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including the right to development**

Written statement* submitted by International Action for Peace & Sustainable Development, 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 January 2025]

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



Enforced Disappearances in Indian Administered Jammu and Kashmir

Enforced disappearances represent one of the most heinous violations of human rights, depriving individuals of their liberty and leaving their families in an agonizing limbo. Rooted in the 1992 Declaration on the Protection of All Persons from Enforced Disappearance, the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) was a landmark achievement, establishing the first legally binding global framework to eradicate this crime. Adopted by the UN General Assembly in 2006 and enforced in 2010, the Convention symbolizes a global commitment to justice and accountability. Yet, despite this progress, enforced disappearances remain a grim reality in conflict zones, particularly in Indian Administered Jammu and Kashmir, where state forces have weaponized this practice to silence dissent and crush Kashmiri aspirations for self-determination.

The 1st World Congress on Enforced Disappearances in January 2025, co-organized by CEDI, the UN Committee on Enforced Disappearances (CED) and other key organizations, aimed to foster renewed global determination to eradicate enforced disappearances. It provides a critical platform to amplify the voices of victims and their families, spotlight ongoing crises and demand concrete commitments from states. Nowhere is this need more urgent than in Indian Administered Jammu and Kashmir, where enforced disappearances have devastated lives, fractured communities and exposed the Indian state's egregious violations of international human rights law. This practice, defined by the United Nations as the secret detention or abduction of individuals by state or non-state actors with their fate and whereabouts concealed, has become a tool of repression in a region embroiled in conflict since the partition of British India in 1947. With tens of thousands of cases reported since the late 1980s, enforced disappearances in Indian administered Jammu and Kashmir reflect a broader pattern of state-sponsored violence aimed at silencing dissent and crushing the Kashmiri people's aspirations for self-determination.

The roots of the Kashmir region conflict lie in the contested accession of the princely state to India in 1947, a decision made without the consent of its predominantly Muslim population. This unresolved dispute has sparked wars, uprisings and sustained military operations, resulting in widespread human rights abuses. India's response to Kashmiris' demands for autonomy or independence has been characterized by excessive militarization, with over half a million troops deployed to the region. Among the methods employed to quell dissent, enforced disappearances stand out as a particularly egregious violation, leaving a devastating impact on individuals, families and society at large.

Enforced disappearances are universally recognized as violations of fundamental human rights, including the right to life, liberty and dignity. The UNDPED and ICPPED provide a legal framework for addressing this crime. However, while India signed the Convention in 2007, it has failed to ratify it or criminalize enforced disappearances domestically. Repeated recommendations by the UN's Universal Periodic Review and formal requests by the Working Group on Enforced or Involuntary Disappearances to investigate these violations in Indian administered Jammu and Kashmir have been met with silence or rejection from the Indian government. This lack of accountability highlights a troubling disregard for international norms and obligations.

Human rights organizations estimate that between 8,000 and 10,000 people have been forcibly disappeared in Indian administered Jammu and Kashmir since the late 1980s. These disappearances are often accompanied by arbitrary arrests, torture and extrajudicial killings during military crackdowns and counterinsurgency operations. The discovery of mass graves and unmarked burial sites across the region underscores the systematic nature of these violations. In 2011, the 'Jammu and Kashmir State Human Rights Commission' reported over 2,700 unmarked graves in four districts, with evidence linking many to victims of enforced disappearances. Such findings reveal not isolated incidents but an organized effort to eliminate perceived dissent.

The families of the disappeared endure unimaginable suffering, caught in a state of limbo where neither life nor death can be confirmed. Organizations like the Association of Parents of Disappeared Persons (APDP) have documented the anguish of these families, who live with the constant trauma of uncertainty. The absence of closure not only inflicts emotional pain but also deprives families of legal recourse and economic stability, as many victims were primary breadwinners.

The consequences of enforced disappearances in Indian administered Jammu and Kashmir disproportionately affect women, many of whom are left as "half-widows." These women, unable to confirm their husbands' deaths, are trapped in a legal and social limbo. Without state support or recognition, half-widows face economic hardship, stigma and isolation. Their inability to remarry or move forward perpetuates a cycle of vulnerability and marginalization.

Children, too, bear the brunt of this crisis. The loss of a parent, often a father, deprives them of emotional and financial stability. Many children are forced to abandon their education to support their families, entrenching poverty and limiting future opportunities. Psychological trauma, including anxiety, depression and post-traumatic stress disorder, is widespread among children who grow up amidst conflict and uncertainty. This intergenerational impact of enforced disappearances deepens the social scars of the conflict, ensuring its effects will be felt for decades to come.

The discovery of mass graves in Indian administered Jammu and Kashmir has provided grim evidence of the scale and brutality of enforced disappearances. Investigations have revealed thousands of unidentified bodies, many of which are believed to belong to civilians killed in custody or extrajudicially executed. These graves, often concentrated in remote areas, point to a systematic effort to conceal the evidence of state violence.

False encounters, staged incidents where civilians are killed and falsely portrayed as militants, are another disturbing tactic employed by Indian forces. High-profile cases, such as the killing of Ali Mohammad Padder, a government employee later falsely identified as a militant, have exposed the lengths to which authorities go to justify extrajudicial killings. These practices not only violate international human rights standards but also erode public trust in state institutions, further alienating the Kashmiri population.

Despite extensive documentation by organizations like Amnesty International, Human Rights Watch and local groups like APDP, the international community has largely failed to hold India accountable for enforced disappearances in Indian administered Jammu and Kashmir. Geopolitical considerations and strategic alliances often take precedence over human rights, leaving victims and their families without justice. The reluctance of the UN and other international bodies to conduct independent investigations reflects the limitations of existing frameworks in addressing state-led atrocities.

The upcoming World Congress on Enforced Disappearances in January 2025 offers a critical opportunity to spotlight the crisis in Indian administered Jammu and Kashmir and demand concrete action. Co-organized by the UN Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and other key organizations, the Congress aims to amplify the voices of victims and advocate for global accountability. For the international community, addressing enforced disappearances in Indian administered Jammu and Kashmir is not merely a matter of justice but a test of its commitment to universal human rights.

Ending enforced disappearances in Indian administered Jammu and Kashmir requires a multi-faceted approach. First, India must ratify the ICPPED and enact domestic legislation to criminalize the practice. Independent investigations into mass graves and disappearances must be conducted, with international oversight to ensure impartiality. Perpetrators, regardless of rank or position, must be held accountable through fair and transparent judicial processes.

Second, the voices of victims and their families must be at the center of any resolution. This includes providing reparations, psychological support and economic assistance to those affected by enforced disappearances.

Efforts to address gendered impacts, such as supporting half-widows and children, are essential to breaking the cycle of marginalization and trauma.

Finally, the international community must move beyond rhetoric and take concrete action to pressure India into complying with its human rights obligations. This includes leveraging diplomatic channels, imposing sanctions and supporting grassroots efforts to document and address violations in Indian Administered Jammu and Kashmir.

Enforced disappearances in Indian Administered Jammu and Kashmir are not merely a by-product of conflict but a deliberate strategy to silence dissent and maintain control. The devastating impact of this practice extends beyond the victims, tearing apart families, fracturing communities and perpetuating a climate of fear and impunity. As the world prepares to convene for the World Congress on Enforced Disappearances, it must seize the moment to confront this atrocity head-on. The people of Indian administered Jammu and Kashmir have waited too long for justice; their voices must no longer be ignored.
