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Human rights situations that require the Council's attention

Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), 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.

[12 February 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 situations that require the Council's attention - Jammu and Kashmir

The human rights situation in the Indian administered part of the disputed State of Jammu and Kashmir has worsened since the High Commissioner for human rights expressed his concern in the opening statement made to the 33rd session of Human Rights Council on 13 September 2016.

Pakistan welcomed an independent investigation demanded by the High Commissioner for human rights into its side of Kashmir, while as Indian Government added a new refusal to her pile of refusals to allow a UN authorised investigation into the latest spree of killing of 150 civilians, critically injuring 17,000, permanently blinding 1,000 due to injuries by the use of pellet guns since 8 July 2016 by the Indian forces. These forces have overrun their 'temporary mandate' and have rendered themselves into an occupation force. They hold an unwilling people in a bondage.

Doctors have verified that Indian forces have consistently shot above the waist height and deliberately targeted the eyes of protesters, especially children and young girls. This highly deplorable and cruel practice finds no place among the civilised humanity. The human rights violations are indeed crimes against humanity and must be investigated by an independent and impartial fact Finding Mission, under the auspices of the UN.

Doctors Association Kashmir has said that in numerous cases where pellets are retained in the body and could not be removed from the bodies of the victims because it could damage vital organs, are causing severe lead poisoning, which may prove to be fatal particularly for the pregnant women. Civilians have been put through an unprecedented 4 month curfew and people continued to be locked indoors. Indian government has also created a deliberate shortage of essential food supplies, medicines, baby food, petroleum products and of other basic amenities.

The hardship of the local population has increased due to a deliberate neglect shown by the Indian government in not helping the affectees of September 2014 floods. The unprecedented floods of living memory killed four hundred people and rendered hundreds of thousands homeless. India refused to let in rehabilitation missions. Relief, relocation, humanitarian assistance and rehabilitation have been deliberately put on hold.

The current uprising is not an isolated incident but a manifestation of deep, widespread and long alienation of the oppressed people of Indian administered part of Jammu and Kashmir. Indian forces have deliberately targeted the civilian population on the Pakistani side of Kashmir, to divert attention from the mass protests made against the targeted killing of a Kashmiri youth leader Burhan Wani on 8 July 2016. The violations of cease fire line have killed 45 civilians and injured 139, which include women, children and the elderly. On 23 November 2016, India intentionally targeted a civilian bus near the Line of Control (Cease Fire Line) and killed 11 passengers and injured 8. Ambulances were also fired upon.

Indian anti-Muslim hatred in the disputed State has no limits. It has given gallantry awards (Sena Medals) to the three Rashtria Rifles personnel who killed 21-year-old Kashmiri youth Burhan Wani. The killing triggered over five month's long unrest in the Valley last year. UN Human Rights Council has an urgent role to play in a situation which has been slated by the UK at the 241st meeting of the UN Security Council on 5 February 1948 as follows:

"The plebiscite must inspire confidence in everybody, including those who are now fighting. We have all stated it before. The representative of India said at our 239th meeting the day before yesterday that the two parties interested in the Kashmir question are Pakistan and the insurgents in Kashmir. Therefore, we have to satisfy these two parties. What the Security Council does must seem fair to these two parties. It must also seem fair to the Government of Pakistan, to the insurgents, to the tribesmen, to the Government of India, to the other inhabitants of Jammu and Kashmir, and to the outside world."

Human Rights Council has to take note of the fact that killing one Burhan Wani, profiling and targeting the Kashmiri youth as a population or heating up the Line of Control are no solution. UN pledge of conducting a UN supervised plebiscite in Kashmir has frozen seven interested elements into a non-action. The seven elements involved in supporting

the cause of self-determination in Kashmir, in particular the insurgents and the tribesmen have been frozen into a non-action by the pledge made in the UN SC resolutions. Those who have supported the Kashmiri people militarily, may find it legitimate to regroup to undo a virtual occupation. Government of Pakistan, Government of India, UN and the world should not fail and let 'the insurgents' and 'the tribesmen' to intervene in 2017 or beyond. JKCHR wishes to point out that the disturbing scenes of atrocities posted on social media, could encourage some members of Kashmiri Diaspora in UK and across the world to subscribe to a renewed armed struggle against Indian security forces, who have no mandate to be in Kashmir anymore.

JKCHR sincerely hopes that United Kingdom of Great Britain and Northern Ireland member on the Human Rights Council, would have been fully briefed on the historic debate that took place in the British Parliament comprehensively covering the extremely important matters relating to Kashmir on Thursday 19 January 2017. The debate was requisitioned and lead by Mr. David Nuttall MP, Chairman All Party Parliamentary Group (APPG) on Kashmir constituted in the British House of Commons.

The debate at the end resolved "That this House notes the escalation in violence and breaches of international human rights on the Indian side of the Line of Control in Kashmir; calls on the Government to raise the matter at the United Nations; and further calls on the Government to encourage Pakistan and India to commence peace negotiations to establish a long-term solution on the future governance of Kashmir based on the right of the Kashmiri people to determine their own future in accordance with the provisions of UN Security Council resolutions. It was second widely participated debate after the previous debate on "the political and humanitarian situation in Kashmir", organised in the British House of Commons by Mr. David Ward MP on Thursday 11 September 2014. Mr. David Nuttall MP, Chair of APPG in the British Parliament and his office manned by Mr. Andrew Rimmer have put in commendable efforts in organising this debate on Kashmir.

JKCHR delivered an aide memoire on the Human Rights Situation in the Indian administered Kashmir at OHCHR on 26 September 2016 in Geneva. A six member JKCHR delegation comprising of Dr. Syed Nazir Gilani President JKCHR, Javed Muhammad Athar, JKCHR Representative to the UN in New York, Mohammad Yasin Chaudhry, Leader of the opposition in the Legislative Assembly of Azad Kashmir, Lord Qurban Hussain, Member House of Lords in the British Parliament & Vice Chair of All Party Parliamentary Group on Kashmir in the British Parliament and Amjad Hussain, a Civil Society Activist, was received in the office of OHCHR. This session of the Council could benefit from the minutes of this meeting.

Indian propaganda that it is faced with a sponsored terrorism in Kashmir has no merit, unless it accepts the demand made by the UN High Commissioner for Human Rights that "an independent, impartial and international mission is now needed crucially and that it should be given free and complete access to establish an objective assessment of the claims made by the two sides." This unfounded Indian allegation is making the lives of 2.5 million (five generations) Kashmiri refugees, displaced and deported by Indian administration and settled in Azad Kashmir and various provinces of Pakistan difficult. The false allegation is impacting the lives of the Kashmiri Diaspora living all over the world. These Kashmiris are attempting to build a constituency of peace in Kashmir and in other parts of the world.

We are encouraged to see that the President of Azad Kashmir HE Masood Khan and Prime Minister of Azad Kashmir HE Farooq Haider Khan (himself a member of divided families) were received in the British and European parliaments, to brief them on the latest situation in the Indian administered part of Jammu and Kashmir. JKCHR strongly recommends that Human Rights Council encourages and arranges for their participation in its sessions and gives them and all other schools of opinion an opportunity to brief the Council.

Pakistan (Foreign Office) has briefed the Ambassadors of OIC countries and Ambassadors of foreign missions in Islamabad on the continuously aggravating human rights situation in Indian administered Jammu and Kashmir in the backdrop of Kashmir Solidarity Day organised in Azad Kashmir, Pakistan and throughout the world by the people of Kashmir and their sympathisers. It would be helpful if the Council makes an approach to Pakistan Mission in Geneva for an input on these two briefings.

In the interests of "the strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them", JKCHR would recommend that the Council

invites Mr. David Nuttall MP and Chair of APPG on Kashmir in the British Parliament and benefits from his comprehensive briefing in one of its regular or private meetings.
