

**Injustice may be the  
provenance of the state,  
memory is our own.**

**SHOPIAN**  
**INSTITUTIONAL DENIAL OF JUSTICE**

Majlis-e-Mashawarat  
(Consultative Committee)  
Shopian

**Remembering Asiya,  
Neelofar and those who  
faced similar brutality**

Contents

Introduction	1-3
The tragedy in context	4-5
Public reaction	6
Police handling and experts	7
Cover up, probes, media and court monitoring	8-16
Casual intentions	17-22
Birth of a response	23-24
The CBI scientific cover up	25-31
Annexures	32-52

## Introduction

The Shopian case has displayed the ways in which the neo-colonial administrative apparatus gathers, connects, and disconnects events to turn them, as needed, into legible, insignificant, or unintelligible information. The government appointed probes to write down what the state deems as an expedient truth.

The Shopian crime has become a classic case of obfuscation illuminating certain aspects of events only to create shadows elsewhere. But the archives that were created in the process were neither stable nor indicative of the state's absolute power to inscribe the final truth. Instead, the archives turned out to be sites of the state's immense anxiety and self-doubt. Given our collective understanding of how Indian institutions have functioned in Jammu and Kashmir, the CBI report in the Shopian case is least surprising. The CBI only acted out a denial script that the Chief Minister had instinctively mouthed during his controversial first press conference after the incident came to light.

The state's response to the incidents in Shopian, or for that matter to any atrocity committed in Kashmir, is essentially moored in the colonial practice of mystification. This practice usually takes place at “high-levels of investigation” and is often theatrical meant to produce spectacle instead of evidence. This is the case not simply because the Indian state inherited much of the remnants of the colonial administrative system, but also because of the attitude New Delhi's ruling formations have toward Kashmir. This is where these classes can come as forces of reason

and progress against a people who are seen as irrational, passionate, and easily excitable.

However, that's not how the people of Kashmir have seen themselves. As skeptical subjects, Kashmiris are creating their own archive. And this is not just the archive of memory, but of real documents that forcefully argue that rape and murder has taken place in Shopian.

When the CBI came to Kashmir with doctors from the AIIMS to carry out an investigation into Shopian, a number of people and some elders from the Majlis-e-Mashawarat, felt it would authenticate what most people already knew, what independent enquiries had found out, what even a government appointed commission had acknowledged, and, most importantly of all, what facts on the ground clearly pointed toward. But the CBI, with its characteristic hubris, produced a report that instead of disclosing truth only revealed how the politics of denial can become so ludicrous as to attract only derisive pity for the state. The CBI produced an elaborate conspiracy case against those who were in one respect or the other involved with seeking justice, or with initial examinations of whatever evidence they could salvage. In other contexts such conspiratorial stories like the one the CBI propounded would invite public ridicule and anger. But since it is Kashmir, the black hole of the Indian nationalistic consciousness, it was immediately gulped down in mainland India with great relief and a redoubled sense of self-righteousness.

It is clear as the Independent Women's Initiative for Justice suggests in their report “Shopian: Manufacturing a Suitable Report” that the witnesses were systematically compromised, that many under sustained pressure changed their statements, and a number of them (especially the doctors who conducted initial tests) were suspended from their services. This made the CBI enquiry an inquisition for those who were seeking

justice, and those who by sheer coincidence happened to get involved in forensic examination, instead of a search for the culprits who were responsible for the unnatural deaths of Asiya and Neelofer. The systematic manner in which the CBI leaked its report had already pointed to the direction in which the enquiries were going. What the CBI sought was to discredit everyone involved in the initial examinations. The medical practitioners and institutions of the state government were shown to be incompetent using the symbolic power, if not the impartial expertise, of a central medical institution, the AIIMS.

The entire exercise fully supported by the corporate media and India's intelligentsia barring an honorable few was directed at further demonizing a brutalized people. Mixed with this sense of self-vindication many people, even some self-proclaimed liberals within the Indian civil society, have wrapped themselves up in a narrative bubble of self-righteousness, and can't bring themselves to accept that their soldiers are absolutely capable of committing rape and murder.

This report is a tribute to the yearning for justice among the people of Kashmir living in dark times and is meant to remember.

*The struggle of man against power is the struggle of memory against forgetting Milan Kundera*

### The tragedy in context

Rambi Ara Nallah flows through the south Kashmir hill district of Shopian, located at the foothills of the Pir Panjal range. The Pir Panjal barrier has always had a great influence on the history of Kashmir and has been of commercial and strategic importance. It provides access to the valleys of Rajouri and Poonch from where direct routes of communication lead to the central and western Punjab.

Shopian town was the station of entry for reaching Kashmir from Rajouri and neighboring places and a point of departure for those leaving Kashmir for Rajouri and beyond. The route has played an important part in the time of Sultans. Influenced by the consideration of its natural advantages, Mughal emperor Akbar after the conquest of the Valley also chose it for the construction of his Imperial Road commonly known as 'Mughal Road'. And again owing to its importance and other considerations, the Government of India and the state government have in the recent past decided to reconstruct this road and considerable amounts have been earmarked for its completion.

On Friday May 29, 2009 two young women Asiya Jan aged 17 years and a class XI student and her sister-in-law Neelofar Jan aged 22 years (respectively sister and wife of Shakil Ahmad Ahangar, son of Abdul Gani Ahangar resident of Bongam-Shopian) went missing in the evening while returning home from their family orchard situated at Nagbal-Shopian. When they did not return home till late, Shakil along with his relatives and friends searched for them all around the place. On their failure to trace out the two women, he reported the matter to local police station at Shopian about 10 pm. Despite desperate searches lasting hours by Shakil and other family members along

with a police party headed by Mohammad Yasin, the young missing women could not be traced. The next morning their ravished and violated bodies were recovered from an area close to the paramilitary and police infested areas. The body of Neelofar was first found near the bridge upstream and after another agonizing search the body of Asiya was also found about 1.5 kilometers downstream. Around these spots there are security force camps including Rashtriya Rifles, Central Reserve Police Force (CRPF) and Special Operation Group (SOG) of Jammu & Kashmir Police. In fact, the District Police Lines and the residential quarters of police personnel are also close by the two spots where the bodies were found. Immediately people raised concerns and got enraged alleging the innocent young women were brutally murdered after having been raped.

### Public reaction

Protesting the dreadful incident that occurred in a military, paramilitary and police infested areas, the people of Shopian took to the streets. The local police and the administration failed to cool tempers. The bereaved families and the people were further agitated by the blatantly outrageous and despicable conduct of the local police headed by Javaid Iqbal Mattoo, Rohit Basgotra, Shafiq Ahmad and Gazi Abdul Karim, then posted respectively as Superintendent and Dy. Superintendent of police Shopian, Dy Station House Officer and 2nd Officer in police station Shopian. These officers not only failed to conduct proper investigation in the matter, they also tried their best to hush-up the initial investigation. These officials somehow tried to suppress the entire incident with ulterior motives terming it to be a case of “death by drowning” in utter disregard of the opinion of the two doctors namely Dr. Bilal Ahmad and Dr. Nazia Hassan of District Hospital Shopian. The two doctors conducted post-mortem on June 30, 2009 between 9am and 10 am observing “floating test was performed and lungs float indicating that drowning has not occurred”. In fact, even when the bodies of the two deceased victims were taken to the District Hospital Shopian for autopsy, these unruly police personnel tried to get a favorable report from the doctors in the hospital and fudge the investigation. The extraordinary interest taken by all these police personnel in ensuring a quick hush-up of the matter raised serious suspicions.

Persistent demand of the bereaved families and the people of Shopian forced the then District Magistrate Mohammad Ramzan Thoker to order and manage another autopsy by bringing to Shopian Hospital a team of doctors from District Hospital Pulwama consisting Dr. Ghulam Qadir Sofi, Dr. Mohammad Maqbool and Dr. Nighat Shaheen. This team after examining the dead bodies concluded that both the victims were raped.

### Police handling and experts

Despite the opinions of the doctors who conducted the post-mortems of the two victims, the police instead of registering an FIR for the commission of offences punishable under Sec 376 and 302 RPC, simply initiated proceedings under Sec174 CrPc. The police came up with a statement that the duo had died due to “drowning” and shamefully stated that “postmortems did not reveal any mark of violence on the bodies of the victims”. But, the body of Asiya had a clearly visible incised bleeding wound on the frontal region of her skull, other various sharp cuts on the right side near her eyebrow and below the right eye with another on the left side besides a sharp cut of nasal bridge and left nostril profusely bleeding. As soon as the photograph of Asiya showing these injuries appeared in the press particularly The Honour magazine (Vol.2 Issue 6 for June 2009), police changed their earlier statement.

What compelled the police to lie about the visible marks of violence on the body of Asiya is a question everybody has been asking. What prompted the police to prepare false records regarding the constitution of search team? In the daily diary dated June 29, 2009 it has been shown that the search team was headed by Sub Inspector Gazi Abdul Karim of police station Shopian who during enquiry by the Special Investigating Team (SIT) stated that he had not accompanied the team. A significant point to note is that 'a group of nomadic shepherds with their cattle were camping overnight at the spots where the bodies of the two victims were located early morning on May 30, 2009. This was confirmed by the Police Officer Mohammad Yasin who headed the search team that night till 2:30 am. As per his version 'when I (Mohammad Yasin) and SHO Shopian went in search of the women the shepherds were missing'. Who but the men in uniform could have the nomads moved away before the recovery of the dead bodies of the two victims? This act brings out an early attempt at a possible cover up. The only inference drawn could be

that they had witnessed the abduction of the victims and had heard their screams and shrieks because of which they were forced to leave the spot so that they do not disclose the facts to anyone. This leaves no doubt that the officers at the helm of the affairs were in know of all that had happened to the ill-fated victims that night.

### Cover up, probes, media and court monitoring

A concoction of cover-ups, obfuscations and the rumor mill started brewing as soon as the bodies of the two ill-fated victims were found along the Rambi Ara Nalla. The investigating agencies of the police constituted from time to time had been consistently been contributing to the brew. The CBI was finally tasked to complete the left over job of such investigating agencies to keep the word of their chief A. K. Bhan, the then Director General of Police in charge CID and the Chief Minister. This despite the full knowledge that no one in the recent past has died due to drowning in Rambi Ara - as held and observed by Justice Jan in his Final Report and the firm conviction of the then District Magistrate Shopian Mohammad Ramzan Thoker that 'he was convinced that it was not a case of death due to natural causes but was death due to some mischief'. Even Kuldeep Khuda, the Director General of Police in an interview stated that 'there is a prima-facie feeling that there was destruction of evidence'. Even Dr. Fareeda Noor, Head Department of Forensic Medicine, Govt Medical College Srinagar testified while appearing before Jan Commission that 'the cause of death in no way is drowning as proved by the lung floating tests that were conducted. The presence of spermatozoa on the two bodies is another fact that denies drowning as the cause of death'. In a nutshell, the circumstances in which the bodies of the two victims were found, their placement and the actions of the security forces personnel, the failure to follow due procedure, obfuscation of evidence and medical findings no other interference other than that the security

forces or those under their protection and patronage could have been involved in the gruesome incident.

A shoddy eyewash of an investigation in the matter, a blatant effort on part of the police officers to hush-up the case and the quest of the people of Shopian for justice led to severe protests not only in Shopian but in the entire Kashmir valley. In a few hours Shopian was engulfed in unprecedented street violence wounding several persons and bringing civic order to a virtual standstill. Schools and shops closed down, emergency services came to a halt and streets started resembling a bloody battleground. A civil war-like situation was created in the otherwise peaceful area. Police, reinforced with the CRPF and SOG men resorted to heavy tear-gas shelling and baton charging. Undeclared curfew was imposed in the town.

District Bar Association Shopian somehow managed to hold an extraordinary meeting to assess the deteriorating situation in the town and its peripheries. After deliberations the Association constituted a “Fact Finding Committee” headed by one of its senior members Mohammad Yousuf Bhat. The committee has been looking after all legal aspects of the case at Shopian and providing necessary legal advices to the bereaved families.

On June 4, 2009 a team of Jammu and Kashmir High Court Bar Association headed by its Vice President Mohammad Abdullah Pandit tried to visit Shopian to condole the bereaved families and to know the actual facts leading to the death of Asiya and Neelofar. They were intercepted by police at Pulwama town and prevented from visiting Shopian. In view of the prevailing circumstances at that time, coupled with the failure of Shopian police station to register a case, the Association filed a Public Interest Litigation (PIL OWP No. 515 of 2009) through its President Mian Abdul Qayoom against the State of J&K and its functionaries under Art 226 of Constitution of India read with

Sec103 of Constitution of Jammu and Kashmir. The PIL prayed for issuance of a writ of mandamus or any other appropriate writ order or direction for the respondents to register an FIR under Sec 302/376 RPC in the matter and to preserve all the available evidence in the case and not to destroy any such evidence by allowing any column(s) of CRPF, army and police to leave the area where the crime occurred until investigation was completed. The petition also sought to appoint an investigating team with the direction to record the statements of the witnesses. It was also prayed that the respondents be directed to allow the Fact Finding Team of the Bar Association to visit the bereaved families.

It was only on account of the commitment of the people of Shopian to ensure that the guilty are punished and in view of Chief Medical Officer Pulwama's letter No.CMO/PUL/1096-98 dated June 6, 2009 accompanying Forensic Science Lab (FSL) Srinagar report bearing No.FSL/721-Bio/Sgr dated June 6, 2009 pertaining to analysis of vaginal smears of the two victims that a case was registered by the police at Shopian under FIR No.112/2009 under Sec.376 RPC. The FSL analysis had revealed that human spermatozoa were detected on the exhibits collected during postmortem and its opinion prima-facie disclosed the commission of offence of rape. On June 8, 2009 Chief Medical Officer Shopian vide letter No's 267-69 and 270-72 dated June 7, 2009 furnished postmortem reports of the two victims to police station Shopian followed by another post-mortem report from Chief Medical Officer Pulwama vide his No.CMOS/08/INV dated June 8, 2009. Opinion with respect to Asiya confirmed sexual assault and cause of death by hemorrhage/shock due to bleeding through multiple injuries and in respect of Neelofar as being due to Neurogenic shock with confirmation of sexual assault made on her. In light of these reports, offences under Sec 302,326,342,201 and 120-B RPC were incorporated in the case leading to closure of inquest proceedings under Sec 174 CrPc that had been initiated on the recovery of bodies of the two victims. In the meanwhile, the investigation was transferred to the Special

Investigation Team (SIT) headed by Malik Shah Din, Superintendent of Police, by the Director General of Police Kuldeep Khuda.

During the course of the investigation several members of the bereaved families and persons having knowledge about the gruesome incident were examined and their statements recorded under Sec 161 CrPc. Further, two witnesses namely Abdul Rashid Pampori and Ghulam Mohi-ud-din Lone were traced and their statements were recorded in terms of Sec 164-A CrPc in the Court of Chief Judicial Magistrate Shopian after being presented by the head of the SIT Shopian. Both the witnesses made a revelation that on May 29 at about 8 pm when they were on way to their homes situated at village Digam and Girward respectively, they noticed a blue coloured TATA 407 police vehicle parked on the village Digam side of Batapora-Zawoor Bridge facing towards Shopian town. The witnesses said khaki uniformed men stood in front and the rear with faces covered in black cloth and helmets on their heads. The two witnesses were asked in Urdu to raise their hands and were threatened to move on quickly. While they started moving ahead of the vehicle they heard cry/cries of women /woman. Even during their interrogation neither of two witnesses revealed anything more than what they stated in their statements recorded under Sec 164-A CrPc. Due to the fact that the suspects include highly influential men in uniform, the investigation moved at a snail's pace and accordingly on July 4, 2009 the Division Bench of the High Court inducted Farooq Ahmad IGP and Raof-ul-Hassan DIG in the investigating team while adjudicating in PIL OWP No.515 of 2009 the need for dealing with the suspects with a stern hand.

Astonishingly, the SIT willfully provided a further cover up to the person/persons who otherwise under law could have been held responsible for the Shopian crime. The SIT also contributed to their extenuation. Day in and day out, they teased, harassed, pressurised and persuaded the bereaved families on the

pretext of recording their statements but in fact never recorded these properly and seriously. Instead, gross and defamatory allegations were leveled against the victims' families. The SIT in fact lent a deaf ear to the request of the families to properly and seriously question/interrogate various persons identified by them. The police detained the two witnesses Ghulam Mohi-ud-din Lone and Abdul Rashid Pampoori before and after recording their statements under Sec 164-A CrPc for a considerable time, clearly to ensure that anybody who may offer to depose would fear facing serious consequences. Both the witnesses were mentally tortured and their old and ailing parents were not even allowed to see them during their detention. It was only on the intervention of Abdul Majid Khanday, District Magistrate Shopian, that the two witnesses were set free.

The Division Bench while adjudicating the Public Interest Litigation (OWP No. 515 of 2009) vide its order dated July 15, 2009 held 'we also feel it would be appropriate on the part of the Special Investigating Team to undertake Narco Analysis Test of those the four arrested Police Officers and requested the Addl. Solicitor General to impress upon the authorities of the Forensic Science Lab Gandhi Nagar Gujrat to give an early date for such test to be carried out'. But the SIT never showed any desire or intention to subject any of the police personnel to such tests. On the other hand, the SIT detained and threatened the two witnesses for Narco tests using the observations of the court in the event "the SIT was of the view that those two witnesses who have deposed under Sec 164-A CrPc and who have been interrogated also need to be put to such tests". This was used as a tool against the two witnesses and all others who would have come up for deposing about the incident. Out of the two witnesses, Ghulam Mohi-ud-din was married just a few days before making his deposition. He being the elder son was supposed to assist his old and ailing parents as well as his younger siblings with no means of any substantial income. Likewise, Abdul Rashid Pampoori is living 'below poverty line' with a huge family to support. He



shifted near the site of the incident and erected one room tenement made of Kacha brick without proper windows to provide shelter to his family, particularly the minor ones. Anyone visiting his residence would make out how he could have sustained the harassment and pressure of the mighty agencies as to what could happen to the minors in the family when their sole bread earner was detained in custody by the SIT for weeks together.

It was only on the orders of the Division Bench that the four police personnel were arrested. Once again instead of interrogating them on the basis of convention and established scientific methods, they were not even been seriously questioned for their acts of omission and commission. They were lodged in Police Guest House at Humhama with VIP status and protocol. The performance of the SIT was not above board. Two out of the four arrested police personnel namely Javaid Iqbal and Rohit Basgotra approached the Apex Court for their bail. The Apex Court while disposing off the petitions directed them to approach the court of Sessions Judge Shopian. At the same time it observed that if SIT found that Narco Analysis Test was to be conducted, they would be at liberty to move the appropriate court for such test and the Shopian court may pass appropriate orders only on the basis of the Court's permission for any such tests. Accordingly, bail application was presented in the court of Sessions Judge at Shopian on behalf of all the four arrested police personnel. The permission for Narco tests was rejected by the state high Court vide the court order dated November 9, 2009 but while accepting the revision, the court granted bail to all the four accused persons.

Right from the day of their arrest, the SIT virtually abandoned interest in the investigation and shifted their focus to protect their colleagues and tried their best to project them as victims. The SIT, instead of making efforts to speed up the investigation, went out of its way to ensure the investigation did

not make any headway. At no point of time the SIT expressed its desire or willingness to conduct Narco Analysis Test of any of the four police personnel. Trust was reposed in them by the Court, the people of entire valley and the bereaved families but they proved themselves more loyal to higher authorities than the law. They miserably failed to preserve the vital pieces of evidence in the form of samples. They intentionally did not show any interest in the exhumation of the victims' bodies even though the bereaved families expressed their consent.

Prefaced with the situation, the bereaved families and the outraged people reposed complete faith in the Division Bench of the High Court. The record shutdown was called off after 47 days only on the Bench's appeal. The orders passed by it from time to time, keeping in view the need for dealing with the powerful suspects, provided a ray of hope to the bereaved families and the people in general.

During the course of investigation by the SIT, a New Delhi based daily 'The Hindu' carried a story by Praveen Swami: *“Forensic evidence in Shopian case fabricated. Tests show samples sent for DNA tests not extracted from bodies of victims.”*

It is believable that the investigating agencies in order to firmly and finally hush-up the case in collusion with Dr. Nighat Shaheen in particular succeeded in changing/ fabricating the original swabs collected and taken during post-mortem of the two victims. Earlier on June 9, 2009 Dr. Nighat while appearing before the Jan Commission had deposed that in case of Asiya she noticed that hymen was freshly torn in rags and was mildly edematous. All the vaginal secretion was taken as a swab. The examination so performed made it clear that a sexual assault was committed. The swab/vaginal samples were taken in presence of Dr. Ghulam Qadir Sofi, Dy CMO Pulwama, and Dr. Mohammad Maqbool Mir, District Health Officer Pulwama. Neelofar was stated to have no marks of injury or violence on the body except

the mild echymotic patches on the buttocks. These echymotic patches were irregular, two to three cm roughly. There were vaginal secretions present. Despite efforts, she could not find out the uterus which might have been taken out by the first team of doctors that had carried out the post-mortem. At this stage, The Hindu published a story detailing how the case had been dealt with right from the very beginning. It read:

*“Key forensic evidence in the ongoing investigation of the alleged rape and murder of two women at Shopian appears to have been fabricated, highly placed Police sources told The Hindu.*

*Experts at the Central Bureau of Investigation managed Central Forensic Sciences Laboratory (CFSL) have determined that the DNA profile of tissue cells present in the slides sent by the Jammu and Kashmir Police do not match with the samples from the victims blood and viscera. Put simply, the slides supposed to have been prepared from vaginal swabs of the victims were drawn from other women.*

*The tainted evidence:*

*Gynecologist Nighat Shaheen, who drew the samples from the victims' bodies on May 30, had been called to Shopian from the government hospital in Pulwama to assist in post-mortem, after a mob attacked the doctors initially charged with the task.*

*Dr. Shaheen, according to eye witnesses who deposed before the Justice Muzaffar Jan Commission of Inquiry told the crowd at the hospital that the victims had been sexually assaulted.*

*The Shopian- based doctor, Nazia Hassan told the commission that she had made an earlier attempt to conduct a vaginal examination of the victims but failed because of rigor mortis*

*. Later that day slides were made from the vaginal swabs and sent to the Jammu and Kashmir Forensic Sciences Laboratory in Srinagar.*

*Not properly sealed:*

*The case records maintained by the Jammu and Kashmir Police show that the Forensic Sciences Laboratory in Srinagar at first refused to accept the slides from Pulwama one of which was found damaged---as they were not properly sealed. The slides were then taken to Dr. Shaheen's home for recertification.*

*On June 1, experts at the Forensic Sciences Laboratory conducted tests which detected the presence of sperm in the slides.*

*However as Dr. Shaheen had sent only one set of slides which was stained with chemicals during these tests the FSL expressed its inability to extract DNA. The CFSL, though, succeeded in retrieving DNA from the stained slides.*

*Perplexing findings*

*Speaking to The Hindu, an official involved in the investigation said the CFSL findings raised three possibilities: the slides were sent in error; they were tampered with to shield the four police officers being investigated for their possible role in the death; or the slides were planted to substantiate the allegation of rape, which was initially directed at Army troops.*

*“The obvious explanation,” he said, “is that someone wanted to shield the accused Police Officers. But in that case, it stands to reasons they'd simply have sent the FSL slides with no semen present.”*

The disclosure of the fudging of the slides again ignited the sentiment throughout Kashmir and the matter came up in the state Legislature. The government prefaced with the situation as usual, on a calculated move to ensure the final hush-up of the case, announced the transfer of the investigation from the SIT to the CBI that finally took over the left over job.

### Casual intentions

During the period of this dreadful incident, Chief Minister Omer Abdullah was in New Delhi. In his absence Ali Mohammad Sagar assured that the culprits of this heinous crime would be brought to book within 48 hours. At the same time, Masood Samoon, Divisional Commissioner Kashmir, was the first to come up with the theory that the duo had died due to drowning in Nallah Rambhi Ara. The Chief Minister on his return to Srinagar astonishingly did not order the registration of FIR with regard to the rape and murder of the victims. He instead prematurely stated that based on prima-facie evidence the initial findings did not suggest either rape or murder. On June 4, 2009 he amended his statement declaring that “something” had happened in Shopian and subsequently expressed his feelings that if such thing would have happened to his sisters he would approach and knock any door in the world for justice.

The intensity of public opinion following the initial mismanagement of the investigation by the concerned police authorities and their likely involvement in the matter, more particularly in view of the circumstances in which the bodies of the duo were found, their placement and obfuscation of evidence and medical findings, the Chief Minister appointed a one man Public Enquiry Commission of Justice (Retired) Muzaffar Jan. The Commission was invested with only recommendatory powers among other things to: “Enquire into the causes and circumstances which lead to the death of the two victims; Ascertain whether there has been any foul play in their death and if so, identify the person/ persons responsible; And to ascertain whether there was any failure on the part of any Department in the conduct of investigation or handling of the post incident situation.....”

The Commission submitted its report in two phases. On June 21, 2009 it submitted an interim report recommending

administrative action against police officials Javaid Iqbal Matoo, Rohit Basgotra, Shafiq Ahmed, Gazi Abdul Karim and one Hafiz of the FSL Srinagar for alleged negligence and destruction of evidence. The report noted the failure to file FIR in a timely manner and loss of critical forensic evidence and accordingly recommended action against the defaulters. The Commission examined a considerable number of witnesses and repeatedly inspected the spots before submitting its final report saying:

*“.... The only conclusion that can be drawn, is that the death of both Neelofar and Asiya has not been because of any natural cause but the death of both the girls has been caused with the aim to destroy evidence after rape by committing their murder.”*

The Jan Commission report also concluded:

*“Considering the overall facts and attendant circumstances of the present incident, it appears that the deliberate inaction of Police left unexplained, is not a bonafide omission caused by an error of judgment or a genuinely wrong interpretation of status or a mistaken notion of procedure but seems to be a deliberate attempt to dilute and mellow down this incident”.*

Weighing the pros and cons of the consistent connivance in the initial stage of investigation by the SIT and the subsequent cover up and maneuvering by the local police showing no seriousness in the incident lead to the irresistible inference that the police had more to hide than to reveal.

In the statements of all police witnesses it was admitted that they were aware of the procedure to protect the evidence. But all the officers of the department stood by the theory of death by drowning with full knowledge and belief that no one in the recent past had died due to drowning in Rambhi Ara. The official

statement of drowning did not convey the mindset of indifference but depicted an active and conscious effect to divert the attention of public from the actual facts of the case.

The dead bodies of both Neelofar and Asiya were deposited at two spots along the Rambhi Ara that were watched by security guards of police and CRPF. It does not appeal to reason that a civilian would on his own take a grave risk of detection by carrying the dead bodies in the early hours of May 30 between 2:30 am and 5:30 am unless the person was sure of connivance by those being guarded. Any person intending to get rid of two dead bodies in a hurry would attempt to deposit the bodies at the nearest available spot, the person would normally leave a trail behind.

In the present case the disposal of the dead bodies in the centre of a security ring, with precision and skill to ensure that no visible trails were left, could not be the handiwork of a private individual but would need the support of some agency.

Although conclusive evidence to identify the culprits was not furnished before the Jan Commission, the report mentions the involvement of some agency of J&K Police in the crime cannot be completely ruled out.

However, the Commission failed to identify the person/persons involved in the gruesome crime in view of the time constraint coupled with the limitations and confinements imposed while its constitution left the job to be investigated by “a competent, dedicated and professional investigators” vis-a-vis the Special Investigating Team having been constituted by the police.

The conduct of police investigating team associated with the Commission headed by Dr. Haseeb Mughal, Superintendent of Police, has been despicable. Mughal, instead of assisting the

Commission to identify the real culprits from amongst the agency suspected to be involved in the offence, made disparaging remarks about the victims and the bereaved families just to create confusion and make the Commission's report redundant.

Soon after such disparaging remarks appeared in the press, the Commission strongly reacted and in unequivocal terms said:

*“...In the entire report no observation has been made against any member of the victim families by the Commission. Nothing has been said about any family member. This was not the point of reference for the Commission so why should the Commission do it. The suspicions were projected before the Commission by the Police Investigation team. But they were not even considered or acted upon by the Commission and have been wrongly attributed as observations of the Commission....”*

This by itself shows that right from day of the occurrence of the crime the bereaved families were denied justice institutionally. These remarks were not only aimed to create confusion and turn the Commission's report redundant but were aimed to ignite the sentiments of the general masses to pave way for the unruly police personnel and other agencies to commit brutalities under the garb of restoring and maintaining law and order. But the people of Shopian in particular resisted all these malicious and designed temptations. Instead, the people wisely and patiently managed to sustain a peaceful and well organised movement without themselves causing or allowing any miscreant or giving any chance to any unruly agency to do any damage to the life and property. The Kashmir Times on July 18, 2009 published:

*“The people of Shopian deserve all praise for standing their ground----- by the High Court from MMS personal file*

*Kudos to HC, Shopian stand of protests vindicated by judiciary. Infact these disparaging remarks are far from truth and were aimed to induct Shakeel Ahmed himself in the rape and murder of his wife Neelofar Jan and teenaged sister Asiya Jan. Shamelessly not only Neelofar Jan has been shown as a bad woman of immoral character but Roomi Jan (A student of BA Final Year) and the unfortunate 17 year Asiya Jan also are not free from such blame. This is nothing but adding insult to injury. True Shakeel Ahmed eloped Neelofar Jan. He married her after elopement on June 24th 2006 and the couple had been living harmonious, peaceful, happy and normal life in their small house at Shopian, blessed by a son namely Suzain born on 16.04.2007. How does this fact reflect on the character of Shakeel Ahmad being bad and also on that of Neelofar Jan being bad or even a licentious tramp as is the underlying idea in the insinuating remarks made by Dr. Haseeb Mughal, Supdt. of Police associated with the Jan Commission. How in our society a person known for his evil deeds would attract such a huge public sympathy for the wrong done to him. True it is that Shakeel Ahmed lives like any other commoner at Shopian with no such tags attached to his character. He bears no record of indulging in any anti-social activity, whatsoever.*

*Next his accumulating huge property and maintaining a good living standard is something which has been blown out of proportion. He shares a small house with his 3 brothers which is of old style and in which just 3 rooms belong to him. He owes an ancestral orchard at Memandar and Arhama Shopian along with his brothers which yields nearly three hundred apple boxes yearly. He owes a second hand Maruti Car from which kind of thing it has been observed that he maintains a good living standard. Any one can visit his house and see for himself whether he is poor or rich, of course he is not a 'below poverty line' person. His he property is: three rooms in old style house, a readymade furniture shop financed by The J&K Bank Ltd, 1/4th share in an ancestral orchard at Memandar- Shopian and at Arhama-Shopian of 1 kanal 16 Marlas (which he has purchased in the*

*recent past) and a 2nd hand Maruti Car and 1/4th share of 2 ancestral shops. Unfortunately for accumulating this alleged huge property he has been alleged doing all that what the report mentions about him. Alas his happy married life with Neelofar Jan is now shattered. His dream of love and life with Neelofar and her's with him and the world itself now being rendered dark for Suzain. Brazenly indulging in the character assassination is highly condemnable as it is nothing but Jackboot, a typical example "Beauty and the Beast". Instead of being clear and candid on the matter; a futile exercise has been made to frame those very persons who have been wronged. Faiz comes to mind:*

***Banay hain ahl-e-hawas, mudae bhi munsif bhi  
kisay wakeel karein kisay munsifi chahein***

(Those crazed by power have become both prosecutors and petitioners Who do we appoint our lawyers? From whom should we seek representation?)

In these circumstances what hopes could have been reposed in the police investigation by the SIT.

### Birth of a response

As the Shopian unrest started spreading over the rest of the valley, the people in the town held various meetings and finally on June 9, 2009 it was decided to form an interim Consultative Committee 'Majlis-e-Mashawarat'. A completely apolitical and neutral representative body of the people of Shopian with the sole purpose of seeking justice for the bereaved families and the people and peacefully create awareness amongst the general public to ensure the guilty are brought to book. The Majlis received the approval of the general public in Shopian on June 13, 2009 when it was ratified by the public at large through the elected members of each mohalla, ward and street.

Soon after its constitution, the Majlis held peaceful public demonstrations where thousands of people gathered in order to seek justice. It followed non-violent and democratic means to seek justice. It was because of the pro-active and selfless efforts of the Majlis that peace and normalcy was restored in Shopian after days of serious unrest in the area. Even as the local administration and police failed to control the law and order situation in Shopian, it was the Majlis in whom the people of Shopian reposed complete faith and trust. As a result of the mature and sensible methods adopted by the Majlis as well as its apolitical nature, the people of Shopian soon started reposing complete faith in the consultative body. The Majlis is presently the only representative body of the people of Shopian who have been the real sufferers of the dreadful incident in the area. It has by now become the voice of the people of Shopian to carry the quest of its people for justice without being influenced by any extraneous considerations. It has no concern with any particular party or individual. Its only interest is in seeking justice peacefully.

The role of the Majlis has been widely appreciated. Editorial "Shopian: the systemic collapse" published in Kashmir Times Monday Sept 14, 2009 notes:

*".....Things cannot progress in this case unless there is a major political initiative. If the Chief Minister of the State is incapacitated to do so, the Centre must take the initiative and not get tempted into branding the agitation for justice in Shopian as an offshoot of separatist politics. By any yardstick, the Majlis-i-Mushawarat Shopian spearheading the campaign for justice is an apolitical body which has resisted tempting of siding with any political group, separatist or mainstream. This fact coupled with the solidarity in and outside Shopian that the MMS has managed to muster has alone sustained the agitation so far. Rather than condemning them, it is important to heed their voice, The politicians of all hues and saner elements within society who hold the issue of human rights very dear to their heart must stop playing politics on the issue and instead express their solidarity with the MMS which has been wisely and patiently managing to sustain a peaceful and well organized movement. But more importantly, the Govt must take them seriously and begin a more earnest endeavour in undoing all the wrongs....."*

### The CBI scientific cover up

The bereaved families, the people of Shopian and the Majlis have co-operated with all agencies including the CBI team right from the day first in order to facilitate smooth investigation and identification of the perpetrators of this heinous crime. However, these agencies have instead tried to hush-up the matter in a systematic manner. The Majlis expressed fears soon after the CBI exhumed the bodies of two women, that the investigating agency was also trying to finally conclude the left-over job of earlier agencies involved in the probe. The CBI team leaked selective information at various intervals in utter disregard of the orders and directions of the Division Bench of the J&K High Court with an obvious design to create confusion. In view of their attitude, the bereaved families, the Majlis and the general masses had reasonable apprehension that the investigation might not reach the truth. The occurrence took place in Shopian but surprisingly the CBI stationed its office at Humhama Guest House in Budgam, 65 Kms away. It trod the same path as that of the SIT in harassing, pressuring and persuading the bereaved families particularly Shakeel Ahmad. He was called at Humhama Budgam Camp frequently on the pretext of recording his statement. This was nothing but an intimidating tactic adopted by the CBI. Shamefully, they adopted the same tactics with two prime witnesses Abdul Rashid Pampoori and Ghulam Mohi-ud-Din Lone who finally succumbed to these pressures, harassments and persuasions. Finally the duo retracted from their earlier statements made by them before the Jan Commission, the SIT and the Court of Chief Judicial Magistrate Shopian in terms of Sec. 164-A CrPc after being presented by Incharge SIT Camp Shopian out of their free will, consent and without any pressure, coercion, promise or undue influence. The CBI team adopted a dubious procedure in recording the statements of the witnesses.

It is pertinent to quote a simple example of recording the statement of Mohammad Ashraf Ahangar, elder brother of Asiya

Jan. Ahangar deposed that the Investigating Officer of the SIT during the course of investigation in his presence discovered some five to six hairs from the spot where the dead body of Asiya Jan was recovered, particularly from the exact place where her head was lying. But the concerned Investigating Officer of the CBI Team while recording his statement did not make any mention thereof. When he did not find this narration in his statement, of which he has a copy, he telephoned one of the CBI members namely M.K. Bhat, and informed him of the matter. Bhat assured him that he would look into the matter. A few days after Ahangar approached the Majlis members and narrated the whole story to them. After consultation among the Majlis members, the Majlis president first talked to Bhat on phone who informed him that he was in Jammu. The president then talked on phone to Rattan Sanjay, the Chief Investigating Officer and apprised him of the matter who assured that he would incorporate the narration in the statement. But nothing was done despite assurances.

This shows that the CBI Team was never serious and honest in recording the statements of the witnesses. They adopted dubious tactics to hide rather than reveal the truth.

In view of these aspects of the case the bereaved families, people of Shopian and the Majlis expressed their apprehensions repeatedly that the investigation would not reach the truth and disassociated from the CBI investigation.

It is now clear that the CBI was brought in to further consolidate the cover up as the SIT failed to identify the culprits involved in this heinous crime and its particular failure to protect the most vital forensic evidence namely the swabs of the two women victims. Enacting this drama was all the more important for the state to subvert the restive public sentiment and hue and cry in the state legislature. As for the Majlis role was concerned, it held that it was for the state government to have the case

investigated by whichever agency it thought fit to book the culprits. The Majlis repeatedly asserted that it wanted identification of the culprits, whosoever they may be, and their prosecution under law. After the SIT failure, the Majlis asked for a probe under an impartial agency like the United Nations. Obviously this suggestion was shot down by the government and the CBI probe was the only course left. The bereaved families, the people of Shopian and the Majlis had no choice other than co-operating with any agency probing the matter in the hope that it would carry out a fair investigation. This was the main reason as to why co-operation was earlier extended to the CBI by the bereaved families, the people of Shopian and the Majlis.

In the very first meeting in the Circuit House at Shopian at the behest of the CBI, the officials assured the bereaved families and the Majlis members that their investigation would be conducted honestly. The CBI officials in the meeting assured that the team would do its best to identify the culprits even though it was difficult given the fact that all evidence had been already destroyed. Thereafter as their investigation started, they went on recording statements of the witnesses. People they called upon to depose came forward readily, particularly from the bereaved families. The bereaved families and the Majlis strongly and effectively emphasized upon the CBI that it should first investigate how the fudging had been done, by whom and for what purpose. Further the CBI emphasized that the investigation was only limited to unravel the truth.

Nothing by then had come on the scene regarding the role of Dr. Nighat Shaheen. Till then what was known was that along with Dr. Ghulam Qadir Sofi and Dr. Mohammad Maqbool, Dr. Nighat Shaheen had collected the slides from the swabs of the women victims in the second autopsy conducted at the requisition of the then District Magistrate Shopian Mohammad Ramzan Thoker at District Hospital Pulwama. Dr. Nighat had openly confirmed rape on the women. It was on the basis of these slides

that FSL of Medical College Srinagar had confirmed the presence of spermatozoa in the collected sample of swabs. It was later revealed that the fake slides were prepared at District Hospital Pulwama by Dr. Nighat Shaheen with the active help and knowledge of her associates and higher ups. When the fudging of these slides came to light through a Delhi based daily newspaper 'The Hindu', investigation on fudging became the focal point of the case. That explains what made it a part of investigation for the CBI to question Dr. Nighat on this episode.

Dr. Nighat broke down before the CBI and admitted having prepared slides from the swabs of women other than that of the victims. And this is because she had not taken the samples at the time of autopsy in District Hospital Shopian on 30.05.2009. Soon after this, the CBI called members of the Majlis at Police Headquarters Pulwama to share this "important lead". The two Majlis members on reaching the Headquarters were directed to a room where they found a lady besides the CBI officials. They were told that the lady sitting there was Dr. Nighat. In presence of the two Majlis members and the CBI Officials, Dr. Nighat stated all about how she had prepared the slides from the swabs collected from the gloves that were lying in the dustbin of her room in District Hospital Pulwama which were used by her while examining various women patients. This was a development which gave another obnoxious twist to the case and in the eyes of the Majlis it was yet another criminal conspiracy to destroy tangible evidence that could lead to the culprits. Even at that time Dr. Nighat was categorical in saying that there was clear sexual assault on both the women victims. She stood by the statement she had made before the Jan Commission. Only that preparing the false and fabricated slide story had remained under the carpet till the CBI probe.

Prior to this development the CBI officials summoned Shakeel Ahmed for questioning at Humhama camp. He was accompanied by two Majlis members. When the three of them



reached the camp only Shakeel Ahmed was called in for questioning which started at 11 am and ended at 6 pm. After that the CBI officials called in one of the Majlis members and Shakeel. The officials again gave an assurance that they would work out the case honestly, come what may, to restore the shaken faith of the people of Kashmir in the institution which had taken a severe beating during its investigation of the infamous sex scandal in 2006. It was in this meeting that these officials proposed the exhumation of the victims. The Majlis member put a question to them that after four months exhumation might be a futile exercise. Shakeel Ahmed also put a question which was very pertinent. He asked had these unfortunate women been Hindu and cremated what would the CBI have done in that case? Evading an answer to this question, the officials informed that the exhumation was to be done by a team of forensic experts from the AIIMS New Delhi to be headed by one Dr. Dogra, Head of Forensic Science Lab. of the AIIMS. Quoting Dr. Dogra they said that the possibility of the presence of spermatozoa in the uteruses of the two women, dead or alive, was still there even after they had been buried for four months. The officials said this scientific evidence could lead them to the perpetrators. Shakeel Ahmed at this time reiterated that under the directive of the High Court he had given his consent to the SIT of J&K Police for exhumation but they did not do it.

It was after this meeting with the CBI officials at Humhama Camp that Dr. Nighat's confession at Pulwama Police Headquarters came to light. Afterwards, one of the top ranking CBI officials told the Majlis that it was this episode that necessitated the exhumation. It was by now clear that if exhumation was not allowed the investigation might not go ahead. The Majlis even at that time impressed upon the CBI that exhumation after expiry of four months was very painful and if allowed by the bereaved families, it was only with the hope that it would result in yielding a positive lead to know the truth.

---

Consequently exhumation was done on September 28, 2009.

Thereafter the CBI began to leak information selectively to the media to confuse the public opinion which later they could use to bolster their so-called investigation. This was despite their statements before the Majlis that they were not talking to the press at all. The first leak was that the hymen of Asiya Jan was found intact at the time of exhumation. This information was leaked even though medical opinion does not rule out rape after the hymen might be intact. In any case making it a sensational news in the media was purely the CBI machination to prepare the ground for its unfounded theory about the disappearance and the death of the victims.

Then followed the second selective leak about Dr. Nighat Shaheen's 'confession' carried by the Hindustan Times and the news TV channel NDTV.

Selective Leak No. 3 in the Hindustan Times (September 30, 2009) was: "The AIIMS Doctors who returned to Delhi from Srinagar on Tuesday found after an eight hour long autopsy that Neelofar (Read Asiya) bore a deep gash on her forehead besides smaller injuries. Further on 'Neelofar was married and also a mother of a child. So it is not possible to confirm or negate in her case. One of the AIMS experts said on condition of anonymity. The report further says 'The AIMS experts, however, are not ruling out drowning as the women died while crossing a stream on their way home'. Did they cross the stream?"

However the following observation illuminates the matter further:

The investigating agency before submitting its report to the J&K High Court was reportedly told by the doctors who conducted postmortem that Asiya had lacerated wounds which could not have caused her death.

---

Now these leaks do not correspond to the hard evidence that is available even now. Their crossing the stream is a moot question when there was a bridge nearby. It was still daylight. People would be still walking the pathway near the spot where Neelofar's body was recovered in the morning hours of May 30. Would not any person passing by try to save them? What was the depth of water in the stream?

It was these leaks in particular that attempted to finish the left-over job of the SIT that led to the disassociation of the Majlis and the bereaved families from the CBI. Even before the CBI's taking over the probe, the Majlis had openly expressed its reservations against the investigating agency. The Majlis members had repeatedly expressed these reservations in public demonstrations at Shopian in the background of the involvement of the government forces and police agencies in the crime.

The role of the CBI in dealing with the witnesses was also unethical and ultimately to subvert two eye witnesses who had seen the police vehicle TATA 407 and heard cries of women.

Finally, the outcome of the CBI investigation was on the expected lines. The team submitted its dubious report to the High Court upholding the drowning theory and in a way implicated at different levels the campaigners for the justice in the crime.

## Annexures

### **Women's Deaths, and Inquiry's Findings, Enrage Kashmir**

By LYDIA POLGREEN

Published: December 24, 2009

*New York Times*

SHOPIAN, Kashmir The case had all the hallmarks of a grisly and politically explosive crime, and it plunged the volatile Kashmir Valley into months of violent protests and political turmoil. Two young women were found dead in May in a stream flanked by military and police camps, and doctors who performed autopsies said that they had been raped and murdered.

But evidence from a new and more complete pair of autopsies and three months of intensive investigation by India's top police agency have added surprising power to arguments that the women did in fact drown, as the Kashmiri authorities initially announced, in a normally placid stream swollen dangerously with glacial runoff.

The initial charges of rape and murder fueled rage at the hundreds of thousands of security forces whom India deploys here in what many Kashmiris see as an occupation. Four members of the Kashmiri police force, which works closely with the Indian authorities, were arrested.

Ratn Sanjay, who led the Central Bureau of Investigation's inquiry into the deaths, said that when his team began its work in September at the request of the state government, the assumption was that the women had been raped and murdered. But that eroded rapidly as investigators discovered discrepancies between several autopsy reports prepared the day the women's bodies were found, including mislabeled tissue.

The doctors who did the initial autopsies lied about their

findings, Mr. Sanjay said, when they claimed that they had found evidence of rape and assault. One doctor faked slides she said were vaginal smears from the women's bodies that showed the presence of sperm. But DNA analysis proved that the slides were not from the dead women, and investigators said the doctor, Nighat Shaheen, had acknowledged faking them.

In a telephone interview, Dr. Nighat denied any wrongdoing or admission of wrongdoing. Other doctors named in the investigators' report either could not be reached or declined to comment.

“It is all lies,” Dr. Nighat said of the accusations. “They had to cook the case to get the outcome they wanted, and they have done it.”

The case, with its dramatic twists and turns, is emblematic of the deep mistrust between Kashmiris, many of whom want independence, and the Indian government, which has more than half a million security officers in Kashmir to guard it from insurgents from within and from its rival for the territory, neighboring Pakistan.

“Much of what has happened in Kashmir has a kind of Rashomon quality,” said Amitabh Mattoo, a professor of international relations at Jawaharlal Nehru University and a Kashmiri. “Every event has many layers and interpretations depending on the perspective. For the average Kashmiri, Shopian is symbolic of the complete distrust of the Indian state.”

One doctor in the initial autopsies said that he had ruled out drowning as a cause of death by removing the lungs of the two women and conducting a floating test. But when the bodies were exhumed for the second autopsies, the lungs in both bodies were intact, according to investigators and photographs of the procedure.

---

The tissue for the second round of autopsies was taken in a public exhumation, with family members and a doctor they considered trustworthy in attendance. The samples were sealed and conveyed to forensic experts. The new team was composed of doctors and a DNA expert from India's top medical school.

Analysis of the lung tissue found what investigators described as incontrovertible evidence that the women had drowned, and because there were no signs of a struggle, the investigators concluded that they had almost certainly died accidentally.

Investigators ended up charging the Kashmiri doctors, lawyers and activists with doing precisely what those groups had accused the Indian government of doing for years: falsifying evidence in order to serve an ideological agenda.

According to the criminal charge sheet, the doctors and others “were actively engaged in a criminal conspiracy, by means of creation of false and fabricated evidence in order to defame, discredit and cause injury to the personnel police/security forces and get them wrongfully committed of a capital offense.”

The new findings and countercharges have been rejected by the women's relatives and across Kashmir as a predictable conclusion of what many remain certain was a cover-up.

“It is nothing but a bundle of lies,” said Shakheel Ahmed Ahanger, whose wife, Neelofar Jan, and sister, Asiya Jan, were the women who died.

The idea that they had drowned was dismissed immediately after their bodies were found. Residents of Shopian and other authorities said that no one in memory had drowned in the Rambhi River, which is usually a placid and shallow stream. Even small children cross it on foot, despite the presence of several bridges.

---

Om Prakash, a water engineer with the state government, testified that there had been no reports of flooding in the river, and that the gauges at nearby measuring points on the day the women disappeared measured the water level at one to two feet.

But Mr. Sanjay of the Central Bureau of Investigation said that these measurements were misleading because they did not take into account the volume and the speed of the water. The volume of glacial melt that flows into the stream spikes drastically in the last week of May, the same time the women disappeared, he said. Video taken by the judicial commission a week after the women were found shows a fast-moving current.

But evidence is only one piece of the story. Mohammad Shafi Khan, one of the leaders of the Majlis-e-Mushawarat, a local community group created after the women were found dead, said no mere collection of facts would satisfy the people of Shopian.

“The C.B.I. has simply hushed up the case because of the myopic national interest of India,” he said. “The motive is clear. Men in uniform are involved in the rape and murder of Neelofar and Asiya. There can be no doubt.” *Courtesy New York Times*

### Shopian: Rumors and leaks - Part 1

The Majlis-e-Mashawarat (MM), fear that the information leaks to PTI “at selective intervals” in the course of the CBI investigation are aimed at advancing “a suitable truth” about the case. PARVAIZ BUKHARI traces the way the media has been used to obfuscate the truth since the beginning of the case.

Oct 25, 2009

After the exhumation of the victims' bodies on Sept 28, the people of Shopian are eagerly awaiting findings of a continuing probe by a Central Bureau of Investigation (CBI) team to know what may have happened to sisters-in-law, Asiya and Neelofar, allegedly raped and murdered by men in uniform on May 29. Media reports about the case allow us to understand how rumors and leaks to press have become tools in the state armory to paint the massive protests around the incident and its stormy political aftermath as ill-founded.

Majlis-e-Mashawarat (MM), a residents' consultative committee of 300 odd members drawn from across the district spearheading a campaign for justice to the victims' families, is also slowly piecing together the way rumors and leaks continue to be used as the CBI is carrying out its probe.

In a statement issued on Oct 16, the MM accused the CBI of following a path of cover-ups similar to that of the Special Investigating Team (SIT) of state police and the one-man judicial probe, the Justice (Rtd) Jan Commission. Both the probes failed to identify the culprits and were widely seen across Kashmir as obfuscating the case rather than aiming to establish the truth.

Commenting on periodic information leaks, particularly to the state run Press Trust of India (PTI), the MM said: “It was felt that these selective leakages at selective intervals have

obviously a design to create confusion.” The statement further accused the CBI of continuing a “hush up in a systematic manner”. “It appears that the CBI team is also trying to finally conclude the left-over job of such agencies (SIT and judicial probe),” the MM statement said. The residents' consultative committee clearly expressed apprehensions that the information leaks to PTI “at selective intervals” in the course of investigation are aimed at advancing “a suitable truth” about the case. Most of the PTI reportage about the Shopian case was picked up by local English dailies in Kashmir including the well known Greater Kashmir and The Rising Kashmir.

#### **CBI Preparing the ground:**

Members of the MM, a widely respected body in Kashmir, say the CBI is trying to “desensitize the public” through them, in order to prepare the people to accept its final conclusions without questioning. By appearing to share information first hand with the MM, they fear that the CBI will reinforce whatever pre-determined conclusions they want to give as their findings, and use the MM's credibility to back that.

As soon as the CBI formally started its probe in the Shopian case, the first thing it did was to secure a confession from Dr Nighat Chiloo (who conducted the second post-mortem examination on the victims' bodies on May 30) that the slides sent for forensic examination were not collected from the victims but from used gloves in the Pulwama hospital later.

“In a new twist to the alleged rape and murder of two women in Shopian, a doctor who prepared the vaginal slides of the victims has told the CBI that no samples from the duo had ever been taken,” a PTI report said on Sept 27, 2009. It further added: “The doctor broke down during the questioning and narrated the

entire sequence of events to the CBI officials, the sources said. The sources claimed that the doctor had taken samples from gloves used in the gynaecological ward of the district hospital and prepared a slide which showed presence of semen.”

The post-mortem examinations were conducted in the adjacent district hospital of Shopian, the district where the crime had occurred. Dr Nighat was made to repeat her confession in front of the MM senior members before the information was leaked out to PTI. “Is it characterlessness or some kind of terrible pressure on her (Dr Nighat),” asked Mohammad Shafi Khan, spokesman of the MM.

The confession was ostensibly secured to take care of the report sent from CBI forensic laboratory in New Delhi to SIT that had said that the vaginal swabs sent to it for examination did not belong to the victims themselves.

It was first reported in The Hindu on Aug 11 by Praveen Swami, who often reports on Kashmir and is well known for his deep access in the state intelligence establishment.

“Experts at the Central Bureau of Investigation-managed Central Forensic Sciences Laboratory (CFSL) have determined that the DNA profile of tissue cells present in the slides sent by the Jammu and Kashmir police do not match with the samples from the victims' blood and viscera. Put simply, the slides supposed to have been prepared from vaginal swabs of the victims were drawn from other women,” reported Swami.

The report was followed by PTI the same day it appeared in The Hindu. “While there was no official word from either the Central Forensic Sciences Laboratory, Delhi or Jammu and Kashmir Government, official sources said today the two slides

of vaginal swab sent by the Special Investigating Team to the CFSL do not match with that of the two victims -- Neelofar and Aasiya... The CFSL made attempts to compare the vaginal swabs with that of the viscera and blood samples of the two victims but it did not match, sources said, prompting the CFSL officials to conclude that the slides said to be prepared from vaginal swab of the victims were actually drawn from some other women," reported PTI of Aug 11.

These reports prepared the ground for CBI to follow a predetermined track in the investigation once exhumations were conducted on Sept 28 in presence of family members and some members of MM that included a doctor invited by them as a special observer. Notably, the CBI team had postponed the exhumation by a day. Dr Nighat's "confession" was leaked to PTI on the day the exhumation was earlier planned.

#### **Exhumation used to substantiate leaks:**

As soon as Asiya's body was taken out from her grave, rumors soon spread like a wildfire that her body was fresh and all the biological evidence on her body has survived four months underground. Members of the MM say that the body had actually decomposed as expected and the rumors were calibrated to give credence to the idea that CBI will be able to nail the truth and also that the victims were martyrs to the "Islamic cause" in Kashmir.

It is a strongly held belief in Muslim societies that a martyr's body does not decompose as fast after burial as that of others. The people in Shopian, particularly members of the MM believe the rumor was aimed to invoke the institution of martyrdom in Islamic faith to appease the public. The intent, they say, was to create an environment in which whatever CBI said in its conclusions later would be believed as the established truth by everybody in Muslim majority Kashmir.

Numerous residents in the town spoke of the rumor having been later traced to a ruling National Conference (NC) worker in the town at whose residence the CBI team had lunch on the day of the exhumations.

#### **Feeding the perception of a predetermined CBI conclusion:**

Just as Asiya's body was laid on the table inside the tent when the re-post mortem examination was to begin a lady doctor, who was part of the CBI led forensic team from New Delhi's All India Institute of Medical Sciences (AIIMS), immediately told the MM members present that the victim's hymen was intact. "Oopar wale ka shukur hai ki aap ki aur humari izzat bach gayi, rape nahin hua hai (Thank God yours as well as our honor is saved, no rape has happened on her (Asiya)," the lady doctor said loudly according to a member of the MM who was present. This information also found its way to a PTI report that very day without attribution to any specific CBI official.

PTI reported on Sep 28, the day of exhumations: "In the latest in the series of twists and turns in the alleged Shopian rape and murder case, a forensic probe has found that one of the two young victims was a virgin in evidence suggesting the girl may not have been raped... The forensic experts have found that Aasiya's hymen was intact, official sources said. The forensic experts shared their finding with the doctors of Mushawarat Majlis-e-Committee, an amalgam which spearheaded the 47-day agitation against the alleged rape and murder of the duo by suspected security personnel, who were present at the site, the sources said."

Officially, the CBI later continued to maintain that the required tests on the samples collected from the exhumed bodies had not been done so far. How were the special team members of the agency, including DIG Satish Golcha that met the MM three times since the exhumation revealing conclusions to them?

“They have told us clearly that rape was not committed on Asiya and that they are now trying to find out if it is a case of murder in the first place,” said Mohammad Shafi Khan, spokesman of the MM. “How did they reach this conclusion,” he asks.

#### **Perusing the drowning theory:**

A report from New Delhi in the Indian Express attributed to CBI sources has already indicated the victims died due to drowning.

The Indian Express reported on Oct 09: “Tests conducted on the exhumed bodies of two Shopian women whose deaths sparked off protests across the Valley amid allegations that they were raped and murdered are said to be indicative of “death by drowning”. Forensic experts are learnt to have verbally conveyed their findings to the CBI which is now probing the case... Though the first autopsy report had suggested rape and murder, forensic experts, going by investigations following the exhumation, were veering around to the theory that the cause of death may have been different from what was being said earlier.”

Swami of The Hindu had already indicated on July 14 that the victims died due to drowning, pointing out that the drowning theory was being worked upon from much earlier.

“Shaukat Dalal, who participated in the search for the two women, claimed that the body of one victim lay naked in the stream. Her wrists, he said, had been tied with a rope; there was froth emanating from her nose, a sign of drowning. Doctors who examined the body, however, found no rope-mark injuries or froth, and recorded that both victims were properly clothed,” Swami's report said.

This report also appears to be an early leak aimed at misdirecting investigation in the case as Dalal denied having mentioned “froth” coming out of Neelofar's nose when he saw the body. “I had said in Kashmiri (Kashmiri language) that there was some 'Khin' (which in Kashmiri means nasal mucus, a common occurrence in cold weather) coming out of the nose,” he told this reporter. A CBI inspector Dalal identified as Vishal questioned him on Oct 5 and Oct 10 about presence of froth coming out of Neelofar's nose when he saw her dead body early morning on May 30. “He (Vishal) asked me if I knew what 'Khin' is called in English. I said I don't know,” said Dalal. It is clear that 'Khin' was translated as “froth” in order to be used as an indicator of death by drowning.

Even before the Indian Express report appeared on Oct 9, rumors easily traced to the new Superintendent of Police Shahid Mehraj have been rife in Shopian that the tissues on which a float test was conducted by the first team of doctors were not from the lungs of the victims but their hearts. “He (the SP) told me over phone that the jars that had been marked by the first team of doctors to contain samples of lungs actually turned out to be heart tissues,” said a local resident who wished anonymity and was not aware of the Indian Express report of Oct 09. “They are working to establish drowning as the cause of death.” The float tests by the first team of doctors had ruled out drowning as a cause of death.

The new rumors are also scientific in nature. The educated youth in Shopian say that 'friends' in police tell them that CBI has found “diatoms” in the bone marrow of victims which, some doctors say, could be used to forward drowning as the cause of death. “But nobody is prepared to accept that,” Khan said. “CBI is trying to ignore the abduction of the two victims by men in uniform as stated by two witnesses whose statements have been recorded in terms of Sec 164 CrPC by the court of Chief Judicial Magistrate - Shopian,” the latest MM statement added.

The two eyewitnesses, Abdul Rashid Pampori and Ghulam Mohi-ud-Din Lone, have deposed in the court of CJM Shopian that on May 29, around the time the incident is believed to have taken place, they had seen a blue colored police vehicle on the Rambi Ara Bridge inside which some women were screaming for help. Though both these eyewitnesses say they repeated their statements three times to the CBI investigators, the same never found its way in the media leaks.

On the contrary, efforts were made early on to discredit these eyewitnesses on flimsy grounds. Swami reported in The Hindu on July 14: “Part of the reason the Commission made so little progress towards identifying the truth was the absence of credible witnesses.

Shopkeeper Ghulam Mohiuddin Lone claimed to have heard women's voices crying for help from inside a police truck parked on the bridge across the Rambiara river, a little after 8 p.m. on May 29. Police personnel on the bridge, Mr. Lone said, first beat him up, and then threatened to kill him if he spoke about the incident.

Radio repairman Abdul Rashid, who was with Mr. Lone, also claimed to have heard women crying for help. Like Mr. Lone, Mr. Rashid said police officers shooed him away as he approached the truck.

But Mr. Rashid's testimony differed from Mr. Lone's account on several counts. For example, he denied having been beaten up or threatened by the police.”

#### **Lost credibility:**

The Jammu and Kashmir High Court that is monitoring the case has barred the CBI from sharing any information with

media regarding its investigation of Shopian case. Yet, the agency appeared keen to share information/conclusions with the MM. Where is the information about what the CBI forensic team has found so far coming from?

Kashmir High Court Bar Association that filed the original litigation in the state High Court withdrew from the case expressing total lack of faith in the CBI probe following the select leaks to the state run news agency, the PTI.

A member of the MM said the CBI officials told him that they will “certainly find out how exactly the victims died and who is responsible” but will have to keep political considerations in mind while officially announcing its conclusions. “During our informal meetings they (CBI officials) told us that they will have to keep as reference what the CM of the state and central officials have said about the case,” said the a member of the MM pleading anonymity.

Another factor indicating already existing knowledge of what the CBI will establish as the cause of death is rumors of timing the CBI will choose to announce its findings in the case. Locals say that the district police officials have been making enquiries about when the harvest season in the apple rich district reaches its peak. “They intend to announce the CBI investigation conclusions at a time when nobody in the area has time for anything except plucking and parceling their apple produce,” said an apple trader who has received several phone calls from the district police authorities asking when the harvest reaches its peak time. Most of the district's residents are involved in apple growing and its trade. The High Court has directed the CBI special team to conclude its investigation by Dec 14 when the case is scheduled for next hearing.



## Shopian: Rumors and leaks - Part II

A close examination of the contents of the letter... clearly indicates that it was written with an intention of misdirecting the investigation, with PTI playing along, says PARVAIZ BUKHARI.

Monday, Oct 26, 2009

Shopian continues to seethe in anger five months after the twin rape and murder in the town, alleged by men in uniform. The incident triggered such fierce mass protests here that government forces have been staying indoors to avoid confrontation. These days it is hard to find a man in uniform on the streets in this south Kashmir town, an otherwise ubiquitous sight in embattled Kashmir where the first thing that hits a visitor's eye anywhere is the heightened presence of police, CRPF and army men donning automatic AK rifles and bullet-proof gear.

The Majlis-e-Mashawarat (MM), a consultative committee of residents spearheading a campaign for justice for the victims' families, commands absolute respect in the area. The MM initially reposed faith in the CBI and facilitated exhumation of the victims' bodies for a fresh forensic probe. That faith is already lost as the MM has begun to see the CBI going the same route - feeding the rumor mill and 'selective leaks' to press like the earlier failed investigations by the state police and a government appointed one-man judicial probe.

### Cover-ups from the beginning:

The whole saga of cover-ups, obfuscation and the rumor mill started off as soon as the bodies of the victims were found early morning on May 30 a kilometer apart from each other along the Ranbi Ara stream. They were reported missing by their family a few hours earlier the previous night from their orchard across

the shallow stream, some two kilometers from their residence in Shopian town.

Even before any investigation started and doctors were called to examine the bodies, the district police authorities, notably the Superintendent of Police Javed Mattoo, told the family, locals and the media including this reporter - that the victims appear to have died due to drowning. The police officials maintained their drowning theory even as doctors ruled it out after a float test was done.

“Superintendent of Police Shopian when contacted said that two ladies who went to Orchard at 4:PM on 29.05.09 did not return back. Relatives approached the Police Station Shopian at 12:AM and Police Party recovered the dead bodies at 6:AM today. Postmortem conducted revealed no marks of violence on the dead bodies including pubic parts,” Police statement no. S-1/09/744 of May 30, 2009 said.

As soon as photographs of Asiya's body showing a deep wound in the middle above her forehead appeared, police withdrew the statement. “Please treat press note No. 744 dated 30.05.09 titled "Two ladies died in Shopian" canceled,” said the later police statement.

Where did the need for the police to lie about visible marks of violence on the body come from, a question everybody in Kashmir is asking.

### Intent behind cover-ups:

District police officials privately admit that the then state police intelligence chief, DGP CID Dr Ashok Bhan anxiously called the SP over phone on May 30 and asked him to hurry burial of the two dead women. “He (the SP) was told not to let the protests spread and do everything to contain the matter so that this

year also doesn't go the way the last year did," said a police officer. The police feared that the incident might trigger a situation like that by the Amarnath land row of 2008 when hundreds of thousands staged anti-India protests across Kashmir. The establishment's fears came to be close to true before a police crackdown on the separatist leaders was underway. The draconian Public Safety Act, that allows the state to detain a person for as long as two years without trial, was used against leaders and protestors alike to contain the situation.

The powerful Bhan was also the first senior official who briefed chief minister Omar Abdullah about the incident at the Srinagar airport when he arrived from New Delhi a day after the incident. The Director General of Police, Kuldeep Khoda was away in the USA at that time. From the airport, Abdullah came straight to address a press conference and announced a one-man judicial probe by Justice (Rtd) Muzaffar Jan while going along with the initial police version that the victims "appeared to have died due to drowning". This despite the fact, that doctors at Shopian hospital had by then actually ruled it out as the cause of death.

As part of a massive shake up in the police department, Abdullah later punished Bhan by removing him as his intelligence chief when the government lost face in the wake of the judicial probe concluding that the victims were indeed raped and murdered.

However, by then a series of rumors ostensibly directed at proving the police right, at least in establishing that men in uniform were not involved, had eroded the government's credibility. These rumors were directed at questioning the moral character of the victims themselves and Shakeel Ahangar, who is the brother of the younger teenaged victim and husband of the other.

Some of these rumors - published in various local newspapers - like the one which said that the victims may have developed illicit relations with some men during their "frequent" visits to their orchard found their way even into the judicial probe report despite the family maintaining that it was only the second time ever Asiya had visited the orchard.

The Indian Express mentioned in a report on July 11, 2009: "The purpose of their regular and frequent visit to the orchard could not be established so far...It is quite possible that during these frequent visits to the orchard in last six/seven months, they (but more particularly Neelofar Jan) might have developed some relation with other persons," the report, quoting the Jan Commission said.

No newspaper story ever mentioned the fact that Shakeel often used to drive his wife and other sister, Romi Jan, to the orchard that he had bought just over six months before the incident.

Justice Jan, who failed to identify the culprits but did not rule out involvement of "some agency of police", later disowned these rumors saying that they were part of the police investigation mixed with his report by the government.

"I don't know how it happened. Maybe CDs distributed among mediapersons have clubbed them mistakenly...I don't know," Justice Jan was quoted in the report by The Indian Express as having said.

#### **The anonymous letter leak:**

As an unprecedented and long protest shutdown in Shopian town ended on appeals and assurances of justice from the

chief justice of the state high court, information about the arrival of an anonymous letter (written purportedly by some schoolmate of Asiya) at Shopian police station was leaked to PTI. The PTI report about the letter sought to again create new confusion and suggested that Shakeel may have been involved in killing his wife and sister.

PTI reported on Aug 04, 2009: “The letter, which was received at a Police station in this newly carved out district in the Kashmir valley, claims that the two were on friendly terms and this was not liked by her brother Shakeel Ahmed Ahanghar.

The letter was posted immediately after unrest broke out following recovery of two bodies of Aasiya and her sister-in-law

Neelofar on May 30 but it was reported to have been delivered at the police station only after the 47-day-long protests ended, sources said... The writer of the letter claimed that he had met Aasiya on the fateful day of May 29 along with Neelofar at the nearby orchards that evening."

The PTI report continued, saying: “However, they were spotted by Shakeel, prompting the two women to run away from the area, the writer of the letter said while requesting the police to investigate the matter fearing the victims may have been murdered by family members.”

A close examination of the contents of the letter, revealed by a police official close to the SIT and confirmed by the MM, clearly indicate that it was written with an intension of misdirecting the investigation, while the PTI was playing along. The content of the short letter, according to these sources, is like this: “Mein Asiya ko bahut chahta tha. Hum baghoun mein miltay thay. Us din bhi hum milay aur Shakeel nay hum ko dekha (I used to like Asiya very much. We used to meet in the orchards. That day also we met and Shakeel spotted us).

The PTI report, quoting official sources said that the undated letter was written very soon after the mysterious death of the sisters-in-law. However, the use of the word “us din” (that day) suggests that the letter may actually have been written much later with a clear design of bringing Shakeel under suspicion of having murdered his wife and sister.

### **The mind of the judicial probe:**

Earlier, the Jan Commission report had also delved in detail over the circumstances of Shakeel's marriage with Neelofar, suggesting that their different cast and social backgrounds could have provided a motive for the crime.

The July 11 report in The Indian Express also mentioned: The report (Jan Commission) calls for a probe into the “rift” between the family of Neelofar and her in-laws. The fact that Neelofar, a woman from the upper-caste Peer family, eloped with Shakeel Ahmad Ahangar who belongs to a family of blacksmiths... The report calls for a detailed investigation into the possible role of Neelofar's estranged brother, Zeerak Shah, a police constable. “It is required that sustained questioning/interrogation of Zeerak Shah, his associates and relatives, be carried out so as to work out the possibility of their involvement in rape and murder of Neelofar and Asiya Jan”.

The report further mentioned: The commission also puts a question mark on the conduct of Shakeel Ahmad Ahangar, Neelofar's husband and Asiya's brother. Claiming that he is “known for his immoral activities,” the report says: “His assets are quite disproportionate to his known source of income, thus requiring in-depth investigation to work out the possibility of Shakeel and his friends/associates in the present incident.”

Locals in Shopian say that the spotlight on these official allegations was aimed at obfuscation and taking public attention away from men in uniform, including army and CRPF personnel primarily being accused of the crime from soon after the victims' bodies were found.

### **Rumor for a purpose and grapevine:**

Kashmir has historically been amenable to the grapevine which has often been used by the officialdom to its advantage. There even is a rumor making rounds for years now that the state police have a Dy SP rank official designated inside its Special Branch (SB) to generate and spread rumors for dealing with difficult public order situations.

Interestingly, all the rumors around the Shopian twin rape and murder case appear to have either emanated from district police officials or from the investigation reports. A close scrutiny of some of the media reportage around the incident reveals how information initially reported as rumors in newspapers came to be mentioned as facts or revelations in later reports.

People in Shopian say rumors have been generated all along to shield the perpetrators and the rumor mill knows the culprits (This is a common assertion in Shopian that almost everybody you talk to makes).

### **Missing track in the investigations:**

In all the investigations so far, including the ongoing one by the CBI, circumstantial evidences have received very little or no focus at all. Strikingly, a survey of the area along Ranbi Ara reveals what is hard to miss - that the two spots where the victims'

---

bodies were found are the only two places approachable by a vehicle in that stretch. In the dark, the area is covered by flood-lit surveillance of army and CRPF camps nearby. The bodies were deposited at these spots after 2:30 AM when the police party accompanied by Shakeel and other family members abandoned the search before resuming around 6:30 AM when the victims' bodies were found. The bodies were not seen there during the earlier search. Is that the track the investigators should follow?  
*Courtesy The Hoot*