



REPORT ON SEMINAR:

Human Rights Situation in Indian Occupied Kashmir: International Law Perspective and Way Forward



10 December 2019

Organized by

POLICY AND RESEARCH FORUM

Muzaffarabad Azad Jammu & Kashmir

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POLICY AND RESEARCH FORUM

Policy and Research Forum (PRF) is a premier and leading think tank in Azad territory of the erstwhile state of Jammu and Kashmir. It was established in March 2017 as an independent and non-profitable forum, dedicated to evolve policies, provide in-depth understanding and conduct research on various aspects of history, contemporary politics and conflict of Jammu and Kashmir.

Policy and Research Forum endeavours to involve policy makers, experts, researchers, media persons, and the civil society for developing intellectual discourse on the history of the erstwhile state of Jammu and Kashmir, highlighting the political, economic and geo-strategic significance of the erstwhile state of Jammu and Kashmir, promoting objective research and active advocacy for the resolution of conflict of Jammu and Kashmir, and trainings of scholars, academicians and students on legal aspects of the conflict of Jammu and Kashmir.

SIGNIFICANCE OF HUMAN RIGHTS DAY

Human Rights Day is observed all over the world, every year on 10th December, to honour the Universal Declaration of Human Rights that was adopted by the United Nations General Assembly on 10th December 1948. The Universal Declaration of Human Rights proclaimed the inalienable rights which

everyone is inherently entitled to as a human being - regardless of race, color, religion, sex, language, or national origin. While this year the Human Rights Day marks the 70th anniversary of the Universal Declaration of Human Rights, the struggle of Kashmiris for their inalienable right to self-determination is still being responded with brutal use of force by the Indian Forces.

REPORT ON THE SITUATION OF HUMAN RIGHTS IN KASHMIR BY OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS:

On June 14th 2018, the Office of the United Nations High Commissioner for Human Rights published a report titled ‘Report on the Situation of Human Rights in Kashmir.’ The report calls for an urgent need to address past and ongoing human rights violations and deliver justice for all people in Kashmir. The report details human rights abuses in Jammu and Kashmir and a situation of chronic impunity for violations committed by security forces from July 2016 to April 2018.

The report highlights the excessive use of force by the Indian security forces that led to unlawful killings and a very high number of injuries. According to the report, 145 civilians were killed by the security forces between mid-July 2016 and the end of March 2018. One of the most dangerous weapons used against protesters in 2016 – and which is still being employed by security forces – was the pellet-firing shotgun.

According to official figures, 17 people were killed by shotgun pellets between July 2016 and August 2017, and 6,221 people were injured by the metal pellets between 2016 and March 2017.

People of the Indian Occupied Kashmir are facing massive human rights violation; the continuous plight of Kashmiris has also increased our responsibility for projecting human rights violations faced by the people of Indian Occupied Kashmir.

SEMINAR

Topic: Human Rights Situation in Indian Occupied Kashmir: International Law Perspective and Way Forward

Background:

Kashmir Conflict is one of the simmering issues over the globe causing not only instability in the region but also a threat to peace of the world. This struggle of Kashmiris for their inalienable right to self-determination is being responded by brutal use of force by Indian Army and massive human rights violations. The use of pellet guns has caused thousands injured, defaced and blinded. Numbers of peoples are languishing in prisons and others facing persecution.

The above state of affairs has increased our responsibilities and role for resolutions of the conflict and projecting human rights violations of people of Indian occupied Kashmir. Therefore, on the eve of International Human Rights Day this

seminar is organized to enhance our knowledge and awareness regarding the cause and identify role of youth, media and intelligentsia in this regard.

Following were the sub topics evolved from the main topic:

- 1) Legitimacy of freedom struggle in IOK under international law.
- 2) Human Rights violations in Kashmir in International Human Rights Law perspective.
- 3) Human Rights violations in Kashmir in International Humanitarian Law perspective.
- 4) Report of UNOHCHR and way forward.
- 5) Role of AJK and Pakistan for exposing human rights violations in IOK.
- 6) Evolving an effective strategy to project Kashmir dispute as case of right to self determination.

This year on the eve of International Human Rights Day, under the auspices of the Policy and Research Forum, a seminar was held in Islamabad, titled: Human Rights Situation in Indian Occupied Kashmir: International Law Perspective and Way Forward. The aim of the seminar was to highlight the human rights violations in the Indian Occupied Kashmir, to seek the attention of the international community, youth, and media, to bring into attention the Indian brutality towards the Kashmiris.

Prominent personalities belonging to the Kashmiri community settled overseas, leaders of political parties, renowned scholars, Hurriyat Leaders, students and numerous representatives from various media houses attended the seminar.

Prime Minister Azad (Free) State of Jammu and Kashmir Raja Muhammad Farooq Haider Khan was the chief guest. A number of scholars of international repute who addressed the seminar on their respective subjects were; Mr Ali Raza Syed, Dr Farhan Mujahid Chak, Dr Imtiaz Ahmed Khan, Mr Nazir Ahmed Gillani, Mr Ghulam Muhammad Safi, Mr Faiz Ahmed Naqshbandi, Mr Muhammad Abdullah Gillani, Dr Waleed Rasool, Mr Altaf Wani, Vice chairman PRF, Mr Masnoor Qadir Dar, former member Azad Jammu & Kashmir Council Sardar Sawar Khan and Miss Rabia Mustafa. Secretary Policy and Research Forum, Raja Muhamad Sajjad Khan and Dr.Sania Muneer performed the duties of stage secretary. This was an academic session and the scholars had presented their research work on the relevant topics.



INTRODUCTORY REMARKS:

Mr. Mansoor Qadir Dar,

Vice Chairman PRF



In his opening remarks, Mr. Mansoor Qadir Dar vice chairman Policy and Research Forum thanked the Prime Minister Raja Farooq Haider Khan for his special instructions vis-a-vis the commencement of the seminar. He informed that declamation and speech contest is being held at various universities, colleges, and schools so that people from all segments of the society are kept abreast and updated on the Kashmir issue. Mansoor Qadir Dar, stated that the Policy and Research Forum is a premier think tank of Azad Jammu & Kashmir - the purpose of which is to effectively counter the Indian propaganda. He stated that, due to Indian propaganda, the new generation is not only being kept aloof from the realities in Kashmir but are also given wrong information. The Policy and Research Forum has been established to provide unbiased research material to those individuals who are keen to do research on Kashmir. He further added that under the instruction of the Prime Minister of Azad Kashmir, Mr. Farooq Haider Khan, a Research Journal is being published; whereas the social media would also be used to counter the Indian propaganda. He welcomed all the speakers and participants, especially came from abroad to attend this event.

FIRST SPEAKER:

Dr. Waleed Rasool

Director- South Asia Kashmir American Council.

Executive Director Institute of Multi-Track Dialogue and Diplomatic Studies, South Asia Chapter.



Topic: **UN Resolutions, The Legal Catalyst of Positive Peace in Kashmir**

Dr. Waheed Rasool , in his address, said that the Kashmir issue is the most sensitive issue of South Asia which needs to be resolved through special attention of the United Nations. He said that the international community should immediately take notice of the violations of human rights by the Indian military. The resolutions of United Nations are providing a clear way forward for the peaceful settlement of Kashmir dispute. UN resolutions are legal basis of Kashmir conflict. It is the legal and moral responsibility of India to honour UN resolutions and commitments of her leadership.

2ND SPEAKER

Dr.Farhan Mujahid Chak

Associate Professor,

Department of International Affairs, Qatar

University



Topic: **Transformative Kashmiri Resistance and New Social Trajectories.**

Dr. Farhan Mujahid Chak said that Indian military is committing a genocide of the Kashmiri people under a well thought out plan. Furthermore, he said we should move forward in an organized manner to force India to stop the oppression of the Kashmiris. He stressed that Pakistan's government should also highlight the human rights issues forcefully so as to expose India's true face to the world. He also expressed his concern over the manner in which the Indian military is targeting children, women, and the elderly. He opined that the Govt. of Azad Jammu & Kashmir should spearhead this movement. Azad Kashmir Govt. is the true representative of people of State of Jammu & Kashmir. World is interested to listen directly from victims.

3RD SPEAKER:

Miss Rabia Mustafa,
Ph.D (Scholar) IR QAU, Islamabad.
Lecturer IR Women University Bagh



Topic: Human Rights violations in Kashmir in International Humanitarian Law perspective.

Miss Rabia Mustafa reiterated that the international community must specifically take notice of the Indian military's use of pellet guns against Kashmiris, killing of youth during detention, sieges and serious high handedness met out to the children, the elderly and womenfolk as well. She said that it is

very clearly written in the relevant articles of the Geneva Conventions that no community can be denied basic human rights. India is committing crimes against humanity in IoK.

4TH SPEAKER:

Mr. Altaf Hussain Wani,
Director KIIR



Topic: Report of UNOHCHR and way forward.

Altaf Wani said that to highlight the Kashmir issue we need to work in many domains so that atrocities in the Indian military are highlighted to the world. He said that we must all unite on the Kashmir issue only then the world community should listen to us. While appreciating the steps being taken by the Prime Minister Azad Kashmir, he advised that to keep the younger generation aware of the issue, the government holidays on important days of Kashmir should be cancelled. He said that we are required to conduct research since the world listens to arguments and pays no heed to mere emotions. He welcomed the report published by OCHCHR, it is first concrete step taken by United Nations after its resolutions. India cannot hide her crimes against humanity. Now it is the duty of academicians and educational institutions in Pakistan and AJK to discuss this report and project it through social media and other mediums. He said that think tanks can play a vital role to aware the international community about the true aspects of Kashmir

conflict. India is misleading the world and tries to divert attention from human rights situation in IoK.

5TH SPEAKER:

Mr. Nazir Ahmed Quershi
Senior Vice President
World Kashmir Freedom Movement, UK.



Topic: Kashmir and Role of Diaspora.

Mr. Nazir Ahmed Qureshi said that this gathering of scholars was indeed a befitting beginning which must continue to instigate fresh thinking so that new ideas are generated. He said that we need to focus on the reasons as to why we have not been successful in achieving our result despite working on this issue for so long. He further added that while working for the Kashmir cause, we need to go beyond any particular “ism”, and, in fact, should work jointly to defeat India. He also said that Azad Kashmir is the base camp of the Kashmir movement and as such, it should play its effective role. Kashmiri Diaspora is very active and vibrant especially in European countries. Many organizations and persons are working on Kashmir cause, but there is a need to channelize all these efforts.

6TH SPEAKER

Saiyyed Abdullah Gilani
Rep. of Syed Ali Gillani



Topic: Kashmir Human Rights and inertia of international community

Mr. Gillani in his address said that we should evaluate the causes as to why we have not been able to get out of the Indian quagmire. He said that despite the Indian efforts to hide its human rights violations, the world is increasingly becoming aware of these violations. While maintaining unity among our ranks, we should fully expose the Indian military's blatant human rights violations at all international forums. He further said the Indian Occupied Kashmir has become a graveyard of human rights and added that the civilized world must take action against India for the accesses committed by its military. Moreover, he stated that the international human rights organizations have also highlighted the brutalities of the Indian military and as such United Nation's must take notice of it.

7TH SPEAKER:

Prof Dr. Imtiaz Ahmed Khan
President, Kashmiri American Council,
Professor, George Washington University



Topic: Kashmir; Human without Rights.

He mentioned how all religions give due regard and importance to human rights. He said that India is not even allowing peaceful political struggle for right to self determination Hurriyat leaders, such as Syed Ali Gillani, Yaseen Malik, and Mirwaiz Umar Farooq are under house arrest. Many leaders are languishing in jails. He said that during his tour of Indian Occupied Kashmir, he personally observed flagrant violations of human rights and so he devotes all his energies towards highlighting the Indian military's barbarism to the local communities in the United States of America. He emphasized vigorously pursuing the case of Kashmiris since India is not a weak country and as such full force is required to uproot its standing from Indian Occupied Kashmir. He said that by merely observing a few specific days, we cannot resolve this issue; instead, we need to keep the issue alive at international forums because only then will the international community pay heed to our demands. He further said that there is a need to awaken the world (centres of powers) and move the relevant organizations in this regard. Finally, he suggested the establishment of a special Kashmir cell at the Pakistan foreign office which should persistently pursue this issue.

8TH SPEAKER:

Syed Faiz Naqashbanid ,
Convener APHC(M)



Topic: Self - Determination & Draconian Laws in IOK

Syed Faiz Naqashbandi said that the Kashmiris are demanding the implementation of United Nations resolutions for the past seventy-one years but due to the Indian influence, there has been a poor response. However, now that the Indian brutality and reign of terror in Indian Occupied Kashmir has reached extreme proportions, the world is finally taking notice. He suggested that a timeframe from the international community should be given for the resolution of this issue as it will further pressurize India. He also explained how India has introduced a number of black laws which are an extreme violation of human rights, just to suppress the Kashmiri struggle. He further shed light on India's current policy, whereby the ratio of Muslim population is being gradually reduced, which needs to be stopped as this is a gross violation of the Geneva Convention. He also added that the use of pellet guns is also a violation of human rights and hence we should not sit idle but must make efforts to defeat India at all international forums. He further assured that the sacrifices of Kashmiri martyrs have not been forgotten and their efforts will bear fruit once we realize our goal. He also suggested that a United Nation's delegation should

visit Azad Kashmir and Indian Occupied Kashmir to observe the real situation and demanded the establishment of a Kashmir desk in all Pakistan missions abroad.

9TH SPEAKER:

Ghulam Muhammad Safi ,
Convener APHC(G)



Topic: Role of Pakistan and AJK to expose HR violations in IOK

Muhammad Safi said that, Kashmir and Pakistan are inseparable and that Pakistan supports the Kashmir's freedom movement without any personal agenda; Pakistan came into existence based on the two-nation theory and Kashmiris are still pursuing the same ideology by fuelling it with their blood. He also said that till the time a plebiscite is not held in Jammu and Kashmir, the two nation theory remains incomplete; therefore to complete it, freedom movement must succeed. He expressed his confidence in the ultimate success of the movement for Kashmiri freedom and also stressed upon the role of newspapers and electronic media in propagating the Kashmir issue.

Dr. Syed Nazir Gillani

Chairman J&K Council for Human Rights



He assured that even though we are currently facing huge challenges, we can solve them by clearly identifying our enemy.

He said that there is a need to persistently pursue a strong and viable strategy in order to solve the Kashmir issue according to the aspirations of the Kashmiri people. He said that the United Nation's Human Rights Council has also exposed the atrocities of the Indian military and further stressed the need for active diplomacy to keep the power structure alive.

Sardar Sawar Khan

Tehreek- e - Insaf Leader

Former Member AJK Council



Sardar Sawar Khan highlighted the importance of the UN report, with respect to human rights in the Indian Occupied Kashmir. He said that the world has realized the atrocities of the Indian military and as such we should now unitedly move forward to the attainment of our mission. He also stressed on devising the best possible strategy in order to be successful and mentioned Quaid-e Azam's statement where he expressed that the Kashmiris would eventually realize their goal. Sardar Sawar Khan also praised the Prime Minister's leadership and commended his personal interest and effort towards the cause. He further suggested that Pakistan's embassies must continuously interact with the international community and keep them abreast with the latest situation in Jammu and Kashmir. He finally demanded that Pakistan should disassociate itself from

the Simla agreement, in order to move a step forward in reaching a solution.

Wrap up

Dr. Muhammad Khan,
Chairman PRF,



Dr. Muhammad Khan, highlighted the contours of the seminar and gave a tribute to the Prime Minister for his personal interest which led to the successful convention of this seminar. He assured that this forum is open to all individuals and welcomes constructive advice. Dr. Muhammad Khan also reiterated that we must forge ahead and make efforts to mitigate the sufferings of the Kashmiris at the hands of the Indian Military.

Mr. Ali Raza Syed

Chairman Kashmir Council EU



Ali Raza Syed in his address said that a coordinated strategy had been developed to highlight the United Nation's report at relevant forums. He said that Kashmiris have been victims of Indian atrocities since the past seventy-one years and hence there is an urgent need for us to do some soul-searching and find out our mistakes to remove them from the root. He lauded the Prime Minister Azad Kashmir, Mr. Farooq Haider,

for embarking upon a very effective program for highlighting the Kashmir issue to the world at large as the results are encouraging. He also stressed that ‘human rights’ is an important pillar which is given great importance in the European countries; As such we must give special attention to this aspect. He further said that the stronger Pakistan is, the more chances it would have to be a guarantor of the Kashmiri freedom movement. He also praised the goodwill of the people of Pakistan who have always supported the struggle for freedom in Kashmir. Mr. Ali Raza Syed expressed the need to develop a clear course of action and to strictly abide by it to ensure the chances of success. He also suggested that scholars, especially the youth, should be sent to international forums where they can interact with the international community and policymakers.

Address by Chief Guest

Raja Muhammad Farooq Haider Khan

Prime Minister Azad Kashmir



Mr. Farooq Haider, said that the opening of Kartarpur corridor was indeed a good step and the sacred temples of Buddhists, Hindus, and Sikhs in Azad Jammu and Kashmir should be open for the people of both sides of Kashmir. Kashmiris should be given opportunities to present their case at International Forums. He stated that the proposal of Pervez

Musharaf was unacceptable; UN resolutions are the only solution. Kashmiris are the primary party of conflict.

The Prime Minister of Azad Kashmir, Raja Farooq Haider Khan, in his address also stated that we must avail the opportunity to skilfully highlight the Kashmir issue so that we can proceed to its solution. Instead of opting for conflict management, we should strive for the final solution. He mentioned that for any nation's independence, it is pertinent that its entire leadership is united. The Azad Kashmir government and Hurriyat leaders must be given a leadership role in this aspect since the Kashmiris who are first-hand victims could make a strong case in front of the international community more effectively. He reiterated the contribution and full support of Pakistan to highlight struggle of Kashmiris.

The Prime Minister explained how the 9/11 incident provided India an opportunity to defame the Kashmiri freedom movement. Moreover, he said that there is a dire need to make Azad Kashmir a base camp for the freedom movement, for which concrete steps need to be taken. He expressed the need to move forward with a positive frame of mind and complete conviction for the Kashmir cause, and to totally dedicate ourselves to this cause in order to succeed in our efforts. The Prime Minister said that all parties must unite on this issue because circumstances where parties are entangled in internal disputes, makes it

difficult to defeat a cunning enemy like India. He said that during his visit to Brussels, he engaged in dialogue with many Europeans and apprised them of the atrocities committed by the Indian military forces in Indian Occupied Kashmir. Since the European community greatly values human rights, we should focus our attention on them and attract them towards the struggles of Kashmiris.

He further stated that he had requested the overseas Kashmiris in Europe to ensure that their families participate in the processions held to highlight the Kashmir issue so as to awaken the conscience of the civilized nations. He invited the Kashmiri leadership to jointly participate in International Forums to engage with policymakers. The Prime Minister also stated that in order to mobilize the youth (an important asset in regards to the Kashmir conflict) and ensure its participation, the ban on student unions in Azad Kashmir was to be lifted.

The Prime Minister of Azad Kashmir further revealed how the Indian Military is committing atrocities beyond our comprehension by mutilating the bodies of Kashmiri martyrs. He expressed the need to expose these atrocities and the true face of India to the world at large. He acknowledged that the unimaginable sacrifices of Kashmiris, an example of which remains unparalleled in the world. The Prime Minister said that he had suggested the foreign minister of Pakistan to maintain

constant contact with the Hurriyat leaders and the Azad Kashmir's political leadership. He also said that the Hurriyat leadership has inherited the sacrifices of numerous Kashmiri martyrs and Azad Kashmir stands with them in their struggle till an ultimate goal is achieved.

The Prime Minister also appreciated the activities of Policy Research Forum. He said that such seminars help in opening up new vistas and avenues for fresh ideas, and are also important for the awakening of international media and overseas Kashmiris.

In the end, the guests were awarded a shield for their participation in the seminar. The electronic and print media also gave substantive coverage to the occasion.

RECOMMENDATIONS

In light of the addresses of the speakers the following recommendations were formulated:

1. Following the pattern of Kartarpur Corridor, sacred temples of Buddhists, Hindus, and Sikhs in Azad Jammu and Kashmir should be made accessible for the people from across the border.
2. Kashmiris should be given the opportunity to present their case on their own since their voices prove to have a positive and strong impact. The government of Azad

Kashmir and the leadership of Hurriyat can also play an important role in this regards.

3. Pakistan's embassies all over the world should be advised to raise awareness about this serious issue amongst the international community
4. A delegation from the United Nation's Human Rights Council should visit both, Indian Occupied Kashmir and Azad Kashmir in order to analyze the violations of human rights.
5. The Government of Pakistan should unveil India's true face in the United Nation's by highlighting the human rights violations in Indian Occupied Kashmir
6. Kashmiri diaspora can plan a huge part in awakening powerful institutes around the world regarding this inhumane brutality and violence committed by the Indian forces.
7. The government of Pakistan should establish a special cell for Kashmir in the foreign office that specifically focuses on the Kashmir dispute.
8. In order to unveil the Indian brutality, the Kashmiri youth should use social media as a platform to shed light on Indian cruelty in Indian Occupied Kashmir and reach out to European Union, members of the Parliament of various

countries, and policy institutes regarding these massive human rights violations.

9. All groups in Kashmir should be united and organized in order to present Kashmir's case in an effective manner.
10. There is a need to unify international media and overseas Kashmiris so that processions are organized for the Kashmiri cause.
11. Since the contemporary world gives immense importance to youth, the Kashmiri youth should visit important countries of the world where they can highlight the human rights concerns in Indian Occupied Kashmir.
12. Delegations of women should also be sent to human rights institutes to highlight the concerns over sexual harassment by the Indian forces.
13. Kashmir dispute is not bilateral but a trilateral issue, therefore the Kashmiris should be given a fair representation in the dialogue between Pakistan and India.



PROGRAMME

Time	Activity	Speakers
10:10	Guests to be seated	
10:10-10:20	Recitation	Hafiz Masood Shah
10:20 - 10:30	Introductory remarks	Mr. Mansoor Qadir Dar Vice Chairman PRF
10:30 - 10:45	UN Resolutions, The Legal Catalyst of Positive Peace in Kashmir	Dr. Waleed Rasool Director- South Asia Kashmir American Council. Executive Director Institute of Multi-Track Dialogue and Diplomatic Studies, South Asia Chapter.
10:45 – 11:00	Transformative Kashmiri Resistance and New Social Trajectories.	Dr. Farhan Mujahid Chak Associate Professor, Department of International Affairs, Qatar University
11:00 - 11:10	Human Rights violations in Kashmir in International Humanitarian Law perspective.	Miss Rabia Mustafa, Ph.D (Scholar) IR Quaid-e-Azam University Islamabad. Lecturer IR Women University Bagh
11:10 - 11:20	Report of UNOHCHR and way forward.	Altaf Hussain Wani, Director KIIR
11:20-11:30	Kashmir and Role of Diaspora.	Mr. Nazir Ahmed Qureishi Senior Vice President World Kashmir Freedom Movement, London, UK.
11:30 - 11:40	Kashmir Human Rights and inertia of international community	Saiyyed Abdullah Gilani Rep. of Syed Ali Gillani
11:40-11:50	Kashmir; Human without Rights.	Prof Dr. Imtiaz Ahmed Khan President, Kashmiri American Council, Capitol Hill Washington, D.C Professor, George Washington University
11:50 - 12:00	Self Determination & Draconian Laws in IOK	Syed Faiz Naqashbanid , Convener APHC(M)

12:00 – 12:10	Role of Pakistan and AJK to expose HR violations in IOK	Ghulam Muhammad Safi , Convener APHC(G)
12:10- 12:20	Address	Syed Nazir Gillani Chairman J&K Council for Human Rights
12:20- 12:30	Address	Sardar Swar Khan Former Member AJ&K Council
12:30 - 12:40	Address	Mr. Ali Raza Syed Chairman Kashmir Council EU International Council for Human Development
12:40 – 1:00	Input from audience with the permission of moderator	
1:00- 1:15	Wrap up	Dr. Muhamamd Khan , Chairman Policy and Research Forum
1:15 - 1:35	Address by Chief Guest	Raja Muhmmad Farooq Haider Khan , Prime Minister AJK
1:35	Shields Distribution + Group Photo	
	Lunch and Prayer	



Islamabad: Prime Minister AJ&K Raja Muhammad Farooq Haider Khan and other speakers are addressing to a Seminar on International Human rights day