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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2020]

* Issued as received, in the language(s) of submission only.

Covid-19 & The Indian Administered Jammu & Kashmir (IAJ&K) Situation!

IHRAAM is conscious that the crisis around Covid-19 Pandemic is overshadowing all other pressing issues worldwide. Therefore, we are especially concerned, during these unprecedented times, that the Indian authorities are using the pandemic to silence Kashmiri voices by eradicating Kashmiri leadership and demoralising and destroying civil society.

The Indian constitution was modified in order to change the status of IAJ&K (allowing a demographic development to convert Kashmiris into a minority in their own land and the process has already began) and that the state is sealed off since 5th August 2019 including internet shutdown - nonetheless, information has managed to filter out - that most of the political and civil society key leaders have been arrested or put under house arrest. IHRAAM are filled with consternation that those imprisoned are exposed to other prisoners affected by Covid-19.

Al-Jazeera, in its 14 April 2020 report, that like Bilqees Shah (wife of Shabir Ahmed Shah, a senior separatist leader) hundreds of wives are troubled and restless because of the Covid-19 pandemic as these political prisoners are detained in over crowded prisons in various Indian jails! *“Many of those detained under the PSA have been moved to New Delhi's Tihar Jail and a jail in Agra city in the northern state of Uttar Pradesh. According to the official data, Tihar jail has an inmate population of 17,534 while its capacity is 10,026”*¹

IHRAAM notes with satisfaction that the United Nations Secretary General António Guterres has impressed upon the Indian authorities to release the Kashmiri leaders and other political prisoners.

In recent days the international news media has reported increase in the Indian military *“cordon and search operations”* resulting in a range of human rights violations including physical intimidation and assault, invasion of privacy, arbitrary arrest and unlawful detention, killings (staging fake encounters), collective punishments and destruction of private properties. The principle target of this terror is the youth, their families and properties.

In its May 2020 report, Al Jazeera claims that at least a dozen homes have been reduced to rubble. Afroza was inconsolable as she stood on the charred floor of her house at Nawa Kadal, Srinagar: Al Jazeera quoted her saying - *“From a distance, we saw our home in flames. It was a storm for us. Where would we go now? We had a roof over our head till yesterday that my husband had built with his lifetime hard work and today we have nothing”*, she added that the *“forces unleashed terror in the locality.”*²

During the ongoing nine month long military siege (inclusive of the Covid-19 lockdown) since 5th August 2019, nearly half a dozen women leaders including Asiya Andrabi, Fehmeeda Sofi and Naheeda Nasreen have been arrested and detained at Tihar jail, New Delhi. Post 5th August 2019, Indian troops have killed, according to media reports, nearly a hundred Kashmiris including 3 women Fehmeeda Bano, Shahzada Akhtar and Ulfat Altaf.

Several journalists and human rights defenders – mostly based in the Valley of Kashmir (who, for issues of their own security cannot be named) – report that social media platforms such as Twitter

¹ <https://www.aljazeera.com/news/2020/04/coronavirus-kashmiris-fear-safety-kin-cramped-jails-200413103319099.html>

² <https://www.aljazeera.com/indepth/inpictures/pictures-kashmir-homes-reduced-rubble-gun-battle-200520081337812.html>

and Facebook had taken actions against a number of accounts for various Kashmir-related content, including removing such posts or suspending user accounts. Press freedom groups have reported continuous attacks, restrictions and arrests of journalists in IAJ&K, even during the pandemic.

“Kashmiri Journalists have launched a social media campaign seeking the withdrawal of charges against Mr Geelani and two other journalists, Masrat Zehra and Peerzada Ashiq. We stand together and we will fight together. This won’t silence us. Journalism is not a crime,” reads one post” – BBC reports on 22 April 2020.³

Today’s conditions in the Covid-19 pandemic in IAJ&K are explosive and fraught with danger. South Asia is home to over a billion people. Over the years the Kashmir conflict has eclipsed the possibilities of peace and prosperity in the region. Undoubtedly, the prevailing conditions pose a serious threat of regional and global peace bearing in mind that the region is a nuclear flashpoint.

Professor Klaus Buchner (MEP), President of the All Parties Group on Kashmir – European Parliament (in co-operation with the Organisation of Kashmir Coalition - OKC) wrote on 26 April 2020 to all the stakeholders including the Secretary General of the UN, the President of the European Commission and the Prime Ministers of Pakistan & India, emphasising:

- that India should give full respect to its international human rights obligations in Indian Administrated Jammu And Kashmir;
- that pursuant to the United Nations Reports on Jammu & Kashmir in 2018 & 2019, an independent enquiry commission should be established to probe all civilian killings, torture, inhuman and degrading treatment or punishment, arbitrary arrest and detention, sexual violence enforced disappearance, destruction of properties and excessive use of force causing serious injuries by the use of the pellet-firing shotguns;
- that all those held under administrative detention, ensure the full respect of standards of due process and fair trial is guaranteed to them under international law;
- that restrictions on the movement of journalists should be lifted and their safety ensured; that independent and impartial reporting should be allowed, that complete internet services including 4G should be restored; and that arbitrary arrests, unlawful detention and extra-judicial killings should be forbidden; and
- that all three sides – Pakistan, India and Jammu and Kashmir to take concrete step so as to enter into direct negotiations at a neutral location – Geneva, within the next 12 months.

³ <https://www.bbc.co.uk/news/world-asia-india-52379976>