



# General Assembly

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## Human Rights Council

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Agenda item 3

**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.

[1 February 2022]

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\* 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.



## **Prevention of Torture in India Administered Jammu and Kashmir**

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states the state parties have an obligation under the charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms, Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975, Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.

India which is a state party to the convention and has signed the convention but has not ratified it till now despite repeated calls from international human rights watchdogs and United Nations human rights mechanisms.

India during all the UPR Processes was asked to ratify the convention on torture and while seeking the membership of the council India made pledges and promises to ratify the convention on torture and convention against enforced and involuntary disappearances and draconian laws enacted to facilitate human rights violations and provide impunity to armed forces for the crimes like torture and other rights violations.

In this regard World Muslim Congress wishes to draw the attention of the United Nations Human Rights Council to the systematic prevalence of torture, ill-treatment and degrading punishment in Indian Administered Jammu and Kashmir.

The "Torture trail" of Kashmiris has been widely reported by credible International media, including a subject of video documentaries by western electronic media over the past decade. The matters have only worsened for Kashmiris in the last two years.

The two Indian Administered Jammu and Kashmir reports (2018 and 2019) by the OHCHR as well as by independent NGOs and global media have extensively documented that Indian security forces continue to inflict various forms of torture to terrorize the Kashmiri people.

According to credible estimates, more than 30,000 Kashmiri men, women, children, and human rights defenders have been victims of torture at hands of Indian forces since 2014.

Various case studies have revealed that Indian forces are using at least 31 forms of torture and inhumane punishment, including solitary confinement, water-boarding, beating, sleep deprivation, forced starvation, electric shocks, sexual abuse etc. Reportedly, India is currently running close to 250 torture cells in the territory.

The psychological impacts of such widespread torture by Indian forces on victims and their families have also been chronicled. For instance, the renowned medical journal "Lancet" in August 2019 warned that a mental health crisis was incrementally erupting in the territory due to protracted exposure of Kashmiri people to violence.

As highlighted in the OHCHR's two Indian Administered Jammu and Kashmir reports, not a single member of Indian forces has been prosecuted for the widely reported incidents of torture. This clear pattern of impunity has been enabled by oppressive laws, particularly Public Safety, Armed Forces Special Power, and Unlawful Activities Prevention Acts.

Since 05th August 2019, when India unilaterally revoked the Special Status of Indian Administered Jammu and Kashmir, its security forces have further upgraded the use of torture against the Kashmiri people as a tool of coercion. There are continuing, gruesome reports of torture in custody, reprisal attacks against human rights defenders, and public beatings-in some cases, with loudspeakers turned on so that surrounding neighbourhoods could listen to the victim's screams.

The persistent use of torture by Indian forces against the Kashmiri people constitutes a clear breach of their basic human worth, dignity, and rights, as enshrined in the UN Charter, Universal Declaration on Human Rights, and international human rights law. In view of the

associated impunity, this deeply worrying situation necessitates your sustained attention and public advocacy.

As the first step in this direction, we request you to seek access from India to Indian Administered Jammu and Kashmir, with a view to carrying out an independent assessment of the ground situation, and its public reporting. Call upon the government of India to ratify the convention against torture and other inhuman degrading treatment. (CAT)

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