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(1904 – 1967)

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# JAMMU AND KASHMIR IN CONTEXT

Written Submission of John Sifton to the United States Congress Tom Lantos Human Rights Commission

Thank you for inviting me to testify today.

Human rights are under threat in the province of Jammu and Kashmir, and in India more generally. The Lantos Commission deserves praise for recognizing that the human rights problems in both Kashmir and India generally, while distinct in the details, are linked. The focus of my testimony is that connection, and how the US government can most effectively voice its concerns about these issues to the government of India.

## Overview

Since the Bharatiya Janata Party (BJP) won national elections in May and returned Prime Minister Narendra Modi for a second term, government authorities have continued harassing, and sometimes prosecuting, outspoken rights groups, human rights defenders, and journalists for criticizing the government, while failing to credibly investigate increasing numbers of mob attacks, often led by BJP supporters, against religious minorities and other vulnerable communities. There also continues to be major ongoing concerns with freedom of expression, women's rights, children's rights, and rights of Dalits, tribal groups, and religious minorities.

In August, the government revoked the special constitutional status of Jammu and Kashmir and split the state into two separate federally-governed territories. Before announcing the decision, the government deployed additional troops to the region, shut down the internet and phones, and placed thousands of people in preventive detention, including elected leaders, prompting international condemnation. Meanwhile, in the northeast state of Assam, a citizenship verification project excluded nearly two million people, mostly of Bengali ethnicity, many of them Muslim, putting them at risk of statelessness.

## Jammu and Kashmir

Allow me to first focus on the specifics of the situation in

the province of Jammu and Kashmir, particularly in the Muslim-majority Kashmir Valley.

On February 14, a suicide attack on a security forces convoy in Pulwama district killed over 40 Indian troops. The bombing was claimed by Pakistan-based militant group Jaish-e-Mohammad. It led to a military escalation between India and Pakistan, and at least four civilians were killed in a shelling at the de facto international border in the disputed territory. Following the attack, Kashmiri students and businessmen in other parts of India were harassed or beaten up, even forcibly evicted from rental housing and dorms.

On August 5, the government revoked the special autonomous status of the state. Thousands were detained without charge, including former chief ministers, political leaders, opposition activists, lawyers, and journalists, and the internet and phones were shut down. There were severe restrictions on movement and public gatherings were forbidden. The government said these measures were necessary to prevent loss of life during violent protests, but there were still credible, serious allegations of beatings and torture by security forces. In September, a 15-year-old boy committed suicide hours after an alleged beating by the army in Chandgam village, Pulwama. The army denied the allegation. While a number of restrictions have since been lifted, hundreds remain in detention and mobile phone services and internet access are still limited. Many parents are still too scared for the safety of their children to send them to schools or colleges.

In July, the Office of the United Nations High Commissioner for Human Rights released an update on its 2018 Kashmir report, raising serious concerns about abuses by state security forces and armed groups in both Indian and Pakistani parts of Kashmir, and said neither country had taken any concrete steps to address the



John Sifton



concerns raised in the earlier report. In India, the report decried the lack of justice for past abuses, such as killings and threats by militant groups against Hindu Kashmiris, leading to their forced displacement; abuses by militant groups that received backing in Pakistan; as well as security forces violations, including enforced disappearances, extrajudicial killings, indiscriminate use of force leading to injuries from shotgun pellets, and alleged sexual violence.

In August, the UN Security Council held a closed meeting on Jammu and Kashmir for the first time in decades. China, which called the meeting at Pakistan's behest, said members were concerned about human rights, and the increasing tensions between India and Pakistan. In September, the European Union raised the situation in Jammu and Kashmir at the UN Human Rights Council, encouraging India to lift remaining restrictions and to maintain the rights and fundamental freedoms of the affected population. The European Parliament also held a special debate on Kashmir, urging both India and Pakistan to respect their international human rights obligations.

The Indian government has largely dismissed the international attention, calling the July UN report, for instance, a "false and motivated narrative" that ignored "the core issue of cross-border terrorism." There are legitimate security concerns about militant groups operating in Jammu and Kashmir, and Pakistan has supported militant groups that have carried out attacks. This, however, does not absolve Indian authorities of holding to account security forces responsible for serious violations of human rights.

India has advanced a narrative that its main purpose in revoking Jammu and Kashmir's autonomous status, a longtime goal of the BJP, was economic development. India's ambassador to the US wrote in an op-ed in the New York Times that its actions in August were intended to "deliver social and economic justice." So far, however, we have only seen an intensification of the repression of Kashmir's population.

The government's focusing all blame for Kashmir's past problems on outside factors—cross border militant groups and Pakistan's support for them—ignores the government's abusive and rights-violating tactics that over decades has increased support and recruits for militant groups.

There has been a spike in violent protests and militant attacks in Kashmir in recent years. Indian security forces have often used excessive force to respond to protests, including using pellet-firing shotguns as a crowd-control weapon, which have caused several protester deaths and many serious injuries. Indian troops have seldom been held accountable for human rights violations that have occurred during counter-insurgency operations. The Armed Forces Special Powers Act (AFSPA) continues to provide Indian soldiers effective immunity from prosecution for serious human rights abuses. Since the law came into force in Kashmir in 1990, the Indian government has not granted permission in any case to prosecute personnel in civilian courts.

The Indian government has also repeatedly imposed internet shutdowns in Kashmir, restricting mobile and broadband internet services. There have already been 55 instances of shutdowns in the state in 2019, the largest number in the country.

This is the legacy of abuses that the people of Jammu and Kashmir have suffered. Successive Indian governments have not been willing to confront these problems. And here we come to the crux of the issue: until the Indian government acknowledges and addresses how their own abuses impact the situation, problems in Kashmir are likely to endure.

This is where Congress can act. While encouraging Pakistan to end their support to militant groups committing abuses in Kashmir, members of Congress should communicate to Indian government officials that their actions in Kashmir are adding to the human rights problems. Members of Congress should challenge Indian officials to reexamine their rights-abusing practices in Kashmir. US officials should insist that political leaders and others arbitrarily detained are



released, that restrictions on communications are lifted, and that independent observers, including diplomats, foreign journalists, and rights activists, are able to travel freely in Kashmir.

### ***Worsening Problems for Freedom of Expression Across India***

Let me now turn to India's general human rights situation and speak briefly about how the worsening situation in Jammu and Kashmir fits into it.

Indian authorities, since the BJP first came to power in 2015, have been increasingly using sedition and criminal defamation laws to stifle dissent. Journalists have been harassed, and at times detained, for their reporting or critical comments on social media, and faced increasing pressure to self-censor including on matters connected to Jammu and Kashmir.

At the same time, the authorities have failed to properly prosecute or end political patronage to pro-BJP interest groups that have engaged in threats and violent attacks to shut down speech that "offends" them. Mob violence against minorities, especially Muslims, by extremist Hindu groups affiliated with the BJP have continued amid rumors that they traded or killed cows for beef. Since May 2015, 50 people have been killed and over 250 people injured in such attacks. Muslims were also beaten and forced to chant Hindu slogans. Police have largely failed to properly investigate the crimes, stalled investigations, ignored procedures, and filed criminal cases against witnesses to harass and intimidate them.

India has continued to lead the world with the largest number of internet shutdowns as state governments resorted to blanket shutdowns, either to prevent violence and social unrest or to respond to ongoing law and order problems. As of November, authorities in India had ordered 85 shutdowns, including, of course, those in Jammu and Kashmir.

In July, the parliament passed amendments to the biometric identification project, Aadhaar Act, paving the way for the collection and use of biometric data by private parties. The amendments raised concerns over privacy

and data protection, and were made despite a September 2018 Supreme Court ruling restricting the use of Aadhaar for purposes other than to access government benefits and to file taxes.

In December 2018, the government proposed new Information Technology (Intermediary Guidelines) Rules that would greatly undermine rights to freedom of expression and privacy of users. They would also require all companies to enable tracing of the origin of information on their platforms, weakening encryption used by messaging platforms to protect the privacy and data security of their users.

The social media company WhatsApp, owned by Facebook, has confirmed that 121 users in India were targeted by surveillance software owned by NSO, an Israeli firm, out of which at least 22 were human rights activists, journalists, academics, and civil rights lawyers. Although the government has denied purchasing the software, it has not addressed calls for full disclosure or an independent investigation into the allegations.

Meanwhile, authorities have continued to use the Foreign Contribution (Regulation) Act (FCRA) to harass outspoken rights groups and restrict their ability to obtain foreign funding. In June, authorities filed a criminal case against Lawyers Collective a group that provides legal aid, advocates for the rights of marginalized groups, and campaigns to end discrimination against LGBTQ people. Now, the authorities have sought the court's permission to arrest the organization's founders for custodial interrogation despite their cooperation in the investigation.

Nine prominent human rights activists remain in prison today, arrested in 2018 under a counterterrorism law, the Unlawful Activities (Prevention) Act (UAPA). They are accused, without basis, of being members of a banned Maoist organization and of inciting violent protests. For the same case, in September, the authorities conducted a raid on the home of a Delhi University professor who had been vocal on the rights of persons with disabilities and against caste discrimination.

In August, the government passed amendments to the UAPA that allow individuals to be designated as terrorists. Human rights groups expressed concerns over how the law already infringes on due process rights and has been misused to target religious minorities, critics of the government, and social activists. The amendments have been challenged in the Supreme Court as unconstitutional.

Most of these worsening trends appear to be connected to the increasingly nationalist rhetoric and actions of the ruling BJP party reflecting a link to the human rights problems in Jammu and Kashmir.

For this reason, Human Rights Watch recommends that members of Congress, when raising issues of Jammu and Kashmir, should raise these other broader problems as well. The larger concern here is that India's democratic traditions are being put under intense stress. To riff off the cliché phrasing, leaders in the world's oldest democracy should be speaking to members of the largest democracy, as colleagues in the democratic tradition, to voice their concerns about common threats facing many democracies around the world: overwrought nationalism that demonizes minorities or critics or journalists, xenophobic rhetoric, and the relentless blaming of outsiders.

I have included in my written submission a more comprehensive treatment of these issues with additional sections on other human rights issues in India, and would ask that it be submitted into the written record.

## **Appendix: Other Human Rights Issues**

### ***Impunity for Security Forces***

Despite numerous independent recommendations, including by UN experts, the government continues to refuse to repeal the Armed Forces (Special Powers) Act, which gives soldiers effective immunity from prosecution for serious human rights abuses including forces stationed in Jammu and Kashmir. The law is also in force in several states in northeast India.

In Uttar Pradesh state, extrajudicial killings by police continued with impunity. At least 77 people were killed

and over 1,100 people injured since the BJP government led by Chief Minister Adityanath took office in March 2017. In January, four UN rights experts raised concerns over the killings as well as reports of police threatening and harassing family members of victims and human rights defenders working on the cases.

A petition seeking a court-monitored independent investigation was pending in the Supreme Court at time of writing. The killings highlighted continued lack of accountability for police abuses and the failure to enforce police reforms.

### ***Dalits and Tribal Groups***

Dalits, formerly “untouchables,” continue to face discrimination in education institutions and in jobs. Violence against Dalits persisted, in part as a reaction to their more organized and vocal demands for social progress. In September, however, the Supreme Court issued notices to the authorities to examine caste-based discrimination at universities across India; this followed a petition filed by mothers of two students—one Dalit and one from a tribal community—who committed suicide allegedly due to discrimination.

Meanwhile, nearly two million people from tribal communities and forest-dwellers remain at risk of forced displacement and loss of livelihoods after a February Supreme Court ruling to evict persons whose claims under the Forest Rights Act were rejected. Amid concerns over flaws in the claim process, the court stayed the eviction temporarily. In July, three UN human rights experts urged the government to conduct a transparent and independent review of the claims, and evict only after it exhausted all options, and with consent of affected people, ensuring redress and compensation.

### ***Refugee and Citizenship Rights***

In August, the government in Assam published the National Register of Citizens, aimed at identifying Indian citizens and legitimate residents following repeated protests and violence over irregular migration from Bangladesh. The list excluded nearly two million people, mostly of Bengali ethnicity, many of them Muslims,

raising the likelihood of arbitrary detention and statelessness.

In 2019, the government deported eight Rohingya Muslims to Myanmar, a family of five members in January, and a father and his two children in March, after deporting seven people in October 2018. In April, five UN human rights experts condemned the deportations saying they violated international law. They also raised concerns over indefinite detention of some Rohingya in India.

### **Women's Rights**

Two high-profile complaints of rape involving senior BJP leaders highlighted how women who complain, especially against powerful men, still face significant barriers to justice, such as victim blaming, intimidation, and lack of witness protection. The accused leaders were arrested only after widespread condemnation, including on social media. Women who have lodged complaints about powerful men have also become vulnerable to criminal defamation cases filed against them by the men they named.

### **Children's Rights**

Child labor, child trafficking, and poor access to education for children from socially and economically marginalized communities have remained serious concerns throughout India.

In August, India's parliament amended the Protection of Children from Sexual Offences Act 2012, introducing the death penalty for aggravated penetrative sexual assault of anyone under 18 years and increased the penalty for all sexual offenses. This was despite concerns raised by child rights groups that it could lead to a decrease in police complaints because in nearly 95 percent of reported cases, the perpetrator is known to the victim, in positions of authority or family members.

In September, following a petition by child rights activists, the Supreme Court sought a report from the juvenile justice committee of the Jammu and Kashmir High Court on the alleged detention of children and other abuses during the lockdown imposed since August.

### **Sexual Orientation and Gender Identity**

In August 2019, the lower house of parliament passed the Transgender Persons (Protection of Rights) Bill. Rights groups criticized the proposed law for failing to provide full protection and recognition to transgender people. The bill is unclear on a transgender person's right to self-identify, which India's Supreme Court recognized in a landmark judgment in 2014. Its provisions are also contrary to international standards for legal gender recognition.

In a welcome development in September 2018 that will impact the community in other parts of the Commonwealth, India's Supreme Court, in a landmark ruling, struck down the colonial-era section 377 of India's penal code, decriminalizing consensual same-sex relations.

### **Freedom of Expression**

In October 2019, police in Bihar state filed a case of sedition against 49 people, including well-known actors, filmmakers, social activists, and intellectuals for writing an open letter to Prime Minister Narendra Modi, expressing concerns over mob violence targeting minority communities, lack of accountability for hate crimes, and crackdown on dissent. Following widespread condemnation, the authorities closed the case within days.

In 2019, police in Uttar Pradesh arrested, investigated, and filed complaints against several journalists. In September, they filed a criminal case against a journalist for exposing mismanagement of the free meal scheme in government schools. In June, they arrested three journalists for posting the video of a woman claiming to be in love with the state's chief minister, accusing them of defaming him.

### **Foreign Policy**

Relations with Pakistan have continued to deteriorate over the year. A Pakistan-based Islamist militant group Jaish-e-Mohammad claimed responsibility for the attack in February targeting a security forces convoy, which led to retaliatory airstrikes. In August, after India's decision to



revoke special status for Jammu and Kashmir, Pakistan downgraded its diplomatic relations and expelled the Indian High Commissioner. Diplomats from both countries exchanged allegations and counter allegations over Kashmir at the UN Human Rights Council in Geneva in September. India did not raise rights protections publicly during bilateral engagement with other neighbors including Bangladesh, Nepal, Sri Lanka, and Afghanistan. In August, India's foreign minister, during his visit to Bangladesh, expressed willingness to provide more assistance to displaced Rohingya in Bangladesh and toward development in Rakhine state in Myanmar.

On concerns over deportation of nearly two million people excluded from the citizenship verification project in Assam, he assured Bangladesh that it was India's internal matter.

In July, India maintained its past position and abstained from voting at the UN Human Rights Council on the renewal of the mandate for an independent expert on protection for LGBTQ rights. This is despite the Supreme Court decriminalizing consensual same-sex relations in 2018.

<https://www.hrw.org/news/2019/11/14/jammu-and-kashmir-context>

## BLINDNESS IN KASHMIR

Naureen M. Haroon



Kashmiri students call out the use of pellet guns against political protesters.

Last August, shortly after India revoked the autonomous status of the disputed Kashmir valley, the British medical journal *The Lancet* published an editorial expressing concern about the physical and mental health of Kashmiris. Pointing to “gross human rights violations by state security forces and armed groups,” in the region often described as the world's most militarized zone it lamented the suffering of civilians caught between militants and tens of thousands of Indian troops. Human Rights Watch estimates that more than 50,000 people have been killed there since 1989. The “people of Kashmir need healing from the deep wounds of this decades-old conflict, not subjugation to further violence and alienation,” the editors concluded.

The essay provoked an immediate and furious backlash. The Indian Medical Association accused the *Lancet* of committing “a breach of propriety in commenting on this political issue” and accused it of “malafide intention.” The British Association of Physicians of Indian Origin demanded that the editorial board “retract the article and publish a public apology,” while the Indian Psychiatric Society condemned “this unsolicited intrusion into the affairs of the Sovereign Republic of India.”

And this is just a sampling of the more moderate responses. The *Lancet* stood by the editorial, however, and perhaps coincidentally, the *British Medical Journal* published a letter from 18 Indian doctors observing that the communications blockade imposed by the Indian government had led to “a blatant denial of the right to health care and the right to life” in the Kashmir valley.

An American optometrist of Kashmiri origin, I was plunged into the conflict in 2016 when I arrived in Srinagar, the region's capital, for a family vacation. Thousands of people were on the streets demanding freedom from Indian rule, and security forces were responding to stone-throwing youths by firing so-called pellet guns.

Often used for hunting wildlife and pest control in the West, these supposedly non-lethal weapons are in fact a type of shotgun. Each cartridge releases between 300 to

600 lead-based pellets, each of which can easily penetrate soft tissues and damage internal organs. When used at close range, the tissue damage is similar that of a bullet from a low-velocity conventional firearm and can result in permanent disability or death.



X-ray of a pellet gun victim. Credit: Naureen M. Haroon  
I visited hospitals to understand what was going on. I saw patients with more than 100 pellets in their abdomen or skull. A fourteen-year-old girl who was looking out of her bedroom window became unrecognizable within seconds due to hundreds of pellets covering her entire face and penetrating her skull. A 24-year-old's left eyeball fell out of his eye socket.

India's Central Reserve Police Force would eventually admit to using over 1.3 million pellets in just the first thirty-two days of those summer protests. This indiscriminate use of supposedly non-lethal weapons resulted in over ninety deaths and 15,000 injuries that summer. Over 500 of these wounds resulted in vision loss in one or both eyes. This harrowing exposure prompted me to aid the U.S. based non-profit, Revive Kashmir, in starting Project Noor, which aids those visually impaired by pellet guns. My team members and I began with basic training for day-to-day survival in 2017. We taught patients how to eat, use their phone, and walk with assistance. Hearing the patient's stories convinced me, however, that we needed to do more. Teenagers, many of them villagers, had been robbed of the careers to which they aspired and instead felt like a financial and emotional burden on their already struggling families. Those who were studying had had to drop out of school and none of those working could continue. Eventually, Project Noor expanded to provide not only eye care and rehabilitation services, but also

counseling and financial help to pellet-gun injured victims in the Kashmir valley. In the years since, the number of deaths, injuries and blindness of innocent civilians, mostly children and young adults, has steadily increased. The *Lancet* editorial noted that 1253 people had been blinded by pellet guns between 2016 and 2018. The damage has been compounded by a lack of resources for the visually impaired. The traumatic injuries and deaths have also caused lasting psychological harm and left many victims depressed and suicidal. Various other international and national non-profit organizations have come forward to aid patients with pellet injuries with surgical costs, medications and financial support. But all of these efforts have been put to a halt by the state of siege imposed on the eight million Kashmiris. For more than three months, a complete lock-down of the region, an increase in armed forces in an already heavily militarized zone, and suspension of telephone and internet use has prevented any aid from reaching the people. Despite the communications shutdown, it is clear that human rights violations and pellet-gun injuries continue to happen. Medical supplies have become scarce, hospitals are difficult to reach because of barricades across the main roads, and the administration has reportedly stopped issuing death certificates. In consequence, we may not ever know how many Kashmiris are dying.

Given this harrowing reality, I am profoundly saddened that so many of my colleagues in the medical profession have chosen to ignore their Hippocratic oath and instead defend a regime that inflicts such grievous harm on civilians. When will this regime and its supporters stop turning a blind eye to the unnecessary human tragedy in Kashmir?

#### **Naureen M. Haroon**

Naureen M. Haroon, O.D., M.P.H., is an optometrist working at Henry Ford Health Systems in Detroit, Michigan. She participates in medical mission trips across the globe and conducts research in public health and ocular disease.

<https://blogs.scientificamerican.com/observations/blindness-in-kashmir/>



# CHILDREN IN KASHMIR LEFT SCARRED BY 'ARBITRARY DETENTIONS'

Anees Zargar

In the past three months, more than 500 children were picked up by the police, mostly from the neighbourhoods of Srinagar, said sources.

wake of abrogation of Article 370 and bifurcation of Jammu and Kashmir into two union territories, no major violence or protests were reported from this area.



**Representational Image. Image Courtesy: [scroll.in](https://scroll.in)**

Srinagar: A week has passed since Junaid is back home, terrified. He has, since then, avoided leaving the house or the sight of his family again. The 14-year-old had to spend six days, according to his family, inside a “dark cell” of a police station before he was released.

“I was riding my bicycle when they took me,” Junaid says. He was picked up by four police personnel in civvies who, according to him, were driving a private vehicle. He was later shifted into a police van and taken to a local police station where he was reportedly kept for six consecutive days.

Back home, Junaid's father had no clue about what had happened. The locality, where the family lives, on the outskirts of Srinagar is relatively much calmer than the neighbouring areas. In the last three months of severe clampdown and subsequent civilian shutdown in the

After some time, Junaid's neighbour came running to his father, informing him about his son's arrest by the police. The neighbour's cousin is almost of the same age as Junaid. According to him, the policemen in civvies had also picked up his cousin as well around the same time. “We had sent him to buy meat for the dinner,” the neighbour told NewsClick.

Including Junaid, three others were picked up by police from the area, who are in their early-teens, preparing for class VIII and Class IX annual examinations.

Junaid's father found his cycle lying on the road. Suddenly, the entire locality was shaken and many including the family members of the detained children, went to the police station. The police, however, did not release them. “The police said they are stone-pelters,” a family member of one of the teenagers told News Click.

For the teens, especially Junaid, the first night was the



most difficult one when the police began the interrogation.

“They were asking us to give names, I did not have any; so, they beat me with cables. They hit my back mostly,” Junaid recalls.

A relative of another detained teenager from the neighbouring locality was furious. They are planning to send his 'kid brother' outside the valley. “No one came to his rescue and nobody cares. The police will come again and do the same, they have no accountability,” he said.

Ten persons, however, from the area had to sign a bond on behalf of the teenagers and the residents of the area that there will not be any incident or a sign of protest against the government.

“They have taken our contact numbers and copies of our identity cards. The police said if there is any protest we will be arrested first,” one of the signatories said.

Since August 5, hundreds have been arrested in Kashmir including politicians, lawyers, businessmen, activists, many of them slapped with Public Safety Act (PSA) and shifted to jails outside Jammu and Kashmir. Amongst the arrested are juveniles as young as nine-year-olds, who have been reportedly detained inside police stations.

In its latest report, Amnesty International India termed these detentions arbitrary, which are prohibited under all circumstances. The rights body found that people in Kashmir were not formally detained. They reported, instead, youth from different villages were “picked up by police and army and detained for four to eight days without formal charges”.

“We have documented a clear pattern of authorities using administrative detentions on politicians, activists and anyone likely to hold a dissenting

opinion before and after August 5, including women and children,” an official spokesperson of the rights body told NewsClick.

Senior Superintendent of Police (SSP) Srinagar Dr Haseeb Mughal, however, says they have “evidence” against whosoever has been picked up by the police.

“We have sent only repeated offenders and chronic stone-pelters to juvenile homes and in most cases, we have released the youths after counselling them and speaking to their families and community representatives,” SSP Mughal told NewsClick.

Earlier, on the directions of Supreme Court, the Juvenile Justice Committee had submitted a report on the issue of alleged detention of children in Kashmir since August 5.

The 52-page report stated that the authorities in J&K have arrested 144 minors in the erstwhile state. According to the report, a majority of children were arrested from areas like Batamaloo, Soura, Rajbagh, Sadder, Parimpora, Budgam and Pulwama.

Sources in police, however, told NewsClick that in the past three months, more than 500 children were picked up by the police, mostly from the neighbourhoods of Srinagar. A majority of whom, after serving detention, were released after their families or community representatives signed a bond.

The finding was challenged when the matter came up before the apex court bench on November 5 headed by Justice N V Ramana. The committee was asked to file a fresh report and posted the hearing for December 3.

Disclaimer: The names of the children have been changed to protect their identity.

<https://www.newsclick.in/children-kashmir-left-scarred-arbitrary-detentions>

# Jammu-Kashmir: Where Freedom Is Outlawed

If Pakistan is to be blamed for everything why punish the Kashmiris?

Gautam Navlakha



*Image for representational use only. Image Courtesy :*

*The Hindu*

Jammu and Kashmir (J&K) had crossed well over 100 days of lock-down and it is close to a fortnight of near-complete power cuts in the region, despite the ongoing winter chill. Yet it is apparent that Kashmir has receded from the media frenzy. News gets scarce. The tendency to blame others, pretend and pass-off setback as success, or to organise propaganda jaunts for extreme-right representatives in order to fool the Indian people into believing that India enjoys tremendous support in the world, does not bode well for India, and even less so for Kashmiris.

Doing so denies the people and Kashmiris in particular their right and freedom to express themselves through speech or peaceful assembly, or to raise their concerns against what is being inflicted on them. It also means that the Bhartiya Janata Party (BJP) government, for all its strengths, is *weak* and has made itself *vulnerable* by remaining dogmatically tied to its ideological goal of changing the profile of Kashmir. As a result, when the political solution disappears, what remains is cruelty, coercion and control.

On the one hand, the Indian government refuses to acknowledge that a “Disturbed Area” is a euphemism for a war zone. On the other hand, India also claims before its judiciary that “national security” needs must prevail

over people's constitutional freedoms. As a result, neither the rules of war nor the rules of law the two principles of civilised governance operate in Indian-administered Kashmir (IAK).

India blames Pakistan for waging a “proxy war” against it; yet, as the United Nations' Office of the High Commissioner for Human Rights (UNHCR) says in its 22 August press note on IAK, the information blackout in J&K is a form of “collective punishment”, and is “inconsistent with the fundamental norms of necessity and proportionality”.

In other words, if Pakistan is to be blamed for everything why punish the Kashmiris?

This apart, the detention of 13,000 to 20,000 people after 5 August, some 530 booked under the draconian Public Security Act (PSA) and the official admission that 144 children are among the detained show how widespread the crackdown is. Worse, by targeting children, India's crackdown is beginning to resemble Israel's apartheid policy towards the Palestinians, in which children are regarded as legitimate targets, in complete contempt of International humanitarian laws. The arrest of political activists and leaders of all hues barring the ruling Bhartiya Janata Party shows that even this grim a scenario is being used to push and promote the Hindutva agenda to obliterate Kashmir's history and culture.

The government wants to showcase the low death toll as a mark of success of its policy decision to lock down Kashmir, but this has been achieved by inflicting far greater pain on Kashmiris. Denying them information and denying their right to voice their concern, cutting all sources of information and placing severe curbs on communication have created an explosive mix of economic, social and mental-health problems. Such is the extent of restrictions that even religious practices of the people are being prohibited.

Every year, tens of thousands from across Kashmir converge at the dargah Hazratbal shrine on the banks of Srinagar's Dal Lake, to participate in the Eid-Milad-un-

Nabi procession to celebrate the birthday of Prophet Muhammad. This year, the celebration was banned. The government has not allowed congregations on Friday at the historic Jamia mosque located in Nowhata Chowk in the old city of Srinagar since 5 August. Earlier in October, the government prevented thousands of people from holding special annual prayers at the Khwaja Naqshband Sahib shrine in the old city. Since this is happening at a time when Kartarpur Sahib and Ram mandir issue have been resolved makes the prohibition in Kashmir doubly poignant.

### UN HUMAN RIGHTS BODY SPEAKS OUT

On 29 October 2019, the spokesperson of the UN High Commissioner for Human Rights, Rupert Colville, once again issued a press briefing note on IAK. Its contents are of immense importance because they validate what critics of the Indian government's Kashmir policy have been highlighting.

Few things in the note are worth mention:

"We [The UNHCHR] are extremely concerned that the population of Indian-Administered Kashmir continues to be deprived of a wide range of human rights and we urge the Indian authorities to unlock the situation and fully restore the rights that are currently being denied.

...The undeclared curfew imposed by the authorities in the region was lifted from much of Jammu and Ladakh region within a few days, but is reportedly still in place in large parts of the Kashmir Valley, preventing the free movement of people, as well as hampering their ability to exercise their right to peaceful assembly, and restricting their rights to health, education and freedom of religion and belief.

...The Supreme Court of India has been slow to deal with petitions concerning *habeas corpus*, freedom of movement and media restrictions. The Jammu and Kashmir State Human Rights Commission, the State Information Commission (which implements the right-to-information laws) and the State Commission for Protection of Women and Child Rights are among key institutions being wound up, with the new bodies to

replace them yet to be established.

Meanwhile, major political decisions about the future status of Jammu and Kashmir have been taken without the consent, deliberation or active and informed participation of the affected population. Their leaders are detained, their capacity to be informed has been badly restricted, and their right to freedom of expression and to political participation has been undermined."

### A COLONIAL APPROACH

While India can keep pointing fingers at Pakistan for destabilising Kashmir, fact is that every step the government of India has taken reveals an antiquated colonial attitude which, one had thought, ceased when India became independent. But when even honourable judges are willing to condone the violation of life and liberty at the altar of national security, then there is reason to begin to despair.

It is against this scenario of a virtual lockdown that the BJP-led government is introducing momentous changes which will formalise the status of Jammu and Kashmir as a colony, and its people as subjects. This is because the natives of J&K will have very little say over issues that concern them and India's central government will exercise virtually all powers at its whim.

It is equally noteworthy that the Indian government has dropped four key land related Acts: The J&K Alienation of Land Act of 1995, the Big Landed Estates Abolition Act of 2007, the J&K Land Grants Act of 1960 and the Agrarian Reforms Act of 1976. These acts governed various aspects of land ownership-related laws and prevented the transfer of land in favour of any person who is not a permanent resident of the erstwhile state of J&K. Worth recalling is that the Indian Army joined hands with the government to distribute leaflets extolling the virtue of land prices rising and encouraging locals to sell their land. The same point was repeated by the central government in its mass advertisement campaign in the local media.

It is vital to remember the radical land reforms in J&K. The years 1948-52 were seminal, when cultivators robbed of



their rights over their land under the Dogra rule after the Amritsar Treaty 1846 got their rights restored in both Jammu and Kashmir, and landless peasants became landowners. To divest the people of J&K of these rights, by luring them with talk of attractive land prices while holding a stick in the form of lock-down and severe repression to provide the process of settlement a veneer of voluntariness. But the fear of losing their land and that acquiring jobs will become even more difficult, has the people in Kashmir as well as Jammu in their grips. Even more vital is the fact that the elected government in today's truncated J&K will have no powers over matters related to policing and public order, as provided for in the state list of the Constitution. Now on, it is the Lieutenant Governor (LG) who will exercise these powers, and he alone can promote or transfer officers of All-India Services. The LG will also have the Anti-Corruption Bureau under his control and he will have the power to appoint the principal secretary to the Chief Minister. Since all this is part of a plan/policy, it is designed to humiliate Kashmiris and side-line the people of Jammu.

### **JAMMU SUFFERS AS KASHMIR BLEEDS**

The mutual social and economic links between Jammu and Kashmir are such that there were no way people of Jammu were going to remain unaffected by the unfolding tragedy in Kashmir. Already the industry, trade and services in Jammu are reeling because of the lock-down in Kashmir.

It is of interest to note that in Jammu, people who reportedly welcomed abrogation of Articles 370 and 35A, have been protesting too, afraid of losing their land and jobs to outsiders. They have also been lodging their discontent at being side-lined, for example by coming out on the streets to protest setting up of a new toll barrier at Saroor near Jammu city a month ago. What people resented was that the decision was taken without bothering even to take on board their concerns. Now, since 4 November, lawyers in Jammu have launched an indefinite protest against transferring responsibility for registration of immovable property (land, buildings etc)

from the judiciary to a new office of Registration under the Revenue Department. That is, this responsibility has been transferred from a more transparent system to an opaque centrally-administered one.

Note that the Jammu Bar Association, whose President is also the BJP's official spokesperson, announced this strike. The central government had dismissed the complaints lodged by its J&K state leaders against the move, forcing the lawyers to declare this indefinite strike. So, unmindful of what Kashmiris or Jammu residents feel, the BJP's supreme leadership has decided to carry forward their plans and policy for J&K.

How far the government is willing to go to carry out its game plan is evident from the fraudulent nature of Block Development Council (BDC) selection process.

#### **Fake Claims**

Prime Minister Narendra Modi, despite suffering some humiliation in the Maharashtra and Haryana Assembly elections, had no hesitation in passing off the results as a "victory". Going by the same standard set by him, he also declared as "historic" the so-called 98% turnout in the Block Development Council or BDC selection, ***which is done by an electorate made up of few thousand panchas and sarpanchas.***

Unlike the 73rd and 74th amendments to the Indian Constitution, which paved the way for actual decentralisation of power with elections at every level of the Panchayati raj system, BDCs, under the Jammu and Kashmir Panchayati Raj Act of 1989, are not elected by the people but selected by the panchas and sarpanchas. So, although 65% (12,565 out of 19,000) of the panch and sarpanch seats lie vacant in Kashmir and even the 35% who fill the posts do so without contest or with poor voter turnout, still the BJP's strike-rate in all of J&K was pathetic. In a "contest" boycotted by all pro-India parties barring the BJP, they could corner just 81 out of 307 BDCs, with independents winning 217. In their own backyard, Jammu, the BJP managed to win just 53 out of 148 BDC posts. Hence, even in a stage-managed event which the BJP had thought would catapult its members to

the BDCs and allow them to practise politics of patronage, it fared poorly.

The gradual step-up in virulent militancy post 5 August cannot be ignored. For all its tall claims of having a fool-proof three-tier security system at the international border and the Line of Control (LoC), fact is that the intelligence reports claim that 135 militants have entered J&K since that day.

Recall that the three-tier system includes “an anti-infiltration obstacle system of border fencing”, checkpoints with round-the-clock monitoring by the Army, the Border Security Forces (BSF), Village Defence Committees and even the police. Yet, the intelligence claim is that since 5 August, militants have found 25 new routes to enter J&K.

The attack on non-local labour, meanwhile, is a warning to those desiring to settle in Kashmir post-abrogation. The deliberate effort and conscious decision of the BJP government to do away with special status for J&K and turn it into an union territory where law and order, issues related to land, jobs and budgets will all be controlled by central-government bureaucrats, makes it clear that Indian government does not care a fig for democracy and democratic processes. Instead, like under the British Raj, the representatives of the people remain powerless, a mere window-dressing to camouflage what is reminiscent of a Colonial rule.

### **SACRIFICING LIBERTY FOR SECURITY**

Therefore, the uncritical acceptance of “national security” argument cannot hide the fact that J&K has remained notified as a “disturbed” area since 1990, and where armed forces and police enjoy legal immunity. It has engendered a long history of egregious crimes against people by government forces with absolutely no concern for justice by either the agencies of state nor the judiciary. Denying any wrongdoing by the government forces has been a long-standing claim. And if nothing else works there is always Pakistan to blame, for the mess which the Indian government is primarily responsible.

Undeniably, Pakistan has been using its “assets” in shape

of Jaish and Lashkar, thanks to the attitude of the Indian government, which muddied the waters in J&K. Admittedly, burden of past follies can not be wished away. But moving decisively away from politics of persuasion to opt for repression, where citizens are reduced to status of 'subjects' and their representatives powerless and figureheads, is mark of regression, not progress. While the government could deny to the Indian people the truth about the cruel reality of Kashmir brought about by its own follies, with dollops of help from its media cronies, all in the name of “national interest”, these arguments will cut no ice with world opinion. With the BJP government helping the process of Kashmir's internationalisation, many issues come into play: two nuclear armed powers, a 73-year-old dispute, China's shift in posture on Kashmir, the endgame in Afghanistan make up the scenario. Pakistan's role in acting as a bridge between Iran and Saudi Arabia, centrality in Afghanistan lend further weight to this. In short, because of this, the world cannot ignore developments in Kashmir, no matter what Indian government and acolytes want Indians to believe. Therefore, the boast that India has somehow become so powerful that what the world has to say can be dismissed, may gladden Indian hearts, but in reality, will rebound on India. Such boasting has no market outside India. Ministers and officials, including army officers, have been declaring that what India does in J&K is its own “internal affair” and that the only issue is to take back Pakistan-held Kashmir.

The government then prevented Indian parliamentarians and leaders of political parties from visiting Kashmir, accusing them of whipping up protests.

Thus, making it appears that when the government speaks of J&K as an “internal affair”, it probably means that Kashmir is open for their own Hindutva kith and kin, because other Indian politicians cannot be trusted. Instead, the Indian government went out of its way to get extreme right-wing Members of European Parliament to make an all-paid-for (by the Indian government) “personal visit” to Kashmir, routed through a friendly

Indian NGO.

Put another way, it's a mark of how bad the situation is in Kashmir that the Indian government had to hurriedly organise and fund this unofficial visit by 28 right-extremist representatives of Euro Parliament. Ironically, the "organised" tour was so managed that five out of 28 representatives from Europe dropped out. And the 23 who went on the jaunt spent all their time with officials or officially-sanctioned persons. The press conference at the end of this trip became a stage-managed exercise with presence of friendly pro-government media and their toothless questions. Interestingly, while the Indian government prevented nearly anyone who would have reported truthfully what they saw, heard and share their impressions, our foreign minister went to the United States (US) to ensure that the US Congressional hearing on Kashmir could be managed. When he failed in his endeavour, he accused the "English-speaking so-called liberal media" of the US for being "ideological about (J&K)". It did not occur to him that India's brutal suppression of Kashmiris, now in its 31st year, is much too unsavoury for everybody to ignore what with mass graves, enforced disappearances, torture, rapes, massacres and custodial killings. To compound that with a total lock-down, depriving people of their rights and privileges, reducing them from autonomous to centrally ruled territory, and suspension of civil liberties does not make matters any easier.

Worst of all, the news about detention of children as young as nine years old raise questions about India's commitment to humane and democratic practices. Because when children become fair game for authorities it reflects a degeneration of norms of democratic governance. All civilised countries abhor children being targeted. Targeting of children as an adversary brings back images of Palestinian children being targeted by apartheid-practising Israeli regime.

The rot runs deep. Retired Lt General HS Panag cautioned the government of the danger of straying from a well laid down strategy since 1956: "...[A] time-tested strategy has been evolved, which entails absolutely no compromise with unity and integrity, people-friendly military operations,

adhering to the law of the land and respect for human rights. It also involves militarily reducing the insurgency to manageable levels to facilitate persuasion and political dialogue, negotiations with both overt and covert leadership, giving concessions within the Constitution and signing a formal accord to restore democracy."

The accounts provided by a number of fact-finding reports since 5 August, bring out how brutal and revengeful the security forces, in particular, the Army has been in this period. There are reports of children being picked up and screams of adults being subjected to torture being broadcast over local mosque... Arguably, if this discarding of a "time-tested" policy resulted in creating space for political resolution, it would have been a welcome break away from follies of the past. But as I read what Lt General Panag says, it becomes apparent that he apprehends that the "tried and tested" policy is being discarded for one which is anything but "friendly" let alone be capable of facilitating dialogue and negotiations.

Consequently, while the Indian government may succeed in pushing its game plan in J&K through coercion, it threatens to vitiate the atmosphere for a long time to come with turbulent conditions persisting over a prolonged period. Violence and counter-violence will come to rule the roost. There is always a heavy price to be paid for reckless policies and Indian people have paid that price in the past. But today, what we Indians face is a far bigger burden of a war which threatens to be vicious and become a bottomless pit for consuming human and material resources, as well as hollow out our democracy.

This will bring India's global stature down several notches as Kashmir remains trapped and India's economic downturn turns worse India's vulnerability on trade and investment front open up possibility for outside pressure to escalate. Indian government can ignore Fleet street, but ignoring Wall Street is not easy. Privileging of enlightened self-interest and the capacity to change course are hallmarks of statesmanship. This is sorely missed in contemporary India.

<https://www.newsclick.in/Jammu-Kashmir-Freedom->

[Outlawed](#)



# The Silencing of Palestinian and Kashmiri Voices on Social Media

CJ Werleman

Social media platforms are helping to prevent Kashmiri and Palestinian anguish from reaching a global audience, says CJ Werleman.

Kashmir and the Palestinian territories have much in



common. Each are heavily occupied or blockaded by the armies of powerful states and are home to some of the most egregious human rights violations. An overwhelming majority of Kashmiri and Palestinians exist in what can only be described as open air prisons. What the citizens and residents of Kashmir, Gaza, the West Bank and East Jerusalem also share is that they are subjected to a sustained and coordinated effort to ensure that their voices remain unheard in the international media. When Israeli airstrikes bomb schools and hospitals in Gaza, we don't hear from the Palestinians who've been pulled out from the rubble, bloody, shocked and wounded. Instead, we are presented with one non-Palestinian spokesperson, politician or lobbyist after another, each attempting to assuage our outrage with propaganda, such as "Israel has a right to defend itself". The same can be said for India's human rights violations in Kashmir, or what is commonly described as the "most militarized place on earth" a territory that has become even more so since New Delhi's sudden move to revoke Article 370 of its Constitution in August, stripping Kashmir

of its semi-autonomous status. Instead of the territory's eight million Muslim voices, we hear only the words of Indian Government spokespeople or Government-friendly news outlets.

With that in mind, social media platforms level the playing field in allowing or providing an opportunity for victims of state repression and violence to put into words and images their suffering, grievance and plight. Tweets, Facebook posts and texts via data sharing applications such as WhatsApp allow the world access to information that hasn't been censored, moderated or ignored by the editorial boards of corporate advertiser-dependent news corporations.

This is why anti-democratic and authoritarian governments go to great lengths to limit or ban their citizens' access to platforms that allow the sharing of information so freely. They know better than anyone else that, without social media, the repressed remain invisible and unheard.

Kashmiris and Palestinians, however, are not victimised by illiberal or rogue states. They are oppressed by self-proclaimed secular democracies countries that promote the virtues of free speech and welcome political dissent. So what happens to the voiceless when social media platforms privilege the respective governments of Israel and India over their repressed populations? It's a question that leads to the darkest places of our collective imagination, to memories of genocide.

Last week, David Kaye, the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinions and Expression, wrote to Jack Dorsey, Twitter's chief executive officer, expressing his concern "regarding account actions against Twitter users for posting or sharing Kashmir-related content".

"According to information received, Twitter has withheld



How Can the World Move on So Easily from the Brutality in Kashmir?

users' tweets and accounts when they have participated in discussions concerning Kashmir on the platform," wrote Kaye. "Affected users receive notifications that either inform them that 'their account [or tweet] has been withheld in India in response to legal demand' or that 'their account [or tweet] has been withheld... based on local laws'."

Kaye also cited a report published by Twitter which showed that India made 144 "removal requests" during a six-month period spanning July 2017 to December 2017. Based on the information he had received, Twitter "may have begun to accede to [Indian] Government demands for account and content removals since July 2017," he said. "In recent years, India has expanded the scope of its censorship tools and efforts, at the expense of individual rights to freedom of expression, access to information, freedom of association and other fundamental human rights."

For several years, pro-Kashmir activists have complained about having their tweets deleted or accounts suspended by Twitter for criticising the Indian military's widely reported human rights violations in the territory.

"My account is withheld and shadow-banned in India, which is illegal, and Twitter says it doesn't do it, but it can't explain why people don't see my tweets or replies without searching," Helene Sejlert, a Swedish-born human rights activist who has been speaking and writing on Kashmir

for nearly two decades, told me. "It's a systematic attempt to silence the growing awareness of the injustice committed against the Kashmiri people."

With Kashmir now entering the fifth month of its communications blackout under an Indian military-imposed curfew and lockdown, Kashmiris are now also having their accounts with WhatsApp removed due to account inactivity.

"WhatsApp is used by some 400 million Indians, making the country the app's largest market in the world," observed BuzzFeed News. "WhatsApp groups dominate online conversations in India, and most Indians with access to a smartphone participate in at least a few. So when Kashmiri people began disappearing en masse from groups, a lot of people noticed."

At the same time Kashmiri voices are being scrubbed from social media platforms as a result of repressive Indian Government actions, so too are accounts belonging to Palestinians because of actions taken by both the Israeli Government and the Palestinian Authority, with a new report showing that more than 100 Facebook accounts belonging to Palestinian journalists and activists were banned from sharing information and updates during the Israeli military attacks on Gaza last month.

With Facebook deeming vague or even commonly used Arabic terms or slogans to be "incitement to violence" while at the same time ignoring Israeli accounts that openly call for "death to Arabs" the social media platform has revealed a "political bias in favour of elevating the Israeli narrative while suppressing the Palestinian one," observed +972 Magazine.

Marwa Fatafta, a Palestinian writer and policy analyst at Al-Shabaka: The Palestinian Policy Network, claims that Facebook "cannot use ignorance as an excuse" and that "economic and political incentives" explain why social



**How Many Palestinians have to be Killed before the UK Stops Selling Arms to Israel?**

equality for all is patently absurd, given both are for-profit corporations which take corporate decisions driven almost entirely by the quest for ever-higher revenues while, at the same time, syncing themselves with US foreign policy objectives and priorities.

Ultimately, it's impossible to argue that social media platforms are not complicit in preventing Kashmiri and Palestinian fears,

media companies comply with Israeli Government requests. The profit motive is precisely what drives US-based social media platforms to favour the Indian Government over the Kashmiri people, and the state of Israel over the Palestinians. The idea that Twitter and Facebook are impartial platforms built on fairness and

anxiety and anguish from reaching a global audience which is exactly how India and Israel want it.

<https://bylinetimes.com/2019/11/12/how-many-palestinians-have-to-be-killed-before-the-uk-stops-selling-arms-to-israel/>



## HUMAN RIGHTS VIOLATIONS IN IOK

From Jan 1989 till Nov 30,2019)	
Total Killings *	95,471
Custodial Killings	7,135
Civilian arrested	158,339
Structures Arsoned/Destroyed	109,450
Women Widowed	22,910
Children Orphaned	107,780
Women gang-raped / Molested	11,175



## A GLIMPSE INTO LIFE, STRUGGLE OF CH GHULAM ABBAS

**Altaf Hameed Rao**

Murpur (AJK)-When the state of Jammu and Kashmir was under the atrocities of Dogra Raj and the majority Muslim community was being subjugated, Chaudhry Ghulam Abbas rose to the occasion with great valour and devotion and dedicated his life for the liberation of the people of Jammu and Kashmir.

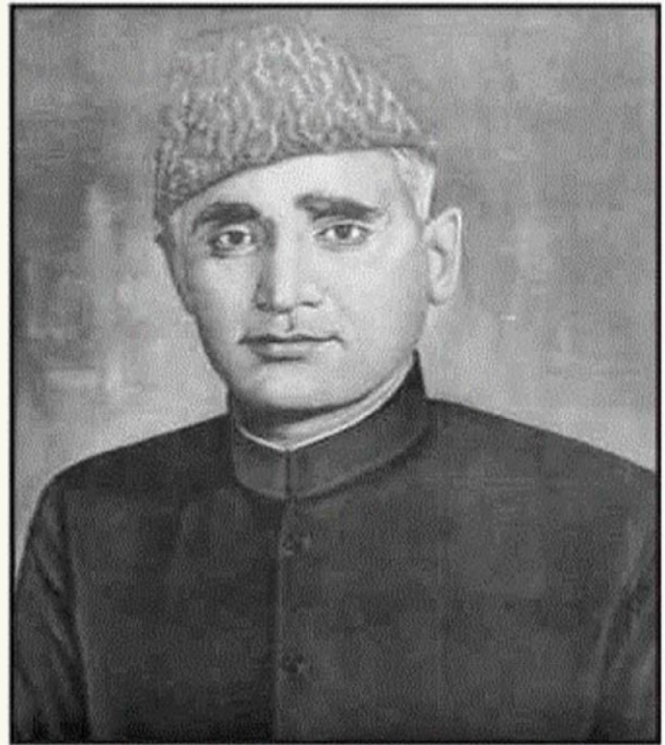
Chaudhry Ghulam Abbas was born to a middle class family of Chaudhry Nawab Khan on February 04, 1904 at Jammu. He graduated from the Prince of Whales College Jammu. He passed his LLB from Law College Lahore and started his career as a lawyer in Jammu. He was offered a post of Sub-Judge but he refused to serve the Dogra raj.

He reorganized the socio-political organisation Young Men's Muslim Association, which was established earlier in 1909 and was the only platform that Muslims were using to raise their political voice in Jammu and Kashmir.

This organisation conducted some massive demonstrations against the Dogra rule and its activities won admiration among the Muslim masses. In order to safeguard the rights of the Muslims of the Valley another organization, All Jammu and Kashmir Conference was established.

Its president was Sheikh Abdullah while Chaudhry Ghulam Abbas was elected as its secretary general.

Later the organisation was renamed as National Conference. But when Sheikh Abdullah developed his association with Nehru and the Congress, Chaudhry Ghulam Abbas withdrew hands from the National Conference. As the struggle between the Congress and the Muslim League over the partition of India had its repercussions on Kashmir and the idea of Pakistan gained ground, the National



Conference lost its popularity. Consequently, the Muslim Conference was revived under the leadership of Chaudhry Ghulam Abbas.

The Muslim Conference being the real representative of the Muslims of the Valley demanded Kashmir annexation to Pakistan on July 19, 1947.

Ch Ghulam Abbas enthusiastically campaigned for the affiliation of the people of Jammu and Kashmir with Pakistan. He reached Pakistan after the transfer of prisoners in 1948 after the ceasefire and served the Azad Kashmir government till 1951.

He presented the case of Pakistan in the United Nations along with Sardar Ibrahim when India asked UNO to resolve the issue, which ended up with the ceasefire line.

In 1951, he resigned from the headship of Azad Kashmir government and set aside from politics. He died of stomach cancer on December 18, 1967 and was buried at Faizabad, Rawalpindi as he willed to be buried in Pakistan.



# International Kashmir Seminar 26-28 November 2019

## World must end criminal silence over deteriorating situation in IoK: Farooq Haider

ISLAMABAD: India is using intimidation and coercion as weapons of state in occupied Kashmir. It is now the moral duty of the UNSC and international community to end their criminal silence and stop India from pursuing its hegemonic designs, which have escalated after it abrogated Article 370 on August 5.

The call was made by Raja Muhammad Farooq Haider Khan, Prime Minister, Azad Jammu and Kashmir (AJ&K), while addressing an international seminar titled 'Kashmir: The Issue, Global Scenario and Policy Imperatives' which was organized by Institute of Policy Studies (IPS),

Professor Dr. Halil Toker, Istanbul University, Syed Iftikhar Gilani, a senior journalist from Indian occupied Kashmir, now based in Ankara, Dr. Asma Shakir Khawaja, associate professor, National Defence University (NDU), Professor Dr. Nazir Hussain, director, School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Professor Dr. Fazl ul Hadi Wazeen, an academic and politician based in Kabul, Dr. Syed Muhammad Anwer, former deputy attorney general of Pakistan and president MSF, Air Commodore (retd) Khalid Iqbal, senior security analyst and member IPS National Academic Council, and Farzana Yaqoob, IPS associate and a former member, Legislative Assembly of AJ&K.



Islamabad, in collaboration with Policy Research Forum, Azad Jammu and Kashmir (PRFAJK) and Maritime Study Forum (MSF) here on Tuesday.

Chaired by former senator Javed Jabbar, the event was also addressed by national and international speakers of high stature including Khalid Rahman, Executive President, IPS, Professor Dr Roger van Zwanenberg, a veteran scholar of history and political economy based in London, Professor Dr. Yashpal Amarchand Tandon, a Ugandan-British policymaker of Indian descent, Dr. Akis Kalaitzidis, professor of political science at the Department of Government, International Studies and Languages, University of Central Missouri, USA,

Raja Farooq Haider Khan, in his keynote speech, said that over 100 days have passed since India laid siege to occupied Kashmir, imposed curfew, and violated UN resolutions as well as all international and national agreements in the process. During this period, the Indian army has arrested thousands of citizens, including Kashmiri leaders, and meted out inhuman treatment to the youth of Kashmir under the garb of so-called house searches. There have been severe human rights violations in IoK and widespread incidents of brutal torture, rape, mass killings, forced disappearances, use of pellet guns and human shields have been reported; and sadly all this has been carried out as the occupying



state's policy with all its institutions including legislature, executive, judiciary and armed forces forming a part of it.

He said that on the one hand there is a crippling clampdown on communication in a place where journalists are protesting for their right to speak, whereas on the other the Indian media is mastering the art of biased and fake reporting, trying to paint a false picture of normalcy in IoK. Along with human rights violations, the economic loss of the state has been catastrophic and is leading to severe humanitarian crisis. According to the Kashmir Chamber of Commerce and Industry (KCCI), the economic losses ran into least 100 billion rupees (\$1.40 billion) by September, he added. Farooq Haider maintained that the provisional arrangements that India had made through Articles 35-A and 370 were just eyewash and now their revocation has been done only to pave the way to change demography in the held territory, which is not only a violation of international law and the UN resolutions, but is also considered a war crime under Geneva Convention. The fact that India had to use its reinforced might in the territory even after occupying it for over 70 years is proof enough that the region seeks a different solution. This is not the first time that the determination of Kashmiris has been put to the test, their unwavering and unfailing spirit however has always remained firm, authenticating that their right of self-determination must be recognized.

The onus, according to Farooq Haider, was now on the UN Security Council to stop treating Kashmir as an orphan of a global family and set up an international commission of inquiry to examine the real situation

prevailing in the held territory. If the international community fails to resolve the Kashmir issue through peaceful political means and in accordance with the aspirations of the Kashmiri people through immediate and fair plebiscite, the possibility of Kashmiri people having to opt for undesired means cannot be ruled out, he stressed. The AJ&K premier also urged Pakistan to make use of efficient diplomacy for the Kashmir cause, maintaining that it is majorly a handful of countries to which we should deliver our message across in a bid to raise international awareness over the issue.

Javed Jabbar stated that Pakistan today is the sole custodian of Kashmir cause as a nation state and for that purpose, we need to create solidarity not only within our ranks but the rest of the world as well. With 8 million people locked up for over 100 days, there is surely so much to be done. We need to get our message across to those states around the world which believes in democracy and that can be done through reinforced diplomatic strategy and by investing in media.

He other national and international experts present on the occasion also highlighted the importance of Kashmir for peace and stability in the subcontinent and encapsulated repercussions of the Kashmir standoff, if not addressed early. The speakers said that scholars, media and civil society have an important role to play in the resolution of this issue as the prevailing situation is not in the benefit for any country in the region. The experts also urged Pakistan to start generating an academic discourse over the issue while firmly backing Kashmir policies.

### November 27, 2019

MUZAFFARABAD (PID-AJK): The international scholars have termed situation in Occupied Jammu and Kashmir, a humanitarian crisis and announced to play their role to raise Kashmir issue at international forums. The announcement was made by six members' visiting

scholars who participated in the International Kashmir Conference organized by Institute of Policy Studies Islamabad belonging to Turkey, United States, Afghanistan and Pakistan during their meeting with Speaker Azad Jammu and Kashmir (AJK) Legislative Assembly Shah Ghulam Qadir here on Wednesday. They





said that Kashmiris should be given the right to decide their future in a free and transparent manner. The scholars said that they have observed the situation very closely and expressed their pleasure to move freely in any part of Azad Kashmir. Speaking on the occasion, Speaker Shah Ghulam Qadir thanked scholars to visit AJK and hoped their recommendations will prove very effective at international level. He said AJK is peaceful place where anyone can move freely. There is no issue of law and order. Shah Ghulam Qadir said Kashmir is a burning issue which needs attention of the international community and major world powers. He said tension between India and Pakistan over issue of

Kashmir is the major threat to world peace. Speaker informed the delegates about human rights abuses at the hands of Indian forces in Occupied Kashmir where over eight lac troops have initiated unending brutalities. Kashmiris are under siege and facing hardships due to prolonged and inhuman curfew. Shah Ghulam Qadir said that Indian troops have not only crossed all limits of human rights abuses in the occupied Kashmir but also targeting civilians at Line of Control (LoC). He paid tributes to the morale of people living close to LoC who are facing unprovoked Indian shelling on daily basis. The delegations include Professor Roger, Dr. Hashpal Sharma, Dr. Axe, Dr. Abdul Hadi, Ambassador Ibrar Ahmed and others.



November 27; Muzaffarabad: President AJK addressing the participants at the inaugural session of an International Seminar on Kashmir titled "The Crisis in Kashmir: Amidst Regional and Global Dynamics" organized by the Institute of Policy Studies, Islamabad (IPS), and Policy and Research Forum Azad Jammu and Kashmir.

### November 28, 2019

MUZAFFARABAD (PID-AJK): Azad Jammu and Kashmir Prime Minister Raja Farooq Haider Khan has appealed scholars, writers and those working for human rights to raise voice for the oppressed people of Kashmir struggling for their UN acknowledged right to self-determination. He was addressing an International Kashmir Seminar jointly organized by Institute of Policy Studies Islamabad and Policy Research Forum here on Thursday. "It is moral responsibility of each individual to protect the fundamental rights of Kashmiris who have been denied their rights by Indian government", the

premier said. Raja Farooq Haider added that people in Azad Kashmir enjoy full freedom while those in Occupied Kashmir facing indefinite curfew, complete lockdown and ban on media all together. He said the people are facing acute shortage of food and medicines. "Modi's government has abrogated Article 370 and 35-A to change demographic composition of Kashmir", he added. The Prime Minister said that people of Occupied Kashmir have never accepted Indian illegal occupation and 5th August's unilateral and illegal steps. "They will continue to struggle for their right to self-determination and bear all hardships in this way", the premier added. He



further said that Kashmir is not a bilateral issue between Indian and Pakistan. Kashmiris and United Nations are also two integral parties of this lingering dispute. Raja Farooq Haider said India has given a free hand to its troops for genocide of Kashmiris, disgracing women and disappearing innocent citizens. The troops have been given legal cover through black laws. He informed that there are reports of 10,000 disappearances in the last three years while unmarked graves of over 6,000 people identified in six districts of the valley. "There is an Indian Army man over every seventh person in the occupied valley. 96,000 Kashmiris have been martyred from 1989 to October 2019 in addition to 23,000 widows, 11,000 disgraced women and 100,000 orphan Kashmiri kids", PM added. Raja Farooq Haider pointed out that 10,000 Kashmiri youth have been victim of pellet guns from July 2016 to up-till now in which 147 had been completely lost their eyesight. Seventeen months innocent Hibba was also among the victims. Prime Minister Azad Kashmir thanked participants of the seminar particularly those from abroad to visit Azad Kashmir and said there is no restriction on movement of any individual in

AJK. Contrary to that Indian government denied access to people in the occupied Kashmir in a bid to hide its inhuman activities. Speaking on the occasion, other speakers said solution of Kashmir issue is inevitable for durable peace in South Asia. Speakers supported Kashmiris right to self-determination in line with UN resolutions and aspirations of Kashmiris. They expressed serious concern over curfew, lockdown and communication blackout since 5th August unilateral action by Indian government. Executive President Institute of Policy Studies Khalid Rehman, Secretary Kashmir Liberation Cell Mansoor Qadir Dar and Acting Chairman Policy and Research Forum Professor Dr. Rogrwan Zwan Berg and renowned journalists Syed Iftikhar Gillani in their speeches termed situation in the Occupied Kashmir deteriorating and demanded the civilized nations to take a serious notice of the massive human rights violations by the Indian military and paramilitary forces in the Occupied Kashmir. AJK Cabinet and Legislative Assembly members, Vice Chancellors, heads of different institutions and large number of people belonging to all walks of life attended the seminar.



# International Kashmir Seminar

## Muzaffarabad 27-28 November 2019

### Muzaffarabad Deceleration

Two days international seminar was jointly organized by Policy and Research Forum Jammu and Kashmir (PRFJK) and Institute of Policy Studies Islamabad (IPS). Maritime Study Forum (MSF) and Govt. of Azad Jammu and Kashmir also supported the event. Following joint declaration was adopted:

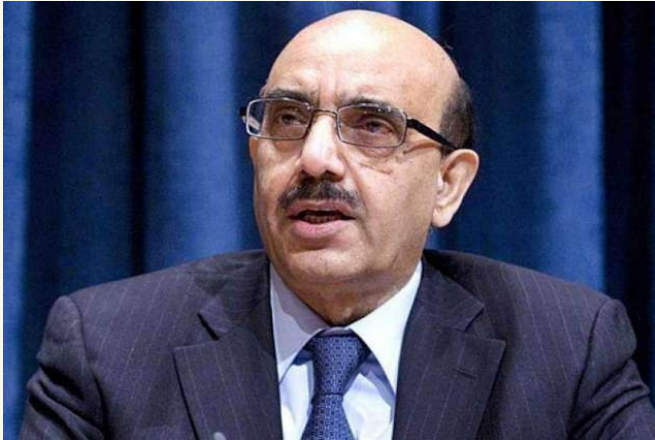
1. The unilateral actions by India on 5<sup>th</sup> August 2019 to change the status of IOJ&K are clear violation of UN resolutions, bilateral agreements and international law. The participants of this seminar condemn the siege, curfew, communication blockade and gross human rights violations in IOJ&K, People of Jammu and Kashmir will not accept these unconstitutional changes. The participants believe that neither, status Quo nor Silence are any option, though patience will have to be applied as it is going to be a long journey, a well-coordinated strategy and work plan will have to be ensured
2. Alongside Routine efforts innovative and creative ways and strategies will have to be designed to create awareness and engage as many people, institutions, regional and global organizations and countries as possible
3. Awareness and engagement not only outside but within, on nature of conflict and the immediate, short term and ultimate goals; material in multiple languages, Kashmir specific diplomacy, Hindutva as a fascist philosophy and way of life, that needs to be exposed
4. The indigenous character of the movement needs to be highlighted, at the same time individual stories and case studies should be stressed in awareness campaigns, legal ways and means to fight such cases under the international legal regimes need to be taken up
5. Preserving the consensus environment within; one needs to realize the difference in maintaining consensus on the goal as against the strategies at a particular point of time, blame game is suicidal; Focus should remain on Right of Self Determination which is the most important HR and which has a strong legal foundation
6. Prepare for a long and sustainable movement; IOK is the most important front; they need messages positive enough to raise or at least maintain their spirits and resolve; Allow movement of Kashmiris from IoK to visit AJK simply by presenting the state subject card.
7. AJK should be the centre of all Kashmir related activities being a

base camp of Kashmir Freedom Movement. Making AJK a model of good governance and developed area will be helpful to foster the Kashmir cause as well as it will create a positive image of Pakistan on other side of CFL.

8. Being reactive is inevitable in certain cases but important is to be a proactive and innovative in ones approach
9. One single approach will not work. Multidimensional strategies are needed Combination of Political, legal, strategic, economic, and media strategies to name a few;
10. It has to be stressed that war is also a tool in the international relations; at the same time hybrid nature of war in contemporary world needs to be understood and kept in view in policies and strategies
11. The indigenous character of the movement needs to be highlighted, institutionalization of the diaspora, Governments of AJK and APHC is important. The role of AJK should be well defined and the representatives of J&K should lead the Kashmir Campaign at international and national forums.
12. There are a lot of fronts; one would need to address different stakeholders and their concerns, which would require keeping in view the attentiveness of various stakeholders, at the same time one has to set priorities keeping in view the environment and resources available
13. Research and monitoring to understand Indian designs and strategies and develop ideas for countering them with proper mechanisms in place; India will continue try to change the goal post as it has been doing since last seventy years;
14. Problems the world is facing today, and Kashmir is not just one but one of the key problems Rooted in poor, or in fact no Global Governance which is fundamentally founded on the Capitalist paradigm of life. It has to be emphasized within and without that as a global citizen all of us have two options:
  - i) To continue within the prevailing system of global governance based on the so called paradigm National Interest and excel
  - ii) To try developing an alternate vision and strive for a peaceful, fairer, just, equitable global system.
15. The participants of Seminar applauded all those Govt., Members of Parliaments, organisation, individuals and media house that had raises voices in favour of besieged Kashmiris.

## **India Waged Proxy War Through LoC Violations: AJK President**

**Azad Jammu Kashmir President Sardar Masood Khan Wednesday said that after articles 370 and 35-A, India had altered article 367 also, which was very important in determining constitutional powers between the Indian regime and the Occupied Jammu and Kashmir government**



MIRPUR (KT) :Azad Jammu Kashmir President Sardar Masood Khan Wednesday said that after articles 370 and 35-A, India had altered article 367 also, which was very important in determining constitutional powers between the Indian regime and the Occupied Jammu and Kashmir government. "The Modi's regime by abolishing Kashmir-related articles from the constitution of India has deprived the Kashmiri from their rights which they had enjoyed even before 1947," he added.

He expressed these views while speaking at a seminar on "Kashmir issue--Revocation of Articles 35 and 370 of Indian Constitution: Implications for Regional and Global Security", organized by the National Institute of Maritime Affairs (NIMA) at the Pakistan Navy War College in Lahore on Wednesday, AJK Presidential Secretariat said in an official statement released to media here Wednesday night.

Director General NIMA Vice Admiral Abdul Halim also spoke on the occasion, while prominent scholar Huma Baqai, Justice (ret'd) Nasir Javed Iqbal and Vice Admiral (ret'd) Khan Hussam Bin Siddique read their papers on

different aspects of Kashmir conflict.

The AJK President rejected India's negative propaganda that Pakistan had failed to pull out its troops from Kashmir, and had thus missed the opportunity of plebiscite under UN supervision.

Referring to the UN Security Council resolutions No 91 and 122, he said that no move of the Occupied Jammu and Kashmir Legislative Assembly could be the substitute of plebiscite proposed by the UN Security Council. He added that even before the independence of Pakistan and India, the Kashmiri people had adopted accession to Pakistan resolution on July 19, 1947, and had thus declared their future destiny. While describing the freedom war of August, September and October 1947 and the inception of Azad Kashmir as the struggle for the completion of Pakistan, the AJK President said that a dominating majority of the Kashmiri people still consider themselves to be Pakistani citizens and they are offering unprecedented sacrifices for the completion of Pakistan. Sardar Masood Khan said that to punish Pakistan for supporting the Kashmiri people, India had started a proxy war through shelling on the citizens of Azad Kashmir living along the Line of Control, and through terrorism in different parts of Pakistan.

"All these Indian actions are pushing Pakistan towards a war, and the war, if broke out, would not be conventional but a nuclear clash," he said and warned that this will affect not only South Asia but the entire world. He regretted that the Indian rulers had launched war against their own Muslim citizens also. "The Hindu extremists persecute and kill the Indian Muslims in broad daylight, and broadcast the news to create harassment and panic among the Muslims and other Indian minorities," he said adding that this is an ideological war started by BJP and other Hindu fanatic groups to annihilate the Muslims and establish Hindu rule in the whole South Asia. The AJK President said that the world media was highlighting the stand of Kashmiri people in its true perspective, while

voices in favor of Kashmiri people are rising in the parliaments of several countries, and the Indian atrocities and human rights violations in occupied are being

condemned. "We should take advantage of this favorable environment on the international level, and expose the false Indian narrative," he added.



Neelum( KT) Neelum Martyrs Day was observed in Azad Jammu and Kashmir. A public gathering was organized by Jammu and Kashmir Liberation Cell , in district headquarter Authmuqam (Azad Kashmir) on 23rd November 2019. Acting President Azad Jammu and Kashmir Shah Ghulam Qadir was the Chief Guest. Former Minister of AJK Govt. Mufti Mansoor Ur Rehman presided over the conference. Secretary Jammu and Kashmir Liberation Cell Mansoor Qadir Dar, Director Raja Muhammad Sajjad Khan, Deputy Commissioner Raja Mehmood Shaid, Javiad Iqbal Abbasi, Arif Mustafai and other speakers paid tribute to martyrs of Neelum. On 23rd November 2016, Indian troops targeted a passenger vehicle, killing ten passengers inside it. The shelling was carried out near Lala village, Ravta in Neelum . The Govt. of Azad Jammu and Kashmir had

notified this day as “ Yum-e- Shuhda-e- Neelum”. The President Azad Jammu and Kashmir said that Neelum is the defense line of Pakistan and people of Neelum had paid lot of sacrifices for defense of Pakistan .

“ More than 2700 people martyred due to unprovoked shelling of Indian forces in last 30 years, but India could not succeeded in terrifying these brave people of Neelum. We are with the brave army of Pakistan for defending our country.” He added.

Shah Ghulm Qadir said that Indian actions are threat to regional peace and security. Indian Govt. is violating international law and all bilateral agreements. Abrogation of Article 370 is an attempt to change the demography of Jammu and Kashmir. He assured the people of Indian Occupied Jammu and Kashmir that people of Pakistan and Azad Kashmir are with them.



Muzaffarabad.(K.T) Secretary Jammu and Kashmir Liberation Cell Mansoor Qadir Dar, briefed the delegation of Foreign Services Academy Islamabad about the Kashmir Conflict and recent situation of Indian Occupied Jammu and Kashmir. He said that from last 04 months Indian Occupied Kashmir is under siege. There is a complete curfew, economic and communication blockade and all Kashmiri leadership is arrested.

Kashmir is not an issue of land or boarder dispute between India and Pakistan; it is the issue of right to self-determination of more than 22 million Kashmiris. He said that about 100,000 people were killed by Indian forces in

IOK in last 30 years. Around 8,000 to 10,000 cases of enforced disappearances have been reported since 1989, According to latest reports 6228 mass graves identified , from 1989 to date 49 massacres/ethnic cleansing attempts were reported. Kashmir under siege from 5th August, 2019. 13000 innocent young people has been disappeared including 144 children even a 09 years boy, educational institutions were closed.



Vice Chancellor AJK University Prof. Dr. Muhammad Kaleem Abbasi and other speakers Addressing to Seminar on International Human Rights Day



