

INTERNATIONAL PEOPLE'S TRIBUNAL ON HUMAN RIGHTS
AND JUSTICE IN INDIAN-ADMINISTERED KASHMIR

PRESS NOTE: FOR IMMEDIATE RELEASE

March 08, 2010

**INTERNATIONAL PEOPLE'S TRIBUNAL ON HUMAN RIGHTS AND JUSTICE IN
INDIAN-ADMINISTERED KASHMIR (IPTK)**

Letter to Chief Minister Omar Abdullah Re.: Gender Justice in Kashmir

**To: Mr. Omar Abdullah
Chief Minister
Jammu and Kashmir**

From:

Dr. Angana Chatterji, *Convener IPTK and Professor, Anthropology, California Institute of Integral Studies*
Advocate Parvez Imroz, *Convener IPTK and Founder, Jammu and Kashmir Coalition of Civil Society*
Gautam Navlakha, *Convener IPTK and Editorial Consultant, Economic and Political Weekly*
Zahir-Ud-Din, *Convener IPTK and Vice-President, Jammu and Kashmir Coalition of Civil Society*
Advocate Mihir Desai, *Legal Counsel IPTK and Lawyer, Mumbai High Court and Supreme Court of India*
Khurram Parvez, *Liaison IPTK and Programme Coordinator, Jammu and Kashmir Coalition of Civil Society*

Contact:

Khurram Parvez

E-mail: kparvez@kashmirprocess.org

Phone: +91.194.2482820

Mobile: +91.9419013553

Dear Mr. Omar Abdullah:

On the occasion of International Women's Day, we write you on behalf of the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir.

We had written you on January 04, 2010, informing you of our decision to pursue an independent and transparent people's inquiry into the Shopian event of May 2009 [of the death of Ms. Asiya Jan and Mrs. Neelofar Jan**], addressing the contested social facts, legal and political circumstances of the case, and the investigations of the state that followed. As we had noted, we determined to undertake this inquiry at the request of the Majils-e-Mashawarat of Shopian, on the contention that state institutions, and the investigations authorized by them, have been unable to deliver an accurate understanding of the matter or define a mechanism for justice.

We write you today, as we are yet to receive a response from your office to our request for access to certain documents, sites, and personnel in conjunction with the above inquiry.

We had requested the following:

1. Physical access to all relevant Central Reserve Police Force and army camps, and police stations in Shopian district.
2. Access to documents assembled and prepared by the Government of Jammu and Kashmir that form the evidentiary basis of the state's conclusions on the Shopian event, including forensic reports and the testimonials rendered by security forces and state officials.
3. Access to police and security forces personnel, and medical personnel that testified to the commission

INTERNATIONAL PEOPLE'S TRIBUNAL ON HUMAN RIGHTS AND JUSTICE IN INDIAN-ADMINISTERED KASHMIR

of inquiry headed by Justice (Retired) Muzaffar Jan between May-July 2009.

4. Access to officers of the Special Investigating Team of police that collaborated with the Jan Commission following its interim report, per your order.
5. Access to local officers who assisted the Central Bureau of Investigation in its inquiry between September-December 2009.
6. Guarantee that any witnesses that elect to testify to the IPTK process be permitted to do so without duress, or adverse consequences being threatened or befalling them, from personnel or institutions of the state.

We note the urgency of undertaking ethical and transparent investigations into the Shopian issue, and undertaking requisite reparations and rehabilitation. The events in Shopian must be assessed within a larger context where incalculable gendered and sexualized violences have been perpetrated by the military and paramilitary in Kashmir during the course of the last two decades.

We note that the use of gendered and sexualized violences, including the use of rape, as acts of power, as techniques in torture, and as weapons of war have a complex history in Indian-administered Kashmir in the last two decades. The makeup of this violence has been prolonged and systemic, layered with the formerly violent resistances on the part of groups engaged in militancy, and instances of outside intervention. The state does not accept responsibility that sustained militarization has induced cycles of violence for which the state is as well responsible. The state does not accept responsibility that the states of exception/exemption regularized through the enactment of security related legislation remains in contravention of international humanitarian laws and norms. The 'hyper-masculinization' of the armed forces, and the celebration of militarization and its concomitant violence, has created multiple contexts wherein its members have perpetrated gendered and sexualized violences on the civilian population of Kashmir.

Women and children, and others, have been victimized by horrific forms of brutality, including individual rape, and gang and collective rape. Other categories of the victimized include women labelled 'half-widows,' whose male partners are missing. India's security forces occupy 10,54,721 *kanals* of land in Jammu and Kashmir, on which, in Kashmir, 671 security camps are located. The structure of the camps maintained by security forces, and their placement, which necessitate forced encounters between local women and the armed forces on a routine basis, have facilitated the perpetration of gendered violence. In a Red Zone, as in Shopian, with the profuse presence of soldiers, women are made extremely vulnerable. Women and children, and others, have been subjected to physical and psychological torture and trauma. Security personnel have searched, detained, leered at, propositioned, extorted, and initiated unsolicited physical contact with civilians. They have psychologically tortured, and sexually assaulted, girls/minors and women. Women who do not utilize the hijab or *burkha* have been compelled to use the same to shield themselves from the advance of soldiers. Male youth and men refusing to participate in the sexual servitude of women have been sodomized. Victimization and fear have led to social and physical displacements, as in certain villages where parents have arranged marriages for girl children who are forced to relocate to the village of their male partners to escape being targeted.

We write you today noting that you have promised attentiveness to, and accountability for, human rights issues in Kashmir. We write you mindful that conditions for peace and prosperity in Kashmir are linked to the possibility and necessity of justice that addresses crimes perpetrated on the basis of gender during, and as a result of, militarization.

Yours sincerely,

Angana Chatterji, Parvez Imroz, Gautam Navlakha, Zahir-Ud-Din, Mihir Desai, Khurram Parvez

INTERNATIONAL PEOPLE'S TRIBUNAL ON HUMAN RIGHTS
AND JUSTICE IN INDIAN-ADMINISTERED KASHMIR

[****Context**, *not included in original letter, but added for the general public*: Asiya Jan and Neelofar Jan were Muslim residents of Shopian town, in Shopian district, Kashmir, and 17 and 22 years of age, respectively. On July 08, 2009 the public inquiry commission headed by Justice (Retired) Muzaffar Jan, appointed by Jammu and Kashmir Chief Minister Omar Abdullah on June 01, 2009 to inquire into the events, submitted its report. It was reported that the Commission's findings had been doctored by the police who were partners to Justice Jan in the investigations. The Commission's findings noted that Asiya Jan and Neelofar Jan had been raped, and that their murder had been committed to conceal their rape. The report noted that "the involvement of some agency of J&K police, in the present incident, cannot be completely ruled out." The Commission did not identify the perpetrators or investigate the chain of command via which the investigative process was subverted. In mid-September 2009, the investigations into the death of Asiya Jan and Neelofar Jan of Shopian were transferred to the Central Bureau of Investigation, which submitted its report on December 14, 2009, stating that Asiya Jan and Neelofar Jan had died by drowning. The matter has been reported by various and international press.]