

Kashmir Scholars Consultative and Action Network
PUBLIC STATEMENT ON THE ARREST OF KHURRAM PARVEZ
November 24, 2021

As Kashmir scholars and experts, we are deeply concerned by the Government of India's recent arrest of Khurram Parvez, a leading global human rights defender and Program Coordinator of the [Jammu and Kashmir Coalition of Civil Society](#). As the charges against him constitute reprisals for his important work monitoring human rights abuses, we call on all states committed to the protection of human rights and democracy, and the United Nations, to urge Indian authorities to immediately and unconditionally release Mr. Parvez.

On November 22, 2021, Mr. Parvez was arrested at his residence in Srinagar, Kashmir following a raid at his residence by the National Investigative Agency (NIA), India's central counter-terrorist task force. NIA agents conducted a four-hour raid at the home of Mr. Parvez, then took him away for what they claimed would be routine questioning. His family was later informed that he had been detained. The NIA simultaneously carried out a 14-hour raid at the office of the office of the Jammu and Kashmir Coalition of Civil Society

After his arrest, Mr. Parvez was held overnight in custody in Srinagar city before being flown to Delhi on November 23, where he has since been held in NIA custody. [Unwarranted detention in facilities outside Kashmir](#) is a common action utilized by Government of India agencies in such situations as it makes the detained individual inaccessible to their families and support networks in Kashmir.

Khurram Parvez and the [Jammu Kashmir Coalition of Civil Society](#) (JKCCS) are internationally recognized as model defenders of human rights. As a champion for civil liberties in Kashmir, Mr. Parvez works directly with individuals, families and communities to document the impact of state torture, extrajudicial killings, and other widespread abuses. He has worked closely on regional and international campaigns on [landmine removal](#) as well as [involuntary and enforced disappearances](#) in Sri Lanka, the Philippines, Pakistan, and India. He monitors and seeks accountability for state-sanctioned torture and extrajudicial killings. He trains student interns and researchers, he supports scholarly discussion and exchange inside and outside of Kashmir, and he acts as a critical link between local, regional, and global human rights communities. **The arrest of Mr. Parvez as well as the raids of offices and homes of human rights defenders and other forms of harassment, intimidation, and threats targeting those who express dissent towards the Government of India's actions in Kashmir constitute state reprisals aimed at silencing human rights work in Kashmir. The valued engagements of these individuals and organizations include critical work with the United Nations human rights monitoring mechanisms.**

Chairperson of the [Asian Federation Against Involuntary Disappearances \(AFAD\)](#), Mr. Parvez received the 2006 [Reebok Human Rights Award](#). Mr. Parvez is also a Distinguished Scholar (non-resident) at the [Political Conflict, Gender and People's Rights Initiative at the Center for Race and Gender at the University of California, Berkeley](#). Furthermore, his colleague and JKCCS

Founder **Parvez Imroz** is a highly respected international human rights lawyer who has, over the course of his career, filed thousands of *habeas corpus* actions on behalf of families whose relatives have vanished while in the custody of the Indian security forces. In 2008, he and his team first discovered more than [7000 unmarked mass graves](#) in Jammu and Kashmir. Parvez Imroz and **Parveena Ahanger**, Founder and Chairperson of the Association of the Parents of Disappeared Persons, were 2017 laureates of the Norway-based [Rafto Human Rights Prize](#).

In spite of, or perhaps because of the international impact and recognition of his work, Khurram Parvez has been repeatedly harassed by the Government of India. In 2016, Mr. Parvez was detained while boarding a plane in Delhi to travel to Geneva to participate in the UN Human Rights Council Session ([see UN special experts letter here](#)) and was subsequently held for 76 days under India's Public Safety Act (PSA) preventive detention legislation. Furthermore, Mr. Parvez, age 44, [has partial disability](#), having lost his leg in a landmine blast that hit his car while he was on his way to monitor parliamentary elections in 2004.

The arrest of Khurram Parvez is being widely reported in international media ([CNN](#); [New York Times](#); [Al Jazeera](#); [Washington Post](#); [BBC](#)) and strongly condemned by the international human rights community. The UN Special Rapporteur on human rights defenders [Mary Lawlor](#) tweeted her concern about this development on November 22, stating "*He's not a terrorist, he's a Human Rights Defender.*" Also on November 22, [Rafto Human Rights](#) and [Robert F. Kennedy Human Rights](#) issued statements demanding his immediate release. The [Observatory for the Protection of Human Rights Defenders](#) (FIDH & OMCT) issued a statement "strongly condemn[ing] the arbitrary detention and judicial harassment of Khurram Parvez" and "express[ing] its utmost concern over the high risk of torture and ill-treatment he faces while in custody." [Amnesty International](#), the World Organization Against Torture (OMCT), the [Indian American Muslim Council](#), and the [All India Lawyers Association For Justice](#) have also issued statements on social media. The Indian human rights organization [People's Union for Civil Liberties](#) (PUCL) has called for his immediate release, stating "In this context [of Kashmir], it is very crucial that alternate narratives of ground level reality be brought before the world. This is precisely what JKCCSS and Khurram were doing," while the [Jammu and Kashmir High Court Bar Association](#) issued a statement condemning his arrest, stating that "he is implicated in false and frivolous allegations to prevent him from pursuing the cause of justice and reporting human rights violations from Kashmir." The Manila-based [Asian Federation against Enforced Disappearances](#) (AFAD) has called on the Government of India to "immediately and unconditionally release" Mr. Parvez and also to ensure his "safety from torture or any cruel, inhuman, and degrading treatment while in detention."

Despite his established reputation across international human rights networks, including the UN, of credible, thoughtful, and engaged human rights documentation and advocacy, **Khurram Parvez is being charged under Sections 120B, 121, and 121A of the Indian Penal Code (IPC), which relate to criminal conspiracy and waging war against the Government of India, as well as Sections 17, 18, 18B, 38 and 40 of the Unlawful Activities (Prevention) Act (UAPA), which relate to raising funds for terror acts; conspiracy; organizing terror camps; membership in a terrorist organization; and raising funds for a terrorist organization. As *The New York Times***

reported on November 23, “Khurram Parvez’s detention has deepened concerns that the Modi administration is abusing the law to squelch dissent.” Effectively, any work in Kashmir that documents and illuminates human rights violations by the government is framed as terrorism ([Scroll India](#)).

Changing Context of Crackdown in Kashmir

It is important to contextualize the arrest of Mr. Parvez within India’s recent crackdown targeting activists, journalists, and even political leaders seen as critical of Indian Prime Minister Narendra Modi’s government. Government of India has recently been explicitly redefining who it considers “the enemy within.” Kashmir is the testing ground for this new policy strategy. On November 12, 2021, just two weeks ago, [India’s national security advisor Ajit Doval](#) said in a public speech at the National Police Academy that “the new frontiers of war, what you call the fourth generation warfare, is the civil society.” He elaborated further:

Wars have ceased to become an effective instrument for achieving political or military objectives. They are too expensive or unaffordable and, at the same time, there is uncertainty about their outcome. But it is the civil society that can be subverted, suborned, divided, manipulated to hurt the interests of a nation. You are there to see they stand fully protected.

According to this logic, the military and police are classifying new expansive categories of civilians -- including professionals, businessmen, charity workers, journalists, and civil society members -- as “Over Ground Workers” (OGWs), which they define as “anyone who supports the insurgents.” The J&K police department’s Crime Gazette (2019) states that OGWs “act as eyes and ears of the underground militants,” arrange hideouts, transport weapons from safe havens to places where militants plan to carry out strikes, keep an eye on movements of security forces, distribute separatist literature and engage in hate campaigns against the security forces ([Outlook India](#)).

The arrest of Mr. Parvez followed a tense week in Kashmir. The region witnessed furious demonstrations after the deaths of four civilians, including a dentist and a shopkeeper, who were killed in a violent encounter with government forces in the Hyderpora area of Srinagar city on November 15 ([Guardian](#)). The J&K police initially described the encounter as a counter-insurgency operation with a “terror module” in which two militants and an OGW had been killed in the crossfire. The dead bodies of the victims were not returned to the family members -- a new policy of the Indian government to deny funerary rights to the families, citing law and order considerations ([New York Times](#); see also [Scroll India](#) for similar cases earlier in 2021). Victims’ family members challenged the government’s allegations that the victims were militants and claimed that these civilians had been used as human shields and then “killed in cold blood” ([Kashmir Observer](#)). In her press statement, the emotionally distraught young daughter of one of the civilians killed by the security forces claimed that when she asked the police officers what they had done to her father, they laughed at her ([The Quint](#)). This video statement circulated widely on social media. Following widespread public outrage, the bodies

of two civilians were exhumed on Thursday ([Washington Post](#)), and the J&K Lieutenant General has ordered a magisterial probe into this issue.

In the past weeks, journalists have been increasingly concerned about harassment and threats of arrest in the context of a longer gradual process of dismantling freedom of the press. Articles critical of the national government [are being erased](#) from the websites of local news outlets. The day following Mr. Parvez's arrest, the J&K Estates Department sealed off another prominent English language newspaper, *Greater Kashmir*, and then evacuated and sealed off the entire block of media offices known as "Press Enclave" in Srinagar city ([Outlook India](#)). The block of offices is not accessible at this time. This follows a similar action that occurred in October 2020, when the J&K Estates Department sealed the Srinagar office of the *Kashmir Times*, one of the oldest English dailies in the state, purportedly because the newspaper's well-known editor Anuradha Bhasin had filed a petition in the Supreme Court against the communication blockade that was imposed in Kashmir on August 5, 2019 ([Outlook India](#)).

NIA Targeting of Human Rights Defenders in Kashmir

The raids and subsequent arrest follow a series of NIA raids in October 2020 on the houses and offices of several human rights defenders, non-governmental organizations, a journalist, and a newspaper office in Kashmir Valley. The October 28, 2020 NIA actions in Kashmir were covered by international media ([Washington Post](#), [AP News](#)), Indian media ([India Today](#), [Times of India](#)), and Kashmiri media ([Kashmir Watch](#), [Kashmir Observer](#)). The [Observatory for the Protection of Human Rights Defenders \(FIDH & OMCT\)](#) issued a statement requesting urgent intervention.

At that time, the [NIA issued a statement](#) alleging that JKCCS and other NGOs and trusts are "raising funds in India and abroad in the name of charitable activities" for "carrying out secessionist and separatist activities in J&K." The NIA criminalizes freedom of speech and expression by identifying local, national and international intellectual space against the Indian government as part of terror activity. [NIA sources have stated](#) that the "individuals in question are sophisticated and used 'pen' instead of weapon."

Since 2017, the NIA has been conducting raids in Jammu & Kashmir under the direct command of Narendra Modi's central government focusing on allegations of "terror funding." Constituted in 2008, the NIA is responsible for the investigation and prosecution of offences allegedly affecting the national security, sovereignty, and integrity of the nation. The NIA is known for investigating cases under the stringent anti-terror Unlawful Activities Prevention Act (UAPA). **Through a 2019 amendment, the UAPA authorizes police to conduct warrantless searches and arrest individuals for up to six months, designating them as terrorists, without a trial or bail. The previous versions of the Bill allowed for only groups to be designated as terrorists.**

In recent years, the harsh and expansive UAPA has been used in Jammu & Kashmir to intimidate, charge, and arrest [pro-freedom leaders](#), [newspaper editors](#), [journalists](#), [funeral mourners](#), [social media users](#), [internet VPN users](#), and others. In 2019, [255 cases were registered under the UAPA](#) in Jammu & Kashmir. In its [2019 Annual Human Rights Report](#), JKCCS

reports that at least 40 people were arrested under UAPA *in the town of Handwara alone* following the abrogation of Article 370 on August 5. In September 2020, the J&K Police charged ten Kashmiri boys under UAPA for allegedly taking part in a cricket tournament held “in the memory” of a slain militant. In October 2021, J&K police filed criminal cases under UAPA against the students of two medical colleges for celebrating Pakistan’s cricket victory against India in the T20 World Cup ([Al Jazeera](#); [Outlook India](#)).

The UAPA criminalizes dissent through [intimidation, harassment, and deprivation of liberty](#), using overly-broad categories of “sedition,” “separatism,” and “secession.” In April 2020, Amnesty International [called on the Government of India](#) to immediately cease the intimidation of journalists through UAPA in Jammu & Kashmir (see also statements by [Reporters Without Borders](#) and the [Committee to Protect Journalists](#)). **The UAPA is an abuse of power, a threat to civil liberties, and, in the context of Kashmir, an instrument of state occupation and terror through counter-insurgency governance in a context of illegal occupation and international dispute.**

On September 25, 2020, [Khurram Parvez commented on the UAPA](#) that “The act terrorizes the society... It’s used to create an atmosphere of fear, an atmosphere of subjugation. Even if the person booked under UAPA is not arrested, the fears loom over the head.”

Conclusion

The Kashmir Scholars Consultative and Advocacy Network calls on all states committed to the protection of human rights and democracy, and the United Nations, to urge Indian authorities:

- to immediately and unconditionally release and drop all charges against Khurram Parvez;
- to end harassment, intimidation, and persecution of Kashmiri human rights defenders as well as journalists, civil society members, scholars, artists, professionals, and others exercising freedom of speech and expression;
- to cease the use of repressive laws to criminalize dissent in Kashmir;
- and to repeal the Unlawful Activities (Prevention) Act.

These actions constitute critical initial steps towards the goal of resolving the Kashmir dispute through a people’s referendum on the region’s political future, in accordance with UN security council resolutions.

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The Kashmir Scholars Consultative and Advocacy Network is an interdisciplinary group of scholars of various nationalities engaged in research on the region of Kashmir. Our research on the Kashmir conflict addresses its history, its consequences for the region and beyond, and its possible resolution. It examines the implications for an internationally mediated political solution, and is of relevance to policy makers.

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