KASHMIR ROUNDTABLE
FACILITATED BY THE
MUSLIM COUNCIL OF BRITAIN

Monday 20th July 2020
2pm
The Muslim Council of Britain (MCB) is the UK’s largest representative body with over 500 affiliated national, regional and local organisations, including charities, schools and mosques. It is an independent, democratic body established to promote consultation, cooperation and coordination on Muslim affairs in the United Kingdom, working for the common good of society as a whole.

The conflict in Kashmir is of significant concern to many British Muslims. As a result, the MCB has sought to highlight this issue and lobby on behalf of British Muslims who would like to see firm action and support of the Kashmiri people from Government and political parties.

This roundtable has been organised by the Muslim Council of Britain to provide a platform for human rights lawyers and community members with expertise on the Kashmiri conflict to share their concerns with the new leadership of the Labour Party, and assist the Labour Party in its policymaking on the issue.

For more information about the MCB, please visit mcb.org.uk
Agenda

Opening remarks

Harun Khan
Lisa Nandy MP

Panel discussion

Salma Yousef
Mirza Saaid Bég
Ben Emmerson QC
Qaiser Mailk
Shaista Safi
Tayab Ali

Closing remarks

Stephen Kinnock MP
Andrew Gwynne MP
Overview

Jammu and Kashmir is home to 12.5 million people. It is the only state in India with a Muslim-majority population, and Islam is practiced by 68% of the population, while 28% follow Hinduism, 2% Sikhism and 1% Buddhism.

It is estimated that Britain is home to over a million Kashmiris, with towns and cities across Britain feeling the repercussions of the conflict.

On 5 August 2019, India amended Article 370 – revoking the special status of Indian occupied Kashmir (IoK). This special status allowed the state of Jammu and Kashmir a certain amount of autonomy, particularly relating to permanent residency, ownership of property and fundamental rights.

Upon revoking IoK's special status, tens of thousands of additional Indian troops were deployed in the Muslim-majority state, schools and colleges were shut, tourists were ordered to leave, telephone and internet services were suspended, and regional political leaders were placed under house arrest. IoK has been in a state of lockdown since, with unprecedented restrictions in place against the eight million men, women and children who – almost one year on – continue to remain prisoners in their own homes. The region is entirely cut off from the outside world, with no visibility or transparency of the situation.

To date, there is a complete lack of action to address this illegal situation by Indian politicians and global leaders.
Objectives

This roundtable event, initiated by the Muslim Council of Britain, has been set up to strengthen the relationship between the Labour Party and the MCB, and in particular the International team of the Legal Affairs Committee which brings together human rights lawyers with expertise on Kashmir, and community member and activists.

The aim of this roundtable is to assist the Labour Party in its policymaking on Kashmir and develop a tangible action plan to address key areas of concern, including:

- The revocation of IoK's special status, the amendment of Article 370 and the Indian Government's decision to impose a curfew and unlawfully detain politicians, civilians and activists.
- The passing of the Citizenship Act in India.
- Pursuing the human rights abuses at an international level.
- Building an international coalition to take forward the agreed actions.
Human rights violations

Limited media reports out of the region suggest there are thousands of individuals, including political leaders, business people and activists, have been unlawfully detained, moved to prisons out of state and subject to police and military brutality.

Such violations include:

- Villagers being beaten by sticks and cables, and given electric shocks. [BBC, 29 August 2019]
- Detaining a doctor who publicly raised concerns that the current lockdown situation was resulting in life-saving machines running out. He is yet to be found. [The Telegraph, 27 August 2019]
- The reported detention of 13,000 young boys with some having been imprisoned for over a month, and families having to pay 60,000 rupees for their release. [The Telegraph, 25 September 2019]
- Night raids on private homes by security forces leading to the further arrest of young people. [BBC, 28 August 2019]
- Use of excessive force against protestors, including the use of live ammunition. [Al Jazeera, 9 August 2019]

The activity of the Indian Government in Kashmir has been condemned by experts from the United Nations, the European Parliament’s Committee on Foreign Affairs and Amnesty International. Yet, no action has been taken against the Indian Government, and the situation in Kashmir continues to worsen.
Case study 1

According to a news report, the Indian military has demonstrated its willingness to use rape, sodomy and torture as an 'instrument of control' in Kashmir, as documented by the UN. The threats made by Indian politicians and Hindu nationalists against Muslims and Kashmiri Muslims encourage not only the military but ordinary Indian citizens to carry out such atrocities.

This policy appears to be one of genocide through ethnic cleansing and mass rapes of Kashmiri Muslim women by the Indian military.

*C J Werleman, 13 August 2019*

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Case study 2

After visiting Kashmir, activists found around 13,000 boys had been detained since its autonomous status was revoked. Boys as young as 14 had been imprisoned for up to 45 days.

The National Federation of Indian Women claim the authorities have used excessive force when arresting the boys, and that some have been tortured while imprisoned.

A 15 year old boy committed suicide after allegedly being assaulted by the army.

*The Telegraph, 25 September 2019*
The Muslim Council of Britain and the Labour Party

The Labour Party's policy on Kashmir, passed in September 2019 at the party’s conference, supported the Kashmiri people in fighting against occupation and in the right to self-determination in accordance with UN resolutions.

On 4 May 2020, Ifath Nawaz, Chair of the MCB’s Legal Affairs Committee, wrote to Sir Keir Starmer, Leader of the Labour Party, to confirm that the Labour Party’s policy on Kashmir, as passed by conference, still stood and that the Labour Party remained a staunch advocate of international law and human rights across the globe, including in Kashmir. This letter is included as Appendix A.

On 8 May 2020, Sir Keir Starmer confirmed in a letter to Ifath Nawaz that this indeed was the case, that the Labour Party supports and recognises previous UN resolutions on the rights of the Kashmiri people. Furthermore, that a lasting settlement to end the ongoing conflict must be achieved by India and Pakistan working together with the Kashmiri people. This letter is included as Appendix B.
Biographies

Lisa Nandy MP
Shadow Foreign Secretary
Lisa is a Labour MP and has represented the Wigan constituency continuously since 2010. She recently ran for the leadership of the Labour Party, and is now the Shadow Secretary of State for Foreign and Commonwealth Affairs. She is a supporter of "ethical interventionism", and the Labour Party's position as an internationalist party. Prior to becoming an MP, Lisa was a councillor, serving as shadow cabinet member for housing, and a policy adviser at The Children's Society.

Harun Rashid Khan
Secretary General, MCB
Harun has served as the MCB's Secretary General since 2016, and was the first British-born and youngest Secretary General to be elected. He was formerly the Deputy Secretary General and chaired the MCB's London Committee. As Secretary General, he has established initiatives like Visit My Mosque day, the Women in Mosques Development Programme and the Our Mosques Our Future conferences. In his day job, he works as a senior manager in transport planning.

Stephen Kinnock MP
Shadow Minister for Asia
Stephen is a Labour MP and has represented the Aberavon constituency since 2015. In April, he was appointed the Shadow Minister for Asia and the Pacific, joining Labour's Shadow Foreign Affairs team under Lisa Nandy MP. Prior to becoming an MP, Stephen worked for Xyntéo, the World Economic Forum and the British Council in Sierra Leone, Russia and Brussels.

Andrew Gwynne MP
Labour Friends of Kashmir
Andrew is the Labour MP for Denton and Reddish, having been elected in 2005. He is the former Shadow Secretary of State for Communities and Local Government and served as the Labour Party's Co-National Campaign Coordinator until April 2020. He is the current chair of Labour Friends of Kashmir, a voluntary group within the Labour movement campaigning for ending human rights abuses in Kashmir and the right to self-determination.

Salma Yousef
MCB's Legal Affairs Committee
Salma is a barrister specialising in Criminal law and Rule of Law reform. She also serves on the MCB's Legal Affairs Committee. During her career she has served with the EU Rule of Law Mission (EULEX) in Kosovo (the EU's biggest ever mission abroad) and has advised the Head of Mission on human rights issues, drafting responses to the Human Rights Review Panel and UN Human Rights Advisory Panel where required.

Ben Emmerson QC
Lawyer, Monckton Chambers
Ben is an international lawyer. He has previously served as a judge of the UN International Criminal Tribunals for Rwanda and the former Yugoslavia. Between 2011 and 2017 he was the UN Special Rapporteur on Human Rights and Counter-Terrorism. Prior to that, he was Special Adviser to the Prosecutor of the International Criminal Court. He has advised the Prime Minister and Government of Pakistan on the situation in Jammu-Kashmir.
**Biographies**

**Tayab Ali**
Lawyer, Bindmans

Tayab Ali is a Partner of Bindmans LLP. He is an internationally recognised and highly respected Solicitor Advocate. His practice encompasses criminal and civil/public law in both the UK and international jurisdictions. He is recognised in the field of Civil Liberties by the Legal 500, ranked as a leading lawyer by Chambers & Partners, who describe him as “an irresistible force – he’s fearless and he always gets the right results for his clients”.

**Mirza Saaib Bég**
Kashmiri Lawyer and Activist

Mirza is a Kashmiri lawyer, Kofi Annan and Weidenfeld-Hoffman scholar and a candidate for Public Policy at the Blavatnik School of Government, University of Oxford. He has been a legal practitioner in India for over six years, and regularly contributes to the dialogue on legal and political issues of Kashmir. He also delivers talks on these issues at universities and lawyers groups across India and the UK.

**Shaista Safi**
Kashmiri Activist

Shaista was born in Indian Occupied Kashmir, and lived her in exile as a refugee in Pakistan Administered Kashmir and Islamabad, Pakistan. She is an academic and researcher specialised in social justice, and women and children in conflict zones. She is an advocate for the Kashmir cause, having worked for the Kashmir Institute of International Relations and the International Kashmir Lobby Group, working with government officials and heads of states.

**Qaiser Malik**
QMT South Woodford Mosque

Qaiser is a banker by profession and has over 40 years of experience in management positions in banking, property management and legal practice over 40 years. He has been involved in community work and social projects for 28 years, and is one of the founding members of South Woodford Muslim Community Centre and the Federation of Redbridge Muslim Organisations.

**Ifath Nawaz**
MCB’s Legal Affairs Committee

Ifath is the Chair of the MCB’s Legal Affairs Committee and a Senior Consultant Solicitor at Setfords Solicitors. She has worked in both local government and the private sector. Her recent work with the Muslim Council of Britain has focused on international affairs. She is the former president and is currently a member of the Association of Muslim Lawyers UK.

**Miqdaad Versi**
Head of Public Affairs, MCB

Miqdaad is the Head of Public Affairs at the MCB and the Director of the Centre for Media Monitoring, a project of the MCB. He previously served as an Assistant Secretary General at the MCB. A grassroots activist and campaigner, he regularly holds politicians and political parties to account over Islamophobia, and works to tackle the misrepresentation of Muslims in the media.
APPENDICES
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:
1. Security forces in Indian-administered Kashmir have been accused of carrying out beatings and torture. The BBC reported [29th August 2019] that several villagers stated that they were beaten with sticks and cables, and given electric shocks.

2. Journalists have also been reporting on food and medicine shortages [2nd September 2019, The News].

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. [27th August 2019, The Telegraph].

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 27th 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. [28th August 2019].

5. A report by the National Federation of Indian Women [24th September 2019 Counter Currents.org] detailed that around 13,000 young boys have been detained since its autonomous status was revoked on 5th 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 25th September 2019].

6. An increase in the arrest of political figures, journalists, human rights defenders, protesters and others. [United Nations News].

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 29th August 2019].

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.”

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.

https://www.bbc.co.uk/news/world-asia-india-49481180
The European Parliament's Committee on Foreign Affairs (AFET) on Monday 2\textsuperscript{nd} 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\textsuperscript{8}]

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]

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\textsuperscript{9}]

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\textsuperscript{10}]

SUPPORT

Previously, on 28\textsuperscript{th} 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.

\textsuperscript{8} https://www.geo.tv/latest/246482-european-parliament-committee-demands-Indias-Modi-immediately-lift-kashmir-curfew


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\textsuperscript{st} November 2019 to Prime Minister Narendara Modi and the Law Society President also wrote a letter on 5\textsuperscript{th} 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\textsuperscript{11}]

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 glove 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

8th May 2020

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

Dear Mrs Nawaz,

I hope you are well. Thank you for your letter of the 4th May and thank you for reaching out to me in this way.

It is vital that the Labour Party and the Muslim Council of Britain have a strong relationship, I was pleased to speak with the Muslim Council of Britain in my first week as Leader and keen we have a constructive and positive ongoing partnership between our two organisations. I am therefore delighted to accept your invitation to host a roundtable with me, and my team will be in contact to arrange a suitable date and time for this to take place.

Let me use this opportunity to address some of the points raised in your letter and reiterate that under my leadership the Labour Party will always uphold and respect international law and will always stand up for human rights and for the rule of law.

Our position on Kashmir has not changed, we support and recognise previous UN resolutions on the rights of the Kashmiri people but maintain that if we are to find a lasting settlement, to end this ongoing conflict, that can only be achieved if India and Pakistan working together, with the people of Kashmir.

As I outlined in my leadership campaign, my approach to international relations will be to always promote peace and put human rights first. I look forward to building a relationship with you to help me make that case and work within our communities to promote unity over division and stand up for what is right.

I will also ensure that Labour’s Shadow Secretary of State for the Foreign and Commonwealth Office, Lisa Nandy, follows up on this correspondence and reaches out to you to discuss how we can ensure the voices of our Kashmiri communities contribute to Labour’s policy making processes.

Thank you once again for contacting me I look forward to hearing from you soon.

Yours,

[Signature]

Keir Starmer MP