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Human rights situations that require the Council's attention

Written statement* submitted by the 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.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Human Rights Situation of Indian Occupied Kashmir

In Indian Occupied Jammu and Kashmir since last 25 years the government of India has unleashed a war against the people by deploying 700,000 armed forces, equipped with draconian laws and brutal policies to counter the popular uprising against the Indian occupation of Jammu and Kashmir.

In last 25 years around 100,000 people have been killed and approximately 8000 to 10,000 people have been subjected to enforced disappearances. There are thousands of cases of sexualized and gendered violence. Torture is used as a State policy to collectively punish the people of Kashmir for demanding right of self-determination.

There have been very well documented reports of local and international human rights organizations like Amnesty International and Human Rights Watch which prove that Indian State has institutionally been involved in promoting human rights abuses as a means to control the demand for self-determination. There are more than 7000 unmarked graves and mass graves across several districts of Indian Occupied Jammu and Kashmir. The human rights documentation also suggest that government has incentivized the extra-judicial executions by keeping the reward money for killing the people, rather than arresting the people and producing them in courts.

So far not even a single perpetrator belonging to Indian armed forces has been punished. Recently a report “Structures of Violence: The Indian State in Jammu and Kashmir”, was submitted to various UN Special Procedures. The report elucidates while using government documents acquired through the Right to Information Act in India and Jammu and Kashmir, how despite evidence against the Indian armed forces involved in various crimes against the people of Indian Occupied Jammu and Kashmir, not even a single perpetrator has been so far prosecuted by the Indian judicial mechanisms. (Here is the link of the report: www.jkccs.net/structures-of-violence-the-indian-state-in-jammu-and-kashmir-2/)

Recently the Inspector General of the Jammu and Kashmir Police, Javaid Mujtaba Geelani informed the local media in Kashmir, that they have increased the monetary rewards for the armed forces for killing the militants from the maximum of 15000 USD to 19,000 USD. (see the link: <http://kashmirreader.com/2016/02/police-took-the-decision-to-hike-reward-money-for-killing-militants-igp/>)

Earlier the human rights groups have urged India to revoke this policy of giving the monetary reward for killing the innocent civilian and branding them militants, as it has led to killings and disappearances of several civilians who are claimed falsely as militants and killed for seeking the monetary rewards. Prior to this admission by the very high police official the government functionaries have refused to publicly accept the existence of such policy, but in the courts on several cases of fake encounter killings it was brought to fore that some of the armed forces personnel were involved in killing civilians and falsely claimed them as militants for the sake of monetary rewards. The human rights groups in Indian Occupied Jammu and Kashmir asked through Right to Information Act applications the Indian armed forces and the Jammu and Kashmir police to furnish details about this policy of monetary rewards for killing militants but the authorities in India have always refused to divulge any information on this matter, claiming that it will threaten the security of the State and integrity of the country.

There are hundreds of cases documented by human rights groups in which civilians have been killed in fake encounters and also in many cases the State Human Rights Commission of Jammu and Kashmir, through its investigations has established that armed forces have been involved in carrying out fake encounters for monetary rewards, awards and out of turn promotions.

Now that the admission of this brutal State policy of incentivizing the extra-judicial execution has come from none other than the Indian State representatives, and that Indian State instead of revoking this atrocious policy has chosen to further increase the amount for this policy of extra-judicial killings, we urge the United Nations Human Rights Council (UNHRC) to forthwith call on the Indian State to stop this policy of incentivizing the extra-judicial killings.

India has so far not allowed prosecution of any armed forces personnel and that it is institutionally involved in carrying out violence and then subsequently by providing impunity to the armed forces personnel, India has made justice

impossible for victims in Jammu and Kashmir. There is no scope to demand justice from the local judicial mechanisms; therefore the UNHRC must initiate an international probe on the human rights abuses in Jammu and Kashmir on the pattern of Sri Lanka. If it can be done in Sri Lanka, why not in Jammu and Kashmir? India is victimizing and discriminating the people of Indian Occupied Jammu and Kashmir from getting the benefits of judicial processes of India, therefore we urge UNHRC to reach out to the people of Indian Occupied Jammu and Kashmir by announcing a UN led investigation in the crimes perpetrated by the Indian State in Jammu and Kashmir
