

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL IND 8/2019

18 March 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 35/15, 33/9 and 34/19.

We would like at the outset strongly condemn the suicide bomb attack against Indian security forces in Pulwama district of Jammu and Kashmir on 14 February 2019, which reportedly killed over 40 members of the Central Reserve Police Force.

This communication concerns alleged violations of the right to life in Jammu and Kashmir over the last twenty nine years. **The allegations include 13 cases from 2018, including 8 civilians killed by members of the security forces and 5 killed by militants or unknown individuals. The remaining 63 cases concern individuals killed between 1990 and 2011, some of whom were allegedly subjected to torture. In some cases access of injured individuals to health care was said to have been limited or impeded. In all these cases, the authorities have reportedly failed to conduct thorough, prompt and impartial investigations, so as to ensure that the rule of law prevails, and justice is done and steps are taken to ensure the non-recurrence of the violations.**

Allegations of violations of the right to life in Jammu and Kashmir have been the subject of multiple communications by special procedures mandate holders including;

- IND 25/2018, concerning allegations of violations of the right to life of eight civilians including four children in Jammu and Kashmir between March and July 2018
- IND 9/2018, regarding violations of the right to life of eleven civilians in Jammu and Kashmir between May 2017 and April 2018
- IND 10/2017, regarding the arbitrary killings of 20 civilians by the security forces in the context of the ongoing protests in Jammu and Kashmir between July 2016 and April 2017
- IND 5/2016, concerning the alleged unlawful death of over 30 persons and injuries to hundreds in the state of Kashmir between 8 and 14 July 2016.
- IND 18/2011, concerning three cases of deaths in custody in 2011
- IND 18/2010, concerning the cases of 49 civilians including 20 children alleged victims of excessive use of force in 2010

- IND 21/2008, concerning the cases of 43 individuals allegedly victims of excessive use of force in 2008
- IND 18/2005, concerning 1 civilian allegedly killed by members of the army
- IND 16/2005, concerning violations of the right to life of 13 civilians.

We take note of the extensive response received to IND 5/2016, the responses on the cases detailed in IND 18/2011, the short response to 18/2010, response to IND 21/2008 and detailed individual responses to IND 16/2005. We remain concerned by the issues raised in the communications and continued allegations related to excessive use of force or intentional killings by the armed forces. We regret that no replies have yet been received to communications IND 25/2018, IND 9/2018, IND 10/2017 and IND 18/2005.

According to the information received,

Eight individuals have been killed by members of the security forces in 2018 in what appears to be deliberate killings or excessive and careless use of firearms in the context of either demonstrations or social events. Furthermore, in one case, the security forces allegedly fired at a child who was trying to evacuate an injured demonstrator, hitting the child in the stomach.

While in some cases First Information Reports (FIR) were filed with the local police, they have not been shared with the victims' next-of-kin. Furthermore, in other cases, it is not clear whether FIRs have been filed or whether magisterial inquiries have been undertaken, both of which the Supreme Court has ruled are mandatory for deaths involving the security forces. Moreover, it would appear that no serious steps have thus far been taken to effectively investigate these killings, to prosecute the perpetrators, and to take effective measures to ensure the forces operating in Kashmir are held accountable.

Also in 2018, three individuals were killed by militants, in one case after allegedly being tortured. Two other individuals have been killed by unknown perpetrators.

Furthermore, 63 cases concern individuals killed between 1990 and 2011, allegedly either through intentional killings by members of the security forces, in a number of cases after having reportedly been subjected to torture, or through excessive and careless use of firearms. Further the authorities have reportedly failed to conduct thorough, prompt and impartial investigations. In a number of the cases, family members faced harassment, threats and in some cases ill-treatment from members of the security forces to prevent them from reporting the killings. There are also reports of bribes being offered to withdraw complaints.

Additionally, in two cases, in 2004 and 2009 the army prevented individuals whom they had injured through shots from firearms from being taken for medical care for between 15 minutes and 1 hour – both individuals died before reaching the hospital. In another case in 1995, pro-government gunmen, prevented an individual they had

injured from being taken to hospital and instead detained him and reportedly subjected him to torture.

It has also been alleged that in several cases the armed forces were obstructing investigations carried out by other bodies such as the police and the courts. In other cases, sanction for prosecution was sought by the State Government from the Central Government under the Armed Forces (Special Powers) Act but these requests were either rejected or do not appear to have received a response. In most of these cases, the names of individual alleged perpetrators are available as well as eyewitness testimonies or other evidence.

Further information on these allegations is appended to this communication. This includes:

- Table 1 concerning alleged killings of civilians by members of the Indian security services including;
 - 28 cases by the army
 - 5 cases by the police
 - 7 cases by the border security forces
 - 2 cases by police and the army
- Table 2 concerning the killings of civilians by ikhwans (pro-government gunman/private militias) in some cases jointly with security services;
 - 19 cases of killings by ikhwans
 - 6 cases of killings by the army and ikhwans
 - 2 cases of killings by the police and ikhwans
- Table 3 concerning 2 killings of militants through torture by the Indian army
- Table 4 concerning 5 killings of civilians by militants or unknown assailants

Without prejudging the accuracy of these allegations, we express our serious concerns that, if correct, these would constitute grave violations amounting to arbitrary deprivations of life, torture and impediment to access to health care; further compounded by the absence of prompt and effective investigations, and the absence of remedies and reparations for the victims' families.

Special procedures mandate holders have previously and repeatedly expressed concern about aspects of the Armed Forces (Special Powers) Act which are inconsistent with India's human rights obligations under the conventions it has ratified (including A/HRC/23/47/Add.1 paras 21- 28 and 100 and A/HRC/29/37/Add.3 paras 15- 18). We reiterate our concern over its continued application and the call for this act to be repealed, or at least significantly amended.

These allegations if confirmed, would be contrary to article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by India on 10 April 1979 providing for the right to life, security and not to be arbitrarily deprived of life, the absolute protection against torture and other forms of ill-treatment as codified in article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the State

of India on April 10, 1979 and article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by India on 10 April 1979 which protects the right to physical and mental health. Moreover, we would like to remind your Excellency's Government that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily deprived of one's life are international norm of *jus cogens* and universally binding at all times.

Further, with regard to the killings allegedly committed by militants, the Special Rapporteur on extrajudicial, summary or arbitrary executions highlights in her report on armed non-State actors (A/HRC/38/44) that the absolute prohibition against extrajudicial executions applies to armed non-state actors that control territories or populations.

We would like to underline that States are obliged to protect all individuals within their jurisdiction against killings perpetrated by armed non-state actors in all situations, without discrimination.

We also take note of the Office of the United Nations High Commissioner for Human Rights Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan issued on 14 June 2018 covering alleged violations including of the right to life from July 2016 to April 2018 and the recommendations therein. We regret that, from the information received, it does not appear that efforts have been made to implement the recommendations, including in relation to the repeal the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990; to establish independent, impartial and credible investigations to probe all civilian killings which have occurred since July 2016; to investigate all deaths that have occurred in the context of security operations in Jammu and Kashmir following the guidelines laid down by the Supreme Court of India; and to investigate all cases of abuses committed by armed groups in Jammu and Kashmir, including the killings of minority Kashmiri Hindus since the late 1980s.

In connection with the above alleged facts and concerns, please refer to the **Annex II on Reference to international human rights law** attached to this letter which cites some international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations. We would appreciate information on efforts taken to investigate any of the individual cases included in annex I, and on the outcome of these investigations in terms of the facts established and the responsibilities involved.

2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the alleged torture and killings in these cases. Have any penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators? If no proper investigation has been carried out, how is this consistent with India's human rights obligations under the conventions it has ratified?
3. Please provide information on the procedures adopted to ensure FIRs are filed and magisterial inquiries are conducted in all cases of alleged killings involving the security forces and that investigations are conducted transparently. Please explain why the next-of-kin have not received copies of FIRs filed or information on the existence of progress of investigations in some of the aforementioned cases.
4. Please indicate whether reparations have been or will be made to the victims' next-of-kin.
5. Please provide information about the directives issued by the Government to law-enforcement personnel and army concerning the precise circumstances in which the use of lethal force is authorized in the Indian state of Jammu and Kashmir, and indicate how these directives comply with the international human rights obligations of India under the ICCPR, as well as the requirement of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
6. Please explain in detail the measures taken by your Government to ensure access to health care to everyone, including those participating in demonstrations, without discrimination, especially when they are injured in the context of the use of firearms, and their life is in danger.
7. Please provide information on the steps taken to investigate killings by militants, to provide family members with information on the status of investigations and the possibilities for family members to receive compensation in these cases.
8. Please provide information on the steps that have been taken or are being considered to repeal the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which our concerns are based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. Any public expression of concern on our part would indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

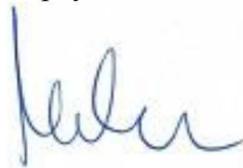
Please accept, Excellency, the assurances of our highest consideration.



Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions



Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health



Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

ANNEX I

ACCORDING TO INFORMATION RECEIVED:

TABLE 1 – KILLINGS OF CIVILIANS BY INDIAN SECURITY FORCES

No.	Name /Age	Occupation	Location	Alleged Facts	Alleged Perpetrator	Investigations
1.	Fazal Syed Hussain, 55	Shopkeeper	Choolan, Kalsan, Tehsil Uri, District Baramulla	<p align="center">Alleged killings by the Army</p> <p>In October 1995 the victim was picked up by the army with several others and taken to Baz Post and then Kanari camp. They were held for four days and severely tortured before being taken to the Police Station in Uri and the army confirmed that they were not involved in any militant related activities. Persons associated with them tried to file an FIR but police refused.</p> <p>Two days later the army came again and took them to Baz post and tortured them. They were released the next morning.</p> <p>The following day they were abducted again by members of the same regiment. Persons associated with the victim went to Ghati camp the next day and were told not to worry but were not permitted to go to Baz Post. They saw the Station House officer of the local police station being accompanied by army personnel to Baz Post.</p>	Indian Army	<ul style="list-style-type: none"> - A FIR was registered in 1995 at the Baramulla Police Station under the Explosives Act and without any further investigation the complaint was closed. - Persons associated with the victim approached the police station to file a criminal complaint but their request was not accepted. - A writ petition was filed at the High Court at Srinagar seeking to reopen the FIR and for a special investigation team (SIT) to investigate the custodial death. - In 2015, the government responded indicating the petition was not maintainable due to the 20 year delay. The case remains pending in the High Court. - The family received ex-gratia relief of 100,000 rupees (Rs.).

				On 14 November 1995, pieces of the body of the victim were given to the next of kin, who were told to accept the bodies in pieces or they would be thrown in the river. On 11 November 1999 , the victim was picked up by the army. On 14 November 1999 he was returned to his family in a very poor condition due to torture including being made to drink petrol. He was admitted to hospital but died on 15 November 1999. Prior to the incident he had been required to report to the same army unit weekly and was often beaten.	Indian Army - 29 Rashtriya Rifles	<ul style="list-style-type: none"> - Persons associated with him tried to file a FIR with the police but they refused to register it. - The SHRC passed a judgement on 5 March 2012 recommending that the government provide ex-gratia relief and benefits to persons associated with the victim. - Petition (OWP no. 1327/2015) was filed with the High Court of Jammu and Kashmir - the army responded stating it was not maintainable as no FIR had been lodged and the army had no records of the victim in 1999. The petition remains pending.
Mohammad Ramzan Malla, 32	Shopkeeper The victim was a surrendered Al-barq militant	Dodhbugh Wagoora, District Baramulla	On 11 June 1992, there was a blast from an improvised explosive device (IED) on the Loipura road. The army entered the victim's house, and tortured the victim and a relative with electric shocks asking for information on the militants who set up the IED. They were then taken to nearby houses and then to Batpora camp, where they were further tortured. The victim was heard calling for help until 4 a.m. the next morning. The other individual was held for 17 days and then released after being made to sign some documents and indicating they would not file a complaint.	Indian Army	<ul style="list-style-type: none"> - On 13 June 1992, FIR no. 86/1992 for murder was filed at Pattan police station - A FIR was filed by the army regarding the IED blast; it states that the victim was detained and complained of chest pain immediately. - The family was given Rs. 100,000 and compassionate employment. 	
Abdul Rehman Ganaie, 35	Farmer	Lolipura, Pattan, Baramulla District,	On 3 March 1993 , the victim was taken by the army to Chatoosa Army Camp at Rafiabad. His family	Indian Army	<ul style="list-style-type: none"> - On 12 April 1993, FIR no. 18/1993 was filed at the Panzalla Police Station and in the same year a writ petition was filed. 	
Ashiq Hussain Ganai, 24	N/A	Abducted from Chatoosa				

			informed the police station at Panzalla and went to the Chatoosa Army Camp multiple times but were refused the right to visit. Two weeks later release orders were issued for 12 people including the victim but he was not released. Persons associated with him were made to sign a paper saying the victim had been released and was threatened. On 12 April 1993 the body of the victim was recovered from the Jehlum River, Doabgarh, Sopore.	Army Camp Body recovered from Jehlum River, Doabgarh, Sopore				<ul style="list-style-type: none"> - In 1996 the case was sent to the Jammu and Kashmir Home Department for prosecution. - In 1997 the Ministry of Defence denied sanction for prosecution. It was claimed that the victim had escaped during an ambush and army personnel were not involved in his death. - In 1999 a petition was filed to quash the denial of sanction. - The current status of the case is unclear.
Abdul Rashid Shah, 27	Tailor		On 28 August 1993 , he was picked up by the army during a search operation and taken to an army camp called the Filtration Plant Camp, Bagh-e-Islam. Gunshots were heard around the camp on that day. His body was handed over to the Baramulla Police Station. Following the incident a member of his family was taken to the regiment's headquarters and made to give his thumb impression on documents.	Faquirwani, Qadeem, Eidgah, Baramulla.	Indian Army - 15 th Punjab Regiment	<ul style="list-style-type: none"> - FIR no.239/1993 was filed at the Baramulla Police Station. - On 6 September 2011 the Government of Jammu and Kashmir communicated that prosecution and sanctions were pursued with this case in 2002 and a decision was awaited. - Persons associated with Mr. Shah were given Rs. 100,000 and compassionate employment. 		
Mohammad Ashraf Najar, 24	Businessman		On 25 September 1993 , he was picked up by the army at a market and taken to the Filtration Plant camp. His family went to the camp but were told there were serious allegations against the victim. He was released on 28 September 1993 but had been severely tortured including having been forced to drink acid and succumbed to his injuries.	Abducted from Baramulla market, Baramulla District.	Indian Army (15 Punjab Regiment)	<ul style="list-style-type: none"> - FIR no.295/1993 was filed at the Baramulla Police Station. - In 1993 the Deputy Commissioner of Baramulla stated that he was not involved in militant activities. - In 2011, the Government of Jammu and Kashmir stated that sanctions were sought on 28 March 1995 and awaited. - In 2012, the Jammu and Kashmir Police stated the case was closed but in 2013 stated it was still under investigation. - The present status of the case is unknown. - The family of the victim was given Rs. 100,000 and compassionate employment. 		

				Four days after his death, members of his family were beaten and asked to withdraw the FIR.				
Reyaz Ahmad Bhat, 21	Student	Iqbal Colony, Baramulla		On 24 November 1993 , the victim was picked up by the army and taken to the Filtration Plant Army Camp, Bagh-e-Islam. Two days later the Major of the camp denied the victim was being held. On the same day clothes were found at a stream near the camp and his body was given to the Baramulla Police and bore signs of severe torture. Four days after the killing, the family were offered money by an unidentified Colonel, which they refused.	Indian Army -15 Punjab Regiment	- FIR no. 361/1993 was filed at the Baramulla Police Station. - In 1997 the Senior Superintendent of Police of Baramulla confirmed that Mr. Bhat was not involved in any subversive activities. - In 1993 a Court of Inquiry was initiated by the 19 th Infantry Division. - On 6 September 2011 the Government of Jammu and Kashmir communicated that sanction were pursued on 11 September 1996 and was awaited. - The present status of the case is not known.		
Mohammad Amin Bhat, 22	Surrendered militant	Sangri Colony Area. Baramulla.		On 5 September 1994 the victim was in a relative's house when the army entered the residence and abducted him along with others. They were taken to the Kari Chamb hilltop and the victim was shot and killed. It is believed a member of the army may have been given money to kill the victim.	Indian Army	- On 5 September 1994, FIR no.229/1994 was filed at the Baramulla Police Station. - On 25 December 2013 the Jammu and Kashmir Police communicated that a charge sheet had been filed and prosecution and sanctions were awaited. - The family sought relief and compassionate employment but it was not granted.		
Muktha Sheikh, 45	Tea Stall Owner	Barnate, Uri, Barumalla District.		On 31 December 1994 , the army came to the victim's house and took the victim and another individual as route finders. The next day the families went to Barnate Cap and were told that the two men had been taken to Rampura Brigade Headquarters and would be released soon. Later on the same day the family were informed that the victim's body was at Kralchak, Barnate. The body had two bullet wounds and torture marks. The	Indian Army - 5 th Rajputana Rifles	- On 21 May 1995, persons associated with Mr. Sheikh filed FIR no.34/1995 at the Boniyar Police Station. - A closure report was filed on 18 January 2012 stating that the perpetrators were untraced. - A letter dated 5 March 2009 from the Sub-District Police Office of Uri confirmed that Mr. Sheikh was killed by the army and stated that the case had been sent for prosecution and sanctions under the AFSPA.		

				body of the other individual was found 15 days later.				
Mohammad Yaseen Dar	Chemist	Abducted from Brakpora, Islamabad District. Killed at Bulbagh, Achabal.	On 12 June 1995 the victim was abducted from his house by the army. Persons associated with him went to the army camp but they denied he had been arrested. They tried to file a complaint with the police but they did not record it. Two weeks later, his next of kin were informed that he had been shot in Bulbagh, Achabal. The army claimed to have killed a militant.	Indian Army - 2 Rashtriya Rifles	<ul style="list-style-type: none"> - Persons associated with the victims received Rs. 100,000 ex-gratia government relief but have not yet received compassionate employment. - On 26 June 1995, FIR no.213/1995 was filed at the Anantnag Police Station. - It appears the Ministry of Defence declined sanction in 2009 indicating several reasons including that the allegations against the reported perpetrators are false and that the victim was a militant and killed in a legitimate encounter. - Communications from the Jammu and Kashmir Police provide contradictory information; in 2012 indicating that the case was closed and charge sheets issued but that no sanction for prosecutions were granted, whereas in 2013 saying that the case file had been sent for government sanction, suggesting no final decision has been taken yet. 			
Mohammad Maqbool Mir, 58	Teacher	Chaksari, Warpora, Pattan, Baramulla district	<p>In early July 1998, a Major visited the victim, ate a meal at his house and took Rs. 70,000 in exchange for not harming his family.</p> <p>On 11 July 1998 the Major asked the victim to go to the house of an army source. When he arrived he was tortured and then taken to Chaksari Camp.</p> <p>On 12 July 1998, he was brought back to the village and tortured before being returned to the camp. On 13 July, the army searched for the victim's family.</p> <p>On 14 July 1998, the police informed villagers that the body of the victim was in Tangmarg.</p>	Indian Army	<ul style="list-style-type: none"> - Persons associated with Mr. Maqbool Mir filed FIR no. 216/1998 at the Police Station Pattan - The army filed a counter FIR no. 214/1998 at the Pattan Police Station stating that the victim was brought to Ziran, Tangmarg for interrogation and he revealed the location of hidden weapons near the village and during a search of the area the victim threw a grenade that did not explode, and the sentries reacted by firing at the victim. - There is no information on status of any investigations 			

Mohammad Amin Wani, 45	N/A	Prang Kangan, Gandarbal district	On 19 August 1998 , a grenade was thrown towards the victim's house but did not explode. The army took Mr. Wani into custody for interrogation and then released him. The next day they came to his house and tortured him before taking him to Barawall camp along with several other villagers including children. The victim was severely tortured and he was declared dead by an army doctor.	Indian Army - 197 Field Regiment, Barawall Camp	<ul style="list-style-type: none"> - Persons associated with Mr. Amin Wani did not make complaints due to the prevailing circumstances. - It is not known if any action was taken by the authorities.
Nissar Ahmad Dar, 19	Daily wage worker with a government department. He was a surrendered militant.	Ratharpora, Dadsara, Tral, Pulwama district	On 5 December 1998 , he was riding on the back of a scooter when a uniformed member of the army shot at him and killed him. He was a surrendered militant.	Indian Army - 31 Counter-Intelligence Unit	<ul style="list-style-type: none"> - Persons associated with Mr. Ahmad Dar filed an application with the State Human Rights Commission, but do not know its present status. - On 5 December 1998, FIR no.154/1998 was filed at the Awantipora Police Station. The case was closed as charge sheets were filed and the perpetrators were arrested. - On 10 January 2012, the Ministry of Defence stated that sanction under the AFSPA was declined in 2010, in part because the case was registered four years after the incident. This is incorrect as an FIR was filed in 1998. - Persons associated with Mr. Ahmad Dar were given Rs. 100,000 and compassionate employment
Mohammad Ramzan Mir		Sheikhpora, Rafiabad, Baramulla district	On 19 June 1999 , the victim was ordered to report to Chatoosa Army Camp with other individuals after Ikhwan falsely reported that the individuals were providing food and shelter to militants. They were tortured and the victim died from the electric shocks he received. The remaining individuals were released after a protest by villagers.	Indian Army - 30 Rashtriya Rifles, Chatoosa Camp	<ul style="list-style-type: none"> - FIR no. 60/1999 for murder was filed at Police Station Panzalla. - Persons associated with Mr. Ramzan Mir were threatened, detained and offered Rs. 30000 to change their statement. Eventually they were forced to authorize a document absolving the army of responsibility. - In 2015, information was given that the case was under investigation and sanction had been requested. - The official status of the investigation is not known.

				Persons associated with Mr. Ramzan Mir faced reprisals for trying to retrieve the victim's body from the army camp including torture. After the intervention of a politician, the army revealed the location of the victim's body which had been buried in a ditch.		
Ashiq Rasool Bhat, 22	College student	Yarmukam Manigam, Ganderbal district	On 13 March 2000 the victim left Srinagar for Manigam but never returned. His family searched for him and informed the police about his disappearance. On 23 March 2000 villagers in Waliwar said that the army had been talking about the killing of a militant. The police showed photos of persons killed in the area, and one was of the victim. On 25 March 2000, the body was exhumed from a graveyard near Ganderbal Police Station and re-buried by the family.	Indian Army	- FIRs were filed against the victim in Ganderbal Police Station by the army. - Persons associated with the victim filed several petitions including with the Ganderbal Court. The authorities contended that the victim was a militant and killed in an encounter. In 2010 the Ganderbal Court ordered a closure report be filed.	
Mohammad Maqbool Dar, 25	Farmer and cart man	Batapora, Magam, Handwara, Kupwara district	On 13 March 2000 , he was called to the army camp at Magma with others. He was taken away while others were allowed to leave. Later that day his family went to the camp to request he be released but were informed he had fled. Later, after the intervention of a local politician, he was found alive but in a critical condition at Watayin Camp – his body bore injuries indicative of torture. He was taken to hospital but	Indian Army - 24 Rashtriya Rifles, Magam Army Camp	- On 18 March 2000, FIR no. 30/2000 for wrongful confinement and murder were filed at the Handwara Police Station. - The family received harassment from the army for two years after the complaint was made. - Communication from the Jammu and Kashmir police in 2010 stated that the case was closed by declaring the perpetrators untraced on 3 June 2010. The closure report also stated that army officials did not provide statements. - The Ministry of Defence declined sanction for prosecution on 26 February 2009. - The Ministry of Defence stated on 10 January 2012 that "the FIR and the statement of witnesses stand	

				succumbed to his injuries on 1 April 2000.				in contradiction. The unilateral conclusions reached by the police appeared to have been made under pressure from terrorists and sympathizers to blame and malign the image of the army” but they did not provide details on the reported contradictions. - The family received Rs. 100,000 ex-gratia government relief but have not yet received compassionate employment.
Abdul Majeed Khan, 45	Chemist	Khaipora, Tangmarg, Baramulla district	On 8 January 2001 , he was picked up from his residence by more than 30 members of the army. They searched his house and found nothing but asked the victim to company them. He was taken to the army camp and was seen there being tortured and then being declared dead by a doctor. That evening his body was taken away. The next day, the family went to the army camp in Batpora but were told no one had been detained at the camp. The same day his body was found in the orchards at Hoom, Tangmarg, showing signs of torture.	Indian Army - 59 th Field Regiment of Batapora, Tangmarg	- A post mortem from 2001 notes he died from a blunt trauma and that there were rope marks on his wrists. - FIR reports were filed with the Tangmarg Police Station in 2001 for kidnapping and murder and numerous petitions were filed before the High Court. - Persons associated with the victim were harassed by the army and told to withdraw the case on several occasions in 2002. - In response to one petition, the State of Jammu and Kashmir and the Police stated that members of the 59 th Field Army Regiment were involved in the murder of the victim and the army was not cooperating. The High Court ordered the army to cooperate in 2006. - A contempt petition was filed in 2006 and the high court ordered an investigation by a senior ranking police officer. According to the investigation, in 2007 that a charge sheet has been filed against a Major and sanction was being sought. - The current status of the investigation is unclear. - The family of the victim was given Rs.100,000 and compassionate employment			
Tahir Hussain Makhdoomi, 23	Student / Farmer	Tujjar Sharief, Sopore, Baramulla district	The father of the victim and a Major in the 22 Rashtriya Rifles had had an angry exchange of words in mid-2003. In September 2003, the family of the victim were granted permission by the	Indian Army - 22 Rashtriya Rifles	- An FIR was filed (321/2003) were filed at the Sopore Police Station on 15 September 2003 for murder and wrongful confinement following orders from the Chief Judicial Magistrate, Sopore.			

	Parvez Ahmad Khan, 19	Student	Dilbagh, Devar, Lolab, Kupwara district	<p>Major to hold the victim's wedding on 10 and 11 September 2003. At 4.30 a.m., on 12 September 2003, the house was raised by soldiers who beat members of the family and took away the victim. Over the next few days, the family approached the camp and the soldiers acknowledged he was in detention but refused to release him.</p> <p>On 15 September 2003, the Major informed the family that the victim had been an informer for the army and had died in an explosion during an operation. Subsequently the family were given his left leg and told this was the only part of the body that was recovered.</p> <p>Later, the major approached family members offering incentives to drop the case but which were rejected by the family.</p>	Indian Army - 18 Rashtriya Rifles from Devar camp, Chairkoot Camp and Kooligam Camp	<p>The army filed FIR 322/2003 stating the victim was an informant and died during an operation.</p> <ul style="list-style-type: none"> - The NHRC took note of the case in 2003 but the status of the case before them is unclear. - In 2006 the State human Rights commission directed the police to file a charge sheet against the Major. - The current status of any investigation against the Major is unclear. - The family received Rs. 100,000 and the compassionate employment.
				<p>On 11 September 2004, at around 5 p.m., the victim was stopped by army personnel and taken to an area close to his residence. At 8 p.m., the residence of the victim was raided and searched and his belongings seized. On 12 September 2004, his family were summoned to the Devar Camp and told that the victim had been accidentally killed when the army had opened fire at two militants who were escaping.</p>	<ul style="list-style-type: none"> - FIRs were filed on 12 September 2004 for murder and wrongful confinement. - After this date, persons associated with the individual were approached several times by members of the army asking for the cases to be withdrawn and were threatened. - Eventually family members gave a false affidavit acknowledging the victim was killed in cross fire. - Police have stated that the case has been closed. - The family of the victim was given Rs.100,000. 	

Farooq Ahmad Wani, 22	Airport employee	Chettoo, Dangerpor a, Chadoora, Budgam district	<p>On 29 November 2004, the inhabitants of the village were made to stand on the roadside by members of the army and those who were working at the airport were asked to separate themselves. The victim and another individual stepped forward and were beaten. An elderly villager asked why the army were beating people and the army pushed him over. The villagers started shouting and the army opened fire hitting the victim. The army refused to allow them to be taken to hospital for one hour, until the Commanding Officer arrived and ordered they be allowed to be taken to hospital. The victim died on the way to the hospital.</p>	Indian Army - 35 Rashtriya Rifles	<ul style="list-style-type: none"> - FIR no. 186/2004 was filed at the Chadoora police station for murder. - A few days after the incident police asked the persons associated with the victim to appear in the camp and were asked to identify the army personnel involved. They did so, but they do not know what happened to the individual identified. - In February 2015 persons associated with Mr. Ahmad Wani received a summons from Chadoora court, where they appeared and narrated what they had witnessed. The Station House Officer also appeared and indicated the deaths occurred in cross fire. - The case is still going on in Chadoora court.
Shakoor Ahmad Deva, 24	Shopkeeper	Shopian town, Shopian	<p>In June 2004, the victim was abducted by an Ikhwan and released after a bribe of Rs. 100,000 was paid.</p> <p>On 2 June 2005 a Major came to the victims shop and asked him to come to the Veterinary Camp near the police station. The family went to the camp and the Major assured them the victim would be released soon. The victim was seen picking grass by hand in the camp. On 4 June, family members went to the Police station but were told he would soon be released. On their way back to the house, they saw people gathered around a body and was told someone had been killed in cross fire. They later received news that Mr. Deva had been the victim. His body showed signs of torture.</p>	Indian Army - 44 Rashtriya Rifles	<ul style="list-style-type: none"> - A FIR was filed by the victim's family with the police station at Shopian for murder on 4 June 2005. - An FIR was filed by the army which states that the victim was a source and was killed in a blast while showing them a hideout. - The SHRC issued a final decision on 10 March 2008 and recommended that persons associated with the victim be given Rs. 100,000, compassionate employment, and a case against the perpetrator should be registered in court - Persons associated with the victim did receive Rs. 100,000 and compassionate employment. - There is no information on the present status of any investigations

	Fayaz Ahmad Mir, 30	Tailor	Zab-Khurhama, Lolab, Kupwara District	<p>Around 15 days after the incident, army personnel informed the family that the Major had been transferred and asked for them to withdraw the case and offered money and a job.</p> <p>On 1 February 2009, he was outside his house when army personnel told him to put up his hands. As he did so the army fired at him. His family tried to take him to hospital but the army stopped them and questioned them for 15 minutes before they were allowed to leave. He succumbed to his injuries.</p>	Indian Army - 18 Rashtriya Rifles	<ul style="list-style-type: none"> - An FIR was filed against the army at the Police Station at Lalpora. - The family were asked to visit Kooligam Camp, and the Brigade Commander admitted that six members of the army were responsible for the firing and indicated they were locked up. - An investigating officer suggested to the family that they reconcile with the army but was later seen taking an apparent bribe from army personnel. The family complained to the Police but were told the bribe was permitted. - A complaint was filed with the SHRC in 2009. - A family member received Rs. 100,000 as ex-gratia relief and an additional Rs. 400,000 in lieu of compassionate employment. - There is no information on the current status of the case
	Bilal Ahmad Khan, 21	Baker	Killora Village, District Shopian.	<p>On 4 August 2018, he attended a funeral for militants. The army tried to take away the body and some funeral-goers threw stones. The military opened fire and hit and killed Mr. Khan.</p>	Indian Army - <u>Balpora 44 Bn Rashtriya Rifles</u>	<ul style="list-style-type: none"> - Persons associated with Mr. Ahmad Khan have not pursued the case due to feeling that there will be no fair investigation or conviction, and for fear of reprisals
	Fayaz Ahmad Wani, 22	Lab Technician	Goosu Village, District Pulwama	<p>On 3 September 2018, he was shot by the army at point blank range as he was walking down a road, apparently without any provocation. As they left the area, one of the army officers called out to villagers “we have killed one of you, go pick him up.”</p>	Indian Army - Zadoora Camp	<ul style="list-style-type: none"> - The case has not been pursued by persons associated with the victim or the police.

Mohammad Yousuf Rather, 55	Farmer	Nowshera, District Anantnag	On 22 June 2018 , Mr. Rather was shot at point blank range in the leg during an interrogation by the army as to why militants were found in his house after the village was evacuated during a search operation. He was taken to hospital but succumbed to his injuries. Another family member was also shot in the right hand in the same interrogation. A third family member was arrested at the cordon of the village – he repeatedly indicated he was a civilian. He was taken to the Joint Interrogation Centre in Anantnag where he was severely beaten causing fractures in his arm and leg and later released. The house of Mr. Rather was burnt by the army along with two others.	Indian Army	<ul style="list-style-type: none"> - Persons associated with Mr. Rather did not filed a complaint. - The District Magistrate’s office has followed up with the police seeking next of kin compensation. - The Police took statements, but there has been no other steps in any investigation. - The Police filed an FIR only mentioning the details of the encounter, the number of militants killed, and the killing of another civilian in cross-fire. - The FIR does not state that Mr. Rather was also killed by the army during an interrogation.
Shahid Hajam, 24		Nowpora, Sirgufwara, District Anantnag, Jammu and Kashmir	On 22 June 2018 , there was an encounter and people gathered and threw stones at the security forces. Mr. Hajam was shot in the head and succumbed to injuries on 24 June 2018	Security forces	<ul style="list-style-type: none"> - Mr. Hajam’s family filed an FIR but were not given a copy of it.
██████████, 14	Student	Kundalwara, District Shopian, Jammu and Kashmir	On 10 July 2018 , militants were killed in an encounter with the security forces. A crowd attempted to retrieve their bodies and threw stones at the security forces. They responded with smoke shells, pellets and live fire. Mr. ██████ was shot in the forehead and died.	Indian Army	<ul style="list-style-type: none"> - His family sought a death certificate from the Police. They were later summoned to Shopian Police Station and recorded a statement. - A copy of the FIR was not given to them. - No case has been filed against the army.
Yawar Rehman Dar, 18	Auto Driver	Gubul, Khudwani,	On 28 June 2018 , there was an encounter between militants and the army, and some individuals began	Indian Army	<ul style="list-style-type: none"> - No complaint has been filed and no investigation has been carried out by state authorities.

			District Kulgam	throwing stones. Mr. Dar was at the site and was killed by a shot which was fired by the army.		- The death certificate states he was killed in cross fire between the militants and the army.
ALLEGED KILLINGS BY THE POLICE						
Mushtaq Ahmad Hajam, 23	Government employee, Handicrafts department	Nowhatta, Srinagar		On 17 August 1990 he was stopped by CRPF members while returning home from evening prayers and, while trying to show his identity card, was shot in the front of the head.	Central Reserve Police Force – 2 nd Battalion, D company	<ul style="list-style-type: none"> - FIR no 63/1990 was filed at Nowhatta Police Station on 17 August 1990. - In 1991 the CRPF constituted a Court of Inquiry which found the alleged perpetrator not guilty solely on the basis on the testimony of CRPF personnel. - On 13 March 1996 the Government of Jammu and Kashmir sent the case to the Ministry of Home Affairs for sanction and prosecution under the AFSPA. Another Court of Inquiry was constituted which also found the alleged perpetrator not guilty. - Sanction was declined on 14 September 2000.
Ghulam Mohammad Lone, 40	Carpenter seller	Kripalpora National Highway		<p>On 21 August 1990, he was picked up by CRPF members on the Kripalpora national highway along with three others. They were taken to the Matches Factory where the CRPF was camped.</p> <p>On 22 August 1990, his body was brought by the Baramulla Police Station to the Pattan Police Station and given to this family. The three other individuals were released three weeks later and had been subjected to torture.</p>	Central Reserve Police Force – 46 th Battalion	<ul style="list-style-type: none"> - An FIR was filed at the Baramulla Police Station on 22 August 1990 by the CRPF. It states that the victim tried to escape and fell down during a scuffle and died. - A post mortem report found the cause of death as severe beating resulting blood loss and electric burns leading to cardio-respiratory arrest. - The Government of Jammu and Kashmir sought sanction from the Ministry of Home Affairs but it was declined on 25 September 2000. - The Jammu and Kashmir Police communicated that the case was closed as the perpetrators were untraceable. No final report was submitted before a court. - The family were given RS. 100,000 and compassionate employment.
Ghulam Mohiuddin Malik, 38	Carpenter	Khaigam, Pakharpora, Pulwama district		On 18 March 2009 , CRPF forces arrived at his house and asked people to leave. The CRPF then entered and firing was heard. The body of the victim was found riddled with bullets.	Central Reserve Police Force -181 battalion	<ul style="list-style-type: none"> - On 18 March 2009, FIR no. 22/2009 was filed at Rajpora Police Station for murder and trespass. - In the month following the killing, the Deputy Superintendent of the Rajpora Police Station tried to convince the family to accept compensation and

			Police from Rajpora police station arrived and a post-mortem was conducted.			<p>not to pursue the case. Villagers who gave statements were instructed to change them.</p> <ul style="list-style-type: none"> - The Government of Jammu and Kashmir ordered an inquiry into the killing of Mr. Malik, which was completed. - It was reported in news articles that a Court of Inquiry was constituted into the killing. - Persons associated with Mr. Malik received Rs. 200,000 and were informed they could get compensation in lieu of compassionate employment. - A FIR was filed in 2011 by Police at Police Station Sopore stating the victim was a militant who shot himself in the head. - A writ petition was filed before the High Court in Srinagar in 2011 requesting constitution of a SIT and identification of perpetrators. It remains pending. - The SHRC ordered an enquiry by its Police investigation Wing in 2014, which was submitted in 2016 – the SHRC has yet to reach a decision on the case.
Junaid Ahmad Khuroo, 19	Student/working at pharmacy	Kralteng, Sopore, District Baramulla	On 23 June 2011, the victim was questioned by police about his alleged participation in protests and stone throwing. On 29 June 2011 , the victim was last seen walking to school at 9 a.m. At 1 p.m., persons associated with him received a call from police to identify his body.	Sopore district police	<ul style="list-style-type: none"> - On 29 September 2018, the family filed a complaint to the Inspector General of Police of Kashmir and with the Chief Judicial Magistrate of Srinagar. - The case has also been filed with the Jammu and Kashmir State Human Rights Commission. - Under notice SHRC/331/Sgr/2018, the SHRC asked the Deputy Commissioner of Srinagar and the Senior Superintendent of Police of Srinagar to file a detailed report by 17 October 2018 to explain how Mr. Saleem Malik was killed. 	
Mohammad Saleem Malik, 29	Factory worker	Baghwanpora, Noorbagh, Srinagar	On 27 September 2018 , at around 3:45a.m., he went out to the courtyard of his house after hearing noises. Multiple rounds of gun fire were heard and his body was found shortly after by relatives – police officers were seen around the outside of the house. Shortly after the killing, security services beat a family member with rifle butts. The security forces also fired tear gas and pellets at the funeral procession.	Central Reserve Police Force and Jammu & Kashmir Police		

Alleged killings by the Border Security Force (BSF)

1.	Mohammad Maqbool Gachoo, 35		Ashraf Mohalla	<p>On 30 December 1991 the victim was taken into custody by the BSF, along with several other individuals who were later released.</p> <p>On 31 December 1991 his body was seen in a BSF van and showing signs of torture. His body was later recovered from the Police Control Room in Batamatloo.</p>	Border Security Force – 69 th Battalion, Camp Naydyar	<ul style="list-style-type: none"> - FIR no.75/1991 was filed at the Rainawari Police Station on 31 December 1991. - Persons associated with Mr. Gachoo were summoned to the BSF Headquarters and asked to withdraw the FIR, which they refused to do. - An incomplete charge sheet filed in November 2009 states that Mr. Gachoo was tortured to death in the custody of the 69th Battalion of the BSF. The police tried to contact BSF but were informed that BSF would conduct their own enquiry and sanction the perpetrator. - On 6 September 2011, the Government of Jammu and Kashmir stated that on 29 August 2008 a request for sanction was sent to the Ministry of Home Affairs and response was awaited. - The family received Rs. 100,000 and compassionate employment.
2.	Abdul Hameed Bhat		Khumian Baharabad, Hajin, Bandipora	<p>On 13 August 1992, there was gunfire in the village and BSF surrounded the area and stated a search operation. Many civilians were arrested and tortured. The victim was picked up along with a militant. They were taken to an open space, tied to a walnut tree and the BSF opened fire, killing both. They then tied the dead bodies to the back of a vehicle and dragged them around the village.</p>	Border Security Force – Hajin camp	<ul style="list-style-type: none"> - Persons associated with Mr. Bhat are unaware if the police took any action or filed an FIR.
3.	Meharaj-ud-Din Baba, 18	Student	Ali Mardan Khan Bagh, Soura, Srinagar	<p>On 23 December 1992, he was picked up at while on his way to school by the BSF.</p> <p>On 25 December 1992, his body was taken to the Soura Police Station by a BSF Sub-Inspector after being retrieved from the Papa-II interrogation Center, Srinagar.</p>	Border Security Force – 107 th Battalion	<ul style="list-style-type: none"> - On 25 December 1992, FIR no. 260/1992 was filed at the Soura Police Station and notes a sub-inspector brought the victim's body to the station bearing torture marks. In 1993 the police confirmed Mr. Baba was not involved in any subversive activities. - Persons associated with the victim filed a habeas corpus petition, HCP 287/1993, with the High Court of Jammu and Kashmir. Soura Police Station

	4. Gowhar Amin Bahadur, 21	Businessman	Banpora, Batamaloo .	<p>The post mortem indicates the death was due to injuries to various organs of his body through torture.</p> <p>On 19 July 2010, there was a mine blast at a bus stand. The following day the area was cordoned off and men gathered for questioning by the BSF. The BSF took the victim and another individual to Banpora, Batamaloo, to a cowshed and killed them. His body was later recovered from the Police Control Room in Srinagar.</p>	Border Security Forces - 4 th battalion	<p>tried to get information from the 107th Battalion of the BSF, but received no response.</p> <ul style="list-style-type: none"> - On 30 November 2004 the High Court issued its final decision, finding that there was <i>prima facie</i> evidence against three alleged perpetrators from the BSF. - Sanctions for prosecution were sought but declined by the Ministry of Home Affairs stating there was no evidence against the three. - A case was filed against the denial of sanction. The High Court directed sanction be re-considered in February 2014 but sanction was declined stating there was no new evidence.
						<ul style="list-style-type: none"> - FIR no. 65/1993 was filed at the Shergari Police Station by the 4th Battalion of BSF, claiming that two unidentified militants were killed during an operation - FIR no. 74/1993 was filed at Shergari Police Station u/s 364 by persons associated with Mr. Bahadur stating he was picked up and killed and that he was not part of any militant organization. - A post-mortem report from 17 April 1993 found the cause of death was multiple gunshot wounds. - In 2003 a High Court was and dismissed. - In 2006, the State Human Rights Commission (SHRC) issued a final decision concluding that Mr. Bahadur had been abducted and killed by the BSF. - On 28 May 2010, the High Court ordered an enquiry that was conducted by the Chief Judicial Magistrate of Srinagar and found in favour of the victim. - In 2013 a police report states sanction would be sought but no charge sheet was filed. - The case continues before the High Court awaiting a decision on sanction.

5.	Nazir Ahmad Mir		Singh Pora, Baramulla District.	<p>A source told the army that the victim had been involved in an ambush. On 13 July 1993, BSF raided his house and beat him and other residents with their guns, administered electric shocks and took Rs. 80000. He was then taken to Muqam, tied to a tree and shot dead.</p> <p>Later an officer apologised to the family saying it was a mistake and the victim had been “innocent”.</p>	Border Security Forces – 132 battalion	<ul style="list-style-type: none"> - The family has received Rs. 200,000 compensation. - FIR No. 207/1993 was filed at the Baramulla Police Station for murder. - In 2015, in response to an right to information application, two communications were provided; a communication dated 26 April 2011 from the Chief Prosecuting Officer of Baramulla to the police in Baramulla which stated that Section 164-A statements before a judge were pending and must be completed before sanction was sought and another communication, dated 6 January 2015 from the Senior Superintendent of Police of Baramulla to the Deputy Inspector General of Baramulla stating that that sanction was being sought. - The present status of the case is unclear.
6.	Mohammad Rafiq Baqal, 38	Shop owner	Kukar Bazar, Srinagar	<p>In early June 2000, an officer had visited the victim’s shop and, after being asked to pay for the good he had requested and not being permitted to take them for free, had threatened to kill the victim.</p> <p>On 10 June 2000, the victim was travelling in a car which was stopped by BSF soldiers at Amira Kadal. The other occupants were released but the victim was taken away. He was later heard being tortured for several hours, after which shots were heard.</p> <p>The next day his family were told by Shuheed Gunj Police Station that he had been shot and killed by BSF troops while attempting to escape and that he had been carrying explosives in his car. The police were reluctant to hand over his body but eventually gave it to the</p>	Border Security Force – 127 Battalion, Sanat Nagar Camp	<ul style="list-style-type: none"> - A FIR was filed at Shaheed Gunj Police Station against the victim indicating he was a militant. - A separate FIR was filed by the victim’s family at Maisuma Police Station. - The BSF carried out an internal investigation but during this process, persons giving statements were threatened by members of the armed forces and offered money to drop the case. - The current status of any investigations is not known.

				family. The body had marks and bruises and had been shot in the forehead and shoulder.		
7.	Nazir Ahmad Lone, 35	Kanispora, Baramulla District	Section Officer at the Power Development Department	<p>On 22 June 1994, the victim was stopped by the BSF, pushed into their vehicle and taken away. Persons associated with him went to Chandsooma paramilitary forces camp but they denied he was present and threatened them.</p> <p>On 23 June 1994, gunshots were heard in the area. A body was seen being taken out from a BSF vehicle, shots being fired at it and the body being returned to the vehicle. At 11:15 a.m., police officers informed the family that the body of the victim was around the Baramulla Police Lines.</p> <p>A person associated with the victim was picked up by the same BSF battalion shortly after Mr. Lone was killed and held for 15 days.</p>	Border Security Force - 65 Battalion	<ul style="list-style-type: none"> - The family did not file a complaint at the time of the killing because they were continuously harassed. - The police prepared an injury memo which noted bullet and burn marks on the body. A post Mortem was also conducted. - A non-involvement report was issued in favour of the victim in 1994. - On 5 March 2016, the family requested a FIR be filed against the perpetrators. - A Writ Petition was filed with the High Court of Jammu and Kashmir in April 2016. The case is still on-going. - The family received Rs. 100,000 and benefits for compassionate employment.
Alleged killings by Police and Army						
1.	Lassa Sheikh, 65, and 18 others	Labourer/Farmer	Sailan, Surankote, District Poonch	<p>On the 3 August 1998, the victim's son, a militant with Lashkar-e-Toiba, killed a special police officer. At around 12.30 a.m. that evening, special police officers wearing army uniforms and heavily armed, broke into a house in the village and tortured an individual asking for information on the victim's son. They then went to another house and asked the victim to identify himself, he was then beaten and there was a scuffle and firing began. The</p>	Special police officers and Indian army – paratroopers from Bafliaz camp and 9 Rashtriya Rifles	<ul style="list-style-type: none"> - FIR no. 122/1998 was filed at Surankote Police Station against unknown gunmen but was closed in 2002. - Two witnesses were told by a member of the army that they would be killed if they blamed the army for his death. They therefore refrained from testifying. - In 1998 the Commissioner Secretary of the Home Department of Jammu and Kashmir wrote to the SHRC asking for a probe into the killings. The SHRC released two reports in 1998, which recommended ex gratia relief, providing protection

				<p>victim was killed along with eighteen others.</p> <p>Following the killing most of the population of Sailan, around 900 families, left the area and stayed at Tehsil Complex living in poor conditions.</p>		<p>for a witness and passing responsibility of naming and identifying perpetrators to the police and unified command of the army.</p> <ul style="list-style-type: none"> - In 2012 the High Court ordered the CBI take over investigations from the local police. The CBI investigated but closed the case in 2015 as it found the witnesses accounts untruthful. The families filed a protest petition but a closure report was accepted in 2017. - Also in 2017, a criminal revision petition was filed asking for the CBI decision to be set aside and further investigations to be conducted. The petition remains pending before the High Court. - Family members received Rs.100,000 and some received compassionate appointment.
2.	Rouf Ahmad Ganai, 21	Construction worker	Chowgam village, District Kulgam	<p>On 15 September 2018, there was an encounter and some militants were killed. People gathered and threw stones at the security forces. The security forces responded with smoke shells, pellets and fired aerial shots. More than 20 people were injured and Mr. Ganai was hit with two bullets on his neck and chest. A boy tried to take him for treatment but that individual was also fired upon and hit in the stomach.</p>	Central Reserve Police Force (CRPF) and Indian Army	<ul style="list-style-type: none"> - Persons associated with the victim have not filed an FIR nor have they filed the case with any court for fear of reprisal and lack of hope for justice. - The death certificate was collected from the Islamabad police station after multiple attempts to obtain it.

TABLE 2 - KILLINGS BY IKHWAN (PRO-GOVERNMENT GUNMEN/PRIVATE MILITIAS)

No.	Name /Age	Occupation	Location	Alleged Facts	Alleged Perpetrator	Investigations
1.	Abdul Khaliq Wani, 46	Principal of a school	Madwan, Hajin, District Bandipora	<p>On 6 June 1993 he was abducted a short distance from his house by Ikhwan and was being taken to a middle school in Madwan. He was</p>	Pro-government gunmen	<ul style="list-style-type: none"> - The family did not file a FIR due to fear of reprisals. - The police filed a FIR in 1993 against unidentified gunman.

			seen being shot by the Ikhwan before they fled. The BSF arrived shortly afterwards and beat a relation of the victim and stated the victim deserved to be killed for being a member of Jamaat-e-Islamia and then left. After the killing, the family received continuous harassment by the Ikhwan.						<ul style="list-style-type: none"> - In 1998 a non-involvement report was issued in favour of the victim. It was closed as untraced. The victim's family maintains that no statements were taken from eyewitnesses. - A writ petition was filed in 2016 with the High Court in Srinagar seeking the constitution of a Special Investigation Team (SIT) to carry out investigations. The Union of India and BSF replied saying that no BSF men were involved in the incident. - On 29 June 2018, the lower court in Sumbal directed the police to carry out further investigations in this case within two months and to ensure protection of witnesses. The case remains pending before the High Court. - Ex-Gratia Relief of Rs. 100,000 and compassionate employment was provided to the family of the victim.
2.	Ahmad Khan Bashir, early 20's	Student		Body recovered near Warnov stream, Wavoora Lolab	On 1 January 1997, he was picked up by Ikhwan from his house along with another relative and taken to Charkoot Army Camp. They were tortured and then released. The next day the relative was picked up again by Ikhwanis and held for 10 days and subjected to continuous torture. He was release on the condition that he brought the victim to the Ikhwanis and provided Rs. 100,000. The victim went to the Ikhwanis and was tortured. Persons associated with him and were asked to pay Rs. 100,000 in exchange for the life of the victim. They could not afford the ransom but sold their land to raise Rs. 40,000 and gave it to the Ikhwan leader. Twelve days later the victim was released but returned to ask for the ransom money to be returned. The	Ikhwan (pro-government gunmen)	<ul style="list-style-type: none"> - A FIR was filed in Laripora Police Station stating he was a militant and killed in an encounter. - The family filed a complaint to the SHRC which ordered ex-gratia relief in 2013. - In 2015 the CID confirmed the victim was not involved in any subversive activities. - A writ petition was filed in 2015 seeking the reinvestigation of the FIR and implementation of the recommendations of the SHRC relating to ex-gratia relief. The petition remains pending. 		

				<p>victim was then recruited by the police in lieu of the ransom money.</p> <p>On 17 January 1997 he was abducted by unknown gunmen along with a relative who was later released. On 18 January 1997 the victim's body was found near the house of an Ikhwani.</p> <p>A person associated with the victim went to the leader of the Ikhwanis to ask about Mr. Bashir's death and was detained and severely tortured leading to his paralysis. He was released.</p> <p>After the victim's brother, who was associated with the Hizbul Mujahideen, was killed in 1993, the victim was harassed by the army. On 14 July 1994, Ikhwan captured the victim, took him to Patten and shot and killed him.</p> <p>On 8 April 1995, Ikhwan came to the victim's house during a search operation. The Ikhwan tried to take him away but his family prevented them, so they shot him in the abdomen and then left. The family tried to take him to hospital but prevented from doing so by Ikhwan from Nadihal camp. The Ikhwan took the victim to the camp. His body was returned to his family a few hours later and showed knife wounds, other torture marks and his spinal cord was broken.</p> <p>Late in the evening on the 5 May 1995, gunmen in civilian clothes entered the victim's house and</p>			
3.	Mushtaq Ahmad Mir, 28	Farmer	Baramulla District.		Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - The police filed FIR no. 183/1994 stating that the victim was killed by unidentified forces and that his body was found in Pattan. - No information was provided in response to a right to information request. - The family received Rs. 100,0000 and compassionate employment. 	
4.	Ali Mohammad Dar	Government teacher	Vigara, Bandipora District		Pro-government gunmen linked to the army camp at Nadihal, Brar and Guroora)	<ul style="list-style-type: none"> - Persons associated with Mr. Mohammad Dar did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities. 	
5.	[REDACTED], 16	Tenth grade student	Kulhana, Bandipora District		Pro-government	<ul style="list-style-type: none"> - Persons associated with [REDACTED] did not pursue the case due to the prevailing circumstances. 	

				dragged him and another relative outside. They were taken to Garoora where the other relative was released. The next day the victim's body was found at Sangree Top near Garoora showing signs of torture and bearing five bullet wounds.		gunmen (Ikhwan)	- It is not known if any action was taken by the authorities.
6.	Mohammad Yousuf Malik	Government employee (fisheries department)	Chiti Bandy, Bandipora District	On 16 May 1995 , Ikhwan met the victim as he was walking with his son on the road. They threw the child on the road, assaulted the victim, dragged him to the Ikhwan headquarters and shot at people who tried to intervene. The following day the Ikhwan told persons associated with the victim that he would be released but a villager told them his body had been found at Sangree colony, Wular Top. When they got back to their house they discovered his body had been thrown there. His body showed signs of severe torture.	Pro-government gunmen (Ikhwan)	- Persons associated with Mr. Yousuf Malik did not pursue the case due to fear of reprisals and the prevailing circumstances. - It is not known if any action was taken by the authorities.	
7.	Manzoor Ahmad Shah, 35	Landowner	Abducted from Sumbal, Sonawari, Bandipora District. Body recovered from Safapora Chowk.	The victim had been in a dispute with Ikhwan over ownership of some trees and had received harassment after participating in a protest. On 6 July 1995 , there was a search and operation raid and his house was cordoned off by the army. Ten Ikhwan entered the house and dragged the victim away at the same time as beating him and asking for money. His family asked Ikhwan about his location. The next day they were told his body had been dumped in Safapora. His body had a bullet wound to the neck and marks of severe torture.	Pro-government gunmen (Ikhwan) based in nabdi Mohalla	- Persons associated with Mr. Ahmad Shah filed an FIR at the Safapora Police Station, but that have not received a copy of the FIR or any information regarding any investigations.	

8.	Ghulam Mohammad Pencho, 50	Fisherman	Kulhama, Bandipora District	On 3 August 1995 he was collecting sand when he was attacked by a group of Ikhwans and tortured. He was taken to the Ikhwan headquarters in a house at Nadihal. His family and others asked for his release but the Ikhwans fired in the air. The crowd refused to disperse and dragged Mr. Mohammad out of the house to a boat. He succumbed to his injuries. He was dragged from his hose on 21 August 1995 by Ikhwan and taken to another house and killed. His body did not bear any bullet marks but showed signs of torture.	Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. Mohammad Pencho did not pursue the case due to the circumstances. - It is not known if any action was taken by the authorities.
9.	Ghulam Mohammad Dar, 42	Farmer	Wangipora, Sumbal, Bandipora district	He was dragged from his hose on 21 August 1995 by Ikhwan and taken to another house and killed. His body did not bear any bullet marks but showed signs of torture.	Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. Mohammad Dar did not pursue the case due to the prevailing circumstances - It is not known if any action was taken by the authorities
10.	[REDACTED], 13	Student	Kadipora	Ikhwans were trying to force his elder brother to work for them. On 26 August 1995 , they took the victim to Kadipora Ikhwan camp and tortured him to reveal his brothers whereabouts and where weapons were hidden. He said there were weapons in his house. The Ikhwan took him to his house and searched it but did not find any. They took him to Malaknagh area and shot him in the road.	Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. [REDACTED] did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.
11.	Mohammad Kamal Sheikh	Government teacher	Chattergul, Kangan, Ganderbal district	In October 1995 he was kidnapped from his home by Ikhwans working for the army at Wusan Camp. They dragged him away. Villagers approached the Commander of the Ikhwan at Wusan Army Camp and said that the victim would be released if Rs. 8 Lakhs were paid. The next day the victim's body was found at Nallah Brahmsar showing signs of torture.	Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. Kamal Sheikh did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.

12.	Abdul Ahad Baba, 43	Shopkeeper. He was affiliated with Jamaat-i-Islami	Goshbugh, Pattan, Baramulla district	In 1994, he was arrested, taken to a house for interrogation, beaten and given electric shocks and then released but told to report to Wusan Camp every week. Two weeks later he was held at Wusan Camp for four days and subjected to further ill-treatment. On 9 November 1995 , he was stopped by government gunman at a bridge. They took his money, took him to an apple orchard, tied him to a tree and shot him. On 2 December 1995 he was picked up by some Ikhwan in a mini bus after leaving prayers. His family learned he was in Hakeem Gund Ikhwan camp and went to ask for his release. The group commander asked for money. The family gave him Rs. 30000 and found out that his body had been found in Chanduna. The body bore many bullet wounds.	Pro-government gunmen (Ikhwan)	- Persons associated with Mr. Ahad Baba did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.
13.	Abdul Aziz Bhat, 47	Tailor. He was a member of Jamaat-e-Islami.	Tulmulla, Ganderbal district	On 3 January 1996 , he was arrested by the army and taken to Haal-Gadarpora Army Camp in Shopian where he was tortured. On 7 January 1996 he was released from the camp. He requested police transport but this was refused. On his way back to his residence, around 15 Ikhwan stopped his taxi and took him away. His body was recovered on 8 January 1996 in Keygam.	Pro-government gunmen (Ikhwan)	- Persons associated with Mr. Aziz Bhat did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.
14.	Ghulam Hassan Lone, 38	Teacher	Braav Bandena, Pulwama district	On 24 March 1996 , several Ikhwan entered the victim's house searching for his uncle-in-law. They shot the victim thinking he was the son of the	Pro-government gunmen (Ikhwan)	- On 7 January 1996, persons associated with him filed FIR no. 7/1996, at the Pulwama Police Station. - The status of the FIR or whether any investigations were carried out is not known. - Persons associated with Mr. Hassan Lone received compassionate employment
15.	[REDACTED], 17	Driver	Khurhama Tehsil, Ganderbal district		Pro-government gunmen (Ikhwan)	- Persons associated with Mr. [REDACTED] did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.

16.	Abdul Hameed Shah, 50	Government teacher, associated with Jamaat-e-Islami	Quil, Bandipora district	uncle-in-law. The victim died on the spot. On 2 April 1996 two Ikhwan entered his house and began beating him. They then dragged him out of the house and shot him at the gate of his residence.	Pro-government gunmen (Ikhwan) working with the 14 Rashtriya Rifles camp at Manasbal	- Persons associated with Mr. Hameed Shah did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.	
17.	Mohammad Maqbool Magray, 35	Government employee	Repora Lar, Ganderbal district	On 23 June 1996 , two of his cousins who were militants were killed. The victim went to collect their bodies. He and another individual were picked up by Ikhwan and taken to Manasbal Park. The victim was shot dead and the other individual injured.	Pro-government gunmen (Ikhwan) working with the Lar Army Camp	- Persons associated with Mr. Maqbool Magray did not pursue the case due to prevailing circumstances. - It is not known if any action was taken by the authorities.	
18.	Abdul Ahad Wani, 70	Retired principal of an education institution	Wani Mohalla, Safapora, Baramulla district	On 13 September 1998 , Ikhwan searched his house looking for his brother. They did not find him but instead shot the victim with four bullets from behind.	Pro-government gunmen (Ikhwan)	- Persons associated with Mr. Ahad Wani did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.	
19.	Showket Hussain Mir, 25	Businessman	Waterwani, Budgam district	An Ikhwan demanded money and bricks from the victim and threatened he would kill him if they were not provided. In April 2001 the victim refused. On 3 July 2001 , the army and the Ikhwan told Mr. Mir to leave the area as it was being cordoned off. As the victim left his office he was shot nine times. He died on the way to hospital.	Pro-government gunmen (Ikhwan)	- Persons associated with the victim did not pursue the case due to fear of reprisals. - It is not known if any action was taken by the authorities.	
Alleged killings by Ikhwan (Pro-government gunmen) and army							

1.	Abdul Hameed Khan, 24	Former Hizbul Mujahideen militant. Then cloth vendor.	Bhat Mohalla, Pattan, Baramulla District	<p>On 5 February 1995, he was abducted from his house by Ikhwan and army personnel. His family informed the police but the officer did not file a FIR and asked them to wait until morning. The following day, his family went to the Pattan Police Station. When they arrived the police were in a meeting with the army. Afterwards they met the Station House Officer. He told them the victim was alive and would return home soon.</p> <p>When they left the police station, they heard there had been firing at Palhallan Khambiya and the army had told the police about a body. The body was recovered from the police station and was identified as the victim.</p>	Government gunmen (Ikhwan) and army personnel	<ul style="list-style-type: none"> - The army filed a FIR stating that a pistol was found belonging to Mr. Khan, but persons associated with Mr. Khan deny this. - There is no information on the status of this investigation
2.	Ghulam Mohammad Wani	Fruit business. He was affiliated with Jamaat-e-islami.	Gondbal village, Baramulla district	<p>In 1994 the victim was taken by the army to Hamray Camp for one day and tortured. The victim was harassed by government gunmen from 1995 and occasionally paid them. On 10 July 1996 he was picked up by government gunmen while he was walking in Gondbal village. He was taken to Gulabwari and kept in a house. That evening they took him to an area near Wular lake, put him in a boat, shot him and threw his body in the water.</p>	Army – 22 Rashtriya Rifles, Hamray Camp and Government Gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. Mohammad Wani filed an FIR with the local police, but do not have a copy of it. - There is no information about the status of any investigations. - Persons associated with him were given Rs. 100,000 and compassionate employment
3.	Mohammad Sabir Bhat, 42	Government teacher	Youngura, Ganderbal District	<p>On 31 January 1996, two members of the Indian Army and some Ikhwan cordoned off his house. They took him a short distance down the road and asked to stand in front of a tree and shot and killed him.</p>	Indian Army and Pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - Persons associated with Mr. Sabir Bhat did not pursue the case due to the prevailing circumstances. - It is not known if any action was taken by the authorities.

4.	Ghulam Mohammad Tantray	Member of Jamaat-e-Islami	Tantray Mohalla, Palhallan, Pattan, Baramulla district	He was arrested in 1990 and kept in Hiranagar jail for two years. In 1996 his son was taken by the army to Palhallan camp and tortured. On 12 October 1996 , he was abducted by Ikhwan whilst on his way to pray. Two hours later gunshots were heard. The next morning his body was found. In January 1999, the victim was harassed by the army on behalf of Ikhwan, reportedly because he had allegedly torn an election poster for an Ikhwan election candidate. On 22 January 1999, the Ikhwan asked for money to stop the harassment and the family gave Rs. 50,000. On 2 February 1999 , a Major and some Ikhwan came to his house and took the victim to Chak Hajin Camp. His family went to the camp and were asked for money in exchange for his release. On 3 February 1999 the family were informed he had died in a blast at Dodwan forest during a raid and the next day were given some pieces of his body. A witness later confirmed that the victim had died due to suffocation after a cloth was stuffed in his mouth.	Indian Army (Palhalan camp) and Government Gunmen (Ikhwan)	<ul style="list-style-type: none"> - The police filed an FIR and the body of the victim was given to persons associated with him. - Due to the prevailing circumstances, persons associated with Mr. Mohammad Tantray were not able to demand and obtain a copy of the FIR. - There is no information on the status of any investigations
5.	Gulzar Ahmad Bhat	Mason	Rangardha r Mohalla, Sadarkote Balla, Bandipora	In January 1999, the victim was harassed by the army on behalf of Ikhwan, reportedly because he had allegedly torn an election poster for an Ikhwan election candidate. On 22 January 1999, the Ikhwan asked for money to stop the harassment and the family gave Rs. 50,000. On 2 February 1999 , a Major and some Ikhwan came to his house and took the victim to Chak Hajin Camp. His family went to the camp and were asked for money in exchange for his release. On 3 February 1999 the family were informed he had died in a blast at Dodwan forest during a raid and the next day were given some pieces of his body. A witness later confirmed that the victim had died due to suffocation after a cloth was stuffed in his mouth.	Army -18 Grenadiers Chak Hajin Camp and pro-government gunmen (Ikhwan)	<ul style="list-style-type: none"> - FIR no.18/1999 for Murder and arms offences was filed at the Sumbal Police Station - it appears it was filed against the victim and branded him a militant. - In 2002, a report from the police confirms the victim was not involved in subversive activities. - Persons associated with Mr. Ahmad Bhat faced reprisals for following up on the case. - Jammu and Kashmir Police communicated in 2013 that the case was closed and the perpetrators declared untraced on 10 May 1999. - Persons associated with Mr. Ahmad Bhat were given Rs. 100,000 and compassionate employment.
6.	Mohammad Sultan Bhat, 28	Government employee.	Ganjpora, Batvin, Ganderbal district	On the night of the 19 September 1999 , the victim was taken from his house by Ikhwan accompanied by army personnel. His family reported his	Indian Army - 5 Rashtiya Rifles and Government	<ul style="list-style-type: none"> - FIRs were filed at Ganderbal Police Station in 1999 stating the individual was a militant and died in cross fire.

			<p>arrest to the Shadipora Police and searched for him.</p> <p>On 30 September 1999, the family went to Ganderbal Police Station who indicated a body with the same identifying marks had been buried in Reshipora, Ganderbal. The body was exhumed and was identified as the victim.</p>	<p>Gunmen (Ikhwan)</p>	<ul style="list-style-type: none"> - In 2007, SHRC found the individual was a surrendered militant and recommended Rs. 100,000, compassionate employment and that the FIR be reopened and investigated. - A writ petition was filed in 2009 for non-implementation of the SHRC's recommendations. In its responses the State of Jammu and Kashmir and the police stated that investigations were still ongoing. - Several specific perpetrators have been identified in compliance reports filed by the Jammu and Kashmir Police and notice was served on the commanding officer of alleged perpetrators to produce them before investigators in 2011. - The petition remains pending and it appears the armed forces are not cooperating with the investigations.
Alleged killings by Ikhwan (pro-government gunmen) and Police					
1. Zahoor Ahmad Bhat, 36	<p>Government teacher.</p> <p>He was a former militant.</p>	<p>Bhat Mohalla, Pattan, Baramulla district</p>	<p>In 1995 unidentified Ikhwan shot at him – he received injuries but recovered and he moved to Sanatnagar, Srinagar. In 1996, the army and local Ikhwan picked him up from his workplace at Magam primary school and held him in Magma Army Camp for five days where he was tortured. Upon his release he moved back to Pattan. One month later he was picked up by members of the army from Chaksari Camp and held for five days before being released.</p> <p>On 7 December 1998, officers from the Special Operations Group and Ikhwan picked him up from his house. The next day his body his body was found on the Zangam National</p>	<p>Police - Special Operations Group and Government Gunmen (Ikhwan)</p>	<ul style="list-style-type: none"> - Persons associated with Mr. Ahmad Bhat tried to file an FIR with the police but were denied entry to the station. - They tried again, and were given an FIR that the police filed themselves (no. 370/1998 at Pattan Police Station) was filed on 8 December 1998 which they allege contains false information. - The police did not answer a right to information application requesting to access a copy of FIR 370/1998. - No information is known about the status of any investigations.

			Highway – he had been shot in the forehead.		
2. Asadullah War, 70	Palpora, Pattan, Baramulla district		The victim's son was an active militant and the army would regularly beat members of the family including the victim. At 1 a.m., 10 February 2000 , the special operations group and government gunmen went to the house of the victim and started firing as soon as the door was opened. The victim and several others were killed. It is believed the attack was a revenge killing for an attack earlier in the evening on persons close to the army and special operations group.	Police – Special Operations Group and Government Gunmen (Ikhwan – close to the Rashtriya Rifles)	<ul style="list-style-type: none"> - Out of fear of reprisals, persons associated with Mr. War filed FIR no. 30/2000 at Pattan Police Station against “unknown gunmen”. They were unable to pursue the case. - Persons associated with Mr. War received Rs. 100,000 and compassionate employment. - There is no information on the status of any investigation.

TABLE 3 - KILLINGS OF MILITANTS THROUGH TORTURE

	Name/Age	Occupation	Location	Alleged Facts	Alleged Perpetrator	Investigations
1.	Ghulam Mohammad Shah, 22	Hizbul Mujahideen Militant	Baramulla district.	On 21 September 1994 he was picked up when the army was passing through his village. They frisked him and found a grenade. He was taken to the Filtration camp in Baramulla and killed. His body was dropped at Janbazzora where it was found by police. There were torture marks on his body. For several years after his death, his family were harassed by Ikhwans, who would raid their house looking for weapons and beat family members.	Indian Army - 15 Punjab Army	<ul style="list-style-type: none"> - FIR no. 245/1994 was filed at Police Station Baramulla for murder. - The police indicated in a communication dated 26 December 2013 that the perpetrator had been identified. However in a communication dated 25 December 2013, they responded that the case was closed in 1996. It therefore appears that the police closed the case despite knowing the name of the accused.
2.	Mohammad Ismail Bhat, 19	Al-Jihad Militant	Liddarmad village, Pulwarma	On 29 October 1994 , the army gathered together villagers in the school and asked family members of the victim to stand up. They were beaten by the army who were asking	Indian Army (9 th Battalion of the Rashtriya Rifles)	<ul style="list-style-type: none"> - FIR no. 142/1994 was registered at Pulwama Police Station, stating he had been killed in “cross firing” on 30 October 1994. - No information is available on the status of investigations in this case.

					for information on the location of the victim which the family did not know. The army personnel searched the village and found the victim. He was taken to the school where he and his two relatives were tortured. At around 2 p.m., the victim confessed to being a militant and showed the location of a gun. At 7 p.m., some shots were heard. The next day the family retrieved the body of the victim from the police station at Zainapora.	
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TABLE 4 - KILLINGS BY MILITANTS/ UNKNOWN

No.	Name/Age	Occupation	Location	Alleged Facts	Alleged Perpetrator	Investigations
1.	Abdul Ahad Penchoo, 65	Labourer	Awantipora, Pulwama	On 17 August 2018, he was killed after being struck by grenade aimed at police station.	Militants	<ul style="list-style-type: none"> - An FIR was filed and copies of the FIR and the death certificate were collected. - The family filed for compensation with the District Commissioner's Office at Pulwama - The Senior Superintendent of Police has stated that the cause of death was militants hurling a grenade at the Awantipora Police Station and it exploding on the roadside.
2.	Mohammed Iqbal Kawak, 35	N/A	Kilam Tehsil Devsar, Kulgam	On 17 June 2018, 9:00 p.m., he was shot while walking home from the market. He was taken to hospital but declared dead on arrival. Later in the evening when his body was returned from hospital, army personnel had been deployed on the main road leading to his house.	Unknown gunmen. An army camp is located approximately 2km from victim's village. No militants have claimed responsibility.	<ul style="list-style-type: none"> - FIR 27/2018 was filed at Devsar Police Station. - The family has filed for compassionate employment at the District Magistrate's Office at Kulgam. - The police have recorded statements of the family at the Devsar Police Station, but reportedly not taken statements from other witnesses. - The family is not aware of the status of the case or if any other steps have been taken to investigate.

3.	[REDACTED], 7	Student	Sheikh Mohalla, Memender, District Shopian, Jammu and Kashmir	On 11 July 2018 , 11:45a.m., an explosion occurred near his residence killing [REDACTED] and injuring several other family members.	Unknown	<ul style="list-style-type: none"> - Police visited the injured in hospital, but not the location of the incident. - Around 10 days after the incident, Shopian Police recorded a statement from his family and gave them a copy of the FIR. - Police forwarded a no objection report to the District Magistrate's office regarding the family's application for compensation.
4.	[REDACTED], [REDACTED]	[REDACTED]	Student	<p>On [REDACTED], he met two individuals who took him to [REDACTED]. They took him into the field and alleged he was an army informer and sold alcohol. They then took him to [REDACTED] and tortured him. He was then taken to hospital where he later died [REDACTED].</p> <p>On [REDACTED] 8 a letter sent by Hizbul Mujahedeen militants with a stamp of that organisation indicated that he was working for the army and selling alcohol and this was a warning to others.</p>	Militants	<ul style="list-style-type: none"> - No complaint was filed by persons associated with him. - The police started an investigation and arrested one individual but later released him. - Militants later apologised indicating they had received information that the allegations against the victim was not correct.
5.	[REDACTED], 22	[REDACTED]	Student	On [REDACTED], militants fired on CRPF as a vehicle was passing by. The victim was in the vehicle and was shot in the chest. He later died in hospital. The CRPF forces returned fire and killed the militant.	Militants	<ul style="list-style-type: none"> - An FIR was filed with the police.

Annex II

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international human rights norms and standards.

Right to Life

Article 6(1) of the International Convention on Civil and Political Rights (ICCPR), ratified by India on 10 April 1979, provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In General Comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted even in time of public emergency that threatens the life of the nation. Moreover, in General Comment No. 31, the Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its own security forces. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13).

Use of force and firearms

The Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. Principle 9 provides that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. Principles 12, 13 and 14 restrict the use of firearms to situations of violent assemblies and provide that force and firearms may only be used as a last resort when unavoidable and require exercising the utmost restraint. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary.

The compilation of practical recommendations for the proper management of assemblies (A/HRC/31/66) recalls that the use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality (para. 57). These principles apply to the use of all force, including potentially lethal force. Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries (making the use of force proportionate). In addition, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life (making the force necessary) (para. 59). Furthermore, firearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful (para 60).

Investigations

Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) further highlights the right to know the truth extends to family members and society, particularly given the public interest in preventing international law violations. Therefore, absent a compelling need to protect the public interest or the legal rights of the victims and their families, the State party must disclose relevant details about the investigation to the victim's next of kin and make its findings public. States should adopt explicit policies regarding the transparency of investigations. In addition, persons whose rights have been violated have the right to a full and effective remedy included to adequate, effective and prompt reparation.

We note the authorities must “conduct an investigation as soon as possible and proceed without unreasonable delays... The failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: **the duty does not cease even with the passing of significant time**” (para 32 of the Minnesota Protocol). The duty of promptness does not justify a rushed or unduly hurried investigation. We remind that amongst other things, investigations into alleged unlawful killings should seek to determine who was involved in the death and their individual responsibility for the death and seek to identify any failure to take reasonable measures which could have had a real prospect of preventing the death. It should also seek to identify policies and systemic failures that may have contributed to a death, and identify patterns where they exist (para 25).

A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15)

Compensation

We underline that families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time, pursuant to principle 20 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

Prohibition on torture and other cruel, inhuman or degrading treatment or punishment

We remind that the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, is an international norm of *jus cogens* that is codified in article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on April 10, 1979 and reflected, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

In particular, paragraph 1 of General Assembly Resolution 68/156 “[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including

through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment”.

Right to Health

We would like to further bring to your attention, article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by India on 10 April 1979, which establishes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. States Parties to this Covenant shall guarantee that the rights enunciated there-in, including the right to health, will be exercised without discrimination of any kind (art.2.2) and shall fulfil their obligation to respect the right to health by refraining from prohibiting or impeding equal access for all persons to health services. (Committee on Economic, Social and Cultural Rights General Comment 14, para. 34). In addition, pursuant to principle 5(c) of the Basic Principles of the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials should ensure the provision of timely medical assistance to anyone injured as a result of the use of force or firearms.