

February 20, 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, 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 is 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 fallout from this most recent event has created a dangerous mood of war hysteria in India, with national media and public figures calling for war against Pakistan with trending hashtags like #IndiaWantsRevenge. Equally alarming are the 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. We ask you to insist that the Indian government take all necessary action to end these attacks.

Given the dire situation facing Kashmir and Kashmiris as well as 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

Ms. Dubravka Šimonović

Special Rapporteur on Violence against Women

Prof. Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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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Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Working Group on Arbitrary Detention

Working Group on Enforced or Involuntary Disappearances