

# Report details Indian security forces use of torture against Kashmiri people

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A recently published report gives a blood-curdling account of brutal human rights violations against Kashmiri people by Indian security forces in the northern state of Jammu and Kashmir (J&K), India's only Muslim-majority state.

Titled *Torture: Indian State's Instrument of Control in Indian administered Jammu and Kashmir*, the report is, in its own words, "the first ever comprehensive report on the phenomenon of torture in Jammu and Kashmir perpetrated by the Indian State from 1990 onwards."

The 550-page document was published by the Association of Parents of Disappeared Persons (APDP) and the Jammu Kashmir Coalition of Civil Society (JKCCS). It gives a detailed account of cruelties practiced by Indian security forces in J&K, through an examination of 432 individuals who were subjected to various types of torture, including water-boarding, beatings with iron rods and leather belts, and electric shocks to the genitals.

The tragedy that is contemporary Kashmir is rooted in the reactionary 1947 communal partition of the subcontinent into an expressly Muslim Pakistan and a Hindu-dominated India—a crime perpetrated by South Asia's departing British colonial overlords and the rival factions of the colonial bourgeoisie, represented by the Indian National Congress and the Muslim League.

When New Delhi annexed Jammu and Kashmir based on an "instrument of accession" signed by the state's British client ruler, the Hindu Prince Hari Singh, Pakistan invaded, resulting in Kashmir's bifurcation into Indian and Pakistan-held Kashmir.

Since then, Kashmir has been at the centre of the reactionary geostrategic rivalry between India and Pakistan, with the ruling elites of both states running roughshod over the rights of the Kashmiri people. A separatist insurgency erupted in Indian-held J&K, after the Congress Party central government rigged the 1987 state elections. India responded with massive state repression, while Pakistan, through the promotion of Islamist jihadi groups, sought to manipulate and subordinate the Kashmiri insurgency to its own reactionary interests.

For the past three decades, J&K has been under de facto military rule, with over half a million Indian Army troops and other security forces deployed in a state with a population of just 13 million people.

In 1990, the Indian armed forces were given sweeping powers to arrest civilians, and even use lethal force against "unlawful assemblies," under "The Armed Forces (Jammu and Kashmir) Special Powers Ordinance" and then, with parliament's blessing, "The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA)."

Since then, successive central governments—whether led by the Congress, the Hindu Supremacist Baharatiya Janata Party (BJP), or a Third Front of regional parties—have allowed the armed forces to violate Kashmiris' rights with impunity.

Tens of thousands of people, most of them civilians, have been killed in the Kashmir conflict. According to estimates, "more than 8,000 people have been subjected to enforced or involuntary disappearances since 1990," notes the *Torture* report.

During its first term (May 2014-May 2019), the Narendra Modi-led BJP government dramatically escalated repression in J&K, as part of its hard-line anti-Pakistan policy and its efforts to stoke anti-Muslim communalism as a means of diverting mounting social anger over its austerity measures and other pro-investor policies.

In June of last year, the Modi government placed J&K under direct central government rule, after the local unit of the BJP withdrew its support for a coalition government led by the regional Peoples Democratic Party (PDP). Now, in a sure sign that it intends to continue massive repression and gross human right violations in J&K, the Modi government has again postponed new state elections, extending central government rule over the state for a further six months, until the end of 2019.

In a prologue to the recent Kashmir torture report, Juan E. Méndez, the UN Special Rapporteur on Torture from 2010 to 2016, notes that it "describes its methodology in strenuous detail, which very evidently increases the

credibility of findings.” Méndez also points to New Delhi's decades-long refusal to cooperate with UN investigations into human rights violations committed by Indian security forces.

The report highlights the fact that torture is the “most underreported human rights violation perpetrated by the State,” against alleged Kashmiri opponents of Indian rule, adding that it is “carried out with complete impunity for the perpetrators, and without a single prosecution ever having taken place.”

Pointing to the criminal motivation for deploying upwards of 600,000 Indian security forces in J&K, the report says: “The widespread human rights violations, including use of indiscriminate torture, is a tactic to break people's will.”

The report explains how repression intensified under the current BJP government, especially after mass protests erupted in response to security forces' July 2016 killing—likely by summary execution—of Muzaffar Wani, the 22-year-old commander of the Hizbul Mujahideen, an Islamist Kashmiri separatist insurgent group.

Indian security forces have employed a gamut of brutal methods, ranging from extrajudicial executions, illegal detentions, torture, sexual violence, and disappearances, to arson and vandalism of civilian properties, restriction on congressional and religious activities, censorship, and repeated bans on communication and internet services.

The techniques Indian security forces have used to inflict physical and psychological pain and distress bring to mind those used by the CIA and US military at the notorious Guantanamo Bay detention camp. Among those listed in the report are: stripping detainees naked, water-boarding, electrocution, hanging from the ceiling, dunking detainees' heads in water mixed with chili powder, using iron rods to burn body parts, solitary confinement, sleep deprivation, and sexualized torture, including rape and sodomy.

Out of the 432 torture victims interviewed for the report, 222 (51.4 percent) had suffered some form of physical health complication. “Out of these 222,” states the report, 209 (or 94.1 percent) “suffered health issues with long term ramifications, and among them, 49 (23.4 percent) suffered acute ailments e.g. cardiac problems, neurological issues, complete loss of eyesight or hearing ability, amputations, sexual impotency, etc. and many of these people have been on regular (or irregular) medication ever since they were tortured.”

Nearly half of the 432 victims, 44 percent, suffered some form of psychological difficulty as a result of their being tortured. Quoting an extensive study published by *Medicins Sans Frontieres*, the report notes that 19 percent of the Kashmiri population suffers from Post-Traumatic Stress Disorder.

More than 300 of the torture victims were civilians, including political and human rights activists, journalists and students, and 119 were militants. Twenty-seven were minors when they were tortured. “Professionals like doctors, paramedics and journalists,” adds the report, “have also been regularly targeted and assaulted since the early 1990s.”

As a result of the decades of systematic repression and abuse inflicted by the Indian state, Kashmiris have lost all confidence in appeals to the authorities for redress of human rights violations. “A lack of faith in institutions prevents victims from seeking justice or redress for the torture,” says the report.

Even when the State Human Rights Commission (SHRC) upholds complaints of torture, the government, in the vast majority of cases, dismisses its recommendations outright. At most, “only (the) monetary relief part of the recommendation is accepted.” Moreover, “there is no instance available where on SHRC recommendations punitive action was taken against the culpable officials.”

Eager to reassure the military and the other branches of the security forces that they will continue to enjoy impunity for crimes committed in suppressing opposition to the Indian state and capitalist rule, Indian governments have for more than 20 years refused to ratify the United Nations Convention against Torture.

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