



'Buried Evidence'

In Kashmir extrajudicial killings are continuing. The military and paramilitary appear resolved to using brute force to subjugate Kashmiris, and exaggerate the reality/threat of movements and infiltrations across the border zones, to escalate militarization, says **ANGANA CHATTERJI**, in an exclusive interview with the **Honour**.

H: In the background of the latest exhumations of Machil, what do the unmarked graves in numerous graveyards represent?

AC: The reality of the unmarked graves is daunting. Who is buried in them? How many civilians have been killed in fake encounters? What is the relationship between the more than 8,000 disappeared and those in the graves? Why have the Government of Jammu and Kashmir and the Government of India not undertaken investigations into the findings of BURIED EVIDENCE or acted on our recommendations? Security personnel stated in July 2008 that it is not possible to identify each and every militant that dies in alleged "encounter" killings. This must be challenged. Investigation into every alleged "encounter" killing must take place as a means to question the basis for repeated killings without substantive evidence, and to establish the identities of those killed.

Extrajudicial killings are continuing. The military and paramilitary appear resolved to using brute force to subjugate Kashmiris, and exaggerate the reality/threat of movements and infiltrations across the border zones, to escalate militarization. Politically, state institutions have not resolved to address the issue of unknown, unmarked, and mass graves. This issue is huge -- these crimes against humanity have been used by the state to consolidate military governance in Kashmir.

H: Do you see any pattern that has led to existence of thousands of unmarked graves here?

AC: There are political patterns, which have shifted over time, and patterns in military strategy. If we study "encounter" killings in Kashmir, bodies from which are reportedly placed in the graves, they have shifted from the 1990s. In the last few years, a heightening in military discourse about cross-border infiltration has often been preceded or accompanied by encounter/fake encounter killings.

Between early and mid-April of this year, security forces stated that they identified militants training across the LoC in Pakistan-administered Kashmir, and that increased infiltration into Indian-administered Kashmir was expected during the summer of 2010.

Over 20 persons were killed in different "encounters" in April-May 2010, each reported as "infiltrating." No independent investigations are allowed to take place.

The threat of infiltration is repeatedly used to subvert conversations on demilitarization, including the revocation of draconian laws such as the Armed Forces Special Powers Act.

Enhanced militarization has been justified as necessary for "freedom" and "security."

The threat of infiltration is used to religionize the issue. Village Defence Committees, recruited by Hindu nationalist/militant groups, made

operational by security forces and supported by the state, are organized as civilian "self-defence" campaigns and militias.

Militarization is made necessary to securing the rights of local minorities.

H. Can you visualize a system that can bring out the truth from these graves?

AC: Such a process can take place only when there is a real commitment to the demilitarization of Kashmir, as a crucial step in the resolution of the Kashmir conflict with the participation of the Kashmiri people.

An international panel of human rights defenders, cultural and forensic anthropologists, lawyers and retired prosecutors, and media persons, assisted by local experts and community members should oversee such a process. Some of them should have the experience of working in other conflict areas. The process would have to take place in stages to identify those buried in unknown graves, uncover the circumstances of their death, investigate those who were made to labour for the security forces under duress, such as gravediggers, and identify the perpetrators. The burden of such a process would be to define what psychosocial restitution is, what justice is, and how to secure it, all with the active participation of local communities. In Kashmir, the first step would be to enter into the public domain the photographs of all those buried in the graves. The process would require the mandated cooperation of the Indian security forces, and securing sentencing for the institutional and individual perpetrators of extrajudicial killings.

For the truth to be unearthed, a mechanism of truth and justice would have to be instituted, rather than truth and reconciliation that allows for perpetrators to confess to crimes without any structural changes to redress injustices.

H. Do you see a connection between laws like Armed Forces Special Powers Act (AFSPA) and apparent systemic apathy to address the issue of disappearances?

AC: Laws such as AFSPA hold in place a regime of immunity for security forces, which emboldens impunity. Such immunity is necessary for the use of disappearances as a militaristic strategy. The revocation of AFSPA would occur only in a context where it was no longer a strategy to have the military function with impunity.

H. Does the location of such graveyards

imply anything specific?

AC: The clandestine graveyards that hold unnamed, unmarked, and mass graves are landscapes of "mass burial." They exist largely on community land, next to schools and homes, by the roadside and town square, in prayer grounds and forests, at the edges of fields across rural and urban space. Their affect on the local community is intense. The location of the graveyards within villages and towns has worked to reinforce the reality and possibility of "death," literally and figuratively, on civil society, in an attempt to contain dissent to militarization and Indian governance of Kashmir. The location of burial grounds has been strategic, occupying public space to create widespread displays of death.

H. Can you briefly share your personal experience of being part of the attempts to understand existence of these graves?

AC: It has been humbling, heart-breaking, and claustrophobic to witness people struggle to live with dignity, to listen to their stories, and to receive their hospitality, without which the Tribunal's work would be impossible. It has been a struggle in seeking accountability of myself, as a citizen of India and a resident of the US, a struggle in cultivating ethics and rigour to imagine witnessing as intervention.

H. Where is the Tribunal, you're part of, headed and what can be expected of it? Are you facing any impediments?

AC: The Tribunal hopes to continue to bear witness to the atrocities perpetrated by militarization in Kashmir, to the culture of grief that it has created. Our ability to work is contingent on events and circumstances. Our work has been enabled by tremendous solidarity locally and internationally. What we had assumed would be a one-year process when we instituted the Tribunal in April 2008, has, of necessity, stretched beyond. We have faced various impediments -- harassment, physical and legal threat and intimidation, and denial of cooperation and access. We have understood these tactics to be strategies in deterring us from doing this work, reinforcing that the work is important to continue.

Dr. Angana Chatterji is Professor of Social and Cultural Anthropology at California Institute of Integral Studies and Co-convener of the "International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir".
