

# Kupwara Massacre



1994

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Legal Forum for Kashmir - LFK

# Kupwara Massacre 1994

# About The Report

This fact-finding probe was originally compiled by - Institute of Kashmir Studies.

LFK has been archiving various investigative reports that have donned invisibility. Our aim is to bring such work into the public domain.

This report on the Kupwara Massacre is an attempt to disseminate the defiant work carried out by IKS.

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# PERPETRATORS INVOLVED IN KUPWARA MASSACRE

01

Soldiers of 31 Madras Regiment deployed on Road Opening Party (ROP) duty under the command of then 2nd Lieutenant Colonel GDS Bakshi.

15 Punjab Regiment.

02

Lieutenant General VK Singh- The then colonel of Madras regiment.

03

Soldiers of 8-Rashtriya Rifles, 25-Rashtriya Rifles, 38 Rashtriya Rifles and 54 Rashtriya Rifles under the Madras Regiment posted in Kupwara.

04

Counter Insurgency Force (CIF) K / Kilo Force – Kupwara

The war cry of the Madras regiment is “*Veer madrassi, adi kollu, adi kollu, adi kollu!*”, which means “*O brave Madrassi, hit and kill, hit and kill, hit and kill!*”. This was adopted during the Battalion Commanders’ Conference in 1969. The soldiers responded to this war cry on 27th January 1994 in Kupwara, Indian occupied Kashmir.



# 1. Kupwara Massacre: Brief Facts

The tiny border township of Kupwara in North Kashmir on the 27th of January, 1994 witnessed what would go in the annals of history as- Kupwara Massacre.

The area had already witnessed several gruesome massacres by then including the mass rape in Kunan-Poshpora; arson, rape, and killings in Pazipora and Handwara perpetrated by the Indian forces. The patrolling party of the Indian military on the morning of that fateful day, following the Republic Day of India, did not allow the shopkeepers and businessmen to open their shops in markets. According to the eyewitnesses examined by a team of the Institute of Kashmir Studies, the army personnel were frustrated with the people of the area for commemorating India's republic day -26th January, as Black Day marked by Hartal (a general strike) in response to the call given by their leaders and some organizations struggling for the Right to Self- determination.

In the morning, the army troopers earnestly started giving vent to their anger by mercilessly beating and humiliating people at different places in the town.

**According to Mr. G.A. Giri, Assistant Commissioner Kupwara:**

*"A delegation of people told me that the army men deployed in the town were beating the shopkeepers for observing a shutdown on the Republic Day of India in response to a call given by the All-party Hurriyat Conference".*

To have an on-the-spot assessment of the situation, Mr. Giri drove to the main market. He had to stop near the bridge as an Army convoy was coming from the opposite direction. A passenger bus was already stranded there. In the meanwhile, Mr. Giri heard a gunshot which was followed by heavy firing. The Army men from the last vehicle of the convoy showered bullets on the said bus killing at least three persons on the spot. *"I myself had a narrow escape",* he added.

*"I along with my driver jumped out of the vehicle and had to duck. It is only by God's grace that I am alive",* said Mr. Ghulam Hassan Masala, the Deputy Superintendent of Kupwara Police whose Jeep was also fired upon by the army causing serious injuries to his bodyguard Mohammad Amin.

Mohammad Abdullah Rather, a tea-stall owner and an eyewitness to the incident, told IKS that the army personnel from their bunkers in the town and on the hill- tops fired indiscriminately from all sides without any provocation. The firing started at about 10.40 am. And continued up to 3 pm. Mr. Ghulam Mohammad Malik, Junior Assistant at Deputy Commissioner's office in Kupwara and eyewitness to these gruesome killings, in a written statement to the IKS stated that on the fateful morning he reached his office at 10.30 am. At 10.45 am, he heard a gunshot which was followed by intense firing. Mr. Malik was accompanied in his office by his colleagues, Mr. Mohammad Ramzan and Mr. Khazir Mohammad. In his presence Mr. Mohammad Ramzan received bullet injuries within the office complex. And when after some time his condition became critical, Mr. Malik in the meanwhile was joined by Mr. Khazir Mohammad, the steno to the Deputy Commissioner, and three other persons, namely, Wali Mohammad, driver in the ICDS Kupwara, Mr. Ghulam Mohiuddin and Head Constable of Jammu and Kashmir Armed Police. They said two police cops were on guard duty at Deputy Commissioner's office.

On seeing the deteriorating condition of Mr. Mohammad Ramzan, they decided to shift him to the hospital and with this intention boarded the Jeep of the ICDS Department which was driven by Mr. Wali Mohammad. As stated by Mr. Malik, the Jeep reached the Regipora Bridge at 11.30 am. They were stopped by the Indian military personnel and were ordered to come out of the Jeep. They, except the injured Mohammad Ramzan, came out of the Jeep and were ordered by the army personnel to raise their hands. The guns of the Armed Police personnel were snatched by the army men after which a volley of bullets was showered on them.

*"It was a volley of bullets which first hit the police Head Constable Mr. Ghulam Mohiuddin and then the constable Ganesh Dass. Both of them fell down and died on the spot in my presence"* added Mr. Malik.

In the meanwhile, the army personnel fired another volley of bullets and this time Mr. Wali Mohammad, the driver of the vehicle was the target. Mr. Malik also got a splinter injury on his hand, and he also fell down. As stated by him, he smeared his own face and clothes with some blood from Khazir Mohammad's dead body and lay calmly. Mr. Malik further stated that sometime after the army personnel had left the place, an Indian Intelligence Bureau Officer came at about 1 pm. in his Jeep and after making some inquiries from Mr. Malik, left the spot and returned back with a Medical Assistant and shifted him to the hospital.

The team of the Institute of Kashmir Studies examined 16 persons who were either the victims of the violence or eyewitnesses. The IKS, after studying the testimony of witnesses, has come to the conclusion that the killing of innocents was deliberate and had been pre-planned and that no cross-firing had taken place. The genuineness of the team's findings is further strengthened by the statements of the local police and the city officials who outrightly denied that the army convoy was attacked by armed resistance fighters. A police official said that the army fired without any provocation. The police official further added that the army men fired mortar shells from the hilltops on a nearby village, Bahipora, causing death and destruction. The IKS team also visited the hospital in Kupwara. The in-charge of the hospital observed that as most of the injured brought to the hospital had injuries on the upper parts of their bodies, the firing seemed deliberate and indiscriminate.

## 2. Insights from Witness Statements

### 2.1. Ghulam Hassan Masala

Ghulam Hassan Masala, deputy superintendent of police, said that his vehicle was also fired upon by the Indian military causing serious injuries to his bodyguard Mohamad Amin.

*"I and my driver jumped out of the vehicle and had to duck. It is only by God's grace that I am alive, he said. Mr. Masala said that the military deployed on the nearby hilltops also fired indiscriminately."*

### 2.2. Mohmad Abdullah Rather

Mohmad Abdullah Rather, a tea stall owner, and an eyewitness to the incident said:

*"The army personnel from all the bunkers and hilltops fired indiscriminately from all sides. The firing started at about 11 AM and continued up to 3 PM. Mohmad Yaqoob, a contractor, and another eyewitness to the incident said that he saw four persons falling prey to the bullets fired by the occupational troops."*

### 2.3. Mohmad Shafi

Mohmad Shafi, a constable of JKAP, said:

*"Khazar Mohmad, a clerk in the deputy commissioner's office was injured when troops opened fire near the DC's office. Two police persons, Ghulam Mohiuddin and Dinesh Singh took him to the hospital in ICDS jeep No. JKE 7190. But when they entered the town, both the policemen were stopped by the Indian army men, dragged out, and shot dead at point-blank range. The driver of the jeep was also shot at and injured. He was moved to the hospital where his condition was stated to be serious. The jeep was still lying there and the officials and the presspersons including this re-porter saw blood stains in the jeep. Khazar Mohmad was left unattended there and due to severe blood loss, he later succumbed to injuries."*

### 3. Toll of The Massacre



Though the IG police said that the toll in the incident was 18, the local police said that it would be over 25 as the search for dead bodies was continuing. Police today recovered the body of a 12-year-old girl. The local police and civil officials out-rightly denied that the army convoy was attacked by the armed resistance fighters. A police official said the army fired without any provocation. He said the army men fired Mortar shells from the nearby hilltops on a nearby village, Bahi Pora, and added that there was an apprehension of the death of at least three persons. In charge of the local hospital also observed that as most of the injured brought to the hospital had injuries on the upper parts of their bodies, the firing seemed "deliberate and indiscriminate". This study has been able to establish names of 21 people who were killed and trace 37 injured.



## 4. IKS Study

A detailed, on-the-spot study was conducted by a team from the Institute of Kashmir Studies on the Kupwara Massacre. The team visited the area soon after the curfew in the town and some nearby villages was lifted. A detailed study was conducted and those injured by the indiscriminate firing and eyewitnesses of the massacre were interviewed. The team also talked to residents of the town. In all, 16 persons were examined by the team. The details of the incident as narrated by the eyewitnesses form the basis of our study and conclusions thereof. However, certain points of importance are discussed here:

Statement no. 14. Mr. Javed Ahmed Sofi has deposed in his written statement that in the morning of the fateful day, the Indian army forces were seen preventing the shopkeepers in the town from opening their shops and angrily asking why they had observed a strike on the previous day. The army men were giving them a thrashing for it. Another witness, Statement no. 9, deposed that he was stopped at Regipora Bridge by one of the army men on duty there who, perhaps, was a Subedar or Major, and got a merciless beating.

*He further told that the officer forecasted that the people of Kupwara would soon see heaps of dead bodies.*

The other eyewitnesses and victims examined by the IKS more or less confirmed the version that the firing was preplanned and that the army men were in fact ready to slaughter the people.

### 4.1. State Version

The Government controlled electronic media and the official handout reported that, *“while a convoy of security forces was on move in Kupwara, militants fired on it. The fire was returned and in the exchange of fire 17 persons including three policemen died while 16 others sustained injuries. One carbine and one 303 rifle of the deceased police personnel are missing”*.

The official version of the incident from puppet administration comprises three parts. Firstly, a convoy of the Indian military forces was on move in Kupwara which is corroborated by the statements of the people taken by the IKS team which conducted inquiry into this macabre. The second part of the version states that the resistance fighters fired on the convoy and that the fire was returned and in the exchange of fire 17 persons including 3 police officials were killed while 16 others were injured. This part itself comprises two parts. The first part that the resistance fighters fired was vehemently denied by the whole lot of witnesses examined by the IKS. The witnesses including a senior government officer of the rank of Assistant Commissioner called the statement rubbish. Again, it has been proved beyond doubt that the first shot was fired from a one-ton bulletproof vehicle accompanying the convoy which probably was a signal to others in the convoy who responded with indiscriminate firing. The second part is that there was an exchange of firing to cover all civilian casualties and the eyewitness accounts of the unprovoked and indiscriminate killings by the Indian Army.

The survivor of the killings at Regipora Bridge, Mr. Malik has given an irrefutable eyewitness account of the cold-blooded murder of two local policemen Mr. Khazir Mohammad and Ganesh Da by the army. Also, Manzoor Ahmed Bhat, deponent no 15, was witness to the killing of another policeman by the army near his shop, M/s Hallmark Enterprises on the Bye-pass Road Kupwara. Several other witnesses have also testified to the fact that casualties were inflicted on the defenseless civilians by the army at different places in the town on that fateful day. No one examined by the IKS talked of any encounter having taken place.

The third part of the version that *“a carbine and one .303 rifle of the deceased policemen is missing”* seems to be part of concocted and fabricated details about the incident. The army men who were on duty at Ragipora Bridge can be booked for theft on the basis of the witness of Mr. Malik, deponent no. 16, who is the eyewitness to the fact that the rifles of the policemen, namely, Mr. Khazir Mohammad and Ganesh Das were snatched by the army personnel before they were shot dead and that nobody before some IB officer reached the site was seen there. All in all the Government version of the incident is a mere fabrication so far as the testimony of the eyewitnesses is concerned.

## 4.2. Government Enquiry

The Divisional Commissioner Kashmir who visited the town on 28th January 1994, told that *“we are upset and annoyed; we are pressing army authorities to take action against those found guilty”*.

The Divisional Commissioner also said that the Government had ordered a magisterial inquiry into the massacre. It will be worthwhile to point out here that it has become a routine with the Government to institute inquiries into such incidents for the consumption of the outside world. So far as the local people are concerned, they have never pinned any hope into such inquiries as they know the bitter fact that such inquiries yield nothing. The same is the case with the inquiry into the incident under study, for despite the passage of several months no report based on any official inquiry has been published so far. The people do not even know of any progress made so far in the case. Like many other inquiries instituted by the puppet administration in the past, the common people consider the one regarding the Kupwara carnage a mere eyewash.

Meanwhile, Criminal Investigation Department (CID), with reference to a case filed by International Forum for Justice and Human Rights headed by human rights activist Muhammad Ahsan Untoo, had written to State Human Rights Commission Kashmir vide letter NO. CID/HR/ SHRC/53 2012 dated 11 May, 2012. *“Inquiries reveal that Police Station Kupwara received information that soldiers of 31 Medium regiment deployed on Road Opening Party (ROP) duty under the command of 2nd Lieutenant Colonel S Bakhshi, indiscriminately opened fire on civilians at bus stand Kupwara without any provocation and justification with criminal intentions which resulted into killing of innocent civilians. An FIR no- 19/94 under sections 302,307,149 RPC was registered and statements of eyewitnesses were recorded under section 161 CRPC. Finally, the case was closed on 10-04-1997 on the basis of non-cooperation from army authorities. Despite repeated representations army did not disclose the whereabouts of the soldiers involved in the massacre”*.

## 5. Testimonies

### Statement 1

**Name:** Muhammad Ramzan Dar. S/o: Ghulam Hassan Dar

**R/o:** Cheeve Kot Lolab Kupwara

**Age:** 25 years

**Profession:** Senior Assistant Social Welfare Department, Kupwara

**MRD:** 9015/B.J.H

**Date:** 01-02-94

*It was 10.40 a.m. I was walking at the Gate of my office along with the public. I saw an Indian army convoy moving in the same direction. Suddenly, they started firing. We were exposed in open. They fired at us with an aim. I saw them firing in all directions. One of the bullets hit my left arm. I tied my handkerchief around the wound. I saw two people near me (one aged 28, Mr. Rashid and the other 30 years) falling after getting gunshot wounds. They died on the spot. I laid flat on road, looking towards convoy. Convoy was moving.*

*The solider on the front of the Army truck directed L.M.G. towards us and fired. The bullets just touched my chest and hit my right arm near the shoulder. I crawled a little and I saw an army officer. I pleaded for first aid. He abused and did not respond. He was clean-shaved, well built with 2 stars (Sobedar) S.M. He seemed to be a Dogra with a gun in his hands and in firing position. I ran towards my office. Some of my colleagues namely Wali Mohammad (Driver), (ICDS Sogam) Khazir Mohammad Dar Senior Asstt District Megistrate Gulam Muhi-ud-din & Ganesh Singh (Kashmir Police officer) & Gulam Mohammad Jr. Asstt Development Section Help me to board the vehicle JKE - 7102, belonging to the departmental and accompanied me to hospital. At bye- pas 1/2 Km from my office at Regipora Bridge, we were stopped. We were commanded by Army to disembark the vehicle. I could not get out of the vehicle. All of them except me came on the*

*road. They were commanded to sit on the road. I saw with my eyes an Army man firing at them from a close range. Three persons died on the spot. Gulam Mohammad was the only person to survive. It was 12.00 Noon. Up to 3.15 I lay there. Army took both of us, me & Ghulam Mohammad to Army Hospital. I do not know about Ghulam Mohammad after that. I was referred to Civil Hospital Kupwara. They referred me to Srinagar. That is what I saw. I suppose it was preplanned. They wanted to kill us all.*



People protesting against indiscriminate Killings



## Statement 2

**Name:** Ghulam Mohammad Mir S/o Abdul Jabbar Mir  
**R/o:** Kupwara-Town  
**Age:** 28 years  
**Profession:** Shop Keeper in Kupwara Town

*It was 9.00 a.m. I reached my shop. Before opening the shop, an Army Jawan told me to keep the shop closed. I enquired why, to which he replied, "Why did you close yesterday." (26th Jan was observed as a black day, and strike was observed). He did not allow us to open the shop up to 10.40 a.m. Then all of a sudden they started firing. They fired in all directions. I ran towards a house in the vicinity and saved myself. The firing continued for hours. After that, we were taken out for the identification parade. We were allowed to go at 4.00 p.m. It was a deliberate act and preplanned to take revenge from Kashmiri people.*

## Statement 3

**NName:** Abdul Qayoom Mir  
**S/o:** Khazir Mohammad Mir  
**R/o:** Hayen, Trehgam, Kupwara  
**Age:** 14 years  
**Profession:** Student 9th class  
**MRD No:** 544807 SMHS  
**Date:** 27-1-1994

*I had been to Kupwara to purchase the books for myself. I was first intercepted by occupational Army before entering the town who beat us without any reason. I reached town anyhow. It was just past 10.00 a.m. Shops were closed. The Indian armyArmy was not allowing shops to open. I did not know why. Some official from local police requested army personnel to let the people make some purchases as it was a religious day "Shabi-Barat." A few shops opened and I purchased books and was on my way back. I reached at Bus stand. I saw army personnel deployed everywhere. Suddenly firing started. Every soldier was firing. Bullets were coming from all directions.*

*We were about to run for safety when two bullets hit me. My father pleaded to occupational forces for treatment to which they refused and made us sit on one place for 150 Minutes. After that an Army officer commanded us to come out of the bus stand with hands up. My father again pleaded for medical aid. He was warned of dire consequences. Finally, after 3 hours my father was allowed to take me to Civil Hospital Kupwara where I was given first aid and referred to Srinagar for treatment. I was one among the 14 persons referred to Srinagar.*



People protesting against indiscriminate Killings





## Statement 4

**Name:** Abdul Samad Shah  
**S/o:** Gulam Rashool Shah  
**R/o:** Saiwan-Lolab Kupwara  
**Age:** 45 years  
**Profession:** Field Man in Horticulture  
**Deptt.** MRD 9014 B.J. Hospital Bzl, SGR.  
**DOA:** 27-1-94 - 01-02-94

*It was 11.10 a.m. on 27-1-94. I was on way to my office from main chowk. At hospital Gate, I heard a gunshot of gunshot sound. Just moments after it, army (sikhs), fired in all the directions. I ducked under a Redha (Hand Cart). One child aged 12 also ducked under this cart. On other side of the road there was a soldier who pointed his gun towards us and fired. It hit the child. He cried. I was about to lift him to hospital, the soldier aimed at me and fired. Fire hit my right thigh. They did not allow us to move away till 3.00 P.M. I was rescued by the women of the locality along with the child and were taken to hospital. The child is in serious condition. I am comparatively better than him. Indian army did not provide us any first aid. Immediately thereafter I was referred to Bone & Joint hospital Srinagar as my condition was serious at that time. I am now undergoing treatment here.*

## Statement 5

**Name:** Gulam-ud-din Loan  
**S/o:** Gulam Ahmed Loan  
**R/o:** Gulgam Kupwara  
**Age:** 30 years  
**Profession:** Field Man in Horticulture  
**Deptt.** MRD 9014 B.J.Hospital Bzl, SGR.  
**DOA:-**27-1-94 till 01-02-94

*At about 11.00 a.m. I was at Bus stand on my way to my office. All of a sudden, I saw the men in uniform firing in all directions. I just went inside a shed for shelter. The soldiers came up to the shed and fired inside the shed. We were seven people hiding in there. I got the maximum injuries. The bullet hit my right hand. I crawled to a bus along with other persons. In the bus we were 40 people. The occupational army fired at the bus too. We hid ourselves under the seats of the bus. They disallowed the first aid to my wound, and commanded for "Hands up". We pleaded for treatment. They did not respond. Later at about 2.00 p.m. I went to the hospital after the Army people allowed us to go. I was provided first aid at Kupwara District hospital and instantly referred to Srinagar for treatment due to my serious condition. We came to Srinagar on a private bus. Every army man was firing at us from 11.00 a.m. to 3.00 p.m. Even soldiers posted on a hilltop were firing. I think they fired some mortars.*



People protesting against indiscriminate Killings



## Statement 6

**Name:** Farida Bano  
**D/o:** Abdul Jabbar Mir  
**R/o:** Kupwara-Town  
**Age:** 20 years  
**Profession:** Student  
**Bones and Joints Hospital. MRD 9060**  
**DOA: 30-1-94**  
**SMHS. Hospital MRD: 544809**

*I was at spring to fetch water for my domestic use. We heard gunshots. We were four ladies. We ran towards safety. There is an army bunker near the spring. One of the Army personnel posted at the bunker fired at us with aim. One bullet hit my right thigh. I ran towards the mosque. I fell unconscious for some time. Later, I went to my home. Locals took me to District Hospital Kupwara. After first aid, I was referred to Srinagar for treatment.*

## Statement 7

**Name:** Abdul Rashid Mirchal  
**S/o:** Kh.Aziz Joo Mirchal  
**R/o:** Nawa Gabra Teh.Karnah  
**Age:** 50 years  
**Profession:** President BAR. Association Kupwara

*Although I was not personally present at Kupwara, but as a President District Bar Association Kupwara I thoroughly enquired into the incident of 27th Jan 1994. My personal feelings after thorough inquiry are that the firing from the Indian military was not unprovoked, Indiscriminate, pre-planned, and was done with the clear intention of killing people so as to pressurize and demoralize the people of Kupwara from their lawful demand i.e. Right of self- determination.*



## Statement 8

**Name:** Abdul Rehman Gujri  
**S/o:** Abdul Sattar Gujri  
**R/o:** Sattro Bagwan-pora, Bar-Bar Shah Srinagar  
**Age:** 35 years  
**Profession:** Driver JKC-5077 Bus  
**MRD:** 1504/Kupwara Sub-District Hospital, DOA: 27-1-94  
**Ref:** SMHS. Out-patient Ticket 818648  
**Referred to** Barzulla Bones and Joints  
**MRD:** 9090, DOA: 31-01-1994

*It was 10.40 a.m. and I was waiting for my time of departure, which was 11:00 a.m. I saw the army convoy moving towards Sopore. I heard gunshots at the back side of the market and instantly army personnel started firing at us. I took shelter inside the bus. They fired at the bus too. Three bullets hit me. They did not allow us to move out of the bus for more than 90 minutes. All this time, the army was firing in all directions. They the army personnel took us to the identification parade in injured condition. We all injured were bleeding and requested for first aid. They refused. At about 1.15 pm. I was allowed to go to the hospital. After first aid, we were referred to Srinagar hospital. On way to Kupwara hospital, I saw five dead bodies lying in a pool of blood.*

## Statement 9

**Name:** Abdul Ahad Wani  
**S/o:** Haji Aziz Joo Wani  
**R/o:** Tikkar Kupwara  
**Age:** 60 years  
**Profession:** Rtd. Lecturer Education Department

*I was at Regipora Bridge at 10.40 a.m. The occupational Indian army men at duty were mercilessly beating people in general and loudly telling that a heap of dead bodies will be seen just now by you. I reached the hospital. I heard a gunshot. I saw an army man firing towards a window of the first floor on his right side near Bata Shoe Agency. Then the indiscriminate firing started, and first victim was Gulam Nabi Mir s/o Abdul Khaliq Mir R/o Gulgam (34).*

*The same army man started firing towards us. We were 8 persons and 5 of us died on the spot and 3 received bullet injuries. I hid under dead bodies after I was hit in the back right side of the spinal cord. He continued firing in the same way. It was 10.45 a.m. and I was there up until 3.30 when J & K Police took me to the hospital. It was not a cross-firing. I saw with my eyes the first fire/bullet being shot from the gun of the Indian military personnel who was in a one-ton vehicle.*



## Statement 10

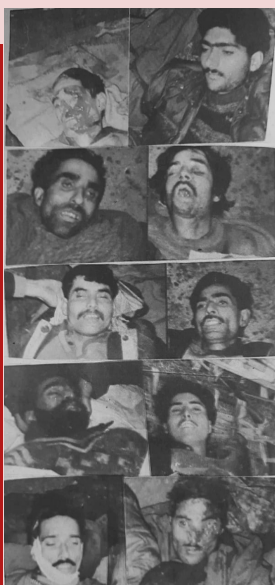
**Name:** Ali Mohamad Parey  
**S/o:** Ghulam Mohamad Parey  
**R/o:** Sulikot Seipora Kupwara  
**Age:** 36 years

*I was at the main market. A convey of occupational Indian army was moving from Kupwara to Sopore. I saw the last vehicle of convey which was a security vehicle (Meant for the security of moving convey) passing through main market. When it approached Bata shop, a military man from the vehicle fired in the air. As if it was a signal. Every soldier from the convoy started firing indiscriminately. The military men who have forcibly occupied house of Mohamad Malik fired at Market. A bullet hit Mohamad Shafi Langoo. For some time, it looked as if it was battlefield. Instantly people were bleeding and lying on the ground. Army did not allow the injured to be taken to the hospital. I anyhow managed to save myself. They had taken revenge of Hartal observed by the people on 26th January. Cross firing story is false.*

## Statement 11

**Name:** Sona-ul-lah Hajam  
**S/o:** Ghulam Qradir Hajam  
**R/o:** Beohi Pora, Kupwara  
**Age:** 36 years  
**Profession:** Prop.Kiryana and Hoisery Shop Kupwara Main Market

*At 9.00 a.m. I left home towards my shop. I reached Regipora Bridge where the Indian military stopped the vehicles and started beating people. I saved myself by hiding at a distance from the army personnel. Tehsildar Kupwara (Executive Magistrate) arrived at the scene. We stopped him and requested help. He deputed local police for our help. I reached my shop. The shops were not allowed to be opened by the army. I saw a Sikh soldier in a one-ton vehicle firing a shot from his gun at the road. I suppose it was a signal to start a pre-planned carnage. All of a sudden firing started in all directions. We went up a building over our shops. The firing continued up to 1.30 p.m. in our market. At 3.00 p.m. we were taken for an identification parade. The allegation from the puppet government (about cross-firing) is absolutely baseless. There was no fire from the resistance forces in the vicinity.*

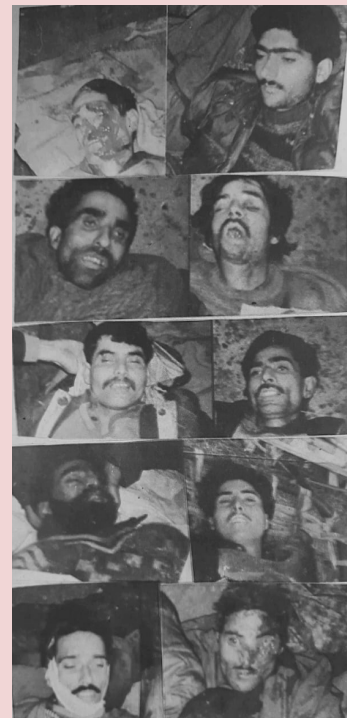


## Statement 12

**Name:** Irshad Ahmad Khoja  
**S/o:** Abdul Ahad Khoja  
**R/o:** Bohi pora, Kupwara  
**Age:** 24 years  
**Profession:** Prop. Khoja General Store  
**Stationary and Electric Goods Regi Pora Kupwara**

*I reached the bus stand at 10.40 a.m. on 27th January 1994. I was told that Indian army personnel are beating the civilians. I was on my Motorcycle No: - JKE -4860. At the bus stand, I heard gunfire sounds. I left the Motorcycle on road and ran towards safety. I hid under a building along with another unknown person. I remained beneath the building up to 12.30 noon. The firing continued. At 12.30 noon some army personnel on the 2nd floor of the building spotted us. We stood up and started walking.*

*At this time army personnel fired on my companion, and he fell to the ground. I played dead. At this time army personnel aimed at me, but a Sikh officer shouted: "Mat Marro" (Don't kill him). The officer caught hold of me and took me to Bye-pass chowk where I was stripped, naked, and my clothes were torn out. I was mercilessly beaten. I was blindfolded and put in a vehicle. At about the firing stopped, and I was taken to an army camp. I was interrogated later in the day for about 3 hours. I was released after two days. It was not a case of cross-firing. The puppet Government is making a cover-up story. My companion who was fired upon in front of me had died due to blood loss. I later came to know that he was denied any medical aid and they didn't allow him to proceed to the hospital.*





## Statement 13

**Name:** Javeed Ahmad Sofi  
**S/o:** Ghulam Mohi-ud-din Sofi  
**R/o:** Kupwara-Town-Kupwara  
**Age:** 13 years  
**Profession:** Student 7th Class  
**WARD No:** 117190  
**MIRD No:** 555814  
**DOA:** 27-194

*This incident has its origins in the 24th January Incident at Handwara town where a clash between JKP and Indian military men took place resulting in the death of 3 civilians. Since then, the relations between JKP and the Indian military were tense. 25th January saw a bad scene in Kupwara when a JKP man Wali Mohamd (HC) was traveling on a two-wheeler and was intercepted and abused by the army. A scuffle ensued resulting in fire from military men. However, he escaped unhurt. The army fired in the air everywhere, however, no one was injured. On 26th January, Kupwara town along with other parts of the State witnessed a complete Hartal against republic day of India. It triggered anger among the army personnel and on 27th January they beat the people at all entry points up to 10.30 a.m. At 10.30 a.m. I was at my residence (300 Meters from the site of the incident). I heard gunshots. I saw outside. The occupational troops had cordoned off the whole town and we were not allowed to come out of our houses. The army went on a rampage firing everywhere and, in every direction, up to 1.30 P.M. 22 civilians were killed. The puppet Government came out with a false statement that it was cross-firing. It is absolutely baseless.*

*In fact, they had earlier threatened revenge for the strike of the 26th. Two of my salesmen were injured outside my shop. At Bata Agency showroom, the incident of firing occurred. At 10.45 am, an army vehicle while crossing the road received a bullet probably hit by his preceding vehicle. Positively it was a misfire. Army personnel opened fire at this shop injuring two salesmen of the shop namely Glulam Mohammad Mir (27) from Rafiabab Baramullah and Ghualm Mohammd Zargar (26) Tiker Kupwara.)*



People protesting against indiscriminate Killings





## Statement 14

**Name:** Manzoor Ahmad Bhat

**S/o:** Amir-ud-din Bhat

**R/o:** Bategan Kupwara at present Bohi Pora Kupwara

**Age:** 30 years

**Profession:** Prop: - Hall Mark Enterprises

**By-Pass Road Kupwara**

*My home is in the heart of town. At 10.30 am, I left home for my tutor. I reached the hospital where I saw occupational troops deployed in the main market. Only a few of the shops were open. Earlier in the morning, I had seen the troops beating shopkeepers. They were not allowing them to open their shops. There was tension in the town right from 25th January. There was a scuffle over some issues between local police and Indian troops.*

*26th January was observed as Black day in the town as elsewhere in the valley. I saw the military convoy coming from the opposite direction. A few vehicles just passed me. I was with Firdous Ahmad Tantrey (a class 5th student). I heard a gunfire sound. Possibly the last vehicle of convoy fired it. Just beside me, at that moment was passing a vehicle. I saw a military man, a Sikh, wearing a turban firing indiscriminately in all directions. He pointed the gun towards me and fired. A bullet hit my left arm. Just after a few moments, he fired again at me, this time hitting my left side close to my limbs on the back side. I ran for safety. I was not allowed. Army personnel did not provide me with any first aid for about more than an hour. I was bleeding. After that army personnel allowed a civilian to help me. He took me to the Kupwara sub-district hospital. Wherefrom I was referred to S.M.H.S. Srinagar. For some time in the transit, I was unconscious.*

*Referred to SIMS on 3-2-94*

*Interviewed on 6-2-94 at S.I.M.S Srinagar, Condition still serious.*



People protesting against indiscriminate Killings



## Statement 15

**Name:** Gulam Mohamad Malik  
**S/o:** Gulam Hasan Malik  
**R/o:** Kupwara Town, Commissioner's Office Kupwara  
**Age:** 23 years  
**Profession:** Junior Assistant Deputy

*I reached my office at 10.30 am. People from the town had complained to the District Magistrate about the bad behavior of army personnel on that fateful morning of 27th January. At 10.45 am when I was in my office, I heard a gunshot fire followed by random firing. Every vehicle passing along the road was firing, even from the pickets atop hills. Mr. Mohammad Ramzan Jr. Asstt social welfare office and Khazir Mohammad Accountant of social welfare got gunshot wounds. I along with Mr. Chazir Mohammad Dar (Steno to District Magistrate) removed the injured to office. JKP personnel on guard duty assisted us.*

*The condition of Mohammad Ramzan seemed to be critical. We decided to shift him to civil hospital. We called the Driver Wali Mohammad of I.C.D.5. Department, and boarded Mr. Mohammad Ramzan in it. Driver, besides me were accompanied by two JKP personnel namely Ghulam Mohi-din. H.C. No: - 314 of 7th BN and S.G. Constable Ganesh Dass No:-536 of 7th N, and Mr. Khazir Mohammad Dar.*

*When the jeep reached by-pass curve near Regipora Bridge, It was 11.30 am. We were stopped by Indian army. We were asked to "Hands up" after coming out of vehicle. Five people excluding injured Mohammad Ramzan came out. Two armed guards were disarmed by the Indian army. The army soldier shouted to JKP personnel: "Saloo agar tum theek hotay tou yeh na hota." Had you been sincere this wouldn't have happened. Somebody from back told the military man, "Mar do" meaning "kill them." The five of us were at a distance of 7 feet from military men who were nearly seven in number. The sixth, an injured man, was inside the jeep. At this time, I saw one of the military men firing at us. It was a volley of bullets which first hit H.C. Gulam Mohi-din. He fell instantly. Ganesh Dass, another JKP personnel shouted: "I am a Hindu Don't kill me." Army personnel replied what then "you belong to JKP." and fired another volley of bullets. This time hitting Ganesh Dass. Driver Wali Mohammad was still unhurt standing between the army vehicle and our jeep. He was hit by a bullet almost after 3 minutes. He fell and told me: "Tell my family I am dead." Army personnel were under the impression that I am also injured. I anyhow evaded their sight and rubbed some of the blood of Khazir Mohammad on my face and clothes and lay calmly on road. I had a minor injury in my left hand as a splinter of a bullet hit my hand. After firing at us, they dispersed.*

*At about 1.00 pm an IB (Intelligence Bureau) officer came in his jeep. He was in civil dress. He stopped at the place of incident. I cried "please save me." He enquired from me if I had a bullet wound. I lied and answered in affirmative. He went away keeping me there. By this time, I saw only Khazir Mohammad and Wali Mohammad alive. Rest two JKP men were already dead. The IB officer returned after five minutes with civil Medical Assistant with a drip-set. The Medical Assistant was known to me. I whispered in his ear that I was unhurt and to save others. An army man arrived at scene and was about to shot at me, but IB officer intervened and did not allow him to kill me.*

*The injured were put on drip and some injections. An army captain arrived at scene and told me in English: "Bustard, you are a lucky man. Keep mum otherwise you will be killed." By now the IB officer came to know that I was not injured. At my request he shifted the two injured from the scene. Another army captain, a Sikh wearing a turban and with red stars on his shoulder bag arrived. I requested him for my safety, but he denied any help.*

*However, he remained at the site till a senior army officer Major rank DQ arrived. He enquired from me about the incident. I did not reveal the truth to him due to the fear of my death. He enquired if I was from the police to which I replied in negative. He sent a wireless message to MI Room and boarded me along with the injured Mohammad Ramzan in a One-Ton vehicle and sent us with a captain's MI Room. Mohammad Ramzan was provided first aid and at that moment a message from DQ directed them my appointment with some senior officer. The officer avoided. After some time DQ and the Sikh captain arrived and directed his men to provide me lunch. At this time the District Magistrate along with Additional District Magistrate and senior army officers came to MI room. At their request I was released from the army camp.*



People protesting against indiscriminate Killings



## International Forum for Justice, Human Rights - IFJHRJK Takes The Role Ahead

International Forum for Justice, Human Rights JK (IFJHRJK) chairman Mohammad Ahsan Untoo submits a petition with State Human Rights Commission (SHRC) seeking direction from the commission to investigate the killing of persons in Kupwara Chowk on January 27, 1994.

The petition reads:

- That on January 27, 1994, Army personnel of 15 Punjab Regiment killed 27 innocent persons; reason being that the shopkeepers had downed shutters of their shops on January 26 on the call of separatists. Army avenged the act by opening fire on innocents.
- That no investigation has taken place in the said case
- That all the 27 persons that were killed on that fateful day were civilians.
- That the families of the deceased persons are starving as they deceased persons were the sole bread earners of their families and they were not compensated by the government.

## The Criminal Investigation Wing (CID) of J&K Police submits a report with SHRC

In wake of the petition, the SHRC had asked the concerned authorities to submit their reports over the killings.

The police investigative agency had made correspondences with the Army which issued a letter stating that a Court of Inquiry was already constituted to probe the incident whose final outcome was not furnished to police. The investigation of the case was closed as 'un-traced' on April 10, 1997 on the basis of non cooperation of Army authorities.

The CID report reads that on 24, September 2004, police reopened the case and was entrusted to the then Additional SP, but despite repeated requests the requisite information was not provided, however ASC 31 Med Reg. Unit of Army intimated that no documents are lying with the said Unit regarding the said case and requested to approach 28 Infantry Division in this behalf.

Accordingly matter was taken up with 28 Information division who vide letter number 1900/20/FIR/GS/OPS dated 28-05-2005 that the concerned Unit has been approached to provide the information and conformation to this effect will be communicated as soon as the reply is received from the said Unit. But till date nothing to this effect has been communicated despite repeated reminders which clearly speaks, that neither the Unit concerned 31 Med Reg nor 28 Inf. Div to cooperate the investigating agency as a result the investigation of the instant case is pending.

However, during the course of investigation by police, notice U/S 94 CrPC has been obtained from Court of JMC Kupwara with a direction to ASC 31 Med regt. but the concerned Army Unit turned deaf ears towards Court directions.

Later on, a notice U/S 25 Police Act was served to Sh. Bakshi 22nd lieutenant 31 Med. Regt. (ASC) C/O 56 APO through GOC Northern Command to appear before I/O of instant case along with nominal roll dated 27-02-2010, but the concerned Unit once again failed to co-operate with the investigating agency as a result the investigation of the case has been jeopardized.

The CID report makes it wide and clear that the Army refused to cooperate.



The massacre has gone into oblivion like many other massacres as the Army escaped every investigation by the law-enforcing agencies. A few layers of dust were wiped off from the case files when IFJHRJK submitted a rejoinder with SHRC. The complainants contend that the victim families were denied justice and the guilty continue to be shielded under the premise of larger “national interest”.

To Untoo’s rejoinder SHRC, the Commission directed the Union Home Ministry to furnish details of the case.

- The union ministry of Home Affairs (MHA) had told the ministry of Defence to cooperate with J&K Police in nabbing the Army personnel involved in the crime.
- Deputy Secretary, MHA, PK Ahuja had asked the MoD on October 30, 2012 to provide the nominal role of Army men who were on duty in Kupwara on January 27, 1994.
- MHA makes a clean breast about the non-cooperation by Army and says that the negative approach has jeopardized further investigation of the case.

In yet another rejoinder by IFJHRJK, on May-11-2012, a report submitted by Inspector General of Police (CID) to Director General of Police, J&K stated that the forces deployed in Kupwara under the command of 2nd Lieutenant GD Bakshi indiscriminately fired at Bus Stand Kupwara without any provocation, killing several persons besides injuring many.

The report further reads that as per the statements recorded under U/S 161 CrPC and evidence, NCA personnel deployed for ROP duty in Kupwara town were responsible for the commission of crime.

*“During the course of investigation, several correspondences were made with the concerned unit to provide nominal roll of officers/personnel deputed for ROP duty. Despite repeated requests, no response came from the concerned NCA unit. Thereafter correspondences were made with Colonel General Staff 28 Inf. Division Kupwara through DPO Kupwara and in a reply, a letter was received stating that Court of Inquiry stands already constituted with regard to the said firing incident.”*

In another rejoinder, the defence Ministry has sent a report of National Human Rights Commission (NHRC) proceedings into the case.

*\*Point of information: The word anti-national elements (ANEs) used by NHRC in its report are actually the militants fighting against the Indian rule.*

Highlights of the NHRC report:

- The Commission took cognizance of the complaint of Shri Shahabudin, member parliament and called for a report from State Govt and Ministries of Defence and Home Affairs Govt of India.
- The ministry of Defence sent a detailed report of the incident that read “the Army convoy was attacked by anti-national elements (ANEs)”.
- An Army Court of Inquiry was ordered. The court examined witnesses, the site of the incident and after deliberations its opinion as follows:
  1. The firing incident by the ANEs was a premeditated operation with an aim to of causing disturbances and provoking army to react so that the militants could gain political mileage.
  2. Possibly 20-30 ANEs would have participated in the action and fired approximately 2000 rounds from 4/5 different places
  3. Most casualties occurred are purely due to ANEs firing.

While the NHRC report largely blames militants for the heavy casualties, the human rights groups and locals contest the NHRC report and term it shielding army personals' who executed the massacre.

The NHRC report claims that it recorded statements of 10 army troopers and around 8 locals. The report shields the army and largely blames the militants for killing the people, which has been contested by the witnesses and locals in the media.

The petitioner and IFJHRJK chairman Muhammad Ahsan Untoo said we ask the government why it failed to deliver justice to victim families who lost their kin to the Army carnage.

He said the NHRC has always been biased when it comes to Kashmir for their national interest. *"The army which executed the carnage are painted as saviors in the NHRC investigation. We out rightly reject NHRC report and demand the case should be re-opened with independent enquiry commission,"* Untoo said.

Citing past investigations into massacres, Untoo said that during the last 20 years of militancy court martial was ordered against Army and BSF personnel of India for their alleged involvement in innocent killings but till date nobody knows about the present status of such court martial proceedings.

*"Aag lagao. Mere ko dead body chahiye".* This is how J K Sharma, then Additional Deputy Inspector General of Police (DIG), Commandant of Border Security Force's 75th battalion, told his men before they shot nine innocent civilians in cold blood in Mashali Mohalla Hawal in Old city of Srinagar on August 6, 1990.

Untoo said that there are number of instances when court martial proceedings were ordered against certain Army and BSF personnel for their involvement in killings of innocent Kashmiri people.

*"Court Martial proceedings were ordered against one Army officer for killing more than 20 innocent people in 27 January 1994 in Frontier district Kupwara. FIR vide number 19/1994 stands registered against the said officer in police station Kupwara but nobody knows the present status of the case,"* he said.

**Table 1: List of the Civilians Killed by Indian Army on  
27-01-1994 at Kupwara**

Sr.No.	Name	Parentage	Age	Residence
1.	Nazir Ahamed Mir	Abdul Jabbar	32 years	<b>Dardpora</b>
2.	Mohammad Anwar	Ali Mohammad	30 years	<b>Chal gund</b>
3.	Dar			
4.	Abdul Rashid Malik	Ghulam Mohammad	30 years	<b>Kupwara</b>
5.	Ghulam Hassan Dar	Subhan Dar	30 years	<b>Bomhama</b>
6.	Ghulam Hassan	Habib-Joo	64 years	<b>Rajgath (Bla)</b>
7.	Shirwani			
8.	Wahab-Dar	Jabbar Dar	70 years	<b>Chir Koot (Lolab)</b>
9.	Nazir Ahmad	Ghulam Rasool Wani	16 years	<b>Ladarwani</b>
10.	Ghulam Mohammad	Satar Tantrey	42 years	<b>Zurhama</b>
11.	Tantrey			
12.	Mohammad Amin Shah	Gulam Shah	30 years	<b>Hundi</b>
13.	Ahmed Dar	Jabbar Dar	36 years	<b>Awoora</b>
14.	Habib Shah	Mohammad Shah	45 years	<b>Zurhama</b>
15.	Ghulam Nabi Mir	Abdul Khaliq	32 years	<b>Payarpora</b>
16.	Khazar Mohammad Dar	Mohammad Akbar Dar	30 years	<b>Chir Koot</b>
17.	Ghulam Mohi-Din	H.C. 314.JKAP 7th BN	48 years	
18.	Ganesh Das	Sg.Ct 536 JKAP 7th BN	36 years	
19.	Meema Bano	Mohammad Yaqoob	14 years	<b>Lalpura (Lolab)</b>
20.	Wali Mohammad Mir	Ahmad Mir	36 years	<b>Darpora (Lolab)</b>
21.	Amina Bano	Dulla	12 years	<b>Gari Koot (Uri)</b>

**Table 2: List of Civilians injured due to Indian Army firing in Kupwara town on 21-01-1994 and are in different hospitals**

Sr.No.	Name	Parentage	Age	Residence
1.	Mohammad Amin	Const.NO.458/KP	26 Years	Kupwara
2.	Ghulam Hassan Najar	Subhan Najar	17 Years	Kuligam
3.	Nazir Ahmad Sheikh	Amir Sheikh	27 Years	Trehgam
4.	Abdul Rehman Malik	Jabar Malik	50 Years	Dodwan
5.	Mohammad Maqbool	Mohammad Yousuf Shah	35 Years	Derzipora
6.	Javaid Ahmad	Ghulam Mohi-Din	14 Years	Chayawan
7.	Abdul Samad Shah	Ghulam Rasool Shah	40 Years	
8.	Wali Mohammad Wani	Habib Wani		Nutnussa
9.	Abdul Qayoom Mir	Khazar Mohammad Mir	15 Years	Hayan (Trehgam)
10.	Abdul Rehman Gojri	Abdul Star Gojri	36 Years	Sathu-Barbar Shah
11.	Farida Banoo	Abdul Jabar Mir	16 Years	Kupwara
12.	Nazir Ahmad Lone	Munwar Lone	29 Years	Anderhama
13.	Mohammad Ramzan	Ghulam Hassan Dar	25 Years	Cherkoot
14.	Mohammad Assan Bhat	Ali Mohammad Bhat	39 Years	Gushe
15.	Ghulam-Din	Ghulam Ahmad	30 Years	Gulgam
16.	Meena Banoo	Yaqoob	14 Years	Lalpora
17.	Bashir Ahmad Zargar	Ghulam Quadir Zargar	14 Years	Trehgam
18.	Farooq Ahmad Mir	Zaman Mir	18 Years	Sulkoot
19.	Misra Bagam	W/o Dilawar Sheikh	25 Years	Daodpora
20.	Showkat Hakeem	Mohammad Maqbool	26 Years	Sopore
21.	Ghulam Quadir Mir	Ali Mohammad Mir	28 Years	Kupwara
22.	Ghulam Rasool Zargar	Ahmad Zargar	38 Years	Drugmulla
23.	Showkat Ahmad Mir	Ghulam Mohammad Mir	22 Years	Azadgung (Baramullah)
24.	Abdul Majid Wani	Mohammad Wani	30 Years	Alachizab
25.	Ahad Mir	Jabar Mir	45 Years	Mugam
26.	Fayaz Ahmad	Mohammad Ramzan Dobhi	22 Years	Drugmulla



27.	Ghulam Mohi-Din Malik	Mohammad Akbar	12 Years	Wayeesa
28.	Ghulam Quadir Mir	Ali Mohammad Mir	28 Years	Kupwara
29.	Bashir Ahmad	Ahmad Tali	25 Years	Chepora
30.	Abdul Aziz Khan	Majnoon Khan	23 Years	Chepora
31.	Habib-ullah	Ct.618/KP.P/S Kupwara	32 Years	Regipora
32.	Bashir Ahmad Dar	Hassan Dar	19 Years	Awora
33.	Abdul Khaliq Mir	Skindar Mir	45 Years	Hidi
34.	Qutub-Din-Khan	Mir Baz Khan	60 Years	Bongam
35.	Sona-Gojri	Lassi-Gojri	14 Years	Drugmullah
36.	Abdul Ahad Wani	Haji Aziz Wani	60 Years	Tikker
37.	Khazir Mohammad	Abdul Jabbar Najar	33 Years	Darpora (Lolab)

## Legal Forum for Kashmir - LFK

The Legal Forum for Kashmir (LFK) is an international, non-violent, and legal organization. Its members are indigenous people of the occupied territory in Jammu and Kashmir. The aim of the organization is to defend the political, social and human rights of Kashmiris and to promote the UN sanctioned Right of Self-Determination.



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