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QUESTION CONSIDERED BY THE SECURITY
COUNCIL AT ITS 1606TH, 1607TH AND
1608TH MEETINGS, ON 4, 5 AND
6 DECEMBER 1971

Note verbale dated 13 December 1971 from the
Permanent Representative of Pakistan to the
United Nations addressed to the Secretary-General

1. The Permanent Representative of Pakistan to the United Nations presents his compliments to the Secretary-General of the United Nations and under instructions of his Government has the honour to draw attention to a serious breach of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949^{1/} committed by the Government of India and its armed forces in the present conflict in the sub-continent.

2. One of the officers of the Pakistan Armed Forces who had been taken prisoner by the Indian Army was returned to the Comilla fortress with the following message to the Pakistan Army:

"If you all do not surrender we will hand over all your prisoners (i.e. Pakistan prisoners of war) to the Mukti Bahini for butchery."

3. The sinister aspects of this threat justify all the fears that the Government and people of Pakistan have entertained about the intentions of the Indian Army

^{1/} United Nations, Treaty Series, vol. 75 (1950), No. 972.

and the Mukti Bahini. In addition the threat is in clear violation of Article 13 of the Geneva Convention which states:

"Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention."

Article 13 continues:

"Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited."

4. Not only are India's actions in clear violation of the above provisions relating to humane treatment, they also contravene the very spirit and purpose of the whole Convention that prisoners of war should not be utilised in order to attain the military objectives of the parties to the conflict.

5. Lest the Government of India be tempted, at some stage, to take the plea that it cannot be held responsible for the acts of the Mukti Bahini, the Permanent Representative of Pakistan wishes to state that such an excuse will not hold as the Mukti Bahini is officially under the authority of India's Army Commanders and Article 12 of the Convention expressly provides that:

"Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them."

6. The Permanent Representative of Pakistan requests that this note be circulated as an official document of the Security Council and the General Assembly.
