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Report – Webinar

“Illegal Use of Pellet Guns in Indian Occupied Jammu and Kashmir”

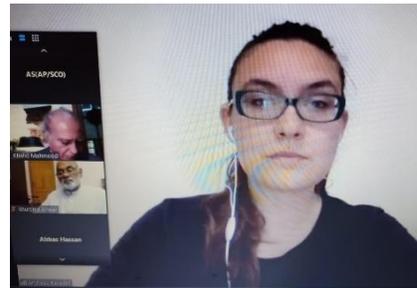
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Pictures of the Event



The Institute of Strategic Studies Islamabad (ISSI) organized a Webinar on *Illegal Use of Pellet Guns in Indian Occupied Jammu and Kashmir* on June 26, 2020 to mark the International Day in Support of the Victims of Torture. The webinar brought together distinguished speakers and legal experts on the issue. Ambassador Zahoor Ahmad, Additional Secretary (Asia-Pacific), Ministry of Foreign Affairs was the Chief Guest at the occasion. The panelists included: Mr. Ahmer Bilal Soofi, President, Research Society of International Law (RSIL) and former federal Minister for Law and Justice, Parliamentary Affairs and Human Rights, Barrister Ali Sultan, Vice-President, RSIL and Dr. Andreea Stoian Karadeli, an independent expert, on Human Rights and National Security, Istanbul.

In his welcoming remarks, Director Research ISSI, Mr. Najam Rafique stated that even as Kashmiri dispute lingers on as longest unresolved disputes at the United Nations Security Council, Indian occupation forces have carried out systemic state terrorism and brutal killings to quell the struggle and agitation of the people of the Indian Occupied Jammu and Kashmir for the exercise of the right of self-determination. The Indian brutality in Kashmir and torture of men, women and innocent children is not a new phenomenon but many new dimensions have been added among others the growing use of pellet guns against unarmed civilians who dare to raise their voices against the illegal Indian occupation of their land. Thousands in Indian Occupied Kashmir have been blinded by the increasing use of pellet guns which has left severe psychological trauma among the Kashmiris in Indian occupied Jammu and Kashmir. Quoting a survey conducted in a government medical college in Jammu and Kashmir, Mr. Najam Rafique stated that it was found that 85 percent of the people blinded by pellet guns exhibited severe psychiatric disorders with high suicidal tendency. It is also evident from the fact that this weapon is not used anywhere else in India but only in Kashmir. He said that it is encouraging that the use of the pellet guns by Indian armed forces has not gone unnoticed and there have been concerns raised by the United Nations Secretary General, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and Amnesty International on this issue, and who have called upon New Delhi to immediately end such practices. The dream of peace and prosperity of this region will remain elusive as long as India is accorded a free rein to carry on with its brutal tactics.

Ambassador Zahoor Ahmed congratulated ISSI for holding the webinar on this important subject and that this timely event should serve as a wakeup call for the global conscience. Mentioning the use of pellet guns, he said that pellet guns are not used anywhere else in the world except in Kashmir so it is clear that this weapon is being used as a tool of torture by India to strangle the voice of the Kashmiri people for their right to self-determination. The world has been condemning the use of pellet guns such as reports by Amnesty International, Human Rights Watch, etc. Despite all this condemnation, Indian government has never shied away from the use of pellet guns. He highlighted that the former Chief Minister of Indian occupied Jammu and Kashmir, Mehbooba Mufti openly stated that in 2016 pellet guns were used on around 6221 people out of which 728 have had high injuries. He endorsed that fact that the Government of Pakistan condemns the use of pellet guns and stands with the people of Kashmir for their right to self-determination. He urged the international community to take notice of this. This is an issue which remains on the UNSC agenda and has recently been discussed thrice reaffirming the important of this issue that the world conscience cannot ignore. He stressed that it is an issue which has an impact on the peace and security of the region.

Mr. Ahmer Bilal Soofi stated that the use of pellet guns in Indian Occupied Kashmir is out rightly unlawful and a violation of International Law. He informed the gathering that the manufacturers of these guns under the International Law have a duty for their end user that how will their end user use it. He stated that even the Arms Trade Treaty talks about you can buy arms but when you buy arms you need to ensure that they are not used to perpetuate violation of human rights and international humanitarian law. Hence, license cancelation of the exporter should be on the cards by virtue of the atrocities that have been perpetuated by India. He further recommended that Pakistan must register its complaint with the manufacturers and patent holders of the pellet guns and urge the international community to ban such weapons which are in violation of International Human Rights and International Humanitarian Laws. The use of pellet guns is inherently associated with hunting animals. Use of such a weapon even for animals is discouraged. He was of the view that even animals have basic rights and are not subject to torture, but India is reluctant to give basic human rights to the citizens of Kashmir. This reluctance from Indian side is strengthening the commitment of Kashmiri people with their cause.

Barrister Ali Sultan was of the view that internationally, the lawyers agree that the use of pellet guns is totally illegal in nature. The best proof of this illegality in addition to the photographic proof of victims are the reports of International Commission of Human Rights which discusses the use of pellet guns as the violation of International Human Rights Law. In International Human Rights Law, it is clearly mentioned that the forces cannot use this weapons on the masses without any prior warning and this is widely recognised across the globe. India never used prior warning nor is the principle of proportionality considered by Indian forces in this case. Also the international law on torture applies to India as International Customary Law therefore, Indian officials can be responsible for their acts under this particular law. The use of these arms is also a violation of international civil, political rights and right to life because many fatalities are caused by these pellet guns. There are also several other UN resolutions which forbid the use of this weapon against women and children which India has been using openly. He suggested that there should be an internal accountability mechanism in India on the use of these guns. However, especially designed laws for Indian armed forces in Indian occupied Jammu and Kashmir give them protection against the use of such weapons with impunity. This blanket of immunity for Indian soldiers must be stopped. He also pointed out that domestic voices raised in India are suppressed by the rising tide of Hindutva ideology, and more sustained efforts are needed to counter the Indian actions.

Dr. Andreea Stoian Karadeli explained the technicalities involved in the use of pellet guns in her presentation. She explained pellet guns are a form of short guns and they are normally used in hunting wild animals. One shell contains around 500 pellets which make it very lethal and destructive in terms of making injuries. Explaining the anatomy of the injuries caused by these pellet guns Dr. Karadeli further said that if these guns are used from the range to 5m its mortality rate is more than 80%-85%. The symbolism behind the use of this weapon is that this weapon must not be used on humans because it is meant to be used for hunting purposes. So it is clear that it is used to humiliate the victims as human beings. She said that there is a dire need for creating awareness on this particular issue because killing a single person is killing the whole humanity. She also stressed on the fact that under the umbrella of diplomacy, greater

international pressure is required from international community which must be beyond mere passing of resolutions on international forums.

Concluding the webinar, Ambassador Khalid Mahmood, Chairman BOG, ISSI said that as the world is observing the UN International Day in Support of Victims of Torture, the Kashmiris in Indian occupied Jammu and Kashmir are faced with a situation where torture has become an inescapable part of their lives. He also quoted that Kashmiri people have suffered the most brutal methods of torture. The report published by Association of Parents of Disappeared Persons (APDP) and Jammu and Kashmir Coalition of Civil Society (JKCCS) in February 2019 that documented 432 cases of torture which certainly is only a tip of an iceberg is still fresh in our memory. Although India is a signatory to the United Nations Convention against Torture (UNCAT) since 1997, it has not ratified the treaty till date. In 2010, Prevention of Torture Bill was introduced in the Indian Parliament but was not passed and it lapsed in 2014 and again in 2019. In the absence of any law criminalizing torture and the absolute impunity that the Indian armed forces enjoy in Kashmir, torture continues unabated.

Talking about pellet guns he said, this use of pellet gun by India has been criticized by number of human rights groups like Amnesty International who have been calling upon Indian authorities to ban the use of pellet guns in Kashmir but to no avail. The requests of the United Nations High Commissioner for Human Rights against the use of pellet guns also fell on deaf ears and India continues to blind generations of Kashmiri people. Mentioning the tactics of rape and torture along with several draconian laws, he said India will not be able to weaken the will of the Kashmiri people. He further added that it is time that the world should take notice of the situation in Indian occupied Kashmir and take concrete steps instead of lip service to resolve this issue according to the wishes of Kashmiri people and put an end to the suffering of the Kashmir people.