# *The* Human Toll *of the* Kashmir Conflict

*Grief and Courage in a South Asian Borderland*


*Shubh Mathur*

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*Where have you hidden my new crescent moon?*
*I search for my son by the light of the moon*
*A hawk swooped down and took him away*
*is he high in the mountains, near to the moon?*
*When he disappeared my fear went away*
*I approach the armed men under sun and moon*
*I've searched camps, hospitals and jails*
*where is he? can my child see the moon?*

—B. Fiona, Ghazal for Parveena and her son Javaid (disappeared 1991)

*"Love is strong as death"*

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# Introduction: Disappearances in Kashmir

This book is a collection of testimonies from the families of the disappeared in Kashmir. Inspired by their long quest for the truth about their missing relatives, it is based on the idea that preserving memory is central to the struggle for justice and to someday rebuilding the society shattered by two decades of armed conflict. Based on extensive fieldwork in collaboration with the families, it weaves together "insider" and "outsider" narratives to produce an understanding of life and struggle under two decades of military rule. The collaboration between insider and outsider voices enables us to see disappearances as human rights violations which fall under the legal definition of crimes against humanity, and also as a continuing story of loss and struggle in a society which is bound together by suffering and resistance. The loss of a relative—a son, a father, a husband, a brother—ripples through the web of social relationships of kin and community, and through time, creates its own webs of connectedness with strangers who share the same sorrow.

The stories of the families are told here as a series of conversations and reflections. The narratives gradually reveal the context: of a military presence and its attendant fear that has overshadowed cities, villages and forest hamlets for more than twenty years; of the control of every facet of everyday life;[1] about the ways in which news filters out about the tortures in the army camps, those who survive it and those who do not; about the thousands of unmarked mass graves; the killings and detentions,

the rapes, arson, looting and destruction that seek to cage in a civilian population. Individual encounters with the judicial system illustrate its helplessness in the face of the army presence, and the workings of national security laws that provide impunity to Indian forces. The personal narratives also illuminate the mixture of belief, uncertainty, grief and despair that drives families to confront this regime of terror. Telling these stories thus becomes a way of learning the history of Indian state violence, a history commonly hidden from view both within India and internationally.

I met Parveena Ahangar, one of the founders and President of the Association of Parents of Disappeared Persons (APDP), for the first time in March 2007. We traveled together to remote villages in the border district of Kupwara, driving north-west from Srinagar along the Lolab River valley. This was her only way of reaching other families in remote and isolated villages and hamlets, to inform them of APDP plans. There were no telephones and the mail was erratic, slow and unreliable. Late snow, thaw and spring rain produced a haunting beauty, characteristic of the Kashmir Valley—field and meadow, poplar-lined roads, streams and mountain. They also made the roads treacherous. Occasionally the way was blocked altogether, and the detours flooded so we were driving through what appeared to be a small river. For my part, I expected us to be swept away in the rushing water, but the driver's skill in finding less-used roads and in driving under hazardous conditions brought us through mountain and forest to isolated homes and hamlets. In villages and towns surrounded by army camps, checkpoints, patrols and razor wire, we heard tales of disappearances, many of them already known to APDP and some being reported for the first time since the army arrived there seventeen years earlier. It was on this trip that the idea for this book was born.

Finally, we were directed by our guide, a silent young man who had accompanied us from Srinagar in the morning, to a new case that was being brought to Parveena's notice. At Tragpora, the entire village was surrounded with barbed wire and armed soldiers, and our guide had to produce his ID and an explanation for having visitors to his house. There we met the family

of Manzoor Ahmed Wani, a young man who had been taken away to the army camp that dominated the area, a few months after his marriage. Army officials first admitted that he was held there, and that the family need not worry about him. The colonel in charge was avuncular and concerned, asking the family to bring warm clothes for him. A week later, army officials denied ever having arrested him and began threatening and targeting the family systematically. The area was already in the grip of Ikhwani terror. The Ikhwanis are counterinsurgency death squads, trained, armed, paid, and protected by the army, to terrorize the local population. Filmmaker Sanjay Kak provides the following definition of the word and thus a glimpse into the logic of counterinsurgency: "*Brother* in Arabic. In Kashmir, Ikhwani became a word for renegade, another word for collaborator. Its origins lay in the mid-90s, in Indian security forces buying up fringe militant groups, arming and protecting them, then unleashing them upon their own people."[2] People were afraid to step outside their homes, even to cultivate their fields or graze their cattle. The family of Manzoor Ahmed Wani were made particular targets: the men from the family were taken almost in rotation to the nearby army camp, to serve as unpaid labor, as human shields in case of a militant attack, and on occasion to be tortured to persuade them to withdraw the case against the army.

Yet this regime of terror and violence was unable to break their spirit or their determination to find justice. On the day of our visit, one of the brothers had just returned from the camp. I explained my reasons for visiting and the idea that the disappearances should be carefully recorded and reported to the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Geneva. On learning that I was then a college professor living in the United States, their first question to me was: "Can you put our story on the BBC?" The BBC wasn't interested, but the case of Manzoor Ahmed Wani became the first one reported by APDP to the UN Working Group on Enforced and Involuntary Disappearances, and opened the way for a collaboration between the APDP and the UN OHCHR. Since that time, APDP has become one of the best organized and most credible groups documenting human rights abuses in Kashmir.

The stories of the families recount a universal grief, of losing a child or parent, sibling or neighbor. Their loss however is not due to the mischances of this world, but an abduction deliberately carried out by an army of occupation, which then blocks all their efforts to find the missing person and to seek justice for the crime. The APDP—guided by the concerns of the families—has also pioneered the legal strategy which offers the best chance of ending these abuses and bringing the abusers to justice. Meticulous documentation of the disappearances in different districts in collaboration with the UN High Commission on Human Rights in Geneva has built a detailed and credible record of human rights abuses. It provides documentary evidence that may serve in any future tribunals to record and account for crimes against humanity in Kashmir. Such accountability is essential to any kind of peace settlement (Mendez 1997). As well as legal evidence of crimes against humanity, these narratives offer a unique look at the lived realities of two decades of armed conflict and counterinsurgency. To the slowly emerging global awareness that the road to peace in South Asia does indeed lie through Kashmir, these stories add the essential condition that peace can only be based on justice and remembering, not on silence and forgetting.

The quest of the families for justice is consistent with both the principles and developing practice of international human rights law. There is no statute of limitations in international law on war crimes and crimes against humanity. Over the past two decades, the concerns of victims of massive human rights abuses in situations of war, internal conflict, and political repression have been the driving force behind the creation of international human rights mechanisms. International criminal prosecutions for war crimes and crimes against humanity have evolved to counter the problem of the impunity provided to abusers by national governments in the name of sovereignty. The principles of universal jurisdiction have become an operational part of international law, albeit imperfectly (Falk 2014; Kaleck 2015), through the creation of the International Criminal Court (ICC), international criminal prosecutions brought in national courts, and the international criminal tribunals created by the UN. In

post-conflict societies from Guatemala to Cambodia, abusers have been brought to justice with the active help and intervention of the international human rights community—human rights advocates, the UN human rights system, researchers, and international media—collaborating with and supporting victims, survivors, local NGOs, and courts (Roht-Arriaza 2013; Sikkink 2011). Kashmir remains the unfortunate exception but also constitutes a test case for the professed concern of the international community for human rights. The present work argues for the necessity of an international criminal tribunal on Kashmir as an essential part of a credible process of conflict resolution.[3]

## "The fate of Paradise"

It was in 1991 that Parveena's own son was taken away. In the early years of the insurgency, the repression was at its harshest. "Crackdowns" are cordon and search operations carried out by the army, often lasting for days. Men and boys are rounded up and forced to sit outdoors, in freezing winter cold and under the blazing sun of summer. In the homes, women are left unprotected. Cash, jewelry and other valuables are looted, women molested. The infamous case of Kunan Poshpora, where more than 50 women were gang raped by soldiers from the 4th Rajputana Rifles in February 1991, occurred in such a situation. It was by no means the only such incident. Peaceful protests against the abuses—the arrests, torture, killing and disappearances—are met with gunfire from police and military.

> *But the reports are true, and without song: mass rapes in the villages, towns left in cinders, neighbourhoods torched. . . . The rubble of downtown Srinagar stares at me from* The Times *. . . . Srinagar hunches like a wild cat; Lonely sentries, far from their homes in the plains, licensed to kill . . . while the Jhelum flows under them, sometimes with a dismembered body. . . . The candles go out as travelers, unable to light the . . . Void. Srinagar was under curfew . . . The identity pass may or may not have helped in the crackdown. Son after son—never to return from the night of torture—was taken away.*[4]

These lines by Agha Shahid Ali, the Kashmiri-American poet and recording angel of the counterinsurgency, capture as no narrative can the experience of military terror. His untimely death in 2001 due to a brain tumor was part of the continuing tragedy of Kashmir. Poetry—as comprehension when all meaning fails, as expression of griefs that cannot be held in speech or thought—is an essential part of the Kashmiri experience of military occupation. As a mode of resistance, it reveals the ultimate futility of the strategies of military control. His words are woven through the following text as guide and solace in understanding the conflict.

This was the world in which Parveena's children, like other teenagers in the neighborhood of Batamaloo in downtown Srinagar, went to school, passed exams, played games of street cricket and football under the eyes of trigger-happy, murderous soldiers. Guest houses, hotels, cinemas, playgrounds, and schools had been turned into army camps and torture centers.[5] On 8 August, 1991, as Javed, the second eldest child, was studying with a friend for his high school exams, he was taken away by the National Security Guards. Parveena traced him from the police station, where he was beaten and tortured, to the military hospital, where she was not allowed to meet him. She searched for him in hospitals, jails, morgues, courts, army camps, and torture centers, where she met others like herself, and began to organize her grief and loss into support for their struggles. With their help, she founded the APDP, Association of Parents of Disappeared Persons. As her story became known, she became a well-known figure in Srinagar and throughout Kashmir. APDP members received threats, were attacked, and even killed as they sought to find the truth through the courts, media. There are many others with stories like hers. "Disappeared," along with other words—"interrogation" for torture, "JIC" for torture centers located in army camps, "unidentified gunman" for the killers of those who speak out against human rights abuses, "Ikhwani" or "STF" for collaborators organized by Indian forces into pro-government death squads, "encounter" for extra-judicial execution—has become part of the common vocabulary in Kashmir.

Reading the pattern of abuse as it plays out over time, it becomes clear that it is not an aberration but an essential part of

a systematic and deliberate policy to terrorize a civilian population and to break down its resistance to Indian rule. The exact number of disappearances is not known, but may be numbered in the thousands. It also becomes clear that the words of the UN Declaration of Human Rights are no alien, abstract, Western imposition on the lives of the victims and survivors but quite literally words to live by: "Everyone has the right to life, liberty and security of the person," "No one shall be subjected to arbitrary arrest, detention or exile" and "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."[6] While the words are not remote, the institutions of human rights and international justice have hitherto ignored the suffering of the civilian population in Kashmir, and this book seeks also to remedy that situation.

Since 1989, when the movement for Kashmiri independence took the form of an armed insurgency, more than half a million Indian troops have been deployed there, making it one of the most highly militarized regions of the world. Some estimates place the number of troops deployed as high as 800,000 (Mishra 2011; also Duschinski 2009). With a ratio of one soldier to every ten civilians, Indian counterinsurgency has progressed as a classic dirty war, where the army treats the civilian population as the enemy. The troops are deployed not only on the contested borders but across the civilian areas. In this situation, human rights abuses occur on a massive scale: torture in the vast military camps and interrogation centers that sprawl across the Valley, rape, disappearances, extrajudicial killings, the use of civilians for forced labor and as human shields, destruction of crops and homes, arson, arming pro-Indian militias to terrorize the population (Agrwaal 2008; Amnesty International 1991, 1993, 2011; Chatterji 2011; Duschinski 2009; Farasat 2013; Human Rights Law Network 2009; Human Rights Watch 1999, 1996, 1993; Kak 2013; Mathur 2012; Visweswaran 2013).[7] The power of the military is highly visible, manifested through control of space and the movement of people within it. This power is both absolute and arbitrary. By the army's own estimates, the number of armed militants was never greater than 3,000; since around 2003, it has

dwindled to a few hundreds. The massive military deployment continues, and as the Kashmiri movement for independence from India returns to its origins as a peaceful mass movement, the abuses and repression take new forms.

To this continuing chronicle of military terror, the families of the disappeared oppose a profoundly moral voice. Grief and love give the families the courage to confront and challenge this regime. Their very vulnerability, juxtaposed to the power of the army, casts into sharp focus its immorality and illegitimacy. Parveena Ahangar has become a symbol for the sorrow, suffering and endurance of the Kashmiri people under two decades of Indian army rule. She sees herself, and is seen, first and foremost as a mother who will leave no stone unturned in her quest for justice for her son. What makes her unique are her unbounded compassion for others who suffer as she does; and her courage in challenging the power, violence and secrecy of that most paradoxical of all systems of terror—a military regime in the service of a country that bills itself as the "world's largest democracy." She has become not only a symbol but also a rallying point for those who seek justice for the rape, torture, murder of their beloved sisters, wives, husbands, sons, fathers. Following the wishes of the families, APDP has extended its mandate beyond disappearances to support the victims of all human rights abuses.

The scale of the abuses in Kashmir has been matched only by the profound silence in the media, by the international human rights institutions, and academic writing on the record of twenty-four years of military terror. Liberal, neocolonial, postmodern, leftist voices, widely divergent in politics and theory, have been united in excising from the historical narrative any mention of *les guerres sans nom,* the hidden wars of Indian counterinsurgency. Kamala Visweswaran problematizes not only the violence of the nation-state but also the silence of its theorists, whose critique of the nation-state nevertheless ignores its systemic violence in the borderlands: ". . . the silence among post-colonial theorists on India's ongoing military occupation of Kashmir, Manipur and other parts of Northeast India is as deafening as the protests over Israel's occupation of Palestine are loud" (2012, 442). She names this silence as ". . . the complicity of post-colonial theory with

security discourses in reading movements for self-determination as threats to the state or as forms of terrorism . . ." (2012, 440). The optimistic belief of anti-colonial theorists, that the relationship of colonizer to colonized would vanish with political independence, was not justified. Rather, ". . . one nation's anti-colonialism would become another (captive) nation's experience of colonialism" (2012, 442).

In the Indian public discourse on Kashmir, dominated by the "national security mindset" the problem is one of securing national frontiers against "outside interference." Comparing the different regions shows that the national security and counter-insurgency policies followed by the Indian state since 1947 in the north-east, Punjab and Kashmir, have followed a remarkably coherent pattern. These policies have been shaped above all by the perception of cultural difference—religious, linguistic, ethnic—as dangerous and somehow suspect. Religious and ethnic groups falling outside "the national mainstream" have been viewed as potential or actual traitors to the post-Independence task of "nation-building." The experience of diverse minority groups thus falls within the context of a single political order, which has responded to challenges to its legitimacy with armed force, seeking military solutions to political problems (Mahmood 2000 and 2012).

Anthropology provides a means of witnessing, in both the legal and moral senses of the word. The practice of ethnography, despite all its problems and historical baggage, remains central to understanding and communicating the lived reality of life under state terror. Inspired by anthropological writing on state terror—the work of Jeffrey Sluka (2000), Cynthia Mahmood (2000), Ricardo Falla, Beatriz Manz, Myra Mack, Linda Green, Michael Taussig (1984), among others—this work seeks to provide a documentary record of two decades of violence.

But beyond the task of witnessing, the anthropological "view from afar" allows us step backward, as it were, and to see that Indian policies in Kashmir and the northeast are essential to understanding post-Independence state and society. As Cynthia Mahmood (2001) puts it, rather than treating the multiple rebellions against Indian rule in border regions as problems to

be explained, it allows us to problematize instead the Indian state. The transformation of these areas from cultural centers and hubs of economic, social and political linkages into isolated border regions, inhabited by "suspect communities," in the course of securing the entirely contingent boundaries of the post-colonial state, has much to tell us about the workings of the Indian state and its democratic institutions (Baruah 2007; Kaul 2010; Visweswaran 2012). It allows us to measure the claims of the Indian state to be a secular, constitutional democracy against actual practice, and through this practice, to explore the notions of identity, belonging and difference that have shaped the destiny of the nation and its wholly unwilling conscripts. The abuses of over two decades of conflict are only now being recorded, by human rights defenders, journalists, lawyers and academic researchers, primarily anthropologists, who in their turn become targets for surveillance and repression.[8]

A number of developments in recent years have brought the state of knowledge on the conflict to the brink of a much-needed paradigm shift. This involves first and foremost, placing the Kashmiri experience and Kashmiri aspirations at the center of any analysis of the conflict, rather than the competing territorial and nationalist claims of India and Pakistan. This shift allows us to understand the history of the conflict as a struggle for popular sovereignty; and brings into focus Kashmir's historic role as a contact zone between different regions and cultures. This view is perhaps best expressed in a recent article by the Kashmiri political scientist Dr. Noor Ahmed Baba (2014), where he argues that recognition of Kashmir's unique history is essential to a peaceful resolution of the conflict. Recent historical and anthropological writing has explored the historical dimensions of this conflict (Khan 2012; Snedden 2013; Robinson 2013) and the patterns of militarization and their consequences (Chatterji 2011; Duschinski 2009; Duschinski and Hoffman 2011). In this context, pioneering work by the late Sajid Iqbal (2014) explores the applicability of the processes of truth and reconciliation to the Kashmir conflict. There is also a developing literature on military rule and the laws of exception that enable it in the northeast. Two recent edited collections have brought the work of established

Kashmiri scholars to a wider audience (Khan ed. 2012; Mathur ed. 2014).

However, the complete story has not and cannot be told by academic voices alone. The experience of Kashmir's "conflict generation," which comes of age in a world of internet connectedness and social media, is expressed through music, art, journalism, memoir, fiction, poetry, political cartoons and performance. Mirza Waheed's (2011) first novel, *The Collaborator*, eerily prefigures the real-life discoveries of thousands of mass graves in different parts of Kashmir, as well as the experience of the ordinary villagers forced by the military to bury the slain men. Recent collections edited by Fahad Shah (2013) and Tariq Ali (2011) bring together Kashmiri points of view in a number of genres. Sanjay Kak's 2006 film, with the ironic title *Jashn-i-Azadi* ("How we celebrate freedom") offers a meditation on domination and resistance. Denied a screening certificate, and hounded by police at screenings across India, the film nevertheless manages to reach enough audiences to provoke long-overdue questioning and introspection on Indian rule in Kashmir. Taken all together, these constitute a fragmentary and complex archive, whose significance will unfold over the coming years and even decades.

## A Study in Scarlet

The anthropology of violence, as it has developed over the past few decades, makes it clear that comprehension of violence lies on the other side of narrative and theory. Taussig's (1984) account of Roger Casement's Putumayo journey, which may perhaps overoptimistically be claimed as the first ethnographically based human-rights campaign, makes it clear that there are in fact two forms of understanding possible. One is the clear narrative report, with names, dates, facts, cause and effect in orderly sequence, which may even produce some ameliorative action in response to the clear accounts of violence and suffering presented therein. And then there is what Taussig has called the "hallucinatory" quality of the exercise of power, which proceeds in non-rational and non-functional ways to confront the enemy of its own creation, even its own imagination. Alongside the stated and prosaic goals of

counterinsurgency—to "maintain order," to defend the borders, to acquire information on the insurgency—is the need, as Taussig puts it, ". . . to control massive populations through the cultural elaboration of fear." The occupation thus becomes a mirror of the cultural values of the occupier, and the violence—inflicted on bodies, space, the psyche, institutions, the natural world—may indeed be read as a cultural map of the perpetrators. The violence of Indian counterinsurgency in Kashmir has a quality which may be described as "mythic," literally, the stuff of legend. Perhaps only legend can fully encompass its scale and ferocity, its cruelty and inventiveness. It may be narrated and described, but can perhaps be understood only through poetry, music and art.

This project is therefore, necessarily, interdisciplinary. It draws upon law, history, international relations, media studies, poetry and film, but is grounded in anthropology both theoretically and methodologically. Since the crisis of representation, anthropology has sought to redefine its relevance and goals in multiple directions. Labels such as "engaged," "public" and "activist" anthropology have sought to come to terms with one of the core dilemmas of ethnographic fieldwork, particularly in contexts of political conflict and war. Since the 1980s, anthropological fieldwork has increasingly brought researchers in direct contact with the consequences of political violence (Mahmood 2002). An Olympian detachment is no longer possible or even desirable. This realization however brings in its wake a new series of questions. What responsibility does knowledge bring? What obligations does the anthropologist owe to her subjects? (Gonzalez 2004; Scheper-Hughes 1995). These questions are sharpened by the explicit realization that anthropological knowledge is the product of a close collaboration with subjects in a manner wholly unlike other disciplines. This link and the conditions it engenders are the core of the field of collaborative ethnography, which frames the process of knowledge production and its purposes in terms of the question: "How can anthropology become relevant for our consultants?" (Lassiter 2005)

Lassiter invokes Spradley as an early pioneer in the field of collaborative ethnography, already addressing these issues in the course of his work: "In many places we can no longer collect