

India: Release Kashmiri Journalist Fahad Shah and Stop Silencing Journalists

(Bangkok/Kathmandu, 1 June 2022) — The arrest of prominent Kashmiri journalist Fahad Shah under the Unlawful Activities Prevention Act (UAPA) 1967 and the Public Safety Act (PSA) 1978 highlights the growing crackdown on press freedom and is the latest blow to freedom of expression in Indian-Administered Kashmir. This is Shah's fifth arrest under the draconian UAPA and PSA in the span of 116 days.

Fahad Shah is the founder and editor-in-chief of the *Kashmir Walla* (TKW), a Kashmir-based digital media outlet. He was first arrested in Pulwama in Jammu & Kashmir on 4 February 2022 on charges of posting 'anti-national' content concerning TKW's coverage of a gunfight between government forces and alleged militants. TKW published a story¹ in which the family of the slain teenager, Inayat Ahmad Mir, denied his involvement in militant activities and contradicted the official narrative. The family's claim was published alongside the police's version of the killing.² Although Shah secured bail in the case, he was re-arrested before he could walk out of the police station. His custody was taken over by Shopian police on 26 February in connection with a story from January 2021 where TKW reported that a private school was allegedly³ 'pressured by the army' to celebrate the Indian Republic Day function.

Subsequently, Shah secured bail but was re-arrested for the third time on 5 March, again under UAPA, by the Srinagar police within hours. This arrest was in connection with TKW's reporting of the Nawakadal Gunfight⁴ of May 2020 in which two militants were killed and 19 residential houses were damaged. The report based on civilian interviews accused the Central Reserve Police Force (CRPF) India of beating up civilians, including minors, and stealing valuables.⁵ The police had claimed that the aforementioned coverage 'defamed' the forces.

While in police detention on 11 March, Shah was booked under the stringent PSA which allows for detention without trial for up to two years and shifted to Kupwara. On 17 April, the State Investigative Authority (SIA)⁶ raided TKW's office and Shah's residence. A month later, on 20 May, Shah's custody was taken over by the SIA at the Joint Interrogation Center⁷, Jammu in connection to an op-ed⁸ written by Kashmiri Scholar Aala Fazili⁹ in 2011. This was Shah's fifth arrest and is currently under police remand.

TKW has a team of young reporters amplifying the stories of everyday lives of Kashmiris. The arrest of Fahad Shah and Trainee Reporter, Sajad Gul¹⁰ in January 2022, has sent a chilling effect on the journalist fraternity in Kashmir and once again, brought to the fore the risks associated with being a journalist in Kashmir. TWK's interim editor, Yashraj Sharma, has also been summoned for questioning at the JIC Miran Sahib police station by SIA.

¹<https://thekashmirwalla.com/my-son-innocent-return-body-house-owners-son-killed-in-pulwama-gunfight/>

²<https://theprint.in/india/editors-guild-slams-fahad-shah-arrest-says-media-freedom-has-progressively-eroded-in-kashmir/823176/>

³<https://thekashmirwalla.com/shopian-school-alleges-pressure-from-army-to-hold-r-day-function/>

⁴<https://thekashmirwalla.com/srinagar-gunfight-at-least-15-houses-destroyed/>

⁵<https://thekashmirwalla.com/statement-fresh-summons-issued-to-kashmir-wall-a-editor-over-srinagar-gunfight-coverage/>

⁶<https://thekashmirwalla.com/statement-sia-raids-kashmir-wall-a-office-fahad-shahs-residence/>

⁷<https://thekashmirwalla.com/statement-fahad-shahs-custody-taken-over-by-sia-jammu-as-arrest-saga-continues/>

⁸<https://thekashmirwalla.com/the-shackles-of-slavery-will-break-aala-fazili/>

⁹<https://cpj.org/2022/04/indian-authorities-raid-the-kashmir-wall-a-arrest-contributor-over-2011-article/>

¹⁰<https://www.aljazeera.com/news/2022/1/18/kashmir-journalist-sajad-gul-arrested-psa-jammu-jail>

Shah's saga of arrests is a huge setback for press freedom and emblematic of the systematic use of national security laws to criminalize journalism and dissent in Kashmir and India at large. Prior to his arrest, over the last two years, Shah was summoned thrice and had cooperated in the investigation. In 2021 while returning from a reporting trip, Shah, along with a colleague, was detained at gunpoint by police on the Jammu and Kashmir highway.¹¹

FORUM-ASIA calls on all concerned authorities to immediately intervene and drop charges against Shah. We call on the authorities to immediately cease all acts of intimidation and hostilities towards journalists in Kashmir. India must ensure accountability to the violations of human rights obligations and fundamental freedoms that emanate from the international human rights treaties ratified by India. We call upon the Indian government to protect the freedom of press and of expression and ensure journalists can safely and independently carry on their work.

Background:

Journalist Fahad Shah won the Human Rights Press Award in 2021 for his reporting on the February 2020 riots in New Delhi, India. He was also a nominee for the Reporters Without Borders' (RSF) Press Freedom Prize for Courage in 2020. Shah is an alum of SOAS University of London and has contributed to international publications like The Nation, Time, Christian Science Monitor and Foreign Policy. He has also edited the anthology 'On Occupation and Resistance in Kashmir'.

Shah is the General Secretary of the Jammu and Kashmir Journalists Association (JAKJA). He first started the *Kashmir Walla* as a personal blog in 2011, and transformed it into a digital multi-media magazine covering political, social and cultural developments in the region. Over the last decade, the *Kashmir Walla* has become one of the prominent local media outlets in Jammu and Kashmir.

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The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. www.forum-asia.org

For further information, please contact:

- South Asia Programme, FORUM-ASIA, sasia@forum-asia.org

For media inquiries, please contact:

- Communication and Media Programme, FORUM ASIA, communication@forum-asia.org

¹¹ <https://article-14.com/post/police-detain-kashmir-editor-colleague-at-gunpoint>