

**Open Letter to the United Nations Secretary General, March 2019: The UN must live up to its responsibility to mediate a peaceful settlement of the Kashmir conflict**

March 18, 2019

H.E. Mr. António Guterres

Secretary-General of the United Nations

Executive Office of the Secretary-General

S-3800, United Nations Secretariat Building

New York, NY 10017

Re: The UN must live up to its responsibility to mediate a peaceful settlement of the Kashmir conflict

Your Excellency,

We are writing in the wake of the crisis created by the suicide bombing of an Indian paramilitary convoy in Pulwama District in south Kashmir on February 14, 2019, and the ensuing military hostilities between India and Pakistan, to ask you to urgently intervene in order to prevent further conflict and the endangerment and loss of life. This requires that you recognize the responsibility of the United Nations to act as an impartial mediator to negotiate a peaceful and just settlement of the Kashmir conflict and to initiate such negotiations on an urgent basis.

We regret the loss of life of the Indian paramilitary soldiers and sympathize with their families, as we regret the loss of lives and the disruption of communities in Kashmir caused by the long-standing conflict. As scholars of Kashmir, we believe that this attack was the direct outcome of the continuing cycles of violence perpetuated by the policies followed by successive Indian governments in Kashmir. Governance in Indian-administered Kashmir routinely combines severe political repression and continuing military impunity and violence against the population with a refusal to negotiate a just and peaceful settlement.

The incident has created a dangerous mood of war hysteria in India, leading to a military confrontation with Pakistan. Equally alarming are the continuing attacks on Kashmiris, especially students and traders, living in Indian cities. Kashmiri travelers have been attacked, shops and property burned and vehicles destroyed in Jammu, Dehradun, and other Indian cities.

The de-escalation of the military stand-off has not been accompanied by an easing of Indian repression in Kashmir. Instead, this has been stepped up and the Indian government has carried out mass arrests, detained political leaders, censored media, limited internet access, and banned a leading religious and charitable organization, the Jamaat-i-Islami. This has caused the closing of thousands of schools and social service institutions that are essential for the welfare of the poor

in the Kashmir valley. We urge you to intervene in ending these repressive efforts that will have a direct effect on the education of thousands of children.

As the international community urges India and Pakistan to resolve all issues through negotiation, we must emphasize that the central cause of the conflict is the unresolved and disputed status of Kashmir. Given the dire situation facing Kashmir and Kashmiris, who live in daily fear for their lives and the lives of those dearest to them, as also the potential for a renewal of armed conflict between India and Pakistan, we urge you to take immediate action through the relevant provisions available to you, including the UNSC and the UN Special Rapporteurs, to end the violence and to ensure that it does not happen again.

#### The urgent need for UN intervention and mediation

We would like to underscore that the Kashmir conflict is not an "internal matter" for India to resolve on its own terms. Neither is it a matter to be resolved bilaterally by negotiations between India and Pakistan, and not only because they have failed to do so for over seventy years. Kashmiri people have continued a longstanding resistance and for the conflict to be resolved, it is imperative that their wishes be determined, through direct and ethical means such as the referendum promised by UN Security Council resolutions in 1948, the conditions of which both Pakistan and India have failed to fulfill.

The demand for self-determination, though denied for decades, has historically kept resurfacing in the region. The militarized Line of Control (L.O.C) compounds the economic, social, cultural, and political alienation of many communities and divides peoples on both sides of Kashmir. Furthermore, each state has strengthened the detachment between the sub-regions; Kashmir, Ladakh, Jammu on the Indian side, and Azad Kashmir and Gilgit-Baltistan on the Pakistani side, through the continued use of 'divide and rule' policies and propagandist use of mass media. This has further obscured the political demands of the people. However, a number of polls routinely affirm the demand for an end to Indian rule in Indian-controlled Kashmir.

It is therefore the responsibility of the United Nations to initiate and monitor the processes that would lead to a resolution of the issue. The 2018 report on human rights in Kashmir by the UN Office of the High Commissioner for Human Rights outlines the scale of human rights abuses in Kashmir. In its report, the UN OHCHR issues important recommendations including, among others, the repeal of the Armed Forces Special Powers Act, the amendment of the J&K Public Safety Act 1978, the establishment of a UN-sponsored Commission of Inquiry, and recognition of Kashmir's right to self-determination.

Recommendations for action towards a peaceful and just resolution of the conflict in accordance with the wishes of the Kashmiri people

We recommend that United Nations bodies work urgently towards the following goals:

- 1) Immediate cessation of Indian violence against Kashmiri civilians.

- 2) Recognize the right of the Kashmiri people to determine their own political future, and mediate a just settlement based on the right to self-determination. In this process, international monitors must ensure that there is no government reprisal or intimidation against the people of Kashmir as they discuss future arrangements and express their political aspirations.
- 3) Work urgently to demilitarize both sides of the Line of Control between India and Pakistan. Further, to demilitarize all of Kashmir and immediately revoke Indian impunity laws such as the Armed Forces Special Powers Act.
- 4) Create mechanisms and procedures that will allow Kashmiris on both sides of the Line of Control to meet freely and discuss their political futures.
- 5) Create a Special Rapporteur with the mandate to investigate and report on crimes against humanity in Kashmir. This would be the first step in setting up credible mechanisms for documentation, accountability and justice, (such as an international criminal tribunal) for human rights abuses in Kashmir over the past three decades, including extrajudicial executions, torture, gendered and sexualized violence, enforced disappearances, and unknown, unmarked and mass graves.
- 6) Create a UN Commission of Inquiry with the mandate to investigate all instances of human rights violations, which will be the first step in seeking accountability and justice for these crimes.

We, the Kashmir Scholars Consultative and Action Network (KSCAN), are an interdisciplinary group of scholars from various countries and regions engaged in research on the region of Kashmir. Each of us has written about Kashmiri history, society, culture, and politics, and their relation to the protracted conflict; and we are particularly concerned about the present conditions of violence. Our research on the Kashmir conflict addresses its history, its consequences for the region and beyond, and its possible resolution. It has implications for an internationally mediated political solution and is of relevance to policy makers. Based on our long and active engagement with civil society groups in Indian-controlled Kashmir, we have undertaken to document and call attention to the situation on the ground since the Indian state's violence against civilians has continued to escalate.

We can be contacted via email at [kashmirscholars@yahoo.com](mailto:kashmirscholars@yahoo.com). Updates and relevant information will be posted at [kashmirscholars.wordpress.com](http://kashmirscholars.wordpress.com).

Thank you,

Sincerely,

Kashmir Scholars Consultative and Action Network (KSCAN)

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cc.

Ms. Michelle Bachelet

UN High Commissioner for Human Rights

Office of the United Nations High Commissioner for Human Rights

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Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders

Mr. Fernand de Varennes, Special Rapporteur on minority issues

Mr. Fabian Salvioli, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

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Working Group on Arbitrary Detention

Working Group on Enforced or Involuntary Disappearances

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