were kept separately there. Reyaz was kept there for 22 days and during this time, he was continuously tortured. He was over and over again asked about his weapon, which he no longer possessed because he had surrendered it already to the Hizbul Mujahideen commander who had threatened him and two of his cousins associated with the

outfit had suggested that he surrender his weapon to the commander. On the third day of his arrest, that is, August 16, his family was allowed to meet him for 15 minutes.

He was brutally tortured in this camp from 10 am to 6-9 pm daily. They dunked his head into water containing chilli powder. They applied electric current to his private and other body parts and applied a roller over his legs and back. He was beaten up with sticks, spades and leather belts for hours together till blood started oozing out from his body. He was given very scarce amount of food during this period because of which his health was deteriorating day by day. Despite this, he wasn't provided any kind of medical treatment. His sores had become septic. He was tortured for the weapons over and over again. Because of unbearable torture, he surrendered his pistol, a grenade and few (20-25) bullets to them, which he had hidden deep into the ground in his native village. However the torture didn't stop, infact it became much more intensified and painful. Now its duration was raised. Earlier electric shocks were given for 2 minutes but now for 3-4 minutes. He was suspended for the whole night in an upside down position with tied hands and feet and beaten up with spades, gun butts, belts, sticks, etc. Applying rollers over his back and legs was a common practice for them.

On the 23<sup>rd</sup> day, he was shifted to Badami Bagh Cantonment, Srinagar where he was kept for one month during which he was regularly tortured. Then he was shifted to Kot Balwal Jail, Jammu. As soon as he reached there, the torture started again. They inserted a piece of cloth into his mouth and put a few drops of water over his gums before applying electric currents over his gums and other body parts. He couldn't even cry out of pain as his mouth was gagged. Each day he had to bear this torture and it continued for about 2 years, the period for which he was under trial.

Then he was shifted to Sangrur jail, Punjab where he was placed for eleven and a half months, brutally tortured and beaten, before being released on parole. After his release, the militants again asked him to join the armed movement but he denied. After 2-3 months of his release, BSF from Sopore Industries Camp again arrested him in May 1997 on the basis of suspicion. He was again tortured. His older injuries and wounds were yet to be healed when he was given new ones. They stripped off his clothes and left him naked, tied his hands and legs and asked him to lie down on the floor on which water was spread and electric currents were applied which left him unconscious. It continued for the whole day from 5 am to 6 pm. He was released at 7 pm as nothing was recovered from him.

Even after that, he had to go to the Sopore BSF Camp for report (*haziri*) where he was harassed on trivial issues and forced to do laborious work like cutting grass, cleaning utensils, cleaning drains, bathrooms, etc. However, it stopped in late 2008 when the previous force was replaced by CRPF.

Case 358

**Reyaz Ahmad Koka**

Male

Parentage: Ghulam Hassan Koka

Residence: Kokagund, Verinag, Anantnag (Islamabad)

Alleged Perpetrators/Agency:

1. Sunil Joshi (J.C.O Intelligence), Army
2. R.S. Chauhaan (J.C.O Intelligence), Army



3. Commanding Officer Inder Singh Negi, 10 Battalion, ITBP
4. Deputy Commandant R. S. Raina, 10 Battalion, ITBP
5. Dr. P.S. Ganjaal, 10 Battalion, ITBP
6. Ajit Kumar, 10 Battalion, ITBP
7. Hakam Singh, 10 Battalion, ITBP

### *Case Information*

Reyaz is the youngest member of the family that includes his elder brothers, elder sister and his parents. This family has suffered all the brutalities at the hands of Indian forces both army as well as police.

It was on October 27, 2001 when the Indian armed forces from 10 Battalion ITBP, Verinag camp picked up the eldest son of the family, Mohammad Ashraf who was 22 years old at that time and was working as a government employee in the Bijbehara court. On this evening, Ashraf was having dinner with his family when suddenly they heard somebody knocking at their door. It was around 7:35 pm Ashraf's father peeped through a window and saw some Indian armed forces. He moved towards the door and enquired who was there. They asked him to open the door as they needed to get some information from him. He opened the door and a few of them entered into the house. One of the forces personnel told them to finish their meals as they wanted to talk. Ashraf's father quickly finished his meals and began to talk to them. They began to ask him whether they had any connection with militants and he clearly denied as they did not. Then they asked him to let them talk to his sons. They asked who Ashraf was and on being shown, asked to take him along as they wanted to search for some people from the village. He requested them to take him along and leave his son but they did not listen and said it was dark and he was too old to be able to see, and assured him that they would return his son once done with the search. The family tried to stop them, followed them, but they did not allow. The family waited the whole night for Ashraf to come back but he did not.

Early in the morning, Ashraf's father went to Police Station Dooru to lodge a FIR against the army men among whom he had recognized a few as Sunil Joshi J.C.O Intelligence, R.S. Chauhan J.C.O Intelligence, R.S. Raina Deputy Commandant-10battalion ITBP, Inder Singh Negi In charge C.O, Dr. P.S. Ganjaal, Ajit Kumar and Hakam Singh. But the policemen did not agree to do so and when he asked them that he wanted to meet the SHO, they refused saying he wasn't there. On leaving, one of the hawaldars told him that the SHO was present but had ordered not to let anyone meet him. After that, he went to the ITBP camp Nadura and asked the army men that he wanted to see his son but they denied him being there. All these years later, the family has been unable to locate their son. During this period, many a times the police and army raided their house and picked up the younger sons of the family. Reyaz, the youngest son, has been picked up 4 times and was once kept in the lock up for the whole night. For the first time, he was picked up by ITBP Nadura camp and tortured for an hour. Next time, it was the police who picked him up and he was interrogated for the whole night. The family has no idea what brought it about.

Reyaz says that he was beaten up with sticks, belts, and canes and gun butts. Kicks, punches and slaps weren't a big deal for them. He was tortured so that the family could not raise voice against the injustice suffered at the hands of security forces. Reyaz suffered many brutalities at the hands of Indian armed persons as a result of which his education was badly affected but they wonder who will compensate for it.

Case 359

**Riaz Ahmed Wani**

Male/ Teacher

Parentage: Ghulam Mustafa Wani

Residence: Barri, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army
2. 11 Rashtriya Rifles, Army
3. SSP Ashkoor Wani and his bodyguard, Jammu & Kashmir Police

*Case Information*

Riaz Ahmed Wani was arrested and tortured multiple times. According to Riaz, he was arrested for the first time on March 5, 1995 by 10 and 11 Rashtriya Rifles and released on March 7, 1995. He was again arrested in 1999 and detained for 3 days. The last time he was arrested was on September 4, 2000 by army and was then handed over by them to JK Police. He was released on September 17, 2000. He was tortured every time he was detained. He was tortured in 1995 in a local village called as Labber, in 1999 at Khellani and in 2000 at JIC Doda.

During detention, he was beaten with sticks on thighs and soles, given electric shocks in his genitals. He was hanged upside down while being simultaneously beaten on his testicles. Dirty water was poured on his face, which went in through his nostrils. He was slapped on ears repeatedly.

When he was beaten on his genitals, he fell down three to four feet away from where he was standing, unconscious. He regained consciousness after some time and the same procedure was repeated for about four hours. While he was being given electric shocks, he thought he was going to die at least three times as he blacked out. At this time, he asked them for water but they responded that he can drink his urine. Finally, he requested them to give him a chance to meet somebody through whom he could send his last words to his parents, wife and children. They told him that they would convey the message that he was dead.

An FIR was registered against him in 2000 but was later withdrawn. In 1996, after his first arrest and subsequent torture, he filed an application against the perpetrator (did not name him) to Chairman National Human Rights Commission of India when he visited district Doda. But the Chairman assured him that no more harm or harassment would be done to him in future. So he withdrew his case but the same was repeated in 1999 and 2000.

He has developed several health problems due to torture. He suffers from general weakness, back problems like disc dislocation, leg aches, frequent pain in his abdomen due to nephrological problems, frequent intestinal infections leading to diarrhoea and clinical depression. He first experienced psychiatric problems when he was arrested in 2000 and was still in police custody. He was referred to Psychiatric hospital, Jammu where he was treated for depression.

Case 360

**Riyaz Ahmad** (name changed)

Male/ Daily wager

Parentage: Ghulam Hassan (changed)

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

Riyaz Ahmad was arrested for the first time in 1997 by the BSF stationed in Saraf Kadal camp on one evening after they frisked him. They found some receipts of *Darsgah* from his pockets and made this an excuse of his arrest. They wanted him to give them information about the names and whereabouts of the militants from his area, which he knew nothing about. He was beaten and electric shocks were given to his genitals for about 2 hours. He was released the same night from there. He was again arrested in 1999 by BSF from Soura (SKIMS) camp. He was stripped naked, beaten with lathis and kicked by more than 10 men at a time; roller was applied on his legs. His mouth was gagged with a cloth and water poured in through nostrils (waterboarding) and simultaneously electric current was applied to his genitals for about 2 hours at a time. He was suspended upside down and his head was drowned in water many times. His legs were stretched to 180 degrees. He was detained there for about a week. From there he was shifted to police station Soura where he was locked up for about 1 month after which he was released on bail.

Then he was again arrested in 2002 by BSF from Karan Nagar camp. He was blindfolded, and beaten; electric shocks were given to his chest, ear lobes and head. After detaining him for about a week, he was shifted to Police Station Lal Bazar. There he was booked under PSA (Arms Act) and shifted to Kot Balwal jail, Jammu. He was in jail for 3 years after which he was released in 2005.

Riyaz had to report in Police Station Lal Bazar on every 15<sup>th</sup> August and 26<sup>th</sup> January till 2007 after which it stopped. He had many health issues after the torture some of which still continue like weak memory, back pain. He got married after he was released from the jail but has no kids.

Case 361

**Riyaz Ahmad Dar**

Male/ Labourer

Parentage: Mohammad Akbar Dar

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

*Case Information*

Riyaz Ahmad went to Pakistan administered Kashmir in 1990 for arms training and returned in 1992. He remained active with Hizbul Mujahideen for about two years and was arrested in 1992 by the 5 Guard Regiment in Seelu village. He was later taken to various army camps and jails where, he claims, he was tortured.

Riyaz was arrested with five companions after the Army cordoned their hide out. They were unarmed. The Army threatened to spray poisonous gas inside the hideout if they did not come out. Riyaz and the others then decided to come out. After they were arrested, they were taken into someone's home, where they were tortured. They took Riyaz into a separate room, stripped him naked, and beat him with bamboo shafts all over the body for nearly an hour. After that, they applied an electric current to his genitals. They later trained their guns on him and fired over his head to threaten him. After that, they took Riyaz to Gunjoo House, Sopore for seven days, where he was continuously tortured. Upon arrival at the camp, they first beat him with bamboo shafts, which caused his whole body to turn black with bruises. After that, they poured water over his body and over the floor on which he was sitting. They applied an electric current to his genitals and other parts of his body. After that, they put Riyaz into a small cell for two days, where he couldn't sit, even though standing on his bruised legs was nearly impossible. He was only taken out once a day for torture, during which he was beaten with thick sticks, an electric current was applied to his various body parts, and a heavy roller was applied over his legs and back. On the third day, they took him out and made their dog chase him. As he could not run, the dog mauled his whole body and tore his clothing. After that, they put him into another room, where he was taken out thrice a day for torture. During the night, he was blindfolded and beaten by the guard with an aluminium rod if he fell asleep. They did not allow him to sleep. For five days, his family was not allowed to visit him and he was kept without food or medicine.

After five days, they transferred Riyaz to JIC Baramulla for eight months. He was taken out of his room for torture once a week. There, he was given some painkillers several times, which helped to relieve his pain to some extent. After that, he was transferred to Kot Balwal Jail, Jammu for nine months and then to Hiranagar Sub-jail for three months. Riyaz was not tortured at any time in these places. From there, he was taken to Baramulla BSF camp for three days, where he was tortured and forced to work in the camp. He was suspended from the ceiling for an hour and simultaneously beaten. After three days, he was taken to the court, which transferred him to Police Lines Baramulla. He was detained there for one month and then released on bail. The case is still ongoing at TADA Court Srinagar, and Riyaz had to go there almost every month for hearing. Once he did not go to the court; he was later arrested by the police and released after five days on bail from the Central Jail.

After his first release, Riyaz did not join the armed struggle again. However, since then he has to report at various camps in the area, where he and other ex-militants were beaten and harassed. They were also forced to work in the camp and on Indian Independence and Republic Days. They were all summoned by the Army and very often kept at the camps during the night to act as human shields against any militant attack. The torture Riyaz was subjected to has had very adverse effects on his health, due to which he is unable to do any physical work anymore.

Case 362

**Riyaz Khan**

Male / Daily wager

Residence: Chaklipura, Anantnag (Islamabad)

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

## 1. Army

### *Case Information*

In 2000, Riyaz's brother became a member of the Harkat-ul-Mujahideen group and as a result, the Army would repeatedly visit the family, asking them for details regarding his brother. Almost every day, Riyaz claims that the Army would visit the house and hurl abuses at them. They also ransacked the house whenever they were informed that his brother had visited the house.

The first instance of Riyaz's torture by the Army was during 2002, but Riyaz does not remember the exact month of the torture. He was picked up by the Army on the pretext that they wanted to ask him information about his brother. He was taken to the Panchalthan Army Camp near his village. He was asked by the Army to become a porter with them and go to Tanghdar in Kupwara. Riyaz was also beaten and verbally abused at the camp.

Riyaz did not want to become a porter with the Army, because he had heard of terrible work conditions. He would also then be dependent on the forces, which scared him. Therefore, Riyaz refused to work with the Army. This angered them further, and they beat him with sticks and batons until his body turned blue. They also used to warn him of the consequences if he did not fulfil their demands. Sensing that this would go on until he submitted, Riyaz hatched a plan to run away from the camp with the aid of another youth, who was also asked to be a porter. Riyaz did not go into the details of the escape from the camp, because he was not comfortable with them. He escaped from the camp after two days of detention and torture. He had gone without food for these two days, and ran to his home, where he hid for a while before going back to his daily routine.

Riyaz was picked up by the Army again after a month and beaten for his escape. This time though, they did not ask for his services. He had been caught in the morning and was beaten with sticks and batons. His hands were also tied behind his back so that he could not move while they were beating him. He was released in the evening after a full day of interrogation and torture.

The third time, he was picked up by the Army from his house. This was in 2003, and this time he was blindfolded before being taken to the camp. He was beaten with hands and wooden planks, and asked if he had any information about the militant hideouts or the place where they kept the ammunition. He was beaten up for the entire day, after which he was put into a cell. His parents had by then already come with the villagers to the camp. Upon hearing their pleas and knowing that Riyaz was unable to give any information, the Army released him.

The fourth time Riyaz was picked up by the Army, he was with his brother. They were blindfolded and taken to the camp. They were first put in a trench and made to do sit ups while naked. They were also hit with the butts of guns and hands, until their bodies turned blue with bruises. They were kept in the camp for two days and continuously beaten. Riyaz believes that they were released because the Army knew that they had no information to give.

There are no official records of Riyaz's detention and no cases filed against him. Riyaz believes that the torture stopped only once his militant brother was killed in an encounter.

Riyaz's body still aches from the wounds he had suffered, and he has trouble doing physical activity, which he cannot avoid in his work. His medical bills have been minimal so far.

Case 363

**Riyaz Parray**

Male

Parentage: Mohammad Abdullah Parray

Residence: Natipora, Srinagar

Affiliation: Ex-Militant

Alleged Perpetrators/Agency:

1. 145 Battalion, BSF

*Case Information*

Riyaz Ahmad was arrested by BSF troops on August 10, 2005 when a man asked him to come out of his Natipora house where he was immediately bundled into a gypsy. After searching for him at the security camps and police stations, the family couldn't establish his whereabouts. He was finally seen at the SMHS Hospital on August 16 after a week-long detention and torture by the 145 Battalion of BSF stationed at Chanapora.

From his hospital bed, Riyaz narrated to his family that they sprinkled petrol on his private parts, thrashed him ruthlessly, pulled out hair of his beard with pliers, gave him electric shocks, burned his body with an iron and finally threw a burning cigarette on him. His thighs and private parts were burning and he cried out for help. But the BSF personnel kept laughing. He fell unconscious and when he woke up, he found himself in the hospital.

Doctors treating him at SMHS told the family that though Riyaz was out of danger, he had developed many complications. He had suffered burns in perineum. It seemed like petrol had been injected into his rectum. Riyaz had developed black bruise marks on arms and his lower abdominal portion showed visible burn injuries. The family said the accused tried to mutilate the medical records. The medical report (Ord. No. 103337) of Bone and Joints Hospital Barzulla, Srinagar where Riyaz was initially brought by the police notes:

*“Allegedly beaten by security forces, extreme burns on lower limbs and Pubic area, muscle pain on body. Brought by Shabir Ahmad, belt No. 4106 of Sadder Police Station.”*

The relatives of Riyaz were surprised to find that someone had tampered with the doctors' remarks on medical ticket No 842734 of SMHS Hospital. While the doctors had clearly copied the earlier remarks from Bone and Joints Hospital, someone had replaced “allegedly beaten by security forces” with “allegedly beaten by someone”. The mutation is clear from the comparison of the two tickets.

When people thronged the ward 18 at SMHS to check on Riyaz, the police sealed the entry of the ward and did not allow anybody to meet him. The SHO Sadder Police Station was constantly communicating with his senior officers to brief them about the situation. The relatives and people who had gathered in large number offered stiff resistance when the police told them that Riyaz would be shifted to Police Control Room (PCR). Police had a

verbal duel with the doctors who refused to discharge Riyaz without the permission of the Registrar. After completing the formalities, a heavy contingent of police escorted Riyaz who was writhing in pain to an ambulance. He was shifted to PCR.

The public relations officer of BSF while refuting the claims of torture said that they had handed Riyaz to the Police in fit condition, and that whatever had happened to him afterward was not their responsibility. Denying the BSF statement, a police officer recounted that, Riyaz was handed over to them by BSF at about 5:30 pm on August 16, and within 5 minutes he was rushed to Bone and Joint Hospital Barzulla for medical examination as he was wounded. From there he was referred to SMHS. The police also said that the BSF personnel had claimed recovery of an AK rifle and 120 rounds from Riyaz's possession, prompting them to register an FIR 194 under Arms Act against him and that he would be produced in the court after recovery.

One of his sisters, Shaheena recounted that he had been "nearly killed" by the Indian armed forces in the nineties when they arrested him. They had broken his ribs and he had to undergo an open heart surgery with 45 stitches. After that he was living a normal life and doing real estate business before being picked up and tortured in 2005.

Case 364

**Name withheld**

Male/ Student

Residence: Poonch

Age: 16

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

The victim was first arrested in 1996 for the first time when he was only 10 years old. His father worked in Saudi Arabia at that time. Therefore, military summoned his uncle the next day to get him released. Instead, his uncle got killed inside the custody and the victim was released within two days.

In 2003, the victim got arrested again when some Hindu priests got killed in Dunduk temple of Rajouri. According to him, it was a staged arrest because local people including Hindus alleged that the military killed them to instigate communal violence. He remained in custody for 33 months and went through severe torture. The family suffered huge economic losses while fighting his case and his father even left his Job in Saudi Arabia. According to his father, he gave all his savings to police so that they stopped torturing him. The victim was brutally tortured for three months in Police Station Poonch. Even though he was a juvenile, he was shown no mercy. He was burnt all over his body with cigarette butts. He was hanged upside down and beaten. He was made to stay in a bent position on his legs for hours till he fainted. The case was finally dismissed due to absence of evidence against the victim.

The victim, his father, cousins and many people in their village have suffered a lot due to forced labour by military.

Case 365

**Rouf Ahmad Rather**

Male/ carpet weaver

Parentage: Mohammad Yousuf Rather

Residence: Hajin, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Ikhwan

*Case Information*

Rouf Ahmad was picked up by *Ikhwanis* in 1995 from his native village and subsequently tortured for his alleged role in a grenade attack on *Ikhwanis* in Hajin.

Rouf states that they picked him from his home in the morning, blindfolded him and took him to someone's house. They stripped him naked and beat him with wooden shafts. They alleged him and his friends of lobbing a grenade at them. They told him that a day before the grenade was thrown; they saw him with his friends in the market discussing something in secret. Rouf told them that they were distributing photographs, which they had taken in Gulmarg a few days prior to the incident. However, they did not believe him. They beat him again and applied a hot iron rod all over his body. He still has marks from it on his body. After that, they tied Rouf to a tree and beat him again with the butts of their guns and punched him in the face at least one hundred times. After that, they laid him on the ground and tried to run him over with the wheel of a house cart. But due to the pleas of several nearby villagers, they stopped. After that, they released him in the evening. He was taken directly to SMHS hospital, Srinagar where he was admitted for about one month. He was wrapped in cotton, as he could not put on clothing for about one month. He was kept in a separate room in the hospital out of fear that he would be arrested again.

Case 366

**Rouf Ahmed Bhat**

Male/ Businessman

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF
2. SOG

*Case Information*

In November 1991, Rouf was picked up for the first time by the Jawahar Nagar CRPF. He believes that he was identified by a school friend who was an ex-militant. He was then taken to PAPA 2, where he was tortured. First, he was blindfolded, his hands and legs were bound with ropes, and he was stripped naked. He was then lifted up with a crane and beaten with batons and bare hands. He was also given electric shocks to his genitals, legs, and ears for two seconds each. This torture lasted for 30 minutes. They asked Rouf about his connection with militancy and weapons. He believes that he was picked up at random and



refused to admit to any connection with militants. For two days, he was continuously tortured, after which he was put into a cell. There, his legs and hands were bound and he was blindfolded. He was in a cell for 17 days, during which he was only allowed to be in his undergarments. He was then made to crawl on stones for two hours everyday, due to which the skin on his hands and legs began to peel off. After 17 days, Rouf was taken to the Jammu Army Airport by a Dakota helicopter. He was then taken to Kot Balwal Jail, Jammu. His clothes were taken off once again and he was hit with iron sticks and bare hands. This torture continued for an hour, after which he was taken to the Kot Balwal Jail. He was kept there for six months and 13 days, after which he was released due to the lack of evidence against him.

He was given no medical treatment in jail, but his family was allowed to visit him after two days in the jail. He had to pay INR 1500 worth of medical expenses, and feels that due to the torture; he was not able to continue his studies.

Rouf was picked up again on April 8, 1996 by the SOG Karan Nagar. He believes that this time, he was caught because he knew a militant. He was taken to the Air Cargo SOG camp, Srinagar. He was told to identify militants out of a line-up, but he claims that he knew no one. Because of this, he was tortured again. He was hit with bare hands and sticks so badly that his left hand was fractured. He was also hung from a ceiling and a stool was placed below him. The stool was removed from time to time so that he nearly suffocated. Electric shocks were also given to his private parts, legs, and ears. This continued for eight hours. Then two officers took Rouf down, after he falsely admitted to having a weapon at his home. He was taken home so that the weapon could be recovered, but because he had lied, he was brought back to the camp again. In the meantime, Rouf's ill mother and other family members were also beaten. He was later transferred to a cell, where throughout the night; he was made to stand so that he would not sleep. On the second day, the torture continued until Rouf fainted. After this, he was woken up by water being thrown in his face. A *Kripan* (knife) was also used on his body to leave marks on his genitals. After he was transferred back to his cell, another inmate gave him an ointment for the marks. Rouf was in the camp for 18 days, after which he was taken to the Police Station Shergarhi. However, upon seeing his physical condition, the police authorities refused to accept him and he was taken back to the camp. His family was then allowed to visit him. Rouf claims that he also witnessed a few encounters as a part of his torture.

After his physical condition improved, he was taken to Police Station Shergarhi again, where he was kept for 13 days. He was charged under the PSA, and taken to Srinagar Central Jail. He was kept there for six months, and then released. This time, he spent INR 50,000 on medical expenses.

In June 1998, Rouf was picked up again by the SOG and this time, he was taken to Baramulla Camp. At the camp, he was put in a 2x5 foot cell with another inmate, so that he would not be able to sleep at night. The torture methods he was subjected to were the same as before, except this time a roller was also applied over his body. After a day of torture, Rouf again falsely admitted to having a weapon at home. Again, he was taken to his home and when they failed to find a weapon, Rouf's family was also beaten. At his residence, his head was dunked into a bucket full of water and he was hit with bare hands. His torture also continued in the camp and by this time, his thumb had been broken and his feet were fractured. He was in the camp for six days. Due to pressure from his family, he was released again, because he had no information to offer.

Rouf again paid about INR 50,000 for medical expenses. He was picked up again after 6 months by the SOG, but was only questioned. Rouf claims that he was tempted to take up arms, because he also had to go to the Army camp every Sunday for four or five months after his release. His hands and legs have also been operated on.

#### Case 367

##### **Rupair Ahmad Rather**

Male

Parentage: Ghulam Mohi-ud-Din Rather

Residence: Kar Mohalla, Hardshiva, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Rishi, 22 Rashtriya Rifles, Army

#### *Case Information*

Rupair was arrested by army headed by Major Rishi of the 22 Rashtriya Rifles from Bomai camp, Sopore on the morning of November 7, 2007 along with Mohammad Shafi Rather. He was taken to Bomai camp and kept there for two days and then to Gunjoo house for one day and handed to Police Station Sopore and kept there for one month, then booked under PSA and sent to Udhampur Jail for 8 months and then to CIK Humhama for 3 months, and finally to Police Station Sopore wherefrom he got released.

He cannot identify the perpetrators who tortured him. He was beaten with iron and wooden rods and his legs were stretched. He was forced to drink excessive water, his body was burned and he was hung upside down. A roller was used on his body, his head was dunked in water and he was kept naked. He was not given any medical assistance; his relatives were allowed to meet him three days after his arrest. He had not been involved in any political or militant activity. Electric shocks were given in his private parts. He suffers from weak memory and constant headaches as a result of the torture.

He had been a student of B.A. second year when he was arrested. After that, he left his studies. The Army tried to implicate him by alleging that he was assisting militants by providing them food and shelter and that they had recovered weapons from his possession, a claim he calls fabricated. After consulting an advocate, he was released but picked up again by the Sopore Police and booked under PSA. However, the PSA was quashed after a year and he was released but was arrested again and taken to CIK Humhama where he was detained for three months. The court case demanded that the army show up but they didn't, as a result he was acquitted by the court after four years.

His family had been running a business that received a setback after his arrest and torture. His physique was badly affected and despite being a capable student, he had to bid farewell to his studies. He had to seek medical assistance for his physical health.

#### Case 368

##### **Saddiq**

Male/ Labourer, Farmer

Residence: Chaklipora, Anantnag (Islamabad)

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 7 Rashtriya Rifles, Army

### *Case Information*

Saddiq was at home one day in 2000 when he was picked up by the Army at dawn. He was taken to Panchalthan Camp, where he was kept for five days. On the first day, he was forced to drink a lot of water, so much that it came back out through his nose. There was chilli powder in the water as well. He was interrogated in this condition. The main reason for torture was that he was thought to be a militant. He was given no food or water. At night, Saddiq was kept in a ditch, and stones were placed over him to prevent him from running away. On the second day, he was given electric shocks to his fingers and toes. The torture continued for five days, where he was often hung upside down and beaten, given more electric shocks. He was tortured daily for one or two hours at a time. He was constantly bound by handcuffs and shackles.

For the five days that he was at the camp, Saddiq was given no food or water. He received only two glasses of water for the entire period of his detention. He was finally released when the family had submitted 30 or 40 applications to the police. Upon release, Saddiq went to the hospital and spent two months on bed rest. He spent INR 4000 on medical treatment.

Today, Saddiq still suffers from aches and pains as a result of the torture. He still is in regular contact with his doctor. However, he hasn't filed a complaint against the Army and still lives in fear of them.

His torture did not end there. He was picked up again by the 7 Rashtriya Rifles from his house for a whole day in 2003. He was tortured in a way that was new to him; by being made to spend the whole day on the ground. He was beaten constantly and finally released when his family came with applications for his release.

### Case 369

#### **Saidullah Rather**

Male/ Contractor

Parentage: Ghulam Mohammad Rather

Residence: Chilatron Seel, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Guran, 8 Rashtriya Rifles, Army
2. Lieutenant Colonel Mehta, 8 Rashtriya Rifles, Army

### *Case Information*

Saidullah was arrested in April, 1996 by personnel from 8 Rashtriya Rifles from Arnora camp and released after 13 days. He was continuously tortured during the detention. He says that he was tortured by Lieutenant Colonel Mehta and a group of other army men. He was mercilessly beaten with *lathis* and rifle butts. He was also verbally abused.

He is suffering from dementia due to torture.

Case 370

**Sajjad Hussain Gul**

Male

Parentage: Abdul Hamid Gul

Residence: Maisuma, Gaw Kadal, Srinagar

Affiliation: Militant

Alleges Perpetrators/Agency:

1. Goyal, BSF (PAPA 2)
2. Vishal, BSF (PAPA 2)

*Case Information*

In 1989, Sajad went to Pakistan administered Kashmir for arms training. He remained active for some time but was detained in the year 1992 in Bandipora and was taken to an Army camp there. He was shifted to Hari Niwas, Srinagar where he was kept for 15 days which Sajjad claims to be the hardest of his life. They were not given anything to eat, and were only given a bit of water or sometimes urine to drink. Then, after some time of his release in the year 1993, he joined the armed struggle again and was again detained by BSF. The BSF personnel took him to PAPA 2 and he was again tortured the same way as in 1992 but was released after 6 months. This time, as per Sajjad, they did not file an FIR at all. In PAPA 2, he was tortured by Goyal and Vishal.

Sajjad has faced various forms of torture there, such as daily waterboarding, leg stretching, beatings, and being hung upside down. Sajjad says the armed forces personnel there also used to put rats in his trousers and then tie off the ends of the trousers so the rats could not escape and would maul his legs. Two men would sit on top of him and use the roller over his legs so much that he was unable to stand afterwards. They would make Sajjad lie down naked in water and then pass electric currents between two electrodes connected to his penis and thumb. His arms would be tied together behind his back and then lifted up. He was made to lie down on his stomach and then they would beat his feet and back. A rod like instrument on which it was written, "*aan milo sajna*" (come and meet my beloved) was used to beat him. They cut his ankle with a knife deep enough to see bone. Some of Sajjad's mates were tortured to death and he says that he doesn't understand how he and one other man were able to survive it. There was also psychological torture such as being allowed to go into the washroom but not allowed to use it. They were kept completely naked and the food given was ridden with bugs. This all went on for six months until Sajjad was put in a cell alone for three months. Some men were made to drink urine while others were forced to sodomize. They would put petrol in men's rectum and torture them until 2 in the morning.

In the year 1995, Sajjad was again arrested and was released after 6 months. He was taken to Khrew Camp. The torture was same as was in PAPA 2. That time he was the Company Commander of Hizbul Mujahideen (HM). Sajjad, in his own words, says, "No FIR was registered by the police nor did army accept that I was there because they had to kill me that time. While releasing me, the officer told me, "We had kept you in the hit list, we had to kill you."

Sajjad was kept in different jails such as Kot Balwal jail, Jammu, Hiranagar Sub-jail and Satna jail in Madhya Pradesh. Then he was again arrested in 2000 and then he left militancy. He was detained for 2 years this time in Kot Balwal Jail, booked under PSA. He was released in 2002.

Sajjad was again booked under PSA in 2016, which he claims was because he was actively involved in donating blood for the injured and being a volunteer to provide them the help as needed. Because of an FIR filed against him, Sajjad has been denied a passport.

Case 371

**Idrees Ahmad Lone**

Male/ Student

Residence: Hawoora Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

On July 7, 2018, at around 11 am, army from the Frisal and Sanigam Camps passed through village Hawoora. Near the Government High School Hawoora, few stones were thrown on the army vehicle. The army personnel barged into the school and beat students and teachers ruthlessly. Where the people of the village heard the noises, they came to the school hurriedly. People started hurling stones on the army personnel and in retaliation the army fired bullets killing three people, Shakir Ahmad, Irshad Ahmad and Andleeb Jan.

Irshad Ahmad was working in a band saw factory and was one of the villagers who rushed to the school. He was shot on the right side of his abdomen. After shooting Irshad, the army personnel didn't stop firing but continued till everyone ran away from the spot. Irshad was lying on the road with blood oozing out from his bullet injury for about half an hour. It was when the army left that four boys, Idrees Ahmad Lone, Umar Shafi, Aakash Nazir from Hawoora and Murtaza from Mushipora Village took him to the Primary Health Centre at Frisal where he was declared dead on arrival.

When they were returning to their village with the dead body, they were stopped on their way by the army personnel. Only Aakash Nazir was allowed go to take the dead body to the village while the other three boys were detained. The army put them in their trucks and while on way to the camp, they were beaten.

At the camp, they were kept in a room where 7 other boys were already detained. All the ten boys were beaten with wooden sticks, iron rods, slapped and kicked. After some time, they were taken out into the ground. All of them were stripped naked and their mouth was gagged with cotton cloth. Then they were beaten. They were made to lie down on the ground, two army men were holding the hands and feet and two army men would beat them on their back and legs. All the boys were beaten in pairs and when all the boys were done, the army would start all over again and beat them. The beating continued for around 2 hours.

The boys were then made to stand facing a wall and stones thrown on them. While the army personnel were throwing stones, they kept saying, “*Aise hi pathar maarte ho saalo, haram zado* (This is how you throw stones, bastards)”. After that they were again made to lie down on the ground and trampled over. Most of the boys were unconscious by now as was Idrees. Then they were put back inside a cell. After all the beatings, they were not able to stand on their legs. They were not given any food or water there.

In the evening, the army personnel brought a battery to electrocute the boys but the police from Police post Frisal came to the camp and took the boys along with them. The boys were detained at the police post for 2 days. Then they were shifted to Police post Wanpoh from where they were released. No case was filed against the army.

Case 372

**Salman Yousuf**

**Male/ Human Rights Activist**

**Parentage: Abdul Rashid Sofi**

**Residence: Brar, Bandipora**

**Affiliation: Civilian**

**Alleged Perpetrators/Agency:**

1. Dy.S.P. Rashid Akbar, Jammu & Kashmir Police
2. SHO Parvaiz Ahmad Wani, Jammu & Kashmir Police
3. CRPF
4. SP Manohar Singh, SOG
5. SHO Rashid Billa, Police Station Soura, SOG

### ***Case Information***

Salman Yousuf, a resident of district Bandipora had to migrate from his original residence, Brar Bandipora, to evade state forces harassment. Salman, who was a *Jamaat-e-Islami* activist, joined the group in 1987 when he was pursuing his higher secondary education. Later, *Jamaat* entrusted Salman with the job of data collection on human rights violations. He worked with the Institute of Kashmir Studies (IKS), a human rights documentation wing of *Jamaat-e-Islami*. He also lectured public gatherings about the importance of Kashmir resistance movement. His political activities invited state agencies' attentions towards him.

While he was going for offering condolences to the family of one of his students who had died of a cardiac arrest on September 23, 2016 in Hajin, Bandipora, a joint party of Jammu & Kashmir Police, SOG and CRPF arrested him without giving him any reasons for doing it. The Police was led by Dy.S.P. Rashid Akbar and SHO Parvaiz Ahmad Wani. They threatened him of breaking his legs. He was taken to the police station where he was put in a cell, which was already overcrowded with 27 detainees inside it. Among them nine were minors who were tortured ruthlessly. As there was limited space inside the cell, he suggested to the people there to make groups and then rest in shifts. While he was still detained in the police station, some *Ikhwanis*, German Tunda, Rahman Shalla and Imtiyaz Parray, came looking for him as he has worked with IKS and documented various human rights violations, which had been perpetrated by them on the people of the area in 1990s. Salman told the SHO that he did not feel safe there. Then on September 30, 2016, he was booked under PSA and shifted to Kathua jail, Jammu.

While talking about his experience in the Kathua jail, he calls it inhuman. While he was being taken to the Kathua jail from Srinagar, he was taken to a restaurant but the owner refused him food. Later they (including other people booked under PSA and also lodged in Kathua jail) were given some snacks outside the jail. When they entered the jail, they were stripped naked and all this was being monitored through a CCTV camera. The Superintendent of the jail was S.P. Bharat Bhushan who is a migrant Kashmiri Pandit. He was given scarce food for first two days. On the third day, he was shifted into another cell with two other people one of whom was given death sentence and another was under life imprisonment. He was given adulterated food, which was not even cooked properly for more than three months.

Among many political prisoners from Kashmir, who were lodged in the Kathua Jail at that time was an old man Sheikh Mohammad Ramzan from Kulgam; he was stripped naked which triggered a protest by Kashmiri prisoners who started a hunger strike. Salman's health deteriorated due to this. He was taken to a doctor who did not treat him well and humiliated him. According to him, there were many minors (as young as 14 & 15 years) in the jail from Kashmir in the jail. He says that Kashmiri prisoners were treated differently (inhumanely) than non-Kashmiri inmates. He saw many inmates being beaten severely. They were made to do menial labour in the jail like cooking, cutting grass, etc.

His PSA was quashed after nine months and he was shifted to Baramulla Sub-jail. The superintendent in the jail was Rajni Sehgal. He was shifted to Kupwara jail for one month under Superintendent Razzak Malla. Here another PSA was slapped on him and he was shifted to Kot Balwal Jail, Jammu where he says the condition was a lot better compared to the Kathua Jail.

Salman Yousuf has been arrested before; it was on May 1, 1998, at around 11 pm when he was sleeping in his room in his rented house at Soura, Srinagar. His family was watching a movie on the television. At the same time, CRPF personnel along with SOG personnel cordoned the whole locality at Soura and locked all the doors of the houses at Malik Sahab Mohalla, Soura i.e. around 100 houses were locked. SOG was headed by SP Manohar Singh, and others present were JP Singh and Devinder Singh. They barged into the house. SHO Soura Rashid Billa was along with these SOG personnel. He punched Salman on his chest. They had received information about him from some source of Bandipora. After entering the house, SP Manohar Singh asked him "Are you Salman Yousuf, a human rights activist?" Salman said he was and that he worked with IKS. Salman knew the names of these officers because he read it from their uniforms. They accused him of hiding militants in the house and asked for the militants' names. Salman replied that he was only a human rights activist and had nothing to do with militancy. In this conversation, Manohar Singh accused him of being an ISI agent and not an IKS member or a human rights activist. Meanwhile, Manohar Singh ordered his men to shoot him as they shot S. Hameed (Chairman of Jammu and Kashmir Peoples League). They dragged him and his brother-in-law namely Manzoor Khan out of the house barefoot and took them downstairs and put them in their vehicle. Before this, in the room they thrashed his four-month-old baby namely Farzan onto the ground due to which his arm got fractured.

They were taken to Air Cargo SOG camp, Srinagar. There they threw Salman Yousuf in a 3 by 4 dark cell. His brother-in-law was kept in a separate cell and then taken Humhama SOG camp.

At the camp, Salman Yousuf was taken to the torture cell and there he was hung with his hands twisted behind his back for around 45 minutes. Then he was made to sleep on a bench and they tied a cloth on his mouth and put chilli powder water over his face. After that around 18 SOG personnel trampled him under their feet and applied a wooden log on his legs. This torture was happening under the supervision of SP Manohar Singh and Devinder Singh. They also connected wires to his toes and shoulders and he was given electric currents. This torture was done to him for 16 hours. He was kept naked for 7 days in a torture cell and was constantly tortured by SOG every day for 10 days. An iron rod was penetrated on both his thighs. A small needle like iron rod was also penetrated into his private parts. His body was also burnt by the stove. Once during detention Salman was put in tub of water, his legs were stretched 180 degrees and he was electrocuted as well. Devinder Singh and Rani were there in the cell. Devinder Singh was telling Rani, a police officer, how he had kept and tortured Salman.

During those days, human rights defenders of India like Rajinder Sachar, Balraj Puri, and Justice Tarkunde read the news about Salman's arrest and visited Air Cargo torture centre to see him. SP Manohar Singh, Air Cargo SOG camp, Srinagar told them that he was on a raid with the SOG and was not there, while he was actually inside.

The Chairman of IKS approached the National Human Rights Commission of India to release Salman. As a result, SP Manohar Singh told him that he would be released on the condition of withdrawing the case from NHRC. On taking his signature on a blank paper, they released him after 28 days of detention.

Case 373

**Name withheld**

Female/ Home maker

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Naresh Kumar, 10 Rashtriya Rifles, Army
2. Pawan Singh, 10 Rashtriya Rifles, Army
3. Narendra Singh, 10 Rashtriya Rifles, Army
4. Surinder Singh, 10 Rashtriya Rifles, Army
5. Lekh Raj, 10 Rashtriya Rifles, Army
6. Simran Singh, 10 Rashtriya Rifles, Army
7. Raj Singh, 10 Rashtriya Rifles, Army

*Case Information*

On February 9, 2002, around 30 men from 10 Rashtriya Rifles entered the victim's house in Doda and searched the entire house. She and her elderly mother-in-law were both beaten and verbally abused. While leaving, the armed personnel threatened them to ask the victim's husband to come to the 10 Rashtriya Rifles camp or else they will return at night. The victim's husband was in Doda town at that time. Since the two women were scared, they stayed at their neighbour, Ghulam Mohammad's house for the night.



During the intervening night of 9/10 February, 2002, about 15 to 20 men from 10 Rashtriya Rifles camp raided Ghulam Muhammad's house and forced the door open. The women who were sleeping in the kitchen were asked to make tea for the 10 Rashtriya Rifles personnel. The victim was taken into another room by four men from the 10 Rashtriya Rifles; one of them was referred to as "Sahab" by the other three men. One man from among them forced her to the ground and then they gang-raped her. Her scarf was inserted into her mouth to stop her from raising hue and cry; she was also threatened that her husband would be killed if she made any noise.

She was seven months pregnant at the time. Due to this incident, her foetus stopped moving in the womb. She was admitted in District Hospital Doda in ward-5 under MRD No. 3424.

The men she has named as the perpetrators are Naresh Kumar, Pawan Singh, Narendra Singh, Surinder Singh, Lekh Raj, Simran Singh, Raj Singh and few others. The FIR has been filed in this case under sections 364, 342, 452, 354, 325 RPC in Police station Doda.

#### Case 374

##### **Sameer Ahmad Rah<sup>312</sup>**

Male/ Student

Parentage: Fayaz Ahmad Rah

Residence: SD Colony, Batamaloo, Srinagar

Age: 9

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF

#### *Case Information*

On August 2, 2010, Sameer Ahmad Rah, 9, son of Fayaz Ahmad Rah, a 2<sup>nd</sup> standard student of SD Colony Batamaloo was beaten to death by troopers of CRPF when he was on way to his uncle's house.

According to his father, on August 2 at about 3:15 pm, Sameer left for Aloochoi Bagh to his uncle's house. With a toffee and a pear in his hand, he went through the by-lanes leading to his uncle's house. As soon as he reached near Guzzar (Crossing Point) and appeared on the main road, CRPF personnel deployed there pounced on him. Before he could understand anything, they started beating him with bamboo sticks and boots. His head was repeatedly smashed on right side due to which he fell down on the ground. The armed personnel then trampled his chest under boots and inserted a bamboo stick into his mouth to take out the toffee from his mouth. When they thought that he lost consciousness, they threw him into a nearby ground full of stones, which caused his on-spot death.

An FIR was registered in the case in which it was reported that Sameer was killed in a stampede when CRPF personnel were trying to disperse a mob. But the eyewitnesses claimed that there were no protests going on in the area at that time.

#### Case 375

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<sup>312</sup> Source of the case: The Informative Missive

**Sameer Ansari**

Male/ Labourer

Residence: Changnipora

Affiliation: Civilian (His brother was a militant)

Alleged Perpetrators/Agency:

1. Army

*Case Information*

On June 2002, the Army came to Sameer's village to arrest his brother, who was a militant. Sameer was working in the fields when the military came and started asking him where his brother was. Sameer did not know where his brother was, and the Army accused him of lying. Then they began to beat him in the fields. They beat him for ten minutes. He says that he received no major injuries.

Case 376

**Sami Ullah Shah**

Male/ Teacher

Parentage: Sharief Ud Din Shah

Residence: Duroo, Sopore

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Major Gairi, 22 Rashtriya Rifles, Army

*Case Information*

Sami Ullah was detained in March 2005 at Bomai, Sopore by Major Gairi of 22 Rashtriya Rifles. He was arrested on charges of providing food and shelter to the militants. He was kept in the Bomai Camp for one day after which he was shifted to Gunjoo House, Sopore for two days and then was shifted to SOG Town hall Camp, Sopore where he was kept for five days. After this term, he was handed over to Police Station Sopore. Shah was tortured in Gunjoo House. He doesn't know the names of the perpetrators but remembers their faces. He was beaten with wooden rods; a roller was used on his body and he was kept naked. Electric shocks were given to his private parts. During the interrogation, he was kept upside down and his head was dunked in the water containing chilli powder. During the interrogation, he was given urine to quench his thirst. He suffered from psychological, economic and sexual problems. He suffers from intestinal infection, stomach ache and general weakness. During the interrogation, he was given a blank sheet to put his signature on and then the Rashtriya Rifles personnel later stated that they had recovered ammunition like pistol and some bullet rounds from him. The false case, as per the victim, rendered him jobless and weak.

Case 377

**Sanaullah Mir**

Male/ Labourer

Parentage: Ghulam Ahmad Mir

Residence: Managam, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 15 Rashtriya Rifles, Army

### *Case Information*

Sanaullah Mir was not affiliated with any armed group but he was arrested twice by different army regiments for being the relative of a militant. He was detained at several Army camps where, he claims, he was badly tortured.

Mir was first arrested in 1999 by 15 Rashtriya Rifles in Sultanpur, Sonawari where he was attending the marriage ceremony of a friend. One day before, they had picked up his younger brother from his home, who had been tortured throughout the night at a camp for Mir's whereabouts. After getting the address of his whereabouts from his brother, they raided the house of Mir's friend at Sultanpur and took Mir with them. They first took him to his home and tortured him there for allegedly possessing a weapon. They beat him continuously for an hour with bamboo sticks and the butts of their guns. They also dunked his head into water that had chilli powder mixed into it. Unable to elicit any information from him, they took him to Kalantra camp, Baramulla where he was detained for two days.

Upon arrival at the camp, they stripped Mir naked and tied him to a tree. They beat him with bamboo sticks and leather belts, and applied an electric current to his genitals and other parts of his body. After two continuous hours of torture, they put Mir into a shed for two days without food or medicine. On the third day, they did a crackdown on his native village and took him there for an identification parade. Because Mir did not identify anyone as militant, they took him into a nearby orchard and beat him severely with thick sticks and the butts of their guns. After they lifted the crackdown, they took him to Kalantra Camp and gave him some medical treatment there as his whole body was bleeding. However, due to the constant pleas of villagers to the Army Major, Mir was released. After that, he was taken to SMHS hospital, Srinagar where he was admitted for five days. It took him two months to recover from the injuries and begin working again.

After six months, Mir was picked up again by the same regiment of army. They picked him from the orchard in his native village, where he was working with some other labourers. They took Mir to Sonwar Camp, Srinagar where he was detained for 18 days. They also picked up another person, who had some personal animosity towards Mir, and had falsely accused Mir of a connection with militants. Mir was tortured twice daily in custody. On the first day, they stripped him naked and suspended him from the ceiling upside down from his feet. They then beat him with bamboo sticks on the buttocks. After taking him down from the ceiling, they applied a wooden roller over his legs and applied an electric current to his various body parts. Because the weather was cold, they poured cold water over Mir's body and kept him out in the open air for one hour. After that, they took him inside and forced him to sit near a Kerosene stove. He was tortured for the alleged possession of a weapon.

His family had not been informed of his whereabouts. They had searched for him in every camp during his detention. After ten days of Mir's detention, a policeman who knew him came to the camp he was at for some work. He saw Mir there and informed his family of his whereabouts. The Army later took INR 17,000 from his family and released Mir after 18 days of detention. After that, he was never arrested again, but the torture he was

subjected to left him incapacitated. He cannot work regularly, and usually has to rest after three straight days of work. During winter, he is unable to go outside.

Case 378

**Saqib Ahmad Bhat**

Male/ Student

Parentage: Ghulam Mohammad Bhat

Residence: Khudwani, Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG
3. Jammu & Kashmir Police
4. CRPF

*Case Information*

Saqib Ahmad Bhat was arrested on June 22, 2017 and tortured continuously for 9 days at Police Station Reshipora, Pulwama and then Cargo Awantipora. He was released on October 13, 2017. He was tortured physically, mentally as well as sexually harassed. Electric shocks were given to him as well.

His current health situation is bad; he has physical weakness, ear ache, joint pain, frequent headaches, back pain and sexual health issues. He has an FIR booked against him as well.

Case 379

**Sardaru Gujjar**

Male / Labourer

Parentage: Late Lal Din Gujjar

Residence: Dangrotta, Bijarni, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 10 Rashtriya Rifles, Army

*Case Information*

Sardaru Gujjar was detained by the personnel from 10 Rashtriya Rifles in Al Kanda Koti on one morning in July 1995 and was released in the evening on the same day. He was stripped naked and beaten with iron rods. He started bleeding from his mouth and fell unconscious. He was tortured continuously for 7 hours by a group of 10 Rashtriya Rifles personnel.

He regularly stays unwell and has pain in his knees and back.

## Case 380

### **Name withheld**

Female/ Home maker

Residence: Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

### *Case Information*

The victim, a 25 year old housewife hailing from Doda, was raped in her house on the intervening night of January 30/31, 2000. Their house is situated more than half a kilometer away from the other houses and the local army camp is about a kilometer away while the VDC and SOG are stationed nearby.

The victim and the family were fast asleep when some persons knocked the door. Her husband wasn't at home, and out of fear, the family did not open the door. But the miscreants broke the only window of the room after which the victim's father-in-law opened the door. The victim got up and lit a lamp but one of the intruders turned it off. There were five people that the victim saw and they had torches with them. The victim's father-in-law was dragged out and asked to open the door of the cattle shed for search. Once he did, he was confined inside the shed. They threatened the family to remain silent or be killed. One was empty-handed whom the victim recognized by voice as a local of the village named Amrik Singh S/O Gona Thakur. Then they called the victim out but she refused to go out. One of the men, who spoke broken Kashmiri, caught hold of her and took her out, opened the door of the cattle shed, took the father-in-law out and confined him in the room with the victim's children. The victim was held down in the cattle shed, her mouth was closed and four of the men raped her one after the other.

She was threatened to not reveal it to anyone. But she and her father-in-law narrated it to her husband who was not allowed to reach Doda town or the Police Station for seven days by the In Charge of local Army camp threatening him of dire consequences. It was on Feb 7, 2000 that on intervention by the District Magistrate, an FIR (No. 09 / 2000) was registered.

The victim, her husband and family members live under constant threat to their lives and property and have their left home and presently live in Doda town.

## Case 381

### **Shabir Ahmad**

Male/ Shopkeeper

Residence: Hibdangarpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 JAKLI, Army
2. 15 Punjab Regiment, Army
3. 9 Grenadiers, Army

### *Case Information*

Shabir Ahmad went to Pakistan administered Kashmir for arms training in 1990 and returned after 10 months in 1991. He remained active with the Al-Jihad militant outfit for two years before being arrested by the 5 JAKLI Regiment of the army in a crackdown from his village from where he was taken to different army camps where, he claims, he was tortured.

It was the year 1993 when one day while he was taking rest at his residence, his village was cordoned by the 5 JAKLI Regiment of the army and a crackdown was declared. Knowing that he was alone and could not put up a fight, he decided to not resist the forces and was identified and arrested. Even before taking him to the camp, four personnel dragged him to a nearby orchard where they hung him upside down. A bucket of water was placed beneath him which had chilli powder mixed in it. His head was dunked in the water several times, each time for 2-3 minutes, and every time they did this to him, he felt death approaching, but they would not let him die. Then they stripped him of all his clothes and thrashed him with *lathis*. For the next forty-five minutes, they kept beating him until each part of his body was wreathing in pain.

He was then taken to the Watergam camp where a roller was used over his legs and he was slapped, kicked with wooden planks, belts and *lathis*. When they saw that he was completely exhausted, they applied petrol and chilli powder to a cloth on a stick and inserted it into his rectum. The burning sensation along with the pain and humiliation gave him a feeling as if someone was tearing him apart, but he lay there like a lifeless body as he had no energy to react. For the next ten days, this was a regular practice. Before he was given food to eat, the forces personnel used to kick him in the stomach for 5-10 minutes everyday and thus whatever food he took, he was not able to digest it and used to vomit instead. At night, as soon as his eyes seemed to close, water was splashed onto his face to keep him awake. They would pick him whenever they wanted and take him for torture sessions.

After ten days, he was handed over to JIC Baramulla. He was imprisoned there in a hall along with 600 other detainees. Hardly any place was left there to even sit properly, let alone sleep. Finally after a month and a half, he was released. He had not even recovered partially when after two and a half months in another crackdown, the 15 Punjab Regiment picked him up again and thrashed him brutally before releasing him on the same day. In a similar incident after 8 months, the 9 Grenadiers arrested him again in a crackdown and he was released after being brutally thrashed. Now, every week, he has to report at the Watergam camp for *haziri* (attendance).

He has been so badly affected by the torture that he constantly suffers from backache, joint pain and severe headache. Today, even though he is on proper medication, his physical condition is far from normal.

Case 382

**Name withheld**

Male/ Political worker

Residence: Shaheed Gunj, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 97 Battalion, BSF
2. 10 Garhwal Regiment, Army

### *Case Information*

The victim picked up arms in 1992 when he joined the Hizbul Mujahideen after his brother's death in custody. His brother was also a militant who was arrested in 1990. He served two years in jail, and was only free for a little while before he was picked up in 1992 and killed in custody. The victim did not go to Pakistan administered Kashmir for arms training but received it in Kashmir. He was active for about three years before being arrested during a crackdown in 1995. During the crackdown, he tried to escape and some cross-firing started. He was finally arrested in Haba Kadal, Srinagar by the 97 Battalion BSF and taken to the BSF Camp for interrogation.

The victim was kept there for four months, after which he was taken to BSF Headquarters Karan Nagar and kept there for four months. Then he was taken to PAPA 2. After that, he was taken to many unidentified places, such as barracks and army camps. He was mostly kept blindfolded, and then taken into small cells so that he couldn't figure out where he was. He was then taken to a police station, where his detention started. They booked him under PSA, kept him in the Srinagar Central Jail for one and a half months, after which he was transferred to various jails. However, the High Court quashed his PSA, and he was released after that, but he was again arrested. In total, he was in interrogation centers and jails for nearly four years.

When he was arrested for the first time in 1995, the first thing they did was strip him completely naked. They started beating him with *lathis*, fists, kicks and the butts of their guns. During the torture, he was tied upside down; and an electric current was applied to his penis. They would also dunk his head in water mixed with chilli powder. During all this, one of them would be beating the victim on his legs with a *lathi* or some kind of a stick. One of them even tried to cut his veins with a blade. They applied a hot iron rod to his whole body, and a bottle was broken over his head, which caused his head to start bleeding and glass pieces got stuck in his scalp. The victim developed cysts on his body and today he suffers from frequent urinary tract infections. When he was in the BSF camp, he used to get fever and rashes and his whole body would swell. Even the doctors there were heartless. The second in-charge doctor told the officers there to just give the victim poison to ease his pain.

His family members and relatives were only allowed to visit him after 15 days. This was in 1995, when the Governor's rule had ended and the Police and Civil Administration could do as they please. The victim never approached any human rights organizations, because he believes that they had no power in the situation, and he would never get justice.

The victim joined the Hurriyat Conference in 1998. He was then arrested again in 1999. The 10 Garhwal Regiment came at night around 11:00 pm and cordoned his home. They entered by breaking the windows and doors, and came into his family's bedrooms while all of them were sleeping. They arrested the victim, claiming that they found a pistol under his father's pillow, which was a lie. They put the victim in their vehicle and began beating him in the street. They started asking him the names of political workers and their links with militants. For four or five days, he was kept in an unidentified place and tortured severely. They made him sit on a stove, applied electric shocks, tied him upside down, dunked his head in water, and applied the roller over his legs with eight men on each side. He can barely narrate everything they did to him because he finds it all so traumatic. The victim remembers one incident in

which they were torturing one boy. They applied an electric shock of 2800 cc from a generator, after which the boy became mute. There was another boy who had two candles put up his nostrils. They even took prisoners and tied them upside down with their heads put inside a toilet.

When the victim was arrested the second time, it was on false charges. Human rights officers came to see him in the police station, after which he was sent to the police hospital. He was recovering in the hospital for one month because he had burns and his arms and legs were swollen. He was released after one month but arrested several times after that. He was arrested again in August 2004, when they were coming back from a public rally, which was about the conflict. The victim was then taken to Kot Balwal Jail, Jammu where he was booked again under the PSA and was released after eight or nine months.

Case 383

**Shabir Ahmad Mangoo**<sup>313</sup>

Male/ Lecturer

Residence: Shar-e-Shali, Khrew, Pulwama

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG

#### *Case Information*

Shabir Ahmad Mangoo, 30, was beaten to death by the 50 Rashtriya Rifles army and SOG on the intervening night of August 17/18, 2016. On August 17, 2016 at around 9:30 pm, army and SOG before barging into the village, cut off the power supply of the entire village. Shortly, an announcement from a local Masjid was made by the army that it was coming. The soldiers besides carrying guns were armed with knives, iron rods and axes.

Before people could understand anything, the army and SOG forced their entry inside the village and ransacked over 200 houses. As many as over hundred persons were beaten by the army. The forces looted valuables like gold and saffron worth hundreds of thousands of rupees.

At first, Shabir and his brothers were beaten at their house. Shabir was busy reading when at least 40 army personnel entered his house. When he was dragged by the forces, his sister tried to come in the way. She was pulled by her hair and pushed.

The army and the SOG were from three different army camps at Khonmoh, Sher-e-Shali and Pampore. Around hundred villagers were beaten. About sixty of them were taken to the main Chowk (crossing) including Shabir. The army told these men that they will be arrested and detained under the PSA. Shabir was frightened as he got worried about losing his job.

It was in the Chowk that the army accused Shabir of teaching new and innovative ways of stone pelting and protesting. Shabir was pursuing his Ph.D. and was an

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<sup>313</sup>Source of the case: The Informative Missive



English lecturer. He was able to speak fluent English and the army was continuously accusing him of teaching the boys all these new ways of protesting.

Thereafter, over sixty persons were pushed into the army vehicles and taken to three different camps. Due to the ruthless beating, Shabir was not able to stand. He had injuries all over his body. He was crying for water. On reaching the Pampore camp, Shabir's conditions deteriorated. Army took him to Sub District hospital, Pampore where doctors declared him "dead-on-arrival".

Not only Shabir, his two brothers Zahoor Ahmad and Javaid Ahmad were also ruthlessly beaten that night. Both the brothers had to undergo surgeries after that. Zahoor's both arms were broken while Javaid's one arm was fractured.

A case under sections 307 (attempt to Murder), 302 (murder), 427 (mischief causing damage to property) and 120-B (Criminal Conspiracy) of the Ranbir Penal Code (RPC) was registered against "unknown security personnel" in connection with the case.

Case 384

**Shabir Ahmad Najar**

Male/ Political Worker, Muslim League

Residence: Solina, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 62 Battalion, BSF
2. 162 Battalion, BSF
3. Ganshyam, SOG

*Case Information*

The victim was not a part of any militant outfit when he was picked up by the 62 Battalion BSF and taken to BSF Camp, Karan Nagar. He was a 10<sup>th</sup> standard student at the time. On his way to the camp, he was constantly threatened and after his arrival, he was stripped naked and beaten till he started to bleed. He was taken to the torture room where he was made to sit on a chair, his hands were tied behind his back and his legs stretched. He lost his consciousness and when he awoke, he was offered tea. When he asked for water, his head was forced into a bucket. He was released after 4 days and his family was told that a grenade was recovered from him. On facing financial crisis, the survivor left studies and bought an auto that he drove for 2 to 3 months. He once went to meet his aunt, and was taken by the army during a crackdown. He was beaten and taken to Militia camp, Srinagar and electric shocks were given to him. This continued for about 15 days. Then the inmates were shifted to Badami Bagh Cantonment, Srinagar and were told that this was a medical checkup after which they would be released. Much to his dismay, he was beaten and kept in custody for 13 months.

He was once beaten for killing a mouse that was in his cell. He was shifted on September 16, 1996 from there and was shifted to multiple jails before being released in 1998. He just met his family once during this period. He was again picked up, interrogated, and tortured by 162 Battalion BSF in Chanapora. Petrol and chillies were put in his rectal cavity and electric shocks were constantly given

to him till he became unconscious. He was made to sit in front of a high voltage spotlight and tortured. The next day he was presented in front of an Officer who asked him to name his accomplices and when he stated that he was not a militant, he was asked to name anyone who the army would catch and torture just like him. He was asked to become an informer, which he denied. He was released after 12-13 days.

Two days later, he was again picked up, this time by SOG. He was taken to the workshop, where he was stripped naked, hung upside down and beaten. He was accused of the attack on the Secretariat, which he claimed to have not done as he was in custody when it had happened. He was kept in the SOG for 18 days. He recalls the name of one of the torturers was Ganshyam. Post his release; he was summoned to give *haziri* in the camp. Some 20 days later, his house was again raided. He claims that during this raid, his father who had a fresh surgery was dragged by Shanty Singh and then released soon after but his brother was taken by personnel from Humhama SOG camp as the victim himself was not in his native village. This was the point when the victim considered joining the armed insurgency. Later, his mother and sister were also detained. His troubles seemed to amplify day by day. He was taken and kept in custody by Air Cargo SOG camp, Srinagar and his brother was released meanwhile. He was shifted to Sadder Police Station and a news article claiming him to be a *Fidayeen* militant was published. During this time, his father passed away. He met people from the Muslim League including Masarat Alam and Mian Manzoor while he was in jail. Post his release in August 2000, he went to the Muslim League office and joined the organization.

Case 385

**Shabir Ahmad Sheikh**

Male/ Mason

Parentage: Ghulam Ahmad Sheikh

Residence: Ganai Mohalla, Hardshiva, Sopore, Baramulla

Affiliation: Civilian

Alleged perpetrators/Agency:

1. Major Rishi, 22 Rashtriya Rifles, Army

*Case Information*

On November 2, 2007, Shabir was summoned by 22 Rashtriya Rifles camp of Army stationed at Bomai to report at the camp. He, along with other fellows, was questioned about militants. Shabir was accused of assisting militants by working as an Over Ground Worker (OGW). In the Bomai Camp, Shabir was held for four days and then he was shifted to Police Station Sopore. From there, he was shifted to Baramulla Sub-jail where he, along with others, was held for 45 days.

Shabir says that the army claimed that they had recovered pistol from the possession of Shabir and others with him. He was booked under PSA. From Baramulla Sub-jail, he and his fellows were shifted to Udhampur Jail where they were kept for 11 long months. Among all the detainees, Shabir was taken to CIK Humhama where he was kept for four months. After four months, he was shifted to Police Station Sopore from where he was released on October 17, 2009.

During the detention, Shabir was tortured by Major Rishi and his associates of 22 Rashtriya Rifles. During the interrogation, he was kept fully naked and was given electric shocks. He was beaten with wooden and steel rods. Roller was used on his body. His legs were stretched. He was provided no medical aid. His family was allowed to meet him only after 11 and half months. Shabir complains of weakness, digestive issues and skin infections as a result of torture. His detention has caused him economic issues as well.

Case 386

**Shabir Ahmed Wani**

Male/ Shopkeeper

Parentage Ghulam Ahmed Wani

Residence: Momkak Mohalla, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Commanding Officer Dayal Singh, 5 Grenadiers, Army

*Case Information*

Shabir Ahmed Wani was arrested in January 1993 near a check post in Baramulla and taken to an unknown location where he was tortured before being shifted to JIC Baramulla where he was again tortured.

He had first been arrested in Pattan in 1990 as a militant and kept at Tappar military camp; he doesn't remember what regiment or battalion that was. In 1993, he had laid down his arms and was no longer a militant. He was on his way to Uri with his family when the car was stopped at a check-post. The family was asked to get off; he was arrested and the family was left there to then go back with some neighbours. They took him to a nearby garden where a pit had been freshly dug and water had been filled in it. At first, they tortured him by dipping his head in the water, slapped him a couple of times, beat him up with punches and kicked him around. They kept on saying that he was still a militant and hiding weapons. They wanted him to give them the arms in his possession and also names of other militants. He told them he knew nothing and that he had given up arms long ago and they could cross check it with the authorities. They refused to listen and continued to question him and dip his head in the water.

Then they took him to JIC Baramulla where third degree torture was inflicted on him. First, they hit him several times on the temples with their fists that left him dazed. Then they took his fingers and started tearing them apart by stretching them till they started bleeding. Till today, his fingers hurt and the injury marks are visible. They made him take off his clothes and lie down and spread his legs; two of the men then took one leg each and stretched it. They kicked and punched him. They also used the roller on him. In those days they used wooden logs, which were rough and had splinters, which would pierce the legs as well. So, they would take this log and around 3-4 men would stand on either sides of the logs and it would be rolled on his legs. It was excruciating, and he could feel his skin coming off and his bones breaking. They would also apply electric shocks several times. In the shed he was being tortured in, he remembers asking for a cigarette and they asked him how he was going to smoke since his hands were bleeding. He said he would manage. But instead of a cigarette, they brought a pair of pliers and clipped his ring fingers leaving it fractured. The

guards had left him alone in the cell for some time but before leaving they told him that the next day some Major would be 'visiting' him and that he had killed many militants before and that he could very well kill him if he did not confess and call it an encounter. When they left, he saw a kerosene bottle in front of him and thought of killing himself. He broke the bottle, tried to stab himself but was too scared and couldn't do it. Every time he tried to stab himself, he would suck his stomach in but he did get some cuts from the glass. The guards came back and stopped him and then it just got worse as he was tortured even more by around 10-15 men. He was eventually released.

He had been to jail before this when he was a militant; he was the district commander of Al-Jihad militant outfit. He had gone to Pakistan administered Kashmir in 1989 and came back in 1990. He was caught in 1990 for the first time by the 5 Grenadiers at Tappar camp in Pattan. The name of the C.O. was Dayal Singh. There was a *Maulvi* with the group who was quite old, had a long beard and they plucked it all out and threw it in a pile in front of the detainees. They applied a roller on Shabir's legs from the ankles right up to the thighs. It was very painful. They tied his hands at the back and hung him upside down, taking him down every half an hour when he said he would confess. They would apply electric shocks. He was burnt all over his body with hot iron rods. The torture continued for five days at a stretch. There were some good people and some bad people in the army. Some of the army officers would see the detainees in pain and would throw a painkiller or some pills from the window; the others would torture until the detainee fainted.

They used to be taken to the doctors only if they had some serious injury or when they wanted to ascertain whether they were 'fit' for more torture. Every time the detainees would hope that the doctors would look at their pathetic conditions, their broken bones and say that they cannot endure it anymore and would die if the torture were to continue. But the doctors would look at them and claim them 'fit' for more torture. They had no access to medicines. They would visit once or twice but there was no treatment as such, only pain killers.

The first time that he was arrested, he spent two years in Kot Balwal Jail, Jammu. His family and relatives had been allowed to see him in the Tappar Camp at Pattan. The second time he was arrested, they weren't allowed to visit him.

Case 387

**Shabir Ahmed (deaf and dumb)**

Male

Parentage: Ghulam Qadir Lone

Residence: Chilasoo Loas, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 26 Rashtriya Rifles, Army

*Case Information*

On November 10, 1994, 26 Rashtriya Rifles arrested Shabir Ahmad from Sadde Chilasoo Loas, Kishtwar and took him to Kishtwar camp. The victim was deaf and dumb, the troops took it for granted and thought he was pretending to be so. The victim was ruthlessly beaten and was tortured by iron rods, rifle butts, resulting in the

fracture of limbs and many bones. He was then taken to Sadde *Nallah* and was shot dead there. Security authorities handed over his body to village inhabitants residing nearby and declared him as an Afghan infiltrator; however the locals refuted the army version.

Case 388

**Name withheld/ name withheld**<sup>314</sup>

Female(s)

Residence: Handwara, Kupwara

Alleged Perpetrators/Agency:

1. Major B. Rehman Hussain, 30 Rashtriya Rifles, Army

#### *Case Information*

Based on a news article carried in the local daily, Greater Kashmir on 8-11-2004, "Rape Of Girl Mother Shocks Handwara", the SHRC took *suo moto* cognizance of the case.

In the report filed by the IGP, Kashmir Zone, it was stated that an FIR No 97/2004 was registered in Police Station Kralgund in the case. It also stated that during the course of investigation, offences under Sections 451, 354, 376, 342 RPC were established against Major B. Rehman Hussain from 30 Rashtriya Rifles, Langate Camp.

The SHRC in its judgment observed, "The Commission after considering the whole material on record observed that the record of the case is doubtless about the true reflecting of sexual assault by a uniformed Security Major Rehman. The medical report and the investigation conducted by special investigation team headed by Mohammad. Shafi Mir KAS and Deputy S.P. Dar Handwara have established beyond any doubt that occurrence of rape inside the residential house of the victim had taken place during the intervening night of 6/7 November 2004. Helpless mother and her daughter [REDACTED] were brutally sexually assaulted."

The SHRC further recommended the Government that Major B. Rehman be immediately prosecuted. The judgment stated, "Since the criminal act of accused has insulted the motherhood and inflicted an unhealing wound upon mother and daughter, therefore they should be paid Rs. 1.00 lac each as compensation."

Case 389

**Name withheld**

Male/ Student

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

#### *Case Information*

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<sup>314</sup>Source of the case: SHRC Annual Report

The victim was arrested on May 28, 2017, when he was coming out of mosque after *Isha* prayers. He was taken to Police Station Batamaloo where he was beaten with *lathis* and verbally abused. He was slapped and kicked by all the people working in the police station. The torture continued for two days. The victim was 17 years old at the time of arrest.

The victim was beaten by the policemen in the Police Station Batamaloo, Srinagar. SHO Parvez was involved in executing that torture.

The victim was not able to ascertain the fact behind his arrest and torture.

He was taken to Police Control Room (PCR) after three days of arrest where the doctor gave him a tetanus shot and advised an X-Ray to be done. No other medicine was given for the pain and X-Ray was also not done.

Case 390

**Shakeel Ahmad Khan**

Male/ Advertising Agency owner

Parentage: Late Ahmad Din Khan

Residence: Mandarbagh, Gaw Kadal, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Inspector Vinod, 16 Battalion, BSF
2. SOG

*Case Information*

Shakeel was associated with People's League during the initial phase of Kashmir's armed struggle for self-determination. Then, during the armed struggle era, he joined Muslim Janbaz Force and went to Pakistan administered Kashmir for arms training. He was arrested on October 16, 1993, while he was heading for the mosque to offer prayers. It was the 16Battalion of BSF, headed by Inspector Vinod, which detained him. Shakeel was taken to Akhara Building, Karan Nagar, where he was subjected continuously to third degree torture for seven days. They began by stripping Shakeel and leaving him completely naked, then tying his hands behind his back. Then every kind of torture was executed on him, such as stretching, beating, electric shocks, and a roller. The electric shocks were mainly to his genitals, after which they would crush his bones with the roller in order to make him unable to walk. The torture lasted for seven days, after which Shakeel was not tortured as brutally.

After spending one month in Akhara Building camp (without any FIR), Shakeel was shifted to PAPA 2, where he sustained the torture for three months. Then he was transferred to Gogoland, Rangreth where he spent almost seven months. All this was done without any FIR registered. From Gogoland, Shakeel was transferred to JIC Rangreth (then a Sub-jail), where he spent three years under PSA detention. In 1996, his family filed a writ petition, and Shakeel was then released after his PSA was quashed.

In 1997, Shakeel was arrested again by the Army, who took him to Safa Kadal Camp, where he sustained brutal torture. He spent seven days in Safa Kadal Camp. In 1998, Shakeel was detained again by SOG, who took him to their Kawdara Camp and

detained him for 25 days. In Kawdara Camp, he survived severe torture at the hands of SOG personnel. The SOG personnel would put a cloth in Shakeel's mouth, and then pour a bucket of dirty or contaminated water over his head, so that he might swallow it. After this, they would administer electric currents, which were used to make a person weak, without energy, and without capacity to resist. Day and night, the torture continued. They nearly broke Shakeel's left shoulder, and after the torture it developed a fracture. Shakeel was released after 25 days. He developed many health complications, such as infections in the eye and stomach.

To be free from the continuous harassment by SOG personnel, Shakeel gave them INR 20, 000, which he got by selling his wife's gold necklace. However, the raids and arrests did not stop. In the year 2000, Shakeel was detained again by SOG, who took him to Air Cargo SOG Camp Srinagar. After some time, he was released.

For about two and a half months, Shakeel and his family had to take refuge out of their home, so as to be left alone by SOG personnel. Thereafter, he consulted his friend Sodhi Singh (a businessman by profession) and asked him to request S. P. Manohar Singh of SOG to stop harassing Shakeel. From that day on, the torture stopped, but the harassment continues. He is called up by police on every January 26, August 15, as well as other days. He must spend the night in Police Station lock up on those days.

Shakeel applied for a passport many times, but the authorities do not accept his application.

Case 391

***Shakeel Ahmad Sofi***

*Male/ Driver*

Parentage: *Ghulam Hassan Sofi*

Residence: *Vehil, Shopian*

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. *S.P. Ramesh Kumar Jalla, SOG*
2. *Dy.S.P. Mukesh, SOG*

*Case Information*

*In March 1997, the SOG, Anantnag and Khanabal arrested the victim. He was in Jammu when the SOG Anantnag and Khanabal raided the house he was staying in and they arrested him. They may have had prior information of his being in Jammu. He thinks someone had accompanied them. The commander in charge was SP Ramesh Kumar Jalla; his subordinate, Dy.S.P. Mukesh, took him to the JIC Khanabal, where he was tortured. He came to know the identity of Jalla and Mukesh because he was detained in their custody.*

*He was tortured for the first 15 days. His arms and legs were tied with a rope and he was hanged upside down; his head was dipped in a water tub; he was forced to strip and a roller was rolled over his body. He was detained there for nine months; however, he was tortured for only about fifteen days.*

*Then, he was shifted to Kathua for six months. He was then moved to Kot Balwal Jail, after which he was shifted to the central jail. Finally, his detention under the PSA was completed and he was released.*

Case 392

**Shakeel-ur-Rehman**

Male/ Government employee

Parentage: Abdul Rehman

Residence: Pattan, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Ajit Singh (alias Aziz Garhwal), Garhwal Regiment(based at Palhallan camp), Army
2. Colonel A.K. Gaur, Commanding Officer, 10 Bihar Regiment, Army
3. Major Gupta, 10 Bihar Regiment, Army
4. Dy.S.P. Kuldeep, SOG

*Case Information*

In the month of 1994, the victim was picked up by personnel of army's Garhwal Regiment camped at Hyderbaig during a crackdown in Pattan area. The crackdown was being headed by one Major namely Ajit Singh (alias Aziz Gharwal) which was possibly the nickname of the said officer. During the crackdown the army had established a makeshift interrogation Centre at Government School Pattan. The victim was taken to that interrogation Centre and was tortured badly. His head was dipped into the bucket of filthy water and made suffocated. Then he was electrocuted by tying an electrode to his private part. During torture the army personnel were telling him that he was associated with Hizbul Mujahideen and were forcing him to share information, but he continued pleading his innocence. Then same day in the evening after a group women protested, he was set free.

Then, in July or August 1995, he was picked up again during a crackdown in Pattan area by the personnel of 10 Bihar Regiment camped at Hyderbaig, Pattan. The crackdown had been launched by Major Gupta and Colonel A.K. Gaur. This time he was picked up because of recovery of some newspapers and salary passbook from his house during door to door search. The newspapers contained the tributary pictures of militants killed in battles with armed forces. The army arrested him on the accusation of being a militant sympathizer. This time after the recovery of said documents, he was called from the parade ground by Commanding Officer A.K. Gaur and then taken to his house, where they started to torture him. They took him into one of the rooms of his uncle's house, which was close by. The army personnel dipped his head to suffocate him into a bucket of water and they rolled his thighs with a heavy wooden roller, with around 3 army men on each side of the roller. During the torture, all his household items were ransacked by army. This time he was tortured for half an hour and was released after nothing erroneous was found against him.

Then between 1996 and 1997, he was constantly harassed by government sponsored gunmen. Among the renegades who harassed him and extorted money from him were Shaheen, Nazir Halwa, Ama Kawa, Adil Khan, Mushtaq Zargar, Riyaz Sada, Mohi-ud-Din Ganaie. The said persons were associated with Muslim Mujahideen and were operating from Palhallan army camp (situated in the houses of migrant Kashmiri Pandits)



under the control of Major Liyakat Ali. The said renegades were also associated with three persons namely Haji Abdul Khaliq Bhat of Malpora Pattan, Abdul Majeed Bhat alias Kar of Pattan and Ghulam Mohammad Dhobi, who were brokers and were making people of Pattan area to migrate from Pattan and were making them to sell their properties. Under the control of above name persons, there was also one person namely Abdul Rashid Gojri alias Resh Goor who was called village guard and was working with army. Abdul Rashid on the direction of above named Muslim Mujahideen renegades between 1996-1998 used to extort money from the victim on monthly basis, by threatening of dire consequences and intimidating him that he would get him arrested by the army and renegades of Muslim Mujahideen of Palhallan Camp. The said renegades were extorting money from many residents of Pattan area and were also threatening them of dire consequences. Even the then Dy.S.P. namely Farooq Reshi and another police personnel Mansoor were also actively involved extortion and blackmailing locals.

Then in 1997 in the month of September or October, during one night at 12:00 am the victim's house was raided by Sub-Divisional Police Officer (SDPO) namely Farooq Ahmad Reshi along with his men including his driver namely Mansoor. Then he was picked up. His family members pleaded for his release but police turned a deaf ear to their pleas and pushed away all the women in the family. Then the said police handed him over to SOG camped at Palhallan. There he along with around 20 other locals, who had also been picked from different villages of Pattan area were kept in a room of the SOG camp. Then same night at about 2:00am he was taken out from the room and then taken to a nearby interrogation center. Their Dy.S.P. Kuldeep himself started to beat him up with bamboo stick. He repeatedly kept on hitting his arms and legs. For about two hours he was beaten by Dy.S.P. Kuldeep, during which he was asking that one Master Ghulam Nabi Wani, who was a leading, *Jamaat-e-Islami* activist, had handed over records and documents of *Jamaat-e-Islami* group to him. The victim negated the allegations against him and implored for his innocence. After two hours of severe beating he got semi-conscious. In the same interrogation room there was a government gunman namely Gula Lone who on getting pity on the victim requested Dy.S.P. Kuldeep that he would serve the victim water, but the Dy.S.P. refused and used abusive words to the gunman. Then he was taken back to the room where other locals were detained. Then after eight days of detention his family was allowed to meet him and then on the 10<sup>th</sup> day, he was shifted to JIC Baramulla. There he was kept for 4 days and then approximately on the 15<sup>th</sup> day he was produced before the SP Operations Ramesh Kumar Jalla, who in his office chamber punched him on his face and kicked him and said that his family was using police influence for his release. After half an hour of beating and humiliation from SP Jalla, he was sent to Police Station Baramulla, where from he was released in the late evening time.

After his release, he enquired about why he was arrested. He believes it was motivated by the persons namely Haji Abdul Khaliq Bhat of Malpora Pattan, Abdul Majeed Bhat alias Kar of Pattan and Ghulam Mohammad Dhobi, the brokers of the area, who were pushing people for migration from Pattan area and were earning from their properties. Further, after his release the trio visited his house and warned him to migrate from the area to avoid future harassment, which he refused by saying that there was nothing erroneous against him for which he should escape.

Case 393

**Shameema Bhat**

Female/ Home maker

Parentage: Sanaullah Rather

Residence: Wara-Sangam, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Rani Khalida, SOG
2. Gupta, SOG (Humhama Camp)
3. Mushtaq Pal (Ikhwan)

### *Case Information*

According to the victim's family, it all started in November 1998, when Mushtaq Pal (militant turned government gunman) informed the police that Ashraf Bhat's family was not only providing shelter to the militants but also hiding arms and ammunition (Mushtaq Pal is famous for using his connections with the police and the army for extortion).

The SOG of the Jammu & Kashmir Police and personnel of the BSF, accompanied by four uniformed women police personnel, with the help of local boy (who was told to locate Ashraf Bhat's house), started marching towards Ashraf Bhat's house. The entire family, which consisted of Shameema (wife), Ashraf Bhat (Husband), two children named Irshad Ahmad Bhat and Rehana Ashraf Bhat, along with two brothers-in-law, were present in the house. As soon as they saw that the SOG and BSF personnel approaching their house, they ran and took shelter in the neighbouring house.

They took Shameema's brothers-in-law (who were hiding behind the house) under custody. They were taken to the SOG Camp in Humhama. The next day, a relative named Abdul Aziz of Gotpora, also a police inspector, went to the SOG Camp, and he was told that only if Ashraf Bhat and Shameema show up at the camp would the others be released.

The next day Ashraf Bhat and Shameema Bhat went to the Humhama Camp, accompanied by Abdul Aziz. The Camp was under the control of Gupta of the SOG, and he told the personnel to take the couple inside to torture them. As per the orders, both Ashraf Bhat and Shameema Bhat were taken to a small tin shed. Ashraf Bhat was hanged upside down and was tortured. The SOG personnel asked Shameema to tell her husband to reveal the place where they had hidden arms and ammunition for the militants. Although Ashraf Bhat and Shameema repeatedly said that they were not aware of any such thing, they were still tortured. Finally, Ashraf Bhat and Shameema Bhat mockingly suggested the SOG to provide arms and ammunition, which they could themselves recover later.

Three women personnel, one of them named Rani Khalida, gave continuous electric shocks after every four or five hours. Even though Shameema told the women personnel that she was seven months pregnant, she was still beaten up with a stick especially on her stomach, arms and legs.

In the evening, Ashraf Bhat was taken to jail and Shameema was left under the custody of women personnel. The condition of Shameema worsened as her vagina started bleeding. The women personnel communicated this to Gupta and Ashiq Bukhari, who was also there. They now turned things around and asked why both husband and wife had been detained there. Ashraf Bhat was brought back and both of

them were ordered to be released, as there were no allegations against them. In addition, Gupta offered INR 100 to the victim for her treatment.

The police personnel took them out towards the roadside but no one was ready to offer them a ride till house due to their condition. Finally, the couple, with the help of two Kashmiri women police personnel from Ompura (not involved in torturing the couple), reached their house by a local truck late at night.

The next day, Shameema visited the nearest local hospital where she was suggested to visit Lal Ded Maternity hospital, Srinagar. The doctors did not provide any kind of treatment for the next three days. On the fourth day, police from the locality visited the hospital and told the doctors to provide her with the necessary treatment. Shameema was then operated on and the doctors had to abort the child with the help of dilatation and curettage procedure. After being hospitalized for thirteen days, Shameema was told to take bed rest for one month.

The neighbours and the relatives of the victim family started taking to the streets, demanding justice outside the office of Deputy Commissioner of Budgam.

After the incident the couple was unable to do any kind of work due to which the couple's elder son was left with no other option but to quit his studies in order to help his family's survival and fund his sister's education.

Case 394

**Shamim Ahmed**

Male/ Government Service, Handicrafts

Residence: Vethpora, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF (Chanapora camp, Srinagar)
2. BSF (Karan Nagar camp, Srinagar)
3. S.P. Manohar Singh, SOG
4. Ganshyam, SOG
5. Dy.S.P. Rani Kundal, SOG

*Case Information*

Shamim Ahmed attributes all his problems with the forces to his long hair, beard, and *Pathan* suit, which made them see him as a militant or a troublesome character. In 1994, one evening, while he was watching a movie with his friends, the Army raided both his and his neighbours' house. Ahmed, his brother, and his friend were taken away by the Army. His father attempted to stop the Army, but did not succeed.

Ahmed claims that he were blindfolded and taken to Badami Bagh Cantonment, Srinagar. His hands were tied and he was kept in a room with four others. The men stood to their waist in a tank of water until 7 am. There were four Army men there.

They were then taken to a room where their clothes were completely removed. There were ten Army men who humiliated Ahmed by stripping off his clothes. He was beaten with lathis and given electric shocks until he fainted. The main reason for interrogation was to find out which militant organization he was associated with.

Ahmed was tortured for two to two and half hours for 10 to 15 minutes continuously, with two-minute breaks in between. This continued until he fell unconscious. Ahmed regained consciousness at 4 pm. He then found out that one of the five friends who had been with him had been killed. He was alone in a room when a Major came and asked him if he had been fed. When Ahmed replied that he had not eaten, the Major replied saying, '*Le ja bhai, isko mithai khilao,*' (Take him and feed him sweets). Then the torture began again.

At this point, his neighbours and family had received the dead body of his friend. There was also a rumour that two of the others had been killed as well. Therefore, a protest started. Because of this, pressure mounted on the Army, so Ahmed was transferred to the police station and released from there.

He sought his own medical treatment, and remained in the hospital for one month.

Six months later, Ahmed went to a hospital in Barzulla to visit his brother, who had been admitted there. There was a BSF raid and an identification parade was conducted. In the parade, Ahmed was identified as a militant by someone. He was then taken to the BSF camp at Chanapora. He was taken in a vehicle, where he was kept on the floor while two or three people sat on him. On reaching the camp, his hands and feet were bound together and a wooden plank was used to position him so that he could not move. He was beaten by lathis and iron rods. This continued for four to five hours until he fell unconscious. He was unconscious for so long that he was thought dead. When Ahmed came to, he found 40 men around him. Furious at the thought that Ahmed was deceiving them, they began beating him again. He was beaten until 11 pm.

There was no food or water given to him. When he was conscious, he questioned the Army as to who had identified him and how, but they refused to answer. He was released when his father came to the camp.

Three years later, in 1997, the 2 Grenadiers came to Ahmed's home when he was asleep. It was between 12:30 and 1:00 am. He was woken up by 30 to 40 Army men. He was asked to hand over the weapons he had been accused of having and was told that if he did, he would be left alone. When Ahmed told them that he did not have any weapons, they did not believe him and his clothes were removed. No one in the family was aware of this. But then, they asked his grandmother for water. She gave them a glass of water. They threw it in her face and asked for water in a bucket. When they obtained the bucket, Ahmed was forced to drink all the water in it. He was gagged before he fell unconscious.

Two or three hours later, he regained consciousness. He was beaten again with the butts of guns. Then he was taken to a camp, where he was very badly treated. He very reluctantly admitted that iron rods had been inserted into his rectum. He was very uneasy about this.

Upon being released, he sought a doctor on his own.

The next year, in 1998, between May and August, his house was raided again. This was on the basis of an incident that had happened in the locality. Two boys were having a fight and a grenade was involved. When the BSF questioned them about the

ownership and source of the grenade, Ahmed's name came up, which is why his house was raided again.

He was interrogated regarding the weapon, then taken to the BSF camp at Karan Nagar. He was blindfolded and beaten. He was also given electric shocks both in the morning and evening. He was kept in the camp for seven days and was tortured for four of those days. The last three days, he was not tortured. He was then released.

In October 2000, the next incident of torture happened. The Army had received information that someone had died from of a weapon supplied by Ahmed. They raided his house, pulled him out, and took him to Badami Bagh Cantonment, Srinagar. He was tortured there and given electric shocks. He was also beaten. At 3:00 pm, a soldier came and warned Ahmed that he would be killed and he was asked to do his last *Namaaz*. He said, "*Allah se apne gunaahon ki tauba maang le*" (Ask for forgiveness from the Lord). Ahmed had readied himself for death and performed his last prayers. He was then taken to the police station from there. There, he met his father and to his surprise, he was released.

In November 2000, Ahmed had his first encounter with the SOG, who he claims were the worst. He had by then been enrolled in distance learning, because he wished to continue his education. He wanted notes, so he went with his friends to SP College, where he was picked up by the SOG. They were trying to restrain him and he resisted and by mistake, hit the SOG officer on the nose. It started bleeding and in anger, Ahmed was beaten by the SOG and taken to the camp for further interrogation. They beat him and there was an identification parade where he was not recognised. At the same time, the principal of SP College called the SOG and pressured them to release Ahmed. He was then released.

In 2002, he had a major encounter with the SOG. He was picked up from Lal Chowk, where he was playing cricket. Two men chased and caught him. When he was caught, Ahmed was beaten with a gun and his clothes were removed. He was put in a car and taken to Shivpora Camp in Indira Nagar, Srinagar. Upon arrival, he was placed in a room and hung from the ceiling. The ropes were tied from his shoulders and he was made to stand on a table. When he denied having weapons, the table would be yanked out from under him, almost dislocating his shoulders. They did this from 10:30 am to 5:30 pm. Ahmed then declared that he had weapons, hoping he would be let go. He was taken to Air Cargo SOG Camp, Srinagar where there were a lot of other people being tortured. For eight days, he was kept there. He was tortured everyday from 11:30 am to 12:30 pm by SP Manohar Singh. The sentry was informed that Ahmed should not be allowed to sleep. Whenever he became sleepy, a knife was poked into his body. The sentry also used water to wake him. He went eight days without sleeping.

He was kept there for 21 days before being transferred to a police station. An FIR was filed against him, stating that RDX had been recovered from him. He was in the police station for 10- 12 days, and the case proceeded in the court. Ahmed was cleared of all charges, because there was no proof against him. His lawyer also discussed his torture with the judge, but no action was taken against the culprits.

In 2003, the SOG came at night to Ahmed's house. Ganshyam was the head of the SOG. Ahmed was accused again of having weapons and was informed that all the previous officers and commanders were dead. The informer had been a young boy.

There was no weapon recovered from Ahmed. Despite this, he was taken to a camp and tortured. He was not allowed to sleep. In twenty-four hours, he was only allowed to go out for two minutes to the toilet. The room was stinking. He was given mashed potatoes, water, *dal*, and half a cup of tea. He was interrogated many times in the 25 days he was detained there. He was also interrogated by a woman (Dy.S.P. Rani Kundal). Many torture methods were used including a roller and electricity.

After being released, Ahmed was not able to sleep for many days. It's been four or five years, and he has not been detained since. His main regret is that the torture he faced has stopped him from ever playing cricket again.

Case 395

**Shamim Ahmed Malla**

Male/ Student

Residence: Wagub, Sopore, Baramulla

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

Shamim never crossed the LoC, and never had any affiliation with militants. However, he had to go to jail because of a crime he never committed. One night in April 2003 at about 2:30 am, Indian forces comprising of the SOG, Army, and police cordoned Shamim's house. After ransacking it, they took Shamim on the pretext of his involvement in transporting militants to other side of LoC. He was confused, as they were accusing him of something he had no knowledge of. He repeatedly pleaded his innocence, but was still whisked away to SOG camp. They brutally tortured him there both physically and psychologically. They often confused him by asking questions regarding the whereabouts of militants and beat him simultaneously. They tied his feet, hung him upside down, and beat him with *lathis*. Then they applied a wooden roller over his legs, which was weighed down by several interrogators on both sides. The roller dislocated Shamim's knee bones and caused such excruciating pain that he was unable to stand up for several days. They applied electric shocks with their portable electric machines, after tying one wire to his earlobe and another to his penis. They beat him with heavy wooden rods and the butts of their guns. They also punched him in his face, which fractured his nose. His nose required a surgery after his release, and he still has breathing problems as a result of the punching.

For about 20 days, Shamim underwent the same torture, and his condition became poor. As there was no doctor available for treatment, he was forced to bear the pain of his wounds without any medicine or treatment. Shamim's family members were not allowed to visit him during this time. After that, he was transferred to Udhampur Jail, where he spent two years booked under PSA. During his initial days in jail, Shamim was tortured. However, the situation later improved a bit. There, he was taken to a doctor several times, who would give him painkillers to manage the pain a little. Shamim's family members were finally allowed to visit him for the first time since he had been detained.

The torture has had a poor effect on his health. Shamim used to play cricket very well, and he represented the Higher-Secondary School cricket team before his arrest.

However, he is now unable to walk even a mile on foot. He has terrible cramps in his legs, due to which he had to stop playing cricket forever. Shamim cannot lift heavy things and suffers from chronic headaches. At the time of his detention, he had written his 12<sup>th</sup> class exams, and was optimistic about his results and the further continuation of his studies. However, his imprisonment not only forced a two-year break in his studies, but also ruined his career. He cannot travel outside of the state without permission from the authorities and he is unable to get a government job. Despite all this, Shamim continued his studies after his release, and now he has finished his Bachelors degree. He has heard that those who are booked under the PSA cannot leave the state without reporting to the authorities, cannot get government jobs, and cannot get a passport, but he still studied because he hopes that some day, things will change.

Since his release, Shamim had to give *haziri* (report) at a military camp every Sunday. He often becomes the prime target of the forces, who arrest him whenever an incident takes place in his vicinity. During *Haziri*, he and some others are forced to do laborious work in camps, such as cutting grass, breaking coal, and cleaning utensils and toilets. If Shamim fails to report, he is subjected to several other brutal harassments. Once, he approached the Srinagar-based Red Cross to register a complaint, but nothing substantial has come out of it.

Case 396

**Shams-ud-Din**

Male/ Labourer

Parentage: Ghulam Qadir Hajjam

Residence: Utam Soli, Kastigarh, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. 10 Rashtriya Rifles, Army

*Case Information*

Shams-ud-Din, a labourer, was abducted by unknown militants from his village at around 4 pm. on February 18, 2004. Earlier he had been taken into custody by SOG Doda and was released the next day. He was beaten by the SOG and army personnel from 10 Rashtriya Rifles several times with rifle butts and sticks. During this particular incident, he was tortured by unknown gunmen throughout the night. Next morning, his body was thrown inside the Panchayat Ghar building. Indian armed forces said that he was an over ground supporter of militants but local people said militants alleged him to be an informer of security forces.

Case 397

**Sharief ud Din Khan**

Male/ Student

Parentage: Ghulam Muhammad Khan

Residence: Darzi Mohalla, Asham, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Fayaz Ahmad Mir (alias Fayaz Nabdi), Ikhwan

2. Ayoub Nabdi, Ikhwan
3. Manzoor Ahmad Mir, Ikhwan
4. Muhammad Shafi Lone, Ikhwan
5. Shabir Ahmad Bhat, Ikhwan (now works in Territorial Army)

### *Case Information*

Sharief ud Din was pursuing a diploma in civil engineering at Kite Polytechnic College. On July 13, 1997, he was at his home spending summer vacations, when a few *Ikhwanis* namely Fayaz Ahmad Mir (alias Fayaz Nabdi) resident of Nabdi Mohalla, Safa Pora, Ayoub Nabdi, Manzoor Ahmad Mir, Muhammad Shafi Lone and Shabir Ahmad Bhat (currently working with Territorial Army), arrested him. Fayaz Nabdi was the head of *Ikhwan* group from Safa Pora and had connections with Major Sinha of 13 Rashtriya Rifles, Manasbal Camp. They took the victim to the house of Fayaz Nabdi where he was tortured badly. They made him stand against a wall and shot him on his chest. Fatima Begum wife of Ghulam Muhammad Ganai resident of Nabdi Mohalla tried to save him but she too was shot. Both the victims bled to death on the spot.

### Case 398

#### **Sharief Ud Din Shah**

Male / Retired Teacher

Parentage: Noor Ud Din Shah

Residence: Shah Mohalla, Dooru, Sopore, Baramulla

Affiliation: Civilian (Associated with Jamaat-e-Islami)

Alleged Perpetrators/Agency:

1. 15 Punjab Regiment, Army

### *Case Information*

On February 11, 1993, there was a crackdown in Mundji village in Sopore laid by personnel of 15 Punjab Regiment, and during that Sharief ud Din was detained. He was associated with *Jamaat-e-Islami*. At the time of arrest, he was taken to Nowgam, Kupwara where he was tortured in a school building for about 2 and half hours and then shifted to Baramulla. There he was kept in an underground cell and after 15 days, he was shifted to Badami Bagh Cantonment, Srinagar where he was kept for about 17 days. Then he was shifted to Kot Balwal Jail, Jammu where he was detained for 9 months before being shifted to Udhampur Jail.

During the torture, Sharief was beaten with wooden rods, electric shocks were given to his private parts, his legs were stretched and his head was dunked into the water bucket containing chilli mixed water. During the whole torture, he was kept naked and upside down.

He was detained for about 11 and half years at Kot Balwal Jail, Jammu and Udhampur Jail. Due to the frequent arrests and torture, the psychological, social and economic patterns of Sharief ud Din have been badly affected. His economic condition has been badly affected due to the year-long detentions.

The FIR was lodged in the Police Station Sopore against the perpetrators but as per Sharief ud Din, the police didn't do anything.



Case 399

**Sharifa Begum**

Female/ Home maker

Wife of: Abdul Rashid Sheikh

Residence: Manthori, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

*Case Information*

Sharifa was tortured on April 9, 2004 by army at her village in Doda. She was beaten with lathis, rifle butts and kicked. She received an injury in her left eye. Her vision is now compromised in her left eye. She suffers from constant pain in her back and shoulders to this day. She also faces problems while walking and working (physically exerting work). She is still on regular medication.

She lodged a complaint with the police and the police did conduct the investigation after spot inspection.

Case 400

**Shauqat Ahmed**

Male / Political worker, JKLF

Residence: Batamaloo, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. BSF

*Case Information*

At the time of the incident, Shauqat was a 9<sup>th</sup> grade student and participated in the activities of JKLF. On December 27, 2002, there was an encounter between the BSF and some militants in Chanapora, Srinagar. Shauqat was fleeing as the BSF personnel were dispersing the crowd. He and two friends fled to nearby apple orchards in the neighbourhood, and were followed by the BSF personnel. They shot Shauqat's two friends, and in fear Shauqat fled to a nearby house.

Later, there was an announcement made in the mosque that all adult men needed to gather for identification purposes. At seven o'clock in the evening, Shauqat went to the mosque and was picked up by informers of the Army. Shauqat maintains that he was a civilian and had nothing to do with the militants. He says he does not understand why he was picked up. He was taken to the Chanapora Camp, and there the torture began around 11 O'clock at night. There were four to six interrogators, who told him to remove his clothes, bound his legs and hands, and beat him with their bare hands and sticks.

He was later asked for his connections with the militants and upon his inability to provide any information, Shauqat was told that he had been identified by their informer. Shauqat asked them to bring the informer forward, as he had no relations with militants. The informer was introduced to him and, Shauqat asked him if he

really knew who he was. Shaquat was later told that the same informer was labelled as a militant and killed that night in a fake encounter. He was threatened with the same if he did not admit to being a militant. He was tortured again the following morning and electric shocks were given to his genitals, legs, and hands. He was given two rounds of the electric shocks, after which he fainted.

Shauqat was tortured after this on days when the staff was drunk. After four days, he was transferred to PAPA 2. At the PAPA 2, he was tortured again with beatings and sticks. He was asked to sign a form stating various questions about his relations with the militants and their activities. On a form, he admitted to having thrown a grenade because he feared further prosecution. Later at the camp, he was made to do unpaid work for the staff such as clearing the fireplaces and removing snow from the roads in the camp. After two months, Shauqat was released as he was cleared by the screening committee of the government. He was warned not to disclose the torture that he had suffered at the camp.

No medical treatment was given to Shauqat and his family was allowed to visit him only once, when he had been transferred to PAPA 2. As a result of the torture, he had fractures in both hands and now suffers from panic attacks.

Case 401

**Sheikh Aijaz Ahmad**

Male / Painter

Parentage: Abdul Rahim Sheikh

Residence: New Colony, AlyalPora, Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Ravi, 44 Rashtriya Rifles, Army

*Case Information*

On July 8, 2005, the Hurriyat (G) chairman Syed Ali Shah Geelani was visiting the Jamia Masjid at Shopian. He addressed a huge gathering there. The victim also attended the gathering.

Early morning the next day, army personnel led by Major Ravi from 44 Rashtriya Rifles came to his house. They dragged him out of the house and wrapped his *Pheran* on his head; he was blindfolded and couldn't see anything.

After some time, they reached the camp where he was thrown inside a dark room. After half an hour, Major Ravi came and started beating him with a wooden rod and told him to take off his clothes; but the victim refused. So the Major then called a few personnel, who forcibly stripped him. He ordered his guards to bring some pepper powder. And his private parts were filled with pepper powder. After some time, he was blind folded and they beat him with a sharp wire.

Then, he was asked to translate the speech that Geelani had delivered. While watching its video (victim did not know where the video came from), he did the same. They scared him, abused him and beat him after he had translated the speech. They showed him blood spots and said that they belonged to Shakoor Deva, who was killed by the same camp during torture. The victim was continuously tortured for five days.

It was known around town that the Major's name was Ravi. Secondly, he himself said that his name was Ravi. He gave his phone number to the victim and told him that he could call him whenever he wanted and that he could work with him.

In August 2005, he raided the victim's sister's house, took photographs of his niece and asked them to make the victim call him. But the victim does not know which unit he was from except that he was from the veterinary army camp near Police Station Shopian.

He has also been victimized by the filing of a false FIR against him and he was detained for seven days. After seven days, he was bailed and released.

Case 402

**Sheikh Iqbal Phiroz Ahmed**

Male / Shopkeeper

Residence: Amira Kadal, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 2 Grenadiers, Army
2. BSF

*Case Information*

Iqbal had gone to Pakistan administered Kashmir between the years of 1990 and 1993 for arms training. A group of youth from Srinagar had accompanied him and he saw no wrong in receiving the training, because he already had a family there and was going to live with them.

However, in 1993, due to increasing pressure from the family to return to the Valley, Iqbal came back without any connection to the militants. He has since been approached to carry out tasks for them in the Valley, but argues that as he has an education now and a relatively good life, so he has refused to support them in any activity. He claims that he enrolled in a college and had no links with the militant group after returning to the Valley.

In January 1994, when he was visiting a friend at Hotel Khalsa in Srinagar, Iqbal was told by the staff there that the area had been cordoned off by the Army and they were looking for him. He was then picked up by the 2 Grenadiers. The men wore black commodore gear and put a black cloth over his head and eyes. They also tied his hands behind his back. He was then taken to an Army camp nearby.

The torture began almost immediately when Iqbal was put on a concrete block-like structure and all his clothes were taken off. Cold water was poured on his back and the men started to beat him with wooden planks. A man later sat on his chest, beat him, and told him to admit that he was still involved with a militant group and to tell them where the weapons and the group's men were. Iqbal refused to admit any connection with militants, so the torture intensified.

They put electric nodes on his genitals and chest, as two men stretched his legs and administered the electric shocks. Due to the torture, he falsely admitted to being a militant and hoarding weapons. The torture then stopped.

The Army accompanied him to recover the weapons that Iqbal had claimed to have, but he told the raiding party that they would not find anything. He was then further tortured through the same methods and after fainting, he was put into a cell back at the camp.

Iqbal claims that he was in the camp for two months, and in the beginning, he was tortured for hours every day. Later, the torture sessions took place every other day and eventually, towards the end, it was only every ten days that he was tortured. When he fainted, he was given minimal medical treatment. He believes that he was given treatment because they did not want to let him die. He was released after two months, because he had given them no solid information. He immediately left for Leh to recover and receive medical attention.

Iqbal was picked up for the second time in December 1994 by the BSF. He claims that he gave the commander two television sets for his release, which his family arranged.

In March 1995, Iqbal was picked up again by the BSF while he was visiting Hotel Khalsa, Srinagar. According to him, a car with commanders came to the hotel and asked him to accompany them. They forced him to wear a black cloth over his face and eyes. They took him to a BSF camp nearby and because he was blindfolded, he does not know the location of the camp. The torture started soon after. They took off his clothes and put him on a cement slab. After pouring water on his naked body, they started to beat him with wooden planks. A heated iron was placed on his back, which caused him excruciating pain. They placed electric nodes on his genitals and passed electric currents through them. This time, the shocks were given to the soles of the feet as well. They hung his body from the ceiling and hit him with planks to force him to admit that he was affiliated with a militant outfit and to reveal the whereabouts of other militants. The torture lasted 10 or 15 minutes, and later he was put in a cell. Iqbal was tortured for four days, but was released without charges after they got no information out of him. He then went to a private hospital and was treated for about five days for the injuries he had received as a result of the torture. His back is still completely covered in burns and other injuries from the torture. This time, he stayed in the Valley and continued his education.

Later in May or June 1997, Iqbal was picked up by the Army from Badami Bagh Cantonment, Srinagar. The torture methods used this time were electric shocks to his genitals and stomach area and hits to the head with rods. The torture lasted for 10 to 15 minutes daily and he was kept in the camp for four days, after which he was taken to the Police Station Ram Munshi Bagh and a case was registered against him. No torture took place at the station. The charges against him accused him of having connections with the ISI and aiding foreign militants in Srinagar. He was given initial medical aid, though according to him, it was not adequate. Iqbal's family was allowed to visit him at the station. He was kept at the police station for 15 days, after which he was released on bail. His case is still pending.

In August or September 1997, Iqbal was picked up again after a raid at his home by the SOG and tortured in much the same fashion as before for two days. This time,

they wanted to know where the ammunition of the militant group was hidden. Upon receiving no information from him, Iqbal was released without any charges. He was again hospitalized and had to bear the expenses for it. His family members were also threatened and his young brother was beaten, because they had refused to reveal where Iqbal was during the raid.

In January 1998, Iqbal was picked up again by the *Ikhwanis* that worked with the Army and tortured at a hotel for the whereabouts of militant group members. This time, he was beaten with wooden planks and water was poured on his back, which was sore with injuries. Half a day later, they released him after realizing that he had no information.

Iqbal's name is now on the watch list of the Indian army, RAW, IB and the local police stations. He fears further prosecution and dreads the day that he will be picked up again. Due to the injuries he incurred, he has been unable to function properly in society. He suffers from erectile dysfunction and walks with a limp, so he is unable to marry.

#### Case 403

##### **Sher Singh**

Male/ Farmer

Parentage: Anant Singh Rajput

Residence: Kotal, Drabshala, Kishtwar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Militants
2. 26 Rashtriya Rifles, Army

#### *Case Information*

Sher Singh was abducted and tortured by militants in June 1996. He was released after 10 days. He was beaten with lathis in this entire duration. This torture was followed by torture by personnel from 26 Rashtriya Rifles from Thatri camp. He was later shifted to Nagrota camp in Jammu. He was beaten with lathis and rifle butts while being verbally abused.

Due to this torture, Sher Singh has constant pain in the back and shoulders; his finger was also broken.

#### Case 404

##### **Showket Ahmad Bhat (alias Janisar)**

Male / Teacher

Parentage: Ghulam Qadir Bhat

Residence: Sarnal Payeen, Chicken Mohalla, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. S.P. Ramesh Kumar Jalla, SOG
2. Sheikh Tahir (alias Tahir *Phoph*), Ikhwan (now working in Army)
3. Idrees Baba, Ikhwan
4. Sameer Ahmad Bhat (alias Babloo Darzi), Ikhwan

5. Setha Gujjar, Ikhwan
6. Abbas Bangali, Ikhwan
7. Junaid Dantar, Ikhwan
8. Rouf Changa, Ikhwan

### *Case Information*

On August 15, 1997, there was a grenade attack on the house of Idrees Baba, a notorious *Ikhwan*, by some unknown persons. However, the explosion didn't cause any injury to the *Ikhwan*. Two days later, on August 17, 1997, *Ikhwanis*, along with the CRPF and the army, cordoned the victim's house and asked the witness, the victim's brother, who opened the door, to call him. As soon as the victim came out to the door, the raiding *Ikhwan* party took him away.

Tahir *Phoph* led the *Ikhwan*. While leaving the house, he told the family that he would bring back the victim's dead body in half an hour. The other top line commanders of this *Ikhwan* group were Nana Malpori, resident of Malpora, and Liyaqat, resident of Khanabal.

Other *Ikhwan* in the raiding party included Sameer Ahmad Bhat alias Babloo Darzi (son of Abdul Majeed Bhat and resident of Dangerpora), Setha Gujjar, resident of General Bus Stand, Anantnag, deceased, Abbas Bangali, resident of Dantar, Khanabal, Junaid Dantar, resident of Dantar, Khanabal, Rouf Changa, resident of Cheeni Chowk, Anantnag. The witness was able to identify these *Ikhwanis* because they all belonged to Anantnag and he knew them.

The army and the CRPF had just cordoned the house from outside; they did not enter. The witness was unaware of their camp or battalion.

When Idrees's house was attacked, he named the victim as a perpetrator. Consequently, the *Ikhwanis* came and picked him up. The victim was taken to the *Ikhwan* headquarter at Shaksaz Mohalla, Kaadipora, Anantnag, where he was tortured. At that time, the victim was just 17 years old.

The next day, on 18 August, the witness and his father, along with Rehman Khar, an acquaintance who was on friendly terms with Idrees, went to Idrees's shop and requested him not to get the victim killed. Idrees responded by slapping the victim's father. The witness then retaliated by slapping Idrees back and told him that if he got the victim killed then he would kill him and his fellow *Ikhwanis*. Idrees then said that he was not going to kill the victim, but only punish him.

A few days later, the victim was shifted to the JIC at the SOG camp in Khanabal, where S.P. Operations Ramesh Kumar Jalla tortured him. The family visited the camp and requested Ramesh Kumar Jalla to release the victim, who responded that he would release the victim if they could get bail granted for him.

A few days later, the family managed to get bail; they went to the camp to get the victim released. But Ramesh Kumar Jalla tore the bail order and refused to release the victim. Thereafter, he was kept in custody for 6 months. He was then charged under the PSA and taken to Kathua District Jail. He was kept there for 6 months. After being released, he was taken to Rangreth Camp for 6 more months and finally he was taken to Srinagar Central Jail. He was released after 2 years of imprisonment. He had

completed his matriculation inside the JIC, SOG Camp. After his release, he resumed his studies and passed his 12<sup>th</sup> standard examinations. He then joined the *Tehreek-e-Hurriyat* and worked there as a library in-charge in their office at KP Road, Anantnag.

In 2004, when Safdar Ali Beigh, a minister of National Conference, was killed, many boys from their neighbourhood were picked up; the victim too was taken. He was again booked under PSA and was imprisoned for one and a half years at Kot Balwal Jail, Jammu. The victim was probably released in 2005/2006 when the government released many youth who had been booked under the PSA.

In 2006, the victim was appointed as a private teacher in Wanpoh School. After a few days, a grenade exploded at Cheeni Chowk. On the same night, at about 11 pm-12am, *Ikhwan* and SOG personnel came to the house of Nazir Ahmad (victim's brother) and picked the victim up. They took him to SOG Camp at Khanabal. This time it was Tahir *Phoph*, Ramesh Kumar Jalla, and Dy.S.P. Operations Harmeet Singh. He was released after 8-10 days.

In 2007, three officers of the SOG came to their house at around midnight. It was Ramesh Kumar Jalla, Farooq and Parvez (the witness knew them). They asked about the victim. But the victim was then in Jammu, undergoing medical treatment. They told the witness to tell the victim that the court in Islamabad had summoned him. So, the witness called him and made him speak to Ramesh Kumar Jalla. The victim informed him that he would return in 4-5 days. They told him that till his return they would take his brother away.

Accordingly, they picked up the witness and took him to the SOG Camp in Khanabal and kept him there for 5-6 days. In the camp, the witness was beaten up and asked to produce his brother, the victim. He was stripped and beaten with sticks. Parvez, one of the officers, kicked him on his chest. Ramesh and Farooq were also present and forced the interviewee to confess that the victim was a militant. They then took him to the office of ASP Javaid Iqbal Matoo and he was made to confess in his presence that the victim was a militant.

On August 5, 2007, the victim was going towards Leazbal area. At Leazbal, some unknown persons who were in civil clothes, picked him up. They took Showkat in a maroon Sumo (the locals of Leazbal told the witness about this half an hour after his dead body was found at Barakpora). Two farmers who were working in a nearby field that time said that they saw a boy brought there by the police in uniform and then shot dead.

Case 405

**Showket Ali Rather**

Male / Shopkeeper

Parentage: Mohammad Yousuf Rather

Residence: Hajin, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Master Ghulam Mohammad Wagay, *Ikhwan*
2. Changis Khan, *Ikhwan*
3. Dy.SP Parihar, SOG

4. Major Rao, Rashtriya Rifles, Army

*Case Information*

Showket Ali claims that he was picked up several times by *Ikhwanis* and Indian armed forces on the allegation of providing shelter to militants. He believes that he was picked up and tortured mainly so that they could extract money from him because he owned a carpet weaving center where he was doing good business.

He was first picked up by the *Ikhwanis* in 1994 from his home. They took him to another village, where they kept him in someone's house for the night. They beat him there for about one hour for the possession of a weapon, which was a false allegation. The next day, they released him after taking a cheque for INR 5,000 from him. In 1995, he was picked up by *Ikhwanis* commanded by Master Ghulam Mohammad Wagay from his carpet weaving center and taken to another village. There, he was put into one Abdul Aziz's house, where he was tortured severely for the entire night. They kept him naked the whole time and beat him with bamboo sticks and iron rods. They also put a hot iron rod on to several spots on his back. After that, they dunked his head into a bucket of water mixed with chilli powder. After he had swallowed lot of water, they trampled his back, which caused him to vomit the water back up.

The next morning, they handed Showket over to other members of their outfit, who took him to Gudbun Village. He was taken into one Abdul Khaliq Shah's house, where he was kept for six days and severely tortured. He was tortured twice daily for one hour at a time by another outfit commander named Changis Khan. He beat Showket with bamboo sticks and dunked his head into chilli water. They did not tell Showket's family of his whereabouts, but demanded INR 75,000 from them in return for his release. On the sixth day of his detention, an internal conflict emerged within the outfit and they released him. After his release, Showket initially did not say anything to his family about the torture he had been subjected to. But next day, his younger daughter saw his bruised back and told other family members about it. He was then taken to the hospital, where he was treated for several days. After that, the outfit started coming to his home and harassing him on trivial pretexts. They looted his carpet center and broke the windowpanes of his house.

Scared of being killed by the *Ikhwanis*, he remained away from home for about six months. During the time his father, Mohammad Yousuf, died of a heart attack and Showket's business was ruined. His relatives and neighbours did not allow Showket or his family members to come to their homes, scared that they may also get harassed by *Ikhwanis*. His 12-year-old brother was also once picked up by *Ikhwanis* and released after ruthless torture. Showket returned home after six months. For about six years, he did not do any work and stayed inside his home. He and his family spent all those years in poverty and under constant threat. Often, they did not have any food to eat.

After six years, with the help of his relatives, Showket opened a medical shop in Sumbal. However, after five months, he was picked up again by the SOG from his shop and taken to SOG Camp Sumbal, where he was detained for two days. He was brutally tortured during those two days. He was beaten all over the body, a roller was applied over his legs, and an electric current was applied to his genitals. After two days, due to the intervention of some people who were closely associated with the SOG, he was released. However, after his release, one of the *Ikhwanis* told Showket



to close his shop in Sumbal. So he was forced to close his shop, due to which INR 50,000 worth of medicines went to waste. He did this work for nine months.

After that, he opened another shop on rent in his own village, but had barely started when he was picked up again by the Army (Rashtriya Rifles led by Major Rao). They took him to Hajin Camp, and during that time, the *Ikhwanis* ransacked his house and dug up the floors of the rooms. Upon arrival at the camp, the Army Major told Showket that the order to pick him up had come from Delhi. At that time, the chief of *Ikhwanis*, Kuka Parray, was also in Delhi. The Major offered Showket INR 30,000 if he became their informer, but Showket refused. Then they went somewhere for an encounter and released him there, but told him to come to the camp again the next day. The following day, Showket went to camp with his brother. He told them everything about his situation. After hearing his story, they released him and assured him that nobody would harm him henceforth. Showket then started a medical shop in his own village. However, in 2005 after three years of 'freedom', he was picked up again by SOG from his shop and taken to Ganderbal Camp. He was detained there for six days and tortured by Dy.S.P. Parihar. He beat Showket's entire body with bamboo sticks and broke both his knees and elbows. Several interrogators also stretched his legs apart in opposite directions, which caused abrasions under his thighs. They also pulled his arms behind his back, which broke his shoulders. Dy.S.P. Parihar threatened to kill him in a fake encounter. He wanted to implicate Showket in a false case and send him to jail. But due to the intervention of someone associated with the Army, they released Showket after six days. At the time of his release, Dy.S.P. Parihar told Showket that he had only been released because of that person, and would otherwise have gone to jail. During that time, his family had not been allowed to visit him.

Case 406

**Shuja Hussain Rafiqui**

Male/ Pharmacy owner

Parentage: Ghulam Mohiuddin

Residence: Bakshi Abad, Anantnag (Islamabad)

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Subedar Sujjan Singh, 4 Rashtriya Rifles, Army
2. R.S. Kataria (probably a Lt. Colonel, Khanabal camp), Army
3. Sham Commander, Ikhwan
4. Vitt Ganai, Ikhwan

*Case Information*

On January 4, 1993, the victim was going to school (Islamia High school). On the way to the school, at Mattan bus stand, a few army vehicles stopped and a few personnel came out along with an *Ikhwani* alias "Sham Commander", resident of Nai Basti, Anantnag. The *Ikhwani* and the victim knew each other as the *Ikhwani* earlier belonged to Al-Jihad militant outfit. He later surrendered and started working for the army. The *Ikhwani* and the victim were once together in action against the CRPF too. The army stopped the vehicle because "Sham Commander" identified the victim and told the army that he belonged to militancy. The army picked up the victim and took him in a vehicle to the High Ground Camp of 4 Rashtriya Rifles.

In the camp, Sham Commander asked the victim about the action against CRPF which they had undertaken together and forced the victim to admit that he was a militant. After this, Subedar Sujan Singh, along with his personnel, tortured the victim. The victim's body was electrocuted along with his private parts. The victim was beaten with a rope and a roller was rolled over his body. The legs of the victim were also stretched. Many army personnel trampled his body. This torture continued for 2-3 hours. When the victim asked for water, Sujan Singh urinated in front of him and asked the victim to drink it. After two days, the family of the victim approached the camp and requested them for his release. Then he was released.

After the release, Sujan Singh continued to harass the victim and wherever he would see him he would ask him where he was and sometimes slap him also. Sujan Singh visited the school of the victim many times to check whether he was in his school only or not.

After 5-6 months, Sujan Singh picked up the victim again for no reason and took him to Khanabal Camp. R.S. Kataria (probably Lieutenant Colonel) was also with Sujan Singh when they picked the victim up. An *Ikhwani* "Vitt Ganai", resident of Malakhnag, had informed the army that the victim used to be with the militants. This time the victim was tortured the entire day – his body was rolled for hours and his body and private parts were electrocuted. His legs were also stretched. This time the victim was kept for one day only and was released in the evening.

Yet, even then Sujan Singh continued to harass him. Once, he told the victim to work for him. The victim refused. Sujan Singh told him that he would arrest him. The victim replied that if he had any evidence against him of being a militant then he could arrest him. This harassment, including raiding the house, stopping on the road, continued till 2005, after which it stopped.

Case 407

**Shuja Shoiab**

Male/ Businessman

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF

*Case Information*

On August 1993, Shuja was picked up in Karan Nagar by the CRPF. He was blindfolded and taken to the Neelam Chowk Camp at around 11:00 am. His torture started almost immediately. His legs and hands were stretched to 180 degrees and he was punched with bare hands. He believes that he was identified as an active militant by an ex-militant. The torture continued for four hours, after which he was transferred to Hari Niwas. However, for some reason, he was immediately taken to Holiday Home camp. At this camp, Shuja was hit with bare hands and rods. He was also paraded before an ex-militant, who once again identified him as a militant. However, after two days, he was released. Shuja believes it was because he could not give them any useful information. No case was filed against him, and he had to never report to any Army camp. He did not have any substantial medical expenses.

Case 408

**Name withheld**

Male/ Student

Residence: Srinagar

Affiliation: Civilian

Alleged Perpetrators:

1. Jammu & Kashmir Police

*Case Information*

Suhaib was arrested on May 28, 2017, when he was coming out of the mosque after *Isha* prayers. He was taken to Police Station Batamaloo where he was beaten with *lathis* and verbally abused. He was slapped and kicked by all the people working in the police station; SHO Parvez was mainly involved in executing that torture. The torture continued for 24 hours continuously. Suhaib was 17 years old at the time of arrest. The victim was produced before the magistrate on the third day of his arrest and moved to Juvenile home, Harwan after four days.

He had a fractured arm before the arrest, which was aching now due to the torture. During detention in the police station, an insect had entered his ear but since his ear was numb due to the torture he could not sense it. It was removed from his ear few days after his release.

He was taken to Police Control Room (PCR) after three days of arrest where the doctor gave him a tetanus shot and advised an X-Ray to be done. No other medicine was given for the pain and X-Ray was also not done.

Case 409

**Name withheld**

Male

Residence: Kulgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Army

*Case Information*

The victim was kidnapped by Indian armed forces in April 2006 after he had some altercation with some military personnel at the time of identity card verification. The victim was arrested next day for investigation. The victim was taken to Frisal Army camp where he was tortured for a couple of days in the camp. The victim was a college boy at the time, and was tortured in the camp physically and mentally. The torture started with verbal abuse followed by physical torture. The victim apologized but still the torture, which included hair pulling, beating by rods, continued. After immense torture, the victim was released after a day.

The torture that the victim felt that day changed his life forever. The victim has frequent joint aches, anxiety and baldness.

The victim left his studies due to this torture and is currently working as a daily wager in his native district.

Case 410

**Syed Altaf Hussain**

Male/ Government employee, Health Department

Parentage: Syed Mohammad Amin Shah

Residence: Kalihand, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Dereshwal, 8 Rashtriya Rifles, Army

*Case Information*

Altaf Hussain was arrested and tortured several times. He talks about the time when he was arrested on August 27, 1995 and kept in detention by 8 Rashtriya Rifles in their camps first in Udyanpur camp and later in Arnora camp. During torture, he was forced to drink huge quantity of water. He was kept in a pond for two consecutive nights after which he was shifted to Arnora camp. He was tortured by Major Dereshwal in Udyanpur camp. He was again tortured in Arnora camp. He was beaten by a group of army personnel and given electric shocks to different parts of his body.

He suffers from weak eyesight, palpitations, weak memory and frequent swellings in his feet.

Case 411

**Syed Mohammad Maqbool Hashmi**

Male/ Retired teacher

Parentage: Syed Yousuf Shah Hashmi

Residence: Ghat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Major Milkeet Singh, 8 Rashtriya Rifles, Army
2. Major Raman, 8 Rashtriya Rifles, Army
3. SHO Mohan Singh, Jammu & Kashmir Police

*Case Information*

In 1993, Syed Mohammad Maqbool Hashmi was posted in Bonda primary school in Doda. He would take his elder son, Syed Mubashir Hussain Hashmi, with him to the school due to the prevailing turmoil and uncertainties in the area. On August 1993, Major Milkeet Singh from 8 Rashtriya Rifles Bonda camp, beat both the father and the son. His son was also trampled over by the said Major. As a result, his son, who was 21 years old then, received grievous injuries in his chest due to which he developed pain and breathing problems for which he received the treatment for some time.

On the night of November 11, 1993, there was an encounter in the village and the whole area was cordoned off. Leading the cordon was Major Raman from 8 Rashtriya Rifles. Hashmi's son, Mubashir developed severe pain in his chest. The family

requested the Major to let them take their son to the hospital but the Major denied their request. After going through the pain for 2-3 hours, Hashmi's son passed away.

Hashmi and his family members were frequently tortured and harassed because their house and orchard (41 Kanals i.e., more than 5 acres) was in the proximity of the 8 Rashtriya Rifles Bonda camp and they wanted Hashmi's family to vacate the house and the land. They finally moved from this house into a house away from the camp. Their land was occupied and incorporated in the camp area in 1996. Their orchard has been destroyed and they still have no access to it. They have not been paid any rent or any sort of monetary compensation for their land and house. The army threatened them not to take any legal action against them.

Hashmi tried to file an FIR against 8 Rashtriya Rifles in Police Station Doda to for his land. The SHO at the time in Police Station Doda was Mohan Singh. They did not file his FIR. Hashmi appealed in the District Court Doda who directed the police to file an FIR. But they still didn't do it.

Hashmi developed several health ailments. His shoulder and left leg were also injured. His shoulder had become dysfunctional for some time. He has developed a deformity in his back.

Case 412

**Syed Waseem Raja Hashmi**

Male/ Daily wager, Health Department

Parentage: Syed Mohammad Maqbool Hashmi

Residence: Ghat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. CRPF

*Case Information*

Waseem was detained by a group of CRPF personnel on May 11, 2005 from the CRPF camp in Government Higher Secondary School, Doda. He was beaten with a bamboo stick on his face and particularly hit on his nose and forehead. He suffered excessive nose bleeding due to the torture. He was beaten for about an hour and later released.

He still suffers occasional nose bleeding, has weak eyesight and general physical weakness. He is still on regular medication.

Case 413

**Tahir Mir<sup>315</sup>**

Male / Political worker, JKLF

Residence: Kalashpora, Babademb, Khanyar, Srinagar

Affiliation: Militant

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

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<sup>315</sup>Source of the case: The Informative Missive

2. BSF
3. CRPF

### *Case Information*

Tahir Ahmad Mir, 48, spokesperson of the pro-freedom party Jammu & Kashmir Liberation Front (JKLF), spent about a decade in custody for resorting to armed struggle against India in the late 1980s. While serving his sentence, he was tortured many times at various interrogation centers, which rendered him frail and feeble.

Mir states that in 1982, he was admitted to Kashmir University to study Commerce. In addition to his studies, he protested continuously against the subjugation of the people of Kashmir. Mir was arrested for the first time in 1984, after he and his colleagues protested at Kashmir University against the unjust hanging of Mohammad Maqbool Bhat in Tihar Jail. Three months after the protest, some CID personnel arrested him at his home. Mir was taken to the Red-16 Interrogation Center, Sonawar, Srinagar, where he was beaten severely for 20 days. After that, he was transferred to Central Jail Srinagar and booked under the Public Safety Act (PSA). He was released in 1985.

Mir adds that in late 1985, he was arrested again on the university campus on the charges of carrying out anti-India activities on campus. First, he was taken to the Police Station in Nigeen and then to Red-16 Interrogation Center in Sonawar. There, he was beaten for a week. Then he was transferred to Central Jail under PSA. Mir was then released in last quarter of 1986, after the court quashed his detention.

After joining the armed struggle in 1988, Mir was arrested once again on June 21, 1989 in Parimpora with another activist, Khursheed Ahmad Chalkoo, while they were traveling to Pakistan administered Kashmir. He was taken again to the Red-16 Interrogation Center in Sonawar. There, he was detained there for about a month and beaten incessantly. For this arrest, Mir was booked under the TADA (Terrorist and Disruptive Activities) Act and detained in Central Jail, Srinagar. He was released on bail on June 22, 1990.

After his release, he joined Students Liberation Front (SLF) as the Publicity Chief. While carrying out the activities of the SLF, he was arrested again by BSF troops on December 10, 1990 from a residential house in Lal Bazar. Mir was taken to the temporary torture center Tadoo Ground in Batamaloo, where five BSF officers beat him severely with the butts of their guns and bamboo sticks. This caused him to lose consciousness and fall to the ground. After a few hours, Mir was transferred to PAPA 1 Interrogation Center at Gogoland, Old Airport. There, he was kept naked in a cell with in below-freezing temperatures, and the BSF personnel began to torture him again. His legs and body were rolled over by a heavy wooden pole, and as a result, he could not move for 20 days. He was served contaminated and dirty food with sedatives in it. After about one month of solitary confinement in PAPA 1, Mir was transferred to PAPA 2 in Sonwar. There, he was beaten continuously for twenty days, which left him near death. From PAPA 2, he was taken to JIC Hari Niwas in Sonwar. He was kept there in a dark cell with no ventilation for one month. Then, blindfolded with his hands tied behind his back, BSF personnel took him to the airport. There, he was bundled in the luggage store of a cargo plane and moved to Kot Balwal Jail, Jammu. On April 21, 1991, an IB (Intelligence Bureau) officer whipped him there with an aluminium cable on the back, shoulders, and thighs. Many years have passed since then, and the scars from the cable lashing are still

visible on Mir's back. At that time, he had narrowly escaped death. However, one of his fellow detainees, Mohammad Abass Beigh, died due to lack of medical treatment. Mir was also not given any medical care after being severely tortured. After two weeks of torture in Kot Balwal, Mir was transferred to Central Jail in Jammu.

In 1992, from Jammu Jail, Mir was referred back to the CRPF torture center Hari Niwas, where troops began to torture him again. He was repeatedly struck on the head with a bamboo stick until he lost consciousness. He was beaten on the head in such a way that he nearly lost his memory. Mir was detained there for about one month and beaten harshly. In this torture center, teenage youth were detained and given electric shocks on their genitals, which was considered routine practice. During the course of Mir's torture, he was treated only once by a doctor and that too was at the time of his last torture in Hari Niwas. A doctor from the Police Control Room was brought to the Torture Center and examined Mir. However, the medical reports were not provided to him, so he was unable to purchase the necessary medicines from the market after his release. He believes that his medical reports were not given to him so as to conceal the atrocities that he had suffered. No medicines were provided after the medical checkup. Finally, when he was transferred to Srinagar Central Jail, family members were able to fetch medicines for the detainees. In 1999, Mir was released on bail, but the case against him is still pending in the court system.

Case 414

**Tanvir Ahmed**

Male/ Daily wager, Health Department

Parentage: Mushtaq Ahmed Mir

Residence: Labber, Marmat, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police
2. Army

*Case Information*

Tanvir was arrested by Police from Dehradun on December 13, 2010 and taken to JIC, Jammu. He was tortured both by the police and Military Intelligence. He was beaten with iron rods, given electric shocks to his body; a heavy roller was used on him resulting in injuries to his entire body. He was forced to drink bucket full of water and then his stomach was trampled which made him throw up.

He was regularly tortured for about three months of his detention. He was released after six months of his arrest.

He is suffering from orthopaedic problems and cannot do any heavy physical work. He suffers from continuous pain in his body. He is still on regular medicine.

Case 415

**Tariq Ahmad Dar**

Male/ Sales Executive in Johnson & Johnson

Parentage: Haji Ghulam Qadir Dar

Residence: Solina Bala, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. ACP Sanjeev Kumar Yadav, Special Cell, Delhi Police

### *Case Information*

Tariq Ahmad Dar had been working successfully as a sales executive for a multinational corporation (MNC), Johnson & Johnson, since May 1997, after cracking four to five concept presentation exams and competitions for various MNCs in India. He was a star performer at the company, where he had earned many awards during his eight years of service. Tariq was known to his colleagues as a pious and religious man, who would pray regularly and never spoke foul language. His ordeal began when he was abducted by unknown personnel on November 10, 2005 on Jammu–Srinagar National Highway near Galandar, Pampore. He was returning from his business in Anantnag.

On the way, Tariq had picked up his friend, who happened to be a lawyer, in his car. When he reached Galandar, near Pampore on Jammu-Srinagar National Highway, Tariq saw that he was being followed by several vehicles. A person inside one of these vehicles motioned to him that his tyre had burst. He stopped and got out of the car to check the tyre, and the people from the pursuing vehicles came running and pointed their guns at him, bundled him into his own car and whisked him away, blindfolded. Tariq's captors assumed that his lawyer friend was a layman, who he had just picked up on the side of the road, so his friend was thrown out of the car. Tariq was taken to an unknown place, detained there overnight, and kept blindfolded the entire time. He was unable to make out which agency his detainers belonged to, as they were in civilian clothing. But from their language, Tariq could make out that these people were not Kashmiri.

Tariq's torture began there. He was stripped naked, and beaten and electrocuted the whole night. He said that he is too ashamed to fully explain what was done to him. After the torture, his body was swollen and bleeding profusely. In the meantime, his lawyer friend had gone to the police station in Pampore and registered an FIR about his kidnapping by unknown perpetrators. The following morning, he was put into a vehicle, tied to the floor of the vehicle, and taken on a bumpy road. At this point, Tariq thought that he was going to be killed, and he counted as another mysterious death in the Valley, so he mentally prepared himself for his last journey. However, when the vehicle stopped, Tariq saw that a small plane was waiting there, and immediately thought that there was a more important reason for which he was arrested.

He was taken to Delhi Police Special Cell Lodhi Colony, New Delhi. There, he went through the worst kind of torture. The torture started with caning. Tariq was suspended upside down, his legs were stretched beyond 180degrees, and he was given electric shocks all over his body. The most difficult torture he had to endure was waterboarding, during which his hands and legs were tied to a bench and one or two people sat on his stomach and water was poured in through his nostrils, which gave him the feeling of drowning. This continued until he was unconscious. During the waterboarding, Tariq felt that the previous methods of torture were far easier to endure. At night, he was kept bound with iron rods and chains. The rod from stomach to neck was short, and Tariq therefore was always bent forward, unable to straighten his spine. To add to the misery, he was made to stand away from the wall, so that he



could not lean on it. At all times, there were three sentries who would stand guard to make sure that Tariq could not sleep.

Even after this torture, when they could not get him to confess to the charges of carrying out a bomb blast in Delhi laid against him, new techniques of torture were introduced. Rats were put inside of his trousers, which were tied on both ends. Hair was plucked out from his body. He was forced to drink urine, feces were rubbed over his body, and piglets were rubbed on his body. All this was done to torture Tariq psychologically by insulting his religious sentiments. Islam was verbally abused in front of him in an effort to weaken him.

Because the maximum police custody of a person is only 14 days, a new FIR with new charges was registered against Tariq after every 15 days, so that his custody could be extended. His ordeal at Delhi Police Special Cell, Lodhi Colony continued for 55 days, during which he was continuously tortured. During this time, the police officer incharge of the Delhi Police Special Cell, Lodhi Colony was ACP Sanjeev Kumar Yadav, who has since been promoted to the rank of DCP. Even after all of the torture, when they still could not get any confession out of him, Tariq was told that they would get information directly by “testing” his brain. He was then taken to Bangalore, where a narco-analysis test was done on him. The results of the narco-analysis were telecast on Star News before being presented as evidence in front of a judge. During the 55 days of his police custody, Tariq had no defense council. After 55 days in police custody, he was finally transferred to Tihar Jail in judicial custody, where he was kept in the High Security Ward for all 12 years of his detention. After he was transferred to Tihar Jail, SAR Geelani came to meet Tariq. He ran an organization by the name of “Forum for the Release of Political Prisoners”, through which he provided Tariq a defense council, the fees for which were paid by Tariq’s family.

A Habeas Corpus petition was filed by Mian Abdul Qayoom in Jammu & Kashmir High Court just after Tariq’s arrest. Tariq was acquitted of all charges under which he was arrested and was finally released from Tihar Jail in February 2017. Although Tariq lost 12 years of his life proving his innocence, he still comes across as a very positive man. More than the miseries that he himself had to go through, Tariq feels bad for the difficulties his wife and daughter, who was born three months after his arrest, had to face during this time.

Case 416

**Tariq Ahmed Mir**

Male

Parentage: Habeeb-ullah Mir

Residence: Khag, Budgam

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 7 Dogra Regiment, Army
2. 34 Rashtriya Rifles, Army
3. 35 Rashtriya Rifles, Army

*Case Information*

Tariq Ahmed Mir was first arrested in 1995 when he was picked from home by 7 Dogra Regiment and then taken for torture to an abandoned house in Zargar Mohalla, Khag. First, his clothes were taken off and then they immersed his head in a tub of water several times. After this they gave him electric shocks mostly in his big toe and fingers. This process continued for almost 2 hours and then he was released.

He was arrested, along with five other boys, a second time in 1996 by the same army and taken to Watal Mohalla, Khag. They again took off all his clothes and then submerged his head in a water tub several times before beating him with a baton. They used to pour chilli water on his wounds. They gave him electric shocks this time as well. He was arrested almost four times in this year, first by 7 Dogra Regiment and the other times by 34 Rashtriya Rifles who had their camp in Nasarpur camp, Khag.

After this, he was arrested several times in a year, sometimes even 3-4 times by Rashtriya Rifles. He was tortured on a regular basis during my arrests. In 1998, he was taken for torture to Fisheries office by 34 Rashtriya Rifles and his face was immersed in chilli water several times because of which his face was swollen and then he was beaten even though he had no FIR filed against me. He was asked to hand over the weapons despite no association with militancy or any political group.

In 2002, he was again arrested by 34 Rashtriya Rifles and taken to Nasarpur, Rashtriya Rifles camp for torture. In 2004 he was picked up again but this time by 35 Rashtriya Rifles. He was arrested frequently until he asked for help from a politician Sanaullah Dar and after that he was never arrested again.

The tortures he went through have had a severe effect on his health. His right arm does not function properly because of which he is not able to do any work. Also his legs keep aching and he has frequent headaches.

Case 417

**Tasveer Hussain**<sup>316</sup>

Male

Parentage: Hassan-ud-Din

Residence: Baghyar Dara Tehsil Haveli Poonch

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Taranveer Singh Randawa (Capt. Toor) L.U. Dett.Branch Poonch, Army

#### *Case Information*

Mohammad Hussain petitioned in SHRC about the death of his brother, Tasveer Hussain. He stated that his brother died due to the merciless beatings and torture by the Army posted in Poonch

The report submitted to the SHRC by SSP, Poonch dated 11-08-2008, stated, "He was again apprehended by the Taranveer Singh Randawa Capt. Toor LU. Dett.Branch Poonch". The report also said that he was beaten mercilessly by the army personnel. He was handed over to Police Station Poonch who got him hospitalized in District Hospital Poonch. From there, he was referred to GMC, Jammu, where he died on

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<sup>316</sup>Source of the case: SHRC Annual Report

September 22, 2003. A case under FIR No. 127/2003 was registered at Police Station Poonch in this regard. The SHO from Police Station Poonch has reported that Tasveer Hussain S/O Hassan Din was apprehended by LU Official and beaten severely. A case under FIR No. 127/2003 U/S 341/323/109/RPC was registered against Capt. Toor of LU Branch at Police Station Poonch. The case was transferred to Crime Branch Jammu for further investigation.

The SHRC in its Judgment observed that, "This is a brute type of Human Rights Violation committed by the then Taranveer Singh Randawa Capt. Toor LU. Dett.Branch Poonch." The SHRC recommended the J&K Government to provide a relief of INR 100,000 with benefits of SRO-43 to the next of kin of the deceased.

Case 418

**Tej Ram**

Male

Parentage: Lal Chand

Residence: Gandoh, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG

*Case Information*

Tej Ram, 32, son of Lal Chand, resident of Gandoh was allegedly tortured by Special Operations Group (SOG) of police at Gandoh area of district Doda and he eventually succumbed to his injuries.

According to the relatives of the victim, he was severely beaten up by the SOG men on October 20, 2005. They alleged that Tej Ram was picked up by SOG men and tortured in the camp. The victim was shifted to the GMC hospital on October 21, 2005 where he breathed his last on the evening of November 3, 2005.

Case 419

**Name withheld**

Male

Residence: Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SHO Javaid, Police Station Shopian, Jammu & Kashmir Police
2. SOG

*Case Information*

The victim was first time arrested from his home on a morning in 2014 along with other boys of the area. He was 15-16 years old then. He was picked by SHO Javaid and taken to Police station, Shopian where he was beaten by policemen with a baton. Then he was released after two days.

He was again arrested after a year in 2015 during his preparation days for 10<sup>th</sup> class examination by Javaid SHO. This time he along with other 7 boys was subjected to

severe torture. They were beaten with a baton first and then dragged in the park of the police station. The policemen told them to clean the station and would beat them while they were cleaning it. The victim, along with another boy, was treated the most harshly.

In 2016, along with other boys, he was arrested again on 19<sup>th</sup> *Ramazan* and taken to SOG camp, Gagan. They were kept imprisoned for 15 days and tortured physically as well as verbally. He was accused of instigating other boys for joining rallies and stone pelting. He alone was beaten by 2-3 men. Caning was done intensely. His health deteriorated, and he got infected because of eating unhygienic food in the camp. Even today his joints keep aching frequently. He is yet to be taken to a court. Recently he received a pellet injury after which a new *challan* was filed against him.

The forces used to raid his house on a daily basis, sometimes even 3-4 times a day. They don't do it anymore but now the CBI visits often for their investigation. A case has been filed against him for pelting stones and also because he received a pellet injury.

Even sometimes today whenever any incident of stone pelting occurs in his area, he gets phone calls from police station that he does not receive.

Case 420

**Umer Qayoom Bhat**

Male/ Student

Parentage: Abdul Qayoom Bhat

Residence: Malik Sahab, Soura, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police
2. CRPF

*Case Information*

Abdul Qayoom Bhat's only son, Umer Qayoom, was taken into custody by a police party from Police Station Soura on August 20, 2010. He had gone out for Friday prayers when he was ruthlessly beaten on the spot by the policemen and CRPF personnel and later taken to Police Station, Soura. When Abdul Qayoom came to know about his son's arrest, he went to the police station where he saw his son in a morbid condition as he (Umer) requested his father to take him to the hospital. Umer was lying on the ground and while he was trying to stand up, he could not after attempting a few times. Abdul Qayoom requested the concerned second officer who was present in the Police station at that time to let him take his son to the hospital as his condition looked critical, and was in urgent need of medical attention. But the Officer refused and threatened Abdul Qayoom. He left the police station, feeling helpless. Umer was again beaten in the custody during the night.

Next day, August 21, 2010, he approached the district magistrate for bail, which was granted at 2:00 pm the same day. He went to the Police Station Soura with the bail papers to get his son released. But his son was not released from the police station till 7:30 pm that day. When his son was handed over to him at 7:30 pm, he was in a very critical condition and had to be taken directly to SKIMS, Soura. The doctors advised

him to get the X-Ray of his arms and legs done which showed everything was normal and was thus discharged from the hospital. But he stayed restless throughout the night and when in the morning he drank some juice, he vomited it out with blood. He was again rushed to SKIMS Soura, where a CT Scan of his chest was done which showed that his lungs had collapsed. He was immediately put on the ventilator where he stayed for two days, paralysed. After two days, the doctors told them that it was too late as his lungs had ruptured and blood had spilled into his chest cavity. On August 25, 2010, he was declared dead in the hospital. For 3 years not even an FIR was registered in the case.

The family demands punishment to the policemen, CRPF personnel and the SHO who tortured him in the custody.

Case 421

**Yasir Mansoor Sheikh**

Male/ Businessman

Residence: Court Road Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

On November 2014, it was a Sunday morning and Yasir was still sleeping at his home. Suddenly some policemen entered his home and started to search for his little brother, Aamir, who was not present at home. Instead of his brother, they took Yasir with them, saying that the SHO wants to meet him outside his home. When he didn't return for some time, his mother went outside to look for him. She saw him bundled in a police vehicle. The policemen told his mother that they were taking him to the police station for questioning.

As soon as they reached the police station, the policemen first took him to the SHO's office and started questioning him. He was beaten by the SHO and abused verbally. After that he was taken into the corridor and beaten ruthlessly. One policeman held him and another would beat him from back side. He was beaten with bamboo sticks, gun butts and with iron rods. And lastly they kicked him into the lockup. He was continuously tortured for 8 days. While he was still in custody, the police personnel raided his home and abused the family members.

He was released after 8 days. He has become physically weak as well as mentally shaken. Body ache, back pain, joint pain, headache have become frequent for him.

Case 422

**Zafar Iqbal**

Male/ Plumber

Residence: Shaheed Gunj, Srinagar

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 81 Battalion, BSF
2. 72 Battalion, BSF

### *Case Information*

In January and February of 1995, Zafar was picked up by the BSF. The 81 Battalion BSF came to his home around 4:00 pm, blindfolded him, and took him to Karan Nagar Camp. At the camp, his hands and legs were bound and he was beaten with lathis. He was also given electric shocks all over his body and sat on by 10 to 12 men. There, he was kept in a cell for nine months. The reason he was picked up was because he was thought to have kept weapons for militants. During the nine months Zafar was at the camp, a roller was used over his body and he was made to drink urine. In addition to this, he was made to work full days. The work was mainly household work, and he was also told to make coal. He claims that he was told to sell his house and hand the money over to them, which he refused to do, so he was tortured more.

The cell he was kept in was very small and roomed ten or fifteen people. At Karan Nagar, there was no doctor, and he was allowed a visit by his relatives only five times during the nine months he spent there.

He was then sent to Gogoland Camp. There, he was interrogated while they gave electric shocks all over his body, including his genitals. After five months, Zafar was taken to Kot Balwal Jail, Jammu.

At Kot Balwal Jail, he was detained for four months. There, he met Red Cross volunteers, but was unable to get any help from them. He received no medical treatment there at all. He was instead transferred to Ramnagar Jail (which was originally a hospital) in Udhampur Jail, where he was kept for six or seven months. During this period, he was not allowed to meet a lawyer or a doctor.

It was only once Zafar was transferred to Jammu Central Jail that was he able to have his first meeting with his family. He then discovered that he had been booked under the PSA, and spent the rest of his two year sentence there. At the end of his sentence, Zafar was given a release order by the government, but at the gate of the jail, he was re-arrested. Therefore, he was sent back to Kot Balwal Jail for another five months.

Zafar was finally released because of a government release order, which ordered the release of all militants who had completed their sentences. He was taken to PAPA 2 in Srinagar, where he spent one night before being taken to Police Station Kothi Bagh. There, he signed his release order and was finally released in December 1998.

After his release, Zafar went to the hospital because of dizziness and received medication for the torture that had been inflicted on him. The course of the medication took five years, and cost him INR 50,000. He still feels dizzy occasionally, and traces it back to the torture.

In 1999, Zafar was arrested by the 72 Battalion BSF during the summer. While he was walking along the road back to his house, he was taken in a vehicle to Karan Nagar Camp again. He was tortured there with a roller, which was done every day for two to five hours at a time. The torture also included beatings and electric shocks, and Zafar also claims that he paid between INR 30,000 and 50,000 for a release that did not come. He was kept there for four months and was not allowed any meeting with his family during that time. At the end of the four months, he was taken to the

Sherganj Police Station, where he was detained for two months. There was no torture there, but he did have to pay a bribe of INR 20,000 for his release. He still does not know why he was taken, but one day he was dropped off at home.

He was the only breadwinner of the family, and during the months of his incarceration, his family struggled a lot. Upon his release, Zafar went to a private doctor and had to have an operation on his stomach as a result of the torture. He has not filed a complaint against anyone, but wishes to. He still has nightmares about what was done to him and becomes frightened when he sees men in uniform.

Case 423

**Zafferullah Malik**

Male/ Ponywalla

Parentage: Ghulam Mohammad Malik

Residence: Druwal Koti, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. 8 Rashtriya Rifles, Army

*Case Information*

Zafferullah Malik was arrested by 8 Rashtriya Rifles on May 11, 2011. He was tortured for three days after his arrest and then shifted to JIC Doda. He was beaten mercilessly with iron rods and rifle butts, electric shocks were given to his body. He was suspended from the ceiling, forced to drink a bucketful of cold water on a cold night. He was tortured by Shiv Krishan (alias Sonu). He was released from JIC Doda after 3 months and 12 days of his arrest.

He suffers from constant pain in arms, shoulders and knees.

Case 424

**Zahoor Ahmad Dar**

Male/ Labourer

Parentage: Mohammad Sultan Dar

Residence: Bunshiva, Dooru, Sopore, Baramulla

Affiliation: Militant

Alleged perpetrators/Agency:

1. Rashtriya Rifles, Army
2. SOG

*Case Information*

In the year 2000, Zahoor crossed over the LoC to receive arms training. He remained active in the valley for about 14 and half months. During his stay in Pakistan administered Kashmir, his family was harassed and beaten. They were forced to inform the forces about his arrival and with the result in 2002, he surrendered before Major Raj of Rashtriya Rifles. He was detained for 4 days and he was tortured for 2 hours per day. He was detained at the clinic of Dr. Sofi. He was also taken to Gunjoo House, Sopore where he was kept for two months. From there he was shifted to Baramulla Sub-jail for two months and then shifted to Udhampur Jail for 16 months.

In the torture, he was kept naked and upside down and was given electric shocks in ear, foot and private parts of his body. He was forced to drink excessive water. A roller was used on his body. His head was dunked into the water containing chilli powder.

He is unable to work because of the torture, suffers from general ailments and feels psychologically subjugated. He is forced to report to the camps and his son has been falsely implicated in a stone pelting case. He was also arrested by SOG who harassed his family and he even had to give ransom money for the release of his son for which he had to sell his house. He continues to be very perturbed about the security of his son for he too has been demanded to report to the camps.

Case 425

**Zahoor Ahmad Sofi**

Male/ Student

Parentage: Habibullah Sofi

Residence: Brar, Bandipora

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

Testimony by the victim's father, Habibullah Sofi

*Case Information*

On that fateful day, Zahoor Ahmad was tired after getting back from Wular Valley B.Ed. College and asked his mother for early meals. In the meantime, someone knocked at the door, and as the head of the family, Zahoor's father Habibullah went to open the door. There were some two or three police personnel in addition to a Sub Inspector with two stars who were at the door and they asked Habibullah about his occupation. Then they asked him how many sons he had and he told them he had three. Then they asked his brother Ghulam Nabi Sofi, his son Zahoor Ahmad, second son Ali and him to assemble outside in the yard while the females were asked to remain inside. The Inspector then asked Habibullah to send his son Zahoor to the main gate to ask the policemen waiting outside to come in. Habibullah told the inspector that he would do it but he asked for Zahoor to be sent. They waited for 7-10 minutes for Zahoor to return but he did not. Within minutes, the inspector Aziz fled from the spot and as the family ran after him, they saw the police personnel dragging Zahoor barefoot into their white gypsy parked on the main road. They bundled him into the gypsy and whisked him away. The same night, the family approached the police post at Aragam to lodge an FIR where the inspector of the police post, Bashir Ahmed contacted the SOG Kaloosa and the Dy.S.P. confirmed that they had arrested Zahoor. Bashir told the family that it was late and he would accompany them to the SOG camp the next day.

Next day, Habibullah along with his relative Abdul Rahman Bhat resident of Aragam approached the Inspector but didn't find him there. They then approached the SHO Bandipora Showkat Ahmad, but he did not help of the family. After Zahoor was detained, SOG from Kaloosa Camp, Bandipora raided their house.



They then approached SOG Bandipora. Habibullah, along with his brother, Abdul Khaliq, a resident of Brar Bandipora, then met Zahoor at Kaloosa SOG camp. He had been brutally tortured and even though he was kept in the camp for around 10 days, this was the last time his father saw him.

Ten days passed and the family heard from someone that Zahoor had been killed in custody by SOG Bandipora. Thousands of people protested against the SOG; Zahoor had nothing to do with any unlawful activity but he was tortured and killed in broad daylight.

The family approached the State Human Rights Commission, which ruled in their favour.

Case 426

**Name withheld**<sup>317</sup>

Female

Parentage: Nasar-ud-din Gujjar

Residence: Kullar, Pahalgam

Age: 17

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. H.C. Nathum Ram, 58 Battalion, BSF
2. Krishan Kumar, 58 Battalion, BSF
3. R.C. Mankoot, 58 Battalion, BSF

### *Case Information*

A 17-year-old orphan girl was gang raped by three personnel of the 58 Battalion BSF on April 17, 2002 in broad daylight. The victim, a resident of Kullar in Pahalgam, lived with her widow mother and ailing maternal uncle in an area slightly removed from the neighbours. At around 11:30 am, a party of 15 BSF personnel attached to the 58 Battalion passed that way and some BSF personnel intruded into the house while the rest cordoned the house. Three personnel segregated her widow mother and maternal uncle into another room and unabashedly pounced upon the hapless girl and raped her one by one on the point of a gun. The maternal uncle and the mother of the victim were held back with the forces' guns pointing at them. The party then left the spot. Later, the neighbours took the victim who was in a precarious state to the hospital at Pahalgam where she was referred to the district hospital Anantnag on the advice of the doctors as her condition was critical. Rape was confirmed after medical check-up.

The people of the area took to the streets and protested against the heinous crime and demanded stringent action against the perpetrators of the crime. The police took cognizance and the three culprits identified as H.C. Nathum Ram, Krishan Kumar and R.C. Mankoot were arrested. District Magistrate and the Senior Superintendent of Police (SSP) of Anantnag rushed to the spot and had talks with Commandant of 58 Battalion of BSF after which the culprits were identified by the victim in a parade. The crime generated extensive heat and even the then Home Minister of India, L.K. Advani condemned the incident and assured stringent action against the culprits. This

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<sup>317</sup>Source of the case: Institute of Kashmir Studies documents

is the first rape case which was taken seriously by the administration as well as the forces and got the culprits identified and later arrested. Even the IGP BSF, Mr. G.S. Gill and the DG BSF, Mr. Jagat admitted that the BSF personnel were involved in committing the rape. Court Martial proceedings were later initiated against them.

Case 427

**Zia-ud-Din Dar**

Male/ Shopkeeper

Parentage: Mohammad Ramzan Dar

Residence: Dangerpora, Sopore, Baramulla

Affiliation: Militant

Alleged Perpetrators/Agency:

1. 5 Guard Regiment, Army

*Case Information*

Zia-ud-Din went to Pakistan administered Kashmir for arms training in 1989 and returned in 1990 after ten months. He remained active for three years with Al-Jihad outfit before being arrested by the 5 Guard Regiment, when they raided the house in which he was hiding. He was later taken to various Army camps and jails where, he claims, he was tortured.

Zia was hidden in a house in his native village with five other companions when the 5 Guard Regiment, acting on a tip, cordoned the house and arrested all of them. They were all unarmed, so there was no exchange of fire. They took them into separate rooms of the same house and tortured them. They first removed Zia's clothing and beat him with the butts of their guns. After that, they dunked his head into a bucket of water several times for two to three minutes at a time. They also sprinkled chilli powder into his eyes and applied an electric current to his genitals. After that, they poured water on the cement floor and, after forcing Zia to lie on it, applied an electric current to his toes and tongue for about half an hour. After that, they lit the stove and put it beneath Zia's thighs three times, for about two minutes at a time. They also put out their cigarettes on his shoulders and back. Then they suspended Zia from the ceiling and beat his soles. Zia feared that they would do something even worse, so he gave them the location of his weapon.

After that, they took him to Gunjoo House, Sopore, where he was detained for 25 days. They did not torture him on the first day. On the morning of the second day, they bound his hands and put him into a small room with two big reared dogs for half an hour. The dogs bit and scratched his whole body. After that, they put Zia into another room with hundreds of rats for an hour. They also bit his body. In order to escape from them, he covered himself with a ragged quilt that had been lying in the room. For the next two days, they did not torture him. Then they put Zia into a small room, from where he was taken out twice a day. However, at night, he was handcuffed and blindfolded. After two days, they took him out for torture. They tied a large stone over his back, a long rope to his neck, and put him in a deep ditch filled with water. Due to the weight of the stone, Zia sank deep into the water, but after a few minutes in the water, he was pulled out by the rope around his neck. This continued for about half an hour. After taking him out, they closed his nostrils and poured five to six litres of water through his mouth. His stomach became swollen with water, so they kicked and trampled on his stomach, which caused him to vomit up all

the water. After that, they tied a cloth around the tip of a stick and inserted it several times deep into Zia's stomach through his mouth, which caused blood to start oozing out of his mouth. After that, they dragged him across the ground and put him back into the room. The next day, they put Zia into a vehicle and took him to Sopore Main Chowk, where he was asked to identify militants among the people in the market. They kept him there for an entire day, but he did not identify anyone. After that, they did not torture him again for the next five days. After five days, they tortured Zia mentally by asking confusing questions during interrogation. His family was allowed to visit him there after 20 days of detention. He was given insufficient food there, and forced to clean utensils and sweep the floor.

After 25 days, he was transferred to JIC Baramulla for eight months. He was not tortured there, but was kept in a small room with 350 other detainees. It was difficult to sleep in the room, and there was only a single bathroom for all the detainees to share, so they used to defecate in polythene bags. From there, Zia was transferred to Udhampur Jail for three years. He was not tortured there. After three years, he was released, but was re-arrested at the gate of the jail. From there, he was taken to Kot Balwal Jail, Jammu for one year, and then to Rangreth Srinagar for two months. Later, he was released from there. Zia did not join the armed struggle again, but after that, he was forced to report at the Army camp every week. He reported to nearly every camp of the area, including Watlab, Warpora, Seelu, Sopore, and Bomai. At every camp, Zia was harassed on trivial issues and forced to do laborious work, such as cutting grass, cleaning utensils, and cleaning drains and bathrooms. At Warpora Camp, ex-militants were forced to crawl along the road for long distances through the village, and the villagers were forced to taunt and spit at them.

Case 428

**Zakir Hussain Shiekh**

Male/ Contactor

Parentage: Habib-ullah Shiekh

Residence: Dhar Kastigarh, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Ali (MI), 10 Rashtriya Rifles, Army
2. Salman (alias), 10 Rashtriya Rifles, Army
3. Showkat (alias), 10 Rashtriya Rifles, Army

*Case Information*

Zakir Hussain was arrested in June 2001 by 10 Rashtriya Rifles. He was stripped naked and beaten with lathis and iron rods mercilessly. He was given electric shocks to different body parts including genitals. He was tortured in JIC Doda by a group of personnel from 10 Rashtriya Rifles. He remembers the name of one torturer called Ali who was working with Military Intelligence. The nicknames of some other perpetrators that he remembers are Salman and Showkat. He was tortured regularly for 5 days, for 3 hours each day.

He feels general physical weakness, is stressed and depressed and has multiple injuries near his private parts.

Case 429

**Zameer Ahmed Bhat**

Male/ Used to be a tailor

Residence: Rose enclave, Shivpora, Srinagar

Affiliation: Civilian

Alleged perpetrators/Agency:

1. 5 Garhwal Regiment, Army

*Case Information*

Zameer was a tailor in the Shivpora region when he was abducted by the Indian Army in 1994. There was a crackdown in his area during the summer and he was arrested. He was taken to a house and interrogated, and was repeatedly accused of being a Pakistani, an Afghan, or a militant. The regiment that picked him up was the 5 Garhwal Regiment of the Indian Army. He was tortured in the house. A roller was applied all over his body, and he was given electric shocks, forced to drink dirty water, his forehead was carved. This was all in addition to severe beatings. He was subjected to various forms of physical and psychological torture. This continued for a day. After that, he was abandoned on the roadside. Zameer went home, and decided to go to his sister's place in Lasjan to be safe. Coincidentally, another crackdown happened in that area and he was arrested again. He did not know which regiment it was that time. He was taken to a nearby field and tortured for a day. After the incident, he went back home and got the necessary medical treatment. A few days later, he was heading to work when he suddenly felt immense pain and was rushed to a doctor. He was hospitalized and remained in a coma for nine months. As a result, his entire right side has become paralyzed.

Zameer's family did not file a complaint with any human rights organization. His case was not highlighted by the media and he did not receive any compensation. His family said that he used to be a strong, active man, a good swimmer, and smart but his life has changed as a result of the torture.

Case 430

**Zareefa Bano**

Female/ Home maker

Residence: Kanipora, Shopian

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. Jammu & Kashmir Police

*Case Information*

On a night in September 2016, Zareefa was sleeping in her house when some noise woke her up. It turned out to be army persons and Jammu & Kashmir Police who were verbally abusing the family. They broke the windows, doors, window panes of the house and at around 2 am, they entered inside and dragged everyone out of the house. They beat Zareefa's nephew badly. Everyone in the family, including women and children, were beaten with iron rods, bamboo sticks and gun butts while also being verbally abused. Their property was destroyed and the women were harassed.

By this incident, Zareefa got internal as well as external injuries. Her arm was fractured, and she has had issues with her blood pressure since. She has become mentally depressed and physically weak and continues to feel a constant threat of such torture.

Case 431

**Zaidullah Wani**

Male

Parentage: Inayatullah Wani

Residence: Gandoh Bhalessa, Doda

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. SOG
2. SHO Rajender Singh, Police Station Gandoh, Jammu & Kashmir Police

*Case Information*

On Sep 29, 2001, the SOG summoned Zaidullah, S/O Inayatullah, an employee in Public Health Engineering (PHE). He was tortured for the whole night and when the villagers enquired about him, they were told he was taken to Gandoh police station. On September 30, 2001, the SOG personnel cordoned the house of Zaidullah and arrested his father Inayatullah, his brother Waseem Ahmad, a 10<sup>th</sup> class student and Javaid Ahmad, a member of Panchayat. All three were tortured for the whole night. Waseem was pressurized and tortured to admit that he possessed a grenade.

On October 1, 2001, when Waseem was left at home by the SOG, his mother Ameena Begum, sister Zareena Bano, 15, and Zaidullah's wife Shameema Begum were arrested and taken to the camp. Shameema Begum was stripped naked and electric current was applied on her private parts. She was then taken to her parents' house where her mother Sakeena Begum was also beaten ruthlessly. The SOG personnel left when they thought Sakeena had died. Both the mother and daughter were admitted to the Gandoh hospital. But on the way to the hospital, the villagers carrying the injured mother and daughter were stopped, abused and accused of being militants by the then SHO Rajender Singh, Police Station Gandoh. The torture was inflicted by Rajender and his men.

On the intervention of influential persons, Ameena and Zareena were released but Inayatullah was kept in custody. On October 1, one Fayaz Ahmad Hafeez, who was running an orphanage in Bharti village, was picked up and tortured. On October 3, when some villagers tried to go to Doda to meet authorities for lodging complaint, the SOG personnel chased them and arrested the wife of one Javaid Iqbal. The villagers accused Rajender Singh, Shain Singh and KK Sharma as communalists who were hell bent to create communal tension in the area.

On October 7, 2001, Inayatullah was sent to the hospital where he was told that one Afghan militant had been killed and he was asked to identify the dead body. The old man was shocked when he saw the body of his son, Zaidullah.

The family members filed a case under section 366/302 RPC against the SHO and others before the Chief Judicial Magistrate wherein they stated that the SHO killed Zaidullah after taking him into custody. On October 9, 2001, the Chief Judicial

Magistrate (CJM) forwarded the application to Incharge Police Station Gandoh for conducting an enquiry and for reporting the progress of the enquiry on or before October 29, 2001.

Besides approaching the court, the villagers sent petitions to the Home Ministers of J&K and India for conducting a probe into the custodial killing of Zaidullah.

On October 24, 2001, another application was moved by one Mohi-ud-Din wherein it was stated that the order was passed on 9-10-2001 under section 221 CrPC and was handed over to the SHO; no proceeding has been initiated by the said SHO, therefore, the contempt proceedings may be initiated against him. On October 29, 2001, the SHO appeared before the court of CJM and stated that he has not received any application from the petitioners. However, he was directed to conduct an inquiry into the custodial killing of Zaidullah.

A petition was filed in Jammu High Court by Shameema Begum, widow of Zaidullah. The court directed the IGP to file FIR.

The SOG personnel who picked Zaidullah Wani were identified as **1. Swaran Singh (Bunty) I/ C SOG post Bharti 2. Raj Singh, post Bharti 3. Ram Rattan R/O Suranga, Joura 4. Lekh Raj R/O Inharrah Tehsil Gundoh 5. Naresh R/O Bhaderwah 6. Vikram Singh R/O Kandote, Thathri 7. Suresh Kumar R/O Dachan 8. Shaie Arab R/O Dachan 9. Narinder Singh R/O Kandote Thathri.**

After 5 years of investigation two culprits were arrested by the police and the case was referred to the Sessions Judge Bhaderwah by Crime Branch Jammu for further trial. The two accused were later released on bail.

Case 432

**Zulfikar Uddain**

Male/ Local Contactor

Parentage: Mohammad Uddain

Residence: Sanai, Surankote, Poonch

Affiliation: Civilian

Alleged Perpetrators/Agency:

1. S.S.P. Ashkooor Wani, Jammu & Kashmir Police

*Case Information*

Zulfikar was first arrested in Doda in 2011 on charges of association with militant groups and kept under custody in Police Station Poonch for 18 days where he was severely tortured. Even though he got arrested in Doda, the police showed in records that he was arrested in Poonch itself. The police couldn't prove these charges. According to Zulfikar, the police was under a lot of pressure to not release him. Therefore, during those days only, they planted a fake recovery of weapons at his home. He was shifted to JIC Jammu where he was brutally tortured again by SSP Ashkooor Wani. After staying in JIC Jammu for 17 days, he was sent back to Poonch Jail from where he was released under court orders. Only after a day, the police picked him again on charges of a bomb blast that had happened in Poonch Mandi. There was no charge sheet produced for the said case. He was eventually slapped with

PSA and put behind bars for almost nine months. Most of the charges were quashed by the court due to unavailability of proof.

Zulfikar faced all forms of torture, be it roller, electric currents to fingers, being hung upside down, verbal abuse and continuous beating. Due to all this, he still struggles to get any decent work to do and finds himself ostracized by his people as well as the authorities. He has failed to get character certificate or a passport so far which limits his employment options to almost zero.

Due to continuous surveillance and harassment by the police and army, Zulfikar finds himself under constant mental torture. His three children, wife and parents faced a lot of harassment by the military that would frequently raid their house.

The local media in Poonch reported the case but it was a media trial that pronounced him guilty right away prior to any investigation. While the judgment was passed in his favour by the Court, that was never reported.

**Annexure 1**

**Mohammad Afzal's Letter to his Lawyer,  
Sushil Kumar, Sr. Advocate, Supreme Court**

Respected Shri Sushil Kumar;

Hello (I)

I am extremely thankful and feel very much obligated to you that you have taken up my case and decided to defend me. From the beginning of this case I was neglected and had never been given a chance to reveal the truth before media or in court. The designated court did not provided me the lawyer inspite of giving three applications. In the high court one human rights lawyer asked the court that Afzal had expressed his desire that he want to be killed by toxic injection rather by hanging which is absolutely false. I never told this to my lawyer. Since that lawyer was not of my own choice (or my family) but it was due to my helplessness and non-accessibility to proper lawyer. Being locked up in high security jail and without being in communication with that human rights lawyer I could not change him or to convey my objection regarding my death desire to highcourt as I came to know this after high court's decision.

In the parliament attack case I was entrapped by Special Task Force of Kashmir. Here in Delhi the designated court sentenced me to death on the basis of special police version which workes in nexus with STF, and also came under the influence of mass media in which I was made to accept the crime under duress and threat by special police A.C.P. Rajbir Singh. That threat even get confirmed to designated court by T.V. interviewer (Shams Tahir Aaj-Tak).

When I was arrested in Srinagar bus stand I was taken to STF Headquarter from here the special police along with STF brought me to Delhi. In Srinagar at Parompora Police Station everything of my belongings was seized and then they beated me and threatened me of dire consequences regarding my wife and family if I reveal or disclose the reality before anybody. Even my younger brother Hilal Ahmad Guru he was taken into police custody without any



warrant etc. and was kept there for 2-3 months. This was first told to me by A.C.P. Rajbir Singh. Special police told me that if I will speak according to their wishes they will not harm my family members and also gave me false assurance that they will make my case weak so that after sometime I will get released.

The most important priority I gave to safety of my family. As I know from last seven years how the STF men kill, the Kashmiris, how they had made youth invisible and had disappeared them while killing them in custody. I am living and organic eye-witness to various tortures and custodial killings and I am myself the victim of STF terror and torture. Being an surrendered militant of JKLF I was constantly harassed, threatened and agonized by various security agencies like Army, B.S.F. and S.T. F., But since S.T.F. is unorganized, without being accountable a band and gang of renegades patronised by state government. They intrude every house, every family everywhere in Kashmir anytime day or night. If anybody is picked up by STF and his family came to know this, then family members only wait to get his dead body which they hope. But usually they never came to know his whereabouts. 6000 youths have disappeared. Under these circumstances and under this fearful environment persons like me are always ready to play any dirty game in the hands of S.T.F. Just for the survival. The people who are able to pay in terms of cash are not forced to do the dirty things the way I did as I was not able to pay. Even one of the policeman of the same police station of Parimpora named Akbar had extorted 5000 Rs. Long before attack and threatened me that he will charge me as selling duplicate medicines and surgical items of which I was doing business at Sopore, in 2000. He came here in designated court and became a witness against me. He was knowing me before parliament attack. In the court room he told me in Kashmiri that my family is o.k. indirectly it was a hidden threat which the designated court hardly could realise otherwise in court I would have questioned him but before court started recording his statement he told me this. Throughout the trial I remained mute and helpless spectator as witnesses, police and even judge they all became a single force against me. I

remained a frustrate bewildered and confused between the security and safety of myself and my family. I protected and saved my family. That is how I am lying in deathrow.

II. In 1997-98 I started a business of medicines and surgical instruments on commission basis as I could not get a govt. job due to the reason of being an surrendered militant. Because surrendered militants were not given jobs. They were either to work as SPOs or STF or to join the renegades under the patronage of security forces or police. Everyday SPOs were get killed by militants. In these conditions I started my commission based business earning 4000Rs. – 5000Rs. per month. But since the police informers (SPOs) usually harass those surrendered militants who do not work with S.T.F. etc. From 98-2000 I usually used to pay 300Rs. sometimes 500 Rs. to local SPO so as to keep myself in business otherwise these SPO make us to present us before security agencies. Even one of the SPO one day told me that they too have to pay their bosses. As I was working hard in my business my business flourished. One day at 10 AM I was on my Two wheeler scooter that I had purchased just before two months. I was whisked away by STF men in bullet proof gypsy to Palhallan camp. There the D.S.P. Vinay Gupta tortured me, electrified me—put me in cold water – used petrol—chillies and other techniques. He told me that I possess weapons but at evening time one of his inspector Farooq told me that if I can pay 1000,000 Rs. to him (D.S.P) I will be released or they will kill me. Then they took me to Humhama STF camp where D.S.P. Dravinder Singh also tortured me. One of his torture inspector as they called him Shanty Singh electrified me naked for 3 hours and made me drink water while giving electric shocks through telephone instrument. Ultimately I accepted to pay them 1000000Rs. for which my family sold the gold of my wife. Even after this they could manage only 80000 Rs. Then they took the scooter too which was just 2-3 months old which I bought for 24000Rs. Thus after getting 1lakh rupees they let me free. But now I was a broken person. In the same Humhama STF camp there was one more victim named Tariq. He suggested me that I should always co-operate with STF otherwise they will always

harass and will not let me to live normal—free life. This was a turning point of my life . I decided to live the way Tariq told me. Since from 1990-1996 I had studied in Delhi University I was also giving tuitions in different coaching centres and also home tuitions. This fact reached to the man named Altaf Hussain who is brother-in-law of S.S.P. Ashaq Hussain of Budgam. Since it was this Altaf Hussain who managed my family rather he became the broker between my family and D.S.P. Humhama Dravinder Singh. Altaf told me that I should teach his two children one on 12<sup>th</sup>, 2<sup>nd</sup> [second one] in 10<sup>th</sup> class as his children were not able to go outside for tuition due to militant threat. Thus I became very close to Altaf's and Altaf also. One day Altaf took me to Dravinder Singh (D.S.P.). D.S. told me that I had to do a small job for him that has to take one man to Delhi as I was well aware about Delhi and has to manage a rented house for him. Since I was not knowing the man but I suspected that this man is not Kashmiri as he did not speak in Kashmiri but I was helpless to do what Dravinder told me . I took him to Delhi. One day he told me that he want to purchase a car. Thus I went with him to Karol Bagh. He purchased the car. Then in Delhi he used to meet different persons and both of us he Mohammad and me used to get the different phone calls from Dravinder Singh. One day Mohammad told me that if he want to go back to Kashmir he can. He also gave me 35000Rs. and told me that this gift is for you. 6 days or 8 days before I took a rented room at Indra Vihar for my family as I decided to live in Delhi with my family because I was not satisfied with my this life. I left the keys of rented house to my land lady and told her that I will be back after Eid festival on 14<sup>th</sup> Dec. after parliament attack about which there was a lot of tension. I contacted Tariq in Sgr. [Srinagar]. At evening he told me when I came back from Delhi. I replied just one hour before. Next morning when I was about to leave to Sopore from bus stand Sgr. police caught me and took me to Parampora police station . Tariq was there also with STF. They took 35000 Rs. from my pocket, beated me and directly took me STF Head Quarter. From there I was taken to Delhi. My eyes were blind folded. Here I found myself in special police torture cell.

.In special cell custody I told them everything regarding Mohammad etc. but they told me that I Showkat his wife Navjot (Afshan) Geelani are the people behind parliament attack. They too threatened me regarding my family and one of the inspector told me that my younger brother Hilal Ahmad Guru is in STF custody. They can lift the other family members too if I don't co-operate with them. They tried me and forced me to implicate Showkat his wife and Geelani but I did not yield. I told them this is not possible. Then they told me that I should not say anything about Geelani (be about his innocence). After some days I was presented before media handcuffed. There were NDTV, Aaj tak, Zee news, Sahara TV etc. Rajbeer Singh (A.C.P.) was also there. When one of the interviewer Shams tahir told me what is the role of Geelani in parliament attack, I just said that Geelani is innocent. This moment A.C.P. Rajbeer Singh got up from his moving chair he shouted at me and told me that he had already said me not to speak about Geelani in front of everybody (Media-personnel). Rajbeer Singh's behaviour exposed my helplessness and media personnel atleast came to know that what Afzal is saying under threat or duress. Then Rajbir Singh (A.C.P.) requested T.V. personel that the question regarding Geelani should be washed away or not to be shown before public. At evening time Rajbir Singh told me that if I want to talk [to] my family. I replied in yes. Then I talked to my wife. After finishing my phone he told me if I want to see my wife & family alive I must co-operate [with] them at every step. They took me to various places in delhi. From where they showed that Mohammad had purchased different things. They took me to Kashmir from where we came back without doing anything. They made me to sign on atleast 200-300 blank pages.

I was never given an [a] chance in [the] designated court to tell the real story. The judge told me that I will be given full opportunity to speak at the end of case but at the end he even did not recorded my all statements neither the court gave me whatever even court recorded. If phone numbers recorded will be seen carefully the court would have come to know the phone numbers of STF.

Now I hope that the Supreme Court will consider my helplessness and the reality through which I had passed. STF made an [a] scapegoat in all this criminal act which was designed and directed by STF and others which I don't know. Special Police is definitely the part of this game because every time they forced me to remain silent. I hope my forced silence will be heard and justice will prevail.

I once again pay heart felt thanks to your good self for defending my case. May truth prevail!!

.(Sd)

• Mohammad Afzal

S/O Habibullah Guru

Ward No. 6(High Security Ward)

Jail No. 1, Tihar

New Delhi 110064



- 17. Name of the place/places where torture took place.....  
.....
- 18. Media coverage.....
- 19. Were you tortured alone or in a group with others.....  
.....
- 20. Was the perpetrator individual or in a group.....  
.....
- 21. Gender of the perpetrator.....
- 22. Any nickname for perpetrator.....
- 23. Was the torture repetitive.....  
.....
- 24. Total duration of torture .....
- 25. Current health status/complications.....  
.....
- 26. Any FIR booked against the victim/whether victim has filed any FIR.....  
.....
- 27. Any legal step taken by the victim.....  
.....
- 28. Government compensation paid  
.....

Date and time of interview.....

Place of interview: .....

Name of interviewer: .....

**Witness declaration:**

**I certify that I have read the above statement, or, if appropriate, I have been administered the above orally, as suitable, in Kashmiri, Urdu, or English, and that it is a true and correct record of my testimony.**

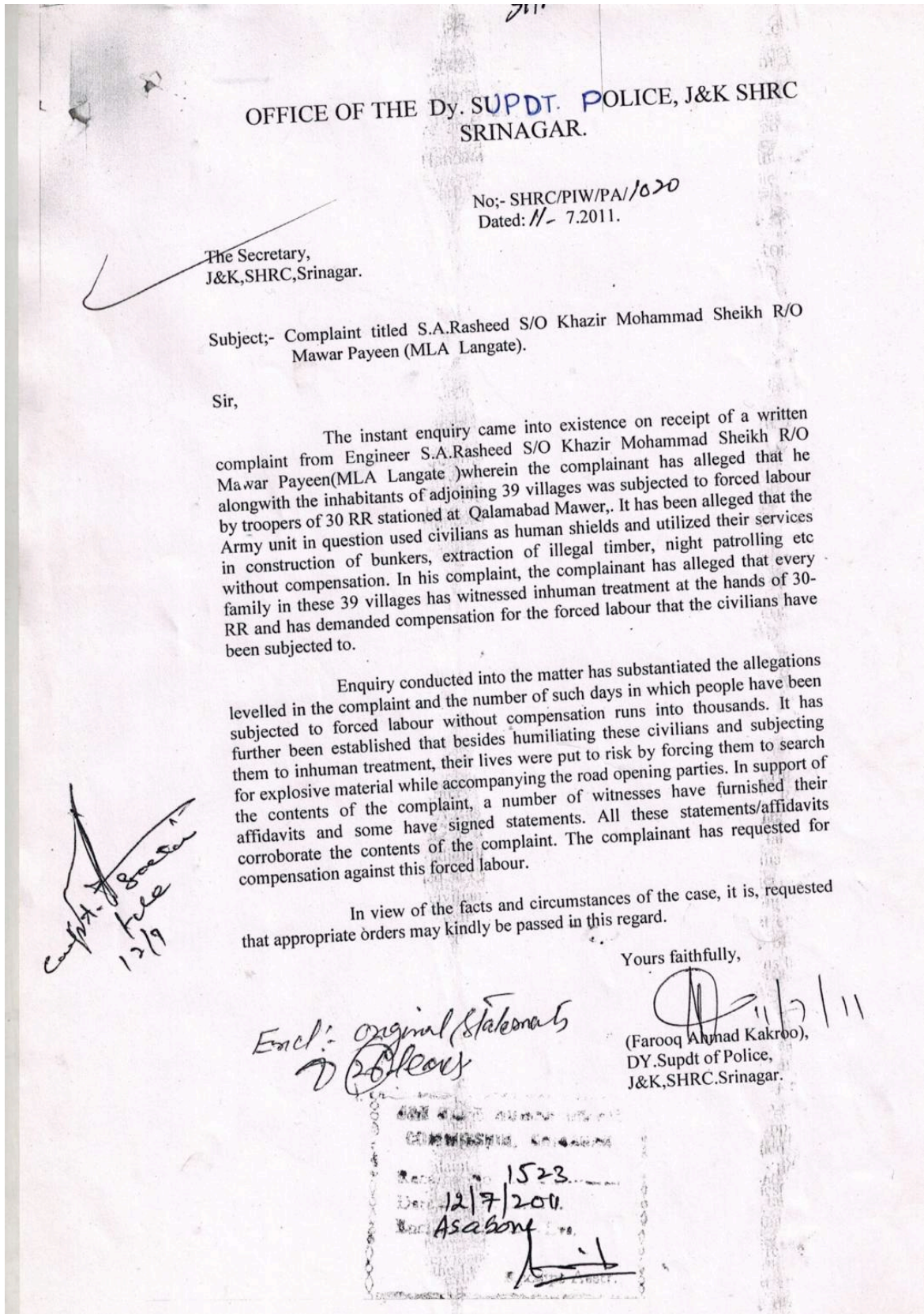
**I consent / do not consent to the use of my name / pseudonym / statement for any campaign, report or other relevant work, including as submission to relevant United Nations bodies by APDP and JKCCS.**

**Witness name:**

**Signature:**

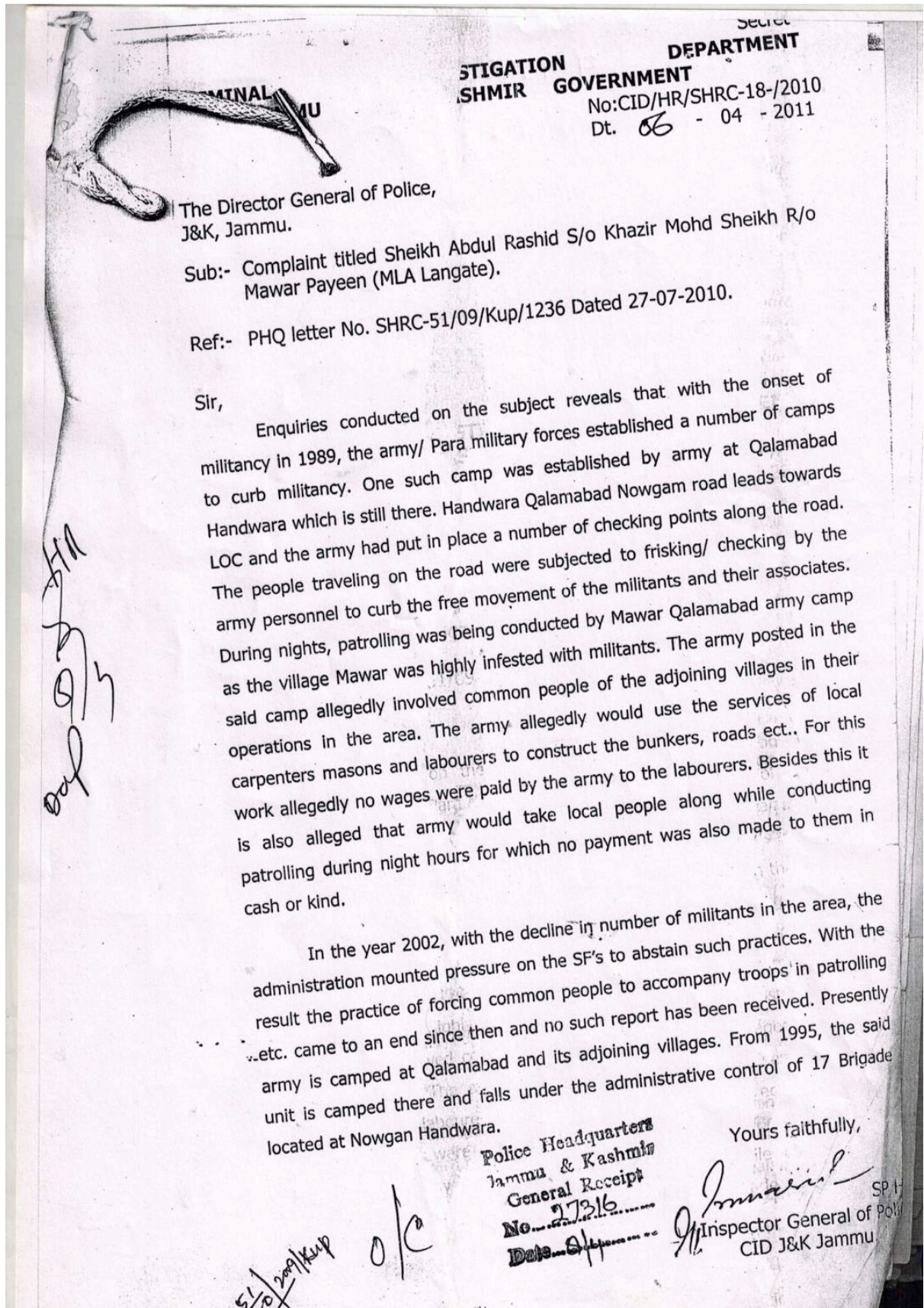
**Date:**

**Annexure 3**





**Annexure 4**



**Annexure 5**

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

W. P. (C) 10437/2017

Chinmay Kanojia ..... Petitioner

Versus

Central Jail, Tihar  
Through its Director General & Anr. .... Respondents

**REPORT OF COMMITTEE  
IN TERMS OF ORDER DATED 23.11.2017**

1. Vide order dated 23<sup>rd</sup> November, 2017 passed in W.P.(C) 10437/2017, the Hon'ble Division Bench constituted the undersigned Committee with a direction to forthwith visit and inspect the Jail No. 1 including the High Risk Cell of the Central Jail, Tihar, New Delhi with permission to meet the inmates in the said High Risk Cell of Jail No. 1. The Committee was also directed that in case any prisoner is found to be in need of medical assistance, the same shall be ensured to the prisoner.

2. In terms of the mandate given by the Hon'ble Court the Committee visited the Tihar Jail and presented a copy of the order to Mr. Ajay Kashyap, Director General (Prisons), Tihar who organized access to the High Risk Cell of Jail No. 1. The Director General informed the Committee that there was an alarm in the High Risk Cell of Jail No. 1 on the night of 21<sup>st</sup> November, 2017 and that a report in that behalf had already been sent to the concerned District Courts. The Director General facilitated for the access for the Committee to meet the inmates of the High Risk Ward of Jail No. 1. The petitioner accompanied the Committee during the visit for the purposes of identification

of the victim Shahid Yousuf. Once the identity of said Shahid Yousuf was confirmed, the petitioner was thereafter not involved in the proceedings of the Committee.

3. Prior to meeting the prisoners, while awaiting interaction with the prisoners being organized, there was a very brief meeting in the room of the Addl. IG, Mr. Raj Kumar. During the course of that meeting, the Committee was made aware as to how the alarm situation arose on the night of 21<sup>st</sup> November, 2017. The Committee was informed that during the routine search of the High Risk Ward, which is routinely done twice every day, the prisoners had objected to a fresh direction for withdrawal of pillow covers from the prisoners. These pillow covers are make shift bed sheets rolled as pillow covers and the inner cushion is not cotton or any other material but small blankets rolled into a small cushion like piece to be covered with that cover made out of the bed sheet. It was stated that the incident was the result of some arguments between the prisoners and the search team which comprised the personnel of the Tamil Nadu Special Police (TSP).

4. The High Risk Ward of Jail No. 1 has different Cells. The Committee expressed its desire to first meet Shahid Yousuf, whose vest was submitted to the Hon'ble Court in the present writ petition. Shahid Yousuf was found housed in the Cell C-9(1) and was injured. He stated that the search team came around 8:30 pm on 21.11.2017 and carried out an intensive and vigorous search of their Cell under the supervision of Mr. Muthu Pandi, SI, TSP. After completing the search, the team locked the Cell from outside and

went away. He further stated that after about 15 mins. of the search team leaving their Cell, C-9, they initially heard loud noises from outside the courtyard and thereafter an alarm was sounded. He further said that at around 9:15 pm, the TSP personnel, who had earlier come for checking entered the 'C' Ward in large numbers and started beating the inmates with 'fibre' as well as 'wooden' sticks or whatever else came in their hands. He stated that he was hit on his head many times consequent where to he started bleeding from his head. He further informed that he also sustained injuries on his back and left hand. He complained of having pain in his left shoulder. This inmate informed the Committee that such an incident had not occurred earlier. He clarified that the 'Baniyan' (Vest) which was given by him to his advocate was not worn by him at the time of incident but was used by him to wipe blood from his body. The doctor came around 10:00/10:30 pm and gave them first aid.

5. The Committee interviewed all the other inmates housed in Ward 'C' comprising four independent cells viz. Mushtaq Ahmed, S/o Abdul Hamid, Cell No. C-9 (1); Mr. Gulam Mohd. Bhat, Cell C-9 (1); Abdul Subhan, Cell C-9 (1); Ajimushan S/o Abdul Sattar, Cell No. C-10 (2); Mohd. Sajid, S/o Nizamuddin, Cell No. C-10 (2); Nasir Mehmood, S/o Mohd. Sakhi, Cell No. C-10(2); Imran, S/o Maujam Khan, Cell No. C-11 (3); Azhar, S/o Mohd. Taufiq, Cell No. C-11 (3); Sohail Ahmed, S/o Umar Farooq, Cell No. C-11 (3); Abdul Rahim, S/o Majid Khan, Cell No. C-12 (4); Mohd. Sharif Moinuddin, S/o Mohd. Masuiddin, Cell No. C-12 (4) and Ubaidulla Khan, Cell No. C-12 (4). In each of the Cells. there were 3-4 prisoners. Each of the

prisoners were interacted with individually by the Committee and the photographs taken. The essence of their statements was common. It was stated by them that the existing TSP unit under the charge of Mr. Muthu Pandi, SI was undertaking the search of their Cell for almost 15-20 days and even the routine searches carried out by them are always very intensive and aggressive in as much as they turn around each and everything lying in their Cell and virtually ransack their belongings. The TSP personnel have however do not touch their religious books. The same are shown to them by the prisoners themselves by keeping those books in their own hands and are checked by the TSP personnel. They stated that the issue with respect to aggressive checking by the TSP personnel was brought to the notice of the authorities namely the Superintendent, Jail No. 1, verbally as well as in writing. Two such representations dated 13.11.2017 and 18.11.2017 have been made available by the Jail authorities, in original. The same are annexed to this report and are marked as **Annexure + 'A' (colly)**.

6. The prisoners informed that the incident which occurred on the night of 21<sup>st</sup> November, 2017 was triggered in the manner described as under:

- (i) At around 9:00 p.m., certain loud noises were heard from outside their Cell. They appeared to be the voices of the inmates of Ward 'F'. There were loud noises heard of the inmates as well as of the TSP personnel. Although they could not move out of our own Ward since the main gate was locked, they could make out that there was some dispute with regard to the seizure of the pillow cover of the

inmates. They also informed that the pillow cover is actually a bed sheet converted into a cover for a small piece of blanket which is used as a pillow to support the head while sleeping. They stated that the pillow had been advised by the doctor to one of the inmates in Ward 'F'. After some arguments for a short period of time, there was an alarm ordered by Mr. Muthu Pandi, SI, officer-in-charge of the search unit. During the search of their Cell, the TSP personnel also threw three pillows from their Cell towards the open area beyond the Ward.

(ii) At around 9:20 p.m., the TSP as well as QRT (Quick Reaction Team) staff entered their Cell and started beating the inmates with lathis and whatever else they could lay their hands on. Even the buckets lying in their Cells for water were used to beat up the inmates. They further stated that there was no provocation for such beating from their side nor were they in any position to offer any resistance or retaliation to the beatings.

(iii) They said that severe injuries have been received by Shahid Yousuf, Mushtaq Ahmed, Mohd. Sajid, and Azhar. They pointed out that Mohd. Sajid suffered three fractures in his right hand index finger. The other inmates also suffered severe bruises on their backs and legs. Mushtaq Ahmed suffered a swollen hand and severe injury on his left leg.

(iv) The inmates stated that all the prisoners who were injured in the incident were provided treatment by the jail doctor and there was no hospitalization of any of the inmates. They were also provided the necessary medicines by the jail medical staff.

7. Ward 'F' of the High Risk Ward of Jail No. 1 comprises four different Cells and each of the Cells was stated to be housing 3-4 prisoners. Some of the prisoners were stated to have gone to the court for attending their dates. The prisoners found during the inspection were Ahtesham, Cell No. F-22 (4); Samir, S/o Mufiz Ahmed, Cell No. F-22 (4); Adhan Hasan, S/o Mohd. Hussain, Cell No. F-22 (4); Mohd. Hakim, S/o Abdul Karim, Cell No. F-21(3); Asadullah Rehman, S/o. Anees Rehman, Cell No. F-21(3); Shahjad Ahmed, S/o Siraj Ahmed, Cell No. F-21(3); Ashutosh, S/o Dina Nath Mishra, Cell No. F-20 (2); Shaukat Ali, S/o Abdul Hai, Cell No. F-20 (2); Farhan, S/o Rafiq, Cell No. F-20 (2) and Sajid, S/o Abdul Hamid, Cell No. F-19 (1).

8. In this Ward also, each of the inmates were interacted with by the Committee. The version of these inmates was almost identical with that of the prisoners in Ward 'C'. The only difference in their case was that their main courtyard door was unlocked which enabled them to move out in the open area where some arguments were stated to have taken place with the TSP team leader, Mr. Muthu Pandi, SI. They stated that they were objecting to the pillow covers being removed from their Cells which appeared to have enraged the TSP personnel who retaliated by not only beating them blue all over their bodies but also raised an alarm which resulted in the QRT also swinging into

action and giving them another round of severe beatings by lathis and buckets which resulted in infliction of head injuries and severe bruises on their bodies.

9. Mohd. Hakim, S/o Abdul Karim, Cell No. F-21 (3) stated that he had permission from the Medical Officer (Incharge), Central Jail Dispensary to use a pillow, yet the TSP personnel unwarrantedly seized the same. The original copy of the said authorization in possession of the inmate was produced by him for perusal of the members of the Committee. A copy of the said authorization is annexed herewith an **Annexure – 'B'**. It was informed that other inmates of Ward 'F' raised grievance and protested against seizure of pillow from Mohd. Hakim. One of the inmates, namely Ahtesham, Cell No. F-22 (4) also actively protested on the said count and was consequently targeted by the TSP personnel and the QRT. He suffered fracture in his left hand and severe injury on head. The said inmate was taken to DDU hospital as he had fallen unconscious. At DDU hospital, X-ray and CT-scan was conducted upon the patient. Dressing of the wounds was also done by the compounder. Injuries were also noticed on the back towards the left portion. The inmates stated that the beatings were not given by Mr. Muthu Pandi personally but the same were inflicted by his staff. It would be pertinent to highlight that other inmates in this Ward namely Mohd. Hakim, Asadullah Rehman, Shahjad Ahmed, Samir and Shaukat Ali also sustained injuries during the process. However, they were treated within the jail dispensary and not taken to any external medical facility.



Each of the inmates who were injured were photographed. The photographs taken are collectively marked as **Annexure- 'C'**.

10. It was stated before the Committee by the Jail Staff as well as the prisoners that the inmates of the other Wards were not involved in the incident. The Committee visited some of the other Wards and this information, on interaction with the other inmates, was found to be correct.

**Nature of Injuries:**

11. The Committee interacted with the Medical Officer (Incharge) of the Jail, Dr. Rohit Kumar, MBBS. The Committee was informed that 18 inmates suffered injuries during the incident on 21.11.2017. The nature of injuries informed is as under:-

- (a) Three of the injured viz. Ahtesham, S/o Farooq Ahmed; Ashidullah Rehman, S/o Anisur Rehman and Sajid, S/o Nijamuddin, sustained fractures on their hands;
- (b) All the 18 injured had deep bruises and contusions on their backs, arms and hands. Some injured had deep bruises on their legs and feet also;
- (c) Head injuries were opined by the jail doctor to be superficial on 3-4 prisoners;
- (d) Swelling and bleeding from different parts of the body was observed in many cases;
- (e) Complaints of muscular pain and difficulty in movement of limbs was expressed by the inmates.

12. Dr. Rohit Kumar, has submitted his report detailing the treatment given

annexed to the report. The report is collectively marked as **Annexure 'D'**. He stated that he himself was not on duty at the time of incident. However, since the Jr. Resident doctor on duty, namely Dr. Sagar, found himself incapable of handling the exigent situation of several people being injured together, he was called from his residence and he promptly responded to the call by arriving at the scene of incident within 15-20 mins. He stated that all the injured, except Ahtesham, were administered treatment at the jail dispensary. The Orthopaedic Specialist was also called on the subsequent day and the injured were examined by him.

**Video Footage:**

13. It was noticed that the courtyard outside the Wards 'C' and 'F' of the High Risk Ward were equipped with CCTV cameras. The Deputy Superintendent, accompanying the Committee during its visit informed that such cameras were installed in all the courtyards. The Committee requested for viewing of the footage of the incident, which was arranged.

**Footage from the Camera in the Courtyard of Ward 'C'**

14. The footage of the cameras installed in the courtyard of Ward 'C' showed that the main door of the Ward remained closed in as much as no inmate came outside the Ward. From within the Ward, three pillows were seen being thrown out by the TSP personnel. A gathering of the inmates of the Ward 'C' at the main gate at the courtyard indicates that there was

lodge therein. The TSP personnel were conducting the search normally and religious books were being got examined by the inmates from the TSP personnel. There was no provocation or anything noticed by the inmates of Ward 'C'. However, a sense of panic is noticed around the time when the alarm is stated to have been rung. At around 9:21 p.m., the TSP personnel in large numbers are seen entering the ward and beating the inmates mercilessly with batons, buckets and everything else that they could lay their hands on. There was no resistance by any of the prisoners and severe injuries are seen being inflicted on the prisoners. The severe lathi charge which started at around 9:21 p.m. with large number of TSP personnel continued for about 4 mins. and closed at around 9:25 p.m.

15. The QRT which swung into action on hearing the alarm is seen entering Ward 'C' at 9:30 p.m. and immediately they started beating the inmates very severely with batons and at times targeting a selective few. The beatings administered are severe and harsh. There was no resistance or retaliation by any of the inmates. The QRT team left Ward 'C' at around 9:34 p.m. leaving behind inmates with injuries, bleeding and bruises over their bodies. The exit of the QRT team from Ward 'C' is facilitated by the intervention of Deputy Superintendent, Jail No. 1, Mr. Satbir Yadav.

**Footage from the camera in the courtyard of Ward 'F'**

16. The footage of the camera installed in Ward 'F' showed that the search started at around 8:35 p.m. The main gate of the courtyard was open and

some of the prisoners are seen going out of the main gate, where some of the prisoners are stated to have argued with Sh. S. Muthu Pandi, SI, incharge of the search operation. After sometime, the prisoners are seen returning to their Cells and closing the gate of the main courtyard. The prisoners are seen here in a state of panic, probably because the in-charge TSP had directed the sounding of the alarm. At around 9:26 p.m., the TSP personnel in very large numbers are seen entering Ward 'F' and mercilessly and indiscriminately conducting a lathi charge, beating the prisoners blue all over their bodies. The charge is seen continuing from 9:21 p.m. to 9:26 p.m.. The QRT, responding to the alarm, is seen entering Ward 'F' at 9:34 p.m. and once again beating the prisoners indiscriminately. At around 9:36 p.m., the Deputy Suptd. of Jail No. 1 is seen entering this Ward and directing the TSP personnel as well as the QRT personnel to leave the Ward. One of the prisoners is seen severely hurt, having been mercilessly beaten by the TSP team as well as by the QRT. This prisoner was later on identified as Ahtesham.

**Cameras outside the Wards:**

17. Even though there were two cameras installed outside the Wards in the open, however the coverage by the said cameras was stated by the Jail staff to be not visible and hence the same was not screened before the Committee. However, the factum of arguments having taken place between the inmates of Ward 'F' and Mr. S. Muthu Pandi, SI, incharge of TSP is not disputed by anyone.

18. The CCTV footage is clear to the effect that there was no resistance or violence or any kind of physical retaliation offered by any of the prisoners either in Ward 'C' or Ward 'F'. There is no reason noticeable in the footage or in the version of the prisoners or the TSP staff which could justify the incidence of beatings by the TSP search personnel or the QRT.

The CD containing the CCTV footage is annexed to this report and is marked as **Annexure – 'E'**.

**Reports Submitted to the concerned Sessions Courts:**

19. The Deputy Suptd., Central Jail No. 1 has sent an intimation of the incident to the concerned District Courts. A copy of each of these reports was asked for by the Committee. The entire set of reports is annexed herewith and is collectively marked as **Annexure 'F'**.

20. It is noticed that these reports, which are almost identical, are wrong and misleading. The Deputy Suptd. has in separate letters to each of the Addl. Sessions Judges has named the person facing trial before them as the one who was reluctant to cooperate in the search proceedings, abused the TSP staff, hindered the search proceedings, made incendiary remarks which led to mutiny like scenario in the High Security Ward. On the face of it these reports are misleading. The search personnel on duty were 53 in number including the incharge Mr. S. Muthu Pandi, SI. The gates of all the Wards were closed except Ward 'F' from where some of the prisoners are seen moving out in the

open to object to the seizure of the pillow covers. The number of inmates of Ward 'F', who went outside the courtyard, even if taken to be all, would not be more than 12-14. Therefore, to say that it was a mutiny like situation with 12-14 unarmed prisoners against over 50 TSP personnel armed with fibre batons was not a mutiny like situation as depicted to the learned District Judges. It is a blatant effort by the jail authorities to cover their acts of unilateral aggression against unarmed prisoners. There is not even an iota of resistance or retaliation noticed in the video footage and the aggression and merciless beating by the TSP personnel is a one sided act of violence and use of force against the prisoners for which there was no justifiable reason.

**Rules & Instructions regarding searches & Alarm**

21. The Committee had requested the Addl. IG Mr. Raj Kumar to provide the rules which govern the frisking and searches and also the rules which govern the use of alarm and the standard operating procedure of QRT to follow once the alarm is sounded.

22. Standing Order No. 2/17 issued by the DG (Prisons), Delhi prescribes search of the prisoners and their belongings at frequent intervals and at odd hours. Surprise searches are also prescribed regularly and report thereof is also required to be made in writing in the relevant register along with complete details of recovery. The prisoners have stated that they never objected to the search exercise but they had written to the Jail Superintendent against the intensity of the recent searches being conducted by the TSP team

at odd hours especially when they themselves had given information about the existence and subsequent recovery of two mobile telephones inside the Cells in connivance with the TSP team. A copy of the Standing Order No. 2/17 is enclosed with this report and is marked as **Annexure – 'G'**.

23. The issue of alarm is dealt with in the Delhi Jail Manual. It provides that the main gate sentry of every gate shall be provided with a siren or any other means for raising an alarm. When prisoners are working in large number either inside or outside the jail at a point so distant that a 'Warders Whistle' sounded at such place, cannot be heard by either the main gate sentry or any untoward occurrence, shall be provided. Immediately a prisoner is found to be missing or in the event of any attempt to break jail or on any other disturbance taking place or even appearing imminent, an alarm parade shall be called. A copy of the concerned provision in the Delhi Jail Manual is enclosed with this report and is marked as **Annexure – 'H'**.

24. In the present set of facts, there appeared to be no reason for the incharge TSP to sound an alarm. The prisoners, numbering a few, were only objecting to the seizure of their pillow covers and assuming that they raised their voices during the course of their arguments, even then it could be no justification for sounding the alarm.

25. This incident of sounding the alarm without their being enough reason to do so, has resulted in a second incident of violence on the hapless

prisoners, especially when they had already been made victims of the first assault by the TSP personnel.

**Interaction with the TSP and Jail Officials:**

26. The Deputy Suptd. of Jail No. 1 Sh. Satbir Yadav stated that at the time of the incident he was busy with the execution of the release orders and hence he had deputed Mr. Vijender Kumar Kundu, Asstt. Suptd. to accompany the TSP team during the search operation. He stated that it is a normal practice that some jail official always accompanies the search team during the search operation but normally it is either he himself or the Asstt. Suptd. who accompany during the searches. He stated that as soon as he received information with respect to the incident, he immediately rushed to the place of incident along with Mr. Selvamani, Assistant Commandant of TSP and immediately removed the TSP as well as the QRT personnel from the 'C' and 'F' Wards. He stated that there was no beating given to any prisoner after he arrived on the scene.

27. Mr. Yadav also stated that some TSP personnel also were injured in the melee. However, despite the asking by the Committee no concrete details with respect to the injury of either the TSP personnel or the QRT personnel was provided.

28. Mr. Yadav also informed the Committee that the incident has been brought to the notice of the Police Station Hari Nagar and the staff of



said Police Station had visited the Ward 'C' and 'F'. However, no further information in this behalf could be furnished by Mr. Yadav as to whether any FIR has been lodged or whether any subsequent investigation has been conducted by the said Police Station with respect to the incident.

29. Mr. Vijender Kuntar Kundu, Asstt. Suptd. of Jail No. 1, who accompanied the TSP team during the search was interacted with. On being asked as to why he did not object to the prisoners being subjected to severe physical assault, he stated that he was busy getting the other Wards locked and he was in the washroom when the alarm was sounded. The fact of the matter appears to be that the Assistant Suptd. failed to discharge his duty in preventing assault on the prisoners being subject to uncalled for violence by the TSP team and the QRT.

30. Mr. S. Muthu Pandi, SI, TSP, who was incharge of the search operation is handicapped as he has lost his right hand. He stated that the inmates of Ward 'F' were together shouting at him and objecting to the pillow covers being seized and since they were all shouting together, he sounded the alarm. He stated that the prisoners had thrown water on the search personnel when the search process was on inside the cell.

31. This explanation also does not appear to be plausible since the entire Cell has beddings of the convicts covering the floor inside the Cell. The possibility of the prisoners wetting their own beddings at this time of winter, does not appear to be correct. He stated that he did not order his subordinates

to undertake the lathi-charge nor did he direct the QRT to beat the prisoners. He said that they did this so on their own without any permission from him. On the asking of the Committee, he has submitted a list of the 53 TSP personnel, who were on duty during the search along with him. He has also furnished, on asking, the list of 16 QRT personnel, who responded to the sounding of the alarm and gave beatings to the prisoners in the second round of physical assault. The list furnished by Mr. S. Muthu Pandi, SI of the 53 TSP personnel and 16 QRT personnel is annexed to this report and is collectively marked as **Annexure – 'I'**.

32. Hawaldar M. Nagarajan was stated to be one of the member of the QRT team. He stated that whenever an alarm is sounded in any Jail, they are required to respond instantaneously and the jail guard allows them immediate entry into the jail. He stated that when they heard the alarm, their team responded instantaneously and they reached Jail No. 1 where the Guard allowed the entry. He stated that when they entered the jail, one of the TSP team member told them that the prisoners had assaulted their incharge Mr. Muthu Pandi, SI which precipitated the incident.

33. The said Hawaldar M. Nagarajan also informed that their Commandant was on leave and had gone to Hyderabad and whatever instructions are to be given to them are given from the Control Room at the Jail itself. The Committee despite its best efforts could not ascertain the hierarchy/chain of command of the QRT and as to who controls their operations, especially in the absence of the Commandant.

**Language Barrier:**

34. The channel/level of communication between the inmates and the search team comprising the personnel of TSP is an extremely difficult process. This fact was stated by the jail staff, as well as the inmates. The convicts in this High Risk Ward are mostly persons who hail from North or West India while the security personnel are from Tamil Nadu, who do not understand either English or Hindi. Hence, what a prisoner speaks is not understood by the security team and vice-versa.

35. In the present case, the prisoners were collectively putting forth their grievance with respect to the seizure of pillow covers but whether the same was understood by the TSP personnel in proper context cannot be confirmed due to language barrier claimed by both sides.

36. Even during the interaction with the Committee, it was extremely difficult for the TSP personnel to respond to the queries raised by the Committee as also the jail staff whether in Hindi or English. Similar was the scenario with respect to the QRT where the services of one of their colleagues Mr. A. David Raj, SI had to be used who could atleast provide some link, even though very weak, which could channelize the communication with the Committee and the jail staff.

**Present Psyche of the prisoners:**

37. The prisoners in the High Risk Ward especially those in Ward 'C' and Ward 'F' are living in a state of fear. They apprehend that they might be killed on some pretext or the other and are expecting an assurance of some kind that no physical harm would come to them. Even though the members of the Committee have extended all possible assurances to them but the incident of 21.11.2017 and the severity of the physical assault have left them shaken.

**Conclusion:**

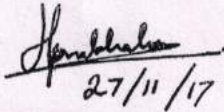
Clause 61 of the Delhi Jail Manual provides for use of minimum force for controlling any incident of rioting and mandates that any officer of the prison shall use as little force and do as little injury to a person as may be consistent with restoring order. The present incident was not one of rioting. The handling of the incident by the TSP as well as by the Asstt. Superintendent cannot be justified in any manner. The prisoners of Ward 'F' had returned to their Cells immediately after the alarm was sounded and there was no reason for the TSP or the QRT to use force.

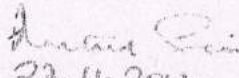
Their conduct is also in the teeth of Standing Order No. 2/17 which prescribes humane treatment for all prisoners and respect to their inherent dignity and value as human beings. It further provides that no prisoner shall be subjected to and all prisoners shall be protected from torture and other cruel, inhuman or degrading treatment or punishment for which no circumstances whatsoever may be invoked as justification. Despite


unequivocal statutory guidelines, an incident has been perpetrated where prisoners have been beaten with such severity that it has resulted in them harbouring a constant fear of being killed by the prison authorities on one pretext or the other.

The Committee feels that the incident is a gross violation of the fundamental human and other legal rights of prisoners who have been subjected to severe physical torture without any justifiable reason.

Submitted please.

  
27/11/17  
**(Harsh Prabhakar)**  
Advocate (Legal Aid)

  
27.11.2017  
**(Reetesh Singh)**  
Joint Registrar (Rules)

  
**(Lorren Bamniyal)**  
Registrar (Appellate)

OFFICE OF THE SENIOR MEDICAL OFFICER, CENTRAL JAIL  
NO.1, TIHAR, NEW DELHI

D/No.SMO/CJ1/2017/1274

Date; 22.11.2017

To,  
The R.M.O,  
Central Jail Hospital,  
Tihar, New Delhi.

REGARDING AN INCIDENT OF ALARM IN HIGH RISK WARD  
(WARD NO.6), CJ-1, TIHAR

Respected Sir,

With reference to the subject captioned above; it is brought to your kind notice that in the intervening night of 21-22.11.2017, there was an unwanted situation of alarm in ward no.6 (HRW) in which some inmates were got injured.

The afore-said incident was communicated to the undersigned over telephone by then doctor on duty Dr. Sagar Birhari at around 11:30pm. The undersigned immediately rushed to jail dispensary. Upon inquiry, the incident of alarm was told to have happened at around 09:15pm. In the meantime; one doctor namely Dr. Kunal, from Central Jail hospital (situated at Central Jail No.3, Tihar), also reached jail dispensary, CJ-1, Tihar and attended the injured inmates with on duty Dr. Sagar Birhari and para-medical staff(s). All the injured inmates were thoroughly examined, provided primary medications and treated accordingly.

At around 12:00am, the undersigned visited Ward No.6 (HRW) along with on duty Doctor Sagar (Junior Resident) and did screening of each injured inmates. During the screening, there were 02 inmates who gave complaint of headache, out of which 01 inmate namely **Ahtesham S/o Farukh Ahmed** had *CLW over Left Temporo-Parital Region of Head with 01-02 episodes of vomiting*. The said inmate namely **Ahtesham S/o Farukh**

*Noted*

Ahmed was immediately sent to DDU hospital (***Copy of referral enclosed and marked as Annexure-1***) for evaluation and further management (in view of head injury). At DDU hospital; his CT Head was done, which shows normal in study. Further, he was also attended by Neurosurgery JR (***Copy of consultation paper of Neurosurgery JR is enclosed and marked as Annexure-2***). His X-Ray of Left Hand was also done, which shows ? Fracture Head of 4<sup>th</sup> MC-Left Hand. Further, cock up slab was applied and the inmate was sent back to jail dispensary, CJ-1, Tihar on oral medication. (***Copy of consultation paper of Orthopedics SR is enclosed and marked as Annexure-3***).

The other inmate namely **Mushtaq S/o Hamid** gave a complaint of Headache for which he was kept under observation in in-patient ward (M.I. Room) under supervision. (***Copy of in-patient record is enclosed and marked as Annexure-4***). On very next day i.e. 22.11.2017, he was reviewed by jail visiting SR Orthopedics, where he was advised X-Ray Left Hand & X-Ray Left Forearm with Wrist. X-Ray reports show No Bony injuries. Further, oral medication was prescribed and inmate was discharged from in-patient (M.I. Room). (***Copy of consultation paper of Orthopedics SR is enclosed and marked as Annexure-5***).

In morning hours of 22.11.2017; all the injured inmates were called at jail dispensary, where they were examined thoroughly by jail visiting SR Orthopedics and were provided necessary treatment as well. Some of the injured inmates were suggested X-Ray for their sustained injuries, out of which 02 inmates namely **Ashidullah Rehman S/o Anisur Rehman** (***Copy of consultation paper of Orthopedics SR is enclosed and marked as Annexure-6***) and **Sajid S/o Nizamuddin** had fractures in their hands. (***Copy of consultation paper of Orthopedics SR is enclosed and marked as Annexure-7***).


**Annexure 6**

Govt of Jammu And Kashmir  
**Office of the Superintendent Juvenile Observation Home  
Harwan Srinagar**  
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**Case wise detail of juveniles received and bailed out w.e.f**  
**23-09-2011 to 21-04 -2017**

S.No	Nature Of Case	Total Received	Total Bailed out	Total No. of Present
1.	Murder Case	37	34	3
2.	Stone palter	623	615	8
3.	Rape Case	121	119	2
4.	Theft Case	166	163	3
5.	NDPS	12	12	0
6.	Militancy related	12	10	2
7.	Negligent/ missing case	9	9	0
8.	Phone/C.D.Case	1	1	0
9.	Accident Case	10	10	0
10.	Exam fraud case	12	12	0
11.	Quarrel case	51	51	0
12.	Arson case	2	2	0
13.	Kidnapping case	7	7	0
14.	Preventive majors/Aware	9	9	0
15.	Ant Religious case	1	1	0
16.	Simple custody	3	2	1
17.	Seaside case	1	1	0
18.	Gambler	4	4	0
19.	Poison Case	1	1	0
20.	Fire Case	1	1	0
21.	Escaping	3	3	0
	<b>Grand Total</b>	<b>1086</b>	<b>1067</b>	<b>19</b>

Total Received= 1086  
Total Bailed out =1067  
present 19



Address for correspondence:- Opposite Police Station ,Near Harwan Baag Harwan 190006



**Annexure 7**



**Government of Jammu and Kashmir**

O.M. No. PS/CS/L/88/2018/561-Contd

Dated : 29 .11.2018

Subject: Non compliance of Hon'ble Court directions.

During hearing of a matter in open Court in Srinagar on 26.11.2018, the Hon'ble Chief Justice, High Court of Jammu and Kashmir has observed that approximately 4000 contempt petitions are pending before the Hon'ble High Court at Srinagar, thereby indicating that the Government is not complying with the directions of the Hon'ble Court.

The Hon'ble Chief Justice has observed that in case the directions issued by the Court are not complied with, the Court will be constrained to summon the Administrative Secretaries/Heads of the Department for non-compliance, from the next week.

All the Administrative Secretaries are accordingly directed to immediately review the contempt petitions pending against their departments both at Hon'ble High Court Srinagar/Jammu and take a well informed decision in each of these cases, if need be in consultation with the Department of Law, Justice and Parliamentary Affairs, and ensure compliance with the Hon'ble Court's directions.

  
28/11  
Chief Secretary

**All Administrative Secretaries**

Copy to:-

1. Secretary to Government, Department of Law, Justice & Parliamentary Affairs.
2. Shri Bashir Ahmad Dar, Sr. Addl. Advocate General, Srinagar. This has reference to his letter No. BA/SAAG/18/1981 dated 27.11.2018.

## Annexure 8

Ref: No BD/HR/C/115/018 Date: 10.3.018

### **Brief resume of Late Gulam Qadir War former MLA Khansahib constituency**

Born on 24<sup>th</sup> day of July 1929, joined National Conference since its inception. In his young age was active member till merged with Indian National Congress, was associated with Co-operative movement and elected in 1972 in general elections on Congress mandate, defeated two candidates. The deceased prior to his elected as MLA was active member of Congress during the period of Chief Minister G.M. Sadiq and Mir Qasim, played a vital role in 1965 with the Indian Army against the infiltrators who crossed the valley through Peer Panchal passes. The deceased lead column of Indian Army under the command of one Brieg. Kalay to many places where under the infiltration had taken place. The deceased was closely associated with the Emergency Officer Late Abdul Rehman Rahat appointed as Emergency Officer District Budgam. Both had narrow escape at Khag Beerwah during an encounter between the Indian Army and the infiltrators. The deceased was given the mandate by the then Congress High Command on the basis of merit as he had collected more than 20 thousand membership forms for the congress Party. The office bearers of the congress Party from Delhi used to come to his residence at Arizal which was known for his hospitality as he had made a good repute in the Congress High Command with his dedication and hard work. He was about to receive the award for his work during the infiltration 1965 but it was given to Mohammad-ud-din Bandy alleged to have given the first information to the Government. The deceased has disassociated with the active politics during the inception of the militancy. He was still having huge influence in the general public and also in the particular circles. The brief resume of Gulam Qadir War has been obtained from Secretariat Jammu & Kashmir Assembly.

That on 10<sup>th</sup> day of June 1990 the deceased Gulam Qadir War was called by SHO P/S Beerwah with the direction to take him to then SSP Budgam S.P.Vaid. The deceased was presented before him at police lines Ompora Budgam where he was interrogated and during night hours was flown to Jammu and was handed over to the interrogators at Court Balwal Jammu on the directions of SSP Budgam. The deceased was interrogated severely in Court Balwal which was then interrogation centre. The deceased was already suffering from diabetes who was of the age of 70 years and could not sustain the interrogation, was taken to the GMC Hospital Jammu where the doctors declared him dead. The son of the deceased namely Gulam Hassan War was called to Jammu for identification of the dead

body but was refused to hand over the dead body even the postmortem report. The dead body was secretly buried by the police at Trikuta Nagar Jammu during the night hours and his son was not even allowed to perform his last rites (funeral rites) of his father. The son of the deceased filed an application before the Deputy Commissioner Jammu seeking the dead body for last rites to his native village but the application was rejected and the applicant was denied the dead body. The son of the deceased was threatened by the police to return to his home immediately otherwise will face the same consequences. He was not even allowed to go at the burial place of his father at Trikuta Nagar Jammu for offering Fateh as there was strict vigil kept on the grave yard for more than a week not allowing any person to visit the grave of the deceased. The applicant was harassed, threatened to leave the Jammu as early as possible as a matter of fact returned to home without dead body and postmortem report and reported the matter before the police station Beerwah for registering a case against the accused but the police has never informed about the registration of the case. Finally his son approached to police station seeking the death certificate of his father which was issued on 19-09-1990. The death certificate of the deceased clearly shows in the column 15<sup>th</sup> the cause of death (as during the interrogation), the copy of the death certificate of the deceased is annexed herewith.

That his son filed an application u/s 173 and 176 of Cr.P.C. before the court of Chief Judicial Magistrate Budgam seeking the status report from the SHO P/S Beerwah, who has submitted the report to the extent that there is no record about the case or the detention of the deceased, finally the report was called from P/S Budgam who have stated in their report that on 9<sup>th</sup> day of March 1990 P/S Budgam received an information from reliable sources that at Hanjankah Budgam Government Higher Secondary School building has been set on blaze by some unknown persons, on receipt of this information a case u/s 436 RPC under FIR No.29/90 was registered at P/S Budgam, during the course of investigation I/O prepared the special report, cite plan, seizure memo etc and statements of PWS' u/s 161 Cr.P.C. In the course of investigation the I/O has apprehended two suspected persons namely Abdul Rashid Shah S/O Mohammad Amin Shah R/O Peth-Zanigam and Gulam Qadir War S/O Mohammad Sultan War R/O Arizal on 11<sup>th</sup> day of June 1990. The suspects were produced before Executive Magistrate Budgam and seven days police remand was sought, however, during the course of investigation no concrete evidence was established against the said

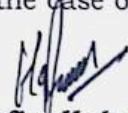
suspects, therefore the I/O extended the benefit of section 169 of Cr.P.C to the said suspects, released both the suspects on 17-06-1990 against the personal bond of Rs.5000/= each. The investigation of the case was closed as untraced and final report has been submitted before the court of Budgam vide final report No.2291 dated 12-08-1991. After that the suspects were released by the I/O of the above said case but they were taken by the officers of the JIC P/S CIK Srinagar as they were required by them in connection with the investigation of one another case as is evident from the CD of the aforesaid case. The CD file further reveals that the P/S Budgam has taken up the matter with JIC Srinagar to communicate the involvement of the said persons as their relatives were approaching the concerned police time and again, in the meanwhile a communication was received from Dy.SP JIC Court Balwal Jammu vide letter No.1255-56 dated 31-07-1990 addressed to the SSP Budgam reflecting therein that the aforesaid persons were referred to JIC Court Balwal by the P/S CIK Srinagar in connection with case FIR No. 3 of 90 u/s 3/4 TADA, 2/3 E&MCO, 3/25 Indian Arms Act, 3 of EAO, 120B RPC of P/S CIK Srinagar and arrested on 17-06-1990. The contents of the letter reveal that the aforesaid persons were remanded to police custody by the Executive Magistrate with special powers of Jammu on 18-06-1990. The contents of the letter as reflected in the CD of the aforementioned case further reveal that on 23-06-1990 Gulam Qadir War had heart problem and had been referred to hospital and during the treatment he has expired, meanwhile the other person Abdul Rashid had been handed over by the JIC to then SHO P/S Budgam on 24-06-1990 for taking further course of action against him under law who thereafter was handed over to his own people. This could not prima facie establish that the deceased Gulam Qadir War was not in custody of respondent No.2 i.e. the then SSP Budgam SP Vaid (Dr.Vaid) or with any officer under the administrative control of the respondent No.2 herein at the time of his unfortunate death. Therefore, keeping in view the above submissions the averments made in the application of the complainant are baseless and far away from the facts of the case. (SHO P/S Budgam No.952/5A-PSB/12 dated 27-07-2012)

Going through the report of the police submitted to the Chief Judicial Magistrate Budgam submitted by the SHO Budgam are glaring the contradictions in his report submitted to the court as already submitted above death certificate issued by the same police station confirms the death of the deceased during the interrogation duly attested by the P/S Budgam. The letter also signed by the Police Station Beerwah through one

Abdul Jabbar Constable belt No.119 on the directions of the then SSP Budgam to present the deceased before the SSP Budgam on 11<sup>th</sup> of June 1990. The letter duly signed by the SHO P/S Beerwah on 10-06-1990 is in possession of the son of the deceased which prima facie establishes that the then SSP Budgam had called the deceased and was partly interrogated in police lines Ompora under the control and directions of the then SSP and later on handed over to the interrogators at court Balwal Jammu where he was further interrogated resulting his death. The son of the deceased while identifying the dead body of his father stated that there were visible marks of injuries of torture on his whole body and because of this reason the dead body was not allowed to be taken by his son to the valley as it may create law and order problem, therefore, the police buried the dead body at Trikuta Nagar against the wishes of his family as his son was called to Jammu for identification of the dead body.

That under the influence of the then **SSP Budgam** the police station Beerwah did not registered the case against the accused and the other detainee namely Abdul Rashid Shah was released at the instructions of then SSP Budgam who accompanied his subordinate officers with detainee to his home Peth-Zanigam and the storey of torture of the deceased was narrated by him but unfortunately he was assassinated by unknown persons just to destroy the evidence in the case of Gulam Qadir War, hence the report is submitted.

Dated:10-03-2018

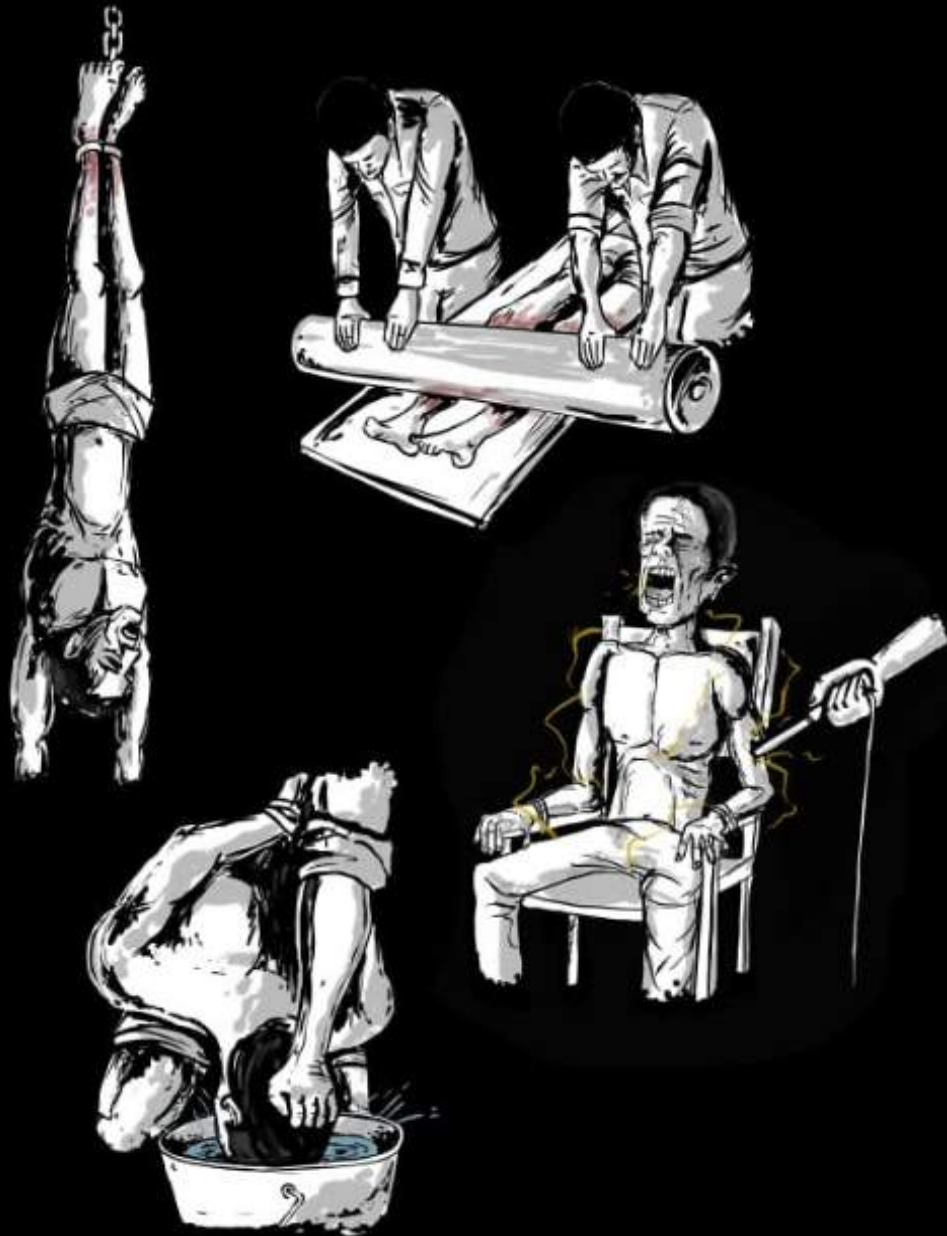
  
**Adv. Hafizullah Mir**

نام	محل وقوع	تاریخ	نمبر	جنس	عمر	پاؤں کا نام	بیمطابق ریسٹریکٹڈ ہتھیار	بیمطابق ریسٹریکٹڈ ہتھیار	بیمطابق ریسٹریکٹڈ ہتھیار
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2	محل وقوع	14	1	مرد	10	جاوونگ	نام	جاوونگ	18
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18	محل وقوع	14	1	مرد	10	جاوونگ	نام	جاوونگ	18

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Association of Parents of Disappeared Persons (APDP)  
and Jammu Kashmir Coalition of Civil Society (JKCCS)

The Bund, Amira Kadal, Srinagar, Jammu and Kashmir - 190001

Website: [www.jkccs.net](http://www.jkccs.net)

Contact: +91 194 2482820

Email: [info@jkccs.net](mailto:info@jkccs.net)