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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 International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 April 2013]

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

Landmines in Jammu and Kashmir*

Following the establishment by the United Nations of the ceasefire line along Jammu and Kashmir, there has been a placement of landmines among sensitive areas in Jammu and Kashmir that endanger lives, including those of children. Unlike the 161 nations that have joined the global trend towards the elimination of landmines through the 1997 Mine Ban Treaty, the Government of India refrains from becoming a signatory to this and other regulations concerning landmines, such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The Jammu and Kashmir State Government does not have the power to ban mine use by the Indian Army. However, India is party to the Convention on Conventional Weapons (CCW) and its Amended Protocol II on landmines.

In October 2007 the State of India declared that: "India remains committed to the objective of eventual elimination of anti-personnel mines (APLs) through a non-discriminatory, universal and global ban on APLs that addresses the legitimate defence requirements of the states"

India's argument that anti-personnel landmines still continue to be crucial to the country's defence preparedness is not a tenable position. When considering that 161 countries around the world can ensure their security without the use of landmines, it is discernable that India has the same capability. India's use of landmines is not displayed on all the country's borders but only along the ceasefire line in Jammu and Kashmir, which keeps claiming lives and limbs of innocent people. The number of civilian casualties as a result of landmines laid during the 2003 Operation Parakram is nearly 800, in addition to the casualties sustained by army personnel.

According to the Landmine Monitor Report of 1999 published by the Landmine and Cluster Munition Monitor -an initiative providing research for the International Campaign to Ban Landmines (ICBL) and the Cluster Munition Coalition (CMC)- an estimated national stockpile of antipersonnel mines for India consists of between four and five million antipersonnel mines, one of the world's largest stockpiles.

Representatives of the Indian government have stated, back in 2008, that India does not use mines in order to keep internal security. Conversely, this does not apply to counterinsurgency operations in Kashmir where mines have broadly been laid. India's major use of antipersonnel mines -in December 2001 and in July 2002- consisted on the placement by the Indian Army of an estimated two million mines along its 2,880km northern and western limit with Pakistan in the previously referred Operation Parakram. This directly affected more than 6,000 families across 21 villages.

Moreover, in October 2007, an official with the UN Military Observer Group in India and Pakistan (UNMOGIP) communicated a visiting delegation from International Campaign to Ban Landmines that they had not received any reports of recent mine use near the ceasefire line. Nonetheless in 2007 and 2008, civilians reportedly continued to be injured by mines laid near the line.

The consequences of this deployment affects the people of Kashmir's livelihood in both a direct and an indirect manner; the first due to the manifest endangerment of people's health and ultimately lives causing casualties and severe accidents, and the latter since mines thwart cultivation of large amounts of agricultural land and also harm livestock.

* The International Council for Human Rights, an NGO without consultative status, also shares the views expressed in this statement.

Unofficial estimates cited in the Indian media put the area still contaminated at 160km² of Jammu and 1,730km² of Kashmir. The speaker of Jammu and Kashmir's legislative assembly stated that some 3,500 acres (14.2km²) of agricultural land in his constituency alone are mine-affected.

Furthermore, in August 2007, an explosion at an Indian Army ammunition depot in Khundru (south Kashmir) was reported to have killed six people and left 25 people missing.

According to the Landmine and Cluster Munition Monitor 2009 India Report¹ there were in 2007 at least 170 new casualties of victim-activated explosive devices: 41 people were killed and 129 injured constituting an overall 89 civilian and 81 military casualties: eight of the casualties were children and the age of 43 casualties was not reported. Six Explosive Remnants of War (ERW) incidents occurred in Jammu and Kashmir, causing 36 casualties.

The 2007 casualty rate is higher than reported in 2006 when Landmine Monitor identified 107 casualties (41 killed and 66 injured). It is also believed in the report that more casualties were either reported only in ceasefire lineal media, or were unreported due to the incidents occurring in remote areas.

The report further mentions:

“A Landmine Monitor field visit to Jammu and Kashmir in October-November 2007, noted that mines continue to pose a threat for civilians living near the LoC and that casualties continue to occur while people are carrying out livelihood activities, such as collecting firewood, shepherding and farming. While in some villages there have not been human casualties for several years, livestock losses continued. Indian mine survivors in refugee camps in Jammu and Kashmir also noted that they were injured while "finding militants for the Indian Army," while being forced to recover NSAG's weapons for the Indian Army, or while crossing the border into Jammu and Kashmir.

Casualties continued to occur in 2008, with at least 28 casualties (ten killed, 18 injured) from victim-activated devices as reported in English-language media and by ceasefire lineal NGO sources.”

More recently, the Landmine Monitor published in 2010 updated data on the casualties inherent to the placement landmines in the country:

Casualties Overview:

<i>Total known casualties by end 2010</i>	<i>3,014 (1,050 killed; 1,964 injured)</i>
Casualties in 2010	26 (2009: 57)
2010 casualties by outcome	5 killed; 21 injured (2009: 17 killed; 40 injured)
2010 casualties by device type	8 antipersonnel mines; 10 victim-activated IEDs; 3 other ERW; 5 unknown items

In 2010, the Monitor identified 26 casualties from mines, including victim-activated improvised explosive devices (IEDs), and other explosive remnants of war (ERW) in India. Men made up the largest casualty group, with almost 70% (18) of the total casualties; all but one adult male casualty was military/security personnel. There were eight child casualties; seven were boys. No women were reported among the casualties. As in previous

¹ Landmine Monitor Report 2009. India. <http://www.the-monitor.org/lm/2009/countries/pdf/india.pdf>

years, the majority of casualties over 60% (16) occurred in the state of Jammu and Kashmir. [...]"²

As informed by regional newspapers in 2011³, a mine blast shattered the life of Aziz Lone son of Sultan Lone: while ferrying items for army near the ceasefire line in Lashdutt of Hayhama area, he stepped over a mine which blew off his legs and arms besides damaging his left eye.

"He has been crippled for life and remains restricted to his home. His aged mother feeds him with spoon and his brother takes him to urinal on his shoulders. He gets a sum of Rs 750 rupees from the Social Welfare Department.

"The amount is not even enough to purchase stationary for my four children. My life has become a hell. I have lost my vital body parts and am not able to walk, eat and see. I have become a liability for my family. Due to abject poverty I am not able to purchase the artificial body limbs," Aziz said in a choked voice.

It has also been reported that Yaqoob Khan son of Lal Khan of Kundayan Keran who was working as a porter for Army, lost his left leg.

"In 2001, I was ferrying ration for Army from Dutt bridge to Bori Pathra Post when suddenly I heard a thundering sounds and saw flash of fire. After few hours when I opened my eyes I found myself at the Keran hospital," Khan recounted.

"My wife and daughters were crying. I was shocked to know that I had lost my left leg. Now I am unable to support my family. I have not received a penny from Government or any NGO," he said."

Other landmine victims had similar tales to share."⁴

The abuse of the Indian armed forces is also present while clearing the minefield; as the United States Department of State, in its 2006 report on human rights, stated:

"According to credible reports, in addition to harassment during searches and arbitrary arrests (see section I.d.), security forces clearing minefields abducted and sometimes used civilians as human shields. Such abuses occurred mostly in the Kupwara and Doda districts."

Hence it becomes necessary for the International Community to address the endangerment that landmines imply in the territory of Jammu and Kashmir by urging the State of India to desist on justifying landmines use through a national security line of argument and to initially mark and fence all mined areas within Jammu & Kashmir, in full respect and abidance to the human rights entitled to the inhabitants of Jammu and Kashmir; and to initiate the total eradication of landmines, thus joining the international trend

² Casualties and Victim Assistance. Landmine Monitor Report December 2012. http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/1855

³ Greater Kashmir, October 2011. <http://www.greaterkashmir.com/news/2011/oct/7/kupwara-landmine-blast-victims-await-rehabilitation-64.asp>

⁴ Greater Kashmir, October 2011. <http://www.greaterkashmir.com/news/2011/oct/7/kupwara-landmine-blast-victims-await-rehabilitation-64.asp>