**Kashmir and Justice**

**India is compelled to concede the right of the people to exercise their self-determination and stop its crimes against humanity in Kashmir.**

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Professor Zafar Khan, Head of Dip­lomatic Department of JKLF and a well-known leader of Kashmi­ri global diaspora has said, “Kashmiris are denied their collective and in­dividual rights by India. The po­litical, judicial and security establishment in India has or­chestrated an environment of fear and impunity across Jam­mu Kashmir. With thousands of civilian deaths, politically mo­tivated trials of Kashmiri leaders, In­dia shows scant respect for domestic and international law. Yasin Malik’s tri­al to convert his deeply flawed life sen­tence to death, is a glaring example of this impunity. It has to be said that re­course to justice for Kashmiris after an­nexation of disputed Jammu Kashmir, is no longer a basic right for them.”

Human Rights Watch in its World Re­port 2023 (India) writes, “Allegations of torture and extrajudicial killings per­sisted, with the National Human Rights Commission registering 147 deaths in police custody, 1,882 deaths in judicial custody, and 119 alleged extrajudicial killings in the first nine months in 2022.

[Imran, his wife Bushra jailed for 14 years in Toshakhana corruption case](https://www.nation.com.pk/01-Feb-2024/imran-his-wife-bushra-jailed-for-14-years-in-toshakhana-corruption-case)

Amnesty International says, “Torture and other ill-treatment of detainees in police custody remain widespread.” According to Amnesty Internation­al, these broadly defined powers fa­cilitate the shooting of the suspects in custody. Amnesty International calls PSA as ‘Lawless Law.’

Many members of the United Nations Human Rights Council, Asian Federa­tion Against Involuntary Disappearanc­es, International Commission of Jurists, and other international NGO’s have ex­pressed concern that these provisions contravene the right to life provided in the International Covenant on Civil and Political Rights (ICCPR).

Dr. Farhan Mujahid Chak, Canadian-Kashmiri scholars and widely respect­ed expert on the subject of Kashmir has said, ‘The justice system in the disput­ed territory of Jammu and Kashmir is as artificial as its current governance structure. No bearing with the reality on the ground and as illegitimate as any settler-colonial power would be any­where in the world.’ The laws weapon­ized in the disputed territory are not meant to protect the powerless against the powerful or establish justice. They operate to perpetuate the illegal stran­glehold India has over society.

[No one would be allowed to sabotage elections: Pak Army](https://www.nation.com.pk/01-Feb-2024/no-one-would-be-allowed-to-sabotage-elections-pak-army)

An incarcerated but eminent and in­ternationally known human rights ac­tivist, Khurram Parvez echoes those sentiments in 549-pages report on, ’Torture: Indian State’s Instrument of Control in Indian Administered Jam­mu and Kashmir’ on page 104, “In the context of unprecedented militariza­tion in the state of Jammu and Kash­mir post 1989, the army is omnipres­ent in all the villages and towns of the Kashmir Valley. Following the Doctrine of Sub-Conventional warfare (breaking the will of the people), the armed forces have perpetrated inter alia massive tor­ture in the state of Jammu and Kashmir, they are equipped with legal, political, and moral impunity. Despite possess­ing some powers, the judiciary is avoid­ing confronting the executive, resulting in an overall state of judicial impunity.”

United States, Department of State Country Report 2022 states that “The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits authorities to detain persons without charge or judicial review for up to two years without visitation from family members. In April, the press reported that more than 500 persons remained in detention under the PSA in Jammu and Kashmir.”

[China urges int’l community to ‘step up engagement’ with Afghan Taliban](https://www.nation.com.pk/01-Feb-2024/china-urges-int-l-community-to-step-up-engagement-with-afghan-taliban)

Advocate Jalil Andrabi has said that “the laws conferring unrestricted and arbitrary powers on the armed forc­es continue to remain in operation in Jammu & Kashmir, with full impunity to the perpetrators or crimes against the humanity and violations of funda­mental human rights, threatening the very existence of the people of Kash­mir. Indictments and appeals from the United Nations Rapporteurs on Tor­ture; Extrajudicial, summary or arbi­trary execution; freedom of opinion and expression; situation of human rights defenders; Independence of judges and lawyers; Freedom of reli­gion and belief; Violence against wom­en; International Commission of Ju­rists; Amnesty International; Human Rights Watch have failed to make India to withdraw these laws.”

The arbitrary powers conferred upon the armed forces with virtual impunity from any legal action, are a part of de­liberate Indian State policy wherein, ar­bitrary arrest, detention, torture, extra-judicial killing, killings of civilians and unarmed and peaceful demonstrators have been used as a weapon of war. The motive behind these crimes against hu­manity is to force the Kashmiri people to abandon their struggle for fundamental human rights of self-determination.

[China, Russia agree to promote military ties to 'higher level'](https://www.nation.com.pk/01-Feb-2024/china-russia-agree-to-promote-military-ties-to-higher-level)

The problems associated with at­tempting to curtail human rights abuses in Kashmir are further compli­cated by India’s steadfast refusal to al­low non-governmental organizations, the United Nations Thematic Special Rapporteurs, Amnesty International and other NGO’s to investigate allega­tions in Kashmir.

UNHCHR has recommended to the Government of India in its report on page # 48 that “In line with its stand­ing invitation to the Special Proce­dures, accept the invitation requests of the almost 20 mandates that have made such requests; in particular, ac­cept the request of the Working Group on Enforced or Involuntary Disappear­ances and facilitate its visit to India, in­cluding to Jammu and Kashmir.” It has also recommended to the UN Human rights Council to, “Consider the find­ings of this report, including the pos­sible establishment of a commission of inquiry to conduct a comprehensive in­dependent international investigation into allegations of human rights viola­tions in Kashmir.”

[Nawaz will become PM if PTI supporters wasted votes on independents: Bilawal](https://www.nation.com.pk/01-Feb-2024/nawaz-will-become-pm-if-pti-supporters-wasted-votes-on-independents-bilawal)

In reality, as Advocate Jalil Andrabi has said the people of Kashmir are pris­oners – prisoners of their conscience. They have been deprived of their non-derogable human rights including their right to life and liberty, and access to justice only because they are demand­ing to exercise their fundamental in­alienable and non-derogable right to self-determination. In order to restore the basic human rights of the detainee, it is necessary that India is compelled to concede the right of the people to exer­cise their self-determination and stop its crimes against humanity in Kashmir.

With these words I have shown the merest tip of the iceberg of the pandem­ic violations of human rights with which the people of Kashmir must live on a day-to-day basis. Such events are not rare and occasional, but most decidedly part of a systematic policy of repression, victimization, suppression, and colo­nization. By extension, one has to ask what extremely deleterious effects this activity must have on the psychologi­cal health of even the occupying forces, and on the families and neighbors of all those affected by such violence.

By virtue of our shared humanity, we are obliged not to sit idly by, but to act swiftly and surely to repair the disas­trous human chaos that daily threatens human life and human dignity of the peo­ple of Kashmir. The question arises: what should be the point of departure for de­termining a just and lasting basis? The answer obviously is (a) the Charter of the United Nations and (b) the international agreements between India and Pakistan.

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