





KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR May 1, 2023 - May 31, 2023

SUMMARY

In May 2023, Indian authorities continued to commit grave human rights violations in Indianadministered Kashmir (IAK). The G20 Tourism Working Group meeting was held in Srinagar, Kashmir from May 22-25, drawing widespread criticism. During the meeting, Indian authorities made false claims that the Kashmiri press enjoyed "absolute freedoms" and dismissed criticism regarding the human rights situation in IAK. Leading up to the meeting, the Indian government heightened security checks, increased raids and arbitrary arrests, and closed schools and stores. There was also an increase in reported extrajudicial killings, with Indian forces killing at least 12 people in IAK. Meanwhile, political and economic disempowerment continued in the region. For a summary of the human rights impact of the G20 meetings in Srinagar, please see ANNEX: Reported Human Rights Consequences of the G20 in IAK.

Indian authorities continued to suppress the right to freedom of expression, specifically targeting Kashmiri journalists. Numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained, despite calls from human rights groups for their release. In a case emblematic of the repression targeting 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 1,754 days. In a case emblematic of the repression targeting 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 571 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

At least 12 people extrajudicially killed in IAK in May 2023

On May 3, 2023, Indian forces – specifically the Indian Army and the Jammu and Kashmir Police's Special Operations Group – <u>killed two people</u> near Machil, Kupwara district near the Line of Control (LOC), the cease-fire line between India and Pakistan. Indian Army public relations officer Col. Emron Musavi claimed the people were "militants." On May 4, 2023, Indian forces <u>killed two people</u> in Kreeri, Baramulla district, Shakir Majid Najar and Hanan Ahmad Seh from the Shopian district. Director General of Police Vijay Kumar claimed they were "militants." On May 5, 2023, Indian forces <u>killed two people</u> in Wanigam, Payeen, Baramulla district. The same day, the Indian military reported that <u>five soldiers were killed</u> by an explosive device. On May 6, Indian forces – specifically a joint Indian army, paramilitary and police team – <u>killed</u> two people in the Rajouri district, alleging that they were "militants." On the same

day, Indian forces <u>killed another person</u> in Kunzer, Baramulla district. Also on May 6, 2023, Indian forces <u>killed Abid Wani</u> of Yarhol, Babapora, Kulgam district. A police spokesperson claimed Wani was a "terrorist." Indian forces killed Wani after a cordon and search operation, a frequent form of collective punishment in IAK in which an entire community or neighborhood is arbitrarily detained and which frequently results in other grave violations. On May 15, 2023, Indian forces <u>killed a woman</u> near the LOC in Kamalkote, Baramulla district. Indian officials claimed she was an "intruder." Her name was <u>Parveena Fatima</u>, a 55-year old resident of a community near LOC in Pakistan-administered Kashmir who, according to her family, was collecting firewood when Indian forces shot and killed her. On May 20, 2023, Indian forces <u>killed a person</u> near the LOC in Mendhar, Poonch district. Indian media claimed the person killed was an "intruder."

Indian officials and media typically claim that anyone who is a victim of state violence or violations, or anyone who stands for rights or accountability for violations, in IAK is a "terrorist," "militant," "secessionist" or "anti-national." In the case of killings and other violations near the LOC, they typically claim that victims of state violence or violations are "intruders" or "terrorists." These labels obscure the reality of legitimate violations while helping to ensure no impartial investigation or accountability occurs for such violations.

For more background on the long history of custodial killings through torture in IAK and impunity for those violations, see "Torture, custodial killings continue to haunt lives in Jammu and Kashmir" (Frontline, May 4, 2023). Specific cases discussed include the killings of Abdul Rashid Dar (2022), Muneer Lone (2022), Irfan Ahmad Dar (2020), Rizwan Pandit (2019), Shabir Ahmed (2016) and Fayaz Shah (1994).

Jammu & Kashmir police claimed "terrorists" targeted and killed civilian

On May 29, 2023, Jammu & Kashmir Police said a "civilian" named Deepu from Udhampur, Jammu was shot and killed in Anantnag district. Police said that "terrorists" from an obscure group claimed responsibility for the killing. While the failure to transparently investigate is a longstanding and ongoing problem in IAK, there is a long history of violations that Indian authorities claim are committed by "unidentified gunmen," "unknown terrorists," or "new" or "little-known" groups and for which state actors appear responsible.

BJP official targeted Balhama residents for abuse

On May 31, 2023 Jammu and Kashmir Police <u>filed a case</u> against Aijaz Hussain Rather, a BJP leader and government official, for "wrongful restraint and voluntarily causing hurt." The case was filed after other government officials lodged a public complaint. Hussain reportedly assaulted and injured a man and has otherwise committed violations targeting the residents of Balhama, Srinagar.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Repression targeting journalists continued in IAK, despite government claims of a free press

In response to a French journalist's question during the G20 summit meeting in IAK, the Indianappointed chief executive of Jammu & Kashmir, Manoj Sinha, <u>claimed</u> the Kashmiri media enjoyed "absolute freedom." In reality, IAK is an unfree space where through <u>systematic harassment</u> of journalists and the implementation and enforcement of coercive censorship policies which experts have called <u>Orwellian</u>, independent media have largely ceased to operate. Recent analyses describe how Indian authorities <u>make it impossible</u> for Kashmiri journalists to work, how Kashmiri journalists are <u>silenced, intimidated and surveilled and self-censor</u>, and the <u>psychological toll of Indian authorities'</u> <u>relentless targeting</u> of Kashmiri journalists.

While IAK is more severely repressed than India, India is currently <u>ranked 161st</u> out of 180 countries in the World Press Freedom Index. A recent analysis from <u>Reporters with Borders</u> describes the poor state of press freedom in India. Social medical companies, including Twitter, <u>continue to abet and exacerbate</u> this problem, including by silencing journalists, dissenters and human rights defenders at the Government of India's request. <u>International journalists have also been systematically targeted</u>, including for attempting to report on the human rights situation in IAK. The current persecution of the BBC is emblematic and <u>remains ongoing</u>.

Repression targeting artists, poets and other dissenters continued in IAK

In addition to journalists, <u>poets</u>, <u>artists</u>, <u>satirists</u> and <u>youtubers report</u> continued targeting by Indian authorities for speech that addresses realities disfavored by those authorities, especially human rights violations in IAK. Many self-censor in order to avoid targeting and harassment. Such self-censorship among Kashmiri dissenters remains an <u>ongoing trend</u>.

ARBITRARY DETENTION

On May 15, 2023, the <u>Indian Army arbitrarily detained Mohammad Usman</u>, a 30-year old resident of Larela village of Kotli in Pakistan-administered Kashmir along the LOC. The Indian Army labeled him an "intruder." For more information on the "intruder" narrative in IAK, see the entry titled <u>At least 12 people</u> were extrajudicially killed in IAK in May 2023 under **KILLINGS AND EXCESSIVE USE OF FORCE**.

On May 15, 2023, <u>India's National Investigation Agency (NIA) added charges against Faisal Muneer</u> of Talab Khatikan, an area under Police Station Peer Mitha in Jammu, for being an "over-ground worker" in a "conspiracy." An "over-ground worker" is someone who is not overtly involved in any unlawful activity under Indian law but who Indian authorities contend is participating in a conspiracy to commit unlawful activities, in this case purportedly to transport weapons.

On May 18, 2023, the <u>Jammu & Kashmir Police arbitrarily and preventively detained Tawseef Ahmed Parray of Andergam, Pattan, Ghulam Mohammad Lone of Lachipora, Uri and Shahzad Ahmad Malik of Singhpora, Pattan under the Jammu & Kashmir Public Safety Act (PSA). Parray, Lone and Malik were transported from North Kashmir to Jammu and held in Kot Bhalwal Jail, Jammu. The police indicated that they were "acting tough against anti-national elements" who despite facing multiple charges "did not mend their anti-national activities."</u>

On May 19, 2023, a special NIA court charged Bashir Ahmad Mir of Alocha Bagh, Srinagar, in an alleged terror funding case. Mir is a senior leader of All-Parties Hurriyat Conference (APHC), the popular coalition of pro-self-determination parties in IAK whose leaders have been arbitrarily detained *en masse*, several of whom have been killed in custody. In their investigation, the Indian-appointed Jammu & Kashmir administration's State Investigation Agency (SIA) stated that they had "been able to touch the nerves of nefarious elements involved in various overt and covert acts of propaganda and criminal proliferation at the international level to overawe the government machinery and harm the unity, sovereignty, integrity, and security of India." The SIA claimed Mir was a "hardcore propagandist and

conspirator" who had "been found instrumental in knitting anti-India propaganda outside India besides promoting disaffection among the peaceful public, particularly impressionable youth." Special NIA courts afford less due process and rights to the accused than even ordinary Indian courts.

On May 26, 2023, the 17 Battalion of the Indian Army's Rashtriya Rifles, the 52 Battalion of the CRPF and Jammu & Kashmir Police arrested Mohd Yousaf Chouhan of Cherji, Kisthwar district, claiming that he was an "active associate of the Hizbul Mujahideen." Also on May 26, 2023, the Jammu & Kashmir Police arbitrarily and preventively detained Javaid Hussain Yatoo of Goshbugh, Pattan, Jan Nisar Khaliq Ganai of Chanderhama, Pattan, Abid Parvaiz Hajam of Andergam, Pattan, and Nisar Ahmad Wani of Sultanpora, Pattan under the PSA for alleged "anti-national activities." Yatoo, Gania, Hajam and Wani were transported from North Kashmir to Jammu and held in Kot Bhalwal Jail, Jammu. The Police indicated that they were "acting tough against anti-national elements" who despite facing multiple charges "did not mend their anti-national activities." On May 27, 2023, the Indian Army's Rashtriya Rifles (52 battalion) and the Jammu & Kashmir Police arrested Mohd Ashraf Mir from Laridoora Chandoosa locality in Baramulla district at a mobile highway checkpoint. Indian forces claimed that Mir "tried to flee."

Indian authorities' longstanding and ongoing mass arbitrary detention campaign in IAK has evolved in recent years. Increasingly, Kashmiri detainees are imprisoned in Indian prisons far away from IAK. <u>Due to financial constraints</u>, families are often unable to visit their detained loved ones and generally are denied information about their welfare and well-being.

Indian authorities continue to arbitrarily detain three Uyghur siblings, Adil, Abdul Khaliq and Salamu, who have been seeking asylum in India. The siblings fled a Chinese crackdown targeting their family in 2013 and were detained by the Indian army on June 12, 2013 near Sultan Chusku, Ladakh. After two months of interrogation, Jammu & Kashmir Police charged them for undocumented entry into India. They were convicted and sentenced to a year and half in prison. Subsequently, they have been detained under the PSA. Despite their asylum request, India's Home Ministry has ordered their expulsion to China.

INVASION, EXPROPRIATION, TAKING AND DESTRUCTION OF PROPERTY

<u>Indian authorities continued to raid and expropriate property and collectively punish the families of Kashmiri dissidents</u>

Like extrajudicial killings and arbitrary and preventive detentions, there was a noticeable uptick in reported raids around the G20 meetings held in Srinagar.

Indian authorities continued to particularly <u>target Jamaat-e-Islami Jammu and Kashmir</u> (JeI), a leading Islamic socio-religious movement founded in Jammu & Kashmir in 1953 and banned by Indian authorities in February 2019.

On May 2, 2023, the NIA raided 12 locations in Pulwama, Kulgam, Anantnag, Budgam and Poonch and seized personal property. On May 3, 2023, the SIA raided three locations in Kashmir, including the home of Yasmeen Raja, who is associated with the Hurriyat Conference, in Pampore, the homes of Mohammad Shafi Lone in Rajpora, Pulwama and the home of Imtiyaz Ahmad Shah in Barzalla. The SIA seized personal property in the raids. In addition, Indian authorities indicated they will be attaching the real property of three individuals who they say are implicated in their investigation and are allegedly

"absconding." On May 4, 2023, the NIA and Central Reserve Police Force (CRPF) raided four locations in the Old Town area of Baramulla. On May 6, 2023, the Jammu & Kashmir Police's Special Investigation Unit (SIU) raided the home of Abdul Gani Bhat in Check Desen, Yaripora, Kulgam district. Indian authorities have alleged that Bhat's son Farooq Ahmed is a "terrorist." On May 9, 2023, the NIA raided sixteen locations in Anantnag, Srinagar, Budgam, Shopian, Kulgam, Baramulla, Poonch, Rajouri and Kishtwar districts. On May 10, the NIA raided several locations in Budgam, Baramulla and Handwara districts. In Baramulla, the NIA raided the house of Mufti Abdul Rahim, the brother of SAR Geelani, a Kashmiri Muslim professor of Arabic at Delhi University who was falsely accused, arbitrarily detained, tortured, falsely convicted and sentenced to death for alleged involvement in an attack on India's parliament building in 2001. Geelani died in 2019.

On May 10, 2023, the <u>NIA expropriated the properties</u> of Doulat Ali Mugal at Mohalla Shalibhattu, Manigah, Kupwara district (parcels of land measuring 5.5 *marlas* and 3.5 *marlas* and a two-storey house), Ishaq Pala at Alora, Herman, Shopian district (two rooms), and Fayaz Ahmad Magray at Lethpora, Awantipora, Pulwama district (six shops and land measuring 5.5 *marlas*) invoking powers under the Unlawful Activities (Prevention) Act (UAPA). Mugal and Pala were arbitrarily detained in 2018 for a purported conspiracy to cross the LOC. Pala remains detained in Agra Central Jail, India. Magray was arbitrarily detained in 2018 for a purported conspiracy to commit a terrorist act. Magray remains detained in the District Jail of Jhajjar, Haryana, India.

On May 11, 2023, the <u>NIA raided eleven locations</u> associated with JeI in Budgam and Baramulla districts. The NIA forcibly took personal property and "incriminating material." On May 15, 2023, the <u>NIA raided 13 locations</u> in Anantnag, Srinagar, Pulwama, Shopian and Budgam districts. The NIA forcibly took documents and "incriminating material." The NIA indicated that as of May 15, 2023, it had <u>conducted more than 70 raids in Jammu & Kashmir since May 1, 2023</u> just in connection with one case of an alleged "militancy conspiracy."

On May 17, 2023, Indian forces raided the home of arbitrarily detained pro-self-determination political activist Shabir Shah and destroyed or damaged his family's personal property. On May 18, 2023, the SIU raided eight homes in Kishtwar and Ramban districts which they claimed belonged to people who lived in Pakistan. Senior Superintendent of Police, Kishtwar, Khalil Ahmad Poswal, said homes belonging to Azad Hussain, Gazi-ud-Din, Bashir Ahmed Mughal and Sttar Din were undertaking pursuant to the UAPA for "eliminating the terrorist ecosystem in the district by identifying various over-ground workers and supporters of terrorism." On May 20, 2023, the NIA, together with the CRPF and Jammu & Kashmir Police, conducted raids at fifteen locations in Srinagar, Pulwama, Avantipora, Anantnag, Shopian, Poonch, and Kupwara districts.

Just prior to the G20 meetings in Srinagar, military personnel invaded dozens of homes, arbitrarily detaining people in their own homes, harassing and abusing people in their own homes and using people as human shields. On May 24, 2023 SIU raided eight homes in the Kishtwar and Ramban districts based on alleged terrorism ties. Khalil Ahmad Poswal, the Kishtwar Senior Superintendent of Police, said search warrants were issued for the homes of Azad Hussain, Gazi-ud-Din, Bashir Ahmed Mughal and Sattar Din were conducted based on a UAPA case. The Ramban Superintendent of Police, Mohita Sharma, claimed the four individuals whose homes were searched in Ramban were "trying to revive terrorism in the Chenab Valley." On May 29, 2023, SIA barred entry and exit from a 20-shop shopping complex and the related land in Kupwara district claiming it was Jel property worth INR 3 crores (approximately USD \$363,000). SIA claims to have similarly expropriated 57 Jel properties and to have identified 188 Jel properties in total which it intends to expropriate. On May 31, 2023, the NIA, CRPF and

<u>Jammu & Kashmir Police raided three homes</u> in Budgam district. The houses belonged to Farooq Ahmad Bhat, Zubair Ahmad Dar and Ali Mohammad Dar from Aripathen, Budgam. <u>Authorities forcibly took</u> personal property including digital devices and "incriminating literature." The NIA claimed to have raided 51 locations "in recent days" in connection with the same "militancy conspiracy" case.

The Indian-appointed Jammu & Kashmir administration has reportedly prepared a new, <u>additional list of properties in IAK to expropriate and bulldoze</u>. The list contains the names of 198 people alleged to be "militants," "militanty sympathizers" or "over-ground workers." In addition, the administration is planning reprisals against properties owned by relatives of those it claims are involved in "militancy." The administration has further signaled that it will "restart" its campaign of terminations targeting public sector employees who are involved in alleged "anti-national" activities, with a dozen people "profiled for termination."

COLLECTIVE PUNISHMENT

On May 26, 2023, the Indian Army's Rashtriya Rifles (17 battalion), the CRPF (52 battalion) and Jammu & Kashmir Police conducted "major" search operations in Cherji, Chicha and Padyarna areas of Kishtwar.

See the summary of the Abid Wani case under the entry titled <u>At least 12 people were extrajudicially</u> <u>killed in IAK in May 2023</u> under **KILLINGS AND EXCESSIVE USE OF FORCE.**

See the entry titled <u>Indian authorities continued to raid and expropriate property and collectively punish</u> the families of Kashmiri dissidents under **INVASION**, **EXPROPRIATION**, **TAKING AND DESTRUCTION OF PROPERTY**.

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

IAK residents denied rights to their critical water supplies

On May 23, 2023, the Jammu and Kashmir and Ladakh <u>High Court ruled that residents of Jammu and Kashmir had no rights to water that flows through their land</u>. The Court ruled that the Indian-appointed Jammu & Kashmir administration could take critical water supplies at its discretion.

Forced demographic change continued in IAK

Construction on government-built colonial settlements for Kashmiri Pandits in IAK continued to accelerate. Kashmiri Pandits are a Brahmin group that historically represents approximately 2% of the population of Kashmir. They collectively represent a core constituency of far-right groups in India, including the BJP, and have broadly promoted ethnonationalist, anti-democratic, anti-human rights policies in IAK. On April 26, 2023, Manoj Sinha, the Indian-appointed chief executive of Jammu & Kashmir, inaugurated 576 residential accommodations. These settlements are one aspect of the ongoing expansion of colonial settlements in IAK which India's military has for decades constructed and expanded. In addition, these flats are part of a Hindu supremacist policy project that casts demands for human and democratic rights in IAK as an Islamo-fascist, anti-Hindu campaign. According to this logic, certain Pandits need to be incentivized to "re-settle" IAK and live in militarized bases unlike thousands of Pandits who have remained in the region and who continue to reside in neighborhoods and communities throughout IAK.

ECONOMIC DISEMPOWERMENT

Indian government's plans to exploit lithium reserves in IAK raised myriad human rights concerns

India's Union Mines Secretary <u>announced</u> that the Indian government expects to auction 5.9 million tons of lithium from Reasi district by the end of 2023. This story is largely being covered as an "environmental, social and governance (ESG)" and "alternative to China" story, as lithium is a key input to "energy transition" technologies, including lithium-ion batteries, and China dominates the industry. However, it demonstrates colonial exploitation of resources for the benefit of non-local, corporate interests aligned with the Indian government with far-reaching human rights implications for the people of IAK in an <u>ecologically sensitive region with dwindling freshwater resources, severe and worsening earthquake risk</u> and long experience of grave human rights consequences attendant to infrastructure projects. <u>Concerns</u> include: loss of agricultural land, loss of economic opportunity, loss of way of life, forced displacement, destruction of property, destruction of the environment, deforestation, erosion, biodiversity loss, physical insecurity consequential to flood and geotechnical/earthquake risk, exacerbation of water stress and lack of compensation/lack of access to justice.

Indian government proceeded with concession of lignite mines near LOC to Israeli firm

The Indian-appointed Jammu & Kashmir administration issued a notice (in March) to Arava Mines Ltd. to "hand over" two lignite mine sites under a 99-year concession. Arava Mines Ltd. is an Israeli company that lists its address as Kibbutz Elot, Israel; it is apparently a <u>subsidiary of Altos Hornos de Mexico SA AHMSA.MX</u>, Mexico's third-largest steel producer. The notice references a lease between the Indian government's Ministry of Mines and the Jammu & Kashmir administration's Mining Department with Arava Mines Ltd. and indicates that the "hand over" will occur on July 24, 2023. These sites are reportedly in Kupwara district near the LOC.

LACK OF ACCESS TO JUSTICE AND IMPUNITY

NIA again sought to execute arbitrarily detained Kashmiri political prisoner Yasin Malik

The NIA filed an appeal with the Delhi High Court seeking the death penalty for Mohammed Yasin Malik, a leading pro-self-determination political activist and longstanding advocate for non-violent resistance IAK. The NIA prosecuted Malik for "secessionism" and "terrorism." He was denied a fair trial. While the NIA sought the death penalty, Judge Praveen Singh sentenced Malik to life imprisonment in May 2022 for his pro-self-determination, pro-rights, pro-democracy views, which Singh ruled were "intended to strike at the heart of the idea of India." Singh further ruled that Malik's decades-long nonviolence resistance in the face of authoritarian repression, grave violations and impunity for those violations was a "smoke screen of an alleged peaceful political movement." Singh construed Malik's protest against his persecution at trial, saying "If seeking Azadi (freedom) is a crime, then I am ready to accept this crime and its consequences," as an admission of guilt. He has been held in solitary confinement since 2017 and remains in solitary confinement in Delhi's maximum-security Tihar Jail.

Like Jel, Malik's Jammu Kashmir Liberation Front (JKLF), a leading pro-self-determination political party in IAK, was declared illegal by the Indian government in 2019. In addition to Malik, the NIA arrested and arbitrarily detained a substantial number of prominent Kashmiri pro-self determination political activists on related terrorism allegations, including: Aftab Ahmad Shah, Altaf Ahmad Shah, Nayeem Ahmad Khan, Farooq Ahmad Dar, Mohammad Akbar Khanday, Raja Mehrajuddin Kalwal, Bashir Ahmad Bhat, Zahoor

Ahmad Shah Watali, Kamran Yusuf, Javed Ahmed Bhat, Shabir Shah, Rashid Engineer, Masrat Alam, Asiya Andrabi, Nahida Nasreen and Sofi Fahmeeda. <u>Altaf Ahmad Shah</u>, who was killed in custody on October 10, 2022, is one of at least three prominent Kashmiri self-determination political activists subject to custodial torture through the denial of adequate healthcare and killed in custody.

Additional pro-impunity legal protections extended to Indian forces in IAK

The Indian government has implemented a new law in Jammu & Kashmir that furthers impunity and the denial of access to justice in IAK by requiring 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." This law furthers the longstanding legalized impunity enjoyed by Indian forces in IAK furnished by the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA), which authorizes the use of deadly force while granting Indian forces immunity from prosecution unless approved by the Government of India. The Indian government has never approved such a prosecution. As the OHCHR_and leading international human rights groups have noted for years, impunity for human rights violations and lack of access to justice have been and remain key human rights challenges in IAK.

DISINFORMATION AND PROPAGANDA

India government hosted G20 meetings in IAK to promote narrative of "normalcy"

From May 22-25, 2023, the Indian government held a G20 Tourism Working Group meeting in Srinagar. Indian officials said the event would demonstrate a state of "normalcy" in IAK, with the Indian-appointed chief executive of IAK claiming that "the presence of UN representatives here indicates that the world wants India to host such event." For concise analysis of the political purpose of the Indian government's disinformation campaign around these G20 meetings, please see this and this.

While media experts <u>decried</u> an ongoing "brutal crackdown on the media," Lieutenant Governor Manoj Sinha, the Indian-appointed chief executive of IAK, <u>claimed</u> that "the Press enjoys absolute freedom in Jammu & Kashmir." <u>He also said</u>, "According to a report by an international organisation, a total seven journalists were detained in India on terror charges and attempts to disruption of social harmony, not for journalism or writing stories... Freedom of speech and expression is guaranteed in... the Indian constitution, article 19.2 puts reasonable restriction because no-one can be allowed to hurt the sovereignty of India and the security of the state."

While IAK is repressed and not free, Additional Director General of Police Vijay Kumar called talk of restrictions "rumors" that are "absolutely baseless," vowing "strict action" against anyone who spoke about restrictions. He further described calls to protest the holding of the meetings the "handiwork of anti-national forces" and encouraged people to "be alert" and lodge complaints with the cyber police station, renowned in IAK for targeting journalists and dissenters for intimidation, abuse, assault and arrest for speaking about matters disfavored by Indian authorities.

When asked by foreign journalists about the pervasive military presence in IAK, <u>India's Minister of State</u> <u>Dr. Jitendra Singh said</u>, "Whenever there's a meeting of this scale with 20 high level delegations from 20 different countries, you always have a scaled-up security, so please take it very supportively my friends."

See the entry titled <u>At least 12 people were extrajudicially killed in IAK in May 2023</u> under **KILLINGS AND EXCESSIVE USE OF FORCE**, and especially the Parveen Fatima case.

DISCRIMINATION TARGETING KASHMIRIS

Kashmiri students attacked at the government medical college in Jammu

<u>Kashmiri students were attacked</u> in connection with the screening of "The Kerala Story," a popular, propagandistic Indian feature film that <u>promotes hate and violence against Muslims</u>. One of the students was attacked with an iron rod, sustained head injuries, and required 12 stitches.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

Columbia University Global Freedom of Expression initiative <u>published a case study</u> of the Jammu & Kashmir High Court's April 22, 2022 decision in *Muzamil Butt v. State of Jammu and Kashmir*. Bhat, a lawyer, had posted on Facebook about an incident on October 21, 2018 in his village of Laroo, Kulgam district in which six civilians were killed and more than sixty people were injured, including men, women and children. Bhat had posted: "For the first time in my life, I felt broken and weak and I could acknowledge that we are slaves and slaves have no life of their own.....My village is not that busy hustle bustle hamlet anymore now the blood soaked roads are testament to a genocide perpetuated and organized by colonial establishment......Occupation is like a cancer which will consume everyone of us." He was charged for "uploading/spreading sedition, pro-separatist content through social media especially on Facebook, and as such, there was an apprehension of disruption of peaceful atmosphere in South Kashmir, particularly in District Kulgam." Justice Sanjay Dhar ruled that Bhat was liable for prosecution under the UAPA and was not protected by the right to free expression under Indian law because the Indian Constitution did not "allow a person to question the status of a part of the Country or its people" or to advocate that the people of a particular part of the Country are slaves of the Government of India or that they are under occupation of armed forces of the Country."

On May 12, 2023, <u>16 human rights organizations called on Indian authorities</u> to immediately stop reprisals against human rights defenders and organizations in Kashmir, including Khurram Parvez, Irfan Mehraj, and the Jammu and Kashmir Coalition of Civil Society (JKCCS), which are "aimed at maintaining a forcible silence and facilitating continued impunity for violations in an intensely militarised region that the Indian government has made inaccessible to the international community."

On May 16, 2023, Farida Deif, Director of Human Rights Watch Canada, called on Prime Minister Justin Trudeau to <u>decry democratic backsliding in India</u>. "As Canada and other G7 governments look to India to help tackle global challenges and strengthen strategic and economic co-operation, they should learn from their mistakes with China that a powerful, abusive government does not make a reliable partner."

Relevant scholarship was published in May 2023. Javid Ahmad Ahanger and Muzamil Yacoob published "The Politics of Rhetoric: Examining Popular Discourse in Jammu and Kashmir" in the peer-reviewed journal Third World Quarterly. The article examines diverse political slogans in Jammu and Kashmir (J&K) from 1947 to 2019. Dilnaz Boga published "Locating the Impact of Geopolitics on the New York Times' Coverage of Kashmir from Late 20th Century to Early 21st Century" in the peer-reviewed Journal of Asian and African Studies. Bhat Khalid Bashir published "Kashmir through Decolonizing Methodologies: An Approach to Knowledge" in the peer-reviewed journal Contemporary Social Sciences. Nasrullah Bhat and Aamir Gul published "Life in Armed Conflict: A Phenomenological Approach to Examine the Bereavement Experiences of Parents Living in Indian-administered Kashmir" in the peer-reviewed journal Death Studies. Pascale Schild published "Beyond Politics: In/Civilities of 'Non-Political' Peacebuilding for Kashmir" in the peer-reviewed journal Peacebuilding. Zia Akthar published "Genocide"

in Kashmir: Right of Self-Determination, UNSC Resolutions and Holding India To Account Under International Humanitarian Law" in the peer-reviewed *Groningen Journal of International Law*.

On May 22, 2023, Frontline <u>published a book review</u> of "Another India" by Pratinav Anil, which focuses on the marginalization of Muslims by the Indian government during the first thirty years after Partition.

On May 25, 2023, the Stanford Shorenstein Asia-Pacific Research Center (APARC) <u>shared a recording</u> of Anuradha Bhasin's March 2023 talk on how the abrogation of Article 370 of India's constitution affected peoples' lives in Kashmir.

The Indian government's hosting of G20 meetings in IAK was variously criticized. The <u>Canadian Green Party issued a statement urging Canada to withdraw</u> from the meetings, noting that "India's choice to host G20 meetings in this region runs contrary to the United Nations Security Council's Resolution 47 (1948), the United Nations Charter, and principles of international law." The <u>Committee to Protect Journalists called for the Indian government to "end its brutal crackdown on the media</u>" and immediately release arbitrarily detained journalists Aasif Sultan, Sajad Gul, Fahad Shah, and Irfan Mehraj.

Dr Fernand de Varennes, UN Special Rapporteur on minority issues, issued a statement denouncing the meeting as lending support to attempts by India to normalize the brutal and repressive denial of democratic and other rights of Kashmiri Muslims and minorities and called on the G20 to instead uphold "international human rights obligations and the UN Declaration of Human Rights... the situation in Jammu and Kashmir should be decried and condemned, not pushed under the rug and ignored." The Permanent Mission of India at the UN "strongly" rejected Dr. de Varennes intervention as "baseless & unwarranted" and then proceeded to attack him for "misus[ing] his position" by acting "irresponsibly to politicise this issue" and claimed he was committing a "gross violation" of ethics.

The Kashmir Scholars Consultative and Action Network issued a statement urging countries and delegations to withdraw that was endorsed by over 50 civil society organizations and called instead for "countries and organizations to immediately comply with your duties under international law and cooperate to end the Indian state's serious breaches of peremptory legal norms in IAK – including the illegal occupation, annexation, and colonization of IAK and the commission of atrocity crimes and grave human rights violations in the region." Noam Chomsky released a video calling it "unconscionable for the G20 to hold any kind of a meeting, let alone a tourism meeting" in what is "probably the most highly militarised region on earth, with the population subjected to imprisonment, torture, disappearance, deprived of even the most elementary rights."

CONTACT

kashmirlaw@protonmail.com https://www.kljp.org/

<u>kashmirscholarsnetwork@protonmail.com</u> https://kashmir-scholars.org/

legal@projectsouth.org
https://projectsouth.org/

ANNEX: Reported Human Rights Consequences of the G20 in IAK

"Only the government is celebrating." "They have crushed us, we can't do anything."

Instead of upholding international law and defending human rights, democracy and the rule of law, participants in the G20 meeting in Srinagar abetted the normalization of grave violations of international law while contributing to an increase in human rights violations in order to facilitate the Indian government's project of projecting "normalcy." The additional human rights violations that were reported and are directly attributable to the G20 meetings in IAK include:

A significant increase in extrajudicial killings. See the entries under **KILLINGS AND EXCESSIVE USE OF FORCE** for details.

A significant increase in arbitrary detentions. See the entries under **ARBITRARY DETENTION** for details.

A significant increase in raids and destroying property. See the entries under **INVASION**, **EXPROPRIATION**, **TAKING AND DESTRUCTION OF PROPERTY** for details.

Indian forces increased their <u>denial of free movement</u>, <u>detaining and frisking of Kashmiris</u> as they attempted to go about their daily lives.

Police forced some <u>shopkeepers to open their shops to demonstrate "normalcy"</u> (closed shops are a sign of protest). Indian authorities <u>forced other shopkeepers to close their shops</u>.

Indian authorities forcibly closed schools.