

Graves: Buried Evidence from Kashmir¹

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The songs I sing are songs of death.

Woman mourning her son, Kupwara²

My son was killed in a 'fake encounter'. Buried by the police as a 'Pakistani terrorist'. We want justice. We want his name restored. We want his memory healed.

Community elder, Srinagar³



Regipora Village, Kupwara District

The Indian state's governance of Indian-administered Kashmir requires the use of *discipline* and *death* as techniques of social control. The structure of governance affiliated with militarisation in Kashmir necessitates dispersed and intense forms of psychosocial regulation.⁴ As an established nation-state, India's objective has been to discipline and assimilate Kashmir into its territory.⁵ To do so has required the domestication of Kashmiri peoples through the selective use of discipline and death as regulatory mechanisms.⁶ Discipline is affected through military presence, surveillance, punishment and fear. Death is disbursed through 'extrajudicial' means and those authorised by law. Psychosocial control is exercised through the use of death and deception to discipline the living.⁷ Discipline rewards forgetting, isolation and depoliticisation.⁸

Between 1989-2009, the actions of India's military and paramilitary forces in Kashmir have resulted in 8,000+ enforced and involuntary disappearances and 70,000+ deaths, including through extrajudicial or 'fake encounter' executions, custodial brutality and other means.⁹ Lawyers have reportedly filed 15,000 petitions since 1990, inquiring, largely unsuccessfully, into the location and health of detainees and the charges against them.¹⁰

Mourning the dead is a habitual practice of dissent amid Kashmir civil society. The conventional and recognised cemeteries that hold Kashmir's dead are maintained and cared for by local people and organisations. Alongside these cemeteries are other clandestine graveyards, often unnamed, unmarked, undecorated. They exist amid habitations, next to schools and homes, by the roadside and town square, in prayer grounds and forests, at the edges of fields and community cemeteries across rural and urban space.

This research into unknown, unmarked and mass graves was conducted by the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK) between November 2006 and November 2009. The graveyards we investigated entomb bodies of those murdered in encounter and fake encounter killings between 1990 and 2009.¹¹

Between November 2006 and January 2008, prior to the formal constitution of IPTK, the Association of Parents of Disappeared Persons, a member of the Jammu and Kashmir Coalition of Civil Society which instituted IPTK, conducted initial research and released a document in April 2008 with details of certain graves in Baramulla district. Following the constitution of IPTK, the Tribunal scrutinised and re-verified this information between April 2008 and November 2009, and conducted further and extensive research in the border districts of Bandipora, Baramulla and Kupwara in northwestern Kashmir.¹²

The graves, their creation and effect, belong to the present history of Kashmir, to a continuing chronicle of violence and violation. The graves are hyper-present in the local imaginary but rarely spoken of in public. These 'secrets' are hidden from/through speech. As a gravedigger in a rural town stated: "They [graves] are there to be noticed and to make us fear them [security personnel]. We all know what they are, where they are, but we cannot say so. To speak of them is treasonous".¹³

Based on our investigations, we note the following:

District	Graves documented by IPTK	Unnamed graves ¹⁴ (of those documented)	Graves with two bodies	Graves with more than two bodies
Baramulla <i>33 villages investigated</i>	1,122 w. 1,321 bodies ¹⁵	1,013 90.3 percent	140	17 [Total 76+ bodies]
Kupwara <i>14 villages investigated</i>	1,453 w. 1487 bodies	1,278 87.9 percent	8	4 [Total 30 bodies]
Bandipora <i>8 villages investigated</i>	125 w. 135 bodies	82 65.6 percent	6	2 [Total 6 bodies]
Total 3 districts 55 villages	Total 2,700 w. 2,943+ bodies	Total 2,373 87.9 percent	Total 154 w. 308 bodies	Total 23 w. 112+ bodies

Next-of-kin, community and collective testimony and archival research evidences that most of the bodies in the graves recorded above were of men. In Baramulla, of the 1,122 graves, approximately 99 percent of those buried were men. Gravediggers and caretakers were unable to give an exact count, given the extent of defacement of some of the bodies. In Kupwara, of the 1,453 graves, 1,451 were of men and two of women. In Bandipora, all 125 graves were of men. The context of killings in Kashmir has engendered a landscape where the death of men has rendered vulnerable the living, especially women, children and other gender identified groups.

Next-of-kin, community and collective testimony and archival research evidences that, in various instances, 'encounter' killings across Kashmir have, in fact, been authenticated as 'fake encounter' killings. Post-death, the bodies of these victims were routinely handled by military and paramilitary personnel, including the local police. The bodies were then brought to the 'secret graveyards', primarily by personnel of the Jammu and Kashmir Police. In one instance, we learned that the body had been buried on the premises of a police station. In another instance, local communities buried cadavers that had been thrown into a ditch by security forces.¹⁶ There are serious allegations that, in particular instances, security personnel have been involved in accepting bribes and smuggling narcotics.¹⁷

We have been reliably informed that, prior to the delivery of bodies to the ‘secret graveyards’, security forces personnel selected local male residents or professional gravediggers, usually those respected within the local community, and asked that graves be prepared to bury the dead. The graveyards were prevalently constructed on local religious or community owned and/or used land, and dug by local residents at the coercion of security personnel. The persons preparing the graves were usually informed in advance of the number of bodies to be buried. Professional gravediggers and local residents who were forced to become gravediggers and caretakers were directed to dig the graves but were largely not supervised by security personnel during the process of digging or burial. In the process of soliciting their labour, gravediggers and caretakers were routinely intimidated and not remunerated for their services.¹⁸

In the Islamic religious ethos and the Shari’at,¹⁹ death, and care of the dead, is interpreted as a directive to the living, linked to atonement and forgiveness. Gravediggers and caretakers attempted burial of the corpses in accordance with such tradition. Local community members and gravediggers that prepared the graves routinely constructed one grave per body. When permissible, they offered *Salat* (prayer) prior to burial. At times, they planted flowers on the graves. For gravediggers and caretakers, the requirement of burial of the dead was prioritised over *whose* body was being inhumed and its possible identity and political affiliation or non-affiliation.

In instances where the number of bodies brought by security personnel exceeded the initial injunction given by the security personnel regarding the number of graves to be prepared, more than one body was buried in each grave. Further, when the killings took place in certain conditions, the bodies involved were buried together, as noted below. In the 2,700 graves we investigated, the body count was 2,943+. Within the 2,700 graves, 154 graves contained two bodies each and 23 graves contained more than two cadavers. Within these 23 graves, the number of bodies ranged from three to 17, including:

<p>Hathlonga village, Baramulla district</p>	<p>1 grave. Containing 8 bodies, torched to death in a hut. Security personnel claimed all to be militants. The incident occurred in August-September 1995 between Hathlonga and Nambla village in the Uri area. Security personnel used explosive substances to blast a hutment with 8 persons inside.</p>
<p>Nullah Nigley,²⁰ Leyan Marg, Gulmarg, Baramulla district</p>	<p>1 grave. Containing 12 bodies buried in the early 1990s.</p>

<p>Gharkote village, Baramulla district</p>	<p>1 grave. Containing 16 bodies, torched to death. Security personnel claimed all to be militants killed in the early 1990s. The persons died in mortar shelling on a hut in which they were staying, undertaken by security forces.</p>
<p>Army Brigade Headquarters, Rampur, Uri, Baramulla district</p>	<p>1 grave. The grave contained numerous bodies. The bodies were entombed in a ditch, reportedly 7.62 metres deep, inside the army camp. The bodies had been deposited in the ditch between 1991-2003. No outside person is permitted to visit the camp.²¹</p>
<p>Wilgam Martyrs' Graveyard, Kupwara district</p>	<p>1 grave. Containing 5 skulls. Police claimed that all 5 belonged to unidentified foreign militants killed in an encounter with security forces in the Bangas area of Kupwara in 1999. Only the skulls, all extensively damaged, were handed to the locals for burial, who determined to bury them collectively.</p>
<p>Kalarus Main (Martyrs') Graveyard, Kupwara district</p>	<p>1 grave. Containing 5 bodies. Kalarus Police handed the skeletal remains (bones) belonging to 5 bodies to local community members. These human skeletons had been located by a Gujjar livestock herder, from the mountains between Kalarus and Machil, who informed the police about them.²² Then, in November or December of 2007, the police handed over all 5 damaged skeletons in a sack to local residents, who buried the bones in one grave to conserve space in the graveyard.</p>
<p>Kanenar Kalarus Graveyard, Kupwara district</p>	<p>1 grave. Containing 17 bodies. All torched to death in December 1990 by mortar shelling on huts located in the vicinity of this grave. All bodies were extensively damaged and buried per the directions of security personnel.</p>

The bodies buried in the 2,700 graves investigated by IPTK were routinely delivered at night, some bearing marks of torture and burns. Photographs of the dead have been reportedly documented by local police stations, even as they are not rendered into the public domain.²³ Systems of identification were developed by gravediggers and caretakers in tagging the bodies prior to burial. Gravediggers and caretakers devised systems through which the bodies were identified and kept identifiable for next-of-kin. Identification occurred through clothing, distinguishing characteristics and marks and/or numbering. The process of identification, dependent on literacy, threat, fear and other factors, was usually orally recorded and remembered, or recorded in writing.

In instances where, post-burial, bodies have been identified, two methods have prevalently been used. These are: 1. exhumation, and 2. identification through the use of photographs. In instances where photographs have been

used to identify the body, the family/next-of-kin of the deceased has been able to identify the body from the photographs maintained by the police. Following which, graveyard identification records have been able to match the photograph of the deceased with the grave in which the body was buried. On occasion, these graves have been exhumed and the bodies transported and re-buried by next-of-kin at the place of residence or family burial grounds of the deceased.

In the discourse of the Indian Armed Forces and the Jammu and Kashmir Police, the dead buried in unknown and unmarked graves are uniformly stated to be “foreign militants/terrorists”. Security forces claim that the dead were unidentified foreign or Kashmiri militants, killed while infiltrating across the border areas into Kashmir or travelling from Kashmir into Pakistan to seek arms training.²⁴

Exhumation and identification have not occurred in sizeable cases. Where exhumations have been undertaken or the bodies in unknown graves have been identified through other means, in numerous instances, as detailed below, records indicate the dead to be local people, non-militant or militant, killed in fake encounters.²⁵

Our investigations included, and extended beyond, villages and districts in Bandipora, Baramulla, and Kupwara.²⁶ From our research into the 2,700 graves in Bandipora, Baramulla, and Kupwara, and from additional inquiry into other areas, we note the following:



Hamam Markote, Baramulla District

<p>Of 49 bodies buried + 1 body drowned</p> <p>[Whose cases were available for study [These bodies were from, and had been killed and buried in, numerous districts]</p> <p>[49 were recorded as militants or foreign insurgents by security forces]</p> <p>Following investigations: 47 were killed in fake encounters 41 were identified to be local civilians 1 was identified as a local militant 7 remain unidentified None were identified as foreign insurgents</p> <p>All those identified were male 39 were of Muslim descent; 4 were of Hindu descent; 7 were not determined</p>	<p>Of these 50 bodies</p> <p>30 bodies were exhumed 1 was recovered from a lake</p> <p>All 31 were identified as male All 31 were of Muslim descent</p> <p>Post-exhumation: 30 were identified as local civilians 1 was identified as a local militant None were identified as foreign insurgents²⁷</p>
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In certain occurrences of fake encounter killings, where the bodies of victims have been identified, it was found that civilians resident in one geographic area in Kashmir were killed in another area.²⁸ At times, these bodies were transferred to yet another area, then buried.²⁹ In one instance, we learned that the killings took place outside Kashmir, for example, in the state of Gujarat in India.³⁰

In instances of ‘encounter’ killings, which have later been verified as ‘fake’ encounter deaths, security forces have manufactured the identities of victims, and entered into record a list of arms and ammunition being carried by them. On 29 April 2007, for example, armed forces claimed the killing of four militants of the Lashkar-e-Toiba.³¹ Three of the four male bodies were buried in Sedarpora village in Kandi area, Kupwara district. The bodies were brought to local community members by the police, and local community members were required by the police to bury them.

The First Information Report (No. 101/07, dated 29 April 2007)³² filed by the police stated that the deceased were “four Pakistani terrorists identified as 1. Abu-Safayan, 2. Abu-Hafiz, 3. Abu-Sadiq, 4. Abu-Ashraf”. The First Information Report (FIR) also stated that “the following war-like stores were recovered... A. AK-47 = 4; B. Amm[unition] AK-47 = 170 rounds; C. Magazine AK-47 = 11;... E. Grenade = 4...”³³

The bodies of three of the four persons named above were later identified as having been residents of Kashmir killed in fake encounters. Their names were identified as Reyaz Ahmad Bhat, Manzoor Ahmad Wagay and Sartaj Ahmad Ganai. The identity of the fourth body has not been ascertained. Sartaj Ahmad Ganai was identified as a local militant who had joined the militancy on 1 April 2007. Reyaz Ahmad Bhat and Manzoor Ahmad Wagay were identified as ordinary civilians.

Next-of-kin stated that, in interactions with police and armed forces personnel, those disappeared and/or killed in fake encounters were routinely and uniformly presented as “violent” and “anti-social” without corroboration and as objects of danger to their families and society. Through organising deception, Kashmiri Muslim men are posed as agents in cross-border armed militant negotiations, as harbingers of violence to Kashmiri Muslim women *and* the Indian nation.

In another instance, Ali Mohammad Padder was killed in a fake encounter in Ganderbal district on 7 March 2006. Security officials reported Padder to be a foreign militant, named Shaheen Bhai, from Pakistan. Security officials claimed to have recovered an AK-56 rifle.³⁴



Chewah Graveyard, Safapora, Bandipora District

Investigations revealed otherwise. The body was exhumed on 3 February 2007 and identified to be that of Ali Mohammad Padder, a junior employee of the Rural Development Department and a Kashmiri. A civilian involved in Padder's burial stated: "The left side of his face was mutilated. I suppose they had fired bullets in his head. His shirt was burnt, his eyes had been gouged out and many parts of his body bore injury marks as if he had been hit by explosives".³⁵

In claiming these bodies as uniformly "foreign militants/terrorists", state discourse exaggerates the presence of external groups and cross-border infiltration. State discourse positions cross-border infiltration as critical to mobilising and sustaining local struggles for territorial and political self-determination.³⁶ This refutes the contention of Kashmiris that their struggles for self-determination have, through history and the present, been local and endemic.³⁷

Local community members have also testified that, in addition to the burials, bodies of persons killed by security forces have been disposed of in the Chenab and Jhelum rivers of Kashmir. Local community members testified that, for example, on 1 January 1996, four persons were cast into the Chenab river in Doda district. Of them, one person survived. According to a statement made by Talib Hussain, the survivor: "On the evening of 1 January 1996, Mohammad Hussain, Fazal Hussain, Faried Ahmad and I were picked up from the home by members of the Village Defence Committee (VDC)".³⁸

VDCs are made operational by security forces and supported by the state. VDC members are recruited by Hindu nationalist/militant groups and are organised as civilian 'self-defence' campaigns and militias. In the understanding of local communities, these campaigns are staged as retribution for anti-national activities. A network of VDC's has been instituted throughout the Jammu region and in certain parts of Kashmir. VDC personnel are predominantly of Hindu and Sikh descent, and in some instances include Muslim villagers deemed "trustworthy" by VDC personnel.

The testimony continued: "After finishing our daily work from a brick kiln, I was having food at my house with Mohammad Hussain, a colleague and friend of mine, and there was a sudden noise from the outside. We came out of the house and spotted five VDC members in khaki dress armed with 303 rifles.³⁹ Mohammad Hussain was taken away and so was I. They took us to the truck. I thought they would take us for interrogation. I was asked how many children I had. I replied, four, and he said that it was enough. They blindfolded me... I was asked to get out. Then they pushed me toward the Chenab [river]. I was forced to jump, and due to swimming, I survived. I caught hold of a rock. They fired at me. After they left, I climbed up to the shore and managed to reach the road and hitch a ride to Kishtwar where I offered prayers. The whereabouts of the other three were not ascertained and their dead bodies were not recovered".

It appears that diverse techniques of rule used by the military and paramilitary in Kashmir generate and circulate death and the fear of death. These techniques of rule are used to kill and create fear, not just of death but of murder. Across Bandipora, Baramulla, and Kupwara, the people who were forced to bury the dead in the unmarked and unknown graves attest to

the detrimental psychosocial and physical health impacts they suffered. These graveyards have been placed next to schools and homes, and their affect on women and children is daunting. Massified testaments of state power, these unknown, unmarked and mass graves seek to produce social death and proscribe remembrance. Acknowledgement and articulation of events that precipitate these deaths are forbidden. Internalisation of loss and horror is intended to produce fear and isolation. Keeping alive memory, local communities state, is resistance.⁴⁰

Atta Mohammad, 68 years of age, gravedigger and caretaker at Chehal Bimyar in Baramulla district, testified to burying 203 bodies on a hillside adjacent to the Jhelum river between 2002 and 2006. These bodies were delivered to him by the police, primarily after dark. In November and December of 2008, while he was away from his village, two other cadavers were buried in Chehal, one whose right leg was fractured.

Atta Mohammad stated that the bodies he has buried appear in his nightmares, each in graphic, gruesome detail. "I have been terrorised by this task that was forced upon me. My nights are tormented and I cannot sleep, the bodies and graves appear and reappear in my dreams. My heart is weak from this labour. I have tried to remember all this... the sound of the earth as I covered the graves... bodies and faces that were mutilated... mothers who would never find their sons. My memory is an obligation. My memory is my contribution. I am tired, I am so very tired".⁴¹



Kanemar Kalarus Grave, Kupwara District
Grave with 17 bodies

Notes

1. "Graves: Buried Evidence in Kashmir" is reproduced with permission from the first chapter of a report titled "Graves", in *Buried Evidence: Unknown, Unmarked and Mass Graves in Indian-administered Kashmir; A Preliminary Report*, published by the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK). The complete report can be accessed at <http://www.kashmirprocess.org/>.
2. Personal communication, IPTK, 2008. As appropriate, quotations are anonymous, or pseudonyms or aliases have been used, and identities of persons and place names have been listed or omitted respecting and adhering to issues of confidentiality and security. Insertion(s) within [] in the quotations are ours. Where names have been used, we do so with informed consent and with the hope that noting them will render these names further in the public domain and, in so doing, afford concern and safeguard.
3. Personal communication, IPTK, 2009. Srinagar is the capital city of Kashmir.
4. Indian-administered Kashmir includes Kashmir, Jammu and the Ladakh region.
5. Unless otherwise specified, 'Kashmir' refers to Indian-administered Kashmir.
6. Note: The population of Kashmir was recorded at approximately 69,00,000 in 2008, with Muslims, approximately 80 percent of Sufi heritage, constituting approximately 95 percent of the population. Across Jammu and Kashmir, approximately 67 percent of the population was recorded as being of Muslim descent. See Office of the Registrar General and Census Commissioner, India, "Census 2001: State-wise Population by Religion" (Government of India, 2001, New Delhi). The Census Commission projected the population of Jammu and Kashmir to be 11.4 million in 2008, see Office of the Registrar General and Census Commissioner, India, "Projected Total Population by Sex as on 1st March 2001-2026: India, States and Union Territories" (Government of India, 2001, New Delhi); British Broadcasting Corporation, "The Future of Kashmir?", June 2003, date noted in Kanishkan Sathiasivam, *Uneasy Neighbours: India, Pakistan and US Foreign Policy* (Ashgate, 2005, Burlington), p. 45.
7. Deception operates through systematically distorted communication as the ordering principle in regular interactions between state-legitimated authorities and civilian populations.
8. We draw on the work of Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Pantheon Press, 1979, New York); *Power/Knowledge* (Pantheon Press, 1980, New York); "Governmentality" in (ed.) James Faubion, *Power: Essential Works of Foucault 1954-1984, Vol. 3*, (The New Press, 2000, New York), pp. 201-22; *Security, Territory, Population: Lectures at the Collège De France 1977-1978*, (trans.) Graham Burchell (Palgrave Macmillan, 2007, New York).
9. Including, during 2008, when 151 civilians were reportedly killed. See Angana Chatterji, "Letter of Appeal to the UN Re. Cases of Security Forces Killing and Injuring Civilians in Kashmir" (September 11), 2008; Gautam Navlakha, "India in Kashmir: Winning a Battle Only to Lose a War?" in *Economic and Political Weekly*, 43 (45), pp. 43-49 (8 November 2008); Public Commission on Human Rights, "State of Human Rights in Jammu and Kashmir" (Coalition of Civil Society, 2006, Srinagar). For context and history, see Human Rights Watch, "India's Secret Army in Kashmir" (Human Rights Watch, 1996, New York) and Michael Kolodner, "Violence as Policy in the Occupations of Palestine, Kashmir and Northern Ireland" (Master's Thesis, 1996, Amherst College).
10. They have been supported by approximately 2,00,000 family members of the disappeared seeking restitution, according to the Association of Parents of Disappeared Persons (APDP).
11. 'We' refers to the authors of the report and IPTK staff, unless otherwise noted. *Encounter killing*: killing of civilians alleged to be involved in armed confrontation with state forces. *False encounter killing*: extrajudicial killing of civilians, often while they are in the custody of state forces, recorded by officials as resulting from an armed confrontation with state forces instigated by the recently deceased. See Human Rights Watch, "India: Overhaul Abusive, Failing Police System" (Human Rights Watch, New York, 2009).
12. These districts in Indian-held Kashmir border Pakistan-held Azad Kashmir and the Northern Areas. (azad: free, Urdu.) Traditionally, Bandipora and Kupwara were part of Baramulla district. There are 22 administrative districts in Indian-administered Jammu and Kashmir, with ten districts in Kashmir. The Siachen glacier is under the control of the Indian armed forces and not under the administration of Jammu and Kashmir.
13. Personal communication, IPTK, 2008.
14. Unnamed at/during the time of our investigations.
15. w.: with. For district and village details, see section entitled "Exhumed Truths: Kupwara, Baramulla, and Bandipora Districts" in *Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir*, available at: <http://www.kashmirprocess.org/reports/graves/05Pages3948.html#ExhumedTruths>.
16. We learned this through our investigations, *ibid*.
17. We learned this through our investigations, see section entitled "Encounter/Fake Encounter: An Index" in *Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir*, available at: <http://www.kashmirprocess.org/reports/graves/08Pages6978.html#Encounter>.
18. *Gravediggers*: we refer to professional gravediggers; *caretakers*: we refer to those who were forced into grave digging.
19. Shari'at, Shari'a: Islamic law.
20. Nullah: tributary of a stream.

21. The IPTK spoke with persons who had travelled inside the camp for reasons of work.
22. Gujjar: tribal group; here, prevalently identified as Muslim. Some Gujjar groups can be migratory.
23. Per the police manual, all dead bodies must be photographed.
24. While some persons did travel to Pakistan to seek training, such activity was largely confined to the early days of the armed militancy, circa the late 1980s through the early to mid-1990s. The graves of such persons killed by the Indian armed forces are usually located on the border, in mountainous terrain far away from villages and towns, as, for example, in Gali Nullah, Gulmarg, in Baramulla district, where there exists one grave containing 12 bodies. All were claimed to be militants in the Muslim Janbaz Force (MJF), a Kashmiri organisation, and were killed by security forces in May-June 1991 in an ambush attack in the Gali area, situated between the Tosmaidaan and Afarvat hills. There were 15 members of MJF present, and one survived.
25. For details, see *Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir*, available at: <http://www.kashmirprocess.org/reports/graves/>. In Kashmir, local resistance groups distinguish themselves as "militants" and/or "freedom fighters", and further distinguish themselves as "armed militants" or "nonviolent militants". Struggle, armed and nonviolent, is discourses by dominant India as "terrorism"/"anti-nationalism". Post-2001, as Robert Wirsing states: "the Kashmiri freedom struggle was being increasingly conflated with... terrorism", see *Kashmir in the Shadow of Rivalries in a Nuclear Age* (M.E. Sharpe, 2003, New York), p. 118; also Talal Asad, *On Suicide Bombing* (Columbia University Press, 2007, New York); Olivier Roy, *Globalized Islam: The Search for a New Ummah [community of the faithful]* (Columbia University Press, 2004, New York).
26. For details, see sub-section, 'Methodology' in the section entitled "Context" in the original report. Available at: <http://www.kashmirprocess.org/reports/graves/05Pages3948.html>.
27. For details, see section entitled "'Encounter'/Fake Encounter: An Index", op. cit.
28. We learned this through our investigations, see section entitled "'Encounter'/Fake Encounter: An Index", *ibid*.
29. We learned this through our investigations, *ibid*.
30. We learned this through our investigations, *ibid*.
31. Lashkar-e-Toiba: Islamist militant organisation, founded in Afghanistan, banned as a terrorist organisation by Australia, India, Pakistan, Russia, the United Kingdom and the United States.
32. No.: number.
33. AK-47, also Avtomat (automatic) Kalashnikov (name of designer), an assault rifle initially developed in the former Soviet Union in 1947.
34. An assault rifle developed in 1956, the AK-56 is a Chinese version of the AK-47.
35. Personal communication, IPTK, 2008-2009.
36. Self-determination: in this context, the ability of a people to determine their political or national status and future without coercion. Legal and political processes through which the legitimacy of any claims to self-determination may be resolved, or a 'people' may define themselves as such, are inconsistent. The Atlantic Charter of 1941 accepts the principles of self-determination as does the United Nations Charter of 1945, which situated the right to self-determination within international law and diplomacy. Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Article 15 of the United Nations Universal Declaration of Human Rights endorses the right of individuals to a nationality and the right to change one's nationality. See Allen Buchanan, *Justice, Legitimacy and Self-Determination: Moral Foundations for International Law* (Oxford University Press, 2007, New York); (ed.) Wolfgang F. Dangspeckgruber, *The Self-Determination of Peoples: Community, Nation, and State in an Interdependent World* (Lynne Rienner Publishers, 2002, Boulder); Martin Griffiths, "Self-determination, International Society and World Order" in *Macquarie University Law Journal*, 1 (2003); Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (University of Pennsylvania Press, 1996, Philadelphia); Percy Lehning, *Theories of Secession* (Routledge, 1998, New York); Aleksandar Pavkovic and Peter Radan, "In Pursuit of Sovereignty and Self-determination: Peoples, States and Secession in the International Order" in *Macquarie University Law Journal*, 1 (2003).
37. Even when external solidarities were cultivated by militant groups, as in the early 1990s.
38. Personal communication, IPTK, 2008-2009. The witness has spoken on public record.
39. Khaki: beige coloured garment used by Hindu militants/nationalists. A .303 is a British-developed (initially, in the 1880s) .311-inch calibre rifle.
40. We draw on Abdul R. JanMohamed, *The Death-Bound-Subject: Richard Wright's Archaeology of Death* (Duke University Press, 2005, Durham); also Veena Das, "The Act of Witnessing: Violence, Poisonous Knowledge and Subjectivity", in (eds.) Veena Das, Arthur Kleinman, Mamphela Ramphele and Pamela Reynolds, *Violence and Subjectivity* (University of California Press, 2002, Berkeley), pp. 205-25.
41. Personal communication, IPTK, 2008-2009. Atta Mohammad has spoken on public record before the State Human Rights Commission in Srinagar and to members of the local and international press corps.