
Press Statement on PUCL National team's Visit to Kashmir ValleySrinagar/Delhi, 24th October, 2016

An all India team of the PUCL visited the Kashmir valley after the 100th day of people's protests beginning 9th July and the government clampdown that were taking place there. The team was led by Dr. V Suresh, General Secretary of the PUCL and included Kavita Srivastava (National Secretary), Ramdas Rao (National Council Member) and Pragnya Joshi (National Council Member). PUCL member Prof. Jean Dreze was with the team briefly. Also accompanying the team were two independent persons: Parul Abrol (independent writer and journalist) and advocate Mustafa. The team stayed in the valley between 14th to 22nd October, with maximum members staying between 17th to 22nd October 2016. The team visited and met the injured and families of the deceased in Batamaloo and Idgah area of Srinagar, Batingu and Veesu in Anantnag district, Churhat in Kulgam district, Khrew in Pulwama, and Shopian town.

The team members, had lengthy interactions with families of people booked under Public safety Act, (PSA), families of the deceased who had had lost their lives in firing or other use of force by the security forces, survivors of violence, doctors of Shri Motilal Hari Singh (SMHS) hospital, some of the injured people, either admitted in the hospital or outside, Human rights workers of the Jammu and Kashmir Coalition of Civil Society (JKCCS) along with independent activists including RTI activists, academics and student leaders. The FFT also met several ordinary people including young protestors. The team met the office bearers and senior lawyers of the thousand member strong J & K Bar, several press and electronic media persons, young entrepreneurs and big businessmen, retired bureaucrats and Government personnel, Anganwadi workers and daily wage earners.

The team also met with a few Kashmiri Pandit families and a prominent leader of Pandits in the valley. The team members interacted with policemen of the police station of Pampore and visited the office of the IG Kashmir but could only talk to him over telephone. The team was not allowed to meet with Syed Ali Shah Gilani, the Hurriyat leader under house arrest, by the police guarding his house nor by the Inspector General of Police whose permission was formally sought. The team could not also get an appointment with the Chief Minister of J &K, Ms. Mehbooba Mufti, despite attempts to do so.

Some of the important facts of the last hundred days are as follows:

Following the alleged extra judicial killing of Burhan Wani on the 8th of July, protests characterized mostly by stone pelting demonstrations broke out throughout the valley. The government responded by heavy and forceful military clampdown which resulted in a continuing spate of killings, injuries and arrests of people which continues unabated almost every day till the present. In fact, the PUCL team was devastated by the scale of all round human suffering it witnessed in Kashmir.

The team learnt from JKCCS reports, the media, through lawyers and doctors, that from the 9th of July to the 15th of October, the total number of civilians killed by the police and the security forces was 101 with the largest numbers of those killed coming from Anantnag district. It was reported that 12 people died due to pellets fired by the forces. It was also learnt that 1 policeman too was killed in mob violence.

Reportedly, a total of 15,000 persons were injured in this period with 12, 344 being admitted in various hospitals. About a thousand persons were injured in the eye due to pellets resulting in 300 cases of blinding, which included a large proportion of school going children. According to the same list, 4500 persons suffered injuries in other body parts due to pellets and shelling and 4664 were injured by bullets. Over 8000 people have been reportedly arrested, including 1000 from Srinagar city itself. More than 2300 FIRs were registered by the police against the people; in contrast complaints lodged by civilians against security persons numbered only about 7.

It was learnt that 382 individual petitioners have challenged their detention under Public Safety Act, 1978 in the J & K High Court. It is estimated that about 434 people were detained under PSA, including human rights activist Khurram Pervez and lawyer Zahid Ali. The FFT was informed that 12 J & K government employees were sacked for allegedly supporting the protests.

Reports of vandalism and violence during raids by the police, security forces and the army were reported by many. Beating of residents, firing at transformers and making them dysfunctional, cutting of water supply as for example in district Bandipora, setting ablaze fields and burning of a school by the security forces were also reported by the people.

Raids were conducted in the offices of newspaper Greater Kashmir which resulted in all Kashmiri newspapers stopping publication for five days. The Kashmir Reader has been banned since the 2nd of October. Immediately after the 9th of July, all Pakistani news channels were taken off the air and initially the Government also blocked 5 Indian news channels for their reportage on Kashmir, which was later withdrawn. According to complaints by media persons, curfew passes of journalists were not honored by the forces including the army. Many journalists complained of beatings. Two journalists were reportedly targeted with pellets firing guns while doing their professional duty. Senior

photo Journalist Danish Ismail's house was allegedly damaged. A crackdown was conducted on voluntary organisations who were organizing relief work in the premises of SMHS Hospital including providing free medicines, ambulance services and free food and tea. All email and internet services remained closed for most time throughout this period from 8th July till 17th October, 2016.

Some of the key observations of the PUCL Team are:

- The anger against the security forces was simmering since 2008 and 2010, when 67 and 144 killings had happened in a government clampdown. The killing of Burhan Wani, who was a popular militant leader amongst the youth, acted as a vent and triggered this phase of protest.
- Demand for Azadi, clearly expressing alienation from India with people very vocal about their lack of faith in the Indian State, was an all pervasive voice across villages and cities, professionals and the ordinary, young and old and men and women. This was reiterated by the people the team met in the valley in the light of the continuing brutalities committed by the Indian Forces against unarmed civilians, in which even women and children were not spared.
- The common people have lost faith in the ordinary democratic modes of redressal as they believe that they are heavily biased against them. For instance no FIRs are registered against offences committed by the armed forces or the police, and even if registered there is never a fair investigation, much less prosecution. They were of the view that in the face of overwhelming failure of all the democratic institutions in responding to their political grievances and aspirations, stone throwing has become the only method of expressing their sense of anger and frustration, especially among the youth.
- There was a majority participation in the *hartal* announced through the Hurriyat weekly calendar. This hartal is a complete shutdown of all private establishments including public and private transport from 7am to 5pm every day but for 24 hours on Fridays with schools, colleges and other academic institutions completely closed. Courts had partially reopened when we visited. Hospitals, Anganwadis, Pharmacies, PDS shops, media houses were kept out of the hartal, with tea and bread shops being partially open. It was also stated by most that even if the hartal fizzles out in a few days or weeks this time, the agitation which has started will not end but will continue with bigger and more violent eruptions in the future.
- A difference between the protests and collective action in 2016 and previous protests was said to be over the overwhelming support of ordinary citizens, cutting across class, education, professional and urban / rural lines to the hartal call in 2016 as contrasted to previous protests. Even while the bulk of ordinary Kashmiris

supported the protest action, there however remained a small section of people who were getting inconvenienced by the continuation of the hartal.

- There was acute anger against the loss of lives of people (particularly children, youth and women) and injuries caused by pellets, bullets and shells fired by the security forces, including the Army, Rashtriya Rifles (RR), Central Reserve Police Force and the J &K Police. Most of the firing, according to people, was unprovoked and targeted. The use of pellets as a means to curb protests was looked upon as an instrument of blinding and maiming the young. It was argued as to why in situations of equally violent protests in Haryana and Karnataka, pellets were not used as they were against the Kashmiris. This was cited as an instance of discrimination against the Kashmiris.
- For the first time in Kashmir as many as six women were killed and several injured. Perhaps for the first time all women public protests (*juloos*) and the participation of women in *Janazas* (funeral processions) in large numbers was observed. Young women were very vocal and said that too much bloodshed had happened and that there could be no compromise this time. While older women could not believe that there could be a Government who could repeatedly kill masses of its own people. There was the fear of house raids by the forces and women being violated.
- It was shocking to learn that security forces did not spare *janazas* (funeral procession) and the casualty wards / sections of the hospital. Videos were displayed showing shelling on funeral processions. Doctors talked of shelling inside the casualty area of SMHS hospital, of attacks on ambulances and private vehicles carrying the injured and causing delays which led to patients succumbing to death. It was also unbelievable that many security men were profiling the seriously injured instead of ensuring quick treatment.
- The loss of livelihood leading to a situation of hunger amongst the poor was being handled by *Baitul Maal*, the local mosque committees which provided money and food. Some people gathered here for relief did complain of the distress caused by the long hartal that had jeopardized the poor people's food security.
- There was a general feeling, with the young being more vociferous, that lodging an FIR or demanding compensation with respect to the killings or injuries of their loved ones was of no consequence as there were no cases where the army or police or CRPF personnel were convicted for their crimes in the past. Some who went to lodge FIRs were threatened with dire consequences and therefore refrained from lodging cases. The paramount vocal opinion regarding engaging with the Indian state apparatus was that we have no trust in them, then why waste time with them. They also felt that in any case Martyrs were above prosecution. Despite this, we met

some of the families who had lodged FIRs but were not hopeful of a tangible outcome in view of the SC judgment in the Tengpora case.

- For the first time human rights activists have been targeted and the arrest of Khurram Pervez of JKCCS shows that they want to silence all dissent and support that human rights activism provides to the victims of human rights abuse.
- The banning of Kashmir Reader shows the undemocratic functioning of the State which is uncomfortable with free speech, a basic human right and foundation of democracy. It is difficult to avoid the impression that the Indian State seems at war with the people of a region it claims as its integral part. Repression by the armed and other security forces is very visible in the state.
- The Team observed that the humanitarian crisis was aggravated because the hospitals did not get any support from the Government of India by way sending in medical specialists, especially Ophthalmologists, nursing personnel and medicines to the Valley. The lack of support from the Government was despite the observations made by the team of AIIMS doctors who visited in July, 2016 who described the situation as “war like”.

The PUCL team makes the following interim recommendations

1. The GOI should ensure the release of Human rights defender Khurram Pervez immediately and withdraw all criminal cases against him.
2. The GOI and J & K Government should release all Hurriyat leaders and hold unconditional talks with them and representatives of the other sections of the people, including the youth, in order to break this impasse and move towards a permanent resolution of the Kashmir dispute.
3. All political leaders, activists and young protestors detained under the Public Safety Act, 1978 (PSA) and other criminal charges should be released immediately and all cases against them should be withdrawn or revoked.
4. The Government and security forces should lift curfew and other restrictions throughout the Valley and cease all hostilities against the civilian population. There should be demilitarization of the Valley including withdrawal of security forces from civilian areas.
5. PSA, 1978 and AFSPA must be repealed from the statute books.
6. Facilitate the filing of cases against members of the security forces who indiscriminately killed and injured and committed other atrocities on the people.
7. Set up a judicial commission headed by a sitting judge of the SC to look into the alleged extra judicial killing of Burhan Wani and other similar cases.
8. The ban on Kashmir Reader should be immediately withdrawn and the publication be allowed to function normally. The government must also stop all persecution of media, including by means of denying giving advertisements by the State and

Central Government as a means of pressurizing the media to toe the government line.

9. There should be no curtailment of the right to freedom and speech expression of the media and also of civil society organisations and people. All peaceful protests should be permitted.
10. The Government of India and J & K Government should immediately approve all files related to granting 'Sanction to Prosecute' government, police, security and army personnel found guilty of having committed offences based on criminal investigation in cases pending in criminal courts and which have not been cleared for long periods of time.
11. The Government of India should immediately ban the use of pellets guns on protests and demonstrations.
12. The current approach of the State is premised on the fact that they can militarily subjugate the Kashmiris by causing suffering and crushing them economically and politically. The ground situation, as observed by the FFT, reveals that far from silencing the ordinary Kashmiri people, such brutal military methods have only resulted in alienating the local population by increasing their sense of anger and injustice on one hand and on the other hand making them, especially the youth, more resolute and determined to continue the struggle for political resolution, irrespective of the price they may pay. There is thus an urgent need for the Government of India to revise this militaristic policy and for Indian leaders to demonstrate greater statesmanship in dealing with the Kashmir issue by recognising the political aspirations of the people of Kashmir and charting a policy which ensures the welfare, well being, rights and dignity of the Kashmiri people. As a first step, the government should initiate confidence building measures to build a sense of trust and confidence in ordinary residents of Kashmir

The PUCL will continue to dialogue with the people of Kashmir through visits and other means. It will also raise awareness regarding Kashmir in other parts of the country. It will also campaign for the release of Pervez Khurram. The full report will be released in November, 2016.



Dr. V. Suresh, General Secretary, PUCL

Kavita Srivastava, National Secretary, PUCL

Ramdas Rao, National Council Member, PUCL

Pragnya Joshi, National Council Member, PUCL

Jean Dreze, Member, PUCL