

June 3, 2024

Joint written contribution by Kashmir Law and Justice Project and the Asian Forum for Human Rights and Development (FORUM-ASIA) for review of India under International Covenant on Civil and Political Rights—141 Session of Human Rights Committee (01 Jul 2024 - 02 Aug 2024)

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I. Introduction

1. This contribution is prepared by Kashmir Law and Justice Project and the Asian Forum for Human Rights and Development (FORUM-ASIA). Kashmir Law and Justice Project is an advocacy organization led by Kashmiri diaspora lawyers that seeks to bring attention to, and to redress, historic and ongoing rights violations in Indian-administered Jammu and Kashmir (IAJK). FORUM-ASIA is a membership based human rights and development organisation in Asia founded in 1991 with a network of 85 members in 23 countries across the region and consultative status with the UN Economic and Social Council.
2. This contribution is based on primary and secondary research. Individual victims are included here only to the extent publicly reported or consent has been obtained from the victim or their families. To enhance readability, embedded hyperlinks to relevant sources are provided throughout (please contact us if a hyperlink produces an error—links are sometimes moved or deleted, often in response to repression, and we can typically provide an updated or replacement link).
3. This contribution focuses only on the issue-areas raised in the LOIPR and certain other critical issue-areas in which concerns have specifically emerged in IAJK since the adoption of the LOIPR. In the interest of brevity and readability, the approach taken in each issue area is to focus only on certain critical phenomena that are intended to be illustrative of broader concerns.
4. While populations [across IAJK](#) are suffering and have suffered material violations of applicable rights, this contribution focuses on Kashmiri-majority areas of IAJK as the majority Kashmiri Muslim population has historically been, and remains, the most targeted and repressed population by the Indian state and subject to the highest risk of further grave violations.

II. General information on the human rights situation in IAJK since the adoption of LOIPR

5. The already dire humanitarian and human rights situation in IAJK has substantially deteriorated since the adoption of the list of issues prior to submission of the fourth periodic report of India (LOIPR) on August 22, 2019. In [August 2019](#), Indian authorities imposed new, violative laws and policies on IAJK – illegalities predicated on earlier illegalities [condemned](#) by the UN Security Council. At that time, the Indian government further intensified its militarized repression in IAJK, escalated collective punishment and [mass illegal imprisonment](#) of dissenters, and consolidated its dominance over the local population while [totally cutting Kashmiris off](#) from each other and the international community.
6. Indian authorities have subsequently implemented [policies](#) facilitating and incentivizing [forced demographic change](#) in the region in favor of non-local Hindus, promoting cultural erasure, and the [economic and social disempowerment](#) of IAJK's Muslims, and Kashmiri Muslims in particular, in their homeland.
7. Through the acceleration of forced demographic change in IAJK, Indian authorities have manufactured a *de facto* reality that obviates all foreseeable possibility of the exercise by the people of IAJK of their fundamental rights, including their [right to self-determination](#), which has been recognized by numerous UNSC resolutions, including [Resolution 47 \(21 April 1948\)](#).
8. The Indian government has long denied the people of IAJK their fundamental rights and freedoms, including their rights to speak and to assemble, while maintaining the nominal pretense of constitutional democracy and the rule of law.

9. Indian forces have for decades committed widespread, grave human rights violations in IAJK, including [atrocious crimes](#), which remain ongoing. Those violations include [extrajudicial killing](#), [torture](#), willfully causing [great suffering or serious injury](#), [unlawful confinement](#) and [enforced disappearances](#).
10. Indian authorities have long [legalized impunity](#) for human rights violations and atrocious crimes in IAJK and [denied Kashmiris access to justice](#). As noted by the [OHCHR](#) and leading international [human rights groups](#), impunity for human rights violations and lack of access to justice are key human rights challenges in IAJK.
11. Since August 2019, Indian authorities have increasingly targeted [Kashmiri human rights defenders](#) and other [dissenters](#) – including [journalists](#), [scholars](#) and [political activists](#) – for repression through legal restrictions on their work, raids of their homes and places of employment, arbitrary arrests and detentions under counter-terror laws and physical abuse. [Amnesty International](#) has described “a system of laws, policies and practices that systematically annihilate critical voices and violate the rights to freedom of expression and opinion of journalists and human rights defenders.” Kashmiris have [described](#) the effect of the measures as a “lockdown on thoughts” and a “panoptic society.”
12. The consequence of this targeting is the systematic elimination of Kashmiris’ remaining means of defending their human rights, minimal, decreasing reporting of human rights violations in IAJK and no credible investigations of such violations. The Committee should specifically take note that Indian authorities have incapacitated well-known Kashmiri human rights organizations who developed submissions prior to the adoption of the LOIPR, namely the Jammu Kashmir Coalition of Civil Society (JKCCS) and the Association of Parents of Disappeared Persons (APDP), through systematic repression in reprisal for their work, which Indian authorities have criminalized as “terrorism,” “secessionism” and “anti-national activity.” Among the more visible consequences of this repression are the imprisonment and prosecution of human rights defenders [Khurram Parvez](#) and [Irfan Mehraj](#). No independent civil society groups or activists living in IAJK are able to continue their work, including by participating in the ICCPR process.
13. India [rejects](#) international accountability efforts and [attacks](#) and demonizes those who attempt to seek accountability for violations in IAJK, including the OHCHR. India undermines accountability efforts in various ways, including by failing to respond to the Human Rights Council’s special procedures’ communications regarding violations in IAJK or responding confidentially.
14. At the same time, the international community has no access to IAJK. The Indian government has [long denied access](#) to the international media, international human rights groups and the UN Human Rights Council’s special procedures. India has forced Amnesty International, the last international non-governmental organization operating in India working on violations in IAJK, [to cease operations](#) in India, partially retaliation for reporting on violations in IAJK.
15. Since the adoption of the LOIPR, Hindu supremacists, led by India’s ruling Bharatiya Janata Party (BJP), have achieved the [disintegration](#) of IAJK and the total disempowerment of Muslims in the region (a [decades-old policy goal](#)). The Muslims of IAJK are a defenseless minority subject to military occupation in a pre-[genocidal climate](#) and face heightened, [material risk of mass atrocities](#) and [genocide](#). These risks are underscored by Indian authorities’ [propagandistic appeals to hatred against Kashmiri Muslims](#). In India, Kashmiri

Muslims have continued to be [targeted](#), [discriminated against](#), [wrongfully imprisoned](#), tortured, [assaulted](#), [abused](#), [surveilled](#) and killed.

16. Nonetheless, the international community has continuously failed to defend human rights in IAJK and ensure accountability for violations in IAJK. Over 76 years ago, UNSC [Resolution 47 \(21 April 1948\)](#) provided a specific mandate regarding the safeguarding of Kashmiris' civil and political rights. Indian authorities have freely violated those rights in the intervening 76 years. Those rights are practically non-existent in IAJK today.
17. Indian authorities' development of policies and practices of authoritarianism on the marginalized people of IAJK without redress or accountability has [facilitated](#) the implementation of similar policies and practices in India, especially targeting civil society and [minorities and marginalized groups](#) in India.
18. The longstanding, ongoing situation of grave human rights violations in IAJK and impunity for those violations demonstrates both India's lack of commitment to its obligations and the failure of the international community and its mechanisms, including this review process, to ensure the implementation of those obligations. From the vantage point of IAJK, these failures call into question the integrity of such processes and whether they functionally facilitate impunity by providing the appearance of accountability when there is in fact none.

III. Specific updated information on issues raised in the LOIPR and which have emerged since

Right to self-determination (art. 1)

19. In August 2019, Indian authorities took unprecedented, extraordinary [steps](#) relating to IAJK, in violation of international law. The substantive effect of those steps include the political disempowerment of IAJK's Muslims by "reorganizing" the territory, [gerrymandering](#) to dilute the influence of Muslim populations, the purging of dissenters from the local administration and direct Indian control.
20. In context, Indian authorities had achieved an unprecedented degree of domination over the already subjugated Muslims of IAJK and had set in motion a long-planned scheme to forcibly change the demographics of IAJK in favor of Hindus. To that end, Indian authorities implemented, among many other laws and policies (all in violation of international law), a new [Domicile Law](#) and related [rules](#). In the last few years, the social, cultural and demographic transformation of IAJK is underway which, among other things, obviates all foreseeable possibility that the people of IAJK will effectively exercise their right to self-determination.
21. Select reported incidents since January 2023 illustrating this ongoing and escalating phenomenon of the denial of the right to self-determination through the acceleration of forced demographic change include:
 - a. On April 26, 2023, the appointed head of the Indian administration in Jammu and Kashmir [inaugurated 576 residential accommodations](#) in colonial settlements. The Indian government is constructing [6,000 such "transit" accommodations](#). [Various "slumdweller" settlements](#) for groups aligned with the BJP have also been erected.
 - b. In June 2023, reports emerged that ["domicile certificates" had been issued to 61,47,482 people](#).

- c. On July 5, 2023, the appointed head of the Indian administration in Jammu and Kashmir [announced a policy](#) to give away land in IAJK to 199,000 beneficiaries by 2024.
 - d. Over a million people, 96% of whom are Hindu, [gained](#) the right to vote in Jammu and Kashmir for the first time. 698,800 of them received “domicile certificates,” including 7,346 Indian bureaucrats and military personnel.
 - e. Since 2019, at least [185 people](#) from outside IAJK have bought land and at least [1,559 Indian companies](#) have made investments in IAJK.
 - f. On January 14, 2024, the Indian administration in Jammu and Kashmir [announced](#) that land in IAJK would be allocated for the construction of “Sainik Colonies” for the families of Indian armed forces personnel killed in IAJK.
22. Indian authorities have criminalized all speech, assembly and association promoting the right to self-determination of the people of IAJK under “counter-terror” and other laws. They have also repressed all parties that stand for the right to self-determination in IAJK, completely [banning at least nine](#). Recent, illustrative developments in this regard including the following:
- a. On October 5, 2023, the Indian government [banned](#) the pro-self-determination Jammu and Kashmir Democratic Freedom Party. On April 5, 2024, a UAPA tribunal [upheld](#) that ban.
 - b. In December 2023, India’s Home Ministry banned [Muslim League Jammu Kashmir](#) and [Tehreek-e-Hurriyat Jammu and Kashmir](#), both pro-self-determination political parties.
 - c. On February 27, 2024, the Indian government [extended the ban on Jamaat-e-Islami Jammu and Kashmir](#) (Jel), a pro-self-determination Islamic welfare organization founded in IAJK in 1953, for five additional years (Indian authorities imposed the original ban in 2019).
 - d. On February 28, 2024, the Indian government [banned](#) both factions of the Muslim Conference Jammu and Kashmir, a pro-self-determination political party, for five years.
 - e. On March 9, 2024, the Indian government granted sub-national authorities powers to persecute [three banned groups](#): two factions of the Muslim Conference and Jel.
 - f. On March 12, 2024, the Indian government [banned](#) the pro-self-determination Jammu Kashmir National Front.
 - g. On March 16, 2024, the Indian government [banned](#) the pro-self-determination Jammu and Kashmir Peoples Freedom League and all factions of the pro-self-determination Jammu and Kashmir Peoples League. On that same date, the Indian government extended its [ban](#) on the pro-self-determination Jammu Kashmir Liberation Front (originally imposed in 2019).

Freedom from deprivation of means of subsistence (art. 1)

23. Indian authorities have eliminated [historic protections](#) in favor of IAJK’s indigenous population regarding ownership of immovable property, access to government employment and access

to educational opportunities and [dismantled](#) of IAJK's land ownership system, the foundation of its economy.

24. Indian authorities have escalated their [collective punishment](#) of Kashmiris, including through frequently suspended [communications services](#), [raids](#) and the [expropriation and destruction of personal property](#), including homes. Indian authorities have escalated collective punishment for the alleged beliefs or dissent of relatives or associates, including through [terminating employment](#), [denying employment opportunities](#), [harassment](#) and [canceling](#) travel documents.
25. Indian authorities have [terminated](#) dozens of public sector employees in IAJK for purported anti-national sentiment [without due process](#), even if the disfavored sentiment is allegedly held by their relatives or associates. In IAJK, the government is the largest employer and public sector employment is [widely sought after](#) as economically rewarding and prestigious.
26. Pursuant to a new [Domicile Law](#) and related [rules](#), Indian authorities have escalated their campaign to economically disempower the Muslims of IAJK, including their access to public sector employment opportunities.
27. Indian authorities have variously and expansively expropriated the personal and real property of the people of IAJK, including through "anti-encroachment" drives pursuant to which Indian authorities are *en masse* expropriating homes, businesses and agricultural land in which private property rights had long ago vested under local law without due process or remedy. One "anti-encroachment" drive which began in January 2023 resulted in the expropriation of over 215,000 kanals of land and [thousands](#) being displaced.
28. Indian authorities have expropriated homes for various alleged offenses, including [alleged terrorism](#), alleged [sheltering of terrorists](#) and alleged [funding of terrorism](#). Indian authorities have also expropriated the [assets](#) of critical civil society organizations in IAJK or their key activists, including Jel. Under the UAPA alone, authorities have expropriated [at least 109 properties](#) in IAJK.
29. Indian authorities have also canceled long-term leases of government land on which substantial private infrastructure and investment had been made, with substantial [economic](#) and [educational](#) impacts. This intervention runs counter to the commercial expectations of all parties and longstanding practice, effectively expropriating property. For example, on February 3, 2024, Indian authorities refused to register the students of [St Joseph's Higher Secondary School](#), a 121-year-old school, for board examinations because the Indian administration in Jammu and Kashmir had refused to provide a customary renewal of the school's land lease since 2018.
30. Indian authorities have also continued to expropriate land for other purposes, including [military purposes](#). At the same time, Indian authorities have [allocated land to non-local parties](#) aligned with the Indian government.
31. Select reported incidents during 2023 illustrating this ongoing and escalating phenomenon of expropriation for "anti-encroachment" or "development" pretexts include:
 - a. On January 18, 2023, [there was an expropriation of 300 kanals](#) of purported "state" land, followed by the expropriation of [over 2,300 more kanals](#) of purported "state" land on January 19, 2023.

- b. The Indian administration in Jammu and Kashmir systematically [evicted](#) local businesses from their commercial enterprises and investments through the implementation of new Land Grant Rules.
 - c. The Indian administration in Jammu and Kashmir [finalized](#) a new [policy](#) to [expand systematic evictions](#).
 - d. On May 23, 2023, the Jammu and Kashmir [High Court ruled that residents of Jammu and Kashmir had no rights to water that flows through their land](#).
 - e. On October 2, 2023, the Indian administration in Jammu and Kashmir [transferred land](#) totaling 135 kanals and two marlas in Budgam and 23 kanals and 13 marlas in Baramulla to India's Defense Ministry.
 - f. The Indian administration in Jammu and Kashmir [continued to dispossess and evict indigenous communities from forest dwellings in IAJK](#).
 - g. Indian authorities have [expropriated prime agricultural land](#), and economically critical apple orchards, forcibly taking Kashmiri farmers' decades of investment, for the purpose of a railway expansion.
32. India has [continued](#) to impose repeated, prolonged and debilitating communications shutdowns, including the [longest shutdown](#) in a nominally democratic state, which [devastated](#) the local economy. IAJK has long suffered [more communications shutdowns](#) than any country or region in the world. For example, in 2022 Jammu and Kashmir reported more [internet disruptions](#) (31% of disruptions globally) and [internet shutdowns](#) (26.2% of shutdowns globally) than any country or territory in the world.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

33. While myriad laws violative of international law are used as tools of repression in IAJK, the key legislation utilized by Indian authorities to silence Kashmiris and enable repression include the Jammu and Kashmir [Public Safety Act, 1978](#) (the PSA), the [Armed Forces \(Jammu and Kashmir\) Special Powers Act, 1990](#) (the AFSPA) and the [Unlawful Activities \(Prevention\) Act](#) (the UAPA).
34. The PSA is an IAJK-specific law that authorizes detention without charges or trial for two years for the "maintenance of public order." It is a "[lawless law](#)" widely used to pretextually, arbitrarily and prolongedly detain Kashmiris without remedy or recourse.
35. The AFSPA is an IAJK-specific law that authorizes the use of deadly force while granting Indian forces immunity from prosecution (unless approved by the Government of India). As reported by the OHCHR, the Government of India has [never approved such a prosecution](#). The UN Human Rights Committee has [recognized](#) that the AFSPA "contributes to a climate of impunity and deprives people of remedies."
36. The UAPA, India's leading counter-terror law, was amended in 2019 to expand Indian authorities' power to designate individuals as terrorists and impose sanctions even before an allegation against an accused is proven in court. Although the UAPA is applicable outside of IAJK and many Kashmiri dissenters are persecuted pursuant to the PSA rather than the UAPA, the people of IAJK represent only 1.04% of the population under India (with the Kashmiri population targeted by Indian authorities under the UAPA constituting approximately 55% of

the people of IAJK, or approximately 0.57% of the population under India) and [26.19% of the aggregate number of those arrested under the UAPA in 2020](#).

37. While these violative laws are regularly violated in practice by Indian authorities, the legalization of further abuse pursuant to these laws has also expanded. For example, in respect of the UAPA, the Indian [Supreme Court held](#) on March 24, 2023 that mere membership in an association deemed unlawful by Indian authorities constituted a criminal offense.

Counter-terrorism and security measures and accountability for serious human rights violations (arts. 2, 6, 7, 9, 14 and 26)

38. In addition to the PSA, the AFSPA and the UAPA, the [Foreign Contribution \(Regulation\) Act](#) and other laws have been weaponized to suppress civil society, human rights work and dissent in IAJK. As recently noted by the UN Human Rights Council's Special Procedures, these laws form part of a broader ["architecture" that is "ripe for human rights abuse..."](#) particularly the obligation to respect, protect, and fulfill the rights to equality and non-discrimination, the rights to freedom of expression and freedom of association, and the right of liberty and security of person."
39. In a case emblematic of the use of counter-terror laws to promote impunity for human rights violations, as of the date of this contribution, [renowned](#) Kashmiri human rights defender [Khurram Parvez](#) has been [arbitrarily detained](#) for over two and half years (924 days). For his human rights work, Indian authorities have [charged](#) Parvez with conspiring to wage war against India and supporting terrorism. Parvez faces life in prison or even death and remains in pre-trial arbitrary detention in a maximum-security prison in New Delhi, India.
40. Select reported incidents since January 2023 illustrating the longstanding and ongoing systematic violations of the right to defend human rights and seek accountability for serious human rights violations include:
- a. On [March 20, 2023, the NIA arrested Irfan Mehraj](#), a Kashmiri human rights defender and journalist. Mehraj has been charged with terrorism-related offenses and faces life in prison or even death. Mehraj remains in pre-trial arbitrary detention in maximum-security prison in New Delhi, India.
 - b. On April 26, 2023, the [NIA raided the Kashmir Peace House](#), a dedicated civil society space, and seized archival material collected over decades.
 - c. On July 15, 2023, the Indian administration in Jammu and Kashmir [prevented elections for the Jammu and Kashmir High Court Bar Association \(JKHCBA\) from taking place](#).
 - d. On August 1, 2023, the NIA [raided the home](#) of Parvez Imroz, a [prominent lawyer](#) and [leading Kashmiri human rights defender](#), seizing property and harassing his family.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person (arts. 6, 7, 9 and 14)

41. Indian forces continue to commit frequent extrajudicial killings in IAJK, including of [civilians](#) and [alleged resistance fighters](#). Indian authorities have also continued the longstanding

practice of [custodial killing](#) in IAJK, typically labeling their victim a “militant” and sometimes claiming that the killing occurred in a [fake encounter](#). Indian officials claimed that 156 resistance fighters and 22 civilians were [killed](#) in 2022. Indian forces continue to commit [enforced and involuntary disappearances](#) in IAJK.

42. Select reported incidents since January 2023 illustrating the longstanding and ongoing systematic violations of the right to life in the region, including through extrajudicial killings, torture and enforced disappearances, include:

- a. The January 28, 2023, [enforced disappearance of Mufti Nazir Ahmed Dar](#), a Muslim scholar.
- b. The March 2023 discovery of the [mutilated corpse](#) of Abdul Rashid Dar, [involuntarily disappeared](#) by the Indian Army’s Rashtriya Rifles (41st Battalion) in December 2022.
- c. On April 20, 2023, Indian forces conducted a cordon-and-search operation in Poonch district and arbitrarily [detained over 40 people](#), [arrested at least six](#) and tortured many, while restricting the freedom of movement of thousands.
- d. On or around April 27, 2023, Indian forces [assaulted a pregnant woman](#), killing her child, and killed [Mukhtar Hussain Shah](#) in custody in a related incident.
- e. On May 15, 2023, Indian forces [killed Parveena Fatima](#), a 55-year old woman, while she was collecting firewood.
- f. On June 24, 2023, Indian forces [killed two shepherds](#) (and [critically injured one](#)).
- g. On May 7, 2023, Danish Khazir Bhat was killed by electrocution after [Indian soldiers forced him to climb an electric pole to fix a surveillance camera](#).
- h. On October 21, 2023, Indian forces killed [five villagers foraging for food](#).
- i. On November 4, 2023, an Indian Central Reserve Police Force (CRPF) vehicle [hit and killed](#) Manzoor Ahmad Wani in Srinagar.
- j. On November 17, 2023, Indian forces used [chemical substances delivered via drone](#) to [destroy and damage homes](#) while killing at least 5 men.
- k. On December 23, 2023, a [mortar shell explosion](#) in Samba district killed 19-year-old Pawan Singh and injured 29-year-old Roshan Singh.
- l. On December 22, 2023, the Indian Army’s Rashtriya Rifles (48th Battalion) arbitrarily detained and tortured [at least 18 civilians](#) and killed at least [three](#) in Poonch and Rajouri districts (Indian authorities also [suppressed](#) a journalistic [investigation](#) into these incidents).
- m. On March 9, 2024, personnel from India’s Central Reserve Police Force (CRPF) ran over and [killed](#) Habbibullah Shergojri in Bandipora.
- n. On April 4, 2024, the Indian Army’s Rashtriya Rifles 60th Battalion [killed](#) a six-year-old boy in Rajouri district by running him over.

43. The collective punishment practice of not returning the bodies of Kashmiri [civilians](#) extrajudicially killed by Indian forces (introduced in [April 2020](#)) continues.

Liberty and security of person, administration of justice and fair trial (arts. 2, 7, 9 and 14)

44. Indian authorities continue to [arbitrarily detain](#) thousands of Kashmiris, some without any order or charge, in addition to thousands under the PSA, the UAPA and other laws. Despite

the extraordinary infringement on people's rights through prolonged arbitrary detention (often far from their homes and with little to no access to families or counsel), limited procedural rights afforded to detainees, and presumptions favoring the prosecution, the conviction rate in cases that proceed to trial [remains low](#).

45. Indian authorities periodically substantially escalate this ongoing mass detention campaign. For example, approximately 30,000 Kashmiris were arrested or detained around August 2019. Leading up to the G20 Tourism Working Group meeting held in Srinagar from May 22-25, 2023, Indian authorities [increased](#) raids and arbitrary arrests (and also heightened the [denial of locals' rights to free movement](#), [closed schools](#) and [stores](#) and escalated extrajudicial killings, [killing at least 12](#)). Leading up to Narendra Modi's March 7, 2024 visit to IAJK (and thereafter in the context of Indian elections), Indian authorities further [escalated](#) mass arbitrary detention in IAJK (while only a few public reports have emerged, there are likely hundreds of new detainees, mostly held without any order or charge).
46. Select reported incidents since January 2023 illustrating the longstanding and ongoing systematic violations of the right to liberty in the region through mass arbitrary detention include:
 - a. The near-continuous arbitrary [detention of Mirwaiz Umar Farooq](#), the designated sermon-giver at Jamia Masjid, Srinagar, through house arrest.
 - b. On April 20, 2023, Indian forces conducted a cordon-and-search operation in Poonch district and arbitrarily [detained over 40 people](#), [arrested at least six](#) and tortured many, while restricting the freedom of movement of thousands.
 - c. On May 19, 2023, a special [counter-terror court charged Bashir Ahmad Mir](#), an arbitrarily detained leader of the Hurriyat Conference, with terrorism-related offenses for pro-self-determination political activity.
 - d. India's National Investigation Agency (NIA) [sought the death penalty](#) for Yasin Malik, an arbitrarily detained pro-self-determination political activist.
 - e. On August 9, the High Court of Jammu and Kashmir and Ladakh [upheld the preventive detention of Abdul Hameed Ganie](#) without evidence of any illegal conduct.
 - f. On August 29, 2023, the State Investigation Agency (SIA) [arrested Sarjan Barkati](#), a Kashmiri Muslim religious leader.
 - g. On August 31, 2023, the SIA and India's Criminal Investigation Department (CID) [arrested eight men](#) for alleged pro-self-determination activity three decades ago.
 - h. On October 20, 2023, Indian authorities [arbitrarily detained](#) Kashmiri Muslim religious leader Aga Syed Mohammad Hadi.
 - i. On November 24, 2023, the SIA [arrested](#) Shabroza Bano, the spouse of Sarjan Barkati.
 - j. In early November 2023, Indian authorities arbitrarily detained hundreds of [individuals](#) across Kashmir who they labeled "over-ground workers."
 - k. On January 24, 2024, the SIA [arrested eight](#) individuals (including three juveniles) for allegedly "fueling communal disharmony."
 - l. On January 22, 2024, the NIA [arrested](#) a juvenile in Rajouri district for "harboring terrorists."

- m. On January 27, 2024, Indian armed forces [arrested five](#) residents of Karnah, Kupwara district and labeled them “terrorist associates.”
 - n. On January 29, 2024, Jammu and Kashmir Police [arbitrarily detained two individuals](#) in Kot Bhalwal Jail, Jammu for allegedly “not mending their anti-national activities.”
 - o. On February 11, 2024, Indian authorities [arbitrarily detained](#) Mohammad Azam of Nowshera for alleged involvement in “unlawful activities.”
 - p. On February 14, 2024, the Indian authorities [arrested](#) Mohammad Akbar Bhat and Fatima Shah of Srinagar and Sabzzar Ahmad Sheikh of Anantnag for alleged “terror funding.”
 - q. On February 16, 2024, the Jammu and Kashmir Police [arbitrarily detained](#) 50 trade union activists for planning a protest in solidarity with ongoing farmers' protests.
 - r. On March 26, 2024, Indian authorities [preventively detained two individuals](#) under the PSA for alleged “anti-national activities” and transported them to Central Jail, Kot Bhalwal, Jammu.
 - s. On April 1, 2024, Indian authorities [arrested](#) five individuals under the PSA, labeling them “miscreants” and incarcerating them at Central Jail, Kot Bhalwal, Jammu and District Jail, Udhampur.
 - t. On April 8, 2024, Indian authorities [criminally charged](#) three individuals under the PSA for alleged “anti-national activities,” incarcerating them at District Jail, Kupwara and District Jail, Anantnag.
 - u. On April 15, 2024, Indian authorities [criminally charged](#) eight individuals under the PSA, labeling them “miscreants” and incarcerating them at Central Jail, Kot Bhalwal, Jammu and District Jail, Udhampur.
 - v. On May 16, 2024, Jammu and Kashmir Police arrested a [former spokesman of Jel](#) under the UAPA for alleged “anti-national activities.”
47. Select reported incidents during 2023 illustrating the longstanding and ongoing systematic denial of the administration of justice and the right to a fair trial include:
- a. The Indian government [implemented a new law](#) in IAJK that requires the consent of the Indian government to arrest any personnel of India’s armed forces or police for “anything done or purported to be done” as part of their “official duties.”
 - b. On July 21, 2023, India’s [Supreme Court denied](#) Yasin Malik, an arbitrarily detained pro-self-determination political activist, the right to defend himself in court.
 - c. In *Mohammad Younis Mir Vs Union Territory of J&K & Anr.*, [the Jammu and Kashmir High Court affirmed the pretextual deprivation of Kashmiris’ liberty without legal scrutiny.](#)
 - d. In *Ghulam Rasool Sofi Vs State Of J&K.*, [the Jammu and Kashmir High Court held that State Human Rights Commission recommendations were legally unenforceable.](#)
 - e. India’s President [awarded four Indian](#) officers, who killed at least 64 people in IAJK, India’s third-highest peacetime gallantry award.

- f. On September 26, 2023, the Jammu and Kashmir High Court [ruled that it cannot order the Indian government to “sanction” prosecutions](#) under the AFSPA.
- g. On November 9, 2023, an Indian military tribunal [suspended the sentence](#) of and granted bail to an Indian Army captain who abducted and executed three men in a July 18, 2020 “fake encounter.”

Treatment of persons deprived of their liberty (art. 10)

- 48. Mistreatment, lack of adequate facilities, lack of representation and lack of access to families are longstanding problems facing practically all Kashmiri detainees. This is exacerbated by Indian authorities’ more recent practice of holding Kashmiri detainees incommunicado or with very limited access to communications in prisons hundreds or thousands of kilometers from their homes.
- 49. Torture of Kashmiri detainees is a longstanding, widespread, routine, [well-documented](#) pattern and practice which [continues](#). Practically every Kashmiri victim deprived of their liberty is also a torture victim, including [juvenile victims](#).

Right to privacy (art. 17)

- 50. Select reported incidents since January 2023 illustrating the longstanding and ongoing systematic violations of the right to privacy through the raiding of homes in the region include:
 - a. On May 17, 2023, [Indian forces raided the home of arbitrarily detained pro-self-determination political activist Shabir Shah](#) and destroyed or damaged property.
 - b. On August 1, 2023, the NIA [raided multiple locations](#) in Srinagar, Budgam, Pulwama and Shopian districts, including the homes of several lawyers who have defended victims of human rights violations (including the brother of [Jalil Andrabi](#), a Kashmiri lawyer and human rights defender who Indian forces involuntarily disappeared and executed in March 1996).
 - c. On February 2, 2024, Indian authorities [raided](#) five locations in the Saidapora, Eidgah and Ahmadnagar areas of Srinagar and in New Delhi, India in connection with the funding of alleged “unlawful activities.”
 - d. On February 7, 2024, the Indian authorities [raided](#) different locations in South Kashmir including the house of arbitrarily detained Muslim religious leader Sarjan Barkati.
 - e. On February 10, 2024, the NIA [raided](#) locations in the Kulgam district and the Gujjar Nagar area of Jammu targeting individuals affiliated with [Jel](#).
 - f. On February 11, 2024, the NIA [raided](#) 15 locations in IAJK targeting Jel and seizing property.
 - g. On February 15, 2024, the Jammu and Kashmir State Investigation Agency (SIA) [raided 18 locations](#) in Srinagar district in connection with an alleged “terrorist conspiracy.”
 - h. On April 22, 2024, the NIA [raided nine locations](#) in Srinagar district.
 - i. In May 2024, raids [continued](#) on various pretexts in IAJK.
- 51. Indian authorities have enhanced their technological surveillance tools targeting Kashmiris, including through the April 2022 expansion of a coercively privately financed [video](#)

- [surveillance](#) network for police use, procurement of [facial recognition technologies](#), procurement of an [expanded CCTV surveillance system](#) with plans to create a comprehensive, integrated surveillance and facial recognition system and [spyware](#) like NSO Group's Pegasus.
52. Select reported incidents since January 2023 illustrating the longstanding and ongoing systematic violations of the right to privacy through physical and electronic surveillance include:
- a. The imposition of a [new digital identification system](#) for every household in Kashmir.
 - b. The CRPF [conducted a new house-to-house data collection campaign](#).
 - c. Jammu and Kashmir Police installed a [GPS ankle tracker](#) on a lawyer arrested for his allegedly engaging in pro-self-determination political activity.
 - d. On December 12, 2023, Jammu and Kashmir Police began using [artificial intelligence-based facial recognition technology](#) in IAJK.
 - e. On January 26, 2024, the Jammu and Kashmir Police [distributed forms to households across Kashmir](#) requiring information including the names, gender, age, profession, relationships and identification information of household members together with information on assets, history of foreign visits, the installation of CCTV cameras and whether they have relatives abroad.
 - f. In May 2024, Jammu and Kashmir Police [activated an AI-based facial recognition system](#) at key transportation checkpoints.
 - g. In May 2024, arrests [continued](#) for people accused of using a virtual private network to access the internet.

Freedom of conscience and religious belief, non-discrimination, and prohibition of advocacy of national, racial and religious hatred (arts. 2, 18, 20 and 26)

53. Indian authorities have escalated their attacks on Muslim religion and belief in IAJK, including arbitrarily [detaining and charging](#) Muslim [religious leaders](#) under counter-terror laws, [forcing](#) the closure of major Muslim religious institutions, [prohibiting](#) Muslim congregational religious practice, [targeting](#) Muslims for observing religious congregational rituals and denying Muslim victims of state violence the performance of [religious rites](#) and their loved ones the [return of victims' bodies](#). Over [560 bodies](#) have been forcibly buried by Indian authorities since 2020.
54. Indian authorities have centralized and expanded their [control](#) over Muslim religious institutions and practice in IAJK. [Despite organized opposition from Islamic scholars](#), India's ruling BJP party has [seized control](#) of the Waqf Board, the structurally critical administrator of Muslim endowments and major Muslim institutions in IAJK, as well as [all local masjid committees, shrines, and educational centers](#). Indian authorities in IAJK have announced plans to destroy the fourteenth century Eidgah Srinagar by [constructing new buildings on its site](#). They have [similarly taken over the Jammu Waqf Council](#) and Muslim religious properties in Jammu. They are systematically [gathering information on those Muslim institutions](#) that remain outside of direct state control.
55. Indian authorities have more frequently and broadly [forcibly closed many Muslim sacred spaces](#) in IAJK, including [Jamia Masjid Srinagar](#), [Asar Sharief Dargah Hazratbal](#), Khanqah-e-Moalla, Astane Aliya Dastgeer Sahab, Astane Aliya Makhdoom Sahab, and Aastane Aliya Naqshband Sahab. They have forcibly closed [Srinagar's Jamia Masjid](#), IAJK's main Friday

mosque, for both Friday and other congregational religious services like [Eid](#), [Shab-e-Meraj](#), [Shab-e-Baraat](#), [Jummat-ul-Wida prayers](#) and [Laylat-ul Qadr prayers](#). They have forcibly closed or restricted access to various shrines and mosques, including for [Urs and Khwaja Digar ceremonies](#). They have prohibited Muslim religious practice, including the [prohibition](#) of ritual sacrifice of livestock [during Eid al-Adha](#).

56. Indian authorities have repeatedly [intimidated and interrogated Muslim scholars](#) in IAJK, [raided their homes and organizational offices](#) and subjected them to arbitrary detention, often for prolonged periods and in distant prisons. These Muslim scholars include [Moulana Abdul Rasheed Dawoodi](#), [Moulana Mushtaq Ahmad Veeri](#), [Abdul Majeed Dar Almadni](#) and [Moulvi Sarjan Barakati](#). At least one Muslim scholar, Mufti Nazir Ahmed Dar, has been [subjected to enforced disappearance](#).
57. Incidents of the denial of Muslim religious expression and Muslims being forced to participate in Hindu religious expression are increasing in IAJK. Authorities in government-run schools in IAJK have restricted the right of Muslim women to wear attire consistent with their religious beliefs. For example, a school in Kashmir's Baramulla district operated by the Indian army has [instructed staff to refrain from wearing hijab in school](#). Similarly, the management of Vishwa Bharti School in Srinagar recently [denied entry to students wearing hijab](#).
58. On the night of June 24-25, 2023, soldiers from the Indian army's [Rashtriya Rifles \(50th Battalion\) raided Zadoora, Pulwama, Kashmir](#), forcing residents out of their homes, detaining and physically assaulting them. Soldiers interrupted the *adhan* (call to prayer) at the local mosque and [forced the muezzin to chant "Jai Shree Ram" \(a Hindu prayer used by Hindu supremacists to project domination over subjugated Muslims\) through the mosque's loudspeaker instead](#). [Detained villagers were also forced to chant "Jai Shree Ram."](#)
59. In September 2022, [Muslims students in several schools in IAJK were forced to sing a Hindu religious prayer](#).
60. Since August 2019, prominent incidents of state-sanctioned or -promoted advocacy of racial or religious hatred targeting Kashmiri Muslims include:
 - a. In August 2019, Indian officials encouraged far-right activists to go to IAJK, obtain land, and [marry fair-skinned Kashmiri girls](#).
 - b. In November 2019 a former Indian Army general and official of India's ruling party publicly [called for the killing and rape of Kashmiri women](#).
 - c. In February 2020, Bipin Rawat, India's Chief of Defense Staff and a senior general suggested at a high-level conference that [Kashmiri children should be "taken into some deradicalization camps."](#)
 - d. In October 2021, Jitan Ram Manjhi, a prominent Indian politician and former chief executive of the state of Bihar, said ["Kashmir should be handed over to the people of Bihar for 15 days"](#) to "take strict actions like Indira Gandhi did during the Bangladesh war."
 - e. Also in October 2021, an Indian lawmaker and official from India's ruling party made various violent, racist anti-Kashmiri statements, including that Kashmiri students' "degrees be cancelled, their citizenship too must be revoked. They should be [beaten up and skinned alive](#)."
 - f. On April 30, 2024, a BJP leader [threatened](#) a "repeat of the events of 1947" (when Hindu supremacists killed approximately 200,000 and forcibly displaced

approximately 500,000 Muslims in Jammu in approximately six weeks) if Muslims failed to support a BJP-backed candidate.

61. In addition, recent Indian [state-supported propaganda](#) films have promoted hatred and violence targeting Kashmiri Muslims. The most prominent of these was released in March 2022 and called *The Kashmir Files*. Many Indian officials promoted the film, including India's Prime Minister who [said](#): "All of you should watch it...The film has shown the truth which has been suppressed for years. The truth prevailed in [sic] *Kashmir Files*."

Freedom of movement (art 12)

62. Indian authorities continue to deny freedom of movement through regular curfews, cordon and search operations and the restriction and criminalization of crossing the Line of Control (LOC).
63. Indian authorities continue to systematically deny freedom of movement through the denial and cancelation of passports. In 2023, for example, [Indian authorities suspended the passports of up to 200 Kashmiris, including students, lawyers and journalists](#), allegedly because they were deemed a "national security threat." The ongoing systematic [denial of passports](#) (as well as government services and employment opportunities) on the basis of an "adverse" police report has resulted in at least hundreds of Kashmiris being [denied passports and employment opportunities](#).
64. On February 26, 2024, the Indian government [denied entry](#) to Nitasha Kaul, a professor at the University of Westminster of Kashmiri origin, despite holding a valid Overseas Citizen of India (OCI) card. Kaul's denial is emblematic of a broad, longstanding, [systematic](#), escalating and minimally reported campaign to deny the right to travel to Kashmiris even when they hold valid travel documents.

Freedoms of expression and peaceful assembly (arts. 19 and 21)

65. Since August 2019, Indian authorities have escalated their violation of Kashmiris' [right to free expression](#) and escalated their [repression](#) targeting Kashmiri [thought, assembly and dissent](#), resulting in a near-total, enforced silencing.
66. Select reported incidents during 2023 illustrating the longstanding and ongoing systematic violations of the rights to free expression and free assembly in the region include:
 - a. On July 6, 2023, fourteen people were [arrested and imprisoned](#) for not standing during the Indian national anthem at an event in Srinagar.
 - b. The Indian administration in Jammu and Kashmir made [participation in Indian Independence Day celebrations and flying Indian flags at home mandatory](#).
 - c. Demonstrations [protesting the "abrogation" of Article 370 have not been allowed](#).
 - d. The Indian administration in Jammu and Kashmir [suspended Zahoor Ahmad Bhat](#) for testifying in a case challenging the government's decision to "abrogate" Article 370.
 - e. On September 25, 2023, a court [denied bail to ten men](#) who were arbitrarily [detained on July 9, 2023](#) for allegedly discussing Kashmiris' right to self-determination.

- f. On October 10, 2023, Indian authorities [approved the prosecution](#) of Indian novelist Arundhati Roy and Kashmiri professor of international law Sheikh Showkat Hussain for discussing IAJK in a manner consistent with international law at a 2010 conference.
 - g. On November 3, 2023, the Indian administration in Jammu and Kashmir [prohibited employees from striking](#).
 - h. On November 8, 2023, Indian authorities [prohibited assembly in support of Palestinians](#).
 - i. On November 20, 2023, Jammu and Kashmir Police [arrested seven Kashmiri students](#) for allegedly supporting the Australian team in the 2023 Men's Cricket World Cup final against India.
 - j. On December 2, 2023, the Indian administration in Jammu and Kashmir [required all employees to contribute towards the Armed Forces Flag Day](#).
 - k. On January 28, 2024, Rajasthan Police [arrested Sohrab Qayoom](#), a Kashmiri student, for allegedly making remarks about the demolition of the Babri Masjid in Ayodhya, India.
 - l. On March 4, 2024, the Indian administration in Jammu and Kashmir [forced government employees](#) to attend a BJP rally featuring Narendra Modi in Srinagar.
67. Indian authorities have increasingly targeted Kashmiri human rights defenders and other dissenters – including journalists, scholars, lawyers and political activists – for repression. A police unit called the “Ecosystem of Narrative Terrorism” is dedicated to profiling, investigating, and policing Kashmiri [journalists and scholars](#) who Indian officials and media refer to as “[white collar jihadis](#)” or “[white collar terrorists](#).”
68. Indian authorities have enhanced their technological [surveillance](#) tools, including [CCTV](#) and [facial recognition systems](#) as well as through the use of spyware like NSO Group's [Pegasus](#). They have intensified their [social media surveillance](#) of Kashmiris through dedicated [police resources](#) and [vigilante groups](#).
69. Indian authorities have suppressed civil disobedience through curfews, [arbitrary detentions](#) and arrests under [counter-terror laws](#) and [lethal force](#).
70. Indian authorities have censored and suppressed [online dissent](#) by Kashmiris through intimidation, harassment, arbitrary detention and arrest, ordering Kashmiri users' [posts taken down](#) and freezing or blocking Kashmiri users' social media accounts.
71. Indian authorities have authorized [denying Kashmiris passport issuance and renewal](#), government services and employment on the basis of an adverse police report for acts including civil disobedience and dissent.
72. For doing journalism, Indian authorities have restricted Kashmiri journalists' activities, [intimidated, harassed, attacked, assaulted and maimed journalists](#), and [arbitrarily detained and charged](#) journalists under counter-terror and anti-sedition laws. They have repeatedly [raided](#) the homes and offices of Kashmiri journalists and repeatedly [summoned](#) a large number of Kashmiri journalists for police interrogation. They have [denied](#) Kashmiri journalists the [right to travel](#) in what experts have described as “[systematic harassment](#).”
73. Indian authorities have censored independent journalists and brought previously independent media under state control through the implementation and enforcement of the

[Media Policy-2020](#), which experts have called [Orwellian](#). They have [forcibly taken over](#) the [Kashmir Press Club](#), the largest elected trade body representing journalists in IAJK.

74. Journalists continue to report that there remains [no space for criticism in IAJK](#); reporting is censored and, due to fear of reprisals, self-censored. Repression targeting journalists continues to force Kashmiri journalists to [quit journalism](#).
75. Foreign correspondents [reported](#) being repeatedly summoned by Indian authorities and interrogated for their coverage of IAJK, as well as being followed and facing physical threats, threats of denying visa extensions, and threats of deportation, specifically to suppress coverage of IAJK.
76. In cases emblematic of the repression targeting Kashmiri journalists, [Aasif Sultan](#) and [Sajad Gul](#) have been repeatedly arrested for their journalism. Sultan was illegally imprisoned for almost six years (2,086 days) for doing journalism (he was released on May 14, 2024). Despite a court ordering his release, Gul's most recent period of arbitrary detention has lasted for 880 days.
77. Select reported incidents during 2023 illustrating the longstanding and ongoing systematic violations of the rights to free expression specifically targeting media and journalists in the region include:
 - a. [On March 16, 2023](#), a special counter-terror court framed sedition charges against Kashmiri journalist Fahad Shah and Kashmiri scholar Abdul Aala Fazili in connection with a 2011 op-ed.
 - b. On August 19, 2023, India's Ministry of Electronics and Information Technology [blocked](#) the website and social media of The Kashmir Walla, an independent media organization. On August 21, 2023, Indian authorities forced The Kashmir Walla's staff [to close down their office](#) in Srinagar and [shut down](#).
 - c. On September 15, 2023, Jammu and Kashmir Police [arrested journalist Majid Hyderi](#).
 - d. On October 14, 2023, the Indian chief executive in IAJK [accused journalist Jahangir Ali of being part of the "separatist ecosystem"](#) after publishing a story about government corruption.
 - e. The Jammu and Kashmir Police [threatened legal action against the BBC](#) for publishing [an analysis of Indian authorities' systematic targeting of independent media in IAJK](#). They also used similar tactics to target press freedom organizations like [Reporters Without Borders](#).
78. Indian authorities have similarly intimidated, harassed, denied the right to travel to and arbitrarily detained and arrested under counter-terror laws Kashmiri human rights activists. They have repeatedly [raided](#) the homes and offices of leading Kashmiri human rights activists in connection with investigations for criminal conspiracy, sedition, and supporting terror.
79. Indian authorities have [prevented](#) the Jammu and Kashmir High Court Bar Association, the primary professional organization providing legal aid to victims of human rights violations, from operating. They have pressured Kashmiri families to withdraw human rights complaints against authorities.
80. Indian authorities have denied Kashmiris' rights to freedom of expression, opinion and belief and the right to work through an escalated campaign of reprisals for dissent through the

termination of employment. Select reported incidents since January 2023 illustrating this escalating trend include:

- a. On February 26, 2023, the Indian administration in Jammu and Kashmir [dismissed three employees](#) for purported “anti-national activities.”
 - b. On June 23, 2023, [Indian authorities terminated Drs. Nighat Shaheen Chiloo and Bilal Ahmad Dalal](#) for preparing a post-mortem report in the 2009 murder-rape of Asiya and Neelofar Jan.
 - c. On November 22, 2023, the Indian administration in Jammu and Kashmir [terminated](#) Dr. Nisar ul Hassan, an Assistant Professor of Medicine, Abdul Majid Bhat, a police constable, Farooq Ahmad Mir, a teacher, and Abdul Salam Rather, a laboratory bearer, for alleged “ties to militancy.”
 - d. On March 15, 2024, Indian authorities [terminated the employment of a teacher](#), Manzoor Ahmed Laway of Kulgam district, for alleged “anti-national activities.”
81. Indian authorities have denied Kashmiris’ rights to freedom of expression, opinion and belief and engaged in collective punishment through the expropriation of homes and property. According to the Indian government’s own reporting, Indian authorities have expropriated at least 200 properties in IAJK [since 2019](#) based on the criminalization of free expression, opinion and belief. Select reported incidents since January 2023 illustrating this escalating trend include:
- a. The targeting of Jel, including through [the expropriation of several properties](#) on January 7, 2023 and the [expropriation of property worth an estimated ₹90 crore](#) (almost \$11 million) on March 12, 2023. On June 7, 2023, the SIA announced that they had [expropriated 124 properties](#) across 86 locations, with 77 properties associated by authorities with Jel.
 - b. On January 28, 2023, a Delhi [court ordered the](#) expropriation of the building housing the pro-self-determination Hurriyat Conference in Srinagar.
 - c. On March 2, 2023, the NIA expropriated the familial home of exiled self-determination activist [Mushtaq Ahmad Zargar](#) in Srinagar.
 - d. On March 4, 2023, the NIA expropriated [properties that they claim were linked to Kashmiri exile Bashir Ahmad Peer](#) who was assassinated, reportedly by Indian intelligence as in connection with an [ongoing transnational targeted killing campaign](#) targeting Kashmiri activists, on February 20, 2023 in Rawalpindi, Pakistan.
 - e. On April 24, 2023, the [NIA expropriated the properties of Syed Ahmed Shakeel and Shahid Yusuf](#) (the sons of Syed Salahudeen, head of Hizbul Mujahideen) who are being held in Tihar Jail.
 - f. On June 12, 2023, the NIA [expropriated 17 properties](#) belonging to Zahoor Ahmed Shah Watali, an arbitrarily detained Kashmiri businessman, for allegedly supporting pro-self-determination political activity in IAJK. The NIA [expropriated Watali’s residence in Srinagar](#) in May 2023.
 - g. On June 13, 2023, the NIA [expropriated the properties of Mohammad Akbar Khanday](#), the arbitrarily detained former spokesperson for the pro-self-determination Hurriyat Conference.

- h. On August 24, 2023, Jammu and Kashmir Police [expropriated land](#) belonging to Salam Shah, the grandfather of a man that police labeled a “militant.”
 - i. On September 7, 2023, the Indian administration in [Jammu and Kashmir announced](#) that 4,200 people allegedly involved in “militancy” will have their property in IAJK expropriated.
 - j. On January 11, 2024, Indian authorities [expropriated](#) the assets and froze the bank accounts of Tehreek-e-Hurriyat and Muslim League Jammu Kashmir, pro-self-determination parties banned in [December 2023](#). Indian authorities also [expropriated](#) the properties of pro-self-determination Hurriyat Conference members.
 - k. On April 28, 2024, the Jammu and Kashmir police [expropriated property](#) in Pulwama district for its alleged use by “terrorists” for shelter.
 - l. In May 2024, authorities continued to expropriate properties of the families of people who had [allegedly moved to Pakistan-administered Kashmir](#) and people [labeled](#) as being involved in “terrorism.”
82. Indian authorities have systematically denied the rights to freedom of expression, opinion and belief through the [criminalization of online speech](#). Select reported incidents since January 2023 illustrating this ongoing systematic violation include:
- a. On February 17, 2023, the Indian administration in Jammu and Kashmir [instructed](#) high-level officials to monitor employees’ social media and identify negativity toward or criticism of government policy.
 - b. On February 24, 2023, [Joginder Singh](#), a schoolteacher in Ramban district, was suspended for Facebook comments criticizing government policies.
 - c. On April 14, 2023, the [Bombay High Court rejected](#) a petition from Professor Javed Ahmed Hajam seeking dismissal of a criminal case over a WhatsApp status that described the abrogation of Article 370 of India’s constitution as a “black day.”
 - d. On September 18, 2023, the Jammu and Kashmir Police [arbitrarily detained Irfan Malik](#) for Instagram posts and tweets.
 - e. On September 26, 2023, the Directorate of Family Welfare [issued new social media guidelines](#) prohibiting public sector employees from criticizing government policies or actions.
 - f. On October 19, 2023, Indian authorities conducted raids on five locations in the Kupwara, Srinagar, Anantnag, and Pulwama districts of IAJK for [content on social media](#) platforms.
 - g. On December 1, 2023, Jammu and Kashmir Police criminally charged six individuals for allegedly [posting “anti-social” content](#) on social media.
 - h. On December 9, 2023, Jammu and Kashmir Police criminally [charged at least nine people](#) for “misusing” social media.
 - i. Police continued to [actively monitor Kashmiris online and have obtained the cooperation of social media companies like Meta](#) in targeting Kashmiri dissent. On September 26, 2023, the Washington Post published an [expose](#) of Meta’s cooperation with the Indian government to spread state propaganda while suppressing speech by Kashmiri dissenters.

- j. On January 23, 2024, the Jammu and Kashmir Police [arrested a minor](#) in Kishtwar district for a social media post labeled “derogatory.”
- k. On January 24, 2024, Jammu and Kashmir Police [arrested several individuals](#) in Rajouri and Reasi districts for allegedly posting social media content labeled “objectionable” related to the Ram Temple in Ayodhya, India.
- l. On January 26, 2024, the Jammu and Kashmir Police [arrested](#) Zafar Hussain of Khanna Chargal, Jammu district and criminally pursued an unnamed female college student for allegedly posting comments on social media expressing discontent over the consecration of the Ram Temple in Ayodhya, India.
- m. On March 28, 2024, Indian authorities [arrested three people](#), including a juvenile, for allegedly “misleading people” on social media.
- n. On April 15, 2024, the Indian administration in Jammu and Kashmir [criminally charged an individual](#) in Srinagar for a post on X labeled “objectionable.”
- o. On April 30, 2024, the Indian administration in Jammu and Kashmir [criminally charged](#) ‘Ilyas Mir Magami’ for posting a video on X.

Freedom of association (art. 22); Participation in public affairs (arts. 25 and 26)

- 83. Indian authorities have escalated their political disempowerment of the people of IAJK, especially targeting the Muslims of IAJK and, in particular, Kashmiri Muslims in multiple ways: by [disintegrating](#) Jammu and Kashmir; [gerrymandering](#) constituencies to dilute the influence of Muslims; legalizing the denial of the [right of return](#) of Muslim refugees and political exiles from IAJK; [denying](#) people born in Pakistan-administered Kashmir the right to vote; “indigenizing” [non-local Hindus](#) through a new [Domicile Law](#) and related [rules](#); and registering [hundreds of thousands](#) of new, non-local Hindu voters.
- 84. Indian authorities have eliminated even the pretense of local control or influence in the administration of Jammu and Kashmir.
- 85. Indian authorities have declared all popular, representative political parties in IAJK unlawful and illegally imprisoned every prominent pro-self-determination political activist in IAJK, four of whom ([Ghulam Muhammad Bhat](#), [Syed Ali Shah Geelani](#), [Muhammad Ashraf Sehrai](#) and [Altaf Ahmad Shah](#)) have died in custody. The cases of two of the most prominent, pro-self-determination political leaders of IAJK – Syed Ali Shah Geelani and Mohammed Yasin Malik – are illustrative of this broader phenomenon. Indian authorities imprisoned Syed Ali Shah Geelani until his death, then forcibly [buried](#) him against his family's wishes, [preventing](#) the proper performance of his last rites and any [public commemoration](#) of his death. Members of his family were [charged](#) under the UAPA for attempting to bury him in accordance with his wishes. Mohammed Yasin Malik, a committed, longstanding non-violent activist, was [prosecuted](#) for “secessionism” and “terrorism,” denied a fair trial and [sentenced](#) to life in prison by an Indian court. He has been held in solitary confinement for a prolonged period and is serving a life sentence in [solitary confinement](#), although Indian authorities have sought the death penalty.
- 86. Indian authorities have [assaulted, humiliated and arbitrarily detained](#) Kashmiris for [protesting](#) the treatment of their political leaders.
- 87. In February 2024, laws were [introduced](#) and [passed](#) in the Indian parliament granting “special reservations” to predominantly Hindu and otherwise pro-BJP ethnic groups furthering the

[systematic disempowerment of Muslims](#) in IAJK and expansion of disproportionate, structural advantages to pro-BJP elements.

Rights of indigenous peoples (art. 27)

88. Indian authorities have escalated their campaign of historical and cultural erasure in IAJK in several ways: by [replacing local place names](#) with those of Indian Hindu supremacists icons; [modifying public holidays](#) to reflect Hindu supremacists' narrative on IAJK; [suppressing](#) and erasing local history and public commemorations; coercing Kashmiris to [finance and display](#) symbols of Indian nationalism; [forcing](#) Kashmiri Muslim students to sing Hindu hymns; and pursuing a [state takeover](#) of Muslim religious and [cultural](#) institutions.
89. Select reported incidents during 2023 illustrating this ongoing and escalating phenomenon the denial of the rights of indigenous people through through forced Indianization and systematic promotion of Hindi (a non-local language promoted by Hindu supremacists and the BJP) include:
- a. [Martyrs' Day](#) commemorations (a historic holiday honoring those killed in the pro-democracy struggle in Jammu and Kashmir) have been banned.
 - a. The Jammu and Kashmir State Council of Educational Research and Training proposed [making Hindi language classes mandatory in schools](#).
 - b. Indian authorities [removed the literature of poet Agha Shahid Ali and novelist Basharat Peer](#) from the Master of Arts in English curriculum in IAJK.
 - c. The Indian administration in Jammu and Kashmir [renamed 31 schools and one road](#) to commemorate Indian armed forces. A primary school was [renamed to commemorate Zahoor Ahmed Parray](#), a state-sponsored militiaman notorious for grave [human rights violations](#).
 - d. On December 9, 2023, the Jammu and Kashmir Cultural Academy hosted a [Hindi-language cultural program](#) to promote Hindi in the region.
 - e. On December 9, 2023, the Indian administration in Jammu and Kashmir [renamed Jhelum Stadium](#) to General Bipin Rawat Stadium. Rawat was India's former chief of defense staff who was widely known in IAJK for his [demonization of Kashmiris](#) and [celebration of Indian war criminals](#).
 - f. On January 30, 2024, the Indian administration in Jammu and Kashmir [renamed thirty-three educational](#) institutions and roads in IAJK to honor Indian soldiers.
 - g. While suppressing Kashmiri voices and history, the Indian administration in IAJK is [promoting Indian philosophy](#) in universities in IAJK.
90. Indian authorities have escalated their campaign to impair educational access to the indigenous people of IAJK. Under a new [Domicile Law](#) and related [rules](#), locals have been denied their rights to access educational opportunities in IAJK.
91. Indian authorities have [forcibly closed](#) institutions of higher education in IAJK and hundreds of schools.
92. Indian authorities have subjected [Kashmiri scholars](#) to coercion, abuse, and intimidation. They have [prohibited](#) academic institutions receiving Indian government funds from holding international events discussing IAJK without prior government approval, have required Kashmiri academics to [disclose details of their personal assets](#) while prohibiting them from traveling abroad without prior government approval and required academics to obtain [prior](#)

[approval](#) to invite non-Indians to campus. They have announced investigations of academics for the “[pernicious influence of secessionism](#),” [purged](#) academics [with dissenting views](#) from their posts and introduced [new rules](#) that make it harder for qualified Kashmiri academics to obtain appropriate employment in IAJK. Indian authorities have [subjected](#) institutions of higher education in IAJK to direct Indian government control.

93. On March 22, 2024, the Indian administration in Jammu and Kashmir [approved a 10% reservation](#) for predominantly privileged, high-caste Hindu, pro-BJP ethnic groups newly classified as “disempowered.” Now, only 40% of public sector employment positions are available for a majority of the population, including the majority Kashmiri Muslim population.

IV. Recommendations and concrete actions to be undertaken by India

Further to the foregoing, in order to ensure the implementation of its obligations under the Convention, India should:

1. Immediately end its suppression of Kashmiris’ rights and freedoms, including Kashmiris’ rights to freedom of thought and conscience, freedom of opinion and expression, peaceful assembly and association, movement and a free press and information.
2. Immediately cease its repression, intimidation and abuse of Kashmiri human rights defenders, including journalists, activists, lawyers, scholars and dissenters.
3. Ensure that victims of violations in IAJK do not face reprisals.
4. Immediately and unconditionally release all Kashmiris illegally imprisoned, including all detained Kashmiri human rights defenders.
5. Immediately cease enforcement of, and initiate processes to repeal, all laws and policies that in letter or application violate international laws or norms, including the AFSPA, the PSA and the UAPA.
6. Immediately cease restrictions on, and surveillance of, communications in, to or from IAJK.
7. Immediately cease all restrictions on travel to and from IAJK.
8. Immediately ensure no further changes to landholding in, or the demography of, IAJK.
9. Ensure adequate access to education to the indigenous people of IAJK.
10. Immediately allow UN Human Rights Council’s Special Procedures, international human rights organizations and international media organizations free and unfettered access to IAJK.
11. Ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of All Persons from Enforced Disappearances and the Rome Statute on the International Criminal Court without reservations and enact comprehensive domestic implementing legislation.
12. Immediately obtain technical assistance and advisory services from the OHCHR regarding reparations for violations of international law that have occurred in IAJK and provide reparations for all such violations.
13. Request the Human Rights Council appoint a Commission of Inquiry to comprehensively and independently investigate all allegations of violations in IAJK and design and implement a fair, transparent process of accountability for all violations.

14. Demilitarize IAJK and commence the process of implementing a free and impartial, UN-supervised plebiscite in IAJK.
15. Comply with its international obligations to IAJK and the people of IAJK, including pursuant to the Covenant.