



**Hindu American Foundation (HAF)
Indo-American Kashmir Forum (IAKF)
Kashmir Hindu Foundation (KHF)
Written Statement for the Record**

Submitted to the Tom Lantos Human Rights Commission
November 14, 2019 at 2:00PM

“Jammu and Kashmir in Context”
2200 Rayburn House Office Building
Washington, DC 20515
November 14, 2019

Honorable James P. McGovern and Honorable Christopher H. Smith (R-NJ), Co-Chairs of the Tom Lantos Human Rights Commission,

We are writing regarding the scheduled hearing of the Tom Lantos Commission on the subject of “Jammu and Kashmir in Context” on November 14, 2019.

At the outset, we express our disappointment that the Commission has chosen to hold the hearing with a very short public notice of only 48 hours. A conventional advance notice of two weeks or more would have elicited a far wider response from potential expert witnesses, non-government organizations working in this field, as well as the wider public, thus enriching the Commission’s fact-finding spirit. Furthermore, it is disappointing to see this hearing being held on the same day that Diwali, the most important festival for over 3 million Indian Americans, is being celebrated on Capitol Hill. Such insensitivity is not lost on the Indian American community.

Nonetheless, we provide the following statement of facts in submission for the record of this hearing:

- i. There is no greater threat to human rights and civil liberties than terrorism and radical extremism. Democratically elected Governments and legislatures, independent judicial institutions and civil society groups cannot function as intended when faced with the constant threats of violence and murder against its citizens.
- ii. The situation in Jammu and Kashmir today is a direct product of cross-border terrorism from the Islamic Republic of Pakistan.
- iii. Pakistan’s actions in Kashmir have not just been limited to overt military conflict, but have also included the use of proxies. Starting in 1989, Pakistan’s military and Inter-Services Intelligence (ISI) agency started a full-blown proxy war. This is the same military-intelligence complex that provided safe harbor to Osama Bin Laden and Islamist terrorists that continue to attack U.S. forces in Afghanistan today. As South Asia scholar and former Pakistani ambassador to the U.S., Husain Haqqani, noted in his book, *Between Mosque and Military*, the ISI supported jihad in Kashmir as an instrument of state policy and the violence was “rooted in the ideology of Pakistani Islamists, carefully nurtured for decades by the Pakistani military.”
- iv. In 1989-1990, over 350,000 Kashmiri Hindus, known as Pandits, were ethnically cleansed from the Kashmir Valley, their ancestral home.¹ The violent campaign targeting Kashmir’s indigenous minorities was organized, systematic, and included massacres, rape, threats, and intimidation. Public announcements were placed in newspapers, intimidating sermons were made in mosques and broadcast on loudspeakers, and posters hung on houses ordering all Kashmiri Hindus to leave the Valley, threatening violence if they did not and calling on

¹ Pandita, Rahul, “Our Moon Has Blood Clots: The Exodus of the Kashmiri Pandits,” RHI (January 2013).

- Muslims to take up jihad against non-Muslims.² This episode resulted in the cleansing of approximately 95% of the indigenous Hindu population.
- v. Moreover, between 1988 and 2003, approximately 1,500 Hindus were killed across the state (although some estimates are higher), while thousands of Hindu businesses, educational institutions, and religious sites were destroyed or illegally confiscated.³
 - vi. While religious minorities in Kashmir were specifically targeted, Kashmiri Muslims have by far bore the brunt of terrorist related violence, which has taken the lives of 15,000 civilians, according to the South Asia Terrorism Portal.⁴ Pakistan sponsored terror groups active in Kashmir, such as Lashkar-e-Taiba (LeT), Hizb-ul Mujahideen (militant wing of the Islamic organisation Jamaat-e-Islami) and Jaish-e-Mohammed (JeM), are designated as Foreign Terrorist Organizations by the U.S. State Department and enjoy links with the broader terror network in South Asia, including the Taliban, al-Qaeda, and ISIS.⁵
 - vii. These terrorist groups are responsible for several attacks throughout India, including the infamous 2008 Mumbai bombings where innocent American civilians were killed.
 - viii. For over 30 years cross-border terrorism has not only disrupted normal life in Jammu and Kashmir, it has deprived its youth and women of economic opportunities resulting in a society largely dependent on federal subsidies in order to function.
 - ix. On August 5, 2019, both houses of the Indian parliament overwhelmingly voted (with multi-party support) to revoke Articles 370 & 35A of the Constitution. They further introduced and passed legislation reorganizing the state of Jammu and Kashmir into the Union Territories of Jammu and Kashmir, and Ladakh.⁶
 - x. For decades, these temporary and discriminatory provisions had a number of unintended consequences. Article 370 restricted the Indian Parliament's legislative power over Jammu and Kashmir to defense, foreign affairs, and communications, forcing residents of Jammu and Kashmir to live under a separate set of laws that prevented them from enjoying the same rights as other

² Waldman, Amy, "Kashmir Massacre May Signal the Coming of Widespread Violence," March 25, 2003, NYT, <https://www.nytimes.com/2003/03/25/world/kashmir-massacre-may-signal-the-coming-of-widespread-violence.html>; Rao, Shrenik, "Imran Khan Says India is Planning Ethnic Cleansing in Kashmir. But Pakistan has Actually Committed it," August 15, 2019, Haaretz, <https://www.haaretz.com/world-news/.premium-imran-khan-says-india-is-ethnic-cleansing-in-kashmir-but-pakistan-committed-it-1.7686207>; Brenhouse, Hillary, "Hindus Moving Back to the Kashmir Valley," January 16, 2013, PRI, <https://www.pri.org/stories/2013-01-16/hindus-moving-back-kashmir-valley>.

³ "Jammu and Kashmir: Religious Identity of Civilians Killed in Militancy," SATP, https://www.satp.org/satporgrp/countries/india/states/jandk/data_sheets/religious_identity_civilians_killed_in_militancy.htm.

⁴ "MHA Data on Fatalities in Jammu and Kashmir: 1990-2018," SATP, <https://satp.org/official-data/jammukashmir/fatalities-jammu-kashmir-mha-data>.

⁵ "The World Factbook," CIA, <https://www.cia.gov/library/publications/the-world-factbook/fields/397.html>; "Foreign Terrorist Organizations," U.S. Department of State, <https://www.state.gov/foreign-terrorist-organizations/>; "Mapping Militants: Jaish-e-Mohammed," CISAC, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/jaish-e-mohammed?highlight=Mujahideen+Army#note4>; "Jaish-e-Mohammed," SATP, <https://satp.org/terrorist-profile/india-jammukashmir/jaish-e-mohammed-jem>.

⁶ "Bill to Bifurcate J&K, Resolution to Scrap Article 370 Get Parliament Nod," August 6, 2019, Times of India, <https://timesofindia.indiatimes.com/india/bill-to-bifurcate-jk-resolution-to-scrap-article-370-get-parliament-nod/articleshow/70556953.cms>.

Indian citizens. Similarly, Article 35A defined who were permanent residents of the state and determined who could buy property in the state and enjoy other special rights and privileges.

- xi. The repeal of these articles ensures that all democratic laws passed in the Indian Parliament are applied to the residents of Jammu and Kashmir, and Ladakh, ensuring equal protection under the law and all the rights afforded to Indian citizens, regardless of gender, sexual orientation, religion, or social background, and whom now have access to better educational and economic opportunities.

How the abrogation of Articles 370 and 35A benefits the people in Kashmir:

- a. Kashmiri women are no longer prevented from maintaining property rights and passing inheritance rights to their children if they marry someone from outside the state.
 - b. Women now have legal protection against domestic violence under a comprehensive act providing expanded definitions and legal remedies under federal law.
 - c. Members of historically disadvantaged communities, such as Scheduled Castes, now have access to a number of affirmative action programs for educational, economic, and political opportunity.
 - d. Children are now protected from forced marriage, which is now illegal, and enjoy the right to an education.
 - e. Being gay or lesbian is no longer a crime and jailable offense.
 - f. By removing the second class status of some minorities, every religious denomination in the region now enjoys equal protection under the law.
- xii. Given the credible threats posed by separatist and terrorist groups in the Kashmir Valley following the abrogation of Articles 370 and 35A, the Indian government imposed communications blackouts to prevent widespread violence and the loss of innocent civilian life. The government's actions in particular were aimed to avoid violent riots similar to those in 2016 that resulted in 82 deaths and injured over 11,000 people following the death of Hizb-ul-Mujahideen commander Burhan Wani.⁷
 - xiii. Today, landlines and postpaid mobile services have been fully restored throughout Jammu and Kashmir, and Ladakh. Prepaid mobile services are also functioning in Jammu and Ladakh.⁸ In certain districts inside the Kashmir Valley which are ground zero of the separatist insurgency and terrorist movement, full prepaid service and internet, however, have not yet been restored. India should find ways to maintain the safety and security of the people and fully restore

⁷ IANS, "Kashmir Continues to Seethe on 50th Day of Unrest," The Pioneer, <http://www.dailypioneer.com/top-stories/kashmir-continues-toseethe-on-50th-day-of-unrest.html>; PTI, "Curfew Lifted from All Parts of Kashmir," September 25, 2016 The Pioneer, <http://www.dailypioneer.com/top-stories/curfew-lifted-from-all-parts-of-kashmir.html>.

⁸ "In Kashmir, Mobile Phones Are Ringing Again After Over Two Months of Shutdown," October 14, 2019, The Straits Times, <https://www.straitstimes.com/asia/south-asia/in-kashmir-mobile-phones-are-ringing-again-after-over-two-months-of-shutdown>.

- communications so that ordinary citizens are not inconvenienced as a result of evil actors living in their midst.
- xiv. Number of deaths in Kashmir have been rising steadily since 2015 due to the Pakistan-sponsored insurgency. 219 deaths in 2015, 395 in 2016, 449 in 2017 and 586 in 2018.⁹ In the first 6 months of 2019, there were 270 deaths.¹⁰ Since abrogation, when the Government put in place a number of security measures, there have been approximately less than 20.^{11,12}
 - xv. Various public institutions have been open for several weeks. Access to them, however, has been difficult, if not impossible, as a result of threats of violence and curfews imposed by terrorist organizations such as Lakshar-e-Taiba and Jaish-e-Mohammed. LeT and JeM militants have attacked shopkeepers, workers, and apple traders for conducting their businesses and bravely defying their imposed shutdown. In one particularly gruesome incident, militants shot a five year old girl in the leg to send a message to her family for breaking their illegal curfew order.¹³ The Indian government has every right to take necessary security measures to restore normalcy and ensure safe access to public institutions during normal hours as quickly as possible.
 - xvi. Local Block Development Council elections were recently held in an area covering 280 blocks out of a total of 316 in Jammu, Kashmir, Leh, and Ladakh. The Block elections constituted the second tier of elections under the Panchayati Raj Institutions system, which includes elections at the village, block, and district level. The elections, which saw a high voter turnout rate, represented a positive step towards normalcy in the former state.¹⁴
 - xvii. Human rights and religious freedom conditions continue to deteriorate at an unprecedented rate in the Islamic Republic of Pakistan. Pakistan's widespread violation of human rights and its tolerance of human rights violations by non-state actors demonstrate a blatant disregard for international human rights norms and its obligations under human rights treaties and conventions.
 - xviii. In December 2018, Pakistan was rightly labeled as a Country of Particular Concern by the U.S. State Department for its "systematic, ongoing, [and]

⁹ See chart here <https://www.thenewhumanitarian.org/news/2019/06/11/kashmir-s-decade-high-death-toll-warning-sign>.

¹⁰ <https://www.aa.com.tr/en/asia-pacific/over-270-deaths-reported-in-kashmir-in-first-6-months/1530051>

¹¹ <https://www.theguardian.com/world/2019/sep/04/civilians-killed-kashmir-crackdown-army-india>.

¹²

<https://www.indiatoday.in/india-today-insight/story/why-militants-are-killing-migrant-workers-in-kashmir-1614753-2019-11-01>

¹³ Bukhari, Fayaz, "Suspected Militants Kill Two in Indian Kashmir, Set Apple Trucks Ablaze," October 24, 2019, Reuters India, <https://in.reuters.com/article/uk-india-kashmir-apples/suspected-militants-kill-two-in-indian-kashmir-set-apple-trucks-ablaze-idINKBN1X329U>; "As Militants Kill in Kashmir, People are Afraid to go to Work," October 15, 2019, NYT, <https://www.nytimes.com/2019/10/15/world/asia/kashmir-militants.html>.

¹⁴ Sharma, Betwa, "Jammu and Kashmir Body Election: BJP Says Rush of Muslim Candidates in Jammu Division," October 24, 2019, Huffington Post, https://www.huffingtonpost.in/entry/jammu-and-kashmir-local-body-election-bjp-muslim-candidates-jammu-division_in_5db05e02e4b0a7dbe8e27873; Hassan, Aakash, "More than 98% Voting Recorded in Jammu & Kashmir's First Block Development Council Polls," October 25, 2019, TV18, <https://www.news18.com/news/politics/more-than-98-voting-recorded-in-jammu-and-kashmir-s-first-block-development-council-polls-2361597.html>

- egregious violations of religious freedom”¹⁵ against its religious minorities including Hindus, Sikhs, Christians, Ahmadiyya Muslims, and Shia Muslims.
- xix. In order to escape these rampant religious freedom violations, Hindus, Sikhs, Christians, and Ahmaddiya Muslims have increasingly fled the country in the last several years. According to Hindu community leaders in Pakistan and NGOs in India, approximately 5,000 Hindus take refuge in India annually. Similarly, nearly 12,000 Pakistanis (mainly Christians) filed asylum claims in Thailand, and an estimated 10,000 Ahmadiyyas have sought asylum in Germany, UK, and the U.S.¹⁶
- xx. According to Freedom House, the Pakistani government continues to engage in systematic human rights and religious freedom violations in Pakistan Occupied Kashmir, leading to a designation of ‘not free’ (28/100 score) in its annual report.¹⁷ In contrast, Freedom House has indicated in the same report that human rights and religious freedom conditions in Indian Kashmir are far better.¹⁸ Accordingly, U.S. policy makers must pay greater attention to the human rights violations that civilians are facing in Pakistan Occupied Kashmir at the hands of the Pakistan government.

We therefore urge the Commission to recognize the unique security challenges faced by America’s ally India in Jammu and Kashmir and forcefully address Pakistan’s role as a state sponsor of terror. The U.S. government should fully support India’s internal sovereign decisions, and the State Department should continue to engage with the Indian government on a road map towards restoring normalcy and lifting of restrictions as soon as is reasonably possible. Moreover, The U.S. should hold Pakistan accountable for its support of cross-border terrorism and its persecution of religious and ethnic minorities, including Kashmiris, so that peace is restored in Kashmir once and for all. Finally, the U.S. government should support the human rights of the ethnically cleansed Kashmiri Hindu population and other Kashmiris who have been victimized by Pakistani sponsored terror groups.

Statements of Interest

Hindu American Foundation (HAF) is a non-profit advocacy organization for the Hindu American community. Founded in 2003, HAF's work impacts a range of issues — from the portrayal of Hinduism in K-12 textbooks to civil and human rights to addressing contemporary problems, such as environmental protection and inter-religious conflict, by applying Hindu philosophy. The Foundation educates the public about Hinduism, speaks out about issues affecting Hindus worldwide, and builds bridges with institutions and individuals whose work aligns with HAF's objectives. Through its advocacy efforts,

¹⁵ Religious Freedom Designations, December 11, 2018, U.S. Department of State, <https://www.state.gov/religious-freedom-designations/>.

¹⁶ “Pakistan Assessment 2016, SATP, <http://www.satp.org/satporgtp/countries/pakistan/index.htm>; “Thousands of Ahmadiis Fleeing Persecution in Pakistan and Seeking Asylum Overseas,” September 4, 2016, Rabwah Times, <https://www.rabwah.net/thousands-of-ahmadis-fleeing-persecution-in-pakistan-and-seeking-asylum-overseas/>.

¹⁷ Freedom in the World 2019, Freedom House, <https://freedomhouse.org/report/freedom-world/2019/pakistani-kashmir>

¹⁸ Freedom in the World 2019, Freedom House, <https://freedomhouse.org/report/freedom-world/2019/indian-kashmir>

HAF promotes dignity, mutual respect, and pluralism in order to ensure the well-being of Hindus and for all people and the planet to thrive. HAF is a non-partisan and tax-exempt organization pursuant to Internal Revenue Code Section 501(c)3.

Indo-American Kashmir Forum (IAKF) was established to inform the world community of the oppression against Kashmiri Pandits that led to their forced exile from Kashmir due to the influx of fundamentalist Islamic terrorism. IAKF wishes to raise awareness of the human rights violations suffered by the Pandit community, many of whom are still living in makeshift 'refugee' camps in Jammu, India. The organization seeks the return of Kashmiri Pandits to the Kashmir valley with guaranteed security and freedom to exercise their religious faith and cultural way of life without fear or intrusion.

Kashmir Hindu Foundation is a non-profit, non-political, non-religious organization focused on helping under-privileged children in camps in India and building a Kashmiri cultural center in the US. It is committed to serving the Kashmiri Pandit community and creating awareness and understanding of the traditional culture of Kashmiri Pandits through diverse media such as music, theater, literature and related arts.