



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status**

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

[31 May 2017]

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

GE.17-09200(E)



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## **Indian administered Jammu and Kashmir – atrocities images a threat to good community relations**

Consent of the people through the free vote in an election is the basis that makes any governance legitimate. Elections are a vital part of democratic transitions, decolonization, and the implementation of peace agreements around the globe. United Nations plays a major role in providing international assistance to these important processes of change.

However, in Indian administered Jammu and Kashmir we have a different situation and it merits urgent attention. United Nations has cautioned the Government of the Indian administered Kashmir, that “any action that assembly might take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the principle...that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”. UN Security Council Resolution S/2017/Rev.1 of 30 March 1951.

Indian Government has lost all legitimacy of its presence in Kashmir. In Srinagar Lok Sabha seat re-poll on Thursday, 13 April 2017 out of 35169 votes only 709 votes were polled in 38 polling stations. 64 companies of Central Reserve Police Force (CRPF) failed to coerce people beyond a 2% vote. At 20 and 21 polling stations, there was zero percent voting. Overall poll percentage for Srinagar Lok Sabha by polls dropped from 7.14 per cent to 7.13 per cent. It is for the first time in the history of the State elections that voter interest dropped to 2%.

We find that in spite of all pledges made and guarantees offered by the Government of India at the UN Security Council, these people have been driven out as the Camel drove out the Arab from his tent. Pledge of a UN supervised vote in Kashmir has frozen these people and their supporters into a non-action. It has taken away from them the right to defend themselves. Situation merits an urgent attention because Indian forces are currently at war with the common people. Indian forces no longer honour the conditions that were set out at the time of their temporary admission into the State and the State remains at war with the principles of UN Charter, because its forces are guilty of non-compliance of restrictions placed on their behaviour, number and location by the UN.

Indian Government has insulated the people of Kashmir from the outside world and Kashmiri Diaspora living with Indian communities in various parts of the world has started finding it very difficult to carry the trust needed for a harmonious community relation with members of Indian community living in these countries. India needs to be cautioned that the atrocities committed by its security forces on the defenceless Muslim men and women, young and old in Kashmir embed a serious threat to good community relations in many parts of the world.

Indian administration is out to hurt the habitat and people in its administered part of Kashmir. Bharatiya Janata Party (BJP) general secretary Ram Madhav on Thursday 20 April 2017 complimented the Army officer responsible for tying 27 year old Farooq Ahmad Dar a shawl waver of village Chill as a human shield to the front bumper of a military jeep and parading him through many villages in Kashmir. Madhav said that “everything is fair in love and war”. BJP Minister for Industries, Chander Parkash Ganga, has said that “bullets were only way to deal with protestors”. It is an unfortunate admission that India is engaged in a war with the people of Kashmir.

Mukul Rohatgi Attorney General of India has said that there was nothing wrong, in using a Kashmiri as a human shield by the Indian security forces. If law officers of India back the abuse of human rights, the case needs to be taken to the many decent and civilised Indians and to the world community at the UN whether India in its present shape qualifies to be a member nation of the United Nations.

The views expressed by the highest law officer in India endorsing the criminal behaviour of the soldiers in Kashmir are condemnable and we fear that this anti Muslim chorus could spill over into other parts of the world, in particular Europe, US, Middle East etc. which are home for many Indians, Pakistanis and Kashmiris and could disturb harmony and good community relations.

JKCHR organised a Round Table Conference to consider the fresh wave of atrocities committed by Indian forces. The Guidance Paper and its five recommendations have been sent to UN High Commissioner for Human Rights. First session of the RTC was chaired by HE Sardar Masood Khan President Azad Kashmir and the second session was chaired by HE General (Retired) Sardar Mohammad Anwar Khan ex- President Azad Kashmir. Ex-Chief Justices of

the Supreme Court and High Court of Azad Kashmir, representatives of All Party Hurriyat Conference (APHC), and people from all walks of life participated in the RTC. It was agreed that the Guidance Paper should be circulated as a UN Document at the UN General Assembly, Security Council and the UN Human Rights Council.

The Conference resolved that we all have an important role to play in protecting a woman from being raped by an Indian soldier, protecting a man from inhumane and degrading treatment, protecting a youth from torture and involuntary disappearance, in seeking the release of prisoners languishing in Indian prison for over 24 years, and in stopping the Indian soldier from firing pellet guns to blind, disable and kill the youth in Kashmir. All joined in condemning the likes of Ram Madhav, Chander Parkash Ganga and Mukul Rohatgi for justifying the inhumane and degrading treatment of Kashmiris and using them as human shields during military operations. It was 'recommended' that Human Rights Council should consider means to construct a credible defence for the people until a UN supervised referendum takes place.

Round Table Conference made the following five recommendations:

1. In view of UN SC Resolutions 99 of 1951 and 122 of 1957, Elections of any kind would not constitute a substitute for UN supervised Plebiscite.
2. The decision of a UN supervised Plebiscite has frozen the people of Indian administered Jammu and Kashmir, living as fractured and distributed people on both sides of the UN supervised cease fire line into a non-action and it has taken away the means of self-defence from them. Indian forces have rendered themselves into "occupation forces" and are at war with the defenceless people of Kashmir and at war with the Charter of the United Nations. People of Kashmir are degraded and inhumanely treated, imprisoned, tortured, involuntarily disappeared, killed, disabled and now blinded by the use of lethal pellet guns. United Nations should move in to construct a defence and protect these people, who remain a subject of UN Security Council Agenda.
3. Indian occupation forces are engaged in gross and systematic abuse of human rights, atrocities and war crimes. World should intervene against draconian laws like AFSPA (Armed Forces Special Powers Act) and take notice of reward money being given for killing a Kashmiri who dissents and opposes the Indian Rule in Kashmir.
4. RTC reiterated its unconditional support to the principle of 'equality and right of self-determination' of the people of Jammu and Kashmir. RTC welcomed the President Tayyip Erdoğan's offer of assistance to solve the Jammu and Kashmir dispute between Pakistan and India by further improving dialogue between the two states. RTC in particular appreciated the call to put an end to bloodshed in Kashmir. RTC noted that bilateralism as envisaged in UN SC Resolutions should not remain an indeterminate process and it is time for the United Nations to step in to protect life, honour and habitat in Kashmir
5. RTC recommended that it is high time that UN Secretary General needs to be reminded of his duties under Article 99 of the Charter in respect of the situation in Indian occupied Kashmir which requires special attention. Indian atrocities being committed against the defenceless people are not only a threat to peace in the region but the images coming out could rupture the community peace in Europe, US, Middle East and many other countries of the world.

JKCHR wishes to bring to the attention of the Council the Guidance Paper and the Recommendations of the Round Table Conference hosted by it on the recent Human Rights situation in Kashmir. We wish to point out the decision taken by Canadian immigration authorities in May 2017 against Tejinder Singh Dhillion a retired CRPF officer from India on the grounds that Dhillion couldn't be granted entry, given he was a part of the CRPF, which "committed widespread and systemic human rights abuses, for example torture, arbitrary detention, murder and sexual assault". There is a need that members of Indian forces (CRPF, BSF) and other Indian nationals engaged in the abuse of human rights in Kashmir be prescribed accordingly. Major Leetul Gogoi who used a Kashmiri civilian as a human shield needs to be flagged for similar prescription by the member States and reported to International Criminal Court for action.