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Issue Brief

Fifth Generation Intifada in Indian Occupied Kashmir (IOK)

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India reacted aggressively to a recent statement of Prime Minister (PM) Nawaz Sharif that “Pakistan is waiting for the day when Kashmir becomes its part.”¹ Indian External Affairs Minister, Sushma Swaraj accused Pakistan of backing militants and said that Kashmir can never become a part of Pakistan.² In response to Swaraj’s statement Advisor to Prime Minister on Foreign Affairs, Sartaj Aziz said that only Kashmiris have the right to decide their future, not Swaraj.³

Pakistan officially observed ‘black day’ on July 20 and ‘Kashmir’s Accession to Pakistan Day’ on July 19 to mark solidarity with the people of Kashmir over the recent Indian atrocities in Indian Occupied Kashmir (IOK), which claimed the lives of at least 56 people including Burhan Wani, a young Kashmiri Freedom Fighter. PM Nawaz Sharif in his message on ‘black day’ ask India to end its atrocities and hold a plebiscite in IOK as promised by Jawaharlal Nehru.⁴ Earlier on July 13, Pakistan had also approached the UN Veto club on Kashmir to take notice of the deteriorating situation in IOK. Pakistan also urged the European Union (EU) and Organization of Islamic Cooperation (OIC) to raise their voice against the Indian atrocities.⁵

Nearly 5000 people have been injured as a result of the recent state sponsored terrorism unleashed in IOK. Following the martyrdom of Wani, thousands of Kashmiris and pro-Kashmir demonstrators turned out in Brussels, New York, London, Toronto and other cities calling for an end to the Indian atrocities in IOK.

Burhan Wani, a freedom fighter, along with his associates was gunned down by Indian Occupational Forces (IOF) on July 8, 2016. Burhan Wani was representing “the fifth generation of Kashmiris” who has been fighting against the Indian barbarism for years. Even as Kashmiris mourned, many Indians celebrated this brutal killing. The martyrdom of Wani revolutionized the Kashmiris freedom movement. People are staging forceful anti-India demonstrations across Indian Occupied Kashmir (IOK) and raising their voices against Indian brutality.

Strict curfew, shutdown and brutal violence by IOF continue for the 17th day in IOK against the disproportionate use of force and Indian aggression. India has sent an additional 2000 personnel of

¹ “Waiting for the day Kashmir becomes Pakistan,” *Dawn*, July 22, 2016

² “Kashmir can never become part of Pakistan,” *Dawn*, July 23, 2016

³ “Kashmiris, not Swaraj will decide their future,” *Daily Times*, July 25, 2016

⁴ “Black Day against Indian atrocities in Kashmir,” *The Nation*, July 20, 2016

⁵ “Islamabad nudges UN veto club on Kashmir,” *The Express Tribune*, July 13, 2016

Indian Paramilitary Central Reserve Police Force (CRPF) to IOK to curb these protests.⁶ This was reinforcement to 2800 CRPF personnel sent on July 17.

This is not the first time that the Kashmiris have been subjected to the worst kind of human rights violations. They have been oppressed and humiliated by IOF for decades. Each time people who gather to protest against the illegal occupation are brutally dealt with.

Unarmed civilians are now becoming victims of the use of live ammunition. In the name of 'non-lethal means' disproportionate use of Pellet guns by IOF has resulted in making hundreds of Kashmiris blind. CRPF is currently using new kind of pellets which are sharp edged and irregular and which are causing more damage to the victims as compared to the pellets used earlier that were homogenous and round.⁷ These pellets are being used with the aim to kill rather than contain the protesters, without the fear of accountability. Repressive legal frameworks such as the Jammu and Kashmir Public Safety Act, Armed Forces Special Power Act (AFSPA) and many others have protected IOF from prosecution for the hundreds of dreadful acts committed against young men, women and children including killings, kidnappings, torture, rape and molestation, while exercising their powers.

The Indian stance on Kashmir has remained within the ambit of violence, curfew, extrajudicial killings and repression. The atrocities committed through the use of force on the innocent unarmed people represent the Indian posture towards IOK. Earlier, in May 2016, India introduced a Geospatial Information Regulation Bill 2016 and incorporated IOK and Azad Jammu and Kashmir (AJK) in Indian Geospatial Map which also reflects the dictatorial nature of India vis-à-vis Kashmir.

India frequently classifies IOK as its integral part based on the validity of Maharaja's accession to India and wants to scrap Article 370. For many years and even today, India has held an intolerant view that the Kashmir dispute concerns the land and not the right of self-determination and defends it at all costs. Anything that questions the Indian sovereignty over the land is never tolerated and massive troops are deployed on the land for the defence of this sovereignty. These forces are given a legal shield through laws like the AFSPA and others. India must acknowledge that the Kashmir dispute is not about the land but also about the Kashmiris living in IOK. It is about their right of self-determination, which has been denied to the Kashmiri people. For them, oppression, torture and humiliation is unacceptable.

⁶ "Centre rushes 2000 additional troops to Kashmir," *The Hindu*, July 17, 2016

⁷ "Kashmir protests: New kind of pellets causing more damage than before," *The Indian Express*, July 16, 2016

Therefore, the youth of Kashmir have erupted in protest against what they perceive to be oppression and excessive use of force.

It is pertinent to mention that Prime Minister Pandit Jawaharlal Nehru pledged to the people of IOK, on behalf of the so-called great nation of India in the following famous words. "I say with all deference to this parliament- the decision will be made in the hearts and minds of the men and women of Kashmir, neither in this Parliament, nor in the United Nations, nor by anybody else". The decision of IOK accession was then made subject to a plebiscite to be held in IOK. Unfortunately, the situation on ground is gruesome. As India has chosen to throw this pledge to the wind, and the people of IOK are still struggling for their rights to this day.

With the fifth generation of Kashmiris now in charge, the Kashmir freedom struggle has entered into a new phase. The increasing suppression and violence by IOF has encouraged the Kashmiri youth to join the resistance movement. Burhan Wani is one of the examples of this phenomenon, who, after witnessing countless humiliations and oppression of his family, relatives and innocent civilians at the hands of IOF, decided to fight against the IOF. Young Kashmiris are furious about the illegal presence of IOF in their midst and draconian laws that confers the power to kill them with impunity. They want freedom from Indian oppression and barbarism.

Indian civil society and human rights activists are also staging protests against the Indian barbarism and in support of a plebiscite in IOK.⁸ The Indian civil society has also recognized the fact that the situation in IOK is different and is about the right for self-determination. Gautam Navlakha, a Human Rights activist while referring to Indians ignorance of realities said recently, "If people knew how India has denied them their rights, people will realize that this is a political problem needing a political solution."⁹ Many Indian writers and intellectuals, including Arundti Roy and Kavita Krishnan have asked the Indian government to stop the brutal cycle of violence in IOK and warned that it cannot solve the Kashmir issue at gunpoint.¹⁰

Killing of unarmed protesters, attacks on ambulances and hospitals and the blinding of teenagers with pellet guns are the inevitable and unavoidable consequence of IOF oppression of Kashmiris struggle for freedom. Although India declared the killing of Wani and his companions as a great victory, what it has

⁸ AbishekJha, "I don't hate India. I hat India's policies," *Youth ki Awaz*, July 14, 2016.

⁹ "Kashmiris decry world's silence over Kashmir," *Al Jazeera*, July 11, 2016.

¹⁰ " You cannot solve the Kashmir at gunpoint," *Cobrapost*, July 13, 2016.

done in IOK was far beyond their expectations. It has ignited a new wave of anger in IOK and has exposed the silence of international players on the brutality of IOF. *Reuters* reported on July 13 that India vows more tough action, and aid, to tackle the Kashmir conundrum, but the question remains, will more brutality and tough actions help India to cope with the 'Fifth Generation Intifada'. History shows that no matter how brutal actions India has taken, the end result have always been a renewed freedom struggle.

The Kashmiris have now put the world bodies on notice against the IOF repression and atrocities. Hurriyat Conference Chairman, Syed Ali Geelani has suggested six Confidence Building Measures (CBMs) for reconciliation.

1. Accept the disputed nature of IOK and Right to Self Determination.
2. Rapid demilitarization process.
3. Repeal draconian laws like AFSPA and Public Safety Act.
4. Release and restoration of political activity of all the political prisoners.
5. Allow UN and all international human rights and humanitarian organizations to work in IOK.
6. Ensure free political space for all the parties.

These steps, if taken, can control the current impasse and can pave the way for the resolution of Kashmir dispute. The international community has to recognize the fact that peace in the region is linked with peaceful resolution of the Kashmir dispute. It is high time that the international community impress upon India to withdraw its troops from IOK, and bring an end to the ongoing state violence.