



KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR

April 1, 2023 - April 30, 2023

SUMMARY

In April 2023, Indian authorities continued to commit grave human rights violations in Indian-administered Kashmir (IAK). Indian forces killed at least two adults and one unborn child. At least one person was killed by unexploded ordnance. Indian authorities continued to suppress the right to freedom of expression, specifically targeting Kashmiri journalists. The Jammu & Kashmir administration continued its ongoing systematic campaigns to displace Kashmiris from, and dispossess them of, their residential, agricultural and commercial property on various pretexts. In developments with a disproportionate impact on IAK, Indian authorities continued their ongoing censoring and erasure of information that contradicts or challenges state-preferred narratives, including through revising textbooks to eliminate history and imposing government approvals over social media content about Indian authorities.

Finally, numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained. 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 1,724 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 541 days. Parvez is one of the Martin Ennals Award recipients for 2023, and on April 8, 2023, [he was appointed](#) Deputy Secretary General of International Federation for Human Rights (FIDH), a leading international human rights organization. **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

On April 9, 2023, Indian forces [claimed to have killed a person](#) along the Line of Control in the Poonch sector. The Indian Defence Ministry's Public Relations Officer claimed the killing was a “foiled” “infiltration bid.” Like in the August 2022 case of [Tabarak Hussain](#), people killed by Indian forces in areas near the Line of Control are frequently civilians labeled by Indian forces as “intruders” or “terrorists.”

On April 16, 2023, a [previously unexploded shell](#) killed a boy in Kargil and injured two others. The ceasefire line between IAK and Pakistan-Administered Kashmir, the Line of Control, remains intensely militarized. Monitoring, including by the UN Monitoring Group for India and Pakistan (UMMOGIP), is partial and ineffective. However, there is consistent, [ongoing](#) live conflict between the Indian and Pakistani militaries in Jammu & Kashmir [punctuated by](#) occasional [larger conflicts](#). Cross-border

[shellings](#), [killings](#), [maimings](#), forced displacement of people, and [violations of the right to travel](#) continue and have substantially increased since 2016 as [reported](#) by the UN Office of the High Commissioner for Human Rights.

On or around April 27, 2023, Indian forces [assaulted a pregnant woman](#), causing her to miscarry and lose her unborn child, and killed [Mukhtar Hussain Shah](#) in what appears to be a custodial killing. *See also the entry titled “[Cordon-and-search operations and attendant grave violations continue](#)” under **COLLECTIVE PUNISHMENT**.*

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Indian authorities file “terror” charges against Al Huda Educational Trust

On April 5, 2023, the National Investigation Agency (NIA) [filed charges](#) under the Indian Penal Code (IPC) and Unlawful Activities (Prevention) Act (UAPA) targeting Mohammad Ameer Shamshi, chairperson of the Al-Huda Educational Trust, for being “responsible for the day to day working” of the Trust. The Trust used to run schools in IAK. Shamshi was arrested on October 11, 2022, when the NIA [raided](#) 18 locations in Rajouri, Poonch, Jammu, Srinagar, Bandipora, Shopian, Pulwama and Budgam they claimed were affiliated with the Trust.

Like in many other cases targeting civil society groups in IAK, Indian authorities claim that the Trust is a “terror funding” front. Indian authorities’ targeting of the Trust is also part of their ongoing, systematic campaign to persecute Jamaat-e-Islami Jammu & Kashmir (JeI), a leading Islamic socio-religious movement founded in Jammu & Kashmir in 1953 and banned by Indian authorities in February 2019. The [forcible closure](#) of hundreds of schools as well as institutions of higher education in IAK is one aspect of Indian authorities’ escalating campaign to [impair educational access](#) to the local population of IAK. Others include “domicile” rules, which deny locals their rights to access educational opportunities in Jammu & Kashmir, and [communications shutdowns](#), which interfere with students’ ability to study, research, access educational opportunities and take exams, among other things.

Bombay High Court allows the prosecution of a Kashmiri academic for dissenting digital speech

On April 14, 2023, the [Bombay High Court dismissed](#) a petition of Professor Javed Ahmed Hajam seeking to quash a case against him filed for a WhatsApp status that described the abrogation of Article 370 of India’s constitution a “black day” for Jammu & Kashmir. Hajam faces charges under Section 153A of the IPC for “promoting enmity” punishable by three years in prison. Indian authorities’ repression targeting academics has included [other cases of persecution](#) for belief or speech as well as subjecting [Kashmiri scholars](#) to coercion, abuse, and intimidation, requiring them to [disclose details of their personal assets](#) while prohibiting them from traveling abroad without prior government approval, investigations of academics for the “[pernicious influence of secessionism](#)” and the [purging](#) of academics [with dissenting views](#) from their posts.

Indian authorities blocked 14 communications apps in Jammu & Kashmir

14 [mobile applications were blocked under Section 69A](#) of the Information Technology Act, 2000. The apps included Crypviser, Enigma, Safeswiss, Wickrme, Mediafire, Briar, BChat, Nandbox, Conion, IMO, Element, Second line, Zangi and Threema. By way of explanation, an official said “agencies found that

the mobile application does not have representatives in India and it is difficult to track down activities happening on the app." [Digital repression](#), including of [social media](#), has been a key area of Indian authorities' efforts in [recent years](#). A police unit called the "Ecosystem of Narrative Terrorism" is dedicated to profiling, investigating, and policing Kashmiri [journalists and scholars](#) who Indian officials and media refer to as "[white collar jihadis](#)" or "[white collar terrorists](#)." Indian authorities have enhanced their technological [surveillance](#) tools, including [CCTV](#) and [facial recognition systems](#) as well as through the use of spyware like NSO Group's [Pegasus](#). They have intensified their [social media surveillance](#) of Kashmiris through dedicated [police resources](#) and [vigilante groups](#). Indian authorities have censored and suppressed [online dissent](#) by Kashmiris through intimidation, harassment, [termination from employment](#) and arbitrary detention and arrest under counter-terror laws, ordering Kashmiri users' [posts taken down](#) and freezing or blocking Kashmiri users' social media accounts.

*See also the entry titled "[Indian authorities further censorship and manipulation of social media](#)" under **DISINFORMATION AND PROPAGANDA***

HUMAN RIGHTS DEFENDERS AND JOURNALISTS

Special Court rejected bail for arbitrarily detained human rights defender Gautam Navlakha

On April 6, 2023, a [special NIA court in Bombay rejected Navlakha's bail application](#), claiming there are reasonable grounds to believe accusations against him, including that he is a member of the banned Communist Party of India (Maoist). [Navlakha](#), a 69-year old journalist and human rights defender, was arrested on April 14, 2020 under various sections of the IPC and UAPA. He has been under house arrest since November 2022. Although the case in which Navlakha was arrested does not specifically relate to IAK, Navlakha's advocacy on human rights issues relating to IAK and for Kashmiri activists were explicitly cited by NIA prosecutors in arguing for the denial of bail.

The UAPA violates international rules and norms in several material ways, both in letter and practice, including by denying the presumption of innocence, which shifts the burden of proof away from the state, and by denying defendants bail unless there are "no reasonable grounds for believing that the accusation against the person is *prima facie* true" based only on the state's claims, without affording defendants an opportunity to contest. The UAPA is widely used by Indian authorities to target and incapacitate human rights defenders and other dissenters. Although Indian authorities often use Jammu & Kashmir-specific laws to target Kashmiri dissenters, Kashmiris are nonetheless disproportionately the victims of targeting under the UAPA, which is not a Jammu & Kashmir-specific law.

Indian authorities open a new investigation into the BBC

The Enforcement Directorate, India's financial crimes agency, [opened an investigation](#) into alleged violations of foreign exchange rules by the BBC. Much like Indian authorities' targeting the BBC in February, this measure is [widely understood](#) as a reprisal for the BBC's release of a two-part documentary called "India: The Modi Question." The ongoing harassment of the BBC are emblematic of the systematic harassment and growing, although [not new](#), intimidation [targeting foreign journalists](#) working on topics disfavored by Indian authorities, including coverage of IAK. Foreign correspondents report that the Indian government is seeking to suppress coverage about IAK and being repeatedly summoned by Indian authorities and interrogated for their coverage of IAK, as well as being followed and facing physical threats, threats of denying visa extensions, and threats of deportation.

Journalist Fahad Shah is ordered released from jail

The Jammu & Kashmir High Court [quashed Shah's detention](#) under the Public Safety Act. The [Court found](#) that Shah had been deprived of his constitutional and legal rights and ordered his immediate release. However, Shah continues to be detained under the UAPA.

[Shah](#) is the founder and editor of the digital media platform, *The Kashmir Walla*, which the State Investigation Agency (SIA) [claims](#) is a “well directed conspiracy” in the “terrorist and separatist ecosystem.” He was [arrested](#) on February 4, 2022 for his journalism. He faces [charges](#) of sedition and inciting violence under the UAPA for “posting anti-national content which has a multidimensional adverse impact on sovereignty and unity of country.” He was subsequently bailed out twice and [immediately re-arrested](#). He was [denied bail](#) in July 2022 and is being held at Kot Bhalwal jail, Jammu.

Through the [systematic harassment](#) of journalists and the implementation and enforcement of coercive censorship [policies](#) which experts have called [Orwellian](#), independent media have largely ceased to operate in IAK. For more information on the ongoing systematic repression of Kashmiri journalists, see [this article](#).

NIA raids IAK's only dedicated space for civil society

On April 26, 2023, the [NIA raided the Kashmir Peace House](#), a dedicated space for civil society under development in Central Kashmir's Budgam district since 2005. The NIA seized archival material collected by Kashmiri civil society activists over decades.

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

The Jammu & Kashmir administration continues its ongoing campaign of expropriation targeting Kashmiris' commercial property

The Jammu & Kashmir administration is systematically [evicting](#) local businesses from their commercial enterprises and investments through the implementation of new Land Grant Rules, 2022. The non-renewal of long-term leases on which private infrastructure and investment had been made has substantial [economic](#) impacts and runs counter to the commercial expectations of all parties and local practice. The land will instead be e-auctioned and used for infrastructure development, including “housing for ex-servicemen, war widows, families of deprived categories [and] migrant workers”, and for “any other purpose in the interest of Jammu and Kashmir.” These policies will further the economic and political disempowerment of Kashmiris and further facilitate and incentivize [forced demographic change](#) in the region in favor of non-local Hindus.

Indian authorities have variously and expansively expropriated the personal and real property of the people of IAK, including through the currently ongoing and escalating “anti-encroachment” drive pursuant to which Indian authorities are *en masse* expropriating homes, businesses, productive agricultural land, orchards, grazing land in which private property rights had long ago vested under local law without due process or remedy.

The Jammu & Kashmir administration expands its ongoing expropriation campaign under an “anti-encroachment” pretext

In addition to ongoing anti-encroachment drives under current policy, the Jammu & Kashmir administration is [finalizing](#) a new [Anti-Encroachment Policy](#) to [expand the eviction](#) of local landholders from their land. The new policy is intended to expropriate 600,000 kanals (of land (1 kanal is the equivalent of 0.125 acres or 0.05 hectares and a substantial amount of land in IAK) and covers residential, commercial and agricultural property. For more detail, [see this journal article](#).

Demolition order for the bungalow of senior BJP member’s wife set aside

On April 17, 2023, the Jammu & Kashmir Special Tribunal [set aside a demolition order](#) issued by Jammu Development Authority (JDA) asking Mamta Singh, wife of a senior BJP leader and former J&K deputy chief minister Nirmal Kumar Singh, to demolish her bungalow for violating building bylaws. The order was set aside on technical grounds due to a defect in service of process. The Jammu & Kashmir authorities’ deference to BJP-affiliated individuals contrasts with authorities mass expropriation and demolition of property in IAK without due process or remedy.

Indian authorities continued to raid and expropriate property and collectively punish the families of Kashmiri dissidents

On April 24, 2023, the [NIA expropriated the homes and land of Syed Ahmed Shakeel and Shahid Yusuf](#) under the UAPA. Shakeel and Yusuf are the sons of Syed Salahudeen, the head of Hizbul Mujahideen, an armed resistance group that has operated in IAK since the early 1990s. Shakeel and Yusuf have been held in Delhi’s Tihar Jail since their arrests in October 2017 and August 2018, respectively. On the same day, the [NIA expropriated six shops](#) in Awantipora area.

On April 26, 2023, a Special NIA Court issued [warrants for 23 individuals](#) for alleged militant activities who Indian authorities claim are now residing in Pakistan. In addition to approaching Interpol to issue Red Corner notices, Indian authorities are seeking to identify properties associated with the alleged militants in order to expropriate them.

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

Jammu & Kashmir Administration pursues policies to further political disempowerment of Muslims in Jammu & Kashmir

The Jammu & Kashmir state election commission pursued extraordinary efforts to [register Kashmiri Pandits](#) residing in India as voters in Jammu & Kashmir. Kashmiri Pandits are a Brahmin group that historically represents approximately 2% of the population of Kashmir and who have been broadly supportive of far-right groups in India, including the BJP. Teams were formed to visit cities in India from April 5-20th to register voters.

Construction continues on militarized colonial settlements in IAK

On April 26, 2023, Manoj Sinha, the Indian-appointed chief executive of Jammu & Kashmir, [inaugurated 576 residential accommodations](#) in colonial settlements for Kashmiri Pandits in Baramulla, Bandipora, Ganderbal and Shopian districts. An additional 2,000 flats are expected to be completed by December

2023. 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 live in militarized bases, unlike thousands of other Pandits who continue to reside in neighborhoods and communities throughout IAK.

[Various "slumdweller" settlements](#) for Indian Hindu groups aligned with the BJP have also been erected in the area. The policy of re-settling BJP-aligned "slumdweller" in IAK was one of the [legal maneuvers implemented in 2020](#) after the abrogation of Article 370 of India's constitution to [facilitate and accelerate forced demographic change](#) in IAK.

Since the abrogation of Article 370, [at least 185 people](#) from outside Jammu & Kashmir have bought land in the territory. Additionally, [1,559 Indian companies](#) have made investments in the Union Territory. These and other developments are facets of the disempowerment of locals in IAK and the expansion of forced demographic change in the territory.

COLLECTIVE PUNISHMENT

Cordon-and-search operations and attendant grave violations continue

Following an [alleged attack of an Indian army vehicle](#) on April 20, 2023, Indian forces conducted a cordon-and-search operation in Poonch district. Indian forces [detained over 40 individuals](#), implemented roadblocks, restricted freedom of movement, interrogated over 200 individuals, [arrested six](#) and tortured local residents. In the process, Indian forces [assaulted a pregnant woman](#), causing her to miscarry and lose her unborn child, and killed [Mukhtar Hussain Shah](#).

Cordon-and-search operations, a form of collective punishment that results in restrictions on the right to movement of substantial groups of people and frequently leads to myriad grave human rights violations including arbitrary detentions, torture and custodial killings, continue in IAK. Indian forces conducted another reported cordon-and-search operation on [April 12, 2023](#) in the Shopian district.

*See also the entry titled "[Indian authorities continued to raid and expropriate property and collectively punish the families of Kashmiri dissidents](#)" under **EXPROPRIATION OF LAND, ILLEGAL OCCUPATION OF LAND, TAKING OF PROPERTY, DESTRUCTION OF PROPERTY**.*

VIOLATIONS OF RELIGIOUS AND CULTURAL RIGHTS

On April 14, 2023, the [Jammu & Kashmir administration banned congregational Friday prayers](#) for a major Muslim religious occasion, Jummah-ul-Wida, at Jamia Masjid, Srinagar, the historic Friday mosque of Kashmir's capital. Worshippers and shopkeepers on the mosque premises were evicted, and the gates were locked, barring worshippers from entering the mosque. Mirwaiz Umar Farooq, a Kashmiri Muslim religious leader and president of the Anjuman Auqaf Jamia Masjid Srinagar, continues to be arbitrarily detained. Although Farooq is the authorized Friday sermon-giver at Jamia Masjid, he has been prevented from attending or leading the prayers for 185 consecutive Friday prayers.

The same day, [thousands of Shi'i protesters were permitted to march](#), although protest and assembly are generally denied in IAK, including of the Shi' community, calling for the liberation of Masjid-al-Aqsa.

[One local drew a connection](#) between Kashmir and Palestine, stating: “Israeli forces close Al Aqsa mosque and here the authorities close Jama Masjid. We are living in a jail, where we don't have religious freedom or the right to even exercise the right to offer prayer freely.”

On April 17, 2023, the Jammu & Kashmir [administration allowed congregational prayers](#) for Laylatul Qadr, a major Muslim religious occasion, to take place at the Jamia Masjid for the first time since 2019.

LACK OF ACCESS TO JUSTICE AND IMPUNITY

Indian authorities [continued to arm](#), train and compensate Hindu residents of IAK in vigilante Village Defense Groups (VDGs). Such militia groups, previously called [Village Defence Committees](#) (VDCs), are constituted on a [racist](#), anti-Muslim, anti-Kashmiri [platform](#) and have historically committed grave violations in IAK with impunity.

DISINFORMATION AND PROPAGANDA

Indian authorities further censorship and manipulation of social media

[As of April 6, 2023](#), social media platforms must “fact-check” any post relating to the Indian government with the Ministry of Information and Broadcasting’s Press Information Bureau. Failure to comply will expose companies to liability for users’ posts, as they would lose the benefit of India’s safe harbour laws.

While Indian censorship of social media is expanding, it is not new. In the last half of 2021, India made 114 requests to remove content or block accounts related to the accounts of verified journalists and news outlets. India is [one of the top five countries](#) that submit formal requests to remove content from Twitter. Saurav Das, an Indian investigative journalist, [recently discovered](#) that a number of his tweets related to Union Home Minister Amit Shah had been removed worldwide.

Additional evidence of the manipulation of social media narratives to further the Indian government’s agenda has emerged in the [case of the abrogation of Article 370](#). Other examples of this phenomenon include the [prolific use of fake accounts](#) and [covert pro-Indian army social media influence campaigns run by the Indian army](#).

India will host a G-20 meeting in IAK seeking to project a sense of “normalcy,” legitimate its occupation of IAK and erase ongoing repression and violations in IAK

As this year’s president, India recently [released](#) a list of upcoming G-20 meetings it will host, including a [tourism working group meeting in Srinagar](#) in IAK. The meeting would be the first major international event in the region since August 2019. The decision is in line with Indian authorities’ ongoing disinformation campaign and efforts to normalize its occupation of Kashmir and demonstrate that reporting of human rights violations is “anti-national” propaganda.

Indian textbook erases longstanding Indian historical narrative regarding accession of Jammu & Kashmir

The revised National Council for Educational Research and Training (NCERT) Class XI political science textbook [removed the statement](#): “For example, the accession of Jammu and Kashmir to the Indian union was based on a commitment to safeguard its autonomy under Article 370 of the Constitution.” While Article 370 was an illegality based on earlier illegalities and invalid under international law, it was

essential to India's narrative regarding its claim to IAK. India unilaterally abrogated Article 370 in 2019 in violation of its own constitution and various commitments and legal obligations.

The NCERT also removed content about the 2002 Gujarat riots, references to Maulana Abul Kalam Azad, and some portions related to Mahatma Gandhi. NCERT claims the changes were made to compensate for time lost due to the COVID-19 pandemic.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

Khurram Parvez, a Kashmiri human rights defender arbitrarily detained in a maximum-security Indian prison, was elected Deputy Secretary General of the International Federation for Human Rights (FIDH). [Alice Mogwe, President of FIDH, noted](#): "Khurram Parvez is in prison for his fight for truth, justice and human rights. Justice will prevail. His struggle is our struggle."

Safina Nabi, a Kashmiri journalist, [won a Fetisov Journalism Award](#) for her article "[How Kashmir's Half-Widows are Denied their Basic Property Rights](#)." The article brought attention to the experience of many Kashmiri women whose husbands have been forcibly disappeared. Because their husbands are not officially declared dead, the women live as widows without the legal and social protections typically afforded widows.

A [book review](#) of *Flaming Forest, Wounded Valley: Stories From Bastar and Kashmir* by Freny Manecksha was published in *Counterview*. The [book](#) compares her experience of atrocities, turmoil and resistance among Adivasis in Bastar, Chhattisgarh and Kashmiris in IAK.

The Index on Censorship published an extensive [analysis of free expression](#) in contemporary India and a reader [quiz](#).

Land Times published an article on the [taking of Kashmiri land](#) under Indian occupation.

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