

Open letter to the UN Human Rights Council

UN Member-States must lead on a human rights Kashmir resolution at the 42nd Human Rights Council

September 17, 2019

Member States,
United Nations Human Rights Council

As the siege of Kashmir enters its 44th. Day, we the scholars of Kashmir urge the members of the United Nations Human Rights council to address this escalating human rights and humanitarian crisis. We urge you to use the current session of the Human Rights Council to support an urgent debate and/or lead or support a resolution bearing in mind the human rights of Kashmiris, currently besieged by nearly a million Indian armed forces.

The [India-Pakistan](#) bilateral stand-off at the Council concerning Kashmir diverts attention from 8 million Kashmiris after India revoked the autonomy of Indian-administered Jammu and Kashmir. At this time, Kashmiri human rights need to take centre stage at your august forum that is mandated to address human rights of all people.

Given the severe restrictions and an unprecedented communications blackout in the region, there are grave threats to the lives of Kashmiris, and to Kashmir's demography and ecology. Over [4,000 Kashmiris have been arbitrarily detained](#) including politicians, business leaders, lawyers, human rights defenders, teachers, and even students. There have been [civilian deaths](#) stemming from [attacks by Indian forces](#), [lack of access to life-saving medication](#), night raids, [torture](#), [sexual violence](#), [loss of religious freedom](#), and severe [curtailment of freedom of opinion and expression](#), [assembly and movement](#). The Indian judiciary's actions are no longer consistent with international and impartial legal principles. There have been [delays and obstructions to habeas corpus petitions](#) that would allow family members to meet and know of the whereabouts of their loved ones.

India claims that the changes will bring economic development and ["restore" Kashmir's "past glory."](#) The truth is that the constitutional changes will result in loss of Kashmiri ownership over land and resources. By [installing air defence, radar systems](#) and military infrastructure in Kashmir's prized wildlife sanctuaries, which threaten Kashmir's already fragile ecology, India signals the possibility of nuclear war. Settler-colonial style demographic changes in Kashmir may lead to [ethnic cleansing](#), and are [part of India's plans](#). Subramaniam Swamy, a member of the Upper House of the Indian parliament has argued for [a million former servicemen to be provided with funds and weapons](#) to settle in the Kashmir Valley with their families. For these reasons, the US-based Genocide Watch has issued [a genocide alert](#) for Indian-administered Kashmir.

The [International Federation for Human Rights \(FIDH\)](#), the [World Torture Network\(OMCT\)](#), the [International Commission of Jurists\(ICJ\)](#), [Amnesty International](#), and [Human Rights Watch](#), as

well as the British medical journal *Lancet*-- have expressed concerns about reports of grave threats to Kashmiris and have called for an immediate lifting of the severe restrictions.

Internationally, there has been concern at Chinese moves to encroach on the autonomy of Hongkong. In the case of Indian-administered Jammu and Kashmir, an already eroded autonomy has been revoked entirely. While UN Experts have expressed concern about Kashmir, a debate and a possible resolution on Kashmir is of great urgency.

The current siege escalates a three-decade long record of India's human rights violations in Kashmir. The methodologically rigorous, credible and impartial 2018 and 2019 Office of the Human Rights Commissioner reports on Kashmir detail human rights violations in *both* Indian and Pakistan-administered Kashmir. However, the violations in Indian-administered Kashmir as the reports state are disproportionate and striking.

In her opening statement at the 42nd session of the Human Rights Council, High Commissioner Bachelet expressed deep concern regarding the human rights of Kashmiris, and argued that Kashmiris need to be 'consulted and engaged in any decision-making processes that have an impact on their future.' To enable this, the Human Rights Council member states must lead or support initiatives regarding a resolution on Kashmir. HRC should demand that India, a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, must:

- Immediately and completely lift the military blockade and the communication blackout of Indian-administered Kashmir.
- Release all those arbitrarily detained
- Allow journalists and news organizations to operate freely without censorship, intimidation, and reprisal
- Revoke draconian laws which grant impunity to the Indian military
- Demilitarize Jammu and Kashmir
- Allow free access to Kashmiri and international human rights organizations, without fear of reprisals, to investigate all alleged crimes
- Mandate the Office of the High Commission of Human Rights to access *both* Indian-administered Kashmir as well as Pakistan-administered Kashmir for the purpose of a fact-finding mission.
- Call for the Office of the High Commissioner continue to report regularly, as per her mandate, on developments on human rights in both Indian-administered and Pakistan-administered Kashmir

We call on the member-states at the Human Rights Council to support the principles of human rights including Kashmiri right to self-determination.

Sincerely,

Kashmir Scholars Consultative and Action Network KSCAN

Binish Ahmed, Ph.D. candidate, Ryerson University, Toronto, Canada

Omer Aijazi, Postdoctoral Fellow, University of Toronto, Canada

Dibyesh Anand, Professor of International Relations, University of Westminster

Mona Bhan, Associate Professor of Anthropology and the Ford Maxwell Professor of South Asian Studies, Syracuse University

Emma Brännlund, Senior Lecturer in Politics and International Relations, University of the West of England (UWE Bristol)

Angana Chatterji, Feminist Scholar, University of California, Berkeley

Farhana Mujahid Chak, Associate Professor, Qatar University

Huma Dar, Adjunct Professor, California College of Arts

Haley Duschinski, Associate Professor, Ohio University

Iffat Fatima, Filmmaker

Javid Hayat Khan, Ph. D. Researcher and Analyst, Edmonton, Alberta, Canada

Shrimoyee Nandini Ghosh, Lawyer and Legal Researcher

Mohamad Junaid, Assistant Professor, Massachusetts College of Liberal Arts,

Hafsa Kanjwal, Assistant Professor of History, Lafayette College

Nitasha Kaul, Associate Professor, University of Westminster, UK

Suvir Kaul, A.M. Rosenthal Professor, Department of English, University of Pennsylvania

Fozia Nazir Lone, Associate Professor of International Law, City University of Hong Kong

Laura Lucia Notaro, Consultant, Sustainable Development, Italy

Inshah Malik, Assistant Professor, Kardan University, Kabul, Afghanistan

Deepti Misri, Associate Professor, University of Colorado, Boulder

Preetika Nanda, Research Scholar

Immad Nazir, Research Scholar, University of Erlangen-Nuremberg

Goldie Osuri, Associate Professor, University of Warwick

Idrisa Pandit, Independent Scholar, Waterloo, Canada

Nishita Trisal, PhD Candidate, University of Michigan, Ann Arbor

Saiba Varma, Assistant Professor, University of California, San Diego

Ather Zia, Assistant Professor, University of Northern Colorado