

Terrorist Outfits and Human Rights Violations in Kashmir Before 2007

Dr Jiji Paul S

Assistant Professor, Department of Political Science, Mar Dionysius College, Pazhanji – Thrissur Dist Kerala

Abstract - Kashmir is the main reason behind all the Indo-Pak conflicts as well as several bilateral crises. Overlooking all the sacrifices made by the people of India, the valley of Kashmir seems to be up in arms against its benefactors. Militancy destroyed Kashmiri's everlasting hopes, dreams and ambitions. Kashmiri's want peace and Love. Right from 1949, Pakistan has been involved directly in organizing subversion in Kashmir. Militancy has taken the lives of more than 40000 innocent men, women and children. More than 3 50,000. people of the minority community have fled their homes in the valley and live as refugees in other parts of their own state and country. It is this calculated and rootless attack on the innocent, all in the name of an illusionary "Independence", that is the ultimate negation of the human rights of any people. But in the midst of pain and sorrow more than 61% Kashmir's (Hindu, Muslim) likes to live with India. Kashmiriyath is not a myth; it's a true identity of all Kashmir's.

INTRODUCTION

Since the emergence of India and Pakistan as independent states in 1947, the Kashmir issue has dominated the adversarial relations between New Delhi and Islamabad. The accession to India by Maharaja Hari Singh, the ruler of J & K in October 1947 was followed by a war over control of the territory. The Indian Government appealed to the United Nations Security Council, which in 1948 mandated mission to secure a cease fire, complete troop withdrawal, and hold a plebiscite to determine J & K's final status. The mandate was never fully realized, although a cease fire line was drawn when the fighting stopped in 1949 it was formally recognized as the Line of control between two countries in the 1972 Shimla agreement, and to this day the mandate remains a key point of contention in the conflict. Azad Jammu and Kashmir is a territory administered by Pakistan since 1947. India and Pakistan have fought

at least four conventional wars, and three of them were over the issue of Kashmir. Yet none of them led to the successful resolution of the Kashmir crisis. (Behera Navnita Chadha 2000:21).

Pakistan sponsored Terrorism in the whole Kashmir valley is trying to destroy the unity and integrity of nation. Their aim was to create an Islamic state inside India.

In the 2002 Kashmir legislative assembly elections, National Conference secured 28 seats; congress secured 20 seats and the newly formed peoples Democratic Party 16 seats. But in the last elections no party got a clear majority to form the Government (State Election Commission Report 2003, 2009).

KASHMIRIS UNDER PSYCHOLOGICAL STRESS

A report on Jammu and Kashmir by the humanitarian group Medicines Sans Frontiers (MSF) says that a third of its respondents suffered from psychological distress and more than one in 10 had been victims of sexual violence since the beginning of the conflict. The report by the Holland based MSF is based on 510 interviews conducted in the Kashmir valley over 11 weeks in mid-2005. The survey group defined 1989 as the beginning of the conflict period. In the period from 1989 to 2005 people reported that they had frequently experienced a range of violence such as crackdowns - defined as the surrounding of houses and all search - as also frisking by security forces, round-up raids in villages and the destruction or threat of destruction of property. Of particular concern was the prevalence of sexual violence revealed by the survey.

The survey also revealed that people were forced to perform labor (33.7 percent), or to give shelter to militants (18.4 percent). Not surprisingly, given the incidence of violence reported, approximately half the sample interviewed in the MSF survey reported they

never, or only occasionally, felt safe. The responses to the Self-Report Questionnaire - developed by the World Health Organization to measure psychological distress, particularly in developing countries” - also revealed that one-third of the respondents suffered from psychological distress. This figure rises to more than 70 percent of people suffering psychological distress if the more widely accepted lower cut-off score is utilized. The MSF report points to an acute need for a wide range of psychiatric and psychological support in Kashmir. It also begs further discussion of those who perpetrate acts of terror and violence against the people of the region. Until this cycle of violence is addressed, the woes of the people of Kashmir cannot be improved, says MSF (Zafar chaudhary, 2007:10-11).

From 1989 to 2006, more than 3000 youth disappeared from the valley. Nobody knows whether they are alive or dead. Many Kashmir's believe that the disappeared persons became the victims of SOG's fake encounters. Since 2000, the Amnesty international, Human Watch and other NGOs are asking the government to conduct enquiry against the Special Operation Group (SOG). In the year 2006 the state government appointed a committee to find the truth.

The Jammu and Kashmir Government for the first time in more than a decade long insurgency, started to take stern action against some of the Police Officers allegedly, involved in the fake encounters involving innocent persons. It could still be the tip of the iceberg, as there are hundreds of cases in which youths have simply disappeared without any trace with their fingers pointing towards security forces (APHC Report 2007).

Since the Pakistan sponsored militancy erupted in the state thousands of people have disappeared from various parts of the state, either falling prey to militants or security forces engaged in the anti-insurgency operations. Indian Army and Jammu and Kashmir Police killed many innocent civilians, and this created passions among the natives.

ENCOUNTERS

The Jammu and Kashmir Police opened an enquiry upon receiving a complaint from the family of 35 years old carpenter Abdul Rehman Paddar, who had gone missing on December 8, 2006. Utilizing the unique phone identification number provided to them by the

victim's family, the Investigators traced the phone to an Assistant Sub Inspector of Police Farooq Ahmad Gudoo. He repeatedly had given the phone to a person under police custody, presumably a surrendered militant, after reactivating the phone using a newly obtained Sim Phone Card. The Investigation team ASI Gudoo Confessed that, he had taken the phone from Paddar soon after killing him. This ASI was part of special operations Group (SOG) from Ganderbal Police Station; he picked up Paddar from his native village Larnoo, and casually murdered him on 09 December 2006. So as to justify his killing and collect a reward, the team then sought to pass of Paddar's corpse as that of a Pakistani militant, who they claimed had exchanged fire with them. This murder was motivated by money.

The Carpenter may have resisted demands from the Ganderbal SOG team for protection money or the police may simply, have wanted to collect the government reward for killing an insurgent. The killing of Paddar resulted in a reward of 120,000 rupees (about \$270) being paid to the SOG Team. After this incident police announced publicly that Paddar belonged to a Pakistani terrorist group, and that he was carrying an AK 47 riffle, three magazines, 36 bullets and a grenade (Greater Kashmir daily newspaper).

After Paddar's disappearance, other police murders also came to light, including that of two street vendors, Nazir Ahmad Deka and Ghulam Nabi Wani. Dekha, a father of three children, who sold perfume on the pavement for living, was picked up by the SOG and murdered in February 2006. The police passed him off as a militant belonging to the Pakistan based group Lashkar-i-Toiba. The briefcase that Deka used to keep his perfume was repeatedly found at the house of ASI Gudoo. Ghulam Wani was picked up in March 2006 and killed. He was publicly, identified as a militant, who was killed in a joint police army operation. A public outrage over the killing has led to the arrest of the Ganderbal Senior Superintendent of Police (SSP) Hans Raj Parihar and of the (DSP) Bahadur Ram (Kashmiri Times Daily Newspaper). Countless complaints from Kashmir's and numerous reports from Indian and International human rights organizations started pouring in which accused the Indian government allowing the security forces to do abuses, unnecessary custody's, disappearing and fake encounters.

An official figure says that in 1989 a total of 1017 youth were reported missing from different districts. Figures say that the Kashmir division leads the State in the number of missing youths, with Baramulla topping with 433 missing cases, Ganderbal 66, Srinagar 21, Budgam 26, Plwama 30 and Awantipura 20. The other areas include the border township of Kupwara where 62 youths were reported as missing, Kulgam 66 and Handwara 61. Similarly in Jammu, the militancy infected Doda District account for 39 missing youth followed by Ramban 30 and Kathua District which has proximity with international border accounts for 10 missing youths (Amnesty International report, 2001).

SOG's fake encounters resulted in angry demonstrations demanding that the chief of police who have overseen the practice of fake or phony encounters be severely punished. Thousands of people, including families of several victims took to the streets demanding justice.

On February 14, 2006 th JKLF a major separatist group called for a "bandh" that paralyzed life in Srinagar, the summer capital of the state. Members of the All-party Hurriyath conference and the 26 Kashmiri political, religious and civic organizations that support Kashmiri separatism, also held demonstrations in Srinagar (Exclaiser Daily newspaper).

TERRORIST OUTFITS AND HUMAN RIGHTS VIOLATIONS

Various organizations of displaced Kashmiri Pandits across the country observed January 19 as the holocaust day marking 20th year of their exile from the Kashmir Valley, this day, no doubt, reminds us about the painful experiences and sense of homelessness that the Pandit community is going through.

The exodus of minority Pandits in 1990 troubled the inter-community relations between Pandits and Kashmiri Muslims. Pandits constituted the minuscule but significant minority in Kashmir. Given the historically pluralistic nature of Kashmir society, the en masse exodus of this influential community from the Valley proved to be a disturbing factor for inter-communal relations between Hindus and Muslims in Kashmir. The reasons that led to the exodus of Pandits from the Valley have evoked lot of controversy among

different sections of society in Jammu and Kashmir. Basically, two different reasons are provided for this event. One of the reasons points towards the selective killing of Hindus in Kashmir by the militants that led to their migration from Kashmir.

This viewpoint is shared by many Hindu organizations that believe that Islamization of the Kashmir struggle had a pre-planned agenda of ethnic cleansing of the Hindu community in Kashmir. The second point of view asserts that exodus was facilitated not just due to militant violence in Kashmir but instead to the role played by the then governor of Jammu and Kashmir, Jagmohan who was instrumental in facilitating the migration of the Hindu community from Kashmir. This view holds that Jagmohan encouraged the exodus of Pandits by providing various incentives to them including free transport and accommodation and promising them guaranteed jobs in Jammu region. Both these opinions, though partially true are extreme views.

The peak form of militancy in the valley in 1989 saw the collapse of law and order in Kashmir and there was an overall prevailing sense of fear and chaos. In the situation, the minority community felt more threatened and could not understand that the fear was common to both Hindus and Muslims in Kashmir. The militants were killing both Pandits and Kashmiri Muslims, who were considered as Indian agents or high officials. Secondly, the presence of marginal extremist militant groups in Kashmir who used the communal factor to achieve their aims threatened the Hindus in Kashmir. Thirdly, Pandits were feeling politically alienated in Kashmir as its majoritarian politics was swayed by the feeling of 'Azadi' at that time. Another factor that encouraged the exodus was the unresponsive role of the Indian government as it failed to provide adequate security to Pandits in Kashmir. All the factors created a situation of fear and panic in Kashmir and led to the migration of almost the entire minority community from the Valley.

The fact cannot be denied that many Pandit families have become the victims of terrorist violence in Kashmir. But we should not forget the fact that the number of Kashmiri Muslims who have been targeted by the terrorists is even larger. It is mostly the Kashmiri Muslims who are being tortured and massacred by militant organizations (Mohita Bhatia, 2007:53-54).

In late 1989, when militancy, surfaced in the Valley, the Muslims in general whether as a neighbor, friend or a colleague, asked the Pandit brothers not to leave their homes and provided security to them. Many Muslims accommodated Pandit families in their houses to save them from militant attacks. There are instances when Muslim ladies, at the risk of their lives, stood at the doors of Pandit houses, to stop militants from entering their houses. Manytimes the fact was reported that a large section of Kashmiri, Muslim community made an appeal to the Pandits that they return to the Valley. Although the communal perception of the Kashmir problem has enhanced the gap between Pandits and Kashmiri Muslims, the emotional ties between them can still be traced. Even today Pandits can relate more closely with Kashmiri Muslims than Jammu Hindus (Trisal ON, 1995:238).

A large section of the Pandit community feel culturally and emotionally alienated in Jammu, despite the fact that it is a Hindu dominated region. This community still craves to return to the Valley and live peacefully with their Muslim neighbors. The demand of separate homeland' raised by the Panun-Kashmir is trying to provide religious fervor to the whole issue of Kashmir problem as it is trying to create a separate exclusive identity on the basis of religion. Isolating the Pandit community and creating a divide between Pandits and Kashmiri Muslims is only a superficial and unrealistic construct as it goes against the long-cherished history of inter-community living between the two groups in Kashmir (Punjabi Riyaz, 1992:61). The roots of the current Kashmir tragedy are to be found in the 1947 communal partition of South Asia. British colonial Lords, Indian National Congress and the Muslim league succeeded in creating a Muslim Pakistan and a predominantly Hindu India. Years had gone; still both countries are fighting for everlasting ambitions (King Charles: 1997:38)

CONCLUSION

Terrorism destroys the peace and the enchanting beauty of Kashmir. It was the main cause and major operational theatre in all previous Indo-Pak conflicts, as well as several bilateral crises. Ever since the state of Jammu and Kashmir became a part of the Indian union it has remained a vexing problem. Overlooking all the sacrifices made by the people of India, the valley of Kashmir seems to be up in arms against its

benefactors. Terrorism has taken the lives of more than 40000 innocent men, women and children. More than three lakh people of the minority community had to flee their homes in the valley and today live as refugees in other parts of their homeland and motherland. No slogans, no Philosophy, no ideology can save their valuable life. In the midst of all the pains and sorrows, among both Hindus and Muslims 61% likes to live with India, 33% wants Azad Kashmir and 06% wants to join with Pakistan. We must believe the Kashmir's and stop all types of human rights violations.

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