



General Assembly

Distr.: General
25 September 2020

English only

Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda item 4

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.

[12 August 2020]

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

GE.20-12569(E)



* 2 0 1 2 5 6 9 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Appeal to the United Nations to address human rights violations and suffering of people in Indian Administered Jammu and Kashmir

Since the nationalist Government of India unilaterally annexed the disputed territory of Jammu and Kashmir on 5 August 2019 through revocation of Articles 370 and 35A and amending Article 367 of the Constitution of India by Presidential Order C.O.272, and imposed direct rule by New Delhi, the risk of a humanitarian catastrophe and further serious human rights violations has continued to accelerate. Unless the United Nations Human Rights Council and Member States take immediate action to bring pressure on the Government of India to reverse their illegal occupation of the disputed territory and address serious human rights abuses committed against the people, the situation and wellbeing of Kashmiris will become untenable.

It is now 10 months since Kashmiris were forced into a tightly controlled lockdown by more than 800,000 heavily armed troops and became powerless to communicate with the outside world. The telephone system and internet were shut down. Shops and businesses were forced to shut either by the security forces or the inability to have goods delivered. Access to hospitals and health care became challenging for the sick as movement was restricted and hospitals had insufficient medical supplies.

Schools were shut leaving children deprived of education. Without the internet, students were not able to access and submit research papers for their studies or lodge applications for university or for jobs. The negative impact on the education of Kashmiris will be felt by a generation who will be disadvantaged by their long period of being unable to continue their studies. Kashmiris were unable to sustain their livelihoods. With businesses closed their income evaporated. Those who had small agricultural landholdings were prevented from reaching their land to attend to their crops and animals by check posts, landmines and razor wire blocking their path. The lockdown has created a disaster for Kashmiris and without savings to sustain themselves financially, many are in economic peril. By reducing Kashmiris to a state of poverty, many will have no option other than to leave, thereby giving the Government of India what they were aiming for – to drive out the Muslim population and move in a Hindu settler population. This shows a clear threat of ethnic cleansing.

Several thousand political, business and community leaders were detained or arrested joining the thousands of political prisoners already detained under the draconian Public Safety Act (PSA) and the Armed Forces Special Powers Act (AFSPA). While some were released following systematic ‘re-education’ to force their support for India’s nationalist Government goals, many remained detained without charge in violation of their human rights.

After six months of isolation, the communities of the Kashmir Valley were temporarily allowed limited access to 2G internet, restricted to government-approved websites only. The slow speed and lack of access to anything other than government-approved sites did little to improve access to information or lodging of documents for university and other applications, again denying students the likelihood of educational advancement.

When the first case of COVID-19 was detected in March, the lockdown was again enforced with strict rules on movement and daily life. As COVID-19 spread across the world, in the fight against COVID, the Secretary General of the United Nations, Antonio Guterres, made a global appeal on 23 March 2020, for a ceasefire in the world’s conflict zones and for all warring parties to lay down their weapons. The Secretary General stated that humankind now faced a common enemy in COVID-19. Further, he reiterated that it is clear that ‘global means global’ and applies to all conflict zones. This applies to Jammu and Kashmir yet, under the cover of COVID-19, Indian Armed Forces have continued to escalate violence against the Kashmiri people and, in tandem, accelerated the number ceasefire violations on the Line of Control causing casualties to Kashmiris living on the Pakistani side. The Government of India has once again shown total disregard for its obligations under international law and the United Nations, and flagrant disregard for human rights, by totally ignoring the Secretary General’s call for a global ceasefire.

During the COVID-19 lockdown, Indian Armed Forces have been conducting Cordon and Search Operations (CASO) to harass and intimidate Kashmiris, blasting and setting fire to homes and looting cash and jewelry from victims' damaged homes. Civilians have been killed during this period and many others injured. With the attention of the world media being focused on the pandemic sweeping the world, there is little attention being paid to the increasing number of systematic State-sponsored attacks being made on Kashmiris. With the internet again being cut Kashmiri families are again unable to stay in touch with the world to plead for help. Courageous journalists and photographers who do get stories out about the violence and violation on human rights in Kashmir have been harassed and arrested. Freedom of speech has been completely stifled.

The Government of India has also started implementing policies which open Kashmir up to Hindu settlers to change the demographics of this predominantly Muslim State. Article 35A granted special status to Jammu and Kashmir State providing permanent residents with rights to property and government jobs. The provisions also protected its citizenship law, which did not allow outsiders to settle in or own land in the disputed territory. Abrogating these articles has opened the way for a humanitarian catastrophe. The Indian Government is now both in principle and practice, systematically removing all such rights for Kashmiris.

We strongly reiterate that the human rights of Kashmiris continue to be totally subjugated by the nationalist Government of India. Protests against the human rights abuses are immediately and brutally crushed by the Army, Border Security Forces, Police, and other enforcement authorities. Political and other arbiters of reason have been imprisoned without charge, adding to the many thousand already imprisoned, some for years, under the oppressive Public Safety Act and the Armed Forces Special Powers Act. Many are tortured in custody. Kashmiris are powerless to stand against the increasing violations of their human rights and the grabbing of their homes, jobs, and land. COVID-19 lockdown and a lack of international attention has provided the Government of India increased cover to continue to flout International Human Rights and Humanitarian Laws and with escalating levels of violence against Kashmiris.

The Kashmiri people seek the urgent intervention of the United Nations Human Rights Council and Member States to pressure the Government of India to prevent a humanitarian catastrophe by restoring, enshrining and protecting all rights of the people of Jammu and Kashmir, and respect their long-held desire of the right to peace and self-determination, promised to them so many decades ago under United Nations Resolutions.
