



## PERIODIC SUMMARY OF CRITICAL DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN IAK August 4, 2019 - January 31, 2023

The already dire humanitarian and human rights situation in IAK has substantially deteriorated since [August 4, 2019](#) when Indian authorities imposed new, violative laws and policies on IAK – illegalities predicated on earlier illegalities [condemned](#) by the UN Security Council. At that time, the Indian government further intensified its militarized repression in IAK, escalated collective punishment and [mass illegal imprisonment](#) of dissenters, and consolidated its dominance over the local population while [totally cutting Kashmiris off](#) from the international community. Indian authorities have subsequently implemented [policies](#) facilitating and incentivizing [forced demographic change](#) in the region in favor of non-local Hindus, cultural erasure, and the [economic and social disempowerment](#) of IAK's Muslims, Kashmiri Muslims in particular, in their homeland. Other grave human rights violations remain ongoing.

Since August 4, 2019, Indian authorities have achieved an unprecedented degree of domination over the already subjugated, discriminated, and violated Muslims of IAK. This escalation of human rights violations is consequential to the dominance of Hindu supremacists in India. For Hindu supremacists, the disintegration and disempowerment of IAK, including through the abrogation of Articles 370 and 35A of India's constitution, is a [decades-old policy goal](#) which they delivered in August 2019. The forcible change of demographics of IAK in favor of Hindus is a long-planned Hindu supremacist "[final solution](#)" for IAK which constitutes a crime against humanity and a grave breach of the Fourth Geneva Convention. These policies materially increase the already high [risk of genocide](#) in IAK. Indian authorities have manufactured a *de facto* reality that practically obviates the exercise by the people of Jammu & Kashmir of their fundamental rights, including their [right to self-determination](#), which has been recognized by numerous UNSC resolutions, including [Resolution 47 \(21 April 1948\)](#), [Resolution 51 \(3 June 1948\)](#), [Resolution 91 \(30 March 1951\)](#), [Resolution 96 \(10 November 1951\)](#), [Resolution 98 \(23 December 1952\)](#), [Resolution 122 \(24 January 1957\)](#) and [Resolution 126 \(2 December 1957\)](#). This also practically obviates the possibility of peaceful resolution of the longstanding international [territorial dispute](#) over Jammu & Kashmir.

The post-2019 human rights situation must be understood within its historical-political-legal context. IAK is an Indian colony subject to India's decades-old, intensive military occupation; as an occupied territory, it is an area of armed conflict to which international humanitarian law applies. Through occupation, colonization, militarized, authoritarian governance and the commission of grave rights violations, the Indian government has repressed a pro-democracy, pro-rights, anti-discrimination movement that began in the late 19th century and remains ongoing. That popular movement has sought to redress discrimination, primarily against the Muslims of Jammu & Kashmir, and secure economic, social, cultural and civil and political rights, including the right to self-determination. The Indian government has long denied the people of IAK their fundamental rights and freedoms, including their rights to speak and to assemble, while maintaining the nominal pretense of constitutional democracy and the rule of law. Indian forces have for decades committed widespread, grave human rights violations in IAK, including

[atrocity crimes](#), which the Indian government has sanctioned through [legalized impunity](#). Those violations include [extrajudicial killing](#), [torture](#), willfully causing [great suffering or serious injury](#), [unlawful confinement](#) and [enforced disappearances](#). Indian authorities have long [denied Kashmiris access to justice](#). 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.

Since August 2019, Indian authorities have increasingly targeted Kashmiri human rights defenders and other dissenters – including journalists, scholars, lawyers and political activists – for repression through legal restrictions on their work, raids of their homes and places of employment, arbitrary arrests and detentions under counter-terror laws, and physical abuse. A police unit called the “Ecosystem of Narrative Terrorism” is dedicated to profiling, investigating, and policing Kashmiri [journalists and scholars](#) who Indian officials and media refer to as “[white collar jihadis](#)” or “[white collar terrorists](#).” Indian authorities have enhanced their technological [surveillance](#) tools, including [CCTV](#) and [facial recognition systems](#) as well as through the use of spyware like NSO Group’s [Pegasus](#). They have intensified their [social media surveillance](#) of Kashmiris through dedicated [police resources](#) and [vigilante groups](#). Kashmiris have [described](#) the effect of the measures as a “lockdown on thoughts” and a “panoptic society.”

Indian authorities have escalated their [repression](#) targeting Kashmiri [thought, assembly and dissent](#). They have suppressed civil disobedience through curfews, arbitrary detentions and arrests under [counter-terror laws](#) and [lethal force](#). Indian authorities have censored and suppressed [online dissent](#) by Kashmiris through intimidation, harassment, arbitrary detention and arrest under counter-terror laws, ordering Kashmiri users’ [posts taken down](#) and freezing or blocking Kashmiri users’ social media accounts. Indian authorities have authorized [denying Kashmiris passport issuance and renewal](#), government services and employment on the basis of an adverse police report for acts including civil disobedience and dissent.

For doing journalism, Indian authorities have restricted Kashmiri journalists’ activities, [intimidated](#), [harassed, attacked, assaulted and maimed journalists](#), and [arbitrarily detained and charged](#) journalists under counter-terror and anti-sedition laws. They have repeatedly [raided](#) the homes and offices of Kashmiri journalists and repeatedly [summoned](#) a large number of Kashmiri journalists for police interrogation. They have [denied](#) Kashmiri journalists the [right to travel](#) in what experts have described as “[systematic harassment](#).” Indian authorities have censored independent journalists and brought previously independent media under state control through the implementation and enforcement of the [Media Policy-2020](#), which experts have called [Orwellian](#). They have [forcibly taken over](#) the [Kashmir Press Club](#), the largest elected trade body representing journalists in IAK.

Indian authorities have similarly intimidated, harassed, denied the right to travel to and arbitrarily detained and arrested under counter-terror laws Kashmiri human rights activists. They have repeatedly [raided](#) the homes and offices of leading Kashmiri human rights activists in connection with investigations for criminal conspiracy, sedition, and supporting terror. They have [prevented](#) the Jammu and Kashmir High Court Bar Association, the primary professional organization providing legal aid to victims of human rights violations, from operating. They have pressured Kashmiri families to withdraw human rights complaints against authorities. In a particularly impactful case, Indian authorities [arbitrarily detained](#) Khurram Parvez, a [prominent](#) Kashmiri human rights activist, on November 22, 2021. Indian authorities have charged him with conspiring to wage war against India and supporting terrorism. Parvez remains in maximum security prison in Delhi, India.

Indian authorities have escalated their campaign to impair educational access to the local population of IAK. Under new “domicile” rules, locals have been denied their rights to access educational opportunities in Jammu & Kashmir. Indian authorities have [forcibly closed](#) institutions of higher education in IAK and hundreds of schools. They have subjected [Kashmiri scholars](#) to coercion, abuse, and intimidation. They have [prohibited](#) academic institutions receiving Indian government funds from holding international events discussing IAK without prior government approval, have required Kashmiri academics to [disclose details of their personal assets](#) while prohibiting them from traveling abroad without prior government approval and required academics to obtain [prior approval](#) to invite non-Indians to campus. They have announced investigations of academics for the “[pernicious influence of secessionism](#),” [purged](#) academics [with dissenting views](#) from their posts and introduced [new rules](#) that make it harder for qualified Kashmiri academics to obtain appropriate employment in IAK. Indian authorities have [subjected](#) institutions of higher education in IAK to direct Indian government control, undermining their independence.

Indian authorities have escalated their political disempowerment of the people of IAK, especially targeting the Muslims of IAK and, in particular, Kashmiri Muslims in multiple ways: by [disintegrating](#) Jammu & Kashmir (pursuant to the Jammu and Kashmir Reorganisation Act, 2019); [gerrymandering](#) constituencies to dilute the influence of Muslims; legalizing the denial of the [right of return](#) of Muslim refugees and political exiles from IAK; [denying](#) Muslims born Pakistan-administered Kashmir the right to vote; “indigenizing” [non-local Hindus](#) through new “domicile” rules; and registering [hundreds of thousands](#) of new, non-local Hindu voters. Indian authorities have eliminated even the pretense of local control or influence in the administration of Jammu & Kashmir. Indian authorities have declared all popular, representative associations and groups in IAK unlawful, including Jamaat-e-Islami Jammu and Kashmir and the Jammu and Kashmir Liberation Front, under the Unlawful Activities (Prevention) Act. Indian authorities have illegally imprisoned every prominent pro-self-determination political activist in IAK, four of whom ([Ghulam Muhammad Bhat](#), [Syed Ali Shah Geelani](#), [Muhammad Ashraf Sehrai](#) and [Altaf Ahmad Shah](#)) have died in custody.

The counter-terror cases against the three most prominent, popular pro-self-determination political leaders of IAK – Syed Ali Shah Geelani, Mohammed Yasin Malik and Umar Farooq – are illustrative. Indian authorities imprisoned Syed Ali Shah Geelani until his death, then forcibly [buried](#) him against his family's wishes, [preventing](#) the proper performance of his last rites and any [public commemoration](#) of his death. Members of his family were [charged](#) under the Unlawful Activities (Prevention) Act for attempting to bury him in accordance with his wishes. Mohammed Yasin Malik, a committed, longstanding non-violent activist, was [prosecuted](#) for “secessionism” and “terrorism,” denied a fair trial and [sentenced](#) to life in prison by an Indian court. He has been held in solitary confinement for a prolonged period and will serve his life sentence in [solitary confinement](#). [Umar Farooq](#) has been under continual house arrest for three and a half years and forcibly [prevented religious gatherings](#) at his base, Jamia Masjid, Srinagar’s main Friday mosque. Indian authorities have [assaulted, humiliated and arbitrarily detained](#) Kashmiris for [protesting](#) the treatment of their political leaders.

Indian authorities have escalated their [collective punishment](#) of Kashmiris, including through frequently suspended internet, [mobile and other communications services](#), [raids](#) and the [appropriation and destruction of personal property](#), including homes. Indian authorities have expropriated homes for various alleged offenses, including [alleged terrorism](#), alleged [sheltering of terrorists](#), and alleged [funding of terrorism](#), including in the case of prominent pro-self-determination political activists Shabir Shah and [Asiya Andrabi](#). None of these allegations have been properly established through due process of law or through proper sentencing processes. Indian authorities have also expropriated many [assets](#) of critical

civil society organizations in IAK or their key activists, including homes, orchards, shopping complexes and commercial buildings, including those associated by Indian authorities with [Jamaat e Islami Jammu and Kashmir](#), an Islamic socio-religious movement founded in 1953 and banned by the Indian authorities in February 2019. Indian authorities have also escalated the punishment of Kashmiris for the alleged beliefs or dissent of their relatives or associates, including through [terminating employment](#), [harassment](#) and [canceling](#) travel documents. The collective punishment practice of not returning the bodies of Kashmiris killed by Indian forces was introduced in [April 2020](#) and continues to be implemented. Those whose bodies have been denied return include many Kashmiri [civilians](#) extrajudicially killed by Indian and labeled “[terrorists](#).” A new practice of not returning began in [April 2020](#). The [pretextual](#) policy reason was to prevent the spread of COVID-19 – a rationale [cynically](#) and [opportunistically](#) invoked by Indian authorities in IAK to expand repressive practices. Those whose bodies have been denied return include many Kashmiri [civilians](#) extrajudicially killed by Indian forces and labeled “[terrorists](#).”

Indian authorities have escalated their campaign to economically disempower the local population of IAK. Under [new “domicile” rules](#), locals have been denied their rights to access public sector employment opportunities. Indian authorities have [terminated](#) dozens of public sector employees in IAK for purported anti-national sentiment [without due process](#) or meaningful recourse, even if the disfavored sentiment is allegedly held by their relatives or associates. In IAK, the government is the largest employer and public sector employment is [widely sought after](#) 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. Indian authorities eliminated [historic protections](#) of the local population’s ownership of immovable property, access to government employment and access to educational opportunities and [dismantled](#) IAK’s [land ownership system](#) and, consequently, the foundations of its historic economy. In addition, India has imposed repeated, prolonged and debilitating communications shutdowns, including the [longest shutdown](#) in a nominally democratic state, which [devastated](#) the local economy. IAK has long suffered and continues to suffer [more communications shutdowns](#) than any country or region in the world. Indian authorities have variously and expansively expropriated the personal and real property of the people of IAK, including through the currently ongoing and escalating “anti-encroachment” drive pursuant to which Indian authorities are *en masse* expropriating homes, businesses, productive agricultural land, orchards, grazing land in which private property rights had long ago vested under local law without due process or remedy. Indian authorities have also canceled long-term leases of government land on which substantial private infrastructure and investment had been made, with substantial [economic](#) and [educational](#) impacts. This intervention runs counter to the commercial expectations of all parties and local practice. They have also continued to expropriate land for various other purposes, including [military purposes](#). At the same time, Indian authorities have [allocated land to non-local parties](#) aligned with the Indian government.

Indian authorities have escalated their campaign of historical and cultural erasure in IAK in several ways: by [replacing local place names](#) with those of Indian Hindu supremacists icons; [modifying public holidays](#) to reflect Hindu supremacists’ narrative on IAK; [suppressing](#) and erasing local history and public commemorations; coercing Kashmiris to [finance and display](#) symbols of Indian nationalism; [forcing](#) Kashmiri Muslim students to sing Hindu hymns; and pursuing a [state takeover](#) of Muslim religious and [cultural](#) institutions.

Indian authorities have escalated their attacks on Muslim religion and belief in IAK, including by [banning](#) the most prominent Muslim social welfare organization, arbitrarily [detaining and charging](#) Muslim [religious leaders](#) under counter-terror laws, [forcing](#) the closure of major Muslim religious institutions,

[prohibiting](#) Muslim congregational religious practice, [targeting](#) Muslims for observing religious congregational rituals and denying Muslim victims of state violence the performance of [religious rites](#) and their loved ones the [return of victims' bodies](#). Over [560 bodies](#) have been forcibly buried by Indian authorities since 2020. Indian authorities have centralized and expanded their [control](#) over Muslim religious institutions and practice in IAK.

Indian forces continue to commit frequent extrajudicial killings and violations of the right to life in IAK. Indian forces have continued to kill Kashmiri [civilians](#) and [alleged resistance fighters](#) with impunity. Indian authorities have also continued the longstanding practice of [custodial killing](#) in IAK, typically labeling their victim a “militant” and sometimes claiming that the killing occurred in a [fake encounter](#). [In total](#), Indian officials claim that 156 resistance fighters have been killed in 99 operations in 2022, and that 22 civilians have also been killed. Indian forces continue to commit [enforced and involuntary disappearances](#) in IAK, including at least two civilians in the last two months.

Indian authorities continue to [arbitrarily detain](#) thousands of Kashmiris. Despite the extraordinary infringement on people’s rights through prolonged arbitrary detention (often far from their homes and with little to no access to families or counsel), limited procedural rights afforded to detainees, and presumptions favoring the prosecution, the conviction rate [remains low](#) in these cases. Although the Unlawful Activities (Prevention) Act (UAPA) is applicable outside of IAK and many Kashmiris dissenters are persecuted pursuant to the Jammu & Kashmir Public Safety Act (PSA) rather than the UAPA, the people of IAK represented 1.04% of India’s population and [26.19% of those arrested](#) under the UAPA in 2020.

The present high risk of mass atrocities against Kashmiris is underscored by the Indian authorities’ [propagandistic appeals to hatred against Kashmiri Muslims](#). This includes the Indian state-supported, popular anti-Kashmiri Muslim propaganda film released in March 2022 called *The Kashmir Files* which claims to tell the untold, true story of the “genocide” of Hindus in IAK but is [in fact propaganda](#). The film has prompted [public calls](#) in India for the targeting of, and mass killing of, Kashmiri Muslims. In India (outside of IAK), Kashmiris Muslims have continued to be [targeted](#), [discriminated against](#), [wrongfully imprisoned](#), tortured, [assaulted](#), [abused](#), [surveilled](#) and killed.

Since August 2019, Indian authorities have systematically eliminated Kashmiris’ remaining means of defending their human rights. Indian authorities have specifically targeted [Kashmiri human rights defenders](#) and [others](#) who engage in human rights-related work – including [journalists](#), [scholars](#) and [political activists](#) – for repression. [Amnesty International](#) recently described this as “a system of laws, policies and practices that systematically annihilate critical voices and violate the rights to freedom of expression and opinion of journalists and human rights defenders.” The broad-based silencing of Kashmiri has resulted in minimal, decreasing reporting of human rights violations in IAK, no credible investigations of such violations, and minimal, declining understanding of the context and significance of such violations. At the same time, the international community has no access to IAK. The Indian government has [long denied that access](#), including to the international media, international human rights groups and the UN Human Rights Council’s special procedures, access to IAK.

In a [genocidal climate](#) and subject to an intensive military occupation responsible for widespread acts constituting atrocity crimes, Kashmiri – a defenseless, marginalized, demonized minority – face [material risk of mass atrocities](#). Indian authorities have also escalated myriad other violations in IAK, including violations of [political rights](#), [economic rights](#), [cultural rights](#), the [right to free expression](#), the [right to access the internet](#), the [right to access education](#) and the [right to adequate healthcare](#) as well as

widespread [arbitrary detention](#), [torture](#) and collective punishment, including through [property destruction](#). Indian authorities have escalated their abuse of [counter-terror laws](#) and the [Foreign Contribution \(Regulation\) Act](#) to suppress civil society and dissent in IAK. Many of these violations constitute [atrocities crimes](#) – namely, war crimes and crimes against humanity.

The international community has long recognized that IAK is critical to international peace and security – both as a [flashpoint](#) for [broader armed conflict](#) and as a [trigger](#) for nuclear war. IAK is also critical to the global threats of [electoral autocracy/democratic authoritarianism](#), [militant ethnonationalism](#) and [climate change-fueled conflict](#) over [dwindling critical resources](#) exacerbated by militarization and impunity for human rights violations. However, the international community has continued to fail to defend human rights in IAK and ensure accountability for violations in IAK. India [rejects](#) international accountability efforts and [attacks](#) and demonizes those who attempt to seek accountability for violations in IAK, including the OHCHR. India generally fails to respond to the Human Rights Council's special procedures' communications regarding violations in IAK or undermines such efforts by responding confidentially. Recently, India forced [Amnesty International to cease operations](#) in India in retaliation for reporting on violations committed by Indian authorities in IAK.

Indian authorities' development of policies and practices of authoritarianism on the marginalized people of IAK without redress or accountability has [facilitated](#) the implementation of those policies and practices in India. Indian security officials have [acknowledged](#) that its government is at war with civil society. India's disproportionate, discriminatory assault on Kashmiris' rights has facilitated and fueled its assault on civil society and the rights of [minorities and marginalized groups](#) in India.

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