



SOUTH AFRICAN KASHMIR ACTION GROUP KASHMIR CENTRE AFRICAN UNION

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Kashmir Global Movement

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Press Release

21<sup>st</sup> December 2021.

### **RUSSEL TRIBUNAL OF KASHMIR WAR CRIMES (RTok).**

*Background:*

The Russell Tribunal, also known as the International War Crimes Tribunal, Russell-Sartre Tribunal, or Stockholm Tribunal, was a private People's Tribunal organised in 1966 by Bertrand Russell, British philosopher and Nobel Prize winner, and hosted by French philosopher and writer Jean-Paul Sartre, along with Lelio Basso, Simone de Beauvoir, Vladimir Dedijer, Ralph Schoenman, Isaac Deutscher and several others. The tribunal investigated and evaluated American foreign policy and military intervention in Vietnam.

Bertrand Russell justified the establishment of this body as follows:

If certain acts and violations of treaties are crimes, they are crimes whether the United States does them or whether Germany does them. We are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us.

— Justice Robert H. Jackson, Chief Prosecutor, Nuremberg War Crimes Trials.

The tribunal was constituted in November 1966, and was conducted in two sessions in 1967, in Stockholm, Sweden and Roskilde, Denmark. Bertrand Russell's book on the armed confrontations underway in Vietnam, *War Crimes in Vietnam*, was published in January 1967. His postscript called for establishing this investigative body. The findings of the tribunal were largely ignored in the United States.

There had been few other Russell Tribunals fashioned in the similar manner and modalities, like:

1. 1974–76: On Repression in Brazil, Chile, and Latin America
2. 2001: On Human Rights in Psychiatry (Berlin)
3. 2004: On Iraq (Brussels)
4. 2009–2014: On Palestine RTOP (Barcelona, London, Cape Town, New York, Brussels)

### **Russell Tribunal on Kashmir RTok (17-19 December 2021, Sarajevo, Bosnia)**

The RTok is right step in right direction under then the auspicious leadership of Dr. Fai, Dr. Mir, Dr. Shah and Altaf Wani to steer the ship in right direction and get the world attention affixed on the three days event with numerous witnesses, interrogation and observation by independent international panel of judges and subsequently the mainstream media got hold of the story but it has made lukewarm presence on world and social media. The RTok have raised people many eyes brows in New Delhi. It has also given a renewed hope to the oppressed people of Kashmir in Indian occupied Jammu and Kashmir IIOJK. These efforts are worthwhile exercise.

The genesis of such mentioned effort stated in the High Court of Pretoria South Africa when the case was submitted to of War crimes against Prime Minister Modi in July 2018 with prima facie case his alleged involvement in the war crimes committed during his tenure as prime minister of India. The docket was opened for inquest by South Africa National Prosecuting Authorities (NPA) and Indian embassy in South Africa denied the visa to the special investigative unit of NPA was denied by Indian embassy in Pretoria.

The net is getting tighter and tighter on India hegemonies in Kashmir and citizen of the world are getting conscientised every day about the Indian illegal occupation of Jammu and Kashmir. The plaintiff of the case Salman Khan from SAKAG and MLA received death threats and constant harassment from some quarters.

Russell Tribunal on Kashmir in Sarajevo, Bosnia on December 17-19, 2021. Together, this tribunal aims to highlight the grave crimes against humanity, including genocide, that are occurring in the Indian occupied territory of Jammu and Kashmir. The seriousness of these crimes is what motivated us to bring this to the attention of the world, since it is a direct threat to global peace.

## Priority Crimes Litigation Unit



19 July 2018

Yousha Tsyob Attorney

### REQUEST FOR INVESTIGATION KASHMIRI ACTION GROUP – PRIME MINISTER INDIA

1. Your request for an investigation and the arrest and prosecution of the Prime Minister of India alternatively a referral to the ICC has reference.
2. With reference to my undertaking to provide you with my decision during the course of business today I confirm that I have received feedback from the DPCI in respect of the investigations I had identified, I have studied all the available material and had made a decision on the merits of applying for a warrant of arrest.
3. In your request for an investigation you however stipulated that the National Director must be involved in the decision-making process. I have been advised by his Office that he is not available due to other extremely urgent out-of-office matters. I have been advised that he will be able to give attention to this matter tomorrow morning.
4. In these circumstances I will only be in a position to communicate my decision to you once the National Director has been consulted and has indicated whether he occurs therewith or not.
5. I undertake to do this immediately after he has considered the matter.

Kind regards

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Dear Mr Tayob

**Re: Modi Docket**

Thank you for your letter dated 8 August 2018 addressed to the Minister.

I wish to refer to the news article dated 2 August 2018 that appeared in the Daily Maverick and which was enclosed in your letter.

The comments attributed to the Minister regarding the case brought by the MLA against the President of India were based on incorrect information given to the Minister about the matter. No malice or prejudice against any party was intended. DIRCO understands that the docket is still open and subject to investigations by the relevant authorities.

I wish to sincerely apologise for the miscommunication and any inconvenience caused.

I also wish to thank the MLA for meeting with members of DIRCO and the Human Rights Commission.

With kind regards,

**Zane Dangor**  
Special Adviser to the Minister

This foundational international event, the first of many tribunals being planned over the coming years, aims to set the stage for exposing the seriousness of the Kashmir conflict. More specifically, the focus of the tribunal will be on 4 thematic areas: **(a) Genocide**, including a discussion on the Jammu Genocide in which an estimated 230,000 - 500,000 people were killed. **(b) De-Colonization**, Kashmir is not a secessionist/separatist movement, but a de-colonial movement; **(c) Settler-Colonialism** (landgrabs, coercive patriotism etc); **(d) Crimes Against Humanity and Nuclear War** - mass graves, rape as a weapon of war, and the ever present threat of nuclear war in this contested region.

This tribunal brings together key global personalities, academics and celebrities to highlight the ongoing genocide, massive violations of human rights, crimes against humanity, and political oppression of the people in the disputed territory of Indian Occupied Jammu and Kashmir. In actuality, Russell Tribunal on War Crimes in Kashmir 2021 aims to replicate the significance and impact of the Russell Tribunal on Vietnam that gained worldwide press coverage and had a clear, discernible impact on transforming the narrative on Vietnam. For that reason, and in paying homage to the courage of Professor Bertrand Russell, who dared to challenge American hegemony at the height of its power, we use that model to expose the crimes of India in Kashmir. Likewise, the Russell Tribunal on Kashmir aims to reaffirm the primacy of international law as the basis for solving the Kashmir conflict. Moreover, it aims to raise awareness of the responsibility of the international community to prevent ongoing crimes against humanity and the potential for a genocide to occur.

The organizational structure of the Russell Tribunal on Kashmir consists of (1) judges, (2) prosecutors/moderators, (3) specialists/academics and witnesses. In total, there will be 15 Judges - who are leading global personalities, with impeccable credentials and unblemished reputations of integrity. These esteemed judges have already been given extensive literature to review, which includes peer-reviewed articles, UN reports, and Amnesty International and Human Rights Watch documentation on the Kashmir crisis.

About Kashmir conflict:

The Kashmir dispute has been dominating the India-Pakistan relationship ever since the birth of the two states in 1947. It has also played a significant role in border disputes between China and India over Aksai Chin which continues to date. Kashmir lies between three of the most populous countries of the world: India, China, and Pakistan, covering a land mass of over 80,000 square kilometres, and inhabiting over 17 million people. The struggle over the Kashmir valley has been one of the most prolonged conflicts of the last century. Since the controversial arrival of Indian forces in Kashmir on 27 October 1947, the territory of Jammu and Kashmir has been divided by a ceasefire line or Line of Control between sides, under Pakistani and Indian control respectively. Since 1947, India and Pakistan have failed to reach consensus on an agreement for the territory of Kashmir. Instead, they have fought three wars (1948, 1965, and 1971), and almost had a nuclear showdown in 1999, known as the Kargil War. There have been two United Nations (UN) mandated ceasefires in 1949 and 1965 respectively and 58 United

Nations Security Council (UNSC) resolutions on the Kashmir dispute. Most recently on 5 August 2019, an illegal and unilateral abrogation of Article 370,35a by Modi's government drew a tsunami of world condemnation.

The esteemed judges will be asked to answer the following questions:

- (1) Kashmir a separatist movement or decolonial movement?
- (2) Is India operating a settler-colonial apartheid state in the disputed territory of Jammu and Kashmir?
- (3) Do the enforced disappearances, mass graves, snatching of bodies of the deceased, and killings, amount to crimes against humanity?
- (4) Is there credible evidence for the Jammu genocide, and is a current genocide being planned?
- (5) Is there a credible risk of the crisis escalating to a Nuclear war?

At the end of three days session the presiding panel of judge's concluded and answer to all above questions were anonymously YES.

### **Statement from Judges on Inaugural Russell Tribunal on Kashmir**

We the judges are present here today to submit our initial statement regarding the proceedings of the inaugural Russell Tribunal on Kashmir. A final, more thoroughgoing statement will be issued subsequently.

Based on the evidence presented by area experts, the Kashmir issue should arguably be seen within a broader global context of settler colonialism, genocide, and crimes against humanity. Serious accusations of genocide, crimes against humanity, rape as a weapon of war, unlawful arrests and mass blinding have been made. This is just the beginning of a long, arduous, and judicious process to uncover truth, but the live testimony we have heard thus far, and the reports and evidence we have seen, have left us with serious concerns about crimes, which appear to have been carried out on a massive scale.

At this time, we would like to share some basic facts and accusations:

**FACT.** Kashmir is disputed territory, a fact established by 18 United Nations resolutions. It cannot be claimed legitimately by any country or claimed as an integral part until the time that the people of Kashmir have been granted the right to freely, and without fear, express their opinion in the referendum that they were promised and that the UN continues to urge. To date, that has not happened.

**FACT:** Following from the above, Kashmir is not a secessionist movement. In fact, we heard convincing evidence that the people of Kashmir have been involved in a long struggle of freedom from foreign rulers.

**FACT:** Kashmir is among the most heavily militarized areas on the planet, with upwards of 700,000 to 900,000 Indian soldiers, paramilitary forces, and private security forces present.

**FACT:** Significant evidence of atrocities is contained in the first report ever issued by the United Nations on human rights in Kashmir. The report was released on 14 June 2018 by the Office of the United Nations High Commissioner for Human Rights and released under Zeid Ra'ad Al Hussein.

**FACT:** Significant evidence of crimes is also contained in the second report issued by the Office of the United Nations High Commissioner for Human Rights, issued on 8 July 2019 under UN human rights head Michelle Bachelet. The report is titled, "Update on the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019.

**FACT:** We heard evidence of genocide, in particular in Jammu in 1947 and 1948, during which time the Indian government and Dogra regime claimed to be directly responsible. Events during this time need to be carefully recognized and studied. The accusations are grave and warrant deeper investigation.

**FACT:** We have heard evidence from two genocide alerts given by Genocide Watch, an NGO led by Professor Gregory Stanton.

Finally, in conclusion, based on the statements, oral testimonies and reports we heard on 17 and 18 December, we find serious indications of constant restrictions on freedoms and gross human rights violations, including mass crimes, mass rapes and other crimes against humanity. From the allegations we have heard, these crimes seem to meet the definition of genocide.

This is only the beginning of a long process. Given the seriousness and gravity of these incriminations, it is important that international institutions and human rights tribunals urgently open cases and examine these allegations and prosecute those

responsible for violations. The reports we have heard suggest that the government of India, the Indian Army and the Indian Intelligence Service are responsible. This requires further investigation.

We invite the world public to visit Kashmir and report on the state of freedoms and human rights. We are continuing to closely monitor the situation in hopes of holding criminals to account.

We also call upon the United Nations to properly oversee the decolonialization process in Kashmir. Just as the United Nations intervened and found that Britain had not properly completed the decolonialization process in Chagos Archipelago in the 1960s, it could offer a similar intervention vis-à-vis Kashmir. This is the United Nations' responsibility. As such, we call upon the United Nations General Assembly to request an advisory opinion of the International Court of Justice to characterize the Kashmir situation as an uncompleted decolonialization process and to recognize the legal force of the Security Council's resolution calling for a plebiscite of the people of Kashmir in order that they may determine their future.

Aluta Continua Victorie de certe.

In Sadness and Struggle,

Issued by:

**Salman Khan.** Paul Harris Fellow

Founder & Chairman SAKAG.

Founder & Chairman

Kashmir Global Movement

SAKAG “ South Africa Kashmiri Action Group”.

KCAU “ Kashmiri Center for Africa Union”.

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