

## Kashmir Human Rights Resolution of 2019

Urging a peaceful and democratic resolution of the conflict over Kashmir

Whereas on August 5, 2019, the government of India [suspended Articles 370 and 35A](#) of its constitution, thereby revoking the long-protected semi-autonomous status of Jammu & Kashmir without consultation of Kashmiri elected leaders or civil society leaders;

Whereas Kashmir is disputed territory according to the United Nations' resolutions;

Whereas Kashmiris have been peacefully demanding the implementation of the right to self-determination since 1948, which Indian Prime Minister [Jawaharlal Nehru](#) and the international community promised Kashmiris via [UN Resolution 47](#);

Whereas India is implementing programs to bring about [demographic changes](#) in the territory of Jammu and Kashmir by opening it up to settlement by outsiders to reduce the indigenous population of Kashmiris to a minority;

Whereas this undemocratic action was preceded by a surge of roughly 35,000 Indian forces to the already heavily militarized Jammu & Kashmir;

Whereas India currently maintains some 900,000 troops in the region, 700,000 of which have been stationed there since 2010, making the disputed territory the [most militarized space](#) in the world;

Whereas since 2016, the Indian security forces have caused mass blinding by [shooting metal pellets](#) at Kashmiri protestors, leaving many, including [children](#) blinded;

Whereas [13,000 boys have been taken into custody](#) without any due process;

Whereas the Indian government has imposed a communications 'siege' on the Kashmir Valley, has imprisoned local elected leaders and judges without any due process of law, and put into place other coercive measures to effectively imprison 8 million people;

Whereas Kashmiris remain cut off from each other and the outside world while their families across the globe, including Kashmiri-Americans, are unable to contact them and ensure their safety and well-being;

Whereas the prohibition of peaceful assembly and the use of military force to quell protests has resulted in numerous deaths and injuries;

Whereas the Indian government has violated the free speech of Kashmiris by gagging journalists and news publications through heavy restrictions and constraints in their reporting;

Whereas the ongoing blackout has severely curtailed the ability of the international press to investigate on the ground, and the four reports ([Report 1](#), [Report 2](#), [Report 3](#), [Report 4](#)) that have emerged have been uniformly disturbing, including: mass detentions of elected officials, doctors, lawyers, and children as young as 13; use of torture and lethal force against civilians; sexual violence and abuse by the Indian armed forces; dwindling supplies of life-saving medical treatments, and inability of patients to access hospitals, as well as curtailing of religious freedoms

Whereas India has ruled Kashmir through the [illegal use of force](#), torture, and by subjecting Kashmiris to gross human rights violations, as documented by the United Nations and Human Rights Watch, which is unacceptable within international law and amounts to a contravention of *Jus cogens* norms;

Whereas Indian army and paramilitary soldiers operate with absolute [impunity](#) and have never been [punished](#) for committing crimes against humanity and other [human rights violations](#) in [Kashmir](#) in almost 30 years;

Whereas Genocide Watch has issued a '[Genocide Alert](#)' for the disputed territory of Kashmir;

Whereas President Donald Trump had, in 2019, made an offer for the United States to play a [mediating role](#) in this dispute, and the offer was accepted by the Prime Minister of Pakistan Imran Khan;

Whereas the designation of a Special Envoy by the United States to help resolve the issues relating to Kashmir would signify the importance of the region and issues to the United States, as well as overall international security and stability;

Therefore, be it resolved that,

(1) In Kashmir, the Indian government must—

- a) immediately restore the basic human rights of movement, communication, food, education, work, and health;
- b) ensure the right of free expression, free association and free assembly;
- c) remove military and paramilitary forces from the civilian population;
- d) end torture, sexual violence, disappearances, murder, maiming, intimidation and other crimes against humanity, and duly punish all perpetrators of such crimes through a transparent and accountable system;

- e) recognize the right of the Kashmiri people to decide their own political future and exercise the right to build a free, just and peaceful society that recognizes the dignity of all people with freedom of religion;

(2) independent and professional journalism play a central role in strengthening democratic governance, upholding the rule of law, mitigating conflict, and informing public opinion around the world; and

(3) the Indian military and government should—

- (a) provide immediate, unimpeded access to Kashmir for local and international journalists, the United Nations, and other humanitarian actors to verify that Kashmiris are allowed to live normal lives consistent with internationally recognized human rights principles;

- (b) rescind any laws that obstruct freedom of the press, freedom of movement, freedom of assembly, and freedom of religion;

(4) the President of the United States should immediately appoint a Special Envoy for Kashmir to work with the people of Kashmir, and the government of India, Pakistan, and the United Nations to organize a referendum, as established by the resolutions of the United Nations' Security Council;

(5) the Secretary of State should—

- (A) determine, based on the available evidence, whether the actions by the Indian military in Kashmir constitute crimes against humanity, or other crimes under international law; and

- (B) fully support efforts to collect, preserve, and make available evidence related to the commission of these crimes;

(6) the Government of India, as well as the UNHCR, UNICEF and other actors, should ensure the safety of Kashmiri boys taken away from home and ensure their safe return to their families.