

HUMAN RIGHTS ABUSES IN JAMMU AND KASHMIR

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ABSTRACT

This article is about Human rights abuses in Indian-administered portion of Kashmir. Indian-administered portion of Kashmir is suffering with every moment death of human rights. Mass killings, forced disappearances, torture, rape & sexual abuse to political repression & suppression of freedom of speech have become an integral part of their day to day life. The Indian central reserve police force, border security personnel and various militant groups have been accused & held accountable for committing severe human rights abuses against Kashmiri civilians. The Kashmiri insurgents are of the view that Indian-administered portion of Kashmir is a part of Pakistan. Hence only the Pakistanis have the right to live on that land. But the question arises how far it is appropriate to create one's existence at the cost of crushing the existence of those who are quite innocent & have no fault of their own, except that they were given birth on that land. This chaos has put innumerable questions before us demanding serious attention & immediate solution.

Keywords: abuses, disappearances, rape and sexual abuse, fake encounter, extrajudicial killings, Mass graves, half-widows.

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Human rights abuses in Jammu and Kashmir, a disputed territory administered by India, is an ongoing issue. The abuses range from mass killings, forced disappearances, torture, rape and sexual abuse to political repression and suppression of freedom of speech. The Indian central reserve police force, border security personnel and various militant groups have been accused and held accountable for committing severe human rights abuses against Kashmiri civilians. A Wiki Leaks issue accused India of systemic human rights abuses, it stated that US diplomats possessed evidence of the apparent wide spread use of torture by Indian police and security forces.

Militant violence led by Jammu Kashmir Liberation front has caused ethnic cleansing of several hundred thousand Kashmiri Hindu Pandits, who comprises an estimated 3% of the Kashmir valley's population. According to Asia Watch, the militant organizations forced the Hindus residing in the Kashmir valley to flee and become refugees in Delhi and Jammu. Although there is controversy regarding whether or not all pandits left due to fear of violence or were they encouraged by government to leave in order to undermine the support for militant movements. It is claimed that Kashmiri militants could perpetrate such crime because of the aid and patronization it received from Pakistan's Inter-Services Intelligence (ISI). The chief perpetrators were the Jammu & Kashmir Liberation Front and the Hizbul Mujahideen. Ethnic cleansing continued till a vast majority of the Kashmiri Pandits were evicted out of the valley after having suffered many acts of violence, e.g. sexual assault on women, arson, torture, extortion of property etc. Some of the separatist leaders in Kashmir reject these allegations. The Indian government is attempting to reinstate the displaced Pandits in Kashmir. The remnants of Kashmiri Pandits have been living in the squalors in Jammu, but the most of them believe that, until this violence ceases to exist, returning to Kashmir is not an option.

A US state government finding reports that the Indian army in Jammu and Kashmir, has carried out extrajudicial killings of innocent civilians and suspected insurgents, however the report has also mentioned killings and abuse being carried out by insurgents and separatists. In 2010, statistics presented to the Indian government's Cabinet Committee on Security showed that for the first time since the 1980s, the number of civilian deaths attributed to the Indian forces was higher than those attributed to terrorist actions. In a 1993 report, Human Rights Watch claimed that militant organizations have targeted civilians. The Indian Army claims that 97% of the

reports about the human rights abuse have been found to be "fake or motivated" based on the investigation performed by the Army.

The security forces in the north Indian state of Jammu and Kashmir have been accused by human rights activists of using rape and molestation as a punitive and intimidating measure against civilians believed to be sympathizers of militants, by armed personnel representing India's central government. The number of armed personnel is estimated at 3 to 5 lakh that include the Army, the Central Reserve Police Force and the Border Security Force. Liaquat Ali Khan, an academic writer considers that these excesses in Kashmir do not have official sanction but are easy to commit because of the powers, to cordon and search villages and suburbs that are vested to security forces by the law. The authorities use association with terrorists to discredit the testimony of the victims, in case the association is established.

Hindu civilians have been subjected to rape and murder perpetrated by members of terrorist organizations like the JKLF and the Hizbul Mujahideen and about a 100 such groups. These abuses have forced over three lakh Hindus to leave the Kashmir valley, suffering internal displacement to refugee camps in Jammu and New Delhi. Muslim civilians who are considered political opponents of terrorists or those who are believed to be informers have also been raped or murdered.

Fake encounters:

Hundreds of civilian's including women and children have been reported to be extra judicially executed by Indian security forces and killings concealed as fake encounters. Despite government denial, Indian security officials have reportedly confessed to human right watch of widespread occurrence of fake encounters and its encouragement for awards and promotions. According to a BBC interview with an anonymous security person, 'fake encounter' killings are those in which security personnel kill someone in cold blood while claiming that the casualty occurred in a gun battle. It also asserts that the security personnel are Kashmiris and "even surrendered militants". In 2010 three men were reported missing proceeding these missing reports 3 men claimed to be militants were killed in a staged gun battle the army also claimed they had found Pakistani currency among the dead. The major was subsequently suspended and a senior soldier transferred from his post. In 2011, a Special Police Officer and an Indian

Army Jawan were charged by the Kashmir police for murder of a civilian whom the duo had killed in an encounter claiming that he was a top Lashkar-e-Taiba militant.

Disappearances:

Indian security forces have been implicated in many reports for enforced disappearances of thousands of Kashmiris where the security forces deny having their information and/or custody. This is often in association with torture or extrajudicial killing. The number of men disappeared have been so many to have a new term "half-widows" for their wives who end up impoverished. Human right activists estimate the number of disappeared over eight thousand, last seen in government detention. These are believed to be dumped in thousands of mass graves across Kashmir.

Mass graves:

Mass graves have been identified all over Kashmir by human right activists believed to contain bodies of thousands of Kashmiris of enforced disappearances. A state human rights commission inquiry confirmed there are thousands of bullet-ridden bodies buried in unmarked graves in Jammu and Kashmir. Of the 2730 bodies uncovered in 4 of the 14 districts, 574 bodies were identified as missing locals in contrast to the Indian government's insistence that all the graves belong to foreign militants. According to a new deposition submitted by Parvez Imroz and his field workers asserted that the total number of unmarked graves were about 6,000. The British parliament commented on the recent discovery and expressed its sadness and regret of over 6,000 unmarked graves. Christ of Heyns, a special reporter on extrajudicial executions, has warned India that "all of these draconian laws had no place in a functioning democracy and should be scrapped.

Extrajudicial killings by security personnel:

In a 1994 report, Human Rights Watch described summary executions of detainees as a "hallmark" of counter-insurgency operations by Indian security forces in Kashmir. The report further stated that such extrajudicial killings were often administered within hours of arrest, and were carried out not as aberrations but as a "matter of policy". In a 1995 report, Amnesty

International stated that hundreds of civilians had been victims of such killings, which were often claimed by officers as occurring during "encounters" or "cross-fire". A 2010 US state department report cited extrajudicial killings by security forces in areas of conflict such as Kashmir as a major human rights problem in India.

Suicide:

According to a report, 17,000 people mostly women have committed suicide during the last 20 years in the Valley. According to a study by the Medicines Sans Frontiers, "Women in Kashmir have suffered enormously since the separatist struggle became violent in 1989-90. Like the women in other conflict zones, they have been raped, tortured, maimed and killed. A few of them were even jailed for years together. Kashmiri women are among the worst sufferers of sexual violence in the world. 'Sexual violence has been routinely perpetrated on Kashmiri women, with 11.6% of respondents saying they were victims of sexual abuse'."

At the beginning of the insurgency there were 1200 patients in the valley's sole mental hospital. The hospital is now overcrowded with more than 100,000 patients.

Kashmiri insurgents:

According to a Time Magazine's article, in August 2008 half a million Kashmiri protesters at Srinagar crying "Azadi" (freedom) and waving Pakistani flags. Reports from Amnesty International, Human Rights Watch and the International Commission of Jurists have confirmed Indian reports of systematic human rights violations by militants which claim Jammu and Kashmir to be part of Pakistan. The Jammu Kashmir Liberation Front (JKLF) has also been blamed of carrying out human rights violations, ranging from kidnapping to ethnic cleansing of several hundred thousand Hindu Kashmiri Pandits. A 2010 US state department report blamed separatist insurgents in Kashmir and other parts of the country of committing several serious abuses, including the killing of security personnel as well as civilians, and of engaging in widespread torture, rape, beheadings, kidnapping and extortion.

In August 2000, militant groups killed 30 Hindu pilgrims in what became known as the 2000 Amarnath pilgrimage massacre. The Indian government blamed the Lashkar-e-Taiba for the

killings. The BBC writes that "hundreds of Hindu labourers had been leaving the Kashmir Valley" in August 2000 due to targeted killings against Hindu workers.

Ethnic cleansing of Hindus and Sikhs:

The Hindu Kashmiri Pandits, a small but prominent group, who had stably constituted approximately 4 to 5 per cent of the population of the Kashmir valley during Dogra rule (1846–1947), and 20 per cent of whom had left the Kashmir valley by 1950, began to leave in much greater numbers in the 1990s. According to a number of authors, approximately 100,000 of the total Kashmiri Pandit population of 140,000 left the valley during that decade. Other authors have suggested a higher figure for the exodus, ranging from the entire population of over 150,000, to 190,000 of a total Pandit population of 200,000, to a number as high as 253,000. The US government has reported on the terrorist threat to Pandits still living in the Kashmir region. Hindu women suffered heinous torture in Kashmir. In the words of one of the best-known Indian psychoanalysts Sudhir Kakar, slogans of "Long Live Pakistan" were carved with red-hot iron rods on the thighs of the Hindu daughters.

During the eruption of armed rebellion the Islamic insurgency has claimed to have specifically targeted the Pandits and violated their human rights. Reports by Indian government state 219 Kashmiri pandits were killed and around 140,000 migrated due to militancy while over 3000 stayed in the valley. The local organization of pandits in Kashmir, Kashmir Pandit Sangharsh Samiti claimed that 399 Kashmiri Pandit were killed by insurgents.

"Our people were killed. I saw a girl tortured with cigarette butts. Another man had his eyes pulled out and his body hung on a tree. The armed separatists used a chainsaw to cut our bodies into pieces. It wasn't just the killing but the way they tortured and killed."

*- A crying old Kashmiri Hindu in refugee camps of Jammu told
BBC news reporter*

The violence was condemned and labeled as ethnic cleansing in a 2006 resolution passed by the United States Congress. It stated that the Islamic terrorists infiltrated the region in 1989 and began an ethnic cleansing campaign to convert Kashmir to a Muslim state. According to the

same, since then nearly 400,000 Pandits were either murdered or forced to leave their ancestral homes.

According to Hindu American Foundation report, the rights and religious freedom of Kashmiri Hindus have been severely curtailed since 1989, when there was an organized and systematic campaign by Islamist militants to cleanse Hindus from Kashmir. Less than 4,000 Kashmiri Hindus remain in the valley, reportedly living with daily threats of violence and terrorism.

The CIA has reported nearly 506,000 people, about half of which are Pandit Hindus are displaced due to the insurgency. The United Nations Commission on Human Rights reports that there are roughly 1.5 million refugees from Indian-administered Kashmir, bulk of whom arrived in Pakistan-administered Kashmir and in Pakistan after the situation on the Indian side worsened in 1989 insurgency.

Post-1989, Kashmiri Pandits and other minority groups in Jammu and Kashmir have been targets of ethnic cleansing by Jihadi elements which India alleges and blames on the Inter-Services Intelligence. The Kashmiri Pandits, a community of Hindu Brahmins, then comprising 5% of the population of the state were the primary targets of Islamic militants, who also sought to also eliminate Kashmir's record of 5000 years of Hindu Sanskrit culture and scholarship as well as the tolerant indigenous multiculturalism referred to as Kashmiriat. As many as 400,000 Kashmiri Pandits fled the state and ethnic violence is considered to have killed 30,000 people. Muslim paramilitaries raped, tortured and killed thousands of Kashmiri Pandits, burnt their temples, idols and holy books.

According to Bhatt a United Nations adviser, the houses of Kashmir Pandits have been burnt, many killed, and that there has been "an almost total ethnic cleansing of Kashmir Pandits from Kashmir by fundamentalist forces of terrorism organized and supported from Pakistan".

Other minorities such as Kashmiri Sikhs were also targeted. According to Chitkara the killing of Sikhs near Anantnag in 2001, by the Jehadis was aimed at ethnic cleansing. Hindus have migrated from most of the Kashmir valley; Sikhs who form a very small percentage could be forced to migrate in the wake of such killings. The Lashkar-e-Taiba is blamed for the Chittisinghpura massacre, which killed 37 Siks at the time of Clinton's visit to India.

Incidents:

Wiki leaks cables are reported to contain material stating that the International Committee of the Red Cross briefed US officials in India, alleging that India "condoned" torture and that "sexual penetration" formed part of the maltreatment of victims. The ICRC alleged that of the 1296 detainees interviewed, 681 had reported of being tortured. Of those, 304 individuals complained of sexual torture/abuse.

In April 2002, authorities in Indian-administered Kashmir arrested three Indian paramilitary soldiers following the gang rape of 17-year-old girl. In July 2011, there were anti-India protests in Srinagar against the alleged rape of a 25-year-old village woman in the village of Manzgam.

In October 2011, the Chief Minister of Jammu and Kashmir apologized for the release of names, parentages and addresses of 1400 rape victims. However, no details were revealed as to whether the rapes were by security forces, militants or part of crime.

Kunan Poshpora incident:

On February 23, 1991, Indian army searched and interrogated people at the Kunan Poshpora village, an which is an isolated hamlet in Jammu and Kashmir, at 11:00 PM soldiers of the Rajputana Rifles cordoned off the village. Males were interrogated overnight. The soldiers are accused to have gang-raped a large number of village women that night till 9:00 AM as well as the next day. According to the locals up to 100 women "were gang-raped without any consideration of their age, married, unmarried, pregnancy etc.," Victims of this incident range in age from 13 to 80.

In stark contrast of the purported allegations of abuses, Indian investigations concluded the allegations themselves are "grossly exaggerated or invented".

"The Kunan rape story on close investigation turns out to be a massive hoax orchestrated by militant groups and their sympathizers and mentors in Kashmir and abroad as a part of sustained and cleverly contrived strategy of psychological warfare and as an entry point for rein scribing Kashmir on the International Agenda as a Human rights issue. The loose-ends and the contradictions in the story expose a tissue of lies by many persons at many levels".— Investigation Committee.

Government investigations rejected the accusations as "baseless", but international human rights organizations have doubt the integrity of these investigations seriously including the manner of their conduct, saying Indian government had launched a "campaign to acquit the army of charges of human rights violations and discredit those who brought the charges."

Conclusion:

Since centuries our ears have been listening to the deep sounds and the deep message of the word "Vasudhev Kutumbakam" which means "This world is a family and we all are its member". Unfortunately we all have turned a deaf ear to its deep inherent message which is resulting into various misfortunes. One of those misfortunes is the violation of human rights in Jammu & Kashmir. There is a famous proverb 'United we stand, divided we fall'. Why some are mad after separation? The higher authorities should not serve their selfish ends. Keeping their selfishness aside, they should try to set negotiation with the separatists. The peace making parties should try their best to bring the separatists into the main-stream. Until they are taught, they all are the part of this nation; as a whole, these human rights abuses will keep on happening every now and then not only in Kashmir but in other parts of this nation also. Murders, assassination, massacres will keep on taking place till the political parties and the higher authorities won't convince them about their oneness with the common being, about their safety at all levels, about their rights in every sphere, about their existence in this world.

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