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Kashmiri Separatists: Origins, Competing Ideologies, and Prospects for Resolution of the Conflict

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Summary

The recent military standoff and threatened nuclear exchange between India and Pakistan have lately focused congressional attention on the longstanding territorial dispute over the former princely state of Kashmir. Although recent trips to the region by Secretary of Defense Donald Rumsfeld and Deputy Secretary of State Richard Armitage have dampened the rhetoric of both nations' leaders, state elections set for October of 2002 on the Indian side of the Line of Control raise the specter of more violence in the disputed area and a continued threat of war. And although Pakistani President Pervez Musharraf has largely reduced infiltrations by Islamic militants into Jammu and Kashmir state in India, recent reports indicate that this may be an unsustainable long-term policy for any Pakistani leader, at least in the country's current political climate. Thus despite India's insistence that the Kashmiri insurgency is a domestic issue and adamant rejection of any international intervention, the dispute has been seen by many State Department officials as "that other conflict" whose nuclear character may make the dispute as dangerous to regional stability as that of the most recent round of Israeli-Palestinian conflict.

This report focuses exclusively on the uprising in the Indian-controlled portion of Kashmir, which has been disputed since both countries became independent in 1947. By many accounts the uprising began when anger over an allegedly rigged election in 1987 became a militant insurgency by 1989. Since the end of the 1999 fighting in Kargil, which U.S. officials say came close to becoming a full scale war, the uprising has become the central point of contention between the two countries. India believes that Pakistan is using Islamic militant attacks to fight a proxy war over Kashmir, while Pakistan accuses India of refusing to engage in meaningful negotiation. Examining both the Indian and Pakistani strategies and perspectives in Kashmir, this report outlines the various parties to the conflict, including descriptions of the main militant groups active in Kashmir, and provides an analysis of three possible settlements that policy makers have recently proposed for the region.

Many have argued that militant forces and political leaders in the Kashmir insurgency have, in recent years, begun to fall into two competing groups. The first group has a Kashmiri nationalist, or *Kashmiriyat*, vision of the former princely state, and is largely struggling for complete independence from both India and Pakistan. The second group, originating in the "jihadi" subculture in Pakistan and Afghanistan, sees the Kashmir dispute as a religious conflict to free an oppressed Islamic population from the rule of neo-colonial powers (mainly India, but also including Pakistan). Some extremist members of this group see the conflict as the first battle in a larger struggle to build a pan-Islamic state throughout South Asia and re-establish a central Sunni leader, or *Caliph*. The report outlines the battle that has emerged between the members of these groups and the effect that it has had on the uprising as a whole.

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Kashmiri Separatists: Origins, Competing Ideologies, and Prospects for Resolution of the Conflict

Introduction

In December 2001, India and Pakistan's more than 50-year old dispute over the former princely state of Jammu and Kashmir once again prompted significant congressional and international fears that the conflict would lead to the first use of nuclear weapons since World War II. Just as U.S.-led allied troops were battling with al Qaeda and Taliban leaders in the war on terrorism, two Islamic militant groups, Lashkar-e-Taiba and Jaish-e-Mohammad, reportedly staged a terrorist attack on December 13, 2002 on India's Parliament building in New Delhi, in which 14 were killed, including 5 assailants. India immediately accused Pakistan of orchestrating this and other attacks by sending Islamic militants across the vast Himalayan mountain region from training camps that reportedly dot the Pakistani-controlled portion of Kashmir. The two countries amassed nearly a million troops along their common border, but under significant U.S. pressure, Pakistani President Pervez Musharraf promised to crack down on militant groups from Pakistan who were active in the Kashmiri uprising. Although the rhetoric between the two nations began to subside in the following months, a second terror attack near Srinagar on May 14, 2002, which killed 32 people, including 10 children, prompted many to question Pakistan's insistence that it had stopped all cross-border infiltration of Islamic militants into Indian-controlled Kashmir. India once again threatened to cross into Pakistan to bomb alleged terrorist training camps – an action which many have argued would have pushed Pakistan to respond with force leading to a full-scale war.¹ Although visits to the region by Deputy Secretary of State Richard Armitage and Secretary of Defense Donald Rumsfeld, appear to have calmed the rhetoric between the two nations, ongoing fall 2002 elections raise the specter of fresh violence in Kashmir as Islamic militants threaten candidates and enforce a boycott of voting.

U.S. efforts to resolve the dispute between India and Pakistan are often complicated by the actions of militant and political leaders who have been active in an insurgency in the Indian-controlled state of Jammu and Kashmir since 1989. Many have argued that a peaceful resolution of this dispute between Kashmiri, Pakistani, and Indian leaders may be the key to calming relations between the two nuclear armed nations and permanently ending their ongoing standoff, but neither New Delhi nor Islamabad have been willing to consider compromise. Officials from the U.S. embassy in New Delhi reportedly traveled to the state recently to urge

¹ "Kashmir at Brink of Wider Battle," *The Washington Post*, pp. A1 (May 27, 2002).

moderate Kashmiri leaders, such as those from the All Parties Hurriyat Conference (the Hurriyat), to participate in September and October 2002 elections, thus supporting a key Indian goal in resolving the uprising.² Although India's opposition to international intervention in Kashmir will more than likely prevent direct U.S. involvement in any negotiations with moderate leaders, the Bush Administration took a leading role in facilitating this dialogue because of fears that another large-scale attack by Islamic militants might once again drive India to threaten Pakistan militarily. The complicated politics of the underlying uprising and the vast number of interested parties to the Kashmir dispute, however, have often frustrated the efforts of U.S. leaders in the region. The following is an outline of the movement for independence that flared up in 1987 and the internal Kashmiri political struggle that has characterized the insurgency, including descriptions of the groups involved and analysis of some of the plans that have been recently suggested for peace. (For a description of the overarching strategic struggle between India and Pakistan over Kashmir, see CRS Report RL31481, *Kashmir: Recent Developments and U.S. Concerns.*)

Figure 1. Kashmir



² "Hurriyat dilutes stand on poll participation. APHC Chief wants polls linked with Kashmir resolution," *The Kashmir Times* (August 27, 2002) <www.kashmirtimes.com>.

The U.S. Role in Kashmir and Congressional Interests

U.S. interests in Kashmir stem from three important concerns. First, after both India and Pakistan tested nuclear weapons in 1998, the threat that any conflict between the two nations may escalate to the point of a nuclear exchange has sparked increasing concern among U.S. and international officials. Second, because Pakistan has become central to the war on terrorism, many believe that the Kashmir dispute has been used by Islamic extremists to create a standoff between India and Pakistan, and thus distract Pakistan from its important role in tracking down al Qaeda forces. Third, Members of Congress have expressed concern for human rights violations allegedly committed by both Islamic militants and Indian security forces in Kashmir, as well as for the integrity of the democratic process and the right of self-determination.

Many analysts have claimed that the terrorist attack on the Indian Parliament building in New Delhi in December of 2001 was orchestrated by militants from the Kashmir conflict. Given the reported ties between Jaish-e-Muhammad and al Qaeda leaders, many believe that the attack was meant to create conflict between India and Pakistan and thus draw Pakistani troops away from guarding the border with Afghanistan just as top al Qaeda leaders were attempting to escape from the conflict with U.S.-led troops at Tora Bora. Both the Kashmir insurgency and the standoff between India and Pakistan, which has continued since both countries deployed more than a million troops along their common border in January 2002, have thus gained an unlikely importance within the war on terrorism. Similarly, there have been some suggestions that al Qaeda leaders have used parts of Kashmir to hide from Pakistani and U.S. forces, although others strongly dispute this assertion.

Kashmir is also perhaps the most important challenge to the U.S. interest to promote stability throughout South Asia as a region. Although the spring 2002 military standoff appears to have cooled, militant attacks may continue to re-ignite the conflict, especially during elections in September and October 2002 in both Kashmir and Pakistan. Many U.S. and international policy makers have raised concern that a continued standoff between the two countries may result in a nuclear exchange if Pakistan allows militants to cross into Jammu and Kashmir and India decides to retaliate. Given that more than a million South Asians lost their lives during religious “communal” violence at the time of Partition and Independence, some have argued that the concept of a nuclear exchange may not be outside of the realm of possible action for Indian and Pakistani leaders engaged in a standoff over Kashmir. While India has reportedly adopted a doctrine that it will not use a first nuclear strike against any country, Pakistan has made no such declaration. Some have argued, however, that India is more likely than Pakistan to take an action (such as invading parts of Azad Kashmir) that might begin a chain of events leading to a nuclear exchange. For all of these reasons, U.S. State and Defense Department officials increasingly have been interested in helping to foster a peaceful resolution to the Kashmir conflict.

There are, however, significant obstacles to any form of actual or perceived U.S. intervention. Recent reported efforts by U.S. embassy officials to bring moderate Kashmiri leaders from the All Parties Hurriyat Conference into elections in Jammu and Kashmir have brought few tangible results. Similarly, although Pakistan has

recently followed through with some promises to U.S. officials that it will curb cross border infiltration into India, many have argued that the government's reported plan to reorganize all Kashmiri militants within a single Kashmiri Liberation Army signals that this is decidedly a temporary policy decision (see section "Separatists in Kashmir" below).³ If this includes former members of foreign pan-Islamic groups, they argue, this may be yet another excuse to continue the same activity under a changed name. Similarly, if President Musharraf's cooperation in the war on terrorism and anti-extremist stance on Kashmir are not met with some sort of concession from India, many have argued that Pakistanis may be more reluctant to trust U.S. intervention and peaceful negotiation over Kashmir.

India, for its part, has repeatedly voiced staunch opposition to any form of U.S. intervention in the conflict (see section "The Role of India" below). Many have argued that, for this reason, there is little hope that Members of Congress could suggest something similar to the Mitchell Plan (authored for the Northern Ireland Israeli-Palestinian conflicts) and bring a lasting resolution to the Kashmir dispute. Others, however, have recently argued that the increased friendliness between the United States and India since President Clinton's visit to the region in 1998 may begin to erode this inflexibility. They believe that if the United States can build stronger ties with formerly government-run sectors of the Indian economy (the country's energy, telecommunication, and transportation infrastructures), ruling Bharatiya Janata Party (BJP) leaders may become less inward-looking in finding solutions to the problems of the region. Some observers see recent stronger military-to-military ties between India and the United States, including a resumption of arms sales and joint military exercises, as possibly making India more receptive to the United States taking a role in the negotiation. Similarly, U.S. sympathy for countries facing the challenge of terrorism may increase the likelihood that India will be amicable to U.S. efforts in the region. The longstanding belief in the aftermath of the Cold War, that any U.S. intervention in Kashmir would be skewed in Pakistan's favor, they argue, may begin to gradually subside in India, especially if the U.S. hunt for al Qaeda terrorists in Pakistan and Afghanistan helps to end the activity of extremist militants in Kashmir.

³ Mubashir Zaidi, "New Horizons: The government has decided in principle to merge all militant outfits fighting in Kashmir into one grand 'liberation army,'" *The Herald*, Lahore, Pakistan (July 2002).

Kashmiri Demography

Although some view the Kashmir dispute as a religious uprising, many have argued that the beautifully mountainous Jammu and Kashmir state, which once served as the favorite hot weather retreat of the British Raj and Indian elite, is far more religiously diverse than Pakistani leaders aver. According to recent local estimates, approximately 65% of the population of Indian-controlled Kashmir is Muslim, 33% is Hindu, and 3% is Buddhist.⁴ Similarly, while 54.1% of the population lives in the majority-Islamic Kashmir valley, 43.6% live in the majority-Hindu region of Jammu, and only 2.3% live in the vast Buddhist-majority area called Ladakh. Others, however, have pointed out that when one ignores the Line of Control, which they argue has temporarily divided the region, the Islamic population of the entire former princely state is roughly a 75% majority.⁵

Indian-controlled Jammu and Kashmir State

Population: 10.1 million

Area: 56,665 square miles

Religions: Muslim 65%, Hindu 33%, Buddhist 3%

Kashmir Valley

Percent of J&K Population: 54.1%

Religions: Muslim 98%, All other religions 2%

Jammu

Percent of J&K Population: 43.6%

Religions: Hindu 56%, Other religions 44%

Ladakh

Percent of J&K Population: 2.3%

Religions: Buddhist 50%, Muslim 49%, Other 1%

Source: *Washington Post* (July 28, 2002), reported figures from 2002 Indian and Kashmiri government estimates.

History of the Kashmir Dispute

India and Pakistan have fought three wars since their independence from Britain, including two over Kashmir, and have come to the brink of war over Jammu and Kashmir state several times since both countries tested nuclear weapons in 1998. The longstanding dispute over the Kashmir region began at the time of independence from Britain in 1947, when the entire subcontinent was partitioned between the newly emerging Indian and Pakistani states. During the negotiations leading to the partition the indigenous rulers of the colony's more than 500 principalities were technically allowed the choice to accede to either country, though for practical reasons most choices were dictated by a combination of geography and the religion of the majority of the inhabitants. The Hindu Maharaja of majority-Muslim Kashmir, however, put off this decision and refused to allow the accession until parts of his principality were overrun by Pashtun tribal groups from Pakistan several months after

⁴ Rama Lakshmi, "Kashmir's Hindus Show No Zeal for Insurrection," *The Washington Post* (July 28, 2002).

⁵ Kashmir Study Group, "Jammu and Kashmir: Distribution of Religions," [http://www.kashmirstudygroup.net/mapsexplan/religions.html].

independence and partition. The legality of his accession agreement with India has been the subject of significant controversy ever since.

Determined to build India as a secular nation in which a state with an Islamic majority could thrive, Indian Prime Minister Jawaharlal Nehru reportedly promised Kashmir's first chief minister, Sheikh Mohammad Abdullah, that the accession of the princely state to India would not be complete until the people of Kashmir were allowed to vote in a plebiscite to affirm the decision. Many have argued that Sheikh Abdullah's influence and Nehru's message that Kashmir's Islamic population would be better off under a secular India than a struggling Pakistan could have turned this vote in India's favor. Following the 1948-49 war, India conditioned a plebiscite – now mandated by a UN resolution – as contingent on Pakistan's withdrawal from the territory it had occupied. In 1953, in response to Sheikh Abdullah's continuing demands for promised autonomy and plebiscite, the Indian government removed him, placed him under house arrest, and imposed rule from New Delhi. Because of Nehru's failure to follow through with a plebiscite and the Congress Party's continued interference in the autonomous state, all hopes that the dispute could come to a peaceful resolution brokered by the United Nations were largely frustrated. Many have argued that the early failures of India and later renunciation of independence by the Abdullah family set the stage for a grass roots movement among the Kashmiri people which turned into a violent uprising in December of 1989. More than a decade later, the uprising now threatens to destabilize the entire South Asian subcontinent.

Origin of the Uprising and Pakistani Influence

In 1972, after the 1971 war that caused the separation of Pakistan's eastern wing and the creation of Bangladesh, Pakistan was forced to agree in Simla (India) to resolve the Kashmir dispute wholly through bilateral means (i.e., rejecting the validity of the 1949 UN resolution calling for a plebiscite). In the view of many of the leaders of the Kashmiri insurgency, the post-Simla elimination of international pressure allowed a dramatic deterioration of the rights of the Islamic population of Indian-held Kashmir. The decade after 1972 in India was characterized by Prime Minister Indira Gandhi's efforts to strengthen the political power of the central government over the country's state Parliaments. Further, armed regional movements for autonomy and secession were treated by her administration with harsh retribution and few concessions.

In Kashmir, Indira Gandhi brought Sheikh Abdullah back into power nearly 20 years after Jawaharlal Nehru had removed him from office in a dispute over the abandoned promise of a plebiscite. At first, Abdullah signaled his willingness to make significant concessions to the central government, and Indira Gandhi saw an opportunity to lessen the importance of those still agitating for a plebiscite by bringing Abdullah back into office. Abdullah's signing of the 1974 "Kashmir Accord," which described Jammu and Kashmir state as a "constituent unit" of India, was meant to bring a final blow to the argument that Kashmir was still a disputed territory.

Although Sheikh Abdullah later revealed himself to be no puppet of Indira Gandhi's government, his efforts to solidify his power base within the state as well as his willingness to compromise with India to secure his position generated for his party some significant opponents in Kashmir. Thus, leaders like Mirwaiz Mohammad Farooq (the father of Hurriyat leader, Mirwaiz Umar Farooq), who would accept nothing less for Kashmir than a plebiscite, began to build a significant opposition to Abdullah's National Conference party. Similarly, many Islamic leaders in Kashmir, including several moderate Sufi politicians, disagreed with Sheikh Abdullah's staunch secular stance and became active in the growing opposition. After Sheikh Abdullah's death in 1982, an argument between his two sons over who would succeed their father as the chairman of the National Conference party led to a power vacuum within the state and a dramatically increased role for the Indian central government. After successive maneuvering by both brothers brought the state under three different regimes in four years, the government called fresh elections for 1987. By many accounts, this was a time of tremendous hope for those who opposed the National Conference party. Many of Sheikh Abdullah's former foes joined their parties as a Muslim United Front (MUF) to contest the 1987 Kashmiri elections. Hurriyat leaders, however, claim that although this alliance had widespread support in the Kashmir valley, the 1987 elections were widely rigged in favor of a puppet government of the Indian center. Reportedly, thousands turned out in anger when it was fraudulently announced that, in a coalition with the Congress Party, Farooq Abdullah's National Conference party had won the state election by an overwhelming majority.

The years of political battle with India over autonomy and plebiscite, combined with the belief that Rajiv Gandhi's government had left the Kashmiri Muslim population in 1987 electorally disenfranchised, some have argued, led to the beginning of the armed uprising and the decision of many Kashmiris to turn to Pakistan for help⁶. In India, the belief that anger over the election sparked the uprising has been largely challenged by the notion that Pakistan in fact infiltrated the region to create a militant insurgency. Pakistan, for its part, denies that it has had anything to do with funding, training, or otherwise encouraging the militant activity which began in the Kashmir valley in the later months of 1989. Thus the question of who is responsible – native Kashmiris or the Pakistani military – for both the original impetus for the uprising as well as the continued funding of militant groups has become a central issue of contention between Indian and Pakistani leaders.

From 1987 onward, Kashmiri opposition leaders organized widespread demonstrations and general strikes, which often led to riots, among the Kashmiri Islamic population. Many have argued that militants from the Kashmir valley during this time began to go to Pakistan to request training and funding to begin an armed conflict in Jammu and Kashmir. These groups reportedly began to plan activities which would coincide with other already organized Kashmiri militant groups such as the Jammu and Kashmir Liberation Front (JKLF). In December 1989, reported militants kidnaped Dr. Rubaiya Sayeed, the daughter of the Kashmiri Home Affairs Minister, Mufti Mohammad Sayeed. The government responded to the militants'

⁶ Turkkaya Ataov, *Kashmir and Neighbors: Tale, Terror, Truce*, pp. 127-129 (Ashgate: London, 2001).

demands, and Dr. Sayeed was released in exchange for the release of several imprisoned militant leaders.⁷ This minor victory among militants, however, led to a barrage of further kidnappings, assassinations, and violent attacks against the National Conference-led government and minority religious groups in Kashmir. By 1990, the Indian government declared Governor's rule over the region (the equivalent of declaring an emergency), dissolved the Kashmiri Parliament, and began to rule the state directly. During this time, the Indian government began to build a massive security apparatus throughout Jammu and Kashmir state in order to battle the militants. (For a discussion of human rights violations see section below, The Role of India.)

Although the exact role of Pakistan in the onset of the insurgency is highly contested, many analysts contend that the Pakistani Inter-Services Intelligence (ISI) took on a significant role in directing the militancy after 1990. They argue that the 1988 death of Pakistani President, General Zia-al Haq (1977-1988) and the end of the Soviet occupation of Afghanistan in 1989 left a significant number of mujahideen soldiers idle in Pakistan. The Pakistani military is also said to have had deep reservations about supporting groups like the JKLF because of their staunchly secular background. In 1990, Pakistan is said to have begun to support Kashmiri leader Syed Salaudin and the Hizb-ul Mujahideen as an alternative to the JKLF.

By 1993, however, Pakistan is said to have turned away from the Hizb-ul Mujahideen because of fears that its leader Syed Salaudin would not support the accession of Kashmir to Pakistan. It has been argued that the ISI began to back Pakistani-based militant groups, often from the far-right leaning Islamic extremist parties within Pakistan, in order to ensure that their allegiances were for Kashmiri accession to Pakistan. Many of these groups also reportedly had ties to the Taliban and funding from al Qaeda leaders in Afghanistan.⁸

The next decade was characterized by widespread violence throughout Jammu and Kashmir state. Militants began to target Kashmir's upper caste Brahmin Hindus, called "Pandits," and other minority religious groups in Jammu and the Kashmir valley in what many have called a campaign of ethnic cleansing. Pandit groups claim that more than 400,000 Hindus have been forced from their homes since 1989.⁹ From the very onset, however, the Islamic leaders who remained allied with the National Conference party were also targets of militant assassinations.

This violence against moderate Islamic leaders began to spread during elections in 1996, when militant groups enforced a boycott of polls through assassination of any moderate leader willing to run for office. Infighting caused by changing allegiances and groups jockeying for power also led to significant numbers of casualties among the Islamic population in Kashmir. Efforts by moderate leaders to

⁷ Robert Wirsing, *India, Pakistan and the Kashmir Dispute*, pp. 113-114 (St. Martin's Press, New York: 1994).

⁸ Rahul Bedi, "Kashmir Insurgency is Being Talibanized," *Jane's.com* (Oct. 5, 2001).

⁹ Virtual Homeland of Kashmiri Pandits, [<http://www.kashmiri-pandit.org/sundry/genocide.html>].

organize cease-fires have been answered invariably with assassinations and violence. As tension began to mount between India and Pakistan over nuclear testing and the Kargil conflict in 1999, the violence in Kashmir escalated. By the end of the 1990's a significant rift had occurred between groups who were interested in independence for Kashmir or who were willing to negotiate with India and those who wanted the state to accede to Pakistan at any cost.

The aftermath of the September 11 terrorist attacks in New York and Washington dramatically affected the trajectory of the insurgency. The fall of the Taliban and President Musharraf's cooperation with the United States in the war on terrorism began to conflict with the ISI's support of the militant activity in Kashmir. In December 2001, alleged Kashmiri terrorists clashed with security guards outside the Parliament building in New Delhi, in an attack largely aimed at assassinating key Indian government officials, including Prime Minister Atal Bihari Vajpayee.¹⁰ Under tremendous U.S. pressure and the threat of nuclear war with India, President Musharraf promised to end militant activity originating in Pakistan. After a fresh attack in Kashmir sparked a second tense military standoff in April of 2002, Musharraf reportedly made efforts to block all Islamic militants from crossing the border from Pakistani-controlled Azad Kashmir to Indian-controlled Jammu and Kashmir state.

With elections planned in Pakistan for October 2002, some believe that Pakistan's promise to stop militant activity has left President Musharraf politically vulnerable. His reported efforts to announce a cease fire of all militant activity in April of 2002 are said to have been renounced by Hizb-ul Mujahideen leader Syed Salaudin. Instead, the Pakistani press has reported that all groups with Pakistani leadership, such as Lashkar-e-Taiba and Jaish-e-Muhammad have been disbanded, their leaders placed in custody, and their members left under the orders of the Kashmiri Muslim-led Hizb-ul Mujahideen.¹¹

Many have argued, however, that the core of these groups have simply gone underground and, among other activities, are carrying out terrorist attacks against U.S. targets in Pakistan. Others, however, maintain that they are beginning to resume their activity in Kashmir. Nonetheless, the Pakistani press has further reported that Musharraf plans to create a Kashmiri Liberation Army jointly with the Hizb-ul Mujahideen in order to shift control of the insurgency back to Kashmiri leaders and away from pan-Islamic extremists who are sympathetic to the Taliban and al Qaeda.¹²

¹⁰ "Gunmen with Explosives Attack Indian Parliament," *The Washington Post* (December 14, 2002).

¹¹ Mubashir Zaidi, "New Horizons: The government has decided in principle to merge all militant outfits fighting in Kashmir into one grand 'liberation army,'" *The Herald* (July 2002).

¹² Ibid.

Separatists in Kashmir

Like many nationalist movements throughout the world, from Sri Lanka's Tamil insurgency to the Palestinian uprising and Iraq's Kurdish opposition, the Kashmiri independence movement has been characterized, from its very inception, by crippling internal conflicts of ideology and personal rivalries. Unlike similar movements, however, in Kashmir no single politician has gained the dominance achieved by Tamil Tiger militant Vellupillai Prabhakaran or Palestinian leader Yasser Arafat. Some suggest that the larger regional battle over Kashmir has created a unique situation in which two competing ideologies have been allowed to thrive among Islamic insurgents living on different sides of the Line of Control. Increasingly, many observers have argued that the dispute has become not only a "proxy" war between India and Pakistan visited on the Kashmiri people, but also an internal conflict between moderate Kashmiri separatists and "foreign" extremist militants who have infiltrated from Pakistan's "jihadi" subculture. Recent attacks by militant extremists have not only led to the deaths of Indian security forces and Hindu civilians, but also moderate Muslim separatists who, ironically, were leaders of the original uprising. Although some see the Kashmir conflict as a religious dispute between Hindu India and Islamic Pakistan, the insurgency itself has become part of a larger debate over the emerging political character of Islam throughout the entire South Asian subcontinent.

Religious and Political Influences

Aside from the concerns of Pakistani political and military leaders,¹³ the groups struggling for a plebiscite in Kashmir have been characterized by two main ideological strains of thought. The first group, although decidedly Islamic, has a nationalist vision of Kashmir and views the struggle as a means to "liberate" the entire state from India, and in some cases also Pakistan. The second group takes a more extremist view of Islam and sees Kashmir

as the land of a struggling Muslim majority, trapped within a neo-colonial secular state that prevents them from living under (Taliban style) Islamic law. Although a

Kashmiri Separatist Organizations

Main Armed Militants Groups

Hizb-ul Mujahideen: pro-Pakistan/Islamic vision of Kashmir
Lashkar-e-Taiba: Alhe Hadith/wants Pan-Islamic state
Jaish-e-Muhammad: Deobandi/wants Pan-Islamic state
Harkat-ul-Mujahideen: Deobandi/ wants Pan-Islamic state
J&K Liberation Front (not the Yasim Malik faction):
Kashmiriyat

Political Umbrella Groups

All Parties Hurriyat Conference: some *Kashmiriyat*;
some pro-Pakistan
Muttahida Jihad Council: supports pro-Pakistan militants

Main Kashmiri Parties

J&K People's Conference: *Kashmiriyat*
J&K Liberation Front (Yasim Malik): *Kashmiriyat*
Jamaat-e-Islami (Kashmir): some pro-Pakistan; some less
hard-line
Jamaat-e-Islami (Pakistan): pro-Pakistan

¹³ For a description of the views of the Pakistani government and those of many Pakistani citizens, see the section below entitled "Perspectives of the Insurgency and Possibilities for Common Ground."

significant grey area exists between the two camps in which certain leaders often display allegiance to both sides, many would argue that the movement has become marred by an underlying ideological polarization. The characterization of the uprising as being driven purely by a popular desire to allow all Kashmiris (from both the Pakistani and Indian sides of the Line of Control) to decide their own fate has become increasingly untenable.

The Struggle for *Kashmiriyat*. Many have argued that the 1987 uprising in Kashmir began with a “*Kashmiriyat*” or nationalist vision of the state as a region with a strong ethnic identity that unites Kashmiris across international and religious lines (this argument is put forth largely by moderate Muslims). Kashmiri nationalists today see the United Nations-established Line of Control as a boundary akin to the Berlin Wall, in that it has led to a division of Kashmiri families from one another for more than fifty years.¹⁴ Those who make this argument insist that they should not be called “separatists” because they do not accept that Jammu and Kashmir state has ever become a permanent part of India through accession from Maharaja Hari Singh. Kashmiri nationalists further argue that the Islamic majority of the state lived in subjugation throughout the colonial period under the rule of Hindu maharajas. They argue that the limited autonomy granted to the state in the Indian constitution has never safeguarded the state from a continued “occupation” and dominance from the majority-Hindu Indian government. They argue, therefore, that their struggle is to bring the diverse Islamic population of Kashmir some assurance that their “national” rights will not continue to be violated and, further, that they have no intention to establish an Islamic theocracy in Kashmir. Many from the religious minority communities in Jammu and Kashmir (mainly Hindu Pandits and Buddhists), however, view the Kashmiri nationalists’ secular claims with suspicion and have expressed deep-seated fears that the fulfillment of the *Kashmiriyat* vision would result in widespread discrimination, or even ethnic cleansing, against non-Muslims.

Kashmiri nationalists also argue that during Indian Prime Minister Nehru’s time, prior to 1953, there was a widespread belief among Kashmiri citizens, led by Sheikh Abdullah, that a United Nations-sponsored plebiscite would result in a vote for Kashmir to remain in India. Once Nehru denied Kashmiris this vote and subsequent Indian Prime Ministers began to intervene heavily in Kashmiri politics, the argument follows that Kashmiri Muslims began to believe that they would never have complete popular control over their own state government and that the divided sections of Kashmir would never be reunited. The election in 1987, which they say was rigged, is said to have been the last straw, and due to the Abdullah family’s abandonment of the call for a plebiscite, the argument goes, Kashmiris turned to violence and rejected the notion that they should accept the Line of Control as a national border.

¹⁴ Interview with Dr. Ghulam Nabi Fai, Executive Director, Kashmiri-American Council (June 14, 2002). Many international observers have recommended that any permanent border separating Kashmir should be “soft” or porous so as to prevent this separation. Others argue that if militants continue to be trained in Pakistan, such a porous border would be extremely dangerous to India.

The Islamic Militant Struggle for a *Caliphate*. The uprising in Kashmir increasingly has become dominated by a second group of mainly militant leaders acting under a pan-Islamic ideology. Many assert that these groups represent a far-right political version of the Sunni Islamic faith that has been nurtured widely in South Asia only since the Zia ul-Haq regime (1977-1988) in Pakistan. Although there is little agreement from one faction to another, many of these groups reject the central tenets of Western-style democracy and seek to set up a Taliban-style theocracy which would stretch throughout South Asia. Many have argued that these militants see the “*jihad*” (struggle) for Kashmir as a first step to liberating the entire South Asian Islamic population from the secular dominance of India. Barring that, however, they would prefer that the entirety of Kashmir become part of Pakistan and are violently opposed to the concept of Kashmir separating from both countries entirely.

Many of the *jihadi* militants active in Kashmir (especially those with the closest reported links to al Qaeda) trace their religious origins to a conservative Islamic revivalist movement that began during the colonial period in India. After quashing the Indian Sepoy uprising against colonial rule in 1857, the British began to heavily discriminate against the Islamic elite who had once held positions of power within the bureaucracy of the Mughal empire. Islamic leaders responded to the sudden change in their position through two important South Asian movements. The first, led by Sir Syed Ahmad Khan at the Aligarh Muslim University, sought to return the Islamic elite to positions in the government through the attainment of an advanced English-medium, Western-style education, while simultaneously cultivating Urdu literature and a modernist notion of Islamic culture. The second movement, however, which began in the Dar-ul Uloom (House of Knowledge) school in Deoband, India in 1866, violently rejected the secular influences embraced by British modernists and sought to create a conservative Sunni revival throughout South Asia. The “Deobandi” movement sought to “purify” the practice of Islam in British India, ridding it of the mystical beliefs of the Sufi Islamic tradition, which the revivalists believed to be the product of corrupting colonial and Hindu influences. The movement focused on adherence to *Taqlid*, (tradition or “acceptance of the old interpretations”), while rejecting the notion of *Ijtihad*, or “reinterpretation of religion according to (the) times.”¹⁵

Many have argued that Pakistan’s founder, Muhammad Ali Jinnah, drew ideological inspiration from the moderate Islamic work of Sir Syed Ahmad Khan, and it was not until the country became a front-line state in the war against the Soviet invasion of Afghanistan that the conservatism of the Deobandi movement began to find a widespread following in Pakistan. During the regime of General Zia ul-Haq, thousands of religious schools (or *madrassas*) became the central source of primary

¹⁵ Pakistan Link, “The Flowering of the Deobandi Movement,” [<http://www.pakistanlink.com/sah/04202001.html>]. It should be noted that the Dar-ul Uloom school still graduates many students every year in Deoband, India (approximately 90 miles north-east of Delhi), although many have argued that the practice of Deobandi Islam in India has never been as extremist as it has become in Pakistan and Afghanistan.

education for all but an elite minority in Pakistan.¹⁶ Many of these schools claimed to have adopted the teaching of the Deobandi Dar-ul Uloom school, as well as Saudi Arabian Wahhabi and Ahle Haddith traditions. The *madrassas* became the underlying source for “mujahideen” soldiers fighting in Afghanistan; and when the Soviets and Americans left the region, many have argued that the Pakistani ISI began to rely on madrassa-educated militants to take part in the Kashmiri uprising.

Many have argued that the practice of Deobandi Islam that is being imported into Kashmir has an extremist character that was never even practiced in the Dar-ul Uloom school in India, and has been modified significantly by more puritanical Pakistani, Saudi Arabian, and Afghani Pashtun (Taliban) influences. Similarly, when the Afghan leader Mullah Mohammad Omar declared himself to be the true Islamic Caliph and began the Taliban movement, his followers are said to have enforced an Islamic “conservatism” (ironically unseen throughout the entire history of the Islamic world), while simultaneously claiming an adherence to the Deobandi school. Some argue, however, that much has been gained by militants from the original teachings of Deoband. In this vein, some maintain that Osama bin Ladin and members of al Qaeda prefer the militant activism of the original Deoband school to the non-confrontational rejection of the West they see in present day Saudi Wahhabism.

Thus, the second strain of ideological thinking behind the groups in Kashmir contains a strong anti-colonial origin. These groups often see both India and Pakistan as semi-autonomous secular states created by the colonial Western world to prevent Muslims from practicing true Islam. They also believe that Pakistan is controlled by secular elite backed by the United States in much the same way that the Indian princely states were once dominated by Britain during the colonial period. If Muslims are to be free of this neo-colonial order, they claim, it is necessary to set up a pan-Islamic state which adheres to the teachings of a supreme Sunni Islamic leader, or Caliph (in this case Omar or bin Ladin would claim this position). They see Kashmir as the most egregious example of this oppression, but their vision of a Pan-Islamic revival reportedly covers all of South and Southeast Asia. Ironically, then, many have argued that despite Pakistan’s alleged use of these groups in Kashmir, they may be as ideologically opposed to Pakistan’s state structure as they are antagonistic to India.

Moderate Political Groups

The clash of these extremist and moderate camps has led many of the Kashmiri uprising’s original leaders to renounce the use of violence and agitate for a plebiscite through purely political means. These moderate leaders have come under substantial pressure from extremist groups based in Pakistan and Azad Kashmir to continue to agitate unflinchingly for the accession of the state to Pakistan. Often these leaders support the *Kashmiriyat* vision of the region, but believe that continued pressure from Pakistan is needed to focus international attention on the uprising and force India to negotiate a settlement. Recently, however, many of these leaders have begun to renounce publically the participation of “foreign” Pakistani based groups, and

¹⁶ “Pakistani Loyalty To Radical Islam Tests Crackdown,” *The Washington Post* (January 20, 2002).

although under the threat of deadly militant reprisals, have shown a cautious willingness to compromise with India. Many have pointed to the alleged militant assassination on May 21, 2002 of separatist political leader, Abdul Gani Lone, as an example of the threat faced by such Kashmiri moderates.¹⁷

Although consistently rejecting most of the moderates' demands, the Indian government has shown a significant interest in convincing these leaders to participate in elections in Jammu and Kashmir. In many cases, India also provides these moderate separatists with personal security guards in order to safeguard them from militant attacks. The ruling Kashmiri National Conference party, however, has often shown resistance to India's efforts to negotiate with these leaders and has recently arrested some of them under Indian anti-terrorism laws. Some in India, especially supporters of the BJP government, have seen these arrests as justifiable because they suspect that the moderate leaders continue to support militant activities in secret. Others, however, have accused the National Conference of holding these moderates in custody because they may pose a potential electoral threat. Ultimately, however, many U.S. analysts see these moderate leaders as the key to negotiating a viable settlement between India and Pakistan over Kashmir.

All Parties Hurriyat Conference. The All Parties Hurriyat (Freedom) Conference (or the "Hurriyat") was formed in 1993 by moderate (and some hard line) separatist leaders as an umbrella organization of political, religious, cultural and labor parties agitating peacefully for a referendum in Kashmir (see Table 4 for a list of parties that are members of the Hurriyat). Hurriyat leaders make the argument that their struggle for independence is not a "separatist" movement because they do not accept that India has ever attained legal control over the part of Kashmir that it occupies,¹⁸ but some acknowledge their willingness to negotiate only for increased autonomy if necessary. Through general strikes and international lobbying, the Hurriyat has sought to bring attention to charges that the Indian security forces have committed numerous human rights violations during their attempts to end militant activity in Kashmir.¹⁹

Currently chaired by moderate leader Abdul Gani Bhat, the Hurriyat is often prone to internal conflicts as leaders of parties who are willing to negotiate with India compete for power with those who take a more hard-line stance or support involvement in the uprising from Pakistan. Syed Ali Shah Geelani is often said to be the most important member of this hard-line faction. Despite the inconsistencies, many have argued that the Hurriyat is dominated by leaders who support the *Kashmiriyat* vision of the region and see the uprising as a struggle for popular sovereignty for the Islamic majority in Kashmir, rather than a holy war to create a multi-regional theocracy. Others have argued that many of the Hurriyat parties are heavily linked behind the scenes to militant activity and that the Hurriyat was simply formed to lend legitimacy to the ISI's activity in Kashmir. Some, however, explain

¹⁷ "Hurriyat Leader Lone Assassinated in Srinagar," *The Hindu* (May 22, 2002).

¹⁸ Interview with Dr. Ghulam Nabi Fai, Executive Director, Kashmiri-American Council (June 14, 2002).

¹⁹ See "The Role of India" below.

that many of the Hurriyat leaders do not wish to end their support for the activity of militants in Kashmir because they believe that without Pakistani support there will be no impetus for India to negotiate. They argue that the fickle actions of the Hurriyat reveal an underlying fear that they will lose this Pakistani backing if they support anything less than full accession to Pakistan.

In April of 2002, two moderate Hurriyat leaders from Indian-held Kashmir traveled to Sharjah, in the United Arab Emirates, (approximately 10 miles north of Dubai) to meet with leaders of the insurgency from Pakistani-held Kashmir. Hurriyat leaders Abdul Gani Lone and Mirwaiz Umar Farooq met with the leader of the Pakistani-based Kashmir Committee, Sardar Abdul Qayyum Khan, who is also a former Prime Minister of Azad (“Free”) Kashmir, the Pakistani-controlled part of Kashmir.²⁰ Although representing Pakistani leaders, Sardar Khan reportedly has taken a far less militant stance towards the Kashmir problem than many of his colleagues.²¹

During the meeting, Lone reportedly requested that Pakistani-based militants stop their activity in Indian-held Kashmir and allow the Hurriyat to negotiate with India independently. Lone reportedly expressed concern that Pakistani-based militant activity would cause the entire uprising to be deemed “terrorism” by the United States in the wake of the September 11 terrorist attacks. Others have also speculated that Lone may have been interested in participating in upcoming elections in Jammu and Kashmir and was asking that he be allowed to survive a boycott by militants. Reportedly, the director of Pakistan’s ISI, Lt. Gen. Ehsan Ul-Haq, denounced Lone during the meeting, and warned him to stop supporting participation in the elections.²² Lone, however, shrugged off Pakistani objections and continued his activity after returning to Kashmir from the meeting and a trip to the United States. Some have concluded that the Dubai meeting was favorable to the Indian national government’s efforts to split the Hurriyat in order to bring more moderate members into Jammu and Kashmir state elections.²³

Many observers believe that Abdul Gani Lone’s actions earned him an almost immediate death sentence. On May 21, 2002, Lone was assassinated by alleged militants while he was giving a speech in Indian-controlled Kashmir. While some in India have blamed Lone’s killing on the ISI, others in Pakistan have pointed to corrupt National Conference leaders or members of the far-right Hindu nationalist party, Shiv Sena, who had verbally and physically attacked Lone in the recent past. Nonetheless, many have noted that the incident highlights the threat to moderate Islamic leaders in Kashmir who are seeking democratic solutions to the crisis.²⁴

²⁰ “Kashmiri Leaders Hold Talks in Dubai,” *BBC Monitoring – South Asia* (April 18, 2002).

²¹ “Interview with Sardar Muhammed Abdul Qayyum Khan,” *rediff.com* (June 24, 2002).

²² Selig Harrison, “As Kashmir Boils, Keep Heat on Pakistan,” *Los Angeles Times* (August 7, 2002).

²³ “Hurriyat ‘split’ may change J&K political scenario,” *The Hindu* (May 7, 2002).

²⁴ Selig Harrison, “As Kashmir Boils, Keep Heat on Pakistan,” *Los Angeles Times* (August 7, 2002). Harrison suggests that Mirwaiz Omar Farooq, who others have recognized to be (continued...)

Abdul Gani Lone's son, Sajjad Lone, has reportedly replaced his father as the leader of the People's Conference party and a member of the Hurriyat.

Hurriyat Response to Elections in Jammu and Kashmir. Indian and international efforts to bring the Hurriyat into elections in Jammu and Kashmir have historically resulted in an impasse. In the past, the Hurriyat has publically boycotted Kashmiri elections, claiming that they are an illegal and meaningless exercise because of its position that Kashmir is not part of India. Combined with the activity of militants, this boycott of elections led to widespread violence throughout Jammu and Kashmir, and the minuscule voter turnout (many have argued out of fear of militant reprisals) has challenged the legitimacy of the National Conference party's rule.

In anticipation of elections in September and October of 2002, however, and acting under international pressure, some Hurriyat leaders suggested that they would not press for an outright boycott, while still refusing to run for seats in the state Parliament. Hurriyat leaders further suggested that they would participate in elections if U.N. international peacekeeping forces²⁵ or election observers were sent to Kashmir to guard against election rigging and human rights abuses by Indian security forces. India, however, remained unflinching in its rejection of any effort to make the question of Kashmir into more than a domestic conflict, and thus rejected these Hurriyat demands outright.

Many members of the Hurriyat also requested passports to travel to Pakistan to hold negotiations with Azad Kashmiris and Pakistani leaders to end militant incursions. India had, in the past, denied individual passport requests because of accusations that some Hurriyat members have sympathies with terrorists. The Hurriyat refused to follow through with such negotiations if some members are excluded from the trip to Pakistan.

In anticipation of elections, India also formed a Kashmir Committee of prominent leaders to negotiate with the Hurriyat over their participation in elections. The Hurriyat reportedly responded favorably to the negotiations, while repeating its position that no Hurriyat leader would participate in elections without international monitors.

Jammu and Kashmir Liberation Front (JKLF). Many analysts have asserted that the JKLF is no longer a militant group and has engaged only in political mobilization in Kashmir since half of the group declared a cease fire in 1994 and

²⁴ (...continued)

perhaps the most important remaining moderate separatist leader in Kashmir, may also be in danger.

²⁵ There is currently a tiny cadre of U.N. observers, called the United Nations Military Observer Group for India and Pakistan, active in Kashmir, which was set up in 1949 to monitor the cease fire declared between the two countries after their first war. This group deliberately takes a very low profile, and Pakistan has accused the U.N. of bowing to Indian pressure by not allowing the U.N. a greater presence in the region. See Susan Price, "The world's eyes and ears on Kashmir," *BBC News* (June 27, 2002).

most of the other half were killed by Indian security forces in 1996. Led by prominent political leader, Yasim Malik, the remaining political group has become a prominent voice in the moderate Kashmiri umbrella group, the All Parties Hurriyat Conference. Others, however, would argue that despite Yasim Malik's renunciation of violence, he has continued his ties to militant groups. On March 25, 2002, Malik was arrested by Indian Security Forces under the Prevention of Terrorism Ordinance (POTO – also often referred to as an act or POTA) on charges that two other people who had been arrested, carrying the equivalent of \$100,000 in cash, had meant the money for him.²⁶ The accusation is that the money was coming from Pakistan and was intended for militant activity. Malik maintains that the connection has been fabricated. He has also charged the Indian security police with human rights abuses because he was allegedly denied medical care for kidney stones and heart failure while in custody. On July 20, 2002, a judge released Malik on bail to receive medical treatment while his trial under POTO is pending. Within minutes, however, Indian security police reportedly rearrested him, stating that his previous action had also violated a different anti-terrorism ordinance, the Public Safety Act.²⁷ Using this ordinance, the Indian police can hold Malik for up to two years without trial. Some have suggested that the arrest of Malik is related to a political rivalry between the Kashmiri ruling National Conference party and Hurriyat leaders.

Historically, the JKLF has played an integral part in Kashmiri militant activity. The group was founded in Britain in 1977 – agitating for a plebiscite nearly ten years before the uprising is recognized to have formally begun in Kashmir. Throughout the 1970s and early 1980s, the JKLF and their associated predecessors carried out many militant attacks including the hijacking of an Indian airlines passenger plane and the kidnaping and killing of Ravindra Mahtre, a senior Indian diplomat in Britain.²⁸ Unlike many of the militant groups struggling for a pan-Islamic state in Kashmir, the JKLF has represented a Kashmiri nationalist (Kashmiriyat) vision, and views the Islamic population of the state as a democratically disenfranchised ethnic minority who are struggling to create a nation separate from both India and Pakistan. Many suggest that after 1987, the ISI encouraged the formation of the Hizb-ul Mujahideen in order to counter the popularity of the JKLF and its more secular Kashmiriyat goals. Some have claimed that the JKLF's early fall from prominence among Kashmiri militants bolsters the Indian argument that the 1987 Kashmiri uprising was started by Pakistan. After serving a prison sentence in India from 1990 to 1994 for his part in the militancy, Yasim Malik broke from the militant sections of the group, renounced violence, and re-constituted the JKLF as a political organization.

²⁶ “JKLF chairman Yasin Malik arrested, booked under POTO,” *rediff.com* (March 25, 2002).

²⁷ “Yasin Malik re-arrested under PSA after release on bail by POTA court,” *The Kashmir Times* (July 20, 2002).

²⁸ “Jammu and Kashmir Liberation Front,” South Asia Terrorism Portal, Institute for Conflict Management, India (2001), [http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/jammu_&_kashmir_liberation_front.htm].

Armed Militant Groups

By all accounts there have been dozens of militant groups operating in Kashmir at any given time throughout the insurgency's 14-year history. Often groups have changed their names or claimed responsibility for a particularly violent action under an assumed name in order to prevent international scrutiny or a loss of funding channels from abroad. New groups have also emerged as militant leaders have split or merged their efforts or new, more ideologically extremist religious leaders have come into prominence. The following are descriptions of the largest and most active groups operating in Kashmir as of August 2002. Although reports have recently stated that many of these groups have been banned and dissolved by Pakistan, others have argued that they remain active under new names, and are planning to resume militant attacks during the 2002 Kashmiri elections. (A more complete list of militants active throughout the past decade is offered in Table 1 at the end of this report.)

Hizb-ul Mujahideen (Freedom Fighters). The largest group operating in Kashmir, Hizb-ul Mujahideen, was founded as the militant wing of the Kashmiri political separatist group Jamaat-e-Islami (Kashmir).²⁹ Some have argued that the militant group's current leader, Syed Salaudin (formerly Mohamed Yusef Shah), began the militant struggle after losing the allegedly rigged election in Indian-controlled Kashmir in 1987.³⁰ Others assert, however, that Hizb-ul Mujahideen was founded at the behest of Pakistan's Inter-Services Intelligence (ISI) as a religious alternative to the secular and Kashmiri nationalist, Jammu and Kashmir Liberation Front (JKLF).

After 1993, the ISI is said to have turned away from Hizb-ul Mujahideen, in favor of groups led by non-Kashmiris who supported the accession of Kashmir to Pakistan and could be relied upon not to negotiate with India. In 1998, Jamaat-e-Islami (Kashmir) reportedly relinquished its ties to Hizb-ul Mujahideen, thus prompting the remaining members to work more closely with foreign (Pakistani and Middle Eastern "guest militant") groups organized in Pakistan. The group is currently made up of both Kashmiri and foreign militants.

²⁹ This group is not part of the Jamaat-e-Islami parties in Pakistan and Bangladesh. Jamaat-e-Islami was formed as a single party in 1941 by Deobandi leader, Maulana Abul Ala Maudoodi, but split into several different groups during successive South Asian partitions. The extremist elements of Jamaat-e-Islami of Pakistan (led by Qazi Hussain Ahmed) often differ considerably over Kashmiri issues with the leader of Jamaat-e-Islami of Kashmir, Ghulam Mohammad Bhat. There have been, however, more extremist elements of the Kashmiri party who are seen to have ties to the Pakistani party. See "Kashmir separatists' dramatic about-face," *CNN* (July 1, 2002). Similarly, while the Jamaat-e-Islami party of Kashmir is said to have started the Hizb-ul Mujahideen, some have argued that when the Kashmiri party later publically renounced violence, the militant group became much more closely influenced by the Jamaat-e-Islami of Pakistan. Jamaat-e-Islami of Kashmir has been officially banned by India, and its members are often subject to harassment by counter-insurgent militias.

³⁰ Interview with Dr. Ghulam Nabi Fai, Executive Director, Kashmiri-American Council (June 14, 2002).

Pakistani press reports have indicated that the ISI recently changed course and again strengthened its ties to Hizb-ul Mujahideen, and placed militants from dissolved groups under Salaudin's control. Some have claimed that President Musharraf plans to use Hizb-ul Mujahideen to lead a "Kashmiri Liberation Army" in order to re-establish the domestic Kashmiri character of the militancy, and dampen allegations that the "freedom movement" has turned into "terrorism."³¹

In many ways, the Kashmiri militants of Hizb-ul Mujahideen stand in stark contrast to the majority of other separatists in Kashmir. Although many Kashmiri political separatists maintain that they would like to be independent of both India and Pakistan, Hizb-ul Mujahideen's stated goal is the accession of Kashmir to Pakistan. Similarly, while many political separatists in Kashmir maintain a vision of a secular and multi-religious *Kashmiriyat* (or Kashmiri nationalist) cohesion within a nation "liberated" from India, Hizb-ul Mujahideen's vision leans more toward a nationalism based exclusively on Islam. Hizb-ul Mujahideen has also shared responsibility with other purely "guest militant" groups for many attacks against moderate political separatists and Kashmiri journalists.

As a group made up mainly of Kashmiris, however, Hizb-ul Mujahideen has shown a willingness to negotiate with India, which sets it apart from the foreign militant groups operating in the region. In May 2002, Hizb-ul Mujahideen offered once again to initiate negotiations with India over Kashmir, provided that India allow Pakistan into the discussions. Similarly, Hizb-ul Mujahideen's religious vision of Kashmir is, in many ways, different from that of foreign militant groups like Lashkar-e-Taiba who see Kashmir as single element of the struggle for a pan-Islamic state. Some have observed that these contradictions lead to inconsistencies among Hizb-ul Mujahideen and Muttahida Jihad Council leaders, as they negotiate for support in Pakistan. Ultimately, however, many agree that any effort by India to bring Kashmiri separatists into the political realm will most likely require a means to overcome significant barriers and negotiate successfully with Syed Salaudin.

Muttahida Jihad Council (United Jihad Council). The Muttahida Jihad Council is a political umbrella organization started in 1990 in Muzaffarabad (in the Pakistani part of Kashmir) to represent Kashmiri-led militant groups. The organization is reportedly led by Hizb-ul Mujahideen leader Syed Salaudin, although the militant leader was temporarily forced out in 2000 when he briefly declared and then rescinded a cease-fire in Kashmir.³² Groups with "foreign" leadership such as Lashkar-e-Taiba and Al Badr are reportedly allowed only "observer" status. The group has become a key player in the political activity of militant separatist leaders who are based mainly in Pakistani "Azad" Kashmir. (A list of jihadi groups who are members of the organization appears as Table 5 to this report.)

³¹ Mubashir Zaidi, "New Horizons: The government has decided in principle to merge all militant outfits fighting in Kashmir into one grand 'liberation army,'" *The Herald* (July 2002).

³² South Asia Terrorism Portal, Institute for Conflict Management, India (2001), [http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/jammu_&_kashmir_liberation_front.htm].

Lashkar-e-Taiba (The Army of the Pure). Lashkar-e-Taiba was founded in 1993 in Pakistan as the militant wing of the Markaz Dawa Al Irshad (the Center for Preaching). Lashkar's leader, Hafiz Mohammed Saeed, is a professor from the University of Engineering and Technology in Lahore.³³ Built in 1987, with reported contributions from Osama bin Ladin, the Markaz sprawls across 190 acres in Muridke (approximately 28 miles from Lahore) in Pakistani Punjab.³⁴ Some have argued that Pakistan's ISI began to support Alhe Hadith, Deobandi and Wahabi Islamic groups including Lashkar-e-Taiba as intermediaries in Kashmir after 1993. Many have argued, however, that Lashkar's actions after September 11 show that the group has moved beyond Pakistani control. After it was alleged that the group was responsible for the attacks on the Indian Parliament in December 2001, Lashkar-e-Taiba was banned by Pakistan and placed on the U.S. Department of State's list of organizations who sponsor terror. While some Pakistani press reports have stated that the group has been dissolved, others say the ban has not been kept in good faith because Lashkar has simply changed its name, to Jamaat al-Dawa, and continued its activity.³⁵

Lashkar militants reportedly receive training on the Muridke campus through basic 21 day (*Daura Aam*) or intensive three month (*Daura Khas*) courses. The more intensive course offers training in guerrilla warfare, the use of arms and ammunition, survival, and (reportedly) aircraft hijacking. Lashkar has historically recruited far more militants than it actually sends into Indian-controlled Kashmir. Lashkar militants are known for brutal treatment of civilians across Jammu and Kashmir state, as they are reportedly taught to behead or disembowel their captives. Ramzi Yousef, one of those held responsible for the 1993 bombing of the World Trade Center, reportedly trained in a Lashkar camp in Pakistan.³⁶

Many argue that Lashkar's senior leadership is made up mainly of militants from Pakistan and the Middle East who are "guests" in Kashmir and have little appreciation for the specific interests of local Islamic Kashmiris. An Ahle Hadith organization of Wahabi orientation, the Markaz reportedly teaches contempt for Western-style democracy and the Sufi form of Islam that is indigenous to much of Kashmir. Similarly, the secular *Kashmiriyat* nationalism espoused by moderate Kashmiri political leaders is seen by Lashkar as corrupting and evil. Lashkar and Markaz leaders reportedly envision Kashmir as a single element of a struggle to create a pan-Islamic state under a *Caliphate*. In a pamphlet entitled "Why We Are

³³ As of July 31, 2002, there were reports that Lashkar leader, Hafiz Mohammed Saeed (who claims to have resigned from the group shortly after it was banned), may be "missing." His family claims that he was re-arrested in May, nearly two months after a review board of the Lahore High Court failed to extend his three month detention (since January 2002) under Pakistan's Maintenance of Public Order law. While Pakistani authorities had initially confirmed his re-arrest, they now deny that he is in their custody. "Kashmir Militant Leader 'Missing,'" BBC News (July 31, 2002).

³⁴ "Lashkar-e-Taiba: A Backgrounder," SAPRA INDIA (Dec. 27, 2000) [<http://www.subcontinent.com/sapra/terrorism/terrorism20001227a.html>].

³⁵ Khaled Ahmed, "The Power of the Ahle Hadith," *The Friday Times* (July 12-18, 2002).

³⁶ "Lashkar-e-Taiba: A Backgrounder," SAPRA INDIA (Dec. 27, 2000) [<http://www.subcontinent.com/sapra/terrorism/terrorism20001227a.html>].

Waging Jihad,” Lashkar reportedly states that its agenda is to restore Islamic rule over the entire Indian subcontinent.³⁷ Lashkar has also staged attacks against the Red Fort in Delhi (in 2000) and against hard-line Hindu nationalist leaders in India.³⁸ Many in India assert that the accession of Kashmir to Pakistan would allow groups like Lashkar an important strategic position from which to launch attacks throughout the rest of India. Lashkar states, however, that its goal in Kashmir is the accession of the state to Pakistan.

Jaish-e-Mohammad (Army of the Prophet). Since its inception in January 2000, Jaish-e-Mohammad has rapidly emerged into prominence in the insurgency. The group was founded by the militant Islamic cleric Maulana Masood Azhar after Indian authorities allowed his release in exchange for 155 hostages taken in the hijacking of an Indian Airlines passenger plane in 1999. Jaish-e-Mohammad was also banned by Pakistan and placed on the U.S. State Department’s list of organizations that sponsor terrorism after the group was charged with the December 2001 attack on the Parliament building in Delhi. Jaish has also claimed responsibility for the attack in October 2001 on the Kashmiri Parliament, which killed 38 people. Jaish’s elusive military commander, Gazi Baba, is reported to be widely feared throughout Jammu and Kashmir for his leadership in Jaish and former activity with Harkat-ul Mujahideen.³⁹ Recent reports have stated that Jaish, like Lashkar, has been dissolved and its members placed under Syed Salaudin’s control; others, however, have argued that although Azhar is in Pakistani custody, the group has simply gone underground to continue its activity.

Jaish-e-Mohammad’s Sunni Islamic ideology has been adapted from the Deobandi Dar-ul Uloom school and militant movement that began during the colonial period in India. Jaish militants state that their goal is not simply to liberate Kashmir from India, but also to release the entire South Asian subcontinent from the states (i.e. India and Pakistan) that were originally set up under colonial dominance. The group’s adherence to staunch Deobandi principles reportedly has brought it strong ties to the Taliban and al Qaeda. Jaish is reportedly linked to the Jamiat-e-Ulemai-Islam network of madrassas (Islamic schools) in Pakistan, and that Maulana Masood Azhar has direct connections with three madrassas – Jamia Abu Yousuf, Madipore Karachi, and Jamiat-ul-Uloomi Islamiyah in Binori town of Karachi.⁴⁰

Jaish founder Maulana Masood Azhar is a former leader of Harkat-ul Mujahideen and was imprisoned by India between 1994 and 1999 for his involvement in the group’s activity in Kashmir. After his release, some have alleged that Azhar met with Osama bin Ladin in Afghanistan and received generous funding

³⁷ “Who Are the Militants?” *BBC News*, (Jan. 2, 2002) [http://news.bbc.co.uk/hi/english/world/south_asia/newsid_1719000/1719612.stm].

³⁸ *Ibid.*

³⁹ Nazir Masoodi, “Jaish’s Gazi Baba leaves no footprints in Valley,” *India Express, Kashmir Live* (Dec. 19, 2002).

⁴⁰ Muzamil Jaleel, “Jaish Mohamad,” *India Express, Kashmir Live* (2001), [<http://www.expressindia.com/kashmir/kashmirlive/jaish.html>].

for the creation of Jaish-e-Mohammad.⁴¹ After Azhar held several large rallies throughout Pakistan, some three-quarters of Harkat-ul Mujahideen's militants reportedly joined the new organization.⁴² Omar Saeed Sheikh (who was released with Azhar in the 1999 hijacking and has been sentenced to death in Pakistan for the murder of *Wall Street Journal* reporter, Daniel Pearl) reportedly provided broad assistance to Azhar in his work to build Jaish-e-Mohammad. Some have alleged that Pearl's kidnaping and murder were organized and carried out entirely by Jaish militants. Others have argued that there was a falling out between Maulana Masood Azhar and Omar Saeed Sheikh long before the kidnaping because a power rivalry had begun to form between them.

Harkat-ul Mujahideen (previously Harkat-ul Ansar). In 1997, Harkat-ul Ansar became the first militant group operating in Kashmir to be placed on the U.S. Department of State's list of organizations who sponsor terrorism. The group then changed its name to Harkat-ul Mujahideen, in order to avoid international scrutiny. In 1995 Al Faran, a group that was widely believed to have been made up of Harkat-ul Ansar militants, claimed responsibility for the kidnaping of six Western tourists in Kashmir. When the group was unsuccessful in their demand to have Maulana Masood Azhar and other militants from Harkat-ul Ansar released from prison in India, they beheaded one of the five tourists, a Norwegian national. While one American tourist eventually escaped, the other four tourists (including Donald Hutchings, a U.S. citizen from Spokane, Washington) are missing and presumed dead.⁴³ The leader of this and other kidnaping incidents carried out in the mid-1990's by Al Faran was widely believed to have been then Harkat-ul Ansar member, Omar Saeed Sheikh. Sheikh was first captured in Kashmir by Indian security forces in a raid which successfully freed four Western hostages taken in a separate incident. He was later released from prison along with Maulana Masood Azhar in the 1999 Indian Airlines hijacking.

Harkat-ul Ansar was first formed as a result of the war in Afghanistan from the merger of two militant groups, Harkat-ul Jihad al-Islami and Harkat-ul Mujahideen. The latter of Ansar's two predecessors, the original Harkat-ul Mujahideen, reportedly had been involved in militant activities in the Kashmir valley since 1992 and was the first group with a pan-Islamic ideology to take part in the insurgency.⁴⁴ Harkat militants reportedly worked closely with the ISI in both Afghanistan and Kashmir, at least prior to the ban on the group's activities. Throughout the group's evolution it has reportedly sent militants to jihadi conflicts around the world, including Bosnia, Chechnya, Tajikistan, Burma, and the Philippines.

⁴¹ Rahul Bedi, "Kashmir Insurgency Is Being Talibanized," *Jane's.com* (Oct. 5, 2001).

⁴² U.S. Department of State, "Patterns of Global Terrorism: 2000," at Appendix B: "Background Information on Terrorist Groups" (released April 30, 2001).

⁴³ "One Year Later, Kashmir Kidnapings Remain a Mystery," *The Associated Press* (July 2, 1996). "No closure in seven-year-old Kashmir kidnaping saga," *Agence France Presse* (July 4, 2002).

⁴⁴ "U.S. Blacklist Doesn't Quite Whitewash Valley," *Kashmir Live, India Express Group* (Sept. 24, 2001).

Harkat-ul Mujahideen has a Deobandi ideology and sees Kashmir as a single building block in the creation of a pan-Islamic state. Harkat reportedly draws its membership from Tabligi Jamaat, an organization which was set up to distribute Islamic charitable contributions in Pakistan. Some have asserted that, at least prior to the international scrutiny of Pakistan, high ranking members of the ISI and Pakistani government were members of Tabligi Jamaat and were aware of its involvement with Harkat.⁴⁵ Since Maulana Masood Azhar's creation of the more ideologically extremist Deobandi group, Jaish-e-Muhammad, in 2000, however, Harkat's activities have been severely limited due to the defection of nearly three-fourths of its members. Recent Pakistani reports suggest that Harkat has also been dissolved and placed under Syed Salaudin's control.

The Role of India

Throughout the history of the insurgency, successive Indian governments have dealt with the leaders of the Kashmiri uprising in much the same way as they have with separatist movements from other regions of India since Prime Minister Indira Gandhi's administration. During the Sikh uprising in Punjab in 1984, for example, India adopted a strategy of non-negotiation and repression of separatist leaders, followed by efforts to bring remaining Sikh leaders into the political process. This approach resulted both in an internationally recognized massacre of hundreds of Sikh leaders in the Golden Temple in Amritsar and in a decision of the more moderate leaders of the largely Sikh Akali Dal party eventually to participate in democratic elections in Punjab. Although this approach eventually led to the end of the uprising, it also precipitated the assassination of Indira Gandhi by her long-trusted Sikh bodyguard. The events of the massacre and the ensuing violence after Indira Gandhi's death also created lasting resentment among even moderate members of the Sikh community, many of whom have gained political asylum in the United States and European countries because of continued "harassment" by Indian police. Nonetheless, the Punjabi example illustrates the thinking behind the often contradictory Indian policy toward Kashmir.

The Indian effort to end the uprising in Kashmir has focused on a three-part strategy. First, India has sent a massive security force to Kashmir in order to put down the militant activity in the region with full force. Second, India has attempted, through offers of senior positions within the state government, to entice moderate Kashmiri political leaders to participate in the state's elections and add democratic legitimacy to the Jammu and Kashmir state government. And finally, India has made every attempt possible to prevent the conflict from becoming the subject of calls for international intervention. Many have argued that this is the best available strategy for India to avoid losing Kashmir to Pakistan or complete independence. India has argued that, were it not for Pakistan's funding of the "terrorist proxy war" in Kashmir, the strategy could have been successful long ago.

⁴⁵ B. Rahman, "Harkat-ul Mujahideen - an update," Institute for Topical Studies, Chennai, India (March 20, 1999).

India's staunch aversion to international intervention in Kashmir has been an extremely important sticking point for U.S. policy makers who are anxious to find a viable solution to the conflict. Indian political leaders reportedly were angered by U.S. Secretary of State Powell's suggestion, during a visit to the region in July 2002, that international observers be allowed to monitor the September and October 2002 elections.⁴⁶

India's rejection of even this limited type of mediation stems from several ideological and political concerns. First, many Indian analysts have argued that direct intervention from the United States or other Western countries between India and Pakistan would be very similar to the British colonial control over the region that precipitated the creation of Pakistan. Indian intellectuals often argue that the dispute is an internal "conflict between brothers," and that India and Pakistan should be able to reconcile their differences without the interference of a "neo-colonial" power. Pakistanis consider this argument to be a patronizing dismissal of their legitimate claim to Muslim-majority Kashmir, which was recognized by the United Nations as a disputed territory. Second, despite a generally improved relationship between India and the United States since President Clinton's visit to the region in 1998, Indian policy makers are often still suspicious of U.S. involvement in South Asia given the close cooperation between Pakistan and the United States during the Cold War. They have indicated an underlying belief that the United States would not be favorable to their interests. Third, India has argued that the Kashmir dispute is a domestic issue, and that Pakistani and international interference in its handling of the insurgency is a violation of its national sovereignty. And finally, India has had much to gain from stressing the significance of the Simla Agreement of 1972, in which Pakistan agreed to forgo the United Nations' mediation of past treaties in favor of a hope of future bilateral negotiations between the two countries over Kashmir. The Simla Agreement has allowed India to postpone negotiation over Kashmir indefinitely, while warding off Pakistani pressure by insisting that the uprising is purely domestic and that elections held in 1996 in Jammu and Kashmir state have superceded the need for a plebiscite.

Despite these arguments, however, many have noted that India has had an increased trust in U.S. diplomatic efforts in the region during times of crisis since the Bush Administration took an unstinted stance against terrorism after the September 11 attacks. Others have also argued that, given the threat of nuclear war between India and Pakistan, the Kashmir dispute is by its very nature an international concern.

In late August and early September of 2002, a group of Indian academics and policy makers, sanctioned by the Indian government, initiated a dialogue with the All Parties Hurriyat Conference in an effort to discuss negotiations over Kashmir. The Hurriyat stated that it would only be willing to discuss the issue of talks and would reject participation in October elections outright. Many, however, have suggested that Secretary of State Powell's recent trip to the region may have been the impetuous for India's backing of these talks.

⁴⁶ "Government Surrendered Sovereignty to U.S.," *The Hindu* (July 31, 2002).

Indian Security Forces and Human Rights Violations

In January 1990, the government of India imposed direct rule over Jammu and Kashmir and began a massive occupation of the state through military and security forces. Although “governor’s rule” and close control over the state from the Indian government relaxed when the National Conference party came to power through boycotted elections in the state in 1996, the security forces have remained deployed throughout Jammu and Kashmir in increasing numbers. Indian paramilitary forces, including the Border Security Force, Central Reserve Police Force, and the elite Rashtriya (National) Rifles, have been engaged in a widespread battle to search out and arrest militant separatists, as well as, to prevent them from crossing the mountain range from training camps in Pakistan and Azad Kashmir.⁴⁷ Although much of the violence began in the Kashmir valley, the conflict between militant groups and Indian paramilitary forces has more recently extended throughout the region. Further combined with state and local law enforcement, the Indo-Tibetan Border Police, and over 500,000 Indian military troops who have been deployed along the border since the January 2002 standoff, India’s paramilitary forces have established a strong presence in Indian-controlled Kashmir.

Since 1990, international organizations have documented widespread allegations of human rights violations committed by these paramilitary and security forces. According to Human Rights Watch, these include extrajudicial killings and summary execution of detainees, denial of medical treatment to Kashmiri prisoners, torture of those under interrogation, and excessive use of force in capturing militants.⁴⁸ Human Rights Watch has also reported the use of gang rape by security forces as a means to intimidate members of the civilian population.⁴⁹ Security forces have also been accused of harassing, threatening, or killing doctors, attorneys, human rights activists and journalists who provide advice or care to wounded or captured militants or who monitor events in Kashmir. Kashmiri civilians reportedly are subject to intimidation, harassment, and torture during village searches for militants or information about separatist activities. Reportedly, civilians are often killed as security forces shoot indiscriminately in all directions if attacked by militants. The elite Rashtriya Rifles are believed to be among the most well known for committing human rights violations in Jammu and Kashmir.

Security forces have also trained and organized counter-insurgent militia organizations throughout Kashmir that have been accused of committing numerous human rights violations against the (mainly Islamic) civilian population. These militias are made up of captured or surrendered former militants who have often been tortured in prison or detention until they agree to join the counter-insurgent effort.

⁴⁷ Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute*, pp. 144-145 (St. Martin’s Press, New York: 1994).

⁴⁸ Human Rights Watch, *Behind the Kashmir Conflict: Abuses by Indian Security Forces and Militant Groups Continue* (July 1999); Amnesty International Report 2002: India, AI Index: POL/10/001/2002 (covers January to December 2001); U.S. Department of State, *Country Reports on Human Rights Practices - 2001: India* (March 4, 2002).

⁴⁹ Human Rights Watch, *Behind the Kashmir Conflict: Abuses by Indian Security Forces and Militant Groups Continue*, at “Rape and Torture in Doda” (July 1999).

The counter-insurgents are armed and trained by the Indian army and other security forces, and are often used to harass members of the Jamaat-i-Islami party of Kashmir and carry out assassinations against separatist militants and political activists. Since 1995, the Indian military has reportedly used these militias, called “renegades” by local Kashmiris, to carry out repressive actions for which they would like to have no official accountability.⁵⁰

Throughout the Kashmiri uprising the Indian government has used special anti-terrorist legislation to detain and imprison separatist Kashmiri political leaders, activists, and journalists. Most recently, under the new Prevention of Terrorism Ordinance (POTO), several Kashmiri separatist political leaders and journalists have been arrested or detained allegedly for such activity as downloading information about the Indian army from the internet or other similar charges.⁵¹ Some Kashmiris have alleged that these arrests are an attempt to prevent Hurriyat leaders from engaging in political activity and negotiation prior to the fall 2002 elections. Release of these leaders has been a key demand of the Hurriyat in all recent attempts at organizing negotiations. Human rights activists have expressed grave concern over the implications of POTO and its predecessor, the Terrorist and Disruptive Activities Act (or TADA), which was allowed to lapse in 1995 because of widespread public criticism throughout India.⁵²

Indian policy makers argue that they have responded to these criticisms by arresting and trying several members of the security forces in Kashmir and sending them to prison for “isolated” human rights violations. They also argue that they have been especially vigilant in the arrest and trial of those accused of gang rape.⁵³ Kashmiris have argued that the government has done little to protect them from security forces and that these human rights violations are not isolated incidents, but a systematically organized method to intimidate the civilian population.

Broader Perspectives on the Insurgency

Recently many analysts have argued that India and Pakistan have both used the issue of the Kashmir conflict symbolically to rehash the dramatic political battle that led to the partition of British India and the creation of the two countries, accompanied by the deaths of nearly three million South Asians in fighting and “ethnic cleansing” during a vast exchange of populations. Indians, they argue, see their own ability to provide democratic rights to the Islamic population of Kashmir as a confirmation that they were indeed capable of creating a secular government; and, thus, that Muhammad Ali Jinnah had no reason to seek a separate Muslim homeland.

⁵⁰ Ibid., at “Abuses Involving Countermilitant Militias.”

⁵¹ Kashmir Times, “The Truth About Iftikhar Gillani’s Arrest,” (August 15, 2002), [<http://www.kashmirtimes.com>].

⁵² Amnesty International, *The Prevention of Terrorism Bill of 2000: Past Abuses Revisited?* AI Index: ASA 20/22/00 (June 2000); Amnesty International, “India: Briefing on the Prevention of Terrorism Ordinance”

⁵³ Personal interview with Sunil Lal, Counsellor, Embassy of India (July 2002).

Pakistanis, in turn, rely on their belief that Islamic Kashmiris and other Muslim minorities suffer under Indian rule as a means to justify the necessity of their own state. They argue that, in this sense, the national identities of both countries will be forever antagonistic to one another. Without this underlying rationale for national cohesion (and without the impetus to retain one another as defined national enemies), it is said, both India and Pakistan might divide into several separate countries or be overrun by communal or sectarian violence, due to the threat from successive regional movements. Many have countered, however, that this argument glosses over the political complexity of both countries, not to mention the actual concerns of Pakistanis for Muslims in Kashmir and other parts of India. They argue that in both India and Pakistan there are several perspectives on Kashmir as well as many domestic political interests to maintain the conflict.

Indian Perspectives

Many in India express absolute opposition to giving up Kashmir to Pakistan. Many have noted, however, that two very different political perspectives characterize the motivation behind this position. The first is held mainly by much of the opposition Congress Party and those who support the political ideals of former Prime Minister (and Kashmiri Pandit) Jawaharlal Nehru, who sought to build modern India as a secular democracy in which no political party could be founded on religion and no group would be discriminated against because of religious practice. For those who see India in this manner, the loss of Kashmir and its Islamic population is viewed as a threat to the founding framework of India as a religiously free and fair society.

The second perspective is held by the ruling Bharatiya Janata Party (BJP), the far-right Shiv Sena Party, and several Hindu nationalist groups, such as the Rashtriya Swayamsevak Sangh (RSS) and the Vishwa Hindu Parishad (VHP). Those who hold the principles of “Hindutva” often speak of India as a holy land and see the Partition of India as a visceral violation of this sacred ground by successive foreign invaders (both the Mughal and British Empires). The loss of Kashmir would be seen as yet another blow to an already victimized indigenous population. They have also expressed particular concern for the Hindu Pandit population of Jammu and Kashmir, who, they argue, have been the victims of “ethnic cleansing” throughout the separatist movement.

Many analysts have argued that hard-line leaders of the BJP have capitalized on national anger over the militant violence in Kashmir and threats of retaliation against Pakistan as a means to drum up popular electoral support for their party and Hindu-nationalist agenda. Many Indian intellectuals have also warned that if the country were to lose Kashmir, Hindu nationalists would probably initiate widespread mob violence against the more than 100 million Muslims living in other parts of India.

Pakistani Perspectives

Pakistanis often state that they have concern for Kashmir “in the blood.” Many have argued, however, that the reasons for this concern are as diverse as they are in India. The first group, made up of the majority of the Pakistani population, have

expressed concern foremost for the safety of the Muslim majority in Kashmir living under Indian security forces and counter-insurgent militias. They also sympathize with India's remaining Islamic minority, living under a Hindu-nationalist-led government, especially given recent communal violence that has killed more than one thousand Muslims in the Indian state of Gujarat since March 2002. They speak about the necessity of a plebiscite in Kashmir in order to ensure the self determination of the Kashmiri people. Some analysts have argued that while the majority of Pakistanis speak of the activity of the "mujahideen" in Kashmir as a struggle for freedom, they believe that sectarian and anti-Western attacks in their own country are intolerable acts of terrorism. The Pakistani media, which are often controlled ideologically by the military, they argue, prevents the majority of the population from knowing that the violence in both Kashmir and Pakistan is carried out largely by the same groups acting under different names. Generally Pakistanis strongly oppose an independent Kashmir, and note that the 1949 U.N. resolution allows only a plebiscite vote for Pakistan or India, not a third option. In other words, many Pakistanis see a zero-sum issue with India in which the only acceptable outcome is to overturn the state's accession to India.

Some take the view that the Pakistani military has been motivated in its fight over Kashmir by an underlying fear that if India is allowed to take over all of Kashmir, it will be the first step to retaking the rest of Pakistan. They see India as a dominating regional power, which attempts to impose its will over all of the other countries in the region, and that backing down from this historic battle would ultimately marginalize Pakistan as a nation. Many in the Pakistani military have also shown impassioned sympathy for the Kashmiri cause – some support those, such as Syed Salaudin, who wage war for Kashmiri nationalism, and others back those who would like to build a pan-Islamic state. Some analysts have suggested that the military has been willing to use the extremist militant groups operating out of Pakistan in the past to fight a proxy war in Kashmir, although it may not agree with all of the militants' underlying political goals. The military, however, has often shown its violent opposition to any leader who argues for Kashmiri independence from both Pakistan and India.

Many have argued, finally, that there is a growing population in Pakistan who see the struggle for Kashmir as a religious battle. They see India as a Hindu nation that forces its Muslim minority to live under a political system that is against Islam. Others, however, have pointed to the lack of support in previous parliamentary elections for the Jamaat-i-Islami party and other right-leaning Islamic parties in Pakistan as an indication that few of the country's population view the conflict in Kashmir from this perspective.

Indian and Pakistani Strategic Concerns

In addition to the ideological concerns on both sides of the dispute, there are also significant strategic issues at stake for both countries, simply because of the central geography of Kashmir. If, for example, India were to attain Azad Kashmir, Pakistan's capital, Islamabad, would be even more geographically vulnerable to an Indian attack. On the other hand, if Jammu and Kashmir were to fall into Pakistan's hands, New Delhi would be more accessible to Pakistan. India has also expressed strategic concerns that, if Pakistan had complete control of Kashmir, there would be

increased Sino-Pakistani geographic encirclement of India. Moreover, many in India have argued that if Kashmir were turned over to Pakistan, the region would become a haven for pan-Islamic extremists, in the same manner in which Azad Kashmir has been dotted with militant training camps throughout the past decade.

Perspectives of Kashmiri Non-combatants

It is often difficult to gauge the level of popular support held by Kashmiri civilians for the insurgency. A wide variety of political options have been advocated by citizens of Kashmir, including control by either India or Pakistan, complete separatism, partition of Kashmir along the Chenab river (with the Kashmir valley ostensibly going to Pakistan), or a limited combination of regional autonomy from both countries and an unrestricted border between Azad Kashmir and Jammu and Kashmir state. A recent opinion poll conducted in Indian-controlled Kashmir by the independent British research company Market & Opinion Research International (MORI) has suggested that there is widespread dissatisfaction with the uprising. In a survey of 850 Kashmiris interviewed statewide, 61% stated that they “would be better off as part of India,” while only 6% said they “would fare better as part of Pakistan.”⁵⁴ Similarly, 86% reportedly stated that elections would bring peace to the region. Many have argued, however, that the poll did not take an adequate survey of public opinion in Kashmir because it did not include an answer for those who supported complete independence or much greater autonomy. They argue that the remaining 33%, who were listed in the “don’t know” category, may have shown strong support for independence. They also argue that those who supported India’s control of Kashmir did not have the chance to state their interest in some degree of autonomy. They note that the poll found that 91% supported greater interaction between the Indian and Pakistani controlled sides of the region. They also point out that while a significant sample was taken in Jammu and Kashmir state, the poll did not include the opinions of those living in Azad Kashmir.

Many also point out that Kashmir’s religious minorities – mainly Sikhs, Hindus, and Buddhists – are often left out of discussions about the state’s future. Prominent members of these communities have been the targets of widespread human rights abuses by militant groups throughout the history of the insurgency. This “ethnic cleansing” led to a large scale exodus of the region’s Hindu Pandit community beginning in 1990. Some analysts suggest that Jammu and Kashmir should be recognized as a culturally diverse region, and that minority groups should be brought into any negotiations concerning the insurgency. Several Hurriyat leaders have agreed with this assessment of Kashmir and have argued that an independent Kashmir should recognize separate electorates for these minority groups to ensure that their views are heard in a Kashmiri Parliament. Others, however, have said that the Jammu and Ladakh areas of Jammu and Kashmir state should be separated from the Kashmir valley in order to protect these areas from militancy and allow the creation of a separate homeland for Kashmiri Hindu Pandits.

⁵⁴ “What the Pollsters Found in Kashmir – Bold Questioners, Armed With Sharp Pencils, Faced Risks, Got Looks, Learned,” *The Wall Street Journal* (Aug. 14, 2002).

Possibilities for Common Ground

Many foreign observers of the Kashmir conflict have expressed constant frustration with the entrenched positions of both sides. While Pakistan continues to push militarily for a plebiscite, India refuses to discuss the matter with Pakistan and rejects any form of international intervention. Similarly, while India continually rejects a plebiscite, Hurriyat leaders refuse to participate in Jammu & Kashmir elections. Successive U.S. efforts to decrease tension between the two nuclear powers and renew negotiations have been met with provocative militant attacks in Kashmir and India, which almost always serve to re-escalate the conflict. Many observers have labeled the Kashmir dispute an “unending conflict” because there seems to be no resolution that all sides are willing even to consider for negotiation. Some have argued, however, that there are several similar options for settling the issue that have been advocated at different times by different parties on both sides of the dispute. Some observers suggest that these proposals could provide a road map for future negotiations and a possible lasting settlement.

Bifurcation, Trifurcation, and The Chenab River Agreement

Recently, Hindu nationalists in India have suggested that much of the Jammu and Ladakh areas of Jammu and Kashmir should become states (or given “Union Territory” status, in the case of Ladakh) separate from the Kashmir valley (see map below). In this scenario, much of the so-called “Muslim belt” that is part of Jammu and Ladakh, such as Doda, Poonch, and Rajouri districts, would also be given to the new Kashmir region. Their belief is that this “trifurcation” will contain the violence within the Kashmir valley and protect the region’s minority populations from militants. The “whisper campaign” surrounding trifurcation actually began as a movement in Jammu for “bifurcation,” or the separation of Jammu’s Hindus from the rest of Kashmir.⁵⁵ Some believe that this would simply provide an excuse to allow security forces to commit human rights violations indiscriminately against the remaining population of the Kashmir valley without causing harm to Hindu civilians. Others have countered that although this plan leaves India with less of an argument against the loss of Kashmir, at least it would prevent the loss of Jammu and Ladakh if a plebiscite were to be held.

Some members of the Hurriyat who support the accession of Kashmir to Pakistan (such as Syed Shah Geelani) reportedly have voiced their agreement with the idea of trifurcation. They argue that at least the RSS and Shiv Sena leaders who support this position are tacitly agreeing that the issue of Kashmir is not forever closed. A similar idea was first proposed in 1950 by Sir Owen Dixon, the U.N. representative for India and Pakistan. This plan suggested using the Chenab river, which flows just north of the city of Jammu, as a national boundary between India and Pakistan, thus dividing the state along religious lines (see map below). President Musharraf reportedly has expressed a favorable interest recently in discussing this

⁵⁵ “In Pursuit of Trifurcation,” *Frontline* (April 14, 2001).

plan with the Indian government.⁵⁶ This might allay some of India's concerns for the religious minorities in Kashmir, while answering Pakistan's interest to free the Islamic majority (most of whom live in the Kashmir valley) from Indian control.

Figure 2. Kashmiri Religious Demographic Map



Source: Map Resources. Adapted by CRS. (08/02 M.Chin)

Not surprisingly, the notion of another partition within the South Asian subcontinent provokes anger from many who see the loss of Kashmir as a threat to India's cohesion as a secular nation. The ruling Kashmiri National Conference party has also expressed deep dismay with the trifurcation proposal, saying that it would amount simply to handing the Kashmir valley to Pakistan.⁵⁷ Hurriyat leaders who argue that the division of the Indian- and Pakistani-controlled portions of Kashmir was a repeat of the "Berlin Wall" also find the further division of Jammu and Kashmir difficult to swallow. They point out that there are still significant Islamic minority populations in Jammu and Ladakh, and that they would be subject to further Indian oppression without protection from the majority in the Kashmir valley. Those who believe that there are *Kashmiriyat* cultural ties beyond religion that join the population of the region also view this division with concern. They argue above all

⁵⁶ "Musharraf for 'framework' to resolve Kashmir dispute," *The Hindu* (June 30, 2001).

⁵⁷ "Farooq Warns of 'U.S. plan' on Kashmir," *The Hindu* (July 17, 2002).

that such a change could lead to widespread communal violence and forced migration throughout the region.

Reaffirm Article 370 and Kashmiri Autonomy

Many in India have noted that the special autonomy granted to the state of Jammu and Kashmir in the Indian constitution, which never has actually been honored, could provide the Kashmiris with more concessions than those granted to any other state in the country. The hotly contested accession agreement signed by Maharaja Hari Singh in October 1947 provided India with jurisdiction over only three areas of governance – defense, external affairs, and communications. The Indian constitution thus provided Kashmir with an autonomous status in line with the accession agreement so that all other areas of governance would be decided by the Jammu and Kashmir Constituent Assembly. It is for this reason that, unlike other states in India, Kashmir has a separate constitution, flag, penal code, and criminal procedure code from the rest of the country.⁵⁸ Members of the Hurriyat, however, have argued that the Indian constitution allowed a compliant Kashmiri constituent assembly to erode this autonomy.⁵⁹ Under a special provision of Article 370, any act passed by the Indian Parliament could be applied to Kashmir at the request of the state's constituent assembly. Thus, over the years, believing the promise of a plebiscite and trusting in the ruling Congress Party, the Sheikh Abdullah government made many such requests. Thus although Sheikh Abdullah was able to use the autonomy to institute considerable land reform in Kashmir, Hurriyat leaders argue that his actions rendered the autonomy virtually meaningless.

Many, however, have expressed hope that such an article, already codified in the Indian constitution, could be revived through a negotiation between Hurriyat leaders and the Indian government and provide some means of finding a compromise to the dispute. Before his death, Abdul Gani Lone reportedly expressed an interest in negotiating with India to gain a package of further concessions for Jammu and Kashmir, which would reverse some of the longstanding erosion of Kashmiri autonomy.⁶⁰ Although perhaps falling short of independence, this autonomy could reduce significantly the Indian presence in Kashmir, especially if it gained enough popular support and won over some militants – a questionable proposition.

Analysts maintain that Lone's death, has put a significant damper on the viability of this form of settlement for Kashmir. Other moderate Hurriyat leaders have been much more reluctant to negotiate with India because it is widely believed that he was killed for his views. Similarly, some Hurriyat leaders and Kashmiris in Pakistan view this type of solution with contempt because it does not safeguard independence or provide accession to Pakistan. The plan would also fall far short of meeting Pakistan's interests for the region and might create problems for the government of Azad Kashmir. Although many have argued that, were the plan to

⁵⁸ "Motive Behind Kashmir Autonomy Resolution," *The Hindu* (July 11, 2000).

⁵⁹ Lawrence Lifschultz, "Death in Kashmir, Perils of 'Self-Determination'" *Economic and Political Weekly*, Mumbai (Bombay), India (August 3, 2002).

⁶⁰ *Ibid.*

gain widespread support in Jammu and Kashmir, Pakistan would have little to bolster an argument against such a solution. In India, leaders of the Rashtriya Swayamsevak Sangh (RSS) have spoken vehemently against the central government making such concessions to Kashmir. They have stated that granting such autonomy to only one state is similar to allowing the independence of the state, which they regard as a treasonous solution.⁶¹

The “Andorra” Model

In 1998, a Kashmiri American businessman organized a group of policymakers and academics to suggest possible resolutions to the Kashmir conflict. Among other plans, the Kashmir Study Group proposed that the region could be governed in the same manner as Andorra, a small state that was claimed by both France and Spain until 1993. The arrangement gave Andorra partial sovereignty, a separate constitution, and free access across borders for both France and Spain. The plan allowed both countries to continue to have partial sway over the region while providing it with partial independence. When applied to Kashmir, the group only included the Kashmir valley, where most of the Islamic population of the region lives. This plan would allow Kashmiris free access to visit their relatives across the mountains into Azad Kashmir. Similarly, the independent region would have a separate constitution, citizenship, and legal system. The Kashmiri legislature would govern over every aspect of normal sovereign jurisdiction except defense and foreign affairs. The new state would be a free trade zone, thus opening the region’s beloved tourist areas to both India and Pakistan. The entire region would thus become a demilitarized zone, and the present Line of Control would be made into a “soft” national border. Many analysts also suggest that this solution would have the added benefit of providing a natural buffer zone between India and Pakistan, thus restricting their ability to orchestrate standoffs against one another and answering to both countries’ strategic concerns.

Some, however, have questioned the ability of such a soft border to protect India if large groups of militants, from organizations like Jaish-e-Muhammad and Lashkar-e-Taiba, began to use the region to launch attacks against the rest of India. They argue that the plan would only be feasible if Pakistan could follow through on its promise to crack down on these banned militant groups. Similarly, although recognizing that the borders between India and Kashmir would be open, some have also questioned the plan’s proposal to partition Jammu and Kashmir state along religious lines. The plan would also include converting the Line of Control into a national border – an idea that Pakistan vehemently opposes. Ultimately, however, many have argued that no proposal could possibly be negotiated as long as India continues to reject international calls to reopen the issue.

⁶¹ “Editorial: Autonomy for Jammu and Kashmir,” *Frontline*, Volume 17, Issue 14 (July 8 - 21, 2000).

Table 1. Militant Groups in Kashmir

Hizb-ul Mujahideen
Al Omar Mujahideen
Lashkar-e-Taiba
Jaish-e-Muhammad
Harkat-ul-Mujahideen
Harkat-ul-Ansar
Harkat-ul-Jehad-e-Islami
Al Badr
Jamiat-ul Mujahideen
Lashkar-e-Jabbar
Harkat-ul-Jehad-i-Islami
Al Barq
Tehrik-ul-Mujahideen
Al Jihad
Jammu & Kashmir National Liberation Army
People's League
Muslim Janbaz Force
Kashmir Jihad Force
Al Jihad Force
Mahaz-e-Azadi
Islami Jamaat-e-Tulba
Jammu & Kashmir Students Liberation Front
Ikhwan-ul-Mujahideen
Islamic Students League
Tahrik-e-Hurriyat-e-Kashmir
Tehrik-e-Jehad-e-Islami
Muslim Mujahideen
Al Mujahid Force
Tehrik-e-Jehad
Islami Inquilabi Mahaz
Al Hadith
Al Faran
Tehrik-e-Jammat-Islami
Pasban-e-Ahle Hadis
Al Fateh
Hizb-e-Islami

Table 2. Main Kashmiri Leaders

Name	History	Political Groups	Stated Vision for Kashmir	Status (August 2002)
Sheikh Abdullah	Sheikh Abdullah was the first leader of Jammu and Kashmir, then lost power in a falling out with Nehru. Nehru reportedly promised Abdullah that there would be a plebiscite in Kashmir to confirm accession of the state to India. Abdullah returned to power in 1972.	founded the National Conference Party	Was determined to gain a plebiscite or secure autonomy for Kashmir. In practice, however, some of Abdullah's actions led to the erosion of Article 370 and Kashmiri autonomy.	Died in 1982
Farooq Abdullah	The son of Sheikh Abdullah, Farooq Abdullah became the leader of the National Conference party in 1986. Farooq Abdullah returned to power in 1996 elections in Kashmir. Many Kashmiri separatists see Farooq Abdullah as a traitor because of his allegiance to India since he formed a coalition with Rajiv Gandhi's Congress Party. He has also been accused of running a corrupt government.	National Conference Party	Widely seen to have an allegiance with India, although he has sought to increase Kashmir's Article 370 autonomy.	Currently the Chief Minister of Jammu and Kashmir State. Farooq Abdullah recently held a ceremony to pass National Conference leadership to his son, Omar Abdullah.
Mirwaiz Mohammad Farooq	Kashmiri opposition leader who led the movement for a plebiscite during times when Sheikh Abdullah made compromises with Indira Gandhi.	Awami Action Committee	plebiscite, independence, and staunchly against terrorism	assassinated on May 21, 1990 reportedly by the Hizb-ul Mujahideen

Name	History	Political Groups	Stated Vision for Kashmir	Status (August 2002)
Mirwaiz Umar Farooq	Son of Mirwaiz Mohammad Farooq, Mirwaiz Umar Farooq has been widely seen as an important Kashmiri independence leader. Umar Farooq accompanied Abdul Gani Lone to the March meeting in Dubai in which Lone reportedly indicated his willingness to participate in elections.	All Parties Hurriyat Conference;	restoration of autonomy or plebiscite and independence	active political leader in Jammu and Kashmir state
Abdul Gani Lone	A moderate Hurriyat leader and activist for a plebiscite or independence, Abdul Gani Lone was one of the original leaders who contested the 1987 elections in Kashmir. Lone was reportedly willing to negotiate with India for a cease fire, opposed militant activity, and considering contesting elections in October 2002. In April of 2002, Lone reportedly met with Pakistani leaders to ask for an end to militant attacks and was chastised by a member of the Pakistani military. He was assassinated shortly after his return from Dubai.	All Parties Hurriyat Conference; People's Conference	plebiscite and independence	assassinated on May 21, 2002
Sajjad Lone	Sajjad Lone is the son of Abdul Gani Lone. He has reportedly taken his father's place as the chairman of the People's Conference.	All Parties Hurriyat Conference; People's Conference	plebiscite and independence	Replaced his father as head of the People's Conference and as a Hurriyat leader.

Name	History	Political Groups	Stated Vision for Kashmir	Status (August 2002)
Abdul Gani Bhat	Chairman of the Hurriyat, Abdul Gani Bhat also formed the J&K Muslim Conference which lost rigged elections in 1987. Often viewed as a soft-spoken but hard-line leader, this former Persian professor is seen to be staunchly pro-Pakistan. Sajjad Lone reportedly lashed out in anger at Abdul Gani Bhat after Abdul Gani Lone's death.	All Parties Hurriyat Conference; Muslim Conference	plebiscite; recently indicated willingness to participate in elections if they were to mean the beginning of negotiations with India	active political leader
Yasim Malik	Outspoken leader of the secular-leaning Jammu and Kashmir Liberation Front, Yasim Malik renounced all violence, and severed ties to the remaining militant faction of his group. He has become a prominent member of the Hurriyat and has previously traveled to the United States to meet with U.S. policy makers.	All Parties Hurriyat Conference; Jammu and Kashmir Liberation Front (Malik-led faction)	plebiscite and independence	Currently imprisoned under charges of violating POTO; extremely ill.
Ghulam Mohammad Bhat	The Jamaat-i-Islami (Kashmir) leader is reportedly very moderate. The Jamaat-i-Islami of Kashmir has reportedly severed all ties to militancy under Bhat's leadership. Bhat has reportedly fought openly with hard-line leader Syed Ali Shah Geelani over this decision.	All Parties Hurriyat Conference; Jamaat-i-Islami (Kashmir)	plebiscite; believed to be pro-Pakistan	active political leader in Jammu and Kashmir state
Syed Ali Shah Geelani	Hard-line leader of the All Parties Hurriyat Conference. Syed Ali Shah Geelani is widely seen as having an allegiance to Pakistan, and refuses to renounce militancy.	All Parties Hurriyat Conference; Jamaat-i-Islami (Kashmir)	accession to Pakistan; plebiscite	active political leader in Jammu and Kashmir state; has been denied an Indian passport to travel to Pakistan

Name	History	Political Groups	Stated Vision for Kashmir	Status (August 2002)
Syed Salaudin; aka Pir Sahib (formerly Mohammad Yousuf Shah)	Hard-line leader of the Hizb-ul Mujahideen militant group, Syed Salaudin was one of the original Kashmiri leaders to lose rigged elections in 1987. Although he has attempted to call a cease-fire in the past, Salaudin reportedly has opposed both Hurriyat and President Musharraf's efforts to end militancy and negotiate with India recently. Some Pakistani press reports have indicated that Salaudin may have regained a favored position with Pakistani ISI leaders.	Hizb-ul-Mujahideen; Muttahida Jihad Council	accession to Pakistan and plebiscite	active militant and political leader in Azad Kashmir

Table 3. Members of the All Parties Hurriyat Conference

Awami Action Committee
Jamaat-e-Islami (Kashmir)
Jammu and Kashmir People's Conference
Muslim Conference
Jammu & Kashmir Liberation Front
People's League
Ittihad-ul Muslimeen
All Jammu & Kashmir Employees' Confederation
Employees and Workers Confederation
Anjaman-e-Tablig-ul Islam
Liberation Council
Jamiat-e-Ahle Hadith
Kashmir Bazme Tawheed
Jamiat-e-Hamdania
Kashmir Bar Association
Political Conference
Tehreek-e-Huriati Kashmiri
Jamiate Ulama-E-Islam
Anjamani Auqafi Jama Masjid
Muslim Khawateen Markaz
Jammu and Kashmir Human Rights Committee
Jammu and Kashmir People's Basic Rights (Protection) Committee
Employees & Workers Confederation (Arsawi Group)
Students Islamic League
Islamic Study Circle
Auqaf Jama Masjid

Table 4. Members of the Muttahida Jihad Council

Hizb-ul Mujahideen
Jammu and Kashmir Liberation Front (not affiliated with Yasim Malik)
Harkat-ul-Ansar
Tehrik-e-Jehad
Tehrik-ul-Mujahideen
Jamait-ul-Mujahideen
Al Jihad
Al Umar Mujahideen
Jammu and Kashmir Islamic Front
Muslim Janbaz Force
Hizbullah
Al Fatah
Hizb-ul Momineen
*Al-Badr
*Lashkar-e-Taiba

*These groups reportedly have only observer status.

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