

# **House of Commons Debate Over Kashmir**

## **MP's raise concern over Human Rights violations in Indian Occupied Kashmir**

**January 19, 2017**

**‘The House noted escalation in violence and breaches of international human rights on the Indian side of the Line of Control in Kashmir; and called on the British government to raise the matter at the United Nations; and further encourage Pakistan and India to commence peace negotiations to establish a long-term solution on future governance of Kashmir based on the right of the Kashmiri people to determine their own future in accordance with the provisions of UN Security Council resolutions.’**

Mr. **David Nuttal**, an MP from conservative party, who moved the resolution, while speaking about the human rights abuses, noted that there have been many upsurges in violence over the years and many human rights abuses that have been catalogued and recorded. Scores of Kashmiris have been killed and many thousands of civilians have seriously been injured. He, regrettably, expressed concern over the use of pellet guns, which has left thousands of people, including children, injured, and in many cases blind. He urged the Minister to condemn the attacks and the use of pellet guns. He emphasized The United Nations High Commissioner for Refugees and other interested parties must be allowed free and complete access so that they can make an objective assessment. He regrettably also underscored that there has been 70 years of inaction since the original resolutions requiring the conflict to be resolved by peaceful democratic means, and termed unfulfilled resolutions as a failure. He noted the media too frequently ignored all the dispute.

### **Pointing out Human rights Condition in IOK**

- House emphasized that violation of the human rights and civil liberties of the Kashmiri people—that is the most important thing. There have been violations of the Geneva Convention by Indian armed forces that has continued for at least the past six decades, since Indian forces unlawfully invaded Kashmir in 1948.
- Majority of MP's said that they have seen videos on YouTube, Facebook and other social media of people being summarily beaten up in the streets and underscored the sixth generation of Kashmiris growing up under the tyranny with no protection whatsoever. They are tortured and taken away; people go missing. In some instances, when they go missing, they do not come back. That is a serious issue.
- I know what I have seen with my own eyes in the videos that have been shown to me. I have seen what is purported to be Indian soldiers beating a confession from a man and

what is purported to be Indian soldiers killing a man in the rubble of his own home in Kashmir

- I have been horrified at the ongoing violence in Kashmir and I know that trying to get peace for the region is enormously important and hearing about heart-breaking stories.
- When a woman leaves the house, whether she be a mother, a daughter or a wife, we do not know what state she will return in—if indeed she will return at all. There have been gang rapes by the military—an absolutely atrocious act by any individual or community.
- The women and girls in his family do not leave the house for fear of being raped. According to Asia Watch and Physicians for Human Rights, rape by Indian police and the armed militia is commonplace throughout Kashmir. The victims are generally poor women and those who are vulnerable and low caste, and tribal minority groups. Vicious acts routinely go unpunished.
- The abuse then turned deadly, with the illegal use of live ammunition by security forces on unarmed demonstrators resulting in their deaths. Unfortunately, however, this is nothing new. The reality is that human rights abuses have gone on, largely unchecked, for decades in the region, as is well documented by many well-respected human rights organizations.
- The Kashmiri people have seen a constant rise in conflict over the past year. It is the worst spate of violence in the region since 2010, when 110 people lost their lives. Inside and outside this House, I and many others have already called for a ban on pellet guns, tear gas and live ammunition in civilian areas. Will the Minister update us on the current situation in the Jammu region, with particular regard to the police and the Muslim community?
- The Indian authorities have responded to the wave of strikes, rallies, protests and demonstrations with what looks to the whole world like disproportionate repression. In November the BBC estimated that more than 85 protesters had been killed and thousands more had been injured.

### **Pointing out limited Public life and Inaccessibility in IOK**

- One of the challenges was accessing the latest information directly from the region—is a consequence of the restrictions on the ground, but I also worry that because this conflict has gone unresolved for so long, it is overshadowed and goes largely unreported by the mainstream media.
- The flare-up of violence that the world has witnessed since July 2016 has shocked us all: a devastating loss of civilian life and injuries counted in their thousands; closure of universities and schools; general strikes; curfews and the closure of media outlets and mobile phone services.

- The authorities imposed a curfew, and disabled internet access and mobile phone networks, but this did not prevent an escalation. Both tear gas and live ammunition were used to disperse large crowds and groups of stone-throwers.

### **Questioning Special Powers Act and its Accountability..**

- There are currently more than 500,000 Indian troops in Kashmir, and they are protected by the Armed Forces (Jammu & Kashmir) Special Power Act 1990, which allows them complete free rein to abuse and torture people.
- Act grants security forces in the region heavy-handed powers to kill, arrest and search. It is because of the Act that there have been near unspeakable horrors and abuses of human rights including extrajudicial killings, forced disappearances, tormented and tortured civilians, mass rapes, widowed wives and orphaned children.
- Some 400 people in Kashmir have been detained by Indian security forces under the regressive Public Safety Act, which allows preventive detention for offences defined by vague, overbroad terms and violates international due process standards. Human Rights Watch and Amnesty International termed it a “lawless law” and called for the Indian authorities to end its use. If people are suspected of committing offences, they should be properly charged and given fair trials. Does the Minister agree with that assessment of the PSA?
- Unaccountability for these crimes is rife. If we are to address the abuses, we must first look at the draconian Armed Forces (Jammu and Kashmir) Special Powers Act, which allows the security forces to escape justice and accountability
- There is no accountability when people go missing, and there is no court in India that can hold Indian troops to account. About half a million soldiers in Kashmir who have no control over how they behave and how they abuse the people.
- Human Rights Watch, whose world report for 2017 found clear evidence that the police and security forces have acted with impunity, that there have been extra-judicial killings and that mass rape has occurred. All those things are not acceptable.

### **Condemnation of Pellet Guns**

- In Kashmir, pellet guns are being used by security forces. Central Reserve Police Force continues to use them persistently. These guns cause life-threatening injuries and brutally blind people—so far, more than 9,000 people have been injured. These are not precision weapons or defensive weapons, and their use in open public places must constitute a human rights violation. In Srinagar, the ophthalmology department has stated that it lacks the medical supplies to proceed with surgeries for injured retinas because the demand is so high. On that, one of the members raised question if the Minister can ask his Indian

counterparts what their justification is for using pellet guns in public spaces. He doubted there is none.

- The most pressing matter is the longstanding and ongoing human rights abuses taking place in the region. Last summer and long after, we saw the devastating deployment of pellet guns that resulted in the indiscriminate maiming and blinding of hundreds of Kashmiris, and the horrific photos of the aftermath of their use, with pellets embedded in the bloodied faces of demonstrators and children—images we would all like to forget. But security forces did not stop there. Thousands were injured, phone lines were cut, internet access was constrained and the region was placed under a strict curfew. We would expect such moves under a repressive regime, not one with the hallmarks of a free, open and liberal society.
- Indian soldiers supposedly being required by their own standard operating procedure to target only the legs but 90% of those who were injured received injuries above the waist.
- The brutality of the Indian army was seen in full force last summer when unrest broke out in the region. The use of live ammunition and pellet guns against crowds was entirely disproportionate, as a number of speakers have described.
- Insha Mushtaq who, at just 14 had dreams of being a doctor, is now blind, possibly for the rest of her life
- Another 14-year-old girl who died of respiratory illness. She died as a result of inhaling PAVA chili gas. For six days, she lived with burns to her throat and lungs, and she eventually passed away in a hospital on a ventilator.
- In the case of 13-year-old Mir Arafat, the pellets penetrated deeply enough to become embedded in his blood vessels, neck, oral cavity, lungs and heart. In the case of Junaid Akhnoon, also 13, the pellet injuries to his head and chest were severe enough to kill him.
- Pellet guns have the predictable effect of blinding those they hit. At close range, the hundreds of projectiles they fire can carry enough kinetic energy to penetrate skin and organs. 570 people seeking treatment for eye injuries at the main hospital in Srinagar on 8 November. According to hospital's figures, more eye surgeries were performed in the three days between 10 July and 12 July than throughout the whole of the previous three years.
- The abuses perpetrated—with pellet guns, rape, chili powder—have maimed, scarred and destroyed lives, and not just among this generation; the memories of the abuse will cascade down the generations, and that will not make the solution or the arrival of peace happen any sooner; it will make it tougher and slower.
- As we have discussed, the authorities' use of pellet guns has left people blind and with other severe injuries. Lives have also been lost. I wholeheartedly support Amnesty International's call for a ban on the use of pellet guns against stone-throwing protesters.

## Human Rights Reports on Indian Violations

- Human Rights Watch has called on the Indian authorities to launch an impartial investigation into the use of both lethal force and pellet guns. On 6 December, **Physicians for Human Rights issued a report** accusing Indian police and paramilitary forces of using excessive, indiscriminate force against protesters and blocking medical care since the start of the current protests.
- According to recent figures published in the *Journal of Law and Conflict Resolution*, between 1989 and 2010 there were almost 7,000 custodial killings. Some 118,000 civilians were arrested, almost 10,000 women were raped or molested, and as many as 10,000 Kashmiri youths were forcibly disappeared.
- According to Reuters, at least 80 civilians were killed by Indian forces between July and December last year, many of whom were participants in protests
- For the first time, schools and educators have become targets. Village schools are being targeted for destruction, with at least 24 being burned to the ground last year.
- In a report entitled **“Lethal in Disguise”**, the International Network of Civil Liberties Organizations and Physicians for Human Rights made it clear that pellet rounds is excessively dangerous. we should add India to that list of states. India is the largest democracy in the world, with a thriving economy and an increasingly educated population. I am therefore appalled by its attitude to the use of such methods, which have such damaging and, at times, life-threatening effects.
- **2008, Doctors Without Borders—MSF—published a report**, violence affects nearly everyone living in Kashmir and prolonged violence had substantial implications for mental health.
- 

## Highlighting Mass Graves

- A report entitled **“BURIED EVIDENCE: Unknown, Unmarked, and Mass Graves in Indian-Administered Kashmir”** has been produced by the International People’s Tribunal on Human Rights and Justice in Kashmir

## Pointing out condition of Ethnic Minorities in IOK

- Certain ethnic minorities in areas of India, like Kashmir, are often exposed to all sorts of human rights abuses. Smaller religious groups such as Christians are often targeted. Christianity is seen as a threat to Hinduism, and despite the existing human rights policy that exists on paper in India, Christian minorities assert that the authorities do not do enough to stop the brutal violence against them. That violence is often perpetrated by Hindu nationalists who harass, intimidate and attack Christians to prevent conversions

from Hinduism and Muslimism, which they would see as a major threat in destroying the Hindu faith and promoting Christianity

- House noted the arson attacks on Christian churches, forced re-conversions from Christianity to Hinduism, sexual abuse and the rape of nuns and young Christian girls, Christian priests and other key religious figures have been murdered. There must be thorough investigations, and there must be accountability for these atrocious murders and the genocidal campaign against Christians in Kashmir. During 2008, anti-Christian riots perpetrated by Hindu nationalists killed at least 50 Christian people, and arson attacks were made on some 730 houses and 95 Christian churches.

### **Emphasizing British Government to play its role**

- There needs to be a much greater urgency from everyone to tackle this problem we should acknowledge our historic responsibility.
- I have previously asked the Minister in this House to condemn the human rights abuses in the region. I ask him again today to use this opportunity on behalf of the Government to condemn those abuses
- In particular, there has been no definitive answer on whether the Prime Minister specifically raised the issue of human rights abuses with the Indian Government. It is not enough to tell us that the issue of Kashmir was raised. We need to know whether the human rights abuses and the use of pellet guns were raised.
- The British Prime Minister had a unique opportunity to raise human rights abuses in Kashmir when she met Prime Minister Modi in November 2016.
- We cannot and must not abdicate our responsibility. It will be quite frankly shameful if the Government continue its inaction
- As Martin Luther King said *“Our lives begin to end the day we become silent about things that matter.”* This House and this Government cannot remain silent on the issue of Kashmir anymore. We cannot wash our hands of this problem, just ignore it or sweep it under the carpet. The UK has a long-standing duty and responsibility to take an interest and to be involved in this issue. In such circumstances, Britain really does have to step up to the mark. **“You break it, then you have to fix it”**.
- Lots of different organizations and parts of the community have a role to play, as well as the UK. The United Nations clearly has a role.

### **Highlighting inability of United Nations to play its part in resolving Kashmir Dispute**

- The UN has had 70 years to help Kashmiris, but instead has for too long wilfully sidelined the dispute.

- We wholeheartedly support the right of the Kashmiri people to determine their own future in accordance with the provisions of UN Security Council resolutions, and call on all parties and the international community to recognize that right. We urge the UK Government and the international community to fully support UN Secretary-General António Guterres in his efforts at mediation and serving as an honest broker between India and Pakistan.
- It is in all our interests that the crisis in Kashmir is recognised, that the full force of our international community is marshalled to support the UN in gaining access to Kashmir, and that all our diplomatic relations are focused on providing a resolution and respite for Kashmir.
- I believe that it is now incumbent upon the British Government to make a clear call to raise this issue at the United Nations and to ask for an independent, UN-led investigation into human rights abuses, so that we can at least demonstrate that although some parts of this world see this as a forgotten conflict, or a conflict they want to be forgotten, we will never forget it and will keep fighting.

### **Reiterating Independent Inquiry of Human Rights Violations**

- Top UN officials have said that they continue to receive reports of Indian forces using excessive force against the civilian population under India's administration, yet India has refused the United Nations High Commissioner for Refugees access to investigate allegations of human rights abuses
- Give the UN access to the Kashmir valley and to assess the reports of human rights violations. We need to push for an independent inquiry.

**Three hour long debate was actively participated by 19 Members of Parliament. It didn't end there, but it actually ended up in a resolve in which the MP's noted the escalation in violence and breaches of international human rights on the Indian side of the Line of Control in Kashmir; and called on the Government to raise the matter of grave human rights violations in IOK at the United Nations and find a permanent solution of Kashmir dispute based on the right of the Kashmiri people to determine their own future in accordance with the provisions of UN Security Council resolutions.**

**This was the third such debate in the British Parliament. Earlier ones in September 2010, and September 2014 were also as lengthy and critical on the Human Rights Violations in IOK.**