



## **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**

### **Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination**

Written statement submitted by the Jammu and Kashmir Council for Human Right (JKCHR), a non-governmental organization in special consultative status with the UN, to the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination for consideration on Thursday 21 July 2016 10:00-13:00 at Conference Room 3, United Nations Headquarters, New York.

JKCHR takes this opportunity to felicitate the Working Group for its valuable work done in enhancing the constituency of wisdom envisaged in paragraph 2 of resolution 7/21 of the Human Rights Council.

The work of the Working Group would not graduate into popular approbation if for any one or more reasons it errs to skip the case study of the people of Jammu and Kashmir, a people 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 to arrange a free vote under its supervision in the exercise of the right of peoples to self-determination.

Working Group has to examine the manner in which regular armies have conducted themselves as private military and engaged themselves in mercenary-related activities. The situation takes a sinister turn when these armies see no wrong in raising private military and security companies (PMSCs) and work with them as a collective of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

Indian army was granted a temporary admission into the State at the request of J & K Government in October 1947 to discharge 4 duties, namely defend the territory, protect life, property and honour of the people. The State at this point is divided into three administrations and people remain distributed against their will. Out of the three administrations, two are on the Pakistani side of the cease-fire-line, which (CFL) is being supervised by UNMOGIP since 1949.

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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”.

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 people of Jammu and Kashmir under a free vote supervised by the United Nations. UN SC Resolution of 21 April 1948 has placed three restraints on the number, behaviour and location of these temporarily admitted Indian armed forces. Indian Army has wrapped up the terms of reference and has engaged into a war with the unarmed civilians. It is forcing an unwilling Kashmiri population to live under its control. Indian army has violated the UN restraints as well. It makes the Indian army an occupation force.

Indian army has continued to act as a private military and in the course of time, in particular from 1990 has raised a private force called “IKHWANI” and gave it incentives of all kind to kill unarmed civilians or their kin to spread terror. Indian army gave incentives of financial rewards and promotion in rank to its personnel and to personnel of Kashmir police, to find, arrest and kill the Kashmiri youth suspected of opposing the Indian rule in its part of Kashmir. The incentives encourage killing in staged fake encounters and death during custody. It has resulted into the death of a generation. The growing local and international uproar on finding Unmarked Mass Graves all over Kashmir under Indian control, has forced the IKWANIS to return to their hide outs.

In February 2016 Inspector General of Police on the Indian side of Kashmir took a decision to enhance the reward money for killing militants (in fact unarmed Kashmiri youth). The reward money is paid by the police for killing militants fighting Indian rule in the state. The amount of money is fixed according to the category of a militant, which is decided by his activity. “The highest paid category is A++, followed by A+, A, B and C categories.

Reward for killing A++ category militant has been enhanced from Rupees 10 lakh to Rupees 12.5 lakh; for A+ category the amount is increased from Rupees 5 lakh to Rupees 7.50 lakh. For category A militants, the amount has been increased from Rupees 3 lakh to Rupees 5 lakh, for category B militants it has been increased from Rupees 2 lakh to Rupees 3 lakh and for the C-category, the reward money is increased from Rupees 1 lakh to Rupees 2 lakh. It is an open contract to any private group or individual to earn through the killing of a ‘militant’ – in fact a State Subject, who is identified for opposing the Indian rule.

The broad spread of Indian security agencies, not part of the first admission of Indian army in October 1947 into the State but a totally private force inducted over the years, has been conducting demographic and psychographic profiling of Kashmiris and has already done an in-depth survey of central Kashmir’s Budgam district and Srinagar’s east zone areas. In the two in-depth surveys (a sample copy is attached) carried through various intelligence agency sleuths and surveyors from a number of Indian think tanks, the government has collected demographic and psychographic details of Kashmiris from Budgam (55-page report) and the

other from Srinagar's east zone areas (89-page report). This profiling serves as the guide for private military to hound and kill the ones flagged.

On 21 May 2015 Defence Minister of India Manohar Parrikar introduced the role of private army in Kashmir under Indian control. He legitimised the role of private army and supported Government 'terrorists' to kill anyone fighting the Indian rule and tagged as a 'terrorist' by the Indian army, which has outlived its duration and role in Kashmir. Indian Defence Minister stated that, "you have to neutralise terrorist through terrorist only". He quoted a Hindi saying "kaante se kaanta nikaalte hain" (you have to extract a thorn with a thorn). "Why can't we do it? We should do it. Why my soldier has to do it all the time?"

Government of India has officially endorsed the role of a private military and security companies (PMSCs) in Kashmir, of course 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.

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 Parray became a lawmaker in the assembly during the National Conference rule in 1996. The government's policy of fast-tracking promotions and providing rewards for killing militants had led to gross human rights abuses, which cost National Conference power in 2002 elections. A senior police officer, Hans Raj Parishar, and some other policemen were arrested for picking up civilians from homes and streets and killing them for rewards and promotions. The cases of Parihar and other accused are under trial currently.

There are over 800,000 Indian forces stationed in Kashmir, that is, Hindu troops controlling 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 Resolution E/CN.4/Sub.2/1997/L.21 moved by the British Expert at the 49<sup>th</sup> session of UN Sub Commission on Human Rights in August 1997.

On August 12, 2014 Union Minister of State (MoS) for Home Kiren Rijiju told the Rajya Sabha that the number of militants operating in J&K had decreased considerably since 1995 and only around 200 were active in the State. The statement made by Minister of State for Home Kiren Rijiju in the Indian Parliament does not justify the deployment of 800,000 Indian forces and the need to raise a private military to fight 200 militants. This private military force is raised to help the Indian army, which itself has turned into a private force and operates above law, as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination.

The real purpose of introducing private army as mercenaries is to assist the Indian army to take the Kashmiri youth and general public resisting the Indian rule, and demanding the implementation of UN Resolutions, for a free and fair UN supervised referendum to decide their right of self-determination, out of circulation. Therefore the situation of Kashmir makes a priority case to be studied under para 2 (a) of UN Human Rights Council resolution 7/21, which reads:

- (a) To elaborate and present concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

JKCHR remains confident that the Working Group would not fail in its duty to fairness.

**Attached:**

**Sample of demographic and psychographic profiling of Kashmiri Households by Indian secret services**

**19 July 2016**