

LATEST AMNESTY INTERNATIONAL REPORT ON INDIAN OCCUPIED JAMMU AND KASHMIR- A WAKE UP CALL TO THE INTERNATIONAL CONSCIENCE

By
Mahwish Hafeez
Research Fellow
India Study Centre (ISC), ISSI

Edited by
Dr Arshad Ali

September 28, 2022

(Views expressed in the brief are those of the author, and do not represent those of ISSI)



Source: The Guardian

Amnesty International, a leading Non Governmental Organisation that champions the cause of human rights across the globe has released its latest report titled "*WE ARE BEING PUNISHED BY THE LAW - THREE YEARS OF ABROGATION OF ARTICLE 370 IN JAMMU AND KASHMIR*" on September 2, 2022¹. The report is a spine chilling account of how Indian authorities suppress the voices of dissent and how journalists and civil society activists are harassed. The report strongly refutes the claim of normalcy in Indian Illegally occupied Jammu and Kashmir after the August 5, 2019 events.

At the very outset of the report, Amnesty International narrates difficulties it had to face to gather first hand information due to the Indian government's crackdown on Amnesty International workers. Smear campaigns were carried out and allegations against Amnesty International were levelled by the Indian government under Prevention of Money Laundering Act, 2002, Foreign Exchange Management Act, 1999 and Foreign Contribution (Regulation) Act, 2010. The unrelenting offensive by Indian authorities and freezing of its bank accounts without any prior notice ultimately led Amnesty International to roll back its operations in India in September 2020. For this particular report, Amnesty International consulted 25 journalists, civil society activists and human rights defenders. Many journalists when approached were reluctant to share their views out of fear of

¹ "We are being punished by the law: Three years of abrogation of Article 370 in Jammu and Kashmir," Amnesty International, September 2, 2022, <https://www.amnesty.org/en/documents/asa20/5959/2022/en/>

reprisals from Indian authorities. To overcome this limitation, Amnesty International relied on media sources, statements by various UN Special Rapporteurs, speeches by Indian politicians and public officials, documentary evidence available on the website of Jammu and Kashmir High Court as well as reports by other human rights organisations.

The report then goes on to describe the severe restriction on freedom of opinion and expression imposed by the Indian government on the people of Jammu and Kashmir under its occupation. A blanket internet shutdown was imposed on August 4, 2019 which was lifted completely after 18 months in February 2021. It is the third longest internet shutdown in the world. Furthermore, there were at least 85 internet shutdowns in Indian occupied Jammu and Kashmir which is one of the highest numbers in the world.

In May 2020, the Indian government introduced "revised media policy" which gave it the liberty to arrest journalists and charge them under Indian Penal Code, 1860 and Information Technology act, 2000. During the internet shutdown, the journalists were forced to use a media facilitation centre that was set up by the government under complete surveillance of government agencies. Of the total 300 journalists registered with the Kashmir Press Club (which was shut down in 2022), at least 180 journalists have been interrogated since August 2019. Journalists who highlight the human rights abuses face threats of fabricated cases and harm to not only the journalists themselves but also to their immediate and extended family members by the Indian security agencies.

Similarly, the report says that at least 27 journalists, particularly those who are critical of India or highlight human rights abuses have been arrested under Unlawful Activities (Prevention) Act (UAPA) by the Indian authorities since August 2019. This situation forced The United Nations Special Rapporteur on Freedom of Expression promotion and protection of the right to freedom of opinion and expression and Vice-Chair of the Working Group on Arbitrary Detention raise their serious concerns over the treatment meted out to these arrested journalists.

Additionally, other agencies like National Investigation Agency (NIA) that investigates terror related cases are used for intimidation of voices of those who are critical of Indian government policies. In this regard, the case of Khurram Parvez is one glaring example. In November 2021, Khurram Parvez- the champion of human rights and Programme coordinator of Jammu and Kashmir Coalition of Civil Society (JKCCS) was arrested by NIA after a series of raids at his office and residence. Ultimately, he was arrested under UAPA on fabricated charges of raising funds for a terror act, recruitment of any person for terror act and membership to a terror organization. Khurram Parvez continues to be held in jail in Delhi. Often, journalists who refuse to bow down end up losing their jobs. The report

highlights that the tactics used by Indian authorities are in clear violation of the right to freedom of expression enshrined in the International Covenant on Civil and Political Rights.

Members of civil society have also not been spared by the Indian authorities. Indian authorities slap members of civil society with arbitrary travel bans. The report states that in October 2019, around 450 people that included journalists, human rights activists and politicians were barred from travelling abroad right before Indian occupied Jammu and Kashmir was split into two Union territories. The reports also laments the closure of Kashmir Press Club in January 2022 which is seen as a major setback for the journalist fraternity and freelancers for whom this press club served as a comfortable workplace.

On the issue of arbitrary arrests, the report says that since August 5, 2019, the instances of arbitrary arrests under the 1978 Jammu and Kashmir Public Safety Act has increased manifold. The said law allows Indian authorities to detain any person without any charge for up to two years. Additionally, it was revealed by the Indian government itself that Jammu and Kashmir had the maximum number of deaths as a result of "police encounter" from April 2020 till March 2022. Laws like Armed Forces Special Powers Act (AFSPA) gives complete impunity to the members of the security forces to not only arrest without warrant but also shoot.

The report concludes that the Indian government's claim that their actions are "legitimate response to terrorism" is unfounded as their response to such a threat (if it exists) is out of proportion and therefore, constitute human rights abuses.

It is indeed encouraging to see that the massive human rights abuses are being well documented and presented before the world from time to time. The report released by Amnesty International is unique in a sense that it focuses more on the difficulties faced by those who document and inform the world about ongoing human rights abuses in IIOJK. This report once again proves that no matter the level of brutality, the people of Kashmir will stand firm and will not bow down to reign of terror unleashed by Indian authorities.