

Resolution No. 8/42-POL
On the
Jammu and Kashmir Dispute

The Forty Second Session of the Council of Foreign Ministers, (Session of Joint Vision to Strengthen Tolerance and Reject Terrorism), held in Kuwait, State of Kuwait, from 9 to 10 Sha 'ban 1436H (27-28 May 2015),

Reaffirming the principles and objectives of the Charter of the Organization of Islamic Cooperation and the UN Charter regarding the importance of the universal realization of the right of peoples to self-determination and recalling the UN resolutions relevant to the Jammu and Kashmir dispute which remain unimplemented,

Recalling the Special Declarations on Jammu and Kashmir adopted by the 7th, 10th and 11th Sessions of the Islamic Summit Conference and the Extraordinary Session of the Islamic Summits held in Casablanca in 1994 and Islamabad in 1997 and all previous OIC resolutions on the Jammu and Kashmir dispute as well as the reports of the Ministerial and Summit Meetings of the OIC Contact Group on Jammu and Kashmir and endorsing the recommendations contained therein,

Expressing concern at the alarming increase in the indiscriminate use of force and gross violations of human rights committed against the innocent Kashmiris and regretting that India had not allowed the OIC Fact Finding Mission to visit Indian-occupied Jammu and Kashmir or responded favorably to the offer of a Good Offices made by the OIC,

Taking note of the report of Mr. Christ of Heyns, Special Rapporteur on Extrajudicial Summary or Arbitrary Execution presented during the 23rd Session of the UN Human Rights Council expressing concern at the extra judicial execution, enforced disappearances, death due to excessive use of force, fake encounters, 2700 unmarked graves containing 2493 and wild ranging powers to the armed forces in respect of using lethal force in various instances,

Regretting the travel restrictions imposed on the Kashmiri leadership due to non-issuance of travel documents,

Noting with regret the Indian attempt to malign the legitimate Kashmiri freedom struggle by denigrating it as terrorism and appreciating that the Kashmiris condemn terrorism in all its forms and manifestations,

Expressing the hope for an early resumption of the dialogue between India and Pakistan,

Further expressing the hope that the dialogue between Pakistan and India will be substantive and result-oriented in addressing all outstanding issues including the issue of Jammu and Kashmir,

Acknowledging that the Kashmiris are the principal party to the Jammu and Kashmir dispute and that they must be associated with the Pakistan-India dialogue process,

Regretting the unilateral Indian decision to cancel the Foreign Secretary-level Talks scheduled on 25 August 2014, in Islamabad, on the pretext of the meeting of the High Commissioner of Pakistan with the Representatives of the Kashmir people in New Delhi, which is a longstanding practice,

Condemning the unprovoked and indiscriminate firing by the Indian security forces on the Line of Control (LoC) and the Working Boundary (WB) which resulted in the loss of innocent civilian lives,

Expressing support for the work of the Special Representative of the OIC Secretary General on Jammu and Kashmir and hoping that it would facilitate the implementation of OIC's Resolutions on Jammu and Kashmir and the early settlement of this dispute,

Welcoming the decision of the OIC Independent Permanent Human Rights Commission (IPHRC) in its 6th Session to establish the Standing Mechanism for Monitoring the Human Rights situation in the Indian Occupied Kashmir (IOK) in pursuance of Resolutions 1/40-POL and 8/41-POL adopted by the Council of Foreign Ministers at the 40th and 41st Sessions, respectively,

Further welcoming the visit of the OIC Secretary General to Pakistan on 4-6 August 2014, during which in-depth discussions were held with the Representatives of the Kashmiri people,

1. **Calls for** a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN Resolutions;
2. **Calls upon** India to cease forthwith the gross and systematic human rights violations of the Kashmiri people;
3. **While welcoming** the sentencing of armed personnel involved in Macchil fake encounters calls upon India to conduct similar trials of personnel involved in Pathribal fake encounters of 2000, Kupwara killings of 2005 and 2006, Ganderbal encounters of 2006, Bomai killings of 2009, Shopian killings of 2013, Budgam killings of 2014, Kunan-Poshpora mass rapes and other encounters cases of human rights violations in Indian occupied Kashmir;

4. **Further calls upon** India to allow international human rights groups and humanitarian organizations to visit Jammu and Kashmir;
5. **Expresses** concern at the execution of Mr. Afzal Guru in complete secrecy in Tihar Jail, New Delhi, on 9th February 2013 who was not provided access to adequate legal counsel and dead body of whom was not handed over to the relatives and buried in the jail premises;
6. **Affirms** that any political process/elections held under foreign occupation cannot be a substitute to the exercise of the right of self-determination by people of Kashmir as provided in the relevant Security Council Resolutions and reaffirmed in the Millennium Declaration of the UN General Assembly;
7. **Feels** extremely concerned at the sharp increase in attacks on Kashmiri students and their evictions from educational institutes in India;
8. **Urges** Government of Indian to refrain from attempts aimed at changing the demography of Indian Occupied Kashmir (IOK), including through settling of non state subjects in the state;
9. **Expresses** deep sympathy for the people of Indian Occupied Kashmir devastated by the floods and appeals to Member States to extend assistance for early rehabilitation of the victims;
10. **Feels concerned** at the reports of Indian government's selective approach in assisting flood victims on communal basis and ignoring Muslims on the basis of religion;
11. **Supports** the ongoing efforts of the Government of Pakistan to seek a peaceful resolution of the Jammu and Kashmir dispute through all possible means including substantive bilateral talks with India in accordance with the will of the people of Jammu and Kashmir;
12. **Calls for** the expeditious implementation of the recommendations contained in the reports of the three OIC Missions led by Ambassador Ezzat Kamel Mufti, Secretary General's Special Representative on Jammu and Kashmir in March 2007, September 2008 and Ambassador Alim in April 2011 and November 2013 to Pakistan and Azad Kashmir to prevail upon India to sincerely strive peaceful resolution of the Kashmir dispute and reciprocate the initiative taken by Pakistan;
13. **Urges** the Government of India, in the interest of regional peace and security to avail itself of the offer of Good Offices made by the OIC and also allow the OIC Fact Finding Mission to visit the Indian occupied Jammu and Kashmir;
14. **Further urges** the Government of India to allow an impartial investigation of unmarked graves in Kashmir and calls for the need to secure the sites of those

graves and conduct investigations by impartial forensic experts in order to determine their identities;

15. **Calls on** the Government of India to maintain peace and tranquility on the LoC and the WB in accordance with the Ceasefire Agreement of 2003;
16. **Requests** the OIC Secretary General to urge upon the Government of India to remove the restrictions imposed upon the Kashmiri leadership to facilitate their travel abroad;
17. **Requests** the Standing Mechanism of the OIC IPHRC to submit its regular reports on the Human Rights situation in the Indian Occupied Kashmir(IOK) to the Council of Foreign ministers at its subsequent sessions;
18. **Further requests** the OIC Secretary General to regularly publish the reports submitted by the Standing Mechanism of the OIC IPHRC on the human rights violations in the Indian-occupied Kashmir;
19. **Recommends** that Member States continue to coordinate their positions in international fora and mandates the OIC Contact Group on Jammu and Kashmir to meet regularly on the sidelines of session of the UN General Assembly, the UN Human Rights Council and UN Sub-Commission on the Promotion and Protection of Human Rights as well as the OIC Ministerial meetings;
20. **Reiterates** its recommendation that for a meaningful and effective role in the Kashmir dispute, the Secretary General should dispatch a formal request to the Government of India to facilitate the visit of an OIC Mission to the Indian-occupied Jammu and Kashmir;
21. **Decides** to consider the Jammu and Kashmir Dispute at the next Session of the CFM;
22. **Requests** the Secretary General to follow up the implementation of this resolution and to submit report thereon to the next Session of the Council of Foreign Ministers.
