

## **Public Petition to the Committee of Petitions on behalf of the People of Indian Occupied Kashmir.**

### **The Kashmir Self Determination Referendum.**

#### **A Request for a Parliamentary Debate with a view to implementing a Referendum and resolving the Kashmir Dispute.**

The petition is written on behalf of the people of Indian Occupied Kashmir.

During Nov/Dec 2016, the United Nations General Assembly passed a resolution on the Right to Self Determination. The people now seek to exercise their rights under international law The United Nations International Covenant on Civil and Political rights.

[<http://www.hrweb.org/legal/cpr.html>]

The People of Kashmir believe that India should honor their international obligations and allow a Plebiscite/Referendum. They are concerned that, over nearly 70 years of occupation, the 700,000+ strong Indian armed forces have subjected them to oppression, serious human rights violations and effective imprisonment [<http://www.jkccs.net/>]

This has been evidenced by multiple human rights reports conducted over the years by both Amnesty International, Human Rights Watch and Physicians For Human Rights.. They have detailed enforced custodial killings, enforced disappearances, oppression, imprisonment of thousands of dissidents, torture of civilians [Wikileaks Cables 2010], mass rapes, unknown and unmarked mass graves [<http://www.kashmirprocess.org>] and violation of the civil rights of minors [Children in Conflict Torn Kashmir <https://www.facebook.com/cictk/>]. The sustained, unpredictable violence over a long period has had a particularly bad effect on the mental health in the region.

Kashmir also has one of the highest incidences of post traumatic stress disorder [PTSD] in the world. The MSF study stated “The majority of people have experienced or witnessed natural disasters and conflict-related trauma (94 percent and 93 percent respectively). More than 70% of adults have experienced or witnessed the sudden or violent death of someone they knew,”

For all these reasons, the people of Kashmir would like the tyranny to end, enabling them to live and build their future in a peaceful environment. India has so far subjected Indian Occupied Kashmir to repeated arrests under the Public Safety Act and frequent internet shut downs. Opposition parties are held under arrest and the public feel unable to express their wishes politically or through public means. The Indian Government recently, and without Parliamentary debate, unilaterally denied a request from the United Nations Human Rights Commission to investigate human rights violations in Kashmir.

A number of promises have been made to the people of Kashmir during its tortured history. In 1948, the United Nations Security Council decided that the issue of Kashmir's future should be determined by a plebiscite.

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There is a striking resemblance between the UN Resolutions of 13 August 1948 and the Text of Lord Mountbatten's conditional acceptance of doubtful instrument of Accession of Hari Singh. The letter of Mountbatten, dated 26 October, says "special circumstances mentioned by your Highness my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State."

In his telegram to the Prime Minister of Pakistan, the Indian Prime Minister Pandit Jawaharlal Nehru said, "I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the state to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or state must be decided in accordance with wishes of people and we adhere to this view." (Telegram 402 Primin-2227 dated 27th October, 1947 to PM of Pakistan repeating telegram addressed to PM of UK). This promise was repeated in the Telegram No. 255 dated 31 October, 1947, broadcast on All India Radio on 2nd November, 1947 and 3rd November, 1947. In his letter No. 368 Primin dated 21 November, 1947 addressed to the PM of Pakistan, Pandit Nehru said, "I have repeatedly stated that as soon as peace and order have been established, Kashmir should decide of accession by Plebiscite or referendum under international auspices such as those of United Nations.

In his statement in the Indian Constituent Assembly on 25th November, 1947, Pandit Nehru said, "In order to establish our bona fide, we have suggested that when the people are given the chance to decide their future, this should be done under the supervision of an impartial tribunal such as the United Nations Organisation. The issue in Kashmir is whether violence and naked force should decide the future or the will of the people.". Similarly, the same was detailed in Indian Constituent Assembly on 5th March, 1948, press-conference in London on 16th January, 1951, as reported by the daily 'Statesman' on 18th January, 1951 and All Indian Congress Committee on 6th July, 1951 .

In a letter dated 11th September, 1951, to the U.N. representative, Pandit Nehru wrote, "The Government of India not only reaffirms its acceptance of the principle that the question of the continuing accession of the state of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations but is anxious that the conditions necessary for such a plebiscite should be created as quickly as possible." statement in the Indian Parliament on 7th August, 1952, statement in the Lok Sabha on 31st March, 1955 as published in Hindustan Times New Delhi on 1st April, 1955,

In his statement in the Security Council while taking part in debate on Kashmir in the 765th meeting of the Security Council on 24th January, 1957, the Indian representative Mr. Krishna Menon said, "So far as we are concerned, there is not one word in the statements that I have made in this council which can be interpreted to mean that we will not honour international obligations. I want to say for the purpose of the record that there is nothing that has been said on behalf of the Government of India which in the slightest degree indicates that the

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Government of India or the Union of India will dishonour any international obligations it has undertaken.”

Unfortunately, these promises were dishonored. Over the years, the wishes of the people of Kashmir has been forgotten in the entrenched dispute between India and Pakistan. Despite the United Nations and Pakistan’s diplomatic efforts, India has not addressed this catastrophic situation robustly.

Many leading statesmen have supported Kashmir’s right to self-determination. These include

1. “The question of plebiscite is still valid in Jammu and Kashmir and can be invoked for a permanent solution of the issue, which is bone of contention between Pakistan and India”- Margaret Thatcher, Former British Prime Minister.
2. “All of us remain concerned that the issue of Jammu and Kashmir should be solved through peaceful negotiations and should be willing to lend all the strength we have to the resolution of this matter “- Nelson Mandela, President of South Africa.
3. “The right of self-determination to which the peoples of Jammu and Kashmir became entitled as part of the process of partition has neither been exercised nor abandoned, and thus remains exercisable today. Unless the Kashmiris themselves can be made to feel that they have been given the freedom to choose their destiny, the issue may never be laid to rest” - International Commission of Jurists, 1996.
4. “India should fulfill promise of holding a plebiscite in Occupied Kashmir. I personally visited Kashmir and witnessed the sufferings of Kashmiris - Raj Mohan Gandhi, Grandson of Mahatma Gandhi.

Moreover, recent petitions [ [www.kashmirhumanrights.com](http://www.kashmirhumanrights.com) and [www.tinyurl.com/kashexit](http://www.tinyurl.com/kashexit) ] demonstrate that 24026 people in Kashmir and those around the world support self determination and an accountability of the human rights violations in Kashmir. It is clear that there is an overwhelming support from the public around the world for Kashmir’s self determination.

It is also abundantly clear that the current Hindu Nationalist Government has failed to follow procedures in line with a democratic resolution. The Indian Parliament has been hardly used to debate solutions/resolutions or maintain international law.

Over several years, it appears delegations have visited Kashmir but their recommendations have not been implemented. There is a total disregard of the rule of law in Kashmir. Evidence suggests that the people of Kashmir have been demonized by the Indian media through the use of “terrorism” rhetoric to conceal the violation of fundamental civil rights of civilians.

According to an opinion poll conducted in 1995 by a credible Indian magazine (Outlook): 72% of respondents opted for Independence of the region as an option. Similar sorts of polls on the subject have been conducted by Chatham House, a think-tank in London [2010], which showed that an overwhelming number of people: 74-95 percent in Kashmir region support

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independence. [<http://www.bbc.co.uk/news/10161171>]. The Government of India has steered well away from acknowledging or instigating similar official polls.

It should be noted that any peaceful campaigning has been suppressed by the Indian Government. The people of Indian Occupied Kashmir have demonstrated their desire for freedom through various uprisings that have occurred, more recently in, 2010 and 2016 which continue.

Episodes of violence and resultant militancy due to consistent failure to implement the laws of democracy has been the constant pattern in Kashmir. The disenchantment with current Indian occupation is being demonstrated by mass attendances to militant funerals, repeated weekly protests, various slogans written in the snow and on the walls/roads referring to “Azaadi” and multiple episodes of stone pelting. A stone is a stone, but when it flies between a young Kashmiri and security personnel in Kashmir, it becomes a political statement.

This stone war is not new to Kashmir. It has roots going back to 1947. India has, in turn, attempted to suppress this by the use of violence. In 2016, Indian forces used 1.3 million pellets to shoot at innocent protesting civilians in 32 days. In four months, 17,000 adults and children had been injured, hundreds dead, nearly five thousand have been arrested, and an entire population spent the summer under the longest curfew in the history of in Kashmir.

In view of these circumstances, we ask the Committee of Petitions to agree to table a debate on Kashmir, the potential for a Referendum and accountability for human rights abuses. It is in the interests of the Indian public to ensure that the rule of law is upheld and the the democracy created by both Pandit Nehru and Mahatma Gandhi are seen to operate fully in the interests of the will of the people. It is the only practical solution that protects civil rights, promotes peace and ensures the public purse is protected from misuse.

This, we hope, will set an example to the world at large and implement the necessary measures to resolve conflict in Kashmir once and for all .