

## **Press Note: For Immediate Release**

November 04, 2010

### **Memorandum on Present Realities, Transitions, and Resolution in Kashmir**

We, the undersigned, write today in the aftermath of yet another summer of state repression and violence in Indian-administered Kashmir, followed by a peace process initiated by the Indian State without the consent or active participation of the Kashmiri people, and on the occasion of United States President Barak Obama's visit to India.

We write concerned that the Indian State has implemented a deceptive "peace" plan without recognizing the dispute, formulated "resolution" without reckoning loss, and designated "post-conflict" status without halting military rule in Kashmir.

We ask that the United States act responsibly in seeking access to India's markets and in attempting to reposition their role in Afghanistan. We ask that President Obama bring up the "K" word, as Kashmir has been pejoratively labelled, in his discussions with Prime Minister Manmohan Singh of India. We ask that in seeking stronger relations with India, the United States not compromise the rights of Kashmiri peoples or regional peace and security concerns in South Asia which act as deterrents to resolutions of past partitions and current conflicts, and which prevent the integration of South Asia into responsible global economic units.

We ask that the international community, including civil society and governments of the European Union, Organization of the Islamic Conference, China, and others support Kashmir's demands of the United Nations (and respect the history of United Nations Resolutions on Kashmir).

We ask that the international community bring their judicious counsel to persuading the Government of India and the Government of Pakistan to initiate meaningful exchanges, engagements, and reconciliations between Kashmiri peoples across borders as a precondition to conflict resolution.

We ask that the Government of India end hostilities on Kashmiri peoples, and formally recognize the right of Kashmiris to determine their future. In an attempt to convince the global community of its ability to practise power responsibly, the Indian State must practise accountability and atonement with respect to Kashmir. The negligence, indifference, and callousness that has delayed the resolution of the Kashmir dispute continues to have serious repercussions on the everyday lives of Kashmiris, as it defers hope and prosperity, as well as Kashmiri entitlements to rights, liberties, and freedoms that are universally recognized as inalienable.

We ask that the Government of India respect civil society and civil disobedience processes in Kashmir undertaken by diverse Kashmiri groups and peoples in preparation to moving forward.

We ask that the Government of India recognize that prior to a resolution, certain minimum preconditions must be enforced to enable transitional and transformative processes of justice, with relevant international

oversight. This would lead to defining and implementing mechanisms for accountability, reckoning and reparation, and resolution.

We note that the recent protests in Kashmir do not evidence dissent to the present events alone but are indicative of civilian sentiments and responses to the sustained confinement of civil society by Indian military and paramilitary forces since 1989, the attendant cycles of violence, and the suppression of local demands for the right to self-determination since 1947. The Government of India recently called for “creative solutions” to resolve the “Kashmir problem.” If we map the events inside Indian-administered Kashmir, the approach of the Indian state has been, and continues to be, neo-imperial and aggressively militaristic.

We note that while India deems Indian-administered Kashmir to be an “internal matter,” refusing transparency, international scrutiny, and adherence to humanitarian laws of conflict and war, civil society in Kashmir remains “under the authority of the hostile army,” whose reach and power “has been established and can be exercised,” (Hague Convention, Laws and Customs of War on Land [Hague IV] Article 42, 1907).

We urge that, in order to ensure interim conditions that are facilitative of nonviolent conflict resolution, and enable ethical civil society participation, the Government of India, the Government of Jammu and Kashmir, and the military, paramilitary, and police be held accountable to a minimum agenda in Kashmir inclusive of the following. We urge that the international leadership and global civil society ask that the Government of India undertake the following measures:

1. Immediate halt to, and moratorium on, the use of extrajudicial killings, torture, kidnapping, enforced disappearance, and gendered violence by the Indian military, paramilitary, and police in Kashmir.
2. Agreement to non-interference in the exercise of civil liberties of Kashmiris, including the right to civil disobedience, and freedom of speech, movement, travel, assembly, and religion.
3. Proactive demilitarization and the immediate revocation of authoritarian laws.
4. Release of political prisoners.
5. Transparent identification and dismantling of detention and torture centres, including in army camps.
6. Establishment of protective mechanisms for victims, survivors, and witnesses.
7. Instatement of a Truth and Justice Commission for political, economic, and psychosocial reparation, permitting spaces for acknowledging the culture of grief and the staggering corporeal and spiritual fatalities of the past two decades, to imagine and energize local and civil society initiatives in order to heal, and imagine a different future.
8. Support of cultural and economic initiatives and peace and reconciliation measures by disenfranchised groups, including half-widows, families of the disappeared, minority communities, displaced persons, and former militants.
9. International and transparent investigations into torture, disappearances, gendered violence, unlawful deaths, and unknown and mass graves constitutive of crimes against humanity committed by the Indian military, paramilitary, and police.
10. Open and transparent dialogue toward conflict resolution between Kashmir, India, and Pakistan, inclusive of Kashmiris as primary stakeholders.

**Endorsed by:**

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5. Chamber of Commerce and Industries - Kashmir
6. Jammu Kashmir Trade Union Council
7. Kashmir Minorities Front
8. Majlis-e-Mashawarat, Shopian
9. Kashmir University Students Union
10. Association of Parents of Disappeared Persons
11. Koshish
12. People's Rights Movement
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