

NATIONAL HUMAN RIGHTS COMMISSION
(L A W D I V I S I O N)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 04/03/2013

Case No. 28/9/8/2011-AF/DB-II

- 7 MAR 2013

To

SHRI TEJANG CHAKMA, COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,
C-3/441-C, JANAKPURI,
DELHI-110058)

Sir/Madam,

With reference to your complaint dated 07/02/2011, I am directed to say that the matter was considered by the Commission on 08/02/2013. The Commission has made the following directions.

“The Commission received a complaint from the National Campaign for Prevention of Torture on 08.02.2011, inter alia, alleging that in extra judicial killing, one Manzoor Ahmad Magray was killed by 4 Parachute Regiment of Indian Army in District. In view of this complaint, the reports were called for. The Commission has received the enquiry report conducted by the District Magistrate through the Additional District Magistrate and a report from the Ministry of Defence in the subject matter.

Before the Additional District Magistrate, the father of the deceased(Bilal) stated that the deceased was a student and was also helping him in his work as a contractor. On 04.02.2011, Bilal was with him and returned home, took dinner with family members and as usual at about 8.30 p.m. he went to sleep in a separate room in the house on the back side. On 05.02.2011, he was preparing for morning prayers, at that time his daughter enquired about Bilal and, therefore, he immediately rushed to his room where he found that his son was not there and a window on road side was opened. He further stated that at 7.30 a.m., the dead body of his son (Bilal) was brought to home in an ambulance by the police. The other witness, namely, Haji Gh. Mohi-u-din has stated that he and others were on the way to Mosque to offer morning Prayers, the two police men came for the purpose of identification of a dead body lying on the bank of Nalla Pohru near bridge in outskirts of the village. They stated that they saw some army jawans and the body was covered by a rain coat. They identified the body of deceased (Bilal). Thereafter, he was taken to a lady doctor where dead body was examined and a certificate was issued to the police.

There is a statement in detail of one Captain J Prajapati who was from the 4-Army commanding the ambush party. On information, they went to the site after taking clearance from the local unit. They reached the place at about 2100 hours and were avoiding any collateral damage in view of heavy rains and the visibility was very poor. At about 2240 hrs., suspicious movement of two persons was noticed. They were coming from village Chogal. On passing the information by the L/NK, they were challenged and

were asked to stop. However, they turned back and they were again challenged. They started fleeing. On this, L/NK fired, they continued to run and the other rounds were fired. One suspect was running and he fired again in his direction aiming his legs. There was no movement thereafter. After about 10-15 minutes, it was observed that the suspect was lying dead, but it was not certain whether he had been neutralized or had taken position. Therefore, back up party was called at about 2255 hours to carry out a detailed search. Thereafter, the search was carried out around 2315 hours. In the light of the vehicle, the body of the suspect was searched and it was found that there was no sign of a life. No weapon on the person or near the body was recovered. The area was searched on the basis of the identity card, it was confirmed that the deceased was Manzoor Ahmad Magray r/o Village Chogal. Bilal is his pet name.

The report submitted by the Ministry of Defence as pointed out and the court of enquiry held that the deceased died in an ambush operation. It is further pointed out that financial assistance of Rs. 1.50 lakhs was paid by the Army to the NoK of deceased person and Gh Ahmad Margay has given a statement in the presence of other villagers stating that the incident was an accident and he does not say any foul play.

It is also clear that after the boy went to his room to sleep, it appears that he out with someone else. During the night hours, when vision was very limited, he was moving with others in the darkness and when the security gave a call, they started running away. He had no weapon, therefore, it is clear that it is a case of death in firing.

As the financial assistance has been provided, the case is required to be closed closed."

This is for your information.

Yours faithfully,

DEPUTY REGISTRAR(LAW)