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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action**

Written statement submitted by Centre d'Encadrement et Développement des Anciens Combattants, a non- governmental organization in special consultative status*

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2025]

* Issued as received, in the language of submission only.



Violation of Political Rights of Indigenous People and Local Ethnic Minorities in Pakistan Administered Azad Jammu and Kashmir

Indigenous People, ethnic and religious minorities of Pakistan Administered Azad Jammu and Kashmir have been embroiled in violent clashes with local and national authorities since May 2023 due to a sudden boom in inflation rate of necessary commodities particularly electricity and wheat. The violence took an uptick in May 2024 when several protestors were killed or injured in the firing by Pakistani rangers. The exact number of victims is not yet clear due to the media blackout on the issue and the cold approach by the world in general. The speeches and slogans bordering on separatism by the protestors converging at Muzaffarabad from different corners of the occupied territory implies the underlying problem of political alienation stemming from Pakistan's own violation of international norms and laws of Geneva convention. The basis of angst of Pakistan Administered Azad Jammu and Kashmir people is that they literally have no say in their governance.

Violation of Laws by Pakistan in Pakistan Administered Azad Jammu and Kashmir

The primary violation of law by Pakistan in Pakistan Administered Azad Jammu and Kashmir is that it is not in compliance with the instrument of accession, a legal document that was signed by the ruler of then princely state of Jammu and Kashmir with the Indian government, the basis of which was the Government of India Act 1935. Since the instrument was signed by the sovereign of the state, it is both legal and irrevocable, and it is this instrument which was violated in the first place by the invasion by Pakistani raiders. Pakistan Administered Azad Jammu and Kashmir is governed under an Interim Constitution Act passed in 1974 which debars any individual from taking part in the electoral process if he/she subscribes to any ideology other than accession with Pakistan.

The second violation by Pakistan is in not meeting the requirement of vacating the occupied territory as mandated by UNSC Resolution 1947 for holding a plebiscite to decide the will of the people of Pakistan Administered Azad Jammu and Kashmir by UNSC resolution, has to provide full freedom to all subjects of Pakistan Administered Azad Jammu and Kashmir irrespective of caste, creed or party and to express their views and to vote on the question of accession. The UN Commission which looked into the matter also did not recognize the legality of the presence of Pakistani troops in Pakistan Administered Azad Jammu and Kashmir. Pakistan would obviously be aware about its violation of the UNSC resolution since it has stopped short of going to the International Court of Justice (ICJ) so far in respect of Pakistan Administered Azad Jammu and Kashmir's disputed status.

Thirdly, though Pakistan time and again has alleged that Pakistan Administered Azad Jammu and Kashmir is a disputed territory, it had no qualms in ceding the 5,180 square kilometers Shaksgam Tract in Pakistan Administered Azad Jammu and Kashmir to China in 1963. If it was a disputed tract of land for Pakistan, it is baffling that the country could so publicly refute its own statements by unilaterally deciding to cede it to China.

Fourthly, Pakistan in section 7(3) of 'Interim Constitution of Azad Jammu and Kashmir (1974)' has prohibited anyone or any political party to propagate against, or take part in activities prejudicial or detrimental to, the ideology of Pakistan Administered Azad Jammu and Kashmir's accession to Pakistan. The first schedule- which deals with the oaths of different constitutional functionaries, of 'Interim Constitution of Azad Jammu and Kashmir (1974)', itself prompts the functionary to take the oath that he/she will remain loyal to the country and the cause of accession of the former princely state of Jammu and Kashmir to Pakistan. Thus, Pakistan has already closed the window for any other option, which is inviolation of its commitments to UN resolutions.

As a result, Pakistan Administered Azad Jammu and Kashmir civilians are forced to suffer in silence and the ones who raise their voice against the atrocities and inherent discrimination are labelled as traitors and tortured or extrajudicially executed by the forces. Even the base camps of many terrorist units have been running their recruitment and training in Pakistan Administered Azad Jammu and Kashmir, a tactic used to intimidate the local population with severe repercussions for any resistance. The multitude of radicalized jihadist groups and Pakistani security and intelligence officials keep an eye on everyone who counters the federal government's claims. It is laughable that the argument about Pakistan Administered Azad Jammu and Kashmir being a foreign territory was raised by the Pakistan government's lawyer itself in Islamabad High Court while hearing the case of an enforced disappearance and extrajudicial overreach in the case of an Pakistan Administered Azad Jammu and Kashmir resident. Even the court had no option but to question how the Pakistani rangers were able to go into Pakistan Administered Azad Jammu and Kashmir if it was foreign territory, the answer for which has not yet been cleared by Pakistan's federal government.

Fifthly, the 'Interim Constitution of Azad Jammu and Kashmir (1974)' gives it a symbolic President and Prime Minister but the real establishment is controlled by officials posted in the region by Islamabad. Even the symbolic heads are nominated by Pakistan's army. Neither the Pakistan Administered Azad Jammu and Kashmir civilians are allowed to have their own directly elected local government nor are they allowed to participate in the national elections of Pakistan. The country has effectively bullied its Kashmiri people into silence by denial of voting rights. The current Prime Minister is reportedly more of a non-resident Prime Minister who spends more time in Islamabad than in Muzaffarabad.

It is appalling that while Pakistan has imposed taxes on this region, it has refused to give the region's people any representation in Pakistan's National Assembly or Senate. The bedrock of the recent agitation itself has been 'no taxation, without representation', and the international community has a moral responsibility to take note of this. Moreover, an impartial plebiscite as envisioned by UNSC resolution cannot be conducted when Pakistan Administered Azad Jammu and Kashmir residents are constitutionally debarred from expressing their free will.

Sixthly, the new bill 'Azad Jammu and Kashmir Defamation Act 2021' tabled recently in the Pakistan Administered Azad Jammu and Kashmir legislative assembly further restricts freedom of expression and the right to know, and seeks to criminalise criticism of Pakistan Administered Azad Jammu and Kashmir government policies, officials, departments, or institutions on print, electronic and social media and courts will have to give a verdict within 90 days. If things in Pakistan Administered Azad Jammu and Kashmir were as peaceful as Islamabad claims, there would be no need to enact such a draconian law. The fundamental right to freedom of speech and expression is blatantly violated even in the case of media under this law. Pakistan's recent decision on January 5, 2025 to dissolve the election commission of Pakistan Administered Azad Jammu and Kashmir and hand over the responsibility of its local elections to the election commission of Pakistan is a direct violation of the region's sovereignty.

Seventhly, ambulances in Pakistan Administered Azad Jammu and Kashmir are being misused to transport weapons and ammunition to Pakistani security forces in Kotli - a direct violation of Geneva Convention and other humanitarian laws which strictly prohibits the use of medical vehicles for military purposes. Through this, Pakistan is exploiting the resources and endangering civilian lives as well as raising doubts on the credibility of humanitarian work in Pakistan Administered Azad Jammu and Kashmir.

The region has been witnessing increasing militarization, especially in Rawalkot, Kotli and Bagh. Pro-democracy parties in Pakistan Administered Azad Jammu and Kashmir have urged the United Nations and allied organizations to take action against Pakistan for these gross violations of human rights in Pakistan Administered Azad Jammu and Kashmir. It is better for the region to be demilitarised than to be a simmering pot of gross human rights violations.