

RESOLUTION

**ADOPTED ON 20th APRIL 2013 IN A PUBLIC MEETING AT
SRINAGAR
ORGANISED BY
JAMMU KASHMIR COALITION OF CIVIL SOCIETY [JKCCS]
ON THE 9TH MARTYRDOM OF RIGHTS ACTIVIST, AASIA JEELANI**



Recognizing the people and territory of Jammu and Kashmir to be under occupation of the Indian State in denial of the peoples' legitimate right of self-determination,

Taking note of the extreme and entrenched militarization of Jammu and Kashmir by the Indian State,

Recognizing that the people of Jammu and Kashmir have faced extreme violence at the hands of the Indian State, and between 1989 to date the institutional culture of moral, political and juridical impunity in Jammu and Kashmir has resulted in enforced and involuntary disappearance of an estimated 8000+ persons, torture, sexual violence, besides more than 70,000 deaths, and disclosures of more than 7000 unknown, unmarked and mass graves,

Condemning the manner in which the Indian State has refused to allow the aspirations of the people of Jammu and Kashmir to guide the resolution of the dispute and conflict in the territory, also by rejecting the United Nations Security Council Resolutions calling for a plebiscite, and rejecting unilaterally the continued role of the United Nations Military Observer Group in India and Pakistan [UNMOGIP], despite its physical presence in Jammu and Kashmir,

Condemning the refusal of the Indian State to respect public international law, international conventions, and international criminal law, especially in areas of armed conflict, as a minimum requirement, while claiming a permanent seat at the Security Council,

Recognizing that the Indian State does not criminalize enforced disappearance, torture, genocide, crimes against humanity, war crimes, and other internationally recognized crimes,

Taking note of the extensive research, documentation and advocacy on human rights violations by the Indian State in Jammu and Kashmir, including the reports titled “alleged Perpetrators: Stories of Impunity in Jammu and Kashmir” released on 6 December 2012, and “Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-administered Kashmir”, 2009, by the International Peoples’ Tribunal on Human Rights and Justice in Indian-administered Kashmir [IPTK] and the Association of Parents of Disappeared Persons [APDP],

Recognizing that the violence against the people of Jammu and Kashmir cannot be remedied by the perpetrator of such violence i.e. the Indian State itself, and that international law and international institutions, including the United Nations, must be allowed to operate, monitor and recommend action on the continuing violations in Jammu and Kashmir,

The undersigned:

1. *Condemn* the Indian State and its functionaries for the continuing criminal involvement in Jammu and Kashmir, and their failure to deliver justice for human rights violations, thereby ensuring impunity,
2. *Resolve* that the Indian State must ratify the International Convention for the Protection of all Persons from Enforced Disappearance and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without reservations, and immediately legislate on crimes of enforced disappearance, torture, genocide, crimes against humanity and war crimes.
3. *Affirm* that the international community, particularly the United Nations, must be invited to play a greater role in resolving the ongoing conflict and violations in Jammu and Kashmir,
4. *Resolve* that the United Nations, as an initial and immediate step, must create a monitoring group, based in Jammu and Kashmir, to monitor and report on the past and ongoing human rights violations in Jammu and Kashmir,
5. *Resolve further*, that all United Nations mechanisms, including the Special Procedures of the Human Rights Council, such as the Working Group on Arbitrary Detentions, Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, must be invited to work in Jammu and Kashmir,
6. *Note*, that the United Nations monitoring group created, and all other United Nations mechanisms invited to Jammu and Kashmir, must have unhindered access to the people and territory of Jammu and Kashmir.

The Signatories to the resolution are as under:

1. Andhra Pradesh Civil Liberties Committee (APCLC), Andhra Pradesh;
2. Association for Protection of Democratic Rights (APDR), West Bengal;
3. Bandi Mukti Committee (BMC), West Bengal;
4. Committee for Human Rights (COHR), Manipur;
5. Naga Peoples Movement for Human Rights (NPMHR), Nagaland;

6. Organization for Protection of Democratic Rights (OPDR), Andhra Pradesh;
7. Jammu Kashmir Coalition of Civil Society (JKCCS), Jammu and Kashmir;
8. Peoples Democratic Forum (PDF), Karnataka;
9. Peoples Union For Civil Liberties (PUCL), Jharkhand;
10. Peoples Union For Democratic Rights (PUDR), Delhi;
11. Campaign for Peace and Democracy, Manipur (CPDM), Delhi
12. Sheikh Showkat Hussain, Professor , Department of Law, Central University of Kashmir
13. Doctor Abdul Majeed Zargar, Social Activist/Chartered Accountant
14. Doctor Altaf Hussain, Social Activist/Senior Paediatrician
15. Zareef Ahmad Zareef, Poet/Chairman Valley Citizens Council
16. Mohammad Anwar Ashai, Social Activist
17. Hameeda Nayeem, Professor, Department of English, Kashmir University
18. Mohammad Shafi Khan, Majlis-e-Mashawarat Shopian
19. Anjum Zamrooda Habib, Association for Families of Kashmiri Prisoners
20. Shakeel Qalandar, Civil Society Activist
21. Mohammad Shafi Khan, Trade Union Kashmir
22. Mohammad Afzal Parray, Businessman
23. Mohammad Siraj ud Din, Secretary, Citizens council for Justice
24. Mohammad Ahsan Untoo, Chairman, International Forum for Human Rights
25. Abdul Qadeer Dar, Chairman People's Rights Movement
26. Abdul Aala Fazili, Research Student.
- 27. And 185 others**

Advocate Parvez Imroz
President JKCCS