



LEGAL FORUM FOR KASHMIR

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Press Release

Former UN judge urges Pakistan to constitute an independent tribunal on Kashmir

A colloquium titled “All Human, All Equal” on “Equality” – the UN-designated theme for International Human Rights Day 2021, was organised by Islamabad Institute of Conflict Resolution (IICR), an Islamabad based think tank, in collaboration with Legal Forum for Kashmir (LFK), an international advocacy group for Kashmir, and Institute of Research and Reforms (IRR).

The event was moderated by Ms Sabah Aslam, Executive Director IICR. The panellists included Justice Ali Nawaz Chowhan, the former Judge at United Nations, Dr Farzana Bari, Ex-Director, Center of Excellence Gender Studies (Quaid e Azam University) and a Human Rights Activist, Dr Sameera Associate Professor National Defence University Islamabad, Sheikh Abdul Mateen, Representative of the Chairman All Parties Hurriyat Conference, Mukhtar Baba, media coordinator Muslim League Jammu Kashmir and a journalist from Indian Occupied Kashmir; Ambassador Bou said Al Haissam, International Human Rights Commission (IHRC) UN Geneva, Advocate Nasir Qadri Executive Director Legal Forum for Kashmir, Senator A. Rehman Malik, Former Interior Minister and Chairman Institute of Research and Reforms (IRR).

While speaking at the event, Justice Ali Nawaz Chowhan said, Lawfare shall be employed against India because Pakistan cannot fight another battle. Kashmir is a disputed territory, usurped by India is bringing about demographic changes in Kashmir, which need to be countered legally.

He called for constituting an independent tribunal for Kashmir in Turkey under the Organisation of Islamic Cooperation (OIC).

“Why does not Pakistan invoke R2P for the solution of the protracted Kashmir issue,” he added.

While criticising the Azad Jammu Kashmir Government, he said that the Government should become a perennial voice for Kashmiris worldwide.

He further said that Kashmir is an unfinished story; Pakistan will continue until the completion of the story i.e. merger of Kashmir with Pakistan.

Speaking at the event, Dr Farzana Bari said the Human Rights Violation in Kashmir is unprecedented, and it is the resilience of Kashmiris which keeps the issue alive. She added that the UN has been unable to resolve the Palestinian conflict and is becoming irrelevant for the people at the receiving end of violence.

Pakistan must garner support from the international community to highlight the atrocities carried out by India against the Kashmiris.

“Kashmir belongs to Kashmiris, the Kashmiris must be allowed to decide their fate,” she added.

Dr Sameera, an Associate Professor at National Defence University, said Kashmir is an unfinished agenda under the UN resolutions. The only solution for Kashmir is to secede with any of the two countries; no third solution is possible as per historical documents.

Emphasis must be laid on internationalism and resolution of the Kashmir issue under UN resolutions.

No one can be subject to authority without prior consent, which aligns with the idea of peace. The consent must be granted to the Kashmiris in the right of self-determination to choose according to their aspirations.

The abrogation of art 370, 35A, violation of human rights, is a grave form of atrocities employed by Indian authorities in Kashmir. We urge the world human rights bodies to take account of the same.

While addressing the event through video-conferencing, Amb Bou Said Al Haissam, Special Representative IHRC UN Geneva, while addressing the event through video link, optimism as the mainframe of work and UN aims to work hard towards no tolerance of human rights violation.

“Kashmir issue is older than Palestine issue, the world politics lack resolve, we can't compromise over rights, and rights are non-negotiable.”

There are obstacles in solving the Kashmir issue; we cannot reach a solution bypassing history. It has to be a hundred per cent in favour of one of the parties. Kashmir belongs to Pakistan and should go back to Pakistan.

He also urged the Kashmiri and the Pakistani organisations to cooperate in finding solutions acceptable to the international community,

He added that Pakistan should make its position better and try to have some head points so that the plans could be acceptable to the international community.

Sheikh Abdul Mateen highlighted the atrocities and human rights violations in IOJK, saying that the atrocities have increased manifold in Kashmir. Kashmiris have been promised the right to self-determination but are still deprived of it.

“UN has published reports about unabated human rights violations in Kashmir. Kashmiri hurriyat leader Masarat Alam has been incarcerated in Tihar jail. He has spent 25 years in prison, about 40 PSAs against him were quashed by various courts in IOJK.”

He further highlighted that Kashmiri prisoners, including women, have been incarcerated in Indian jails post unilateral abrogation of article 370, 35A on Aug 5 2019. He added that India had employed state terrorism, Judicial terrorism, and economic terrorism against innocent Kashmiris.

He called for an amicable solution for Kashmir, a permanent solution by addressing the problem as per the aspirations of the Kashmiri people.

While highlighting the atrocities carried out by Indian armed forces against Kashmiris, Mukhtar Baba said that Kashmiris are the worst victims of human rights violations.

He further added, “The Kashmiris are being killed, maimed and tortured. Our women are being raped, molested. Our men are killed and jailed. Our children are suffering.”

He further testimonies how he was jailed and tortured by Indian occupational forces.

“What was my crime, I believed in a democratic set up but was deprived of my rights, I chose to pick up the gun for self-defence and the struggle for right of self-determination, I was tortured and jailed,” he added.

The former interior minister said that Kashmir and Palestine are two places where human rights are being openly violated, and humanity is being humiliated, but the United Nations and other human rights organisations are silent spectators. He expressed that Heart bleeds to see the oppressed people of Kashmir and Palestine whose voices are going unheard by world powers, including the United Nations.

He said that UN Human Rights Commission reported on Jun 14, 2018, that alone, from January 1989 till Jan 31 2018, 94,700 Kashmiris were killed, 8,000 killed in custody, and 11,050 women were killed gang-raped & 7,485 were injured by pellets.

Senator A. Rehman Malik, in the end, moved a resolution urging the UN to take notice of human rights violations in Indian Occupied Kashmir which was unanimously adopted. The resolution is reproduced “*The Institute of Research and Reforms (IRR), Institute of Conflict Resolution (ICR) and Legal Forum for Kashmir (LFK) and the participants, today on International Human Rights Day strongly condemn the unprecedented atrocities, discrimination, inequality and human rights violations by India against the oppressed people of Indian Illegally Occupied Kashmir (IIOK). We demand the immediate release of all arrested and detained Kashmiri leaders, professionals and activities, including the abducted young boys.*

The forum appeals to the United Nations High Commissioner for Human Rights to establish a UN Inquiry Commission to investigate human rights violations, discriminations and crimes against humanity in Jammu and Kashmir by Indian Forces. This forum unanimously recommends that the Government of Pakistan should move a resolution to the United Nations urging to implement the UNSC Resolutions of granting the right to self-determination to the people of Kashmir.”

The event ended with the vote of thanks by Advocate Nasir Qadri, Executive Director Legal Forum for Kashmir (LFK). He thanked all the panellists and participants for being part of the colloquium.