

KASHMIR

HAPPY VALLEY, VALLEY OF DEATH

William W. Baker



**KASHMIR
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First published in U.S.A. 1994
by Defenders Publications, INC.
P.O. Box 11134
Las Vegas, Nevada 89111
USA

ISBN 01-871031-427

ON THE COVER

Dr. Abdul Ahad Guru, the only Cardio-Vascular Surgeon in Occupied Kashmir and interviewed by the author in September of 1992, was assassinated April 1, 1993 in the capital city of Srinagar. Dr. Guru was a leading figure in the effort to expose the flagrant assault on human rights by Indian Occupation forces. His assassins have never been arrested or prosecuted by the Indian Government.

DEDICATION

Dedicated in Honor and Memory of the thousands upon thousands of Kashmiri men and women, children and students of the past who have paid the highest price, the forfeiture of their lives, for the chance to be free and to choose their own path of self-determination. This book is also dedicated to those Brave and Noble Kashmiris who are today engaged in the continuing struggle to set Kashmir free, many of whom will surely find their way into one of the numerous cemeteries of the martyrs, which sprout like fields of grain throughout this Valley of Death.

Struggle on Oh valiant and brave souls, for God is on your side as you seek nothing more and nothing less than Peace, Joy, and Freedom, in the hope that you can once more become "The Gentle and Joyous People of the Happy Valley."

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"I SHARE YOUR BELIEF THAT, IN ORDER TO FACE THE DILEMMAS OF A POST-COLD WAR GLOBAL LANDSCAPE, WE ALL MUST LOOK CLOSELY AT OUR POLICIES WITH REGARD TO HUMAN RIGHTS. I AM CONFIDENT THAT WE CAN BRING ABOUT CHANGES THAT ARE CONSISTENT WITH WHAT THE U.N. FOUNDERS ENVISIONED. I LOOK FORWARD TO WORKING WITH YOU AND OTHERS TO HELP BRING PEACE TO KASHMIR." . . . President Bill Clinton, December 27, 1993

"IN ORDER TO AVOID A POTENTIAL NUCLEAR CONFLICT BETWEEN PAKISTAN AND INDIA OVER KASHMIR, WE SHOULD URGE NEW DELHI TO END THE MASSIVE VIOLATIONS OF HUMAN RIGHTS BY ITS SECURITY FORCES IN THE PROVINCE AND TO NEGOTIATE AN AUTONOMY AGREEMENT WITH THE KASHMIRI LEADERS." . . . Richard M. Nixon,

"THE UNITED STATES DEPLORES THE EXCESSIVE USE OF FORCE BEING EMPLOYED AGAINST CIVILIANS IN KASHMIR; THE UNITED STATES URGES THE GOVERNMENT OF INDIA TO REOPEN KASHMIR TO THE MEDIA, TO HUMAN RIGHTS ORGANIZATIONS, AND TO THE INTERNATIONAL RED CROSS AND OTHER RELIEF GROUPS, . . . THE UNITED STATES SHOULD PROVIDE HUMANITARIAN ASSISTANCE TO THE CIVILIANS OF KASHMIR DURING THE ONGOING CRISIS, AND SHOULD ENCOURAGE OTHER GOVERNMENTS TO ASSIST IN RELIEF EFFORTS." . . . Vice President Al Gore, March 21, 1991

"PEOPLE SEEM TO FORGET THAT KASHMIR IS NOT A COMMODITY FOR SALE OR TO BE BARTERED. IT HAS AN INDIVIDUAL EXISTENCE AND ITS PEOPLE MUST BE THE FINAL ARBITERS OF THEIR FUTURE." . . . Jawaharlal Nehru, July 6, 1951

"WHEN ONE OBSERVES THAT THE HIGH IDEALISM OF THE INDIAN GOVERNMENT IN INTERNATIONAL MATTERS BREAKS DOWN COMPLETELY WITH THE QUESTION OF KASHMIR, IT IS DIFFICULT TO AVOID A FEELING OF DESPAIR." . . . Bertrand Russell

"THE WEST SHOULD ALSO FIGHT SHOULDER TO SHOULDER WITH THE KASHMIRIS IN THEIR FIGHT FOR INDEPENDENCE." . . . Lord Eric Avebury, Chairman of the Human Rights Committee, British Parliament, December 28, 1993

"LET ME CLARIFY BY SAYING SIMPLY WE AGREE THAT THE PEOPLE OF KASHMIR HAVE GOT TO BE CONSULTED IN ANY KIND OF FINAL SETTLEMENT IN THE KASHMIR DISPUTE, BECAUSE WE BELIEVE AT THIS POINT THERE IS NO WAY THAT ANY RESOLUTION CAN BE STABLE AND LASTING UNLESS AGREED TO BY THE PEOPLE OF KASHMIR." . . . Robin Raphel, Assistant Secretary of State, October 29, 1993

PREFACE

KASHMIR: Land of contrast, chaos, and conflict, the object of two major wars between two Asian Nations; the single most dangerous nuclear flash-point in the modern world!

KASHMIR: A valley of indescribable beauty, with luscious green forests, innumerable canals, held in the protective bosom of the majestic Himalaya mountains.

KASHMIR: Land of the Kashmiri people, a people known to all the ancient Asian Emperors and conquering dynasties as "the gentle people of a happy valley."

KASHMIR TODAY: Locked in a death struggle for survival and the right of self-determination, this historic Valley of Beauty has become a Valley of Death! A country of thirteen million primarily Muslim inhabitants face on a daily basis, the bullets and brutality of an occupation army of Indian Hindu soldiers. One is hard pressed to discover any comparable contemporary conflict capable of possessing an equal amount of naked brutality, inhumanity and intolerance as that experienced by the Kashmiri people over the past forty-seven years under occupation.

As the former Soviet Empire crumbled, and men and women once denied the intrinsic rights and privileges God-given to every human being began to embrace their new found freedoms for self-determination, independence, and national sovereignty, the community of mankind began to believe that world peace might after all, be a possibility in our lifetime.

THE BERLIN WALL FELL before the changing world, and a myriad of oppressed and dispossessed people of this planet imagined that perhaps the moment was at hand for their freedom, and that they too would finally receive the justice so long denied by those aggressors and occupiers who had erected their own Berlin Walls around the innocent.

THE PEOPLE OF KASHMIR ARE STILL WAITING for the walls of terror, injustice, and foreign domination to be torn down and discarded, thus allowing them to exercise the freedom to choose and to determine their own destiny, and to pursue in peace the goals and aspirations cherished by all men and nations who are free.

PEACE IN THE MIDDLE EAST, an unimaginable concept a mere decade ago, is not only possible but continues to emerge as a distinct probability as long time enemies, the PLO and the Israeli Government participate in continuing negotiations with one another, and the Palestinian people for the very first time since 1948, prepare to assume the role of self-government, with the rights, privileges, and responsibilities enjoyed by all the free men and nations of the civilized world community.

This book is written and dedicated to the cause of Freedom, Justice, and Peace for the Kashmiri People, a people who observe the dramatic often daily political changes occurring all around the globe, and wonder if it is their turn to step onto the world stage; their turn to receive the attention and support of all freedom and peace loving men and nations; their turn to experience the privilege of leaving their homes and villages whenever they wish without the fear of arrest, detainment or death; the freedom to meet, gather and assemble wherever and whenever they wish without special travel passes or documents from the occupation forces; the right to practice the faith of Islam without violent opposition and restriction. The people of Kashmir hope that it is their turn to be able to cross their own borders into neighboring countries to visit with other family members long separated by foreign political laws, cease fire lines, and demilitarized zones.

It is the hope of this author that the reader, once fully informed of the history and background of the occupation of Kashmir, and realizing the importance of achieving a settlement to the conflict in the face of certain nuclear exchange between India and Pakistan, will expend every effort at his disposal to support the Kashmiri quest for freedom, justice, and self-determination. In The words of President John F. Kennedy, 1957:

"The most powerful force in the world today is neither communism, nor capitalism, neither the H bomb nor the guided missiles. It is man's eternal desire to be free and independent."

CHAPTER ONE

CHAPTER ONE

HISTORICAL BACKGROUND OF KASHMIR AND ITS PEOPLE

Since most American and European citizens have little if any knowledge or familiarity with Asia, especially Kashmir and the Kashmiri people, it is necessary to present a brief outline of the history of Kashmir and the Kashmiri people.

KASHMIR

The State of Kashmir encompasses a mountainous region of approximately 86,000 square miles, with borders touching the Soviet and Chinese Republics in the north, Afghanistan in the northwest, Pakistan to the southwest, and India directly to the south. The northern regions of the State are traversed by massive ranges which provide a link between Pamirs and Hindu Kush on the west and the Himalayas on the east. Numerous peaks within the State exceed 25,000 feet. Cutting across the State in a half circle from east to west flows the Indus River on its way

from its sources in Western Tibet to its mouth in Sind in Pakistan. The Jhelum, a major tributary of the Indus, provides the basis for life in the Vale or Valley of Kashmir. A second tributary, the Chenab, winds through the southern corner of Kashmir on its journey to the plains of Pakistani Punjab. Three of the five rivers of the Punjab, a word which means "five rivers", flow through or traverse the State of Kashmir. (Please see map on page 3)

Kashmir, when considered as a whole without regard to the borders established by force since the Indian occupation of Kashmir began in 1947, presents a State and land mass more than three times the size of Belgium, the Netherlands and Luxembourg combined. It is larger than 87 other sovereign countries. The population totals 13 million collectively, which includes one million five hundred thousand Kashmiri victims of the occupation living in Pakistan, and some 400,000 expatriates the majority of whom reside in Great Britain with 100,000 living in the United States. This is a larger population than some 114 independent nations in the world community. The vast majority of Kashmir consists of mountains and rugged plateaus, with the lowest point being in Jammu which serves as the capital of Kashmir in the winter, with increased elevation and foliage northward until one enters the famous "Vale of Kashmir" and the summer capital of Srinagar. Technically, the area is called The State of Jammu and Kashmir, and the term Kashmir refers only to the Vale or Valley of Kashmir, but the use of the single name of Kashmir has been popularized over the past century, thus throughout this book the term Kashmir indicates the entire State and its population. Some seven million Kashmiris live in the Valley of Kashmir which is 116 miles long and up to 75 miles wide. This Valley has been described by ancient visitors as an "Emerald set in pearls" and the

MAP

**DEPICTING THE STATE OF JAMMU AND KASHMIR AND ITS
CENTRALITY BETWEEN THE MAJOR ASIAN NATIONS, THE
CURRENT LINE OF CONTROL AND THE DISPUTED TERRITORY**

"Jewel of Asia". The famous French traveler Bernier called it "the Terrestrial Paradise of the Indies". Sir Francis Younghusband wrote:

"The country with which one is most apt to compare it is naturally Switzerland and Switzerland indeed has many charms and combination of lake and mountain in which, I think it excels Kashmir. But it is built on a smaller scale, there is not the same wide sweep of snow clad mountains. There is no place where one can see a complete circle of snowy mountains surrounding a plain of anything like the length and breadth of the Kashmir Valley, for the main valleys of Switzerland are like the side valleys of Kashmir. And above anything there is not behind Switzerland what there is at the back of Kashmir a region of stupendous mountains surpassing every other in the world."

"Heaven on Earth", "Paradise of Indies" are a few of the vast numbers of descriptive expressions used to describe the Valley of Kashmir. The Valley of Kashmir was held in such esteem that the renowned Persian poet Urfi Shirazi eulogizes the sylvan environs of Kashmir in a couplet saying:

"If a roasted fowl is brought to Kashmir, not only shall it come to life, but shall be on its wings again."

The Valley of Kashmir, known for its picturesque even heavenly beauty, exuding the very meaning of life itself to the eyes of the visitor, could grant nothing less than

life itself to even a lifeless, roasted bird. Emperor Zahiruddin Babar, founder of the Moghul Empire said in his first visit to Kashmir:

"If there is a paradise on earth, it is here. Thus Kashmiris can be called residents of heavenly Paradise of this world."

KASHMIRI PEOPLE

The forerunners of the modern Kashmiri people occupied the Valley and surrounding areas as early as 300 B.C.E. It is believed that the Kashmiris are descendents from an ancient race called Kash which had settled in the area. Most Asian scholars and anthropologists agree that the inhabitants of Kashmir demonstrated a highly advanced and somewhat sophisticated society and culture, with a distinctive language called Kashmiri. The language is considered to belong to that Dardic linguistic family which according to the Encyclopedia Britannica is Aryan but neither Iranian nor Indo-Aryan. The language is unique to the mountains of this north-western corner of the sub-continent.

THE INFLUENCE of both early Buddhist and Hindu civilizations appears to have impacted the Valley of Kashmir. In the ninth century A.D. the region shows evidence of having been a major center in the world of Hindu culture. The ancient chronicles of the historian Kalhana were produced in Kashmir. The work is called Rajatarangini which means

River of Kings, and is one of the few truly historical writings to have survived from the era of pre-Islamic India. As the era of Hindu rule drew to a close, Islam swept across Asia, including Kashmir. Thus it was that the last Hindu king Rinchana, known for his qualities of wisdom and fair sense of justice, embraced Islam. He assumed his Islamic name of Sadruddin in the year 1320 A.D., which marks the beginning of Islamic rule in Kashmir. In 1339, Shah Mir seized power and reigned as Sultan Shamsudin. During his reign many preachers visited Kashmir including the Persian Mir Syed Hamadani, also known as Shah-i-Hamadan, who consolidated the dominance of Islam among the Kashmiri people. In 1420 A.D. Zainul Abidin began his reign and is notable for the many beautiful buildings and unique architecture, including a grand palace twelve stories high with fifty rooms. It is a fact that during the reign of Zainul Abidin a religious tolerance was proclaimed, and all the citizens of Kashmir were free to worship as they so desired. Hindu temples previously damaged were repaired or rebuilt. Patshallas were opened for Hindu boys to study their own scriptures. Even the killing of cows was prohibited out of consideration for the Hindu citizens. Codes of law were provided and Halls of justice established. Zainul Abidin died in 1490 A.D. after ruling for 52 years, and no successor ever achieved the peace and progress enjoyed by the Kashmiri people under his reign.

In the year 1586 the Moghul Emperor Akbar added Kashmir to his collection of vassal states, initiating the rule of the Moghuls over Kashmir for the next 166 years. The mark of the Moghul reign and rule in Kashmir is evident today, as this author personally saw some of the remaining gardens established by them, including the beautiful Shalimar Gardens on Dal Lake. According to Sir Walter Law-

rence an early visitor to Kashmir and author of "The Valley of Kashmir" in 1895, more than 777 gardens were created in the Dal Lake alone. I myself used to sit under the massive "Chinar" (walnut) trees planted by the Moghuls overlooking the magnificent Dal Lake surrounded by the Himalayas in serious contemplation and reflection while planning to write this very book. Despite the Moghuls appreciation for the ascetic beauty of Kashmir, it must be noted that they discriminated against the Kashmiri population by appointing Hindu Pandits in all important positions of administration. They also forbade recruitment of Kashmiris into their local army, attempted to totally disarm all Kashmiris, and by another edict arbitrarily deprived and denied land ownership to the Kashmiri people. These and many other discriminatory laws and practices were continued by successive foreign conquerors and dynasties up to and including the current occupation forces of India in occupied Kashmir.

In 1752 the Afghans invaded and conquered Kashmir under Ahmad Shah Durrani. They would rule for 67 years, and those years would be remembered as a black chapter in the history of Kashmir. The Afghan Governors were uncultured and in most cases uncouth, accounting for the inhuman treatment accorded the Kashmiri people. Pearce-Gervis, in his own book "This is Kashmir" quotes Sir Walter Lawrence regarding the rule of the Afghans: "It was a period of brute tyranny, unrelieved by good works, chivalry or honor." Sir Francis Younghusband also said: "They thought no more of cutting head than of plucking a flower." (see Bibliography/Suggested Reading List for more information on Moghuls and Afghans)

THE SIKHS were the next to invade and occupy Kashmir in the year 1819 under Maharaja Ranjit Singh. Webster's New Collegiate Dictionary defines Sikh as:

"Literally Disciple; an adherent of a monotheistic religion of India founded in 1500 by a Hindu under Islamic influence and marked by rejection of idolatry and caste."

The Hindu community in Kashmir believed that the Sikh religion was an offshoot of Hinduism thus they, as a minority, would receive greater protection and favor from the Sikhs rather than Afghans. Birbal Dhar led a group of influential Hindus who encouraged Ranjit Singh to invade and annex Kashmir with his fast expanding empire, and he was able to do so in 1819 with help of these same men. As a reward, Birbal Dhar received the post of tax or revenue collector which enabled him to impose unfair taxation and eventually amass a great fortune.

THE NEW MASTERS of Kashmir proved to be the worst tyrants during their rule from 1819 to 1846. They were as alien to the Kashmiri people as were the Moghul and Afghan rulers of the past. The acts of brutality during the Sikh regime left bitter memories, some of which persist to this present day. Several mosques and very holy Islamic sites such as the Jamia Masjid, Khankahi Mualla shrine and others were closed and occupied by the Sikhs. The slaughtering of a cow was declared a crime punishable by death. Even if the cow belonged to the Muslim who slaughtered it for meat for his family, he was hanged or stoned to death. Extensive evidence of such laws and actions can be found in books by Joseph Chailley and P.N.K.

Bamzai listed in the Bibliography. William Moorcraft visited Kashmir in 1824 and wrote:

"The Sikhs looked upon the Kashmiris as no better than cattle. The murder of a native by a Sikh was punished with a fine by the Government from sixteen to twenty rupees of which four were paid to the family of the deceased, if a Hindu, and two if he was a Muslim."

Resentment and hatred continued to grow as the Kashmiri people were mistreated and abused in their own homeland. With the death of Maharaja Ranjit Singh in 1839, the Sikh empire began to disintegrate as successors murdered one another in an attempt to succeed him. In 1842, the Kashmiri people rose in rebellion against the Sikh rule but before the rebellion could gain enough momentum, a Muslim Governor was appointed who immediately reopened the closed mosques and religious shrines as well as restoring a modicum of equality for the Kashmiri majority population. He was able to rule until his death in 1846.

THE BRITISH FACTOR

The British were busy practicing colonialism during the early 1800's and had definite designs on all of Asia as well as Africa and The Middle East. From the time of the death of Ranjit Singh, the history of the struggle for power and rule over Kashmir is one of manipulation, assassination, and distortion. The British were determined to overthrow the powerful Sikh State of North India, so they made

alliances with a number of Indian political aspirants including Maharajahs, Prime Ministers, and descendants of Ranjit Singh. The British achieved control of the Vale of Kashmir in 1846 when the Sikhs were forced to cede Kashmir to the English East India Company. Not wishing to overextend their military forces and risk losing control, the British ACTUALLY SOLD KASHMIR to the Maharaja Gulab Singh (Dogra) under the guise of a document called the Treaty of Amritsar for the amount of approximately \$800,000. So began the Dogras 100 year rule over Kashmir which would not end until 1947. It is quite clear from the numerous historical books and documents available to any interested reader that this "selling of Kashmir" was not only illegal but immoral and most certainly not with the support or approval of the Kashmiri people. It took Gulab Singh two years to establish himself as "owner" of Kashmir with the help of the British military. History is clear that the Kashmiri people resented and rejected both the "sale" of themselves and the forced Hindu rule of the successive Dogra rulers as orchestrated and supported by the British. The population revolted against the new "masters" and the Hindu Rulers mercilessly crushed any resistance, often publicly flaying the freedom fighters alive. In the book "Tragedy in Kashmir" by A.H. Suhrawardy, page 6, is an account of Gulab Singh personally ordering and observing such a flaying which Webster defines as "to strip off the skin or surface of."

"Gulab Singh ordered his executioner to flay them alive not from the head downward causing instantaneous and relatively painless death, but from the feet upward so the victims remained conscious."

Even the executioner hesitated to carry out such an atrocity, but with Gulab Singh personally directing the "skinning alive", he completed his task. Singh then ordered the skins to be stuffed with straw and displayed them high on a tree branch as an "object lesson". Such evil and inhuman acts became commonplace during the next 100 years, but the Kashmiri people never relented in their resistance to the brutal rule of the Dogras, who were protected and kept in power by the British Empire. Jammu, populated primarily by Sikhs and Hindus and seat of the Dogra power, became united with the Vale of Kashmir in the north with a predominantly Muslim population, and the State of Jammu and Kashmir was born. Under the Dogra rulers the Muslim population in Kashmir were discriminated against in education, civil positions in government, and nearly every facet of the daily struggle for life and prosperity. In 1924 a memorandum demanding equal treatment in all aspects of daily living was presented to Britain's Lord Reading during a visit to Kashmir. All Kashmiri Muslim leaders who signed the document were beaten and imprisoned. In 1929, Sir Albion Bannerji, an Indian Christian and a member of the Indian Council of Ministers visited Kashmir and upon reaching Delhi reported that "the great majority of the Muslims of Kashmir are drowning in poverty, and their economic conditions are such that they are treated worse than animals." He resigned his position with the Council to protest the deplorable conditions imposed upon the Kashmiri people.

CONCLUSION

After reading this chapter, it should be clear to the reader that the Kashmiri people, culture and language have an ancient history which precedes the birth of Christ. We have noted the ancient history of Kashmir includes occupation and oppression by a number of powerful rulers, Emperors and regimes including the Moghuls, Afghans, Sikhs, Muslims and Dogras. These assorted dynasties and their religious tenets have impacted the people through the centuries and perhaps helped create the Kashmiri character of gentleness, tolerance, and despite grievous assaults carried out against them, an unequalled love and passion for life and the pursuit of happiness. In the midst of suffering and abuse, the Kashmiri people became known as the Gentle People of Happy Valley.

It is important to remember that the history of Kashmir and its people reflect a time when Hindu and Muslim lived together without religious hatred and violence. The reader must note that Islam came peacefully to Kashmir and was fully embraced by more than ninety percent of the population in the Valley, and despite some four hundred years of occupation by non-Muslim empires, it is Islam which has remained in the hearts and minds of the people of Kashmir. And it is Islam which continues to motivate those citizens of Kashmir today who struggle to end the injustice and oppression of their land and themselves.

CHAPTER TWO

CHAPTER TWO

THE OCCUPATION OF KASHMIR

MAHARAJA HARI SINGH continued his policy of discrimination against the Muslim majority, especially from 1925 up to and including 1947. In 1930, a full 78% of the entire population of the State were Muslim, and Muslims comprised 94% of those living in the Valley of Kashmir. Administration of the State of Kashmir was dominated on all levels by the Pandits (Hindu) who were notoriously corrupt and avaricious. Only Hindus were given a license to own firearms in the Valley of Kashmir; only Hindus could achieve the position of an officer in the State's armed forces; only Hindus were permitted the opportunity to pursue higher education on the University level. From the turn of the century the Kashmiri people had begun their long struggle for independence. A number of Muslim organizations came into existence such as the Anjuman-i-Nusrat-ul-Islam, an association established with the object of improving the overall status and conditions of Kashmiri Muslims in such areas as education, employment, land ownership, and the spread of pure Islamic doctrine. This organization established schools such as the Islamia High School in Srinagar. In 1922, representatives were sent to present a list of grievances to the State Government. Another

organization created by the young educated Muslims who were among the first to be able to attend Universities in India was the Fateh Reading Room. This was a meeting place where young men could meet to discuss the various issues of society without being guilty of violating one of the many laws of the Hindu Government restricting public gatherings.

The real beginning of organized resistance to the rule of Hari Singh and the on-going struggle for human rights and self-determination can be traced to early June, 1931. It was during this time that a Mosque in Riasi in Jammu Province was destroyed by Hindus WITH THE APPROVAL OF THE MAHARAJA AND HIS GOVERNMENT! In other places in Jammu, Muslims were prevented from saying their prayers and the Imam (spiritual leader) of a mosque in Jammu was stopped by government forces from delivering his khutba (sermon) before Friday prayers. It was reported that pages of the Holy Quran were found discarded in a public latrine. Words of these and other religious offenses spread rapidly throughout the State and reached Srinagar in the Valley of Kashmir, where mass protests, marches, demonstrations and fiery sermons denouncing the regime of Hari Singh were expressed in all the mosques. At one such meeting Abdul Qadeer, who was a non-Kashmiri from the Northwest Frontier delivered a powerful speech advocating violent resistance against the government.

He was arrested and put on trial at the sessions court in Srinagar on July 6, 1931 but such a large crowd of Muslim protestors gathered outside the building that the proceedings were postponed and moved to the Central jail of Srinagar. But on July 13, 1931 an even larger crowd assembled in protest and government forces including the

police charged into the crowd with batons, and in the ensuing battle many Kashmiris were brutally beaten and twenty-two Muslim protestors were shot dead. The date of July 13, 1931 became known in Kashmiri history as "Martyr Day" and is recognized as the official beginning of the struggle for human rights and self-determination.

The events of June and July 1931 were dominated by two Kashmiris. The first was a religious leader named Mir Waiz Mohammad Yusuf Shah and the second a young schoolmaster named Sheikh Mohammad Abdullah. It was Shah who was the primary inspiration behind the protests against the acts of blasphemy which occurred in Jammu, and it was Abdullah who founded the Fateh Reading Room. Finally recognizing his absolute power and control over the Kashmiri people was in jeopardy, Singh attempted to placate the people with a rigged "Constitution" which granted limited freedom of speech and association, but it was too late. Mohammad Yusuf Shah and Sheikh Abdullah formed a party called All Jammu and Kashmir Muslim Conference, which became the primary vehicle for organized opposition to the rule of the Maharaja. Both men had been imprisoned by the Maharaja a number of times for their activities against the State. Sadly, these two leaders became entangled in a bitter rivalry as Abdullah adopted a more secular basis for opposition as opposed to the religious emphasis of Mir Waiz Mohammad Yusuf Shah. Sheikh Abdullah created the National conference, a rival organization he claimed represented the Kashmiri people. For those interested in an in-depth study of these two men and the important developments that occurred as a result of their split and especially the close liaison between Abdullah, Jawaharlal Nehru and the Indian Government, I suggest the book "Kashmir A disputed Legacy" by Alastair Lamb. (see Suggested Reading List).

In 1946, a combined group of Kashmiris led by Sheikh Abdullah declared publicly that the sale by the British of the Vale of Kashmir to Gulab Singh in 1846 was illegal and invalid. From this protest came the "Quit Kashmir Movement" which called upon Maharaja Hari Singh and his Hindu/Indian regime to get out of Kashmir. It is important for the reader to note and remember that organized resistance to Indian/Hindu rule by a majority of the Muslim Kashmiri people was alive and well long before the decade of 1980's as is propagandized by the current Government of India. The Kashmiri people resisted foreign occupation and domination long before the State of Pakistan was created, hence a second propaganda ploy alleging that all the actions and activities in the modern day Occupied Kashmir are but the result of Pakistani orchestrated and financed Islamic Fundamentalist terrorists, is untrue. Those Kashmiris actively resisting the Indian Occupation do so in the best tradition of the generations of Kashmiri citizens of the State of Jammu and Kashmir.

PAKISTAN, PARTITION, AND TRANSFER OF POWER

History reveals that the entire land mass known as British India was in turmoil, with both border disputes with China and religious factionalism between those States comprised of either Hindu or Muslim majorities. In 1946 Britain was on the brink of financial disaster. In order to survive, the cabinet of Clement Atlee drafted a policy of reduction of the "Empire holdings" in February of 1947. This decision would prove to be the precursor for many of the bloodiest and longest running world conflicts which continue to threaten world peace, conflicts such as the Palestinian/

Israeli and Turko/Grecian conflicts as well as the Hindu/Muslim issue in the Indian sub-continent. Originally set for June, 1948 the British moved up the date for departure to August 15, 1947. British history is replete with various accounts of British colonialism made manifest in the invasion, occupation and pillaging of numerous cultures and civilizations throughout the world. When, as in 1947, they were forced to withdraw and could no longer control the area, they attempted to convince the world community of their magnanimity by announcing they were "Granting Independence" to the region. Since the more than 584 States comprising British India were populated in most cases by a Hindu majority but with definite exceptions where the majority were Muslim such as the State of Kashmir, the plan was to partition their former Imperial legacy into Muslim and non-Muslim majority sectors. It is important to understand that the concept of a Muslim State had been envisioned as far back as the 1920's by such men as Muhammad Abdul Bilgrami and Sardar Gul Muhammad Khan, and in the 1930's by Dr. Allama Muhammad Iqbal, a Kashmiri considered one of the creators of the concept of Pakistan, and Mohammad Ali Jinnah, often referred to as the true founder of Pakistan. Both men had visited and investigated the state of Kashmiri politics in the 1930's.

THE WORD PAKISTAN was originally formed by joining the first initials of Punjab, Afghan Frontier Province, Kashmir, Sind, and the last three letters of Baluchistan by Choudhary Rehmet Ali a law student at Cambridge U.K. in his pamphlet "Now or Never", published in 1933 in the U.K. (The "i" stands for nothing because that letter was not in the word in Urdu). These were all areas in the greater British India with overwhelming Muslim majority populations. The very name of Pakistan serves as the embodiment of the long-held aspirations of the Muslim

population of India. And the "K" in Pakistan was especially designated to represent Kashmir. This acronym was not invented by the British, as there existed as early as 1940 the Pakistan Resolution, which called for a separate and secure homeland for the Muslim population of India. So it was that the British dismantled in a mere span of seventy days what had taken them three hundred years to acquire, and it was this race to dismantle and withdraw from the sub-continent that helped lay a part of the foundation of the current Pakistan/India conflict. It appears that both the British and their "friends" in the newly independent Indian Government never expected nor planned for Pakistan to survive. This is clear from the prejudicial attitude and actions of the "Boundary Commission" comprised of Muslims and Indians, with the Chairmanship being occupied by the British Jurist Sir Cyril Radcliffe. The concept of partition was applied to that area known as the Punjab, an area bordering both Pakistan and India. The basic premise of a majority population acceding (joining) one country or the other seemed a simple solution to a difficult situation, as the heart of the Punjab being Muslim, as well as the larger contiguous districts should have all gone to Pakistan. But the "Boundary Commission" with the deciding vote and authority resting with the Britisher Radcliffe awarded the Muslim majority districts of Batala and Gurdaspur to India in the "Final award" August 12, 1947. For a number of reasons, the British never envisioned the State of Kashmir becoming a part of Pakistan. Through the private diaries and papers of powerful men such as Lord Mountbatten, Britain's "man in India", it is clear that a case of collusion with the emerging Indian leadership against Pakistan and the annexation of Kashmir by India was approved. Two large States, Hyderabad and Jammu and Kashmir expressed an interest in the possibility of becoming independent after the

partition was completed. At this juncture a great deal of political intrigue was occurring as the Pandit Jawaharlal Nehru wrote numerous letters to Mountbatten stating he should support accession to India because of their "devotion" to his (Nehru's) close friend, Sheikh Abdullah. Nehru's decision proved to be totally wrong, as he ignored the power and influence of Islam among the people of Kashmir. Nehru and others constantly told the Maharaja that his power would be in doubt if Jammu and Kashmir became aligned with Pakistan. But even Mountbatten wrote to Singh telling him he "should consult the will of the people and do what the majority thought best". The Maharaja proposed holding a referendum to decide whether to join Pakistan or India. Pressure was mounting for the Maharaja to simply accede Jammu and Kashmir to India before the actual Transfer of power. Again I suggest the interested reader may gain a greater insight to the background of this momentous time by referring to the three volumes entitled "Transfer of Power" by V.P. Menon.

THE ACCESSION

Maharaja Hari Singh, the last of the Dogra rulers, would not give up his claim to Kashmir without a fight. He ordered all Muslims in the State to voluntarily turn over all their weapons to his police. When the Muslim population resisted his order, those Muslims living in Jammu, where Hindu and Sikhs formed a large portion of the population, were slaughtered by the thousands. The Muslim population of 500,000 was nearly eliminated as 200,000 were murdered and the remainder fled for their lives to West Pakistan. When the Pathan Muslim tribesmen in

Pakistan's Frontier Province learned of the attack, they crossed the border into Kashmir to help their fellow Muslims. They had already driven from the northern regions the forces of Singh along with Indian troops which had been secretly sent into Kashmir. Those areas, once freed from the occupying forces, became territories of the Provisional Government and came to be known as Azad Kashmir, or Free Kashmir. Azad Kashmir became a reality in April of 1948 and it is here, protected by Pakistan, that more than three million victims of Indian occupation have settled with the burning desire to one day be united with their country and family members still enduring their 47th year of Indian occupation.

In an attempt to induce the Indian Government and Lord Mountbatten to send troops, Singh concocted a story claiming Pakistan and mercenaries (Singh calls them "raiders and invaders") infiltrated into Kashmir and were burning Srinagar to the ground along with the raping of women and the murder of young boys. In one line of his letter sent to Mountbatten along with the Instrument of Accession Singh states: "The number of women who have been kidnapped and raped makes my heart bleed".

Mountbatten accepted the Instrument of Accession on behalf of the British Crown. Mountbatten replied in a letter dated October 27, 1947:

"In consistence with their policy that in the case of any (native) state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the state, it is my government's

wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders the question of state's accession should be settled by a reference to the people."

Next, in a speech aired on All India Radio November 2, 1947, the Indian Prime Minister Jawaharlal Nehru reaffirmed the Indian Government's commitment to the right of the Kashmiri people through plebiscite to determine their own destiny, and that they alone would choose which of the two Nations they wished to align themselves with.

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Jammu and Kashmir, but also to the world. We will not and cannot back out of it. We are prepared when peace and law have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people and we shall accept their verdict."

This speech is recorded in the book "Democracy Through Intimidation and Terror:" by Prem Nath Bazaz (see Bibliography). So it is that all three principal players, the Maharaja, the Governor General of India (Mountbatten) and the Prime Minister of India, (Nehru) agreed to support a free and honest plebiscite by the Kashmiri people. Nehru repeated this in a vast number of other letters and public statements such as the telegram sent to the British Prime Minister Clement Attlee October 25, 1947.

"I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with the wishes of the people and we adhere to this view."

In a telegram dated October 31, 1947 to Liaquat Ali Khan Prime Minister of Pakistan Nehru declared:

"Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your government but also to the people of Kashmir and to the world."

It is quite evident that the Act of Accession at the hand of Maharaja Singh represented only himself, the last of the Dogra rulers and in no way can be distorted to represent the collective will of the Kashmiri people. In fact, if indeed such a plebiscite or referendum had been held freely without any threat or coercion from anyone, the State of Kashmir would have overwhelmingly been acceded to Pakistan. This can be readily understood from the positions of geographic reality and common logic. The State of Jammu and Kashmir was comprised of a Muslim majority and its land mass contiguous to the Muslim majority region of the Punjab which became a part of Pakistan. Also, from the earliest times, the economy of the state was inextricably entwined with the region which became Pakistan. The normal routes for trade and travel to the outside world were in Pakistan. A third reason the

Kashmiri people would have voted to join Pakistan is the location of the primary rivers of the Indus, Jhelum and Chenab, all of which wind through Jammu and Kashmir territory, and are absolutely essential for the prosperity of Agriculture in Pakistan. Yet, with all of this said, the people of Kashmir were denied the very right they were promised by all parties at the time of the transfer of power in 1947, and to this present day (1994) are still denied the right to self-determination.

Jammu and Kashmir was one of 584 Princely States, so called because they were ruled or governed by "Princes" with the support and approval of the British colonialists. Some of the States such as Jammu and Kashmir in theory enjoyed a degree of legislative and jurisdictional powers. But they were governed by such men and regimes as the Dogras and Hari Singh who pledged allegiance to the British Crown. When planning to "grant Independence" to the subcontinent, the British devised the plan permitting these "princes" to join or accede to one of the two succeeding regimes, namely India or Pakistan. In 1947, the majority of these Princely States within the Indian sphere had already acceded to India even before the "deadline" set by Britain of August 15th. A few of the States like Jammu and Kashmir with a majority population of Muslims, were ruled by Hindus such as Hari Singh. And in some cases, a majority Hindu population was governed by a Muslim as was Hyderabad and Junagadh. Although the Muslim ruler of Junagadh wanted to accede to Pakistan, the Indian government imposed a plebiscite in which they gained the state. The Indian government occupied Hyderabad by force of arms in order to prevent accession to Pakistan. Thus it comes as no surprise that the Indian Government, knowing full well that any plebiscite would favor Pakistan, violated their numerous promises and pledges

made to the Kashmiri people, and as they stated over and over, "to the entire world". And it is this refusal to permit the plebiscite to occur, despite the public promises and pledges supporting it made by numerous Indian leaders including Nehru, and in total disregard for many UN Resolutions calling for the plebiscite, which forms the basis of the bloody struggle occurring today in the Valley of Kashmir. The Indian Government's refusal to keep its own promises and as we shall see, to obey its own Constitution and to carry out the UN and Security Council Resolutions to which they are a signatory, is one of the primary reasons this author became convinced that the World MUST learn the truth about the Kashmir Conflict, and is one of the primary reasons for the writing of this book.

OCTOBER 27, 1947 . . . INDIA BEGINS THE OCCUPATION OF KASHMIR. Displaying a policy of prejudice and deceit, Indian troops were flown to the Srinagar airport to begin the long and torturous forty-seven and counting years of brutal occupation. According to several historians and writers, such as M.C. Mahajan in his book "Looking Back", the Indian troops were met at the Srinagar airport by other Indian troops ALREADY THERE!. This was one of the factors that motivated the Pathan tribesmen to come to the aid of their Muslim brethren in the Valley of Kashmir as we have mentioned earlier. India today claims justification for inserting its troops into Kashmir in 1947, "in order to repel the invaders". You will recall this term was concocted by Hari Singh in his letter to Mountbatten. The Indian propaganda to justify their initial occupation was that they were "invited" to come and defend Kashmir, BUT INVITED BY WHOM? Which Kashmiri leader invited them into Kashmir? And where are the verifiable documents supporting such a claim? The answer is, THERE ARE NONE! The reality is, as we have seen through deception, manipulation, coercion and col-

lusion between Britain and India, India's aggression against Kashmir was but the fulfillment of a well rehearsed political agenda. The Indian "commitment" to allow the Kashmiri people a plebiscite as promised in 1947 is now seen for the fraudulent transparency it was and is today. The poor and oppressed masses of the world have forever suffered from this guise of larger and more powerful nations and states sending in their armed forces in order to "protect" and "save" the native and indigenous people from fabricated enemies, only to occupy, pillage and plunder those they vowed to "save". If one is to believe that invasion and occupation can be justified on the basis of "saving the people", then we can trust in and believe the popular Western/European justification for world intervention, that military force and wars will bring peace and stability. Such convoluted thinking and the policies it spawns leave in their wake generations of disheartened and despairing populations, whose only focus for the future is hatred and the flame of revenge and retaliation. Proof of this conclusion will be obvious in Chapter III when we enter the Valley of Death.

Maharaja Hari Singh had lost control over 80% of the territory of Kashmir, an "Emperor" with no Empire! His hope to regain his "possession" soared as he witnessed at dawn the nine DC3's delivering eight tons of arms and ammunition for the Sikh soldiers of the First Sikh Regiment. These 329 soldiers of India were quickly followed by an eventual force of 100,000 men! So it was that Kashmir, the land of gentle and "happy people" began the transition from "Happy Valley" to the killing fields!

The Maharaja promised Nehru that once he had regained control of Kashmir he would "appoint" Nehru's old friend Sheikh Abdullah as the new Prime Minister, thus ensuring Indian control over any plebiscite which might occur.

It now appears that Abdullah was a full and willing partner to the conspiracy. He agreed to "represent" the people of Kashmir after Indian forces returned Hari Singh to power. But the volunteer Muslim fighters from Pakistan along with the Pathan tribesmen from the frontier and now joined by troops from Azad Kashmir, were proving quite successful in driving the Indian troops back towards Jammu, to the point that the Indian Government faced the possibility of defeat. Thus the Indian Government approached the United Nation's Security Council on December 31, 1947 to intervene in the Kashmir conflict.

UNITED NATIONS AND THE PLEBISCITE

The United Nations Security Council produced the first Resolution (38) on January 17, 1948 which set the tone for the future shape and nature of UN involvement in this conflict. In effect the Resolution simply called on both parties (India and Pakistan) to work out their differences in a peaceful manner. Three days after issuing this weak "suggestion", the political apparatus known as the United Nations Commission for India and Pakistan (UNCIP) was formed. This body was authorized by the UN to investigate the conflict in Kashmir and was to pressure both countries to ensure law and order in Kashmir, and once established, to arrange a fair and honest plebiscite in order to decide the future of the state.

India accused Pakistan of "invading" Kashmir for the purpose of preventing the State of Kashmir from acceding to India as "promised" by Maharaja Singh. The Government of Pakistan claimed the accession by Singh was

not legally binding and there could be no honest plebiscite with Indian forces remaining in the region, and the influence of pro-Indian Sheikh Abdullah encouraging a vote to accede to India. Further resolutions, such as the one passed April 21, 1948, (Resolution 47) became more specific in demanding Pakistan withdraw all forces, including the Pathan tribesmen from the frontier, and India to withdraw "the bulk" of its military forces with only a skeleton force to remain to support the local authorities in establishing law and order. Once these two requirements were fulfilled, an interim government comprised of all the major political parties in the State would be placed in control. Then the UN would appoint a "Plebiscite Administrator" with sufficient power to supervise the entire process of once and for all, through plebiscite, determining the true will of the people of Kashmir.

Another UN Resolution was adopted on August 13, 1948. It displeased Nehru as the resolution contained no condemnation of Pakistan. Again, Pakistan objected as this resolution called for ALL Pakistan forces to be withdrawn, and MOST of the Indian forces. More Resolutions were passed, and the focal point of all of them became the absolute necessity of guaranteeing the people of the State of Kashmir a free and honest plebiscite! As an example, consider the very first point of the UNCIP Resolution adopted January 5, 1949, which reads:

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

CONCLUSION

As Pakistan and India were indeed at war over Kashmir from 1947-48, these early UN/Security Council Resolutions contained admonishment to both Pakistan and India to agree to an immediate cease fire, with a UN directed plebiscite to follow. Although some fifteen resolutions were passed by the UN body, India and Pakistan once again became locked in war in 1965 and again in 1971. For further study and background on this period and the issues and activities precipitating these wars, I strongly suggest the reader consult the Bibliography and Suggested Reading List at the close of this book. It is not the author's intent to write an historical narrative of the India/Pakistan conflict, but to provide an introductory outline of the background of the struggle of the Kashmiri people to achieve the right of freedom and self-determination.

THE SIMLA AGREEMENT was the end result of the third major war between India and Pakistan. This agreement sets forth the mutual agreement of both countries to seek to "normalize" relations and end the war. Also, under point IV, section (2), it is stated that:

"In Jammu and Kashmir the line of control resulting from the cease fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of the other side. Neither side shall seek to alter it unilaterally irrespective of the mutual differences and legal interpretation. Both sides further undertake to refrain from use of force in violation of this line."

India has interpreted this section of the Simla Agreement stating the cease-fire or "line of control" as UN acceptance of this line as an "international frontier." Therefore, India is justified in continuing to occupy some 63% of Kashmir by force. The Simla Agreement, among other things, requires both parties to agree to establish relations between the two countries on the principles of the UN Charter. The Simla Agreement in no way supersedes the many United Nations Security Council and UNCIP resolutions passed and signed by both parties concerning the issue of Accession and the "guaranteed" Plebiscite. Yet there are some countries, including the United States, who are now stating that the Kashmir issue should be settled on the basis of the Simla Agreement. Such a position reveals the hypocrisy of the U.S. foreign policy, as former President Bush invoked the virtues and importance of UN resolutions to justify and support his hostility and aggression against the People and nation of Iraq in the so-called "Gulf War" in 1991. His (Bush) famous statement made on world-wide television that "UN Resolutions must be enforced, even to the extent of the use of military force", make clear that the U.S. and its Western allies and "friendly nations" such as India and the Soviet Union presume the right to "pick and choose" which resolutions qualify as to be so important that they must be enforced. No such commitment to UN resolutions has been demonstrated in regards to the many resolutions passed since 1947 regarding the right of self-determination and a homeland for the Palestinian People.

In this chapter, I have recounted only the primary issues, Resolutions, and quotations from various political leaders and institutions in relationship to the documented background of the Kashmir Conflict. Much more information, quotations and events could be included, but the

simple truth as to why Kashmir was in the past and continues to be in the present a potential setting for further wars and, perhaps, the first nuclear exchange between two Asian Nations, has been made clear. The People and the State of Kashmir were illegally and immorally "acceded" to India as a result of conspiracy, collusion, deceit, and deception. Pakistan entered Kashmir along with Frontier tribesmen and other Muslim volunteers in an effort to stop the slaughter of the Kashmiri People at the hands of the vengeful Maharaja Hari Singh, and to drive out Indian forces already illegally occupying Kashmir. The British abandoned their responsibility regarding the Transfer of Power and Partition of the various States which formerly comprised British India. Otherwise there would be no current Kashmir Conflict, as Kashmir and the people of Kashmir would have long ago joined their fellow Muslims of the region and become a part of the new nation of Pakistan.

THE UNITED NATIONS was asked to intervene in the conflict by India, and the Security Council, along with UNCIP, after many on-site investigations and hearings, passed some fifteen resolutions calling for a UN sponsored free and impartial plebiscite to be held for and by the citizens of Kashmir. Yet India has continually refused to comply with these self-same resolutions in the matter of withdrawing the bulk of its forces and permitting the Kashmiris the right to decide their own future. It now appears that India, like its former Prime Minister Nehru, himself born of a family raised in the beautiful Kashmir, has "changed its mind" regarding its longtime pledge to accept and abide by a plebiscite in Kashmir. This in violation of India's own Constitution which emerged in 1950 from the Indian Constituent Assembly in which the State of Jammu and Kashmir was allocated four seats, but a special Article 370 was passed which granted special sta-

tus to Kashmir as it set forth "temporary provisions with respect to the State of Kashmir." Under 370, the powers of the Indian Union Parliament were very limited with regard to Kashmir, and the only permissible intrusion by India was in the areas of defense, communications and some external affairs. In the 1956 amended Constitution, Article 152 in dealing with all the other Indian States, specifies that the expression State "does not include the State of Jammu and Kashmir," evidencing the fact that India's leaders knew Kashmir was NOT simply another State within the newly independent India. Kashmir was not to be governed as the other Indian States but was originally viewed as an "autonomous polity" protected by India which could conceivably declare its independence at a later date.

BECAUSE ALL PARTIES HAVE FAILED in their promises and pledges to the Kashmiri People and the Plebiscite, we must now go to the next Chapter of Kashmir, "THE VALLEY OF DEATH."

CHAPTER THREE

CHAPTER THREE

THE VALLEY OF DEATH

"Mr. Baker, you are a defender of human rights and your work on behalf of the Palestinian People is well known, especially from your book "Theft of a Nation." Would you ever consider travelling to the Valley of Kashmir to see for yourself the terrible conditions and the suffering of the Kashmiri people under Indian occupation?"

This statement and request was made by Pakistani American Citizens after observing one of my appearances on a television program during which I spoke of the long-standing oppression of the Palestinian People. After meeting with these concerned Americans, I decided to give them the answer "Insha Allah" which in Arabic means God willing. For it would quite literally take the help of Almighty God to gain entrance into the Valley of Kashmir. The Indian Government has sealed

the Valley from the prying eyes of the world media and the various Human Rights organizations such as Amnesty International, Asia Watch and others since 1989. Indeed, I had heard that several writers and journalists have "disappeared" or met "accidental" deaths while attempting to research and document the actual conditions in the valley. I was struck by the numerous parallels of the Kashmir Conflict and the Palestinian/Israeli issue. Both native and indigenous peoples have had their countries occupied and controlled by foreigners; both have suffered for more than forty-seven years under sometimes brutal domination by use of force; both have had numerous UN Resolutions passed calling for recognition of their legitimate and inalienable rights, including the right to determine their own destiny; and both have, until this current writing in 1994, been denied those rights and freedoms supposedly "guaranteed" by the UN Resolutions. So it was but a normal progression for me to accept the challenge of documenting or refuting the claims of brutality and barbarism being made against Indian occupation forces in Kashmir. Having long ago learned to question the accuracy and in many cases, the honesty as well as the objectivity of American media and government reports concerning human rights around the world, I knew I must go and see for myself, first hand, what is occurring in the Valley of Kashmir.

So many people have asked me how I was able to enter Kashmir against such imponderable odds, and the answer is that it was truly the will of God. Once gaining a tourist visa to India, I attempted to secure a seat on board one of the limited airline flights from Delhi to Srinagar, in Kashmir. The Indian Government had cut back the once abundant flights of mostly tourists to the beautiful valley of Kashmir from 25-30 per week to only two, and they are reserved for military and government officials. Stand-

ing in line during a brutally hot and humid evening at the ticket window outside the New Delhi airport, I was enjoying a conversation with several Indian nationals standing behind me regarding the beauty and promise of India. A small man in front of me was listening intently, and began to ask me many questions such as "how long have you been in India" and where was I attempting to go on Indian Airlines? When the friendly men behind me grew suddenly quiet, I knew I was being interrogated by an agent for Indian Intelligence. I never once mentioned Kashmir, but the agent, unwilling to continue the small talk, finally said "What is your opinion about what is happening in Kashmir." I responded that I, like most Americans, knew very little about Kashmir and reversed the interrogation by asking the agent "what was happening" in Kashmir. Perplexed, the agent swiftly left the line even though it had become his turn at the ticket window. The young airline agent looked at me and stated "There are no seats on any flights to Kashmir at all for the next four to five weeks and there are 500 people ahead of you". He suggested I give up the idea of attempting to go to Kashmir. Just then the men behind me interrupted and stated I could appeal to the ticket agent's Supervisor inside the sealed airport. These men left their place in line and petitioned an Indian Army officer to let me into the airport. Somehow, for some reason, I was admitted, the only civilian in the entire airport except for Indian Security agents and airline personnel. Next, an Indian Airline Supervisor, to whom I was a complete stranger, made several calls, including a call to the politically appointed head of the national airline, disturbing him from his sleep at his residence at 2:00 in the morning, pleading for permission to sell a seat to me on the only flight leaving for Srinagar in Kashmir in just four hours, at 6:00 a.m.! Impossible, yes! But this is precisely what happened. And so it was I was able to fly to Srinagar, Luck? Circumstance? Or the very real hand of God inter-

vening on my behalf, using even Indian citizens and airline employees to enable me to enter the Valley of Death.

Words fail to adequately express the visual beauty of Kashmir as my plane, filled with military and security officers, approached the airport at Srinagar. I could only agree with so many other writers who described Kashmir as the most beautiful country in the world! But this ascetic beauty evaporated as my plane began to land and for the first time, I could see the small airfield completely covered by army tanks at both ends and on all sides, sandbagged machine gun posts every few yards, and artillery pieces and hundreds of armed men swarming over the tarmac. Kashmir was not only under occupation, **BUT UNDER SEIGE!**

After clearing immigration and a gauntlet of Indian agents and intense questioning, I was passed through the checkpoints and emerged into the searing noonday heat of Srinagar. The contact who was to meet me at the airport was delayed by the authorities, and an Indian agent assumed his place and met me outside the airport, secretly showing me the palm of his hand with my name printed in block letters. This man insisted he was sent from my contacts and was to take me to the houseboat where I was to stay during my visit to Kashmir. Leaving by taxi, we entered a Shikara (boat referred to as a "water taxi") and headed for a dark and deserted houseboat in the middle of the Jhelum River. I knew by his evasive answers that he was not my contact, and as he insisted that I get off the boat and enter the dark houseboat, I refused and told the shikara owner to take me back to the landing. The man insisted I go into the houseboat, I insisted I was going to return to the shore and if he tried to stop me, we would both be swimming in the river. As our boat pulled away, the agent, with a look of disgust, stepped off the bow of the

boat and into another boat which came out of the mist, and he was gone. I later found out the mans name, and that he was indeed an informant for the Indian security officials, and that the houseboat he assured me was the correct one planned by my contacts, was instead filled with Indian agents waiting to apprehend me. Again, was it just "blind luck" that I sensed the situation was a dangerous set-up or was this the result of Divine intervention by an omniscient, omnipotent Protector?

I eventually made my way to the correct houseboat, and after making contact with resistance fighters, I began my quest to document the real conditions in Kashmir as a result of the Indian occupation forces. Several days later I learned that Indian Intelligence officials had received information from one of their paid informants in America that I was coming to Kashmir and that I was to be "stopped." This accounts for the interception at the airport and the surprise early one morning of seeing my houseboat surrounded by thirty-two soldiers followed by a five hour interrogation by Indian security agents. I learned later that the Kashmiri informant who tried to lead me into the trap upon leaving the airport was terminated.

I was not prepared for the highly charged atmosphere I found in Kashmir on that very first day spent walking down the streets of Srinagar. Never have I seen so many armed men, and I counted them as I walked down each street. One soldier EVERY HALF BLOCK! And as I passed by each one lowered the muzzle of his rifle, pointing it at my heart with his finger on the trigger, and following my body until I had passed out of his range, only to be "sighted" by the next soldier. As I looked into the eyes of each soldier, I could see and even sense the fear within them. Machine gun bunkers appeared at every intersec-

tion, again manned by men with fingers on the triggers, and their muzzles also followed my torso as I passed by in silence. There was a distinctive air of tension and heaviness engulfing the entire city. Srinagar, the capital city of the vast State of Jammu and Kashmir, was totally void of the usual hustle and bustle of capitals I have visited such as Jordan, Damascus, Cairo, and many others. In all my walks, drives, and shikara trips throughout the Valley over the next several days, I failed to see a single smile on the face of any Kashmiri citizen. I saw small children in the streets, but there was none of the frivolity and light-heartedness I had witnessed in so many dusty streets throughout the world.

The children of Kashmir are, like their elders, caught in the never ending daily struggle to survive under Indian occupation. They have nothing to laugh about, or to celebrate other than surviving another day without being shot, beaten or arrested. Row after row of small storefronts, where the local people had once shared in the joyful activity of barter and exchange, now lie silent, charred and gutted from fires started by the Indian forces as retribution and punishment. In the areas of Zakura and Lal Chowk I counted more than eighty-seven burned out homes and shops within a three block area. Scanning the rooftops, I could see that every vantage point was occupied by Indian bunkers and soldiers, many of whom were armed with high-powered telescopic rifles. Along with the uniformed Indian armed forces present in the Valley, are a number of other Indian military and civilian personnel, including those representing some sixteen Secret Service agencies. During my daily excursions in and around the Srinagar area, it became obvious that due to the overwhelming number of occupation forces and daily curfews and crackdowns, the civilian population of Kashmir lives

in a virtual state of captivity and imprisonment! Consider that the Valley consists of approximately 4,000 square miles, and India has more than 600,000 troops crammed into this small area. In point of fact, Kashmir has the dubious distinction of having the largest concentration of occupation forces in the world! A full one-sixth of the massive Indian army is in Kashmir. This staggering number averages out to one Indian soldier for every three able-bodied Kashmiri citizens. I quickly understood the lack of laughter, the somber and dispirited demeanor of the Kashmiri people I was to live among for the duration of my visit.

CURFEWS AND CRACKDOWNS

Two of the favorite tools employed by the Indian forces in their attempt to control the Valley of Kashmir. The psychology of such martial law mentality is clearly intended to break the spirit of the Kashmiri resistance to Indian occupation and annexation of Kashmir. I was in Occupied Kashmir during the observance of three major and important hallowed observances: (1) the date of the Independence of India, (2) the date of the Independence and founding of Pakistan, and (3) the remembrance of the assassination of Pakistani President Zia ul-Haq. For the first celebration, the Indian forces "ordered" all Kashmiri citizens to celebrate by opening their places of business and attending Indian celebrations at the soccer stadium in the evening. Instead, a strike was called by all of the resistance groups and organizations. Indeed, no Kashmiri people left their homes for the entire day. In the evening, I watched from the roof top of my houseboat on Dal Lake as rockets fired by the brave Kashmiri fighters arched

into the soccer stadium, sending all the military forces and Indian politicians assembled running for cover. Their celebration lasted barely fifteen minutes before it was cancelled. The Indian authorities imposed a severe curfew of thirty-six hours as the Independence Day of Pakistan approached, forbidding any celebration whatsoever.

To leave ones home for any reason including a medical emergency could very well mean death to any who dared challenge the curfew and the authorities. While sitting once again on top of my houseboat on the beautiful Dal Lake, and gazing incredulously at the majestic Himalayas, I could hear a vast number of automatic weapons being fired in celebration of Pakistan. And then, with my binoculars, I saw the skyline of Srinagar filling up with balloons with long strings attached and the flag of Pakistan was carried up into the heavens! This act of defiance to let the Indian occupiers know that the Kashmiri people had not been broken nor intimidated by the Indian edicts.

A curfew was in effect much of the time I was in Kashmir, so in some cases I had to leave my houseboat at night by means of the reliable shikara in order to interview and document the stories of Kashmiri victims. Curfews are used by Indian forces to punish the Kashmiri people, as the banks are unable to open or operate, schools are closed, and merchants are unable to open their shops in order to obtain the necessary monies for their families to survive. Also during curfew, not even the most seriously ill civilian can travel to a physician or hospital for emergency care, nor can the hospitals or physicians send an ambulance to transport a critically ill person. Indian authorities claim this is not true, and that "passes" are issued to doctors, ambulance drivers and other emergency personnel enabling them to travel freely during one of

the almost daily curfews. As we shall soon see, such is not the case.

MEDICAL AND HEALTH CONDITIONS

Very early on a weekday morning, I joined the young resistance fighters (called Mujahids) and clandestinely slipped into the Sher-e-Kashmir Institute of Medical Sciences, which serves as one of only three primary hospitals providing medical services for the people of the Valley. Armed with my small and nearly invisible video palm recorder, I proceeded to interview a number of Kashmiri doctors, victims, and their families. It was there that I met some of the bravest human beings it has ever been my honor to know, and among them Dr. Abdul Ahad Guru. Dr. Guru was a renowned Kashmiri cardiothoracic surgeon, the only one for the millions of Kashmiris in the Valley. I recorded our lengthy conversation concerning medical conditions in the Valley, and what follows are some of the primary statements of Dr. Guru detailing the horrible medical conditions for the citizens of Kashmir.



TRANSPORTATION OF SERIOUSLY ILL . . . is nearly impossible at any time of day or night. Daily curfews forbid any movement in the streets or outside the homes, thus a seriously ill Kashmiri citizen cannot be transported to the hospital. Dr. Guru stated that so many who had attempted to get their loved ones to the hospital were either shot, stopped and arrested, or at the very least sent back to their villages, that since January of 1992 the people no longer even try. They simply stay home and die!

AMBULANCE DRIVERS who attempt to respond to emergency calls are routinely stopped, interrogated, beaten and shot. Even when there is no curfew, ambulance drivers are attacked. One such driver, a Mr. Gulam Nabi Bhutt, was shot dead while attempting to deliver some medicine to a critically ill patient at home. If this is commonplace during NON CURFEW hours, one can imagine the danger when a curfew is called for by occupation forces.



Abdul Rashid Kakroo, a forty-three year old ambulance driver, arrived at the scene of a shooting by Indian forces. After asking permission to leave his ambulance and attend to the victims lying in the street, and having been given permission to transport the victims, he got out of his ambulance and began to administer aid to the victims. It was then he was suddenly and severely beaten by the soldiers, and once able to reenter his ambulance, he was shot twice by Indian soldiers. In the photo, Mr. Kakroo is shown talking to the author and showing the bullet wounds to his right wrist and chest. I spoke with many doctors and Kashmiri victims who told the same story; they were issued curfew passes to enable them to travel for emergencies, yet those passes were ignored and not honored by security forces anywhere in the Srinagar area.

HOSPITAL CRACKDOWNS occur at all three major hospitals as was verified by more than fifteen doctors I in-

interviewed. These "crackdowns" amount to a shutdown of the hospitals, when Indian security forces surround the hospitals and usually accuse the doctors of "harboring" illegal weapons and resistance fighters. While enduring these searches, the hospitals are totally shut down. The doctors and hospital staff ARE NOT ALLOWED TO CARE FOR THEIR PATIENTS while the search goes on. All staff are confined to their quarters and offices, and as a result, many critically ill patients have died due to lack of care. In some instances, the electricity to operating rooms was shut off and patients undergoing surgery were left to die on the operating tables! Under the guise of conducting a "security search" the authorities often physically abuse the patients, as was the case of Mrs. Parveena Sheikh, a forty-five year old cancer victim, who along with other patients suffering from severely painful afflictions, were rolled over and over in their beds while the soldiers, laughing, continued to ask "where are the arms". Their laughter was unable to cover up the screams of the victims as monitors, intravenous lines and catheters were ripped from their veins. Mr. Abdul Rahim, thirty-five years of age and suffering from a treatable liver abscess with metabolic acidosis and hypertension was on a life-saving i/v line. As he was rolled over and over and the line ripped away, the physician on duty was prevented from restarting the i/v line for nearly an hour, and as a result Mr. Rahim suffered a fatal cardiac arrest. I met six families at the hospital who had family members die while the security forces carried out their crackdowns.

It is important to note that in all the crackdowns and searches of the hospital, NOT A SINGLE WEAPON OR "MILITANT" was found, nor had the doctors and staff ever knowingly hidden either arms or resistance fighters. "Suspected" terrorists were often taken from the hospital

immediately after surgery, and in some cases, IN THE MIDST OF EMERGENCY SURGERY! Many never returned, and those that were brought back to the hospital were near death.



STUDENTS ARE TARGETS in the streets of Kashmir, as was the case of this twenty year old man walking to school in the middle of the afternoon. An Indian army truck with a machine gun mounted in the back pulled alongside and soldiers ordered him to look at them, and upon doing so he was shot through the throat. He was left where he fell until some other civilians took him to the hospital. When I asked his mother why he was shot, she said the soldiers gave no reason other than they "suspected" he might be a member of the resistance. Words are inadequate to convey the pain and sorrow in the eyes, the voice, and the

heart of this mother. The doctor explained that the bullet tore through the young man's trachea and esophagus, finally crushing his spine. This handsome young Kashmiri was unable to speak, but he was able to move his eyes and they locked onto my own eyes, and the doctor continued to tell of the effects of that single bullet, that this young man could not eat, could not breathe, could not even move and was only awaiting the peace and freedom of a hastening death. Mohammad's eyes asked the same question I had been asked everywhere in Kashmir, by nearly every beaten, shot, tortured or raped Kashmiri, and that question was WHY? WHY are these acts of barbarism allowed to be continued? WHY doesn't the West, ESPECIALLY THE UNITED STATES, intervene and stop our suffering? WHERE is the United Nations and their avowed concern for Human Rights? As the mother wept, I touched the shoulder of Mohammad and told him his wounds and his suffering would not be forgotten, that they are the wounds and suffering of the Kashmiri people, and I would never allow his story to be forgotten. I walked away from his bedside, I asked for the young man's prognosis; "He is going to die very, very soon" was the reply. Mercifully, this innocent youth died before I left Kashmir several days later.

ORGAN REMOVAL AND THE BLACK MARKET

Nothing could ever have prepared me for another encounter with a young Kashmiri victim of the occupation forces. Twenty year old Mohammad Rafiq Mir, son of Abdul Gani Mir from the area of Khomoh, Shutloo, Baramulla, was picked up by security forces January 1st of 1991 when he and twelve other Kashmiris were attempting to make

their way to the freedom of Azad Kashmir. I will let his own words, taken from a signed document I was able to smuggle out, tell what happened next:



"We were taken to a place which looked like a hospital because some people were in green uniforms and masks and others in military uniforms. I was put on a table, blood was taken out with a prick from my finger and by a syringe from my arm. A wire was put from my groin and something was viewed on a screen. During this process I felt heat in my body. After that all I know is that I had a bandage on the left side of my abdomen and I was feeling pain. One doctor told me my left kidney had been removed,"

The next day, the young man was taken along with others who had undergone surgery and thrown from the back of an army truck alongside the road. He was given a ride to the hospital where he complained of severe pain. On the bottom portion of the testament of Rafiq Mir are the comments of the examining physicians who, after careful examination and x-rays conclude:

"A 20 year old male, Mohammad Rafiq Mir is apparently in good health with a left lumbar scar. The scar is about 8 inches in length well healed. The pink colour of the scar indicates that it is a recent one. On questioning, he does not give history of any complaint referable to his urinary system. He has never had any hematuria, dysuria, obliqurea or uritary colic. He had no pain in the region of the scar. He has never been told by a doctor that he had any problem with his kidneys. Upon examination he does not reveal any clinical abnormality except the scar in the left lumbar region. Further tests indicate the absence of his left kidney. It appears a normally functioning left kidney and ureter HAVE BEEN SURGICALLY

REMOVED! The circumstances of his operation suggest his kidney has been used for a transplant and was removed AGAINST HIS WILL!"

While in the Valley of Kashmir, I learned of several other citizens who had likewise had healthy organs removed, although most of the others were found dead with kidneys, livers, and other organs missing. I have the sworn testimony of Younis Khan of the Ganderbal District where I was staying, which testifies that his brother was taken off a bus along with twelve others by Border Security Forces. One month later his body was found and taken to the Institute of Medical Science whereupon the doctors determined that his brother, twentynine year old Bashir Khan, died of physical torture and one kidney was missing from the body.

AS INCREDIBLE as this may seem, since returning to the United States there have been a number of special documentary programs on American television, especially on "The Discovery Channel" December 11, 1993 which exposed the huge black market in India FOR HUMAN ORGANS! The program revealed the tremendous wealth in selling body parts to wealthy Indian nationals as well as a variety of other desperate citizens of foreign countries who travel to India in order to purchase an organ. The poor and "lower caste" of India's population are routinely picked up and, like the Kashmiri victims, have had their organs forcibly removed and sold on the black market! Surely such outrageous acts of barbarism, once conveyed to the "civilized" Western World and especially to the American and European citizens, will or should serve as a catalyst to awaken the political leadership of all the free nations of the world to the suffering of the Kashmiri people under Indian Occupation! And once awakened, I

would hope that no true democracy or freedom loving people or nation will ever consider "foreign aid" in any form at any time to the Indian State unless and until such ghastly activities are proven to have totally ceased!

THEN THERE IS SHAKEELA, an innocent ten year old girl with braided pigtaails who was brought into a nearly darkened room, with only a single flickering neon bulb providing the light. With a hospital attendant on either side, Shakeela was helped to sit down by me on the hard metal bench. The room grew quiet as I began to ask her doctor, Kaldran Kulgam, the condition of Shakeela.



"She was brought to this hospital suffering from shock and a severe trauma to the right side of her head. A bullet had been fired through the eye, tear-

ing away not only the eye, but the frontal bone, a part of the skull, and most of the muscle and skin. Due to the loss of blood, I had to give her more than thirty transfusions to save her."

The words of the doctor became a knife striking deep within my heart as I looked at the terrible swollen and bandaged head and face of Shakeela. What possible threat could this child have been to veteran Indian army personnel? What possible justification could anyone give for such blatant and inhuman savagery, to attempt to murder such an innocent and precious child? I asked her to tell me, in her own words, as recorded on my video, what happened to her. As she turned towards me, she tried to focus with her left eye and for the first time I saw her entire face. Her voice was soft and tender, and tears welled in my eyes as I looked upon the remaining left side of her face and saw the promise of astounding beauty which had been forever shattered and would remain unfulfilled thanks to a bullet fired by a heartless and cowardly soldier. Immediately I remembered the soft and unmarked faces of my own beautiful daughters back in the United States, and I recalled the joy and pride as I watched them grow and blossom into the attractive women they became. How must the father of Shakeela feel now, knowing that his little daughter will forever be disfigured and scarred for the rest of her life.

Shakeela's village was one of three attacked by Indian forces claiming as usual, that members of the resistance were being sheltered by the people. Shakeela and two children ages five and eight were playing in the street when the army opened fire on every house, and any civilian attempting to flee was cut down. The three children jumped into a canal in order to avoid being struck by the

myriad of bullets striking all around them. The three held their breath under the water as long as possible, but the five year old pulled the others to the surface as he could no longer hold his breath. He was immediately shot dead, then the eight year old on the other side of Shakeela was shot. Seeing her playmates bodies exploding from the bullets, she screamed and ran from the canal.

"They told me to put up my hands and I did, but they shot me anyway. I only remember screaming and crying as I walked towards the soldiers. I saw them shooting at me, then I fell asleep."

It was hard to imagine that this ten year old child had survived such savagery. After she finished telling her story, I lifted her small hand and kissed it, telling her that I would remember her forever, and wherever I might speak, or whatever books I might write, her story would be told. Here was a daughter of Kashmir, called upon to sacrifice her fleshly beauty and to endure unimaginable pain and sorrow, all for the struggle of the Kashmiri people to throw off the shackles of foreign oppression and domination, and to one day enjoy the basic human rights and freedom pursued by all the men and nations of the world.

By now word had spread that I, an American, was in the hospital with my camera talking to Kashmiri victims. The entire hospital was in an uproar as a large crowd of relatives of patients pleaded with me to come and see their daughter, their son, their parents, for they, too, wanted the world to know of the suffering and sacrifice of their loved ones. I knew that the Indian security agents would quickly learn of my presence in the hospital so I told them I had to leave. As I moved towards the door, a

crowd forced their way into the room bringing a young man in a hospital gown in front of me. He stood there rocking back and forth, shifting his weight from one leg to the other. So I began to film and asked him to tell me his story.

His name was Zaffar, a twenty-eight year old Kashmiri who had attempted to intervene on the afternoon of July 15th when he saw Indian soldiers beating two women and three young boys in the streets of Srinagar. He was beaten and stripped of his clothing, and then the soldiers sprayed gun powder all over his body and SET HIM ON FIRE! As I filmed the terrible, ragged burns on his legs, thighs, feet, neck, arms and face, I knew that if I survived this fact-finding nightmare, I must let the American people and political leadership know the truth about the tragic suffering of the Kashmiri People, and the daily atrocities inflicted upon them by the Indian Occupation forces. Then and there I made a sacred commitment to God and the people of Kashmir to tell their story upon my safe return to America.

Before leaving the hospital, I spoke with a number of other doctors who provided insight into the overall medical conditions in the Valley. Dr. Hajibullah Zargar echoed the same complaint made by all the physicians, that being the assumption by Indian forces that every patient in the hospital is a militant.

"If they notice a patient with the skin flaked or peeling from his feet, they always assume it is a result of frostbite, and frostbite only comes from high in the mountains where the training camps of the resistance

groups are located. Conclusion: the patient must be a militant."

One of the young resident doctors who attended to many of the patients I interviewed, Dr. Liaqat, told of several occasions when he and other doctors were used as human shields by the Indian forces against Kashmiri Freedom Fighters.

"On one of several occasions, I along with several other doctors, was on my way to the hospital, riding in the ambulance when we neared an area where the Indian forces were exchanging fire with the resistance. The soldiers stopped our ambulance and forced us to get out, pushing us in front of their positions, exposing us to the firing. Some of the doctors were shot."

THE SHORTAGE OF MEDICINE became obvious to me as I saw long lines of Kashmiris waiting outside the local pharmacies, only to discover the medicine they required was not available. Dr. Guru spoke of how a full 75% of the population had previously been able to obtain their prescriptions from the neighborhood shops but since 1990 only 10-15% are able to obtain their medicines. Regular shipments of medical supplies, including all drugs and pharmaceuticals, have been stopped by the Indian Government. I spoke with several representatives of pharmaceutical companies who told me that Indian Airlines, the only airline permitted to fly in or out of Kashmir would not accept consignments labeled for Srinagar. Many of the doctors I interviewed confirmed that withholding medical supplies has long been a part of the strategy of the occupation forces. When the people come to the hos-

pitals for medical treatment and there are no medicines available, the occupiers hope the Kashmiri people will become so pessimistic and despondent that they will blame the Kashmiri medical establishment and turn for help to the Indian authorities. Instead, all the Kashmiri people I spoke with expressed their anger and disgust for the Indian occupation forces, and vowed to continue their struggle against them. All remaining hospitals in Kashmir operate without even the basic essentials, such as nitrous oxide necessary for anesthetics for operations, oxygen, and replacement parts for all the diagnostic equipment such as x-ray machines, scopes, monitors, etc. The obstetrics hospital has no working respirators, and long ago ran out of intravenous adrenaline and steroids. The Saura Medical Institute's CAT scan has been broken for three years. The only instrument of the chemistry laboratory used to measure basic electrolytes and serum chemistries has been out of order for nearly two years. Only two of the six x-ray machines at the Srinagar Medical College work while the need for more x-rays continues to increase due to the vast number of daily shootings. Trauma or gunshot wounds have increased more than 1000 percent since 1989.

I brought out a list of shooting victims treated at the Sheri Institute which indicates that more than 3500 shooting victims had been brought to the hospital during the period of January, 1991 up to the time of my visit, September of 1992. Multiply this number by the other three hospitals, and you have an idea of the violence being perpetrated on and against the Kashmiri people on a daily basis. All the hospitals in Srinagar are overcrowded. Dr. Guru's hospital has a capacity of 700 beds, but while I was in that hospital conducting interviews, there were 1200 people crammed into every conceivable square inch of floor space.

VICTIMS OF TORTURE are easily found in the hospital beds and corridors, and torture of the civilian population of the Valley has been well documented by a number of independent investigative journalists and Human Rights Organizations. I strongly suggest the reader obtain copies of these reports, which I have listed at the close of this book under Important Documents. You may also obtain copies of these reports from the Kashmir American Council listed in the Reference section. Some of the most damning documentation of torture victims has been gathered by Indian Journalists, such as the Committee For Initiative On Kashmir of New Delhi. Honest, objective Indian intellectuals, writers, and citizens concerned about Human Rights have proven their commitment to their fellow man is far more important than their allegiance to the political parties and leadership of India. I interviewed numerous victims of torture, such as a young Kashmiri who showed me the horrible scars covering his body as a result of being hung upside down by his heels naked, then beaten by clubs with nails in them. I met many men and women who had endured the quite common torture of stripping the victim naked, then pouring chili powder into all the body cavities. I spoke with a mother of a twelve year old boy who was picked up and taken to one of the primary torture centers located near the Old Airport in Srinagar. Her son was forced to drink large quantities of water after having his penis tied off and totally restricted. Unable to urinate, he died a miserable and painful death. Many torture victims spoke of being beaten so severely that deep wounds covered their bodies, after which salt was poured into the wounds causing excruciating pain. Electric shock to the genitals, mouth, lips, temples, nipples, ear lobes, tongue, and feet was common during my interviews. The most common form of torture I encountered was the use of a heavy wooden roller which is rolled

over the victim while lying down. This causes tremendous pain and does irreparable damage to internal organs as well as bone fractures. Extensive muscle damage (rhabdomyolysis) releases toxins that have often resulted in acute renal (kidney) failure. I met many victims of "the roller" who had undergone dialysis as a result. HOT IRONS are routinely pressed against nipples and breasts, genitals, buttocks and thighs. I interviewed a thirty-two year old father of three who had three fingers chopped off, a slice at a time, and then hot irons used to scald the stumps that remained. A twenty-two year old student was terribly scarred from having hot oil poured over his entire body, and hot wax in his ears. Another sickeningly common torture is the pushing of rods up the rectum, and into the penis. The torture of Muzaffar Ahmed Mirza, aged thirty-five and an Arabic teacher is well documented by nearly all Asian Human Rights Organizations. He was arrested October 4, 1991, beaten and tortured with electric shock to the genitals, and finally a rod was pushed through his rectum into his chest. Emergency surgery at the Medical College hospital revealed he had suffered a perforated liver, ruptured diaphragm, and ruptured lung. Before his death three weeks later, he was interviewed by foreign journalists, and even the Indian video news program "Eyewitness", but that edition was censored in India.

SEXUAL ABUSE is also a common form of torture, as the Indian soldiers routinely rape both young girls and boys, often in the presence of their parents and relatives. Some family members have been forced to rape other members of their own family. PSYCHOLOGICAL TORTURE and humiliation is rampant, as I met seven Kashmiris who had been forced to eat human excrement and drink urine. Forced confessions are obtained by having parents, upon hearing their childrens screams from the

next room and being prevented from knowing what is being done to the child, sign and admit to anything in order to save their child. Many of these so-called confessions made public by Indian officials have been obtained in just such a manner. I learned that the use of torture is so pervasive that each of the occupation forces have their own torture centers. One dark evening, during a curfew and riding on the back of a motorcycle with no lights and a muffler suppressor so we could not be heard, I went to four of the twelve known torture centers. Being just outside the buildings, I **COULD HEAR THE SCREAMS OF THOSE BEING TORTURED!** And it is those screams, and the faces of the endless parade of victims I personally interviewed which will forever haunt my memories and stalk the corridors of my dreams in the night.



MAY GOD HELP THE WOMEN OF KASHMIR as they endure assaults on both their bodies and their souls, assaults that women of the Western world could never imagine. The Rape of Kashmiri women has become far more than an isolated incident, but has actually become a part of the policy of the Indian occupation forces in an effort to humiliate and punish the people for resisting the occupation. Rape is employed after any Indian troops are fired upon or attacked by legitimate resistance groups. Women living in the area are targeted for rape as retaliation. At such times, anyone within rifle range may be shot; homes and other property burned as well as the rape of women and young girls.



The woman pictured in the photo with the author was a victim of just such an event. She was beaten to the ground as she attempted to flee her village which was under fire from the Indian forces. She, along with seven other young women, were caught and dragged by the hair back to the village and placed in the center of a ring of soldiers. There, they were beaten and kicked for nearly one hour, after which the soldiers "selected" the women they wanted to take with them, and she was taken by several soldiers back to their post. There, over a period of ten days, she was raped repeatedly by many soldiers, and kept naked in a pit. Occasional scraps of food were thrown to her, but the only time she was removed from the pit was to be raped. Tiring of their "toy", the soldiers began extinguishing their cigarettes out on her body. They took her to the river where they stabbed her in the skull with their bayonets, not wishing to waste a precious bullet on a Kash-

miri woman. After the stabbing, they threw her body into the river. One can see the terrible scar cut into her once beautiful face as the bayonet blade ricocheted off her skull. She was found by other women who were hiding from the soldiers and taken with them through the mountains to safety in Azad Kashmir. As I interviewed her it became obvious she had been so traumatized by her experience that she no longer knew her name, age, family or village. For all intents and purposes, she had been murdered and was merely the shell of the former human being that had once lived inside. Having become pregnant from one of the soldiers, she gave birth to the infant the day after my interview. Women of all ages and all social levels are raped with no regard to the health or condition of the women. I met a young girl of eleven years and a 72 years old grandmother in the same day from a village north of Srinagar; both had been raped by the raiding Indian forces. THE USE OF RAPE by the occupation forces in Kashmir is not merely an isolated case or two of "wayward" soldiers, but rather a well orchestrated and contrived part of the overall plan to break the spirit and if possible, the soul of the Kashmiri people and their will to resist. When meeting with the women to hear their stories, it was necessary to meet in a separate place apart from the men, for the women felt such shame and defilement from being raped that they simply could not talk about their suffering in front of their men. These Muslim women of Kashmir all expressed their preference for death rather than the dishonor and disgrace that came with rape. Islam, like all moral and Godly based religions, teaches sexual purity and chastity. Thousands of these daughters of Kashmir will no longer possess the innocence and shyness which is the natural state of Kashmiri women, and many will feel themselves "unfit" and unable to ever again dream of

becoming the wife of a young and handsome suitor from her village.

THE EXACT NUMBER OF RAPES will never be known, for many of the victims refuse to tell anyone and suffer this most horrible indignity alone. Several human rights organizations and independent journalists have documented nearly twelve thousand cases of rape, and most agree there could be more than seven thousand more with the victims not willing to come forward. For those wishing to pursue the issue, I suggest you obtain the document entitled "The Rape of Kashmiri Women" by Shabnam Qayyum and translated by Air Marshall Ayaz Ahmed Khan. (see Suggested Reading List). This book documents a case by case, village by village record of rape by Indian forces. I also recommend the reader obtain a copy of "Rape in Kashmir, A Crime of War" by Physicians for Human Rights. It must be noted that of all the cases of rape registered with the security forces in Kashmir, including evidence such as eye-witnesses who were able to pick the perpetrators from a line-up of soldiers, the Indian Government has steadfastly refused to prosecute and punish ANY OF THEM! No evidence has ever been given to any legitimate human rights group or observer proving such action, despite the fact that India ratified what is known as the International Covenant on Civil and Political Rights (ICCPR) which prohibits torture and other forms of cruel and inhuman treatment. India also ratified the four Geneva Conventions of 1949. Rape is clearly prohibited by Common Article 3 of the Geneva Convention. Perhaps one should not be surprised at the failure of India to adhere to an International Law or Charter they have signed and ratified, since we have already noted their refusal to adhere to U.N. Resolutions regarding the right of the Kashmiri people to a plebiscite.

INDIA'S OWN CRIMINAL LAW makes torture a crime and explicitly prescribes punishment for members of the police or security forces who have committed rape. Under section 376 (1) of the Indian Penal Code (IPC) a minimum of seven years imprisonment may be imposed for rape. An additional ten years is mandatory for any rape committed by a police officer against someone in his custody. Commissioned officers of the paramilitary and military forces ARE INCLUDED UNDER Section 376 (2) (b) of the IPC and are, therefore, subject to this MANDATORY SENTENCE! Therefore, if indeed India is the world's "largest democracy" and bastion of law and order, then Indian prisons should be filled with Indian soldiers, police, and politicians who have committed the crime of rape against the women of Kashmir.



RAPE IN FRONT OF FAMILY AND CHILDREN is commonplace, and such was the case of this young mother

and child. Indian forces raided her village in the middle of the night, forcing all the men out of the houses and into the fields to be beaten and interrogated by soldiers. Meanwhile, the women and young girls were kept inside the houses, and as the soldiers "search for arms" they rape any woman they so desire. This woman was holding her infant son in front of her, hoping they would not see her face or figure, but they demanded she release the child and submit to their sexual assaults. She refused, and grabbing the child's right leg at the ankle, the soldier broke the child's leg! As the boy screamed in pain, the soldier grabbed the other foot and threatened to proceed to break the fingers, wrists, and neck of the child. The mother relented, and was repeatedly raped in her own home, in front of the crying child thrown to the floor.

EFFECTS ON EDUCATION

The occupation, especially since the initiation of the current brutal crackdown which began in 1989, has all but ended higher education in the Valley. This fact was evident from my interview and conversation with Professor Abdul Ghani, who was once a leading educator in Srinagar and is now an active leader of the Muslim Conference and the uprising.

"I am no longer a Professor, as I was dismissed in 1986 by the authorities, as I had a habit of calling a spade a spade. But I was delighted that I was dismissed, because I used to teach a small group of boys, but now I am teaching larger groups of men, more than I could

imagine. In my earlier years, I taught in the College, but now I teach in the Institution of life."

The Colleges are closed, and no disciplines or tutors for any subjects are available. Professor Ghani encouraged me to walk by any campus and see for myself.

"You will see lots of Indian occupation forces on every campus, but you will see no students. The students are afraid to come to the campus and take exams, for when they finish and leave the room, they are picked up and are, of course, accused of being militants."

Books and other normal school supplies are non-existent. I did see a few elementary school children attempting to travel to the few schools open, but few parents are willing to risk their child being beaten, shot, or arrested on the way to the classroom. Many young children have been struck by speeding military vehicles racing through the narrow and congested streets, and those struck are left where they fall. Professor Ghani, like all the Kashmiri people I met and interviewed, made clear the disruption of education in Kashmir is the result of the Indian occupation forces, and not a result of forced closures or control from resistance groups. He also denied the propaganda of India that the Kashmiri resistance is but a small fraction of the population, and those who resist are terrorists.

"The Government of India has been saying the people of Kashmir are terrorists. We say No! We are Freedom Fighters, and we can't afford to be terrorists. We consider that terrorism at the State level is

the worst thing in terms of politics, in terms of morality, and in terms of International Law."

Professor Ghani, like all leaders of Kashmiri resistance, has been arrested, beaten, jailed and threatened with death. Yet his demeanor was that of a calm and victorious warrior, one who knew that the end of his struggle would one day produce the freedom and self-determination so long denied.

"The basic elements which make life worth living, life, property, and honor are all at stake in Kashmir. These Indian forces raid and terrorize our homes and villages; they steal our property, rape our wives and daughters, and if we raise our voice against this ignorant, uneducated soldier, we will lose our life. This is the policy of these 'Disciples of Gandhi', whom they chose to call 'the Apostle of non-violence.'"

As this book is written, I have received word that Professor Ghani is once again under arrest and being kept in an Indian prison in Kashmir. His final words recorded during my interview eloquently speak to his present condition.

"Gandhi, during the dark days of India's founding, said he saw a 'ray of light' in Kashmir. That ray of light has been extinguished by the very forces of Gandhi."

RELIGIOUS FREEDOM DENIED



From left to right; Abbas Ansari, Syed Ali Gilani, Professor Abdul Ghani

One of the most cherished freedoms to the American people is the freedom of religion. But the conditions in Kashmir after forty-seven years of occupation have revealed an ugly and determined assault against Islam, the faith of the Kashmiri People. In order to obtain the facts concerning the practice of religion and the conditions of the religious leaders in the Valley of Kashmir, I met and interviewed one of the most respected and beloved in Kashmir, Syed Ali Shah Gilani. He is also the leader of one of the most powerful and effective resistance groups in Kashmir, the Jama'at-e-Islami (JEI) which means "Party of Islam."

The day of our meeting, Syed Gilani had just been released from two years in prison and friends and associ-

ates were still celebrating his survival and emergence once again as a highly visible religious leader of the Kashmiri people. The two years were served stripped naked in a tiny cell in solitary confinement. The naked condition was meant to humiliate and embarrass this well known and respected leader, but it was quite obvious from my meeting with him that the Indians had miserably failed in their mission. Syed Gilani, first arrested and imprisoned in 1962, had already served another eight years in prison prior to this latest incarceration. During our lengthy discussion, I learned that every effort is being made by the Indian authorities to "eradicate" Islam from Kashmir, replacing it with Hinduism, the "national religion" of India.

I learned that the JEI was banned in 1975, and at the same time all preaching and teaching of Islam was forbidden. All the religious leaders of JEI were arrested and imprisoned.

"The Indians are trying to eradicate our culture, but our culture is tied to Islam. So they attack Islam and we who continue to preach and advocate Islam as the way of life and law. These occupiers have forbidden the preaching of Islam since 1947. But we shall never give in or give up our faith or our struggle to be free."

Indian forces have closed more than 200 schools and denied some 20,000 students the privilege of an Islamic education. All newspapers and literature of the JEI is banned under threat of arrest. Imams (spiritual leaders) of the Muslim communities have been forced to get down on their knees and sweep the streets with their beards, which are symbols of purity and honor, much like the Nazerite

vow found in both the Old and New Testaments of the Bible. Only after their knees are cut, bruised and bleeding are they permitted to stand. The daily Azan (call to prayer) and the performance of Salat (required prayers, acts or worship) are forbidden. Mosques are routinely broken into and burned to the ground. I personally saw the charred remains of three destroyed mosques. The remaining foundation structures and window frames were full of bullet holes. On the evening of September 14, a mosque near my houseboat was the scene of another slaughter by Indian forces. Fifteen Muslim worshippers were in the mosque, including women, elderly men and children. "Security forces" broke through the front door, and I heard the bursts of automatic weapons being fired. I learned that evening that the fifteen people inside the mosque had all been killed. Syed Gilani, in the true spirit of Islam, expressed his hope that all those in the world who believe in the one God of all creation would join hands to oppose the evils of injustice, intolerance, and inhumanity.

"In the present situation, it is time for all believers in one God to join hands to oppose all the evils and the evil doers of the world. We Kashmiris have been in the clutches of India since 1947. The British left this, their former empire, to two nations and religions, Hindu and Muslim, India and Pakistan. We will never surrender or cease in our struggle to obtain our freedom, not only to practice our religion of Islam, but the right of self-determination. In the end, Insha' Allah, we will rid ourselves of this evil of occupation and oppression."

Another method used to offend and denigrate the Kashmiri Muslims is the widespread use of setting fire to homes

and places of business as well as the mosques. Islam teaches, as does Christianity and orthodox Judaism, a bodily Resurrection from the grave, thus cremation is forbidden. Not even animals are to be killed by the use of fire or flame. So it is not an accident that, since 1990, more than FIFTEEN HUNDRED Kashmiri civilians have been burned alive, locked inside their homes from the outside by Indian forces. Barricading homes and setting them on fire



has disgustingly become "routine" in the Valley of Death. On January 6th of 1993, the town of Sopore was almost totally burned to the ground, and at least 150 people were trapped in their homes and perished. More than 100 homes and 200 shops were destroyed. Even the livestock and pet animals were burned and slaughtered. A documented report issued by the Asia Watch Committee titled "Kashmir Under Siege" details the burning of Rangteng Kaw-

dara, Noorbagh in Srinagar, and other incidents of arson. So many perished in Sopore, that bodies were still being removed from the rubble more than one month after the fire. The terrible burning of Lal Chowk in the Srinagar area is of such massive proportion that the hundreds upon hundreds of small shops I saw on a daily basis, no longer exist! Now, as Syed Gilani said, the people must struggle every day to obtain even the most meager necessities for living such as food, medical aids, etc.

In the Holy Qur'an, Surah 85, verses 1-11, there is the promise that those who persecute true believers through the use of fire will one day themselves experience their own burning in the fires of Hell.

"And they ill-treated them for no other reason than that they believed in Allah. Exalted in Power, Worthy of all Praise! Him to whom belongs the dominion of the heavens and the earth! And Allah is witness to all things. Those who persecute the Believers, men and women, and do not turn in repentance, will have the Penalty of Hell: They will have the Penalty of the Burning Fire!" (vs 8, 9, 10)

While in the Ambore Camp in Azad Kashmir in 1993, I met and interviewed a young woman who, choking back the tears, told of witnessing the Indian soldiers forcing their way into the mosque while her school teacher was kneeling on her prayer rug and beat her while stripping away her clothes. She was then taken outside in the market place, and as Kashmiri men tried to rush up and cover her naked body, they were all shot dead! Finally, they cut off the woman's nose and threw it in the dirt!

CONCLUSION

I have attempted to educate and inform the reader of the true conditions in Kashmir, and the suffering of the people at the hands of an insensitive, and brutal occupation force. The people and the incidents recounted were personally known and observed by me during my stay in the occupied Valley of Kashmir in 1992. All of the accounts of barbarism and inhuman treatment were recorded, and it is from these tapes that I have presented only a few of the victims in Kashmir. If I were to write all of the stories of all the Kashmiri people whom I interviewed and met, I would need a volume of several hundred pages.

In order to write these accounts, I had to relive the events and the interviews. I had to once again recall the haunting gaze of a dying student, and the tear-filled eyes of his parents who could only ask why the world, especially the United States and the American people, do nothing to stop their hurt and their suffering.

I had to once again recall the putrid smell of human flesh set ablaze with gunpowder; and I once again looked into the swollen, bandaged face of the sweet ten year old Shakeela, knowing the painful life which awaits her as a result of the Indian bullet ripping through her eye and forehead.

In order to take you into the Valley of Death, it was necessary for me to once again remember the gentle smile and tremendous spiritual strength of Dr. Abdul Ahad Guru, and to relive the grief and sorrow in my heart upon seeing his bloodied and bullet pierced body. All of these Kashmiri victims were so very innocent, so very gentle, and

now, so very dead. But in sharing their stories with you, the reader, it becomes clear that their martyrdom, their suffering and their pain, was not in vain. And as I promised Dr. Guru, looking into his eyes and with our arms around one another:

"You and the Kashmiri people will have a voice in the West and America, and it will be my voice if God grants me a safe return, and for as long as there is breath in my body, your voices and your story will not be forgotten."

I have kept my promise! You now have travelled if only for the briefest moment into the Kashmiri Valley, the Valley of Death. Now, it is up to you to translate the information learned into positive action in the hope of helping bring an end to this human rights nightmare.

CHAPTER FOUR

CHAPTER FOUR

THE SEARCH FOR PEACE

"There will be no peace or solutions forthcoming while those who boast of freedom and democracy are intolerant of the views and culture of others living in their own land. There can be no peace while political powers forbid the practice of freedom of speech. There will be no peace while men malign one another and distort truth to win an election to public office, or while politicians conspire to enslave and imprison those who oppose or disagree with them; while men profess to be "righteous" yet deny the basic liberty of free thought and expression; while men prate of morals and idealism, yet sell their souls amid the hypocrisies of the hour and that which is expedient or popular; while men claim truth to be solely theirs alone, maintaining they "have a right" to disinherit, to destroy another race or culture of men, "THERE WILL BE NO PEACE"!

So reads the back cover of my book on the Middle East conflict titled "Theft of a Nation". These words are similarly true with regard to the potential for

achieving a peaceful solution to the Kashmir conflict, or for that matter, any and every conflict. Perhaps it is still necessary to convince the reader of the absolute imperative that this conflict must be resolved as quickly as possible, despite what you read concerning the continual sufferings of the Kashmiri people enduring their forty-seventh year of occupation.



The children in the photo with the author are from the village of Authmuqam, which is located in the Neelam Valley and on the front line between Indian and Pakistan forces. Although a "cease fire" is supposedly in effect, almost daily shooting by Indian forces stationed along the Line of Control (LOC) occurs. On May 2nd, 1991, Indian 155mm artillery and 120mm mortar units fired at

least 10,000 rounds at this peaceful village, destroying many houses, shops, the mosque, and the only school buildings for children of all the area villages. Many civilians were killed and wounded. The entire village was vacated, and the people were only now beginning to return during my visit in 1993. The day before my arrival, a man was shot dead by an Indian sniper as he drove his truck through the village. Looking through binoculars, I was able to see Indian bunkers and soldiers just across a narrow ravine looking at me through their own binoculars. I waved, they did not. As a former U.S. Marine, I felt extremely vulnerable, knowing an Indian soldier had me placed between the crosshairs of the scope on his rifle, and I could only imagine living with that awareness every day as a Kashmiri civilian in the village.

The urgency in finding the solution for the Kashmir issue becomes obvious when one realizes that this LOC runs 500 miles, and a massive number of military troops and equipment are stationed on either side by India and Pakistan. As I travelled throughout the Azad Kashmir side of the LOC, protected by the Pakistan army, I was able to see and sense the "hair trigger" atmosphere of this military standoff. When Indian forces fire or attack villages across the line, which they do most frequently, the Pakistan forces reply in kind, and the intensity and duration of these firefights is escalating daily. Such engagements used to be called "skirmishes" and lasted for minutes or a few hours. Today, they average one to two DAYS! Thus, the potential exists for a single incident to escalate into a full scale war, and as noted earlier, the next war between these two Nations will not be limited to conventional arms as both countries now possess nuclear weapons. Due to the superior size of the Indian military machine, Pakistan would most certainly be obliged

to resort to its nuclear arsenal for survival. India now spends TEN BILLION DOLLARS per year for its growing military machine. Add to this drama the continuing ethnic, religious and tribal violence plaguing the vast Indian State, and it becomes clear that the ingredients for a major military confrontation are in place. The conflict over Kashmir is more than capable of providing the spark to ignite such a nuclear nightmare. Most Americans and Europeans are unaware that just such a spark occurred during February of 1992, when some twenty thousand Kashmiris from Azad Kashmir attempted to march across the LOC and into Indian occupied Kashmir. In talking with His Excellency Sardar Mohammad Abdul Qayyum Khan, Prime Minister of Azad Jammu and Kashmir during my visit to Azad Kashmir in September of 1993, I learned that he had to give the order to his own Kashmiri security forces to stop the marchers in order to prevent an all-out war with India. Sadly, the Prime Minister had to bear the responsibility for the deaths of twelve of his own beloved people. As he stated to me on several occasions:

" I was able to control this situation only because of the love, respect and trust of the Kashmiri people. It was the most painful decision I have ever made, but let it be known that I doubt any similar situation would end in the same manner. I cannot guarantee anything concerning a future confrontation, as I have 3 million Kashmiris constantly pressing me to allow them to cross the LOC and liberate occupied Kashmir."



The Author with Prime Minister and Speaker of Azad Kashmir Assembly

The Prime Minister was the first to fire the very first bullet against the Indian invading forces, and is the only Kashmiri leader able to command the allegiance and respect of all the assorted Kashmiri resistance groups and organizations.

In testimony before the senate Foreign Relations Committee in 1993, Secretary of State Warren Christopher referred to South Asia as "One of the areas of real concern about nuclear proliferation." Senator Paul Simon of Illinois expressed his concern over the possibility of nuclear war in South Asia stating:

"Nuclear threat remains a very real possibility in South Asia and will not disappear unless we have Pakistan, India, China, Russia and the United States working together."

I would ask the reader to look closely at the map at the front of the book. You will notice that Kashmir is indeed contiguous to China, India, and Pakistan. The northern border of Kashmir extends into what is now China's Xinjiang province. China claims this forty-mile parcel as its own territory, and maintains a military presence which monitors frequent shelling between Indian and Pakistani forces, primarily in and around the Siachen Glacier. India suffered a disastrous defeat in its border war with China in 1962, and thus it becomes obvious to even the most casual observer that this region warrants the concerns expressed by Mr. Christopher and Senator Simon. For three Nations in the area, nuclear proliferation is a mute point since U.S. Intelligence agencies acknowledge that all three are nuclear capable. The emphasis now shifts from proliferation to nuclear containment. America and the Western powers must make an urgent effort to solve the Kashmir dispute, since a full one-fifth of the world population lives in South Asia, and any major confrontation affecting such a population mass will of necessity involve all regional Asian Nations.

Before any peace proposals or probabilities can be broached one must first create a climate for sincere and non-partisan dialogue among and between the principal players in the Kashmir dispute. Since each State in the region would define conditions for a peaceful dialogue differently, I have chosen to offer my own suggestions for each State, as to what they must do in order to create an atmosphere for peaceful discussions and ultimately, the areas of agreement that each must enter into for the sake of a just and final resolution of the Kashmir Conflict. My suggestions are based upon my personal eye-witness observance of the dispute, having been to both Azad Kashmir and Occupied Kashmir, as well as the Indian and Pakistani

States. Admittedly, my suggestions and analysis are purely those of an American concerned with all human rights of all men and nations. But a degree of intellectual honesty and objectivity accompany my observations and suggestions for the primary parties, in that I am neither Hindu or Muslim, Pakistani, Indian or Kashmiri.

A NEW EQUATION must be factored in by all parties to the conflict, that equation being the arrival of a third option available to the peace considerations in the form of the Kashmiri Independence Movement. As discussed in the previous chapters, Kashmiri resistance to Indian occupation did not begin in 1989, but can be directly traced to July of 1931 and the mass protests that swept the Valley of Kashmir against the rule of Maharaja Hari Singh. Kashmiri Muslim separatism has a strong historical base in the Kashmir conflict, and the popularity of this perspective was clear when I was in the occupied Valley of Kashmir in 1992. Although the Independence Movement was stalled and thwarted by politicians in both India and Pakistan, the uprisings which began in earnest within the occupied territories in the 1980's were led primarily by members of the Jammu and Kashmir Liberation Front (JKLF). The JKLF grew out of the Jammu and Kashmir Plebiscite Front, formed by Maqbool Butt and Amanullah Khan in 1966. Maqbool Butt was arrested by Indian authorities and executed in February of 1984. The philosophy of the JKLF can perhaps be summed up by a commander of the JKLF in Srinagar, Javaid Mir when he said:

"Whether we are Muslims, Christians or Hindus, we are first Kashmiris. And we believe in secularism."

Another leader of the JKLF, Amanullah Khan stated:

"Once India is out and Kashmir becomes independent then the Kashmiri people will decide whether they want to continue as an independent state or join Pakistan. If they want to join Pakistan, I won't have any objection."

As I travelled throughout the Valley, I met JKLF members and leadership, and the letters JKLF seemed to appear on every wall, building, bridge and tunnel. There is no denying the popularity of this movement, especially since one of the strongest groups currently leading the resistance to the occupation is the JKSLF or Jammu and Kashmir Students Liberation Front.



The Author with JKLF leader Amanullah Khan and young Mujahids.

The leader of the JKLF, Amanullah Khan, pictured here with the author, and some of the young resistance fighters, was illegally charged and arrested by Belgium authorities October 18, 1993 under an interpol warrant issued against him by India. Mr. Khan was attending a conference on human rights when arrested. Despite his arrest, the JKLF and the Independence Movement it represents must be considered in any negotiations or potential resolution of the conflict. It is true that in 1947, an Independent Kashmiri State was not on the table, thus many today express their negativism towards this movement, correctly claiming the original dispute involved simply the Partition of Jammu and Kashmir to Pakistan and when this was not permitted by India's invasion and occupation of the Kashmiri State, both sides along with the United Nations agreed that a plebiscite should be the determining factor as to whether Kashmir "joined" Pakistan or India. There was no third option mentioned. But reality of the political changes since 1947 and the emergence of the Independence Movement within occupied Kashmir must now be objectively examined by both Pakistan and India in any long range dialogue towards ending the dispute. India seems to recognize this fact, as indicated in this public statement made by the eminent Shri V.M. Tarkunde who on February 19, 1990 stated:

"A grant of plebiscite to the people of Kashmir Valley is the obvious solution. . If, as a third alternative Kashmir becomes an Independent Democratic and Secular State, its territorial integrity should be guaranteed by India, Pakistan and the U.N. That would end the hostility between India and Pakistan and Kashmir will acquire the Status of the Switzerland of Asia. A Humanist cannot wish for anything better."

The motives behind such a statement, when it comes from the Indian politicians and other government officials who have refused even the most basic of human rights to the Kashmiri people, are, to say the least, suspect. Some Indian journalists have written in support of a separate Kashmir state believing it would be both a setback and an embarrassment to Pakistan as well as an economic hardship, all serving to weaken India's "dreaded enemy." We will discuss at length all the possibilities for resolution of the conflict at the close of this chapter. But the issue of Kashmir is no longer simply to be resolved by Indian and Pakistani negotiations, but the will and wishes of the people of Kashmir, which most assuredly includes those who have been sacrificing their lives for the goal of total independence.

While in Azad Kashmir in 1993, after delivering a lecture to a large crowd of Kashmiris, a young leader of one of the pro-Pakistan resistance groups came up to me and said:

"Kashmir must join Pakistan. This is the only outcome for the conflict, and the plebiscite must go to Pakistan.

I replied to him:

"Good! That's one vote for Pakistan. Now, all we have to do is count the votes of the rest of the 12,999,000 Kashmiri citizens when they have their plebiscite."



Author addressing a throng of Kashmiri People

WHAT INDIA MUST DO TO CREATE A CLIMATE FOR SINCERE DIALOGUE

(1) India must first redefine the conflict, for at the present time India refuses to acknowledge that the territory of Kashmir is even in dispute! India has, from the very beginning of the conflict, argued that Kashmir is not disputed territory and that it has the right to rule the territory on the basis of the Instrument of Accession by Maharaja Hari Singh. They then postulate from this position that the cease fire line (CFL) at the conclusion of the 1971 war with Pakistan was drawn through what had already become Indian territory, and therefore any problem in Kashmir is one of simple Pakistani aggression against a neighboring country.

But as we have already learned in the second chapter, India did officially and unequivocally concede from the time of the accession in 1947 and the years that followed, that the matter of accession must ultimately be decided by a popular plebiscite by and for the Kashmiri people. I refer the reader to the many speeches, letters, and telegrams authored by Prime Minister Nehru of India in which he clearly stated that India's official policy was supportive of the plebiscite. In a public meeting in Srinagar on June 4, 1951, Nehru declared:

"Kashmir is not the property of India or Pakistan. It belongs to Kashmiri people. When Kashmir acceded to India we made it clear to the leaders of Kashmir that we would ultimately abide by the verdict of their Plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir. We have taken the issue to the U.N. and given our word of honor for a peaceful solution, as a great nation. We have left the question of a final solution to the people of Kashmir and we are determined to abide by their decision." (Quotes from "The Hindu Madras", 6/5/51)

Faced with such an abundance of historical and documentary evidence, if India earnestly desires to seek a resolution of the Kashmir impasse in the current decade, it must redefine the conflict by admitting Kashmir is indeed disputed territory as viewed by the United Nations and the Security Council members. No amount of "card shuffling," such as switching the emphasis to the recent (1972) Simla Agreement and arbitrarily declaring this agreement which ended the 1971 war between India and Pakistan, "somehow" supersedes or eliminates all the previous U.N.

Resolutions, pledges and affirmations, can alter the historical facts. IF AND WHEN INDIA admits the political realities relative to the Kashmir issue, allowing it is indeed an international issue of human rights and self-determination, only then can a climate for sincere and serious dialogue between all concerned parties be initiated. Once this is accomplished, India will be in a position to discuss and implement the next prerequisite which would demonstrate India's sincerity and commitment to the resolution of the conflict.

(2) Immediately halt all curfews and crackdowns, and rescind the four "special" laws passed by the Indian Congress which apply ONLY TO KASHMIR and none of the other "states" of India. These "special laws" include the following:

(a) The Terrorist and Disruptive Activities Act (TADA) under which a person can be detained without formal charge or trial for up to one year for SUSPECTED terrorist OR DISRUPTIVE activities. Court hearings must be conducted IN SECRET! The "court" has the power to keep the identity of any witness secret, INCLUDING THE ACCUSER! Confessions are permissible as evidence if the police assure they were obtained "voluntarily"

(b) The National Security Act (NSA), under which any person can be detained WITHOUT CHARGE OR TRIAL for up to one year to prevent them from acting in a manner prejudicial to state security, the maintenance of public order, or relations with a foreign power.

(c) The Jammu And Kashmir Public Safety Act empowers India to detain persons without trial for up to FOUR YEARS for a broad range of activities, including such nebulous charges as "promoting, propagating, or attempting to create feelings of enmity, hatred or disharmony on grounds of religion, race, community, or region."

(d) The Armed Forces Special Powers Act empowers Indian security forces to search homes WITHOUT WARRANTS, make arrests without warrants, destroy suspected "hideouts" of potential terrorists, and THE RIGHT TO SHOOT-TO-KILL with total immunity from prosecution.

While in the Kashmir Valley, I met many victims of these "laws". A village was raided, men and women were accused of belonging to one of the resistance groups or "hiding" arms or munitions. Next a secret "witness" is produced in an army truck with a mask over his face. Without saying a word, the witness points out the terrorists and arrests are made. The accused have no right to face their accuser, or to ever know who it was who accused them. Thousands upon thousands of innocent men, women and children are currently filling the Indian jails in Kashmir who have been accused, arrested, tried and sentenced under these inhuman and lawless laws. According to a report by Asia Watch, under these laws victims are frequently held for prolonged periods in police custody without even being informed of the charges against them. They are often denied any contact with attorneys or their own family members unless and until they are remanded to judicial custody and transferred to prison, and only then if the families with no help from the authorities, are able to locate their own loved ones. Under

these arcane laws, I have estimated from all known statistics and records smuggled out of the Valley that more than 50,000 men and women are being held in prison without trials, and nearly 17,000 young Kashmiri youths have simply "disappeared" and are being held in both prisons and torture centers. This certainly sustains the claim of retired High Court Chief Justice Bahauddin Farooqi, during conversation with him in Srinagar, when he said:

"We have lost an entire generation of Kashmiri youths. They have been wiped out by the Indian occupation forces. As you walk down our streets, try and count the number of boys and young men you will see between the ages of 15 and 35 years of age. There are none! They have been eliminated through false arrests and custody, outright murder, torture and "disappearances".

I know of no civilized "democracy" anywhere in the world that would conceive such laws and then enforce them in the name of "security" and "law and order." Security for whom? Are we to believe such totalitarian laws are enforced to "protect" the people of Kashmir when it is they who are the victims of these self-same laws? All of the special laws cut through the very heart and center of the basic human rights cherished by all freedom loving societies and nations. Obviously, these laws must first be repealed and immediately discontinued if the Indian Government wishes to be taken seriously regarding the establishment of a climate for honest and objective dialogue. With the elimination of these laws, a natural progression would be the release of all Kashmiris detained under these laws, and a full accounting for all the thousands of "missing" citizens, much like the missing U.S.

servicemen in Southeast Asia. An open access policy by the Indian Government towards the files and records of the security forces in Kashmir would establish beyond doubt the "good faith" necessary for a modicum of trust between the convening parties at any level of negotiations.

(3) Open up Occupied Kashmir to all human rights organizations and representatives, including United Nations and/or United States fact-finding committees. If the cases of torture, rape, false arrest and detainment, murder and arson which I have personally documented and recounted in this book are not true, and my charges and accusations along with the thousands of others from Indian journalists and human rights observers are all "manufactured" by Pakistan, then the easiest possible way to prove this charge is to permit Amnesty International, Asia Watch, and all the rest to enter and roam the country, freely talking with any Kashmiri they encounter.

This, of course, will not happen, at least not until the Indian Government finally realizes that torture and brutality will never "endear" India to the Kashmiri people, and it is too late to offer "limited autonomy" or anything less than the absolute right of self-determination through the long denied plebiscite. Occupied Kashmir has been literally "sealed" shut since 1991 from the prying eyes and cameras of human rights observers, of whom one of the highest ranking generals in the Indian army referred to as "nitwits" and "the uninformed speaking to the ignorant." (from interview at Indian Army Headquarters, New Delhi, June 1991). If Kashmir is ever opened to the world, rest assured that all torture and inhuman, bestial activities against the Kashmiri people will have ceased prior to that opening. The reader will recall in chapter 3 I spoke

of my houseboat being surrounded by Indian soldiers, and an interrogation of nearly five hours at the hands of Indian Intelligence officers. At the conclusion of that interrogation, one of the officers drew very close to me, his nose nearly touching mine, and with eyes filled with anger and violence, he told me:

"you will make a mistake while you are here, for one day or night you will be with the militants, and we will catch you with them. When this happens, we do not arrest them, but shoot them like dogs, on the spot. You will be with them, and we will kill you also! You will never take any recordings, film or other propaganda against India out of this country."

I take this moment to state that I am ready and willing NOW, and anytime in the future to accompany any official United Nations or United States fact-finding committee back to the Valley of Kashmir to personally bring a vast number of victims forward to tell their stories. I sincerely hope that the Indian authorities will cease all torture, all rape, all burnings and beatings, in order to begin to create an atmosphere for fruitful dialogue.

(4) India must cease the false propaganda that the dispute in Kashmir is an Islamic "fundamentalist" movement, sponsored by evil foreign powers including Pakistan and Iran, and not representative of all the Kashmiri people. Since nearly 90% of the population of the Jammu and Kashmir State are Muslims, and the on-going media coverage of any activity or occurrence anywhere in the world, no matter how remotely related to Islam, it has been easy for the Indian propagandists to sell this concept. But as one who has been in both Occupied and Azad Kashmir,

I categorically state that the resistance movement and actions against Indian forces in Kashmir REPRESENT ALL SECTORS AND SOCIAL STRATA OF THE KASHMIRI PEOPLE! My interviews included meetings with engineers, educators, former political leaders, members of the legal profession, physicians, students, mothers and fathers, a variety of businessmen, and children. NOT ONE of these individuals spoke of turning Kashmir into a bastion of Islamic fundamentalism in order to export any particular "brand" of Islam, AND NONE presented any pro-Iranian diatribes. Instead, each person simply spoke of the reasons WHY the Kashmiri resistance is growing, and their absolute determination and commitment to resist the Indian occupation of their country until they achieve the right of self-determination and finally exercise the plebiscite. Concerning the charge that the resistance is limited "to a few misdirected Islamic fundamentalists" backed by Iran and Pakistan, listen to the voices of the Kashmiri people themselves. First, Dr. Abdul Ahad Guru:

"Our resistance to the Indian occupiers is not a terrorist or fundamentalist movement. Our movement is on behalf of all Kashmiris, whether they be , Christian, or Hindu. You, Mr. Baker have talked with a number of us, and did you not encounter in those discussions doctors, lawyers, educators, and the common man? Please tell the people of America the truth regarding our resistance. Tell them what you have observed and learned, that we Kashmiris resist Indian occupation because it is immoral, illegal, and a violation of our human rights and self-determination."

Next, Dr. Altaf Hussein, whom I interviewed inside the office at his residence. The line of Kashmiris awaiting his medical help stretched from the front of the doctor's home and into the street. In the tiny, humid room, Dr. Hussein insisted I tape the interview despite my objections that I was taking valuable time away from the waiting patients.

"My dear friend, the interviews and stories you document and write about when you safely return to America will do more good than any of the pitifully few medicines and aid I can give these people. Our struggle against occupation is not a religious fundamentalist struggle, but rather a struggle to gain the fundamental necessities of life. Our struggle began in 1931, so it is in no way linked to the Iranian Revolution. We now fight for basic human rights and self-determination."

Then there is Mr. Sofi, an engineer and Kashmiri who has suffered the brutal shooting death of his daughter and grandchild when both were shot by Indian forces while the mother sat on her own front porch holding her infant in her arms.

"The resistance movement is not manipulated or controlled by any outside forces or countries. All Kashmiris are as one in our willingness to continue to sacrifice the lives of our families as well as our own, for the opportunity to live as free men, and to decide our own destiny."

Ghulam Shaukat, a 22 year old taxi driver:

"Why do the Westerners believe the Indian lies that our resistance movement is only an Islamic fundamentalist movement? Yes, we are Muslims, but our struggle is against the terrible evils of torture, shootings and rape at the hands of the Indian occupiers. Every Kashmiri, in every village, regardless of his education or profession, is against becoming any part of India, and we act as one in our resistance to their staying in our land."

The same expressions were repeated over and over by every Kashmiri I spoke with, and all were puzzled as to why Americans and Europeans believe the propaganda that their long struggle for freedom and self-determination is nothing more than a few "wild eyed" Islamic fundamentalists instead of the grass roots and united movement it has truly become. A final statement by Prime Minister of Azad Jammu and Kashmir, Abdul Qayyum Khan:

"India is trying to paint our struggle as a fundamentalist movement, as a communal movement. But Kashmiris in this part of the world have historically been the most peace loving people. They have lived in complete harmony with non-Muslim communities, not merely for one or two decades, but over the centuries, and there has not been a single incident, reported by any authority, taking place on the basis of communal or demographic distribution."

"India somehow or other keeps selling the idea of fundamentalism and somehow people continue to believe this, forgetting that in India itself fundamen-

talism is very powerful. I am simply a Muslim and I am proud of it. But I am not a fundamentalist."

As an American Christian who has lived among Muslims and studied the Holy Qu'ran for a number of years, I take exception to the popularized connotation that Islamic fundamentalism somehow equals terrorism, violence, chauvinism, and instability. I often tell my Muslim friends not to surrender the phrase "fundamentalism" to the media and politicians, for every religion, every political philosophy and ideology is comprised of basic "fundamentals". The reader may wish to read "ISLAM: CUTTING THRU THE PROPAGANDA" which considers the political designs behind the current assault against this great religion. You may write to the author for publication date, etc. But let it be known that the Kashmiri people began their own struggle against Indian occupation many years before the term "fundamentalism" was coined to insinuate that any people or nation of Muslim believers must be considered a threat to peace and justice.

Nothing could be further from the truth. True Islam is, if anything, a religion of tolerance, peace, justice, and compassion. Indeed, these are the primary historical attributes of the people of the Valley of Kashmir expressed and retained even while enduring the inequities of the various rulers and regimes occupying their country over the past 400 years. Evidence of this tolerance was clearly visible in the Valley, as I met and interviewed Hindu Pandits who had not, as the propaganda emanating from India suggests, fled for their lives to escape the Islamic fundamentalists. Several remained working in the hospitals I visited; others continue to manage their small businesses throughout Kashmir. As one leader of a Hindu community in the Srinagar area told me:

"We are Hindus, but we are Kashmiris! Our own families have their roots here from centuries ago. Our children go to school, play along the river, and work in the markets with the Muslim children. They are raised together and we, along with our Muslim brothers, have also suffered from the military forces occupying our country."

Many Kashmiri Indians told me of how their homes and possessions have been protected and guarded by Muslim Kashmiri neighbors from possible damage by zealous young Kashmiri boys, who in utter frustration, vent their anger and hate for the Indian forces against the Hindu Pandits. In one street demonstration and march to protest the occupation, I met Indian teenagers marching shoulder to shoulder with their Muslim friends. There have been isolated incidents of violence against the Indian community in Kashmir, but they have been rare and were always immediately condemned by the Muslim leadership.

CONCLUSION

India must make what amounts to a political reversal of its long-standing pronouncements and policies concerning the Jammu and Kashmir State. IF INDIA TRULY WANTS PEACE with its Asian neighbor Pakistan, it will cease attempting to escape the inescapable truths of the Kashmir issue, that the accession of Kashmir in 1947 was then, and is now, invalid. India must carry out its pledges made through U.N. Resolutions and agreements to abide by a free, U.N. administered plebiscite, allowing the people of Kashmir to determine their own destiny. India must stop

using Kashmir as an object of punishment for the activities or political confrontations of its neighbor, Pakistan. In order to establish the most basic thread of trust, India must dismantle its torture and interrogation centers and immediately release all political prisoners, rendering an account for the thousands of missing Kashmiri citizens. The Indian political leadership must finally admit that no amount of terror or intimidation will convince the Kashmiri people to accept them or to end their growing and increasingly effective resistance to Indian forces. In the words of George Fernandes, a former Indian Minister given temporary responsibility for Kashmir after a fact-finding visit to the Valley, "even the trees and stones were opposed to Indian presence." It is my hope, indeed it is my prayer, that the Indian Government will one day decide it is time to abide by its' own Constitution which under Article 370 severely limited their power and intervention in the affairs of Kashmir, and Article 253 which supports the plebiscite advocated by their great Prime Minister Nehru, himself a Kashmiri descendant. I hope the day will soon arrive when the Indian leadership will place more emphasis on applying the principals of democracy within the Valley of Kashmir as opposed to the rhetoric of democracy. I hope to see the curbing of Hindu extremism within both Indian society and political policy making, recognizing the fact that Islam and the Muslim citizens of Kashmir will never convert or surrender to militant, forced Hinduism.

India is a vast, important Nation with much good to impart to the world, and a unique role to fulfill as our world continues to shrink, and the "old days" of totalitarianism and rule by terror and intimidation fade into history. Like a young boy holding a small bird in his closed hand, India holds Kashmir, and like that young boy, must free

Kashmir and its people, allowing them to soar to the skies of freedom, peace, and tranquility. In the words of the famous Kashmiri poet Mahur,

"O Nightingale! Who shall make you free and take you out of the cage? You shall have to strive yourself alone and get freedom using your own hands."

WHAT PAKISTAN MUST DO TO CREATE A CLIMATE FOR SINCERE DIALOGUE.

(1) Pakistan must reaffirm its commitment to all U.N. Resolutions and agreements calling for simultaneous withdrawal of Pakistani and Indian forces from the region. This reaffirmation must be expressed in clear and concise terminology, without any reservation or qualification. This should not prove a difficult task, since Pakistan has always consistently held that Kashmir is disputed territory, that it belongs to neither Pakistan or India, and the question of permanent possession by either country can only be determined by permitting the people to exercise the right of political self-determination through the plebiscite. Pakistan has never claimed Kashmir as a part of Pakistan. As we saw in chapters 1 and 2, Pakistan entered into Kashmir only when asked to do so by the Kashmiri tribesmen of the Northern Frontier in order to repel the combined forces of Hari Singh and India. Although Pakistan has never withdrawn its troops from the "liberated" portion of Kashmir regained during the original conflict, neither has it annexed or absorbed that portion of Kashmir into Pakistan proper. In point of fact, Pakistan

took the position that it was a mere custodian of the area and has retained its military in the area in order to discourage India from attempting a military strike in order to "unite" Kashmir and control the entire State. Having spent considerable time in Azad (free) Kashmir, I was impressed with the degree of sovereignty and independence expressed in the political administration and all facets of daily living.

An open declaration of willingness to withdraw from Kashmir will eliminate one of the major boulders in the road to peace as seen through the eyes of India. Once such a declaration is made by the Pakistan Government, India will be hard pressed to respond in kind by agreeing to their own troop withdrawal as called for in all U.N. Resolutions.

(2) Pakistan must cease using Kashmir as a political ploy against India. For example, In speaking with a government official of Pakistan, the statement was made during our conversation regarding Kashmir that:

"I don't really think it matters if it takes another thirty years or longer before the Kashmir dispute is settled. As long as India occupies Kashmir, it is bleeding them dry economically, and their image in the world community is being tarnished as well. Kashmir may well prove to be the key to bring about the disintegration and downfall of the Indian State."

My reply was that the people of Kashmir cannot wait another thirty years for justice and an end to the slaughter, and besides, it is Kashmiri sons and fathers who are being shot, and Kashmiri mothers and daughters who are

being raped, and it is the Kashmiri society and culture that continues to struggle to survive the suffocation of its forty-seventh year of occupation.

(3) Pakistan must continue to include Kashmiri representation from both Azad and Occupied Kashmir in any and all discussions and dialogue with India concerning the resolution of the Kashmir conflict. The people of Kashmir must not be treated as collateral or chattel, mere pawns on the chess board of political strategists and bureaucratic elitists whose primary concerns are the gaining of more power and personal fortunes. Like India, Pakistan must deal openly and honestly with the new factor in the Kashmir equation, that factor being the significant popularity and support in the occupied territories of the Independence Movement. Pakistan's commitment to the right of the Kashmiri people to a plebiscite must be open ended, allowing for the possibility of a vote for independence, even though such an option was not a part of the original mandate or early U.N. resolutions. Pakistan, like India and the rest of the world body, must realize that any lasting settlement of the Kashmir issue must be acceptable to the people of Kashmir. Any agreement between India, Pakistan and the United Nations will prove useless without the involvement, consultation, and ultimately, the approval and acceptance of the Kashmiri people.

CONCLUSION

PAKISTAN MUST CONTINUE its unwavering support for the Kashmiri people and their struggle against occupation. The Pakistani Government and its people are to

be publicly thanked for their constant support from 1947 until the present day. During my time spent in Occupied Kashmir, I never failed to ask every Kashmiri I met their personal thoughts and feelings with regard to Pakistan, and NOT ONE KASHMIRI failed to express a heart-felt thanks and appreciation for Pakistan and its people! Knowing they have the full support of Pakistan, the various leaders of the resistance movements expressed their belief that they will one day throw off the shackles and chains of the Indian occupation. The roots of the relationship between Kashmir and Pakistan run deep and are entwined in the historical past, a tumultuous present, and the promising future of Asia.

WHAT THE KASHMIRI PEOPLE MUST DO FOR THEIR OWN CAUSE

In presenting these suggestive steps to be taken by the Kashmiri people themselves, I have created two categories, the first being the Kashmiris of Azad and Occupied Kashmir, and the second, those Kashmiris living in the West, primarily the United States and Great Britain.

THE KASHMIRI PEOPLE OF AZAD AND OCCUPIED KASHMIR

(1) The Kashmiri people in the midst of their struggle against the Indian oppressors, must immediately seek agreement and absolute assurance from the active lead-

ership OF ALL PARTIES AND RESISTANCE GROUPS that no innocent civilian will be harmed, especially the Hindu pandits still living in the state. The Kashmiri people should know that the single greatest propaganda ploy used by the Indian Government to justify its military intervention and continued occupation is the accusation that militant Kashmiris are driving all Hindus from the Valley and destroying their homes and temples. Indeed, some Hindu pandits have been attacked and many have left the region fearing for their safety, but the numbers are far fewer than those claimed by India. The Kashmiri Muslims know that Islam forbids the killing or terrorizing of innocent people no matter their ethnic or religious persuasion, so an immediate halt must be ordered and enforced to counter the accusation of Muslim assaults.

(2) All Kashmiri resistance groups must honor the agreement signed and accepted by all parties July 31, 1993 at a special conference called "ALL PARTIES HURRIET (FREEDOM) CONFERENCE." This Conference represents, for the first time, the union of political, social, and religious organizations of the State of Jammu and Kashmir, with its Head Office at Srinagar. The Conference now offers a structure to combine the activities and efforts of all the previously independent organizations in order to have a greater impact in resisting the occupation, supporting Kashmiri victims, presenting their case before the United Nations and the world, and the building up of society based upon Islamic values, while safeguarding the rights and interests of non-Muslims.

As all the leaders of the various groups enforce the agreement, the Conference offers the "single authoritative voice" able to represent the people of Kashmir in any dialogue and negotiation with India. A second propaganda ruse,

India's claim that there was no single organization or body in Kashmir with whom they could initiate a dialogue even if they wanted to do so, is no longer valid.

(3) All Kashmiri Parties and resistance organizations must now agree that they, like India, Pakistan, the U.N. and the world at large, will abide by the decision of the Kashmiri people obtained by plebiscite, as to whether accession is made to Pakistan or an Independent Republican State is born. Likewise, secular and religious advocates must agree to abide by the plebiscite, as spelled out clearly in the Agreement accepted and signed by the leadership of both the Jammu and Kashmir Liberation Front (JKLF), who espouse an Independent State apart from both Pakistan and India, and the Hizbul-Muhjahideen who advocate accession to Pakistan. This Agreement was signed on April 2, 1993. If such accommodation can be demonstrated as prevalent and dominant among the Kashmiri people, a third excuse utilized by India to support their occupation will be gone. The U.N. body will see that the will and wishes of the people of Kashmir are not held hostage by Pakistan or any other nation or state. A natural by-product of such a compromise will be the preclusion of any internecine fighting, and will greatly multiply the impact of activities undertaken by separate parties against the occupation forces. As set forth in point 3 of the Agreement,

"During the freedom struggle, both organizations will cooperate with each other in their fight against their common enemy, Indian colonialism. They also agree that, if and when needed, both organizations will extend moral, military and political support to each other."

(4) Kashmiri leadership of the Occupied State must make every attempt to consult with their brothers and sisters in Azad Kashmir in order to reach a consensus regarding acceptable conditions for dialogue and the long-awaited plebiscite.

THE KASHMIRI PEOPLE OF AZAD KASHMIR ESPECIALLY MUST:

(1) Accelerate and expand in all levels of the educational system the history, culture, language and political background of the State of Jammu and Kashmir.

During my visit to Azad Kashmir, I met many Kashmiris who were unable to speak or understand Kashmiri, which is distinct from Urdu and other area languages. As evidenced by the demise of the Native Americans of North America, when the language is allowed to be forgotten and not handed down from generation to generation, the very fiber of the culture itself begins to unravel.

(2) The Kashmiri people of Azad Kashmir, while being most grateful and indebted to the government and people of Pakistan for their unwavering support of their struggle for freedom, must still take pride in their own, unique heritage and history. If indeed the plebiscite results in accession to Pakistan, the people of Kashmir, with their identity intact, will be prepared to contribute to Pakistani society as the very best Kashmiri citizens of Pakistan. It is an anthropological fact that the most creative contributors to the prospering nations of the world have been those citizens cognizant and confident of their past,

thus free and unencumbered to forge and create the future.

KASHMIRI CITIZENS OF THE WESTERN NATIONS MUST:

ORGANIZE the many and varied organizations set up in some instances to reflect the interests of a particular Party or resistance organization, into a more unified and cohesive force in order to avoid and end duplication of effort and activities, thereby maximizing the effects of selected programs and strategies. One example of the need for such unity is the failure of all these groups to have long ago forced the denial of human rights to the Kashmiri people under occupation onto the stage of the Human Rights theatre of the United Nations. This was the number one criticism by leading Kashmiris in the Valley, and it was the number one point of emphasis by all those I met and interviewed. To accomplish the type of unity necessary to reach such a goal, egos, power plays, and placing the interests of financial sponsors, foreign or domestic, ahead of the wishes and desires of those Kashmiris doing the dying and the bleeding, must all be trashed and replaced by a single-minded vision of serving the best interests of the Kashmiri People.

Discussions and activities directed towards manipulating or channeling the future plebiscite in one direction or another, **MUST BE STOPPED IMMEDIATELY!** As stated over and over in this book, it will be for the Kashmiri people alone to decide their destiny, and they will never have the opportunity to exercise this self-determination

unless and until the Indian occupation and stranglehold is broken! May this be the one goal of all.

I implore the Kashmiri organizations in the U.S. and Great Britain to call for national and then international meetings, inviting ALL ORGANIZATIONS working for the cause of Kashmir to come together for strategy and effective planning. Again, this was the expressed wish of such leaders as Chief Justice Bahaudin Farooqi and others.

ALL KASHMIRIS EVERYWHERE MUST NEVER LOSE HEART, GROW FAINT, or contemplate giving up the struggle, for your sacrifices, your suffering, and your voices are being heard, and the goals of Freedom, Justice, and Self-Determination, once faint in the distant future, are now gaining visibility on the horizon.

WHAT THE UNITED STATES MUST DO TO HELP RESOLVE THE CONFLICT

"As I said, we view Kashmir as a disputed territory. We do not recognize, and that means we do not recognize that instrument of accession as meaning that Kashmir is forevermore an integral part of India. We are very concerned about Kashmir and the potential for instability in the region caused by the tensions over Kashmir between India and Pakistan. We view the whole of Kashmir as disputed territory, the status of which needs to be resolved (Robin Lynn Raphel, Assistant Secretary of State for South Asia, October 29, 1993)

"I believe that the people of Kashmir must be given a voice in their own future. For this reason, I introduced House Resolution 144, the "Freedom for Kashmir Resolution." It calls on the President, the U.N. and the international community to use all possible measures to establish the conditions needed for a plebiscite. Whether the people of Kashmir wish to remain in India, join Pakistan, or become independent, the decision must be made by the people of Kashmir themselves. All the Kashmiris want is the opportunity to vote." Congressman Dan Burton,

"Something has to be done. The Kashmiri people have suffered hardship, including torture, rape, and untold numbers of deaths, not to mention the destruction of their country and their economy. We here in the Senate must urge India to allow international humanitarian groups into Kashmir; we must urge India to allow foreign reporters into the area; and we must urge India to allow a plebiscite so that the people of Kashmir may determine their own destiny. Senator Harry Reid, June 26, 1992

The preceding remarks and comments from a United States State Department official and two Congressmen, should indicate to the reader the importance of the Kashmir conflict to the United States Government. The statements emanate from the two basic historical pillars of U.S. Foreign Policy, (1) Vital interests to the welfare of the United States, and (2) Human Rights and the Right

of Self-Determination. It is in consideration of and in conjunction with these two pillars that the United States can play an active role in facilitating a speedy resolution of the Kashmir Conflict. With the demise of the Soviet Union and the umbilical cord through which flowed economic and military aid to India, the United States has emerged as the undisputed world power and economic and military "godfather" to the third world nations. Thus it is not surprising that India has already requested economic and military assistance from the United States.

Unlike their former benefactor, the Soviet Union, India should find that its relationship with the U.S. will be based upon other principals besides political expediency and political pragmatism; principals and ethics such as human rights and self-determination. America has for 217 years stood as a beacon to a darkened world, a beacon of freedom, justice, and human values. During those years, that beacon has at times dimmed and fluttered, but it has never gone out!

The People of Kashmir have long gazed at that beacon, and have long believed their deliverance from oppression would be forthcoming from the guardians of that light.

(1) The United States must immediately freeze all economic and military aid to India, conditioning any resumption of such aid on the concrete evidence of a halt to the brutality and slaughter of the Kashmiri people at the hands of the Indian occupation forces. The United States has already been granting millions to India in "emergency" economic assistance, all the while India spends more than ONE MILLION DOLLARS A DAY in order to keep their massive armed forces in the State of Kashmir. And as we

have seen, these forces are hated, despised, and unwanted by all the Kashmiri people. How much food, agricultural technology and medical care could that million dollars provide for India's own citizens? In reality, the U.S. is underwriting the brutality against Kashmir if it is granting any aid to India, as the U.S. funding frees the Indian Government to underwrite their occupation forces in Kashmir. Kashmir presents a test for the American politicians and leadership as to whether the second of the two pillars, Human Rights, is still an important and viable consideration in U.S. foreign policy. Not only the Kashmiri people, Pakistan, and the Asian continent, but the rest of the world community in the "new world order" await the outcome.

(2) The United States must immediately request India open up Occupied Kashmir to a Congressional/Human Rights fact-finding Commission, with unrestricted access to the people and territory of Kashmir. Such Commissions have become a symbol of America's commitment to alleviate injustice, suffering, and oppression of innocent populations the world over, thus such a demand is in keeping with the normal nomenclature of American politics.

INDIA'S REFUSAL to immediately respond should be accepted as a rejection of the U.S. request, and **ALL AID IN ANY FORM** should be totally suspended if and until compliance to this simple request is forthcoming. The Indian Government can be expected to attempt to stall for time and delay its answer to the U.S. request, and such tactics must be rejected out of hand, as any delays can only mean more murders, rapes, tortures and imprisonments for the Kashmiri people. Compliance with the U.S. request would be sufficient evidence that India has

at least temporarily halted its repression in Kashmir, and the findings of the Commission along with the submission of recommendations from the Congressional members of the Commission would determine the resumption of U.S. aid to India.

(3) The United States, having recently "upgraded" its military contacts with India, including joint maneuvers, should immediately suspend all such military contacts, including sales and technical assistance until India opens Kashmir to all human rights organizations and fact-finding commissions, and verification of the suspension of human rights violations can be established. The U.S. should also urge all of its allies to likewise curtail military sales and assistance until Kashmir is once again open for human rights observers and organizations.

VICE PRESIDENT AL GORE will hopefully take the initiative and leadership on behalf of the United States by implementation of his own Senate Resolution 91 sponsored by him during the 102 Congress on March 21, 1991, which in part states:

". . . the United States deplores excessive use of force being employed against civilians in Kashmir; the United States urges the Government of India to reopen Kashmir to the media, to human rights organizations, and to the International Red Cross and other relief groups; the United States urges all parties to the Kashmir conflict to enter into negotiations on guaranteeing protection of human rights in Kashmir, and ensuring the ethnic integrity of its people; and the United States should provide humanitarian assistance to the civilians of Kashmir during the

ongoing crisis, and should encourage other governments to assist in the relief effort."

VICE PRESIDENT GORE is well known for his genuine concern and compassion for the innocent and oppressed people of the world, as well as the serious ecological threats to the habitat for humanity. I take this moment to express to the Vice President that the Kashmiri people still maintain a degree of faith that both he and the President will take note of their suffering, and will formulate the necessary political initiatives to end the agony endured for nearly one half century. Their faith is, however, waning in the face of intensified oppression and brutalization at the hands of the Indian occupation forces. While in Occupied Kashmir, I was constantly asked who I thought would win the Presidential election, and I predicted Bill Clinton, much to the amazement of the Kashmiri people. I assured them that the tandem of Bill Clinton and Al Gore would not only provide a new, people-oriented administration, but that both men sincerely care about human rights and I was sure they (Clinton and Gore) would assist the Kashmiri people in gaining their freedom. As of this writing, those living in the Valley of Death are still waiting.

Many Congressmen, when informed of the conditions in Kashmir, are shocked and commonly state "I had no idea this was going on, why haven't we (Congress) heard of this before now?" Recognizing that members of the U.S. Congress face a literal avalanche of bills and resolutions, it is easy to understand how the issue of Kashmir has been "buried" under the stack of other world events vying for their time and attention. But the realities of the oppression occurring in Kashmiri were clearly set forth FOR CONGRESS, in a report on June 1, 1993 released by

the U.S. Congressional Subcommittee on Asia and the Pacific. This report correctly identifies Kashmir as an important issue to the United States, especially within the sphere of human rights, both in Kashmir and in India proper.

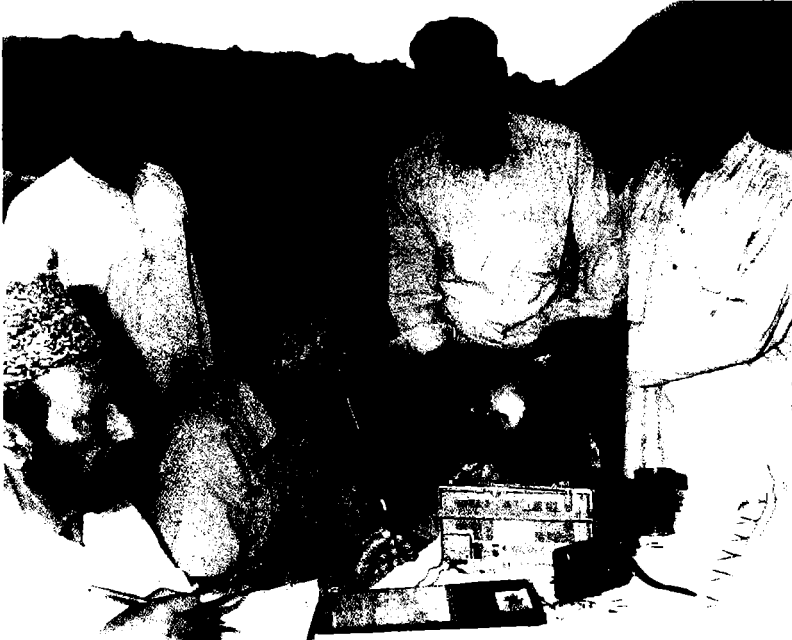
". . . . There is a growing consensus that some Indian security forces have engaged in widespread human rights abuses in Kashmir against the insurgents and civilians, summary execution, torture of detainees, systematic arson, and attacks on medical personnel and human rights monitors have increased dramatically in recent months."

". . . . The Sub-committee calls upon the Government of India to impose civil and criminal sanctions on those responsible for human rights abuses, and to make available lists of security force members who have been punished for these lawless actions. Members also strongly urge Indian authorities to allow the International Committee of the Red Cross unrestricted access to prisons and other places of detention in J&K."

Concerning human rights and the targeting of Muslims in India"

". . . . The whole issue of human rights, not simply in J&K and Punjab but throughout India, is a source of considerable concern to the Sub-committee. Members are especially troubled by the communal and religious strife that has plagued India since late last

year. Particularly disturbing are reports that some senior Indian politicians have had a hand in fomenting the violence, and that there were police officers who stood aside rather than protect the innocent victims of mob action, the majority of whom were Muslim."



The Author interviews Kashmiri victims of the Indian Occupation in Azad Kashmir.

A further report on the occupation of Kashmir and the human rights violations carried out by the Indian forces was issued by the United States Department of State, entitled "Executive Summary, Country Report on Human Rights Practices for India, Focus On Kashmir". The report was issued in 1992 and provides substantial documentation that human rights violations in Kashmir have not abated since the Indian Government began its brutal "crackdown" in 1990. The report concluded with a strong condemna-

tion of the Indian Government for permitting the continuing human rights abuses in Kashmir.

The House and Senate Resolutions, along with quotations from reports of the United States Government, are presented to substantiate the view by the author that there is no lack of evidence or proof of India's on-going atrocities against the Kashmiri people, and therefore, the U.S. Congress and the Administration, beginning with the President and Vice President, should immediately act upon this information by placing the issue of Kashmir on the priority list of U.S. foreign policy issues. The necessity of gathering evidence and documentation of the human rights abuses carried out as Indian Government policy against the people of Kashmir, is more than satisfied by these and numerous other official, U.S. Government reports. Coupled with my own eye-witness accounts, the United States Government, and the citizens of this great country, can no longer claim ignorance as a defense for not actively engaging the Indian Government in immediate and forceful dialogue with the goal of ending the continuing assault against the dignity, human rights, and self-determination of the Kashmiri people.

"And what we have said to the Government of India is you need to make security forces accountable for their own behavior. And making people disappear, encounter killings, extrajudicial executions, death in custody, all this stuff, frankly, there is no excuse for."
(Robin Raphel, Oct., 1993)

CONCLUSION

The United States must demonstrate its commitment to human rights and self-determination FOR ALL MEN AND NATIONS! Many citizens of the world community are closely watching America, to see what political philosophies and attitudes will emerge in light of the "new world order." The United States has told the world it is a society and a nation of law and order, justice and freedom. The United States has declared war upon other nations and totalitarian regimes who have threatened those cherished freedoms, not only of Americans, but other citizens of the world community. More than one million of America's sons and daughters have fought and died on foreign soil for those essential human rights. The Kashmiri people are not asking for America to send its children to war on their behalf, nor are they asking for any "special consideration" from the American people and their government. WHAT THEY ARE ASKING FOR is for the United States to fulfill its claims and promises, its proclamations and affirmations , regarding the right of every human being to live in freedom, in peace, and the practice of self-determination. They ask only for America and its people to act upon their convictions and to lead the way for other nations in the effort of bringing freedom, justice and human rights to the Valley of Kashmir.

"Freedom. . . no word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more the giver, or came closer to being God's will on earth." General Omar N. Bradley.

WHAT THE UNITED NATIONS AND WORLD COMMUNITY MUST DO

"Concerning the Right of Kashmiri people to self-determination: That this House records that on Oct 27th 1947 Indian troops occupied most of the State of Jammu and Kashmir; and that 45 years later those occupying forces still remain; calls on Her Majesty's Government to vigorously support the United Nations resolutions of 1948, 1949, and 1960 which upheld the rights of the Kashmiri people to self-determination through a United Nations supervised plebiscite thereby fulfilling the explicit commitment made to the people of Kashmir by Lord Mountbatten, the last Viceroy of India; expresses grave concern at the reports of human-rights abuses in Kashmir; and urges Her Majesty's Government to take the lead in raising these matters in the United Nations."

This motion for debate in the House of Commons was made on October 28, 1992 by the Parliament's Kashmir Committee, consisting of 67 members of the British Parliament. Perhaps the old American proverb that "time changes everything" is true after all, as the British politicians originally responsible for the Kashmir debacle now lead the Western European nations in an effort to bring the plight of the Kashmiri people to the center stage of the United Nations. Indeed, some forty-seven years later the Kashmiri people find the British Government to be one of their most ardent supporters, seeking to right the tragic wrong they committed by not ensuring the plebiscite was carried out prior to their hasty departure from the subcontinent. At the present time, the Secretary-General and Security Council do not seem inclined to place the Kashmir Conflict high on their priority list. The only mention or reference to Kashmir by the Secretary-General in his General Report

makes no mention of human rights abuses inflicted upon the Kashmiri people, nor is there any reference to the right of self-determination.

"The United Nations Military Observer Group in India and Pakistan has been monitoring the cease-fire in Jammu and Kashmir since 1949. In the Simla Agreement of 1972, the two countries affirmed their commitment to respecting the cease-fire line and to resolving the issue peacefully through negotiations. I have repeatedly urged both sides in the context of preventive diplomacy, to find a peaceful solution to this difficult and complex problem. I have also expressed my readiness, should the two countries request it, to exert every possible effort to facilitate the search for a lasting solution."

In other words, nothing but political rhetoric has been forthcoming from the United Nations. The reference to the Simla agreement by the Secretary-General indicates the lack of awareness at the U.N. leadership level regarding the momentous changes in every aspect of the Kashmiri dispute since the Simla agreement was created. As laboriously documented in the first two chapters of this book, and as stated in the British resolution previously stated, the Simla agreement DOES NOT AND CANNOT REPLACE OR SUPERSEDE THE PRIMARY U.N. RESOLUTIONS WHICH CLEARLY CALL FOR A PLEBISCITE TO BE GIVEN TO THE KASHMIRI PEOPLE! Such a lack of awareness of the realities of the Kashmir issue, whether feigned or otherwise, give many Americans the belief that the U.N. will not and cannot prevent or stop any conflict no matter how great or small. Thankfully, many members of the United Nations still believe that collec-

tively they can still stand for and in some cases implement a modicum of human rights and the right of self-determination. Such is evidenced by the following conclusions and suggestions made by members of the Parliamentary delegation of the United Kingdom, and submitted to the U.N. Secretary General Dr. Boutros Boutros Ghali after examining his report to the General Assembly, and his vague remarks concerning India and Pakistan finding a "peaceful" solution to their "complex and difficult" problem. Among their proposals:

"The Secretary-General could bring this matter to the attention of the Security Council. Whether this could be done successfully depends on the attitudes and policies of the permanent members, but they should be left in no doubt that any failure to resolve the problem could lead to serious disorders throughout the South Asian sub-continent and possibly to yet another war between India and Pakistan, with incalculable consequences for the whole world, since both states now have nuclear capability."

(1) The United Nations Secretary-General should immediately submit the issue of Kashmir to the Security Council. With their former colleague and Security Council "rubber stamp veto" in the form of the Soviet Union no longer desiring to appear intransigent or in opposition to Western ideals and values such as human rights and self-determination, it is a high probability that meaningful action would be forthcoming from the Security Council. When viewed objectively and we might add, realistically by Security Council members, it is in the interest of all members

to achieve a just and lasting resolution of the Kashmir conflict. In the Asian theatre, China and Iran loom as future long-term regional superpowers, and as new alliances are formed and old ones are broken, and despite Western European efforts to limit nuclear development and proliferation, several Asian countries stand on the threshold of nuclear capability. With the balance of power becoming more and more imbalanced and unpredictable, even the slightest pretext for a nuclear exchange must be avoided, and the long-simmering Kashmir issue contains all the historical ingredients to precipitate such an event. The time for containment is NOW! This is not a time for the same old tired, and worn out political verbiage at the U.N. regarding explosive issues which threaten both regional and world peace.

(2) The Secretary-General should immediately appoint a Special Representative in Kashmir. This individual should be empowered with all the authority necessary to personally talk with the Kashmiri people in Occupied Kashmir as well as the Governments of India and Pakistan in an effort to determine the acceptable discussion points for resolving the issue. He (or she) should report directly to the Secretary-General. The stationing of U.N. Observer troops such as those on the LOC will do nothing to stop or even hinder the daily carnage of the Indian occupation of Kashmir. I personally joined a group of Kashmiri civilians standing outside the U.N. Observer compound in Srinagar attempting to get a U.N. representative to come out and listen to their stories of terror and pleas for help. No one came out! In fact, within minutes truckloads of Indian soldiers arrived and waded into the peaceful crowd with rifle butts and clubs while firing shots in the air. Until the United Nations is fully apprised of the dreadful

human rights conditions in the occupied Kashmir State, the United Nations members and the leadership will not sponsor the necessary policies and resolutions capable of resolving the dispute.

The Secretary-General's Special Representative could explore the ways and means of obtaining the release of all political prisoners and detainees, along with an accounting for the thousands of "missing" Kashmiris in the Valley. Once on station in Occupied Kashmir, this representative could then ascertain the possibility of a total Indian withdrawal from both parts of the state of Jammu and Kashmir, and their replacement by a small U.N. peace keeping force. Of course, any such action or suggestion would be opposed by India in an effort to maintain the status quo, but as I have pointed out, the region and the world do not have the luxury of unlimited time to wait on the concerned parties to "work out their problems peacefully," and to permit the "status quo" to continue is tantamount to U.N. approval of genocide and gross human rights violations.

(3) The United Nations should immediately call upon both India and Pakistan to allow Kashmiri civilians of Azad Kashmir and Occupied Kashmir to freely move across the LOC, thereby enabling them to discuss among themselves what they consider the most important issues which must be considered in any serious dialogue or discussions relative to a resolution of the conflict, whether said discussions are held between India and Pakistan, or the United Nations. Even if such a proposal is ignored and unable to be implemented immediately, the very action itself would serve to encourage the people of Kashmir in knowing that the world community has not forgotten them, and that their wishes and desires regarding their

own future are seriously being sought by concerned nations of the U.N.

(4) The United Nations should immediately form a United Nations Human Rights Inquiry Commission for the expressed purpose of evaluating, through on-site investigations, alleged human rights violations. Such a Commission would be empowered to advise and suggest policy to the Security Council, and would report to the General Assembly. Of course, there are some member States and Nations who would object to such a Commission for fear of exposing their own violation of the human rights of their own citizens, but the existence of such a body would go far to discourage political leaders from initiating human rights abuses, and could ultimately encourage those countries guilty of violating the rights of their citizens to end the abuses. The Commission would serve ostensibly as an official U.N. Fact-Finding Committee, and such a Committee should be sent into Kashmir for first-hand investigation of human rights violations. I hereby offer my assistance to any such Committee, and would gladly accompany them to Kashmir in order to personally have them meet many of the surviving victims of the occupation.

(5) The United Nations should call for the immediate implementation of all U.N. Resolutions calling for a free and U.N. controlled plebiscite for the citizens of Kashmir. If there is no enforcement of the resolutions regarding Kashmir, why should any aggressor country or nation fear any action from the United Nations, when the lack of will and commitment to enforce its own resolutions is readily apparent? I believe the integrity of the U.N. is at stake. This august body voted to use force, including sanctions, to implement its resolutions calling

upon Iraq to withdraw from neighboring Kuwait. Are the so-called "third world" nations to understand that Kuwaiti oil is more important and of greater significance to the well being of mankind than the cessation of torture, rape, beating and murder of innocent civilians under foreign occupation? The Kashmiri people have waited FORTY-SEVEN YEARS for their resolutions to be enforced! They cannot be expected to wait much longer.

In order for the United Nations to take any decisive and meaningful action regarding Kashmir, its members will have to gain a collective moral conscience, a conscience which places more importance on human life than oil, money, prestige or power. Such members as Great Britain, Germany and Pakistan have openly declared their support for the U.N. resolutions regarding Kashmir, now it is time for the United States and other world leaders to stop politicizing the Kashmir issue, and act on the unqualified basis of human suffering and human rights. The enforcement of U.N. resolutions on Kashmir will occur without the compliance of India, as evidenced by their constant attempts to keep the Kashmir issue from appearing on the U.N. agenda, thus "internationalizing" the conflict which India continues to claim is simply "a border dispute" with neighboring Pakistan. The attitude of India concerning U.N. resolutions is best understood by the statement on January 3, 1994 by Indian Foreign Secretary J.N. Dixit, when he stated that U.N. resolutions on Kashmir passed in 1948 and 1949 "are now irrelevant" and that Kashmir was "an irrevocable part of India." It now remains for the United Nations to either accept this unilateral dismissal of its power and authority to pass and enforce binding resolutions by an Indian politician, or to move forward and off dead center on the issue of Kash-

mir, determined to remain an effective instrument of peace and guarantor of human rights and self-determination.

THE INTERNATIONAL COMMUNITY AND THE KASHMIR ISSUE

Outside of official U.N. action, there are things that other nations and countries can do in order to assist the Kashmiri people in their struggle for justice and freedom.

(1) Other countries must use their own influence in order to pressure India to stop its slaughter of the Kashmiris, and to begin considering an end to their forced occupation of Kashmir. Many countries, including the United States and its Western European allies, have at their disposal enough clout to pressure India into submitting to U.N. resolutions. The European Parliament is actively pursuing a united policy to bring such pressure on India. Various Gulf States bear an even greater responsibility to exact such pressure on India, since some 80% of India's exports are consumed by them. These mostly Muslim States could threaten to stop buying India's products unless and until India agreed to U.N. resolutions on Kashmir. The loss of Gulf income would be in the billions of rupees, and the shaky Indian economy could not sustain such losses.

(2) Pressure can be brought on India through lending institutions such as the World Bank and the International Monetary Fund. India enjoys significant loans from several financial institutions which would certainly consider any negative expressions by the major Western and European powers, possibly refusing to grant any new loans

or extensions for repayment of the old ones. Without "emergency" and long-term loans, India would not be able to continue to finance its bloody occupation of Kashmir which amounts to more than ONE MILLION DOLLARS A DAY!

(3) Freedom loving nations of the world should make public expressions of support for the basic human rights and the right of self-determination for the people of Kashmir, simultaneously condemning clear violations of human decency being committed by Indian occupation forces in the Jammu and Kashmir State. Once made public, political leaders would be forced to act on their professed support for the Kashmiri people. Most free nations have in place official policies which prohibit transactions or trade with other countries guilty of violating the human rights of a civilian population. The International community should collectively condemn Indian atrocities in Kashmir, and refrain from "business as usual" in the realm of trade and normal relationships until India ceases such abuses.

CONCLUSION

The United Nations succeeded the old League of Nations, and one of the very first tests for this newly established organization was the Kashmir Conflict as recounted in the first two chapters of this book. India, a member of this new body, brought the issue before its fellow members in order to gain a cease-fire in their war with Pakistan. Despite the U.N. Resolutions passed and accepted by India and Pakistan, all of which concluded that the people of Kashmir were indeed entitled to the plebiscite, India has,

from the very beginning, thwarted every effort of the United Nations to implement the very resolutions ratified by the Indian Government. With their ally, the Soviet Union, representing the intransigent mindset of India on the Kashmiri issue, more vetoes were cast regarding Kashmir than any other single issue or country in the history of the U.N! The Security Council was hopelessly emasculated for forty-seven years, unable and in many cases, unwilling to initiate the forceful political action necessary to resolve the Kashmir issue. Many world citizens had hoped that once the Soviet Union and begun its trek towards embracing the same cherished freedoms and privileges held by the West, that the Security Council and the United Nations could begin to fulfill its Charter, and serve the world community as peace-maker and arbiter on behalf of human rights and self-determination. The Secretary-General has "offered" to mediate between Pakistan and India if both countries agree to invite him to do so. This IS NOT THE ROLE OR RESPONSE envisioned by the founding nations of the U.N. Such a position totally ignores the on-going butchery of innocent people while awaiting "permission" to become a mediator. No, the power and value of the U.N. is in the consensus of its members who, after debate and deliberation, express their unanimous conclusions concerning an issue through official Resolutions. The lack of the will and determination to enforce those resolutions accounts for the disdain and disregard given the United Nations by outlaw nations and human rights opponents such as India. The United States has demonstrated its power and influence within the U.N. when it "assembled" a coalition of partners TO PASS AND ENFORCE numerous resolutions against Iraq. If the U.S. wishes to utilize its vast influence within the United Nations, the United States can provide the inertia necessary to bring Kashmir to the center table, and the implementation of

U.N. Resolutions which would, in turn, bring about the promised plebiscite, which in turn would bring an end to all the agony and suffering of the Kashmiri people.

An encouraging sign that the United States is beginning to place the issue of Kashmir on its priority list was the reference to Kashmir by President Clinton in his address to the United Nations General Assembly on September 27, 1993.

"Thus, as we marvel at this era's promise of new peace, we must also recognize that serious threats remain. Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir. As weapons of mass destruction fall into more hands, even small conflicts can threaten to take on murderous proportions."

Robin Raphel, Assistant Secretary of State for South Asia, when asked to explain why President Clinton chose to include Kashmir in his U.N. speech thereby internationalizing the issue, emphasized the growing concern of the U.S. in the conflict:

". . . it was meant to say we see Kashmir on the radar screen along with Yugoslavia, and Somalia, and lots of other places. . . its very easy to see, it is constantly there, we can't easily overlook it and there is a message in that."

The United Nations demonstrated its influence and effectiveness by helping to bring the ten year war between Iran and Iraq to an end. U.N. efforts in Africa have helped

end long standing tribal and regional wars in such places as Namibia and Angola. The unthinkable has happened as peace negotiations continue between the Government of Israel and the PLO, based upon U.N. Resolution 242 and 338. If these conflicts, once viewed as "intractable" and beyond the realm of peaceful resolution can be solved with the active participation of the United Nations, the people of Kashmir continue to believe that their struggle for freedom and survival against a brutal occupation can likewise find resolution IF the Secretary-General, along with the full encouragement and participation of the member states, assign the Kashmir Conflict a high priority along with the clear determination to enforce existing U.N. Resolutions.

President Clinton, in responding to a Kashmiri American's letter urging the United States and the United Nations to exercise their obvious power and influence to alleviate the human rights violations occurring in Kashmir replied:

"I share your belief that, in order to face the dilemmas of a post-Cold War global landscape, we all must look closely at our policies with regard to human rights. I am confident that we can bring about changes that are consistent with what the U.N. founders envisioned. I look forward to working with you and others to help bring peace to Kashmir." letter dated December 27, 1993.

A FINAL WORD

"All that is necessary for the forces of evil to win the world, is for enough good men to do nothing."
Edmund Burke.

This statement, engraved on a wall plaque, hangs in my office as a daily reminder to not grow weary in my effort to help the oppressed and suffering people of the world. This is the reason why I accepted the challenge to travel to Occupied Kashmir and document their heroic struggle to gain the precious right of self-determination from their Indian persecutors. It is also the reason I have hope that the Kashmir Conflict can be settled before another forty-seven years elapses. Some good men and women are actively devoting their lives to the cause of the Kashmiri People, and in some cases, have given their very lives for that cause.

Haridai Nath Wanchoo, a 67 year old Kashmiri Hindu and member of the Kashmiri Hindu Forum, had become Kashmir's most prominent and respected human rights monitor. Mr. Wanchoo bravely spoke out against the atrocities

committed by Indian forces against the Kashmiri people. He dedicated his life to documenting human rights abuses against the Muslim population, although he himself was a Hindu. He filed habeas corpus petitions on behalf of detainees held under the draconian security laws in Kashmir, and had petitioned the courts to investigate several hundred cases of summary executions of detainees held by Indian security forces. The Indian-controlled State authorities repeatedly refused to comply with High Court directives ordering the security forces to respond to Wanchoo's petitions to produce missing detainees, releasing the identity of thousands in custody, and conducting real investigations into custodial deaths. Mr. Wanchoo had given information about hundreds of killings, disappearances, and illegal detentions to the international human rights groups. He planned to submit damning information to the United Nations Human Rights Commission in January of 1993. H.N. Wanchoo had become a source of irritation to the Indian authorities, especially since he was a Hindu opposing Indian brutality against Muslims in Kashmir.

December 5, 1992, three months after I left Kashmir, H. N. Wanchoo was found dead lying in Balgarden street in the neighborhood of Karanagar. Shot in the head, this brave man was still clutching in his blood soaked hands some of the papers and documents about human rights cases on which he had been working. He, like Dr. Guru, had been approached by two men and a waiting auto-rickshaw. The assassins were seen with Mr. Wanchoo the morning of his murder. The rickshaw taxi was followed by a man dressed in black on a scooter. I saw many of these trained assassins in Kashmir. They are the Indian elite killers called "Black Cats". Every Kashmiri in the Valley of Kashmir knows that these men are in Kashmir for one reason, and that is to track, hunt down and assas-

sinate any "resistance" or "militant" Kashmiris. I once had one of these assassins get into my taxi (uninvited of course) and stare at me for quite some time without uttering a word. After I told the driver to move on, this brutal killer got out of the taxi with one last glare through the open window. I got the message. I was being watched, and the Black Cats were personally assigned to me by Indian authorities, and death was possible at any moment while in the Valley of Kashmir. The day of my departure from the Srinagar airport I was searched nine different times, and the Black Cats were my primary interrogators.

The Indian Government, as in all other cases of murder and assassination, have attempted to blame Wanchoo's death on the Kashmiri resistance groups, claiming they killed him because he was a Hindu and active in Hindu circles in Kashmir. Such a charge is both baseless and in direct opposition with the popularity of Mr. Wanchoo among all the Kashmiri people. I heard his name mentioned numerous times while in the Valley, and it was always with much appreciation and affection. A senior Indian Government official told a representative for Asia Watch that Mr. Wanchoo was murdered on the direct orders of the Indian Governor of Kashmir, Girish Saxena.

H.N. Wanchoo's death provides proof that there are still "good men" to be found who are willing to stand opposed to evil and oppression, even when that evil and oppression comes from members of his own religion. I still believe a just and lasting settlement can be reached in the Kashmir issue because of men like H.N. Wanchoo. I have met many Hindu Indian nationals who openly condemn India's atrocities in Kashmir. My hope for a resolution of the conflict was greatly enhanced in 1993 when I met a young Indian Hindu named Srinidhi Anantharamiah, a student completing his doctoral stud-

ies at Utah State University. The subject of Kashmir has been the focal point of numerous discussions between us, and Srinidhi has consistently denounced the Indian Governments policies of violence and oppression in Kashmir. An Indian businessman sitting next to me on a flight across the Pacific ocean was unequivocal in his repudiation of Indian atrocities against the Kashmiri people.

THE INDIAN GOVERNMENT continues to claim that if they permit the State of Kashmir to have their plebiscite, then many of their other states will seek the same privilege. It is true that the Sikhs and others who have suffered from brutal oppression of the Indian Government openly voice their desire to secede from India and create their own independent states. But the analogy ends with atrocities and brutality, since the other Indian states voted to be a part of India, and the people of Kashmir have yet to exercise that prerogative! **KASHMIR HAS NEVER BEEN A PART OF INDIA, THUS IT IS IMPOSSIBLE FOR THE KASHMIRI PEOPLE TO SECEDE FROM THAT WHICH THEY HAVE NEVER JOINED!** Thus the argument that "India will disintegrate" if it permits Kashmir to "escape" rings hollow. In point of fact, the Indian state will disintegrate if they continue to attempt to rule their own citizens and states with such a prejudiced and corrupt government. As India approaches one billion in population, a full one-third are comprised of the so-called "lower caste" and "untouchables" meaning the poor and uneducated. Add to this number the more than one hundred fifty million Muslims, and it becomes clear that the seeds for destruction are present within the Indian nation, primarily due to the corrupt and biased policies of Indian politicians towards their own citizens. The obtainment of human rights and self-determination by the Kashmiri people cannot be in any way considered a threat to the

union of Indian states. Indeed, a resolution of the issue will permit the Indian Government to spend the more than one million dollars per day to keep its massive forces in Kashmir upon the welfare and betterment of its real citizens. A true threat to the Indian state is the rising fanaticism of Hindu fundamentalists represented by such political parties as the BJP, who openly vow to make India "an all Hindu state."

Another oft-stated objection to Kashmiri self-determination is the ploy that the Muslim citizens living in India will suffer through revenge and retribution. Such an idea begs the reality of the current condition of India's population who are discriminated against in nearly every facet of daily life, including education, health care, government assistance, and even their religious practices. According to Indian journalists and human rights organizations, the Muslim citizens are harassed and assaulted on a daily basis, with the ugly concept of "ethnic cleansing" finding a receptive audience among the Hindu extremists. Such an attitude towards Muslims and the religion of Islam only serves to underscore the urgency of ending the Indian occupation of Kashmir.

"Do not forget we have given our today for your tomorrow."

So reads the epitaph on the headstone of a fifteen year old Kashmiri boy, laid to rest among a sea of gravestones and markers in a special cemetery for martyred children. I visited that cemetery on three occasions, during two of which I witnessed the burials of a thirteen and a ten year old who were being lowered beneath the soil. At both burials I approached the grieving families with a sense of

guilt and helplessness. As the parents, family and friends realized who I was, despite the agony and grief which resulted, they lovingly unwrapped the bodies of their children for me to see the bullet holes, the torn flesh of innocent youth. Then, with hardly a word, and tears streaming down their faces, the mothers lifted their outstretched arms with palms turned upwards and looking into my eyes asked simply, why? Why had their children been brutally



murdered by Indian forces? And why does the so-called civilized Western world, especially the United States, do nothing to stop this holocaust? Are the children of Kashmir of such little value to the world community that India is permitted to continue to slaughter them? Is it acceptable to turn a political head and pretend not to see such outright barbarity all in the name of a "new world order" and political strategies and alliances? A cold rain began



to fall as I stood in that cemetery, and I could only wish that every U.S. Senator and Representative, and the President and Vice President, and all the senior level "planners" and "strategists" at the State Department could all be magically whisked from their safe and secure offices and lives of convenience and comfort, and made to stand beside me before those weeping mothers and fathers, and answer their searing questions.

On my last day in Srinagar I met with many of the Kashmiris who had, in many cases, risked their lives to guide me to the hospitals and victims of the Indian forces. It was with a great sadness that I entered, for the last time, a small Kashmiri home to fellowship and say good-bye to these brave Kashmiris. I knew I would never see them again, and as I embraced each man the hugs were strong and enduring, none wishing to let go knowing the time for our parting had come. Tears flowed freely from the eyes of men who have experienced the worst at the hands of debased humanity. Few words were spoken, and were after all, unnecessary. Walking from the front door I turned one last time to gaze at those incredibly brave people, and told them:

"As long as God gives me life, you will have a voice in America and the West to tell your story. My voice will be your voice, and you will not be forgotten."

Arriving at the Srinagar airport, I endured nine searches, including a strip search. It was obvious that the Indian security and intelligence officials were perplexed and angry that they were unable to find any "forbidden propaganda" such as my photos, video and audio taped

interviews with Kashmiri victims, among my belongings. Finally, I was permitted to approach the tarmac and the plane which would take me beyond the guns, the graves and the grief. One last check was administered at the bottom of the steps leading to the aircraft door. An Indian officer told me to get on the plane. At the second step I turned towards the officer and the black cats and other security personnel "Thank you for the interrogation and hours of searches and acts of humiliation." The officer replied "thank us, for what"? I responded, "I thank you for today you have treated me like a Kashmiri." Pointing with his swagger stick towards the open cabin door, in a loud voice he exclaimed "Go!"

As the plane gained altitude I began to write the outline of this book, and with a last glance at the green canopy below, dissected by hundreds of canals, I uttered a prayer of thanks to God for safely enabling me to enter and leave the Valley of Kashmir. And I repeated my promise and pledge to the gentle people of Happy Valley, "I will not forget you; your voice will be heard, for my voice shall be yours."

When preparing to present a program on Kashmir at the invitation of the Muslim Students at Georgia Tech University in 1993, I received a telephone call informing me the University had received anonymous bomb threats if it did not cancel my appearance. I then began to receive death threats if I continued to speak out on Kashmir. It appears that foreign agents do not understand that Americans take serious the right to free speech despite the potential ramifications of that speech, and without regard to the wishes of any foreign state or nation. If indeed my life should end with an assassin's bullet or bomb, as did my friends Dr.'s Guru and Ashai, and H.N. Wanchoo, it will

only give more impetus to my testimony contained within these pages. The program was held as scheduled, and many more have followed. I consider the death threats as a badge of honor, for evil men pay attention only to those who pose a threat to their evil machinations. I have received word that several of my dear friends in Kashmir have been executed, arrested, or missing. The threat of death to the Kashmiri people is so common and ever-present, that much of the fear of dying is no longer present.

The People of Kashmir will never accept the Indian occupation or attempted annexation of their country. I shall never forget a 92 year old man bent with age who approached me after my speech to a throng of Kashmiris in Azad Kashmir and said "give me a gun and I will go and fight for the freedom of my Kashmiri brothers." The resistance will continue to grow in both effectiveness and in numbers until, one day, Insha'Allah, (God willing) they will once again become the Happy People of Happy Valley. Consider this powerful poem written by a Kashmiri poet imprisoned by Indian authorities.

"There is no time to sleep, to dream, for pain has barricaded time. Death calls, and life is ended; From the depth of the mountain, to the dark of forest.

You have treasured life for thousands of years, Incapable of taking life through laws that forbade you to kill.

You have opened the way to Satan's dominion. Now your wives have been raped, and your sons castrated, Your daughter's wombs thrown into the gutter.

This is your fate and the fate of those who accept defeat.

And now, helpless, you lie imprisoned by the sky, A sky red with flames, black with burnt flesh, The waterspout of your blood gushing upwards, It is now too late to live,

And yet you must remain Men, Though the beasts of the jungle do not care for humanity.

You must remain Men! You must remain men to die as Men.

Because of your past loves and loyalties, Because of the tradition of bygone centuries.

In your death, you will live until the end of days."

THE SALE DEED OF AMRITSAR

Article 1: The British government transfers and makes over, forever, independent possession, to Maharaja Gulab Singh, and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus, and westward of the river Ravi, including Chamba and excluding Lahore, being part of the territory ceded to the British government by the Lahore state, according to the provisions of Article 4 of the Treaty of Lahore, dated 9th March 1846.

Article 2: The eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British government and Maharaja Gulab Singh respectively, for that purpose, and shall be defined in a separate engagement, after survey.

Article 3: In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles, Maharaja Gulab Singh will pay to the British government the sum of seventy-lacs (seven and half millions) of rupees (Nanakshahi), fifty lacs to be paid on ratification of this Treaty, and twenty-five lacs on or before the 1st of October of the current year, AD 1846.

Article 4: The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without concurrence of the British government.

Article 5: Maharaja Gulab Singh will refer to the arbitration of the British government any disputes or questions that may arise between himself and the government of Lahore, or any other neighboring state, and will abide by the decision of the British government.

Article 6: Maharaja Gulab Singh engages for himself and heirs, to join with the whole of his military force, the British troops when employed within the hills, or in the territories adjoining his possessions.

Article 7: Maharaja Gulab Singh engages never to take, or retain in his service any British subject, nor the subject of any European or American State, without the consent of the British government.

Article 8: Maharaja Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of Articles 5, 6, 7 of the separate engagement between the British government and the Lahore Darbar, dated 11th March, 1846.

Article 9: The British government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10: Maharaja Gulab Singh acknowledges the supremacy of the British government, and will, in token of such supremacy, present annually to the British government one horse, twelve perfect shawl goats of approved breed (six male and six female), and three pairs of Kashmir shawls.

Note: In 1893 it was agreed to drop the gift of "twelve perfect shawl goats."

This treaty consisting of ten articles, has been this day settled by Frederick Currie, Esq. and Brevet-Major Henry Montgomery Lawrence acting under the directions of the Right Honorable Sir Henry Hardinge, G.C.B. Governor-General, on the part of the British government, and by Maharaja Gulab Singh in person; and the said treaty has been this day ratified by the seal of the Right Honorable Sir Henry Hardinge, G.C.B. Governor-General.

Done at Amritsar, this 16th day of March, in the year of our Lord 1846, corresponding with the 17th day of Rabi-ul-Awwal, 1252 Hijri.

Gulab Singh (LS)
H. Hardinge (LS)
F. Currie
H.M. Lawrence

**UNITED NATIONS
RESOLUTIONS
1948 and 1949**

Appendix I

Resolution adopted by the United Nations Commission for India and Pakistan on August 13, 1948

The United Nations Commission for India and Pakistan,

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavors to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I

Cease-fire Order

A. The Governments of India and Pakistan agree that their respective High commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually

agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favorable to the promotion of further negotiations.

PART II

Truce agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in part

I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A.

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavors to secure the withdrawal from the State of Jammu and Kashmir of tribesmen any Pakistani national not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B.

1. When the commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in parts II. A. 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to

withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C.

1. Upon signature, the full text of the truce agreement or communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the commission to deter-

mine fair and equitable conditions whereby such free expressions will be assured.

Resolution Adopted by the United Nations Commission for India and Pakistan on January 5, 1949

"The United Nations Commission for India and Pakistan,

Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December, 1948 respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of 13 August, 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and the truce arrangements set forth in parts I and II of the Commission's resolution of 13 August, 1948 have been carried out and arrangements for the plebiscite have been completed;

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir;

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite

and for ensuring the freedom and impartiality of the plebiscite;

(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require;

4. (a) After implementation of parts I and II of the Commission's resolution of 13 August, 1948, and when the commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and state armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite;

(b) As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities;

5. All civil and military authorities within the State and the principal political elements of the State will be required to cooperate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite;

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The commissions shall operate under the direction of the Plebiscite Admin-

istrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect;

(b) All persons (other than citizens of the State) who on or since 15 August, 1947 have entered it for other than lawful purposes, shall be required to leave the State;

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that;

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite.

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe in expressing their views, and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administra-

tor to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement, the details of the foregoing proposals will be elaborated in the consultations envisaged in part III of the Commission's resolution of 13 August, 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Government of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before mid-night of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles."

Appendix II

THE SIMLA AGREEMENT (1972)

The Government of Pakistan and the Government of India are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of Pakistan and the Government of India have agreed as follows:

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

- (iii) That the prerequisite for reconciliation, good neighborliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;
- (iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
- (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
- (vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

- (i) Steps shall be taken to resume communications, postal, telegraphic, sea land including border posts, and air links including overflights.

- (ii) Appropriate steps shall be taken to promote travel facilities for the national of the other country.
- (iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- (v) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

In order to initiate the process of the establishment of durable peace, both the Governments agree that:

- (i) Pakistani and Indian forces shall be withdrawn to their side of the international border.
- (ii) In Jammu and Kashmir, the Line of Control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or the use of force in violation of this line.
- (iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.

This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

Both Governments agree that their respective heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

ZULFIKAR ALI BHUTTO

INDIRA GANDHI

President

Prime minister

ISLAMIC REPUBLIC OF PAKISTAN

REPUBLIC OF INDIA

Simla, the 2nd July, 1972.

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NOTE: For these and many other reports on human rights violations in Kashmir, contact: Kashmiri American Council, 733 15th Street N. W. Washington, D.C. 20005.

GLOSSARY

IMAM	Head of the community and/or leader in the congregational prayer.
ISLAM	Literally "submission," i.e. to Allah.
KHUTBAH	Sermon delivered by Iman in the mosque to the congregation, usually at the Friday congregation.
MASJID	Mosque; literally, a place of prostration.
MUJAHID	One who exerts himself on behalf of the faith; the common term for Kashmiri freedom fighters.
PANDIT	An educated or learned man in India. Common term for Kashmiri Hindu's living in Kashmir.
QURAN	God's revelation to Muhammad; literally, Recitation: Islam's Scripture.
SHIKARA	Term for boat used for travel in Kashmir; commonly referred to as a "water taxi,"
SIKH(S)	An adherent of a monotheistic religion of India; founded in 1500 as a result of Islamic influence, and marked by rejection of idolatry and caste.

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DO NOT FORGET WE HAVE GIVEN OUR TODAY FOR YOUR TOMORROW."

So Reads the Epitaph on the headstone of a fifteen year old Kashmiri boy, laid to rest among a sea of gravestones and markers in a special cemetery for martyred children. I visited that cemetery on three occasions, during two of which I witnessed the burials of a thirteen and ten year old who were being lowered beneath the soil. At both burials I approached the grieving families with a sense of guilt and helplessness. As the parents, family and friends realized who I was, despite the agony and grief which resulted, they lovingly unwrapped the bodies of their children for me to see the bullet holes, the torn flesh of innocent youth. Then, with hardly a word and tears streaming down their faces, the mothers lifted their outstretched arms with palms turned upward and looking into my eyes asked simply, why?.



William W. Baker is a former Professor in the fields of Ancient History and Sacred Literature. He has lived and studied in many parts of the world including the Middle East and Europe. Other books by Mr. Baker include Theft of A Nation, an examination of the Israeli/Palestinian conflict; Islam and the West: Cutting Through the Propaganda; Justice With Mercy: A Biblical Case For Capital Punishment. Mr. Baker is currently Director of C.A.M.P., Christians and Muslims for Peace.