DECADES OF TERROR: EXPLORING HUMAN RIGHTS ABUSES IN KASHMIR AND THE DISPUTED TERRITORIES

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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DECADES OF TERROR: EXPLORING HUMAN RIGHTS ABUSES IN KASHMIR AND THE DISPUTED TERRITORIES

WEDNESDAY, MAY 12, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2247, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Present: Representatives Burton, Cummings, and Watson.

Also present: Representatives Ackerman, Crowley, Pitts, Wilson, Pallone, Pence, Rohrabacher, and Faleomavaega.

Staff present: Mark Walker, chief of staff; Mindi Walker, Brian Fauls, and Dan Getz, professional staff members; Nick Mutton, press secretary; Danielle Perraut, clerk; Richard Butcher, minority professional staff member; and Cecelia Morton, minority office manager.

Mr. BURTON. Good morning. A quorum being present, the Subcommittee on Human Rights and Wellness will come to order.

Given the large number of witnesses we have today, for the purposes of today's hearing, I ask unanimous consent that oral opening statements by the committee be limited to the chairman and ranking minority member. And without objection, so ordered.

I ask unanimous consent that all Members' and witnesses' written and opening statements be included in the record. Without objection, so ordered.

I ask unanimous consent that all articles, exhibits, and extraneous or tabular material referred to by Members or witnesses be included in the record. Without objection, so ordered.

We have had a great deal of interest from other Members of Congress about participating in this hearing. So I ask unanimous consent that the following Members and any other Member who may attend today's hearing be considered as a member of the subcommittee for the purposes of receiving testimony and questioning witnesses. Representatives Ackerman, Crowley, Pitts, Wilson, Pallone, Pence, Rohrabacher, and Mr. Faleomavaega, we will allow you to sit in and question the witnesses. Without objection, so ordered.

We have had numerous amendments and discussions on the floor of the House over the years, and Mr. Ackerman, Mr. Faleomavaega, and I and others have been involved in those, re-

garding the problems that have arisen in the area known as Kashmir and in Punjab, which is in that general region as well. There have been, as everybody knows, paramilitary forces up there fighting the Indian military because of disagreements over the status of Kashmir and Punjab for a long, long time. In the late 1940's, 1948, there were resolutions passed by the United Nations General Assembly stating that there should be a plebiscite on the determination of the future of Kashmir and that entire region. Unfortunately, those have never been honored. There have been subsequent discussions and resolutions and everything else that has taken place, and as a result, there has been tremendous problems and heartache for tens and hundreds of thousands of people who live in that area.

The paramilitary forces up there that have been involved in the fight for independence and for a plebiscite have gone beyond the pale as well. This is something that we have not discussed a great deal in the past, but there have been some terrible things that have been happening at the hands of the paramilitary forces that have been fighting the military of the Indian government. Nevertheless, the atrocities that have been taking place at the hands of the Indian government, as far as we have been able to tell, have been extraordinarily brutal. And that is what we are here to find out about today, the latest update on that, and to find out what can be done by the United States to influence the Indian government and the paramilitary forces over there to solve this problem.

We had a hearing scheduled earlier this year and we postponed it because there were going to be elections taking place in India, and also because there were pending talks between the Pakistani government and the Indian government on the issue of Kashmir. There have been two wars fought in that area over this very contentious issue, and we did not want to impede the process of negotiations between India and Pakistan on this issue, and so we postponed our hearing. We were requested to postpone it again but we have people who have come from half-way around the world to testify here today, and so we talked to the State Department and they agreed. We appreciate very much you being here to testify and to bring us up to date because we did not want to try to send people half-way back around the world who had come this far to testify for a second time.

The figures that we have are that there have been 87,678 people killed by Indian troops, there have been 104,380 houses or shops burned by Indian troops, there have been 105,210 children orphaned, 9,297 women raped or molested, and 21,826 women widowed. Now those are the figures we get from the people who are in positions to know regarding the atrocities perpetrated by the Indian military. We also have information that there have been some atrocities perpetrated by the military, and we condemn them as well. But the preponderance of the problem, in the opinion of the Chair, has been because of the Indian military up there. Now this is not just the Chair's opinion. I would like to read to my colleagues a statement that was made by the government of the United States regarding the human rights situation in Kashmir. This is a quote from the Statement Department's own "2003 Country Reports on Human Rights Practices" for India:

The Government generally respected the human rights of its citizens; however, numerous serious problems remained. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, custodial deaths throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention without charge; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Accountability remained a serious problem in Jammu and Kashmir. Security forces committed thousands of serious human rights violations over the course of the 14-year conflict, including extra judicial killings, disappearances, and torture. Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years.

Country-wide, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants and noncombatant civilians, particularly in areas of insurgencies. Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and noncombatants.

We appreciate your being here today. We will allow our colleagues to question you and make comments during the question and answer period. And if you could give us an update, we would really appreciate it.

[The prepared statement of Hon. Dan Burton follows:]

Opening Statement
Chairman Dan Burton
Subcommittee on Human Rights and Wellness
Committee on Government Reform
"Decades of Terror: Exploring Human Rights Abuses in Kashmir and the Disputed Territories"
May 12, 2004

A relentless, deadly struggle is going on half a world away in India's mainly Muslim territory of Kashmir, where Indian military and Para-military forces are trying to crush forces seeking independence or union with Pakistan.

Kashmir's political status has been disputed almost since the subcontinent was partitioned in 1947. In the days of the British Empire, the state of Jammu and Kashmir was one of more than 50 autonomous princely states owing allegiance to Britain. At independence, the rulers were advised to join, by means of an instrument of accession, either of the two new dominions, India or Pakistan, bearing in mind their state's geographical position and the religion of their inhabitants. In October 1947, prompted by a local Muslim uprising that drew armed support from Pakistan, the Hindu Maharaja of Jammu and Kashmir chose to place his mostly-Muslim subjects under the jurisdiction of India, and then called in Indian troops who recaptured most of his lost territory.

A United Nations-brokered cease-fire in January 1949 left Kashmir divided by a military cease-fire line into the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (Free) Kashmir and the Northern Territories. For the past 56 years, Indian and Pakistani forces have continuously confronted each other over this tense cease-fire line, with their bitter rivalry exploding into war in 1965 and 1971, and nearly providing the flashpoint for a third conflict in 2001 possibly involving nuclear weapons.

Although the 1949 U.N. cease-fire agreement, and U.N. Resolutions of April 21, 1948, August 13, 1948, January 5, 1949, and February 21, 1957, to name a few, all rejected India's claim of accession of the region to India, and declared that the States' future would be determined by its citizens through a free and impartial plebiscite, no plebiscite has ever been held, and the state was formally incorporated into India in 1954.

Separatist agitation has continued on and off from the very beginning of the conflict but in 1989, it flared into open conflict. Some pro-Pakistani militant groups have resorted to terrorist deeds like kidnapping, assassination, extortion and even common crime. No political grievance justifies such actions, and I strongly condemn the violence perpetrated by these groups.

So while violence clearly comes from both sides in this conflict, the violence perpetrated by India's military forces, and the Para-military forces allied with them, is even more disturbing and abhorrent. Just as the world is disgusted by the abuse of Iraqi prisoners by

United States Service men and women, we should be disgusted by the tactics that have been systematically employed by Indian military and Para-military forces in Kashmir.

India claims to be the world's largest democracy, and like any other great democracy, its soldiers should be and must be held to a higher standard of conduct. Yet, India's insistence on resolving a political problem by force has dragged it down into a campaign of essentially lawless state terrorism.

Critics of mine will argue that I am grossly overstating the situation and blaming an entire country for the actions of a few individuals. But the fact of the matter is that credible, independent human rights organizations – including Amnesty International, Human Rights Watch, Asia Watch, and Freedom House, and even the United States Department of State, have documented how Indian forces have used brutal techniques to subjugate the Kashmiri population and other ethnic minorities, such as Sikhs and Christians, and against women; techniques like reprisal killings, burning down of whole villages, and summary executions. There have also been many reports of torture and "disappearances," two of the most common features of state terrorism.

To quote, from the State Department's own "2003 Country Reports on Human Rights Practices" for India:

"The Government generally respected the human rights of its citizens; however, numerous serious problems remained. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, custodial deaths throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention without charge; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children."

Continuing to quote form the State Department's Report:

"Accountability remained a serious problem in Jammu and Kashmir. Security forces committed thousands of serious human rights violations over the course of the 14-year conflict, including extrajudicial killings, disappearances, and torture. Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years."

And finally, quote:

"Country-wide, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants and noncombatant civilians, particularly in areas of insurgencies. Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and **noncombatants [emphasis added].**"

These are not my opinions or biases, these are facts, and the facts speak for themselves. 800,000 Indian troops are stationed in and around Kashmir – one-half of India's standing army - and since 1989, 87,678 people have been killed by Indian troops, 104,380 houses and shops have been burned, 105,210 children orphaned, at least 9,297 women have been molested, and 21,826 women have been widowed.

These are statistics that cannot simply be ignored or swept under the rug, particularly if the peace talks recently entered into between India and Pakistan are to bear any real fruit. The last peace talks between India's Prime Minister Atal Bihari Vajpayee and Pakistani President General Pervez Musharraf in Agra, India, in July 2001, failed after both sides refused to show any flexibility over Kashmir. Unfortunately, the history of peace talks between the two countries is littered with good intentions but failed promises, and the sticking point is usually Kashmir.

This latest round of talks has produced what officials call a "road map for peace," setting a six-month schedule for discussions on a range of issues, including their longstanding dispute over Kashmir. Representatives from both sides have agreed to meet again in May or June for talks on confidence-building measures and on Kashmir. Talks on other issues, including terrorism and economic and commercial cooperation, are to take place in July.

I am pleased to report there has been some progress made in easing tensions along the Line of Control in Indian-administered Kashmir. Parallel troop withdrawals from the border area and restoration of full diplomatic ties between India and Pakistan have created a window for a negotiated peace settlement on the issue of Kashmir. This is a process that will take time, and I commend all sides to stay the course of reconciliation and healing for the sake of the Kashmiri community.

So, I am cautiously encouraged by the initial success of the peace talks, but I strongly believe that any comprehensive peace agreement must pursue justice for decades of human rights abuses in the region, as well as constructively and positively engage the Kashmiri people in the peace process. The enthusiasm for peace should not overwhelm the need to confront in the light of day the brutal legacy of 56 years of armed combat in the region. Respect for human rights must be at the center of any effort to resolve this conflict. The cycle of repression and violence will only escalate unless there is a commitment by all parties to end once-and-for-all human rights violations of every kind.

And that is why the Subcommittee has convened this morning, to fully explore the allegations of human rights abuses against Muslims, Sikhs, Christians, women and other minorities, and put the alleged perpetrators of these crimes, as well as the governments of India, Pakistan and the United States, on notice that this Subcommittee is watching their actions closely.

If the United States is serious about building good relations with New Delhi, and about rebuilding our own reputation around the world as a champion of human rights, then we should not stand by in silence while India pertetrates atrocities against the Muslims, Sikhs, and Christians in Kashmir and the disputed territories. Even if we have little power to deter India from repression, we should assert American disapproval more forthrightly. Whether in large and powerful countries like India and China, or smaller countries like Cuba and Sudan, we need to speak with one firm and consistent voice on Human rights. Criticizing the weak but not the strong is not true leadership.

I want to thank all of our witnesses for being here this morning. Some of you have made extraordinary efforts to attend this critically important and historic hearing. I would like to particularly thank Ms. Attiya [A-TEE-A] Inayatullah [IN-EYE-A-TOOL-A] for being here today. I understand that Ms. Inayatullah lost her mother this past Sunday, but decided that making the big trip to Washington to tell her story was more important than attending her own mother's funeral. On behalf of all of us here today, I am sure that was a very difficult decision to make. I offer her our sincerest condolences on her loss, and I thank her for the sacrifice she has made to be with us here today.

I look forward to hearing the testimony of all of our witnesses, and I anticipate some tough questioning of our entire group of panelist by the Members of the Committee.

Kashmir Region

Mr. BURTON. Right now, I would like to have you stand and be sworn.

[Witnesses sworn.]

Mr. BURTON. We will start with you, Secretary Kozak. Thank you very much for being here, and I hope you will thank the Secretary of State for sending you over. We appreciate it very much.

STATEMENTS OF MICHAEL KOZAK, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. STATE DEPARTMENT; AND DON CAMP, DEPUTY ASSISTANT SECRETARY, BUREAU OF SOUTH ASIAN AFFAIRS, U.S. STATE DEPARTMENT

Mr. KOZAK. Thank you, Mr. Chairman. Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify on the human rights situation in Kashmir. There is no doubt that the Kashmir issue is potentially one of the world's most dangerous. Kashmir is the focus of the rift between India and Pakistan and has been the flash point for several India-Pakistan conflicts. The conflict is at the root of the serious abuses of human rights that Kashmiri residents have suffered for years.

We have seen the devastating effects that political instability and civil strife have had on the lives of innocent Kashmiri civilians. From President Bush on down, the United States has consistently called for an easing of the tensions between India and Pakistan as vital to regional security and stability and to an improvement of the human rights situation. As the President has said, dialog is the best way to achieve a peaceful resolution of the Kashmir issue.

The United States is encouraged by the positive step taken by India and Pakistan in February to resume their dialog after a 3-year hiatus. We praise the leaders of India and Pakistan for their courage and foresight and hope that the reduction of tensions between these two adversaries will represent the beginning of an end to the suffering of the Kashmiri people. President Musharraf and Prime Minister Vajpayee met in January 2004 and agreed to initiate a dialog on all issues, including Kashmir. Talks moved quickly to the Foreign Secretary level, and Foreign Ministers of both countries are scheduled to meet in August.

There is still much to be done, however. It is the policy of the United States to do all we can to ensure the success of these efforts and to support the confidence building measures. These measures include the return of High Commissioners, cricket matches between the two national teams, and resumption of some transport links. Talks on nuclear-related confidence building measures are scheduled to begin later this month. Also important in terms of improving the lives of Kashmiri civilians, a cease-fire along the Line of Control and the Siachen Glacier was put in place in November 2003 that still holds. As engagement grows between the two sides, it is U.S. policy to encourage all participants in the conflict in Kashmir to work to eliminate the human rights abuses that have become all too common there.

Our annual human rights report, which you quoted from, Mr. Chairman, documents our concern and gives examples of the abuses that take place all too frequently. Let me summarize the situation that consists of abuses against innocent civilians per-

petrated by Kashmiri and foreign militant and terrorist groups and of abuses committed by the Indian security forces. While the two are interrelated, the actions of one side cannot justify abuses by the other. It is our policy to hold all parties accountable for their own abuses. Two wrongs do not make a right.

Kashmiri and foreign militant and terrorist groups are responsible for execution style killings of civilians, including several political leaders and party workers. These groups are also responsible for kidnappings, rapes, extortion, and acts of random terror that have killed hundreds of Kashmiris. Many of the militants are Pakistani and other foreign nationals. Militants also regularly execute alleged government informants. The Indian Home Ministry says that militants killed 808 civilians in 2003, compared with 967 in 2002, either number is an unacceptable loss of innocent life.

Kashmiri militant and terrorist groups also target other ethnic or religious communities, including numerous execution style mass killings of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir. Militants also engage in random acts of terror, including the use of time-delayed explosives, land mines, hand grenades, rockets, and snipers.

Extremist militants have also attempted to enforce dress codes on women. In the Rajouri region of Kashmir, the militant groups Jamiat-ul-Mujahideen and Shariati Nefazi Islami ordered Muslim women to wear burqas, and three women were killed for not obeying these orders in 2003.

Intimidation by military groups has resulted in restraints on press freedom. The local press continued to face pressure from militant groups attempting to influence coverage. Kashmiri militant groups continue to threaten, through attacks or intimidation, journalists and editors, and even forced the temporary closing of some publications that were critical of their activities. Intimidation by militant groups caused significant self-censorship by journalists.

Members of the Indian Government security forces continued to be responsible for extrajudicial killings, custodial deaths, excessive use of force, torture, rape, arbitrary arrest, and other serious abuses of human rights, despite the fact that the Indian Constitution strictly protects human rights.

According to published accounts and other sources, persons detained by security forces were later alleged to have been killed in armed encounters, and their bodies, often bearing multiple bullet wounds and marks of torture, were returned to relatives or otherwise were discovered shortly afterwards.

It is often difficult to obtain reliable information about the condition of people being detained in Jammu and Kashmir because many are in detention pursuant to special security legislation. This legislation includes the Armed Forces Jammu and Kashmir Special Powers Act of 1990, the Public Safety Act, and the Armed Forces Special Powers Act of 1958.

A number of persons "disappear" each year in Kashmir. Reporting on the number of disappeared varies and underscores the difficulty in determining whether persons who have disappeared did so while in security force custody or after capture by insurgent groups or for reasons unrelated to the armed conflict. In 2003, while the Jammu and Kashmir state government announced that

3,931 persons remained missing in the state since 1990, a nongovernmental agency called the Association of Parents of Disappeared Persons placed the number at more than 8,000.

The U.S. Government abhors violence and human rights abuses, wherever they take place. We deplore the human rights abuses committed by Kashmiri and foreign terrorists as well as militant groups and we deplore human rights abuses perpetrated by Indian security forces. We have urged the government of Pakistan to take steps to end support from its territory to both foreign and Kashmiri terrorists and militants. We have also urged the government of India to take steps to end abuses by its security forces, including prosecution of those responsible.

We are gratified that the Jammu and Kashmir state government has taken some steps to hold accountable those in the security forces found to be responsible for human rights abuses. In June 2003, the government announced that 118 members of the security forces had been punished for having committed human rights violations. A senior superintendent of police was suspended by the Jammu and Kashmir government for allegedly falsifying the DNA samples of five civilians killed in fake armed encounters in March 2000. A ministerial subcommittee headed by the Deputy Chief Minister recommended severe punishment for three police officers and two doctors for tampering with evidence.

We are also encouraged by the prominent role that human rights issues are playing in the dialog initiated by Deputy Prime Minister Advani and the Kashmiri separatist All-Parties Hurriyat Conference. The two sides have met twice, in January 22 and March 27, in the first dialog the government of India has initiated with the Hurriyat since the insurgency began in Jammu and Kashmir in 1989. The Deputy Prime Minister has responded to some concerns raised by leaders of the separatist All Parties Hurriyat Conference and other Kashmiri politicians and civic leaders on continuing human rights abuses in the state. For example, he issued instructions to security forces not to commit human rights violations of any kind. At a recent press conference, the Deputy Prime Minister noted that, "The security forces must have a human face, with ordinary civilians not falling victim to their bullets."

We understand that these are only initial steps and that many obstacles remain. Today's reality, unfortunately, is that numerous human rights abuses persist, as we have documented thoroughly in our annual Country Reports. By the way, the report can be found on the State Department Web site at www.state.gov. Nonetheless, we are confident that continued dialog between India and Pakistan, between New Delhi and the Kashmiris has the potential to improve human rights in Jammu and Kashmir.

In the meantime, the U.S. Government would welcome greater transparency by the Indian government to allow independent monitoring of alleged human rights abuses by the security forces in Jammu and Kashmir.

The government of Pakistan has a responsibility as well. We continue to urge the government of Pakistan to end any support for cross-border infiltration and to terminate support within Pakistan for militant groups. Pakistan has pledged that no territory under its control will be used to support terrorism in any manner. Presi-

dent Musharraf has attempted to influence domestic opinion toward developing a "moderate, stable Pakistan at peace with its neighbors." He also gave a Kashmir Day speech that was more moderate in tone than in past years, stating that Pakistan support for Kashmir should be political, not military. Infiltration levels appear to be down and we hope they will stay down as the snows melt. Pakistan continues its efforts to designate terrorist groups and freeze terrorist assets. We are working with Pakistan to end infiltration of terrorists across the Line of Control, by strengthening counter-terrorism capability, and by developing positive education and employment opportunities. We continue to urge the government of Pakistan to disband militant training camps in its territory.

In closing, Mr. Chairman, let me stress again that the United States remains deeply concerned about the human rights situation in Kashmir. We are cautiously encouraged by recent positive developments in the relationship between Pakistan and India while hold promise for real improvement in the human rights situation in Kashmir. As our human rights report and our policymake clear, the people of Kashmir deserve an opportunity to live their lives peacefully and without fear. We call on both government security forces and militants to cease activities that deny the Kashmiri people this opportunity, including an end to the abuse of human rights by all sides in the conflict. At the same time, we are encouraging efforts by India and Pakistan to defuse tensions and to reach a peaceful and lasting resolution of the Kashmir problem, which should improve the prospects for reducing and ultimately eliminating the continuing human rights abuses there. Thank you, Mr. Chairman.

[The prepared statement of Mr. Kozak follows:]

Testimony of

Principal Deputy Assistant Secretary of State Michael G. Kozak
Bureau of Democracy, Human Rights and Labor
Department of State

Before the
Committee on Government Reform
Subcommittee on Human Rights and Wellness

May 12, 2004

Chairman Burton and Members of the Subcommittee, thank you for this opportunity to testify on the human rights situation in Kashmir. There is no doubt that the Kashmir issue is potentially one of the world's most dangerous. Kashmir is the focus of the rift between India and Pakistan and has been the flashpoint for several India-Pakistan conflicts. The conflict is at the root of the serious abuses of human rights that Kashmiri residents have suffered for years.

We have seen the devastating effects that political instability and civil strife have had on the lives of innocent Kashmiri civilians. From President Bush on down, the United States has consistently called for an easing of the tensions between India and Pakistan as vital to regional security and stability and to an improvement of the human rights situation. As the President has said, dialogue is the best way to achieve a peaceful resolution of the Kashmir issue.

The United States is encouraged by the positive step taken by India and Pakistan in February to resume their dialogue after a three year hiatus. We praise the leaders of India and Pakistan for their courage and foresight and hope that the reduction of tensions between these two adversaries will represent the beginning of an end to the suffering of the Kashmiri people. President Musharraf and Prime Minister Vajpayee met in January 2004 and agreed to initiate a dialogue on all issues, including Kashmir. Talks moved quickly to the Foreign Secretary level, and Foreign Ministers of both countries are scheduled to meet in August.

There is still much to be done, however. It is the policy of the United States to do all we can to ensure the success of these efforts and to support the confidence building measures. These measures included return of High Commissioners, cricket matches between the two national teams, and resumption of some transport links. Talks on nuclear-related confidence building measures are scheduled to begin later this month. Also important in terms of improving the lives of Kashmiri civilians, a ceasefire along the Line of Control and the Siachen Glacier was put in place November 2003 that still holds. As engagement grows between the two sides, it is U.S. policy to encourage all participants in the conflict in Kashmir to work to eliminate the human rights abuses that have become all too common there.

Our annual human rights report documents our concern and gives examples of the abuses that take place all too frequently. Let me briefly summarize the situation that consists of abuses against innocent civilians perpetrated by Kashmiri and foreign militant and terrorist groups and of abuses committed by the Indian security forces. While the two are interrelated, the actions of one side cannot justify abuses by the other. It is our policy to hold all parties accountable for their own abuses. Two wrongs do not make a right.

Kashmiri and foreign militant and terrorist groups are responsible for execution-style killings of civilians, including several political leaders and party workers. These groups are also responsible for kidnappings, rapes, extortion and acts of random terror that have killed hundreds of Kashmiris. Many of the militants are Pakistani and other foreign nationals. Militants also regularly execute alleged government informants. The Indian Home Ministry says that militants killed 808 civilians in 2003, compared with 967 in 2002 – either number is an unacceptable loss of innocent life.

Kashmiri militant and terrorist groups also target other ethnic or religious communities, including numerous execution-style mass killings of Hindu (Pandit), Sikh and Buddhist villagers in Jammu and Kashmir. Militants also engage in random acts of terror, using time-delayed explosives, landmines, hand grenades, rockets and snipers.

Extremist militants have also attempted to enforce dress codes on women. In the Rajouri region of Kashmir, the militant groups Jamiat-ul-Mujahideen and Shariati Nefazi Islami ordered Muslim women to wear burqas, and three women were killed for not obeying these orders in 2003.

Intimidation by militant groups has resulted in restraints on press freedom. The local press continued to face pressure from militant groups attempting to influence coverage. Kashmiri militant groups continue to threaten, through attacks or intimidation, journalists and editors, and even forced the temporary closing of some publications that were critical of their activities. Intimidation by militant groups caused significant self-censorship by journalists.

Members of the Indian Government security forces continued to be responsible for extra judicial killings, custodial deaths, excessive use of

force, torture, rape, arbitrary arrest and other serious abuses of human rights, despite the fact that the Indian Constitution strictly protects human rights.

According to published accounts and other sources, persons detained by security forces were later alleged to have been killed in armed encounters, and their bodies, often bearing multiple bullet wounds and marks of torture, were returned to relatives or otherwise were discovered shortly afterwards.

It is difficult to obtain reliable information about the condition of people being detained in Jammu and Kashmir because many are in detention pursuant to special security legislation. This legislation includes the Armed Forces (Jammu and Kashmir) Special Powers Act (SPA) of 1990, the Public Safety Act (PSA), and Armed Forces Special Powers Act (AFSPA) of 1958. The ICRC reported that it continued to encounter difficulties in maintaining systematic access to people detained in Jammu and Kashmir.

A number of persons "disappear" each year in Kashmir. Reporting on the number of disappeared varies and underscores the difficulty in determining whether persons who have disappeared did so while in security force custody or after capture by insurgent groups or for reasons unrelated to the armed conflict. In 2003, while the Jammu and Kashmir state government announced that 3,931 persons remained missing in the state since 1990, a non-governmental agency called the Association of Parents of Disappeared Persons, placed the number at more than 8,000.

The United States Government abhors violence and human rights abuses, wherever they take place. We deplore the human rights abuses committed by Kashmiri and foreign terrorists as well as militant groups and we deplore the human rights abuses perpetrated by Indian security forces. We have urged the Government of Pakistan to take steps to end support from its territory to both foreign and Kashmiri terrorists and militants. We have also urged the Government of India to take steps to end abuses by its security forces, including prosecution of those responsible.

We are gratified that the Jammu and Kashmir state government has taken some steps to hold accountable those in security forces found to be responsible for human rights abuses. In June 2003, the Government announced that 118 members of the security forces had been punished for having committed human rights violations, including 44 Border Security

Force (BSF) members, 47 from the Central Reserve Police Force (CRPF), and 27 police officers. A Senior Superintendent of Police was suspended by the Jammu and Kashmir government for allegedly falsifying the DNA samples of five civilians killed in fake armed encounters in March 2000. A ministerial subcommittee headed by the Deputy Chief Minister recommended severe punishment for three police officers and two doctors for tampering with the evidence.

We are also encouraged by the prominent role that human rights issues are playing in the dialogue initiated by Deputy Prime Minister Advani with the Kashmiri separatist All-Parties Hurriyat Conference (APHC). The two sides have met twice -- in January 22 and March 27-- in the first dialogue the Government of India has initiated with the Hurriyat since the insurgency began in Jammu and Kashmir in 1989. The Deputy Prime Minister has responded to some concerns raised by leaders of the separatist All Parties Hurriyat Conference and other Kashmiri politicians and civic leaders on continuing human rights abuses in the state. For example, he issued instructions to security forces not to commit human rights violations of any kind. At a recent press conference, Deputy Prime Minister Advani noted that, "The security forces must have a human face, with ordinary civilians not falling victim to their bullets."

We understand that these are only initial steps and that many obstacles remain. Today's reality, unfortunately, is that numerous human rights abuses persist, as we have documented thoroughly in our annual *Country Reports on Human Rights Practices in* 2003. The report can be found on the State Department website at www.state.gov. Nonetheless, we are confident that continued dialogue between India and Pakistan and between New Delhi and Kashmiris has the potential to improve human rights in Jammu and Kashmir.

In the meantime, the U.S. Government would welcome greater transparency by the Indian Government to allow independent monitoring of alleged human rights abuses by the security forces in Jammu and Kashmir.

The Government of Pakistan has a responsibility as well. We continue to urge the Government of Pakistan to end any support for cross-border infiltration and to terminate support within Pakistan for militant groups. Pakistan has pledged that no territory under its control will be used to support terrorism in any manner. President Musharraf has attempted to

influence domestic opinion toward developing a "moderate, stable Pakistan at peace with its neighbors." He also gave a Kashmir Day speech that was more moderate in tone than in past years, stating that Pakistan support for Kashmir should be political—not military. Infiltration levels appear to be down and we hope they will stay down as the snows melt, opening the many mountain passes that connect the two halves of Kashmir. Pakistan continues its efforts to designate terrorist groups and freeze terrorist assets. We are working with Pakistan to end infiltration of terrorists across the Line of Control, by strengthening counter-terrorism capability, and by developing positive education and employment opportunities. We continue to urge the Government of Pakistan to disband militant training camps.

In closing, Mr. Chairman, let me stress again that the United States remains deeply concerned about the human rights situation in Kashmir. We are cautiously encouraged by recent positive developments in the relationship between Pakistan and India which hold promise for real improvement in the human rights situation in Kashmir. As our human rights report and our policy make clear, the people of Kashmir deserve an opportunity to live their lives peacefully and without fear. We call on both government security forces and militants to cease activities that deny the Kashmiri people this opportunity, including an end to the abuse of human rights by all sides to the conflict. At the same time, we are encouraging efforts by India and Pakistan to defuse tensions and to reach a peaceful and lasting resolution of the Kashmir problem, which should improve the prospects for reducing and ultimately eliminating the continuing and serious human rights abuses there.

Thank you.

Mr. BURTON. Thank you, Mr. Kozak.

Before we go on, the ranking member is here. Do you have a comment you would like to make?

Ms. WATSON. Thank you, Mr. Chairman. The events of the past have cast a shadow over the efforts to bring about a Kashmir settlement between India and Pakistan. But recent events have changed the fundamental dynamic that now exists in favor of peace in the Kashmir region. While diplomats and leaders will continue to attempt to make a peace agreement, peace itself can only be made by the Indian and the Pakistani people. And if there is any optimism to be found on the issue of Kashmir, it is in the talks that are moving forward at the current time. The implementation of peace also relies on the willingness of the United States and the rest of the world to encourage negotiations and mediations without violence.

So I want to thank Secretary Kozak and the Honorable Don Camp of the State Department for their attendance today, and I am eager to hear others' testimony as well. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON. Thank you. I guess you are here, Mr. Camp, in place of Mr. Goode; is that correct?

Mr. CAMP. That is correct.

Mr. BURTON. You are welcome to make a statement if you would like.

Mr. CAMP. Thank you, Mr. Chairman. I have no additional statement to make. I am prepared to answer questions.

Mr. BURTON. Very good. I think what I will do, since I have so many of my colleagues here, is let them start the questioning and then I will conclude the questioning of this panel. So we will start with my good buddy, Mr. Ackerman. Incidently, because we have got three panels, Gary, if we could try to keep our questioning to around 5 minutes.

Mr. ACKERMAN. Thank you very much, Mr. Chairman. Let me say on behalf of all of us who are not members of the committee, to both you and the ranking member, we appreciate your generosity in allowing us to participate in this important hearing. And I want to thank you especially for your ongoing interest in this part of the world.

Is it possible that in a democracy, even a great democracy, if it has fighting men and women in uniform in an area where they are trying to control terrorism and terrorists, and that great army of that great democracy has members amongst them, even a minority amongst them, commit atrocities, mayhem, and things condemnable by all civil people, is it possible that those people are acting alone or is it a government policy to which you would attribute that activity?

Mr. KOZAK. You are asking the question in a sort of general status?

Mr. ACKERMAN. We could start out that way.

Mr. KOZAK. OK. Obviously, both can be true. In many cases you have people acting on their own, and in other cases you have deliberate policy. I guess my experience has been that democracies do not tend to, because they tend to be more open societies, do not

tend to have ordered government policies to commit terrible abuses.

Mr. ACKERMAN. The atrocities that have taken place at the hands of a few American soldiers in Iraq, is that official U.S. policy?

Mr. KOZAK. Of course not.

Mr. ACKERMAN. And the atrocities that have taken place in the state of Jammu and Kashmir, is that official Indian government policy?

Mr. KOZAK. It certainly does not track with the stated policy of the Indian government.

Mr. CAMP. And if I may add. The statement that my colleague just made referred to members of the security forces are responsible for as opposed to a larger pie that India is responsible for.

Mr. ACKERMAN. That was duly noted. I think it is fair to say that a great deal of the violence in Kashmir over the last 15 years has been perpetuated by militants infiltrating from or through Pakistan across the Line of Control. Given repeated requests by the U.S. Government and India as well that Pakistan halt that type of infiltration, do you think that Pakistan bears some of the responsibility for the deaths of so many people?

Mr. CAMP. I think it is our view that the people committing the acts are responsible, sir. I think our position on Pakistan's role is very clear, that we have been very insistent with Pakistan that support for any infiltration be ended, because there are people in Kashmir who are committing these acts who are not from the inside of Kashmir.

Mr. ACKERMAN. Where are they from?

Mr. CAMP. They are from many places, but some of them certainly are from Pakistan.

Mr. ACKERMAN. Is there a particular area that they come through? What is their last point of embarkation before they arrive in Kashmir?

Mr. CAMP. The Line of Control is a lengthy demarcation between the Indian side and the Pakistani side of Kashmir and they have certainly come across from the Pakistani side.

Mr. ACKERMAN. Is Kashmir doing all that it can to prevent that from happening?

Mr. CAMP. I think that we have been pleased that there has been a cease-fire along the Line of Control by India and Pakistan.

Mr. ACKERMAN. I am pleased too, but that was not my question. Are the Pakistanis doing everything they can do to prevent that from happening?

Mr. CAMP. We think that they are making substantial efforts and that those efforts have been borne out by a decrease in infiltrations.

Mr. ACKERMAN. Has the infiltration continued this spring as it has in the past?

Mr. CAMP. I would say the infiltration that we are aware of, and this is difficult to verify, is lower than in the past. I think some Indian officials as well have been quoted to that effect.

Mr. ACKERMAN. What is the state of play between us and Pakistan? When was the last time that we might have insisted that they improve on their record?

Mr. CAMP. I would say that Assistant Secretary Rocca is in Pakistan today, is planning to meet or has already met with President Musharraf, and I know that this is one of her points to make to President Musharraf.

Mr. ACKERMAN. We have seen several press reports that indicate that the voter turnout in Jammu and Kashmir during the recent elections was depressed because of threats from militants against the voters. Is that assessment by the press shared by the State Department?

Mr. CAMP. Yes, I think that is fair to say. Turnout in the elections in 2002 in Kashmir and the most recent one in the past month have been lower than in other areas, and we attribute that in part to threats by militants, yes.

Mr. ACKERMAN. I see the red light on, Mr. Chairman, and I do not want to abuse it.

[The prepared statement of Hon. Gary L. Ackerman follows:]

STATEMENT OF REP. GARY L. ACKERMAN
HUMAN RIGHTS IN INDIA
MAY 12, 2004

Thank you, Mr. Chairman for allowing me to participate in today's hearing. I'd like to provide a little different perspective on India than I think we will hear from some of our witnesses today.

Mr. Chairman, I'm not going to say that there have not been abuses by government security forces in India, but I'd like to remind everyone that India is a democratic country. One where the citizens have the right to change their government, a right they have enjoyed, and exercised, since India's independence 56 years ago. That's more than can be said for India's immediate neighbors, like China or Pakistan.

In addition, India is fighting two insurgencies, one in Kashmir and another in the Northeastern states. So I think it behooves us to remember that India was the victim of terrorist attacks long before September 11. In fact, I hope all the witnesses today will remember that India was the first nation to step forward and offer unconditional assistance to the United States after the September 11 attacks and I hope they will all condemn the atrocious attack on the Indian parliament by Kashmiri terrorists in December 2001.

Beyond India being a victim of terrorism, it is important for us to remember that India is a nation of laws and that there are avenues of redress for Indian citizens. There are courts and there is an independent human rights commission. This commission has

the power to investigate and recommend policy changes and compensation in cases of police abuse and has, in fact, levied penalties against the government for human rights abuses. In addition, 1993 Protection of Human Rights Act recommends that each state establish its own human rights commission. 14 states have done so, including Jammu and Kashmir.

India also has an independent judiciary, which has ruled against the government in some cases. For example, last September a special court in New Delhi acquitted Kashmiri separatist Yasin Malik of charges filed under the Terrorist and Disruptive Practices Act. The government in New Delhi also recognizes that there are some limits even in the war on terror. In March of last year, the government issued a directive to form a review committee for the recently enacted Prevention of Terrorism Act. As a result of this review, last October the government gave statutory authority powers to the review committee for redress of grievances by complainants. These are not the actions of an authoritarian government, nor of one that ignores claims of abuses of its citizens.

A free and open media is crucial check on any government and works to hold officials accountable. As the State Department's Human Rights report on India notes, "Newspapers and magazines regularly publish and television channels broadcast, investigative reports and allegations of wrongdoing, and the press generally promoted human rights and criticized perceived government lapses. Try to find that in China or Pakistan, where the media is controlled by the government.

I hope also that our witnesses today will condemn, with equal outrage, the manifold abuses of human rights by the militants in Kashmir. Political killings, kidnappings, rape, extortion and random acts of terror, are regularly carried out against Kashmiri civilians and politicians, as well as against members of the security services.

An additional point about Jammu and Kashmir is that it has a democratically elected government installed after free and fair elections in the fall of 2002. The local government, as well as the government in New Delhi, has tried very hard in the last year and a half to reach out to the Kashmiri people and bring them into the discussion about Kashmir's future. Recent bilateral discussions between India and Pakistan have produced something of a thaw in the region, and with luck there will be further discussions after India finishes its elections and a new government is formed in New Delhi.

I am sure we will hear today about the need to hold a plebiscite in Kashmir in accordance with applicable U.N. resolutions. I would make two points about that: first, the conditions for a plebiscite required Pakistan to withdraw its forces and the irregular fighters it inserted into Jammu and Kashmir, from all of Kashmir, including the Pakistani-controlled portion. That condition has never been fulfilled. In fact, Pakistan has aided and abetted the continued infiltration of terrorists in Jammu and Kashmir. Second, and more important, in 1972 India and Pakistan signed the Simla Accord under which both countries agreed that the issue of Kashmir would be resolved bilaterally. That is precisely what is happening now that discussions between India and Pakistan have resumed.

Clearly, the wishes of the Kashmiri people must be taken into account in these discussions and the Indian government is attempting to do that by opening a dialogue with the All Parties Hurriyet Conference.

So, Mr. Chairman, I'd close by saying that India is a democratic country in a region with few others, a strategic partner of the U.S. in defense and high technology, and a strong ally in the war on terror, one whose support we don't have to question on a daily basis.

Thank you for the opportunity to participate, Mr. Chairman and I look forward to hearing the witnesses.

Mr. BURTON. OK. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I, too, would like to express my appreciation to you for your leadership in initiating and also calling this hearing in looking into this very serious situation in Jammu and Kashmir province. Of course, we both share membership in the International Relations Committee, so I think we do have a common interest in wanting to know and to see how we can best offer some suggestions or resolutions to this issue. I think the overall issue here is not just with Jammu-Kashmir, obviously, because of the historical context during the colonial period in terms of what has happened. And the irony of it all is that these people are the same people, separated politically but mostly because of religious differences.

I think the basic position of our country is that atrocities committed by any group, whether it be by Indian security forces or by Kashmirian militants, we oppose that. I think the chairman has certainly given some specific numbers in terms of those who were affected or tortured, the atrocities allegedly committed by Indian forces. But I think whether it be 100,000 or 200,000 or whatever, I think we certainly do not support these kinds of activities. But adding to the complexity of the situation, Jammu-Kashmir, as I think most Members realize, 65 percent of the population is Muslim. And there the situation becomes a little more complex given the fact that this portion of the line of separation, and given the fact that 65 percent of the people living in the Jammu-Kashmir portion, which is India, are Muslims. This is what makes it very, very difficult to see what kind of solution can be offered for this and then with the militants. But added to the more serious problem, and I think the concerns that we have in our country because of the seriousness of the nuclear dangers posed by these two nations; Pakistan and China comes out with a treaty relationship, India expresses concern. So there is such a mixture which makes this issue not very simple as people may think it is.

I would like to ask Mr. Kozak a question. You mentioned in your statement that there are atrocities that have been committed by both sides. Was there a State Department report on human rights violations not only by the Indian security forces but also by Kashmir militants?

Mr. KOZAK. Yes, sir. Our State Department Human Rights Report, while it goes by country, when there is a problem of insurgency or terrorist activity in the country, it also describes the effects of that on the human rights.

Mr. FALEOMAVAEGA. And this was one of the reasons that Under Secretary Armitage, a mission I think several months ago, in a meeting with Mr. Musharraf a promise was given that no more militants coming from Pakistan will cross that Line of Control. Because of these camps being along the borderline, it gives danger to the safety and the security of those people who live in Jammu-Kashmir. But added to the complexity, I might ask, who do you consider to be the most active groups among the people in Kashmir that I think just makes it a little more complicated? Some want to pursue total independence. I know the chairman mentioned the issue of a plebiscite. This has gone on since 1947 as it was promised by then Prime Minister Nehru that a plebiscite would be held.

But this has never happened. Of course, then conditions were given and because of the overrun of portions of Kashmir, it makes it a little more complicated than we think it is.

So I just wanted to ask Mr. Kozak, there has never been any point on the part of the Indian government to approve, give any sense of approval if there were atrocities made by the Indian security forces. This is definitely not the policy of the Indian government. Am I correct in this?

Mr. KOZAK. That is a correct statement of their stated policy. I think what you will find though, both in my statement and in the human rights report, is we think they could be doing more in terms of prosecuting those and holding accountable those who commit these atrocities.

Mr. FALEOMAVAEGA. And no more is it a policy of the Pakistani government that they would encourage militants from creating these atrocities in Jammu-Kashmir?

Mr. KOZAK. Correct. That is not their stated policy.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. My time is up.

Mr. BURTON. Thank you. Mr. Crowley.

Mr. CROWLEY. Thank you. First, let me thank you, Mr. Chairman, as well ranking member, for, as Mr. Ackerman said before, allowing us to participate in this hearing today. I, too, am a member of the International Relations Committee, as I think all five of us here are, and we really are appreciative of you being open to our sitting in today. Let me also say that I want to associate myself with the line of questioning of Mr. Ackerman as well. He and I did not speak beforehand, but we had similar thoughts on the recent goings on in Iraq in terms of how that is certainly not the image of the United States that we want to portray as a Nation. The pain that we are feeling here as well as around the world is palpable. And it is much the same way as acts that take place in other democracies and around the world, quite frankly, are also not necessarily the face of that nation.

I just want to for the record, if I could, Mr. Chairman, submit an Asian foreign press story that came out today, actually less than 6 hours ago. Three Pakistani infiltrators were killed by the Indian army in Kashmir while making an incursion into what is present day Indian-controlled Kashmir. If I can, I would like to submit that for the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

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SECTION: International News

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HEADLINE: Indian troops kill nine rebels, including three Pakistani infiltrators

DATELINE: NEW DELHI, May 12

BODY:
The Indian army has killed nine militants in Indian Kashmir, including three Pakistani rebels who tried to sneak across the de facto border, an army spokesman said Wednesday.

He said troops found weapons on the bodies of the three Pakistani nationals, who were killed in a half-hour battle Tuesday in the southern Rajouri district.

India accuses Pakistan of arming and funding rebels and helping them sneak across the disputed border to take part in an Islamic insurgency against Indian rule in Kashmir that has claimed tens of thousands of lives since 1989.

Officials say infiltration attempts have come down sharply since India and Pakistan entered an open-ended ceasefire November 26 on their borders in Kashmir, over which the countries have fought two wars.

Both rebels and the Indian forces fighting them say the border ceasefire does not apply to their operations inside Indian Kashmir.

In a separate incident, the army conducted a search and cordon operation in Kashmir's Surankot area on Wednesday, sparking a gunfight in which two militants were killed.

Another rebel was killed Tuesday by Indian soldiers near Gul in Kashmir's Udhampur district, the spokesman said, without giving details.

Paramilitary Indian soldiers also gunned down a militant Wednesday who had opened fire on their patrol from a remote mountain hideout in Kashmir's Anantnag district.

"The troops suddenly came under a burst of AK-47 fire during a patrol and fought back. They later recovered a radio set and the AK-47 rifle from the slain militant," said the spokesman.

Two more rebels were killed overnight by Indian troops in different parts of the state, he added.

uc/bp/sdm

India-Kashmir-Pakistan

Mr. CROWLEY. Incidently, it says that it is the seventh incursion this year. Certainly, incursions, I would imagine, are down a good deal, but that does not take away the need for the Indian government to continue to patrol that border. And the tremendous amount of resources that are being expended on both sides continue, whether it is one incursion or hundreds of incursions.

If I could ask both gentlemen if they could comment. Do we know of any command structure within the Pakistani government army service, intelligence service, any connection to those entities and terrorist organizations that are training within Pakistan today?

Mr. CAMP. Let me answer that. I think we recently issued our annual report on global terrorism, and there are a couple of terrorist groups designated by us as foreign terrorist organizations which are operating in Kashmir, specifically, Lashkarytaiba and Jamiat-ul-Mujahideen, and those have been banned in Pakistan. But they have historically been based in Pakistan. So I would say the connection is certainly there between groups based in Pakistan and the insurgent activities in Kashmir.

Mr. CROWLEY. So let me get a further answer to the question. That is, is there any connection that you know of government officials, army officials, and intelligence officials who are connected to those terrorist organizations?

Mr. CAMP. I presume you are talking about Pakistan.

Mr. CROWLEY. Correct.

Mr. CAMP. I would say no, there are no connections, per se. There have been relationships in the past I think, but those have been in the past.

Mr. CROWLEY. None today whatsoever?

Mr. CAMP. Not that I am aware of.

Mr. CROWLEY. In terms of redress on issues—and, by the way, no country is perfect, I think I made that clear by the beginning part of my statement, nor is the United States perfect for that matter, we think we are a lot better than most, if not all—in India itself, is there an opportunity for redress of human rights violations within India? Is there a commission that exists? And is that used by people who have been wronged or allegedly wronged in the past?

Mr. CAMP. There is a National Human Rights Commission that is very active. There is also a Jammu and Kashmir Human Rights Commission that has been in existence for at least 10 years and has taken actions to investigate abuses committed by the security forces and has instructed the government to make restitution.

Mr. CROWLEY. Does a comparable entity exist within Pakistan?

Mr. CAMP. There is definitely a Pakistani Human Rights Commission. It is located in Lahore. They issue annual reports. They are well-known and quite independent.

Mr. CROWLEY. Would you say it is comparable to what is in India today?

Mr. CAMP. They probably come out of similar roots. I would say they are roughly comparable, yes.

Mr. CROWLEY. Would you care to comment?

Mr. KOZAK. I think maybe I would add one exception to that though, which is that the authority of the human rights commissions, especially the national one in India, is limited as regards the security forces. And so when we say in my statement that we

would like to see greater transparency, that is the kind of thing we are referring to, is to have more capacity for human rights commissions, or for that matter members of the Indian Parliament, others to——

Mr. CROWLEY. Is the Pakistani commission more transparent than the Indian?

Mr. KOZAK. I do not have a basis——

Mr. CAMP. I do not think so. In fact, the Pakistani commission I am sure is also limited in terms of the investigations it can conduct with security forces.

Mr. CROWLEY. Thank you. Thank you, Mr. Chairman.

Mr. BURTON. Thank you. Ms. Watson.

Ms. WATSON. I was not here when you began your presentations. But I want to followup on my colleagues here on the right. We have heard, and you can verify this for us, that the Kashmiri Hindus and the Sikhs have been all but decimated in the Kashmir Valley and the survivors are now living in refugee camps scattered all over India. Is that true? Has that been verified?

Mr. CAMP. It is true that both Hindu and Sikh communities in areas of Kashmir have in fact left because of persecution. That is correct.

Ms. WATSON. Then will the Human Rights Commission address these problems at the Federal-state level and investigate these claims and really seek these people out? And if they are doing that, can you address the economy in Jammu and Kashmir? And can you also address the current relationships between Indian security forces and Jammu and Kashmir residents?

Mr. CAMP. Let me try to address each of those. The economy of Jammu and Kashmir has been severely affected by the insurgency. There was a thriving tourist industry, for instance, before 1989. That was devastated in the early years of the insurgency when there was a great deal of violence in the urban areas. There is the beginning of a rebirth of the tourist industry in Kashmir in Srinagar, the capital, as violence has ebbed. But the economy has been severely affected.

As far as the relationship between the security forces and the people of Kashmir, I would say that there are still a great number of security forces in Kashmir, they are not always viewed as a benign force by the Kashmiris, and therefore there is a lot of tension and it is very much a heavily militarized city.

Ms. WATSON. What is our role and can you describe, and I am addressing this to Secretary Kozak, what is the United States' role in this?

Mr. KOZAK. Well, in terms of trying to promote both sides to get into a dialog and try to find a solution to the underlying conflict, our effort has been to encourage them. So we have got two levels of things going; one, as I mentioned, to try to promote dialog between India and Pakistan, and then also to promote dialog between the Indian government and the residents in Kashmir. On the other side, we have also taken the steps that were mentioned earlier, of working with the Pakistani government to try to cutoff support for the militants from Pakistani territory, and then raising with the Indian government the need to be more transparent, to end the

abuses by its security forces, to prosecute those who are responsible for those abuses.

So that is our effort. One is directly aimed at human rights, trying to stop the abuses and see that people are punished. The other is trying to resolve the underlying conflict. But at the end of the day, it is the parties themselves who have to make the peace. We cannot do that for them.

Ms. WATSON. Am I correct in feeling that there is a bit of softening between the two countries, particularly on the Pakistani side? How would you describe the current situation?

Mr. CAMP. I would say that the dialog that we have seen has been very encouraging. Really since January, when President Musharraf and Prime Minister Vajpayee met at the Sark summit in Islamabad, the rhetoric has been very positive, the dialog process has been proceeding very well. So, yes, there is a lot of potential there for an easing of tensions between India and Pakistan. And if I may, I would add that another important dialog is that being carried on between the Deputy Prime Minister of India and the All-Parties Hurriyat Conference of Kashmir. That is an attempt to basically establish a dialog between Delhi and separatist Kashmiris, also a positive gesture.

Ms. WATSON. Are we in the United States applying any aid to Kashmir?

Mr. CAMP. We do not have an aid program in Kashmir.

Ms. WATSON. Thank you, Mr. Chairman. I yield back.

Mr. BURTON. Thank you. Do you have any questions right now, or would you like to make a brief statement real quick?

Mr. PITTS. Yes, thank you, Mr. Chairman. Although I am not a Member of the committee, I appreciate——

Mr. BURTON. No, we have waived the rules here so that all of our colleagues can participate.

Mr. PITTS. I thank you for the hearing on looking into the human rights violations in Kashmir. I have travelled to the region a number of times, met with the leadership in both Pakistan and Kashmir and India, and was there in January during the successful Sark summit and very pleased with the leadership of Prime Minister Vajpayee and President Musharraf in the bilateral and in the peace talks.

I also had the same question the gentlelady asked about do we do anything there. And in checking, I found out that, although there are some 26,000 refugees on the Pakistan side, they are not considered refugees, they are IDPs, Internally Displaced People, and the U.N. does not help IDPs. The United States takes our cue from the U.N. and we do not help IDPs. So there is not a lot of aid, or hardly any really, going to those people who are suffering tremendously.

The cease-fire that occurred on November 26th was very welcomed. I met with a number of the refugees, what we would call refugees, in their camps there and have tried to work with humanitarian efforts with some of the groups. But for the first time there seemed to be a little bit of hope because of the peace dialog. And then the residents were very grateful for the shelling to stop. They wanted the troops on both sides to withdraw from the Line of Control a little bit further, continue the confidence-building like the

peace exchanges, opening the bus route, opening the air line, which occurred about a week before, and then the cricket matches and other exchanges.

I think one of the things that I looked into with human rights abuse was using rape as a method of terror. Everybody it seems could agree that those types of abuses on both sides should stop. And we can also focus on things like educating children. The schools that I saw there in Kashmir, they had absolutely nothing. There ought to be some mechanism of getting some aid to these poor, suffering people in Kashmir.

I thank the chairman for having the hearing on the violations of human rights in Kashmir today. Thank you.

Mr. BURTON. Let me start my comments and questions by saying that the definition of atrocities I guess is in the eye of the beholder. From my perspective, what I saw in the prisons in Iraq was horrible but it was not an atrocity. An atrocity to me is cutting somebody's head off in public, or flying an airplane into the World Trade Center and killing 3,000 people, or bombing an embassy and killing people, deliberately going after torture and killing people. Taking pictures of naked prisoners is a horrible thing and those people should be held accountable, and they will be held accountable. But that does not compare to what I consider to be an atrocity. The people who commit an atrocity like what we saw this last couple of days, by beheading an innocent American citizen who just happened to be trying to make a few dollars over there, those people should be held accountable, and I mean held accountable to the full extent of the law and that includes the death penalty.

Now let me talk about what is going on in India from my perspective. There have been, no question, horrible acts by the militants. And I understand the State Department tries to keep a balance here. You guys want to make sure that we do not upset the apple cart as far as the peace talks are concerned, and I think that is great because they now have a roadmap to peace and they have a 6-month program. I think it would be great if India and Pakistan, who are both nuclear powers, would move toward peace over Kashmir where we have had two wars and reach an agreement that would be acceptable to them and to the people of Kashmir, and just stop all this stuff. But they have in Punjab and Kashmir over a million troops, about a million and a half troops up there imposing marshal law. There are gang rapes, and there are all kinds of atrocities taking place by the Indian troops, and, as I said, some from the militants as well, nobody knows how many.

But the thing is India is a "democracy" like ours. That is what it is supposed to be. It is supposed to be the biggest democracy in the world. And of all these figures that I quoted, there has been almost 90,000 people killed by Indian troops, 104,000 shops burned, 105,000 children orphaned, almost 9,300 women raped and molested, and 22,000 women widowed. It seems to me that in a democracy—I mean, in our democracy right now, those people in Iraq are going to be prosecuted for pictures, for pictures. These are atrocities involving killings, rapes, horrible things, torture, and the Indian security forces have been punished by the Indian government to the extent from a slap on the hands to 10 years in prison, that is the maximum sentence we know of. A slap on the hands to

10 years. And there have only been 118 people that have been taken to task for that.

And so the Indian government, and the militants, there is no court of law for them, there ought to be some way to deal with the ones that are imposing these kinds of tortures on people on that side as well, but the Indian government, which is supposed to be the world's largest democracy, like us, ought to be holding these people accountable. If we can hold people accountable for taking pictures of naked prisons, we sure as the dickens can say to the Indian government that for raping, gang raping, torturing, murdering people that they ought to hold those people accountable. And I hope the Indian government is watching. That is something that could go a long way toward making your reputation in the world be enhanced dramatically, because people ought to be brought to justice for doing such things.

Now what are we doing from a public relations standpoint through the State Department, what are we doing besides trying to get the two parties to the table to negotiate? What are we doing to try to get India and Pakistan, what we are doing to try to get them to move toward what I was just talking about, is holding people accountable for these atrocities. Because once you make a soldier accountable for some act of rape or torture, it sends a message to the entire force. If all you give is a slap on the hands to somebody for raping a woman or torturing, if that is all you give them, then what does that say to the rest of the force? It says, hey, all you are going to get is a slap on the hands or maybe a year in prison, so do what you want to do. So what are we doing to encourage or to insist, if you will, that the Indian government hold these people accountable?

Mr. KOZAK. I think it is on several levels, Mr. Chairman, and I must say, I cannot agree with you more that this is the kind of message that needs to be sent to any kind of force, that these kinds of practices are just not acceptable, and the way you send that message is by holding people accountable. Of course, one of the things we do is try to bring this out in the open with our Annual Human Rights Report. That is on our Web site, it gets presented, it gets covered in the press in India and elsewhere. I think that effort on our part and by several of the human rights NGO's, as you mentioned as well, hopefully that stirs up some debate within India so that the democratic process causes people to say we do not want to be seen this way.

Second, we have, and Don can give you more detail, but when we have conversations at high levels with Indian officials this subject does get raised with the same kind of argumentation that you just gave, that if they want to improve their image, they need to clean this kind of stuff up.

We have seen some progress in terms of some of the worst effects that you mentioned there of burning down houses and so on. There was a lot of that going on in the early 1990's and the embassy reports that has essentially ceased. But that does not mean that all of the abuses have ceased. We still have torture and killing of people in custody and these faked encounters and all the other stuff going on. So our bottom line is, yes, they need to be doing more

to bring those people who are doing these things to justice and send a message.

Mr. BURTON. Over the years, and we have had debates on the floor, Mr. Ackerman and I, in particular, and others, about this problem. But I have seen pictures that have been brought to me by friends of mine from both Kashmir and Punjab and they have shown me hooks where people are held up and beaten, held upside down and tortured with cattle prods and that sort of thing. And they have shown me pictures of people that have been taken out of the canals and rivers up in Kashmir who have had their hands tied behind them and tortured and thrown into the rivers and streams alive to drown. They have shown me reports of wedding parties where the bride, before she even got to her wedding night, the bus was stopped and troops gang raped this women, thus ruining their lives.

These sorts of things are the things that I hope you will convey to the Indian government as prosecutable offenses that should be carried out to the maximum. If they would do that, their image to me and a lot of my colleagues would change dramatically. There has been a division in the House between people who are "pro India" and "anti-India." That could change dramatically if we saw some justice meted out on these kinds of offenses. So I hope that you and Secretary Powell and others will convey that sentiment. And if any of the Indian television is watching here today, I hope that will be conveyed to the Indian government as well. Because you could go a long way toward mending any differences that there may be between the Congress of the United States and the Indian government if they would just do that.

The other thing I want to talk about real quickly, and then I will let you folks go and we will move to the next panel, is the plebiscites that were promised by Nehru and others back in the 1940's. Those resolutions by the United Nations General Assembly are still in force, they have never been rescinded. What has been done or what is being done by the State Department to urge the Indian government to let the people of Jammu and Kashmir vote, have a referendum on whether or not they want to be a part of Pakistan, a part of India, or independent? What are we doing on that?

Mr. CAMP. Mr. Chairman, our position as a government has been consistent for many years, which is that this issue is one that needs to be decided between India and Pakistan, taking into account the wishes of the Kashmiri people. We are encouraging the governments of both countries to look forward and come up with a solution. That is where we think the dialog is the best possible——

Mr. BURTON. This roadmap to peace you are talking about?

Mr. CAMP. The roadmap to peace. I think that there have been other things that have happened in the past 50 years too, all of them history, including the Simla Agreement in 1972 in which the two countries agreed to resolve this bilaterally. So, there is a lot of history there. We think they should go forward.

Mr. BURTON. My last question is, are we a participant at the conference table at all? Are we involved at all?

Mr. KOZAK. No.

Mr. BURTON. Well, when we talk to the parties that are members of the conference I hope we will extend to them our concern about allowing Jammu and Kashmir and the people that live up there to have a strong voice in the outcome, as has been required by the U.N. resolutions that were passed in the early 1940's.

I think that is all we have for this panel. Did you have a few questions that you would like to ask real quickly?

Mr. PALLONE. Yes, Mr. Chairman.

Mr. BURTON. OK. We will let my colleague ask a question and then we will excuse you.

Mr. PALLONE. Let me thank the chairman for not only giving me an opportunity but also doing it at the last minute like this. I really apologize for just coming in.

I did ask some of my colleagues whether the issue of the Kashmiri Pandits had been raised, and I understand that the ranking member here asked about it. But I wanted to ask a question about it. I think you know that the Pandits have been living in the Kashmir Valley for 5,000 years and they have suffered a long history of attacks through the 1990's, leading to mass migration from the Kashmir Valley. They are really a very small minority right now. But I wanted to ask, in the annual State Department Report on Human Rights, it lists the Kashmiri Pandits as a minority community victimized by gross human rights abuses who were forced to flee under the most trying circumstances. And I just wanted to know why the human rights abuses against this community, the Pandits, have not been prioritized? And is it not true that the Pandits have been all but decimated from the Kashmir Valley and the survivors are now living in refugee camps or scattered all over India? If you would just comment on that, because I do not know that it has received any attention here today and it is something that concerns me a great deal.

Mr. CAMP. It certainly is an issue that concerns us as well, Congressman. I would say that the Indian government has also been very focused on the persecution of the minority communities, not just the Pandits but Sikhs and others in Kashmir. And I think that we have the full support of the Indian government in making the Pandits' lives as good as possible in light of what they have suffered. Kashmir has traditionally been a multi-ethnic, multi-religious society. And the expulsion of groups like this are is a tragedy.

Mr. PALLONE. So what is happening now to allow them to come back? I mean, is their situation deteriorating further? Is it likely that there are going to be more leaving the valley? I just want you to give a little on their status at this point if you could.

Mr. CAMP. I would say the answer to that also lies in an end to the conflict in a negotiated end and a return to peace in the valley. That is the best potential to see communities like the Pandits and the Sikhs returning, in my judgment.

Mr. PALLONE. OK. All right. Thank you, Mr. Chairman.

Mr. BURTON. Thank you very much.

Mr. ACKERMAN. Mr. Chairman, if I may just for a moment comment on something that you did.

Mr. BURTON. Sure.

Mr. ACKERMAN. You mentioned that if the Indian government would be doing a better job in helping to control the actions of some

of the soldiers with regard to atrocities that have taken place that there would be those in this Congress who would take a renewed look at their view toward India. I want to say that I appreciate your saying that. I, for one, would like to say that I would like to see the Indian government do a better job, as we would like to see all governments do a better job in cases where soldiers commit these kinds of atrocities. As far as atrocities, I am not sure that we agree on the definition of atrocities and the level of the bar. Webster defines "atrocity," and I just had somebody look it up, among other things, as "an extremely cruel deed." If I were writing the dictionary, I would say an atrocity is something terrible that happens to you or a member of your family or someone you know or love. I do not think that the crime we are going to be charging people with in Iraq is going to be that of taking pictures. And I think that the world is not offended by the taking of the pictures, but it is the deed that people are offended by, whether it takes place in Iraq at the hands of Americans or in Jammu and Kashmir at the hands of soldiers who are not properly supervised or militants that cross the border from other places.

Mr. BURTON. Well, I do not want to get into a big dialog on this. But, obviously, the people in Iraq who took those pictures and did those deeds in the prison will be prosecuted. There is going to be a court marshal, I think it is going to take place almost immediately for the first person. It will be held in a public forum and the media around the world will see what I consider to be the greatest democracy in the world, the United States, handling people who do that sort of thing. And at the same time we see a beheading of an American who was an innocent over there. As I said at the beginning of my remarks, atrocity I guess is in the eye of the beholder. But to me, that is an atrocity. And what we saw in the prison was a terrible deed that should not have been done, but they should be prosecuted. And I hope that is an example to countries like India and around the world that even something like taking pictures and beating a prisoner in jail, which is bad and should be prosecuted, that we consider that something that should be dealt with severely, and we hope they will take that to heart when they are dealing with troops who have done something that we consider to be immeasurably worse.

Mr. ACKERMAN. You have a unanimous verdict on that.

Mr. BURTON. Yes. Thank you.

With that, thank you gentlemen. And extend my thanks to Secretary Powell and to Mr. Armitage for having you folks come over.

Mr. KOZAK. We will, indeed. Thank you, sir.

Mr. BURTON. Our next panel is Mr. Kumar, who is the Advocacy Director for Asia for Amnesty International.

OK, Mr. Kumar. Thank you very much for being here. Do you have an opening statement, sir?

Mr. KUMAR. Yes, sir.

Mr. BURTON. I always swear in our witnesses. Would you please stand and be sworn.

[Witness sworn.]

STATEMENT OF T. KUMAR, ADVOCACY DIRECTOR FOR ASIA, AMNESTY INTERNATIONAL-USA

Mr. KUMAR. Thank you, Mr. Chairman, for inviting Amnesty International to testify at this important hearing. Why we say this is important is this: The plight of Kashmiri people for the last 50 years has been marred by violence and abuse. We have documented numerous abuses by all parties to the conflict—all parties namely, Indian government, armed opposition groups, and Pakistani government. So I go one by one about what type of abuses we have documented by these three groups.

Before I go into detail, I would like to say that Amnesty International as an organization does not take a position about the status of Kashmir, whether it is part of India, part of Pakistan, or whether it is an independent territory. So our facility is based purely on human rights. We have no political angle to it; that is not our job. Also, we want to be very critical and we want to give some comments about what can be done to improve the situation there.

First of all, because of the conflict, the only losers are the people of Kashmir. No matter what background they are. They could be young, they could be old, they could be women, they could be Muslims, Hindus, Buddhists, Sikhs, you name it, they are the ones who lost out because of the abuses that are happening there. So there is no discrimination in that sense from our point of view.

First going to the Indian side. In Indian side, there are two main players that are involved in abusing the people of Kashmir. The first is the government of India. The government of India's armed forces as well as the police are involved in massive human rights abuses. I want to emphasize the term "massive." Thousands disappeared. The families did not know what happened to them, still looking for their loved ones. Thousands were imprisoned and are still imprisoned. Quite a few people are executed, and thousands were tortured and raped. So we have documented all these things, including rape, which is very unique of certain issues there. But also we have documented Indian shelling across the border to Pakistan, the civilians on the other side who are not military targets yet get affected.

India also is using their special laws to Kashmir that basically gives a green light to the military and to the police to do whatever they want and get away with the abuses. That is the sad reality. I noticed you mentioned about impunity. They should be brought to justice. The issue there is the laws. The laws give them basic protection. And the other side of the law is the Indian National Human Rights Commission does not have any authority to investigate abuses that are happening in Kashmir which are committed by the armed forces. That may be a first step whereby Congress, the U.S. administration can pressure the Indian government to expand the mandate of the National Human Rights Commission to investigate abuses in Kashmir. The Indian National Human Rights Commission is having a pretty reasonable record, pretty independent, pretty critical of the government, especially on the Gudjurat issue. So that we consider a test under the first steps.

The other one is the political will from the administration. There are two administrations that we are talking about when it comes

to Kashmir: One is the state administration, the other is the Federal administration. The state administration, they have a new minister. About 2 years ago there was new chief minister who came to power and he promised that he will prosecute and disband certain notorious police and military forces. But nothing happened. It may be due to different pressures that person is receiving. So the reality is that we are talking about two different entities. One is the Federal Government dealing with Jammu and Kashmir from a different lens, and the state government which is looking from a local perspective.

Also as I mentioned, thousands of political persons are still in prison. And even peaceful dissent is being curtailed by the Indian government. For example, about 2 months ago there was a demonstration by the families of the disappeared. The Organization of the Disappeared just was demonstrating asking that the issue be brought to the U.N. attention of all their disappearances. But unfortunately, the demonstrators were beaten up, some were arrested, and some were abused. So even the peaceful dissent is not being allowed at this present time in Kashmir. That is something that can be pressurized by the State Department and by the Congress, to allow the peaceful aspect to it. Leave the armed struggle alone. Let the people come out and express their feelings.

Coming quickly to the armed opposition groups. There are numerous armed opposition groups in Kashmir. Some want total independence, some want to be part of Pakistan, and there may be other reasons they are there. They are also committing massive human rights abuses. Torture, killing, extra judicially executing people, and rape. That is something that has to be brought up publicly to basically humiliate these armed groups, that you are involved in abuses which you are supposed to be fighting against for which are champions. If you claim that, that is a reality. The other issue is that they also go and harass the families. When they demand food and they are refused, the families get harassed, they get abused, and sometimes they get killed. They need protection when they are running away from the Indian intelligence and the security forces. When the civilians are reluctant, again, they get abused by these armed opposition groups.

The other issue that armed opposition groups are involved in is attacking the minorities; in this case, Hindu minorities. They are called Pandits, which was brought up earlier. About 10 years ago there were massive anti-Pandit activities by some groups, not Kashmiri people, we are talking about some armed groups. About 150,000 Pandits fled Kashmir really, and most of them are living in Jammu and in refugee camps. They are the internally displaced. But it is sad, their plight is basically not in the forefront when you discuss Kashmir at this moment.

The other issue is kidnapping and torture by the armed opposition groups. The last one that I would mention about armed opposition groups is about attacking people, groups, isolated individuals who are advocating a political solution to the Kashmiri conflict. They assassinated them, tortured them, and threatened them. The latest development was the election. You mentioned that you postponed the hearing because of elections. During elections in Jammu and Kashmir, especially in Kashmir, the armed opposition groups

basically challenged and threatened anyone who participated in the elections and they informed them they face dire consequences. They attacked rallies and they killed people. Scores of people have been abused and killed because they were participating in the democratic process there.

Quickly coming over to Pakistan. We purposely wanted to look at Pakistan because you asked us to testify about Kashmir. So there is one part, at least one-third or whatever the percent is under the control of Pakistan. There, even though you do not see the abuses that are mentioned, there are four main issues that are of concern to us.

First, is the oath that the Pakistani government basically forced the state legislators of the Kashmiri part of Pakistan to take. Basically, committing them that Jammu and Kashmir will be part of Pakistan. That is may be a political question, but from the human rights point of view, this has been used to intimidate the legislators there.

The other issue is peaceful dissent. Basically, peaceful dissent is being curtailed when it hurts the Jammu and Kashmir status debate; for example, independence of Kashmir or part of India debate.

And the third one, obviously, is the shelling. Pakistani troops are also involved in shelling across the border, despite the fact it may hit the civilians on the other side.

So in closing, Mr. Chairman, I would like to tell you that the losers in the whole battle between these three groups are the people of Kashmir. So we are extremely pleased that you are holding this hearing, even after a small delay, that at least the suffering of the Kashmiri people is being brought to the attention of the Congress and the world at large. We hope that this momentum will bring some settlement to the suffering of Kashmiris. We also believe that before you take a political solution, human rights abuses should reduce. You cannot have a political solution when massive human rights abuses, women get raped, people get killed, are happening. Thank you very much for inviting me.

[The prepared statement of Mr. Kumar follows:]

Amnesty International Testimony

Human Rights in Kashmir and the Disputed Territories

Before the

Congress of the United States

House Committee on Government Reform

Subcommittee on Human Rights & Wellness

Presented by

T. Kumar,
Advocacy Director for Asia & Pacific
Amnesty International USA

May 11, 2004

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May 12, 2004

Thank you Mr. Chairman, and distinguished members of this committee. Amnesty International (AI) is pleased to testify at this important hearing.

The human rights situation in Kashmir has been of consistent and grave concern to Amnesty International for years. We have published several reports, news releases and urgent actions to highlight the suffering of Kashmiri civilians. For example, in 1999 Amnesty International published a major report titled "If they are dead tell us" which focused on disappearances in Jammu and Kashmir. For too long human rights have been considered subordinate to political considerations in Jammu and Kashmir.

Amnesty International is totally independent of any government, political ideology or religious creed. We work on countries all over the world for the promotion and protection of the full range of human rights laid down in international standards. We consider these rights to be universal, indivisible and interdependent. AI takes no position on political disagreements or territorial disputes between countries and, therefore, takes no position on the status of Jammu and Kashmir or political developments concerning the state.

Abuses on the Indian side of Kashmir

Civilians the victims

The civilian population of Jammu and Kashmir has paid a high price for the conflict. Total casualties since 1989 are believed to be around 38,000. In 2001 an average of 100 civilians died every month as a result of either targeted or indiscriminate violence. Most families of all backgrounds have experienced some form of loss -- of livelihood,

of a relative or of the sense of security of life and liberty and other fundamental human rights. AI continues to receive reports of human rights abuses being perpetrated on a regular basis and reports of civilians being killed in cross border shelling.

Many domestic and international organizations, including AI, have been gravely concerned for years at the high level of human rights abuses perpetrated by all sides to the conflict in Jammu and Kashmir. Those responsible have been the security forces, police and armed opposition groups. Amnesty International was not allowed to visit Jammu and Kashmir.

Abuses by the Indian Security forces and Indian police

Torture, including rape, deaths in custody, extrajudicial executions and "disappearances" have been perpetrated by agents of the state with impunity. Human rights abuses in the state are facilitated by laws, which provide the security forces with virtual immunity from prosecution for acts done in good faith. These include the Disturbed Areas Act and the Armed Forces [Jammu and Kashmir] Special Powers Act. They also allow the security forces to shoot to kill.

Prosecution of army personnel for human rights violations must be sanctioned by the Home Ministry in New Delhi: permission is rarely forthcoming.

Authorities use preventive detention to stifle political dissent. Many detainees have not committed any recognisable criminal offence and have not used or advocated violence. Under the provisions of the Jammu and Kashmir Public Safety Act people may be detained for up to two years without charge or trial on broadly defined grounds of state security.

The exemption from the judicial consequences of unlawful actions, is systematic in Jammu and Kashmir. The general climate of impunity in the state may be seen as both facilitating and encouraging further abuses of human rights in the state and the perpetrators of thousands of alleged human rights abuses, which have taken place since 1989 remain unpunished.

Impunity for Special Operations Group

Amnesty International is disturbed by reports that the government of Jammu and Kashmir intends to break the promise made in its published Common Minimum Program to investigate all reported cases of custodial killings and violations of human rights and to identify and punish appropriately those found responsible.

In an address to new trainee police recruits on 5th January (2003), Chief Minister Mohammad Sayeed reportedly stated that members of the Special Operations Group, a division of the police dealing with armed insurgency which has been accused of human rights violations, would simply be 'reoriented', implying that wide scale allegations of human rights violations made against them in the past would not necessarily be investigated. He reportedly went on to say that an amnesty would be available to those who have perpetrated abuses.

Recent developments

Amnesty International is concerned about the use of excessive force by police officials on 20 March 2004, during a march held by the Association of Parents of Disappeared Persons (APDP) in Srinagar, Jammu and Kashmir. The demonstrators were planning to present a memorandum to the UN Military Observers Group, calling upon the United Nations working group on Forced or Involuntary Disappearances to take notice of the cases of "disappearance" in the state and to punish those responsible.

At 12:30pm police personnel dispersed the march, charging participants with canes. Women were reported to have been dragged by their hair, beaten and had their clothes ripped off. Witnessing this use of excessive force by the police on women, some passers-by and local shopkeepers are said to have thrown stones at police officials.

Several APDP members, human rights defenders as well as family and friends of the "disappeared" were arrested and taken into police custody. Criminal charges under RPC section 323 were lodged against 5 APDP members: including Perveena Ahangar, Pervez Imroz, Bilal Mohommad Bhatt, Yasin Rah and Umtoo. These charges are for unlawful assembly and simple injuries that were allegedly sustained by the police personnel. After seven hours in custody they were released on bail. No criminal charges have yet been brought against those police officials responsible for using excessive force on the participants of this march.

Amnesty International calls on the State Government to condemn the excessive use of force by the police and to take steps to prevent their recurrence in future. An investigation should be conducted into the use of excessive force by police officials with the aim to bring those found responsible to justice.

Disappearances

Amnesty International has been concerned about the hundreds of "disappearances" which have taken place in Jammu and Kashmir over many years. The concerns of the organization have for years focused particularly on the impunity with which people have been "disappeared." State sanction to prosecute state officials found responsible for such abuses in independent inquiries has routinely been withheld, and court orders have been ignored by the state.

Since 1990, some 700 to 800 people have been "disappeared" after being arrested by police or armed or paramilitary forces in Jammu and Kashmir. The victims have included men of all ages, including juveniles and the very old, and all professions, including businessmen, lawyers, labourers and many teachers. Many of them appear to be ordinary citizens picked up at random, without any connection to the armed struggle in the state. Their relatives still live in unbearable uncertainty about the fate of their loves ones. The perpetration of "disappearances" also contributes to an atmosphere of fear across the state, inhibiting the wider community's right to seek justice and violating their right to association and assembly.

Abuses by the armed opposition groups

Since insurgency first began in Jammu and Kashmir in the late 1980s, armed groups have failed to abide by the standards of international humanitarian law, which forbid torture, hostage-taking and killing of unarmed civilians in areas of armed conflict. Torture, including beatings and rape, are perpetrated by members of armed groups in order to intimidate the civilian population or to punish those who are accused of providing information on the activities of these armed groups to the security forces.

Families are forced to give food and shelter to militants operating in their area: those refusing may be beaten or killed. There are regular reports of armed groups perpetrating mass killings. Armed groups are also allegedly responsible for the unlawful killing of people who have advocated a political end to the conflict.

During the recent elections in India, armed opposition groups have called for a boycott of elections and have threatened "dire consequences" for those who participated in elections. Violent attacks during recent elections in Jammu and Kashmir reportedly have left scores of people left and hundreds injured.

Pandits

An early consequence of the rise of militancy in Jammu and Kashmir was the migration of large number of Hindu Pandit community from Kashmir Valley. Militants allegedly killed several prominent members of the Pandit community, such as leading academics. In 1991 about 150,000 Pandits migrated from Kashmir Valley. Some moved to New Delhi while the rest were relocated in camps in Jammu and nearly a decade later, thousands of migrants still live in camps around Jammu.

Abuses on the Pakistan side of Kashmir

In the Pakistan side of Kashmir, preventive detention may be ordered without disclosure of grounds or the right to be brought before a magistrate. Freedom of speech may be restricted in the interest of "friendly relations with Pakistan." A compulsory Oath of Office for members of the Legislative Assembly requires the swearing of allegiance to the cause of accession of the State of Jammu and Kashmir to Pakistan.

Land mines

Extensive anti-personnel mine laying operations have been conducted by both India and Pakistan since December 2001. In many areas landmines have been laid in agricultural or pastoral lands and civilians have been displaced from these areas. Apart from a large number of civilian casualties, deaths of large numbers of livestock on both sides of the border have also been reported, adversely affecting both agricultural and pastoral communities in India and Pakistan. Armed groups in Jammu and Kashmir use landmines indiscriminately on public highways and thoroughfares to ambush army convoys as well as indiscriminately injuring hundreds of civilians in grenade attacks.

US Policy

The United States should be more assertive in raising human rights issues with the Indian and Pakistani Governments. It is important that the US Administration keep human rights as one of its core issues during any discussions with India and Pakistan.

Conclusion

Concerted and honest efforts to uphold human rights in Jammu and Kashmir are in everyone's interest. The restoration of the rule of law and respect for human rights are the foundation for achieving security and peace within Jammu and Kashmir.

Recommendations:

To The US Government:

- Ensure that human rights are at the centre of all the discussion on Kashmir.

To the Government of India:

- Release all Prisoners of Conscience.
- Take immediate steps to stop torture, rape, deaths in custody, extrajudicial executions and "disappearances."
- Ensure that all reports of human rights abuses are investigated promptly, independently and impartially and that all perpetrators are held to account. Laws that facilitate impunity should be amended to bring them into conformity with international human rights standards of justice.
- Allow international human rights organizations, including Amnesty International, to visit Jammu and Kashmir.

To the Government of Pakistan

- Allow freedom of expression.
- Stop abuses under preventive detention.

To India and Pakistan

- AI's most important recommendation at this time is that human rights concerns are placed where they should be – namely, at the centre of any attempt to resolve this long-running conflict. For too long, the human rights of ordinary people on both sides of the Line of Control have been ignored, with resulting human suffering on a massive scale;
- Respect international humanitarian law that prohibits deliberate or indiscriminate attacks on civilians and those not taking direct part in hostilities;
- Ensure that the needs of the many tens of thousands of displaced people are met.

To armed opposition groups

- Respect international humanitarian law that prohibits deliberate or indiscriminate attacks on civilians and those not taking direct part in hostilities.
- Stop torture and killing of unarmed civilians.
- Stop using anti-personnel landmines.

Thank you.

T. Kumar

Phone: (202)544-0200, ext:224 [email: tkumar@aiusa.org]

Mr. BURTON. Thank you, Mr. Kumar, for coming to testify. First of all, when they had the election and we deferred the hearing, we did it because we were told that this might lead ultimately to a peaceful solution, which we have all waited for for so long. You said that people were intimidated when they tried to go to the polls there in Jammu and Kashmir. Do you have any idea on what the percentage was of people that were turned away or afraid to vote?

Mr. KUMAR. It is not only the election day events that we are talking about, we are talking about pre-election rallies and activities. They have attacked rallies, they have stopped people from going to polls on the polling day. But we are talking about the pre-election, people were killed.

Mr. BURTON. And people were killed.

Mr. KUMAR. We do not know the exact—it just ended about 2 days ago.

Mr. BURTON. Do you know what the percentage was that ultimately did vote?

Mr. KUMAR. Not for sure. Maybe 50 percent. I do not want to comment.

Mr. BURTON. That would just be a guess?

Mr. KUMAR. Yes, it is a guess.

Mr. BURTON. But it was way below what they would anticipate?

Mr. KUMAR. No. Overall, Indian rate is around 55 or 60 percent.

Mr. BURTON. How about up in the Jammu and Kashmir area?

Mr. KUMAR. That I do not know.

Mr. BURTON. But there was a lot of intimidation?

Mr. KUMAR. Yes. In Kashmir, in particular, that is the only place, with the exception of northeast of India and certain pockets in other parts of India. There was a call by a group of armed men who are pretty strong basically informing the candidates and the people at large that they will face the consequences if you go to the polls.

Mr. BURTON. Tell us real quickly, and I am familiar with this, but for the edification of the people in the room and my colleagues, tell us about the laws that protect soldiers, military personnel who commit torture and rape and that sort of thing.

Mr. KUMAR. Basically, they have a special powers act in Kashmir which basically gives blanket immunity to the armed soldiers, the military from being brought to justice, with the exception of Home Ministry, that is Interior Ministry, giving green light to them to be brought then to justice, which is not forthcoming; that is a given. It is not forthcoming because the Home Ministry is very reluctant to give permission to bring any military person there to justice. Their argument may be that it is national security. So our objective is at least allow the National Human Rights Commission, they are so nationalist they do not allow outsiders, why do you not allow your own institution to investigate. So these are the laws. There are three separate laws.

Mr. BURTON. Yes. Now if a group of soldiers gang rape a woman, or if soldiers hang a man up on one of these hooks and torture him, or tie his hands behind him and use cattle prods and then throw him in a river and drown him, what are the chances of prosecution with these current laws?

Mr. KUMAR. It is case by case we have to analyze. If it brings lot of public outcry, not only in Kashmir but also outside, then there may be people who—people have been brought to justice. But that is far below what the real percentage of abuses that have taken place. We are talking about from 1980 onwards. The whole human rights abuses intensified after the armed struggle started. I mean, you can argue whether the chicken or egg which one is responsible for the abuses. But the armed struggle started in 1979–80, then retaliation. And for the last, say, 14 or 15 years, there were hundreds, if not thousands, of abuses that have been committed.

Mr. BURTON. Since 1987.

Mr. KUMAR. Only very few were brought to justice. Very few.

Mr. BURTON. So a member of the armed forces pretty much has carte blanche as far as being involved in torture, rape, or anything else? I mean, they have a pretty good idea that the chances of them being brought to justice for something like that is almost zero?

Mr. KUMAR. I will not go to that extent of zero. But I will say they will feel that the laws are protecting them. I am sure there are some people who were brought to justice.

Mr. BURTON. So what you would say, as a human rights advocate from Amnesty International and what you would like the world to know, is that those laws should be changed so that the military is held accountable when they do these atrocities which would send a signal that they better stop it.

Mr. KUMAR. Yes. And as a first step we would urge the National Human Rights Commission be given the authority to investigate and recommend and come publicly. The laws should be changed, which their State government, when it came to power 2 years ago, basically gave that promise to the people of Kashmir that when they come to power they will make all these changes. But nothing happened. They are backtracking.

Mr. BURTON. So your message to the government of India and the newly elected government 2 years ago of Kashmir is let us get on with changing the laws and make them more just so that we can make sure that the military personnel who are in that area are held accountable for these atrocities?

Mr. KUMAR. To recommend also the straight political message should go as well as people should be—we have documents, we can give them documents.

Mr. BURTON. We will try to make sure that message is sent out worldwide.

Mr. KUMAR. Thank you, Mr. Chairman.

Mr. BURTON. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I want to thank Mr. Kumar for his very eloquent statement and certainly in citing the facts and trying to be neutral in the process. I have always had a very high respect for Amnesty International in its efforts worldwide in reporting on human rights issues throughout the world.

You indicated that these activities conducted by the Indian security forces is documented. Has it also been part of the International Human Rights Commission efforts in documenting the same activities from the years past?

Mr. KUMAR. The National Human Rights Commission.

Mr. FALEOMAVAEGA. The National.

Mr. KUMAR. No. That is the main issue we are facing, the National Human Rights Commission's mandate being limited to non-armed forces. So when the armed forces are involved in abuses, they cannot get involved. So two areas in India that are being excluded from their mandate are Kashmir and northeast India.

Mr. FALEOMAVAEGA. And just to kind of get a little better sense again, in your reporting efforts for all these past years about the abuses by the Indian security forces, of course you brought this to the attention of our State Department, our government, and we have made official notifications also to the Indian government about these atrocities or these tortures?

Mr. KUMAR. Yes. We approach the Indian government through different channels.

Mr. FALEOMAVAEGA. And what has been the response?

Mr. KUMAR. Luke warm. It depends which ministry. If it is the Foreign Ministry will say we will do everything we can, and nothing happens from the Interior Home Ministry perspective.

Mr. FALEOMAVAEGA. And what is your understanding as to why there seems to be a passive response on the part of the Indian government in really doing a comprehensive review of these atrocities that have been mentioned?

Mr. KUMAR. It is very difficult to judge their mindset whichever government that is in power, be it Congress, be it JPB, be it any other government, they consider this, I presume, this is my personal statement, not as Amnesty, it is a national security issue. So anything goes. Everything is fine when it comes to national security. The sad reality is that if people of India come to know what is happening in Kashmir, they will be a sea change because it is immediate that you have brought attention to what is happening there to the people of India.

Mr. FALEOMAVAEGA. We also know, of course, that there have been times in different periods of the time of Prime Minister Nehru, Prime Minister Indira Ghandi, different policies, a more centralized form of government versus decentralization of the government, and even also in the time of Prime Minister Rajiv Ghandi's administration. So there has been, not to say consistency, but because of the differences of the leadership that have been elected accordingly for all these years, you get a different bearing in terms of what has happened. You indicated that we are looking at Pakistan for its human rights abuses of the residents living in Jammu-Kashmir.

Mr. KUMAR. In the Kashmir, yes.

Mr. FALEOMAVAEGA. I wanted to ask you, has this been just as strongly advocated by Amnesty International about its atrocities and the militant troops?

Mr. KUMAR. Yes. We have been very critical of Pakistan as well. It is not to give a balance or anything. That is a reality.

Mr. FALEOMAVAEGA. And I am not trying to do that.

Mr. KUMAR. No, no. I know. It is a reality on the ground. If Pakistan is a champion, then they better treat people under their control also fairly, give them equal chance of expressing their political will. So, no, we have been very critical. But there are other issues in Pakistan we always are concerned with as well.

Mr. FALEOMAVAEGA. You made a comment about a political solution versus human rights—and I am fleshing this thing out in terms of your views on this—and the fact that if there is no political solution, then human rights as part of the problems is going to continue. And as my good friend the chairman has been saying here, I cannot agree with him more on tortures or rapes from anybody, whether it be from the Indian security forces or from the militant groups. But the fact of the matter is, because there is no political solution, we are going to continue having these very serious human rights problems. Recently, there seems to be a sway among the leadership by both Pakistan and India that it is a lot better not only communicating but finding a solution to their problems. And it seems to me that the human rights issue will I think just find its way in being resolved, I would think.

But as the chairman had indicated earlier about the fact that, if this is giving notice publicly to the Indian government, that if they have known for all these years that the Indian security forces have committed these atrocities, why there has been such a passive attitude toward it, no more than the fact that we have given just as much notice to the Pakistani government for the same problems that we are faced with—atrocities on both sides. And so I appreciate your reporting of the issues at least trying to establish a sense of balance here.

I recall an African proverb, Mr. Chairman, about two elephants fighting each other and the grass gets trodden. I recall that this was stated, and my cousin, who is a former prime minister of Western Samoa, made this remark to President Acrumba, who made this proverbial expression, and he said, "Well, Mr. President, if the two elephants make love, the grass still gets trodden." Well, we do not have elephants in my home, Mr. Chairman, but I just wanted to give that sense of proverbial expression. And you are absolutely correct, Mr. Kumar, it is the poor victims and the people who are caught in the middle simply because the two countries cannot find a political solution to their problems. Thank you, Mr. Chairman.

Mr. BURTON. Thank you. Do you have any comment you would like to make?

Mr. KUMAR. Basically, as a final statement——

Mr. BURTON. No, no. Mr. Pitts I guess will question. I just thought maybe you had a response.

Mr. KUMAR. No.

Mr. PITTS. Thank you, Mr. Chairman. I have been to Azad Kashmir four times. I have not been permitted by the Indian government to go to Indian Kashmir, although I have been to India a couple of times and requested that. I would like to see, for instance, a congressional delegation go and visit both Pakistan and India, go to Azad Kashmir and go to India Kashmir and talk to all the parties involved. When I was in Azad Kashmir, the journalists were there, the human rights groups were there. Are you permitted to go to India Kashmir as Amnesty International? Can you as a human rights organization go there?

Mr. KUMAR. No. We do not have access to Indian Kashmir. Not only Kashmir, but other parts of India as well. There are certain parts that we have problems. And also on the Pakistani side, we did not ask, but we did not get the indication from the Pakistanis

that we will be blocked from going there. But the Indian side, yes, we were not allowed to go there.

Mr. PITTS. Every time I have been to Azad Kashmir, I hold a town meeting with the men and boys. I see the men and boys whose arms and legs are hacked off by the Indians and talk to them. Unfortunately, our government does not give aid, but I have reached out to NGO's who have gotten 2,000 wheelchairs and crutches and walkers and some little humanitarian aid to those IDPs there. If the United States were to provide assistance to the Kashmiris, what type of assistance would you suggest that the U.S. Government provide, No. 1.

No. 2, if the U.S. Government were to be involved in any way, what role do you see them playing in helping encourage the peaceful dialog?

And then third, you mentioned the use of rape as a weapon of terror. We heard the same report when I met with the Kashmiris there. What is the best way to pressure all sides to stop using rape as a weapon of terror, in your opinion?

Mr. KUMAR. First, coming back to your last question of using rape during the operations, using the rape as a weapon of terror may be part of it. I mentioned in my opening remarks that it is being used by the Indian armed forces as well as the armed opposition groups on the Indian side. The best way, at least from the Indian side, Indian government, they can bring people to justice, they can prosecute them, they can charge them, they can punish them. And give a very strong signal, not only to Kashmiri women but women at large in India, that Indian government will not tolerate this type of abuses against women. That is important for Indian government for their own self-interest, not because of anything, just purely for their own self-interest they should have a special body to look into that. Now for militant groups, it is everybody's guess how to control them. But at least Indians can control themselves.

The second question of a political solution, what can be done. We are not a political organization. But I can only comment that without having human rights addressed first, even though you can argue with the chicken and egg issue, we strongly believe that human rights can be addressed before a political solution. The reason being, India can punish their soldiers before a political settlement happens. It is under their control. They can do it today. They can initiate a campaign basically sending a political message and arresting people and punishing them. And Pakistani government also. It is very easy for the Pakistani government because they can just repeal all those laws and allow Kashmiris under their control to express their views and not to force them to take oaths that Jammu and Kashmir will be part of Pakistan. So these two governments can start the process without even sitting at a table to talk about peace or how to solve the problem. The armed groups are the third entity which, as I mentioned earlier, it is anyone's guess.

Coming back to the aid, it is obviously the Pakistani side as well as Indian side you have to address separately. On the Pakistani side, I will say the administration can give aid to those IDPs or refugees, whichever term you can use because it is all political terms, and also that falls under these victims of human rights abuses. On

the Indian side, it is going to be very tricky. We do not know how you are going to channel the funds to the victims there. Obviously, you can do it for Pandits. But I doubt even Pandits who are in refugee camps, even that I doubt Indian government will allow because their standard policy about getting into India is very strict. I mean, that is their policy. We are not commenting on that. They are taking care of thousands, if not thousands, millions of refugees. So they may have a reason not to allow U.N. fix here. But I will say when it comes to Kashmir proper, then you can always say that any aid to empower accountability and documentation of human rights can be a first step.

I also forgot to mention about Buddhist. I mentioned about Sikhs, Hindus, and Muslims, they are all Kashmiris. There is also the Ladar population who are Buddhists. They are not facing the brunt of the abuses, but they are also in the middle, they are also getting beaten up. So by the end of the day, everyone, it is equal opportunity abuse that is going on in Kashmir by the government of India, by the militants, and by the Pakistanis.

Mr. PITTS. Thank you. My time is up. I would just like to say, having seen the beauty and the potential of Kashmir, there is great potential for economic prosperity there. But until the issue of Kashmir is settled, the people of Kashmir will never realize the stability, the peace, the economic prosperity that they deserve. Thank you.

Mr. BURTON. Thank you, Mr. Pitts.

Let me just ask one more question. Next to Jammu and Kashmir is Punjab. Do you have any kind of report on how the Indian troops are treating the people in the Punjab? We have had reports in the past over the last several years of comparable abuses to the Sikhs there.

Mr. KUMAR. I was not prepared to brief you on that. But just knowing the region, working in the region, I can tell you that in Punjab there is no military operations going on. It is over. It was over about 10 years ago. So there is no military operation there. There is elections. There is local police.

Mr. BURTON. But there are no military personnel in Punjab right now?

Mr. KUMAR. No. The only issue that we are looking at at this moment are past abuses that happened about 10 years ago with the disappearance and the accountability of the abuses that took place during the violent uprisings there.

Mr. BURTON. Do they have any human rights abuses that are taking place at the hands of law enforcement there?

Mr. KUMAR. That is common not only to Punjab, everywhere. And also that is common in Pakistan. So when you come to Pakistan and India, there are custodial deaths, that is people being taken into police custody, torture, rape in custody, fair trial issues. These are common to both India and Pakistan. So it is not unique to Punjab. What I mentioned earlier was unique to Kashmir that is happening there.

Mr. BURTON. Well we have some people here from Punjab as well who are going to be testifying. I just wanted to get your perspective on that.

Thank you very much, Mr. Kumar. We appreciate it very much.

Mr. KUMAR. Thank you, sir. Thank you for inviting.

Mr. BURTON. The next panel is Mrs. Inayatullah testifying, we have Dr. Gurmit Aulakh, Mr. Selig Harrison, Dr. Fai, and Mr. Bob Giuda, who is the chairman of the Americans for Resolution of Kashmir.

Mrs. Inayatullah is an aid worker. I would just like to say that she came half way around the world from Kashmir. Her mother passed away last Sunday. And she thought this was so important she actually missed her mother's funeral to be here. And we want to tell you how much we sympathize and appreciate your being here. If you could come forward and have a seat. Dr. Fai is the executive director of the Kashmiri American Council. I have known Dr. Fai for a long time. Mr. Harrison is the director of the Asia Program for the Center for International Policy. And Dr. Aulakh is the president of the Council of Khalistan.

Would you all please stand so I can have you sworn in.

[Witnesses sworn.]

Mr. BURTON. I think because Mrs. Inayatullah came in spite of the personal loss that she suffered, I think I will show her a little bit more respect than my other witnesses and ask her to go ahead and testify first. And I am very sorry to hear about your mother.

STATEMENTS OF ATTIYA INAYATULLAH, AID WORKER; GURMIT SINGH AULAKH, PRESIDENT, COUNCIL OF KHALISTAN; GHULAM-NABI FAI, EXECUTIVE DIRECTOR, KASHMIRI AMERICAN COUNCIL; SELIG HARRISON, DIRECTOR OF THE ASIA PROGRAM, CENTER FOR INTERNATIONAL POLICY; AND BOB GIUDA, CHAIRMAN, AMERICANS FOR RESOLUTION OF KASHMIR

Mrs. INAYATULLAH. Thank you, sir. Honorable House of Representatives, I testify before you because I have confidence in the legislative government of USA. It listens intently and, more importantly, it responds justly.

I, a daughter of Kashmir, who is fortunate to be yet able to breath the air of freedom, call out to you on behalf of the trapped 3.5 million heroic Kashmiri mothers, daughters, and sisters for protection—protection from the most gruesome and blatant violation of human rights in contemporary history by 700,000 Indian security forces. Since 1989 and as of January 2004, the orphaned count, which you have mentioned, is 105,210; women, from the small age of 7 to 70, have been abused, molested, raped, and the count is 9,297; and another 21,826 are reported widows; and, regrettably, the huge number viewed to have been sexually incapacitated through torture and disabled for life, there is no count.

As for violation of women, as has already been mentioned, rape in Indian held Kashmir is used as a type of tool of war. The NGO Committee for Initiative on Kashmir, New Delhi, reports: "Of all the atrocities committed by the security forces, the treatment of Kashmiri women has embittered the people of the valley the most." The alienation, sir, if I may say so, is complete due to this.

In my first person testimonies with women who wish to remain anonymous, the narrated atrocities are grotesque—hung naked from trees, breasts lacerated with knives, whilst gang rape in front of the family was reported to be common practice. A young woman,

Zerifa, in a refugee camp in Muzzafarabad, no longer speaks, her aunt recounts how she was mercilessly gang raped in paddy fields. Another young woman said to me, "Give me training so I can kill the men who raped me." A pregnant women who during a cordon and search was kicked in the stomach by security forces, resulting in a miscarriage and death.

Yes, Honorable House of Representatives, protectors have become predators. This inhuman impulse of army personnel in India's militarized Kashmir must stop because we know a military solution is not the solution. We must heed to the findings of the Human Rights Watch World Report which says, "Respect for human rights must be at the center of any effort to resolve the conflict," which we have been talking about. Indeed, the only way to stop human rights violations is a just and durable solution of Kashmir based on U.N. resolutions and the wishes and aspirations of Kashmiri people.

You, Honorable Members, know more so than any how important it is to have peace in the geo-political situation. The agony of my people has been summed up in eight words by Asia Watch: "There is a human rights disaster in Kashmir." Women in Indian occupation reach out to you, the House of Representatives, to facilitate a mechanism through which legal, social, and physical relief is provided to widows and to mothers, relatives of political prisoners, of the disappeared, and the assassinated. I ask, in this land of Jefferson and Lincoln, why has freedom been denied to the Kashmiris? Freedom has been illusive, and I say this as an answer for Kashmiris: Because it has been treated too long as a territorial dispute between India and Pakistan.

Today, as the two countries talk peace and engage in CBMs, you, Honorable Members, can help them do it right. If ever a CBM was needed, it is needed in the disputed territory of Kashmir. I suggest that together the governments of India and Pakistan, through the United Nations, must effectively engage in protection of orphans, widows, women in distress, and the incapacitated youth. Because, Honorable Members, the key to India and Pakistan making progress toward a political solution lies in the joint provision of humanitarian assistance to the victims of the many atrocities.

Sir, the world must know that whilst Kashmir is awash with every form of human abuse and brutalities of state terrorism coupled with coercive diplomacy, the Indian government unabashedly is exploiting the phenomena of global war against terrorism. The use of buzz words like "cross-border terrorism" must not, cannot hide India's guilt for over 80,000 graves in Indian held Kashmir.

Honorable Members, there is a humanitarian emergency in Indian held Kashmir. We need action and we need it today. I leave the devastated hearts, the tortured minds, the innocent souls of the valley in your care knowing that you who represent the American people do not turn and walk away. Thank you, sir.

[The prepared statement of Mrs. Inayatullah follows:]

HEARING IN HOUSE OF REPRESENTATIVES

ON

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

10:00 AM, 12TH MAY' 04,
RAYBURN HOUSE OFFICE BUILDING, WASHINGTON, DC

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 in security 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 villians. 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 hullaballoo 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 infront 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 byte 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 leglislation 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.

Mr. BURTON. Thank you. We will certainly take to heart what you said and do everything we can to bring about a resolution. My heart goes out to all the people who have suffered over there.

My good friend, Dr. Aulakh.

Mr. AULAKH. Mr. Chairman, thank you for the opportunity to discuss the lack of human rights India for Sikhs and other minorities today. The written report that I have submitted and the supporting documentation will give you additional information on the matters I am discussing today.

Human rights violations are wide spread in India. Amnesty International has not been allowed to visit Punjab since 1978. Even the repressive Cuban regime has allowed Amnesty International into the country more recently.

The reality is that India is a Hindu theocracy, not the democracy it claims to be. The leaders are militant Hindu nationalists associated with Rashtriya Swayamesewak Sangh, RSS, a pro-Fascist organization. The government maintains a policy called Hindutva, a total Hinduization and Hindu control of every aspect of political, religious, social, and civil life in India. A senior leader of the ruling party was quoted as saying that everyone who lives in India must either be a Hindu or subservient to Hindus. A cabinet minister was quoted as saying that Pakistan should be absorbed into India.

The Indian government policy of Hindutva is a policy of elimination of minorities such as the Sikhs. An army commander in Amritsar district threatened that he would murder the Sikh men, bring the women to the army barracks, and produce a new generation of Sikhs. Mr. Chairman, this is disgraceful and extremely insulting to the proud Sikhs. It is unbecoming of an army commander of a nation which claims to be the world's largest democracy.

According to the figures compiled by the Punjab State Magistracy, which represents the judiciary of Punjab, and human rights groups, over a quarter of a million, over 250,000 Sikhs have been murdered by the Indian government since 1984. They join over 300,000 Christians in Nagaland who have been killed by the Indian regime since 1947, as well as more than 85,000 Kashmiri Muslims who have been killed since 1988, and tens of thousands of other minorities.

Amnesty International reported in February that at least 100 individuals, including social activists, human rights defenders, and lawyers, were currently being tortured in Punjab. The report by the Movement Against State Repression shows that India admitted to holding 52,268 Sikhs as political prisoners. They are held without charge or trial, some of them since 1984. Why does a democratic state hold tens of thousands of political prisoners, Mr. Chairman? Why does a democracy pay bounties to police officers to kill minorities? Why does a democracy need a Movement Against State Repression?

According to the February 17 issue of the Tribune of Chandigarh, a Sikh named Gurnihal Singh Pirzada, who was a high official of the Indian Administrative Service, was released from jail claiming that his fundamental right to liberty was violated. He was arrested after allegedly being seen at a meeting of gathering of Punjab dis-

sidents. Pirzada denies attending such a meeting, but points out that it would not be illegal if he did.

In June 1984, the Indian government brutally invaded the Golden Temple and 150 other Gurdwaras around Punjab. Over 20,000 people were killed in these attacks, including the Sikh leader Sant Jarnail Singh Bhrindranwale, who was the strongest spokesman for Sikh rights and Sikh freedom. More than 100 young boys, ages 8 to 12, were taken outside into the courtyard of the Golden Temple and asked whether they supported Khalistan, the independent Sikh homeland. When they answered with the Sikh religious incantation "Bole So Nihal," they were summarily shot to death. The Guru Granth Sahib, the Sikh holy scripture, handwritten in the times of Sikh Gurus, was shot full of bullet holes by the Indian military.

In 1995, the Human Rights Wing, under the leadership of Sadar Jaswant Singh Khalra, found that the Indian government has a policy of arresting Sikhs, often innocent ones, then torturing them, murdering them, declaring their bodies "unidentified" and secretly cremating them without even notifying the families. Mr. Khalra concluded that at least 15,000 Sikhs have been made to disappear this way. The followup to his effort places the number around 50,000. Mr. Khalra was arrested by Punjab police on September 6, 1995, and killed in police custody about 6 weeks later. His body was never given to his family. No one has ever been brought to justice for the Khalra murder.

Sadar Gurdev Singh Kaunke, who was Jathedar of the Akal Takht, the highest Sikh religious position, was murdered by senior superintendent of police Swaran Singh Ghotna. He has never been punished for this crime.

Unfortunately, Sikhs are not the only victim of India's brutal tyranny. Australian missionary Graham Staines and his two sons were brutally murdered by being burned to death while they slept in their jeep by a mob of Hindu militants affiliated with the militant, pro-Fascist Rashtriya Swayamsewak Sangh, RSS, who chanted, "Victory to Hannuman," a Hindu god. An American missionary from Pennsylvania, Joseph Cooper, was expelled from the country after being so severely beaten by RSS goons that he had to spend a week in the hospital. In January 2003, an American missionary and seven other individuals were attacked by RSS-affiliated Hindu militants. RSS-affiliated gangs have raped nuns, murdered priests, burned churches. Christian schools and prayer halls have been attacked and destroyed. A Christian religious festival was broken up by police gunfire. Church staff have been harassed. Church events have been disrupted. And yet India continues to claim it is secular and democratic.

Both Prime Minister Vajpayee and Deputy Prime Minister L.K. Advani are members of RSS and neither has ever repudiated the Hindu fundamentalist ideology.

In March 2002, between 2,000 and 5,000 Muslims were brutally murdered by RSS-affiliated mobs in Gujarat. According to the U.S. Commission on International Religious Freedom, "Hundred of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed." The Commission reports that "Many Muslims were burned to death, others were stabbed or shot.

India's National Human Rights Commission, and official body, found evidence in the killings of premeditation by members of Hindu extremist groups; complicity by Gujarat state officials; and police inaction in the midst of attacks on Muslims." A police officer confirmed to an Indian newspaper that the massacre was preplanned by the government.

Gujarat, Tamil Nadu, and Orissa have all passed bills barring religious conversions. These bills are targeted against the conversions of Hindus to Christianity and other religions. Yet Hindu mobs have forcibly converted lower-caste individuals to Hinduism and no action is taken.

India has never been one country. It has 18 official languages. There was no such entity as India until the British conquered the subcontinent and threw it together for their own administrative convenience. History tells us that such multinational states are doomed to fall apart.

Sikhs ruled an independent Punjab from 1710 to 1716 and again from 1765 until the British conquest of the subcontinent in 1849. The Sikhs have never accepted the Indian constitution. When the Indian constitution was adopted in 1950, no Sikh representative signed it, and no Sikh representative has signed it to this day.

On October 7, 1987, Sikhs declared independence from India, naming their new country Khalistan. Yet India insists that Punjab Khalistan is an integral part of India. Only a free Khalistan will stop India's repression of Sikhs. Only independence for all nations and peoples of South Asia will bring freedom, dignity, stability, prosperity, and peace to the region. The cornerstone of democracy is self-determination.

Mr. Chairman, there are measures that America can take to help end the repression of Sikhs, Christians, Muslims, and other minorities in India and to support the cause of freedom in the subcontinent. Cutting off U.S. aid to India would be a good start. Why should American tax dollars go to support the brutal, repressive, theocratic regime I have described, especially when a British documentary called "Nuclear India" show that India spends 25 percent of its development budget on its nuclear program and only 2 percent, just 2 percent each on health and education? All that U.S. aid does is provide additional resources with which to carry out the repression of minorities. In addition, America should support democracy in South Asia in the form of a free and fair plebiscite under international monitoring on the question of independence in Punjab, Khalistan, in Kashmir, in Christian Nagaland, and wherever the people are seeking freedom.

Mr. Chairman, I would like to thank you, the members of the subcommittee, and other Members of the Congress who are attending for this opportunity. I respectfully urge you to support freedom for all the minority nations of South Asia as the only way to end the repression and secure full human rights for everyone in that troubled region. Thank you very much.

[The prepared statement of Mr. Aulakh follows:]

Council of Khalistan

'RECOGNIZE YE ALL THE HUMAN RACE AS ONE'
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Statement of Dr. Gurmit Singh Aulakh
President, Council of Khalistan
Human Rights Hearing on India
Subcommittee on Wellness and Human Rights
May 12, 2004
Washington, DC

Mr. Chairman, thank you for the opportunity to discuss the lack of human rights in India for Sikhs and other minorities today.

Also discussed in this hearing is the situation in Kashmir, which is a flashpoint of India-Pakistan troubles. The Western media places a lot of attention on Kashmir. As Indian Home Minister L.K. Advani has said, "If Kashmir goes, India goes." We agree with this statement. Our Kashmiri friends do an excellent job of exposing the violations of human rights by the Indian government there. But as terrible as the situation in Kashmir is, it is not just in Kashmir that massive human-rights violations take place. Sikhs in Punjab, Khalistan, Christians in Nagaland and elsewhere, the Muslim community in Gujarat, and other minorities throughout India, such as Assamese, Bodos, Dalits (the dark-skinned "Untouchables," the aboriginal people of the subcontinent), Manipuris, Tamils, and others suffer similar repression. Amnesty International has not been allowed into Punjab since 1978. Even Castro's Cuba has allowed Amnesty International into the country more recently.

Repression is the official policy of supposedly democratic and secular India. It is, in reality, a militant Hindu nationalist theocracy. The government pursues a policy called Hindutva – the total Hinduization and Hindu control of every aspect of political, religious, social, and civil life in India. A senior leader of the ruling party was quoted as saying that everyone who lives in India must either be a Hindu or be subservient to Hindus. A Cabinet minister was quoted as saying that Pakistan should be absorbed into India.

At the end of my remarks, I will be submitting a copy of the book *Reduced to Ashes* by Ram Narayan Kumar and Amrik Singh, published by the South Asian Forum for Human Rights, which documents in detail 750 cases of human-rights violations against the Sikhs. Names, photographs, and details are provided. The book includes an excellent foreword by Dr. Peter Rosenbaum, Clinical Director of the Human Rights Program at Harvard Law School and an introduction by Tapan Bose.

The Indian government's policy of Hindutva is a policy of elimination of minorities such as the Sikhs. Just listen to the words of Narinder Singh, a spokesman for the Golden Temple in Amritsar, the center and seat of the Sikh religion, on National Public Radio in August 1997: "The Indian government, all the time they boast that they are democratic, that they are secular. They have nothing to do with a democracy, nothing to do with a secularism. They just kill Sikhs to please the majority." A member of this House, Representative Dana Rohrabacher, has said that for the minorities such as Sikhs and Kashmiris "India might as well be Nazi Germany." Representative Edolphus Towns has noted that "the mere fact that they have the right to choose their oppressors does not mean they live in a democracy."

In its report covering the period of January to December 2002, Amnesty International wrote, "The right of minorities to live in the country as equals was increasingly undermined by both state and non-state actors, despite it being clearly asserted in the Constitution."

An Army commander in Amritsar district threatened the Sikhs of that area that he would murder the Sikh men, bring the women to the army barracks, and "produce a new generation of Sikhs." Mr. Chairman, this is disgraceful and extremely insulting to the proud Sikhs. It is unbecoming of an army commander of a nation which claims to be the world's largest democracy. It shows the true face of India's self-proclaimed secularism.

On February 18, the United States Commission on International Religious Freedom announced that it was recommending to Secretary of State Powell that he designate India as a "country of particular concern," meaning that, according to the report, they "engage in particularly severe violations of religious freedom." The Commission urged Secretary Powell to "implement meaningful policy in response to such designation."

According to figures compiled by the Punjab State Magistracy, which represents the judiciary of Punjab, and human-rights groups, over a quarter of a million (250,000) Sikhs have been murdered by the Indian government since its brutal military invasion of the Golden Temple in Amritsar, the center and seat of the Sikh religion (similar to the status of the Vatican or Mecca) and 150 other Sikh Gurdwaras through out India in June 1984. These figures have been published in Inderjit Singh Jaijee's excellent book *The Politics of Genocide*. They join over 300,000 Christians in Nagaland who have been killed by the Indian regime since 1947, as well as more than 85,000 Kashmiri Muslims who have been killed since 1988 and tens of thousands of other minorities such as the ones I mentioned above.

Amnesty International reported in February that at lest 100 individuals, including social activists, human rights defenders, and lawyers, were currently being tortured in

Punjab. The attorneys for three individuals accused of involvement in the assassination of the brutal former Chief Minister Beant Singh are among those who were arrested. The defense attorneys are actively involved in human rights work. They have been interrogated about their human rights activities and accused of involvement in the January 22 escape from Burail Jail of Jagtar Singh Hawara, Jagtar Singh Tara, and Paramjeet Singh. Burail Jail is one of the Indian regime's torture centers.

Unless these attorneys, human rights activists, and others are charged with a recognizable offense, India has no right to hold them. In any case, it has no right to torture them.

A report by the Movement Against State Repression (MASR) shows that India admitted to holding 52,268 Sikhs as political prisoners. They are held without charge or trial, some of them since 1984! It is routine to file new complaints whenever the government's flimsy basis for holding them is dismissed. Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. A 1994 report from the U.S. State Department reports that between 1992 and 1994, the Indian government paid over 41,000 cash bounties to police officers for killing Sikhs. Several of the Sikhs they received bounties for killing have subsequently showed up in courts and elsewhere, raising the question of exactly who was killed in their stead. One police officer even received a bounty for killing a three-year-old boy!

Why does a democratic state hold tens of thousands of political prisoners, Mr. Chairman? Why does a democracy pay bounties to police officers to kill minorities? Why does a democracy need a Movement Against State Repression?

According to the February 17 issue of the *Tribune* of Chandigarh, a Sikh named Gurnihal Singh Pirzada, who was a high official of the Indian Administrative Service, was released from jail claiming that "his fundamental right to liberty was violated." He was arrested after allegedly being seen at a meeting of gathering of Punjab "dissidents." Pirzada denies attending such a meeting, but points out that it would not be illegal if he did. This is the state of freedom in Punjab, Khalistan under Indian rule.

In June 1984, the Indian government brutally invaded the Golden Temple and 150 other Gurdwaras around Punjab. Many people were killed, including such Sikh leaders as Sant Jarnail Singh Bhindranwale, who was the strongest spokesman for Sikh rights and Sikh freedom. About 100 young boys, ages 8 to 13, were taken outside into the courtyard and asked whether they supported Khalistan, the independent Sikh homeland. When they answered with the Sikh religious incantation "Bole So Nihal," they were summarily shot to death. The *Guru Granth Sahib*, the Sikh scripture, handwritten in the time of the ten Sikh

Gurus, was shot full of bullet holes by the Indian military. Sant Bhindranwale warned that if the Indian government invaded the Golden Temple, it would "lay the foundation stone for Khalistan" and it did.

In 1995, the Human Rights Wing, under the leadership of Sardar Jaswant Singh Khalra, conducted a survey of burial grounds in Punjab. They found that the Indian government had a policy of arresting Sikhs – often innocent ones – then torturing them, murdering them, declaring their bodies "unidentified," and secretly cremating them without even notifying the families. Based on his survey, Mr. Khalra concluded that at least 25,000 Sikhs had been made to "disappear" this way. Subsequent work following up on his efforts places the number around 50,000. For his efforts, Mr. Khalra was arrested by the Punjab Police on September 6, 1995 and killed in police custody about six weeks later. His body was never given to his family. No one has ever been brought to justice for the Khalra murder. Instead, the only eyewitness to his kidnapping has been repeatedly harassed by the Punjab police, including being arrested for trying to hand a petition to the then-Home Minister of the United Kingdom, now Foreign Minister, Jack Straw, asking for British help in exposing the human-rights violations.

Sardar Gurdev Singh Kaunke, who was Jathedar of the Akal Takht, the highest Sikh religious position, was murdered by police Senior Superintendent of Police Swaran Singh Ghotna. He has never been punished for this crime. The driver for another Sikh religious leader, Baba Charan Singh, was tied to two jeeps heading in opposite directions and torn apart. Torturing those in custody by rolling heavy rods over their legs is a routine procedure.

In March 2000 in the village of Chithisinghpora, 35 Sikhs were massacred while then-President Clinton was making a state visit to India. There have been two studies of this massacre, one by the International Human Rights Organization, based in Ludhiana, and the other conducted jointly by the Punjab Human Rights Organization and MASR, Both concluded that the massacre was the work of Indian forces, a conclusion supported by reporter Barry Bearak in the December 31, 2000 issue of the *New York Times Magazine*.

In another village in Kashmir, Indian troops were caught red-handed trying to set fire to several Sikh houses and the local Gurdwara in pursuit of the Indian government's divide-and-rule strategy. Sikh and Muslim villagers joined together to stop this atrocity before it could be carried out. The Indian Border Security Force had to come by later to collect one of its vehicles that was seized by the villagers. The Indian newspaper *Hitavada* reported that the Indian government paid the late Governor of Punjab, Surendra Nath, the equivalent of $1.5 billion to foment and support covert state terrorist activity in Punjab and Kashmir. Yet half of the population of India lives on less than $2 per day. According to the January 2,

2002 issue of the *Washington Times*, India is supporting cross-border terrorism in the Pakistani province of Sindh.

Perhaps India's most brutal act of terrorism occurred in 1985 when it bombed its own airliner, killing 329 innocent people, just to blame the Sikhs and provide a pretext for more violence against the Sikhs. This has been well documented with a mountain of supporting evidence in the book *Soft Target*, written by Canadian journalists Zuhair Kashmeri of the *Toronto Globe and Mail* and Brian McAndrew of the *Toronto Star*. The book shows that the Indian consul in Toronto, Mr. Malik, abruptly took his wife and daughter off the flight shortly before departure. An auto dealer who was a friend of Mr. Malik also abruptly cancelled his reservation, as did another Indian government official. Yet before the bombing was public knowledge, Mr. Malik was calling Canadian officials trying to pin the blame for the bombing on an "L. Singh," a Sikh. This would later turn out to be Lal Singh, a Sikh who testified that he was offered "two million dollars and settlement in a nice country" by the Indian government for false testimony in the case. The book quotes an officer of the Canadian Security Investigative Service (CSIS) as saying, "If you really want to clear this matter, send a van over to the Indian High Commission in Toronto and Vancouver, load up the van and bring them in for questioning. We know it and they know it that they were involved."

The atrocities against the Sikh Nation would be bad enough, but Sikhs are unfortunately not the only victim of India's brutal tyranny. Since Christmas 1998, there have been hundreds of attacks on Christian leaders, worshippers, and churches throughout India. As recently as February 17, Christians in Madhya Pradesh were complaining about the harassment. Father Michael Bhuriya, a spokesman for the diocese of Jhabua, Father Franco and Father George Varaich of Trinity College in Jalandhar, and Tarsem Peter, general secretary of the Pendu Mazdoor Union, held a press conference to say that Christians are living under a reign of terror in Madhya Pradesh. They reported that Christians there were attacked after the rumor was spread that a girl had been raped in the mission school.

Australian missionary Graham Staines and his two young sons were brutally murdered by being burned to death while they slept in their jeep by a mob of Hindu militants affiliated with the militant, pro-Fascist Rashtriya Swayamsewak Sangh (RSS) who chanted "Victory to Hannuman," a Hindu god. An American missionary from Pennsylvania, Joseph Cooper, was expelled from the country after being so severely beaten by RSS goons that he had to spend a week in the hospital. In January 2003, an American missionary and seven other individuals were attacked by RSS-affiliated Hindu militants. RSS-affiliated gangs have raped nuns, murdered priests, and burned churches. Christian schools and prayer halls have been attacked and destroyed. A Christian religious festival was broken up by police gunfire.

Church staff have been harassed. Church events have been disrupted. And yet India continues to claim that it is secular and democratic.

The RSS, which supported the Fascists in Italy, is the parent organization of the ruling Bharatiya Janata Party (BJP.) The BJP is the political arm of the RSS. Indeed, Prime Minister Atal Bihari Vajpayee told an audience in New York, "I will always be a Swayamsewak." Both Prime Minister Vajpayee and Deputy Prime Minister L.K. Advani, who is also President of the BJP, are members of the RSS and neither one has renounced its militant Hindu ideology.

In March 2002, between 2,000 and 5,000 Muslims were brutally murdered by RSS-affiliated mobs in Gujarat, according to newspaper reports, while the police were ordered to stand aside and do nothing. According to the U.S. Commission on International Religious Freedom, "Hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed." The Commission reports that "Many Muslims were burned to death; others were stabbed or shot. India's National Human Rights Commission (NHRC), an official body, found evidence in the killings of premeditation by members of Hindu extremist groups; complicity by Gujarat state officials; and police inaction in the midst of attacks on Muslims. The NHRC also noted 'widespread reports and allegations of well-organized persons armed with mobile telephones and addresses, singling out certain homes and properties for destruction in certain districts, sometimes within view of police stations and personnel,' suggesting the attacks may have been planned in advance." Prime Minister Vajpayee refused to condemn the massacre for more than a year.

A police officer confirmed to an Indian newspaper that the massacre was pre-planned by the government. Two years later, the state government has made few arrests and has been reluctant to bring the persons responsible to justice. Most of those arrested were released without charge. State officials have failed to protect witnesses in the cases against those believed to have participated in this massacre. At least one witness changed her testimony under the threat of death, leading to the acquittal of 14 persons involved in the massacre. In October 2003, a BJP legislator and four other individuals were accused of intimidating witnesses.

This is remarkably reminiscent of the November 1984 massacre of Sikhs in Delhi and other cities in which over 20,000 Sikhs were killed while Sikh police officers were locked in their barracks and the state-run radio and television called for more Sikh blood.

The most revered mosque in India, the Ayodhya mosque, was destroyed by Hindu mobs affiliated with the BJP and a Hindu temple was built on the site.

According to the U.S. Commission on International Religious Freedom, Christians were also attacked in Gujarat. Many churches were destroyed, which follows a pattern that is seen throughout India. Gujarat, Tamil Nadu, and Orissa have all passed bills barring religious conversions. These bills are targeted against the conversions of Hindus to Sikhism, Islam, Christianity, and other religions. Yet Hindu mobs have forcibly reconverted lower-caste individuals to Hinduism and no action is taken.

The Commission on International Religious Freedom writes that "the severe violence in Gujarat provided the national government with adequate grounds -- under the Constitution and existing laws to counteract communal violence – to invoke central rule in the state, yet the BJP government did not do so, despite many requests." However, the Indian government has imposed such central rule – known as Presidential rule – on Punjab nine times.

India resorts to this tyrannical, terroristic repression to keep its crumbling multinational empire together. India has never been one country. It has 18 official languages. Indeed, there was no such entity as India until the British conquered the subcontinent and threw it together for their own administrative convenience. History tells us that such multinational states are doomed to fall apart as the Soviet Union, the Austro-Hungarian Empire, and others have done. We hope and pray that when the inevitable collapse of India comes, it will be peaceful like that of Czechoslovakia rather than violent like that of Yugoslavia.

Sikhs ruled an independent Punjab from 1710 to 1716 and again from 1765 until the British conquest of the subcontinent in 1849. Punjab, the Sikh homeland, was the last country in the subcontinent to be annexed by the British. During Sikh rule of Punjab, it was a golden age with freedom for everyone. The Sikh government included Hindus, Muslims, and Christians as well as Sikhs. Everyone lived together in peace and harmony.

The Sikhs have never accepted the Indian constitution. At the time of independence, three nations were signatories to the agreement for the transfer of power. The Muslims got Pakistan, the Hindus got India, and Sikhs took their share with India on the solemn promises of Nehru that Sikhs would enjoy "the glow of freedom" in northwest India and no law would be passed affecting Sikh rights without Sikh consent. Instead, almost as soon as the ink was dry on India's independence, the Nehru government sent out a memorandum calling Sikhs "a criminal class" and ordering special police activity against Sikhs.

Mr. Chairman, Sikhs are not a "criminal class." Sikhism is a monotheistic, revealed religion that rejects violence and supports equality for all, including gender equality. We are commanded to oppose tyranny wherever it rears its ugly head and The Sikh army fought

bravely under the British flag in both World Wars and Sikhs sustained over 80 percent of the casualties in India's independence struggle, despite being less than two percent of the population. We are religiously, linguistically, and culturally distinct from Hindu India or Hindustan.

When the Indian constitution was adopted in 1950, no Sikh representative signed it and no Sikh representative has signed it to this day. Yet India insists that Punjab, Khalistan, the Sikh homeland, is an integral part of India.

On October 7, 1987, the Sikh Nation formally declared its independence from India, naming their new country Khalistan. Since then, Khalistan has been under illegal occupation by the Indian government and its forces. Half a million Indian forces have been sent to Punjab, Khalistan to subdue the freedom movement there. Another 700,000 are deployed in Kashmir. They join with the police in carrying out the kinds of atrocities described above. India calls this "protecting its territorial integrity." The world increasingly recognizes this as a euphemism for massively violating the basic human rights of Sikhs, Christians, Muslims, and other minorities to hold together a crumbling, theocratic state. This is not acceptable, Mr. Chairman.

Although this is a human-rights hearing, a word about India's record of anti-Americanism is in order. The May 18, 1999 issue of *The Indian Express* reported that the Indian Defense Minister, George Fernandes, organized and led a meeting with the Ambassadors from Red China, Cuba, Libya, Iraq, Serbia, and Russia to discuss setting up a security alliance "to stop the U.S." Mr. Fernandes described the United States as "vulgarly arrogant." India has sold oil, heavy water, and other materials to both Iraq and Iran. The Oil Minister described India and Iraq as "strategic partners." India signed a friendship treaty with the Soviet Union and defended its invasion of Afghanistan while failing to support American actions in Afghanistan against Al Qaeda and the Taliban. Shortly after the Afghan phase of the war, Pakistan was actively helping American forces look for Osama bin Laden, so India moved large numbers of troops to the India-Pakistan border, forcing President Musharraf to divert troops away from the search. While India puts on a façade of friendship, its actions show its anti-Americanism. An independent Khalistan will be a friend of the United States and will sign a friendship treaty with America. This will bring about an increase in democracy, security, and peace in the subcontinent.

Only a free Khalistan will stop India's repression of the Sikhs. Only independence for all the nations and peoples of South Asia will bring freedom, dignity, stability, prosperity, and peace to the region. The cornerstone of democracy is self-determination. In a democracy, you cannot rule the people against their will.

America has a moral interest in supporting freedom, since it was built on the idea of freedom. It also has a strategic interest in supporting freedom. To quote President John F. Kennedy, "We will go anywhere, we will pay any price, bear any burden, support any friend, oppose any foe to ensure the survival and the success of liberty."

Mr. Chairman, there are measures that America can take to help end the repression of Sikhs, Christians, Muslims, and other minorities in India and to support the cause of freedom in the subcontinent. Cutting off U.S. aid to India would be a good start. Why should American tax dollars go to support the brutal, repressive, theocratic regime I have described, especially when a British documentary called "Nuclear India" showed that India spends 25 percent of its development budget on its nuclear program and just two (2) percent each on health and education? All that U.S. aid does is provide additional resources with which to carry out the repression of minorities. In addition, America should support democracy in South Asia in the form of a free and fair plebiscite under international monitoring on the question of independence in Punjab, Khalistan, in Kashmir, in Christian Nagaland, and wherever the people are seeking freedom. In 1948, India promised the United Nations that it would hold a plebiscite in Kashmir on its political status. That vote has never been held. India claims that there is no support for Khalistan in Punjab, despite seminars and other activities within the past year in support of Sikh independence. Yet they refuse to put the question to a vote. Isn't voting how democracies decide issues? Why does India refuse to settle this important question through a free and fair vote?

Mr. Chairman, I would like to thank you and the members of the subcommittee again for this opportunity. I respectfully urge you to support freedom for all the minority nations of South Asia as the only way to end the repression and secure full human rights for everyone in that troubled region. Thank you.

List of supporting documents submitted:
1. *Reduced to Ashes* (book)
2. *The Politics of Genocide* (book)
3. *India Kills the Sikhs* (book)
4. *The Sikhs' Struggle for Sovereignty* (book)
5. SBS (Australia) *Dateline* documentary on Punjab human rights (CD-ROM)
6. Appendix A (articles and documents sent by Dr. Tarunjit Singh Butalia) (3 boxes)
7. Statement by Dr. Ranbir Singh Sandhu
8. Punjab Police Official Excesses, *India Today*, October 15, 1992
9. *State Terrorism in Punjab* by Justice Ajit Singh Bains, Chairman, Punjab Human Rights Organization
10. *Enforced Disappearances, Arbitrary Executions and Secret Cremations*, report by the Committee for Coordination on Disappearances in Punjab, Chandigarh

11. Human Rights Wing (S.A.D.) Report, *"Disappeared:" Cremation Grounds*
12. *Partial Inventory of Sikhs Killed in India (from 1981 Onwards)*, Sikh Educational and Religious Foundation, Dublin, Ohio
13. *Report of the United States Commission on International Religious Freedom*, May 1, 2001
14. Statement of Dr. Gurcharan Singh, Professor Emeritus of International Studies, Marymount Manhattan College, New York, NY
15. *Dead Men Tell No Tales*, Surya, Bombay, September 1984
16. *Dead Silence* (book), Human Rights Watch Asia/Physicians for Human Rights
17. Facts vs. Fiction Pertaining to the Tragedy in Punjab (excerpts by non-Sikhs from fact-finding reports and independent observers)

Mr. BURTON. Thank you, Dr. Aulakh.

Mr. Harrison.

Mr. HARRISON. Chairman Burton, members of the subcommittee, I greatly appreciate your invitation to testify here today. I have studied Kashmir for 53 years as a journalist and as a scholar, and never before in that half century has there been a more promising opportunity for peace in South Asia and for the reduction of tensions in Kashmir.

The people of Kashmir are trapped in the cross-fire between India and Pakistan. War inevitably breeds human rights abuses, as we ourselves learned in Vietnam and as we are now re-learning in Iraq. The only way to end the human rights abuses that have been committed by both India and Pakistan in Kashmir is to move the peace process forward.

I am going to begin by underlining the hard reality that both India and Pakistan have been guilty of human rights abuses in Kashmir. We will not help the people of Kashmir if all we do today is engage in India-bashing or Pakistan-bashing.

The insurgency in Kashmir began in 1987 after the ruling party in India at that time interfered in the state elections. Pakistan, under General Zia Ul Haq, saw a golden opportunity to destabilize Kashmir and began to support both the Kashmir insurgency and the Khalistan movement, to which we have just heard reference.

Pakistan was at that time awash with American weapons and money that we provided for the Afghan struggle against the Russians in Afghanistan. The Interservices Intelligence [ISI] in Pakistan began to use those weapons and that money as well as U.S.-trained Islamic fundamentalist Afghan resistance fighters to escalate the insurgency in Kashmir. Elements allied with Al Qaeda were among the foreign fighters who poured into Kashmir to help the Kashmiri insurgents. India reacted to this challenge by building up an inflated military and paramilitary forces in Kashmir that have pursued repressive tactics and have committed many well-documented atrocities.

Gradually the Kashmiri fighters have lost the leadership of the fighting in Kashmir to Pakistan, Afghan, and other foreign Islamic extremist fighters sponsored by the Pakistani ISI. Among the worst human rights abuses committed by Pakistani-sponsored Islamic militant groups in Kashmir has been the ethnic cleansing of Kashmiri Hindus, to which reference has been made several times this morning. Ninety-five percent of the Hindus in the Kashmir Valley have been driven to seek refuge in Jammu and New Delhi, as the 2001 State Department Human Rights Report confirms.

Pakistan has systematically attempted to undermine or assassinate moderate Kashmiri leaders who have favored a cease-fire with India and participation in state elections. The principal insurgent group consisting mainly of Kashmiris is the Hizbul Mujahidin. Like all of the insurgent groups, it has relied on Pakistani aid. In July 2000, Hizbul Mujahidin offered to conclude a cease-fire but within days the ISI pulled the reins and Hizbul was forced to renege on its offer. In 2002, when preparations for state elections were underway, a prominent Kashmiri moderate who advocated participation in the elections, Abdul Ghani Lone, was assassinated by groups linked closely with the ISI. During the elections and as

recently as 1 month ago, Mahbooba Mufti, a leading moderate, has been the target of ISI-sponsored assassination attempts.

Despite the atmosphere of fear promoted by Pakistan as a deliberate policy in Kashmir, 22 of the 27 leaders of the Hurriyat, a grouping of insurgent Kashmiri leaders, has engaged in talks with Indian Deputy Prime Minister Advani on January 20 and March 27. Another round, a very important occasion, will be held in June.

The principal grievances raised by the Kashmiris raised in those talks relate to the political prisoners, the lack of accountability concerning the identity of Indian held Kashmiri prisoners, their indefinite detention, and allegedly in some cases their execution and unaccounted deaths while in custody. There is clearly a need for a review of Kashmiri political prisoners. India has promised action on these grievances but has yet to deliver. Prompt action is an essential precondition for the June talks to make progress. In the case of Pakistan, prompt action is needed to get its surrogate groups to negotiate a cease-fire in Kashmir. This is essential to defuse the climate that leads to human rights abuses.

Mr. BURTON. Mr. Harrison, just 1 second please. We have five votes on the floor, which means that we will be gone for about an hour. So what I would like to do is have you sum up so we could hear from Dr. Fai and Mr. Giuda before we leave. So if you could sum up, we would really appreciate it.

Mr. HARRISON. Pakistan must terminate ISI sponsorship of the insurgency and dismantle its infrastructure for the support of cross-border infiltration by Islamic extremist groups. If it refuses to do so, I am afraid the peace process is likely to break down.

Pakistan's intentions to honor the peace process in Kashmir have not been tested because the snows in the Himalayas prevent significant cross-border infiltration. The test will be what happens when the snows melt.

Skipping to the end, sir. What can the United States do? I am sure you want that. President Bush promised General Pervez Musharraf $3 billion in economic and military aid at Camp David. If we are interested in human rights in Kashmir, this aid should clearly be conditioned on Pakistan's termination of support for the Kashmiri insurgents. Second, the United States should encourage World Bank and Asian Development Bank aid for key economic development programs in Kashmir. Finally, at the political level, in conclusion, the United States should make clear that it views the Line of Control as the eventual international boundary in Kashmir. This is necessary to make clear to Pakistan that there is no hope for internationalizing the dispute. As long as that hope remains alive in Pakistan, the Islamic extremist forces in Pakistan will push General Musharraf to keep the pot boiling in Kashmir, and that would mean a never-ending human rights tragedy. Thank you.

[The prepared statement of Mr. Harrison follows:]

PEACE AND HUMAN RIGHTS IN KASHMIR

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Asia Program
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Testimony Prepared for the Subcommittee on Human Rights and Wellness, Committee

on Government Reform, U.S. House of Representatives, May 12, 2004

CHAIRMAN BURTON, MEMBERS OF THE SUBCOMMITTEE, I GREATLY APPRECIATE YOUR INVITATION TO TESTIFY HERE TODAY. I HAVE STUDIED KASHMIR FOR 53 YEARS, FIRST AS A JOURNALIST RESIDENT IN SOUTH ASIA FOR THE ASSOCIATED PRESS AND THE WASHINGTON POST AND LATER AS A SENIOR ASSOCIATE OF THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE FOR 22 YEARS AND AS A SENIOR SCHOLAR OF THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS. I AM CURRENTLY A SENIOR SCHOLAR OF THE WILSON CENTER AND DIRECTOR OF THE ASIA PROGRAM OF THE CENTER FOR INTERNATIONAL POLICY IN WASHINGTON. I AM THE AUTHOR OF FIVE BOOKS ON SOUTH ASIA AND OF NUMEROUS ARTICLES ON KASHMIR.

NEVER BEFORE IN THE HALF CENTURY I HAVE STUDIED INDIA AND PAKISTAN HAS THERE BEEN A

MORE PROMISING OPPORTUNITY FOR PEACE IN SOUTH ASIA AND FOR THE REDUCTION OF TENSIONS IN KASHMIR. THE PEOPLE OF KASHMIR ARE TRAPPED IN THE CROSSFIRE BETWEEN INDIA AND PAKISTAN. WAR INEVITABLY BREEDS HUMAN RIGHTS ABUSES, AS WE OURSELVES LEARNED IN VIETNAM AND AS WE ARE NOW RE-LEARNING IN IRAQ. THE ONLY WAY TO END THE HUMAN RIGHTS ABUSES THAT HAVE BEEN COMMITTED BY BOTH INDIA AND PAKISTAN IN KASHMIR IS TO MOVE THE PEACE PROCESS FORWARD.

I'M GOING TO BEGIN BY UNDERLINING THE HARD REALITY THAT BOTH INDIA AND PAKISTAN HAVE BEEN GUILTY OF HUMAN RIGHTS ABUSES IN KASHMIR. WE WON'T HELP THE PEOPLE OF KASHMIR IF ALL WE DO TODAY IS ENGAGE IN INDIA-BASHING OR PAKISTAN-BASHING. AGAINST THAT BACKGROUND, I'M GOING TO SUGGEST WHAT BOTH

SIDES CAN DO TO REDUCE TENSIONS AND END HUMAN RIGHTS ABUSES. FINALLY I WILL FOCUS ON WHAT THE UNITED STATES CAN DO TO PROMOTE THE PEACE PROCESS.

THE INSURGENCY IN KASHMIR BEGAN IN 1987 AFTER INDIA INTERFERED IN THE STATE ELECTIONS. PAKISTAN UNDER GENERAL ZIA UL HAQ SAW A GOLDEN OPPORTUNITY TO DESTABILIZE INDIA AND BEGAN TO SUPPORT BOTH THE KASHMIR INSURGENCY AND THE KHALISTAN MOVEMENT TO CREATE AN INDEPENDENT SIKH STATE IN NEIGHBORING PUNJAB.

PAKISTAN WAS AT THAT TIME AWASH WITH AMERICAN WEAPONS AND MONEY PROVIDED FOR THE AFGHAN STRUGGLE AGAINST THE RUSSIANS IN AFGHANISTAN. THE INTERSERVICES INTELLIGENCE (ISI) IN PAKISTAN BEGAN TO USE THOSE WEAPONS AND THAT MONEY AS WELL AS US-TRAINED ISLAMIC

FUNDAMENTALIST AFGHAN RESISTANCE FIGHTERS TO ESCALATE THE INSURGENCY IN KASHMIR. ELEMENTS ALLIED WITH AL QAEDA WERE AMONG THE FOREIGN FIGHTERS WHO POURED INTO KASHMIR TO HELP THE KASHMIRI INSURGENTS. INDIA OVERREACTED IN MUCH THE SAME WAY AS THE US IN VIETNAM AND THE RUSSIANS IN AFGHANISTAN BY BUILDING UP AN INFLATED MILITARY FORCE IN KASHMIR THAT HAS COMMITTED MANY WELL-DOCUMENTED ATROCITIES.

GRADUALLY THE KASHMIRI FIGHTERS HAVE LOST THE LEADERSHIP OF THE FIGHTING IN KASHMIR TO PAKISTANI, AFGHAN AND OTHER FIGHTERS ORCHESTRATED BY THE ISI.

AMONG THE WORST HUMAN RIGHTS ABUSES COMMITTED BY PAKISTANI-SPONSORED ISLAMIC MILITANT GROUPS IN KASHMIR HAS BEEN THE

ETHNIC CLEANSING OF KASHMIRI HINDUS. NINETY FIVE PERCENT OF THE HINDUS IN THE KASHMIR VALLEY HAVE BEEN DRIVEN TO SEEK REFUGE IN JAMMU AND NEW DELHI, AS THE 2001 STATE DEPARTMENT HUMAN RIGHTS REPORT CONFIRMS.

PAKISTAN HAS SYSTEMATICALLY ATTEMPTED TO UNDERMINE OR ASSASSINATE MODERATE KASHMIRI LEADERS WHO HAVE FAVORED A CEASEFIRE WITH INDIA AND PARTICIPATION IN STATE ELECTIONS. THE PRINCIPAL INSURGENT GROUP CONSISTING MAINLY OF KASHMIRIS IS THE HIZBUL MUJAHIDIN. LIKE ALL OF THE INSURGENT GROUPS, IT HAS RELIED ON PAKISTANI AID. IN JULY, 2000, HIZBUL MUJAHIDIN OFFERED TO CONCLUDE A CEASEFIRE BUT WITHIN DAYS THE ISI PULLED THE REINS AND HIZBUL WAS FORCED TO RENEGE ON ITS OFFER. IN 2002, WHEN PREPARATIONS FOR STATE ELECTIONS WERE UNDERWAY, A PROMINENT

KASHMIRI MODERATE WHO ADVOCATED PARTICIPATION IN THE ELECTIONS, ABDUL GHANI LONE, WAS ASSASSINATED BY GROUPS LINKED CLOSELY WITH ISI. DURING THE ELECTIONS AND AS RECENTLY AS A MONTH AGO, MAHBOOBA MUFTI, A LEADING MODERATE, HAS BEEN THE TARGET OF ISI-SPONSORED ASSASSINATION ATTEMPTS.

DESPITE THE ATMOSPHERE OF FEAR PROMOTED BY PAKISTAN, 22 OF THE 27 LEADERS OF THE HURRIYAT, A GROUPING OF INSURGENT LEADERS, HAS ENGAGED IN TALKS WITH INDIAN DEPUTY PRIME MINISTER L.K. ADVANI ON JANUARY 20 AND MARCH 27. ANOTHER ROUND WILL BE HELD IN JUNE.

THE PRINCIPAL GRIEVANCES OF THE KASHMIRIS RAISED IN THOSE TALKS HAVE BEEN THE LACK OF ACCOUNTABILITY CONCERNING THE IDENTITY OF INDIAN-HELD KASHMIRI POLITICAL

PRISONERS, THE RELEASE OF POLITICAL PRISONERS, ENDING THE EXECUTION OF POLITICAL PRISONERS AND THE NEED FOR A REVIEW OF POLITICAL PRISONERS. INDIA HAS PROMISED ACTION ON THESE GRIEVANCES BUT HAS YET TO DELIVER. PROMPT ACTION IS AN ESSENTIAL PRECONDITION FOR THE JUNE TALKS TO MAKE PROGRESS. PROMPT ACTION BY PAKISTAN TO ENCOURAGE ITS SURROGATE GROUPS TO NEGOTIATE A CEASEFIRE IN KASHMIR IS ALSO ESSENTIAL TO DEFUSE THE CLIMATE THAT LEADS TO HUMAN RIGHTS ABUSES. ABOVE ALL, PAKISTAN MUST TERMINATE ISI SPONSORSHIP OF THE INSURGENCY AND DISMANTLE ITS INFRASTRUCTURE FOR THE SUPPORT OF CROSS-BORDER INFILTRATION BY ISLAMIC EXTREMIST GROUPS, OR THE PEACE PROCESS WILL SOON BREAK DOWN.

PAKISTAN'S INTENTIONS HAVE NOT YET BEEN TESTED BECAUSE THE SNOWS IN THE HIMALAYAS PREVENT SIGNIFICANT CROSS-BORDER INFILTRATION. THE TEST WILL BE WHAT HAPPENS WHEN THE SNOWS MELT. MEANWHILE, PAKISTAN COULD ALSO CONTRIBUTE TO THE PEACE PROCESS BY AGREEING TO NEGOTIATE ON OPENING A BUS ROUTE BETWEEN SRINAGAR AND MUZAFFARABAD BRIDGING THE INDIAN AND PAKISTANI HELD AREAS OF KASHMIR. THIS BUS ROUTE, PROPOSED BY INDIA LAST FALL, WOULD OPEN UP TRADE CHANNELS AND GREATLY CONTRIBUTE TO TENSION REDUCTION.

WHAT CAN THE UNITED STATES DO? PRESIDENT BUSH PROMISED GENERAL PERVEZ MUSHARRAF $3 BILLION IN ECONOMIC AND MILITARY AID AT CAMP DAVID. THIS AID SHOULD CLEARLY BE CONDITIONED ON PAKISTAN'S TERMINATION OF SUPPORT FOR THE KASHMIRI INSURGENCY.

SECOND, THE UNITED STATES SHOULD ENCOURAGE WORLD BANK AND ASIAN DEVELOPMENT BANK AID FOR KEY ECONOMIC DEVELOPMENT PROGRAMS IN KASHMIR. A U.S. INSTITUTE FOR PEACE REPORT BY WAHID HABIBULLAH POINTS TO REFORESTATION, WATER DEVELOPMENT AND INDUSTRIAL INVESTMENT AS KEY AREAS FOR AID THAT WOULD HELP TO DEFUSE TENSIONS. FINALLY, AT THE POLITICAL LEVEL, THE U.S. SHOULD MAKE CLEAR THAT IT VIEWS THE LINE OF CONTROL AS THE EVENTUAL INTERNATIONAL BOUNDARY IN KASHMIR. THIS IS NECESSARY TO MAKE CLEAR TO PAKISTAN THAT THERE IS NO HOPE FOR INTERNATIONALIZING THE DISPUTE. AS LONG AS THAT HOPE REMAINS ALIVE IN PAKISTAN , THE ISLAMIC EXTERMIST FORCES IN PAKISTAN WILL PUSH GENERAL MUSHARRAF OR THE GENERAL WHO SUCCEEDS HIM TO KEEP THE POT BOILING IN

KASHMIR --- AND THAT WOULD MEAN A NEVER-ENDING HUMAN RIGHTS TRAGEDY. THANK YOU.

Mr. BURTON. Thank you, Mr. Harrison.

Dr. Fai.

Mr. FAI. Thank you, Mr. Chairman. Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to share my thoughts about the human rights situation in the disputed state of Jammu and Kashmir.

I do believe in the universality of human rights, the universality of human aspirations, and I do believe in the universality of peace and prosperity. That is why, Mr. Chairman, I would like to express my deep appreciation for the latest peace initiative between Prime Minister Vajpayee of India and President Musharraf of Pakistan. Prime Minister Vajpayee has maintained that the conflict between India and Pakistan was fundamentally to the controversy over Kashmir. He is on record to have said that the settlement of Kashmir conflict does not need to be within the constitution of India but it could be within the parameters of "insiniya," that is, humanity. The reciprocity shown by President Musharraf was equally optimistic when he said: "The victory would be neither mine nor Prime Minister Vajpayee's. It would be victory of negotiations and dialog."

Mr. Chairman, peace and justice in Kashmir are achievable if all parties to the conflict—the government of India, the government of Pakistan, and the people of Kashmir—make some concessions. Each party will have to modify its position so that the common ground is found. It is almost impossible to find a solution of the Kashmir problem that respects all the duties of India, the values all the sentiments of Pakistan, and that keeps intact the unity of the state of Jammu and Kashmir. Yet that does not mean that we cannot find a workable solution of the Kashmir problem. Yes, we can find it, but it demands sacrifices, modifications, and the flexibility by all parties to the dispute.

Mr. Chairman, despite this new peace initiative in South Asia, unfortunately, the human rights situation in occupied Kashmir has not changed. It remains alarming and very much disturbing. A massive campaign of brutal force has been launched by Indian army against the people of Kashmir since the beginning of 1990. Various estimates are given of the death toll of civilians. So far, the figure runs into tens of thousands. Countless individuals have been maimed, and thousands of women molested and humiliated. More than 100,000 Kashmiri Hindus who are known as Pandits have been uprooted under deep conspiracy of Governor Judmujan, who was then the Governor of the state of Jammu and Kashmir. An international impartial agency must investigate the tragedy of the Kashmiri Pandits.

The most baffling phenomenon, Mr. Chairman, regarding the situation in Kashmir is that it has been allowed to arise and to persist in a state which, under international law, does not belong to any member state of the United Nations and whose status is yet to be decided by the people of that land. It is interesting to note that when the Kashmir dispute erupted in 1947, the United States upheld the stand that the future of Kashmir must be decided by the will of the people and that their wishes be ascertained under the supervision and the control of the United Nations. The United States was a principal sponsor of the resolution of the Security

Council which was adopted on April 21, 1948 and which was based on that unchallenged principle.

Mr. Chairman, let it be known to everybody that Kashmir is not an integral part of either India or Pakistan. Because under all international agreements which were agreed upon by both India and Pakistan, which were negotiated by the United Nations, they were endorsed by the Security Council, and accepted by the international community, Kashmir does not belong to any member state of the United Nations. If that is true, Mr. Chairman, then the claim that Kashmir is an integral part of India does not stand. And if Kashmir is not an integral part of India, then how can Kashmiris secede from a country like India to which they have never acceded to in the first place?

Finally, Mr. Chairman, I believe that future negotiations between India and Pakistan can be meaningful and successful if all parties concerned—that is the government of India, the government of Pakistan, and the Kashmiri leadership—take the very first step, and that very first step is that there has to be a cease-fire from all sides and that must be followed by negotiations. The negotiations should be initiated at four different levels: one, an intro-Kashmir dialog between the leadership of All Parties Hurriyet Conference, and the leadership of Buddhists, Sikhs, and the Pandits; two, talks between the government of India and Pakistan, which has just started; three talks between the government of India and the Kashmiri leadership, which has also started but that needs to be expanded, the government of India needs to understand that any agreement between the government of India and the Kashmiri leadership without a Syed Ali Geelani, Mohammad Yasin Malik, and Shabir Ahmed Shah does not mean anything; and four, tripartite talks between India, Pakistan, and genuine leadership of the Kashmiri people.

The reason, Mr. Chairman, the talks must be tripartite is that the dispute involves three parties—India, Pakistan, and the people of Kashmir. But the primary party is the people of Kashmir, because it is ultimately their future, the future of 13 million people of Kashmir that is yet to be decided. If India and Pakistan will try to settle the issue of Kashmir by themselves, they will be performing Hamlet without the Prince of Denmark. I thank you, Mr. Chairman.

[The prepared statement of Mr. Fai follows:]

Congress of the United States
House of Representatives

Committee on Government Reform
Subcommittee on Human rights and wellness

"Decades of Terror:
Exploring Human Rights Abuses in Kashmir and the Disputed Territories"

2154 Rayburn House Office Building
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Testimony
Given by

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Mr. Chairman and distinguished Members of the Subcommittee:

I am grateful for the opportunity to share my views on the state of human rights in the disputed territory of Kashmir.

At the outset, I welcome the peace initiative between India and Pakistan that was signed by Prime Minister Vajpayee of India and President Musharraf of Pakistan, which include negotiations over Kashmir. I believe in the universality of human rights, the universality of human aspirations, and the universality of peace and prosperity.

The people of Kashmir equally share a vision of peace and stability between India and Pakistan, and of progress and prosperity for their people. That is why they believe that Kashmir conflict has to be resolved through peaceful negotiations and not through military means. They favor negotiations between these two neighboring countries. They believe that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries and enabling them to devote their energies for a better future.

I also welcome the initiative to the extent it seeks to lift a heavy financial and military burden from the necks of the people of both Pakistan and India. At present, both rivals expend staggering sums on maintenance of troops and the acquisition of weapons, including nuclear warheads and delivery vehicles. Neither is a signatory to the Nuclear Non-Proliferation Treaty. Proposals for a missile-free and nuclear-free zone in South Asia have shipwrecked on India's ambition to become South Asia's hegemonic power.

Much to my chagrin in light of the warming of diplomacy between India and Pakistan and incipient dialogue between India and Kashmiri leaders, the state of human rights in the disputed territory is chilling. Indeed, it shocks the conscience. Human rights violations against Kashmiris cast doubt on India's professed desire to resolve the Kashmiri nightmare. They estrange, not unify. They embitter, not reconcile. They polarize, not moderate.

Mr. Chairman, A massive campaign of brutal suppression has been launched by Indian Army since January 1990. Various estimates are given of the death toll of civilians so far. Making due concession for unintended exaggerations, the figure runs into tens of thousands. Countless individuals have been maimed and thousands of women molested and assaulted. Despite a faint murmur of protest in international press, India has felt no pressure whatsoever to desist from its semi-genocidal campaign. Not a word of condemnation has been uttered at the United Nations; not even a call on India to cease and desist from committing its atrocities. This is not merely a case of passivity and inaction; in practical effect, it amounts to an abetment and inducement of murderous tyranny.

Human rights violations in Kashmir are systematic, deliberate, and officially sanctioned. Far from seeking to rectify its atrocious human rights record, India has legalized its state-

sponsored terrorism in Kashmir. It has given its occupation forces powers to shoot to kill and the license to abuse the people of Kashmir in whatever ways they like in order to suppress the popular movement for basic human rights and human dignity.

All available evidence of India's military activities in Kashmir indicates one thing: that the Indian Government is systematically targeting innocent people of Kashmir for death. They beat up the elderly, rape women, defile young girls, raze villages, destroy families and murder young boys. These tactics have no military purpose whatsoever. There only imaginable purpose is to terrorize a people into submission.

The abuses are so extensive as to extend beyond those directly affected, reaching every men, women and child in the Valley of Kashmir. The civilians live under the constant threat of abuse. The overwhelming presence of 700,000 Indian military and paramilitary forces serves as a constant reminder to Kashmiris that they are not free people but a people subjugated and enslaved against their will. Harinder Baweja, an Indian Hindu Journalist of "India Today" said it well, that everywhere there is pain in Kashmir. There is darkness everywhere. Kashmir has lost its magic.

Mr. Chairman, The constant disturbances in Kashmir have changed the entire life pattern of the inhabitants particularly that of the women and children. The entire concept of childhood has undergone a radical change in the Valley. Schools have been converted to army camps. The children do not attend kindergarten and they do not play with toys, the way normally children do. Neither are they brought up under the care of their parents in a free atmosphere. The memories and recollection of their childhood consist of an atmosphere of terror, dissatisfaction, anxiety, unrest, insecurity and uncertainty.

It is gravely sinful for any nation to remain silent or passive over frightful human rights violations anywhere in the world, including Kashmir. Edmund Burke wrote that all that is necessary for the triumph of evil is for good men and women to do nothing. Bishop Desmond Tutu lectured that, "Apathy in the face of systematic human rights violations is immoral. One either supports justice and freedom or one supports injustice and bondage." The Reverend Martin Luther King, Jr. sermonized in a parallel way about the encumbrance to achieving authentic freedom for blacks in the United States: "The Negro's great stumbling block is not the White Citizen's Councilor or the Ku Klux Klanner, but the white moderate who is more devoted to 'order' than to justice...who paternalistically believes he can set the timetable for another man's freedom."

Indiscriminate killings:

The best estimate of extrajudicial killings in Kashmir since 1989 approaches a staggering 80,000. That number dwarfs the killings in Northern Ireland, Palestine, Bosnia, and Kossovo which have brought the world to tears and revulsion.

Killings in Kashmir have become so commonplace that they are reported like car accidents in the United States. Illustrative is a February 19, 2004, news report by the Kashmir Media Service from Srinagar: "In occupied Kashmir, the Indian troops killed 8

more Kashmiri youth in fake encounters. According to Kashmir Media Service, of those killed, four were shot dead in Kokernag and Bijbehra areas of Islamabad district."

My cousin, Shabir Siddique, operated 200 educational schools in Kashmir. He was a scholar and not a soldier. He was moderate and not militant. He and eighteen Kashmiri youths were abducted, sealed in a house in Hazratbal, Srinagar, and were burnt alive by the Indian military. Shabir's two sons and daughter still ask today, shaking with grief, what was Daddy's crime? The silence from India speaks volumes of guilt.

Mr. Balraj Puri, a prominent Kashmiri Hindu leader was quoted in Daily Kashmir Times to have said "on February 8, 2004 five civilians were killed near Bandipore, North of Kashmir who were reportedly being used as human shield by the army in an encounter with the militants. The popular reaction was sharper and its reverberations were felt much wider than in case of such incidents earlier."

Torture:

Torture is a universal crime and creates a cause of action for damages under the United States Alien Tort Claims Act. Torture with impunity, nonetheless, is widespread in Kashmir.

The State Department Human Rights Report recounts a chilling portrait of torture in Kashmir: "The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, authorities often used torture during interrogations. In other instances, authorities tortured detainees to extort money and sometimes as summary punishment.

"The U.N. Special Rapporteur on Torture reported that the security forces systematically tortured persons in Jammu and Kashmir to coerce confessions to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information was not made public regarding any instances of action taken against security force personnel in Jammu and Kashmir for acts of terror.

"The U.N. Special Rapporteur on Torture noted that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims died in custody, and others were afraid to speak out, there were few firsthand accounts, although marks of torture often were found on the bodies of the deceased detainees."

On February 23, 2004, the Daily Greater Kashmir News Service reported that the people of Narastan, Tral staged a massive demonstration to protest the torture death of a shopkeeper in the custody of Indian soldiers.

Custodial Disappearances:

Kashmiris disappear into a dark Gulag as regularly as the sun rises in the east and sets in the west. According to the Association of Parents of Disappeared Persons, since 1989, approximately 8,000-10,000 Kashmiris have disappeared into a black hole. Even Muzaffar Hussain Baig, Minister of Finance and Law in Indian-held Kashmir, confessed before the legislature that 3,931 persons had disappeared since 1990. These numbers are horrifying, like the more notorious missing in Argentina regularly denounced by the grandmothers of Plaza de Mayo.

Rape:

Rape, a war crime recognized under international law and the Hague Tribunal, is a staple of India's massive military and paramilitary forces in Kashmir. It is employed to humiliate, degrade, and ostracize the victims. According to the 2002 State Department's Human Rights Reports: There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear in noncombatants in insurgency-affected areas, but it was not included in the National Human Rights Commission statistics because it involved military forces. According to an NGO in Kashmir, there were "200 rapes by paramilitary personnel in 2000."

Mubeena Begum, a newly married bride from Badasgam, Anantnag, was traveling to her husband's home by bus on the wedding day. The Indian army interdicted the bus, emptied it from the guests, killed her husband, and raped the bride.

A pregnant young woman, Zarifa Bano of Kunun Pushpora, Kupwara, was raped by four Indian soldiers, and she gave birth to a baby with broken leg two weeks later.

Arbitrary Arrests or Detentions:

India has authorized a police state reminiscent of the Gestapo in Kashmir. The Prevention of Terrorism Act, the Jammu and Kashmir Public Safety Act, the Armed Forces Special Powers Act and the Disturbed Areas Act are illustrative. Generally speaking, the law empowers the military and police in Kashmir to arrest, detain, search, wiretap, try, and punish without material restraints. The POTA permits summary trials, coerced confessions, and a presumption of non-bail before trial. Approximately 1,000 Kashmiris remained in police custody under an emergency powers law.

Ms. Arundhati Roy, an internationally known human rights activist, spoke against POTA at a seminar in New Delhi on September 25, 2003. She said that recently, a young Kashmiri friend was talking to me about life in Kashmir. He spoke of having to live with the endless killing, the mounting `disappearances', the whispering, the fear, the unresolved rumours, the insane disconnection between what is actually happening, what Kashmiris know is happening and what the rest of us are told is happening in Kashmir. He said, "Kashmir used to be a business. Now it's a mental asylum."

Ms. Roy continued that each time there is a so-called `terrorist strike', the Government rushes in, eager to assign culpability with little or no investigation. The burning of the Sabarmati Express in Godhra, the December 13th attack on the Parliament building, or the massacre of Sikhs by so called `terrorists' in Chittisinghpura [Kashmir] are only a few, high profile examples. In each of these cases, the evidence that eventually surfaced raised very disturbing questions and so was immediately put into cold storage. Take the case of Godhra: as soon as it happened the Home Minister announced it was an ISI plot. The VHP says it was the work of a Muslim mob throwing petrol bombs. Serious questions remain unanswered. There is endless conjecture. Everybody believes what they want to believe, but the incident is used to cynically and systematically whip up communal frenzy.

Roy said that today in Jammu and Kashmir and many North Eastern States the Armed Forces Special Powers Act allows not just officers but even Junior Commissioned Officers and Non-Commissioned Officers of the army to use force on (and even kill) any person on suspicion of disturbing public order or carrying a weapon. On suspicion of! Nobody who lives in India can harbour any illusions about what that leads to. The documentation of instances of torture, disappearances, custodial deaths, rape and gang-rape (by security forces) is enough to make your blood run cold. The fact that despite all this India retains its reputation as a legitimate democracy in the international community and amongst its own middle class is a triumph.

Freedom of Speech, Press, and Association:

Freedom to speak, write, or organize around self-determination or criticism of the Indian government for millions Kashmiris is chimerical. The freedom of expression outrage can be appreciated by remembering that self-determination was a centerpiece of President Woodrow Wilson's 14-points and is the signature of two United Nations Security Council resolutions supported by both India and Pakistan calling for Kashmir to be resolved via self-determination.

Under the Official Secrets Act, the Government may censor stories or suppress criticism of its politics. For example, on June 9, 2002, Syed Iftikhar Gilani, the New Delhi bureau chief of the Kashmir Times, was imprisoned for allegedly possessing classified information. Gilani retorted that the only proof was a 1995 public document that referred to human rights abuses committed by Indian security forces in Kashmir. Under the Passports Act, the Government may deny passports to applicants who "may or are likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." Accordingly, Kashmiri champions of self-determination, Syed Ali Geelani, Mohammad Yasin Malik, Shabir Ahmed Shah and Mirwaiz Umar Farooq were denied passports to attend Kashmir conference at Brussels in April 2004.

Human Rights Vigilance:

Human rights monitors are denied open access to Kashmir, which contributes to a climate of abuse. As sunshine is the best disinfectant, darkness is the worst cleansing agent.

Human rights monitors in Kashmir are constricted in the places they can visit because of fear of retribution by security forces and countermilitants. Monitors, including lawyers and journalists, are occasionally attacked or killed. Exemplary is the still unsolved assassination of acclaimed Kashmir human rights giant Jalil Andrabi in 1996. As the Chairman of the Kashmir Commission of Jurists, Jalil Andrabi was about to embark by air to attend a session of the United Nations Commission on Human Rights, Geneva. But in an instant, he was car jacked by the Indian Border Security Forces and his corpse left floating in the Jehlum river. Mr. Andrabi's body was mutilated beyond recognition. His assassination was meant as a horrifying message to human rights defenders in Kashmir.

Kashmir's Unique Characteristics:

The most baffling phenomenon regarding this situation is that

1. It has been allowed to arise and to persist in a state which, under international law, does not belong to any Member state of the United Nations and whose status is yet to be decided by the people of that land. It is interesting to note that when the Kashmir dispute erupted in 1947-48, the United States upheld the stand that the future status of Kashmir must be decided by the will of the people of the territory and that their wishes must be ascertained under the supervision and control of the United Nations. The U.S. was a principal sponsor of the resolution which was adopted by the Security Council on 21 April 1948 and which was based on that unchallenged principle.

   Pandit Jawaharlal Nehru, the first Prime Minister of India, on 2nd January 1952 said: "We have taken the issue to the United Nations and given our word of honour. We cannot go back on it. We have left the question of final solution to the people of Kashmir."

2. It represents Government's repression not of a secessionist or separatist movement but of an uprising against foreign occupation, an occupation that was expected to end under determinations made by the United Nations. The Kashmiris are not and cannot be called separatists because they cannot secede from a country to which they have never acceded to in the first place.

3. It has been met with studied unconcern by the United Nations. This has given a sense of total impunity to India. It has also created the impression that the United Nations is invidiously selective about the application of the principles of human rights and democracy. There is a glaring contrast between the outcry over the massacre in Tiannanman Square, on the one side, and the official silence (barring

some faint murmurs of disapproval) over the killing and maiming of a vastly greater number of civilians in Kashmir and the systematic violation of the 1949 Geneva Convention.

The Post 9/11 War:

The post-9/11 war against global terrorism has complicated the Kashmiri equation. That good war has been hijacked by many nations to crush freedom struggles. Cooperating with the United States in sharing intelligence and prosecuting genuine terrorists has been made contingent on silence by United States over human rights abuses and slaughter of human rights defenders. India declares itself the world's most populous democracy and offers support to America in pursuing terrorists. In exchange, the United States remains silent when India kills innocent Kashmiris who crave self-determination and its achievement through peaceful protest.

While condemning terrorism unambiguously, the Office of the High Commissioner said that "the suggestion that human rights violations are permissible in certain circumstances is wrong. The essence of human rights is that human life and dignity must not be compromised." Secretary-General Kofi Annan stated at a special meeting of the Security Council's Counter-Terrorism Committee, on 6 March 2003, "Our responses to terrorism should be to uphold the human rights that terrorists aim to destroy."

Recommendations:

The following is urgent to jump start progress on human rights and peace in Kashmir:

i. India must repeal all of its draconian laws that violate human rights in Kashmir;
ii. Military hostilities must cease immediately in Kashmir, and a scheduled withdrawal of security forces should commence;
iii. All political prisoners must be released;
iv. Rehabilitation relief for the victims of the war in Kashmir, particularly women should be provided;
v. The conditions that will enable the return of all exiles and refugees since 1947 should be created;
vi. Agreement should be reached for complete transparency in all confidence-building measures;
vii. Restoring the freedom of speech, assembly and demonstrations;
viii. Freedom of movement without either passports or visas from India or Pakistan by Kashmiris traveling across the cease-fire line should be permitted;
ix. India should cease construction and dismantle any fence intended to make the cease-fire line a permanent international boundary;
x. Kashmiris should be authorized to undertake free travel abroad to engage in peaceful advocacy favoring self-determination;
xi. Providing facilities for an intra-Kashmiri dialogue embracing both sides of the cease-fire line.

Conclusion:

I believe that peace and justice in Kashmir are achievable only if pragmatic, realistic and tangible strategy is established to help set a stage to put the Kashmir issue on the road to a settlement. Since, we are concerned at this time with setting a stage for settlement rather than the shape the settlement will take, we believe it is both untimely and harmful to indulge in controversies about the most desirable solution of the Kashmir problem. Any attempt to do so at this point of time amounts to playing into hands of those who would prefer to maintain a status quo that is intolerable to the people of Kashmir.

I also believe that any future negotiations between India and Pakistan can be meaningful and successful if all parties concerned – Governments of India and Pakistan and Kashmiri leadership – announce a cease-fire that must be followed by negotiations. Negotiations cannot and should not be carried out at a time when parties are trying to kill each other. Kashmir must be demilitarized.

Negotiations should be initiated simultaneously at all four different levels, including:

(a). an intra-Kashmir dialogue between the leadership of All Parties Hurriyet Conference, Dogras, Buddhists, Sikhs, and Pandits;
(b) talks between the government of India and Pakistan;
(c) talks between the Government of India and the Kashmiri leadership, it needs to be expanded;
(d) finally tripartite talks between India, Pakistan, and genuine leadership of the people of Kashmir.

The reason that talks must be tripartite is that the dispute primarily involves three parties- India, Pakistan, and the people of Kashmir. But the primary and principal party is the people of Kashmir, because it is ultimately their future, the future of 13 million people of Kashmir that is at stake.

Mr. BURTON. Thank you, Dr. Fai.

Victor Giuda.

Mr. GIUDA. Mr. Chairman and members of the committee, let me preface my remarks by saying that they are colored by the repeated refusals of the government of India and its embassies to respond to my request to visit Azad Kashmir, similar to Congressman Pitts. For the record, my name is Robert Giuda. I am a 1975 graduate of the U.S. Naval Academy, former officer of Marines, former Special Agent of the FBI, and Deputy Majority Leader of the New Hampshire House of Representatives. I am also founder and chairman of Americans for Resolution of Kashmir.

Kashmir is classified by the U.N. as a "disputed territory." It lies within what is arguably the most dangerous region in the world, where the confluence of religious, ethnic, political, military, and economic factors affords every conceivable basis for violent conflict. Over the past 57 years, India and Pakistan have fought two major wars, numerous lesser battles, and engaged in a near-nuclear exchange just 2 years ago. Kashmir today is home to the largest concentration of ground forces on Earth since the Second World War; 700,000 troops and para-militaries—half of India's standing army—are garrisoned among IOK's 8 million people. This equates to 1 armed combatant for every 11 civilians. Pakistan maintains 95,000 troops among its 5 million inhabitants in Azad, Kashmir, about 1 combatant for every 500 civilians.

Every day, unspeakable atrocities occur at the hands of India's army of occupation. Even as it proclaims to the world its desire to reach a political solution to the conflict, Indian law today immunizes its army and police forces from prosecution for actions committed under color of "prevention of terrorism," enabling a hideous government-sanctioned repertoire of torture, rape, murder, arson, and custodial killing. Pakistan allows U.N. observers and human rights organizations unfettered access to Free Kashmir, while India denies access to substantial portions of IOK. One must ask oneself, why are no observers allowed? What is India hiding?

India began its occupation of Kashmir by invading it in 1947, that included the airlift of troops from Delhi to Srinagar, as documented in Alister Land's books. During the past 15 years, with statutory immunity, the Indian army has killed 2 percent of Kashmir's mostly Muslim male population, raped some 9,000 Kashmiri women, orphaned more than 100,000 Kashmiri Muslim children. When considered in the aggregate, these actions, committed by the Indian military with the full knowledge of the highest levels of the Indian government, comprise genocide against Kashmiri Muslims, and are chargeable both as war crimes and as crimes against humanity.

This murderous paradigm—military brutality, immunity from prosecution, and denial of access to a free press—is anathema to the rule of law, and lethal to the advancement of human rights, regardless of political outcomes.

India cleverly deflects attention from its actions in Kashmir by claiming that the Kashmiri insurgency is really Muslim-incited cross border terrorism supported by Pakistan. There is some element of truth in that, but the element is overshadowed by the economies of scale in the torture, rape, arson, and murder commit-

ted by the respective parties. My lengthy personal discussions with President Musharraf indicate that he is committed to the end of insurgency across the border in Pakistan into Kashmir. India's success with this charade of cross-border terrorism depends on public ignorance of the exemption of indigenous freedom struggles from the U.N. definition of "terrorism." I submit to you that Kashmiri resistance to Indian repression is little different than the resistance of American colonists to British occupation during our War of Independence. I assure, however, that the British never committed such atrocities as are part of daily life in Kashmir.

In July 1999, a U.S. House committee voted to reject the concept of a plebiscite in Kashmir, this despite the 1948 resolution championed by the United States, signed by India and Pakistan, and reiterated in four subsequent Security Council resolutions. That vote, denying the right of the indigenous people of a former nation-state to determine their own future, is utterly inconsistent with America's demonstrated commitment to human rights. Even as United States and coalition forces fight today to restore freedom in Iraq, I ask the committee to bring forth a resolution reaffirming the right of self-determination for the people of Kashmir. I ask you to stand strong in support of human rights without regard to race, creed, gender, or national origin.

Enormous economic benefits will flow from such an affirmation. Leaders of the 350 major U.S. corporations doing business in India and Pakistan today will attest that the future of South Asia, with one-quarter of the world's population, remains inextricably intertwined with the future of Kashmir. The peace dividend that would accrue from resolving this blood conflict would enable India and Pakistan to reduce their burgeoning defense budgets and to invest those funds instead in desperately needed health and education reforms.

One fundamental principle is essential to resolving the conflict in Kashmir. That is the principle of self-determination, upon which our own United States was founded, and for which the blood of Americans has been shed and continues to be shed around the globe. Honorable Members of the committee, Mr. Chairman, we cannot allow subterfuge to undermine America's commitment to human rights. Yesterday I walked quietly among the graves of thousands of men and women in Arlington National Cemetery who gave their lives in defense of human rights both here and abroad. The silence of their repose provides unimpeachable testimony to America's unwavering opposition to tyranny and despotism. Does not the magnitude of their sacrifice compel us here today to advance the cause of human rights at every opportunity? And does that not include the people of Kashmir? I ask you, if not us, who? And if not now, when?

I thank you and will accept any questions.

[The prepared statement of Mr. Giuda follows:]

We Hold These Truths to Be Self Evident

By Robert J. Giuda
State Representative/Deputy Majority Leader
NH House of Representatives

Honorable Members of the Committee:

For the record, my name is Robert Giuda. I am a 1975 graduate of the U. S. Naval Academy, former officer of Marines, former Special Agent of the FBI, and Deputy Majority Leader of the New Hampshire House of Representatives. I am founder and chairman of Americans for Resolution of Kashmir.

Kashmir is classified by the U.N. as a "disputed territory". It lies within what is arguably the most dangerous region in the world, where the confluence of religious, ethnic, political, military and economic factors affords every conceivable basis for violent conflict. Over the past 57 years, India & Pakistan fought two major wars, numerous lesser battles, and engaged in a near-nuclear exchange just two years ago. Kashmir today is home to the largest concentration of ground forces on earth since World War II. 700,000 troops and paramilitaries – half India's standing army – are garrisoned among IOK's 8 million people. This equates to 1 armed combatant for every 11 civilians. Pakistan maintains 95,000 troops among the 5 million inhabitants of its sector, known as Free, or Azad, Kashmir – roughly 1 armed combatant for every 500 civilians.

Every day, unspeakable atrocities occur at the hands of India's army of occupation. Even as India proclaims to the world its desire to reach a political solution to the conflict, Indian law immunizes its army and police forces from prosecution for actions committed under color of "prevention of terrorism", enabling a hideous government-sanctioned repertoire of torture, rape, murder, arson, and custodial killing. Pakistan allows U.N. observers and human rights

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India cleverly deflects attention from its actions in Kashmir by claiming that the Kashmiri insurgency is really Muslim–incited "cross border terrorism" supported by Pakistan. My lengthy personal discussions with President Musharraf indicate otherwise. India's success with this charade depends on public ignorance of the exemption of indigenous freedom struggles from the U.N. definition of "terrorism". I submit to you that Kashmiri resistance to Indian repression is little different than the resistance of American colonists to British occupation during our War of Independence. I assure you, however, that the British never committed such atrocities as are part of daily life in Kashmir.

In July, 1999, a prominent U.S. House Committee voted to reject the concept of a plebiscite in Kashmir – this despite a 1948 U.N. resolution championed by the U.S., signed by India and Pakistan, and reiterated in four subsequent Security Council resolutions. That vote, denying the right of the indigenous people of a former nation-state to determine their own

future, is utterly inconsistent with America's demonstrated commitment to human rights. Even as U.S. and coalition forces fight today to restore freedom in Iraq, I ask the Committee to bring forth a resolution reaffirming the right of self-determination for the people of Kashmir. I ask you to stand strong in support of human rights without regard to race, creed, gender, or national origin.

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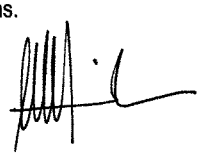
One fundamental principle is essential to resolution of the Kashmir conflict. That is the principle of self-determination, upon which our own United States was founded, and for which the blood of Americans has been shed many times around the globe. Honorable Members of the Committee, we cannot allow subterfuge to undermine America's commitment to human rights. Yesterday I walked quietly among the graves of thousands of men and women at rest in Arlington Cemetery who gave their lives in defense of human rights at home and abroad. The silence of their repose provides unimpeachable testimony to America's unwavering opposition to tyranny and despotism. Does not the magnitude of their sacrifice compel us here today to advance the cause of human rights at every opportunity? If not us, who? And if not now, when?

Thank you for your consideration. I am happy to take any questions.



Mr. BURTON. Thank you, Representative Giuda. We appreciate your being patient with us. I know you wanted us to have this hearing earlier. But we, as I said, we acceded to the wishes of the State Department because of the pending elections over there.

Let me just say to all of you, I appreciate very much, and I am sure everybody on the committee appreciates as well, your testimony. One of the things that we will try to work very hard to accomplish is to get the eyes and the ears of the world into Kashmir so that everybody can see what is going on, from the Indian troops as well as the militants that are fighting to try to get their view held in Kashmir. And the best way to make sure that the world knows is to get organizations like Amnesty International in there and the U.N. human rights organizations. It is unfortunate that the Indian government has not allowed them to be there.

Mr. Harrison said this should not be a forum for India-bashing. I agree that we should not be bashing anybody at this point. However, the atrocities are factual, the rapes are matters of fact, the tortures are a matter of fact, and the vast preponderance of those problems have originated with the military in India—I see Mr. Harrison shaking his head—but we have been studying this issue for a long, long time, and I know he has a different point of view. And we know that the Pakistani government and the militants have been involved in some major problems as well.

So all I can say is that we will do everything that we can to see that the peace negotiations between India-Pakistan include Kashmiris, and that we see the eyes and the ears of the world focused on this, not only from an external standpoint but from an internal standpoint. If we could get inside and actually see what is going on in Kashmir on a daily basis, then I think you would see the atrocities start to cease because you cannot stand up to world scrutiny very long.

In addition to that, I would like to see, and I think the committee would like to see, whether they are for or against our position on India and Kashmir and Punjab, we would like to see the laws that protect military personnel from prosecution for atrocities repealed. Everybody should be held up to the same standard—and that is, if somebody violates the human rights of another individual, whether it is here, in Iraq, in Kashmir, in Punjab, or wherever it happens to be, that they are held to the same standard and they are brought to justice. That is the only way you can eliminate these sorts of things from happening. And so we will continue to push forward to make sure that happens. It may take a while. But you may rest assured that your testimony has been a giant step forward. As you can see, the media of the world has been here to cover it and I am sure it will be reported around the world.

I want to thank you very much for your patience and for being here today. Thank you very much.

We stand adjourned.

[Whereupon, at 12:22 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[The prepared statements of Hon. Ileana Ros-Lehtinen, Hon. Frank Pallone, and Hon. Joe Wilson follow:]

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Congresswoman Ileana Ros-Lehtinen

Remarks on "Decades of Terror: Exploring Human Rights Abuses in Kashmir and the Disputed Territories."
May 12, 2004
Room 2247, 10:00am

Mr. Burton and I have worked closely in many hearings throughout numerous issues and I consider the Chairman to be a friend.

Today, we gather to hear from witnesses concerning what is titled *"Decades of Terror: Exploring Human Rights Abuses in Kashmir and the Disputed Territories."*

As the former Chair of the House International Relations Committee's Subcommittee on Human Rights, I take no other issue more seriously than the abuse and violations of innocent men, women and children across the globe.

I look forward to hearing from our witnesses today and encourage this body to look further at the human rights situation throughout this region, where there are undemocratic dictatorial governments violating the fundamental freedoms of their people.

Further, it is imperative that we take a balanced and objective outlook when addressing this sensitive matter.

It is important to remember the contributions and dedication of the hardworking men and women of India.

As we all know, the people of India are a proud and resilient people.

As the world's 2nd most populous nation and the largest democracy in the world, India and the United States have forged a long-lasting friendship.

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Recently, peoples from all over the country of India went to the polls and marked their choice for Parliament.

This act of citizenship shows India's neighbors, and nations across the world, that democracy works. Reports indicate that the majority of the population voted in last week's election.

India shows us that the commitment to democracy is strong and that the ties between India and the United States are even stronger.

The everlasting bond that is forged by the 1.7 million Indian-Americans living in the United States is a shinning example of our commitment to one another.

Indian-Americans lead thriving lives in communities throughout the U.S.—the contributions to our society demonstrate the resilience and fervor of the Indian-American spirit.

As sister democracies, we must remain vigilant of human rights atrocities.

I am encouraged by the attendance of Michael Kozak, the Principal Deputy Assistant Secretary at the Bureau of Democracy, Human Rights and Labor at the Department of State.

Mike is a good friend and someone who, having served as a principal officer in our Interest Section in Cuba, and as Ambassador to Belarus, knows about systematic violations of human rights.

While looking at the human rights practices in Kashmir, it is imperative to address the conditions across the region.

As an example, the Department of State's Report on Human Rights Practice for 2003 states that "it is estimated that a large number of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP, one out of every two women was the victim of mental or physical violence (in Pakistan). The National Commission on the Status of Women reported in 2001 that violence against women "has been described as the most pervasive violation of human rights" in the country.

Do freedoms of speech, religion and equality for women exist for the citizens of Pakistan?

Mr. Chairman, Americans are good people with true and deep respect for the sanctity of human rights.

As a political refugee from an Island that is captive by a terrorist regime that rapes, kills and tortures its people, I remain solid in my battle against human rights violations.

Mr. Chairman, many statements have been made as to our vigilance and "watching the actions" of states conducting human rights violations.

As we meet in these halls of democracy, let that deafening warning ring out and warn all nations, all regions, that this subcommittee, this Congress and this nation will hold governments accountable for their human rights violations.

Thank you Mr. Chairman.

CONGRESSMAN FRANK PALLONE, JR.
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS
"HUMAN RIGHTS IN KASHMIR"

MAY 12, 2004

I would like to take this opportunity to thank Chairman Burton for allowing me to participate in this hearing today on human rights in Kashmir.

As the Chairman of the Kashmir Task Force within the Congressional Caucus on India and Indian-Americans, I have been advocating for peace and prosperity for the people of Kashmir and in addition, I have been well informed of the plight of the Kashmiri Pandits and sympathize greatly with the human rights abuses and genocide this community has endured through the years.

In order to promote stability in the volatile South Asia region, there are a number of issues that must be resolved.

The two necessary actions relevant to our discussion in today's hearing are: 1) Democracy must be restored in Pakistan and Musharraf must step down as the military dictator and as Pakistan's self-proclaimed President, and 2) Islamic militant infiltration at the J&K Line of Control, cold-blooded terrorism throughout Kashmir, and Pakistani military and moral support for insurgents must be terminated. Only when the cold-blooded murder of innocent victims in Kashmir is eliminated will the state of Jammu&Kashmir and its people be able to live with some semblance of normalcy.

The plight of the Kashmiri Pandits is another issue that must be discussed, and that should have been the priority at this hearing today if we are to truly highlight human rights abuses in Kashmir. Even though Kashmir is rightfully a state within India, its citizens, the Kashmir Pandits who had been living in the Kashmir Valley for 5,000 years, suffered a long history of attacks throughout the 1990's, leading to mass

migration of Pandits from the Valley, most of whom where either murdered or forced to live in wretched refugee camps.

The Pandits that remain in Kashmir comprise a very small minority of the population, continue to be subject to attacks and human rights abuses on a near daily basis, and very insecure economic, political, and social conditions.

The genocide of this community and the human rights abuses they endure will continue unless their plight is prioritized by the National Human Rights Commission and by both the Indian and Pakistani governments.

I would like to also add that in this hearing, serious allegations have been made against Indian military personnel which I believe have not been substantiated by authorities such as the Congressional Research Service, the U.S. State Department or established resources on these issues such as

Amnesty International. Whereas human rights abuses and terrorism by Islamic fundamentalist and Jihad groups operating in Kashmir has been well documented by the U.S. government and in fact, some of these terrorist organizations have been shown to have direct ties to Al-Qaeda.

Kashmir is an Indian state that has participated in transparent, fair elections, where many citizens have in fact risked their lives and been murdered as a result of exercising their right to vote. Although much progress is necessary in Kashmir in order to ensure a good quality life for all of its citizens, compare this to the military dictatorship of Pakistan and blatant use of its citizens to promote terrorism.

We must encourage Pakistan to return to a democracy, we must encourage Musharraf to end militant insurgency and terrorism throughout Kashmir, and we must facilitate safety, security and rehabilitation for the Kashmiri Pandits.

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Wednesday, May 12, 2004

Statement by U.S. Congressman Joe Wilson

Co-Chair – Congressional Caucus on India and Indian Americans

Before the Subcommittee on Human Rights and Wellness

House Committee on Government Reform

Chairman: The Honorable Dan Burton

Human Rights in Kashmir: The plight of Kashmiri Pandits

Mr. Chairman,

Thank you for providing me with the opportunity to address my concerns regarding human rights abuses in Kashmir.

When we speak of human rights abuses, we speak of the deprivation of rights we consider fundamental in American society. Depriving people of their life, liberty, and property through means of intimidation, torture, or rape, occurs in many parts of the world.

When we speak of human rights abuses, too often we are critical of the way Indian security forces treat suspected militants. We overlook the abuses committed by these very militants on the civilian population in Kashmir, most notably the acts of violence committed against Kashmiri Hindus.

Victor Gobarev noted in a CATO publication that few U.S. policymakers or American media outlets discussed the violence unleashed upon Kashmiri Hindus, known as Pandits, which included murder, rape, and the destruction of homes and businesses:

> Indians were surprised to find almost no sympathy in the West for the plight of Hindu and other non-Muslim populations of Kashmir. Few people in America are aware that most of the Hindu population of Jammu and Kashmir has been forced into exile by a terror campaign conducted by Pakistani-based Muslim guerrillas who systematically kill non-Muslims for the purposes of "cleansing Kashmir from infidels." In another part of the world, such tactics are called "genocide" and "ethnic cleansing."[1]

[1] Victor M. Gobarev, "India as a World Power: Changing Washington's Myopic Policy," Cato Institute, Cato Policy Analysis No. 381, September 11, 2000, p. 16.

Beginning in 1989, mosques in Kashmir blared warnings from loudspeakers to Hindus that they were infidels and had to leave Kashmir.[2] From 1989-1990, Islamists began a terror campaign to drive Hindus from Kashmir. The following is a typical story of a Kashmiri Pandit as reported in the *Associated Press*:

> Pinni Suri remembers the scene exactly though 11 years have passed. Dawn had just broken when two teenagers knocked on the front door of her home in the Kashmir Valley, where her Hindu ancestors had lived for centuries among the majority Muslims. Two minutes later, one of the young men shot Suri's husband in the chest. The attackers disappeared into the narrow lanes of Srinagar, Kashmir's summer capital. Muslim neighbors, watching from their window, turned away as she begged for help. "They shot my husband on Aug 1. 1990, and I left Srinagar the same day. I haven't gone back since," said Suri. An uncle of her husband was killed weeks later. It was a time of terrible fear among Kashmiri Pandits, Hindus indigenous to the beautiful Himalayan valley. They and Hindu settlers were being killed, kidnapped and robbed by Islamic militant groups demanding independence from India or to unite with Muslim-majority Pakistan. . . . [T]he Pandits are raising anew their demand for a homeland, which they say must be separate because of fears they will be targeted again. "They wanted to Islamize Kashmir and they wanted us out. It was ethnic cleansing," said Ramesh Manavati, spokesman for Our Own Kashmir, an organization that says it represents more than 700,000 Kashmiri Pandits and demands an enclave in the Kashmir valley.[3]

This campaign of terror drove hundreds of thousands of Hindus from Kashmir, and they have not returned. When we speak of human rights, we cannot ignore the plight of Kashmiri Pandits and the violence directed against them from Islamist militant groups. We should also recognize that dozens of terrorist attacks have targeted Muslims as well in Kashmir and innocent civilians have been attacked in public places such as bus stops or market areas. The State Department notes "terrorists killed and otherwise attacked hundreds of Hindu and Muslim civilians in 2001 and 2002."[4]

The State Department further noted in its 2003 country report on human rights practices in India:

> Terrorist attacks remained problems. The concerted campaign of execution-style killings of civilians by Kashmiri and foreign-based militant groups continued and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including killing of armed forces personnel, police,

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[2] Hema Shukla, "As India and Pakistan Leaders Meet, Kashmir's Evicted Hindu Minority Seeks Its Own Homeland," *The Associated Press*, July 11, 2001.

[3] *Ibid.*

[4] U.S. Department of State, India: International Religious Freedom Report 2002 Released by the Bureau of Democracy, Human Rights, and Labor, October 7, 2002.

> government officials, and civilians; torture; rape; and other forms of brutality. Separatist militants also were responsible for kidnapping and extortion in Jammu and Kashmir and the northeastern states. The Government accused the terrorist groups Lashkar-e-Tayyiba (LET) and Jaish-e-Muhammad of responsibility for carrying out many of the attacks on civilians and military personnel.[5]

Mohammed Ayoob noted in a *Washington Times* editorial:

> India has been a victim of intense cross-border terrorism, especially during the past decade. It has become increasingly clear that the sources of material support and training for terrorists infiltrated into the Indian state of Jammu and Kashmir are the same that brought the Taliban to power in Afghanistan and patronized the activities of the Osama bin Laden network. Evidence from both the 1998 American bombings of terrorist bases and from current campaigns against the al Qaeda network in Afghanistan have clearly revealed the presence of recruits from Pakistani-sponsored groups that are routinely trained for infiltration into Kashmir....[6]

India has suffered from cross border terrorism for more than a decade. An example of how India has suffered from this terrorism occurred on December 13, 2001, when 5 Pakistani nationals committed a suicide attack on India's Parliament, resulting in a 90-minute gun battle between the militants and New Delhi police, which ended in 14 deaths.[7] On October 1, 2001, the Pakistan-based militant group Jaish-e-Mohammed, claimed responsibility for the suicide attack on the Kashmir State Legislature, which killed 38 people and critically injured fifty more.[8]

India has suffered extensively from these terrorist attacks, and Kashmiri Pandits have been exiled from their ancestral home to refugee camps. We cannot and should not ignore the plight of the Kashmiri Pandits. When we talk about human rights abuses in Kashmir, let us not forget the acts of terror unleashed upon the Kashmiri Pandits and the human rights abuses they have faced at the hands of unrelenting Islamist militants.

I am hopeful that as the Composite Dialogue between India and Pakistan continues, the human rights abuses will end and peace can return to the Kashmir valley. The people of Kashmir, of many different faiths, with a centuries-long tradition of tolerance, are waiting for the peace process to take root in Kashmir.

Thank you Mr. Chairman, for giving me the opportunity to address you and your subcommittee on this important issue.

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5 U.S. Department of State, India: Country Reports on Human Rights Practices, Released by the Bureau of Democracy, Human Rights, and Labor, March 31, 2003.

6 Mohammed Ayoob, "Rocky Road to Asian Peace," *The Washington Times*, November 8, 2001.

7 "India Says Aims to Avoid War With Pakistan," *Reuters*, December 19, 2001.

8 Celia W. Dugger, "India Wants End to Group in Kashmir Attack," *The New York Times*, October 3, 2001.

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Timeline of attacks on religious minorities in Kashmir: 1998-2001

- in April 1998, Islamic militants massacred 13 Hindus in a Kashmiri village[1]
- on June 19, 1998, 25 Hindus were massacred at a wedding party in Kashmir[2]
- on July 28, 1998, Islamic militants killed 16 Hindus in two attacks, one of which occurred when the militants burst into the home of a Hindu family in a remote village in Kashmir and gunned down 8 people[3]
- on February 20, 1999, Islamic militants massacred 20 Hindus, including 7 women[4]
- on June 30, 1999, 12 Hindu laborers were killed in their sleep[5]
- on July 2, 1999, 9 Hindus including 2 children were killed in a remote Kashmiri village[6]
- in late December 1999, an assassination attempt was thwarted against the Chief Minister of Jammu & Kashmir, Farooq Abdullah[7]
- on February 29, 2000, a convoy of trucks was stopped in Kashmir and 5 Hindu drivers were killed[8]
- in March 2000, 35 Sikhs were massacred upon the arrival of President Clinton in India[9]
- in May 2000, the Hizbul Mujahideen assassinated Ghulam Hasan, Kashmir's Minister of Power[10]
- in June 2000, the Hizbul Mujahideen claimed responsibility for the landmine explosion that killed 11 Shia Muslims, and for the assassination attempt against Shia Muslim cleric Maulvi Iftikhar Hussain Ansari[11]
- in July 2000, 3 Buddhist monks were shot dead by Islamic militants[12]
- in July 2000, 15 Hindus were shot dead by Islamic militants[13]
- in August 2000, nearly 100 Hindus on a religious pilgrimage were massacred by Islamic militants[14]
- in August 2000, Islamic militants approached a remote village in Kashmir in the middle of the night, shot and killed 4 Hindu men, and critically wounded a Hindu woman[15]

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1 "Gunmen Kill Thirteen in Jammu," *BBC News*, April 19, 1998.
2 "Wedding Massacre in Kashmir," *BBC News*, June 19, 1998.
3 "Sixteen Killed in Indian Kashmir Attacks," *BBC News*, July 28, 1998.
4 "20 Hindus Die in Jammu and Kashmir Violence," *BBC News*, February 20, 1999.
5 "Hindu Laborers Killed in Kashmir," *BBC News*, June 30, 1999.
6 "Hindu Villagers Killed," *BBC News*, July 2, 1999.
7 Altaf Hussain, "Narrow Escape for Kashmir Chief Minister," *BBC News*, December 29, 1999.
8 Daniel Lak, "More Hindus Killed in Kashmir," *BBC News*, February 29, 2000.
9 "35 Sikhs Shot Dead in Kashmir," *BBC News*, March 21, 2000.
10 "Blast Kills Kashmiri Minister," *BBC News*, May 15, 2000.
11 "Shia Protests Over Kashmir Blast," *BBC News*, June 3, 2000.
12 "Buddhist Monks Killed in Kashmir," *BBC News*, July 13, 2000.
13 "Nineteen Dead in Attacks in Kashmir," *BBC News*, July 20, 1999.
14 "Kashmir Spirals Into Violence," *BBC News*, August 2, 2000.
15 Mike Woolridge, "Four Hindus Killed in Kashmir," *BBC News*, August 20, 2000.

- in November 2000, pro-India Shia Muslim politician Aga Syed Mehdi was assassinated in a landmine explosion; 30,000 people attended his funeral[16]
- in November 2000, 5 Hindu and 5 Sikh truck drivers were shot dead[17]
- in November 2000, 6 Hindus were kidnapped from a bus stop and shot dead[18]
- in December 2000, Islamic militants shot and killed 4 Hindus inside their home[19]
- in January 2001, the Hizbul Mujahideen claimed responsibility for the assassination attempt against Chief Minister of Jammu & Kashmir, Farooq Abdullah[20]
- in January 2001, 3 members of a Muslim family were shot dead in a village where elections were about to take place[21]
- in February 2001, 6 Sikhs were killed in a drive-by shooting[22]
- in May 2001, a suicide attack killed 2 terrorists and 6 civilians, and injured 6 civilians and 11 Indian soldiers[23]
- in May 2001, 11 Hindu villagers tending cattle were confronted by Islamic militants; 6 villagers were beheaded, 3 were admitted to a hospital with deep throat wounds, and 2 were missing[24]
- in May 2001, Islamic militants from the Hizbul Mujahideen tried to assassinate Omar Abdullah, India's Minister of State for Industries and Commerce after he inaugurated a computer center at a school in Srinagar[25]
- in July 2001, Islamic militants attacked Hindu devotees on an annual religious pilgrimage in Kashmir by throwing hand grenades at them and killed 14[26]
- in July 2001, 15 Hindu villagers were massacred by Islamic militants[27]
- in August 2001, 17 Hindu shepherds were kidnapped and killed by Islamic militants[28]
- in August 2001, 3 Islamic militants opened fire at a railroad station in Kashmir, killing 11 and wounding 23[29]
- a bomb that exploded at the same station a few months earlier wounded more than 40 passengers[30]
- on August 15, 2001, India's Independence Day, 4 Hindus and 2 Muslims were killed in a Kashmiri village; 18 people including schoolchildren were injured in a grenade attack; and 9 police officers were injured in a landmine explosion[31]
- on September 6, 2001, Islamic militants killed 5 Indian soldiers and wounded 20 in two separate land mine explosions[32]

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16 "Thirty Killed in Kashmir," *BBC News*, November 4, 2000.

17 "Protest Over Kashmir Killings," *BBC News*, November 23, 2000.

18 "Six Killed in Kashmir Attack," *BBC News*, November 24, 2000.

19 "Hindus Killed in Kashmir," *BBC News*, December 2, 2000.

20 "Assassination Bid Fails in Kashmir," *BBC News*, January 14, 2001.

21 "3 Killed in Kashmir," *BBC News*, January 19, 2001.

22 "Sikh Anger at Kashmir Killings," *BBC News*, February 4, 2001.

23 "Eight Killed in Kashmir," *BBC News*, May 9, 2001.

24 "Six Kashmiri Villagers Beheaded," *BBC News*, May 10, 2001.

25 "Indian Official Escapes Grenade Attack in Kashmir," *Reuters*, May 29, 2001.

26 Qaiser Mirza, "Pilgrimage Suspended After Explosion Kills 14 on Hindu Pilgrims' Route in Kashmir," *The Associated Press*, July 21, 2001.

27 "Strike After Massacre of Hindus," *BBC News*, July 23, 2001.

28 "Shepherds die in Kashmir Massacre," *BBC News*, August 4, 2001.

29 Binoo Joshi, "Suspected Militants Open Fire at Railroad Station in Jammu-Kashmir, 11 killed," *The Associated Press*, August 8, 2001.

30 *Ibid.*

31 "Kashmir Independence Day Attack," *BBC News*, August 15, 2001.

- on September 9, 2001, 5 Indian soldiers were killed, and 10 people, including 5 civilians, were wounded in land mine explosions in Kashmir[33]
- on October 1, 2001, the Pakistan-based militant group Jaish-e-Mohammed, claimed responsibility for the suicide attack on the Kashmir State Legislature which killed 38 people and critically injured dozens more[34]
- on November 14, 2001, Kashmiri Minister for State Works Ali Mohammed Sagar survived an assassination attempt[35]
- on December 1, 2001, 4 Hindu and 2 Muslim civilians were gunned down by militants[36]
- on December 1, 2001, at least 41 people were injured when militants threw grenades at Indian soldiers near a bus stand which missed their target, and instead hit nearby passengers including 8 women and 5 children[37]
- on December 5, 2001, a judge and 3 companions were ambushed and gunned down by militants with automatic weapons[38]
- on December 22, 2001, Islamic militants killed 2 Hindu women, and gunned down 3 teenaged Sikh girls while they were sleeping in their home[39]
- on December 31, 2001, Islamic militants shot dead a Hindu family of 6, including an infant and 8-year-old boy at point-blank range;[40] 6 policemen, 3 civilians, and 4 soldiers were also killed in separate incidents[41]

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32 Binoo Joshi, "5 Die in Kashmir Mine Explosions," *The Associated Press*, September 6, 2001.

33 "5 Soldiers Killed in Kashmir Blasts," *The Associated Press*, September 9, 2001.

34 Celia W. Dugger, "India Wants End to Group in Kashmir Attack," *The New York Times*, October 3, 2001.

35 "Kashmir Minister Survives Attack," *BBC News*, November 14, 2001.

36 Mukhtar Ahmed, "Six Villagers Gunned Down by J&K Militants," *Rediff.com*, December 1, 2001.

37 "41 Injured in Grenade Attack in Bandipore Bus Stand," *Rediff.com*, December 1, 2001.

38 "Judge, Bodyguards Gunned Down in Kashmir," *The Times of India*, December 5, 2001.

39 "Kashmir Killings Prompt Security Review," *BBC News*, December 22, 2001.

40 Harbaksh Singh Nanda, "Hindus Massacre Shrouds Indian Talks Offer," *United Press International*, January 1, 2002.

41 Beth Duff-Brown, "India Cooling Pakistan War Rhetoric," *The Associated Press*, January 1, 2002.

NEWS RELEASE

Congressman Joe Wilson

Representing the 2nd District of South Carolina

For Immediate Release

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March 26, 2003

Wilson Condemns Recent Terrorist Attack in Kashmir

Washington, D.C. - Today, Rep. Joe Wilson (R-S.C.) condemned the recent terrorist attack in Kashmir, where 24 Hindu villagers were killed.

"The 24 Hindus killed in Kashmir were massacred in cold blood. The fact that the terrorists who committed this act would kill 2 young children and 11 women demonstrates what a heartless, despicable act this truly was," said Rep. Wilson.

"Since the armed insurgency in Kashmir began in 1989, more than 400,000 Kashmiri Pandits have been forced from their homes in Kashmir. With relative calm in the state after assembly elections in October, hopes were raised that the Pandits could return to their ancestral home. These hopes are now being dashed.

"I urge the state government to take decisive action to capture those responsible for committing these murders. These terrorist attacks must completely stop so all the communities in Kashmir can live together in harmony. I hope the state and central governments continue to work together to finally bring about a peaceful resolution to the Kashmir conflict," said Rep. Wilson.

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NEWS RELEASE

Congressman Joe Wilson

Representing the 2nd District of South Carolina

For Immediate Release

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Congressman Joe Wilson Condemns Kashmir killings

WASHINGTON, D.C. - Today, Rep. Joe Wilson (R-SC) condemned the killings of civilians during an annual religious pilgrimage in Kashmir.

"The front page of the August 7th *Washington Post* showed the serious threat of Islamic militancy in Kashmir. Nine Hindus were killed and 28 wounded in an attack launched by extremists," said Rep. Wilson. "My thoughts and prayers go out to the victims of this cruel terrorist attack.

"These attacks occur every time this trip is undertaken, and this year is no exception. The targeted attacks against civilians must stop before there can ever be peace in Kashmir.

"Pakistan must work harder to stop the infiltration of militants into Kashmir. These terrorists are not only trying to destabilize the upcoming elections in Kashmir, they are also targeting President Musharraf's own regime. Only after Pakistan has rid itself of religious extremists and terrorist elements will the war on terrorism truly succeed," said Rep. Wilson.

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August 12th, 2002

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