

1998/0004

Ghulam Qadir Pandith

Ghulam Qadir Pandith son of Abdul Rahim and Mehtabi, resident of Bijehama, Uri, Baramulla was about 40 years old at the time that he disappeared in 1998. He had studied till class 5 or 6 and used to work his small land holding besides doing odd jobs as a labourer. He had a monthly income of about Rs 600 - 700. He had been married three times and had seven children. Two of his wives were dead. His case was narrated by his older brother, Mohd. Ramzan Pandith.

Bijehama is close to the border (LOC). Till 1992 the area was very loosely patrolled and the track via the village was a favourite with people wanting to cross over into Pakistani territory. According to Ramzan Pandith “hundreds of people used to come and go across the border every day”. The army picket nearby used to tell the villagers to ensure that the militants were discreet, so as to avoid trouble for themselves and for the soldiers. After 1992 things changed and the patrolling was intensified. The security forces started harassing the villagers. Still, life fell into a patten. The troops were rotated every two years. Each new batch of soldiers would indulge in random harassment and interrogation. After some time they would settle down and, having come to know the area, leave the villagers alone. According to Mohd. Ramzan, Ghulam Qadir was not involved with any militant group.¹

Mohd Ramzan, who runs a photographic studio in Bijehama, has always maintained excellent relations with the army. Once, in 1996, Ghulam Qadir was arrested by the army for having quarrelled with an army informer. Mohd Ramzan got him released after a few hours but asked the soldiers to administer him a few slaps so that he would be afraid to misbehave in future. In 1998, Ghulam Qadir went to Srinagar in quest of work. He sold vegetables from a push cart, in the Batamaloo area. Two or three days before his arrest there had been a grenade attack in that area. On 22.5.1998, nearly 20 people were arrested by the army, including Ghulam Qadir. Most of these people were released but five or six persons, including Ghulam Qadir, were retained in custody. Mohd Ramzan did not know that he had been arrested. He learnt of it the next day when some people who had seen him being arrested told him about it and said that after his arrest Ghulam Qadir had been brought to the Braripora camp near Bijehama. That very day, a Brigadier had come to the village for the inauguration of a bridge. Mohd. Ramzan met the Brigadier and requested for help in securing his release. Reassuring him, the Brigadier left some of his men at the bridge ordering them to inform the unit that had brought him to Braripora to release Ghulam Qadir into his brother's custody.² This unit however, however came from a different route and brought Ghulam Qadir to his house. He was in bad shape, unable to walk by himself. No one was allowed to talk to him. The soldiers were led by a Captain with a French beard. They searched Ghulam Qadir's house in a cursory manner and when nothing was found, they left with him. Mohd Ramzan's house, next door, was not searched. That was the last that the family saw of Ghulam Qadir.

Later, the soldiers left for the Boniyar camp along with Ghulam Qadir. There, a Major who knew Mohd. Ramzan recognised Ghulam Qadir or learnt of their relationship and conveyed a message through some people that he was in the Boniyar camp, was in a bad condition and that if they wanted to save him they would have to act quickly. As a favour to Mohd.

¹ According to information from other sources, like many others in the area, Ghulam Qadir worked as a guide for people wanting to cross the border. But, his motivation was money and not an adherence to any separatist principles.

² Apparently, the unit was expected to pass that bridge.

Ramzan, the Major, somehow, delayed the army unit with Ghulam Qadir for over a day, to give Mohd. Ramzan time to do something. However, the person entrusted with the message could not deliver the message in time and by the time Mohd Ramzan came to know, the army unit had left Boniyar for Srinagar. Mohd Ramzan got their address from the Major and went to Srinagar.³ At Haftchinar, the officers of the 13 Garhwal denied all knowledge of Ghulam Qadir. Mohd Ramzan then went to see the then SP City, Raja Ejaz Ali Khan, who belongs to Palipora, Uri and whom he knew. After making a phone call, the SP told Mohd. Ramzan that his quest was futile and that his brother was dead. He told him that he should make further inquiries at Bandipora.

At Bandipora he learnt that on 25th May 1998, soldiers of the 13 Garhwal came to the PS and requisitioned the services of two constables⁴ for a search operation in the Bandipora forest. The constables told Mohd. Ramzan that they were, in fact, made to wait about 2 kms from the search area while the soldiers went into the forest with a civilian, who looked to be in reasonably good health.⁵ The policemen told him that they heard the sound of firing and some time later the soldiers returned without the civilian, saying that he had escaped. The soldiers also filed an FIR (No. 109/ 98) dated 29.5.1998 at PS Bandipora in this regard.⁶ Mohd. Ramzan also tried to file an FIR but the police refused to register an FIR against the army. Ultimately, on 3.6.1998, he succeeded in persuading the SHO Bijehama to record his complaint as DD entry No. 18.⁷ In July 1998 he also filed a writ petition⁸ before the High Court. The army's counter affidavit repeated what Mohd. Ramzan had already learnt from his inquiries in Bandipora, namely that Ghulam Qadir had escaped from their custody during an arms recovery trip. By order dated 18.5.1999 the court ordered the DJ Baramulla to inquire into Ghulam Qadir's disappearance and to report within three months.

The inquiry judge went to some pains to ascertain the truth. The army had cited the names of the two constable of PS Bandipora who has accompanied them on the arms recovery trip to assert that their version of the facts was independently corroborated. Despite the army's reluctance to summon them as witnesses, he insisted and summoned them as court witnesses. One of them, Abdul Majid, testified before him and clarified that neither of them was a witness to Ghulam Qadir's alleged escape since they had been left behind while the army went into the forest with their captive. In view of this testimony and eyewitness testimony that spoke of his poor physical condition when brought to the house for a search, the DJ disbelieved the army's story and returned a report dated 1.7.2003 that Ghulam Qadir had disappeared from army custody. The case is still pending before the High Court.⁹

Mohd Ramzan says that Ghulam Qadir's family is in dire straits and he has to support them. His young wife is in a bad shape but has to bear up to her tribulations because of her children. Ghulam Qadir's mother has, virtually, lost her hold on life.

³ The unit was 13 Garhwal Rifles, stationed at Haft Chinar. They have since left the valley.

⁴ Abdul Majid and Mohd. Ashraf.

⁵ Mohd. Ramzan believes that this was not Ghulam Qadir as he had been seen to be in a very bad condition.

⁶ The FIR stated that weapons had been recovered from Ghulam Qadir's house, that he had accompanied them to the forest for recovery of more weapons and had run away from the forest. It alleged that Ghulam Qadir was a member of Al Umar Mujahiddin, a militant group. According to Mohd. Ramzan, this group had, actually, ceased to exist about four years prior to that date.

⁷ On 21.7.1998 the SHO submitted a report to his superiors confirming that Ghulam Qadir was arrested on 22.5.98, severely tortured at Braripora for two days, was brought to his residence for a search where nothing was recovered, taken to an unknown place and that a report was lodged by the army claiming he had escaped from their custody. It concluded that, in the circumstances, it appeared that he had been killed in custody.

⁸ 491 No. 49/ 98.

⁹ Last known date is 10.2.04