

**Security Council**

Distr.: General
3 August 2020

Original: English

Letter dated 3 August 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 herewith a letter dated 1 August 2020 from the Minister for Foreign Affairs of Pakistan, Makhdoom Shah Mahmood Qureshi, drawing the attention of the Security Council to the recent developments in 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 3 August 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council

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

On 5 August 2020, it will be a full year since India announced its illegal and unilateral measures accompanied by the harshest means of total military siege and a communications blockade. The situation in Indian-occupied Jammu and Kashmir has since continued to deteriorate owing to the repressive actions being taken by the Indian occupation forces against the innocent people of the occupied territory.

As my Government has repeatedly underlined, the current Indian leadership is bent on perpetuating India's illegal occupation of parts of Jammu and Kashmir by brutally crushing the struggle of the Kashmiri people for their fundamental rights, especially the right to self-determination, as enshrined in the relevant Security Council resolutions.

To this end, following its illegal and unilateral actions of 5 August 2019, the Indian Government has taken additional steps to consolidate its stranglehold on Indian-occupied Jammu and Kashmir. Most significantly, it has introduced a series of new "domicile rules" to open the gate for "demographic flooding" and further its plans for changing the demographic structure of Indian-occupied Jammu and Kashmir, thus changing the Kashmiri indigenous population into a minority in their own homeland.

The measures that India imposed on 5 August 2019, and other steps since then, are contrary to and violate the provisions of the relevant Security Council resolutions and international law, in particular the Fourth Geneva Convention. To enable the international community to fully comprehend the illegality of these Indian actions, Pakistan is submitting separately a document that contains a legal review of the Jammu and Kashmir dispute. In particular, Security Council resolution 122 (1957) provides that unilateral legislative measures "to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State" in accordance with the principle "of a free and impartial plebiscite conducted under the auspices of the United Nations". Thus, the unilateral measures taken by the Government of India on 5 August 2019 and all subsequent steps taken in pursuance of its proposed changes to the status of Jammu and Kashmir are, ab initio, null and void.

Taking advantage of the world community's preoccupation with the coronavirus disease (COVID-19) pandemic, Indian occupation forces have further intensified their inhuman crackdown with characteristic brutality and complete impunity under the cover of draconian laws such as the Public Safety Act, the Armed Forces Special Powers Act and the Unlawful Activities (Prevention) Act. All fundamental freedoms and basic human rights remain in abeyance. Mass extrajudicial killings in fake "encounters" and so-called "cordon-and-search" operations, particularly targeting Kashmiri youth, burning and looting of Kashmiris' houses to inflict collective punishment on communities and indiscriminate use of pellet guns and live ammunition against unarmed peaceful protestors remain the norm, qualifying as grave human rights violations and crimes against humanity by any definition of international law.

Women and children are the worst affected by the inhuman military siege, blockade and cordon-and-search operations. They are experiencing torture and inhuman treatment, trauma and sexual violence, with no access to basic necessities, especially health services. Such Indian actions are in gross violation of Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), 2493 (2019), 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005), which call for the protection of women and children in armed conflict, ending impunity and enforcing accountability.

Meanwhile, the Kashmiri leadership and thousands of young Kashmiris, including political activists and civil society representatives, remain in arbitrary detention and incarceration. A systematic attempt is also under way to stifle the Kashmiri media, with both male and female Kashmiri journalists being subjected to harassment, intimidation and detention and even charged with allegations of terrorism and sedition.

The continuing gross human rights violations in Indian-occupied Jammu and Kashmir have been repeatedly exposed by reports of the United Nations human rights machinery, international media, human rights organizations and world parliaments. The Office of the United Nations High Commissioner for Human Rights has extensively documented the gross and systematic violations of human rights in Indian-occupied Jammu and Kashmir in two separate reports, issued in June 2018 and July 2019. The spokesperson of the Office of the United Nations High Commissioner for Human Rights and multiple special procedure mandate holders have expressed serious concerns regarding the Indian Government's human rights violations in Indian-occupied Jammu and Kashmir. Pakistan is also submitting, for official circulation, a document recording India's human rights violations in Indian-occupied Jammu and Kashmir.

The Indian leadership has also escalated its belligerent rhetoric against Pakistan, including threats of military action. Its approach represents an unfortunate mix of an extremist ideology and India's hegemonic ambitions. To create a smokescreen for their own crimes, the Indian authorities use the oft-repeated, unsubstantiated allegations of "training" and cross-Line of Control "infiltration". Pakistan has offered to take United Nations Military Observer Group in India and Pakistan (UNMOGIP) observers to any location alleged by India to be a so-called "launch pad". India has not provided any evidence or information to corroborate its allegations. The Line of Control being heavily and completely fenced and Indian-occupied Jammu and Kashmir being the most militarized zone in the world (with more than 900,000 Indian occupation forces), exposes the fallacious Indian rhetoric. Indian propaganda cannot change the reality – that the indigenous Kashmiri resistance is a direct consequence of India's brutalization of the Kashmiri people for over seven decades.

Pakistan seriously apprehends that India may resort to a "false flag" operation to divert attention from its State terrorism and persistent violations of human rights in occupied Jammu and Kashmir. Pakistan will defend itself resolutely against any act of aggression. We have consistently informed the international community that such a misadventure by India could pose a grave threat to regional and international peace and security.

Unprovoked and deliberate Indian ceasefire violations along the Line of Control have intensified. Since the beginning of 2020, India has committed more than 1,800 ceasefire violations, killing 14 and wounding 138 civilians, including women and children, on the Pakistan side of the Line of Control.

In view of the worsening conditions in Indian-occupied Jammu and Kashmir, arising from India's hegemonic designs and unabated killing spree, and the

consequential threat to regional and international peace and security, the international community, particularly the Security Council, has an inescapable responsibility to address the situation urgently and decisively.

Pakistan has repeatedly urged the strengthening of the role of UNMOGIP. It is a matter of critical importance that the intensity of India's ceasefire violations along the Line of Control should be fully reported to the Security Council. The deficits in the reporting of the ceasefire violations arise from the inadequacies in the number of observers and resources provided to UNMOGIP and are due to India's refusal to cooperate with UNMOGIP since 1972. Without a correct appraisal of the situation on the ground, the Council cannot make an objective assessment of the gravity of the security environment on the Line of Control and the ever-present threat to international peace and security. There are additional deployments in Indian-occupied Jammu and Kashmir that also threaten Pakistan. Addressing discrepancies in the reporting of ceasefire violations along the Line of Control and appropriate follow-up of the UNMOGIP reports should be a priority for the Secretary-General and the Security Council.

It is imperative that the Government of India be urged to: (a) immediately lift the continuing military siege and rescind the illegal and unilateral actions since 5 August 2019; (b) remove restrictions on communications, movement and peaceful assembly; (c) immediately release the incarcerated Kashmiri political leaders and allow them to express the wishes of the Kashmiri people; (d) free all arbitrarily and illegally detained Kashmiris; (e) freeze and reverse the new domicile rules designed to change the demographic structure of Indian-occupied Jammu and Kashmir; (f) remove the draconian laws enabling Indian occupation forces to continue human rights violations with impunity, including extrajudicial killings in fake encounters; and (g) allow access for United Nations observers, international human rights and humanitarian organizations, observers and international media to the occupied territory. India must not be allowed to impose its will in stark violation of the Security Council resolutions.

The world community, in particular the Security Council, must use all tools at its disposal to hold India accountable for its continuing illegal actions and serious crimes against the Kashmiri people.

Pakistan calls upon the Security Council to urgently convene a meeting to ascertain the current trajectory of Indian illegal and unilateral actions, which pose a serious threat to peace and security in South Asia. The Security Council has primary responsibility for the maintenance of international peace and security, as well as for ensuring the implementation of its resolutions. These responsibilities must be effectively fulfilled. Above all, the international community must demand that India allow a free and impartial plebiscite under United Nations auspices, as prescribed in the relevant Security Council resolutions, to enable the people of Jammu and Kashmir to exercise their right to self-determination.

(Signed) Makhdoom Shah Mahmood **Qureshi**
Foreign Minister
