

# **CONTEXTUALIZING THE STATUS OF HUMAN RIGHTS: A COMPARATIVE ANALYSIS OF KASHMIR VALLEY AND PALESTINE**



**LUBNA TARIQ**

**SUPERVISOR**

**REG.NO. 39-FSS/PHDIR/F18**

**PROFESSOR DR. AMNA  
MAHMOOD**

**DEPARTMENT OF POLITICS AND INTERNATIONAL RELATIONS  
FACULTY OF SOCIAL SCIENCES  
INTERNATIONAL ISLAMIC UNIVERSITY, ISLAMABAD.**

**2025**

**CONTEXTUALIZING THE STATUS OF HUMAN  
RIGHTS: A COMPARATIVE ANALYSIS OF  
KASHMIR VALLEY AND PALESTINE**



**Submitted By**

**LUBNA TARIQ**

**Registration No. 39-FSS/PHDIR/F18**

“A thesis submitted in partial fulfillment of the  
requirements for the degree of

**Doctor of Philosophy (Ph.D)**

**in**

**International Relations**

at the

Department of Politics and International Relations

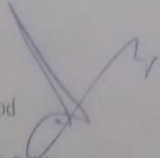
**Faculty of Social Sciences**

**International Islamic University, Islamabad.**

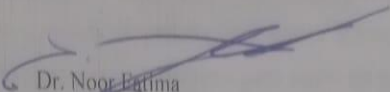
**2025**

Certified that contents and form of thesis entitled 'Contextualizing the Status of Human Rights: A Comparative Analysis of Kashmir Valley and Palestine' submitted by Ms. Lubna Tariq Reg#39-FSS/PHDIR/F18, have been found satisfactory for the requirements of the degree of PhD International Relations.

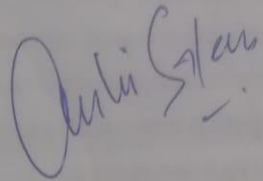
Supervisor:

  
Prof. Dr. Amina Mahmood  
Chair  
Department of History & Pakistan Studies,  
International Islamic University, Islamabad


Internal Examiner:

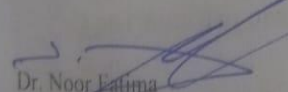
  
Dr. Noor Fatima  
Associate Professor/Chair  
Department of Politics and International Relations,  
International Islamic University, Islamabad

External Examiner:

  
Prof. Dr. Arshi Saleem  
Professor  
Dept. of Peace & Conflict Studies  
NDU, Islamabad

External Examiner:

  
Dr. Umer Hayat  
Associate Professor  
Dept. of IR  
Bahria University, Islamabad

  
Dr. Noor Fatima  
Chair  
Politics and International Relations  
International Islamic University, Islamabad

  
Dean

Faculty of Social Sciences,  
International Islamic University, Islamabad

**DR. MANZOOR KHAN AFRIDI**  
PROFESSOR / DEAN  
Faculty of Social Sciences  
International Islamic University  
Islamabad



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## Declaration

I, **Lubna Tariq**, hereby declare that this dissertation is original and has never been presented in any other institution. I, moreover, declare that any secondary information used in this dissertation has been duly acknowledged.

**Student**

**Lubna Tariq**

Signature

---

Date

---

**Supervisor:**

**Prof. Dr. Amna Mahmood**

Signature

---

Date:

---

## **Dedication**

To my parents, for their unwavering and boundless support; to my husband, for being my constant companion and strength; and to my daughter, for filling my world with love and joy.

## **Acknowledgement**

In the name of Allah, the Most Gracious, the Most Merciful, I begin by acknowledging the divine blessings that have guided me throughout this journey, granting me the strength, perseverance, and wisdom necessary to complete this academic endeavor. With sincere gratitude, I recognize those whose unwavering support has been integral to my success.

First and foremost, I wish to express my profound appreciation to my supervisor, Prof. Dr. Amna Mahmood. Your exemplary mentorship, intellectual guidance, and relentless commitment to my academic and personal development have been invaluable. Your insights have not only shaped this research but also fostered in me a lasting passion for scholarly inquiry. It has been an honor to work under your esteemed supervision.

I am also deeply grateful to Prof. Dr. Noor Fatima, Chairperson, for her constant encouragement, visionary leadership, and academic support that have provided an enabling environment for my research journey.

To my parents, words cannot fully convey the depth of my gratitude. Your unconditional love, unyielding encouragement, and countless sacrifices have provided the foundation upon which my academic aspirations have been built. Your belief in me has been my greatest source of motivation, and I remain forever indebted to you for your unwavering support.

I am also deeply grateful to my spouse, whose steadfast support, patience, and understanding have been a constant source of strength throughout the challenges of academia. Your sacrifices and unwavering faith in my potential have been pivotal to



the successful completion of this thesis, and I am profoundly thankful for your love, partnership, and encouragement.

To my siblings, I extend my heartfelt thanks for their continuous belief in my abilities and for the encouragement they have provided throughout this journey. Your unwavering support and shared pride in my achievements have been a significant source of motivation, reminding me of the importance of family and the strength derived from it.

Finally, I wish to acknowledge my friends, both near and far, whose friendship, encouragement, and moments of levity have alleviated the stresses of this academic pursuit. Your understanding and support have enriched my experience, and I am grateful for the companionship you have offered during this time.

## Table of Contents

|  |      |
|--|------|
| Declaration.....   | ii   |
| Dedication.....  | iii  |
| Acknowledgement .....  | iv   |
| List of Tables .....   | xii  |
| List of Figures.....   | xiii |
| Abstract.....  | xvi  |
| CHAPTER I.....   | 1    |
| 1. Introduction.....   | 1    |
| 1.1. Rationale of the Study.....   | 3    |
| 1.2. Statement of the Problem.....   | 3    |
| 1.3. Objectives of the Study .....   | 4    |
| 1.4. Research Question .....   | 5    |
| 1.5. Significance of the Research.....   | 5    |
| 1.6. Delimitation of the Study.....  | 7    |
| 1.6.1 Geographic Focus .....   | 7    |
| 1.6.2. Timeframe.....  | 7    |
| 1.6.3. Scope of Human Rights Violations.....                                   | 7    |
| 1.6.4. Focus on Three Key Organizations.....                                   | 8    |
| 1.6.5. Political Narratives.....   | 8    |
| 1.6.6. Methodological Approach.....  | 8    |
| 1.7 Operational Definitions of Major Terms .....                               | 8    |
| 1.7.1 Human Rights Violations.....   | 8    |
| 1.7.2. Kashmir Conflict.....   | 9    |
| 1.7.3. Palestine Conflict .....  | 9    |
| 1.7.4. Amnesty International.....  | 9    |
| 1.7.5. Human Rights Watch (HRW) .....  | 10   |
| 1.7.6. United Nations Office of the High Commissioner for Human Rights (OHCHR) | 10   |
| 1.7.7. Narratives.....   | 10   |
| 1.7.8. State Sovereignty .....   | 11   |
| 1.7.9. International Human Rights Advocacy.....                                | 11   |
| 1.8 Theoretical Framework.....   | 12   |
| 1.9. Review of Literature .....  | 14   |
| Section 1: Concept of Human Rights.....  | 15   |

|   |    |
|---|----|
| Section 2: Amnesty International Human Rights Watch, OHCHR and their Human Rights Advocacy .....                            | 18 |
| Section 3: Genesis of Kashmir Conflict and Human Rights in Kashmir .....  | 29 |
| Section 4: Genesis of the Palestine Conflict and Human Rights in Palestine .....  | 37 |
| Section 5: Concept of State Narrative.....  | 47 |
| 1.10 Research Methodology .....   | 50 |
| 1.11. Research Design.....  | 50 |
| 1.12. Qualitative Approach .....  | 51 |
| 1.13 Data Collection Methods .....  | 51 |
| 1.14. Primary Sources .....   | 51 |
| 1.15. Secondary Sources .....   | 52 |
| 1.16. Organization of the Study .....   | 53 |
| CHAPTER-2 .....   | 57 |
| 2. Introduction.....  | 57 |
| 2.1 Human Rights Theory.....  | 58 |
| 2.2. Theory of Liberalism .....   | 59 |
| 2.3. Liberal Institutionalism Theory .....  | 61 |
| 2.4 Integration of Theories.....  | 62 |
| CHAPTER-3 .....   | 63 |
| Human Rights Violations in Kashmir: A Comprehensive Examination of Conflict, Repression, and the Struggle for Justice ..... | 63 |
| 3.1. Introduction.....  | 63 |
| 3.2 Historical and Political Overview of the Kashmir Conflict .....   | 63 |
| 3.2.1 The Partition of 1947 and the Question of Kashmir .....   | 64 |
| 3.2.2 The First Indo-Pakistani War (1947–1948) and the UN Intervention .....  | 65 |
| 3.2.3 Political Repression Under Indian Rule.....   | 66 |
| 3.2.4 The 1951 Constituent Assembly Elections .....   | 66 |
| 3.2.5 The Arrest of Sheikh Abdullah (1953).....   | 66 |
| 3.2.6. The 1965 War and the Tashkent Agreement.....   | 67 |
| 3.2.7. The Simla Agreement (1972) and Its Implications .....  | 67 |
| 3.2.8 The Rise of Insurgency (1989–1990).....   | 67 |
| 3.2.9 The Kargil Conflict (1999) .....  | 68 |
| 3.2.10 The Abrogation of Article 370 (2019) .....   | 68 |
| 3.3 Key Human Rights Abuses in Kashmir .....  | 68 |
| 3.3.1. Extrajudicial Killings .....   | 69 |
| 3.3.2. Arbitrary Detention.....   | 69 |

|               |  |    |
|---------------|--|----|
| 3.3.3.        | Torture.....   | 70 |
| 3.3.4.        | Restrictions on Freedom of Expression and Movement .....   | 70 |
| 2.3.5.        | Armed Forces Special Powers Act (AFSPA) .....  | 71 |
| 3.3.6.        | The Public Safety Act (PSA) .....  | 71 |
| 3.4           | Human Rights Theory, Liberalism, and Violations in Kashmir .....   | 72 |
| 3.5.          | Timeline of Human Rights Violations in Kashmir .....   | 76 |
| 3.5.1         | Partition and Initial Violence 1947 .....  | 77 |
| 3.4.2.        | Establishment of the Line of Control (LoC) 1949 .....  | 77 |
| 3.5.3.        | Denial of Plebiscite 1951 .....  | 78 |
| 3.5.4         | Hazratbal Incident 1964.....   | 78 |
| 3.5.5.        | Second Indo-Pakistan War 1965.....   | 79 |
| 3.5.6.        | Sheikh Abdullah Accord 1975 .....  | 79 |
| 3.5.7.        | Rigged Elections and the Rise of Insurgency 1987 .....   | 79 |
| 3.5.8.        | Insurgency and Escalation of Violence 1989.....  | 79 |
| 3.5.9.        | Gaw Kadal Massacre 1990 .....  | 80 |
| 3.5.10.       | Hawal Massacre (1990) .....  | 80 |
| 3.5.11.       | Kunan-Poshpora Mass Rape 1991 .....  | 81 |
| 3.5.12.       | Sopore Massacre 1993 .....   | 82 |
| 3.5.13.       | Chattisinghpura Massacre 2000 .....  | 82 |
| 3.5.14.       | Gujarat Refugee Crisis 2000 .....  | 83 |
| 3.5.15.       | Kanihama Killings 2008 .....   | 83 |
| 3.5.16.       | Summer Unrest 2010 .....   | 83 |
| 3.5.18.       | Killing of Burhan Wani 2016.....   | 84 |
| 3.5.19.       | Human Shield Incident 2017.....  | 85 |
| 3.5.20        | Shopian Killings 2018.....   | 85 |
| 3.5.21        | Post-Article 370 Restrictions 2019 .....   | 86 |
| 3.5.22        | Targeted Killings of Minorities 2021.....  | 86 |
| 3.5.23        | Poonch Encounter 2022 .....  | 86 |
| 3.5.24        | Increased Targeted Killings and Crackdowns 2023.....   | 87 |
| 3.5.25        | Mass Arrests During G20 Meeting in Srinagar 2023.....  | 87 |
| 3.5.26        | Civilian Displacement and Rising Tensions 2024 .....   | 88 |
| Chapter4..... |  | 93 |
|               | Human Rights Violations in Palestine: The Impact of Israeli Occupation, Settler Colonialism, and the Struggle for Justice..... | 93 |
| 4.1           | Historical and Political Overview of the Palestine Conflict .....  | 93 |
| 4.2           | Historical Origins.....  | 93 |

|  |   |     |
|--|---|-----|
| 4.2.1  | The 1948 Arab Israeli War and Aftermath .....                   | 94  |
| 4.2.2.   | The 1967 Six-Day War and Occupation .....                       | 95  |
| 4.2.. 3  | The Rise of Palestinian Nationalism.....                        | 95  |
| 4.2.4.   | The Oslo Accords and the Two-State Solution.....                | 96  |
| 4.2.5.   | The Hamas Attack of October 7, 2023 .....                       | 96  |
| 4.2.6.   | The Humanitarian Crisis and Blockade of Gaza.....               | 97  |
| 4.2.7  | Political Responses and International Reactions.....            | 97  |
| 4.2.8  | Israel’s Political Landscape Under Netanyahu .....              | 98  |
| 4.2.9.   | The Conflict and Its Escalation 2024.....                       | 99  |
| 4.3.   | Key Human Rights Abuses in Palestine .....                      | 99  |
| 4.3.1  | Settlement Expansion and Land Appropriation .....               | 100 |
| 4.3.2.   | Forced Displacement and Home Demolitions .....                  | 100 |
| 4.3.4.   | Denial of Freedom of Movement.....                              | 101 |
| 4.3.5.   | Excessive Use of Force and Arbitrary Detention.....             | 101 |
| 4.4.   | Human Rights Abuses in Palestine a Theoretical Perspective..... | 102 |
| 4.5.   | Timeline of Human Rights Violations in Palestine.....           | 105 |
| 4.5.1.   | Nakba (Catastrophe)1948 .....                                   | 105 |
| 4.5.2.   | Six-Day War 1967 .....  | 106 |
| 4.5.3.   | Settlement Expansion 1977.....                                  | 107 |
| 4.5.4.   | First Intifada 1987–1993.....                                   | 108 |
| 4.5.5.   | Second Intifada 2000–2005 .....                                 | 109 |
| 4.5.6.   | Construction of the Separation Barrier 2002 .....               | 109 |
| 4.5.8.   | Gaza Blockade 2006 .....  | 111 |
| 4.5.9.   | Operation Cast Lead 2008–2009.....                              | 112 |
| 3.5.10   | Operation Pillar of Defense 2012.....                           | 113 |
| 4.5.11.  | Operation Protective Edge 2014 .....                            | 114 |
| 4.5.12.  | Great March of Return 2018 .....                                | 115 |
| 4.5.13   | Sheikh Jarrah Evictions and Gaza War 2021 .....                 | 116 |
| 4.5.14   | October 7 Hamas Attack and Israeli Response 2023 .....          | 117 |
| 4.5.15   | Impacts of the Separation Barrier (2002–2024).....              | 118 |
| CHAPTER-5  | .....   | 124 |
| International Human Rights Organizations and their Documentation Mechanisms in Kashmir and Palestine | .....   | 124 |
| 5.1  | Amnesty International.....                                      | 124 |
| 5.1.1.   | The Founding of Amnesty International and Mission Vision.....   | 125 |
| 5.1.2.   | Organizational Structure .....                                  | 127 |

|           |   |     |
|-----------|---|-----|
| 5.1.3     | Foundational Principles.....  | 129 |
| 5.1.4     | Impartiality and Independence.....  | 129 |
| 5.1.5     | Universality of Human Rights .....  | 129 |
| 5.1.6     | Nonviolence and Justice.....  | 129 |
| 5.1.7     | Liberal Institutionalism and Amnesty International .....  | 130 |
| 5.1.8     | Key Campaigns of Amnesty International.....   | 133 |
| 5.1.9     | Amnesty International’s Method for Documenting Human Rights Violations<br>138                   |     |
| 5.1.10    | Amnesty International and Kashmir .....   | 141 |
| 5.1.2     | Timeline of Amnesty International’s Work in Kashmir .....                                       | 146 |
| 5.1.3     | Effectiveness of Amnesty International’s Campaigns in Kashmir .....                             | 167 |
| 5.1.4     | Challenges Faced by Amnesty International in Kashmir.....                                       | 170 |
| 5.1.4.1   | Restricted Access and Operational Barriers.....   | 172 |
| 5.2.      | Amnesty International and Palestine.....  | 179 |
| 5.2.1     | Amnesty International’s Strategies in Palestine.....  | 179 |
| 5.2.2     | Timeline of Amnesty International’s Working in Palestine.....                                   | 186 |
| 5.2.3     | Effectiveness of Amnesty International’s Campaigns in Palestine.....                            | 194 |
| 5.2.4     | Challenges Faced by Amnesty International in Palestine .....                                    | 197 |
| 5.2.5.    | Comparative Analysis of Amnesty International’s Interventions in Kashmir<br>and Palestine ..... | 200 |
| 5.2.6     | Effectiveness of Amnesty International’s Campaigns .....  | 203 |
| 5.2.7     | Challenges Faced by Amnesty International in Kashmir and Palestine.....                         | 204 |
| 5.3.      | Human Rights Watch (HRW).....   | 206 |
| 5.3.1     | The Founding of Human Rights Watch .....  | 206 |
| 5.3.2     | Key Campaigns and Initiatives .....   | 208 |
| 5.3.3     | Human Rights Watch and Palestine.....   | 216 |
| 5.4.      | Comparative Analysis of Human Rights Watch’s Interventions in Kashmir and<br>Palestine .....    | 221 |
| 5.4.1     | HRW’s Documentation of Violations in Kashmir and Palestine.....                                 | 222 |
| 5.5.      | OHCHR .....   | 227 |
| 5.5.1.    | Office of the High Commissioner for Human Rights (OHCHR).....                                   | 227 |
| 5.5.2     | Key Campaigns and Initiatives of OHCHR.....   | 228 |
| 5.5.3     | OHCHR and Kashmir .....   | 232 |
| 5.5.4     | OHCHR and Palestine .....   | 238 |
| 5.6. .... | Comparative Analysis of OHCHR’s Interventions in Kashmir and Palestine                          | 244 |
| 5.6.1     | Similarities in OHCHR’s Interventions in Kashmir and Palestine .....                            | 244 |
| 5.6.2     | Effectiveness of OHCHR’s Campaigns in Kashmir and Palestine .....                               | 247 |

|  |     |
|--|-----|
| 5.6.3 Comparative Analysis of Human Rights Advocacy in Kashmir and Palestine.....                              | 249 |
| CHAPTER 6 .....  | 254 |
| Constructing Narratives: India and Israel’s Response to Human Rights Violations in Kashmir and Palestine ..... | 254 |
| 6.1 Official Narratives Created by India and Israel .....  | 254 |
| 6.2 India’s Narrative in Kashmir .....   | 255 |
| 6.3 Israel’s Narrative in Palestine .....  | 256 |
| 6.4. Framing Human Rights Violations as Terrorism or National Security Threats....                             | 257 |
| 6.4.1 India’s Use of the Terrorism Frame .....   | 257 |
| 6.4.2 Israel’s Use of the Terrorism Frame .....  | 257 |
| 6.5. Impact of Governmental Narratives on Domestic and International Perceptions. 258                          |     |
| 6.5.1 Domestic Impact in India and Israel .....  | 258 |
| 6.5.2 International Impact .....   | 258 |
| 6.5.3. Strategies to Counter the Credibility of International Human Rights Reports ...<br>.....                | 259 |
| 6.5.4 India’s Legal and Diplomatic Strategies.....   | 259 |
| 6.5.5 Israel’s Media and Diplomatic Strategies .....   | 259 |
| Conclusion .....   | 260 |
| Findings of the Study .....  | 261 |
| Recommendations.....   | 265 |
| References.....  | 272 |
| Research Articles .....  | 274 |
| Reports .....  | 275 |
| Legal and International Documents .....  | 278 |

## **List of Tables**

Table 1 Timeline of Human Rights Violations in Kashmir (1947–2024)... 111

Table 2 Timeline of Human Rights Violations in Palestine (1948–2024) 144



## List of Figures

|   |     |
|---|-----|
| Figure 1 Map of Jammu & Kashmir .....                             | 87  |
| Figure 2 Partition and Initial Violence.....                      | 99  |
| Figure 3 Establishment of the Line of Control (LoC) 1949.....     | 100 |
| Figure 4 Gaw Kadal Massacre 1990 .....                            | 102 |
| Figure 5 Kunan-Poshpora Mass Rape 1991.....                       | 103 |
| Figure 6 Sopore Massacre 1993.....                                | 104 |
| Figure 7 Chattisinghpora Massacre 2000 .....                      | 105 |
| Figure 8 Killing of Burhan Wani 2016 .....                        | 106 |
| Figure 9 Human Shield Incident 2017 .....                         | 107 |
| Figure 10 Nakba (Catastrophe) 1948.....                           | 119 |
| Figure 11 Six-Day War 1967 .....                                  | 129 |
| Figure 12 First Intifada 1987–1993 .....                          | 131 |
| Figure 13 Construction of the Separation Barrier 2002.....        | 132 |
| Figure 14 Operation Cast Lead 2008–2009 .....                     | 134 |
| Figure 15 Operation Pillar of Defense 2012 .....                  | 137 |
| Figure 16 Operation Protective Edge 2014.....                     | 138 |
| Figure 17 Great March of Return 2018.....                         | 139 |
| Figure 18 Sheikh Jarrah Evictions and Gaza War 2021 .....         | 140 |
| Figure 19 October 7 Hamas Attack and Israeli Response 2023 .....  | 141 |
| Figure 20 Impacts of the Separation Barrier (2002–2024) .....     | 143 |
| Figure 21 Founder of Amnesty International.....                   | 152 |
| Figure 22 The Forgotten Prisoners Article .....                   | 153 |
| Figure 23 Organizational structure of Amnesty International ..... | 155 |
| Figure 24 Campaign against Torture poster.....                    | 161 |
| Figure 25 Abolition of Death Penalty .....                        | 163 |
| Figure 26 Write for the Rights .....                              | 164 |
| Figure 27 Advocacy for Refugees and Asylum Seekers .....          | 165 |
| Figure 28 Gender Equality and Women’s Rights .....                | 165 |
| Figure 29 Corporate Accountability and Human Rights .....         | 166 |
| Figure 30 Climate Justice and Human Rights.....                   | 166 |

## **List of Abbreviations**

|        |  |
|--------|--|
| AI     | Amnesty International  |
| NGOs   | Non-Governmental Organizations   |
| AFSPA  | - Armed Forces Special Power Act   |
| AJ&K   | Azad Jammu and Kashmir   |
| APDP   | Association of Parents of Disappeared Persons                              |
| APPG   | All Parties Parliamentary Group  |
| BSF    | Boarder Security Force   |
| CAT    | Convention Against Torture   |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination Against Women |
| CERD   | Convention on the Elimination of All Forms of Racial Discrimination        |
| CRC    | Convention on the Rights of the Child (CRC)                                |
| CRPD   | Convention on the Rights of Persons with Disabilities                      |
| ECHR   | European Convention on Human Rights  |
| ECtHR  | -European Court of Human Right   |
| EU     | -European Union  |
| GB     | -Gilgit Baltistan  |
| GoP    | -Government of Pakistan  |
| IACtHR | -Inter American Court of Human Rights                                      |
| ICC    | -International Criminal Court  |
| ICESCR | -International Covenant on Economic, Social and Cultural Rights            |
| ICJ    | -International Court of Justice  |
| ICRC   | -International Committee of the Red Cross                                  |
| ICTR   | -International Criminal Tribunal for Rwanda                                |
| ICTY   | - International Criminal Tribunal for the Former Yugoslavia                |
| IDPs   | -Internally displace Persons   |
| IHL    | -International Humanitarian Law  |

|         |  |
|---------|--|
| IHRL    | -International Human Rights Law                                |
| IOJK    | -Indian Occupied Jammu and Kashmir                             |
| J&K     | -Jammu and Kashmir   |
| JKCCS   | -Jammu and Kashmir Collation for Civil Societies               |
| JKMC    | -Jammu and Kashmir Muslim Conference                           |
| JKNC    | -Jammu and Kashmir National Conference                         |
| LoC     | -Line of Control   |
| OHCHR   | -Office of the High Commissioner of Human Rights               |
| OIC     | -Organization of Islamic Conference                            |
| POTA    | -Prevention of Terrorism Act                                   |
| PRF     | -Policy and Research Forum                                     |
| PSA     | -Public Safety Act   |
| R2P     | -Responsibility to Protect                                     |
| SHC     | -State Human Rights Commission                                 |
| TADA    | -Terrorist and Disruptive Activities Act                       |
| UDHR    | -Universal Declaration of Human Rights                         |
| UN      | -United Nations  |
| UNCHR   | -United Nations Commission for Human Rights                    |
| UNCIP   | -United Nations Commission for India and Pakistan              |
| UNGA    | -United Nations General Assembly                               |
| UNMOGIP | -United Nations Military Observer Group for India and Pakistan |
| UNSC    | -United Nations Security Council                               |
| UNYB    | -United Nations Year Book                                      |
| VCLT    | -Vienna Convention on the Law of Treatie                       |

## Abstract

*This study explores the human rights violations in the conflict zones of Kashmir and Palestine, analyzing the historical, political, and social factors contributing to the ongoing crises. Using Human Rights Theory, Liberalism and Liberal Institutionalism as its theoretical framework, the research examines the historical roots of the conflicts, which are shaped by colonial legacies, territorial disputes, and military occupations. Human Rights Theory provides the foundation for understanding the universal rights violated in both regions, while Liberalism and Liberal Institutionalism highlight the role of international institutions and cooperation in addressing these violations.*

*The study also focuses on the role of human rights organizations, particularly Amnesty International, Human Rights Watch (HRW), and the United Nations Office of the High Commissioner for Human Rights (OHCHR), in documenting violations and advocating for accountability in these politically charged environments. Using content analysis, the research evaluates how these organizations challenge the state narratives and push for international accountability, despite facing significant resistance from state actors.*

*This study contributes to understanding the complex intersection of state sovereignty, human rights, and global advocacy in conflict zones. It provides valuable insights into the limitations faced by human rights organizations and offers policy recommendations to improve the effectiveness of international human rights advocacy in regions like Kashmir and Palestine, where state sovereignty often conflicts with international human rights norms.*

## **CHAPTER I**

### **1. Introduction**

The human rights are the basic freedoms that are the key to the dignity, equality and justice, which is the foundation of the democratic societies. These inalienable rights, including civil, political, social, economic, and cultural freedoms, are stipulated in the Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948 and hence depict the interdependence of human needs and freedom to uphold liberty (United Nations, 1948). Although these rights have universal acknowledgement, there is still violation especially in areas where there have been prolonged political conflicts as well as injustice of the system (Donnelly, 2003). Some of the most debatable and lasting conflicts concern Kashmir and Palestine where the human-right state of affairs has greatly worsened throughout the years, with the insurmountable consequences affecting the lives of millions of people (Pappé, 2015; Bhat, 2020).

The Kashmir conflict which dates back to partitioning of British India in 1947 has been a source of constant territorial claims between India and Pakistan. Both the states purport to be in control of the whole region of Jammu and Kashmir, though they control different parts of the region. The war has caused militarization, insurgency, and widespread civilian casualties and led to such atrocities as extra-judicial killings, forced disappearances, and restrictions on basic rights (Bhat, 2020). The violence in Kashmir has resulted in the creation of many human-right abuse cases such as the denial of freedom of expression, forcible disappearance, and censorship (Human Rights Watch, 2021). On the same note, the Palestinian war, which started with the formation of Israel in 1948, has caused the displacement of hundreds of thousands of Palestinian refugees, persistent military occupations and the violation of international law (Pappé, 2015).

Palestinians are deprived of their belongings, detained randomly, and restricted in movement, and their state building ambitions are not fulfilled (Al-Haq, 2016). Similarly to Kashmir, Palestinians face a systematic denial of their rights through settlement growth and blockades by the military forces, which are the breaches of the international law (Pappé, 2015).

To address these severe atrocities, the international community in the form of Amnesty International, Human Rights Watch (HRW), and the United Nations Office of the High Commissioner for Human Rights (OHCHR) has taken a leading role in reporting abuses and holding perpetrators to account (Amnesty International, 2023). These organizations strive to refute the accounts produced by India and Israel, which often present violations as the actions of national security (HRW, 2021). These organizations are also essential in raising awareness of human-rights violations in Kashmir and Palestine even though there is strong opposition to these efforts by the state actors, who reject international conclusions as politically motivated (Amnesty International, 2023).

This research examines the human-right abuses in Kashmir and Palestine, and evaluates the political, social, and historic causes behind these crises that have led to their persistence. The theoretical framework used to analyze the influence of colonial legacies, territorial conflicts and military occupations on these conflicts is the use of Human Rights Theory (Donnelly, 2003), Liberalism (Dunne, 2008) and Liberal Institutionalism (Keohane, 1984). It also analyzes how Amnesty International, HRW, and OHCHR played their roles in promoting justice despite the fact that there was significant opposition by the affected governments. The analysis is aimed at delivering important insights into the point of intersection between state sovereignty, human rights, and global advocacy in conflict regions as well as to offer policy suggestions

that would improve the efficacy of international human-rights endeavors in politically charged settings.

### **1.1. Rationale of the Study**

Both the Kashmir and Palestine conflicts are long term territorial conflicts but are characterized by gross human-right abuses. These violations are so deeply rooted in historical, colonial, and geopolitical processes. This study aimed at critically questioning the cause of these conflicts and the long history of human-rights violations with a special focus on how colonial legacies, territorial claim, and military occupation have contributed to the development of the current situation.

This research explored the role of the international organizations such as Amnesty International, Human Rights Watch, and the Office of the United Nations High Commissioner of Human Rights in reporting on such violations and holding the perpetrators responsible, despite the opposition of the state actors. It also examined how the Indian and Israeli governments conceptualized such violations as national security issues thus challenging the reports of international organizations.

Altogether, the study contributes to the understanding of the nexus between human rights, state sovereignty, and international advocacy, as well as provides substantive insights and policy suggestions that will help to improve the functionality of human-rights efforts in conflict regions, including Kashmir and Palestine.

### **1.2. Statement of the Problem**

This research attempts to explore the complex aspects of human rights abuse in Kashmir and Palestine, with an explanation of the historical, political, and social factors that lead to the ongoing crisis in the regions. The investigation starts with the historical background of the human rights abuses in Kashmir, especially the focus on the

territorial issues, political issues and the legacy of the unresolved problems. The study also examines how the influence of colonialism, dispossession and military occupation in Palestine contributed towards the implementation of systematic breaches of international law and explains how the historical context of Israeli occupation, which dates back to the early twentieth century, has alleviated the implementation of systematic violations of international law.

The study also examines how leading international human-rights organisations (that is, Amnesty International, Human Rights Watch (HRW), and the UN Office of the high commissioner of human rights (OHCHR)) have contributed to the reporting of excesses and in demanding accountability in both Kashmir and Palestine. This involves evaluation of their modes of reporting, sensitization and measures by which they can pressure governmental actors to initiate a reform.

Lastly, the research looks into the ways through which the Indian and the Israeli government have built and proclaimed narratives in retaliation to international reports of human-rights abuse with the aim of escaping blame and re-branding such abuse as a state-security or terrorism issue.

By taking an in-depth analysis of these aspects, the research hopes to provide a better insight on the long-standing human-rights catastrophes in Kashmir and Palestine, the role of international human-rights agencies and the discourse of strategy that both states use to protect their own interests and form the global opinion.

### **1.3. Objectives of the Study**

- To trace the historical roots of the Kashmir conflict and identify key human rights violations resulting from this prolonged territorial dispute.



- To explore the historical context of Israeli occupation in Palestine and its systematic violations of international law concerning territorial disputes, settlement expansion, and military operations.
- To examine the role of Amnesty International, HRW, and OHCHR in documenting human rights violations and advocating for accountability in Kashmir and Palestine.
- To analyze how the Indian and Israeli governments have constructed narratives in response to international human rights violation reports concerning Kashmir and Palestine.

#### **1.4. Research Question**

- i. What are the historical roots of human rights violations in Kashmir?
- ii. How do the legacy of colonialism, dispossession and military occupation dating back to the early 20th century, contribute to ongoing human rights violations in Palestine?
- iii. How have Amnesty International, HRW, and OHCHR documented human rights violations and advocated for accountability in Kashmir and Palestine?
- iv. How have the Indian and Israeli governments constructed narratives in response to international human rights violation reports in Kashmir and Palestine?

#### **1.5. Significance of the Research**

The study is important because it offers a historical, political, and social contextualization of factors that have led to lethargy of both Kashmir and Palestine, among the most intractable conflicts in modern geopolitics, in its effort to determine the reasons behind the ongoing human-rights abuse. Through following the historical genesis of these conflicts, the research sheds light on the multifaceted heritages of colonialism, military occupation, and territorial conflicts as well as providing critical

information with regard to how these elements are the grounds of systematic human-rights abuses in both contexts.

The research also covers a gap in the scholarly literature on the issue of the role of the international human-rights organizations, namely, Amnesty International, Human Rights Watch, and the United Nations Office of the High Commissioner for Human Rights in the promotion of justice and accountability in the circumstances where the considerations of state self-sufficiency and state security issues often overshadow those of human-rights. The study provides an important understanding of the challenges and constraints that characterize international advocacy in conflict zones by highlighting how these organisations record abuse and mount the pressure on the states.

In addition to this, the analysis of the reactions of the Indian and Israeli governments to the international human-rights reports clarifies how states tactfully construct the discourses of minimizing responsibility and manipulating the world perceptions. This aspect of the study plays a vital role in understanding the political aspects of the human-rights praxis and how the narrative shapes the development of the international opinion and policy.

On the whole, the study is relevant to the wider academic discussion concerning international human-rights law, conflict studies, and global justice, and will provide meaningful policy suggestions on how human-rights advocacy can be made more effective and how protracted conflicts can be held more accountable. Through questioning the historical fundamentals and the modern answers to human-rights crimes, the study will add more insights into the issue of the intersection of the international law, sovereignty, and human rights, and it will enlighten the humanitarian

community and NGOs on the challenges they face in their quest to bring justice to the offenders in tricky and politically sensitive settings.

### **1.6. Delimitation of the Study**

This study has discussed the human rights abuses in Kashmir and Palestine, their historical, political and social backgrounds, and the role of international human rights organizations. The limitation of this research is as follows:

#### **1.6.1 Geographic Focus**

The research area is limited geographically to the Kashmir and Palestine. Though the violation of human rights is reported in many other parts of the world where conflicts are taking place, this study specifically focusses on the two areas as they are long-standing and have received so much international attention.

#### **1.6.2. Timeframe**

This research mainly focused on the human rights abuses between the mid-20th century to 2023. This time interval was considered to reflect the historical aspects of the conflicts, beginning with the post-colonial territorialities, and going up to the current times, thus narrowing in on the continuous violations and the international advocacy.

#### **1.6.3. Scope of Human Rights Violations**

The research has focused on certain forms of human rights abuse which include extrajudicial murders, forced disappearance, military occupation, movement restrictions and denial of basic freedoms. The other types of violation as economic rights or social and cultural rights were also recognized but none were studied in depth in this research.

#### **1.6.4. Focus on Three Key Organizations**

The research did not cover the complete range of key international human rights organizations but instead it narrowed down to three, which are Amnesty International, Human Rights Watch (HRW) and the United Nations Office of the High Commissioner of Human Rights (OHCHR). The current investigation did not include other organisations and their input to the human rights discussion.

#### **1.6.5. Political Narratives**

This study has particularly focused on how the Indian and Israeli governments have reacted to international human rights reports by looking at how the two governments have developed discourse to justify their stance. The study did not examine the larger political practices and the reactions of other countries or actors.

#### **1.6.6. Methodological Approach**

Qualitative methods were used in this study, and it included content analysis of reports and publications obtained based on the chosen human rights organizations. There was no quantitative information on the violations involved, because the focus of the investigation was on the qualitative aspects of advocacy, documentation, and governmental reactions.

### **1.7 Operational Definitions of Major Terms**

#### **1.7.1 Human Rights Violations.**

Violations of human rights are those that violate the basic rights and liberty of all human beings as contained in the provisions of the international human rights laws. In this research, crime involvements in the territories of Kashmir and Palestine are operationalized to include killings performed extrajudicially, forced disappearances, limitations of freedom of expression and movement, arbitrary detention, and crime

against the right to life, liberty, and security. These breaches are evaluated with references to the reports made by human rights organizations and the criteria set by international law standards.

### **1.7.2. Kashmir Conflict**

The Kashmir conflict refers to the geographical and political conflict between India and Pakistan over the region of Jammu and Kashmir a conflict that has been there since the split of British India in 1947. Here, the war is a long-term struggle of sovereignty, control, and identity, which is entangled with difficult historical, cultural, and geopolitical aspects. In this research, the Kashmir conflict is operationalized as the succession of military confrontations, insurgency, and continued violation of human rights in the region. These aspects have had an immense effect on the civilian populations leading to systematic abuses which are the focal point of the empirical focus of this investigation.

### **1.7.3. Palestine Conflict**

Palestine conflict is one of the long standing political and territorial conflict between Palestinians and Israel over the questions concerning Jerusalem status, rights of refugees, and West Bank, Gaza Strip and East Jerusalem territorial issues. In the context of the present research, the conflict is operationalized to include military occupation of Palestinian lands, settlement growth, and structural infringement of human rights against the Palestine people.

### **1.7.4. Amnesty International**

Amnesty International is a non-governmental organization that has a mandate of overall advocacy of the human right within the global context. The operationalization of the role of Amnesty International in this study is outlined in the fact that it

systematically documents human rights abuses, conducts focused advocacy campaigns, issues analytical reports and weaves lobbying attempts aimed at holding governments and other global bodies accountable, especially concerning the Kashmir and Palestine.

#### **1.7.5. Human Rights Watch (HRW)**

Human Rights Watch (HRW) is a non-government non-governmental organization based in other countries and has a systematic research and advocacy on human rights. The operationalization of HRW in the current study is the documentation of human rights in Kashmir and Palestine, HRW activities to publicize the violations, as well as promoting justice and accountability by conducting global campaigns, reports, as well as its policy recommendations.

#### **1.7.6. United Nations Office of the High Commissioner for Human Rights (OHCHR)**

The Office of the United Nations High Commissioner of Human Rights (OHCHR) is the main United Nations organ that is charged with the responsibility of monitoring and enabling human rights internationally. The role of OHCHR in the framework of this study is viewed in terms of the autonomous assessments of human rights situation in the Kashmir and Palestine regions, publication of analytical reports and policy recommendations to be offered to the state actors and international organizations to address the violations detected.

#### **1.7.7. Narratives**

In the current exploration, the concepts of narratives refer to the deliberately put together political discourses that have been used by the respective Indian and Israeli regimes in the process of justifying their respective activities in the disputed territories of Kashmir and Palestine. Such discourses are characterized by the repositioning of alleged human-rights abuses as the issue of national security, counter-terrorism efforts,

or self-defence, and have the effect of minimizing the domestic blame of other nations, and forming the opinion of the global community.

#### **1.7.8. State Sovereignty**

The concept of state sovereignty refers to the fact that a sovereign state is the one to have the innate jurisdiction over its territory and make the policies independently, without any outside influence. In this study, state sovereignty is conceptualized as the platform on which the Indian and Israeli states use the issue of domestic legitimacy to avoid international criticism of their human rights violations, and to excuse their actions in the Kashmir and Palestine conflicts, respectively. The appeal to the concept of national security issues and territorial integrity is offered as the main justification used by such states to perpetuate their activities in disputed territories.

#### **1.7.9. International Human Rights Advocacy**

The term international human-rights advocacy refers to the joint efforts of non-governmental organisations (NGOs), intergovernmental organisations, and other interested parties to raise awareness regarding human-rights abuses, to pressure sovereign governments into reforming policy frameworks, and to seek accountability procedures. In the current study, the construct is operationalised to include the interventions that are done by Amnesty International, Human Rights Watch (HRW), and the Office of the United Nations High Commissioner of Human Rights (OHCHR) in the areas of Kashmir and Palestine. These interventions aim at recording violations, raising the publicity and promoting international policy reactions and significant changes.

#### **1.7.10. Colonial Legacy**

Colonial legacy refers to the legacies that existed as a result of colonialism in political, economic and social institutions. In this study, the concept of colonial legacy

is coded to encompass historical events of territorial division, military conquest, and other abacuses of indigenous groups that continue to affect the wars in Kashmir and Palestine.

## **1.8 Theoretical Framework**

Human Rights Theory, Liberalism and Liberal Institutionalism can be considered in this study of human rights interventions in Kashmir and Palestine. These theoretical explanations provide a thorough explanation about the role of the global institutions like Amnesty International, Human Rights Watch (HRW), the United Nations Office of the High Commissioner of Human Rights (OHCHR), and other organizations in the operation of these institutions, how collaboration is encouraged in enhancing human rights and the correction of human rights violations in the conflict regions like Kashmir and Palestine.

The Human Rights Theory assumes that there are some rights that are deemed as natural to all people regardless of their nationality, ethnicity, or political conditions (Donnelly, 2003; UN, 1948). The operations of Amnesty International, HRW, and OHCHR in Kashmir and Palestine are based on this framework as they push for the defence of universal rights, including the right to life, freedom of torture, and the fair trial right. Amnesty in Kashmir emphasizes the violation of human rights and freedoms including arbitrary detention and torture based on such laws as the Armed Forces Special Powers Act (AFSPA) and the Prevention of Armed Violence Act (PSA) (Amnesty International, 2015), although HRW and OHCHR also report crimes such as extrajudicial killings and military occupation in the areas. The violations that are recorded in Palestine are forced displacement, settlement expansion, and disproportionate use of force by Israeli security forces (Amnesty International, 2022; HRW, 2021). Human Rights Theory supports the idea of international pressure and



accountability having the power to produce the meaningful change no matter what the political conflict or the territorial claims might be.

Liberalism focuses on the fact that there can always be cooperation even in war-torn areas with the emphasis on diplomacy, reason, and common interests (Smith, 1992). This theory implies that even though the conflicts in Kashmir and Palestine are still unresolved, the cooperation of the world on the human rights can be used to move forward. Amnesty International, HRW, and OHCHR encourage all countries to collaborate internationally to respond to the violations of human rights. In Palestine, the use of international mechanisms like the United Nations and the International Criminal Court (ICC) to seek accountability has been effective by such organizations as Amnesty which enjoy greater institutional goodwill (Amnesty International, 2020). Nevertheless, India has shown resistance to the international interventions in Kashmir which is a problem because it shows how Liberals can be weak when state sovereignty is given its importance over the international human rights standards.

One of the expansion of Liberalism, Liberal Institutionalism, deals with the issue of the international institutions in promoting cooperation and enforcement of human rights (Keohane, 1984). These institutions are used by Amnesty International, HRW and OHCHR to hold the states accountable, point to violations, and demand legal reforms. It is in Palestine that the global humanitarian intervention of organizations like the UN and ICC has offered a greater platform with which to combat violations (Amnesty International, 2020). On the contrary, the ability of such institutions to operate in Kashmir, India is resistant to international scrutiny, and the struggles that human rights organizations go through in such regions that focus on state sovereignty are revealed.

By combining Human Rights Theory, Liberalism, and Liberal Institutionalism one can have a comprehensive explanation of all the interventions of Amnesty International, HRW, OHCHR, and any other organizations in Kashmir and Palestine. The views highlight the significance of cross-border collaboration, the importance of the institutions in enhancing accountability, and the problem of state narratives. In spite of all these obstacles such as lack of accessibility and political opposition, the activities of these organizations play a very important role in creating awareness of the world and lobbying the governments on the need to protect human rights in the two regions.

## **1.9. Review of Literature**

Conducting a thorough literature review is essential for developing a comprehensive understanding of the subject under investigation. This process provides an in-depth exploration of various dimensions of the issue, enabling the identification of gaps in the existing body of scholarly work. A significant amount of relevant academic literature is available on the topic, which can be systematically categorized into the following sections.

Section 1: Concept of Human Rights

Section 2: Amnesty International, Human Rights Watch, OHCHR and its Human Rights advocacy.

Section 3: Genesis of Kashmir Conflict and Human Rights in Kashmir.

Section 4: Genesis of the Palestine Conflict and Human Rights in Palestine.

Section 5: Concept of State Narrative

As a part of the research, the extensive literature review is needed to create a profound knowledge of the topic of the study. The given process allows delving into

various aspects of the problem, thus, making it easier to define gaps in the existing amount of scholarly literature. The literature on the subject has a significant amount of relevant scholarly literature that can be structured into the following categories:

Section 1: The Concept of Human Rights.

Section 2: Amnesty International, Human Rights Watch, OHCHR and their Human Rights Advocacy.

Section 3: The origin of the Kashmir conflict and human rights in Kashmir.

Section 4: Origin of Palestine Conflict and Human Rights in Palestine.

Section 6: Concept of State narrative.

### **Section 1: Concept of Human Rights**

Human rights are a concept that has been developed throughout centuries due to philosophical, cultural, and political advancements. This development is manifested in the scholarly literature, which provides the understanding of theoretical framework, historical paths, and modern issues of human rights. The following is a discussion of some of the important contributions, which are presented in chronological order to bring out the evolution of the field of human rights.

The concept of human rights is rooted in the ancient tradition. Though not explicitly termed as such, documents like the Hammurabi Code (c. 1754 BCE) and the Magna Carta (1215) have laid the foundations of what are now termed as human rights. In *The History of Human Rights: From Ancient Times to the Globalization Era* Micheline Ishay (2008) offers a thorough history of these early achievements narrating how religious, philosophical, and legal traditions of ancient Mesopotamia, Greece, and Rome influenced ancient ideas of justice and the value of the individual. Ishay links the

historical developments to the present structures highlighting their relevance on the modern rights discourses.

Enlightenment was a key phase in creating the philosophical foundation of human rights. The idea about natural rights was expressed by thinkers like John Locke, Jean-Jacques Rousseau and Immanuel Kant, and they focused on liberty, equality and social contract. These values had an enormous impact on the preparation of American Declaration of Independence (1776) and French Declaration of the Rights of Man and Citizen (1789). In his book, \*Human Rights, Michael Freeman (2011) discusses the shift in concept of natural law to the codification of rights in these documents and how these increases both reflected the Enlightenment ideals and at the same time included inherent contradictions, such as the exclusion of women and the enslaved peoples.

The horrors of World War II provoked the contemporary human-rights movement, which resulted in the introduction of the Universal Declaration of Human Rights (UDHR) in 1948. In his book, \*Universal Human Rights in Theory and Practice, Jack Donnelly (2013) discusses how the UDHR provided a universal standard of human rights, with indivisibility and interdependence being the key characteristics. Donnelly is an unsparing critic of the clash between universalism and cultural relativism, in favor of the flexibility of human-rights principles in a variety of situations.

In his book, Human rights in a developing society, Sankar Sen (2009) takes this argument a step further by addressing the importance of education in creating awareness and advocacy. He argues that promotion of human rights in the developing societies needs institutional changes and mobilization at the grassroots to break the barriers of socio-economic and cultural forces.

The close of the Cold War was associated with the change of the human-rights situation in the world, and more attention has been paid to such issues as democratization, economic inequality, and cultural rights. In the book "The Politics of Human Rights: A Global Perspective" (2005), Tony Evans criticizes the neoliberal globalization model in its role of eroding the accountability and sovereignty of the states and thus complicating the implementation of human rights. He claims that the process of globalization has resulted in the establishment of power inequalities that have been disproportionately experienced by marginalized communities arguing that alternative structures, which put equity and justice at the center, should be adopted.

September 11, 2001, was a highly eventful day that changed the dynamics of politics in the world, and the effects it had on the human rights were significant. Both Michael Freeman (2011) and Micheline Ishay (2008) discuss the development of new issues such as the trade-offs between security and rights, the growth of surveillance, and the defense of torture. These authors emphasize the role of the post-9/11 period and how it has challenged the effectiveness of the international human-rights institutions, especially in relation to counter-terroristic and military intervention.

Over the last few years, the intersection of human rights and conflict resolution, globalization and technological change has come into the spotlight of scholarship. In his book, *Human Rights and Conflict Resolution*, Ashish Chandra (2010) discusses ways that human rights can be applied to conflict-resolution initiatives, suggesting that more sustainable approaches to peace and justice should be considered. On the same note, Darren J. O Byrne (2014) in *Human Rights: An Introduction* incorporates case studies and personal stories in exploring topics like censorship, genocide, and the rights of refugees to demonstrate the applicability of human rights in solving current crises.

In his work *International Human Rights: A Comprehensive Introduction*, Michael Haas (2014) offers an in-depth examination of the international human-rights law, and the significance of global advocacy in the final solution of the current violations. Another concept that Haas explores is the issue of international organisation and NGOs in promoting human rights where he identifies political resistance and insufficiency of resources as the challenges to the process.

The recent literature shifted its focus to the issue of technology usage in the area of human-rights advocacy. Other authors, including Rejali (2017), have reviewed how digital platforms are used to document abuses and mobilize the international community, as well as inevitable risks of surveillance and misinformation. The developing literature highlights the transformational quality of human-rights activism in the digital age. The history of study of human-rights shows how the discipline has evolved over the years due to historical events, philosophical discussions, and the issues facing the world today. Since early law practices to the recent discourses regarding globalisation and technology, the literature offers a full picture of how human-rights principles evolved and how they are applied. Contextualising this study in terms of the particular historical events, one will see that the field of human rights is dynamic and controversial as it has always been moving in accordance with the new realities and trying to support the common principles.

## **Section 2: Amnesty International Human Rights Watch, OHCHR and their Human Rights Advocacy**

Amnesty International is a non-government organization (NGO) in the international protection of human rights, one of the most observable ones. It was established in 1961 with the mission of preventing and combating human rights violations as well as campaigning the rights of people in the world who are subject to

injustice. Amnesty advocacies cut across a broad spectrum of issues, including freedom of expression, abolition of death penalty, prevention of torture as well as support of refugees. This literature review analyzes the human-rights advocacy approaches by the organization, its difficulties, and effects of its activity based on different academic sources.

The role played by Amnesty International in the advocacy of human-rights is multifaceted, since it involves research, popular crusades as well as direct lobbying in order to persuade governments and international organizations. Lutz and Sikkink (2001) explain that the strategy of Amnesty is based mostly on documents on human-right and advocacy to create awareness among the population. The organization is known to have extensive reports of abuses, which forms the basis of its campaigns and demands accountability. Amnesty international tries to exert international pressure by creating an empirical evidence of violations of human-rights on the offending governments and non-state actors (Lutz and Sikkink, 2001).

Davenport (2007) in his analysis has discussed the contribution of the Amnesty International in the development of international human-rights norms. He states that the association has been greatly used in spreading the human-rights discourses across the globe especially in collaborating with the United Nations and other regional human-rights unions. The success of the way Amnesty has integrated both its grassroots efforts and its diplomatic campaign has allowed it to have influence over the governments of countries as well as international bodies like the United Nations Human Rights Council (Davenport, 2007). One of the examples of how the organization keeps the states on track is its annual report that analyzes the state of human rights in the world as it gives a thorough picture of the human-rights matters at the global level.

An important feature of the advocacy of the Amnesty is its public mobilization campaigns that have the purpose to create awareness and pressure to make a political change. The programs of the organization that have worked best are the "Write for Rights" campaign that pushes the people all over the world to either write letters to governments to release political prisoners or to oppose the violations of human-rights. Sikkink (2011) argues that the idea that Amnesty campaigns is based on its capacity to bring solidarity to the world by transforming personal cases into international ones. This campaign has become incredibly popular, and this is how effective the collective action is to reach the human-rights objectives.

According to Sikkink (2011), the international power of Amnesty International is that it can use the power of public opinion. The wide support is created by the fact that the organization has focused on individual human-rights cases, especially political prisoners and those who are on the death penalty. Amnesty International mobilises a network of activists and supporters all over the world and thus, local human-rights abuses are raised to the international level and pressure is created to bring change. The success of the advocacy group in releasing prisoners of conscience to government intervention in international law and regulating the governments is manifested in the high profile cases it has won its campaigns to release Nelson Mandela and the abolition of apartheid in South Africa (Sikkink, 2011).

Amnesty International is confronted with major obstacles in its human-rights campaign, albeit having its merits. The political opposition of state actors, especially those with authoritarian regimes is one of the challenges which scholars have found to be important. Cox (2016) remarks that Amnesty frequently experiences political opposition on the part of the governments that strive to undermine its reports or deny its conclusions. In the case of India and China, the country has denounced the reports



issued by Amnesty on human-right infractions claiming that the organization is partisan or political. This opposition highlights the challenges NGOs have when confronting strong states as well as the unwillingness of such states to interact with international norms on human-rights.

Cox (2016) addresses the issue of resource constraints of Amnesty as well, especially in the regions with conflict zones that are the areas where human-rights violations occur the most. The humanitarian interventions and advocacies in such areas demand much funding and logistical support, which can be insufficient because of the absence of donor funds or political interference. Security issues also contribute to complicating the working in such areas because Amnesty employees can be threatened, or limited in their actions in politically unstable nations.

The success of the advocacy activities of Amnesty International has been much recognized. The hypotheses of the study conducted by Schade and Welzel (2013) are based on the assumption that the campaigns initiated by Amnesty have played a significant role in the process of policy change in various jurisdictions. As an example, the campaign by the organisation to abolish the death penalty has had a significant role in reducing the number of executions across the world especially in Europe and in the Americas. The activities of Amnesty have helped change the attitude of people and build a global opinion on capital punishment (Schade & Welzel, 2013).

Furthermore, Gready (2008) asserts that although Amnesty has recorded a lot of success in its quest to promote human-rights reforms, it has also been met with criticisms about its methodological position, particularly the fact that it has a universalist view of human rights. Gready asserts that the global approach of the organisation may at times obliterate the local backgrounds and cultures attracting

allegations of cultural imperialism. However, he appreciates the fact that human dignity and justice have remained central to the operations of Amnesty, which has ensconced the organization into the ranks of the most influential actors in the international human-rights sphere (Gready, 2008).

Amnesty International remains a central player in universal human-rights activism, compiling empirical evidence, mounting large-scale mobilisation, and offering direct action to international organizations to put governments on the wrong of abuse. Irrespective of all the challenges that it has been facing, such as the political opposition and resource constraints, the organisation has shown the effectiveness of the grassroots movements and international support in promoting the human rights. The literature analyzed highlights how Amnesty has been able to impact the global standards of human-rights, how it has been able to influence international law, and how its advocacy campaigns have worked out and, at the same time, the limitations or challenges that it has encountered, especially where the political environment is sensitive and the resources are limited. As the international environment transforms, there is a high likelihood that the advocacy activities of Amnesty will continue being an invaluable component of the human-rights fight all over the world.

Human Rights Watch (HRW) is one of the most powerful non-governmental organisations that are involved in the world defence of human rights. HRW was founded in 1978 and has the following mission: to investigate and report on human-rights violations, lobby policymakers to reform policies, and pressurize states and other parties to respect human-rights. HRW advocacy addresses various areas of concern such as freedom of expression, protection of refugees, abolition of death penalty and against torture. The literature review will explore the human-rights advocacy strategy of HRW, its challenges and effects of its efforts based on varying scholarly works.

The role of HRW as an advocate of human-rights is complex, and it entails not only extensive research but also popular campaigns and face-to-face lobbying of legislations and transnational organizations. Lutz and Sikkink (2001) state that the key approach used by HRW involves thorough reporting on any abuse of human-rights, on which basis HRW bases its advocacy and international campaigns. Reports provided by the organisation provide empirical data on abuses and hence it forms a basis through which the international pressure on governments and non-state actors, can be put to account (Lutz and Sikkink, 2001). The list of the abuses revealed by HRW in war-torn countries, like Kashmir and Palestine, has helped to raise the level of awareness in the global arena and provoke international reactions to violations by the state (HRW, 2021).

According to Davenport (2007), HRW has an impressive influence on the formulation of international human-rights norms, especially by their interactions with the United Nations and other regional human-right organisations. The contribution of the HRW work has enabled the spread of human-rights discourses across the world, the creation of global understanding of human -rights concerns, and promoting legal responsibility through the international law frameworks. Through the exploitation of institutional forums, HRW has been able to undermine the sovereignty of states and pursue justice in highly politicized settings (Davenport, 2007). The yearly reports on human rights and thematic publications by HRW also hold states responsible as they give detailed summaries of human-rights violations in most parts of the world thus becoming part of the global discussion on human-rights and justice.

The ability to unite the opinion of the whole world using organised awareness campaigns is a key characteristic of the advocacy of Human Rights Watch. Programmes like the “Defend Human Rights” one are used to raise the consciousness of the people and pressure the political and the legal reforms. As Sikkink (2011) empirically proves,

the international campaigns of HRW have proved effective in creating solidarity on behalf of people and groups facing oppression. These campaigns also employ the collective action to achieve good results to individuals whose rights have been violated by turning localized grievances into global causes. An example of the impact of human rights through the power of public opinion is the translation of personal stories into global calls of justice (Sikkink, 2011).

In spite of these successes, HRW faces significant challenges in its advocacy, especially political opposition by the state players. According to Cox (2016), HRW is often counteracted by the governments, especially the authoritarian regimes, as they strive to undermine its reports and ignore its findings. India and Israel have lamented the reports by HRW on human rights abuses in Kashmir and Palestine, claiming partiality and politicisation (Cox, 2016). This opposition shows how NGOs are facing difficult times trying to challenge strong states that are not ready to be involved in international human rights standards. Besides, the limited means of HRW, particularly in war-torn countries, hinder its ability to hold on-site research and support its campaigns (Cox, 2016). The challenges in terms of security, limited access to affected region and limited funds provided by donors often cripple operations in such regions and hence highlight the challenges associated with operating in politically unstable setting.

The effectiveness of HRW has been recognized at the international level. According to Schade and Welzel (2013), the campaigns by HRW have led to radical reforms in policies in different jurisdictions, such as the death penalty has been abolished in some countries. The advocacy by HRW has also been instrumental in the formation of international law especially the areas that have to deal with refugees and freedom of speech. As an example, the activities of the organisation to bring about

refugee protection have been involved in significant contributions to the international legal system of the rights of refugees (Schade & Welzel, 2013).

However, HRW has received criticism with regard to its approach to some human rights matters. Gready (2008) asserts that the universalist approach taken by HRW is at times inconsiderate of local cultures and thus it has been accused of being a cultural imperialist. However, Gready admits that the solidarity of HRW in its adherence to human dignity and justice has made it one of the leading players in the world of human rights (Gready, 2008). The efforts to protect the rights of the oppressed and marginalised groups have continued to be part of the mission of the organisation.

Human rights watch has positioned itself as a leading player in the advocacy of the global human rights by thorough production of documents, campaigns and lobby action. In spite of the great efforts to overcome the main obstacles like political opposition and resource scarcity, the HRW has achieved considerable advancements in the sphere of enforcing accountability, influencing international law, and protecting human rights in conflict regions. Although the universalist approach of the organisation has been criticized, the focus on global solidarity, advocacy and justice has remained an immense force on the promotion of human rights throughout the world.

The United Nations Office of the High Commissioner of Human Rights (OHCHR) holds a central position in the advocacy of human rights in the world as it advocates and protects human rights through various avenues such as legal systems, international collaborations, and direct interactions with states and non-state actors. OHCHR was founded in the year 1993 with the mission of promoting and protecting human rights to everyone under the protection of the UN system. This literature review

focuses on advocacy strategies used by OHCHR, the obstacles it encounters, and effect of its activity relying on academic sources.

The efforts of OHCHR in the cause of human rights promotion are complex and cover legal tools, nation-specific actions, and international cooperation. Powers and Drury (2012) argue that the main task of OHCHR is to endorse the activities of UN in order to implement international human rights standards and assist member states to discharge their duties. The scope of the OHCHR activities is to observe human rights situation, to assist with technical support, and also to commend policies. The inclusion of human rights principles into the international legal system makes OHCHR enhance the world human rights structure (Powers and Drury, 2012). The frequent reports and reviews by OHCHR to address the human rights situation in conflict areas like Kashmir and Palestine play a crucial role of giving the international community a holistic view of abuses and initiating a corrective action (OHCHR, 2021).

In addition to observing and reporting, OHCHR determines world standards in human rights. Davenport (2007) explains that the close collaboration of OHCHR with the UN Human Rights Council and other international organizations helps the former to shape the discussion on human rights abuses in the international arena. The advocacy of OHCHR both on the global level and the regional level adds strength to the agency as it seeks to hold governments accountable and enforce the provisions of the recommendations that would improve the human rights practices among the states. The technical assistance and capacity-building programmes of the organisation have been crucial in assisting the states to perfect their practices of human rights even in politically sensitive areas like Kashmir and Palestine (Davenport, 2007). The advocacy by OHCHR on the rights of refugees, the right to self-determination, and seeking justice

to victims to heinous offences is further confirmation that the organization influences the human rights agenda (OHCHR, 2020).

One of the most important aspects of the OHCHR advocacy is the ability to balance the intricacies of international diplomacy and to remain completely focused on human rights. This is demonstrated in the activities of OHCHR to get the states and non-state actors engaged in the conflict zones. As observed by Sakikimaki (2011), OHCHR has been successful due to its ability to work together with various stakeholders who include governments, international organisations as well as civil society players to promote human rights. OHCHR regularly draws attention to the abuses in Kashmir and Palestine and calls to conduct independent investigations and apply international law in human rights. The activities of the organisation follow the principle of the so-called universalism, which is the fact that human rights must be put on the equal footing to national interests and state sovereignty (Sikkink, 2011).

Although succeeding in its work, OHCHR faces a formidable challenge especially in situations where it has to deal with the infringement of human rights in regions where conflict is the norm. As Cox (2016) notes, OHCHR frequently faces political opposition of the influential states which are interested in preserving their sovereignty or maintaining interests in the conflict regions. In the example of India, the country has time and again rejected the request of OHCHR to have its Kashmir operations scrutinized internationally, labeling the demands as foreign interference (Cox, 2016). Likewise, Israel has opposed the work of OHCHR to investigate its actions in Palestine, labeling the international investigations as bias and political (Cox, 2016). This opposition underscores the challenges, which international organizations encounter when trying to have an influence on states that put national security and national interests above international human rights standards.

There are also strong challenges posed by resources at OHCHR. Humanitarian interventions in conflict areas like Kashmir and Palestine require a lot of funds and logistical aid, which may be restricted by political barriers or lack of funds on the part of the donors. The security issues also restrict the access of the OHCHR to such regions, which hampers the capabilities of the organization to carry out on-ground investigations (Cox, 2016). However, OHCHR has remained a leading voice in promoting international accountability and is still instrumental in advancing the cause of human rights even in conflict regions despite the political bully backlash.

The success of the advocacy by OHCHR has greatly been acknowledged. According to Schade and Welzel (2013), the presence of OHCHR in conflict zones and interaction with the state and non-state actor have brought tremendous changes in human rights practices in some places. Indicatively, the activities of OHCHR in Palestine have highlighted the need to have international intervention to deal with the humanitarian crisis in Gaza and West Bank and its attempts to implicate the ICC in prosecuting the alleged Israeli war crimes exemplify how the organisation has promoted accountability of human rights globally (Schade & Welzel, 2013). The effective involvement of the OHCHR in the process of conflict resolution and advocacy highlights the invaluable role of the organization in the process of the advancement of the principles of international human rights.

The United Nations Office of the High Commissioner of Human Rights is an important participant of acting on human rights in the international arena. OHCHR tries to influence the global human rights agenda through the use of monitoring, reporting and diplomatic efforts, as well as, protect human rights of all people regardless of their political or national conditions. However, despite the major setbacks that it has been facing, including opposition by political elements and inadequate resources, OHCHR



has remained central in championing the rights of the vulnerable groups especially in the conflict zones, such as Kashmir and Palestine. The discussed literature highlights the contribution of OHCHR to the norms of human rights in the world, its role in the development of the international law, and the challenges that it faces to achieve accountability and justice on the global arena.

### **Section 3: Genesis of Kashmir Conflict and Human Rights in Kashmir**

The Kashmir conflict is one of the most persistent and multifaceted territorial conflicts in the modern history wherein it is a long-standing dispute between India, Pakistan and China over a region of Jammu and Kashmir. The conflict is deeply rooted in the historical, political, religious, and social aspects of South Asia, in which it has brought about interstate violence, as well as internal violence. This literature review summarises some of the most important academic publications addressing the historical causes of the conflict, the geopolitical aspects of the conflict, and the human-right implications of the conflict, especially the role of international actors and the strategic consequences of the conflict on the security of the region and the globe in general.

The history of the Kashmir conflict is dated back to the partition of the British India in 1947, which dismembered the subcontinent into a newly independent country of India and a new country of Pakistan. Kashmir, a princely state which had majority of Muslims but was ruled by the Hindu Maharaja Hari Sing was allowed to choose whether to join either power. Internal turmoil and foreign pressure compelled the Maharaja to consent to be incorporated into India thus triggering the first war between the two countries in Pakistan and India in 1947 48 (Corbett, 1991).

According to Cohen (2004) and Srinivasan (2007), the accession decision along with the ceasefire that ensued in 1948 led to the establishment of a framework of a

lengthy conflict. The Line of Control (LoC), dividing the territory into the parts of Indian-controlled Jammu and Kashmir and Pakistani-controlled Azad Jammu and Kashmir (AJK) was not to be a permanent boundary but only a provisional one. Its inability to hold the plebiscite promised by the Resolution 47 by the United Nations continued to create an impasse (Bose, 2003).

The Kashmir war is often viewed through the prism of the greater India-Pakistan enmity, which is a long held hostility that has defined geopolitics in this sub-continent. Schofield (2003) argues that Kashmir has turned into a national identity and pride of both states and therefore it forms a central aspect of bilateral relations between the two states. The recent nuclearisation of the two countries after both of them had nuclear tests in 1998 took a new dimension, increasing the stakes of both actors and the international community (Perkovich, 2001).

Within this context, nationalism and religious identity and their role in the development of the conflict are frequently questioned by scholarship. Sayeed (2002) notes that the rise of the Hindu nationalism in India and especially under the Bharatiya Janata Party (BJP) has made India more adamant concerning Kashmir yet the Muslim majority identity of Pakistan has made it advance its claims on the claim of religious solidarity with Kashmiri Muslims. Islamic extremism and militant organizations have also been of interest and Hussain (2012) has discussed how the Pakistani government has used proxy warfare to advance its interests in Kashmir.

The inner sides of the struggle, in particular, with regard to the violation of human-rights and independence, are attacked in many ways. The increased militarisation of India after the 1989 insurgency led to the many claims of mistreatment by the Indian security agencies. Shamsie (2016) and Zargar (2018) focus on state-based

oppression of the Kashmiri people, stating that there were frequent cases of extrajudicial murder, loss of sight, rape, and torture. Such offenses are often associated with the state policy aimed at preserving the status quo, which is offered as a revenge on insurgency and increased demands to pursue self-determination.

The problem of independence in Jammu and Kashmir has as well been controversial. In 2019, the cancellation of the Article 370 granting the region the special autonomy led to the active academic discussion. Schofield (2020) sees the relocation as representative of a larger process of centralisation and Hindutva policy under the Modi government, but Bose (2019) also believes that to some in India the revocation was a step toward reestablishing control over a region run riot by years of insurgency.

Globally, the war has raised much discussion on the issue of the third party mediation and global security issues. The United Nations began to actively mediate as far back as 1948, but geopolitical effects of the cold war and Indian opposition to outsourcing interfered with this mediation. Corbett (1991) argues that this failure of the UN to intervene effectively was also a turning point, which led to future bilateral negotiations between India and Pakistan which are usually mediated by informal or track 2 diplomacy.

Experts like Chakrabarti (2017) and Hussain (2010) indicate that other locations such as the United States and China have occasionally intervened in the conflict, and this is because it has broader geopolitical consequences. Though in principle the United States has acknowledged that India is in formal precedence over Kashmir, there have been occasions when it has been pressuring the country to be more concerned with human-rights abuses in the area. Similarly, its engagement especially concerning its postulates over Aksai, has further complicated the situation in China (Cohen, 2004).

The China Pakistan Economic Corridor (CPEC) cuts across Pakistan controlled Kashmir and has only intensified the tensions with India feeling that it is an encroachment to its territorial integrity.

In addition to geopolitical factors, there are important human-rights implications of the conflict at the global scale. The widespread nature of documented misconducts has attracted global criticism, especially among the non-governmental organizations like Human Rights Watch and Amnesty International. Hussain (2012) records the crucial role of such organisations in the abuses listing and campaigning against actions internationally. However, the ability of the outside powers to keep India and Pakistan responsible is still limited by the fragile political situation in the region and the unwillingness of the two nations to accept the outside help.

Within recent years, the advancement of digital surveillance in Kashmir has brought a new dimension into the discourse of human rights. Raman (2020) examines the application of Indian government use of digital tools, including internet blackouts, restrictions of social media, etc, to repress dissent which then calls on international norms to protect rights to digital beings and freedom of expression in conflict environments.

In general, the Kashmir conflict literature is vast and multidisciplinary, and it includes the historical, geopolitical, and human-rights approaches. The conflict has its origins in the complicated territorial issues coupled with the national identity, religion, autonomy and self-determination. Although the focus of the mediation and documentation is in India and Pakistan, the international community, through states, intergovernmental organisations, and NGOs plays an important role. With the changing circumstances in Kashmir, the scholarly analysis must be concerned with the changing

geopolitics in the region, the emerging human-right issues, and ever-changing norms of the international law in the world that is becoming increasingly globalised.

The human-rights in the Indian-administered Kashmir (IAK) is a long-standing subject of academic investigation, and the extensive body of literature explains the abuses the local community must endure. The Kashmir issue that has been going on since 1947 is defined by the complex interplay of political, ethnic, religious, and territorial forces. The area has been extensively militarised where human-rights abuses are rampant and most of these have to be blamed on the measures by the Indian security personnel. The literature review describes academic studies on abuse in Kashmir, explaining the themes of militarisation, extrajudicial murders, abductions, and rape, torture, freedom of speech and expression, and the role that foreign actors play in reporting these atrocities.

Human-right-abuses in the Indian-controlled Kashmir can be well-tracked to the protracted conflict in the region, especially with the rise of armed militancy in the 1989 insurgency to self-determination and autonomy. The response of the Indian government in counter insurgency measures led to an increase in militarisation of the region in Kashmir with high population of Indian military and paramilitary forces. Bose (2003) argues that the Indian security forces often employed violence to contain the insurgency which in turn in most instances led to systematic violation of human-rights such as summary executions, disappearances, and torture.

Scholars like Schofield (2003) and Puri (2017) argue that the high-handed nature of the Indian strategy, which is represented by Operation Sarp Vinash and other supporting military measures, has led to massive oppression of the Kashmiri people. The subjects of corruption, violence and random arrests have become common themes

of the process by which India has imposed their authority over Kashmir commonly on the expense of human rights. Zargar (2018) highlights that the militarization that began to gain pace in the 1990s has only been getting increasingly more intensive, creating an atmosphere of fear, and undermining the rights of Kashmiris.

The extrajudicial killings and forced disappearances is one of the most notable violations that have been recorded in Kashmir. Human rights groups like Amnesty International and Human Rights Watch regularly release reports of the killing of civilians by the Indian security forces often under pretexts of counterinsurgency. According to scholars such as Hussain (2010) and Jammu and Kashmir Coalition of Civil Society (JKCCS) (2013) many of these killings were unprovoked with people being killed in cold blood or arrested and then killed in fake encounters.

Forced disappearances also form a tragic aspect of the conflict as many Kashmiris have disappeared after being captured by the military forces. Dutta (2007) explains that families have had to live in suspense for many years without knowing what happens to their family members. As Rafiq (2015) notes, the number of disappearances is staggering, and human rights organizations believe that thousands of enforced disappearances have occurred since the end of the 1980s. The lack of responsibility on these disappearances has contributed to the human rights crisis in the area further. Torture is another type of abuse that is common especially when it comes to the handling of suspected militants. There are numerous cases of brutal physical and psychological torture of the detainees and particularly young men, such as electrocution, beatings, and mock executions, all with the aim of obtaining confessions or intelligence, which are reported by multiple sources, including Human Rights Watch (2016) and Amnesty International (2018). The UN Human Rights Committee (2018) and the Office of the High Commissioner of human rights (OHCHR) (2019) have

criticized India on its lack of adherence to international conventions against tortures and inhuman treatment.

Rape is a major problem in the framework of human rights violation in Kashmir. This violence has been used as a strategy of war, as well as an instrument of intimidation. D'Costa (2013) reports that Kashmir women have survived rape and sexual attacks by the security forces. The Shopian rape and murder case of 2009 is a case in point of how the people of Kashmir and the Indian state live in constant fear and mistrust. According to such scholars as Zargar (2018), sexual violence impunity, combined with the absence of a judicial checkpoint, allows these offenses to continue with little being done to help victims.

The freedom of speech has been drastically restricted in Indian occupied Kashmir where censorship, shutting down the internet, and harassment of the journalists are the order of the day. According to Bhat (2019) and Shamsie (2016), the Indian government regularly blocks the Internet, especially when there is unrest or political mobilisations, to limit the information flow and to suppress dissent. The internet shutdown is one of the longest internet shutdowns in history that occurred in Kashmir in 2019, following the repeal of Article 370, which was widely criticised by international human rights organisations, such as Human Rights Watch (2020).

Moreover, the journalists who work in Kashmir also face intimidation, arbitrary arrest, and harassment which interferes with their duty to record human rights violations. In addition, the Jammu and Kashmir Press Association (2018) has documented the arrest and assault of journalists in the region, which has led to further creation of a culture of fear and the ability of the press to keep the Indian government accountable.

The international human rights organisations, including Human Rights Watch, Amnesty International and the International Commission of Jurists (ICJ) have been playing significant roles of recording and reporting human rights violations in Kashmir. Human Rights Watch (2016) has already published many reports to criticize the counterinsurgency activities of India and the disproportionate use of force. They have also reported some forms of abuse which include disappearances, torture, sexual violence, and suppression of dissent and the Indian government is urged to follow its international requirements in the human rights law.

However, regardless of a continuous account of the abuses by the international organizations, the government of India often retaliates by denying or making excuses citing the issue of national security and the danger of the insurgent groups. The action of Hussain (2012) in indicating that India is resistant to international intervention and it would not allow independent investigations into human rights abuses has limited the influence of the work of these organisations in Kashmir.

Since the 1947 -48 war, the United Nations intervened in Kashmir with the organization in 1947 negotiating a ceasefire between Pakistan and India. Nevertheless, resolutions of the UN that demand plebiscite to decide about the future of the region have not, yet, been put into practice. Researchers like Bose (2003) and Chakrabarti (2017) state that the inability of the UN to solve the Kashmir problem and implement its solutions has led to the fact that human rights violations continue to be committed in this area.

As a party to the International Covenant on Civil and Political Rights (ICCPR), India is not allowed to use torture, arbitrary arrest, and extrajudicial execution. However, there has always been criticism of these rights being abused by the Indian



government in Kashmir. Schofield (2020) indicates that international organizations like the UN Human rights council and the office of high commissioner of human rights have demanded an investigation into the human rights situation in Kashmir; however, India has always denied international bodies access to investigate the issue.

Literature on human rights abuse in the Indian occupied Kashmir is a bleak account of a region that has suffered a lot due to violence, impunity and militarisation. The unabated abuses of extrajudicial murders, disappearances, torture, and sexual violence, have been the main issues behind the conflict in Kashmir and have contributed to resentment and unrest among locals. Even with regular reports by the international human rights organisations, the answer to such violations has been sorely wanting, a fact that can be mostly contributed to the fact that the Indian government is resistant to international checks and balances in addition to the militarisation of the area. It is still unclear how human rights in Kashmir will continue since the area is still at the intersection of complicated geopolitical disputes, local insurgencies as well as international human rights issues.

#### **Section 4: Genesis of the Palestine Conflict and Human Rights in Palestine**

A longstanding and highly rooted territorial and political conflict between Israel and Palestine is one of the central topics of academic research and policy-making. The main elements of the conflict are disputed regions, including East Jerusalem, West Bank, and Gaza Strip, and the key players are the State of Israel, Palestinian Authority (PA), Palestine Liberation Organization (PLO), and other militant factions, especially Hamas. Central among them is an issue of territorial claims, self-determination, statehood, security and human rights. The disciplinary scholarship includes political science, international relations, history, law, human rights studies, and sociology, researchers provide varying explanations as to why the conflict is so persistent, why the

peaceful resolution is not achieved, and why Palestinian civilians experienced human rights violations.

The historical study of the beginnings of the Israel-Palestine conflict dates back quite some time with numerous scholars relating the beginning of the conflict to the breakup of the Ottoman Empire and the subsequent British rule in Palestine (1917-1948) (Morris, 2001). Morris (2001) says that the roots of the conflict date back to competing nationalistic movements in the latter part of the first half century of the twentieth century as Jews and Arabs claimed their right to the same land. Israel is still a center of focus in terms of explaining the ongoing tensions and unresolved grievances because the creation of Israel took place in 1948 and the displacement of a significant number of Palestinian Arabs, a process known as the Nakba (catastrophe).

Pappe (2006) argues that Nakba is not just a prerogative of losing territory, but a strategic strategy of ethnic cleansing in the creation of a state with a majority of Jews. He argues that the expansionist policies toward the Palestinians in Israel, particularly following the Six-Day war of 1967, have been designed to sabotage the territorial claims of the Palestinians. This reading complicates the prevailing story especially in the Israeli historiography that often constructs the conflict as a result of Arab aggression and existential dangers to the Jewish state (Pappe, 2006).

Khalidi (2006) is even more moderate, as he acknowledges that the origins of the Israel-Palestine conflict are also in the Western colonialism and European influence, namely, Britain and France, in the making of the modern political situation in the Middle East. He singles out such defining events like the Balfour Declaration of 1917 that promises a national home to the Jews in Palestine as pivotal to growing tensions (Khalidi, 2006). Khalidi points out how international diplomacy failed especially

following the 1947 UN Partition Plan that made a proposal of partitioning Palestine into individual Jewish and Arab nations but was not accomplished because Arab states and Palestinian leadership rejected it (Khalidi, 2006).

The international law, particularly the aspect of self-determination, refugees status, and territorial boundaries, have been very central in the debate that surrounds the Israel Palestine conflict. According to scholars like Mann (2002) and Shaw (2010), it is true that international law violations have been committed by the Israelis and Palestinian groups since the beginning of the conflict. The Fourth Geneva Convention and other human-rights instruments offers a legal basis on how to interpret the situation of Palestinians who are occupied by Israel in the West Bank, Gaza Strip and East Jerusalem (Mann, 2002; Shaw, 2010).

The Israeli settlements in West Bank which are illegal according to the international law (UN Security Council Resolution 2334) have been a subject of controversy. According to Hass (2018), settlement expansion and military occupation are the intentional efforts to change the demographic and territorial position of the territory. Creating the separation barrier in West Bank and the continual blockade of Gaza is often mentioned as the violation of international human rights law; Kurtzer (2008) believes that these measures are the violations of the basic rights of Palestinians to freedom of movement, access to resources, and self-determination (Kurtzer, 2008).

Shafir (2002) however criticizes the over dependence in using the international law to solve this conflict arguing that legal frameworks do not give an answer to the political and power disparities that characterize the Israel-Palestine relationship. He claims that power factors including superior army capability by Israel and non-

existence of the Palestinian state are critical to the continuation of the conflict (Shafir, 2002).

One of the most important issues covered by the literature is the numerous human-rights abuses against Palestinian civilians. Such violations include: the right to life, the right to self-determination, to basic services and liberty against arbitrary arrests. Many reports by organisations including Human Rights Watch (HRW) and Amnesty International document the collective punishment policy, house demolitions, extrajudicial assassinations and movement control by Israel (HRW, 2018; Amnesty international, 2019).

Human Rights Watch (2018) captures the military actions by Israel in Gaza, especially the operations of 2008–2009 Operation Cast Lead, 2012, Pillar of Defense and the 2014 Protective Edge that ended with Israeli military actions killing large numbers of Palestinians who were civilians. The results of these conflicts, such as the use of disproportionate force and the destruction of civilian infrastructure, have aroused a great deal of criticism of Israeli military actions (HRW, 2018). Al Mezan Center of Human Rights (2017) argues that an Israeli policy in Gaza has led to a humanitarian crisis of food insecurity, challenges in medical services, and destruction of critical infrastructure (Al Mezan, 2017).

In 2007, the Israeli blockade of Gaza, which was imposed after Hamas took over the region, is strongly condemned as contributing to the humanitarian crisis. This blockade limits people and goods flow making economic growth and healthcare and infrastructure rebuilding extremely difficult (Gordon, 2011). According to Gordon (2011), this is a sort of slow death to the civilian population of Gaza, and Israel policies

are what he describes as collective punishment against the entire population that is illegal in terms of human rights.

The Palestinian political scene is mainly dominated by the Palestinian Authority (PA) which controls certain portions of the West Bank and Hamas which is the militant group which controls Gaza (Schulze, 2009). Theorists have examined the role of competition between these groups to the disintegration of Palestinian politics making it harder to come up with a collective face in negotiations with Israel (Schulze, 2009). The rise of Hamas to power and its position on non-recognition of the right to existence of Israel have brought the international community to isolation and diplomatic stalemates; Abu-Amr (2008) suggests that the militant approach of Hamas is in large part a response to the ineffectiveness of the diplomatic processes like the Oslo Accords (1993) and the Camp David negotiations (2000). On the other hand, Palestinian citizens become uncertain about the dependence of the PA on negotiations and cooperation with Israel and consider the activity of the PA to be futile and undermining the rights of Palestine (Sasson, 2011).

Literature produced on the conflict in Palestine has spawned numerous views on what can be done to achieve peace. The security dilemma between the Israelis and Palestinians is often preempted by bargaining theory and frame works of conflict resolution as a relevant challenge to lasting peace. Gartner (2010) argues that the two parties are trapped in a cycle of violence whereby each develops a perception that the other poses a threat and that each party has a history of mistrust that frustrates any substantive negotiations. On the other hand, there are scholars like Rabinovich (2004) who indicate that two-state solution is the only way that could be used in fostering a sustainable peace, the fact that it is the most plausible option.

Nevertheless, Zartman (2008) and Pappé (2011) question the effectiveness of traditional peace paradigms, as they assume that the power imbalance and Israeli occupation make a solution in terms of two states more and more unsustainable. They support the idea that alternative configurations such as one-state formulations or a confederation should be considered especially with the expansion of Israeli settlements in the West Bank and the continued disunity of Palestinian lands.

The Palestine conflict literature highlights the structural historical, political, legal, and humanitarian facets which remain ingrained over the years and breed tensions in the region. Researchers have provided an abundance of explanations related to the causes of the struggle, the role of international regulations, the consequences of breaches of human rights, and the insurmountable barriers to peace. Even with the many diplomatic overtures and interventions, the war is yet to end and the repercussions of it are enormous on both Israeli and Palestinian civilians. Being able to predict forthcoming research, researchers will have to bring up the inequalities in the system and map out possible possibilities on the way to the just and sustainable peace.

The problem of human-rights abuses in Palestine has gained a lot of scholarly interest and is well reported by international non-governmental organizations dealing with human-rights such as Human Rights Watch (HRW), Amnesty International, and the United Nations. The violations are crucial to the context of the larger Palestinian-Israeli conflict because such violations are the results of military occupation of the West Bank, East Jerusalem, and Gaza Strip by Israel since the Six-Day War in 1967. Corpus looks at the range of abuses, such as extrajudicial murders, torture, displacement, suppression of freedom of movement, land seizures, settlement construction, collective punishment, and the blockading of Gaza.

Extrajudicial murders and excessive use of force is one of the major issues in the literature regarding human-rights abuse in Palestine, especially when it comes to the confrontation of Palestinian civilians. Many reports by Amnesty International and HRW highlight the use of lethal force by Israeli military and security forces. Amnesty International (2018) claims that Israeli forces have also engaged in arbitrary killings in the course of protests and, in particular, at the Gaza border, hundreds of Palestinians were shot dead or injured by the live-ammunition shots, which were intended to stop peaceful demonstrations. These practices are prohibited by the right to life as a right enshrined in the international human-rights law (International Covenant on Civil and Political Rights, Art. 6).

Khalidi (2019) notes that the Israeli military operations in the Gaza Strip, namely Operation Cast Lead (2008 09), Pillar of Defence (2012), and Protective Edge (2014) have caused a significant number of civilian victims, destruction of civilian infrastructure, including schools, hospitals, homes, etc., thus violating the Fourth Geneva Convention which forbids unselective military actions against civilians.

Another critical issue that is a human-rights matter, especially on the issue of Palestinian prisoners in Israeli detention centres is torture and maltreatment of detainees. According to Amnesty International (2019), prisoners, including children, are regularly beaten, psychologically tortured, and deprived of a fair trial. The Israel Prison Service (IPS) has also been charged with using violent interrogation techniques, including the use of stress positions, sleep deprivation, beatings, and others, all of which are considered torture according to international law (United Nations Convention Against Torture, Art. 1). According to Dajani (2015), such violations are also enhanced by the prevalence of administrative detention, i.e., the detention of people without charge or trial that violates the right to a fair trial and the absence of arbitrary arrest.

Forced displacement and settlement expansion is an extremely controversial issue in the West Bank and East Jerusalem policy of Israel. UN Security Council Resolution 242 (1967) proclaims against the occupation of the territory by means of war and demands removal of the Israeli troops in occupied territories, such as West Bank and Gaza Strip. Yet, Israel is still increasing settlements and the international community is not considering this a legal process as dictated in Geneva Convention (Art. 49). B'Tselem (2019) states that settlements are constructed on Palestinian territory and often followed by the dislocation and expulsion of Palestinian families. UN Security Council Resolution 2334 (2016) denounces settlement construction and restates that the status of the constructions in occupied Palestinian territories is not legally binding.

According to Pappé (2006), settlement expansion is one of the aspects of the larger colonial policy of changing demographic ratios in occupied lands and preventing the rise of a viable Palestinian nation. This policy causes the displacement of Palestinian populations through force and leaves a number of them homeless or trapped within enclaves that are constantly getting bigger and bigger. Tearing down of homes of Palestinians and setting up of settlements further instigate territorial control, breaching the right to decent living and liberty against displacement (UN General Assembly, Resolution 1803, 1962).

The wall of separation and the freedom of movement have received a lot of criticism by the human-right organisations. The erection by Israel in West Bank of the separation barrier-usually referred to as an apartheid wall- has been considered to be a breach of the right to freedom of movement and the right to adequate standard of living as pertains to the Palestinians. The International Court of Justice (ICJ, 2004) declared that the construction of the wall through occupied territory violates international law,



the Fourth Geneva Convention being one of them, and causes significant harm to the Palestinian civilian community by depriving them of access to employment, education, healthcare, and other important services. The United Nations has demanded the removal of the wall on numerous occasions arguing that it has contributed to the humanitarian crisis and also the violation of fundamental human rights (UN Resolution A/RES/ES - 10/ 14, 2004).

The Israeli blockading of Gaza that took place in 2007, following the takeover by Hamas, has been described as a sort of collective punishment, hence contravening the international humanitarian law (Geneva Convention, Art. 33). The blockade has extreme limitations on the free flow of people and goods, even basic supplies like food, fuel, and medical supplies, triggering a humanitarian crisis. HRW (2017) states that the poverty, unemployment, and food insecurity are widespread, and more than 80% of the Gaza population lives on humanitarian assistance. The economic development is also impeded by the blockade, and due to it, access to clean water is limited and the healthcare system of Gaza has been destroyed, which is no longer able to satisfy the growing medical needs.

Shalhoub-Kevorkian (2015) also argues that the blockade is merely an extension of an Israeli policy of systematic dehumanisation of Palestinian population in Gaza, where the experience of civilian pain is employed as a form of intervention and oppression. This argument is in line with the illustration of the blockade as a tool of slow death in which Palestinians are deprived and oppressed as a tool of Israeli policy by Gordon (2008).

These violations have been widely documented by the United Nations as well as human-right organisations like the Amnesty International and the Human Rights

Watch. HRW (2018) regularly issues reports about the violation of the international humanitarian law by both Israel and Palestinian militant groups, thus promoting accountability and conflict resolution. Investigations by UN Human Rights Council found that Israel has violated many human-rights conventions, in the case of the Fourth Geneva Convention, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights (UNHRC, 2019).

However, Zunes (2015) highlights the inability of the international community to sufficiently punish Israel (over the violations). Political factors especially the strategic alliance between Israel and the United States has often negated any efforts on accountability or sanctions. Bennis (2012) notes that the international community has largely not taken concrete steps to stop human-rights violations and bring justice to Palestinian victims in spite of the fact that most people criticize Israel as it takes various action against it.

The human rights abuse in Palestine is described with a dark image of suffering and marginalization that Palestinians have to endure under the occupation of Israel. Such atrocities such as extrajudicial murders, torture, settlement growth, displacement, collective punishment and Gaza blockade form the backbone of the current humanitarian crisis in the area. As the international human right organisations continue to push the issue of accountability and peace, ineffective intervention by the international community combined with the existing power imbalances has led to a vicious circle of violence and human rights abuses. The road to solving these atrocities is still filled with political, legal, and diplomatic issues; however, further paperwork, lobbying, and international forces are necessary to serve justice to the Palestinian people.

## **Section 5: Concept of State Narrative**

The place of the state narratives in the development of the discourse of human rights violations represents a vital field of academic research, especially in conflict regions like Kashmir and Palestine. Governments constructively make state narratives to make human rights abuses appear in a way that does not draw criticism and provides justification in the international system. Such stories have an influence on the domestic and international understanding of human rights related problems, hence making it difficult to promote justice and accountability by human rights organisations. This literature review examines the importance of state narratives, their influence on discourse on human rights in the world, and how they develop to dispute international advocacy practices.

Political interests, national security considerations, and issues of sovereignty are the most important factors that determine state narratives. Constructivism relies on the fact that the identities and interests of states are created socially through ideational processes such as those that states create about themselves and others (Wendt 1999). India and Israel have been busy constructing discourses to explain their interventions in Kashmir and Palestine as being justified by national security threats. In Kashmir, India justifies its military occupation as a component of a counterinsurgency policy to combat terrorism and presents the efforts of the state as the need to preserve national integrity and safety (Chowdhury, 2019). In like manner, Israel uses strategic communication programs, like Hasbara, which demonstrates its military activities in Palestine as self-defence against terrorism and threats to the national security (Abu-Lughod, 2018).

These state stories come to play multiple roles: they legitimize the actions of governments, undermine the relevance of the international human rights reports, and

hinder international accountability. Cox (2016) states that state actors often present their human rights abuses as security issues, or self-defence actions, which restricts the usefulness of human rights organisations. This framing effect is seen in the reaction of both India and Israel to the international human rights reports. India, as an example, has refused by far to allow the international community to probe its actions in Kashmir, claiming that human rights organisations were biased and politicised (Cox, 2016). Similarly, the story of Israel protecting itself against Palestinian terrorism has been used to minimise the extent of human rights violations in Gaza and the West Bank, even though the recurrence of human rights violations has been reported in the applications by organisations like Amnesty International and Human Rights Watch (Abu-, 2018).

State narratives also have a major influence on how domestic perceptions on human rights issues are formed. Nationalistic rhetoric is frequently used to mobilize people behind opposing actions by governments in order to create a sense of these human rights abuses as being a component of a greater national independence or national security initiative. Gready (2008) argues that these kinds of narratives act as a tool of mobilising national support, as a way of identifying the state as the custodian of the identity, values and security of the nation against outside and internal threats. In Kashmir and Palestine, nationalistic feelings have been raised to support the cause within their own countries so as to support the course of action that does not favor human rights protection. In Kashmir, the Indian government defends its acts as a duty to protect the territorial integrity of the state whereas in Palestine, Israel employs its message to defend its occupation as a vital responsibility to the protection of the Jewish state.

Moreover, the state discourses have the potential to manipulate the international actors and organisations such that human rights advocate will have a difficult time.

According to Gready (2008), such narratives sponsored by the state tend to spread faster in the international community, particularly in a place where states have high diasporic and political powers. India and Israel are examples of countries that have managed to influence the global discourse of human rights through lobbying of the world against the international criticisms and their own narratives of self-defence and sovereignty. As a result, global authorities including the United Nations and the International Criminal Court (ICC) have a difficult time to hold these states responsible to their acts (Cox, 2016). The strength of the state narratives is also compounded because of the geopolitical pull such states have and often this results in minimal intervention of international body and governments that are not only concerned with human rights but strategic interests.

The formation of the state narratives also is connected with the problem of sovereignty. According to Cox (2016), the notion of sovereignty is a central tenet in the sphere of international law, and the states tend to use the notion to oppose the outside intrusion, especially in the area of human rights. India and Israel have always used the concept of sovereignty to oppose any international intervention and to undermine human rights organisations who report violations in their areas. This opposition has shown the conflict between state sovereignty and the application of international human rights with norms making it hard to get organisations like Amnesty international, Human rights watch and the office of the United Nations High Commissioner of human rights (OHCHR) to influence justice in such areas.

Conclusively, state narratives are very important in the international discourse of human rights violations, especially the conflict zones as witnessed in Kashmir and Palestine. These histories, often formulated on the basis of national security, self-defence, and sovereignty, are useful not only in justifying actions of the government,

undermining the findings of international human rights, but also in shaping domestic and international perceptions. The literature reviewed highlights the difficulties of human rights organisations in promoting justice in the context in which the state narratives are extremely influential instruments of avoidance of accountability. Such stories make the work of international organisations and human rights groups more difficult thus restricting their ability to effect significant transformation in politically delicate areas.

#### **1.10 Research Methodology**

The research methodology that has been developed to carry out the investigation aims at critically looking into the role of the Amnesty International, Human Rights Watch (HRW), United Nations Office of the High Commissioner on human rights (OHCHR) and the role played by state-driven narratives in dealing with human-rights violations in the Kashmir Valley and Palestine. A qualitative design is followed with special focus on content and comparative analysis. These methodological decisions allow to thoroughly explore reports, publications, campaigns, and advocacy efforts undertaken by the organisations under consideration. The research is descriptive and comparative, the purpose of which is to clarify the strategies used by these organizations, as well as to evaluate the larger ramification on the background of their actions in comparison with the human-rights situations in Kashmir and Palestine.

#### **1.11. Research Design**

The research design used in the study is qualitative, descriptive and comparative research design. This complex method has made it possible to conduct a deep investigation of the functions of Amnesty International, HRW, OHCHR, and the effects of state discourses in Kashmir and Palestine, and at the same time examine the abuses

of human-rights and the geopolitical issues that exist in the areas. The main elements of the research design are the following:

#### **1.12. Qualitative Approach**

A qualitative paradigm has been embraced in order to depict the multidimensionality of the human-rights abuses and advocacy practices of Amnesty International, HRW, OHCHR, as well as the impact of state discourses. This method allows a meticulous study of the motifs, plans and activities of these organisations as well as the way in which state discourses situate the popular opinion. It provides a deep understanding of organisational workings in these war-torn areas, by focusing the research on more detailed accounts and advocacy campaigns.

#### **1.13 Data Collection Methods**

Both secondary and primary data were obtained based on publicly available sources. There are the sources of Amnesty International, HRW, OHCHR, documents of the international law, media sources, and scholarly materials. The methods of collection are outlined below:

#### **1.14. Primary Sources**

Reports and campaigns by Amnesty International, HRW and OHCHR:

- i. Annual Reports - These are documents which give the background material on the current abuses in Kashmir (India) and Palestine (Israel/Palestine).
- ii. Thematic Reports - Dedicated research on certain human-right problems including extrajudicial killings, torture, forced displacement and military occupation.
- iii. Urgent Action Alerts- Emergency notices that are issued by the HRW and Amnesty to create awareness of severe violations.
- v. Campaign Materials- Campaigns, petitions, press releases and advocacy documents made by the organisations.

### **International Legal Documents and Treaties**

- i. UN resolutions- Relevant resolutions that relate to Kashmir and Palestine, especially those concerning the human-rights abuses and peace-keeping operations.
- ii. Geneva Conventions - The treaties and documents are important to the international humanitarian law, and are often referred to by the organisations in their advocacy.

### **Media and Public Discourse**

- i. News Articles - Reporting of the organisations reports, such as those by government, the civil society and the activists.
- ii. Government Responses- Action of India, Israel and international community against the human-rights revelations.

### **1.15. Secondary Sources**

Existing Academic Articles and Books - Academic literature on human-rights violations, the functions of Amnesty, HRW, OHCHR and the power of the state discourse, particularly in Kashmir and Palestine.

Policy Analysis- Research on the effectiveness of the campaigns of the organisations on the international policy and legal frameworks.

### **Data Analysis Methods**

In the study, a content analysis is the major method used, which is supplemented by a comparative analysis.

### **Content Analysis**

The following method is applied to examine the textual information of the reports, publications, and campaign materials of Amnesty International, HRW, and OHCHR. It aims at determining patterns and themes and framing of their human-rights advocacy. Key focal areas include:

Recurring Patterns - The Discovery of the repetitive patterns in the organisational documentation, the military oppression, the violence of settlers, the forceful disappearance and the extrajudicial murder.



Language and Framing - A study of the linguistic decisions made in reporting, the ways of how the violations are reported, how the accountability is sought, and how each organisation places its advocacy in the context of international law.

State Narratives: The way Narratives of state-security are framed by India and Israel and how both governments have turned to state-security narratives to justify their actions and challenge international findings of human-rights violations (Chowdhury, 2019; Abu-Lughod, 2018).

Comparative Insights - Making comparisons of the interventions of Amnesty, HRW, OHCHR, and state response in order to spot similarities and differences in reported violations, the strategies used and the international reaction.

#### **1.16. Comparative Analysis**

The paper compares the advocacy campaigns and reports of the Amnesty, HRW and OHCHR in Kashmir and Palestine. The following comparative exercise determines the differences in the nature of violations, the impact of state stories, and the general efficacy of these organisations in forming the discourse of the international and ensuring responsibility. It also explores the manner in which the effect of such interventions in the two regions is moderated by state sovereignty issues and geopolitical process.

The content analysis and comparison between Amnesty International, HRW, OHCHR, and the effectiveness of state narratives in human-rights activism in Kashmir and Palestine make the research a resourceful and profound source of information.

#### **1.16. Organization of the Study**

The present paper examines how the Amnesty International, Human Rights Watch (HRW) and the United Nations Office of the High Commissioner of Human

Rights (OHCHR) have played a role in the protection of human rights in the war-torn countries of Kashmir and Palestine. The research will provide an in-depth insight into the strategic planning of these organisations, the challenges that they have faced and their overall contribution to the situation in these regions by critically assessing their concerted actions in regard to efforts to achieve human rights abuses. Moreover, the research paper looks at how the dominant nature of state discourses has contributed to the construction of discourses on human rights abuses. The following outline of the structure of the study indicates the chapters and content to those chapters.

### **Chapter I: Introduction:**

The introduction chapter provides a general account of the study, outlining the reasons behind it and defining the premises on which the study was based. It outlines the research questions and objectives that direct the inquiry and direction of the research. The chapter further explains the research methodology used, which sheds light on the processes that were used in data collection and analysis. The relevance of the study is also explained, which highlights the importance of this study in enhancing the academic knowledge on human rights activism in the context of a conflict, in this case, in Kashmir and Palestine. The study has been admitted to have constraints and relevant contextual variables that can influence the results have also been highlighted. This chapter hopes to leave a definite analytical framework on the study and specify its area, as well as the expected outcomes of the research.

### **Theoretical Framework**

This chapter presents theoretical paradigms, on which the inquiry is based. It discusses the Human Rights Theory, Liberalism, and Liberal Institutionalism as the ideal theoretical frameworks through which the functions of the Amnesty International, HRW, OHCHR and state narratives can be discussed. The discussion presents how

these theories enable contextualisation of the strategies used by the human rights organisations and shed light on the issues that arise due to state-based narratives. It preconditions the understanding of the complex interaction between international organizations, states and the violation of human rights.

## **Chapter II: Human Rights Abuses in Kashmir: A critical analysis of the Conflict, Repression and the Struggle to Justice**

Chapter three focuses on the human rights environment in Kashmir providing a historical and political brief of the Kashmir war. It examines prominent human rights violations in the region such as extrajudicial murders, unjust detention, torture, and restriction of freedom of movement and expression. The discussion takes into consideration the consequences of the current conflict between India and Pakistan and the involvement of the military forces in the region. In addition, it gets into the resistance movements, the condition of the civilian population of Jammu and Kashmir and how international community has reacted to these violations.

## **Chapter III: Human Rights abuses in Palestine: The effects of Israeli occupation, Settler Colonialism and Struggle of Justice**

The fourth chapter of the book changes the focus to Palestine where the issue of human rights violations is analyzed in detail due to the occupation of Palestinian lands by Israel. Free settlement expansion, forceful deportation, military blockades and the denial of fundamental freedoms like the freedom of movement are a few of the major violations outlined in the chapter. It explores the politico-historical context of the Israeli-Palestinian struggle, questioning the history behind the occupation, the role of settler colonialism and the overall relevance of this to Palestinian self-determination. The chapter, further, examines the pursuit of human rights that the Palestinian people have suffered and the response of the international community towards the continued abuses.

#### **Chapter IV: International Human Rights Organizations and Human rights documentation mechanisms in the Kashmir and Palestine**

The chapter is a critical analysis of the specific strategies and interventions of Amnesty International, HRW and OHCHR in Kashmir and Palestine. It reviews their records, awareness campaigns, and calls of international responsibility. The discussion examines the way these organisations raise awareness in the world, pressure governments and push legal reforms. These entities are also faced with challenges such as political resistance, limited access, and sovereignty, which are also discussed.

#### **Chapter V: Making Narratives: India and Israel in Response to human Rights Abuses in Kashmir and Palestine**

This chapter examines how Kashmir and Palestine narratives of the state have affected the discourse of human rights. It looks at the way India and Israel develops narratives on how human rights violations can be justified and how such violations can be avoided by the international community. Analytic emphasis is laid on framing strategies used by each of the states to justify their efforts as a correct reaction to the threats of national security and to refute negative international reports on human rights. In addition, influence of such stories on the international opinions and the effectiveness of human rights promotion is evaluated.

#### **Conclusion and Recommendations**

The final chapter draws a conclusion on the main findings of the research and formulates conclusions based on the observation of the work of human rights organisations and the role of narratives of the state. It speaks on the broad ramifications of these findings to the development of human rights advocacy in conflict regions. It suggests recommendations to increase the effectiveness of international human rights interventions and to overcome the problems of state resistance and politicised discourse.

## **CHAPTER-2**

### **2. Introduction**

This chapter examines human rights interventions in Kashmir and Palestine in the perspective of various important theoretical frameworks human rights theory, Liberalism and Liberal Institutionalism. These theories offer a subtle insight into the manner in which abuses of human rights are recorded, mobilized, and acted upon in areas where there is a long-standing conflict. The activities of human rights organizations, including Amnesty International, Human Rights Watch (HRW), Genocide Alert, and the UN Office of the High Commissioner of Human Rights (OHCHR) in the documentation of human rights abuses are crucial to understanding the international reaction to such violations.

Human Rights Theory is based on the fact that some rights are universal to every human being regardless of their nationality, ethnicity, or any other differences (Donnelly, 2003; UN, 1948). This theory is the foundation of the human rights groups like the Amnesty International whose campaign aims at defending the basic rights of people in politically sensitive and high-conflict zones like Kashmir and Palestine. In the meantime, the Liberalism and Liberal Institutionalism give a viewpoint regarding the fact of international institutions in developing cooperation and accountability towards human rights abuse (Keohane, 1984; Ruggie, 1998). These institutional strategies are met with different levels of success and difficulty especially in Kashmir where India is not willing to be interfered with as demanded by the international community. Through the combination of these views, this chapter will seek to establish a holistic insight into the matters of human rights advocacy in Kashmir and Palestine.

## **2.1 Human Rights Theory**

Human Rights Theory is the major pillar of the entire human rights discourse which holds that some rights are inalienable and universal and are applicable to all individuals due to their humanity. This model states that human rights are basic and they must be safeguarded and upheld, without regard to the political, cultural, or geographical context. The concept of universality is observed in the Universal Declaration of Human Rights (UDHR) that was adopted by the United Nations in 1948 stating that all humans have the same rights and freedoms (UN, 1948).

This theory highlights the principle values of universality, inalienability and indivisibility. Universality means that these rights are not applied discriminately against a person because of his or her nationality, ethnicity or religion (Donnelly, 2003). Inalienability declares that such rights cannot be conceded or removed, unless under certain conditions including due process in a criminal justice system (Alston, 2005). The concept of indivisibility reminds people that human rights, be it civil, political, economic, social or cultural, are intertwined, and the breach of one right will affect others (Amnesty International, 2022).

These premises have guided the advocacy of Amnesty International, which seeks to defend individuals even in the politically sensitive regions like Kashmir and Palestine where the governments of the states often overlook the human rights abuses. Examples of the foundation values in the reports released by Amnesty on arbitrary detentions, torture and extrajudicial killings in Kashmir, and the apartheid-like conditions, forced evictions and the violence of settlers in Palestine are examples of these core values. As an example, the Amnesty 2022 report on Israeli apartheid and forced eviction in East Jerusalem corresponds to the general principle of being non-

discriminatory, which is the essence of the Human Rights Theory ( Amnesty International, 2022).

Amnesty has been fighting to bring attention to these violations in Kashmir where the Indian military is using arbitrary detention and torture as some of their methods of curbing local dissent. Here, the documentation activity of Amnesty International can be seen as the universal applicability of human rights, which would be a clear moral justification of the intervention of the world community, even in situations where the state sovereignty is a critical point of resistance (Amnesty International, 2015).

Human Rights Theory urges international intervention even where politics are opposed, with the necessity of the international system to impose rights protection as was in the case of Amnesty in both Kashmir and Palestine. The efforts of Human Rights Watch (HRW) and Genocide Alert fit into this model as well. The HRW Kashmir and Palestine reports are dedicated to reporting about such violations as extrajudicial murders and excessive use of force by security forces and contribute to an overall global campaign to defend the rights of people regardless of their nationality or political background (HRW, 2016; Genocide Alert, 2019).

## **2.2. Theory of Liberalism**

Liberalism is a political and philosophical doctrine that promotes the freedom of individuals, democracy and the rule of law. It underlines how personal freedom and equality and democratic rule are important in the protection of human rights. The philosophers who laid the groundwork of liberal thinking were John Locke, John Stuart Mill and Immanuel Kant, and they argued that, people ought to be left to make their own decisions in life without the influence of the state, but the decisions that people

make should not be detrimental to others (Locke, 1689; Mill, 1859; Kant, 1785). Equality is another belief of Liberalism and states that all individuals are equal before the law, irrespective of their gender, race or socio-economic background (Rawls, 1999; Sen, 1999).

When applied to international relations, liberalism implies that states will engage in co-operating more frequently in the context when they share democratic values and follow the principles of international law (Meiser, 2018). International institutions are significant in this co-operation and enhancing human rights at global arena. Amnesty International in other areas like Kashmir and Palestine operates within the framework of the liberal ideals, whereby it uses the international institutions like the United Nations (UN) and the International Criminal Court (ICC) to coerce Israel and India to become responsible in their way of violating human rights.

In Palestine, Amnesty International has been able to employ the international cooperation as a means of leveraging to drive accountability. Examples of liberalism optimism in the international collaboration of peace and justice include the UNHRC and ICC facilitating the investigation of alleged war crimes in Gaza and the West Bank (Amnesty International, 2020). The concept of liberalism holds that the worldwide cooperation using institutions can lead to the achievement of justice despite state opposition.

In Kashmir, however, opposition of international intervention by India is a major challenge. The advocacy of Amnesty is constrained by the fact that India has established a strong position about the sovereignty of a nation, and thus the international human rights organizations cannot perform a similar effective action as it is in Palestine. Amnesty has nevertheless continued to urge the global community to join efforts in



order to combat human rights violations, such as the unjustified use of detention and the excessive use of force by the Indian security force (Amnesty International, 2015).

This comparison reveals the weakness of liberalism in areas where influential states are unwilling to be exposed to the outside world but it also highlights the current necessity of world unification to implement human rights through action.

### **2.3. Liberal Institutionalism Theory**

Liberal Institutionalism builds up on the concept of liberalism by preempting the necessity of international institutions in ensuring international peace and promoting human rights (Keohane, 1984). Robert Keohane, Joseph Nye, and John Ruggie argue that international organizations, including the United Nations, the World Trade Organization (WTO) and the International Criminal Court (ICC), play a central role in the development of cooperation between states and non-state actors, and a role in imposing punishment on those who violate human-rights (Keohane, 1989).

The theory highlights the possibility of world interdependence and international organizations to reduce the risk of conflict and ensure protection of human rights. Liberal Institutionalism assumes that despite the opposition of states such institutions provide arenas of cooperation and norm implementation. Amnesty International has deployed such structures in its campaign against human-rights violations in Palestine, where the ICC investigation of the alleged Israeli war crimes is a good example of the international human-rights law being applied in conflict environment (Amnesty International, 2020).

However, Kashmir explains the shortcomings of the theory. The resistance of India to the external intervention and the focus on the sovereignty of states is considered a prominent impediment on the application of international norms (Amnesty

International, 2015). Nonetheless, Amnesty continues to urge the world community to collaborate, urging the world to address the cases of human-rights abuses and punish those involved. These parallel experiences in Kashmir and Palestine thus help to highlight both the strengths and weaknesses of liberal institutionalism as a tool of dealing with human-rights abuses.

## **2.4 Integration of Theories**

A combination of Human Rights Theory, Liberalism and Liberal Institutionalism provides a holistic concept of the analysis of human-rights advocacy of Amnesty International in Kashmir and Palestine. The Human Rights Theory provides the moral support to the Amnesty mission, stating that human rights are universal and non-tradable. Liberalism advocates that international cooperation and democracy are the only way to defend human rights, however, Liberal Institutionalism focuses on the importance of global institutions to maintain accountability and enhance cooperation.

It is on the basis of this integrative prism that it becomes clear that the advocacy at Amnesty is guided by a combination of universal human-rights norms, a belief in the effectiveness of transnational cooperation and a recognition of how actions by states and how state discourses inform the international reaction to human-rights abuses. Amnesty continues to be committed towards its mission of protecting human dignity even in the political difficulties arising due to state sovereignty and strategic communication.

## **CHAPTER-3**

### **Human Rights Violations in Kashmir: A Comprehensive Examination of Conflict, Repression, and the Struggle for Justice**

#### **3.1. Introduction**

Kashmir still remains one of the most disputed and unstable geopolitical areas in the world, featuring a tortuous history of political struggle and organized human-rights violations. The region stands at the border between India and Pakistan and it has been a centre of dispute since the partition of British India in 1947. The long drawn-out Kashmir conflict has created a continuous process of violence, state oppression and instabilities, and the repercussions of these developments are far-reaching to civil population. It is in the current chapter that one gets to have an in-depth analysis of the human-rights situation in Kashmir, as well as historical and political overview of the conflict. It is a critical examination of the gross infractions, including extrajudicial executions, arbitrary arrests, torture, and strict restrictions of fundamental liberties.

#### **3.2 Historical and Political Overview of the Kashmir Conflict**

The Kashmir conflict is one of the oldest and one of the most disputed geopolitical issues of the modern history. It can be traced back to the time when British India was partitioned in 1947 which led to the development of two independent states, India and Pakistan. Jammu and Kashmir, the princely state with a majority of the population of Muslims but a ruler of Hindu faith, turned into a fuse because of its procrastinating decision-making on accession.

In the eyes of Pakistan, the war is theorized as an agenda part of partition, where the rights of the Kashmiri people to determine themselves have been systematically choked by India.



**Figure 11 Map of Jammu & Kashmir**

<https://www.shutterstock.com/search/pakistan-kashmir-map>

### **3.2.1 The Partition of 1947 and the Question of Kashmir**

When British India was partitioned into two separate states namely India and Pakistan, it was based on religious demography. Areas where Muslims were the majority would make up Pakistan and the areas where the Hindu were the majority would remain to be part of India. By the time of partition, Jammu and Kashmir was majority Muslim with an estimated 77 percent population and thus it was a viable option to be accreted by Pakistan. However, the Maharaja Hari, who ruled a Hindu king, had

a policy of keeping the status of independence and thus delayed the decision of the accession (Rai, 2004).

Postponement gave India a chance to act when the tribesmen militias who had their roots in Pakistan entered Kashmir to back the local insurrections against the oppressive rule of the Maharaja. The Pakistani leaders argue that this form of intervention was a justifiable measure towards realizing the aims of the Kashmiri Muslims who were being oppressed by the reign of Hari singh (Schofield, 2010). Therefore, the inclusion of Kashmir on the Indian side in October 1947 is seen by Pakistan as illegitimate by the Maharaja which was done under duress and without the consent of the Kashmiri people.

### **3.2.2 The First Indo-Pakistani War (1947–1948) and the UN Intervention**

The tribal rebellion escalated to the First Indo-Pakistani War (1947-48). The military intervention of Pakistan was discussed as a sort of protection to the Kashmiri Muslims against the perceived Indian aggression after the controversial accession by the Maharaja. The war resulted in the establishment of the Line of Control (LoC) after a cease fire brokered by the United Nations in 1949.

Resolutions of the UN Security Council passed in this period, in particular Resolution 47 (1948) required a plebiscite to allow the people of Jammu and Kashmir to determine their own political destiny. As pointed out by Korbel (1954), Pakistan has continuously emphasized how the international community is aware of the fact that Kashmir is a disputed territory and has the responsibility to implement the plebiscite. India on the other hand has refused to meet these conditions and consequently has violated the set international legal norms and denied the Kashmiri people their right to self-determination.

### **3.2.3 Political Repression Under Indian Rule**

India has been systematically politically repressed in the territory that it has been running since 1947; thus, supporting the claim of Pakistan that India has been unable to fulfill Kashmiri autonomy and rights. Major events take place: the 1953 sacking and arrest of Sheikh Abdullah, who was campaigning Kashmiri autonomy, the supposed rigging of the 1987 elections, which stoked the insurgency, the years of high-profile crackdown on political dissent, the imposition of draconian laws like the Public Safety Act (PSA) and the Armed Forces Special Powers Act (AFSPA), and the 2019 removal of Article 370, which took away the special status of Jammu and Kashmir,

### **3.2.4 The 1951 Constituent Assembly Elections**

In 1951, India held elections in Jammu and Kashmir to form a Constituent Assembly which later approved the accession of the state to India. The process has been highly criticized on being undemocratic as those who opposed accession were disqualified or forced into silence. In reaction, Pakistan sees this as a flagrant contravention of the resolutions of the United Nations Security Council, which provided an internationally supervised plebiscite (Snedden, 2013).

### **3.2.5 The Arrest of Sheikh Abdullah (1953)**

The most notable leader of the National Conference was Sheikh Abdullah who first supported the idea of accession to India, but later promoted more autonomy and self-determination. The fact that he was arrested in 1953 made it clear that India did not tolerate dissent in Kashmir. Pakistan argues that this incident was the beginning of the Indian policy of stifling political liberties in the region (Bose, 2003).

### **3.2.6. The 1965 War and the Tashkent Agreement**

In 1965, the Second Indo-Pakistani War was triggered by the Pakistan operation Gibraltar which was a secret operation meant to support the Kashmiri rebels. According to Pakistan, the operation was a counter operation, following the refusal of India to hold the stipulated plebiscite and the growing militarisation of the Indian-controlled Kashmir, thus, it is justified as a defense move. The war ended with the Tashkent Agreement, which restored the status quo that existed before the war, and was mediated by the Soviets; although the agreement did not solve the actual dilemmas that had caused the hostilities (Schofield, 2010).

### **3.2.7. The Simla Agreement (1972) and Its Implications**

After the Indo- Pakistani war of 1971 the Simla Agreement was signed which bound both states to solve the Kashmir issue by bilateral means. Pakistan has argued that India has taken advantage of the agreement to avoid international oversight thus excluding the United Nations. In the case of Pakistan, Simla Accord cannot override the resolutions of the United Nations, which still have the binding force under the international law (Ganguly, 1997).

### **3.2.8 The Rise of Insurgency (1989–1990)**

The 1987 elections in Indian administered Kashmir which is believed to have been rigged came as a turning point in the conflict. The electoral corruption effectively disenfranchised the parties that were supporting independence and aligning themselves with Pakistan, and thus sparked an armed insurgency in the region. In the point of view of Pakistan, the insurgency is a legal expression of Kashmiri desire, which is aggravated by what it considers repressive policies by India (Rai, 2004).

India has responded with systematic human-rights abuses, including extrajudicial murders, forced disappearances and sexual violence thereby attracting much international criticism. These issues have been repeatedly discussed in the international arenas by Pakistan because of the inability of India to respect the rights and the dignity of the Kashmiri people (Human Rights Watch, 1993).

### **3.2.9 The Kargil Conflict (1999)**

The Kargil war which was launched in 1999 by Pakistan was meant to take the Kashmir issue to the international scene. Pakistan continues to argue that since the Line of Control is a ceasefire line, it is not a permanent boundary, and as a result, the jurisdiction on the area is yet to be decided. This war highlighted the years of uncertainty that had typified the scenario and increased the need to have a conclusive resolution (Bose, 2003).

### **3.2.10 The Abrogation of Article 370 (2019)**

The unilateral abrogation of Article 370, which was passed in August 2019 and thus deprived Jammu and Kashmir of its special status, has been denounced by Pakistan as a violation of international law and the bilateral agreements signed between the two countries. The move has also solidified its grip on the region coupled by a military lockdown, communication blackouts and mass detentions. Pakistan has urged the world to revert its focus to the situation of Kashmiris, and the abrogation was described as an effort to change the demographic makeup of the region (Amnesty International, 2019).

## **3.3 Key Human Rights Abuses in Kashmir**

The main forms of human rights violations in Kashmir are part of the hallmark of the current conflict, in which the civilians are the group that bears the weight of the systematic violence and oppression. These violations are extrajudicial murders, forced



disappearance, arbitrary arrest, and torture, which are often carried out in the name of the law, including the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA). Limitation to freedom of expression, movement and assembly has further discriminated against the people. There is still no accountability and justice of these violations that aggravates the humanitarian crisis in Kashmir.

### **3.3.1. Extrajudicial Killings**

The extrajudicial murders have become a widespread issue in the Kashmir region whereby there are vast allegations of illegal interactions and forged murders by the security forces. Human rights organisations (such as Amnesty International and Human Rights Watch) have comprised a long list of civilian deaths carried out in the name of counterinsurgency operations (Amnesty International, 2019).

One case that made the news especially well is the Machil fake encounter of 2010, when three civilians were killed by the Indian Army personnel who wrongly identified them as militants. The episode caused a massive outcry across the region, highlighting the culture of impunity that the security agencies have enjoyed under the law, including the Armed Forces Special Powers Act (AFSPA) (Chowdhury, 2020).

### **3.3.2. Arbitrary Detention**

Arbitrary detention is one of the human right issues in Kashmir especially under the laws like the Public Safety Act (PSA) that allows a person to be held without trial up to two years. Thousands of people and even minors have been detained on the PSA and have often been caught in protest or dissent against government policies (Human Rights Watch, 2020).

After Article 370 was abrogated in 2019, massive detentions were reported, including politicians, activists, and plain civilians, who were detained incommunicado

without release in long periods. The act has increased the apprehension of the breach of the due process and the right to a fair trial (Amnesty International, 2019).

### **3.3.3. Torture**

Abuse and imprisonment of the detainees is common in Kashmir. Physical abuse has also been reported by victims in high abuse levels, such as beatings, electric shocks, and waterboarding, usually used to force confessions or scare off noncompliant ones. In 2019, a report by the Jammu Kashmir Coalition of Civil Society (JKCCS) has reported more than 400 instances of torture by security forces, which helps to realize the systemic character of such abuse (JKCCS, 2019).

The elimination of torture in any form is forbidden by international law, such as the Convention against torture (CAT). But India has not signed the CAT and, as a consequence, there is no responsibility on such practices (United Nations, 1984).

### **3.3.4. Restrictions on Freedom of Expression and Movement**

Complete restrictions of the freedom of movement and expression have also characterized the Kashmir conflict. Internet failure, censorship of the media and personalized attacks against journalists have become common especially when there is instability in the country. The region experienced one of the longest internet shutdowns in the history of the whole world in the aftermath of the revocation of Article 370, thus impacting the operations of the basic services like communication, education, and health services (Access Now, 2020).

Lockdowns locking security have also further restricted the movement hence denying civilians access to important services. Those restrictions have affected vulnerable populations in a disproportionate way, such as women, children and the elderly, which only contributes to the agony (Human Rights Watch, 2020).

### **2.3.5. Armed Forces Special Powers Act (AFSPA)**

The Armed Forces Special Powers Act (AFSPA) has been considered by scholars and human-rights practitioners to be a draconian tool of legislation which violates the core tenets of human rights and enables rampant abuse of human rights with little responsibility. The AFSPA was enacted in reaction to the insurgency in specified areas of unrest, such as Kashmir, giving broad powers to the security agencies, allowing them to make arrests without any form of a warrant, search without any form of supervision, and use of lethal force with an unofficial immunity. This has given rise to a culture of impunity due to its immunity provisions, which protects security personnel against prosecution without governmental action beforehand (Amnesty International, 2015). Human-rights organisations have come out strongly against the statute on multiple occasions highlighting how it continues to uphold violations and denial of justice to victims (Human Rights Watch, 2018). The AFSPA blatantly goes against international human-rights norms, such as those contained in the International Covenant on Civil and Political Rights (ICCPR), in which India is a signatory, by undermining due process and protecting perpetrators (United Nations Human Rights Council, 2019). After intense pressure by the civil society, international organizations, and the state-appointed committees, the AFSPA continues to exist, a symbol of state-based oppression and impunity in the war-torn areas like Kashmir.

### **3.3.6. The Public Safety Act (PSA)**

The Public Safety Act (PSA) of Jammu and Kashmir which came into effect in 1978 is generally considered as a draconian tool that enables the human-rights violation through allowing the authorities to hold people without any charges or trial during a period of up to a year and a half. Although the law was initially meant to prevent timber smuggling, it has, in real life, been widely used to prevent political unrest, attack

activists, and arrest civilians on unspecified accusations of disrupting peace. The PSA deprives detainees principle of legal representation and sufficient judicial review, therefore violating the international human-rights standards, such as the right to fair trial under the International Covenant on Civil and Political Rights (ICCPR) (Amnesty International, 2012). Human-rights organisations have reported on many occasions where the PSA has been abused to keep minors, journalists, and peaceful protestors in custody, and arresting them again right after their release orders (Human Rights Watch, 2019). The PSA ensures that authorities and law enforcement are not held accountable and can therefore enforce arbitrary arrests and protecting the police, which makes it a powerful instrument of state control and not a real measure of ensuring the settlers are safe.

### **3.4 Human Rights Theory, Liberalism, and Violations in Kashmir**

The continuous abuse of human rights in Kashmir is a direct result of the unresolved political conflict between India and Pakistan, exacerbated by the long term presence and occupation by the Indian security forces. These atrocities, which include extra judicial killings, arbitrary arrests, torture and forced disappearance, severe suppression of freedom of expression, represent the systematic and institutionalised oppression of the Kashmiri people. By merging liberalism with the theory of human rights, one can have a full account of the moral and legal aspects of the conflict, which once again compounds the necessity of justice, accountability and international participation.

As a political and a moral philosophy, liberalism places a high value on the liberty of individuals, democracy, the rule of law and the protection of human rights. It espouses small government and holds that the freedoms of people should be guarded by democratic government and rule of law. When utilized to the Kashmiri situation,

liberalism justifies the claim of the Kashmiri people having a right to choose their political stature and to live in a society in which their fundamental human rights would neither be encroached by the state nor external forces. The focus on personal freedom and democratic involvement of liberalism consequently brings out the injustice that the people of Kashmir have been subjected to where their right to self-determination, freedom and political participation have continued to be infringed upon.

Self-determination as the basic right of the human rights theory coincides with the main principles of liberalism the freedom of choice and autonomy. Liberal theorists argue that a just society is where people can take full part in making decisions that will affect their lives as well as their basic rights being upheld. The deprivation of self-determination in Kashmir was witnessed through the continued territorial conflict involving India and Pakistan, and it amounts to the violation of these liberal principles. The Kashmiri people have been deprived of the discretion to make their own decision regarding their political future regardless of the fact that they have always had the desire to have autonomy or independence. This is an infringement that is aggravated by the fact that India is a military nation and that any opposition is suppressed systematically and thus that the basic right of the people is compromised in a liberalistic society. Since John Rawls believes in the theory of justice as given in *A Theory of Justice* (1971), it is the responsibility of a just society to ensure that every person is given equal liberties, which includes the rights to engage in the political process. In turn, the long-term repression of self-determination in Kashmir is a tremendous failure of liberal justice and a violation of the very liberal idea that people need to have the freedom to define their own fate.

The concern with human rights under the theory of liberalism also overlaps with the theory of human-rights since liberalism is concerned with the security of individual

rights as it seeks to protect the personal freedoms of man, such as the right to life, liberty and security of the person. This militarisation of Kashmir, the application of the Armed Forces (Special Powers) Act (AFSPA) and the Public Safety Act (PSA) places the state in a situation where its unlimited powers are the threat to these fundamental freedoms. This impunity of security forces under these laws is one of the reasons why people are subjected to gross violations of human rights, including extrajudicial murders, arbitrary arrests, torture and forced disappearance (Kashmir Times, 2019). According to the liberal tradition, disproportionate exercise of power is an illegitimate misuse of power that compromises human autonomy and contravenes liberal ideas of justice. The liberalism approach would claim that a fair political system would need to repeal laws such as the AFSPA that give unlimited authority to the security agencies, to allow legal systems that uphold and safeguard human rights and ensure individual freedom.

In addition, the liberal theory emphasizes the importance of accountability mechanisms that would ensure justice in violation of human-rights. The impunity granted to Indian military forces that serve in Kashmir under AFSPA is a high violation of liberalism in taking the form of justice and legal responsibility. In liberal democracies it is mandatory that institutions or people who breach the rights of other people be accountable to their actions. The concept of justice invented by Martha Minow, according to which human-rights violations are punishable, is thus relevant to the discussion of the Kashmir case. The continued impunity of military members who perpetrate human-right violations results in the fact that the victimization of the victim will not be addressed, and the rule of law will be undermined. Liberalism would require initiating accountability measures including independent inquiries, prosecutions and restitution to victims to break this cycle of abuse and in order to ensure that the actions of the state are in line with the rule of law and democratic principles.

The liberalism also gives a lot of importance to the individual freedoms and empowerment- which are grossly suppressed in Kashmir. The capability approach introduced by Amartya Sen fits in the liberal viewpoint of empowerment at the core of human prosperity. Sen believes that each person ought to be free to live the kind of life they treasure and the political order ought to create possibilities that enable people to achieve their potentials (Sen, 1999). However, the capabilities of the Kashmiri people especially the youth are suppressed by the militarisation of Kashmir, curfews, blackouts of communication and the overall blackout of freedom and allows the youth to have no chances of education, economic development or political influence. Liberalism, focusing on the importance of individual autonomy, argues that these liberties should be secured in any society that is just, and the lack of fundamental liberties in Kashmir is an indicator that liberal political systems are not able to safeguard individual fundamental rights of the citizens.

Lastly, the international community in protection of human rights in Kashmir is another quite important area where liberalism crosses with human-rights theory. The focus of human rights in liberalism means that human rights violations cannot be viewed in the context of territorial boundaries but should be addressed by the international community especially when a state does not fulfill the rights of its citizens. Liberal theorists hold the Responsibility to Protect (R2P) doctrine that states that in cases where a state is unwilling or unable to protect its citizens against mass atrocities, the global community has a moral obligation to intervene. The inability of the international community, especially the United Nations institutions, to do anything that would seriously intervene in the long-standing human-rights abuses in Kashmir points to the gap between liberal conceptions of international justice and the *realpolitik* that often prevails in international relations. Liberalism as an advocate to human rights and

justice demands increased international responsibility in cases like Kashmir where the states such as India with their home democratic governments are allowed to engage in wholesale violation of human rights without much international consequences.

The human-rights theory and liberalism synthesis in the analysis of the Kashmir crisis in the state offers a powerful concept of understanding the great injustices the Kashmiri people have faced. The emphasis on individual autonomy, self-determination, democratic participation, accountability, and freedom of liberalism predicts the lack of morality in Kashmir, whereby these basic rights are either denied or seriously limited. When the human-rights theory and the liberal political philosophy are brought into par, it is possible to note that not only individual liberties are undermined by the ongoing violations in Kashmir, but also, it is the systemic failure of both the domestic and international political systems to implement the human-rights theory to protect these freedoms. There should be meaningful reforms, strong accountability systems, and international intervention to tackle such violations so that justice can be restored to the Kashmir population.

### **3.5. Timeline of Human Rights Violations in Kashmir**

This chronology provides a systematic report of the key events and recorded instances of human rights abuse in Jammu and Kashmir with a focus on the implications of the longstanding conflict in the region. It also outlines incidents like civilian killings, forced disappearances, illegal arrests and violations of civil rights. Through plotting these events, the chronology aims at bringing light on humanitarian challenges facing people of Kashmir. It highlights the urgent need to be accountable, juristic, and protect the basic rights in the region.



### **3.5.1 Partition and Initial Violence 1947**

When British India was partitioned in 1947 and Jammu and Kashmir became part of India, the stage had been set to create large scale violence in the area. The tribal invasion supported by Pakistan led to mass atrocities with mass killings, sexual violence and displacement, especially in places like Baramulla. Thousands of civilians were slaughtered in the conflict and the demographic balance in the region was drastically shifted (Bose, 2003).

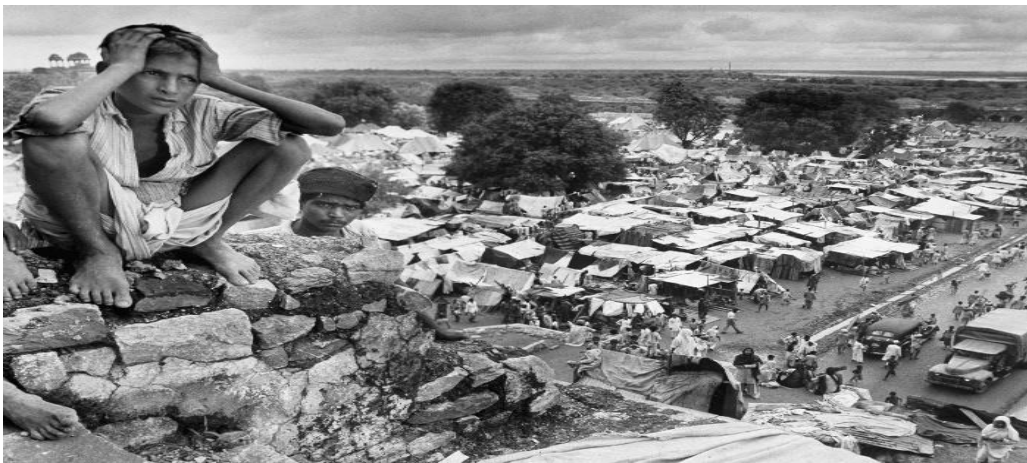


Figure 12 Partition and Initial Violence

<https://www.newyorker.com/magazine/2015/06/29/the-great-divide-books-dalrymple>

### **3.4.2. Establishment of the Line of Control (LoC) 1949**

After the initial war between Indo and Pakistan, the Line of Control (LoC) was established as part of a ceasefire agreement that was mediated by the United Nations. This boundary further intensified the tensions which existed, where families could be found over the frontier, and interdiction incidents continued. Cross fires were a common occurrence to civilians who lived in areas close to the LoC which would lead to loss of lives as well as displacement (Schofield, 2010).



Figure 13 Establishment of the Line of Control (LoC) 1949

<https://dailytimes.com.pk/209941/line-control-working-boundary/>

### **3.5.3. Denial of Plebiscite 1951**

In 1951 the Indian government held elections in Jammu and Kashmir but later never held the promised plebiscite that was supposed to determine the future of the region under the United Nations rule. This refusal of self-determination was seen as a crime against Kashmiri rights and a trigger to political dissatisfaction and turmoil in the region (Schofield, 2010).

### **3.5.4 Hazratbal Incident 1964**

Kashmir was hit by a series of protests after the theft of the Hazratbal Shrine, a sacred relic in 1964. The incident highlighted the growing tensions between the Kashmiri Muslims and the Indian state, even though the relic was finally recovered, there were claims of the use of excessive force on protesters (Bose, 2003).

### **3.5.5. Second Indo-Pakistan War 1965**

The Kashmir conflict between Indo and Pakistani in the year 1965 worsened the situation in the region. Both sides in the military operations resulted in massive loss of civilian life and property. During the hostilities, there were reports of human rights abuse such as summary executions and enforced disappearances (Bose, 2003).

### **3.5.6. Sheikh Abdullah Accord 1975**

The 1975 agreement between Sheikh Abdullah and the Government of India that gave back the political power of Abdullah and also gave recognition to Kashmir as part of India was seen by most Kashmiri as betrayal. Demonstrations broke out throughout the valley, and there were political repression, and human rights violation claims, such as mass arrests and custodial torture (Schofield, 2010).

### **3.5.7. Rigged Elections and the Rise of Insurgency 1987**

The 1987 Jammu and Kashmir legislative election was broadly viewed as having been tampered with in favour of the pro-Indian parties. The electoral manipulation of this kind is considered as central to the situation that has fueled the armed insurgency in the late 1980s. Any protests against the election results were suppressed through violent actions, such as arbitrary detainments and alleged custodial murders (Chowdhury, 2020).

### **3.5.8. Insurgency and Escalation of Violence 1989**

In 1989, the insurgency in Kashmir started, which was driven by the demands of independence or annexation to Pakistan. The systematic human-rights abuse by state and non-state agencies was institutionalized during this epoch. The security forces were also alleged to carry out extrajudicial killings, administer disappearances, and conduct mass arrests, whereas the militants unleashed their violence on civilians, including the

Kashmiri Pandit community, and thus triggered their wholesale exodus (Chowdhury, 2020).

### **3.5.9. Gaw Kadal Massacre 1990**

On 21 January 1990, Indian security forces fired on unarmed demonstrators in the Gaw Kadal district of Srinagar and killed over 50 civilians. These protestors were protesting against the supposed molestation of women in the process of house-to-house search. This massacre is often mentioned among the bloodiest events in the history of Kashmir (JKCCS, 2019).

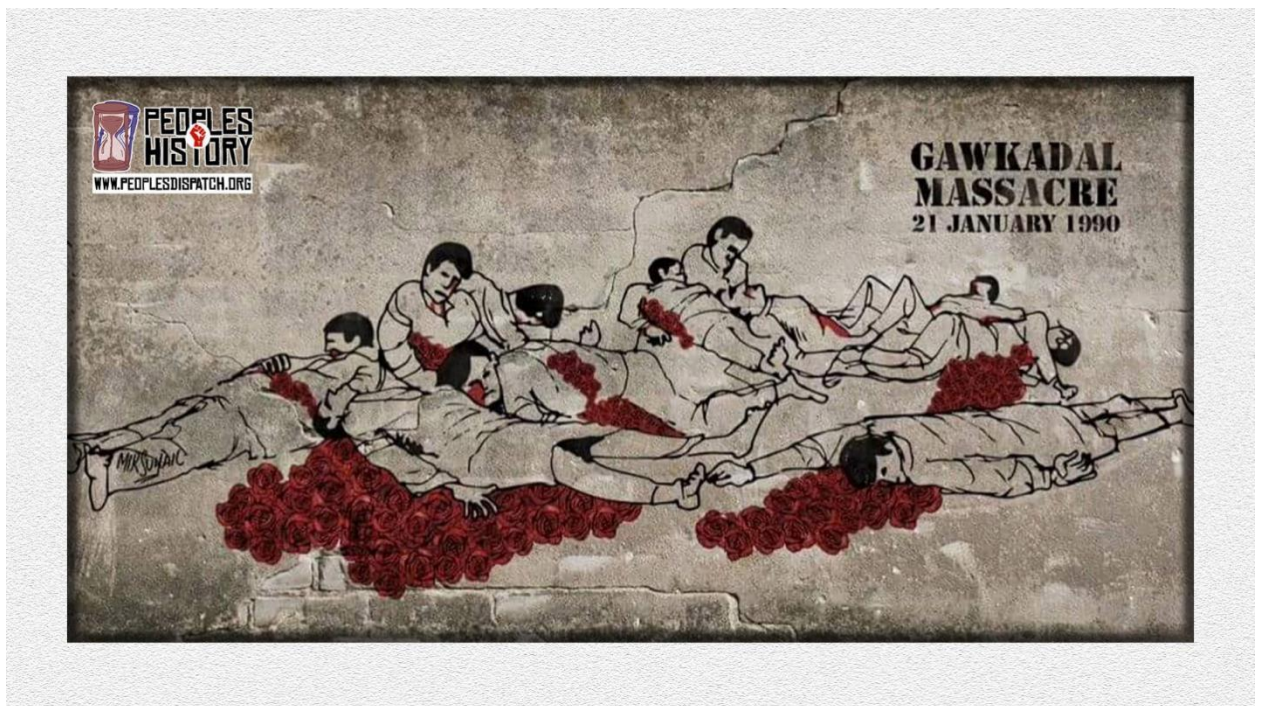


Figure 14 Gaw Kadal Massacre 1990

### **3.5.10. Hawal Massacre (1990)**

The Hawal Massacre of 1990 is one of the saddest events in the history of the Kashmir conflict. On 21 May 1990, paramilitary forces of the Indian government fired at a funeral procession in Srinagar where the death of a renowned Kashmiri political



leader and cleric, Mirwaiz Maulvi Farooq was being celebrated. The ensuing random shooting spree resulted in the loss of lives of over fifty civilians and the injury of other people involved. The incident was condemned by human rights groups as an outrageous use of disproportionate force against unarmed civilians thus increasing hostility and alienation among the Kashmiri community (Human Rights Watch, 1991). The case is characteristic of impunity that security forces are granted by the law (including the Armed Forces Special Powers Act (AFSPA)) and which grants agencies immunity against responsibility (Amnesty International, 2015). This was despite the widespread condemnation whereby no substantive investigations or accountability mechanisms were put in place thus depriving the families of the victims of justice.

### **3.5.11. Kunan-Poshpora Mass Rape 1991**

On 2 February 1991, more than 30 women were reported to have been sexually assaulted by the Indian soldiers in the twin villages of Kunan and Poshpora during a cordonandsearch operation. Although the case has been called upon justice several times, it apparently has not been resolved yet, and victims of the attacks are demanding justice (Amnesty International, 2019).



Figure 15 Kunan-Poshpora Mass Rape 1991

<https://lfkashmir.com/kunan-poshpora-what-is-it-like-to-be-a-woman-in-war-torn-kashmir/>

### **3.5.12. Sopore Massacre 1993**

On January 6, 1993, Indian paramilitary forces set over 300 stores and homes ablaze in Sopore following militant raids against a security conveyance. At least 57 civilians were killed in the process. The incident provoked universal criticism in the international community but had no major repercussions (Human Rights Watch, 1993).



Figure 16 Sopore Massacre 1993

<https://kashmirlife.net/sopore-massacre-2-129341/>

### **3.5.13. Chattisinghpura Massacre 2000**

The Chattisinghpura village was hit in March, 2000 when 35 Sikh people were killed. Although the authorities of India explained the violence by militant forces, they have continued to be accused of governmental complicity. The death of five civilians in Pathribal, which was falsely overseen as militants, only made the situation worse in terms of mistrust among the local people (Bose, 2003).



Figure 17 Chattisinghpora Massacre 2000

<https://www.jammukashmirnow.com/Encyc/2024/3/20/20-March-2000-The-Chattisinghpora-Massacre-When-35-innocent-Sikhs-were-ruthlessly-killed-by-Islamist-terror.html>

#### **3.5.14. Gujarat Refugee Crisis 2000**

In Gujarat the riots took place in 2002, killing thousands of Muslims, consequently causing many Gujarat refugees to move to Kashmir. These displaced persons faced marginalization and were not given the right to basic things in their new living place thus worsening the already dire human rights conditions in Kashmir (Schofield, 2010).

#### **3.5.15. Kanihama Killings 2008**

In October 2008, four men were killed by security forces in Kanihama. Investigations revealed that they were civilians falsely labeled as militants. The killings highlighted the persistent issue of fake encounters in Kashmir, where innocent people are killed and presented as militants to claim rewards (Amnesty International, 2019).

#### **3.5.16. Summer Unrest 2010**

In 2010, the death of 17-year-old Tufail Mattoo after being hit by a projectile of tear gas during a demonstration in one of the protests in the Kashmir region, was a booster to massive civil unrest in the entire region. In the summer of 2010, the security

forces are reported to have used live ammunition and tear gas to quash demonstrations and over 120 civilians were killed, mostly young protesting youths. The use of excessive force elicited a lot of criticism among the international bodies that oversee human rights, such as Human Rights Watch (2011).

#### **3.4.17. Machil Fake Encounter 2010**

In April 2010, a case that took place in Machil area of Kupwara, led to the killing of three civilians who were falsely identified as militants so that they could get monetary rewards. This incident sparked widespread civil protests and created awareness of the widespread occurrence of extrajudicial assassinations by security agencies (JKCCS, 2019).

#### **3.5.18. Killing of Burhan Wani 2016**

In July 2016, the very high-ranking insurgent leader Burhan Wani was killed, which triggered widespread protests across the Kashmir region. The military officers used excessive force and used pellet guns which caused significant injuries and permanent impairment of the eyes of the people. The unrest resulted in the killing of more than one hundred people and the injury of thousands of people (Human Rights Watch, 2017).



Figure 18 Killing of Burhan Wani 2016

<https://timesofindia.indiatimes.com/india/india-slams-pakistan-for-glorifying-burhan-wani/articleshow/59519711.cms>



### **3.5.19. Human Shield Incident 2017**

In April 2017, visual proofs were caught of Farooq Ahmad Dar, a Kashmiri civilian, tied to the bonnet of an Indian Army jeep to serve as a human shield against stone-pellers. The accident led to a great deal of outrage and highlighted the trend of increasingly using civilians as the means of warfare by the security forces. Although the arrested officer faced widespread criticism, the Indian Army still proceeded to praise him, further fuelling the suspicion of the state institutions (Amnesty International, 2018).



Figure 19 Human Shield Incident 2017

<https://indianexpress.com/elections/kashmiri-man-farooq-ahmed-dar-human-shield-on-poll-duty-lok-sabha-elections-5682836/>

### **3.5.20 Shopian Killings 2018**

In January 2018, a demonstration at the Shopian district led to the death of three civilians by the Indian security forces. The deaths were followed by widespread protests in the valley, which increased demands of accountability. Later research established

that the unreasonable use of force has been used; however, there was no imposition of any meaningful punishment on the individual culprits (Human Rights Watch, 2018).

#### **3.5.21 Post-Article 370 Restrictions 2019**

Following the abrogation of Article 370 in August 2019, the region experienced one of the worst lockdowns in the history of the area. Recent reports show that over 4000 people, among them political figures, activists, and minors were arrested under the Public Safety Act (PSA). The additional humanitarian crisis application through strict limitations on communication, healthcare, and education further enhanced the humanitarian crisis. The longest communication withdrawal in the history of a democratic state was the 18-month internet blackout that had never been experienced before (Access Now, 2020).

#### **3.5.22 Targeted Killings of Minorities 2021**

In October 2021, a sequence of consistent killings of minority members of the community was recorded, such as Kashmiri Pandits and non-localized labourers. Such incidences created a general atmosphere of fear and preceded the abduction of minority families in the valley. The murders were denounced on the global level, and they were called to increase protection of vulnerable groups (Human Rights Watch, 2021).

#### **3.5.23 Poonch Encounter 2022**

A case in the Poonch district in October 2022 resulted in the killing of five military members and caused a massive displacement among civilian communities. Cases of collective punitive action as well as harassment and mass detention of villagers during search operations have been reported by human rights organisations (Amnesty International, 2022).

#### **3.5.24 Increased Targeted Killings and Crackdowns 2023**

The targeted killings of civilians specifically of non-residents and representing a minority group increased significantly in 2023. These were blamed on militant groups that aimed at spreading fear and insecurity to the region. In February 2023, Kulgam militants gunned down two migrant labourers who were of Uttar Pradesh origin. This event emphasized how non-local laborers are still persecuted, as they are viewed as the symbols of demographic changes in Kashmir (Human Rights Watch, 2023).

In August 2023, a clash in the Anantnag area resulted in the deaths of three security agencies and one civilian. Claims of extreme use of force and harassment of civilians in subsequent search operations were then reported by local human-rights organisations (Amnesty International, 2023).

In the course of 2023, the press in Kashmir was faced with increased restrictions and harassment. Authorities called many reporters to write about sensitive topics and detained many of them on basis of strong laws like Unlawful Activities (Prevention) Act (UAPA). Reporters Without Borders among other international observers was alarmed about the deteriorating position of the press freedom in the region (RSF, 2023).

#### **3.5.25 Mass Arrests During G20 Meeting in Srinagar 2023**

Before the G20 summit held in Srinagar in May 2023, there were reports of widespread arrest of activists, political leaders and non-combatants. Although the authorities explained such measures as a measure to ensure the safety of the events, the human-rights organizations criticized such allegedly random arrests and the subsequent suppression of dissent (Human Rights Watch, 2023).

### **3.5.26 Civilian Displacement and Rising Tensions 2024**

In 2024, civilian displacement had escalated due to heightened military action and cross-border shelling in the Line of Control (LoC) and so worsened the unstable situation in Kashmir and a further rise in human rights violations by the state and non-state actors.

The indiscriminate use of shells along the LoC in the Kupwara district in January 2024 led to the death of six civilians and the displacement of hundreds of people, who then accused both of Indian and Pakistani forces of the indiscriminate application of shells, which is a breach of international humanitarian law and causes severe suffering to the local population (Amnesty International, 2024). In April 2024, the deaths of two young men were reported during a counter-insurgency operation in Pulwama, and their families claimed torture in custody leading to protests regionally and revitalizing calls to repeal such laws as the Armed Forces Special Powers Act (AFSPA), which grants security forces immunity against prosecution (JKCCS, 2024).

In June 2024, a series of massive protests arose over the relocation of agricultural land to non-local-industrial developers, Kashmiri farmers accused the government of land grabbing and claimed that the program was a wider policy agenda that would change the demographics of the region; security forces fired tear gas and pellet guns at the demonstrators injuring dozens of civilians (Human Rights Watch, 2024).

In September 2024, two teachers and several students were killed in a school assault in Baramulla, an unusual event that was highly criticized and an issue that the international bodies spoke out about in high tones, this is the sensitivity of civilians, especially children, as long as hostilities persist (Amnesty International, 2024).

In 2023 and 2024, there have been further serious cases of human rights violations in Kashmir, such as targeted killings, freedom of expression, custodial murder, and the displacement of most civilians, thereby exacerbating the humanitarian crisis in the region. This cycle of violence and repression has been sustained by both state and non-state actors and has held the civilian population in a culture of fear and insecurity, it is high time that the entire international community and responsibilities should intervene to combat these chronic agonies and work to achieve a just and peaceful solution to the Kashmir conflict.

| <b>Year</b> | <b>Incident</b>        | <b>Description</b>   | <b>Source</b>                 |
|-------------|------------------------|--|-------------------------------|
| 1947–1948   | Jammu Massacres        | Over 200,000 Muslims killed and half a million displaced during partition violence, allegedly supported by local authorities                   | Bose (2003); Schofield (2010) |
| 1951        | Denial of Plebiscite   | India failed to hold a UN-mandated plebiscite, organizing elections instead, fueling political discontent in Kashmir.                          | Schofield (2010)              |
| 1964        | Hazratbal Incident     | Theft of a relic from the Hazratbal Shrine sparked mass protests, with reports of excessive force against demonstrators.                       | Bose (2003)                   |
| 1975        | Sheikh Abdullah Accord | Protests erupted after Sheikh Abdullah affirmed Kashmir's accession to India, leading to allegations of political repression and mass arrests. | Schofield (2010)              |
| 1987        | Rigged Elections       | Widespread allegations of electoral fraud in legislative elections, fueling the armed insurgency.  | Chowdhury (2020)              |
| 1990        | Gaw Kadal Massacre     | Indian forces killed over 50 unarmed protestors in Srinagar, one of the deadliest incidents in Kashmir's history                               | JKCCS (2019)                  |
| 1993        | Sopore Massacre        | At least 57 civilians killed, and 300 structures destroyed by Indian paramilitary forces in retaliation for a militant attack.                 | Human Rights Watch (1993)     |
| 2002        | Gujarat Refugee Crisis | Displaced Muslims from Gujarat riots faced marginalization and inadequate access to rights in Kashmir.   | Schofield (2010)              |
| 2008        | Kanihama Killings      | Security forces killed four civilians, falsely labeling them as militants in a fake encounter.   | Amnesty International (2019)  |
| 2010        | Summer Unrest          | Over 120 protestors killed following the death of 17-year-old Tufail Mattoo by a tear gas shell.   | Human Rights Watch (2011)     |

|      |  |   |                              |
|------|--|---|------------------------------|
| 2014 | Flood Mismanagement                      | Alleged mismanagement of relief efforts during devastating floods led to accusations of discrimination against Kashmiris.                         | JKCCS (2014)                 |
| 2016 | Burhan Wani Protests                     | Killing of militant leader Burhan Wani sparked mass protests, with over 100 civilians killed and thousands injured by pellet guns.                | Amnesty International (2016) |
| 2017 | Human Shield Incident                    | A civilian was tied to an Army jeep as a human shield during protests, drawing widespread outrage.  | Amnesty International (2018) |
| 2018 | Shopian Killings                         | Security forces killed three civilians during a protest, sparking valley-wide demonstrations.   | Human Rights Watch (2018)    |
| 2019 | Post-Article 370 Abrogation Restrictions | Following Article 370's revocation, over 4,000 detained, including minors, and an 18-month internet blackout was imposed.                         | Human Rights Watch (2020)    |
| 2021 | Targeted Killings of Minorities          | Kashmiri Pandits and non-local laborers were targeted, leading to fear and displacement of minority families.                                     | Human Rights Watch (2021)    |
| 2022 | Poonch Encounter                         | Five soldiers and civilians displaced during operations. Allegations of collective punishment reported.   | Amnesty International (2022) |
| 2023 | Kulgam Killings                          | Militants killed two migrant laborers, part of a broader pattern of targeting non-local workers.  | Human Rights Watch (2023)    |
| 2023 | Restrictions on Press Freedom            | Journalists faced arrests, censorship, and intimidation under the UAPA, suppressing independent reporting.  | RSF (2023)                   |
| 2023 | Mass Arrests Before G20 Summit           | Over 1,000 individuals detained under PSA to suppress dissent ahead of the high-profile event.  | Amnesty International (2023) |
| 2023 | Pulwama Custodial Deaths                 | Two men died in custody, with families alleging torture. Protests reignited calls to repeal AFSPA.  | JKCCS (2023)                 |
| 2024 | Kupwara Shelling                         | Cross-border shelling killed six civilians and displaced hundreds. Locals accused both Indian and Pakistani forces of indiscriminate firing.      | Amnesty International (2024) |
| 2024 | Protests Over Land Reallocation          | Farmers protested against land reallocation to non-local developers. Security forces used pellet guns and tear gas, injuring dozens.              | Human Rights Watch (2024)    |
| 2024 | Baramulla School Attack                  | Militants attacked a school, killing two teachers and injuring students, raising concerns about the vulnerability of civilians in conflict zones. | Amnesty International (2024) |

Table 1 Timeline of Human Rights Violations in Kashmir (1947–2024)

The Kashmir struggle is a legacy of centuries-old territorial conflict dating back to 1947, which has taken a toll of systemic violence, repression and violation of human rights that have affected the civilian population of the area to this day. Historical evolution of the conflict shows that history has been marked by a cyclical pattern of disenfranchisement and suffering since 1947<sup>48</sup> Jammu massacres and the recent 2024 custodial deaths and displacements. The decades have been marked by the contributions of state and non-state actors contributing to the crisis, and the former have enacted the draconian laws of the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) that entrench impunity and promote injustice. In the meantime, non-state actors have attacked civilians which has worsened insecurity and communal conflicts. These strata of conflict have caused the Kashmiri people to be stuck in a fear, displacement, and political alienation loop.

Categories of the violations in Kashmir are complex and they include extrajudicial killings, enforced disappearances, arbitrary arrests, and extreme limitation of basic liberties, such as freedom of movement, expression, and the press. The security police have been allowed to use repressive laws to act without being questioned and the victims are denied access to justice. The actors outside the state have contributed to the escalation of violence by targeting civilians, minorities, and non-local workers which only increased the instability in the region. The gagging of dissenting voices, the media and intimidation of the civil society actors have added to the crisis that has muted the voices of the most affected in the conflict. All these breaches represent a pattern of non-compliance with international human rights standards, where the population of Kashmir is kept in a state of constant weakness, disempowerment, and vulnerability.

Human rights approach and theory of liberalism provide a holistic perspective of inquiring the malpractices in Kashmir. Liberalism underlines the basic rules that

include individual autonomy, democratic involvement, self-determination and accountability, which somehow are the extremes of the region. This is supplemented by human rights theory which asserts the moral and legal necessity to safeguard individual freedoms and dignity. Combined, these structures display the breakdown of domestic authority and the international system in protecting the rights of the citizens of Kashmir. They also point at a pressing necessity of the reforms, which would focus on the rule of law, justice and empowerment of Kashmiri voices.

Human rights abuses in Kashmir have a long history, and this highlights the cyclical aspect of the crisis with repeated spells of violence and abuse. Since the Jammu massacres and militarisation of the area, the history of AFSPA, the targeted violence by unofficial forces, and the lack of support in fixing the causes of the conflict, the history shows the continuation of the effective failure to address the root causes of the conflict. These abuses have been perpetuated by the absence of accountability and any meaningful international response and Kashmir remains languishing in a humanitarian crisis. The only solution to this predicament would be a fundamental change in the law, strong accountability, and adherence to the fundamental rights. New generations will be left with a legacy of oppression and injustice that has been the bane of Kashmir without the implementation of these vital steps and keep the region stuck in the conflict.



## **Chapter4**

# **Human Rights Violations in Palestine: The Impact of Israeli Occupation, Settler Colonialism, and the Struggle for Justice**

## **4.1 Historical and Political Overview of the Palestine Conflict**

Israel-Palestine war is one of the most complex and lasting geopolitical conflicts of the modern international relations with its roots in strong historical, religious and territorial conflict. This overview critically looks at the historical trend of the conflict, outlining its main political aspects and questioning the long held dilemma that both the Palestinian and Israeli stakeholders have had to face.

## **4.2 Historical Origins**

The time when the modern conflict started dates back to the late nineteenth and early twentieth centuries, the time when nationalist movements gained momentum. The late Ottoman Empire that controlled Palestine at this period experienced a high number of Jewish immigrants, especially those who were affected by Zionist movement that desired to build a Jewish nation in the territory (Said, 1992). The movement received further momentum after the First World War when Britain took control of Palestine as an administrative unit in accordance with the 1917 Balfour Declaration that promised to support the establishment of a national home of the Jewish people but guaranteed that the civil and religious rights of the non-Jewish populations would not be violated (Lobel, 1991).

Immigration of Jewish settlers in the 1920s and 1930s and the conflict between Jews and Arabs in terms of land and political rights led to violent clashes. Then the

tensions had become very pronounced by the moment the United Nations (UN) suggested partitioning Palestine into Jewish and Arab states in 1947. The UN plan which aimed at solving the conflict by partitioning the territory was welcomed by the Jewish leadership but it was rejected by the Arab states and the Palestinian Arabs who felt that it was unfair to partition their territory (Bickerton & Klausner, 2007).



<https://operationworld.org/locations/palestine/>

#### **4.2.1 The 1948 Arab Israeli War and Aftermath**

Proclamation of the State of Israel on 14 May 1948 led to the immediate military intervention of the neighboring Arab states and the 1948 Arab-Israeli War. The hostility came to an end in 1949 when Israel annexed more territory than what the United Nations partition plan had recommended. It was this episode, which is also known as the Nakba (Arabic: ‘catastrophe’), that led to the displacement of over seven hundred thousand Palestinian Arabs, who were later displaced as refugees in the neighboring Arab states and around the region (Pappe, 2006). The division of Palestine into Israeli-controlled territories and the West Bank and Gaza Strip territories, governed by the

Jordan and Egyptian authorities, created the atmosphere of statelessness in the Palestinian population.

#### **4.2.2. The 1967 Six-Day War and Occupation**

The 1967 Six-Day War was a turning point in the Arab-Israeli conflict. In the process of the short-term hostilities, Israel occupied the West Bank, the Gaza Strip, East Jerusalem and the Golan Heights, which had the effect of creating a significant restructuring of the geopolitical environment. Since then, occupation of these territories has been one of the main subjects of the conflict. The fact that Israel occupied the West Bank and Gaza, and open settlements in those regions is one of the major points of controversy. It is worth marking that annexation by Israel and annexation of East Jerusalem, in which Palestinian actors view as the future capital state of a Palestinian state, has been specifically denounced by the international community (Hass, 2010).

#### **4.2.. 3 The Rise of Palestinian Nationalism**

Palestinian nationalism was heightened in the 1960s and 1970s in reaction to the occupation and the ineffectiveness of the diplomatic efforts. The major spokesperson of the Palestinian people became the Palestine Liberation Organization (PLO) led by Yasser Arafat. The PLO took armed resistance as one of the main strategies and engaged in the creation of a Palestinian state both at the political and military fronts. Arguably, the international recognition of Palestinian aspirations occurred in the 1970s with the acceptance of the PLO as the one and only legitimate representative of the Palestinian people by the Arab League and the United Nations (Farsoun & Aruri, 1992).

#### **4.2.4. The Oslo Accords and the Two-State Solution**

The 1990s also saw a cautious peace hope after the signing of the Oslo Accords in 1993 that was the first face to face negotiations between Israel and the Palestine Liberation Organization (PLO). The accords led to the formation of the Palestinian Authority (PA) and defined a transition program that was to bring a two-state solution. However, the Oslo process faced several challenges which included, the expansion of the Israeli settlements, the recurrent acts of violence, and the divergence of the position of issues which could be considered vital such as the status of Jerusalem, the right of return of the refugees, and the demarcation of borders (Smith, 2001).

The failure of the Oslo process to establish a lasting presence of peace coupled with the Second Intifada (2000-2005) and subsequent rise of the militant group Hamas exacerbated the divisions within the Palestinian society, especially between the Hamas group in the Gaza Strip and the more moderate Fatah-led Palestinian Authority in the West Bank (Gerges, 2013). The take over of power in Gaza by Hamas in 2007 also divided Palestinian politics and made it harder to have a single Palestinian negotiating voice.

In 2023 and 2024, the Israel-Palestine conflict reached new heights of intensity which can be significantly due to the violent escalation between Israel and Hamas. This has been the time of radical changes in political dynamics, military conflicts and humanitarian emergencies and thus solidifying the deep divisions between Israelis and Palestinians.

#### **4.2.5. The Hamas Attack of October 7, 2023**

The greatest incident during the recent period of the conflict was on 7 October 2023 when Hamas made a surprise attack on Israel through the Gaza Strip. The day was

the deadliest in Israeli history since its establishment in 1948 by causing the deaths of over 1300 Israeli citizens and injuring thousands more by the use of rocket launches, ground attacks, and holding over 100 hostages. The attack took many Israeli authorities off the guard, despite increasing tension in the area (Britannica, 2023). In response, Israel declared war on Hamas and placed a complete siege on Gaza cutting off supplies of food, water, and electricity to the enclave, and subjecting it to massive aerial and ground attacks.

#### **4.2.6. The Humanitarian Crisis and Blockade of Gaza**

At the end of 2023, the situation in Gaza had become even more terrible. Aerial attacks by Israel and a ground attack initiated at the end of October resulted in massive loss of civilian lives. The Gaza Health Ministry stated that over 33,000 Palestinians had died due to the airstrikes against residential areas, medical institutions, and other civilian infrastructure as of April 2024. The humanitarian crisis was compounded by the fact that the weak infrastructure that existed in Gaza was further stretched by the hostilities that had been going on. Israeli-Egyptian blockade acutely reduced the supply of medical supplies and basic necessities, triggering mass shortages, especially in the areas of food, water, and power (Human Rights Watch, 2024; Global Conflict Tracker, 2024).

#### **4.2.7 Political Responses and International Reactions**

The global reaction to the conflict which started in October 2023 was mixed. The right of the nation of Israel to defend itself was substantially recognized by the Western actors, mainly the United States, even though it also called upon moderation in connection with the mass killings of civilians. On the other hand, there was a significant number of Arab states and international organizations that condemned the military actions of Israel as disproportional and insisted on an immediate end of military

hostilities (CFR, 2024). The United Nations and civil-societal human-rights organizations have preempted the issues of possible war crimes, referring to the use of indiscriminate attacks at civilians on both Israeli and Palestinian militant sides (Human Rights Watch, 2024).

In Palestine, political disintegration has been further enhanced by the bifurcation of Hamas and Palestinian Authority that controls the West Bank. The control of Gaza by Hamas, combined with its rejection of the two-state option, has fostered a new permanent struggle in the unity of Palestine. In the leadership of Mahmoud Abbas, the PA is still facing internal challenges, a limited ability to affect Gaza, and increasing discontentedness with its performance in the peace talks ( Global Conflict Tracker, 2024).

#### **4.2.8 Israel's Political Landscape Under Netanyahu**

Political situation in Israel, especially since the election of Benjamin Netanyahu back to power in the December 2022 election, has played a major role in the course of the conflict. The current regime of Netanyahu, which is a coalition government of far-right and religious groups, has made the expansion of settlements in the occupied West Bank a priority, as well as taken a hard-line position on security. As a result, the level of violence in the West Bank has only escalated, with the Israeli troops engaged in raids particularly in Palestinian towns like Jenin and Nablus against militants (CFR, 2024; Britannica, 2023). Moreover, the Netanyahu domestic agenda and the controversial judicial reforms in particular have resulted in massive protests in Israel. These domestic political crises have sometimes distracted attention on the bigger picture conflict, but they have also strengthened the more militarised and hard-line stance of Israel toward Palestinians (Britannica, 2023).

#### **4.2.9. The Conflict and Its Escalation 2024**

By 2024, the war has not ended, and there does not seem to be a resolution. The Israeli Defense Forces (IDF) have stepped up its activities in Gaza, to the demolition of infrastructure of Hamas, especially its tunnel network and arms depots. This is an aggression-based approach that has cost a very high human price. At the same time, a two-state solution seems to be even more distant in case neither side can afford the necessary compromises. The level of settler violence targeting Palestinians in the West Bank has also increased, which adds to the heightened tensions and another victim (Human Rights Watch, 2024). The tension in the region and especially the Hezbollah in Lebanon and the Iranian-sponsored militants have increased the chances of a decalibration of a wider war. The political motivation to attain a lasting peace has not been achieved regardless of the consistent calls on ceasefires and humanitarian assistance by the United Nations and other international actors (CFR, 2024).

The period between 2023 and 2024 has worsened the Israel-Palestine conflict with its political lines and humanitarian consequences. The explosion of violence, the humanitarian crisis of acute nature in Gaza, and the disintegration of the political society on both Palestinian and Israeli front highlight the deep-rooted aspects of the conflict. Without a possible way to reconciliation and as the world grows increasingly worried, the possibility of having a lasting long-term settlement is very unpredictable.

#### **4.3. Key Human Rights Abuses in Palestine**

There have always been records of extensive abuse in Palestinian territories by human rights organisations and international bodies. These abuses include settlement development, forced displacement and military blockade as well as denial of fundamental freedoms, especially freedom of movement. Such actions have triggered

extreme humanitarian effects and are often mentioned as breaches of the international law, the fourth Geneva Convention.

#### **4.3.1 Settlement Expansion and Land Appropriation**

One of the initial human rights issues is the growth of Israeli settlements in the occupied West bank and East Jerusalem. Article 49 of the fourth Geneva convention which is clearly an international law, breaches the transfer of civilian population into occupied territories. Though this is forbidden by the law, Israel still continues to build settlements and this process is often accompanied by seizing Palestinian land and resources. By 2023, there are more than 700,000 people in the West Bank and the East Jerusalem settlement. These settlements are a regular source of destruction of Palestinian houses and land, thereby violating the right of Palestinians to decent housing and livelihood (Human Rights Watch, 2024; CFR, 2024).

#### **4.3.2. Forced Displacement and Home Demolitions**

Threats to evict Palestinian families and destroy their homes are commonly used to move them, in particular, in East Jerusalem and Area C of the West Bank still under full Israeli control. Between January and October 2023, at least 1,000 Palestinians have been displaced due to the demolition of houses, most of them without an Israeli building permit, which is practically unattainable by Palestinians. The families in East Jerusalem alone are facing increased threat of eviction due to legal claims by the settlers organizations. Human-rights organizations have described these actions as elements of a systematic effort to alter the demographic structure towards the benefit of Jewish populations (Amnesty International, 2023; Human Rights Watch, 2024).

#### **4.3.3 Military Blockades and Restrictions on Goods**

Gaza Strip is under strict Israeli blockade since 2007 and this has reduced the flow of people and goods to a very limit. This humanitarian crisis has been created by



this blockade, and over 80 percent of the Stanton of Gaza-based citizens on humanitarian aid as of 2023. Medical supplies, clean water and electricity are in acute shortage and power outages are experienced at an average of 13 hours a day. The construction materials and other products considered as duo-use by the Israeli government are also banned under the blockade, further hindering the reconstructions of homes and infrastructure that were destroyed during frequent clashes (Human Rights Watch, 2024; UN OCHA, 2023).

#### **4.3.4. Denial of Freedom of Movement**

The Palestinians in the West Bank are faced with a lot of restrictions on their mobility. The State of Israel has over 500 checkpoints, roadblocks all over the West Bank and as a result limits Palestinians to move to their workplaces, schools and even medical centers. Moreover, the separation barrier- crossing the Palestinian territory- is an additional way to limit the freedom of movement and access to other primary resources, which isolates people communities and deprives farmers of the possibility to reach their fields. At the same time, the citizens of the Gaza Strip have almost complete access to leaving the state, and they can only leave in extraordinary humanitarian cases (Amnesty International, 2023; CFR, 2024).

#### **4.3.5. Excessive Use of Force and Arbitrary Detention**

The Palestinian residents in the west bank have far-reaching mobility limitations. As it is shown in the available data, the State of Israel has over 500 checkpoints and roadblocks across the territory and thus hinders the movement to the working places, school and health facilities. Besides, another mechanism that restricts freedom of movement and access to basic resources is the separation barrier, which passes through the Palestinian territory, hence isolating communities, preventing farmers with access to their fields. On the other hand, the inhabitants of the Gaza Strip

can leave the state almost entirely, but only in exceptional humanitarian conditions (Amnesty International, 2023; CFR, 2024).

#### **4.4. Human Rights Abuses in Palestine a Theoretical Perspective**

The human rights crisis in Palestine represents a historical trend of institutional abuse that is highly embedded in the Israeli-Palestinian conflict and the occupation of the Palestinian territories. The Palestinians are subjected to a vast number of abuses, such as extrajudicial executions, arbitrary detentions and torture, forced evictions and severe travel bans, all of which are supported through a legal and political infrastructure that serves to entrench their torment and humiliation (Amnesty International, 2024). Such practices do not only go against the norms of the international human rights but in fact are flat contradictory to liberalism, which is a political theory that emphasizes on supremacy of individual rights, democracy, equality, and rule of law.

The denial of Palestinian rights is a phenomenon that can be critically viewed in the light of liberalism which promotes the protection of basic freedoms and check the power of the government. The liberal theorists like John Rawls believed that a just society was one whereby people have the freedoms needed to engage in political decisions and live the kind of life that they cherish, and that the institutions within a state would be held accountable to an action that breached rights (Rawls, 1971). However, in Palestine, the continued refusal to practice self-determination, which forms the basis of liberalism and the human rights theory, is a symptom of a systemic collapse of all these values. The occupation by the Israelis who deprive the Palestinians of their freedom to rule themselves and make political choices is a severe breach of liberal principles and human rights, because the principle of the self-determination states that all peoples have the right to free choice of their political position (Amnesty International USA, 2011).

The issue of justice, fairness, and rule of law emphasized under liberalism underscores the seriousness of the human rights abuse in Palestine especially the fact that the perpetrators of the abuse have not been held accountable. Despite the wide-ranging reports on the violation, such as extrajudicial killings, torture, and settler violence, there is an overarching culture of impunity that surrounds Israeli military troops and settlers (Amnesty International, 2021). Liberalism argues that justice must have strong mechanisms of holding the violators responsible so that the state actors be made accountable to their deeds. The lack of these mechanisms in Palestine indicates the fact that there is a significant violation of the liberal democratic principles that emphasize the sanctity of individual rights by the rule of law.

Besides, the focus of liberalism on personal empowerment is in line with the human rights theory especially the capability approach developed by Amartya Sen who emphasizes on the significance of empowering individuals to live the kind of life they desire without oppression (Sen, 1999). Movement, employment, and education restrictions as practiced under Israeli policies and under the ongoing occupation deny Palestinians the right to individual and community prosperity, compressing these measures against the human right of personal development and achievement, and continuous poverty and disempowerment (Amnesty International Ireland, n.d.).

The dilemma between the principle of liberality in terms of accountability and that of peace and stability is manifested in the intricate dynamics of Israeli Palestinian conflict. Although the liberalism and human rights theory are both united on the need of justice, they also acknowledge that transitional forms of justice may exist to play the role of peace-building by targeting the human rights abuses in a manner that reconciles and provides stability. Nevertheless, the international community has often failed to meet such ideals in response to the conflict, and there have been few interventions to

mitigate the structural injustices and systematic atrocities of Palestinians (Amnesty International, 2003).

The balancing of justice and reconciliation has been accomplished by developing accountability mechanisms through the international bodies such as the United Nations to balance the two in other protracted conflicts such as Rwanda or Colombia. However, in Palestine, there is no detailed action, which highlights the inability to put these principles into practice (Amnesty International, 2004).

The consideration of justice by liberalism and accountability by the human rights theory make it clear that the international community should come together to respond to the present violations in Palestine and ensure that those involved are brought to book and Palestinians are given the power to exercise their right to self-determination. A liberalism theory mixed with the human rights theory can provide a solid approach to the human rights crisis in Palestine and systemic oppression faced by the local population. Both models focus on such issues, as guardianship of personal liberties, accountability, and right to self-determination as the preconditions of human dignity and justice. The continued crimes against Palestine, not only in curbing movement and access to fundamental facilities but also in disenfranchising the political system, point to the fact that an integrated solution is needed, not only to effectively manage the humanitarian interest but also to address the structural factors of oppression. The cycle of violence and human rights abuses will not be stopped without major international intervention such as diplomatic and legal intervention leaving Palestinians to continue living under a regime of violations that compromises their freedoms and autonomy. Through supporting the principles of the liberalism and human rights theory, the international community will be able to make steps towards the realization of justice, accountability, and achieving Palestinian self-determination which are

necessary steps in the quest to solve what is currently rated as one of the longest human rights crises of the modern times.

#### **4.5. Timeline of Human Rights Violations in Palestine**

This timeline outlines major human rights violations in Palestine, focusing on key events, policies, and actions that have impacted Palestinian communities. Each event is cited with authoritative sources.

##### **4.5.1. Nakba (Catastrophe)1948**

The Nakba, which can be translated into English as catastrophe, is the mass displacement of over 700,000 Palestinian Arabs in the 1948 Arab-Israeli war after the formation of the State of Israel. Hundreds of Palestinian villages were destroyed, ancestral homesteads were destroyed, and the Palestinian population was forced to be resettled in other countries or refugee camps in this episode. Though the international law confirms the right of displaced citizens to go back to their previous residences, Palestinians were unrelentingly denied this right; hence instating one of the longest-running refugee crises in the modern period (Pappe, 2006; Britannica, 2023). The Nakba has become the landmark event in the Palestinian historiography, the quintessence of the loss of land, identity, and self-determination, and its aftermath still lingers in the Israeli-Palestinian conflict to date.



Figure 21 Nakba (Catastrophe) 1948

<https://arabcenterdc.org/resource/seventy-five-years-after-the-nakba-what-does-the-future-hold/>

#### **4.5.2. Six-Day War 1967**

The 1967 Six-Day War became a pivotal event in Israeli-Palestinian conflict after Israel took control of the West Bank, Gaza Strip, East Jerusalem, and the Golan Heights. Not only did this military occupation increase Israeli territorial limits but there was also the massive confiscation of land, creation of settlements and the displacement of other Palestinian communities. The occupation also placed a lot of constraints on the freedom of Palestinians to move about, access to resources and political autonomy which contributed to the escalation of tensions in the region. Human rights organizations have largely criticized these moves as breaching international law and as a source of systemic injustices against Palestinians (HRW, 2024; Amnesty International, 2023). Six-Day war has left its legacy on the socio-political environment of the Israeli-Palestinian conflict.

### Before and after the Six Day War, 1967

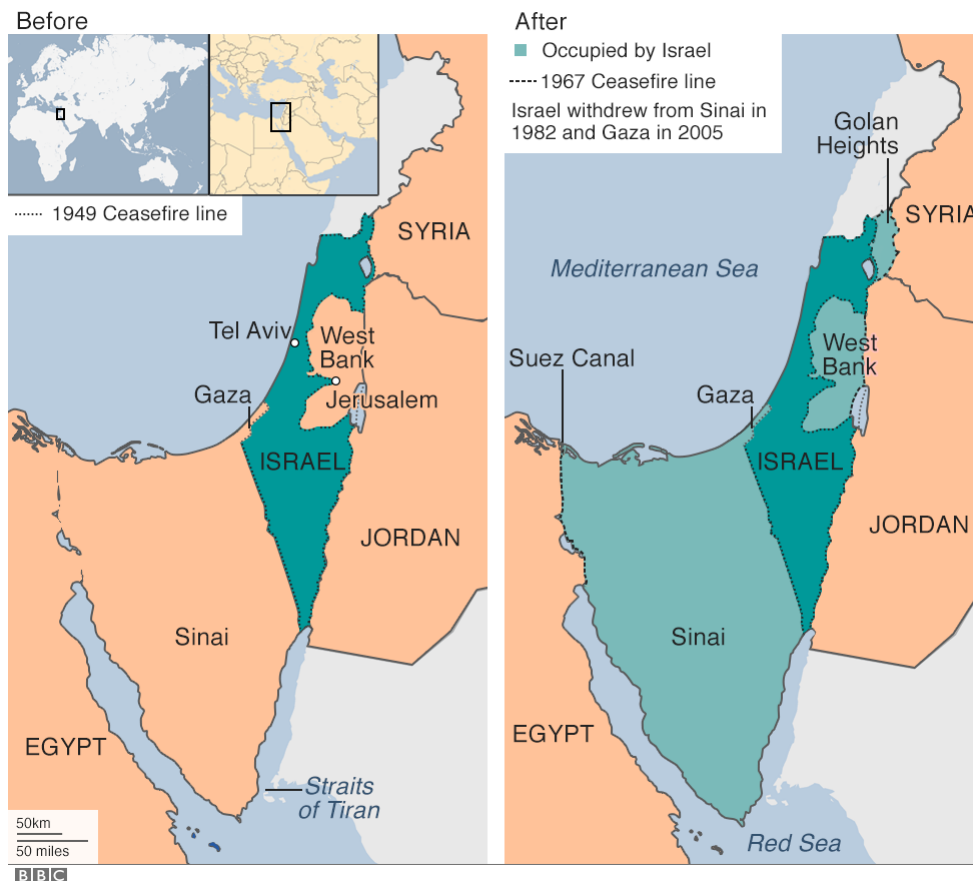


Figure 22 Six-Day War 1967

<https://www.bbc.com/news/world-middle-east-39960461>

#### 4.5.3. Settlement Expansion 1977

In 1977, the growth of Israeli settlement in the West Bank went at a faster rate because the government was fully supportive of the settlement growth by giving explicit support which helped in the formation and development of the settlements. The policy was achieved in a legislative and administrative way that facilitated settlement infrastructures, financial incentive, and provision of security thus enhancing demographic and spatial consolidation in the occupied territories. This policy has led to the systematic displacement of the Palestinian communities, seizure of land and erosion of Palestinian territorial cohesion. The overall impact has been that it has reduced the spatial coherence of Palestinian statebuilding in addition to undermining

collective claims to land, further enhancing socio-political fragmentation in the occupied West Bank. These measures are contrary to Article 49 in the Fourth Geneva Convention that forbids an occupying force to transfer their civilian population into occupied countries. The international community and human rights organisations have extensively criticized settlement growth as a way to entrench the occupation, escalating tensions, and eliminating any chance of a just and viable two-state solution (Amnesty International, 2023; CFR, 2024). The settlements have remained one of the focal points in Israeli-Palestinian conflict, as they represent the larger conflict of land, rights and sovereignty.

#### **4.5.4. First Intifada 1987–1993**

The First Intifada that lasted the period of 1987–1993 was a Palestinian rebellion against the Israeli occupation in the West bank, Gaza Strip and East Jerusalem. The Israeli reaction to what was mostly a grassroots movement was marked by the use of excessive force where over 1,000 Palestinians, including quite a number of minors, were killed. Mass arrests and detention of thousands of Palestinians with a large-scale record of torture and other inhuman treatment in the process of interrogations and incarceration occurred by the Israeli forces. The period highlighted the gross human rights abuse and the escalation of tensions amid occupation, which brought the issue of Palestinian and overall effects of the Israeli-Palestinian war to the attention of the global community (B'Tselem, 2023).





Figure 23 First Intifada 1987–1993  
<https://peoplesdispatch.org/2019/12/18/first-palestinian-intifada/>

#### **4.5.5. Second Intifada 2000–2005**

The Second Intifada that was being fought between 2000 and 2005 was a time of extreme violence and instability in the Israeli-Palestinian conflict in which over 3,000 Palestinians were killed. The rebellion which was driven by the general feeling of frustration due to the continuing occupation and the lack of progress in peace talks resulted in an extreme Israeli military retaliation. In 2002, Israel began building a separation barrier which was claimed to be a security measure against security threats and attacks. However, the route of the barrier went deep into the West Bank virtually annexing Palestinian land and further restricting movement, access to resources and economic opportunities of Palestinians. The barrier was criticized by the International Court of Justice (ICJ) and other human-rights groups, as it infringed the international law and contributed to worsening the humanitarian crisis in the Palestinian territories, thus intensifying the entrenchment of the occupation and undermining the chances of long-term peace (ICJ, 2004; HRW, 2024).

#### **4.5.6. Construction of the Separation Barrier 2002**

In 2002, the State of Israel began to build a barrier, known as the Wall, in response to the security issue, and in order to reduce the risk of being attacked.

However, the line of the barrier has been heavily criticized in that it goes far past the marked Green Line and on the West Bank, where in this case about 85 per cent of the length is located on what Palestinians claim as their own territory. This kind of positioning is successful in annexing large areas of Palestinian land, resources and farmland, further restricting the movement and access to vital services by the Palestinian communities. Despite the fact that Israel claims the barrier was built as a direct counter-terrorist effort, the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) and other human-rights groups argue that its establishment is against international laws and it is in fact a de facto seizure of land that only worsened the humanitarian situation and established the occupation as a matter-of-course (UN OCHA, 2023; HRW, 2024). The wall still represents the tensions of the thriving conflict and the dispute of the land, sovereignty, and humans rights in the region.

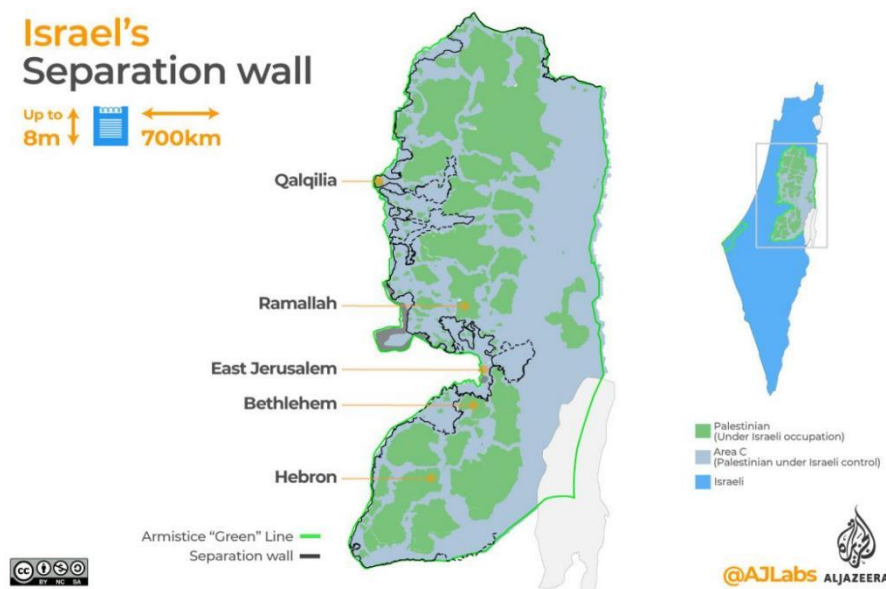


Figure 24 Construction of the Separation Barrier 2002

<https://www.aljazeera.com/gallery/2020/7/8/in-pictures-israels-illegal-separation-wall-still-divides>.

In 2004, the International Court of Justice (ICJ) made an advisory opinion stating that the construction of the separation barrier, otherwise known as the “Wall, in occupied Palestinian territory was a breach of international law. The ICJ noted that the route of the wall, which annexes the large areas of Palestinian territory, violates the freedom of movement of the Palestinians, their right to access resources, and their right to self-determination. The court stressed that such measures are incompatible with international commitments made within the framework of the humanitarian law and human-rights conventions. Based on this, the ICJ requested the wall to be destroyed and called upon member states to avoid helping in the constructions and maintenance of the wall. Although this is an unquestionable judicial decision, the wall is still active, which only serves to complicate the humanitarian crisis and prevents the achievement of a fair solution to the Israeli-Palestinian conflict (ICJ, 2004; Amnesty International, 2023).

#### **4.5.8. Gaza Blockade 2006**

Later in 2006, after Hamas won the Palestinian legislative elections, the State of Israel declared a total blockade of the Gaza Strip. This blockade puts a heavy burden to the movement of people and goods in and out of Gaza and hence weakens the economic infrastructure of Gaza and exacerbates the humanitarian crisis, which continues. These restrictions have both led to a great deal of shortages of essential products (food, pharmaceuticals, and construction supplies) as well as adversely affected the ability of Gazans to obtain basic services (medical care and education). Further implementation of the blockade has helped to increase unemployment rates, endemic poverty, and a pronounced decline in living standards in Gaza, which have had a considerable negative impact on the civilian population and the rest of the social infrastructure (HRW, 2024).

#### 4.5.9. Operation Cast Lead 2008–2009

Operation Cast Lead was an Israeli military operation in Gaza Strip which took place between January and December 2008, and it was meant to counter attacks by Hamas militants using rockets. The subsequent campaign also led to the death of over 1400 Palestinians with some 300 of those killed being children and thousands injured. The human rights organisations such as Human Rights Watch (HRW) claimed that Israel committed vast crimes against the international law especially by indiscriminately targeting civilian populations and critical infrastructures like hospitals, schools and water systems. These operations, with such high civilian costs and such extensive destruction of already weak infrastructure in Gaza, were criticized as disproportional and contrary to the principles of distinction as well as proportionality as stipulated by the rules of international humanitarian law (HRW, 2010). Besides, the operation increased the humanitarian crisis in Gaza, which caused widespread international criticisms and calls of accountability.



Figure 25 Operation Cast Lead 2008–2009

[https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcRB95\\_2qEAvDCf9srbpmI9EWAEBzzNVidMvGg&s](https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcRB95_2qEAvDCf9srbpmI9EWAEBzzNVidMvGg&s)

### 3.5.10 Operation Pillar of Defense 2012

Operation Pillar of Defense which was a military operation by the State of Israel in November 2012 was an attempt to curb rocket firing by Gaza to Israeli territory. The airstrikes carried out by the Israeli Air Force had a variety of targets in Gaza and, as a result, killed more than 160 Palestinian citizens, which also includes noncombatants. In addition to the significant loss of human lives, the operation has shown the endemic humanitarian crisis in Gaza which has been aggravated by the blockade by Israel. The blockade, which has been in effect since 2006, heavily restricts the flow of goods and people in and out of Gaza, hence the widespread poverty, high unemployment rate, and relentless short-age of the basic services. The intensification of the conflicts in the course of Operation Pillar of Defense caused the further worsening of the living conditions in the enclave and drew the attention of the international community to the deterioration of humanitarian conditions and the need to find a political solution to the Israeli-Palestinian conflict (CFR, 2024).



Figure 26 Operation Pillar of Defense 2012

<https://www.aljazeera.com/gallery/2023/10/27/the-gaza-strip-under-siege-at-war>

#### 4.5.11. Operation Protective Edge 2014

In 2006, with the victory of Hamas in the Palestinian legislative elections, Israel placed a total blockade of Gaza Strip. The blockade has significantly limited the movements of both people and commodities in and out of Gaza thus crippling the economy in the region hence fueling the humanitarian crisis. As a result, the problem of inadequate supplies of basic goods of goods, such as food, medicine, and construction materials, has become rampant, and the ability of Gazans to access basic services, such as healthcare and education, has been crippled. The humanitarian blockade has also been a contributor to high levels of unemployment, rising poverty, and the gradual worsening of living standards, whether it comes to the civilian population or the rest of social infrastructure (HRW, 2024).



Figure 27 Operation Protective Edge 2014  
<https://www.aljazeera.com/news/2014/7/12/interactive-gazaunderattack>



#### 4.5.12. Great March of Return 2018

The Great March of Return was a sequence of mass protests by Palestinians along the Gaza-Israel border, the Great March of Return, which began in March 2018, was an act of demand by Palestinians to be allowed to come to their lost homes that they were displaced during the Nakba of 1948. In the process of these protests, Israeli troops resorted to an unreasonable amount of force, when taking down the crowds, they used live ammunition. Over 200 Palestinians, many of them children and medical workers were killed and thousands more wounded. The use of live fire on protesting crowds who were mostly unarmed caused massive global criticism because it referred to infringement of international human rights and humanitarian law.

The United Nations Human Rights Council (UNHRC) demanded inquiries into the deployment of lethal force stating that the demonstrations were a form of peaceful exercise of the freedom of expression and assembly right (UNHRC, 2019). The bloody crackdown of the demonstrations highlighted the fact of continued human rights abuse in Gaza but made people start paying more attention to the greater concern of the right of Palestinian refugees to go back home (CFR, 2024).



Figure 28 Great March of Return 2018

<https://www.unaa.org.au/2018/05/10/palestinian-protests-the-great-march-of-return/>

#### 4.5.13 Sheikh Jarrah Evictions and Gaza War 2021

The Israeli-Palestinian war, this was worsened when Israeli government issued eviction orders on several Palestinian families residing in the Sheikh Jarrah section of East Jerusalem claiming ownership of the properties to the Jewish settlers. These orders sparked massive protests both in Jerusalem and in the occupied Palestinian lands which were later suppressed by violent force by Israeli security personnel. The resulting conflict culminated into an eleven day military clash between Israel and Hamas with Israeli airstrikes on Gaza killing over 250 Palestinians including a huge number of civilians, and causing serious destruction to residential buildings, infrastructure, and hospitals. The episode came under global attention to the ongoing displacement of Palestinians in East Jerusalem and overall humanitarian crisis in Gaza. The violence and the Israeli airstrikes were condemned by the human-rights community, especially Amnesty International, who blamed them because they disproportionately affected Palestinian civilians, and demanded justice over the violation of international law (Amnesty International, 2021).

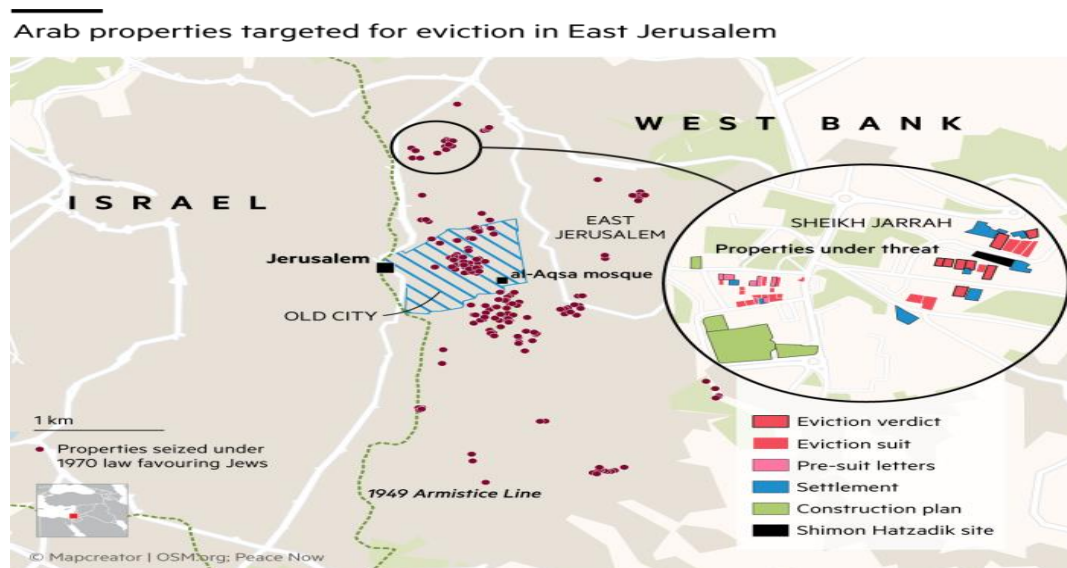


Figure 29 Sheikh Jarrah Evictions and Gaza War 2021  
<https://www.ft.com/content/830e05ed-244c-4e9f-a7ac-265c41f79546>



#### **4.5.14 October 7 Hamas Attack and Israeli Response 2023**

On 7 October 2023, Hamas launched a large-scale attack on Israel killing over 1,300 Israelis, including civilians and taking a hostage. In response, Israel launched massive air attacks on Gaza, and later on, Israel took over Gaza by launching a ground offensive to destroy the military bases of Hamas. The Israeli military campaign had claimed more than 33,000 Palestinian lives (mostly civilians), by April 2024. The perpetual siege and blockade of Gaza have exacerbated an already desperate humanitarian situation, including rampant food, medical and other essential shortages. The magnitude of the acts of violence has been denounced by human-rights organisations, such as Human Rights Watch (HRW) and the Council on Foreign Relations (CFR), which have pointed to the gross inequality in the people affected, with a disproportionate hit on civilians in Gaza, and the devastating humanitarian effects of the war (HRW, 2024; CFR, 2024).



Figure 30 October 7 Hamas Attack and Israeli Response 2023  
<https://www.financialexpress.com/world-news/rocket-fire-raids-captives-unraveling-the-october-3.5.14>

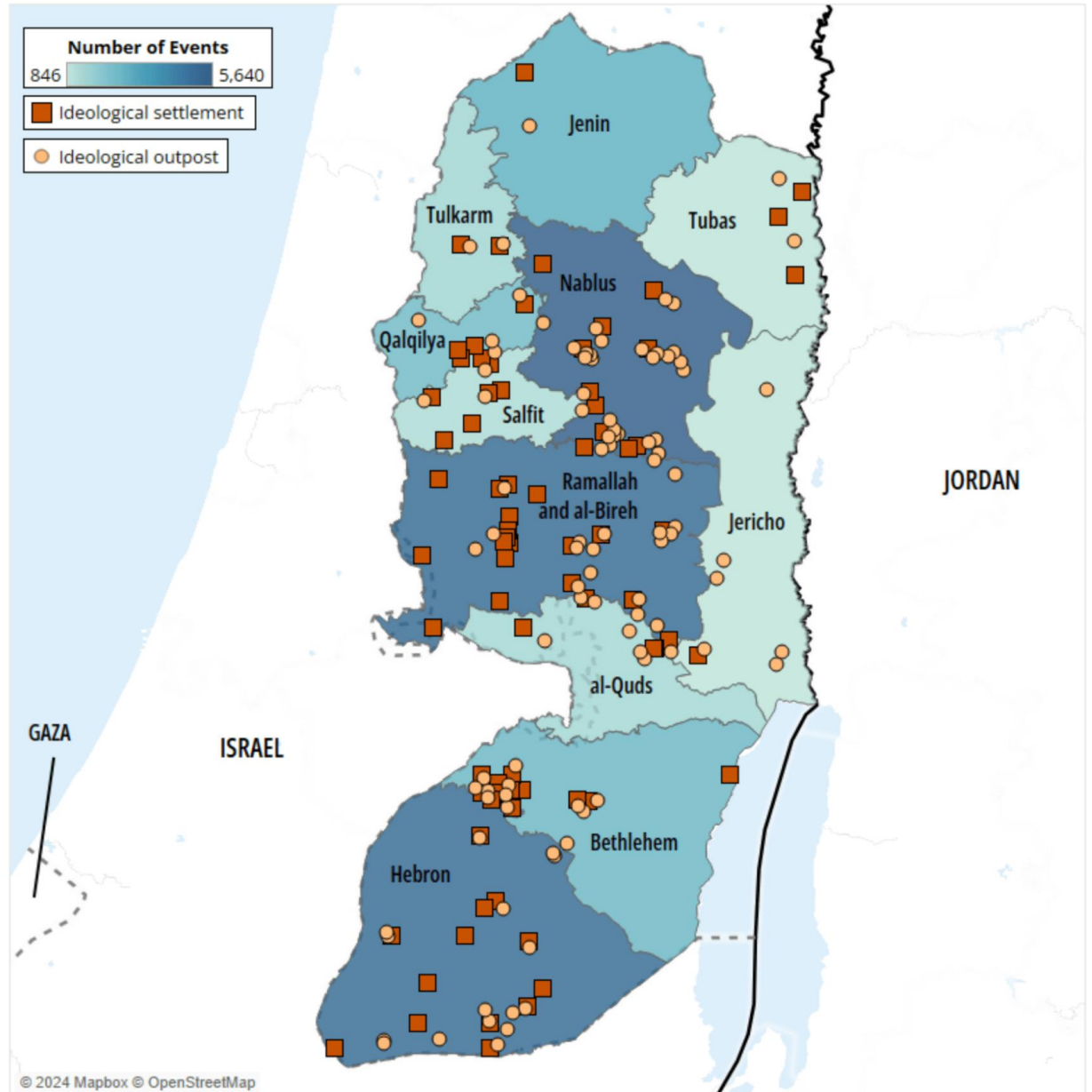
#### **4.5.15 Impacts of the Separation Barrier (2002–2024)**

The construction of the separation wall, which began back in 2002, has had far reaching and far reaching impacts on the Palestinian population on the West Bank. The barrier has successfully absorbed more than ten percent of the West Bank land resulting in the seizure of vast areas of Palestinian land, especially farmlands. The loss of this land has significantly affected local agrarian producers because they have lost access to arable land and their food security is at risk, which is a critical issue to many Palestinian communities (UN OCHA, 2023). Besides, the barrier has created very strict limitations to Palestinian movement and has placed numerous checkpoints and roadblocks that block the access to services which are necessary, such as healthcare, education and jobs. Whole villages have also been essentially closed off thus exacerbating the economic and social hardships that Palestinians are faced with in the occupied lands (B'Tselem, 2023).

The wall also has demographic and political consequences especially in East Jerusalem. The barrier undermines Palestinian claims to East Jerusalem as their future capital, physically isolating the city with the rest of the West Bank, thus strengthening the Israeli control over the region and dividing the Palestinian territories even further (Amnesty International, 2023). These effects highlight the enduring humanitarian and political effects of the separation barrier, entrenched divides, and the increasing challenge of realising a workable, contiguous Palestinian state.

## Political Violence in the West Bank

1 January 2016 - 24 May 2024



Source for data on outposts and settlements: Peace Now

Figure 31 Impacts of the Separation Barrier (2002–2024)

<https://acleddata.com/2024/06/10/civilians-or-soldiers-settler-violence-in-the-west-bank/>

| Year      | Event                                  | Description   | Sources                                  |
|-----------|--|---|--|
| 1948      | Nakba (Catastrophe)                    | Over 700,000 Palestinians displaced; hundreds of villages destroyed, and refugees denied the right to return.                           | Pappe (2006); Britannica (2023)          |
| 1967      | Six-Day War                            | Israel occupied the West Bank, Gaza Strip, East Jerusalem, and Golan Heights, initiating widespread land confiscation and displacement. | HRW (2024); Amnesty International (2023) |
| 1977      | Settlement Expansion Begins            | Israeli government supports settlements in the West Bank, leading to land appropriation and displacement.                               | Amnesty International (2023); CFR (2024) |
| 1982      | Sabra and Shatila Massacre             | Lebanese Christian militias, supported by Israeli forces, killed thousands of Palestinian refugees in Beirut camps.                     | HRW (1993)                               |
| 1987-1993 | First Intifada                         | Palestinian uprising against occupation met with excessive force by Israeli forces, including mass arrests, torture, and killings.      | B'Tselem (2023)                          |
| 2000-2005 | Second Intifada                        | Over 3,000 Palestinians killed. Israel introduced checkpoints and began constructing the separation barrier.                            | HRW (2024); Amnesty International (2023) |
| 2002      | Construction of the Separation Barrier | Israel began building the wall, annexing Palestinian land.  | ICJ (2004); UN OCHA (2023)               |
| 2004      | ICJ Advisory Opinion on the Wall       | The ICJ ruled the wall's construction illegal under international law and called for its dismantlement.                                 | ICJ (2004); Amnesty International (2023) |
| 2006      | Gaza Blockade                          | Israel imposed a blockade on Gaza following Hamas's electoral victory, restricting movement and goods.                                  | HRW (2024); UN OCHA (2023)               |
| 2008-2009 | Operation Cast Lead                    | Over 1,400 Palestinians, including 300 children, killed during Israeli military campaign in Gaza  | HRW (2010)                               |

|      |   |   |  |
|------|---|---|--|
| 2012 | Operation Pillar of Defense                 | Israeli airstrikes on Gaza killed over 160 Palestinians; infrastructure damaged.  | CFR (2024)                               |
| 2014 | Operation Protective Edge                   | Over 2,200 Palestinians killed, including 500 children. Thousands displaced as homes and infrastructure were destroyed.                                       | HRW (2015)                               |
| 2018 | Great March of Return                       | Protests at Gaza-Israel border met with live ammunition; over 200 Palestinians killed, including children.  | UNHRC (2019); CFR (2024)                 |
| 2021 | Sheikh Jarrah Evictions and Gaza Conflict   | Protests over planned evictions in East Jerusalem led to an 11-day war; over 250 Palestinians killed in Gaza.   | Amnesty International (2021); HRW (2021) |
| 2023 | October 7 Hamas Attack and Israeli Response | Hamas's attack killed over 1,300 Israelis. Israel's response included ground invasion and airstrikes in Gaza, killing over 33,000 Palestinians by April 2024. | HRW (2024); CFR (2024)                   |

Table 2 Timeline of Human Rights Violations in Palestine (1948–2024)

The Israeli-Palestinian war, which has its origins in the history of displacement, violence, and institutional oppression, has lasted more than 7 decades consequently contributing to the ever-present human rights abuses in Palestine. The Nakba in 1948 marked the beginning of a mass movement of people, as over 700,000 Palestinians were forcibly displaced, and hundreds of villages were destroyed. Combined with the subsequent settlement in Palestinian territories after the 1967 Six Day war, this occurred and provided the circumstances in which human rights violations would persist. The growth of the Israeli settlements, the use of military checkpoints, the erection of the separation barrier and the blockade of Gaza have all contributed to the undermining of the Palestinian accessibility to basic human rights such as the right to freedom movement, proper housing and self determination in the region. These breaches have

also exacerbated the humanitarian crisis leaving Palestinians to survive in exile, poverty and repressive system.

The violations directed towards Palestinians are complex in nature, touching upon such aspects as mass displacement, destruction of buildings and infrastructure, extrajudicial executions, forced arrests as well as movement and access to basic services. Settlement creation and annexation of Palestinian territory, especially, have continued the conflict and violated the international legal frameworks, including the fourth Geneva Convention.

Furthermore, the use of excessive force by the Israeli military in uprisings and operations and the targeting of civilians in Gaza is an indication of the omnipresence of such abuses. These offenses go unpunished with little responsibility despite international admonitions such rulings by the International Court of Justice on the illegality of the separation barrier and the Gaza blockade, and a lack of effective enforcement of international law coupled with political inertia. The theory of Liberalism and human rights can provide a viable interpretation of the continued human rights abuse in Palestine. Liberalism, that upholds self-determination, individual freedom and the rule of law, are in line with the human rights theory that promotes the enforcement of the fundamental freedoms and justice. The two frameworks attach importance to the need to be accountable, to maintain the right to self-determination, and the obligation to ensure that people are not oppressed in a systematic way by the state actors. These theories do not only shed light on the injustices that the Palestinians have had to endure but also state the moral and legal requirement of the international community to intervene, hold those who perpetrate these injustices accountable, and permit Palestinians to exercise their basic rights. The history of human rights abuse in Palestine is characterized by a cycle of abuse, where the Nakba in 1948 has triggered

the war of the Six Days, the growth of Israeli settlements, the building of breaking barrier as well as the Gaza blockade that is still on. Military operations such as those of Operation Cast Lead, Operation Pillar of Defense and the Gaza War of 2023 have exacerbated the pain as tens of thousands of Palestinian lives have been taken and whole communities displaced. The most recent intensification, which was a result of the October 7 Hamas attack, demonstrates the human cost of the conflict and the need to have a sustainable solution.

Peace and justice to Palestinians cannot be achieved without bringing to the fore root issues of occupation, forced displacement, and systemic limits. To make a significant step, the world community should become more active in diplomatic relations and legal measures, to make Israel answer to its atrocities, and to make Palestinians able to enjoy their right to self-determination in the future without suppression and inequality. Without this kind of intervention, violence and violation of human rights will still continue to affect the freedoms and autonomy of the Palestinian people.

## **CHAPTER-5**

### **International Human Rights Organizations and their Documentation Mechanisms in Kashmir and Palestine**

#### **5.1 Amnesty International**

Amnesty International has now become a leading human rights campaigner as opposed to a small grassroots group and therefore has played a crucial role in the development of the human-rights movement across the world. Through its fundamental values of impartiality, independence, and universality, the organization has established an elaborate system of addressing the systemic atrocities and promoting international justice. These values enable the Amnesty organization to overcome political, cultural, and ideological obstacles, thus making sure that its advocacy is unanimously focused on promoting human dignity and basic liberties.

Amnesty International has brought millions of supporters into the fold, and it has influenced international regulations and legal standards through iconic campaigns, such as the movement to abolish the death penalty, the movement against torture, and efforts to defend refugees. Its meticulous research, grass-roots organising and alliances with international organisations have established its role as an influential force on matters of accountability and raising the standard of global human-rights. Considering the way the chapter has explored the development of Amnesty International, it highlights the fact that the organization has had a long-term impact on the human-right situation worldwide. This discussion questions the principles on which it is based, its ground-breaking campaigns, and its partnerships with global institutions. The chapter shows that Amnesty is an essential part of creating a world based on equality, justice,



and human dignity protection because of the way it examines the modern issues of human rights.

#### **5.1.1. The Founding of Amnesty International and Mission Vision**

In 1961, the British jurist Peter Benenson founded Amnesty International out of his outrage at the Portuguese imprisonment of two Portuguese students who had previously raised a toast in support of freedom. Benenson in the article titled *The Forgotten Prisoners* published by the Observer urged the global community to launch an international campaign to free those being held in custody due to their beliefs, what he referred to as prisoners of conscience (Benenson, 1961). This cry led to the birth of the Amnesty International, which, in addition to shedding light on the violation of individual human rights, aimed to suggest amendments to the international human rights system.



Figure 1 Founder of Amnesty International

<https://www.npg.org.uk/collections/search/person/mp13735/peter-benenson>

The introduction of Amnesty International to the protection of political prisoners and the campaigns of Amnesty International were largely focused on the systematic letter-writing campaigns that helped to ensure that these political prisoners were released. The ideological framework of the organization was supported by the institutional values of impartiality and independence: the organization vowed to protect individuals regardless of their political, religious, and ideological affiliation provided they were imprisoned due to the peaceful expression of their ideologies (Benenson, 1961).



Figure: 2 The Forgotten Prisoners Article(Medium Magazine, 2023)

During the initial years of operation, Amnesty International was more based on grassroots activism whereby it was highly proficient in being able to generate large scale international backing. The membership rate went by at a very faster rate and by mid-1960s the organisation had already opened branches in several countries and this marked the beginning of their global influence (Amnesty International, 1965). This expansion of national affiliates highlighted the ability of the movement to mobilize a broad constituency on common human-rights agendas.

The mission of Amnesty International is to promote a world whereby every person has a right to the full range of human rights as outlined in the international law,

especially the Universal Declaration of Human Rights (United Nations, 1948). The organisation tries to uncover the violations, prosecute the perpetrators and offer support to the victims as they seek to get justice. Its vision is summed up by a firm belief in global human rights without any form of discrimination and seeking a future where universal respect of fundamental freedoms, equality, and dignity can be achieved. The key belief of this vision is the fact that human rights are not limited by borders, cultures, or political regimes and the international community should work together to protect and advance them.

### **5.1.2. Organizational Structure**

Amnesty International has a decentralised, but integrated organisational structure. At the international level, London is the main centre where the International Secretariat is located and it coordinates research, advocacy and campaigns. The International Board governs the organisation and fulfills a strategic oversight role as well as its compliance with the mission and values of Amnesty (Amnesty International, 2023). National and regional units, like Amnesty USA or Amnesty India, operate independently and yet in accordance with the overall global strategy. These divisions apply locality-based campaigns, mobilise local supporters and also contextualize international priorities in national environments. Most of the funds are collected through personal donations thus ensuring independence is not dependent on the state or commercial interests (Amnesty International, 2023).

Amnesty International has a hierarchical organisational structure, whereby different roles are defined aiming at maximising the implementation of the human rights advocacy. On the top is the Executive Director who oversees international operations and strategic direction and fidelity to its overall mission of defending human rights globally (Amnesty International, 2023). Below the Executive Director, there are

major managerial roles such as the Office Manager, who will oversee day-to-day administration and assist in the running of the office (Amnesty International, 2023).

The Research Consultant is an essential person in helping to conduct extensive research and collect evidence on human rights abuses, providing evidence of reports and advocacy initiatives by the Amnesty (Amnesty International, 2023). The duties of the Campaign and Activism Coordinator include planning and implementing campaigns, mobilising the activists and masses towards taking action concerning pressing human rights concerns, and making advocacy efforts successful (Amnesty International, 2023). Lastly, the Communications Officer deals with internal and external communication tactics, and makes sure that the Amnesty message pours over the world, through media relations, online platforms and press releases (Amnesty International, 2023).

All these roles lead to a joined network of roles that drive the Amnesty International mission, and each of the roles brings to the organisation specialised knowledge and contribution to the effort to combat human rights violations worldwide (Amnesty International, 2023).



Figure 3 Organizational structure of Amnesty International

### **5.1.3 Foundational Principles**

Amnesty International is based on a number of values that govern its global activities and advocacy programs. The fundamental postulates of the philosophy include that of impartiality, independence and universality of human rights.

### **5.1.4 Impartiality and Independence**

Amnesty International lives by high standards of impartiality, supporting victims of human-right breach regardless of various political, religious or ideological aspects. This kind of commitment ensures that the activities of the organisation are not marred by biases thus focusing solely on the preservation of human dignity. To maintain independence, Amnesty mostly attracts individual donations and avoids financial contributions of governmental or political institutions as it might jeopardize its unbiased reputation (Amnesty International, 2023).

### **5.1.5 Universality of Human Rights**

The organization is strongly anchored on the observation that human rights are universal as explained in the Universal Declaration of Human Rights (UDHR). The campaigns and advocacy activities of Amnesty underline the idea that all people regardless of their nationality, race, or background deserve some fundamental freedoms and protection guarantees (United Nations, 1948).

### **5.1.6 Nonviolence and Justice**

Amnesty International opposes any form of violence and fosters the exercise of justice in peaceful means. The organization believes in the supremacy of the law and stipulates that all individuals including those who commit a crime against human rights should be held accountable under the jurisdiction of the international law (Sikkink, 2011).

### **5.1.7 Liberal Institutionalism and Amnesty International**

Liberal institutionalism is one of the most intensely used theories in international relations that promotes the essential role of international institutions in the generation of peace, cooperation, and protection of human rights among states. It argues that anarchic nature of the international relations can be alleviated through body like the United Nations, or the International Criminal Court (ICC), creating rules and norms, which states are encouraged to follow, which will help in bringing about stability in the world (Keohane, 1984). In this paradigm, the amnesty practice, which grants immunity to those who have been guilty of such human rights abuses in the past, can be viewed as a process of promoting peace, reconciliation, and state-building though it is often subject to heated discussion in terms of justice and accountability. In a liberal institutionalist perspective, amnesty is a central tool of ensuring post-conflict cooperation and stability, and especially within a society that has just emerged out of conflict and where further hostilities or vindictive practices will compromise broader goals of social reconstruction and the unity of the nation. The international institutions, including the UN and regional organizations, have habitually assisted or aided in amnesty conditions in peace accords as they recognize how it could lead to political stability as well as the entrenchment of the rule of law.

Liberal institutionalism also argues that international institutions are very instrumental in advancing the rule of law within the transitional societies and amnesty is often an element and part of this process. Amnesty treaties may promote co-existence and bring about institutionalization of democratic rule based on persuading perpetrators to report their activities and take some responsibility in lieu of a certain level of punishment or even immunity. Kofi Annan, the former Secretary-General of the UN, has observed the importance of transitional-justice, such as amnesty, to state-building

in post-conflict societies, subject to the incorporation of accountability mechanisms (Annan, 2004). In this sense, amnesty may be useful to the stability of nascent governments by allowing them to focus on the consolidation of legal institutions free of the destabilising impact of continuous conflict and litigation, as well as, the divisive influence of a civil war. This position assumes that amnesty manufactured under these conditions and within a broad peace-building capability enhances the credibility of the international institutions as well as facilitating the rights and security of citizens.

However, liberal institutionalism recognises the tension between the concept of justice and reconciliation, and it appreciates that amnesty can breed impunity such that perpetrators of serious human-rights violations get away with it. This creates deep moral and ethical issues on accountability. According to liberal scholars, the quest of peace and stability must not be at the expense of human rights or to deter the creation of a just legal order that is just and fair. In this regard, amnesty can pose a threat to democratic standards whereby it promotes impunity or a hindrance to an accountability system that would be used to prevent future crimes. One of the brightest examples is that of Rwanda in which the creation of the International Criminal Tribunal of Rwanda (ICTR) after the 1994 Rwandan genocide marked the embarkation of what is commonly understood as justice that is not based on the possibility of amnesty deals during peace talks. Although amnesty can be seen as a required action towards the political transition, liberal institutionalism considers that it should be accompanied by the attempts to ensure accountability and avoid the reoccurrence of human-rights offences, thus providing justice to the victims.

International organisations play the critical role of balancing between the use of amnesty and the need of accountability. Organizations like the United Nations, the International Criminal Court (ICC), and regional organizations, such as the African

Union (AU) and the European Union (EU), are at the forefront of trying to balance the political nature of the post-conflict society and the quest to achieve justice. Such organisations regularly make sure that the agreements on amnesty are accompanied by the implementation of other mechanisms, such as truth commissions or victim reparations, to compensate the abuses of human-rights at the same time the perpetrators are granted immunity. An outstanding example of such a balance is the Colombian peace process. In 2016, the Colombian state and the Revolutionary Armed Forces of Colombia (FARC) entered a new agreement that brought in the idea of amnesty of lower level fighters, and at the same time provided the system of reparation to the victims and the Truth Commission. Foreign actors, the United Nations, and other non-governmental organisations were significant in that they facilitated the negotiations and made sure that human-rights abuses were considered and solved, although minor offenders were set free. This model has shown how liberal institutionalism views the role of international organisations in the promotion of peace and justice in a paradigm of accountability.

To conclude, the concept of liberal institutionalism is quite useful in the theoretical study of the complex processes of amnesty in post-conflict societies. Although amnesty has the potential to ease the process of peace and stability because governments can focus on institution building, it has to be carefully balanced with accountability institutions to prevent the loss of human rights and democratic rule. The international institutions are resolute in this process and see that the peace-building initiatives can be holistic and justice may be attained in the end along with reconciliation.



### 5.1.8 Key Campaigns of Amnesty International

Amnesty International has been engaged in many meaningful campaigns throughout the decades, covering a wide variety of human rights concerns. Some of its most important campaigns are discussed below.

#### 5.1.8.1 Campaign Against Torture (1972)

The Campaign against Torture was established in 1972 and was one of the first campaigns whose purpose was to contain the widespread use of torture by state authorities. The main aims of the campaign consisted in the systematic record of torturous cases, the increasing of the awareness, and the furthering of the ratification of international conventions that have a clear ban on such behavior. The successes of the campaign came to play a key role in the formulation and subsequent adoption of the Convention against Torture and other cruel, inhuman and, degrading treatment or punishment (United Nations, 1984). It is this treaty that remains a cornerstone to the international jurisprudence of human rights (Amnesty International, 2018).



Figure 4 Campaign against Torture poster (Amnesty International, 2021)

#### **5.1.8.2      *Abolition of the Death Penalty***

The fight against the death penalty by Amnesty International was already waged in the late 1970s. The organization argued that capital punishment violates the right to life and is also inhuman treatment. Amnesty played a role in ensuring that there was significant decrease in use of the death penalty in the world through advocacy, public education and lobbying efforts. Over 70 percent of all states in the world had abolished or stopped the practice of capital punishment in 2024 (Amnesty International, 2023).



Figure 5 Abolition of Death Penalty (Amnesty International Ireland, n.d.)

#### **5.1.8.3 *Write for Rights***

An example of a paradigmatic illustration of the Amnesty International grassroots advocacy approach is found in the Write for Rights initiative. The annual, global campaign was launched in 2001 and brings together followers who write letters on behalf of incarcerated or persecuted people based on their beliefs. This project has made it easier to release several prisoners of conscience and has increased the publicity on relevant human-right situations. Remarkably, the 2020 campaign version ensured that a youth activist Jani Silva was freed in Colombia, thus, demonstrating the material impacts of collective activism (Amnesty International, 2021).



Figure 6 Write for the Rights (Amnesty International, 2021)

#### ***5.1.8.4 Advocacy for Refugees and Asylum Seekers***

Amnesty International has always emphasised on the position of refugees and asylum seekers especially in the context of international displacement crisis. The organisation has urged the states to address their responsibilities under the 1951 Refugee Convention, which calls upon safe passage, fair treatment and humane treatment and asylum procedures. Its 2015 campaign on the European migration crisis brought about global attention to the atrocious conditions in which refugees were subjected to in other countries due to their flight out of conflict areas like Syria (UNHCR, 2016).



Figure 7 Advocacy for Refugees and Asylum Seekers (Amnesty International, 2004)

#### ***5.1.8.5 Gender Equality and Women's Rights***

Over the last few decades, Amnesty International has paid more attention to the equality of genders and protection of women rights. The campaigns on gender-based violence, reproductive rights and economic justice have become a key part of its mission. As an illustration, My Body, My Rights campaign of Amnesty has played a central role in promoting reproductive freedom and opposing discriminatory actions across the globe (Amnesty International, 2019).



Figure 8 Gender Equality and Women's Rights

<https://www.amnestyusa.org/issues/gender-sexuality/womens-rights/>

#### ***5.1.8.6 Corporate Accountability and Human Rights***

In addition, Amnesty has also focused its attention on the corporate entities involved in human rights abuse by promoting ethical behavior in the mining, technological, and farming industries. The campaign by the organization did on the ethical sourcing of cobalt, which is a key component in the production of batteries in electronic devices, revealed the presence of exploitative child labor in the Democratic Republic of the Congo, and thus subjecting companies to pressure to adopt fair labor practices (Amnesty International, 2020).



Figure 9 Corporate Accountability and Human Rights  
<https://www.amnesty.org/en/what-we-do/corporate-accountability/>

#### 5.1.8.7 Climate Justice and Human Rights

Having realized the overlap of the climate change and human rights, Amnesty International has initiated campaigns that put pressure on governments and corporations to do something about climate change. The organization argues that the vulnerable populations are disproportionately affected by environmental degradation, which makes climate justice a critical human rights issue. This advocacy by Amnesty has helped the United Nations to acknowledge the right to a healthy environment in 2021 (United Nations, 2021).



Figure 10 Climate Justice and Human Rights  
<https://www.amnesty.org/en/what-we-do/climate-change/>

### **5.1.9 Amnesty International's Method for Documenting Human Rights Violations**

#### ***5.1.9.1 Research and Documentation***

One of the main aspects of the functioning of Amnesty International is its methodical study and reporting of human rights abuses. Field researchers gather information by the combination of a mix of site interviews, testimonial compilations and independent investigative work. Analytical reports arising out of the resultant corpus outline violations, follow new trends, and pressurize governments on responsibility. The research methodology employed by the organization adheres to the existing principles of impartiality, objectivity, and strict verification, which in turn contributes to its image as a well-known expert in the human rights sector (Amnesty International, 2018). The investigations of the Amnesty International have played a key role in exposing the atrocities in war-torn countries, such as Kashmir, Palestine, Iraq, Sudan and Myanmar. The reports that are produced usually form a basis of international advocacy efforts, where the organization requests that state actors, international institutions, and other interested parties take some action. The successfulness of this evidence based approach is demonstrated by the fact that Amnesty International reports are widely used by policy makers, the media and other international organizations.

#### ***5.1.9.2 Advocacy and Lobbying.***

Amnesty International uses its research as a tool of advocacy and it often exerts pressure on governments to comply with the established human-rights standards. The organization carries out lobbying exercises to the national and international legislators through special emphasis to pass legislation and policies to protect human rights. Furthermore, Amnesty organises popular campaigns with an aim of raising awareness and mobilizing supporters on various issues on a continuum, such as the release of

political prisoners to the ratification of international treaties (Sikkink, 2011). The global campaigns of Amnesty International, in particular, the Write for Rights program, which enlists thousands of people all over the world to send letters to the government, demanding the release of political prisoners and the end of human-rights abuses, currently compose some of the most effective advocacy tactics. This approach depicts the ability of the organization to utilize grassroots mobilization to have an influence on state actors.

### ***5.1.9.3 Amnesty international and Global human Norms***

#### **5.1.9.3.1 Influencing International Human Rights Frameworks**

Amnesty International has played a significant role in shaping global human rights norms and frameworks. The organization's work has contributed to the development of international human rights law, including its advocacy for the establishment of the International Criminal Court (ICC) and its efforts to hold individuals accountable for crimes against humanity, war crimes, and genocide. Amnesty's extensive lobbying efforts were instrumental in the creation of the Rome Statute, which established the ICC in 1998 (United Nations, 1998).

Amnesty has also influenced the drafting of key international treaties, such as the Convention Against Torture (1984), and the Convention on the Elimination of All Forms of Racial Discrimination (1965), helping to set global standards for the protection of human rights. The organization's consistent advocacy for the protection of civil and political rights, as well as its involvement in the drafting and implementation of international human rights instruments, underscores its central role in shaping global human rights norms.

#### **5.1.9.3.2 Interaction with the United Nations and Other International Bodies**

Amnesty International has been collaborating well with the United Nations or other supranational human-right organizations to advance the rights of human beings. The UN Economic and Social Council (ECOSOC) has granted the organization consultative status, thus giving it the ability to provide expert advice on human-rights issues as well as participate in the deliberations that are held by the UN. Amnesty has taken on a leading role in influencing the international human-rights policy, especially on the areas of refugee protection, abolition of the death penalty, and aiding the prevention of torture through its actions within the UN structure (United Nations, 2015).

Multidimensional approach to human-rights advocacy with economic, social and cultural rights reflected in its campaigns, has been enabled by Amnesty collective partnerships with other international organizations, such as the International Labour Organization (ILO) and the World Health Organization (WHO).

Amnesty International has always been in the forefront in supporting human-rights in the conflict-prone regions especially in Kashmir and Palestine which has been a politically volatile region. These regions become symbolic of long-term and complex wars of systemic human-rights violations, long-term military occupation and increased tensions between the geopolitical actors. The interventions undertaken by Amnesty in the two areas have focused on the scrupulous recording of the violations, mobilization of the international advocacy, and the seeking of accountability by international mechanisms. The current chapter compares the operations of Amnesty in Kashmir and Palestine. It has a critical look at the strategic strategies of the organization such as means of recording the violations, the interactions with the international organizations and coping with the obstacles that are inevitably associated with the politically



polarized environments. Moreover, the chapter assesses the effectiveness of the Amnesty campaigns in raising awareness and achieving tangible results, and questions the influence of political, social and legal environments on the advocacy activities of the organization in these hotly fought areas.

#### **5.1.10 Amnesty International and Kashmir**

Amnesty International (AI) has taken the central position in reporting and campaigning the crimes on human rights and protesting against the lack of responsibility in dispute areas around the world, and specifically in Jammu and Kashmir. Since its establishment in 1961, Amnesty International has upheld the theme of impartiality, independence, and universality hence focusing on safeguarding human dignity regardless of political and ideological beliefs (Amnesty International, 2023). In Jammu and Kashmir, the activities of Amnesty International have included comprehensive reportages on the violations, mobilization of international advocacy and action to put pressure on the national governments and international bodies to bring about accountability. However, the conditions under which the business will be run in politically charged environments like Jammu and Kashmir present unique challenges, like limited access, legal barriers, political opposition, and the threat of increased security levels.

##### ***5.1.10.1 Amnesty International's Strategies in Kashmir***

###### **5.1.10.1.1 Documenting Human Rights Violations**

Amnesty International has played a leading role in documenting human-right abuses in Kashmir with a meticulous and systematic approach to gathering evidence, and the resulting voluminous reports shedding light on the ongoing crisis of the region. One of the pillars of its Kashmir policy is its careful documentation approach that incorporates field-level research, victim and witness interviews, and a methodical study

of the legal frameworks that apply to the case. Such an approach is multi-faceted, and it allows Amnesty to compile holistic, credible reports that serve as effective instruments to promote justice and accountability. One of its first and most impactful projects was a report, published in 2015, entitled, *Tyranny of a Law*, which focussed on the widespread abuses of the Public Safety Act (PSA) a law giving Indian authorities broad authority to detain people without trial. The report highlighted myriads of arbitrary arrests under the PSA such as the prosecution of children, hence contravening the domestic as well as the international human-rights laws. It was a granular examination of how the PSA has enabled indefinite arrests and the establishment of a culture of impunity where prisoners have the option to remain in custody without any legal representation or judicial hearings (Amnesty International, 2015). In 2017, Amnesty published the report *Losing Sight in Kashmir*, which is the scathing critique of the overuse and indiscriminate use of pellet guns by Indian security agencies. These crowd-controlling devices have caused ocular damages of absolute destruction, which are irreversible, to civilians - especially the eye - and have caused permanent blindness to hundreds of people, many of whom are children. The Amnesty International condemned the use of pellet guns as the violation of the right to life and the prohibition of cruel, inhuman, or degrading treatment and suggested a complete ban and the provision of reparation and rehabilitation of the victims (Amnesty International, 2017).

What this report brought to light was the extreme human cost of the continuing conflict and the unequal dispensation of force against civilians in a place of already unstable nature. The approach that Amnesty follows to document human-rights abuses is based on their belief in impartiality and reliability. The organization deploying field researchers follows strict guidelines to make sure the validity of their investigation is real, and their testimonies are often supported by material evidence, medical records,

and external sources. In some areas in Kashmir where dissent may trigger serious consequences, Amnesty engages in as much as possible to protect the identity of witnesses and victims. Anonymization of testimonies is an important element of this protection measure that helps to prevent victims of domestic violence against retaliation and, thus, prevents the manifestation of experience without fear of retaliation (Human Rights Watch, 2020).

This firm upholding of ethical conduct of research has earned Amnesty a credibility and a sense of influence that made their reports central in a wider debate on the human-rights situation in Kashmir. Altogether, the listing of human-rights violations in Kashmir provided by Amnesty International is not only a key component of its advocacy but also the major tool of holding the state-actors accountable. Amnesty has shone light on important concerns, such as arbitrary detention, use of excessive force, and violation of rights of vulnerable groups, among others, which have cultivated extensive calls to reform and justice in the region through meticulous reports and a clear methodology.

#### **5.1.10.1.2 Mobilizing International Advocacy**

Amnesty International has strategically leveraged its global reach to raise international awareness about human rights abuses in Kashmir, using its extensive network to mobilize support and advocate for accountability. The organization has skillfully connected the violations occurring in Kashmir to broader, universal human rights principles, emphasizing the global nature of the struggle for justice. Through a series of global advocacy campaigns, Amnesty has worked to not only document the abuses but also to galvanize the international community to take action. One of the key platforms that Amnesty has used for global mobilization is its annual Write for Rights campaign. This initiative encourages individuals around the world to send letters to

relevant authorities demanding justice for victims of human rights violations. In the case of Kashmir, Amnesty has used this platform to highlight specific abuses such as arbitrary detentions, the excessive use of force by security forces, and the suppression of free expression. By organizing mass letter-writing campaigns, Amnesty has been able to demonstrate widespread international concern and pressure local authorities to address these issues (Amnesty International, 2018). The campaign not only raises awareness but also serves as a direct tool for advocacy, as governments are made aware of the international scrutiny they are under due to human rights violations in the region. In addition to grassroots mobilization, Amnesty has partnered with international organizations to amplify its calls for accountability. One of the key collaborations has been with the United Nations Human Rights Council (UNHRC), through which Amnesty has pushed for independent investigations into the allegations of human rights abuses in Kashmir, such as enforced disappearances and extrajudicial killings. In its reports to the UNHRC, Amnesty has emphasized the need for an international inquiry into the actions of both Indian and Pakistani security forces in the region, highlighting cases of civilians who have been victims of extrajudicial killings or disappeared under mysterious circumstances (United Nations, 2019). Amnesty's advocacy efforts through the UNHRC have reinforced its call for accountability and transparency, aiming to hold states and non-state actors to international human rights standards. Furthermore, Amnesty's global campaigns often connect the violations in Kashmir to larger international human rights frameworks, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). By framing the issues in Kashmir as part of a global fight for fundamental rights, Amnesty not only brings attention to the region but also calls on governments, international organizations, and civil society groups worldwide to take collective

responsibility for ensuring the protection of human rights (Amnesty International, 2020). This broad-based approach enhances the legitimacy of Amnesty's efforts and strengthens its calls for meaningful reforms in the region. In summary, Amnesty International has effectively utilized its global advocacy campaigns and partnerships with international organizations to bring significant attention to human rights abuses in Kashmir. By mobilizing global supporters and working through international bodies such as the UNHRC, the organization has been able to amplify its calls for justice and hold perpetrators of human rights violations accountable on the global stage.

#### **5.1.10.1.4 Pressuring Governments and International Bodies**

Amnesty International has been a relentless campaigner of responsibility with regard to supposed human rights abuses in Kashmir and has been putting immense pressure on national governments as well as international organizations to take corrective action. The main tool of its power includes lobbying in the United Nations Human Rights Council (UNHRC). The organization has continually placed detailed reports to the UNHRC demanding member states to address the human rights situation in Kashmir during Universal Periodic Review (UPR) sessions. These reports often highlight particular incidents of abuse, such as extrajudicial executions, enforced disappearances, and the use of excessive force by security services, and demand that the international community keep India accountable in committing the alleged offences (Amnesty International, 2019). Advocacy by Amnesty has helped in influencing key UN reports such as the most recent UN report on Kashmir in 2019 that required an independent investigation into alleged atrocities of both the Indian and Pakistani forces. The report demonstrated the need to conduct impartial inquiries on abuse especially the widespread use of military force in civilian regions (United Nations, 2019). Other than its work in UN, Amnesty has come up with a number of policy suggestions that can

amend the causes of human rights abuses in Kashmir. Among the most immediate recommendations of the organization is the repeal of the Armed Forces Special Powers Act (AFSPA), which is a controversial law that gives the Indian security forces a wide range of powers, such as the immunity of prosecution to violate human rights. To make the security forces accountable to the acts of abuse committed in Kashmir, Amnesty argues that the AFSPA perpetuates the culture of impunity and that its repeal is necessary (Amnesty International, 2019). Besides, the organization has also supported wider reforms that would bring those who violate human rights to justice by urging the Indian government to create mechanisms that would safeguard the rights of the civilians and international human rights. With its ongoing advocacy on governments and international bodies, Amnesty has led to an ever-growing international discourse on human rights situation in Kashmir and remains to agitate to carry out significant reforms that may prepare the ground to justice and reconciliation in the region.

### **5.1.2 Timeline of Amnesty International's Work in Kashmir**

Amnesty International has been active in documenting and advocating for human rights in Kashmir over the years. Below is a chronological account of Amnesty International's work in the region, including reports, campaigns, and advocacy efforts.

#### ***5.1.2.1 Criticism of Armed Forces Special Powers Act (AFSPA) 1990***

Amnesty International expressed significant worries in 1990 over the passage of the Armed Forces Special Powers Act (AFSPA) in Kashmir, a law that grants a substantial degree of authority to Indian security agencies with small amounts of accountability. In AFSPA, the police could arrest a person without a warrant, search without prior authorization, and use the force, including lethal force in the situation that was defined as disturbances or threats to order in society. An especially controversial aspect of the statute was the immunity that the security forces could commit to do their

work without prosecution therefore excluding judicial responsibility of an action that was done during the work in the conflict zones such as alleged human rights abuses.

Amnesty international was quick to lash out at the AFSPA which it described as a tool that created a culture of impunity whereby such atrocities like extrajudicial killings, enforced disappearance, and torture were the order of the day. The organization argued that the legislation was against the international human rights standards especially the right to due process of the law and protection against cruel, inhuman, or degrading treatment. Amnesty International (1990) in its report urged the repeal of AFSPA since the statute not only compromised on the rule of law, but also enabled extensive abuse of civil rights of the Kashmiri people (Amnesty International, 1990).

This fact further increased the tension in the region by above the law because now the victims could not seek justice since the security forces were above the law. The fact that Amnesty requested repeal highlighted the pressing need to have legal and institutional action that would restore accountability and ensure protection of rights of civilians living under occupation. The policy of the organization towards AFSPA has continued to be one of its core pillars in the advocacy in Kashmir, as a demonstration of the long-standing concerns of impunity and human rights violations tied to the legislation.

#### ***5.1.2.2 Enforced Disappearances and Early Advocacy for the APDP 1994***

Amnesty International began the systematic registration of the worrisome phenomenon of enforced disappearances in Kashmir in 1994, hence marking a pivot shift in its priorities in relation to human-rights abuses in the region. Enforced disappearance, which refers to the kidnapping of individuals by the state authorities or other armed forces, as well as an ambiguous post-disappearance destiny had become

widespread in the long-standing conflict in Kashmir. Amnesty initial campaigning activities were largely aimed to raise awareness on the international level on the scale of these disappearances as well as the need to hold involved responsible. The organization promoted and funded grassroots movements, including the Association of Parents of Disappeared Persons (APDP) which is a local human-rights organization founded by families who lost their loved ones seeking justice. The support of Amnesty International on the requests of the APDP to include the searches of missing persons, was used to extend these voices both in the context of Indian nation and the global field. This partnership highlighted the significance of non-governmental organizations in driving changes to human-rights, and also enjoyed the leveraging nature of the international resources of Amnesty (Schofield, 2010).

Amnesty also mentioned the finding of several mass graves that were spread throughout Kashmir, where the remains of the victims of forced disappearances are likely to be located. These graves which often contained multiple burials were associated with the military efforts of the state and the widespread nature of kidnappings by the security agencies. In this regard, Amnesty called on the performance of independent forensic investigations, which the international bodies should be involved to ensure transparency and objectivity in the identification of victims and determination of the cause of death. The organization also stressed that these investigations were necessary not only to seek the truth, but also to provide closure to the families of the vanished (Schofield, 2010).

The fact that Amnesty documented and advocated on enforced disappearances early and that the strategy was used to guide the international community on the need to consider these atrocious acts was critical in the ongoing discussion on accountability and justice in Kashmir.



### ***5.1.2.3 Widespread Torture and Arbitrary Detentions 1996***

In 1996, Amnesty international released a series of reports which detailed the widespread use of torture and arbitrary detentions in the state of Kashmir thus shedding light on the systematic human-rights abuses in the region. These reports showed that torture was a common practice used by security forces in detention centres as a way of getting confessions and intimidating the detainees including political activists, suspected militants and civilians. Amnesty has reported on a variety of outrageous mistreatments, such as beatings, electric shocks, and sexual violence, used against the detainees with the express purpose of being able to induce information or confessions of supposed offenses. The actions were not occasional cases but rather they were a part of a bigger trend of mistreatment in order to shatter people both psychologically and physically (Amnesty International, 1996).

Amnesty encouraged the inquiry by the global community about the extent of cruelty of human-right infractions in Kashmir, and it led to the conclusion that these practices must be immediately ended and the responsible parties held accountable. Alongside the description of torture methods, the Amnesty condemned another law, the Public Safety Act (PSA), which is a draconian law that allows police to hold individuals without trial over a long time, often on some loose and arbitrary accusations.

During the PSA, people can be detained during a period of up to two years without a criminal accusation or the possibility to challenge the arrest in a court of law. Amnesty also pointed out that the legislation was regularly used to put in prison political activists, human-rights defenders, and civilians who did not have clear indications of criminal activity, and hence, again intensified the atmosphere of fear and repression within the region. The organization reported a high number of cases of arbitrary detentions by the PSA, whereby people were detained incommunicado, denied

access to legal representation, and ill-treated, which is contrary to the domestic and international human-rights norms (Amnesty International, 1996). These reports by Amnesty sought the repeal of the PSA and noted that the law violated the basic human rights and created a culture of impunity and promoted the culture of abuse whereby offenders faced no consequences. These are the results of the wider campaign by Amnesty to promote legal reforms and protection of civil liberties in Kashmir.

#### ***5.1.2.4 Chattisinghpora and Pathribal Massacre Advocacy 2000***

During the year 2000, Amnesty International played a leading role in the call to justice as a reaction to two high profile incidents in Kashmir the Chattisinghpora massacre and the following Pathribal fake encounter. Both incidents included gross infringements of human rights and were met with a lot of criticism by the international community, Amnesty International being the greatest user of accountability demands. The Chattisinghpora massacre, that happened in March 2000, involved the brutal murder of 35 Sikh men by trained militants. The massacre in itself was shocking to the nation but it was the events that followed it that compounded the international outrage. Amnesty International took the strongest denunciation of the massacre and pointed out that the massacre was targeted against the Sikh community and was a gross violation of the fundamental rights against life and security. It got worse when a few days later, as an act of revenge, the Indian security forces participated in the Pathribal fake encounter. In this case, the security forces killed five people, in the village of Pathribal and were later implicated as the killers of Chattisinghpora murders. Amnesty International condemned this bogus press conference terming this, as an effort by the Indian government to obscure the first massacre and misleadingly incriminate innocent citizens as militants. The Pathribal incident was since established to be a premeditated

murder by the state agents thus building on the already existing feel of impunity that has come to define the security actions in Kashmir (Bose, 2003).

The advocacy by Amnesty International was based on the demand to carry out independent inquiries into the Chattisinghpura massacre and the Pathribal fake encounter. The organization blamed the Indian government over its slowness in administering justice to the victims and not bringing the perpetrators to book. The reports of Amnesty International highlighted the importance of fair and honest investigations, which were not influenced by the military and political, in order to make sure that those who committed these atrocities were prosecuted. Besides, the organisation pointed out that the inability to investigate these cases properly continued to create an atmosphere of impunity within the Kashmir region, whereby acts of abuse against the population by security agencies had become a matter-of-course.

In addition, Amnesty international highlighted that the poor investigations of such cases added to a wider culture of impunity in Kashmir, where security-force violence often was not looked at. The organisation aimed to shed light on the necessity of urgently necessary legal changes, accountability systems and restitution of civil rights in the land through its calls of justice (Bose, 2003). The work of the organization has contributed to the international attention to such cases and still remains a crucial part of the wider advocacy efforts on human rights in Kashmir.

#### ***5.1.2.5 Spotlight on Impunity Under AFSPA 2003***

In 2003, Amnesty International repeated its demands to repeal the Armed Forces Special Powers Act (AFSPA) and cited that the law is widely abused to protect security forces against prosecution and to add to a culture of impunity in Kashmir. AFSPA that had long been in operation provides broad authority to the military and

paramilitary forces operating in conflict areas that include the power to make arrest without a warrant, the power to search without authorization and the power to use lethal force under circumstances considered to be disturbance. Probably the most controversial point of disagreement the law grants security forces the privilege of never being prosecuted over the acts that they commit in the course of their duty and therefore almost no one can be held accountable in committing acts of human right abuse (Amnesty International, 2003). The report released by Amnesty in 2003 pointed out that AFSPA established a legal system in which extrajudicial murders, custodial murders and other severe abuses were perpetuated with little regard of repercussions. The organization reported of many instances of extrajudicial murders happening in Kashmir whereby civilian people got shot during military campaigns in the name of counterinsurgency operations and the deaths were later reported as having occurred during encounters with militants. In the same way, the instances of custodial deaths, where people were either tortured or killed by the security forces, became widespread with AFSPA. Amnesty singled out various high-profile cases, in which the families of the victims could not seek justice, as the law of AFSPA offered security forces legal protection. The organization claimed that these practices were not isolated but were a bigger trend of abuse that flourishes in terms of the provisions of the law (Amnesty International, 2003). In continuation, Amnesty urged the Indian government to have independent accountability mechanisms in place including civilian control over the military actions and operationalization of clear investigations into abuse allegations. The organization emphasized that without such reforms it was impossible to get justice because the current legal and institutional structures did not hold security forces accountable whenever they committing violations. The new campaigning by Amnesty emphasized the fact that AFSPA needed to be abolished, and it should be substituted

with a new system of law that would observe the human rights of civilians, will allow the proper structure of the security activities, and will have effective solutions to the victims of maltreatment. The Amnesty calls in 2003 were part of a greater and wider ongoing international campaign to raise awareness of the negative impact of the AFSPA on the human rights of people in Kashmir, still urging the Indian government to do more than just talk when it comes to dealing with impunity and to consider the lives of citizens over the issues of security.

#### ***5.1.2.6 Advocacy for Women's Rights in Conflict Zones 2006***

Amnesty international stepped up its campaign in support of women rights in conflict zones especially sexual violence perpetrated against women in Kashmir in 2006. The organization also recorded numerous cases of sexual assault by security forces and military forces thus highlighting the critical and often ignored role that armed conflict has on women. The systematic character of these abuses was highlighted in the reports by Amnesty and it was found that women are regularly targeted as an element of military activity or they are used as a tool to control local communities. The most notorious is the Kunan-Poshpora mass rape of 1991, when at least thirty women, and maybe hundreds, had been accused of being raped by Indian security forces when they searched the village of Kunan-Poshpora in northern Kashmir (Schofield, 2010).

The case was never solved, and although there was a loud outcry in the society and the concerted effort by the victims to seek justice, the Indian government did little to bring the culprits to justice (Schofield, 2010). In 2006, Amnesty International has reported that such survivors suffered a long term trauma of not only witnessing a brutal sexual act but also subsequent victimization due to the lack of justice system in existence. The group emphasized that failure to bring to book perpetrators of crime like the Kunan -Poshpora rapes encouraged a culture of impunity, which gave security

agencies the guts to carry on with such atrocities without being afraid of prosecution. Amnesty appeals to justice also entailed the calls to conduct independent inquiries into these incidences, and the Indian government to make gender based violence in war-torn areas accountable. The organization criticized the culture of silence that was rife in sexual violence in Kashmir where social stigma, threats of retribution and institutional apathy all commonly left the survivors without a voice or means to seek justice.

Moreover, Amnesty alleged against the greater systemic inability to defend the women against sexual violence in the presence of the armed conflict and demanded immediate legal changes to help safeguard the women against gender-based violence as well as the provision of holistic support and reparation to the survivors (Schofield, 2010). By highlighting these violations, Amnesty was instrumental in mobilizing the international community to notice the situation faced by the women in Kashmir and this further sheds light on the intersection of gender, conflict and human rights. The advocacy activities of the organization advocated the increased accountability and preservation of the rights of women, which led to the further struggle of the topics of justice toward the victims of sexual violence in the area.

#### ***5.1.2.7 Summer Unrest and Excessive Use of Force 2010***

The Amnesty international in 2010 criticized the high level of force that took place during the summer protests in Kashmir that led to the killing of more than 120 civilians, most of whom were the youth. The movements were majorly because of anger over the further militarization of the area, human rights abuses, which saw thousands of unarmed civilians go out on the streets to seek political and social reforms. But in reaction to such protests, security agencies used drastic actions to curb the protests. In a report by Amnesty in 2010, it was noted that live bullets were often employed in attack on unarmed protestors and the result of such an act was a sad loss of life. The

organization stressed that the overuse of force, in which most of the victims were either minors or young adults and they were not a threat to the security forces was not only unwarranted but also illegal (Amnesty International, 2010). Amnesty condemned the Indian government over its inability to comply with the international human rights laws pertaining the use of force in control of the crowds. Under the international human rights law, the security forces are allowed to employ force where there is an imminent threat to life or property, but they can never employ live ammunition when handling unarmed protestors. Amnesty claimed that this type of tactics were against the right to life and unproportional to the circumstances. The organization demanded an instant stop of excessive use of force, as it urged the Indian government to embrace non-lethal crowd-control measures, like water cannon or rubber bullet which would cause minimal harm to the civilians. Amnesty also insisted that the protesters be investigated into their murders independently and the security forces that perpetrated these murders held accountable (Amnesty International, 2010). In illuminating on these events Amnesty aimed at creating awareness among the world on the current human rights abuses in Kashmir especially the risks involved with militarized reactions to non-violent demonstrations. The unrest in 2010 marked a turning point in the wider campaign of Amnesty to demand more respect to human rights and the international law in Kashmir besides advice the Indian government to focus more on peaceful resolution and respect human right of civilians during periods of conflict.

#### ***5.1.2.8 Report on Mass Graves 2011***

In 2011, Amnesty International noted the worrying results of the Jammu and Kashmir State Human Rights Commission (SHRC) that verified that there were more than 2,000 unmarked graves scattered all over the Kashmir Valley. These graves were supposed to hold the remains of the people who had been victims of forced

disappearance during the current war between the Indian security forces and the insurgent groups. The report by Amnesty highlighted the cold-blooded fact of these mass graves, which evoked focus to the old problem of missing persons in Kashmir. A good number of these people were also forcefully seized by security agents who never saw them again and their families were in a state of endless uncertainty, not knowing whether their loved ones were dead or alive. The revelation of the SHRC was a dark shade to the already mourning history of disappearances in the area, and it did not hold any clear resolution to families who were long seeking justice (JKCCS, 2011).

Amnesty International retorted by calling on a thorough forensic examination of the unmarked graves. The organization noted that the scientific methods of identification, including the DNA-based methods, not only are the means to bring closure to the family of the victims but are also the way to know the truth about what has happened to the disappeared. Amnesty emphasized that such investigations should be free and clear without political and military meddling so that the integrity of the process is not compromised and that those behind the disappearance should be held to account. In addition, the report highlighted the fact that the Indian government urgently needed to put in place a formal, credible structure that can be used to deal with the problem of enforced disappearance in Kashmir. This would involve the establishment of legal mechanisms through which offenders would be investigated and prosecuted, victims family would be paid reparations and how such violations would be monitored (JKCCS, 2011). The advocacy by Amnesty also spoke of the bigger issue of impunity in Kashmir, whereby state actors have regularly committed violence with impunity. Amnesty aimed to break this cycle of impunity through promoting the use of forensic investigations and transparency and by so doing, establish a way forward to achieving justice to victims of enforced disappearances. The topic of mass graves has been one of



the key elements of the current campaign of Amnesty on human rights in Kashmir, which was a potent image of what was being demanded of justice and accountability in the area.

#### ***5.1.2.9 Campaign Against Impunity 2012***

In 2012, Amnesty International developed a major campaign in response to impunity of human rights abuses in Kashmir, in particular, the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA). The organization argued that such laws had given legal impunity to rampant brutality perpetrated by the security agencies and hence creating an atmosphere of impunity in the region. The AFSPA specifically had been a target of criticism on grounds of giving sweeping powers to the security forces, such as the right to make arrests without a warrant, perform searches without a warrant, and use lethal force, and also exempting them of prosecution against the misuse of power during the operations. Similarly, PSA helped in arbitrary arrest of people with no trial, and therefore, enhanced the perpetration of human rights by the state. Amnesty campaign aimed to reveal the fact that such laws allowed extrajudicial killings, arbitrary arrests and torture without any credible accountability procedures (Amnesty International, 2012).

As a component of this campaign, Amnesty focused on the high-profile examples of extrajudicial killings, the Machil fake encounter case was especially notorious. In 2010, Indian security forces killed three civilians at Machil sector within Kashmir and were later misidentified as militants. The initial contribution to the incident was that it was a legitimate counter-insurgency operation but later inquiry into the matter proved that the men had been kidnapped, tortured and killed by the security forces. The case was representative of a larger trend of human rights violations in Kashmir that included civilians being murdered on the basis of military operation, and

the murder being then covered up. Amnesty criticized the lack of accountability over the offenders and demanded an investigative exploration into the case in its entirety, and that justice should be carried out to the victims and their families. The organization has reiterated that security forces needed to be held to account in the event of such violations claiming that this would continue a cycle of impunity that fuelled the conflict and led to a further erosion of trust between the Kashmiri people and the Indian state (Amnesty International, 2012).

The 2012 campaign by Amnesty implied the repeal of AFSPA and PSA, claiming that these laws not only violated the rights of the Kashmiri civilians but also created the atmosphere in which the security forces would not hesitate to commit any crimes, knowing that they could not face the consequences of such actions. Amnesty aimed to attract attention to the wider problem of state-approved violence in Kashmir by calling on the Indian government to take action that was substantive in respect of justice and accountability, by insisting on investigations into particular cases of extrajudicial killings, such as the Machil fake encounter. This campaign was a follow up to the long-term campaign by Amnesty to have international attention on the human rights abuse in Kashmir and to make those who perpetrate the abuse face the law both locally and internationally.

#### ***5.1.2.10 Tyranny of a Law Report on PSA 2015***

In 2015, the Amnesty International published its report titled Tyranny of a Law that includes a strict critique of the misuse of the Public Safety Act (PSA) in Kashmir, reporting more than one hundred instances of arbitrary detention including the minors.

The PSA was enacted in 1978 in Jammu and Kashmir giving powers to the authorities the prerogative to hold people without trial over extended periods of time,

often without substantive evidence or official charges. The report shows that security agencies have used the law severally to quash dissent, especially during the Kashmir unrest, where political activists, human-rights activists, and citizens are daily thrown into prison over baseless charges of damaging the security of people. The PSA is an effective way to deprive the persons concerned of due process by allowing the two-year detentions without judicial review, and it, in turn, violates the basic rights of those individuals (Amnesty International, 2015).

Another rather disturbing aspect to the findings of Amnesty is the evidentiary fact that under the PSA, the minors were also subjected to arbitrary detention. Youth have been arrested in many cases without clear evidence or even trial, faced with severe conditions of custody, and were not given the right to an attorney. The organisation recorded certain instances where the minors were detained in crowded prisons, they were subjected to physical abuse and torture as a part of the detention policy. The report has highlighted that this behavior is contrary to the international human- Rights, like the Convention on the Rights of the Child (CRC) to which India is a signatory and the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary detention and torture especially among vulnerable groups like minors (Amnesty International, 2015).

The report of Amnesty international held a crisis meeting with the urgent demand of the repeal of the PSA, arguing that not only the act violates fundamental human rights but also in its current state breeds a culture of impunity in which the security agencies are not held to account. The organisation called on the Indian government to abolish the practice of arbitrary arrest, increase legal protections of individuals suspected of having committed crimes and assure every individual regardless of age or political party affiliation the basic right to a fair trial, access to legal

counsel, and freedom against torture. Moreover, the organization Amnesty promoted the enactment of a holistic transformation of the criminal-justice system, the purpose of which is to prevent future violations. Tyranny of a Law is therefore another critical part of the long-term campaign by Amnesty to challenge the repressive laws and advance the rights of the detainees in Kashmir.

#### ***5.1.2.11 Losing Sight in Kashmir Report on Pellet Guns 2017***

In 2017, Amnesty international published its seminal report, titled, *Losing Sight in Kashmir*, detailing the horrific effects of shotguns that are loaded with pellets and used by Indian security forces to control protests and demonstrations in Kashmir. These crowd control shotguns fired thousands of small metal shots in a high velocity and in most cases they were fired at the upper body endangering the face and eyes of the protestors. The report indicated that the pellet guns use had left hundreds of civilians including many youths and children permanently blind after being caught in the middle of the security operations. Amnesty revealed in its investigation that the mass and unselective use of such weapons that were initially supposed to be less-lethal alternatives to live ammunition had led to severe and irreversible injuries, and the right to life and bodily integrity of the victims violated (Amnesty International, 2017).

Amnesty denounced using pellet guns as a hideous disbelief to the international human-rights principles, especially the fact that the use of excessive and disproportionate force to control crowds was forbidden. Under the international law, security forces have the right to deploy force as it is needed and as much as it is expected that it will be applied in order to maintain the order of the people. The report claimed that not only was the use of pellet guns on unarmed protestors disproportional, but it was inherently indiscriminate since the pellets were capable of hitting several persons in a single shot, usually causing serious injuries or fatalities.

According to the findings released by Amnesty, the weapon was used on a regular basis even in the case when the security forces were not under the threat of being attacked, which was against the principles of necessity and proportionality that international regulations on the application of force suggest (Amnesty International, 2017). Besides insisting that there be an immediate stop on the usage of pellet guns in Kashmir, Amnesty sought the reparations of those who had suffered, most of whom were permanently disfigured or blind. The organization called on the Indian government to take the responsibility of the injuries that were caused by these weapons and also to make sure that the victims would be given medical attention, compensation and help in rehabilitation.

Moreover, Amnesty urged India to guarantee that excessive force is used by the security forces and that they should adopt non-lethal means of training the crowds like water cannons or rubber bullets, which would reduce the likelihood of inflicting irreparable damage. Losing Sight in Kashmir was an urgent part of the current campaign that Amnesty organized to unveil human-rights abuse in Kashmir and to demand the change in the way in which the security forces could interact with people in conflict areas.

#### ***5.1.2.12 Response to the Abrogation of Article 370 (2019)***

Amnesty International has in 2019 made a strong criticism of the Indian government over revoking Article 370 of the Constitution, which had granted Jammu and Kashmir a special autonomous status since 1949. The special status of the region was revoked, which was announced on 5 August 2019, effectively placing the region under the direct rule of the Indian central state. Amnesty International argued that the act was a contravention of the democratic self-determination and contravened the rights of Kashmiri people.

The suspension was associated with the arrival of tens of thousands of additional security agencies, a fact that Amnesty International termed as a heightened militarisation in the region. The organization was highly alarmed by the mass arrest of political leaders, activists, and civilians most of them being detained without charge or trial. This led to a fear and uncertainty atmosphere coupled with rumors of random arrests and denial of freedom of movement and expression. The introduction of a near-complete communication block was denounced by Amnesty International and significantly limited the access to information and made it hard to stay in touch with relatives during the period of increased tension and baying (Amnesty International, 2019).

The criticism of Amnesty went further in its direct response to revocation to include the violations to human-rights, especially the long-lasting communication blackout in Jammu and Kashmir. The Indian government had been in one of the longest periods of internet blackout in a democracy that took several months, and was labeled by Amnesty as an extreme infringement on digital rights.

The closure was very affecting to the normal life in the area as it interrupted education, health and livelihood. Limited internet connectivity denied students the opportunity to attend online classes, limited the medical professionals to organize care and the businesses to run effectively. With other human-rights organisations, Amnesty International initiated an international campaign to highlight the dire human-rights consequences of the shutdown. The movement demanded the communication services to be reinstated by the government immediately and placed emphasis on the internet as an invaluable resource as a means of education, freedom of speech, and economic involvement.

Amnesty International established that the internet blackouts that have been implemented in reaction to political instability are a direct infringement of the right to access information and freedom of speech as provided by the international laws (Access Now, 2019). More so, the campaign showcased a larger problem of the internet shutdowns in the conflict zones on the basis that the governments are disproportionately using the measure to suppress dissent and curtail the free flow of information. The organisation urged the Indian government to respect digital rights and to restore fully communication services in Kashmir, hence allowing the residents to get back to basic human rights, such as access to education, health care and the ability to communicate with the rest of the world. The advocacy efforts by Amnesty International also helped raise the level of global attention to the human-rights abuse case in Kashmir and placed the Indian government under pressure to reevaluate its internet policy and how to safeguard the fundamental freedoms.

#### ***5.1.2.13 Closure of Amnesty International India 2020***

In September 2020, the Amnesty International India was forced to cease its operations in the country after the Indian government seized the banking assets of the organisation in effect paralyzing its ability to conduct its mandated activities. The shutdown was done in the midst of a continued state government crackdown on organizations that are critical of government policy, especially on Jammu and Kashmir. Amnesty international claimed that the Indian government had specifically singled it out because of its critical reporting on human rights violations in the area, especially its 2019 reports detailing the widespread use of the Public Safety Act (PSA) to engage in arbitrary arrests and the resulting human rights consequences of the high rate of internet shutdowns. The activities of the organisation had focused the outrageous enforcement of these laws to curb dissent, quash the political disquiet and greater lockdown of the

freedom of expression and right to information. The reports published by Amnesty, which highlighted random arrests of political figures, activists, and civilians, were viewed as a direct attack on how Kashmir was under the Indian government, especially following the repeal of Article 370 in 2019 (Amnesty International, 2020). In 2002, despite the shutdown in India, Amnesty still gained attention to the current use of the PSA and the Unlawful Activities (Prevention) Act (UAPA which were frequently used to detain people without trial or substantiation of wrongdoing by evidence. These have been widely criticized in terms of granting far-reaching powers to security forces and thus, enabling the propagation of arbitrary detentions and undermining the protection of due processes. According to the documentation provided by Amnesty, this had remained skewed against political leaders, human rights defenders, and even children in Kashmir. In many instances, the detainees went through lengthy periods of imprisonment in the absence of prosecution, were subjected to dehumanizing environments and were not allowed to have lawyers. Amnesty stressed the negative impact of such a practice on the rights of detainees and the community as a whole and demanded significant changes to the PSA and UAPA to stop detaining people based on their political beliefs or activism and their identity.

The advocacy of Amnesty, despite its official division in India, marked the acute need in independent control and responsibility in counterterrorism and security legislation of the country, especially in the conflict-prone regions like Kashmir (Amnesty International, 2020). The end of Amnesty International India marked a turning point in the broader human rights movement in India because it highlighted the growing limiting environment that the civil society organisations were facing. It also highlighted how the government was working hard to stifle dissent and restrain international criticism particularly on hot-tempered issues like Kashmir. However,



despite all these obstacles, the Amnesty network all over the world continued to speak out its results, urging the stop of arbitrary arrests, the repeal of oppressive laws, and the reinstatement of the basic rights of the people of the Kashmir state.

#### ***5.1.2.14 Minority Killings and Exodus 2021***

In 2021, Amnesty International issued a statement condemning the targeted assassinations of Kashmiri Pandits, Sikhs and migrant workers in Kashmir by militant groups, as a part of the ongoing conflict in the region. These murders, being a part of a more common scheme of violence, were directed at the representatives of minority groups, and they caused the general fear and insecurity. The organization was strongly alarmed following the level of violence meted to these vulnerable communities especially the harsh killings of individuals in the Kashmiri Pandit community- an ethnoreligious group that once faced massive displacement during the insurgency in the late 1980s and early 1990s. The murders were seen to be a way of trying to widen the religious and ethnic boundaries thus adding to the instability in the region.

Besides criticizing the violence, Amnesty International also called on the Indian government to secure the minority communities in Kashmir, both Pandits and Sikhs, who long became a target of crossfiring between militant groups and Indian security forces (Amnesty International, 2021). The organization also urged the government to tackle the causes of violence in Kashmir, which have been being fostered by the long history of political, religious and social tensions. Amnesty international emphasized the need to look beyond security-related issues, and wider matters of human rights, justice and reconciliation. The organization claimed that violence would only be successfully resisted by implementing security measures; however, there was need to have a holistic approach, that is, restoring confidence within communities and encouraging dialogue and making those who had abused human rights repentant.

In particular, Amnesty International requested the Indian government to take tangible steps to protect at-risk communities, including the improvement of security services, as well as the long-term policies that encourage tolerance, inclusiveness, and peace-building in the area (Amnesty International, 2021). In 2021, the targeted killings highlighted the urgency of the situation in Kashmir, as the minorities have still to face serious threats to their safety and well-being. The advocacy of Amnesty International on this case was a wider campaign to promote increased protection of the human rights in the area, as well as to highlight the fact that there is an urgent need to implement both short and long-term action to prevent further violence and bring people to justice.

#### ***5.1.2.13 Criticism of G20 Summit in Kashmir 2023***

In 2023, Amnesty International denounced the Indian government decision to host the G20 Summit in Srinagar, Kashmir in the framework of continued human-rights abuses in the area. The organization underscored the sharp contrast between how the government portrayed things to be normal at the summit and the reality that there was massive oppression of dissent and cut-off of civil liberties in Kashmir. Amnesty argued that the summit served as a piece of propaganda machinery meant to create an illusion of peace and stability, whereas the situation at the ground was anything but normal. Political leaders, activists, and journalists were massively detained (many of them under house arrest or without charges), and it was prevalent throughout the occurrence (Amnesty International, 2023).

Also, the media being curtailed, further militarisation of the area highlighted the gap between what the Indian government was saying about the state of affairs and what the locals were going through. Media restrictions, monitoring, and use of security forces added more worries on the freedom of speech and information flow. Amnesty also castigated the use of the G20 summit as a platform to justify the actions of the Indian

government, especially the highly controversial repeal of Article 370 in 2019 that had in effect denied Jammu and Kashmir its special status. The organisation said that holding the summit in Srinagar, which was also meant to showcase the tourism potential and economic prospects in the region, could not sufficiently take into consideration the very serious human-rights concerns, such as the use of instruments like the Public Safety Act (PSA) and the Unlawful Activities Prevention Act (UAPA), which allow police to detain individuals without trial (Amnesty International, 2023). Amnesty encouraged the international community, and particularly the G20 member states to exert pressure on India in regards to these human rights concerns and to make the government comply with its international law obligations.

### **5.1.3 Effectiveness of Amnesty International's Campaigns in Kashmir**

#### ***5.1.3.1 Raising Awareness***

Amnesty International has significantly helped to bring into the global limelight the human rights abuses in Kashmir. The organization has raised international awareness regarding various abuses such as the use of pellet guns, arbitrary arrests as well as forced disappearances through its comprehensive reports and advocacy. The on-the-ground research by Amnesty coupled with legal analysis has been vital in highlighting the magnitude and degree of these violations. The work of the organization has received much coverage in the international press, and by various scholarly debates, and this has served to influence the discourse on Kashmir across the world as well as demand accountability by governments, international organizations, and even human rights groups. Amnesty made one of its most influential interventions into the popular debate on Kashmir with its report in 2017 titled *Losing Sight in Kashmir*, which addressed a phenomenon of widespread use of the pellet-firing shotguns by the Indian security agencies on demonstrations. According to the report, the employment of these

weapons resulted in the irreversible injury of hundreds of civilian people, including blindness, among them the unarmed protesters. The recording of these cases by Amnesty resulted in a global outcry of disapproval, and focus on the unfair nature of the excessive and random use of force by the security agencies. This international outcry made Indian authorities rethink their working procedures, and they demanded to prohibit pellet guns, as well as to demand responsibility and compensation to the victims (Amnesty International, 2017). Not only did this report create awareness on the immediate effect of the pellet guns on the people in the civilian community but also helped in fueling the already existing international debate on the use of the said weapon in the war zone. The capacity of Amnesty to bring attention to these problems has played a prominent role in changing the minds of the people regarding the human rights situation in Kashmir not only in India, but on the global stage. The voice of the victims has been given a platform through its reports and campaigns as well as it has put pressure on the Indian government to examine its policies and practices in Kashmir. This advocacy has made Amnesty one of the most dominant activists in the human rights movement across the world, as it tries to make sure that the state of affairs in Kashmir is put under watch and those committing the atrocities be dealt with.

#### ***5.1.3.2 Achieving Tangible Outcomes***

The efforts of Amnesty international advocacy in the Kashmir region have been faced with huge challenges particularly with the Indian government not giving in to external forces. However, the organization has been able to make small, but substantial benefits which have led to improvements in the human-rights environment in the region.

The two main areas where the Amnesty campaigns have had a force are the release of imprisoned persons and the achievement of global recognition with regard to the human-right abuses in Kashmir.

#### ***5.1.3.3 Release of Detainees***

The notable accomplishments of the Amnesty International have so far included the successful release of persons who were held under the Public Safety Act (PSA) which is a law that allowed individuals to be detained without trial over a long duration of time. The organization, through its constant pressure through investigative reports, international campaigns and direct interaction with the Indian government, was able to have many of its detainees including minors on whom the Indian government had arbitrarily arrested and held without charges released. These were normally the consequences of the long-term pressure of the international world system and additional attention to the human-rights abuses that were created by the PSA. The fact that Amnesty captured the unfair nature of such detentions brought an additional focus to the extent that the law was being abused, which led to its re-evaluation in specific cases (Human Rights Watch, 2020). Despite the fact that the PSA is still not amended, these small steps at receiving releases of detainees demonstrate the effectiveness of international advocacy facing local laws and promoting human rights.

#### ***5.1.3.4 Global Recognition of Violations***

In addition to a case by case approach, the advocacy by Amnesty International has played a significant role in keeping the human rights situation in Kashmir a center of focus of international concern. The detailed reports that the organisation has put forward on matters like extrajudicial killings, forced disappearance, pellet guns, and arbitrary arrests have been mostly quoted in the various human-right forums throughout the world. The findings by Amnesty have also affected the debate at the United Nations

Human Rights Council (UNHRC) and other international forums, where the member states have expressed their concern over the state of affairs in Kashmir. These reflections have maintained human-rights concerns in Kashmir on the international agenda where they have been called upon to be held accountable and the Indian state urged to observe its international human-rights commitments. As a result, the reports by Amnesty have assisted in keeping the international community under pressure to the Indian government forcing the violations to be never neglected in Kashmir.

To conclude, even though the activities of the Amnesty International in Kashmir have not necessarily resulted in any direct, massive change in policies, the activities are essential in supporting any gradual change. The organisation has helped release the people in detention and made sure that the human-rights violations in Kashmir should not be left out of the human-rights discussion in the world through its advocacy.

#### **5.1.4 Challenges Faced by Amnesty International in Kashmir**

In spite of the massive advocacy activities that the Amnesty International has been engaged in Kashmir, the organisation has had to grapple with several challenges in bringing about systemic change in the region. The main limitation in the impact of Amnesty is that the statutes enacted like the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) remain in effect; these are the laws that are constantly being used by the Indian authorities to justify arbitrary arrests, military atrocities and violations of fundamental human rights. These laws grant the security agencies broad powers coupled with the immunity against prosecution, making them some of the key tools of continued oppression of the political dissent and civil liberties in Kashmir. Even though Amnesty has continued to push to overturn such laws despite mentioning that it has contributed to a culture of impunity, the laws have been in effect

and are largely coupled with the lack of or insignificant political desire by governments to repeal them. The lack of accountability of human rights violations is also another major weakness of the effectiveness of Amnesty in Kashmir. The organisation has failed to force the Indian state to undertake thorough investigations and prosecute those involved in the extrajudicial killing, torture and enforced disappearance among other abuses despite careful documentation of several cases. Security officers caught committing plausible offenses are rarely responsible due to the legal provisions that have been approved by law such as AFSPA that do not allow victims to invoke the law against crime. This system impunity makes sure the offenders of violence go on with their activities with little concern about consequences.

Also, the effectiveness of the Amnesty documentation and remedial efforts in Kashmir is highly limited due to limited access to the region. The Indian government periodically sets strict limits on human rights organisations thus restricting their ability to conduct their own investigations or interact with the local communities. These restrictions are also supported by the frequent occurrence of internet blackouts, curfews, and strong military presence, something that hinders smooth operations of Amnesty and other international organizations. As a result, although Amnesty has achieved success in gathering reports, which were made on the basis of local sources, its activities are still limited by the lack of direct access to the area and the possibility to authenticate all claims on the ground.

Conclusively, Amnesty International, in spite of its commendable efforts in creating awareness on the violation of human rights in Kashmir and lobbying to effect reform, has limitation on its ability to bring about a real change in the system. The continued existence of the repressive laws, the institutional lack of accountability to the lawbreaking and the limited access to the area all present insurmountable challenges to

the organisational endeavour of attaining justice and ensuring the human rights in the region.

#### **5.1.4.1 Restricted Access and Operational Barriers**

The organizational capacity of Amnesty International in Kashmir has also been significantly limited by a grow of logistical challenges, which comprise of limited access, administrative and regulatory, as well as increased levels of security threat. Therefore, these limitations have hindered the ability of the organization to conduct exhaustive field-based research that is necessary to conduct the systematic recording and response to the constant human rights abuses in the region.

#### ***5.1.4.2 Legal and Administrative Hurdles***

Denial of permission to do fieldwork is one of the greatest challenges to Amnesty International in Kashmir. The Indian government often uses national security reasons to limit the access of Amnesty to the region, which will reduce the ability of the organization to investigate claims of human rights abuse independently. This restriction has significantly diminished the capacity of Amnesty to interact with the local communities, obtaining first hand testimonies and conducting its normal research and documentation work. Overall, the case of Amnesty International India in 2020 witnessed a significant blowback when the Indian government practically shut down its operation, sealing the bank accounts of the organization. This move was generally seen as a direct reaction to the Amnesty critical coverage of human rights violations in Kashmir, especially its reporting on extrajudicial murders, arbitrary arrests and the use of pellet guns. Amnesty claimed that the Indian government was targeting the organization in an effort to curb dissent and limit the ability of the organization to report freely on human rights in the region. This freeze of the accounts not only disrupted the



working capabilities of Amnesty, but also highlighted the climate of repression against human rights organisations that the entire of India faces.

#### ***5.1.4.3 Security Risks***

Another relevant challenge facing the Amnesty International in the Kashmir area is the issue of security risks involved in conducting investigative assignments. Scholars working in the field, as well as the indigenous human-rights activists, are constantly faced with the threats, both by states and non-states, so the process of documentation becomes especially dangerous. Both security forces can be documented to target human-rights activists and journalists who challenge the existing official version of events or reveal cases of abuse, often through legal instruments used against them, including the Armed Forces (Special Powers) Act (AFSPA) and the Public Safety Act (PSA). Especially vulnerable to various forms of coercive methods, such as intimidation, harassment, arbitrary detention, and violence, are indigenous human-rights defenders who also operate in the context of international organisations.

The overall state of terror that these threats create further affects the ability of Amnesty international to compile testimonies and to mingle with the local people in a way that is safe and effective. These obstacles highlight the huge challenges that hamper the effort by the organisation to achieve its mandate of reporting human-rights abuses and advocating justice in Kashmir. The combination of limited accessibility, legal limitations, strategic threats of security makes the operations of Amnesty International to be carried out holistically, further impeding the process of correcting the nagging human-rights violations that are still being practiced in the region.

#### ***5.1.4.4 Political Backlash***

The operations of Amnesty International in Kashmir have often been met with significant political resistance and most especially the Indian government accuses the organization of bias and encroaching on the sovereign matters of the country. This is largely due to such state-level opposition of Amnesty to its critical examination of human rights abuses committed by the Indian security forces in the region, along with its focus on such issues as arbitrary arrests, misuse of the law, particularly the Armed Forces (Special Powers) Act (AFSPA) and the Police (Special Powers) Act (PSA), and disproportionate use of violence, especially on civilian populations.

#### ***5.1.4.5 Allegations of Bias***

Among the main arguments developed by authorities in India against the Amnesty International relates to the perceived partiality in the coverage of the Kashmir situation by the organisation. The government has constantly claimed that Amnesty focuses too much on the actions of the Indian forces without sufficiently attending to the acts of violation by militant groups in the region. This criticism applies to the argument that Amnesty reports about the human rights abuse in Kashmir often minimize or overlook violence committed by insurgent forces, attacks on civilians, forced recruitment, and other forms of militant cruelty. Opponents think that this focus on the behavior of Indian security forces will cause the development of a one-sided image of the war, which, according to them, will weaken the Indian counterinsurgency operation and security operations directed at eliminating terrorism in Kashmir (Chowdhury, 2020).

Amnesty has in its turn argued that its reports are based on objective, unbiased research and that its orientation towards the abuses committed by Indian security forces is justified by the magnitude of abuses reported in the area. The organisation has also

highlighted its constant promotion of the safety of all civilians regardless of their affiliation and its rejection of violence committed by all the parties to the conflict. However, the claim of bias has become a common motif in the reaction of the Indian government to the work of Amnesty, especially because the reports of the organisation tend to shed light on politically objectionable issues that run counter to the official discourse advanced by the Indian state.

#### ***5.1.4.6 Impact on Amnesty's Operations***

These allegations of bias have had a direct impact on Amnesty's operations and its ability to carry out its work in Kashmir. The Indian government's rhetoric has led to a broader environment of hostility towards human rights organizations that criticize state actions. This has included efforts to discredit Amnesty, undermine its credibility, and limit its access to the region. In 2020, for example, Amnesty International India was forced to halt its operations after the government froze its bank accounts, citing alleged violations of foreign funding regulations, a move widely seen as retaliation for the organization's critical stance on human rights abuses in Kashmir and its reporting on the use of pellet guns and arbitrary detentions. Thus, while Amnesty's work in Kashmir has contributed significantly to global awareness of the human rights situation, it has also faced significant political challenges. The Indian government's allegations of bias not only reflect the sensitivity of the Kashmir issue but also highlight the broader struggle for human rights organizations to operate freely and without political interference in conflict zones.

#### ***5.1.4.7 Navigating a Polarized Environment***

The political nature of the Kashmir conflict significantly makes the work of Amnesty International to be quite complicated in the country. The Kashmir conflict is not just a territorial dispute between India and Pakistan, but an immensely emotional

and emotive issue in itself in India with rival narratives, opposing political ideologies and identities deep-rooted in India. It is this polarized environment that creates a major complication to Amnesty being able to maintain its neutral and non partisan approach to its reports and advocacy efforts, with various quarters mostly accused of bias in its works.

#### ***5.1.4.8 Polarized Public Perception***

Public perception of Amnesty's work in Kashmir is often heavily influenced by political affiliations. On one hand, the Indian government and its supporters frequently accuse Amnesty of being overly critical of Indian security forces, particularly in its reports on human rights violations such as arbitrary detentions, the use of pellet guns, and the abuses enabled by laws like AFSPA and PSA. These accusations of bias are often rooted in the belief that Amnesty focuses disproportionately on abuses committed by Indian forces while downplaying the actions of militant groups. Some critics claim that this portrayal undermines India's efforts to counter terrorism and maintain law and order in the region (Chowdhury, 2020). In this context, Amnesty's reports are seen by some as unbalanced and politically motivated, aligning more with the narratives of separatist or insurgent groups than with the Indian state's security concerns.

On the other hand, from the perspective of the Kashmiri separatist movement and many within the local population, Amnesty's advocacy is seen as insufficiently critical of the Indian government's policies and its military presence in the region. For many Kashmiris, Amnesty's calls for reforms or its focus on individual abuses are not enough to address what they perceive as a larger issue of occupation, repression, and denial of their right to self-determination. For these groups, Amnesty's neutrality may

come across as inadequate or even complicit, as it does not take a stronger stance against India's control over the region.

#### ***5.1.4.8 Challenges to Neutrality***

The polarizing nature of the environment that Amnesty is forced to operate within is highlighted by this dual perception of the work that Amnesty is either being too pro-India or too pro-separatist. In academic terms, this form of ambivalence is symptomatic of the more general methodological issues of civil society actors acting within conflict zones, where the limitations of neutrality are often judged by the existent partisan discourse. Although it is correct that Amnesty International is neutral in its approach and its principles are universal rights principles, their functioning is always contextualized at the political and ideological spectrum that defines the Kashmir conflict. The results of empirical research can testify that even the strictly constructed reports or statements are often construed using frames that attempt to support one population or the other, thus undermining the so-called impartiality of the organization.

This has been a frequent cause of political response with both sides of the political conflict accusing Amnesty of being biased towards the other party. These allegations are supported by the combination of rhetorical tactics that aim at the delegitimization of external authorities regarding human rights. Amnesty deliberations are also complicated in a environment where, traditional narratives, historical resentments and sentiments of nationalism are deeply entrenched. The continued politicization of human rights discourse in Kashmir also makes the challenge of developing an unbiased and well-rounded criticism of violations, making the findings of the organization susceptible to the selective approach. Accordingly, the image of the work of Amnesty is extremely dependent on the political affiliations and views of the audience. The resulting epistemic obscurity frustrates the chances of the organisation

in terms of attaining the extensive acceptance or secured backing of its reports and suggestions in the region.

#### ***5.1.4.10 Impact on Amnesty's Work***

Polarized state of affairs in Kashmir poses literal limitations to the ability of Amnesty International to operate efficiently. At the ground-level, the organisation cannot easily pool credible information and even interact with the locals because of deep-rooted political differences. The field researchers and native human-rights activists face suspicion and hostility not only to the government of the Indians but also to separatist groups, thus making documenting abuses and advocacies efforts difficult. Also, the impartiality of Amnesty is often questioned, and this fact undermines its reputability and hinders the recruitment of both local and international supporters of Amnesty campaigns. As a result, the polarization of the Kashmir controversy poses some serious challenges to the Amnesty International as it tries to maintain its neutrality. Although the organisation has stayed true to its dedication to protect human rights across board, its operations are mostly viewed through the political lens of the conflict which has led to allegations of both sides claiming that it is biased. This complex environment advises the efforts of Amnesty to record abuse, promote justice, and ensure significant change in the area.

The interventions of Amnesty International in Kashmir have become critical in documenting the human-rights violations, increasing consciousness across the globe, and lobbying on accountability. Amnesty has managed to keep the human-rights situation in Kashmir in the international arena despite these significant challenges such as restricted access, political repression and operational challenges. Although such endeavors have brought a gradual change, including the freeing of the detainees and international recognition of the violation, there is yet to be a paradigm shift. Its

effectiveness is still influenced by the complicated political, social, and legal environments that Amnesty has to work in. Dealing with such challenges requires continued international pressure, effective support of independent human-rights organizations, and a determined adherence to justice and accountability.

## **5.2. Amnesty International and Palestine**

Amnesty International (AI) has been a major contributor in the recording of human rights abuses and the pursuit of justice in Palestine. The AI has been working in one of the most politically unstable and disputed regions of the world and has focused on exposing misdeeds committed by various players, which include the Israeli government, Palestinian leadership, and the armed groups. Its activities over the past decades touch upon such issues as illegal killing, forced displacement, settlement expansion, and limitation of freedom of movement, and the systematic discrimination.

### **5.2.1 Amnesty International's Strategies in Palestine**

#### ***5.2.1.1 Documenting Human Rights Violations***

Amnesty International pays much attention to the systematic reporting on human-rights abuses in Palestine and follows strict methodological guidelines in order to ensure precision and legitimacy. The organization uses a wide range of investigational methods such as onsite field work and interviewing victims and witnesses, the use of modern technology like the use of satellite-imaging to develop a complete and dependable picture of the human-rights situation. This is a multi-pronged approach that makes the results strong and verifiable. The best approach to the documenting of human-rights violations developed by the Amnesty is grounded in extensive field research. Data is collected by direct investigation and interviews with victims and witnesses, which allows the organization to find the first-hand accounts on

abuses and, therefore, the voices of the people who have been affected are heard. As an example, in its 2022 report, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, Amnesty provided a considerable amount of documentation of the actions of Israel in Palestine. The report argued that, these policies were a form of apartheid which included prohibition of movements, seizure of land and laws that discriminated the Palestinians. The results are based upon interviews of Palestine civilians, legal studies, and satellite photography, which led to a strong and plausible explanation of the situation (Amnesty International, 2022). Additionally, Amnesty pays attention to the listing of certain violence and repression instances. Its stories often draw the attention to significant incidents, including the 2014 Gaza war where Israeli troops made illegal airstrikes and shelling which killed many civilians. The organization had also reported random rocket attacks by Hamas on Israeli population centres with civilian victims on both parties. Here, Amnesty International focused on the fact that international humanitarian law was not respected, specifically, the principles of distinction and proportionality of war. These reports are expected to give a comprehensive report of the violations and to charge the perpetrators with the same regardless of political affiliation or status (Amnesty International, 2014).

During the past few years, Amnesty has incorporated digital advocacy and open-source intelligence (OSINT) in its investigations. Through information gathering of the social-media posts, videos and images, Amnesty confirms the events as they happen and records the information, which is important in documenting human-rights. The strategy has particularly come in handy in reporting on the attacks of civilian infrastructure in Gaza, where Amnesty has confirmed the destruction of homes, school, hospitals and other civilian infrastructure through satellite imageries and video footage on the internet. The open-source will allow Amnesty to increase the research capacity,



cross-verify reports, and confirm claims with a high degree of accuracy (Amnesty International, 2022).

Amnesty has stringent approaches to recording human-rights abuses in Palestine which are critical to coming up with credible, evidence-based reports that advance awareness and activism in the world. Through the involvement of field research, digital tools, and legal analysis, Amnesty makes sure that the human-rights abuses are addressed and revealed to the international arena.

#### ***5.2.1.2 Mobilizing International Advocacy***

Amnesty International has used its wide network of networks to promote the human rights of Palestinians by undertaking a mixture of popular campaigns, grassroots activism, and advocacy by the multilateral institutions to anticipate the concerns that are often marginalized in the international discourse. Such efforts by Amnesty international aim at shaping the states, international organizations, and the general opinion of the people in order to make sure that the rights of Palestinians and the atrocities against them is highlighted on the world scene.

#### ***5.2.1.3 Raising Awareness Through Global Campaigns***

The global campaigns by Amnesty International play a crucial role in creating awareness and rallying the global support towards Palestinian human rights (Amnesty International, 2022). Programs like the End Israeli Apartheid and Stop Forced Evictions in East Jerusalem are well thought out to highlight the specific human-rights abuses and to get the international community into action. An example is the End Israeli Apartheid campaign, which highlights the systematic discrimination and segregation of Palestinians, especially in the context of movement control, settlement construction, and land expropriation which the organization argues are apartheid based on the

international law. The campaign argues on historic precedents of apartheid, thus referring to the accepted global norms and human-rights standards, which means it is arguing to the international community to take action against these abuses (Amnesty International, 2022).

Other tactics used by Amnesty International are grassroots campaigns such as the Write for Rights campaign to engage its global network of supporters in the campaigns to demand justice for Palestinian detainees and displaced families (Amnesty International, 2022). The campaign urges people all around the world to write letters to decision-makers who are required to free Palestinian political prisoners and ask Israeli government to stop its policy of forced displacement and settlement expansion in East Jerusalem. These efforts do not simply start and end with raising awareness, but aim at instilling direct action through supporters across the world, thus creating an overall drive towards policy change and strengthening of human-rights safeguards (Amnesty International, 2022).

#### ***5.2.1.4 Engaging with Multilateral Bodies***

Besides grassroots campaigns, Amnesty International has been vocal in its engagements with the multilateral bodies like the United Nations (UN) and the international criminal court (ICC) to advance the rights of Palestinians and seek legal justice. The organization forwards detailed reports and evidence as well as recommendations to the UN demanding inquiries and investigations into alleged war crimes and crimes against humanity especially in relation to the military activities of Israel in Gaza and West Bank. The lobbying of the UN by Amnesty has involved the demand of the independent investigation of the proliferation of Australian settlements and the targeting of civilians in the military operations such as the use of indiscriminate force in Gaza (United Nations, 2021).

In 2021, Amnesty International requested the ICC to put the investigation of Israeli settlement expansion and assaults on civilians in Gaza to the first priority and suggested that such practices might amount to war crimes under international law. The advocacy by the organization before the ICC aims to hold the authorities accountable in the systematic nature of abuses of Palestinians, in particular, the ongoing activity of unlawful settlement development and the disproportionality of the military activity against Palestinian civilians (United Nations, 2021). In addition, Amnesty has requested ICC to investigate the practices of Israel in Gaza such as airstrikes which harm civilians proportionality and to prosecute those involved in such actions.

Amnesty International is playing a key role in the fight to promote the human rights of the Palestinians through its international campaigns, grassroots, and involvement of international bodies of law. Through creating awareness, mounting international pressure, and seeking legal channels to hold the perpetrators of the violations accountable before the international law, the organization believes that the Palestinian voices are heard at the international forums and that the perpetrators of the violations are held to book before the international law.

#### ***5.2.1.5 Pressuring Governments and International Bodies***

Amnesty international has taken the forefront in promoting accountability and human rights norms in Palestine, which has led them to liaise with the state authorities and international organizations in order to deal with the improper violations committed by the Israeli forces as well as the armed Palestinian groups. Amnesty tries to achieve tangible steps like arms blockades and introduction of independent mechanisms of accountability and guarantee the implementation of the international law and responsibility of the perpetrators of human rights abuse through its lobbying activities.

#### ***5.2.1.6 Advocacy for Arms Embargoes***

Amnesty International has also persistently proposed to ensure that both the State of Israel and certain armed Palestinian groups are subjected to total arms embargo arguing that the further supply of weapons to the latter actors contributes to the violation of the international humanitarian law. The organization argues that with the presence of arms, illegal activity, such as the targeted assassination of civilians, random bombardment, and the planned destruction of civilian infrastructure, which is strictly forbidden under the customary international law, is easy. Specifically, Amnesty has urged the states, and the United States especially, to make military aid to Israel conditional upon its observance of human-rights standards. The United States, being one of the greatest donors of defence aid to Israel, has a tangible role to play; Amnesty has continuously demanded the suspension or limitation of this aid unless Israel fulfills its responsibilities to safeguard Palestinian civilians as well as ending settlement expansion in the occupied territories (Amnesty International, 2021). The organization also has an attraction to armed Palestinian organizations, which are also alleged to attack the international law by firing rockets indiscriminately on Israeli population centres. The purpose of Amnesty embargo campaign is to curb the situation through limiting the availability of weapons that are contributing to the war. The organization holds the view that such actions will put pressure on all the parties so that they can negotiate and respect international human-rights and humanitarian law, which will provide the foundation to lasting peace in the region.

#### ***5.2.1.7 Lobbying for Accountability Mechanisms***

Besides supporting the idea of arms embargoes, Amnesty International has become a leading supporter of the creation of independent investigative bodies that could be used to record and intervene in the human rights violations in Palestine. An

example of such position is the adoption of the organization of the United Nations Commission of Inquiry on the Occupied Palestinian Territory which was accused of inquiring the infractions committed by both Israeli forces and Palestinian armed forces with specific focus on the episodes that occurred during the period of the intensified conflict, including the case of Gaza hostilities in 2021. Amnesty argues that independent investigations are an essential tool of accountability that will provide a clear and unbiased evaluation of human rights violations. The empirical decision-making based on such investigations enables attributing the blame to the violators, measuring the extent of abuses, and laying the groundwork of future recourse to the international legislation (Amnesty International, 2021).

Amnesty has also encouraged the United Nations and the other related international organizations to give priority to the establishment of mechanisms exercising accountability to the transgressions like war crimes, crimes against humanity as well as the violations of the international human rights law. The organization pushes jurisdiction of the International Criminal Court over these crimes with special attention on settling activities in Israel, military acts against civilian communities and use of force by both the Israeli security agencies and Palestinian militant groups. Amnesty aims to ensure that the responsible parties are tried and that the global community will not keep ignoring persistent abuses through promoting accountability mechanisms (Amnesty International, 2021). The advocacy through arms embargoes and accountability mechanisms by Amnesty International indicates its desire to correct the human rights malpractices in Palestine. Requesting a restriction of the weaponry transfer and supporting the autonomous investigations, Amnesty tries to create circumstances that would provide the justice and transparency, thus, inviting both Israel and Palestinian groups to adhere to the international laws. Such projects are part and

parcel of the overall mission of Amnesty to protect the human rights in one of the most challenging and politically unstable regions of the world.

### **5.2.2 Timeline of Amnesty International's Working in Palestine**

Amnesty International has consistently worked to expose and address human rights violations in Palestine, focusing on issues such as unlawful killings, forced displacement, settlement expansion, and systemic discrimination. Below is a chronological account of key cases and incidents Amnesty has addressed from its inception to 2024.

#### ***5.2.2.1 Six-Day War and Israeli Occupation of Palestinian Territories 1967***

After the Six-Day War in 1967, when the Israeli army took over the West Bank, East Jerusalem, and Gaza the Amnesty International was quick enough to record and denounce the human rights abuses that came with the occupation. The activities of the Israeli military included destroying Palestinian homes, deporting Palestinian residents, and seizing a vast amount of land to be used in settlement development, which Amnesty described as gross violations of international law, especially the Fourth Geneva Convention.

The fourth Geneva convention requires that the civilians in the occupied state be safeguarded and the population should not be forcibly transferred or their properties destroyed. The mass displacement of Palestinians leading to tens of thousands of Palestinians being left homeless was later condemned by Amnesty International and an immediate end to such violations demanded with the international community watching to see that Israel fulfilled its duties and obligations under the Convention. Original reports by the organization on these abuses helped draw the attention of the world to the situation and Amnesty called on the urgent protection of the Palestinian civilians

and their right to self-determination with insistence on the fact that the occupation was against the fundamental publications of the international humanitarian law (Amnesty International, 1967).

#### ***5.2.2.2 Destruction of Refugee Camps in Gaza 1971***

In 1971, the Israeli military used a military operation in Gaza to destroy parts of the Gaza refugee camps, which also included the Rafah, to expand roads to serve military purposes. This course of action led to the displacement of thousands of Palestinian refugees hence worsening the humanitarian situation that was already dismal in the region. Amnesty International then condemned such acts to contravene the international humanitarian law, specifically the outlawing of collective punishment which is expressed in the Fourth Geneva Convention. The Convention explicitly prohibits an attack on civilians or civilian property in retaliation to the peaceful offenses of other parties; Amnesty International argued that the destruction of the refugee camps was a direct retaliatory act against the whole civilian community of Gaza. The organization also emphasized that such activities not only breached the rights of displaced people, but also aggravated the suffering that Palestinian civilians continue to go through due to Israeli occupation. The criticism by Amnesty pointed out the dire need to adhere to the international legal norms, in particular protection of the civilians in war-torn areas (Amnesty International, 1971).

#### ***5.2.2.3 Land Day Killings 1976***

During protests grading the Israeli government land confiscation policies in the Galilee region, Israeli security forces murdered six Palestinian citizens of Israel on Land Day (30 23 Mar76). The protests arose as a result of the government action to expropriate big masses of Palestinian territories to develop new projects which the Palestinians considered as being part of a greater trend of discrimination and

dispossession. Amnesty International was very vocal in denouncing the use of lethal force on unarmed protesters as it highlighted that the use of force was against the international law of human rights by forbidding the use of excessive or disproportionate force when dealing with peaceful demonstrations. The organization demanded a proper and independent investigation into the killings to hold culprits accountable and give justice to the victims and reiterated the bigger picture of continued violations of Palestinian rights and demanded an end to discriminatory policies that violated the fundamental rights of Palestinian citizens of Israel to protest and assemble peacefully (Amnesty International, 1976).

#### ***5.2.2.4 Settlement Construction in the West Bank 1981***

In 1981, Amnesty international highlighted that Israeli settlements in West Bank were ever-growing and that this was against the international legal norm, especially the fourth geneva convention. The Convention specifically forbids such a move by an occupying power to transfer its civilian population to occupied territory, which is widely considered an illegal act according to the provisions of the international humanitarian law. The establishment of Israeli settlements, as one of the consequences of a larger policy of annexation and territorial aggrandizement, was condemned by Amnesty International because, in addition to displacing communities of Palestinians, it undermined their access to resources and their right to self-determination. In bringing to light this problem, Amnesty international urged the international community to find Israel responsible to its settlements and to uphold with the international law in the occupied Palestinian states (Amnesty International, 1981).

#### ***5.2.2.5 First Intifada and Mass Arrests 1987***

In the First Intifada (1987-93), Amnesty International recorded the wide application of arbitrary arrests by Israeli forces where thousands of Palestinians were



arrested without trial. Extreme ill-treatment and torture in detention centres were reported with the resultant human-right abuses being rampant. Amnesty bemoaned the use of excessive force including firing live ammunition on unarmed demonstrators and urged the Israeli military to restrain and abide by the international law. The organisation stressed the fact that the murders of civilians and the abuse of detainees contravened the Fourth Geneva Convention which guarantees the rights of occupied civilians (Amnesty International, 1988).

#### ***5.2.2.6 Oslo Accords and Continued Violations 1993***

Although the Oslo Accords of 1993 were promising to enhance peace between the Palestinians and Israel it was only expected to do that, Amnesty international has condemned the inability of the process to bring about structural change in regards to human rights abuses. The organization observed that settlement growth persisted in the occupied territories and there were increased restrictions on movement of the Palestinians. Amnesty said that the Oslo process failed to bring any meaningful relief to the Palestinians because it did not stop the confiscation of land, the settlements and the abuse of Palestinian rights especially the rights to free movement and the right to political expression (Amnesty International, 1993).

#### ***5.2.2.7 Hebron Massacre 1994***

In 1994, a violent incident was witnessed in the Ibrahimi Mosque of Hebron when Baruch Goldstein, an Israeli settler, killed twenty-nine Palestinian culturally worshippers inside the mosque. Amnesty International was quick to criticize these killings and demanded accountability and it initiated a thorough investigation into the event. Moreover, the organization was critical of the post-incident mobility restrictions introduced by the Israeli government to the Palestinians in Hebron claiming that they were unjust to the civilians and encouraged further destabilisation of the area. Amnesty

International emphasized that the punishment in the form of collective punishment, which was expressed in the rights of movement, violated the provisions of the international humanitarian law (Amnesty International, 1994).

#### ***5.2.2.8 Al-Aqsa Tunnel Protests 1996***

Violent conflicts also resulted in the deaths of dozens of Palestinian people with the opening of a tunnel by Israel near the Al-Aqsa Mosque in Jerusalem in 1996. Amnesty international criticized the high level of force used by the Israeli security forces to address the protests claiming that force was against international law especially when used on demonstrators who were unarmed. The group demanded that the events that happened around the opening of the tunneling and the following murders be independent investigated, and that there is responsibility and control on the use of force (Amnesty International, 1996).

#### ***5.2.2.9 Second Intifada and Unlawful Killings 2000***

In the Second Intifada (2000-2005), Amnesty International recorded the death of more than 4,000 Palestinians, a large percentage of whom were killed in lawless situations. The Amnesty decried the Israeli military tactics of targeted assassinations, demolition of houses, and the general restriction of movement of Palestinians which it termed as breaches of the international law and specifically the excessive use of force as witnessed in cases of killing of civilians whether in Israeli or Palestinian territories (Amnesty International, 2001).

#### ***5.2.2.10 Rafah Demolitions 2004***

In the Gaza Strip, Israel demolished hundreds of homes in a refugee camp of Rafah in 2004 and displaced thousands of civilians. Amnesty International denounced these demolitions calling them war crimes against the international law. The

organization claimed that the demolitions were against the ban on collective punishment and this is strictly prohibited under the fourth Geneva convention. Amnesty highlighted the fact that the demolition of civilian homes was not just a measure of vengeance but an organized attempt to resettle Palestinian people, therefore, enhancing the humanitarian crisis in Gaza (Amnesty International, 2004).

#### ***5.2.2.11 Gaza Disengagement and Continued Blockade 2005***

When Israel withdrew its settlers in Gaza in 2005, the Israeli government then adopted a blockade of the Gaza Strip which significantly restricted movement of goods, services and people. Amnesty International condemned the blockade as an act of collective punishment arguing that it was against the international law (Amnesty International, 2006). Amnesty International said that the blockade caused a massive deficit in basic commodities such as food, medicine, and building material, thus having a significant effect on the civilian population and increasing the humanitarian crisis in Gaza.

#### ***5.2.2.12 Operation Cast Lead 2008–2009***

In the 2008-9 Gaza conflict also known as Operation Cast lead, Amnesty International witnessed the killing of over 1,400 Palestinians with a huge number of civilians being killed. The organization also accused the Israeli forces of using white phosphorous in heavily populated places and this has caused severe burns and injuries to the civilian population. At the same time Amnesty criticized Hamas because of its indiscriminate rocket attacks on Israeli civilian targets, but at the same time, it pointed out that the actions of the Israeli military amounted to a breach of the international law and especially the protection of civilians in conflict regions (Amnesty International, 2009).

#### ***5.2.2.13 Operation Protective Edge 2014***

As part of the 2014 Gaza war, which took the name Operation Protective Edge, Amnesty International captured that Israeli airstrikes were illegal and claimed the lives of over 2,000 Palestinian civilians. The newspaper report condemned random bombing of civilian areas, the calculated demolition of residential properties, educational institutions and health institutions, and the disproportional use of force. The organisation also condemned Hamas on the use of civilian population as military targets and indiscriminate rocket attacks on the population centres of Israel, and requested that both sides abide by the international humanitarian law (Amnesty International, 2014).

#### ***5.2.2.14 Systemic Discrimination Against Palestinians 2016***

The report of Amnesty International, published in 2016, has carefully studied the discriminatory treatment of Palestinians in Israel and occupied territories. It highlighted inequity in access to resources, land, and governmental services as well as mobility, particularly in Gaza and West Bank. Amnesty condemned the segregationist and discriminatory policies of Israel arguing that the policies were substantive in establishing an apartheid regime as stipulated by international laws. The organization called on immediate reforms to ensure equality and justice to Palestinians (Amnesty International, 2016).

#### ***5.2.2.15 Sheikh Jarrah Evictions and Gaza Conflict 2021***

In 2021, Amnesty International criticised the forced evictions of Palestinian families in Sheikh Jarrah, East Jerusalem, describing them as violations of international law. The dispossession, which was meant to clear Palestinians to allow settlement by the Israeli, has elicited vast protests and confrontations. The organisation also documented over 200 Palestinian deaths in the May 2021 Gaza conflict which it blamed on Israeli airstrikes which it said was indiscriminate. Amnesty International also

criticized Hamas due to its rocket attacks against Israeli civilians and once again stated that both sides need to follow international humanitarian law (Amnesty International, 2021).

#### ***5.2.2.16 Apartheid Report 2022***

In 2022, Amnesty International released an in-depth report called Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity and claimed Israeli policies are forms of apartheid. The report listed segregation, land seizure and denial of the right of returning to homeland by Palestinian refugees. Amnesty International also argued that the actions of Israel against Palestinians, in occupied lands and in Israel, meet the definition of apartheid under the law as defined in the International Convention on the Elimination of All Forms of Racial Discrimination (Amnesty International, 2022).

#### ***5.2.2.17 Jenin Raid 2023***

In a major military operation in Jenin in 2023, Israeli forces killed at least twelve Palestinians and destroyed important infrastructure. Amnesty international reported the deployment of explosive weapons in civilian districts an act that caused massive destruction of Palestinian civilians and worsened damage of the already delicate infrastructure. The company demanded responsibility, asking the global community to keep Israeli troops accountable in their actions and to review the force of use during the raid (Amnesty International, 2023).

#### ***5.2.2.18 Gaza Blockade and Humanitarian Crisis 2024***

Amnesty International still highlights the horrific consequences of the Gaza blockade, which has bred severe deficits in the vital services, including services to healthcare and schooling. The civilian population of Gaza has remained in the constant

crisis due to the blockade, a development that has been championed by Amnesty that demands an immediate end of the blockade and the conduction of unhindered humanitarian aid. The organization insists on the blockade as a collective punishment and violation of the international humanitarian law (Amnesty International, 2024).

#### ***5.2.2.19 Expansion of Settlements 2024***

Amnesty international denounced the Israeli government in their approval of new settlement programs in the West Bank arguing that the programs would cause ingrained discrimination and further displacement of the Palestinian communities. The organization claimed that this was against the international law, specifically the ban on the transfer of civilian population of an occupying power into the occupied territory. Amnesty International called on the international community to take more serious actions to stop settlements growth and protect Palestinian rights (Amnesty International, 2024). Since it began focusing on the occupation in the aftermath of the war in 1967, and to this day, Amnesty International has been an invaluable force in the recording of abuses and the campaign of resultant justice in Palestine. In spite of great obstacles such as lack of access and political opposition, the attempts of Amnesty International have played a crucial role in creating international awareness and pressure to governments to respect the international law.

### **5.2.3 Effectiveness of Amnesty International's Campaigns in Palestine**

#### ***5.2.3.1 Raising Awareness***

Amnesty International has proved to have been quite effective in creating international awareness about human rights abuses in Palestine with detailed reports and effective advocacy campaigns. The production of the organisation has received widespread attention of foreign media channels, thus having immense impact in influencing the general dialogue on the essential matters, including the proliferation of

Israeli settlements, forcible evictions and assaults against civilians. Amnesty has created awareness of the negative impacts of Israeli policies on Palestinian civilians by explaining the current human rights abuses in the occupied territories and this has threatened the international community to address the abuses.

In 2022, with the publication of the report, *Israel against Palestinians: Cruel System of Domination and Crime against humanity*, a salient contribution to the academic and popular debate was made, describing the actions by Israel as comprising apartheid. This report strictly recorded methodical discrimination and segregation that was expressed in land grabbing, movement limitations and the refusal of Palestinian refugees to enjoy their right of return. The discourse that followed was both within the realms of government, inter-governmental, academic and the human-rights arena to provide a solid legal framework to view the treatment of Palestinians by Israel through the prism of international law. The discoveries made by Amnesty have consequently influenced the debate on human rights especially in relation to the international legal consequences of Israeli policies and precipitated calls to increase accountability, reinforcing the need to go beyond rhetoric and take visible action against these atrocities (Amnesty International, 2022).

#### ***5.2.3.2 Influencing Policy and Action***

Amnesty International has been facing considerable difficulties with implementing the systemic change in the Palestinian situation, and most of them can be explained by the deep-seated nature of the political opposition and the complexity of the conflict. However, the advocacy activities of the organization have paid off in the form of gradual policy changes, especially in the international legal accountability and sanctions areas that are relevant to Israeli settlement actions.

#### ***5.2.3.3 ICC Investigation***

Amnesty International has also played a great role in assisting the International Criminal Court (ICC) probe into the alleged violations carried out in the Occupied Palestinian Territories. The systematic provision of reports on human rights violations, such as settlements expansion, forced evictions, and violent acts against civilians, has provided the organization with considerable evidence which makes it easy to investigate possible war crimes and crimes against humanity to the ICC. This literature includes the continuing investigation into the activities of Israeli military and the settlements that continue to spread in West Bank which Amnesty alleges are in violation of the international law. The organization has facilitated these issues to be prioritised by the ICC through intense lobbying to ensure that the body moves towards holding the perpetrators of offences committed in the region accountable. Amnesty International still requests the world to support the ICC in its investigative acts and ensure the culprits involved in the violations are prosecuted by the international law (Amnesty International, 2021).

#### ***5.2.3.4 International Sanctions***

The advocacy by Amnesty International has greatly influenced discourse on sanctions imposed on Israel especially on its settlements in West Bank. The organization has severally demanded intensive international response such as imposition of sanctions to prevent further expansion of settlements by Israel as it is perceived to be against the Fourth Geneva Convention. Amnesty campaigns have had an enormous effect most notably in the European Union, where settlement policy has been a highly disputable aspect of Israeli-Palestinian negotiation. Amnesty has lobbied EU institutions by engaging in systematic lobbying and advocacy of its views to the public to take a more solid stance on settlement expansion by imposing sanctions or



limitations on companies that participate in settlement expansion. However, despite the fact that comprehensive sanctions are still being implemented, the efforts of Amnesty have made the problem to continue to be on the agenda of international discussions, which, again, will influence the formation of policies at the EU level and become a part of the overall discussion on the responsibility of Israel to alleged violations (Amnesty International, 2021).

Overall, although Amnesty has not achieved the overall reforms in Palestine, its advocacy has produced significant policy changes in increments. Thanks to its participation in the investigative work of the International Criminal Court as well as its advocacy of international sanctions against settlement activities, Amnesty managed to ensure that the human-rights situation in Palestine remains a solid item on the global politico-legal agenda, thus contributing to a greater degree of accountability and the issuance of legal redress to the victims of the violations.

#### **5.2.4 Challenges Faced by Amnesty International in Palestine**

Regardless of the long-term endeavors, Amnesty International has been faced with major challenges in its quest to create material results that respond to the structural factors of Israeli-Palestinian conflict. One of the main challenges has been the continued growth of Israeli settlement in the West Bank a development that Amnesty has severally condemned as an act that is unlawful according to international law. Despite the wide international outcry and calls to responsibility, the Israeli state goes on to expand settlement activity further breaking down Palestinian territories and adding to the tension in the region. In the same way, the blockade against Gaza, which Amnesty discussed as collective punishment, remains, and it makes a significant limitation on the flow of goods and people and leads to a serious humanitarian crisis.

Negative impacts of the blockade on the vital services, including healthcare, education, and infrastructure, persistently affect millions of Palestinians who reside in Gaza.

In addition, there is less accountability on the violation committed by both the Israeli forces and the Palestinian armed groups. Amnesty International has demanded that all sides involved in human-rights abuses should have independent investigations, but little has been achieved in prosecuting the human-rights abusers and impunity is still widespread. The inefficiency of international institutions to hold to account and remedy these violations has hampered substantive progress in the attainment of peace and justice in the area (Amnesty International, 2021).

#### ***5.2.4.1 Restricted Access to Gaza and the West Bank***

The limited access to both the West Bank and Gaza severely limits the ability of Amnesty International to carry out research in Palestine in the field. The Israeli blockade of Gaza that had been in place since 2007 has extremely restricted mobility affecting people and goods, making it almost unachievable to get to the area and gather first-hand testimonies of human rights abuses in the region. Moreover, Israeli and Egyptian governments place travel bans, which makes it even harder to reach communities that are affected or record abuses. Similar challenges are faced in the West Bank, which are the existence of military checkpoints, delimiting zones, and lack of collaboration by local government. All these obstacles impair the ability of Amnesty to conduct in-depth investigations thus reducing the ability of the organisation to thoroughly record cases of human-right abuses and champion victims of the continuing war (Amnesty International, 2021).

#### ***5.2.4.2 Political Backlash and Accusations of Bias***

Amnesty International has been facing strong political rejection in Palestine especially by Israeli and Palestinian governments. Pro-Israel lobbyist organizations and Israeli government officials have repeatedly claimed that Amnesty has a prejudiced anti-Israel agenda, in that the organization focuses more on Israeli abuses and pays little to no attention to Palestinian government or militant actions. Opponents argue that the reports issued by Amnesty disproportionately criticize Israel, portraying the military activities of this country in one-sided fashion (Chomsky & Pappé, 2021).

At the same time, Amnesty has had the opposition of the Palestinian authorities particularly in recording human rights abuses in Palestinian-controlled regions including arbitrary arrests, torture and oppression of political dissent in Palestinian jails. This twofold analysis highlights the issue with which Amnesty has to operate to remain neutral and promote human rights without offending either side of the conflict (Chomsky & Pappé, 2021).

#### ***5.2.4.3 Operating in a Polarized Environment***

Amnesty International functions in a very polarized environment in relation to the hostilities involving Israel and the Palestinians, which negatively affects the organization ability to sail within the perceptions of the people about the activities. Both Israeli and Palestinian stakeholders analyze the reports by Amnesty and blame the organization of bias based on its findings on supporting their geopolitical position. Israeli critics argue that Amnesty makes disproportionate focus on Israeli action and makes little focus on actions committed by Palestinian armed forces or even the Palestinian Authority. On the other hand, Palestinian critics claim that Amnesty fails to put Israeli violations into proper perspective especially when Israeli military actions occurring in Gaza or in the West Bank cause civilian casualties. Such polarization does

not facilitate the work of Amnesty to maintain credibility and neutrality because the organization is often caught in opposing stories and claims it is partisan by both sides (Amnesty International, 2021).

#### **5.2.5. Comparative Analysis of Amnesty International's Interventions in Kashmir and Palestine**

Amnesty International has similar approaches in the two regions, but the operations of the organization in Palestine are often further exaggerated by foreign criticism, which is a sign of the increased interest of the global community in Israel-Palestine interaction. Contrarily, the setting in which Amnesty operates is significantly more limited in Kashmir since the organisation faces significant obstacles in carrying out field research due to the restrictions imposed by the government (Amnesty International, 2020).

##### ***5.2.5.1 Documenting Human Rights Violations***

Amnesty International also has utilised strong methodological rigours to document the human-rights abuse in both Kashmir and Palestine though the contextual variables and issues vary significantly in the two areas. In Kashmir, the organization has been focusing on abuses committed by the Indian security forces in the name of legislation, such as the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA), which allow arbitrary arrests, enforced disappearances, and custodial torture (Amnesty International, 2015). In 2017, the report titled *Losing Sight in Kashmir* highlighted the use of pellet guns, which led to the blindness of individuals and grievous injuries, especially among children and protestors. However, the Indian government implements significant restrictions to access to the Kashmir region that affects the Amnesty work on documenting the situation in the region, making on-field research significantly hard. In Palestine, in contrast, systemic discrimination, military

occupation, and violations such as forced evictions and settlement expansion have been the focus of the documentation of the organization. An example is the 2022 report titled *Israel's Apartheid Against Palestinians*, which reported Israel's land seizure, movement policies, and denial of refugees the right of return and concluded that they were all practices of apartheid (Amnesty International, 2022). Although Amnesty faced certain difficulties like the Israeli blockade and restricted access to Gaza, its ability to record the abuses in the described context is relatively higher because of the increased attention of the international community to Israeli-Palestinian conflict that allows the use of open-source intelligence (OSINT) and satellite imagery (Amnesty International, 2022).

#### ***5.2.5.2 Mobilizing International Advocacy***

Amnesty International has most certainly had success in both mobilising the world agenda in Kashmir and Palestine which is through the international platform it has established to raise awareness and influence policy. In Kashmir, the organisation has capitalized on the campaigns like the Write for Rights that mobilize the entire global community to support people detained under the Public Safety Act (PSA) and highlight the consequences of the communications blockade in 2019 after the abolition of Article 370 (Amnesty International, 2019). These efforts have played a significant role in presaging issues to do with digital rights and freedom of expression.

Amnesty campaigns, such as the End Israeli Apartheid and Stop Forced Evictions in East Jerusalem campaigns, have been used across the world to engage audiences by using means such as petitions, demonstrations, and lobbying governments and international organisations in Palestine towards these campaigns. The organisation has also partnered with organisations like the United Nations Human Rights Council (UNHRC) and the International Criminal Court (ICC) to push investigations into

reported war crimes including the ones reported in the Gaza Wars (United Nations, 2021).

Although the operation of Amnesty in Palestine is advantageous in terms of the established international attention on Israeli-Palestinian dispute, the Kashmir situation is relatively limited in India, thus restricting the ability of Amnesty to make similar impacts on the international advocacy.

#### ***5.2.5.3 Pressuring Governments and International Bodies***

Amnesty international has been extremely instrumental in putting pressure on sovereign states and international institutions to solve human-right abuses in Kashmir and Palestine. In Kashmir, the organization has numerously urged the government to repeal laws like the Armed Forces (Special Powers) Act and the Prevention of Armed Conflict Act arguing that these Acts of law have been used to promote the perpetration of large-scale abuses. Its activism has included lobbying the United Nations to address such vices as forced disappearances and custodial torture (Amnesty International, 2015). However, the success of the Amnesty pressure on the Indian government is limited by the Indian refusal to allow outside influence especially on the issues that are considered domestic.

Amnesty has also lobbied arms embargo on each of the two sides in Palestine claiming that the dual supply of weapons is only worsening against international law (Amnesty International, 2021). The organization has also demanded sanctions against settlement activities by the Israelis claiming that the activities are contrary to the Fourth Geneva Convention. Although the international institutions, including the International Criminal Court (ICC) and the United Nations Human Rights Council (UNHRC), provide them with a platform of investigations in the Palestinian case, the extent of

influence that Amnesty could have in Kashmir is significantly lower because of the political reluctance of India to interfere.

## **5.2.6 Effectiveness of Amnesty International's Campaigns**

### ***5.2.6.1 Raising Awareness***

Amnesty International has been able to put pressure on the international community to focus more on human-rights abuses in both Kashmir region and Palestine, as seen in the numerous references of its work through the international media and in the institutional discussions. Amnesty (2017) report on the use of pellet guns in Kashmir attracted a lot of international media coverage on brutal injuries among the civilians, especially children (Amnesty International, 2017). Similarly, the fact that the organization reported the communication blackout that followed the abrogation of Article 370 of 2019 influenced the rest of the world in terms of how digital rights and freedom of expression should be perceived, highlighting the severe limitations imposed on Kashmiri residents (Access Now, 2019). In the case of Palestine, the 2022 Apartheid report by Amnesty provoked a significant discussion among governments, non-governmental organisations and academics and became a central source of information when it comes to the debate on how Palestinians are treated by Israel (Amnesty International, 2022). The Amnesty campaign on both the settlement expansion and forced eviction has kept the Palestinian displacement as a major agenda issue on the international agenda, thus affecting the discussions of the international fora including the United Nations Human Rights Council and the International Criminal Court.

### ***5.2.6.2 Achieving Tangible Outcomes***

Although there have been difficulties in bringing about systemic change in the two regions, the advocacy by Amnesty international has produced some incremental results. In Kashmir, the campaigns of the organization helped to release the detainees

under the Prevention of Terrorism Act (PTA), including political activists and minors; still, the legal changes including the abolishment of the Armed Forces (Special Powers) Act (AFSPA) are elusive (Amnesty International, 2020). In the case of Palestine, the lobbying efforts by Amnesty have resulted in the current investigation of the alleged war crimes committed in the Occupied Palestinian Territories by the International Criminal Court, such as settlement expansion and targeting civilians (Amnesty International, 2021). However, both cases lack enforceable mechanisms that limit the practical effects of the Amnesty activities, thus continuing to create impunity of victims of these acts in both regions.

## **5.2.7 Challenges Faced by Amnesty International in Kashmir and Palestine**

### ***5.2.7.1 Access and Operational Restrictions***

Amnesty has been experiencing serious difficulties in its operation in Kashmir and Palestine because of the restrictions of access. In Kashmir, the functioning of Amnesty has been crippled by the restriction imposed by the government, such as freezing its accounts in 2020 forcing the Amnesty International India to stop its operations (Amnesty International, 2020). The military action in the region and movement and communication restrictions also make it more difficult to effectively document any abuse by Amnesty. In Palestine, whilst Amnesty can access West Bank and Gaza, restrictions imposed by the Israeli blockade to Gaza and the Egyptian authorities hinder any on-the-ground research. Also, the fractured administration of the West Bank and Gaza, where each area is controlled by the Palestinian Authority and Hamas, makes it more difficult to allow Amnesty to pursue its operations in the two regions without any issues.



#### ***5.2.7.2 Political Backlash and Allegations of Bias***

Amnesty International has also faced political criticism in both the regions and claims of bias have been spread by various players. The Indian government has accused the organisation, based in Kashmir, of being disproportionate in its attention to abuses committed by Indian security forces and relatively weak in its attention to breaches by militant groups whenever it does so in its reports about the use of force during the conflict (Chowdhury, 2020). This politically volatile nature of Kashmir also negatively affects the ability of Amnesty to work in cooperation with the local human-rights defenders since they too stand a chance of retaliatory actions on their advocacy efforts.

Amnesty International faced major criticism in Palestine in 2022, when the group issued a report on apartheid in Palestine, which was widely criticized by the Israeli government and the pro-Israel advocacy groups, who claimed that the organisation had an anti-Israel agenda. In addition, the organisation faces other challenges in dealing with human rights abuses by Palestinian militant groups because its focus on Israeli atrocities often overshadows the wrongdoing carried out by Palestinian leaders or militants (Amnesty International, 2022).

The actions of Amnesty International in Kashmir and Palestine highlight the interest which the organization has in recording a human-rights abuse and advocacy in two of the most politically delicate conflict-regions in the globe. Despite these successful campaigns on increasing awareness and shaping worldwide discussion, the material effect of its campaigns is limited by deeply established political, social, and legal obstacles in both areas. The activities of Amnesty are an indication of the need to continue with international focus, accountability mechanisms, and support to human-right organisations operating in disputed territories.

### **5.3. Human Rights Watch (HRW)**

Human Rights Watch (HRW) has become one of the most recognisable international human-right organisations. HRW has ever since its formation in 1978 been a advocate of justice, accountability, and protection of human dignity. It has also reported on abuses and has influenced governments through carefully-planned campaigns and field research to adhere to the international human-rights standards. This chapter reviews the history of the HRW since its inception up to modern times when it has become one of the pillars of global-human-rights-advocacy with its fundamental principles, iconic campaigns and its partnership with various international organizations. Through a critical examination of the activities of HRW, the chapter highlights how the organization affects world policy and how it helps in promotion of human-rights protection in the world.

#### **5.3.1 The Founding of Human Rights Watch**

Human rights watch was established in 1978 under the name Helsinki Watch whose initial focus was on monitoring of human rights within the Soviet Union and eastern Europe. The establishment of the organisation was based on the need to react to the breach of Helsinki Accords, a set of agreements between Soviet and the Western leaders to facilitate human rights. The major aim of Helsinki Watch was to provide a platform upon which the state malpractices of human rights could be monitored and reported so as to hold the governments accountable.

With the growing aspects of its mission, Helsinki watch became Human Rights Watch in the 1980s. This shift allowed HRW to focus more on global human rights issues, lobbying on behalf of the protection of human beings regardless of political or ideological affiliations. This shift marked the beginning of the HRW determination to

be impartial and therefore, its operations are based on the universal code of human rights basis (Human Rights Watch, 1990).

#### ***5.3.1.1 Mission and Vision of Human Rights Watch***

Human Rights Watch (HRW) is based on the belief that every human is entitled to basic human rights, as spelled out by the Universal Declaration of Human Rights (United Nations, 1948). The vision of the organization aims at developing a world where freedom, justice and dignity are consistently observed. This vision is evidenced in the operation of HRW, which includes the activities in the field of advocacy of political freedoms and civil liberties, as well as seeking the solution to economic and social injustices. The most important goal of HRW is to create a global society which does not divide human rights based on a political or ideological platform thus giving human rights universal respect and compliance.

#### ***5.3.1.2 Core Values and Organizational Structure***

Human rights watch has three major pillars which include impartiality, independence and universality of human rights. Its mode of operation can be characterized by its systematic and objective inquiry to record the abuses of human right and spread evidence of such atrocities to the rest of the world. HRW takes the form of a decentralized organisational structure in which regional offices are strategically located in major jurisdictions globally; the International Secretariat that is based in New York is the central coordination body. This structure will also enable a rather prompt reaction to emergent crises and at the same time ensure a harmonized coordination of campaigns on the global front. This is controlled by means of the International Board that ensures that the strategic direction of HRW remains strongly focused on the endorsement of human rights in a way that is not distorted by politics. It is possible to note that the sources of financial resources of HRW are mostly based on

personal donors and, as a result, allow the organisation to operate independently, without governmental or corporate interference, and maintain its independence (Human Rights Watch, 2023).

### **5.3.2 Key Campaigns and Initiatives**

Human Rights Watch has always taken a central position in some of the most significant international movements involving human rights. The list below outlines the key programs of HRW, and thus portrays its broad impact on the field of human rights activism:

#### ***5.3.2.1 The Campaign Against Landmines and Cluster Munitions***

One of the greatest achievements of the Human Rights Watch is the campaign to destroy landmines and cluster ammunition. Human Rights Watch played a significant role in the Ottawa Treaty of 1997 that outlawed the use of anti-personnel landmines, through systematic advocacy and empirical research. Similarly, the group helped in the formation of the Convention on Cluster Munitions in 2008 hence guaranteeing that the world would not use these deadly weapons anymore (Human Rights Watch, 2008).

#### ***5.3.2.2 Abolition of the Death Penalty***

The Human Rights Watch (HRW) has been a long term lobby to the death penalty arguing that this is a violation of the basic human right to life. The organization has over the decades had significant influence in the abolition of the capital punishment in many countries. Statistical estimates show that over two thirds of sovereign states have either officially put a stop to the practice or effectively ended it as of 2024, an important change in international human-rights standards (Human Rights Watch, 2024).

#### ***5.3.2.3 Refugee Rights and Migration***

The Human Rights Watch (HRW) has been one of the major champions of the rights of refugees and migrants, especially when this has become rampant. Following the Syrian refugee crisis, the HRW highlighted the inhuman conditions faced by refugees both at the borders and inside the camps. HRW also partnered with other international bodies to protect and implement the rights of refugees including the Global Compact on Refugees (Human Rights Watch, 2016).

#### ***5.3.2.4 Gender Equality and Women's Rights***

Over the recent years, Human Rights Watch (HRW) has been focusing its advocacy efforts on gender equality and protection of women rights. Gender-based violence, reproductive rights and female genital mutilation (FGM) campaigns have been part of the HRW operations. The My Body, My Rights campaign by HRW that supports the right of every person to take free choices about their reproductive health has proven to have an actual effect on the framework of national policies, in turn, expanding the ability of women to access health services more (Human Rights Watch, 2021).

#### ***5.3.2.5 HRW's Impact on Global Human Rights Frameworks***

Human Rights Watch has been instrumental in the development of the international human rights principles and in the impact of international law. HRW has played a significant role in the formulation of international human rights systems such as the International Criminal Court (ICC), and other treaties that deal with torture and genocide. The instrumental role played by HRW in the Rome Statute of 1998 facilitated the establishment of the ICC, hence making sure that the persons suspected of committing war crimes and crimes against humanity are held to account under the international law (Human Rights Watch, 2019). In addition, the adoption of significant

international treaties including the Convention against Torture of 1984, which is ratified by almost all sovereign states so far, has been facilitated by the campaigns of HRW (United Nations, 1984).

The fact that Human Rights Watch is not tied to any political party, that it grew out of a small grassroots movement and became one of the most reputable human rights organisations in the world points to its ability to be impartial, independent, and responsible. Using groundbreaking campaigns, HRW has reformed the discourse of human rights in the world, which has led to a fundamental shift in policy and jurisprudence. The impact of the organisation is long-lived as the efforts to address modern human rights struggles are still going on, thus enabling justice, dignity, and freedom to be maintained by all people across the globe.

### **5.3.3 Human Rights Watch and Kashmir**

Human Rights Watch (HRW) has been actively documenting human rights violations in Kashmir for several decades. Since the 1990s, HRW has produced numerous reports on the human rights situation in the region, focusing on the abuses committed by Indian security forces during counterinsurgency operations, as well as violations by militant groups. HRW's work in Kashmir is centered on advocating for accountability, justice, and human rights in a region marked by protracted conflict and political instability (Human Rights Watch, 2019).

HRW's documentation in Kashmir has highlighted a range of abuses, including extrajudicial killings, torture, enforced disappearances, and arbitrary detentions by Indian security forces. The organization has also reported on the increasing militarization of the region, the use of pellet guns to suppress protests, and the denial of basic freedoms such as freedom of speech and freedom of assembly (Human Rights

Watch, 2016). Furthermore, HRW has raised concerns over the impact of counterinsurgency laws, such as the Armed Forces Special Powers Act (AFSPA), which grants Indian security forces immunity from prosecution for violations committed during operations (Human Rights Watch, 2018).

HRW's role in Kashmir also includes documenting the humanitarian crisis created by the ongoing conflict, particularly the effect on civilians, who bear the brunt of violence from both security forces and insurgent groups. The organization's calls for international attention to the Kashmir conflict and its emphasis on accountability for violations have been central to HRW's work in the region (Human Rights Watch, 2020).

#### ***5.3.3.1 Human Rights Watch's Strategies in Kashmir***

The outlook of Human Rights Watch (HRW) towards the situation in Kashmir has been largely based on timely research and documentation, the organized advocacy of accountability, and the tactical action towards the international institutions to pressurize the Indian government to make reforms. The strategies that have been used by HRW in its Kashmir initiatives can be outlined as follows:

#### ***5.3.3.2 Research and Documentation***

The Human Rights Watch (HRW), uses a stringent research approach to record human rights injustice in Kashmir. Researches in the organization include field research, victim and witness interviews, satellite images, and forensic evidence, all that assist to confirm cases of abuse. Indicatively, the case study of the 2016 unrest in Kashmir by HRW, whereby the security forces used pellet guns to thwart protests was based on eyewitness accounts, medical data, and injury analysis (Human Rights Watch, 2017). Besides investigating itself, HRW works together with the local human rights

organisations in Kashmir to gather information and to make sure that its reports are solidly rooted in the first hand accounts of the human beings directly affected by the conflict. This partnership system will ensure that the reports of HRW are detailed and precise, which makes the local voices heard worldwide (Human Rights Watch, 2020).

#### ***5.3.3.3 Advocacy for Accountability***

Advocacy of accountability is one of the major approaches that Human Rights Watch (HRW) has adopted in Kashmir. The organization repeatedly demanded the changes to counterinsurgency laws, including the Armed Forces (Special Powers) Act (AFSPA), granting impunity to security agencies and limiting the accountability of abuse during operations (Human Rights Watch, 2016). HRW also requested the independent investigations to the extrajudicial killings and torture by the security forces and asked the Indian government to punish the offenders (Human Rights Watch, 2018). HRW also advocates on the international forums. The organization has also addressed the United Nations and other global organizations, including the European Union, to attract attention to human rights violations in Kashmir and increase the international pressure on India to respect human rights (Human Rights Watch, 2020).

#### ***5.3.3.4 Mobilizing International Attention***

Human Rights Watch has used popular campaigns in order to bring international focus on the Kashmir conflict. The organization has used its vast research results to sensitize the world community and governments on the abuses that are currently happening in the region. Human Rights Watch has accused the governments of the international community, such as the United States and the European Union, to take stronger diplomatic actions to deal with the situation in Kashmir (Human Rights Watch, 2019). There is as well the advocacy of Human Rights Watch which sought the international human rights monitoring initiatives in Kashmir. Human Rights Watch has



endeavored to make Kashmir a priority issue to the international community by publishing its reports through the news outlets as well as other advocacy networks across the world (Human Rights Watch, 2020).

#### ***5.3.3.4 Timeline of Human Rights Watch's Working in Kashmir***

HRW's involvement in Kashmir has evolved over time, beginning in the 1990s and continuing to the present day. Below is a timeline of key moments in HRW's work in Kashmir:

##### **5.3.3.4.1 Initial Reports and Focus on Political Violence 1990s**

The earliest reports that were published by Human Rights Watch were focused on the increasing violence in Kashmir and systematically captured human rights abuses at the hands of both the Indian security agencies and the militant groups. The organisation raised concerns about extra-judicial killings, forced disappearances and torture (Human Rights Watch, 1993).

##### **5.3.2.4.2 Escalation of Human Rights Violations 2000s**

With the escalation of the conflict, the Human Rights Watch (HRW) started paying even greater attention to human-rights violations in Kashmir. Its reports highlighted the impunity of security forces, particularly in the Armed Forces (Special Powers) Act (AFSPA) and pushed them to be more responsible on human-right violations (Human Rights Watch, 2004). At the same time, HRW also initiated a specific investigation of the freedom of speech and the suppression of political opposition in the area.

##### **5.3.2.4.3 Focus on Military Crackdowns and Protest Suppression 2010s**

The militarization of Kashmir and violent suppression of civilian demonstrations were reported by Human Rights Watch in the 2010s. In 2016, the use

of live ammunition and pellet guns to disperse protests became one of the main areas of the Human Rights Watch advocacy (Human Rights Watch, 2017). The organization also pushed to have the region internationally monitored highlighting the humanitarian crisis that the ongoing conflict created.

#### **5.3.2.4.4 Advocacy for Reforms and International Attention 2020s**

In the 2020s, Human Rights Watch has continued its investigative activities on Kashmir, particularly after the Indian Government repealed Article 370 in 2019, thus rendering the region to be without the special status. The concerns recorded by HRW include the destruction of political freedoms, continued use of military force, and the unchecked abuse of security agencies (Human Rights Watch, 2020).

#### **5.3.2.4.5 Effectiveness of Human Rights Watch's Campaigns in Kashmir**

The success of the campaigns by Human Rights Watch (HRW) in Kashmir has been uneven as it has been dependent on the political environment, the level of international backing, and the readiness of the Indian government to address the issue of human rights. HRW has done a good job in increasing global awareness of human rights atrocities in Kashmir thus making sure the region remains on human rights agenda in the world.

#### **5.3.2.4.6 Raising Global Awareness**

The ability of Human Rights watch to create global awareness of the human rights abuse that is being perpetuated in the area has been one of the greatest achievements that the organization has made in Kashmir. The reports of HRW are widely discussed in the international media, governmental, and non-governmental organizations, thus, being sure that the international community is properly aware of the situation in Kashmir (Human Rights Watch, 2020). The advocacy activities of HRW

have also spawned increased criticism with regard to international organizations, such as the United Nations Human Rights Council.

#### **5.3.2.4.7 Advocacy for Policy Changes**

The human rights watch (HRW) has been lobbying policy changes in India especially the repeal of the Armed Forces (Special Powers) Act (AFSPA) and greater accountability of the security forces. Even though India has not taken major steps in addressing the recommendations of the HRW, the reform resources of this organization have played a part in the global discussion about Kashmir (Human Rights Watch, 2016).

Nevertheless, the advocacy of HRW has come across challenges of implementing substantive changes in the policy at the national level since the Indian government has repeatedly resisted international pressure and stated that the human rights issues are domestic (Human Rights Watch, 2020).

#### **5.3.2.5 Challenges Faced by Human Rights Watch in Kashmir**

There are many difficulties that face HRW operations in Kashmir thus hindering its ability to effectively advocate human rights in the region. Primary challenges include:

##### **5.3.2.5.1 Restricted Access and Safety Concerns**

One of the main problems that HRW can face in Kashmir is limited entry into the area. The restrictions of the Indian government to foreign human rights organisations, journalists, and non-governmental organisations make the independent investigation and evidence gathering difficult (Human Rights Watch, 2019). Also, the current security situation poses a formidable threat to HRW researchers who in most cases, conduct their activities in conflict zones, in risky situations.

#### **5.3.2.5.2 Political Resistance from the Indian Government**

The Indian government has reacted to HRW activities in Kashmir with a political objection which has persisted in refusing to accept the charges of human-rights abuses and has stubbornly resisted international investigations. The government opines, usually with the consideration of national security, that the reports of HRW are biased and rely on incomplete data (Human Rights Watch, 2020). This opposition limits the role of HRW in reforming domestic policy.

#### **5.3.2.5.3 Geopolitical Considerations**

Kashmir is a very sensitive South Asian matter, which carries far-reaching geopolitical consequences. The relations of India with Pakistan, as well as strategic alliances with world giants like the United States are making the task of HRW to achieve a significant international pressure on India quite difficult. The political aspect of the Kashmir issue also restricts the ability of the HRW to attain any meaningful reforms (Human Rights Watch, 2017).

#### **5.3.3 Human Rights Watch and Palestine**

The acts of human-rights infringements in Palestine have been long recorded over the decades by HRW. The work of the organisation is oriented on the Israeli governmental policies in the occupied territories, particularly, in West Bank and Gaza Strip, and on the abuses committed by Palestinian armed forces. The advocacy of HRW is aimed at providing accountability to human-rights violations and pushing all actors to revere international human-rights law (Human Rights Watch, 2019).

In Palestine, the HRW has reported widely about military operations in Israel, the blockade of Gaza, building settlements, and discrimination of the Palestine people. Palestinian armed groups have also been documented on abuses by the organisation,

such as rocket attacks on Israeli civilians and targeting of civilians in Gaza (Human Rights Watch, 2020). The purpose of such documentation is to both enlighten the international community about the complete range of human-rights violations, and to call on the international community to take action, both to hold perpetrators accountable and because it impacts policy at the United Nations and elsewhere in the international community. The activities of HRW in Palestine are in line with its general aim to focus the focus of accountability, justice and human dignity in the discourse of international human rights regardless of political affiliation or the intricacy of conflicts (Human Rights Watch, 2018).

#### ***5.3.3.1 Human Rights Watch's Strategies in Palestine.***

The interest of HRW in Palestine is based on strategies of research and documentation, advocacy, and exerting international pressure that would help to achieve accountability and safeguard civilians. These approaches are based on international human-rights law and international humanitarian law, which HRW uses to put its violation analysis into perspective.

##### **5.3.3.1.1 Research and Documentation**

HRW does field research, victim interviews, and cooperates with local human-rights organisations to get an eyewitness testimony of the abuses in Palestine. Its scholars have come up with detailed reports on discrimination in housing, extrajudicial murders, and collective punishment (Human Rights Watch, 2015). These are further investigations supported by satellite images and forensic analysis and medical history, thus guaranteeing accurate, fact-checkable proof of infractions (Human Rights Watch, 2020). Digital forensics is also used by the organisation to track abuse in the digital sphere, especially in Gaza where airstrikes by Israel have hit civilian infrastructure, including media houses (Human Rights Watch, 2019).

#### **5.3.3.1.2 Advocacy and Public Campaigns**

HRW undertakes international advocacy campaigns aimed at shaping the opinion and policy of the people. One of the major points of focus is Israeli settlement building that, HRW claims, is a violation of the Fourth Geneva Convention (Human Rights Watch, 2020). HRW works with the UN Human Rights Council and other UN organizations in pushing the member states to pass resolutions that denounce Israeli activities and advocate economic and diplomatic sanctions on Israel. In addition, HRW has collaborated with other civil society organisations in other parts of the world to campaign boycott, divestment, and sanctions (BDS) to improve international accountability (Human Rights Watch, 2021).

The advocacy of HRW is also facilitated to the Palestinian armed groups, in which they should stop attacking Israeli civilians and obey the laws of war, including the ban on indiscriminate rocket attacks on civilian population (Human Rights Watch, 2019). Enhancement of accountability using the International Criminal Court (ICC) and other international legal bodies is one of the major goals of HRW in Palestine. HRW is a strong advocate of the ICC to investigate war crimes and crimes against humanity carried out by both the Israeli military and Palestinian armed groups (Human Rights Watch, 2020). Another element that the organisation promotes is accountability of the breach of the conduct by both parties, which is expansionary of prosecuting the offenders and administering justice to the victims.

#### ***5.3.3.2 Timeline of Human Rights Watch's Working in Palestine***

The activities of HRW in Palestine date back to the early 1990s and the earliest cases of violations were described in the course of the First Intifada (1987-1993). HRW has since been reporting on the dynamic HR situation in the region. The timeline below reflects major events in the activity of HRW in Palestine:

#### **5.3.3.2.1 Initial Documentation and Focus on the First Intifada 1990s**

The first reports of HRW focused on the abuses that were perpetrated by the Israeli forces as well as the Palestinian armed forces during the First Intifada. The organisation emphasized on extrajudicial killings, torture and suppression of political dissent (Human Rights Watch, 1993).

#### **5.3.3.2.2 The Second Intifada and Escalating Abuses 2000s**

HRW started recording the Second Intifada (2000-2005) concentrating on Israeli military actions, such as airstrikes and ground incursions and violations of human-rights by the Palestinian Authority. The press releases at the time noted the excessive use of force and the non-targeting of civilians by both the Israeli and the Palestinian army (Human Rights Watch, 2005).

#### **5.3.3.2.3 The Gaza Conflicts and International Pressure 2010s**

In the Gaza War in 2014, hundreds of civilians were killed by indiscriminate rocket fire by the Palestinian armed groups and Israeli airstrikes documented by HRW. HRW accused both parties of breaching the international humanitarian law (Human Rights Watch, 2014). It is a time when there was increased international pressure on accountability in the form of ICC investigation (Human Rights Watch, 2015).

#### **5.3.3.2.4 Ongoing Advocacy for Accountability 2020s**

As of 2020s, HRW still tries to seek accountability through international means, including the ICC, calling on investigations of war crimes during Operation Protective Edge (2014) or Operation Cast Lead (2008-09). Another issue that is reported by HRW is the Israeli settlement building, Gaza blockade, and the violations of Palestinian armed groups (Human Rights Watch, 2020).

#### ***5.3.3.3 Effectiveness of Human Rights Watch's Campaigns in Palestine***

The campaigns by the HRW in Palestine have had mixed outcomes. On the one hand, the work of research and documentation by the HRW presents priceless evidence of infractions and thus affects the foreign institutions like the United Nations and the European Union to assume stronger stances over the Israel-Palestine conflict (Human Rights Watch, 2019). With advocacy, the HRW has created an international awareness and pressure of accountability, making Israeli settlements and the Gaza blockade known to the international community (Human Rights Watch, 2020).

However, the campaigns of HRW get in serious trouble. The fact that Israel belongs to the political opposition, and has close relations with major global authorities to include United States, also undermines the capacity of the organisation to raise considerable political pressure (Human Rights Watch, 2015). Moreover, the demands of accountability by HRW are usually met with resistance by Palestinian organizations that charge the organisation with biasness or concentrating too much on Israeli offenses (Human Rights Watch, 2020).

Nevertheless, these obstacles notwithstanding, the activity of HRW has served to place human rights and justice issues on the international agenda and the continuous documentation and advocacy efforts have ensured that the human-rights situation in Palestine will form a key area of global intervention.

#### ***5.3.3.4 Challenges Faced by Human Rights Watch in Palestine***

To a certain degree, HRW has encountered various challenges in Palestine which are increased by the political nature of the conflict and the adverse environment of operation. Key challenges include:



#### **5.3.3.4.1 Limited Access and Security Concerns**

One of the main problems facing HRW in Palestine is poor access to some regions, particularly Gaza, where Israeli restrictions on journalists and human-rights organisations complicate the independent investigation (Human Rights Watch, 2019). The researchers at HRW often face the security threats of entering the conflict areas or interviewing the victims in the areas under the control of the armed forces (Human Rights Watch, 2020).

#### **5.3.3.4.2 Political Resistance and Hostile Environment**

Israeli and Palestinian groups are both found to be resistant to the work of the HRW. HRW is often accused by Israeli authorities of bias and its reports are disputed by the Palestinian armed groups, who accuse it of focusing on Palestinian violations and ignoring Israeli ones (Human Rights Watch, 2015; Human Rights Watch, 2020). This kind of political opposition seriously compromises the capabilities of HRW to gain the broad-based support that can be used to apply the sustained international pressure.

#### **5.3.3.4.3 Geopolitical Factors**

There are also geopolitical factors including the presence of the big powers (United States) that make the work of the HRW even harder to generate any actual policy change. The U.S. leverage on the Israeli government tends to override the international demands to be accountable, which hinders the HRW campaign to demand sanctions or intervention by the international community (Human Rights Watch, 2020).

### **5.4. Comparative Analysis of Human Rights Watch's Interventions in Kashmir and Palestine**

The Human Rights Watch (HRW) is one of the most well-known international organisations that track cases of human-rights violations and promote justice and accountability within conflict zones. Kashmir and Palestine are two important spheres

of HRW activity. Although the two regions are typified by a history of prolonged conflict, geopolitics, local dynamics and the international intervention distinguish the HRW approach, strategies and challenges to some extent. This chapter will include a comparison of the interventions of the HRW in Kashmir and Palestine, will examine the similarities and differences in the treatment of the human-rights violations by the organisation, its effectiveness, and advocacy issues.

#### **5.4.1 HRW's Documentation of Violations in Kashmir and Palestine**

##### ***5.4.1.2 Similarities in Documentation Practices***

In Palestine and Kashmir, Human Rights Watch (HRW) has used its strict research and documentation techniques to document human rights abuses. These are field investigations, interviews with the victims and eyewitnesses, satellite imaging and forensic analysis. HRW has been working in tandem with local organisations and activists to gather information on murder by the state, arbitrary arrest, abuse, and violence by the state and non-state agents (Human Rights Watch, 2019). An example is the HRW has reported excessive use of force and attacking of civilians by Israeli troops in Palestine, and by the Indian security forces in Kashmir (Human Rights Watch, 2020).

These two regions have been characterized by the use of military force to suppress civilian protests by the HRW leading to massive injuries and deaths. HRW has reported Israeli airstrikes and settler violence in Palestine and use of pellet guns and live ammunition by Indian forces to suppress protests in Kashmir (Human Rights Watch, 2017).

#### ***5.4.1.3 Differences in Documentation Practices***

Although the documentation culture of HRW in the two regions is quite similar in terms of the various procedures, the problems that arise are quite different. In Palestine, HRW is able to access two fields of the Israeli authorities and Palestinian groups, which enables a relatively balanced record of the abuses of both parties. However, the Israeli government often prohibits access of the HRW to some parts of the country, including the Gaza Strip, making it hard to conduct direct investigations (Human Rights Watch, 2015).

HRW is even more constrained in Kashmir. The Indian authorities impose serious travel bans on journalists and human-rights organisations, which restricts the capabilities of the HRW to reach conflict zones and collect their unique evidence (Human Rights Watch, 2019). Militarisation of the area, discriminatory laws like the Armed Forces (Special Powers) Act (AFSPA) also undermine the work of HRW in documenting the area (Human Rights Watch, 2016). As a result, HRW has resorted to remote surveillance and testifying by exiled Kashmiris more and more.

#### ***5.4.1.4 Similarities in Advocacy Approaches***

In Kashmir as well as Palestine, the HRW has always championed accountability of war crimes and human-right violations. HRW has continued to insist on the need to carry out independent investigations to breaches perpetrated by state forces and non-state actors. On both fronts, HRW has also encouraged global institutions, such as the United Nations (UN) and the International Criminal Court (ICC) to play a more active role in inquiring the war crimes (Human Rights Watch, 2019). To provide an example, the HRW has demanded accountability towards Israeli military actions in Gaza, and asked the ICC to investigate the possibility that the bombardments were against the international humanitarian law (Human Rights Watch,

2014). Similarly, in Kashmir, HRW has demanded the arrest of the Indian security forces involved in extrajudicial murder and torture (Human Rights Watch, 2016).

#### ***5.4.1.5 Differences in Advocacy Approaches***

Despite the similarities in the advocacy of accountability by HRW in the two regions, there is also a big difference in the political environment and the international reactions. HRW has been interacting with the ICC and other international players in Palestine to spearhead inquiry into war crimes. This engagement of the ICC was triggered by the fact that the Palestinian authority turned to the court with the situation, and HRW was the one that was vigorously calling to investigate both military activities and wrongdoings of the Palestinian groups (Human Rights Watch, 2020).

This is in contrast to Kashmir where the investigations on Indian abuses have not attracted similar level of international support. The Indian government has continuously denied the calls to be externally reviewed on the ground that Kashmir is an internal issue hence restricting the ability of HRW to bring about change (Human Rights Watch, 2016). Although HRW has been pressuring India to be accountable in several instances, the lack of a strong international legal system in Kashmir has hindered the effectiveness of the HRW in realizing the same accountability success in Palestine.

#### ***5.4.1.6 Timeline of Human Rights Watch's Work in Kashmir and Palestine***

##### **5.4.1.6.1 Similarities in Timeline**

The HRW intervention in the two regions started at the beginning of the 90s and has developed as the conflicts continued to unfold. HRW started reporting the misconduct in Palestine in the First Intifada (1987-1993), which concerned not only the abuses committed by the Israeli military but also by the Palestinian militants (Human

Rights Watch, 1993). In the same light, HRW started operating in Kashmir in the 1990s documenting extrajudicial murders and militant violence (Human Rights Watch, 1993).

In the 2000s and 2010s, HRW focused on increasing violence in both regions, especially when it comes to military actions and times of extreme unrest, including the Second Intifada (2000-2005) in Palestine and the 2016 unrest in Kashmir (Human Rights Watch, 2014; Human Rights Watch, 2017).

#### **5.4.1.6.2 Differences in Timeline**

Given that, the course by which the HRW has followed in the two regions has been generally similar, a change in political factors has driven the divergent points of focus. HRW changed the direction of its activities in Palestine to supporting international intervention and ICC investigations after the war in Gaza of 2014 (Human Rights Watch, 2015). In 2019, HRW stepped up its attacks on impunity in the Indian security forces and the consequences of repealing Article 370, which further limited the autonomy of Kashmir and led to a military lockdown (Human Rights Watch, 2020).

#### **5.4.1.6.3 Effectiveness of Human Rights Watch's Campaigns in Kashmir and Palestine**

##### **5.4.1.6.3.1 Similarities in Effectiveness.**

The campaigns initiated by HRW have been successful in raising awareness of the world about human-rights violations in Kashmir and Palestine. The organisation has been able to preempt both of these concerns in the international human-rights agenda, and shape the global discourse and policy reactions. The publications made by HRW are common in references by the international press, governments, and other human-rights agencies (Human Rights Watch, 2020). Additionally, the actions of the HRW in both regions have triggered more investigation by the international organizations like the UN and the European Union.

#### **5.4.1.6.3.2 Differences in Effectiveness**

Success in the activities of HRW campaigns in Kashmir and Palestine have greatly differed because of the different political opposition they have had. The efforts of HRW have also gained more momentum in Palestine mainly because of the international legal framework and the involvement of ICC. Accountability and sanction have gained greater support internationally in Palestine especially regarding the issue of Israeli settlement expansion and military actions (Human Rights Watch, 2020).

On the other hand, the work of HRW in Kashmir has been faced with stronger politics. The Indian government resistance towards the external scrutiny and the lack of the legal framework to enforce the accountability have weakened the chances of HRW bringing the substantive change (Human Rights Watch, 2016).

#### **5.4.1.6.3.3 Challenges Faced by Human Rights Watch in Kashmir and Palestine**

#### **5.4.1.6.3.4 Similarities in Challenges**

In both the settings, HRW is faced with challenges related to access and security. HRW has to overcome access limitations by the Israelis in the Gaza Strip and the West Bank in Palestine, which makes fieldwork investigations challenging (Human Rights Watch, 2015). Similar suppressions on HRW can be observed in Kashmir within the frames of the Indian government that regulates the access to the area and restrains the possibility of the foreign organisations to carry out their own investigations (Human Rights Watch, 2019).

#### **5.4.1.6.3.5 Differences in Challenges**

The most significant contrast in problems is the degree of international assistance. HRW has been successful in gathering international pressure, especially in European and Arab countries in Palestine (Human Rights Watch, 2020). However, in

Kashmir, HRW has not been able to find the support of key actors on the international stage, in large part due to India having strategic alliances, especially with the United States, which made the interference less likely (Human Rights Watch, 2020).

## **5.5. OHCHR**

### **5.5.1. Office of the High Commissioner for Human Rights (OHCHR)**

In 1993, United Nations created the Office of the High Commissioner for Human Rights (OHCHR) to be the main organ that is aimed at supervising, promoting, and protecting human rights throughout the world. The OHCHR has over the next decades become a central figure in the process of advocacy of international human rights reforms, technical support, and assimilation of human rights factors in global policies. Being the primary UN organ in promotion of human rights, the OHCHR campaigns have made significant impacts on the formation of international law, pressure on the sovereign states to adhere to the demands, and raising awareness of the violations of human rights world over. This chapter discusses how the OHCHR plays a crucial role in the promulgation of human rights by the various campaigns and projects that it undertakes.

#### ***5.5.1.1 The Founding of the Office of the High Commissioner for Human Rights***

The OHCHR was opened in the Vienna World Conference on Human Rights in 1993, a conference that reemphasized on the importance of having a separate UN organization that would solely facilitate the promotion and protection of human rights in the world. The call by the UN General Assembly to establish the OHCHR was informed by the increasing need to have an effective mechanism that can oversee human rights violation and bring to book the perpetrators. Later in the same year, the first High Commissioner was established in the person of Jose Ayala Lasso, and thus,

the start of operations of the OHCHR in the global arena became official. Since its beginning, the OHCHR has been working together with governments, non-governmental organizations and other international organizations to develop human rights policies and provide necessary support to those who are abused and oppressed.

#### ***5.5.1.2 Mission and Vision of OHCHR***

The OHCHR has the mission to advance human rights and protect them against every human in the world based on the Universal Declaration of Human Rights (UDHR) (United Nations, 1948). The office facilitates the development of international human rights norms, and the enforcement of the international human rights norms in a wide context covering civil and political rights, economic, social and cultural rights. The OHCHR vision aims to build a world where human dignity is maintained everywhere, where the rights of people are observed and defended regardless of their racial, national, or religious background. The OHCHR aims to bring these rights into real lives so that they can be in practice by all by encouraging dialogue and promoting legislation and technical support.

#### **5.5.2 Key Campaigns and Initiatives of OHCHR**

Over the years, the OHCHR has launched some of the most important campaigns that have had significant influence on the discussion and policy of human rights. Some of the most notable campaigns being spearheaded by the OHCHR are brought into the limelight in the following sections.

##### ***5.5.2.1 Campaign to End the Death Penalty***

The OHCHR campaign against the death penalty is one of the most high-profile campaigns that the organization has. The office has tirelessly strived to create awareness on the human rights crimes tied to capital punishment and how the practices



are a violation of the right to life (United Nations, 1948). OHCHR has been in the vanguard of lobbying a UN moratorium on death penalty to ensure that countries stop execution and finally abolish it. This campaign has played a key role in getting resolutions at the UN General Assembly to demand a global moratorium and more than two-thirds of the states of the world have either abolished a moratorium on capital punishment (OHCHR, 2020). The further advocacy of OHCHR aims at convincing all the states to end the death penalty.

#### ***5.5.2.2 Protecting the Rights of Refugees and Migrants***

One of the most pressing human rights problems considered by OHCHR is the refugee crisis. The OHCHR has tried its best to ensure that under the provisions of the international law, the refugees get protection and dignity, given that millions of people were displaced by conflict, persecution, or environmental catastrophes. The office supports governments in the implementation of the 1951 Refugee Convention, promotes humane procedures of asylum and safe passage of refugees. The human cost of xenophobia and prejudice against refugees and migrants is highlighted in the campaigns run by OHCHR. The Global Refugee Campaign of the Office was aimed to create awareness about the violations against displaced people and emphasize the importance of the international collaboration to solve the crisis (OHCHR, 2016).

#### ***5.5.2.3 The Campaign for Gender Equality and Women's Rights***

Another foundation of the OHCHR work is gender equality. Eradication of violence against women and enhancement of reproductive rights is a long and continuous campaign. The OHCHR has also demanded global changes to curb gender-based violence (GBV), such as female genital mutilation (FGM) and child marriage that targets women and girls disproportionately (OHCHR, 2019). The OHCHR has assisted the UN Convention on the Elimination of All Forms of Discrimination against

Women (CEDAW) and has been advocating the incorporation of gender-specific policies both nationally and internationally. The OHCHR My Body, My Rights campaign has served as a core campaign in the advocacy of reproductive health rights, such as access to family planning and safe termination of life (OHCHR, 2020).

#### ***5.5.2.4 Human Rights of Indigenous Peoples***

The OHCHR has been concerned with the rights of the indigenous people. The UN Declaration on the Rights of Indigenous Peoples (2007) is one of the main tools, which is used by OHCHR to protect indigenous people. The office advocates the rights of indigenous people over their land, culture and political representation and in the same breath, aims at averting the eviction of native populations. Over the last few years, the OHCHR has been focused on indigenous women and their rights, guaranteeing them access to justice and economic opportunities and fighting discrimination (OHCHR, 2020). The OHCHR has remained to work with the indigenous communities, supporting self-determination and traditional knowledge respect.

#### ***5.5.2.5 Promoting Corporate Accountability in Human Rights***

The OHCHR has also shifted its attention to holding corporations responsible on human rights violations. The Corporate Accountability campaign is aimed at multinational companies that practice unethical business activities especially in areas of child labour, environmental devastation, and labour abuse. An apparent example of the activity of OHCHR in this area was its campaign against the mining industry, where the OHCHR demonstrated child labour in cobalt mines and particularly in the Democratic Republic of the Congo (OHCHR, 2021). The office supports the exercise of human rights in business supply chains by businesses and demands strong rules and adherence to international standards of human rights.

#### ***5.5.2.6 Climate Justice as a Human Rights Issue***

In recognition of the increasing overlap between climate change and human rights, the OHCHR has put forth a case supporting climate justice being recognized as a human rights problem. According to OHCHR, the right to a healthy environment is a critical factor in the implementation of all human rights, especially those who are vulnerable like indigenous peoples, the low-income population, and the small island states (OHCHR, 2021). The OHCHR, by a series of campaigns, calls upon states and other businesses to reduce the level of carbon emissions, invest in sustainable growth and development, and make sure that those in the disadvantaged populations are not proportionately harmed by environmental degradation.

#### ***5.5.2.7 OHCHR's Impact on Global Human Rights Norms***

The impact of the OHCHR on the international human right systems is immense. The OHCHR has been actively involved in the formulation of international treaties and UN resolutions by offering research, policy recommendations and expert advice. Its lobbying has been critical in the establishment of the International criminal court (ICC), the UN human rights council and various human rights conventions (United Nations, 1998). The research and reporting by OHCHR are constantly informing the world policy and as a result they have passed legislation in their national countries and international agreements which have the protection of human rights as the priority.

The Office of the High Commissioner of Human Rights (OHCHR) has played a key role in shaping the human rights landscape of the world. The OHCHR campaigns have placed the human rights issues, especially gender equality, refugee rights, or corporate accountability and climate justice, into the limelight and have created partnerships and interactions between countries to reform. Through the continued face-

off of emergent challenges and the enhancement of the basic structures, the OHCHR has been an effective engine towards the promotion and protection of human rights throughout the world.

### **5.5.3 OHCHR and Kashmir**

Monitoring and addressing the human rights issue in Kashmir is something that the Office of the High Commissioner for Human Rights (OHCHR) has been involved in addressing over a period of several decades. OHCHR has been interested in recording human rights situation in the region since the early 1990s, especially after the conflict between Indian forces and insurgent groups went out of control. Being the main human rights institution, the OHCHR in Kashmir has been focusing on addressing the violations committed by Indian security agencies, militant groups, and the Indian government, particularly in the wake of the 2019 repeal of Article 370 that made Kashmir a semi-autonomous region (OHCHR, 2020). The role of OHCHR in Kashmir is mainly based on human rights protection, the principle of the right to self-determination of the Kashmiri people, and making everyone in the conflict accountable to the violations. Even with such a crucial role, OHCHR is not very strong in Kashmir because of the political objections of India that is concerned about the issues in the region as domestic and does not want the international intervention (OHCHR, 2019). Nevertheless, the work of OHCHR monitoring and reporting still offers invaluable records of the human rights violations, including extrajudicial executions, arbitrary arrests, and the use of excessive force against civilians (Human Rights Watch, 2020).

#### ***5.5.3.1 OHCHR's Strategies in Kashmir***

OHCHR in Kashmir conducts a number of initiatives to oversee the human rights violations, to promote accountability and to offer technical support to the stakeholders within the region. These plans are consistent with the overall mission of

OHCHR to support and defend human rights around the world, and are meant to maneuver in the complicated politics and security situation in Kashmir.

#### **5.5.3.1.2 Research and Documentation**

Research and documentation is one of the strategies used by OHCHR in Kashmir. The office uses a mixture of in-the-field research, interviews and also remote surveillance to document human rights abuses. Reported by OHCHR on Kashmir quite often relies on testimonies of the victims, eyewitnesses, and independent fact-finding missions to highlight the atrocities of Indian security forces, militant factions, and other armed participants (OHCHR, 2019). OHCHR has repeatedly expressed its concerns about excessive force by the Indian forces when fighting counter insurgency, freedom of expression, and displacement of civilians as a consequence of military actions in its reports (OHCHR, 2020). Several abuses recorded by OHCHR are important especially considering limitations to international human rights monitoring within the region. Reporting credible cases of abuses, the reports made by the OHCHR serve the purpose of international awareness and promote responsibility at the international arena like the United Nations Human Rights Council (OHCHR, 2020).

#### **5.5.3.1.3 Advocacy and Diplomacy**

OHCHR uses its advocacy to promote human rights reform in Kashmir where India is required to follow the international human rights standards and to allow third party investigations of alleged violations. Its activism also includes the contact with multilateral organizations, in particular, the security council of the United Nations, and the human rights council, where the goal is to raise awareness of the Kashmiri situation and pressure India to correct human rights violations (OHCHR, 2019).

Besides advocating accountability, OHCHR has continuously opposed legislative bills like the Armed Forces Special Powers Act (AFSPA) that grant immunity to the Indian security agencies in Kashmir (OHCHR, 2020). Diplomatic efforts are often activities of dialogue with the Indian authorities in order to make them inclined towards international human rights standards but such efforts are faced with a lot of opposition because of the Indian claims of sovereignty in the territory.

#### **5.5.3.1.4 Providing Technical Assistance**

OHCHR is also providing technical support to local human rights agents and the Kashmiri administration in an endeavor to strengthen their ability to address the issue of human rights. This support involves human rights protection and international humanitarian law training to local governments and civil civil societies. OHCHR is striving to empower more efficient and sustainable management of human rights issues by creating local capacities (OHCHR, 2019). These efforts, however, are limited by the political factors and the existing state of security in the region.

#### **5.5.3.2 *Timeline of OHCHR's Working in Kashmir***

In Kashmir, the history of the involvement of the OHCHR can be seen as the way of the development of the conflict and as the way of changes of human rights questions in the country. The below summary outlines main activities in the interaction of OHCHR:

##### **5.5.3.2.1 Early Engagement and Initial Reports 1990s**

OHCHR started to work in Kashmir in the 1990s and documented the violations during insurgency and counterinsurgency operations. The main aspect included the extrajudicial killings, disappearances, and application of torture by the

Indian security forces (OHCHR, 1994). The reports of the organization increased the international concern regarding humanitarian consequences of the conflict.

#### **5.5.3.2.2 Continued Advocacy and Increased Reporting 2000s**

In the 2000s, the focus of OHCHR has changed to the limitations of civil liberties and militarization of Kashmir. The reports of these times emphasized the lack of accountability over the abuses committed under the law like AFSPA and impacts of Indian military actions on civilians (OHCHR, 2008).

#### **5.5.3.2.3 Focus on Military Crackdowns and Human Rights Violations 2010s**

In the 2010 unrest in Kashmir, the OHCHR reported the brutal crackdown of civilian demonstrations by Indian security forces, paying close attention to the use of pellet guns that caused severe injuries to hundreds of people (OHCHR, 2016). The reports by OHCHR emphasised the impunity that was given to the security forces and the abuses of human rights that continued in the region.

#### **5.5.3.2.4 Revocation of Article 370 and Increased International Attention**

Since the annulment of Article 370 in 2019, which had guaranteed Kashmir a special status, OHCHR has initiated a dedicated analysis of the human-right consequences of the change in Kashmir autonomy. The Indian military lockdown which was followed by internet blackout caused increasing concern about the freedom of expression and access to information in the region (OHCHR, 2020). OHCHR has been keeping an eye on the circumstances, with a particular request to hold accountable, and to ensure that India complies with the international standards in human rights.

#### **5.5.3.3 Effectiveness of OHCHR's Campaigns in Kashmir**

Political opposition, the lack of access, and the refusal of Indian authorities to become the subject of international attention restrict the work of OHCHR in Kashmir.

However, the reporting of human-rights abuses and the attention created by the reports of OHCHR have contributed greatly to the realization of the human-rights situation in Kashmir by the international community.

#### **5.5.3.3.1 Raising International Awareness**

The reports and statements of OHCHR have been central in increasing awareness of international actors, such as the governments and the NGOs, on the human-rights situation in Kashmir. OHCHR has forced the United Nations and human-right bodies to keep Kashmir on the international agenda through its advocacy (OHCHR, 2019).

#### **5.5.3.3.2 Impact on Indian Government Policy**

The Indian government has to a large extent opposed the demands by the international community to intervene in Kashmir claiming that it is an internal issue. As a result, the impact of OHCHR on policy-making in India has been minimal, but the organization has managed to generate more attention to the actions of the security-supporting bodies and has achieved the support of the international human-right organizations.

#### **5.5.3.3.3 Limited Progress on Accountability**

The pleas of accountability by OHCHR on security forces has not triggered significant policy changes in India. The impunity accorded to the security personnel is also a great obstacle to the victims of human-rights violations in Kashmir to get justice (Human Rights Watch, 2019). However, OHCHR has been relentlessly working on reforming counter insurgency laws and this has kept the international pressure on the Indian government.



#### **5.5.3.3.4 Challenges Faced by OHCHR in Kashmir**

There are a number of challenges that OHCHR face in its operations in Kashmir that restrict the success of the organization.

#### **5.5.3.3.5 Restricted Access and Limited Field Presence**

The main issue facing OHCHR in Kashmir is that there is limited access to the area. This has seen the Indian government impose harsh limitations on the international organisations such as OHCHR which has hindered field investigations and communication with the local people (OHCHR, 2019). The political and safety condition in Kashmir also complicates the capability of OHCHR to know how to intervene.

#### **5.5.3.3.6 Political Resistance and Sovereignty Concerns**

The fact that India has always opposed any outside investigation in the activities that it is doing in Kashmir is also a significant hitch to the work of OHCHR. The Indian approach toward Kashmir as its own internal issue limits the freedom of OHCHR to interact with the Indian government and make meaningful changes (OHCHR, 2020).

#### **5.5.3.3.7 Geopolitical Dynamics**

The geopolitical repercussions of the Kashmir conflict, specifically the tension between India and Pakistan make the work of OHCHR more difficult. The partnerships between India and the world superpowers like the United States and Russia would impact the policies of the international community regarding human-rights issues in Kashmir and tend to reduce the possibility of foreign pressures to act against India (OHCHR, 2019).

#### **5.5.4 OHCHR and Palestine**

Office of the High Commissioner of Human Rights (OHCHR) has been actively working in the Palestine area to monitor and advocate human rights over the last few decades. OHCHR has been recording an endemic human-rights abuses by Israeli forces, Palestinian armed groups, and settler militia since the early 2000s in the occupied Palestinian territories (OPT) comprising the West Bank, East Jerusalem, and the Gaza Strip. The role of OHCHR in Palestine revolves around the principle of international human -rights law, especially the Fourth Geneva Convention, aimed at safeguarding civilians during armed conflicts and occupation (OHCHR, 2020).

The role of the OHCHR in Palestine is to push accountability of the violations of the international law by all the parties, giving technical support to the authorities and local organisations in Palestine and advancing the right to self-determination to the Palestinian people. Nevertheless, the role of OHCHR in Palestine is questioned by the unwillingness of the Israeli government to be scrutinized by other countries and internal division of Palestinians (OHCHR, 2019). Nevertheless, OHCHR does not stop its attention to the situation and creates awareness of the global community concerning the human-right consequences of Israeli occupation and military actions in Gaza and the West Bank (OHCHR, 2020).

##### ***5.5.4.1 OHCHR's Strategies in Palestine***

OHCHR is additionally involved in Palestine through its strategies in Palestine. OHCHR has a variety of approaches that are used to solve the human-rights issue in Palestine. That is how their strategies are oriented at the research and documentation, accountability advocacy, international diplomacy, and technical assistance that could be used to strengthen Palestinian institutions.

#### ***5.5.4.2 Research and Documentation***

Research and documentation is one of the key approaches taken by OHCHR in Palestine. OHCHR has continuously documented atrocities of Israeli military, Palestinian militants and Israeli settlers through a number of techniques including field studies, interviews and satellite photographs. The reports prepared by OHCHR record the excessive use of force by the Israeli troops, such as airstrikes, ground operations, and settlements expansion in the West Bank, and Palestinian rockets hurled at Israeli citizens (OHCHR, 2020). The blockade of Gaza has also been the subject of research by OHCHR; the office claims that it is a form of collective punishment and that it is against the international law (OHCHR, 2019).

Also, OHCHR engages local human-rights organisations and civil societies in Palestine to investigate the violations and give a detailed picture of the effects of conflict on the civilian population. These endeavors will make reports prepared by OHCHR based on personal testimonies and trustworthy facts (OHCHR, 2019).

#### ***5.5.4.3 Advocacy for Accountability***

The advocacy of OHCHR in Palestine is mainly focused on the accountability of the violations conducted by Israel armed groups, Palestinian armed groups and Israeli settlers. It has also requested independent inquiries into the possibility of war crimes and other crimes against humanity committed in the execution of military operations in Gaza, especially in such operations as Operation Cast Lead (2008-2009), Operation Protective Edge (2014) and the 2018 border protests (OHCHR, 2019). Another area that OHCHR has been very vocal is on the accountability of international criminals by establishing systems like the International Criminal Court (ICC) (OHCHR, 2020).

In its reporting and advocacy, OHCHR focuses on the need to keep Israeli authorities accountable concerning settlement practices in West Bank and East Jerusalem, which are illegal under the international law (OHCHR, 2020). The organisation has also encouraged Palestinian governments to make sure that military organisations comply with international humanitarian law and stop launching indiscriminate rockets against Israeli citizens (OHCHR, 2019).

#### ***5.5.4.4 Diplomatic Engagement and Global Advocacy***

OHCHR also takes the advantage of being diplomatically involved with UN structures, governments of other countries, and regional forces to secure Palestinian rights and responsibility of abuse. The OHCHR has advocated that there should be more pressure on Israel by other countries to end the settlement expansion and the Gaza blockade (OHCHR, 2020). OHCHR works together with the UN Human Rights Council and other international organizations to lobby resolutions against Israeli crimes and maintain international focus on humanitarian conditions in Palestine (OHCHR, 2019). The office has also been instrumental in advancing the right to self-determination of the Palestinian people, which demanded the cessation of the occupation and the Palestinian sovereignty (OHCHR, 2020).

#### ***5.5.4.5 Timeline of OHCHR's Working in Palestine***

The activity of OHCHR in Palestine has been developed through the years depending on the character of the conflict and political situation. OHCHR activities in Palestine can be outlined as follows:

##### **5.5.4.5.1 Initial Engagement and Reports on Human Rights Violations 1990s**

OHCHR started its presence in Palestine in the early 1990s, when the Oslo Accords came into effect, and its reports show what human-rights abuses were linked

to Israeli occupation and Palestinian militancy. In this time, OHCHR emphasized the settlement building activities of the Israelis and suppression of Palestinian demonstrations by the Israeli troops (OHCHR, 1994).

#### **5.5.4.5.2 The Second Intifada and Escalating Abuses 2000s**

The reports of OHCHR during the Second Intifada (2000-2005) were based on the disproportional use of force by the Israeli troops and the infringement of rights of the Palestinian civilians. The office also denounced any attacks on Israeli civilians by the Palestinian armed groups that violated the international law (OHCHR, 2004).

#### **5.5.4.5.3 Gaza Conflicts and International Pressure 2010s**

The tightening of Israeli military operations in Gaza in the 2010s led to an increase in the monitoring and reporting activity of OHCHR. The engagement of OHCHR in the Gaza War in 2014 was especially remarkable as it presented the evidence of the lack of discrimination in targeting the civilian infrastructure during the war by the Israel forces and the rocket attacks by Hamas (OHCHR, 2014). OHCHR also supported an international investigation on the possible war crimes of the two sides (OHCHR, 2015).

#### **5.5.4.5.4 Advocacy for Accountability and the Right to Self-Determination 2020s**

In the 2020s, the priorities of OHCHR have been on settlement expansion, blockade of Gaza and Palestinian sovereignty. The organisation also promotes the elimination of the Israeli occupation, the right of the Palestinians to self-determination, and the responsibility of the violation of the international law by all the sides of the conflict (OHCHR, 2020).

#### **5.5.4.5.5 Effectiveness of OHCHR's Campaigns in Palestine**

OHCHR has been successful in bringing the human-rights abuses in Palestine to the attention of the entire world, as well as being instrumental in keeping the Palestinian cause on the international agenda. However, the effectiveness has been limited by political opposition by Israel, internal political divisions of Palestinians and geopolitics.

#### **5.5.4.5.6 Raising International Awareness**

OHCHR has managed to draw attention to the human-rights abuses of Palestine via its comprehensive reports, which have been extensively referred by the global agencies, states and the mass media (OHCHR, 2020). Another way that the pressure against Israel has been brought about by the office is through the international pressure on Israel, especially in terms of settlement expansion and blockading of Gaza.

#### **5.5.4.5.7 Diplomatic Engagement and Pressure**

The diplomatic work of OHCHR has had a less positive impact on the Israeli policy, mainly because Israel does not want to be scrutinized by other countries. However, the consistent campaign of OHCHR has raised the level of human-rights violations in Palestine and thus caused more attention to the Israeli activities (OHCHR, 2020).

#### **5.5.4.5.8 Limited Progress on Accountability**

The calls of accountability of Israeli military activity by OHCHR have not caused much effect on the Israeli policy since Israel has mostly eluded the accountability of its own security forces in the Israeli legal system (OHCHR, 2020). Nonetheless, the international legal advocacy led by OHCHR, especially the advocacy regarding the investigation of war crimes carried out by the Israeli forces as well as

Palestinian armed groups, has offered a means of accountability in regard to the war crimes.

#### **5.5.4.5.9 Challenges Faced by OHCHR in Palestine**

OHCHR encounters a number of difficulties in its efforts in Palestine that include limited access to political opposition and the geopolitical issues.

#### **5.5.4.5.10 Restricted Access and Security Concerns**

The problem with access to Palestinian lands, in particular, to Gaza is a massive challenge to OHCHR. The blockade of Israel and military activities restrict the freedom of OHCHR to investigate fields and work with the communities concerned (OHCHR, 2019). In addition, security conditions in Gaza and the West Bank pose threats to OHCHR employees and researchers and decrease their ability to obtain first-hand data.

#### **5.5.4.5.11 Political Resistance from Israel**

Constant refusal to have international scrutiny by Israel is a major hurdle to the work done by OHCHR. The Israeli leaders have alleged multiple times that OHCHR is biased and downplayed the importance of the human-rights abuses reported by the office (OHCHR, 2020). This political opposition restricts the ability of OHCHR to demand major policy changes or attain accountability in Israel.

#### **5.5.4.5.12 Geopolitical Challenges**

The geopolitical nature of the Israel-Palestine conflict makes the work of OHCHR hard. The U.S.-Israel relationship and actualities of international relations usually limit international action in Palestine. The work of the OHCHR is also compromised by the internal divisions among the Palestinian leadership, which reduces the efficiency of its activity (OHCHR, 2020).

## **5.6. Comparative Analysis of OHCHR's Interventions in Kashmir and Palestine**

The Office of the High Commissioner of Human Rights (OHCHR) has continuously been involved in the process of observing human rights violations and ensuring some form of accountability in both Kashmir and Palestine. Though both areas are marked by the prolonged conflict, their particular political realities, global dynamics and geopolitical implications create specific difficulties to the functioning of OHCHR. Focusing on a comparative analysis of the work of OHCHR in these two conflict zones, this chapter questions how the organisation has reported human rights abuses, how it has worked, its effectiveness in seeking accountability and the challenges that it has faced in each situation.

### **5.6.1 Similarities in OHCHR's Interventions in Kashmir and Palestine**

#### ***5.6.1.1 Human Rights Documentation and Reporting***

In Palestine and Kashmir, OHCHR has used similar research designs to document abuse of human rights. The organisation conducts in-field research, interviewees with the victims, deploys satellite imagery as well as taking part in remote surveillance to gather evidence of violations. The focus of the reports by OHCHR is on extrajudicial executions and arbitrary arrests and torture, militarisation, and the repression of civil rights in the two areas (OHCHR, 2019). As an example, in Palestine, Israeli military actions, settlement development, and Gaza blockade have been reported by the OHCHR (OHCHR, 2020). On an equal note, in Kashmir, OHCHR has cited the unproportionality of the use of force by Indian security agencies, including the use of pellet guns during demonstrations and use of draconian laws like the Armed Forces Special Powers Act (AFSPA) (OHCHR, 2019). In both territories, OHCHR highlights



the effect of military activities on the civilian population, as well as the widespread impunity that offenders of human rights violations have.

#### ***5.6.1.2 Advocacy for Accountability***

In either case, OHCHR has been actively encouraging responsibility on violations of international law. The organisation supports the investigation of the war crimes and crimes against humanity by the state and non-state actors independently. OHCHR has become a proponent of investigations carried out by the International Criminal Court (ICC) and demanded the prosecution of those who committed atrocities (OHCHR, 2020). Its activism in Kashmir and Palestine comes with the demands that governments reform legal systems that allow military units to commit impunity, AFSPA in Kashmir and the Israeli occupation laws in Palestine (OHCHR, 2019).

#### ***5.6.1.3 Diplomatic Engagement***

OHCHR talks to international organizations, especially the United Nations to sensitize and put diplomatic pressure on both India and Israel. In Palestine, OHCHR has collaborated with UN Human Rights Council and local players with an aim of denouncing the acts of Israel and encouraging international responses that are more forceful. Similarly, in Kashmir, OHCHR has been able to utilize its platform in the UN system to push the member states to hold India accountable and seek policy changes (OHCHR, 2019).

#### ***5.6.1.4 Differences in OHCHR's Interventions in Kashmir and Palestine***

#### ***5.6.1.5 Political Resistance and Sovereignty Concerns***

One of the glaring distinctions between the activities of OHCHR in Kashmir and Palestine is the amount of political opposition the respective governments have shown. In Palestine, OHCHR has a much more open access and activity with

Palestinian authority and other foreign forces, such as the Palestinian authority and Hamas, which helps them report and advocate more openly. Also, OHCHR has a certain amount of bargaining power in promoting accountability in Palestine due to the international acknowledgment of Palestine statehood and the authority of the ICC (OHCHR, 2019).

On the other hand, Indian government is highly opposed to the work of OHCHR in Kashmir, which regards Kashmir as its internal issue. India has never embraced scrutiny by outside forces and the UN intervention claiming sovereignty of the region. This opposition has limited the ability of OHCHR to work with the Indian government and has hindered its endeavors to pressurize on human rights abuses perpetrated by Indian security agencies (OHCHR, 2020).

#### ***5.6.1.6 Access and Fieldwork Limitations***

Another significant difference in the activities of OHCHR is restricted access. OHCHR teams have somewhat more access to the Palestinian territories in Palestine, but the Israeli limitation of Gaza makes it difficult to carry out thorough investigations in the region (OHCHR, 2020). However, OHCHR has conducted and reported on violations in Gaza, the West Bank, and East Jerusalem by way of field missions, partnership with local human rights organizations, and remote surveillance.

The access of OHCHR in Kashmir is significantly low. The Indian government has also put on heavy restrictions on the movement of international organisations and human rights bodies especially after the repealing of Article 370 in 2019. OHCHR has been largely based in Kashmir with limited field presence and has largely been relying on remote monitoring, witnesses in exile in Kashmir and media coverage to report about violations (OHCHR, 2019).

## **5.6.2 Effectiveness of OHCHR's Campaigns in Kashmir and Palestine**

### ***5.6.2.1 Similarities in Effectiveness***

OHCHR has been successful in creating awareness on the violations of human rights in Kashmir and Palestine thus bringing the international awareness about the conflicts. It has been a subject of international media, human rights organisations, and government attention in their reports, putting pressure on the parties concerned to implement the international human rights law (OHCHR, 2020).

Besides, the accountability advocacy by OHCHR has helped the ICC investigate possible war crimes and crimes against humanity in Palestine (OHCHR, 2019). The human rights situation in Kashmir has been kept on the international agenda through OHCHR calls of international investigation into the abuses, but with little resistance by the Indian government.

### ***5.6.2.2 Differences in Effectiveness***

The Office of the High Commissioner of Human Rights (OHCHR) has proved more effective in the Palestinian situation which can be explained by the influential role of international law which supports the state status of Palestine and by the jurisdictional power of the International Criminal Court (ICC). Diplomatic efforts by international communities have spawned some sense of responsibility on Israeli atrocities. On the other hand, the challenge of resistance by the Indian state along with the lack of a consistent international legal framework of Kashmir have limited the ability of OHCHR to trigger meaningful changes in policies or hold anyone accountable, despite their activities in Kashmir receiving international attention (OHCHR, 2020).

### ***5.6.2.3 Challenges Faced by OHCHR in Kashmir and Palestine***

#### **5.6.2.3.1 Similarities in Challenges**

In both geographical contexts, OHCHR is faced with limited access and reduced collaboration of sovereign powers, thus hindering the process of carrying out autonomous investigations and interactions with local governments. Security is another issue that encumbers the operations of the organization as the two regions continue to fight and engage in armed operations, which pose physical threats to the OHCHR staff.

#### **5.6.2.3.2 Differences in Challenges**

The greatest challenge that faces OHCHR in Kashmir is the political opposition of India to external human-rights examination, especially in the current government which has been indifferent towards allowing foreign intervention (OHCHR, 2019). OHCHR has been met with opposition in the Palestinian context by mainly the Israeli government in places like Gaza; however, the Palestinian leadership is usually cooperative in partnership with OHCHR, and the international community will still be more inclined to hear the Palestinian grievances in the international arenas. Moreover, the geopolitical forces have a stronger impact in Palestine whereby international support of the Palestinian agenda, particularly the Arab world and the United Nations agencies have strengthened the advocacy of OHCHR. Conversely, the foreign relations of India with the key global powers, especially the United States and Russia, reduce the chances of foreign intervention and make the work of OHCHR difficult to hold them to answer (OHCHR, 2020).

To conclude, although the OHCHR has several similar components in its activities in Kashmir and Palestine human-rights documentation, accountability advocacy, and diplomatic intervention; the political nature of each of the areas has a significant impact on the success and scale of the agency efforts. Palestine enjoys a

deep-rooted international system, and Kashmir experiences solid political opposition and lack of access so that OHCHR is not capable of any meaningful policy change and accountability. Irrespective of these challenges, OHCHR has remained very important in reporting cases of abuse, pleading justice, and increasing awareness of the human-right condition in both territories.

### **5.6.3 Comparative Analysis of Human Rights Advocacy in Kashmir and Palestine**

In this segment, the focus areas include the advocacy by Amnesty international, Human rights watch (HRW) and the United Nations office of High Commissioner to human Rights (OHCHR) in Kashmir and Palestine. The discussion looks at the similarities and differences between the abuse of human-rights that these organizations reported, the advocacy approaches that these organizations used, and the international reactions caused. The chapter explains the role that geopolitical factors and state-sovereignty issues play in determining the ability of these organizations to bring substantive change to these conflict regions through scrutiny of these factors.

#### ***5.6.3.1 Human Rights Violations in Kashmir and Palestine***

Similar human-rights abuses in Kashmir and Palestine have been reported by Amnesty International, HRW, and OHCHR, including the extrajudicial execution, forced displacement, military violence, as well as the loss of basic liberties. Amnesty International has drawn attention to the violation in Kashmir caused by the laws like the Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) that put vast authority into the hand of the security forces and allow them to imprison and torture the individuals arbitrarily (Amnesty International, 2015). These issues can be reflected in the reports of HRW, in which the use of excessive force by the Indian

security forces, including the killing of protesters, the systemic repression of free speech and dissent, are documented (HRW, 2021).

Both Amnesty International and HRW have reported illegal detention of Palestinians and even of minors and the excessive use of force by Israeli security forces in Palestine. The demolition of Palestinian houses, the forced eviction, and the increase in Israeli settlements have always been recorded by OHCHR, which are the activities that violate international law (OHCHR, 2020). Amnesty International and HRW also focus on collective punishments practiced by Israel and their effects on the civilian population, especially in Gaza (Amnesty International, 2022; HRW, 2021).

Though the situations of the abuses vary between the two regions, the patterns of the violation are shared: the violence in Kashmir was rooted in the long-standing geopolitical conflict between India and Pakistan, and the Violence in Palestine was located between the international legal rules regarding the status of Jerusalem and the rights of refugees. The violations owe their accounts to these differences, which shape international reactions.

#### ***5.6.3.2 Advocacy Strategies Employed by Amnesty, HRW, and OHCHR***

Amnesty International, HRW, and OHCHR have all employed different advocacy strategies to address human-rights abuses in Kashmir and Palestine, but all of them have the common goal of raising international awareness and putting pressures on governments to follow the international rules of human rights. Amnesty international is a constant user of detailed reports, popular campaigns, and even emergency action alerts to highlight abuses of human-rights. The organisation has an annual campaign called Write for Rights, which urges different people across the world to petition governments to release political prisoners, and this has been successful in mobilizing

the international community, especially in the Palestinian case (Sikkink, 2011). Amnesty also directly lobbies states and other international bodies, pressuring them to reform the law and to open international inquiries into perceived war crimes (Amnesty International, 2020).

HRW is more transactional and they tend to develop detailed reports, which include clear policy and legal reforms. The documentation work of the organisation is biased toward attaining eyewitness testimonies and satellite images to prove the violations, which is later reported in international organisations like the United Nations and the ICC (HRW, 2021). HRW has also been lobbying in Palestine over the investigation by the ICC on alleged war crimes committed by Israelis, adding to the legal debate on the occupation around the world.

As a part of the United Nations framework, OHCHR follows a slightly different approach, working within the UN system to make authoritative evaluations of the situation with human-rights and offer guidance on the policy. OHCHR does its own investigations, and publishes official reports about the state of human-rights and sends them to the Human Rights Council and other UN agencies (OHCHR, 2020). In comparison with Amnesty International and HRW, the influence of OHCHR is restricted by the politics of state sovereignty and the limited enforcement capabilities of the UN.

The major difference between these organisations is their structures in operation and mandates. Whereas Amnesty international and HRW are more focused in advocacy, mobilising the masses and pressure on the government, OHCHR is more advisory which is meant to provide independent assessments and international collaboration to achieve human-rights complaisance (Powers and Drury, 2012).

### ***5.6.3.3 International Responses and Geopolitical Constraints***

The international reactions to the reports made by Amnesty International, HRW, and OHCHR in Kashmir and Palestine highlight the fact that geopolitical factors and concerns related to state-sovereignty influence the effectiveness of advocacy. In both areas, these organisations are faced with a lot of backlash by the respective governments of India in Kashmir and Israel in Palestine who often reject international findings as being politically inclined.

India consistently denies news by Amnesty International and HRW claiming that they are biased and meddling in its internal matters. The lack of willingness by the Indian state to be scrutinized, particularly by the international organizations, notably OHCHR, is informed by the issue of national sovereignty and national integrity that the Kashmir dispute is a sensitive issue (Cox, 2016). Similarly, Israel has been working to undermine the reports of Amnesty International and HRW, often claiming their findings to be anti-Israel or political (Abu-Lughod, 2018), and has used strategic communications campaigns, including Hasbara, to identity the actions of the Israeli government as self-defence (Gready, 2008).

The power of state sovereignty is a great roadblock in both Kashmir and Palestine. The inflexible approach of India to consider Kashmir as an internal problem and the labeling of Palestinian struggle by Israel as a struggle against terrorism are some of the barriers that hinder the quest of substantive change by international human-rights organisations. Such geopolitical processes do not allow Amnesty International, HRW, and OHCHR accomplish their missions entirely, especially on the issue of holding the mighty states accountable on the alleged violations.



However, despite these obstacles, international human-right groups have managed to highlight abuses in the two areas influencing international discourse and policy. Indicatively, the campaigns of the ICC investigations of Palestine by the HRW and Amnesty International have received some momentum (Schade & Welzel, 2013). The fact that OHCHR has been producing authoritative reports on the situation in Kashmir and Palestine has also contributed to the increased pressure that international forces are putting to respective governments to ameliorate their human-rights practices.

This comparative study of the Amnesty International, the HRW, and the OHCHR advocacy in Kashmir and Palestine clarifies the similarities and differences in the reported human-rights abuses, advocacy tactics used, and the response of the international community invoked. Although all the three organisations are dedicated to the issue of awareness promotion and advocacy of accountability, geopolitical variables and issues of state-sovereignty have a tremendous impact on the effectiveness of the work. Indian and Israeli resistance towards external scrutiny explains the challenge human-rights organisations face in conflict regions where national interests and the security factor is the order of the day. Nevertheless, the movement by Amnesty International, HRW, and OHCHR has been critical in shedding light on human-rights abuses and making international communal response in both Kashmir and Palestine.

## **CHAPTER 6**

### **Constructing Narratives: India and Israel's Response to Human Rights Violations in Kashmir and Palestine**

This is accompanied by a lot of documentation of the alleged human rights violations being committed in Kashmir and Palestine by many human-rights organisations including Amnesty International, Human Rights Watch (HRW), and the United Nations Office of the High Commissioner for Human Rights (OHCHR). These organizations have attempted to create awareness, document abuses, and call to bear responsibility in the areas where citizens are faced with structural crimes like extrajudicial murders, torture, and arbitrary detention. However, Indian and Israeli reactions to this have been dynamic as opposed to being passive as the occupying power in Kashmir and Palestine respectively. The two governments have been able to strategically formulate narratives which aim to justify their actions at the expense of discrediting international reports. Such accounts are mainly situated in terms of the representation of so-called violations as terrorism or national-security dangers, and therefore, rebranding domestic and foreign discourse with regard to the conflicts.

The chapter reviewed the official accounts that India and Israel have put forward to address issues that have been raised over human-rights abuses, explore how the two governments have framed their accounts, assess how their accounts have been received at home and abroad, and discuss how both governments have countered the credibility of the international human rights organisations.

#### **6.1 Official Narratives Created by India and Israel**

India and Israel have worked to make strong stories to make what they do seem legitimate, to make what the human rights world calls their actions to be a part of the

larger national-security or counter-terrorism program. These stories are not merely aimed at justifying the actions in the international arena, they are also aimed to influence the opinion of people both at home and abroad.

## **6.2 India's Narrative in Kashmir**

The official Indian version of the conflict in Kashmir derives out of the portrayal of the conflict as the battle between the Indian state and a quasi-militant factor, which in turn shifts the region to the status of the part of the Indian sovereignty. Because the insurgency began to arise in the late 1980s, India has consistently framed itself as in a war against terrorism, a framing that fits into post- September 11, 2001 counter-terrorism discourses around the world. In this story, Kashmir is not discussed as a political conflict, it is a problem of security which requires preserving the order and national integrity. Mehta (2019) believes that such framing places India as a victim of foreign terrorism created by Pakistan, but also weakens the military repression in the area.

In 2019, the Indian government repealed the Constitution Articles 370 of India. - the articles that provided Jammu and Kashmir with special autonomy. The revocation was defended as a measure towards reaching peace, wealth, and assimilation, and was put in the context of counter-terrorism. This framing helped the government to justify actions like communication blockage, military curfews and arrest of political leaders under the guise of national security. Bose (2003) believes that the story associated with the revocation, which is based on the theme of the national integration, covers the harm done to human-rights under the pretext of restoring order.

India as well defines human-rights violations, such as arbitrary arrests and military brutality, as exceptions in the greater strategy of terrorism. India tries to

legitimize the local claims to self-determination by portraying Kashmiri resistance movements as terrorist organisations. Focus on terrorism is a strategic instrument to avoid international attention and act as justification to remain in the region with the military and policy choices (Chowdhury, 2019).

### **6.3 Israel's Narrative in Palestine**

The Israeli story on the Israeli-Palestinian war also represents war actions in Gaza and West Bank as self-defence measures to a terrorist threat. Israeli leaders often label Palestinian militants as terrorists, and use this framing to legitimize airstrikes, blockades and incursions against Palestinian territories. The Palestinian resistance in this discourse is not described as a struggle to self-determine but rather a campaign of terrorists to weaken the right of Israel to exist (Shenhav-Goldin, 2021).

The historical experience of victimhood of the Israelis especially the holocaust is another element of core narrative used by the Israelis to legitimize their current deeds. Through the presentation of itself as a weak state in the context of aggressive players, Israel creates a form of identity where its policies are connected to its history of persecution. As a result, the state justifies its military actions as reasonable and fair, despite the fact that the use of force seems unfair relative to the number of civilian victims (Pappé, 2014). The legitimisation of security practices, including settlement expansion, forced evictions, and the blockade of Gaza are easy to legitimise through the creation of a Palestinian resistance as terrorism.

Besides, Israel has a sophisticated public-diplomacy machine, called Hasbara, which heavily invests in rebranding international human-rights criticism as a form of antisemitism or misjudgment. This strategy will be used to undermine the critics and downplay the effect of international human-rights reports. To take one such example,

the Israeli government reacted to Amnesty's 2022 report accusing the government of apartheid by claiming that the document was part of an overall anti-Israel movement (Ben-Ari, 2017). This is a tactic that shows that Israel has avoided being held responsible by diverting the debate on the alleged violations to the delegitimisation of the reports themselves.

#### **6.4. Framing Human Rights Violations as Terrorism or National Security Threats**

India and Israel are also strategically telling human rights violations in the context of terrorism or national security, and in the process justify actions that would have been considered as human rights abuses by international organizations.

##### **6.4.1 India's Use of the Terrorism Frame**

The description of human rights abuses in Kashmir by India as a counter-terrorism operation is a significant component of its story to legitimize military operations and the oppression of the opposition. This framing puts the Kashmiri separatist movements and civil unrest as associated with Pakistan-supported terrorism. This frame of terrorism has allowed India to defend its reasons of counterterrorism activities like extrajudicial killings, disappearances and force against protesters (Bose, 2003). As a result, the Indian military is being subjected to international criticism where it is accused of sabotaging the Indian sovereignty and national security.

##### **6.4.2 Israel's Use of the Terrorism Frame**

The framing of Israel narrative also depends on the definition of Palestinian resistance as terrorism, which justifies the military operations and settlements of Israel. Israel uses the claim of Palestinian groups like Hamas and Islamic Jihad as terrorist organisations to support the blockading of Gaza, settlements expansion in the West

Bank, and the use of disproportional force in military operations (Shenhav-Goldin, 2021). This framing is at the core of the Israeli activity in trying to oppress Palestinian resistance and to frame its actions as self-defence.

### **6.5. Impact of Governmental Narratives on Domestic and International Perceptions**

The governmental discourses generated by both India and Israel have had great force of creating a perception of human rights violations in both Kashmir and Palestine among both the domestic and international fronts.

#### **6.5.1 Domestic Impact in India and Israel**

At the domestic level, both India and Israel have been very successful in obtaining popular backing to their policies by the use of national security discourse. The terrorism frame has been relevant among the Indian citizens who have looked at the military occupation in Kashmir as one that is necessary to protect them against Pakistan and terrorist groups. The Indian media regularly links Kashmiri separatists to terrorists, which legitimizes the Indian operations in the area (Mehta, 2019). The security discourse of Israel has formed agreement on the military action of the country; the Israeli citizens generally support the military invasion and military actions as the necessary means of response to Palestinian attacks. Self-defense narrative coupled with the memory of Holocaust trauma perpetuate domestic unity and make the criticism of the actions of Israel in Palestinian lands an expensive political affair (Ben-Ari, 2017).

#### **6.5.2 International Impact**

These stories have given both India and Israel strength in the international arena to reduce the fire of international criticism and avoid culpability. The framing of Kashmir as a counter-terrorism operation that has been being made by India in western democracies have had minimal ground after the post-9/11 focus on fighting terrorism

internationally (Bose, 2003). On the contrary, the use of the terrorism frame by Israel has been more successful in its effort to conform to global counter-terrorism efforts, and as a result, it has been able to evade criticism in international platforms, including the United Nations and the International Criminal Court (ICC). Indeed, Israel has effectively managed to change the discussion of human rights abuses into that of security anxieties and thus circumvent international demands to hold it accountable, as it is being observed by Pappé (2014).

### **6.5.3. Strategies to Counter the Credibility of International Human Rights Reports**

India and Israel have also applied strategic tactics to refute the authenticity of reports by Amnesty International, Human Rights Watch and the Office of the United Nations High Commissioner of Human Rights (OHCHR) that report abuses in Kashmir and Palestine.

### **6.5.4 India's Legal and Diplomatic Strategies**

India has used the law, the Foreign Contribution Regulation Act (FCRA), to limit the operations of human rights groups like the Amnesty. When India labels these organisations as foreign agents, it is attempting to discredit their work and put obstacles on their functioning in the nation (Chowdhury, 2019). The Indian diplomatic activities are also based on the undermining of international scrutiny, which most of the time coincides with those states that hold similar counter-terrorist interests.

### **6.5.5 Israel's Media and Diplomatic Strategies**

The public-diplomacy operations in Israel, popularly known as Hasbara, seek to present the human rights reports to be politically-biased and usually the organisations including Amnesty International are said to be under influence of anti-Israel feeling or anti-Semitism. The Israeli government also actively lobby the international

organisations to silence the demands of sanctions or accountability on its human-rights agenda and employs its contacts with the Western powers, especially the United States, to prevent international embarrassments (Shenhav-Goldin, 2021).

The official discourses that India and Israel constructed to counter human rights infractions in Kashmir and Palestine are strong tools of impacting domestic and global understandings of the developments in the regions. Both governments are successful in avoiding international criticism and justify human-rights reports by putting violations in the context of counter-terrorist operations and national security. The use of such framing technique as terrorism not only legitimizes their military interventions but also change the global discourse, shifting it out of human-rights issues and into security threats. These stories have rebranded the wars in Kashmir and Palestine, and to a large degree they have worked to ease the criticism of the world, and have strengthened the domestically. The cognition of the strategic building of these narratives would be critical to the analysis of the role of the international advocacy and the constraints of human-rights protection in politically complex conflict zones.

## **Conclusion**

This study highlights the dire need to have a stronger and more organized global action to human rights atrocities in war-torn areas like Kashmir and Palestine. It also brings to the fore the difficulties faced by human rights organizations in promoting accountability especially in the areas where state sovereignty is promoted in the international standards of human rights. Nevertheless, the efforts of these agencies like Amnesty International, Human Rights Watch, and the Office of the High Commissioner of Human Rights are necessary to keep the world focused on these old conflicts. With these organizations driving towards accountability and transparency, they not only face



resistance by the influential states, but also the expanded factors involved within geopolitics and national security issues.

Finally, the research recommends the need to engage in greater international co-operation, enforcement schemes and that the international institutions be more active in penalizing the states on the basis of human rights practices. It is only through the efforts to counter these systemic challenges that the international community can hope to record meaningful developments in defending human rights in the Kashmir, Palestine as well as other conflict regions in the world.

## **Findings of the Study**

The case study of human rights abuses in Kashmir and Palestine provided a number of important findings that help to understand how historical, political, and social processes influenced such a situation and how human rights organizations, and even state discourses, contributed to the continuation or prevention of such abuses.

### **Historical Roots of Human Rights Violations in Kashmir**

The human rights violations in Kashmir are highly historical in the region; it is mainly through the partition of the British India in 1947 that the region has been molded into the current state. The Kashmir territorial conflict between India and Pakistan has been the genesis of frequent armed conflicts between the two states as each state tries to establish its sovereignty over the territory. Such conflicts have led to mass violence which has been in the form of forced displacement, extrajudicial killings, and arbitrary detentions. Human rights abuse has been superseded by the militarization of the region, especially after the insurgency that occurred in the late 1980s. The research established that not only the Indian state but also groups of militants that conduct business there have been involved in violations, which led to the high levels of insecurity, suppression

of political dissent, as well as the systemic abuses which include torture and disappearances.

This cycle of violence has been fueled by legacy of colonial boundaries and inefficiency of international systems to end the conflict. In addition, the infringements of the basic rights, the freedom of the expression, the peaceful assembly, and the right to the life are normalized phenomena in Kashmir and the actions of the Indian state are justified by the necessity to maintain national security and the acts of dissent are labeled as insurgency activity.

### **The Role of Colonialism, Dispossession, and Military Occupation in Palestine**

The analysis also established that the historical factors of the existence of the human rights violation in Palestine are largely influenced by the colonial past of the region, especially the British occupation and the formation of the Israeli state in 1948. The loss of Palestinian territory and the continued military occupation of Palestine by Israel have led to a prolonged humanitarian crisis. Settlement expansion, forced evictions and the ongoing blockade of Gaza have only served to increase the plight of the Palestinians infringing their right to self-determination, property and sufficient standard of living.

Classical implication of colonialism on Palestine can also be seen through territorial borders and military occupation as a tool of control. The policies of Israel have been put in defense of their national security but with the intent of preserving demographic and territorial superiority at the cost of Palestinian rights. This paper has shown that such a history of colonization has had incurable effects of perpetuating the cycle of violence, displacement, and systematic discrimination against Palestinians.

### **Role of Amnesty International, HRW, and OHCHR in Documenting Violations.**

The contributions of Amnesty International, Human Rights Watch and the United Nations Office of the High Commissioner to the Human Rights in the recording of the human rights abuse in Kashmir and Palestine have played a significant role in ensuring the international awareness. These groups have extensively laid down such abuses as extrajudicial killings, torture, arbitrary arrests and demolition of civilian facilities. The study however discovered that their actions have often been hindered by the opposition of the Indian and Israeli governments which has constantly opposed such reports branding them as being biased or political.

Although their efforts have received a fair share of criticism, these groups have still been insisting on accountability and how the international community has a role to play in defending human rights. The research discovered that the elements of partially succeeding in attracting attention to violations, the calls to accountability of these organizations have had little effect because of the lack of effective international means of enforcement.

### **State Narratives in Response to Human Rights Violations Reports**

To respond to the international human rights violation reports, the Indian and Israeli governments have built compelling narratives of their states. The Indian state has been able to position its activities in Kashmir as a campaign against terrorism whereby, it claims to need military presence and operations to protect its national security. This story has served well in capturing domestic support and any criticism by the international community is easily brushed off as outside interference in the domestic matters of India.

Likewise, Israel has been justifying its occupation of Palestine as an outcome of its security threats especially to militant groups in Gaza and West Bank. The Israel

government has defined the continued military operations as a way to ensure security and safeguard its people and portrayed Palestinians as a danger to Israeli sovereignty. Such state discourses tend to overshadow the human rights abuses that are committed, and show them to be a component of a greater geopolitical game, rather than violations of international law.

### **Intersections of State Sovereignty, Human Rights, and Global Advocacy**

The findings demonstrate that both Kashmir and Palestine are cases of intersections between state sovereignty and human rights on the one hand and global advocacy on the other hand. State sovereignty has been used as a blanket defense to perpetrate human rights abuses and brush off international demands to answer. The study established that low propensity by India and Israel to accept international human rights norms has made it hard to carry out business by human rights organizations. The research also identified the weaknesses of international human rights advocacy in the areas where the sovereignty of states takes precedence over the universal human right protection. This has led to marginalisation of human rights organisations whose activities are either disregarded or they are aggressively resisted by the affected states.

### **Divergent Advocacy Strategies and Impact in Kashmir and Palestine**

The research concludes that although Amnesty International, the Human Rights Watch, and the United Nations Office of the High Commissioner of Human Rights have the same goal which is to advocate human rights in war-torn areas like Kashmir and Palestine, their advocacy techniques vary significantly resulting in different effects. Amnesty international depends greatly on the mobilization of the grassroots and global campaigns to create the pressure of the people on governments, and thus it is effective in mobilizing the international pressure. Human Rights Watch takes a more evidence

based stance, using investigative reporting and legal advocacy to take the international legal action, including ICC investigations, but has faced strong opposition by state actors. The Office of the High Commissioner to Human Rights is based in the UN system and its work is limited to diplomatic initiatives and policy advice, which although authoritative, tend to be weakened by state sovereignty and the political system of the UN.

Naturally, geopolitical opposition of India and Israel toward global scrutiny has a major role in defining the success of advocacy activity of these organizations. Although Amnesty International and Human Rights Watch succeed in creating global awareness and demanding accountability, their effect is often ineffective due to the unwillingness of governments to deal with international human rights norms. Conversely, the place of the Office of the High Commissioner of Human Rights as an advisor, though significant in influencing international discourse, is not as useful in adding the necessary pressure on governments to change their policies. This highlights the intricate relationship between the advocacy policies, the state sovereignty and international human rights law in conflict regions like Kashmir and Palestine.

## **Recommendations**

Based on the findings of the present research, a number of crucial recommendations have been formulated that can help to make the international human rights advocacy more effective in such regions as Kashmir and Palestine where state sovereignty and geopolitical considerations often become the obstacles to the accountability of human rights violations. These proposals lay stress on strengthening of the international law systems, increasing the potential of the human rights organisations and enhancing the level of transparency and international collaboration.

## **Strengthening International Enforcement Mechanisms**

The lack of effective enforcement systems of international human rights norms can be considered one of the greatest obstacles on the way to becoming accountable in regions of conflict that have remained in the state of Kashmir and Palestine. Although Amnesty international, the human rights watchdog, and the office of the United Nations High Commissioner of human rights have a crucial role to play by documenting the violations and creating awareness, they often face mighty resistance at the hands of the states, especially those that are considerate of the national security and sovereignty rather than the human rights issues. Strengthen the mandate of the international courts: The International Criminal Court and other international courts should be empowered with more resources and mandate to investigate and prosecute war crimes and human rights violations in war torn regions. This may involve streamlining of processes through which these bodies are able to meddle into those situations where the states are not willing to be subject to international inspection, especially where the violations are either systematic and pervasive. Enhance collaboration with the international legal institutions: States are to be persuaded to ratify and be fully cooperative to international human rights instruments and mechanisms like International Covenant on Civil and Political Rights and Convention Against Torture. Increased conformity in national laws and international laws will assist in maintaining the international standards of state. Introduce stronger sanctions and punishment in case of non-compliance. The international organisations need to insist on the establishment of sanctions against the states that repeatedly breach human rights and hinder international investigations. Such punishments may be diplomatic isolation up to economic sanctions hence making sure that infractions have physical repercussions.

Facilitate local enforcement systems: International courts are not the only way to deal with violations at regional level, and additionally, regional institutions, like the European Court of Human Rights can be customized to handle violations on local levels. It is also possible that regional mechanisms are more sensitive to local environments and politics, which will enhance enforcement and responsibility in areas of conflict.

### **Enhancing Support for Human Rights Organizations**

Human rights organisations like the Amnesty, Human Rights watch and the Office of the United Nations High Commissioner of Human rights are very important in ensuring human rights are advocated and accountability demanded but often their ability to work efficiently in the conflict zones is hampered by the lack of funds, access and geopolitical barriers. The international community and the national governments should provide more support to these organisations to make sure that they would be able to carry on with their important work.

Enhance funding and resources: Human rights organisations need more funding and resources to increase their operations in the conflict zones. The financing of this must go towards expansion of field activities, bettering of data-gathering capacity (through satellite photography, forensic examination and eyewitness accounts) and empowering of local human-rights activists.

Legal and operational protection: Human rights organisations operating in conflict areas must be provided more protection by the international law, which means that they can continue to practice their activities without apprehension of any backlash. Organisations and individuals who work in areas where they are at risk should be provided with legal protection by governments and international organisations and even granted safe passage and asylum. Enhance collaboration with local organisations:

International human-rights organisations need to associate more closely with local grassroots organisations, which have a first-hand grasp of the local situation and networks. These alliances could support the gathering of data, the advocacy process and offer a more grounded understanding of the atrocities being experienced in the area.

Enhance access to conflict zones: It should work towards ensuring unhindered access of conflict zones by human-rights organisations. This may involve bargaining with states to allow independent monitors, journalists and international NGOs into the areas occupied or at war hence making sure that the violations are properly recorded and publicised.

### **Promoting Greater Transparency and Public Awareness**

These matters in the international agenda must be kept by transparency in the reporting of human-rights abuses. States like India and Israel have often discredited human-rights reports as politically oriented and it will be most necessary that organisations produce clear verifiable and even exhaustive evidence to prove their claims.

Improve the clarity of reports and data: The human-rights organisations would need to work on how best they can make their reports as transparent and evidence-based as feasible. This involves the use of satellite photographs, computer forensics, and witnesses under a large pool of witnesses in order to build strong, undisputable cases of human-rights abuses. The more evidence, which is more comprehensive and transparent, the more difficult it will be to disregard or discredit these results by states.

Use the media to publicize the reports: Human-rights organisations have to keep capitalising on the power of the media to make sure that their reports are made known



to the rest of the world. It can be done through cooperation with major media and digital sources to raise awareness and create a pressure on the governments to take actions.

Use more technology: Violation reporting should be done in real time by use of artificial intelligence, blockchain and other emerging technologies so that the data cannot be tampered with and that it is secure. This is also facilitated by the technology which can be utilized to monitor and confirm acts of violence and repression which will make it harder to refute the instances of violations by governments.

Establish forums of international discourse: Human-rights organisations need to liaise with academic organisations, think-tanks and civil societies to establish a forum of international discourse on human-rights in both Kashmir and Palestine. The platforms may be used as forums of discussion, exchange of information and building international pressure of accountability.

### **Encouraging a More Proactive International Response**

The international organisations like the United Nations, the European Union and other intergovernmental organisations become very important in addressing the human-rights violations in the conflict areas. They however, lack the power to intervene due to political factors especially in those instances where sovereignty of the state is used as a buffer against international intervention.

Empower the UN Human Rights Council: UN Human Rights Council needs to be given more authority to intervene in situations of human-rights violations in Kashmir and Palestine, such as passing binding resolutions and exert diplomatic pressure on those states failing to abide by international human-rights norms.

Encourage the multilateral response: Regional bodies like the European Union, the African Union and the Organization of American States will need to be more aggressive in enforcing human rights in conflict regions. Multilateral intervention can

be used to reduce the effect of individual states that do not want to be scrutinized internationally and increase pressure on change.

Get more interaction with non-state actors: Non-state actors, such as civil society organizations, corporate stakeholders, and powerful international personalities, can play an important role in inducing governments to uphold human rights. This could be achieved through building larger coalitions that involve other players outside governments to create a stronger and more lasting international pressure to change.

Establish a mechanism of responsibility on any hindrance to human-rights investigations: The nations that are actively resistant to the investigation or do not cooperate with human-rights organisations must be held responsible. This may be in the form of diplomatic sanctions or trade and foreign aid limitations, especially when states are committing actions of obstructing human-rights monitoring or blocking international inquiries.

### **Fostering Long-Term Education and Diplomacy**

Diplomacy and education should take a bigger part in the international effort to solve human-rights abuses in Kashmir and Palestine. To have a long-term thinking concerning peace and human rights, one needs to develop the culture of human rights and understanding by educating, merging, and negotiating.

Incorporate human-rights into international diplomatic training: International diplomats and policymakers are supposed to be trained in human-rights law and conflict-resolution methods. Training on international human-rights norms and implementation in conflict zones can contribute to the fact that the governments and international organisations will be in a better position to act in response to the violations and promote accountability.

Encourage conflict resolution programs: The international stakeholders must focus on implementing conflict resolution programs in Kashmir and Palestine that would facilitate dialogue between the warring parties. Peaceful resolutions to these protracted conflicts should be supported by these mechanisms that are informed by respect of international law and standards of human-rights. Endorse the reconciling and truth-telling programs: Reality and reconciliation programs and initiatives aimed at remind the historical grievances should be supported both in Kashmir and Palestine. Such efforts may allow the victims to tell their stories, hold the offenders responsible, and facilitate the healing of post-conflict societies.

The recommendations above comprise a holistic solution to empowering the international human-rights advocacy in areas like Kashmir and Palestine where the sovereignty of states, geopolitical relations, and opposition of the international scrutiny have consistently hindered any reasonable transformation. In order to resolve human-rights violations in such regions effectively, more robust international legal structures should be built, increasing the capacities and protection of human-rights groups, fostering transparency, and a more proactive international reaction are required. The international community can only hope that these conflict zones would change permanently through a concerted and sustained effort to restore the basic rights of the populations that have suffered.

## References

### Books

- Akbar, M. J. (2002).** *Kashmir: Behind the Vale*. HarperCollins.
- Alston, P. (2005).** *The United Nations and Human Rights: A Critical Review*. Oxford University Press.
- Bajpai, K. (2011).** *The Politics of Kashmir and the Role of International Human Rights Organizations*. *Journal of South Asian Studies*, 10(2), 245-269.
- Bickerton, C. E., & Klausner, C. L. (2016).** *A History of the Israeli-Palestinian Conflict (5th ed.)*. Pearson.
- Blair, T. (1999).** *The Importance of Multilateralism in a Globalized World*. *Foreign Affairs*, 78(2), 17-31.
- Bose, S. (2003).** *Kashmir: Roots of Conflict, Paths to Peace*. Harvard University Press.
- Chomsky, N. (2015).** *On Palestine*. Haymarket Books.
- Chomsky, N., & Pappé, I. (2021).** *Gaza in Crisis: Reflections on Israel's War Against the Palestinians*. Haymarket Books.
- Cohn, D. (2019).** *The Status of Kashmir and the International Community*. Oxford University Press.
- Dembour, M. (2006).** *Who Believes in Human Rights? Reflections on the Globalization of Human Rights*. Cambridge University Press.
- Donnelly, J. (2003).** *Universal Human Rights in Theory and Practice (2nd ed.)*. Cornell University Press.
- Dworkin, R. (1977).** *Taking Rights Seriously*. Harvard University Press.
- Evans, T. (2005).** *The Politics of Human Rights: A Global Perspective*. Pluto Press.
- Falk, R. (2019).** *The Palestinian-Israeli Conflict: A Case Study of International Law and Human Rights*. Routledge.
- Friedman, M. (2002).** *Capitalism and Freedom*. University of Chicago Press.
- Ganguly, S. (1997).** *The Kashmir Conflict: India, Pakistan, and the Unending War*. Columbia University Press.
- Ganguly, S. (2016).** *The Kashmir Conflict: A Political Analysis*. Cambridge University Press.

- Gerges, F. A. (2013).** *The Palestinian-Israeli Conflict: A Very Short Introduction*. Oxford University Press.
- Gordon, N. (2008).** *Israel's Occupation: The Humanitarian Costs*. *Human Rights Quarterly*, 30(4), 820-832.
- Gowan, R. (2017).** *The US Veto and the Future of International Law: The Case of Israel and Palestine*. *Journal of International Affairs*, 68(1), 45-63.
- Habermas, J. (1996).** *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. MIT Press.
- Hass, A. (2010).** *Drinking the Sea at Gaza: Days and Nights in a Land Under Siege*. Metropolitan Books.
- Kant, I. (1785).** *Groundwork for the Metaphysics of Morals*.
- Keohane, R. O. (1984).** *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton University Press.
- Keohane, R. O. (1989).** *International Institutions and State Power: Essays in International Relations Theory*. Westview Press.
- Keohane, R. O., & Nye, J. S. (1977).** *Power and Interdependence: World Politics in Transition*. Little, Brown, and Company.
- Khalidi, R. (2019).** *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press.
- Locke, J. (1689).** *Two Treatises of Government*.
- Malik, M. I. (2017).** *China and Kashmir: A Geopolitical Analysis*. *Journal of South Asian Studies*.
- Mill, J. S. (1859).** *On Liberty*.
- Nye, J. S. (1977).** *Power and Interdependence*. Little, Brown, and Company.
- Pappe, I. (2006).** *The Ethnic Cleansing of Palestine*. Oneworld Publications.
- Pappe, I. (2017).** *The Biggest Prison on Earth: A History of the Occupied Territories*. Oxford University Press.
- Rai, M. (2004).** *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir*. Princeton University Press.
- Rawls, J. (1999).** *A Theory of Justice (Rev. ed.)*. Belknap Press of Harvard University Press.

**Ruggie, J. G. (1998).** *What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge.* *International Organization*, 52(4), 855-885.

**Schabas, W. (2019).** *Amnesty International and the ICC: Documenting War Crimes in Palestine.* *International Journal of Criminal Justice*, 17(3).

**Schofield, V. (2010).** *Kashmir in Conflict: India, Pakistan, and the Unfinished War.* I.B. Tauris.

**Snyder, H. (2011).** *Human Rights and International Relations.* Cambridge University Press.

**Zia, A. (2014).** *Kashmir: A History of Struggle and Resistance.* Oxford University Press.

### **Research Articles**

**Alston, P. (2018).** *Human Rights Organizations and Their Role in Conflict Zones: The Case of Palestine.* *Journal of Humanitarian Studies*, 12(4), 23-41.

**B'Tselem. (2019).** Settlements and the Israeli occupation. *B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories.* Retrieved from <https://www.btselem.org>

**Bhat, F. A. (2020).** *Human Rights Violations in Kashmir: Issues and Challenges.* *International Journal of Social Sciences.*

**Chowdhury, A. (2020).** *India's Repression of Human Rights Defenders and Amnesty International's Response.* *Hindustan Times.*

**Chowdhury, A. (2020).** *The Abrogation of Article 370: Implications for Kashmir.* *Journal of South Asian Studies*, 45(3), 345–367.

**Chowdhury, A. (2023).** *The G20 Summit in Kashmir: Political Implications and Human Rights Concerns.* *South Asian Journal of Political Studies*, 12(2), 34–56.

**Cohen, R. (2018).** *Human Rights Violations in Palestine: An Analysis of Israeli Policies and Amnesty's Response.* *Middle East Policy*, 25(3), 32-45.

**Cohen, R. (2020).** *The Limits of International Law in Palestine: Analyzing the Geopolitical Resistance.* *International Law and Politics Review*, 52(1), 112-135.

**Davenport, C. (2007).** *State Repression and the Struggle for Human Rights.* *Human Rights Quarterly*, 29(3), 535-562.

**Gready, P. (2008).** *Amnesty International: The Struggle for Human Rights and the Politics of Human Rights Advocacy. Human Rights and Global Politics*, 15(1), 72-89.

**Khalidi, R. (2006).** *The Iron Cage: The Story of the Palestinian Struggle for Statehood.* Beacon Press.

**Murray, J. (2018).** *Amnesty International's Impact on Policy: Case Studies from Kashmir and Palestine. Global Human Rights*, 22(3), 151-170.

**Ruggie, J. G. (1998).** *What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge. International Organization*, 52(4), 855-885.

Smith, J. (2006). Liberalism and human rights in the modern world. *Journal of Political Theory*, 45(3), 234-250.

**Schade, L., & Welzel, C. (2013).** *The Impact of Human Rights Advocacy: Amnesty International's Role in the Decline of the Death Penalty. The Journal of Politics*, 75(4), 967-979.

**Schofield, V. (2003).** *Kashmir in Conflict: India, Pakistan and the Unending War.* I.B. Tauris.

**Sikkink, K. (2011).** *The Power of Human Rights Advocacy: Amnesty International and its Impact on Global Politics. International Politics*, 48(2), 237-257.

**Srinivasan, S. (2011).** *Amnesty and its Role in Promoting Human Rights in Conflict Zones: The Kashmir Example. Human Rights Review*, 12(2), 132-145.

**Zargar, M. (2018).** *The Militarization of Kashmir: Human Rights and State Sovereignty. Indian Journal of Social Sciences*, 23(4), 101-118

## **Reports**

**Access Now. (2019).** *India: The Longest Internet Shutdown in a Democracy.* Access Now.

**Amnesty International. (2014).** *Strangling Gaza: Blockade, Rockets, and Accountability.* Amnesty International.

**Amnesty International. (2016).** *India: Mass Casualties in Kashmir Protests.* Amnesty International.

**Amnesty International. (2017).** *Losing Sight in Kashmir: The Impact of Pellet Guns on Civilians.* Amnesty International.

**Amnesty International. (2017).** *The Human Cost of the Digital Revolution.* Amnesty International.

**Amnesty International. (2018).** *Israel's Use of Excessive Force in Gaza: Violations of International Law*. Amnesty International.

**Amnesty International. (2019).** *Demolished Hopes: Forced Evictions in the West Bank*. Amnesty International.

**Amnesty International. (2019).** *India: Jammu and Kashmir – Abrogation of Article 370 and the Impact on Human Rights*. Amnesty International Report.

**Amnesty International. (2019).** *India: Kashmir Lockdown—Mass Arrests and Human Rights Abuses*. Amnesty International.

**Amnesty International. (2019).** *Kashmir: Access Denied*. Amnesty International Reports.

**Amnesty International. (2020).** *India: Amnesty International Forced to Shut Down After Government's Retaliation*. Amnesty International Report.

**Amnesty International. (2020).** *India: Amnesty International's Response to Restrictions in Kashmir*. Amnesty International Report.

**Amnesty International. (2020).** *Israel and Palestine: A Call for Accountability*. Amnesty International.

**Amnesty International. (2020).** *Kashmir and Palestine: Calls for Accountability*. Retrieved from [Amnesty International](#).

**Amnesty International. (2020).** *Palestine: The Persistent Violation of International Law*. Amnesty International.

**Amnesty International. (2020).** *The State of Human Rights in Jammu and Kashmir*. Amnesty International.

**Amnesty International. (2021).** *Challenges in Operating in Gaza and the West Bank*. Amnesty International.

**Amnesty International. (2021).** *Fueling Oppression: International Arms Transfers to Israel and Their Consequences for Palestinian Civilians*. Amnesty International.

**Amnesty International. (2021).** *Human Rights Violations in Jammu and Kashmir*. Amnesty International Reports.

**Amnesty International. (2021).** *ICC Investigation and Accountability for Crimes in Palestine*. Amnesty International Report.

**Amnesty International. (2022).** *End Israeli Apartheid: A System of Oppression in the OPT*. Amnesty International.



**Amnesty International. (2022).** *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*. Amnesty International.

**Amnesty International. (2022).** *The Aftermath of Poonch Encounter*. Amnesty International.

**Human Rights Watch. (1996).** *Disappearances in Kashmir: A Hidden Tragedy*. Human Rights Watch.

**Human Rights Watch. (2016).** *World Report 2016*. Human Rights Watch.

**Human Rights Watch. (2017).** *Gaza: The Blockade and Its Consequences for Civilians*. Human Rights Watch.

**Human Rights Watch. (2018).** *India: Justice for Kathua Victim Critical to End Impunity*. Human Rights Watch.

**Human Rights Watch. (2020).** *Human Rights in Kashmir: A Critical Analysis of India's Actions*. Human Rights Watch.

**Human Rights Watch. (2020).** *India: Counterterrorism Abuses in Kashmir*. Human Rights Watch.

**Human Rights Watch. (2020).** *The State of Human Rights in Kashmir: Documenting Violations*. Retrieved from [Human Rights Watch](#).

**Human Rights Watch. (2020).** *World Report 2020: India*. Human Rights Watch Report.

**Human Rights Watch. (2021).** *Human Rights Violations in Kashmir*. Retrieved from [Human Rights Watch](#).

**Human Rights Watch. (2022).** *Hyderpora Killings: A Troubling Pattern of Extrajudicial Violence*. Human Rights Watch.

**Human Rights Watch. (2023).** *India: Crackdowns and Civilian Displacement in Jammu and Kashmir*. Human Rights Watch.

**International Crisis Group (ICG). (2017).** *The Kashmir Conflict: From Separatism to Militancy*. International Crisis Group.

**International Crisis Group (ICG). (2020).** *The Future of Kashmir: A Report on India's Policies*. Retrieved from [International Crisis Group](#).

**JKCCS. (2019).** *Torture in Kashmir: A Report on Human Rights Abuses*. Jammu Kashmir Coalition of Civil Society Reports.

**Reporters Without Borders (RSF). (2020).** *Press Freedom in Kashmir: A Year of Censorship*. RSF.

- United Nations. (2018).** *Human Rights and Self-Determination in Kashmir*. United Nations Office of the High Commissioner for Human Rights (OHCHR). Retrieved from [OHCHR](#).
- United Nations. (2019).** *Report of the United Nations High Commissioner for Human Rights on the Situation in Kashmir*. OHCHR Report.
- United Nations. (2019).** *Statement on Kashmir after Article 370 Revocation*. United Nations.
- United Nations. (2021).** *Report of the United Nations on Palestinian Human Rights Violations and Israeli Settlements*. United Nations.
- United Nations High Commissioner for Human Rights (OHCHR). (2021).** *Human Rights in the Occupied Palestinian Territories*. OHCHR.
- United Nations Human Rights Office (OHCHR). (2020).** *Human Rights in Palestine and Kashmir: A Comparative Overview*. Retrieved from [OHCHR](#).
- United Nations Security Council (UNSC). (2016).** *Resolution 2334: Settlement Expansion in Palestine and the Violation of International Law*. United Nations. Retrieved from [UN Website](#).
- UNHCR. (2019).** *Reports on Palestine and Kashmir*. United Nations High Commissioner for Refugees. Retrieved from [UNHCR](#) Legal and International Documents
- Geneva Convention (1949). *Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War*. International Committee of the Red Cross.
- Government of India. (2020). *Jammu and Kashmir Reorganization Act*. Government of India.
- International Covenant on Civil and Political Rights (1976). *ICCPR General Comment 29 on States of Emergency*.
- Israeli Ministry of Foreign Affairs. (2021). *Israeli Policies on Palestine: Official Reports*. Israeli Government.
- United Nations. (1948). *Universal Declaration of Human Rights*. UN General Assembly.
- United Nations. (1967). *Israel and the Occupied Palestinian Territories: Violations of the Fourth Geneva Convention*. Amnesty International.
- United Nations. (1984). *Convention Against Torture*.
- United Nations. (2019). *Report on the Situation of Human Rights in Kashmir*. UNHRC Reports.

United Nations Security Council. (2017). *Resolutions on the Israeli-Palestinian Conflict and the Kashmir Issue*. United Nations Security Council. Retrieved from UN Website