



# 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 Platform for Youth Integration and Volunteerism, 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.

[24 May 2024]

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



## **Extrajudicial, Enforced Disappearances and Arbitrary Detention in India**

Extrajudicial and enforced disappearances are a tool of terror and crime under international law with a devastating impact that strikes not just individuals and their families, but entire societies leaving scars that are very difficult to heal. Enforced disappearances have left many families with unanswered questions and for life. The practice of enforced disappearance has reached to a global scale, and India is not immune to this human rights violation. Individuals and communities in several Indian states have been targeted for enforced disappearance. In India, enforced disappearances have been a grave human rights issue for decades, predominantly utilized in Indian Administered Jammu and Kashmir, Punjab, Manipur, Chhattisgarh, and most recently in West Bengal.

At least 9,500 disappearances were recorded between 1990 and 2023 in Indian Administered Jammu and Kashmir. In Punjab, around 10,000 people were reportedly disappeared between 1984 and 2023 as part of the state's counter-insurgency efforts. Manipur and the surrounding region in the north-east have seen enforced disappearances since the 1980s. In West Bengal, nearly 300 enforced disappearances have come to light, where low-caste villagers, suspected of smuggling and trafficking, are targeted often the consequence of law enforcement trading in their human rights obligations for quick results when they face a complex criminal justice issue. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) is highlighting India's issue in its annual reports since mid-1980s. India has not yet ratified the International Convention for the Protection of all persons from enforced disappearance, and its national legal framework does not recognize enforced disappearances as a specific offence worsening the situation.

In India, Often, police refuse to file complaints against law enforcement officials whenever the families try to lodge complaints under broader provisions under the Penal Code of India. As families attempt to seek justice, truth and reparation, they are often met with intimidation, harassment and legal obstacles, including the requirement of government consent to pursue cases against state security forces under the Armed Forces Special Powers Act (AFSPA) and equivalent Act in North East Indian states which grants broad immunities and powers to the military. One would run out of space to list out all incidents of enforced disappearances in India as they run into thousands.

During last two decades in India there are many cases of enforced disappearances by law enforcement agencies reported such as Yumlembam Sanamcha enforcedly disappeared on 12 Feb 1998 from Angtha village of Manipur, Jaswant Singh Kalra enforcedly disappeared on 6 September 1995 from Amritsar, Abdul Rashid Dar enforcedly disappeared on 15 December 1991 from Kunan village of Indian Administered Jammu and Kashmir, Guneet Singh on 15 October 1991 from Ludhiana, Ekjeet Singh on 23 July 1992 from Amritsar and Mohammad Ismile 8 March 1996 Srinagar. All of them are still disappeared and imagine what their families are going through. The issue of enforced disappearances in India is so acute as a large number of political activists, intellectuals and students have gone missing in the North East Indian states in the past few decades. Presently North East Indian states are mostly effected with enforced disappearances cases and Indian media is not brave enough to report these cases. During ongoing violence in Manipur, Indian law enforcement agencies are using tool of enforced disappearances. On 1 October 2023, Central Bureau of Investigation disappeared 4 people named Paominlun Haokip, S. Malsawm Haokip, Lhingneichong Baite, and Tinneilhing Henthang from Churachandpur district. The National Investigation Agency (NIA) on 30 September 2023 disappeared a 51-year-old man named Seiminlun Gangte from Manipur. On 7 November 2023, Lhunkhosei Chongloi, aged 30 and Sat Login Hangsing, aged 28 have been disappeared by Indian authorities in Manipur. On 15 March 2024, Thokchom Thoiba, leader of United National Liberation Front (UNLF) Pambei group was enforcedly disappeared by Indian authorities. Many human rights organizations and activist demand an end to enforced disappearances and extrajudicial killings but unfortunately, the Indian government's response to the problem has been characterized by neglect, apathy, and even contempt. Platform for Youth Integration and Volunteerism calls on the Indian authorities to:

- Ensure that all measures are taken to immediately end the practice of enforced disappearance and Extrajudicial.
  - Immediately disclose the fate or whereabouts of victims of enforced disappearance to their families.
  - Either immediately release the victims of enforced disappearance or ensure that they are brought promptly before a judge in a civilian court to rule on the lawfulness of their arrest or detention and whether they should be released.
  - If people continue to be detained, ensure that they are charged with an internationally recognizable offence and that their rights, including to a fair trial are fully respected.
  - Consult civil society and families of the disappeared on the draft bill to criminalize enforced disappearance and ensure that the offence is defined in accordance with international law and standards.
  - Ensure that the victim families are free to associate with groups working on resolving the issue of enforced disappearances and to peacefully protest in public with fear of reprisal.
  - Ensure all victims, including family members are provided with full and effective reparation to address the harm that they have suffered.
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