

**Security Council**

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**Letter dated 23 September 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council**

On the instructions of my Government, I have the honour to transmit a letter dated 18 September 2020 from Makhdoom Shah Mahmood Qureshi, Foreign Minister of Pakistan, to you as President of the Security Council, drawing the attention of the Council to the recent developments in Indian illegally occupied Jammu and Kashmir (see annex).

I request that the present letter and its annex be circulated as a document of the Security Council in connection with the item entitled "The India-Pakistan question".

*(Signed)* Munir Akram



## **Annex to the letter dated 23 September 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council**

I am writing in continuation of my earlier letters of 1, 6, 13 and 26 August, 16 September, 31 October and 12 December 2019 and 9 March, 10 April, 21 May and 1 August 2020 regarding developments in Indian illegally occupied Jammu and Kashmir.

The Rashtriya Swayamsevak Sangh-Bharatiya Janata Party (RSS-BJP) regime in New Delhi is implementing what its rulers have themselves called a “final solution” in the occupied territory. It is engaged in systematically engineering a demographic change in Indian illegally occupied Jammu and Kashmir. New “domicile rules” have been promulgated to allow people from India to permanently settle in Indian illegally occupied Jammu and Kashmir and acquire residency, jobs and property.

These illegal “domicile certificates” are being fast-tracked for armed forces personnel and civil servants, their children and relatives, and private contractors and Indian bureaucrats who have served as agents of India’s colonial enterprise in Indian illegally occupied Jammu and Kashmir. According to India’s own media, over 1.6 million “domicile certificates” have already been issued since March 2020.

Changing the demography of Indian illegally occupied Jammu and Kashmir from a Muslim majority to a Hindu majority territory is an attempt to transform the distinct Kashmiri identity and to affect the outcome of a plebiscite envisaged in Security Council resolutions. This action is also in violation of international law, particularly the Fourth Geneva Convention.

In another attack on the cultural identity of Kashmiri Muslims, India has recently introduced a bill to change the status of Urdu – a language associated with Muslims and their identity – as the exclusive official language of the territory. The aim of the RSS-BJP regime is to impose Hindi, and other Indian languages, as official languages of Indian illegally occupied Jammu and Kashmir.

India’s RSS-BJP rulers claim that “normalcy” is returning to Indian illegally occupied Jammu and Kashmir. This is patently false. In fact, an occupation force of 900,000 Indian troops has imposed a draconian reign of terror on 8 million people. All fundamental freedoms and basic human rights have been abrogated and violated. Over 500 senior Kashmiri political leaders and officials remain in arbitrary detention in jails across India, even during the coronavirus disease (COVID-19) emergency. The pandemic is being used to further malign Muslims, deny treatment to them and reinforce the lockdown. The whereabouts of thousands of innocent youth, including minors, forcibly abducted by Indian forces remain unknown. Brutal and excessive use of force, including pellet guns, against unarmed and peaceful protesters continues unabated, including most recently against the Muharram religious procession of Kashmiri Shia Muslims.

Hundreds of young Kashmiris continue to be extrajudicially killed in fake “encounters” and the so-called “cordon-and-search operations”. The Indian authorities refuse to even return their bodies to the families for proper burial. “Collective punishment” is being imposed on entire villages and neighbourhoods, with houses of Kashmiris being burned or razed to the ground.

Indian security forces are directly responsible for these grave and consistent violations of international human rights and humanitarian law. Yet not a single member of the Indian security forces has been punished for these crimes. Instead, they are protected against prosecution by black laws like the Armed Forces Special

Powers Act, the Public Safety Act and the Unlawful Activities Prevention Act, allowing them to perpetrate these crimes with complete impunity.

India continues to stifle the media and journalists with unprecedented curbs on freedom of the press. Shutdown of all modes of communication in the occupied territory and draconian measures like the “Media Policy 2020” have crippled the news media. Journalists reporting from Kashmir have been targeted, assaulted, intimidated, arrested and killed.

All of this is well documented in the reports of the United Nations High Commissioner for Human Rights, communications of special rapporteurs of the Human Rights Council, statements from human rights and civil society organizations and media reports. Eighteen special procedure mandate holders, in a joint statement on 4 August 2020 (the eve of the first anniversary of the inhuman and brutal military siege of Indian illegally occupied Jammu and Kashmir and the illegal and unilateral measures by India to change the status of an internationally recognized disputed territory), stated that the human rights situation in Indian illegally occupied Jammu and Kashmir has been in “free fall”.

To deflect international and domestic attention from its brutal crimes in Indian illegally occupied Jammu and Kashmir, the RSS-BJP leadership has intensified its belligerent rhetoric against Pakistan, including threats of military aggression. Jingoistic and hostile statements from New Delhi are accompanied by indiscriminate and unprovoked violations of ceasefire on the Line of Control and the working boundary, including deliberate targeting of the civilian population and civilian areas by artillery, heavy-calibre mortars and automatic weapons.

In 2020 alone, India has so far committed over 2,200 ceasefire violations, resulting in 17 deaths and serious injuries to 171 innocent civilians.

We have been sensitizing the Security Council that India may yet escalate by mounting a possible “false flag” operation to justify renewed aggression. Pakistan does not desire another conflict with India. Pakistan has exercised maximum restraint, but we will defend ourselves resolutely against any act of Indian aggression.

The United Nations Military Observers Group in India and Pakistan (UNMOGIP) has been mandated by the Security Council to observe, report and investigate ceasefire violations along the Line of Control and the working boundary in Jammu and Kashmir. Its ability to do so is being severely constrained by the limited number of United Nations observers and India’s non-cooperation with UNMOGIP. The Group should be further strengthened and India must be obliged to allow free movement of the observers on its side of the Line of Control to enable UNMOGIP to effectively perform its mandated role of observing all ceasefire violations and reporting to the Security Council. Timely and accurate information will enable the Council to prevent escalation.

The deteriorating situation in Indian illegally occupied Jammu and Kashmir should be a matter of serious concern for the international community, particularly the Security Council, which has a direct and legal responsibility, flowing from its own resolutions and the Charter of the United Nations, to address and resolve the Jammu and Kashmir dispute.

To this end, it is imperative that the Security Council demand that India:

- Immediately lift the continuing military siege and rescind illegal and unilateral actions taken since 5 August 2019
- Remove restrictions on communications, movement and peaceful assembly

- Immediately release the incarcerated Kashmiri political leaders and allow them to express the wishes of the Kashmiri people
- Free arbitrarily and illegally detained Kashmiris
- Reverse the new domicile rules designed to change the demographic structure of Indian illegally occupied Jammu and Kashmir
- Remove the draconian laws enabling Indian occupation forces to continue human rights violations with impunity
- Prosecute military and civilian personnel involved in massive human rights abuses in the occupied territory
- Allow access for United Nations observers, international human rights and humanitarian organizations and the international media to Indian illegally occupied Jammu and Kashmir

I hope that the Council will take cognizance of this serious and urgent matter that requires an immediate redressal. It is imperative for the provision of humanitarian relief to Kashmiris trapped in the occupied territory, as well as for the maintenance of regional peace and security.

(Signed) Makhdoom Shah Mahmood **Qureshi**

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