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Kashmir Is Slipping Away From India

As India clamps down on Kashmir with an iron grip, it risks permanently losing the hearts and minds of the people.

By Fahad Shah
June 19, 2016

Last April, [five civilians](#) were shot dead by Indian soldiers in India-controlled Kashmir, shortly after protests broke out in the aftermath of the molestation of a young girl by soldiers in Handwara (50 miles north of the capital city of Srinagar). The attempted sexual harassment had gone largely unnoticed until the victim spoke to the media, but it was not the first time that a similar incident had occurred in the heavily militarized region. In almost three decades of armed oppression against the civilian population, supposedly a bid to win back trust in Kashmir, many women and girls have been [raped and molested](#) by Indian soldiers. Sexual violence has been used as a channel to impose authority upon the female population, while torture and killings are used to suppress their male counterparts.

This isn't the only reason why a popular civilian uprising is underway in Kashmir as India's rule grows weak again. The government's hold over the territory had strengthened with the [help of mass killings](#) in the early 1990s, and later, with the regional elections held in 1996. In the early 1990s, when India's grip was weak and the rebels, as per an [India Today](#) report in May 1993, had "achieved successes previously unimaginable" and "for the first time established liberated zones," a [government militia](#) was instrumental in crushing popular dissent, leading to the fall of most rebel groups. Currently, there is one group (other than a scattering of new-formed ones) that is still fighting in Kashmir and continues to gain power: the indigenous [Hizb-ul-Mujahideen](#),

also known as the Hizb. The Hizb has pro-Pakistan leanings, but most of its cadres are local. In the last few years, the Hizb has managed to climb to the top in terms of popularity, and continues to successfully gain new recruits, who are being celebrated as righteous warriors by the general public.

Even mourning the rebels' losses is seen as a major political statement in contemporary Kashmir, as thousands of people join [funeral processions](#) for both local and Pakistani rebels who died fighting Indian soldiers. During several recent gunfights, moreover, civilians diverted the soldiers' attention from the procession in order to help the rebels [escape unscathed](#). These trends have alerted Indian agencies. Meanwhile, social media remains abuzz with many people who idolize rebel commanders, like Burhan Muzaffar Wani, a 23-year-old Hizb commander in South Kashmir who has become the face of the [new rebellion](#). Wani's brother Khalid was among those killed by the soldiers, and this year, a [cricket tournament](#) was organized to remember him, with team titles dedicated to various rebels. The people's acceptance of this rebellion has grown with the decline of any political process that can hope to empower them.

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The change in mood has its roots in the 2008 and 2010 mass uprisings in Kashmir, during which Indian troops and police shot more than 200 teenagers dead on the streets. This has gradually led to major protests, drawing in the younger generation, with people from all walks of life vehemently rejecting India's continued rule in Kashmir. From the army to the local government, the alarm bells are ringing, but no one has a political solution to solve the long-standing issue. Last month in Kashmir, a senior official from the government informally told me that the new generation is angry. "Have you seen how these youths are reacting? They don't want to listen to anything. They are serious about it (protesting) and can go to any extent to achieve their goals," he said.

Continuous Killings and Impunity for Soldiers

Like many problems in South Asia, the roots of the Kashmir issue stretch back to the partition of British India in 1947. After an aborted attempt at remaining independent, what was once the princely state of Jammu and Kashmir was divided between the two new countries of India and Pakistan, with a de facto border known as the Line of Control.

The armed rebellion against Indian rule in Kashmir started in the late 1980s. In these years of violence, around half a million soldiers in the region used [extreme torture](#) and targeted killings against civilians, with hundreds killed in some incidents. Estimates of the number of people killed in Kashmir range from 70,000 to 100,000.

Force was again used in 2010, when the political narrative in Kashmir took a different shape as youths took over the reins of public dissent and rebellion. Two mass uprisings in 2008 and 2010 showed the brutal face of the state to children born during the 1990s, who had not seen such mass violence spearheaded by the state before. It further strengthened the younger generation's anti-India sentiments and brought about a fresh wave of dissent. The slow growth of young rebels over the last five years is a product of this phenomenon.

Without a clear policy-based solution apparent, two laws that have been instrumental in crushing the recent popular dissent in the Valley: the draconian Armed Forces Special Powers Act (AFSPA), which provides impunity to Indian soldiers for basically any action, and the Public Safety Act (PSA), which is used to imprison people without due process. Amnesty International calls the PSA a “lawless law” and has been campaigning for its revocation. On the AFSPA, Amnesty International said [in its report](#) in 2015 that the impunity is a long-standing problem in Jammu and Kashmir. “The lack of political will to account for past and present actions of the security forces, including the state police, is fortified by legislation and aggravated by other obstacles to justice, especially for those who lack financial resources or education,” the report read.

After the [five civilians](#) were shot dead by soldiers in Handwara, for example, the state government expressed regret over the killings, but it did not issue an investigation. The central government in New Delhi continued its silence, aside from blaming pro-freedom leaders for instigating the violence.

At the core of the long weeks of violence was an underage girl, who was subjected to attempted sexual harassment and was also forced to refrain from speaking to the media while she was kept under [police detention](#). Activists accused the police of a forced detention to protect the soldier who had committed the act; there was no clear response from New Delhi.

The girl was released later and spoke to the media, accusing the police of forcing her to give a statement that would exonerate the soldiers. “I had gone to a public washroom,” she said. “When I was coming out, a soldier came and held my hand. I freed my hand and ran out, weeping.” She demanded that an FIR must be filed against the accused soldiers and action be taken against the police officers involved in her detention.

It has been two months now since the attempted molestation and killings in Handwara, but the government has not yet produced an investigation report, as demanded by opposition parties.

Sexual Violations as a Form of Oppression

Incidents like the one in Handwara are not the first of their kind. Sexual violence conducted by the Indian forces has long been a mainstay tactic, with no one prosecuted to date. Another highly visible episode involving sexual violence occurred in 1991 in North Kashmir’s [Kunan-Poshpora](#) villages, when dozens of women accused Indian soldiers of rape.

On February 23, 1991, Indian soldiers had gone to the two villages for a cordon and search operation. As per various accounts, the soldiers tortured the men and raped the women. The 20-year-old injustice came to light again amidst the swelling public discontent of the last few years. In 2013, a group of women came together to file a public lawsuit that called for further investigations regarding the case. Months have passed since a local court ordered further investigations, but the police have taken no action.

Essar Batool, one of five Kashmiri women who co-authored the book [Do You Remember Kunan Poshpora?](#), says that “the legal procedure in Kashmir is neither transparent and nor accountable,

as it is by extension another arm of Indian occupation.” Batool says the delay in the legal procedure not only hampers investigations and but also exposes the true face of the state to the public, who believe the judiciary will deliver justice.

Batool sees the case as a way to strengthen the public’s memory, which has supposedly gone fragile despite years of brutal occupation. “We need to comprehend that the occupier is changing its tactics, and hence we need proper documentation to keep memories alive,” she says. “The documentation also contributes to spreading knowledge about Kashmir and Indian occupation... through the book many people outside Kashmir and even outside India came to know about the incident in detail only 25 years later.”

New Rebels and a Strengthened Movement

Earlier this month, rebels overpowered three policemen and snatched four service rifles from the police in South Kashmir. Rebels have been using this strategy for the last few years, taking weapons from the police or paramilitary troops and later giving them to their new recruits. It also shows the growth of the rebellion as an indigenous movement, as the border with Pakistan has become less and less porous over time. The rebels are mainly focusing on their particular areas, mostly in the south of the Kashmir Valley. But lately some attacks and rebel activities have happened in North Kashmir and Central Kashmir also. In the absence of any political solution, the youth have become restless and their anger has intensified.

The Indian Army has also started acknowledging the change in the Kashmiri situation. One of the senior military commanders in Northern India, Lt. Gen. D.S. Hooda, [recently told](#) the *Associated Press* that soldiers have little hope of competing against the rebels for public sympathy. “It’s a big problem, a challenge for us to conduct anti-militant operations now,” said Hooda. “Frankly speaking, I’m not comfortable anymore conducting operations if large crowds are around. Militarily, there’s not much more to do than we already have done ... We’re losing the battle for a narrative.”

Growing anti-India sentiments their counterpart [in rapidly rising support](#) for Pakistan among people in India-controlled Kashmir. Yet the chief cleric of South Kashmir’s Ummat-i-Islami, Mirwaiz Qazi Yasir, believes that the ongoing freedom struggle in the Valley is a populist movement. “More than things, symbols are more important and [the new rebellion] is a symbol,” he says. “Even if there are no resources, but still this is a symbol.”

However, he acknowledges that “a long-term rebellion” will find it “hard to survive without resources.”

“If Pakistan wants to help the movement here, they will have their own interests also,” he adds. “[...]Pakistan has always tried to show it as an indigenous movement and it is an indigenous to a large extent.”

Some observers also believe that Pakistan has changed its approach too, from involving itself on the ground to becoming the political backbone for the Kashmir issue globally.

This endeavor to advocate on behalf of the Kashmiri people was evident at recent United Nations meetings, where Pakistan continuously raised the Kashmir issue, as well as in bilateral talks with India. As a result, India has [declared](#) that Pakistan is needlessly internationalizing the Kashmir issue.

The situation in Kashmir may look better compared now to the peaks of violence in the past, but don't be fooled: in the heart of the Valley, the rise of anti-India sentiment has weakened India's control.

Anti-India forces are hugely motivated by the extreme force used against dissenting voices by the newly formed regional government, which brought together the local People's Democratic Party and the Hindu nationalist Bharatiya Janata Party. The new head of the region's government, Mehbooba Mufti, recently said that there are only four bunkers of Indian forces in the Valley – a statement that highly angered the people, who have to face soldiers and police regularly in their daily lives. The regional government's anti-dissent tactics combined with the disappearance of opportunities to construct a solid political solution to provide respite to the ordinary people in Kashmir has only made things worse. Unless India changes tactics — and soon — Kashmir will continue to slip away.