

Peoples Union for Democratic Rights

Peoples Union for Democratic Rights has from time-to-time drawn attention to the commission of heinous crimes by Indian security forces in Jammu and Kashmir as well as condemned the attempt of the authorities to deny that they flow out of impunity provided by the Armed Forces Special Powers Act (J&K) 1990, which permeates the “disturbed area”, especially the Muslim majority districts of J&K. The cold blooded custodial killing by security force personnel, on the night of April 29-30, of Mohammad Shafi, Shehzad Ahmed and Riyaz Ahmed, residents of Nadihal in Baramulla district of J&K, three days after they were picked up by security force personnel is evidence of that.

The spokesperson of the Indian army in Srinagar had claimed on April 30 that three militants/infiltrators had been shot dead during an encounter at Sona Pindi, in Macchil sector of the Line of Control, which falls in Kupwara district and that five AK47s, 20 AK magazines, 230 AK rounds, one Chinese pistol, two pistol magazines, two water bottles and Rs 1000 in Pakistani currency were recovered from them. The bodies were handed over to the police, but the recoveries allegedly made were not handed over. The three youths were then buried in Kalroosa graveyard with the help of villagers.

The family members of the three youths who had disappeared had filed missing persons report on May 10th at the Panzulla police station. On May 20th brother of Shahzad Ahmad identified a counter-insurgent working for Indian security forces as being seen in the company of his brother and others on April 27th. Public pressure compelled the police to investigate the matter and subsequently to exhume the bodies. The identification of the three bodies by their families on May 30th blew the lid off the crime and an army Major and commandant of the 4 RR, a Lt Colonel, were implicated along with jawans belonging to the Territorial Army and a SPO. Although army has now suspended these officers and instituted an inquiry there is more to it than meets the eye.

The attempt by authorities to pass off this crime as an aberration committed by some “rogue elements” within the army diverts attention from what, PUDR contends is ingrained in prolonged presence and impunity provided to the Indian security forces. These killings are considered “acts of service” which invites reward and promotion lending such crimes legitimacy. The fact that these three victims of heinous crime were buried as “unidentified militants” in Kalaroos village graveyard on the LoC and the army officers promptly received Rs 600,000 reward, corroborates that system of reward for ‘kills’ prevails under the state of impunity.

International People’s Tribunal on Kashmir report *BURIED EVIDENCE: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir* in December 2009 [www.kashmirprocess.org] identified 2373 unidentified graves containing 2943 bodies in 55 villages of three districts: in 33 villages of Baramulla district there were 1013 unnamed graves with 1321 bodies; in 14 villages of Kupwara 1278 graves with 1487 bodies; and in 8 villages of Bandipora 82 graves with 135 bodies, were found. The report was submitted in December 2009 to the J&K state government as well as the Indian Government. The report had *urged* the government to look into the matter, institute an inquiry, verify the facts referred to in the report, and to take steps to prosecute perpetrators of the crime. PUDR believes that had the authorities taken the report seriously and investigated the matter occurrence of such crime could have been

prevented. In the first five months of this year 36 alleged militants have been killed on the LoC in so called “encounters”. Now even the CM has admitted that Macchil encounter have “raised questions about several other encounters” and the state police is looking into three other encounters which took place this year. Kalaroos also happens to be one of the graveyards covered by the IPTK researchers in early 2009 for their study of the phenomenon of *Mass Graves*. They had then found 80 graves of which 60 had no names. In these sixty graves there were 65 persons buried.

Therefore, considering the background and the fact that kith and kin of **more than 8000** cases of enforced disappearance are still searching for their near and dear ones, and just 55 villages across three districts have thrown up 2373 unidentified graves with 2943 bodies, PUDR supports the demand for an independent international inquiry into the phenomena of mass graves in which could lie buried the answer to the desperate search of kith and kin of the disappeared. We, therefore, appeal to India’s democratic minded people to break their silence and express their solidarity with the demand for justice to victims of disappearance by supporting the call for an independent international inquiry demanded by ITPK.

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