One day someone you love goes out to work and does not come back. Or, your house is raided and your loved one is arrested. Or, there is a crackdown in your locality (or wherever your loved one happens to be) and, he is one of the persons arrested by the security forces. The arrest (or the news of it) throws the entire family into a state of panic. Some of them break down, wailing as if there has been a death in the house. Containing the rising panic, you try to find out the identity of his arrestors and, where he has been taken.¹

You go to the military camp where you believe your loved one is being detained, in the hope that someone there will allow you to, at least, catch a glimpse of him but are met with a blanket denial. The soldiers/officers deny all knowledge of the arrest. They assert that they did not carry out any operation in the area from where your loved one was arrested.² Their denial generates despair. You realize that it is crucial to establish contact with your loved one. You desperately cast around for someone, a mukhbir, or a surrendered militant, or some one else who can help you gain an entrée into the camp or, at least, some information about his condition.³ Your attempt to get the local police to register your complaint is brushed off with the remark that ‘there are instructions from higher up to not register complaints against the security forces’.

Every day’s delay in establishing contact with your loved one adds to the crushing weight. Your parents age overnight; shrinking before your eyes. The house has taken on an air of mourning, with family and friends thronging throughout the day, till well after it is dark; anxiety writ large on every face. Your days are filled with meeting officials: senior police officers, the civil administration, a local politician, who takes you to meet a minister (or, even, the chief minister). It being early days yet, all of them console you with hope that, god willing, your loved one will return home soon. They all promise to do what they can but express helplessness in the face of the security forces. The situation is already beginning to acquire a tinge of hopelessness.

¹ Sometimes, you learn the identity of the unit responsible for the arrest. Occasionally, you may, even, learn the name of the officer in command of the arresting unit. Very often, though, you only know the identity of the security force involved.
² Sometimes the security forces admit to the arrest to begin with, only to deny it subsequently.
³ The mukhbir/contact asks for money, saying that he will need to bribe the soldiers. You pay him, trusting that he will not cheat you out of regard for your plight.
The days become weeks and the weeks turn into months. You have visited each official or politician several times. Some of them avoid you. Others are blunt. The minister tells you that recently he lost one of his key grass-root workers to the security forces; despite his best efforts he was not able to do anything to save his life. Your life has acquired a surreal tone. Most of your interactions with people are about your missing brother. They proceed along predictable, almost mechanical lines. Truly speaking, no one has been of any help; no one is able to give you any information, even. However, it is too frightening to contemplate life without this routine.

From time to time you get some sort of information. Someone, who has recently been released from the camp where your loved one was also being held, comes to your house and tells you that he saw your “boy” in custody. He says that your “boy” was severely tortured. That his condition was very bad and that he was in pain. That one day your “boy” was taken away by the soldiers to some other place and, that he knows nothing more about him. You don’t know what to believe and, what not to. You are too tired to think straight. It is easier to, just, believe everything that you are told. Nevertheless, the realization creeps in that, maybe, your loved one is dead.

Just as you are composing your self in grief, someone else comes to your house. He says he was together with your loved one in an interrogation centre whose exact location he does not know. His tale is so fantastic that you doubt the truth of what he says but this person, who does not know your family, knows intimate details about it. He says that he was given this information by your loved one. Forced to believe, you eagerly listen to his account of the time that he spent in custody, together with your loved one. He tells you that your “boy” is well. He cannot tell you the location of the interrogation centre. Every time he was taken out he was blindfolded and, he met no one there but the soldiers and the other detainees. All he can say is that the interrogation centre is probably located in Budgam district, situated on the

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4 You and your family have made countless visits to all the shrines in which you have faith, praying for the safety of your loved one. Some of you, also, consult peers and soothsayers, who assure that your “boy” is alive and, will return home soon.

5 Much later, several months after the arrest, during the course of another meeting, the minister offers to “arrange” for some compensation for the loss that you have suffered; an offer that you angrily reject, saying that you will pay him double the compensation if he can get the security forces to return your loved one.

6 After an exchange of greetings, instead of you asking if they have any news about your brother, they ask you if you have had any news. You report about your meeting with the officials to whom this person had sent you, on your last visit. He asks you to be patient and keep courage and, sends you to another official. You thank him and, leave.

7 The erosion of the ability to judge and, to discriminate, happens to all, in greater or lesser degree.

8 He claimed that he has recently been released from there.
hillside beyond a village. The camp can be reached only through the village and, access to the village is completely controlled by the security forces.

You try your hardest to find out the location of the interrogation centre. You travel all over Budgam district, going from village to village, asking the local people if they have heard of such an interrogation centre. You, also, ask the soldiers at the countless camps that you come across. There are many such places but none of them fit the exact description that you were given. Besides, at most camps you are forced to go back without answers to your queries. After some days of futile search, you come home crestfallen. Time passes. You have chased other rumours, all to no avail. You have traveled to many camps and interrogation centers, in Kashmir and in Jammu, also. At some camps you were given a civil denial at others you were rudely chased away. In the meanwhile the unit that had arrested your son was transferred out of Kashmir. You learnt that the unit is now posted in Punjab (or Rajasthan or Himachal Pradesh or, even, Assam). It is rumoured that it has taken along with it some of the persons arrested by it, who were being detained in the camp at the time that the unit left. You and your aged mother go to the place where unit is now posted, in the hope that once out of Kashmir, the soldiers/officers will regain sufficient humanity to tell you what they did with your “boy”. But, after an arduous journey you, once again, return home disappointed.

You are exhausted. Many in the family are sick. Your mother has developed high blood pressure and heart disease. Your father has become a recluse; not speaking to anyone, not going for work. He just sits all day: staring at the wall. Your young, unmarried sister has wasted away. She barely eats or sleeps. Shortly thereafter, she dies of a heart attack. The tears never stop flowing in your house. Your own son is very ill. He requires surgery, which you can no longer afford.

Someone suggests that you should file a petition before the High Court. The option of filing a petition before the High Court was known to you from the inception. But you were afraid. You felt that if you made a formal accusation

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9 This part of the narrative is based upon the account of one of the families. We were a bit incredulous till we, ourselves, came across such villages and camps in Kupwara district. The topography of certain parts of Budgam district is very similar and, there is no reason to believe that such places do not exist in Budgam.

10 On the way back, you, also, visit other detention centers that you have heard of, where, it is commonly believed, Kashmiris are brought and detained for prolonged periods.

11 Latief Khan’s brother, Umer Khan’s young son had developed a high fever once, which could not be treated in time because their entire locality was under ‘crackdown’ for three days, during which period no one was allowed to go anywhere. He developed severe complications as a result of this neglect and, when we met the family the boy was urinating from a hole in his abdomen. Umer Khan said that his son requires extensive, complicated surgery, for which he has neither the money nor the time. He is the only earning male left in the house.
against the security forces they might take umbrage, jeopardizing what little chance there was that they might take pity and, release your loved one. Others, whose kin had, similarly, been arrested, had come home: some of them after as much as a year, or more. None of their families had filed a petition before the court. In fact, at that time it was the general view of most people in the village that it was best to not file a petition. Apart from antagonising the security forces, which you wanted to avoid at all costs, you were under no illusion that the court would get you justice; that it would be able to force the security forces to release your “boy”. And now, it was obvious to all that the security forces were a law unto themselves. Besides, the soldiers were all from India while the judges were Kashmiri. What chance that a Kashmiri judge would have the courage to take on the Indian military? But now, more than a year had passed since your loved one had been arrested. You had exhausted all other possibilities. There was no news of him or his whereabouts. You had lost all hope that he might return home some day, if you left well enough, alone. Someone in the village knew a lawyer who practiced in Srinagar. He agreed to accompany you to Srinagar and introduce you to him.

In Srinagar, the lawyer heard you out patiently while you told him the saga of your search for your loved one’s whereabouts. Commiserating at your loss, he said that he would file the petition on your behalf and, most kindly, said that he would not charge any fee from you. You kissed his hand in gratitude and insisted on paying for the expenses. A week later the petition was listed before the court for the first time. You took the early morning bus from your village to attend court. The neighbour who introduced you to the lawyer accompanied you. The case was called minutes after you were seated in the court by the lawyer. The lawyer got up and said something to the judge in English, which you don’t understand. The judge seemed to ask some question, to which the lawyer gave a reply and, thereafter, said something towards one of his staff, who wrote down something in a notebook. The lawyer bowed to the judge and, then, the next case was called. A bit

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12 He had no connection with militancy. He was a peaceful, law abiding citizen who spent his time earning a living and caring for his family. In view of his patent innocence it was not unreasonable to hope that some day he would be released.
13 We have evidence that shows that people are routinely kept in illegal, unrecorded custody for very long lengths of time. Qazi Khurshid Ahmad was kept in such custody for over one year before his detention was legitimised and, he was booked under the PSA. Almost every PSA detainee had a similar tale to tell.
14 The situation in the courts was bad enough before the insurgency started. Everything took endless time. The judges did not seem to be bothered by the delays. You were personally witness to how they happily adjourned any case for the slightest excuse.
15 The lawyer asked you to come back the next day, by which time he said he would have the petition ready for signing and filing.
bewildered by the speed\textsuperscript{16} of the proceedings, you, too, essayed a bow at the judge and followed the lawyer out of the room.

Outside the court room the lawyer hurriedly explained to you that all was well. The judge had issued notice of your petition to the respondents and had fixed a fresh date of hearing after two weeks.\textsuperscript{17} You had many questions that you wanted to ask but the lawyer said that he was in a hurry as he had other cases to attend to. You noticed that most of the lawyers were bustling busily from room to room with files in their hand. You said to your lawyer that you understood his urgency. He suggested that you could visit him in the evening in his office and, he would answer all your questions. While parting, he, once again, assured you that all was well with your case and that he would take up all outstanding issues on the next date of hearing, after the respondents had entered an appearance in the case.\textsuperscript{18}

Despite the unanswered questions you let the lawyer go, with a vague warmth in your heart. After a very long time, hope had been rekindled. The huge building with its glass ceilinged atrium, the court room and, the judges with their serious miens in their impressive chairs, the back gowns of the lawyers swirling behind them as they rushed along with a self important glisten on their faces, all combined to give the feeling that perhaps something positive would come out of the case that you had filed. Your neighbour, too, consoled you, saying that these things take a little time.

You were present in court on the next date of hearing. The case was called out and adjourned before you could blink. Outside the court room the lawyer, again in a bit of a hurry, said that the case had been adjourned because all the respondents had not been served with the notice of the petition. He informed you that the court had not fixed a next date of hearing, leaving it to the registry to list the case for hearing after completion of service. Once again, he had no time to answer your questions and, asked you to meet him in his office in the evening.\textsuperscript{19}

\textsuperscript{16} And the unintelligibility
\textsuperscript{17} This is not what usually happens. More often than not, the initial order in a petition will read something like this—‘issue notice to the respondents to show cause why the petition should not be admitted, returnable in two weeks. List thereafter.’
\textsuperscript{18} You wanted to ask— what happened to the application for allowing an interview with the detainee? Also, whether on the next date the security forces would produce your “boy”? Also, how soon was it likely that the court would order his release?
\textsuperscript{19} You expressed a difficulty in doing so since that would entail staying back in the city for the night. He, then, agreed to meet you in the High Court lobby after lunch. During that meeting he had no real answers to your questions. All he could say was that the court had its procedure, which it must follow in order to decide upon any complaint that was brought before it. The court could do nothing till the respondents had been served and had appeared in the case, to answer to the complaint laid against them in the petition.
What happened next needs no repetition. Ten years after you filed the petition, the High Court disposed of the case in the absence of your counsel, with a direction to the police to register a case and to ‘bring it to its logical conclusion, in accordance with law’. This direction summed the reality of the proceedings before the court. No aspect of the court proceedings inspired anything but incredulous scorn in you. Helpless: press-ganged into participating in the gargantuan charade of justice by the act of filing the petition, many times in those intervening years you felt like shouting at the judge, the lawyers, the court staff and, even, the friend who took you to the High Court in the first place, enraged by the demented farce, of which you felt the chief victim. But each time, the faces of your tormentors, suffused with compassionate understanding yet implacable at the same time, cowed you down. You could not penetrate the fog of their unreason, which keened in sympathy at your plight even as it made concrete the miasma of impunity that you had always sensed around them.

Imprisoned and disarmed, in the face of an immutable reality, you surrendered your dignity and pleaded for the right of justice. No one was moved. Everyone counseled faith and patience. Ultimately, you questioned your own right to demand justice. You invoked your history to deny the legitimacy of your quest. The years had already resigned you to your loss. Now, reality forced you to resign yourself to your fate.

Voices

This report would not have been complete without the voices of the families whom we visited over a period of a year and a half, beginning January 2003. The accounts derived from the documented record, though sufficient to establish the case, make for a rather dry narrative. The abstract narrative above conveys only a small part of the intensity of the experience that the families of the disappeared.

1. The Arrest and thereafter
   - The Arrest; the search for his whereabouts; the identification of the security forces/ unit
   - Attempts to secure his release: Encounters with the State, the police, the civil administration, the security forces
   - The underbelly of the State, the mukhbirs and the touts.
   - Bizarre stories
Mohammad Maqbool Bhat (90/3)  

Maqbool was my youngest son. It was his ambition to complete his B.A. and secure a government job. At about 7 p.m. of the day on which Maqbool was arrested, the CRPF raided our house. They came in four vehicles. Maqbool was with them. He was brought down from the vehicle and taken to the cowshed adjacent to the house. Maqbool was weeping and crying loudly that he had been picked up in Machho. He appeared to have been badly tortured and, was not able to walk properly. The CRPF did not find anything in the shed. Neighbours had gathered around by this time. We all begged the soldiers to release Maqbool but they seemed to be angry with him. While leaving, the soldiers picked up a cotton sheet drying on a line and covered Maqbool’s face and head with it, making him sit in the back of a jeep. We saw them drive to the family vegetable farm nearby. Hearing Maqbool’s cries, we rushed towards the farm but they sped away before we could reach.

Two weeks later, when Naseer Dar was released, he told us that he and Maqbool were kept together for a few hours at the Hari Niwas JIC (Sonwar), where they were tortured and interrogated, in turn. After the interrogation Maqbool was unable to walk properly and, shortly thereafter, he was taken away. Naseer did not see him again.

I met every police officer and civil servant I could approach. I submitted a representation to each of them pleading for information about Maqbool’s whereabouts and, for his release. No one was of any help. I, also, met Mehbooba Mufti who was very sympathetic and, even, visited our house a couple of times. But she, too, could not find any trace of Maqbool.

A few months after his arrest, some boys who had recently been released from custody came to meet me. They told me that Maqbool had been killed in custody. I believed them but I could not rest till I knew what they had done with his body. I have visited almost every jail and detention centre in Jammu and Kashmir, and many jails outside the State, searching for Maqbool. The number of court hearings that I have attended cannot be counted. But all my

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20 Narrated by Habibullah Bhat, his father, who died shortly after this interview, in July 2003.
21 He was eighteen years old, studying in class twelve.
22 Habibullah said that at that time he could not identify them; only that they were in uniform, wore helmets and spoke either Urdu / Hindi. That they were from the CRPF is based on what his relatives from Machho told him and what Naseer Dar told him after his release.
23 Maqbool’s school friend, who was arrested at the same time.
24 The DGP, the Additional DIG, the SP Srinagar, the DC Srinagar, the Advisor to the Governor, Mr Quereshi, and many others.
25 During the raid on their house the soldiers had told Maqbool’s father to contact Jaswant Singh, the DIG, CID / CIK, at his office in Sonwar. Jaswant Singh asked him to come back later as Maqbool’s “report” had not yet been sent to him. In fact, the report was never sent.
26 Currently President of the PDP (Peoples Democratic Party).
efforts were in vain. Maqbool’s mother was bedridden for several years before dying of the agony of her loss in 1997 or 1998.27

**Waheed Ahangar (90/4)**28

The first episode of Tipu Sultan was shown on that day.29 I went off to bed immediately after it finished. Minutes later, our house was attacked by the BSF. They broke into my baithak, where I sleep. They smashed all the windows and doors and, destroyed household articles. There were a lot of soldiers, though this was a raid on our house and not a crackdown.30

Just a few months ago, in January of that year, my son-in-law31 had been killed in an incident of military firing on a procession. That day the people had called for a general strike and the authorities had declared a curfew but he had to go out urgently, to get something typed for his Ph.D. As he was walking along the road, a procession came by, defying the curfew. The soldiers fired at its sides, killing my son-in-law. My daughter was pregnant at that time. So, when the army attacked our house my first thought was that it was a continuation of Shahzada’s troubles.

I asked them what they wanted. They said, “We want Waheed”. Taken aback, I said, “What will you do with him, he is a young boy and innocent”. Waheed was in another part of the house, a separate structure, where he was looking after the baby chicks that he reared as a hobby. When the soldiers saw him they were incredulous, asking if this was indeed Waheed, because he looked very young, like a child; even, younger than his fourteen years.

Our entire locality was witness to Waheed’s arrest. The soldiers made my other sons stand against a wall.32 One of them grabbed my son, Irshad, by the chain round his neck. I caught hold of his hand. They beat me up for doing that. I insisted that the police should be called to witness Waheed’s arrest. At this, a soldier smashed his pistol into my face, breaking three of my teeth.

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27 Habibullah Bhat devoted the last thirteen years of his life trying to trace Maqbool or, to find out what happened to him. His surviving sons do not have the energy to persist with this quest. They have young families of their own and, their lives are consumed by their own quest for survival.

28 Narrated by his father, Haji Mohammad Maqbool Shora (Ahangar)

29 A popular TV serial, about the life and times of one of the most famous rulers of south India, who fought against British domination in the 19th century.

30 According to the family there were at least 26-27 Gypsies, 12-13 trucks and, 3 Ambassador cars. The whole area was cordoned, with three circles of men surrounding our house and the area.

31 Older daughter, Shahzada’s, husband.

32 Waheed had four brothers, one of them his twin, who was away from home, visiting an aunt.
For a long time after this I could not stop wondering about the reason for Waheed’s arrest. We have a neighbour—a relative—who has the same name as me but he does not have a son called Waheed. Ultimately, I came to believe that, most probably, my son was arrested at the behest of two local boys who had been arrested two or three days before his arrest. I learnt that there was some ill feeling between these boys and Waheed. But, maybe, there was another man called Waheed, for whom the soldiers were looking.

The very next day we went to lodge a FIR at the nearby police station but they refused to register our complaint, saying that there was a directive from the ‘higher authorities’ against registering such complaints. We, also, met the DGP, Saxena, who promised to look into the matter and asked us to come back after three days. However, my eldest daughter, who was pregnant, required hospitalization, and we were could go back to him only on the first of June. He gave us a “permission” slip\(^{33}\) to meet Waheed at Papa II. We met Waheed on 3\(^{rd}\) June and gave him toiletries and fresh clothes.

We met Waheed several times over the next six months. During this period he was subjected to severe torture and was in considerable pain. He was constantly shifted from place to place.\(^{34}\) On 28 November 1990, two days before my younger daughter’s wedding, we learnt that he was critically ill and in the intensive care ward of the army hospital at Badami Bagh. We managed to get permission to meet him on her wedding day. The doctor at the hospital confirmed that Waheed was among the people admitted there but before we could meet him, a CID inspector arrived and, abused and assaulted the families assembled there. He threatened me with his revolver and pushed us out of the hospital. We have had no news of Waheed since then.\(^{35}\)

I, also, met Rajesh Pilot in Delhi, who was then minister in charge of Kashmir affairs in the Central cabinet, as part of a delegation representing parents of disappeared persons in Kashmir. Justice Tarkunde, noted jurist and human

\(^{33}\) Same as the “interview” slips that have been discussed in chapter IV and V.

\(^{34}\) After their first meeting in PAPA –II, they met him at Pantha chowk, inside the BSF establishment there, through the agency of one Bashir Mirza of the 79 Bn BSF (Waheed’s father recognised Mirza as the person who had broken his teeth with his pistol.) Thereafter, SP Jaswant Singh (CIK, J&K police) told them that he had been shifted to Jammu and that he would arrange a meeting with him there. But an IB officer (His name was Bansi Lal and, they had been introduced to him by Bashir Mirza.) contradicted Jaswant Singh and arranged a meeting with Waheed at the JDG, Shivpora, JIC. Jaswant Singh, was furious when he learnt that the family had discovered Waheed’s true place of confinement and, refused to facilitate further meetings with Waheed. The family was able to placate him, only with great difficulty.

\(^{35}\) Outside the hospital, by chance, they met a young Sikh boy known to them, who worked in the cantonment. Waheed’s father gave him Waheed’s photo and sent his watch and key ring and asked him to show them to Waheed, as a sign from his family. The Sikh boy reported that Waheed wept on seeing the items but could not send back any message as he was in no state to speak.
rights activist was present during the meeting. Pilot was very rude and called us “liars”. He gave us a list of sixty names of people whose custody the government acknowledged.  

My son’s case has been documented by a number of human rights organizations, both local and international. A few months ago, someone from the SHRC came to our house and offered to try and get us some compensation. I rejected this offer. Waheed’s mother has become mentally ill. She serves food for Waheed at all meal times. Our business has been ruined due to neglect. I have spent lakhs of rupees in our search for Waheed. His twin brother, Salim, works in Darjeeling and, does not like to come home. I am almost blind. I cannot sleep.

Latief Khan (91/1)  

My brother, was forty-five years old when he was arrested. He was an ex-service man who had joined the army at the age of sixteen, retiring as a havaldar. We lived together. He had two wives and ten children. He had no involvement with militancy and, had never been arrested before. My brother was afraid of the militants because of his background as an ex-serviceman. He was, also, afraid of the army, saying that he had first hand knowledge of its capacity for arbitrary action. In fact, he used to caution me against spending time with friends in the market; for fear that I might get into bad company. All he wanted was to live a peaceful life with his family. My brother was arrested during a crackdown on the village. I was away to the dera where we keep our cattle. The arrest party was led by Assistant Commandant, Pandey of the 46 Bn CRPF. The DSP Uri, SM Sahai and, local policemen, Ghulam Nabi and Ashraf, accompanied them. The women and children were locked up in a room and the house searched. They turned the house topsy turvey, throwing utensils all over the place and, setting clothes and bedding on fire. The family saw them taking Latief away. He was bleeding and, from the way his left arm was hanging, they realised that his arm was broken. A few days later we found his watch from the fields next to the house. Our cousin, Bashir Khan, son of Ali Akbar Khan, who was then the

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36 Waheed’s name was among those listed. However, before the High Court the BSF claimed that they had, subsequently, released Waheed.
37 Narrated by Umer Khan, brother of Latief Khan.
38 They own some land and, also, keep cattle. In addition they have a fruit business and a shop in Chandanwari. Combined with a pension of rupees two thousand one hundred per month, Latief Khan was well off and, from his profile, a most unlikely candidate for forging links with militancy.
39 A place in the hills where they had cattle sheds.
president of the Tehsil unit of the Congress party, and Abdul Samad Saraf, an eighty year old employee of ours, were also arrested.

I rushed back from the dera as soon as I heard of Latief’s arrest. I and my uncle met the officers of the local army units, the police and the DC, Baramulla. The army denied all knowledge of the raid and the others were uncooperative. Four days later the body of my cousin, Bashir, was washed up along the banks of the Jhelum. The villagers stopped me as I passed by and, asked me to contribute money to bury the body, which they could not identify. The body was badly battered but I was able to identify Bashir from the tattoo on his arm. In those days, about ten to fifteen bodies used to float by on a daily basis in the river Jhelum. If they were washed to the river bank the local people would make a collection from the villagers and bury them. This went on till about 1993 and then it stopped.

After Bashir’s body was found, I, along with some others, met the Advisor to the Governor, Jamil Qureshi, in Srinagar. In our presence Jamil Qureshi issued a written order directing that Latief and Abdul Samad Saraf be released and, ordered an investigation into Bashir’s death. He, then, sent us to DGP, Saxena, with a letter. On hearing me say that DSP, SM Sahai was present during the raid, the DGP became furious and kicked me so hard that I had to be given first aid. The mark of this injury is still on my leg. I met many other police officers but none of them was of any help. The DIG CRPF, whom I met twice, denied that Latief was arrested by them or, was in their custody.

After his release Abdul Samad Saraf told us about his custody as well as the brutal torture of Bashir Khan, who died in his arms. Latief was kept separately but Abdul Samad heard his voice. Ghulam Nabi and Ashraf, the local police men who had accompanied the raiding party, refused to say where he was being held. Mr Sahai the DSP, Uri came to visit us at Bashir’s taziat. He told us that he did not know anything and that he had merely accompanied the security forces and, picked up the men on their say so.

I searched for Latief for several years, chasing every rumour. We, even, visited jails in Rajasthan, to verify rumours that he had been shifted to that State. On one occasion we heard that Latief was in the New Army Centre at Jammu. I rushed there, only to be disappointed. On another occasion at

40 On 16 July 1990 Umer Khan lodged a report with the PS Uri. The police deliberately omitted all mention of the presence of the local police in the report that they noted.
41 Umer Khan showed us the mark; a prominent dent on his shin.
42 Later, on the advice of the DGP Umer met the DIG CID CIK, Jaswant Singh, who, in turn, sent them to the SP CID/ CI (Jammu) under the impression that Latief was lodged there. But Latief was not found in any of the Jammu jails. Umer also approached the SP of Baramulla, and DIG Azhar Alam for help.
Kathua jail, a Dr. Guroo who was posted in the jail, told me that Latief was lodged in that jail and, said that he would arrange a meeting. Overjoyed, my father immediately distributed eleven hundred rupees among the poor but it turned out to be a different person, also called Latief. My father fainted from the shock.

**Mohammad Ramzan Wani (91/2)**

The crackdown was by a very large number of soldiers in various kinds of vehicles, too many to be counted. My husband was sleeping in the room above his shop, a short distance from our house. They first searched our house and, then, the shop. The soldiers looted the shop and destroyed what they could not loot. During the search of the house they destroyed or damaged almost all the household goods, utensils, etc. They, also, beat up my young son, who was still a toddler. Apart from Ramzan and his uncle, they also arrested one Rashid Khan during the crackdown.

I fell at the feet of the officer in charge of the raiding party, begging for mercy. He told me that he was under orders from his superiors and could not help. I chased after the vehicles taking my husband away and, managed to speak to him when they stopped at the Tikkipora chowk. At the military camp at Anderbug, Deevar the soldiers told me that they knew nothing about the raid or the arrests. They told me to go to the BSF headquarters at Batergam. There the soldiers denied having Ramzan’s custody. They said that they had let him off and that he must have fled to Pakistan. Helpless, I returned home.

Mushtaq Lone, who was known to the family, was the only politician whom we approached. He could not help us. We met many officials in Kupwara but no one was of help. My father-in-law had died before Ramzan disappeared. I was left alone with five young children. My aged father had to shoulder the burden of our search for Ramzan. We filed a petition in the High Court but it was very expensive to attend the hearings. Also, it was a very frustrating experience because I could not understand the proceedings. After some time, I stopped going to the court and don’t know what happened to the case.

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43 Narrated by his wife, Naseema.
44 They suffered an estimated loss of rupees eighty thousand.
45 On his release Rashid Khan told Ramzan’s family that at the Batergam camp Ramzan was taken away for interrogation. He heard Ramzan wail saying, ‘oh God, I have four small children’. He did not see Ramzan again during his incarceration in the camp.
46 He later became a cabinet minister in the Farooq Abdullah ministry. He was assassinated by militants in ....
47 He belonged to the neighbouring village of Deevar.
48 See page 25 of the Arrest chapter and page 16 of the Petitions chapter for more on this case.
My husband had no interests apart from his family and his business. He did not participate in any political or public activity and did not have, even, a remote link with militancy. His disappearance and the destruction of the shop made us destitute. The government gave me compensation of rupees one hundred thousand but I have not been granted a job.49

**Abdul Rashid Sheikh (91/3)**50

Some militants fired shots upon the BSF from the direction of our village, Matipora – Kripalgarh, while they were carrying out a crackdown in Singhpora.51 Fearing retaliation, all the men in the village ran away. Some men stayed back to care for those who were old or sick. My mother was sick, so my brother, Abdul Rashid, and two of my brothers-in-law, Bashir Ahmad Sheikh52 and Ghulam Mohammad Sheikh,53 also, stayed back. One Dr Ghulam Mohammad Rather, a veterinary doctor, also, stayed back in his house in Matipora. The BSF arrested all four of them. They were given a severe beating, with sticks and gun butts, in the village itself. All the houses were searched. Abdul Rashid had rupees thirty or forty thousand with him from the sale of carpets the previous day. This money too disappeared with him.

The next morning we went to Singhpora, where the BSF has a very large base. There we learnt that an officer named Sharma had been in charge of the crackdown by the 24 Bn BSF but we could not get any other information. Three days later, Dr. Ghulam Mohammad Rather was released. He told us that he had been detained at the BSF camp at Wadoora, Sopore and that Abdul Rashid and the others had been with him in custody. So we again went to the Singhpora camp. There we met one DIG, Chabra,54 who admitted that Ghulam Mohammad and Bashir Ahmed were still in their custody but said that Abdul Rashid had been released. He said that the other two would be released in a few days. We didn’t believe him so we asked him, point blank, if Abdul Rashid was dead and said that, if so, his body should be handed over to us. However, the DIG denied this.

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49 The District Level Screening Committee, which cleared Naseema’s case for ex gratia compensation said that her husband should be “treated as dead” since, both the BSF units involved, denied apprehending him; though, it was conclusively established that Mohd Ramzan Wani was arrested during a crackdown on 4 September 1990 and had not been seen since then.
50 Narrated by Ghulam Hassan Sheikh, Abdul Rashid’s younger brother.
51 A nearby village on the main, Srinagar – Baramulla, highway
52 Wife’s brother
53 Sister’s husband
54 Or Chopra.
About a month later, my brothers-in-law, Ghulam Mohammad and Bashir Ahmad were also released. Ghulam Mohammad narrated:

“We were confined in a room in the BSF camp at Wadoora along with ten – twelve other people, who were mainly from Sopore. We were kept blindfolded and our hands were tied behind us. Our blindfolds would be removed and hands untied only at mealtimes. Sometimes a sympathetic sentry would give us a beedi and would untie one hand and tie the other to our waist. On the evening of the second day Dr Rather was taken away. The next morning Abdul Rashid was taken away by three soldiers. My eyes were covered but I could see a little bit and, he looked fine at that time. Later I asked an officer about both of them, who said that they had been released because of sifaarish. In this way, from time to time, other people were also taken out of the room. No new person was brought in while we were there. On the last day of our custody, Bashir and I and, a boy from Kupwara were the only people left in the room. Bashir and I were taken to a forest five or six kilometers away, towards Kupwara and, left there. We were warned not to look back. We were filthy and our hair was full of lice. After some time we went to the road and stopped a bus from Kupwara that dropped us at Sopore. There we took a bus home. When we got back we expected to see Abdul Rashid but he had not come back.”

We searched everywhere going far and wide, from place to place, meeting army officers at Tapper and other camps. We paid money to several mukhbirs, who promised to secure Abdul Rashid’s release. My father and uncle, Abdul Rahim, visited Kathua, Kotbalwal and Hiranagar jails and many detention centers within and outside the valley. They, also, went to jails in Rajasthan and, other places; spending at least rupees four hundred or five hundred thousand. We met and/ or wrote to everyone we could think of, including the Special Commissioner, Baramulla, Divisional Commissioner, Kashmir and the SP CIK Srinagar: appealing for help in tracing Abdul Rashid. But nothing came of any of this.

In the summer of 1991 I met a woman, a fishmonger from Sopore. On learning I was from Kripalgarh, she asked me about ‘the boy from Kripalgarh who had been killed’. She told me that her son, who had been in custody with this boy, had told her about him after his release. I did not say anything to my family about this meeting, thinking that it was better for my aged parents to live on the hope that Abdul Rashid might be still alive. 55 Abdul Rashid’s wife Zubeda had shifted to her father’s house, in the same village, with one of her two children. They were granted ex-gratia relief of rupees one hundred thousand in 2002. 56

55 Their mother suffers from cancer. She had two unsuccessful surgeries to remove the tumour but it has spread all over her face and neck. Their father is a patient of severe angina.
56 Ghulam Hassan said that this was proof of his brother’s innocence since “no guilty person has been given compensation”. 
Malik Nisar Ahmad Shah (91/4)\textsuperscript{57}

Nisar was drinking tea in the house. Though other parts of the valley were in the grips of severe turmoil, Verinag was completely peaceful. The first sign of the strife that would soon engulf it too, was a CRPF camp\textsuperscript{58} that had come up in Verinag a few weeks earlier. My brother was a bit religious minded and, used to teach children the Koran. He was, also, casually associated with the Jamait-e-Islami. He was the first person to be picked up from our village.

The soldiers were led by two inspectors, Malkha Singh and Devi Das Thakur. They searched the house and the shop\textsuperscript{59} but found nothing. They arrested Nisar and beat him up; here, in the house itself. Then they took him to the camp. Our neighbours and other villagers had gathered while the raid was going on. We all followed the soldiers to the camp. We asked the soldiers why Nisar was being arrested but no explanation was given, though they promised to release him, soon. Later, they said they had sent him to the SICOP camp at Bijbehara\textsuperscript{60} but we were not able to find any trace of him there. Some days later we heard through someone that his hip joint had been dislocated during interrogation and that he had been referred by one Dr. AR Padder of Anantnag to the Bone and Joint Hospital at Barzulla in Srinagar. Nothing was heard of him, thereafter.\textsuperscript{61}

About two years after Nisar’s arrest, General Zaki\textsuperscript{62} visited Verinag. Both the Inspectors\textsuperscript{63} were still in the camp at that time. The entire village was present, including the president of the local Aukaf for a meeting with the General. Weeping, my father told him about Nisar. In the presence of everyone, the two Inspectors admitted that they had arrested Nisar and, said that he was still in their custody. They promised to arrange his release soon. Shortly, thereafter, the two Inspectors were transferred out of Verinag. Nisar was never released.

\textsuperscript{57} Narrated by his brother, Malik Riyaz Ahmad Shah.
\textsuperscript{58} Manned by the 53 Bn CRPF.
\textsuperscript{59} The brothers were watch makers and, had a shop in the market.
\textsuperscript{60} Then manned by 19 Bn CRPF.
\textsuperscript{61} Nazir Ahmad Sofi, a resident of Bahadurabad, a village about a mile away from Verinag, was also arrested on the same day. On his release about six months later, he refused to say anything except to confirm that Nisar and he had been kept together and that Nisar had been badly injured during interrogation. Later, Nazir Sofi left the area to settle in Sopore, his wife’s native place.
\textsuperscript{62} Then Advisor to the Governor of J&K
\textsuperscript{63} Inspector Malkha Singh and Inspector Devi Das Thakur of the CRPF who were part of the arresting party.
We searched for Nisar every where, visiting every major jail in India. We, even, met the President of India. We paid Ali Mohammad Sagar\(^{64}\) to help us trace his whereabouts. We used to request villagers who had befriended the CRPF personnel at the camp to help find out where Nisar was being held and, why. We got no answers; no one helped. We could never learn why Nisar was arrested. He had no connection with militancy. Nor were any of his friends or our relatives involved in militancy. In fact, there was no militancy in Verinag till 1991.

Nisar was the oldest of us brothers and sisters. His wife was pregnant at that time and, a daughter was born to them shortly thereafter. Our father is a tailor master but does not work so much now. My grandmother was particularly fond of Nisar. She went into a severe decline after his disappearance and, died in 1995.

**Sajad Ahmad Bazaz (92/2)**\(^{65}\)

We were a prosperous business family. We had a showroom at Dal Gate and a growing export business. It is all gone now. We had to sell the showroom for a pittance, during the worst phase of the movement, when the entire valley was, virtually, closed to the outside world. The property, alone, is worth about thirty lakhs now.

Sajad used to run a shop from an outer room of our house, next to the south gate of the Hazratbal shrine. There was a man called Asgar,\(^{66}\) who was a *mukhbir* attached to the BSF battalion stationed at Nishat. He used to buy cigarettes from Sajad, running up credit. Asgar ran up a bill of about rupees one thousand and, then, did not come to the shop for several months. We thought he must have been killed. When he, eventually, turned up and, asked for some cigarettes Sajad insisted that he, first, clear his previous outstandings. This angered Asgar and, he picked a fight with Sajad and, threatened him with dire consequences for daring to ask him to pay up. Sajad, too, lost his temper. Asgar left, swearing to teach Sajad a lesson. Six weeks later, Sajad was arrested by the BSF unit with which Asgar was attached. They were led by Deputy Commandant DS Rathore. Asgar was with the arrest party.

Sajad had just come home from *namaz* and had sat down to have a cup of tea when the soldiers came and took him away. His arrest was witnessed by the entire neighbourhood. He had no link with militancy. No one in the family

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\(^{64}\) A prominent National Conference politician, who later became an important cabinet minister in the Farooq Abdullah government.

\(^{65}\) Narrated by his father, Ghulam Mohammad, with the help of two of his brothers, Fayaz and Shakeel.

\(^{66}\) His name was Azad Ahmad Mir r/o Nagin.
has, ever, had anything to do with militancy. No one has, ever, been arrested; either before or after Sajad’s arrest.

Immediately after Sajad was taken away, we, along with our neighbours, went to lodge a complaint with the police. A curfew was in force and, we were stopped at the nearby bunker. The soldiers, however, allowed me to go on. At the police station, the SHO said that he would go with me to the camp on the next day. He assured me that my son was alive. The next day the curfew was still on but I went to the police station and, insisted that an FIR be registered. Again, the police officers, including the DSP of the area, reassured me. I went many times and, they kept promising to help but they did not do anything.

A neighbour took my son, Shakeel, to meet one Mr Sharma, said to be second in command to DS Rathore, who had arrested Sajad. Sharma demanded a “gift” of a table, saying he would see what he could do. A few days later, after Shakeel had given him the table, he said that Sajad had been handed over to another battalion and that he could not help us. Shakeel was so furious that he demanded the table back.

Then, there was another man called Anil Pal. He was, also a BSF officer, based in Sanatnagar. In 1993-94 he told us that Sajad was still in their custody. He said that the 30 Bn, which had arrested him, had handed him over to another battalion. He said that he would have Sajad released but went back on his word. He did not ask us for money or anything else. Now, when we think back, we feel he was just toying with us, making us suffer. There was another BSF commander, from Nishat, who had, also promised to help but he was killed before he could do anything.

We met all sorts of people in our searching for Sajad: from Rajesh Pilot to Farooq Abdullah to dalals of all kinds. In 1993, one of my sons, who lives in Delhi, met a man called Narendra Kaushik. He was from the RAW. He showed my son his identity card. Kaushik said that Sajad was alive and, in custody. He described Sajad and, his mannerisms in detail, including his scars. He described a scar on Sajad’s arm, where he had sustained a fracture in an accident and had to be operated upon. Kaushik told my son that during interrogation the security forces had insisted that he had got the wound while crossing the border but Sajad had denied this and said that it was from an automobile accident. Listening to all this detail, my son was convinced that Sajad was alive. Kaushik said that he would arrange to have Sajad released on the condition that he (my son) agreed to work for the government. My son

67 Amanullah Khan of the JKLF had given a call for people to cross the border. The government clamped a curfew, which remained in force for three days.

68 The scar was real and, Sajad had got it as described by Kaushik.
refused, though Kaushik tried to tempt him by saying that the government would take care of all our expenses. He, then, asked, my son to name a man (turn him in), in exchange for Sajad’s release. My son refused, again, saying that he did not know anything. My son continued to meet Kaushik for about three months, convinced that he knew where Sajad was but since he refused to turn informer, things did not work out.

We spent thousands of rupees on *dalals*. One of them was called Siddique, a resident of Qamarwari. We paid him rupees fifty thousand. He took us inside Papa II, assuring us that he would arrange for Sajad’s release. But he was, himself, killed a few days later. Then there was a Sikh *dalal* called Bhupender Singh. He was from Chatti Badshahi, near the Gurudwara. He took rupees three thousand from us. We, also, negotiated Sajad’s release with Papa Kishtwari who, at that time, worked as a *dalal*. He used to sit in Papa II, from where he used to negotiate deals with the families of those who had been arrested. We paid Papa Kishtwari rupees ten thousand but we gave up on him after he kept us hanging for about two or three months, not doing anything.

We met many politicians and officials and made representations to all of them. They all gave us the run around. But we are not the only ones, there are thousands like us. Ali Mohammad Sagar promised me that he would give one of my sons a job. He made me run around for three years. Then he said that we people had made a business of this. He accused us of meeting with the Hurriyat people. His behaviour was outrageous. If he did not want to help he should have told us so, straight off; that would have been the end of the matter. The Governor, Girish Saxena, used to sit behind a bullet proof glass. Ghulam Nabi Azad, was minister in the Central government, brushed us off saying— what can I do. We met Ghulam Rasool Kar of the Congress, who lived in Lodi Colony in Delhi. It was around the time that the Bombay blasts had taken place. Kar said— look what is happening. Our heads must hang in shame. Then, he asked us to encourage our sons to the join the security forces. We explained our case to him but he, too, said– what can I do. The only two persons who behaved decently were Rajesh Pilot and Wajahat Habibullah. Pilot was so helpful that I felt that Sajad would surely be released.

Once we met Justice Tarkunde. It was around the time when some foreign tourists had been abducted by the militants. He gave us a letter and, sent someone with us to help us meet DIG Durani. The DIG’s guards told us he was in a meeting. We waited several hours, from about 9.30 am till well past

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70 His real name is Ghulam Rasool Lone. A CRPF sub-inspector, turned operations chief of a militant outfit, turned counter insurgent.
71 Mufti Mohammad Syed, Farooq Abdullah, Ghulam Nabi Azad, Mr Saxena, Ghulam Rasool Kar and DG Ashok Patel.
72 An IAS officer, he was Division Commissioner, Kashmir, in the early 1990s.
73 Probably the one person whose name is synonymous with human rights activism in India.
2 pm. Finally, when we were allowed to meet him, we saw that he had been having a cup of tea with two foreigners. Durani was very rude. He asked me if I thought he was a magician demanded who could produce Sajad by waving a wand. He said that we had, probably sent Sajad across the border. My son, Latief, lost his temper. He shouted that if this had happened to his son, then he would have known how it feels. Durani’s security guard came in and they tried to drag Latief out. Latief resisted and demanded that since he seemed to know so much about what we had done with Sajad, he should provide complete details of the date and the circumstances in which we had sent him across. Latief demanded that Durani put his accusation about Sajad in writing. Durani started sweating and, apologized. He, then, asked us to come back after a week but there was no point in going back. If Tarkunde had not asked us to go and see him, we would not have gone. We now no longer go to anyone. They all say the wrong things. The whole exercise of going to the authorities is so humiliating and, pointless.

In twelve years, the court has not been able to reach a verdict. The inquiry established that the BSF was responsible for disappearing Sajad. The police investigation has, also, concluded that DS Rathore and Asgar were responsible for his arrest and, his murder. Yet no action has been taken against them. The BSF conducted a sham of a court martial against Rathore, finding him not guilty. But we do not accept this decision. Even, Asgar has never been caught and produced before any court, though he works for the BSF. The court just gives date after date. There is no justice in this country.

We have spent nearly a lakh of rupees in legal costs alone. I am old but I am forced to continue this futile quest. I am mentally and physically exhausted. I have no tolerance left. All my sons, except one, are still unmarried because of our troubles. There is no end in sight.

**Ashiq Hussain Malik (97/9)**

It was late at night. Ashiq was sleeping in the upper floor of our house when I heard someone call out his name. Others, also, woke up. When we opened the door we saw some soldiers. They ordered us to douse all lights and,

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74 In this case, the Central government refused sanction to prosecute DS Rathore on the ground that he had already been tried and acquitted by the BSF, General Security Forces Court. At the time of our meeting with the Bazaz family, the case was still pending. Subsequently, in July 2004, on the basis of a statement that a challan had been filed against Asgar, the other accused, the Court disposed of the case.

75 Narrated by Ashiq Hussain Malik’s older brother Mohd Kamal Malik.

76 They were from the 20 Grenadiers. See the Petitions chapter for a discussion on arrests by this unit.
took Ashiq away in his night clothes, saying they wanted his help to trace and identify one Ghulam Qadir Bhat.  

In the morning we went to the Humhama police station and lodged a report on Ashiq’s abduction. A month later, when we asked the police for a copy of the FIR, they said that our complaint had not been registered as they had instructions not to lodge/ report cases where arrests are made during the night. Later that day we met the SP and the DC, Budgam. The SP Budgam, a Sikh, made inquiries over the wireless and told us that Ashiq was probably in a camp in Dragmulla but on the next day he corrected himself to say that Ashiq was not at that camp.

Within the next two – three days I, along with Ghulam Hassan Gilani, who had been a NC MLA before 1990, visited the headquarters of 20 Grenadiers in Haft Chinar where we met Colonel SK Malik and Lt Col. AA Malik. Both officers denied that Ashiq was in their custody. However, during another visit, two or three months later, Lt Col AA Malik ordered a subordinate named Nazar Mohammad to release Ashiq Hussain. That day a Congress party worker, one Mr. Dar, was with me. Nazar Mohammad opening his diary and showed us an entry, in which Ashiq Hussain’s name was mentioned as arrestee. Of course, the soldiers were mocking us and Ashiq was not released. Through Syed Akhoon, who was then a NC MLA, we, also, met the CM, Farooq Abdullah but he was of no help.

I don’t know anything about Ghulam Qadir Bhat. After his release he came to meet us and told us that Ashiq had been in great pain and, was vomiting, from his torture. He told us that on the night of his release, he and Ashiq were taken somewhere in an army vehicle. Ashiq was still in his night dress. After some time the vehicle stopped and Ashiq was taken down and put in another vehicle, standing nearby. Thinking that Ashiq was going to be released, he asked him to inform his family about his condition. Thereafter, Ghulam Qadir was blind-folded and thrown out of the moving vehicle.

We don’t know why Ashiq was targeted by the security forces. He had been arrested once before, in 1993, four years earlier, during a crackdown in Hyderpora for having a grenade in his possession. He had no connection with militancy at any point of time. He was just a little boy, only twelve years old, with no sense of right and wrong. In those days, guns and grenades were as common as vegetables and anyone could acquire them. He had got the grenade from a neighbour’s child, who later told the soldiers that he had given a grenade to Ashiq. The grenade was recovered from a room in our house.

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77 Ghulam Qadir Bhat was arrested the same night. After his release, he informed the family that both, he and Ashiq Hussain, were taken to an army camp at Gruend-Nasrulla-pora, in Budgam district.

78 See Chapter on Arrest, page …… for other details of this case.
The soldiers released the other boy but Ashiq was arrested and booked under the PSA. A TADA case was also registered against him. Ashiq remained in jail for eighteen months. There was one Mushtaq Ahmed Rather, who used to work as an informer with the 20 Grenadiers, who had some enmity with Ashiq. Though he denies his involvement, I believe that this man was responsible for Ashiq’s arrest and disappearance. After he stopped working for the army, Mushtaq Rather met me and confirmed that Ashiq had been arrested by the 20 Grenadiers.

Our mother developed heart disease after Ashiq’s disappearance, though she has now come to accept that he may not be alive.

**Mohammad Yasin Bhat (2000/171)**

Yasin was a devout Muslim, a follower of Shafi’i school. He was Imam of a local mosque, which was at that time being re-constructed. He also worked as an accounts clerk in a nearby carpet factory. A month before his disappearance four persons from the management of his mosque were picked up and, detained for a night in the BSF camp at Mamta Hotel (in Srinagar). When these persons were being released, the BSF Munshi told them that, along with their names, the BSF had also, “received” Yasin’s name for interrogation. However, he said, since nothing incriminating was found against them, Yasin, too must be innocent. After their release, these men reported this conversation to Yasin. They warned Yasin not to go to the mosque. He did not go for three Fridays but on the fourth Friday, he was arrested. Some people who belonged to the congregation of which he was Imam did not like that Yasin espoused Shafi’i views. They resented that despite this fact the community had appointed him the Imam of their mosque. We felt that his arrest may have been a result of their mischief against Yasin.

When Yasin did not come back after the evening namaz, my father immediately suspected he may have been picked by the security forces. We

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79 This case was still pending at the time of his second arrest in 1997.
80 About two years ago, after he left service as an informer (now working as a carpenter) he approached Ashiq’s family and confirmed that Ashiq had been picked up by the 20 Grenadiers.
81 Yasin’s brother, Zahoor, narrated the events. Their father had seen Yasin talking to some people at the mosque after the evening prayers.
82 One of the four schools of “law” or fiqh in the Sunni Muslim tradition. Shafi‘ism is considered to be one of the more conservative of the four schools of Islamic jurisprudence. The school is named after its founder: Muhammad ibn Idris ibn al-`Abbas, al-Imam al-Shafi‘i, Abu `Abd Allah al-Shafi‘i al-Hijazi al-Qurashi al-Hashimi al-Muttaibi; better known as Imam Shafi. (Source: Wikipedia)
83 Father and son had gone together for the namaz. Yasin finished his prayers slightly earlier and, when his father came out of the mosque, he saw Yasin talking to some pheran wearing
immediately launched a search for him. A large group, including our
neighbours, went to the Nowhatta police station. The gate of the station was
closed. Since the police were taking time to open the gates, I and my cousin,
Habibullah returned home, leaving the others behind to lodge the report. Near the lane of the house, we met another cousin, Mushtaq, who told us that
the army was inside, carrying out a raid. When we entered the house, four
persons in *pherans*, with pistols in their hands, attacked us and beat us up.

There were about fifteen soldiers, commanded by a masked person, with a
high pitched voice. We were locked up with other members of the family.
Fifteen year old Mushtaq, my elder brother Farooq and, my father, were
interrogated in the nearby room. They asked about Yasin’s activities. To
Farooq, they acknowledged that Yasin was not a militant but accused him of
being active in *tablíq*. They searched the house. We offered them the house
keys to them but they refused, saying that they knew how to open locks. The
soldiers broke open every door, cupboard or trunk that they found locked.
They, also, severely damaged one of the outer walls of the house. My salary
of rupees five thousand, which was in the pocket of my jacket, hanging in my
room, was also stolen. They left around 9 p.m.

Our maternal uncle, Abdul Rashid, saw two army vehicles, a Jonga and a
Jeep, traversing the main chowk nearby, at about 9.15 p.m. that night, from the
window of his house. Almost immediately after that he received a phone call
from our neighbour informing him of the raid. On reaching our house he
found a slip of paper lying on the ground near the rear gate, from where the
raiding party had broken into our house. It was a list of names of army
personnel, presumably those who had taken part in the raid.

They carried out a second raid around 11 p.m. Once again, we were beaten
and, then, locked up in the kitchen. We could hear Yasin’s voice, crying out in
pain. Later, neighbours confirmed that Yasin was with the army during the
raid. They saw him being carried out by two soldiers. We found signs of
torture/interrogation in his room.

persons outside the gate of the mosque. Yasin’s failure to return home triggered off the
realisation that these people had seemed suspicious.

84 After lodging a report at the police station they, also, reported the incident to the BSF
stationed at Nowhatta Chowk.

85 The actual description by Zahoor was that the masked commander’s voice was “womanish”.

86 The dissemination of religious teachings.

87 There is some discrepancy about the times. However, this does not detract from the
testimony.

88 He lives nearby and, was one of the persons who met with us.

89 The next morning the people of the locality staged a *dharna*, blocking off all traffic from the
area. The SHO of the Nowhatta police station, Tanveer Jeelani, came to try and persuade them
to call it off. Yasin’s family showed him this slip of names, (they had hand noted a copy
before that). Pocketing the slip, Jeelani assured them that Yasin would be traced within two
hours. Later, he denied that they had given him any paper.
Over the next few days we met many persons. The Divisional Commissioner of Kashmir, Khurshid Ganai, after making inquiries, told us that Yasin was found to be involved in militant activities. However, he refused to tell us where he was being detained. The Home Minister, Mushtaq Lone, sent us to Ashkoor Wani, SP, STF, Kupwara, but he, merely, confirmed that Yasin was not in his custody. We visited many camps of the Army/ security forces: at Badami Bagh, Zakura, Toto ground (Batamaloo), Zachaldar (Handwara) and other places but could find no trace of Yasin. Immediately after his arrest, my father met the CM, Farooq Abdullah. The meeting was facilitated by Mohammad Shafi Bhat, MLA who, also, independently, tried to get information about Yasin from Army officials in Badami Bagh and the camp at Toto grounds, without success. Farooq Abdullah bluntly told my father that ‘if Yasin was traced within four or five days then well and good, otherwise he was, probably, dead’. Someone told us that one O.P. Shah of Calcutta could help them, so we wrote to him. But this, too, was of no help.

We, also, wrote to the Colonel of the Human Rights Wing, Kilo Force, at Sharifabad, to Lieutenant Colonel B.S. Bansal of Badami Bagh and, to the PRO of the Badami Bagh cantonment. None of them responded to our appeals. However, responding to an article about Yasin’s disappearance in the Greater Kashmir, Brigadier (Staff) Ranbir Chabra, HQ 15 Corps, wrote to us saying that the army had investigated “the incident” and, denied that he had been arrested by them. We wrote back to him requesting a re-investigation and, providing him the list of names dropped behind by the raiding party on that night, asked that the persons in question be traced. He did not respond to this letter.

A day after Yasin was picked up, I approached one Bashir Ahmad, a resident of Hakabazar, Hawal, who knew an officer attached to the DGP’s personal staff. This man took twenty thousand rupees from us but returned it after some time. Later, we, again, paid him, this time rupees thirty thousand; but he was not able to trace Yasin. With the help of the news editor of Doordarshan, Srinagar, Bashir Malik, and another friend, Tariq Lone, who worked with the news channel, Aaj Tak, I met one Major Raman, at the Sharifabad headquarters of the RR. Here, too, we met with disappointment. Some months after Yasin’s disappearance we met one Farooq Ahmad, an SPO in Ganderbal, who assured me that he would trace Yasin. In my presence he spoke on the phone with someone called ‘Pandey’, in Ganderbal. Later, in the presence of my uncle, Abdul Rashid, Farooq Ahmad named an officer, allegedly working in the IB (Intelligence Bureau), saying that he could help

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90 This person’s name comes up in more than one case.
91 Some persons, who were picked up from Saida Kadal, a nearby area, on the same day as Yasin, were lodged in this camp.
92 A businessman with interests in Kashmir.
secure Yasin’s release. Farooq demanded one lakh rupees for this. We were not convinced by Farooq, so we did not pay him anything.

Some months after Yasin’s arrest we heard that the son of one Dr. Rouf, an E.N.T doctor, resident of Lal Bazar, was traced and, his release secured, two and a half months after he had been abducted by the Army. The son had been in the custody of the JKLl. Dr. Rouf told us of one Major Sidhu, based in the Badami Bagh area, whose assistance was vital in tracing the whereabouts of his son and, in securing his release. We paid a middleman, Mohammad Shafi, a resident of Rajbagh and, an employee of the PWD (R&B), rupees forty five thousand to set up a meeting with Major Sidhu, who was said to be a regular at the Pine Hotel in Rajbagh. However, Mohammad Shafi was a cheat. Through Yusuf Tarigami, we met Colonel Rajan (or Rajiv) of the JKLl, at its Headquarters at Haft Chinar. But he was of no help.

I, also, met one Atish Mohammad Sharma, allegedly a driver with the IB, who currently runs a computer institute in Rajbagh. I was introduced to Sharma by one Shahid Rashid, who works with the Associated Press. Sharma assured me that he would get Yasin released and demanded rupees five thousand, which I paid him. Later, Shahid Rashid told me not to pay anything more to Sharma as he had developed some doubts about him. However, Sharma threatened to have Yasin killed, if money was not paid to him. Sharma took money several times, on various pretexts. Once it was rupees five thousand for gifts for the colonel in whose custody Yasin was. Another time he took seven thousand rupees for air tickets for the colonel, so that he could accompany the dead body of a colleague who had been killed in an encounter on the Pahalgam road. Another time, a day before Eid, he took rupees five thousand and, said that Yasin would be released on Eid. My older brother, Farooq, and uncle, Abdul Rashid, also gave money to Sharma. After four months of such extortion I stopped meeting Sharma, realising the futility of the exercise.

We filed a complaint with the SHRC. The CRPF and, the Army denied picking up Yasin. Then, the SHRC sent the case to the NHRC. We received a copy of a notice dated 3 October 2002 from the NHRC asking the Defence Secretary, Ministry of Defence, New Delhi, to file a response within “four weeks”. We have heard nothing further from them. We, also, filed a habeas

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93 Shortly thereafter Farooq was arrested for the murder of a STF person and spent eighteen months in jail. A few days before we met the family, in January 2003, he visited them again and demanded money, saying he knew where Yasin was.
94 A prominent CPI (M) leader who is now an MLA
95 Probably a pseudonym.
96 The complaint before the NHRC is stated to be dated 9 September 2002
corpus petition before the High Court though many at home were against it, for fear that the army might kill Yasin if we did so. 97

Shabir Ahmad Ghasi (2000/179) 98

Shabir was arrested because of Hamid Badiyari, who was a POK trained militant of Al-Umar, who had been arrested and, then, released. Shabir had no connection with a militancy or politics. Our family had a business dealing with kerosene. During the peak days of militancy, Badiyari, who was then an active militant, used to demand kerosene and, rupees five hundred per month, from my father. Shabir refused to comply and, used to fight with Badiyari for this reason. In retaliation, once Badiyari came and threw kerosene on our house. Another time he threw a grenade, which did not explode. Yet another time, he came to our house, brandishing a pistol. Later, Shabir and Badiyari became friends. Shabir had been arrested before also; on account of his friendship with Badiyari but he was always released after a few hours.

That day, the arresting party forced entry into our house just as the family was preparing to sit down for the dinner. My father was beaten and interrogated. Two hours later, the soldiers left with Shabir. Later, we learnt that Badiyari had also been arrested. A few days after their arrest, we learnt from Badiyari’s family that the two men were being held in Hafroda, in Kupwara. At Hafroda, my father recognized the soldiers who had been part of the raiding party that had arrested Shabir. 99

Some time after Shabir’s arrest, a man called Fayaz Ahmad came to see us. He was from Hakermulla. He had, somehow, come to know of Shabir’s arrest/ disappearance and, claimed he could get us information of his whereabouts if we paid him money. We paid him rupees thirteen thousand. Thereafter, he told us that Shabir was being detained in a BSF camp in Budgam. He promised to arrange a meeting and asked us to meet him at the camp. My father and a friend, Ghulam Nabi Yatoo, went to the camp. Fayaz was already there. He asked them to wait and went inside the camp but did not return till past six p.m. We suspect he must have left the camp through some other exit. We, however, managed to track him down and, although we

97 The undercurrent of morbidity is patent within minutes of meeting the family. Zahoor stated that apart from the crippling financial loss they have all been severely affected, physically and mentally, by Yasin’s disappearance. His sister gave up her studies. His mother remains distraught. About two months before our meeting with them, in November or December 2002, she and her sister were arrested along with many others and, kept in the lockup at PS Kothibagh for one day; for attending a rally by the families of the disappeared persons. To everyone she meets, she says that all she wants is to see her son before she dies. The family continues to believe that Yasin is alive.
98 Narrated by his brother, Ashraf.
99 Identification of the unit was done from the belt buckles.
could not get our money back, we handed him over to the police, who kept him in jail for a month.

Shabir has two children. He had started working when he was very young. To begin with, he sold chana (gram) in the market and, later, he started selling fruit. When he was older he, also, started driving a three wheeled load carrier, carrying fruit from the wholesale market. The police used to harass him, forcing him to pay a monthly bribe, for allowing him to ply his vehicle. Nevertheless, Shabir used to manage to earn about rupees three to four thousand every month. He was the mainstay of the family.

**Abdul Hamid Badiyari (2000/180)**

My husband was an auto-rickshaw driver. We used to live in a rented room in Rajbagh, with our children. We lived apart from his parents, who stayed in Bemina. The day after his arrest, the soldiers raided our house. My husband was with them. He was chained and, his upper body was covered with a sheet. His feet were wrapped in polythene. He was bleeding from his forehead. Nothing incriminating was recovered from the house. As they were leaving, my husband told me that he would be killed. He asked my seven year old daughter to take care of me. Some days later, my father-in-law received a letter, written with a piece of coal, which said that ‘Come to me within three days otherwise you won’t even get my dead body’. Due to ill-feeling between us, because of which we used to live separately, he did not tell me about this letter for over a week. By the time I came to know of it and, reached Kupwara, it was too late. My husband had disappeared.

His arrest threw me into destitution. I was alone, with small children. I was, also, pregnant at that time. I requested the APHC for help. Searching for my husband, I went to Kupwara along with my small children and my husband’s parents. The DC, Kupwara warned us that it was risky to go to the

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100 Narrated by his wife, Shafiqa.
101 Badiyari’s father was, also present. He had also been arrested some time earlier, on the same day as his son, but released after a few hours. On seeing him there the soldiers became angry as, during his arrest and, interrogation he had told them that he had broken all relations with his son. For this they beat him up, again, accusing him of lying.
102 Shafiqa’s father was, also, arrested; from the hotel where he worked as a guard. On his release he revealed that he, Badiyari and, Shabir Ghasi were kept together at the Militia Army camp, Srinagar for three days. Thereafter they were taken to Kupwara, where he was released.
103 The letter stated that Badiyari was being held at the Taratpora, Kupwara Camp of the 6 RR.
104 They sanctioned her rupees five hundred per month, which she received for about two years.
RR camp at Taratpora as no one, ever returned from that place. At the camp I saw the soldiers who had been part of the group that had raided our house. I asked them about my husband, pleading that I would become completely destitute if I lost him. They threw me to the ground, shouting that they did not know anything about Hamid Badiyari. They said that I should search for him in Lal Chowk. My plight was, truly piteous. Seeing my condition, some villagers helped us and, we stayed at Taratpora for two days.

I showed photographs of Hamid to a Sikh soldier, who said that he was not being detained in the camp. People advised me to leave the area immediately as my life was in danger. Then, I met some villagers who told me that a few days earlier they had seen two men being taken from the village camp. They were unable to walk properly but had been tied to a Gypsy jeep and, were dragged away to some other place. They, also, reported hearing cries of pain from the village camp for about three days. Not being able to learn anything more, we returned to Srinagar.

Shortly thereafter, I went to my parents’ home and gave birth to my younger daughter who is now three years old. My brother took care of me as I was hospitalised for about three months. After my release from hospital, I took up work, washing and cleaning in houses, to earn a living.

One day Shabir Ghasi’s mother came and suggested that they should again go to Kupwara to search for Hamid and Shabir. On the way, I met a hawaldar from PS Vilgam, Kupwara, whom I had met on my previous trip. I, again, asked him if he knew what had happened to our men. Saying that he would have lost his job if, at that time, he had told them the truth, he told me that the 6 RR held Hamid and Shabir for about ten days in the Taratpora camp and, thereafter, they were killed. Their bodies were lying outside the camp. Since no came to claim their bodies, the villagers buried them outside police station, placing their pherans on their head stones as marks of identity. On hearing this we returned to Srinagar but Shabir’s mother refused to believe he was dead.

My husband’s family did not treat me well but the landlord of our room in Rajbagh helped me to build this shack on the river bank. After Hamid’s disappearance I had a lot of health problems. I became very depressed and, tried to kill myself twice. Once I consumed poison. On another occasion I set myself on fire. Each time I was saved. I cannot do a full day’s work as my children are so young. I know that my husband had some link with militancy earlier but that was over long ago. In the early years of our marriage he used

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105 He tried to get information from the camp over the phone but was put off with ambiguous replies.
106 We met with Shafiqa in November 2003.
107 A ramshackle wooden room, near Gau Kadal, Srinagar.
to be occasionally arrested for a day or, for a few hours. But for the last four years of our marriage the security had not arrested him or, even, called him for questioning. Hamid used to remain busy running his auto-rickshaw. Many people want to marry me but I don’t want to marry again as I am afraid for my children.  

**Bashir Ahmad Lone (94/2)**

My brother was involved in Imamat. He had no connection with militancy. He had never been detained before. Nor had the house ever been raided or searched. But Chaudhry Jalaluddin, an ex-militant of the “Liberation Army”, who had close links to the army, disliked Bashir. Jalaluddin, a powerful and venomous man, used to extort money from the local people. He had often tried to force Bashir to give him money but Bashir always refused. After Bashir’s disappearance we went to see him. He promised to have Bashir released in exchange for Bashir’s land or, rupees thirty thousand.

Bashir was walking to work, on the road to Vilgam, when a vehicle with soldiers of 4 Grenadiers stopped and, arrested him. This was seen by our relatives and farmers who were working nearby. They came and told me of his arrest. The next day, the 4 Grenadiers admitted Bashir was in their custody and, told us to they would allow us to meet him after one day. But on the next day the soldiers denied he was in their custody and chased us away. We went to the camp for many days but each time they chased us away.

Some time later, some militants who had been detained at the camp were released. They came and told me that Bashir had been had been detained with them for a week. He had been injured at the back of his head and was being treated for it but the injury was serious and he was taken away. The militants were afraid and made me promise that we would keep this confidential.

We lodged a complaint at the chowki Kralpora, PS Trehgam but I don’t think that they registered it. I am sure it was the 4 Grenadiers that arrested him. There was only one camp at Panzgam and, many units were based there but the 4 Grenadiers was the dominant force in that area. Those who saw him being arrested, also, identified the soldiers as being from the 4 Grenadiers.

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108 Shafiq, eventually got married a few months ago.
109 Narrated by his brother Ghulam Mohammad.
110 According to Ghulam Mohammad and his neighbours, Jalaluddin extorted money or land and even girls from families. He was said to have five wives, one in POK. We were told of how he went to the house of a young girl, with a gun and forced the family into marrying him to her.
111 Kupwara being a border area the local people are familiar with army uniforms from before the insurgency.
Ghulam Hasan Sofi (94/5)

It was the middle of the night, past 2 a.m. There was a knock on the door. My husband opened the door and saw three or four Kashmiri men in pherans, who asked for shelter. My husband refused as we only had two rooms in our house at that time. Then the men called him out to talk and, as he stepped across the door, took him into custody. I begged and cried. The men were a little moved and, went to talk to someone outside. A minute or two later, they returned in a stern mood and took my husband away. We tried to resist but we were beaten. My son Bilal, who is handicapped, resisted the most. They beat him with the butts of their guns and he had the most severe injuries. The men in the pherans fired shots in the air and then we were locked up in a room of our house and told not to put on any lights. Our house was not searched. Mohammad Yusuf Zargar, a neighbour, was also witness to my husband’s arrest. Misunderstanding the shouts coming from our house as a family quarrel, he came out to inquire the matter but before he could reach us the soldiers arrested him. He was released later.

The Kashmiri men were accompanied by soldiers in uniform. Later we learnt that they were from the 9 Para, stationed at Aishmuquam. Major RK Singh, code name Aslam Khan, was the officer in charge of the soldiers. In the morning, after lodging an FIR at PS, Mattan, Anantnag, I went to the army camp at Aishmuqam, with my son Bilal and, some neighbours. But the soldiers denied my husband’s arrest and custody. For six months I kept going to the camp but they never allowed me to meet my husband. Sometimes they would beat me, to force me to go away. We, also, made inquiries at other camps, through our friends and contacts but we could not trace my husband any where.

About a month after my husband’s arrest a man called Yusuf Sheikh came to see us. Yusuf said that he, too, had been arrested by Major RK Singh. He told us that he had been at the camp with my husband. He said that a mukhbir called Gul Dar had accused my husband of sheltering and giving food to militants. He said that my husband was tortured by Gul Dar and Major RK Singh in his presence. Yusuf Sheikh agreed to testify on our behalf before the court but he was killed while in his own house, by unknown gun men, before he could do so.

112 Narrated by his wife, Haleema, helped by her daughter, Rifat.
113 Bilal suffered from 70% loco-motor disability on account of childhood polio. After this beating his level of disability increased to 90%.
114 Gul Dar r/o Baddare is now dead. The family was not sure whether he had accompanied the army when Sofi was arrested.
My husband was a very busy man. Besides his medical practice he owned a medical shop and, earned about five to six thousand rupees in a month. He had a religious bent and, occasionally, did Imamat in local mosques. However, he had no militant affiliation whatsoever. About a year prior to his disappearance he had been arrested on account of his religious leanings. He was subjected to a screening process and, then, released after a few days. The officer in charge of the JIC, Anantnag issued him a certificate. They would never have released him if they had not found him innocent. Apart from this, he had never been arrested before. Many years later, when we applied for compensation from the government, they carried out a very thorough verification of his background and activities. The report by the district authorities cleared him completely.

In November or December 2001, an Army officer of the nearby camp came to my husband’s shop, which is looked after by my son, Hilal. Using a mixture of threats and inducement, offering him employment and compensation, he made Hilal, who is just a young boy, give a written statement that his father was taken away by some unknown gunmen. When he came home and told us about it, we went to the press and, the whole story was published in the newspapers. Before that the Army officer had, also, approached me but I had refused.

My husband’s disappearance has reduced us to great difficulties. I have been left alone to care for our four children, including Bilal, who is completely helpless. My eldest daughter, Rifat, who was reading in class twelve when my husband disappeared, now suffers from an undiagnosed ailment that causes her to lose consciousness and, has left her studies. I manage daily life with some financial support from my maternal uncle but I do not have enough to marry off my daughters. Even now, after nine years, every time I hear a knock on the door, I think: maybe, my husband has come home.

Mohammad Akbar Rather (97/3)  

Akbar was my eldest brother. Our father is just a small farmer. But Akbar was very bright and hard working and he sent Akbar to college in Baramulla. He had completed his graduation shortly before he was arrested by Major SS Sinha, alias Liaqat Ali of the 8 Raj Rifles, camp Palhalan. To supplement the strained family finances, Akbar was working as a teacher in a private school, earning rupees five hundred per month, while trying to find a way of doing a master’s degree, without being a burden on the family.

115 Narrated by younger brother Muzaffar Ahmed Rather
That evening we had a house guest. As usual, everyone had gathered to listen to the 7.30 p.m. news on the radio. There was a knock on the door and I opened it to see the Major with about thirty soldiers. He asked for Mohammad Akbar Sheikh. I told him that Akbar Sheikh was our neighbour and, that he was not at home. But the Major insisted that our house was Akbar Sheikh’s house. When I repeated that this was not so, he slapped me and said I was lying. He entered the house and ordered us all into the courtyard, forcing us to identify ourselves. When my brother gave his name, saying he was Mohammad Akbar Rather, the Major jumped on him, saying he was the person they wanted. He refused to listen to our pleas and, took my brother away, insisting that he was Mohammad Akbar Sheikh.

My father and I rushed out to call the village notables to our aid. We all went to the army camp to talk to Major Sinha but he chased us away. The next day the Major was unavailable. On the third day we went to the camp along with the chairman of the local Ikhwain– Mohammad Ismail Tantray. Though we were not allowed to speak to Akbar, we were able to see him. He was in a very bad state. He was lying in a sleeping bag with injuries to his head and face. He was in a lot of pain and asked for medicine. I went out and got him medicine. Despite everyone’s explanations and pleas, the Major refused to accept that he had the wrong person in custody. He demanded rupees fifty thousand for Akbar’s release.

The next morning the Major came to our house at 6.30 a.m., claiming that Akbar had run away from the camp. He demanded that we produce him immediately. Though we did not believe the Major, we searched everywhere for Akbar. Every day, we, also, went to the camp and, begged the Major for the truth; but he would always taunt us by saying ‘wait and see, the truth will be revealed once Akbar has been re-arrested’.

Five or six days later, the Major summoned my uncle, Zahoor Tantray, to the camp. He told my uncle that Akbar had run away to Delhi and, was with one, Nazir Ahmed Lone. He ordered my uncle to go to Delhi and bring back Akbar; or face dire consequences if he failed to do so. He gave my uncle a letter for Nazir Lone.

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116 Nambardar, Kamaluddin Butt and chowkidar, Habibullah Mir; both tried to make Major Sinha see reason that Akbar Rather was not Akbar Sheikh. Both men were later killed by militants.

117 Apart from the difference in their caste, Akbar Sheikh was a member of the Jamat-e-Islami, while Akbar Rather’s family was well known in the area as staunch supporters of the NC.

118 This was conveyed through the nambardar. The family said that they would be able to raise rupees thirty thousand by selling their land.

119 Nazir Lone s/o late Habibullah Lone, a resident of Palhalan, was a friend of the Major’s. He had run away to Delhi after his father was killed by militants for being an informer.
Another uncle, Mohammad Amin Kakru, and I, met Nazir in Delhi. He told us that the Major had fooled us and showed us the letter, which asked him to return to Kashmir to help the Major out with the “problem” in my brother’s case. Nazir offered to come to the village and help sort out the matter if his fare was paid. We gave him the air fare and he came to the village about two weeks later. He told us that the Major had agreed to accept rupees thirty thousand for releasing my brother. Overnight, we raised the money, borrowing from neighbours and friends and, gave it the next morning to Nazir. To be consistent with the story of his escape, we agreed that though Akbar would be released that evening, we would produce him before the Major in the morning when, as a formality, he would be taken into custody, before being finally released. But for the next two-three days there was no sign of my brother or Major Sinha. Nazir kept making excuses for the Major’s unavailability and promised that Akbar would be released as soon as he returned. Finally, on a Wednesday, Nazir told us that Akbar would be released on the following Friday night. Friday night came and went without this happening. The next morning we, again, went to the camp but Major Sinha was not there. In fact, he was never seen again. Nazir, too, had fled.

Some time later, the camp of the 8 Raj Rifles was moved from Palhalan.

Major Sinha was reputed to hate supporters/ members of the Jamat. But the person that he was actually looking for, Mohammad Akbar Sheikh, is still alive and well. After Major Sinha told us that Akbar had run away, we approached the CO of the camp at Haider Beig, who promised to look into the matter but did nothing. We, then approached a Brigadier, also stationed at Haider Beig. He, too, promised to investigate into the matter of my brother’s disappearance. After a couple of visits, we stopped going because we felt that he did not mean what he said. Being long time supporters of the NC, we also met Farooq Abdullah. He, dismissively, told us to go home and said that he would see what he could do. We did not approach anyone else.

A few weeks after Akbar’s disappearance a farmer of Raipora, a nearby village uncovered a human head on his land. Having heard of my brother’s disappearance, he immediately covered up the hole and came and informed my father. My father went to the spot and dug the body out. It was recognizable as it had not been buried very long, but it was not my brother. The Patan police took away the body, which was identified as that of a person from village Ussan. We met his family. He, too, had been disappeared by Major S.S. Sinha. We tried to persuade them to file a case against him. Initially they agreed but later they changed their mind.

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120 In a room somewhere in Chandini Chowk, Old Delhi
121 He returned to the village two or three years later. A year after that he was killed by the militants.
122 Kashmiris use the term CO for officers of varying rank. In this case, the CO at Haider Beigh, a very large permanent army base very close to Palhalan, was a Colonel.
I had just come back from Srinagar that day. It was around midday and, Bashir was working at the rice mill. About twenty soldiers from the camp at Kuligam surrounded our house. They were led by a “two star officer”, accompanied by a Havaldar and a Subedar. They asked for Bashir. I asked why they wanted him and, they said that the “Major” wanted to question him about something.

Our neighbours and others from the village had gathered by this time. They told me to stay at home and, said they would go with Bashir to the army camp. Nearly forty people accompanied Bashir to the camp but they were stopped at the gate. Major Bakali told them that he had some work with Bashir and asked them to come back at 4 p.m. The porters/ coolies who worked at the camp as well as the sentry on duty, identified the unit. In the afternoon, however, my father was told that he would be allowed to meet Bashir the next day. But on the next day, the Major said that Bashir had been sent out with a “source”, on some work.

For the next few days Major Bakali continued to acknowledge Bashir’s custody but did not allow a meeting with him, on one pretext or another. Finally, we lodged a complaint with the police, at PS Kuligam. A police officer went to the camp to make inquiries but he, too, was sent back by the Major, with the remark that Bashir had been sent for some work and, that they could meet him on his return.

We also met the DM and the SSP, Kupwara and, the DGP, Mr. Gill. All of them were polite and tried to help by writing letters to the Army authorities. We also tried to meet Ali Mohammad Sagar and Mushtaq Lone but could not succeed. We went back to the camp with a letter from the SSP, Kupwara. This time the Major told us that he had sent Bashir to jail for twelve years and, we would be able to meet him thereafter. My father tried to explain to the Major that Bashir did not have links with militancy any more, after his surrender along with his weapons. He told him that the predecessor unit, the 4 Grenadiers, had issued Bashir a “surrender” card but the Major refused to listen. Major Bakali refused to tell us the name of the jail where Bashir was lodged.

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123 Narrated by his brother Ghulam Mohiuddin.
124 A family business.
125 The 12 MLI had moved into the area two weeks prior to that, replacing the 4 Grenadiers.
126 To us, Bashir’s brother denied that he had any involvement with militancy but others in the village and, the family’s testimony before the inquiry judge is clear. Bashir was a militant who had surrendered before the earlier army unit stationed in the village, the 4 Grenadiers, and, had been issued a “surrender certificate” by them.
127 Both had, successively, been Home Ministers in Farooq Abdullah’s cabinet.
Bashir had been arrested twice before. The first time was in 1991 when he was still a student. He and, two or three other boys had gone out at night to irrigate the fields. A BSF patrol caught them, accusing them of being militants. They were detained at a camp in Kuligam, where they were severely tortured. Bashir took six months to recover from his wounds and injuries after his release. He was, again arrested in 1992: picked up from the road near the village, one evening while he was alone. Once again, he was accused of being a militant. Once again, he was subjected to severe torture, with electric shocks, hot iron rods etc. He was released the next day, with severe injuries to his thigh. He was not involved with militancy at that time.

Bashir’s disappearance has shattered us. Our mother died of a heart attack in 1997, pining for him. Our father’s health has deteriorated drastically. The family business has fallen into the doldrums. Since the Major had said to us that Bashir had been sent to jail and would be released after twelve years, we believe he is still alive and pray for his return home.

**Abdul Ahad Malik (97/14)**

It was around 9.30 p.m. on 24 May 1997 when the army raided our house, asking for my brother, Abdul Ahad. I told them that he was visiting our aunt in village Wagoora. The soldiers searched our house and the houses of our neighbour Haji Ghulam Nabi Wani and, the house of Ghulam Hassan Malik, our maternal uncle. They took away some money that was lying in Abdul Ahad’s box and pilfered some small household articles. After questioning our neighbours about Abdul Ahad’s whereabouts, the soldiers forced me and, Abdul Ahad’s son, Altaf, to go with them to Wagoora. At Wagoora, I handed over my brother to the army officer who was in charge. He had about thirty soldiers with him, in three vehicles; a Gypsy and two trucks. Some of them had cloth masks on their face but I recognized some of the others since they were from the 8 Rajputana Rifles camp at Kriri. After arresting Abdul Ahad the soldiers returned to our house around midnight and conducted a second search. Once again, nothing incriminating was found.
The next morning almost the whole village accompanied us to the army camp and, asked for my brother’s release. The officer, Major Malik, alias Sameer Singh, who had arrested Abdul Ahad denied his custody though both I and Altaf, who had witnessed his arrest, were present. When we insisted that he was in the army’s custody the officer ordered his soldiers to chase us away. They launched a brutal assault upon us in which, young Altaf was seriously injured. He still suffers from the effect of those injuries.

For the next ten days we kept hearing from villagers who lived near the camp in Kriri that they had seen Abdul Ahad inside the camp. We met many officers of the army, including a Colonel at the Hambray camp nearby. This camp was, also, manned by the 8 Rajputana Rifles. Everyone denied Abdul Ahad’s custody. We then lodged a report with the police at the Police Post, Kriri and, personally met the DSP at Pattan. The DSP said that he was helpless with regard to “army matters”.

I cannot understand why my brother was arrested and, disappeared. Someone must have complained against him but I cannot say who that person might be. Abdul Ahad, was the main provider for our family. After he disappeared, I sold what little land we had left, to pay for the expenses. Altaf, who was studying in class twelve when his father disappeared, had to give up his studies. He had applied for a job under SRO 43 but so far he had nothing from the authorities. However, we were granted ex gratia relief of rupees one hundred thousand in June or July 2002.

Ghulam Qadir Pandith (1998/4)

Bijehama is close to the 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. Scores of people used to come and go across the border every day. The attitude of the army units posted nearby was very laid back. They used to ask us to ensure that the militants were discreet, so as to avoid trouble for both, themselves and for the soldiers. After 1992 things changed, the patrolling was intensified and, the soldiers started harassing the villagers. But life carried on. 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 us alone. My brother Ghulam Qadir was not involved with any militant

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132 The case was eventually closed as untraced.
133 See the note on SRO 43 and ex-gratia relief in appendix …. This payment was proof that the deceased had nothing to do with militancy.
134 Narrated by older brother Mohammad Ramzan Pandith who runs a photographic studio in Bijehama, and has always maintained excellent relations with the army.
group. Once, in 1996, he was arrested by the army for having quarreled with an army informer. I got him released after a few hours but asked the soldiers to give him a few slaps so that he would be afraid to misbehave in future. In 1998, he went off to work in Srinagar. He used to sell 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. The army arrested nearly twenty people, including my brother. Most of these people were released but five or six persons, including Ghulam Qadir, were retained in custody.

The next day some people who had seen him being arrested told me about his arrest and, said that he had been brought to the Braripora camp near Bijehama. I have always had excellent relations with the Army. That very day, a Brigadier had come to our village for the inauguration of a bridge. I requested him for help. He promised to help and, left some of his men at the bridge; ordering them to inform the unit that had brought Ghulam Qadir to Braripora, to release him in my custody. In the meanwhile, I received a message that the soldiers had brought Ghulam Qadir to his house. I rushed back. Qadir 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 Qadir’s house in a cursory manner and, finding nothing, left with him. My house, next door, was not searched. That was the last that we saw of my brother.

Shortly thereafter, I got a message from a Major I knew, who was stationed at the Boniyar camp. He said that Qadir was in a very bad state and, if I wanted to save him I should do something fast. However, by the time I could reach the camp the unit had left for Srinagar. I got the address of the unit from the Major and left for Srinagar. The officers of the 13 Garhwal denied all knowledge of Ghulam Qadir. I, then, went to see the SP (City), Raja Ejaz Ali Khan. He belongs to Palipora, Uri and, I knew him. The SP made some inquiries over the phone and, told me that my brother was dead. He told me to go to Bandipora, if I wanted to learn more about how he had died.

At the PS Bandipora I learnt that on 25 May 1998, soldiers of the 13 Garhwal had come to the PS and requisitioned the services of two constables for a search operation in the Bandipora forest. The constables told me that they were not witness to my brother’s escape. The soldiers filed an FIR at PS Bandipora in this regard, which was full of lies. It said that weapons had been recovered from Ghulam Qadir’s house. It alleged that he was a member of the

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135 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.

136 Apparently, a vehicle of that unit, 13 Garhwal Rifles, stationed at Haft Chinar, was expected to pass that bridge.

137 Abdul Majid and Mohammad Ashraf.
Al Umar Mujahiddin but this group had ceased to exist about four years prior to that date. I, too, tried to file an FIR but the police refused to register it. Ultimately, with great difficulty, I managed to persuade the SHO, Bijehama to record my complaint as a DD entry.

Ghulam Qadir’s family is in dire straits and I have to support them. His young wife\textsuperscript{138} is in a bad shape but has to bear up to her tribulations because of the children. My mother has lost her hold on life and is living her life out in despair.

**Fayaz Ahmad Khan (98/5)\textsuperscript{139}**

My brother was a supporter of the movement. In defiance of our wishes, he crossed the border and, returned after a few weeks as a militant of the Hizbul Mujahideen. On his return he and, two other men of the locality, Afzal Baba and Riyaz Baba, moved from house to house, hiding so that they would not be caught. Finally, giving in to our mother’s entreaties, Fayaz surrendered before the Garhwal regiment at the Sampora camp. We used all our contacts to ensure that he was not tortured, or detained for long. As a result, Fayaz was only kept in custody overnight and, released the next morning.\textsuperscript{140} Soon after that Fayaz became seriously ill and, developed kidney problems. We had to take him to Chandigarh and Delhi for treatment. It took him several months to recover. On his return, we bought him a truck and, set him up in the transport business but within a week of this he was arrested.

There were two Kashmiris, renegade militants, with the arrest party: Javed Auto and, Mohammad Yousuf. Both of them are residents of Brain. When they came Fayaz was sleeping. Fayaz had changed so much after his illness that one of the renegades, who knew Fayaz very well, failed to recognise him. He accepted it was Fayaz only after some questioning. We asked the CO of the arrest party, a Major, ‘Where are you taking him’? He said, ‘Don’t worry we will leave him in five minutes.’ They tied his hands behind his back and took him. We stayed awake all night waiting for Fayaz to return.

At the time of his arrest, one of the two renegade militants who had come to arrest Fayaz asked for thirty thousand rupees, for his release but at that time of the night we could not arrange the money. In the morning we met Javed Auto who, now, demanded fifty thousand rupees. We agreed but insisted that he must arrange a meeting with Fayaz first. He asked us to come back the next

\textsuperscript{138} This was Qadir’s third marriage. His two, earlier wives had died.

\textsuperscript{139} Narrated by his brother Abdul Rashid. Abdul Rashid was extremely nervous of speaking with us.

\textsuperscript{140} According to Abdul Rashid, the local people commented on this, wondering at the kind of influence we had exerted so that he was not even kept in custody for a month.
day. The next day we carried the money with us. Javed said that Fayaz was with the Major. We paid him six thousand rupees for the information that Fayaz was at the Zakoora, Hazratbal camp of the Rashtriya Rifles.

We took a bitbatta who was known to us, to the Zakoora camp. He knew the Major, Major Yadav Prasad, who had arrested Fayaz. At the bitbatta's request Major Prasad came out to meet him and, admitted to him that Fayaz was in his custody and, said he would be released shortly. But the next time we went to the Zakoora camp, two or three days later, we were told that the Major had been transferred to Nuner, near Kangan, Ganderbal. At the Nuner camp, all our attempts to meet Fayaz failed. The soldiers there kept saying that Major Yadav Prasad was not there and, asking us to come back again. We went to this camp every day for a month but we never saw Major Yadav Prasad or Fayaz again. Once, my mother fell at the feet of an officer at the camp, begging him to let her see Fayaz. He brushed her off, shouting “go, go” to his driver and, drove off leaving my mother weeping. For the first few days Fayaz kept sending us items of his belongings through the mukhbirs attached to the camp; once it was his watch, another time his driving license and, then, his locket. But after about ten days the mukhbirs stopped coming.

After about a year there was a rumour that Fayaz had been killed in custody but his body was not returned to us. We do not know what to believe. The two others from our locality, who were “wanted”, along with Fayaz, Afzal Baba and Riyaz, were both killed. Both their bodies were returned to their families. We don’t know what has happened to Fayaz.

Manzoor Ahmad Ganai (98/7)

My brother was the conductor cum cleaner of a Matador bus that plied the Lal Chowk to Jawahar Nagar rout e. Initially, he had worked as a tailor but had to give up that work as he started suffering from chronic back ache. He had been working as a cleaner for about four years. He earned about rupees three thousand per month.

According to people who saw Manzoor’s arrest, he was dragged out of the bus by his sweater and pushed into a one-ton truck by the BSF soldiers. We were told that the driver of Manzoor’s bus had been warned by some people to

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141 An affectionately contemptuous term for a Kashmiri Pandit.
142 The family got the name of the officer wrong. This error was reflected in the final order passed by the Court.
143 The Pandit still lives in Zewan. He was supposed to have had links with the Army. Fayaz’s family was afraid of mentioning his name when they spoke with us. They feared that he could cause problems for them if he heard that they had mentioned his name.
144 Narrated by his brother Abdul Majeed.
avoid the Jawahar Nagar crossing as a grenade blast had taken place there shortly before. In a retaliatory crackdown, the BSF had beaten up an auto-driver at the crossing and tension was high in the area. But the driver ignored this warning and, continued on his route. The driver followed the BSF vehicle for some distance and then lost it in the twists and turns of the road. The only camp nearby was that of the BSF at Radio colony, Rajbagh. So, they assumed that the BSF truck had gone inside that camp.

I was away at work when my family heard the news of Manzoor’s arrest. When I reached home everyone was in a state of complete panic. The gloom was as thought there had been a death in the family. I took an auto-rickshaw and went to the Sadar police station, near our house, to lodge a report. They asked me to lodge my report at the Rajbagh police station. The SHO of PS Rajbagh, Mohammad Ashraf, was a very co-operative man. He immediately sent out messages and accompanied us\(^{145}\) to the BSF camp at Rajbagh.\(^{146}\) No one, not even the SHO, was allowed in and the officials who came to the gate denied Manzoor’s arrest/custody.

About a week later, some people were released from the Rajbagh BSF camp.\(^{147}\) I went to meet one of them, a young man from Sarai-bala, near Lal Chowk. In the midst of celebrations at his return, this man told me that he had seen Manzoor at the BSF camp at Rajbagh. I passed on this information to the SHO Rajbagh, who assured me that he would follow up and try to get Manzoor released. But when he was not released, my wife’s sister-in-law\(^{148}\) went to see this man again, posing as our neighbour. This time the man was much more frank and told her that Manzoor was killed on the day of his arrest, itself. He said that Manzoor was beaten so badly during interrogation that he started foaming from the mouth and, then, died. His assailters covered his face with a newspaper. Later, their Commander berated them for being drunk. The same day, around 11 p.m., Manzoor’s body was taken away somewhere.

After we got this news we observed the rasam e-chaharum. We, also, put an appeal in the newspaper stating that Manzoor had been arrested by the 34 Bn BSF and, requested anyone who found his body to contact us. Every day we used to scan the newspapers and talk to our neighbours and friends for any news about Manzoor. Every time we heard that a body had been found we would go to that place. We spent thousands of rupees on autos and taxis, scouring the valley for Manzoor’s body but we never found him.

\(^{145}\) The family and the women of the locality had formed into a procession and reached the Rajbagh police station.

\(^{146}\) The camp was manned by 34 Bn BSF at that time.

\(^{147}\) In Srinagar such news travels through the grapevine and, everyone comes to know without it being published.

\(^{148}\) Brother’s wife
We made countless representations: General Zaki, advisor to the Governor, was angry and rude but later his PA gave us a note addressed to the DIG, BSF, who sent us to PAPA-II. There, the persons in charge denied having custody of Manzoor. At IGP, SS Ali’s suggestion we, once again, went to PAPA-II some months later, though we knew it was futile. We thought that this time someone more sympathetic might give us some information but were disappointed. Immediately after Governor’s rule was revoked and, the NC government was installed in the State we met several politicians/ ministers of that party and of the Congress party, which was in power in the Centre. Shafi Bhat, the then Congress party MLA, who later defected to the NC, sympathized with us but pontificated that ‘there is an infection in the Chanapora area’; implying that Manzoor’s life was the price that had to be paid for cleansing the “infection”.

Manzoor’s disappearance has shattered our family. My sister Hanifa has developed a heart ailment. Our mother died of grief a year after Manzoor disappeared. My wife, who used to consider Manzoor like a son, weeps every time his name is mentioned or, when she remembers him. I work as an office boy in a private company. These last few years have aged me and now I am a sick man, totally exhausted. For this reason I had requested our lawyer to forget about the case and to try to us some compensation. He helped us file an application before the DC, Budgam in 2002, seven years after Manzoor’s disappearance. The process of verification of our claim is still going on. The first inquiry was conducted by the Tehsildar, Chadoora, Budgam. Thereafter, CID verifications were sought but till date (March 2003) the police have not submitted their report. The Assistant Commissioner, Budgam, Basheer Khan, also, conducted an inquiry. My brother was completely innocent. He did not have, even, the remotest link with militancy.

**Abdul Aziz Tantray (99/1)**

My husband was a militant. Initially he was with the JKLF. Sometime in 1995-96, he joined the HM but he had been growing increasingly disenchanted with the state of affairs and, soon thereafter, he quit militancy. We have six children. To take care of us he resumed working as a carpet weaver. We lived in Srinagar, changing houses frequently, to avoid detection. We lived like this for two years. A week before his arrest we had shifted to a house in Ahrabal, Nishat.

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149 She is the petitioner in the case before the High Court.
150 Manzoor was just a boy when Majid got married.
151 Narrated by his wife, Khalida.
He was arrested late at night. The raiding party was accompanied by a masked informer. Our landlord was, also, arrested but was let off after some time. The next morning I went to the PS Nishat to lodge an FIR. The SHO refused to register the report saying that I should lodge it in our native place, since my husband had been arrested by the 21 RR, stationed at Handwara. In the meantime, I heard that the 21 RR, accompanied by Abdul Aziz, had raided our house in the village and, caused considerable damage to the house. They, also, raided the house of another person, living nearby, from where they recovered some weapons. My husband’s sister lodged a report regarding the raid and, that Abdul Aziz was seen in the custody of the raiding party, with the local police.

I searched everywhere for my husband. One day, I spotted him at the Watain camp of the 21 RR, in Handwara. However, they did not allow me to meet him. About ten months after his arrest I and my brother received letters from him. In his letters he said that he was in a very precarious condition and, pleaded with us to do something to get him released. The letters, also, stated that he was being detained in the camp of the 21 RR at Watain, Handwara. But we could not do anything for him.

**Abdul Majid Guroo (99/2)**

My husband owned a saw mill. Around midday on 22 December a white Gypsy with glassless, small windows, of the STF came to our house. Majid was sitting with his friend, Mohammad Ashraf Pir. They were both dragged out and taken away. Our protests were brushed aside and, we were told that they would be released soon. The next morning they brought my husband home for a search. From his appearance it seemed that my husband had been severely beaten. They kept him in the Gypsy while they searched the house. My niece, Ruhi and, Majid’s older brother, her father, went to the Gypsy and, asked the police officers what they wanted. They demanded rupees fifty thousand for my husband’s release. In the meanwhile their search uncovered nothing incriminating and, they drove off. My husband’s friend, Mohammad Ashraf, was released after a week. He told us that he and Majid had been kept separately, in custody.

My husband had no link with militancy. He was, probably, arrested at the behest of some SPOs attached to the STF, both of whom were part of the arrest party. One of them, Fateh Mohammad Gazi, owed my husband about eighteen thousand rupees for some timber he had bought about a year earlier. The other person, Nazir Ahmad Kundru, was an associate of Gazi. We collected the money and went to the STF camp at Kralhar, Baramulla. Kundru

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152 Narrated by his wife, Habla Begum, assisted by her daughter Mehnaz and, niece, Ruhi.
said that my husband of dealing in charas. We denied this accusation. Though we offered them the money they had asked for, these men avoided discussing Majid’s release.

We, also, met the SSP, Baramulla, Mushtaq Sadiq and, the SP, Mr. Jhalla. Jhalla was incharge of the STF in Baramulla. He was notorious for spreading terror. Jhalla acknowledged that Majid was being detained at the STF camp. The SSP promised to arrange a meeting. Later, Jhalla changed his statement, saying he knew nothing about my husband. After a couple of weeks some STF men told our relatives that Majid had been shifted to some other place. They, also, claimed that he had been arrested on the orders of the SSP. Along with our neighbors and relatives, we lodged a protest about Majid’s arrest and disappearance with the Divisional Commissioner, Mushtaq Ganai, in Srinagar. Nothing came of this. We never saw my husband again.

Abdul Rashid Ganai (99/6)\textsuperscript{153}

My brother, Abdul Rashid, was a surrendered militant. He joined militancy because he was very angry with the death of my father, who was a guard in the orchard of Dr. Abdul Ahad Guroo.\textsuperscript{154} One day, in 1990, militants fired on the BSF from the direction of the orchard. The BSF fired back, killing my father. An FIR was lodged and we received ex-gratia compensation of rupees one lakh from the government. My brother joined the Hizbul Mujahideen in 1992. Finally, he surrendered before the Rashtriya Rifles in Bagatpora, in October 1998. After his surrender an FIR was registered against him.\textsuperscript{155} He was kept in custody for twenty three days and then released.\textsuperscript{156}

In the early 1990s there was a foreign militant in Kulangam. One day a police party, which included a nephew of Mohammad Yousuf Banda, the SHO of Handwara, came to the village. There was an encounter with the militants, in which Banda’s nephew was killed. Banda blamed my brother for his nephew’s death. When he learnt of my brother’s surrender he swore revenge, threatening that he would not, even, leave Rashid’s body for his family.

About fifteen days before his disappearance, Banda took Abdul Rashid into custody. He was badly tortured. We paid Banda rupees fifteen thousand and, ten kilos of rice for his release. But a few days later a party of soldiers from

\textsuperscript{153}Narrated by his brother, Mohammad Afzal with the help of Abdul Rashid’s wife, Halima.
\textsuperscript{154}One of the best known doctors of Kashmir, a cardio-thoracic surgeon, who was killed by unknown gunmen on 1 April 1993, allegedly at the behest of the Indian security forces.
\textsuperscript{155}They showed us a certificate dated 9 November 1998, issued by the 21 RR, which states that Abdul Rashid had surrendered to them and, was working as a source for them.
\textsuperscript{156}According to official documents he was bailed out on 26 November 1998 in FIR 179/98 u/s 7/25 IAA and on 30 December 1998 in FIR 188/98 u/s 7/25 IA Act.
the 131 Bn BSF and, the STF came to Rashid’s house during *iftar* and took him into custody. Rashid asked the officer in-charge to disclose his identity. He responded by saying ‘We are the people who burnt your house down’.

We searched everywhere but could not find any trace of Abdul Rashid. We went to lodge a complaint at the police station in Sopore but when Banda saw Rashid’s wife he abused us and, chased us away. We met many other police officers and, even, ministers to no avail. Mohammad Chowdhary, phoned Yusuf Banda who admitted that Rashid was in his custody and, promised to release him after a day; but this did not happen. We, again, went to request Banda for mercy. He told my sister-in-law that her husband had rejoined the militants.

After we filed the case in the High Court, Rashid’s wife was pressurised to change her stand by Banda’s successor as SHO, Handwara. He suggested that if she stated that Abdul Rashid was lifted by unidentified gunmen, she would become eligible for compensation. When Halima refused to do so, they got the *Mukhdam* of the village to say this. However, the *Mukhdam* was nowhere on the scene when Rashid was arrested; he lives about one and a half kilometres away. On another occasion, she was summoned by the SP, CID, Kupwara. He, too, asked her to change her statement, leaving Banda’s name out of it. He promised both compensation and a job but Halima refused.

**Ghulam Qadir Sheikh (2000/172)**

Every winter, my husband, Ghulam Qadir, used to go out of Kashmir, selling shawls in Punjab and Himachal Pradesh. He had returned home just two days prior to his arrest. It was around 7 p.m. when about ten to twenty soldiers barged into the house. They damaged the door, windows and, almirahs, saying that they were looking for my husband. They were from the 14 Rajput, led by

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157 The soldiers had BSF identity markers on their uniforms but had come in a Gypsy and a truck, without number plates. Both were green in colour, like BSF vehicles are. Yusuf Banda was part of the arrest party.

158 In 1996 STF had burnt down the family house.

159 Minister for Forests and Agriculture.

160 The police repeated this allegation, stating that Rashid had joined the “Asghar” group, before the SHRC, where the family had lodged a complaint. On the basis of this response the SHRC dismissed the case. Abdul Rashid’s mother refilled the complaint, denying this allegation. The SHRC ordered a fresh inquiry in the matter. In his report to the SHRC, the DIG, Baramulla ruled out the possibility that Abdul Rashid had rejoined militancy.

161 Banda was, promoted to the rank of DSP. Perhaps, his future promotions were jeopardised by the case against him.

162 Narrated by his wife, Azizi, with the help of various family members: mother-in-law, brothers, daughters, etc.
a Major, a Sikh. We were locked in a room and, then, they took my husband away.

The next day, we went to the army camp at Panzgam and met the CO who reassured us that there was no cause for worry and, that my husband would be released soon. We lodged a complaint at the Police Chowki, Kralpora, PS Trehgam but the police was not very co-operative.\textsuperscript{163} The day after that the army came to search our house. We saw my husband sitting in one of their vehicles. Nothing incriminating was recovered.

Each day we would take the children and go to the Panzgam army camp. Usually we managed to see my husband, though we could not talk to him. He looked as though he had been subjected to severe torture. We met the CO of the camp, pleading with him for Ghulam Qadir’s release. The CO, also a Sikh, kept reassuring us and, making demands for dry fruit. We provided him with huge quantity of walnuts and almonds.

After some time, we no longer saw my husband at the camp. We were told that he had been shifted to the custody of another unit, the 14 GR, also based in Panzgam. Unofficially, however, we learnt that he had been moved to Payerpora, Hyhama. We did not see him there but the CO at Panzgam kept assuring us that he would be released. Some time later the entire unit, including the CO, left the camp at Panzgam. Three months passed in this manner. It is, only, thereafter, that we tried other approaches. We met or wrote to various politicians: Mushtaq Lone, the Home Minister of the State, Mir Saifullah, an NC MLA, and, even, Prime Minister, Vajpayee. We, also, met senior officers at the army headquarters at Zengla, Kupwara and, met Ashkoor Wani, SP, STF, Kupwara. We, also, filed a complaint to the NHRC but nothing came of any of these efforts.

We don’t know why Ghulam Qadir was arrested. He had no connection with militancy and, had never been arrested before. Once, a soldier from the Panzgam camp hinted to us that his arrest was connected with a dispute, with respect to a shop owned jointly by us with someone from the nearby town of Kralpora. We confronted that family about this but they denied that their hand in Qadir’s arrest.

His disappearance has thrown us into utter despair. He was the eldest son and, the main bread winner of the family since his father’s death ten years ago. My mother-in-law cannot stop weeping. I have no choice but to live with my fate. I have two grown up daughters with a speech disability. About a year ago, my twelve year old son, Mushtaq, was playing with some children when they

\textsuperscript{163} They, also, wrongly noted the name of the complainant, Ghulam Qadir’s mother, as Raja instead of Zeba.
picked up a grenade lying on the ground. The grenade blew up, killing Mushtaq.

Mushtaq Ahmad Wani (2000/173)\(^1\)

My brother Mushtaq was twenty seven years old when he was disappeared in August 2000. As a young boy, he had become a militant, along with many others. He had received training in Pakistan and, remained with the Al-Jehad till 1992. One day, in 1992, he surrendered before the Rajputana Rifles during a crackdown on our village. He was booked under the PSA and, remained in detention for about two and a half years. After his release in 1995 he set up a tailoring shop at Tashkent chowk, Baramulla. In 1997 he was married to Mumtaza Begum.

After his release Mushtaq was ordered to present himself every Sunday before the security forces, along with other surrendered militants. Most of the day used to be consumed in this task as he had to mark his attendance with the BSF at their camp at Sangrama, Sopore and, then, with the JKLI, at their camp at Gonju house, opposite Degree College, Downtown, Sopore. He did not miss marking his attendance on, even, a single occasion, till his arrest in August 2000. Nor was he, ever, harassed or arrested in those five years, after his release.

Three days before Mustaq’s arrest, a Major from the Sopore Army camp came to our house, asking for him. Mushtaq was away with his wife, visiting his in-laws in Baramulla. We told the Major that he would present himself at the camp the next day, after his return. But Mushtaq did not return the next day. That evening, at about 9 p.m., the Major came to our house, again, and, asked us to produce Mushtaq immediately. To placate the Major, I looked for Mushtaq in the homes of my sister and my aunt, in our village, but he was not there. I, again, requested the Major that I should be given a little time to produce him and, anxious for Mushtaq, asked the Major if there was any report against him. I told him that the complaint, if any, against Mushtaq may have been laid by someone out of jealousy or enmity because, to the best of my knowledge, he was busy with his tailoring and nothing else. My remarks infuriated the Major, who started to beat and kick me. He left saying that we should produce Mushtaq in the morning by 6 a.m. the next morning. I pleaded for time till 10 a.m. as it was unlikely that he would return so early.

On hearing about this the next morning, after his return, Mushtaq prepared to leave immediately for the camp. I decided to go with him to the camp. He

\(^1\) Narrated by his elder brother, Mohammad Maqbool with help from his sister, Mubeena and, niece Haja.
left saying that he would meet me at Sopore, as he had to get an x-ray taken. He was being treated for a kidney ailment. I decided it would be a good idea to also take the village mukhiya, Khazir Mohammad Dar, along. On the way to Sopore, the mukhiya suggested that we take the help of Gula Mohammad Shah, alias Gul Shah, of Baramulla as he had good relations with the Army. Gul Shah asked us to bring Mushtaq to him. Mushtaq wanted to go directly to the camp but we persuaded him to meet Gul Shah first.

After questioning Mushtaq to satisfy himself about his innocence, Gul Shah phoned the CO of the Waplana camp of the 29 RR. Gul Shah told us that the CO had asked him call again at 4 p.m. Later, the CO told Gul Shah to bring Mushtaq on the next day.

The next morning, the Major, again, came to our house looking for Mushtaq. We had already left for Gul Shah’s house. Gul Shah, again phoned the CO to inform him that we would come to the camp at 4 p.m. He said to us that it was necessary to take a gift for the CO and asked us for six thousand rupees to buy the gift. I was carrying, only, four thousand rupees so the mukhiya loaned me the balance, which was handed over to Gul Shah’s secretary. While we were waiting we decided to go out for a cup of tea. After the tea, the mukhiya and I went to the mosque for the mid-day prayers. Mushtaq had gone off with one Abdul Majid Mir, resident of Saloosa, an employee of Gul Shah, for some refreshments. We kept waiting for Mushtaq to return, till about six p.m. I was furious with him and, Gul Shah started to make all sorts of accusations; saying that Mushtaq was aware that he had to go to the camp at 4 p.m. and, his non-appearance for that appointment damned him. Not knowing what to do, we returned home.

Later that evening, I went out to buy some bread. At the baker’s shop I met a boy, Bashir Ahmad Mir, who asked me about Mushtaq. On hearing my story he told me that Majid Mir, Gul Shah’s employee had told him that Mushtaq had been arrested by the Army at about 2 p.m., in his presence.

At Gul Shah’s house, Majid Mir denied everything. He claimed that Mushtaq had parted company with him after having tea and, he did not know anything after that. This deliberate lie by Majid Mir, made me wonder if Gul Shah had arranged Mushtaq’s arrest in this manner.

The following day, at about 1 p.m., the 29 RR raided our house. Mushtaq was with them. There were around thirty men in three vehicles, two gypsies and a truck. They were led by a Major Jitendra. Almost all of us were at home and we all saw Mushtaq. His face was covered but my sister and niece recognised him. My sister confronted the soldiers but they denied that that it was

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165 Gul Shah is a member of the Janata Dal, a political party.
Mushtaq. Major Jitendra ordered that no-one should be allowed to come near him. He was limping badly and, seemed to have been beaten.

The soldiers dug up our courtyard and, the garden in several places but did not find anything. After our house the soldiers raided the Imam sahib’s house in our village. The Imam sahib spoke to Mushtaq during the raid and, told us that he had been severely beaten.

The next day, the Army sent us a message asking us to bring our sister, Mubeena, near the house of one Dr Rather, who lives near our village. Since Mubeena was in Srinagar, my mother went, instead, along with a neighbour. Mushtaq had also been brought there. He was bleeding and, seeing him thus, our mother fainted. Mushtaq told our neighbour to keep my sister at home as he would be brought to that place again, on the next day.

The next day I went to see Gul Shah about Mushtaq’s release, along with the mukhiya. He demanded money and, I gave it to him. He promised that Mushtaq would be released that evening. That evening the Army came to our house while we, the men, were at the mosque for prayers. They came to the mosque and said that Mushtaq was sitting in their vehicle, nearby and, they would allow me to meet him. Using this ploy they took me to the 29 RR camp at Odor Seer. This camp was headed by Major Jitendra. I was interrogated. The soldiers demanded that I give them Mushtaq’s gun. I denied knowing anything about it. I was then, taken to the Waplan camp of the 29 RR, at Singhpora, Baramulla. This camp was headed by the CO known to Gul Shah, who conveyed a message to my family that my sister, Mubeena should go to the camp as the army wanted to question her, also, about Mushtaq’s gun. Our elder sister, Sara and, the mukhiya, accompanied Mubeena to Gul Shah’s house who sent them to the camp with an associate of his. The CO questioned Mubeena for nearly three hours through a translator, warning her that he would bring women soldiers to interrogate her if she did not reveal the truth. Denying that she had a gun, Mubeena told the CO to bring Mushtaq before her but they refused.

I was released after two days. I was severely beaten and given electric shocks during my detention. For about a year thereafter, we continued to meet Gul Shah, in the hope that he might help us secure Mushtaq’s release. He took almost fifty thousand rupees from us, which we raised by selling some of our land. He used to take us along with him to the Waplan camp of the 29 RR but we were never allowed to meet Mushtaq, though several others saw him

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166 The Imam’s son was a militant and had crossed over into Pakistan.
167 A renegade present there had told her that Mushtaq was being held in an adjoining room.
168 Maqbool’s body has many scars.
there. Later, I complained to the SHO of the local police station about this extortion.

After some time, the CO of the Waplana camp was transferred to the Haider Beig camp, near Patan. Mushtaq was also shifted there. We have this on the authority of some women who saw him being shifted into the Haider Beig camp, who accurately described his features.

Abid Hussain Dar (2000/174)

Abid was a brilliant boy, very active and caring. The last time we saw him he was only about twelve years old, studying in class eight. We had just shifted him to the Boys High School, Narwara and the teachers there had said they intended to promote him to a higher class as he was very good in studies. Soon after moving to the new school he became friendly with a labourer, a Gujar, who worked in the area and who would gather young boys for a chat during break time. No one gave this a second thought, or considered it out of place, at that time.

One day, in October 1996, Abid did not return from school. We were very worried and, searched everywhere for him but there was no trace of him. After some days we decided to lodge a report with the PS Safa Kadal. The police took the matter very lightly. They noted our complaint on a piece of paper but did not give us a copy. It was during our search for Abid that we learnt about the Gujar. We, also, learnt that Abid had gone away with him. After some months we received a letter from Abid, from Lahore. We were relieved that he was safe. He used to write occasionally. He told us that he was staying in a hostel in Lahore and, was continuing his studies. Over time, he wrote saying that after completing his schooling he wanted to go to Saudi Arabia and, wanted to make a career in computers. He mentioned the name of one Muzaffar Khaliq, who was a servant in this hostel, saying that he got along well to with him. Muzaffar was one of the two boys arrested with Abid in 2000.

169 Once the mukhiya, Khazir Mohammad, saw Mushtaq at the camp. He was also seen at the camp by Abdul Qayoom Rather, s/o Abdullah Rather, r/o Peth Seer and, Farooq Ahmad s/o Ghulam Mohiudin Bhat (Ex-MLA), r/o Lalar Pankispora, Sopore (He, too, was in detention of the 29 RR while Mushtaq was there.). They gave statements to this effect to the police.
170 During last assembly elections in September 2002, Gul Shah was a candidate and he solicited Mushtaq’s family’s votes in his favour, assuring them that he would arrange for them to meet Mushtaq.
171 Narrated by his mother, Mst Hamida, with the help of her husband, Abdul Razak Dar and their other son, Shahid.
172 That they did not have a copy of this complaint became an issue four years later, when they filed a fresh complaint, based upon a newspaper report of his arrest.
Four years later, in July 2000, Abid was arrested while crossing over into India. Abdul Aziz Wani, a resident of Hanjipora, Kupwara, the father of Manzoor Ahmad, the third boy arrested with Abid when they crossed over in 2000, came to our house and, showed us a newspaper report in which details about their arrest were reported. The daily, Aftab, of 26 July 2000 reported that one Muzaffar Ahmad Khaliq, Manzoor Ahmad of Hanjipora, Kupwara and, Abdul Hussain of Narwara, Srinagar were arrested on 24 July 2000 by the 15 JKLI, while crossing the border. The arrest was reported in other newspapers, also but without mentioning names. It was clear to us that the report was about Abid’s arrest but it had mis-stated his name as ‘Abdul Hussain’ instead of Abid.

Since his arrest had been reported, we felt that sooner or later he would get in touch with us. We waited for many days to hear from him or, for news about him. When nothing was forthcoming, we started our search for him. I went to PS Safa Kadal to lodge a report but the police refused to register my complaint, saying that I had delayed lodging the report by many years. They did not accept my statement that I had lodged a report in 1996 because I did not have a copy of it. I insisted that a report be lodged. Eventually, after the SHO had quarreled with me, he asked his staff to make a note of my report but, once again, they did not give me a receipt.

For the next year or more, we searched everywhere for Abid. We visited detention centres, jails and police stations throughout the State: the CIK/CID office at Jammu Nehar, the central jails of Kathua, Taiwa and Hira Nagar, the Hira Nagar Police Station, the CIK (Border Section), Kotbalwal (Jammu) JIC, Sambhu Camp (Jammu), PS Sambha (Jammu), Tillu Talab (Jammu) and, many other places but we could not get any inkling of Abid’s whereabouts. At the CIK (Border Section), his arrest was confirmed as his name was mentioned in the police bulletin of 25 July 2000. From the officials of the Border Section I, also, learnt the circumstances of Abid’s arrest. Apparently, after crossing the border, Abid and the two other persons with him were having tea at a hotel. An informer, who may have been accompanying them, reported them to the Army, leading to their arrest.

Both I and, my son, Shahid were, independently, shown confidential files, in which Abid’s name was noted as an arrestee. About two or three months after his arrest I saw a confidential file in the CID/CIK (Jammu Nehar) office in which Abid’s name was in a list of persons arrested. Some weeks later Shahid saw a similar report in a file at CID/CIK (Hari Niwas), Jammu office. But no one was willing to, officially, acknowledge Abid’s arrest. I met the then SP, STF, Kathua, Manohar Singh, for help. I went to Tillu Talab, Jammu, where a JIC run by the STF is situated. I, even, stayed the night at that place. But I could not get any information. I met the Additional DGP, AK Suri, who was helpful and, tried to have Abid traced; but it was all useless.
During Ramzan, in November - December 2002, Shahid met SP, Parvez, who was in charge of the PS Chadwal, Kathua. He acknowledged that pursuant to our complaint before the SHRC, he had received a direction from them and, in compliance of the same, had checked all the jails and police stations of the area for a trace of Abid’s whereabouts but the response was completely negative. The SP, however, refused to grant Shahid permission to proceed to the border police station or, to any other sector or police station around Chadwal. He advised him to restrict himself to pursuing the matter through the court, rather than roaming around all over the countryside.

Once, Shahid met a boy from Shopian, who had recently been released from the Hira Nagar, Central Jail. He told Shahid that there was a boy in the jail who had lost his memory and whose features were similar to Shahid’s: implying that this person might be Abid. At the Hira Nagar jail Shahid was told that the boy had been brought to the jail from a JIC and had since been shifted to Kathua Jail. At Kathua jail the workers in the canteen said that there was no such person there.

At one of the court hearings, I met an associate of Hashim Quershi,\(^{173}\) who had recently been released after eleven years in jail. He told me that he had heard Abid’s name at the JIC, Tillu Talab, Jammu and, asked me to show him a photograph of Abid. When I showed him the photo on the next day, this person (I do not know his name or address) immediately identified Abid and, told me that he was dead. On hearing this, I fainted. I don’t know how I reached home. After this we performed the death ceremonies for Abid, including the \textit{Fateh Khawini.}^\(^{174}\)

Because he goes from place to place, meeting people, searching for Abid, Shahid is, often, harassed by the security forces.\(^{175}\) In 2002, Shahid was arrested for one night and kept at the Karan Nagar Camp.\(^{176}\) He was interrogated: mostly about Abid; but he was not physically tortured and, was allowed to phone home.

Our family has been shattered by Abid’s disappearance. I see Abid in my dreams. I hope that he is alive.

\(^{173}\) One of the persons who hijacked a plane to Lahore in 1971.  
\(^{174}\) The \textit{rasme e cheherrum} or, the fourth day ceremony.  
\(^{175}\) The 60 Bn BSF and later, the 61 Bn BSF (stationed in the Boy’s High School in Narwara), who know about Abid’s case, often harass Shahid.  
\(^{176}\) By the 115 Bn (or 15 Bn) BSF.
Ali Mohammad Dar (2000/175)\textsuperscript{177}

It was polling day in our village.\textsuperscript{178} Ali Mohammad had cast his vote in defiance of the militant diktat. That evening, between 8 and 9 p.m., our mohalla was cordoned off by soldiers from the 23 RR from the nearby camp at Waripora. They had left their vehicles, two large trucks, at nearby Wadipora. My brother, Ali Mohammad, and I had been putting out fodder and settling the animals for the night. The soldiers came and asked for him. My brother had a lantern in his hand and, he identified himself. The soldiers asked him to accompany them, saying that they needed a guide. They tied him and, a cousin and neighbour, Ghulam Mohiuddin Dar, and took them away. The entire mohalla was witness to this.

Though it was not uncommon for the soldiers to take guides from the village when trying to track militants or their hideouts in the jungle, the next day the people of all the nearby villages went in a procession with us to the Waripora camp, asking that the two men who had been taken away the previous day be released immediately. At the camp a Major Shetty accepted that my brother and GhulamMohiuddin had been taken into custody but said that they had, since, been released and, would return home by the evening or by the next day. When we came home we learnt that Ghulam Mohiuddin had returned and was at a relative’s house. Reassured, we waited for Ali Mohammad to, also, return home.

Ghulam Mohiuddin Dar narrated the events after their arrest:

> After our arrest the soldiers took us to the nearby ITI, where they have their camp. We were tortured all night. The officer, Shetty, pierced our nails with needles and accused us of knowing militant hideouts. Very early morning on the next day we were taken out into the jungle. Ali Mohammad was taken ahead by an officer in his jeep. I heard the sound of firing but I could not see anything. I noticed that the soldiers with me were focused on the sound of the firing. So I took the opportunity to slip away. Fearing for my safety, I stayed away from home for a whole month. When I finally came home, I was summoned to the army camp. The officer, Shetty, told me that the army had released me as I was innocent. Since then, I have been taken into custody twice by the army and, questioned as to whether militants come to my house. They, also, ask me if I have seen Ali Mohammad but I have not seen him since that day. Neither I nor Ali Mohammad had ever been arrested by the security forces before this incident.

After waiting for about a week, hoping against hope that Ali Mohammad would come home, we, again, went to the army camp. The Officer, Shetty, and his men, now claimed that they had taken both the men into the jungle to

\textsuperscript{177} Narrated by his brother, Mohammad Sultan, supplemented by his wife Atiqa and, cousin, Ghulam Mohiuddin Dar, who had also been taken away along with Ali Mohammad.

\textsuperscript{178} Elections were held to the Indian Parliament in March – April 1998.
search for some militant hideouts and that, taking advantage of an attack upon them by the militants, both men had escaped. We lodged a report about the arrest with the police. With the help of the villagers, we searched for Ali Mohammad in the jungle, where the Army claimed to have taken him. The police took no action upon our complaint but helped us in our search. We did not see any sign of Ali Mohammad; nor did we see any indication of an encounter.

We used to go to the camp regularly. After some time they started to deny that they had ever taken Ali Mohammad into custody. There is no record in the police station of either of the two reports that we filed in the PS Handwara. We believe that Officer Shetty pressurised the police to destroy them. The third time, the police station refused to lodge our complaint. On this occasion, the SHO asked us to produce Ali Mohammad’s body, so that a FIR could be registered. We, then, met the DC Kupwara for help but he could not do anything. After some time, Shetty was transferred and, within a few months of this incident the whole unit was moved out of Waripora.

We did not approach any politician. In those days the militants were much stronger than they are today and, they did not like anyone doing that. When the Mufti government came to power Ali Mohammad’s wife, Atiqa, approached Ghulam Mohammad Sofi, Minister for Forests and, told him about her husband. On his directions the Assistant Commissioner of Police, Handwara and, the SHO Handwara have initiated some investigation. In September 2003, the police came to our house and asked for names of witnesses. They have asked the witnesses to come to the police station and, give their statements.

The plight of my brother’s family is truly pitiable. Atiqa lives with her three daughters and works in other houses, in exchange for rice. We, her family, and the neighbours, provide some help but things are very difficult. The lack of a son makes their situation even more precarious. Her eldest daughter is now in class nine. The second daughter is chronically ill with some congenital heart disease. There is no money for either tests or treatment. The youngest daughter is just eight years old.

\[179\] In fact, on the day of our visit to the family.
2003/2: Ejaz Ahmad Sheikh

Ejaz was called Baanta at home. He was eighteen years old when he disappeared. Many people, former militants who have now turned mukhbir, working for the security forces, say that he went across the border. But I don’t know what to think. It has been four years since he left home. Had he gone across, I believe he would have, surely, sent us a message: just two lines to say he is alive and well; even if he had become a militant. He would not have put us through so much worry.

Ejaz gave up his studies after the sixth class and, apprenticed himself to a denter/painter in an automobile repair workshop in Parimpora. We are poor, so I was happy that he was learning a trade. In the evenings, the boys of the locality would gather in the park nearby, to play cricket. Some of them had been militants but later became mukhbir with the BSF and STF. Two of these boys lived in our mohalla and, had spent two years in jail. Even though I had scolded Ejaz for associating with these boys, how could I stop him from playing in the park. He told me that he did not mix with them but these boys used to come after him and, had, even, visited him in his workshop. Ejaz used to do weight lifting and was a very well built boy. He said that these boys were putting a lot of pressure upon him to join them and, work for the security forces but he had refused to succumb. He told them that he did not want to become a militant or a mukhbir. He, just wanted to learn his trade properly and, do his work.

But the security forces, also, used to harass us. They arrested Ejaz three times before his disappearance. The first time was in February or early March 1999, when he was detained for a day at Dalgate. I begged a local mukhbir for help and, it was only because of him that Ejaz was released. A few weeks later, he was again arrested and, detained in Shivpora for two days. Again, it was through the help of a mujhbir that he was released. A few days before he disappeared, on 14 August 1999, some soldiers led by a “Captain” Sharma from the BSF, came to the house at 4 a.m. They broke down the outer door, asking for Ejaz. I woke up Ejaz. They, first, took him into a room to question him and, then, left with him. I tried to follow but was pushed away. They said he would be released soon. He was not even wearing shoes.

In the morning I found out that they were from the Rajbagh camp and so, at about 10 a.m., I went there to meet the SP of the area. I complained about the harassment, asked him why Ejaz was being subjected to repeated arrests when

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180 Narrated by his father- Abdul Hamid Sheikh.
181 This is one of the cases in the report, in which the family did not file a petition before the High Court. One of the main reasons for including such cases in the report was to illustrate how little difference this makes.
182 We met his family in September 2003, just over four years after Ejaz disappeared.
everyone knew that he was not involved in anything wrong. The SP was sympathetic and said that he knew that Ejaz was not a militant. He interceded to have Ejaz released on the same day. He, also, told me to bring three photos of Ejaz. He said that he would issue Ejaz a card, which would ensure an end to this harassment of repeated arrests without cause. But before I could follow up on the SP’s advice, Ejaz disappeared.

On 20 August 1999 Ejaz left the house as usual to go to work. It was his routine to walk to work with our neighbour’s son, Firdous Ahmad Khan, who also worked in the same workshop in Parimpora. Both our sons disappeared that day and have never been heard of again. I searched all the BSF and STF camps, taking my son’s photo with me every where. But everyone denied his custody. When I could not find him, about five or six days later, I filed a report at PS Rajbagh. I put an advertisement in the paper about Ejaz and the other boy, Firdous. I also met the State Home Minister, Mushtaq Lone, a few times. He also made inquiries but then said my son couldn’t be traced.

After Ejaz disappeared the security forces have raided our house at least thirty times. I work as a ward boy in the Hamidia hospital, nearby.\textsuperscript{183} Yet, I have been taken into custody many times by the STF and the BSF.\textsuperscript{184} They always ask me about Ejaz’s whereabouts. Once, when I was going from place to place enquiring if Ejaz was being detained there, the policemen at the STF, Cargo complex detained me and, kept me in custody for several days. I was tortured by DSP, Ghansham, and his men. They told me that I was lying and that Ejaz had not disappeared. I told them that since they had such a huge force, they could put someone outside my house and, if Ejaz came, they could catch him. But our house is surrounded by the homes of STF and BSF \textit{mukhbirs}. They used to tell the forces that I was lying and, that Ejaz has been home for a meal or for the night. I don’t know why they did not carry out a raid at the time when they thought he was in our house, instead of harassing us and torturing me later.

Once, unable to bear the harassment, I complained to the SHRC. They tried to help us but their procedures are such that they cannot do very much. Justice Kuchai, personally spoke to the DIG, Srinagar and, asked him to ensure that I was not harassed. He told the DIG that they were entitled to arrest Ejaz, if and when he came home but the family should not be harassed. Recently, the forces arrested my two younger sons. I was frantic. Once again, I complained to the SHRC. They gave me a date of hearing in my complaint after one month. I told them that there would be no point left in my complaint after a month but they said the SHRC does not have any “free” dates before that.

\textsuperscript{183} One of the oldest and best known hospitals of Srinagar.
\textsuperscript{184} We met this family because the STF had arrested Ejaz’s two younger brothers, one of them a little boy of about twelve years age, into custody.
went away and tried to have my sons released through other sources. This time I succeeded and, the two boys were released after about some days of detention. My boys told me that they were interrogated about Ejaz’s whereabouts. After my sons were released I withdrew my complaint. My job and my family responsibilities leave me with very little time to pursue futile litigation.

2003/3: Firdous Ahmad Khan

Firdous was nineteen years old when he disappeared. He had left school after class seven and, for the last few years before he had disappeared, had been working as a motor mechanic. He earned about rupees eight hundred per month.

In 1994-95, when Firdous was still very young – about fourteen years old – he was detained by BSF during a crackdown. We were not allowed to meet him for two months. They charged him with having carried out various “actions” and, tortured him intensively. An arm was permanently damaged. Later, he was booked under the Public Safety Act and, detained for two years. After his release, Firdous used to go into a panic every time he was near the BSF. At the time of the Kargil war, someone came from the office of the CID, Rajbagh. Firdous was afraid that they would force him to fight in the war. Maybe, Firdous fled home because he could not cope with this overwhelming sense of fear of the security forces.

That morning I had sent him out to buy eggs. He brought the eggs but left for work without meeting me as he was getting late. At about 4.30 p.m. we heard that he had not turned up for work. Nor had Ejaz Sheikh, a neighbour, who worked in the same workshop. Usually, the two boys used to go to work, and return, together. We searched everywhere for Firdous. Not finding any trace of him, about two weeks later we lodged a complaint at PS Rajbagh. For three months we, even, searched in the villages nearby Srinagar and, placed an advertisement in the papers, asking for information; but there was no response. We did not approach any officer or mukhibirs for help.

We were constantly harassed by the forces, who raided our house repeatedly. My son, Shabir, was taken into custody and, asked to produce Firdous. Another time, the 34 Bn BSF searched our house and, took away every photograph of Firdous that they found. My son Javed, who is a police constable, was not spared. They said, how could a militant and a police man

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185 Narrated by Firdous’s mother Misra, supplemented by her younger son, Javed; who is a constable in the police department. This case is connected with the previous case, of Ejaz Sheikh.

186 20 August 2000
live in the same house and, held a department inquiry against him. Everyone thinks that Firdous ran away to became a militant. We have no news and don’t know if he is alive or dead. He had no problems; nor did he have a fight with the forces or anyone else. So, there was no reason for him to have become a militant.

Often, the BSF or some other force come and beat up my husband. He has a permanent government job as a ground mazdoor at Indoor Stadium, near the Bakshi Stadium. Even then the forces harass him and beat him. Once, they took held him for five days. They called my son, Javed, to Rajbagh and the DSP told him that his father would be released if he produced Firdous in two days. Javed told them that he could not do this as he was at work all day and had no idea of his brother’s whereabouts. On hearing this, the DSP slapped my husband in Javed’s presence.

About two years ago a new battalion of the BSF came from Rajbagh and asked for photos, but by then we had no photos left as they had already been taken away. They told us that Firdous had been killed near the border but that Ejaz was alive. They did not tell us where his body was or anything else. We were afraid to ask for details. The BSF still comes, at least once a month and, just asks about Firdous. They come, search and, ask but don’t harass us now.

Our family has no connection with militancy. We don’t know if he became a militant. Some say he is alive, others say he is dead. We have no money and no contacts; so we did not file a case. Nor have we made an application for compensation.

2003/ 4: Imtiaz Ahmad Wani

My brother was just twenty-two years old. He had completed his studies till class nine but after our father was forced to take premature retirement due to illness, Imtiaz, who was a casual employee in the same office, was granted a permanent job in April 1995. He was employed as an orderly in the office of the Chief Conservator of Forests. His nikah had already taken place and, he was due to be married shortly before he was disappeared.

That night, 15-16 May 1996, it was raining heavily so we were all indoors. We had tenants and, they were also in the house. My parents were in the kitchen, I was doing my namaz and, Imtiaz was busy at his hobby of repairing electrical and electronic appliances. At about 10 p.m. some soldiers of the

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187 Javed works for the protection of SP, DIG from early morning to late night.
188 Narrated by his sister Maksooda, with the help of her father, Gul Wani.
189 He used to repair fix transistors, televisions, etc as a hobby.
BSF, along with some masked *mukhbirs*, entered the house by climbing over the wall. The Kashmiris were wearing civilian clothes with military style jackets, some with a camouflage print. They knocked on the door and came in. The BSF personnel remained outside. One of the Kashmiris asked for Imtiaz. He went into the room where Imtiaz was working and, catching him by his beard, dragged him away. A BSF soldier, who did not speak Urdu properly, came back in and told us that if we drew attention or raised an alarm, we would be killed. They locked the door from outside and left with Imtiaz. We were not given any reason for his arrest.

In the morning we went to the police station and lodged a report. During our search for him we were told that people who are lifted by the BSF are often taken to their camp in Gogji Bagh. Our neighbours joined us and, together, we went in a procession to the camp. The Gogji Bagh camp was in the house of Dr Doodha. Both the BSF and the STF personnel Force were present there. Imtiaz was, also, there, though we were not allowed to talk to him. A BSF man reassured us that they would release Imtiaz in three days. Every day we would go to the camp. We could see Imtiaz but we were never allowed to speak with him. The camp was in two adjoining houses. They used to keep shifting him from one house to the other. Things continued like this for about ten or fifteen days, with the BSF officers repeatedly promising to release him. But then, Imtiaz was taken away from the Gogji Bagh camp. We heard that he had been shifted to Pahalgam, near Anantnag.

We never saw Imtiaz again. However, we did get news of him and, saw his picture several times. Once, soon after his arrest, his picture was published in the India Today. He was wearing a sweater, standing in a line for casting his vote, in Pahalgam. After seeing this picture, we went to Pahalgam and searched for him but could not find him. In the last couple of years we have, also, seen him several times on TV, during various rallies. Last year, in a TV programme on Kashmir Doordarshan, at about three or four p.m., we saw Imtiaz during an interview with a minister from Gujarat. The minister was thin faced, clean shaven, with white hair and wore glasses. Three boys were standing behind him and one of them was Imtiaz. We also, saw him during the Assembly elections last year. He was standing near Omar Abdullah during a political rally; perhaps as a security guard but he was unarmed. Before that, for three or four years there had been no news. We, ourselves don’t understand this. How can it be Imtiaz? But on none of these occasions have we had any doubt. But we have not gone to the TV station to make inquiries because it would be of no use.

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190 The family described them as Kashmiri, probably from what they said.
191 We met with the family in September 2003.
About a month after his disappearance a man called Farooq Khan from the STF told us that he saw Imtiaz three times a day. He warned us against going from place to place in search of him. He said that we had many enemies. He promised my father that we would be allowed to talk to Imtiaz the next day. But a bearded man standing there winked at Farooq Khan and said “Who knows where Imtiaz is: in Budgam or in the place where Farooq Khan is an SP”? We did not get to meet my brother.

On one Eid, two men came to see us. These men had enquired the way to our house from a neighbouring shopkeeper, Ali Mohammad. They had an envelope for us, which they said had been sent to us by a sahib. When we looked inside, we saw that there were twelve hundred rupees in it. We refused to accept it.

Rumours keep reaching us as to where Imtiaz might be. Once we heard that he was being held in Jammu Central Jail. Two men from the mohalla, even, came to congratulate us but when we went there he was not to be found. Last year a man came and told us that Imtiaz was in Jaipur jail. He identified Imtiaz from a photograph that we showed him but said that since we were poor there was no point in going to Jaipur as, without money, the authorities would not acknowledge his presence there.

We have met every senior officer whom we could reach and, many politicians: Farooq Abdullah, Ali Mohammad Sagar, Mushtaq Lone, Mufti Mohammad Syeed, Mehbooba Syeed, etc. My father finds it so hard to control his anger. Everyone promises but does nothing. The politicians, the BSF, the others: they all lied.

My brother had no connection with any tanzeem. He was held once in a crackdown three-four years before his disappearance for three days but released without sifarish. But I think there may be some jealousy among people. We, also, heard that Imtiaz had a fight with some people in the neighbourhood who were close to the BSF, a few days before he was lifted. Maybe these people had him arrested in revenge.

I support our family by making pashmina thread. I earn about rupees twenty or thirty a day. This is the only income we have, apart from my father’s tiny pension. We did not file a case in the High Court; only a complaint with the SHRC. Only dates get given there. Once, Justice Parray called us. He asked

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192 There were several people in the photo.
193 Gul Wani started to shout with anger at the all the people who had failed him and then burst into tears, like a child.
194 It is common for people to be held in illegal detention in the course of a crackdown for a few days before being released, after “verification”.

us whether we had news of my brother; then, he offered us compensation. But we don’t want compensation for Imtiaz; we just want him back.

2003/5: Mohammad Akbar Sheikh

On 19 May 1990, my brother Akbar went from the house. That is all we know. We don’t know where he was going but many months later we learnt that he was arrested at the border. Around the time that we heard this news, our house was searched by the forces but nothing was found. They did not say anything about him being in custody. So far as we know, he just went missing.

Sometime after his arrest, we received a letter from him saying he was being held at a military camp, near Palampur in Himachal Pradesh. It said that he had been taken by the BSF. On getting this letter I went to Palampur. I made inquiries in the market area near the camp, and asked some shawl sellers in the market whether there were any Kashmiris at the camp. They told me that three or four Kashmiris were being held at the camp. They also told us the names of the men. When I heard the names I thought one of them could be my brother. But when I went to the camp, the Army did not allow me in.

In July 2001, eleven years after he disappeared, we came across a picture of my brother, in the newspaper Chattan, with several men standing who were said to have been in custody for several years. The paper said that their present whereabouts were not known. On my return, I went to the Chattan office. They told us that they had printed the same picture two or three times, over the last few years. They could not say anything about where it was taken, or when or, where the men in the picture were being held. After all this, in 2002, we filed a case before the High Court. My father goes to the court. I don’t go to the court because I am just a labourer and I am afraid that they will beat me.

Our house has been raided countless times in the thirteen years since Akbar disappeared. Nothing has ever been recovered. On many of these occasions we have tried to get information about Akbar from the raiding party but they never say anything.

195 Narrated by his brother, Abdul Rashid.
196 About eight or nine months later, the family was told by neighbours and friends that the newspaper and the television had reported his arrest at the border.
197 We met with this family in the course of a visit to another family, in Drugmulla, Kupwara. They gave us a copy of the newspaper, Chattan, in which Akbar Sheikh’s photo was published and, a copy of the letter they received from him. The family could not provide us any particulars about the case that they had filed in the High Court.
On the night of 16 -17 July 2003, at about 1.30 a.m., our house was raided by a combined force of BSF and STF. There were a lot of military personnel. They had come on foot, parking their vehicles some distance away. About five or six men in plainclothes entered and, asked for Bashir. They were wearing black clothes; one of them wore a *patka* on his head. Most of the uniformed forces remained outside. We don’t know the unit but we recognized their uniform as being of the BSF. There is a BSF bunker very near our house and, they patrol our area on a regular basis; so we are familiar with their uniform. The officer in charge was stout and carried a pistol. The house was searched in a cursory manner. They did not seem to be searching for anything specific. There was no damage to the house. Thereafter, all the family members were locked up, the men in one room and the women in another. They left with Bashir but we could not follow them since we were locked up. We could get out only after someone climbed out of a window and opened the doors.

Later the people in the *mohalla* said that they had been watching from their homes. They saw Bashir being taken away. A police picket near the Naqshband Sahib and, the keepers of the shrine saw the forces and their green Gypsies, which were parked nearby. The police picket did not file a report. They, only, told us verbally that they had seen the vehicles. Even, when the personnel of the local police station came to make inquiries, they did not give them a report.

In the morning we went to PS Khanyar and lodged a report but we do not have a copy. We have met every imaginable authority: bureaucrats and politicians. On 13 July, on the day of the martyrs, we gave a representation to the entire cabinet present at the function, including Mufti Mohammad Sayeed and his daughter Mehbooba. We also met Ali Mohammad Sagar of the NC and, the secretary of PDP, Mr Karra. We also consulted Omar Farooq in this matter. They all promised to help but did not do anything. We went to all the police officers– from the SP of the area, the IGP, Mr. Rajendra, to the DGP. We also, met the Division Commissioner, Kashmir, Gopal Sharma. Mr Sharma said that he had tried to get information over the phone from the Army, the BSF and, the police but none of them had cooperated. We gave representations to everyone. All of them said, ‘we don’t know which unit has lifted your son. We will try to find out’. But no one has given us any news of Bashir till now.

The SP (North), Mr Jhalla, was very helpful. He sent us in his jeep, with a constable, to Bandipora, Ganderbal, Beerwah and to the Srinagar camps, to

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*2003/6: Bashir Ahmad Sofi*[^198]

[^198]: Narrated by his uncle, Ghulam Qadir Sofi, supplemented by his sister Hamida.
search for Bashir. We could not go inside the camps so the constable made inquiries. Everywhere the soldiers denied Bashir’s custody.

Ever since Bashir’s disappearance both the police and BSF have come to make inquiries. They say that they have many battalions and companies in the area and, do not know which one came to our house. An officer, a Sikh, with three stars on his epaulets, has been coming since Bashir was lifted. He says that they are searching for him. He comes everyday to ask if Bashir is back or if there is any news. He, also, took us to the CO of the BSF at Hotel Kehkashan in Nowpora, Srinagar. The CO said that he had made several inquiries with other BSF units but they have all denied Bashir’s custody.

About one and a half months after Bashir was arrested, a man was released from the STF detention centre in the old Air Cargo complex. He sent two of his brothers with the message that Bashir was in detention there. A couple of people from our mohalla went to meet him. They showed him four photographs, from which he recognized Bashir. I don’t know his name.

We also held a dharna against his arrest. The entire mohalla and, people from nearby areas all participated in this. Some of our women were detained after the demonstration. We did not go to court. A lot of people told us to file a case but we did not have witnesses willing to testify. So, if we went to court, what could we say? We have neither people nor money. We are nanwais.

There is no point in going to court.

My nephew Bashir was twenty three years old. He had studied till class four and, was a hardworking boy. For almost eight months of the year he traveled to Calcutta and other places, selling shawls. In the summer, he stayed in Srinagar, making utensils of copper and other metals. He used to earn about rupees three thousand per month.

Bashir was not involved in militancy. No one from our family is involved in militancy. He was only a child when the militancy started and, he had never been arrested. We don’t understand why he was arrested. We don’t know if he had a friend involved in militancy or this is the work of some enemies. To the best of our knowledge, Bashir was not doing anything that could be a reason to suspect him.

Bashir was the main breadwinner of the family and, his main aim in life was to raise enough resources to help get his sisters married. His father, Abdul Ahad, was a sick man even before Bashir’s disappearance. Now he has become worse. He is also a nanwai but barely making a living. One of Bashir’s
brothers is mentally challenged and has to undergo regular treatment at the Srinagar mental hospital. Bashir’s grandmother is also very upset and worried. We feel completely despondent.

2. Despair: The weeks, months and years

- Morbid patterns of life: The unending search, chasing every rumour, looking at dead bodies, Bharat darshan.
- The break down: body and mind, reports and sightings in custody, the agony of not knowing
- Deaths in the family

Farooq Ahmad Shalla (96/3)\(^{201}\)

My son was only thirteen years old when he was first arrested by the Army during a crackdown on our locality. The soldiers alleged that a bullet was recovered from him. Farooq had found the bullet lying on the ground somewhere. In those days (the early 1990s) even guns were freely available, leave alone bullets and, it was impossible to keep a complete and absolute check on a young boy’s activities.\(^{202}\)

He was kept in military custody for a month, where he was tortured. Then he was shifted to the Central jail, Srinagar, where he was confined for six months. Ultimately, he was released because I managed to convince the then Divisional Commissioner of Kashmir, Wajahat Habibullah, that Farooq was innocent. Mr. Habibullah visited Farooq while he was in detention.\(^{203}\)

The detention and torture severely affected Farooq’s health. He used to get panic attacks, with symptoms like he was having a heart attack. He also developed a hernia and had to be operated for it. Farooq had been a good student, taking a keen interest in his studies, before this episode. He was already in the ninth standard, at the age of thirteen. Afterwards, he became reclusive and did not resume his studies for quite some time. He used to stay at home, helping me in our carpet business.

It took Farooq three years to screw up the courage to step out of the house. In 1995, he decided to take the tenth standard Board exam as a private student. On 14 June 1995, at 9.30 a.m. he left home for the School Board office, to fill the form for the exam and, to pay his fees. We never saw him again.

\(^{201}\) Narrated by his father Ghulam Ahmad Shalla.

\(^{202}\) A similar remark was made by the brother of Ashiq Hussain Malik (97/9).

\(^{203}\) Convinced of his innocence, Mr. Habibullah, presumably, arranged for all charges against Farooq to be dropped. Thus, after his release, Farooq never had to attend court.
We were completely bewildered by his disappearance. We searched for him everywhere. The next day we learnt that some other boys from the neighbourhood around the Soura hospital - Tariq Rather, Altaf Hafiz and Javed Bhat - had also disappeared on the same day. Only Altaf returned home.

Some days after Farooq’s disappearance, I heard a news report on the radio that the 22 RR had arrested twenty seven boys at the border, in the Machil sector near Kupwara. I was convinced that Farooq was among these boys. but it took us several months to piece together the full story.

Farooq and several of the other boys were hijacked by one Munir Maulvi, an employee of the “Dargah” University and, a recruiter for the Jamait ul Mujahiddin, who forcibly took them to Kupwara in a vehicle. During the search for our sons we met Alam Khan (an alias), then the ‘Area Commander’ of the Jamait-ul-Mujahideen (JUM), who admitted that he and his men had “recruited” the boys and had sent them to Kupwara, to be sent across the border for training. Alam Khan knew Javed Bhat’s father as they belonged to the same locality. He apologized for having recruited our boys and, on our request, tried to recall them; but it was too late by then.

The Army – 22 RR – caught them as they were attempting to cross the border in the Macchil Sector. They were arrested by Major RS Raina. They were individually interrogated and, tortured. After three days the group was divided. Eleven boys, including Farooq Shalla, were taken away to an unknown destination. The boys who were allowed to live, were kept at the JIC, Zengel and, eventually, released. They could never learn what happened to the other eleven though, once a soldier laughingly told Altaf Hafiz that they had been killed.

In March 1996, during a visit to Badamibagh with Ghulam Rasool Sofi, an NC politician, well known in the valley, we were issued ‘interview slips’ after the

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204 After this initial statement the Army changed its stand to claim that it had arrested fewer persons. However, it was never able to make up its mind about the exact number of those arrested. The lack of clarity about the number of this arrested/ killed, is revealing. At PS Kupwara, the army had provided a list of 16 persons who, it was stated, were arrested at the border. In their first response to the petitions filed before the High Court, Col RS Rana, CO 22 RR (the arresting unit), stated on affidavit that ‘a group of 14 ANEs was apprehended and, one person was killed in the encounter preceding their arrest’. Subsequently, before the Inquiry Judge, the stand changed to say that 15 people were arrested and, one was killed. No one questioned the army about these discrepancies.

205 Kashmir University situated next to the Hazratbal Dargah. He is reputedly, still an employee of the Kashmir University, Srinagar.

206 He is now dead.

207 He was actually a Colonel, CO of 22 RR. Also, it is not clear whether his name is Rana or Raina. The army has called him by both names before the High Court.
officer there checked the names of our sons against a list of detainees that included the names of my son and, Javed Bhat and Tariq Rather. Ghulam Rasool Sofi snatched the list from the officer. We were not allowed to meet our boys but the list, duly stamped and signed, with a circular stamp saying “Army Control Room” and the date “6.4.96” beneath the signature, is with us. We are completely devastated by Farooq’s disappearance. It is as if lightening struck, and destroyed us.

Farooq Ahmad Bhat (91/11)

It was the day before Eid, at about 5:30 p.m. Farooq was, as usual, sitting in our family shop. Shortly before that there had been an explosion in Hyderpora Chowk, nearby. Anticipating trouble, Farooq was about to close the shop and go home when a BSF party passing by stopped to buy cigarettes. They told him not to worry and said that he need not close his shop. Just then, his mother reached there and told him to close the shop. But emboldened by the assurance of the BSF patrol party Farooq decided to keep the shop open. Within minutes of his mother’s arrival another patrol party of the BSF arrived on the scene. Seeing him sitting in the shop they arrested him, pushed him into their Gypsy and, left. My wife begged and pleaded for mercy and, even, followed the Gypsy for some distance wailing, weeping and trying to persuade them to release Farooq. A neighbour, Mohammad Sultan Dar, s/o Khazir Dar, who was returning home, also saw the BSF dragging Farooq out of the shop and taking him away.

That evening we were too numbed by the shock of his arrest to do anything. The next day we rushed to the BSF camp at Sanat Nagar but they denied the arrest. But Farooq’s mother recognized the officer heading the arresting party, one inspector Prem Nath Dogra. At this, the Commandant of his battalion (102 Bn), one Mr. Chauhan, was forced to accept that Farooq was in their custody. He promised that Farooq would be released by that evening. But they did not release him. We went there almost every day. Each time Commandant Chauhan came up with a new excuse for not releasing Farooq. Once, he offered to allow Farooq’s younger brother to meet him but we did not agree because we were afraid that they would arrest him, also. Finally,

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208 His father and sisters wept with remembrance while narrating Farooq’s story.
209 Narrated by his father, Abdul Ahad Bhat, with help from his wife and daughters and, Farooq’s grandmother.
210 Later identified as belonging to 102 Bn BSF
211 A letter from the DGP J&K to the IG BSF, dated 10 June 1993 says “Chavan AC”. The spelling implies a person from western India and ‘AC’ probably stands for Assistant Commandant.
Chauhan said that Farooq had been shifted to some place outside the State but refused to tell us where.

We found out that Inspector Premnath Dogra was a resident of RS Pura. Through friends, we found a contact in Jammu, one NP Sharma, who knew the Commandant of the 195 Bn BSF, then stationed at Nishat Bagh, Srinagar. NP Sharma wrote to him for help in tracing Farooq’s whereabouts, pointing out that Farooq did not have any prior police record. Our persistence irritated Commandant Chauhan and, one day he told us: ‘now I will not allow you to meet Farooq’. After this he refused to meet us or, to entertain requests on our behalf. However, other BSF officers whom we met confirmed that Farooq had been moved to a different place.

We met the DIG, CIK in Hariniwas several times, who said that he could not help us in the matter. The DSP of PS Sadder, also, sought to find out Farooq’s whereabouts from the BSF at Sanat Nagar but the arrest was denied. We, even, found contacts to the BSF unit that replaced the 102 Bn but this, too, got us nowhere. At our request, the DGP, BS Bedi, wrote to the IG, BSF, Ram Mohan requesting for help. We, also, met all the civil administration officials, right to the Governor of the State. At that time the State was under Governor’s rule and he was all powerful. Later, in February 1997, after Farooq Abdullah’s government had been installed, we met many of his ministers, politicians of all hues and scores of officials for help in tracing his whereabouts. None of this was to any avail.

Once a BSF officer at the Sanat Nagar camp showed me pictures on a computer, of persons killed by the BSF; but Farooq was not among them. This gave us reason to hope that he was still alive. Every time we got a lead to his whereabouts we would chase the rumour to the very last.

From time to time we would hear from people who had been released that Farooq was in such and such jail and, we would rush there. But on reaching there the jail authorities would deny his custody. We went to all the detention centers of the valley and, to jails in Jammu, Delhi and Rajasthan. On one such visit to Kotbalwal jail, near Jammu, the authorities told us that thirteen boys had been brought there but two out of them had been shifted that very morning to some unknown place. We could not find out if one of these boys was Farooq.

Once, a recently released detainee told us that he had seen Farooq at a military club in Hira Nagar. We persuaded a Sikh jailor of Kathua jail to telephone the club and enquire. He was informed that Farooq was there. So we rushed to Hira Nagar with a letter from the Sikh jailor but, again, Farooq’s presence was

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212 Ranbir Singh Pora a border area of Jammu
denied. Shortly after this incident someone who had been released from Tihar jail informed us that Farooq had been with him in Tihar. In Delhi we met a Sikh detenue from Punjab who was lodged in Tihar jail and, had been brought to the Patiala House courts to attend a hearing. He told us, in the presence of advocate PL Handoo,\(^{213}\) that one Farooq of Hyderpora was lodged in Tihar jail. However, the next morning when we went there the jail authorities denied that Farooq was in their custody. When we met the Sikh detenue again, he told us that Farooq had been shifted from there shortly before our arrival.

All our attempts to lodge an FIR were rebuffed by the police who told us that they could not register a complaint against the ‘forces’ without express instructions from the “high ups”. We, then, made a representation to the SSP Budgam but even then an FIR was not registered. I then came to know that the PS Sadar, Srinagar had registered an FIR\(^ {214}\) against Farooq, but when I applied to the SHO for a copy I was refused it. I moved an application before the Additional Judge, Designated Court, Srinagar, for a direction to the SHO to supply me a copy but even then I was not able to get it.

Every time we thought we would find Farooq, we failed. I no longer know what to believe. For the first three or four years after Farooq’s disappearance I had, virtually, turned into a living corpse. I used to remain confined to one room. My wife was forced to run the shop herself in order to sustain the family. My daughter, Gulshan, had to leave her studies to look after the household in her mother’s absence. We have spent lakhs of rupees to trace Farooq but could not obtain justice. His mother has developed heart ailment and high blood pressure after the incident. A major portion of our income is spent on her medicines and treatment. My mother, Farooq’s grandmother, has visited every detention centre in the valley. Once, while visiting in the Badamibagh cantonment she met with an accident which severely affected her eye-sight.

Farooq was a very dear son. He took his responsibilities towards the family very seriously. Often he used to be in pain because he suffered from a problem in his kidneys. Yet, along with his studies he used to help me run our shop. We believe that he is still alive but it is twelve years since he disappeared. I no longer know what to think.

\(^{213}\) He was later the law minister in Farooq Abdullah’s government. He was reputed to be very helpful and went out of his way to help trace missing persons. He died in 1998 or so. 

\(^{214}\) FIR no. 176/91, under sec. 307 R.P.C, 3(1) TADA and 25 Arms Act, showing his arrest on 23 June 1991. But see discussion on the case in chapter one, on arrests.
Syed Basharat Ahmad Shah (91/12)\textsuperscript{215}

My son Basharat was studying for his PhD at the Aligarh Muslim University. He was in Srinagar for his summer vacations and delayed returning to Aligarh till October because of illness in the family. Finally, he left home on 12 October 1990. To help defray his expenses Basharat used to sell Kashmiri fruit outside the State. So, before leaving for Aligarh, he went to meet his friend in Dangarpura, Sopore to arrange for the purchase and transportation of the fruit. He was carrying rupees twenty five thousand with him for this purpose. From there he was to go straight to Aligarh. In those days phone services were not so easy so we did not expect to hear from him till after he had reached Aligarh. So we assumed that he was in Aligarh. But about three weeks after he had left home, the editor of Aazan, a weekly newspaper of those days, a person named Azaz, came to visit us. He had just then been released from the Old Airport JIC and told us of what had happened to our son. Azaz told us that he had heard Basharat's story from some detainees who had been transferred to his JIC from Sopore, by the 50 Bn CRPF.\textsuperscript{216} From what he told us it seemed that our son was dead.

On that day Sopore was under a curfew. There had been an incident and Iqbal Market, the main market of the town, had been burnt down. To protest against this the residents had called for a hartal.\textsuperscript{217} Basharat was arrested along with four other people, by a passing CRPF patrol, while they were trying to make their way to their respective destinations in the absence of public transport.\textsuperscript{218} All five were beaten, searched, blind-folded and, taken to the CRPF camp at Watlab and, a few days later, to a camp at Seer Jagir, Doabgah. They were tortured at both places. At the Doabgah camp, Basharat got into a minor argument with a CRPF official and was severely beaten. He became unconscious and failed to respond to the calls of his co-detainees. The next morning, as the CRPF men were kicking the detainees awake, his co-detainees heard the soldiers saying- ‘sala Basharat thanda pad gaya’.\textsuperscript{219} Immediately after this, his four co-detainees were transferred to the Old Airport JIC at Srinagar, where they narrated the facts about their arrest, and about Basharat's death in custody, to their questioners.\textsuperscript{220}

\textsuperscript{215} Narrated by Basharat’s father, Mohammad Amin.
\textsuperscript{216} Shortly after this a resident of Batamaloo, who had also been recently released from the Old Airport JIC came and told Basharat's family the same story.
\textsuperscript{217} A term for a general strike called by the citizenry.
\textsuperscript{218} A farmer from Warpora, who was going home in his horse cart (raidah) gave four people, including Basharat, a lift till his village. About a kilometer short of Warpora, the CRPF patrol, a Gypsy and a van, stopped them.
\textsuperscript{219} Bloody Basharat has died.
\textsuperscript{220} Two of them were released after a further detention of ten days at the JIC. Of the other two, one was released on after about two months and the fourth person was detained under the PSA, being released nearly two years later.
But we could not accept that Basharat was dead. We searched everywhere for him, meeting every official, from the District Magistrate, Baramulla, to the Advisor to the State Governor, Mr Qureshi. Through them I met the then DGP J&K, Mr. JN Saksena, who told me to go and ask for the body of my son from Pakistan. When I protested, he ordered his security staff to throw me out. We, also, lodged a report with the police at Sopore but later we learnt that the police had, in fact, not registered our complaint.

In Delhi, I met the Union Home Minister, SB Chavan and, Rajesh Pilot, the Minister in charge of Kashmir affairs in Narasimha Rao’s government. Pilot promised to meet me in Srinagar and “do something” but when he came to Srinagar he refused to meet me.

But many people were genuinely helpful to us. Ram Krishan, a good friend and a resident of Jammu called a press conference in Jammu on learning of Basharat’s disappearance. PL Handoo, who later became the Law Minister in Farooq Abdullah’s government, was a family friend who had known Basharat since he was a child. He offered to file a case in the Supreme Court but we had already filed a case before the High Court. Sheer Khan, a resident of Uri who had known us for a long time, looked for Basharat in the jails of his area. Because of his inquiries Sheer Khan came under suspicion, was taken into custody and, subjected to very harsh interrogation. It took him four months to recover from this ordeal.

We have travelled to all corners of India, from Tamil Nadu to Assam to Rajasthan, searching jails for Basharat. There is no jail in India that we have not visited. Once someone showed me a handwritten letter from someone called Basharat who was in Hiranagar jail; but it turned out to be some other person. While returning from Hiranagar, I stopped for lunch at Ramban. There, I met someone who said that he had overheard two policemen talking and, one of them had a file on Basharat. From their discussion it was clear that Basharat was alive. But I could not find any trace of those policemen.

Basharat’s grandmother died of a heart attack when she heard of Basharat’s disappearance. His mother, Halima Qaisar, suffers from acute depression. My daughter suffers from depression and is undergoing psychiatric treatment. Because of this, she is unable to take proper care of her children and we have to share this burden.

I have lost my faith in justice. Since I could not get my son’s body we cannot perform the rasm-i-chaharum. Even today if someone tells me that he has seen or heard about Basharat, I rush there. My wife regrets that she could not

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221 Ultimately, the case was registered on the orders of the High Court.
222 Sheer Khan died in 2002.
spend enough time with him as we had sent him away to Aligarh for so many years. She finds it hard to believe that he is dead.  

Riyaz Ahmad Gilkar (95/4)

My brother, Riyaz, was very hard working. Even as he was studying, he was training as an electrical mechanic with our neighbour and good friend, Ghulam Rasool Sheikh.

The crackdown on Ashajipora and the adjoining village of Dabrun, on 25 April 1994, was one of the actions that signalled the launch of ‘Operation Eagle’ in Kashmir. Lieutenant Colonel Chauhan of the 7 RR, from the Lehandru camp, was leading the operation. All the men of the two, localities, including Riyaz and Ghulam Rasool, walked across to Ashajipora and were forced into the compound of one Ghulam Hasan Magray. Colonel Chauhan knew Ghulam Rasool and, so, ordered his men not to bother him; saying that he had no connection with any unlawful activities. Around 10.30 a.m. four men were picked out from those gathered. Three of them were taken to a nearby graveyard and shot dead. The fourth person was taken to a nearby village, Woutroos, and, killed. Shocked at these cold blooded murders the gathered men overcame their fear and raised slogans against the army. But they could not leave the premises within which they had been herded as the gate had been bolted from outside. Simultaneously, the soldiers were selecting people at random for interrogation, which was being carried out in a house commandeered for the purpose. Riyaz was one of those taken inside. No one saw him again. Later that evening, after the crackdown had been lifted, they found blood spilt in the bathroom.

The years after that day have been an endless effort to trace Riyaz. We have come close to doing so, only to be thwarted, time and again, by fate and circumstances. In the early days after his arrest, Ghulam Rasool went to the Lehandru Camp to try and trace him. He was told of a ‘sadhu baba’ who lived

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223 The plight of the couple, old beyond their age, is almost unbearable. Years of searching for a son, knowing that he is dead but unable to accept the truth, have left their mark. Basharat’s father, particularly, appears as a person who no longer knows why he lives.

224 Narrate by his brother, Ashraf Ahmad Gilkar, supplemented by Ghulam Rasool Sheikh a close family friend.

225 Ghulam Rasool said “Riyaz was a very dedicated and hardworking boy. I had decided to help him get a job with the BSF as a mechanic. I was in the BSF for sixteen years, from 1975 to 1991: mending generators, transformers, etc. Riyaz was also keen to join the BSF”.

226 Ghulam Rasool was routinely harassed by the security forces because of his long, flowing beard. Each time he was saved from worse, by his ex-serviceman background.

227 Two of them, Javed Ahmad Shah and Fayaz Ahmad, were surrendered militants. Both had resumed their original professions after their surrender. The other two were shopkeepers, with no past record of militancy.
nearby and, was said to wield influence with the Army. The baba assured Ghulam Rasool that he would arrange a meeting with Riyaz but nothing came of it. Failing in his efforts to trace Riyaz, Ghulam Rasool had started to think that Riyaz must be dead but then, one day, he saw him in a camp in Khrew, where there is a cement factory. For myself, I am convinced that my brother is alive. I have seen him about ten or twelve times from the day of his disappearance. Presently, he is lodged in the Hariniwas detention centre.

Once, I was going to the village of Akingam with a friend when I saw Riyaz in a military vehicle. My friend also saw him. Later, we showed a photograph of Riyaz to a policeman from that area and, he admitted that he, too, had seen him with the soldiers. The policeman promised to help and, told me to come back the next day. The next day he took me to meet some other policemen, who confirmed that Riyaz had been in the nearby military camp the previous night. They also told me that they saw Riyaz being treated with great respect by the soldiers. But I never saw Riyaz at that camp after that. I last saw Riyaz on 17 July 1995, in First Sector, Lehanbal, at 10.35 a.m. I was in the canteen and just happened to see Riyaz cutting grass. I was completely taken aback but could not call out as I was afraid that I would put us both at risk.

I admit the possibility that my eight year long search for Riyaz is obsessive and I must seem unbalanced to you. But I have proof that my belief that Riyaz is alive is not unfounded. In my search for Riyaz I met Mr. PL Handoo, who was the Law Minister in Farooq Abdullah’s government. Handoo was sympathetic and had ordered his staff to search out the whereabouts of Riyaz. One day, while waiting in his office room I saw a letter on his table, dated 15 September 1998, from Mr. Yedullah, then Additional Secretary (Home), government of J&K, which stated that Riyaz was being detained in Rangreth jail. Before reading this letter I had no idea that Riyaz was being held in Rangreth jail. So, Handoo could not have got this information from me. I stole the original letter from Handoo’s office. That day I could not meet Handoo and shortly thereafter, he died. So, I could never meet him again. I, also, failed in my attempts meet Riyaz in Rangreth jail. But that does not change the significance of what is written in this letter.

I have visited almost every detention centre in J&K, each time taking fruit, sweets, etc for the jail officials. They always keep the eatables but they never let me meet my brother. For two years now there has been no news of him. Brigadier M.P. Singh of “First Sector” advised me not to persist in trying to find Riyaz. Major General G.S. Soda of “Victor Force” promised that

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228 He was reputed to be an agent of the IB.
229 Ashraf gave us a copy of the letter. It is hard to say whether his belief that his brother Riyaz is alive is so misconceived as to be nothing but the hallucination of a disturbed mind. He was completely rational otherwise.
230 An army formation.
Riyaz would be home within a week. But this assurance was false. Several other officers have, similarly, given me false assurances but I have not lost faith. Recently, I learnt that there was, shortly, to be a meeting of army officers, in which Riyaz’s release would also be considered. I am very hopeful that Riyaz will be released after this meeting.

Riyaz’s disappearance has destroyed the once happy fabric of our family’s life. We were already deep in debt, incurred to get two of my sisters married. Now there is no money to marry the other two. Our mother, Zaina, has become frail and is unable to take any strain. Our father, who was a mason, forced himself to resume his trade, for the sake of the family. But unable to cope with the work he broke his foot and, is now, virtually, an invalid. The whole family lives in the hope that Riyaz will return.

**Ghulam Mohammad Ahanger (96/4)**

It was the time of the Hazratbal siege, two days before Bakr Eid. I had got married five days earlier. My brother, Ghulam Mohammad went to get his salary from his employer. When he got there his employer asked him to go to Harwan, where they were constructing a shed for the Fisheries Department. While my brother was waiting for a bus at Lal Chowk, there was an explosion there and, after that the 30 Bn BSF arrested several people from the area, including my brother.

That night the BSF raided the house of our neighbour, Ghulam Mohammad Dar, whom we are distantly related to. At that time we did not know of my brother’s arrest. Nor did we hear the raid being carried out. My brother was in the raiding party. He was masked but Ghulam Dar’s family recognized his voice. Ghulam Dar’s had a son called Shafi, who was a militant and who, mostly, did not stay at home. So, when Ghulam Dar’s family recognized my brother’s voice, they thought he had become a mukhbir. The soldiers arrested two of Ghulam Dar’s sons. Ghulam Dar’s family was very angry and, did not tell us that my brother was in the raiding party till their boys were released, after two days.

We believe that the raid on Ghulam Dar’s house was my brother’s way of letting us know of his arrest. After their release, the Dar brothers said that on being questioned about their militant brother’s whereabouts they told the BSF that Shafi was in village Arigam. The raiding party decided to head back to their base in Zakura via Arigam. On the road, the BSF saw four men loading...
timber on a truck. The BSF stopped and arrested these men and, seized their truck. Apart from the truck driver, the others turned out to be militants: Bashir Ahmad Ganai, Abdul Rashid Ganai and Mohd Yousef Bhat, all residents of Arigam. The driver was Mohd Anwar r/o Raithan Chak.

All seven of arrestees were taken to the Zakura camp of the 30 Bn. After interrogation, the Dar brothers were separated from my brother and the others and, retained in the Zakura camp. The others were taken to a camp in Chandpora, Harwan.

After being interrogated for two days, the Dar brothers were released, through PS Nagin. They were each given rupees twenty and, a release slip stamped by 30 Bn BSF. It is from this slip that we identified the unit which had arrested my brother.

After they came home, the Dar brothers told an uncle of ours about what had happened to my brother. We could not believe that my brother had become a mukhtar. My brother was a simple but very intelligent man and, he would not have done anything wrong.

For the first three days, till we heard the facts from the Dar brothers, we had no information at all about my brother but fearing the worst we ran around meeting the Deputy Commissioner and other officials. Immediately after coming to know the facts, my mother went with a relative to PS Zakura and lodged a compliant with the SHO. The SHO was very kind. After making inquiries, he told us that my brother had been shifted to the Chandpora camp. At Chandpora, too, the SHO was cooperative and, after enquiring at the camp, told her that my brother was not at the camp.

Since we had learnt that the three militants arrested by the BSF on the same night as the Dar brothers had been taken to PAPA-II, we, then, went there. At PAPA-II we met an army officer who told us that Ghulam Ahangar had been taken to Jammu but refused to say where. By now, almost twenty days had passed since my brother’s arrest. I requested a friend, Chunilal, a resident of Arigam, for help. He was a clerk in the GPO in Srinagar and, therefore, knew many security forces personnel: who used to collect/encash their salaries from there. He was, also, a Kashmiri Pandit. For both these reasons I thought he might be able to help. Chunilal called back a few days later to say that the army officer at PAPA–II, with whom we had spoken, had been killed in a shootout with the militants. So, this attempt to trace my brother fizzled out.

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235 The driver of the truck was released on the third day, also through PS Nagin. The militants were taken to Papa II.
We, also, met the police officer through whom the Dar brothers had been released. He, too, said that Ghulam Ahangar had been sent to Jammu. We searched all the camps nearby – Zakura, Naslapora Budgam, Chandpora Harwan – and, all the main jails of the state – Jammu, Udhampur, Kotbalwal and Kathua. We, also, met the SSP Jammu, to request for help; all to no avail. We lodged a complaint at PS Gagribal, near Ishbar Nishat, in which an investigation was carried out. Statements of witnesses, including that of the Dar brothers, were recorded. A year and half later, the police informed us, orally, that my brother had died during interrogation by the 30 Bn BSF.\footnote{Officially, the police closed the investigation in the case by filing an “untraced” report.}

Three years later, the militants mentioned earlier were released from Jammu. We met two of them. They told us that my brother suffered serious injuries to his head, as well as a broken wrist, during interrogation. One of them, also, said that seeing my brother with the Army, initially, he had thought that my brother was a \textit{mukhbir}. As revenge upon him, during his own interrogation, this man told the BSF that my brother was the militant who had sent them to POK for training.

When my brother disappeared there were many militants in our village. It was the time of the Hazratbal siege and there were frequent strikes. There were few buses and vehicles on the road and, it was difficult to get anywhere. Everyone was scared of the security forces and, we tried to keep far away from them. Our father had died before. Three months after my brother disappeared, our mother could not bear the pain and she, also, died. Six months after that our brother, Farooq, who was only seventeen at that time, was killed in an accident. We were so shaken that for a long time we could do nothing. My brother’s wife, Dilshada, returned to her father’s house. She filed a petition in the High Court. We did not know much about this because she had gone back to her father’s house. Since then, she has remarried.

We don’t know what to believe. It has been a long time and we have had no information on whether my brother is alive or dead. He was not with any \textit{tanzeem} or religious group. He had never been arrested, not even in a crackdown. He just worked with a private company as a carpenter and, then, one day the forces caught him. They never raided our house. My brother’s arrest was never acknowledged.

\textbf{Mohammad Rafiq Bhat (99/5)}\footnote{Narrated by his father, Abdul Rehman, supplemented by Rafiq’s mother.}

Rafiq was visiting his maternal uncle when he was arrested. The forces had raided the house next door but not finding anyone there, they raided my
brother-in-law’s house. They took Rafiq into custody without giving any reason. The next day we lodged a report at PS Khanyar.

For two months we did not know where he was. We had approached Yusuf Tarigami, who is now an MLA. After making inquiries he told us that Rafiq was being held in PAPA-II. He gave us a letter for the officer in charge there, requesting that we be allowed to meet our son. But, at PAPA-II, though they admitted that Rafiq was in their custody, the officer refused to allow us a meeting; saying that he was being interrogated. He told us to come back after a few days. When we went back a few days later, he said that Rafiq had been shifted to the JIC at Gogaland. We went to Gogaland, where they said he was in “Hotel 4”, in Shivpora. We had, also, contacted a man called Asghar, who had connections within the security forces. Asghar told us that Rafiq was in the custody of the 69 Bn, BSF.

So we went to Hotel 4. There we saw him sitting by the window. He saw us and waved to us. Then, he gestured towards his wrist and posed us a question. He was asking if we had received his wrist watch, which he had sent to us through someone who had been released. We used to go to Hotel 4 as often as we could. One day when Rafiq’s mother was there, the soldiers surrounded her and, accused her of coming there to get information about the persons detained there. She was very frightened and, for some time after that none of us went back there.

After some time we started visiting Hotel 4, again. For a few days there was no sign of Rafiq. But one day Rafiq’s mother saw him sitting on the wall of the nearby school. He waved to her. But two days later, when we went back, we learnt that he had been shifted to Dachigam. We never saw him again.

**Manzoor Ahmad Zargar (90/6)**

My brother was a daily wage employee of the department of city drainage. He was, also, a skilled papier mache artisan. He was an innocent young man who had no connection with any party whatsoever and kept himself busy with work.

Immediately after his arrest, we lodged a report with the Nowhatta police station but, later, learnt that they had not registered our complaint. We, also,

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238 A prominent politician, member of the CPI (M).
239 The family had received the watch but no information on his whereabouts.
240 The family is extremely traumatized. They were also very suspicious and wary of us. It took considerable persuasion to get them to talk. Rafiq’s youngest sister, a university student, wants to train as a lawyer.
241 Narrated by his brother Bashir Ahmad.
made representations and submitted appeals to various officials and authorities for help in locating Manzoor. The SP (City) Mr. MA Bhat wrote on our behalf to the Divisional Commissioner, Wajahat Habibullah, asking for help in tracing Manzoor. We, also, approached the then Prime Minister, Chandrasekhar and the Governor, GC Saxena. We got advertisements published in the local newspapers, requesting for information of Manzoor’s whereabouts but we could not find any trace of him.

A month after Manzoor’s arrest a man named Mir Nasir Ahmed s/o Mir Mumtaz Ahmed r/o Nowshera came to visit us. He told us that he had met Manzoor inside the BSF hospital at Pantha Chowk and wanted to return the rupees hundred that he had borrowed from him in the hospital. According to Mir Nasir he had been in BSF custody and, while in custody, he was admitted for treatment to the BSF hospital at Pantha Chowk. Manzoor was brought to the hospital during the night of 17-18 July 1990 in a critical state. They were kept in the same room. Manzoor was spitting blood from his mouth, there were blood stains all over his bedding and he was on a glucose drip. They were kept in same room for four or five days. On 22 or 23 July Manzoor’s condition deteriorated and, he was shifted out. Mir Nasir did not see him again. During their time together, Manzoor and Mir Nasir agreed that whoever was released first would inform the other’s family. At Mir Nasir’s request, Manzoor lent him hundred rupees out of the money in his wallet.

Within a few months, unable to deal with the agony of Manzoor’s disappearance and, Mir Nasir’s story of his plight in custody, my father died of a brain hemorrhage.

We do not know what to do. Once, during a casual chat, a BSF officer told me that Manzoor was dead. However, around the same time, a relative, an officer in the security forces, told me that Manzoor was alive and he would be released soon. Though he was disappeared over ten years ago, we have no evidence that Manzoor is dead and so, we cannot perform his death ceremonies. His disappearance has become a perpetual torture for us.242

**Mohammad Shafi Rah and Mushtaq Ahmad Rah (2004/1 A & B)243**

My son, Mohammad Shafi was a member of the Al Jihad from about 1991. After some time, there was a falling out between the Al Jihad and the HM and, there was a lot of fighting among them. In 1994 someone from the HM was killed. Following this, some HM militants attacked our house. The house was completely devastated. We had to leave that house. For a year or two we

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242 Also see page 13 of the Arrest chapter and pages 57 and 81 of Petitions chapter.
243 Narrated by his father, Abdul Ahad Rah, supplemented by his, brother Mohammad Yasin.
stayed in a “khatris”\textsuperscript{244} house. Later we bought another house in Sheikh Mohalla. After this attack I persuaded my son to give up militancy, saying that his activities were putting the entire family in danger. For Shafi’s safety we decided that he should leave the country. We sent him to Nepal. After that Shafi never returned to Kashmir but I visited him. Shafi had a leather goods business in Kathmandu. He had a workshop, making bags, jackets and other such items. He had hired a house from one Ratnilal in Kathmandu and, his workshop was in the same premises. I saw his workshop and, was happy to see that he had settled down. In 1996-97 we decided that my younger son, Mushtaq, should join Shafi in Nepal so that he, too, could learn the trade. Mushtaq came back twice, to visit us. I was very happy.

To help my sons I decided that we should give them their portion of their inheritance so that they could expand their business. So I sold my shops in Mehrajgunj and gave them the money.

Meanwhile, the security forces used to frequently raid our house in Srinagar. They used to ask about Shafi’s whereabouts but no one was ever arrested. In July 2000 there was another raid on our house. I was arrested and kept in the Old Air Cargo, Aluchibagh detention centre. During interrogation I was made to provide complete details of my family, each of my children, the whereabouts of my sons and their activities, etc. I was kept in custody for several days. About a month after this incident\textsuperscript{245} a Kashmiri, whom we knew a little, phoned us from Nepal to inform us that my sons had been arrested.\textsuperscript{246}

My older son, Mohammad Yasin, immediately left for Nepal. He met my sons’ landlord, Ratnilal, who told him that when the police came just Mushtaq was in the workshop.\textsuperscript{247} Mushtaq told them that Shafi had gone to visit his friend, Farooq Ahmad Wani. Shafi was arrested from Farooq Wani’s house. The police, also, arrested Farooq Wani, one Shakil Ahmad and, one other person.\textsuperscript{248} They brought Shafi back to the workshop and, also, arrested Mushtaq. Ratnilal did not know anything more than this. Yasin then went to the Indian Embassy but they said that my sons were not there. Yasin showed them the certificates of residence that the embassy had issued to Shafi and Mushtaq, saying that he wanted information of their whereabouts. At this, he was forced out of the embassy. On another occasion, Yasin tried to meet a man in the embassy called called Nagraj, who was said to be from the IB, with the help of someone from the embassy; but he was, again, thrown out. A

\textsuperscript{244} A Hindu caste.

\textsuperscript{245} 27 or 28 August 2000

\textsuperscript{246} These arrests were widely covered in the Nepal press.

\textsuperscript{247} Indian police was said to be accompanying the Nepal police.

\textsuperscript{248} Farooq and Shakil, who were both married to Nepali women, were released after two or three days.
Nepalese policeman present there protested and, asked why Yasin was being thrown out. The embassy staff told him that he was a spy.

Yasin also went to two or three police stations and made inquiries. They told him to go away, saying that the police from Delhi had taken them away. But they refused to give this in writing. According to reports published in the Nepali newspapers, twenty seven people, mainly Kashmiris, were arrested by the Nepal police, over a period of about one month. Their arrest was supposed to be a joint operation with Indian police and intelligence authorities. Most of these men were released after short periods of detention but my two sons and, a few others were taken away from Kathmandu in vehicles and, were never seen again.

All those who were arrested were detained in the Thamel and Hanuman Dhoka thanas in Kathmandu. Yasin went to both thanas but could not get any substantial information. Some sympathetic police men told him that an SP and a DSP of the Indian police had come to coordinate the arrests. Yasin, also, met some of those who had been arrested and released. All of them were scared. They had been warned by the local police to keep their mouths shut or they would be arrested again. Of the six people who were not released, the custody of three was admitted and, it was revealed that they were held in a jail on the Bihar–Nepal border. But the arrest of both my sons and, of one Ghulam Sofi was not acknowledged. None of those who had been released had seen my sons in custody.

Yasin met lawyers in Nepal to explore the possibility of filing a case against the Nepal police and the Thamel police station, with a prayer that they be forced to disclose where my sons were being detained or, at least, to state the names of the parties to whom they had handed over their custody. But they all refused to take up the case. Yasin had heard that the police vehicle in which they were taken away was from Patna. So, he returned to India via Patna. He went to the court in Patna and hired a lawyer, for rupees five hundred, to accompany him to the jail, to search for his brothers. At the jail the authorities detained Yasin. The lawyer left after promising to try and secure his release as soon as possible. Yasin was interrogated for three days. They accused him of being a spy. After his release Yasin came to Delhi. He made enquires from the Delhi police about Shafi and Mushtaq. There he met a CID man from Jaisalmer who told him that both of them were being held in Jodhpur.

We, also, requested for help from human rights activists in Delhi. Their inquiries seemed to confirm that both my boys were in Jodhpur. With the help of friends we hired two lawyers in Jodhpur, over the telephone. We asked them to go to the jail and check if Shafi and Mushtaq were being detained there. After checking with the jail authorities they phoned to congratulate us and, said that there were two Kashmiri boys in the jail. We were happy and,
immediately left for Jodhpur. When we went to the jail and asked for a meeting, the jail authorities told us that we should get proper documentation from Srinagar as, they could not be sure whether we were Pakistanis or Indians. I showed them identification papers to establish my Indian identity but they did not accept it. They told us to get papers from the court in Srinagar, which would establish our place of residence. We came back to Srinagar and, it took us a couple of months to get the necessary documentation. When we returned to Jodhpur with these papers, the jail authorities told us that they were under instructions to refuse all requests for a meeting.

In Jodhpur, we were questioned a few times by the CID. They said that there had been a newspaper report that an attack was being planned upon the jail. They threatened us, saying that if there was an attack we would be arrested. We were very scared.\textsuperscript{249} Yasin wanted to file a petition in the High Court in Jodhpur against this intimidation but I restrained him, saying that it was unwise to pick a fight with the police in a town where we were strangers. In view of these threats we returned to Srinagar.

In Delhi, Yasin filed a petition in the High Court but the case was rejected by the Court, saying that they could not act on the basis of information contained in the newspapers. Our lawyer, also, wrote letters to the IB, the NHRC and the government. But we got no reply.\textsuperscript{250}

In Srinagar we lodged an FIR at PS Mehrajgunj. We met many authorities and ministers, but no-one helped. We met Balraj Puri in Jammu. We also went in a procession, with the members of the APDP. All we got in response were the \textit{lathis} of the police. We also filed a complaint to the SHRC.

After Jodhpur there has been no news about my sons. We wrote to so many people but no one responded. Once, on 10 November 2001, in the 8.50 a.m. news, \textit{Khabarnama}, on \textit{Akashvani}\textsuperscript{251}, we heard that some Kashmiris picked up in Nepal were being kept in jail in Delhi. We asked the radio station for the text of the news read out on that date but they said they did not have the script. For four years I have been searching, going constantly from here to Nepal and back. No one tells us where my sons are. After their arrest the raids on our house have stopped completely. Before that the BSF or the STF or some other force used to raid us every couple of weeks.

\textsuperscript{249} Abdul Rah, his wife, a brother and, Yasin were there in Jodhpur.

\textsuperscript{250} A letter was sent to the Prime Minister, through Yusuf Tarigami, MLA and, another to the Principal Secretary to Government of India (Home) in April 2002.

\textsuperscript{251} The public radio broadcast service.
Ghulam Mohammad Sofi (2004/2)\textsuperscript{252}

My father, Ghulam Qadir, lived in Nepal for thirty five years and our uncle, Ghulam Mohammad, for twenty eight years. Our family was settled there and owned three shops. One of them was called ‘Miriam Pashmina’, named after Ghulam Mohammad’s daughter. Four members of our family were at that time living in Kathmandu: myself, my brother Wazir, my uncle Ghulam Mohammad and, his wife.\textsuperscript{253}

We were aware that we were being watched. We had noticed people following us. Everyone in the Kashmiri community in Kathmandu knew each other. In January or February 2000 one Manzoor (real name Munir) Ahmad r/o Habba Kadal, Srinagar was arrested from Asan Chowk, Kathmandu, during daytime. His companions ran away and informed other people. Manzoor had a handicrafts shop below ‘Kathmandu Kitchen’. He had been a militant with the Al Jehad but instead of surrendering he had just left militancy and had come and settled in Nepal, where he had been running a shop for the last four or five years.\textsuperscript{254}

On 16 August 2000, my brother Wazir and I were in one of our shops. After a while Wazir said he was going to the other shop and left. On the way he was stopped by the police who said that they wanted to ask him a few questions and, asked him to accompany them. They refused to allow him to inform me. A shop keeper who saw Wazir in the police vehicle came and told me.

The police told Wazir that they wanted him to come with them to Bhaktapur. When he asked why, they said that our uncle Ghulam Mohammad was there. Wazir did not know that our uncle had gone for dinner to his friend Balram Shrestha’s house to celebrate the festival of gau yatra.\textsuperscript{255} Around 9 p.m. the police, both from Nepal and India, reached Shrestha’s house, in a civilian vehicle. They arrested my uncle, Balram and, his wife, Vijaya. The police party was headed by one Birendra Shrestha and, SI Rupak Gurung, both of whom belong to Nepali intelligence. The five or six others in the team were probably from India. We know Birendra Shrestha because he used to often drop in at the shop to have a cup of tea with us. He would show us pictures of people and ask if we recognized them. He would tell us who they were and what they were supposed to have done. He, also, told us that he knew that our family was not involved in “anything”.

\textsuperscript{252} Narrated by his nephew Sajad Sofi, supplemented by Sajad’s brother, Ishfaq; both sons of Ghulam Qadir Sofi

\textsuperscript{253} A month before he was disappeared, Ghulam Mohammad, was arrested by Nepal police in a foreign exchange violation case. He was released on bail after about ten days.

\textsuperscript{254} Manzoor’s arrest was acknowledged by the Indian authorities and he is now in Tihar jail.

\textsuperscript{255} Balram Shrestha works with Thai Airways.
In the next few weeks many people, both Kashmiri and Nepali, were arrested.\footnote{The first arrest in August was in 15 August of Mohammad Younus who was in the business of selling brushes, wholesale.} For the next few days Wazir was held with the others arrested at PS Singh Darbar. Wazir was not questioned much. Nine days later he was put in a vehicle along with our uncle and, one Habibullah Malik. Wazir was frightened and our uncle tried to reassure him saying that ‘it was only the police’ and, all they would do is ask a few questions. Since they hadn’t done anything wrong, there was no reason to be afraid.

They were not allowed to see where they were going. The Nepal police seemed to be speaking to the Indian police on the wireless/ phone. Wazir was dropped back at the Singh Durbar police station in Kathmandu but our uncle was taken away in the vehicle. That night a drunk was brought into his cell. Wazir asked him to phone me upon his release. He agreed and, though Wazir was not very hopeful, he kept his promise. He phoned both the house and the shop but I was not there. At the shop he told my assistant that Wazir was at the Singh Durbar police station. As soon as I heard the news I rushed to the police station and demanded to know where my brother and uncle were. The police threatened me, saying that if I asked too many questions I, too, would be arrested. They insisted that Wazir was not there. But Wazir heard my raised voice and, called out to me in Kashmiri. I lost my temper. Then, they took me to meet an officer. The officer called someone on the phone and told me to come back at 8 p.m. I called my aunt (Ghulam Mohammad’s wife) and she also came to the police station with some food and clothes. We insisted that Wazir should be allowed to eat the food and, also that we be allowed to meet him. I was afraid that the police would shift Wazir during the night so I kept a man hanging about outside the police station, all night. In the morning we again went to the police station. The sub-inspector, Rupak Gurung, was there. He prepared a document in Nepali. I was made to sign it. It said that my brother was being released. When I asked him about my uncle, Gurung said “forget about him if you want to live here”\footnote{Gurung later met Sajad and told him that his uncle had been interrogated for eighteen days. He did not tell him anything else.} Wazir was released but we could not get any information on my uncle.

Almost everyone was released, eventually. Balram and Vijaya Shreystha were released after about two weeks. After Habibullah Malik was released he, at first, refused to say anything. Later, he sold his shop to return to India. When he was leaving Nepal he told us that he had been threatened and warned not to reveal where he had been detained. He, also, told us that my uncle was held with him and that photographs had been taken of all of them. He said that from the talk he overheard, all the persons retained in custody were being taken to India. Habibullah Malik has shifted with his family to Chennai.
After my brother and uncle were arrested, I had tried to lodge an FIR at several police stations but was not allowed to do so. Finally, about two months after my uncle’s disappearance, our family managed to lodge a complaint at PS Safa Kadal, Srinagar through the influence of Mushtaq Lone.258

We met everyone imaginable, in Nepal and India, trying to trace my uncle: the DIG and the IGP in Nepal, the Union Home Minister, LK Advani in Delhi, Mangatram Sharma, the deputy chief minister, in Srinagar, the president of the Congress party, Sonia Gandhi, Omar Abdullah and, many others. We, also, met people from the ICRC. Once they got information that the men arrested from Nepal were to be shifted to Tihar jail, Delhi. But, it was of no use.

After my uncle disappeared many persons came to our shops, claiming unusual amounts of money that he, supposedly, owed them. It got so bad that we had to ask the embassy to be allowed to meet him since he alone would be able to say what was owed. The Embassy staff told us to refer all such persons to them at the embassy. After this the harassment from the, so called, creditors stopped.

The Indian Embassy did not help. They are there to help Indians but they look at us Kashmiris as terrorists. They don’t know how to behave. We don’t go to the Embassy for this reason.

The intelligence officer, Birendra Shrestha, knows everything about the case. It is his job to catch and arrest people and hand them over to Indian authorities. We do not want to argue that my uncle is innocent. Let the court decide. But even if he is guilty, we are entitled to meet him. We should be told of his whereabouts so that we are released from agony of not knowing and, from our endless search for him. After all, even the killers of Indira Gandhi and Rajiv Gandhi were tried and punished. What is it, so bad, that my uncle did that he is not, even, shown to us?

258 A politician.
3. **The petition before the Court**
   - Hoping against hope: an act of despair.
   - The farce of justice

**Nisar Ahmad Wani (98/1)**

My brother Nisar was a tailor. On Sunday, 30 March 1997, Nisar was at home with our mother.\(^{260}\) My sister and I, who also live with our mother, were not at home. Our eldest brother lived in a separate house. At about 3.30 pm the Army\(^{261}\) spread out into the colony and surrounded the local mosque. All the people of our colony were ordered out of their homes. Some labourers, who were working on the construction of a drain, were ordered to line up along with the others. Apparently, the Army was looking for one Mohammad Hanif Dar.\(^{262}\) The local police, including the SHO of PS Batamaloo, Abdul Rashid, were also present. The soldiers targeted young boys and men, though no one was spared. They broke the nose of one of the labourers while interrogating him. Nisar, was one of the persons they interrogated,\(^{263}\) and who was subjected to particularly severe torture. They kept demanding that he “produce” the arms and ammunition, which they claimed he had hidden. But my brother could not do so since he did not have any in the first place. While they were leaving, the Army handed over the custody of many of those people who had been injured by their torture to the police. But although Nisar, was in a very bad shape, the Army took him away. When my mother protested the soldiers pushed her so hard that she fell.

That very evening we lodged an FIR. At first we focused on meeting various authorities, including the Army, for help. We also met the entire police hierarchy. They were all very polite and helpful. The SP and the IG gave us letters for various Army officers.\(^{264}\) But the Army officers all promised to “check” and then get back to us.\(^{265}\) We also met the Chief Minister, the Minister of State for Home, Ali Mohammad Sagar, the officers attached to the Governor, etc. But no one did anything.

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259 Narrated by his brother Riyaz and mother Raja Begum.
260 Raja Begum is a widow.
261 The combined force of 20 Grenadiers and 35 RR.
262 About six months after this incident, Hanif Dar was killed by the STF in an area of Srinagar known as Ball (or Narsingh) Garden.
263 Nisar had no previous history of arrest or even a minor brush with the Army or any other security agency.
264 The SP Srinagar, VK Singh, wrote notes addressed to various Army units: Major Rathor, the adjutant of the 20 Grenadiers, Major Dhar of the Counter Insurgency Unit (CIU), and others. The IG Kashmir at that time, Mr. Gill, helped them meet other Army Commanders.
265 Even the officers of the 20 Grenadiers, the abductors, said something similar to them.
We published numerous advertisements in the national and local, daily newspapers appealing to the public at large for information about Nisar’s whereabouts. We also, appealed to several prominent persons requesting them to use their influence to trace Nisar’s whereabouts. None of this was of any help.

The 20 Grenadiers had arrested many people around the same time. A few months later three of them were released. We went to meet them all and they all told us that they had been held in the Bemina Boat Colony camp where the 20 Grenadiers were stationed. All three were reluctant to talk. They claimed that they were kept in isolation and were usually blindfolded when taken out. So, they did not see Nisar or any one else in the camp. One of them, Farooq Chhan, told us that while he was tortured the soldiers said, ‘if you don’t cooperate we will kill you like the others’.

After several months we filed a case in the High Court. The High Court ordered that a case should be registered by the police about my brother. We don’t know what has happened to that. We had also filed a case before the SHRC. They said that my brother was not a militant. The Chairperson called us and pressed us very hard to take rupees one lakh as compensation. He said we could still fight for justice and information on what happened to my brother. But we didn’t want the money. Afterwards the Chairperson sent our case to the NHRC. That was in the year 2000, but till now we have not heard anything.  

My mother runs a small convenience store out of one room of our house. We do not have enough money to pay for the stock in the shop so she runs it in partnership with someone else, who provides the money.

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266 There was no response from the NHRC till July 2003.
267 Widowed young, Raja Begum is used to privation but, is fiercely protective of her dignity. She refuses to see herself as a victim and does her best to inculcate this spirit in her children.
Farooq Khan (95/3)

I am the eldest of five brothers. Farooq was my middle brother. All of us brothers live here in Lawayapora but after his marriage in the early eighties, Farooq moved to live with his wife and her parents in Gundpur, Rampora, Naidhal which is not very far from here. He was a good baker and made a decent living. His shop was near his house. He has two children: a daughter who is now seventeen years old and a son, born just after he disappeared, who is now eleven years old. Before his disappearance he had never been arrested or charged for any offence.

Farooq was picked by the 10 Bihar regiment on 1 December 1992 from the house of a friend Mushtaq Lone in Gundpora-Rampora. Farooq and Mushtaq were very good friends and used to spend most of their spare time together. They were both members of the Muslim Conference. Mushtaq was a militant who was, at that time, negotiating his surrender. But Farooq though not a militant was active in the area on behalf of the Muslim Conference. On that fateful day, Farooq was at Mushtaq’s house attending a majlis. Around 10 p.m. Mushtaq who had gone out of his house got into an argument with a wood seller, who complained to the local army picket, which took him into custody. Shortly after that the Army raided Mushtaq’s house and arrested Farooq, in the presence of Mushtaq’s entire family and the visitors who had come to attend the majlis.

On 3 December 1992, at the time of the Fajr namaz (about 6.30 a.m.), Farooq was brought to Chak Mohalla in Lawayapora, to our sister’s house. Her husband, Abdul Aziz Khan, asked the army officers to inform the Numbardar of the village before conducting any operations. The Numbardar, Sarwar Malik, an old man, confirmed that the Army searched the ground in front of Abdul Aziz’s house and recovered something from there. He told us that he

268 Narrated by Mohammad Yusuf, Farooq’s eldest brother. Mohammad Yusuf is a diploma holder in Electrical Engineering and is employed with a nearby ITI.

269 Farooq was the middle brother in a family of five brothers and four sisters whose ancestors migrated from the North West Frontier Province of the erstwhile British India, nearly a century ago. Both his younger brothers joined the Army. Abdul Rashid, the brother immediately after Farooq, was allowed to retire with full pension in 2001, after seventeen years of service, as a consequence of injuries suffered while on active duty in the Rajouri sector. He has seen action with the IPKF in Sri Lanka and was awarded Sena medals for distinguished service. The youngest brother, Bashir Ahmed, fought in Kargil in 1999 and was wounded. He is still in service. Both were in the JK Light Infantry (JKLI). His second brother Ghulam Moyiuddin is a mason. All four sisters are married and living with their respective husbands. Farooq’s father, who died long ago, was a Kalaidar. Except for Farooq, the entire family resides in village Lawayapora, close to Bandipora.

270 The Muslim Conference espoused the demand for holding a plebiscite to decide the dispute regarding Kashmir’s accession to India.

271 Mushtaq survived and was released from custody after some time.

272 A gathering with singers (dervishes) singing Sufi and other devotional songs.
had spoken to Farooq who was all right. Abdul Aziz was also present throughout. After this the army left, taking Farooq with them. Then in the early morning of 10 December 1992, Farooq was again brought to Lawayapora. Another of our brother-in-law’s Mohammad Ashraf Khan, and I saw him in army custody. The army contingent was led by Major Gova (Grover?) and Major Goash (Ghosh). Farooq was sitting in one of the army vehicles. They searched Ashraf Khan’s house but no recovery was made. After the search I requested Major Gova for permission to give tea to Farooq. The Major consented and said that he would not be able to walk, so my brother-in-law and I gave Farooq tea in the vehicle itself. His condition was very bad. He could barely speak and we had to feed him the tea with a spoon. He told us that both his legs were broken and that he had been very badly tortured.

After the army took him away, we never saw Farooq again. Before they left, I asked the officers when we could meet Farooq again and Major Gova said that we were free to meet him in the 10 Bihar camp at Safapora. We went there many times but were not allowed to meet him.

Eight days later, on 19 December 1992 Major Gova informed our brother-in-law, Abdul Aziz, and brother, Moyiuddin that Farooq had run away. We were frightened that this meant that the army wanted to kill him or had already killed him, so we stopped going to the Safapora camp. Some time after this the SHO of Sumbul, one Sonaullah, told me that the army had approached him with a request to register an FIR against two people – Farooq and one Bashir, r/o Aragam, a village beyond Bandipora. The SHO agreed provided the army handed over both of them into police custody. But the army refused to do so and, instead, inveigled the in-charge of the police post, Safapora to register the FIR without handing over the custody of my brother and Bashir. I don’t have the copy of that FIR but Bashir, returned home to Aragam two or three years later. After that he left his village and has not returned. Farooq’s friend, Mushtaq was also released from Papa-II after some time.

We searched everywhere, chasing every lead and rumour that we heard and even met countless police officials, from the CIK, CID, and the STF. We appealed to the Chief Minister, the Governor and the DIG but there was no response from them. My brothers also used their army connections as far as they could but nothing came of it. For two years we tried all the ways we could, to find Farooq, and then we filed a case in the High Court. We had such high hopes of justice.273

273 The facts stated in the petition are at slight variance with the story narrated above. However, there is no confusion that Farooq was brought to Lawayapora on 10 December 1992, that his legs were broken and he was otherwise in a very bad shape.
One day, some time in mid 1996, our neighbour, Fayaz Ahmed Teli, r/o Pazlepora (near Lawayapora), told us that he had learnt from someone who worked in the Jammu Bench of the High Court that ‘a lame person with two children, in whose house there was an all night majlis when he was arrested, is currently being detained in Googaland’. \(^{274}\) He also provided certain other, personal details which no one except Farooq or someone very intimate with him could have known. However, despite a court order in our favour we were not able to get access to the interrogation centre. But even today since there is no evidence to suggest that Farooq is dead, we still think that he might be alive. We have heard of people who came back after many years.

**Mohammad Ayub Bhat (94/1)\(^{275}\)**

Before Ayub disappeared my mother did not even know the streets near our house. But since then she has visited every police station in the city, been to countless army offices and camps and, to jails in Kashmir, Delhi and Rajasthan; often traveling alone. We used to worry about her and, tried to persuade her to give up this fruitless quest for Ayub since, in all probability, he was dead. Those who had been in custody with him had told her that he was severely beaten and that it was unlikely that he survived the beating. But she refused to listen. Finally, two years after he was disappeared, we decided to file a petition in the court.

For two years we chased every rumour about Ayub. Someone who was released from Nowshera said that Ayub had been with him but this person was not our Ayub. Another time, a man called Mohammad Abdullah, a resident of Sonwara came to see us. He said that he was a cleaner at Badamibagh and told us that Ayub was ill in hospital. He offered to take us to see him. We are carpet dealers so, we gave him a carpet and rupees twenty thousand in cash. We did not trust him but we decided to take this chance for our mother’s satisfaction. My mother and grandmother went with him. At the hospital, the man pointed towards someone at a distance, insisting it was Ayub. My mother and grandmother could not recognize him from that far but Mohammad Abdullah insisted that he had shown Ayub to them. Like this, we paid out money to many people. We also spent a huge amount of money traveling all over the State and, outside.

We, also, met many officials and politicians, including Farooq Abdullah and Ali Mohammad Sagar. Farooq Abdullah used to live in Soura at one time and knew our family but he, too, was not able to help. The members of the Auqaf board were very sympathetic and, were close to the government. They, too,

\(^{274}\) An interrogation centre near Srinagar Airport
\(^{275}\) Narrated his brother, Nasir, with help from another brother, Mushtaq.
tried to help. But nothing came of all these attempts to find Ayub. The army denied his arrest.

Our experience of the petition before the court was very frustrating. On most dates, nothing would happen. The case was adjourned repeatedly to enable to respondents to file a reply. In fact, the army, 10 Garhwal Rifles, never filed a reply. One and a half years after we filed the petition the advocate for the State government orally stated that Ayub was not in the custody of any State agency. The court asked him to file a written reply within two weeks but he took six months to do so. The proceedings were in English, which we do not understand. No one had the time to explain anything to us.

After the High Court ordered an inquiry by the Session’s court, they asked us to produce witnesses. Once, we took the five boys who had been arrested along with Ayub to the court but the Inquiry Judge asked them to come again. The next time the Judge or the lawyer or someone was absent so everyone had to go back. The third time something else happened and, again, no hearing took place. It was not possible to bring the boys to court again and again. They were all very poor boys and, had to work to survive. Each time we asked them to come to court they would lose that day’s earnings. On top of that, if nothing happened in the court, it was very embarrassing. We stopped asking them to appear before the court. We did not want to create a situation where our friends and relatives started shying away from us.

While the case was going on we applied for a death certificate for Ayub. It was necessary to obtain this certificate before we could apply for compensation. Ayub was the eldest and the the mainstay of the family. Our father was growing old and unable to work any more. I gave up my studies to help but it was not easy to find a job. The family’s survival became our biggest imperative. For this reason, we were forced to shift our focus and, we applied for *ex-gratia* relief and, for a job for me, under SRO 43. This process took several years as it involves obtaining a clearance from everyone, from the Tehsildar, to the local police station, to the counter insurgency section of the State government, to the security force involved.276 We received an “ex-gratia relief” of rupees one lakh in March or April 2001. In December 2002, I was given a job, as an orderly at the Bemina powerhouse.

Of course, the job is a form of compensation and, not, justice. But ten years had passed. We were sick of the court dates, where nothing ever happened. Each date before the court was a financial burden we could ill afford. On top of that, every month at least two or three times some police men would come

276 In a letter dated 24 December 1999, marked “secret” the Additional DGP stated that: “The matter was referred to the army and they have denied to have ever arrested the subject. However during our field verification nothing adverse has been found against him.”
to the house: we don’t know who sent them but they would say that the High Court had sent them to make inquiries. We became totally sick of all this. Then, a man was sent to us, asking us to say that the case should be closed as I had been given a job.

We had such hopes for justice. We thought that the officer who arrested my brother, Dharampal, would be produced in court and, we would ask him what happened. But he was not produced. Then we were told that he was killed during some firing. We felt very upset by this news and just gave up. We went to the court and told the Inquiry Judge that we did not want to pursue the case any longer.

**Bashir Ahmad Bhat (98/8)**

I was still sleeping when the police SHO Gindral of the PS Pampore came to our house with three BSF vehicles and one Gypsy. Gindral was said to be part of the STF. He asked for my brother Bashir. Bashir was away on a visit so they arrested me. I was taken to the PS Pampore and kept there for four days. On 24 November my family and others from the village produced Bashir at the *thana* and, I was released. Gindral said that he just wanted to question my brother and, in front of the elders of the village, said that he would be released after a few days. We never saw him after that.

We kept going to the police station but Gindral would fob us off with excuses. Once he said that he couldn’t allow the meeting because higher officials/authorities were not there. Bashir had a handicap. A year before his arrest he suddenly developed a fracture in his leg, without any cause. He was admitted to the Soura hospital for over two weeks and, because of this had to wear a belt on his leg. I showed Gindral his medical papers but he would not let my brother go. After about two months of giving us the run around, he started to deny that he had arrested Bashir.

Gindral had a very bad reputation and was a very brutal person. He used to take people in custody and demand ransom, but he did not ask for ransom for Bashir. We approached Gindral in many ways: through the *Sarpanch* and the elders of village, through Anwar Bhat, a Congress politician who met Gindral but did nothing, through Mushtaq Kuchey, an MLA who, also raised a question about Bashir’s arrest and disappearance in the Assembly. He did not agree to any of these requests. Instead, he conveyed to us that we should not approach him. That is when we thought that Bashir had been killed.

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277 Narrated by his younger brother, Abdul Rashid.
278 See, also, the connected case of Bashir Ahmad Wani (98/3), who was arrested by Gindral in the same week as Bashir Bhat and, also, disappeared.
Some weeks after Bashir’s arrest a man called Feroze, a tailor, was released from Lethpora, which was a STF camp. He told us that Bashir had been kept with him in the same room and had been interrogated in his presence. But before Feroze was released, Bashir was taken away. Feroze gave evidence in the Inquiry ordered by the High Court. For this, Feroze was arrested by Gindral and, tortured.

After we filed a case in the High Court we pursued it diligently for some years. Many people told us that this was all futile and we would have to wait for a long time and, in vain, for a favourable verdict. Later, our case was sent to the Pulwama district court by the High Court for an inquiry. Gindral and other police personnel who had held Bashir appeared in court many times before the judge. The proceedings seemed to go on and on. Fed up, we filed a complaint before the SHRC. There the case was decided quickly and, besides compensation, the Commission ordered that a case be registered against the police for disappearing Bashir. When the government did not implement the SHRC’s decision, we filed another writ petition before the High Court. The High Court directed the government to implement it immediately.

After this order the Inquiry judge told us that there was no point in continuing the proceedings. He said we would suffer unnecessarily and, would have to produce witnesses and evidence, again and again without any expectation of better justice. We were also afraid of the way Gindral had tortured Feroz for testifying on our behalf. So I withdrew the case. But mainly, I withdrew the case because of the advice of the Inquiry Judge. Otherwise I would not have done so.

At first, after we filed the case before the High Court, Gindral was defiant and said that the court could do nothing to him. Later he became more sober. Once when my mother caught him by his neck and demanded her son, he tried to console her. About a year after the case was filed Gindral asked us to come and talk to him. But we were very angry and did not bother to go. He may have wanted us to withdraw the case but we hated Gindral and did not want to compromise. Later, he was promoted and posted to Rajouri.

My brother’s disappearance has been a catastrophe for our family. Because of the shock my mother suffered a paralytic stroke. Something should be done about people like Gindral. We will pay two lakhs, double the compensation given to us, if my brother comes back and the guilty are punished.
I am an ex-service man and now a physical education teacher in the middle school in Sarnal, Anantnag. Fayaz was a tailor. He was arrested by the Army on 18 December 1993. We never saw him again.

I do not now remember the name of the unit or regiment. They carried out a crackdown in our area that day. In those days I was posted in Ladakh and I had come home on a visit just the day before, on the 17th. I do not remember precisely but they were looking for a militant whose name was, perhaps, Shabir. The Army had a faded, grainy photo of the militant and were picking up everyone who resembled that photo. The day before the crackdown in our village, they had picked up a person who resembled this militant, during a crackdown in the neighbouring village, called Killum. They beat him up very badly.

The next day there was a crackdown in our village. Fayaz was at home. My brother also resembled this militant, Shabir. Knowing what would happen to him if he was arrested by the Army, Fayaz hid in the house. The Army found him and pulled him out. They took him with them to their Camp, beyond Devsar, about four-five kilometers away.

After Fayaz’s arrest, we approached the District Magistrate for help. He gave us a letter requesting that we should be allowed to meet Fayaz. But at the camp at Devsar they refused to honour the request. We kept going back to the camp everyday. Every day the Major used to say that he knew my brother was innocent and that he would be released. Each day he would ask us to return the next day, for taking him home. On the 25th or 26th of December we found that the entire unit had shifted out of the place, overnight. We could not find out where they had gone or where my brother was taken.

A few months later we filed a case in the Court. My elder brother used to look after the case as I had to return to my job. We produced all our witnesses before the District Judge, Anantnag who held the inquiry ordered by the High Court. I cannot say what the current status of the case is. We did not file any other case either at the SHRC or anywhere else.

We looked for Fayaz in countless camps and jails but found no trace of him. We, even, went to jails in Punjab and Rajasthan because we were told that the Brigade whose men had lifted Fayaz had been shifted to Jammu and, after that to Punjab and then to Rajasthan. We used to learn about the Brigade’s movement during court hearings from the Army officers or their lawyers who

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279 Narrated by Hamidullah Bhat, his brother.
came to attend the hearings. Even now if we get some news we go searching for our brother.

We also met General Zaki. We had learnt from somewhere that Fayaz had been injured and was in Badamibagh. He took pity on us and took us to Badamibagh in his car. This was shortly before the blast at Badamibagh. We searched everywhere inside the camp. One Anil Kalra and, a Major RS Chabal at Badamibagh were also very helpful but we could not find Fayaz.

Only those who suffer a loss know its pain. What is happening now is not good. My father has been sick since the day that Fayaz was abducted. We were four brothers and four sisters. Fayaz was the youngest. We are poor farmers. There are no orchards here. They are all on the other side of the river since on this side the land is prone to flooding, which is not good for fruit trees.

I do not think Fayaz is still alive. In so many years we would have got some news had he been still living. We had applied for ex-gratia compensation and a job for my brother Ghulam Ahmad under SRO 43. He has been given a job in the food department and is now posted in Nowpora. We also received ex-gratia relief of rupees one lakh.

4. Those who came back

A brief return

Gauhar Amin (90/1)\textsuperscript{280}

My son was a member of the JKLF. He was a close associate of Hamid Sheikh, Ishfaq Majid Wani, Iqbal Gundroo and others. In 1989-90 he was arrested and detained in different jails of Jammu. He was kept in a cell for about eighteen months and, was constantly beaten. This worsened his health condition, and we were very concerned about it. In 1990, the TADA court granted him bail but, instead of releasing him, the authorities shifted Gauhar to Udhampur Jail, from Kotbalwal. I had also filed a petition before the J&K High Court but that, too, was taking a lot of time. Finally, with the help of some good friends, I managed to get a recommendation from the Governor and, my son was released in 1992.

A few months after his release, Gauhar was married to Munawar Sultan. He started a business of ready made garments and I helped him acquire a shop.

\textsuperscript{280} Narrated by his father Mohd. Amin Bahadur.
About two or three months after his marriage, on 8 April 1993, he was on a visit to his in-laws in Batamaloo. The BSF carried out a crackdown in that locality on that day. My son and a boy from Bara Pather, Batamaloo, were picked by the BSF during the identification parade. They were taken to a house at Banpora, Batamaloo, which belonged to Karan Singh, who was then the Assistant Station Director of Srinagar Doordarshan. At about 4.30 p.m., a Sikh officer of the 108 Bn BSF, who we believe was named Shekhawat Singh killed him with a sword or an axe. The other boy was also killed by this officer. When we saw Gauhar’s body, the back of his head had a huge cut, virtually separating it from the body. But the BSF said that he had been killed in cross firing.

This Shekhawat Sikh was a friend of one ML Garg, another BSF officer. Both of them knew me and, had attended the marriage feast of my daughter. They had, also, visited me at home a few times, for tea. I don’t know if Shekhawat Singh knew that Gauhar was my son. Gauhar had all the documents relating to his release with him and, was not, any longer, affiliated with any militant group. We wanted to bury him in the martyr’s graveyard at the Idgah because Gauhar always said that he wanted to be buried near Abdul Hamid Sheikh, who was a close friend but the police did not allow us to do this. So, we buried him in our ancestral graveyard. After Gauhar was killed, I did not file any petition before the court or approach any authority, for justice. In my view it would have been a futile exercise.

Gauhar’s son was born a few months after his death.

**Mohammad Yusuf Wahloo (91/8)**

My son was a Pakistan trained militant. He was arrested in our village during a crackdown. For five months after this we had no information about him so I filed a case in the High Court. Shortly, thereafter, we were allowed to meet him. After that we stopped pursuing the petition before the High Court.

Yusuf was shifted from jail to jail; from Jammu Jail to Kathua Jail and, finally, to Tihar jail, in Delhi. I tried to go and meet him in each of these jails but but could not meet him while he was kept in Tihar, because of financial difficulties. Finally, he was released after about five years. After his release, in 1995, he stayed at home and, resumed work as a carpet weaver. He had broken off all links with militancy and, was not associated with any group during this period. One day, in August 1997, he was arrested by the Army

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281 This BSF officer was said to be involved in some other killings also, including that of Sajad Chowdhary s/o Ghulam Nabi Chowdhary of Sarai Bala, Amira Kadal, Srinagar.

282 Narrated by his father, Abdul Aziz Wahloo.
while on his way to a nearby village, Chanabal, to visit relatives. The next day the police gave us his dead body. It had five bullet wounds, one near his eye, two in the head and, two in the middle of the chest.

The day after we got his body back, I was called by a Major from the Palhalan, Pattan, Army Camp. I went there with the village nambardar. The Major took my thumb impression on a piece of paper that said that Yusuf was a militant and had been killed in a firing incident and that a pistol was recovered from him. It, also, said that a soldier was injured in the encounter. The Major told me that if I signed that paper, I would get compensation and, a job. My son was dead so I did not care what I signed. I did not file any case regarding this incident before any authority; nor did I receive any relief.

Yusuf’s mother died soon after his killing, grieving for him. I, too, feel despondent and, remain unwell.

**Mohammad Amin Bhat (95/7)**

Before he became a militant my son worked as a labourer and, as a bus conductor. He was a member of the JKLF and had crossed the border to Pakistan. He came back in 1991 or 1992. In September or October 1992 he was arrested by the army, by a Sikh regiment stationed at Chadoora, Budgam. He was interrogated and, a gun was recovered from him. No case was registered against him and he was released after three months. After his release he ceased to take part in JKLF activities.

In May 1995 he was arrested during a crackdown on the village by a unit of the Jat Regiment, led by a Captain nicknamed ‘Tiger’. For nearly six months after that we had no information about him. We were afraid for his life and filed a case before the Srinagar High Court. We filed the case through a man called Abdul Rashid, who worked in the court. We never went there ourselves. But soon after that we learnt that he was being detained in the JIC at Budgam, which is run by the BSF. After that we did not bother with the case. Nor did we inform the court that we had learnt of Amin’s whereabouts.

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283 A copy of the report filed by the Army was shown to us
284 In 2002, Abdul Aziz withdrew the case that he had filed at the time of his son’s previous arrest, informing the court of the Inquiry Judge of his son’s, subsequent, death.
285 Narrated by his father Lassi Bhat, supplemented by Amin’s brother, Mohammad Ashraf.
286 In October 1994 the JKLF led by Yasin Malik formally announced that it was forsaking the gun as a means of resolving its disputes with regard to Kashmir.
287 See the narrative in the case of Sheikh Gauhar Ayub (95/10) where the family states that they were assaulted by an officer of the 7 Jat, nicknamed “Tiger”.
288 Nor did the State inform the court that Amin’s detention had been regularized.
Some time later the BSF handed him over to the police, who booked him under both the TADA and the PSA and, sent him to jail. He remained in jail for about seventeen months. After his release he told us that he was severely tortured during the initial period of detention. His main tormentor was the officer called ‘Tiger’, who was said to be notorious.

After his release in September 1996, my son worked at many jobs. I wanted to make sure that Amin had a steady income and kept out of trouble. So, in 1999, I mortgaged some of my land, took a loan and, bought him an auto rickshaw. Amin used to ply his auto rickshaw in Chadoora. We were always anxious for his safety and did not allow him to stay away from home, except occasionally, when he needed to do so for his job.\(^{289}\)

In early 2001, the Court acquitted him in the TADA case against him. We were pleased for him and hoped that he would settle down now. On 13 July 2001 Amin went out as usual to ply his auto. That day in the evening the STF of Chadoora came looking for him and, not finding him at home, picked up his elder brother, Mohammad Akbar. While still at work Amin, somehow, heard of Akbar’s arrest and that the STF was looking for him. By that time the STF was more feared than the Army, the BSF and the CRPF, for the ferocious torture that they inflicted upon their victims. Fearful of the consequences of being taken into custody by the STF, Amin decided not to come home. The STF kept Akbar in detention for about two weeks. He was subjected to severe torture and questioned about Amin’s activities and whereabouts. He was bedridden for several months after his release. The STF continued to regularly raid our house, abusing and beating family members. Because of this, my two other sons fled home. Just my wife and I were left, with Akbar, at home.

After that we had no news of Amin for six months. Then, on 6 January 2002, we heard a rumour that the BSF/ RR had killed three persons in Brenwar Neebu, a nearby village. The bodies had been brought to PS Chadoora. Like everyone else, we also went to see the bodies. It is routine for the families of those who are missing or those whose family members may be away from home for any reason, to go to see any body that is brought to the police station, to check if it is of their kin. To my shock one of the bodies was of my son Amin. The forces, said that they had been killed in an encounter. However, a few days after this, we received some visitors from Brenwar, who told us that Amin and Samad Sheikh, one of the other two persons, were picked up from the latter’s house, taken to a nearby nallah and shot. The third person, a Gujar boy, had been picked up earlier. He, too, was killed at the same time. These people told us that they had heard a few shots during the preceding night, at

\(^{289}\) Amin, also, worked part time as a carrier/ porter for a camping agency.
around 5 a.m. but there had been no sustained firing as would be the case in an encounter.

My son’s body was handed over to his cousin although the police did not return his belongings. We buried him in the martyrs’ graveyard, near our house. His mother has become chronically ill and is bedridden with the trauma of her sons’ torture, Amin’s killing and all the harassment we had to face. My son Akbar continues to face serious health problems since his detention and torture by the STF and, he is not able to earn a proper living as a rickshaw puller.

To repay the loan taken for Amin’s auto-rickshaw, I had to sell one kanal of paddy land out of my total holding of eight kanals. The auto-rickshaw was, also, sold, for a pittance.

➢ Those who are still alive

Farooq Ahmad Najar (92/4)

The first time I was arrested in 1989, just before Eid. It was the time before the gun had been taken up in the valley; before Rubaiya Sayeed was lifted. In those days there was a lot of agitation and, I was arrested in several cases of rioting and destruction of property. I was detained in the Central Jail, under the PSA, for one year.

The next time I was arrested was in 1992, from outside the Tehbal Dargah. At the start of the militancy I had picked up a gun and, was a member of Al-Umar. After my arrest I was, first, kept in the BSF camp at Nagin for about fifteen days. Thereafter, they shifted me to a camp in Zakura for about six weeks. I was tortured during this period. After that I was shifted to the Central Jail for about three months and, then, released. My family did not know where I was so my brother filed a case in the High Court.

After my release, I gave up militancy. I now run a shop selling plastic goods, near our house. I am not married. After my release in 1992, the security forces used to arrest me every year on 14th August. Each time, I would be detained for varying periods, from fifteen days to three months. Each time, they would torture me and, ask me to surrender my arms and ammunition. In 1999 the STF arrested my brother, also, along with me and, tried to plant a pistol upon him. Both of us were tortured on the street outside our house. The BSF, who have a bunker close to our house, intervened and, saved my brother. I was taken away by the STF and, held in the Hari Niwas JIC for about two
and a half months. However, that was the last time that I was arrested. Since 2000 I too have not been arrested.

Mohammad Aslam Mir (93/2)

I was twelve years old when I was arrested. I was apprenticed as a trainee in a workshop in Bemina. It was Friday, 27 August 1993 and, I had come home to offer namaz and, eat my lunch. As soon as I reached there, I was asked to go a nearby workshop and, call a workman, in connection with some construction work going on in our house. On my way there, I was arrested by the 10 Garhwal, who were conducting a crackdown in the locality. Four other persons from our locality, including a boy called Shakeel, who was, even, younger than me, were arrested during the same crackdown. The security forces had commandeered a house and, I was tortured in that house, during the crackdown.

We were taken to the camp at the Gujar hostel. Two people were released that very evening but Shakeel and I were detained. We were kept at the Gujar hostel for one night and, then, shifted to the Old Airport interrogation centre. Someone who was released from this interrogation centre informed my family of my whereabouts. After a week, I was shifted to Badami Bagh and, kept there for six weeks. My family was allowed to meet me, once, while I was being detained there. I was interrogated and beaten in both places. They tortured me by giving me electric shock on every part of my body and, hanging me by ropes. Sometimes, several men would pull my legs apart, as if to tear them off. Before my arrest I had had an accident because of which I had to have surgery on my leg. Under torture, the stitches on my wound would stretch till I felt that the skin would rip apart. I was in terrible pain. The soldiers would routinely give us tablets for the pain, after each session of torture. They used to ask me about things that I had not done. They, also, asked me about a militant named Shahid, who lived in the nearby area. I was tortured continuously and, asked the same questions. To escape the torture, I told them that I was a militant of the Hizbullah.

Later I was sent to the Kotebalwal JIC. There, too, I was questioned and beaten but they did not torture me. During this period there were two deaths in my family. First, my sister’s daughter died while undergoing surgery. Later, an aunt passed away. Because of this my family could not, even, come to visit me for several months. Ultimately, a family friend from Jammu came and told me about the deaths and, said that my family had filed a case in the

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290. Aslam and his family said that the crackdown and arrest was by the 10 Garhwal, though the petition says he was arrested by the BSF. This family was reluctant to talk with us, fearing the consequences. Two members of their family were disappeared in subsequent years. (See Mohammad Shahban Khan 97/6)
court. After that my brother and brother-in-law visited me and, told me that I would be released soon. I don’t know much about the case. In fact, I was released after about sixteen months.

Because of the torture my liver has been damaged. I need constant treatment and, also, transfusions. Because of this I am unable to do anything but the lightest of work. We are afraid to name the regiment that arrested me. I have nothing against them. They were only doing their duty.

I don’t know why I was arrested. Maybe someone had complained against me. Once, during a hartal, there was a customer at our shop, an auto driver who wanted his auto repaired but I refused because of the hartal. He had threatened me and, said that he would make me repent.

Manzoor Ahmad Wani (94/7)

My father was a member of Al Jehad. On 3 June 1994 five men, including my father, were hiding in two houses in village Algad, about five kilometers from here, on the Pulwama road. My father and, two of the men, Bilal Qadri and Abdul Majid were in one house. The other two men, who were cousins and who both had the same name, both called Mushtaq Ahmad Rather, were hiding in the other house. There was a crackdown in the village by the security forces. When confronted by the soldiers, my father and the two men with him, surrendered. The two Mushaqs refused. The house in which they were holed up was burnt down and they were killed. My father and the two others were taken to the BSF camp at Rajpora - Baloora, in Pulwama. However, when we went to the camp his custody was denied. We did not know if he dead or alive. My mother would cry all the time. We were very young.

Not able to discover my father’s whereabouts, my grandfather filed a case in the High Court. Shortly thereafter, about six months after his arrest, the BSF admitted that my father was in their custody and, allowed us to meet him. He was released from jail in November 1995. After his release, my father cut off

291 A lawyer friend advised the family to get a certificate stating that Aslam was a minor. On that basis they petitioned the court in Jammu, which ordered his release but he was not released. Aslam had been booked under both the PSA and, the TADA, although he was a minor.
292 Shakeel was released nearly two years after Aslam’s release.
293 Aslam had developed a liver abscess after his torture. The family said they spent a huge amount of money on his treatment and transfusions that he now requires.
294 Narrated by Manzoor Wani’s younger son, Rafi, supplemented by his older son, Zahoor and, Manzoor’s father, Ghulam Mohammad. Manzoor Wani was away to Jammu on some work.
295 They were known as “double Mushtaq” and were members of the Hizbul Mujahiddin
all links with militancy and has a shop where he sells copper vessels and steel trunks. We stopped following the case in the High Court after we discovered my father’s whereabouts but many years later, my father and grandfather were summoned to the court in Pulwama, where they gave a statement for closing the case.

My father’s release was solely the result of my grandfather’s persistence. We did not seek any person’s help in tracing his whereabouts. While in custody, they registered a case under the Arms Act against him and, also passed a detention order under the PSA. He was acquitted in the case in 2003.

We suffered terribly while our father was in custody. My eldest brother, Zahoor, was repeatedly arrested and tortured by the security forces. They used to harass the rest of the family, also, because our father was a militant. Zahoor had to give up his studies and look after the family business because our grandfather was busy pursuing the case for our father’s release and, the rest of us were very young. Even after his release, it took him several months to recover his health and resume charge of the shop. By that time it was too late and Zahoor could never go back to school.296

5. Torture

Abdul Hamid Beig (90/5)297

Abdul Hamid is my step brother. In 1989, when militancy had just started, militants attacked two military vans opposite the Dastagir Saheb, Khanyar, at about noon. A large crowd of people from all the neighbouring mohallas had gathered. I was watching the crowds with my step-father, from the window of our house. Angered by the attack and the crowds that had gathered, the security forces started to burn down the locality. Our house also caught fire and, our father started to throw water out of the first floor window of our house. Seeing this, the security forces opened fire. Our father was hit in the head. I cradled him in my arms and, he died in my lap. Even now you can see the marks of the bullets on our walls. Hamid and my other brother, Majid, were away on work. After my father was shot, a large crowd collected and took his body for burial. We, also, lodged a report at the PS Khanyar. Later, our mother received rupees one and a half lakhs as compensation from the government.

296 Zahoor was quite bitter about this fact.
297 Narrated by his brother, Abdul Rashid Dandroo, supplemented by his other brother, Majid.
After our father’s killing, Hamid became very disturbed. He accused me of letting him die. With the compensation money, Hamid and Majid bought some land in Soura and shifted there. Two years after our father’s death, one day, Hamid was on his way to Lal Chowk. The bus that he was riding in was stopped at Dal Gate by the security forces and, Hamid was taken into custody. We got to know of his arrest as some people at the spot recognized him and, came to inform me. All of us went to Dal Gate but we could not learn anything about his whereabouts. We did not know the identity of the security forces that had arrested him.

Since we could not trace Hamid, we filed a petition before the High Court. However, about two weeks later, Hamid was released. Thereafter, we did not pursue the petition. He was severely tortured during his detention. He recovered from the physical injuries that he suffered after some months but he never regained his mental balance. Hamid’s friends told us that he had spoken to them about his torture. But he consistently refused to speak about it to any of us. When our mother died, some years ago, Hamid did not react or express any grief, even when Majid placed her head in his lap. He just got up, came to my house and, locked himself up in a room. For two months we could not persuade him to come out. We tried to persuade him to get married but he gets very angry if the subject is mentioned. Maybe this is because as a result of his torture Hamid has become impotent or, worse. Even now he mostly remains confined to a room, often not speaking for long periods. Sometimes he goes into a frenzy, shouting and screaming for no reason. At other times, he sits and laughs to himself. He does not do anything, speaking and eating only when he feels like it.

**Abdul Rouf Shah (90/2)**

My son Abdul Rouf had two Master’s degrees, in Arabic and Economics. While still a student, Rouf was involved in student politics and, was associated with the youth wing of the Jamiat-e-Islami, the Tehrik-e-Tulba. He participated in the election campaign on behalf of the Jamiat-e-Islami. Because of his speeches during the campaign, in 1985 he was taken into custody and preventively detained under the PSA for one year. This, also, resulted in his suspension from his job as a *patwari* but he was reinstated after his release. After his release, Rouf was picked up by the police/ security forces a few times but each time he was released after a night or two of detention.

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298 Initially, Hamid refused to come out of the room. When persuaded to come out, he refused to sit down or to talk with us. He kept wandering around the house, muttering to himself. Later, Majid took us to see his room. Hamid was sitting on the floor, holding his head.

299 Narrated by his father, Ghulam Qadir, supplemented by his brothers.
On 21 or 22 May 1990, at about 10.30 p.m., there was a raid on our house. During their search of our house the forces dug up the entire floor, permanently damaging the structure. Most of our household goods were also destroyed. Nothing incriminating was found. Then they took both my sons, Rouf and his elder brother, Ghulam Rasool, a teacher in a government school, into custody.

The next morning, we went to the Andarhama camp to see the Brigadier but we were not allowed to meet my sons. Three days later the forces, again, raided our house. My older son, Ghulam Rasool was also with them. His face was covered and he was tied by a rope. It looked like he had been badly beaten. The soldiers, again, searched our house but found nothing. Two days later the soldiers, again, came to our house and told us that Abdul Rouf had escaped from their custody.

Over the next three weeks the security forces, also summoned me to their camp on two or three occasions and, questioned me. About twenty days after they were arrested, we were called to the police station and, my son Ghulam Rasool was released.

Ghulam Rasool described his period in custody to us:

We were first taken to the Andarhama camp and then moved to another place. We were kept blindfolded. Before we were asked anything we were given a beating. After that we were tortured and interrogated on three separate occasions. We were not interrogated together. We were tortured by Major RK Shah and Captain Hajela. My clothes were taken away and I was made to sit on a lit stove. Another torture was to pull my legs apart till I felt as if they were being torn off my body. All the while, I was blindfolded. They asked me to tell them where the militants were hiding. They said that all the other villagers had run away (when the security forces carried out a crackdown in our mohalla) and, the fact that we, too, had not fled was proof that we had a connection with the militants. They asked various questions, even irrelevant ones. They asked me to name the head of the Jamiat-e-Islami. They also asked if I was willing to become a Hindu. I told them that if they explained to me the procedure by which one could become a Hindu, I would become one.

Since I was blindfolded I could not see what was happening to Rouf. I thought maybe he had died. After sometime they gave back my clothes. An officer told the soldiers to take me back to where they had picked me up from and not do anything more to me. I asked the soldiers if Rouf had died, but they denied it. They said to me that those who do not reveal the where they have hidden the samaan (arms/ ammunition) are punished like this.

In the days following the arrests, I met the Home Secretary Mehmoodur Rehman, SP, Mr. Sharma, a Brigadier of the army at the Andarhama camp, SP, Chamak Singh and police officer, Jaswant Singh, in Srinagar. Later, I
searched in the JICs and jails in Jammu and Kashmir for Rouf but nothing came of all of this. In June that year, I filed a case before the High Court.

In December 2001, the army raided our house again. After a search they claimed that they had recovered a grenade from there. We were all beaten and taken into custody. Rouf’s mother was released the same evening. My son Farooq, who was then doing his LLB, was released after three days. I was bailed out after twenty days. I believe that they harass us like this because of the court case.

The last time we went to court was in 2000. Then we learnt that the army does not appear for the hearings. Between then and now (September 2003) our house has been raided nine times.

Qazi Khurshid Ahmad Malkar (94/4)

My father, Mufti Mohammad Israil, was a teacher and the secretary of the Muslim Personal Law Board. The militants asked my father to pass a *fatwa*\(^{302}\) that the war in Jammu and Kashmir is declared a – *jihad farz-e-ain*. In other words, that it was the duty of every man woman and, child to fight the battle: that this was a Hindu-Muslim *jang*. My father refused to pass such a *fatwa*. He said that god has not given a *hukum* to fight the Hindu. He said that we can, only, fight a *jang* against the Hindus when they say:

- Do not give *azaan* in a Masjid
- When they do not allow *namaaz*
- When they do not allow Muslims to go to the mosque
- When they prevent the Muslims from studying the Quran or, ask them to study the Gita.

He said that only in these circumstances can there be a *jihad farz e ain*. If that is not the case then, for a *jang* against the *muluk*, or for any other *jang, jihad* cannot be declared. So, one day, when my father was going to his school, he was kidnapped by the militants. Their commander killed my father and threw his body in the Kuran Poshtora (rivulet), near Trehgam. The rivulet was dry at that time. We saw the body and, went to get it but the police discouraged us, saying that if we did so, we, too, would be killed. Thereafter, the local people picked up his body and buried it. We tried to bring his body back later but militancy was very strong in that area and we could not succeed. The government gave us *ex-gratia* compensation for my father’s killing but did not

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\(^{300}\) The family did not know that the case had been decided.

\(^{301}\) Narrated by Khurshid, supplemented by his mother, SArvar Jan and, his younger brother.

\(^{302}\) According to him the militants made such a demand from several religious leaders. Many were killed for refusing.
give any member of our family a job under SRO 43, on the ground that there was no vacancy.\footnote{He told us of a Mufti, Jamaluddin, in Kupwara, who was, also killed by the militants for, similarly, refusing to issue a fatwa.}

After my father’s killing the militants harassed us a great deal. We were forced to confine ourselves to our house, not allowed to go anywhere. In those days there were a lot of militants and, there was someone in every home who wanted to become a militant. The forces were, also, everywhere. We used to get caught between the two. First, the security forces would pick us up and question us. Then the militants would accuse us of being with the forces, saying that this was the reason why they had released us. We were forced to take to the gun. Some people became militants because of the fear and beatings from the forces. Others were afraid of the militants and joined them to save their lives.

One day, in 1994, I was playing cricket in the ziarat playground, when an encounter took place. I ran to hide in the jungle. The soldiers of the 3 Grenadiers came and asked me if militants were around. I told them that they had just gone by but the soldiers arrested me. I was tortured. To save my life I gave them a false story, saying that I had gone to Pakistan, brought weapons and that I was the sardar of the militants in the jungle.\footnote{Khurshid’s brother gave us a slightly different version earlier. He said: After my father’s death the militants “arrested” my brother and, took him forcibly to Pakistan. There they gave him samaan and made him come back with them. There is a jungle here nearby and the militants kept him with them and did not leave him on his own. Then he got caught in an encounter and, he surrendered, with samaan, before the forces. It is possible that Khurshid’s version was tinged by his political ambitions or, by a desire to ensure that he and his family do not get into trouble with the militants.} On the basis of this confession they charged me under TADA and, also detained me under the PSA. I was in jail for four years. When I was first arrested, my family did not know where I was. It was at that time that my mother filed a case in the High Court. When they learnt where I was, they stopped following the case.

The 3 Grenadiers kept me at Chowkibal, Panzgam for nine months. I was made to work, build latrines, dig trenches, etc; do whatever work they had. I was, also, interrogated. During interrogation we were made to strip naked and then buried in holes in the ground. Then they would apply electric shocks to the head. Or, they would put us in a tub of water and give a current to that. Or they would hang us, forcing water in our mouth or, chillies. After every bout of torture I would be half dead. Then, they would give me a break of a few days to ensure that I did not die. Once it was clear that I would survive, they would start the torture again. This went on throughout the period of my detention in the Chowkibal camp. There were about fifty or sixty men held there at any point of time. They were all treated like this. From time to time
we heard that someone had died but I did not see anyone die with my own eyes. One day a person would be with us but not on the next day.

After nine months in this camp I was taken to the JIC, Kupwara. In this place, also, I was kept for several months. After that I was sent to Kotbalwal, to serve my detention under the PSA. During this detention, I was shifted from place to place: first, to Hira Nagar jail, Jammu, then to Jodhpur jail and, then, back to Kotbalwal. After that I was released on bail. It is only after I was sent to Kotbalwal, more than one and a half years after my arrest that I was able to send a letter to my family to let them know where I was. At Kotbalwal there was no torture but conditions were very bad in Jodhpur, amounting to torture.

In Jodhpur jail I, and several other Kashmiri prisoners, many of whom were big name people, were kept with murderers and other criminals, who used to beat us to their hearts content. The food that we got terrible: in the afternoon we got a bitter saag with sand and stones in it and, in the evening we got roti. We were given only one set of clothes to wear, which used to become dirty very fast in the hot weather. Once, when this ill treatment became too much to bear, I thought that I might as well become a militant. It seemed to us that the authorities wanted us to die in jail. We rioted in protest. For that we were beaten. They broke the limbs of many of us. I was also badly injured. My books were seized and, I was kept blind folded, with my hands tied behind me.

Abdul Gani Lone came to see us. He consoled us; those without any support. After some time we were given samosas and dry fruit from Kashmir, perhaps on an order of the High Court or the Supreme Court. After that the ICRC came. Then we got some more relief. The ICRC came and stayed in the jail with us for a week and, talked to us. They had many things done for us. We started getting meals on time. We got milk, rice and rotis. We got blankets, bedding and books. The superintendent told us that we should read and study but told us not to riot. He said that the government of Jammu and Kashmir had sent us here and he would have to hold us till our detention was over.

I was released in 1996, just a few months before the elections. When I came back home, my family was in a pathetic state. My father was dead. After the elections, the NC was installed in power. They tried to help in this area. I needed to save my life and, fill my stomach. There were many bekaar youth in the area so I thought I should try to do something which would help them. Islam tells us that violence is not a good thing. So, I am against violence. I am working with the NC at the district level. To earn my living I work as a thekedar. The others in my family are unemployed though everyone is educated. I got married after my release. I have two children and, live with my mother and two sisters.
My son, Abdul Gani, was twenty two years old. He was married and, lived with his wife’s family as a ghar jamai, in Utthara, Chanapora. He had two daughters. He had come on a visit to see us when he fell sick, with severe diarhoea. He became so weak that he could not walk without support. While he was sick, on 21 November 1990, the army carried out its first ever crackdown in Fidarpora. The crackdown started at about 3 a.m. The army came in thousands and surrounded and sealed six villages, from Machanpora to Bakhipora. Everyone was ordered to assemble in the ground next to the village. In those days there was no camp in our area and, the soldiers had come from far off camps, from Baramulla and beyond. As this was the first crackdown, we had no inkling of what could happen or, how to comport ourselves with the security forces. Everyone in the village who could move gathered in the ground as ordered. About Abdul Gani, we told the soldiers that he was sick and could not leave his bed.

After gathering everyone, the soldiers carried out a house to house search, accompanied by the village chowkidar, Ali Mohammad Malla. On seeing my son in bed, the soldiers picked him up and threw him down from the window of the first floor room in which he was lying. He was badly injured by the fall and lay on the ground, unmoving. Despite this, the soldiers beat him with sticks and, then, two soldiers picked him up and brought him to the house of Razak Dar where people were being interrogated. Fourteen other people were pulled out of the ranks of the gathered villagers and, brought to this house. Everyone was beaten. Abdul Gani was barely breathing. We begged the soldiers to leave him behind but they would not listen. He was put in an army truck and taken away. We never saw him again.

The other men who were arrested were interrogated in the village. They were accused of being militants. Thereafter, they were blindfolded, put into the trucks and, taken away. They were all taken to the Match Factory at Baramulla, but when the blindfold was removed from their eyes they saw that Abdul Gani was not among them. They were again beaten and interrogated. Their interrogator kept insisting that they were militants and, demanded that they surrender the samaan. Ultimately, everyone except my son was released.

Narrated by his father Ghulam Rasool, supplemented by the village chowkidar, Ali Mohammad Malla and, several others.

Although they could not identify the unit, they are certain it was the Army and not the BSF or the CRPF.

After the crackdown, the mukhiya Ali Mohammad Dar, filed a complaint at PS Panzalla about four km away. The police recorded the statements of the villagers but did nothing to identify the forces that had carried out the crackdown.

Narrated by Ghulam Mohammad Lone, one of those arrested during the crackdown. He was released after seven days.
We searched everywhere for Abdul Gani: the army camps at Baramulla, camps and jails at Jammu, Karnah, Kathua and, in Rajasthan. We chased every rumour and, made representations to the Governor, the DC, Baramulla and, the SSP, Baramulla. The following year there was another crackdown in our village. Our mukhiya spoke to one of the COs in charge of the crackdown about my son. He told us that we could visit the Army camp at Baramulla and, see for ourselves. He said that if my son was there he would be released. But we were too scared to go to the camp.

Some months after my son’s arrest, I filed a case in the High Court. I followed the case for about five or six years. I had no money and I am old. I had to work as a labourer to raise the money to attend the court hearings in the case. Nothing seemed to happen and, I could no longer sustain the labour and the expense necessary to attend the hearings. I do not know what happened in the case.

My older daughter, Fazi, was so traumatized by her brother’s disappearance that she could not stop weeping. About six months after his arrest she died of a heart attack. I have another daughter but I have no money to marry her. My son’s wife has now remarried. His daughters live with their maternal grandparents. About four years ago, we applied to the office of the DC Baramulla, for ex-gratia relief and for grant of the benefit under SRO 43. Nothing has come of these applications, though the police came and took statements in this regard. No one else has disappeared from our village, only my son.

Mohammad Qasim Khoja (99/7)

I am now about twenty three years old.³⁰⁹ I have studied up to class eight and, I earn my living as a tailor. I joined the militants, the Muslim Muhajudeen, when I was fifteen, a year before my arrest. In those days militancy was very strong here; the army and police did not have much control. The Hizbul Mujahideen and Al Umar were the strongest groups in this area. I was not forced to join the militants. As young boys we used to see men with guns. At that time the militants did not hide in the forests but used to live in the village. They used to go to everyone’s house. They used to come to our house, also. As children we used to imitate the militants and pretend we were carrying guns. It was the romance of the gun. Also, I was taken up by the idea of azaadi. That’s why I joined. But I was just a child. At least fifteen young boys joined around the same time but from my village there was just me and my cousin; who was killed by the Army. I was too young to take up arms so,

³⁰⁹ In April 2004.
they used me to deliver *sanehas* (messages) for them. My code name was Dilwar.

I did not listen to my mother. She used to get very angry with me but could not control me. I am her eldest child. My father worked as a labourer in Srinagar. He did not know I had joined the militants. I was very scared of him. He was very angry when he found out. After my arrest, my father filed a writ in the High Court. The STF had admitted to my family that I was in their custody but they were not allowed to meet me. In this period I was brought for a search of my house two or three times but nothing was found. I did not get anyone else’s house raided; nor did I identify anyone to get them arrested. After about three months I was allowed to meet my family once every week.

During the first three months of detention, when I was kept in isolation, I was subjected to severe torture. DSP, Gulbadan, was in charge and there was also a DSP called Jasrotia. There was also someone called Shan Saheb but I don’t what rank he held. Gulbadan and Jasrotia are both known for their brutal torture and for custodial killings. The men who tortured me were all from the STF, not the local police. These men were from Poonch and Kurnah. I do not remember the names of everyone. There were, also, people also from our area in the STF but they were not involved in my torture. The SP (Operations), Mannmohan Singh was in charge of the STF. He did not torture or interrogate me but he came when my statement was recorded. If someone big or rich is caught they throw money before the SP and, are released.\(^\text{310}\) What can the poor do?

My hands were tied behind my back and I was made to lie down. They would push a cloth into my mouth and pour water into it. When my stomach was full one or two men would stand on my stomach and the water would pour out. Then the whole process would be repeated. They also gave me electric shocks. My hands would be tied behind me and then I would be hung from them. Wires would be applied to my fingers, ears and *nabh* (navel). The shocks were given by a machine. They were strong shocks. On other occasions they would put chillis in my mouth. Sometimes they would use a leather whip on me. There were also rollers in that place but did not use them on me. All this torture was apart from routine beatings and kicks.

About one and a half years after my arrest the SP, Mannmohan Singh, gave a press release in an English paper that four militants had been killed in an encounter. Their names were given in the release, the fourth name being mine. Each of us was given a fancy title: I was called the “launching” chief of “my” outfit. The others were, similarly called, a district commander, the J&K chief and, the launching chief of the HM. Of us four, only one was actually

\(^{310}\) He named rupees twenty-five thousand as the figure for securing one’s release.
killed. The rest of us were alive. I do not know whose bodies the other three were. Someone gave me a copy of this paper, though I don’t have it now. I showed the newspaper to the judge in Udhampur. He told us that the SP had done this for his star (promotion). After that, he ordered my release.

Another boy, called Shabir, was arrested along with me. Shabir was released after about one and a half months. After his release, the Army (RR) of Pazgam sent Shabir across the border to bring samaan. He was part of a group of seven or eight boys who were “launched” by the Army, across to POK. Two boys came back. One other was killed. Shabir stayed on in POK with his chacha who did not send him back. I do not know why the Army used to do this. It must be to get information and asla (weapons). But for the last two years or so they no longer launch militants like this. Militancy is finished now in this, Kralpora, block. Nowadays the Army brings boys from other areas and kills them here in our area. Last year they killed three boys like this and this year they have already killed two boys.

I believe I was not killed because the security forces thought I may be useful to them. I think someone must have told them about me and my job as a messenger. I cannot say with certainty why some people are released while others killed but it seems to me that when the family gets to know their kin has been arrested and, they manage to get the police to inquire into it, then they release the person. But if someone is picked up at night, or while alone in a vehicle then they take the person to another area, where no one can identify who he is or where he came from and, and he is finished off.

If someone who is not a militant is arrested and, he is asked whether he is a militant or not and, he denies it or says nothing he, too, may be killed. In most cases people are picked up on some information or a complaint. If four people claim (or complain) that a fifth person is a militant but this person refuses to accept his complicity, then the forces will, probably, kill him. Then there are those in whose hands the Army puts its own weapons and, then kills them, saying they have killed militants in an encounter. Before my arrest in 1997, the Army, once, launched seven boys. Five were from Satbunia and two from Harai. They were taken to the border by the army, given arms and, then, killed in an ambush. Later, they claimed that they had killed seven militants. The bodies were not returned to their families.

Since my release in 2001 I have been arrested five times. The first time was after about five months of my release. The Garhwal Rifles stationed at Kralpora took me. The Major who arrested me, tortured me, using the same method, of filling my stomach with water and then emptying it by force, as was used before. I was detained for three days. Two or three months later, the Garhwal Rifles arrested me once again. Before he released me, the CO, Garhwal Rifles, Trehgam, asked me to work for them and promised that I
would not be arrested again. But I was caught in trying to earn a living as a labourer, besides my responsibilities at home, so I could not go back to them. Because of this I was arrested a third time by the Garhwal Rifles and, kept overnight. On another occasion, I was arrested and taken to Chowkibal. I was beaten and questioned and, then, released after a few hours. Then, in June 2003, the Ikhwainis from Kralpora arrested me and beat me. After that I sat at home for some months. Just two days ago, there was a raid on our house. I was ordered to come to the camp later but the villagers, including the local Ikhwains, said that I should not go and said they will go and talk to the Army. This unit of JK Rifles was from Harai. They went and sorted out the problem and came back to tell me that I need not go. Apparently, some Ikhwainis who wanted me to work with them got the raid carried out.

I believe that these repeated arrests and raids are because of some enmity. The Army is not at fault. They usually pick us up if someone complains. I get picked up only if someone complains. Sometimes, the neighbours might complain.

I have learnt tailoring from my chacha. I earn my living like this, although there is not much work. My mother wants me to get married. Jab insaan na rahe to azaadi ka kya karna?

Nazir Ahmad Sofi (93/3)

My brother Nazir was a BSc first year student. It was the apple packing season. Our family was in the fruit business. He, along with his partner Hari Kishan and one Ghulam Hasan, were engaged in having the apples packed near the village of Semthan. Since it was the juma, my brother and the others went to wash before saying their noon prayers. Shortly before that a member of a patrol party that had stopped to rest under a walnut tree had been killed by a mine blast. The militants knew the soldiers were in the habit of taking rest under trees and had planted a mine under one of them. This incident happened about one and a half kilometers from where my brother was.

Soon after this, a large convoy of soldiers arrived and spread out in the village. They started beating up everyone within sight. Then also pulled out everyone from the Masjid and beat them up. Women were assaulted, too. Everyone was asked to prove their identity. When they asked the villagers about my brother, they said that they did not know him since he was not from Semthan but from Mohind. At this the soldiers pounced upon Nazir, beating him up

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311 When people don’t survive, what shall one do with freedom.
312 Narrated by his brother, Ali Mohammad.
313 Both villages are in tehsil Bijbehara.
very badly. His partner, Hari Kishan, said that he died on the spot but one Mohammad Jamal Najar of Kavuni said that my brother was alive in custody. Mohammad Jamal and one Mohammad Yusuf had been picked up along with Nazir.

When we came to know of his arrest we went to the army camp at Bijbehara. Most of the village people went with us. We met the Major who had picked up Nazir but I do not remember his name. I told him that my brother was innocent and pleaded for his release. I also offered him any amount of money that he might name. The Major promised that he would be released in day or two. The forces were of the 1 RR and 2 RR. Some other forces were also involved.

The next day I went to the camp again. The Major fobbed me off for another day and said ‘come tomorrow’. On the third day when I went there, he said—

‘But we have released your brother. Has he not returned home yet? You should check with your relatives. He might be with them’.

I said to the Major ‘where can he go? If you had released him, he would have come straight home’.

Nazir’s co-detainee, Mohammad Jamal, was released on the third day, from Khanabal. He told us that he could not say where Nazir was now but that they had been together and he was alive then. We approached everyone from the Deputy Commissioner upwards. We made representations to all of them. We also went to the camps: Krimshar, Traal, Kalarus, Kupwara, Kot Balwal. There was no trace of Nazir.

Every time someone told us they had spotted Nazir we used to rush to that place. We died a little bit every day of our search. We met a dalal who told us that there was some officer in Badamibagh who was in charge and would pass the necessary orders for Nazir’s release. We had agreed to pay him money but just then there was a blast at Badamibagh and nothing came of it.

We also lodged an FIR at PS Bijbehara but the police was helpless in those days. When they went to make inquiries after the mine blast the Army was so angry that they beat up the police men also. When we could not find Nazir for two or three months, we filed a case in the High Court.

I don’t know the status of the case. We appeared regularly before the Court till the conclusion of the Inquiry before the District Judge, Anantnag. We produced all our witnesses. Nazir’s partner, Hari Kishan, who was eyewitness to his arrest, also gave testimony. But Jamal did not come to give testimony though we had called him. The Army did not put up any witnesses.
By the time the inquiry was completed, three years had gone by since Nazir’s disappearance. My father, who is now one hundred and ten years old and still alive, said that there was no point in pursuing the matter any further as we are unlikely to get any relief or information about Nazir.

Nazir’s disappearance devastated us in more than one way. It was peak apple season when he was arrested. We had taken several lakhs of rupees as advance from traders in Jammu and other places but we could not deliver on the orders since we spent all our time and money searching for him. We must have lost over fifteen lakhs and are still paying back some of that debt.

Nazir was the youngest. He was not married. If he is still alive, though we have very little hope, they should return him to us. If he is dead then what can be done? It is Allah’s will. Then we should get some compensation and a job for our youngest sister, who is still unmarried. Last year we filed a fresh complaint (FIR) for the purpose of obtaining ex-gratia relief and benefits under SRO 43.

Nazir had never been picked up before. No one in our family or even extended family has ever been suspected of any militant activity. Not even our neighbours, have ever been picked up or suspected. The Army has come twice to our house since Nazir’s disappearance. The last time was about two years ago, asking for a copy of the FIR that we had filed.

6. The personalities

Mohd Abdullah Bhat (Tari) (92/1):

I have been a school teacher. I am now sixty eight years old and retired. I have taught in primary, high school, higher secondary school and training institutions. We are hereditary heads of the Tehreek-e-Ahle Hadis in Kashmir. My ancestors were preachers and religious scholars.

Because of my family background I, too, had to go to the masjid and, also, had to get involved in community work. I was a teacher and I used to do this work and had no problems or issues with it. In 1988, because of my background, I became the president of the Jamait-e-Ahle Hadis, Jammu and Kashmir. Our headquarters is in Srinagar and so I moved to Srinagar and started working there. Then, right after 1988, there was a political upheaval in Kashmir. Because I was the president of the Jamait- e-Ahle Hadis, there was pressure on me to join the tehreek. There was a strong surge of feeling. Since the Ahle Hadis is a religious jamaat, I tried very hard to hold the position that we had no mandate to join politics. Our role was to do community work. But the
situation was such that it was very difficult for me and the pressure increased. I felt that there was no choice but to join the tehreek. There were two options before me. One was political and, the other was to join the armed movement.

I took the stand that I would resign if they insisted that we should go with militancy. But if the fight for azaadi was to be fought on the political front then I could go forward. The shora then decided and we agreed to disown militancy. After that I joined the Tehree- e-Hurriyat. Even there, my attempt was to resolve matters politically. I wanted that we should talk to the government and see if matters could be resolved politically. Unfortunately the government did not give a positive response. We were ignored. We tried a lot but no one was willing to listen.

The first president of the Tehreek-e-Hurriyat was Mian Qayoom. He was from the Bar Association. After his arrest I was made the chairman of the Tehreek-e-Hurriyat. I held that position when I was arrested in September 1992. There was so much injustice at that time. There was no case against me. I was detained under PSA but there were no real grounds. There was an inquiry two years later.

I was arrested by the BSF who were based in our town, from the school in Shopian where I taught. In fact, that morning the BSF soldiers had asked me what I did and, I had told them that I taught in the school. When I came out of the school at about 1.30 p.m., the BSF said that their officers wanted to speak with me. I agreed to go with them. They took me to this rest house where I was detained for two or three days. They told me that there was no complaint against me but there were orders from “above” to arrest me. I met my family at the rest house but after that they did not know where I was taken.

From the rest house I was, first, taken to the Pulwama district jail and, kept there for a few days. I was kept very well. There was no humiliation or anything. After that I was taken to PAPA-II, where I was kept for about three months. I was interrogated there but there was no torture or humiliation. But there were many detainees there who were badly tortured. In the interrogation they wanted to know of my background, how I became involved, how I became the chairman of the Hurriyat, etc. It was a straight forward matter. They wanted to know the perspective of the movement. I told them everything about us was reported in the press and, we wanted transparency; because that was the only way things could move ahead. So, I think they were satisfied. But they told me that if I concealed anything then I would suffer the same fate as the other detainees. It was a mental torture for me to see the others being tortured.

Through the efforts of a friend, I was allowed to meet my family at PAPA-II. After three months, I was taken to Hotel Four, which was under BSF control.
I was kept there for about three or four months. There was no interrogation, I was just detained there. Sometimes, I was taken to meet important people, such as Rajesh Pilot and, others, to hold discussions. After that I was detained at Kotbalwal, then at Central jail, Jammu and, then, released.

It was during my detention in Jammu Central jail that I met Shabir Shah. I did not know him before that. I liked his thoughts. I knew the situation from both inside and outside, so I was convinced that this man had a good vision, a global vision. He wanted that we should have azaadi but he did not have any hatred within him. He wanted that we move towards a mustakbil (a good future).

We were together for one year in the Jammu Central jail and, were released at the same time in 1994. After our release in August 1994, we formed the Democratic Freedom Party (DFP). It was the first time that anyone had used the word ‘democracy’. People used to consider the concept of democracy as kufr (repugnant). But we argued that we had to adopt democratic ways because our grievances could only be addressed in this way. I was the working president of our party for about a year; then its general secretary. And, from then till now I have been with the DFP.

After my release in 1994, I have been arrested many times. The longest period of arrest was from October 1999 till April 2000. Shabir Shah has, also been arrested many times, like me. In 1999 I was arrested because I was speaking against the elections. We took the stand that elections would not resolve matters. That we should talk first and, if after discussions it was agreed that there should be elections then it would be good. But to leave the real issue on the side and talk of elections, alone, did not make sense.

Nazir Ahmad Gojar (93/4)\(^{314}\)

Nazir was my eldest son. He was fourteen years old. It was 26 January 1992 and, it was raining heavily and, was very cold. Nazir was out, tending to the family goats. At about 2 p.m. the army started firing. On hearing the firing, all the villagers panicked and ran to hide in the woods. Nazir also ran with them. Then there was a crackdown. The men were told to gather in one place and we women and children were pulled out as the soldiers searched each house. Our houses were, also, searched. My son and two boys, brothers, Majid and Mohammad Ayub Gojar, who also lived in the Gojar patti, were arrested.

\(^{314}\) Narrated by his mother, Zaitoon.
That night, the army took them higher up, into the mountains, where they were kept overnight. There the boys were interrogated and tortured. They were asked about weapons, which they denied having and, told the soldiers that they had been collecting wood in the forest. The next day I saw my son being led away by the soldiers. I ran after them and they promised that they would release him. I never saw him again.

We heard that the boys had been taken to the Chitternar camp. They were kept there for one or two days. The elders of our village went with me to the camp on the third day. I recognized the officer who had arrested my son. He was the person in charge of the search. Some people of our village, who were knowledgeable, identified the soldiers as belonging to the 2 Dogra Regiment. At the camp we were told that the boys had been sent to Badamibagh. At Badamibagh they said that the boys had been sent to Kotebalwal. The other two boys, Majid and Mohammad Ayub, were released about five months later, from Kotbalwal jail. Majid died within three months of his release but Mohammad Ayub testified before the court. In his affidavit he stated that after their arrest, during the first night in the jungle, they were beaten and tortured. The next day they were taken to Chittarnar camp. One day later they were shifted to the Sonawari camp. From the Sonawari camp, Majid and Mohammad Ayub were brought home for a search. After this, they were taken to Badamibagh, Srinagar but at Badamibagh, my son, Nazir was not with them.

When I could not find my son, the elders advised me to file a case. It was difficult going to Srinagar to attend the court hearings. It took many hours to reach and a whole day would be spent in travel, each way. I had no money. I had to borrow money to attend the hearings. Sometimes I sold things, my jewelry, other household possessions, so that I could attend the hearings but I never missed a single date. If my lawyer told me to come back after four days, I would go. He is a very good man. He never took any money from me. Sometimes he would, even, give me money for my fare and expenses. But I have not been to court for about a year.

Life was very difficult in the early 1990s and, this area was full of militants. They used to pressurise us to join them. Sometimes they would come to our homes and demand food and, stay overnight. They threatened us if we refused. Then the army would come and raid our houses. Even if there was left over food from the previous night, the army would accuse us of “harbouring militants”. A year before my son disappeared, my husband had become a militant of the Hizbul Mujahideen. He used to stay in the forest and the army would make frequent raids upon our house, in search of him. They used to smash up the house, windows and doors and torture us. They used to

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315 The raid was led by Majors RP Singh and RD Singh of the 2 Dogra.
hang us from the rafters of this room. Once, they whipped me so badly on the tips of my fingers that my nails broke and, for a long time I could not eat with my own hands. They did not even spare my frail mother-in-law.

About seven years ago, my husband’s health started to fail and, he surrendered. Then the Army’s harassment also stopped. But since he was ill, life was very hard. I had small children of my own. I, also, took care of my younger brother’s wife and, the children of my brother-in-law since both he and his wife had died. My brother had abandoned his young wife and had crossed over to the other side and, had remarried there. He and his wife here, in Malangam, had no children. My young daughters used to cut grass and collect firewood to sell in the village, to earn money. They would have to carry heavy loads up and down the mountainside. My other boys were all too small to be of help. We survived with great difficulty.

About fifty men from our village went across because of the threat from militants or the fear of the security forces. Some decided to remain there, abandoning their families in Malangam. The women, wives, sisters and mothers of families these men are subjected to a lot of harassment by the Army. They are forced to go and mark their attendance at the Army camp on a regular basis. They are, also, made to perform chores in the camp, for which they are not paid.

I am illiterate and people just send me from place to place, from Srinagar to Baramulla to Bandipora. A few weeks ago I went to the BDO, Bandipora seeking to apply for ex-gratia relief and the benefit of SRO 43. He told me to come back after the elections. I tried to meet Mehbooba Mufti but I could not find her office. It is very difficult for me to go and meet people in authority as I often do not have the money.

316 From April 2004.