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Human rights situations that require the Council's attention

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.

[12 August 2017]

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

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Human rights situation of Indian administered Kashmir requires council's special attention

To bring into submission and to deny the people of the Indian administered Jammu and Kashmir of their inalienable right to self-determination guaranteed by United Nations, the India state is introducing new tools of repression that requires council's attention. Being the member of United Nations Human Rights Council, it is the primary responsibility of Government of India to protect the population and take effective measures to prevent its forces from committing gross human rights violations in Indian administered Jammu Kashmir.

In Indian administered Jammu Kashmir, Indian forces continuously commit violations on political activists, civilian protesters and human rights defenders through arrests, travel bans, court summons, prolonged pre-trial detention and the threat of asset freezing, continue a worrying trend of restrictions on freedom of expression, association and assembly.

The peaceful protests against the civilian killings and human rights violations are continuously dispensed with pellets and brute force. On 22nd of June 2017, occupation forces showered pellets to stop people from the peaceful protest against the forces killings in Pulwama and Spore districts of the Indian administered Kashmir. "Greater Kashmir" an online newspaper reported, six Kashmiris were hit by pellets including 60-year-old Ghulam Mohammad Mir, tailor master hit in his both eyes. As per the doctors pellets made holes in his eyes and is likely to cause blindness.

The Indian occupation forces have made the Indian administered Kashmir, the hunting ground and are killing innocent people with impunity. The black law such as Armed Forces Special Powers Act, Disturbed Area Act and other laws grant impunity to forces from the fair trial which has encourages them to kill more people who often protest against innocent killings or demand implementation of United Nations resolutions

Unfortunately, the government of India is not only glorifying the actions of its forces but also give rewards in the form of undue promotions for killings and other human rights violations regardless of the Supreme court of India directions, which asked the government to prosecute all involved in rights violations under Armed Forces Special Powers Act and other draconian Laws. As per the judgment of Supreme Court of India, *"It does not matter whether the victim was a common person or a militant or a terrorist, nor does it matter whether the aggressor was a common person or the state. The law is the same for both and equally applicable to both. This is the requirement of a democracy and requirement of preservation of the rule of law and preservation of individual liberties."*

The recent example of glorifying the forces actions is the well reported case of Farooq Ahmad Dar 26-year civilian, who was kidnapped on 9th April 2017, by an Indian army Major–Leetul Gogoi of 53 Rashtriya Rifles and strapped to an army vehicle as a human shield and paraded through more than a dozen villages for almost 25 kilometers.

Since this episode, the Indian Army chief, Mr. Bipin Rawat, has publicly defended Major Gogoi, terming his actions as 'innovative' and awarded him with a 'commendation card'. The army chief is on the record called him innocent and was candid that even if Major Gogoi was found guilty there won't be any disciplinary action. In a similar sentiment, India's attorney general has even claimed that taking a Kashmiri as a human shield was a heroic act.

The trauma of Farooq Ahmad Dar has been substantiated by the state human right commission of Jammu Kashmir a quasi-Judicial body headed by Farooq Ahmad Nazqi in its judgment. The commission chairman observed that Dar had been subjected to "torture and humiliation" by the army, besides "wrongful confinement" resulting in "psychiatric stress which may remain with him for entire life."

The government of India has not initiated any kind of prosecution against the army officer who made Farooq Ahmad Dar as human shield so for regardless of the observations of state human rights commission and Supreme court decision in Armed Forces Special Powers Act and continue to grant impunity to the officer for the reason that it would have demoralizing impact on the security forces.

In the Indian administered Jammu and Kashmir, the detention of political leaders in false cases and the harassment of their families is major concerns. World Muslim Congress calls for the immediate release of all individuals detained or convicted for seeking to protect the rights of others or for the peaceful exercise of their freedom of expression, including Shabir Ahmed Shah, Asia Andrabi, Nayeem Ahmad Khan, Mussrat Alam Butt, Altaf Ahmad Shah, Peer Saf-ullah, Ayaz Akbar, Advocate Divender Singh and others.

State sponsored sting operations on political leaders by Indian corporate media and thereafter using these operations as evidence, raises serious questions about India's respect for its international human rights obligations, legal, constitutional safeguards and stated commitment to upholding the rule of law.

The use of Public Safety Act (PSA) a controversial detention law on the civilians on false and flimsy grounds is noticeable and needs special attention of this council. The Public Safety Act has become a tool to deprive the people of their freedom and liberty a valuable fundamental human right. On 23rd of June, five political activists were booked under Public Safety Act in Hajji Area of north Kashmir's Bandipora district. All the five detainees which include Bashir Ahmad Mir, son of Abdul Ahad Mir, resident of Paribal Hajin; Muhammad Younis Bhat, son of Sunaullah Bhat; Shabir Ahmad Dar, son of Abdul Majeed Dar, both residents of Chandergair Hajin; Hall Ahmad Parrey, son of Ghulam Ahmad, resident of Kochak-Mohalla Hajin and Sunaullah Dar, son of Ghulam Ahmad, resident of Gund Jahengeer Hajin have been sent to Kotbalwal jail in Jammu where they will languish for year without trial.

The United Nations Human Rights Council, in its 20th session, has unanimously passed a resolution confirming internet access being a fundamental human right. The resolution states that people should be able to express themselves freely on the internet, same as they do in the real world but in Indian administered Kashmir people are denied this right by frequently shutting down this mode of communication. The malicious intentions behind blocking the internet and other modes of communication are to control the efforts of reporting the large scale violence committed by the occupation forces to outside world. The internet blocked seems to be designed to deliberately obliterate people's right to assemble and protest peacefully to press their demand for freedom and rights includes their promised rights to self-determination. In year 2017 this service has been denied to entire population for more than fourteen times.

World Muslim Congress is seriously concerned on newly introduces law on the Goods and Services Tax (GST) an indirect tax applicable throughout India, could compromise the special status granted under article 370 of the Indian constitution and can be fatal to the people's rights to self-determination guaranteed United Nations Resolutions and therefore flagrant violation of universal declaration of Human rights.

The council is fully aware of the other serious challenges posed by the Indian state to the humanity in the Indian administered Jammu Kashmir and need to tackle Indian state terrorism and respect international human rights standards and fundamental freedoms, as enshrined in the universal declaration of human rights. The Indian state needs to be reminded the importance of assuring economic, social and cultural rights that are essential in order to achieve sustainable stability, prosperity and human security.
