



THE WEAPONIZATION OF SEXUAL VIOLENCE IN THE KASHMIR CONFLICT

Soumyadeep Neogi

Senior Research Fellow,

Department of English, University of Delhi

Abstract

Sexual violence on women has been a regular feature of warfare throughout human history. In both civil and international armed conflicts, sexual violence has been perpetrated on women in the form of rapes, sexual slavery, molestations and forced pregnancies. While the perpetrators are men from groups like state forces, political and insurgent groups, the victims are women from the largely non-combatant civil society. Such offences cause immense psychological, physical and emotional trauma in the victims, their families and their societies. Yet despite the increased awareness of these negative impacts and its widespread global condemnations, sexual violence has still largely remained prevalent in modern conflicts and has been regarded as an unavoidable consequence of any conflict. Recent studies, interrogating the causes behind these offences, have been mostly limited to feminist socio-cultural perspectives that stress on the influence of patriarchal gender identities. However, the systematic patterns of sexual crimes in recent conflicts also point to other vital factors and some scholars have highlighted how sexual violence is willingly committed in conflicts by the combatants to achieve specific political and strategic objectives and influence the outcome of the conflict in their favor. Additional research is crucial to identify how and why sexual violence is strategically used and weaponized in conflicts. This paper seeks to contribute in this regard by analysing the significance of sexual violence in the Kashmir conflict. By using data from oral and literary narratives, this paper explores the impact of sexual offences in Kashmir and makes the argument that sexual violence, particularly rape, was used as a deliberate, intentional strategic weapon of war in the Kashmir conflict for securing political objectives.

Keywords: *Gender violence, Sexual violence, Wartime rape, Kashmir Conflict, Human rights violations.*



Aarhat Publication & Aarhat Journals is licensed Based on a work at <http://www.aarhat.com/erj/>

Introduction: Sexual Violence and Armed Conflicts

Sexual violence has been a constant feature of armed conflicts throughout human history. During both civil and international conflicts, armed men have consistently perpetrated specific types of sexual violence against women which include rape, molestations, forced pregnancies, sexual slavery and mass rapes (Gottschall, 2004, p. 129). Since both the enemy and the friendly sides commit such acts, sexual violence has often been regarded as an unavoidable occurrence and “standard operating procedure” during conflicts to “dominate, humiliate ... destroy the enemy male” (Zawati, 2010, p. 145). However, it is imperative that more research is done on this issue to understand the exact sociological, political, ideological and strategic elements that drive men to commit sexual violence during conflicts. Jennifer Green (2004) notes that armed men commit such acts in specific patterns to achieve their broader goals of winning the conflict (p. 97). Green (2004) adds that the perpetrators are commonly the agents of the state (security



personnel, police, political groups, guerilla armies and militants) while the victims are non-combatant civilians from political and ethnic groups who are in conflict with the perpetrators (p. 103). In several recent conflicts,¹ we have observed similar patterns of concentrated sexual violence on civilians which makes it crucial for us to study how and why such attacks take place in order to understand the role and significance of wartime sexual violence. This paper attempts to add to this field of study by exploring the significance of sexual violence in the Kashmir conflict. By using oral and literary narratives, this paper studies the impact of sexual violence in Kashmir and makes the argument that sexual violence was used as a strategic weapon of war in the Kashmir conflict to secure political objectives.

Why does Sexual Violence occur during Conflicts?

Despite the global condemnation of such crimes, sexual violence remains commonplace in conflicts. Victims, mostly unarmed women from specific ethno-religious or political groups, are forced to remain either silent or are prevented from reporting the crimes and legally prosecute the perpetrators. This causes them to repress their torment, engendering specific forms of psychological trauma in the victims. The lack of justice also causes a major hurdle in the post-conflict peace process between the warring parties. Studies on wartime sexual violence have largely focused on the issues of the historicity of such actions (Brownmiller, 1975, p. 31), the inherent human rights abuse that it engenders (Green, 2004, p. 99) and the functioning of gender roles during conflicts. However, specific investigations regarding the causes of such attacks have not given any conclusive result. Baaz & Stern (2009) observe that popular attitude towards such crimes can be problematic because it can appear to normalize sexual violence through the use of descriptive phrases like “weapon of war” which may imply that sexual violence and conflicts occur together (p. 496). This perspective can generate the notion that sexual violence is an acceptable behavioral norm and a common consequence during conflicts. A similar tacit acceptance regarding domestic violence against women already exists in certain societies; hence, it has been argued that wartime sexual violence is actually a continuation of the general oppression that women usually endure during peacetime (Gottschall, 2004, p. 133). Jessica Gosling (2015) alleges that wartime sexual violence is a consequence of “weakened social norms” and the perpetrators indulge in such actions as the conflict engenders in him a “heightened masculinity” which makes him more aggressive towards the victims whom he regards to be playing a “subordinate role” in the conflict (p. 12). This perspective views wartime sexual violence as a consequence of the patriarchal nature of the perpetrator’s society and culture. Feminist studies focus on traditional gender identities as the main reason behind such violence and conclude that perpetrators deny women their humanity, their consent and feel that it is acceptable to violate them (Hastings, 2002, p. 1153). It has also been alleged that perpetrators view women as being the bearers of cultural identities and hence, their bodies are regarded as territories that can be plundered (Yuval-Davis, 1997, p. 45). Sexual violence is, here, used to subjugate humiliate the male population of the opposing group and becomes an instrument of attack on body-politics to target the enemy’s personal and cultural identity and cripple it. Hilmi Zawati (2010) asserts that wartime sexual violence is driven by a desire to commit violence to inflict spiritual injuries on both the victims and their society; it originates from the belief that women are properties of men and violating them will give the perpetrators an advantage over their male opponent (p. 143). Thus, sexual violence also emerges as a method to achieve political goals during periods of conflict. Cohen (2013) adds that ethno-religious hatred also drives such abuses during conflicts (p. 463). This has been especially true in modern conflicts where sexual violence has been strategically weaponized in a coordinated manner to repress women, humiliate the men and subdue entire ethnic and religious communities (Thomas & Ralph, 1994, p. 81). The weaponization of sexual violence has



been specifically intensive in the Kashmir conflict and the following sections shall demonstrate how both state forces and militants committed such crimes to meet their political objectives.

Sexual Violence and the Kashmir Conflict

Kashmir has been engulfed in an insurgency since 1989 with militants fighting the Indian forces for political supremacy in the state. Unfortunately, it has often been assumed that Kashmiri women did not suffer as much direct violence as the men (Manecksha, 2017, p. xii). Yet, it is the women who were “worst hit” and both militants and forces have committed gruesome acts of sexual violence on them (Lucas, 2013, p. 11). Statistically too, the number of raped women in the Kashmir conflict is higher than in other modern conflicts which have received more media focus (Lucas, 2013, p. 10). It is also difficult to keep a strict record of such crimes in Kashmir because most of the cases occurred in remote villages where victims do not report the crimes, fearing social stigma, and the perpetrators continue to remain unpunished (Asia Watch, 1993, p. 3). Oral and literary narratives can be effective in this regard and can help us understand how sexual violence is perpetrated in the Kashmir conflict. In the following sections, data from such narratives are used to demonstrate the use of sexual violence as a strategic weapon in the Kashmir conflict by both the state forces and the militants.

Sexual Violence committed by State Forces

Several scholarly studies have accused the Indian forces of committing human rights violations, including sexual violence, on Kashmiri civilians under the garb of conducting anti-insurgency operations where national security laws like the Disturbed Areas Act (DAA) and the Armed Forces Special Powers Act (AFSPA) have provided them with legal impunity from facing charges for these offences (Mathur, 2016, p. 103).² The forces allegedly entered civilian households and evicted the men with the excuse of conducting search operations but instead raped women inside (Skjelsbaek, 2001, p. 75). Women were also raped during reprisal attacks and in detention centers as “retaliation for militant attacks” where they were kept as hostages for their male relatives who were alleged militants (Bastick, 2007, p. 97). At times, soldiers were also ordered to commit sexual offences to dishonor Kashmiri rebels and force them into a political compromise (Kazi, 2014, p. 29). These observations suggest how sexual violence served as a crucial military strategy for the Indian soldiers in Kashmir and the following examples shall demonstrate this (Mathur, 2016, p. 60).

Freny Manecksha, in her collection of Kashmiri oral narratives *Behold, I Shine* (2017), narrates the experience of a victim called Pakeeza who was raped while she was preparing tea for her husband’s relatives who were allegedly militants. Security personnel walked into her home and dragged her to another room in full view of her family before proceeding to rape her when she lost her consciousness. An army curfew denied her the chance to register any complaint but army officials, later, offered her monetary compensations to lure her into silence and compromise on her sense of honor (Manecksha, 2017, p. 56). The incident created domestic tension because Pakeeza’s husband felt that her father had taken the compensation and so he divorced her. However, Pakeeza believes that he was actually “promised a job” for divorcing her. Despite her desire to take legal steps, she failed as she wasn’t able to produce witnesses for the crime as they all “belonged to her former husband’s family” and “ultimately lost the will to fight.” Pakeeza felt that it was her fault that she was raped as the militants belonged to her community and were her husband’s friends. This shows how she realized that her rape was a strategic attack because of her husband’s associations with militants and how she mentally justified the act for this reason. Manecksha narrates the experience of another victim called Hameeda whose cousin was a former militant. Hameeda was just 16 when state forces raped her after detaining



and physically torturing her at the police station on grounds of doing an interrogation regarding her cousin. She confesses that she prefers wearing a burqa outdoors as it helps her avoid attention and unpleasant remarks from people who recognize her as a rape victim (Manecksha, 2017, p. 66). Not only could Hameeda lodge a report against the forces, instead a false case was registered against her that devastated her family and relatives severed ties with her. Like Pakeeza, Hameeda also had to accept her fate and feel guilty and responsible for her ordeal and the pain that her family had to endure (Manecksha, 2017, p. 68).

In his memoir *Curfewed Night* (2008), Basharat Peer narrates a similar experience of Mubeena Ghani who was gang-raped by soldiers on her wedding night in 1990, after they shot the bus carrying the wedding party. Ghani recalls bleeding from bullet injuries when she and her chambermaid, who was already unconscious, were raped (p. 154). A monetary compensation of Rs. 3000 was offered by local authorities which she declined, but her life was devastated and she was ostracized by her in-laws who regarded her as a “bad omen.” Peer mentions that, later, Ghani was mocked by villagers with nicknames like “Crossfire Bride” and that she still gets “shivers at the sight of the uniform” (p. 155). From these three examples, we see the patterns of sexual violence committed by Indian forces with revenge and strategic attacks, where women who were close to militants were often targeted. Victims could not get legal help and their own communities disowned them. Kashmiri society, as an essentially Muslim society, cherishes “women’s chastity and honor,” the state forces tried desecrating that honor to “impair the whole community” (Zawati, 2010, p. 139). The effect of such violence on the victims has been traumatic; they are regarded as dishonorable and often have to face taunts and jeers in their community (Manecksha, 2017, p. xv).

Sexual violence committed by militants

The militants have also been accused of committing crimes like targeted murder and sexual attacks on civilians, especially if they were perceived to be supporting the Indian state or discrediting the militants and their methods. Militant groups indulged in committing sexual offences, and were specifically “motivated” to rape and kill who were “accused of being informers” to the Indian forces. Survivors could not lodge complaints as no one dared to speak up against the militants and registering complaints would result in brutal reprisal attacks (Schofield, 2003, p. 190).

Nayeema Mahjoor narrates such an incident in her novel, *Lost in Terror* (2016), where a character called Shaista is killed by militants. Shaista was kidnapped, molested, raped, “tortured to death” and her body was “thrown in the gutter.” Her body bore a letter warning people of a similar fate if they spied for the Indian (p. 96). However, her mother revealed that she had refused to carry guns for the militants so she was killed. Thus, Shaista’s reluctance, to help the militants, was perceived by them as her working for the Indian forces and against them. Mahjoor reveals that people were upset, not because of the murder but for the “justification given for her killing.” The label of an “informer” signified that she would be always seen as a “traitor,” and her family would face social isolation, disgrace and mockery (p. 97). Since militants controlled the press, so people could never know the truth and they believed that she deserved her fate (p. 109). Shaista was the only earning member in her family, consisting of four unmarried sisters and an old mother. Her death shocked her colleagues who were astounded to see militants, popularly regarded as their “liberators,” torture Kashmiris with such brutality – “by ironing her private parts” (p. 98). Nobody dared to show any sympathy or condolence as that could draw the ire of militants (p. 119). Few days later, Shaista’s entire family disappeared and the narrative suggests that militants had “silenced them” (p. 123).



Militants also allegedly raped Kashmiri Pandit women to intimidate their community. The fear of their women being raped played a crucial role in compelling the religious minority Pandit community to leave Kashmir when the conflict started.³ The motivation for sexual violence here is ethno-religious hatred. In his memoir *Our Moon Has Blood Clots* (2013), Rahul Pandita recounts how this fear of sexual violence and murder overwhelmed the Pandit community and forced them to eventually to leave Kashmir. Prayaag Akbar (2013) notes:

Rape runs as a crimson tide through the narrative ... Not the act itself, which makes occasional, somewhat adjacent, appearance, but the prospect of it, the looming, lurking fear that this fate will befall the sisters and mothers of the community.

This fear is explicitly seen in Pandita's account of the night of January 19, 1990, when an angry crowd gathered in his neighborhood, chanting hostile slogans. These slogans, which called for Pandit men to leave Kashmir but leave behind their women, disturbed Pandita's mother to the extent that she took a kitchen knife and resolved to kill her daughter and herself should the crowd break-in. His memories reflect the helplessness and uncertainty of an impending sexual attack – “We are very scared. We do not know what to do. Where would we run away to? Would Ma have to kill herself? What about my sister?” In fact, these slogans continued throughout the night and had taken place all over Kashmir; Pandita states that this was a “well orchestrated” psychological strategy to “frighten” the whole Pandit community into exile with the looming fear of rape (pp. 59-60). Pandita narrates another incident involving the horrific rape and murder of the twenty-eight-year-old Girja Tiku as a significant instance of militants' sexual atrocities on women. Tiku worked in a school in north Kashmir but had left with her family after the insurgency began. However, her family solely ran on her earnings so she had to return every month to collect her salary. In mid-1990, she came to Kashmir despite the volatile conditions because she “needed the money badly.” But after she arrived, Tiku was kidnapped by four men and her body was located “days later by the roadside.” Later, a militant leader informed that Tiku was blindfolded and gang-raped by the four men in a running taxi; unfortunately she had recognized the voice of one of them, called Aziz, who was known to her and asked: “Aziz, are you here as well?” This worried Aziz and so the four men decided to kill her – “they took her to a wood-processing unit and cut her alive on a mechanical saw” (pp. 87-88). Prithvi Nath Kabu (2015) recounts the terror that this incident had caused in the Pandit community – “we knew that it was the beginning of the end of our peaceful existence in Kashmir” (p. 244). Thus, although the motivation for the rape was ethno-religious hatred, the effect was instilling fear in the Pandit community.

These two examples reveal how militants had committed sexual violence on women during the conflict. They raped and, often, killed women whom they perceived as working against their cause or as informers for the Indian forces. Victims could not lodge reports out of fear of revenge attacks. Pandit women were violated and even killed out of both ethno-religious hatred and as a tactic to scare their community into leaving Kashmir. Thus, sexual violence was used as a strategic weapon by militants to suppress those who were ideologically opposed to them.

Conclusion

The above sections demonstrate how sexual violence was used in the Kashmir conflict by both militants and state forces as a strategic weapon to suppress and scare each other's supporters. It was not a consequence of the conflict, but a deliberate instrument of war that served to threaten specific sections of the Kashmiri population. Civilian women were harmed as they are regarded as carriers of their culture. Violating women served to humiliate their families and communities. Most victims were unable to seek justice, they are forced to accept their fate and stay silent out of fear



of more attacks. They are also shunned from their communities and shamed by their own families. No matter who the perpetrators were, the causes of committing sexual violence remain the same in Kashmir – demoralize and scare communities into submission to achieve political objectives. Unfortunately, almost none of the offenders have faced justice for their crimes and victims continue to endure their past trauma.

Notes

1. For instance the Yugoslav wars, the Sri Lankan Civil War, the Kashmir conflict, the recent ISIS conflicts.
2. For more information on how laws like AFSPA and DAA provide legal impunity to the forces, see Mathur (2016) p. 103.
3. For more information on the Kashmiri Pandit exodus, see Bose (2009) p. 119.

References

- Akbar, P. (2013). A partial but important depiction of loss and exile. Retrieved from <https://www.sunday-guardian.com/bookbeat/a-partial-but-important-depiction-of-loss-and-exile-2>
- Asia Watch. (1993). Rape in Kashmir: A crime of war. *Asia watch & physicians for human rights*, 5(9), 1-21.
- Baaz, M., & Stern, M. (2009). Why do soldiers rape? Masculinity, violence, and sexuality in the armed forces in the Congo (DRC). *International studies quarterly*, 53(2), 495-518.
- Bastick, M. (2007). *Sexual violence in armed conflict: Global overview and implications for the security sector*. Geneva: Geneva Centre for the Democratic Control of Armed Forces.
- Bose, S. (2009). *Kashmir: Roots of conflict, paths to peace*. Cambridge: Harvard University Press.
- Brownmiller, S. (1975). *Against our will: Men, women and rape*. New York: Fawcett Columbine.
- Cohen, D. (2013). Explaining rape during civil war: Cross-national evidence (1980-2009). *The American political science review*, 107(3), 461-477.
- Gosling, J. (2015). *Elastic communities: Deconstructing the narrative of rape in conflict* (Doctoral dissertation). University of London: London.
- Gottschall, J. (2004). Explaining wartime rape. *The journal of sex research*, 41(2), 129-136.
- Green, J. (2004). Uncovering collective rape: A comparative study of political sexual violence. *International journal of sociology*, 34(1), 97-116.
- Hastings, J. (2002). Silencing state-sponsored rape in and beyond a transnational Guatemalan community. *Violence against women*, 8(10), 1153-81.
- Kabu, P. (2015). "Seasons of longing." *A long dream of home: The persecution, exodus and exile of Kashmiri Pandits*. Ed. Siddhartha Gigoo et al. New Delhi: Bloomsbury.
- Kazi, S. (2014). Rape, impunity and justice in Kashmir. *Socio-Legal rev*, 10, 14-46.
- Lucas, B. (2013). The beauties of Kashmir: Nila Gupta's representations of war from a distance. *Women: A cultural review*, 24(1), 1-24.
- Mahjoor, N. (2016). *Lost in terror*. Gurgaon: Penguin.
- Manecksha, F. (2017). *Behold, I shine: Narratives of Kashmir's women and children*. New Delhi: Rupa India.
- Mathur, S. (2016). *The human toll of the Kashmir conflict: Grief and courage in a South Asian borderland*. Basingstoke: Palgrave Macmillan.
- Pandita, R. (2013). *Our moon has blood clots: The exodus of the Kashmiri Pandits*. Noida: Random House India.

**ERJ****Educreator Research Journal****Volume–VIII, Issues– V****Sep – Oct 2021**

-
- Peer, B. (2008). Curfewed night. Gurgaon: Random House India.
- Schofield, V. (2003). Kashmir in conflict: India, Pakistan and the unending war. London: I.B. Tauris.
- Skjelsbaek, I. (2001). Sexual violence in times of war: A new challenge for peace preparations. *International peacekeeping*, 8(2), 69-84.
- Thomas, D., & Ralph R. (1994). Rape in war: Challenging the tradition of impunity. *SAIS review*, 14(1), 81-99.
- Yuval-Davis, N. (1997). *Gender and nation*. London: Sage Publications.
- Zawati, H. (2010). *The triumph of ethnic hatred and the failure of international political will: Gendered violence and genocide in the former Yugoslavia and Rwanda*. Lewiston: The Edwin Mellen Press.