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## Advisory Board, Pakistan House



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## Introduction

**Pakistan House** organized a one day International Conference on 16<sup>th</sup> of September 2019 in Islamabad on "Unlawful Annexation: Holocaust & Humanitarian Crisis in IOK ". Ms Sana Maqbool, News Anchor at PTV World, was the Master of Ceremony.

Muhammad Athar Javed, Director General, Pakistan House presented welcome remarks. This popular event witnessed the participation of foreign & retired Pakistani diplomats, policy makers, academics, defence community, civil-military bureaucrats, government officials, media personnel, university students, and other dignitaries.

**Syed Fakhar Imam, Chairman, Parliamentary Committee on Kashmir**, Chaudhry Fawad Hussain Khan, Federal Minister for Science and Technology of Pakistan, **Ms Mushaal Hussein Mullick**, Chairperson Peace and Cultural Organization participated as the Keynote speakers. H.E Sardar Masood Khan, President AJK graced the occasion as the Chief Guest. The other esteemed guests included Mr. Afzal Khan, Labour MP for Manchester Gorton. He is also the Shadow Minister of Immigration, UK.

The Chief Guest, Guests of Honour, Keynote speakers, other dignitaries, academic community, research groups, defence community and a large number of students from various universities praised the content and context of speeches. It was a unanimous opinion that the conference "Unlawful Annexation: Holocaust & Humanitarian Crisis in IOK " has presented an invaluable analysis and policy recommendations for the government of Pakistan.

This report presents a summary of statements by the Chief Guest, Keynote speakers, and key remarks delivered by the speakers during the conference. In a separate document, It also presents an analysis and policy recommendations for the state institutions.

## Programme Layout

<b>Video Session</b> <b>Messages from British and European Member of Parliament Moderator: Rana Athar Javed</b> <b>Director General Pakistan House</b>	
	<b>Mr Tanmanjeet Singh Dhesi</b> Member of Parliament, UK
	<b>Ms. Liz McInnes</b> Member of Parliament of UK
	<b>Mr. John Spellar</b> Member of Parliament of UK
	<b>Mr Richard Corbett</b> Member of the European Parliament
	<b>Mr Liam Byrne</b> MP for Birmingham, Hodge Hill

## **Keynote Session**

	<b>Welcome Remarks by</b> Mr Muhammad Athar Javed Director General, Pakistan House
	<b>Syed Fakhar Imam, Chairman, Parliamentary Committee on Kashmir</b>
	<b>Keynote Speaker 1:</b> <b>Choudhry Fawad Hussain,</b> Federal Minister for Science and Technology of Pakistan
	<b>Keynote Speaker 2:</b> <b>Ms Mushaal Hussein Mullick</b> Chairperson Peace and Cultural Organization
	<b>Statement by the Chief Guest</b> <b>H.E. Sardar Masood Khan, President of Azad Jammu &amp; Kashmir</b>
	<b>Mr Sardar Santok Singh</b> Sikh Representative

## First Session

<b>Diplomacy Under Siege</b> <b>Chair: Amb. Arif Kamal (retd)</b> <b>Former Pakistan's Ambassador to Qatar &amp; Jordan</b>		
	Abrogation of articles 370 & 35-A: The UK Response	<b>MP Afzal Khan, Vice Chair, APPG on Kashmir &amp; Shadow Minister Immigration, UK</b>
	Diplomacy & Risk of war	<b>Amb Salman Bashir (retd), Former Foreign Secretary</b>
	APHC Kashmiri Leadership & Future Response	<b>MR. Altaf Ahmed Bhat</b> Chairman Jammu & Kashmir Voice of Victim.
	Role of Pakistan in IOK.	<b>MR Abdul Hameed Lone</b> Vice Chairman Islamic Political Party (Jk).

## Second Session

<b>Unlawful Annexation of Jammu &amp; Kashmir</b> <b>Chair: Amb. Ashraf Jehangir Qazi (retd)</b> <b>Former Pakistan's Ambassador to United States</b>		
	UN Resolutions & IOK	<b>Ahmer Bilal Sufi,</b> former Minister of Law, Pakistan
	Abrogation of 370 & 35-A & ICJ	<b>Mr. Ali Sultan</b> Vice President RSIL
	IOK & International Humanitarian Law (IHL): Establishing War Crimes of Indian Military	<b>Mohammad Oves Anwar</b> Research Society and International Law
	Abrogation of 370 and 35-A & ICJ	<b>Mr. Jamal Aziz</b> Research Society and International Law

## Speakers' Profiles

### **Syed Fakhar Imam**

#### **Chairman, Parliamentary Committee on Kashmir**



Syed Fakhar Imam was born on 18 December 1942 in Lahore. Having received his basic education at Aitchison College in Lahore, Pakistan and Clifton College in Bristol, United Kingdom, he went on to graduate from the University of California, Davis. From 1968-1969 he served in Central Superior Services of the Government of Pakistan.

He was again elected to the National Assembly in 1990. In 1991 he served as Federal Minister for Law and Parliamentary Affairs and served as Federal Minister for Education from 1991-1993. In 2006 he joined the Pakistan's People's Party (PPP) as a Member of the Central Executive Committee.

### **Mr Fawad Ahmed Chaudhry**



Chaudhry Fawad Hussain is a lawyer by profession and a politician by passion and lineage. Chaudhry's family has strong political credentials and has played a very significant role in local as well as national politics. His grandfather and other family members have also served on important positions in the government as well as in the superior judiciary. Chaudhry Fawad Hussain served as Special Assistant to Prime Minister (2012-13). After joining the Pakistan Tehreek-e-Insaf (PTI), he has been handling media-related issues as Secretary Information of the party. In addition to being Federal Minister for Information & Broadcasting, he is also Secretary Information and Central Spokesman for the ruling party. Chaudhry Fawad was elected Member National Assembly from Jhelum (NA-67) in the general elections 2018 held on July 25. He also won a provincial assembly seat (PP-27) from Jhelum, which he vacated in order to retain his National Assembly seat. In the Federal Cabinet, he has been assigned the portfolio of Minister for Information and Broadcasting. He assumed the charge of the Ministry on August 20, 2018.

## **Ms Mushaal Hussein Mullick, Chairperson Peace and Cultural Organization**



Ms Mushaal Hussein Mullick is wife of Kashmiri freedom fighter Yasin Malik. She is a peace activist and Chairperson of Peace & Culture Organization. She has extensively contributed to the Kashmir issue nationally and internationally.

## **H.E. 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.



## Mr Sardar Santok Singh



Representative from Pakistani Sikh Community.

## Ambassador Arif Kamal (Retd) Former Pakistan's Ambassador to Qatar and Jordan



Mr Kamal moved from an academic environment focused in politics in the early 1970's to the diplomatic arena across the globe and a full-bloom professional career over 33 years. In three decades of his diplomatic career with Pakistani Foreign Service, the roles assigned to Kamal exposed him to processes critical in the making of the contemporary world scene.

As Desk Officer on Iran (1979-81), he was a witness to the advent of the Iranian Revolution, the US hostage crisis and sanctions against Iran as well as the beginning of the Iran-Iraq war, and the OIC peace making endeavours. He served as a political officer in Moscow (1985-88) and later as a key officer on the Soviet desk in Islamabad (1988-1990) in time with the Gorbachev-led Soviet state's move to extricate itself from the Afghan quagmire. It also coincided with the beginning of the change within the state, prior to its collapse.

## MP Afzal Khan, Shadow Minister Immigration, UK



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 a Member of Parliament, Afzal 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, rising to become the first Asian Lord Mayor of the city and a member of the Council's Executive.

## **Ambassador Salman Bashir (Retd), Former Foreign Secretary**



Amb Salman Bashir is a Pakistani diplomat who served as the Foreign Secretary of Pakistan and as the High Commissioner of Pakistan to India. Mr Bashir has served as the Ambassador to Denmark, Lithuania, China and Mongolia. He also did a stint at Pakistan's Mission to the United Nations in Geneva.

He served in the Ministry of Foreign Affairs as a section officer (1976–1980), Director (1985–1987), Director General (1995–1999) and Additional Foreign Secretary (2003–2005). His foreign diplomatic assignments included: Pakistan Mission to the United Nations Office at Geneva (1980–1984), OIC Secretariat Jeddah (1988–1995), Ambassador of Pakistan to Denmark and Lithuania (July 1999 to February 2003).

## **Mr. Altaf Ahmed Bhat, Chairman Jammu & Kashmir Voice of Victim**



AMBASSADOR OF PEACE EU based Reputed think tank based in European Union, Institute of Peace and Development INSPAD nominated Mr Altaf Ahmed Bhat (Srinagar-Islamabad) as Ambassador of Peace. Mr. Altaf Bhat is senior leader of All Parties Huryet Conference (APHC) and one of the founder Freedom fighter of ongoing Kashmir Movement. He is eminent human rights activist and Chairman of Jammu Kashmir Voice of Victims.

He is also President of Jammu Kashmir Salvation Movement, and well known Social activist. .

## **Mr. Abdul Hameed Lone, Vice Chairman Islamic Political Party (J&K)**



Vice Chairman Islamic Political Party (JK) All Parties Hurriyat Conference (APHC) Jammu and Kashmir & Kashmiri Activist. He had played a vital role for the freedom of Kashmiris.

## **Ambassador Ashraf Jehangir Qazi (Retd)**



Ambassador Ashraf Jehangir Qazi has held various important positions as a diplomat. He served as the Pakistan's Ambassador to the United States, China, Russia and Pakistan's High Commissioner to India.

United Nations Secretary-General Ban Ki-moon has appointed Ashraf Jehangir Qazi of Pakistan as his Special Representative for Sudan.

## **Mr. Ahmer Bilal Soofi, Former Minister of Law, Pakistan.**



Ahmer Bilal Soofi holds an LLM in international law from the University of Cambridge. He is the founding President of the Research Society of International Law. He has served as the Federal Minister for Law and Justice, Parliamentary Affairs and Human Rights, in the caretaker government in 2013. He was elected as a member of the Advisory Committee to the United Nations Human Rights Council and the Vice-President of its Asia-Pacific group for three years in 2011.

## **Mr. Ali Sultan, Vice President RSIL**



Mr. Sultan is currently an Adjunct Professor of Business Law at the Lahore University of Management Sciences and has been invited to deliver guest lectures on international and comparative law topics at National Management College Lahore, Punjab Judicial Academy Lahore, Naval War College Lahore, Punjab University Lahore and National Defense University Islamabad.

Mr. Sultan holds a Bachelor's degree with honors in Economics and Political Science from Middlebury College, Vermont, United States, where he remained College Scholar for six consecutive semesters, and a Juris Doctor from the

University of Virginia Law School in Charlottesville, Virginia, United States. At law school, he was the senior editor of the Virginia Law and Business Review and the Journal of Law and Politics.

## **Mr Mohammad Oves Anwar, Research Society and International Law**



Muhammad Oves Anwar serves as Director of the Conflict Law Centre (CLC) at RSIL, Islamabad. He is in-charge of designing and implementing all 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.

Mr. Anwar served as a Research Fellow at and worked on issues of human rights, counter-terrorism, national security, and criminal justice reform.

## Mr Jamal Aziz, Executive Director RSIL



Mr. Aziz is holding a position of Executive Director at RSIL. He is international law expert in Pakistan and has been involved in the negotiation, drafting and interpretation of international agreements involving a wide range of matters relating to international humanitarian law, human rights, counter-terrorism, mutual legal assistance frameworks, environmental protection, diplomatic and consular conventions, international arbitration, water resources law and international trade etc. Mr. Aziz completed his LL.M with Distinction from University College London (UCL) in

September 2010 and graduated with Upper Second Class Honours in his LL.B from the University of London in 2008.

## Welcome Address

### **Mr Muhammad Athar Javed Director General Pakistan House**



Ladies and Gentlemen, Assalamu Alikum. I would like to welcome our honorable Chief Guest, Speakers and all the people over here. The expression unlawful annexation of Jammu & Kashmir by India is used with regard to the violations of UNSC resolutions, and the usage of “Holocaust” in this title of Kashmir conference reflects the scale of ethnic cleansing by the Nazis in the World War II. Prior to the Second World War, there were clear indications that Hitler had imposed a doctrine of ethnic cleansing on the Jewish community. But the world ignored it, and therefore millions of Jews were perished in gas chambers and concentration camps. The linkages between the Holocaust and the current situation in Indian Occupied Kashmir are direct, and the lessons learnt from the consequences of “not acting timely” would cause millions of lives. The current situation in the Indian Occupied Kashmir (IOK) shows that under the strict watch of more than 800,000 heavily armed soldiers, the sufferings of the Kashmiri people are now entering into the eighth week (starting on 05 August, 2019). The most modern communication system has failed to highlight facts about India’s war crimes against the Kashmiri people.

Next question why is it important for Pakistan House to hold such a conference? Pakistan House has been creating awareness about the plight of the Kashmiris especially among the foreign think tanks, intellectual and academic for the past two decades. It is my contention that Pakistan should continue to register strongest protest again the unlawful annexation of Jammu & Kashmir by India, and sustainable diplomatic and intellectual efforts are required to serve the cause of humanity.

## Video Session Speeches

### **Mr. Tanmanjeet Singh Dhesi** **Member of Parliament, UK**



I apologize that I could not attend this conference organized by Pakistan House, but let me assure that many of us are extremely concerned about the situation in Kashmir. We have relayed many of our constituent's concerns regarding the issue. During our recent All Parties Parliamentary Group (APPG) meeting on Kashmir, we raised serious concerns about Kashmir situation. The delegation led by Chair Ms. Debbie Abrahams, Mr. Afzal Khan MP, Steve Baker, foreign Brexit Minister, and various other parliamentarians attended the meeting. Let me reiterate that we are extremely concerned about human rights, and we demand immediate stopping of HR violation lifting the curfew, and ban on communication and blackout in Kashmir, because many of continuants are concerned about the safety of their relatives within Jammu and Kashmir. I highlighted these concerns during my recent visit to Delhi because this is about human rights, if we do not stand with Kashmiris, these conditions could also engulf us, and then no one would rescue other Indians (us). So, many of us are working very hard on a cross-party basis within parliament to ensure that the safety of Kashmiris and their well-being is paramount. .

### **Ms. Liz Mclnnes**

### **Member of Parliament, UK**



So obviously, I'm extremely concerned about India revocation of the special status of Kashmir and of the effect that's held on the region of Kashmiri. I conducted several meetings in my constituency and in neighbor constituency. We have a large diaspora of Kashmiri people. There are some real concerns about the safety of their relative's in Indian Occupied Kashmir, about the lock down, curfew and difficulty in getting information out of the country. I put lot of pressure on the government to take action during my meetings over the foreign office. The government say that they are in dialogue with both Pakistan and India. The issue of human rights is being raised again and again; we will do everything to



pressurize government to intervene in this issue. The British Government say that Pakistan and India both must enter in dialogue, which I agree with, and it's a bilateral issue. One thing mentioned in the meeting is that "government may see Kashmir as bilateral issue between Pakistan and India but, the issue of human rights is a multilateral and we need to do everything that we can. Here in the UK, we must put pressure, particularly on India to deal with the situation that they have created in Indian Occupied Kashmir. Be assured that we are doing everything we can. We are in a period of prorogation where parliament will be sitting. But I still have access to the minister to discuss this issue. I assure you of our solidarity and support from the labor party at all times.

**Mr. John Spellar**  
**Member of Parliament, UK**



Kashmiri heritage and the fate of their families and friends back in Jammu and Kashmir under the Indian imposed curfew is of special concern. We are deeply concerned that even the opposition members of the Parliament in India are being denied access to Jammu and Kashmir. However, we should be worried about the very strong reports of people being detained, imprisoned, beating, torture, disappearances and even reports of execution, molestation and rape of women. India must now allow international observers in order to establish what is actually happening there and restore communications so that some degree of normality can be restored. However, the changes to the Indian constitution and drastic changes to the actual nature, rights and the status of the citizens, is of great importance. The matter should be placed before International bodies in order to restore the rights of the residents and to look forward to a long-term solution which acknowledges their right to self-determination, which is being denied to them for so long..



## **Mr. Richard Corbett**

### **Member of European Parliament**



The situation in Kashmir was already bad enough but it has been made dramatically worse by the revocation of 370 and 35-A articles of Indian Constitution. We hope that by raising awareness and combined diplomatic efforts of 28 European countries and the clout of the European Union and the muscle that it has can put pressure on India. India's unilateral action of changing the status of a part of Kashmir that is under its control is splitting the territory into two. Sending in thousands of troops in addition to already stationed [800 000 troops], having a shut down on communications and arresting thousands of local politicians is unworthy of a country that claims to be a democracy that respects the rule of law. It will certainly do no good, whatsoever, in terms of finding a long term solution to the issue of Kashmir. Indeed, it can be only one way forward to find a lasting solution and that is allow the people of Kashmir themselves to choose their own future in accordance with those United Nations Security Council Resolutions adopted so long ago but yet to be implemented, that must be the corner stone of any way forward.

## **Mr. Liam Byrne**

### **Member of Parliament, UK**



MP for Birmingham, Hodge Hill

From my point of view what we needed to do is:

- Urgent actions to end the curfew, lockdown, shutdown the communication and withdrawal of Indian troops from Indian Occupied Kashmir.
  - We urgently need the office of the United Nations Commission for Human Rights to be allowed full access, better access so, the human rights abuses could be investigated.
- In my view we need multilateral path for the justice of Kashmiri people.
- Promises were made to the people of Kashmir. It's time to fulfill those promises. However, this issue will be treated as bilateral, it is the most dangerous and most militarized place on earth.

## Keynote Addresses

**Mr. Syed Fakhar Imam**

**Chairman, Parliamentary Committee of Kashmir**



I want to thank Pakistan House for organizing this seminar and for bringing us together today Kashmir has become perhaps the most critical issue facing the international community. Even though we may look at the larger picture of South Asia where unfortunately, one of the few regional associations such as SAARC did not progress at all or advancing in any way for building up any kind of regional strength. The key reasons are that India seeks to assert as the hegemon in South Asia, and Pakistan has managed to counter India's regional designs. Three direct wars on Kashmir (i.e. 1948, 1965 and 1971 &

Kargal Crisis) are clear evidence of what may come next if the Kashmir dispute is not resolved.

The Kashmir dispute ultimately became the real test of the relations between India and Pakistan. Unfortunately, it was the British they left the subcontinent in such a way. The Radcliff Award gave Gurdaspur district and Ferozpur district which were Muslim majority areas, land access, contiguity, and proximity to Kashmir. But leaving nearly after 200 years British left us with this major problem has now become the nuclear flashpoint between Pakistan and India, and hence the future of South Asia carries greater security risks. It was India who took the case to the United Nations Security Council, who with their five permanent members China, Soviet Union, United States, France, and Britain in their wisdom decided that the future would be decided through a plebiscite.

Unfortunately, from that day to-date nothing has been actually acted upon according to the UNSC resolutions. Jammu and Kashmir is a disputed area so the Indians, especially after 1971 with the Simla agreement and Lahore Accord, wanted to make relations between Pakistan and India bilateral and not multilateral. Fortunately, Pakistan never accepted India's point of view and we have been justified when the Prime Minister Imran Khan and the Pakistan Government, through the foreign minister made an application with the total support of the Chinese. Russians for the first time became neutral.

The arrangement made in IOK under Abdullah, Prime Minister Nehru in 1950, was Article 370 which granted Kashmir special status, that no other province or union territory had. Subsequently, Article 35-A defined who was a citizen of Kashmir and other than that the residents of Kashmir, nobody could buy property in Kashmir. Both

have been undone in that internal arrangement between the Indians and IOK and we can see the result. The fear in the Indian mind, the psyche of Mr. Modi and despite the fact that they had more than 800,000 troops, and added another 180,000 why? Because the reality of India's brutal oppression in IOK is exposed despite calling itself as the largest democracy in the world or a secular country. Hence, they have shown bias, prejudice, narrow mindedness, new fascism but the real issue is the fear that the Kashmiris would never go along the Indian whip and they have not, rather they have never done that. It is the most militarized zone in the world that represents the real cases of terror, tyranny, rape, missing persons. Everything which is undemocratic, non-representative illegal has been unleashed on the society of IOK.

Let me present some historical reflections so that our young scholars grasp the factual details. From 1965 to 1987 there was not as much uproar against Indian occupation. It started in 1987 and for two years, it was a total turmoil, but slowly Indian government managed to consolidate. However, Indian military has failed terminate the will, integrity and spirit of the Kashmiri people. To date, over 100,000 Kashmiris have been martyred, over 10,000 women have been raped so many people injured and the pellet gun are being used to blind tens of thousands of young boys and girls. The martyrdom of Burhan Wani has transformed the Kashmiri struggle. It demonstrates the cowardliness act and policies of PM Modi and his government members. It took 70 years for the United Nation Security Council to come up with the reports which rekindled hope and gave a sense of awareness to the youth that is, taking into account the kind of torture that the Indians have unleashed on unarmed civilians in IOK. The United Nations observer group is not allowed to enter IOK as per the orders of the Indian government because they want to conceal the situation and how Kashmiris don't support Modi's atrocious agenda. Hopefully the world would change its diplomatic behavior toward the plight of the Kashmiris.

New York Times for the first time printed in great detail about what was transpiring in IOK before 5th August so the world could see and evaluate the tyrannical torturous kind of existence that the Kashmiris were undergoing. On 5th August till today Mr. Modi failed to assess the international reaction. Mr. Modi went to Pulwama because he had lost 5 state elections and the only card he could have used was anti-Pakistan rhetoric, and thus was reelected.

## Keynote Speaker 1:

### Mr. Chaudhry Fawad Hussain



I would like to extend my deep appreciation and sincere gratitude to Pakistan House, especially to Mr. Rana Athar Javed for inviting me to participate and share my thoughts. It's indeed a great honor and privilege to be here today with you all. Acquiring clarity about the IOK remains the main objective of Pakistan. The post-05 August has changed the ground realities in South Asia, and the fact is that every country will have to fight its own wars. As it appears no nation would come for our assistance. We shall defend any aggression from India. The international community is aware of our peace efforts, and even before taking oath, PM Imran Khan addressing Indian leadership stated, "you take one step we will take two steps". This clearly indicates willingness of the country to initiate peace but India did not show any interest. The Prime Minister Modi, has just one mission in his life and this is to replace Gandhi's picture from the Indian currency. He is just working for his legacy. Churchill said, "You had to choose between war and dishonor, you chose dishonor and you had war". A brave nation will always defend its national interests, even war to be imposed. It is political irony that the leaders who supported BJP Kashmir policies are now in so-called detention and house arrest including Sheikh Abdullah who served Indian for whole his life. We shall continue to for the right of self-determination of the Kashmiri people. More than 800,000 armed soldiers brutalizing innocent Kashmiris including raping women, detaining and killing young Kashmiris. I strongly believe that the Indian brutality will be countered by the indigenous Kashmiri struggle for freedom.

## Keynote Speaker 2:

### **Ms. Mushaal Hussein Mullick** **Chairperson Peace and Cultural Organization**



It has been an honour for me to speak on this topic at this crucial time when India is suppressing Kashmiri community. First of all I am really thankful to Mr. Rana Athar Javed for giving me this honour to speak to such a high powered gathering. We all are aware of the worsening situation in IOK. The end of Second month is approaching, but curfew has not lifted as yet. The Indian Supreme Court too fell short to force Indian government to normalize human condition in IOK. In my opinion, normalcy can never be restored unless the presence of last soldier in IOK. Gradually with efforts of Pakistani state and the people, the International pressure is mounting and the world political leaders are realizing the dangers of a nuclear war if the Kashmir dispute is not resolved soon. We really need to focus on the ramifications of the side effects of a potential nuclear war, if that happens.

According to some reports around 30,000 or so people have disappeared since 05 August, no legal method is used and information is being provided by the Indian government. The Hurriyat leaders, like Mr. Syed Ali Gillani (who is under house arrest), Mr. Shahbir Shah, Mr. Masarat Alam, Mirwaiz Umar Farooq are in jail. The irony of fate is that even the Indian loyalists Farooq Abdullah and Mehbooba Mufti are also under detention, although their political role has been hypocritical and against the Kashmiri people. All draconian laws especially TADA, POTA, Public Safety Act of 1978 and Armed Forces Special Act were being passed under the watch of Farooq Abdullah and Ms. Mufti.

The Articles 370 and 35-A of the Indian Constitution was illegally abrogated. A strict curfew is imposed to avert any protest, and turned Kashmiris as hostages in their own homes. This unlawful action has completely disregarded all international treaties, conventions, UNSC resolutions, bilateral treaties between Pakistan and India. Even Indian Supreme Court has failed to release 9 million Kashmiris from the strictest curfew of world history.

This is the time for call to action against Modi's government and its repressive policies. So I appeal to different societies, unions, think tanks, political entities all over the world to continue to support the people of Kashmir. I strongly believe that the current

humanitarian situation in IOK may cause global instability because if the tension between Pakistan and India escalates over Kashmir, there is a risk of a nuclear war. International pressure on India can avert such eventuality, and definitely make Kashmir case stronger the way it has been done today at this conference.



In the end, I would just like to say injustice anywhere is a threat to justice everywhere. So we have to refute the stance of India's brutality I've proposed that the government should really work on introducing the subject Kashmir Studies just like Pakistan Studies where the youth, gets educated as this is a very complex issue and this is not just about emotions, it's about legal history and the politics.

Let me conclude by saying that the biggest success of humanity is to get the Kashmiri people their right to self-determination, and free them from one of the worst humanitarian crises.



## Guest of Honour

### **H.E. Sardar Masood Khan** **President of Azad Jammu and Kashmir**



It is an opportunity for me to speak in front of this huge gathering and speakers who participated in this very timely organized conference, I thank Rana Athar Javed, Director General Pakistan House for holding this conference.

Let me state about the legal position of the Jammu and Kashmir before 1947. It was not an independent state at that time although the Maharaja of Kashmir wanted to create an independent state in the aftermath of the Independence Act. It had limited sovereignty and when it became clear under the Independence Act, there was a possibility that the state of Jammu and Kashmir could either join India or Pakistan. The

Maharaja of Kashmir entered into a standstill agreement with Pakistan and wanted to harvest agreement with India but India declined. Between June of 1947 to October 1947, India took eight steps to occupy the state of Jammu and Kashmir.

Let me enumerate these steps briefly, a large number of soldiers in civilian clothes were moved into the Jammu and Kashmir territory. There was a change of the military commander of the state and India's favorite person who was appointed. There was also a change of the prime minister and MajinMahajir was the best option for India. There was also up gradation of wireless equipment at Srinagar airport, all this was being done in preparation for the final occupation of the territory. Troops were concentrated along the India Jammu and Kashmir border and three figures used the coercion against the Maharaja to persuade him to exceed to India. They were Sardar Patel, Pandit Jawaharlal Nehru and Mr. Gandhi.

Lord Mountbatten was orchestrating the coercion. Then, of course, the final step was taken and the state was occupied on October 27, 1947. The final piece in the jigsaw puzzle was that they had to win the hearts and minds of the Kashmiri people. You could occupy our state but your writ would be licit and illegal and hollow if the Kashmir's are not with you, therefore at that time the Indian leadership targeted Sheikh Abdullah, because Sheikh Abdullah was a popular leader and they persuaded him to accede to India.

They assured him that if you decide to be with us, then, of course, you will have all the trappings of a sovereign state. You would have a Prime Minister; you would have a president. They successfully deluded Sheikh Abdullah into believing that he would be able to get some form of Independence for the state of Jammu and Kashmir. Sheikh Abdullah like the Maharaja Hari Singh of Kashmir also wanted an Independence Persona for the state. The majority of the Kashmiris wanted to join Pakistan and this also fitted into the formula devised by the Independence Act. So, because Sheikh Abdullah had supported, India was able to manage the accession or annexation militarily and politically.

What excuse did India give for the annexation of the territory? The excuse was that tribal from Pakistan had invaded Jammu and Kashmir, therefore they had no choice but to intervene militarily. The reality is that people of Azad Kashmir from June 1947 to October 1947 had liberated 13,000 square kilometers of the territory which constitutes Azad Kashmir today, but this has been propagated ever other way.

The tribal entered on October 22nd and the state of Jammu and Kashmir or Azad Kashmir was established or found on October 24th. The tribal who entered through Mansehra went to Muzaffarabad and from there to Baramulla and they were moving towards Srinagar. They had only five days that includes engagement with Indian troops of the Dual Graph Army so, they did not have sufficient time to pose a threat to India or to the Maharaja. The territory had already been liberated. This is important to understand because in November the territory of Gilgit and Baltistan was also liberated by its people.

People are a bit confused about Article 370. Now Article 370 is legalized quote-unquote "legalized India's occupation of the territory". Whereas the bulk of the Kashmir, Pakistan and the Security Council, all three have never recognized Article 370. It was illegal and it had no legal force whatsoever. This article was never recognized by Pakistan nor the people of Jammu and Kashmir, of course, except for the loyalist parties that were loyal to India. Between 1949-2019, this article had been hollered out and had been turned into an empty shell by about forty-seven presidential decrees.

India had already practically annexed the territory, but there were two things which remained. One was, of course, the constitution, a separate constitution for the occupied territory and a separate flag and both these symbols have now been removed. All these actions which India had taken in the past 72 years were ultra-virus. They were rejected by Security Council. The resolution 91 "was passed after the report sent by Sir Owen Dixon who was sent to the region as a special rapporteur on Kashmir. He listed three main reasons as to why there was a delay in the plebiscite. Firstly, it was the failed



extent of demilitarization; the second was the procedure for demilitarization and the third was the degree of control the government would have in order to ensure free and fair plebiscite. The resolution was passed by eight votes while India, the aggressor in the situation, abstained from voting owing to its guilty stance. The United Nations also appointed a new representative to the region in the resolution". The resolution 91 was passed in March 1991. Furthermore, "the reaffirms the affirmation it is resolution 91 that the convening of the constituent assembly as recommended by the General Counsel of the Jammu and Kashmir National Conference and any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire state or any part or action by the parties concerned in support of such action by the assembly would not constitute a disposition of the state". So, India's occupation throughout these 72 years has been illegal.

On August 5th, a couple of things happened under international law:

- First was invasion
- Second was aggression
- The third was reoccupation of the occupied territory.

There was also bifurcation (division) of the territory and India also announced that after bifurcation, they would colonize the territory. They would bring Hindus from all over India and settled them in the occupied territory, thus depriving the people of Jammu and Kashmir of the inalienable and inherent rights. Rights related to settlement, permanent residence, and acquisition of immovable property, education and employment. Now over the decades, India had created this artificial link with the state of Jammu and Kashmir, therefore, it had to resort to brutalization, genocide and now it is threatening transfer of population from India to the occupied territory. For the past 72 years, it has been committing crimes against humanity. It has been committing human rights violations. It has been committing war crimes and pursuing ethnic cleansing. Now all these are culpable under International Law and the International Humanitarian Law. The reason is that some people think that either genocide is taking place or it has started after August 5th 2019, or it is going to start in future what you need to understand that there has been a pattern of genocide and ethnic cleansing being practiced by the occupation authorities for the past seven decades. And there's been no letup in this brutalization of the Kashmiri people.

Pakistan House has asked specific questions and I would like to respond to them. Where should we go from here? Should we take all these legal points to the International Court of Justice? My suggestion is that we should go to the Security Council after a lapse of 50 years. The Security Council met in the month of August in an informal setting. But those consultations ended without a presidential statement, it is the weakest and the most anodyne form of pronouncement by the Security Council. But even that could not be

managed because of real politick and because of powerful nation's economic and strategic interests died with India, but I think that one meeting is not enough we should go back to the Security Council.

We should continue to knock on the doors of the Security Council. My message to the Security Council is, from Pakistan and Kashmir is, to hold such meetings. Perhaps I was the last Ambassador who represented Pakistan in the Security Council as a non-permanent member in 2012 and 2013.

The Security Council is mandated with the United Nations Charter to pursue preventive diplomacy to avoid a wall in citation and to stop the genocide in Kashmir. We must intervene to put an end to communication blockades and security lockdowns and prolonged curfews and to put an end to the humanitarian crisis there.



We can go to the ICJ on three points.

1. Human rights violations.
2. Unlawful steps that India took on August 5th.
3. Dispensation which was given by the Security Council.

I would say don't go to the Security Council at point three.

You can, of course, consult the ICJ on point 1 and 2 which is human rights violations, crimes against humanity and also the unlawful steps that were taken by India on August 5th, but you must be conscious of the fact that if you make a referral to the ICJ, there are two possibilities, even in regard to point one or two that they can be spillover. The court may start discussing the dispensation, which was given by the Security Council. And if you expose Security Council resolutions to that kind of scrutiny, even if it is judicial scrutiny, there's a possibility that you would be supplanting the substituting Security Council resolutions, which recognize the people of Jammu and Kashmir the key constituent. There are three parties to the dispute Pakistan, India and the people of Jammu and Kashmir. They are the key constituent because they have decided about the future or their land and people.

The challenge that we have is that India is pursuing a doctrine or policy of "might is right". Obviously, under the scope of might is right, the challenge for all of us is to reassert ourselves, uphold the crumbling world order that put together in the aftermath of the Second World War. And to clearly and categorically re-state that the right is right, and might is not right. We have to confront another monster in our neighborhood and it is rise of fascism in the form of Hindutva. India is targeting Kashmir and it has threatened to attack Pakistan and disintegrate it.

It was just the Prime Minister of Pakistan who spoke and he especially mentioned Rashtriya Swayamsevak Sangh (RSS) and its campaign against Pakistan. RSS mentioned that there was no Pakistan before 1947. In next 5 to 7 years there would be no Pakistan on the map of the world. He said that they would come to Lahore and celebrate disintegration of Pakistan. India and its BharatiyaJanata Party are pursuing a hate campaign against the Muslims and want to exclude them from all political processes. We have to prepare ourselves to defend ourselves; Islam doesn't promote war Islam talk about peace. When your value systems are attacked, when your houses in the boards are attacked in the Indian occupied Kashmir, you have to defend yourself; you have to build a defensive wall. I said on many occasions that an attack against the IOK is an attack against Azad Kashmir and attack against Pakistan.

The international media in the past few weeks has crafted a narrative for us, which we have been trying to craft for several decades unsuccessfully. But now they have open all the doors for receiving your inputs and for understanding the internal conditions that play out every day in the IOK territory. I would also suggest that you may consider reaching out to young men and women here in Pakistan and all over the world, because the Kashmir movement is still male-dominated and the representation of the younger population in his campaign all around the world is small. The participation of the youth and women has to be expanded. The diaspora community is doing a wonderful job in

London, Manchester and leads in Brussels. I have the sense that even in a country like the United Kingdom or in the whole of Europe or North America a representation of the youth in women in the rallies and these conferences has inadequate that needs to be expanded.

India is openly threatening Pakistan with war disintegrating one of the ministers of Indian cabinet said that “they want to retake Azad Kashmir”, they have absolute rights over Azad Kashmir from day one. It was liberated before India occupied the territory on October 27th 1947.

I was in Brussels a couple of days ago and there was a powerful vocal group, which is called friends of Kashmir group of the European Parliament. And they demanded that the European Union, Europe and North America should impose travel and trade sanctions against India. There was also a boycott divestment and sanctions campaign against India. In European Parliament last year I met the members of the Foreign Affairs Committee even in informal settings whenever I would mention the word Kashmir, they would start whispering into my ears and they would say but they are negotiating a trade deal with India. And I would tell them that why don't you invoke? The atmosphere in Europe has changed radically people are no more tight-lipped. And the European Parliament has decided that on Tuesday 17th September it would be holding an open debate and the agenda include the inscription of an item on Kashmir despite India aggressive lobbying. This opens a new space for all the Kashmiris.

There is also a second challenge. While the parliamentarians, Global Civil Society and the international media, they are supportive yet powerful nations continue to remain tight-lipped, they are hamstrung because of the strategic and economic links with India. They are not making clear moral choices. But this patent is also breaking down. I'm sure you must have read the statement of the four senators from the United States of America who have asked the President Trump to intervene and to put an end to the Humanitarian Crisis in the IOK.

So space has opened up for you. It is going to expand please use the space to save this part of the world from the scourge of war.

Thank you so much.

## Mr. Sardar Santok Singh



All religious and ethnic groups are united for the Kashmir issue. Every religious group has the freedom to practice their religion. Sikh community equally condemns the Unlawful annexation and inhumane treatment of the Kashmiri people by the Indian military. Kashmir issue holds great importance for the Sikh community as we can feel their pain and grievances. The Sikhs are those soldiers who can give their lives for the dignity and nobility of Pakistan, and will stand by our Kashmiri brothers and sisters who are facing the fascist BJP government and the brutal rule of Indian military. The Prime Minister Imran Khan has presented the narrative of Pakistan to the International Community and raised his voice against the human rights violations being committed against Kashmiris. Pakistan is a peaceful country and it has always promoted peace and love. Pakistan returned Abhinandan to show how peaceful we are but abrogating 370 and 35-A, India crossed all its limits by mistreating unarmed innocent Kashmiris. The Sikh community highly condemns the curfew since 05 August and the blockade of food water and medicine in IOK. Pakistan has always tried to improve its diplomatic relations but India is not interested to maintain peace and seeks wider confrontation. I can assure when and if the time comes, the Sikh community will fight alongside of Pakistan military to defeat the aggressor.

## Noteworthy Snippets



*"The reality of India's brutal oppression in IOK is exposed despite calling itself as the largest democracy in the world or a secular country"*

*Syed Fakhar Miam*



*"You had to choose between war and dishonor, you chose dishonor and you had war"*

*Chaudhry Fawad Hussain*



*" I strongly believe that the current humanitarian situation in IOK may cause global instability because if the tension between Pakistan and India escalates over Kashmir, there is a risk of a nuclear war"*

*Ms. Mushaal Hussein Mullick*



*"The challenge that we have is that India is pursuing a doctrine or policy of "might is right"*

*H.E Sardar Masood Khan*



*"You cannot achieve peace and economic development at gun point. The Indian government's actions have shown a complete and utter disregard to all human and civil rights".*

*MP Afzal Khan*



*"India has committed aggression and I think we have in our official statements used the word annexation, but the fact is that it is aggression"*

*Ambassador Salman Bashir (Retd)*



*"Modi's government has taken this extreme measure to unlawfully annex Kashmir because all previous formulas to control Kashmiris were failed. "*

*Mr. Altaf Bhat*



*"UN must be reminded that they need to fulfil their own obligations under UN Charter"*

*Mr. Ahmer Bilal Soofi*



*"One soldier for every 10 Kashmiris that establishes effective control? When every street is covered by Indian soldier that establishes effective control? "*

*Mr. Oves Anwar*

## First Session Speeches

Chair: Amb. Arif Kamal (ret'd)

**MP Afzal Khan**

**Vice Chair, APPG on Kashmir & Shadow Minister Immigration  
UK**



The abrogation of Article 370 and 35A has plunged the lives of Kashmiri's into complete chaos. This dangerous step violates the Indian constitution as well as Human Rights and UN resolutions. All the while the Modi's government, and large sections of the Indian media, claim that Kashmir is normal and calm and the changes are good for Kashmiris.

These claims lack any credibility. The Governor of Kashmir recently invited 10 opposition Party leaders from India to Srinagar to assess the current situation, upon arrival they were arrested and returned. How can the situation be 'normal and calm' if the Indian Government won't even allow their own political leadership to enter?

If you speak to young Kashmiri's and those born during the 1990s insurgencies, they have known nothing but conflict: in one of the world's most militarized areas, young Kashmiris are growing up under the heavy guard of Indian military and paramilitary forces. They are the ones who have taken the brunt of most of the pellet gun injuries and recent military force which, as our All-Party Parliamentary Group on Kashmir has warned, is excessive and underscored by a near-wholesale impunity for the perpetrators. This has resulted in the grotesque and coldblooded mass blinding of children. Young boys are being snatched from their homes and tortured. Young girls are being raped. Children are being parted from their parents, and families are being torn apart.

Genocide Watch have raised concerns over "Kashmiri Muslims who are locked down, subject to arrest, torture, rape, and murder" and correctly identify that Indian army troops or police are never tried for torture, rape or murder.

A communications blackout, which is now approaching the end of second month, has severely hampered work by activists to document potential human rights abuses. The suspension of phone and internet services has also left ordinary



Kashmiri's unable to contact one another and share news of their safety. The region is in near complete lockdown with thousands of Kashmiris, including the entire political Kashmiri leadership, having been detained. Revoking Article's 370 and 35A has dishonored the Indian government's promise to protect Kashmir's special status. Kashmiris will not only lose their independent constitution, but also their local government and legislative assembly. There are also legitimate fears that this would open up the state for outsiders to settle, eventually changing its demographics. India's response and justification for the abrogation has been to maintain they are attempting to achieve peace and economic development.



However, you cannot achieve peace and economic development at gun point. The Indian government's actions have shown a complete and utter disregard to all human and civil rights.

## **Ambassador Salman Bashir (Retd)**

### **Former Foreign Secretary**



I Thank Mr. Muhammad Athar Javed for giving me this opportunity to share my thoughts.

I think there are two things that struck me; one is the excess of extremism by the BJP government which sets the background before us in terms of our diplomatic efforts. Secondly, a very interesting hypothetical analogy of Scotland that Mr. Afzal Khan discussed, and I think that is very persuasive for us to explain what is happening in the Indian Occupied Kashmir. So, as per said, diplomacy is the preferred option, the preferred option certainly of Pakistan. In the last 40 plus days we have seen that being unfurled globally, worldwide, and I think effectively.

But, what are our objectives? I think if there is one thing on which we ought to give some credit to Pakistan Foreign Service that is that for 72 years, the Pakistan Foreign Ministry was able to keep the Kashmir issue alive internationally. There were periods when the issue was less discussed but nonetheless, it remains the agenda of the UNSC. I think, in any situation and especially the situation of foreign occupation, the first thing we should be thinking of is defending and preserving the legal case, the legal aspects of the rights of the people of Kashmir in this particular matter and that is what has been infringed in a very stark way.

India has committed aggression and I think we have in our official statements used the word annexation, but the fact is that it is aggression. I think the more we simplify this the better it is for us and better it is to chart a cohesion and effective forward strategy. So far as the legal aspects are concerned, in the last 43 days we have been able to sensitize the international community about the essentials of Kashmir issue. Security Council met and the deliberations of the council were then made public by the Chinese ambassador who is the permanent members of the SC. We have seen the actions now on human rights interventions at the human right council in Geneva where strong statements have been made and there has been a resonance.

But essentially, what we have seen is if there has been no condemnation of India, the statements at the governmental level have been expressions of concern but two things are very important. First, most of these official statements at governmental level have referred to the relevance of the SC resolutions. So that what I mean, we have been able to ensure that the status of J&K is a disputed territory is once again foremost after many years so far as the world is concerned. Secondly, on human rights aspect I think we have seen some degree of concern being expressed by civil society, the NGOs, by congressmen, the parliament and European Parliament in Britain etc. Provision for enabling the international community to provide humanitarian assistance to the Kashmiri's has to be ensured. I think going forward we need to focus more on making a difference now to the situation of the Kashmiri people who are under siege.

We are seeing some activity and some declarations as statements coming out from India and especially their propaganda on Kashmir which are clearly indicating that they have in mind the forthcoming general assembly sessions. For instance there are reports being inserted even in New York Times that the militants have hurt the ordinary Kashmiris. Now all this propaganda is being injected to again divert attention from the realities of their brutal occupation.

Similarly, I am a little surprised about the news that public safety act has been applied to Farooq Abdullah, all of us are aware of Abdullah's background and we need to at it in greater details but reverting back, we have been able to defend and we have the ability to defend the legal case of the people of Kashmir. The basic question is will this international pressure that is being generated by Pakistani diplomacy have a meaningful impact on the in terms of India reversing its decision? To my mind the answer is no, and the reason for me is very simple, the revocation of these two articles may have been a political act but I am inclined to believe that this has everything to do with Hindutva ideology. This is an action based on ideology and therefore a hate ideology we see being implemented in Kashmir. India has, under the Bharatiya Janata Party BJP (RSS), agenda allocated to itself of the right to implement supremacist and exclusive Hindutva imperialism. It is the type of brown colonialism or imperialism that is being worked and we need to be aware of it. This is a battle that has to be fought by the people of Pakistan and the people of Kashmir with all their resources.

The chances, the risk of war that's the other aspect for which I was asked to talk about, of course if we see that this is a first step in implementing the ideology of hate and the lust of expansionism, of converting this whole region into Hindutva

dominated region then the risks are immense and India will not be reprimanded, simply because of the chaotic situation in the world. So clearly there will be limits to what diplomacy can achieve. I think at this point of time as PM Imran Khan said that we should all wait till 27th when Delhi delivers its statement I do not think it will make a difference, but nonetheless, he is already expressing and his ministers are expressing a bit of disquiet and the lack of adequate response by the international community and international attention is rather shifting.

There are so many hotspots developing nearly every week and the focus on Kashmir will be difficult to maintain. But we should be prepared and we should see how we can support the people under occupation in a way to prepare them for the long haul. So we should continue with our diplomatic activities. We should be seriously thinking of providing humanitarian assistance to the Kashmiris.

## **Mr. Altaf Ahmed Bhat** **Chairman Jammu & Kashmir Voice of Victim**



First of all I would like to appreciate the Pakistan House especially Mr. Rana Athar Javed and his team for organizing this important conference to highlight the unlawful annexation of Jammu & Kashmir, and the humanitarian crisis, especially this turmoil in the post-5th August unlawful actions of the BJP government.

I am a witness to Indian atrocities and I always say that we have been missing on this notion from the day one that fighting for freedom from occupying force is the legitimate under the UN charter.

I am not saying that we have not taken a stand for Kashmiris, and we are not hopeless, when events like these are conducted it is also a contribution. Speaking and writing against Indian atrocities may appear as little efforts but they make huge difference in the service of Kashmir cause.

As per my knowledge, 150,000 people in the world have lost contact with their families in IOK. Imagine that you have a 90 years old mother, nephews, sisters and brothers and you cannot communicate with them, how would one deal with that? So my younger colleagues raise your voice through digital and social media to highlight the plight of Kashmiri people. I would like to request the social media that people in Kashmir listen to Pakistani radio but they get jammed by Indian government. If one wants to communicate to the world, use Voice of America, BBC, Al Jazeera and Radio Tehran so the voice of the oppressed reaches to those who matter the most in the international decision making process.

As one of the founders of Kashmir's freedom struggle; I can relate to the freedom struggle and the oppressive techniques of the Indian military. Our freedom struggle is legitimate and is enshrined in the UN charter. Modi's government has taken this extreme measure to unlawfully annex Kashmir because all previous formulas to control Kashmiris were failed.

In their quest to disunite Kashmiris, Indian government initiated a project for the purpose of perception management. The project includes selecting students from IOK and sending them to acquire high education in the mainland India, with

the fully sponsored facilities. The main of the project is to transform Kashmiri youth as sympathizers to the brutal Indian policies. But the fact is that the Kashmiri people would never betray their nation. India's project of "winning and heart and minds will fail" because this cannot be done under the watch of more than 800,000 heavily armed troops in IOK.

AjitDovel and Amit Shah are the architect of draconian laws and have ordered the security forces and the military to spill as much they can blood of Kashmiri people and demoralize them. This needs to be communicated to the world and why this treatment is being applied on us? Because we are Muslims. Jails are being built in India for 100,000 young men to curb this movement and their voices. They are just innocent young Kashmiris. This all is being done to break the spirits of Kashmiris but it will never happen.

The Indian atrocities are so severe that people including Mehbooba Mufti and Omer Abdullah are now saying that the founder Pakistan, Mr. Mohammad Ali Jinnah acted wisely to create a separate homeland.

Now the relevancy of Abdullah and Mehbooba Mufti has ended and there is only one relevant political leadership and that is APHC. I would like to suggest that not only in Islamabad but all over the world Kashmir ambassadors should be supporting APHC because that's the only relevant leadership in Kashmir who will have dialogues with India whenever it happens. Modi and his leadership were asking who they are supposed to talk to, but there is a legitimate leadership which is APHC in the shape of Mr. Saeed Ali Gillani, Mirwaiz Omer Farooq, Sahbbir Ahmad Shah, Yasin Malik and ZafarBhat.

We know how that the BJP government is fraudulent, and established its rule on the basis of lies and hate. The Indian Supreme Court had given the verdict to end the curfew but Indian government refused to act at the orders of the Supreme Court. I would like to appeal to the young people that use your voice and raise Kashmir issue at every other forum. You are the future of this country and its our moral responsibility to response to false Indian propoganda. I would now conclude that Kashmiris are not alone and we will conduct Kashmir Million March sit-in from morning to evening to show solidarity. Thank you very much!"

**Mr. Abdul Hameed Lone**  
**Vice Chairman Islamic Political Party (J&K).**



I would like to thank Mr. Rana Athar Javed and Pakistan House for inviting me and I am thankful to his whole team.

I belong to Indian Occupied Kashmir; and almost 2 month I have no contact with my family members. The 05 August unlawful action of Indian government has caused one of the worst humanitarian crises of the world. Kashmiris are being starved death with no and health care and medicine available. Not only adults, children are also suffering due to the lack of availability of milk and baby food. Along the humanitarian crisis genocide is also underway because India has deployed armed and well trained RSS militants in Kashmir and they are telling the people of Kashmir valley to migrate from their rightful soil.

The genocide watch has also issued an alert we need to pay an attention towards that. There is a humanitarian crisis, and the world needs to know about it. It is encouraging that the statements are emerging from congress parliamentarians, senators, European members and international leaders. We are satisfied with the efforts of Pakistan even when India is trying to spread fear and differences but we believe that Pakistan will always support Kashmiris' right to self-determination.

**Pakistan Zindabad !**



## Second Session Speeches

**Chair: Amb. Ashraf Jehangir Qazi (retd)**

**Mr. Ahmer Bilal Soofi**

**Former Minister of Law, Pakistan**



Honorable chair, participants, ladies and gentleman, guests from abroad Asalam-o-Alikum.

For a year and a half I had been telling in different seminars and highlighted that India may be reckless and abrogate Article 370 because my team was bringing and providing me with judgments of Jammu and Kashmir High Court. We were assessing a pattern and we were highlighting the patterns again and again, so when the incident of 5th August took place, there was no legal narrative from Pakistan's side, though there might be political, diplomatic and may be talks were going on but legal Pakistan lacked legal extensive narrative.

So a legal memorandum was generated by our team, which later uploaded on our website to create awareness about exactly what happened to the special status of Kashmir, More than a thousand downloads within an hour and mostly from America and Europe demonstrated that their governments wanted to understand what had happened – because in the West over, legally position on an international dispute is very powerful among the popular opinion.

It is the responsibility of the international community and the UN, that the resolutions must be implemented. The international community cannot back off from their responsibility neither Pakistan should let them do that just on the basis that these resolutions are just recommendatory. Another legal feature of these resolutions, on the basis of which we argue that these resolutions must be implemented, that they have been partly implemented then how that is possible that a resolution that has been partly implemented its remaining portions are called recommendatory? A resolution establishes that UNCIP, an international organization must be established, so resolution was acted upon, so it must not be called as recommendatory. Similarly, there's a connection between resolution and ceasefire lines, there were many developments which are connected with



those resolutions and if those resolutions were implemented partially, calling the remaining part as recommendatory is a dismissive approach and I think it is not legally correct.

Another argument is that the Article 25 of the UN Charter, says that decisions of Security Council will be implemented by the members. Bruno Simma,( ex-judge at ICJ), said that resolutions are connected with Article 25 of UN charter and argued that anything coming the capacity of decision making, it ought to be treated as decision. So when you're making a policy position, whether by ministry, government, politicians or any other institution of the country, it must have a firm legal support then you're able to project more efficiently and more effectively and more persuasively before the international community and they listen to the legal aspects of that.



In 1998, Security Council passed a Resolution 1172, which was in the context of nuclear attacks of Pakistan and India and mentioned details. In those details they mentioned that Pakistan and India must resolve their issues including Kashmir so two tracks of security council has opened first 1718 resolution which was issued in 1950s and other track is under 1172, which also requires a lot of work, and on the basis of these resolutions the UN must be reminded that they need to fulfil their own obligations under UN Charter.

## Mr Ali Sultan Vice President RSIL



Honorable Chair, fellow panelists, distinguished guests, ladies and gentlemen.

It is an opportunity for me to be here today. I thank Pakistan House for arranging this seminar.

As, we meet at a moment of great peril and distress for the people of IOK who are besieged in an unfolding humanitarian catastrophe precipitated by Prime Minister Narendra Modi's BJP government to advance the nefarious and twisted Hindutva ideology of its parent organization, the Nazi inspired RSS. We meet when through unlawful, irresponsible and imprudent actions in IOK, Modi's government has endangered not only a nuclearized region but also global peace and security, showing scant regard for international rule of law or a rules-based world order. Modi's government continues to offend history, international law. And most of all it is offending humanity. Today marks the 43rd day since Modi's regime revoked Articles 370 and 35-A of the Indian constitution, thus stripping IOK of its autonomous status and Kashmiris of their special rights and privileges. Since then, IOK has been turned into the largest prison on the planet, supervised by 750,000+ Indian security forces in the world's most densely militarized region.

They are armed to the teeth with license to act with impunity under the draconian AFSPA. The ongoing curfew and blanket communications blackout has wrought untold suffering and misery, and brought life in IOK to a grinding halt. Food and medicine supplies are running short, access to health care facilities is severely curtailed, schools are shut down. Scores of Kashmiris have been indefinitely detained, Indian jails are swarming with Kashmiri political prisoners, political activities have been throttled. Pellet guns are being indiscriminately and disproportionately used to control peaceful protests, inflicting permanent blindness upon many including women and children. There are deeply troubling reports of extrajudicial killings, torture, rape and other atrocities. Deplorable and reprehensible actions amount to flagrant violations of India's International Law obligations, as per the various human rights treaties that India is party to. These include International Covenant on Civil and Political Rights; International Covenant on Economic Social and Cultural Rights; Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; International Convention on Elimination of All Forms of Racial Discrimination; Convention on the

Rights of the Child; and Convention on the Elimination of All Forms of Discrimination against Women.

Let me also direct you, to two report issued by the United Nations Office of the High Commissioner for Human Rights in June 2018 and July 2019 that both comprehensively deal with systematic serial human rights abuses of the people of IOK even before the actions of 5<sup>th</sup> August, 2019.

Most of the despicable and ignoble that I mentioned earlier also violate fundamental norms, treaties and customs of International humanitarian law which is triggered as a result of India's unlawful and aggressive annexation of disputed territory by an occupying force. The measures unleashed on 5<sup>th</sup> August by Modi's BJP government are aimed at destroying the territory itself.

Three measures were put in place through legal machinations. The already hollowed-out Article 370, guarantee of Kashmiri autonomy, was repealed. Thereafter, the Jammu & Kashmir Reorganizing Act, 2019, was enacted. It separates Ladakh and makes it a union territory. Muslim Kargil was joined to Buddhist Leh. Kashmir and Jammu were joined together to form a 'union territory', directly ruled from New Delhi through an administrator' called 'lieutenant governor'. All this has been undertaken without any explicit or implicit consent of the people of IOK or their political representatives. As acknowledged by India's own public intellectuals and constitutional experts including ShashiTharoor, P. Chidambaram and A.G Noorani, and by a few honorable members of opposition parties, these measures represent a shredding of the letter and spirit of the Indian constitution itself. They have now been challenged in the Indian Supreme Court.

I hope that the Court is independent and robust enough to deliver a fair verdict on legal merits. But perhaps that is a bit naive to expect in "Modi'ssafronised" India despite the fact that in the past the Indian Supreme Court has not once, not twice, but thrice ruled that Article 370 is an irrevocable provision of the Indian Constitution, in the absence of the constituent assembly Of J&K that dissolved itself in 1957.

Under public International Law, India's revocation Of Articles 370 & 35-A, in essence, amounts to an unlawful annexation of a disputed territory. The aggressive step is a breach of the United Nations Charter as well as General Assembly Resolution 2625 (XXV), which both forbid territorial annexation.

In the event that state in the international system recognizes the legitimacy of unlawful annexation of IOK, that state shall also violate international law for being complicit in flagrant breach of international law. Articles 40 and 41 of the Draft Articles on State Responsibility specifically proscribe any state from recognizing as lawful a situation

created by serious breach of international law nor render aid or assistance in maintaining that situation.

The Simla Agreement states that ending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation..." Notwithstanding this brazen breach of a bilateral treaty,' India's unilateral power grab in IOK under the guise of its domestic law cannot cast aside its international law obligations vis-à-vis Kashmir. The United Nations Security Council, in its Resolution 122, explicitly notes that any unilateral steps by India cannot extinguish obligations contained in the Security Council Resolutions on Kashmir, including holding of a free and impartial plebiscite under the UN auspices.

From the prism of international law, Kashmir, therefore, firmly remains an international dispute between India and Pakistan, recognized as such by the United Nations for over seven decades. International law does not permit India to cherry pick international legal instruments to suit its geo-political ambitions. Moreover, as per Article 103 of the UN Charter, bilateral treaties cannot override India's obligations under the UN Charter. Simla Agreement, furthermore, does not preclude multilateralism entirely as it states that "Line of Control -shall be respected by both sides without prejudice to the recognized position of each side."



Pakistan's long-standing legal position on Kashmir rejects the validity of the Instrument of Accession concluded between the Maharaja of Kashmir and India. We hold it to be

unlawful ab initio as a result of duress and bad faith, and due to the fact that the Maharaja had signed a pre- accession Standstill Agreement with Pakistan as opposed to India. Since Articles 370 & 35-A were attempts to legitimize Maharaja's accession through domestic Indian constitutional arrangements, as such they have been peripheral to Pakistan's traditional legal Stance. Nevertheless, their unilateral revocation by India does materially affect our international legal rights since India's annexation is worrisomely geared towards changing the demographic profile of IOK, which in due course will irreversibly curtail the realization of the right of self-determination of Kashmiris in contravention of Security Council Kashmir Resolutions.

The conflict state in IOK and the Indian military occupation turned into annexation triggers the application of Geneva Conventions and customary international humanitarian law to the situation in IOK. More specifically, Article 49 of the 40 Geneva Convention expresses that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." Additionally, the occupying power cannot take any measures that would change the character of the occupied territory. The Kashmiris' right of self-determination enshrined in the United Nations Charter as well as the Security Council Resolutions on Kashmir.

In addition our unremitting diplomatic and political efforts, we should continue to explore the possibility of taking the Kashmir issue to the International Court of Justice. Under the ICJ Statute it may be difficult for us to bring a contentious case against India due to the 'commonwealth reservation' in its ICJ Declaration and due to the absence of a treaty in force between the two countries containing a 'compromissory clause.' We may however, as per Article 96 of the United Nations Charter, capvass either the United Nations General Assembly or the Security Council or the ECOSOC refer the matter to the ICJ for an advisory opinion along the lines of the Palestinian Wall case.

Today, intelligent states use international law as an instrument of their national power to advance and protect their national interests. Therefore, as part of our law fare strategy, we should consciously and diligently incorporate, in our diplomatic discourse and engagements, the various points of law.

Thank you.

**Mr. Oves Anwar**  
**Director of the Conflict Law Centre at (RSIL)**



Honourable Chair, Honourable Guests, my fellow panellists  
Forgive me that for the certain statements that I give and raise an eyebrow, you forgive me because the sequence that I make in the observations that I have today are because of the approach we have adopted in the last 70 years. Our team at research society has been examining the issue of Kashmir for almost a decade now and again and again we have been submitting proposals, on looking at the international dimension of this crisis we have had 72 years to deal with this yet some of the arguments that we are making seem to be heard for the very first time and this unfortunately is quiet concerning. I don't want to be alarmed but do want to raise this issue, and Kashmir stance nationally.

One particular issue, what I will be discussing today is the International Humanitarian Law (IHL) dimensions of Kashmir issue. This is not sufficiently examined even though the rhetoric that we have employed has adopted terminology from international humanitarian law such as the term occupation, Indian occupied Kashmir this is a very specifically international humanitarian law term and why is it such a term because it is a law of armed conflict, it's the law of war and when we talk about an occupation occurring we are talking about a state of armed conflict, state of war that has existed. You do not need missiles crossing the borders crossing between Indian and Pakistan to call it an armed conflict, the fact that an occupation is taking place is enough.

On the one hand, we say Kashmir is an occupation but on the other, the only criticism that we hear from all entities is that, human rights violations are taking place in Kashmir. What we need to understand is that human rights law and international humanitarian law are two different and distinct bodies of law which apply in different and distinct times. In ordinary peace time, we are in Islamabad we have peace here, we have entire protection of constitution and human rights. If however a time of war is to apply, you don't have state of machinery to ensure those rights, so what you have instead are protections afforded by international humanitarian law, which is the right to protect life of civilians, civilian property, to ensure that there is no starvation etc. So when we confuse the two we are not really promoting our own stance on this and what is happening right now is frankly we are not using the tools and language of international humanitarian law to frankly criticize, critique or challenge the Indian



position on Kashmir and this is I feel a failure on our part to be able to project internationally.

What I want to establish clearly under international law, that occupation takes place when a territory is under effective control of a hostile army. For example the Israeli forces that have occupied West Bank, the Golan Heights they are hostile army occupying their territory. No statement from President Donald trump or anyone else recognizing that as Israeli territory will make it Israeli territory. The fact the occupation exists denies the occupier the right to that territory and that is fundamental here that under no circumstances can India say that this is our territory. Now how do we establish that the territory of Kashmir is under occupation? We have to go back into the history what we need to see here is that the accession upon which India claims its entire right to Kashmir is subject of fraud that it is duress that is been numerous vociferously advocated by Pakistan but we don't even need to look into that discussion.

Simply looking at the international law that replies to instruments of accession. Instrument of accession is subject some condition, such as the holding of plebiscite then it cannot transfer the territory to another sovereign until and unless that plebiscite takes place. Statements before the instrument of accession was signed by Maharaja Hari Singh during the actual acceptance by Lord Mountbatten and afterwards repeated statements by Nehru and Indian leaders clearly state that a plebiscite has to take place. The instrument of accession is one constituent requirement but it is not a constituent environment to transfer territory therefore territory never transfer to India and because of that what we see is that if took a common example you cannot construct a land or territory that you do not own. How can India then ask to subsume this to bifurcate it to hold its own elections in territory that it does not have title to. Secondly planting of a hostile army if you don't have territory there and if you are continuously denying the right to self-determination you have become a hostile army regardless of you whether you were invited there in first place. You are no more welcome there. That is what international law states.

The other requirements of effective control are pretty obvious. India has effective control, as when you have one soldier for every 10 Kashmiris that establishes effective control, when every street is covered by Indian soldier that establishes effective control.

There is a lack of coherence in our policy and when we were searching for Pakistan's legal stand on Kashmir we could not find one. One reason for this is our lack of capacity in international law. This has harmed our case and require immediate change reform on an emergency footing, on a war footing. Secondly what we are also disappointed by is the lack of academics worldwide. Kashmir has not been discussed, when one looks at



the books or articles on this issue there are very few. And one of the reason is complexity of the history. Another failure on our part is that we have not been able to simplify this or be able to help the international academic community what the history was. So if you look at entities, like Amnesty International, Human Rights violation, they will point out that human rights violations are taking place but they do not go into the war crime elements or international humanitarian law violations that are taking place the reason is that they are not going into the history, unless you go into the history you cannot determine whether an occupation is taking place or not.

Finally if we continue to criticize Indian policies IOK as just human rights abuses, essentially we are supporting Indian narrative of “Kashmir is an internal matter”. However, when one wants to internationalize it the brining the Kashmir dispute in the orbit of international armed conflict argument or the IHL are very useful. As a result, it would limit India’s ability to lawfully label freedom fighters as terrorists, simply because it would be Geneva Convention that would apply not the Public Safety Act that applied to freedom struggling Kashmir. Secondly the national liberation movements are the internationally recognized movements that are what IHL recognizes.  
Thank you so much!



## Mr. Jamal Aziz Executive Director RSIL



Legally we are so weak, we are so far behind that I think especially on the Kashmir dispute we are 50 years behind and that is why when this issue happened of the abrogation of the Article 370, as the previous speaker said we had been writing on this issue for six years. For six years we sent memos to Ministry of Foreign Affairs, GHQ, think tanks and different entities that this is something that is likely to happen and what are we going to do in case if it happens. Now military strategy is about war gaming, you've war gaming exercise in which your whole NDU is devoted to, at the highest level and that's why our military is so professional and competent. We also need to do a "legal war gaming". We need to identify the challenges that are facing us. If India abrogates the Indus water treaty then what will we do? If tomorrow war crime allegations are put on us if the situation aggravates what is are response going to be? How are we going to handle if a terrorism incident takes place in Kashmir? Because every time an incident takes place our legal strategy is total bewilderment. So we have to introspect.

We are ready to sacrifice our lives for Kashmir but not ready to study it. The research on legal aspect of the Kashmir dispute is mostly based on analysis of foreign author's and Indian authors. This in-and-itself is a bleak intellectual output by our Pakistani legal experts. During my recent visit to The Hague, all the major experts in the international law commission of the UN body were Indians. So our representation is very weak. We need to carry out knowledge production. International law is an area in which you can only gain narrative if ones research produces new arguments. What is the current status of self-determination after 9/11? How should we build a case against India's war crimes?

Our approach is stuck in 1950s. The Indians have consistently changed their legal position to suit their political objectives. And we have been always found to be in a reactive mode. So for that we need to cultivate relationships with academics, having seminars internally is fine but you need to engage with best academics internationally if we spend less money on printing posters and having seminars and having different internal events that money can be used to cultivate relationships with best academics and build the capacity of our state institutions. Our legal capacity is almost non-existent, the law ministry doesn't have proper international law capacity and ministry of foreign affairs have one or two lawyers. So with this kind of institutional set-up you cannot

build a narrative and when these kinds of incidents happen you will always be looking to private sector input which is not the forum for it.

Thank you!



## Photo Gallery









