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Human rights situations that require the Council's attention

Written statement* submitted by International Support For Human Rights, 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.

[5 February 2023]

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



Glance on The Indian Administered Jammu and Kashmir

As violence in Kashmir region is on the decline and life returns to normalcy, there is a visible change in the attitude of the common Kashmiris. Residents of Indian Administered Jammu and Kashmir have welcomed the governance reforms and look forward to the upcoming elections under the new administrative setup. The hard-won stability has brought forth the hitherto subdued realities faced by the Kashmiris in the heydays of militancy. For the first time, numerous Kashmiri families have shed their inhibitions to speak about the atrocities committed by terrorist organizations. Throughout these years, the information vacuum was exploited by vested interests, giving a false impression of the developments in Kashmir region, and distracting the focus away from the perpetrators of terror.

This statement shall bring the Council's attention to the tragedy faced by one such Kashmiri family in 2003. The story of N. B. is just one out of 800 civilians killed by terrorists in 2003. Over 2500 fatalities were reported that year, including civilians, military personnel, and militants. N. was a young girl who lived in Bandipora, Indian Administered Jammu and Kashmir, with her family of five members. She was about to complete her higher secondary education when she was brutally killed by terrorists. On July 28, 2003, like any other day, N. returned from her school. On that fateful night, like thousands of families in Indian Administered Jammu and Kashmir, it was her family's turn to face the wrath of those who did not wish Kashmiris to live peacefully. On that night, armed men from the terrorist outfit Lashkar e Taiba intruded into her house and enquired about her. N. was suspected to be a government informant. She was dragged into another room and physically tortured. Her screams could be heard and she pleaded for her life as she had not done anything to antagonize them. The terrorists fired multiple rounds of bullets and she succumbed on the spot. Her younger sister B. M., who was in the house, tried to seize the terrorists' rifles but they fired at her as well. B. received eight bullets in her back and arms. She took two months to gain consciousness and remained hospitalized for six months. She had to undergo multiple surgeries and, in the process, her bullet-riddled arm had to be amputated. It took two years to fully recover from the injuries. She did not lose hope and restarted her routine life with optimism. The incident did not stop B. from pursuing her dreams and she went on to finish her Bachelor in Education followed by a Master. She joined the Education Department in Indian Administered Jammu and Kashmir.

Today she is happily married to a supportive husband and has two children. Life has not been the same after losing an arm and despite the challenge, B. has come out as a stronger and more confident person.

However, N.'s family realises that the road to normalcy was a long and arduous journey and they may never get justice. No one knows about the fate of the killers of N. and thousands of other innocent Kashmiris. What pained them the most was the atmosphere of fear that prevented them from speaking up. Today, thousands of families are willing to speak up and soon, more families are expected to come forward sharing their experiences as stability and prosperity return to the valley. These families have spent decades in anonymity out of the fear of retribution by militants and existing patriarchal structures. The apologists responsible for perpetuating this kind of culture are on the decline but that should not be a reason enough for women to feel secure or complacent.

Acknowledgement and moral support for these families by Human Rights Council shall go a long way in establishing the desired comfort zone so that the Kashmiris share their experiences without any fear. It is a humble request to the Human Rights Council that the voices of the Kashmiri victims of terror be heard by the international community and efforts be made to sensitize the world about this hitherto lesser-known facet.

Recommendations:

a. The Human Rights Council's role as a pressure group can go a long way in pressurising non-state actors from attempting subversion in Indian Administered Jammu and Kashmir. Cross-border terrorism is an assault on both international law and the human rights of Kashmiris.

- b. Recognize arbitrary killings by terrorists in the valley as targeted killings. The fate of N. and thousands of other innocent Kashmiris can be defined as targeted killings going by the definition in the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions.
 - c. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions must take cognizance of the decades-long sufferings caused by terrorism.
 - d. By resolution 15/15 of HRC, the Special Rapporteur must incorporate these incidents of terrorism in “recommendations on the promotion and protection of human rights and fundamental freedoms” and “to integrate a gender perspective throughout the work of his/her mandate”.
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