

# Report of Human Rights Activities at the United Nations Human Rights Council, Geneva

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**The 43<sup>rd</sup> Session of the Human Rights Council convened from February 24<sup>th</sup> to March 23<sup>rd</sup> of 2020**

The following are delivered interventions during General Debates (GD) on items 2,3, 4, 8 and 9 (maximum is 5 GDs per session for one ECOSOC NGO) during the above session.

IHRAAM did not do any Panel discussion interventions in this session.

IHRAAM organized a Panel Event as a co-sponsor with Pakistan Mission on the issue of Kashmir on 26<sup>th</sup> February during the High-Level Segment at the 43<sup>rd</sup> session. The IHRAAM NGO panel was organized on 11<sup>th</sup> March at CAGI. Both flyers are provided.

## **International Human Rights Association of American Minorities (IHRAAM)**

OHCHR Oral Report  
Item 2 General Debate  
28 February 2020

The unprecedented lockdown and curfew in Indian occupied Kashmiri creates a humanitarian crisis, violates and threatens fundamental rights and freedoms including human life and is a disconnect with the rest of the world.

The Human Rights Council must call for an immediate end to this blockade and to release the political prisoners and to implement freedom of expression and self-determination as called for in the report of the Office of the High Commissioner.

We call for the Office of the High Commissioner to ensure that Alaska and Hawaii are in the Universal Periodic Review Summary Report of the United States of America. Destabilization and subversive sabotage by employing puppet institutions and individuals through colonizing activities that weaken current States or even situations such as Alaska and Hawaii are common historical antics of the United States of America to promote their economic and political interests.

On Venezuela, the High Commissioner should provide advisory services and technical assistance and demand the immediate lifting of sanctions by the United States, which the former Independent Expert on an International Order, Alfred de Zayas, called crimes against humanity. The late Special Rapporteur Idriss Jazairy also joined de Zayas in condemning the sanctions as contrary to the UN Charter and international law. We await investigation by the International Criminal Court under article 7 of the ICC statute. No one in this Council should trivialize the effects of sanctions that have been shown to cause widespread death and misery . (A/HRC/39/47/Add.1, Paragraph 36)

Destabilization and subversive sabotage by employing puppet institutions and individuals through colonizing activities that weaken current States or even situations such as Alaska and Hawaii are common historical antics of the United States of America to promote their economic and political interests.

<http://webtv.un.org/search/item2-general-debate-contd-12th-meeting-43rd-regular-session-human-rights-council-/6136894268001/?term=&lan=english&page=2#player>

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council 43<sup>rd</sup> Session

Item 3 General Debate

6 March 2020

Alaska and Hawaii are denied the right to development as States of Peoples recognized with independence and denied the exercise of self-determination, violating Article 1, 2, 55, 56, 73 and the UN Charter and international law. The OHCHR has yet to address the violations of the rights of peoples of Alaska and Hawaii, despite the crimes against humanity and violation on grounds of racial discrimination. The Special Rapporteur on Human Rights Defenders excludes violation for peoples under colonial domination and foreign occupation, include reports from the IACHR and the OHCHR.

The Working Groups on the right to development and business and multi-national corporations must include States of Peoples under the UN Charter or Security Council resolutions such as Alaska, Hawaii, Kashmir and Western Sahara in the development of an international instrument. Running the narrative of only States is not acceptable. The Sustainable Development Goals also must not exclude provisions to address the equal right and self-determination principles under Article 1.2 of the Charter.

Reprisals continue against Human Rights Defenders continue in Jammu and Kashmir with the lockdown and restrictions on cyberspace that deny freedom of expression and political dissent, including for Mohammad Yasin Malik, Shabir Ahmad Shah, Farooq Ahmad Dar, Asiya Andrabi, Nayeem Ahmad Khan, further, you can find many other defenders in A/HRC/43/NGO/19. Many are imprisoned under the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) in India.

IHRAAM calls upon the OHCHR to convene a meeting on self-determination to ensure that the peoples of Alaska, Hawaii, Kashmir and Western Sahara and other rights are placed in the above mentions Working Groups and international instruments.

All States of Peoples and Indigenous Peoples issues are political, despite this, the European Union and its NGOs such as Frontline Human Rights Defenders deny assistance since issues are so-called "political" issues.

I thank you Mr. Chair

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council resumed 43<sup>rd</sup> Session

Item 8 General Debate

16 June 2020

The covid-19 pandemic has seen the gross violation of rights in decision-making for peoples under colonial domination and foreign occupation and also results in the high infection and death rate of Indigenous Peoples, peoples of color and minorities. From Alaska to Kashmir and for all Indigenous Peoples, States are not providing infrastructure, protective devices, medical supplies and the necessary protocols are deficient.

The deficiency in addressing under Article 2-5 and other Articles of the VDPA is the declared basis for the right of self-determination of peoples.

The admissibility of petitions must include invitations with the specific task of implementing 69 (n) of 284 by calling on Treaty Bodies to transmit Petitions to the United Nations Decolonization Committee and to grant entrance, also vetting to determine whether or not the “free political institutions” under Article 73 of the Charter of the United Nations is respected and implemented. This is opposed to obtaining manufactured consent from puppet governments, institutions or individuals so States receive detailed information on the violations of the right of self-determination and self-government. The intervention of the United Kingdom on Hong Kong is a prime example of obstruction of human rights as it demonstrates politicization, selectivity and double standards as it does not speak on the situations of Alaska and Hawaii.

Creating manufactured consent and using such entities such as Wikipedia at the Office of the High Commissioner for Human Rights further violates the rights of peoples. Wikipedia takes advice from the puppet governments and puppet institutions in Alaska, by calling the limited program and service institutions recognized by the occupying Power United States of America. Many of the Indian Re-organization Act or (IRA) are puppet governments created under the auspices Bureau of Indian Affairs (BIA) under the discriminating “federal Indian law” in the United States of America. Before the end of his mandate, Alfred de Zayas declared apartheid in Alaska. For the first time in history a journalist in the United States of America reports that Alaska is an apartheid racist regime. The United States Supreme Court decided that the land in Alaska is for the settlement of the white race under doctrines of superiority. Thus, organizations such as the “Spit and Argue Club” began promoting oil development despite that the 1867 Treaty of Cession granted neither title or jurisdiction to the United States of America.

States talk of the aspirations in the VDPA, the DDPA of the 2001 WCAR and the 2009 DRC but do not implement the VDPA without the necessary universality and interdependence in promoting and protecting human rights. IHRAAM calls for the implementation of these rights. I thank you Madame Chair.

## International Human Rights Association of American Minorities (IHRAAM)

Human Rights Council resumed 43<sup>rd</sup> Session

Item 9 General Debate

16 June 2020

There is a double political lockdown and a Covid-19 lockdown in Indian Administered Kashmir. The Bristol Bay Tribal Governments in Alaska are being denied the right of equality in decision-making by the racist and apartheid regime state of Alaska. Alaska and Kashmir and other peoples are denied sufficient infrastructure, protective devices, medical supplies and necessary protocols in treating Covid-19. The political will to fully implement the right of peoples under colonial domination and foreign occupation is expressed in the 2009 Durban Review Conference. The Effective Implementation of the Durban Declaration and Program of Action and the Working Group on Complementary Standards need to demonstrate political will by implementing the broad mandate of the DDPA and the DRC and by Special Procedures<sup>1</sup> to address the application of doctrines of superiority and of apartheid law<sup>2</sup> applied to deny the right of self-determination.

The Human Rights Council must address this with a letter to the Government of India and to the Government of the United States of America on the situation in Bristol Bay Alaska and other Indigenous in the Americas. The two pandemics of racism and covid-19 must be cured and put to an end to for a peaceful and harmonious world.

Combatting terrorism is a UN slogan; institutional racism is like ripe terrorism in the United States and in Western Countries. IHRAAM laments the statues of Slave Traders exhibited all over the Western World including the United States.

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<sup>1</sup> The Human Rights Council must also call upon CERD to accept Article 15 Petitions based on calls by Special Procedures and to transmit such cases to the General Assembly with a view to admissibility and acceptance of the Petitions into the United Nations Decolonization Committee for review with a view for re-enlistment. See paragraph 69 (n) of the General Assembly report A/69/284.

<sup>2</sup> The United States Supreme Court instituted doctrines of superiority and racial discrimination in law and policy by the Tee-Hit-Ton v United States of America (348 U.S. 272, 1955) making it clear in footnote 18 that "This purpose in acquisition and its effect on land held by the natives [of the Philippines] was distinguished from the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land." Further, the Tee-Hit-Ton judgment relies on the precedent of the Johnson v McIntosh, (21 U.S. (8 Wheat.) 543, 1823) case which held that the character and religion of the native inhabitants of America justified "considering them as a people over whom the superior genius of Europe might claim an ascendancy." The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of Apartheid.

**The 44<sup>th</sup> Session** of the Human Rights Council convened from 30 June to 17 July 2020

General Debates were not allowed due to the United Nations lack of funds during the 44<sup>th</sup> session of the Human Rights Council convening from 30 June to 17<sup>th</sup> July.

5 Interactive dialogues were organised on Items 2, 3, 4 & 9.

The 44<sup>th</sup> session did not allow for any official Panel events by NGOs.

**International Human Rights Association of American Minorities**  
Indigenous Peoples and Nations Coalition\*  
International Commission for Human Rights\*

Human Rights Council 44<sup>th</sup> Session  
Item 9 ID Racial Discrimination  
15 June 2020

Thank you Madame Chair,

The Mandate of the 2001 DDPA for the WCAR and the 2009 Durban Review Conference calls to address all forms of racial discrimination and related intolerance, including foreign occupation. The politicization and selectivity to omit and not place specifically in the resolution to address the political will of colonialism, foreign occupation and apartheid is in various resolutions related to the DDPA of the 2001 WCAR and the 2009 DRC. The denial to call upon the address all forms of racial discrimination, including for doctrines of superiority, racial discrimination and apartheid was blocked in the both Working Groups on Complimentary Standards and the Follow-up of the Durban Review Conference.

The former Sub-Commission on Human Rights stated that particular cases of foreign occupation need to be addressed. The former Chair of the Committee on the Elimination of Racial Discrimination (CERD) stated there is nothing stopping the Human Rights Council of its Working Groups to call for CERD to address these cases pursuant to Article 15 of ICERD. The Chair of the Working Groups claim that the narrow scope of the General Assembly and Human Rights Council resolutions do not allow to address apartheid and doctrines of superiority when address foreign occupation. The Working Groups can call upon the OHCHR to convene a Seminar to address this by making recommendations or that the Working Groups simply call for CERD to address the cases of colonialism and foreign occupation per Article 15 of ICERD and send them to the General Assembly and its Decolonization Committee to address these unresolved cases. IHRAAM calls upon Human Rights Council can resolve this by placing in resolutions the full scope of the mandate of the WCAR and the DRC to address the deficiencies and lack of political will for addressing its own mandate. I thank you Madame Chair

\*Non-ECOSOC entities accredited to the 2001 WCAR and the 2009 Durban Review Conference.

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council resumed 44<sup>th</sup> Session  
Item 2 Interactive Dialogue Annual Report  
30 June 2020

Greetings Madame President,

“Indian Administered” Kashmir is going through a double lockdown; one since 5 August 2019 when India purportedly annexed the state and secondly the Covid-19 lockdown which is exploited towards political ends; there is total anarchy there.

OHCHR prepared two reports highlighting gross human rights violations in Indian administered Kashmir. I ask the President of this august body to have an urgent panel discussion on the deteriorating situation which constitutes genocide. Like other cases the OHCHR and Special Procedures have already recommended the right to self-determination for the peoples of Kashmir.

Alaska is a United Nations Charter based state of peoples. As subjects of international law Alaska continues to assert their sovereign equality and right to self-determination and self-government under Articles 1, 2, 55, 56, 73 and 74 of the United Nations Charter. As such, all decision-making must be through its free political institutions through protection against abuses and to be able to participate and consent under the framework of international law. Alaska and Hawaii together denounce General Assembly resolution 1469 of 1959. The Human Rights Council must recommend that the OHCHR convenes a Seminar with the United Nations Treaty Bodies, including the Human Rights Committee and that under Article 15 of ICERD that CERD transmits Petitions from Alaska and Kashmir per paragraph 69 (n) of A/68/284 requesting the Admissibility of the Petitions to the United Nations Decolonization Committee for full implementation of paragraph 69 (n).

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council resumed 44<sup>th</sup> Session  
Item 3 Interactive Dialogue Right to Education  
3 July 2020

Greetings Madame President,

The residual effects of Covid-19 due to the lack of implementation of the UN Decolonization resolutions 328 and 329 on the right of Indigenous Peoples to be educated in their languages under the aegis of UNESCO participation in exercising the right of self-determination. Special Procedures and treaty bodies now reveal Alaska and Hawaii have valid rights and can be sent to the United Nations Decolonization Committee; the OHCHR calls for Jammu and Kashmir to exercise of the right of self-determination.

The legal framework of UN Article 73 and Article 1 ICCPR and the ICESCR remain relevant for equal treatment in decision-making, participation and consent for Covid-19 law and policy. Hawaii and Alaska have false history<sup>1</sup>

For the first time in history, a courageous United States journalist Karina Brown has reported and “educated” in the press that Alaska is an apartheid racist regime; Yes, you heard right, Alaska is an apartheid racist regime.<sup>2</sup> The state of Alaska is denying equal treatment to Tribal Governments in developing law and policy during the Covid-19 pandemic for the Bristol Bay Alaska salmon fishing industry.

I thank you Mr./Madame Chair

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<sup>1</sup> In Hawaii, the Kanaka Maoli were falsely taught that Queen Liliuokalani ceded their sovereign rights to the United States of America. Alaska history is falsely taught that the Monarch of Russia “owned” us.

<sup>2</sup> In a Memo signed by Alfred Maurice de Zayas before the end of his mandate as the Independent Expert on the promotion of a democratic and equitable international order, he states that: The United States Supreme Court instituted doctrines of superiority and racial discrimination in law and policy by the Tee-Hit-Ton v United States of America (348 U.S. 272, 1955) making it clear in footnote 18 that “This purpose in acquisition and its effect on land held by the natives [of the Philippines] was distinguished from the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land.” Further, the Tee-Hit-Ton judgment relies on the precedent of the Johnson v McIntosh, (21 U.S. (8 Wheat.) 543, 1823) case which held that the character and religion of the native inhabitants of America justified “considering them as a people over whom the superior genius of Europe might claim an ascendancy.” The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of Apartheid.

## International Human Rights Association of American Minorities (IHRAAM)

Human Rights Council resumed 44<sup>th</sup> Session  
Item 3 Interactive Dialogue Right to Education  
3 July 2020

Greetings Madame President,

What do we have to consider when analysing so-called human rights violations juxtaposed with looting territory and regime change in Venezuela with such glaring historical examples such as Libya, Iraq, Iran, Alaska and Hawaii and General Assembly resolution 1469 where the “whites” were declared to have the right to possess the land in the Tee-Hit-Ton case and we have to submit ourselves to the “superior genius of Europe [who] might claim an ascendancy” in the Johnson v McIntosh case.<sup>1</sup> Some African States declared that the removal of Alaska and Hawaii was “democratic despotism” and called Alaska and Hawaii a gift by the Allied Powers who were saved by the USA after World War II. African States warned you will not do this to African Territories since they have yet to decolonize.

You must understand why we view the situation of Venezuela as duplicitous act of politicization and selectivity since the oil is open for looting like in Libya, Iraq and Alaska, where trillions have benefited American and European Oligarchs, Monarchs and their oil companies.

Your exercise of European superiority and genius that you allow the United States Supreme Court to claim an ascendancy does not look like human rights and democracy to Alaska. Give Venezuela the right to create a balancing act with you economic and attempted military aggression in human rights. I thank you Madame Chair.

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<sup>1</sup> In a Memo signed by Alfred Maurice de Zayas before the end of his mandate as the Independent Expert on the promotion of a democratic and equitable international order, he states that: The United States Supreme Court instituted doctrines of superiority and racial discrimination in law and policy by the Tee-Hit-Ton v United States of America (348 U.S. 272, 1955) making it clear in footnote 18 that “This purpose in acquisition and its effect on land held by the natives [of the Philippines] was distinguished from the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land.” Further, the Tee-Hit-Ton judgment relies on the precedent of the Johnson v McIntosh, (21 U.S. (8 Wheat.) 543, 1823) case which held that the character and religion of the native inhabitants of America justified “considering them as a people over whom the superior genius of Europe might claim an ascendancy.” The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of Apartheid.

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council 44<sup>th</sup> Session  
Item 3 ID Lawyers and Judges  
13 July 2020

IHRAAM and Alaska thanks Mr. Diego for the broad definition of organized crime that allows for a broad approach to corruption when reviewing the corrupt legal system in the United States of America. This allows for proper review of the community of lawyers and judges that refuse to address the illegal occupation of Alaska and Hawaii and Kashmir, where impartiality in administration of justice does not exist for occupied peoples.

The state of Alaska is founded upon corruption by United States political officials that created a political infrastructure of puppet regimes in Alaska, legalizing corruption stemming from the 1958 and 1959 referendums for Alaska and Hawaii that violated the Geneva Conventions and Article 73 since Alaska and Hawaii are listed under GA resolution 66 (I) under the Declaration of Non-Self-Governing Territories. The creation of the Alaska Native Claims Settlement Act of 1971 that was engineered by the United States of America Congress.

The Indigenous Peoples and Nations Coalition (IPNC) of Alaska and IHRAAM congratulates Karina Brown of Portland Courthouse News for characterizing the state of Alaska for the first time in history as an apartheid racist regime.

As Ambassador of Alaska, we protest the illegal annexation of Alaska and place the United States of America on notice that, the Indigenous Peoples of Alaska and its free political institutions, “declare to all parties that Alaska Indigenous Peoples reserve all their rights to declare invalid any transfers of, or dealings with the property, rights and interests of any description based on the illegal annexation and occupation of Alaska”

The U.S. Supreme Court ruled against the Tlingit tribe’s claim to “full proprietary ownership” of the land belonging to Indigenous Peoples in the Tee-Hit-Ton v. U.S., 1955 stating that, “the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land.” It upheld the precedence of the doctrine of superiority in the 1823 Johnson v. McIntosh, “considering them as a people over whom the superior genius of Europe might claim an ascendancy.”

Alaska thanks Alfred De Zayas for declaring apartheid in Alaska with a follow-up in the news report by Karina Brown of Portland Courthouse News, stating historically, that Alaska that Alaska is an apartheid racist regime. This is based on the De Zayas Memo that states: “The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of apartheid”.

**The 45<sup>th</sup> Session** of the Human Rights Council convened from 14 September 2020 – 6 October 2020

General Debates resumed but could not be done by video. It was difficult for NGOs to determine when their speaking times were due to scheduling and reduced staff. IHRAAM has attended the Working Groups on the Right to Development (RTD) and thus participated in the Panel and the Interactive Dialogue on the RTD. IHRAAM submitted interventions on General Debate Items 2, 3, 4, 8 and 9. (maximum is 5 GDs per session for one ECOSOC NGO) and one Item 4 Interactive Dialogue on Venezuela during the 45th session. IHRAAM did one panel on RTD. IHRAAM hosted a panel on Self-determination and its development. Flyer dated 2 October 2020 provided.

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council 45th Session

ID Covid-19

14 September 2020

The universal application of the right of peoples must apply to all peoples, including those under foreign domination and colonial occupation when developing law and policy on how to address the covid-19 pandemic. Despite that Indigenous Peoples or any peoples under colonial domination and foreign occupation continue to be reduced to “civil society” and despite that their level of recognition is United Nations Charter based under Article 1,2, 55, 56 and 73 or under United Nations Security Council resolutions there remains a gap in our ability to defend ourselves in accordance with our status. Resolution 5/1 creating the Council includes human rights and humanitarian law includes the Geneva Conventions.

The fully informed consent principle under the United Nations decolonization process is more elaborate and defined than what is now known as the “free, prior and informed consent” that Indigenous Peoples are reduced to under domestic law, despite that Indigenous Peoples are recognized with the right of self-determination all levels of recognition, including for the right of independence under said Articles. Where is the universal application of this right promoted in the Human Rights Council? Alaska and Hawaii and other situation like Kashmir have been recommended to the United Nations Decolonization Committee. Specifically, Alaska and Hawaii were recommended an observer seat on the United Nations due to its level of recognition of their international right of self-determination.

Indigenous Peoples or any peoples that refuse to accept a reduction of their sovereign equality must not only be recognized, but addressed with the dignity and respect of their right, including with the right of consent in association with the right of self-determination in developing covid-19 law and policy.

I thank you Madame Chair

## International Human Rights Association of American Minorities

Human Rights Council 45<sup>th</sup> Session  
Expert Mechanism RTD Item 3  
17 September 2020

The Secretariat and Member States must be called to task for denying the right of peoples and peoples under colonial domination and foreign occupation to be represented in Panel discussions, not only at the Human Rights Council but also in the Working Groups on the RTD. Peoples under colonial domination and foreign occupation are not civil society. Alaska, Hawaii, Kashmir and other peoples are systematically denied their right to development. The Declaration on Friendly Relations makes it clear such cases are separate and distinct until we fully exercise our right of self-determination. Since the United States military voted for annexation of Alaska and Hawaii, the United Nations not only created apartheid in Alaska but also violated the Geneva Conventions for peoples under foreign occupation. The Geneva Conventions makes it clear that there is no requirement for a declaration of war or for direct military occupation, but for the establishment of a surrogate form of occupation. The heavy military occupation of Palestine and Kashmir and other cases do have direct military presence. In elaborating an international legally binding instrument on the right to development serious discussion and text for addressing implementation procedures to address such cases must be included.

The territorial integrity of peoples under colonial domination and foreign occupation was affirmed in the ICJ Chagos case from Mauritius. Territorial integrity is not only afforded to States, but to states of peoples yet to fully exercise their right of self-determination as enshrined in the UN Charter and General Assembly resolutions 1514 and 1541 and international law.

Can the panel recommend that the OHCHR and the Human Rights Council include in panel discussions the issues of article 1 and 5 relating to the right of self-determination and to include the Geneva Conventions?

Indigenous Peoples are denied their right to participate equally, to use the example of the unresolved case of Alaska, the Tribal Governments of Bristol Bay and the Bristol Bay Area Health Corporation were denied sovereign equality as an outstanding state of peoples in decision-making and to consent to law and policy on covid-19 issues, leaving us to the whims of the state of Alaska and the federal United States Government. For the first time in history, the state of Alaska was characterized as an apartheid racist regime, giving more support to create an instrument that can address our cases to further recognize the universal, interdependent and inter-related.

## **International Human Rights Association of American Minorities (IHRAAM)**

Human Rights Council 45<sup>th</sup> Session  
Panel on the Right to Development  
17 September 2020

Greetings distinguished participants,

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## International Human Rights Association of American Minorities

Human Rights Council 45<sup>th</sup> Session  
General Debate Item 3  
22 September 2020

The International Human Rights Association of American Minorities (IHRAAM) would like to invite the Special Rapporteur on Hazardous wastes to examine chemical and nuclear waste in the Siachin Glaciers in Indian occupied Kashmir. Independent reports confirm that since 1984, “operation megdhoot” the Indian military generates 250 tonnes of hazardous waste dumped into melting glaciers that is have an enormous effect on climate and the environment in Jammu and Kashmir.

The proposed Pebble Mine in Alaska will devastate the headwaters of Bristol Bay that holds the largest wild stock prime salmon 400 million industry in the world. This will deny the Indigenous Peoples recognized as “states of peoples” under Article 73 of the UN Charter. Similarly, we invite the Special Rapporteur on Hazardous waste and other Special Procedures to Alaska.

In this regard, the OHCHR and the Special Procedures need to include, as part of its review and examination the aspects of the Geneva Conventions that recognize that foreign occupation can occur without a formal declaration of war and by instituting puppet regimes and surrogate form of external control. Both Alaska and Hawaii have direct and indirect forms of surrogate foreign occupation instituted by the United Nations that also needs examination under both the Geneva Conventions and by the United Nations Decolonization process. Iraq and Libya are both under an unresolved occupation that needs, like Alaska and Hawaii, to go through an elaborate exercise of termination of occupation. To prevent a surrogate occupation in Venezuela by Western States that seek control of petrol, the OHCHR the Human Rights Council need to include this in its mandate enshrined in resolution 5/1 and 60/251. Cuba was successful in its revolution against the United States based Mafia and Cuban puppets in Havana by Castrol, now Maduro is staving off direct and indirect attempts in Venezuela.

I am very aware of attempts for particular States to plant and infiltrate the United Nations employees and staff by the secret service intelligence agencies in the human rights community in Geneva.

The OHCHR and the Human Rights Council must investigate and eradicate this. The UN set up a situation of foreign surrogate occupation in Alaska and Hawaii. This must also include foreign occupation in Kashmir and other cases as recognized by Special Procedures.

I thank you Madame Chair

## International Human Rights Association of American Minorities

Human Rights Council 45<sup>th</sup> Session  
Interactive Dialogue Item 4 Venezuela  
24 September 2020

The report is unbalanced led by an unbalanced resolution.

IHRAAM would like to recommend that the Human Rights Council reorganize the Fact-Finding resolution so that it can be checked and balanced through cooperation with other Special Procedures such as Unilateral Coercive Measures, the use of mercenaries and international solidarity to gage the acts of aggression and other mandates with a special mission that includes human rights and international humanitarian law. The Human Rights Council can include the Geneva Conventions to gage installation of puppet governments through a surrogate military force and review attributes of attempts for states attempting to place Venezuela under foreign occupation. Does Libya and Iraq sound familiar? What about referendums of Alaska and Hawaii where EU states were accused of democratic despotism?

This needs to be repeated – You need to decipher to determine what are acts of self-defense and what crimes are committed by States attempting an illegally overthrow by creating political strife and unrest. This would include applying principles of foreign aggression, economic aggression and political aggression by foreign operatives and military mercenaries who are attempting to invade without a declaration of war on behalf of States who want free oil and opportunity to exploit the natural resources of the peoples of Venezuela. The Geneva Conventions are developed with international jurisprudence that recognizes the creation of puppet governments, surrogate military aggression to exploit other countries who have a vast amount of resources.

It is also relevant to compare the foreign occupation of Libya and Iraq and others such as Alaska and Hawaii where African States accused the European States of democratic despotism and granting a gift since USA was instrumental in EU States under occupation by the Axis Powers.

If Alaska and Hawaii would bring the irregularities of the referendums in the late 1950's how would the Organization of American States address for violation of the right of sovereign independent peoples? Read unredacted CIA reports on the referendum in Alaska and Hawaii where the rule of interest overrides the rule of law and are used interchangeably serve the purse and political expediency of foreign operatives.

The old axiom that one man's freedom fights is another man's terrorist. Remember when Nelson Mandela was invited to celebrate his birthday with an American President but they forgot to take him off the USA terrorist list so he was detained at the border when he was trying to enter the United States? Thank you Madame/Mr. Chair.

## **International Human Rights Association of American Minorities**

Human Rights Council 45<sup>th</sup> Session  
General Debate Item 4  
25 September 2020

Greetings distinguished Madame Chair,

The Human Rights Council mandate to address the right of self-determination and foreign occupation gives the opportunity to implement Special Procedures recommendations to transmit petitions and complaints for peoples under colonial domination and foreign occupation such as paragraph 69 (n) of A/68/284 to address cases of Alaska, Hawaii and Kashmir.

The use of pellet guns in Indian Occupied Kashmir calls for the all future reports on Kashmir to include international humanitarian law to address foreign occupation. IHRAAM calls for the Human Rights Council to institute Item 4 proceedings that lead to instituting termination of occupation under the Geneva Conventions for Alaska, Hawaii, Kashmir and other cases.

As the appointed Ambassador from and on behalf of Alaska, we lodge a diplomatic protest against the illegal annexation and grant of Alaska as an apartheid racist regime orchestrated by European States in violation of our right of self-determination and sovereignty over our natural resources. The Kingdom of Hawaii also calls for the dissolution of General Assembly resolution 1469 of 1959. The denial of our right of self-determination on grounds of racial discrimination and apartheid invokes criminal liability for instituting racial apartheid in Alaska by deliberate acts of omission and impunity. The Human Rights Council can request treaty bodies to review the recommendations of Special Procedures and to transmit our petitions and complaints to the General Assembly for review.

Democracy and the rule of law and democracy and the rule of interest are used interchangeably and selectively based on the desire to exploit natural resources of other peoples and States. Again, African States did accuse the European States of democratic despotism for violating every procedure and “rule of law” concerning Alaska and Hawaii and of also of granting Alaska and Hawaii as a gift to the USA for being instrumental in winning World War II. Read the deliberations leading summary record report concerning General Assembly resolution 1469 of 1959 that removed Alaska and Hawaii from the list. Human Rights Council, implement the human rights recommendations.

Thank you, Madame/Mr. Chair.

## International Human Rights Association of American Minorities

Human Rights Council 45<sup>th</sup> Session  
General Debate Item 8  
1 October 2020

Greetings Mr./Madame Chair,

The Vienna Declaration is being ignored by despite the many proclamations that human rights are universal, indivisible, inter-dependent and inter-related; the result, I am direct witness to political horse-trading on the racist apartheid regime Alaska, reported on by a United States journalist, and other self-determination issues such as Hawaii, Kashmir and many Indigenous Peoples.

The Sub-Commission on Human Rights was disbanded mainly by European and WEOG States who feared it since it was beginning to address grave self-determination rights such as Alaska, Hawaii and Indigenous Peoples rights. The right of self-determination is not an agenda item of the Human Rights Council, nonetheless, the Human Rights Council can make recommendations to treaty bodies or other United Nations bodies to review, allow for admissibility on agendas or to re-enlist cases and to fully address flagrant violations using also violations of international humanitarian law in conflict areas.

The Human Rights Council can recommend that the General Assembly creates a Vienna Declaration Sub-Commission, without fear of its independence, to address issues the Human Rights and Special Procedures refuse to address.

Chief Justice Robert Jackson said after the execution of Julius Streicher that, if we do not live up to the same standard, we just murdered Julius Streicher today. Julius Streicher ran the Nazi propaganda machine for the extermination of the Jewish peoples. Your acts of omission are tantamount denying the standard.

I thank you Mr./Madame Chair

## International Human Rights Association of American Minorities

Human Rights Council 45<sup>th</sup> Session  
General Debate Item 9  
1 October 2020

Greetings Madame Chair,

I thank the WG Chairs' call for the full scope implementation of DDPA. You can counter obstructionist States by invoking the Chair's prerogative at the Working Group of the DDPA, as was invoked by the former Chair for the Working Group on the Elaboration of the UNDRIP (Declaration on the Rights of Indigenous Peoples).

The Human Rights Council must build on the George Floyd resolution.

IHRAAM calls upon the Human Rights Council to implement the full scope of the DDPA in its resolution by addressing the full scope of treaty bodies to combat racism, in particular to call upon CERD (Committee on the Elimination of Racial Discrimination) to fully implement Article 15 of ICERD (International Convention on the Elimination of Racial Discrimination) in relation to apartheid and racial discrimination that denies GA resolutions 1514 and 1541. This would assist in implementing recommendations by Special Procedures.

IHRAAM will attend the 20<sup>th</sup> anniversary celebration if we obtain text in a resolution to implement the DDPA and the 2009 Durban Review Conference.

IHRAAM and Alaska congratulates Courthouse News journalist Karin Brown of Portland for the historical report that characterized Alaska as a racist apartheid regime and we call for the annulation of GA resolution 1469 of 1959. The United Nations granted to the United States of America the 49<sup>th</sup> racist apartheid regime called state of Alaska. Alaska and Hawaii. IHRAAM also congratulates Sputnik News for its reports on the denial of equality of participation of Tribal Governments in Alaska during Covid-19 crisis.

I thank you Madame Chair



# General Assembly

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10 February 2020

English only

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 January 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-01938(E)



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## Arbitrary arrests and detention (including children) in Indian administered Jammu & Kashmir

### Introduction

As a State party to the International Covenant on Civil and Political Rights (ICCPR), India is obligated to ensure the principles of legality and the right to liberty and security.<sup>1</sup>

The United Nations Human Rights Committee has reminded India that anyone arrested or detained, his continued detention should be determined by an independent and impartial tribunal constituted and operating in accordance with the ICCPR.<sup>2</sup>

The Indian authorities in Indian administered Jammu & Kashmir (J&K) continue to use various forms of arbitrary detention to target protesters, political dissents and other civil society actors.<sup>3</sup> A number of laws provide the legal basis for arbitrary detention but the one that is used most frequently to stifle political dissent is the Jammu & Kashmir Public Safety Act (PSA). This law does not provide for judicial review of detention and the Indian authorities issue successive detention orders thus defeating the Kashmir High Court orders to release a detainee.

### The Kashmiri Detainees

A right to information application found that over 1,000 people were detained under the PSA between 2016 & August 2017.<sup>4</sup>

Human Rights groups have claimed time and again that minors are being arrested under the PSA. In 2014, the Committee on the Rights of the Child called upon India to review its security related laws with a view to prohibiting criminal and administrative proceedings against persons under the age of 18.<sup>5</sup>

In July 2018, the Indian authorities amended section 10 of the PSA, removing the prohibition on detaining permanent residents of J&K outside the state. Consequently, at least 40 Kashmiri pro-freedom leaders, charged under the PSA, were transferred to various prisons outside the J&K in 2018.<sup>6</sup>

Among those transferred to the outside J&K prisons include:

- Mohammad Yasin Malik is chairman of Jammu Kashmir Liberation Front (JKLF) that has now been banned by India. He was arrested and detained initially at Kot Balwall Jail in the Jammu district. Yasin Malik was later shifted to infamous Tihar Jail at New Delhi. It is the Indian National Investigation Agency (NIA) that arrested him for his custodial investigation. The Indian authorities have approached the Kashmir High Court for reopening the decades old cases against Yasin Malik. The Tihar Jail officials grossly mistreat and mostly keep him in solitary confinement. Civil Society groups fear for his extra-judicial or judicial killing bearing in mind that recently the news of his “death” in Tihar Jail was widely reported but later denied by the authorities.<sup>7</sup>
- Shabir Ahmad Shah is the founder and president of Jammu Kashmir Democratic Freedom Party (JKDFP), a political organisation seeking “right of self-determination” in J&K. He was arrested on 25 July 2017 and currently detained at Tihar jail, New

<sup>1</sup> Articles 15 (i) and 9; ICCPR.

<sup>2</sup> Article 14; ICCPR.

<sup>3</sup> UN Report, 8 July 2019, Paragraph 84, Page 18

[https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf)

<sup>4</sup> Jammu & Kashmir RTI Movement <https://www.humanrightsinitiative.org/blog/no-rules-sops-for-ordering-preventive-detentions-under-jk-psa>

<sup>5</sup> 2018 CRC/C/OPAC.CO/I.

<sup>6</sup> JKCC, “Annual Human Rights Review 2018”; Page 15.

<sup>7</sup> AFP India; 6 August 2019.

Delhi. Shabir Shah has spent 31 years of his life in jails and recognised as “*the Prisoner of Conscience*” by the Amnesty International. Shabir Shah’s party workers have always expressed concern on his well-being in the prison which have been denied by the Jail authorities.

- Farooq Ahmad Dar is the chairman of Jammu Kashmir Liberation Front (R) – (JKLF-R). He was arrested on 25 May 2017 and currently detained at Tihar Jail, New Delhi. Farooq Dar has spent over 19 years in prisons. His party-workers fear about his extra-judicial or judicial killing as some sections of pandit community wish him to be hanged.<sup>8</sup>
- Asiya Andrabi is the founding leader of Dukhtaran-e-Millat (Daughters of the Kashmir Nation) that has now been banned by India. She has been arrested number of times since 2010. Recently she was arrested on 6 July 2018. Asiya was shifted from Srinagar Jail to Tihar Jail, New Delhi by the NIA. She remains detained there.
- Nayeem Ahmad Khan is the founder president of Jammu and Kashmir National Front. He is termed as revolutionary in the direction of attaining “Right of Self-Determination” for the people of Jammu and Kashmir. Nayeem Khan was first arrested in 1980 while leading a peaceful protest in Kashmir. He has been booked on numerous occasions under the PSA and detained at various detention centres. Nayeem Khan was arrested by the NIA in 2018 and has since been held at the Tihar Jail, New Delhi.

There are hundreds others who are booked and rebooked and kept in four walls of various prisons across India under the PSA. These include Ms Fahmeeda Sofi, Ms Nahida Nasreen, Altaf Ahmed Shah, Aiyaz Muhammad Akbar, Peer Saifullah, Raja Merajuddin Kalwal, Shahid-ul-Islam, Mohammad Aslam Wani, Zahoor Watali, Syed Shahid Yousaf Shah and Ghulam Muhammad Butt, all of them detained at Tihar jail. Others are held in various jails of J&K and those include – Mian Abdul Qayoom, President, Kashmir Bar Association, Muhammad Ashraf Butt, Secretary General, Kashmir Bar Association, Musarrat Aalam Butt (repeatedly released under the Kashmir High Court orders but re-booked and arrested under the PSA), Showkat Ahmad Bakshi, Noor Mohammad Kalwall and Nazir Ahmad Roonga, Hilal Akbar Lone and Muhammad Ahsan Untoo (advocates and human rights defenders).

## Conclusion

IHRAAM informs the OHCHR, President of the UNHRC and UNGA that despite the Kashmir High Court setting aside numerous PSA detention orders, the Indian authorities continue to detain Kashmiris by imposing new PSA orders before they leave prison premises.

The Working Group on Arbitrary Detention observed – “the Government has not refuted the allegation that these persons were detained by security forces under the said Act without serving them with an arrest warrant, which constitute a violation of due process in detention.”<sup>9</sup>

IHRAAM is deeply concerned about Kashmiris right to liberty and security. The right to liberty and security includes the right not to be subjected to arbitrary arrest or detention. OHCHR, the President of UNHRC and UNGA must take serious note of this and call upon India to repeal the PSA to ensure it complies with its international human rights norms and obligations and release all the PSA prisoners.

<sup>8</sup> EurAsian Times – 23 May 2017.

<sup>9</sup> A/HRC/13/30/add.1; Paragraph 42.



# General Assembly

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 4

### Human rights situations that require the Council's attention

## Written statement\* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-02449(E)



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## The crime of genocide & The Indian Administered Jammu and Kashmir Scenario

### Introduction

Genocide was first recognised as a crime under international law in 1946 by the United Nations General Assembly (A/RES/96-I ([https://undocs.org/en/A/RES/96\(I\)](https://undocs.org/en/A/RES/96(I)))). It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Convention).

The Convention has been ratified by 152 states (as of January 2020). The International Court of Justice (ICJ) has repeatedly stated that the Convention is peremptory international law (*ius cogens*) and that it embodies principles that are part of customary international law. This means that whether or not States have ratified the Convention, they are all bound as a matter of law by the norm of *jus cogens* that genocide is a crime prohibited under international law.

Article II of the Convention defines the crime of Genocide - *acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group*, bracketing it into five categories.

Pursuant to doctrinal debate and jurisprudence, ‘intent’ is the crucial element that must be established. To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group, in whole or in part. It is the special intent, or *dolus specialis*, that makes the crime of genocide so unique. In addition, case law has associated intent with the existence of a governmental or organizational plan policy to embark on genocide.

Importantly, the victims of genocide are deliberately targeted – not randomly – because of their real or perceived membership of one of the four groups protected under the Convention.

### The Jammu & Kashmir Scenario

Kashmiris, in the state of Jammu & Kashmir (J&K), administrated India, is a distinct national/ethnic/religious group, in particular the Kashmiri Muslims, as being recognised in the UN Report 2019.<sup>1</sup> Pursuant to the definition of the Convention, Kashmiris are subjected to genocide by the perpetrators who have perceived the victims as members of the Kashmiri group, with the intent to destroy, in whole or in part, by committing such genocide crimes as described in Article II of the Convention.

#### **Killing members of the group – Extra-judicial killings, summary or arbitrary executions!**

International human rights groups have accused Indian armed forces (military, para-military and J&K police force) of using excessive force that leads to unlawful killings.<sup>2</sup> Hundreds of thousands of Kashmiris have been killed during the period 1990-2019. In recent years, the civil society groups estimate that 130 to 145 Kashmiris were killed by the Indian forces between July 2016 to March 2018.<sup>3</sup> These killings resulted from the use of pellet guns, bullets, tear gas shells, inhaling chemical shell fumes and shooting by unidentified gunmen.<sup>4</sup> Amnesty International, Human Rights Watch and the International Commission of Jurists all

<sup>1</sup> UN Report of 8 July 2019 – “Targeting of Kashmiri Muslims”, Page 29

[https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf)

<sup>2</sup> UN Report of 14 June 2018, paragraph 63, Page 17

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>3</sup> JKCC – “Human Rights Review 2016”, Page 5 – JKCC – “Human Rights Review 2017,” Page 7

<sup>4</sup> UN Report 14 June 2018, paragraph 65, Page 17

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

claim that there were over 90 fatalities of Kashmiris in 2016.<sup>5</sup> During 2018, it is claimed that 160 Kashmiris were killed, the Kashmir valley accounted for 122 and the four districts of South Kashmir recorded 85 killings.<sup>6</sup> The first half of 2019 (January–June 2019) continued with killings of Kashmiris. The first six months record 163 Kashmiris killings (including what is termed as “*militants*”). Among the civilians killed, 9 were minors<sup>7</sup> and 12 were women.<sup>8</sup> All the killings were at the hands of Indian armed forces. The second half of 2019 (July–December) records 64 killings of Kashmiris.<sup>9</sup>

These figures (95,475 killings since January 1989 to December 2019)<sup>10</sup> corroborate the argument that there is a systematic pattern in place with intent to destroy in whole or in part the Kashmiris.

### **Causing seriously bodily or mental harm to members of the group**

There has long been persistent claims seriously bodily harm of Kashmiris who have been subjected to torture or inhuman or degrading treatment or punishment. Such bodily injuries are caused from lethal weapons including pellet shotguns. Besides, injuries through torture and other mistreatment occur at the detention and interrogation centres operated by the Indian armed forces and the intelligence agencies.<sup>11</sup> Such injuries are caused by beatings, electric shocks, water boardings, sexual abuse and iron rollers run from toe to neck;<sup>12</sup> the International Committee for the Red Cross reported these injuries in 852 cases.<sup>13</sup>

One of the most dangerous weapons used against Kashmiris is the pellet-firing shotgun, which is a 12-gauge pump-action shotgun that fires metal pellets. According to information received by the State Human Rights Commission from 10 districts of the Kashmir Valley, metal pellets seriously injured 1,726 Kashmiris in 2016.<sup>14</sup> The Government of India has introduced the policy of “*operation all out*” that has been on-going since 2017. This operation has led to severe injuries including 1253 Kashmiris blinded by the metal pellets up to the end of 2018.<sup>15</sup> One such example being 1 April 2018, the use of pellet shotguns reportedly injured 40 Kashmiris including 35 hits in the eyes.<sup>16</sup>

This is the planned policy of India executed through their armed forces and intelligence agencies directing the perpetrators to embark on the crime of genocide on Kashmiris.

### **Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part**

Clearly the above incidents evidence such conditions of life upon Kashmiris to bring about their physical destruction. Besides, there are random arbitrary arrests and detentions of Kashmiris (including children) under the draconian law known as the Public Safety Act<sup>17</sup> (PSA). Human rights groups have warned the authorities that minors are being arrested under

<sup>5</sup> Human Rights Watch, International Commission Jurists and Amnesty International – “Cease wrongful Detention in Jammu & Kashmir”

<sup>6</sup> UN Report of 8 July 2019, Paragraph 61 and 63, Page 13

[https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf)

<sup>7</sup> JKCC – “Six Monthly HR Review”, Page 2

<sup>8</sup> KMS – “January-June 2019 calendar reports” <http://kmsnews.org/news/>

<sup>9</sup> KMS - “July-December 2019 calendar reports” <http://kmsnews.org/news/>

<sup>10</sup> KMS – HR Violations January 1989 to 31 December 2019 <http://kmsnews.org/news/>

<sup>11</sup> ICHR – “Kashmir Report 2012 – Human Rights in Flames”, Page 57

<sup>12</sup> ICHR – “Kashmir Report 2012 – Human Rights in Flames”, Page 58

<sup>13</sup> ICHR – “Kashmir Report 2012 – Human Rights in Flames”, Page 58

<sup>14</sup> UN Report of 14 June 2018, Paragraph 80, Page 22

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>15</sup> UN Report of 8 July 2019, Paragraph 78, Page 16

[https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf)

<sup>16</sup> UN Report of 14 June 2018, Paragraph 85, Page 24

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>17</sup> UN Report of 14 June 2018, Paragraph 88, Page 25

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

the PSA in 2016 & 2017.<sup>18</sup> Several Kashmiri leaders detained under the PSA in 2018 and 2019 continue to be imprisoned and 40 of them transferred to prisons outside Jammu & Kashmir.<sup>19</sup> The aim is the physical destruction of the Kashmiris.

Civil society in Kashmir claims over 8,000 Kashmiris having disappeared since 1989.<sup>20</sup> Impunity for enforced or involuntary disappearances in Kashmir continues. On 24 October 2017, State Human Rights Commission directed the government to undertake investigation into 2080 unnamed graves in Poonch and Rajouri of the Jammu division.<sup>21</sup> Cases of enforced disappearances continue to be reported until the end of 2019.

In February 2018, The Support Group for Justice for Kunan Poshpora survivors filed a petition before the State Human Rights Commission, urging the investigation into all cases of alleged sexual assault by Indian armed forces upon Kashmiri women.<sup>22</sup> This vicious act is undertaken to ensure physical destruction of Kashmiri women.

A media investigation claimed that schools and colleges were closed for 60% of the working days between 2016 and 2017.<sup>23</sup> The situation in 2018 and in 2019 was such that practically no schools & colleges were open since the abrogation of the Indian Constitutional guarantee to J&K. In addition, the government reports confirm the military use of schools by the Indian armed forces.<sup>24</sup> All this endangers lives of children and teachers which is in line with deliberately inflicting on Kashmiris conditions of life calculated to bring about its physical destruction in whole or in part.

### **Imposing measure intended to prevent births within the group!**

Human rights groups claim days-long curfews and communication blockade have major impact on Kashmiris and their access to medical care<sup>25</sup> particularly on pregnant women. According to civil society reports around 200 ambulances were damaged by Indian armed forces and in some cases by protestors.<sup>26</sup> The Doctors Association of Kashmir documented several instances of doctors, paramedics and ambulances drivers being obstructed, prevented and physically assaulted by Indian armed forces.<sup>27</sup>

All these measures are underway in Indian administrated Jammu & Kashmir to prevent births within Kashmiris.

### **To punish the crime of genocide – punishing *Genocidaires!***

Article I of the Convention makes it absolutely clear – “...undertake to prevent and to punish” genocide. Of course genocidaires (perpetrators of the crime of genocide) must be punished before a court of law. The genocidaires need to be identified. An international peoples tribunal has produced a list of around 500 alleged perpetrators, belonging to Indian

<sup>18</sup> Human Rights Watch, International Commission of Jurists and Amnesty International – “Cease Wrongful Detention in Jammu & Kashmir”

<sup>19</sup> UN Report of 8 July 2019, Paragraphs 84 and 85, Page 18

[https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport\\_8July2019.pdf](https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf)

<sup>20</sup> JKCC – “Human Rights Review 2016”, Page 5

<sup>21</sup> Press Trust of India, 4 November 2017 – “Complete DNA profiling of bodies in unmarked graves: SHRC”

<sup>22</sup> UN Report of 14 June 2018, Paragraph 126, Page 35

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>23</sup> India spend, 30 May 2017 – “Since July 2016, Kashmir Schools and Colleges have been shut on 60% working days”

<sup>24</sup> UN Report of 14 June 2018, Paragraph 126, Page 35

<sup>25</sup> Physician for Human Rights – “Blind to Justice”, Page 13, Amnesty International – “Losing Sight in Kashmir”

<sup>26</sup> JKCC – “Human Rights Review 2016” Page 16

<sup>27</sup> UN Report of 14 June 2018, Paragraph 104, Page 29

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

armed forces - including Rastriya Rifles, Border Security Force and Centre Reserve Police Force and J&K Police Force.<sup>28</sup>

## **Conclusion**

IHRAAM addresses the international community and calls for an international commission of inquiry on the killings perpetrated against the Kashmiris of J&K. IHRAAM also calls for the prosecution under the Convention and under universal jurisdiction of the alleged perpetrators of the crime of genocide in the Indian administrated J&K, who have acted or act at the behest India. The Chief Prosecutor of the International Criminal Court Fatou Bensouda should open a formal investigation under articles 6 and 7 of the Statute of Rome.

In addition to the duty to punish, the Convention stipulates one other major obligation for all its member States – The “*duty to prevent genocide*”; and “*the responsibility to protect*”; IHRAAM calls upon the United Nations General Assembly, the Human Rights Council and the Office of the High Commissioner for Human Rights to prevent genocide of Kashmiris.

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<sup>28</sup> International Peoples Tribunal For Human Rights and Justice/Association of Parents of Disappeared Persons – “Alleged PERPETRATORS – Stories of Impunity in Jammu and Kashmir”; Pages 218 to 226



# General Assembly

Distr.: General  
23 June 2020

English only

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## Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 June 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-08259(E)



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## Covid-19 & The Indian Administered Jammu and Kashmir (IAJ&K) situation

IHRAAM is conscious that the crisis around Covid-19 Pandemic is overshadowing all other pressing issues worldwide. Therefore, we are especially concerned, during these unprecedented times, that the Indian authorities are using the pandemic to silence Kashmiri voices by eradicating Kashmiri leadership and demoralising and destroying civil society.

The Indian constitution was modified in order to change the status of IAJ&K (allowing a demographic development to convert Kashmiris into a minority in their own land and the process has already began) and that the state is sealed off since 5th August 2019 including internet shutdown - nonetheless, information has managed to filter out - that most of the political and civil society key leaders have been arrested or put under house arrest. IHRAAM are filled with consternation that those imprisoned are exposed to other prisoners affected by Covid-19.

Al-Jazeera, in its 14 April 2020 report, that like Bilqees Shah (wife of Shabir Ahmed Shah, a senior separatist leader) hundreds of wives are troubled and restless because of the Covid-19 pandemic as these political prisoners are detained in overcrowded prisons in various Indian jails! *"Many of those detained under the PSA have been moved to New Delhi's Tihar Jail and a jail in Agra city in the northern state of Uttar Pradesh. According to the official data, Tihar jail has an inmate population of 17,534 while its capacity is 10,026"*<sup>1</sup>

IHRAAM notes with satisfaction that the United Nations (UN) Secretary General António Guterres has impressed upon the Indian authorities to release the Kashmiri leaders and other political prisoners.

In recent days the international news media has reported increase in the Indian military *"cordon and search operations"* resulting in a range of human rights violations including physical intimidation and assault, invasion of privacy, arbitrary arrest and unlawful detention, killings (staging fake encounters), collective punishments and destruction of private properties. The principle target of this terror is the youth, their families and properties.

In its May 2020 report, Al Jazeera claims that at least a dozen homes have been reduced to rubble. Afroza was inconsolable as she stood on the charred floor of her house at Nawa Kadal, Srinagar: Al Jazeera quoted her saying - *"From a distance, we saw our home in flames. It was a storm for us. Where would we go now? We had a roof over our head till yesterday that my husband had built with his lifetime hard work and today we have nothing"*, she added that the *"forces unleashed terror in the locality."*<sup>2</sup>

During the ongoing nine month long military siege (inclusive of the Covid-19 lockdown) since 5th August 2019, nearly half a dozen women leaders including Asiya Andrabi, Fehmeeda Sofi and Naheeda Nasreen have been arrested and detained at Tihar jail, New Delhi. Post 5th August 2019, Indian troops have killed, according to media reports, nearly a hundred Kashmiris including 3 women Fehmeeda Bano, Shahzada Akhtar and Ulfat Altaf.

Several journalists and human rights defenders – mostly based in the Valley of Kashmir (who, for issues of their own security cannot be named) – report that social media platforms such as Twitter and Facebook had taken actions against a number of accounts for various Kashmir-related content, including removing such posts or suspending user accounts. Press freedom groups have reported continuous attacks, restrictions and arrests of journalists in IAJ&K, even during the pandemic.

*"Kashmiri Journalists have launched a social media campaign seeking the withdrawal of charges against Mr Geelani and two other journalists, Masrat Zehra and Peerzada Ashiq.*

<sup>1</sup> <https://www.aljazeera.com/news/2020/04/coronavirus-kashmiris-fear-safety-kin-cramped-jails-200413103319099.html>.

<sup>2</sup> <https://www.aljazeera.com/indepth/inpictures/pictures-kashmir-homes-reduced-rubble-gun-battle-200520081337812.html>.

*We stand together and we will fight together. This won't silence us. Journalism is not a crime,*" reads one post – BBC reports on 22 April 2020.<sup>3</sup>

Today's conditions in the Covid-19 pandemic in IAJ&K are explosive and fraught with danger. South Asia is home to over a billion people. Over the years the Kashmir conflict has eclipsed the possibilities of peace and prosperity in the region. Undoubtedly, the prevailing conditions pose a serious threat of regional and global peace bearing in mind that the region is a nuclear flashpoint.

Professor Klaus Buchner (MEP), President of the All Parties Group on Kashmir – European Parliament (in co-operation with the Organisation of Kashmir Coalition - OKC) wrote on 26 April 2020 to all the stakeholders including the Secretary General of the UN, the President of the European Commission and the Prime Ministers of Pakistan and India, emphasising:

- that India should give full respect to its international human rights obligations in Indian Administered Jammu And Kashmir;
- that pursuant to the United Nations Reports on Jammu & Kashmir in 2018 and 2019, an independent enquiry commission should be established to probe all civilian killings, torture, inhuman and degrading treatment or punishment, arbitrary arrest and detention, sexual violence enforced disappearance, destruction of properties and excessive use of force causing serious injuries by the use of the pellet-firing shotguns;
- that all those held under administrative detention, ensure the full respect of standards of due process and fair trial is guaranteed to them under international law;
- that restrictions on the movement of journalists should be lifted and their safety ensured; that independent and impartial reporting should be allowed, that complete internet services including 4G should be restored; and that arbitrary arrests, unlawful detention and extra-judicial killings should be forbidden; and
- that all three sides – Pakistan, India and Jammu and Kashmir to take concrete step so as to enter into direct negotiations at a neutral location – Geneva, within the next 12 months.

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<sup>3</sup> <https://www.bbc.co.uk/news/world-asia-india-52379976>.



# General Assembly

Distr.: General  
21 September 2020

English only

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## Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-12208(E)



\* 2 0 1 2 2 0 8 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## **“International day of lockdown territories” Case study: Indian Administered Jammu and Kashmir (IAJ&K)**

The “Universal Declaration of Human Rights” (UDHR) is the historic document defining the frame of what is defined as human rights in the modern world. Adopted by the United Nations General Assembly (UNGA) on 10 December 1948, it states in Article 13: “Everyone has the right to freedom of movement and residence within the borders of each state.”

Over the years, a host of international conventions were developed on the basis of the UDHR, chief among them, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which were adopted by the UN in 1966 and entered into force in 1976. They reiterate that states are obliged to promote and protect human rights – as stipulated in each covenant – of all persons living under their jurisdiction, and also add two collective rights: that all peoples have the right to self-determination and the right to use their natural resources freely, as they see fit (article 1 common to both Covenants). The General Assembly adopted numerous other conventions relevant to the situation in Jammu & Kashmir, including the International Convention on the Elimination of All forms of Racial Discrimination (1965, in force 1969), the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), and the Convention on the Rights of the Child (1989).

These binding norms of international law – both international humanitarian law and human rights law – are meant to limit states’ discretion as to what they may and may not do, domestically and as to what they must and must not do as occupying powers, so as to ensure a certain measure of human rights protection. Since states are not inclined to relinquish powers, the rules that were ultimately enshrined in the conventions include caveats and exceptions that may be invoked in certain circumstances enumerated in the convention, which allow – in those circumstances – to temporarily suspend the rights protected by the convention. This means that international law is a compromise that only partially protects human rights, and it depends of political will and appropriate enforcement mechanisms to make law meaningful in practice. This entails domestic and international monitoring as well as domestic and international redress possibilities.

Unfortunately, the mechanisms in place today are drawn-out and cumbersome, most address individual cases only, rather than governmental policies. Moreover, political pressure and international power struggles often influence how priorities are set and which cases are selected. Consequently, the extent to which states, abide by international legal provisions largely depends on their commitment and on the international and diplomatic pressure, if any, brought upon them by other states or international institutions.

Contemporary international humanitarian law has clarified and added to the rights and duties of occupying forces, the rights of the populations of occupied territory, and the rules for administering such territory (GIV Arts. 47–78; API Arts. 63, 69, 72–79).

Several recent decisions by international courts have also confirmed that the occupying power is obliged to comply with its human rights obligations in occupied territories in respect of people placed under its effective control as a result of occupation or detention, notably the International Court of Justice (ICJ) Advisory Opinion of 9 July 2004 concerning the Wall built by Israel on Palestinian territory, its implications and consequences. Similarly, the 1996 ICJ Advisory Opinion on Nuclear Weapons held that humanitarian law and human rights law worked hand in hand and that even in periods of armed conflict, the human rights law regime continued in force (paragraph 25). Subsequently the UN Human Rights Committee has reaffirmed in its general comments and concluding observations that the International Covenant on Civil and Political Rights (ICCPR) continues in force during armed conflict, and that certain articles may only be temporarily derogated from as provided for in article 4 ICCPR. These judgements, advisory opinions and decisions confirm that the application of international humanitarian law is complementary to the conventions on human rights in these situations. The European Court of Human Rights (ECHR) has notably passed judgments on

violations of the European Convention committed by European countries in relation to their intervention in Iraq and military occupation of the country (*infra Jurisprudence*).

According to humanitarian law, occupation falls in the definition of international armed conflict and is regulated as such by the four Geneva Conventions and the Additional Protocol I. The occupying power faces specific obligations where it has an effective control over the territories occupied. These include obligations related to respect human rights, law and order, and in addition, respect for relevant provisions of humanitarian law related to occupation. The basic obligations of the occupying power under international humanitarian law are to maintain law and order and public life in the occupied territory. For the most part, the occupying power must follow the laws that were already in force in that territory (H.IV Art. 43).

In situations where armed resistance is strong enough to prevent the occupying power from efficiently controlling the territory, general provisions of international humanitarian law applicable to international armed conflict continue to apply.

In contravention of the UDHR and international conventions, lockdowns have become a common feature in occupied territories with the intent to disempower, marginalise and to suppress peoples' movements primarily aimed to achieve their inalienable right to self-determination. In simple terms, a lockdown is in fact a top-down unilateral, undemocratic, unconstitutional state enforced requirement imposed to oblige people to stay indoors within the physical confines of their homes where they are to remain against their will and without access to any legal due process. In other words, freedom of movement is fundamentally breached and people are effectively and wilfully prohibited from moving around freely. The most extreme form of lockdown is that which is weaponised and carried out through systemic and relentless political repression. In this specific context, lockdowns assume an entirely distinct function. The intent of this type of lockdown is to explicitly and physically destroy a specifically targeted national, ethnic, cultural, linguistic or religious group in whole or in part or by conducting targeted killings of particular members of said group regardless of gender and age (extra-judicial killings, summary or arbitrary executions), causing serious bodily or mental harm, arbitrary arrests and unlawful detentions, disappearing human rights defenders, destroying the environmental ecological and physical morphology of a people's ancestral homeland and property, erasing a people's historic physical existence, attachment to and memory in order to make an indigenous people disappear and to recreate a new history based on the hegemonic settler colonialist expansionists' design. Lockdowns for political and oppressive purposes is clearly in contravention of international humanitarian law and human rights law. The eviction and/or expulsion of the native population and the implantation of settlers is specifically prohibited in article 49 of the Fourth Geneva Convention of 1949.

In the report by Professor Alfred De Zayas (First Independent Expert on the promotion of a democratic and equitable international order) to the sixty-eighth session of the UN General Assembly (paragraph 69(n)) stated:

“The General Assembly may consider revisiting the reality of self-determination in today's world and refer to the Special Committee on Decolonization and/or other United Nations instances communications by indigenous and unrepresented peoples wherever they reside, inter alia, in Alaska, Australia, Canada, Chile, China, the Dakotas, French Polynesia, Hawaii, Kashmir, the Middle East, the Moluccas, New Caledonia, Northern Africa, Sri Lanka and West Papua, with reference to Chapter XI of the Charter of the United Nations. The General Assembly may also consider amending its rules and procedures to allow for the participation of indigenous and non-represented peoples. Meanwhile, the Assembly should urge States to implement the Declaration on the Rights of Indigenous Peoples. It should ensure that indigenous, non-represented peoples, marginalized and disempowered peoples, and peoples under occupation have a genuine opportunity to participate in decision-making processes...”

He urged the General Assembly to revisit the individual and collective right of self-determination today. Indeed, the realization of the right of self-determination constitutes an important conflict-prevention strategy and it is the responsibility of the United Nations to ensure that the human rights of all peoples, including those living under occupation, are protected and enforced.

This has direct relevance to the situation prevailing in the state of Jammu and Kashmir under the Indian occupation.

The Indian government imposed in the last summer of 2019 a complete lockdown of Indian Administered Jammu and Kashmir (IAJ&K). What happened last year in IAJ&K is incompatible with the UDHR, the ICCPR and numerous other international legal pronouncements, including:

- the UN Security Council (UNSC) resolutions on the State of Jammu and Kashmir; and
- the J&K state's official notification of 1922 imposing total prohibition on "all grants of land for agriculture and house building purposes and grant of houses and other state property shall be made to State Subjects only". This guarantee was extended by India through its constitution via articles 35A and 370 to the people of Jammu and Kashmir following the UNSC resolutions.

However, on 5 August 2019, the Indian government abrogated these articles with the intention to impose a demographic change in the territory. IAJ&K has been placed under siege and totally cut off from rest of the world with the closure of all educational institutions, complete prohibition on freedom of assembly and expression, total shutdown of mobile, internet services and social media and a steep increase in human rights violations.

Like other countries around the globe, the IAJ&K is in the grip of Covid-19. The people of Kashmir are acutely vulnerable to spread of virus due to the fact of its prolonged unrest. This could undoubtedly lead to serious humanitarian consequences in Kashmir.

India as the occupying power is responsible for the fight against coronavirus along with local Kashmiri authorities, and is obliged to intervene wherever local health infrastructure falls short.

Article 56 of the Fourth Geneva Convention particularly applies to this pandemic as it states that the Occupying Power has a duty "to the fullest extent of the means available to it" to ensure and maintain public health and hygiene in Occupied Territory, in particular "prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics". This is an obligation of diligent conduct that includes a number of measures which can be used to fight epidemics by educating the public, providing medical exams and disinfection, distributing medicines, establishing stocks of medical supplies, sending medical teams, and accommodating patients in hospitals.

Organisation of Kashmir Coalition (OKC) with its partners and organisers have launched the "International Day of Lockdown Territories"; this is very much appropriate; undoubtedly, civil society structures, the governments of the world, the UN General Assembly and the intergovernmental organisations to ensure that 5 August is henceforth commemorated as "International Day of Lockdown Territories".

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**You're Invited To An Informal Briefing...**

# **Democratic Despotism and Crimes Violations of Self-determination in Alaska, Hawaii and Kashmir**

New developments have arisen since the cases of Alaska, Hawaii and Kashmir were placed on the agenda at the United Nations in the 1940's. The United Nations created the perception that our cases were settled. Recent reports in the last decade from Special procedures and the Office of the High Commissioner for Human Rights reveal that the international cases of Alaska, Hawaii and Kashmir have yet to be settled. Refreshing our approaches must challenge the United Nations to resolve the grave and systematic human rights violations.

- For many years, **Ambassador Ronald Barnes** of Alaska, **Foreign Minister Leon K. Siu** of the Hawaiian Kingdom and **Barrister Majid Tramboo**, advocate for Kashmir and Jammu, have engaged with the UN in Geneva and New York to find a peaceful, graceful way to end the illegal occupations their countries. Also speaking will be **Shaista Safi**, journalist and TV anchor, especially on Kashmiri women and violence ; **Shamim Shawl** , International Muslim Women Union, Permanent Representative; **Muzzamil Thakur** – Kashmir Justice Foundation – a think tank and – Advocate Parvez Shah Representative APHC - Kashmir

On **Wednesday evening, 11 March 2020**, they will be speaking about these situations at an informal, “talk-story” briefing, open to all in the Geneva community... learn about recent developments in the struggle to free their countries.

They will be joined by **Dr. Alfred deZayas** the first ever UN Independent Expert for the promotion of a democratic and equitable international order.



Ambassador Ronald Barnes



H.E. Leon Kaulahao Siu



Barrister Majid Tramboo



Dr. Alfred M. deZayas

**11 Mar 2020 • 18:30h – 20:30h**

• CAGI • La Pastorale • Route de Ferney 106, 1202 Genève

A light meal will be served

CAGI Welcome Center requires a guest list so you must let us know if you are coming.

**RSVP** by noon Wednesday: [angull2002@yahoo.com](mailto:angull2002@yahoo.com) • +41 76 665 71 80



## INTERNATIONAL HUMAN RIGHTS ASSOCIATION OF AMERICAN MINORIORTIES



In association with

**ORGANISATION OF KASHMIR COALITION (OKC)**

And its partners



### Parallel Event to the 45<sup>th</sup> Session of the United Nations Human Rights Council (HRC) as listed in the HRC Events Calendar

**FRIDAY 2  
OCTOBER 2020**

**TIME: 13:00  
(Europe Time)**

**TO BE HELD VIRTUALLY VIA ZOOM**  
<https://us02web.zoom.us/j/81168347909?pwd=Wm41Yjl3OXdzY096YStlSnJlUlc1dz09>

**THEME**

***SELF-DETERMINATION, CONFLICT AND GENEVA CONVENTIONS***

The Origins of the laws of armed conflict gave birth in 20<sup>th</sup> century into Article 23 Mandate of the League of the Nations Trusteeship and Decolonisation process. The evolution on the right of self-determination became one of the underlying principles of the human rights genre for nations and peoples under the Charter of the United Nations and modern international law. The right of peoples under colonial domination and foreign occupation is supported by many international human rights instruments and international humanitarian law. The Human Rights Council and its Special Procedures and treaty bodies give recommendations to implement violations. From Kashmir to Alaska, Hawaii and Palestine and other serious cases, we call for action and resolve.

## PANELISTS

### **Professor Alfred Maurice de Zayas**

Geneva School of Diplomacy and former Independent Expert on the Promotion of a Democratic and Equitable International Order



### **Professor Nazir A. Shawl**

Chairman, South Asia Centre for Peace and Human Rights and Executive for OKC



### **Daniela Donges**

Scales for Justice out of Geneva



### **Frank Schwalba-Hoth**

Co-Founder of the German Green Party and Former Member of the European Parliament (MEP)



### **Dr. Joseph Wronka**

Professor of Social Work, Springfield College, Representative to the UN in Geneva for the International Association of Schools of Social Work (IASSW)



### **Ambassador Ronald Barnes**

Chair of Indigenous Peoples and Nations Coalition; Head of Mission in Geneva for the Alaska Decolonisation Movement



### **Barrister A. Majid Tramboo (Moderator)**

Permanent Representative of IHRAAM and Executive of OKC



Contact: Barrister A. Majid Tramboo – [tramboom@okc.world](mailto:tramboom@okc.world)

Or

Ambassador Ronald Barnes – 00 41 76 665 7180 – [angull2002@yahoo.com](mailto:angull2002@yahoo.com)