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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 January 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Denial of right to self-determination has given birth to Kashmir tragedy

Continued denial of the promised right to self-determination of the Kashmiri people by India has given birth to the Kashmir tragedy. India has been trying unsuccessfully, to suppress the legitimate Kashmiri movement for self-determination through unbridled use of force and state-terrorism. With over 700,000 Indian troops stationed in Indian administered Jammu & Kashmir, the region is the most heavily militarized zones in the world with a ratio of 1 soldier for 17 civilians. Over the past seven decades, Indian occupation forces have resorted to systematic and gross violations of human rights including use of force against civilians, extrajudicial, arbitrary and summary executions, enforced disappearances, illegal detentions, gang rapes, collective punishment and indiscriminate killings. Indian occupation forces enjoy complete impunity from these crimes against humanity, in contravention of international human rights and humanitarian laws.

The Indian administered Jammu & Kashmir is once again witnessing the surge of popular, indigenous uprising against Indian rule, and the unspeakable atrocities being perpetrated by Indian occupying forces. Triggered by the extra-judicial killing of the popular Kashmiri freedom fighter, Burhan Wani, on 8 July 2016, the past six months have witnessed hundreds of thousands of Kashmiris protesting against Indian occupation, and demanding their promised right to self-determination and Azadi (freedom) from India. The Indian Government has responded to the popular demand of implementation of UN Security Council resolutions by unleashing an unprecedented reign of terror. In gross contravention of all norms of international law and international humanitarian laws, the Indian occupation forces are willfully using live ammunition and pellet guns to quell peaceful protests by unarmed civilians, resulting in the death of many, and causing life-long and debilitating injuries to thousands others. Even non-protestors are being killed and maimed in a bid to wage collective punishment to break the resolve of valiant people of IO K from their rightful demand of self-determination. Doctors have verified that occupying forces are deliberately and consistently shooting above waist height and targeting eyes in order to inflict maximum damage. In what constitutes one of the darkest chapters in the history of Indian administered Jammu & Kashmir, hundreds of Kashmiri men, women and children have been permanently blinded or physically crippled by the use of pellet guns by the occupation forces.

UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein during his inaugural address to 33rd session of United Nations human rights council on 13th of September, 2016 while making a public appeal said, "We had received reports and continue to do so, claiming Indian authorities had used force excessively against the civilians population under its administration, I believe an independent, impartial and international mission is now needed and that it should be given free and complete access."

Summing up the human rights situation the Guardian on 18th July 2016 wrote, "India is blinding young Kashmiri protestors –and no one will face justice".

Amnesty International India while expressing its concerns about the current situation of Indian administered Kashmir on 12 September 2016

"Security forces are using arbitrary and excessive force in response to protests in Jammu and Kashmir, violating international standards and worsening the human rights crisis in the state. Pellet-firing shotguns have injured and blinded even peaceful protestors and bystanders. Children have been hit by pellets from these shotguns while sitting inside their homes. These weapons are inherently inaccurate and indiscriminate and always carry the risk of causing serious injury to people who are not engaging in violence. There is simply no proper way to use these weapons, and they should be prohibited. The continued abusive use of pellet-firing shotguns, along with the deployment of the PAVA shells, is extremely worrying."

New York Times Ellenn Barry, on 28th August 2016 in described the situation, “An epidemic of dead eyes in Kashmir India uses pellet guns on protestors.”

One needs to understand as to why India is obstructing and refusing any international intervention in Kashmir. If one see through the prism of Indian electronic media, the conclusions can be drawn easily everything in Kashmir is sponsored by Pakistan otherwise people of Kashmir are very much happy with India. But the ground situation in Kashmir is different and now the 5th generation in Kashmir is fighting against Indian aggression.

But contrary to what Indian contemplates and acts, situation on ground is totally different and even India civil society groups who visited Kashmir recently, their assessment of the situation after holding meetings with wide range of people from political leaders of all shades to victims of state terrorism, leaders of business community, civil society group, students and teachers.

Findings and recommendations made by these groups are almost identical and provide sufficient insight of the ground situation and Kashmir's aspirations and their victimhood. The civil society groups concluded that Indian government has failed to recognize the aspirations of people of Kashmir and the psycho- historical aspects of the problem. Indian state reduces it to issue of lack of development or economic growth, need to create jobs or offering economic packages and incentives. This has not suppressed the sense of hurt in the Kashmiri people or quells their political aspirations because these measures do not address the political issue of Kashmir. Kashmir is a political and should be solved by addressing the democratic aspirations of people of Kashmir. The civil society groups concluded that government of India and state government in Indian administered Kashmir are engaged in actions that amount to a complete violation of universally accepted human and democratic rights.

The civil society groups also noted that the inflammatory and provocative statements against the people of Kashmir by the BJP leaders and failure of parliamentary opposition to make government accountable for its crimes.

While calling the acts of Indian state in Kashmir profound violation of democratic and human rights, the civil society groups called upon the government of India to forthwith;

Recognize the Kashmir dispute and accept that its resolution can only come through a political solution, not through military intervention and a suppression of all human and democratic rights;

Withdraw the army and other paramilitary forces including the Central Reserve Police Force, Border Security Force and Indo Tibetan Border Police from civilian areas of Jammu and Kashmir;

Repeal the Jammu and Kashmir Public Safety Act, 1978 and the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990;

Release all political prisoners and, in particular, all prisoners arrested under the Jammu and Kashmir Public Safety Act, 1978;

Grant access to the UN High Commissioner for Human Rights for a UN fact-finding mission in Jammu & Kashmir;

Establish a judicial tribunal under the supervision of the Supreme Court to examine all cases of extra-judicial killings, including that of BurhanWani;

Enter into an open and transparent dialogue, without pre-conditions, with all sections of the Kashmir peoples and their representatives in order to bring about a resolution of the Kashmir dispute that recognizes the aspirations of people to determine their own destiny through demonstrably democratic means.

Civil society groups call upon all Indian citizens to recognize that the actions of the Indian state in the Kashmir valley are far removed from the values of a democratic republic and beyond the pale by any acceptable norms of a civilized society in the 21st century. We call upon all Indian peoples to ensure that the injustices against Kashmir's peoples are brought to an end and their democratic aspirations addressed.
