



JKCHR – Jammu and Kashmir Council for Human Rights

NGO in Special Consultative Status with the ECOSOC of the United Nations

Established in 1984

**“All human beings are born free and equal in dignity and rights.”
- Universal Declaration of Human Rights**

By Fax and Email

25 July 2016

Secretary General

Chief Executive Officer of the Commission
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi
PIN 110001

Fax No. 00 91 11 24651329

Dear Sir

Kindly allow me to rearrange Shakespeare’s quote from King Lear stating “As flies to wanton boys are we to th’ gods, They kill us for their sport” to “As flies to wanton boys are we to th’ Indian soldier, They kill us for their sport”, to convey how the Muslims of Kashmir have been forced to live under a curfew of last 17 days.

The arrest of 82 year old Kashmiri leader Syed Ali Shah Geelani and the arrest of Mirwaiz Dr. Umar Farooq today just for stepping out of their homes, to travel and express solidarity with the people in Anantnag district, which has seen the highest number of deaths during the popular protest against the killing of Burhan Wani a young State Subject, is a shame and needs to be condemned by every decent human person in India and in all capitals of the world.

Placing the people of Valley in Kashmir under a 17 day continued Curfew, killing 52 unarmed people (all Muslims), disabling hundreds of youth for life by the use of banned pellet guns direct into their eyes, fatally injuring hundreds more, attempting to starve people, leaving the elderly without medicine and infants without milk and using a Hindu army against a Muslim population, merits the attention of every decent Indian and in particular National Human Rights Commission of India. Credibility of NHRC has remained a self-serving defence in the hands of Government of India, while replying at the UN Human Rights

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Council in Geneva about the use of AFSPA and during the UN debate on Periodic Review of the Human Rights Situation in Kashmir.

Indian soldier admitted temporarily into the State to perform 4 duties, namely defend the territory, protect life, property and honour of the people is a sub-ordinate soldier. He is further subject to 3 restraints on his number, behaviour and location under UN Resolution of 21 April 1948.

Government of India continues to use its military as a private army in mercenary-related activities to humble and vanquish Kashmiri Muslim. It is in violation of para 12 of UN Resolution of 21 April 1948, which has asked India:

“The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit”.

This temporary admission (part of a provisional arrangement) granted to Indian security forces has been referred to UN SC by Indian Government on 01 January 1948 for ratification or annulment by the free vote of the of the people of Jammu and Kashmir. Indian Army is at war with the unarmed civilians. It is forcing an unwilling Kashmiri population to live under its control. Indian army has violated the bilateral and UN restraints. It makes the Indian army an occupation force.

Srinagar Government has also incurred a criminal liability in trading a quid pro quo with Delhi administration. UN Resolution of 30 March 1951 has placed the assembly of Kashmir on the Indian side of Kashmir under a caution stating that “such a constituent assembly and that the area from which such a constituent assembly would be elected is only a part of the whole territory of Jammu and Kashmir” and “any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the principle of free and impartial plebiscite conducted under the auspices of the United Nations”.

The targeted killing of young Burhan Wani, a State Subject is a war crime. Designating Kashmiri youth (State Subjects) as A++, A+, A, B and C category militants and increasing the reward money for killing those who seek the implementation of UN Resolutions on Kashmir, demographic and psychographic profiling of Kashmiris are war crimes. We see that a Hindu and non-State army granted a temporary admission into the State is engaged in a killing sport of Kashmiri Muslims.

Government of India has officially endorsed the role of a private military in Kashmir, as a means to impede the exercise of the right of peoples to self-determination. In July 2016 the government has asked Special Police Officers (SPOs), a quasi-police force in which people are hired for a paltry monthly salary and put at the forefront of anti-militancy operations that their chances of full-time employment in the police force will depend on their performance.

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Currently there about 23,000 SPOs serving in the police. Out of these 3,331 SPOs have already been given jobs as constables under the policy, the highest in Muslim-majority Doda and Kishtwar districts, where the dissent has nearly been wiped out. Most of the SPO force was initially drawn from the government sponsored barbaric militia called Ikhwan-ul-Muslimoon whose head, the notorious singer-turned-militiaman Kukka Parry became a lawmaker in the assembly during the National Conference rule in 1996.

We are extremely concerned that there are over 800,000 Hindu Indian forces stationed in Kashmir to control the Muslim population. The government has issued 51,000 arms licenses to equip a private military named Village Defence Committees, comprising of Hindu criminals in the last two years. It is to target Jammu, Udhampur, Muslim dominated Pirpanchal and Chenab valley region. Indian forces have been discussed in detail in Resolution E/CN.4/Sub.2/1997/L.21 moved by the British Expert at the 49th session of UN Sub Commission on Human Rights in August 1997. The situation does not seem to have improved since then.

The people of Jammu and Kashmir currently placed under curfew from 08 July 2016, where streets are littered with the dead bodies of innocent people and hospitals are full of young people disabled for life by the use of pellet guns. People of Jammu and Kashmir are known to the United Nations for the last 68 years. These people are waiting that the United Nations keeps to its schedule and arranges a free vote under its supervision in the exercise of the right of peoples to self-determination. Indian Government has been outsourced a duty in this regard. People have a right to a quality of life, unfortunately they have been denied even the process of life. It is our considered opinion that killing a State Subject living on the Indian side of Kashmir by an Indian soldier constitutes a war crime.

You are respectfully requested to take urgent cognizance of the situation and see whether Indian delegations have been truthful in assuring the UN Human Rights Council in Geneva, that National Human Rights Commission of India acts as a watch dog and any violation of human rights could be brought to its notice.

I sincerely trust that the continued house arrests of Kashmiri leadership, continued denial to offer Friday prayers, plight of Kashmiri prisoners, curfew since 08 July 2016, killing of Burhan Wani, killing of 52 unarmed civilians, denial of a quality life, role of Indian soldier and the death of a generation would merit your most urgent attention and intervention.

I respectfully take the liberty of copying the UN High Commissioner for Human Rights into this communication, for reasons that Kashmir is an exceptional situation and the people of Jammu and Kashmir are known to UN for the last 68 years.

Yours Sincerely



Dr. Syed Nazir Gilani
Secretary General-JKCHR
Cc UN High Commissioner for Human Rights

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