

Seminar on  
**Elections & Human Rights Abuses**  
**Case Study of Indian Held Kashmir**

Organized by  
**MUSLIM Institute**



MUSLIM Institute organized a seminar on “Elections & Human Rights Abuses - Case Study of Indian Held Kashmir” on November 17, 2014 in National Library, Islamabad. The seminar was attended by individuals from different walks of life including representatives of international organizations, diplomatic missions, think tanks, media, parliamentarians and academicians from various disciplines. Public Relations Coordinator of MUSLIM Institute, Mr. Tahir Mehmood moderated the proceedings of seminar. Following well known personalities and experts participated in the seminar.



Former Ambassador, Munawar Saeed Bhatti (Former Additional Secretary for Foreign Affairs, Pakistan), Sahibzada Sultan Ahmad Ali (Chairman MUSLIM Institute) Mr. Ghulam Muhammad Safi (Convener Tehreek-e-Hurriyat Jammu Kashmir), Dr. Marjan Lucas (Expert on Kashmir/Bosnia/Somalia from Netherlands), Dr. Muhammad Khan (Head of International Relations Department, National Defense University, Islamabad), Ambassador (R) Aslam Rizvi (Former Diplomat) and Dr. Attiya Inayatullah (Former Federal Minister, Pakistan). Honourable speakers made exclusive discussion on the topic of seminar. Below are salient points highlighted by the honourable speakers:-



In 1947 the ruler of Jodhpur was discussing state's accession with Pakistan but Lord Mountbatten interceded and advised to accede to India saying that it was suitable politically but he never gave such advice to Maharaja of Kashmir. On 13th August 1948, UNSC adopted resolution for right of self-determination for people of Kashmir. And the resolution accepted by both India and Pakistan was adopted on 5th January 1949 but the Indian intentions were clear not to implement those resolutions as they moved to nominate Kashmiri representatives in Indian Constituent Assembly. Right from day one, there were no intentions of



implementation of the resolutions. Even Jawaharlal Nehru decided not to go for plebiscite because he knew that Sheikh Abdullah was very unpopular. Kashmir issue is in UNSC under chapter 6 for peaceful settlement of the dispute. The implementation comes under chapter 7. Sir Owen Dixon came with proposals even with regional plebiscite but Indian Prime Minister didn't move. India also refused the third party mediation.

India in 1950s started playing with the sentiments of international community by conducting elections in the name of Constituent Assembly of Jammu & Kashmir. UNSC on the complaint of Pakistan in 1957 came with resolution making clear that conducting such elections in Jammu & Kashmir cannot be substitute of referendum which should be conducted by UN after withdrawal of troops. India had its own designs so it came forward with one sort of elections or the other but people remained aloof and didn't participate.



In first four decades, Pakistan and India fought four wars and Pakistan was disintegrated. Over the years the Kashmir issue went to backburner. Feeling neglected and extremely oppressed at the hands of occupying Indian forces, armed struggle was started by Kashmiris from 1990 to 2002 for their right of self-determination and unprecedented human rights violation were carried by India. Since 2003 till now, Kashmiris are carrying out peaceful struggle but there is no change in Indian atrocities.

India has always used both bullet and ballot to crush voice of innocent Kashmiris and to conceal its own excesses against the innocent citizens. The Indian government has added insult to the injuries of Kashmiris by holding elections in the Indian Held Kashmir to offer democracy and its blessings to those who have been even denied very basic rights which is really ironic. The Indian government intends to hold elections in the Indian Held Kashmir from 25 November this year. These elections are going to be held in the presence of thousands of occupation troops. Through elections, India conveyed message to international community that Kashmiris are participating in electoral process and it is integral part of India but all those elections are rigged. It is a matter of life or death for the people of Jammu & Kashmir. India wants to hide violations of human rights and atrocities in Jammu & Kashmir committed by Indian occupying troops. India also intends to divide the leadership and the people of Jammu & Kashmir that by conducting such elections there would be some people opposing it and some favouring it and by such division India can grind its own axe.

Election is supposed to be an instrument of democracy, to give people right of how their life will be constructed. But we all know that it can also be misused to pretend that there is democracy e.g. by rigging elections or by not making it possible for right persons to be the candidate in the election process.

We need to make the world realize that sham democracy at the cost of blood of martyrs is by no means substitute for what has been promised to the Kashmiris. Democracy that usurps rights of innocents and weak, allows genocide, accepts mass graves, makes brides widows, infants orphans, allows arbitrary detentions and killings, at the cost of blood of unarmed, at the cost of wails of widows, tears of orphans is not a democracy. It is mere bloodocracy. Kashmiris have always rejected such sham measures of the Indian governments to conceal their brutalities in Indian Held Kashmir. The message should be clear to

the Narendra Modi government that nothing less than right of self-determination is acceptable to the Kashmiris.

In Indian Held Kashmir there are severe violations of human rights as number of total deaths is 93,274, custodial killings are 6,969, arrests/detention are 117,345 destruction & razing of houses is 105,861, children orphaned are 107,351, women widowed are 22,728, women gang-raped are 9,920 and many mass graves are found. Through rape, security forces are aiming to punish and humiliate the entire community. According to report of China Daily, compared to 2012, there has been 38% increase in the human rights violations in 2013 in IOK. The black laws like PSA, TADA,



AFSP enforced by India in Kashmir give immunity to occupying forces for indefinite detention and torture on suspicion basis. Amnesty International, UNO, US Stated Department, international think tanks have condemned the violations of international laws by India in Kashmir and also human rights violations.

Human rights violation in Indian Occupied Kashmir is a serious violation of international law and needs to be addressed at all international forums. The factual position is that torture, hostage-taking and rapes have been prominent abuses in IOK since last two and half decades. Unfortunately, despite plenty of safeguards and guarantees for human rights in the form of international Declarations, Convents, Charters and Agreements, people of IOK are being humiliated, discriminated, tortured and killed as if there is no law meant for their protection and safeguard.

Kashmir dispute itself and the human rights violations in the state could not attract the global attention as given to other international disputes like Palestine, Iraq, Afghanistan, Chechnya, Bosnia, etc. This is mainly because the neutral observers and international media had no access in the state. There is ban on research on Kashmir issue in universities of Occupied Kashmir. International community must stand up for resolution of Kashmir issue as it would resolve all other issues directly or indirectly linked with it, bringing an economic prosperity and political stability in South Asia.

The story of Kashmir is a story of deceit, duplicity and greed and this covers what Indians have done and what international community has done. Everyone in West looks at India as emerging powerhouse and also as a counterweight of China. And this mechanism hasn't started recently but it started way back in 1950s and 1960s. After China became a nuclear power, US thought to help India to become too.



Indian PM Narendra Modi made promise during his election campaign that if he came to power, he will abolish special status of Jammu & Kashmir barring purchase of land by Indians in Jammu & Kashmir and he will make it part of India so that no Kashmiri would speak that we are not Indians. Narendra Modi had landslide victory in elections but after that there were bye-elections and total different scenario was seen in them. He either had to fulfil the promises or divert the attention of the Indian masses and softest possible target would be aggression against Pakistan. When Pakistani PM Nawaz Sharif, while

addressing the UN General Assembly, made clear that Kashmir issue is not bilateral issue between India and Pakistan but an international issue; just after it Indian aggression started on Working Boundary and LOC. It makes clear the Indian game plan and in upcoming elections, there is nothing for the people of Jammu & Kashmir but more for India to convince to world community that it is integral part of India.

Narendra Modi wants to be seamed in West as new economic super-boy and the one having economic vision. He tries to present his idea that with economy, all the issues will be resolved. This message has to be of course criticized. Narendra Modi visited Kashmir for Diwali to celebrate together with Kashmiris but Kashmiris told him that we are Muslims and come on our celebrations to join us. On political level Mr. Modi wants to abrogate article in the Indian constitution that grants special status to Kashmir.

It was in 2008 first report of mass graves came to the table right after the new government was installed and Mr. Omar Abdullah was the Chief Minister. He came with the idea of truce and reconciliation commission but people rejected the idea as they think justice was missing in that. Now we are in 2014 and what we see that human rights violations are still going on and justice is still not granted. Now the way forward is to understand the situation of human rights, black laws and daily life difficulties etc. and Narendra Modi must face these first before his economic agenda. It is our duty to make everybody understand that economic mantra will not simply solve humanitarian tragedy on grounds.

Indians have been very successful to make a political issue into an Islamic issue and maligning it with terrorism. Indians look at Kashmir as a colony rather than an integral part in real sense. Anahazaray can have thousands of people sitting in Delhi but Kashmiris cannot have even two thousand people sitting like that and they will be fired upon if they do so. Nobody in Delhi cares about what is happening with Kashmiri women washing blood of their sons. Only one who has courage to speak was Aron Diti Roy. Regarding Afzal Guru's hanging, courts talk about satisfying the collective consciousness of the Indian nation and it happened in India but the world is silent because it is question of falsehood and economic greed.

We shouldn't lose heart. After 350 years there was referendum in Scotland, and we hope day will come when referendum will happen in Kashmir. We hope next Indian generations will be confident to fulfil the promises made with Kashmiris by their forefathers.

## Interactive Session

After the presentations by the speakers, the interactive session commenced. There was very fruitful discussion during the session. Answering the questions from audience, the panel said that by turning back on Kashmir issue, there cannot be peace in South Asian region. To take the issue into ICJ, both states should be ready but we know India is not ready for it. It is actually the structure of ICJ that how they accept the cases.



On a question regarding role of Indian civil society on Kashmir issue, it was discussed that there are few sane voices from individuals but they need to be united for a stronger voice to influence government to move forward for resolution of Kashmir issue. The resolution of Kashmir issue has to come through Kashmiris. It will not be India, Pakistan or UN that will resolve but the Kashmiris, their will and determination that will finally prevail and issue will get resolved.

