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Human rights situations that require the Council's attention

Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

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

[22 August 2019]

* Issued as received, in the language(s) of submission only.

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Give Kashmiris a voice for self determination

Introduction

We are a NGO that specializes in the freedom of conscience. This statement reports to the UN on the urgent to protect the fundamental freedoms of the people of India-administered Kashmir and the need for States to recognise that unless Kashmiris are allowed to exercise their Right to Self Determination, they will suffer the fate of Palestinians and the world will have another hotbed of strife on its hands.

We make this statement jointly with UNITED SIKHS, an international humanitarian and advocacy NGO that has been associated with the Department of Public Office of the United Nations, since 2007.

On 5th August 2019, the Indian Government announced the withdrawal of Art 370 and 35A of the Indian Constitution, revoking India-administered Kashmir's long-standing autonomy, putting it on lockdown and plunging the region into chaos.

Article 370 provided for India-administered Kashmir's semi-autonomous status within India, including the ability to handle its own affairs (besides defence, finance, communication and foreign affairs), the right to its own constitution, ability to make laws, as well as its own flag.

This statement is made through the lens of a young Kashmiri lawyer and human rights activist who came to the rescue of 32 young Kashmiri girls, living in another part of India, who wanted to return to India-administered Kashmir because they felt unsafe and worried for their families during the lockdown following the abrogation of Article 370

The Kashmiri people are asking member States to:

- Declare their support for the Kashmiris' right to self-determination, a right protected under Article 1 of the International Covenant on Civil and Political Rights (ICCPR)
- Set up an international commission of inquiry into human rights abuses to address ongoing and past human rights violations as identified in the OHCHR's report of June 2018¹ and July 2019.²
- Ensure India restores civil liberties in India-administered Kashmir immediately

Testimony of a Kashmiri woman

I am Rukaya Mohiuddin, and I represent India-administered Kashmir and the women of India-administered Kashmir in particular, who have no voice today in the world's most heavily militarized zone. Women have always been the silent victims of the oppression that we are subjected to in India-administered Kashmir. I belong to the destiny of a generation that has only seen suffering and violence, that knows bloodbath as an ordinary reality, and that has to reconcile with loss as a metaphor of its existence.

Women of India-administered Kashmir have endured unspeakable tragedies; mothers do not want to lose their children anymore. On 8th Aug 2019, a few days after India revoked India-administered Kashmir's autonomy status, I returned to Srinagar to be with my family during the holy Eid festival, when Muslims give thanks. This year's Eid was the most painful. I feared for the life of my father and my two young brothers who attempted to go out in the streets to buy milk and bread. We did not have enough food. Eid prayers were banned in public spaces as a gathering of more than four was banned under Section 144 of the Indian Criminal Procedure Code (CrPC) . The city of Srinagar was heavily militarised and we were traumatised.

It was in this climate that I had taken the challenge of rescuing 32 girl students between the ages of 17 to 21 who had gone to Pune, Maharashtra, for skills training. They felt very unsafe

¹ <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>.

² https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf.

and threatened after India-administered Kashmir's autonomy was taken away on 5th August. This time the psychological terror among Kashmiris was much higher than the tension between India and Pakistan that nearly went to war after the Pulwama terror attack in India-administered Kashmir in February this year. Worrying for the safety of my Kashmiri sisters I made a call out to United Sikh Mission who paid for the girls' flights and also safely dropped them back at their doorsteps in five districts of India-administered Kashmir. Many of these girls came from the disturbed areas and we made our own way with the help of the Sikh volunteers and witnessed the resistance on the streets in the form of stone pelting in areas like Shopian, Baramulla and Budgam. It was nothing less than a miracle and the blessings of the almighty that we finished this task with no casualty at all.

Women of India-administered Kashmir have exhibited valour when facing brutality: their wedding songs build architectures of remembrance while funerals reverberate with the sound of the martyrs' sacrifice – in India-administered Kashmir our celebrations are mixed with our mourning. Parveena Ahanger, whose 16 year old, speech impaired son, Javid, was taken away from their house in 1990 during a raid by the army, formed the Association of Parents of Disappeared Persons. She is the mother to all the women of India-administered Kashmir whose husband or son has gone missing. Parveena Ahanger was offered compensation by the Indian government. However, she replied, "I will not sell my son for any amount." These are the mothers from whom we derive our strength.

Life in Indian-Administered Kashmir before and after losing autonomy

I grew up in the city of Srinagar, in an area where young boys often take to stone-pelting as a form of resistance. Year 2008 marked the beginning of a new form of rebellion in the shape of stone-pelting, which resulted in the detention of 1000s of youths under the draconian laws of the Public Safety Act that allows detention for two years without any explanation. And with the recent abrogation of 370 and 35A, many young Kashmiri boys are being abducted and thrown in jails in Agra and other cities. 100s of these minors are still languishing behind the bars. These young boys are between the ages of 17 to 22 years. And some are as young as seven. Education seems like an impossible dream for the Kashmiri youth whose schools and colleges are either shut during the clashes or are occupied by the Indian military and paramilitary forces. We have also had instances of open firing at students engaged in peaceful protests. And weeks after the abrogation on 370 and 35A, nearly 200 educational institutions were reopened but many parents felt scared to send their children to schools, as section 144 is still imposed.

According to Association of Parents of Disappeared Persons (APDP),³ 8,000 to 10,000 men have disappeared after being arrested by Indian military and paramilitary forces and the J&K Police that serves the Indian state. These men have wives who are waiting for their return, and in this endless wait between life and death, newspapers routinely refer these women as half-widows. The struggle of Kashmiri women does not stop here: they have also been brutally injured or killed during protests, they have been harassed during devastatingly long spells of Cordon and Search Operations, where the men are forced out, and women are kept inside, followed by raids of houses, molestation of women, which is further followed by men being beaten ruthlessly in front of women, with the aim of humiliating and traumatising the whole family. There have also been shameful instances where family members were forced to have sexual intercourse as the others was made to watch the horror unfold. From the streets to their own households, women are imprisoned.

India-administered Kashmir has the highest number of Post Traumatic Syndrome Disorder survivors in the world among other mental health challenges which are yet to be fully documented. According to MSF's India-administered Kashmir report of 2016, 1.8 million Kashmiri adults (45% of the population) show symptoms of significant mental distress, 50% of women and 37% of men are likely to suffer from depression, and 22% of women and 18% of men suffer from PTSD.⁴

³ <https://www.aljazeera.com/indepth/features/2011/04/201141710204769839.html>.

⁴ <https://www.msfindia.in/msf-scientific-survey-45-kashmiri-population-experiencing-mental-distress/>.

According to Jammu and Kashmir coalition of civil society around 160 civilians were killed in 2018, which is believed to be the highest number in over one decade. Last year also registered the highest number of conflict related casualties since 2008 with 586 people killed including 267 members of armed groups and 159 security forces personnel.

The revocation of the autonomy of India-administered Kashmir by the Government of India and the dividing of the State of Jammu & Kashmir into two Union Territories, namely Jammu Kashmir and Ladakh, has threatened the identity of the Kashmiri people.

Kashmiriyat

The spirit of the Kashmiri people, Kashmiriyat, is evident in their struggle, their rebellion against tyranny. Whilst their brutal suppression by repressive regimes is not new, what is also not new is their tradition of honouring their dead as martyrs. In Srinagar, people still visit the graves of men who stood up to tyrants centuries ago, and were killed for their defiance. There are many more graveyards that dot the landscape of India-administered Kashmir – yes the place the world knows as heaven on earth.

UNITED SIKHS NGO(s) without consultative status, also share the views expressed in this statement.