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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 International Muslim Women's Union, a non-governmental organization in special consultative status

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

[2 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Delimitation; Effort to Divide, disempower and Disable Kashmiris

The United Nations Human Rights Charter has refrained states from interfering with the enjoyment of economic, social and cultural rights of their people. The states have committed to international cooperation and assistance to promote human rights and to create a social and international order through which all human rights and fundamental freedoms can be realized. All States are bound to respect international Covenant on Civil and Political Rights (ICCPR).

The United Nations Human Rights Committee has reminded India that anyone arrested or detained, his continued detention should be determined by an independent and impartial tribunal constituted and operating in accordance with the ICCPR.

International Muslim Women Union would like to bring in to your kind notice that India has detained Kashmiri political leaders, young boys, women, and children in different jails. The health conditions of prisoners are saturated when they are not provided necessary health care. Hundreds of people have over the past decade been arbitrarily detained in Indian Administered Kashmir are elderly and in poor health. People detained are for long periods denied access to lawyers and family members, they run a high risk of being subjected to torture or ill-treatment. Physical and mental torture in police custody has been normalized in Indian Administered Jammu and Kashmir which led to dozens of reported deaths in police custody. The case of Mohammad Ashraf Sahrai 78-year-old was killed in custody continues to remain an interrogation. He repeatedly complained that he was not allowed medical facilities in the jail. His son Mr. Raashid Sahrai said that he (M Ashraf Sehrai) called home 10 days ago and said, "I am ill, have grown weak, feel dizzy and cannot move. The jail authorities are not providing me any treatment."

Under international law, India has an obligation to ensure the physical and mental and health and well-being of political prisoners. However, basic rights have been denied to people held in arbitrary detention in Indian Administered Jammu and Kashmir.

Asiya Andrabi chairperson of Dukhtrani Milath has been arrested a number of times, since 2010. Recently she was arrested on 6th July 2018. She was shifted Tihar jail from Srinager. Insha Jan, Hina Bashir Baig, Nasreen Naheed and Sofi Fehmida are lodged under these acts. They too are in Tihar Jail. Indian authorities are not respecting high court orders.

No one should be arbitrarily detained simply for peacefully protecting equality, freedom and justice for all. However, people in Indian Administered Kashmir are imprisoned for standing up for their rights and for the rights of Kashmiri people. Indian authorities are increasingly using the counterterrorism law against activists, journalists, peaceful protesters, and critics to silence dissent. Since August 2019, the Indian authorities have clamped down on media freedom in Indian Administered Kashmir. In 2019, the government further amended the law, granting officials the authority to designate an individual as a "terrorist" without charge or a trial.

Indian authorities have detained the prominent Kashmiri human rights activist Khurram Parvez under an abusive counterterrorism law that is increasingly used against activists in Indian Administered Kashmir. He was detained for over two months in 2016 and blocked from traveling to the United Nations Human Rights Council in Geneva. He was among those targeted in counterterrorism raids in October 2020 when several nongovernmental organizations, activists, and a newspaper faced investigations for their work or for being outspoken about government abuses. Journalists and activists have expressed fear that they can be summoned or arrested at any time.

Many detainees have been transferred to jails outside the locality or even outside the state, without their family's knowledge. India amended section 10 of the PSA removing the prohibition on detaining the Kashmiri residents outside the state. Amnesty International India found that since August 2019, the executive magistrates in Kashmir region have been unlawfully issuing verbal orders of detentions under Section 107 and 151 of the Code of Criminal Procedure, which also allows for administrative detention, without keeping any record.

The use of draconian laws, and various forms of arbitrary detentions are used to punish and target the political leaders and human rights defenders. There is a large number of people who have been detained without trial under the provisions of the Indian Administered Jammu and Kashmir Public Safety Act (PSA) and UAPA unlawful activities prevention act in Indian Administered Jammu and Kashmir. A number of them, including children, were detained on similar grounds of "stone-pelting" and rioting during various peaceful protests against the Indian authorities, moreover, repeat detentions are also commonly ordered. Children in the Indian Administered Kashmir have been regularly detained under the Public Safety Act (PSA).

According to credible reports, more than 2,000-5,000 people had been arrested in the time span of two months after Aug. 5. Many of those arrested are teenagers. Human rights organizations say the numbers of detentions were likely higher. Minors are detained by heavily armed policemen during raids at their houses. It is also reported that minor children were held in detention centres on verbal orders. It is relevant to note that such extraordinary situations have a deep and everlasting impact on the psychological well-being of children and by ignoring the urgency of the situation we may 'lose' a generation of citizens to state excesses.

IMWU demand the UNHRC that despite the Indian authorities continue to punish the innocent people especially the families of detainees by imposing PSCA orders and arresting them with new orders. The right of liberty and other fundamental rights are snatched from the political prisoners especially children & women activists who have no security and life threat in jail. They are facing ill-treatment and humiliation in the hands of jail authorities. IMWU is concerned about the health safety and security of women political prisoners illegally booked under PSA. We demand UNHCR ensure the principles of legality and the right to liberty and security and to take up this matter with the Government of India and get them shifted to Indian administered Kashmir.
