

OIC-IPHRC appalled by the unending inhuman blockade; calls for an international investigation into allegations of systemic and systematic human rights violations, including serious genocide alerts, in the Indian Occupied Kashmir

Jeddah 28 November 2019: The OIC Independent Permanent Human Rights Commission (IPHRC) expressed its dismay and strong condemnation over the continued and ongoing human violations in the Indian Occupied Kashmir (IOK). During its recently concluded 16th Session in Jeddah, KSA, the Commission held an open meeting to review the worsening human rights situation in the IOK, which was attended by all the Commission Members and a large number of the representatives of the OIC Member and Observer States.

The Commission was appalled to note that, the Indian Government in an attempt to quell the Kashmiris struggle for the right to self-determination, has resorted to relentless political, economic and communication blockade in IOK, which has completed more than 115 days with no sign of letting up in sight. Since 5th August 2019, the Indian Government has deployed more than half a million security personnel to contain the backlash against its illegal measures, which has practically turned the IOK into the biggest open prison in the world. There are credible reports of inflicting collective punishment in the form of gang rapes, house to house searches, stripping of young men and women, closure of businesses and schools, shutting down of internet and landlines and detention and torture of politicians, journalists and human rights activists by the Indian Security forces. However, the infamous laws of Armed Forces Special Powers Act and Public Safety Act, enable Indian security forces to trample human rights of innocent Kashmiris with absolute impunity, the Commission added.

The Commission reiterated that the India's move to abrogate Articles 35A and 370 of its Constitution was illegal and void as it is aimed at changing the demographic composition of the State of Jammu and Kashmir by making the occupied indigenous Muslim population a minority within their homeland. This is a clear violation of the relevant human rights treaties and conventions and Articles 27 and 49 of the Fourth Geneva Convention, its Additional Protocol, which clearly declare any illicit transfer of population in conflict zones or disputed territory as illegal.

The Commission also strongly condemned the continued use of pellet guns that killed and maimed innocent and unarmed civilians, use of arbitrary arrests and extrajudicial killings, as well as targeting of both the religious and political leadership of Kashmiri Muslims including peaceful protestors, under fabricated charges. The Commission stressed that these systematic and systemic human rights violations have a well-defined pattern that tantamount to ethnic cleansing and genocide of Kashmiris, which falls under

the definition of the most serious crimes of concern to the international community.

The denial to Kashmiris of their basic human rights and fundamental freedoms including the right to life, right to freedom of expression, freedom of religion, right to peaceful protest and assembly, are contrary to international human rights law and is also violative of India's international human rights obligations. Use of such arbitrary measures by the Indian authorities, which are "racist" in character, constitute grave violations of international human rights and humanitarian law, hence deplorable and unacceptable. The Commission reiterated its endorsement of the recommendation of the UN High Commissioner for Human Rights to establish a Commission of Inquiry under the UN auspices to comprehensively investigate all the allegations of human rights violations.

The OIC Member States highlighted that Kashmir remains one of the oldest unresolved disputes at the UN and OIC agendas, final settlement of which has to be made in accordance with the relevant UNSC resolutions. The longstanding denial of the promised and legitimate right to self-determination to the people of Kashmir was considered a blot on the collective conscience of the international community. It was observed that the ongoing curfew in IOK was the known technique of the occupying powers, used to crush the resilience of people by imposing inhuman blockades.

The President of Azad Jammu and Kashmir (AJK) also participated and briefed the meeting on the ongoing grave human rights situation in the IOK and drew attention of the international community to act in earnest to avert an impending genocide and humanitarian crisis. While commenting on the current fiasco of the Indian Government in IOK, he opined that it is driven by the 'neo-fascist' doctrine of religious exclusivism, discrimination and xenophobia, which propagates that Muslims are impure. He welcomed the objective and principled pronouncements of the OIC and IPHRC on the plight of Kashmiri Muslims in IOK and invited the Commission to undertake another visit to the AJK to update the findings of its earlier report of 2017 on the subject.

The Commission assailed the Government of India for not allowing a fact finding visit to the IOK despite repeated requests by the IPHRC, OIC and UN-OHCHR at different times. In the absence of any positive response from the Government of India, the Commission, in principle, has agreed to undertake a visit to the State of Azad Jammu and Kashmir to meet with the refugees, political parties and other civil society representatives from the IOK to ascertain the situation on ground, update its earlier report of 2017 of the subject and share its findings with the Council of Foreign Ministers

The Commission also agreed to conduct an independent case study on the 'use of pellet guns in IOK by the Indian security forces against peaceful protestors including women and children'. The purpose of the study would be to raise awareness about the illegality of its use and to help set standards for its prohibition against peaceful protestors anywhere in the world. The Commission demanded that the Government of India must: a) put an immediate end to the ongoing human rights violations in the IOK; lift the inhuman curfew; b) and restore all fundamental freedoms of Kashmiris; repeal its discriminatory laws like Armed Forces Special Power Act; c) provide access to the Fact-finding Missions of the UN, OIC and OIC-IPHRC; d) allow OIC and ICRC to establish a 'humanitarian corridor' in IOK to reach out to the besieged population for provision of basic food and medical supplies; and e) implement, without further delay, relevant UN resolutions to allow people of Kashmir to exercise their inalienable right to self-determination through a free and fair plebiscite. Finally, the Commission urged the UN and the international community to play their due role to pressurize India to take early and concrete steps in this regard.
