



JKCHR – Jammu and Kashmir Council for Human Rights
NGO in Special Consultative Status with the ECOSOC of the United Nations
Established in 1984

26 February 2011

Mr. Asif Durrani

Deputy High Commissioner
High Commission of Pakistan
35-36 Lowndes Square
London, SW1X 9JN

Dear Mr. Durrani

Subject: Placement of Engineer Khawaja Hassan Mehmood on Exit Control List

It has been brought to our notice that Engineer Khawaja Hassan Mehmood Advocate a State Subject and a Belgium National currently visiting his family in his home town at Muzaffarabad has been served with a notice by Kaleem Ullah Kakar, Section Officer in the Ministry of Interior, Government of Pakistan advising him that the Subject of the State of Jammu and Kashmir has been placed on Exit Control List disabling him from his right to return to Belgium and join his family comprising of his wife and two daughters aged 4 ½ years & 2 years.

We have seen the MEMORANDUM dated 18 February 2011 signed by Kaleem Ullah Kakar, Section Officer in the Ministry of Interior, Government of Pakistan. We wish to point out that no reasons have been given for placing a State Subject on Exit Control List. We understand that all along from his arrival on 09.12.2010 to the date of service of notice on 18.2.2011 Khawaja Hassan Mehmood has lived with his family within the territorial boundaries of Azad Jammu and Kashmir.

There is no evidence that he has caused any offence or that there has been any concern for any cognizance of the Government of Azad Jammu and Kashmir. It is important to point out that Government of Pakistan has assumed Trust Obligations to discharge its duties under UNCIP Resolutions in Azad Jammu and Kashmir. This action is extraneous to the defined role of the Government of Pakistan in Azad Kashmir. The service of this MEMORANDUM is a misdirection of wisdom and violates the right of freedom of travel.

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The duties under Trust Obligations in Azad Kashmir are in regard to assisting the people of Kashmir as a member nation of UN and as party to Kashmir dispute in the realisation of right of self-determination as envisaged in UN resolutions. The Trust Obligations of the Government of Pakistan are further assured in the wisdom of article 257 of the Constitution of Pakistan.

Under these circumstances JKCHR which has continued to subscribe to the promotion and protection of human rights in all the three administrations of Jammu and Kashmir and has been playing a lead role in advocating the right of self-determination of the people of Kashmir, wishes to express its deep concern on the action taken by an officer in the Ministry of Interior.

You are requested to very kindly intervene in the matter and convey our serious concerns to the Ministry of Interior. We sincerely hope that good sense will prevail and the MEMORANDUM placing Khawaja Hassan Mehmood on Exit Control List is withdrawn without delay to enable him to exercise his right to return to join his family in Belgium.

I am leaving to attend the 16th Session of UN Human Rights Council at the UN in Geneva. You could contact me c/o Hotel Intercontinental Geneva on Ph. 00 41 22 919 3939 and Fax 00 41 22 919 3838.

Thanking you for your favourable consideration.

Yours Sincerely

A handwritten signature in black ink that reads "Syed Nazir Gilani". The signature is written in a cursive style with a horizontal line underneath the name.

Dr. Syed Nazir Gilani
Secretary General-JKCHR