



Tom Lantos Human Rights Commission

Jammu and Kashmir in Context

Thursday, November 14, 2019

2:00 – 4:00 p.m.

2200 Rayburn House Office Building

As prepared for delivery

Good afternoon and welcome to this Tom Lantos Human Rights Commission hearing on the situation in Jammu and Kashmir. I especially want to welcome our witnesses, several of whom have traveled to Washington specifically to join us today. I thank you for your interest and commitment.

The mandate of the Tom Lantos Human Rights Commission is to promote, defend and advocate internationally recognized human rights as enshrined in the Universal Declaration of Human Rights. As the Declaration says, “all human beings are born free and equal in dignity and human rights,” and “everyone is entitled to all the rights and freedoms set forth.”

Human rights belong to human beings, not states or governments. The role of states is to respect, protect and fulfill the rights of each and every individual in the world.

When this Commission takes up a human rights situation, it is because we are responding to credible allegations of human rights violations that have reached us from individuals who are affected. We’re not doing it to attack a state.

Human rights violations can and do happen everywhere in the world, including here in the United States. This Commission’s role is to help and support people who are being hurt by human rights abuses.

I say this because we have been inundated with criticism for holding this hearing today and I want to set the record straight.

This is not an anti-India event. India is a major democracy and a United States ally. Pakistan is also a U.S. ally.

But if you are my friend, and I am making mistakes, your role is to tell me and help me change course.

I am blessed to represent a district with vibrant Indian-American and Pakistani-American communities. The Indian-Americans and the Pakistani-Americans in my district are leaders in business and medicine and many other fields. And they represent all the faiths to be found in South Asia – they are Hindus, Muslims, Christians, Sikhs, Ahmadiyyas.

People from every faith seem to find their way to Massachusetts.

So we are here today not because of any animus toward India or Pakistan.

We're here today because many Members of this Congress, myself included, have been contacted by constituents with family members in the former Indian state of Jammu and Kashmir.

Since August when the Indian government announced that it would change the legal status of Jammu and Kashmir, some of those constituents have not been able to reach their relatives. More than three months later, hundreds of people remain in preventive detention without due process protections.

The whole area is highly militarized – an estimated 745,000 troops – and there are continuing restrictions on internet and phones in the Kashmir valley. And no one is being allowed in to observe the situation on the ground.

Imagine if it were your family, and you couldn't reach them. You would be scared, too.

Now, many people have said to us that the situation is more complicated than it seems on the surface. There is a long history of terrorist attacks in Kashmir, some cross-border from Pakistan. There was a major suicide attack in February that killed 40 people, for which the Pakistan-based, U.S.-designated terrorist group Jaish-e-Mohammad took responsibility. So, we are told, India has a right to defend itself.

And that is true – of course India must defend itself. I condemn terrorist attacks and every member of this House condemns terrorist attacks.

But restrictions placed on people’s human rights in the name of counter-terrorism must be in accordance with law and they must be proportionate. Indefinite arbitrary detention, for example, doesn’t meet that standard.

Here’s the thing: there is a long, well-documented history of human rights violations in India and in Pakistan of which the current situation in Kashmir is one part.

And there is a long history of human rights violations in Kashmir itself – in both India-administered and Pakistan-administered Kashmir – abuses that are interwoven with three decades of armed conflict over the status of the region.

The Indian government says the conflict has killed 42,000 civilians, militants and security personnel since 1989. Independent analyses count 70,000 or more.

The largest number of those killed have themselves been terrorists, followed by civilians.

And thousands more have been forcibly displaced.

So the problems we see today in Kashmir did not start in August. They go way back.

Under international law, victims of human rights abuses have the rights to truth, justice, reparation and the guarantee of no recurrence. None of these rights have been fulfilled to any real degree for Kashmiri victims, either by India or by Pakistan.

But both governments are obligated under international law to provide redress for the victims of human rights abuses.

So this is a shared problem that requires serious attention by both countries.

In 2018 and again in 2019, the Office of the UN High Commissioner for Human Rights issued comprehensive reports of the state of human rights in both India-administered and Pakistan-administered Kashmir.

These reports and all of their recommendations will be entered into the record of this hearing.

Overall, the High Commissioner identified an “urgent need to address past and ongoing human rights violations and to deliver justice for all people in Kashmir.” For all people.

I'd like to close with one last reflection.

This Commission has conducted a series of hearings on the prevention of mass atrocities.

One of the things we know is that when whole populations are objectified and dehumanized – when whole groups of people come to be seen as “the other” – the risk of atrocities goes up dramatically. Often that objectification corresponds to religious or ethnic differences.

Kashmir's overall population is diverse. But nearly all of the people living in the Kashmir Valley and affected by the most severe restrictions are Muslim.

Events since August 5 have already led the organization Genocide Watch to issue a genocide alert for India-administered Kashmir. They already see signs of polarization, discrimination, dehumanization and persecution.

All of us have a responsibility to do our utmost to prevent that kind of outcome.

I believe that the first step is to let people in to Kashmir – specifically, journalists and independent human rights observers, including the Office of the UN High Commissioner for Human Rights and UN special procedures, starting with the Working Group on Enforced Disappearances and the Special Rapporteur for Freedom of Expression.

And let members of this Congress visit.

I would also support the establishment of a comprehensive independent international investigation into all allegations of human rights violations in Kashmir by all parties.

An investigation like that could be the first step towards justice and accountability for all the victims of human rights abuses over the last several decades.

Facts matter. In that spirit, in addition to the High Commissioner's reports, I will enter into the record the State Department's 2018 Country Reports on Human Rights Practices for India and Pakistan, as well as USCIRF's most recent reports on religious freedom in both countries.

I look forward to hearing many more recommendations from our witnesses this afternoon. I turn now to our first panel.