

## Fact sheet: Kashmir dispute and the current siege

When Kashmir appears as an international issue, it does so as a “problem”--a “bilateral” and “territorial” dispute between India, Pakistan and China, three nuclear-armed powers. Such a perspective reduces Kashmir to a piece of land which can be bought or fought over, without considering the perspective and aspirations of millions of the region’s inhabitants. The Indian state has argued that Kashmir is a “bilateral” dispute to be solved through dialogue with Pakistan--a position that both excludes international mediation and the perspectives of Kashmiris themselves. Meanwhile, the Indian government uses the singular lens of terrorism--expansively defined as everything from armed conflict to stone pelting to civil disobedience--to conceal the reality of Indian occupation, erase more than 100 years of struggle for sovereignty led by the people of Kashmir, and delegitimize and depoliticize demands for political selfdetermination. Terrorism, as a discursive, analytical and policy lens, must be contextualized within broader conversations on settler-colonialism, Islamophobia, racism and majoritarian nationalism sweeping India and the world.

### *Nature of the dispute*

- Kashmir is disputed territory according to the United Nations and the dispute must be resolved based on the principle of [self-determination](#).
- Kashmir is not a bilateral issue. Instead, its resolution depends on the implementation of the right to self-determination, which the international community has promised Kashmiris via UN Resolution [47\(1948\)](#).
- Kashmir does not belong to India or Pakistan.
- Kashmir is the world's most militarized zone on earth

### *History of Indian occupation*

- India has been unable to govern Kashmir peacefully and has ruled through the ‘[illegal use of force](#)’ and by subjecting Kashmiris to gross [human rights violations](#), which are unacceptable within international law and amount to a contravention of *Jus cogens* norms.
- The Indian army and paramilitary forces operate in Jammu & Kashmir with absolute [impunity](#) committing gross [human rights violations](#).
- More than 70,000 + (both combatants and non-combatants) have been killed in the counterinsurgency operations by the government forces, 8-10,000 [Kashmiri men](#) have been subjected to [enforced disappearance](#) and [torture](#); countless have been wounded and blinded by the rampant use of [pellet shot-guns](#); [rape](#) and sexual assault has been used as a weapon of war; and serious crimes have been perpetrated against [children](#).

### *Abrogation of Article 370 + siege*

- On August 5, 2019, the government of India suspended Articles 370 and 35A of its [constitution](#), a move intended to bring about [demographic change](#) of the

territory of Jammu and Kashmir, opening it up to settlement and investment by outsiders.

- In the 72-year-old history of Indian occupation, the effective nullification or abrogation of Article 370 is yet another violation where the constitutional autonomy, guaranteed to Kashmiris until the will of the people is determined, was severely diminished via a series of illegal moves
- Genocide Watch has issued a '[Genocide Alert](#)' on the disputed territory of Kashmir.
- The Indian government has imposed a communications 'siege' on the Kashmir Valley, has imprisoned local political leaders, and put into place other coercive measures to effectively imprison 8 million people.
- Kashmiris remain cut off from each other and the outside world while their families across the globe are unable to contact them and ensure their safety and well-being.
- There have been arrests and preventive detention of politicians from across the spectrum, members of civil society, human rights activists, and many others, and the torture of detainees.
- There are prohibitions of peaceful assembly and the use of military force to quell protests, resulting in numerous deaths and injuries.
- There is a gagging of local journalists and constraints placed on their reporting. No foreign journalists are allowed to enter or report from Kashmir
- While the ongoing blackout has severely curtailed the ability of international press to investigate on the ground, the five reports ([Report 1](#), [Report 2](#), [Report 3](#), [Report 4](#), [Report 5](#)) by the Indian civil society groups, have been uniformly disturbing, including mass detentions of elected officials, doctors, lawyers, and children as young as 12; use of torture and lethal force against civilians; sexual violence and abuse by the armed forces; dwindling supplies of life-saving medical treatments and inability of patients to access hospitals; and curtailing of religious freedoms

As Kashmir scholars, we are severely concerned about the developments in Kashmir and the anti-democratic actions and human rights abuses.

We call on the Indian government to:

- work towards a peaceful resolution of the Kashmir conflict
- recognize the right of Kashmiri people to decide their own political future as per the United Nations resolutions and exercise the right to build a free, just, and a peaceful society that recognizes the dignity of all people and seeks to improve the welfare of all its citizens
- restore the basic human rights of movement, food, education, work, and health
- ensure the right of free expression, a free press, free association, and free assembly
- repeal all laws permitting preventive detention, political persecution and impunity

- end military occupation and removal of military and paramilitary forces from the border
- end torture, sexual violence, disappearances, murder, maiming, intimidation, and other crimes and require all perpetrators of such crimes to be duly punished through a transparent and accountable system
- restore basic social and cultural rights and dignity of lives without persecution, insult, and fear of intimidation
- end arbitrary interference in private homes and work lives of Kashmiris
- to end the siege of eight million people and the communications blackout
- to allow international press and human rights organizations to carry out a thorough investigation of all allegations of human rights abuses
- ensure the safe return of Kashmiri Hindus to the Valley without weaponizing and communalizing the issue of their return

**Prepared by: The Kashmir Scholars Consultative and Advocacy Network (KSCAN): KSCAN is an interdisciplinary group of scholars, activists and artists of various nationalities engaged in research and advocacy on the region of Kashmir.**

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