

URGENT/Calling for an Investigation into Security Forces Killing and Injuring Civilians in India-Administered Kashmir

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To: The Office of the United Nations High Commissioner for Human Rights
Special Rapporteur on Extrajudicial Killings, Summary or Arbitrary Executions, Dr. Philip Alston
C/o OHCHR-UNOG, 1211 Geneva 10, Switzerland

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Letter of Appeal Re. Cases of Security Forces Killing and Injuring Civilians

The following dossier was submitted to the Office of the United Nations High Commissioner for Human Rights, Special Rapporteur on Extrajudicial Killings, Summary or Arbitrary Executions, requesting an investigation into the matter.

This dossier documents a list of 51/52 civilians reportedly killed by Indian military and paramilitary forces; and a list of reported attacks on medical facilities, personnel, and vehicles, which, in one instance, noted below, led to the death of a patient.

The information below pertains to the period August 11-27, 2008, and was compiled and corroborated on September 04, 2008. In addition, another death, which took place on September 06, 2008, is included below, and this information submitted separately to the Special Rapporteur's office. The dossier is based on secondary and archival research, substantiated through personal communication with concerned citizens, journalists, and human rights activists in Kashmir, and from accounts published in print and electronic media, cited in endnotes. Where such information is available, next of kin have been listed. In certain instances, where people have been reported dead and are unnamed, it has been so stated. This appeal was compiled and filed with assistance from human rights advocates and research associates who elected to remain anonymous.

The PDF document with endnotes can be found at the South Asia Citizens Web:
<http://www.sacw.net/mrel/kshsept08.pdf>

The death toll and the context of the killings highlight the state of impunity regularized by the Indian military and paramilitary forces in India-administered Kashmir, which continues to endanger the life and security of the people of Kashmir residing in a high conflict zone. Such actions contravene principles enshrined in the Constitution of Jammu and Kashmir, Constitution of India, in particular Article 370, the Universal Declaration of Human Rights, and International Laws and Conventions.

As documented by Amnesty International, Human Rights Watch, and other local and international organizations, the conditions of impunity are furthered in Kashmir through the massive deployment of forces, and the draconian jurisdiction of the Armed Forces Special Powers Act, 1958, (AFSPA), imposed in Jammu and Kashmir in December 1990, the Disturbed Areas Act, 1976, enacted in Jammu and Kashmir in 1992, and the Jammu and Kashmir Public Safety Act of 1978.

Context

Between June-August 2008, and continuing into September, in India-administered Kashmir, widespread peaceful protests expressed popular dissent to Hindu nationalist/supremacist demands for control of pilgrimage land linked to the Amarnath temple, and to continued human rights violations and state oppression.

The immediate provocation for the protests was a volatile decision by the Government of Jammu and Kashmir to transfer 800 kanals (100 acres) of land to the Amarnath Shrine Board, supported by the Hindu nationalist Bharatiya Janata Party and Hindu militant Shiv Sena. In Kashmir, which has a majority population (approximately 95-97 percent) of Muslims, Kashmiris of diverse ethnicities and religions opposed the Amarnath land transfer. Community leaders in Kashmir explained that their stance against the proposal was not in dissent to Hindu pilgrims, but a repressive state, while supporting the pilgrims in their journey. The Amarnath issue escalated around June 23, 2008. The transfer order was revoked on July 01, 2008, even as in late August the Government of India made an alternative proposal to appease Hindu nationalist campaigns.

During August 2008, a humanitarian crisis subsumed the Kashmir Valley following blockade of the Srinagar-Jammu highway by Hindu nationalist groups. During this period, civil disobedience in Kashmir paralleled that of 1989, amid severe state repression. Kashmir witnessed a massive, sustained, and predominantly non-violent response from civil society and those in leadership. Peaceful and unarmed protesters were repeatedly targeted with excessive force by state military and paramilitary forces. According to local rights groups and journalists, approximately 50 unarmed protesters were killed during three weeks in August 2008. Currently, reports state that over 2000 protesters and bystanders have been injured by gunfire and beatings by state security forces, namely the Central Reserve Police Force (CRPF). From August 24-September 01, 2008, Kashmir Valley was placed under curfew for nine days to prevent people from participating in civil disobedience. Hundreds of civilians staging protests, and political activists and leaders were taken into custody. Medical facilities and personnel were targeted as well as persons affiliated with the press corp.

The recent protests in Kashmir do not evidence dissent to the present event alone but are indicative of civilian sentiments and responses to the sustained subjugation of civil society by Indian military and paramilitary forces since 1989, and attendant cycles of violence, and the suppression of local demands for the right to self-determination since 1946.

I: Civilians Killed by Military and Paramilitary Forces

1. Violation alleged: Kashmir Valley: Death of unarmed civilian due to excessive force by state security forces

Subject: 1 killed by police official

Date: September 06th, 2008

Allegation: Nowhatta, Srinagar: Javaid Ahmad [also Iqbal] Bhat, 22/23-years-old son of Abdul Majid Bhat, was **killed** in police fire. An eyewitness account reported to *Greater Kashmir* that: "Javaid was coming out of his house when the official directly fired upon him. He received a bullet on his chest." He was declared dead on arrival at the Shri Maharaja Hari Singh (SMHS) Hospital in Srinagar.

2. Violation alleged: Kashmir Valley: Deaths of unarmed and peaceful protesters and civilians due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 3 killed, more than 38 injured by security forces

Date: August 27th, 2008

Allegation: Budgam district: Troops raided the home of Rafiq Ahmed and arrested the said youth. Locals protested the arrest, in violation of a curfew. CRPF troopers opened fire upon the protesters **killing two protesters Hilal Ahmed Mir** son of Abdul Khaliq Mir. **Ghulam Nabi Wani**, who having sustained injuries as a result of the police firing, succumbed to injuries at the hospital. It has been reported that the use of force was without any provocation.

Allegation: Banday Mohalla, Handwara, Kupwara district: Witnesses stated that "namazis" (people praying) came out to protest the beating of a 4-year old child by members of the 22 Rashtriya Rifles. Police and troopers in the area fired upon protesters, reportedly injuring six persons, and critically injuring **Muhammad Yousuf Banday**. When Banday was taken to the Handwara District Hospital, Sub-Inspector Zameer Hussain (Belt Number 6840/MGO), reportedly leading a cadre of the Special Operations Group, came into the hospital, assaulted Banday's

family and friends, including women, and fired tear gas into the operating room where Banday was in surgery. Banday **died** on the way to another hospital, his ambulance delayed by Hussain's group.

3. Violation alleged: Kashmir Valley: Deaths of unarmed and peaceful protesters and civilians due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 8 killed by CRPF and military, nearly 200 injured

Date: August 25th, 2008

Allegation: Hajan, Bandipora district: Four protesters were shot and killed by security forces. The names of the murdered are: **Muhammad Shafi Dar** son of Ghulam Nabi, **Nassema** wife of Muhammad Ashraf, **Shahid Ahmed Pahu**, son of Ali Muhammad Pahu, of Saderkote Bala, Bandipora, and a youth, **Bashir Ahmed Bahar** of Bahrabad. It has been reported that the use of force was without any provocation.

Allegation: Handwara, Kupwara district: Troops opened fire upon protesters near **Chontipura, Handwara** killing **one protester**, Fameehda wife of Fayaz Ahmed. It has been reported that the use of force was without any provocation.

Allegation: Narbal, Budgam district: CRPF fired upon unarmed protesters **killing one youth, Showkat Ahmed Khanday**, son of Muhammad Abdullah Khanday. It has been reported that the use of force was without any provocation.

Allegation: Pulwama district: thousands of protesters defied curfew and tried to march to Srinagar. Police and CRPF tried to disperse the crowd with lathi (stick/baton) charge and teargas. Protesters responded with throwing stones, and later troops shot at the protesters, **killing two, Basit Bashir and Fayaz Ahmed Wani**, son of Habibullah Wani of Pulwama.

4. Violation alleged: Kashmir Valley, Deaths of unarmed and peaceful protesters and civilians due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 2 killed by CRPF

Date: August 24th, 2008

Allegation: Dal Lake area, Srinagar: CRPF **killed one person, Ghulam Qadir Vakil**, and injured his son Muhammad Yakoob Vakil at Buchwara. CRPF claims that they were part of a crowd-defying curfew and attempting to enter a police camp. A witness states that the CRPF fired on them without provocation, that they were only standing near the entrance of their home. Police have registered an FIR against the CRPF under section 302 and 307 RPC. [Added for FIR information]

Allegation: Budgam district: Troops opened fire on protesters, **killing one protester, Zahid Ahmad Banday**.

5. Violation alleged: Kashmir Valley, Death of unarmed and peaceful protester and civilian due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 1 killed by police, 30 injured

Date: August 22nd, 2008

Allegation: Mandi area, Poonch district: When protesters defied curfew after a communal clash, police fired on the protesters, **killing one, Mushtaq Ahmad**, son of Taj Ali of Mandi, and injuring 30.

6. Violation alleged: Kashmir Valley, Deaths of unarmed and peaceful protester and civilian due to excessive force by state security forces

Subject: 1 killed by CRPF

Date: August 14th, 2008

Allegation: Safakadal area, Srinagar: One dead, Tanveer Ahmad Handoo (who may also have been reported as Tanvir Ahmed Zagar), son of Jan Mohmad of Safakadal, was shot by CRPF forces and later died at the hospital.

7. Violation alleged: Kashmir Valley, Deaths of unarmed and peaceful protesters and civilians due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 23/24 killed by CRPF and military

Date: August 12th, 2008

Allegation: Lasjan, Srinagar district: Troops fired upon protesters, **killing two** youths, **Adil Sheikh (18)** and **Imtiyaz Ahmad Bhat (19)**, son of Abdul Gani of Lasjan. Amidst the firing, **two** women were reportedly shot and **killed** by machine gunfire by CRPF. The deceased were identified as **Hasina Begum** and **Jabeena Begum**.

Allegation: Bagh-e-Mehtab, near Srinagar: Two protesters were shot and **killed** when fired upon by security forces. The dead have been identified as **Imran Qayoom Wani (25)**, son of Abdul Qayoom, and news cameraman **Javed Ahmed** of 9TV.

Allegation: Paribal, Bandipora district: Troops of the 15 Rashtriya Rifles fired on a procession near Jamia Masjid, **killing four**, **Mumtaz Ahmed Bhat**, son of Mohammad Afzal of Aloosa Bandipora, **Ali Muhammad Khanday**, son of Ghulam Mohammad of Ashtango, **Muhammad Shafiq Ganie** and **Mehrajudin Ganie**, son of Abdul Aziz of Gani Mohalla Aloosa, and injuring 23.

Allegations: Islamabad, Anantnag district: Two protesters were **killed** in separate incidents of indiscriminant firing upon protesters by state security forces. The deceased were identified as **Muhammad Aslam Khan** of Kandiwara and **Gulzar Ahmad** of Marhama Bijbehara.

Allegation: Manasbal, Bandipora district: CRPF fired on peaceful protesters, **killing two**, **Javaid Ahmed** and **Muhammad Subhan**, both residents of Manasbal.

Allegation: Nai-Basti, Anantnag district: CRPF fired on a march to the funeral prayers for Sheikh Abdul Aziz, **killing two**, **Muhammad Saleem Shah** son of Peer Muhammad Shah (and one other **unnamed**), and injuring hundreds.

Allegation: Bijbehara town, Anantnag district: Police and CRPF personnel fired automatic weapons at protesters, **killing one**, **Showkat Ahmed Najar** of Marhama, Bijbehara.

Allegation: Rainawari, Srinagar district: Police and CRPF prevented protesters from moving toward Iddgah, and fired on protesters when they tried to attack the home of NC MLA Mohammad Sayed Akhooon. The incident **killed one**, **Owais Majeed** son of Abdul Majeed of Rainawari, and injured several others.

Allegation: Zoonimar, Srinagar district: CRPF fired on a large group of protesters, **killing one**, **Muhammad Rafiq**, son of Muhammad Ashraf of Zoonimar.

Allegation: Rafiabad, Baramulla district: Protesters marched on Panzla police station to free the arrested Hurriyat leader Nayeem Khan. Police fired into the air and tear-gassed protesters. **One protester** collapsed during the clash, **Sajad Ahmad** of Rohama, Rafiabad, and was **declared dead** at Baramulla Hospital.

Allegation: SMHS Hospital, Srinagar: *Rising Kashmir* also listed **one death**, of **Kamraan Sheikh** of Bemina, which may also be confirmed by Doctors of Kashmir's list of casualties at SMHS Hospital, Srinagar, which lists him as "Kamran S/O [son of] Khurshid R/O [resident of] Bemina FAI Abdomen Died".

Allegation: Kishtwar district: Conflicting reports have Hindu nationalist activists or security forces throwing a grenade and shooting at a crowd protesting the Monday violence, **killing two**, 13-year-old **Gufran**, son of Mohd Ayub Khandey, of Sirgwari, Keshwan (also reported as Gufran Ahmed and Gufraan of Thakrai) and **Mohd Maqbool Kilam** (40) son of Abdul Gani Kilam of Haryal, Kishtwar (also reported as Muhammad Maqbool Kripak

or Maqbool Killam), and injuring about a dozen. There is an unconfirmed report of **one more death** at this incident, a **Gazanfar Sheikh**. [Note: This region was reportedly not under curfew.]

8. Violation alleged: Kashmir Valley, Deaths of unarmed and peaceful protesters and civilians due to excessive force by state security forces, including for non-compliance with state curfew

Subject: 12 killed, 150-200 injured by police and CRPF firing and attacks and security force actions

Date: August 11, 2008

Allegation: Near Chehal village, Uri, Baramulla district: Police and CRPF fired on the march to the Line of Control, **killing six**, including All Parties Hurriyat Conference leader **Sheikh Abdul Aziz**. Five others killed at the Chehal shooting were identified as **Abdul Hameed Bhat** (which may have been also reported as Abdul Aziz Bhat), son of Dr. Abdul Majeed Bhat from Kanlibagh, Baramulla, **Bashir Ahmad Malla** of Khanpora, and **Manzoor Ahmed Akhoun** of Sheeri, Baramulla**. One other youth shot on August 11th, **Bilal Ahmad Hajam** son of Abul Salam of Zaloor, Sopore, **died** on August 18th. One **unnamed** person from Pulwama district was also **killed**.

[**Note: According to another report, Manzoor Ahmad was killed in a police action in Sangrama as well.]

Allegation: Sangrama, Baramulla district: According to witnesses, some youth attacked a CRPF bunker, and soldiers shot at them, **killing one, Tahir Nazir Lone**, son of Nazir Ahmed Lone, from Thindam, Kreeri, which may also have been reported as Tahir Ahmad Lone.

Allegation: Qamarwari, Srinagar: Two died in a firing: Ashfaq Ahmed Keenu son of Ghulam Mohammad Keenu from Bilal Colony, Qamarwari, and **Hafizullah Baba**, also shot in Qamarwari, died on August 13th.

Allegation: Bagh-e-Mehtab area, Srinagar: One killed, Faisal Ahmad Dar, injured by a CRPF shooting, and died on August 13th.

Allegation: Aribal, Bandipora district: One person, Mehrajuddin Khan was injured in an army firing, and **died** on August 13th.

Allegation: Sher-i-Kashmir Institute of Medical Sciences (SKIMS), Srinagar: The police also listed **one dead, Gani Irfan**, son of Bashir Ahmad, of Sopore. He died at SKIMS.

II. Military and Paramilitary Attack on Medical Facilities, Personnel, and Vehicles

1. Violation alleged: Kashmir Valley, One death and endangerment of health due to travel restrictions by security forces

Subject: Two persons delayed and denied care as security forces refused to allow persons to travel toward hospitals, resulting in one death

Date: August 25th, 2008

Allegation: Near Bapora [Babapora, Shopian district]: CPRF and police stopped ambulance, #JK01G9391, from approaching **Lal Ded Hospital in Srinagar. Daizy**, daughter of Basheer Ahmad Parry of Bapora, who was going to the hospital due to "shooting pains", died in the ambulance.

Allegation: Shopian district: Troops did not allow **Suhail Ahmad of Darwani, Shopian district**, who was injured, to travel to Srinagar for treatment.

2. Violation alleged: Kashmir Valley, Injuries to medical personnel and damage to vehicles, threatening the level of health care

Subject: 10 ambulance drivers and 3 paramedics beaten by security personnel

Date: August 25th, 2008

Allegation: Handwara, Kupwara district: According to the J-K Health Services department, the driver of ambulance, #JK01B9502, of Handwara District Hospital Ghulam Hassan, was beaten by army personnel, fracturing his limb as he was transporting a body at Younisa village in Handwara, Kupwara district.

Allegation: Ashishpora, Anantnag district: Shabir Ahmad, driver of ambulance, #JK01F8528, of Anantnag's Maternity and Childcare Hospital was to drive a doctor to the hospital when he was stopped and beaten by security forces.

Allegation: Hyderpora, Srinagar: Driver Mohammad Youqub Magloo of ambulance #JK01J5242 was stopped and beaten, and is admitted at Bones and Joints Hospital with multiple fractures.

Allegation: Bachru village, Yaripora, Kulgam district: Driver Firdous Ahmad of ambulance #JK02C8837 of Kulgam Hospital was stopped at Bachru village, Yaripora, and beaten up by the security forces.

Allegation: Khanyar, Srinagar: Firoz Ahmad, ambulance driver for Gousia Hospital in Khanyar, Srinagar, was beaten by CRPF, and critically injured.

Allegation: Choru village, Baramulla district: Medical personnel were summoned by Station House Officer Kreeri for injured people at a security force firing at Choru village in Baramulla district; two drivers Gurmeet Singh, vehicle #JK02D8838, and Farooq Ahmad, vehicle #JK01G9401, and three paramedics Syed Ghulam Hassan, Ghulam Mohammad Parray and Syed Mohammad Ashraf from Kreeri Hospital were sent, but the security forces didn't allow them to proceed and beat them.

Then the drivers of ambulances, Fayaz Ahmad, vehicle #JK01K9982, of Ganderbal, and Ghulam Mohamamd Khatana, vehicle #JK013760/JK013769, of Kangan, and Mohamamd Iqbal, vehicle #JK01H2702, were beaten, also by the security forces.

3. Violation alleged: Kashmir Valley, Attacks against ambulances, (some) carrying protesters. The creation of general fear among healthcare providers, decreasing level of medical care

Subject: Security forces opening fire at an ambulance and in front of SMHS Hospital in Srinagar

Date: August 13th, 2008

Allegation: Near Boatman Colony, outskirts of Srinagar: CRPF fired on an ambulance from the Jhelum Valley Hospital, an affiliate hospital of the SKIMS Hospital, as it was transporting a bullet-wounded patient. "The CRPF men first opened fire at our ambulance and then charged in and broke the windscreens with rifle-butts. Then they started beating us, even the patient was hit," said Mushtaq Ahmad, an immunologist at Jhelum Hospital. "There was an Inspector accompanying them". Ambulance driver Mohammad Shafi: "It has never happened in these years."

Allegation: SMHS Hospital, Srinagar: Jammu and Kashmir Police fired at a crowd outside of the casualty ward of the SMHS Hospital in Srinagar. "The people are infuriated and when they saw a police vehicle inside the hospital compound, they attacked it. The police opened fire. But nobody was injured," SMHS Medical Superintendent Dr. Qureshi said.

4. Violation alleged: Kashmir Valley, Attacks against ambulances, (some) carrying protesters. The creation of general fear among healthcare providers, decreasing level of medical care

Subject: A hospital and 3-4 ambulances attacked by military and paramilitary forces

Date: August 12th, 2008

Allegation: Qamarwari, Srinagar: Police and CRPF men stopped an ambulance and assaulted patients and their attendants after dragging them out during a pitched battle with protesters. Dr. Asif informed *Rising Kashmir* that CRPF fired on an ambulance "without any provocation".

Allegation: Parimpora, Srinagar district: CRPF attacked an ambulance, #JK01C5641, carrying protestors from Bandipora district; "We were carrying two critically wounded persons in the ambulance," Dr. Asif Ahmad told *The Indian Express*. "When we reached Parimpora, there was a huge procession. We stopped. The people cleared the way for us. Then the CRPF persons were standing a few dozen meters away," he said. "When we were close to them, they opened fire on the ambulance. Within seconds, a few CRPF men pounced on the ambulance and started hitting everybody inside. They even assaulted the wounded. One of the wounded died there". Ahmad jumped from the vehicle and ran to a residence for cover. "A stone hit ambulance driver Mohammad Shaban Para and he was seriously injured".

Allegation: On Airport Road, Srinagar, at Rambagh: CRPF troops stopped an ambulance with injured protestors inside. CRPF forces attacked the ambulance with rifle-butts in front of senior officer Commandant P. S. Rajoral; they broke the ambulance's windshield and assaulted the wounded persons and the attendants in front of a large media crew. "I am unable to do anything. I am trying to stop them (the men)," Rajora told *The Indian Express*, after the Jammu and Kashmir Police hurriedly intervened and rescued the injured. "We were only trying to impose the curfew".

Allegation: District Hospital, Baramulla district: Jammu and Kashmir Police and CRPF men entered the **District Hospital in Baramulla**. "They fired inside the hospital," Dr. Nisar Ahmad, an orthopedic surgeon at the hospital told *The Indian Express*. "We rushed out of the Operation Theatre. We were frightened for our lives".

5. Violation alleged: Kashmir Valley, Injury from tear-gassing and the creation of general fear among healthcare providers, threatening the level of health care

Subject: Police tear-gassing Srinagar Hospital ward

Date: August 11th, 2008

Allegation: Srinagar: Jammu and Kashmir Police tear-gassed the casualty ward of the **SMHS Hospital**, forcing personnel to stop their work caring for patients.