



US LAWMAKERS WAKE UP TO HUMAN RIGHTS VIOLATIONS IN IOK

By
Mahwish Hafeez
Research Fellow

Edited by
Najam Rafique

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



Following the revocation of Article 370 and 35-A relating to the special status of Indian Occupied Kashmir on August 5, 2019, the Modi government placed the region under curfew denying not only access to food and medicines, but also arbitrarily detaining thousands of Kashmiris including the leadership and minors, and quelling demonstrations by force. Some 10 million Kashmiris have been effectively stripped of their fundamental human rights in a lockdown which has brought condemnation by the international community including the United States of America.

At least three US Presidential candidates namely Bernie Sanders, Elizabeth Warren and Kamala Harris have openly expressed their concerns about the human rights situation in Kashmir following the August 5 move by India. More recently on October 22, 2019, in an unprecedented move, the Subcommittee on Asia, the Pacific and Non-proliferation of the US House Foreign Affairs Committee held a hearing on “Human Rights in South Asia : Views from the State Department and the Region” with special focus on Kashmir and the brutal manner in which the August 5 decision was being implemented. The hearing urged the Indian government to restore communications in Indian occupied Kashmir and as a democracy, uphold its commitment to human rights.

The hearing was chaired by Congressman Brad Sherman. Alice G. Wells, US State Department’s Assistant Secretary for South and Central Asia and Robert Destro, Assistant Secretary for the Bureau of Democracy, Human Rights and Labor testified as representatives of the United States

government. Apart from government representatives, Dr. Natasha Kaul, Associate Professor in Politics and International Relations Centre for the Study of Democracy, University of Westminster, Dr. Angana Chatterji, co-chair of the Political Conflict, Gender and People's Rights Initiative, University of California, Berkeley and Aarti Tikoo Singh, Senior Assistant Editor at the Times of India were also present to speak on human rights violations in Kashmir. The hearing was attended by a number of prominent lawmakers and representatives like Ilhan Omar, Ted Yoho, Anthony Brown, Abigail Spanberger, David Cicilline, Tomasz Malinowski, Pramila Jayapal and Sheila Jackson Lee to name a few.

Both the government representatives, Ms. Wells and Mr. Destro, while trying to highlight India's democratic system and a strong Indo-US relations, could not deny the fact that the human rights situation in Indian occupied Kashmir at the moment is precarious to say the least. Not only there is a shortage of food and medicines, but business in the state has also suffered a huge loss. When asked by Representative Sheila Jackson Lee whether the situation in Kashmir is a humanitarian crisis, Destro replied in affirmative.¹ The assurances given by government representatives quoting Indian officials that the situation in Kashmir was gradually getting better were rejected by the lawmakers. They said that they were being informed of the situation on ground by their constituents which is in complete contradiction to what the Indian government officials have been saying. It was pointed out that no foreign journalists or US politicians like Senator Chris Van Hollen were allowed to visit Indian occupied Kashmir by the Indian authorities. The issue of detention of political leaders under Public Safety Act also found a place in the discussion.

During the course of deliberations, Dr. Natasha Kaul pointed out that on one hand India claims that Jammu and Kashmir is its integral part, but on the other hand shows deep contempt for the people of Kashmir as it responds to Kashmiri protests whether violent or peaceful with more state violence.² She also rejected as "misleading" Indian governments claims that the move of abrogating Article 370 and 35-A will help in empowering women.³ Dr. Chatterji was of the view that laws like Armed Forces Special Powers Act (AFSPA) or Public Safety Act (PSA) that guaranteed impunity to the security forces were responsible for state excesses against the people of Kashmir. She also informed the gathering that India itself has admitted that incidents of armed militancy that may reportedly be

¹ "In Congressional Hearing, US Lawmakers Critical of India's Actions in Kashmir," *The Wire*, October 23, 2019, <https://thewire.in/rights/us-lawmakers-critical-of-indias-actions-in-kashmir-during-congressional-hearing>

² 'In Kashmir, India must respect human rights': Excerpts from written statements to US Congress Panel, *Scroll.in*, October 23, 2019, <https://scroll.in/article/941507/in-kashmir-india-must-respect-human-rights-excerpts-from-written-statements-to-us-congress-panel>

³ 'Egregious Human Rights Violation in Kashmir by India; Kashmiri-Origin Writer Tells US Congress,' *Outlook*, October 23, 2019, <https://www.outlookindia.com/website/story/india-news-egregious-human-rights-violation-in-kashmir-by-india-kashmiri-origin-writer-tells-us-congress/340984>

linked to foreign groups or institution have abated yet Kashmiri dissent is "pathologized" by state institutions and are responded to with violence and brutality. She also feared that situation in Kashmir could "foster an armed uprising within Kashmir".⁴

Dr. Kaul and Chatterji maintained that the Indian government knows very well that its August 5 decision is against the wishes of the concerned people and therefore undemocratic and of a Hindu majoritarian state fulfilling its agenda.⁵ Also, Representative Pramila Jayapal informed the audience that Indian government has detained some 4000 people since August 5 and that include 144 children some as young as 9 years old.⁶ She also expressed her intention of introducing a bipartisan resolution on Kashmir urging India to lift all sorts of curbs on Kashmiri people.⁷

Ms. Aarti Tikoo Singh on the other hand tried to justify India's actions in Kashmir and blamed Pakistan for the mayhem in Kashmir. She argued that revocation of Article 370 would help in integrating the people of Jammu and Kashmir with the rest of India. However, the arguments presented by Ms. Singh were brushed aside by the Chair, as well as other law makers.

The growing incidents of mob lynching particularly of Muslims also came under the scanner as Pramila Jayapal also spoke about shrinking religious freedom in India. Similarly, Rep. Ilhan Omar sought details about National Register of Citizen in Assam which is expected to leave 1.9 million people stateless and which, according to Ilhan Omar, is very much similar to how the Rohingya crisis started.⁸

This US congressional hearing, which turned out to be a major embarrassment for India, is important in many ways. This has been the first time that any such hearing with special focus on Kashmir was held. It was also important because the human rights situation in Kashmir was discussed extensively and Kashmiris who have been silenced by the Modi government found a voice. Not only that, India's moves in Assam where 1.9 million people face the threat of being stateless also came under the scrutiny of the committee. This hearing also showed that the truth cannot be hidden by twisting facts or cover-ups by India. Sooner or later truth does reveal itself. For years, India has used the most barbaric methods to crush the will of Kashmiri people. For years, the international community

⁴ For full text of Dr. Angana Chatterji's written statement visit <https://docs.google.com/viewerng/viewer?url=https://docs.house.gov/meetings/FA/FA05/20191022/110143/HHRG-116-FA05-Wstate-ChatterjiA-20191022.pdf>

⁵ 'In Kashmir, India must respect human rights': Excerpts from written statements to US Congress Panel, *Scroll.in*,

⁶ "An unprecedented Congressional hearing on Kashmir", *Geo News*, November 3, 2019, <https://www.geo.tv/latest/253708-an-unprecedented-congressional-hearing-on-kashmir>

⁷ Seema Sirohi, "India has a problem on Capitol Hill," *Observer Research Foundation*, October 24, 2019, <https://www.orfonline.org/expert-speak/india-has-a-problem-on-capitol-hill-56982/>

⁸ "An unprecedented Congressional hearing on Kashmir", *Geo News*, op.cit

kept silent and turned a blind eye to the suffering of Kashmiri people. It is only because of the firm resolve and sacrifices of the Kashmiri people that the world community today is finally waking up from its slumber.

The hearing was also important as efforts of speakers like Aarti Tikoo Singh to shift the blame for indigenous Kashmiri struggle on Pakistan were firmly rejected. In fact, Sheila Jackson Lee, Chairwoman of Congressional Pakistan Caucus demanded that Pakistan's sacrifices in its war against terror should be recognized.⁹

Following the hearing by the Subcommittee, a resolution introduced in the US House of Representatives on November 25, 2019 urged Congress to forbid any use of force against civilian populations in India-held Kashmir, either by governmental or nongovernmental actors. Resolution 724 condemns human rights violations in Jammu and Kashmir and supports Kashmiri self-determination.¹⁰

It was indeed heartening to know that there is a growing realization on the part of the lawmakers in the US that Kashmir issue needs urgent attention as the sufferings of the Kashmiri people are increasing by the day. It is hoped that the US will not only talk about the plight of Kashmiris people, but will also play its due role in resolving this issue according to the wishes of the Kashmiri people.

⁹ "In Congressional Hearing, US Lawmakers Critical of India's Actions in Kashmir," *The Wire*, Op.cit

¹⁰ "Resolution urges US Congress to oppose use of force in Kashmir", DAWN, November 25, 2019. <https://www.dawn.com/news/1518702>