



Security Council

Distr.
GENERAL

S/21297
16 May 1990

ORIGINAL: ENGLISH

LETTER DATED 16 MAY 1990 FROM THE PERMANENT REPRESENTATIVE OF
PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to forward herewith the text of the letter addressed to you by His Excellency Sahabzada Yaqub-Khan, Foreign Minister of the Islamic Republic of Pakistan.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nasim AHMED
Ambassador and
Permanent Representative

Annex

Letter dated 14 May 1990 from the Minister for Foreign Affairs
of Pakistan addressed to the President of the Security Council

I have the honour to bring to your urgent attention recent developments in the Indian-occupied Jammu and Kashmir which have created an extremely grave situation, having serious implications for regional peace and security.

2. Indian-occupied Jammu and Kashmir has been in a state of turmoil for more than a year. The people have openly challenged Indian occupation and demanded the free exercise of their right to self-determination recognized by the relevant United Nations resolutions. More recently, the situation has taken a particularly serious turn leading to widespread disturbances in the territory.

3. Unfortunately, the Indian authorities instead of addressing the root-cause of the problem, which is the denial of the right of self-determination to the people of Jammu and Kashmir, have resorted to massive use of force to suppress the uprising. Widespread and frequent incidents of firing by the security forces on unarmed civilians resulting in the tragic loss of human lives continue to be reported from the Indian-occupied Kashmir. During the past few months, over 500 Kashmiris have been shot to death while demonstrating peacefully. Many more have been injured.

4. The Indian-occupied Jammu and Kashmir has been placed under military rule. At present, there are over 200,000 Indian military, paramilitary, security and police forces in the occupied territory. A determined effort is afoot to intimidate and terrorize the population into submission by Draconian measures, including imposition of curfew in all major towns, house-to-house searches, arbitrary detentions, humiliation of civilians and expulsion of foreign correspondents from the State. These measures have, however, failed to erode the resolve of the people of Kashmir to continue their struggle.

5. Many independent observers have recognized the gravity of the situation and have expressed their deep concern. In two messages addressed to the Government of Indian-occupied Kashmir, Amnesty International called for an investigation into the killings of Kashmiri civilians. According to Amnesty International, the demonstrators were unarmed and many of the victims were shot in the head or body while some were shot from behind by the Indian security forces.

6. The reign of terror let loose by the Indian authorities in Kashmir has been severely criticized by men of conscience in India itself. A four-member team on behalf of an Indian Human Rights Group, the Committee for Initiative on Kashmir, during a visit to Jammu and Kashmir from 12 to 18 March 1990, obtained information from a large number of sources, including victims, eyewitnesses as well as senior government officials, about indiscriminate killings, arbitrary arrests, unlawful searches, unprovoked assaults on peaceful demonstrators and a complete dislocation of normal life due to the imposition of indefinite curfew for months with rare breaks of a few hours. In the course of investigation, the team found that these

excesses had been carried out by the official law-enforcement personnel, that is, CRPF (Central Reserve Police Force), BSF (Border Security Force), and in certain cases, by the Indian army.

7. The latest indictment of the gross violations of human rights and atrocities by India appeared in a detailed report on 26 April, compiled by a joint team of the People's Union for Civil Liberties, the Citizens for Democracy, the Radical Humanist Association and the Manav Ekta Abhiyan which visited Srinagar, Jammu and several other towns from 9-13 March and again from 28 March to 3 April 1990. This report provides documentary proof beyond any shadow of doubt that the Indian security forces have been given a free hand to violate every norm of civilized behaviour.

8. India has stepped up its policy of collective punishment against a popular uprising and its repression is no longer confined to towns. Azad Kashmir is beginning to receive an influx of refugees who have brought gruesome stories of Indian atrocities. In recent days, Indian forces have fired on and killed a number of Kashmiris trying to cross over into Azad Kashmir to take refuge. So far about 6,000 Kashmiri refugees have reached Azad Kashmir. Humanitarian assistance is being provided to them by the local authorities. With the melting of snows and reopening of routes, more Kashmiri refugees are likely to cross over into Azad Kashmir to seek asylum from the unprecedented repression.

9. Jammu and Kashmir is a disputed territory and is recognized as such by the United Nations. In a number of resolutions the Security Council has mandated that the final disposition of the State of Jammu and Kashmir should be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite under the auspices of the United Nations. I would like to draw your attention, inter alia, to Security Council resolution 47 (1948) adopted on 21 April 1948, and the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949. Both India and Pakistan, as parties to the dispute, are bound by the provisions of these resolutions. These resolutions remain unimplemented because of India's refusal to honour its own solemn pledges to the United Nations and to the people of Jammu and Kashmir.

10. India's claim that the will of the people of Jammu and Kashmir regarding the future status of the territory was determined through elections held under Indian control and that by participating in these elections they voted in favour of accession to India is a pure subterfuge to escape from its international obligations. The Security Council through its resolutions 91 (1951) of 30 March 1951, and 122 (1957) of 24 January 1957, affirmed categorically that any action by the so-called constituent Assembly convened in the Indian-occupied Jammu and Kashmir to determine the future of the territory would not constitute an expression of the will of the people of Jammu and Kashmir through a free and impartial plebiscite under United Nations auspices. Therefore, India's assertion that Jammu and Kashmir is an integral part of India lacks any legal, political or moral justification. The massive uprising in Kashmir is the most forceful and unambiguous rejection of the Indian contention.

11. By the same token, this uprising cannot be termed as "secessionist" as India describes it, since Jammu and Kashmir was never a part of India. The people of Jammu and Kashmir are demanding the free exercise of their sacred and inalienable right to self-determination, to which India is legally, politically and morally committed and through which they will decide the accession of their State.

12. In an effort to distort the realities and to absolve itself of its moral, political and legal responsibilities to allow the holding of a free and impartial plebiscite under United Nations auspices in Jammu and Kashmir, India has alleged Pakistani involvement in the uprising in the territory. We have categorically rejected these baseless allegations.

13. In order to demonstrate its good faith, Pakistan has proposed to India the establishment of a neutral mechanism such as the stationing of impartial international observers or any other such group acceptable to both sides to monitor and investigate allegations of this nature and reach independent conclusions. India has summarily rejected this proposal. Pakistan, however, stands by its proposal and would be prepared to accept any fact-finding mission or other neutral mechanism for this purpose.

14. The brutal suppression of the Kashmiri people has caused deep grief, anguish and indignation throughout Pakistan. None the less, the Government and the people of Pakistan have exercised the utmost restraint in the face of the Indian atrocities against the people of Kashmir. Despite this, the totally baseless Indian accusations of Pakistan's involvement in the uprising in the Indian-occupied Jammu and Kashmir have been accompanied by repeated threats against Pakistan's security by the Indian leaders.

15. Ominous large-scale Indian troop movements have taken place in Kashmir as well as along the Indo-Pakistan border. More recently, the Indian military threat to Pakistan has acquired menacing proportions. In addition to the increased presence of Indian regular troops and para-military forces in Jammu and Kashmir, India has concentrated its forces in the Punjab and Rajasthan. It has deployed the larger part of its strike corps in Rajasthan posing a grave security threat to Pakistan. This is a cause of serious concern to Pakistan and a threat to regional peace and security.

16. Pakistan remains committed to the preservation of peace in South Asia. In an attempt to defuse tensions and to seek a peaceful settlement of the Jammu and Kashmir dispute, on the basis of the relevant United Nations resolutions, Pakistan has expressed its willingness to enter into a constructive dialogue with India. India has not responded positively to these offers of talks on the Jammu and Kashmir dispute, which is recognized as an outstanding problem in the Simla Agreement.

17. I would like to reiterate Pakistan's steadfast commitment to seeking a peaceful settlement of the dispute over Jammu and Kashmir in accordance with the relevant United Nations resolutions. Our position is in harmony with the spirit of the Simla Agreement.

18. The uprising of the people of the Indian-occupied Jammu and Kashmir for the exercise of their inalienable right to self-determination in accordance with the relevant United Nations resolutions deserves the support of the international community. India's continued refusal to honour its obligations under those resolutions and reliance on force to suppress the demand of the people of Jammu and Kashmir to be allowed to determine their destiny freely will merely prolong the agony of the people of Jammu and Kashmir.

19. It is the earnest hope of the Government of Pakistan that Your Excellency and the Security Council, taking cognizance of the threat to peace and security in South Asia, will call upon India to exercise restraint, desist from the suppression of the Kashmiri people, work for a political settlement of the Jammu and Kashmir dispute in accordance with the relevant United Nations resolutions and redeploy its forces to their peacetime locations.

20. I shall be grateful if this letter is circulated as an official document of the Security Council.

Sahabzada YAQUB-KHAN
Foreign Minister

