

Initial Statement from Judges on Inaugural Russell Tribunal on Kashmir

We the judges are present here today to submit our initial statement regarding the proceedings of the inaugural Russell Tribunal on Kashmir. A final, more thoroughgoing statement will be issued subsequently.

Based on the evidence presented by area experts, the Kashmir issue should arguably be seen within a broader global context of settler colonialism, genocide, and crimes against humanity. Serious accusations of genocide, crimes against humanity, rape as a weapon of war, unlawful arrests and mass blinding have been made. This is just the beginning of a long, arduous, and judicious process to uncover truth, but the live testimony we have heard thus far, and the reports and evidence we have seen, have left us with serious concerns about crimes, which appear to have been carried out on a massive scale.

At this time, we would like to share some basic facts and accusations:

FACT. Kashmir is disputed territory, a fact established by 18 United Nations resolutions. It cannot be claimed legitimately by any country or claimed as an integral part until the time that the people of Kashmir have been granted the right to freely, and without fear, express their opinion in the referendum that they were promised and that the UN continues to urge. To date, that has not happened.

FACT: Following from the above, Kashmir is not a secessionist movement. In fact, we heard convincing evidence that the people of Kashmir have been involved in a long struggle of freedom from foreign rulers.

FACT: Kashmir is among the most heavily militarized areas on the planet, with upwards of 700,000 to 900,000 Indian soldiers, paramilitary forces, and private security forces present.

FACT: Significant evidence of atrocities is contained in the first report ever issued by the United Nations on human rights in Kashmir. The report was released on 14 June 2018 by the Office of the United Nations High Commissioner for Human Rights and released under Zeid Ra'ad Al Hussein.

FACT: Significant evidence of crimes is also contained in the second report issued by the Office of the United Nations High Commissioner for Human Rights, issued on 8 July 2019 under UN human rights head Michelle Bachelet. The report is titled, "Update on the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019.

FACT: We heard evidence of genocide, in particular in Jammu in 1947 and 1948, during which time the Indian government and Dogra regime claimed to be directly responsible. Events during this time need to be carefully recognized and studied. The accusations are grave and warrant deeper investigation.

FACT: We have heard evidence from two genocide alerts given by Genocide Watch, an NGO led by Professor Gregory Stanton.

Finally, in conclusion, based on the statements, oral testimonies and reports we heard on 17 and 18 December, we find serious indications of constant restrictions on freedoms and gross human rights violations, including mass crimes, mass rapes and other crimes against humanity. From the allegations we have heard, these crimes seem to meet the definition of genocide.

This is only the beginning of a long process. Given the seriousness and gravity of these incriminations, it is important that international institutions and human rights tribunals urgently open cases and examine these allegations and prosecute those responsible for violations. The reports we have heard suggest that the government of India, the Indian Army and the Indian Intelligence Service are responsible. This requires further investigation.

We invite the world public to visit Kashmir and report on the state of freedoms and human rights. We are continuing to closely monitor the situation in hopes of holding criminals to account.

We also call upon the United Nations to properly oversee the decolonialization process in Kashmir. Just as the United Nations intervened and found that Britain had not properly completed the decolonialization process in Chagos Archipelago in the 1960s, it could offer a similar intervention vis-à-vis Kashmir. This is the United Nations' responsibility. As such, we call upon the United Nations General Assembly to request an advisory opinion of the International Court of Justice to characterize the Kashmir situation as an uncompleted decolonialization process and to recognize the legal force of the Security Council's resolution calling for a plebiscite of the people of Kashmir in order that they may determine their future.