

# Kashmir, the Beautiful Land of Death and Terror

*A report of human rights abuses and political repression in the heart of Asia.*

by Farah Kathwari

**S**URROUNDED BY THE HIMALAYAN mountains, in close proximity to Afghanistan, Pakistan, India, China, and Uzbekistan, Kashmir is both strategically located and beautiful. The poet Thomas Moore wrote of Kashmir:

Who has not heard of the vale of  
Kashmir,  
With its roses the brightest that  
earth ever gave.  
Its temples and grottos and  
fountains clear,  
As the love-lighted eyes that hang  
over their wave.

Today this beautiful land of growth and life is one of terror and death.

## HISTORICAL BACKGROUND

The current situation in Kashmir can be traced back to the 1947 partition of the subcontinent into present day Pakistan and India. Kashmir was one of the Princely States of British colonial India, which had the choice to join India, Pakistan, or remain independent. Kashmir, a Muslim majority area, was under the rule of a Hindu Dogra prince. The Dogra ruler hesitated in joining either India or Pakistan.

In early August 1947, Pakistani tribesmen entered Kashmir through the northwest mountains. The Dogra ruler asked then Prime Minister of India Jawaharlal Nehru to send Indian troops into Kashmir. Nehru agreed to do so if the ruler would accede Kashmir to India with the understanding that when conditions became normal, the Kashmiris will be given the right to determine their own future.

The United Nations met with both Pakistan and India to settle the fighting in Kashmir. On 13 August 1948 the UNCIP (United Nations Commission For India and Pakistan) caZ/ed for three major conditions, to which Pakistan and India both agreed. Both governments

would draw a cease-tire line within Kashmir and would withdraw their forces. India declared that it would withdraw only after all Pakistani forces left and a final settlement was reached. The governments of India and of Pakistan agreed that the future status of the state of Jammu and Kashmir would be determined by a plebiscite of the people (Lakhanpal 152-154). On 2 November 1947, Prime Minister Nehru reaffirmed the resolution: "We (India) have declared the fate of Kashmir is ultimately to be decided by the people. We are prepared, when peace and law and order have been established, to have a referendum held under international auspices like the United Nations".

Neither the Pakistani nor the Indian forces withdrew from Kashmir because of mutual distrust. Thus the

plebiscite never occurred. Instead, discontent among Kashmiris grew and, in the 1960s student demonstrations became widespread. In 1972, Prime Minister of India Indira Gandhi and President of Pakistan Zulfikar AH Bhutto agreed to maintain the established line of control in Kashmir in the Simla Accord of 2 July. The Kashmiri people themselves were not represented at this meeting.

1990 saw the emergence of a newly inspired revolution on the part of the Kashmiri people. The revolution, which was at first peaceful, was answered by the Indian forces with violence. In January of that year, 20,000 Kashmiris demonstrated against illegal searches and arrests. The police shot into the procession, killing sixty, and injuring others. Similar instances occurred in March of the same year. Since that initial incident, the situation has gone from bad to worse.

## KASHMIR TODAY

Kashmiri freedom fighters (also called "militants") have been waging a guerilla war in which they fire upon Indian forces who respond by firing back into the street. Innocent civilians are often caught in the cross-fire. This basic



Area: 86,000 square miles

Population: 12 million including 1.5 million refugees in Pakistan and 0.4 expatriates.

Status: Historically independent, except in the anarchical conditions of late 18th and the first half of 19th century and when incorporated in the vast empires set up by the Mauryas (3rd century BC), the Mughals (16th to 18th centuries) and the British (mid-19th to mid-20th centuries). All these empires included not only present-day India and Pakistan but other countries as well. Under the British, Kashmir had internal autonomy (Kashmir Information Center).

Religions: Islam, Hinduism, Buddhism, Sikhism, Christianity, Judaism.

from Kashmir A Disputed Legacy, 1846-1990, Alastair Lamb, 1991

structure of warfare has escalated into mass terrorism by the Indian forces. India has augmented its regular military forces with the CRPF (Central Reserve Police Force), paramilitary forces, Border Security Forces, and the ITBP (Indo-Tibetan Border Police). The security forces, especially the CRPF and the BSF, have been granted sweeping powers to use lethal force to quell civil unrest. At the same time, they have been granted protection from prosecution for virtually

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any abuse committed in the performance of duty (Asia Watch 18). Moreover, the state government has been suspended and has been replaced by direct rule from Delhi with the result that civilians who have been the victims of human rights violation have little means of redress (19). The security forces are being used by the state (this includes the centre and the government of Jammu and Kashmir) as instruments of terror as part of a deliberate policy to terrorize the Kashmiri people into submission. It began with a crackdown on the militants and is fast becoming a policy of brutal suppression of the entire Kashmiri people. The people of the Valley are now living under virtual military rule (CIK 64). Asia Watch, an international human rights organization, reports in "Human Rights Under Siege; Human Rights in India" the illegal activities of the Indian forces as well as the Kashmiri fighters; some militant organizations operating in Kashmir have repeatedly violated (the Geneva Convention's ) prohibition against violence to life and person of those taking no part in the hostilities. Kashmiri fighters have assassinated prominent members of the National Conference Party, leading members of the Hindu community and persons suspected of being (Indian ) government informers" (131). An incident that the

militants are known and condemned for is the kidnapping of a Kashmiri Minister's daughter, who they eventually released unharmed. In some cases, women have been raped and then killed after being abducted by rival militant groups and held as hostages for their male relatives (PHR 160).

#### ABUSES BY INDIAN ARMED FORCES

On a daily basis, civilian homes are randomly searched by the Army or the Kashmiri militants. Often, whole villages are cordoned off and searched. The Committee for Initiative on Kashmir, an Indian human rights group that visited Kashmir in July nineteen-ninety, reports several such events in their pamphlet, Kashmir Imprisoned; A Report. One of five cases follows:

[In ] Kanthabagh...there had been an operation by the armed forces in April 1990. On the night April 24-25 1990, three days before Eid [Islamic holiday], the security forces surrounded the area the area at eleven-twelve at night. At five a.m. the people woke up, and after Sehri [pre-dawn meal during month of fasting], the men and boys went to the mosque to offer prayers. They were rounded up and their hands were tied behind their backs, everybody was severely beaten. Their houses were overrun, their gardens and furniture smashed, the women were also pulled out and beaten. Many were stripped naked and tied with ropes. Mahbooba Shah, wife of Abdul Salam, a teacher, was pulled out of her house, stripped naked in public and beaten on every part of her body. Even [her] breasts were held out. Ahmed Sofi, a baker [was] picked up at random along with forty nine others. They were held for ten days. They were tortured continuously. They were beaten, and chili powder and petrol were rubbed into their eyes and body. In the cold, they were kept naked throughout blind folded, and their hands tied behind their backs. They were made to drink urine when thirsty, and this continued through the two days of Ramzan [holy month for fasting] and Eid- when they were made to suck a man's genitals as well. After ten days, sixteen of the fifty men held, were taken [to an interrogation center]. The

others were released. Abdul Ahmed Sofi told us that in the interrogation centre, the same treatment was meted out with five electric shocks per day in addition. He showed us his hands and feet, still slightly swollen, with electrical shock points near the ankles and wrists (63).

Such horrifying acts of terror are widespread. Men and young boys are randomly picked up off the streets and taken to detention centers. On 25 September, nineteen-ninety, Amnesty International stated that in the interrogation centers, "methods of torture are reported to include; severe beatings...hanging people upside down...rolling heavy wooden rollers over legs...and electric shock". The manner in which searches and interrogations are conducted smacks of a planned strategy to break the morale of the people (CIK 64).

There seems to be a deliberate attempt to make women the primary target of attack by the security forces (64). Rape is being used as an act of war in an attempt to humiliate the Kashmiri women and weaken the freedom struggle. Reports of rape are high, the worst cases being those of mass rapes in villages. Women as old as eighty and as young as nine are victims of this crime. Even pregnant women are not spared. The Human Rights Crisis in Kashmir: A Pattern of Impunity, produced by

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*Women, men, and children all participate in demonstrations and protest against Indian occupation.*

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Physicians for Human Rights, a group associated with Asia Watch, reports several cases of group rapes. After one such case that is reported to have taken place on 20 July 1992, the government of India has only stated, "At the time of the search operations, conducted by the army, no complaint of rape was made". The statement implies that the women should have complained about the rape to the very soldiers who raped them (108). Even hospitals were not exempted from the raids. Saura Institute, a presti-

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gious hospital of Srinagar, was subjected to raids and searches at least a half-dozen times. The security forces smashed medical equipment, gate-crashed into operation theatres and even harassed the inpatients and the medical and nursing staff (Hussain 200).

#### THE POLITICS OF OPPRESSION

The government of Pakistan believes that Kashmir should be granted the right of self-determination under the UN Resolutions which limit Kashmir's choice to either Pakistan or India.

The Government of India has three major arguments for its actions. The first is that based on the act of accession in 1948, Kashmir is an integral part of India. Secondly, that because Kashmir is the only Muslim majority area governed by India, it attests to the secularism of the Indian nation. Last, the government insists that the movement in Kashmir is not indigenous, but an insurgency instigated and fueled by Pakistan.

UN Resolution 48 explicitly states that the status of Kashmir shall be decided in a plebiscite. The fact that the ruler of Kashmir acceded to India does not override the fact that the people themselves were not consulted nor granted their promised plebiscite.

Holding Kashmir by force, against the wishes of the people, does not prove that India is a secular nation. In fact, it aggravates inter-communal relations.

The freedom struggle in Kashmir involves all strata of society. Women, men, and children all participate in demonstrations against Indian occupation and funeral processions for slain "militants". They are not members of any rebel group. Their only affiliation is their common desire for a peaceful, independent Kashmir. It is quite obvious that the movement in Kashmir is a popular one, rooted in 400 years of oppression which has culminated under the 46 year old Indian occupation.

In 1990, there was a mass exodus of Kashmiri Pandits (Hindus) from the Kashmir Valley after the Indian Governor of Kashmir at the time, Jagmohan, asked the Pandits to leave temporarily while he quelled the independence movement. Other Pandits left out of fear of the militants. Jagmohan created panic among Pandits by a whispering campaign that there was going to be a massive house hunting for militants and that security forces will have to

shoot down 'offenders.' Most people knew that in such a melee it would be impossible to distinguish between Pandits and Muslims. The militants warned people against occupying, tampering with and defiling any non-Muslim property. The keys of houses of Kashmiri Pandits are in the safe custody of their Muslim neighbors to date (Hussain 232). Before these unfortunate events, relations between Kashmiri Pandits and Kashmiri Muslims were peaceful. Propoganda stating otherwise is being spread in India in an effort to label the Kashmiri movement as the work of "Muslim fundamentalists" sup-

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ported by Pakistan. Indian communal organizations are taking full advantage of the situation. They are projecting the problem in the Valley as one between 'national' and 'anti-national' elements - the Pandits being described as 'national' and the Muslims as 'anti-national' (CIK 15).

In India, citizens are kept in the dark about the massive human rights abuses which are perpetrated by the Indian military. They are not told that the movement in Kashmir is a popular, grass roots struggle for independence, self-determination, and justice.

Within Kashmir, foreign journalists have been harassed, threatened, and even detained. International human rights groups like Amnesty International have been restricted from visiting the Vale.

The past three years have seen violence and human rights abuses carried out to a shocking degree. In its attempt to maintain control over Kashmir, the Indian government has only exacerbated the situation. The Valley is virtually under army rule and the civil administration seems to be help-

less in checking the lawlessness of the security forces. (CIK 1).

The solution is clear. The Government of India must finally admit that the status of Kashmir is an unsettled one. Only until the government recognizes the wishes of the Kashmiri people will a peaceful settlement be within reach. There is no chance that the Indian government will ever regain the favor or loyalty of the Kashmiri people. The people of Kashmir will continue to pursue a freedom that they have been denied for centuries under the oppressive rule of Mughals, of Afghans, of Sikhs, of Dogras, and now of the Indian Government. •

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