





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

SUMMARY

In December 2023, Indian authorities continued to commit grave human rights violations in Indianadministered Kashmir (IAK). Indian forces killed at least five individuals, including three civilians who were killed in army custody. Indian authorities also continued to arbitrarily detain people and expropriate property based on purported links to terrorism. Indian authorities continued to target social media dissent through criminal charges, expand their digital surveillance capabilities including through AI-based facial recognition technology, and deny fundamental political rights in IAK, including through banning of two more pro-self-determination political parties.

Numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained. In a case emblematic of Indian repression targeting Kashmiri human rights defenders, Khurram Parvez has been illegally imprisoned in a maximum-security facility in New Delhi for 790 days. In a case emblematic of the repression targeting Kashmiri journalists, Aasif Sultan has been illegally imprisoned for 1,973 days as of the date of this publication. While a preventive detention order targeting Sultan was reportedly quashed in December, he has not been reported released.

Due to ongoing repression by Indian authorities, key developments in the human rights situation in IAK have likely gone unreported.

Note: Indian officials often label pro-self-determination or pro-human rights activity as terrorist activity in IAK. Indian authorities also often label any victim of state violence or violations (and not just armed resistance fighters) as a "terrorist" or "militant" and any dissenter in IAK as a "terrorist," "secessionist," or "militant." If a violation occurs near the Line of Control (LOC), the victim is typically labeled a "foreign terrorist," "intruder," or "infiltrator." If the victim is not affiliated with any organized dissent, they are often labeled an "overground worker" (or "OGW"), "hybrid militant," "hybrid terrorist," or "militant associate." If the individual is a journalist, scholar, or human rights defender, they are often labeled a "narrative terrorist" or "white collar terrorist." These unsubstantiated, demonizing and dehumanizing labels are used to legitimate violations against civilians, including extrajudicial killings, arbitrary detentions, raids, and the forcible taking of property.

KILLINGS AND EXCESSIVE USE OF FORCE

Indian forces continued to extrajudicially kill a number of individuals

On December 1, 2023, Jammu and Kashmir Police, the Indian Army's Rashtriya Rifles (44th Battalion) and India's Central Reserve Police Force (182nd Battalion) killed <u>Kifayat Ayoub Alie</u> of Pinjoora, Shopian in a joint cordon and search operation (CASO) launched by in Arihal village, Pulwama.

On December 23, 2023, a <u>mortar shell explosion</u> in Samba district killed 19-year-old Pawan Singh and injured 29-year-old Roshan Singh from Chandli, Samba, Jammu.

<u>Indian army tortured at least eight civilians, killing three</u>

On December 22, 2023, the Indian Army's Rashtriya Rifles (48th Battalion) arbitrarily detained and tortured at least eight civilians, killing three – Safeer Hussain (aged 37), Mohammed Showkat (aged 26), and Shabir Ahmed (aged 32), all residents of Topa Mastandara, Poonch district.

VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

Jammu and Kashmir Police escalated repression targeting social media expression

On December 1, 2023, Jammu and Kashmir Police criminally charged six individuals for allegedly <u>posting "antisocial" content</u> on social media.

On December 9, 2023, Jammu and Kashmir Police criminally <u>charged at least nine people</u> for "misusing" social media, including Salman Mushtaq Kuttay of Check Wangund Dooru, Rameez Ashraf Hadi of Watnad, Kokernag and Umer Farooq Ganie of Ratherpora Khairbugh Srigufwara for allegedly <u>uploading "inflammatory" videos</u>, Waseem Mushtaq Malik of Safapora and Aadil Ahmed Rather of Nunner, Ganderbal for allegedly <u>sharing "hateful content"</u>, Bilal Ahmad Wani of Mohalla Baliharan Pattan, Baramulla for allegedly <u>sharing "hateful content"</u> and Sheeraz Ahmed Beigh of Beighpora, Awantipora for allegedly <u>uploading "inflammatory" content</u>.

Government employees were forced to contribute to the Armed Forces Flag Day Fund

On December 2, 2023, the Jammu and Kashmir administration <u>required all employees to contribute towards</u> <u>the Armed Forces Flag Day</u> (celebrated on December 7). Depending on employee category, Rs 200 or Rs 100 will automatically be deducted from salaries.

"Terrorism" investigation continued against students for allegedly cheering for the wrong team

On December 2, 2023, Jammu and Kashmir Police <u>dropped UAPA charges against seven students</u> who were arrested for allegedly cheering for the team that defeated India's in the ICC Cricket World Cup after their parents apologized for their children's "mistakes" and made undertakings to the police. However, the police are continuing to investigate the students' links to "terrorism."

<u>Indian authorities cut communications services in Poonch and Rajouri districts</u>

On December 22, 2023, after the custodial torture of eight civilians and the killing of at least three in Poonch, Indian authorities shut down the internet in Poonch and nearby Rajouri districts, and prevented the media and public figures from entering the area.

ARBITRARY DETENTION AND RAIDS

Indian authorities continued to arrest, arbitrarily detain and raid people in IAK

On December 3, 2023, the Indian forces arbitrarily <u>detained at least three individuals</u> during extensive search operations across multiple villages in Rajouri and Poonch districts. Indian forces began the operations based on reports of suspicious movement in the area.

On December 5, 2023, India's National Investigation Agency (NIA) conducted <u>raids at eight locations</u> in Shopian and Baramulla.

On December 13, 2023, the Jammu and Kashmir State Investigation Agency (SIA) conducted <u>raids at five</u> locations in Anantnag and Kulgam districts.

On December 17, 2023, the Jammu and Kashmir Police arrested Rohail Abdullah of Nully Poshwari, Shopian at Naina Batapora, Pulwama district, labeling him a "hybrid terrorist."

On December 17, 2023, Indian authorities <u>arrested three individuals</u>, Imtiyaz Ahmed Khanday of Hamdaniya Colony, Bemina, Mehnan Khan of Khawajapora, Rainawari and Danish Ahmed Mala of Hamdaniya Colony, Bemina, labeling them "terrorists."

Aasif Sultan was ordered released yet remains arbitrarily detained

After five years of arbitrary detention, on December 11, 2023, the Jammu and Kashmir and Ladakh High Court <u>quashed the preventive detention order of Aasif Sultan</u> under the Public Safety Act (PSA) for lack of credible evidence to sustain his detention. Like many Kashmiri detainees, Sultan was not released.

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

Supreme Court of India upheld the Indian government's "abrogation" of Article 370 of India's constitution

Over four years after emergency petitions seeking the court's urgent intervention, on December 11, 2023, India's Supreme Court <u>delivered its verdict</u> legalizing the Indian government's legal measures imposed on IAK in August 2019. For context on the Indian government's illegal course regarding the territory and the Supreme Court's illegal and invalid legalization of that illegal course, see KLJP's <u>Complete Injustice: The Indian Supreme</u> Court and the Misrule of Law in Kashmir.

<u>Indian authorities declared two more pro-self-determination political parties in IAK unlawful</u>

On December 27, 2023 and December 31, 2023, India's Home Ministry declared the Muslim League Jammu Kashmir and Tehreek-e-Hurriyat Jammu and Kashmir as "Unlawful Associations" under the UAPA for allegedly fueling "terrorism and secessionism." These longstanding, pro-rights political parties are now illegal and join several other prominent political parties in IAK who have been declared illegal with their senior leadership arbitrarily detained or killed.

Two bills to further the disempowerment of Muslims in IAK were tabled in India's parliament

On December 6, 2023, Amit Shah, India's Home Minister, <u>tabled two bills</u> in the Lok Sabha: the Jammu and Kashmir Reorganisation Bill, 2023, and the Jammu and Kashmir Reservation (Amendment) Bill, 2023. These bills, previously discussed in our July 2023 and August 2023 updates, will further the disempowerment of

Muslims in IAK and further the disproportionate advantages of pro-BJP elements in IAK. More details about the bills can be found here.

STATE SURVEILLANCE

On December 12, 2023, Jammu and Kashmir Police began using <u>Al-based Facial Recognition Technology</u> with <u>extensive new capabilities</u>. This is a material expansion of the already extensive, totalizing systems of physical, electronic and communications surveillance in IAK.

VIOLATIONS OF RELIGIOUS AND CULTURAL RIGHTS

Indian authorities continued to prevent prayers at Jamia Masjid, Srinagar

Indian authorities continued to <u>prevent Friday prayers</u> at Jamia Masjid Srinagar. While Friday prayers have been regularly prohibited at Jamia Masjid over the last several years, December 15 marked the tenth <u>consecutive Friday</u> that such prayers were prohibited. Mirwaiz Umar Farooq, the designated sermon-giver at Jamia Masjid, has also been arbitrarily detained (with one brief exception) over the last few years and denied the right to lead his congregation.

Indian authorities continued to heavily promote Hindi language in IAK

On December 9, 2023, the Jammu and Kashmir Cultural Academy hosted a <u>Hindi-language cultural program</u> to promote Hindi in the region. Hindi is not native to IAK. It has been promoted by BJP authorities to "integrate" and "assimilate" the people of IAK with India.

Indian authorities renamed a stadium in Baramulla after Bipin Rawat

On December 9, 2023, the Jammu and Kashmir administration <u>renamed Jhelum Stadium</u> in Baramulla district to General Bipin Rawat Stadium. Bipin Rawat was India's former chief of defence staff who was widely known in IAK for his participation in atrocity crimes, promotion of the dehumanization and demonization of the people of IAK and celebration of Indian war criminals, including his 2017 award of a <u>commendation medal</u> to Major Leetul Gogoi for <u>tying a Kashmiri man to an army jeep</u> and using him as a human shield and 2019 proposal to <u>intern Kashmiri children</u> in "de-radicalization" camps. The renaming of public monuments is part of the subjugation of the people of IAK, the systematic obliteration of their history and the projection of Indian dominance over them.

TAKING OF PROPERTY AND DESTRUCTION OF PROPERTY

Indian authorities continued to expropriate property on purported links to "terrorism"

On December 7, 2023, the NIA <u>expropriated the properties</u>, including residential houses, of Fayaz Ahmed Itoo, of Khudwani, Qaimoh, district Kulgam, and Khursheed Ahmed Bhat of Chursoo, Awantipora, district Pulwama.

On December 31, 2023, <u>Indian police expropriated</u> the residential house and vehicle of Farooq Ahmad Butt of Wanigam Payeen, Baramulla.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

Fahad Shah, the former editor of the Kashmir Walla, spoke about his prolonged arbitrary detention (he was released after over 600 days of detention in November 2023) in "'Jail Crushes You Slowly': Kashmiri Journalist Reflects on Prison Ordeal" in *The Guardian*.

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