

# KASHMIR UNDER SIEGE



**Curfew and lock down since August 5, 2019 ...**

**8 million trapped in the Valley**

**Internet, communication & TV channels closed**

**500 protests, 2300 injured, 36 pellet gun victims**

## **Latest Situation in Indian-occupied Jammu & Kashmir (IOJ&K)**

The Kashmiri people are under siege and continue to face Indian state brutality. Their fundamental rights and freedoms are being denied. In order to help alleviate sufferings of the Kashmiri people on an urgent basis, it is essential that credible voices in international organizations, human rights organizations, media and civil society are amplified in support of Kashmiri rights.

There are grave dangers to regional peace and security arising from India's unilateral and illegal actions as well as its belligerent rhetoric and any ill-conceived aggressive moves. The frequency of ceasefire violations by India on the LoC has intensified. The possibility exists whereby India may stage a false flag operation to divert the world's attention from its draconian measures in IOJ&K and even resort to some misadventure across the LoC. Indian aggression could lead to a wider and intense conflict.

Kashmiris and Pakistan have a solid legal case on the Jammu & Kashmir dispute which needs to be recognized by the international community.

### **Humanitarian Crisis in IoJ&K**

- Since 5 August 2019, the scale and impunity of Indian government's draconian steps has increased manifold, resulting in egregious violation of the fundamental rights and freedoms of the Kashmiri people in the Indian occupied territory of Jammu and Kashmir.
- The United Nations office of High Commissioner for human rights (OHCHR) has issued 2 successive reports in June 2018 and July 2019 extensively documenting the gross and systemic violations of human rights of the Kashmiri people by India in the IOJ&K.
- Several credible reports from human rights organizations and media outlets have already censured India on its latest security lockdown and clampdown on communications and use of these measures as a cover to commit further human rights abuses.
- These measures are causing immense suffering to the Kashmiri people – especially women, children, the elderly and sick. They're not able to access hospitals, medicines and food supplies. Suspension of communications has worsened the situation further.
- Notwithstanding the virtual information blackout, some reports have emerged highlighting the abduction of young boys from their homes by Indian security forces. Political leaders and activists have been arbitrarily arrested or detained.
- According to reputed international media outlets, Indian security forces have resorted to use of force including pellet guns. There are reports of large-scale incarcerations and torture as well.
- People's rights to peaceful assembly, free movement and observance of religious obligations are being trampled upon. The Muslim population was prevented from offering Eid Al Azha prayers in large congregations last week. Srinagar's historic Jamia Masjid remained locked.

- The gravity of the situation demands immediate action such as complete lifting of the curfew, removal of the restrictions on movement, peaceful assembly, provision of food and medical supplies, and release of political prisoners.
- India should be advised to refrain from using the live fire and pellet guns against civilians, including women and children.
- India should be pressed to adhere its national laws as well as its international human rights obligations.
- International media and independent observers should also be allowed entry to independently verify reports of abuse, violations and use of excessive force.

### **India is destabilizing the Peace and security of South Asia**

- The Jammu & Kashmir dispute has been left festering for decades, periodically serving as a flashpoint for conflict between India and Pakistan.
- The non-resolution of this internationally recognized dispute has previously led to war and near-war situations between India and Pakistan.
- India has taken illegal and unilateral actions on 5 August 2019 in violation of several UNSC resolutions. The unprecedented security restrictions accompanying Indian actions of 5 August have imposed enormous human suffering and constitute a blatant violation of Kashmiri people's fundamental rights.
- In the freedom struggle which commenced in December 1989 after Indian troops killed over 100 peaceful Kashmiri demonstrators in Srinagar, around 100,000 Kashmiris have been martyred, more than 22,000 women widowed and 108,000 children orphaned. Over 12,000 Kashmiri women have been raped by India forces as an instrument of occupation policy.
- The long history of Indian repression, accompanied by the recent pre-meditated Indian steps, are certain to intensify popular resistance by the people in Occupied Jammu and Kashmir.
- An iron curtain was drawn on occupied Jammu & Kashmir prior to the illegal evisceration by the Government of India, on 5 August 2019, of the provisions of its Constitution, which offered "special" and "autonomous" status to the State of Jammu & Kashmir (as a means to justify its questionable and unestablished "accession" to India).
- Almost 180,000 additional troops have been inducted in IOJ&K, supplementing the over 700,000 stationed there for more than three decades. Such massive build-up of Indian troops in IOJ&K makes the occupied territory the most militarized zone in the world.
- Apart from inducting additional troops in the territory, India's violations of the 2003 ceasefire understanding (with Pakistan) have escalated across the LoC. India has used prohibited "cluster ammunitions" along the LoC, deliberately targeting civilians.

- Fake news in India's controlled media mentioning "terrorists" ready to enter occupied Kashmir across the LoC indicate that India's reckless government intends to provoke another crisis with Pakistan, possibly through a "false flag" operation.
- The UN Security Council has primary responsibility to maintain international peace and security.
- The Council's Consultations of 16 August 2019 were recognition of the gravity of the situation and its implications for regional and international peace and security.
- The Consultations marked the first step to take cognizance of the deteriorating situation in occupied Jammu and Kashmir.
- Continued vigilance and consideration of the evolving situation in IOJ&K by the Security Council is essential failure to do so is not an option.
- India should be counseled to scale down the number of its armed forces and paramilitary forces both inside IOJ&K and along the LoC, in order to help de-escalation of tension.

### **Pakistan's Strong Legal Case on IoJ&K**

- The Jammu & Kashmir dispute between Pakistan and India has been on the agenda of the UN Security Council since January 1948. It remains an internationally recognized dispute, as affirmed by 11 UN Security Council resolutions.
- India's illegal actions of 5 August 2019 seeking to unilaterally alter the internationally recognized status of Occupied Jammu & Kashmir and to change its demographic structure contravene several UNSC binding resolutions, including resolution 47 (1948), 51 (1948), 80 (1950) and 91 (1951) which embodied the principle that "the final disposition of the State of Jammu & Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations".
- By its resolutions 91 (1951), 122 (1957) and 123 (1957), the Security Council reaffirmed that any (unilateral attempt by "the parties concerned" to "determine the future shape and affiliation of the entire State of Jammu & Kashmir or any part thereof would not constitute a disposition of the State in accordance with the above principle" (of a plebiscite).
- The Security Council's Consultations of 16 August 2019 reaffirmed the "disputed" nature of Jammu and Kashmir and the Council's role in the dispute. The convening of these Consultations directly repudiated the Indian position that their actions were an "internal affair". They also rejected unequivocally the unilateral Indian attempt to sidestep Council resolutions.
- Earlier, the UN Secretary General in his statement of 8 August 2019 had clearly stated that the UN's position on this region (IOJ&K) was governed by the UN Charter and the relevant UN Security Council resolutions.

- Despite the solemn commitments made by the Government of India in numerous official communications to the Security Council, to Pakistan, to other states and to the people of Jammu & Kashmir, to abide by and implement these Security Council resolutions and decisions, India has progressively reneged on these commitments over the years.
- The UN Security Council has the responsibility to take steps to ensure the implementation of its resolutions, enabling the people of occupied Jammu & Kashmir to realize their right to self-determination.

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