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Issue Paper PAKISTAN AZAD KASHMIR AND THE NORTHERN AREAS August 1997

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MAP 1: JAMMU AND KASHMIR REFERENCE MAP

See original.

Source: Joseph E. Schwartzberg. 1997. Map reproduced with the author's permission.

MAP 2: JAMMU AND KASHMIR ADMINISTRATIVE DIVISIONS, 1981

See original.

Source: Joseph E. Schwartzberg. 1997. Map reproduced with the author's permission.

GLOSSARY

AKPP:

Azad Kashmir People's Party

ISI:

Inter Services Intelligence

JKLF:

Jammu and Kashmir Liberation Front

JKNSF:

Jammu and Kashmir National Students Federation

KIF:

Kashmir International Front

LOC:

Line of Control

MC:

Muslim Conference

PPP:

Pakistan People's Party

1. INTRODUCTION

This paper updates information from and should be read in conjunction with Extended Response to Information Request PAK20183.E of 30 May 1995 on Azad Kashmir^[1] and the Northern Areas of Pakistan, both disputed territories which have remained under the control of Pakistan. As noted in the earlier paper, it is difficult to obtain information on this part of the world. There is reportedly minimal press presence in and coverage of Azad Kashmir, to the extent that important events often go unreported (*India Abroad* 26 July 1996; *ibid.* 2 Feb. 1996; Khan 24 June 1997; Keppley Mahmood 6 June 1997). Anthropologist Dr. Cynthia Keppley Mahmood, who visited Azad Kashmir from December 1996 to January 1997, believes that the lack of publicity could be in part related to the Pakistan government's strenuous efforts in recent years to spotlight human rights problems in the Indian state of Jammu and Kashmir (Keppley Mahmood 6 June 1997). In addition, the region is relatively difficult to travel to, and, according to some sources, movement within the region can be restricted (*ibid.*; Sharma 30 June 1997; *India Abroad* 1 Mar. 1996; King and St. Vincent 1993, 233, 235, 238). Thus, as with the Response to Information Request PAK20183.E, some of the information in this paper is limited to a single source and could not be corroborated.

1.1 Ethnography^[2]

Azad Kashmir and the Northern Areas present a linguistic and cultural mix of peoples. According to Dr. Joseph Schwartzberg, a geography professor and member of the US-based Kashmir Study Group, most but not all of those crossing from the Indian side of Kashmir into Azad Kashmir speak Kashmiri and are Sunni Muslim (Schwartzberg 27 June 1997; *ibid.* n.d.). Those from the lowlands, the Vale of Kashmir, between the Pir Panjal mountain range and the Himalayas, also speak Kashmiri (*ibid.*). Highlanders might speak Pahari or Gojri, the latter being the language of a group of pastoralists who annually migrate between the highlands and lowlands. They would likely know Kashmiri, but it would not be their mother tongue (*ibid.*). Pahari and Gojri are closer to Punjabi than to Kashmiri but, according to Dr. Schwartzberg, are separate languages rather than dialects of Punjabi (*ibid.*).^[3] Similarly, Dr. Keppley Mahmood explains that the whole border area on both sides of the Line of Control (LOC) is as much Punjabi as Kashmiri (Keppley Mahmood 6 June 1997). According to Azmat A. Khan, general secretary of the Jammu and Kashmir Liberation Front (JKLF) UK-Europe Branch, there have historically been significant cross-border integrations of different communities with different languages (Khan 24 June 1997). Thus, people are often not strict about language; while in the heart of the Kashmir Valley, for example, everyone would speak Kashmiri, in outlying areas there is a greater chance of a mix of languages (*ibid.*).

In the Northern Areas of Gilgit and Baltistan, people speak different languages still and, depending on the area, could be Shia rather than Sunni Muslim (Schwartzberg n.d.). According to Dr. Schwartzberg, the principal language of Baltistan is Balti, which is a dialect of Tibetan, and those who speak it are for the most part Shia Muslims (Schwartzberg 27 June 1997). Gilgit has a mix of Shia and Sunni Muslims, and there are many languages spoken there. The largest group of people speak Shina, a language separate from but related to Kashmiri. Other languages spoken in the area are also related to Kashmiri (*ibid.*; *ibid.* n.d.). These are grouped in the Dardic sub-family of languages. In addition, there is Burushaski, unrelated, as far as is known, to any other language in the world and spoken in the Gilgit Agency areas of Hunza and Nagar and the adjacent areas of Ishkoman and Yasin, in the northern part of the Northern Areas (*ibid.*). Gilgit city has immigrants who speak Punjabi, for the most part, or Pushtu, the language of the North-West Frontier Province of Pakistan. In this complicated linguistic mix, according to

Dr. Schwartzberg, the usual lingua franca is Urdu (ibid.).

NOTES

[1] "Azad" or "Free" Kashmir, formally known in Pakistan as Azad Jammu and Kashmir, is the term commonly used in Pakistan for the portion of Kashmir which has remained under Pakistan's control. Indian sources typically refer to this region as "Pakistan-Occupied Kashmir" or "POK," while Pakistani sources often refer to the Indian state of Jammu and Kashmir as "Indian-held Kashmir." In using the terms "Azad Kashmir" and "Jammu and Kashmir" the DIRB does not imply support to any particular political claim over the disputed areas. [\[back\]](#)

[2] For more information, please see Appendices A to C for maps outlining linguistic and religious distributions. [\[back\]](#)

[3] According to Dr. Schwartzberg, linguists consider Pahari a dialect of Hindi and Gojri a dialect of Rajasthani, which is closely related to Hindi. Many of those listed in the 1981 Azad Kashmir census as Punjabi actually speak Pahari or Gojri; this sort of "census artifact" also turns up in the Indian census as well (Schwartzberg 27 June 1997). [\[back\]](#)

2. CONSTITUTIONAL STATUS/LEGAL SYSTEM

2.1 Azad Kashmir

The constitutional status of Azad Kashmir remains uncertain pending the outcome of the lingering territorial dispute between Pakistan and India.^[4] In the meantime, sources report, Azad Kashmir remains dominated by Pakistan on political, economic and military levels (Sharma 30 June 1997; Schwartzberg 27 June 1997; *Défense nationale* Jan. 1997, 127-29; *The News* 17 May 1996; see also Wirsing 1994, 65; Rose 1992). The Azad Kashmir government has petitioned the Pakistan government for greater control of tax revenues in order to become self-sufficient (*Dawn* 25 June 1997b). As well, Kashmiri groups ranging from the official Azad and Jammu Kashmir cabinet to the JKLF to the All Parties Hurriyat (Freedom) Conference in the Indian state of Jammu and Kashmir have called for Kashmiri representation in on-going negotiations between Pakistan and India over the future of Kashmir (ibid. 27 June 1997b; ibid. 25 June 1997a; ibid. 25 June 1997c; ibid. 30 Mar. 1997). In June 1997, about 50 JKLF supporters forced their way past police in Islamabad to stage a sit-in at the Indian High Commission protesting the exclusion of Kashmiri representatives from the talks (ibid. 25 June 1997c). India and Pakistan have established a formal working group to discuss the long-standing and bitter dispute, but a quick resolution is not expected (VOA 1 July 1997; *The Frontier Post* 22 Apr. 1997; *The Asian Age* 12 May 1997; for background see Wirsing 1994, 63-64).

According to Khan, Azad Kashmir has a separate legal system and a separate bar from Pakistan, with local magistrates courts, a high court and a supreme court (Khan 24 June 1997; see also *Défense nationale* Jan. 1997, 127). In a January 1997 article in *Défense nationale*, Alain Lamballe indicates that the heads of the supreme court and high court are named by the president of Azad Kashmir following the recommendation of the Azad Jammu and Kashmir Council, which is dominated by the Pakistani government (*Défense nationale* 129). Neither Khan nor Dr. Schwartzberg are certain as to the degree to which, or even whether, the Azad Kashmir legal code differs from that of Pakistan (ibid.; Schwartzberg 27 June 1997). Dr. Schwartzberg stated that the penal codes were presumably the same and noted that, as in Pakistan, the Azad Kashmir legal system would have to be consistent with Shari'a, Islamic law. He was uncertain, though, which school of Shari'a is followed in Azad Kashmir (ibid.). According to Lamballe, the Pakistani Council of Islamic Ideology is consulted to ensure the constitutionality of laws in Azad Kashmir (*Défense nationale* Jan. 1997, 129).

Khan stated that fair treatment in Azad Kashmir courts depends very much on the situation (Khan 24 June 1997). The alleged crime, for example, and the status and connections

of the accused and the accusers all play a role (ibid.). In this way, according to him, the legal system is comparable to that in many Third World countries; there are local political implications to many offenses, and the outcome depends very much on which political party is backing which side (ibid.). He also believes, however, that in general one has a better chance of finding fair judicial recourse in Azad Kashmir than in most areas of Pakistan—except when the charges relate to national security issues (ibid.).

The director-general of the police force in Azad Kashmir is appointed by the Pakistani government (ibid.; Sharma 30 June 1997; Rose 1992, 244). According to Khan, special laws allow police to be brought in from Pakistan in the case of a large-scale disturbance, but Azad Kashmir police cannot be sent to Pakistani cities (Khan 24 June 1997). Similarly, Pakistani police can directly pursue fugitives from Azad Kashmir, but Azad Kashmir police cannot directly pursue fugitives from Pakistan (ibid.). Lamballe reports that Azad Kashmir relies heavily on Pakistan for its internal security as well as national defence and foreign affairs (*Défense nationale* Jan. 1997, 127). In addition, most civil servants are Pakistani (ibid.).

2.2 The Northern Areas

As with Azad Kashmir, the constitutional status of the Northern Areas has not been resolved (Schwartzberg 27 June 1997; *Country Reports 1996 1997*, 1477; *The News* 11 June 1997; *Dawn* 11 June 1997; AI 28 June 1996). In June 1997, two long-standing constitutional petitions asking that the Northern Areas be formally declared part of Pakistan remained before the Pakistan supreme court (*The News* 11 June 1997; *Dawn* 11 June 1997). *Country Reports 1996 1997* states that the Northern Areas are currently "administered by an appointed civil servant. While there is an elected Northern Areas Council, this body serves in an advisory capacity to the Federal Government and has no authority to change laws or raise and spend revenue" (*Country Reports 1996 1997*, 1477). The petitions ask for provincial status for the Northern Areas (including the right to establish their own legislative, legal and taxation systems) and for guarantees that the people there will be able to enjoy the full rights of Pakistani citizenship (*The News* 11 June 1997; *Dawn* 11 June 1997). In June 1997, the supreme court of Pakistan referred the petitions to Pakistan's attorney-general for consultation (ibid.). According to *Dawn*, one supreme court justice, Bashir Ahmed Jehangiri, from North-West Frontier Province, "said that he had personal knowledge that [the] whole of the Northern Areas were being governed by the section officers of [the] Kashmir Affairs Ministry" (ibid.). *Dawn* also quoted the justice as saying, "There is no law in the Northern Areas whatsoever" (ibid.). In 1994, the Pakistan supreme court overturned an earlier ruling by the Azad Kashmir high court that the Northern Areas were part of Azad Kashmir's jurisdiction (*Country Reports 1994 1995*, 1255; Schwartzberg 27 June 1997).

NOTE

[4] For background information, please see Extended Response to Information Request PAK20183.E of 30 May 1995.

[\[back\]](#)

3. TREATMENT OF OPPOSITION

3.1 Opposition in Azad Kashmir

In the 30 June 1996 legislative assembly elections in Azad Kashmir, Barrister Sultan Mahmud Chaudhary's Azad Kashmir People's Party (AKPP), a wing of with the Pakistan People's Party (PPP) of then-prime minister Benazir Bhutto, emerged with control of the majority of seats ^[5] (All-India Radio 2 July 1996; *India Abroad* 5 July 1996; ibid. 14 June 1996). The Muslim Conference (MC), which had formed the out-going government, boycotted the elections,

accusing the PPP of vote-rigging by abolishing identity card requirements and bringing in non-Kashmiris to vote; the allegations, according to *Country Reports 1996*, "appear to be valid" (*Country Reports 1996 1997*, 1476; see also *Christian Science Monitor* 3 Oct. 1996). In March 1997, however, Pakistan's prime minister, Nawaz Sharif, turned down an MC petition to dissolve the AKPP government, saying that there was no concrete evidence of vote-rigging (*The News* 8 Mar. 1997).

During the election campaign, PPP supporters reportedly shot and killed seven MC members and wounded 13 others in an attack near Bhimber town in Mirpur District, Azad Kashmir (DPA 25 June 1996; *The Electronic Telegraph* 1 July 1996). In addition, the elections were marred when some 36 candidates were barred from contesting seats because they refused to sign a declaration agreeing to the eventual accession of Kashmir to Pakistan (ibid.; Khan 24 June 1997; *The News* 19 June 1996; *India Abroad* 14 June 1996; ibid. 4 Apr. 1997). An Amnesty International report from 28 June 1996 cites Article 4(7)(2) of the Azad Jammu and Kashmir Interim Constitution Act of 1974: "No person or party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State's accession to Pakistan." Widespread protests organized by the Kashmir National Alliance, an umbrella opposition group^[6], culminated in a "Long March" on the Azad Kashmir capital, Muzaffarabad, in June 1996 (AI 28 June 1996; *India Abroad* 28 June 1996). Participants came from many regions of Azad Kashmir, and up to 200 were arrested, reportedly without warrants (ibid.; AI 28 June 1996). The Amnesty International report stated that they were eventually released on bail within a week (ibid.).

Khan stated in a 24 June 1997 interview that eventually most of the leaders of the protests either disappeared from the public scene or went quiet (Khan 24 June 1997). According to him, it is not clear what has happened to them; they do not feel free to talk openly about their treatment. He also stated that about 16 leaders of protest demonstrations were arrested in various places and severely beaten, and some were imprisoned for three to four months. There is no official news about what has happened to these activists since, or even whether, they were released (Khan 24 June 1997). Khan added that there were claims of three or four activists being tortured to death, but no Pakistani newspapers printed the stories (ibid.).

There have been other reports of demonstrations and protests in Azad Kashmir in the last few years. On 27 June 1997, the Karachi daily *Dawn* reported a "wheel-jam" strike in Azad Kashmir organized by the MC (Dawn 27 June 1997). The strike was in protest against the alleged vote-rigging that the MC says the Intelligence Bureau carried out in the 1996 elections under Bhutto's direction (*Dawn* 27 June 1997a). According to the report, police baton-charged and exchanged gunfire with crowds in Muzaffarabad, leaving two dead and ten injured, with two police among the injured (ibid.). The MC leader, Sardar Abdul Qayyum, who was briefly arrested himself, claimed police had arrested 150 MC workers (ibid.).

On 1 March 1996, *India Abroad* reported that, according to the London-based Kashmir International Front (KIF), three Azad Kashmir political leaders, Khwaja Hussain Mehmood, Saleem Awan and Farooq Vani, had been tortured in police stations and interrogation camps (*India Abroad* 1 Mar. 1996). According to the KIF, the three had been protesting the actions of Afghan Mujahideen in Azad Kashmir (*India Abroad* 1 Mar. 1996).

India Abroad on 2 February 1996 reported widespread protests throughout Azad Kashmir involving the JKLF, the Jammu and Kashmir National Awami Party, the Jammu and Kashmir

National Democratic Party, and the Jammu and Kashmir National Students Federation (JKNSF) (India Abroad 2 Feb. 1996). The protests were reportedly sparked when a large plot of land in Azad Kashmir was allotted to Pakistan's Inter Services Intelligence (ISI) to build an intelligence centre. (Land in the Indian state of Jammu and Kashmir, in contrast, is expressly reserved for residents of the state.) The *India Abroad* article cites information from the KIF to the effect that several local leaders went underground to avoid arrest, while others who had been arrested were tortured (India Abroad 2 Feb. 1996). On 11 February 1996, Agence France Presse reported that police baton-charged a group of JKNSF and JKLF demonstrators in Muzaffarabad, injuring 30 of them. The report stated that the demonstration had been called to commemorate the death of Maqbool Butt, an advocate of independence from both India and Pakistan who had been hanged in India in 1984 (AFP 11 Feb. 1996). It added that 10 members of the JKNSF were injured in a related demonstration in nearby Garhi Dupatta when they were attacked by rival students (*ibid.*).

Amnesty International reports that "people who do not subscribe to the accession of Azad Jammu and Kashmir have ... reportedly lost their jobs and have been denied access to educational institutions" (AI 28 June 1996). According to Khan, until the late 1980s, advocating independence from Pakistan was not tolerated in Azad Kashmir, and all groups, parties and individuals doing so could expect to meet with repression and victimization at the hands of the government (Khan 24 June 1997). However, in the last ten years, since the "explosion" of violence on the Indian side of Kashmir, the rule has been relatively relaxed in practice in Azad Kashmir (*ibid.*). Khan stated that possibly the public outcry within Azad Kashmir and from Pakistan against Indian actions in Jammu and Kashmir softened the attitudes of local authorities and of Pakistani police, army and government officials (*ibid.*). Still, he added, there are cases in which a person seen as going to "extremes" can expect difficulties. What is considered extreme depends on the individual case (*ibid.*). For example, in some instances, equating the Indian and Pakistan governments as both in the same way being occupiers of the Kashmiri nation would be considered extreme (*ibid.*). According to Khan, state agencies might not make an arrest on this basis but could choose another way to "victimize" the person in question; he or she might be falsely implicated in criminal offences, for example, or the state might create rivalry with other political groups so that the person's influence diminishes (Khan 24 June 1997). Khan also stated that offering political bribes to buy a dissident's silence is common in Azad Kashmir (*ibid.*).

Amnesty International has stated that, although political parties which advocate independence from Pakistan are not allowed to participate in elections, the parties are allowed to function legally (AI 28 June 1996). As well, dissident voices are heard; on 19 June 1996, for example, the Karachi daily *The News* published a lengthy opinion piece by JKLF chairman Amanullah Khan explaining why the JKLF opposed the holding of elections in Azad Kashmir (*The News* 19 June 1996). Khan argued that, with an "armed freedom struggle" going on in Indian-held Jammu and Kashmir, it was a luxury to hold elections in Azad Kashmir and that resources could better be spent on the Kashmiris' efforts toward emancipation in India (*The News* 19 June 1996). He also argued that, given the enormous opposition within Azad Kashmir and Pakistan to elections (instead of a plebiscite on independence) in Indian-held Jammu and Kashmir, it would be "adopting double standards" to then hold elections before an independence plebiscite in Azad Kashmir (*ibid.*). Finally, he contended that blocking the candidacy of individuals opposed to eventual accession with Pakistan "[was] a gross violation of one's freedom of thought" (*ibid.*).

3.2 Opposition in the Northern Areas

There have been several reports of political unrest in the Northern Areas in the last few

years. In June 1996, for example, Amnesty International stated that police had fired on peaceful demonstrators in Gilgit, killing, according to various reports, between one and four people and injuring over a dozen (AI 28 June 1996). Over 800 were arrested (ibid.). The demonstration was in protest of "'domination' by Pakistan and discriminatory recruitment practices which allegedly disadvantage Gilgits" (ibid.). The Amnesty International report explained:

Gilgit and Baltistan, directly administered by the Pakistan central government as part of the "Northern Areas," do not enjoy a constitution guaranteeing fundamental rights, democratic representation or a separation of powers. People in Gilgit and Baltistan have in the past repeatedly protested against the withholding of their civil and political rights, especially the right to democratic representation (ibid.).

In July 1996, *India Abroad* reported widespread violence in Gilgit and Baltistan over various issues (India Abroad 26 July 1996). There were protests over the exclusion of pro-independence candidates from the June 1996 Azad Kashmir elections and demands for elections for Gilgit and Baltistan (*India Abroad* 5 July 1996). Youths rioted for positions in the paramilitary Northern Scouts in Gilgit and Baltistan (ibid.). There were also demands for outright independence for the Northern Areas and claims that hundreds of people had been taken to secret military interrogation centres (ibid.; ibid. 12 July 1996). According to *India Abroad*, by the end of July 1996, Pakistan's army had taken over the administration of Gilgit, 40 senior leaders in Gilgit and Baltistan had been arrested and a curfew had been imposed (India Abroad 26 July 1996; ibid. 12 July 1996). The 26 July 1996 *India Abroad* report further stated that telephone links to the Northern Areas were being re-routed through Rawalpindi and monitored by Pakistani authorities (India Aboard 26 July 1996). A month earlier, Amnesty International reported that Hussain Shah, leader of the United Front^[7] in Gilgit and Baltistan, was arrested only minutes after talking on the telephone to BBC reporters (AI 28 June 1996). According to the report, Shah was on the verge of petitioning the Azad Jammu and Kashmir high court to grant residents of Gilgit and Baltistan the right to vote (ibid.; see also *India Abroad* 26 July 1996).

Dr. Schwartzberg visited the Northern Areas in May 1997 and witnessed a May Day demonstration of several hundred people in Gilgit demanding the right to set up trade unions, which are not allowed in the Northern Areas (Schwartzberg 27 June 1997). According to Dr. Schwartzberg,

although a majority of people in the Northern Areas would like to see their region become the "fifth province" of Pakistan, there are several incipient sectarian-based movements for the creation, in the present Gilgit Agency, of either an independent or an autonomous region ... (ibid.).

There are, he indicated, a number of proposed names for the region: "Boloristan," advocated by the mainly Shia Muthida Quami (United National Party), led by Maj. (retd.) Hussain Shah; "Balawaristan," advocated by the mainly Ismaili Balawaristan National Front, led by Nawaz Khan Najji; or "Karakoram," advocated by the mainly Shia Karakoram National Movement, led by Mumtaz Hasamin (spelling uncertain) Nagari (ibid.). Dr. Schwartzberg continued:

Two of my informants suggested that these movements collectively could command the support of perhaps a third of the people of the Northern Areas, or perhaps of Gilgit alone, but a few Sunnis strongly identify with Pakistan. In any event, the

principal political concern in the Northern Areas appears to be not Kashmir but the aspirations for power and position among leaders of various sectarian groups (ibid.).

NOTES

[5] Sources vary on the exact election results. For more information please see Response to Information Request PAK26767.E of 18 April 1997. [\[back\]](#)

[6] According to Amnesty International, the Kashmir National Alliance is made up of four parties: the Jammu and Kashmir National Awami Party, the Jammu and Kashmir National Democratic Party, the Jammu and Kashmir Liberation Front and the Jammu Kashmir National Students Federation (AI 28 June 1996). [\[back\]](#)

[7] Note that Dr. Schwartzberg refers, below, to Hussain Shah as leader of Muthida Quami (United National Party). [\[back\]](#)

4. PAKISTANI SUPPORT OF KASHMIRI GROUPS

Officially, the governments of Pakistan and Azad Kashmir deny providing military aid to Kashmiri groups fighting in Jammu and Kashmir in India, although some sources contend that military training camps supervised and aided by the Pakistan military and ISI are functioning in Azad Kashmir close to the LOC (Wirsing 1994, 120; Sharma 30 June 1997; Radio Pakistan 28 Aug. 1996; ibid. 7 Jan. 1996). According to Robert Wirsing, a number of Kashmiri groups operate in Azad Kashmir and Pakistan with a varying range of official support or approval, and the political interests of the Pakistan government have in the past played a strong role in determining who would receive support (Wirsing 1994, 122-23). In his 1994 book, for example, Wirsing reported that funding and training from the Pakistan government was drying up for pro-independence Kashmiri groups like the JKLF in favour of the Hizbul Mujahideen, who openly advocated accession to Pakistan (ibid.). In Pakistan and Azad Kashmir, the JKLF walks a tight balance, relying on the good graces of government authorities to continue operations but also openly advocating eventual Kashmiri independence from Pakistan, a stance which has diminished its government support and restricted its room to operate (Schwartzberg 27 June 1997; *India Abroad* 5 July 1996; Wirsing 1994, 122-23; *The News* 19 June 1996).

The Jamaat-i-Islami, which the *Political Handbook of the World 1997* calls "a right-wing fundamentalist group" (Political Handbook of the World 1997 1997, 639-40; see also *World Encyclopedia of Political Systems* 1987, 843), provides welfare and aid to relief camps in Azad Kashmir but has also been linked to various Kashmiri Mujahideen groups actively fighting in Jammu and Kashmir in India (Keppley Mahmood 6 June 1997; *Jang* 27 Mar. 1995). On 8 September 1996, Abdur Rashid Turabi, chief of the Jamaat-i-Islami for Azad Kashmir, was quoted in *The News* as calling for the Pakistan government to "'give a free hand to the Kashmiris and turn Muzaffarabad into a base-camp of freedom struggle.'" Dr. Keppley Mahmood reports that there are Mujahideen training camps throughout the border area in Azad Kashmir and that Mujahideen groups openly advertise and have recruiting booths in major Pakistani cities (Keppley Mahmood 6 June 1997). For example, Harkat-al-Ansar, a radical Islamist group alleged by some to be linked to Al-Faran (the group accused of kidnapping western tourists in Jammu and Kashmir), has a big recruiting booth in downtown Lahore, where it sells bumper stickers (ibid.; see also *Dawn* 26 Apr. 1997).^[8]

On 27 March 1995, *The News* reported that in Pakistan,

Jamaat-i-Islami, Harkatul Ansar and other organisations have never been challenged

by the government in their campaigns to recruit committed Muslims to carry out Jihad anywhere in the world. These organisations are also permitted to collect Jihad funds anywhere in the country. In its most recent fund collection campaign all over the country Jamaat-i-Islami reportedly collected more than Rs 20 million [approximately \$CDN724,000] during the Eid prayers early this month (The News 27 Mar. 1995).

On the other hand, *Nawa-i-Waqt* reported on 28 July 1996 that the Pakistani foreign and interior ministries had decided to close the offices of 7^[9] out of the 24 Kashmiri Mujahideen organizations in Azad Kashmir (*Nawa-i-Waqt* 28 July 1996). The 24 had earlier survived a merger of some 65 Kashmiri organizations (*Nawa-i-Waqt* 28 July 1996).

NOTES

[8] Other reports indicate that many militants from all over the Islamic world bound for action in Kashmir are being trained in camps in Afghanistan (*The News* 21 Nov. 1996; *ibid.* 27 Mar. 1995). On 21 November 1996, for example, *The News* reported that a Hizbul Mujahideen training camp in Afghanistan had been closed by the Afghan Taliban and turned over to Harkat-ul-Ansar, with the apparent permission of a Pakistan security agency (*The News* 21 Nov. 1996). [\[back\]](#)

[9] The article named the following organizations: the Karavan-i-Haider, the Muslim Guerrilla Force, the Hizb-e-Jehad, the Karavan-i-Mujahideen, the Islamic Student League, the Pasdaran-e-Islami and the Islamic Front (*Nawa-i-Waqt* 28 July 1996). [\[back\]](#)

5. MOVEMENT

5.1 Between Azad Kashmir/Northern Areas and Pakistan

Lamballe notes that article 2 of the 1974 Azad Kashmir constitution makes no distinction between Kashmiri and Pakistani residents regarding citizenship^[10] (*Défense nationale* Jan. 1997, 127). One result of this is that Pakistanis enjoy "complete freedom of movement" in Azad Kashmir, and residents of Azad Kashmir also move freely in Pakistan (*ibid.*). Khan, too, reports that it is relatively easy for Pakistanis and Kashmiris to move within, and in and out of Azad Kashmir (Khan 24 June 1997). The public transport systems of Azad Kashmir and Pakistan are closely linked, and there are no restrictions on individuals travelling from Azad Kashmir to Pakistan or vice versa (*ibid.*). According to Khan, there are no visa restrictions either, and individuals are not stopped at checkpoints. The checkpoints are actually for examining vehicles and are commonly set up between towns in Pakistan (*ibid.*). All motor vehicles registered in Azad Kashmir carry an Azad Jammu and Kashmir registration number and are recognized as belonging to someone from Azad Kashmir (*ibid.*). According to Khan, passengers are not questioned when entering Pakistani territory from Azad Kashmir, although the driver may be asked to prove the ownership of the vehicle (*ibid.*).

A number of sources, however, indicate that the movement of foreign nationals, at least, can be restricted in Azad Kashmir (Keppley Mahmood 6 June 1997; Sharma 30 June 1997; King and St. Vincent 1993, 233, 235, 238). According to S.L. Sharma, convenor of the Rodovre, Denmark-based Jammu and Kashmir National Front-International, foreign nationals must receive special Pakistan government permission before visiting Azad Kashmir, and once there they must contact local police authorities (Sharma 30 June 1997). Sharma reports that Pakistan army officials monitor visits by foreign nationals and that special permission is required to visit certain restricted areas (*ibid.*). The 1993 Lonely Planet travel guide for Pakistan reports a confusing situation for foreign travellers, with restrictions changing depending upon the changing security situation and upon which office or official is approached (King and St. Vincent 1993, 233, 235,

238). Dr. Keppley Mahmood, an American citizen, was able to travel freely in Azad Kashmir in December 1996 and January 1997, but that was under the auspices of the Jamaat-i-Islami (Keppley Mahmood 6 June 1997). She believes that foreign nationals usually require a special permit to travel to Azad Kashmir (ibid.).

In March 1996, according to the KIF, authorities restricted entry into the Northern Areas of Gilgit and Baltistan and placed "strict surveillance" on entry points into Azad Kashmir (*India Abroad* 1 Mar. 1996). The measures followed the arrest of three Azad Kashmir leaders and widespread protests over the presence of Afghan Mujahideen in the area (ibid.). A 21 July 1997 *Dawn* article indicates a different difficulty; travellers on the Karakoram highway from Gilgit into North West Frontier Province were reportedly being harassed by police looking for customs-related bribes (*Dawn* 21 July 1997).

5.2 Between Azad Kashmir and India

Individuals and families crossing the LOC into Azad Kashmir face a hazardous journey over difficult terrain past Indian border patrols (Keppley Mahmood 6 June 1997; Schwartzberg 27 June 1997; VOA 2 July 1997). One Kashmiri family interviewed by Voice of America correspondent Meredith Buel walked for seven days through the mountains in very cold temperatures; a grandfather and two young children died en route (ibid.). Frostbite is a major concern and often results in amputations (Keppley Mahmood 6 June 1997; see also VOA 2 July 1997). Relief camp observers also report a large number of amputations due to rocket and artillery attacks by Indian border troops on settlements in Azad Kashmir near the LOC (VOA 1 July 1997; *Newsday* 28 May 1995). The high-risk passage across the mountains and swift-flowing rivers of the region is typically only achieved with the help of paid local guides, usually Gojri-speaking Gujjars familiar with the mountains (Schwartzberg 27 June 1997).

Although heavily guarded and situated in difficult terrain, the LOC is reportedly relatively porous. Kashmiri militants make frequent crossings in both directions, civilians move to Azad Kashmir and there is even an active smuggling trade (Keppley Mahmood 6 June 1997; Wirsing 1994, 153). According to Indian government estimates cited by Wirsing, from the beginning of 1990 to mid-1993, nearly 19,000 people crossed from India into Pakistan, while nearly 17,000 crossed from Pakistan into India; only about ten per cent were caught (ibid.). Wirsing cites a senior Indian government official in Srinagar who says that security forces did not want to fully seal the border because they were themselves involved in lucrative smuggling operations, often with the cooperation of Kashmiri militants (ibid.). Dr. Keppley Mahmood had also heard stories of Indian and Pakistani troops conspiring to smuggle liquor across the border (Keppley Mahmood 6 June 1997). When a beer shipment arrives, the soldiers reportedly meet on the border to drink and play poker together, then resume defence duties the following day (ibid.).

Exchanges of fire across the LOC between Pakistani and Indian-held territories of Kashmir have been going on for many years (*The News* 12 June 1997; Reuters 18 Nov. 1996; Radio Pakistan 1 Nov. 1995; Wirsing 1994, 150-151). According to Wirsing, they tend to be concentrated on a few points of Indian strategic advantage close to the Neelum Valley Road, a main supply route which runs for about 100 miles from Muzaffarabad to Krail in Azad Kashmir (ibid.). Wirsing reports that after an incident of shelling, the Indian army typically claims that the Pakistani army started the firing as a cover for militants crossing the LOC, while Pakistanis claim the Indians are simply trying to close the road (ibid., 151). Pakistani army officers also charge that the Indian army deliberately targets civilians, a view which Wirsing says is credible (ibid.). Officially the Pakistan and Indian armies, who at places on the LOC are faced off within 40 or 50

meters of one another, communicate through a series of flag signals and will meet on one or the other's territory in order to make arrangements for such things as picking up the bodies of fallen soldiers (*Asia Times* 30 Apr. 1997; VOA 3 July 1997).

One of the points vulnerable to Indian attack is Forward Kahuta. In January 1996, an Indian rocket struck a mosque crowded with people who had gathered there to observe as a "black day" the Indian republic day; some 20 were killed and another 25 injured (Reuters 27 Jan. 1996a; *ibid.* 27 Jan. 1996b; AFP 27 Jan. 1996; *The Nation* 28 Jan. 1996; *Toronto Star* 27 Jan. 1996). In October 1996, the Azad Kashmir government announced there had been over 190 violations of the LOC by the Indian army in the year to date, with 23 deaths and 101 injuries (Radio Pakistan 21 Oct. 1996). The year before, Azad Kashmir government officials counted over 100 deaths and 250 injuries, mostly civilians (Reuters 11 Nov. 1995). The attacks have continued into 1997. On 12 June 1997, for example, Indian troops reportedly opened fire on civilians in the Harpal area, and, in April, the armies exchanged fire for several days (*The News* 12 June 1997; *The Nation* 6 June 1997; *Deccan Herald* 6 May 1997; AFP 13 Apr. 1997; *ibid.* 12 Apr. 1997; *ibid.* 10 Apr. 1997).

The Pakistan army has constructed a high-altitude by-pass road in an effort to move supplies halted because of Indian army shelling of the Neelum Valley Road (Reuters 11 Nov. 1995; VOA 1 July 1997; *ibid.* 23 Aug. 1995; Radio Pakistan 1 Nov. 1995). However, according to reports, the road is treacherous at the best of times, impassable in the winter and still at points vulnerable to Indian attack (VOA 1 July 1997; *ibid.* 23 Aug. 1995; Reuters 18 Nov. 1996; Radio Pakistan 1 Nov. 1995). As a result, Azad Kashmir communities near the LOC have often experienced supply shortages, as well as having to deal with the periodic Indian army shelling (Reuters 18 Nov. 1996; VOA 23 Aug. 1995; *Newsday* 28 May 1995). Wirsing reports, in 1994, that "villagers, to protect themselves, have been forced to shift their residences, locate new sources of water supply, dig trenches, lay new access roads, tend their fields at night, and pasture their livestock in concealed areas" (Wirsing 1994, 152). However, according to July 1997 reports by Buel, despite the difficulties, many residents of villages close to the LOC have refused to be re-located; they are too poor to do so and feel they will be unable to earn a living elsewhere (VOA 3 July 1997; *ibid.* 1 July 1997).

5.3 Relief Camps

New arrivals tend to go to the camps nearest where they have been able to come across the LOC (Khan 24 June 1997; Schwartzberg 27 June 1997). Estimates of the number of Kashmiris in relief camps in Azad Kashmir vary. The Azad Kashmir government had 12,440 registered individuals in camps in January 1997 (2500 families) (Khan 24 June 1997; see also VOA 2 July 1997; *Christian Science Monitor* 3 Oct. 1996). Khan estimates that there are several thousand more unregistered Kashmiris who are making their own living in Azad Kashmir or Pakistan (Khan 24 June 1997). Dr. Schwartzberg, who visited several camps in 1993, estimates that there were 20-30,000 Kashmiris in the camps at that time and believes the number could be higher today (Schwartzberg 27 June 1997; see also *Newsday* 28 May 1995). Historically, Kashmiris seeking refuge from India have been arriving on the Pakistan side since partition in 1947, with flows increasing during times of conflict (1947-54, 1965, 1971 and since 1988-89) (Khan 24 June 1997). According to Khan, communities along the Indian side of the LOC are especially affected; the Indian security forces tend to view them as possible agents for Pakistan and thus treat them with suspicion (*ibid.*). The number of people in the relief camps tends to stay fairly constant, with new arrivals replacing those who have been able to make contacts within the local population and move out on their own (*ibid.*).

The relief camps in Azad Kashmir are officially run by the department of rehabilitation of the government of Azad Kashmir, with funding from the government of Pakistan (ibid.). Additional support comes from welfare and political organizations like Jamaat-i-Islami and the JKLF in Pakistan and from Muslim organizations around the world (ibid.). According to the Lahore newspaper *Jang*, Nawaz Sharif, in his first term as prime minister in the early 1990s, shut down the relief camps set up by the Jamaat-i-Islami in Azad Kashmir (*Jang* 27 Mar. 1995), and Dr. Schwartzberg stated that it is unlikely that relief camps in Azad Kashmir are now being run by groups like Jamaat-i-Islami (Schwartzberg 27 June 1997). However, in December 1996 and January 1997, Dr. Keppley Mahmood visited three Azad Kashmir relief camps which she believes were run by the Jamaat-i-Islami (Keppley Mahmood 6 June 1997).

According to Azad Kashmir government information provided by Khan, new arrivals who register receive an identity card which entitles them to a one-time allowance depending on their family size, accommodation either in a camp or with locals, and 600 Rs. (approx. \$CDN21.72) per month. Students receive an extra monthly allowance of about 100 Rs. (approx. \$CDN3.62) depending on their level of education (Khan 24 June 1997; see also VOA 2 July 1997). The camps have one resident government worker and are visited daily by welfare officers of the rehabilitation department (Khan 24 June 1997). Medical and educational facilities are free, although Khan reports that, because of resource shortages, providing adequate schooling and general welfare remain problematic (ibid.). On 28 July 1996, the Rawalpindi publication *Nawa-i-Waqt* reported that a cash shortfall by the Azad Kashmir government had resulted in a lapse of three months in the payment of subsistence allowances to Kashmiris in the relief camps. The report said that the payments would soon resume, although it also cited an Azad Kashmir government official as saying that "the government of Azad Kashmir did not have money to pay the salaries of its employees let alone provide a subsistence allowance to the refugees" (*Nawa-i-Waqt* 28 July 1996).

Buel visited a camp near Muzaffarabad and described the living conditions of a typical family this way: "The family scratches out a meagre existence They live in a tiny, two-room hut with a dirt floor and no cooking or sanitation facilities" (VOA 2 July 1997). Dr. Keppley Mahmood found cliffside camps of a couple of hundred people, with many family tents, although single men tended to outnumber the women and children (Keppley Mahmood 6 June 1997). According to her, it would be reasonable to have more men in these camps because of the difficulty of the journey, although Dr. Schwartzberg speculated that many of the men would go to cities in Azad Kashmir and Pakistan to find work, leaving their families as wards of the state (Keppley Mahmood 6 June 1997; Schwartzberg 27 June 1997). Khan reports that water is provided for free to all the camps, and there is some work to be found in handicraft shops, although in general individuals have to leave the camps to find adequate employment (Khan 24 June 1997).

Khan explained that the amount of time one spends in a relief camp will depend greatly on one's ability to make contacts and become known in an outside community (ibid.). Officially, to leave the camps to move to another area (or even to visit a nearby town) requires a permit from the local administrators (ibid.). Camp authorities restrict movement outside the camps, Khan stated, in an effort to protect new arrivals from locals who have become wary of outsiders since the arrival of many Afghans beginning in the 1980s (ibid.). According to him, the Afghan community gained a reputation for being involved in the trafficking of drugs and arms and in other criminal activities (ibid.). Hence, strangers, even among the Kashmiri population, are now greeted with suspicion^[11] (ibid.).

Over the years, many thousands of Kashmiris have settled not just in Azad Kashmir but in Pakistan, too, particularly in Punjab province (ibid.; Schwartzberg 27 June 1997). Newly-arrived Kashmiris in Azad Kashmir have the right to buy land, start businesses and vote in Azad Kashmir elections once they are registered for the voting list (Khan 24 June 1997). Even if Kashmiri refugees move to Pakistan, they can still vote in Azad Kashmir elections, since twelve seats in the Azad Kashmir Assembly are reserved for Kashmiri refugees living in Pakistan proper (ibid.; All-India Radio 2 July 1996; *India Abroad* 14 June 1996). According to Khan, there is, however, a waiting period to acquire Pakistani citizenship (Khan 24 June 1997). The Pakistani identity card can only be issued to a permanent resident and is difficult to obtain if one cannot establish a local ancestral background (ibid.).

NOTES

[10] It considers them all citizens of Azad Kashmir (Defense Nationale Jan. 1997, 127). Lamballe notes that nationals travel abroad with Pakistan passports (ibid.). [\[back\]](#)

[11] On 12 January 1996 *The Frontier Post* reported widespread protests calling for the expulsion of Afghan nationals from Azad Kashmir (The Frontier Post 12 Jan. 1996). The protests were organized by various Kashmiri groups, including the JKLF and JKNSF. According to the report, in September 1995, the Azad Kashmir government had banned "activities of Afghan hawkers in AJK [Azad Jammu and Kashmir] for their alleged involvement in unlawful activities" (*The Frontier Post* 12 Jan. 1996). However, the then-Azad Kashmir prime minister Sardar-Abdul Qayyum Khan supported the presence of Afghans in Azad Kashmir and said they would not be expelled (ibid.). [\[back\]](#)

NOTES ON SELECTED SOURCES

Azmat A. Khan

Azmat A. Khan is general secretary of the Bradford, UK-based Jammu and Kashmir Liberation Front (JKLF) UK-Europe Branch. The JKLF UK-Europe branch is a political lobbying organisation affiliated with the JKLF faction headed by Yasin Malik in Srinagar. It works to muster support for the Kashmiri independence movement at the international and diplomatic levels.

Dr. Cynthia Keppley Mahmood

Dr. Keppley Mahmood, associate professor of anthropology at the University of Maine, Orono, is the author of the 1996 study *Fighting for Faith and Nation: Dialogues with Sikh Militants*. Dr. Keppley Mahmood visited Azad Kashmir from December 1996 to January 1997, travelling to relief camps and hospitals, and interviewing members of Kashmiri groups.

Dr. Joseph E. Schwartzberg

Professor Schwartzberg teaches in the Department of Geography of the University of Minnesota in Minneapolis and is a member of the Kashmir Study Group, a privately funded committee of American legislators, academics, diplomats, journalists and business people with a longstanding interest in south Asia. They are working towards the peaceful resolution of the Kashmir conflict. Dr. Schwartzberg's comments for this paper represent his own views and not those of the Kashmir Study Group. In May 1997, he interviewed people from Azad Kashmir in Pakistan and visited the Northern Areas. He also visited both Azad Kashmir and the Northern Areas in 1994 and Azad Kashmir in 1993. He is the author of *A Historical Atlas of South Asia* (1992 and 1978, with Shiva G. Bajpai) and graciously gave permission for the use of the maps presented in this paper.

S.L. Sharma

S.L. Sharma is convenor of the Rodovre, Denmark-based Jammu and Kashmir National Front

(JKNF). Founded in 1989, the JKNF is a non-governmental organization working for the "presentation, projection and protection of human rights" in Kashmir.

APPENDIX A: QUANZHOU REGION FAMILY PLANNING REGULATIONS

See original.

Source: Joseph E. Schwartzberg. 1997. Map reproduced with the author's permission.

APPENDIX B: JAMMU AND KASHMIR DISTRIBUTION OF KASHMIRI AND OTHER RELATED LANGUAGES, 1981

See original.

Source: Joseph E. Schwartzberg. 1997. Map reproduced with the author's permission.

APPENDIX C: JAMMU AND KASHMIR DISTRIBUTION OF MUSLIMS, 1981

See original.

Source: Joseph E. Schwartzberg. 1997. Map reproduced with the author's permission.

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