



Ministry of Foreign Affairs
Islamabad, Pakistan

No. FMO-1/2019

4 August 2019

Excellency,

As you would recall, in my letter of 22 February 2019, I had drawn your attention to the deteriorating human rights situation in the Indian occupied Jammu and Kashmir (IoK).

It is a matter of grave concern that the scale and seriousness of human rights situation in the IoK continues to grow, as attested by the second Kashmir report released by your office (OHCHR) last month. The Kashmir report has comprehensively documented the full range of Indian atrocities e.g. extrajudicial killings, including killings in custody, blinding through the use of pellet guns and the use of rape, torture and enforced disappearances as tools of state suppression.

These human rights abuses continue to affect all segments of the population, particularly women, children and the elderly.

In addition to the precarious human rights situation in the IoK, the pace of Indian firing and shelling across the Line of Control (LoC) is picking up again. Not only these Indian actions violate the Ceasefire Understanding of 2003 between Pakistan and India, they are causing civilian casualties and inflicting heavy damages to civilian infrastructure.

Between 19 July and 3 August 2019, unprovoked firing and use of heavy weaponry by India has led to 6 civilian deaths, injuries to 48 civilians, and damage to civilian infrastructure in Azad Jammu and Kashmir (AJK).

In the latest provocation, cluster ammunition has been used by the Indian Army against civilians in Azad Jammu & Kashmir (AJK), resulting in the martyrdom of 2 civilians including a 4-year child and critical injuries to 11 civilians.

Left unaddressed, this unprovoked use of force on civilian population has the potential to escalate the situation in the area, with grave implications for peace and security. It also warrants attention from International Humanitarian

Law perspective, especially the four Geneva Conventions. Given the active nature of armed conflict in the IoK, it is imperative to impress upon India to fully adhere to these Conventions to which it is a party.

Cross-LoC violations have been accompanied by recent Indian media reports highlighting leaked communications from the Indian Home Ministry about deployment of additional 38,000 or more paramilitary forces in the IoK in recent days. In the earlier months of this year, almost 50,000 paramilitary forces were inducted on occasions of *Amarnath Yatra* and general elections. There are already over 700,000 troops deployed for several decades, making the occupied Jammu & Kashmir the most militarized zone in the world.

Indian authorities have issued advisory asking tourists and religious pilgrims (*yatris*) to immediately leave the area. University hostels are being vacated. Schools and colleges have been closed for 10 days from 1 August 2019. Messages have been transmitted to people to store rations and fuel. Hospitals have been advised to prepare for emergencies. The internet service is being shut down.

There is, therefore, a pervasive sense of fear and anxiety among the Kashmiris in IoK, which continues to grow in the wake of these developments.

These developments tend to validate widespread concerns that India is preparing ground to abolish Article 35-A of its Constitution as a first step. Article 370. Article 35-A defines the residents of the IoK and limits subjects like property ownership and state citizenship to the current residents of the area. The Indian objectives to institute these changes are clear, i.e. to alter the demographic structure of IoK.

Pakistan has consistently opposed any step that seeks to alter the demographic structure of the IoK since this directly impacts the inalienable right to self-determination of the Kashmiri people to be realized through a free and impartial plebiscite under the UN auspices, as enshrined in over a dozen UN Security Council Resolutions.

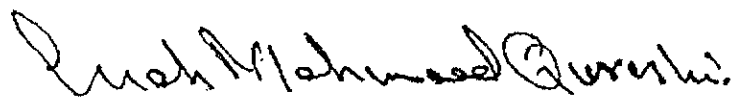
Pakistan is of the view that the steps being taken by India, as outlined above, have the real potential to result in further deterioration of human rights situation in IoK and have serious implications for peace and security in South Asia.

I, therefore, urge you and your office to immediately take note of the serious situation and in this regard: (a) urge India to halt state oppression and stop human rights abuses; (b) counsel India to refrain from unprovoked firing across LoC; and c) advise India against any actions that could bring about a material or demographic change in the situation on ground.

I take this opportunity to reiterate Pakistan's call to establish a UN Fact-Finding Mission to visit IOK to assess the on-ground situation. Pakistan also supports the OHCHR's recommendation for establishment of a Commission of Inquiry to investigate into the gross human rights violations in IoK. Commensurate with the gravity of evolving situation in IoK and to prevent its potential ramifications for the region, I have urged the UN Secretary General to appoint a UN Special Representative on Jammu and Kashmir.

Finally, I wish to underscore that gross and systematic violations of human rights are being enabled by India through the continued application of its draconian laws in IoK and abetted by a culture of impunity rampant among its security forces. The United Nations has a responsibility to speak out against these violations occurring in a territory recognized by the UN Security Council as disputed. Pakistan therefore fully supports OHCHR's mandate to report on human rights situation in Indian Occupied Jammu and Kashmir.

Please accept, Excellency, the assurances of my highest consideration.



(Makhdoom Shah Mahmood Qureshi)

H.E. Ms. Michelle Bachelet Jeria,
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