



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by Centre for Human Rights and Peace Advocacy, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

## **Urgent Need of HRC Attention To Prevent Human Rights Abuses in Pakistan And Its Administered Azad Kashmir And Gilgit Baltistan.**

Then Centre for Human Rights and Peace Advocacy (CHRAPA) would like to draw the attention of HRC to the grim human rights situation in Azad Kashmir and Gilgit Baltistan.

Jammu and Kashmir is a disputed territory. State subject of Jammu Kashmir dated the 31st January 1927 does not allow non-locals to buy property in Kashmir. But Pakistan is involved in land grabbing in Gilgit Baltistan and Azad Kashmir, from Neelum, Banjosa Rawalakot, Muzaffarabad, Kolti, Bagh, Mirpur, Neelum and other areas land has been allocated to Pakistani military officers, bureaucrats and its citizens.

Military, non-state actors' and influential people taking private public property, hilltops and tourist resorts into illegal possession through force. Pakistan's blatant grab for resources, hilltops, tourist resorts, private properties and plundering of natural resources, construction of mega dams in disputed areas of the erstwhile princely state of Jammu Kashmir and projects that belong first to the locals should stop now.

The same is happening in disputed areas of Gilgit-Baltistan where residents organized a massive protest on February 13, 2022, against the Pakistan administration for issuing licenses to private contractors for mining and digging gems in the region. Locals are being forced to give up their ancestral land to private Pakistani buyers who have connections with the military and are most probably the front men of the Pakistani army. Residents of Nasirbad, Hunza, and Gilgit Baltistan took to the streets demanding that the licenses of contractors be revoked and the local authorities are brought to task for allowing this injustice. Protests were also held in Islamabad, Lahore, Karachi, and other cities where many youngsters from Gilgit Baltistan live. Gilgit Baltistan is a disputed area and Pakistan should not issue licenses to private contractors for mining and digging gems, digging out all the marbles from the Gilgit Baltistan Mountains and transporting them to Pakistan. Similarly, poor people are being forced to give up their ancestral land.

In Azad Kashmir natural resources are being exploited, instead of giving ownership and paying royalty Islamabad is receiving hefty surcharges from local consumers through monthly electricity bills in the name of these projects. People protesting against hefty surcharges in electricity bills, price hikes, load-shedding of electricity for 18 to 20 hours daily, unemployment and discriminatory laws. Current Power Generation in AJ&K is 2362.820 MW (Including 1100 MW from Mangla Dam Raising Project and 969 MW from Neelum Jhelum Hydro-Electric Project). The entire demand of Azad Kashmir is about 350 to 400 MW. Azad Kashmir due to its topography has abundant Hydro Power resources and identified Hydro Power potential of AJ&K is approximately 9258.620 MW. Pakistan has violated international law as well as United Nations resolutions and created an unfair consolidation in its peripheries. She has constructed many dams in the disputed territories beyond its mandate and deprived millions of their basic needs, the diversion of the Neelum, and Jhelum Rivers has created drastic environmental effects on the life and livelihood of the people as well as on the natural habitat of the region.

Pakistan has diverted the Neelum River for the Hydropower Project which is depriving the people of Muzaffarabad of their water lifeline. The water level in the river has declined drastically now the river has become a stream. The hundreds of thousands of residents of Muzaffarabad facing environmental disaster, and there are chances of spreading diseases because of pollution.

In the 1960s Pakistan constructed Mangla Dam in Mirpur Kashmir. Pakistan had agreed to provide free electricity to locals and pay a royalty to the AJK (Azad Jammu and Kashmir) for the use of the water and electricity generated by the dam. Now Kashmiri are facing the

worst load-shedding and are denied royalty because Islamabad says Kashmir is not a province of Pakistan, and royalty is only paid to provinces.

The electricity generated from Azad Jammu Kashmir AJK and Gilgit Baltistan regions goes to Pakistan's 'national grid' and is sold to the consumers in Pakistan. They sell back AJK electricity to residents of AJK at a much higher price per unit than what they sell to Pakistani consumers.

Pakistan wants to impose a tourism act in Azad Kashmir which will allow non-state actors to buy tourists resorts and land in the name of tourism and defence.

Our organization urges Pakistani authorities should reinstate the State Subject Notification of 1927; as that is an important law of Jammu and Kashmir, which defines who is a citizen of the former Princely State of Jammu and Kashmiri, and protects local's rights.

Our organization asks Pakistan to respect this law and stop the settlement of non - Kashmiris in Azad Kashmir and Gilgit and Baltistan and don't change the demography of the area.

Pakistan government, in June 2018, introduced the 13th Amendment that gave Azad Kashmir the right to control the financial and administrative issues including making laws and collecting tax, excluding corporate tax. However, the power to elect the superior court judges, chief election Commissioner and emergency provisions remained in the hands of the Prime Minister of Pakistan. According to a local media report, details revealed in the proposed draft of the 15th amendment show that the terms 'State' will be replaced with 'Azad Jammu Kashmir' and the mention of United Nations' is going to be replaced with the words 'subject to recognition' from the 1974 interim constitution of Azad Kashmir. Experts believed that through the 15th Constitutional Amendment, all the powers of the local assembly were likely to be transferred to the Kashmir Council, with the majority of Pakistan's representatives in the Council, which was intended to pave the way for the merger of Azad Kashmir into Punjab and Khyber Pakhtunkhwa Provinces.

There was strong resentment among locals massive protests erupted in Poonch, Muzaffarabad and other cities across Azad Kashmir against the Pakistan government's plan to bring in the 15th amendment to annex disputed areas into Pakistan. Due to massive protests, Pakistan changed the draft of the 15th amendment and introduced a new draft and she once again postponed local bodies' elections which were going to be held on 28th September 2022. Since 1988 local bodies' elections have never been held in Azad Kashmir. There is a ban on student unions in Azad Kashmir as well.

Activists and experts believe that Pakistan this time tested the water and will make another attempt in near future to annex Azad Kashmir into Pakistan through another amendment might be through the 16th or 17th amendment.

Pakistan and local authorities have used brutal force against peaceful protestors, firing, teargas, batons and excessive force was used. The government is using the Anti-Terrorism Act (ATA) against secular, progressive, nationalist political workers, civil society activists and human rights defenders who are struggling for their basic and fundamental human rights. Reported by media among other peaceful protestors, Mr Abid Hussain resident of the Thorar District Poonch Azad Kashmir was abducted and brutally tortured by police. Hot Chilli powder, wooden sticks and different objects were inserted into the anus of the victim. His private parts were cut with blades, red chillies and salt were sprinkled on his private parts and wounds. Mr Hussain is unable to move and no action is taken against the culprits yet.

Demands that Pakistan, local authorities of Azad Kashmir and Gilgit Baltistan must drop all fabricated charges and release all protesters and political prisoners immediately & unconditionally who are peacefully demanding and protesting for their basic rights and ownership of their natural resources.

Serious concerns that Pakistan's Hybrid regime's Endeavour's to silence all voices of dissent by draconian laws allegations, anti-terrorist acts to curb civil liberties, people's rights and freedom of expression.

Deep concern that the media and the journalists in Pakistan and in Azad Jammu & Kashmir and Gilgit- Baltistan never had a situation so bad where people fear for their lives and the lives of their loved ones. The local newspapers in Pakistani peripheries are at the mercy of the Ministry of Kashmir Affairs & Jammu and Kashmir Council to continue their publications. Under that environment, they are restrained from publishing dissenting news and editorials.

CHRAPA urges upon HRC to put pressure on Pakistan to stop further division and annexation of the disputed territory of Azad Kashmir into Pakistan and which will be tantamount to peace and security in the region.

Recommends that Jammu and Kashmir dispute should be resolved through a process of dialogue, and by adopting all peaceful means and in accordance with the aspirations of the people of Jammu and Kashmir State.

CHRAPA calls upon the UN to send a fact-finding mission to Azad Kashmir, Gilgit Baltistan and Pakistan to ascertain the status of the human rights situation in these areas, and take appropriate steps to ensure that Pakistan respects all international covenants on human rights.

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