

Letter to the UN Secretary General on Kashmir

August 5, 2020

His Excellency
Hon. Antonio Guterres
Secretary General,
The United Nations
New York, NY 10017

Excellency:

The Kashmir issue has been pending on the agenda of the Security Council since 1948. At that point, an agreement took place between India and Pakistan, endorsed by the United Nations and supported by the international community that guaranteeing the right to self-determination to the people of Jammu & Kashmir. We deeply appreciate your statement made on August 8, 2019 that the "the position of the United Nations on this region (Kashmir) is governed by the Charter of the United Nations and applicable Security Council resolutions."

The people of Kashmir who have never lost hope in the United Nations have since that date sought to freely exercise their right to self-determination. This denial of the United Nation Charter and thus the denial of the right of self-determination have lead to bloodshed, pain, rapine and suffering in Kashmir. As a result of India's reign of terror, Kashmir that was once considered a virtual paradise on earth has been reduced to a killing field. Apart from magnitude of violence by the military forces, the most poignant aspect of the situation is the acute suffering of the whole population caused by continuous military crackdowns, disregard of normal life, arrests, detentions and sometimes disappearances of innocent civilians by the Indian army.

We want to bring to your attention the report of the United Nations High Commissioner on Human Rights (UNHCHR) issued on July 8, 2019. The report contains graphic documentation of human rights violations being committed by the Indian military and paramilitary forces in Indian Occupied Kashmir.

The report details many instances where the use of draconian laws has given sense of total impunity to the Indian army in Kashmir. It states “The government of India has passed legislation under the Jammu and Kashmir Disturbed Areas Act of 1990 which gives extraordinary power to all ranks of the Indian military and paramilitary forces.”

The report underscored that “Impunity for human rights violations and lack of access to justice are key human rights challenges in the state of Jammu and Kashmir.” And that “Impunity for enforced or involuntary disappearances in Kashmir continues as there has been little movement towards credibly investigating complaints including into alleged sites of mass graves in the Kashmir Valley and Jammu region.”

Excellency:

Under a bizarre and illegal 'Jammu & Kashmir Reorganization Order, 2020' and 'Domicile rule', the non Kashmiri Indian citizens will now be able to settle in Kashmir. The aim of this revisionist and motivated rewriting of history is to alter the demographic character of the territory at a time when the world's attention is focused on the worst public health (Covid 19) and economic crises of our times. These cynical attempts to seize the opportunity and take advantage of the prevailing global circumstances are reflective of the toxic and fascist mindset of the Hindutva regime in New Delhi. Jammu Kashmir Coalition of Civil Society (JKCCS) in its report, issued on July 1, 2020 has highlighted that 1.74 million Indian citizens can certainly acquire domicile rights, which constitute roughly 14% of the population of Jammu & Kashmir.

It must be mentioned here that the abrogation article 370, 35 A and enactment of Reorganization Order and Domicile Law are in open contravention of UN resolution #122 adopted on January 24, 1957; # 123 adopted on February 21, 1957 and # 126 adopted on December 2, 1957. These resolutions prohibit any unilateral action to change the disputed nature of the State of Jammu and Kashmir.

Excellency:

The United Nations has the opportunity to affect a positive resolution to the conflict and resulting humanitarian situation by promoting the conditions of the original mandate. It is only through international recognition and inclusive representations that a genuine and lasting peace can ensue. The risks of maintaining the status quo – for Kashmir, South Asia and the world – are too great to ignore.

The people of Jammu & Kashmir trust that you could bring this matter to the attention of the Security Council. Whether this could be done successfully depends on the

attitudes and policies of the permanent members, but they should be left in no doubt that any failure to resolve the problem could lead to serious disorders throughout the South Asian subcontinent and possibly to yet another war between India and Pakistan, with incalculable consequences for the whole world, since both states are nuclear powers.

We respectfully propose that the Secretary General urgently dispatch a special representative of high international standing to India and Pakistan who should visit both parts of Kashmir and report back to the Security Council the facts of the situation.

It is with this in mind that we appeal to you to raise your voice against the brutal oppression the people of Jammu and Kashmiri are suffering under the occupying forces of the Government of India. We urge you to demand that India:

1. Immediately lift the yearlong military siege, restore all Internet connectivity and communications links, and release all political prisoners including underage children, journalists, and civil society members.
2. Allow unfettered access to monitor and report on human rights violations by credible international bodies including Amnesty International, Human Rights Watch, International Federation for Human Rights, World Organization Against Torture (WOAT), Doctors without Borders, Physicians for Human Rights, and, UN Special Rapporteur on Torture and other UN thematic rapporteurs.
3. Halt and rescind all laws, such as the Domicile Laws, that have been instituted to speed the demographic changes and promote the ethnic, cultural, and political cleansing of the people of Jammu and Kashmir
4. Disarm and withdraw all Indian military and paramilitary personnel from the occupied territories so that all the people in Jammu & Kashmir can exercise their right of self-determination through a free and fair referendum as agreed to by the Government of India as well as the United Nations Security Council as early as 1948.

With profound regards,

Yours sincerely,

