

# 'The Disappeared'

**Anuradha Bhasin Jamwal**

How easy it has become for the state to purge the very existence of healthy young men in a conflict zone like Kashmir. This has been a common thread binding one conflict to another across the globe. But when a democratic country like India, which believes in justice, equality and democracy resorts to the same tradition without questioning the logic of such tyranny, it appalls everyone. Does India today exercise what it actually stands for?

From Kashmir's hot-bed of graves –*Ganderbal*, one story after another begins to churn out—all morbid and repulsive tales of what happened to a bunch of innocent men. Tales go beyond the confines of *Ganderbal* and emerge from across the valley, even from other parts of the state. These are gory sagas of healthy young men, who had nothing to do with militancy or counter-insurgency, who disappeared mysteriously and how their families have moved from pillar to post searching for them, lodging reports but only to be told that the whereabouts cannot be known, some have finally found their sons buried in obscure grave-yards, laid to rest with the tag of foreign militant. Many others continue to wait. Many languish in jails, branded as terrorists.

There are different stories, different names, different places - all disappeared in different ways. Yet hundreds and thousands of these stories which stand distinct, blend into one another, bound together by the commonality of victimhood, perpetrated by the state in an institutionalized way. The stories evolve into smaller pieces of different diaries and yet stand together like the ghost of one of the saddest phenomenon in Kashmir conflict - reflecting suffering, terror, pain, torture and uncertainty. This is what a state can so easily do through a practice that has been legitimized in the name of national security.

How does this entire institution work? Just pick them up, torture them, intimidate them and coax them to work for the security agencies with or without uniform or else face the wrath—languish in jails with no one to hear them or simply kill them and brand them as terrorists, in most of the five cases that have emerged from *Ganderbal*, people have alleged how the victim was intimidated and tortured by security forces before he disappeared, several other stories about disappearances that are pouring in share this commonality.

But it is not just personal revenge that may fuel the victimization of any innocent. The entire policy of rewarding the security forces on the basis of the number of people they kill, a statistics that becomes a prized trophy for every mindless killer in uniform, also often causes the spilling of innocent blood. An easy way of escaping any kind of accountability is to label them as foreign ultras. It is so easy to make innocent living beings targets, dissolving their existence—not just killing them but also making them stateless in their graves.

The dead have no tales to tell and so the security men have all the control and power, giving each body a new label, a new name, a new address and a new nationality, why is it that no killed militant is hardly ever unidentified and without an address just seconds after he is killed. The identities are immediately created by a security grid, whose intelligence network has otherwise often failed to inform about

major militancy related attacks. With such a failed intelligence network in the background, how is it possible that the security agencies have the complete resume of the men killed along with their addresses and the organizations they are working for? Do they all give dying declarations? Or have the security agencies been bestowed by some supernatural powers or a futuristic computer that can enable them to interrogate the dead? Not all persons killed in encounters may be innocent. But the business of speedy identification does put a question-mark even on the credibility of encounters in which known militants have been killed. Have they been captured and killed? There is no dearth of official handouts and official versions about various encounters which narrate stories of how a certain militant was arrested, questioned and then taken to the site for recovery of arms where he tried to escape and fire on the security forces, who in turn in a retaliatory fire shot him dead, who questions such versions that become the gospel truth? It can't be just a simple coincidence that many stories have turned up with the same sequence of events. And if all this is true, who questions the efficiency of the security men, in whose custody, the arrested militant manages to pick up the gun and suddenly challenge them? Every story demonstrates nothing but the lack of transparency and accountability and the unquestioned might of the man in uniform with a gun.

If the army started the trend with the onset of militancy, later picked up by BSF and CRPF, all shielded and protected under the Disturbed Areas Act and the Armed Forces Special Powers Act, more trouble began when the police was roped into the anti-insurgency grid sometime in the mid 90's. Both the creation of Special Operations Group (SOG) and the policy of using surrendered militants in counter insurgency operations began between 1995-1996, followed by the policy of recruiting surrendered ultras, who brought a promising number of dead bodies for the security forces, a temporary job as Special Police Officers (SPOs). Majority of the SPOs recruited today are part of the brigade of surrendered ultras, some have even graduated with regular jobs in police or BSF. Some of them who perfected the art of killing and were terrors during their lifetime also later entered mainstream politics for which they were rewarded with seats in the state legislature. Many surrendered ultras today continue to work for the security agencies, especially the SOG, without any designation, where is the accountability if surrendered militants and even SPOs working at the behest of security forces can easily be labeled as 'renegades' or 'deserters' to pass on the buck to some militant organization? The militant groups operating in Kashmir are no holy cow and many of their activists are accused of perpetrating terror and killing or harassing innocents but does that justify what the security forces do? And if security forces are directly accused of atrocities, where is the level of justice or element of accountability when cosmetic probes are announced and done away with or political statements come to the rescue of the guilty men? Or branding protestors as supporters of militancy and anti-Indians can easily be invoked to stigmatise any voice of dissent?

Does the guilt not go beyond the men who are often accused of perpetrating atrocities or war crimes? Obviously the buck does not stop at a jawan or a constable, it goes beyond even a Major and an SSP. The very policy comes from the top, the strings of which may stretch right up to New Delhi. Can the top hierarchy of security forces, who encourage the policy of promoting their men on the basis of not how many militants they have captured but how many people they have killed, turning a blind eye to the allegations of human rights violations, escape the blame? Can the politicians and bureaucrats who designed this policy and keep adding new dimensions to it escape the blame? Can those who are freely thrown in money, for which no accounts need to be furnished in the name of security and secrecy, to keep this pot of violence boiling be absolved of the crime? Why should the man at the lower rung alone,

sometimes accompanied by the one at the middle rung, become the scapegoat, if at all there is deliverance of justice in any case?

Whatever the speed of the ongoing peace process in the hapless state of Jammu and Kashmir with the present mindset, it seems this policy of picking up innocents and killing them is likely to continue. When chief minister Ghulam Nabi Azad chooses to define prime minister Manmohan Singh's promise of zero tolerance to human rights not as a step to end atrocities but as one that ensures no tolerance of such events, he too amply demonstrates that there indeed is a policy to allow the cycle of violence to go on. How can atrocities be tolerated if there is no bid to stop them? And if the intolerance to atrocities is intended to mean holding of probes, how many incidents have been probed or people brought to book ever since the prime minister's claims? The policy of overlooking protests and complaints of violations by security forces shows that the zero tolerance does not exist unless zero can also be redefined by Mr Azad as infinite.

And how on earth can he talk of zero tolerance to human rights violations by defending the SOG, whose very creation has been based on the edifices of lack of principles and corruption and lawlessness? The indefensible is being defended for the only reason that an enforced and unnatural consensus is fast being built up in favour of demilitarization that allows the gun of the army and BSF to pass over to the police, CRPF and the newly created Indian Reserve Police, with an added plan of more than doubling up the police force in the state.

The insanity of such moves are lost within the cacophony of voices that are raised by political parties to play politics over the graves of innocent people killed at the hands of the SOG at this moment. The proceedings of the state legislature where all parties are busy playing politics and indulging in mud-slinging over the issue of human rights are not doing much for the cause. And, this may be deliberate because they are all, in their own tenures, by either encouraging the institution of human rights abuse or by remaining mute spectators, equally guilty of the crimes that continue to be perpetrated. Yet, even as they almost stand united over the basic issue of justice, the chief minister can show more response than simply dare them to give up their own security if they demand demilitarization and withdrawal of troops. Perhaps the chief minister alone can understand the logic of this. While there is need to trim the security cover for VVIPs, this issue cannot be linked to demilitarization. VVIPs throughout the country enjoy personal security. This mud-slinging is simply another escape route to let the rot stay and turn a blind eye to genuine voices of protest.

Can these so-called representatives of the state simply get busy in their own petty politicking and forget about the victims? Can they wishfully turn a blind eye as one man, who is using his power to channelize the anger of affected people and villages into a massive peaceful protest, sits on a 3-day hunger strike. Yasin Malik of Jammu and Kashmir Liberation Front, who had picked up the gun in 1989, has today shown the way, as he did in 1994 when soon after his release from jail he had announced a unilateral ceasefire which was never responded to by the Indian state. Though his party is no longer involved in armed insurgency, he and his men continue to be intimidated in various ways. An opportunity was lost then. History cannot be repeated. Any attempts to black out his hunger strike by co-opting media or dwarfing will only prove counter productive. The strength and pragmatism of a man who wants to give a peaceful direction to protests and the voice of alienation in Kashmir must be heeded to. Not only because he is ailing, surviving on life-saving drugs and for the fact that prolonged hunger strike can further prove injurious to his health. But also because of the widespread anger that the issue of human rights has provoked at this juncture.

That custodial killings and disappearances are taking place is already a known fact. For the people who have suffered directly or indirectly in the conflict areas, the atrocities by security forces are already a part of their life. But the *Ganderbal* case has opened up many wounds, allowing people to give vent to their pent up anger, it is not just anger emerging from Kashmir and Doda that is a cause for concern. The shock of the people from the areas not affected by militancy is also a reflection that something needs to be done. The shock can be best summed up in the words of an anonymous woman caller, talking in chaste Dogri to *Kashmir Times* office: how can sons of people be picked up for no fault? Is there no punishment for men who are doing this? The words reflect the pain of a woman, who is far away from a militancy prone area and are powerful for the ability they have to transcend all borders of regionalism and religion for the sake of humanity. Both the anger of the people who are affected and the shock of the people who believe in humanity need to be addressed.

And these cannot simply be addressed by ordering an impartial probe, which may finally gather dust in the shelves of government departments. The prime minister and his nominee in Jammu and Kashmir may have to redefine their concept of zero tolerance to human rights violations if they actually mean business.

Demilitarization must begin in the real sense, in a phased and practicable manner, without the need to pass on the gun to police or its creations like SOG so that militant organizations can be asked to respond. (There is a basic practical flaw in asking militants to lay down the arms first at a time when the state is hell bent in creating militancy, if there is none, through its agencies. The *Ganderbal* incident demonstrates this beyond a shadow of doubt). Lastly, a Commission needs to be set up, which is autonomous and independent of government, and is represented by credible people not only from India but from any part of the world to impartially probe all allegations of human rights violations. 

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