

We Hold These Truths to Be Self Evident

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Honorable Members of the Committee:

I preface my remarks with the fact that they reflect the refusal of the government of India to respond to my repeated requests to visit Indian Occupied Kashmir. The absence of any response whatsoever has resulted in de facto rejection, similar to Congressman Pitts.

For the record, my name is Robert Giuda. I am a 1975 graduate of the U. S. Naval Academy, former officer of Marines, former Special Agent of the FBI, and Deputy Majority Leader of the New Hampshire House of Representatives. I am founder and chairman of Americans for Resolution of Kashmir.

Kashmir is classified by the U.N. as a “disputed territory”. It lies within what is arguably the most dangerous region in the world, where the confluence of religious, ethnic, political, military and economic factors affords every conceivable basis for violent conflict. Over the past 57 years, India & Pakistan fought two major wars, numerous lesser battles, and engaged in a near-nuclear exchange just two years ago. Kashmir today is home to the largest concentration of ground forces on earth since World War II. 700,000 troops and paramilitaries – half India’s standing army – are garrisoned among IOK’s 8 million people. This equates to 1 armed combatant for every 11 civilians. Pakistan maintains 95,000 troops among the 5 million inhabitants of its sector, known as Free, or Azad, Kashmir – roughly 1 armed combatant for every 500 civilians.

Every day, unspeakable atrocities occur at the hands of India's army of occupation. Even as India proclaims to the world its desire to reach a political solution to the conflict, Indian law immunizes its army and police forces from prosecution for actions committed under color of "prevention of terrorism", enabling a hideous government-sanctioned repertoire of torture, rape, murder, arson, and custodial killing. Pakistan allows U.N. observers and human rights organizations unfettered access to Free Kashmir, while India denies access to substantial parts of IOK. One must ask, "Why are no observers allowed?" What is India hiding?

India began its occupation of Kashmir by invading it in 1947. During the past 15 years, with statutory immunity, the Indian army has killed two percent of Kashmir's mostly Muslim male population, raped some 9,000 Kashmiri Muslim women, and orphaned more than 100,000 Kashmiri Muslim children. When considered in the aggregate, these actions, committed by the Indian military with full knowledge of the highest levels of Indian government, comprise genocide against Kashmiri Muslims, and are chargeable both as war crimes and as crimes against humanity.

This murderous paradigm – military brutality, immunity from prosecution, and denial of access – is anathema to the rule of law, and lethal to the advancement of human rights.

India cleverly deflects attention from its actions in Kashmir by claiming that the Kashmiri insurgency is really Muslim-incited "cross border terrorism" supported by Pakistan. My lengthy personal discussions with President Musharraf indicate otherwise. India's success with this charade depends on public ignorance of the exemption of indigenous freedom struggles from the U.N. definition of "terrorism". I submit to you that Kashmiri resistance to Indian repression is little different than the resistance of American colonists to British occupation during our War of Independence. I assure you, however, that the British never committed such atrocities as are part of daily life in Kashmir.

In July, 1999, a prominent U.S. House Committee voted to reject the concept of a plebiscite in Kashmir – this despite a 1948 U.N. resolution championed by the U.S., signed by India and Pakistan, and reiterated in four subsequent Security Council resolutions. That vote, denying the right of the indigenous people of a former nation-state to determine their own future, is utterly inconsistent with America’s demonstrated commitment to human rights. Even as U.S. and coalition forces fight today to restore freedom in Iraq, I ask the Committee to bring forth a resolution reaffirming the right of self-determination for the people of Kashmir. I ask you to stand strong in support of human rights without regard to race, creed, gender, or national origin.

Enormous economic benefits will flow from such an affirmation. Leaders of the 350 major U.S. corporations doing business in India and Pakistan today will attest that the future of South Asia – with ¼ of the world’s population – remains inextricably intertwined with the future of Kashmir. The “peace dividend” that would accrue from resolving this bloody conflict would enable India and Pakistan to reduce their burgeoning defense budgets, and to invest those funds instead in desperately needed health and education reforms.

One fundamental principle is essential to resolution of the Kashmir conflict. That is the principle of self-determination, upon which our own United States was founded, and for which the blood of Americans has been shed many times around the globe. Honorable Members of the Committee, we cannot allow subterfuge to undermine America’s commitment to human rights. Yesterday I walked quietly among the graves of thousands of men and women at rest in Arlington Cemetery who gave their lives in defense of human rights at home and abroad. The silence of their repose provides unimpeachable testimony to America’s unwavering opposition to tyranny and despotism. Does not the magnitude of

their sacrifice compel us here today to advance the cause of human rights at every opportunity? If not us, who? And if not now, when?

Thank you for your consideration. I am happy to take any questions.