



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by World Muslim Congress, a non-governmental organization in general consultative status**

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

[01 June 2019]

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\* Issued as received, in the language(s) of submission only.



## **Victimization of political leaders and activists of Indian administered Kashmir in Indian prisons and detention centres**

India is a signatory to various international instruments of human rights, like the Universal Declaration of Human Rights and United Nations Covenant on Civil and Political Rights which states that:

*“No one shall be subject to torture or cruel, inhuman or degrading treatment or punishment” (UDHR, 1948) and “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. (UNICCPR, 1966)* and therefore, under international human rights law obliged to uphold and ensure the observances of basic human rights.

In Indian Administered Jammu and Kashmir the authorities in utter disregard to minimum common standards and international instruments relating to detainees, torture, humiliate and traumatize Kashmiri detainees in order to break their will for demanding UN guaranteed right to self-determination. These detainees have been picked upon on mere suspicion and for procedural delays in litigations continue to languish in detention centers and prisons for years. Last three decades have witnessed glaring discrimination and ill-treatment against these detainees.

It is a matter of fact that prisons in India have failed to fulfil the needs of reforms in general and a majority of prisoners are treated in the shabbiest manner unsuitable to the needs of civilised and democratic nations. Within, this setting Kashmiris often get the worst of the deals as pointed out by many prisoners who have spent years in jails even though they were innocent and finally released.

Mohammad Hussain Fazili who was released in February 2017, after spending 12 years in jail, reported that they were forced to urinate in each other’s mouth.

Fazili said to media that “we were forced to drink urine and eat human waste along with bread. Rats were put in their trousers. As if it was not enough, he said, pigs were let loose to lick their mouth and face. At the same time, cops used to push water and bread into our mouth. We thought since we were Kashmiris and Muslims, it was the only reason facing such torture.”

The instances of the torture to the Kashmiris detainees in different jails of India are established beyond any shadow of a doubt by the incident of torture meted out to Kashmiri detainees in Tihar Jail.

On November 21, a team of Tamil Nadu Special Police (TSP) beat to the pulp Kashmiri inmates of Tihar Jail’s High-Risk wards ‘C’ and ‘F’ and seriously injured Shahid Yousuf, Mohammad Sajad, Mushtaq Ahmad and others.

Shahid Yousuf was hit his head many times which led to bleeding from his head, Mohammad Sajad Suffered three fractures in his right-hand index finger, Mushtaq Ahmad suffered a swollen hand and severe injury on his left leg. The other inmates also suffered severe bruise on the backs and leg.

The thrashing of Kashmiri prisoners is of particular concern for people of Jammu and Kashmir as these prisoners are viewed with parochial lens and treated as an enemy. The detained Kashmiris are all the more powerless, and all powers vested in the police, the degree and extent of ill-treatment and torture by the prison personnel is beyond imagination.

On 4<sup>th</sup> of April 2019, protests broke out in Central Jail Srinagar in which a dozen of inmates including pro-freedom leaders got injured when Indian police used brute force against the inmates protesting against shifting from old barracks to the new ones after the sunset. Asking the prisoners to shift from old barracks to the new one at 9:00 p.m. led to the altercation, provided “an excuse” to the jail authorities to resort the desecrate several religious scriptures and fire bullets and pellets on them which injured dozens seriously.

The revised UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) state that ‘imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right to self-determination by depriving his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline aggravate the suffering inherent in such a situation.’

In his report to the UN General Assembly in 2011, the UN Special Rapporteur on Torture recommended a ban on prolonged or indefinite solitary confinement as a punishment or extortion technique. Such treatment runs contrary to the prohibition on torture and other ill-treatment and is a ‘harsh’ measure, undermine the goals of rehabilitation, the primary aim of criminal justice system.

In Indian Administered Jammu and Kashmir authorities deliberately put the political detainees in solitary confinement and denies meaningful human contact which has caused ‘isolation syndrome’ and led to anxiety, depression, anger, cognitive disturbance, perceptual distortion, and paranoia in detainees.

In August 2016, 19-year-old Rehmattullah Padder was arrested by police in Doda and starved of all human contacts for four days in windowless 6 feet by 3 feet cell –save for an unseen figure that delivered his meals through a crack under the door–before finally pushed into a barrack full of strangers.

As Padder lay silent for the next several hours, his fellow inmates kept an eye on him –they were well aware of the devastating effects on Kashmir’s infamous isolation cell on adults, let alone a minor.

Suddenly, Padder rose to his feet, staggered to the Center of the room and sang the Azaan, the Islamic call to prayers. A hush descended across the barracks, as many supposedly hardened inmates were moved to tears.

“It was one of the most heartbreaking Azaans I ever heard” a fellow former inmate recalled in a conversation with *Huff Post India*.

Padder would sing the prison Azaan for 17 months before he returned home to Dessa, his village in Doda. But when got back home, he wasn’t the same. Prison, Padder said in an interview, is like a shadow. “You may leave prison but it doesn’t leave you.”

In short Kashmir prisoners in Indian prisons and other detention centers face inhuman treatment Indian. The fascist ruling class treated Kashmiri resistance leaders like professional criminals in their so-called jails which have been turned into worst centers of interrogation. The leaders and activists of Kashmir resistance movement are kept in solitary confinement in small unhygienic cells.

World Muslim congress remain concerned about the health and welfare of Kashmir leaders and activists detained in Indian jails who are suffering from multiple ailments. We urge the human rights council to impress upon government of India to release all political leaders and activists including, Shabir Ahmed Shah, Muhammad Yasin Malik, Nayeem Ahmed Khan, Massrat Alam Butt, Asiya Andrabi and others.