

38th Regular Session of the UN Human Rights Council

Item 2: General Debate on the Oral Update of the UN High Commissioner for Human Rights

**Oral Statement Delivered by Joëlle Kleinon on behalf of
World Organisation Against Torture (OMCT), Asian Forum for Human Rights and Development
(FORUM-ASIA), and International Federation for Human Rights (FIDH)**

Tuesday, 19 June 2018

Mr. President, we welcome the first ever report by the High Commissioner for Human Rights on Kashmir and call for the early establishment of a Commission of Inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir.

Grave human rights violations by the law enforcement and members of the armed forces in Kashmir are met with chronic impunity and exoneration. In India they enjoy a de facto immunity, while victims are unable to attain justice. All provisions, which are damaging to democracy and out of step with international standards, must be repealed. We call upon the Government of India to repeal the Armed Forces Special Powers Act, 1990 (AFSPA) immediately, in conformity with the recommendations of the Justice B.P. Jeevan Reddy committee and the Second Administrative Reforms Commission (ARC) which were set up by the Government of India.

We are also concerned over the rampant misuse of Pakistan's anti-terrorism laws, violation of land rights, restrictions on freedom of expression and religion and belief and abuses by non-state actors in Pakistan administered Kashmir, highlighted in the OHCHR report.

We express our anguish and grave shock over the killing of a senior journalist and editor of the newspaper 'Rising Kashmir' Mr. Shujaat Bukhari on the same day of the release of the OHCHR report on Kashmir. We also express deep concerns over the reported apprehensions regarding the safety of human rights defenders in Kashmir in the aftermath of this report.

We urge the Governments of India and Pakistan to extend an immediate invitation to all UN Special Procedures.

The Public Safety Act, 1978 (PSA) should be amended to ensure its compliance with international human rights law, and all those held under preventive detention should either be charged in normal courts of law or immediately released.

We urge the Governments of India and Pakistan to strictly respect international standards on the use of force by law enforcement agencies and the military and to expressly recognize the Right of Self Determination of the Kashmiri peoples.

Thank you.