

On 1st anniv of Shopian rape-murder case, An open letter

May 29, 2010

By TCN News,

New Delhi: On the first anniversary of tragic Shopian rape-murder case of two young Muslim women, civil groups and citizens have written an open letter to the Chief Justice of India, Chairperson, National Commission for Women and Chairperson, National Human Rights Commission, appealing for justice in the case.

Text of the letter:

Today is the anniversary of the great tragedy in Shopian where Aasiya Jan, a young girl of 17 years, and Neelofer Jan, a young woman of 22, went missing and were found dead on the banks of Rambhi-Ara Nullah on the morning of 30 May, 2009. Early investigations and evidence, and the systematic tampering of it, have implicated the security forces from the area, either of the crime, or at the very least of shielding the criminals, and obstructing the course of justice.



Kashmiri mourners protest the murder and rape of two women by the Indian Forces in Shopian, some 52kms south of Srinagar

On 17 August, the investigations in the case were handed over to the CBI, which has now called the deaths "natural" and by "drowning", but the report fails to answer a number of questions:

1. How did Aasiya and Neelofer drown in Rambhi-ara Nullah, a stream in which the water was barely ankle deep at most places? No-one has ever been known to drown in the Rambhi-ara Nullah. It is important to mention that several witnesses in CBI's own report have mentioned that Neelofer's body was completely dry from one side.
2. The CBI fails to answer how a search party consisting of police, family and friends, scouring the area for more than four hours could have 'missed' finding Neelofer's body where it was found the next morning – barely hundred yards away from the bridge in a floodlit high security zone
3. While conducting the third post mortem post exhumation of the bodies, why did the CBI not call upon the two sets of doctors who had conducted the earlier post-mortems, as is common practice?



4. Why did the CBI fail to heed the direction of the High Court to call a post-mortem team from the Medical College, Srinagar and choose instead to call a team from AIIMS, New Delhi consisting of members who have a questionable reputation?

5. How can the CBI claim that the hymen of Aasiya was 'intact' after four months of burial in summer months? Not only has the CBI used this so-called 'fact' to 'disprove' sexual assault on Aasiya, but somehow they have used it to 'prove' no sexual assault on Neelofer as well... this despite several eye witness and doctor accounts of bodily injuries on both victims. Further, the presence of diatoms which has been advanced as the main evidence for the theory of drowning does not substantiate death by drowning as the Rambi-Ara Nullah is indeed the source of water supply for Shopian.

As if all these lacunae and lapses were not enough, the CBI has now framed serious charges against all who differed with their 'findings'. Those charged by the CBI include doctors, public prosecutors, members of the Bar Association, witnesses, and family members of the victims for having acted under the influence of "separatists" and consequently falsifying evidence, or intimidating witnesses. **That is all those who pointed to sexual assault and an unnatural death have been charged by the CBI. 13 people in all.** It is also disturbing that a perfectly peaceful agitation of the Shopian residents under the banner of Majlis-e-Mashavarat and the Shopian Bar Association which initiated the investigations and cooperated with the police have been clubbed as 'separatists' and anti-national.

In direct contrast to the way the CBI has hounded the family of the victims, and the people of Shopian and everyone else who came into the case after the bodies of the two women were recovered, the CBI has requested the High Court to quash all charges against the police personnel who had destroyed/neglected crucial evidence at the site, failed to register FIR on time and committed other lapses **as were amply evident in the Jan Commission's findings.** When asked by the High Court to produce fresh evidence in support of dropping the charges they gave lie detector test to the police and gave them a clean chit again.

What is even more **distressing** is that while this case is still pending, presiding judge, Justice B. Ghosh who was diligently monitoring the case and was responsible for the arrests of the police has been transferred out of the state.

All these 'findings' of the CBI are deeply contradicted by fact finding reports by three independent groups and the Justice Jan Commission appointed by the Chief Minister J&K, as well as the J&K High Court, which have all found cause to believe that the two women did not die a natural death and were likely victims of sexual assault and murder.

In the face of such serious lapses by the CBI, we call upon you, as the Chief Justice of India//Chairperson, National Commission for Women//Chairperson, National Human Rights Commission to initiate a fresh and impartial enquiry to ensure that the truth one day be told.

We hereby enclose two fact finding reports for your perusal and an article giving a brief critique of the CBI report and their partiality towards the police. We also request you to examine Justice Jan Commission report and that of the CBI investigation and the transcript of the lie detector tests.



It is well known that the heavy presence of armed forces and the police in Kashmir has led to a large number of sexual assault on women in the past as well. No justice has been secured for the women of Kashmir.

Let this not be one more case!

Looking forward to speedy and just solution of the case,

Sincerely-

Organisations:

Aalochan, Pune

Akshara, Mumbai

All India Progressive Women's Association

Anhad, Delhi

Cadam, Delhi

Delhi Forum, Delhi

Forum Against Oppression Of Women, Mumbai

Gramya Resource Centre For Women

Hazards Centre, Delhi

Jagori, Delhi

Jagori Grameen

LABIA

Madhya Pradesh Mahila Manch. Bhopal

Manav, Delhi

Maraa, a media collective, Bangalore

Namma Manasa, Bengaluru

National Alliance of People's Movements, Delhi

Nirantar Resource Centre for Gender & Education, Delhi

Partners for Law in Development, Delhi



Pratidhwani, Delhi

PUCL Andhra Pradesh

PUCL Rajasthan

Purogami Mahilla Sahngathan, Delhi

Saheli, Delhi

Sahiyar Vadodara

Sama, Resource Group for Women & Health, Delhi

Samajwadi Jan Parishad, M.P

Samanatha Mahila Vedike, Bengaluru

Sangini, Bhopal

Sangram, Maharashtra

Shramik Adivasi Sanghthan, Betul

Swayam, Kolkata

The Other Media, Delhi

VAMP, Maharashtra

VAMP, Karnataka.

Vimochana Forum for Women's Rights, Bengaluru

Vividha, Jaipur

Zubaan, Dlihi.

Individuals:

Dr Ajita Rao, Delhi

Akhil Katyal, London

Akshara, Hyderabad

Anomita Goswami, Delhi

Anuradha Bhasin, Jammu



Anusha Hariharan, Delhi

Arati Chokshi, Bengaluru

Arti Sawhny and Kiran Dubey, Ajmer

Aryakrishnan Ramakrishnan, Thiruvananthapuram

Ashley Tellis, Hyderabad

Bindu Menon, Delhi

Chinmay and Saroj Mishra, Indore

Deepak Srinivasan, Bengaluru

Dunu Roy, Delhi

Gautam Bhan, Delhi

Indu Jain, Delhi

Indu Prakash Singh, Delhi

Jaya Vindhya, Hyderabad

Kavita Srivastava, Rajasthan

Lata Singh, Delhi

Lesley A. Esteves,

Madhu Mehra, Delhi

Mangai, Chennai

Mary E John, Delhi

Mary S.

Maya Krishna Rao, Delhi

Nandini Rao, Delhi

Nandita Gandhi, Mumbai

Navaneetha Mokkil, USA

Neelima P.A., Delhi



Neha Kagal, Pune

Nalini Visvanathan, USA

Nidhi Agarwal, Himachal Pradesh

Nivedita Menon, Delhi

Pamela Philipose, Delhi

Pauline Gomes, Deli

Penkoothu, Kerala

Ponni Arasu, Delhi

Pramada Menon, Gurgaon

Prarthana Mishra, Bhopal

Priya Thangarajah, Bengaluru

Pushpa Achanta , Bengaluru

Rajashri Dasgupta, Kolkata

Ranjana Padhi, Pune

Ratna, Bangalore

Rosemary Dzuwichu, Nagaland

Dr Rukmini Rao, Hyderabad

Sadhna Saxena, Delhi

Sangeeta Chattergee, Mumbai

Savita Sharma, Delhi

Seema Kazi, Delhi

Seema Misra, Delhi

Shabnam Hashmi, Delhi

Shipra Nigam

Shweta Vachani, Delhi



Sophie Murphy, Delhi

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Sumi Krishna, Bangalore

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Tara Negi, Delhi

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