

Dated 02/04/2016

Case No. 168/9/0/07-08-PF/

To

25 APR 2016

THE SECRETARY  
MINISTRY OF DEFENCE, GOVT. OF INDIA,  
SOUTH BLOCK, NEW DELHI

Sir/Madam,

The complaint dated 29/11/2007 received from SUHAS CHAKMA, DIRECTOR in respect of RIYAZ AHMED, was placed before the Commission on 29/03/2016. Upon perusing the complaint, the Commission directed as follows.

*It was alleged by the complainant that on 17.11.2007, Riaz Ahmed and his brothers left for their bakery shop at DH Pora. They were accosted on the way by 9 Rashtriya Rifles personnel who were patrolling in the area. While the brothers of Riaz Ahmad were released, the dead body of Riyaz Ahmad was found in a field.*

*The Commission received a report from the Ministry of Defence stating that Damhal Hanjipora Company Operating Base of 9 Rashtriya Rifles received information about the presence of some terrorists in Yarikha village. While the cordon was moving to the village, the search party met three civilians namely Riyaz Ahmad Sofi, Manzoor Ahmed and Fayaz Khan. Riyaz Ahmad was known to the army. He willingly accompanied the army column and guided it to the designated area. After reaching the designated location, Riaz Ahmad Sofi was let off at his request at about 5.40 a.m. At about 5.45 a.m. the terrorists opened fire. Riaz Ahmad Sofi was killed in the cross fire between terrorists and the troops. An independent Court of Inquiry was conducted into the circumstances of death of Riyaz Ahmad. The Court opined that the death of the individual, in all probability was an accident. The Court, however, blamed the Army personnel for procedural lapses which led to the death of Riyaz Ahmad Sofi and accordingly three army personnel were punished.*

*It was stated by the Ministry that an ex-gratia of Rs. One lakh was given to the wife of the deceased. In the opinion of the Commission, the amount of Rs. One lakh is inadequate for the loss of human life and recommended to pay an additional sum of Rs. Four lakhs as compensation to the next of kin of deceased Riaz Ahmad Sofi.*

*In response, the Director (AG-I), Ministry of Defence, New Delhi, vide his letter dated 01.12.2015 informed that Rs. 4.00 lakh was paid by cheque to Smt. Ruby Jan, wife of the deceased as recommended by the Commission. Proof of payment is annexed with the report.*

*The Commission has perused and considered the material placed on record.*

Since the directions of the Commission have been complied with, there is no need of any further action in the matter. The case is hereby closed. Inform the complainant accordingly.

2. Accordingly, I am forwarding a copy of the complaint for necessary action as per the directions of the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

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CCTo :

Case No. 168/9/0/07-08-PF/  
SUHAS CHAKMA, DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI  
WEST DELHI, DELHI.

ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)  
Fax No.: 011-2465 1332  
Home Page : <http://nhrc.nic.in>

Case No. 168/9/0/07-08-PF  
NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

\* \* \*

MANAV ADHIKAR BHAWAN, BLOCK-C,  
G.P.O. COMPLEX  
INA NEW DELHI 11007

Dated 13/05/2015

Case No. 168/9/0/07-08-PF  
To

22 MAY 2015

THE SECRETARY  
MINISTRY OF DEFENCE, GOVT. OF INDIA,  
SOUTH BLOCK, NEW DELHI

Sub : Complaint from

SUHAS CHAKMA, DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI  
WEST DELHI DELHI

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 05/05/2015 and the Commission has directed as follows.

*Shri Suhas Chakma, Director, National Campaign for Prevention of Torture made a complaint dated 29th November, 2007 seeking intervention of the Commission against the alleged extra-judicial killing of Riyaz Ahmad Sofi of village Yarikha by 9 Rashtriya Rifles personnel at Damhal Hanjipura village under Kulgam District of J&K on the morning of 17th November, 2007. It was alleged by the complainant that on 17th November, 2007, Riaz Ahmed and his brothers left for their bakery shop at DH Pora. They were accosted on the way by 9 Rashtriya Rifles personnel who were patrolling in the area. While the brothers of Riaz Ahmad were released, the dead body of Riyaz Ahmad was found in a field.*

*The Commission sought a report from the Ministry of Defence. The Ministry submitted a report vide its communication dated 27th December, 2008. It was stated in the report that Damhal Hanjipora Company Operating Base of 9 Rashtriya Rifles received an information about the presence of some terrorists in Yarikha village on 16th November, 2007 at about 11.00 p.m. Based on the information, it was decided to conduct a cordon and search operation in the area. The troops accordingly moved to Yarikha village at about 5.00 a.m. on 17th November, 2007 to establish the cordon. While the cordon was being established, the search party met three civilians namely Riyaz Ahmad Sofi, Manzoor Ahmed and Fayaz Khan. Riyaz Ahmad was known to the army. He willingly accompanied the army column and guided it to the designated area. After reaching the designated location, Riaz Ahmad Sofi was let off at his request at about 5.40 a.m. At about 5.45 a.m. the terrorists opened fire. Exchange of fire between terrorists and troops continued for 5 to 10 minutes. During the cross fire, Riyaz Ahmad Sofi suffered and later succumbed to a bullet injury in the head. It was also stated in the report by the Defence Ministry that an independent Court of Inquiry was conducted to investigate into the circumstances of death of Riyaz Ahmad. The Court opined that the death of the individual, in all probability was an accident. The Court, however, blamed the Army personnel for procedural lapses which led to the death of Riyaz Ahmad Sofi and accordingly three army personnel were punished.*

*It is established from the report submitted by the Defence Ministry that deceased Riyaz Ahmad had no links with terrorists. As a matter of fact, he was guiding the Army column to the designated place of operation. He was killed in crossfire between terrorists and the Army. It is also established by the Court of Inquiry conducted by Headquarters CIF(V) that there were procedural lapses on the part of the Army personnel and these lapses led to the death of Riyaz Ahmad. Thus, in the face of the report submitted by the Defence Ministry vide communication dated 22nd December, 2008, the security forces can not escape liability for the death of Riyaz Ahmad Sofi. It has been stated by the Ministry that an ex-gratia of Rs. one lakh was given to the wife of the deceased. In the opinion of the Commission, the amount of Rs. One lakh is grossly inadequate for the loss of human life. The Government of India has not paid a single penny to the bereaved family. Since the death of Riaz Ahmad Sofi is attributable to procedural lapses by the Army column according to the report of the Defence Ministry itself, the Commission recommends to the Government of India through the Ministry of Defence to pay an additional sum of Rs. Four lakhs as compensation to the next of kin of deceased Riaz Ahmad Sofi. Secretary, Ministry of Defence, Govt. of India shall submit compliance report with proof of payment within eight weeks.*

It is therefore, requested that the compliance report in the matter be sent to the Commission lat by 15/07/2015, so that the same could be placed before the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To,

NNNN  
NNNN

168/9/0/07-08

SUHAS CHAKMA, DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF  
TORTURE, C-3/441-C, JANAKPURI  
WEST DELHI, DELHI.

Assistant Registrar (Law)