





KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR November 1, 2022 - December 31, 2022

SUMMARY

In November and December 2022, Indian authorities continued to commit grave human rights violations in Indian-administered Kashmir (IAK). Indian forces killed at least one person in November and nine people in December. Indian forces also claimed to have killed two people who crossed the Line of Control from Pakistan-administered Kashmir (PAK) and apprehended one such person in November. In December, two civilians who worked on an Indian military base were shot and a third was critically wounded as they entered the base.

Indian authorities continued their systematic suppression of the freedom of expression and violations of the social, economic, cultural, and political rights of Kashmiris. The homes of numerous journalists and one lawyer were raided by Indian authorities. One person was sentenced to prison based on social media posts. Authorities expropriated private property worth crores of Indian rupees (or millions of US dollars) for purported terror connections. The Jammu & Kashmir administration announced new land grant rules which authorize the dispossession of local businesses from land subject to long-term leases in contravention of custom and the intent of such leases, facilitating the redistribution of valuable real property rights to non-locals. The administration also unveiled plans to create a database of Kashmiri families in the territory, heightening credible concerns regarding surveillance, silencing, reprisals, and transnational repression. The state-run Jammu and Kashmir Waqf Board contravened long-standing custom by dispossessing local, community-based shrine and mosque committees, bringing Muslim cultural and religious institutions under direct state control. Outside of IAK, Kashmiri students in Uttar Pradesh suffered discrimination and harassment on campus.

Finally, numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained. In a case emblematic of the repression against Kashmiri journalists, Aasif Sultan, arbitrarily detained on August 27, 2018, remains illegally imprisoned. As of the date of this publication, Sultan has been detained for 1,604 days. In a case emblematic of the repression against Kashmiri human rights defenders and civil society, Khurram Parvez, arbitrarily detained on November 22, 2021, remains illegally imprisoned in a maximum-security facility in New Delhi. As of the date of this publication, Parvez has been detained for 421 days. Due to ongoing repression by Indian authorities, key developments in the human rights situation in IAK have likely gone unreported.

KILLINGS AND EXCESSIVE USE OF FORCE

A new academic study published in *The Indian Journal of Ophthalmology* showed that most of those maimed by Indian forces' use of shotguns as a "non-lethal" means of crowd control in IAK between July and November 2016 suffered some degree of vision loss.

Additionally, about 80% of the studied victims had vision limited to only "counting fingers." The study "strongly advised against the use of pellet guns on civilians" due to the risk of "poor vision, high cost of medical care and long-term rehabilitation." While Indian forces continue to use shotguns against civilians in IAK, they maimed the highest number of victims in 2016 in response to widespread public protests, resulting in what has been referred to as the world's first mass blinding.

<u>Indian forces killed Sajjad Tantray in a November fake encounter</u>

On November 19, 2022, Indian forces killed Sajjad Tantray in a "fake encounter." Tantray was from Kulgam and was in police custody when he was killed. Police reported taking him, while in custody, to assist with the "identification" of a "suspected terrorist hideout" in Cheki Dudoo, Bijbehara, Anantnag where he was killed, purportedly when "terrorists opened fire." Police labeled Tantray a "hybrid militant." Kashmir Zone Police stated that Tantray had previously attacked two laborers on November 13, 2022. On Nov. 21, 2022, in response to Tantray's killing, the All Parties Hurriyat Conference expressed "grave concern and anguish over the cold-blooded custodial killings of young boys" in Kashmir.

<u>Note</u>, the label "hybrid militant" or "hybrid terrorist" is typically applied by Indian authorities in cases where a Kashmiri civilian has no apparent connection to resistance activities. They thereby claim that ordinary Kashmiri civilians are in fact undercover terrorists. Kashmiris understand the label is used to justify killing civilians.

<u>Indian forces claimed to have killed two people who crossed the Line of Control from PAK and</u> apprehended one

On November 22, 2022, an <u>Indian Border Security Force (BSF) spokesperson claimed</u> to have killed one person who crossed the Line of Control from PAK and arrested another. <u>A few days earlier</u>, Indian forces claimed to have killed another person who crossed the Line of Control from PAK. Like in the August 2022 case of <u>Tabarak Hussain</u>, people killed by Indian forces in areas near the Line of Control are frequently civilians <u>labeled</u> by Indian forces as "intruders" or "terrorists."

Indian forces killed three men in a purported military operation in December

Jammu Kashmir police claimed three individuals were <u>killed in an Indian military operation</u> in Munjh Marg, Shopian, Kashmir. Officers identified two of those killed as Lateef Lone and Umer Nazir. <u>Kashmir Zone police claimed</u> Lone was involved in the killing of Kashmiri Pandit Purana Krishna Bhat, and Nazir was involved in the killing of Till Bahadur Thapa of Nepal. However, the

killing of Lateef Lone, at least, was a "fake encounter" killing. Lone, a resident of Kachdoora, Shopian, Kashmir, was arrested by the Jammu Kashmir Police's Special Operations Group in November. Lone had not been released from custody when Jammu Kashmir Police announced his killing in an alleged military operation.

Protests erupted after the death of two civilians in Rajouri, Jammu

On December 16, 2022, two civilians were killed and another wounded at an Indian military base in Rajouri, Jammu. The three men were identified as Surinder Kumar, Kamal Kishore, and Anil Kumar. The men worked as laborers at the base. The Indian army claimed the men were shot during a "firing incident by unidentified terrorists" as they entered the base. However, locals reported that the men were shot by Indian forces from the base. While assembly and public protest are not generally permitted in IAK, protests took place in this Hindu-majority area on December 16, 2022 in response to the shooting of these Hindu men. Hundreds of protesters gathered to throw stones at the military camp and block a section of the highway. While victims of violations in IAK rarely receive prompt or adequate compensation from Indian authorities, on December 17, 2022, Manoj Sinha, the Indian-appointed chief executive of Jammu & Kashmir, announced an executive of 3 samules of those killed.

Indian forces killed four people in a truck at a checkpoint in Sidhra, Jammu

<u>Jammu Kashmir Police</u> claimed that those killed on or around December 30, 2022 were militants, and that their truck incidentally caught fire in a military operation. Local sources reported that the truck stopped as ordered by Indian forces and that there was, in fact, no confrontation or military operation. Indian forces set the truck, which was loaded with hay, on fire, torching the truck with four people inside.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Indian authorities questioned numerous journalists and raided their homes

On November 19, 2022, Jammu Kashmir Police <u>raided dozens of homes</u>, mostly belonging to journalists and one lawyer who has represented some journalists in court proceedings. On November 24, 2022, police raided the homes of three additional journalists. <u>According to police</u>, seized materials include "mobiles, laptops, memory cards, pen-drives & other digital devices, documents, bank papers, rubber stamps, passports, other suspect papers, cash, Saudi currency etc." Police claimed the raids were in response to anonymous online <u>threats accusing 21 journalists</u> who mainly work with *Greater Kashmir*, *Rising Kashmir*, and the Asian News Network of collaborating with Indian security agencies. The Editor-in-Chief of *Kashmir Reader*, Haji Hayat Mohammad Bhat, was among those whose homes were raided on November 24, 2022. In response to the raids, his paper <u>accused the Indian authorities of harassment</u> by "hounding" their office. The newspaper stated, "These attacks, both overt and covert, mounted from the high offices of authority have worn down the resources of this newspaper, so much so that it is now on the verge of closure with staff laid off, revenues negligible, and print-run

dwindling." Indian authorities have <u>particularly targeted</u> Kashmir journalists and independent media since August 2019. *Article 14* <u>recently summarized</u> a number of related issues with a focus on violations that occurred in 2022.

Kashmiri journalists disproportionately targeted by Indian authorities for arbitrary detention

According to the <u>Committee to Protect Journalists</u>, seven journalists are currently imprisoned by Indian authorities. Of these, <u>four are from Jammu & Kashmir</u>. Six of the seven are being held under the Unlawful Activities Prevention Act. Three have been imprisoned for over a year. In addition, <u>Khalid Gul</u>, a retired journalist who was previously associated with Greater Kashmir, was arrested by Indian Police on December 6, 2022. His residence was one of those raided by Jammu Kashmir Police on November 19, 2022. *See above the entry titled "<u>Indian authorities</u> questioned numerous journalists and raided their homes."*

One individual was sentenced to prison based on Facebook posts

<u>Faiz Rasheed</u>, an engineering student arbitrarily detained for 3.5 years, was fined and sentenced to prison for Facebook posts that allegedly celebrated a 2019 attack on Indian military personnel in which Indian soldiers died. He was sentenced to concurrent sentences of five years under the Unlawful Activities Prevention Act (UAPA), three years under Section 153A of the Indian Penal Code for "promoting enmity between different groups on grounds of religion," and three years under Section 201 of the Indian Penal Code for "causing disappearance of evidence."

Jammu & Kashmir disproportionately suffered from internet shutdowns

A recent report indicates that of the 690 documented times that India shutdown the internet since 2012, 418 were in Jammu & Kashmir. The longest communication blockade between 2012-2022 occurred in the region when the internet was shut down for 552 days starting on August 4, 2019. Internet shutdowns are a form of collective punishment and a violation of a fundamental right that results in myriad violations with substantial impacts on people and businesses. A report by the Kashmir Chamber of Commerce and Industries estimated that from August 5, 2019, to July 2020, firms experienced losses totaling ₹40,000 crore (approximately \$4.9 billion USD), and 496,000 people in Kashmir (approximately 7% of the total population) lost their jobs as a result of the 2019 shutdown.

REPRESSION OF HUMAN RIGHTS DEFENDERS

Human rights defender Khurram Parvez arbitrarily detained for over a year

November 22, 2022 marked a full year of arbitrary detention for human rights defender Khurram Parvez. The Indian National Investigation Agency <u>raided Parvez's home and office</u> and arbitrarily detained him on November 22, 2021. On May 13, 2022, he was <u>charged</u> under the Indian Penal Code and the Unlawful Activities Prevention Act (UAPA) with conspiracy to wage war against India and conspiracy to further and commit terrorist acts. Parvez continues to be

held in a maximum-security prison. <u>Twelve international human rights organizations</u>, including Amnesty International and Human Rights Watch, called for his release. <u>UN experts</u> also reiterated their demand for his immediate release, and Mary Lawlor, the UN Special Rapporteur on Human Rights Defenders, <u>tweeted</u> "<u>#UAPA</u> must be brought into line with international law."

Parvez has been a respected global human rights advocate for over two decades. Parvez has done exemplary work on torture, extrajudicial killings, involuntary disappearances and landmine removal. He has defended human rights in IAK, India, Pakistan, East Timor, the Philippines and Sri Lanka. Because of his human rights work, the Indian government denied Parvez the right to travel and has previously harassed, charged, and detained him. In April 2004, while on a civil society election monitoring mission, Parvez suffered severe injuries and lost a leg in an IED explosion. Parvez was previously recognized with the Reebok Human Rights

Award. In 2022, he was recognized as one of Time's "100 Most Influential People of 2022" and nominated for the APDHE (Asociación pro derechos humanos de España) human rights prize.

Harassment of senior Kashmiri human rights lawyers continues

On November 24, 2022, the Jammu and Kashmir and Ladakh high court issued summons for three senior Kashmiri human rights lawyers based on complaints of alleged misconduct. The lawyers are Mian Abdul Qayoom, Ghulam Nabi Thoker alias Shaheen, and Nazir Ahmad Ronga. Indian authorities have alleged that they are "anti-national," "anti-government" and supporters of "Hurriyat ideology." All three were arbitrarily detained under the Public Safety Act in 2019.

These lawyers were senior members of the Jammu & Kashmir High Court Bar Association, the primary professional organization providing legal aid to victims of human rights violations in IAK, which Indian authorities have prevented from continuing to operate. Qayoom was the organization's president and has been particularly targeted for raids, defamation, and arbitrary detention. Qayoom has been a prominent advocate for victims of human rights violations in IAK. He is renowned for his *pro bono* representation in *habeas corpus* proceedings of people preventively detained pursuant to the Public Safety Act and has been an outspoken critic of arbitrary and preventive detention in Kashmir. He was previously targeted for his advocacy, including through prior detentions in 1990, 1992, 2008, 2010 and 2016. He has survived two assassination attempts and lives with bullet injuries, including to his spine. Qayoom was arrested on August 5, 2019 and remained imprisoned despite failing health until July 2020.

EXPROPRIATION OF LAND, ILLEGAL OCCUPATION OF LAND, TAKING OF PROPERTY, DESTRUCTION OF PROPERTY

<u>Indian authorities seized millions of dollars worth of property based on purported terror connections</u>

In a widening campaign of collective punishment and reprisals against Kashmiris for dissent, Indian authorities continued to escalate their forced taking of private property. On November 4, 2022, the Directorate of Enforcement attached the house of Shabir Ahmad Shah under the

Money laundering Act. Shah is a leading pro-self-determination Kashmiri political activist. Most property seized in November and December was due to alleged ties to Jamaat-e-Islami Jammu & Kashmir (Jel), a leading Islamic socio-religious movement founded in Jammu & Kashmir in 1953 and banned by Indian authorities in February 2019. On November 10, 2022, the State Investigation Agency (SIA) sealed nine properties, allegedly belonging to Jel, in the Shopian district. Indian authorities seized eleven properties on November 26, 2022, and another eleven properties on December 17, 2022. On December 19, 2022, the district magistrate of Srinagar ordered the sealing of three additional properties, including a two-story residential building. On December 24, 2022, nineteen additional properties and structures were seized during SIA raids in multiple locations in Kashmir. A SIA spokesperson claimed the Jel properties were sealed "as part of efforts to choke the availability of funds for secessionist activities and to dismantle the ecosystem of anti-national elements and terror networks hostile to India's sovereignty."

The State Investigation Agency (SIA) searched the house of a Hurriyat leader

On December 3, 2022, the <u>SIA searched the house</u> of All Parties Hurriyat Conference leader Mohammad Ashraf, among other locations in IAK.

Indian authorities demolished a house allegedly built on government land

The <u>home of Ashiq Nengroo</u> was demolished on December 10, 2022. Indian authorities previously declared Nengroo as a Jaish-e-Mohammed (JeM) militant.

New land grant rules were announced for IAK

On December 13, 2022, the Jammu & Kashmir administration mandated that all lessees of government-owned land turn their leased property over to the government or face eviction. Historically, the Jammu & Kashmir state furnished long-term leases to agricultural and commercial interests. The expectation of all parties was that such leases would be renewed upon expiry. Since 2019, the Jammu & Kashmir administration has refused to renew leases. Instead, the government has mandated the reversion of the land to the state so that the state can auction the associated land rights online. This represents a substantial and socioeconomically significant change to land policies in IAK. Business owners, particularly in the tourist industry, face expropriation of their infrastructure and the shutting down of their businesses, as most tourist facilities are built on leased land. Many educational institutions also operate on leased land and are likely to be affected. The new rules could cause ownership change in significant portions of IAK, including all of Gulmarg and parts of Srinagar, Pahalgam, and Patnitop. The land could be leased to outsiders. In keeping with recent Jammu & Kashmir government practice, the expectation among Kashmiris is that a purpose of the new rules is to give land interests to Indians, particularly those allied with the ruling BJP.

The Jammu & Kashmir administration approved land transfers for security purposes

The Jammu & Kashmir administration approved land transfers for various projects. Notably, state land was transferred for the establishment of an Indian military border observation post and a firing range.

For more on **EXPROPRIATION OF LAND**: See also the entry titled "<u>Indian authorities questioned numerous journalists and raided their homes</u>" under **RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION**

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

A protest march was organized in response to the Indian government's decision to include non-Scheduled Tribe (ST) people into the ST category

Many Gujjar and Bakerwal people participated in a <u>protest march</u> that began on November 4, 2022 in Kupwara. The march was "aimed at defending the rights of the tribals of Jammu and Kashmir." The Gujjar-Bakerwal community is the third largest ethnic group in Jammu & Kashmir, and the group maintains that the government decision to include non-Scheduled Tribe (ST) people into the ST category is not justified. "They contend that opportunities for education and employment may be lost due to the inclusion of Paharis and other castes in the ST category." In keeping with recent Jammu & Kashmir government practice, the expectation in IAK is that these changes are meant to disproportionately benefit and empower groups allied with the ruling BJP.

700,000 new voters added to electoral rolls in Jammu & Kashmir

On November 25, 2022, the <u>Jammu & Kashmir final electoral rolls</u> were published following a five-month revision process. Over 700,000 new voters were added to the rolls. The expectation in IAK is that these new voters are disproportionately supporters of the ruling BJP and another in a series of moves to further disempower Muslims, especially Kashmiri Muslims, in Jammu & Kashmir. The new voters may include <u>migrants from India and military personnel</u>. At the same time, certain indigenous Muslim residents of Jammu & Kashmir lost their right to vote.

ECONOMIC DISEMPOWERMENT

IAK continues to suffer a minimal and erratic power supply

This winter, there have been <u>complaints of low or erratic power supply</u> throughout the Kashmir valley. Many businesses suffered setbacks as they were unable to operate during work hours. <u>According to Aijaz Shahdhar</u>, president of the Kashmir Traders Alliance, "the electricity is off most of the day." According to the <u>power curtailment schedule</u> issued by the Kashmir Power Distribution Corporation Limited, metered areas in Srinagar face 4.5 hours of power cuts each day, and non-metered areas face 8 hours. In practice, people in IAK report even less availability of electricity, which sometimes is made available in increments as short as 15 minutes.

For more on **ECONOMIC DISEMPOWERMENT**: See also the entry titled "<u>Communications</u> shutdowns" under **RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION**

ARBITRARY DETENTION

The backlog of UAPA cases prolongs detention and primarily affects Jammu & Kashmir

Reports indicate that as of November 28, 2022, Jammu Kashmir Police were investigating 1,335 UAPA cases, of which 1,214 were in Kashmir. 20-25 UAPA cases are reportedly heard in Jammu & Kashmir courts each day. 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 remains low in these cases.

For an example of prolonged detention in UAPA cases, see the entry titled "One individual was sentenced to prison based on Facebook posts" under **RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION**

Numerous individuals continued to be arbitrarily detained by Indian authorities

On December 2, 2022, Mirwaiz Umar Farooq, a Muslim religious leader and president of the Anjuman Auqaf Jamia Masjid Srinagar, completed 40 consecutive months in arbitrary detention. Although he is the authorized Friday sermon-giver at Srinagar's Jamia Masjid, he has been prevented from leading 171 consecutive Friday prayers due to his prolonged, ongoing arbitrary detention. Sofi Fehmeeda, a Kashmiri political activist, has been arbitrarily detained for five years. Her family reported on November 28, 2022 that she has been bedridden for weeks and is being denied medical care in Delhi's maximum-security Tihar Jail, where her health is rapidly deteriorating.

A Kashmiri imam was granted bail after ten months of arbitrary detention without trial

The Indian National Investigation Agency arrested Javaid Ahmed Lone, a Kashmiri imam and a member of Jamaat-e-Islami Jammu & Kashmir (JeI), on February 15, 2022 for funding terror by promising a man financial help to build a house and giving another man ₹500 (approximately \$6 USD) to treat his daughter's illness. A Delhi court granted him bail on December 21, 2022. The court noted "[h]elping a person build a house or providing financial help to a man for his daughter's medical treatment cannot be considered as incriminating."

ENFORCED DISAPPEARANCE

On the evening of December 15, 2022, <u>Abdul Rashid Dar was forcibly taken from his home by the Indian</u> army's 41 Rashtriya Rifles unit, purportedly to answer questions about an investigation. The next morning, Indian army representatives told his family that Dar was still being questioned. Later that day, army personnel claimed Dar had escaped from their custody

during a search operation. Dar has not returned and has not been heard from since his detention. An Indian army commander reportedly told the family that they had beaten him up while in custody. Dar is at least the third civilian since 2017 who has gone missing after being detained by the Indian army. Between 1990 and 2017, an estimated 8,000 to 10,000 Kashmiris were victims of enforced disappearance. Article 14 recently published an article with more detail about Abdul Rashid Dar's detention and disappearance.

Dar was a resident of Kunan, Kupwara, Kashmir. Kunan is one of the two adjacent villages (the other being Poshpora) in which, on <u>February 23-24, 1991</u>, at least 400 personnel of the 4 Rajputana Rifles, 68 Mountain Brigade, gang-raped at least 40 women, including at least 3 minors, and tortured at least 12 men. Indian soldiers trampled and killed a four-day-old girl while raping her mother and maimed another infant girl. One of the torture survivors, Abli Dar, died due to medical complications from the amputation of a leg necessitated by his torture. Despite attempting to seek justice for decades through Indian institutions, Indian authorities have denied justice to the victims of the violations of the Kunan-Poshpora mass rape.

STATE SURVEILLANCE

The Jammu & Kashmir administration announced plans to create a database of families

Reportedly, the database would identify each family in Jammu & Kashmir and collect basic information about the family. The database would then be used to determine eligibility for social benefits. In recent years, Indian authorities have enhanced physical and technological <u>surveillance</u> in the region, including <u>CCTV</u> and <u>facial recognition</u> systems as well as the use of spyware like NSO Group's <u>Pegasus</u>. They have also intensified <u>social media surveillance</u> of Kashmiris, including through dedicated police resources and vigilante groups. Kashmiris have described the effect of the measures as a "<u>lockdown on thoughts</u>" and a "panoptic society."

VIOLATIONS OF RELIGIOUS AND CULTURAL RIGHTS

Jammu & Kashmir administration disbanded local committees of Muslim shrines and mosques

On <u>December 17th</u>, the Jammu & Kashmir Waqf Board, which is now run by the Jammu & Kashmir state, issued an order voiding all local, community-based committees for Muslim shrines and mosques. Traditionally, local committees were independent of the state and exercised "<u>considerable control over the places of worship</u>." Through this order, the Jammu & Kashmir state has expanded its control over Muslim religious institutions and practice in IAK.

DISCRIMINATION AGAINST KASHMIRIS IN INDIA

<u>Kashmiri students at Uttar Pradesh's Aligarh Muslim University faced attacks and discrimination.</u>

Students from Jammu & Kashmir at Aligarh Muslim University (AMU) reported that <u>they are</u> <u>being discriminated against</u> and organized a protest after multiple students were attacked.

Shortly after the attacks, <u>reports emerged</u> that AMU is collecting information about Kashmiri students to share with the Superintendent of Police. Administrators at AMU asked the deans of various departments to complete a form listing the total number of students in that department and the total number of students from Jammu & Kashmir in that region. Kashmiri students were asked to complete a similar form with demographic and personal information. This is a recent incident of the longstanding <u>targeting</u>, <u>discrimination</u> and <u>surveillance</u> faced by Kashmiris, especially Kashmiri students, in India.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

The Legal Forum for Kashmir (LFK) published its <u>Annual Human Rights Review</u> for 2022 regarding the human rights situation in IAK. Among other findings, KLF identified at least 312 killings (181 resistance fighters, 45 civilians and 86 Indian forces personnel), at least 199 Cordon and Search Operations and Cordon and Destroy Operations (forms of collective punishment that result in myriad other violations), at least 116 encounters between Indian forces and resistance fighters and the destruction of at least 212 civilian properties.

The eminent international legal scholar, Dr. Richard Falk, published On Justice for Kashmir, a brief historical-legal overview of the situation in IAK.

The University of Virginia School of Law International Human Rights Clinic published "<u>Digital Authoritarianism in Indian-Administered Jammu and Kashmir (IAJK): Legal Analysis on the Culpability of Social Media Platforms and Guide to Accountability," an analysis of the role of social media companies in aiding and abetting human rights violations in IAK.</u>

Anuradha Bhasin, one of IAK's foremost journalists, published <u>A Dismantled State: The Untold Story of Kashmir After Article 370</u>, a book discussing the August 5, 2019 constitutional changes imposed by India on IAK (including the "abrogation" of Article 370 of India's constitution) and their aftermath.

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