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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development - Jammu and Kashmir

President of United Nations Correspondents Association in Vienna organised an “Information Meeting” for the Secretary General of JKCHR on Friday 18 June 1993 during the UN World Conference on Human Rights held in Vienna, to brief the delegates and world press on the findings of a four member fact finding mission of the International Federation of Human Rights, that had visited the refugee camps at the request of JKCHR. These refugees had escaped the persecution at the hands of Indian security forces in Indian administered part of Jammu and Kashmir and were living in various camps in Azad Kashmir. NGOS attending the UN World Conference elected Secretary General of JKCHR to represent the “un-represented People” at the Conference. JKCHR addressed the Plenary and Main Committee of the World Conference on behalf of “un-represented People”. As member of UN-NGO Liaison Committee JKCHR played a lead role in the process for the establishment of the office of the UN High Commissioner for Human Rights.

JKCHR has continued to make inputs to the various sessions of Human Rights Council (Human Rights Commission and Sub Commission). It encourages us to see Belgium, China, United Kingdom of Great Britain and Northern Ireland and United States of America in particular on the current membership of Human Rights Council. Belgium has presided the first UN Security Council meeting on the situation in Jammu and Kashmir in January 1948 and China, United Kingdom of Great Britain and Northern Ireland and United States of America have played a lead role in finalising the UN arrangements for a UN supervised referendum to decide the Right of Self-Determination of the people of Jammu and Kashmir.

We find that since January 1948 United Nations has not been able to secure Indian compliance on “respect for the principle of equal rights and self-determination”. A cease fire line put in place and supervised by UNMOGIP continues to be a cause of fragmentation of the State and division of the families. Five generations of Muslim refugees are living in Azad Kashmir and various provinces of Pakistan. Indian security forces have continued to deny these refugees and other State Subjects “freedom of travel in the State, including freedom of lawful entry and exit” as guaranteed in the UN Security Council Resolution of 21 April 1948.

UN Resolution of 30 March 1951 has cautioned the Government of India that the constituent assembly that would be elected from the part of the State under its control “would be elected from only a part of the whole territory of Jammu and Kashmir” and can’t determine the “future shape and affiliation of the State of Jammu and Kashmir”. “The future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”.

Indian Government has frustrated the UN mechanism agreed on the resolution of Kashmir dispute and has used the assembly elected from the part of the State under her control as an instrument to mislead the world on the human rights situation. More than 94,000 Kashmiris have been killed by Indian Security Forces since 1989 for demanding the implementation of a UN supervised referendum. Out of these 7,000 persons have been killed in Indian custody. More than 105,000 structures have been destroyed, more than 22,000 women have been widowed, more than 105,000 children have been orphaned and more than 10,000 women have been raped and molested by Indian military and paramilitary troops in Indian controlled Kashmir since 1989. We have a population of half-widows – wives of persons missing for more than 20 years. They are unaware of the whereabouts of their 8000 missing relatives and cannot remarry till they know the fate of their husbands. More than 6000 unnamed mass graves have been discovered in Northern Kashmir.

India has embarked on a plan to bring a demographic change in its controlled part of Kashmir by converting its Muslim majority into a minority through the settlement of non-Muslim non State Subjects. Indian government is pushing through a plan to settle West Pakistan Refugees of 1947 in the State. It would violate UN Security Council resolutions of 21 April 1948, 30 March 1951 and 13 August 1948.

Indian Security Forces (Rashtriya Rifles) have started a door-to-door survey of inhabitants (Muslims) in the District Bandipora in the State of Jammu and Kashmir. They have been recording names of family members, and in some cases even seek photographs of the inmates. Army personnel are enquiring about age, education qualifications and marital status of male family members. They are also registering shops, business establishments and residential houses. Indian troops who conducted the survey were also drawing maps and sketches of all the houses and link roads during the process. They have marked the houses with black ink. The army survey has raised suspicion among locals who say that local administration should have accompanied the army men during the survey if they have any government permission. This is a violation of restraints placed on their behaviour, number and location in UN Resolutions

8,587 people were arrested during the six-month-long unrest post 8 July 2016 in the Valley. Army and local police are using two draconian laws, AFSPA (Armed Forces Special Powers Act) and PSA (Public Safety Act) to avoid any due process and accountability under law.

Zahid Farooq, a 22-year-old final-year commerce student at Gandhi Memorial College, resident of Shahenpora in Nowhatta area of Srinagar was arrested on November 16 when he went to Khanyar police station to meet his father, who had been arrested nine days before and kept at Khanyar police station. Courts have granted him bail six times in various cases registered against him, but the young student has only been shifted from one jail to another and is now currently behind the bars at Zadibal police station. Eleven FIRs have been registered against this student in five police stations of different jurisdictions. Even a hydra headed demon would not have such a criminal capacity as attributed to this 22 year old college student, in 11 FIRs registered in 5 different police stations. This mechanism helps the Indian administration to keep the youth out of circulation.

Zahid Farooq's brother Owais Farooq said he has also been part of anti-India processions and has bitter memories of the fate that his relatives have suffered. "My family has been through a lot of pain. In 1994, my uncle, Mohammad Yaqoob Khan, who was associated with JKLF, was killed brutally and our house at Nowhatta was set on fire. At that time we were just kids but that brutality at the hands of Indian forces has remained in my memory. No one wants to be a stone-pelter but the oppression and the circumstances have made us stone-pelters. This is just the backlash of what has been done to us." "We are trying to get Zahid Farooq out on bail but the police are not releasing him." The family was filing bail application a seventh time at the time of writing of this statement.

Indian security forces have started profiling of Kashmiri youth. In addition to the laws like AFSPA and PSA, police is using other laws like Prevention of Insults to National Honour Act, 1971 to nab Kashmiri youth. On 9 February 2017 Deputy Commissioner Simrandeep Singh took it upon himself to enforce law and get two young Kashmir Muslim government employees booked for allegedly showing "disrespect" to the national anthem played in the Wave cinema ahead of a movie screening in Narwal Bala area of Jammu City. 34 year old Javed Ahmed, resident of Hillar village of Anantnag is a consultant with the J&K Institute of Management, Public Administration and Rural Development in Jammu and 30 year old Mudassar Ahmed, resident of Neelipura in Handwara is an employee of the Jammu and Kashmir Bank in Srinagar.

Over 60,000 families in Jammu and Kashmir are "indexed not to receive CID clearance" for passports. Kashmiri prisoners outside Kashmir in Indian jails, in particular Tihar jail in Delhi are stripped of their rights and dignity. There are currently 31 such prisoners who have completed 23-24 years in prison. Dr Muhammad Qasim Faktoo, has completed 24 years in Tihar jail. Dr Qasim like others is incarcerated for his political beliefs.

Indian security forces are denying peaceful march to UN offices in Srinagar. On Friday 10 February administration imposed curfew-like restrictions in parts of Srinagar to foil "UN march" called by Kashmiri leadership to submit a memorandum to UNMOGIP stationed at Sonawar, Srinagar for seeking UN help in the return of mortal remains of two prominent Kashmiris, Mohammad Maqbool Bhat and Mohammad Afzal Guru, who were hanged and buried in Delhi's Tihar jail. The authorities also disallowed Friday congregational prayers at Jamia Masjid.

Belgium, China, United Kingdom of Great Britain and Northern Ireland and United States of America sitting as members of this Council stand out differentiated on the basis of their role in Kashmir debates at UN Security Council from January 1948 and we urge them to ensure that rights regime in the Indian controlled part of Jammu and Kashmir is duly promoted and protect.