



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by 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.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.



## **The legitimate struggle of people of Jammu and Kashmir for the realization of the right to self-determination**

The Kashmir dispute ,being one of the oldest unresolved conflicts between two nuclear countries has gained further alarming character on international level following the Indian aggression against Pakistan 2019 .Kashmir issue is known as the nuclear flash point , the incidents that took place in late February 2019 signaled the warnings .The key significance of Kashmir is that it is an epicenter of the legitimate struggle of people of Kashmir who are fighting for the realization of the right to self-determination since last seven decades. The freedom struggle of Kashmir is protected under Article 1 chapter 1 of the UN charter, it is based on the principle of “equal rights and self-determination of peoples”. This article further calls for states to take appropriate majors with the principle of justice and international law to resolve international disputes that might deteriorate peace. The current freedom struggle in Indian administered Jammu and Kashmir is routed in the struggle of endogenous people against the oppression of Indian military and for the exercise of right to self-determination recognized by the United Nations.

The right to self-determination is also safeguarded under the resolution 3314 of the UN General Assembly. The resolution not only defines aggression but also asserts that states cannot use armed forces to suppress people and deprive them of” right to self-determination, freedom and independence ,or to disrupt territorial integrity”.

Hence the Kashmiris freedom to struggle stands legally protected under UN charter and resolutions. Further the UN resolution A/RES/39/17 adopted on 23 NOV.1984 to protect the legitimate struggle for independence and according to;

Article 2 “reaffirms the legitimacy of the struggle of peoples for their independence, territorial integrity national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle.

Article 9 “strongly condemns wanton killing of peaceful and defenseless demonstrators and workers on strike”

Article 29 “ demands the immediate and unconditioned release of all persons detained or imprisoned as a result of their struggle for self-determination and independence ,full respect for their fundamental individual rights in compliance with the Article 5 of universal declaration of human rights under which no one shall be subjected to torture or to cruel ,inhumane and degrading treatment.”

UN resolution 3314 Article 7 also protects Kashmiris right to self-determination accordingly;

Article 7 of 3314 “nothing in this definition in particular Article 3 ,could in any way prejudice the right to self-determination , freedom and independence , as derived from the charter ,peoples forcibly deprived of that right and referred to in the declaration on the principles of international law concerning friendly relations and cooperation among states in accordance with the charter of UN particularly people under colonial and racist regimes or other forms of alien domination ;nor the right of these peoples to struggle to that end and to seek and receive support ,in accordance with the principles of charter and in conformity with the above mentioned declaration .

It is pertinent to note that the labelling of Kashmiris freedom struggle as terrorism becomes null and void because the Article 1 of the UN charter and over two dozen UN security council resolutions which uphold the right to self-determination of peoples of Jammu and Kashmir. In addition terrorism as defined by the UN general assembly states “criminal acts intended or calculated to provoke a state of terror in the general public , a group of persons or a particular person for political purpose or in any circumstances unjustifiable ,whatever the considerations of a political philosophical ,ideological ,basically ,ethnic ,religious or other nature that may be invoked to justify them . This makes violence and aggression being conducted by the Indian security forces on people of Jammu and Kashmir as terrorism because Indian security forces are inflicted terror among the population to maintain control over them.

India has continuously been working to label freedom struggle as terrorism. By labelling freedom struggle as terrorism India will continue to keep dashing Pakistan at international level and creating confusions against indigenous freedom struggle of people of Kashmir an international community. The office of the high commissioner for human rights in his report released on 14<sup>th</sup> of June 2018 not only highlighted the atrocities committed by the Indian forces in Indian administered Kashmir ,and cataloged whole list of human rights violations perpetuated by Indian forces and established that right to self-determination of Jammu and Kashmir is protected under international law .

India has deployed more than 700,000 military personals in Indian administrated Kashmir and has enforced tailored laws like armed forces special powers act of 1990 and Jammu and Kashmir public safety act establishing structures that enable the Indian security forces to abrogate normal course of law, operate without accountability and deny the right to remedy /treatment to the victims of aggression,

As of date more than 100,000 Kashmiris have lost their lives others are dying in prisons and torture centers .Kashmiris women are abused and children are terrified .The unfinished decolonization agenda is incomplete until UN security resolutions granting the right to self-determination to the people are Jammu and Kashmir are implemented .

World Muslim Congress Urges the UN to implement its own resolutions and call upon Government of India to repeal all draconian laws, end impunity, release all political leaders and activists and make an end to gross and systematic human rights violations perpetuated by the Indian military and other paramilitary forces. World Muslim Congress urges UN Security Council to respond to its primary mandate to maintain peace and security in the region and to help to escalate the crisis as it is threat to peace and security in the region.

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