



## Security Council

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### **Letter dated 13 August 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council**

Upon instructions from my Government, I have the honour to transmit herewith a letter dated 13 August 2019 from Makhdoom Shah Mahmood Qureshi, Minister for Foreign Affairs of Pakistan, addressed to the President of the Security Council (see annex), drawing the attention of the Council to the recent developments in occupied Jammu and Kashmir. The situation poses an imminent threat to international peace and security and requires the immediate consideration of the Council.

I should like to request you to kindly have the present letter and its annex circulated as a document of the Security Council in connection with the item entitled “The India-Pakistan question”.

*(Signed)* Maleeha Lodhi



## **Annex to the letter dated 13 August 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council**

13 August 2019

Following my letters dated 1 and 6 August 2019 regarding recent developments in occupied Jammu and Kashmir, I wish to bring to the attention of the Security Council the grave situation that has developed within the Indian-occupied part of the disputed State of Jammu and Kashmir and along the line of control between Pakistan and India. This situation poses an imminent threat to international peace and security and requires immediate consideration by the Security Council.

The Jammu and Kashmir dispute between Pakistan and India has been on the agenda of the Security Council since January 1948. The Security Council has adopted a series of binding resolutions, including resolutions [47 \(1948\)](#), [51 \(1948\)](#), [80 \(1950\)](#) and [91 \(1951\)](#), which embody the principle that “the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”.

Moreover, in its resolutions [91 \(1951\)](#), [122 \(1957\)](#) and [123 \(1957\)](#), the Security Council reaffirmed that any (unilateral) attempt by “the parties concerned” to “determine the future shape and affiliation of the entire State [of Jammu and Kashmir] or any part thereof ... would not constitute a disposition of the State in accordance with the above principle” (of a plebiscite).

Despite the solemn commitments made by the Government of India, including by its first Prime Minister, Jawaharlal Nehru, in numerous official communications to the Security Council to Pakistan, to other States and to the people of Jammu and Kashmir to abide by and implement these Security Council resolutions and decisions, India has progressively resiled from these commitments over the years. This has provoked popular resistance by the people in occupied Jammu and Kashmir against India’s rule. The festering Jammu and Kashmir dispute has also ignited several conflicts between India and Pakistan.

In the freedom struggle which commenced in December 1989 after Indian troops killed over 100 peaceful Kashmiri demonstrators in Srinagar, around 100,000 Kashmiris have been martyred, more than 22,000 women widowed and 108,000 children orphaned. Over 12,000 Kashmiri women have been raped by Indian forces as an instrument of occupation policy.

The Kashmiri freedom struggle has surged again since 2016, after India killed a popular resistance leader, Burhan Wani.

Since then, India has renewed a campaign of brutal repression and committed grave violations of the human rights of the people of Jammu and Kashmir, as documented in two successive reports issued by the Office of the United Nations High Commissioner for Human Rights in 2018 and 2019. The High Commissioner’s recommendation for the establishment of a commission of inquiry to investigate these violations was endorsed by Pakistan but rejected by India.

India’s repression in occupied Jammu and Kashmir has intensified in recent months, including through the use of draconian laws, such as the Jammu and Kashmir Public Safety Act of 1978 and the Jammu and Kashmir Preventive Detention Act of 1964, as well as the Armed Forces (Jammu and Kashmir) Special Powers Act of 1990 and the Disturbed Areas Act. Almost 180,000 additional troops have been inducted, supplementing the over 700,000 stationed there for more than three decades. An iron

curtain was imposed in occupied Jammu and Kashmir prior to the illegal evisceration by the Government of India, on 5 August 2019, of the provisions of its Constitution, which had offered “special” and “autonomous” status to the State of Jammu and Kashmir (as a means to justify its questionable and unestablished “accession” to India). Tourists and visitors were externed; an annual Hindu pilgrimage (Amarnath Yatra) was cancelled; schools and colleges were shut down; and hospitals were advised to prepare for “emergencies”. India also imposed a complete and round-the-clock curfew on the entire occupied territory, cut off all communications and arrested or detained over 500 Kashmiri political leaders and activists. In sum, the entire territory has been transformed into a massive military prison.

Since 5 August 2019, the scale of the human rights violations in occupied Jammu and Kashmir has further intensified. There are credible reports that scores of unarmed demonstrators – men, women and children – who breached the brutal curfew have been killed or wounded by indiscriminate fire by Indian troops.

Both the Secretary-General and human rights organizations have expressed their serious concern over the human rights situation in occupied Jammu and Kashmir.

It has long been the stated policy of the Bharatiya Janata Party and its Hindu ideological fountainhead, the Rashtriya Swayamsevak Sangh, to turn occupied Jammu and Kashmir from a Muslim-majority into a Hindu-majority territory. The Indian actions of 5 August 2019 have opened the way for the realization of this fascist policy objective. This attempt will evoke strong Kashmiri resistance. The anticipated massive repression by India’s occupation forces will lead to ethnic cleansing and genocide in occupied Jammu and Kashmir. The Security Council and the international community have the obligation to prevent the recurrence of another Srebrenica and Rwanda.

While the people of other colonial territories, notably East Timor and Namibia, have been enabled to exercise their right to self-determination, the people of Jammu and Kashmir have been denied this right despite the resolutions of the Security Council recognizing this right. The entire Muslim world questions this double standard. The world can no longer ignore the fundamental human rights of the people of occupied Jammu and Kashmir.

There is, furthermore, a clear and present danger that India will provoke another conflict with Pakistan to divert attention from its recent actions in occupied Jammu and Kashmir.

Apart from inducting additional troops in the territory, India’s violations of the 2003 ceasefire understanding have escalated along the line of control. India has used prohibited “cluster ammunitions” along the line of control, deliberately targeting civilians. Fake news in India’s controlled media mentioning “terrorists” ready to enter occupied Kashmir across the line of control indicates that India’s reckless Government intends to provoke another crisis with Pakistan, possibly through a “false flag” operation.

Pakistan does not desire another conflict with India. In February this year, Pakistan exercised extreme self-restraint in response to India’s blatant aggression – its aerial attack on Pakistani territory and intrusions into Pakistani airspace. In exercise of its right to self-defence, the Pakistan Air Force shot down two Indian aircraft and captured an Indian pilot. As a goodwill gesture, Pakistan’s Prime Minister unilaterally and immediately repatriated the captured Indian fighter pilot.

Pakistan will not provoke a conflict. But India should not mistake our restraint for weakness. If India chooses to resort again to the use of force, Pakistan will be obliged to respond, in self-defence, with all its capabilities. A failure by the international community to reverse the threat to international peace and security

created by the Indian Government's racist ideology and its arrogant policies as well as actions carries grave implications not only for Pakistan and India but also for the entire world.

In view of the dangerous implications of the aforementioned developments, I wish to request that you convene an urgent meeting of the Security Council under the item entitled "The India-Pakistan question" to consider the situation arising from the recent aggressive actions by India, which pose a threat to international peace and security, wilfully undermine the internationally recognized disputed status of Jammu and Kashmir, unilaterally aim to alter the demographic structure of the territory and violate the fundamental human rights of the Kashmiri people, including their inalienable right to self-determination, as affirmed by international law and Security Council resolutions.

I also wish to request that, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Security Council, a representative of the Government of Pakistan be allowed to participate in the meeting.

(Signed) Makhdoom Shah Mahmood **Qureshi**

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