



General Assembly

Distr.: General
5 June 2018

English only

Human Rights Council

Thirty-eighth session

18 June-6 July 2018

Agenda item 3

**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.

[19 May 2018]

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

GE.18-08876(E)



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Rape: Weapon of War in Indian Administered Kashmir

Since 1990, when simmering resentment against broken promises and denial of United Nations resolutions for right to self-determination transformed into mass rebellion in favor of Kashmiris freedom, the occupation forces used rape as weapon of war and instrument of political repression against the people of Jammu & Kashmir. It was used simultaneously as a political tool of power and retribution against Kashmiri freedom fighters besides a cultural weapon of humiliation against Kashmiri women participated and the community at large. In other words, Kashmiri women are raped both by way of State retaliation against Kashmiris resistance against the Indian occupation, and as a means to inscribe subordination on the larger community through the sexual dishonor of their women. The sexualized edge of the Indian counter-offensive in Jammu & Kashmir thus goes well beyond individual subjection. Sexual crimes against civilian Kashmiri women are a means to crush the dignity, autonomy and integrity of Kashmiri society as part of methodology of state repression centered on the suppression of Kashmiri resistance.

As per Human Rights Watch, the central element of rape in Indian Occupied Kashmir is power. Soldiers use rape as a weapon: to punish, intimidate, coerce, humiliate and degrade. Backed by Parliament, legislative decree and Army Command; buttressed by a compliant and uncritical media, and a misinformed and uncaring Indian public opinion; aided by a partly-neutralized and partly-proxy police, judiciary, and successive client regimes in Kashmir, executive orders in New Delhi continue with a profoundly illegitimate status-quo in Kashmir. Indeed, there seems little hope of dislodging a 'national' consensus around the privileging of executive and military power in Kashmir that is not a political abstraction but a material means to inscribe subjection on a garrisoned local population. Sexualized repression functions as a potent means to reinforce the overarching political equation of power and dominance over the Kashmiri people.

In addition, rape is used as a means of targeting women whom the occupation forces accuse of being movement sympathizers by raping them, the security forces are attempting to punish and humiliate the entire community forcing family members to witness the rape of women; sexual humiliation a means to shame, degrade and demoralize family and the community at large.

Although reliable statistics on rape in Kashmir are hard to come by, existing evidence indicates that the practice is frequent and widespread. In a statement in Kashmir's Legislative Assembly in October 2013, Chief Minister Omar Abdullah admitted to registering more than 5000 cases of rape since the 1989 armed rebellion against Indian rule began. The response of government authorities to the incidents of rape by occupation forces in Kashmir is, at best, muted. Such allegations have often prompted official denial rather than investigation or prosecution. For instance the case of mass-rape of 32 teenaged, adult and elderly women ranged from 13 to 80 years, at the twin villages of KunanPoshpora, Kupwara District, north Kashmir on 23-24 February 1991 by soldiers of the Rajputana Rifles (RR) was initially denied by government authorities. State denial was followed by a Press Council of India report exonerating the Army of any wrong doing. Twenty-four years later, a public servant, S.M Yasin, the first local government official to have visited Kunan Poshpora after the alleged mass-rape, recalled the testimony of a woman who was kept under jackboots by the army men while her daughter and daughter-in-law were being gang-raped. He also recounted being warned about being on the Army's hit list and offered incentives by way of cash and promotion in return for altering his report on the alleged rape that indicted occupation forces.

Human Rights Watch noted the unseemly haste with which the truth about KunanPoshpora was buried: The committee's eagerness to dismiss any evidence that might contradict the government's version of events indicated that it was far more concerned about countering domestic and international criticism than about uncovering the truth. In instances where rape survivors managed to initiate legal action against the alleged perpetrators, State authorities step in to subvert the course of justice.

In the same way in 2009 state authorities in the rape and murder of two young women Aasiajan and Nilofarjan from Shopian who were abducted, gang raped and then murdered by occupation force manipulated and distorted crucial ocular evidence, and facilitated the destruction of vital forensic evidence is another glaring example of State-led stonewalling of judicial process.

Rape in Kashmir is not the result of a few undisciplined soldiers, but rather a pre-meditated strategy of fundamentalist BJP Government to humiliate, intimidate and demoralize the Kashmiri people struggling for the just cause of freedom. This is evident from the recent rape of minor Bakarwal Muslim girl Asifa who went missing from Rasana village in Jammu and Kashmir's Kathua District on January 10, 2018. On January 17, 2018; her body was recovered from the forest near Devasthan Temple in the area. The post-mortem report has confirmed that she was raped and the cause of death has been listed as "asphyxia leading to cardiopulmonary arrest".

The murder-gang rape of a minor child Asifa from Kathua must not be seen as a social-sexual crime but one that is deeply political and tied to the larger issue of the militarization, occupation and systematic use of rape as a weapon of war in the region. This case involves a plan to strike fear in the Gujjar-Bakerwal (migratory pastoralist) community and the Crime Branch has proved this. Such extreme violence on a young child is incomprehensible. The charge sheet is filled with the savage acts that were meted on the body of the young child who was chosen because she was a soft target. This gang-rape murder cannot be treated as apolitical since it is proven beyond doubt that it was planned to drive out the Gujjar-Bakerwals who are a marginalized Muslim community. Their presence has been a matter of growing strife for the local Hindu community. Sanji Ram the main mastermind has a clear track record of inciting sentiments against the Muslim community and it is reported he has even been harassing their women in the past. Sanji Ram groomed his nephew to kidnap the Asifa. In this, they were aided and abetted by Deepak Khajuria an SPO in the local police force who is also the mastermind and has a track record of spewing hate against the Muslim community. It has been proven that he along with the members of police and other men (currently, 8 in total) tried to cover up the case. They received clear political patronage to get the community activist Talib Hussain detained and cause impediments in the investigation. The advocate for Asifa continues to be harassed to drop the case by the Bar Association of Kathua. In an unprecedented turn of events, the Bar has mobilized in favour of the rapists and have caused impediments in filing the charge sheet against the accused. The Hindu extremists, under the banner of Hindu Ekta Manch, led by BJP Minister Lal Singh continues to protest and strike demanding the rapist-murderers be released. While showing extraordinary strength in face of immense adversity, Mohammad Yusuf Pujwala, Asifa's father along with his family, has fled the area due to threats. It is important to note that the Hindu community especially BJP did not allow Asifa to be buried in the area even though the family lawfully own space for burial.

In 1947, Jammu region became dominantly Hindu after a large-scale Muslim massacre was carefully orchestrated during the partition. While this shameful history is carefully hidden from common view, Asifa's case brings back the horrors of a communal past, and the potential for no doubt mindless but orchestrated violence that Indian settler colonialism is capable of bringing back or rather has brought back.
