

Bandipora Redux

By Ashok Agrwaal

From Nagaland to Punjab, Andhra Pradesh to Kashmir, from the early 1950s to February 2004, there have been reports of the security forces forcing local people to act as 'human shields' and participate in anti-terrorist operations. These reports have been denied by the authorities who routinely provide other reasons, "caught in the cross-fire", "aiding/abetting terrorists", etc, to explain civilian casualties. Recently, there was a similar incident in Bandipora in Kashmir which led to massive protests. As usual, the army denied allegations that the five villagers were killed while being forced to act as 'human shields'. It claimed that they were killed in the cross-fire between the terrorists and the army.

In the absence of objective investigations, the truth about this incident may never be known. However, the following account from the recent past, tell us the 'tangential tale' of Bandipora.

This account is based on the eyewitness testimony of those who survived the operation (forced into 'army duty') and/or surviving family members and villagers who witnessed the operation.

On March 5, 2003, there was an 'encounter' at village Kaw-chak, police station Kreeri, Tehsil Pattan, district Baramulla, Jammu and Kashmir. Three militants were reportedly killed. Some soldiers were reported to have lost their lives. Two villagers were killed and several wounded. The army/Rashtriya Rifles claimed that these 'civilian casualties' happened in the 'cross-fire'.

The encounter started early in the morning. Villagers were pressed into the army's service. Soldiers also searched the surrounding area for more 'volunteers'. At about 10 am three army trucks came from the direction of Kreeri. Ashiq Hussain Malik was sitting in his shop, by the side of the road. Mohamad Arif Mir s/o Abdul Gafar Mir and his brother Ghulam Mohamad Mir, residents of Dolipura, were walking on the road from Dolipura, towards Kreeri. Ghulam Mohiuddin, who had just returned from Pattan where he had spent the night, had stopped near a house opposite the shops by the road on hearing about the 'crackdown/ encounter'. The trucks stopped near the shops. Two officers, one in sunglasses and another, jumped out. The 'sunglass officer' grabbed Mohiuddin and dragged him towards the trucks. They ordered Malik to come with them. The Mir brothers, who had by then reached where the army vehicles were parked, were ordered to get into the trucks. Ghulam Mohd Mir, a government employee, was let off when he pleaded that he had to report for duty.

Inside the truck there were four residents of village Watargam, picked up by the army. They were brought to the site of the encounter, in village Kaw-chak, in the truck.

At the encounter site they were pulled out, ordered to remove their upper garments and their backs were marked with a rubber stamp, presumably to fix their identity. They were divided into pairs. Each pair was given some explosives-like a car battery weighing about 15-20 kilos-and ordered to carry these into the house in which the militants were holed up and to place the devices against the walls inside the ground floor of the building. The militants were on the upper floors.

On showing hesitation, all the villagers were beaten and threatened with death. Each explosive devise (called a 'mine') was picked up by two persons and carried inside the house. Meanwhile, the exchange of fire was on. The militants were calling out to the villagers, warning them not to cooperate with the army. Frightened, the villagers were placing the mines against the outside wall of the house. Then they were made to carry large stones and pile them against the mines to cover them. Eight villagers were doing this work, which went on till 2 pm.

Around 2 pm, as they were coming out of the house, Mohiuddin was hit by three bullets in his left arm. Arif was hit by two bullets in his right upper arm, near the shoulder. Both fell, unconscious. The others dragged them to safety. They were taken in a matador that had been commandeered by the army and brought to the Bone and Joints Hospital, Barzalla, Srinagar. Mohiuddin stayed in the hospital for 15 days. The bones in his arm were shattered; after two surgeries the doctors told him he would require at least one more, with no guarantee that he will recover his arm.

Several villagers whose houses are close to the site had fled to another part of the village (called Harnau) to escape being forced into military service. In that afternoon, army jawans came to this part and selected four people: Abdul Rashid, 42, Ghulam Mohd Mir, 40, Abdul Hamid Bhat, 25 and Bashiruddin 30. At the encounter site, three of them were taken towards an army truck loaded with boxes. They were given four bottles filled with petrol with cotton wicks stuffed in the neck (Molotov cocktails) and made to sit behind the house of one Mohd Akbar Bhat, opposite the house of Ali Mohd Bhat where the militants were holed up.

Ashiq Malik was sitting behind Mohd Akbar's house when they reached there. The soldiers were very angry with Ashiq as they felt that he had spoilt/damaged one of the mines entrusted to him. They said that but for this they would have destroyed the house and killed the militants holed up inside, much earlier. Due to this delay, they claimed, one of their comrades had died. They were threatening him with dire consequences while Ashiq was pleading his innocence.

The soldiers took the Molotov cocktails from the villagers and carried them inside Mohd Akbar's house. The officer with sunglasses (called 'captain' by the villagers) asked for more Molotovs. Two villagers, Bashiruddin and Abdul Hamid Bhat, were ordered to get more from the truck. When they returned, Ashiq and Abdul Rashid were not present at the back of the house. They were made to sit down again. No conversation was permitted but Bashiruddin and Abdul Bhat heard the soldiers shouting-"bhaag gaye saale"-

accompanied by heavy firing. They kept sitting there, thinking the soldiers were referring to the militants.

Shortly, there was a call: "Aur civilians ko bhej do." Bashiruddin and Abdul Bhat were sent inside the house. They were forced to remove their upper garments and their backs were marked with a stamp. Bashiruddin was handed a mine and Abdul was made to pick up a couple of stones. They were pointed out the spot, near a window, where they were asked to place the mine. After they returned, the mine blew up and the house in which the militants had holed up, collapsed.

The villagers were ordered to pull out the bodies of the militants. Initially, they could not find any bodies. The soldiers ordered them to blow up the cattle shed adjoining the collapsed house. They heard a cry for help. On the soldiers' orders the villagers placed an explosive device with wires near that spot, which was then exploded. The cries for help persisted.

Some other villagers were brought to the site. All were asked to remove the rubble. The newcomers were: Maksood Ahmed Din, Bashiruddin's brother, Ali Mohd Bhat and his younger brother, Abdul Hamid Bhat and Ghulam Nabi Waza. The rubble was hot. There was too many fires. Their hands and feet were singed by the heat. Finally, they pulled out the militant who had been calling out for help. He was alive, asking for water. The officer with sunglasses refused: "We gave him so many chances to surrender."

The officer and his men interrogated the captured militant. His name was Shabir. He was from Kachua Mukam (Kandi area), tehsil and district Baramulla. Then he was taken away somewhere. The villagers were ordered to continue their search beneath the rubble. They found two fully clothed bodies. At first they did not recognise them and thought they were dead militants. The soldiers asked them to search their pockets. From one pocket they recovered a purse and from the other a bunch of keys and an identity card. On seeing the identity card they realised that the bodies were of two villagers, both of whom had been forced into 'army service'. The man with the purse was Abdul Rashid Mir, a teacher by profession and the man with the keys and the identity card was Ashiq Hussain Malik. The keys were of his shop. Half of Abdul Rashid's face had been torn apart by a burst of bullets. Ashiq faced a burst of bullets on his back.

The villagers were told to keep their mouths shut. Around sunset the army/RR commandeered some more villagers. They were asked to pick up the bodies. Eight villagers picked up the two bodies and carried them to the army vehicle. Then they were asked to bring a third body. This turned out to be of the militant whom they had pulled out of the rubble, alive.

Later, another body was recovered. It was fully burnt. Another body was recovered around 10 am the next day. They recovered two guns and empty magazines. Around 11 am, a procession of protestors from Dolipura arrived. The army fired in the air. The protestors ran helter-skelter.

The bodies were taken by the army to Hambray. Ashiq Hussain's brother, Tariq Ahmed, who had reached the site, was forced by the army to clear the rubble. His body was already in army custody, but they told Tariq that Ashiq's body was beneath the rubble. The bodies were handed over to the police at Kreeri. Ashiq's parents were away on Haj.

Ministers Ghulam Hasan Mir and Sharifuddin Niazi, and a corp commander (a Sikh) came for Taziat (mourning). A wounded major, also came. The commander expressed regret: "However," he said, "the casualties cannot be helped. We cannot do our job effectively without civilian help."

The army took the public stand that the two villagers, Ashiq Hussain and Abdul Rashid Mir, were killed in 'cross-firing'. The truth was reported by journalists who visited the village the next day, March 6, 2003. On being asked if they would willingly provide assistance (of the non-dangerous kind) in the battle against the terrorists, the villagers said 'No'.

They informed the investigation team that some days later, despite the government's promise, the army conducted a similar operation at Tilgram using locals as human shields and for menial tasks in the midst of cross-fire. Nocivilians were killed in that operation. There was only one militant involved in that encounter.

The Case From Punjab

The Police Version: Based upon the affidavit filed before the NHRC by Ashok Bath, Superintendent of Police (Detective), Tarn Taran.

On June 8, 1992, the police received information that Surjit Singh Behla, son of Tarlok Singh Jat, and Madan Singh alias Maddi alias Sukhdev Singh alias Chota Behla, son of Santokh Singh (both residents of Behla), and self-styled deputy chief and lieutenant general of the Sikh militant outfit Bhindranwala Tiger Force of Khalistan (BTFK), was holding a meeting with other terrorists. A police party with officers of 91 Battalion and 102 Battalion CRPF cordoned the village Behla. When the police were searching the first floor of the house of Manjinder Singh Behla, the terrorists who were hiding inside the house, opened fire and killed head constable Jarnail Singh and constable Harjit Singh 4160/TT. Constables Pargat Singh and Som Datt (and Kalash Chander) were injured. The terrorists 'cordoned' the police party who had gone inside the house to conduct their search. The army was deployed to tighten security arrangements. The next morning the police officers, who were trapped inside the house, were freed with the army's help. Meanwhile, the cross-firing continued. Two jawans of the Punjab Police were killed and one constable and three jawans of the CRPF were injured in the encounter. After the firing ceased, the police recovered nine dead terrorists. Four of the bodies were identified on the spot and the remaining five bodies were identified later.

(Note: The affidavit provides the identities of only eight of the nine bodies: Harbans Singh, Ajit Singh, Lakhwinder Singh, Paramjit Singh alias Shingara Singh, Sakkattar Singh alias Mangga Singh, Naranjan Singh, Madan Singh alias Maddi alias Sukhdev

Singh alias Chota Behla, and Jagtar Singh alias Varpal. Arms and ammunition was recovered from the encounter site.)

The Facts: based upon interviews conducted with the families of the deceased and other eyewitnesses by human rights activists Ram Narayan Kumar and Amrik Singh, on behalf of the Committee for Coordination on Disappearances in Punjab (CCDP).

Nine persons were killed at village Behla in the course of an encounter on June 8-10, 1992. Out of them, three were militants and six were villagers unconnected with militancy. The security forces used these six villagers as human shields to storm the house in which the three militants were hiding. The body of one person killed in the encounter remains unaccounted. The CCDP investigation took it to the homes/families of eight of these nine persons and other eyewitnesses in the village.

On June 8, 1992, a large mixed force, comprised of the Punjab police led by SSP Ajit Singh Sandhu and Khubi Ram, SP (Operations), and units of the army and paramilitary, surrounded the old and abandoned house of Manjinder Singh, a former member of the Punjab Legislative Assembly, in village Behla. Apparently, the house was being used as a hideout by militants associated with Surjit Singh, son of Tarlok Singh from Behla village. One of his associates, 18-year-old Sukhdev Singh, alias Maddi, son of Santokh Singh, was also from Behla. After completing his matriculation, he had started working in a Sugar Mill at Sheron. The police often illegally detained and tortured his elder brother Kulbir Singh for information for they suspected him of having militant connections. Sukhdev Singh was unable to tolerate this injustice done to his brother and reportedly this is the reason why he decided to become a militant himself. Later, his father Santokh Singh was abducted allegedly by the police. He disappeared. The third associate of Surjit Singh Behla was Harbans Singh, son of Mehr Singh from Sarhalli in Tarn Taran subdivision of Amritsar district.

Before storming the house, the police officers decided to round up seven or eight villagers to walk in front of the police force and to act as human shields. The following are the names of six of those who got killed in the course of the operation: Kartar Singh, son of Aasa Singh, Niranjn Singh, son of Boor Singh, Sakatter Singh, son of Niranjn Singh, Lakhwinder Singh, son of Channan Singh, Gurmej Singh and Ajit Singh, son of Mangal Singh. The police randomly selected these people, and this had nothing to do with suspicions of their possible involvement in the militancy.

For example: Ajit Singh, from Behla village in Tarn Taran, was a 60-year-old man married to Preetam Kaur with seven children. He owned a horse-driven cart and was employed by a brick kiln owner to transport bricks to his clients. He had no political or 'militant association', no criminal background and no enmity with anyone in his village.

Ajit Singh had that morning carried a cartload of bricks to the house of Niranjn Singh when the police came and forced him along with Niranjn Singh and his sons to be part of the front column.

Niranjan Singh, a 55-year-old farmer, was married to Balwinder Kaur and had three sons and a daughter. He was a devout Sikh unconnected with any political or militant organisation and took care of his family by cultivating three acres of land and selling milk from his buffalos.

Twenty-five-year-old Sakatter Singh was Niranjan Singh's son. He used to help his father with the agricultural work and was married to Sharanjit Kaur with two daughters who are now barely teenagers. He had never been arrested before and had no political or militant connections. Sakatter Singh died in the police operation. His younger brother Sukhchain Singh, also included in the front column, managed to escape after being seriously wounded.

Twenty-year-old Lakhwinder Singh, the youngest son of Channan Singh and Gurmej Kaur, had no political or militant associations or record. He was watering his fields when the forces picked him up and compelled him to walk in front of them as a human shield.

Kartar Singh, a 62-year-old farmer, was married to Iqbal Kaur with four adult children. He also had no record of a political or criminal past.

After entering the house, the security forces discovered that it had a basement but no door to enter it from inside. They started demolishing the floor that was also the cellar's roof. When the militants holed up inside, opened fire, the police pushed these six villagers to the front, using them for cover, and fired back. All the six persons, who have been named, died in this situation. Two others were seriously injured. The encounter lasted around 30 hours.

Three militants who also got killed were holed up in the cellar: (1) Surjit Singh Behla, son of Tarlok Singh, (2) Sukhdev Singh Maddi, son of Santokh Singh. Both were from Behla village. (3) Harbans Singh, the third militant killed in the action, was a resident of Sarhalli Kalan.

On the evening of June 9, the police extricated the bodies of all the people who had been killed in the action without bothering to distinguish the militants from the others who the police had used as human shields.

The next morning, the police told the press that they had killed nine militants in the action. In the aftermath, several newspapers published stories questioning the police claims and explaining how the six unconnected villagers had been pushed into the jaws of death. Two others, wounded in the course of the operation, had been abandoned by the police to their own resources to obtain medical help. Embarrassed by the publicity, the Punjab government later announced an inquiry, which was, however, never carried out.

The police cremated all the bodies at Tarn Taran on June 9, 1992, labeling them as "unidentified/unclaimed", though the family of Ajit Singh attended the cremation. Other families were not allowed to attend.

Subsequently, in 1995-96, on orders from the Supreme Court, the CBI carried out an investigation into the illegal cremation of thousands of bodies by the Punjab police between 1984 and 1994. Its December 1996 report to the court divided the 2097 such cremations by the police in three cremation grounds in Amritsar district of Punjab, into three categories: "identified", "partially identified", and "unidentified". The CBI placed the cremations of Ajit Singh, Lakhwinder Singh and Harbans Singh, a militant and an associate of Surjit Singh Behla, in the "identified" list. Five others, (1) Surjit Singh, (2) Sikkatar Singh, (3) Niranjana Singh, (4) Kartar Singh (all four - residents of Behala), (5) Madan Singh, alias Maddi were placed in the "partially identified" list. According to the CBI, SHO Gurbachan Singh of Tarn Taran city police station carried out these cremations in the same case of encounter under FIR No. 57/92. Out of these, Surjit Singh and Madan Singh, alias Maddi, (who must be Sukhdev Singh Maddi) were the militants.

The other three, Sikkatar Singh, Niranjana Singh and Kartar Singh had been picked up to serve as human shields.

These cremations from the identified and partially identified lists of the CBI do not account for the body of Gurmej Singh, one of the six villagers used as human shield and killed. The CBI's list of unidentified cremations does not show any cremation on 9 June 1992.