



JAMMU KASHMIR COALITION OF CIVIL SOCIETY

ANNUAL HUMAN RIGHTS REVIEW 2017

Annual Human Rights Review 2017 is JKCCS's annual review of Human Rights in Jammu & Kashmir. It summaries key human rights issues facing Jammu and Kashmir.

COVER PICTURE: WASEEM ANDRABI

ANNUAL REPORT 2017

A Review of Human Rights in Jammu and Kashmir



Jammu Kashmir Coalition of Civil Society

The Bund, Amira Kadal, Srinagar-190001, Jammu and Kashmir

www.jkccs.net

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OVERVIEW OF 2017

The year of 2017 witnessed an upward surge in human rights abuses in Jammu and Kashmir as compared with last year, even though Kashmir valley was gripped in a mass uprising following Burhan Wani's killing. In the graph of killings, the year 2017 witnessed a total of **451** killings, which included civilians, militants and armed forces.

The mass uprising of 2016, contrary to government claims, carried forward into 2017 with widespread student protests witnessed in almost every district of the valley following armed forces' assault on students in Pulwama Degree College in April. Hundreds of students were injured in clashes with the armed forces and many were arrested. Schools and colleges of the valley remained shut for many days and in some cases even for weeks during this cycle of protests. The student protests were preceded by an unprecedented Election Day violence on April 9, when at least **8** civilians were shot dead by armed forces personnel in Budgam and Ganderbal during the Srinagar by-election. On the day of the by-election in Srinagar constituency in April, a civilian was first tortured and then used as a human shield by an Army major in Beerwah, after he had cast his vote, causing widespread condemnation and media coverage of the event. The use of pellet guns against civilian protestors continues unabated in Kashmir, with fresh cases of pellet injuries reported throughout the year.

The year also witnessed a few incidents of enforced or involuntary disappearances in Kupwara, Pulwama, and Poonch Districts of Jammu and Kashmir.

The announcement of Operation All Out by Indian army in June 2017 has so far resulted in the killing of **217** militants, the highest in the **last 8 years**. The frequency of encounters against militants has also resulted in what has been termed 'encounter-site civilian killings' in which at least **19** civilians have been shot dead by armed forces personnel.

The fate of government probes ordered into the four cases of civilian killings in 2016 has expectedly followed the same pattern as the other probes ordered by the government in the past. In the high profile case of Tufail Matoo, who was shot dead in 2010, the government has refused to share the findings of the Koul Commission report with the public, least of all with those who participated in the formation of the report and gave testimonies to the one-man commission, which was constituted by Omar Abdullah government to probe the civilian killings of 2010 and assign responsibility for the killings.

The much-abused practice of administrative detention in the form of Public Safety Act (PSA) continued to be used as a mechanism by the government to curtail and curb dissent. In last three years, by government's own admission in September, as many as **1059 PSA dossiers** have been prepared against political activists and youth accused of stone-throwing.

Media and freedom of expression continue to be under assault in Jammu and Kashmir. In 2017, as many as **08** incidents of assault against journalists were reported in the valley, including the arrest of photojournalist Kamran

Yousuf by India's National Investigating Agency (NIA) in September. Yousuf still continues to be in jail in New Delhi. The NIA has arrested many political activists and Hurriyat leaders since August who they accuse of orchestrating anti-India protests in the valley, though charges are yet to be filed. Internet and social media continue to be the easy victims of government's assault on freedom of expression, with frequent bans and gag orders becoming a routine practice. In December, the government in its 18-page order directed its employees to not post 'political content' on their private social media pages, sending a message that the government is intent on curtailing any discussion of the political and human rights situation in the valley.

In October 2017 the State Human Rights Commission (SHRC) again urged the government to conduct investigations into the presence of **2080** unmarked and mass graves in twin district of Poonch and Rajouri in Jammu province. The government, as before, refuses to act on the recommendation.

This year a new phenomenon of braid and hair chopping was witnessed, where the hair and braids of women in different parts of the valley were chopped off. As many as **150** cases of braid and hair chopping were reported in the valley. The phenomena created mass scare and confusion in Kashmir valley, leading to protests and clashes between civilians and government forces – in which one person lost his life and several others got injured.

Torture continues to be the most ignored and under-reported subject in Jammu and Kashmir. This year, a few incidents of torture were reported, which included the mass assault on Kashmiri prisoners at Tihar jail in November.

India continues to refuse access to UN High Commissioner for Human Rights to visit Kashmir for ascertaining human rights violations. This year in the month of March, the UN High Commissioner reiterated his demand to visit Kashmir which was refused by India. International Committee of the Red Cross (ICRC) team members and various other human rights activists and journalists have been repeatedly denied visas for visiting Kashmir. One such glaring case is of Edward Paul Comiti, a French journalist who visited Kashmir on a business visa but was arrested by the police and later discharged by the court. This denial of access to UN delegates or denying visas to human rights activists and journalists only illustrates that the Government of India is scared of accurate information about widespread rights violations in Kashmir being disseminated.

Violations at the ceasefire line continue to claim lives of civilians. This year at least **13** civilians lost their lives due to cross LOC firing and shelling.

The year-long cycle of violence and persistent abuse of human rights has been classified and analyzed as follows:

KILLINGS

This year even the government graphs indicate that the bar of killings has risen in the state of Jammu and Kashmir as compared to the last few years. However, the government figures are not a true reflection of the ground reality. Data collected by JKCCS presents a grim state of affairs when it comes to killings in 2017. As many as **451** persons including **125** armed forces, **217** militants, **108** civilians and **1** Ikhwani were killed in the conflict. The much-hyped

propaganda of peace by the Government falls apart when one looks at the scale of unabated violence and gross human rights violations in the form of killings, extrajudicial executions, torture, enforced disappearances, media gag, arrests, surveillance, use of excessive force etc.

This year witnessed a spike in the killings of local militants as **86** militants belonging to different parts of the valley were killed in various encounters with armed forces. Among the **217** militants killed in 2017, **26** were identified as foreigners and **104** militants were unidentified.

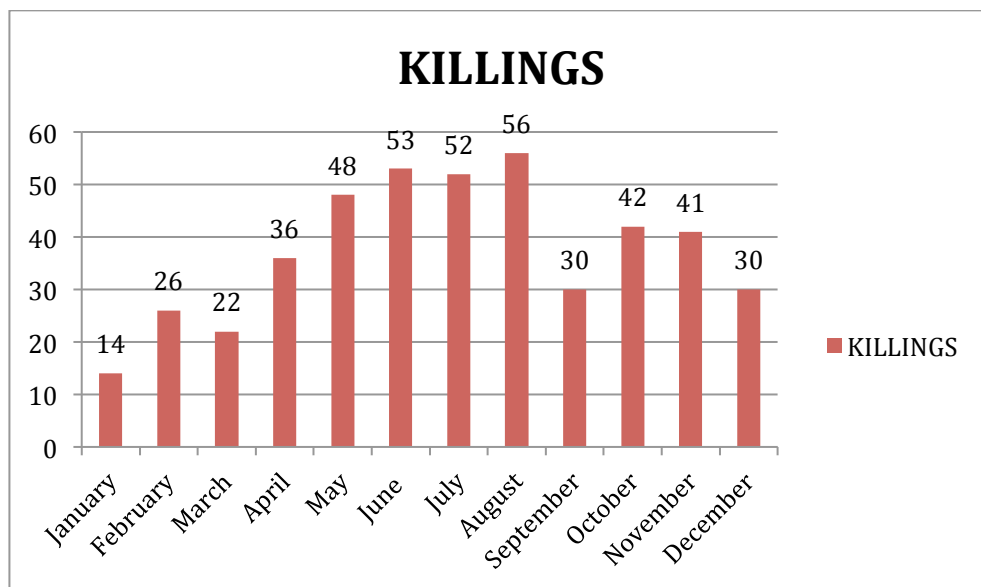
KILLINGS IN 2017

Month	Armed Forces	Militants	Civilians	Ikhwani	Total
Jan	0	11	3	-	14
Feb	11	11	4	-	26
March	2	11	9	-	22
April	8	8	19	1	36
May	16	19	13	-	48
June	16	30	7	-	53
July	11	26	15	-	52
August	16	26	14	-	56
Sep	8	17	5	-	30
October	12	18	12	-	42
Nov	12	27	2	-	41
Dec	13	13	5	-	22
Total	125	217	108	1	450
In Total		451 Killings			

The year witnessed the killing of **125** armed forces personnel, which makes the ratio of militant-armed forces killings to **2:1**. The figures suggest that contrary to government claims that Kashmir's insurgent movement is 'under control' and that they have almost wiped out the remaining militants in Kashmir, the fact remains that the graph of armed forces killings have increased in the valley suggesting that militant assertion has grown. The comparison between militant and armed forces killings in last **four** years reveals that while **560** militants have been killed in the given period, the armed forces have lost **365** personnel to militant violence. The ratio of militant-armed forces killings has been close to **2:1** for the last four years.

The killings of civilians at encounter sites this year has been the highest ever recorded, as at least **19** civilians have been shot dead by armed forces at different encounters in the valley, including **five** women have been shot dead by armed forces during different encounters in the valley. Pertinently, there was a spike in civilian killings at encounter sites after the provocative statement made by the Indian army chief Bipin Rawat, which was echoed by the state police chief regarding intolerance for civilian 'interference'.

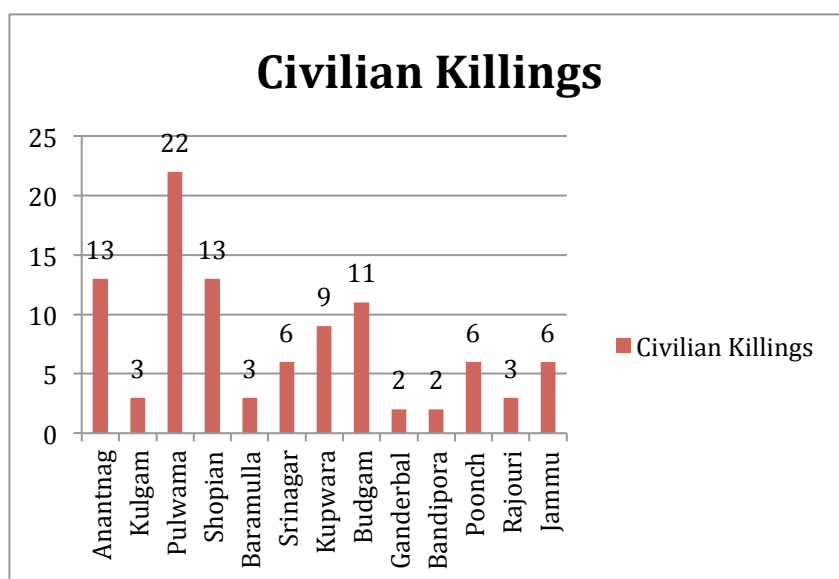
Month wise killings in the year 2017 are shown in a table below:



Among the **108** civilian killings - **20** people died in cross LOC shelling, **19** were killed near encounter sites by armed forces, **22** were killed by unknown gunmen, **16** persons were killed by suspected militants, **9** were killed during parliamentary by-elections by armed forces and **4** died in pellet firing including one who was injured last year and succumbed to his wounds this year. **14** out of the 108 civilians killed this year were **minors**.

As last year, the four districts of **South Kashmir** accounted for most of the civilian killings with Anantnag, Kulgam, Pulwama and Shopian jointly recording **51** killings. Three districts of Jammu division namely Rajouri, Poonch and Jammu recorded **15** civilian killings. This year **9 non-local** civilians lost their lives in violence in Jammu and Kashmir.

The district wise break up of civilian killings is as follows:



VIOLENCE AGAINST WOMEN

I. KILLINGS

In 2017, **20** civilian women were killed in different instances of violence in Jammu and Kashmir, including **8** women Amarnath pilgrims who were killed when suspected militants attacked the bus of Yatris in Anantnag on 10 July 2017.

Among the 20 killings of women, **five women including a minorgirl** were killed near **encounter sites** at various places in the valley. While **four** women died due to cross LOC shelling, **one** woman in valley reportedly died due to suffocation caused by intense teargas shelling by armed forces in Pulwama. **One girl** died due to injuries she suffered from a grenade blast in Tral town in September, while **another woman** was killed by **unidentified gunmen** at her home in Seer village of Tral in Pulwama district.

II. INCIDENTS OF HAIR AND BRAID CHOPPING

The people of Kashmir believe that there was nothing mysterious about the braid choppers who targeted women and chopped of their braids. As many as **150** cases of braid chopping were reported in September-October. Braid chopping incidents first started in the month of September, however, the frequency of such incidents increased in the month of October throwing Kashmiri population in a tizzy. There were incidents which indicated the involvement of the armed forces and / or covert intelligence agencies behind the braid chopping. Braid chopping incidents were a chilly reminder of the early 1990s when mysterious ghosts believed to haunt the civilian population during nights. Many believe braid chopping was another part of the state design but this time in a different way. Braid chopping incidents were not restricted to a particular place or area but spread across Kashmir from north to south to central Kashmir and even in Srinagar district.

At various places, people alleged wherever they were able to catch hold of the assailants (braid choppers) that the army and police, mysteriously appeared to rescue these persons. Many people were injured by armed forces actions.

The unabated braid chopping incidents in later part of the year injected deep fear among people. Majority of the women folk chose to take a male member along whenever they would move outside their houses. The incidents also hit the education of girl students many of whom chose not to go to colleges and schools for fear of being targeted.

Nevertheless, by the end of October, the braid chopping incidents substantially declined and then stopped altogether. The police's lacklustre approach in acting against the braid choppers has buttressed the peoples' doubt about state agencies.

The failure of police to act and nab the braid choppers gave birth to vigilante mobs in towns and villages that caught and severely thrashed many innocent people suspecting them to be the braid choppers.

A 70-year-old man was killed after a brick was hurled at him in Anantnag district of south Kashmir. Vigilantes mistook the man who had gone out of the house to answer the call of nature as a braid chopper. Not only locals, some tourists too had to face the ire. Two tourists from Delhi and Gurgaon were mercilessly thrashed in Ganderbal area after they were mistaken for braid choppers.

Psychologists and police have termed braid chopping incidents as mass hysteria, reasoning that thousands of such incidents have been reported from various parts of India and mass hysteria has been found to be the reason. Quoting a case of a teenage girl in Baramulla, they stated that the girl was suffering from a psychiatric disorder and that led her to the chopping off her own hair. However, women stated that their hair was cut after somebody sprayed a chemical on their face that knocked them unconscious.

The paranoia created by braid chopping incidents unnerved non-local labourers. Hundreds of non-local labourers left the valley much before their scheduled time.

On October 4, the State Human Rights Commission (SHRC) took serious note of braid-chopping incidents and directed the Civil and Police Administration to submit a compliance report within 2 weeks.

The SHRC issued these orders while hearing petitions filed by local activists.

Chairperson SHRC Justice (retd) Bilal Nazki issued separate notices to IGP Kashmir, Divisional Commissioner Kashmir and all district magistrates of Kashmir and directed them to submit compliance report “with regard to braid-chopping incidents in Kashmir.”Chairman SHRC directed the police department to initiate a time-bound enquiry into such incidents.

One day strike was observed in Kashmir on the call of pro-freedom leadership against widespread braid chopping incidents.

ENFORCED OR INVOLUNTARY DISAPPEARANCES

There continues to be no trace about the fate of more than 8000 disappeared persons in Jammu and Kashmir and their families suffer incessantly. Even though cases of enforced or involuntary disappearances have reduced significantly over the years, the phenomenon continues to exist. Ironically Director General of Police (DGP) SP Vaid, on December 10 at a seminar organised by the State Human Rights Commission (SHRC) in Srinagar, claimed that since 2015 there have been no cases of enforced disappearance. The DGP’s claim is far from the truth and appears to be made with an aim to obfuscate the ground reality. This year there has been a significant increase in the abduction of civilians, many of whom after forced disappearances were killed extra-judicially. 7 reported cases of abduction, enforced or involuntary disappearances establish the continuance of disappearances

in Kashmir and to belie the police chief's statement. Out of the 7 cases of abduction and disappearance, the dead bodies of five victims bearing bullet, torture and other injury marks were later recovered from various clandestine locations. Two of the victims continue to remain disappeared. These cases establish the re-surfacing of the phenomena and practice of enforced disappearances in Jammu and Kashmir.

1. Take the case of Manzoor Ahmad of Devar, Lolab, Kupwara who, on August 31, was detained by 27 RR (army) stationed at Tarmukha, Kupwara along with another youth Nasrullah. Nasrullah was released later but only after being brutally tortured. There has been no news of Manzoor Ahmed since then. On December 7, Jammu Kashmir police acknowledged Manzoor's detention by the army and his subsequent disappearance before the SHRC. Since Manzoor is a relative of acting State law minister Abdul Haq Khan, it brought wider attention to the case. Even the Chief Minister Mehbooba Mufti, as reported in media, took up the matter with Indian Home Minister for his intervention into Ahmed's case. Pressure mounted by state government yielded a statement by Defence Ministry on September 7, claiming a Joint Investigation Team (of police and army) had been formed to probe Manzoor's disappearance. Manzoor's whereabouts continue to remain unknown.

2. A skeleton of Anwar Malik, son in law of Jalaluddin Malik, a resident of Mandakpal Ladhoo Pampore, Pulwama was recovered from the forest area of Gujjar Basti, Wahab Sahib, Shar Shali area of Pampore. Malik had gone missing on February 26, 2017, and his skeleton was recovered on April 16, 2017. Police registered an FIR in the case.

3. Suhail Ahmad Dar, 25, son of Mohammad Sabir Dar of Khahipora village of Handwara, was abducted by unknown gunmen on April 14 and his bullet-riddled body was found in an orchard in nearby Watergam, Rafiabad area on April 15, 2017. The reason behind his abduction and subsequent killing could not be ascertained by the police.

4. On July 18, 2017, the dead body of a teacher named Bilal Sheikh, 25, of Dolipora, Handwara, who was working at army's Sadbavana (goodwill) school, was found in Batamarg forests of Handwara in Kupwara district. The teacher had gone missing on May 27, 2017, and subsequently disappeared. So far it is unclear as to who killed the school teacher and why.

5. The disappearance of a 2nd-year student, Shahid of Daril Tarathpora area of Handwara, followed by his killing in an alleged fake encounter by the army is a glaring indicator of the continuing phenomenon of enforced disappearance in Kashmir. Shahid disappeared on August 21, 2017, and on August 23 his family was informed by police to identify the body of an unknown militant. They were shocked to see their son killed and projected as a militant in an encounter. His family had filed a missing report with Vilgam police station after his disappearance.

6. The headless body of Muzaffar Ahmad Parrey, 24, son of Farooq Ahmad Parrey a resident of Parrey Mohalla Hajin was recovered from Jehlum River at Gulshanabad in Hajin area of Bandipora district. Muzaffar, a butcher by

profession, had gone missing on August 24, 2017, and three days later his decapitated body was recovered. The police, however, failed to establish the agency involved in Muzaffar's abduction and subsequent killing.

7. In October police registered a case against the army and Border Security Force (BSF) in the case of a missing civilian who was working as a porter with an army unit in Rajouri district. Safeer Ahmed Khan, resident of Pathanteer in Mendhar tehsil of Poonch district, was working with 2 Sikh LI unit, manning Keri sector in Poonch district. In the month of August, he allegedly went missing in suspicious circumstances and since then is untraceable.

The government continues to be indifferent towards investigating cases of enforced disappearances and has failed to set up an inquiry commission to look into all the cases of enforced or involuntary disappearance. This year during India's review under UPR [Universal Periodic Review] at the UN Human Rights Council, the government of India despite the recommendation by various UN member countries, refused to accept the recommendation for ratification of International Convention for the Protection of all Persons from Enforced or Involuntary Disappearances which India signed in 2007.

The relatives of the disappeared continued their appeals to the government throughout the year to appoint an independent impartial inquiry commission to investigate into the cases of enforced disappearances and urged them to inform the family members about the fate and whereabouts of their loved ones, but the government continues to be in denial to acknowledge the phenomenon of disappearances in Kashmir. The victims' families continue to suffer endlessly and the government has not established any policy to rehabilitate the victims of enforced disappearances. Besides social and economic problems, the families also undergo various psychological problems which are a concern. Amid relentless sufferings, the families of disappeared carried on their struggle for truth, justice and reparations through various campaigns and activities through the year.

UNKNOWN, UNMARKED AND MASS GRAVES

The State Human Rights Commission [SHRC] yet again urged the government to investigate the presence of 2080 unmarked and mass graves in twin districts of Poonch and Rajouri in Jammu province. On October 24 2017, in response to a petition filed by Association of Parents of Disappeared Persons (APDP) regarding the presence of 3844 [Poonch with 2717 Graves and Rajouri with 1127] unmarked graves in Poonch and Rajouri districts of Jammu and Kashmir, SHRC in its order once again acknowledged the presence of unknown, unmarked and mass graves in Jammu and Kashmir and directed the government for a comprehensive investigation including DNA [Deoxyribonucleic Acid] Testing, Carbon dating and other forensic techniques.

The Commission, after examining the report of J&K Government's Home Department [Dated 30-06-2012] observed that the government in its report has accepted that there are 2080 unmarked graves in Poonch [1486 graves] and in Rajouri [594 graves] districts. The Commission directed the government for a comprehensive forensic examination including DNA testing into all these graves and said that the direction should comply within six months.

The recent order is in line with the SHRC's 2011 judgment in which the Commission found that in the 38 graveyards which they had investigated and documented, 2156 graves out of the 2730 graves are still unidentified graves, and 574 persons buried as foreign militants were later identified as local residents of Jammu and Kashmir. An enquiry was conducted after taking suo-moto cognizance of the research report of IPTK/APDP, documenting the discovery of 2700 unknown, unmarked, and mass graves, containing 2943 bodies, out of which 2373 were unmarked graves, in 62 graveyards spread across areas of north Kashmir's Kupwara, Baramulla and Bandipora districts.

Since 2011, instead of complying with the directions and recommendations of SHRC for investigation into all the unmarked graves, the government has continued to avoid undertaking any such investigations on the pretext that the investigation would lead to a law and order problem in J&K and also argued about government's inability in terms of expertise and infrastructure for such investigation. The Home Department's Action Taken Report stated that the DNA testing would be done only when the complainant [relative of the disappeared] could locate the graveyard and the grave in which their relatives might be buried with a fair amount of certainty. APDP termed government's response as the utter mockery of the principles of truth and justice.

Despite the widespread international call for an investigation into unmarked graves, the Indian government continues to decline any investigation into unmarked and mass graves of Jammu and Kashmir and evade the alarming issue of enforced disappearances and mass graves in Jammu and Kashmir.

PROBES

As many as four probes were ordered by the government in different human rights violation cases and separately district level investigation teams were formed to investigate into 2016 civilian killings that occurred during the mass agitation. Based on previous experience of the fate of such probes not much hope was pinned on this year's government investigations.

By and large, we have observed that government orders probes in an attempt to 'handle the situation' which emerges when people pour out on the streets to register their protest against the human rights violations. Ordering such meaningless probes with no commitment of prosecution of perpetrators only discredits these probes. Interestingly, most of the probes ordered by the government were under the compulsion of public pressure and not by its choice or commitment to act against the perpetrators. A cursory analysis of these probes presents a discouraging picture.

A case in point is of Tufail Matoo, a teenage boy, killed by police in 2010, and the one man Commission appointed by the then government, in 2014 refused to share the copy of the enquiry report to Tufail's father on a weird pretext. Last year in December, the copy of the enquiry report was submitted to the government, but its contents have not been made public. This could be sufficient to understand the seriousness with which the government conducts probes and then shelves the reports in secret cupboards.

The table below details the fate of the probes ordered by government during last year:

Nature of Incident	Victim details	Agency involved	Probe ordered by	Brief details of the incident	Outcome
Killings	2016 civilian killings	Armed forces and police	Jan 09-17: The CM ordered a Special Investigation Team (SIT) to inquire the killings of an ATM guard and a lecturer while asking district-level investigation teams to probe other civilian killings. Feb 22: The Director General of Police (DGP) directed all heads of district police to complete by March this year their probe into civilian killings that took place during the 2016 unrest, a senior police official told media.		None
Killing	Adil Farooq – Student S/o: Farooq Ahmad, resident of Balpora village in Shopian district.	Armed forces	Jun 09-2017: The district administration has ordered magisterial enquiry into the killing of Adil Farooq. The enquiry officer has been asked to submit his report within 25 days. “We have ordered magisterial enquiry into the incident of Ganawpora. Assistant commissioner Revenue Shopian is the enquiry officer. He has been asked to submit report within 25 days,” Additional Deputy Commissioner Shopian Muhammad Ahsan told media.	Jun 7: A 18-year-old youth was killed when government forces opened fire on people protesting against a cordon and search operation Ganapora, in south Kashmir’s Shopian district	None
Thrashing	Dr Owais Ahmed working as resident doctor at SMHS hospital at Srinagar	Police	June 16-2017: Divisional Commissioner (Div Com) Kashmir, Baseer Ahmad Khan ordered a magisterial inquiry into alleged police assault on a doctor. According to an official order, Additional Deputy Commissioner Srinagar, Vikas Kundal has been appointed as Inquiry Officer to probe the allegation by a doctor that a SHO level police officer had thrashed him inside an Intensive Care Unit (ICU) of SMHS Hospital	June 14: A resident doctor, Dr Owais Ahmed was allegedly assaulted by a police official whose mother was being treated at the ICU of SMHS Hospital. Reports said the doctor was severely injured in the attack and suffered convulsions, following which he was admitted at Triage, a high dependency ward of the hospital.	None
Fake encounter killing	Shahid Bashir Mir, 21, 2 nd Year Student S/o Bashir Mir R/o: Daril Tarathpora area of Handwara	Army	August 29-2017: The government ordered magisterial inquiry and appointed additional deputy commissioner Kupwara to probe the killing. “The investigation will start from Thursday i.e. August 31,” additional district commissioner Kupwara, Manzoor Ahmad Pir, told media.	On August 23 army claimed it had killed an unidentified militant in Handwara area of Kupwara district. The killed later turned out to be a student Shahid Bashir. Police also confirmed that the boy was not involved in militancy related activities.	None

Killed in army ambush	Asif Iqbal Bhat, S/o Mohammad Iqbal Bhat, R/o: Thandipora Kralpora, Kupwara	Army	Dec 18-17: The district magistrate (DM) of Kupwara ordered a magisterial inquiry into the killing. Khalid Jahangir, who is also the Kupwara DC (Deputy Commissioner), told media that, "I have ordered a magisterial inquiry and the additional district magistrate Kupwara, Mohammad Abdullah Malik, has been appointed as inquiry officer. The team will submit their report within 21 days.	Dec 17: A Tata Sumo driver was killed in army firing outside his home in Thandipora village in Kralpora area of district Kupwara.	None
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USING CIVILIANS AS HUMAN SHIELDS

The practice of using civilians as a shield by the armed forces is not new to Kashmir. There were scores of human shield incidents in the past where civilians were used during military operations by counterinsurgency forces. This year's human shield incidents were a reminder of the infamous 2004 Chattibandi human shield incidents in which five civilians were killed. On February 7, 2004, in Chattibani (Bandipora district) army used five civilians during a counter-insurgency operation. All five died in the crossfire between army and militants.

This year, on April 9, during parliamentary by-polls a youth named Farooq Ahmad Dar, 26, son of Abdul Rahim Dar, Chill Brass Tehsil Khan Sahab in district Budgam was first tortured and then tied to an army jeep by armed forces led by Major Gogoi. It was through video footage, which went viral on social media that the use of Farooq as human shield came to the fore. The incident invited not only large-scale local condemnations but international organization's issued statements against it as well.

Farooq Ahmad Dar's is not the only case of a Kashmiri civilian being used as a human shield by armed forces. Since the early nineties, Kashmiris have routinely been used as human shields during search and armed encounter operations, and many have died as a result. Even Kashmiri legislators and bureaucrats have accused the army of using them as human shields. The case of Farooq Ahmad Dar captured the limelight because there was video footage of him being paraded on an army jeep in Beerwah. The video clip became viral through access to social media, and was covered by almost all major international news outlets.

Despite the hue and cry, the army Major Leetul Gogoi involved in the incident was awarded the Chief of Army Staff's Commendation Card for his 'sustained efforts in counter-insurgency operations'. The award for Major Gogoi was seen as a backing for the action of the officer belonging to the 53 Rashtriya Rifles even as the army maintained that a court of inquiry (CoI) into the incident is "under finalisation". Farooq was accused of being a leader of stone pelters and the restitution recommended by SHRC to the victim was denied to him. The awarding of Major Gogoi with Commendation Card is not the first instance of an army official being awarded for human rights abuse. JKCCS, through its extensive documentation, has shown how several army officers and police officials were rewarded by State after committing serious human rights abuses.

In another incident which invited hardly any attention, the family of a Sumo vehicle driver Nazir Ahmad Sheikh son of Abdul Ahad Sheikh of Kaczdoora village in Shopian alleged that he was used as human shield by the armed

forces during a militant attack on May 5. The driver was allegedly forced by the army to transport its men from Kapran to Shopian area. When Nazir refused to oblige, the army took away his vehicle's registration papers and was reportedly compelled to transport the army. In December 2006, a Sumo driver, Mukhtar Ahmad Sheikh, from Shopian was killed in militant firing while ferrying army men in Pulwama district.

TORTURE

In the early 1990s, torture was widespread and indiscriminate. At present, torture is systematic and targets specific individuals. India is a signatory to United Nation's Convention against Torture but it has not ratified it till date. Since 2010, there have been discussions in India on criminalizing torture, however, the draft bill is still pending. It is an irony that the Indian legislature discusses and passes various bills on other issues facing Indian public but has been ignoring and delaying action on criminalizing a matter as grave as torture. Pertinently, during the May 2017 review of India under Universal Periodic Review (UPR) of UNHRC, India accepted the recommendation of ratification of Convention against Torture.

Over the years, Kashmir has seen cases where people die years later from health complications as a consequence of being tortured at an earlier stage in their lives. These people are not counted as torture deaths. For example, Abli Dar from Kunan Poshproa died in 2014 due to health complications as a consequence of torture at the hands of armed forces in 1991 during the night armed forces raped women in twin villages of Kunan Poshpora.

Torture continues to remain an underreported phenomenon and this year too very few torture cases came to the fore. The phenomenon has received very little attention. Most survivors choose not to report the maltreatment meted out to them for various reasons. However, the cases which got publicised highlight the continuity of heinous forms of torture.

1. In January, a teacher Farooq Ahmed Magray from Kokernag village in south Kashmir alleged torture at the hands of SHO Kokarnag. In front of the media at Srinagar, he displayed the torture bruises he received in police custody.
2. In February, brother of a militant Hilal Ahmad Ganie from Kulgam district alleged that police tortured him during the night of February 8 so severely that both his kidneys have been damaged. Doctors at SKIMS hospital in Srinagar, where Hilal was referred recommended a two-week bed rest to him. Hilal was beaten with wooden rods and leather belts. He was given electric shocks and constantly abused. The torture continued the whole night. On February 9, when his condition deteriorated, he was taken to the hospital. His Kidney Function Test (KFT) came as abnormal, after which doctors inserted a catheter so that he could pass urine.
3. In July, a youth named Sheikh Murtaza Bashir, 29, of Nader village of Tral was critically injured after army allegedly tortured him in custody. His family claimed that he was called to 42 RR camp to collect his identity card taken by the army following a stone-pelting protest on July 8. He had developed multiple fractures.

4. On September 1, two persons named Manzoor Ahmad and Nasrullah of Lolab, Kupwara were detained by 27 RR stationed at Tarmukha, Kupwara. Both were reportedly tortured. While Nasrullah was later found dumped in the hills of Tarmukha Top in Kupwara in morbid conditions there was no news of Manzoor's whereabouts. Nasrullah remained admitted to the hospital for more than two months for treatment of his wounds. His kidneys were administered dialysis, as they were not functioning properly. There is apprehension that Manzoor might have died of torture as according to Nasrullah he was screaming more loudly than him when he was tortured in the camp. Nasrullah doubts that Manzoor disappearance is concomitant to his torture.

5. In November, pictures surfaced of 18 Kashmiri inmates at Tihar Jail mercilessly beaten and tortured by Tamil Nadu Special Force. The atrocities sparked outrage throughout the Kashmir Valley when one of the victims, who was produced before a local court in Sopore regarding an old case, showed the brutal assault marks to the session judge. Following the outrage, the jail authorities suspended all the forces personnel involved in the assault. The assault on Kashmiri prisoners in Indian jails is not new; inmates who have been released after serving a term in an Indian jail have reported many such incidents in the past.

USE OF PELLET SHOTGUNS

Fatalities caused by pellet guns as established by doctors, and the enormous damage caused by its indiscriminate and widespread use in last two years in Kashmir warrants a strict ban on this lethal weapon. A lot was said about introducing alternate crowd control weapons in place of pellet guns. Last year, the Indian Home Ministry set up an expert committee to find alternatives to pellet guns. There were reports that pellet guns should be used as a last resort. However, on the ground, there appears no apparent change in using pellet guns against civilian protesters. This year, four persons were killed, including a person who was injured last year, after being hit by pellets and scores were injured - many of whom lost eyesight due to pellets. The horror that pellet guns unleashed invited large-scale condemnations not only locally but internationally as well. Nowhere in the world have pellet guns been used to contain civilian protests. Kashmir is an exception when it comes to using pellet guns on protestors. This year, in September, Amnesty International India released a report titled Losing Sight in Kashmir highlighting the damage caused by pellet guns.

Paradoxically, on March 2, the Ministry of Home Affairs made fresh authorisation of 4,949 pellet guns for CRPF units deployed as Rapid Action Force, and Mahila Battalion in J&K, taking the total number of pump action guns to 5,589.

On March 27, observing that use of pellets concerns life and death, the Supreme Court of India asked the government of India to consider effective means other than the use of this ammunition to quell protests in Jammu and Kashmir. A division bench headed by Chief Justice J.S Khehar also expressed concern over injuries suffered by minors involved in protests in the Kashmir Valley and asked the government about the action taken by their parents.

On December 19, the Government of India (GoI) told Parliament that armed forces use rubber and plastic bullets in Jammu and Kashmir to disperse "violent unlawful assembly". The statement made by Government can be easily

refuted on the basis of incidents of this year where people were killed as well as blinded, fully and partially, due to continuous use of pellet guns on protestors.

This year, there were reportedly 41 persons who received eye injuries during pellet firing by armed forces. Six youth had injuries in both eyes while thirty-five suffered pellet injuries in one eye. In November, a 16-year-old minor-kid Zahid Manzoor Mir was severely injured after government forces pumped hundreds of pellets into his body. Mir remained critical at SMHS hospital for many days. Because of the damage caused by the pellets, the doctors removed Mir's gallbladder and his right kidney. A class 11 student from Zoonimar Soura, Mir was heading home after finishing his class 11 examinations when pellets were pumped into his body at Nawa Kadal Srinagar by government forces.

Four persons who lost their lives after being hit by pellets were identified as:

1. Wasim Ahmad Thokar son of Haji Mushtaq Ahmad of Schuch, Kulgam. He was hit by pellets last year and died this year on February 21.
2. Adil Farooq Sheikh, 19, son of Farooq Ahmad Sheikh of Yarigund, Kawoosa, Budgam. He was a class 12 student. He was injured by pellets on April 9 during by-poll parliamentary elections.
3. Mohammad Younis Sheikh, 16, son of Abul Khaliq Sheikh of Saimoh, Tral, Pulwama. He was injured on August 9 and died later.
4. Owais Ahmad Dar, 19, son of Mohammad Shafi Dar of Kakapora, Pulwama. He was hit by pellets on August 13. He was a 1st-year student.

ARRESTS AND DETENTION

I. ARRESTS UNDER ADMINISTRATIVE DETENTION

The authorities continue to use Public Safety Act (PSA) as an instrument to suppress dissent. PSA detention orders /dossiers failed to stand the judicial scrutiny; therefore, the courts quashed scores of detention orders, this year.

Despite a noticeable improvement in the situation as claimed by the government, there seems no end to the practice of detaining people without charges under PSA to keep them "out of circulation". Most of the people booked are either political workers or youth booked on charges of stone pelting. Many PSA detainees were suffering from multiple ailments and prolonging of their detention only deteriorated their health condition.

There were scores of cases this year where a person was re-booked without release to prolong his detention once the court quashed their previous detention orders. It appears that the authorities have open and readymade PSA dossiers available to them, almost like a standard copy which they use against anyone they deem a threat to 'public security'. People of all age groups young, old, sick and handicapped were booked and re-booked under PSA. Unlike last year there is no exact data available on how many people were booked and re-booked under PSA this year.

The frequency with which the PSA has been applied in Kashmir can be gauged by the statement made by the Chief Minister on September 23 wherein she said in the past three years, the police have prepared 1059 dossiers to detain people.

Presented below are few cases of PSA detentions from this year:

1. Tanveer Ahmad of Baramulla, who is disabled and uses a wheel chair was first arrested in October 2016 and booked under PSA in December 2016. As many as 14 FIRs were registered against him. In April 2017, JK High court quashed his PSA but he was re-booked under another PSA in May 2017 after 14 days without being released. During his detention, he developed a serious eye infection and if not properly taken care of he may lose eyesight. His second PSA was also quashed by the High Court on 30 November 2017 but his family has reservations to produce the court order before authorities fearing he may be again booked.
2. Seventy-five-year-old political activist Mohammad Subhan Wani of Dangerpora village of Sopore. Subhan has been booked thrice under PSA. The authorities have declared him a threat to peace.
3. 24-year-old journalism student Tahir Hussian Mir of Bandipora was arrested under PSA in November last year and remained in custody until October 2017. Following his arrest in November last year, Tahir was also sacked from his job in the State Education Services where he worked as a laboratory bearer.
4. The most prominent continuing PSA detention is of Hurriyat leader and Muslim League head Masarat Alam Bhat. In November 2017, he was slapped with his 36th consecutive PSA order and was shifted to Jammu's Kot Bhalwal Jail, where he is currently in detention. Masarat Alam Bhat has spent most of his time in jail since his arrest in late 2010 following the popular mass uprising, which he spearheaded. The detention of Masarat Alam Bhat is a perfect example of the mechanism of revolving door detentions is used to keep dissenters out of circulation.
5. 31-year-old Aatif Hassan Sheikh of Janglat Mandi, Anantnag was arrested in July this year under Public Safety Act and continues to remain under detention even though JK High Court quashed his detention order in early December.
6. Dukhataran-e-Millat chief Aasiya Andrabi and her secretary Fahmeeda Sofi, who were booked under PSA in May this year and were only released in December, even though JK High Court had quashed their PSA orders in August.
7. 77-year-old Jamaat-e-Islami Mohammad leader from Sopore Mohammad Yusuf Sheikh was first arrested in August last year and was subsequently booked under Public Safety Act. Shiekh was booked under PSA for 4 consecutive times, before his release in early December, 2017. His last PSA was quashed by JK High Court in November.

II. ARRESTS BY NATIONAL INVESTIGATION AGENCY (NIA)

This year in July India's National Investigative Agency (NIA) arrested 7 Hurriyat leaders on charges of fuelling unrest in the valley and other alleged 'terror funding' charges. The NIA also arrested and detained for questioning several trade-body leaders, Kashmir Bar Association head, businessmen, a Kashmir University scholar and one photo-journalist to investigate what it called 'funds from Pakistan used to fuel unrest in the valley in 2016'. The NIA arrests came on the close heels of the announcement of Operation All Out by Indian Army and the arrests were widely condemned in the valley. The NIA arrests were seen by people to keep Hurriyat leadership behind bars and punish them for their role in 2016 uprising.

Apart from administrative detentions and NIA arrests, police in Kashmir routinely arrests youth in illegal detention and charges many of them under CrPC 107. Illegal detentions of youth accused of stone throwing, and of political activists are quite common in Kashmir and are done to target youth and activists.

IMPUNITY

The impunity enjoyed by the armed forces operating in J&K continue to deny justice to the victims of human rights abuses since 1989, the year when armed conflict erupted in Kashmir. Presented below is the list of cases which highlight the impunity enjoyed by armed forces:

Kunan Poshpora: In the high profile case of Kunan Poshpora mass rape, the petition filed by the State of J&K was finally admitted in Supreme Court of India and listed for arguments. Pertinently, the case was in the registry of Supreme Court for over two years. The lacklustre response by Supreme Court reflects that it doesn't want to speed up the start of the trail of armed forces involved in the rape of women in twin villages of Kunan Poshpora in Kupwara in 1991. No other case reflects the manner in which impunity shields the armed forces from any kind of prosecution than the Kunan Poshpora case.

Sopore Massacre: Protest petition was filed against the closure report of the CBI, who had observed that the case is untraced - by the survivors of the massacre before the CBI designated court. From last two years, the case is pending before the court and the court has not been conferred powers by the Law Department.

Sailan Massacre: After 5 years of litigation from the families of the victims for reinvestigation, the CBI has closed the case as untraced. The victims challenged the closure of the case which was admitted.

Hans Raj Parihar Case: Hans Raj Parihar, a police officer accused of picking up at least two civilians, murdering them in staged gunfights and passing them off as militants for money and awards, sought transfer of the three cases registered against him in Srinagar and Bandipora to Jammu.

Parihar was released on bail by the high court at Jammu in November last year after the state government said it has "no objections" if the former SSP assures that he will not leave the state without prior permission of the court.

Parihar had filed the petition before the high court's Jammu wing and was granted bail on November 15 in three FIRs—06/2007 in Batamaloo-, 04/2007 in Zadibal- and 52/2006 in Sumbal police stations.

The cases among others pertain to the killing of a carpenter, Abdul Rehman Padroo of Larnoo Kokernag, and Showkat Ahmad Kataria, who was an imam (cleric) in a masjid at Zadibal in Srinagar. Parihar had sought the bail so that he could attend his daughter's wedding ceremonies commencing 27 November and concluding on 1 December 2016.

State's senior Additional Advocate General SS Nanda submitted before the court "he has no objections in granting a short bail to (Hans Raj Parihar) with a condition that during this period he shall not leave the state without the court's prior permission and shall surrender immediately after the expiry of the bail period."

"Having regard that (Hans Raj Parihar) in his capacity as father of the bride, besides making arrangements for the marriage has to perform some religious duties, (he) is granted temporary bail for a period of twenty days from judicial custody on furnishing personal bond of Rs 100,000 in each case to the satisfaction of the SP jail where he is lodged with two sureties of like amount to the satisfaction of registrar judicial," the court had ordered.

Encounter Specialist Acquitted By Court In Doda: On June 21, a court in Doda district has acquitted 'encounter specialist' cop Shiv Kumar Sharma alias Sonu and seven others of all charges in the 2013 Thathri police station blast case.

Principal District and Sessions Judge Bhaderwah M K Sharma acquitted the accused police officer and seven others, who were facing charges after 15 important witnesses turned hostile.

Acquitting the officer, who was "instrumental in killing 68 militants in Doda-Kishtwar belt," Sharma observed that as per charge-sheet police cited 93 witnesses to establish various charges against the accused person but after examination of 15 witnesses u/s 164-A Cr.P.C, majority of them including some police personnel and respectable people of the locality have turned hostile. They (witnesses) have stated that they were tortured, threatened and detained to make statements against the accused during the course of the investigation.

Sharma observed that it is a case full of doubts in which benefit of the doubt has to be accorded to the accused.

The court observed that police have not investigated the case properly and directed the senior superintendent of police (SSP), Doda, to hold an enquiry into the matter.

The officer of Special Task Force officer was arrested on June 4, 2013. However, he got bail on August 1, 2014.

The SI is the recipient of several awards including the President's medal.

Sharma has killed dozens of militants in Doda, Bhandarwah, Kishtwar and Ramban. He rose to the rank of sub-inspector from an SPO. He had been felicitated by then Deputy PM LK Advani and others.

Case History: As per police case, accused Shiv Kumar was in-charge SOG Kishtwar whereas other accused Mohammad Ayub the PSO of Shiv Kumar. It is alleged that in order to earn out of turn promotion as well as monetary benefits, Shiv Kumar and his PSO along with accused Arshad Ahmed and Mohd. Arif Naik hatched a criminal conspiracy and chalked out a plan to engage two Kashmiri boys, namely Muzaffar Ahmed resident of Tahab Pulwama and Shahbaz of Pathipura Pulwama as militants with the area of operation Kishtwar and Doda districts with a criminal design to carry out subversive activities in the area.

It is alleged that Shiv Kumar had planned to later eliminate both Muzaffar and Shahbaz and other accomplices by branding them as militants to achieve promotions. On 14.04.2013, Shiv Kumar called approver Abdul Rashid to Kishtwar and in the morning of 15.04.2013, Shiv Kumar and his PSO gave one bag containing one pistol along with magazine and five live cartridges, one AK 56 rifle along with 3 magazines and 143 cartridges and 3 Chinese grenades to approver Abdul Rashid and sent him to Kahara.

Abdul Rashid gave one pistol along with magazine and five cartridges to Mohammad Rafi and one AK-56 rifle along with 03 magazines and 143 cartridges to Akhtar Hussain and one Chinese grenade each to Shahbaz and Muzaffer (Kashmiri boys) and deputed them for given assignments.

On 20.04.2013, Abdul Rashid along with Mohammad Rafi reached Bhandarwah on the direction of Shiv Kumar to eliminate one Bansi Lal Gupta C/o Gupta Bakery, a prominent BJP leader of the area but the duo failed in their design.

On 27.04.2013, Abdul Rashid got one grenade from Mohammad Yaqoob and gave it to Mohammad Altaf. The accused Mohammad Altaf was directed to throw a grenade on the cavalcade of Chief Secretary who was returning from Kishtwar or on a group of people or on PS Thathri.

Mohammad Altaf failed to throw a grenade on the cavalcade of Chief Secretary and on the public but succeeded in throwing it on police station Thathri in the intervening night of 27/28 April 2013, which did not explode.

During the investigation, Mohammad Rafi, who was arrested, during interrogation narrated the whole story to the police.

During the course of investigation, the aforesaid weapons were recovered from the accused persons.

Killers Of Zahid Farooq Declared 'Not Guilty': On June 29, a General Security Forces Court in Srinagar has declared Commandant Randhir Kumar Birdi and Constable Lakhwinder Kumar of 68 BN BSF not guilty of the

killing of Zahid Farooq Sheikh, a teenager who lived in Brein Nishat, during the 2010 uprising. But the court held both Birdi and Kumar guilty on five other charges.

In its punishment, the court ordered that the rank and precedence of Commandant Randhir Kumar Birdi be taken away, and 5 years of his service be forfeited for the purpose of pension. The other accused, Lakhwinder Kumar, was to forfeit 3 years of his service for the purpose of promotion and pension.

The case had moved from the court of Chief Judicial Magistrate Srinagar to the Forces Court after the Director-General (DG) of the BSF claimed the case. The proceedings initiated against the accused were set aside and became null and void after the case moved to the court.

Farooq Ahmed Sheikh, the father of the slain teenager, said justice had not been done. "I am sorry for my son that I couldn't bring his killers to justice. For the past seven years, I had been fighting in every court but I have got no justice.

This was bound to happen as the AFSPA (Armed Forces Special Powers Act) enjoyed by these security forces in Kashmir gives them licence to kill and no one can hold them accountable for gruesome killings," Sheikh said.

Though the government had appointed court commissions for compensating families of children killed by government forces during the 2010 uprising and had ordered a compensation of Rs 10 lakh and a job to the family, Sheikh said that his family had received none of this.

"Yes, compensation and job were ordered for five families of kids killed in 2010, but till now we have not received any such compensation. These are only fake promises to hoodwink people," said Sheikh.

Sheikh was recently operated for a tumour. He said he misses his only son every day and it is hard to survive without him. "I want to tell them (government forces) that justice will be meted to them and that day is not far," he said.

Zahid, the killed boy, had gone out with his friends to play cricket on February 5, 2010, when a BSF contingent opened fire on the children, killing Zahid on the spot. Following Zahid's killing, police, under intense public pressure, registered a case under FIR no 04/2010 under Sections 302/109, 201 of RPC at Police Station Nishat.

Locals re-named the square outside the Sheikh house as "Shaheed Zahid Chowk". The name has been inscribed in green English letters on all walls and electric poles surrounding the square.

The State Protects Its Own (On Machil Fake Encounter): The suspension of sentence and release on bail by the Armed Forces Tribunal of army personnel convicted and sentenced by army court-martial in 2014 for the Machil fake encounter of 29/30 April 2010 is yet another reminder that the armed forces are protected by the Indian State and immunity for crimes committed in Jammu and Kashmir is the norm.

The Indian State has ensured impunity in Jammu and Kashmir through draconian laws, a climate of fear and obfuscation that does not allow any processes of justice to function, investigative agencies (local police and agencies such as the Central Bureau of Investigation - CBI) that almost always favor the accused State forces, and, crucially, a judiciary that has displayed an unwillingness to uphold principles of rule of law and ensure justice. Human rights violations in Jammu and Kashmir have been widespread, systematic and systemic and the Indian State and its institutions have ensured impunity.

Court-martial procedures are opaque and do not provide any role for the family members of the victims. Further, court-martials are not the appropriate judicial forum to prosecute crimes committed by armed forces personnel against civilians. Yet, the executive through their notifications and actions and judiciary through their decisions have upheld armed forces pleas for court-martials when the victims have clearly demanded trial by civilian court. The recent decision of the Armed Forces Tribunal, particularly the order for bail, suggests that the accused in this case may well be acquitted as the Armed Forces Tribunal Act, 2007, Section 15(3) Proviso states that bail may not be granted if reasonable grounds of guilt exist. The Tribunal appears to have found that such reasonable grounds do not exist in this case thereby allowing for release on bail. RTI information on army court-martials makes clear that court-martials have essentially served as a convenient and internal mechanism to ensure immunity to army personnel in the few cases where the investigative agencies have investigated and indicted specific accused. Through limited RTI information accessed [after repeated efforts that illustrates the opaque nature of the court-martial process], two lists dated 28 March 2012 and 18 June 2012 pertaining only to the Rashtriya Rifles, and a separate communication dated 22 June 2012 relating to one Rashtriya Rifles court-martial, was provided. The total number of court-martials is: 58. Based on information provided in the RTI, except in three cases, there is no way to discern whether these court-martials relate to violations against civilians or other army personnel. But based on other available information it appears only a total of five cases in these lists relate to crimes against civilians. Only NINE officers appear to be involved in all these court-martials. Further, what is clear is that of these 58 cases, 20 appear to be quite clearly related to more minor crimes. Of the remaining 38 cases, appropriate conviction/punishment appears [as there is no record to analyze] to have been provided in only 21 cases. Of particular note are two cases of rape, one against Captain Ravinder Singh Tewatia [for the rape of mother and daughter in February 2000 in Banihal], and the other against Major Rehman Hussain [for the rape of mother and daughter in November 2004 in Badra Payeen]. Captain Tewatia was convicted by the court-martial and sentenced to imprisonment for seven years. Major Hussain was dismissed from service as he was reportedly only convicted for outraging the modesty of the victims. Both accused challenged their decisions in the High Court of Jammu and Kashmir and received verdicts in their favor. While the Captain Tewatia case is still pending further legal challenge, Major Hussain has reportedly returned to service. A high profile case – the Pathribal fake encounter case of 2000 where five civilians were killed and shown as militants – clearly illustrates the prevalent impunity. The CBI filed a charge sheet and this was challenged by the army and the Supreme Court directed that a trial be conducted and gave the army the option of holding a trial by court-martial. But, rather than hold a court-martial, the army held a “summary of evidence” and closed the case concluding that there was no connection between the accused army personnel and the crime. The families of the victim have once again approached the Supreme Court in this case.

The story of impunity that emerges from the history of court-martials in Jammu and Kashmir is similar to the record of other State institutions. The investigating agencies, including CBI, have rarely carried out fair and proper investigations. In the few cases in which such investigations have been carried out, the executive or judiciary have intervened by denying sanction under AFSPA or by allowing a court-martial (examples: Pathribal fake encounter of 2000 and Zahid Farooq killing of 2010). Similarly, in the rare cases where the judiciary has passed stringent directions, the executive has ignored or delayed execution of these orders and the judiciary has refused to take action and ensure that justice is done. Meanwhile, the executive – specifically the respective governments in power – have limited themselves to rhetorical statements and the constitution of Commissions of Inquiry or magisterial enquiries that have either carried out no inquiries or been shelved by the governments subsequently, or, as in the case of the ML Koul Commission constituted to enquire into the 2010 killings, the final report is not even made public.

THE RETURN OF CORDON AND SEARCH OPERATIONS (CASO)

The year of 2017 marked the return of cordon and search operations or CASO as these operations have been commonly described. Cordon and search operations (CASO)'s is a practice in which armed forces and police cordon an entire area (a village or a town) and start searching the houses of the civilian population. During the early nineties, CASO's were accompanied by crackdowns, during which the adult male population of an entire area, or a mohalla, were asked to come out of their houses and made to sit or assemble at one place and paraded before a masked informer. The frequency of cordon and search operations this year was not only alarming but suggested a return to the past. It was during these CASO's that most of the militants were killed this year, and on occasion accompanied by civilian killings as the civilian population would try to break CASO's resulting in clashes.

This year, as per data collected by JKCCS and media reports, at least **540** CASO's were carried out in Jammu and Kashmir, which is **more than one CASO per day**. The frequency and violent nature of CASO bust the government's claim that anti-militancy operations have come down.

The bulk of CASO's were conducted in the restive districts in **South Kashmir** like Pulwama, Shopian, Anantnag and in areas like Tral, Pampore and Awantipora, as more than 500 CASO's were conducted here. The rest of the CASO's were conducted in Budgam, Hajan area of Bandipora and some areas of Baramulla.

PERSECUTION OF KASHMIRIS OUTSIDE J&K

The "politically motivated" persecution of Kashmiri community in various Indian states has increased manifold in last few years. This year there were series of incidents of Kashmiris being targeted merely for being from Jammu and Kashmir. The perennial harassment and assaults on Kashmiris re-confirm the upswing of vulnerability and dangers the Kashmiris community faces in various Indian states. Be it a student or businessman, under trail or a patient from valley visiting the hospitals, they have to face serious harassment and at occasion fatal attacks despite the repeated assurances of their security from J&K government and GOI. Kashmiris have been arrested and booked for expressing their views on social media. A lot has been talked about the measures taken by the

governments to put an end to the unabated harassment of Kashmiris, however, on the ground, things seem unchanged and even getting worse.

Pertinently, as recently as on November 30, the Ministry of Home Affairs (MHA) issued an advisory to chief secretaries, DGPs for students belonging to Jammu and Kashmir (J&K) state studying in other states. In the advisory issued by the MHA, it has asked the authorities to monitor safety and security of students, especially over incidents like harassment to J&K students. It mentioned that there have been reports of harassment of students studying in states other than J&K. The Home Affairs ministry has also directed the state government and police to take strict action if any harassment incident surfaces. The new advisory has come in the continuation of earlier advisories dated 23/2/2016, 21/3/2016, 7/4/2016 and 21/4/2017, regarding ensuring safety and security of students studying in states other than their home states, especially students from J&K.

The reality is that that the very few incidents of persecution and harassment of Kashmiris outside J&K get the media attention. A sizeable number of victims chose not to report the maltreatment done to them, as they chose silence over agitation for reasons well-understood.

Chronologically we reproduce here a brief of this year's reported incidents:

- o **Jan 15:** Tawseef Ahmad Bhat, a resident of Gund Brath in Sopore, was jailed in August on sedition charges by Chhattisgarh police. He was released three months later in November from central jail of Durg in Chhattisgarh. Since then, he has been living at his home in Sopore and says that he will not go to 'India' again. Tawseef was arrested on the night of August 2 after activists of Bajrang Dal complained to police against a post on his Facebook wall which displayed a cartoon of a broom shooing away a mouse that was rendered in the colours of the Indian flag. The caption read, "Go India Go Back". Tawseef Ahmad, 25, who did an MBA from Chhattisgarh and was employed in a mobile phone company until he was arrested, now sits unemployed in his home in Gund Brath. His father Ghulam Ahmad said that his son had lost much weight in the three months in jail.
- o **Jan 28:** Five youth from Shopian detained on suspicion by Vijaywada Police in Andhra Pradesh were released only after the intervention of District Police Shopian, sources said. The detained youth were identified as Javaid Ahmad Dar son of Abdul Rehman Dar R/O Safanagri Shopian, Javaid Akbar son of Mohammad Akbar Wani R/O Darwani, Amir Paul son of Ghulam Mohammad Paul R/O Darwani, Sanullah Bhat son of Mohammad Akbar Bhat R/O Darwani and Bashir Ahmad Sheikh son of Abdul Aziz Sheikh R/O Kashwa Shopian, sources told media. All of them had gone to Vijaywada to seek admission in a madrasa, sources said. They were found capturing videos and taking pictures around Gannavaram airport and were detained for questioning by the Police.
- o **April 17:** A Kashmiri student at a college in Haryana had a lucky escape after he was attacked by unknown persons with iron rods, swords and knives while he was on his way to the hostel, the student told media. Haroon Bashir, a B.Tech student at Ganpati Institute of Technology and Management (GITM), was attacked when he was on his way back to the hostel from the dining mess. He was attacked by masked persons who were carrying iron

rods, swords, and knives. One of them attempted to hit him hard on his head but he intercepted the blow by his arm. The arm has bruises all over and he is taking medication for it.

o **April 21:** A special court in New Delhi awarded 7-year jail term to two men including a youth from Kashmir's Ganderbal for alleged links with Islamic State. The youth's family said he has been falsely implicated. The judge convicted Azhar-ul-Islam (24) of Preng, Ganderbal, and Mohammed Farhan Shaikh (25) from Maharashtra. This is the first conviction in India in an 'ISIS-related' case.

o **April 21:** Kashmiri students in Uttar Pradesh are feeling insecure after threatening banners appeared in the city of Meerut with a message for Kashmiri students: "leave the state or face consequences". Students say that the banners were the "first public threat", though a "charged communal atmosphere" exists on the ground ever since BJP won the state elections. Kashmiri students in Uttar Pradesh, told media that they had been facing harassment by extremist Hindus earlier too. But the open threat, issued through the banners, is forcing some of them to consider returning home.

o **April 22:** A Kashmiri studying at the reputed Birla Institute of Technology and Science (BITS) Pilani received threats to his life. Hashim Sofi, a research fellow at Department of Science and Technology, Science and Engineering Research Board (SERB) staying at Maliya Bhavan hostel found threats written on the door of his room and on his clothes as well.

o **May 07:** A day after Kashmir based newspaper Rising Kashmir published a story on a Kashmiri patient denied treatment at Post Graduate Institute of Medical Education and Research (PGIMER) Chandigarh for hailing from Valley, the hospital administration has ordered an inquiry into the incident. Nasreena Malik, a patient from Kashmir was denied treatment by the doctor of PGI after he came to know that she hailed from Kashmir. The doctor had reportedly told the patient that "you pelt stones on our Jawans and then come here for treatment." Nasreena had visited the hospital to undergo neurosurgical treatment last week but the doctors asked her a hefty amount for the surgery.

o **May 15:** The three Kashmiri students who were evicted from the apartment they were staying in Punjab were repeatedly asked by the policemen who raided their apartment: "Where are your weapons?" Imran, one of the three Kashmiri students, said that at about 5:45 in the morning of May 15, about 20 Punjab policemen raided their rented accommodation in Zirkepura. Imran told media that they were sleeping. The policemen asked them to verify their credentials. The moment they said they were Kashmiris, the police asked them "where they had hidden their weapons", when the boys vacated the apartment. But the auto-rickshaw driver refused to transport them when the property agent clicked a photograph of the auto. The auto driver asked the agent why was he clicking a picture, and the agent told him that the police had just raided the apartment and had asked them to leave.

o **May 19:** The Sweltering heat of Rajasthan has been telling-upon the health of four incarcerated residents of Jammu and Kashmir who have been languishing in Jaipur jail from past two decades. The brother of one of the

incarcerated Srinagar youth told CNS that the plight of four detainees from Jammu and Kashmir in Jaipur Jail is pitiable. “Besides my brother Latif Ahmed Waja and Mirza Nisar Hussain both residents of Khanqah-e-Mollah, there is Ali Muhammad Bhat from Hasanabad Srinagar and Abdul Gani Goni of Doda languishing in Jaipur Jail. A few days back I visited my brother in Jaipur Jail. I was not permitted to take juice and water bottles inside the jail. I was shocked to see the pathetic condition of these detainees. It is a hell like situation as Jaipur is reeling under sweltering heat,” he said.

o **June 19:** A Kashmiri journalist Basit Malik who writes for Caravan Magazine, has been assaulted allegedly by Hindu fanatics for being a Muslim, reports said. Basit was on his professional duties in Sonia Vihar area of Delhi when according to him a mob dragged, kicked, punched and slapped him only for being a Kashmiri Muslim. The mob took videos of assault on him while he was instructed to say ‘Pakistan murdabad!’ and ‘Hindustan zindabad!’ People from the mob would angrily kick and slap him. He was continuously yelled at and called various names, such as “mullah,” “Pakistani,” and “aatankwadi!”—terrorist.

o **July 02:** A Kashmiri student from Meerut’s Chaudhary Charan Singh University (CCSU) was beaten up and robbed of his mobile on July 1, Saturday night, by three masked men allegedly because he hailed from the Valley. On July 2, police registered an FIR and are investigating the matter. Times of India reported that Anees Khan, a second-semester Zoology student at CCSU, said, “The hostel mess has been closed for days and I have to go out for food. On Saturday night i.e. July 1 when I was returning, a masked man approached me and asked my name and my native place. The moment I told my name and that I belong to Kashmir, two other masked men came and started beating me up.”

o **July 19:** A Kashmiri garment trader’s shop was forcibly shut down in Mussoorie after an alleged post praising the Pakistan Army was found on his Facebook page, The Indian Express reported. As per the report Manzoor Ahmad, 59, from Humhama in Kashmir’s Budgam district, is among the five oldest trader families in Mussoorie. His shop has been selling garments since 1971. His shop was shut down by the Mussoorie BJP youth wing and the Hindu Jagran Manch after they said they found a video appreciating the Pakistan Army, posted by Ahmad on Facebook. “After getting his (Ahmad’s) shop closed, we and the local traders’ body (the Mussoorie Traders & Welfare Association) went to the police station to file a complaint against him,” The Indian Express quoting the president of the BJP youth wing in Mussoorie, Dharampal Singh Panwar, said.

o **Aug 12:** Over 200 Kashmiri students in a private university in Rajasthan were allegedly forced to leave the varsity hostel as the institute did not receive the scholarship amount provided to them by the central government. The students, however, were allowed to avail the hostel facilities by the university management only after they protested the varsity’s move.

o **Aug 16:** Three engineering students hailing from Jammu and Kashmir have been booked for allegedly disrespecting the National Anthem by not standing when it was being played in a cinema hall at Hyderabad, Cyberabad police said on August 13. The incident occurred on Aug 13 afternoon when the three students studying

at a private college went to a cinema hall under Rajendra Nagar Police Station limits to watch a Hindi movie and allegedly did not stand up when the National Anthem was played before the film's screening, the police said.

o **Oct 03:** Two Kashmiri prisoners were beaten up and injured in a fight between members of two groups lodged in the highly-secured Tihar Jail. DIG Prisons S.S. Parihar said the beaten Kashmiri prisoners were not part of the fighting groups. The September 13 brawl over some "trivial issue" in the overcrowded prison has raised safety concerns for Kashmiris in the jail that also houses several Kashmiri separatist leaders.

o **Oct 27:** Kashmiri mutton dealers, who have suspended supplies of livestock to the valley from last three days, allege that despite paying all taxes in outside mandis, truckers on their way to the state are being demanded hefty amount as 'illegal tax' by local goons in Punjab. Aggrieved sheep and goat traders on Friday told media that "gangs of almost two dozen local goons" in Punjab pretending to be Cattle Fair representatives are extorting a tax of "4 percent on the total livestock value" on trucks plying on the Pathankot- Madhopur- Lakhapur road stretch in the name of 'Punjab Cattle Fair Act 1967'.

o **Dec 19:** A group of men beat up a 24-old hotel management student and his brother from Jammu and Kashmir and damaged their car after getting ticked off as the duo could not speak Kannada. Police have arrested two of the group of almost 10 people. The incident happened last December 11, when the brothers were returning home in their car in the wee hours after having dinner at Bhoopasandra. They had stopped their car near the NTI bus stand at NTI Layout in Sanjaynagar to attend a phone call. Four men on two bikes stopped near the car. They asked the brothers something in Kannada and when the young men said they did not know Kannada and were unable to understand what was being said to them, the accused allegedly insisted that they speak in Kannada.

o **Dec 24:** A Kashmiri man Mukhtar Ahmad from Anantnag was beaten ruthlessly by Punjab police at Chandigarh. Mukhtar said the policemen used abusive language and told him that he looks "like a terrorist." When Mukhtar told them that they can contact DIG Kashmir or SP Anantnag to verify his credentials but they did not listen to him. They continue to say that he looks like a terrorist and abused him and misbehaved with his children. For about 25 minutes he was beaten and humiliated.

ASSAULTS ON MEDIA

Media reporting in a conflict zone is always difficult, it's even more herculean in Kashmir. The assaults on local journalists by state forces have seen a steep rise this year inviting condemnations and boycotts from media fraternity. The repeated government assurances to the media fraternity of their hassle-free functioning never seem working on the ground especially in volatile situations. This year there were shocking incidents of assaults on media-persons by the police and armed forces while covering the political situation. It appears that the armed forces are committed to suppressing media coverage of its misconduct while dealing with the situation in Kashmir.

Since the break-out of armed insurgency in Kashmir in the early nineties and government's brutal counter-insurgency, the media fraternity has trodden a precarious path while covering the conflict. The media in Kashmir

has faced killings, attacks, kidnappings and threats from both sides. At least twenty-one journalists have been killed in Kashmir since the early nineties.

One can gauge the situation under which a Kashmiri journalist has to operate his/her professional responsibilities by various incidents that occurred this year. This year in September a Kashmiri photojournalist Kamran Yousuf was detained by National Investigation Agency (NIA) for his alleged involvement in ‘stone pelting’ incidents. The young journalist continues to be under judicial custody in New Delhi. This year even a visiting French journalist was taken into custody by police and booked for allegedly violating visa norms. However, a trial court in Srinagar acquitted the French Journalist Comiti Paul Edward from charges of Visa Violation and directed the authorities to return the seized passport and other accessories to the journalist.

Attacks on journalists in 2017 in chronological order:

- **Jan 13:** Many photojournalists working for local media outlets alleged police and paramilitary troopers abused and threatened them in Nowhatta, where they were covering clashes between protesters and government forces on Friday. “A policeman holding a pellet gun shouted at us ‘tuih chivva yecchaan aen gacchin’ (do you want to get blinded)’. He was effectively threatening us that he would fire pellets at us. ‘Leave then’, he said. Then he abused me in particular,” said a photojournalist on the condition of anonymity as he fears reprisals. Enraged by the threat, the photojournalists had a heated argument with the forces, telling them that these threats were preventing them from carrying out their professional duties.
- **Jan 16:** Photojournalist, Bilal Bahadur was injured in Bijbehara after hit by a tear smoke shell fired by the government forces during clashes between protesters and forces. Affiliated with Weekly Kashmir Life, Bilal was in the south Kashmir town to perform his professional duties.
- **March 16:** Senior photojournalists Tauseef Mustafa and Mubashir Khan were assaulted by police while performing their professional responsibilities at Hyderpora, Srinagar where they have gone to cover a press conference of Syed Ali Geelani. In view of the attack, all major English and Urdu language newspapers in Kashmir decided not to publish police press statements or advertisements from the police department till the Director General of Police apologises for an assault on reputed photojournalist Tauseef Mustafa by a police officer. A police officer dragged Tauseef and held him by the throat in front of dozens of journalists in Srinagar. The officer abused him and threatened him with dire consequences. Many journalists had gathered outside Geelani’s residence to cover the press conference. The police did not allow the journalists to go inside and instead threatened and chased them away.
- **March 31:** Freelance photojournalist Abid Bhat was injured during clashes between youth and government forces in Srinagar’s Rangreth area. Abid said he was covering the protests when he took a hit from a policeman’s riot shield. He was removed to a private hospital where he received six stitches in his eyebrow. Abid is a well-known photojournalist whose work has been published in BBC World, Wall Street Journal and Aljazeera and other renowned organisations.

- **April 09:** Cameraman Bilal Ahmad, and two other reporters from Rising Kashmir (RK), a local English daily, Yawar Hussain and Javaid Ahmad, and Peer Viqar Ul Aslam were threatened by STF while they were performing their duties in Nasrullah Pora during parliamentary polls in Budgam. The forces at this time started firing in the air as the reporters started to roll their cameras the forces demanded them to leave the spot immediately and stop shooting. RK reporter Yawar Hussain was clicking pictures with his cell phone and suddenly one STF personnel while hurling abuses ran towards him. The cop aimed his gun at his chest and snatched his phone from his hands. Yawar stood his ground and tried to reason with the agitated cop. “We are doing our duty as media personnel, let us do our job and return my phone,” Yawar asked the cop. At this the cop cocked his gun and aimed it at Yawar saying, “I will shot you, why were you taking pictures. Just run away or I will really shoot you.”

Understanding the situation, the reporter (Yawar) fearing for his life preferred to lose his phone over his life. Javaid Ahmad, another RK reporter tried to plead with the cop to return Yawar’s phone but the cop dealt with Javaid in the same manner. The cop who belonged to STF again started to threaten us while pointing his gun at Javaid this time. He also started to use derogatory languages for all of us. As the situation was getting tense with Javaid being held at gunpoint Peer Viqar Ul Aslam decided to turn on the camera while Bilal had also started shooting the assault. This triggered a very dangerous reaction from the cops who converged on us and the same STF man hurling choosiest abuses charged on this reporter and Bilal, pushed us back rigorously demanding “we stop shooting or he will open fire at us”.
- **June 18:** Journalist Fahad Shah, who runs an online news magazine and is a freelance journalist, was on on June 18 taken to Cargo camp (which in the nineties was used a torture centre) and questioned for 8 eights. Police said that they had questioned Shah for his recent visit to Pakistan. The police took Shah’s mobile phone and computer and released some time after his release.
- **Aug 6:** A journalist from Kupwara was thrashed by police in Sopore in Watergam area of district Baramulla. Javid Zargar of Handwara was on way to Baramulla when a police party stopped his vehicle near Watergam and thrashed him. Javid told local media that the policemen thrashed him after they heard he was a journalist.
- **September 4:** A Kashmiri photojournalist from Pulwama Kamran Yousuf was arrested by National Investigation Agency (NIA) for his alleged involvement in ‘stone pelting’ incidents. The arrest of Kamran Yousuf evoked widespread condemnation from the media fraternity in Kashmir. The young journalist continues to be under judicial custody in New Delhi.
- **Dec 10:** Jammu and Kashmir police have arrested a French journalist while shooting a documentary on pellet victims, and booked him under Passport Act. Following his arrest, head of French Embassy’s Counsellor section flew to Srinagar and met police. The former TV Channel TF 1 French journalist, Paul Comiti, police officials said, was arrested in Pratap Park Srinagar on Saturday while he was preparing a documentary on the pellet victims. Police said they have registered FIR vide number 87/2017 under section 14 (B) Passport Act and Comiti is presently lodged in Police Station Kothibagh. The act, police said, envisages seizure of passport or travel documents from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12. Comiti has received an

award in 2009 in Bayeux. He was awarded for reporting on French soldiers being ambushed in Afghanistan. Police officials said that Comiti has arrived in Kashmir on a business visa around 10 days ago. On December 12 the French journalist was released on bail. While Comiti was released from police custody, but his belongings including his passport were still with the police.

BANNING OF TV CHANNELS

The state action was not only confined to the on-field journalists but the action was taken against as many as 34 TV channels. Not to talk of news channels alone the government seems allergic even to the religious channels.

On May 7, J&K government sought action against at least 34 TV channels, including those broadcast from Pakistan, Saudi Arabia and even Iraq.

In a letter to all Deputy Commissioners, the State Home department directed the DCs to act against transmission of these channels, reasoning that “they have the potential to encourage violence and can disturb law and order situation in Kashmir, and are not permitted for transmission.”

The letter was written by Principal Secretary Home, R K Goyal, directed DCs to clarify what action they have taken on media reports about the transmission of non-permitted channels in Kashmir. The DCs had also been directed to submit a compliance report on the matter by May 8.

The channels, according to the letter, which are to be banned were Peace TV English, Peace TV Urdu, ARY QTV, Madni Channel, Noor TV, Hadi TV, Paigam, Hidayat, Saudi Al-Sunnah Al-Nabawiyah, Saudi-Al-Quran Al-Karim, Sehar, Karbala TV, Ahli-biat TV, Message TV, Hum TV, ARY Digital Asia, Hum Sitaray, ARY Zindagi, ARY Musik, TV One, ARY Masala, ARY Zauq, A TV, Geo News, ARY News Asia, Abb Takk News, Waseb TV, 92 News, Duniya News, Samna News, Geo Tez, Express News and ARY News.

Apart from religious and news channels, the list interestingly includes a sports channel, two culinary channels and a music channel.

The directive came after the Government of India asked the State government to take immediate steps to stop the alleged unauthorized broadcast of Pakistani and Saudi Arabian channels in the state.

The action came two days after Union Minister of Information and Broadcasting Venkaih Naidu spoke with J&K Chief Secretary over the issue and sought action-taken-report from him on the matter.

The letter states that the transmission of these channels was “against the cable TV rules and DCs had the power to seize the equipment in case of a violation.”

“You are aware that transmission of non-permitted TV channels by the cable operators attracts the violation of sub-rule 6(6) of the Cable TV Networks Regulation Rules. Further, as per section 11 of the Cable Television Network Act, the DC has the power to seize equipment in case of a violation,” reads the letter to DCs.

In the letter, the Home Secretary stated that cable operators in Kashmir have been transmitting certain channels which are not permitted by the Union Ministry of Information and Broadcasting, Government of India.

“Further it has been reported in a section of media that a number of non-permitted TV channels are being transmitted by certain cable TV operators in J&K,” the letter reads.

Pertinently, on April 26, the State Government imposed a ban on 22 social networking sites in Kashmir, reasoning “anti-national and inimical elements were spreading unverified objectionable and inflammatory material” through these platforms.

The state Home department invoked a British era-law, Indian Telegraph Act, 1885, to ban the social media websites and instant messaging services.

RESTRICTIONS ON INTERNET AND SOCIAL MEDIA

The most unreliable thing in Kashmir is undoubtedly internet service. It is another attempt of the authorities to prevent the information from reaching to the public. Often the bandwidth is reduced considerably, making it difficult for people to post or download any information of public interest. Whenever there is an incident of killing of civilians at the hands of armed forces, or clashes between civilians and government forces, or encounter between militants and armed forces, one of the first responses of the authorities do is snap the internet services and thus choke the flow of information. The frequent internet shutdowns have not only impacted the functioning of media in Kashmir but have gravely affected businesses and the education of children.

JKCCS has documented the **following 42 instances** of unreasonable curtailments and total suspensions of telecommunication and internet rights, from **8 July 2016 till 31 December 2017** on the basis of reliable news reports, and first-hand knowledge.

1	9 July 2016	Following the killing of Burhan Wani, mobile telephone services and internet services (except the state owned land line based broadband service, BSNL) were suspended in all districts of Jammu and Kashmir. Internet and phone services were restored in Jammu Division on 26 July 2016 after 17 days, but continued to be suspended in the ten districts of the Kashmir division. Post Paid telephone services (without internet) and nonstate broadband internet services were restored in Kashmir division on 20 September 2016 (with several disruptions noted below). Mobile internet on postpaid connections was restored on 19 November 2016. Prepaid telephone services in Kashmir division remained suspended until 14 October 2016. Prepaid internet services were restored on 31 January 2017.
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2.	5 August 2016	Due a call for a civilian general strike in the Chenab valley districts of Jammu division, to show solidarity with the ongoing violence in Kashmir valley, mobile internet services were suspended in Jammu division on 5 August, 2016
3.	13 August 2016	Broadband internet services (including BSNL, the state owned provider) were completely suspended in the Kashmir valley on 13 August, 2016 for 5 days during a high security alert for the Indian Independence Day, 15 August.
4.	12 September 2016	Ahead of Eid, broadband internet services were totally suspended in the Kashmir district and resumed after 5 days on 17 September 2017. In addition, complete curfew was imposed, mosques and graveyards were blockaded, and Eid congregations disallowed from prayers.
5.	8 December 2016	Other than the continuing suspension of mobile internet services, mobile telephone services were suspended in Anantnag District on 8 December 2016 during an armed encounter between Kashmiri rebels and Indian state forces.
6.	8 April 2017	Mobile and broadband internet services were completely suspended in three districts of Srinagar, Budgam, and Ganderbal ahead of the Srinagar by-polls in the context of a popular call for election boycott by Kashmiri political leaders, extensive curfews, mass arrests and restrictions by the state on free movement and assembly.
7.	13 April 2017	The mobile internet shutdown was extended from the three districts mentioned above to all ten districts of the Kashmir division. Broadband internet services were also suspended throughout the day in Kashmir division in light of election related violence and the scheduled re-polling in 38 stations of the Budgam district.
8.	17 April 2017	Prepaid mobile internet services were suspended again as videos of torture and human rights violations by forces during the electoral process began to circulate through social media. Students across the ten districts of the Kashmir division held marches, strikes and protests against a violent raid on a college campus district Pulwama. Broadband and postpaid mobile internet users experienced extremely slow connections (with mobile internet users receiving on 2G signal on their devices) and could not load popular social media pages. According to news reports that JKCCS has been unable to verify, private internet broadband service providers stated they had received unofficial 'orders' to restrict access to particular social media platforms.
9.	26 April 2017	The Jammu and Kashmir government (Home Department) issued an official order [Government Order No: HOME/ISA/476 of 2017 dated 26/04/2017] blocking 22 social media sites and applications including Facebook, Whatsapp and Twitter in the Kashmir division on the public order grounds citing the Indian Telegraph Act, 1885 and rules (2007) for a period of 1 month until 26 May 2017. News reports stated that

		the decision was taken at a meeting of the Unified Command Headquarters, headed by the Jammu and Kashmir Chief Minister, and consisting of the highest civilian and military authorities.
10.	28 April 2017	Mobile internet on prepaid connections was partially restored though 3G and 4G mobile internet connectivity remained suspended. Users using Virtual Proxy Network (VPN) applications and search engines to access the internet experienced blockading of particular applications. Access to the 22 social networking sites named in the Government Order continued to be officially suspended.
11.	29 April 2017	Mobile internet Services were restored to 3G speeds after 12 days.
12.	27 May 2017	A day after the Jammu and Kashmir government lifted its month long social media ban in the Kashmir division, mobile internet services were suspended for 7 days until 2 June 2017, after the state forces' killing of a Kashmiri rebel combatant. Prepaid phone services were also partially suspended with certain service providers allowing incoming calls.
13.	6 June 2017	Mobile internet services were suspended in Kashmir division for two days until 8 June 2017 after the killing of a civilian by state forces in Shopian District.
14.	16 June 2017	Mobile Internet was shut down again in Kashmir division after civilian killings by armed forces and widespread street protests. They were restored on 19 June.
15.	1 July 2017	Mobile internet was shutdown in the context of an armed encounter between state forces and rebel fighter, and civilian protests at the encounter site.
16.	6 July 2017	A communication dated 6 July 2017 issued to all internet service providers by the Inspector General of Police, Kashmir Zone, Srinagar titled 'Block all social media sites via Lease Line' was issued which directed them to block all social media sites on lease [broadband] lines in the Kashmir division, "in view of the apprehension of misuse of internet services by anti-national elements". It further directed that "if it is not possible, shutdown the services". Access to social media platforms was indefinitely blocked at 10 pm. Mobile internet users, continue to experience extremely limited speeds and connectivity.
16.	19 July 2017	High speed mobile Internet and broadband services remained suspended for the second consecutive day in Anantnag district.
17.	22 July 2017	Internet continued to remain suspended on the second consecutive day in Budgam district.

18.	25 July 2017	High-speed mobile Internet services were restored in Budgam district of Jammu and Kashmir after remaining suspended for over four days.
19.	26 July 2017	Internet services were snapped in Anantnag district following the launch of a CASO
20.	30 July 2017	Internet services were suspended in Pulwama district following the killing of two militants in Tahab village.
21.	15 August 2017	On August 15, mobile and Internet services of all cellular companies, including the State-run Bharat Sanchar Nigam Limited (BSNL), were shut in Kashmir. Mobile services of all companies were suspended at 8 am. Mobile services were restored in Kashmir valley at 1pm after remaining suspended for five hours.
22.	2 September 2017	Authorities shut down internet services in Anantnag and Kulgam districts after an encounter with a militant.
23.	4 September 2017	Mobile Internet services were suspended in Sopore after government forces launched a CASO in Sopore.
24.	5 September 2017	Cellular and Internet services barred on September 4 were restored in Baramulla district late last night
24.	11 September 2017	Mobile Internet services were suspended in Kulgam and Anantnag districts following a gunfight between militants and government forces.
25.	14 September 2017	Authorities blocked mobile Internet services in Srinagar city following the killing of Lashkar commander Abu Ismail. The 2G and 3G services were restored later but 4G services still continued to remain blocked.
26.	27 September 2017	Mobile Internet services were restored in Baramulla district at 11 am on after remaining suspended for over twelve hours.

27.	3 October 2017	Authorities snapped mobile Internet services in south Kashmir districts of Anantnag, Kulgam, Pulwama and Shopian, in the wake of increasing braid-chopping incidents.
28.	4 October 2017	Mobile internet service of all cellular companies, including Bharat Sanchar Nigam Limited (BSNL), remained suspended for the second successive day on as a precautionary measure in the 4 districts south Kashmir. Internet service was snapped two days back by the authorities to prevent circulation of videos about braid chopping. 2G services were snapped around midnight this day.
29.	6 October 2017	Authorities in Kashmir suspended the mobile Internet services to prevent rumour mongering over braid chopping incidents ¹ . Mobile internet services were restored later in the evening.
30.	14 October 2017	Authorities suspended the mobile Internet services in Pulwama district in view of killing of two militants and a civilian.
31.	16 October 2017	Internet remains partially or completely shut for more than a week in many parts of the valley due to the chaos that prevails over mysterious braid chopping incidents. Mobile Internet services were initially suspended on October 6 to prevent rumour mongering. Later, the authorities restored only 2G services in most areas.
32.	21 October 2017	Mobile Internet services in southern Anantnag district continued to remain suspended for the fourth consecutive day.
33.	6 November 2017	Internet services were suspended in Pulwama after gunfight erupted between militants and security forces at Aglar Kandi.
34.	14 November 2017	Internet services were suspended across southern districts of Pulwama, Anantnag and Kulgam districts. The services were shut soon after gunfights began in Tral area of Pulwama and Nowbugh Kund village of Kulgam.
35.	21 November 2017	Internet continued to remain suspended in areas of Kupwara district. Mobile Internet services were suspended on November 20 after gunfight began in Seer forests.

36.	22 November 2017	Authorities restored mobile Internet service in Tral area of Pulwama district.
37.	11 December 2017	Mobile Internet services of all cellular companies were suspended for security reasons in many areas of north Kashmir after three militants were killed in Younus area of Handwara in district Kupwara.
38.	17 December 2017	Authorities blocked Internet services in Kupwara district.
39.	18 December 2017	Internet services across Kupwara district remained suspended having been blocked on December 16 soon after the killing of a cab driver.
40.	21 December 2017	Mobile Internet service was restored in the districts of Pulwama and Shopian after three-day suspension.
41.	26 December 2017	Government announced that the law enforcement agencies will monitor the social media activities of government employees and call for legal action against them if anything they post or share is against the state's interests. The order also states that their freedom of speech will be restricted if maintaining law and order outweighs that concern.
42.	31 December 2017	Mobile internet services were snapped in Pulwama district of South Kashmir, after a militant attack at a CRPF Training Centre in Lethpora, Pulwama.

As shown above, suspension of telephone services, as well as blanket and indefinite suspensions and restrictions of Internet rights, have been particularly frequent in the ten districts of the Kashmir valley. They amount to the arbitrary, indiscriminate and prolonged collective punishment of a population, jeopardizing lives, livelihoods, and causing grave hardships in carrying out normal business, educational, and social activities. In a time of curfews and restrictions on mobility, bans on television channels and newspapers, accompanied by mass blinding's, civilian killings in crowd firings, arbitrary arrests and incommunicado detentions, such blanket and indefinite shutdowns fuelled a climate of rumours, social insecurity and anxiety.

In addition to preventing public access to information and news, these restrictions, particularly those imposed on social networking sites, seek to prevent all forms of political mobilization, expressions of dissent and political opinions that criticize the Indian administration in Kashmir. They have been used in conjunction with censorship measures by private corporations, such as Facebook and Twitter to target social media activists and commentators; and criminal charges on grounds of sedition, and incitement to violence under the Information Technology Act, 2000 on Kashmiris in India for social media posts.

They severely impede efforts to seek access, communicate or disseminate information on the grave and ongoing human rights violations in the region. India has always been averse to international attention and intervention in the Kashmir dispute. Besides direct violations of the rights of Kashmiris, the Indian state uses communication blackouts as means to prevent international observers and commentators and concerned members of the global community from accessing current information about ongoing violations

CURBS ON RELIGIOUS FREEDOM

The Jammu and Kashmir government continues to bar people from practicing their religion in a free manner. This year, for 18 Fridays out of 52, people were prevented from offering prayers in the Jama Masjid in Nowhatta. Mirwaiz Umar Farooq, Chairman, All Parties Hurriyat Conference (APHC) and head priest of Kashmir, was kept under house arrest and not allowed to offer Eid ul Fitr prayers.

The state, this year as well, disallowed people from taking part in Muharram processions. Restrictions were imposed in Shaheed Gunj, Karan Nagar, Maisuma, Kothibagh, Sherghari, Kralkhud, Batamaloo and Ram Munshi Bagh on the 8th, 9th and 10th day of the month of Muharram.

On 28 September, Mirwaiz Umar Farooq and Yasin Malik were barred from participating in a seminar at the residence of pro-freedom leader Syed Ali Geelani to pay tributes to Karbala martyrs.

On September 29, police foiled several Muharram processions in Srinagar by resorting to baton-charge and tear-gas shelling on Shia mourners. On the same day, Yasin Malik along with one of his associates was arrested and shifted to the central jail in order to prevent them from participating in Muharram procession.

FREEDOM OF MOVEMENT AND ASSEMBLY

The freedom of movement of people in Kashmir continues to be restricted due to frequent impositions of restrictions and curfew by the government.

In 2017, the government authorities imposed approximately **20** statewide and **40** partial/district-based curfews like restrictions. Approximately **22** complete shutdowns/hartals were observed and approximately **100** partial/district-based shutdowns were observed.

Unprecedented and strict restrictions were imposed around July 8th, which marked the first death anniversary of Burhan Wani. An increase in and frequent shut down of schools and colleges were witnessed in 2017 particularly since the students' agitation in April.

SURVEILLANCE

The government and its agencies seem aimed at breaching whatever privacy is left to Kashmiri populace by conducting uncalled for mass-surveys this year. The stepped-up surveillance over the Kashmiri population has

disturbed the local populace, as they believe these surveys were being conducted with mala fide intentions. People are wondering as to why the armed forces are conducting these surveys as the important details of the families were already lying with the different government departments.

Mostly in villages of central, south and north Kashmir, various door-to-door surveys were conducted by the armed forces wherein the residents were asked to submit even the minuscule details of their families. The forces also carried out house numbering. The armed forces even write the number of family members, includes males, females and children in the family.

In Srinagar, as many as 200 CCTVs are to be installed at 53 Locations as per police to keep an eye on peoples' activities.

As per a media report, on December 2, the government of India (GOI) is considering issuing a special "hybrid smart card" for residents of Jammu and Kashmir. A document of the Ministry of Human Resource and Development (MHRD) accessed by local media confirms that the Home Ministry has "agreed" to support the proposal.

The Home Ministry plans to annul all other identity cards in the state and introduce the smart card to have access to data of each JK citizen. The proposal includes having a unique identification code for the state's citizens, which can be used to access their data anytime. However, a ruling PDP leader said they have no accurate information about the purpose of the card.

VANDALISM OF CIVILIAN PROPERTY

It is almost difficult to assess the amount of property damages caused in actions of vandalism by the armed forces in Kashmir particularly in south Kashmir. It needs an independent and in-depth survey to establish the property damaged by armed forces and losses incurred upon by civilian population. In absence of any professional survey or study of the amount of property damage, it becomes necessary to rely on local media coverage of the incidents of vandalism of civilian property,

Incidents of vandalism of property in chronological order:

- **July 10:** The armed forces damaged property and smashed the windowpanes of residential houses in Kulgam area of south Kashmir. Parked vehicles were also damaged.
- **July 10:** Army soldiers allegedly vandalised a village in Shopian, smashing parked vehicles, ransacking residential houses and three mosques, and beating up villagers. Residents of Kanipora village said that army soldiers from the 44 RR (Rashtriya Rifles) camp in Chowgam attacked the village.
- **July 11:** State forces damaged a 250 KVA transformer by firing bullets into it and smashed several parked vehicles at Alyalpora while people were protesting against armed forces highhandedness at Alyalpora village of Shopian.

- **July 13:** Army allegedly assaulted Shopian's Jamnagri village on July 13 evening and damaged window panes of residences and parked vehicles. Residents of Jamnagri village told media that army beat about 30 people and forced them to chant anti-Pakistan slogans.
- **July 15:** A shutdown was observed in main town Anantnag to protest the alleged ransacking of Hanfia Jamia Masjid and arrest of over a dozen youth and minors.
- **July 23:** Residents of Nilloo area in south Kashmir allege that government forces vandalised their property during the night following July 22. The vandalising took place was after a "stray stone hit an army vehicle earlier in the day. They (forces) smashed everything that came their way. Bikes, cars and load carriers were smashed by the troopers. Villagers said that the forces broke doors and windows and smashed refrigerators, TVs and other household goods.
- **Oct 18:** Family members of six militants were arrested and their homes raided and property vandalised by armed forces on the intervening night of October 17 and 18 in Shopian villages.
- **Oct 13:** Residents of Devas Khaipora in Budgam district alleged that army ransacked their houses and thrashed the inmates without any provocation. Residents alleged that army men from a nearby camp barged into their locality and smashed the windows and doors, besides thrashing the residents.
- **Oct 20:** Residents of three localities in Hajin town of Bandipora alleged that government forces beat them up and ransacked their houses after clashes broke out between local youths and army soldiers in the morning. Local residents alleged that army soldiers and policemen ransacked their property in localities of Mir Mohalla, Syed Mohallah and Khos Mohalla while searching for the stone-throwing youths who have pelted stones on an army vehicle. The forces ransacked property, including vehicles, and broke windowpanes of various houses
- **Oct 23:** The army allegedly ransacked houses and thrashed the locals in Wagad village of Tral in Pulwama district following protests against the forces' vandalising a local militant's house on October 22.
- **Nov 08:** The government forces last night allegedly ransacked residential houses and damaged property at Khaigam village of Pulwama district.
- **Dec 06:** The armed forces smashed everything that came in their way, including vehicles and windowpanes of several houses after few boys pelted stones at the army vehicle. Locals alleged that army men broke into their houses and smashed the household things. Reportedly stacks of dried grass were set on fire. The place where the army soldiers burnt the grass stacks belongs to a man named Ghulam Mohi-ud-Din and it is where several villagers keep their stock of grass for the winter. Police has filed FIR number 77/2017.

KILLING AND HARASSMENT OF POLITICAL ACTIVISTS

Workers and activists associated with pro-Indian political parties continue to be under attack in South Kashmir areas, with gunmen barging into their houses and asking them to shun their political activities.

Nine political activists were killed by suspected militants for their allegiance to pro-India political parties. Among the nine killed, **three** were ruling People's Democratic Party (PDP) activists while **two** were former PDP workers,

two were from National Conference, **one** was a Bhartiya Janta Party (BJP) youth leader and **one** was a Janta Dal-United (JDU) activist.

Many pro-Indian political activists were attacked by the suspected militants to pressure them to snap their ties with their respective political parties. A video was also released where the gunmen were seen asking the activists to raise anti-India slogans and declare that they have disassociated from their respective political parties.

TARGETING FAMILIES OF MILITANTS AND POLICEMEN

This year has been tough for families of policemen and militants as they were being targeted by warring groups. Even the J&K police issued an advisory to its men to avoid visiting their homes following incidents of attacks by militants on their houses. At many places, militants attacked and ransacked the houses of serving policemen for their role. This triggered panic among their families. Even in one case militants allegedly abducted and later released son of a jail employee in Budgam district.

Same is the case with the militant families who were allegedly bearing the brunt at the hands of armed forces for being their relatives in militant ranks. There were reports of raids and harassment of the militant families by police and armed forces. The raids on militant families were protested by the people.

STATE HUMAN RIGHTS COMMISSION

This year, the State Human Rights Commission (SHRC) played a pro-active role in dealing with cases of human rights abuses. From the high profile case of Farooq Ahmad Dar of Beerwah, Budgam, who was used as a human shield by Army in April this year to the issue of mass graves, SHRC has been active in making recommendations to the government. However, the recommendations of the body have fallen on deaf ears of the government as the higher authorities have neither acted nor have they have shown any interest in protecting human rights of the population.

In the human shield case, the government refused to pay heed to SHRC's recommendation to pay compensation to Farooq Ahmad Dar and denied it categorically. In the mass graves order where SHRC asked state government to conduct investigations into the presence of 2080 unmarked and mass graves in twin district of Poonch and Rajouri in Jammu province – the government has till date carried no investigations and ignored the recommendations completely.

In mid-December this year, media reports revealed that government has rejected 75 percent recommendations of State Human Rights Commission (SHRC) in 2017 which pertained to the cases of compensation and ex-gratia relief to the victims of rights violations. SHRC, till mid-December this year, had recommended compensation and ex-gratia relief in 59 cases out of which government has only accepted seven and rejected 44 recommendations made by the Commission. The decisions in eight other cases are under review. The recommendations were rejected by the government's Empowerment Committee and the District Level Screening-cum-Consultative Committees (DLSCC).

In December, the state human rights commission chief, justice (retired) Bilal Nazki, said that how the rights body's recommendations are turned down by the government. Bilal Nazki was speaking at the seminar organised by the SHRC to mark the world human rights day. Nazki referred to a case of a 12-year-old who was hit by a stray bullet at her home, rendering her paraplegic. He said the commission has given its recommendation for compensation of the victim but the state government has not accepted it.

Despite giving strong recommendations to the government, the inability to translate these recommendations into any action renders SHRC into a 'toothless tiger.'

SUICIDES AND FRATRICIDES IN ARMED FORCES

There seems no end to the suicides and fratricidal killings among Indian armed forces deployed across Jammu and Kashmir. The continuous incidents of suicides among ranks of armed forces are an indicator of their poor psychological health, which demands an immediate attention of the government.

This year, as many as **nine** incidents of suicides and **one** incident of fratricidal killings were reported. Among the soldiers who had committed suicide six were from army men, one BSF soldier, one CRPF man and a policeman. In a fratricidal incident, an army soldier shot dead his Major over an altercation over the use of mobile phone in Uri along LOC.

** Cover Picture: Nine-year-old Burhan Fayaz crying at the funeral of his friend Amir Nazir, a civilian who was killed during an encounter in Pulwama in March, 2017 (Picture by Waseem Andrabi).*

