

## LEGAL FORUM FOR KASHMIR - LFK



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### Legal Memorandum

**To: G20 member countries**

**From: Legal Forum for Kashmir (LFK) – an indigenous lawyers' forum based in Indian Occupied Jammu and Kashmir (IOJK)**

**Re: Withdrawal from participation in G-20 meeting in Indian Occupied Jammu and Kashmir**

#### **Question Presented:**

IOJK is under the illegal de facto control of the New Delhi administration having no legal authority to organize the '3rd Tourism Working Group meeting' of the G20 summit 2023. Moreover, the erstwhile state of Jammu and Kashmir is an UN-recognized disputed territory, with 18 UNSC resolutions calling India and Pakistan to hold a free and impartial plebiscite.

#### **Statement of fact:**

The Government of India (GoI) has estopped the democratic means to attain the fundamental Right to Self Determination. The indigenous population of IOJK started the National Liberation Movement for freedom from Indian occupation, which took the form of armed resistance. India has for decades deployed over 500000 occupying forces personnel making it the world's most densely militarized region. To counter the people's liberation movement for UN guaranteed Right to Self Determination, Indian counter-insurgency has progressed with legal impunity to treat the civilian population of Kashmir as a legitimate military target.

In this situation, war crimes and crimes against humanity occur on a massive scale. More than 500 evidence-based testimonies of torture have been documented by local human rights organizations. Office of the UN High Commissioner for Human Rights has also admitted the occurrence of the cases of enforced disappearances in IOJK, the local courts are burdened with hundreds of cases against IOF personnel accused of extra-judicial executions and arbitrary detention under black laws, use of human shields, excessive use of force against lawyers, journalists, human rights defenders, and academics are part of Indian Counter-insurgency measures.

This continuing chronicle of military terror has been exacerbated post Aug 5, 2019, when GoI without following the mandate of law unilaterally annexed the occupied territory. The scale of atrocity crimes doubled in IOJK, with the profound silence in the media. Journalists in Kashmir, since 2019, have been routinely summoned to police stations for questioning on their work and their social media posts, threatened with jail if their work criticizes the authorities, and pressured to self-censor. According to media reports, at least 35 journalists in Kashmir have faced police interrogation, raids, threats, physical assault, or fabricated criminal cases for their reporting.

India's infamous State Agencies including the National Investigation Agency (NIA) and State Investigation Agency (SIA) have been brutally used to curb the political dissent in Kashmir. NIA and later on SIA have raided almost every sector in Kashmir from individuals, NGOs, Human rights defenders, religious institutions, and academics to journalists. More than 100 raids per month have been reported since 2019.

### **India's violation of Civil, political, and Economic rights to civilian population of IOJK:**

GoI is constantly violating the civil, political and economic rights of Kashmiris guaranteed under Universal Declaration of Human Rights (UDHR), the Fourth Geneva Convention (1949), the Hague Regulations (1907), Protection of Civilians in Armed Conflict (POC) International Covenant on Civil and Political Rights 1976 (ICCPR), International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW), Convention on the Rights of the Child 1989 (CRC), International Convention on the Elimination of All Forms of Racial Discrimination 1969 (CERD), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987, International Convention for the Protection of All Persons from Enforced Disappearance 2010, International Convention on the Suppression and Punishment of the Crime of Apartheid 1976, the Vienna Convention on the Law of Treaties 1969, Resolutions of United Nations General Assembly (UNGA), UNSC, United Nations Human Rights Commission (UNHRC), Human Rights Council (HRC), United Nations Educational, Scientific and Cultural Organization (UNESCO) Resolutions, Decisions, and Declarations on Safety of Journalists and United Nations Security Council Resolutions (UNSC) on Jammu and Kashmir.

That the G20 Summit which has aim to foster the economic growth of underdeveloped regions has scheduled one of its meetings in the summer capital of Indian-occupied Jammu and Kashmir from May 22 to May 24, 2023.



It is pertinent to mention that the GoI after the abrogation of articles 370 and 35-A has choked the economy of IOJK. The Ministry of Home Affairs, GoI admits that the investment rate in IOJK has fallen by 55 percent over the past 4 years due to the state unrest.

Keeping in view the mandate of G20 countries on fostering economic growth, trade, sustainable development, health, agriculture, energy, environment, climate change, and anti-corruption. The honorable members of G20 have the responsibility to conduct any such meeting but with due diligence to ensure its activities respect unambiguous provisions of International Humanitarian Law (IHL) as well as Human Rights Law (IHRL) when operating in occupied territory.

That with a massive crackdown on civilian population ahead of the G20 meeting and arbitrarily detaining 3018 civilians and the continuous strategy of containment aided by modern means of pervasive surveillance, cyber warfare, and communication blockade imposed through forceful shutdowns as a part of psychological warfare, India's attempt to hold G20 meeting in IOJK will be self-evident, such as facilitating direct abuses of the protected population.

Such summits may appear to be a routine practice, however such events amount to violation of the International Humanitarian Law.

#### **Urgent Appeal:**

Accordingly, the LFK humbly submits to the honourable governments of the G20 member states that they should discourage the violation of International Laws and the normalization of military occupation in IOJK. Therefore, we plead that no G20 member state should participate in any summit or conference organized in the occupied territory aimed at normalization of India's brutal military occupation.

#### **Because:**

That India has breached and continues to breach its obligations owed vis-à-vis IOJK in particular the obligations provided under international humanitarian law and international human rights law as well as the obligation to respect the fundamental right of the Kashmiri people to self-determination.

That India must cease forthwith any such ongoing internationally wrongful act and fully respect its international legal obligations and;

India must immediately hold a plebiscite in line with UN Security Council Resolutions that sanction the Kashmiris to exercise their right to self-determination.

To substantiate the above averment, Legal Forum for Kashmir has documented evidence and testimonies of the atrocity crimes being committed by Indian occupying forces and the counter-insurgency agencies. In our successive annual Human Rights Reviews of Indian Occupied Jammu and Kashmir since 2019, we have documented 372 extrajudicial killings of civilians, 901 Cordon and Search Operations (CASOs), 735 killings of indigenous armed fighters, 495 Indian occupying forces personnel, and 1149 razed properties during encounters.

The attachments with this memorandum serve to provide supporting evidence for the accusations that the Indian occupying authorities and their troops have committed grave offenses, including war crimes and crimes against humanity, against civilians in Occupied Jammu & Kashmir. The reports attached with this memorandum are based on first-hand accounts and testimonials from individuals who have witnessed or experienced such atrocities. It is important to highlight the severity of these alleged atrocity crimes and to call for appropriate action to be taken in response.