



KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR September 29, 2022 - October 31, 2022

SUMMARY

Between September 29, 2022 and October 31, 2022, Indian authorities continued to commit grave human rights violations in Indian-administered Kashmir (IAK). At least one civilian was killed by Indian forces, and at least two Kashmiris died in police custody. Indian authorities continued their systematic suppression of the freedom of expression and violations of the social, economic, cultural, and political rights of Kashmiris. A journalist and a scholar were charged under counter-terror laws for an opinion piece published in 2011 while another journalist was barred from international travel without explanation. Another private school was forcibly closed. Kashmir's 2022 apple crop was prevented from being transported to Indian markets, resulting in significant losses in a critical industry in IAK. Authorities escalated their violations of cultural and Muslim religious rights, including through newly-announced plans to interfere with sacred and cultural spaces. In a case emblematic of the repression against Kashmiri journalists, [Aasif Sultan](#), arbitrarily detained on August 27, 2018, remains illegally imprisoned. 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. **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 five people were killed by security forces during the Indian Home Minister Amit Shah's visit to IAK.

On October 5, 2022, [Asif Ahmed](#), a civilian, was shot at Haal village in Pulwama district when, according to the police, an Indian officer's rifle fired accidentally. The [officer was arrested](#), and his weapon was seized. In addition, [four alleged](#) resistance fighters were killed in two separate operations in Shopian. [In total](#), Indian officials claim that 156 resistance fighters have been killed in 99 operations in 2022, and that 22 civilians have also been killed.

Altaf Ahmad Shah, a pro-self-determination Kashmiri political activist, died in police custody.

On October 11, 2022, Altaf Ahmad Shah died in police custody while battling cancer. [Shah](#) was arrested in 2017 in an alleged terror-funding case along with a number of other prominent Kashmiri political leaders. Shah was diagnosed with kidney cancer earlier this year. Despite public pleas from his family, he [did not](#) receive adequate healthcare. He was finally moved to the All India Institute of Medical Sciences on October 1, ten days before he died. Shah is at least the [fourth prominent](#) pro-self-determination Kashmiri political activist to die in Indian custody in the last three years.

Imran Bashir Ganaie was killed in police custody.

Shopian resident [Imran Bashir Ganaie](#) was killed in police custody. Without any evidence of Ganaie's involvement, police detained Ganaie for an alleged grenade attack resulting in two deaths. Police termed him a "hybrid militant." Ganaie's killing appears to be another custodial killing of a Kashmiri civilian.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Five Jammu and Kashmir government employees were terminated for alleged "terror links."

Five government employees were [dismissed under Article 311](#) of the Indian Constitution, which was extended to Jammu and Kashmir after the Indian government's abrogation of Article 370 of the Indian Constitution in 2019. Under Article 311, public sector employees may be terminated at-will for purported state security reasons without due process and without effective legal recourse. Since last year, at least 44 public sector employees have been terminated under Article 311 in Jammu and Kashmir.

The SIA raided the home of a social media user in central Kashmir.

The State Investigation Agency [conducted a raid](#) of a social media user's home in Magam, IAK. The SIA claimed the individual was publishing anti-India, secessionist propaganda and glamorizing terrorists. Counter-terrorism charges were filed against the user under the Indian Penal Code and the Unlawful Activities (Prevention) Act.

Government-imposed internet shutdowns in India predominantly affect Jammu and Kashmir and are intended to suppress dissent.

[Data shows](#) that there are more government-imposed internet outages in India per year than any other country, and the numbers have been rising since 2016. Between January 2012 and June 2022, the Indian government imposed 647 [internet shutdowns](#). Two-thirds (63.8%) of those shutdowns were in Jammu and Kashmir. The Indian government claims there are national security reasons for the shutdowns. However, the [actual](#) reason for most shutdowns is often suppressing dissent or organized civil disobedience. In 2016, the United Nations declared internet access as a basic human right.

REPRESSION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

A journalist and a scholar were charged under counter-terror laws in connection with the publication of a 2011 op-ed.

The State Investigation Agency (SIA) [charged two individuals](#) under the Indian Penal Code and the Unlawful Activities (Prevention) Act in connection with the publication of a 2011 op-ed. Fahad Shah, a journalist, was arrested on February 5, 2022 for publishing the op-ed. Aala Fazili, a Ph.D. scholar, was arrested on April 17 for authoring the op-ed which SIA claims is “highly provocative and seditious.” [Amnesty International](#) has recently described “a system of laws, policies and practices that systematically annihilate critical voices and violate the rights to freedom of expression and opinion of journalists and human rights defenders” in IAK, noting that at least 180 Kashmiri journalists have been subject to police interrogation since August 2019.

Indian authorities prevented Kashmiri journalist Sanna Irshad Mattoo from traveling to New York to receive the Pulitzer Prize.

On October 17, 2022, [Sanna Irshad Mattoo](#) was stopped by immigration officers at the Indira Gandhi International Airport in New Delhi and barred from traveling internationally despite holding a valid U.S. visa and ticket. [Earlier this year](#), Mattoo was prevented from flying to Paris as well. Officials confirmed that Mattoo was placed on a no-fly list. Since August 2019, Kashmiri journalists have [reported](#) to the Committee to Protect Journalists (CPJ) that they are being barred from international travel, which CPJ has described as “[systematic harassment](#).”

SUPPRESSION OF SCHOLARS AND ACADEMIC FREEDOM

The Jammu and Kashmir government sealed another private school.

A [government-recognized private school](#) in Mahraj Gunj Srinagar was sealed on October 19, despite a court order directing authorities to “de-seal” the school. Over the past three years, the government has sealed 125 private schools, decreasing access to education in IAK.

Jammu Kashmir Public University Bill 2022 reduced academic freedom and opportunities for Kashmiri scholars in IAK.

Approved on October 8, [this bill](#) states that appointment of employees in Jammu and Kashmir universities be open to all Indian citizens. It also authorizes the government to establish new universities or merge existing universities, and empowers the Lieutenant Governor (the Indian government-appointed chief executive of Jammu and Kashmir) as the Chancellor of the University, with the authority to convene meetings, appoint or remove the Vice-Chancellor, and dismiss employees, without due process or effective legal remedy. This bill subjects institutions of higher education in IAK to direct Indian government control, undermining the [independence](#) of academic institutions and further devastating [academic freedom](#) in IAK. It also reduces the

people of IAK's access to higher education and appropriate employment opportunities for Kashmiri scholars in their homeland.

New selection criteria for university faculty in Jammu and Kashmir reduce opportunities for Kashmiri scholars in IAK.

The [new criteria for the appointment of faculty](#) has heightened concerns in IAK regarding the integrity of the university system and appropriate employment opportunities for Kashmiri scholars in their homeland. The new criteria de-emphasize and devalue customary academic qualifications such as post-graduate degrees, research, and teaching experience, which were previously the sole criteria for qualifying candidates. Those criteria have been largely replaced with a written exam which creates more opportunities for less-qualified candidates while devaluing the work and experience of more qualified candidates. Many Kashmiri scholars are now seeking to leave the region due to the lack of appropriate employment opportunities, increased state control over academic institutions and increasing restrictions on academic freedom.

*For more on **Suppression of Scholars and Academic Freedom**: See also the entry titled "A journalist and a scholar were charged under counter-terror laws in connection with the publication of a 2011 op-ed" under **Repression of Human Rights Defenders and Journalists**.*

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

A measure to allow individuals residing in Jammu for one year to vote was implemented (and then withdrawn).

On October 11, 2022, the Deputy Commissioner of Jammu [authorized](#) revenue officials to issue certificates of residence for anyone who has lived in the district for one year, rendering a new vote bank of presumptively Bharatiya Janata Party (BJP)-supporting immigrants to Jammu and Kashmir eligible to vote. The measure was [withdrawn and voided](#) on October 13, 2022 after widespread pushback. Almost all political parties opposed the inclusion of non-locals as votes, but the BJP defended the action. Many parties were worried about the [potential for demographic change](#) in the region.

This measure is consequential to the decades-old Hindu supremacist [policy goal](#) of disintegrating and disempowering IAK delivered by the BJP in August 2019, including through the abrogation of Articles 370 and 35A of India's constitution. These changes – illegalities predicated on prior illegalities [condemned](#) by the UN Security Council – have facilitated [demographic change](#) in IAK and [disempowerment](#) of Kashmiris in their homeland while rendering meaningless fundamental rights, including the [right to self-determination](#).

The Jammu and Kashmir government expanded the social caste list to include Paharis

Fifteen [new classes were added](#) to the social caste list, including the “Pahari ethnic people.” The Pahari people are a group that includes high-caste people. Indian Home Minister Amit Shah also recently announced the Paharis would be included in India’s Scheduled Tribe list. These measures are understood as the empowerment of powerful groups supportive of the BJP and the fostering of divisions on ethnic and caste lines at the expense of marginalized groups and local social cohesion, all through policies nominally intended to address discrimination against marginalized groups.

*For more on **Political Disempowerment and Demographic Change**: See also the entries titled “Jammu Kashmir Public University Bill 2022 reduced academic freedom and opportunities for Kashmiri scholars in IAK” and “New selection criteria for university faculty in Jammu and Kashmir reduces opportunities for Kashmiri scholars in IAK” under **Suppression of Scholars and Academic Freedom**.*

ECONOMIC DISEMPOWERMENT

Kashmiri apple industry faces significant losses and lacks government support.

Five thousand to six thousand trucks carrying [Kashmiri apples](#) to markets in India were stopped on the Srinagar-Jammu National Highway, causing significant losses due to rotting fruit. The Kashmiri apple industry constitutes 8% of the valley’s GDP but has been struggling since 2019. Farmers have been asking for a “Minimal Support Price,” which has been instituted in Indian states, or other similar measure to no avail. Since 2019, as a consequence of various forms of collective punishment, the implementation of discriminatory policies and other factors, Kashmiris have suffered widespread and substantial [economic disempowerment](#).

Kashmiris are concerned about the recently completed Chenab Rail Bridge, which connects IAK to India’s rail network.

The [Chenab Rail Bridge](#) was completed in August 2022 and is expected to be operational before the end of 2022. The bridge increases connectivity between India and IAK. Experts expect this increased connectivity to further enhance Indians’ ability to travel to IAK and further facilitate ongoing processes of forced demographic change in IAK, building on a number of measures since the “abrogation” of Article 370 and 35A of the Indian Constitution in 2019. This connectivity will also provide the Indian military with superior, more efficient land access to IAK and its regions.

*For more on **Economic Disempowerment**: See also the entries titled “Jammu Kashmir Public University Bill 2022 reduced academic freedom and opportunities for Kashmiri scholars in IAK” and “New selection criteria for university faculty in Jammu and Kashmir reduces opportunities for Kashmiri scholars in IAK” under **Suppression of Scholars and Academic Freedom**.*

DESTRUCTION OF CULTURAL RIGHTS AND FREEDOM OF RELIGION AND BELIEF

Plans are announced to build a hospital and playground on the Eidgah, a sacred space.

The BJP-run Jammu and Kashmir Waqf Board announced it will build a hospital and the Jammu and Kashmir government administration announced it will build a playground [on the Eidgah in Srinagar, Kashmir](#). The Eidgah is a sacred space for Kashmiris dating to the advent of Islam in Kashmir in the fourteenth century. A major center for social gatherings, it is the designated space for congregational Eid prayers, and it contains historic monuments and a martyrs' cemetery housing the remains of over 1,500 people killed through state violence in IAK since 1990.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

Ten UN special procedures mandates issued [country communication IND 6/2022](#) to India on “information received concerning the continued lack of identification and preservation of unmarked and mass grave sites in Indian-administered Kashmir, including the failure to conduct forensic investigations, search processes for the forcibly disappeared, and the lack of progress in identifying the remains of individuals buried in these graves in accordance with international standards” on July 29, 2022, made public in October 2022. India [initially requested](#) one month additional time “to gather necessary information.” India’s subsequent [reply](#) is not made public due to its confidential nature.”

At the 51st Session of the Human Rights Council, four leading international human rights organizations – Asian Forum for Human Rights and Development (FORUM-ASIA), International Service for Human Rights (ISHR), World Organisation against Torture (OMCT), and CIVICUS – World Alliance for Citizen Participation – [called on India](#) to release Kashmiri human rights defender Khurram Parvez, journalist Fahad Shah and all those arbitrarily detained for their legitimate work. They also called on the Council to act to prevent violence and discrimination against minorities, especially Muslims. This was an Item 4 Statement delivered by Adam Ahmed FORUM-ASIA on September 26, 2022.

On September 21, 2022, the Stanford Internet Observatory Cyber Policy Center published [My Heart Belongs to Kashmir: An Analysis of a Pro-Indian Army Covert Influence Operation](#) on Twitter revealing India’s [online counterinsurgency propaganda efforts relating to Kashmir](#). The report analyzes a dataset, released by Twitter, of nearly 2000 accounts presumptively originating from India that had been suspended for violating their Platform Manipulation and Spam Policy. Tweets praised the Indian Army’s military successes and provision of services in IAK and criticized the militaries of China and Pakistan. The report builds on a [report](#) on this same network by the Australian Strategic Policy Institute.

On September 2, 2022, Amnesty International published *India: “We are Being Punished By The Law” – Three Years of Abrogation of Article 370 in Jammu & Kashmir* (ASA 20/5959/2022) on the Indian government’s repressions of Kashmiris since August 5, 2019 including restrictions on rights to freedom of opinion and expression; to liberty and security of person; to movement; to privacy; and to remedy and access to justice.

The Committee to Protect Journalists (CPJ), on September 19, 2022, published '[An Open-Air Prison': Kashmiri Journalists on How Travel Bans Undermine Press Freedom](#)' on no-fly lists and restrictions on entry and exit that contribute to the Indian government's systematic harassment of Kashmiri journalists.

The People's Union for Civil Liberties published [UAPA: Criminalising Dissent & State Terror, 2009-2022](#) on India's abuse of counter-terror law on September 28, 2022.

The Legal Forum for Kashmir published [Colonial Diary: A Repository of Settler Colonial Diktats in IAK](#) documenting the legislations, administrative changes, orders, notifications & press releases issued by India in the last three years since the abrogation of Article 370, on October 12, 2022.

The Intercept published a story by investigative journalist Murtaza Hussain titled "[FBI Held Training With Indian Cop Who Oversaw Unit Accused Of Torture And Murder](#)." The article, published on October 13, 2022, argues that the FBI's training of Kashmiri police official Tahir Ashraf Bhatti might run afoul of the US "Leahy laws."

CONTACT

kashmirlaw@protonmail.com
<https://www.kljip.org/>

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

November 17, 2022