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Hearing  
on  
JAMMU AND KASHMIR IN CONTEXT

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Good afternoon Co-Chairman McGovern, Co-Chairman Smith, and members of the Commission. I appreciate the opportunity to discuss the history and context of human rights violations in Kashmir.

Today is the 103rd day of siege in Indian-controlled Kashmir. On August 5, 2019, the Government of India (GoI) revoked constitutional provisions granting partial autonomy to the State of Jammu and Kashmir (J&K) and announced the creation of two separate federally-administered Union Territories, which came into effect on October 31. This is the region internationally recognized as Indian-Administered Kashmir (IAK). To carry out these actions, the GoI preemptively curtailed massive popular protest and discontent by imposing a severely repressive siege including an intensification of already substantial troop deployments, communications blockades, undeclared curfews, widespread detentions, and other human rights violations.

The undeclared curfew imposed by the authorities has been lifted in some regions of IAK -- Jammu and Ladakh -- but is still in place in large parts of Kashmir Valley, preventing people's free movement, hampering people's ability to exercise the right to peaceful assembly, and restricting people's rights to health, education and freedom of religion and belief. On October 31, the spokesperson for the UN Office of the High Commissioner for Human Rights (UN OHCHR) voiced concern in a press statement: "Major political decisions about the future status of J&K have been taken without the consent, deliberation or active and informed participation of the affected population. Their leaders are detained, their capacity to be informed has been badly restricted, and their right to freedom of expression and to political participation has been undermined."<sup>1</sup>

At the time of this hearing, human rights defenders located in the region have had very limited communication with colleagues or organizations in India or beyond. This testimony is therefore based on government statements, credible media sources, and six fact-finding reports published by Indian civil society groups that have successfully visited the region.<sup>2</sup> The most

comprehensive report is *Imprisoned Resistance: 5th August and Its Aftermath*, released on October 31 by an 11-member fact-finding team including prominent human rights lawyer Mihir Desai, Convenor of the People's Union of Civil Liberties (PUCL) in Maharashtra. Taken together and in context, these sources provide irrefutable evidence of a human rights crisis involving mass detentions of elected officials, lawyers, journalists, human rights defenders, civil society activists and others, including juveniles; use of torture and lethal force against civilians; dwindling supplies of life-saving medical treatments and inability of patients to access hospitals; and curtailing of religious freedoms.

## **HISTORICAL AND POLITICAL CONTEXT**

Kashmir scholars argue that the Indian state's relationship with J&K must be considered as a form of coloniality, settler coloniality, and late modern colonial occupation, all playing out in the context of an armed conflict, and that the current abrogation of Articles 370 and 35A is ushering in a new era of denial of Kashmiri sovereignty. The first stage of Indian occupation of Kashmir began when the Maharaja of the Princely State of Jammu and Kashmir signed the instrument of accession on October 26, 1947 as a temporary legal and political arrangement born of necessity at a moment of war and instability during decolonization and partition on the subcontinent.<sup>3</sup> This Instrument of Accession is an international treaty signed between two independent sovereign rulers: the Maharaja of the Princely State and the GoI. India and Pakistan went to war over Kashmir until the UN negotiated a ceasefire in 1949. The UN Security Council issued a series of resolutions acknowledging the provisional nature of the legal and political relationship between India and Kashmir and establishing that Kashmir's political future would be determined through a plebiscite. In writing the constitution of the new nation, India's Constituent Assembly included Article 370 to incorporate the conditional and provisional accession into the Constitution. The State of J&K's position in the Indian federation was and remains different than that of every other state. Although eroded over time, Article 370, granting special semi-autonomous status to J&K, recognizes the fact that Kashmir's integration into India was and remains provisional and temporary, that Kashmir's legal status was and remains unresolved, and that Kashmir's political resolution was and remains an international issue.<sup>4</sup>

In the post-partition decades, India employed various strategies of cooptation, coercion, and control to govern Kashmiri populations without their consent, including the installation of local client regimes, the use of preventive detention to repress political opposition and dissent, the rigging of elections, and the use of various forms of propaganda and manipulation.<sup>5</sup>

The second stage of Indian occupation of Kashmir began in the late 1980s as Kashmiris launched a popular armed rebellion against the Indian state. India sought to crush the rebellion through a massive counterinsurgency assault against insurgent and civilian populations, deploying more than 700,000 military and paramilitary forces in the region, making the region the most heavily militarized zone in the world. As a point of reference, at the height of the US war in Iraq, there were 125,000 US troops stationed, and at the peak of the occupations of both Iraq and Afghanistan, there were 190,000 troops stationed, combined. Although the armed

rebellion effectively faded by the late 1990s, India's counterinsurgency regime has remained in place to the present day, producing a perpetual state of siege that subjects the entire population to everyday conditions of surveillance, punishment, and control. Indian military, police, and paramilitary forces have carried out extrajudicial killings, arbitrary detentions, enforced disappearances, torture, and sexual assault.<sup>6</sup> These operations have been facilitated by emergency and national security laws such as the Armed Forces Special Powers Act (AFSPA), which gives the military supreme powers to kill with impunity,<sup>7</sup> and the J&K Public Safety Act (PSA), which provides for preventive detention without trial.<sup>8</sup> In recent years, state armed forces have been deploying pellet-firing shotguns as a crowd control technique. Pellet shotguns are pump-action weapons that contain cartridges with up to 500 tiny lead ball bearings that disperse in all directions when fired.<sup>9</sup> In 2016, at least 14 people were killed and more than 4500 injuries by the use of pellet shotguns with more than 1000 civilians receiving eye damage fully or partially.<sup>10</sup> International and Kashmiri human rights organizations document that more than 70,000 people have been killed and over 8,000 have been forcibly disappeared in counterinsurgency operations. There are around 6,000 unknown and unmarked graves and mass graves in Kashmir.<sup>11</sup>

International human rights bodies have registered concerns across the past three decades. In 1997, the UN Human Rights Committee categorically stated that the Armed Forces (Special Powers) Act, 1958 (AFSPA) in J&K was in violation of several provisions of the International Covenant on Civil and Political Rights (ICCPR).<sup>12</sup> During India's Universal Periodic Review (UPR) in 2012 and 2017, several member states recommended the repeal of AFSPA. When Kashmiri human rights defender Khurram Parvez was illegally detained while en route to the Human Rights Council session in Geneva in September 2016, various Special Rapporteurs of the Geneva UN network issued communications calling for his release.<sup>13</sup> In 2008, the European Parliament plenary session passed an urgency resolution focusing on allegations of mass graves in Kashmir. The resolution called on India to ratify the Rome Statute and the UN Convention for the Protection of All Persons from Enforced Disappearance, and called on India and Pakistan to offer full access to UN Special Rapporteurs on both sides of the Line of Control.<sup>14</sup> Beginning in 2016, the UN OHCHR requested access for UN monitors in both Indian and Pakistan controlled Kashmir. When both countries failed to provide unconditional access, the OHCHR issued reports on the human rights situation on both sides of the Line of Control in 2018 and 2019. In these reports, the OHCHR calls on both countries to fully respect the right to self-determination of the people of Kashmir as respected under international law.<sup>15</sup>

The third stage of Indian occupation of Kashmir began on August 5, 2019, when the Indian Parliament initiated a legal/legislative process to dismantle J&K's special status under Article 370 (which outlined the legal obligations associated with the Instrument of Accession) and Article 35A (which granted residents rights and privileges that made them stewards of their own territory) of the Indian Constitution. Kashmiri scholars argue that the Indian government's unilateral abrogation of J&K's special status is in serious violation of past UN Security Council resolutions regarding Kashmiri right to self-determination, and it irreversibly erases the limited legal recognition and protection of self-governance, legal autonomy, and citizenship rights for Kashmiris within the territory under Indian control.<sup>16</sup> Such maneuvers signal an intention to

carry out far-reaching changes to demographic and land holding patterns by opening up Kashmir to settlement by outsiders, who were previously restricted from purchasing land in the region.

Prime Minister Narendra Modi and Home Minister Amit Shah claim that the legal changes will bring economic development and prosperity, create investment and job opportunities, and “restore” Kashmir’s “past glory” by easing rules for acquisition and ownership of land by non-Kashmiris to set up businesses.<sup>17</sup> However, political upheaval, communications blackouts, and de facto curfews have incurred huge economic losses in the short term,<sup>18</sup> and in the long term they do not entice investors or tourists. Kashmiris are experiencing the abrogation of Article 35A as especially threatening because it opens the door to the loss of Kashmiri ownership over economically, culturally, or politically important land and resources, and to an influx of non-residents to Kashmir. With J&K's special status repealed, people who are not permanent residents of J&K will have the right to acquire property in the region and settle there permanently, thus threatening the future existence of the people of Kashmir.

## **THE ABROGATION OF ARTICLE 370 AND THE CURRENT HUMAN RIGHTS CRISIS**

To carry out these massive legal and political transformations, the GoI has imposed extremely restrictive measures through a communications siege, movement blockade, and widespread detentions. On August 22, UN human rights experts called on the GoI to end the crackdown on freedom of expression, access to information and peaceful protests: “The shutdown of the internet and telecommunication networks, without justification from the Government, are inconsistent with the fundamental norms of necessity and proportionality... The blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence.”<sup>19</sup> Although some of the most severe restrictions have been partially lifted, their impact on human rights continues to be widely felt. The ongoing human rights violations fall into three categories.

**Violations of freedoms of expression and the press, association and peaceful assembly, and religion and belief: This includes media blackouts; obstruction, surveillance, intimidation, and arrests of reporters; restrictions on free movement of people; travel bans; and restrictions on religious beliefs and practices.**

Despite the GoI’s claims of a “return to normalcy,” Kashmir Valley continues to experience interlinked state violations associated with restrictions on mobility and communications, including disruptions of livelihood and commerce, disruptions of schools and exams, and lack of access to health care facilities. The operations of the J&K State Road Transport Corporation -- including the city bus service in Srinagar and services between various towns — have been suspended operations since August 5. Due to the internet shutdown, air tickets can only be purchased at the airport or the Tourist Facilitation Centre in Srinagar.<sup>20</sup> Credible media sources report a no-fly list restricting the air travel of 450 people.<sup>21</sup> A number of prominent Kashmiris have been stopped at Indira Gandhi International Airport, including IAS officer-turned-politician Shah Faesal, rights activist Bilal Bhat, journalist Gowhar Geelani, and lawyer Uzair Ronga.<sup>22</sup> On

August 24, a delegation of 12 opposition leaders from various parties, including Congress leader and Member of Parliament Rahul Gandhi, were refused entry into the state, with a District Magistrate at the Srinagar airport reading aloud an order stating that their entry would constitute a threat to peace.<sup>23</sup>

Violations of Freedom of the Press: Daniel Bastard, the head of the Asia-Pacific desk of Reporters Without Borders (RSF), stated on November 12: “Technological obstruction, surveillance, intimidation and arrests – everything is designed to ensure that only the New Delhi-promoted version of events is being heard. The Kashmir Valley’s population has been buried in a news and information black hole for the past 100 days. This situation is a disgrace to Indian democracy.”<sup>24</sup> Kashmiri journalists have been illegally detained without charges<sup>25</sup> and physically injured by police beatings and pellet shotguns.<sup>26</sup> Since August 10, reporters have been required to file their stories at a makeshift media facilitation center set up by the Information Department in a hotel in Srinagar,<sup>27</sup> where they have limited time slots to use ten computers that share one internet connection. District reporters, in particular, have been unable to cover important events and the law and order situation in the districts because they cannot move freely around the districts or contact district officials on the telephone; they also cannot easily and regularly reach the capital city to file their stories at the media facilitation center.<sup>28</sup> The Kashmir Working Journalists Association and Kashmir Journalists Association, issued a statement condemning the communications blockade in Kashmir on August 29.<sup>29</sup> The Kashmir Women Journalists Association issued a statement in response to an episode on September 8 when a female journalist was threatened and intimidated by J&K police while she was on her way to file her report at the media facilitation center.<sup>30</sup> The *Columbia Journalism Review* outlines the longer history of internet shutdowns and journalists’ struggles against Indian media blackouts in Kashmir.<sup>31</sup>

Freedom of Religion and Belief: The siege has imposed severe restrictions on the religious freedoms of the majority Kashmiri Muslim population in J&K, especially in Kashmir Valley. According to *Kashmir Caged*, the fact-finding report published on August 14, “All of Kashmir is under undeclared curfew. Even on Eid, the roads and bazaars were silent and desolate. All over Srinagar, mobility is restricted by concertina wires on streets, and massive paramilitary deployment. Even on Eid, this was the case. In many villages, *azaan* was prohibited by the paramilitary and people were forced to do *namaz* prayers at home rather than collectively at the mosque as it usual on Eid.”<sup>32</sup> Congregational prayers have not been permitted at Srinagar’s Jamia Masjid. On November 10, the J&K Government for the first time disallowed the annual Eid-Milad-un-Nabi procession at Dargah Hazratbal shrine to celebrate the birthday of Prophet Muhammad, citing security reasons. The police used verbal directions rather than written orders, which complicates efforts to challenge the decision in court.<sup>33</sup>

Restrictions on Access to Health Care: In the initial 6 weeks of the siege, the stringent curfew severely restricted the free movement of the civilian population including doctors and patients trying to reach hospitals. According to *The New York Times*, shopkeepers were running out of essentials such as insulin and baby food, pharmacists were facing chronic shortages of drugs like insulin and doctors could not communicate with their patients.<sup>34</sup> In an article titled “India’s

Kashmir Clampdown Turns Hospitals into 'Graveyards,'" *The Wall Street Journal*, reported that "officials at large public hospitals in Srinagar say they are running short or completely out of critical medications and struggle to diagnose patients as they can't access test reports uploaded by lab partners outside the city."<sup>35</sup> The article also included an interview with the son of a stroke patient reported that they arrived at the hospital to find the door locked. His father was in a coma after that episode. In the article, Kashmiri Dr. Mudasar Ahmed Parry, a resident orthopedist at Srinagar's Bone & Joint Hospital, the largest orthopedist facility in the region, stated that more patients have died under his watch since August 5 than the entire rest of the year.

*The Independent* and *The Washington Post* have both reported, based on interviews with doctors and victims' families, that Indian authorities are ordering physicians not to issue death certificates, or not to issue accurate death certificate, for civilians who have died due to excessive use of force.<sup>36</sup>

**Violations of rights to life, liberty, and security of persons: This includes administrative detentions of politicians, business leaders, human rights defenders, lawyers, civil society actors; widespread arbitrary arrests and illegal detentions, including juveniles, constituting short-term enforced disappearance; excessive force leading to civilian deaths; and torture.**

**Administrative, Arbitrary, and Illegal Detentions, including Juveniles:** According to a government report dated September 6, more than 3,800 officially-recognized persons were detained on or around August 5, 2019 and about 2,600 of them were subsequently released.<sup>37</sup> Politicians, business leaders, human rights defenders, lawyers, civil society actors, teachers, and students are among those detained, mostly under the PSA, with an estimated 240 flown to prisons outside of the state.<sup>38</sup> Pro-India political leaders including former Chief Ministers Mehbooba Mufti, Farooq Abdullah, and Omar Abdullah and former state minister Ali Mohammad Sagar were arrested on August 5, while politician Shah Faesal was taken into custody at the Delhi airport on August 14, transported to Srinagar, and detained. Many prominent political leaders and others remain under detention today.<sup>39</sup> On November 19, the Home Ministry reported that 765 individuals had been arrested (under FIRs) in J&K since August 5 in cases involving stone pelting and/or law and order.<sup>40</sup>

The fact-finding report *Women's Voice* counters the state narrative of "return to normalcy," indicating that 13,000 boys and young men have been detained since August 5, including some as young as 14, with some imprisoned for up to 45 days, and with families paying as much as 60,000 rupees (\$850) for their release.<sup>41</sup> In a recent interview, leading human rights and civil liberties lawyer Parvez Imroz reported as many as 20,000-30,000 undocumented detentions, primarily of juveniles.<sup>42</sup> Founder of the J&K Coalition of Civil Society, Imroz is the 2017 Rafto Foundation Human Rights Prize Laureate, along with Association of Parents of Disappeared Persons (APDP) Chairperson Parveena Ahangar.<sup>43</sup>

Credible media sources have documented the phenomenon of hundreds of individuals waiting outside of district police stations, day after day, attempting to obtain information on their

detained relatives and neighbors, mainly juveniles.<sup>44</sup> These family members have no way of obtaining information without phones. For example, *Al Jazeera* reported the following scene from Bandipora in Kashmir Valley on September 25: “For nearly a month, Shafia Ganai, a softly-spoken 19-year-old undergraduate student of sociology in northern Kashmir's Bandipora, has visited the police station every day. “The security forces took my brother Mohsin, a quarry worker, in a raid on our neighbourhood on August 16,” she said. “When I go to the station, the police ask me to come the next day, that they will release him in one or two days. But 27 days have gone past like this. “I checked many times with the duty officer, who records the daily entries in the station. He says there is no first information report (police complaint) registered against my brother,” she told *Al Jazeera*. The absence of any order for his detention makes it impossible for the family to pursue a legal case against the police or to secure Mohsin's freedom, she said.”<sup>45</sup> Kashmiri human rights organizations have published extensive documentation and analysis of the impact of the armed conflict on children in Kashmir across several decades.<sup>46</sup>

In order to secure release, some detainees are required to pay exorbitant fees and sign a bond declaring that they will not make any comments, statements, or speeches about “the recent events.”<sup>47</sup> In other cases, local community elders and religious leaders are required to sign bonds on behalf of juvenile detainees. The civil society report *Imprisoned Resistance* addresses this issue of community bonds: “It is necessary to understand that there is no notion of community bonds in law and in fact it amounts to collective punishment.”<sup>48</sup>

*Disappearance*: Undocumented and illegal detention has a “disappearance effect” as family members are unable to ascertain the whereabouts of the detainees while they are held in incommunicado detention. The UN Working Group on Enforced or Involuntary Disappearance has described short-term disappearances as “the unacknowledged deprivation of liberty which puts the individual concerned outside the protection of the law for a limited amount of time.” Their mandate specifies that “there is no time limit, no matter how short, for an enforced disappearance to occur,” and that “when a person is disappeared, every anguished minute spent by his or her relatives without news of that person is a minute too long.”<sup>49</sup> The patterns of enforced and involuntary detentions described above constitute short-term disappearances.

*Excessive Force and Civilian Deaths*: On October 29, the spokesperson for the UN OHCHR stated: “There have been several allegations of excessive use of force including the use of pellet-firing shotguns, tear gas and rubber bullets by security forces during sporadic protests, with unconfirmed reports of at least six civilian killings and scores of serious injuries in separate incidents since 5 August.”<sup>50</sup> These civilian deaths add to the already high number of killings in Jammu and Kashmir for the period of January to June 2019 as documented by the Jammu and Kashmir Coalition for Civil Society in their six-monthly human rights review.<sup>51</sup>

Army officials blame the deaths on “terrorists, stone pelters and puppets of Pakistan.”<sup>52</sup> Teenager Asrar Ahmed Khan was among the first reported deaths. Khan’s family says he was hit by pellet guns and a tear-gas canister while playing cricket, and that there was no stone-pelting in the area. “Hospital records and X-ray scans reveal that multiple pellets had hit Khan’s skull

and face, including his left eye.” In reference to the boy’s death, India’s National Security Advisor Ajit Doval stated: “If there’s one incident that has taken place, that’s good,” and “Zero would be better, but one is good.”<sup>53</sup>

Journalist Freny Manecksha reports: “Another significant case brought to the court after August 5 was that of a 32-year-old woman named Fehmeeda from Behmina who died on August 9 en route to Sher-e-Kashmir Institute of Medical Sciences. She had been cooking in her own home whilst clashes occurred in the neighbourhood. The heavy use of tear gas shells and pepper bombs caused a build-up of toxic gas that she inhaled. She died before she received medical treatment. Her medical certificate states she developed an allergy to toxic gas inhalation which was then followed by cardio-pulmonary arrest. The state denied civilian protests and killings and the police refused to file an FIR. After her husband approached the courts, it is believed that the CJM then issued notices against the chief prosecution officer to file objections and to confirm the status of the case and whether an FIR was then lodged.”<sup>54</sup>

Torture: Various international media outlets have reported allegations of torture, abuse, and sadistic behavior by armed security personnel, including broadcasting sounds of beatings and pleas for mercy over loudspeakers for the purpose of terrorizing residents.<sup>55</sup> *Imprisoned Resistance* provides extensive documentation of several torture cases including first-person testimony and photographs.<sup>56</sup> Kashmiri human rights organizations have published extensive documentation and analysis of systematic torture across decades of conflict in Kashmir.<sup>57</sup>

Paris-based human rights organization FIDH reports that it received information on 14 individuals, including youths, who were tortured on the night of August 14, by Indian Army personnel led by Major Aditya from Zalloora Camp in Pulwama District, South Kashmir. “The 14 were detained after an army raid on their homes in Nadapora village of Parigam area in connection with a stone-pelting incident against the motorcade of an army commander earlier in the day. Army personnel took the victims to the roadside, forcibly removed their clothes, severely beat them with bamboo sticks and plastic canes, and forced them to sit one on top the other. One of the victims, an electrician who runs a religious school in the village, was severely tortured for refusing to shout ‘Jai Shri Ram’ [Praise the Hindu God] through the local mosque’s loudspeakers. All victims were released around midnight.” They document 24 additional cases of torture along with one man who died in custody and one youth who died from drinking poison shortly after being released from police custody.<sup>58</sup>

**Failures of administration of justice, access to justice, and the rule of law: This includes the targeting of the legal community; the non-functioning of the J&K High Court due to stringent restrictions of mobility and communications; and the delay of habeas corpus petitions and the lack of due process at the J&K High Court and the Supreme Court of India.**

Detentions of Lawyers: The list of 4000 officially-recognized persons arrested since August 5 includes multiple lawyers. Very few details are available about these arrests as police and detaining authorities have not been disclosing grounds of detention, or whereabouts of the detainees, as required under law. The detention of prominent lawyers has created an

atmosphere of intimidation and panic amongst the lawyering community, with many reluctant to speak out or appear in cases against the state, fearing reprisals.<sup>59</sup>

Family members, including those of detained lawyers, who have visited jails outside of J&K where an estimated 300 PSA detainees have been airlifted and are currently imprisoned without charges, say that prison authorities have refused to allow them to meet detainees, citing official orders. This is in breach of rules under local prison manuals.

Prominent lawyers are presently in state custody under PSA. **Mian Abdul Qayoom**, President of the Kashmir Bar Association is being held at the Agra Jail in Uttar Pradesh (650 miles from Srinagar) under the PSA since August 8, 2019. Qayoom was previously held under revolving door detentions under the PSA for nine months in 2010 as reprisal for his legal representation of families of the victims of a rape and murder by armed forces in Shopian. Qayoom has filed hundreds of pro bono *habeas corpus* pleas against mass illegal detentions in the 2010-2016 summer uprisings, and in cases of arbitrary detentions, enforced disappearances and custodial killings since the 1990s.

**Nazir Ahmed Ronga**, a former President of the Kashmir Bar Association, has been held since August 4, 2019 under the PSA in a district jail in Ambedkar Nagar. Like Qayoom, Ronga has played a leading role in filing pro bono *habeas corpus* pleas against illegal detentions. The charges state that Ronga, being a lawyer by profession, had been “looking for criminal cases which were sub-judice against the separatists.” Ronga is accused of “organising seminars, rallies and formulate various programmes” allegedly “aimed at creating large scale law and order problem during the 2008, 2010 and 2016 unrests.” Ronga is also accused of being vocal against “abolishing Article 370 and 35A of the constitution of India and also against bifurcation” of erstwhile J&K State.

The police have also detained **Abdul Salam Rather**, President of the Baramulla Bar Association, and **Fayad Sodogar**, President of the Anantnag Bar Association. Press reports indicate that due to the communications blockade, Rather’s family was unaware of his detention for six days. Local sources indicate the detention of Srinagar-based advocate **Nazir Tabassum**, with no details of his whereabouts, date or cause of arrest, and Shopian-based advocate **Zubair Ahmad Bhatt** along his father, a former MLA from the People’s Democratic Party. The Kashmir Bar Association Secretary **Mohammed Ashraf Bhat** has been detained under PSA since September.

Most of the 1050 members of the Kashmir Bar Association are on unofficial strike against the arrests of their office bearers. A notice on the board appealed to them to “abstain from work.” The Bar Association has, however, designated around seven lawyers of the J&K High Court to take up pending bail and PSA cases whenever victims’ families come to the court and also to take up and advise families of the additional 300-odd PSA detainees since August 5.<sup>60</sup>

*Non-Functioning of Srinagar High Court:* The High Court at Srinagar remains in a barely functional state due to the undeclared curfew and stringent restrictions on mobility and communications.<sup>61</sup> Until the end of August, news reports indicated that almost all listed

matters were adjourned due to the non-appearance of parties. While the J&K Government issued a statement that the courts are functioning “normally,” independent accounts indicate that while judges are presiding over court and passing some routine orders, attendance among court officials and registry staff remains poor and dependent on the stringency of the undeclared “curfew-like” restrictions, and a majority of cases continue to be adjourned without hearing. Litigants, especially those residing outside of Srinagar, are not able to travel to the capital due to the lack of public transport and barricading of the highway.

The J&K High Court Bar Association is on strike against the arbitrary detention of its President and other members, the revocation of Kashmir’s semi-autonomous status, and the suspension of civil liberties. Members of the Association are therefore only tendering appearances in *habeas corpus* petitions, and in urgent matters involving human rights.

An estimated 500 *habeas corpus* cases are pending for 2019.<sup>62</sup> Around 300 of them were filed after August 5. The first date on which *habeas corpus* pleas were heard in the Court was on or around August 27, 2019, i.e. three weeks after the mass detentions began, when thirty-three such matters were listed.<sup>63</sup> There have been thousands of reported illegal detentions. Sources have reported that writ petitions challenging the constitutionality of the restrictions on mobility and free speech, as well as the constitutional changes to J&K’s semi-autonomous status, have also been filed, but judges have indicated that the Srinagar High Court is unlikely to pass any orders on these matters, as the Indian Supreme Court is currently seized of several petitions on these issues.

Given the shut down of postal delivery, service of court notices through registered post, the most commonly used method of effecting service on prison and police respondents in *habeas corpus* petitions, has been suspended. The severe restrictions on mobility have made it impossible for litigants to travel to distant locations to serve state authorities by hand. Thus after the initial hearing, where the Court generally orders notice to be served on the state, petitions cannot proceed further due to non-service.

In general, unconscionable delays in the hearing of *habeas corpus* pleas are routine in the Srinagar High Court, where such cases take six to nine months on average to be heard,<sup>64</sup> despite the High Court Case Flow Management Rules which state that *habeas corpus* petitions must be listed and heard on an urgent basis, and be finally decided within a period of fifteen days.

Delay and Lack of Due Process<sup>65</sup>: Right now, there are three *habeas corpus* petitions pending in the Supreme Court of India against the illegal detentions of specific individuals in J&K. The Supreme Court has been widely criticized by legal experts for the egregious delay in listing the cases up to two weeks after the initial filing even where the whereabouts of detainees were unknown, and for passing orders “permitting” family members and colleagues to visit detainees under specified conditions, without issuing formal notice to the state, asking it to produce the detainees in court, or file any other response explaining the grounds or cause of detention. In addition, the Supreme Court has been responding to these *habeas* petition, not

by passing orders to the authorities to produce people before it in order to verify if the detention is as per the procedures established by the law, but rather by merely “permitting” the petitioners to go to Kashmir and ‘meet’ the individuals who were under detention.<sup>66</sup>

Before the Supreme Court, there are also two petitions challenging the communications lockdown, one petition on the violations of the rights of children, and nine PIL petitions challenging the Parliament's decision to abrogate Article 370 by amending the definition of Article 368 of the Constitution and allowing Constitution and other laws of India to be applicable in J&K. The Supreme Court is moving slowly in all of these cases.

*Judicial Impunity:* The present actions of the judiciary must be evaluated and contextualized in light of the role played by the Jammu and Kashmir judiciary and the Indian Supreme Court in enabling a climate of impunity and lack of accountability for widespread and systematic human rights violations in Kashmir over the last three decades. This has been the subject matter of a detailed report by Allard K. Lowenstein International Human Rights Clinic at Yale Law School.<sup>67</sup> The criminal justice system has been instrumentalized to act against political dissidents, through the use of repeated preventive detention orders under the Criminal Procedure Code, and “open FIRS” police complaints against unnamed suspects, which are tools in the revolving door detention system. The Indian Supreme Court has through its rulings on issues such as court martials and prior sanction for prosecution of the armed forces, army’s powers under the Armed Forces Special Powers Act, 1991, and the definition of “active duty” constituted Jammu and Kashmir as a zone of undeclared but de jure permanent emergency.<sup>68</sup>

## **RELIGIOUS AND ETHNIC MINORITIES IN KASHMIR, INCLUDING KASHMIRI PANDITS IN KASHMIR VALLEY<sup>69</sup>**

The State of J&K’s approximately 14 million residents ascribe to various religions (including Islam, Hinduism, Buddhism and Sikhism) and have various ethnicities (including Kashmiri and Dogra). The recent legal maneuvers by the GoI to strip J&K residents of their rights impact all indigenous residents, including majority and minority ethnic and religious groups living in J&K and those who have migrated out of J&K. In Kashmir Valley, the most significant religious minority groups are Hindus (Pandits) and Sikhs. These minority communities, and especially Kashmiri Pandits, have experienced heightened fear and vulnerability during these decades of war and conflict.

During the last three decades, members of the minority Pandit community as well as the majority Muslim community have left Kashmir in large numbers, many escaping violence and insecurity.<sup>70</sup> The size of the Kashmiri Pandit community shrank from an estimated 140,000 in the late 1980s to 19,865 by 1998.<sup>71</sup> Although the numbers are contested among political communities, scholar Alexander Evans estimates on the basis of census data and demographic figures that 155,000–170,000 Kashmiri Pandits left the Valley after the onset of violence in 1989,<sup>72</sup> and the highly respected anthropologist T. N. Madan uses similar figures.<sup>73</sup> Several thousand Kashmiri Pandits have continued to live in Kashmir harmoniously with their Muslim friends and neighbors.<sup>74</sup>

While there have been politicized accounts of arson, theft, destruction, and illegal occupation of Pandit properties, the fact is that after 1990, many vacant properties that belonged to Muslims, Pandits, and Sikhs who migrated were in fact taken over by Indian military personnel.<sup>75</sup> There have been reports of some illegal occupation of abandoned properties of Pandits.<sup>76</sup> But most vacant properties were primarily ruined due to their use by the army and consequently became the sites of armed encounters. In 1997, a law was passed to prevent the distress sales of, and protect, these properties.<sup>77</sup> Legal scholar Mallika Kaur Sarkaria in her research concludes that a project of property reparation for Kashmir Pandit community should be conditional upon their return to the Valley, an act that would allow for a successful reintegration of the Pandit community. Such a move would allow Pandits to not be used as a “pawn in the complex power play that is the Kashmir conflict.”<sup>78</sup>

There has never been a full and impartial accounting of what actually caused many Pandits to leave Kashmir. Those who left Kashmir primarily did so in the spring of 1990, especially after the Gaw Kadal massacre during which the Indian army opened fire on unarmed protestors killing at least 52 civilians and injuring 250 others. Anthropologist Ankur Datta has found that, for the Pandits, it was “the overall deterioration in law and order, alongside selective assassinations and the content of demonstrations” that made them feel unwanted and caused many of them to be inclined to leave Kashmir.<sup>79</sup> Mallika Kaur Sarkaria has found that Kashmir Pandits cite general lawlessness, and not any targeted threat, as a cause of their migration of Pandits from the Valley.<sup>80</sup>

Serious targeted and mass crimes occurred against Kashmiri Pandits in the 1990s, including massacres and sexual violence as well as individual murders and attacks on property. In the most tragic of these, a major massacre of Pandits occurred in the middle of the night on January 26, 1998 in the village of Wandhama. Twenty-four Pandits were killed. These were individuals who had remained in their village for almost a decade since large-scale violence erupted.<sup>81</sup> The surviving residents of Wandhama and civil and political leaders in Kashmir urged the authorities to investigate the massacre. The official investigation into the incident closed in 2008, purportedly for lack of evidence. It is one of the several politicized tragedies where “unidentified gunmen” were responsible for sensational, but unclaimed, acts of brutality

Another major massacre of religious minorities in Kashmir was the Chattisinghpora massacre in which 36 innocent Sikh men were killed. This event took place on March 20, 2000, immediately prior to U.S. President Bill Clinton’s visit to India. The Government claimed that the incident was carried out by “Islamic extremists,” and the army killed five men who were identified as the perpetrators and “Pakistani terrorists.” Upon exhumation, it was revealed that the men killed were not “Pakistani terrorists” but rather local villagers who had been abducted and killed by the Indian military in what became known as the Pathribal “fake encounter.” In April 2000, the CRPF and police opened fire on Kashmiris protesting the fake encounter in Brakpora, Anantnag District, killing 8 civilians.<sup>82</sup> The Indian military has not been held responsible for the Chattisinghpora massacre or the Pathribal “fake encounter.”<sup>83</sup> Lt. Col. General Gill of the Indian army, who prepared a report on the incident, suggested that members of the Bharatiya Janata

Party, the leading Hindutva political party, planned the killing of the Sikh men in Chattisinghpora.<sup>84</sup>

These crimes against Kashmiri minority communities, including against Kashmiri Pandits, have never been properly investigated or redressed, resulting in impunity and a lack of justice or closure for the victims. The Indian state, which is responsible for the security of civilians and property, utterly failed to protect Kashmiri Pandits' internationally recognized rights as minorities and as victims of, and refugees from, an armed conflict. It is imperative to investigate all crimes against Pandits, through an international inquiry, since Indian criminal justice processes have failed.

The pain and suffering of any Kashmiri community should not be instrumentalized, manipulated, or weaponized as a claim against other communities. The international resolution of the Kashmir dispute requires justice, truth and a democratic and peaceful solution, in keeping with international law, for all Kashmiris. As state subjects, and as persons displaced by the conflict, Kashmiri Pandits have legal and political stakes in the future of Kashmir.

Various religious and ethnic minorities across the State of J&K have had complex and multifaceted responses to the GoI's legal maneuvers. For example, residents of Ladakh's Buddhist-majority Leh district are celebrating the abrogation and bifurcation but expressing fear that their region may become demographically and ecologically overrun with tourists and outsiders, while residents of Ladakh's Muslim-majority Kargil district are rejecting the abrogation and the establishment of a separate Union Territory.<sup>86</sup>

The GOI claims that India's recent abrogation of the semi-autonomous status of J&K will specifically facilitate the return of Kashmiri Pandits to Kashmir. However, it is important to recognize that Kashmiri Pandits have always had the freedom to live anywhere in, and to return to, the State. Several State governments initiated incentive packages to encourage Pandits who had migrated out of Kashmir to return. While some factions of the Pandit community have advocated for a separate homeland within Kashmir and consequently supported the legal maneuvers of the Government of India, other Pandits have rejected the communalization of the Kashmir dispute and the present government's use of Kashmir Pandits' pain to "achieve its agenda of establishing a Hindu Rashtra."<sup>87</sup>

The longstanding conditions of militarization, war, and ecological destruction, as well as the continuing state violence and atrocities against the majority and minority communities who continue to remain in Kashmir, violate the rights of all Kashmiris, including Kashmiri Pandits. And the recent unilateral changes in the legal and constitutional regime violate Kashmiri Pandits' right to return, as well as the possibilities of a lasting peace. For Kashmiri Pandits to return as "settlers" in militarized townships created by the Indian state in order to make territorial claims would perpetuate cycles of injustice and violence for all residents of Kashmir.

## RESPONSE OF INTERNATIONAL HUMAN RIGHTS BODIES AND ORGANIZATIONS

On August 22, five UN independent rights experts issued a strongly worded statement saying they are “gravely concerned” and defining the communication and information blackout as a form of “collective punishment” that is inconsistent with the fundamental norms of necessity and proportionality, in violation of customary international law and humanitarian law.<sup>88</sup> On August 30, the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, Federica Mogherini, “stressed the importance of steps to restore the rights and freedoms of the population in Kashmir.”<sup>89</sup> On September 2, the European Parliament Committee on Foreign Affairs heard a report from the European External Action Service (EEAS) on the situation in Kashmir at an Exchange of Views. On September 9, during the oral update on her Annual Report to the Human Rights Council, UN High Commissioner for Human Rights Michelle Bachelet expressed deep concern regarding the rights of Kashmiris, and has called for ensuring people’s access to basic services; she also stated that the people of Kashmir should be “consulted and engaged in any decision-making processes that have an impact on their future.”<sup>90</sup>

International civil society organizations -- including the International Federation for Human Rights (FIDH)<sup>91</sup>, the World Torture Network (OMCT),<sup>92</sup> the International Commission of Jurists (ICJ),<sup>93</sup> Amnesty International,<sup>94</sup> and Human Rights Watch,<sup>95</sup> as well as the British medical journal *Lancet*<sup>96</sup> -- have expressed concerns about reports of grave harm to Kashmiris and called for an immediate lifting of the severe restrictions. Amnesty International accused the Indian government of “deliberate silencing of voices in the region.” On August 16, the US-based Genocide Watch issued a Genocide Alert “call[ing] upon the United Nations and its members to warn India not to commit genocide in Kashmir.”<sup>97</sup>

### ***Scope of India’s International Obligations***

India is a party to the Genocide Convention 1948 and Geneva Conventions 1949, and it is bound by customary international law. However, India has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the International Convention for the Protection of all Persons from Enforced Disappearance. Contrary to India’s claims, the entirety of both crimes is not covered under domestic law. The UN Human Rights Council has urged India to ratify these treaties in its past three Universal Periodic Reviews (UPRs) (2008, 2012, 2017); India’s next UPR is in 2021. Despite UPR recommendations, India has not acceded to the Rome Statute of the International Criminal Court. India has not signed and ratified the 1977 Additional Protocols of the Geneva Conventions, it has not legislated on Genocide, Crimes Against Humanity, and War Crimes, and it has not joined the Mine Ban Treaty 1997. These failures and refusals to participate in international systems compromise India’s bid, which has been explicit since 1994, to become a permanent member of the UN Security Council, and also compromise its current position on the UN Human Rights Council.

### ***Cooperation with human rights mechanisms and obligations***

Starting in 2016, the GoI has refused to respond to UN OHCHR requests for access for independent monitors to review the human rights situation in Kashmir.<sup>98</sup> After the OHCHR published its report through remote monitoring in 2018, Indian government spokespeople absolutely rejected it, expressing indignation that the UN had taken up the issue at all. They questioned the methodology of remote monitoring, the mandate of OHCHR, the impartiality of the High Commissioner, and the legitimacy of the UN human rights system itself.

In September 2011, India extended a standing invitation indicating that it will always accept requests to visit from all thematic special procedures. Despite this, India currently has 20 outstanding mandates and has not been open to any visit since the special rapporteur for water and sanitation in November 2017. India granted permission for no visits in 2018, and no visits are forthcoming.<sup>99</sup>

The GoI has not responded to communications from UN independent experts through the OHCHR special procedures mechanism since 2016.<sup>100</sup> The most recent communication is a letter from 6 expert mandates sent August 16 expressing concern over severe restrictions on freedom of expression and freedom of peaceful assembly and of association imposed during the past week in the state of Jammu and Kashmir, as well as the arbitrary arrests and detention of political figures, journalists, members of civil society and human rights defenders in the state, and violations of the right to life.<sup>101</sup> It is worth noting that the Government of India has not allowed the International Committee of the Red Cross (ICRC) to visit jails in Kashmir since 2016.<sup>102</sup>

### **RECOMMENDATIONS FOR ACTION**

There is a human rights and humanitarian crisis unfolding in Kashmir and the United States must take notice. Kashmir scholars have identified a series of recommendations for action for and on behalf of the people of IAK. We urge you to leverage your positions, in the US and internationally, to ensure the implementation of these recommendations. As noted, the following measures are prioritized temporally: immediate, medium-term (i.e., implementation to begin once some or all of the immediate items are being implemented) and long-term (i.e., as soon as practicable). The implementation of these measures requires good-faith international involvement, supervision, monitoring, reporting and guarantees that the rights and the will of the people of the Princely State of Jammu and Kashmir will be respected.

These measures do not presume a particular outcome of any political settlement of the disputes involving the territories of the Princely State. Any such settlement would require truth, justice and reconciliation; an opportunity at free, fair and full deliberations among all constituent groups, regions and sub-regions of the Princely State; and an effective democratic process.

## ***Immediate Actions***

- GOI must immediately end the communications blockade in IAK by restoring permanent access to all means of communications, including telephone and internet, both mobile and broadband. Moreover, guarantees must be made that the right to privacy will be respected by not subjecting homes and means of communication to interruption and interference;
- GOI must allow for freedom of movement within IAK and lift all de jure and de facto curfews. GOI must ensure that people from IAK have the right to move freely within IAK and to move into and out of IAK (including across the Line of Control) including issuing valid travel documents and without imposing restrictions;
- GOI must restore access to healthcare, medical supplies and emergency services in IAK. GOI must ensure that doctors have the right to treat individuals who require medical attention without interference or fear of reprisals as well as urgently facilitate pathways for local humanitarian and international aid organizations to conduct relief work;
- GOI must ensure access to education and the free, unobstructed operation of educational institutions in IAK;
- GOI must guarantee the free and full exercise of freedom of expression, belief and association by the people of IAK;
- GOI must immediately release all political prisoners, prisoners of conscience, and extrajudicial detainees without any condition, limitation or consequence;
- GOI must rescind all measures passed or authorized by its instrumentalities on August 5, 2019 or thereafter relating to IAK;
- GOI must halt any processes that could reasonably be expected to facilitate or result in a political reorganization of IAK, a change in the pre-August 4, 2019 immovable property situation in IAK or the pre-August 4, 2019 demographics of IAK;
- GOI must suspend and cease enforcement of all laws that facilitate political repression, state-sanctioned violence and/or are inconsistent with international legal norms or human, civil or political rights, including the J&K Armed Forces Special Powers Act, J&K Public Safety Act, J&K Enemy Agents Ordinance, and J&K Egress and Internal Movement (Control) Ordinance;
- GOI must allow civil society organizations, journalists and businesspeople in IAK to conduct their investigative, reporting and commercial duties without fear of intimidation, censorship, or interference;
- GOI and Government of Pakistan (GoP) must immediately cease all hostilities in the territories of the Princely State and withdraw all their military personnel and;
- GOI must facilitate the unrestricted entry of independent international human rights observers and journalists to oversee the implementation of above-mentioned asks and to accurately report the situation on the ground.

## **Medium-Term Actions**

- GoI and GoP must ensure demilitarization of the territories of the Princely State by closing all military bases and installations as well as removal of military and paramilitary personnel.
- GoI and GoP must allow the people of the Princely State on both sides of the Line of Control to freely assemble, communicate, express themselves and discuss their political future;
- GoI and GoP must simultaneously initiate a free, fair and guaranteed process to hold a referendum under international and UN supervision that determines the will of the people of the Princely State regarding a political settlement of the disputes involving the territories of the Princely State;
- GoI must enable international agencies such as the Office of the High Commissioner of Human Rights to be given unrestricted access to IAK so as to ensure the full, complete and impartial investigation of all violations of human, civil, and political rights in IAK by:
  - Creating and empowering a UN Commission of Inquiry with the mandate to investigate all alleged instances of human, civil and political rights violations; and
  - Appointing and empowering a Special Rapporteur with the mandate to investigate and report on crimes against humanity in IAK including extrajudicial executions, torture, gendered and sexualized violence, enforced disappearances, and mass graves.
- GoI must revoke and rescind all laws that facilitate political repression or state violence or are inconsistent with international with international legal norms or human, civil or political rights<sup>103</sup> such as:
  - The J&K Armed Forces Special Powers Act, which grants legal impunity to the Indian military and prevents adequate legal redress to victims of abuse;
  - The J&K Public Safety Act, which enables the government to detain a person for up to two years without a trial and;
  - The J&K Enemy Agents Ordinance 2005, which provides for trial and punishment of enemy and persons committing certain offences with the intent to aid the enemy;
  - The J&K Egress and Internal Movement (Control) Order 2005, which criminalizes free movement without permit
  - Section 144 of India's Code of Criminal Procedure, which bars the assembly of three or more persons in any area;
  - The Unlawful Activities (Prevention) Act (UAPA), an Indian law used extensively to prosecute Kashmiris, which, with the passage of the Unlawful Activities (Prevention) Amendments Act on August 2, 2019, allows for individuals to be designated as terrorists.
- GoI must facilitate and guarantee economic stability and food security in IAK, including by ensuring transparent, fair laws for the movement of money and the free trade of goods across borders and the Line of Control;

- Gol and GoP must protect and safeguard the rights of all peoples of the Princely State, including the rights of religious and ethnic minorities;
- GOI must initiate independent, fair, transparent, and impartial investigations of all crimes against Kashmiri minorities, including Kashmiri Pandits;
- GOI must establish and empower an authoritative, transparent, fair and impartial truth, justice and reconciliation commission to investigate all alleged violations of human, civil and political rights in IAK.

### ***Long-Term Actions***

- Gol and GoP must cooperate in facilitating and impartially administering a referendum under international and UN supervision that fully respects that people's right to self-determination and to mediate a just settlement by respecting the will of the people regarding a political settlement of the disputes involving the territories of the Princely State;
- GOI must restore all immovable property given by Government of J&K to any non-State subject(s) or representative(s) or instrumentality of the GOI to the political representatives of the people of the Princely State and;
- GOI and GoP must ensure the full and timely payment of reparations for the violations of human, civil and political rights of the peoples of the Princely State and the uncompensated or insufficiently compensated utilization of their resources.

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- <sup>4</sup> A.G. Noorani, 2011. *Article 370: A Constitutional History of Jammu & Kashmir*. New Delhi: Oxford University Press; Haley Duschinski and Shrimoyee Nandini Ghosh, 2017. "Constituting the Occupation: Preventive Detention and Permanent Emergency in Kashmir." *The Journal of Legal Pluralism and Unofficial Law* 49(3): 314-347.
- <sup>5</sup> Hafsa Kanjwal, 2017. *Building a New Kashmir: Bakshi Ghulam Muhammad and the Politics of State-Formation in a Disputed Territory (1953-1963)*. Ph.D. dissertation in History & Women's Studies.
- <sup>6</sup> See, for example, International Commission of Jurists, 1995. *Human Rights in Kashmir: Report of a Mission*, <https://www.icj.org/wp-content/uploads/1995/01/India-human-righst-in-Kashmir-fact-finding-mission-report-1995-eng.pdf>.
- <sup>7</sup> Amnesty International, 1999. 'If They Are Dead, Tell Us' - "Disappearances" In Jammu And Kashmir. <https://www.amnesty.org/download/Documents/144000/asa200021999en.pdf>.
- <sup>8</sup> Amnesty International, 2001. A 'Lawless Law': Detentions under the Jammu and Kashmir Public Safety Act. [https://www.amnestyusa.org/files/asa200012011en\\_11.pdf](https://www.amnestyusa.org/files/asa200012011en_11.pdf); Amnesty International, 2019. Tyranny of a 'Lawless Law': Detention Without Charge Or Trial Under The J&K Public Safety Act, <https://amnesty.org.in/wp-content/uploads/2019/06/Tyranny-of-A-Lawless-Law.pdf>.
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<sup>16</sup> The Kashmir Scholars Consultative and Action Network (KSCAN) has released open letters, public statements, fact sheets, and research guides on various aspects of the current siege. These documents provide the foundation for this written testimony. Please see relevant documents posted as “Actions” and “Resources” on the KSCAN website: <https://kashmirscholarsnetwork.org/kscan/kscan-actions/>.

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<sup>18</sup> Vibhuti Agarwal, 2019. “Kashmir’s \$1,000-a-Pound Saffron Crop Withers After India Lockdown.” *Wall Street Journal*, November 13, <https://www.wsj.com/articles/kashmirs-1-000-a-pound-saffron-crop-withers-after-india-lockdown-11573641004>.

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**Appendix A: Conflict Matrix for Human Rights Abuses in Indian-Administered Kashmir**  
**Lowenstein Human Rights Project**  
**Schell Center for International Human Rights**  
**Yale Law School**

This conflict matrix outlines publicly-available reports of human rights abuses in Indian-Administered Kashmir from August 1, 2019 to October 1, 2019. The matrix provides evidence-based accounting based upon verifiable Indian and international media sources as well as reports published by Indian civil society fact-finding teams. The matrix only includes incidents that may fall under the jurisdiction of the Geneva Conventions or the International Criminal Court. Due to the severe and ongoing restrictions on communications and movement, the matrix is necessarily incomplete, and it will be updated as more information emerges from the region. The report was compiled by Garrett Frye-Mason, Julia Hontaruk-Levko, Hijab Khan, Rabhya Mehrotra, Abnner Olivares, Alvaro Perpuly, Avik Sarkar, Khue Mai Tran, and Namra Zulfiqar and facilitated by Weronika Betta.

<b>Reports of Human Rights Violations in Indian-Administered Kashmir: August 1 - October 1, 2019</b>						
<b>Specific Date (MM/DD/YYYY)</b>	<b>Date Range (if date unclear)</b>	<b>Location</b>	<b>Source Link</b>	<b>Description of Incident</b>	<b>Responsible Party</b>	<b>Type of Evidence</b>
08/04/2019		Hugam Srigufwara, Anantnag district	<a href="#">AlJazeera</a>	16-year-old Abrar Ahmad Ganai was detained under Public Safety Act (PSA); dossier claimed he was 22; he was held in solitary confinement and released after 2 months of arrest after family challenged detention on grounds of his being a minor.	Indian police	Journalistic account
08/04/2019		Srinagar	<a href="#">Washington Post</a>	Sajad Lone, a prominent Kashmiri politician and former member of the legislative assembly, was placed under house arrest.	Indian government	Personal testimony
	<a href="#">NDTV</a>		Journalistic account			
08/04/2019		Srinagar	<a href="#">AlJazeera</a>	The president of the High Court Bar Association of Jammu and Kashmir, Mian Abdul Qayoom, was arrested, detained, and transferred to a prison in Uttar Pradesh, 620 miles away, on the grounds of "incitement and agitation" against abrogation of Article 370.	Indian police	Media report
08/04/2019		Srinagar	<a href="#">AlJazeera</a>	The former president of the High Court Bar Association of Jammu and Kashmir, Nazir Ahmad Ronga, was arrested,	Indian police	Media report

				detained, and transferred to a prison in Uttar Pradesh, 620 miles away, on the grounds of "incitement and agitation" against abrogation of Article 370.		
08/05/2019		Nadapora Parigam, Pulwama	<a href="#">Independent</a>	22-year-old Mohammad Yasin Bhat was dragged out of his bed at midnight by soldiers and brought out of his home to the main road, where he was made to stand naked in line with 11 other civilians. He, and others, were beaten with canes, gun butts and kicks, and had their genitals electrocuted. They were also humiliated and sexually harassed.	Indian army	Personal testimony; Photographs
08/05/2019		New Colony, Shopian district	<a href="#">Independent</a>	Shahid Ahmad Bhat was arbitrarily detained and then disappeared. His family does not know his whereabouts nor whether he is alive.	Indian police	Personal testimony
08/05/2019		Srinagar; Agra	<a href="#">AlJazeera</a>	A man was forcibly picked out of his bed and detained. His mother was not informed of his whereabouts. He was kept in a prison in Agra Central Jail, hundreds of miles away.	Indian police	Personal testimony
08/05/2019		Jhelum River, Northwestern Srinagar	<a href="#">Independent</a>	17-year-old Osaib Altaf jumped into the Jhelum River as security personnel chased protesters in northwestern Srinagar.	Indian security forces	Personal testimony
08/05/2019		Srinagar	<a href="#">Anadolu Agency</a>	Junaid Azim Mattu, the mayor of Srinagar, has been placed under house arrest following remarks critical of the ongoing clampdown on Kashmir and the detention of its political leaders.	Indian government	Media report
08/05/2019		Turkwangan village	<a href="#">Telegraph</a>	A factory owner on his way to work was stopped by the Indian army officers, handed a hammer and ordered to work as he was dragged away to a forced labour camp. When the man arrived at the camp, he found 20 to 30 civilians already working there who were also taken there as he was.	Indian army	Personal testimony
08/05/2019		Kashmir	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	An activist was arrested in his house by a station house officer and four other officers, and detained.	Indian police	Civil society account

08/05/2019		Kashmir	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	A political party youth leader had his house raided by the deputy superintendent of a police station and a few other officers and had his son arrested and detained.	Indian police	Civil society account
08/05/2019		Ganderbal	<a href="#">Washington Post</a>	Member of the Jammu and Kashmir National Conference party was placed under house arrest. Two days later, the was taken away by the police. The family does not know his whereabouts nor whether he is alive.	Indian police	Personal testimony
08/05/2019		Baramulla district	<a href="#">AlJazeera</a> <a href="#">Washington Post</a>	The president of the bar association of Baramulla district court, Abdul Salam Rather, was arrested, detained, and transferred to a prison in Uttar Pradesh, 620 miles away, on the grounds of "incitement and agitation" against abrogation of Article 370.	Indian police	Journalistic account
08/05/2019		Srinagar	<a href="#">National Herald</a>	Politician Mohammed Yousuf Tarigami and his family were put under house arrest.	Indian security forces	Personal testimony
08/05/2019		Kashmir	<a href="#">Huffington Post India</a>	11-year-old was arrested and beaten in custody.	Indian police	Personal testimony
08/05/2019		Srinagar	<a href="#">AlJazeera</a>	Mehbooba Mufti, 63, senior Kashmiri politician of the People's Democratic Party, was put under house arrest.	Indian government	Media report
08/05/2019		Srinagar	<a href="#">AlJazeera</a>	Omar Abdullah, senior Kashmiri politician of the National Conference party, was put under house arrest.	Indian government	Media report
08/05/2019		Maisuma, Srinagar	<a href="#">Vice News</a>	Faisal Aslam Mir was arbitrarily detained on his way to purchase medicine for his mother. She has not heard from him since, does not know his whereabouts nor whether he his alive.	Indian police	Personal testimony; Legal documentation
08/06/2019		Kashmir; Agra	<a href="#">APNews</a>	Aamir Parviaz Rather was picked up by the armed forces early in the morning and held in various locations in Kashmir before being moved to Agra Central Jail. His family was able to first see him after 48 days. His health worsened due to poor conditions in detention.	Indian armed forces	Personal testimony
08/06/2019		Parigam, Pulwama District	<a href="#">Washington Post</a>	Yasin Bhat, 25, was ordered by soldiers out of his house in the middle of the night and brought to the main road. He was asked by the soldiers what he thinks of the decision	Indian soldiers	Personal testimony; Photographs

				to revoke the region's autonomy and subsequently stripped. He had his back and legs whipped with thick cables and had his genitals and chest electrocuted.		
08/06/2019		Matibug village, Kulgam District	<a href="#">AlJazeera</a>	A man, a cancer patient suffering from paralysis, was detained by Indian security forces in a midnight raid. His family does not know his whereabouts or whether he is alive.	Indian security forces	Personal testimony
08/06/2019		Illah-i-Bagh locality, Srinagar	<a href="#">Imprisoned Resistance: August 5th and its aftermath</a>	A 17-year-old Asrar Ahmad Khan died from being shot in the head with pellets by the police while he was playing in front of his house.	Central Reserve Police Force (CRPF)	Personal testimony
			<a href="#">Independent</a>			Personal testimony; Photographs
			<a href="#">Bangkok Post</a>			Personal testimony
08/06/2019		Parigam, Pulwama District	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	Around 10 men between the ages of 20-30 were picked up by the army from 8 houses, getting one person to knock on the door of another in a chain. They reported being tortured, electrocuted, and beaten with cables and sticks.	Indian army	Civil society account
08/07/2019		Parigam, Pulwama District	<a href="#">AlJazeera</a>	50-year-old plumber Bashir Ahmed Dar had his legs and back beaten for three hours by Indian soldiers.	Indian soldiers	Personal testimony
08/07/2019		Parigam, Pulwama District	<a href="#">AlJazeera</a>	20-year-old Muzaffar Ahmed and his brothers were taken from the family home into the street in the middle of the night and beaten and electrically shocked by army troops for three hours.	Indian army soldiers	Personal testimony; Photographs; Media report
08/07/2019		Srinagar	<a href="#">BBC</a>	63-year-old Shabbir, a leader of his village, was arrested in the middle of the night and detained.	Indian police	Personal testimony
08/07/2019		Karimabad village, Shopian	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	17-year-old Mamoon Ahmad Pandit, younger brother of militant Nasir Ahmad Pandit, was arrested and detained.	Indian army	Civil society account

08/07/2019		Kashmir	<a href="#">The Christian Science Monitor</a>	Umar Bashir Naikoo was woken up at around 2 in the morning by soldiers and policemen who had entered his home and had ordered all men in the house to go outside. The police knew Umar's name before the house raid that it suggests that the Indian Police suspected Umar of having been involved with protest against Indian soldiers. He was detained and beaten.	Indian police	Personal testimony
08/07/2019		Parigam, Pulwama District	<a href="#">AlJazeera</a>	Bashir Ahmed Dar had his family's food storage destroyed by Indian soldiers who mixed the food with kerosene and fertilizer.	Indian soldiers	Personal testimony
	08/07/2019 - 08/08/2019	Karimabad village, Shopian	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	Bilal Ahmad Dar was arrested and detained.	Indian army	Civil society account
08/08/2019		Jammu and Kashmir	<a href="#">Gulistan News</a>	Zahid Firdous Mir was arbitrarily detained. (Case was brought to the High Court of Jammu and Kashmir by the Jammu and Kashmir High Court Bar Association challenging the detention and the charges were repudiated on September 29 and Mir was released.)	Indian police	Personal testimony; Legal documentation
08/08/2019		Khrew, Pulwama district	<a href="#">Religion Unplugged</a>	Manzoor Bhat was arrested and detained after the police came looking for his son and did not find him home. They set his son's surrender as the condition of his release.	Indian Police	Personal testimony
08/08/2019		Karimabad village, Shopian	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	20-year-old Munirul Islam was dragged by his neck and hair and arrested.	Indian army	Civil society account
08/09/2019		Srinagar	<a href="#">AlJazeera</a>	A man was arrested at 2 am, detained, and transferred to Uttar Pradesh, 620 miles away.	Indian police	Personal testimony
08/09/2019		Srinagar	<a href="#">Imprisoned Resistance: 5th August and its aftermath</a>	Police entered the home of 19-year-old Owais searching for him, but he was not home. Instead, his brother-in-law, Ghulam, was arrested and kept in the Bemina Police Post until August 10, 2019.	Indian police	Civil society account
08/09/2019		Bemina area, Srinagar	<a href="#">Imprisoned Resistance: 5th</a>	Fehmeeda Shagu, 34, died from toxic gas inhalation caused by tear gas fired by the police into her house. The	Indian police	Medical documentation;

			<a href="#">August and its aftermath</a>	police refused to open an investigation stating that the police "cannot register a complaint against themselves."		Personal testimony
			<a href="#">BBC</a>			Medical documentation; Personal testimony
08/09/2019		Soura, Srinagar	<a href="#">AlJazeera</a>	Indian forces opened fire against the protesters, including using live ammunition.	Indian police	Video; Personal testimony
			<a href="#">BBC</a>			
08/09/2019		Srinagar	<a href="#">New York Times</a>	Several residents interviewed by the New York Times were beaten up by security forces for trying to buy necessities like milk.	Indian forces	Journalistic account
08/09/2019		Khrew, Pulwama district	<a href="#">Religion Unplugged</a>	Sameer Bhat, 21, was arrested and detained. He was moved from the police station and his family does not know his whereabouts nor whether he is alive.	Indian police	Journalistic account
08/10/2019		Srinagar	<a href="#">Telegraph</a>	A 9-year-old boy, along with allegedly 143 other minors, was detained and beaten by the police.	Indian police	Personal testimony; Media report
08/10/2019		Karfalli Mohalla, Srinagar	<a href="#">CNN</a>	Farooq Ahmad Qureshi was shot from a pellet gun in his eye.	Indian Forces	Personal testimony
08/10/2019		Srinagar	<a href="#">The Wire</a>	17-year-old Akeel Dar received nine pellets in his right eye and four in his left after being shot by a CRPF officer.	Central Reserve Police Force (CRPF)	Personal testimony; Photographs
08/10/2019		Srinagar	<a href="#">AP News</a>	Bashir Ahmed Dar was beaten with sticks by three soldiers until he was unconscious.	Indian army	Personal testimony
08/11/2019		Shopian	<a href="#">Imprisoned Resistance: August 5th and its aftermath</a>	Mujeeb, 40, was ordered out of his house, together with his family and neighbours, by army men. He was searched, had his house searched, and his mobile phone taken. Then he was severely beaten. He was punched on the face, kicked and beaten up with a staff until he lost consciousness. His screams were put on speakers for all others in the detention center to hear.	Indian army	Personal testimony; Photographs

08/11/2019		Shopian	<a href="#">Imprisoned Resistance: August 5th and its aftermath</a>	Salman was detained and severely beaten. He was punched on the face, kicked and beaten up with a staff until he lost consciousness. His screams were put on speakers for all others in the detention center to hear.	Indian army	Personal testimony
08/11/2019		Safa Kadal	<a href="#">Committee to Protect Journalists</a>	Journalist Haziq Qadri (Brut India correspondent) was arrested and detained for 12 hours. He had his phone confiscated and not returned upon his release.	Indian police	Personal testimony
08/14/2019		Tral	<a href="#">Committee to Protect Journalists</a>	Journalist Irfan Malik (correspondent with the Greater Kashmir newspaper) was detained by security forces and released on bond the following day.	Indian army	Personal testimony
			<a href="#">NDTV</a>			Media report
08/14/2019		Srinagar; Delhi	<a href="#">BBC</a>	Kashmiri politician of the Jammu and Kashmir Peoples Movement party, Shah Faesal, was stopped from boarding an international flight at Delhi airport, taken back to Srinagar, and detained.	Indian government	Media report
			<a href="#">The Wire</a>			
			<a href="#">India Times</a>			
08/14/2019		Hirpora village, Shopian district	<a href="#">Pakistan Press International</a>	26-year-old Abid Khan was dragged out of his house together with his brother, blindfolded and taken to the Chowgam army camp. The soldiers stripped him naked, tied up his legs and wrists, suspended him and beat him with rods. Then they gave him electric shocks on his genitals and wounds.	Indian soldiers	Personal testimony; Journalistic account
08/16/2019		Bandipora, northern Kashmir	<a href="#">AlJazeera</a>	Mohsin Ganai was arrested and detained under the PSA. No reason was given for his detention.	Indian police	Personal testimony
08/16/2019		Srinagar	<a href="#">BBC</a>	A 18-year-old was shot in his leg by a pellet gun when peacefully protesting.	Indian security forces	Personal testimony; Photographs; Video
08/16/2019		Srinagar	<a href="#">BBC</a>	A man was surrounded by security forces, beaten by 8 of them, and shot in his leg, when peacefully protesting. Afterwards, he was left on the side of the road.	Indian Security Forces	Personal testimony; Photographs; Video
08/17/2019		Kashmir	<a href="#">Huffington Post India</a>	Boy, aged 11/12, was arrested.	Indian police	Personal testimony

08/17/2019		Safakadal area of Srinagar	<a href="#">BBC</a>	60-year-old Mohammad Ayub Khan died from tear gas inhalation after tear gas has been spread in the streets by state forces. No medical record has been given to his family at the hospital.	Security forces	Personal testimony; Journalistic account
08/17/2019		Srinagar	<a href="#">Independent</a>	Xuhaib Maqbool, a journalist, was stopped by the Indian paramilitary forces during a protest. They told him not to take photos, or report at all from the protest, harassed him, and threatened to "break his bones" if he does not obey.	Indian paramilitary forces	Personal testimony; Journalistic account
08/17/2019		Jammu and Kashmir	<a href="#">Indian Express</a>	Asrar Yaqoob Pahlo was detained. (Case was brought to High Court of Jammu and Kashmir challenging the detention. The charges were revoked on September 2, and Pahlo was released.)	Indian police	Personal testimony; Legal documentation
	Shortly before 08/18/2019	Khrew, Pulwama district	<a href="#">AP News</a>	Sameer Ahmed was beaten by security forces.	Indian soldiers	Photographs
	08/19/2019 - 08/25/2019	Khrew, Pulwama district	<a href="#">Religion Unplugged</a>	Gowhar Ahangar was arrested and detained after the police came looking for his politically engaged brother and did not find him home. They set his brother's surrender as the condition of his release.	Indian army	Personal testimony
08/20/2019		Sopore town, northern Kashmir	<a href="#">AlJazeera</a>	Shahnawaz Dar was arrested and detained under PSA. His family was not informed of his whereabouts.	Indian police	Personal testimony
08/22/2019		Lalusheshgaribagh, Srinagar	<a href="#">Imprisoned Resistance: August 5th and its aftermath</a>	65-year-old man died reportedly due to tear gas inhalation, after the police's tear gas canister fell inside his house.	Indian police forces	Personal testimony
08/22/2019		Srinagar, Kashmir	<a href="#">Washington Post</a>	Aquib Sheikh, 17, was detained when he left home to buy milk. The following day police told his wife he was being held at Srinagar's central Jail but did not give details of any charges against him.	Indian police	Journalistic account
08/24/2019		Srinagar, Kashmir	<a href="#">Washington Post</a>	Danish Ahman Mir was taken away by police in the middle of the night after half a dozen armed policemen jumped over the gate to his home.	Indian police	Journalistic account

08/26/2019		Shopian, Srinagar	<a href="#">Pakistan Press International</a>	21-year-old Obaid Khan was severely beaten with rods at Chowgam army camp when he went to retrieve his ID and phone that the forces had earlier stolen. He was asked to come back with names of protesters in his village.	Indian soldiers	Personal testimony
08/26/2019		Srinagar	<a href="#">NPR</a>	Dr. Omar Salim Akhtar was arbitrarily arrested and then released after a few hours, after he protested the telephone and Internet communications shutdown by Indian authorities at a press conference on Aug. 26.	Indian police	Journalistic account
08/27/2019		Shopian, Srinagar	<a href="#">Pakistan Press International</a>	21-year-old was electrocuted for three hours at the Pahnoo camp. He was asked for names of protesters in his village.	Indian soldiers	Personal testimony
08/27/2019		Jammu and Kashmir	<a href="#">MSN</a>	Javid Ahmad Khan was arbitrarily detained. (Case was brought to the High Court of Jammu and Kashmir by his relatives challenging the detention and the charges were repudiated on September 28 and Khan was released.)	Indian police	Personal testimony; Legal documentation
08/29/2019		Pampore, Kashmir	<a href="#">Washington Post</a>	Farhan Farooq, 13, along with two other boys were stopped by a police vehicle and arrested by armed officers.	Indian police	Journalistic account
08/29/2019		Soura, Srinagar	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	Inayat Ahmad, shopkeeper, was arrested for speaking to Al Jazeera and participating in protests in Srinagar. After 15-16 days in the thana, he was taken to Srinagar Central Jail where he has been kept. The chargesheet said that he was involved in throwing stones during protests.	Indian police	Civil society account
09/03/2019		Gujjar Village	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	Riyaz Ahmad Thickri died in police custody. Despite evidence of torture, including a broken nose and bruises along the side of his body, his family was told that he committed suicide. Though a post mortem was conducted, his family was not given access to the report.	Indian police	Civil society account
09/03/2019		Srinagar	<a href="#">International Federation for Human Rights</a> <a href="#">NDTV</a>	Srinagar Mayor, Junaid Azim Mattu, was put under house arrest.	Indian government	Human Rights organization report Media report
09/06/2019		Sopore	<a href="#">Washington Post</a>	Two masked gunmen threatened apple grower Ramzan Dar, as well as his wife and cousin, and forced him to	Militant group	Personal testimony

				drive to the house of apple trader Hamidullah Rather. There, they assaulted Rather's son, daughter-in-law, and granddaughter before shooting Dar and his cousin.		
09/07/2019		Rainawari, Srinagar	<a href="#">The Wire</a>	Photojournalist Shahid Khan was beaten by police officers while reporting on Muharram processions. One officer allegedly beat him with a cane for at least 5 minutes, which resulted in a hairline fracture on his right shoulder.	Indian police	Personal testimony
09/09/2019		Hajira (Subdivision of Poonch District), Srinagar	<a href="#">Dawn News</a>	22 pro-independence activists were taken into custody by the Azad Jammu and Kashmir (AJK) police.	Azad Jammu and Kashmir (AJK) Police	Personal testimony
09/16/2019		Baramulla district	<a href="#">Imprisoned Resistance: August 5th and its aftermath</a>	A man's house was raided by 15 policemen. He was shot at with pellet fire, which resulted in an injury on the right side of his face.	Indian police	Civil society account
09/16/2019		Jammu and Kashmir	<a href="#">International Federation for Human Rights</a>	Farooq Abdullah, 83, senior Kashmiri MP, was put under house arrest.	Indian government	Human Rights organization report
09/17/2019		Pulwama, Srinagar	<a href="#">International Federation for Human Rights</a>	15-year-old Yawar Ahmed Bhat died by suicide following trauma from abuse experienced in detention.	Suicide following torture by state forces	Human Rights organization report
09/20/2019		Srinagar	<a href="#">NBC</a>	Two boys, aged 14 and 16, sons of Ali Mohammed Rah, were dragged out of their home by Indian police and soldiers and detained.	Indian police	Personal testimony
09/20/2019		Srinagar	<a href="#">NBC</a>	A man was arrested and detained at his home at about 2 am following a raid.	Indian police	Personal testimony
09/20/2019		Srinagar	<a href="#">NBC</a>	24-year-old man, son of Raj Begum, was taken away following a police raid of her neighborhood.	Indian police	Personal testimony
09/27/2019		Srinagar	<a href="#">Huffington Post</a>	Officers of the Central Reserve Police Force (CRPF), led by the SHO Rashid Khan, intimidated and forcibly entered the property of Zahoor Ahmad. They intended to use Ahmad's home as living quarters for members of the CRPF.	Central Reserve Police Force	Personal testimony

09/28/2019		Batote market area of Jammu	<a href="#">AlJazeera</a>	The CRPF killed three rebels, who they claimed were holding a civilian hostage in his home. They also claimed to have rescued the hostage without harm.	Central Reserve Police Force	Journalistic account
09/28/2019		Srinagar	<a href="#">Indian Express</a>	Police prevent citizens from assembling by enacting movement restrictions and deploying troops onto the street.	Indian police	Media report
	08/04/2019 - 08/29/2019	Anantnag district	<a href="#">AlJazeera</a>	The president of the bar association of Anantnag district court, Fayad Sodagar, was charged with "incitement and agitation" against abrogation of Article 370.	Indian police	Media report
	08/04/2019 - 08/29/2020	Soura, Srinagar	<a href="#">NewsClick</a>	16-year-old Irshad was shot at from a pellet gun as he was standing on the street. About 200 pellets remain in his head and he has suffered brain injury.	Security forces	Personal testimony
	08/04/2019 - 08/29/2021	Soura, Srinagar	<a href="#">NewsClick</a>	A 65-year-old man was shot at from a pellet gun from close distance outside the mosque. About 250 pellets remain in his leg.	Security forces	Personal testimony
	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Village resident 1 (requested anonymity for safety) was kicked, beaten with sticks and cables, shocked with electricity to revive from unconsciousness, mouth sealed with mud to prevent screams.	Indian army	Personal testimony; Photographs
	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Village resident 2 (brother of village resident 1, requested anonymity for safety) was kicked, beat with sticks and cables, shocked with electricity to revive from unconsciousness, mouth sealed with mud to prevent screams.	Indian army	Personal testimony; Photographs
	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Village resident was beaten with rods and sticks for nearly two hours and shocked to revive after unconsciousness when he told security forces he didn't know the names of stone-throwers.	Indian army	Personal testimony
	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Village resident in his early 20s was beaten when he refused to become an informant against militants.	Indian army	Personal testimony
	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Man was beaten with cables, guns, sticks and "probably iron rods" by multiple soldiers; beard pulled	Indian army	Personal testimony

	08/05/2019 - 08/29/2019	Jammu and Kashmir	<a href="#">BBC</a>	Village resident whose brother joined Hizbul Mujahideen was allegedly tortured at an army camp. He was hung upside down and beaten for over 2 hours; allegedly left with a leg fracture.	Indian army	Personal testimony
	08/05/2019 - 10/09/2019	Parigam, Pulwama District	<a href="#">#Kashmir Civil Disobedience - A Citizens' Report</a>	Two girls were hit by the officers after she protested their relatives being taken away.	Indian army	Civil society account