

Media Handout

on

Kathua Incident

A Fact-Finding Report on the Events at District Kathua, Jammu and Kashmir, India

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Preface

This report is to bring out the true facts about the alleged rape and murder of an eight year old girl child belonging to the Bakerwal community in District Kathua, State of Jammu and Kashmir, India(henceforth, the Kathua incident). The incident happened between January 10 and January 17, 2018 and came into limelight in March – April 2018. As the media picked up this incident we observed that discussions about this incident were rapidly acquiring a communal color. We observed a flagrant violation of law in the reporting of this incident in the media. We were able to discern a deliberate attempt in the social media to push the country towards communal riots and unimaginable bloodshed over this issue.

GIA, the *Group of Intellectuals and Academicians* is a forum for professional and articulate women that took shape as a questioning and proactive voice of civil society on January 11, 2015. We are a group with a core of empowered women giving it meaning. We hold monthly seminars on vital, current issues, publications, marches and public signature campaigns to draw the attention of society towards important social and political issues. The GIA team includes President awardees, mountaineers, artists of international fame, Pro-Vice Chancellor, senior advocates, university teachers, journalists and entrepreneurs.

Many of us felt that it would be useful if a small group amongst us could visit Kathua to learn, first hand, about the events there. The five members of the fact finding team were supported by the Group of Intellectuals and Academicians (GIA).

India has a vibrant tradition of fact-finding exercises conducted by independent civil rights groups. This exercise is an attempt to discharge our duty as responsible citizens of democratic India.

Executive summary

We provide a summary of our findings below. We elaborate on these conclusions in the main text of the report.

Key findings of our Fact-finding team are as follows:

- The demand for a CBI Inquiry into the Kathua incident is rising across all sections of Jammu due to certain glaring inconsistencies in the case. These are summarized in the table below:

Dimension	Inconsistencies
The timeline of investigation	<ol style="list-style-type: none">1. Three investigating teams rapidly changed one after the other within a span of 10 days from 12 January 2018 to 23 January 2018:<ul style="list-style-type: none">• 12 January 2018 to 18 January 2018-Investigation done by SHO, Hiranagar.• 19 January 2018 to 20 January 2018- ASP Samba Adil Hamid Raza.• 23 January 2018 onwards - Crime branch Jammu.
The composition of the Crime Branch team	<ol style="list-style-type: none">1. Naveed Peerzada, ASP Crime Branch ,Kashmir (Team Head of Investigating team)2. Nisar Hussain ,DySP,Crime Branch Jammu (allegations against him-destruction of evidence in another case)3. Shwetambari Sharma ,Dy SP Crime Branch Jammu , IO4. Urfan Wani,SI Crime Branch Jammu.(Kashmiri, charge sheeted for custodial death of a Hindu boy and rape of his minor sister.)5. Tariq Ahmed, ASI, Crime Branch, Kashmir (Kashmiri) <p>[The Crime branch team consists of two ethnic Kashmiris apart from the SSP, Crime Branch, Jammu who is also a Kashmiri. In a sensitive case like this one, and in a state like J and K this matters]</p> <p>[The Crime Branch team consists of two persons Urfan Wani, SI and Nissar Hussian, DySP who have been charged with serious crimes. Given the severely compromised process of justice in the State of J and K the plea that they have been acquitted cuts no ice with Jammu.]</p>

The charge sheet	<p>1. <u>Post mortem report</u></p> <p>The Charge sheet mentions gang-rape by at least 3 persons over many days. This is not corroborated by the injuries described in the post-mortem report. (The team made a comparison with another post mortem report in a separate case of an 8 year old girl who had been raped and murdered. In the other case injuries, reported on her private parts were severe with intense bleeding.) No such injuries are reported on the victim in the Kathua incident which according to the charge sheet is a gang rape. Post mortem report only mentions abrasions but no injuries.</p> <p>2. <u>Not Mandir or Devasthan but Devsthan</u></p> <p>The chargesheet mentions the site of the crime as a "Devasthan" which is actually a "Devsthan" housing the Kul devtas of the villages in and around Rasana. The said structure is a sparsely furnished room of approximately 20X35 feet. It is said to have been visited by a large number of people on the 13,14 and 15th of January 2018 for Lohri, Makar Sankranti followed by Yagya and Bhandara on 15 January 2018.</p> <p>[a. Is it possible to hide a girl with a height of 4 feet under a table measuring 3and 1/2 feet. b. Is it possible to hide a girl in this room with three doors and 3 windows with only grills and no panes c. Was the site a secluded place where a girl could be sedated and hidden ?]</p> <p>3. <u>Presence of Vishal Jangotra</u></p> <p>Charge sheet mentions the presence of Vishal Jangotra in Rasana on the days of the crime. However various reports suggest that he was in Meerut, Uttar Pradesh, giving exams on the days of the crime. This is still under investigation but is a part of the charge sheet.</p> <p>4. <u>Motive of the crime</u> To scare the Bakerwals</p> <p>[No clear motive emerges in the charge sheet. If the intention was to scare the Bakerwals why did the accused resort to kidnapping the child? It is evident that the child would have clearly recognized the kidnappers as they were known to her. If the intention was to kidnap and murder the child, it is not established in the charge sheet.]</p>
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	<p>5. <u>Place where the body was dumped</u></p> <p>Body was recovered from a site near the house of Sanjhi Ram.</p> <p>[The place where her body was recovered raises questions. Why would an alleged murderer dump the body barely 100 meters away from his own house? There are a number of sites in the small village that could have been used to dump the body. There is a small nallah that was the logical site for dumping a dead body.]</p> <p>6. The charge sheet says that the victim was starved and sedated. The post mortem report says the intestines have digested food material.</p> <p>[If she had digested food material in her intestine Where did the victim excrete and pass urine? No such evidences have been found in the Devsthan.]</p> <p>7. A strand of hair that matches with that of the victim was found by the Crime branch team after many days of the incident. The crime happened in January 2018.</p> <p>[This raises questions: Why only one strand of hair? Why no hair on duree under which the girl was alleged to have been kept?]</p>
Post Mortem report	<p>Post mortem examination report conducted by the Government District Hospital Kathua, dated 17/1/2018 Serial number 27 states that :</p> <p>Stomach -empty Intestines- filled with digested material</p> <p>Another copy of the same report has many changes and also states:</p> <p>Stomach -empty Intestines- NAD</p> <p>This second copy has been signed on 19 March 2018.</p> <p>[The most glaring inconsistencies are seen in the Post-mortem report. Two post-mortem reports have been found along with Charge sheet. Both are different. The second report is signed on 19 March 2018, having substantial alterations. It took two months to give opinion?]</p>

Human rights violations of the entire Village Rasana and adjoining areas.	<ol style="list-style-type: none"> 1. Many villagers had to leave Rasana due to harassment by the Crime Branch.(Migration of Hindu community due to harassment by Crime Branch) 2. Three friends of Vishal Jangotra, Neeraj Sharma,Sachin Sharma and Sahil Sharma have given statements under 164A saying that they were tortured to confess against Vishal Jangotra. <p>[The parents of accused Parvesh alias Mannu repeatedly stated that he was administered electric shocks by making him urinate of a heater.]</p>
Attempts to deny free and fair trial to the accused	The charge-sheet was filed on 9 April 2018 in the Kathua Court and the lawyers representing the accused were given incomplete and inconsistent copies of the charge sheet on 18 April 2018 which is in violation of the Law and principles of natural justice. This in itself is reason enough for doubting the fairness of process of Justice in this case.
Release of Challan to the Media	In Jammu and Kashmir all challans are filed in Urdu (as it is the official language of the state). However in this case the challan was typed in English and released to the media along with the photo and name of the child victim before being provided to the accused.
Uninvestigated angles	Villagers reported that in the night of 16 January 2018, the transformer in the Village Rasana faulted with loud bang and the village was plunged into darkness. One person Bishen Singh heard a bullet bike and after 30 minutes saw the bike returning. Two men huddled in blankets were seen by him on the bike. Even after repeatedly recording this statement with the Crime branch it has not been investigated.

Concerns of the people of Jammu

- The Gujjar- Bakerwals are a nationalist community.. The team found that villagers of Rasana are extremely nationalist and most of them are ex-servicemen or are serving in the forces.
- The people of Jammu are enraged with the main stream media that has stereotyped them as anti-national and rapists without giving a fair hearing to their version.
- Since 17 January 2018 when the dead body of the child victim was found in the village, the Hindus and Muslims of Rasana were equally anguished and were protesting jointly. However by January 20 2018 on the chautha of the deceased

hundreds of outsiders including people from Kashmir joined the protests, raised pro-Pakistan slogans and hijacked the genuine movement for justice for the deceased. They raised provocative slogans, as they rampaged through Rasana, banging doors and shouting slogans as a result of which the villagers were terrorized.

Recommendation:

- The demand for a CBI Inquiry into the Kathua case is a legitimate demand. *Not only must justice be done, it must also be seen to be done.*

Some Unanswered Questions

- Why the investigating teams were changed thrice within a span of 10 days?
- Postmortem was done on 17.01.2018. How come there are two post mortem reports, both dated 17 January, 2018 with number of changes done in second report which stand signed on 19 March 2018? The first report states the presence of **digested** materials in the intestine, whereas the second negates it. How can number of abrasions be increased 2 months later.
- Why was the Crime scene, the Devsthan not sealed?
- Why was the victim kept at Devsthan which is frequented by people from three villages and that too during the festival time?
- Why was the body not thrown somewhere in deep forest or nallah but found just 100 meters behind the house of the main accused Sanjhi Ram?
- Why were there no injuries found/reported in the post mortem report on the private parts of the deceased even when, according to the police, she was gang raped over a period of six days? (under normal circumstances body parts of a 8 year child will get torn as they cannot bear such cruelty)
- Why were no blood stains found on the floor of the Devsthan after the alleged repeated rape of the minor child?
- Why were no evidence of urine or stool found in the Devsthan even when the post mortem report states that the intestine was filled with digested material?
- Who clicked the photograph of the deceased from a high resolution camera?
- How come, even after seven days of abduction and alleged gang rape, the dead body was found with shoes on the feet and hairband on the head?
- How is it possible that the Police washed the clothes of the deceased and hung it to get dried in the premises of the Police station?
- What was the effect of high doses of sedatives over a period of six days on the child victim, as alleged?
- Why are evidences of fingerprints and foot prints not attached in the charge sheet?
- Vishal Jangotra has provided alibi that during the alleged period of crime, he was in Meerut and was taking examination. Why was this aspect not investigated by the investigating team to ascertain the facts?
- Residents of Rasana have repeatedly reported that in the night of 16 January 2018, the main transformer supplying electricity to the entire village got burst and consequently, there was no electricity in the entire village. Thereafter around 2:30am during the period of blackout, two persons covered in blankets around them and riding a bullet entered the village and left the village after 30min. why this crucial information not investigated, rather ignored by investigating team?

List and Sequence of Events related to the Kathua Incident

Date	Event
10 January 2018	The victim does not return home at her normal time
11 January 2018	Mohammad Yusuf, Father of Victim informs the police station Hiranagar that his daughter has not returned home.
12 January 2018	Missing report lodged
13 January 2018	Searches conducted for the girl by members of the Village Defence Committee (VDC) and Police
14 January 2018	Searches conducted for the girl by members of the VDC and Police
15 January 2018	Searches conducted for the girl by members of the VDC and Police
16 January 2018	Searches conducted for the girl by members of the VDC and Police
17 January 2018	<ol style="list-style-type: none"> 1. Dead body of victim found by Jagdish Rai in Village Rasana. The police arrives and takes the body for Post-mortem. 2. Post Mortem is conducted 3. A spontaneous protest erupts in which villagers of Rasana and adjoining areas participate. 4. The girl is buried in Bhugna, about 7 Kms away from Rasana on a land owned by Kandel Bakerwals.
18,19 January 2018	Villagers meet Police officials for Prompt action.
20 January 2018	<p>Chautha- ritual of deceased victim held. Villagers from Rasana join in the ritual.</p> <p>Around 2000 protesters comprising a large section of outsiders block the National highway. Demands are made for the arrest of Sanjhi Patwari and Deepak Khajuria.</p> <p>Protesters raise slogans of 'Pakistan Zindabad' while on rampage through Rasana Village banging doors and raising slogans at night.</p>
23 January 2018	Hindu Ekta Manch formed in Kathua
23-25 January 2018	Sanjhi Patwari and Deepak Khajuria arrested

Main issues noticed by us

1. All the people we spoke to condemned the Kathua incident in one voice. No one supports the crime or the criminals.
2. People did not have faith in the Crime Branch investigation.



Residents of Rasana Village

3. All demanded that the case be handed over to the CBI.
4. A large number of persons from Rasana allege that the Crime Branch has indulged in Human Rights violations while investigating the case. They have been randomly picked and tortured.
5. Families of the accused allege Human Rights violations of the accused during investigation and in custody.

Conclusion

There is a strong case for handing over the Kathua incident case to the CBI. This will not only assuage the insecurities of the people of Jammu but also rectify the blatant inconsistencies in the case as documented in the report above.

The Government of Jammu and Kashmir need to hear the voices of Jammu and not take steps that increase alienation of the population of Jammu.



Fact Finding Team of Group of Intellectuals and Academicians (GIA) at Village Rasana



Meeting with hon'ble CM J&K



Choudhary Zulfikar Ali, hon'ble m in minister for Department of FCS&CA and Tribal Affairs Department



Villagers on hunger strick



With Ankur Sharma



With villagers



Meeting with Jammu Bar association



Meeting with Monika daughter of Sanjhi Patwari