



General Assembly

Distr.: General
28 August 2020

English only

Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda items 2 and 3

Annual report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2020]

* Issued as received, in the language(s) of submission only.



Indian actions in Indian administered Jammu and Kashmir during the COVID-19 pandemic constitute war crimes and crimes against humanity

Despite the dangers posed by the global COVID-19 pandemic, Indian repression in Indian administered Jammu and Kashmir continues, as does the continued ban on high speed internet, making healthcare, education and economic activity almost impossible. This is a continuation of long-standing Indian policies which have blocked relief efforts during major natural disasters despite the near absence of relief efforts from official sources. From the 2005 earthquake and the catastrophic 2014 floods, it has always been difficult for the people of Indian administered Kashmir to deal with the destruction caused by natural calamities in addition to conflict and man-made disasters.

The massive Indian military presence has always delayed relief efforts, making it clear that its presence is used only to further subjugate the population. In the current crisis, local NGOs are trying their best to provide some relief to people in distress. However, structural and invisible constraints on movements in addition to physical barriers are affecting the efforts to provide relief supplies to vulnerable families. So-called 'Red Zones' demarcated by the Indian administration have been isolated using permanent barricades to block access. The barriers have prevented medical and other emergency services from reaching those inside these areas, as was seen in a recent house fire in a Srinagar neighborhood.

The people of Kashmir have seen widespread and systematic violations of human rights for the last three decades. The Human rights violations are properly documented by various local, regional and international NGOs including the recent reports by Office of the High Commissioner for Human Rights (OHCHR) in 2018 and 2019. These include collective imprisonment, enduring impunity laws, sexualized violence, enforced disappearances, displacement, torture, extrajudicial executions, juvenile detentions and the burial of civilians in unknown and mass graves in the mountain areas of Kashmir. The unilateral amendment of Article 370, by India's Hindu right-wing ruling Bharatiya Janata Party (BJP) on August 5, 2019 was accompanied by increased repression and communication blackout in Kashmir. Following the abrogation of Article 370, India has introduced a new domicile law aimed at changing the demographic balance of the region. The impact of the post-August 5th lockdown has been documented by numerous human rights groups. Due to continuing internet lockdown, more than eight million Kashmiri people are unable to use the internet to get reliable information about the coronavirus pandemic, attend classes online or work from home.

Despite calls from the United Nations (UN) Secretary General to cease or suspend conflicts during the pandemic, India and Pakistan continued shelling across the Line of Control, killing and injuring civilians. Taken altogether, these actions constitute grave violations of the Geneva Conventions, specifically Convention (IV) relative to the Protection of Civilian Persons in Time of War. These acts of commission and omission are part of the long-term patterns of human rights abuses by Indian forces in Indian administered Jammu and Kashmir, violating international treaties including the International Covenant on Civil and Political Rights (ICCPR), United Nations Convention against Torture (UNCAT) and the Genocide Convention. The scale and continuity of the violations underscore the urgency of holding Indian military rule in Kashmir accountable under international human rights and humanitarian law.

There are few mechanisms for accountability under international law, but there are some important precedents. International criminal tribunals and civil and criminal prosecutions under universal jurisdiction have been used to bring human rights abusers from around the world to justice. As a signatory to the Geneva Conventions and the Genocide Convention, India falls under the jurisdiction of the International Court of Justice. Under the Genocide Convention, member states have the duty to prevent and stop the crime of genocide and to punish the perpetrators.