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Human Rights Council

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Agenda item 3

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

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.

[18 August 2016]

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

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Use of excessive force on peaceful protests in Indian Occupied Jammu and Kashmir.

The right to peaceful assembly is the right to gather publicly or privately and collectively express, promote, pursue and defend common interests. This right includes the right to participate in peaceful assemblies, meeting, protests, strikes, sit-ins, demonstrations and other temporary gatherings for specific purposes. State not only have obligation to protect peaceful assemblies, but should also take measures to facilitate them.

The Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to freedom of expression, both in Article 19. Freedom of expression is not only important in its own right but is also essential if other human rights are to be achieved. Freedom must be the rule and not the exception. Restrictions should never impair the essence of the right.

In Indian occupied Jammu and Kashmir freedom of peaceful assembly and freedom of expression is a rare commodity. Government forces use live ammunition, pellets guns, stun grenades and other violent means to disperse peaceful protesters. There are many restrictions on what we read, what we see and where we get our information from, print media is gaged and from 5 days newspapers did not hit stands ,cellular phone services and Internet services are restricted and many websites are actually firewalled, to prevent user from accessing them."

United Nations human rights council will meet on 13th of Sept, 2016 for its 33rd session to discuss the full regime of human rights, in particular civil and political rights, while discussing urgent situations it has a duty to consider the human rights situation of Indian occupied Kashmir. Human Rights council has largely remained silent on the deteriorating human rights situation of the occupied territory.

The life in occupied Kashmir is paralyzed, curfew imposed on 9th of July 2016, still continues. It is shocking and painful that Indian armed forces have yet again unleashed terror on the mourners and protesters, resulting in massive civilian casualties. The police and armed forces appear to have free hand to kill, injure, torture and destroy property. The government of India and Jammu and Kashmir lack the will to institute a crowd control policy, which can ensure no or minimized civilian casualties. Till today, 17st of August 2016, 69 innocent and unarmed got killed over 7000 are reported injured. Government forces used brute force, like live ammunitions and pellet guns to quell the march's heading to participate in the funeral of youth killed in a fake encounter. Police and CRPF were seen attacking ambulance services, harassing para –medical staff and intimidating ambulance drivers at different places. At least three hospitals were raided by CRPF and police, District Hospital Anantnag, SMHS hospital Srinager and Lalpure hospital is Kupwara district.

All casualties happened because of live ammunition firing and pellet gun injuries. Victim received bullets on chest, head and other upper parts of the body, and also pellets proved deadly and also cause of loss of vision to many victims. So for over 300 eye surgery operations have been carried out and Doctor believe because of non-availability of specialists and equipment there is danger of people losing vision and life. So for over 149 people are reported having lost either one eye or both. Doctor says it is war like situation in Kashmir. About 300 injured are in critical conditions and are battling for life.

The government has directed the operators to snap the services of cellular services, who had some low connectivity. The government has already snapped the Major cellular services, Airtel, Vodafone and Reliance along with data facility in entire Kashmir valley from 8th of July 2016.

In order to put a complete end to the flow of information, on 15th of July government forces raided newspaper offices to seize the copies of newspapers and banned all Cable TV networks in Kashmir valley. Police raided the office of Greater Kashmir and Kashmir Uzam and seized over 50,000 copies of newspapers. On Saturday midnight the government authorities here banned Greater Kashmir's July 16 edition from printing and circulation by raiding the Greater Kashmir Corporate office at Rangreth on city outskirts. The police authorities also seized the plates of Greater Kashmir, more than 50,000 printed copies of Kashmir Uzma Urdu newspaper, and closed down the GKC printing press. Police also

raided the press to seize the copies of Rising Kashmir, Kashmir reader and other publications. Police seized the vehicles carrying the newspapers and harassed drivers and took them to police stations. Staff members of press and staff members of Newspapers were harassed and intimidated. Raja Mohi-ud-Din, the owner of KT Press, which prints eight newspapers in the Valley, said that his press was also shut down. "Police seized newspaper copies in thousands besides printing material and plates of a few newspapers." The Valley-based print media outlets Saturday held sit-in protest against the government's move to ban publication of newspapers at Srinagar's press enclave.

For five days newspapers did not hit the stands and their printing remained suspended. While ban on cellular phone services and Cable TV networks continue and internet continues.

Due to continued curfew and suspension of cell phone services patient care is worst hit and patients suffer the consequences. Dr. Association has called for the restoration of cell phone services in Indian occupied Kashmir. He said at times doctors need to discuss problems with other doctors for better and second opinion.

There is shortage of essentials and medicines in all parts of Kashmir valley. People accused forces for not allowing them to move out to local medical shops and stores to buy essential items and medicine. While shopkeeper and medical store owners are forced by police to shutter down their shops

If such situation continues , there can be increase in deaths as most of the people injured are in critical conditions and other patients in the hospitals may also have the adverse effect .

These actions of government of India are in contravention of International human rights standards and warrant your urgent action. Sufficient information has been submitted to the office of the high commissioner in this regard. This organization urges human rights council to;

1. Call up on government of India to put an end to these brutalities and restrain its forces from using lethal weapons to disperse peaceful assemblies.
2. Respect the right to assembly peacefully and to seek and disseminate information.
3. Stop attacks on ambulances and torture of patients and para-medics
4. Restore all cell phone services
5. Restore all cable TV networks
6. Make proper arrangements for the treatment of injured persons
7. Release all activists and political leaders
8. Repeal Armed Forces Special Powers Act
9. Allow international human rights mechanism to visit Kashmir

It is important people's right to freedom of expression and free assembly are respected and protected otherwise their frustration will reach to a boiling point , which it has reached in Indian occupied Kashmir now and will result in more loss of human lives and in turn will jeopardize the peace of the region.
