

# Contents

<b>Advisory Board, Pakistan House .....</b>	<b>1</b>
<b>Introduction .....</b>	<b>3</b>
<b>Speaker Profiles .....</b>	<b>4</b>
<b>Islamabad Conference .....</b>	<b>10</b>
Program Layout.....	12
Welcome Address .....	13
Keynote Addresses .....	14
Special Speaker:.....	14
Keynote Speaker 1:.....	18
Keynote Speaker 2:.....	24
Chief Guest for First Session.....	30
Noteworthy Snippets.....	38
First Session Speeches .....	41
Second Session Speeches .....	51
Chief Guest for Second Session .....	62
Photo Gallery .....	72
<b>Mirpur Conference.....</b>	<b>79</b>
Programme Layout .....	81
Welcome Addresses.....	82
Keynote Addresses .....	91
Chief Guest.....	91
Keynote Speaker 1:.....	97
Keynote Speaker 2:.....	100
First Session Speeches .....	103
Photo Gallery .....	111
<b>Analysis &amp; Recommendations .....</b>	<b>115</b>
Analysis:.....	115
Recommendations:.....	116

## Advisory Board, Pakistan House



**Chairman**  
**General Ehsan Ul Haq,**  
**HI (M) NI (M) (Retd)**



**Director General & Founder**  
**Rana Athar Javed**



**Board Member**  
**Lt General Asif Yasin**  
**Malik, HI (M) (Retd)**



**Board Member**  
**Lt General Khalid Rabbani,**  
**HI (M) (Retd)**



**Board Member**  
**Brig Riaz Chib,**  
**SI (M) (Retd)**



**Board Member  
Ambassador Zamir Akram  
(Retd)**



**Board Member  
Vice Admiral Rao  
(Ahmed, HI (M), (Retd)**



**Board Member  
Ambassador Salman Bashir  
(Retd)**



**Board Member  
Dr. Ishtiaq Ahmad**



**Board Member  
Ms. Iram Allauddin**



**Board Member  
Dr Shabana Fayyaz**

## Introduction

**Pakistan House** organized a one-day International Conference on 08<sup>th</sup> of December 2018 in Islamabad focusing on "*UN Report on Human Rights Violations in Indian Occupied Kashmir: Demographic Changes and Societal Implications*" and a Joint National Conference in collaboration with Mirpur University of Science and Technology (MUST), on the same topic on 9<sup>th</sup> of January 2019 in MUST, Mirpur, Azad Jammu and Kashmir.

These two events witnessed the participation of ambassadors, diplomats, policy makers, academics, civil-military bureaucrats, government officials, media personnel, university students, and other dignitaries from Islamabad and Mirpur.

The esteemed Chief Guest, Keynote speakers, other dignitaries, and audience members praised the content and eminent speakers for delivering an invaluable analysis on the plight of Kashmiris.

This report first presents a summary of statements by the chief guest, keynote speakers, and key remarks delivered during the conference in Islamabad followed by the conference in Mirpur. It also presents an analysis and policy recommendations for the state institutions.

## Speaker Profiles

### **Mr Sardar Masood Khan, President of Azad Jammu and Kashmir**

Mr Sardar Masood Khan is a retired diplomat who serves as the 27th President of Azad Jammu and Kashmir. He joined the Foreign Service of Pakistan in 1980 and went on to serve in various diplomatic positions.



From August 2003 to March 2005, he served as the Spokesperson for the Ministry of Foreign Affairs; Pakistan's Ambassador to China between September 2008 and September 2012 and as Pakistan's Permanent Representative to the United Nations between October 11, 2012 and February 7, 2015.

He also served as the Director General of Institute of Strategic Studies Islamabad between February 2015 and August 4, 2016 before being appointed as President of Azad Jammu and Kashmir.

### **Ms Janne Teller, former Conflict Advisor, UN**



Ms Janne Teller was educated as a macro economist. She worked for the United Nations and the European Union in resolving conflicts and humanitarian issues around the world, especially in Africa. She began writing fiction full time since 1995. She has lived in various parts of the world, such as Brussels, Paris, Copenhagen, Bangladesh, Tanzania and Mozambique. Currently, she resides in New York.

Her literature related works consist mainly of novels and essays that focus on an existential outlook on life and human civilization, often stirring controversial debates. Furthermore, it was thought that her work "*Intet*" (2000), which was initially banned, revolutionized novel writing for youth, and became a worldwide success

## **Dr Nazir Gilani, President of Jammu and Kashmir Council for Human Rights**

Dr Syed Nazir Gilani is the President of Jammu and Kashmir Council for Human Rights (JKCHR) in Special Consultative Status with the United Nations. He is listed on UN Register as an Expert in Peace Keeping, Humanitarian Operations and Election Monitoring Missions. He is also a senior advocate of the Supreme Court.



## **Mr Afzal Khan, Member of Parliament, Manchester Gorton, UK; Labour's Shadow Minister Immigration**



Mr Afzal Khan is the Labour MP for Manchester Gorton. He is the first person from a Black and Minority Ethnicity (BME) background to represent a Manchester constituency in Parliament. In July 2017, just one month after being elected, Afzal was appointed as Labour's Shadow Immigration Minister.

Prior to being elected as the Member of Parliament, he was a North West MEP. Born in Pakistan, he moved to the UK when he was adopted out of poverty as a child. He worked as a labourer in a cotton mill, a bus driver and a Greater Manchester Police Officer, before qualifying as a solicitor and becoming a partner at his own firm. In 2000 he was elected to Manchester City Council and later rising to become the first Asian Lord Mayor of the city and a member of the Council's Executive.

In 2008 Afzal was awarded a CBE for his work on community cohesion, inter-faith and local government. In March 2018, Afzal was awarded the Sitara-i-Quaid-i-Azam, by Government of Pakistan, the highest civilian honour which recognizes the contribution of individuals and organisations to the overall welfare of Pakistan and its people.

## **Ms Marjan Lucas, an Independent Consultant and a Former Associate of PAX**



Ms Marjan Lucas is an independent consultant and a former associate of the IKV Pax Christi - Dutch Peace Organization shortly known as IPC. IPC is a national NGO involved in many conflict areas (Colombia, Sudan, Balkans, Middle East, Iraq, Caucasus, Kashmir, etc.) aiming to support local independent activists who work on conflict transformation and democratization 'from below' through strengthening civil society, advocacy and international lobby.

Since fall of 2001, Lucas worked as a Project Manager focused on, and involved in, Kashmir. She visits Jammu & Kashmir, India, Azad Kashmir, and Pakistan regularly. She frequently participates in conferences in Geneva, Washington DC, and Brussels on the issue of Kashmir.

Until joining the IPC in 2001, Lucas worked and lived as the International Liaison Officer in Bosnia-Herzegovina, involved in the Truth and Justice Campaign for the survivors of the Srebrenica – genocide of 1995, and in the post war reconstruction and rehabilitation of Bosnia in general.

## **Mr Muhammad Oves Anwar, Director Conflict Law Centre, Research Society of International Law (RSIL)**

Mr Muhammad Oves Anwar serves as Director of the Conflict Law Centre (CLC) at RSIL, Islamabad. He is in-charge of designing and implementing research in the areas of counter-terrorism, national security, and International Humanitarian Law (IHL). The CLC's research serves to inform governmental and non-governmental entities in the development of policy and reform initiatives. The CLC also looks to enhance adherence to IHL principles domestically.



Prior to taking up his current role, he served as a Research Fellow and worked on issues of human rights, counter-terrorism, national security, and criminal justice reform. His research led to amendments in the Pakistan Anti-Terrorism Act, 1997 as well as a Bill to reform the KP Reclamation and Probation Department. He has also served as a consultant to the International Centre for Migration Policy Development (ICMPD) and the International Organization for Migration (IOM) and has co-authored several publications published by RSIL. His areas of focus at RSIL include human rights, international humanitarian law, national security, criminal justice policy and reform, nuclear law, human trafficking and irregular migration.

He holds an LL.M with distinction from the School of Oriental and African Studies, UK, and an LL.M in International Legal Studies from the University of Vienna, Austria

## **Mr Abdullah Gilani, Representative of Syed Ali Geelani, All Parties Hurriyat Conference**

Mr Abdullah Gilani is the representative of Syed Ali Geelani and convenor of the All Parties Hurriyat Conference (APHC). All Parties Hurriyat Conference (APHC) is an alliance of 26 political, social and religious organizations formed on March 9, 1993, as a united political front to raise the cause of Kashmiri separatism. This alliance has historically been viewed positively by Pakistan as it contests the claim of the Indian government over the State of Jammu and Kashmir.



Mr. Abdullah was born in 1970 to a renowned scholar's family from North Kashmir's Baramullah town. He is the younger brother of a renowned rights Activist, Professor Syed Abdul Rahman Gillani.

He joined freedom struggle at the age of 17 and was first imprisoned in 1988 on the charges of stone pelting against occupation forces. He has represented Kashmir movement in different capacities for last 25 years. His articles are published in different newspapers in IOK and Pakistan.



## **Mr Ghulam Muhammad Safi, Convener All Parties Hurriyat Conference**



Mr Ghulam Muhammad Safi is the former Convener of All Parties Hurriyat Conference. He is a veteran Kashmiri activist.

## **Dr Shireen Mazari, Federal Minister for Human Rights**

Dr Shireen Mazari is the Federal Minister for Human Rights. She holds a B.Sc. (Hon) from the London School of Economics. And a Masters, M. Phil and PhD, from Columbia University, New York, USA. Her PhD thesis was on Concepts of Hegemony & International Regimes: A Case Study of the International Trade & Nonproliferation Regimes.



She served as the Director General for the Institute of Strategic Studies, Islamabad from August 2000 to May 2008. Her previous professional assignments include: Consultant on Defense and Security, 1999-2000; Editor-in-Chief and Publisher of PULSE Weekly (1993-1999); Chairperson/Associate Professor, Department of Defense and Strategic Studies, Quaid-i-Azam University, Islamabad (1988-1993) and Guest lecturer, National Defence University, Islamabad. While at Quaid-i-Azam University, Dr Mazari was elected as Secretary and then President of the Academic Staff Association and in these capacities she also served as Secretary and President of the Federation of All Pakistan University Academic Staff Associations (FAPUASA). She also has authored a book titled "The Kargil Conflict 1999 Separating Fact from Fiction". The book is a ground-breaking study of the Kargil Conflict from a Pakistani perspective.

## **Mr Syed Faiz Naqashbandi; Convener Hurriyat Forum, Mirwaiz Group & Representative of Mirwaiz Umar Farooq**



Mr Syed Faiz Naqashbandi is Attorney at Law at High Court and Supreme Court. He is a graduate from University of Kashmir.

## **Mr Rana Athar Javed, Director General Pakistan House**



Rana Athar Javed is currently serving as the Director General Pakistan House, a Denmark & Pakistan-based think tank on International Affairs. Mr Athar Javed has been contributing to various governmental and inter-governmental organizations including Canadian Council for peace and International Security, Ottawa; Royal Danish Ministry of Foreign Affairs; Royal Defence College; Copenhagen Peace and Research Institute (COPRI), University of Copenhagen; Centre for Future and Strategic Studies; and National Defence University, Islamabad.

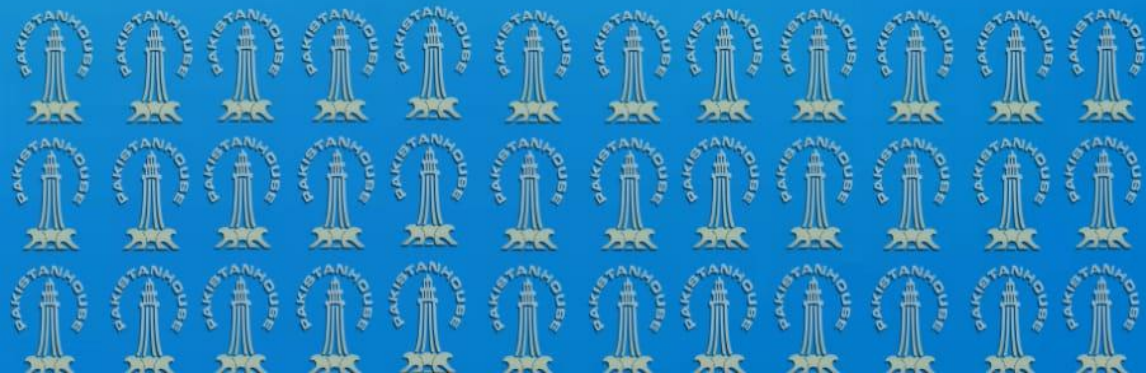
Besides holding Masters in English Literature and Masters in European Journalism Studies from Cardiff University, UK, he has also studied for PhD at the Institute for Cross Cultural Studies, University of Copenhagen.



ISLAMABAD  
**CONFERENCE**

**UN REPORT ON  
HUMAN RIGHTS VIOLATIONS  
IN INDIAN OCCUPIED KASHMIR:**

**DEMOGRAPHIC CHANGES  
AND SOCIETAL IMPLICATIONS**





# Program Layout

<b>Opening Session</b>	
<b>Welcome Remarks</b> <b>Rana Athar Javed</b> DG Pakistan House	
<b>Statement of Mr Syed Ali Geelani</b> <b>Chairman All Parties Hurriyat Conference</b> Read by Mr Abdullah Gilani, Representative of Mr Syed Ali Geelani	
<b>Keynote Speaker 1:</b> <b>Ms Janne Teller (Danish Flag)</b> Author, former Conflict Advisor UN	
<b>Keynote Speaker 2:</b> <b>Dr Nazir Gilani</b> President, Jammu and Kashmir Council for Human Rights	
<b>Remarks by Chief Guest for First Session</b> <b>Mr Sardar Masood Khan</b> President of Azad Jammu and Kashmir	

<b>First Session</b>	
<b>Human Rights Violations in Kashmir: Role of International Community</b>	
<b>Chair: Lieutenant General Khalid Rabbani (HI) (Retd)</b>	
<b>Former Corps Commander XI Corps, Pakistan Army and former Managing Director, Army Welfare Trust</b>	
Role of APPG * in Highlighting Human Rights Violations in IOK	<b>Mr Afzal Khan, MP (British Flag)</b> Shadow Minister Immigration, United Kingdom
International Community and Human Rights Violations in Kashmir	<b>Ms Marjan Lucas (Netherlands Flag)</b> An Independent Consultant and a Former Associate of PAX (Peace in Latin)
Role of Human Rights Activists in Highlighting the Indian Atrocities in IOK	<b>Ali Raza Syed (Belgian Flag)</b> Chairman, Kashmir Council, European Union

<b>Second Session</b>	
<b>Local Laws and International Law: Impact on Kashmiri's Right to Self Determination</b>	
<b>Chair: Ms Marjan Lucas</b>	
<b>An Independent Consultant and Former Associate of PAX (Peace in Latin)</b>	
Indian Human Rights Violations in Kashmir and International Law	<b>Muhammad Oves Anwar</b> Director, Conflict Law Center, Research Society of International Law
Human Rights Violations in IOK & Collective Amnesia of International Community	<b>Mr Abdullah Gilani</b> Representative of Syed Ali Geelani in the All Parties Hurriyat Conference
Kashmiris Right to Self Determination	<b>Mr Ghulam Muhammad Safi</b> Convener of All Parties Hurriyat Conference (APHC) Azad Jammu and Kashmir Chapter
<b>Concluding Remarks by Chief Guest for Second Session</b> <b>Dr Shireen Mazari, Federal Minister for Human Rights</b>	

## Welcome Address



In his introductory remarks, Director General Pakistan House **Rana Athar Javed**, welcomed the honourable guests. The chief guest Mr Sardar Masood Khan, President of Azad Jammu and Kashmir; Ms Janne Teller, former conflict advisor UN; Dr Nazir Gilani, President of Jammu and Kashmir Council for Human Rights; Ms Marjan Lucas, an Independent Consultant and former associate at PAX (Peace in Latin), Netherlands, were greeted with gratitude. The participation of esteemed scholars, distinguished ambassadors, defence attachés and eager students was highly acknowledged.

While highlighting the importance of the conference he said that the gross human rights violations in Indian Occupied Kashmir (IOK) have been widely discussed by International experts and various human rights organizations have been gathering facts on the subject for the last seven decades. But the submission of report by the UN Human Rights Commission, Geneva, has remarkably become the basis to charge Indian state with these gross violations.

He said that Pakistan House is an independent International think tank based in London, Islamabad and Copenhagen. It's a non-partisan and a non-political entity, and our think tank specializes in developing new material, that is based on the intellectual and academic efforts of renowned scholars, subject matter experts and professionals in the field of international security affairs. This conference too has brought some of the best experts on the subject.

He concluded that Pakistan House argues for the protection of Kashmiri youth and de-militarization of Indian Occupied Kashmir. Making these two as the top priorities, international community will directly contribute to the Kashmiri people's right to self-determination. Most importantly the de-humanization of Kashmiri people at the hands of Indian military and the state must be stopped.

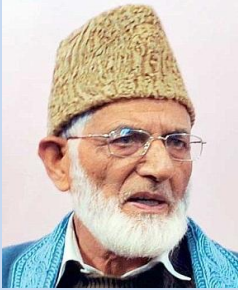
## Keynote Addresses

### Special Speaker:

**Mr Syed Ali Geelani**

**Chairman All Parties Hurriyat Conference**

**Srinagar, IOK (Brief Introductory Speech)**



In the name of God, the Most Gracious, the Most Merciful!

My sincere thanks and warm congratulations to Pakistan House, especially Mr Rana Athar Javed, Director General Pakistan House for organizing this timely seminar on , “UN Report on Human Rights violation in Indian Occupied Kashmir: Demographic Changes and Societal Implications”. It would have been a great pleasure for me to continue talking to you in detail but can’t do so. My representative Syed Abdullah Gilani will present my point of view in detail. I just want to convey that these events should continue and Indian false propaganda and its brutality in Indian occupied Kashmir needs to be exposed in every front. I wish you all the best. Thanks!

**(Full Speech Read by Mr Abdullah Gillani, Representative of Mr Syed Ali Geelani)**

Honourable chair, esteemed guests, speakers, dignitaries, ladies and gentlemen.

I greet you all with the universal Islamic greeting of peace. Assalamu Alikum!

I am sure you all are familiar with the fact that Jammu and Kashmir is a long pending dispute waiting for the final settlement in accordance with the U.N. resolutions and the wishes of the inhabitants of the occupied land fighting for the right to self-determination. The British divided the Indian sub-continent into Hindu majority India and Muslim majority Pakistan and shortly after their departure India invaded Kashmir and annexed it against the principles of partition and against the wishes of Kashmiri people. Around



the same time India also annexed the states of Hyderabad and Junagadh forcibly arguing that the principles of partition don't allow the rulers to decide the fate of their subjects, however the same argument was denied in the case of Kashmir.

Since then the people of Jammu and Kashmir have been relentlessly struggling to free themselves from the Indian military grip using all possible means and in response to our struggle India has deployed about a million armed forces to crush and control a small population of 10 million turning the region into a huge prison with the densest military concentration, which is not seen anywhere in the world as reported by several international organizations including the European Union despite there being a number of U.N. resolutions calling for a plebiscite in Kashmir.

So far, the occupation forces have killed more than one hundred thousand people in the region, about 10 thousand have disappeared, tens of thousands have been imprisoned, tortured and maimed. Indian forces have also used rape and molestation of women as a war weapon to humiliate and demoralize a culturally and morally sensitive population. Hundreds of unmarked graves have been identified and reported by local and international media while Indian media and establishment have completely ignored it.

It is widely believed that disappeared persons have been buried in these graves, but India has constantly turned down the demands of the families of disappeared persons for a probe. Residential houses are bulldozed and raised to ground using dynamite, orchards are ruthlessly cut to take the revenge from families of pro resistance activists, peaceful protesters and funeral processions are showered with bullets and the region is being used as a testing lab for newly introduced weaponry of government forces, be it pellet guns, chemical weapons, anti-tank missiles or the newly announced drones. Frequent nocturnal raids in search of youth, throttling the voice of Kashmiris by resorting to media blackout, banning and disruption of internet and paralyzing mobile phone networks have become a norm in our land. Our just struggle is being labelled as terrorism sponsored by the neighbouring country and a malicious vilification campaign has been going on, on both the state run and private media houses.



Thousands of our people irrespective of age and gender are languishing in prisons in and outside the state for years together without any legal proceedings. Even the Supreme Court of India has emphasized and laid down clear guide lines for the prisoners that they be kept in prisons near their residences, but our oppressor has refused to pay any heed even to its own judiciary. The government of India through its intelligence agencies has recently revived the dreaded state sponsored killers to eliminate the pro-resistance activists under the garb of unidentified gunmen, who operate with absolute impunity, targeting people in broad day light and sending shock waves across the region. This is a brief historical background of the Kashmir issue and a glimpse into the sad and gloomy situation prevailing in the region.

Friends, Bilateral talks, and the so called negotiations have proven to be a mere lip service and have failed to yield anything positive for the last seven decades and let me make it clear to everybody here and through you to the whole world including India that Kashmir issue is not merely a territorial problem or a border dispute between two countries. It is a humanitarian issue concerning the future of millions of people threatened by an impending disaster with the continued occupation and repression and the escalation of hostilities.

Ladies and gentlemen, as we know global situation is also not much encouraging, political differences, military confrontations, intolerance and mistrust between neighbours, environmental issues, water wars, trade wars, cyber threats, new arms race are some of the challenges that are escalating tensions and increasingly pushing the nations toward collusions. In such a grim situation the world surely cannot afford any confrontation between two nuclear neighbours in South Asia which the conflict in Kashmir has all the potential to trigger. International intervention in Kashmir, therefore, becomes an imperative in order to avert this manmade disaster waiting to happen.

We welcome the recent report by OHCHR on the human rights situation in Kashmir, the UNHRC undertook remote monitoring mechanism to produce this report in order to overcome constant Indian refusal to allow the UN team into Kashmir, we appreciate the services of individuals and NGOs, who's contribution was instrumental in highlighting the importance

and need for the principle of remote censoring mechanism in situations like Kashmir, in this respect JKCHR , deserve special mention, which through its delegations in 2016 and 2017 initiated the discussion on the principal of remote censoring with the office of the High Commissioner and thereby facilitating the production of this report.

Although the U.N. has taken too long to come up with its first ever report on Kashmir, but it's never too late to do the right thing, we believe its recommendations are a good starting point towards the resolution of the Kashmir issue. The report needs to be followed through and acted upon which has not happened even after 5 months following the publication of the report and this is certainly a cause of concern.

I thank you all for this patient hearing. God bless you all.



## Keynote Speaker 1:

**Ms Janne Teller**

**Author, former Conflict Advisor UN**



Mr President, Ministers, Ambassadors, Scholars,

Director General of Pakistan House, Ladies & Gentlemen,

It's an honor to address this distinguished audience today. And it is humbling; because the issue of human rights in Kashmir is so important for the lives and future of so many people and is essential for the very principles of human rights.

In two days, on 10 December, it will be 70 years since The Universal Declaration of Human Rights was adopted by the United Nations. In twenty-eight days, on 5 January 2019, it'll be 70 years since the United Nations General Assembly adopted the Resolution, calling for the future of the State of Jammu & Kashmir to be determined by a democratic and impartial plebiscite.

While the former has thrived and become a point of reference across the world, against which all human beings can measure their living conditions and strive or battle for betterment - the latter has suffered a failed existence. Yet, these two are closely intertwined. The success of the former depends also upon the implementation of the second: Human Rights were not set up as an exclusive privilege, but are to apply to all human beings - also in occupied territories, also in the State of Jammu & Kashmir!

Now, finally, after all these years, the United Nations has produced their first ever report on the human rights abuses in Kashmir. It's horrific reading, painful. Yet, paradoxically, it is a report we must welcome not despite, because of the horrors it depicts! But because for years those gruesome acts, those horrific mass rapes, torture, kidnappings, killings, have taken place with little to no attention paid by the outside world.

Documenting the violation of human rights may seem to be small step, but it is a significant first step for halting the abuse!

In conflict zones, human rights are always under pressure. But where an administration is and freely can operate as an occupying power rather than as a government to its people, living conditions and the human rights' situation for the citizens turn particularly precarious. There evidently will be no democratic and civil rights, no basic freedoms. Accountability fails, justice fails. At worst, everyday life turns dangerous, insufferable. When you wake up, it's anyone's guess if you'll be alive at night. It is such a very worst-case scenario that is the very real-life situation for the people living in, or rather: trying to survive in, Indian-administered Jammu and Kashmir, which I'll focus on here today. Their plight cannot continue. The situation has to change. And hopefully, this conference, arranged by Pakistan House – and all of you present here - can help further the road for change.

Let me give out a few examples: When women are raped with impunity by so-called security-forces that should protect them; when inexplicable kidnappings and forced disappearances are rampant; when parents can't send their children to school and be certain to see them again in the evening – there is nothing we can call human rights in such a place.

When there are laws, such as the Armed Forces Special Powers Act of 1990, and the Kashmir Public Safety Act of 1978, creating structures that makes it impossible to hold the powers accountable for violations of law and human rights, even when it comes to torture, rape and murder – evidently there is no space for human rights!



When a government turns pellet-firing shot-guns on its people, it does not represent, but repress them. In Indian-administered Jammu & Kashmir, between July 2016 and August 2017, 17 people were killed, and in

more or less the same period, 6,221 were injured by metal pellets, fully or partly blinding many of them. These are the official figures, it's anyone's guess what the real ones may be. We're talking about young people losing their eyesight by arms fired by the security forces!

When a local civilian man is tied to a car and used as human shield for occupying forces, as was the case of the 26 year-old Farooq Ahmed Dar in April 2017, on polling day in Srinagar-Budgam, there is no space for human rights.

When there are attacks on medical services, when ambulances are destroyed by the Security Forces, when tear gas is fired near or inside hospitals, human rights do not exist.

When journalists and human rights defenders can't act and write freely; when they're detained, like the Kashmiri photojournalist Kamran Yousuf, or French journalist Paul Comiti, or like the human rights defender Khurram Parvez - there are no human rights.



When in a few years, hundreds of thousands civilian people are detained for political reasons, and many of them die in police custody, and when 75% of prisoners are subjected to torture, there are no human rights.

When children are detained, there are no human rights.

When schools and colleges are closed for nearly 60% of the time, as was the case for the school year 2016-17 - there are no human rights!

When the Indian administration continuously restricts - or even suspends mobile and internet services, so that the population can't garner their complaints, or just communicate with each other or the world as was recently the case for about half a year for 7 million people in Kashmir - there are no human rights.

When one part of the population has less rights than other people under the same so-called government, there are no human rights.

It would be ideal, if Jammu and Kashmir were demilitarized, and if the plebiscite could finally be held so that the populations can decide how they wish to be governed. But the world isn't ideal, and realistically even second-best political solutions - (even noting the commendable latest generous gesture of opening the Kartapur corridor for Sikh pilgrims by Pakistani Prime Minister Imran Khan) - will probably take a while to come. But this is exactly why the one minimum thing that must be done immediately, is to find a way to secure the basic human rights of every man, woman and child living in Kashmir!

It's not controversial, or at least it shouldn't be! There can be no two sides to Human Rights. I'm sure that no government, certainly not the Pakistani - but nor the Indian government, will deny the very principles of human rights. It is the implementation of these in Kashmir that must be demanded. Saying it is simple. But of course, I know that there's nothing simple in getting it about.

To start with, there are many good recommendations in the United Nations' report. And much more can be done.

Hopefully, all the eminent forces gathered here today, can come together in not just spreading the message, but also in finding the way: To secure urgently the basic human rights for the citizens of Jammu and Kashmir. Now; If necessary, perhaps it's time to call upon a United Nations mission to oversee the situation. Beyond the military mission observing control line violations - a UN mission for the people of the region, overseeing the human rights conditions of the citizens with a purpose to set up a system for holding the offenders accountable.



When people for 70 years are denied the rights to vote on where they wish to belong – in accordance with a very clear United Nations resolution, the United Nations has failed. When the declaration of Human Rights is so blatantly violated year after year, the United Nations has failed. But who are the United Nations? It's all of us. All citizens of the world. So it's up to all of us, particularly all those of us from other, and safer parts of the world, all with power or influence – Ambassadors, and representatives of the international community - to impress on our governments to call upon the United Nations to deliver on its promises, decisions and principles.

When human rights are violated in Kashmir, they are violated in the world. That's why we MUST care. All across the world. We're one world, one humanity. The brutalities that happens against one person, is a brutality against the humanity of all people. Not just because the abuse of power that happens in one place today, can set a precedence and will easily spill over elsewhere tomorrow. But because we are each other's keeper. That's what the Declaration of Human Rights is about. We cannot NOT care. We don't have the right NOT to care.

We cannot look the other way, while the country celebrated as the largest democracy in the world, India, acts so undemocratically, so inhumanely, in its occupied territory of Kashmir. And there is, in all truth, also room for improvements on the Pakistani side of the line.

The human rights as they're laid out in the universal declaration, is our basic measurement for living conditions everywhere. That is why it is so ominous, yes even disastrous, when some American or European (also Danish) nationalistic politicians questions the Human Rights' declaration.

It's so gratuitous to do so in countries of democracy and prosperity, when being part of a homogenous majority, when living in safety - when being able to send your children to school in the morning and know you'll see them again safe and sound later at dinner.

Because for all the people in the world, who don't have this privilege, for all such as the Kashmiri mothers and fathers, who don't know if they will see their children again, who live under laws that don't protect them, under

governments that are not their friend, but their adversary – they have nothing to hope for other than exactly the principles laid out in the Human Rights Declaration. The hope that people with safer lives, from safer nations, will compel their governments to stand up, not just for their own human rights, but also for the rights of others – to never forget, but to find ways to also secure the human rights of the horrendously oppressed and abused people of Jammu and Kashmir.

So today, distinguished Ladies and Gentlemen, let's exactly do that.

Thank you!





## Keynote Speaker 2:

**Dr Nazir Gilani**

**President, Jammu and Kashmir Council for Human Rights**



Chief Guest, honorable President of Azad Jammu and Kashmir Sardar Masood Khan, Rana Athar Javed, Director General Pakistan House, ladies and Gentlemen Assalamu Alikum.

I have a responsibility to discharge in reference to this report. As I'm a son of that soil and a Kashmiri, so it would be a slightly different approach to explain and sensitize the situation of Kashmir, it is the report about what's missing what we need to contest and what we need to support.

Mr President, UN Secretary General visited Jammu and Kashmir on 20 January 1959. That was the first direct access of the people of Jammu and Kashmir to the UN. 14th June 2018, is an indirect approach which we call report monitoring. Although, it came out after 40 years, it's an important development to expose India's assault on the rights of Kashmiri people. A 49-page report under 40-paragraphs out of which 23 are about Azad Kashmir. At the same time, we have another report from Secretary General of United Nations which was on children in the conflict zone, so two reports have come at the same time complementing +and supporting the Kashmir cause.

On the question of remote monitoring, I think Pakistan House deserves special appreciation especially Rana Athar Javed because it has a principal role in flagging the mechanism of remote monitoring. We took a delegation to the UN in September 2016 and followed by June 2017. At this point, it's very disturbing that we could not defend the first visit of Secretary General to Srinagar in 1959.

As a Kashmiri, we should flag the numerical strength of the report, whereas Indians have failed to counter the allegations in the UN report, therefore, one should continue to expose India's gross human rights violations in IOK.. It's important to defend this report as this report counters

the myth that India is unsalable. fact that it took 40 years to submit this report.. Despite many merits, more needs to be done, and this report can become the basis to further the cause of reporting facts about India's doctrine of dehumanization of Kashmiri people.

Negating the Indian claim that Pakistan authored this report, United Nations Secretary General said that this is the voice of UN. Whatever the high commission has said in the report, it is the voice of UN that means the voice of 193 countries. We need to respond to India's propaganda consistently and through logic.

The UN report says that AJK is controlled by the Pakistan military all that is so untrue. In another area the report state that there is poverty in Gilgit Baltistan and these people are being deprived of their rights. We have to contest to nullify these false claims. This report that defines the conflict in IOK having its own importance on the point of this conflict. India never agreed that there are crimes against humanity in IOK but this UN report clearly states that India is engaged in the war against the people of Kashmir.



Before this report, the method of “remote monitoring” was applied to Turkey and Venezuela. There are eleven members in the human rights council which have been part of discussion on the Kashmir dispute. Pakistan should take the lead and continue to lobby. We can very easily access them and convince them because it has been long and these members need to be

reminded. the UN's statement that the report is a voice of UN. We don't need to be disappointed because the report on Yemen took two and a half years to go through. So, it doesn't matter if we do not have the support at this point but it may be required in the near future. This is the biggest step, and we need to ensure an international commission makes an official visit to Indian Occupied Kashmir and physically examine the gross and systematic violations of human rights - the international diplomacy will take time but we should remain steadfast in exposing Indian brutalities.

The report states that there are 500,000 to 700,000 heavily militarized Indian soldiers in Kashmir, this fact is the basis to build a strong argument in favour of de-militarization as Indian soldiers are killing innocent Kashmiris.



On the 15th day of January 1948, India surrendered the accession at the UN in exchange for the UN supervised vote. There was no accession between that part of Kashmir and the government of India from 15th of January, there is the occupation ever since. No one can deny the fact that Indian soldiers have killed more than 100,000 Kashmiris, so the life has not been protected in IOK. History has never seen such dishonor of Kashmiri men, women and children.

On the 16th of January 1957, Pakistan came up with a proposal requesting United Nations Army in Kashmir. In support of that proposal, Australia, Cuba, United Kingdom (UK) and the US passed the resolution supporting the Pakistani case.

There should be a neutral army in Kashmir, not Indian, not Pakistani. Because the only duty of a soldier in Kashmir is to defend the territory and to have a free plebiscite so, the defense of the state is very easy because the Government of AJK, the Government of Gilgit Baltistan and the Srinagar Government all can join together to defend the area.

According to the International Law, the dispute between India and Pakistan on Kashmir issue is to be resolved with a third-party intervention. UK, US and the Philippines proposed the third party arbitration. India and Pakistan are free to engage with each other but they are not free to keep on engaging with each other till eternity. There has to be a limit because if the bilateral engagements fail then there is a provision for arbitration. The arbitration has been suggested, it should be International Court of Justice (ICJ) to suggest that what kind of arbitration should be made to resolve this issue.

Sweden has also supported this, that we need to have UN force in Kashmir and if India and Pakistan do not agree, there should be an advice and arbitration. Pakistan has a strong consistency in all parts of Kashmir and we support Pakistan's point of view that it has assumed a responsibility under the UN resolutions. Pakistan support UN resolutions and we also support UN resolutions. The government of Azad Kashmir has the prime and principle role, the president of AJK is free under the constitution to structure the institution of plebiscite because the duty of Azad government is nothing, but working towards realizing the right of self-determination of the people of Kashmir. The President has a defined role, he can build an institution, a team of leading people of Kashmir who can give advice on Kashmir.

Most importantly, establishing good relations with the UN and keep supporting the cause of Kashmir. This is the best way to resolve the conflict, because it was United Kingdom at the UN Security Council which said that there are six elements of Kashmir problem. The resolution has accepted the tribesmen, the insurgency, people of Kashmir, India and Pakistan.



The report also demanded to free the prisoners of Kashmir waiting for help in different prison cells of India. Syed Ali Shah Geelani, a strong and fearless

person, he could hardly speak, he hasn't seen the daylight for last 12 years, that should have surfaced in this report. And the Kashmiri women, who have been taken to prison for the first time in the history of Kashmir should be released.

It has not been flagged in the report, that prisoners' equity has not been maintained, a careful reading of the report is necessary especially in the areas which we need to contest the omissions and wrongly mentioning of state of human rights in AJK. The report has a few advantages especially in regards to the caliber and the magnitude of the violations in IOK. The UN defense report says that the UN Human Rights report is the first step, and it will take time to establish an inquiry commission, in order to monitor the situation. In Yemen, it took two and a half years and the mandate of observers has extended. As a result, they are investigating war crimes in Gaza and in Yemen. So, it may take some time before we see similar commission investigating war crimes by Indian military in IOK.

I would conclude, Mr President, that when Secretary General of UN visited Kashmir, in March 1959, he needed an Indian visa. Indians at time needed a permit to enter Kashmir. So, the visit created a climate of deceit. So, when the UN Secretary General was in Kashmir, Indians convinced the Prime Minister of Kashmir Bakshi Ghulam Mohammad to remove this restriction, this permanent restriction on Indian travel. He did it on 31st March 1959, 10 days after the Secretary General left Kashmir.

The first and the last paragraphs of this report evaluate and see what are the areas that we need to support, what are the areas which we need to contest and what are the areas we need to clarify.

People from the valley are all over the world, they know who the victim is, the divided families will tell you. It was that point that they said, we can go for remote monitoring.

They should have also quoted the Chief Justice of Delhi High Court, Rajinder Sachar, who has done great work on Kashmir. They should have quoted justice Tarkunde (late), Chief Justice of Bombay High Court, he has also done great work on Kashmir. India could not have been in a position to challenge the report.

There is a space for improvement, we will go back to UN for the cause of Kashmir. I think Azad Kashmir Assembly should comment on the services of a high commissioner who made this report, he tried his best in making a good report. He has done a tremendous first-time job after 40 years and after the return of Secretary General of UN in March 1959. We have a wonderful report and we do not go into details and contest theories, and support where it needs support and seek clarifications where clarifications are due.





## Chief Guest for First Session

### Mr Sardar Masood Khan

#### President of Azad Jammu and Kashmir



Mr Rana Athar Javed, DG Pakistan House; Mr Abdullah Gillani who is representing Syed Ali Geelani, our prominent leader of All Parties Hurriyat Conference (APHC); Miss Janne Teller author and former conflict advisor to the United Nations (UN); Dr Nazir Gilani President of Jammu and Kashmir Council for Human Rights (JKCHR); Mr Ghulam Muhammad Safi Syed Ali Raza who has travelled all the way from

Brussels, the member of Kashmir Council Brussels; Master of the ceremony Miss Sana Maqbool; Excellences'; civil and government officials; members of the print and electronic media; ladies and gentleman good afternoon and Assalamu Alikum to everybody.

First, I want to comment on Rana Athar Javed and Pakistan House for taking such initiatives from time to time. He has been very faithfully and effectively projecting the cause of Kashmir in Pakistan and around the world, to the diaspora community and other interlocutors in different capitals of the world. So I thank you for taking this timely initiative. All the Kashmiris from the Indian occupied Kashmir (IOK), from Azad Jammu and Kashmir (AJK) and in the diaspora community are beholden to you. Thank you Mr Rana!

Let me start with the preference today before I go to the report, right now in the Indian Occupied Kashmir (IOK) the Kashmiri leadership, Kashmir joint resistant leadership has given a call to celebrate this week or to mark this week from the 3<sup>rd</sup> December to 9<sup>th</sup> December, as human rights week for the Kashmiris. In reaction, leaders have been incarcerated, political activists are arrested, candle lighting in the memory of loved ones was banned and the killings of the Kashmiris is reaching its peak. This week, an Indian Army General posted in the social media that they have killed 23 young men in 23 days, this is all happening in IOK. The Indian Army Chief General Rajendrasinhji Jadeja gives a vitriolic statement everyday against Kashmiris, against the People of Pakistan and the State of Pakistan.

There is this anger in Kashmir, palpable anger against their atrocities, against the occupation, against the brutalities of the 700,000 occupational forces in the IOK. And this anger can be felt in the massive boycott of the Panchayat (Village- Government) elections that India is struggling to hold in the occupied territory. They were to elect 13,347 “Punches” or members of the Panchayat. 7,387 seats remains vacant as no candidature was presented, no election was contested and out of these 13,000 plus seats only 3,593 members or Punches have been elected unopposed. When the cycle completes, particularly in the southern part of the IOK, most of the seats remain vacant. The pellet guns and shot guns have been used ruthlessly. The latest and the youngest victim is the Hiba Nisar; she is a toddler, 19 months old, she doesn't know what has happened to her, she was hit in the arms of her mother and during her treatment the doctor said there is a probability that she would lose the sight of her right eye as she is waiting to go for the second surgery.

The New York Times says and I quote “India has blinded more civilians in Kashmir with pellet guns than any other regime recorded in the history of mankind.” According to Al-Jazeera, 6000 people of all ages mostly teenagers have lost their eye sights fully or partially, Hiba Nisar is the youngest victim and she is the cousin of Insha Mushtaq who lost eyesight, both of her eyes, way back in 2016 in the aftermath of killings that occurred following Burhan Wani's martyrdom.

There is a rising graph of human rights violations in the IOK. Now, the new normal in the IOK is being defined, Kashmiris are being killed, maimed and tortured. The Indian occupational authorities are trying to buy the Kashmiri mavericks to swell their electoral ranking and to diverge their loyalties to the Bharatiya Janata Party (BJP), they have cut off the dialogue with the representatives of the Kashmiris and with Pakistan as well. Dineshwar Sharma who has been appointed as the focal person for the dialogue with the Kashmiris, is avoidant, detested and not considered to be a credible interlocutor. Another trend that has been reported, not only by Pakistan but the Generals in the IOK that the number of the indigenous militants in IOK is dwindling fast. And no crossing across the Line of Control (LOC) have been reported in the past few years, Indian authorities also talk about it but not in figures because crossings have been drastically reduced.



Office of the United Nations High Commissioner for Human Rights reported that India is violating the Universal Declaration of Human Rights and the bulk of the 60 instruments that have been inspired by the Universal Declaration of Human Rights. And specifically I would say that violating the two covenants; one the civil and political rights and the other one social, economic and cultural rights. Convention against torture and other cruel inhuman, degrading treatment and punishment that is meted out to the Kashmiris every day. Convention on the rights of the child, international convention on the prohibition of protection of all or the protection of rights of all people against the enforced disappearances and convention on prohibition or discrimination against women.

Let me come to the report itself, when I was listening to Dr Nazir Gillani, I got the expression that as if it's a big achievement. I was talking to Miss Lucas and she told me that a lot of people don't even know about the report. This report is a significance step, but it is just the tip of an iceberg. It has not been able to record the full horror that visits Kashmir every day because as the United Nations High Commissioner for Human Rights said that his team had to resort to report monitoring because no direct access to the territory was possible. It is an initial step and it is the responsibility of human rights defenders and human rights activists to turn this report into a live and evolving document. This is not a landmark, this is a beginning of our conservation and as Dr Gillani was saying that this has broken a taboo and the taboo was; India is unsalable and India is unaccountable. This is the real significance of this report. Let me tell you that this report in its present form is a damning indictment of what India is doing in IOK and what India is trying to hide there. India has failed to hide its crimes against humanity in the IOK.

Let me pay a tribute to the people who have worked for the publication of this report. Our diaspora community in the UK, activists in Europe, and the delegations of Kashmiris from IOK and from Pakistan, that are going to Geneva year after year. This constant engagement with the international community and with the office of the United Nations High Commissioner for Human Rights and your speeches and presentations, first in the human rights commission, now in the human rights council, have made a difference and your persistence has paid.

There are human rights violations, access to justice is denied, a culture of impunity is fostered deliberately, all perpetrators of human rights particularly the occupational forces and police personnel, all enjoy the immunity from the prosecutions. There is excessive use of force, there are tortures, there are arbitrary arrests and detentions, there are enforced disappearances, and there are violations of rights to health, education and freedom of expression.



### **There are a few points that highlight the significance of this report:**

1) It is the first ever published report by the UN on human rights violations in the Indian Occupied Kashmir. The contents of the reports have been established and substantiated by an independent folk. It is not the word of the Kashmiris or Pakistanis against Indian word, rather it is an independent evaluation and independent conclusion.

2) Second point which highlights some of the recommendations of this report, which everybody needs to understand;

**First**, it calls on India directly and says that India must respect the right to self-determination of the people of Jammu and Kashmir, which is protected under international law and negates India's pointless argument that it's a bilateral issue and Kashmiris have nothing to do with it and it is only to be settled between Delhi and Islamabad, without indulgence of Kashmiri representatives.

**Second**, recommendation is that the two draconian laws; the Armed Forces Special Power Act (AFSPA) and the Public Safety Act, which fosters the culture of impunity and immunity from prosecution, has to be rescinded.

**The third** recommendation is a call to the human rights council to establish a commission of inquiry which would conduct independent and comprehensive investigations. These investigations are not to be conducted by Indian investigators. As mentioned, whatever has been gathered by the Office of the United Nations High Commissioner, has been through indirect

observation, this commission of inquiry should go for direct observations. It has also been demanded that India should prosecute all cases of sexual violence with forensic investigation of more than 600 unmarked graves.

UN Secretary-General António Guterres reassured by his remarks that he has owned the report, on behalf of the 193 members of the UN. And Michelle Bachelet the successor of Zeid Ra'ad Al Hussein, under whose watch this report was completed, has also owned this report. She said that there is a need for follow-up and meaningful improvement in the report. She said that there should be open and serious discussion on grave crisis in Kashmir that should be addressed and people of Kashmir have same rights to justice and dignity as the people all over the world. We thank Michelle Bachelet, Zeid Ra'ad Al Hussein and António Guterres.

The second report worth mentioning has been published by All-Party Parliamentary Kashmir Group, a multi-party group in the British parliament (which now has 76 members that includes Members of Parliament and peers from the Conservative Party, from



the Labour Party and from Liberal Democrats, it covers the entire political spectrum). I want to appreciate the efforts made by the diaspora community in the UK. They lobbied with the Members of Parliament, peers and played an instrumental role in the publication of this report. I also want to thank, on this special occasion, honourable Mr Chris Leslie and Mr Debbie Abrams for preparing, presenting and projecting this report. This report also demands the repeal of draconian laws, ban the use of pellet guns, ban enforced disappearances and conduct the forensic investigations of the unmarked graves. It also demands that India should allow the international inspection of IOK where Kashmiris are incarcerated and tortured.

There is also a third report which was published last year, and has remained in the anonymity, by the Organization of Islamic Cooperation (OIC), Independent Permanent Human Rights Commission (IPHRC), they

came to Azad Kashmir, they visited Pakistan and they wanted to go to IOK but were not given access by the Indian authorities. This report contains two key recommendations; First, India's human rights violations are so atrocious by any standard that the international community particularly the Islamic community should impose economic sanctions against India and they have appealed to the Islamic Development Bank and to The Islamic Solidarity Fund for Development (ISFD) to provide assistance to the Kashmiris trapped in humanitarian crisis. Organizations like Amnesty International, Human Rights Watch and the Crisis Watch have been faithfully producing the reports about gross and consistent violations of human rights in the IOK.

I would like to add that, while civil society in Brussels, London and Washington are alive and they are vocal about these abominations in the IOK, but the officials in Brussels, London and Washington are silent. Let's all work together to break this conspiracy of silence in the official manner.

The UN, especially the UN Security Council, I sat through the meetings of the Security Council when Pakistan was the member of the UN Security Council, and I know the dynamic of the liberation. UN Security Council should speak up, if the Security Council can meet over the meetings to consider the situation in the Central African Republic, why can't they meet to consider the situation on Kashmir. Kashmir is burning and I would say that words are not enough, the UN must act. The UN Secretary General must act, the UN Security Council must be cognizant of this situation and the Human Rights Council must be established this commission as well.

Let me send this message through the platform of Pakistan House to the UN Office in New York that they have special representatives for the Balkans, for the Central African Republics and for South Sudan, the UN special representatives and special envoys in those regions, and of course the European Union (EU) is fully occupied regarding the situation in the Palestine. I say you look at all the conflicts, Kashmir situation is much more severe than all the situations on their agenda, so appoint a special envoy on Kashmir and this should be the demand that we should orchestrate. Let me also tell you, the human rights violations of the people of Kashmir would not go vague until we address the root cause and the root cause is the denial of the right of self-determination to the people of Jammu and Kashmir.



There is darkness in IOK and this darkness is deepening by each day. It is not just us, the Kashmiris or the people of Pakistan or the people of the diaspora community, rather it is the responsibility of the entire international community to intertwine and to help redress the situation.

Despite this darkness, despite these cruelties, barbarism and state sponsor terrorism in Kashmir, Kashmiris have vowed to win their freedom. No power on earth will ever be able to stop them. We are thankful to the people and state of Pakistan, since 1947 they have remained steadfast in the support to the people of Jammu and Kashmir.

Kashmiris will continue to give their pride for freedom in their social, political and diplomatic struggle. The people of Jammu and Kashmir are advocates of security and stability in the region. We stand for peace, we don't want to become a nuclear flashpoint between India and Pakistan. We want to become a symbol of peace and amity and connectivity between these two nations. We want peace. We want dialogue between India and Pakistan but this kind of dialogue should be based on the principles of parity and reciprocity. This dialogue should also include Kashmiris in one form or the other, because Kashmiris are the key constituent and the key party to the dispute. They are the ones who have to decide about their political destiny and about their political future. The dialogue must not be used by India as a device to buy time, it must not be used as a device to give the impression that this is only the bilateral issue between Delhi and Islamabad. While the dialogue takes place between India and Pakistan, doors for the Kashmiris and Pakistanis to the UN must remain open.

And yes! We took action with regard to Kashmir way back in 1960s under Chapter VI of the UN Charter but we stopped half way. There are many molds and modalities which are still possible and if the situation escalates, we can take this issue to the UN and invoke chapter VII of the UN Charter. Current situation in IOK is very bad, it is already escalated as far as the people of Kashmir are concerned, because in year 2018, 400 Kashmiris have been killed, and most of them are teenagers.

And yes! The massive, huge, magnanimous overture that Pakistan made in the form of Kartarpur Corridor must be reciprocated. There was no pressure on Pakistan to make this overture. All the same, India must reciprocate this overture by stopping the killing of Kashmiris, by stopping this carnage which is conducted every day, through what they call search operations.

In the end, I would like to demand that India should immediately release the aging leader of the Kashmiris, Syed Ali Shah Geelani, Yasin Malik and Asiya Andrabi, who has been jailed along with her two colleagues; Fahmida Sofi and Nahida Nasreen.

I would like to say that when it comes to human rights, Azad Kashmiris are no paragon of perfection yet they try, like any other nation to promote and protect human rights. And if any criticism from UN is just, we will try to rectify it. We need the advice and counsel of the international community, and if the UN and the drafters of UN report have been misinformed we must dispel their misgivings. Let me assure you that this is already being done by the Government of Pakistan, by the Foreign Ministry and also by our permanent mission in Geneva.

I conclude with a quotation from Rumi;

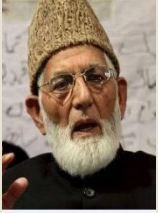
“You were born with wings, why do you choose to crawl.”

Let me say that Kashmiris will not crawl under any circumstances and they will fly with the wings of freedo





## Noteworthy Snippets



*“Friends, Bilateral talks and the so called negotiations have proven to be a mere lip service and have failed to yield anything positive for the last seven decades and let me make it clear to everybody here and through you to the whole world including India that Kashmir issue is not merely a territorial problem or a border dispute between two countries. It is a humanitarian issue!”*

**Mr Syed Ali Geelani**



*“Kashmiris will not crawl under any circumstances and they will fly with the wings of freedom.”*

**Mr Sardar Masood Khan**



*“Pakistan should not be hesitant in reiterating the UNSC resolutions on Kashmir and stating their linkage to similar UNSC resolutions on East Timor (UNSC Resolution 384 of December 1975 and UNSC Resolution 389 of 1976).”*

**Dr Shireen Mazari**



*“When human rights are violated in Kashmir, they are violated in the world. That’s why we MUST care. All across the world. We’re one world, one humanity. The brutalities that happens against one person, is a brutality against the humanity of all people.”*

**Ms Janne Teller**



*“Negating the Indian claim that Pakistan authored this report, United Nations Secretary General said that this is the voice of UN. Whatever the high commission has said in the report, it is the voice of UN that means the voice of 193 countries. We need to reply technically to India, not emotionally.”*

**Dr Nazir Gilani**



*“Nothing like this is happening anywhere in the world even if searched in history. You have a state using pellet guns against innocent young people. This is not right, this sort of systematic atrocities should never have happened.”*

**Mr Afzal Khan**



*“The people of Kashmir deserve their hope to be strengthened, not crushed.”*

**Ms Marjan Lucas**





*“The aspirations of the people of Indian Occupied Kashmir (IOK) will not be suppressed and they will get their right to self-determination.”*

**Mr Ali Raza Syed**



*“We must not allow this report to sink into oblivion. This report has not only given a new lease of life to the Kashmir issue but has also rekindled the dimming lights of hope in Kashmir and we must not allow nefarious plans seeking to extinguish these lights to succeed.”*

**Mr Abdullah Gilani**



*“Both India and Pakistan jointly endorsed that plebiscite on 13th of August 1948. Having accepted the plebiscite proposal, how could India still talk about the instruments of accession of 27th October 1947?”*

**Mr Ghulam Muhammad Safi**

## First Session Speeches

**Mr Afzal Khan**

### **Shadow Minister Immigration, United Kingdom (Video)**



First of all, let me apologize for not being with you. I was looking forward to joining you as I knew there is an amazing line-up of speakers here who have gathered for an important subject. Many of you know the situation in Britain, there is an extensive debate on Brexit these days. So, because of that I was unable to join you, but nevertheless I wanted to thank Pakistan house for organizing this very important conference and I'm very sure all of you are participating and understand the subject much better and collectively come towards finding a way forward and some of the possible solutions so that we can resolve this very difficult subject.

We know from the last 70 years the people of Kashmir have been suffering and sadly this suffering is getting worse day by day and in the last few years we see the intensity of violence Kashmiri people are suffering is unprecedented. Nothing like this is happening anywhere in the world even if searched in history. You have a state using pellet guns against innocent young people. This is not right, this sort of systematic atrocities should never have happened. There are many other aspects which need to be discussed. I'm sure there are many learned speakers who will touch on this with you; I know that the Indian Government desires to neutralize the situation and the steps they are taking is to undermine the number of UN resolutions which are there which they themselves went to the UN to accept. Sadly, the World has been too quite on this matter, they actually haven't really piled up the pressure which was needed in order to get this issue resolved, and now, the brutality has increased from the occupying Indian troops.

I could say that this report is importance to step forward here in Britain. It was followed by the All-Party Parliamentary Group on Kashmir's (APPGK). I am also looking forward to attending European Parliament's

Human Rights Committee hearing on Kashmir. It will be the first time that there will be a proper hearing of this whole issue where different members of the European Parliament across the 28 countries will be able to contribute to see how this matter could be pushed forward. This issue has been neglected for too long.

Considering the problems that we have in the world today, we need to sit up and try to do whatever we can, to systematically tackle each problem and get it resolved otherwise all problems will remain there.

This dispute that we have in Kashmir is very dangerous as the whole South Asia is paying a price for it. It has been held back and what makes it very dangerous is that both India and Pakistan are nuclear powers. We have seen in the past; when a nuclear weapon was used in Japan (Hiroshima and Nagasaki), still after 70 years the suffering is there. Such is the lethal force of nuclear weapon and the weapon we have in the modern day are actually many times more powerful than the one which was used in Japan. So, I don't think world can afford to see a nuclear war between India and Pakistan, all the experts say that India and Pakistan are at a nuclear flash point. If you look at India, around 320 million people are living below the poverty line so then the question is how could a government could spent so much on the war side when their own people are going through such levels of poverty?

We really need to get together and every one of us have a moral responsibility to get this issue resolved and I myself as a member of British parliament know that we have a double responsibility as this dispute goes back to British raj, and British government been a permanent member of the UN and has been pretty active in global context, therefore, they have to do more, they can't simply say this is a bilateral matter between India and Pakistan. From a number of decades we have been hearing this is not going anywhere. There are standing UN resolutions that require us do something on our part.

We will pile pressure on British government that they actually can't be biased, and can't simply say this is the issue between India and Pakistan. So, we will pick this fight and make sure that peace is given a chance and I hope through this conference many speakers will give their ideas. We need

to redouble our effort so the suffering of the Kashmiri people is brought to end.

**Ms Marjan Lucas**  
**An Independent Consultant and a Former Associate of**  
**PAX (Peace in Latin)**



Respected Rana Athar Javed, Pakistan House, thanks for bringing us all together over here in Islamabad, in this beautiful conference-hall.

Mr Rana, you contacted me few weeks ago, inviting me for this function, I could not immediately confirm to join in. It was in the days that I was preparing myself for another mission, in another country, and, I admit, I asked myself if it would be worth all efforts to overthrow schedule of obligations at home and participate in yet another conference on Kashmir after participating in many events so far on the dramatic subject; on the ongoing massive human rights violations in Kashmir.

But in a next second I felt, yes, we must go on, for so many reasons: there is the UN Report on Kashmir by Zeid Ra'ad Hussein, former UN High Commissioner for Human Rights to the UN; there are the statements and proposals expressed by Pakistani Minister Dr Shireen Mazari; there is a unique hearing planned on Kashmir in European Parliament in Brussels in early 2019, thanks to the Chairman Kashmir Council EU Mr Ali Raza Syed; there are the local human rights activists who worked so hard and sacrificed so much to come this far with their reports and campaigns; and most important I would say, there are the people on the ground who re-newed their hope for change upon hearing about publication of the UN Report.

So here I am, here we are, and am grateful and happy to be here!

We have the UN Report in front of us and we must make sure this UN Report will not end up as the UN Resolutions of 1948 and 1949 on shelves to gather dust, as respected Kashmiri leader Farooq Siddiqi of World Kashmir Diaspora Alliance lately stated during the Kashmir EU Week 2018 in

Brussels.

India responded, immediately after publication of the report, by completely rejecting it. However, the rejection by one single nation cannot mean it is simply completely off the table. Unless other important actors agree to reject it too... If that really happens, there is a serious risk the report gets dusted and buried indeed which for the local Kashmiri would feel as yet another betrayal by those who are in power and don't use it to make a change.

The people of Kashmir deserve their hope to be strengthened, not crushed. So here we are. We can and must move forward.

My connection with Kashmir and the Kashmiris is my work in international alliance with local civil society in Srinagar. From 2001 onwards I worked in partnership with the Srinagar based Jammu & Kashmir Coalition of Civil Society (JKCCS) on strengthening their organization on the ground and on international lobby in Europe, Brussels especially: for these independent and genuine human rights defenders and civil society groups, it was, and still is, of utmost importance to make their voices be heard, faces be seen and reports be taken serious on relevant political and diplomatic fora.

I have met some of you already before, once or more, be it in Washington DC, New York, Brussels, London, Geneva and today once again in Islamabad, thanks to the efforts and hospitality of Pakistan House.

So my roots are in local human rights activism and academic research, and that is my focus in short speech for you.

Working from bottom to the top, is what independent local civil society activists aim to achieve in their protests against India's oppressive policy on Kashmir and in their campaigns for justice, freedom and democracy in the militarized zone of Indian Administered Kashmir (IAK).

As you all can notice, the UN report quotes as its sources many local NGO's like JKCCS, APDP, Doctors Association Kashmir – as well as data from their international allies, international NGO's or Think Tanks like HRW, AI, ICG, Physicians for Human Rights, and the NGO 'Pax' (formerly called IKV Pax Christi) which I used to work for up till 2014.

The UN Report could not have been written without their input, data, analyses and interviews. The local people's courage and persistence seemed to bear fruit last June, against all odds and hopefully, the UN Report will get a follow up on the diplomatic and political level.

This doesn't mean that local and international activists, NGO's and Think Tanks will now merely wait and see what politicians will do – no they will keep on track parallel to them: they will persist in their work on the ground because they feel that pressure from below is a necessity to continue to reach out for results at the top.

And they feel fact and figures on human rights violations in the past 6 months June to November, since the UN Report was published, underline this perception that they have to persist in their work.

The drama for the people on the ground is that these facts and figures prove that nothing has changed since June 15th: killings, torture, explosions, abductions are listed in new lists by the human rights defenders, victims and perpetrators are listed, their age, the data when they were killed or injured.

The document 'Statistics of killings post UN Report' was sent to me from Srinagar onwards.

Let me highlight them shortly for you.

The document lists in 286 killings, civilians killed by state-actors as well as by non-state actors. Civilians like a labourer, a carpenter, a 7th class student (13 years of age), a schoolboy (9 years of age), housewife as well as political workers of parties like PDP.



The data show the variety of people, of brutalities, of victims, of perpetrators in the daily life in the militarized state of Jammu Kashmir. It is of utmost important to file the data and report them to the 'world outside'.

However, the space to do so for civil society in Kashmir is

dramatically curtailed. Yes, army is everywhere. But militarization of Kashmir is not merely a matter of an overwhelming army presence in the streets, in the internet cafes, in shopping centres, apple yards or on university campus. But militarization has torn much deeper into Kashmiri social and psychological fabric which cannot be restored by merely, if at all, retreating army from civilian public space.

'Militarization created individual and collective trauma, cultural destruction, ethnic fragmentation, social dislocation, socioeconomic devastation and corruption' as a very dear friend in Delhi (Dr. Seema Kazi) defines it in her thesis on Gender & Militarization in Kashmir.

Yes, she is from Delhi and she and a many more Indian fellow activists also worked hard for many years and against all odds to express solidarity with the Kashmiri and to confront India with its oppressive policy vis-à-vis Kashmir. I didn't mention them as yet, but Indian civil society activists and alliances were, and are, also of importance in campaigning for justice in Kashmir.

Well known for example, is Arundhati Roy who speaks out on Kashmir, fearless and straight, and Professor Angana Chatterji who cooperated in the JKCCS reports on the thousands of unmarked mass-graves in Kashmir. And even for them, space to act is seriously and dramatically shrinking.

Speaking truth on Kashmir needs more courage than ever before - in Kashmir and beyond. The way one relates to Kashmir has become, and is used as, an acid test to differentiate 'the patriots' from 'the traitors', in Kashmir and Delhi, Mumbai and elsewhere in India as well. Indian civil society and human rights activists got caught up in their own struggle to preserve space to act, speak, and even think: they are also under huge pressure of what respected Kashmiri human rights defenders describe as perverse politics in India by the present regime in Delhi.

To quote my friends in Kashmir as well as Delhi: "Opposite to former governments that kept the façade of a Shining Democracy in the air, this government in Delhi doesn't even try to hide the character of their politics, but are simply blunt and ' honest' in that they really believe in harsh oppression and right-wing radicalism".



I already shared with you the recent data from Kashmir. Other data you will find in the UN report, elaborately described and underlined with notes and references to many more reports of local and international NGO's.

All paragraphs have to be seriously taken notice of - in the concluding part of my contribution today - I want to briefly give some extra attention to the paragraphs on torture, pellet guns and sexual violence.

- Torture, pages 26 - 27 because it is hard to imagine the cruelty of the facts.
- Pellet guns, pages 22 – 24 because these are the weapons uniquely used in Kashmir
- Sexual violence pages 35 – 38 because this crime is not even registered as crime

The perpetrators of all these crimes enjoy impunity under the Black Laws. Judiciary in Jammu Kashmir is completely neutralized, local lawyers hope for universal jurisdiction so that those who would have to face trials can no longer travel around to safe havens abroad.

Locally, nationally and globally we need each to move forward to achieve sustainable results vis-a-vis the situation on the ground.

In Europe we aim to compel and persuade the EU / European legislators, supported by input of Think Tanks, INGO's, etc. - to play a more active role in promoting a negotiated settlement for a sustainable resolution of the conflict and a guaranteed halt to the human rights violations and the suffering of the people on the ground.

Next year we will have elections in Europe, we will elect over 700 new MEPs and we, as NGO's and Think Tanks and Diaspora, will probably have to put once again time and efforts to inform the new coming MEPs on Kashmir, build networks, alliance and make sure the investments in lobby will not vanish in thin air.



Kashmiri civilians and activists understand very well that reality on the ground will not change overnight, and they will persist not to give up hope as long as there is a horizon of hope.

Local and international civil society groups and think tanks did their job and will continue to do so. But they need allies, they need diplomats and politicians to follow up – And yes, there is still a long way to go. Roadmaps have to be developed and roadblocks have to be dealt with.

There is no way back.

There is also another example from the Valley:

Quoting JKCCS: “Three hundred women from different states of Pakistan and from Muzaffarabad have returned to Indian Administered Kashmir after the J&K Government declared the rehabilitation policy in 2014 and promised the rehabilitation.

These woman had married with former, demobilized Kashmiri militants and had returned to the Valley through Nepal border, and are now living in IAK.

However, no rehabilitation was made and even they are not given the travel documents to meet and support their relatives in Pakistan. Lot of their relatives have died in Pakistan and they couldn't go there, some of them even committed suicide due to frustration. Even their children are deprived of the travel and other relevant documents. They regret returning here as they were duped by the Government and are now more concerned about their children, they are like stateless persons.

Two of these Pakistani women were lured by the Government to be given the passports if they would participate in recent municipal elections, elections that were boycotted by



opposition groups. They defied the boycott and participated out of despair and worried about the fate of their kids.

This information is based on statements given by the families who are now contemplating to file a writ petition in J&K High Court through JKCCS. The example shows how people try to believe promises, how vulnerable they are for false promises, for corruption for intimidation by state actors who try to merely use them in the ongoing political battle.

## **Mr Ali Raza Syed** **Chairman, Kashmir Council, European Union**



Thanks, Mr Rana Athar Javed and Pakistan House for giving me the opportunity to speak and participate in this event.

The years 2017 and 2018 are important in Kashmir struggle. In the year 2017, the international community recognized the struggle of people of Kashmir by giving the 2nd highest award, the Rafto Prize to Mr Parveena Ahangar and Parvez Imroz, members of Jammu and Kashmir Coalition of Civil Society (JKCS). During the most of the last two and a half year, The biggest achievement is that the UN report has recognized what the people of Jammu and Kashmir have been saying for the past 70 years, and portrayed the Indian brutality in Indian Occupied Kashmir (IOK). After the UN report, another document was issued by the European Parliamentary Research Service (EPRS) which also recognizes the conflict, disputed territory and the right to self-determination of the people of Jammu and Kashmir. The Kashmir Council-EU with the great help from Ms Marjan Lucas and Mr. Anthony Crasner, who are also working in Brussels, have been trying to raise the voice of the people from the Indian Occupied Kashmir.

Indian authorities have always refused to negotiate or resolve the Kashmir issue, Pakistan on the other hand has always tried to negotiate. As the Prime Minister of Pakistan, Mr Imran Khan said and I quote, "if Indians take one step towards us, we will take two steps towards them" but there was no reply from the Indian government. Despite the Indian ignorance, the

struggle for Kashmir will continue.

In the year 2018, a Belgium photographer Cédric Gerbehaye working for National Geographic magazine went to Srinagar, IOK. He published a report, containing pictures based on five pages story in National Geographic magazine. In January, the 2nd edition is also coming named as 'Maqbooza Kashmir'. His photographs were also exhibited in European Parliament, in front of various international organizations giving a very powerful message. This made the parties aware of the atrocities committed by the Indian authorities.

The Kashmir Council-EU, for the last ten to eleven years, is trying to create awareness in the EU and other European institutions. Recently, Kashmir Council-EU started the one million signature campaign. 600,000 signatures are already done in sixteen countries and in 2019, four more countries will be covered. Kashmir Council-EU also initiated theatre play showing, suffering of people of Kashmir, especially to the public in Europe and other countries as well. The theme is based on 'Insha Case', the small girl who lost her eyesight in both eyes due to pellet gun firing in Indian Occupied Kashmir. Series of seminars are also held at different universities and students are provided with resources for their research on Kashmir issue. A small research and documentation centre has also been created in Brussels from where the students can get access to the relevant documents. These are the few of the things that Kashmir Council-EU is working on.

As a human right activist, we are trying to do whatever we can for the people of Kashmir who are suffering for the last 70 years. That day is not far away when the people of Kashmir will get their right to self-determination. Their sufferings will end and India will have to leave Kashmir one day. As majority of the Kashmiri people are not willing to annex with India, so the message from Kashmir is already on the wall. The aspirations of the people of Indian Occupied Kashmir (IOK) will not be suppressed and they will get their right to self-determination.



## Second Session Speeches

### **Muhammad Oves Anwar** **Director, Conflict Law Centre, Research Society of** **International Law**



I want to thank Pakistan House for inviting me. I am Director of Conflict Law Center at the Research Society of International Law, Islamabad. As the name suggests, we work in the field of international law. Kashmir is one of the area we have worked on, Conflict Law Center looks at the application of field of International Law known as International Humanitarian Law which in common importance is known as the law of war, law of conflict. The Center was established about two and a half years ago.

Now, we look at how International Humanitarian Law, which applies to the right of contest, in which Pakistan is involved. We look at Kashmir and when we talk about human rights violation or atrocities in Kashmir, the word genocide appears, as defined by the International Criminal Court (ICC). But why ICC is shy of taking Kashmir case as a genocide? Sadly, in Pakistan these are the questions and subjects of international law that really don't get the attention and study that they deserve. These questions indeed, have to be addressed by Pakistan.

So, the term human rights violation, what it really means? In the context of Kashmir, terms like crime against humanity or war crimes are less heard of. We have heard these far less but the same action that amounts to human rights violation, can be termed as crime against humanity as well as a war crime. This is the topic of my debate and discussion today.

Essentially, what we want to look at is the different terms that we use, it depends on the context that you are in. Under International Law and the International Covenant on Civil and Political Rights (ICCPR) the entire human rights treaties, they deal with peace time. But on ground, situations

are different, the legal tools that apply, the legal apparatuses that the state or the international legal regimes apply are different. In both war and peace, these legal apparatuses are applied by two different regimes and, in essence, we are looking at both these regimes. What these apparatuses deal with are the protections of individuals and their rights. In peace times when you have functioning court system and the rule of law, then you can have greater freedom and a higher standard of living with justice. Right to education and access to justice exist in the very concept of good governance, but in war these functions don't exist. The unfitting functioning systems result in the change of rules and regulations.

Human rights violations in Kashmir are in front of us, and as mentioned in the UN report, Kashmiris are suffering from the day to day atrocities committed by the occupational forces. Kashmir does not portray a peace time situation rather it is an international crime in the eyes of ICC.

Occupation is a form of international armed conflict, so it's not a peace time situation at all and if we refer to Kashmir or at least the entity or a part of Kashmir that is controlled by India, Indian Occupied Kashmir (IOK). The term IOK means that it is in a state of conflict, it means that when it's in state of conflict, it has to give certain privileges to the opposition parties and the combating communities, and it has to deal with the deal with the prisoners of war (POWs) who are referred to as freedom fighters in Pakistan. So we need to be sure that the terminologies we use are correct, especially when we are devising the strategy on engaging with the International Community.

A very important point that occupation can never lend a title to the state and this is seen through the 1950's resolution. The UN Security Council did not recognize the constituent assembly where it took the decision of joining India and that is perhaps one of the most important elements of those resolutions, where title under international law to India is denied. Now, if one country does not have the title of an area and it deploys their armed forces there, what else we call it other than occupation? According to international law, a country occupying any territory cannot claim that territory unless the people of that area through plebiscite or through a right of self-determination take a decision in that regard.



In an armed conflict, violations become crimes against humanity. Crimes against humanity is defined under the article VII of the Rome Statute of the International Criminal Court, and the definition says that if a country or if a state or an army or a group conducts murder, extermination, enslavement, deportation, force transfer of people, torture, rape, sexual violence, prosecution against an identifiable group etc. it is involved in crimes against humanity. This is the first limb of crime against humanity, the action limb. And the other part which is a part of wide spread systematic state policy, we cannot say if these violations are state policy or if the violations are ordered by the groups. We don't have access to orders given to Indian army officials, but we do have access to public legislations to know that.

Now, I would like to draw your attention to the Armed Forces Special Powers Act (AFSPA). The AFSPA has granted powers to the armed forces to undertake all stated actions which in their terminology would be actions against insurgency or whatever, but as the UN report demonstrates this is the violations of human rights. The AFSPA also gives those armed forces the indemnity, it protects them from prosecution. So, in essence if you want to prosecute Indian soldier in Kashmir, you require the central government's permission which is routinely denied in lot of cases out of the few cases that actually make to the court where an attempt is made to gain such provision. These powers to commit the violent acts is clearly demonstrates this act as the state's strategy. In case of any negative consequences the person committing violent crimes cannot be prosecuted, he cannot be brought to law. This goes all the way up to the parliament level, the Indian parliament which has given these powers to those security forces.

In the end, we need to look at the terminologies we use while defining the human rights issues. We need to consider either we are talking about the peace time situation or we are talking about war time situation. And while defining an occupation as well, referring it as a crime against humanity or war crimes. Then hold those accountable who are committing these within the context of these terminologies. Because as we all know, depending on which law applies, the consequences or the accountability that is eventually going to be held depends on that.





## **Mr Abdullah Gilani Representative of Syed Ali Geelani in the All Parties Hurriyat Conference**



In the name of Allah, the most gracious, the most merciful.

Honourable chair, distinguished speakers, excellences', ladies and gentlemen!

Assalamu Alikum.

First of all, I would like to extend my deep appreciation and sincere gratitude to the organizers of this conference for inviting me to participate and share my thoughts. It's indeed a great honour and privilege to be here today with you all.

Pakistan House, since its very inception, has taken a keen and sustained interest in Kashmir affairs and through various events and programs has contributed a great deal in keeping the Kashmir issue in the spotlight. Under the able leadership of Mr Rana Athar Javed this interest and

concern for Kashmir has grown further for which the Kashmiri community remains eternally grateful.

Friends, as far as the human rights crisis in Kashmir is concerned, it has been well documented and widely publicized. Internationally reputed organizations such as Amnesty International, Human Rights Watch, Asia Watch, International Commission of Jurists and several others have come up with a chilling reports highlighting both the gravity and scope of human rights violations in Kashmir. In that sense the recent report from the Office of the High Commission for Human Rights (OHCHR) on the human rights situation in Kashmir has nothing new to offer. As the report itself says that it has been compiled from the material already in the public domain. The reason for this, of course, being the persistent refusal of the authorities to allow the OHCHR team direct access to the region.

But coming as it does from the UN itself, it carries a weight, an authority and a symbolic significance that no other document on the issue commands. That's precisely why the publication of the report exasperated India so much that the officials not only scornfully dismissed the report but also launched personal attack and a venomous vilification campaign against the honourable former UN High Commissioner for Human Rights on whose initiative the report came into existence.

The real essence of this report lies in its recommendations wherein the demand for an international investigation into human rights abuses in Kashmir and a call for respect for the Kashmiri people's right to self-determination figure prominently.

Ladies and gentlemen, one of the basic principles of conflict resolution is to identify and address the root cause. In the case of Kashmir, the root cause is the denial of the right to self-determination. This is the underlying disease of which the human rights abuses, attempts at changing demography of the region and several other issues are only symptoms. And unless we make sincere effort to treat the underlying disease, we won't be able to gain much by addressing the symptoms. We, therefore, reckon the recommendation of the report as a spot-on diagnosis of the malady and the correct line of treatment.

Ladies and gentlemen, we have living examples from the recent past where enabling people to exercise their right to self-determination helped to put end to some of the bloodiest conflicts in the world. East Timor, South Sudan and Northern Ireland are a few cases in point. The case of East Timor in particular bears striking resemblance to Kashmir. In both cases, the territory was occupied by a mighty neighbour against the wishes of the local populace. In both cases, the occupiers were the followers of a different religion than the occupied. In both cases, the natives refused to integrate and launched a resistance movement. In both cases, the occupying state used brute force to crush the resistance resulting in large scale human rights violations and bloodshed. And finally, in both, cases plebiscite was suggested as the only way out of the impasse.

But strangely enough, the same world powers that used allurements, threats and other pressure tactics to force Indonesia to hold a referendum and finally grant East Timor independence, have maintained a mysterious silence on Kashmir. Many believe, and perhaps rightly so, that it is the difference in the composition of population between East Timor (predominantly Christian) and Kashmir (predominantly Muslim), where the international community's paradoxical response, that is activism and enthusiasm in the case of former and indifference and inertia in the case of latter, stems from. This perception is further reinforced by the hypocritical approach of the world powers to the Palestinian issue.



Ladies and gentlemen, even this UN report doesn't seem to have made a difference and the international community's attitude largely remains frozen as ever. For how else can we explain India's winning of UNHRC membership with the highest number of votes shortly after the publication of the report? And has this report changed anything on the ground in Kashmir? Let me share with you a piece of information that should answer this question. According to the latest annual casualty reports released by the Indian home ministry earlier this month, nearly 400 Kashmiris have been killed by Indian forces in the valley so far this year and out of these 400 more than half were killed after the publication of this report. There would definitely have been a visible impact on the ground situation had the report been followed through and acted upon. But for more than five months, no follow up action, either from the UN or from any other quarters has been forthcoming. Indians are watching all this, and they doubt if there would be any follow up ever and that's what we need to guard against.

We must not allow this report to sink into oblivion. This report has not only given a new lease of life to the Kashmir issue but has also rekindled the dimming lights of hope in Kashmir and we must not allow nefarious plans seeking to extinguish these lights to succeed. We must redouble our efforts at every level and see to it that the report is presented, discussed and deliberated upon at the UN and the process culminates in the adoption of a resolution ratifying the recommendations and initiating measures for their implementation.

This, indeed, is a formidable challenge and would require intensive diplomatic efforts and rigorous campaigning, advocacy and lobbying. It is a bitter truth, but we are lagging far behind India in using these tools skilfully to influence public opinion both locally and internationally. Indian public is much more aware and much more in sync with the official line on Kashmir than Pakistani civil society. And this is because in India the majority of the private media outlets have wilfully and enthusiastically become a vehicle for the decimation and percolation of the official propaganda on Kashmir.

Kashmir is among the most debated topics on prime-time television in India whereas at here private media is as disinterested in Kashmir affairs as the international community and as a result the level of awareness about

Kashmir remains dismally low. Civil society definitely has a pivotal role and can greatly contribute in highlighting pressing issues like Kashmir and the need for their early resolution, but only an informed civil society can do that.

Ladies and gentlemen, there can be no movement forward on Kashmir resolution without international intervention. But as things stand now, it appears as though the world has no interest whatsoever in finding a solution to the Kashmir crisis. However, this could also be seen as a failure on our part in convincing the international community that resolving Kashmir is in their own interest.

Our efforts so far have largely remained focused on jolting the international community's conscience by appealing to their sense of justice and compassion. But they haven't paid off. Perhaps, it's time to change the tactic and make the international community realize the urgency of resolving both Kashmir and Palestine issues. Let's try and make them understand that the key to world peace lies in full and final settlement of these two disputes and what they stand to lose their continued indifference. Let's remind them that injustice anywhere is a threat to justice everywhere and the world can't for long escape the destruction of the fire that is burning Kashmir and Palestine. Let's make them realize that their silence is cruel and criminal, and it is pushing oppressed populations over the edge.

**Mr Ghulam Muhammad Safi**  
**Convener of All Parties Hurriyat Conference (APHC)**  
**Azad Jammu and Kashmir Chapter**



Honourable chair, worthy Federal Minister for Human Right Miss Shireen Mazari, Rana Athar Javed, ladies and gentlemen. Good evening.

I wonder! Are we really fighting for the right of self-determination? Because India dubs us as a secessionists, fundamentalists and terrorists. Are we striving for achieving the right to self-determination?

There is a doubt about it. The people of Jammu and Kashmir, right from the day Indian troops were deployed and occupied the Kashmiri territory, are striving and struggling for their right to liberty and self-determination.

The UN Security Council proposed plebiscite to ascertain the wishes of people of the disputed territory of Jammu and Kashmir. Both India and Pakistan jointly endorsed that plebiscite on 13th of August 1948. Having accepted the plebiscite proposal, how could India still talk about the instruments of accession of 27th October 1947? If India accepted the plebiscite proposal, so the instrument of accession is totally redundant. On January 24th 1957, India wanted Jammu and Kashmir to be integrated with the Union of India through a Constituent assembly in Jammu and Kashmir. The UN Security Council through its resolution 122 of 1957 rejected it. So it's India that is against the right of self-determination of the people of Jammu and Kashmir. Pakistan upholds the right of self-determination of the people of Jammu and Kashmir, the way the Kashmiris themselves talk about their right to self-determination.

Various questions are being asked about India as an occupier and as a usurper, but no one talks about China. On 3rd of March 1963, there was an agreement between Pakistan and China that after the settlement of Kashmir dispute between India and Pakistan, the sovereign authority concern will reopen negotiations with People's Republic of China on the boundary issue. We have no problem with China, we have no problem with Pakistan. Pakistan in its constitution article 257 has categorically stated, and I quote 'when the people of state of Jammu and Kashmir decide to exceed to Pakistan, the relationship between Pakistan and that state shall be determined in accordance to the wishes of people of that state even after accession'.

The biggest question that arises is why plebiscite could not take place. Even after 70 long years, we are still striving to achieve this goal. The people of Jammu and Kashmir long for plebiscite, referendum, in which they could decide their future once and for all. And when we talk about plebiscite or referendum or right of self-determination, we don't talk about right of self-determination of Muslims alone, we talk about all the people living in the state of Jammu and Kashmir; the Muslims, the Hindus, the Sikhs, the Christians, the Buddhists and other minorities.



If we look at the debates that took place in the UN, it was quite evident that India was interested in ceasefire and normal conditions in the state of Jammu and Kashmir, in years 1947, 1948 and even in 1949. Pakistan wanted plebiscite to be held under the auspices of UN. The preparation for plebiscite, through that we can achieve all these things, Pakistan wanted withdrawal of all the troops, complete and simultaneous. On the other hand, India wanted bulk of its troops to remain in the territory.

To India the issue of accession was between India and Kashmiris while for Pakistan it was between India, Pakistan and the Kashmiris. Kashmiris being the basic part of the dispute, Pakistan wanted to entrust the UN with the authority and responsibility as well as the functions of holding, organizing and supervising the plebiscite. India wanted the plebiscite under the advice and observation of UN, it would like to have the administration of Sheikh M. Abdullah whom they thought was their own man. Keeping in mind all these things one asks, what was the game plan of India? Were they sincere about going for plebiscite? No, they wanted to consolidate their political and military position in Indian Occupied Kashmir (IOK). 70 years have been passed, the people of Jammu and Kashmir are still there, and we have not compromised our position and Pakistan has not compromised its position regarding the right of self-determination of people of Jammu and Kashmir.



There were some other factors as well responsible for the non-resolution of the issue of Jammu and Kashmir. The biggest impediment in the resolution of Jammu and Kashmir was Indian intransigence, they were never willing to accept any proposal that would finally culminate in a plebiscite. There was a lukewarm attitude of big powers that also contributed to the non-resolution of Kashmir issues; the exercise of veto power by Soviet Union in favour of India is a one big example. The inability of Pakistan to change the balance of power equation in the South Asia also contributed to it. The Kashmiri resistant movement also failed to pose a significant challenge to



Indian authority in IOK. It was only after 1987 that India felt a challenge by the Kashmiri resistance movement.



**Presently, the four major obstacles hinder the resolution of Kashmir dispute:**

**First**, Indian intransigence are still there. How to remove this intransigence of India is a big question. This intransigence can only be broken through raising the costs at local, regional and international levels. Pakistani decision makers need to tell India in categorical terms that there can be no negotiations unless the Kashmir issue is tackled in accordance with the UN resolution.

**Second**, the lack of unity within the Kashmiri resistance movement; All Parties Hurriyat Conference (APHC), Muttahida Jihad Council (UJC) and others.

**Third**, absence of coherent long term Pakistani policy on Kashmir, Pakistan will have to treat Kashmir not as a routine matter, but as a first priority. Attention of other countries can also be sought through firm and creative diplomacy by Pakistan. Effective strategies must be worked out to internationalize the Kashmir issue at all world forum.

**Fourth**, the inhospitable international environment, that does not always remain there but it can be changed and it would change.

## Chief Guest for Second Session

### **Dr Shireen Mazari** **Federal Minister for Human Rights**



The Kashmir conflict has once again come to centre stage in the aftermath of the continuing violence being perpetrated by the Indian occupying security forces against unarmed Kashmiris. Also, for the first time a UN body finally took the initiative with the publication of the first ever report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) released on 14 June 2018. Unfortunately, Pakistan failed to move proactively on Kashmir in the wake of this report – reflecting a serious lapse in responsible foreign policy. All that Pakistan did was meekly welcome the report even as India was vehemently criticizing it. The report is a credible account of the Human Rights situation that prevails on both sides of Kashmir and is a first step, since the UNSC resolutions, of the UN in recognizing its responsibility to resolve the Kashmir issue in accordance with said resolutions.

Then we have had the UK parliament’s report and now there are hearings scheduled in the EU parliament on human rights abuses in Kashmir early next year.

This report should have formed the basis for proactive diplomacy on the part of Pakistan in global capitals and international forums from the UN to the OIC beginning with an immediate invitation to the UN High Commissioner for Human Rights (UNHCHR) to send in her team for assessing the situation on the ground in AJK. Pakistan should have done it when the report was being drafted, instead of indulging in the usual “we will if India will” approach, as it would have shown Pakistan’s good intentions. There are times in diplomacy when it is more advantageous to adopt a “we will do it because we think its right regardless of what India does” approach.

Anyhow, beyond the invitation to the UNHCHR and taking advantage of the OHCHR's report, **Pakistan should have moved proactively on the following and should still do so:**

**One:** Should have moved, and should now move, the UN Human Rights Council – as recommended in the report – to establish a commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir (would have performed focused primarily on IOK given the scale of the violations there)

**Two:** Draw attention on all international forums dealing with human rights as well as legal forums, to the human rights violations by India in IOK as identified in the report, which are in violation of the Geneva Conventions of 1949 and customary International Humanitarian Law. Also, we need to focus on women in conflict zones like Kashmir where their rights are being trampled upon and they are specifically being targeted. We have failed to highlight this over the years and yet there are global forums that especially focus on this, including UN WOMEN.

On 31 October 2000, the UN Security Council adopted Resolution 1325 on “Women, Peace and Security”, which recognized the need to understand the consequences of armed conflict on women and girls so as to develop and strengthen institutional arrangements guaranteeing their safety as well as their participation in the peace process. Unfortunately, in Kashmir, although women have been severely affected by the situation of armed conflict ongoing there for the last many decades, little has been said about it.

The International Criminal Tribunals of Yugoslavia and Rwanda (ICTY and ICTR) first highlighted the concept of rape as a weapon of war – rape has been systematically and persistently used by the Indian army against Kashmiri women – one reason why it is able to keep reoccurring is because of the culture of impunity that exists: in May 1990, a young woman, Mubina Gani was raped. An inquiry was conducted which found that the rape had indeed occurred but the officials responsible were never prosecuted. A few months later in July 1990, a case was registered against BSF officials for the rape of a 24-year old woman, Hasina. No investigation was carried out in

this case, let alone prosecution.

We must also recall the mass rape committed by Indian soldiers in the villages of Poshpora and Kunan – as of 2017, the survivors of the attack were still fighting for justice. Such impunity is systemic, as was discussed by the Special Rapporteur on violence against women, its causes and consequences, on her return from India (22 April-1 May 2013): she noted how the Armed Forces (Special Powers) Act and the Armed Forces (Jammu and Kashmir) Special Powers Act 1990 grant special powers to security forces in Jammu and Kashmir, which result in a lack of accountability and redress for victims of human rights violations. Particularly, she emphasized how the Army Act 1950 “limits the scope for civil courts to consider allegations of violence against women perpetrated by army officials, including killings and sexual violence”.

She also noted in her report several factors for the “normalization of violence against women”, including lack of registration or identity cards (particularly for women belonging to marginalized groups).

**Three:** With the report refreshing the memory of the international community on Kashmir, Pakistan should have reaffirmed at all forums the continuing legitimacy of the Kashmiris struggle for self-determination. It seems Pakistan’s hidebound bureaucracy has failed to highlight to previous decision makers, or perhaps they themselves are not aware, that even after 9/11, the principle of self-determination has been recognized as distinct from terrorism – the Almaty Declaration of 4 June 2002 reaffirmed its commitment to the right of self-determination for people remaining under foreign occupation (II:15). This Declaration was adopted by the Heads of State/Government of Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA). Both Pakistan and India are parties to this Declaration. Not only does the Declaration reaffirm the principle of self-determination, it emphasizes that this principle must be exercised “in accordance with the UN Charter and international law”. Non-fulfilment of this will pose a threat “to regional and international peace”. For Pakistan, what could have been a clearer reaffirmation of its position on the Kashmir dispute?

Pakistan should also not be hesitant in reiterating the UNSC resolutions on Kashmir and stating their linkage to similar UNSC resolutions on East Timor (UNSC Resolution 384 of December 1975 and UNSC Resolution 389 of 1976), which were enforced in 1999 leading to East Timor's independence from Indonesia through a UN-conducted plebiscite. It was not that Indonesia wanted this but it was pressured, especially by the US, into conceding to the plebiscite. While the struggle against Indonesian occupation was going on by the East Timorese, their leaders, Jose Ramos-Horta and Bishop Carlos Ximenes, were awarded the Nobel Peace Prize in 1996. It is crucial to remind the world of the parallels between Kashmir and East Timor at all diplomatic forums including bilaterally by our diplomats in the countries they are serving in. Unfortunately our state and successive governments have chosen to remain ignorant of this linkage.

In fact, the case of the Kashmiris before the UN is even stronger because the occupying power itself took the dispute to the UN under Chapter VI: Pacific Settlement of Disputes. So both Pakistan and India agreed to have UN intervention and to the plebiscite.

**Four:** In the wake of the report, Pakistan should have immediately demanded and should still demand that the UNSC insist on the return of UNMOGIP and other independent observers into IOK.

**Five:** Most important, this was the time for the government to present a blueprint for conflict resolution premised upon the principle of self-determination and a plebiscite. At the end of the day, Pakistan cannot simply continue to pay lip service to UNSC resolutions and the principle of self-determination. Nor can it move away from the UNSC framework on which its legitimacy as a party to the dispute rests. It is unfortunate that the State and successive governments have failed to work on a proper blueprint for conflict resolution on the Kashmir dispute within the framework of these resolutions and the self-determination principle. The Musharraf four points (which were never discussed or worked out in detail



before being made public) were a non-starter because they failed to remain within this legal framework. Other “backdoor” diplomacy solutions have primarily rested on some sort of arrangement that seeks to legitimize the LOC as the border – not realizing that the LOC is the problem and cannot become the solution.

Yet, there exist today a variety of conflict resolution models that have been successfully adopted in different parts of Europe where territorial disputes linked with the issue of self-determination prevailed. There was a short period a decade or so ago when the Europeans were even advocating different European models as viable for the settlement of the Kashmir dispute.

Having studied a number of these models the one having some relevancy for the Kashmir dispute was The Good Friday Agreement (Northern Ireland) which resolved the Northern Ireland conflict. This Agreement was plugged actively by the US, which put pressure especially on the UK, in order to resolve the Northern Ireland conflict.



This model has a direct relevance to the case of Kashmir because it is premised on two interrelated principles. One, it recognizes “the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a

sovereign united Ireland” (that is going with the Republic of Ireland). There is also a provision for a periodic holding (every seven years) of a referendum in case the people of Northern Ireland appear to change their minds. Two, that de-weaponization will follow the implementation of the settlement. Also, through this Agreement, the Government of Ireland Act of 1920 was repealed. So the agreement allowed for States Party to make legal, Constitutional adjustments post-the Agreement.



The Agreement is an international agreement between the British and Irish governments with two components: the legal agreement between the UK and the Republic of Ireland; and a lengthier agreement signed between eight political parties involved in the Northern Ireland conflict and the two governments (UK and Irish). While the agreement between the two governments is the actual legal agreement, it incorporates, in its Schedules, the two governments' agreement with the eight political parties.

It is the principles underlying this settlement that are extremely relevant to Kashmir and need to be the starting point of any substantive solution relating to this dispute. In fact, out of all the conflict resolution models, this is the only one that is premised on the principle of the right of self-determination and not merely territorial control. Equally important, Pakistan has to remember its legitimacy as a party to the Kashmir dispute rests entirely on UNSC resolutions so any solution, which Pakistan puts forward, has to be within the UNSC resolutions' framework and that is premised on the principle of self-determination.

It is unfathomable why the Pakistani State has failed to move on this unless the assumption has been to simply manage the conflict rather than resolve it. After all, in a tunnel-vision approach, once Kashmir is resolved, both the Pakistani and Indian States will have to revisit their investments in the hostility paradigm. However many critical issues remain fluid for Pakistan until the Kashmir dispute is resolved –including international border between Pakistan and China. In the 1963 Border Agreement between Pakistan and China Article 6 clearly stated the following:

“The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary as described in Article Two of the present agreement, so as to sign a formal boundary treaty to replace the present agreement, provided that in the event of the sovereign authority being Pakistan, the provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People's Republic of China and the Islamic Republic of Pakistan.”

These issues need to be resolved on a permanent basis so that the



state of Pakistan has legal clarity regarding its borders.

So Pakistan needs to, as point five, move to suggesting a dialogue on Kashmir at two levels: One, with India; and, two, with India and the Kashmiri groups involved in the struggle against occupation as well as the pro-India groups in IOK and the political groups in AJK and GB. So there would be parallel tracks of dialogue. Initially there could be three different tracks: Pakistan and India; Pakistan and the AJK/GB political stakeholders plus the APHC reps; India and the IOK political stakeholders plus the APHC. The last two tracks could then merge into one for an agreement to be signed which would become part of the schedule of the main actual legal agreement between Pakistan and India. The entire set of agreements would comprise a holistic international agreement.

**Given that any conflict resolution proposal would need consensus from all the stakeholders from the Pakistani and Kashmiri sides, within these broad parameters of a framework in which Pakistan can advocate resolution of the Kashmir dispute some intermediate steps would also be required as dialogue/negotiations commence or even before negotiations can commence:**

**First:** Ask UN to establish a monitor of all Kashmiris eligible to participate in plebiscite.

**Two:** De-militarization of AJK and IOK.

**Three:** a Referendum Committee to define geographical parameters of the disputed territory.



Only when these steps are in place can the substantive dialogue begin. It will not be easy but it needs to begin. Pakistan should put forward this proposal before the UNSC and in capitals abroad to show its intent for resolving the Kashmir Dispute.

## Annexure to the Speech

European Conflict Resolution models that were examined but not found relevant to the Kashmir Dispute

### **The Aland Island case**

For many years Pakistanis visiting Sweden were cited the case of the Aland Islands, which were part of the territory ceded to Russia by Sweden in September 1809, and they became part of the semi-autonomous Grand Duchy of Finland. From 1917, the primarily Swedish-descent residents of the Islands kept up efforts to have the Islands ceded back to Sweden. A petition for succession from Finland was signed by 96.2 % of Aland's native adults. Swedish nationalism grew as anti-Swedish sentiment grew in Finland as a result Finland's own struggle to retain its autonomy in the face of Russification. Finland was not prepared to cede the Islands but was prepared to give them an autonomous status instead of renewing them. The dispute was brought before the League of Nations in 1921 and the decision was to allow Finland to retain sovereignty over the province but within this framework, the Aland Islands were made an autonomous territory. So Finland had to ensure that the Aland residents maintained the Swedish language as well as their own culture and heritage. Also, the Islands were to be given a neutral and demilitarized status. Aland has its own flag, issues its own postage stamps, has its own police force and is a member of the Nordic Council. Having visited Aland in 1989, one saw the whole arrangement for oneself. Obviously it works well for Sweden and Finland, but how relevant is this example in the context of Kashmir.

The relevancy is simply not there. To begin with, Kashmir was not ceded to India through a treaty between Pakistan and India in the aftermath of a war. Geographically, also, islands can be granted autonomy and be demilitarized more rationally than land-locked territories contiguous to both antagonists. Also, and most importantly, the Kashmir issue is not a territorial dispute but an issue of the right of self-determination for the people of Kashmir – a right given to them by the international community through UNSC resolutions (not just by UNSC resolutions but by international legal instruments and declarations, both binding and non-binding, as well as customary international law). The Aland solution would mean continuation

of Indian sovereignty over Kashmir – something the Kashmiris have never accepted. The only relevancy of the Aland Islands case is that it went before the League of Nations, which offered a solution and both parties to the dispute accepted the solution. India took the Kashmir issue to the UNSC under Chapter VI of the Charter, relating to Pacific Settlement of Disputes. This signified that India accepted Kashmir as a dispute between itself and Pakistan and sought a peaceful resolution through UN intervention. It did not appeal to the UN under Chapter VII, accusing Pakistan of aggression against Indian “sovereign” territory. So the historical context of Kashmir and the prevailing dynamics make the Aland Islands solution inapplicable in this region.

### **The Trieste case**

In 1921 Italy had formally annexed parts of Austria-Hungary that it had captured in World War I, including the city of Trieste. The area’s population comprised mainly Slovenians with some Croats and a large number of Italians who lived mainly in the city itself. After World War II the area was claimed by Yugoslavia, mainly because the population outside the city of Trieste was predominantly Slovenian. The Western powers opposed this claim. Hence, the Free Territory of Trieste was established after World War II in 1947, under the protection of the UNSC, as a neutral state that comprised the city of Trieste, a narrow strip of coastal territory connecting it to Italy, Slovenia and Istria. However, when the UNSC was unable to agree on a governor for the Territory, Anglo- American forces occupied Zone A, which comprised Italian-speaking city of Trieste and its surrounding areas, while the Yugoslavs occupied Zone B, which was the remainder of the Free Territory. Tension between Italy and Yugoslavia continued till 1954 when a compromise solution was reached in the Treaty of Osimo. The territory was formally divided along the zone border and basically this amounted to a partition of the Free Territory, which then ceased to exist.

Again, this was primarily a historical territorial dispute between two member states of the UN, so it is not applicable to the Kashmir dispute. Also, a Trieste-type solution basically means legitimisation of the existing status quo and division of Kashmir – which would not address the root cause of the problem: that of the right of self-determination. Nor does the Trieste-type solution allow for the option of a future referendum.

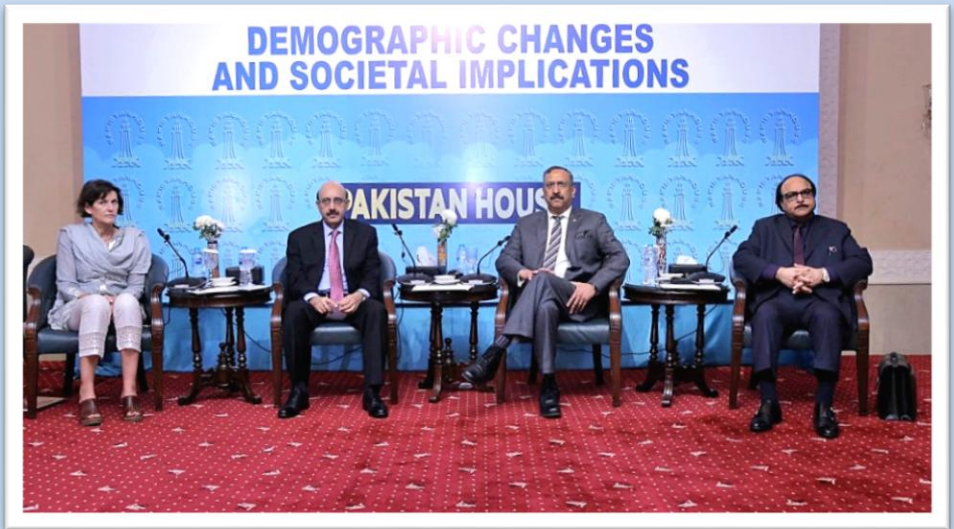
## The Andorra case

This is a lesser-known case, but is extremely interesting and may well have a greater relevance within the Kashmir context. Andorra is located in the Pyrenees Mountains on the French-Spanish border and is a parliamentary co-principality comprising the Bishop of Urgel (Spain) and the French President. This joint suzerainty (but not sovereignty) of the French state and the Spanish Bishops of Urgel has prevailed since 1278. Andorra has closer ties to Spain with Catalan as its official language and has, over the decades, become an important tourist and winter sports destination as well as a wealthy international financial centre because of its banking facilities, low taxes and no customs duties. In 1993, a constitution was ratified and approved which made Andorra a sovereign parliamentary democracy that retained the “co-princes” as heads of state, but the head of government retains executive power. It became a member of the UN in 1993 as a sovereign state. The “two princes” serve coequally with limited powers that do not include veto over government acts. They are represented in Andorra by a delegate. Defence of the country is the responsibility of France and Spain and Andorra has no currency of its own but uses that of its two neighbours – which effectively now means a single currency, the euro.

The Andorra model has a certain attraction, especially for those who advocate the Independence option for a united State of Jammu and Kashmir. It also offers India a less unpalatable option than seeing the whole of the State of Jammu and Kashmir becoming a part of Pakistan – which would in all probability still be the outcome if a general plebiscite was held in that State. But the stumbling block is on the issue of Independence – which both Pakistan and India have not conceded to, as this option is not part of the UNSC resolutions. Interestingly, some Kashmiris are also now referring to the Andorra model. It certainly needs greater exploration, with alternatives to full sovereignty in the form of UN trusteeship for a limited period, and so on.



## Photo Gallery























**JOINT NATIONAL CONFERENCE, MIRPUR**

**UN REPORT ON  
HUMAN RIGHTS VIOLATIONS  
IN INDIAN OCCUPIED KASHMIR:  
DEMOGRAPHIC CHANGES  
AND SOCIETAL IMPLICATIONS**





## Programme Layout

<b>Keynote Session</b>	
<b>Welcome Remarks by</b> <b>Dr Habib ur Rahman, Vice Chancellor, MUST</b> <b>and</b> <b>Rana Athar Javed, Director General, Pakistan House</b>	
<b>Opening Remarks by Chief Guest</b> <b>H.E. Sardar Masood Khan</b> <b>President of Azad Jammu and Kashmir</b>	
<b>Keynote Speaker 1:</b> <b>Dr Nazir Gilani</b> <b>President, Jammu and Kashmir Council for Human Rights (JKCHR)</b>	
<b>Keynote Speaker 2:</b> <b>Mr Saiyed Abdullah Gillani</b> <b>Convener, All Parties Hurriyat Conference (APHC) &amp; Representative of Mr</b> <b>Syed Ali Gillani (Chairman APHC)</b>	
<b>First Session</b>	
<b>Human Rights Violations in Kashmir: Role of International Community</b> <b>Chair: Dr Nazir Gilani</b> <b>President, Jammu and Kashmir Council for Human Rights</b>	
Human Rights Violations in Kashmir & Regional Impact	<b>Mr Syed Faiz Naqashbandi</b> Convener Hurriyat Forum, Mirwaiz Group & Representative of Mirwaiz Umar Farooq
History of Human Rights Violations in Indian Occupied Kashmir	<b>Mr Ghulam Muhammad Safi</b>
Demographic changes in Kashmir: India's Neo-colonialism Strategy	<b>Mr Rana Athar Javed</b> Director General, Pakistan House



## Welcome Addresses

### **Dr Habib ur Rahman Vice Chancellor, Mirpur University of Science and Technology**



Honourable Muhammad Masood Khan, President of AJK/ Chancellor MUST; Syed Manzoor Hussain Gillani, Former Chief Justice of Azad Jammu and Kashmir; Dr. Nazir Gilani, President, Jammu and Kashmir Council for Human Rights; Mr Syed Faiz Naqashbandi, Convener of APHC; Mr Ghulam Muhammad Safi, Convener, Tehreek-e-Hurriyet Jammu and Kashmir; Mr Saiyed Abdullah Gillani, Representative of Syed Ali Gillani, Chairman APHC; Mr Rana Athar Javed, Director General, Pakistan House and one of the host; representatives of print and electronic Media Deans/ Directors/ Chairpersons/ Faculty Members, Dear Students and Distinguished Guests, Ladies and Gentlemen!

Assalamu Alikum and very warm welcome to the National Conference on UN Report on Human Rights Violations in Indian Occupied Kashmir: Demographic Changes and Societal Implications. We welcome the Honourable Muhammad Masood Khan, President of Azad Jammu and Kashmir/ Chancellor MUST and thank him for taking time out of his busy schedule and gracing the occasion as Chief Guest. We thank Dr Nazir Gillani, President, Jammu and Kashmir Council for Human Rights; Mr Syed Faiz Naqashbandi, Convener APHC; Mr Saiyed Abdullah Gillani, Representative of Syed Ali Gillani and Mr Ghulam Muhammad Safi, Tehreek-e-Hurriyet Jammu and Kashmir for accepting our invitation and making their gracious presence. We also thank the Pakistan House for jointly organizing the conference on very important topic. We are grateful to Rana Athar Javed, Director General, Pakistan House, for his guidance and support towards making the event as befitting as possible.

Ladies and Gentlemen, the 15th December 2018 was one of the bloodiest days in the history of Kashmir. Seven civilians were killed in a single incident, marking the highest toll in recent years, while dozens of

others were injured when a trigger-happy force fired at protesters in the Pulwama district of South Kashmir. This is not an isolated incident. In fact, not a day has gone by without Kashmiris being killed since the current BJP government assumed power in New Delhi. The world had largely turned its back on Kashmir and preferred to watch widespread human rights violations in the region from a safe distance. The international silence over Kashmir has also encouraged a culture of impunity that fashioned many bloody Saturdays over the years. According to Al Jazeera, at least 400 people got killed in Kashmir this year - indicating the highest death toll in a year since 2008. Indian forces are conducting these repressive operations with full legal cover and without any fear of accountability.

The fresh wave of violence in Kashmir in which at least 18 Kashmiris lost their lives is the grim reminder of the fact that people in Kashmir are suffering a great deal at the hands of Indian forces. Living according to one's own wish and will is the birth-right of every individual, but unfortunately, Kashmiris have been denied this very right. For decades now, the Indian military has been using every kind of trick to subdue Kashmiris' just struggle. People are being detained, tortured and mercilessly killed, and are being used as human-shields, but these brutalities have failed to catch the attention of numerous human rights organizations till 2018.

The Kashmir issue had largely been eclipsed since the 9/11 attacks. The renewed wave of violence has brought the Kashmir issue back towards the international radar; it has become a global hotspot for major human rights violations; this has gradually shattered the international silence. Several international bodies are now calling for scrutiny of human rights abuses, sustained repression and disproportionate use of force in the Kashmir valley.

Now the Kashmir is Gaining Global Sympathy. The UN High Commissioner for Human Rights released a comprehensive and detail report about human rights in Kashmir in June 2018. Besides featuring the gross human rights violations in Kashmir and calling for an international investigation, the report reiterates the peoples' right to choose their destiny. The United Nations High Commissioner's report urges India to 'Respect the right to self-determination of the Kashmiri people'. Remarkably, the UN Secretary-General Antonio Guterres has not only backed Human Rights High

Commissioner's call for an international investigation into human rights situation in Kashmir but also stated that the report represents the "voice of the UN".

The All-Party Parliamentary Kashmir Group of the British parliament issued an 18-page-long report on Kashmir, largely endorsing the United Nations High Commissioner for Human Rights report which is considered as a path-breaking document. The All-Party Parliamentary Kashmir Group in the British Parliament has condemned Indian government for using excessive force against Kashmiris and refusing to allow independent observers from Britain to enter the Indian-held Kashmir to observe the true scale of human tragedies. The APPKG report referred to the human rights watch commentary on conditions in IOK which stressed that Indian occupation forces use brutal force against protestors.

The release of this report is seen as second big break through after the United Nations High Commissioner for Human Rights report on Kashmir. The report noted that the Indian Occupied Kashmir remains heavily militarized and draconian laws that provide legal cover for human rights abuses by security officials remain in force, giving the army widespread unchecked powers to search houses, arrest people without warrants and detain suspects indefinitely.

The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) also published a 16-page long report, wherein it has been stated that "the Kashmir dispute is not merely a question over territorial jurisdiction, but it concerns the future of millions of people who wish to exercise their inherent and inalienable right to self-determination."

The publication of the above-mentioned reports broke three long-held myths: First, that Kashmir has lost international empathy, particularly that the United Nations' mechanism is no longer relevant to Kashmir. Second, that the right of self-determination is an obsolescent part of the international discourse. And, finally, these reports underlined the need to establish an independent investigation to make culprits accountable before a court of law.

The National Commission on Human Rights (NCHR) also demanded the international Human Rights Institutions (HRIs) to raise voice against the brutalities of Indian forces in the occupied Kashmir. It strongly condemned the killings and persecution of innocent people of Kashmir at the hands of Indian forces in south Kashmir's Pulwama district as the stories of brutal assassinations have become a common occurrence in the Indian Occupied Kashmir. It further demanded that the NCHR Chairman is of the view that United Nations Human Rights Office of the High Commissioner must order a Commission of Inquiry into the atrocities in Kashmir. "India must be held responsible for its actions and the Human Rights Commission of India who is snoozing over the actions of Indian forces in Occupied Kashmir is very unfortunate." It strongly condemns the genocide of the people of Kashmir at the hands of Indian Military forces.

Meanwhile, once again the United Nations' Third Committee unanimously adopted a resolution on self-determination. The resolution reaffirms international support for the people's right to self-determination as a fundamental human right. It brought back international attention to the long-pending issues on the UNSC agenda including Kashmir.

The tragedies and suffering of the people of Kashmir goes beyond the reports and imaginations. An Italian photographer, Camillo Pasquarelli, captured the tragedies and sufferings of the people of Kashmir in his camera during summer of 2017-2018. The 'Time Magazine' featured a comprehensive story about the plight of Kashmiri pellet-gun victims based on his photographs and experiences in September 2018. He told Time that "pain and suffering surrounds you in Kashmir all the time. Somehow, everyone you speak to is related to the conflict. May be his neighbour has been injured, may be his son or daughter has been killed." A few weeks ago, Cédric Gerbehaye, a Belgian photographer, held an exhibition portraying the pellet-gun victims of Kashmir at the European Parliament. The exhibition got immense attention from EU members and civil society across Europe. Subsequently, Rania Abouzeid, an award-winning print journalist contributed a long piece on Kashmir along with pictures of the journalist; this appeared in the issue of 'National Geographic'. This story represents the real pain and suffering of the Kashmiri people who have been caught in an unending conflict since 1947, since the last three decades. This article went viral and became one of the most referred-to pieces over the Kashmir conflict.

Unprecedentedly, the 'New York Times' published a front-page story titled 'In Kashmir, Blood and Grief in an Intimate War: 'These Bodies Are Our Assets' a few months ago. It says that: Now, the resistance inside the Indian captured areas of Jammu and Kashmir is overwhelmingly homegrown. Some of the issues raised include unmarked graves and use of pellet firing shotguns were vigorously highlighted in all articles. In this background, the human rights committee of the European Parliament is also set to host a hearing on Kashmir in early 2019.

The fact reports list all sorts of human rights violations including killings, excessive use of force, disappearances, restrictions, abuses, violence, torturing, and violation of the right to education. We have been witnessing the same on the electronic media and reading in the print media. Now the world has endorsed the gross human rights violations in the IOK by the Indian security forces.

Respected panellists, violations of laws in respect of altering the special status of Jammu and Kashmir which includes demographic changes and settlement of non-state subjects in the valley have not been covered under the reports. Remaining issues need to be identified and brought to consideration of the UN HC for Human Rights, the Kashmir Groups in the British and European Parliaments and other human rights' organizations, so that all aspects of the violations impacting life of the people of Jammu and Kashmir may be addressed. The President of AJK termed the reports as just the tip of the iceberg as a lot have not been covered. The Government of Pakistan and / or the Government of AJK may form a committee or commission for the implementation and promotion of the reports on human rights violations in Jammu and Kashmir. Meanwhile, we should also pursue the human rights watch organizations to revise the reports by including the missed violations and for the implementation of the report including seminars and conferences.

Ladies and Gentlemen, Unless the UN resolution on the Kashmir conundrum is implemented, the dark night of tyranny and oppression will continue to prevail in the valley. To stop senseless killing in Kashmir, the peace-loving nations should pressurize India for the resolution of the Kashmir conflict in a timely manner and to the satisfaction of the people of Kashmir.



The university understands that the Government of AJK, particularly, our President made tremendous contributions towards the realization of the reports. The university acknowledges the contributions of all including the UN HC for Human Rights, All Parties Parliamentary Kashmir Group in the UK parliament, the Jammu and Kashmir Self Determination Movement Europe, Kashmir Council for Europe, Tehreek-e-Hurriyat Jammu and Kashmir, Kashmir Media Service, the APHC leaders in the IOK, the APHC representatives in Pakistan, Mushaal Hussein Mullick, Chairperson of Peace and Culture Organization and in particular the Martyred who scarified their lives in the struggle for freedom.

On behalf of the faculty, staff and students of the University, I would like to tender our thanks and gratitude for all those who contributed towards realization of the reports, articles and resolutions to highlighting the situation of human rights in Jammu and Kashmir. We also thank the groups and individuals who have been highlighting the atrocities of Indian occupying forces in IOK. The MUST commends these reports, articles and resolutions to support the Kashmiris for their just struggle for freedom. We also commend leadership of Hurriyat Conference in IOK for their unprecedented sacrifices and continued struggle for freedom. The university solemnly hopes that the UN, the peace-loving nations and human rights

organizations will pressurize India further to stop human rights violations in the IOK and accept the right of the people of Jammu and Kashmir for self-determination.

Ladies and Gentlemen,

The Mirpur University of Science and Technology is known for organizing conferences and seminars on Kashmir. The University organized:

- Seminar titled, “International Kashmir Seminar” in June 2016 at the Jinnah Convention Centre, Islamabad.
- A Seminar on “Role of Kashmiri Diaspora for Projection of Kashmir Cause” in August 2017.
- A Seminar entitled, “Genesis of Kashmir Dispute” in April 2016.
- A Seminar entitled, “freedom Struggle of Kashmiris is Legitimate” in July 2016.
- A Conference on Right to Self Determination in January 2017.
- A Seminar entitled, “Role of Kashmiri Diaspora for Projection of Kashmir Cause in August 2017.
- A Seminar entitled, “Role of Overseas Kashmiris for Kashmir Cause and Development of AJK” in October 2017.
- A Lecture by Ms Sumaira Farrukh on “Women Empowerment and Contribution in Economic Growth in AJK” in April 2018.
- A Lecture of Prof. Dr. Akbar Ahmed, Ibn-e-Khaldun Chair of Islamic Studies in the School of International Service at American University in Washington/ Former Pakistani High Commissioner on the topic “Clash of Civilizations – Role of Muslims in the West” in June 2018.
- A Roundtable Conference on “Human Rights Violations in IOK” on November 2018.

The MUST will continue playing its role for the realization of the right of self-determination for the people of Jammu and Kashmir. I urge media representatives to promote these reports and worst kind of human rights violations in IOK. The students of the university are also urged to make the operative parts of these reports and human rights violation in the IOK viral through social media. Persecution



Before concluding, I would again like to thank the Honourable President for gracing the occasion as Chief Guest. I also thank the keynote speakers for their participation. Their participation has indeed lent grace to the conference. I again thank Rana Athar Javed, Director General Pakistan House, for joining the MUST to organizing the Conference. I must also appreciate the officials of the Pakistan House, members of the Organizing Committee of the conference, students and everyone else who put his / her efforts towards organizing the conference.

At the end, I would like to read the last paragraph of the APPKG report - "In the meantime, we offer this report as our contribution to the debate on the need for human rights to respect in the Indian Occupied Kashmir. Far too many innocent lives have been lost already; far too many lives are blighted now. This is intolerable; it must end."

Thank you, Ladies and Gentlemen, for honouring us with your kind presence.



## Mr Rana Athar Javed Director General Pakistan



Ladies and Gentlemen, Assalamu Alikum!

First let me register my gratitude to President of Azad Jammu and Kashmir, H.E. Sardar Masood Khan for his valuable time from his busy schedule. I want to thank Dr Habib ur Rahman, Vice Chancellor Mirpur University of Science and Technology (MUST) for providing Pakistan House an opportunity to collaborate on a conference on this very important issue. I especially welcome our keynote speakers. I would like to quote Mr Syed Ali

Geelani from our last conference on December 8th, 2018 in Islamabad,

“Pakistan House and all other organizations, and individuals should continue to expose Indian brutalities in Indian Occupied Kashmir (IOK) by all means.”

So, this is the starting message. Also, I would like to congratulate Mr Syed Abdullah Gillani for him assuming his position as Convener of All Parties Hurriyat Conference (APHC), Azad Jammu & Kashmir and Pakistan Chapter and I hope that under his leadership all other conveners from different Hurriyat groups would contribute for the purpose for which they have been designated.



## Keynote Addresses

### Chief Guest

**H.E. Sardar Masood Khan**

**President of Azad Jammu and Kashmir**



Professor Dr Habib ur Rahman, Vice Chancellor, MUST; Rana Athar Javed, Director General Pakistan House; Dr Nazir Gillani, President Jammu and Kashmir Council for Human Rights; Syed Abdullah Gillani who is the new convener of All Parties Hurriyat Conference (APHC) and representative of Syed Ali Geelani, Chairman APHC. Asslamu Alikum! Ladies and Gentlemen.

I want to appreciate the efforts which are being made by Pakistan House regarding Kashmir. They have been covering a wide spectrum of subjects related to Pakistan's national security, Pakistan's foreign policy, and Pakistan's development in a holistic manner, but we are grateful to them for their special attention to the issue of Jammu and Kashmir. I would also like to acknowledge here the efforts which have been made by MUST in highlighting the issue of Jammu and Kashmir. This institute has consistently worked on awareness raising, for advocacy of the right to self-determination of the people of Jammu and Kashmir.

Let us first talk about the right to self-determination. This right is recognized by the International Law, and it is considered as an inherited one. It is enshrined in the Charter of the United Nations (UN). It is called "Jus cogens", a Latin word which means pre-emptory norm of International Law. All other laws that we talk about; the right to life, the right to health, the right to education, the right to not be tortured, the right to not be enforcedly disappeared, all these rights stem from the right to self-determination. So, it is the mother of all rights. Nobody can take it away from you, you do not surrender your right to self-determination under duress and under coercion. India won its independence back in 1947, and it realized its right to self-determination, and Kashmiris up to this day, seventy-one years have passed, they don't have their right to self-determination. The reason that I am mentioning this is that all of you are convinced that your struggle is just, that you are in fact asking for your legitimate right.

The other point that I ought to make is that many politicians or activists opine that when you talk of moral, diplomatic, and political campaign; you are opting for a weaker track. This is not true. Let me tell you that Pakistan and the people of Jammu Kashmir have opted for a political and diplomatic track and if they develop their muscles and sustain their campaign, no power on Earth can defeat them. We must understand that many successful movements in the World during the colonial era, and after colonial era were political and diplomatic such as Arab spring where most of the transformations and changes were made because of the political and diplomatic campaign.

We are facing India on two fronts: One is the military front and it has broadly speaking three sub-fronts : firstly, they are killing our Kashmiri brothers and sisters in Occupied Kashmir (they have killed 500,000 people since 1947) and they are blinding them (they have blinded 6,000 people there); secondly, they are killing across the line of control by violation of ceasefire agreement ; and thirdly, they have waged proxy war against Pakistan through Afghanistan especially in Baluchistan, Karachi and FATA. Yes, this is their military pinnacle but India's stronger pinnacle is the diplomatic and political one, and that's where we must respond proportionately and that's where our stress should be.

The movement of Kashmiris for freedom and right to self-determination is not seventy years old. The Kashmir dispute was not born on the 14th of August 1947 or October 1947. The minimum age of Kashmiri dispute is 186 years as in 1832 Kashmiris from Poonch rose against insomniac taxes and the reign of terror of Raja Gulab Singh who survived the rebellion, skinned the rebel leaders alive and their bodies were hung on a tree which is still present and is a monument to the Kashmiri struggle. In 1931, when Abdul Qadeer Khan Ghazi was being trialed, twenty-two people give their lives to complete Azan because as the first person stood up to say the call for prayer; he was gunned down, and then the second man stood, and then the third and so on, at the completion of Azan twenty-two people had laid their lives.

Our history of freedom struggle is full of such instances. If Kashmiris have not been defeated for 186 years, no power on earth can subjugate them. When we talk of conventional warfare; armies stand against each other, and in asymmetric warfare there are guerilla forces. However, in the case of Indian Occupied Kashmir, it is completely different. For the past Seventy-one

years, the Kashmiris have fought the Indian forces (700,000 in number) unarmed by large.

The international community responded to the call of Kashmiris, for the realization of right to self-determination, by complete silence in the past. But it is not silent anymore. As the Office of High Commissioner for Human Rights published a comprehensive report last year, 14th of June, which was widely publicized, yet it was not publicized to the extent it should have been. There was a report from All Party Parliamentary Group on Kashmir, United Kingdom and there was also report by the Organization of Islamic Cooperation; all listing, documenting and chronicling the massive gross gruesome Human Rights Violations in Indian Occupied Kashmir which you would rightfully call crimes against humanity, genocide, warfare and ethnic cleansing. There is also an ongoing dialogue in European Parliament on the issue of Kashmir.

Let me also tell you that because of the consistent efforts being made by the Kashmiri freedom activists and diaspora community; human rights activists and political activists are raising their voices and international diplomacy is stepping forward. Mr Kjell Mangne Bondevik, the former Prime Minister of Norway visited Muzaffarabad, Islamabad, Delhi, Bangalore, and most importantly he visited Srinagar where he met Mr Syed Ali Geelani, and Mr Mirwaiz Umer Farooq. The sitting Norwegian Prime Minister has said that “brute force is not the answer to the resolution of the Jammu and Kashmir dispute” and that “there has to be a popular support for this kind of resolution”. The joint statement issued by the Prime Minister of Pakistan and President of Turkey also emphasized the need for sustained dialogue to resolve the issue of Jammu and Kashmir in accordance with the UN resolutions.

Let me now go to the practical dimension of the issue and our own strategy. Our first responsibility is to record all the Human Rights Violations committed by the Indian Occupation forces backed by their violent extremist groups, the Rashtriya Swayamsevak Sangh



(RSS). I want to acknowledge the efforts being made by the joint resistance leadership especially Mr Mirwaiz Umer Farooq in this context who has released a very comprehensive report and it should be considered as the most authentic report where he has come up with figures of all human rights violations which include arbitrary arrest, torture, killings and also rape of women. Then there is Kashmir Media Service, a portal where every day the record of the human rights violations in IOK is updated.

The second responsibility we have is to transfer this record to the United Nations Secretary General and to the Human Rights Council. The sent written documents to the Human Rights Council are recorded and segregated as operational documents and special rapporteur or special representatives do refer to them as they provide the evidence that is needed.

The third thing we ought to be doing is that we must invite international community to Pakistan, and we should also visit them. We should travel to London, Brussels, New York, Washington D.C., Gulf region, and Asia Pacific Region to gather universal support. We should also bring the International community to the universities and political arenas to interact with academics, politicians and the civil society.

My advice to students of MUST is to develop legal expertise as the case of Kashmir has three distinct dimensions: first is political, second is legal and third is the territorial. For all of these, when you are arguing, when you are presenting your points; you must have legal expertise even if you are not a lawyer it is important that you master basic facts and fundamentals in this regard to your legal strength.

An individual can do a lot because after the information revolution you have the most powerful instrument in your hands in the form of mobile phone. And it's a universe where you can communicate, express your views and interact with the people of any region. You can express your independent point of view and solidarity with the people of IOK and project their case. Imitate the recommendations of the UN report. One of the recommendations from UN report calls on India to respect the right to self-determination of people of Jammu & Kashmir which is protected under international law, you need to imitate such statements to project the cruel behavior of Indian occupational forces. This gives a message to everybody that Jammu & Kashmir dispute is not a bilateral issue, that in this dispute four parties are stakeholders; Pakistan, India, the people of Jammu & Kashmir and the UN as the implementer of its own resolutions.



Kashmir has the largest diaspora community in the United Kingdom. Mirpur, Bhimber and Kotli represent a large portion of diaspora community living there, they have elected their representatives in the House of Commons and in the House of Lords. These are the immigrants who were once weak, who did not have resources, who did not have political attractions, who did not have interactive relations with the social and political circles in their countries of adoption, and now they hold prominent positions in the British parliament. Now, the diaspora community can act and lookout for the welfare of the people living abroad and in Pakistan, that's why Kashmiris appeal to the diaspora community to help them. I encourage the people of Kashmir and Pakistan to get connected with the diaspora community and use their strength, and MUST must act as a magnet to build this network.

The People of Kashmir have a natural right to self-determination, and now the international community is also accepting this point of view so don't listen to defeatists. It is my council that go and knock on the doors of help and keep knocking until you get response. But if you don't show up, if you don't knock on the door and if you don't represent your case to the international alliances, nobody would open the door, nobody would respond.

There is a propaganda, and some of us in Pakistan also get detracted because of it, that in the IOK terrorists are leading the campaign of Kashmir Movement. I, assertively, say that the movement in Kashmir is peaceful; because firstly, most of the Kashmiris are unarmed, and secondly, the militants who we call the mujahidin have a very small number. The population of the IOK is almost thirteen million and according to statistics issued by the Indian occupation forces, in the year 2018, the total number of so-called militants was 500 out of which 240 have been killed in the past few months and there are 230 of remaining militants. Now, the question rises, do the 230 unequipped militants have the capacity to defend 13 million civilians of IOK? No!

There are also questions being asked about the affiliation of Kashmir. Those questions were answered when Pakistan's flag was raised on 14th of august 1947 in Kashmir. It has been said and I reiterate that Kashmir has been a part of Pakistan and it will remain a part of Pakistan. Pakistani flag is a symbol of respect for Kashmiris, this flag is being raised at the funerals of freedom fighters, and martyrs are being buried in this flag. The slogans that are being raised there are "Hum Kya Chahty Hain? Azadi! Azadi Ka Matlab



Kya? La Ilaha Illallah! (What do we want? We want freedom! What is the meaning of Freedom? La Ilaha Illallah (None has the right to be worshipped except God) this slogan was also used in Pakistan movement”, and Mr Syed Ali Geelani said, “Hum Pakistani Hain, Pakistan Hamaara Hai (We are Pakistan, and Pakistan is ours). Those freedom fighters are giving this message to the rest of the Kashmiris, we should try to meet the responsibility that they are transferring to us, in sustaining the political campaign.

I would also like to appeal to you, the students of MUST, to fight the India’s proxy war and appeal to you to be very cautious and vigilant, and not to be divided among yourselves because of the Indian propaganda. Strive and thrive for Kashmir movement and use your skills for Kashmiri Political campaigns. The youth is a remarkable gift to Pakistan and AJK from the Allah almighty, you are, now, the torch bearers of Kashmir movement, it is your duty to take the responsibility of the Kashmir dispute and work on it with passion, with drive and with conviction, and with this determination you would get the positive results. Don’t think of it as the responsibility of the government or the Foreign office or the political parties, it is your responsibility, take your destiny in your own hands today, whether it is for your professional excellence or for the Kashmir movement.

In conclusion, it is important to mention that this is a vow of the Kashmiris that they will fight for freedom and self-determination on any circumstances, and no power such as India can question the free will of the Kashmiris. And on basis of this vow Kashmiris are sacrificing themselves. They are standing against one of the most brutal armies in the world so don’t underestimate them, and do not talk of any compromise, any concessions and any out of the box solutions without the consultation of the people of the Jammu and Kashmir.



## Keynote Speaker 1:

**Dr Nazir Gillani**

**President, Jammu and Kashmir Council for Human Rights (JKCHR)**



Professor Dr Habib Ur Rehman, Vice Chancellor Mirpur University of Science and Technology (MUST), Mr Rana Athar Javed, Director General Pakistan House, Mr Syed Abdullah Gillani, Convener All Parties Hurriyat Conference (APHC) and all the distinguished guests in the assembly I welcome you all.

The people of the Jammu and Kashmir are not in a dispute, they are entitled to their right to self-determination under the Charter of the United Nations. The Kashmir conflict is not merely a bilateral dispute between India and Pakistan rather Kashmir is an important key constituent in this issue, so the resolution of this dispute should be centred on Kashmir.

In the eyes of international community Kashmir is considered as a disputed territory, this means it has no accession with India. Therefore, India has no right over Kashmir and Kashmiris are free to choose their destiny. On 27 October 1947, the accession was signed between the ruler of Kashmir, Maharaja Hari Singh and the then Governor-General of India Lord Louis Mountbatten, but India has surrendered this accession at UN on 15th of January 1948 for a UN supervised vote. So, India has no legal right over Kashmir, if the Kashmiris have any connection with anyone that is the UN.

### **What is this Kashmir issue?**

There are two aspects of this dispute;

1. Threat to international peace and security, because of the tensions between India and Pakistan.
2. Kashmir's right to self-determination.

These are the fragmentations of this Kashmir case. The right to self-determination is between the Kashmiris and the UN, but we have the support of the Government of Pakistan and the civil society of Pakistan as well. The United Nations (UN) has also endorsed four components of Kashmir case; the fundamental rights of Kashmiri people, their dignity, security and the right to self-determination. People of Kashmir must defend these rights, they must defend their dignity, their security and their right to self-determination.

**What are these UN resolutions?** These resolutions on Kashmir are agreements between India and Pakistan endorsed by the UN, they are legally binding documents. There must be a definite point to disagree to those agreements. International community must put their feet on this ground and propose suitable solutions while protecting the rights of Kashmiris. Sweden came up with the certain proposals at the UN, the only country which has picked up this thing, saying that Kashmir has certain legal elements which need to be decided. If this can't be decided by the UN, then it must be referred to the International Court of Justice.

The Kashmiris are people with long history, culture, and an independent identity. There are Muslims, there are Hindus, and there are Sikhs, but they are all one, they are Kashmiris, Kashmir is their identity. Therefore, the youth of Azad Kashmir needs to stand up to defend the youth of Indian occupied Kashmir. The youth of Kashmir who are sitting here; you need to master the art of storytelling to tell the world about the atrocities committed by Indians in Kashmir. For this purpose, use social media to portray the acts of the enemy forces and to flag India's strategy to numerically disable the people of Kashmir. You must keep your numerical strength to win over your enemy and you need to be very vigilant about your surroundings.

I am very thankful to the Director General Pakistan House, Rana Athar Javed for his efforts to float the idea of report monitoring in the highest offices of the UN. His organization has done a tremendous work for the Kashmir cause. So, I would like to suggest the Kashmiri youth to do the same; keep interacting with the international bodies and keep on engaging with the human rights activists because your efforts will bring rewards for your land and for your people.

According to the UN report on the Human Rights Violations in Kashmir published on 14 June 2018, Kashmir is a highly militarized conflict zone where India is committing massive human rights violations. This report is presented by the UN High Commissioner for Human Rights which means 193 countries are behind this report. So, it is not just an ordinary report, it has merit and strength as it is the voice of the UN.

The Kashmiris need to challenge the status of Indian Army in IOK. We need to remind the world that Indian involvement in our territory is illegitimate. According to the April 1948 UN Resolution on Kashmir, Indian army can operate in three certain conditions; first, the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State of Jammu and Kashmir. Second, a few troops, as small as possible, should be retained in the forward areas. Third, the troops should be located within their present base areas. But all these three conditions have been violated by the Indian State.

Another report that came up before the 14th June report, on 16 May 2018 was the UN Commissioners report about the war crimes of Indian security forces in IOK. That report is alleging Indian security forces of using Kashmiri children as spies for them. If this isn't a war crime, then what is?

There are two important recommendations, mentioned in the 14th June report, by the UN High Commissioner for Human Rights; First, 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. Second, establish independent, impartial and credible investigations to probe all civilian killings which have occurred since July 2016.

In the end, I would like to reaffirm that Kashmir movement is a just movement as Kashmiris are fighting for their God-given rights. I urge the youth of Kashmir to remain consistent with their efforts and fight the Indian propaganda as they are the protectors of this soil. I would like to appreciate Pakistan which has always stood with us and I am sure that it will always stand with us. Kashmir is ours and it will remain ours, no power on earth can take it from us.

## Keynote Speaker 2:

**Mr Saiyed Abdullah Gillani**

**Convener, All Parties Hurriyat Conference (APHC) &  
Representative of Mr Syed Ali Gillani (Chairman APHC)**

**(Please refer to Page 54-58)**



## Noteworthy Snippets



*“It has been said and I reiterate that Kashmir has been a part of Pakistan and it will remain a part of Pakistan. Pakistani flag is a symbol of respect for Kashmiris”*

**Mr Sardar Masood Khan**



*“The Kashmiris are people with long history, culture, and an independent identity. There are Muslims, there are Hindus, and there are Sikhs, but they are all one, they are Kashmiris, Kashmir is their identity. Therefore, the youth of Azad Kashmir needs to stand up to defend the youth of Indian occupied Kashmir”*

**Dr Nazir Gillani**



*“One of the basic principles of conflict resolution is to identify and address the root cause. In the case of Kashmir, the root cause is the denial of the right to self-determination”.*

**Mr Saiyed Abdullah Gillani**





*"India is pursuing its policy to change the demographics of IOK from Muslim majority into a minority by settling Hindus from India into IOK, thus violating the Article 49 of the Fourth Geneva Convention which states that, "The occupying power shall not deport or transfer parts of its own population into the territories it occupies."*

**Mr Syed Faiz Naqashbandi**



*"We can do a lot in Kashmir with diplomacy, but it must be backed by force".*

**Mr Ghulam Muhammad Safi**



*"The issue of Kashmir is not merely a political issue; it's an issue about the people of Kashmir, it's not just a territorial issue; it's an issue of self-determination and birth right of all Kashmiris."*

**Mr Rana Athar Javed**

## First Session Speeches

**Mr Syed Faiz Naqashbandi**

**Convener Hurriyat Forum, Mirwaiz Group &  
Representative of Mirwaiz Umar Farooq**



It is an honour for me to be speaking on this occasion. I thank Pakistan House and Vice Chancellor of Mirpur University of Science and Technology (MUST) Dr Habib ur Rehman for inviting me.

Before starting my speech, it is important to mention that the Kashmir issue has two dimensions: One is political, whereas the second dimension is of human rights.

Firstly, UN recognizes Kashmir as a disputed territory as in 1949, a resolution was passed in the UN Security Council, which India and Pakistan both agreed to; making it binding in the international arena. Thus, acknowledging the fact that Kashmiris have their right to self-determination. In addition, it has been pronounced by the members of the different international organizations that Kashmir issue needs to be solved and denying the justice to the people of Kashmir is the violation of the human rights, and a crime against humanity. Human rights violations have been recurring in IOK as Indian troops have been involved in brutal activities killing thousands of innocent Kashmiris, but India is denying this fact from the last seventy years. Yet it cannot hide it anymore as Indian crimes have come to the front, and the UN report is a big example to it.

Secondly, India is trying to isolate Kashmir from rest of the world thereby not letting any Human Rights Organization, journalists and visitors to analyse the situation in Indian Occupied Kashmir. India's human right violations are so massive that they cannot be described in words. The Indian government has given special powers to its soldiers in the form of Armed Forces Special Powers Act and no suit can take Indian soldier to any court of law in any case because Section four of the same law elaborates that they can

shoot to kill anyone without any legal proceedings thus violating Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which says, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

In addition, Kashmiris are being tortured; killed in Indian jails without any accountability and are subjected to arbitrary arrest in IOK violating the Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which states, "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Additionally, Pellet gun is being used on the innocent Kashmiris; blinding and torturing them as a result. Many reports have shown that bullets were fired on the vital and sensitive parts of their bodies that shows the intentions to damage Kashmiris brutally. These guns have never been used in any other part of India, but the Indian forces are using these guns in the IOK. Chemical weapons are also being used in IOK which are banned under International law.

Moreover, India is pursuing its policy to change the demographics of IOK from Muslim majority into a minority by settling Hindus from India into IOK, thus violating the Article 49 of the Fourth Geneva Convention which states that, "The occupying power shall not deport or transfer parts of its own population into the territories it occupies." Similarly, demographic changes are also considered as war crimes under the Article 146 and 147 of the Geneva Convention.

Now, let me raise a question; Why India is not allowing international media and international NGO's in IOK? The answer is that they want to hide these atrocities which are considered as war crimes in International law.

In conclusion, I would like to say that we Kashmiris must continue our struggle until we fulfil our right to freedom. To quote Martin Luther King, "The ultimate tragedy is not the oppression and cruelty by the



bad people but the silence over that by the good people”.

## Mr Ghulam Muhammad Safi



There is a long history of Human Rights Violations in Indian Occupied Kashmir (IOK); hundreds of thousands of Kashmiris have been killed by the Indian Forces. Only because Kashmiris have raised their voices for their natural right to freedom. They have only one demand; India shall leave Kashmir.

The history of this conflict goes a long way back. Therefore, it is necessary to analyse the root cause of the issue. My question is; Why rape is being used as an instrument of violence by the Indian forces? Why are Kashmiris being tortured on regular basis? All they want is their right to self-determination and despite the UN resolutions seven decades have passed but the people are still waiting for the day when they would be able to exercise their right to self-determination.

People from different parts of the world tell Kashmiris that they need to put more efforts against occupying powers politically, diplomatically and morally. But it is important that I quote Mr Kofi Annan in Iraqi crisis. All of us know Iraq was accused of having weapons of mass destruction. Mr Kofi Atta Annan then the Secretary-General of the United Nation (UN) went to Iraq, asked that why don't you give diplomacy a change? Iraqis questioned in reply; why there are these no-fly zones and why this bombardment on the people of Iraq? To this Mr Kofi Annan said, "You can do a lot with diplomacy, but you can do a lot more with diplomacy backed up by force".

So, we can do a lot in Kashmir with diplomacy, but it must be backed by force. As the UN Charter too has allowed those who have been occupied by the occupying powers that they can use any means to liberate themselves from the clutches of occupation. People of Kashmir know it better that they need to adopt against occupation forces.

Moreover, we see Human Rights violations in different parts of the world by different groups and they are finally punished on their acts. But in Indian Occupied Kashmir, the occupying forces violate Human Rights as the method of state policy without being held accountable. Hence, there is a

great difference between abuse of Human Rights by individuals or groups and abuse of Human Rights by a state. In IOK the occupation troops are equipped with weapons on one hand and on the other hand they have also been protected by an umbrella of legislation like Armed Forces Special Power Act, and the Public Safety Act. It is unfortunate that under Armed Forces Special Powers Act Indian Army can kill, arrest, loot and burn the Kashmiri people and their possessions without being answerable to none as they can't be called into any court of law.

Instead of questioning their presence in Indian Occupied Kashmir, they ask our fellow Kashmiris about their identities. They must know that the land of Kashmir and the culture of Kashmir is their identity. However, what is the identity of Indian Armed Forces in Kashmir?

The occupying forces from India have no right in Kashmir. How can they ask this question to Kashmiris residing there? They have sophisticated weapons in their hands, they have the umbrella of the Armed Forces Special Powers Act and their acts are the acts of terrorism and crimes against humanity as they are torturing children and raping women. These incidents are so tragic that they can't be explained.

Seventy years have passed, but still the world is silent on Indian Occupied Kashmir. In the year 2000, before the visit of President Bill Clinton to India, twenty-three Sikhs were murdered in Chittisinghpura by the Indian authorities. President Bill Clinton and his acquaintances were told that the ongoing terrorist activities have caused this slaughter in Chittisinghpura. Similarly, India wants to portray that the situation in Kashmir is not a struggle for freedom but terrorism against the Indian State in order to hide their state-initiated terrorism. Therefore, India plays with the terms such as fundamentalism, terrorism and separatism. The World must realize that if Indian intransigence remains, the issue of the Jammu and Kashmir remains.

It is our responsibility to break the intransigence of India. How to break this intransigence? This is an important question that must be answered. Moreover, the lukewarm attitude of the big powers regarding the issue of Kashmir has never come at the front, this attitude must be broken down. The environment of the international world is not in the favour of Kashmir issue because Kashmiris have been tagged and blamed for the

things that they never have done. Therefore, we need to remove these tags which will take a lot of time but that must be done.

In the end I would like to say that we will keep struggling for Kashmir and we must keep moving and play our part. And this freedom candle will keep lighting the Kashmir movement.



## **Mr Rana Athar Javed**

### **Director General Pakistan House**



Assalamu Alikum! I would like to thank Dr Habib-ur-Rehman for co-organizing this event, and all the participants here.

I would like to acknowledge here the contributions of Jammu and Kashmir Council for Human Rights (JKCHR) that went as a delegation to Geneva in 2016 before Kashmir report was published and contributed to the methodology of report monitoring as India does not allow international observers. Therefore, we together with Dr Nazir Gillani and Mr Chaudhry Mohammad Yasin, opposition leader of AJK, initiated a basic methodology for report monitoring. I would like to mention here that; JKCHR and Pakistan House are not official government organizations, neither state representatives. We are Civil Society Organizations who are contributing to



the Kashmir cause, if you want to have your rights then you must show your responsibility and duty to the cause as well. Because I don't believe in words but actions, so Kashmiris must act, they must act for their right to self-determination.

Today's war is more of psychological in nature; it is combined with social chaos theory, sabotage, reflection of ideology, breaking the will of the societies and that becomes a very lethal composition. There are times when there is a need to go to war, and there are times when you must strengthen your will and understand the nature of the conflict because, presently, its nature has changed. That's why, President AJK and other speakers have emphasized on the role of social media, understanding of the conflict and then crafting a strategy to challenge the enemy's propaganda.

It is important to talk about Pakistan's Kashmir policy, I would like to remind the local and international bodies that Pakistan has always put Kashmir in front and the resolution of Kashmir issue is Pakistan's number one priority. I haven't seen any government which has changed this course. However, we are in the process of dialogue, negotiations, conversation with India and when India plays hard, Pakistan also must play hard which involves different kind of options. But this dialogue doesn't mean that atrocities in Kashmir should be ignored. Pakistan is always there to support Kashmir cause and Kashmir movement in Indian Occupied Kashmir (IOK). It highly acknowledges the sacrifices of the people of Jammu and Kashmir and cannot forget their sufferings and sacrifices. It also has never forgotten that Kashmiris have their natural right to self-determination.

Moreover, Kashmir being the key actor in this dispute, has the right and free-will to decide its future. Pakistan is not imposing its will on Kashmiris, but Pakistan is providing all support to Kashmiri brothers to have their right to self-determination. For this purpose, Pakistan has consistently asked India to come to the table, hold dialogues and have the Kashmir issue resolved under the UN Security Council resolutions, but India consistently refuses.

The issue of Kashmir is not merely a political issue; it's an issue about the people of Kashmir, it's not just a territorial issue; it's an issue of self-determination and birth right of all Kashmiris.

Presently, the art of war has changed. The students of Mirpur University of Science and Technology (MUST), whether they are from Science Faculty or Humanities should understand and conceive that their

words are being heard, their comments are being valued and being read by the hundreds and thousands of people.

Nowadays, India has adopted a new strategy of Neo-colonialism called “Ajit Doval’s Doctrine” through which it is bringing the non-state subjects under the guise of businessmen and retired persons to Kashmir. This strategy involves three important elements; first, false flag operations; which means the Indians will stage encounters, kill the young innocent Kashmiris, kidnap their younger brothers, sisters and parents to use them against their own and drove them into fighting, and then flash it as it was Pakistan behind all that violence to distort the facts and malign Pakistan.

Therefore, you shouldn’t fall into the trap of propagandas. These propagandas target your emotions and touch your grievances. In this regard, India’s strategy includes three things: first, the Indian propaganda against Kashmiri freedom fighters and Pakistan; second, forcing young Kashmiris to leave Kashmir to create the imbalance for the coming 30 to 40 years, it is important that we counter this strategy as we have already lost three generations with succession since partition and third, disgruntling the Kashmiri youth. They make you disgruntle yourselves, they make you bash yourselves, bashing Kashmiri leaders, bashing Pakistan in order to serve the Indian National Security Objective. It’s called the 5th Generation Warfare.

The intimidation of the Kashmiri youth is perpetrated in IOK. In my first lecture at APHC on the protection of youth of IOK, I emphasized on the youth to learn skills and obtain higher education, join the bureaucracy, so that they can contribute to the welfare of their society. And tackle India’s artificial migration strategy, make sure that the misbalance is fought at all fronts.

Although, there is no doubt that presence of more than 700,000 lethal and non-professional men of Indian Armed Forces in IOK is a direct reflection of the ignorance of the international institutions, yet we can fight for that, we can raise the menaces of Kashmir in the eyes of international community. The UN Report on Kashmir, after seventy years, is one such big example, and this will not stop. These reports will keep on coming and India’s face will be exposed. Indians are fighting with bullets but, most importantly, with minds. They are playing with the psychology of Kashmiri youth and are trying to contaminate Kashmiri minds with a different ideology. But the world knows that Kashmiris are the most resilient nation;

so, they will show resilience against Indian psychological warfare.

Pakistan also has been the target of this brute violence and it is attacked from all directions, from the line of control to the international borders killing the innocent civilians. This Indian hostility towards Pakistan is an evidence of Pakistan's Kashmir policy which has never changed. It has been standing with Kashmiris from the last seventy years and it will always keep on standing with them, no matter what the consequences are as evident from Quaid-e-Azam Muhammad Ali Jinnah words and I quote,

“Kashmir is the ‘jugular vein’ of Pakistan.”

In the end, I would like to address the students of MUST directly; “You are the true face of Pakistan and Kashmir. You are powerful, and your leadership is influential. Therefore, follow your leaders and contribute towards the development of your society. Most importantly, don't fall into the enemy's deceptions, stand for your right and never back down as Kashmir's destiny lies in your hands.



## Photo Gallery













## Analysis & Recommendations

### **Analysis:**

The ensuing analysis of speeches reflect that Pakistan must prioritize resolution of Kashmir issue. For this purpose, Pakistan must use all diplomatic means: firstly, pursue UN Human Rights Council to establish a Commission of enquiry to conduct an independent international investigation of Human Rights Violations in Indian Occupied Kashmir; secondly, demand the return of United Nations Military Observer Group in India and Pakistan (UNMOGIP) and other international observers; thirdly, prepare a comprehensive blue-print on the resolution of Kashmir dispute and disseminate it through the Foreign Office.

Pakistan shall have a long-term policy on Kashmir, and it should strategically counter India's nefarious tactics to make Kashmir its permanent part. India is using different tactics to achieve that. These tactics include: elimination of youth activists, demographical changes, draconian laws such as Armed Forces Special Powers Act (AFSPA) and Public Safety Act, using rape as a weapon of war, crackdown on local and international journalists, and blocking of social media.

Pakistan and International Human Rights activist must continue to follow-up on UN Report on Human Rights Violations in Kashmir to ensure that it does not gets pushed to the back-burners the resolutions of 1948-49. They should use this report to pressurize UN, and other states to not only listen to the plight of Kashmiris, but also support their cause of the right to self-determination. International intervention in Kashmir has become necessary, without it, India will continue to exploit Kashmiris.

As Kashmir dispute is under the domain of International Law, it is of utmost importance that right terminologies are used to define it. India is not simply committing human rights violations against Kashmiris but is also committing crimes against humanity according to article VII of the Rome Statute of the International Criminal Court, 1998. So, Pakistan must use the right terms when it highlights its position on the Kashmir dispute at International forums.

## Recommendations:

The following recommendations for policy practitioners and concerned quarters are proposed:

- **Preparation of a Blue-print on Kashmir Resolution**  
Government of Pakistan must prepare a blue-print on Kashmir resolution. This blue-print shall be comprehensive covering all aspects for the resolution of conflict in line with the demands of Kashmiris. It shall be disseminated to all states through the foreign office.
- **Pursue UN to Monitor Kashmir to compile a list for Referendum**  
Pakistan shall request UN to monitor Kashmir and compile a list of individuals eligible for a plebiscite. This list will be the first step towards a successful referendum which if implemented can be followed by de-militarization, and formation of a referendum committee.
- **Kashmiris must be involved as a party**  
Pakistan shall ensure that in negotiations with India regarding Kashmir, Kashmiris shall never be ignored. They are an important key stakeholder in the dispute. Therefore, their participation in any negotiation regarding Kashmir is essential. Moreover, the participation of other states is also necessary. India's bilateralism must be negated, as UN resolutions present the dispute into an International context.
- **The dispute shall also be raised in other International and Regional Forums**  
Pakistan shall not simply rely on UN and other forums where the dispute has already been raised, but she shall seek & explore new avenues. For example, Shanghai Cooperation Organization (SCO) is one such forum where the dispute must be raised. The support from regional players such as China, Russia, and Iran should also be considered and pursued in the context of their geo-political interests.