



**KASHMIR
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India

Universal Periodic Review Submission

By Kashmir Institute of International Relations

16



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I. Brief Bio KIIR

Kashmir Institute of International Relations is a non-profit, non-partisan, non-governmental organization established in 1993 in Muzaffarabad, Azad Kashmir. With the motto of “Peace through Dialogue” KIIR is working for a peaceful South Asia. KIIR believes peace can only be achieved by the resolution of the Kashmir dispute through substantive dialogue between India, Pakistan and Kashmiris.

To achieve this goal, KIIR has engaged policymakers and policy implementers: Members of Parliament, Political Activists, Lawyers, Journalists, Academics and Social Activists. KIIR is working to enhance the capacity of Kashmiri civil society actors in the areas of reconciliation, negotiation skills and conflict resolution. The objective of these initiatives is to facilitate dialogue that is conducive to reconciliation and peace in the region

II. Methodology

This submission focuses on India’s role in J&K, based on primary data recorded and verified by various local non-governmental organizations and International Human Rights groups.

III. Back Ground and Contextual Framework

Human rights violations in Indian occupied Jammu Kashmir are systematic, deliberate, and officially sanctioned. India has never prosecuted even one of its 700,000 military and paramilitary personnel there for human right abuses, and its law grants legal immunity for any actions aimed at suppressing Kashmiri dissent or support for self-determination. Information compiled by various human rights organizations establishes that a massive complain of brutal oppression has been launched by the Indian army since January 1989. Various estimates are given of the death toll of civilians so far. Owen Bennett Jones Journalist associated with BBC News in his report, titled Three Surprises from a visit to Kashmir writes, “Although all the numbers relating to Kashmir are keenly disputed it is probably fair to say that as many as



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100,000 people have been killed in the struggle between Kashmiris and the Indian state. Countless individuals have been maimed and thousands of women molested and assaulted. Not a word of condemnation has been uttered at the United Nations; not even a call on India to cease and desist from committing its atrocities”. Reports on the culture of impunity in Indian Occupied Kashmir have been released from time to time by different human rights groups, highlighting human rights abuses but this has made no difference in ground. A renewed wave of terror has been unleashed by Indian state in occupied Kashmir using all armories available to suppress the people’s peaceful resistance. The brutal repression has been widely reported by the local and international media and earned India enormous condemnation at local and international level. But Indian state still remains in denial mode.

1V. Barbaric State sanctioned violence

Since the extra-judicial murder of Burhan Muzaffar Wani 22, youth icon of Kashmir valley for his social media activism to organize youth to resist Indian occupation on 8th of July, 2016, the entire population of Occupied Kashmir valley is under siege. The news of this extra-judicial murder went viral on social media and forced angry mourner to come on roads. Indian government, as usual responded with excessive and brute force to on peaceful assemblies of people. A cycle of state violence continues unabated since then, use of live ammunition and pellets on peaceful assemblies of people, gaging on cellular phone services, internet services, banning newspapers, attacks on ambulances and strict grid of curfew continues since 9th of July 2016. During last 70 days, the most fundamental rights have been abrogated through consistent state curfew restrictions and 85 people civilians have been killed and 11,000 injured through the use of live ammunition and pellets short gun firing on peaceful assemblies of people, over 800 have received pellet injuries, while over 100 people have lost vision completely. There reports



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of other abuses like sexual assault harassments, burning and damaging of private property by the government forces.

Peaceful protests and walks, including burial service parades and open supplications, are met with viciousness as media transmission administrations stay all things considered shortened. Political activists and protestors, including minors, are wrongfully kept in detention.

Medical services, including hospitals, are attacked and raided. 100+ ambulances attacked within the first month, as ambulance drivers continue to face State violence.

The use of pellet shot guns - directly at protestors - has epitomized the present violence. 14 year old Insha Malik has suffered multiple pellet injuries on her face, including fractures and blindness.¹

Four-year-old ZuhraMajeed was hit by pellets in her legs and abdomen after her family was targeted by police outside their home on the outskirts of Srinagar's Qamarwari on July 10.²

The Indian State is infringing upon the Geneva Conventions, 1949, and Additional Protocols, and international humanitarian law principles of distinction between civilian and non-civilian targets, prohibition on indiscriminate attacks and proportionality of use of force. In their utilization of power against Kashmiri people, State constrains additionally disregard the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, and Code of Conduct for Law Enforcement Officials, 1979.

The solicitation by the UN High Commissioner for Human Rights for a fact discovering mission was rejected by Government of India. Correspondingly, the United Nations Military Observer Group in India and Pakistan has been precluded access by Government from securing India to do any work in J&K. Access for Kashmiri civilians to this body is additionally seriously limited.



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Past UPRs of India, in 2008 and 2012, concentrated on confirmation of universal traditions, and nullification of Armed Forces Special Powers Act, 1990 [AFSPA]. In both UPR's, India's National Reports made no notice of J&K in this manner guaranteeing that J&K remains a blind side in the UPR procedure

IV. Ratifications by India

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) is an international human rights instrument of the United Nations and intended to prevent forced disappearance defined in international law, crimes against humanity. As of the end of July 2016, 96 states have signed the convention and 52 have ratified it. India has marked the convention on involuntary or enforced disappearances but has yet to ratify it. India must execute the UN Convention for the Protection of All Persons from Enforced Disappearance without reservation, including the affirmations in accordance with Articles 31 and 32, to perceive the capability of the Committee on Enforced Disappearances

India has yet to endorse two of the principle human rights treaties. UN convention against torture, other unfeeling and barbaric or corrupting treatment or discipline and UN convention of the rights of all migrant workers and their families and the two discretionary protocols to international convention on civil and political rights and Indian has additionally yet to sign the Rome statute on universal criminal court.³

V. Cooperation with UN Representatives and Mechanism

India also continues to display an unwillingness to cooperate with the United Nations human rights procedures and its mandate holders. India also has swiftly rejected the U.N. request for a visit to the disputed territory of Kashmir. The Indian response to the recent Human Rights violations held in Jammu Kashmir is “as external inquiry was unnecessary and that it (India) was fully engaged in normalizing the situation as soon as possible. This gives a bold impression as, India is not ready to engage in any constructive measures mandated by the UN Charter to be implemented in Kashmir. Human rights desk of



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Kashmir institute of international relations remains concerned about the human rights situation in India and especially in the part of Jammu and Kashmir that remains under Indian occupation owing to such massive violations.

VI. Freedom of Speech and Expression and Practice of Religion

The state apparatus imposed the worst form of communications clampdown in Kashmir by banning the local newspapers, the Internet services and mobile networks to stop the news of state excesses from reaching the world. This happened in the backdrop of India's dubious claim of championing the cause of digital democracy and the digital outreach. Kashmir is still under curfew. Seven million people are under an unprecedented lockdown, and the state is further toughening the so-called security measures

It was the first time in Kashmir's recorded history that Eid prayers were not allowed in major shrines and mosques and Eidgahs, as the government imposed curfew in all 10 districts of the valley.⁴ The valley is where life remained paralyzed for the 70th consecutive day with total lockdown on all media and internet services. People are not allowed to leave their house and are shot if seen outside their homes. All schools, colleges and universities remained closed along with train services also suspended.

In the recent civilian uprising, the State shut down Jamia Masjid, the historic mosque in Srinagar city, and gatherings including congregational prayers on Fridays have been disallowed. Printing and distribution of newspapers was temporarily banned. Attacks on journalists continue. Peaceful rallies are attacked and disallowed. In a village of North Kashmir the armed forces cut the water supply on account of the villagers taking part in protests. The State cutting essential supplies across Kashmir is a real and imminent threat.

VII. Administration of justice, including impunity, and the rule of law

Because of the aggregate exemption being appreciated by the military and Para-military forces there is no guideline of law and organizational equity in Indian held Kashmir.



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Assault, torment, custodial killings, vanishings, badgering and mistreatment against human rights defenders and print and electronic media, proclaimed and undeclared time limit constitutes a vital part of the day by day life.

In short the laws authorized in Indian and implemented in Jammu and Kashmir are as opposed to the global human rights law along with that the humanitarian law and it certainly negates the Universal revelation of human rights especially the article 1, article 3 article 7 article 9, and article 19.

Right to travel

Government of India has denied travel documents to all leaders of political decent in Jammu and Kashmir. Over 80, 000 civilians including human rights defenders and academicians are waiting for security clearance from different intelligence agencies to get their passports.

Syed Ali Shah Galeeni ,MirwaizUmer Farooq were denied travel to US take part in a OIC meeting. While Mr. KharrumParveez Coordinator of JKCCS and Chairperson of Asian federation against enforced disappearance was barred to travel to Geneva to attention 33rd session of UNHRC and later was arrested and kept under arbitrary detention till last reports.

VIII. Recommendations

1. Accede to Conventions on Torture and Enforced Disappearance, Rome Statute of the International Criminal Court, Mine Ban Treaty, 1997, and 1977 Additional Protocols of the Geneva Conventions.
2. Allow unhindered access to OHCHR fact-finding mission to Jammu and Kashmir and oblige the request of United Nations high commissioners public appeal for the same during 33rd session.
3. Allow UN special procedures and mandate holders to visit India and Indian Occupied Kashmir.
4. Repeal armed forces special powers act of 1990 (AFSPA) and Jammu Kashmir Public Safety Act(JK PSA).
5. Ensure freedom of travel, including grant of travel documents, to people of J&K regardless of political thoughts, affiliations or activities.
6. Allow unrestricted access to ICRC, MSF and UNMOGIP.
7. . De-militarize schools, hospitals and all other such public institutions in J&K.



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