

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

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UN Commission On Human Rights  
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**Item 9 Question of the violation of human rights and fundamental freedoms in any part of the world, including.....**

Oral statement by Dr. Syed Nazir Gilani on behalf of Jammu and Kashmir Council for Human Rights (JKCHR) – a non governmental organization in special consultative status

Mr. Chairman - A nascent desire to enjoy a full regime of human rights and fundamental freedoms and a common belief in the 'human rights and fundamental freedoms' of others is a discipline that bonds the human civil societies across the various geographies, nationalities, cultures, faiths and other social and political restraints.

Settled communities backed by the enduring institutional wisdom of democratic institutions keep the hope going under the arrangement of an expressed, non violent, democratic and an accountable culture of politics.

Unfortunately there are still many communities around the world that have failed to energise their popular means to secure for themselves an elected representation necessary for the promotion and protection of human rights and fundamental freedoms.

One such community which has failed to secure for itself a full regime of human rights and fundamental freedoms are the people of Jammu and Kashmir.

The irony remains that the world community in general and India and Pakistan in particular have institutional arrangements in place to assure the 'human rights and fundamental freedoms' of the people of Kashmir. But they have failed to respect the human rights and fundamental freedoms of the people.

Unfortunately in just last 15 years from 1990 to 2005 the People of Kashmir have lost a generation and have suffered massive violation of human rights both at the hands of security forces and the militants of multiple shades. Kashmiris have killed Kashmiris and have done an irreparable damage to the Rights Movement. The plural society is in rubbles due to the displacement of the Kashmiri Pandits. Muslims too have been displaced five times since 1947.

As against this the Rights Movement of the people cost only 23 lives in 54 years from 1877 to 1931 and Kashmir lost even fewer lives in another 58 years from 1931 to 1989.

Mr. Chairman it raises a fundamental question of culpability for the non-performance of the duties and pledges made by the international community, India and Pakistan.

The Government of India is culpable for failing to honour the pledge that it will protect 'life', 'property' and 'honour' of the people of Jammu and Kashmir during the currency of the provisional accession.

The Government of Pakistan is culpable because it erred to fine tune the Muslim sentiment to suit its domestic needs and meet its water requirements. It restrained the Rights Movement from earning a rightful universal support.

We appreciate the support of the civil societies of India and Pakistan. But it is time for Pakistan that it raves courage to do a soul searching and explain that its 'moral', 'political' and diplomatic support may have succeeded to manage India in raising the ceiling of a bargain in its interest but it has converted Kashmir into a grave yard. We are faced with an ailing, mistrusting and a failed civil society. Its supplanted political pyramid has crumbled in the face of genuine challenges. Now it is free for all.

Mr. Chairman - As a lawyer with a long association with the Rights Movement and one who in the process has endured the prospect of a 'Death Sentence' I wish to state with a considered faith that if Pakistani Governments had been honest in supporting the Rights Movement, in particular the Right of Self Determination, it would have supported the need to conserve life. It would have endeavoured to empower the civil society in all the three administrations of Kashmir.

The death of a Kashmiri, whether a militant or a civilian continues unabated. Self-determination rests on the jurisprudence of living adult numericals. Pakistan has traded the dead numericals of the people of Kashmir to manage India.

It is also important to point out that what Maharaja of Kashmir conceded under the Constitutional Act in 1934 Pakistan has taken away from the people of Azad Kashmir under Azad Kashmir Act of 1974 and from the people of Gilgit and Baltistan under the Karachi Agreement of April 1949.

We politely urge upon India and Pakistan to end their proxy politics and proxy war in Kashmir and allow all the people living under the three administrations to have three popularly elected legislatures and governments with a full access to human rights and fundamental freedoms. Let the people of Kashmir negotiate for themselves and not be negotiated by India and Pakistan.

In conclusion Mr. Chairman Respect for Human Rights means that we owe something to others and it entails that we have an ability to handle what we owe to others. We need to ensure that others receive their fair share. Nothing is more common, indeed, than to think of an ethical attitude as one that presupposes the existence of other's rights.

Thank You Mr. Chairman.