

# THE MUSLIM COUNCIL OF BRITAIN



**Mr Keir Starmer**  
**Leader**  
**Labour Party**

**By email: [keir.starmer.mp@parliament.uk](mailto:keir.starmer.mp@parliament.uk)**

4<sup>th</sup> May 2020

Dear Mr Starmer

## **Re: Kashmir and Indian Government Revocation of Article 370**

I am writing to you as Chair of the Legal Affairs Committee of the Muslim Council of Britain, to raise our concern regarding the grave situation in Indian occupied Kashmir. This letter also follows your recent comments after your meeting with the executive team of Labour Friends of India.

As you will be aware on 05 August 2019, India revoked Article 370 – the Article giving Indian occupied Kashmir (IoK) special status. Since then IoK has been in a state of lockdown and unprecedented restrictions have been put in place against the eight million men, women and children who remain prisoners in their own homes. The region is totally cut off from the world without any visibility or transparency of the situation. Today marks the 270th day since these restrictions were imposed and yet there is a complete lack of action by the politicians and global powers.

### **ARTICLE 370**

On 05 August 2019, the Indian president signed a decree abolishing Article 370 of the Constitution, stripping the significant autonomy the Muslim majority region of Kashmir had enjoyed for seven decades, in contravention of the country's own constitution, international law and UN resolutions.

It is particularly significant against the backdrop of the recent political climate in India when in July 2019, a senior leader of the ruling party, the BJP hinted that the government was planning to form exclusive Hindu settlements in the region. Further, Prime Minister Modi led his BJP to a landslide win in May on the back of a divisive campaign that ostensibly targeted Muslims, vowing to remove Article 370 and its 35A provision.

### **EVIDENCE OF HUMAN RIGHTS VIOLATIONS**

The limited media reports available suggest that between 4,000 and 8,000 people - including political leaders, business people and activists - are reported to have been unlawfully detained. Many have been moved to prisons outside the state.

Since then, a number of reports have come out regarding the extent of brutality being inflicted by the Indian forces, and these include but not limited to:

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- 1). Security forces in Indian-administered Kashmir have been accused of carrying out beatings and torture. The BBC reported [29<sup>th</sup> August 2019] that several villagers stated that they were beaten with sticks and cables, and given electric shocks<sup>1</sup>.
- 2). Journalists have also been reporting on food and medicine shortages [2<sup>nd</sup> September 2019, The News] <sup>2</sup>.
- 3). Doctors and medical staff have said they are unable to cope with more casualties and injured people and there are fears of a further escalation of violence. [27<sup>th</sup> August 2019, The Telegraph]<sup>3</sup>.
- 4). The response of the Indian security forces has been nothing short of illegal and brutal. This is demonstrated when Dr Omar Salim a urologist at the Government Medical College in the state capital of Srinagar spoke to the media on 27<sup>th</sup> August informing that the current situation was resulting in life-saving machines running out and new orders not being possible. He was detained within minutes of speaking to the media and his whereabouts since that date are unknown. [28<sup>th</sup> August 2019].
- 5). A report by the National Federation of Indian Women [24<sup>th</sup> September 2019 Counter Currents.org]<sup>4</sup> detailed that around 13,000 young boys have been detained since its autonomous status was revoked on 5<sup>th</sup> August and that some boys, as young as 14, had been imprisoned for up to 45 days. The report further sets out that families were paying 60,000 rupees (£678) for the release of their children (Telegraph 25<sup>th</sup> September 2019).
- 6). An increase in the arrest of political figures, journalists, human rights defenders, protesters and others. [United Nations News]<sup>5</sup>.
- 7). Experts expressed deep concern over reports that security forces were conducting night raids on private homes leading to the arrests of young people. [BBC News 29<sup>th</sup> August 2019].<sup>6</sup>

Moreover, the United Nations experts called on the Government of India “to end the crackdown on freedom of expression, access to information and peaceful protests imposed in Indian Administered Kashmir this month” and that “... the measures imposed after the Indian Parliament revoked the Constitutionally-mandated status of the state of Jammu and Kashmir, would exacerbate tensions in the region.”<sup>7</sup>

The independent experts also raised the alarm over excessive force against protesters, including the use of live ammunition, which could amount to violations of the right to life.

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<https://www.bbc.co.uk/news/av/world-asia-india-49512071/beaten-and-tortured-by-the-indian-army>

<sup>2</sup> <https://www.thenews.com.pk/print/520623-food-medicine-shortage-worsens-as-iok-lockdown-enters-28th-day>

<sup>3</sup> <https://www.telegraph.co.uk/news/2019/08/27/kashmiri-doctor-arrested-warning-blackout-could-cause-deaths/>

<sup>4</sup> <https://countercurrents.org/2019/09/all-woman-team-releases-fact-finding-report-on-kashmir>

<sup>5</sup> <https://news.un.org/en/story/2019/08/1044741>

<sup>6</sup> <https://www.bbc.co.uk/news/world-asia-india-49481180>

<sup>7</sup> <https://www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24909&LangID=F>

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- 8) The European Parliament's Committee on Foreign Affairs (AFET) on Monday 2<sup>nd</sup> September 2019 demanded that the Indian government to immediately lift the curfew in occupied Kashmir that has created a humanitarian crisis in the valley - but this continues to be ignored. [Geo News<sup>8</sup>]
- 10) In June, Amnesty International reported that the Indian government is widely misusing a law allowing for detention without trial in Occupied Kashmir, *Tyranny of a Lawless Law: Detention without Charge or Trial under the Jammu and Kashmir Public Safety Act*.  
  
Head of Amnesty International India, Aakar Patel, said the Public Safety Act is a “lawless law” under which the authorities hold children, old people and the disabled. Thousands of Kashmiris have been arrested under the PSA, which allows preventive detention of people against whom there may be no recognised criminal offence for up to two years. [Telegraph India]
- 11) A United Nations report published in July said the Indian government "continues to use various forms of arbitrary detention to target protesters, political dissidents and other civil society actors". [United Nations News<sup>9</sup>]
- 12) Several other human rights groups have accused India of using detention and torture to counter rebellion in Kashmir, with impunity granted to security forces under the controversial Armed Forces Special Powers Act (AFSPA). [Amnesty<sup>10</sup>]

## SUPPORT

Previously, on 28<sup>th</sup> September 2020 we wrote to the Human Rights Committees of the Bar Council and the Law Society to request that they raise their concerns and we suggested seek the following:

- a) Issue a statement condemning the human rights violations and urge the Indian Government to abide by UN resolutions;
- b) Support a fact-finding mission of lawyers to the region; and
- c) Collaborate with lawyers' organisations to urge our Prime Minister to insist the Indian Government to comply with the United Nations resolution and to end this illegal curfew and detention of innocent civilians. Historically the Law Society, the Bar Council, the Association of Muslim Lawyers and the Society of Black Lawyers have worked collaboratively on issues pertaining to human rights abuses and set a precedent that many have followed.

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<sup>8</sup> <https://www.geo.tv/latest/246482-european-parliament-committee-demands-indias-modi-immediately-lift-kashmir-curfew>

<sup>9</sup> <https://news.un.org/en/story/2019/08/1044741>

<sup>10</sup> <https://www.amnesty.org/en/latest/news/2019/09/india-detention-of-kashmiri-politician-is-blatant-abuse-of-the-law/>

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The Chair of the Bar Council, Richard Atkins QC and Chair of the Bar Human Rights Committee of England and Wales (BHRC) wrote a letter on 21<sup>st</sup> November 2019 to Prime Minister Narendra Modi and the Law Society President also wrote a letter on 5<sup>th</sup> March 2020 both expressing their deep concerns at the situation in Jammu and Kashmir.

## YOUR COMMENTS

We note your comments following your meeting this week with the Friends of India that you will be looking to *“open a renewed dialogue between the Labour Party and the people of India.”* [Labour website<sup>11</sup>]

We seek clarification whether the statement made is a change in the position of the Labour Party, confirmation that the Party remains as an advocate of international law across the globe including Kashmir (particularly due to the fact that you are a lawyer) and confirmation that the Party's view on human rights is unequivocal, including in Kashmir.

It is essential that United Nations resolutions and the rule of law which have been ignored by India for over 70 years are now upheld.

Please let us know if you would willing to meet a roundtable that we would put together for you on this.

We look forward to hearing from you.

Yours sincerely

*Ifath Nawaz*

**Mrs Ifath Nawaz**  
**Chair, Legal Affairs Committee**  
**Muslim Council of Britain**

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<sup>11</sup> <https://labour.org.uk/press/keir-starmer-takes-first-steps-to-rebuild-links-with-the-indian-community/>