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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]

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



Call for action on torture in Indian-Administered Jammu and Kashmir

For decades, the people of Indian-Administered Jammu and Kashmir have suffered intolerable human rights abuses, inflicted by the Indian State. This has again been brought into sharp focus in the recently released Jammu Kashmir Coalition of Civil Society (JKCCS) Report “*Torture: Indian State’s Instrument of Control in Indian Administered Jammu and Kashmir*” released in May, 2019. The extensively researched Report describes the patterns, methods, targets and impacts of torture inflicted by the Indian State, legal framework, and provides testimonies of torture victims. Further, the Report provides Recommendations for action to prevent torture in Jammu and Kashmir, to the Government of India, International Community, and International Civil Society.

The draconian Armed Forces Special Powers Act (AFSPA), and the Public Safety Act (PSA) give almost unlimited powers to the armed forces and other security agencies and police, to detain people without cause, and to hold them indefinitely without accountability.

The 432 cases studied for the Report identified at least 31 forms of torture including verbal abuse, stripping the detainees naked (or down to bare minimum), beatings with wooden sticks, iron rods or leather belts, roller treatment whereby a heavy wooden log or an iron rod is rolled over the legs of the detainee, with extra weight applied to it by forces personnel who sit on the opposite sides of this rod, water-boarding, electrocution, hanging from the ceiling, dunking detainees’ heads in water (sometimes mixed with chilli powder), burning of the body with iron rods, heaters or cigarette butts, solitary confinement, sleep deprivation, sexualized torture, among other most grievous forms of torture.

Many prisoners spend years in illegal detention and are subjected to these 31 forms of torture as identified from the 432 cases studied for the Report and listed on page 13 and elsewhere in the Report. Of the 432 cases studied, 27 were minors when tortured. The list includes at least one female.

Joint Interrogation Centres were constructed primarily to execute torture in the Kashmir Valley and other areas. However, the horrific tortures have been conducted in police stations, military camps, abandoned buildings, and Special Operations Group camps. During Cordon and Search Operations (CASOs,) government buildings in an area, like schools, Primary Health Centres, Rural Development Offices, and sometimes even the houses of local people, are turned into makeshift torture centres. Certain camps were also designated for torture – like the notorious PAPA-2 and Hari Niwas, where many youth are believed to have been tortured to death in the 1990s. In the 432 testimonies, at least 144 Indian armed forces camps (Army and paramilitary), 52 Police Station/Posts, 19 SOG camps, 15 JICs and 9 Ikhwan camps were identified where torture has been perpetrated on detainees.

There is total impunity for those who inflict torture on these prisoners, and for other human rights violations. No Army, security official, or prison officer, has been prosecuted or held accountable for torturing detainees, or for other human rights violations in Jammu and Kashmir

As stated by Juan E. Mendez, Former UN Special Rapporteur on Torture (2010-16), Professor of Human Rights Law in Residence, Washington College of Law, American University (Washington DC, USA), in his Prologue to the Report, “Some inevitable conclusions about the context of torture are painfully familiar to those of us who have studied torture in other countries and in societies of vastly different legal cultures. Impunity for the acts of torture that are well documented, even by State agencies and courts, is undoubtedly the principal factor in the recurrence of the practice. It stands to reasons that, if an interrogator or law enforcement officer is aware that acts of torture will not be investigated, he is more likely to engage in them as a quick and easy way to accomplish the “mission” entrusted to him: to obtain a confession and thus “solve” a crime, or to elicit intelligence that can lead to the capture (and renewed torture) of other suspects.”

According to the Report, of the 432 cases, it should be highlighted that 27 victims were minors. Of these 1 was a female and 26 were male. From 2008 onward, thousands of juvenile boys have been arrested and tortured. The arbitrary detentions of minors under the Public Safety Act, has seen an unprecedented increase in numbers since the onset of the non-violent mass uprising of 2008. These arrests are usually made on the charges of stone pelting. According to the data obtained through an RTI application (Annexure 6 of the Report), the number of juveniles arrested on the charges of stone pelting, lodged in the Srinagar Juvenile home between September 23, 2011 and April 21, 2017, is 623 out of a total of 1086 detentions, which is well above 50 per cent. Since 2008 at least 7 minors have died due to custodial torture and another 6 have died due to merciless beatings by the state forces.

Many prisoners never return home having died in custody as a result of torture. Their families are left to grieve without ever knowing what really happened to them. They either receive no information or are misled by untruthful statements from authorities.

The life-long impact on the health and mental well-being of survivors is devastating. Out of the 432 victims whose cases were studied in the Report, 222 (51.4%) suffered some form of health complications after being tortured. Out of these 222, 209 (94.1%) people suffered health issues with long-term ramifications, and among them, 49 (23.4%) suffered acute ailments e.g. cardiac problems, nephrological issues, complete or partial loss of eyesight or hearing ability, amputations, sexual impotency, etc. and many of these people have been on regular (or irregular) medication ever since they were tortured.

The World Muslim Congress supports and endorses the Jammu Kashmir Coalition of Civil Societies' Report "*Torture: Indian State's Instrument of Control in Indian Administered Jammu and Kashmir*". We strongly urge the UN Human Rights Council to take action to pressure India and the International Community to act on all Recommendations of the Report. In particular, we reiterate the need for action on Recommendations contained in the Report for the Government of India:

- Give UN-OHCHR, all UN Special Rapporteurs and other Special Procedures, European Parliament and other International institutions unhindered access to Jammu & Kashmir to conduct impartial fact-finding into allegations of rights violations.
- Give global International human rights organisations unhindered access to Jammu & Kashmir to conduct impartial fact-finding into allegations of rights violations.
- Ensure that the material witnesses and individuals with knowledge of the occurrence of rights violations, including military, police, administrative officials and victims, receive protection against reprisals, threats and intimidation.
- Ensure that the material evidence in cases of torture by state armed forces be preserved.
- Ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and Rome Statute of the International Criminal Court.
- Repeal all laws which are in contravention to the international human rights framework.
- Adopt rehabilitation policies in Jammu & Kashmir for the victims to overcome physical, psychological, economic and social consequences of torture.