

Pakistan: 'Free Kashmir' Far From Free

Government Opponents Face Torture, Censorship and Political Repression

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Brad Adams, Asia director at Human Rights Watch

(Islamabad, September 21, 2006) – In Azad Kashmir, a region largely closed to international scrutiny until a devastating earthquake hit last year, the Pakistani government represses democratic freedoms, muzzles the press and practices routine torture, Human Rights Watch said in a report released today.

Based on research in Azad Kashmir (which means "free Kashmir") and Pakistan, the 71-page report, "'With Friends Like These ...': Human Rights Violations in Azad Kashmir," uncovers abuses by the Pakistani military, intelligence services and militant organizations.

"Although 'azad' means 'free,' the residents of Azad Kashmir are anything but," said Brad Adams, Asia director at Human Rights Watch. "The Pakistani authorities govern Azad Kashmir with strict controls on basic freedoms."

Before a massive earthquake struck in October, Azad Kashmir was one of the most closed territories in the world. Tight controls on freedom of expression have been a hallmark of government policy in Azad Kashmir. Pakistan has prevented the creation of independent media in the territory through bureaucratic restrictions and coercion. Publications and literature favoring independence is banned. While militant organizations promoting the incorporation of Indian-administered Jammu and Kashmir state into Pakistan have had free rein to propagate their views, groups promoting an independent Kashmir find their speech sharply, sometimes violently curtailed.

Under Azad Kashmir's constitution, which Pakistan imposed in 1974, election candidates are prescreened to ensure that only those who support Kashmir's union with Pakistan can contest elections. Anyone who wants to take part in public life in Azad Kashmir has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or peacefully works for an independent Kashmir faces persecution.

"There is a façade of an elected local government, but the federal government in Islamabad, the army and the intelligence agencies control all aspects of political life in Azad Kashmir," said Adams. "The military shows no tolerance for dissent and practically runs the region as a fiefdom."

Torture is routinely used in Pakistan, and this practice is also routine in Azad Kashmir. Human Rights Watch has documented incidents of torture by the intelligence services and others acting at the army's behest but knows of no cases in which members of military and paramilitary security and intelligence agencies have been prosecuted or even disciplined for acts of torture or mistreatment.

Despite the Pakistani government's criticism of human rights violations in neighbouring Jammu and Kashmir state in India, refugees from Jammu and Kashmir are discriminated against and mistreated by the authorities. Kashmiri refugees and former militants from India, most of whom are secular

nationalists and culturally and linguistically distinct from the peoples of Azad Kashmir, are particularly harassed through constant surveillance, curbs on political expression, arbitrary arrest and beatings.

"The Pakistani government often pretends that the only problems faced by Kashmiris are in India," said Adams. "It should start looking into ways of ending human rights abuses in Azad Kashmir."

Human Rights Watch urged international donors, which have poured billions of dollars of urgently needed relief and reconstruction aid into Azad Kashmir since the earthquake, to insist on structural changes in governance and the promotion of both human rights and the rule of law. Recent corruption allegations against senior government officials highlight serious weaknesses in the rule of law and governmental accountability.

"As it supports reconstruction efforts, the international community must insist that Pakistan respect the human rights of the people of Azad Kashmir," said Adams. "The Pakistani government must ensure that the people of Azad Kashmir can exercise their fundamental civil and political rights in an environment free of coercion and fear."

Testimonies from the report:

"About six or seven soldiers led by a major ran the proceedings, which lasted for about five days. The soldiers kept changing and 'worked' us in shifts. They started by making us do push-ups and sit-ups for hours, then beat us with rods and belts when we collapsed in exhaustion. They kept saying that we must admit that we had become 'double agents,' that we had crossed over to the Indian side because we were 'Hindu lovers,' that we were 'shameless bastards who wanted to be raped by the rapists of our sisters and mothers.' Initially, I and the others argued, told them they were wrong and what they were doing was wrong. But when you are beaten and bloodied, barely conscious, nothing really matters beyond a point. They decided to make a particular example of Sameer [name changed] who was the most vocal of us. In front of us, he was stripped naked and chillies were shoved up his rectum. He screamed and screamed and the more he screamed the more they beat him with batons and belts, kicked him, punched him. They would beat him unconscious, bring him back and then beat him unconscious again. He did not die in front of us. But it has been eight years and we never saw him again after those five days together so I think he is dead. He has to be. After what they did to him, it would be better for him too."

- Interview with "Shahid," a former militant, Azad Kashmir

"On April 7, we went on a hunger strike ...Why have we been locked up for hailing and supporting the bus [service between Srinagar and Muzaffarabad]? On April 10, at about 6 a.m., we were given breakfast. We refused. The jail authorities started beating us with sticks and metal rods. About 14 or 15 people were beating each person. All other criminal prisoners and the police present were included. The jail superintendent, Raja Aftab, was standing at the sentry post directing the prisoners to beat us. We were beaten badly. (It was pre-arranged between the other prisoners and the police.) One person had an eye torn out. One had several head injuries. Another had his hand broken. Everyone was bruised. We were beaten for about two-and-a-half hours. This happened in all three cells between 6 a.m. to 8:30 a.m. Then the jailer came and said, 'If you don't eat, we will shove the food up your ass.' We agreed to eat under duress, as those who refused to eat were beaten very severely. Mohammad Ayub Butt refused to eat, so they cracked his spine. Why did the Azad Kashmir government arrest us and beat us up? We were only supporting the stated policy of the Pakistani government. Is that not allowed? Or does Musharraf sitting in Islamabad not know what goes on in Muzaffarabad?"

- Jamil Mirza, a refugee from Jammu and Kashmir state, Muzaffarabad, August 3, 2005