The question of Kashmir is one of the longest-running tragedies of our time—a South Asian Palestine. Three wars between India and Pakistan, several insurgencies, counterinsurgencies and a countless series of negotiations have failed to settle the political future of this beautiful, disputed Himalayan region since the creation of the states of India and Pakistan in 1947. For sixty years, these two countries have claimed all of Kashmir as their own. Blood has been spilled, thousands have died and still the people are in crisis.

The intractability of India’s and Pakistan’s competing policies was evident once again this fall, as foreign ministers parroted inflexible national positions on Kashmir at the United Nations General Assembly session. After several years of quietude, Pakistan renewed its call for a un-mandated plebiscite, which would give Kashmiris the option of choosing between India and Pakistan as their home nation. “The Jammu and Kashmir dispute is about the exercise of the right to self-determination by the Kashmiri people through a free, fair and impartial plebiscite under UN auspices. Pakistan views the prevailing situation in Indian Occupied Kashmir with grave concern,” Pakistan’s Foreign Minister Shah Mehmood Qureshi said in his recent address. India responded by calling off any potential meeting between Indian Foreign Minister S. M. Krishna and his Pakistani counterpart, with Krishna retorting:

Jammu and Kashmir, which is an integral part of India, is the target of Pakistan-sponsored militancy and terrorism. Pakistan must fulfill its solemn commitment of not allowing territory under its control to be used for terrorism directed against India. . . . Pakistan cannot impart lessons to us on democracy and human rights.

Far away from the rhetoric in New York, Kashmir is slowly dying. More and more people take to the streets, fighting against New Delhi’s heavy hand. The authorities trounce the uprisings with violence.

Gangbugh is a small village on the outskirts of Srinagar, the summer capital city of Indian-controlled Kashmir; a few hundred freshly built houses amid an expanse of golden paddy fields. On July 6, several hundred residents of the neighborhood came out in a protest against Indian rule—a part of a wave of demonstrations triggered by the death of Tufail Mattoo, a seventeen-year-old student killed by a tear-gas shell fired by Indian troops in Srinagar. They were attempting to disperse a crowd protesting the murder of three Kashmiri villagers by the Indian Army near the disputed border with Pakistan. Indian paramilitary forces and police posted in the area charged at the crowd and broke the windowpanes of scores of houses with stones. A villager complained

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to a minister in the Kashmir government about the paramilitary troops’ activities. The politician then visited the village; some angry boys threw rocks at his cavalcade. The police and paramilitaries returned for a crackdown. Another protest followed, and after the confrontation was over, one more seventeen-year-old high school student, Muzaffar Bhat, was dead.

The circumstances of his disappearance remain unclear. His family alleged that villagers saw the police take Muzaffar away in a jeep. Police argued that he had jumped into a river to escape arrest when the troops charged at the protesters. The next morning, his body was recovered from the river. As the news of the teen’s death spread, several thousand people came out on the roads raising slogans against the Indian troops and demanding Kashmir’s independence. As the protest began, Fayaz Wani, a thirty-year-old neighbor of the dead boy, and the father of two young daughters, prepared to leave for work. He was as an office assistant in the Kashmir government’s Department of Floriculture. “He dressed for the office and stepped out as the protest started,” Mushtaq Wani, his older brother, told me. Fayaz, a tall, athletic man with sunken cheeks, walked with his fellow villagers in the protest. While there, he also made a phone call to a colleague saying, “I shall be shortly in the office.” A few minutes later, the protest intensified, angry mourners threw a few stones at the troops, who fired back. Four bullets hit Fayaz, two entering his back, and two shattering the right side of his face. Wani died right there.

The furious, grieving village set off on another procession, a few hours later, carrying its two dead men to one of the most prominent landmarks of war: the sprawling Martyrs Graveyard in northwestern Srinagar, where several hundred Kashmiris killed in the conflict are buried. As they reached an area called Batamaloo, Indian paramilitary troops and police stopped them. The city had been tense, under curfew. A police officer ordered the mourners to return home; the mourners insisted on the right to bury the dead where they wanted. The troops ended the argument by firing teargas shells at the crowd and assaulting them with bamboo sticks.

The bodies fell to the street as the police charged at the mourners. “Muzaffar’s father threw himself on his son’s corpse to protect his body from being defiled,” Bilal Bahadur, a photojournalist who along with a few others captured the moment on camera, recounted, “The police grabbed him by his leg and dragged him away.” Bahadur continued clicking until the uniforms noticed the photojournalists. In a few moments, they were attacking the photographers. Several were hurt; Bahadur’s right arm was in a cast for weeks. In Gangbugh, Wani’s three-year-old daughter would take
her mother’s phone and persist in calling her slain father’s number. “How does one explain a father’s death to his three-year-old girl?” Mushtaq said, as he showed me a picture of his brother with his wife and two daughters in happier times. “Everyone loved Fayaz here,” Mushtaq stared into the middle distance, “In his spare time, he installed television satellite dishes for the entire village.”

Death has been a frequent visitor in Kashmir, especially for the past two decades. In the winter of 1989, Kashmiris launched an armed uprising against Indian rule with support from Pakistan. A violent campaign of insurgency and counterinsurgency continued throughout the nineties. Around seventy thousand people have been killed in the last twenty years; another ten thousand have gone missing after being taken into custody by Indian troops. One-sixth of the population suffers from post-traumatic stress disorder. India and Pakistan, armed with nuclear weapons, have come dangerously close to war several times.

The seeds of this discord were sown with the partition of the Indian subcontinent a half century or so ago. Kashmir was one of the largest of around 560 princely states under British sovereignty—predominantly Muslim but ruled by a Hindu maharaja, Hari Singh, whose position was being challenged by a popular socialist leader named Sheikh Abdullah. When British India was violently partitioned into India and Pakistan, the fate of Kashmir was left undecided. In the spring of 1947 a popular uprising around the Poonch area in the state of Jammu and Kashmir (which is now largely controlled by Pakistan) erupted against Singh’s rule. The maharaja’s state quelled the rioting with force and aided a massacre of Muslims there, a death toll reported by the Times of London to be around two hundred thousand. This was followed by the flight of several hundred thousand Muslims to the Pakistani cities of Sialkot, Gujranwala, Rawalpindi and Lahore. Stories of the massacres carried by fleeing Jammu Muslims helped mobilize an invasion of Kashmir by Pashtun tribesmen from the North-West Frontier Province (now called Khyber-Pakhtunkhwa). On October 22, the tribesmen launched their assault with Pakistani support. As his kingdom crumbled, the maharaja fled the Vale of Kashmir to the southern region of Jammu where he signed the Instrument of Accession with India. Much of Kashmir was thus given over to the government in New Delhi. At Hari Singh’s invitation, Indian troops reached Kashmir and engaged the tribal fighters, who in the later stages of the war were joined by Pakistani armed forces.

The maharaja’s rival Abdullah, who was a friend of the new Indian prime minister, Jawaharlal Nehru, supported the Indian forces. In January 1949, the UN endorsed a cease-fire line. Kashmir was thus divided: one part controlled by Pakistan from just west of the Chenab River in the south to the Karakoram Mountains in the east and the Afghanistan border in the north; the other by India from south of Siachen Glacier along the eastern border with China and Tibet to Kashmir’s current winter capi-
tal of Jammu in the southwest. This is the border now known as the Line of Control. The war was over but the battle lines had been drawn. Kashmir would remain a victim of India’s ambitions and Pakistan’s manipulations.

In theory, under the settlement Kashmir had much freedom to control its future—its own constitution and flag, and the heads of its local government called the president and the prime minister. Yet little by little India encroached on this pseudosovereignty. In 1953, India jailed Abdullah, who was now Kashmir’s prime minister, after he implemented a radical land-reform act and gave a speech suggesting the possibility of an independent Kashmir. In the following decades, India installed puppet rulers, ignored the democratic rights of the Kashmiris and questioned the area’s legal status. Abdullah was imprisoned for fifteen years. By the time of his release, India and Pakistan had already fought a second war over Kashmir in 1965 and would soon fight another over East Pakistan in 1971, which led to the creation of Bangladesh. Four years later, in exchange for being allowed to head the Kashmir government, Abdullah signed a compromise with New Delhi, opening the door to even-greater Indian control over the region. Twelve years after that, in 1987, the Indian government rigged state elections, arresting opposition candidates and terrorizing their supporters. What followed were years of devastating violence.

Kashmiris wanted independence. Instead they became pawns in the India-Pakistan great-power game. They remain victims of this battle today.

In its infancy, the Kashmir freedom movement was fought by a nationalist group known as the Jammu and Kashmir Liberation, funded and supported by Pakistan’s Inter-Services Intelligence agency (ISI). India retaliated against this insurgency, imprisoning, torturing and killing hundreds. Soon after, pro-India politicians and prominent Hindus were assassinated by the thousands of angry Kashmiris who had gone to Pakistani strongholds for training. Hindus fled to India.

And yet as the pro-independence movement gained popularity, Pakistan became fearful of the group it had helped to create. That is how the world came to be faced with the violence of Lashkar-e-Taiba, paid for by the ISI, peopled by the poverty-stricken of Punjab, trained to bomb-by-suicide, and tasked not with freeing Kashmir but rather with fostering a pan-Islamic world order.

While Pakistan stoked the terrorist incursion, India continued a remorseless counterinsurgency campaign. It was a military success, but it was accompanied by widespread killings of civilians, torture, arbitrary arrests and abuses of power. And this too came with costs. Torn between the two powers, Kashmiris continued to die. Their dislike for both India and Pakistan grew. Hopes for independence—or at least greater autonomy within India—continued unrequited.

Peace is ever out of reach in this war-torn land. Violence partially declined after 2003 as then-President Pervez Musharraf cut support to the Pakistani militants that dominated the fighting in the disputed region. And since 2004, India and Pakistan have engaged in both official and “back channel” talks about the resolution of the Kashmir dispute. The two countries even came close to forming a framework for a resolution by 2007, but Musharraf lost power in Pakistan, and the agreement founded. The negotiations were completely derailed by the terrorist attacks—attributed unsurprisingly to Lashkar-e-Taiba—on Mumbai a year later.

Discord rose once again in 2008 as the Kashmir government, led by India’s rul-
Tear Gas over Batamaloo

ing Congress Party, transferred one hundred acres of land to a trust that manages a Hindu pilgrimage to the Amarnath cave in the mountains of southern Kashmir. The cave, discovered by a Muslim shepherd in the mid-twentieth century, is associated with Shiva, the Hindu god of destruction. For over a decade, India’s ever-growing Hindu nationalists have turned an annual pilgrimage into a symbol of Indian hegemony. Hundreds of vehicles carrying the pilgrims would shout aggressive slogans at passersby. The Indian paramilitary soldiers would even paint the walls of private homes with signs welcoming the travelers. “Border security force welcomes the yatris [Hindi for pilgrims]” was written on the outer wall of my grandfather’s house. And it is this land transfer that brought about the protests we now see littered throughout the headlines of major newspapers.

Many Kashmiri Muslims viewed the handover as a sign India was truly ruling their land, and subsuming the country in Hindu doctrine. In June, thousands took to the streets. The Kashmir government revoked the land transfer after five protesters were shot. But the true source of all the anger had been released—it was about freedom from Indian rule. Hundreds of marches followed.

Now Kashmir is a story of people waving banners and protesting in the streets. Pakistan, plagued by its own internal fractures, by a battle for control of the state, by an increasingly powerful Taliban and by a humanitarian crisis of epic proportions, has turned its attentions elsewhere. The terrorists are silent—for the time being. And the war for Kashmir’s future is now being waged in the political halls of power. Whether India can seize the momentum and forge a peaceful resolution is the question.

For Kashmir, it seems, has made an overwhelming transition from insurgent violence to nonviolent protest. Still, Indian soldiers and police crushed the demonstra-

![Image of a protest scene](image-url)
colonial Kashmir leader Sheikh Abdullah, was formed with support from the Congress Party.

Abdullah junior inherited his grandfather’s pro-India party from his father in the true spirit of a South Asian political dynasty. Indian analysts were euphoric about the young Abdullah; triumphalist proclamations of the end of separatism followed for months. But it was a doomed agenda. Abdullah blundered his way through the job, and a sharp rise in human-rights violations followed. Abdullah, who operates with backing from New Delhi, responded to dissent with force. Inevitably, the Kashmiris rose up in violent protest again. The vicious circle ensued. Tear gas and bullets rained down upon them.

Between early June and late September of this year, Indian forces killed 109 Kashmiri protesters and bystanders, some as young as eight years old. The number of seriously injured is believed to be more than one thousand five hundred. “Here alone we treated around seven hundred patients, mostly with firearm injuries,” Dr. Amin Tābīsh, the medical superintendent of a premier Srinagar hospital, told me. Twenty-five died inside his hospital.

So though the lethal insurgency is almost over, with the number of deaths dropping from thousands every year to hundreds, India continues to deploy around seven hundred thousand military and paramilitary forces and policemen in Kashmir—a number far higher than General David Petraeus’s recommendation for fighting such battles in the U.S. Army’s counter-insurgency manual: twenty troops for one thousand civilians. The ratio between security personnel and civilians in Kashmir is more than three times that number, around seventy to one thousand. The high troop density increases incidences of contact between the civilians and the military, which are mutually hostile, and the results are invariably ugly. A highly controversial Indian law, the Armed Forces Special Powers Act (AFSPA), which has been in operation for twenty years in Kashmir, gives the troops stationed there the power to shoot any person they suspect of being a threat, while guaranteeing them immunity from prosecution. To try a soldier in a civilian court, India’s Home Ministry has to remove his immunity and grant the Kashmir government permission to prosecute him. “This failure to ensure justice only creates a culture of violence,” said Meenakshi Ganguly, the South Asia director for Human Rights Watch, who has been investigating the abuse and effects of the special powers granted to the Indian troops in Kashmir and in some of India’s northeastern states bordering Burma and China. A committee set up in May 2006 by India’s mild-mannered, economist prime minister, Manmohan Singh, and headed by the country’s current vice president, Mohammad Hamid Ansari, has already recommended scrapping these highly unpopular laws. The military resists, and these draconian measures remain on the books.

Early this summer, news came that in April a unit of the Indian Army had lured three Kashmiri laborers with the promise of jobs, taken them to the disputed border with Pakistan, killed them and described them as “terrorists from Pakistan.” A rare police investigation revealed them to be common villagers. After an army inquiry into the killings of the three men, a colonel heading the unit was removed from his post and a major suspended, but they could not be tried in a civilian court of law. As Ganguly describes, “We have seen too many false promises of punishment whenever soldiers are implicated in killing civilians. But when the dust settles, the army obstructs prosecution under the Special Powers Act, and fails to deliver justice.”

The absence of justice, fresh civilian
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murders renewing the memories of older extrajudicial killings, torture and repression at the hands of Indian forces, and the lack of any meaningful progress in the negotiations between India and Pakistan over the region's future have all contributed to the despair and rage.

Protests follow killings and killings follow protests. Kashmir's doctors have been very busy. Inside a surgical ward at the Institute of Medical Sciences, I met a bright young surgeon, Dr. Babar Zargar. “We barely got any sleep for the past few months. The flow of injured was constant and most of them needed surgeries. At times, our team would work forty-eight hours with a few hour breaks.” I met one of his patients, Tanveer Hussain, a twenty-seven-year-old cell-phone mechanic from the north Kashmir town of Baramulla, who was injured on an early September afternoon. The separatist leaders had been issuing weekly calendars, which marked what days people should protest and what days they should go about their business. Work was on the schedule, and Hussain was at his shop with a few customers, waiting for the errant electricity to return.

Earlier in the day some protesters had raised a green flag which resembled that of Pakistan at the town square where he worked. (Kashmiri separatist leaders have been divided even on what flag to fly in rallies, and several standards ranging from a Kashmiri nationalist group’s PLO-like design to a pro-Pakistan group’s green flag of Islam are used.) A few hours later, Indian soldiers came, took down the flag and trampled on it. “The boys in the market jeered at the soldiers and raised slogans. Somebody threw a stone, and the army fired,” Hussain told me. Eighteen were injured, including Hussain, who had a bullet cut through his thigh and another shatter his left leg below the knee. “Only once the wounds heal, can we say if he will walk straight,” said Dr. Zargar. On a bed adjacent to Hussain was Mudasir Dar, a fourteen-year-old student, from the town of Charar Sharif, an hour and a half from Srinagar, who had been operated upon twice. Doctors had removed his spleen, cut a piece of his stomach out and were preparing for a third surgery to dissect a part of his lungs. He had been hit when the Indian paramilitary troops fired upon protesters in his hometown.

“I felt a burning sensation and fell on the road. One of my friends fell beside me. He didn't survive.” Several other doctors I met reiterated something that Zargar told me, “Many more could have been saved if they had reached here on time.” But the journeys to the hospitals are fraught; vast numbers of ambulances get delayed at check posts during curfews.

Although young Kashmiri men are ignoring the recruitment calls from Islamist militants and choosing more peaceful methods of protest, a hard-line separatist leader, Syed Ali Shah Geelani, a tall, frail man with a short white beard who speaks with deliberation, is now seen as a crucial player in the region. Geelani, a former member of the Kashmir legislative assembly, comes from the Islamist political party Jamaat-e-Islami, which has chapters
in India, Pakistan and Bangladesh. After the Kashmiri uprising of 1990, he resigned from the assembly and began a new chapter as a separatist ideologue and mentor to pro-Pakistan militants affiliated with the Jamaat. In 1994, after several Kashmiri groups came together in a separatist coalition—the All Parties Hurriyat (Freedom) Conference—to champion the peaceful resolution of the Kashmir conflict through tripartite negotiations between Kashmiris, Indians and Pakistanis, Geelani became one of its several leaders. While moderates like Mirwaiz Umer Farooq, a religious leader and the chairman of the Hurriyat Conference, engaged with the Indian and Pakistani governments in a series of failed peace talks, Geelani consistently stayed away from negotiations, insisting that the old UN resolutions calling for a plebiscite in Kashmir be implemented. In and out of Indian prisons, Geelani remained the harshest critic of the Indian troops’ mis-treatment of the Kashmiri population which, along with the failure of moderates to deliver anything concrete, increased his stock. Although he personally remains pro-Pakistan and an Islamist, the eighty-one-year-old has been forced by pro-independence popular sentiment to drop his demand for Pakistan's control of the region, announcing that he stands for whatever the people of Kashmir want. He is so influential that the only lull in the recent protests occurred when he appealed to the young protesters to stay home.

If the Indian government cannot satisfy the hard-liners now gaining influence, the situation will rapidly devolve—these are the new power brokers. New Delhi’s slow response to the crisis does not bode well. It took three months for the Indian prime minister to call a few high-profile meetings of politicians from all major political parties in India as well as his Cabinet Committee on Security. Singh’s government went on to reject even moderate demands—such as revoking or repealing the Armed Forces Special Powers Act. Scaling back troops from residential areas wasn’t even discussed. Singh’s government, however, sent a delegation of parliamentarians to Kashmir to “assess the situation on the ground.”

On the morning of September 20, when the MPs were about to fly to Kashmir, while the army and police guarded the road from Srinagar airport to the city, government workers painted over the separatist graffiti on the walls and houses along the way. The visit was turning out to be of little consequence, as Kashmir remained under lockdown, and they met...
a carefully chosen few at a heavily guarded conference center on the outskirts of Srinagar. Later in the afternoon, five Indian parliamentarians led by senior Communist leader Sitaram Yechury showed up at Geelani’s Srinagar home. Two other groups met with two other moderate separatist leaders.

Geelani had set five preconditions for peace talks with India: New Delhi should accept Kashmir as a disputed territory; set political prisoners free; demilitarize the region; punish the troops guilty of civilian killings; and, withdraw controversial laws like the AFSPA. “If the Centre responds positively to these demands, we will review the ongoing agitation in the state and renew the engagement. And if there is no response, then we will have no option but to continue our struggle,” Geelani told the delegation in front of TV cameras that he had insisted must be present.

After considering the recommendations of the parliamentarians, the Indian government announced some confidence-building measures. It advised the Kashmir government to release all student protesters who had been arrested for fighting the Indian forces with stones; counseled the formation of a “group of interlocutors” to begin the process of sustained dialogue in Kashmir “with political parties, groups, students, civil society and other stakeholders”; and began a review of the deployment of troops, especially in Srinagar. A good first step to address the current troubles, these recommendations will fall short unless followed up by a results-oriented, meaningful dialogue. Separatists like Geelani have already dismissed them and called for renewed protests. Various analysts and political figures have suggested unconditional talks with the Kashmiris and a revival of the dialogue with Pakistan, which were so close to producing results three years ago. That alone might put an end to Kashmir’s unceasing suffering.