

To

Prof. David Kaye

United Nations Special Rapporteur on the promotion and protection  
of the right to freedom of opinion and expression

cc: PEN International  
Committee to Protect Journalists  
Freedom of the Press Foundation  
International Federation of Journalists  
International Women's Media Foundation  
Women Photograph

20 April, 2020

Dear Professor Kaye,

**Re: Requesting your urgent intervention in the continued lack of freedom of the press and expression, and harassment and incarceration of journalists in Indian-controlled Kashmir**

We, the Kashmir Scholars Consultative Action Network, are an interdisciplinary group of scholars of various nationalities engaged in research on the disputed territory of Jammu and Kashmir. We are writing this open letter to seek your immediate intervention on the issue of continued persecution of Kashmiri journalists by the Indian government. On April 20, Masrat Zahra, a freelance photojournalist, whose work has appeared in various international publications including *The Washington Post*, *The New Humanitarian* and elsewhere, has been [charged](#) under the draconian [Unlawful Activities \(Prevention\) Act](#) (UAPA). This supposed anti-terrorism legislation enables the government to practically declare any individual as a terrorist, and the punishment under UAPA can carry jail time of two to ten years. Masrat, who [reposted some of her past stories](#) and a widely circulated picture from [one of her stories](#) on Facebook, is accused of "uploading anti-national posts [on Facebook] with criminal intentions to induce the youth" and for "uploading photographs which can provoke the public to disturb law and order". Also on April 20, a First Information Report was lodged against [Peerzada Aashiq](#), a well known journalist working for reputed Indian newspaper, *The Hindu*. Aashiq has been accused, as per the FIR, for [reporting incorrect facts](#) related to the recent encounter

in Shopian district of Jammu and Kashmir. These recent cases against Zahra And Peerzada follow a pattern of harassment and [intimidation](#) of journalists in Kashmir.

While on his beat, [Mushtaq Ganaie](#), was illegally detained and charged last week, and another freelance journalist, [Gowhar Wani](#), was assaulted by the police and his father threatened. Two Kashmiri journalists, [Asif Sultan and Qazi Shibli](#) remain incarcerated. Asif Sultan [has been held under UAPA since August 2018 where specific charges against him have not been made clear yet](#) and [Qazi Shibli](#) is being held without charge or trial on back to back [Public Safety Act](#) orders. [Kamran Yusuf](#), also charged with UAPA, and currently out on bail, [was recently attacked in a night raid at his residence](#). Other journalists, editors, and publishers in Kashmir have been constantly harassed and intimidated by the police and the military. Such actions are in direct contravention of international standards of freedom of opinion, expression, and free press.

The Kashmir Press Club [has condemned](#) charges against Masrat Zahra and all other cases of harassment and summons of journalists by the police, especially during the pandemic. The [Committee to Protect Journalists](#) has issued an alert, and [Reporters without Borders](#) has called for the immediate and unconditional withdrawal of charges against Zahra.

It is imperative to also mention the [bullying tactics used by the state](#) to silence young Kashmiris who use social media as a medium to express their opinion as well as the crackdown on independent journalism. *The Caravan* (20 April) notes that Tahir Ashraf, Cyber Police Superintendent, [tweeted](#) the following on 16 April: “13 FIRs for misuse of Social Media registered in Kashmir Zone so far. Fake news, rumor mongers and handles promoting terrorism are under watch. More action to follow.” Such tactics appear to have become a new strategy to intimidate and create panic among journalists in particular, and amongst the wider population. These are occupational methods to discipline the native population, especially the younger generation, which has particularly been vocal through social media.

As you are undoubtedly aware, the Right to Freedom of Expression and Opinion as well as the freedom of press has been [under a constant siege](#) in Indian-controlled Kashmir. The suppression of freedom of expression and press intensified since the government of India made unilateral illegal changes to the status of Jammu and Kashmir in August 2019. [A Columbia Journalism Review report](#) outlined the longer history of internet shutdowns as well as journalist struggle against Indian media blackouts in Kashmir. At the time, *Al Jazeera* (1 Sept) reported on the harassment that local journalists faced as they were [beaten up, and some were detained](#).

Kashmir has been under a lock down since then with draconian measures in place to prevent dissent and protests against illegal changes to the territory and [government policies](#) being implemented under the cover of the pandemic. There was a complete communications clampdown and some of the curbs [continue](#) still, severely restricting access to necessary information for those who are at the forefront of fighting the pandemic and keeping [people informed](#).

The deteriorating situation of lack of freedom of the press in Kashmir requires global attention and immediate intervention. In this regard, we urge you to urgently take up this matter and publicly call upon the Indian government to stop this systematic assault on the freedom of expression, including critical and necessary independent journalism. We also request you to call for an immediate dismissal of all charges against Masrat Zahra, Peerzada Aashiq as well as the immediate release of Asif Sultan and Qazi Shibli.

Sincerely,

**Kashmir Scholars Consultative and Action Network (KSCAN)**

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