

# India: Government must end 'vicious crackdown' on human rights in Jammu and Kashmir



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Civil society, journalists, lawyers and human rights defenders continue to face a barrage of human rights violations

The Indian government has total control on information coming out of the region after passing restrictive media policies

Indian authorities continue to suspend internet services in parts of Kashmir often without warning

'The Indian authorities must end the long-drawn repression in Jammu and Kashmir immediately' - Aakar Patel

The Indian government has drastically intensified the repression of rights in Jammu and Kashmir in the three years since the change in status of the region, Amnesty International said in a new report published today.

The 31-page report - We are being punished by the law: Three years of abrogation of Article 370 in Jammu & Kashmir - documents how civil society, journalists, lawyers and human rights defenders have faced relentless interrogations, arbitrary travel bans, revolving door detentions and repressive media policies while blocking access to appeals or justice in courts and human rights bodies.

"For three years, civil society and media in Jammu and Kashmir have been subjected to a vicious crackdown by the Indian government, which is determined to stifle dissent using draconian laws, policies and unlawful practices in their

arsenal. “By harassing and intimidating critical voices, authorities are targeting all credible, independent sources of information in and about Jammu and Kashmir. All dissent is being silenced through heavy handed repression, which has spread fear and uncertainty in the region. “The government’s use of unlawful measures and unjust barriers impeding various rights in the region must be removed without further delay. The Indian authorities must end the long-drawn repression in Jammu and Kashmir immediately.”

## Assault on freedom of expression and movement

Amnesty has recorded at least 60 instances of crackdown on journalists and human rights defenders since August 2019.

A Kashmiri journalist who has been harassed by the authorities told Amnesty, “They (security forces) tell you in so many ways – subtle as well as blatant – that the cost of pursuing journalism in Jammu and Kashmir is huge.”

The Indian government has total control of information coming out of the region after passing restrictive media policies such as the 2020 Revised Media Policy and 2021 Film Policy. After an initial 552 days internet shutdown, the Indian authorities continue to suspend internet services frequently in various parts of Kashmir often without any prior notice. In addition, the sudden forced closure of the Kashmir Press Club in 2022 by the Indian government was a big blow to the already diminishing media pool.

Amnesty also found that in the last three years, at least six people, including journalists, human rights activists and academics, were stopped from travelling abroad despite having the requisite travel documents. This violated their right to freedom of movement through arbitrary executive actions and was not backed by any court order, warrant or written explanation.

According to the data gathered by Amnesty, at least 27 journalists have been arrested and detained by the Indian authorities since 5 August 2019.

Several journalists including Fahad Shah, Aasif Sultan and

Sajad Gul have been subjected to ‘revolving door’ arrests. In a continuing pattern, they have been arrested under one law, granted bail by the court, and then re-arrested almost immediately under the draconian Unlawful Activities (Prevention) Act (UAPA) – India’s primary anti-terror law in Jammu and Kashmir, keeping them continually detained.

A lawyer who handles such cases in southern Kashmir told Amnesty, “Since 2016, the increased malicious use of anti-terror laws makes it difficult for people to secure bail. [It] provides more flexibility to the police in keeping the person in pre-trial detention for 180 days even though the... charge sheets filed by the police [read like] nothing less than a book of fiction or novel.”

Amnesty reviewed 1,346 cases available on the High Court of Jammu and Kashmir’s website. It found that by 1 August 2022, the number of habeas corpus petitions increased by 32%, indicating a rise in unlawful detention in the last three years. Amnesty also reviewed the data published by National Crime Record Bureau and found that there has been a 12% increase in the use of UAPA in Jammu and Kashmir since 2019. This emerging trend in addition to the much-abused Public Safety Act (PSA) is also evidenced by an analysis of information on the High Court’s website.

Other intimidation tactics include malicious investigations and raids by the National Investigation Agency (NIA), and the Enforcement Directorate.

A senior editor of a prominent daily newspaper told Amnesty, “When the NIA raids a journalist’s house or the Enforcement Directorate threatens an editor with false cases, it not only impacts the journalist or editor but the entire community. They fear they can be next. It has become impossible for journalists to continue their work independently.”

In 2020, the NIA conducted multiple raids on the residences and offices of well-known human rights defenders like Khurram Parvez, three of his associates and Parveena Ahanger. Raids have also been carried out on the offices of the newspaper Kashmir Times, NGOs Athrout and GK Trust and

on the residence of Agence France-Presse's Kashmir correspondent Parvez Bukhari.

Amnesty spoke with Khurram Parvez's wife, Sameena after his subsequent arrest. She recounted, "The NIA officials seized the (personal) phones of everyone (in the household) including our domestic help as well as office laptops. In total, there were 21 devices... they kept asking about some of the names in his (old) diary and on a bunch of visiting cards. How can that be used to charge Khurram under India's anti-terror law and accuse him of waging a war against the country?"

Raids without a legal basis constitute a clear violation of the right to freedom of expression, as enshrined in the International Covenant on Civil and Political Rights.

The people of Jammu and Kashmir, in particular the Hindu minority community have faced unlawful killings by armed groups which have recently increased. An analysis of the official data by the Government of India shows that unlawful killings of civilians by armed groups have increased by 20% in the past three years.

Additionally, the government recently revealed that Jammu and Kashmir accounted for the highest number of deaths involving the police in India between April 2020 and March 2022. There is a lack of accountability regarding the police's use of force in the region due to the continued enforcement of the Armed Forces (Special Powers) Act (AFSPA), which grants them additional powers and impunity and falls short of international human rights standards.

The government has a duty under international law to take measures to protect civilians and give those who order, plan and carry out such attacks or killings a fair trial without resorting to the death penalty.

Amnesty calls on the Indian government to immediately release those arbitrarily detained under administrative detention and other repressive laws and ensure that they are tried promptly and fairly in a regular court.

Amnesty also calls on the international community to hold the

Indian government accountable for its grave human rights violations in Jammu and Kashmir and ensure its cooperation with United Nations Mechanisms and facilitate immediate and independent investigation in the region.

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