

## **FACT FINDING TEAM TO KASHMIR**

Since June this year, the Kashmir valley has been torn by mass protests which have been met with overwhelming force by Indian security forces. Curfews and closures have been frequent, often shading into each other. No less than 111 deaths have been registered, of which a large number have been of students and youth in the age group of 8 to 25 years. There have besides, been hundreds of cases of injuries, of both protesters and those who just happened to be at the wrong place at the wrong time. An independent fact-finding team went to the Kashmir valley at the end of October to go into the totality of the situation, principally to inquire into the causes for the unconscionably large number of deaths that have occurred in the current phase of mass agitation. The team comprised of academic Bela Bhatia, advocate Vrinda Grover, journalist Sukumar Muralidharan and activist Ravi Hemadri of The Other Media, a Delhi based campaign and advocacy organisation, at whose initiative the effort was organised. Each member of the team spent varying lengths of time in the valley, but in total, roughly about twenty-five person days were put in the fact-finding exercise. In groups or individually, the team met the families of almost 40 persons who had been killed since the beginning of the civil unrest. Several individuals who had suffered serious injuries were also met. The team worked out of the state capital of Srinagar, and visited villages and towns in five of the Kashmir valley's ten districts: Baramulla in the north (Sopore and Baramulla tehsils); Anantnag (Bijbehara and Anantnag tehsils) and Pulwama (Pulwama tehsil) in the south; Badgam in the west (Chadura and Badgam tehsils) and Srinagar itself. Separate sessions were held with journalists and media practitioners, university teachers and students, doctors, lawyers and activists besides officials in the police headquarters and the civil administration. The findings of the team are being released in a series of short reports beginning with following two sections. Forthcoming reports will deal with various facets of the situation that civilians in the Kashmir valley face in a season of unabated turmoil.

### **REPORT # 1, 12 November 2010**

#### **Attack and killing on Pattan hospital premises: urgent need for accountability**

Horror stories involving the excessive use of force by security personnel have been rife through Kashmir's summer of turmoil. But few have been more chilling than accounts of what transpired on the premises of the Government sub-district hospital at Pattan on July 30.

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

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

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



*The main block of Pattan hospital*

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

Other members of the hospital staff recall that the CRPF men then made their way to the women's ward where they broke down the door before the terrified staff withdrew into an adjacent room. But for a shopkeeper from the neighbourhood who happened to be on the premises at the time and locked the staff in, drawing the wrath of the intruders on himself, the women staff of the hospital fear that they too might have been seriously endangered. Likewise, three doctors are reported to have locked themselves inside a bathroom in order to avert danger.

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

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

At around 3 pm, Mohammad was informed by telephone that his son Adil had been shot and been taken to the Pattan hospital. He was told that a bullet had grazed his shoulder and the wound was bleeding profusely. But soon after Adil was admitted in the Pattan hospital, his wound staunches and an intravenous (IV) drip administered, his father recounts – based on the narration he heard



*Adil's father Mohammad talks to the fact finding team*

from others present there - the CRPF personnel raided the premises, ripped out the IV cord from Adil's arm, pulled him off the bed and shot him dead at point blank range.

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

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

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

From all available accounts of the day's events, it appears that protests in Pattan began late afternoon on July 30 after news was conveyed of a police firing in the north Kashmir town of Sopore, some 20 kilometres away. Passions were raw after two protestors who took to the streets that day were reported killed in Sopore. When protests in Pattan escalated, with people from Palhallan participating, the forces deployed at the site opened fire. As reported the next day in *Greater Kashmir*, as many as 90 may have been injured in these rounds of firing. Protesters in retaliation, reportedly attacked the police station and sought to set it afire.<sup>1</sup>

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

The other two English-language dailies published from Srinagar, *Kashmir Times* and *Rising Kashmir*, have registered the incident in Pattan in their editions of July 31, though without agreeing on the precise sequence of events.<sup>2</sup> *Kashmir Times* reported that security forces had attacked the hospital, ransacked it and beaten patients and staff. *Rising Kashmir* did not have this detail. Both newspapers however, agreed on the identity of the 14-year old boy who was killed at the time, reporting his name as Mohammad Rafiq Bhat.

A report on the news portal Rediff ([www.rediff.com](http://www.rediff.com)) which may well have been sourced from a news agency within Kashmir, reported the event as follows: "An unruly mob also attacked and torched a portion of the north Kashmir Pattan police station, 30 km from Srinagar on Friday evening. Security

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

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

forces had to resort to firing to quell the mob, killing a teenager identified as 14-year-old Adil Sheikh on the spot”.<sup>1</sup>

Within weeks, the reporting had been transformed, with Adil’s death being ascribed not to a randomly fired bullet at the protest site, but to a cold-blooded murder within the hospital compound. *Greater Kashmir* in a report on the travails of Palhallan on October 6, over two months since the event in question, reported that eight persons from the village had died in the course of the “ongoing unrest”, among whom the first was “twelve-year old Adil Ramzan Sheikh (who) was shot by troopers in sub-district hospital Pattan on July 30”.<sup>2</sup>

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



*View of the hospital ward - staff think that Adil may have been on the bed with the red mattress when the CRPF incursion took place.*

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

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

<sup>1</sup> Extracted on November 12 from: <http://news.rediff.com/report/2010/jul/30/jk-2-protestors-injured-in-firing-by-forces.htm>.

<sup>2</sup> “Palhallan: A victim of government ire”, *Greater Kashmir*, October 6, 2010, extracted on November 12 from: <http://www.greaterkashmir.com/news/2010/Oct/6/palhallan-a-victim-of-govt-ire-22.asp>.

## REPORT # 2, 13 November 2010

### Palhallan Under Siege

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

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

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

This fact-finding team had no opportunity to meet “Major Sharma” but was able to assess that he looms large in the consciousness of the residents of Palhallan, since the last many weeks. As the village has suffered a comprehensive lockdown for weeks together, Major Sharma’s iron fist has stirred fear within its residents, who hesitate before they go about their usual routines for fear that they may invite an unpredictable and violent retribution.



*Broken windows in Palhallan testify to a widely used strategy of intimidation.*

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

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

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<sup>1</sup> “Four killed, dozens injured in police firing in Palhallan”, *Rising Kashmir*, September 7, 2010, extracted on November 12 from: <http://www.risingkashmir.com/news/4-killed-dozens-injured-in-police-firing-at-palhallan-1216.aspx>.

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

This team met Altaf Ahmad Wani, a civil engineering graduate in the class of 2005 from the National Institute of Technology, Srinagar, now employed with a project consultancy firm in Baramulla town. Wani commutes to and from his place of work regularly by public transport. As he returned from work on September 6, he found that the road leading into Palhallan was blocked where it intersected with the highway. He took an alternative route in as a precaution, but as he walked home, found his path meeting with another, down which security forces, firearms at the ready, were in



*Altaf Ahmad Wani*

hot pursuit of a group of protesters. Wani sought to flee from the danger but was struck by a bullet on his left leg, just above the ankle. His bone was shattered and he had by the end of October, undergone the first of many rounds of surgery to repair the damage. There is little possibility that he will be able to return to work before four months. Despite being in evident pain, Wani did not let his immobility interfere with his offers of hospitality. He was visibly disappointed that this team chose to decline his repeated requests to enjoy a round of refreshments. As the team took its leave of him, he had his family fill up a bagful of walnuts for us to take away.

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

Declared a “model village” in April this year and designated for special attention in terms of funds allocation, Palhallan has been under curfew for a length of time that is difficult to assess. Local residents claim that the village has been under complete closure since at least September 8. Media reports put the duration of the closure at about the same.

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

Khoda concedes that Palhallan does have ‘genuine’ grounds for grievances. Intake from the village into the state administration for instance, has been way below par. Against one employee for every 25 individuals in the rest of Kashmir, the average for Palhallan is just one in 150. The allocations in development and welfare too may have been below the state average.

The residents of Palhallan could not possibly disagree more profoundly. In the local narrative, the village’s contribution to the ongoing movement is a matter of some pride. And this stretches back through the two decades that Kashmir has been in a state of active insurgency. Ghulam Mohammad Waza, a villager who lost a son in the recent phase of disturbances, estimates that roughly eighty

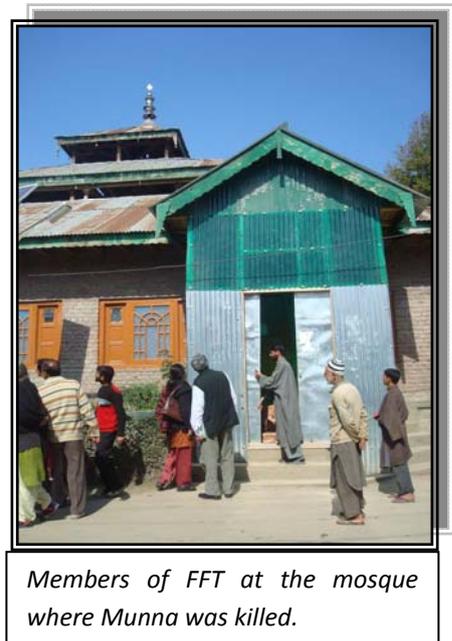
“martyrs” to the struggle lie buried in the village graveyard. The eight who have been killed since the current phase of protests began in Kashmir valley, are part of a wider continuum.

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

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

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

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



*Members of FFT at the mosque where Munna was killed.*

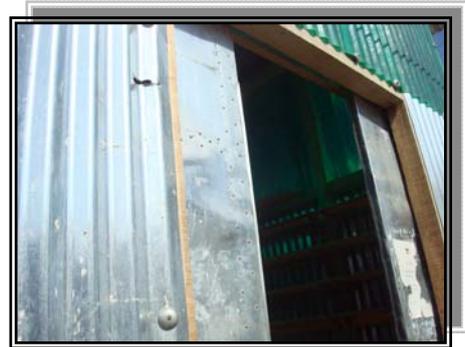
To these tactics of intimidation was added a fresh ingredient of terror through the night intervening between September 17 and 18, when the forces kept up a steady din as they discharged firearms in regular fusillades to warn the village of the dire consequences that lay in wait, if they were to take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

The mood in the village was inflamed on September 18 and closure as enforced by the security forces, was absolute. But Palhallan’s residents were intent on seeking to go about their business as if nothing was amiss. Ghulam Mohammad Waza, who makes a living as a cook at traditional Kashmiri banquets, set out around noon that day for Pattan where he had an engagement. In the company of another eighteen villagers, he travelled through adjoining fields rather than the heavily policed roads, reaching Pattan after a trudge of one-and-a-half hours.

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

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

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



*A tell-tale bullet mark on the door of the mosque.*

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

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