

VIOLATION OF HUMAN RIGHTS IN THE KASHMIR VALLEY**Parvaiz Ahmad Qureshi**

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Abstract

Kashmir has become synonym of death and destruction Thousands of people have lost their lives since the armed conflict begins in the valley. This paper is an attempt to understand the human rights violation in the Kashmir valley.

Key words: human rights raped women kidnapping fake encounters.

Introduction

The concept of 'human rights' is as aged as the account of human development.¹ However the idiom 'Human Rights' as a matter of study is somewhat modern in origin. Human rights are essential to our very survival and they form what might be called 'holy rights' from which no derogation can be permitted in the sophisticated civilization.²

Human Rights are those negligible rights, which every human being must have beside the state or other public authority with asset of his being a member of the human family, irrespective of every other concern.³

Human Rights can be generally classified into political and social rights and economic and collective rights. The political and social rights are also called classical rights, superlative rights. Their unique aspect is that they are obtainable to operate naturally by his birth even without any affirmative declaration on the part of the state or others. These rights are neither acquired, nor can they be transferred, willing of or extinguished by any act, as these rights inhere

¹ Kanan Gahrana, "Human Rights: A Conceptual Perspective", *Indian Journal of International Law* Vol.29, Nos. 3 and 4, July-Dec. 1989, p. 367.

² A.S Anand., "Protection of Human Rights - Judicial Obligation or Judicial Activism", (1997) 7 S.C.C. (n.), pp. 11-24

³ D.D . Basu, *Human Rights in Constitutional Law* (1994), p. 5.

generally in all human beings. The most important link of duties in association with human rights falls upon the states and their public establishment.⁴

Currently human rights are a concern of global importance and concern for an extensive assortment of reasons. Some of these are extremely embedded in the chronological understanding and are component of man's effort for the realisation of all his human standards. The effort for the rights of man started with the materialization of nation states and institution of autocratic regimes towards the close of middle Ages. As a response to the strict and cruel regimes, history witnessed the great political revolutions of the late 17th and 18th centuries. The phases of human rights which had, at that time been harmed were formulated into declarations and bills of rights⁵ and written consequently in national constitutions.

The fact is to facilitate the concept of human rights is neither exclusively western nor contemporary.⁶ There are various thinkers who discourse that the history of human rights and fundamental freedoms did not instigate by the Magna-Carta, signed by emperor John of England in 1215, nor did the humankind come to know of them for the first time during the activities of Locke, Rousseau and Jefferson or the announcement of the Declaration of Independence and the acceptance of the declaration of the Rights of man and of the citizen by the National Assembly of France in 1789.⁷ The perception of human rights in modern times can be traced to Natural Law philosophers who propounded these rights to protect individual beside the excess of the State.⁸ The new phrase 'Human Rights' was adopted only in the present century from the terminology formerly known as innate Rights.' Introducing the idea of 'Human Rights' it can be believed that human rights are a 20th century name for what has been predictably known as innate human rights.⁹

The UN General Assembly in 1948 announced the Universal declaration of human rights as a collective standard of accomplishment for all peoples and all nations, to the end that every person and every organ of society, keeping this declaration frequently in mind shall strive by teaching and education to promote respect for these rights. According Article 1 of the declaration reads "all human beings are born free and equal in dignity and rights. They are

⁴ E.S, Venkata Ramiah, *Human Rights in a Changing World* (1988), p. 104.

⁵ The English 'Bill of Rights', 1688; French 'Declaration of the Rights of Man and of the Citizen', 1789; and United States 'Bill of Rights', 1791. For text of these instruments, *ibid*.

⁶ Subramanian, *Human Rights: International Challenge*, Vol. I (1997), pp. 3, 56.

⁷ Yogesh. K. Tyagi, "Third World Response to Human Rights", *Indian Journal of International Law* Vol.21 , No.!, Jan-March, 1981, pp. 120, 127.

⁸ A.P. Singh., "Human Rights: The Indian Context", A.I.R. 2000 (Vol.87), J1., p. 8.

⁹ See Attar Chand, *Politics of Human Rights and Civil Liberties - A Global Survey* (1985), p. 22

endowed with reason and conscience and should act towards one another in a spirit of brotherhood".¹⁰

Violation of human rights in the valley of Kashmir

The current disaster in the valley brings into focus the grave importance of the issue of human rights - an issue which meanwhile has resurfaced on top of the political agenda of the world.¹¹ The period from 1989 to 2013 accounts for about more than two decades of this long history of persecution and suppression. The fact, nevertheless, remains that during this period Kashmiris have been subjects of suppression and humiliation of the severest form.¹²

As a conservative estimate, more than 75,000 Kashmir's including men; women and children have been killed since January 1990 besides wholesale destruction and loot of property.¹³

Tavleen Singh In her book, "Kashmir, A tragedy of errors". Draws a sketch over the human rights violations in Kashmir. She states that unarmed people of Gawakadal were massacred by unidentified gun man which is considered to be the beginning a policy in which human rights was completely disregarded."

Narrating her personal experience she further says: "Human Rights violations in Kashmir have taken place in the full glare of international publicity and the government has so far pretended that nothing happened. In October 1992, I went up with a television crew to a village called Chak Saidpora near Shopian, where nine women, including an 11 year old girl, were allegedly raped by unidentified gunman. There were medical reports to support what the women said and, after meeting them, I was convinced that their story was true. The censor board ensured that my story never saw light but Amnesty International took up the matter."¹⁴

The world press, human rights organizations like Amnesty International and Asia Watch, the UN human rights committees and governments of many countries, particularly of the West, also took cognizance of the human rights abuses in Kashmir. The US House of Representatives observed on 13 June 1991:

In Kashmir, a widespread break down of the legal system is known to have occurred. It shall be the policy of the US government and be a guiding principle for the president that the

10. Gull Mohd. Wani, "Kashmir: From Autonomy to Azadi", Valley Book House, Srinagar, 1996., p-23

11. Balraj puri, "Kashmir towards Insurgency" – Orient Longman, Hyderabad (AP), 1995,

12. Ab. Majid Mattu, "Kashmir Issue" A Historical Perspective" Srinagar, 2005.,p-45

13. Ibid., p-48

14. Tavleen singh, "Kashmir: A Tragedy of errors", Viking, 1995, p-23

Government of India should take significant steps to improve human rights organizations, fulfilling recommendations of the UN Human Rights Committee making significant progress in curbing human rights abuses.¹⁵

On 8 September, 1993, the United States Senate unanimously expressed concern over the human rights violations in Kashmir and catalogued the excesses against civilians. The European Parliament expressed similar concern over violation of human rights in the State. Its delegation, which was denied entry into Kashmir, conveyed its concern to the Government of India on the subject.¹⁶

In a report released recently, two human rights organizations, Asia Watch a division of Human Rights Watch, and Physicians for Human Rights (PHR), charges that un-identified gunmen's in Kashmir have deliberately executed hundreds of Civilians. More than any other phenomenon, these deliberated killings reveal the magnitude of human rights disaster in Kashmir. On the eve of the July 1 Paris meeting of India's major bilateral and multilateral donors, Asia Watch and PHR urge that the participants press India to take immediate and effective steps to end the abuses. The US delegates to the aid meeting should condemn human rights abuses in Kashmir and indicate the US votes on loans will be influenced by whether there is progress in ending the abuses. Asia watch and PHR also call on the international community to condemn abuses by militant groups and press Pakistan to end its support of these abusive groups in Kashmir. The 163 page report, the Human Rights Crisis in Kashmir: A pattern of Impunity focuses on the sharp escalation in human rights particularly custodial deaths, reprisal killings rape, torture and assaults on the medical community by unidentified gunmen during the twelve month period ending June 1993. It includes the result of investigations into the killing of prominent human rights activists in Kashmir. The two human rights group also investigated summary executions, rape and indiscriminate attacks by militant groups and these abuses are documented in the report. The report includes comments from the Government of India, and response of those comments from Asia Watch and PHR. The report is the final of a series on human rights in Kashmir Published by Asia Watch and Physicians for Human Rights in 1993. It is based on a research mission to Kashmir by the two organizations in October 1992, and a second mission by Asia Watch and PHR - Denmark in April and May 1993. The findings contained in the report are based on analysis of the testimony of over 130 witnesses, independently selected and interviewed by Asia Watch and PHR, as well s medical tests and additional certification of the occurrences described. The report concludes that while the

15. Balraj puri, op.cit.

16. Ibid.

conflict in Kashmir constitutes a serious threat, Moreover, the Indian authorities have done little to curb these abuses. Mr. Holly Buyrkhatlter, the director of the Washington based human rights watch, has said that the killings of three human rights activists in Kashmir since December last has made the Valley, "one of the most dangerous places in the world", to do human rights work. The reference was to the killing of Mr. H.U. Wanchoo, Dr. Farooq Ashai and Dr. A.A. Guru, Asia Watch and physicians for human rights released the final report in the year 1993 series on Kashmir entitled: "The Human Rights Crisis in Kashmir: a pattern of impunity" the manuscript restrain charges against terrorists.¹⁷

The human rights violations were so high that only global Organisations, World press and National Human Rights activists raised their voice against these barbaric events but Indian Political leaders also admitted the fact. Almost all the major political parties raised the issue of the violation of human rights in Kashmir.¹⁸

Destruction of Property

There are number of incidents in which the property of common man in Kashmir was destroyed during (1989-2002) On October 7, 1990 during encounter between Militants and security forces in (Srinagar) old city of Srinagar Namely Rangrate Kawdara was set to ablaze an area which before its destruction had contained 190 hours occupied by some 300 families. Some of houses were made of brick, many of wood. The fire destroyed 175 of the houses, as well as a mosque and a local school. Because the local residents had fled before the fire had engulfed the area there were no deaths reported from the fire.¹⁹

Raped Women

Acts of rape have been familiar position throughout conflicts and warfare since time immemorial; there is nothing new in this. What is new in the valley, however, is the planned and systematic use of rape as a weapon to fade the enemy.²⁰

Women have been the targets of brutality and disgrace, both directly and indirectly. On one hand they are accused of sustaining the movement and punished for that. On the other hand they suffer by becoming widows or support les mothers and sisters or orphans. Fairly often

17. Gull Mohd Wani, op.cit., p-43

18. Balraj puri, op.cit.

19. Abdul Majid Mattu, op.cit., p-54

20. Lal Khan, "Kashmir's ordeal: a revolutionary way out", Wellred Publication London, 2005, p-76

they face a great problem when their husbands are missing. Such women are called half widows because they cannot even remarry till the deaths of their husbands are confirmed.²¹

Militants of the valley are what's more known as "freedom armed forces", combating in opposition to the Indian rule in Kashmir, in August 2008 half a million Kashmiri protesters at Srinagar howling "Azadi" and waving Pakistani flags. Reports from, Human Rights Watch and the International Commission of Jurists have inveterate Indian reports of systematic violations of human rights by militants which assert Jammu and Kashmir to be part of Pakistan. The Jammu and Kashmir Liberation Front (JKLF) has also been guilty of implementation human rights violations, from kidnapping to racial purification of several hundred thousand Hindu Kashmiri Pandiths. The US state department report 2010 held responsible pro-independence insurgents in the Kashmir valley and other parts of the country of Committing, frequent abuses, including the killing of defense personnel as well as civilians, and of appealing in extensive anguish, rape, beheadings, kidnapping and extortion.²²

Militants killed 30 Hindu pilgrims in what became known as the 2000 Amaranth pilgrimage massacre. The Indian government blamed the Lashkar-e-Taiba for the killings. On 23rd February 1991 the soldiers of the 4th Rajputana rifles launched a search operation in a village Kunan poshpora, in district Kupwara of the Kashmir valley and allegedly gang raped 53 women of all ages.²³ Nevertheless, the working group that led a systematic analysis completed that all allegations were "grossly exaggerated" and the episode was an enormous trick organized by radical groups and their sympathizers and mentors in kashmir and overseas as a component of continued and ingeniously manufactured policy of psychological warfare and as an entry point for rein scribing kashmir on the worldwide program as a human rights concern.²⁴ However, human rights watch have reported the number of raped women could be as high as 100. The army is also accused of many massacres such as 2009 Bomai killing, Gawakadal massacre, 2006 kulgam massacre, zakoora and Tanpora massacre, 1990,sopore massacre. They also did not emerge the health care system in the valley. The major hospitals witnessed the crackdowns and army men even entered the operation theaters in exploration of insurgent patients.²⁵

Racial purification Of Hindus and Sikhs

21. Anjali Nirmal & Virendra Bartaria, "Kashmir: an experience gone sour", pointer publishers, Jaipur -1996., p-65

22. Devin T. Hagerty, "South Asia in World Politics", Rowman and Littlefield, 2008, p-22

23 Manoj joshi, the lost rebellion, penguin books 1999,p.490.

24 Crisis and credibility : press council of india. Lancer international December 1991,p.12

25 Human rights crisis in kashmir, a pattern of impunity .human rights watch watch 1993,p.115-16

The Pandiths of the valley, a little but famous faction who had firmly constituted around 4-5% of the population of the valley throughout the Dogra rule and 20% of whom had left the valley by 1950 began to go away in much superior figures in the 1990s. According to a number of authors, about 100,000 of the total Kashmiri Pandith population left the valley throughout the decade, others have suggested an advanced number for the exodus, ranging from the entire population of over 150,000 to 190,000 of a total Pandiths population of 200,000, to an amount as high as 253,000. The US government has reported on the insurgent intimidation to Pandiths immobile living in the region. Hindu women suffered wicked torture in the valley. One of the best known Indian psychoanalysts, Sudhir Kakar states that, "Slogans of "Long Live Pakistan" were carved with red hot iron rods on the thighs of the Hindu daughters.²⁶

All through the eruption of armed uprising in the valley has claimed to have distinctively targeted the Pandiths and debased their human rights. Reports by Indian Government states that, 'about 219 Kashmiri pandiths were killed and around, 140,000 migrated due to militancy while over 3000 settled in the valley'. The local association of Pandiths in the valley, Kashmiri Pandiths Sangharsh Samiti (KPSS) stated that almost 399 Pandiths were slaughtered by the insurgents.²⁷

The aggression was condemned and labeled as racial purification by the United States Congress in a resolution passed in 2006. It stated that the terrorists infiltrated the region in 1989 and began a racial purification campaign to convert Kashmir to a Muslim state. According to the same, since then nearly four lakh Pandiths were either murdered or forced to leave their inherited homes. According to Hindu American Foundation report, the rights, and religious freedom of Kashmiri Hindus have been strictly curtailed since 1989, when there was an organized and logical campaign by the militants to purify Hindus from Kashmir valley. A very little number of Kashmiri Hindus remain in the valley, living with the daily coercion of hostility and violence.

The Central Investigation agency (CIA) has reported virtually 506,000 people, about half of which are Pandith Hindus are displaced due to violence. According to The United Nations Commission on Human Rights (UNCHR) report that there are around 1.5 million refugees from Indian administered Kashmir; mass of who inwards in Pakistan administered Kashmir and in Pakistan after the conditions on the Indian side worsened in 1989 uprising.

26. Kakar, Sudhir "Colors of Violence: Cultural Identities, Religion and Conflict", Chicago, 1996, p-41

27. Balraj puri, op.cit.

After 1989, Pandiths and additional minority groups in the Kashmir valley have been targets of racial sanitization by rebel elements which India alleges and blames on the Pakistan Inter Services Intelligence. The Kashmiri Pandiths, a society of Hindu Brahmins, then comprising 5% of the population of the state were the prime targets of militants, who also sought to eradicate valley's record of 5000 years of Hindu Sanskrit civilization and perception as well as the tolerant native multiculturalism referred to as Kashmiriat (brotherhood). As many as forty lakh Kashmiri Pandiths fled the state, and racial aggression is measured to have killed 30,000 people. Insurgents raped, tortured and killed thousands of Kashmiri Pandiths, burnt their temples, idols and sacred books.²⁸

According to Bhatt a United Nations adviser, the houses of Kashmiri Pandiths have been burnt, many killed, and that there has been "an almost total racial decontamination of Kashmir Pandiths from Kashmir by fundamentalist forces of terror campaign organised and supported from Pakistan."²⁹

Other minorities for example Kashmiri Sikhs were also under fire. According to Chitkara the assassination of Sikhs near Anantnag in 2001, by the terrorists was aimed at racial sanitization, Hindus have migrated from most of the Kashmir valley Sikhs who form a very miniature percentage could be forced to migrate in the wake of such killings. The unidentified gun men's killed 37 Sikhs in a village Chatti SinghPora at a distance of 15 kilometer away from district Anantnag.³⁰

Mass Graves

Mass graves have been identified all over the valley by human right activists whispered to restrain bodies of thousands of Kashmiris of forced disappearances. A state human rights commission investigation long-established there are thousands of projectile ridden bodies obscured in unmarked graves in Kashmir of the 2730 bodies exposed in 4 of the 10 districts of the kashmir valley, 574, bodies were identified as missing locals in compare to the India Government's firmness that all the graves belong to alien militants. According to a new deposition submitted by Parvaiz Imroz and his field workers asserted that the total number of

28. Knuth, "Burning Books and Leveling Libraries: Extremists violence and cultural destruction", Green Wood Publishing group; Rebecca-2006., p-61

29. M.K. Kaw, "Kashmir Pandits: Looking to Future" APH Publishing, 2001., p-57

30. Balraj Puri, op.cit.

unmarked graves was about 6000. The British parliament commented on the contemporary recognition and articulated its sorrow and be disappointed of over 6,000 unmarked graves..³¹

Suicide

According to a report, 17,206 people mostly women have committed suicide during the last 25 years in the Valley. A survey undertaken by the Medicines Sans Frontiers, states that, "Women in the valley have suffered extremely since the pro-independence struggle became aggressive in 1990s. Similar to the women in other variance zones, they have been raped, agonized, maimed and killed. The women of the valley are amongst the nastiest victims of sexual violence in the world. 'Sexual violence has been habitually perpetrated on Kashmiri women, with 11.5% of respondents' aphorism that they were victims of sexual abuse."³²

At the beginning of the uprising there were only 1200 patients in the valley's sole mental hospital. The hospital is now congested with more than 100,000 patients.³³

Kidnapping

Widespread article 3 prohibits the "talking of hostages". The global commission of the Red Cross annotations on Protocols I and II of the Geneva conventions clarify that hostages are persons in custody for the intention of obtaining convinced advantages. This mean that hostages are persons who find themselves, willingly or unwillingly, in the power of the foe moreover who counter with their freedom or their life for compliance with the orders of the letter and for upholding the security of its armed forces. Since the conflict began, militants have engaged in frequent kidnappings of civilians, several of whom have been detained as hostages for under arrest colleagues or as a means of exerting pressure on family members of the victim who support a rival militant organization. Particularly in 1991, militant groups also kidnapping foreigners, apparently as a mean to attract global attention, Militants have also kidnapped civilians in order to extort funds from their families. Cases of kidnappings that occurred between 1989 and 1991. On June 8, 1993, militants abducted Sharif-ud-din Shariq, a famous National Conference leader and former member of the Jammu and Kashmir state assembly, from Lal Mandi, Srinagar, According to a press report, Shariq was considered a close associate of ex-Chief Minister, Farooq Abdullah. In the direction of Asia Watch and physicians for human rights data, no group alleged accountability for the kidnapping. On January 22, 1993 militants abducted two employees of the Public works, Department, Shamsuddin Malik, an executive

31. Scott, Clark, "The mass graves of Kashmir", The Guardian (London) – 2012, p-2

32. Greater Kashmir, "Woman Poisons Two daughters, kills self" 2012-9-11

33. Tavleen Singh, op.cit., p-43

Engineer, and Mushtaq Ahmed an assistant engineer from Haproo in Batapora.³⁴ Asia watch and PHR have not been competent to get information as to the fate of the two men. On October 14, 1992 four employees of the Bharat Heavy Electrical Limited Company, including M.A. Sheikh deputy general manager, S.P. Adana, Assistant Foreman, S.C.Jha, Branch Manager and Ramesh Singh commercial officer and their driver, Vijay were abducted by militants in Pampore. Two of the officers were released later that day, and the remaining men several days later.

Unsystematic Attacks

Militant groups have betrothed in grenade attacks, and have detonated car bombs and other explosive devices in residential and commercial areas where these attacks have injured and killed civilians. One such attack occurred in Srinagar during the Asia watch / PHR assignment in October 1992. Article 3 prohibits not only assassinate except further forms of "aggression to life and person" including violence which results in injury and not death, Militant bombings and grenade assaults on civilians government buildings and city dweller transport vehicles are violations of the laws of war.

On May 11, 1993 militants attacked the government secretariat which houses the offices of the civilian administration in Srinagar using rocket propelled grenade launchers. According to press reports, the attack killed one employee and injured three others. The Hizb -ul Mujahidin reportedly claimed responsibility meant for the assault in a phonic avowal to the Press Trust of India office in Srinagar.

On November 7, 1992 militants hurled a grenade into Shaheedi Chowk, Srinagar killing a Rajesh Jain, a shopkeeper and causing minor injuries to Hamidullah Khan, an advisor to the state governor, Garish Saxena Khan was believed to have been the target of the attack.³⁵

Threats and Assaults on reporters

Militant groups have furthermore issued threats to journalists, and have assaulted or kidnapped journalists whom they charge of "prejudiced" coverage. They have also issued ban on newspapers, and have imposed these bans through kidnappings of distributors and other assaults.

In March and April 1993, militant groups in Kashmir issued death threats against employees of the state run television corporation, Doordarshan, because of a serial on the Bible

34. Ibid., p-33

35. Nasir Ahmad Shah & G.M. Shah, "Kashmir, From Crisis to Crisis" - APH Publishing Corporation 5, Ansari Road, New Delhi-1997, Pp.77-79

which portrayed figures revered by Muslims. The serial was withdrawn on March 14 because of the threats. It resumed on April 11 after state officials provided extra security for producers and engineers at the television station in Srinagar. According to press reports, the militants did not carry out the threats.

On February 18 and March 31, 1992, grenades were thrown into the office of Yusuf Jameel, the Srinagar reporter for BBC, Reuters, and the Indian daily Telegraphs. No group claimed responsibility for the attack.

On March 31, 1992 the Srinagar Correspondent of the Indian Express George Joseph, was ordered by a militant group to leave the valley within 48 hours. The provocation, which was provided to the United News of India news service accused Joseph of "biased and distorted reported" On May 25, 1992, Ayaz Ahmed Mir, as Assistant Engineer at All India Radio in Srinagar was kidnapped by members of a militant group. He was released on May 30.³⁶

Threats against the Hindu Minority

The militants have also used threats to force Hindu families and alleged political opponents to leave the Kashmir valley. Beginning in 1989, many Hindus were made the targets of intimidation and acts of aggression by militant organizations and the wave of killing and harassment provoked many to leave the valley. With government assistance, a large fraction of the Hindu community in Kashmir numbering more than 100,000 left the valley in 1989-90. These threats have continued. According to one report in 1992, when one militant group, the Ikhwan-ul-Muslimeen, call for the pandiths to come back to the valley, two others, Al-Umar and Al-Jihad, instantly issued press releases warning them not to return. Such threats and violence constitute violations of the laws of war, and Asia Watch was competent to file many specific cases that occurred early in the conflict. The cases listed below are illustrative.

On September 20, 1989, O.N. Sharma, a 47-year old tour agent from Srinagar found a letter written in Urdu in his mailbox, signed by the JKLF. Sharma told Asia Watch that the letter was addressed to him by given name and it pass on to *him as an "Indian puppy."* *The letter told Sharma to leave the valley by September 27, or he and his family would be killed. Days after he received the letter, Sharma was in danger orally by unknown young men who told him to leave the area. Sharma left the Kashmir valley on October 2, 1989, returning briefly on December 14 for four days. The rest of his family left for good in February 1990.*³⁷

36. Ibid., p-81

37. Ibid., p-85

Militant armed forces have contributed to the emergency in medical care services in Kashmir. Since 1990, militants have assassinated civilians in the Kashmir valley. They have accused some of being informers, others of supporting Government policies or being otherwise opposed to the objectives of various militant groups. In early 1990, members of the Hindu minority took the brunt of these attacks. The murders and attack drove many Hindu and Muslim professionals, including health professionals to flee Kashmir.

Doctors in Kashmir have stated that militants have abducted doctors at gunpoint for the purpose of getting them to provide medical services for injured militants. Militants have also abducted patients and medical workers from hospitals. These killings, attacks and threats constitute grave violations of international law. The cases described below are illustrative; there have been many similar abuses by militant groups.

On March 15, 1993, JKLF militants abducted the Hizb-ul-Mujahidin leader Sued Ali Shah Geelani, together with his son and son in law, from the Soura Medical Institute where Geelani was undergoing treatment for a heart ailment. Geelani and his relatives were released unharmed shortly afterwards. The incident appeared to have been provoked by internecine rivalries between the two organizations. According to a Reuters report, Javid Ahmad Mir, acting president of the JKLF, apologized the next day, saying he had not ordered the kidnapping.³⁸

Fake encounters

According to the Srinagar based union of parents of displaced persons (UPDP), a minimum number of 8,000 people have vanished since the uprising began. In February 2003, the govt. in kashmir, led by Mufti Mohammad Sayeed, told the state legislative assembly that 3,744 people were misplaced and that many of those reported misplaced since 1990 were in fact in Pakistan, where they have signed up to be trained as militants.

Hundreds of civilians including woman and children have been reported to be extra judicially executed by the Armed forces and killings cloaked as fake encounters. Although government rejection, security forces officials have allegedly confessed to human rights watch of extensive events of fake encounters and its back-up for rewards and endorsement. According to BBC interview with an unknown security person, fake encounter killings are those in which security personal kill someone in cold blood while claiming that the casualty occurred in an encounter. It moreover asserts that the security personals are local and even surrendered militants. In 2010 three men was statement misplaced going on these missing news 3 men alleged to be terrorists executed in a vivid gun fight the army also alleged that they had found Pakistani money along

38. Ibid., p-89

with the dead. The major was consequently suspended and a senior soldier transferred from his post. In 2011 a special police officer (SPO) and an Indian army personal were charged by the police for murder of a civilian whom the duet had killed in an encounter claiming that he was a top Lashkar-e- Taiba militant.³⁹

The security forces have caught up in many reports for enforced disappearances of thousands of Kashmiris where the security forces refuse having their information and or detention. 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 poor. Human rights activists estimation the number of disappeared over 8, 000, last seen in government custody. These are believed to be dumped in thousands of mass graves across Kashmir⁴⁰.

³⁹ SPO arrested for fake encounter in Kashmir, victim civilian Deccan chronic 8 August 2011.

⁴⁰ India human rights watch 2012.