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**05 April 2008**

**INTERNATIONAL PEOPLE'S TRIBUNAL ON  
HUMAN RIGHTS AND JUSTICE IN INDIAN-ADMINISTERED KASHMIR**

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The Public Commission on Human Rights, a constituent of the Jammu Kashmir Coalition of Civil Society, with the support of other groups and individuals, announces the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir, which includes Kashmir, Jammu, and the Ladakh region.

**Premise:**

Stakeholders in civil society across Indian-administered Kashmir state that they are engulfed by local, regional, and international political processes that bypass them, withholding their right to participation and decision-making. They note that Kashmir is a flashpoint in conflicts between India and Pakistan, while the systemic effects of existing structures of governance on the lives of the people of Kashmir are silenced, trivialized, or rationalized as necessary. They note that the fabric of militarization in Indian-administered Kashmir profoundly affects their lives, while undermining their capacity to intervene in the regularized violence that results. Segments of civil society across Kashmir ask to be a part of the international community, to have the right and resources to speak to the conditions of their life. They state that their portrayal in media and politics simplifies issues that are intricate, and dehistoricizes them. They ask the international community to participate in rigorously and thoughtfully engaging their experience of protracted isolation and inquire into the diminishing of cultural and public life.

**Purpose:**

1. Building on its mandate from the submissions of civil society, this Tribunal calls on the international community to recognize the juncture at which functions and failures of governance intersect with the culture of grief in Indian-administered Kashmir. These realities, through neglect, indifference, or complicity, continue to reproduce cycles of violence that are gendered and classed, religious and ethnic in their effects, with ever increasing social, political, economic, environmental, and psychological consequences that affect private, public, and everyday life.
2. The Tribunal is assembled to address growing concerns with, and allegations of, breakdowns in social, political, cultural, religious, gendered, and economic life in Indian-administered Kashmir, that affect history and memory, spirit and future.
3. The Tribunal seeks to examine charges of, and expand awareness and understanding regarding, institutionalized violence, social trauma, and human rights abuses.
4. The Tribunal further seeks to develop recommendations for justice, reparations, and healing, in alliance with ethical, peaceable grassroots processes and civil society groups and individuals that dissent such conditions as named above.

5. The Tribunal seeks to increase concern, and ethical, constructive, and creative participation of the local and international community toward justice, peace, and security in the region.

**Tribunal Conveners, Legal Counsel, and Liaison:**

(in alphabetical order)

**Dr. Angana Chatterji, Convener**

Dr. Chatterji is associate professor of anthropology at the California Institute of Integral Studies.

**Advocate Parvez Imroz, Convener**

Advocate Imroz is a human rights lawyer and founder of the Jammu and Kashmir Coalition of Civil Society.

**Mr. Gautam Navlakha, Convener**

Mr. Navlakha works with the *Economic and Political Weekly* and is a human rights defender.

**Mr. Zaheer-Ud-Din, Convener**

Mr. Zaheer-Ud-Din is chief editor of *Daily Etalat* and vice president of Jammu and Kashmir Coalition of Civil Society.

**Advocate Mihir Desai, Legal Counsel**

Advocate Desai is practising in the Mumbai High Court and the Supreme Court of India, and co-founder of the Indian People's Tribunal.

**Mr. Khurram Parvez, Liaison**

Mr. Parvez is programme coordinator for the Jammu and Kashmir Coalition of Civil Society.

**Inquiry:**

1. The Tribunal proposes to inquire into the architecture and fabric of military presence, militarization, and governance in Indian-administered Kashmir, and their subsequent and continued impact on civil society, political economy, infrastructure, development, local government, media, bureaucracy, and the judiciary.
2. The Tribunal will explore distinctions between the 'judicial' and 'extra-judicial' as drawn by the Indian military and paramilitary forces and ask if and how the structure of militarization furthers impunity, and impacts legal and moral accountability on part of the state.
3. The Tribunal proposes to inquire into the actions of the Indian state and its institutions, as widely established by human rights organizations, to examine concerns and allegations of the structure and fabric of militaristic violence on the part of state institutions, and examine conditions of injustice therein. In doing so, the Tribunal determines to hold the state accountable under the provisions established by the Constitution of Jammu and Kashmir, Constitution of India, and International Law and Conventions.
4. The Tribunal proposes to inquire into instances of intense and regularized violence as charged by civil society, such as torture, gendered and sexualized violence including rape, disablement, killings, executions, enforced disappearances, interrogations, detentions, and devastations by landmines. Further, the Tribunal proposes to inquire into if and how this endangers the survival of the living, such as among Kashmir's majority Muslim population, among women, 'half-widows', children, and other disenfranchised groups, including the aged and people with disabilities, and

religious minority groups, and if and how violence propels social conservatism in instances, and affects culture and society at large in Kashmir, and related spheres in Jammu and Ladakh.

5. The Tribunal proposes to investigate the ongoing and systemic nature of violence, and the spiral of brutality in Kashmir. The Tribunal will inquire into forms of disempowered, reactive, and violent resistances on the part of groups engaged in militancy, and instances of outside intervention. The Tribunal will inquire into the probable intersections between the injustices perpetrated by Indian military and paramilitary forces and those enacted by militants, deepening and continuing cycles of repression. Further, the Tribunal will inquire into the activities of Hindu nationalist organizations.
6. The Tribunal proposes to inquire into forms of resistance mounted by civil society, and the corresponding demands for justice from various segments of civil society in Indian-administered Kashmir, including people's demand for the right to self-determination, and its meanings.

**Parameters:**

1. Timeframe: The Tribunal will hold its investigations and hearings in 2008-2009.
2. The Tribunal will confine its investigation to the period between November 2003, when the Indo-Pak cease-fire began, and 2009, with supporting investigations related to the period between 1989-2003.
3. The Tribunal is constituted as a people's collective. The purpose of this collective is to undertake an inquiry into the history of the present in Indian-administered Kashmir, through soliciting the participation of civil society to reflect on the past toward framing and energizing public space in the present, and for determinations of the future.
4. Based on the conviction that people's voices must not be silenced, this Tribunal will investigate existing evidence, and hear statements and testimonials through public processes that maintain transparency. The Tribunal will locate, and solicit, the participation of survivors, those seeking justice, local communities and groups, and internal experts, as appropriate, in conducting the inquiries.
5. The Tribunal will rely on the willingness of those affected and others to testify about experiences, events, and circumstances, as well as on the participation of credible and competent persons, and those not enacting political agendas.
6. The objective of such solicitation on part of the Tribunal will be to assist in the acquisition of credible information and social facts, to document testimonies, develop records, and assess the evidence within participatory, anthropological, socio-legal, and human rights frameworks, and to develop consultative processes and linkages between groups, and support local efforts in making injustices visible.
7. In undertaking its investigative work, the Tribunal will seek the participation of diverse peoples and groups from Indian-administered Kashmir, as well as from India and other places in South Asia, and from the international community. The Tribunal will conduct studies and site visits, and hold public hearings. The Tribunal will meet with non-state and state actors, and solicit testimonials from persons from diverse constituencies and those with eminent expertise in various fields, including human rights and law. The Tribunal will seek testimonials from members of local communities that have been/are being impacted, as well as local leaders, government officials, and opposition leaders, the police, military and paramilitary personnel, political groups and parties,

and members of educational, religious, labour/worker, and other institutions, activists, academics, students, filmmakers, artists, lawyers, and journalists, human rights defenders, and public intellectuals.

8. The Tribunal will rely on testimony, story, oral histories, archival and social science research, relevant government and court records, film and photography, and other documents to form the evidentiary basis of its work.
9. On completing its work, the Tribunal will invite a group of renowned public figures to constitute a Council of Justice to deliberate on the Tribunal's findings, and to craft their statements in response. The Tribunal's findings and recommendations, and the statements of members of the Council of Justice will be presented at a public hearing in Indian-administered Kashmir, and subsequently to the international community.

### **Why Indian-administered Kashmir?**

The Tribunal will limit its primary investigations to Indian-administered Kashmir, and selectively to Jammu and Ladakh. While issues in Pakistan-administered Kashmir and those of outside groups that engage in militancy are of political, social, and ethical significance, the decision and justification to focus on Indian-administered Kashmir is based on the following:

1. It is crucial to highlight the experience of militarization in Indian-administered Kashmir. A large body of scholarly work suggests that its structure and institutionalization over the last 60 years, has produced extreme consequences in the region. Further, these consequences have been exacerbated by repression of the struggles for self-determination of Kashmiri peoples, and the policies of realpolitik engaged by the international community. What are the present conditions that result from this history?
  2. It is crucial to investigate the scale of the impact of operations in Indian-administered Kashmir, which has a population of approximately 11 million.
  3. It is crucial to explore the disorientation wrought by the 700 km long Line of Control, which today coheres with the territorialization established at the end of the 1947-8 war between India and Pakistan. Time and again, armed forces on the ground have disputed interpretations of the Line of Control as established by the Simla Agreement of 1972. How does the Line of Control affect families, communities, villages, impacting livelihood, ecological sustainability, and cultural survival?
  4. It must be noted that access to areas that have experienced heightened military presence and violations in Indian-administered Kashmir remain limited and, given the politics of borders, it is only conceivable for organizations and individuals working in Indian Kashmir to access areas restricted to its current borders as defined by the Line of Control.
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