

Immigration and Refugee Board of Canada

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Responses to Information Requests

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30 November 2011

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Pakistan: Treatment by state and non-state agents of individuals and political factions that support or advocate for Kashmiri independence
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Freedom House states that, based on the Karachi Agreement of 1949, Pakistan-administered Kashmir consists of the Northern Areas and Azad Kashmir (18 Aug. 2011), which is also called Azad Jammu and Kashmir (UNPO 1 Oct. 2008). On 30 August 2009, the federal government approved reforms that renamed the "Northern Areas" to Gilgit-Baltistan, and gave the region internal autonomy (HRCP Feb. 2010). According to the Human Rights Commission of Pakistan (HRCP), these reforms did not result in Gilgit-Baltistan becoming a province (ibid.), although the United States (US) Department of State indicates that the self-governance and empowerment order "afforded" Gilgit-Baltistan the "attributes of a province" (8 Apr. 2011, 47). Through the self-governance order, for example, Gilgit-Baltistan has established a distinct judicial system, legislature, and election commission (US 8 Apr. 2011, 22).

As for Azad Kashmir, it has its own constitution (UNPO 1 Oct. 2008; US 8 Apr. 2011, 47). It also has its own president, prime minister, legislature, and high court (ibid., 22). However, according to the US Department of State, Pakistan still has "considerable control over the structures of [the] government and electoral politics" (ibid., 47). The Karachi-based *Dawn* newspaper corroborates the statement that Azad Kashmir is not an independent state and adds that it "lives under Islamabad's shadow" (15 Feb. 2010). The US Department of State indicates that Gilgit-Baltistan and Azad Kashmir do not have any representation in Pakistan's parliament (8 Apr. 2011, 47). Freedom House says that residents of Pakistan-administered Kashmir have "severely limited" political rights and "no fundamental guarantee of civil rights" (18 Aug. 2011).

According to the Center for Strategic and International Studies (CSIS), an international policy institution headquartered in Washington, DC (CSIS n.d.), Kashmiri militant groups are divided between pro-independence groups that want to secede from India and Pakistan, and pro-Pakistan groups that seek secession of Kashmir from India (7 June 2011, 171). The British Broadcasting Corporation (BBC) reports that the "many" pro-independence groups that have emerged in the last few decades "appear to have been quashed" by the Pakistani government (23 Feb. 2011). CSIS indicates that most pro-independence groups have stopped armed struggle, and that ethnic Kashmiris have rejected violence "as a means to achieve their objectives" (7 June 2011, 168, 172). The BBC states that some members of the pro-independence group Jammu and Kashmir Liberation Front were the first to renounce militancy (23 Feb. 2011).

Treatment of Supporters of Kashmiri Independence by the State

Sources indicate that pro-independence groups include the Jammu and Kashmir Liberation Front (CSIS 7 June 2011, 172; BBC 23 Feb. 2011), the United Kashmir People's National Party (ibid.), the All-Parties Hurriyat [or Hurriyat] Conference (CSIS 7 June 2011, 172), and the Gilgit-Baltistan Democratic Alliance (IANS 5 Nov. 2009), an umbrella organization representing non-violent groups like the Balawaristan National Front, Gilgit-Baltistan United Movement, Karakoram National Movement, Gilgit-Baltistan Laddakh Democratic Movement, and the Bolor Research Forum (UNPO 1 Oct. 2008).

According to the BBC, local laws in Pakistan-administered Kashmir prohibit pro-independence politics (23 Feb. 2011). Freedom House corroborates the statement that Azad Kashmir's constitution "forbids individuals and political parties from taking part in activities that are prejudicial to the region's accession to Pakistan" (18 Aug. 2011). Freedom House also states that anti-government demonstrations have routinely been "suppressed," at times "violently," by police officers (18 Aug. 2011). According to the US Department of State, pro-independence activists are "barred" from the political process in Azad Kashmir (8 Apr. 2011, 48). The Indo-Asian News Service (IANS) reports that hundreds of separatist leaders in Gilgit-Baltistan were arrested in November 2009 and sent to Islamabad to prevent them from campaigning in elections (5 Nov. 2009). The arrested leaders were reportedly part of the Gilgit-Baltistan Democratic Alliance (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Institute of Gilgit Baltistan Studies (IGBS), an individual that was managing the election campaign of the pro-independence party Balawaristan National Front was charged with "mutiny and for demanding freedom of political activity" (29 Apr. 2011). The IGBS is a non-profit information dissemination organization that was founded by members of the Gilgit-Baltistan community in

Washington (n.d.). The organization advocates for "demilitarization of Gilgit-Baltistan, political and judicial autonomy, genuine democracy, and elimination of extremism and terrorism from the region" (IGBS n.d.).

The BBC indicates that Pakistani security forces view pro-independence groups with "suspicion" (23 Feb. 2011). In 2008, Pakistan President Asif Ali Zardari reportedly called separatist violence "terrorism," although it was later clarified that he was referring to "non-Kashmiri militants fighting in Kashmir" (BBC 14 Sept. 2010).

Freedom House states that Pakistan's Inter-Services Intelligence (ISI) agency engages in "extensive surveillance" of pro-independence groups (18 Aug. 2011). The US Department of State also indicates that those "who do not support Azad Kashmir's accession to [Pakistan] ... [are] also subject to surveillance, harassment, and sometimes imprisonment by security services" (8 Apr. 2011, 48).

There are several 2011 reports of the arrests of pro-independence advocates in Pakistan-administered Kashmir (IGBS 31 July 2011; BBC 23 Feb. 2011; BNF 29 July 2011). The BBC reports that pro-independence activists, including one member of the United Kashmir People's National Party, were not given a reason for their arrest, and were detained, "'punished and interrogated'" by the ISI (23 Feb. 2011). According to the United Kashmir People's National Party activist, he was held in a "'torture cell'" and whipped (BBC 23 Feb. 2011). Freedom House corroborates the observation that the ISI "arbitrarily arrests" and detains people, and that, in some instances, it has "tortured" those whom it has detained (18 Aug. 2011). Freedom House adds that "several cases of death in custody have been reported [and that] impunity for such abuses remains the norm" (18 Aug. 2011).

The IGBS reports on the "enforced disappearances" of pro-independence youths (30 Aug. 2011). In February 2011, a lawyer and pro-independence activist stated that "hundreds of pro-independence activists and former militants are currently missing, and are presumed to be held by the ISI" (qtd. in BBC 23 Feb. 2011). According to the BBC, the authorities in Muzaffarabad [the capital of Azad Kashmir] "do not dispute this claim," but justify it by citing the law that prohibits pro-independence politics (23 Feb. 2011). In addition, the BBC reports the Prime Minister of Pakistan-administered Kashmir as saying that innocent people may have been arrested and intelligence services may have made mistakes, but "the imperatives of national defence sometimes necessitate such arrests" (23 Feb. 2011).

According to the US Department of State, those who are against accession of Azad Kashmir to Pakistan are "barred" from schools and from working in the public service (8 Apr. 2011, 48). (Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.) Furthermore, in Azad Kashmir, the Kashmir Council and the Ministry of Kashmir Affairs must grant their permission before the media can publish articles (US 8 Apr. 2011, 34; Freedom House 18 Aug. 2011). According to Freedom House, pro-independence publications are unlikely to be published (ibid.).

Treatment of Supporters of Kashmiri Independence by Pro-Pakistan Groups

According to CSIS, pro-Pakistani groups include Lashkar-e-Taiba, Jaish-e-Mohammad, Hizbul Mujahideen, Harkat-ul-Mujahideen, and Harkat-ul-Jihad-al-Islami (7 June 2011, 171). Sources indicate that some pro-Pakistani groups have camps or bases in Pakistan-administered Kashmir (CSIS 7 June 2011, 173; Al Jazeera 3 Aug. 2011; Freedom House 18 Aug. 2011). CSIS states that "pro-independence groups have largely been marginalized within the armed struggle, and pro-Pakistani groups ... have a near monopoly on organized militant violence" (7 June 2011, 171).

Sources indicate that links exist between pro-Pakistan militant groups and the Government of Pakistan (BBC 23 Feb. 2011; Human Rights Watch Sept. 2006; CSIS 7 June 2011, 172). According to CSIS, the ISI "introduced several pro-Pakistani groups" into the struggle over Kashmir, including the Hizbul Mujahideen, Harkat-ul-Mujahideen, Lashkar-e-Taiba, Jaish-e-Mohammad, and the Harkat-ul-Jihad-al-Islami (7 June 2011, 171-172). CSIS adds that many of these groups "traditionally grew and operated with state support" (7 June 2011, 171). Sources corroborate the contention that there are links between Pakistani intelligence services and the Lashkar-e-Taiba (UN 13 Oct. 2010; BBC 23 Feb. 2011) and Jaish-e-Mohammad (ibid.). According to the BBC, the Pakistani government-supported Hizbul Mujahideen was established with a mandate to fight Indian forces and the pro-independence Jammu and Kashmir Liberation Front (23 Feb. 2011). CSIS stated that there is "considerable evidence that Pakistan has provided extensive training, weapons, funding and sanctuary" to militant groups, and that as of June 2011, "Pakistan [was] believed to continue to retain influence over the Kashmiri insurgency" (7 June 2011, 168-175). However, the Pakistani government denies involvement with militant groups in Kashmir (CSIS 7 June 2011, 168; BBC 23 Feb. 2011).

A lawyer and pro-independence activist cited in a BBC article stated that people who oppose pro-Pakistan groups such as Lashkar-e-Taiba and Jaish-e-Mohammad are "threatened, beaten up and arrested" (23 Feb. 2011). According to Freedom House, the tension between pro-Pakistan groups and pro-independence groups has led to increased attacks against Shiites (18 Aug. 2011). CSIS indicates that leaders of the All-Parties Hurriyet Conference, "a coalition of Kashmiri separatist parties, have found themselves in the 'crosshairs' of militant gunmen" backed by Pakistan (7 June 2011, 175).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact a professor at the Institute of Applied Social Studies in Birmingham, United Kingdom were unsuccessful.

Internet sites, including: Amnesty International; Committee to Protect Journalists; Council on Foreign Relations; *The Economist*; European Country of Origin Information Network; Factiva; International Crisis Group; *Jane's Intelligence Review*; *Kashmir Times*; United Nations – Committee Against Torture, Refworld; US Department of State's *Country Reports on Terrorism*.

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