

Testimony of

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Subcommittee on Human Rights and Wellness**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.