

## **[Statement] India: End reprisals against human rights defenders in Kashmir**

(Bangkok/Kathmandu, 5 August 2023) - The Asian Forum for Development and Human Rights (FORUM-ASIA) expresses its deep concern over the Indian State's intensified repression against human rights defenders and journalists as well as its continued human rights violations in Indian-Administered Kashmir.

5 August 2023 marks the fourth year since the abrogation of [Article 370](#), a constitutional provision that granted special autonomy to the disputed territory of Jammu and Kashmir. In the aftermath of this unilateral decision, there has been a worrying increase in the suppression of fundamental freedoms, particularly the freedom of expression, association, and peaceful assembly.

With continued intensified militarisation and the Indian Government's rule over the region, there has been almost a complete suspension of democracy and the rule of law, thereby providing blanket impunity to security forces and those holding State powers.

The heavy-handed approach of the Indian Government—led by the Hindu nationalist Bharatiya Janatha Party—has resulted in a crackdown against human rights defenders, journalists, and civil society activists, subjecting them to unjust summons, interrogations, and arbitrary arrests in the Muslim majority region of Kashmir.

The abuse of extraordinary counter-terror laws such as the Unlawful Activities (Prevention) Act, the Public Safety Act, and revolving door arrests have stifled civic space, eroding the environment for human rights work.

'The systemic human rights violations and repression of fundamental freedoms in Kashmir which continue unabated alongside reprisals against human rights defenders should end immediately. The arrests and investigations against human rights defenders are a tactic by the State to prevent reporting of human rights violations in Kashmir to the international community. The international community, especially the United Nations Human Rights Council and the High Commissioner for Human Rights should call upon the Indian authorities to end the human rights abuses in Kashmir,' said Mary Aileen Diez-Bacalso, Executive Director of FORUM-ASIA.

## Stifling Human Rights Work

Over the past four years, there has been a concerted attempt to delegitimise and criminalise human rights work in the region. This is particularly evident in the [case](#) of the Jammu and Kashmir Coalition of Civil Society (JKCCS), which was founded in 2000.

JKCCS pioneered the documentation and litigation of human rights abuses and violations by the Indian State. Since [2020](#), the National Investigation Agency (NIA) has conducted multiple raids on the offices of JKCCS and its members, seizing their documents and devices, and even passports. In November 2021, Khurram Parvez—Program Coordinator of JKCCS and a Martin Ennals Awardee—was [detained](#) under serious terrorism-related charges under the repressive counter-terror law Unlawful Activities (Prevention) Act (UAPA).

In October 2020, the NIA filed a case against Parvez for allegedly '[funding terror activities in the valley...under the garb of protection of human rights.](#)' Parvez—who is already imprisoned in the 2021 case—was arrested in this case alongside journalist [Irfan Mehraj](#), who was previously associated as a researcher with JKCCS. In the same case, other human rights defenders have received summons and their residences have been [raided](#).

On 1 August 2023, the residence of JKCCS' co-founder and lawyer, [Parvez Imroz](#), was raided by the NIA. The NIA had conducted [searches](#) in 23 places earlier in these cases, recently conducted searches in four other places, and confiscated digital devices. Such actions are seen as an attempt to harass and intimidate human rights defenders, thereby creating a chilling effect on all human rights work in Kashmir.

## Criminalising Journalism

Journalists in the region face a heightened level of surveillance and harassment.

There is always a possibility of being summoned to the police station, questioned by the NIA, or having their homes raided. This has led to a worrying trend of self-censorship among journalists to circumvent harassment from the State.

Among the emblematic cases of reprisals against journalists is the case of [Fahad Shah](#), founder and editor-in-chief of the [Kashmir Walla](#). Shah was arrested in February 2022 under anti-terror and sedition laws, reflecting a classic case of revolving door arrests.

Shah was released on bail and rearrested over other reporting before being charged in March 2022 with the Public Safety Act (PSA), which allows detention without trial for up to two years. Although the J and K court quashed Shah's detention in PSA, he remained incarcerated under the UAPA, alongside Kashmiri scholar Aala Fazili, for publication of an alleged '[seditious](#)' article on the Kashmir Walla's website over a decade ago.

Kashmir Walla's trainee reporter, [Sajad Gul](#), has also been detained since January 2022 for a social media post. Similarly, journalist [Aasif Sultan](#) has been behind bars since August 2018. Sultan was initially arrested in a UAPA case but was rearrested under the PSA in April 2023 after securing bail in the first case.

### **Travel Bans and Passport Restrictions**

The usage of travel bans and [passport revocations](#) pose an additional barrier to the freedom of the press as well as the freedom of mobility of journalists.

Authorities have arbitrarily suspended the passports of two journalists and activists, citing them as '[security threats](#).' However, none of the two journalists whose passports have been impounded is accused in any criminal case nor has any justification been provided to them regarding the suspension of their passports.

Previously, many journalists and defenders—including Pulitzer-winning journalist [Sanna Irshad Mattoo](#) and [Khurram Parvez](#)—were barred from travelling abroad.

Without providing any explanation, authorities routinely use travel bans, as a tool in the wider crackdown on human rights defenders.

### **Call to Action**

The consequences of the Indian State's actions reach far beyond individual cases, creating an atmosphere of fear and intimidation across the country.

Such repression against journalists and defenders creates a chilling effect, which hinders the reporting of violations and prevents individuals and organisations from doing human rights work in the region.

FORUM-ASIA strongly urges the Indian Government to drop all politically motivated charges against human rights defenders and journalists, especially those detained under repressive laws such as the UAPA and PSA.

We call upon the authorities to remove unjust barriers and restrictions that impede the right to freedom of expression and mobility in the region.

We are in solidarity with the people of Indian-Administered Kashmir.

FORUM-ASIA reiterates the call to the UN Human Rights Council to establish an independent international investigative mechanism into past and ongoing crimes under international law and human rights violations by all parties in Kashmir, as recommended by the UN High Commissioner for Human Rights in its report in [2018](#).

## **About FORUM-ASIA:**

**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](http://www.forum-asia.org)

## **For media inquiries, please contact:**

- Communication and Media Programme, FORUM-ASIA, [communication@forum-asia.org](mailto:communication@forum-asia.org)