

P R E S S R E L E A S E

KASHMIRIS STRIPPED OF BASIC HUMAN RIGHTS – A CHARGE BY KASHMIRI VICTIMS

KASHMIR YOUTH ASSEMBLY-EU LAUNCHED AT THE EUROPEAN PARLIAMENT

Brussels – 21st February 2019: Under the sponsorship of MEP Julie Ward (Chair APGK) with the support of MEP Buchner and MEP Goerens, IHRAAM in association with ICHR – Kashmir Union.EU and SACFPHR organised a Roundtable on the victim's evidence on gross human rights violations as articulated in the UN Report and the formation of European-wide network of Kashmiri youth in the European Parliament.

MEP Ward was joined, among others, by MEP Theresa Griffins.



The Roundtable was a follow-up on the European Parliament's Sub-Committee for Human Rights debate and discussion on the UN Report which was conducted under the chairmanship of MEP Panzari, Chair of the Committee.

Chairing the Roundtable and in her opening remarks MEP Ward declared that it has been a crucial week for Kashmir in the European Parliament having now received the visibility which the Kashmir situation deserves. She welcomed the initiative and concept of the Kashmir Youth Assembly (KYA – EU) in Europe for becoming a vehicle of awareness not only in educational institutions but also with international organisations that are doing phenomenal work through the involvement of youth. She aptly cited an example of a Young Swedish girl in motivating and giving direction to the energies of youth worldwide. MEP Ward announced that she would extend all the possible help to KYA-EU to connect with other youth organisations.

MEP Griffins stated that youth is pivotal in advancing a legitimate cause. She felt it heartening that a good number of Kashmiri younger faces are determined to carry forward the vision and goals set by the old generation. She referred to the above sub-committees discussion as a step forward in ensuring that Kashmiris human rights are protected.



This was followed by two victims oral evidence about the atrocities they suffered in Indian occupied Kashmir.

Mrs Shamim Shawl in a sombre but painful voice described the brutal killing of her brother Ghulam Mohammed Mir in terms that his body was chopped into small pieces including his bones and that was simply horrific. She also evidenced the killing of her sister in law Khadija Begum who was simply providing water to injured children when Indian armed gunmen emptied a breast of bullets (nearly 40 bullets) on her forehead and head killing her instantly.

Mrs Shawl concluded her evidence testifying that almost every single family has one way or other experienced torture or inhuman treatment or punishment or extra-judicial killings either within the four walls of detention or interrogation centres or on the streets of Kashmir. She claimed that every Kashmiri is stripped of their basic human rights in Indian occupied Kashmir.

Mr Mohammed Latif Bhat, a journalist by profession and now residing in Belgium, testified that he was interrogated in the infamous papa 2 interrogation centre having kept him in a freezing temperature without clothes, food and water. He was kept standing in a small cell with no sleep. There were times when he was hanged upside down and beaten with rods. Mr Bhat asked the human rights mechanism of the UN & EU to come to the rescue of Kashmiris in the Indian occupied Kashmir as this is the situation of almost every Kashmiri household.



Undoubtedly everyone around the Roundtable was stunned to hear the two witnesses and expressed utter anger and anguish.

Mr Abdulwahab El Hani, a member of the UN Committee against Torture (CAT), having listened to the above witnesses expressed his deep sympathy with both of them. He emphasised that CAT endeavours to eliminate “torture” which is why every effort is put in practice to ensure those countries that have not ratified the convention against Torture do so and that includes India. Mr El Hani asked to use UN mechanism and procedure to pursue “torture” cases at the UN.

Prof Nazir A Shawl, Chair SACFHER and a veteran Kashmiri human rights defender, while appreciating the meaningful and expert opinion of Mr El Hani, believed that reaffirms hope in the UN System; He asked Mr El Hani to take the two victims’ cases to CAT for investigations. Professor Shawl emphasised that Kashmiri people’s right to Self-Determination is their inalienable right which can never be compromised. He believes that Ajit Doval’s doctrine of utter violence against Kashmiris and no dialogue with the stakeholders will not weaken the resolve of Kashmiris and in fact the resilience demonstrated by the people of Kashmir is saluted, indeed the youth of Kashmir in Indian occupied Kashmir has kept the flame of freedom movement alive.

Mr Frank Schwalba–Hoth, a former MEP and founder German Greens expressed his satisfaction of the UN Report that cite a variety of human rights violations backed with a number of recommendations which may change the situation in Kashmir. He believes that the new generation of Kashmiris in diaspora must create a Europe-wide network of Kashmiri youth so that Kashmir voice is even more vocal and this is one new element to have occurred.

Mr Zubair Awan, Chairman of Kashmir Youth Assembly (KYA) welcoming everyone's views on the Kashmir youth movement sought to highlight the fact that Kashmir is a nuclear flash point as it is surrounded by almost all the nuclear powers of the world. He insisted that youth, both Kashmiri and non-Kashmiri, have a major role in solving the Kashmir issue for the youth have direct stake in the issue.

He announced the launch of Kashmir Youth Assembly-EU (KYA-EU) as Mr Sardar Arshad Hussain its President; Mr Yasir Burque General Secretary and Mr Gul-Faraz Ahmed Co-ordinator.

Mr Yasir Ahmed, Secretary General of KYA, read out the "DECLARATION" in support of the launch of KYA-EU which is reproduced below:

Kashmir Youth Assembly, Europe

Taking the Struggle for Right to Self-determination; and promotion and protection of human rights and fundamental freedoms to the next generation and beyond KASHMIR

DECLARATION

UPON the launch of Kashmir Youth Assembly, Europe at the European Parliament, Brussels,

AND UPON, having fully debated and deliberated on the human rights violations committed against the Kashmiri, including youth, children and women, unanimously declares:

- Its intention to create today a European-wide "Network of the Kashmiri Youth in the Diaspora".
- This conference expresses its solidarity with all those suffering in the ongoing conflicts in the world.
- The conference calls upon all those people who believe in upholding and protecting fundamental human rights for all without discrimination, to support the victims of conflict particularly the youth of Kashmir, who are suffering on everyday basis, and help bring to an end the atrocities and human rights abuses committed on them by the occupation forces.
- The conference commends the European Parliament's initiative to discuss and deliberate, on 19 February 2019, on the recent Report by the UN Office of the Human Rights Commissioner highlighting the human rights violations in Kashmir and calling for an urgent impartial inquiry. In that, the conference lauds the services of the victims' genuine Kashmiri diaspora leadership for making it happen.
- The conference welcomes the UN Human Rights Commissioner's report on Kashmir and appeal the international community to endorse the fact-finding mission as desired in the report.
- The conference further calls for the implementation of the EP and UN resolutions and resumption of an inclusive dialogue among the stakeholders to create a congenial environment for determining will of the people of Jammu and Kashmir to end all forms of human rights violations.

The “Declaration” was unanimously adopted and signed by the participants.

Miss Aqsa Ahmed, a 19 years old Councillor of London Borough of Hounslow and a member of Executive Committee of KYA made a commitment that she would engage and work with young Kashmiris and others in colleges and universities to highlight the plight of Kashmiris.

Miss Adriana Gheorghe, a Councillor of London Borough of Hounslow promised to defend Kashmiris human rights as she is a human rights defender.

Mr Sardar Mahmood Khan, Belgium Community leader, promised to backup KYA.EU at all levels. He further stated that the Kashmir struggle is a sacred cause which must have its continuity through Kashmiri youth i.e. KYA.EU.



In his concluding remarks Barrister A Majid Tramboo, Chairman ICHR – Kashmir Union.EU, while analysing the UN Report, stated that whereas it is correct that the Report asks for the formation of an Independent Enquiry Commission to investigate all forms of gross human rights violations perpetrated on Kashmiris however, it is utterly crucial to highlight 17 other powerful recommendations which the authorities in India have been directed:

“ (a) Fully respect India’s international human rights law obligations in Indian-Administered Kashmir,

(b) Urgently repeal the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990; and, in the meantime, immediately remove the requirement for prior central government permission to prosecute security forces personnel accused of human rights violations in civilian courts;

(c) Establish independent, impartial and credible investigations to probe all civilian killings which have occurred since July 2016, as well as obstruction of medical services during the 2016 unrest, arson attacks against schools and

incidents of excessive use of force by security forces including serious injuries caused by the use of the pellet-firing shotguns;

(d) Investigate all deaths that have occurred in the context of security operations in Jammu and Kashmir following the guidelines laid down by the Supreme Court of India;

(e) Investigate all cases of abuses committed by armed groups in Jammu and Kashmir, including the killings of minority Kashmiri Hindus since the late 1980s;

(f) Provide reparations and rehabilitation to all individuals injured and the family of those killed in the context of security operations;

(g) Investigate and prosecute all cases of sexual violence allegedly perpetrated by state and non-state actors, and provide reparations to victims;

(h) Bring into compliance with international human rights standards all Indian laws and standard operating procedures relating to the use of force by law enforcement and security entities, particularly the use of firearms: immediately order the end of the use of pellet-firing shotguns in Jammu and Kashmir for the purpose of crowd control;

(i) Amend the Jammu and Kashmir Public Safety Act, 1978 to ensure its compliance with international human rights law;

(j) Release or, if appropriate, charge under applicable criminal offences all those held under administrative detention and ensure the full respect of standards of due process and fair trial guaranteed under International law;

(k) Treat any person below the age of 18 who is arrested in a manner consistent with the Convention on the Rights of the Child;

(l) Investigate all blanket bans or restrictions on access to the Internet and mobile telephone networks that were imposed in 2016, and ensure that such restrictions are not imposed in the future;

(m) End restrictions on the movement of journalists and arbitrary bans of the publication of newspapers in Jammu and Kashmir.

(n) Ensure independent, impartial and credible investigations into all unmarked graves in the state of Jammu and Kashmir as directed by the State Human Rights Commission; if necessary, seek assistance from the Government of India and /or the international community. Expand the competence of the Jammu and Kashmir State Human Rights Commission to investigate all human rights violations and abuses in the state, including those allegedly committed by central security forces;

(o) Ratify the International Convention for the Protection of all Persons from Enforced Disappearance, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol,

and introduce enabling domestic laws as recommended during India's UPR in 2008, 2012 and 2017;

(p) In line with its standing invitation to the Special Procedures, accept the invitation requests of the almost 20 mandates that have made such requests; in particular, accept the request of the Working Group on Enforced or Involuntary Disappearances and facilitate its visit to India, including to Jammu and Kashmir;

(q) Fully respect the right of self-determination of the people of Kashmir as protected under international law.”

He asked India to adhere to the above recommendations and implement them in letter and spirit.

Barrister Tramboo declared that Kashmiri victims of grave human rights violations including killings, wherever they are, will not be forgotten; may it be the barbaric rapes and gang-rapes of konan-poshpora or the unnamed and unmarked graves. He assured Mrs Shamim Shawl and Mr Latif Ahmed Bhat that as “victims”, he would take-up their cases with the appropriate mandates within EU and UN.

Barrister Tramboo believed that the declaration of KYA–EU, having launched within the European Parliament, is historic. It places a critical responsibility on the team of KYA to advocate the cause of Kashmir within youth and power corridors legitimately and effectively.

Thereafter Barrister Tramboo announced the Roundtable having adjourned.


