

**Re: Briefing on Kashmir published by the European Parliamentary Research Service
October, 3, 2019**

Excellency's,

The Kashmir Scholars Consultative and Advocacy Network (KSCAN) is an interdisciplinary group of academics, activists and artists engaged in research and advocacy on the disputed region of Kashmir who emphasize the primacy of indigenous Kashmiri voices. As a result, we have serious concerns about the recently published [briefing](#) on Kashmir, issued by the European Parliamentary Research Service, titled 'At a Glance: Indian-Administered Kashmir.' Unfortunately, the briefing note grossly misrepresents the ongoing crisis in the disputed territory. By doing so, it sets a dangerous precedent for harmful policies and improper actions that violate several European laws on human rights and freedom of expression. Overall, the analysis by the European Parliamentary Research Service on Kashmir inappropriately erases the agency and voices of the people of Kashmir, incorrectly describes Kashmir as a bilateral issue and ignores the massive suffering of the Kashmiri people, who are presently under siege. We draw your urgent attention to the following:

1. Kashmir is **disputed territory** according to UN resolutions [47](#) and [39](#) and must be resolved based on the principle of [self-determination](#).
2. Kashmir does not belong to India or Pakistan. Currently, India maintains some 900,000 troops in the region, [700,000](#) of which have been stationed there since 2010. This makes the disputed territory the most militarized space in the world.
3. Kashmir is **not** a bilateral issue. Instead, it is a call for the implementation of the right to self-determination, which the international community has promised Kashmiris via UN Resolution 47(1948). India has been unable to govern Kashmir peacefully and has ruled through the 'illegal use of force' and by subjecting Kashmiris to gross human rights violations, which is unacceptable within international law and amounts to a contravention of *Jus cogens* norms.
4. In July 2008, the European Parliament Subcommittee on Human Rights [convened a hearing](#) on the investigation undertaken by the International People's Tribunal in Indian-administered Kashmir and the Association of Parents of Disappeared Persons-Jammu Kashmir Coalition of Civil Society (IPTK-APDP) into unknown, unmarked and mass graves and passed a resolution. [In 2009, IPTK-APDP documented 2943 bodies in 2700 unknown, unmarked and mass graves.](#) This was [corroborated by the Jammu and Kashmir State Human Rights Commission in August 2011.](#) It has been stated since that civil society organizations have found at least [6700 such graves](#).
5. The reputable NGO Genocide Watch has issued a '[Genocide Alert](#)' on the disputed territory of Kashmir.
6. In the 72-year-old history of Indian Occupation, the effective nullification or abrogation of Article 370 is yet another violation where the constitutional autonomy, guaranteed to Kashmiris until the will of the people is determined, was severely diminished via a series of illegal moves. The Indian government has also imposed a communications 'siege' on the Kashmir Valley, has imprisoned local political leaders, and put into place other coercive measures to effectively imprison 8 million people. The United Nations Special Rapporteur for freedom of expression, Professor David Hayes, has referred to the Indian government policy as 'draconian.'

7. More than 95,000 Kashmiris have been killed over the last 30 years. And, tens of thousands have been illegally imprisoned. The repercussions of the conflict continue to be particularly severe for women, children and young people. Over decades, [repressive laws](#) have enabled state forces to act with impunity and rendered them virtually immune from prosecution.
8. Since August 5, 2019, two Indian civil society fact-finding missions have documented the plight of Kashmiris under siege. The findings of the first [mission](#) were further confirmed by a [second](#) Indian civil society group that concluded its visit in the third week of September. Among many atrocities documented in this report, it was found that in the ongoing siege of Kashmir, nearly 13,000 Kashmiri boys and youth have been imprisoned -- this does not include the number of adult men, women and others.
9. The latest report on the current situation in Jammu and Kashmir comes from Congress party member of the upper house of the Indian Parliament, and a former Chief Minister of J&K, Mr. Ghulam Nabi Azad. Mr. Azad, a native of J&K, was refused entry to the state thrice, and eventually had to seek intervention of the Supreme Court of India to enable his visit. Mr. Azad in a press conference held on September 30, 2019, reported that his visit to Kashmir was completely guarded and he was not allowed to move freely to places he intended to visit. He said that an atmosphere of terror, constant surveillance, intimidation, and threat of imprisonment, was used to dissuade residents from speaking to him. Mr. Azad affirmed that there is a complete collapse of the economy of J&K, and all basic freedoms and human rights. He confirmed that there is no sense of normalcy in J&K. His All India Congress Committee press briefing can be accessed [here](#).
10. There is no direct evidence that the Pulwama incident had any links to Pakistan. The youth who conducted the attack on a convoy of Indian military had a [personal history of being mistreated and abused](#) by the latter to a cruel and inhuman degree. Arguing for Pakistan's role without evidence supports a deeply entrenched narrative that resistance to Indian rule is Pakistan-led. This denies Kashmiri agency, strengthens Indian claims of Kashmiri resistance as 'cross border terrorism,' and keeps a valid recognized issue of peoples' sovereignty hijacked within the framing of two larger, hostile states.
11. The singular lens of terrorism conceals the reality of the Indian Occupation, erases the 100 plus years of struggle for sovereignty led by the people of Kashmir, and ignores the right of Kashmiris to resist any foreign occupation of their land by all means possible: the foundation of all International Laws, as we know them today. Terrorism, as a discursive, analytical and policy lens for Kashmir, cannot be separated from broader conversations on Settler-Colonialism, Islamophobia, racism and majoritarian nationalism sweeping India and beyond.
12. **Lastly, we reiterate that the people of Kashmir are the only true representatives and custodians of Kashmir.** As regional tensions escalate, there is a genuine possibility of war between Pakistan and India. Two nuclear-armed rivals, going to war, is unthinkable - but, unfortunately, an increasing reality. This will have grave repercussions for the region and beyond. The international community must intervene, lift the ongoing siege of 8 million Kashmiris, and support the right of self-determination for the people of Kashmir as outlined in the UN Charter.

For a just resolution to the Kashmir dispute, we draw your attention to a [policy brief](#) that our collective has recently released. We hope this document, and the resources included in this brief, will be a helpful guide for the members and the staff of the European Parliament in conducting their parliamentary work.

If you require any other information, please do not hesitate to contact us.

Sincerely,

Kashmir Scholars Consultative and Action Network KSCAN

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

Raja Qaiser Ahmed, Assistant Professor, School of Politics and International relations, Quaid-i-Azam University, Islamabad, Pakistan

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

Farhan Mujahid Chak, Associate Professor, Qatar University

Huma Dar, Adjunct Professor, California College of Arts

Haley Duschinski, Associate Professor, Ohio University

Iffat Fatima, Filmmaker

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

Shrimoyee Nandini Ghosh, Lawyer and Legal Researcher, India

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

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, USA

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

Laura Lucia Notaro, Consultant, Sustainable Development, Milan, Italy

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

Deepti Misri, Associate Professor, University of Colorado Boulder, USA

Preetika Nanda, Research Scholar, India

Anjali Nath, Assistant Professor, University of California at Davis, USA

Immad Nazir, Research Scholar, University of Erlangen-Nuremberg, Germany

Goldie Osuri, Associate Professor, University of Warwick, UK

Idrisa Pandit, Independent Scholar, Waterloo, Canada

Mehroosh Tak, Royal Veterinary College, London, UK

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

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

Ather Zia, Assistant Professor, University of Northern Colorado, USA

The Kashmir Scholars Consultative and Advocacy Network (KSCAN) is an interdisciplinary group of scholars, activists and artists engaged in research and advocacy on the region of Kashmir.

KSCAN focuses on the voices of the people of the disputed territory of Jammu & Kashmir. It centralizes its history, the conflict's impact on people, and its consequences for the region and beyond. KSCAN examines the implications for an internationally mediated political solution and is of relevance to policymakers.

Website: www.kashmirscholarsnetwork.org

Email: kashmirscholarsnetwork@protonmail.com