



## **JKCHR – Jammu and Kashmir Council for Human Rights**

**NGO in Special Consultative Status with the ECOSOC of the United Nations**

**Established in 1984**

**“All human beings are born free and equal in dignity and rights.”  
- Universal Declaration of Human Rights**

**By Fax**

**00 91 194 250 62 00**

21 August 2016

MS. Mehbooba Mufti Sayeed  
Chief Minister  
Jammu and Kashmir  
Civil Secretariat, Srinagar-180001

Hon'ble Chief Minister

Ref: 43<sup>rd</sup> day of curfew – Obligations under oath

I wish to bring it to your attention that it is for the first time after the Maharaja of Kashmir imposed a 12 day curfew from 24 September to 5 October in 1931 that we see the people in the Valley have endured the 43<sup>rd</sup> day of life under curfew.

Indian army has been granted a temporary admission by the Government of J & K (based at Srinagar) to perform 4 duties and it is a sub-ordinate army. It has been placed under 3 restraints by UN Security Council Resolution of 21 April 1948 and the temporary admission is pending adjudication under a UN supervised vote of the people of Jammu and Kashmir. There is a serious concern that the temporary admission has degenerated into an occupation and the army remains at variance to its role identified by late Sheikh Abdullah at the UN Security Council in February 1948.

It is important to point out that J & K assembly (Government) remains under the caution of UN Security Council Resolution of 30 March 1951, in regard to its representative character, that is, it being elected from only a part of the territory. The representative infirmity is further admitted in article 48 of Jammu and Kashmir Constitution. Welfare and good of the people are your obligations under the oath and United Nations Security Council has outsourced the establishment of a UN supervised provisional government to carry forward the administration of a free vote under UN supervision to Srinagar.

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**F-624, Ground Floor, Satellite Town, Rawalpindi, Pakistan**

**t: 051 44 55 638 f: 051 44 12 744 e: [pakistanchapter@jkchr.com](mailto:pakistanchapter@jkchr.com)**

**JKCHR - P.O. BOX 241, London SW17 9LJ, United Kingdom**

**t: +44 2033 711 202 f: +44 2084 329 503**

**e: [info@jkchr.com](mailto:info@jkchr.com) [www.jkchr.com](http://www.jkchr.com)**

We see that the temporarily admitted and sub ordinate Indian soldier is engaged into a war with the unarmed people and so far he has killed a generation in the last 25 years. There are no holds barred for him and since 8 July 2016 he has killed around 80 people. Indian security forces are using deadly weapons. Pellet guns are used to maim, blind and kill the unarmed State Subjects.

As chair of the Unified Command and one who oversees the work of integrated security grid, you carry immediate and direct responsibility for the actions of the security forces. You continue to accrue the criminal liability for the erring behaviour of security forces and police. We are extremely concerned about the violation of human rights and denial of religious freedom, denial of right to assembly and association and denial of the freedom of movement.

JKCHR as the only civil society institution from any part of the Jammu and Kashmir – in special consultative status with the United Nations, which has represented the Unrepresented Peoples and Nations of the world at the UN World Conference on Human Rights in Vienna and has shared the Plenary and Main Committee proceedings of the Conference with Shri Atal Bihari Vajpayee (leader of the Indian delegation) wishes to make the following submissions:

1. By virtue of the chain of command the erring soldier and the erring integrated security grid make you liable for all the crimes and atrocities committed against the people on the Indian side of Jammu and Kashmir.
2. The elected government has failed to serve the welfare of the people.
3. It has failed to assume itself as required by UN in shape and manner of work.
4. Your government has denied OHCHR ‘full and unhindered’ access to Kashmir

Free will is the basis of any government. You seem to have lost the free will of the people and do not have the moral authority to be in office any more. Sir Albion Banerjee has set a moral standard as Prime Minister in 1929, when he resigned as Prime Minister on moral grounds. Moral authority and call of conscience does not change and it is time that as Sir Albion Banerjee refused to head a government which treated Muslims less favourably, you have a case where Muslim men, women, children, elderly and youth are being savaged under the curfew by non-State security apparatus.

We urge you to

1. Resign and join in the protest of the common man and woman, who are seen defending their right to life, honour and property.
2. Terminate the bilateral agreement made with government of India which has allowed the Indian soldier a temporary admission.
3. Reinstate the visa requirement (Permit System) for an Indian citizen into the State. Permit System was unlawfully rescinded by the Prime Minister of J & K on 31 March 1959.

Hon’ble Chief Minister JKCHR is prepared to assist you at the State and at the international level in ensuring that you are able to remain on the side of the people of Jammu and Kashmir

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and in bringing proceedings against the Indian security forces, who have violated the terms of their temporary admission, violated UN restraints and have engaged themselves against the common people as occupation forces in the State.

I wish to point out that for the reasons of the jurisprudence of Kashmir case, I am copying UN High Commissioner for Human Rights, Chairman Azad Jammu and Kashmir Council, President and Prime Minister of Azad Jammu and Kashmir into this communication.

Yours Sincerely



Dr. Syed Nazir Gilani  
President-JKCHR

Cc UN High Commissioner for Human Rights - Geneva  
Chairman Azad Jammu and Kashmir Council – Islamabad  
President Azad Jammu and Kashmir – Muzaffarabad  
Prime Minister Azad Jammu and Kashmir – Muzaffarabad

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e: [info@jkchr.com](mailto:info@jkchr.com) [www.jkchr.com](http://www.jkchr.com)