KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR
September 1, 2023 - September 30, 2023

SUMMARY

In September 2023, Indian authorities continued to commit grave human rights violations in Indian-administered Kashmir (IAK). Indian forces killed at least 11 people and arbitrarily detained at least 24, including journalist Majid Hyderi. Indian authorities continued to enhance their social media surveillance and forced silencing of dissent, including through the ongoing cooperation of social media companies. Indian authorities continued to escalate their transnational repression of Kashmiris, as well as their systematic expropriation of Kashmiri property, including through the initiation of a new process to detain and seize the property of 4,200 purported "militants." Several Kashmiri Muslim religious leaders subjected to prolonged arbitrary detention, including Mirwaiz Umar Farooq, were released from detention.

Numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained. The National Investigation Agency (NIA) produced charges against human rights defenders Khurram Parvez and Irfan Mehraj, who have been subject to prolonged arbitrary detention, in a case targeting the Jammu Kashmir Coalition of Civil Society (JKCCS), the leading human rights organization in IAK. 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 699 days. His case is emblematic of repression targeting Kashmiri human rights defenders and civil society. In a case emblematic of the repression targeting Kashmiri journalists, Aasif Sultan, arbitrarily detained on August 27, 2018, also remains illegally imprisoned. As of the date of this publication, Sultan has been detained for 1,882 days.

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

Note: Indian authorities 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.

VIOLATIONS OF THE RIGHT TO LIFE AND EXCESSIVE USE OF FORCE

Cordon and search operations (CASOs) led to the death of one individual

Note: CASOs are a common form of collective punishment in IAK in which an entire community or neighborhood is detained, and which frequently results in various other grave violations.

On September 4, 2023, Indian forces killed an alleged "terrorist" following a cordon and search operation in Gali Sohab, Tuli, Reasi district.

Indian forces killed armed resistance fighters in an encounter

On September 19, 2023, Jammu & Kashmir Police announced the killing of two armed resistance fighters in Gadole, Anantnag district including Uzair Khan. Unlike many incidents of claimed political violence that are actually fake ("fake encounters"), this incident appears to have been an actual encounter between armed resistance fighters and Indian forces.

Extrajudicial killings continued near the LOC

On September 6, 2023, Indian forces killed two alleged "infiltrators" near the LOC in Poonch district. On September 12, 2023, Indian army forces and Special Operations Group personnel killed an alleged "terrorist" in Narla, Rajouri district. On September 16, 2023, Indian army Chinar Corps forces killed three alleged "terrorists" near the LOC in Baramulla district. On September 30, 2023, the Indian army and Jammu & Kashmir Police killed two alleged "infiltrators" along the LOC in Kumkadi, Machil, Kupwara district.

Landmines continued to maim near the LOC

On September 2, 2023, Mukhtiar Ahmad Mir, a man from Gagrian, Poonch district working as a porter for the Indian Army, was maimed by a landmine near the LOC in Mauli Dokh, Poonch district. Indian landmines near the LOC regularly kill and maim civilians, as well as deny them their right to free movement and economic rights by denying them access to their lands and natural resources. Landmines have long been a key human rights issue of concern in IAK.

VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION; DISINFORMATION

Kashmiri professor subjected to administrative process after suspension for testifying before Supreme Court

On September 1, 2023, the Jammu & Kashmir administration called Zahoor Ahmad Bhat, a Kashmiri professor of political science who was suspended from his job in August for testifying in support of a petition challenging the Indian government's "abrogation" of Article 370 of the Indian constitution, before an administrative tribunal. Bhat was forced to prove that he had properly obtained a leave of absence in order to testify.

*For information, see Kashmiri lecturer suspended for testifying against Indian government policy decision under **VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION** in our August 2023 update.*

Indian authorities continued to commit reprisals against Kashmiris dissent on social media

On September 18, 2023, the Cyber Investigation Kashmir unit – a special police unit that surveils social media expression – arbitrarily detained Irfan Malik for Instagram posts and tweets regarding a Indian military-police operation in Kokernag, Anantnag, Kashmir on September 13, 2023. Jammu & Kashmir Police alleged that Malik's posts "posed a severe threat to the unity, integrity and sovereignty of the country [India]."

Police continued to actively monitor Kashmiris online and have obtained the cooperation of social media companies like Meta in targeting Kashmiri dissent. Indian authorities are experts in digital authoritarianism and routinely have Kashmiris censored, suspended and banned on social media, which is intensely surveilled by dedicated police resources and vigilante groups. Indian authorities have broadly escalated their attacks against Kashmiri speech (online and otherwise) deemed disfavored, even speech that would appear to be minor or inconsequential. Recent examples include the counter-terrorism prosecution and prolonged arbitrary detention of several students for allegedly expressing support for the Pakistani cricket team and the loss of employment for using an emoji on Facebook.

The Jammu & Kashmir administration expanded policies legalizing reprisals for dissent on social media

On September 26, 2023, the Directorate of Family Welfare issued new social media guidelines prohibiting public sector employees from criticizing government policies or actions on social media under threat of termination. Related policies include a March 2021 order requiring public sector employees to disclose their social media accounts and authorizing the police to investigate them (with pay suspended until a satisfactory police verification process is completed) and a policy legalizing denying Kashmiris passport issuance and renewal, government services and employment on the basis of an adverse police report for acts including alleged civil disobedience or dissent.

Terminations are part of systematic purging of public sector employees that the Jammu & Kashmir administration deems to have "suspect loyalties" and are a means of suppressing and punishing dissent. In recent years, dozens of bureaucrats, teachers, doctors, professors and police employees have been terminated. Such terminations for purported anti-national sentiment occur without due process or meaningful recourse, even if the disfavored sentiment is allegedly held by relatives or associates. In IAK, the government is the largest employer, and public sector employment is widely sought as economically rewarding and prestigious. For many Kashmiris, public sector employment is the only viable opportunity to work in the field for which they are qualified.

Jammu & Kashmir Police used lawfare to threaten international journalists seeking to discuss the state of press freedom in IAK

The Jammu & Kashmir Police threatened legal action against the BBC for publishing "Any story could be your last' – India's crackdown on Kashmir press," an analysis of certain aspects of Indian authorities' systematic targeting of independent media in IAK and the result of a year-long investigation. While Indian authorities' multifaceted persecution of the BBC is emblematic of the intimidation of the international media, international journalists have been systematically targeted by Indian authorities, including for attempting to report on the human rights situation in IAK. Lawfare is one of several techniques used by Indian authorities to threaten or intimidate anyone who attempts to report honestly on the state of press freedom in IAK, and has previously been used to target other international media organizations like Reporters Without Borders.

In a related disinformation campaign, on September 5, 2023, Emaad Makhdoomi, Consulting Editor of the Greater Kashmir, published an opinion piece criticizing the BBC for its story, echoing common BJP official claims that Western media was spreading disinformation and pro-Pakistan propaganda. Makhdoomi was installed as the Consulting Editor of Greater Kashmir, a previously independent media organization that was brought under state control, after meeting and being approved by the Indian-appointed chief executive over Jammu & Kashmir in May 2022.

On September 12, 2023, the Jammu and Kashmir Press Corps similarly denounced the BBC article. As part of a broader crackdown on civil society organizations in IAK, Indian authorities forcibly took over the Kashmir Press Club, the largest elected trade body representing journalists in January 2022. After that crackdown, the Jammu and Kashmir Press Corps, a government-aligned media association that systematically attacks expression inconsistent with government-sponsored narratives, emerged. There is no independent association of media professionals operating in IAK.

See also the case of the arbitrary detention of journalist Majid Hyderi under ***ARBITRARY DETENTION AND RAIDS*** *below.*

REPRESSION TARGETING HUMAN RIGHTS DEFENDERS

On September 17, 2023, the NIA produced a charge sheet against human rights defenders Khurram Parvez and Irfan Mehraj in the NIA's case against JKCCS. While the charge sheet has not been made publicly available, it was reported that the NIA has accused Parvez and Mehraj of involvement in a conspiracy to fund "terrorism" in IAK. Parvez and Mehraj are arbitrarily detained and held in a maximum-security prison in Delhi in the NIA's "counter-terrorism" case against IAK's leading human rights and civil society organization, JKCCS. UN special rapporteurs have repeatedly criticized their persecution, describing the case as an attack on legitimate human rights work in IAK. The UN Working

Group on Arbitrary Detention has also published a detailed legal opinion demonstrating that Parvez is arbitrarily detained and demanding his release.

ARBITRARY DETENTION AND RAIDS

Indian officials continued to arbitrarily detain dozens of people for alleged "terrorism"

On September 2, 2023, the State Investigative Agency (SIA) arrested 10 individuals including Firdose Ahmad Wani and Khurshid Ahmad Malik from the Doda district for alleged involvement in "terrorism" in the 1990s. Wani is from Ghat, Doda and Malik is from Bharat, Doda. The SIA has indicated it is pursuing 734 people in IAK for old allegations under the Terrorist and Disruptive Activities (Prevention) Act and the Prevention of Terrorism Act, abusive counter-terror laws that lapsed years ago.

On September 3, 2023, the Indian Army's Rashtriya Rifles (52nd Battalion) and the Special Operations Group arrested Tawseef Ramazan Bhat and Moien Amin Bhat of Bada Mulla, Sheeri, Baramulla district who they alleged were "over-ground workers."
On September 8, 2023, Jammu & Kashmir Police arrested Suhail Firdous and Shahid Gul of Pulwama who they alleged were "militant associates."

On September 10, 2023, Indian authorities arrested Lateef Ahmad Dar, Showkat Ahmad Lone and Ishrat Rasool from the Baramulla district who they alleged were "over-ground workers."

On September 18, 2023, Jammu & Kashmir Police preventively detained Touseef-ul-Nabi, Zahoor-ul-Hassan and Reyaz Ahmad of Kishtwar under the Jammu and Kashmir Public Safety Act, 1978 (PSA) who police alleged were "hardcore overground workers." The PSA is an IAK-specific law that authorizes detention without charges or trial for two years for the "maintenance of public order;" it is one of several "lawless laws" widely used to pretextually, arbitrarily and prolongedly detain Kashmiris without remedy or recourse.

On September 15, 2023, Jammu & Kashmir Police arrested journalist Majid Hyderi under and, as is now typical for Kashmiri detainees, transferred him to a distant prison. With Aasif Sultan, Sajad Gul, Fahad Shah, and Irfan Mehraj, Hyderi is the fifth Kashmiri journalist known to be currently imprisoned by Indian authorities for doing journalism. Hyderi was previously summoned by police for questioning in October 2021, interrogated and briefly detained for social media posts. He was again summoned by police for questioning and interrogated in January 2022 for posting a family's account of the killing of their child on social media.

On September 21, 2023, Jammu & Kashmir Police arrested Yaseen Ahmed Shah of Janbazpora, Baramulla district and Indian Army, India's Central Armed Police Force raided the home of and arrested Parvaiz Ahmad Shah of Takiya, Wagoora, Baramulla district, who they alleged were "terrorists."

On September 22, 2023, Indian Army personnel detained an individual at a checkpoint in Tapar Payeen, Pattan, Baramulla district.

On September 25, 2023, a court denied bail to Mohammad Yaseen Bhat, Mohammad Rafiq Pahloo, Shams u Din Rehmani, Jahangeer Ahmad Bhat, Khurshid Bhat, Shabir Dar, Sajad Hussain Gul, Firdous Ahmad Shah, Parray Hassan Firdous, Sohail Ahmad Mir who are being held under the Unlawful Activities (Prevention) Act (UAPA) for allegedly meeting at a restaurant to discuss Kashmiris' right to self-determination. Jammu & Kashmir Police detained the group on July 9, 2023.

Indian authorities released several Muslim religious clerics after prolonged arbitrary detentions

On September 8, 2023, the Jammu & Kashmir High Court ordered the release of Moulana Abdul Rashid Dawoodi and Mushtaq Ahmed Veeri. Abdul Rashid Dawoodi of Yaripora, Kulgam district leads an Islamic religious seminary and welfare organization established in 2005 and headquartered at Ashajipora, Anantnag district called Tehreek-e-Soutul Awliya. Mushtaq Ahmad Veeri of Veeri Bijbehara, Anantnag district is vice president of Jamiat-Ahle Hadees, Jammu and Kashmir, an Islamic religious organization founded in 1922 and headquartered at Babarshah, Srinagar. Dawoodi and Veeri were among dozens of Muslims scholars and religious leaders targeted in a mass preventive detention campaign that began on September 15, 2022. Many of those detained were taken to Kot Bhalwal Jail, Jammu before being transferred to various distant jails in India, often without informing the detainees' families. While the Indian-appointed BJP administration in IAK was responsible for the arbitrary detention of these religious scholars, BJP officials publicly and personally congratulated the detainees upon their release.

On September 22, 2023, Mirwaiz Umar Farooq, a prominent Kashmiri Muslim religious leader was released after four years of arbitrary detention (the fact of which had been previously denied by Indian authorities). Farooq is the designated Friday sermon-giver at Jamia Masjid Srinagar and had remained unlawfully imprisoned from August 4, 2019 until September 22, 2023. In addition to his prolonged arbitrary detention, he was denied his right to lead, or even perform, Friday prayers. Following Farooq's release, thousands of worshippers gathered for congregational prayers at Jamia Masjid Srinagar and Jammu & Kashmir Police arrested 10 worshippers for allegedly disturbing the peace.

Indian forces continued to raid homes in IAK

On September 27, 2023, SIA carried out raids out multiple locations in Litter, Pulwama district, Shirmal, Shopian district and Anantnag district.

TAKING AND DESTRUCTION OF PROPERTY

Indian officials created a list of alleged militants and began to expropriate their property.

On September 7, 2023, the Jammu & Kashmir administration announced that individuals from IAK who they claim are now residing in Pakistan-administered Kashmir (PAK) and involved in "militancy" will have their property in IAK expropriated. A list of nearly 4,200 people has been produced by the state police's intelligence wing. The list has also been shared with the Inspector-General of Registrations and Revenue in order to prevent property on the list from being sold or transferred.

Property destruction or expropriation is a common form of collective punishment (including for dissent) in IAK with broad, detrimental ramifications for families and communities. Property expropriation has been used as a tool of transnational repression targeting Kashmiris outside of IAK for defending the human rights of the people of IAK or otherwise dissenting from Indian policies or narratives. Kashmiri rights activists allegedly living in Pakistan-administered Kashmir or Pakistan have especially been targeted for property expropriation – specific, publicly reported cases include those of Mushtaq Latram, Almas Rizwan Khan, Farooq Qureshi and Bashir Ahmed Peer.

POLITICAL DISEMPOWERMENT, ECONOMIC DISEMPOWERMENT, AND DEMOGRAPHIC CHANGE

The Indian government continued to expand militarized, colonial settlements in IAK, including through the construction of "transit" accommodations for Hindu "migrants." On September 2, 2023, officials announced that 2,704 residences are currently being built at Vessu, Qazigung, Kulgam district and that 2,304 residences are currently being built at Mirhama and Chowgam, Kulgam district.

VIOLATIONS OF RELIGIOUS AND CULTURAL RIGHTS

The Jammu & Kashmir High Court dismissed a legal challenge to the J&K Waqf Board's takeover of Muslims shrines and religious spaces in IAK. Despite organized opposition from Islamic scholars, India's ruling BJP party has seized control of

the Waqf Board, the structurally critical administrator of Muslim endowments and major Muslim institutions in IAK, as well as all local masjid committees, shrines, and educational centers. They have similarly taken over the Jammu Waqf Council and Muslim religious properties in Jammu. They are systematically gathering information on those Muslim institutions that remain outside of direct state control.

See also "Indian authorities released several Muslim religious clerics after prolonged arbitrary detentions" under ***ARBITRARY DETENTION AND RAIDS*** *above.*

VIOLATIONS OF ENVIRONMENTAL RIGHTS

The Indian government has announced that it will soon auction lithium reserves found in the Reasi district of IAK. While this is being marketed as a "green" opportunity, the mining of lithium in an ecologically sensitive and occupied region will result in myriad rights violations. *For more information, see "Indian government's plans to exploit lithium reserves in IAK raised myriad human rights concerns" under* ***ECONOMIC DISEMPOWERMENT*** *in our May 2023 update*.

LACK OF ACCESS TO JUSTICE AND IMPUNITY

On September 26, 2023, the Jammu & Kashmir High Court ruled that it does not have legal authority to order the Indian government to provide "sanction" for the prosecution of Indian forces under the Armed Forces Special Powers Act (AFSPA). The petition in the case was filed by Munawara Sultan seeking justice for the 1993 killing of her husband, Gowhar Amin Bahadur. On April 8, 1993, the 4th Battalion of India's Border Security Force (BSF) forced approximately 10,000 Kashmiri Muslim men to gather at the General Bus Stand, Batmaloo, including Bahadur. Bahadur was one of 12 men abducted and taken into custody. He was one of two killed by the BSF that day (the other was Javid Bakhshi). Bahadur and Bakshi were blown apart with gunshots fired at them in BSF custody.

AFSPA is an IAK-specific law that authorizes the use of deadly force while granting Indian forces immunity from prosecution (unless approved by the Indian government). The Indian government has never approved such a prosecution. AFSPA has long facilitated impunity for violations in IAK and denied remedies to victims of violations. As noted by the OHCHR and leading international human rights groups, impunity for human rights violations and lack of access to justice are key human rights challenges in IAK.

DISCRIMINATION TARGETING KASHMIRIS; TRANSNATIONAL REPRESSION

Targeting of Kashmiri students continued in Indian academic institutions

On September 11, 2023, 17 Kashmiri students at Mewar University in Rajasthan were suspended after being physically assaulted by local students and right-wing activists in August. On September 15, 2023, several Kashmiri nursing students were reportedly assaulted by police officers at Desh Bhagat University in Punjab, India while protesting a decision made by college administrators to transfer them to a different, unaccredited institution after three years of study.

Extrajudicial killing of alleged former Kashmiri armed resistance fighters continued

On September 8, 2023, Muhammad Riaz, an alleged former Kashmiri armed resistance fighter, was assassinated in a targeted killing by an unknown gunman in a mosque in Rawalakot, Pakistan-administered Kashmir. Riaz's killing followed several other recent, similar killings, including of Bashir Ahmed Peer and Syed Khalid Raza.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

On September 1, 2023, the International Press Institute (IPI) expressed "serious concern about the Indian government's use of the IT Act, 2000 to block the news site and social media accounts of the Kashmir-based news outlet The Kashmir Walla." IPI noted their ongoing concern regarding India's abuse of national security laws to target journalists, including

Fahad Shah and Sajad Gul. IPI also issued a May 2023 open letter demanding the protection of press freedoms in IAK given the "systematic dismantling of independent media in Jammu & Kashmir."

Also on September 1, 2023, the Associated Press published a photo essay on Kashmir's mental health clinics show the invisible scars of decades of conflict.

On September 20, 2023, the U.S. Commission on International Religious Freedom (USCIRF) hosted a hearing on religious freedom in India which included discussion of violations of freedom of religion and belief in IAK. The hearing included testimony from Fernand de Varennes, UN special rapporteur on minority issues who stated: "India risks becoming one of the world's main generators of instability, atrocities, and violence, because of the massive scale and gravity of the violations and abuses targeting mainly religious and other minorities such as Muslims, Christians, Sikhs, and others." In May, Dr. de Varennes issued a statement denouncing the India's government's hosting of a G20 meeting in IAK 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."

On September 26, 2023, Amnesty International published "Weaponizing Counterterrorism: India's Exploitation of Terrorism Financing Assessments to Target the Civil Society," a briefing paper that analyzes how the Indian government has used counterterrorism and money laundering laws (specifically the Foreign Contribution (Regulation) Act, Unlawful Activities (Prevention) Act and Prevention of Money Laundering Act, as lawfare to target civil society, including in IAK.

On September 26, 2023, the Washington Post published "Under India's Pressure, Facebook Let Propaganda and Hate Speech Thrive" which describes how Facebook, under pressure from the Indian government, permitted Indian state-supported propaganda and hate speech to flourish on its platform, including through the failure to shut down a network of fake accounts operated by the Indian army's Chinar Corps that systematically spread disinformation sanitizing and promoting human rights violations by Indian forces' while targeting Kashmiri journalists and other dissenters with false accusations of separatism and sedition, putting their lives in danger. Despite clear evidence of policy violations that required Facebook to delete accounts, Facebook did not take any action for a full year over concerns about antagonizing the Indian government. Instead of enforcing its policies on fake accounts and hate speech, Facebook and other social media companies have systematically abetted the Indian government's efforts to silence and suppress expression by Kashmiris seeking to defend their human rights.

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Published October 22, 2023