



**United Nations
Human Rights Committee
Fourth Periodic Review of India**

Submission on the state of Human Rights violations
in the region of Kashmir, held under Indian control.

Submitted by:

Kashmir Solidarity Council

2210 Midwest Rd | Oak Brook, IL 60523

Contact: Javed Rathore, jrathore@amrogroup.com

Background and Methodology

The Kashmir Solidarity Council respectfully submits its review concerning India's multifaceted human rights violations in Kashmir, for consideration by the Human Rights Council within its Universal Periodic Review scheduled in July 2024. We, and other organizations have been monitoring the situation of Kashmiri rights and freedoms, with a keen focus on issues of growing militarization, arbitrary killings and detentions, state-led abductions, police violence, rampant torture, media curbs, illegal population transfer and settlements in a disputed and occupied territory. Human rights violations in Indian occupied Jammu and Kashmir are systematic, organized, and state-sanctioned. Thousands of Kashmiris are arbitrarily detained under special laws that lack vital legal safeguards and provide security forces with sweeping powers to arrest and detain. They are kept in detention for months or years without charge or trial. Torture by security forces is a consistent practice and so brutal that many have died in custody as a result. Scores of women have been raped as rape is used as a weapon of war against Kashmiri dissidents. Efforts by relatives to use legal avenues to obtain redress have been persistently frustrated: court orders to protect detainees are routinely flouted and the legal machinery in the state has created a culture of impunity.

Some of the dominant trends of human rights violations that were observed in this period include: i) the denial of religious freedom as evinced by the closure of mosques and banning of prayer gatherings, ii) the institution of various policies and laws that aim at altering the Muslim-majority demographic status of the territory and institutionalizing Hindutva, iii) the continued arbitrary and illegal detentions of pro-freedom Kashmiri Muslims, seizure and/or destruction of their homes and the homes of their supporters, iv) the repression of press freedom as shown by the arrest and intimidation of many journalists, v) the suspension of Kashmiri Muslims from employment because of their pro-freedom opinions or beliefs, vi) extrajudicial murders of Kashmiri civilians who were falsely labeled as "combatants", vii) internet blockades, and viii) further militarization of the world's "most militarized zone"¹

See

In our review, we have used information that we gathered from reports in local and international press, reports by human rights organizations, government records, firsthand accounts of family members of the victims of human rights violations. Nevertheless, during our documentation work, we discovered that many Kashmiri families do not speak out about the various forms of oppression committed against them due to the fear of reprisal and punishment. Additionally, the work of journalists on the ground is highly regulated by state officials, preventing the free flow of information and facts surrounding the human rights violations. To guarantee its accurate veracity, every detail in this review has been verified from multiple sources.

¹ Hindutva is the fascist ideology that is followed by India's Prime Minister Modi, and the ruling party. It seeks to turn India into a Hindu majoritarian nation.

Scope of International Obligations and Cooperation with International Human Rights Mechanisms and Bodies

India has ratified the International Covenant on Civil and Political Rights. India is a signatory to the Universal Declaration of Human Rights. India has not ratified the UN Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

India ratified the Geneva Convention in 1950 but it is not a signatory to the **Additional Protocols I and II**, because these protocols extended the scope of international humanitarian law as provided in the four Geneva Conventions. The major contribution of these protocols is that they categorize armed movements involving the right to self-determination of an occupied people, as international armed conflicts, thereby bringing the movement and state's response to it within the jurisdiction and protection ambit of international humanitarian law. Ratification of these Additional Protocols would make international humanitarian law applicable to Kashmir's movement for self-determination. Thereby India is reluctant to ratify it, as it would call into question the culture of impunity that shapes Indian governance in Kashmir.

India has also repeatedly shown an unwillingness to collaborate with the United Nations human rights organizations and offices concerning the situation in Kashmir, as evidenced by the fact that India has regularly rejected U.N. requests to visit the disputed territory of Kashmir.

Religious Freedom Violations

Barring of prayers and congregations

On January 6th, 2023, Kashmiri pro-freedom and religious leader, Mirwaiz Umar Farooq, was not permitted to offer Friday prayers at the Jamia mosque in Kashmir for the 176th consecutive week.² For centuries Jamia has been the most prominent mosque in the valley and the center of all religious activities in the area. On March 7th,

²<https://freepresskashmir.news/2023/01/06/mirwaiz-barred-from-176th-consecutive-friday-prayers-anjuman-augaf/>

Indian authorities banned Shab-e-Barat (Night of Repentance) congregational prayers at the same mosque in Kashmir.³ Indian officials locked the gates and posted military soldiers at the entrance, preventing thousands of Kashmiri Muslims from praying at the main mosque of the region. On April 22nd, India decided not to allow Eid-ul-Fitr (the Muslim main holiday) prayers at the historic Jamia mosque in Srinagar. This was the fourth year in a row that the Indian government did not allow Eid-ul-Fitr prayers.⁴ On June 28th, India again prevented Eid-ul-Adha prayers at Jamia and also the historical Eidgah (biggest Eid congregational place) at Srinagar. The local mosque committee said that it had announced that Eid prayers will be held at Eidgah, however, the Indian authorities disallowed it and increased military surveillance to prevent people from reaching the Eidgah.⁵ In the month of October, the Friday congregational prayer was disallowed for three consecutive Fridays.⁶ On November 10th, India banned congregational prayers at the Jamia mosque. This was the fifth consecutive Friday that congregational prayers had not been allowed in the mosque. On December 15th, Friday prayers in Jamia mosque in Srinagar, were again shut down, marking the 10th consecutive week in a row when the congregation was not allowed.⁷

In 2024, the trend continued. On April 5th, 2024, India shut down Jamia on the last Friday of Ramadan. On April 6th, 2024, the same mosque in Srinagar was closed ahead of the Laylat al-Qadr (Night of Destiny) as India disallowed the special night prayers in the mosque.

The shutting down of the mosque came a few days before India allowed Indian Hindus to celebrate their festival, Ram Nawami, publicly and with great fervor in Lal Chowk, the symbolic and economic center of Srinagar city. The observance of Hindu festivals with state patronage and police protection, while the Muslim majority of the valley is being denied basic religious freedoms, clearly reflects the systemic Islamophobia and Hindu supremacist nature of the Indian political apparatus.

On April 10th, 2024 India once again disallowed Eid-ul-Fitr prayers at the Jamia mosque. The chief preacher of the mosque, Mirwaiz Umar Farooq, was placed under house-detention and when he attempted to leave the house, was forcibly held back by the police officials. This is for the fifth straight year since the abrogation of Jammu and

³<https://freepresskashmir.news/2023/03/07/shab-e-baraat-prayers-barred-at-jamia-masjid-in-srinagar-gate-locked-anjuman-augaf/>

⁴<https://www.outlookindia.com/national/jammu-and-kashmir-eid-ul-fitr-prayers-barred-at-srinagar-s-jamia-masjid-in-view-of-pro-azadi-sloganeering-news-280414>

⁵<https://indianexpress.com/article/india/prayers-not-allowed-at-srinagar-eidgah-8691423/>

⁶<https://www.hindustantimes.com/cities/chandigarh-news/friday-prayers-not-allowed-at-jamia-mosque-mirwaiz-under-house-arrest-anjuman-augaf-101698427768648.html>

⁷<https://www.thehindu.com/news/national/friday-prayers-disallowed-in-jammu-and-kashmir-for-the-10th-consecutive-week/article67641826.ece>

Kashmir's nominal political autonomy in 2019 that Eid prayers were not allowed at the historic mosque.

Infringements on religious freedoms of Kashmiri political prisoners

In a concerning development reported on May 18th, 2023, the family of a female Kashmiri political prisoner incarcerated at Tihar Jail in New Delhi communicated a significant infringement on religious freedoms to Justice For All, one of our collaborating organizations. Authorities in the prison, led by a Brahmin officer, installed loudspeakers that broadcast Hindu hymns throughout the day in a ward housing Kashmiri Muslim female political prisoners, despite no Hindu inmates being present. Requests from prisoners to have the Adhan (Islamic call to prayer) played on these speakers were summarily rejected. This act of broadcasting religious hymns from a different faith, especially in the absence of followers of that faith in the ward, and denying prisoners the right to their religious practices, is indicative of a broader attempt to impose psychological distress and is reflective of the Hindutva ideology influencing policies and practices in India.

Harassment and detention of Kashmiri religious scholars

On June 7th, 2023 Maulana Rehmatullah Qasmi, the rector of the renowned Islamic seminary in Kashmir, known as *Darul Uloom Raheemiya*, was summoned by the National Investigation Agency (NIA) of India for interrogation.⁸ The summoning was part of India's systematic crackdown on religious scholars in Kashmir. Many scholars were detained, with some of them released after prolonged detention. This pattern of detention and interrogation has affected numerous prominent scholars, including Abdul Rasheed Dawoodi, Mushtaq Veeri, and Abdul Majeed Dar Al-Madni among others. One of the detainees, known as Nazir Ahmed Raina, suffered from partial paralysis. Other detainees included Faheem Mohammad Ramzan and Ghazi Moin-ul-Islam Nadvi. These detentions served to deprive the Kashmiri people of the leadership of these Muslim scholars at a time when India is ruled by a Hindu regime that is deeply Islamophobic. Kashmiri political analysts assert that by detaining the Muslim scholars, the Indian government seeks to silence all influential voices that may express dissent against India's Hindutva policies.

⁸<https://indianexpress.com/article/political-pulse/nia-summons-religious-figure-aimplb-founder-maulana-qasmi-8653104/>

Forced chanting of Hindu slogans by Kashmiri Muslims

On the intervening night of June 23rd and June 24th, 2023, Indian armed forces forced Kashmiri Muslim villagers in south Kashmir's Pulwama district to chant 'Jai Shri Ram' inside a mosque. 'Jai Shri Ram' is a Hindu religious slogan which literally means 'Glory to Lord Ram' but has increasingly been weaponized against Muslims and used as a war cry by Hindu nationalists. In a report by The Wire, locals state that a group of soldiers from the Army's 50 Rashtriya Rifles first arrived in the village and during the 'operation', army soldiers detained at least 10 youngsters of the village, five of whom were beaten up severely. They used a belt to beat them up, inflicting serious bruises upon them, for which the locals have produced photographic evidence.⁹ At the crack of dawn, when the local muezzin (caller to prayer) went inside the mosque to call Adhan (call to prayer), the Indian soldiers followed him and in the middle of the Adhan, forced him to chant 'Jai Shri Ram' on the loudspeaker. The soldiers also forced the detained youngsters to chant the same slogan in chorus behind the muezzin. The subsequent removal of an army officer from duty, following widespread protest and social media outcry, does little to redress the fundamental issue of religious coercion and violation of rights.¹⁰

Demolition of Islamic religious school

On October 10th, 2023, India demolished a building of an Islamic seminary in a village of south Kashmir's Pulwama district.¹¹ According to a government official, the action was taken on the recommendation of the National Investigation Agency (NIA). The administrators of the seminary are also in illegal detention, as they have been accused of supporting the Kashmiri freedom movement, which India labels as "terrorism" or "secessionism". Islamic seminaries in Kashmir are sources of education for the most marginalized and needy sections of the society, especially orphans. The students usually live in these seminaries, where they are provided with all the basic necessities of life, free of any cost. In the past, India has shut down hundreds of similar schools for the needy, whose administrators were also accused of participating in Kashmir's right to self-determination movement or being "sympathetic" to it.¹²

⁹<https://thewire.in/rights/kashmir-army-jai-shri-ram-mosque-amit-shah>

¹⁰<https://freepresskashmir.news/2023/06/26/officer-removed-for-forcing-people-in-mosque-to-shout-jai-shri-ram/>

¹¹<https://kashmirreader.com/2023/10/11/dar-ul-uloom-on-govt-land-demolished-police/>

¹²<https://thewire.in/communalism/falah-e-aam-trust-schools-ban-unemployment-teachers-free-education-orphans>

The aforementioned documented incidents of restrictions on religious freedom reveal a deliberate and systematic approach by the Indian authorities to impede the Muslim community's ability to engage in their religious practices and gatherings, particularly in relation to the Jamia Mosque, a central and historically significant site of worship in the region. All of this is done despite the fact that the freedom of religion or belief is guaranteed by article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Continued Abuse of Counter-terrorism Laws like UAPA

The Unlawful Activities Prevention Act (UAPA) is an act that the government of India has instituted to “prevent terror-related activities, unlawful associations, and activities that may endanger the sovereignty and integrity of India.” A person can be labeled a terrorist if he conducts or participates in terrorist activities, prepares for terrorism, supports terrorism, or is otherwise involved in terrorism.¹³ It allows the government to jail an individual for six months, without a trial or bail, precluding any judicial intervention.

On November 27th, 2023, seven Kashmiri Muslim students were arrested by India for allegedly not supporting India’s cricket team in a World Cup final against Australia. A copy of the first information report (FIR), accessed by us, shows the students have been booked under Section 13 of the Unlawful Activities Prevention Act and Sections 505 and 506 of the Indian Penal Code related to public mischief. The case against Kashmiri students was lodged a day after the world cup final on the basis of a complaint by an Indian student from outside Jammu and Kashmir. The seven students were arrested on November 20. The Indian student had accused the Kashmiri students of cheering for Australia and celebrating India’s loss in the cricket match final. The Kashmiri students have also been accused of raising anti-India slogans during the match. One university official who spoke on the condition of anonymity stated that the Kashmiri students engaged in no violent activity and were punished solely for being jubilant over Australia’s victory in the cricket match. They were later granted bail after prolonged detention.¹⁴

¹³<https://ohrh.law.ox.ac.uk/constitutionality-of-indias-unlawful-activities-prevention-amendment-bill-2019-indias-mccarthyism-moment/>

¹⁴<https://www.reuters.com/world/india/kashmiri-students-arrested-celebrating-indias-cricket-world-cup-defeat-get-bail-2023-12-03/>

This deployment of counter-terror laws for reasons pertaining to sports is not new. In September, 2020, sports playing boys in the Shopian area of Kashmir were arrested under the UAPA.¹⁵ They were detained for playing a match in memory of a slain pro-freedom Kashmiri activist. In a similar manner, on October 24th, 2021, Pakistan won against India in a cricket match, and many Kashmiris celebrated the win. This was seen as an act of “terrorism” by the Indian government and those who were seen as celebrating the win were booked under the UAPA. It’s troubling how India can label celebrations after a sporting event as “terrorism”, revealing the workings of the UAPA and its deliberate ambiguity in defining what constitutes terrorism.¹⁶

750 people were detained under the Unlawful Activities Prevention Act (UAPA) in Jammu and Kashmir in a period of three years till 2020, according to the most recent submission to India’s parliament by the Home Ministry of India. 346 persons were arrested in 2020 while 177 and 247 were arrested in 2018 and 2019 respectively, marking an increasing rate of the use of UAPA by the Indian state. In the same submission, the government also declared that it has no intentions of amending the UAPA, let alone abandoning its use.¹⁷

The anti-terror legislation has been used against social media users who may post anything that the state deems as violating the “national interest”. In Kashmir, this takes the form of any criticism that is aimed at the state, or any advocacy, including the non-violent forms, for Kashmir’s self-determination, or a call for a democratic plebiscite. Kashmiri young boys have been called to the infamous interrogation center called *Cargo*, their phones snatched and surveilled, and intimidation carried out.¹⁸ The Cyber Cell of the Jammu and Kashmir police actively monitors the use of social media in Kashmir, and any user who engages in dissent is summoned and/or detained under the UAPA. Those who are released from detention are made to give a written pledge that they will not post anything “anti-India”.¹⁹

Police in Kashmir even invoked the stringent UAPA to register a case against people using social media through proxy servers by getting past internet firewalls. In advertisements published in at least three local dailies in Kashmir, the Jammu and Kashmir Police warned Kashmiri social media users of cases under the UAPA. Carried on the front page of the newspapers, the police warned social media users that

¹⁵<https://scroll.in/article/991077/for-anything-and-everything-uapa-cases-are-rising-in-kashmir>

¹⁶<https://www.bbc.com/news/av/world-asia-india-59702427>

¹⁷<https://freepresskashmir.news/2022/03/15/750-arrested-under-uapa-in-three-years-till-2020-in-jk-says-goj>

¹⁸<https://theintercept.com/2020/12/06/kashmir-social-media-police/>

¹⁹<https://standwithkashmir.medium.com/young-kashmiris-on-what-it-means-to-be-silenced-on-social-media-a4e5e0f2e88f>

“supporting and promoting terror is as grave as the actual act of terror”. It is pertinent to note here, as we mentioned before, that there’s a deliberate vagueness and arbitrariness that characterizes the state’s definition of what constitutes an act of terror under the UAPA, as it has included even “feelings of sympathy” towards the self-determination struggle. In a recent ruling by the High Court of Jammu and Kashmir and Ladakh, the court held that statements such as “Kashmir is occupied by the military or that people of the region have been reduced to slaves”, would not be protected by the right to freedom of speech and expression under Article 19(1)(a) of the Constitution.²⁰

Article 15(1) of the United Nations **International Covenant on Civil and Political Rights** (ICCPR) and **Article 11** of the Universal Declaration of Human Rights (UDHR) enshrine the principle of “**legal certainty**,” which declares that the criminal law must clearly lay out what constitutes an offense so as to avoid any arbitrary application or abuse of the law. In contrast, UAPA offers a very vague definition of what constitutes a “terrorist act”, making abuse of law easier. It is important to note that the definition also includes any act that is “**likely to threaten**” public order, giving the government unrestrained power to jail a person who has not even committed a crime yet²¹. Under UAPA, India has jailed journalists, human rights defenders, and dissidents in Kashmir.²²

Right to Life and Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Liberty and Security of Person

Recourse to death penalty

On May 26th, 2023, in an ongoing case, the National Investigation Agency (NIA) of India recommended the death penalty for Kashmiri leader Muhammad Yasin Malik, who is currently serving a life sentence. Malik, the head of the Jammu Kashmir Liberation Front (JKLF), was convicted by an Indian court for his role in advocating for Kashmir's freedom. He has been held in solitary confinement at New Delhi's Tihar Jail for over six years, where other Kashmiri leaders seeking self-determination are also detained.²³

²⁰<https://www.barandbench.com/news/no-free-speech-protection-for-statement-that-people-of-kashmir-are-slaves-under-military-occupation-jk-high-court>

²¹<https://www.humanrightspulse.com/mastercontentblog/indian-counter-terrorism-law-fails-to-conform-with-international-law>

²²<https://www.aljazeera.com/news/2021/11/23/india-kashmir-khurram-parvez-arrest-human-rights-uapa-terror-law>

²³<https://www.aa.com.tr/en/asia-pacific/indian-court-to-take-up-kashmiri-pro-freedom-leaders-death-sentence-in-august/2909212>

This move by the NIA to seek a harsher sentence for Malik underscores the severe measures being applied to political dissenters in the region. It also reflects how no progress is being made towards abolition of death penalty but rather death penalty is being used towards political ends.

Custodial torture and murder

On 22nd December, 2023, Indian army illegally detained at least eight Kashmiri civilians for questioning and interrogation, a day after pro-freedom rebels fighting against Indian rule ambushed two army vehicles in the southern Poonch district, killing four soldiers and wounding three others.²⁴ Locals state that the army personnel tortured three of the detainees to death in a nearby military camp. The bodies were later handed to the local police who in turn contacted the families. Residents said the bodies bore marks of severe torture. Videos emerged of the torture, in which the Indian army personnel are seen stripping these Kashmiri civilians naked, beating them ruthlessly, and pouring spices and chilli powder on their wounds, especially their private parts.²⁵

The three deceased detainees include Mohammad Showkat, 22, Safer Hussain, 45, and Shabir Ahmad, 32. Torture marks were found on the bodies of all three victims of extrajudicial custodial murder.²⁶ All three victims hail from a tribal community known as Gujjar, who traditionally lead a pastoral life in the mountain areas of Kashmir.

Soon after the horrific videos of the torture spread, Indian authorities cut off internet services on smart devices in the area, a common tactic used by India to crush protests and discourage dissemination of the videos, creating an information blackhole and preventing any journalistic investigation.

Lt. Col. Suneel Bartwal, an Indian army spokesman, said he had no “input” about the circumstances surrounding the three deaths.²⁷ Though Indian authorities have promised investigation and offered compensation to the families, which the family claims is an *admission of guilt*, people remain deeply skeptical of any prospect of justice. Throughout Indian rule in Kashmir, not a single army personnel has been prosecuted for their widely documented war crimes and human rights violations.

²⁴<https://www.aljazeera.com/news/2023/12/24/anger-in-kashmir-after-indian-army-accused-of-killing-civilians-in-custody>

²⁵<https://www.thehindu.com/news/national/jammu-and-kashmir-govt-initiates-legal-action-after-three-civilians-in-armys-custody-found-dead-with-multiple-injuries/article67669440.ece>

²⁶<https://www.trtworld.com/asia/protests-in-kashmir-after-three-civilians-killed-in-indian-army-custody-16360386>

²⁷<https://www.dawn.com/news/1800225>

For example, In 2020, the Indian army extrajudicially killed three civilians from Rajouri, Kashmir. They were falsely portrayed as rebels but investigations revealed that the army was behind the killing. The Indian army's internal court admitted wrongdoing and sentenced an officer to life imprisonment for the killings. But last month, the military tribunal suspended the officer's sentence and granted him bail.²⁸ This is a pattern of brazen impunity that has repeated throughout Kashmir's history.²⁹ In February 2018, the Union Ministry of Home Affairs informed the Indian Parliament that over the past three decades, the Jammu and Kashmir Government had requested the permission of the central government for prosecution of members of the Indian security forces in 50 cases of human rights violations. The central government refused to allow prosecution in 47 of these cases, while the decisions surrounding the other 3 cases remained pending.

In a recent report on state-sanctioned torture in Kashmir, that studied 432 cases, it discovered that out of the 432 victims, 222 (51.4%) suffered some form of health complications after being tortured. Out of these 222, 209 (94.1%) people suffered health issues with long-term ramifications, and among them, 49 (23.4%) suffered acute ailments e.g. cardiac problems, nephrological issues, complete or partial loss of eyesight or hearing ability, amputations, sexual impotency, etc. **301 out of 432** torture victims in the report were non-combatant civilians. The civilians who were tortured include political activists, human rights workers, journalists and students. Of the 432 victims, **27** were minors when tortured.

Elderly man crushed to death

On 9th March, 2024 an elderly man was killed after being crushed to death by an Indian armed forces' vehicle in Gulshan Chowk area of north Kashmir's Bandipora district.

According to locals, the vehicle deliberately trampled him. The vehicle was not moving when the elderly man began crossing the road, at which point the vehicle began moving towards the man, crushing him and causing an on-spot death.³⁰

The victim has been identified as Habibullah Shergojri.

This is not the first time Indian army's vehicles have murdered Kashmiris in this manner. In April, 2019, a thirteen-year-old boy was crushed to death by an Indian army vehicle in the Poonch district of the occupied region.³¹

²⁸<https://www.hindustantimes.com/india-news/amshipora-fake-encounter-case-army-captain-life-sentence-suspended-granted-conditional-bail-101699892305601.html>

²⁹<https://www.hrw.org/reports/2006/india0906/2.htm>

³⁰<https://risingkashmir.com/man-crushed-to-death-by-vehicle-in-bandipora/>

³¹<https://kashmirdespatch.com/%EF%BB%BF13-year-old-boy-hit-by-army-vehicle-in-poonch-dies/>

Liberty and Security of Person, Administration of Justice and Fair Trial and Treatment of Persons Deprived of their Liberty

Mass detentions in the context of the G-20 meeting in Kashmir

On April 29th, 2023, in anticipation of the G-20 meeting hosted in Kashmir, the Indian authorities undertook a widespread campaign of detentions, affecting thousands of local Kashmiris. This action appears to have been strategically implemented to suppress potential peaceful protests and dissenting voices advocating for Kashmir's right to self-determination, coinciding with the international event. The mass arrests are indicative of an effort to present an image of stability and normalcy in a region marked by long standing political unrest and demands for autonomy.³²

Legal Forum for Kashmir, a prominent indigenous human rights organization, maintains that around 3018 Kashmiris were subjected to illegal detention in order to prevent them from voicing their protest against Indian human rights violations during the G-20 summit.³³

India's persistent enforcement of the Public Safety Act

On 26th May, 2023, four civilians of Jammu and Kashmir's Baramulla district were booked under the lawless Public Safety Act (PSA) for their "anti-national" activities, India's euphemism for participation in the Kashmiri right to self-determination movement. The civilians were subsequently detained and lodged in Kot-Bhalwal jail in Jammu, which is hundreds of miles away from their home. The PSA allows detention without trial for up to two years and according to *Amnesty International*, "People detained under the PSA also run a high risk of being tortured, as many are denied access to family or lawyers for long periods of time. Torture is widely used in police stations and interrogation centres in Jammu and Kashmir to extract confessions or information, to humiliate or punish detainees, leading to dozens of reported deaths in custody."³⁴

On 24th June, 2023, India jailed three Kashmiri civilians under the lawless Public Safety Act after labeling them as supporters of Kashmiri pro self-determination groups.³⁵

³²<https://www.indiatoday.in/india/story/mehbooba-mufti-says-local-youth-arrested-tortured-g20-event-jammu-kashmir-2366390-2023-04-29>

³³<https://twitter.com/LFKashmir/status/1652912945247002626>

³⁴<https://www.amnesty.org/en/wp-content/uploads/2021/06/asa200192000en.pdf>

³⁵<https://thekashmirwalla.com/three-militant-associates-booked-under-psa-in-south-kashmir-police/>

On 14th July, 2023, India booked a member of pro-freedom socio-political organization, Hurriyat Conference, under the draconian Public Safety Act (PSA) in north Kashmir's Bandipora district. Ameer Hamza was accused by the Jammu and Kashmir police of being involved in "anti-national" activities, a juridical category that state deploys to criminalize any and all calls for Kashmir's right to self-determination.³⁶ The FIR does not mention as to what activities exactly were being undertaken by Ameer Hamza, nor has the family of the detainee been informed about the grounds of his arrest.³⁷ This is not surprising as the PSA allows India to jail any Kashmiri for up to two years without being required to provide the grounds of his arrest. The PSA also denies the Kashmiri detained under PSA the right to a trial.

On January 29th, 2024, two Kashmiri civilians were booked under stringent Public Safety Act (PSA) and incarcerated in Central Jail Kot-Bhalwal jail Jammu for so-called 'anti-India' activities. The two civilians, named Fayaz Ahmed and Safeer Ahmed, have been sent to a prison miles away from their home. Speaking to us on the condition of anonymity, one of their family members stated that their family cannot even afford visits to such a distant prison. The detained civilians were also breadwinners for their families, and their detention is a source of great economic distress for their families.³⁸ On April 8th, 2024, three Kashmiri civilians were booked under Public Safety Act (PSA) in north Kashmir's Baramulla district for their alleged involvement in pro-freedom activism.

Mysir Majeed Malik, Abdul Ahad Dar, and Ahmad Waza, are the three civilians who were detained arbitrarily by Jammu and Kashmir police.

A report by Jammu and Kashmir Coalition of Civil Society (JKCCS) and Association of Parents of Disappeared Persons' (APDP) said 662 persons were booked under the PSA in 2019 alone. In 2015, when the government revealed that 16,329 persons had been detained under the PSA since 1988. Among these detainees, 95% of the detainees were from Kashmir. The percentage reflects how India has weaponized PSA against Kashmiris for demanding their fundamental rights. In 2008, 366 Kashmiris were booked under it. In year 2009 and 2010, 711 Kashmiris were booked under it for protesting against a gang-rape of two Kashmiri women by Indian military personnel. From 2011 to 2015 more than 734 Kashmiris were detained under the PSA. At least 921 Kashmiris were jailed under the PSA after 2016, when India killed a popular Kashmiri pro-freedom commander. In 2017, 410 Kashmiris were jailed under the PSA, while the detention went up to 510 in 2018.³⁹

³⁶<https://thekashmirwalla.com/ex-militant-booked-under-psa-in-bandipora/>

³⁷<https://thekashmirwalla.com/ex-militant-booked-under-psa-in-bandipora/>

³⁸<https://freepresskashmir.news/2024/01/29/two-booked-under-psa-for-anti-india-activities-shifted-to-kot-bhalwal-jail/>

³⁹<https://www.amnesty.org/en/documents/asa20/001/2011/en/>

Isolation of Kashmiri female political prisoners and denial of support

On July 26th, 2023, we were informed by family members of three Kashmiri female political prisoners that their loved ones have been subjected to further hardships while in detention. Asiya Andrabi, Nahida Nasreen, and Sofi Fehmeeda, incarcerated since 2017 for their involvement in the Kashmiri self-determination movement, have been forcibly separated and relocated to different wards within the prison facility. This action has significantly impacted their ability to support each other amidst their health challenges.

Asiya Andrabi, who requires oxygen support, along with Sofi Fehmeeda, who is wheelchair-bound and requires assistance for mobility, alongside Nahida Nasreen, are all dealing with serious health issues while in detention. Prior to their separation, the three women provided mutual aid and support, essential for their physical and emotional well-being. The decision to isolate them from one another has been perceived by their families as a punitive measure by the jail authorities, aimed at further penalizing the prisoners beyond their incarceration. As of April, 2024, they are also being denied access to life-saving and critical medicine.

The authorities have failed to present any substantial justification for this separation, merely attributing the decision to directives from higher officials. This lack of transparency and rationale behind such measures raises concerns regarding the treatment of political prisoners, particularly in contexts where health vulnerabilities necessitate support and solidarity.

The isolation of Andrabi, Nasreen, and Fehmeeda not only exacerbates their existing health concerns but also signifies a disregard for the basic human rights and dignity afforded to prisoners, especially those with significant health issues. This incident underscores the need for accountability and humane treatment standards within detention facilities, ensuring that the health and well-being of inmates, particularly those involved in political and self-determination movements, are adequately protected.

Health concerns and continued denial of medical treatment for Kashmiri female political prisoner

On September 24th, 2023, concerning reports emerged regarding the health condition of 34-year-old Fehmeeda Sofi, a Kashmiri female political prisoner currently detained under severe charges, including those laid out under the Public Safety Act and the Unlawful Activities Prevention Act. Held intermittently for over eight years and presently

incarcerated at Tihar Jail in New Delhi since 2018, Sofi's health has significantly deteriorated, leading to her complete immobility due to serious back and spinal issues.

Family members, who have been the primary source of information for Kashmir Solidarity Council, and our partners, relayed that Sofi's condition has regressed to the point where she is now bedridden, unable to walk or move independently. This development is particularly alarming given her relatively young age and previously reported good health prior to her detention. The critical nature of her health condition underscores the harsh realities faced by detainees, including inadequate medical care and the physical toll of prolonged imprisonment.

Medical professionals have urgently recommended back surgery for Sofi to address her debilitating condition. However, reports indicate a disturbing neglect by prison authorities to facilitate the necessary medical intervention. Furthermore, there have been accounts of discrimination hindering her access to healthcare outside the prison, with hospital staff allegedly refusing treatment based on her religious attire and political associations.

The refusal of prison authorities to provide appropriate post-surgery care, as voiced by Sofi's family, exacerbates the risk of permanent mobility loss and potential complications from her spinal condition. The insistence on returning her to prison immediately after such critical surgery, without allowing for adequate recovery time in a medical facility, reflects a grave violation of her rights to health and humane treatment.

This case highlights the broader issue of the treatment of political prisoners, particularly those associated with the Kashmiri self-determination movement, within the Indian penal system. It raises serious human rights concerns, including the denial of essential medical care and the impact of incarceration on the physical well-being of detainees.

Furthermore, as unprecedented heat wave engulfs Delhi, the prison authorities are denying any means of cooling to the incarcerated female Kashmiri prisoners in Tihar.

Teenager arrested and interrogated

On August 19th, 2023, the National Investigation Agency (NIA) of India carried raids against pro-freedom activists in Kashmir at three locations. During the raids, they detained a teenage boy and his father from the Kupwara area of Kashmir. The 19-year-old boy, Mehrajudin Sofi, and his father, Ghulam Mohammad Sofi, were taken into custody by the NIA during a raid in Kralpora village, Kupwara. Mehraj is an undergraduate student. They were then transported to Srinagar for physical

interrogation after being accused of being involved in the Kashmiri self-determination movement.⁴⁰

Mass-detainment drive against those who raised pro-freedom slogans peacefully

On 23rd September, 2023, the Jammu and Kashmir police illegally arrested ten Kashmiri boys for allegedly disrupting 'peace' outside Jamia mosque in Srinagar. The boys had raised pro-freedom slogans after Mirwaiz Umar Farooq, a prominent political and religious Kashmiri leader, was allowed to attend Friday prayers in the Jamia mosque after four long years of illegal detention in his house.⁴¹

Surveillance technology instituted against released political prisoners

On November 4th, 2023, Jammu and Kashmir Police introduced GPS tracker anklets to monitor people who have been granted bail. This is the first time the anklet has been used by India. The first person who this technology has been used against is a Kashmiri political prisoner and activist, Ghulam Muhammad Bhat, who had been jailed under the draconian Unlawful Activities Prevention Act (UAPA).

In 2020, United Nations special rapporteurs stated that the UAPA, contravenes several articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The introduction of the tracker against political prisoners is a new addition to India's human rights violations. The tracker will enable a heightened and continuous surveillance of released political activists and dissidents.⁴²

India targets families of Kashmiri political prisoners

On 25th November, 2023, India's State Investigation Agency (SIA) arrested Shabroza Bano, wife of Sarjan Ahmad Barkati, under the draconian Unlawful Activities Prevention Act. Barkati is a religious preacher who has been incarcerated for his involvement in Kashmiri right to self-determination movement. Barkati and his wife, Shabroza Bano, have a small daughter who now has lost both her parents in incarceration. Bano is now part of many Kashmiri female political prisoners, who India has incarcerated for their political and social activism.⁴³

⁴⁰<https://kashmirilife.net/father-son-duo-detained-during-nia-raids-325558/>

⁴¹<https://www.firstpost.com/india/ten-held-for-sloganeering-after-friday-prayers-outside-srinagars-jamia-masjid-13161142.html>

⁴²<https://indianexpress.com/article/cities/srinagar/jk-police-first-in-country-to-use-gps-anklet-for-uapa-accused-out-on-bail-9013746/>

⁴³<https://www.hindustantimes.com/cities/chandigarh-news/sia-arrests-jailed-kashmir-cleric-s-wife-in-terror-funding-case-101700847707748.html>

Freedoms of Expression, Peaceful Assembly, and Freedom of Association

Academicians barred from talking about Kashmir

On March 15th, 2023, the Delhi Police denied permission for a public meeting on Kashmir at the Gandhi Peace Foundation, citing the possibility of “law and order disturbance”, a claim that the organizers say is fictitious. The public meeting was aimed at raising awareness about media blackout in Kashmir, and by denying permission for it, the Delhi police has substantiated the existence of just such a blackout. The speakers at the event included Delhi University professor Nandita Narain, Hussain Masood, retired judge of the Jammu and Kashmir High Court, Communist Party of India (M) leader MY Tarigami, filmmaker Sanjay Kak, Mir Shahid Saleem, Chairman of United Peace Alliance, and Anil Chamadia, a senior journalist. Some of these speakers are political dissidents who stand in opposition to the current Modi-led Hindu nationalist regime that rules India.

According to Narain, one of the speakers of the event, the public meeting was organized by several student and teacher groups. “The speakers were informed about the cancellation, just when they were about to leave for the event. It was not a protest but a public meeting. It was being carried out in a hall and the police had nothing to do with it.”

“This is what is happening. They are entering colleges to stop events. There was to be a discussion on media blackout in Kashmir but this cancellation shows that it is happening everywhere,” she said.⁴⁴

Raids to silence human rights defenders

On August 1st, 2023, the National Investigation Agency (NIA) of India, which has led the crackdown against human rights defenders and pro-freedom activists in Kashmir, raided multiple locations in Kashmir including the residence of Advocate Parvez Imroz. Imroz is a prominent human rights defender who has been awarded with Ludovic-Trarieux International Human Rights Prize and also the Thorolf Rafto Memorial Prize. He was given these awards for his documentation of the human rights abuses that take place in Kashmir. Imroz’s residence was only one of the many that were raided, as numerous other activists and civilians also informed us of the agency’s raids on their homes on the

⁴⁴<https://thekashmirwalla.com/delhi-police-denies-permission-for-public-meeting-on-kashmir/>

same day. Indian authorities maintain that the human rights organizations are being investigated for “terror-funding”, a charge that the human rights defenders vehemently deny. The concocted nature of the charge is revealed in the case of prominent human rights defender, Khurram Parvez, who has been under illegal detention for almost two years now. No charge against him has been proven in the court.

Political parties banned while their leaders are incarcerated

On October 6th, 2023, India declared Jammu and Kashmir Democratic Freedom Party (JKDFP), a pro-freedom organization headed by Hurriyat leader Shabir Ahmad Shah, as an “unlawful association”, thereby banning it.⁴⁵ The ban is set for five years. In the recent past, India has similarly banned socio-political organizations like Jamaat-e-Islami (Jel), women’s group Dukhtaran-e-Millat (DeM), Jammu and Kashmir Liberation Front (JKLF), Muslim League, Jammu and Kashmir National Front, for their activism in favor of Kashmiri right to self-determination.

Jammu and Kashmir Democratic Freedom Party was formed in 1998 by Shabir Ahmad Shah, who has been under illegal detention for the past 6 years. He is one of Kashmir’s longest serving political prisoners, having spent more than 30 years of his life in prisons across India for his peaceful pro-freedom activism. In the notification banning the party that we accessed, the government of India justifies the ban by stating that Shabir Shah had called Kashmir a ‘dispute’ and ruled out any settlement within the framework of the Constitution of India. It’s pertinent to note that the United Nations has consistently maintained a similar position, seeing Kashmir as a dispute to be resolved by the much-awaited plebiscite.

Arrest of journalist Irfan Mehraj in Kashmir

The arrest of Irfan Mehraj, a freelance journalist and online editor for twocircles.net, on March 22nd, 2023, in Srinagar, Indian-occupied Kashmir, by the National Investigation Agency (NIA) highlights an ongoing pattern of suppression of press freedom in the region. Mehraj’s arrest, under the auspices of an investigation into an alleged “NGO terror funding case,” reflects a broader strategy employed by Indian authorities to stifle dissenting voices and curtail the freedom of the press under the guise of national security.

Mehraj’s association with the case, which also implicates the well-known Kashmiri human rights activist Khurram Parvez, jailed since 2021, underscores the intertwining of civil society crackdowns with efforts to silence independent journalism in Kashmir. The

⁴⁵<https://thewire.in/security/explained-what-is-the-now-banned-jkdfp-and-who-is-its-leader-shabir-shah>

framing of Mehraj's and Parvez's involvement in terms of terrorism-related charges is indicative of a tactic used by states to legitimize the persecution of journalists and activists who challenge or critique state policies and actions.

This incident is not isolated but part of a continuing trend of detaining journalists in Kashmir, including Asif Sultan and Sajad Gul⁴⁶, who have faced arbitrary and prolonged detention. Asif Sultan was bailed recently after five years of detention. The use of detention and legal proceedings against journalists and activists not only undermines the fundamental principles of freedom of expression and press freedom but also sends a chilling effect across the journalistic community and civil society at large.

India is a party to all four Geneva Conventions and incorporated the Geneva Convention Act of 1960 into its domestic legal framework, therefore, civilian journalists are bound to be protected as long as they do not take part in any direct hostility or act of violence.⁴⁷

Social media users targeted, houses raided, phones confiscated

On 20th June, 2023, State Investigation Agency of India conducted midnight raids at many locations in four districts of occupied Kashmir, namely Srinagar, Islamabad (also known in state nomenclature as Anantnag), Pulwama and Kupwara.⁴⁸ According to the police, the social media users who were “promoting secessionist agenda” were targeted in the raid. India calls all calls for Kashmiri right to self-determination as secessionist and criminalizes it. The phones and electronic devices of pro-freedom Kashmiri social media users were seized during the raid. The raids reflect how India is not willing to tolerate even a social media post that may question India’s military occupation of the region.

On 21st September, 2023, the Jammu and Kashmir Police illegally detained a Kashmiri Facebook user, accusing him of “promoting anti-national activities”.⁴⁹ The detained Kashmiri lived in South Kashmir’s Pulwama district. Ashiq Ahmed Khan, the detained Kashmiri, ran a Facebook page by the name of Pulwama News. On his Facebook page, he was covering a gunfight that was taking place between Kashmiri freedom fighters and Indian military forces in the Kokernag area of Kashmir. India has severely snubbed free press in Kashmir, and all media houses are expected to toe the state’s narrative in

⁴⁶<https://www.muslimnetwork.tv/kashmiri-journalist-arrested-in-terror-funding-case/>

⁴⁷<https://www.dailysabah.com/opinion/op-ed/how-india-stifles-news-media-in-kashmir>

⁴⁸<https://thekashmirwalla.com/social-media-crackdown-sia-conducts-multiple-searches-in-valley/>

⁴⁹<https://risingkashmir.com/police-arrests-miscreant-running-pulwama-news-facebook-page-for-anti-national-activities>

their reportage, especially the reporting on human rights violations and gunfights. Ashiq Ahmed's social media news page, Pulwama News, differed from the state's account of the gunfight, and as a result, he was put behind bars.

On 9th December, 2023, India arrested around 12 Kashmiris for allegedly uploading "provocative" content on social media. Around 4 Kashmiris were arrested from Kashmir's Islamabad district, 2 from Budgam district, 2 from Ganderbal district, 1 from Baramulla district, and about 3 civilians from Shopian, Kulgam, and Pulwama districts. The families of 3 of the detainees, speaking to us on the condition of anonymity, stated that their family members were arrested for condemning the derogatory remarks against the Prophet Muhammad (peace be upon him) made by an extremist Hindu student studying in a university in Kashmir.⁵⁰

On January 25th, 2024, Jammu and Kashmir Police in the Reasi area of occupied Jammu and Kashmir registered two cases and booked three persons, who were arrested for allegedly posting "objectionable" posts on social media platforms. Similarly, a student hailing from the Poonch area of occupied Jammu and Kashmir and pursuing bachelors of Pharmacy at Mewar University, Rajasthan, was arrested by the Rajasthan police for commenting on the demolished Babri Masjid and the construction of the Ram temple on the mosque site.⁵¹

Banning of internet

On 30th June, 2023, Indian government approved suspension of mobile internet services in Kishtwar district of Jammu and Kashmir "in the interest of sovereignty and integrity of India, the security of the State and for maintaining public order."⁵² The language of national security has often been invoked to deny Kashmiris the right to express themselves on social media and cyberspace. Kashmiris have experienced more internet shutdowns and restrictions than any other region in the year 2022, including Iran and Russia.⁵³ On November 7th, 2023, India similarly suspended the internet in parts of Pulwama district of Jammu and Kashmir for "security reasons". According to Kashmiri rights group, *Legal Forum for Kashmir*, the internet was suspended in Kashmir for 171 times in the year 2023.

⁵⁰<https://www.ndtv.com/india-news/6-charged-in-kashmir-for-instigative-content-on-social-media-4625207>

⁵¹<https://freepresskashmir.news/2024/01/27/jk-student-arrested-in-rajasthan-for-comments-on-babri-masjid-ram-temple/>

⁵²<https://timesofindia.indiatimes.com/india/internet-services-suspended-in-kupwara-in-wake-of-encounter/articleshow/52387427.cms>

⁵³<https://www.voanews.com/a/kashmir-registers-highest-number-of-internet-restrictions-globally-/6958516.html>

Suspension of passports of journalists

On 1st August, 2023, it was reported that India suspended the passports of Kashmiri journalists and at least one political activist in Kashmir, terming them “security threats to India”. Citing section 10(3) of The Passports Act, 1967, the Regional Passport Office in Srinagar has conveyed notices to at least two journalists and a political activist, informing them that their passports have been suspended. We have been informed by credible sources in the valley that a list of more than 100 people has been prepared by the Indian government, which includes journalists, lawyers, human rights activists, politicians and scholars, whose work has been perceived as “anti-national” by the government. Their passports are also going to be impounded in a similar fashion expectedly.⁵⁴

Another strategy which has been used by India has been denying renewal of expired passports to Kashmiris living abroad who the state views as “anti-national” dissidents. This leaves these Kashmiris in a condition of great insecurity, with the threat of deportation, or even exile as returning home may mean detention or interrogation by the Indian state. In the past, India has also denied the right to movement to journalists, who despite carrying a valid passport and visa, were not allowed to travel abroad for the purpose of studying or taking part in a conference.⁵⁵

Attack on independent journalism

On August 19th, 2023, India “blocked” the website and social media handles of a Srinagar-based independent news outlet The Kashmir Walla. The founder-editor of the outlet, Fahad Shah, was also put under illegal detention by India in February, 2022, for his journalistic work. He was released after 600 days of detention. Following his arrest, The Kashmir Walla’s office was raided in April 2022 by the State Investigation Agency (SIA) and his residence in Srinagar for an investigation into an opinion piece published in 2011. In the opinion piece, a Kashmiri PhD scholar had advocated for Kashmir’s right to self-determination and criticized India’s military-occupation of Kashmir.⁵⁶

Big Tech collaborating with Indian occupation in Kashmir

On 25th September, 2023, reports emerged that social media platforms like Facebook, Instagram, and X (formerly Twitter) have allegedly provided access to the Jammu and Kashmir Police, allowing them to track individuals or entities deemed as “anti-national”

⁵⁴<https://thewire.in/media/passport-kashmir-journalists-suspended-security-threat>

⁵⁵<https://www.bbc.com/news/world-asia-india-63226116>

⁵⁶<https://maktoobmedia.com/latest-news/it-was-a-home-kashmir-walla-shuts-lives-on-in-memory/>

who use these platforms. “Anti-national” is the category that India deploys to classify any and all expressions of advocacy for Kashmir's right to self-determination and human rights. According to the report, which quotes anonymously from police officials, Jammu and Kashmir Police have secured cooperation from social media giants, including WhatsApp, X, Snapchat, Instagram, Telegram, and TikTok, etc. The report came after India's Cyber Investigation wing of Kashmir detained a Kashmiri who had expressed dissenting views on his Instagram account.⁵⁷

No social media giant has confirmed or responded to the claim of Jammu and Kashmir police about this alleged cooperation.

The aforementioned report of the cooperation between social media giants and India, though its veracity is questioned by some, is not implausible. In 2018, the National Investigation Agency of India detained three Kashmiri women for their advocacy work for Kashmir's right to self-determination. India seized their electronic devices, and tried to access their social media accounts in order to draw out information about their activism. But the family members of the detained activists had deleted the social media accounts, especially their emails, in order to prevent the privacy breach. In the charge-sheet against the detained Kashmiri women, that our investigator was able to access, the National Investigation Agency of India mentions its request to Google to retain all the data of their email accounts, a request that Google complied with, thus endangering the three women.

Imposing “patriotism” on an occupied population: raise the flag or face consequences

In the month of August, 2023, the Indian government in Kashmir ordered the hoisting of the Indian flag on all educational institutions for the Indian Independence Day (August 15th). As in the year 2022, the Chief Education Officer issued orders to numerous schools in Kashmir, asking them to ensure that all members of the school, including students, teachers and all the workers, hoist the Indian flag at their homes and school buildings. In the order that has been issued, the Chief Education Officer stated that “there should not be any house uncovered and 100% saturation is to be achieved. A control room has been established in this office for daily monitoring.”

The government employees were threatened with suspension in case they failed to participate in the Independence Day “celebrations”. The government employees and other members of the population were directed to click “selfies” with the Indian flag on

⁵⁷<https://freepresskashmir.news/2023/09/25/whatsapp-x-instagram-others-give-free-access-to-jk-police-to-track-anti-national-elements-officials/>

that day and to share the pictures on social media. The initiative was another attempt of “forced identification with India” thrust at Kashmiris against their will, who continue to struggle for the right to self-determination.

The refusal to hoist the flag resulted in intimidation and harassment of the individual. Employees were suspended for failing to hoist the flag, and schools were shut down for refusing to participate.⁵⁸⁵⁹

Right to Movement and Travel under attack

Denial of passport as a tool of silencing

On April 7th, the Jammu and Kashmir (J&K) police made use of the *Official Secrets Act* in its “verification report” on Kashmiri politician Mehbooba Mufti’s daughter Iltija Mufti, who has been issued a *conditional* passport.⁶⁰ In a report by the *The Wire*, it states that in its response to a petition filed by Iltija in the J&K high court, the Regional Passport Officer in Srinagar said that the Criminal Investigation Department (CID) of J&K Police “does not favor issuance of passport” to the Peoples Democratic Party (PDP) chief’s daughter.⁶¹ Furthermore, the CID has issued its report on Iltija’s case as a ‘top secret, and as a result, it will not be made public under the provisions of the *Official Secrets Act*, a colonial-era law which has been weaponized by the Indian government to maintain secrecy in matters of state-sanctioned human rights violations.

The passport issued to Iltija by the regional passport officer on April 5 was “for UAE only” with a two-year validity, even though an ordinary passport has 10-year validity. Iltija, who joined active politics following the abrogation of Article 370, maintains that she and her family were being targeted for dissenting against the policies of the Hindu nationalist Indian government.⁶²

The case of Iltija, however, is not unique in Kashmir. India has for long denied Kashmiri activists, politicians, leaders, and human rights defenders, the right to movement and travel. This takes many forms. While some have been denied the passport outright, in

⁵⁸<https://economictimes.indiatimes.com/news/politics-and-nation/jk-government-warns-five-schools-over-refusal-to-participate-in-republic-day-function/articleshow/62637202.cms>

⁵⁹<https://kashmirilife.net/insult-to-national-flag-oo-of-mc-magam-budgam-suspended-pending-enquiry-298403/>

⁶⁰<https://thekashmirwalla.com/iltija-mufti-says-will-continue-her-passport-case-in-court/>

⁶¹<https://thewire.in/government/iltija-mufti-official-secrets-act-passport>

⁶²<https://economictimes.indiatimes.com/news/politics-and-nation/jk-iltija-mufti-on-a-passport-issued-for-2-years-says-i-am-not-nirav-modi/videoshow/99324415.cms?from=mdr>

the name of “national security”, others have been issued conditional passports.⁶³ The families of pro-self determination Kashmiri leadership have been systematically deprived of passports, due to their relationship with pro-freedom activists.⁶⁴

Mehbooba Mufti's aide, Waheed-ur-Rehman Parra, faced similar hurdles, with a court dismissing his plea to travel to the USA for a Peace Fellowship Program, citing fears of a “smear campaign” against India.

It is quite clear through this legal reasoning that India silences Kashmiri voices and represses them, and fears the implications of Kashmiri voices having freedom of expression in a safe environment.

Rights of Indigenous Peoples

Dam constructions and their damage

Dams in Indian-occupied Kashmir are profoundly impacting indigenous communities, such as those in Durgara, Kishtwar, and Marwah. These projects result in the forced displacement of residents from their homes and lands. Climate activists and analysts have raised serious concerns over the rampant and unsustainable construction of dams in Jammu and Kashmir. According to them, the dams are a threat to the delicate ecology of the region, including forests, flora and fauna. Because Jammu and Kashmir is a region largely characterized by high seismicity, local geologists and earthquake researchers have been warning against constructing dams, but the state disregards all such calls. Kishtwar, a site where seven new dams are under construction, is an active seismic zone. A 2018 study conducted by seismologists from the Jawaharlal Nehru Center for Advanced Scientific Research forecast that an earthquake of magnitude of 8.5 or more is overdue in these parts of the Himalayas.

A community of 1,400 indigenous Kashmiris was devastated by the Baglihar dam, as the dam resulted in the submerging of the town of Pul Doda. 400 families in the town were living a decent life before their homes and livelihoods were drowned under water due to the construction of the dam, pushing them into abject poverty. The government had promised them resettlement and a shop, but the promise never materialized.

The government’s Environmental Impact Assessment (EIA) of the Bursar dam maintains that around 336 families in seven villages will be displaced due to the dam construction, and 1,052 families will be impacted negatively overall. It also states that

⁶³<https://kashmirobsserver.net/2013/02/06/mirwaiz-denied-passport-for-oic-meet/>

⁶⁴<https://www.thehindu.com/news/national/in-kashmir-strict-police-verification-leaves-hundreds-without-jobs-passports/article66584095.ece>

1,095 homes, schools, shops, cattle sheds and mosques will be dismantled. Civil society believes the displacement rate to be higher, estimating that around 10,000 people in 20 villages would be displaced. The lands are not merely a source of economic sustenance for the locals, but they hold them as defining their very existence and sense of who they are. As the only skill most of the locals have is agriculture-based, divesting them of their lands means effectively snatching their livelihoods and endangering their survival. The state's neglect towards the local people's human rights is evinced by the fact that both the Bursar Hydroelectric Project, and Baglihar Hydroelectric dam on the river Chenab, were cleared for construction without a site visit that may have helped evaluate the climatic risks the projects entail.

Similarly, Ujh is a tributary of the Ravi River which in turn pours into the Indus River. The Indian state is justifying the Ujh project through its potential to produce 186 megawatts of electricity. However, a drastic outcome of the project is that it would entirely submerge Dungara and displace the villagers. It shall also include the deforestation of more than 330,000 trees, further endangering the climate of the region. Around 52 villages, that consist of 3,700 families, would lose their homes due to the project. For the Indian state, the Ujh multipurpose project carries national importance, as it provides it a geopolitical strategic advantage over neighboring Pakistan. However, the cost of displacement and dispossession it entails for the indigenous people has largely missed public scrutiny. The locals were not even consulted by the government about the project. Climate experts have warned that the Ujh multipurpose project has serious environmental implications, as a whopping 338,317 trees are set to be cut down for the project.

Urgent action is required to address these human rights violations and environmental concerns in Kashmir's development projects. All of these dam constructions are either in process or have already been completed.

Economic marginalization of the indigenous people

On February 21st, 2023, the Indian state instituted a new property tax to be imposed on Kashmiris in Indian occupied Jammu and Kashmir. Prior to August 5th, 2019, Jammu and Kashmir enjoyed some degree of autonomous status through constitutional provisions such as Article 370 and Article 35A. Under this arrangement, there was no provision for property tax in the occupied territory. However, following the illegal abrogation of Article 370, over 100 central laws were extended to Kashmir with the aim of consolidating India's centralized power in the region and reducing any degree of autonomy previously enjoyed by the Kashmiri people. As a result, property tax was introduced in Kashmir, further eroding the autonomy of the region and limiting the rights

of its people. India's military-occupation regime expects to get 1500 million in revenue from this property tax.⁶⁵

On 5th September, India lifted additional duties on approximately half a dozen American products, such as chickpeas, lentils and apples, walnuts in shells and almonds fresh or dried. It is important to remember that Kashmir's apple, walnut, and almond growers are facing a significant challenge with the recent decision by the Indian government to lift duties on these American products, including these commodities. While the move might benefit Indian consumers through lower prices, it threatens the livelihoods of the hardworking Kashmiri farmers and businesses. In response to the move, the Kashmir Chamber of Commerce and Industry sought the order to be reconsidered as it seriously damages Kashmir's apple and fruit industry badly. Kashmir's economy is primarily driven by apple and fruit produce. Additionally, the decision also jeopardizes the economic survival of millions of others indirectly connected with the trade. The apple economy in Kashmir is estimated to be around 1,305,288,000 US Dollars. In September of 2022, India similarly targeted Kashmir's apple economy by blocking highways that Kashmiri apple growers used to transport their trucks, causing all the fruits harvested in the season to rot.⁶⁶

On September 25th, 2023, a high government official announced that India will auction Jammu and Kashmir's lithium reserves over the next few weeks. India has been seeking ways to procure supplies of lithium, a critical raw material that is used in the manufacturing of electric vehicle batteries. In February, it discovered its first lithium deposits in Jammu and Kashmir with estimated reserves of 5.9 million tonnes. Soon after, India reached out to foreign miners, expressing its interest in auctioning the lithium reserves. According to the government official, some overseas miners have already shown interest in the venture. Capitalist exploitation and resource control are the key instruments of India's project of occupation of Kashmir. India has for long exploited Kashmir's water resources and its capacities to generate electricity for the rest of India, while systematically denying indigenous Kashmiris the very electricity that it produces.⁶⁷

Similarly, on 5th April, 2023, the Hindu nationalist Indian government announced that 185 persons from outside Jammu and Kashmir have bought land in the occupied territory during 2020, 2021 and 2022.⁶⁸ While responding through a written reply to a question, Union Minister of State for Home, Nityanand Rai informed the *Rajya Sabha*

⁶⁵<https://thekashmirwalla.com/j-k-admin-expecting-150-crores-from-imposing-property-tax/>

⁶⁶<https://freepresskashmir.news/2023/09/13/gois-decision-to-cut-extra-duties-on-us-imports-will-hit-kashmir-produces-dramatically-kcci/>

⁶⁷<https://www.reuters.com/markets/commodities/india-auction-jammu-kashmir-lithium-reserves-few-weeks-govt-source-2023-09-25/>

⁶⁸<https://thekashmirwalla.com/185-outsiders-have-bought-land-in-j-k-in-3-years-centre/>

(upper house of the Indian parliament) that in 2020 only one person bought the land, while 57 persons bought the land in 2021 and 127 in 2022. Furthermore, he added that a total of 1559 Indian companies, including multinational companies, have made investments in the occupied region. In the 2020-21 financial year, 310 entities have been invested while 175 in 2021-22 and 1074 in 2022-23.

This influx of external land ownership and corporate investment follows the abrogation of Articles 370 and 35A of the Indian Constitution. Previously, these articles restricted land ownership within Jammu and Kashmir to state subjects to safeguard the demographic composition of the region. The repeal of these legal protections has facilitated an increase in land purchases and investments by non-local entities and individuals.⁶⁹ With the shift to external land ownership, numerous Kashmiris have been dispossessed of their properties, residences, and lands.⁷⁰ The consequence of these legislative changes and subsequent investments has been significant for the local Kashmiri population. There are increasing concerns over the displacement of Kashmiri residents and the alienation of their land and resources. The latest announcement of outsider investments in the occupied region are part of India's economic subjugation of the local population. Profits of these investments will go to these corporations.⁷¹ Rights to important industries, such as mining, have already been handed over to non-local companies.⁷² In the mining industry, for example, more than 70% of the total contracts went to Indians. This situation poses challenges to local employment and economic opportunities, potentially exacerbating the economic vulnerabilities of the Kashmiri population and impacting their job security.⁷³

On January 7th, 2024, the Jammu and Kashmir Hindu-nationalist administration, led by Manoj Sinha, decided to enter a 40-year power deal with Rajasthan, further depleting the occupied region's resources despite its chronic power deficiency. Currently, Kashmir is facing an unprecedented electricity crisis. Speaking to us, various Kashmiri families informed us that they are provided barely 2-3 hours of electricity in a day in the ongoing winters. Winters in Kashmir are very cold and lack of electricity makes life very difficult and harsh.

Demographic changes

⁶⁹<https://economictimes.indiatimes.com/industry/services/property/-/cstruction/all-you-need-to-know-about-buying-property-in-jammu-kashmir/>

⁷⁰<https://www.voanews.com/a/india-seizes-properties-worth-millions-in-kashmir-/6894582.html>

⁷¹<https://www.thehindubusinessline.com/economy/jk-travel-and-tourism-industry-to-get-a-boost/article28836958.ece>

⁷²<https://www.aa.com.tr/en/asia-pacific/kashmir-s-mineral-contracts-largely-handed-to-non-locals/1923634>

⁷³<https://www.himalmag.com/kashmir-and-the-rise-of-settler-colonialism-2020/>

On January 15th, 2024, Jammu and Kashmir's Hindu-nationalist Lieutenant Governor Manoj Sinha stated that the Jammu and Kashmir administration has allocated land in Kashmir for the construction of *Sainik* Colonies (Army Colonies) to accommodate families of Indian occupying armed forces personnel.⁷⁴

With the recent changes to provide “domicile” to Indians in Kashmir, India is systematically attempting to bring a drastic demographic threat to Kashmiris. With this change, the Indian population in Kashmir will exponentially increase which will make the right for self-determination even more difficult for Kashmiris.

The ruling Bharatiya Janata Party (BJP) has constantly advocated the formation of segregated Hindu colonies in Kashmir. These settlements are designed to have their own militarized infrastructure, such as additional troops, walls, checkpoints, military watchtowers, and their own economy and systems of governance. It is designed to be a system of legalized discrimination or segregation known to us as apartheid. Such segregated colonies already exist in Kashmir, heavily militarized and local Kashmiris are denied access to these spaces.⁷⁵

India has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights but has done so with multiple conditions and caveats. One of the critical conditions is the annulment of Article 1 of both Covenants on the right to self-determination. As a result, self-determination in India is only limited to “foreign domination”, thereby excluding Kashmiris and their popular demand to be free from Indian rule.

Recommendations

We make the following recommendations to the State of India:

- Repeal acts such as the Unlawful Activities Prevention Act, the Armed Forces (Special Powers) Act, Public Safety Act, and remove effective immunity granted under the Criminal Procedure Code to security forces for violations of fundamental rights, including torture and ill-treatment, enforced disappearances, and extrajudicial killings

⁷⁴<https://freepresskashmir.news/2024/01/15/jk-admin-allocates-land-for-sainik-colonies-to-accommodate-families-of-slain-armed-forces-personnel/>

⁷⁵https://youtu.be/dhj0EHLhbb8?si=9vc_scrsHC1IQAqE

- Promptly and impartially investigate and appropriately prosecute officials who order, commit, or tolerate human rights violations, including torture, custodial killings, faked armed encounter killings, and enforced disappearances
- Ratify the UN Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance
- Ratify the Additional Protocols I and II of Geneva Convention that extend the scope of international humanitarian law
- Repeal Domicile Laws that transform the demographic character of the region
- Release human rights defenders, journalists, and political prisoners