

HEARING IN HOUSE OF REPRESENTATIVES

ON

DECADES OF TERROR – EXPLORING HUMAN RIGHTS ABUSES IN KASHMIR & THE DISPUTED TERRITORIES

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TESTIMONY BY ATTIYA INAYATULLAH

Honourable Members of the House of Representatives, I have travelled over continents and crossed oceans to be able to testify before you, because of the confidence I have in the legislative government of USA, it listens intently, deliberates exhaustively, responds justly and thus in a uni-polar world you have truly emerged as movers and shakers.

Honourable Members, Attiya Inayatullah, a daughter of Kashmir, who yet breathes the air of freedom, appears on behalf of 3½ million Kashmiri women who are trapped in a human emergency in Indian Held Kashmir. 3½ million courageous, nay, heroic mothers, daughters and sisters who at the cost of their honour and the lives of their sons, with devastated hearts, minds and souls, call out for peace and protection from the most gruesome and blatant violation of human rights in contemporary history.

The perpetrators of this hair-raising human rights situation is the large and highly visible military presence, supplemented by para-military forces, the Central Reserve Police and Border Security Force and complemented by sixteen Indian secret service agencies operating ubiquitously to spy on the 7 million citizens. This troop deployment of over six hundred thousand troops makes Indian Held Kashmir the most militarized area in the world. There is on an average one Indian soldier for every four able bodied Kashmiris. Likewise, there are eleven soldiers for every square mile of Indian Held Kashmir, the actual concentration being in the Valley of Kashmir, where there are more than 100 security personnel for every square mile of territory.

In this living inferno of Dante, women are in the frontline, youth is targeted and children are in peril. Since 1989 and as of January'04 the death toll stands at 87,648. The orphan count is 105,210, women (ages 7-70) molested, is a shameful 9297 and another 21,826 reported widowed, with there being no record of the number of youth sexually incapacitated through torture and those disabled for life.

The focus of this testimony is human rights violations of children, youth & women in Indian Held Kashmir.

Women and children are two of the most important and yet most vulnerable components of any society. They are often subjected to gross injustices and are frequently the targets of human rights violations. The situation worsens in case of an armed conflict. In most cases women are targeted as a result of a deliberate policy to humiliate and terrorize the subject population. The case of Kashmir is no different.

On the subject of children, Amnesty International in India: If they are Dead Tell us: Disappearances in Jammu & Kashmir expressed concern over the disappearance of children & juveniles. It goes on to build on the effect on children & juveniles of disappeared parents and family members, concluding that the high level of psychiatric problems experienced by juveniles in Kashmir can be partly traced to the insecurity felt when witnessing human rights violations at such close hand.

Constant disturbances have changed life for children in Kashmir. They are orphaned, victims of trauma and lack education and safe homes. Wounded Valley: Shattered Soul reported by the Indian People's Tribunal on Environment and Human Rights, Mumbai, recalls "instead their memories of childhood consist of an atmosphere surcharged with fear, terror, constant violence, unrest and insecurity. It is no exaggeration to say that for the Kashmiri child, A stands for arms, B stands for bullet, and C stands for curfew".

This trauma of children and juveniles is triggered off by incidents, such as this one, extracted from the Save the Children Fund (SCF) sponsored study entitled The Impact of conflict situation on women and children in Kashmir, May 7, 2000. It reads "life for children in Kashmir is not "life". Theirs is a different world with different heroes and different villains. These children don't know fairy tales. They haven't seen the evening lights of the streets. They don't know how the world is like outside their homes in the night. Arjimand Hussain Talib has one of sadest tale to tell: It was a day as usual at a school near Sopore in July. The usual time of hullabaloo during recess time. And suddenly with a big bang, half-a-dozen students were blown up in the air, leaving three of them dead on the spot. The rest were badly injured. This was no accident during play. A landmine, lying inside the school premises, had blown up. Innocent kids, not knowing about the lethality of the deadly weapon, had paid for a children folly with their lives! In the same town, a couple of months back, a boy was sprinkled with gun powders by the soldiers in his orchard when he failed to stop at their signal. The boy died soon after a talk in hospital with a Srinagar-based newspaper".

Regarding human rights violation of children, the International Crisis Group (ICG) Report – 2002 reads "mothers fear that the children they send off to school will not return and people going about their ordinary daily times are unsure if they will be arrested, injured or even killed".

Moving on to the violation of women in Indian Held Kashmir, it has resulted in an increase in the suicide rate. A senior police officer in More Women Chose Death in Jammu & Kashmir, The Tribune, Chandigarh, 27 September 2000 reports, "we have six to eight incidents of suicide per week in the Kashmir Valley and three to five in the Jammu Region".

Rape in Indian Held Kashmir is part of a systematic policy. Women have been abused with impunity and rape has been used with abandon as a tool of war. The Human Rights Crisis in Kashmir, Asia Watch/Physicians for Human Rights, 1993, reports “a pattern of impunity”. Amnesty International in its 1995 Report Torture and Deaths in Custody in Jammu & Kashmir observed that rape is used “as a weapon by security forces to intimidate and humiliate the local population”. US Department of State Patterns of Global Terrorism, 1997 pointed out that “a pattern of rape by paramilitary personnel allegedly exists in Jammu & Kashmir”. The Report also refers to custodial rapes stated as “part of a broader pattern of custodial abuse”. It comes as no surprise that a Report by the NGO Committee for Initiative on Kashmir, New Delhi says, “of all the atrocities committed by the security forces, the treatment of Kashmiri women has embittered the people of the Valley the most”.

I refer to a few other reports of impartial organizations and prestigious media sources. This documentation affirms that the abhorrent practises of the Indian army have given rise to a humanitarian crisis in Indian Held Kashmir with implications for the conscience of the world community:-

- (i) 23rd November, 10th December 1992 & January’93: Amnesty International Reports mention torture and rape in Indian Occupied Kashmir.
- (ii) 7th January 1993: UN Report of Working Group of Enforced or Involuntary Disappearances in which women in Indian Occupied Kashmir are mentioned as particularly vulnerable to systematic rape.
- (iii) May’1993: Rape in Kashmir, A Crime of War, Asia Watch-Physicians for Human Rights extensively documents the subject.
- (iv) Regularly released Reports of two Indian Human Rights Organization; Committee for Initiative on Kashmir and Co-ordination Committee on Kashmir have done investigative reporting.
- (v) The Indian Express of 20 April 2002 reports that men of the Border Security Forces, 58 Battalion gang raped a seventeen year old girl with her widowed mother, relatives and neighbours all watching and held hostage at gunpoint. When the newspaper contacted the IG of BSF, he admitted his personnel had committed the rape.
- (vi) The Tribune of 16 May 2003 carries a story of a protest in which the Indian occupation forces arrested 21 persons in Srinagar, who were protesting against the police inaction against those accused of kidnapping two minor sisters from Badgam District in the Indian occupied Kashmir. The father of the two girls said that his daughters were abducted by a group of renegades and that police were protecting the culprits as they were working as informers for them. While the younger one of the two girls was set free after a few days,

the elder one was sexually abused for several months before she managed escape.

- (vii) **The Hindustan Times of 10 June 2003** reports another incident where the Indian Security Personnel camping at Choudhary Gund outside Shopian in the Indian Occupied Kashmir stopped some buses and asked the passengers, most of them students of the Shopian Girls Higher Secondary School and Government College, to get off their buses for checking. Eyewitnesses reported that some army men attempted to take the girls in their camps. When one of the girls slapped a soldier, she was severely beaten up and her clothes torn apart.
- (viii) The Indian newspaper, **Economic Times of 28 May 2003** carries a report on the findings of a seven member team of human rights activists from Punjab and Andhra Pradesh. The leader of the delegation Dr. K. Balagopal has demanded a judicial inquiry into the case of the custodial death of Abdul Hameed Wani, whose widow was told by a police officer that she would be helped if she paid Rs. One lakh.
- (ix) The **French Magazine Elle** of May 2002 in an article **Kashmir – A Besieged Valley** refers to Indian troops in Kashmir as “olive terrorism”, a reference to their khaki inform. Reference is also made to Ahsan Untoo who is reported to have undertaken.

“A dangerous way for human rights protection. A high-risk commitment: the activists here are harassed, arrested and even eliminated. Nevertheless, Unott persists and goes through the valley to collect the testimonies of the victims of violence. This day, to Kunan Poshpora, in Kupwara’s district, in the very top of the north of the valley. Untoo listened to the history of these forty two violated women a whole night of February, 1991 by the men of two regiments based not far from there and who led one of their special operations. This terrible tragedy is known by everybody in Kashmir but, eleven years later, the perpetrators of these crimes, nevertheless identified by the women of the village, were never pursued even less punished.

The history of Khara and her three daughters is edifying. She was raped that night, as well as her elder daughter Shikalal who was just engaged. Mafooza, was then 6 years. The soldiers to satisfy themselves “played” with the girl: they threw her out of a window, breaking her legs. Since that time, she is a disabled person and cannot find a husband.”

In my first person testimonies with women who wished to remain anonymous, their narrated atrocities are grotesque, hung naked from trees, breasts lacerated with knives, whilst gangrape in front of the family was reported to be common place.

A young woman in a refugee camp in Muzzafarabad, no longer speaks, her aunt recounts how she was held captive for two hours and mercilessly gangraped in paddy fields. Unable to bear the pain and indignity she fell unconscious. I was not surprised when at least two young women gave expression to the grievous injustice, with one saying “give me training so I can kill the men who raped me” and the other saying “I want to jump into a grave every time I think of my village people trampled down by security men”.

These are just tiny glimpses of the brutal and inhuman treatment meted out to the Kashmiri women by the Indian security forces. The examples are endless and each more horrifying than the last.

If women are being systematically violated, our Kashmir youth is being systematically liquidated. But one example of Abdul Aziz, the son of Abdul Ghani, a 10th class student of village Palangi, was not one of the 407 children burnt in their schools, his fate is worse, he is a living corpse. This lad from District Poonch, presently in a camp in Azad Kashmir, has despite extensive treatment lost his mental balance and is a victim of deep depression, all he remembers and keeps repeating is that the Indian Security Forces swept down on his little village school, and he goes on to say “four of us were arbitrarily picked up by the brutes, blind folded and carried away in a truck, me being the youngest. We were taken to what I later learnt was an interrogation camp”. He was admitted to the Civil Hospital in Azad Kashmir on 23rd August, 1993. His traumatized face has a story of horror to tell and the only coherent thing he keeps repeating is that “they kept enquiring about militants, I kept saying I knew of none, each time I was beaten, then they applied electric rods to my neck and temples, finally I was sexually assaulted by a gang of interrogators and my genitals crushed. I think it was after six days of this physical and mental torture, during which I lapsed into unconsciousness, that I was thrown in the village square”. Yes, Honourable House Representatives, protectors became predators, orgies of the Indian security forces such as that of Abdul Aziz must stop. The horror of Sopore, the tragedy of Kunan Poshpura is compounded manifold throughout the Valley, this is the saga of a tranquil and peace loving Kashmiri people.

Gautam Narlakha in his article Its never too late to do the right thing, Economic and Political Weekly, Mumbai, 29 July 2000 rightly observes “when an idea grips the imagination of people, it becomes a material force. In Kashmir, the word ‘azadi’ subsumes their experience of humiliation, abuse, indignity and other callous indifference exhibited by the ‘good’ people of India for 11 years”.

Yes as Gautam Narlakha has said: it is never too late to get it right. I refer to the Human Rights Watch World Report: 1999 & November 2001, it suggests to get it right “the Indian Government ensure that all reports of disappearances..... and rape by security forces in Kashmir are promptly investigated and prosecuted” and “respect for human rights must be at the center of any effort to resolve the

conflict..... By ignoring the human rights dimension of the conflict, international diplomacy, to end the fighting in Kashmir is bound to fail.”

Kashmir has been mutilated and humiliated, but we will not be intimidated. My words carry the burden of the agony of my people and therefore I could go on endlessly, fortunately, as far back as 1993, an Asia Watch Report sums up the situation in eight words “there is a human rights disaster in Kashmir”.

The possibility of effective remedies for abused children, women & youth are today remote. A point in case being, that victims of human rights violations are not covered by the rule of law. Amnesty International in one of its reports says that it has “a copy of an order from the Superintendent of Police (South Srinagar) dated 14 April 1992, which states. If there is any misdemeanour by the security forces during, search operations or otherwise... FIRs should not be lodged without approval of higher authorities” continuing it reads “The organization knows of many cases in which police in Jammu and Kashmir have refused to file FIRs and have thus ensured that victims or their relatives cannot pursue remedies. This instruction clearly contravenes Indian law and is of particular concern since in communications with Amnesty International, the Government of India has pointed to the failure of individuals to file FIRs as a reason for why allegations of human rights violations have not been fully investigated in the state”.

On the subject of justice and effective remedies, Justice A. Q. Parray, the Chairman of Jammu and Kashmir State Human Rights Commission, summed up the dismal status of human rights in Indian Occupied Kashmir. Speaking to law students at a seminar in Kashmir University campus on 10 December 2002, Justice Parray said that cases of human rights violations recommended by the body were gathering dust in the office of Union Home Minister L.K. Advani. He admitted, and I quote “SHRC is toothless and not in a position to implement anything. Our Commission can only recommend, it doesn’t have enough powers to implement”. Justice Parray further said that most of the human rights violation cases that the SHRC had put up before the government were rendered ineffectual because these got diluted under the Armed Forces Special Power Act.

The list of gross human rights violations against women, youth and children in India Held Kashmir is unending. A wife’s anguish is compounded by brutal treatment because she asks for her “disappeared” husband; a pregnant woman during a ‘cordon & search’ operation is kicked in the stomach by security forces to face a miscarriage; an elderly mother is raped in front of her children and children’s children; a sister is viciously targeted because her brother is a suspect freedom fighter.

Yes _____ Honourable Representatives, Kashmiri women in Indian occupation suffer because they are vulnerable. But, amongst these women are the brave ones, the eagle woman, who with courage and conviction choose not to remain silent and speak out for human rights protection. They reach out to you to assist in establishing a Committee of Mothers and Relatives of Political Prisoners, the Disappeared and the Assassinated, similar to what was established in El Salvador and known as COMADRES and they reach out to you in setting up a Kashmir Co-ordinating Committee of Widows, patterned on the Guatemala experience. Let us

together recall the Beijing Women's Conference sound bite that Hillary Clinton's poignantly gave to us: "Women's Rights are Human Rights". It gave global strength to the message that women's human rights like those of men and children, are proclaimed in the Universal Declaration of Human Rights.

Despite the near isolation of India Held Kashmir due to Indian government restrictions on access, the facts regarding the grave human rights situation is well documented and reported by various human rights groups and investigating international sources, such as, Amnesty International, Human Rights Watch/Asia, Physicians for Human Rights, International Commission of Jurists, Torture International, Red Cross as well as news agencies like VOA, BBC, Reuters, VOG, AFP.

The renowned journalist, Martin Sugarman who spent one month in Kashmir in November, 1993 reports "military might of the world's 3rd largest army has through brutal repression twisted a noose to strangulate the people of Kashmir in the largest concentration camp in the world – and all they want is UN endorsed freedom from India". Paula Newberg, Double Betrayal: Repression and Insurgency in Kashmir, Carnegie Endowment, 1995, graphically recounts "Srinagar is full of mothers without sons, and young Kashmiri boys, are really an endangered species".

In addition to these international sources, saner and humane elements in India rightly condemn this brutal repression and have publicly pronounced that these impulses of army personnel in a militarized Kashmir must stop. And these elements have also rightly expressed concern that one and half billion dollars a year of taxpayer money is spent in suppressing the Kashmiris.

In this land of Thomas Jefferson & Abraham Lincoln, the basic question then is why freedom, a fundamental human right, is so illusive for the Kashmiris?

Freedom has been illusive for the Kashmiri because it has been treated as a territorial dispute between India & Pakistan for too long. Kashmir belongs to Kashmiris, we are its exclusive stakeholders and demand the freedom to exercise the right to self determination as committed by the United Nations and promised by both India & Pakistan. Today as the two countries talk peace and engage in cbm's, its never too late for you to help them do it right. If ever a cbm was needed, it is in the disputed territory of Kashmir, where jointly the Indian & Pakistani Governments must effectively engage in protection of some 1,00,000 orphans; care of the reported 21826 widows and rehabilitation of molested women and incapacitated youth.

Freedom has been illusive because Kashmir is awash with every form of human abuse, such as search & cordon operations, extra judicial deaths, disappearances, torture etc. The Indian position on Kashmir is patently false. Buzz words like cross border terrorism and fundamentalism will not cover India's guilt. Yet again, the US State Departments' India-Country Report on Human Rights 2002

released in 2003, recognizes “a pattern of rape by paramilitary personnel in Jammu & Kashmir”.

Pakistan is itself a victim of terrorism, it stands committed to eliminating terrorism in all its forms and manifestation. It is rightly stated in the International Crisis Group Asia Report 41, November 2002 “Human rights abuses abound as a plethora of anti-terrorism legislation is used to crush Kashmiri dissent and political aspirations”. By the mid nineties, Indian government sponsored renegades were introduced to serve the double purpose of spreading indiscriminate terror and tarnish the image of the Kashmiri self-determination movement. These “agents provocateurs” find mention in an Amnesty International Report, 1999; US State Department Report on Human Rights, 1999, Civil Liberties Committee Andhra Pradesh press release, July 1997; Human Rights Watch Report, 1996. The world must know that exploiting the rhetoric surrounding the global “war against terrorism”, the Indian government is using anti-terrorism legislation, Prevention of Terrorism Act (POTA) for widespread and systematic curtailment of civil liberties. POTA has created an overly broad and vague definition of terrorism and it is being misused as a convenient tool to target the Kashmiris. My concern is that such endless power in the hands of the security forces, only makes it easy to suppress and crush a community by targeting its youth and women. It is therefore grotesque, that the so called largest democracy of the world, post 9/11, blatantly projects its mantra of cross border terrorism into the Valley of Kashmir, against a back drop of graveyards adorned by over 80,000 graves of Kashmiris.

Honourable members, Kashmir is a bleeding wound. I share with you the bottom line of a Guardian, London article dated February 9, 2002 titled. Untold Miseries of Kashmiris, it reads “A Kashmiri lorry driver pulls out, close enough for us to see a small hand painted plaque hanging from his rear bumper “land of saffron! oceans of tears, valley of dreams, end of life”. This then is the anxiety of Kashmiris I share with you. I seek your assistance in protecting the life and the honour of Kashmiri people. We live in the hope that with your assistance the days of shame and nights of terror will see an early end.