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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.

[19 May 2016]

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

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Human rights situation that requires the council's special attention

Article 1 of the international covenant on civil and political rights (ICCPR) and article 1 of the international covenant on economic, social and cultural rights (ICESCR) state, "All people have the right to self-determination by virtue of that they freely determine their political status and freely pursue their economic, social and cultural development."

Article 1 (2) of the UN charter states to develop friendly relations among nations based on respect of principle of equal rights and self-determination of people and to other appropriate majors to strength universal peace."

Resolution 1514 of the UN General assembly (declaration of granting of independence to colonial countries and peoples) reads

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the charter of the united nations and is impediment to the promotion of world peace and cooperation.

Kashmir is the strongest for self-determination which has never the less been denied. As we know, the self determination of people is the basic principle of UN charter which has been reaffirmed in the universal declaration of human rights and applied countless times to the settlements of international disputes.

The applicability of the principles of the specific case of Jammu and Kashmir has been recognized by United Nation. It was upheld equally by India and Pakistan when the Kashmir dispute was brought to UN Security Council."

However Indian denial has led to series of human rights violations in Indian occupied Kashmir. Indian government has enacted draconian legislation on the pretext of protecting the local population, but this law has been major cause of human rights violations in Indian occupied Kashmir. This law has been misused severely and as earned international condemnation from all International human rights watches dogs and United Nations special procedures.

It has been a standing operation procedure of the Indian army from last 26year, to assault innocent people during siege and search operations, tortured and summarily executed detainees in custody and murdered civilians in reprisal attacks. Rape and molestation has been regularly used as a means to "punish and humiliate" communities. Armed Forces Special Powers Act is not the only law that provides for 'lawlessness' in Jammu and Kashmir. People of the state have suffered equally much more under yet another draconian law known as Public Safety Act (PSA).

The unprovoked and indiscriminate firing and use of brute force by the Indian army in Handwara and Kupwara on 12th April 2016, and 14th and 15th of April 2016 respectively, which caused the death to five persons including 4 youth and a 50year old lady. These incident took place when a soldier of 21RR (Rastriya Raffles) try to molester a teenage girl in a public washroom in Hundawar town after school hours.

Nayeem Qadir Bhat son of Ghulam Qadir Bhat 21 a star cricketer Iqbal Farooq Peer son of Farooq Ahmed peer 22 a sole bead earner of his family fell to bullets on spot, while Raja Begum Wife of Abdul Jabbar Mir 50 succumbed to bullet injuries on 13th of April 2016. Jahangir Ahmed Wani was hit by a teargas shell in his head at Drgumallah locality on 14th of May while Arif Hussain Dar a class 12th student was killed cold bloodedly by the troopers of 47 RR at Natnusa locality of Kupwara district on 15th of April.

The minor girl was detained by police and on the same day a video was released of the minor girl exonerating the armed forces of sexual assault. The identity of the victim is revealed through this video that appears to have been recorded by the police and then widely circulated by army and Indian media. The family of the girl state that she has been kept in police custody from 12 April to date. Last night, around 1 am, the father of the victim was called to the Handwara police station. He was accompanied by his brother. Since then his whereabouts are not known. The family has been denied access to both the minor girl and her father.(Now released after high court orders) The detention of the minor girl and her father are outside the powers of the State and appears to be an attempt to further pressurize the family to withdraw all allegations against the armed forces. Further, the manner in which the video has been recorded and then circulated is a gross violation of the special protections afforded to minors particularly during investigation of sexual

assault cases. The actions of the police and the army would necessarily invite criminal prosecution if investigated. The State under the garb of law and order is ensuring that all access to the family of the victim is denied so as to ensure protection to the armed forces personnel and seek to further distract from the crimes that have been committed – from the sexual assault to the killings.

Earlier on 12th of April 2016 two students, Mrs Shaista Hameed 21 and Danish Farooq were killed due to the indiscriminate firing of Indian army in Kakpora area of Pulwam district.

According to official figures 202 people received injuries during the first 4 months of 2016 due excessive use of force and live ammunition on the peaceful assemblies of people. It is the responsibility of states to take better protection steps to protect right to life during protests. Indian army not only uses live ammunition but also other lethal weapons like pepper gas pellets guns to disperse peaceful protests , which has cause huge loss of life and life time handicap to countless people.

According to the book, '*Kashmir's Scars of Pellet Gun*' by Manan Bukhari, Kashmir has had more than 1,500 pellet victims since 2010. Around 70 percent victims have eye injuries. Only 30 percent victims received injuries in other parts of the body.

Indian state has failed to provide justice to the victims of all human rights violations, be it torture, enforced disappearance, rape, extra judicial and summary execution and arbitrary detentions.

India has since long designs to change the demographic of state. Government of India tried it overtly and covertly but due to the resistance from the local population it failed by and large. But government of Narendra Modi has come up with open and nefarious designs to convert state into a Muslim minority state. The government of India and its state puppet government have initiated the following steps to achieve its nefarious designs;

1. To create separate town ships for the Kashmir Pundits
2. To give state subject status to west –Pakistan refugees
3. To settle ex -Indian army personals by creating Sainik colonies.
4. To build shelters for the homeless Indians in Indian occupied Kashmir
5. To allot land to Indian Industrials outside Industrial areas

All these actions are aimed to change the demography of the area, which is against the spirits of the United Nations resolutions on Kashmir and against the state subject laws of Jammu and Kashmir constitution.

In conclusion the people of Indian occupied Kashmir are facing worst kind of human rights abuses. Indian state has identified Kashmiri civilian as threat to national order and are incarcerated, literally and figuratively as prisoners of the state. Militarization authorized through legal provisions, produces patterns of Impunity that exceeds and operates beyond the domain of law. The punitive containment of population is leading to the sedimentation of inequalities through patterns of social suffering and social death.

The situation seeks urgent and immediate intervention of the United Nations human rights council. Kashmir remains on the agenda of the United Nations as one of the old disputes , it the moral and legal obligation of United Nations to protect life and dignity of people of Kashmir by creating conducive atmosphere for the implementation of UN resolutions on Jammu and Kashmir calling for free and fair plebiscite to decide their political future.