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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.

[26 May 2021]

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



Right to Health of Political Prisoners In Indian Administered Jammu Kashmir

The cost for raising the voice for the legitimate rights of people of Jammu and Kashmir is taking toll on lives since decades. The large scale detentions and arbitrary arrests of Kashmiris under fictitious pretexts by Indian government are not new to the people of Indian Administered Kashmir. There has been scores of reported incidents of human rights violations, extra judicial killings, torture, electrocuting and inhuman treatment by Indian security forces on jailed and locked up Kashmiris. Though families loose hope of the return of their loved ones from custody of Indian forces, but still a dim hope of their reunion keep their heart alive amidst the presence of torture as an institutional method of control.

According to the report published by Association of the Parents of Disappeared people (APDP), "Torture" a detailed account of victims of torture by Indian forces reveals the accounts for the violation of international human rights, resulting in chronic health problems, frequent aches, fatigue and sexual impotency; cardiac issues, nephrological problems, internal organ injuries and amputations. In past, organizations like Transparency International have documented issues like, administrative detentions, violations of principle of legality, no access to judicial authority, immunity of officials from persecution, delayed and secret reasons for detentions, incommunicado detentions, ill treatment of prisoners and detentions under illegal laws like, Public Safety Act (PSA) and other draconian laws. Indian state machinery used arrests and torture as an instrument of suppression and to further occupation. Many political leaders are kept under preventive detention from more than two decades,

After the illegal bifurcation of State, fearing resistance, Indian State caged and jailed Kashmiris of almost all ages devoid of gender and political affiliations. Around 7000 to 13000 people were sent to detention mostly under Public Safety Act (PSA) after August 5th, 2019 which allows for detentions of up to two years without trial. Most of them were transported in the detention centers and jails outside the Jammu and Kashmir in mainland India. Many of them are above the age of 60. The situation of Indian jails and their treatment towards prisoners is deplorable. According to the National Crime Records Bureau (NCRB) of India since 2000, around 26,426 incarcerated persons lost their lives in judicial custody. It also highlighted that alone in 2018, 1845 people died in judicial custody and many of them died under unnatural causes showing the dangerous level of health and safety standards in the jails. Besides a report published by National Dalit Movement for Justice and the National Centre for Dalit Human Rights highlighted the judicial crises of India which stated that more than 34 percent of jailed population belongs to Scheduled Cast and Scheduled Tribes in India. There have been serious questions on the overall judicial systems of India and discrimination against minorities in Jails.

Kashmiri political leaders and civil society activists locked up in Indian jails are subjected to worst human rights abuses and violations. Most recently, a senior Pro-Freedom jailed leader Ashraf Sehrai who was languishing in Jail since 2000 under preventive detention died gasping for days in the Udhampur jail and could not receive much needed timely medical attention in the jail. Posthumously, and officially, he was declared Covid-19 positive. Relatives of the prisoners even are unable to speak to them over phone call due to illegal detentions and many those tried to contact families and share their plight are subjected to beating by Jail authorities. Complete blackout on the information about well-being of the detainees and their health condition is deliberate act to hid and cover up the complacency of government which has failed in offering medical facilities in the jail.

As COVID-19 surge has hit India massively, Jammu and Kashmir High Court Bar Association (JKHBA) and other civic bodies showed great concern over the deteriorating health situation of Kashmir leaders, urged the Indian government and other responsible authorities to either shift Kashmiri detainees back to the Kashmir or release them on parole. Kashmiris do not trust occupational authority of India, and a state which maimed Kashmiri children, pelleted young girls, tortured and electrocuted people and made women half widows; find this pandemic an opportunity to further worsen lives of Kashmiris. In Tihar jail, one of the Kashmiri prisoners is COVID-19 positive which requires dire medical attention. The icons of Kashmiri political movement in the pro-freedom camp including,

Muhammad Yasin Malik, Syed Shabir Ahmed Shah, Asiya Andrabi, Nayeem Khan, Nahida Nasreen, Pervaiz Mir and several others are vulnerable due to dilapidated health facilities and their medical condition. Detainees complain of absence of both vaccinations and testing for COVID-19. The right to health of prisoners is articulated within economic, social and cultural rights, recognized by International Covenant on Economic, Social and Cultural Rights. Besides Kashmiris prisoners have all the rights raised under the right to life (Article 6) or the right to humane treatment (Article 10). This Council must take immediate notice of the denial of the right so Kashmiri prisoners and push for their speedy process and safety and well-being.

Right to Health of Political Prisoners In Indian Administered Jammu Kashmir, NGO(s) without consultative status, also share the views expressed in this statement.