



KEY DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION IN INDIAN-ADMINISTERED KASHMIR

January 1, 2023 - January 31, 2023

SUMMARY

In January 2023, Indian authorities continued to commit grave human rights violations in IAK. Indian forces killed at least two people and involuntarily disappeared another. Indian forces continued to collectively punish Kashmiris, including through raiding the homes of dissidents and harassing their families, expropriating and demolishing homes and property, restricting people’s right to movement and imposing communications and internet shutdowns. Additionally, the Jammu & Kashmir administration continued to systematically expropriate Kashmiris’ homes, commercial property, fields, orchards and other real property-related without due process or compensation. The administration continued to develop its extensive data collection and surveillance apparatus in IAK.

Numerous Kashmiri journalists, human rights defenders, political activists, and dissenters continue to be arbitrarily detained. In a case emblematic of the repression against Kashmiri journalists, Aasif Sultan, arbitrarily detained on August 27, 2018, remains illegally imprisoned. As of the date of this publication, Sultan has been detained for 1,637 days. In a case emblematic of the repression against Kashmiri human rights defenders and civil society, Khurram Parvez, arbitrarily detained on November 22, 2021, remains illegally imprisoned in a maximum-security facility in New Delhi. As of the date of this publication, Parvez has been detained for 455 days. On January 19, 2023, a jury consisting of 10 leading human rights organizations selected Parvez as a 2023 Martin Ennals Award Laureate. The Martin Ennals Award is known as the “Nobel Prize” for human rights. **Due to ongoing repression by Indian authorities, key developments in the human rights situation in IAK have likely gone unreported.**

KILLINGS AND EXCESSIVE USE OF FORCE

Indian forces killed two unidentified men in Budgam

On January 17, 2023, Indian forces announced the killing of [two unidentified men](#). Indian forces claimed that such killings were a defensive “retaliation” to being “fired upon” by “militants.” While the facts in the January 17, 2023 killings are not available, this narrative is commonly deployed by Indian forces in IAK in cases of extrajudicial killings, including [custodial killings](#). Such killings are known as “[fake encounter](#)” killings.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION

Jammu & Kashmir disproportionately suffered from internet shutdowns in 2022

[Surfshark](#), a VPN provider, reported there were more internet disruptions in Jammu & Kashmir in 2022

than in any country in the world. Jammu & Kashmir suffered 24 recorded internet disruptions or 31% of all cases globally. This is substantially higher than other region, including Iran (11 cases) and the Russian Federation (4 cases). While its population represents only 1% of the population under Indian control, Jammu & Kashmir suffered [70% of internet outages](#) imposed by Indian authorities in 2022. Internet shutdowns are a form of collective punishment and a violation of a fundamental right that results in myriad violations with substantial impacts on people and businesses.

Kashmiris continue to self-censor to avoid reprisals by Indian authorities

Naseer Ganai, a prominent Kashmiri journalist, [described](#) the breadth and extent of the suppression of free expression and self-censoring in IAK today in the following terms: “There is silence all around in Kashmir of today, and nobody wants to be seen making any noise...many are deleting or recasting their own memories.” Ganai reports the anecdote of an engineer who explains the prevailing situation by saying that people in Srinagar will no longer even complain about their roads being dug up. Ganai quotes another journalist who says, “It is better to be seen silent.”

REPRESSION OF HUMAN RIGHTS DEFENDERS

Human rights defender Khurram Parvez to is a 2023 Martin Ennals Award Laureate

Parvez, who remains arbitrarily detained, is one of three recipients of the award. He was [recognized for his documentation and reporting](#) of human rights abuses in IAK. The recipients are [selected by ten leading human rights NGOs](#): Amnesty International, Human Rights Watch, International Federation for Human Rights, Huridocs, Bread for the World, Human Rights First, World Organisation Against Torture, International Commission of Jurists (ICJ), International Service for Human Rights (ISHR), and Front Line Defenders. Parvez was recognized for his ““courage, passion and determination to bring the voice of the voiceless to the international arena despite the ongoing, sometimes life-threatening, challenges.”

EXPROPRIATION OF LAND, ILLEGAL OCCUPATION OF LAND, TAKING OF PROPERTY, DESTRUCTION OF PROPERTY

Indian authorities seized additional property based on purported terrorism connections

In a widening campaign of collective punishment and reprisals against Kashmiris for dissent, Indian authorities continued to escalate their forced taking of private property. Indian authorities continued to specifically target Jamaat-e-Islami Jammu & Kashmir (JeI), a leading Islamic socio-religious movement founded in Jammu & Kashmir in 1953 and [banned](#) by Indian authorities in February 2019. On January 7, 2023, the State Investigation Agency ([SIA seized property](#)) in Sirhama, Viddy Srigufwara, Arwani in Anantnag district and in the main town Kulgam due to alleged ties to JeI.

On January 10, 2023, Indian authorities [seized property belonging to Usman Gulzar Wani](#), allegedly for his purported links with resistance fighters. Indian authorities arrested Wani in Shopian in August 2022. On January 28, 2023, a Delhi [court ordered the](#) expropriation of the building housing the All Parties Hurriyat Conference (APHC) in Srinagar. APHC is the popular coalition of pro-self determination Kashmiri political parties formed in 1993 and widely considered the most representative voice of popular sentiment in IAK. The order was issued in connection with an Unlawful Activities (Prevention) Act (UAPA) case against Nayeem Ahmad Khan, a pro-self determination activist associated with APHC. The sanctioned property is only partly owned by Khan. The National Investigation Agency (NIA) claimed the

property was used for unlawful purposes and terrorist activities as part of a larger criminal conspiracy to cause violence. The NIA has arrested and arbitrarily detained a substantial number of prominent Kashmiri pro-self determination political activists, primarily on pretextual terror funding allegations, including: Aftab Ahmad Shah, Altaf Ahmad Shah, Nayeem Ahmad Khan, Farooq Ahmad Dar, Mohammad Akbar Khanday, Raja Mehrajuddin Kalwal, Bashir Ahmad Bhat, Zahoor Ahmad Shah Watali, Kamran Yusuf, Javed Ahmed Bhat, Shabir Shah, Yasin Malik, Rashid Engineer, Masrat Alam, Asiya Andrabi, Nahida Nasreen and Sofi Fahmeeda. Altaf Ahmad Shah was subjected to a [custodial killing](#) through the denial of adequate healthcare on October 10, 2022. The remaining activists remain arbitrarily detained. On May 19, 2022, Yasin Malik, chairman of the Jammu Kashmir Liberation Front (JKLF) and a renowned pacifist, was [convicted by an Indian court of terrorist acts](#), including illegally raising funds, membership in a terrorist organization, criminal conspiracy, and sedition, and sentenced to life imprisonment. On November 4, 2022, the Government of India's Directorate of Enforcement (ED), an organization housed within the Department of Revenue in the Ministry of Finance, [expropriated the house](#) of prominent pro-self determination leader Shabir Ahmad Shah under the provisions of the Prevention of Money Laundering Act (PMLA) 2002. Shah is founder and president of the Jammu and Kashmir Democratic Freedom Party.

The Jammu & Kashmir administration intensified an ongoing campaign of mass property expropriation in IAK on the pretext of "recovering" state land

[On January 9, 2023](#), the Commissioner Secretary to the Government, Revenue Department, Vijay Kumar Bidhuri (IAS) issued a circular ordering Deputy Commissioners to remove all "encroachments" on "state land," including "Roshni land" (state land sold to private owners under a 2001 law) and "Khacharie" (grazing) land (made available to small landowners through longstanding law and policy) by January 31, 2023. On January 20, 2023, the [Supreme Court of India refused](#) to pass an order seeking a stay enforcement of the circular, and on January 31, 2023, [dismissed related petitions](#). While these efforts are described by Indian authorities as an "anti-corruption" effort targeting the powerful and politically connected, they are in fact largely the mass expropriation of vested private property owned by small landowners. The January 2023 order is the continuation and expansion of efforts to expropriate land, dispossess and disempower the local population and radically transform land ownership in IAK undertaken by Indian authorities since August 2019.

On January 18, 2023, [300 kanals](#) of purported "state" land was expropriated in Kupwara, Baramulla, Shopian, and Budgam. (1 kanal is the equivalent of 0.125 acres or 0.05 hectares and a substantial amount of land in IAK.) On January 19, 2023, [over 2,300 kanals](#) of purported "state" land was expropriated in Bandipora and Ganderbal. [According to one list](#), even the United Nations Military Observers Group office in Srinagar is listed as being on "state land" (and, presumably, subject to expropriation in the current "anti-encroachment" drives). [Estimates indicate](#) that over 60% of state land in Anantnag is currently occupied for a variety of reasons, including schools, government offices, and agriculture. Indian officials have accelerated the drives and indicated they will continue until all "state" land is "retrieved."

Related Resources: Further recent background resources on these complex issues can be found [here](#) and [here](#). A broader list of state land subject to retrieval is [linked here](#).

POLITICAL DISEMPOWERMENT AND DEMOGRAPHIC CHANGE

Intensification of political disempowerment of Muslims in IAK continues

In a continuation and expansion of Indian authorities' efforts to structurally disempower Muslims in IAK and facilitate cultural erasure, forced out-migration of local Muslims, immigration of non-local Hindus, and expanded settler colonialism, which have intensified since August 2019, just over a million people recently [gained](#) the right to vote in Jammu & Kashmir for the first time. Of these, 96% are Hindu. The total population of Jammu & Kashmir is approximately 13 million. Official records show that of those million people, 698,800 received "domicile certificates" as of December 2022, including 7,346 Indian bureaucrats and army officers (many of whom are likely responsible for atrocity crimes in IAK). This is in addition to the May 18, 2020 [Jammu and Kashmir Grant of Domicile Certificate \(Procedure\) Rules, 2020](#) imposed by the Indian government in violation of historic rights nominally guaranteed by treaty, constitution and international humanitarian and human rights law. These new illegal laws diminished the people of IAK's historic rights to access public employment and educational opportunities and their rights to real property in IAK, and are an essential element to the various policies promoting the economic and political disempowerment of Muslims in IAK, cultural erasure, and forced demographic change.

ENFORCED DISAPPEARANCE

Mufti Nazir Ahmed Dar, a religious scholar, disappeared [after reporting to the Behibagh police station](#) in Kulgam district. According to his brother, he was asked to bring documents to the police station on January 28, 2023 and never returned. Dar is at least the fourth civilian since 2017 who has gone missing after being detained by the Indian army. Between 1990 and 2017, an estimated 8,000 to 10,000 Kashmiris were [victims of enforced disappearance](#).

STATE SURVEILLANCE

The Jammu & Kashmir administration plans to create a family identification database

[Kashmiris have expressed concern](#) about JK Family ID, a new digital identification system that will assign an eight-digit code to each household, purportedly to determine eligibility for social benefits. This policy reflects an ongoing trend as Indian authorities have intensified surveillance of Kashmiris in recent years. Anushka Jain, policy counsel at the Internet Freedom Foundation, [noted](#) "the absence of a federal data protection law make[s] residents vulnerable to greater surveillance and exclusion" under the database.

COLLECTIVE PUNISHMENT

Indian authorities raided and seized personal property from people related to purported resistance activists in exile

On January 5, 2023, the Special Investigations Unit (SIU) [raided](#) the houses of people in Kupwara district related to eight men who are purported resistance fighters. Jammu Kashmir Police claimed the men were affiliated with "banned organisations." The SIU seized "mobile phones and other materials."

*See also the entry titled "[Jammu & Kashmir disproportionately suffered from internet shutdowns in 2022](#)" under **RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION** and the entries titled "[Indian authorities seized additional property based on purported terrorism connections](#)" and "[The Jammu & Kashmir Administration intensified an ongoing campaign of mass property expropriation in IAK on the pretext of 'recovering' state land](#)" under **EXPROPRIATION OF LAND, ILLEGAL OCCUPATION OF LAND,***

TAKING OF PROPERTY, DESTRUCTION OF PROPERTY

LACK OF ACCESS TO JUSTICE AND IMPUNITY

Indian authorities are arming citizens in Rajouri

[Vigilante groups, renamed Village Defence Groups](#), are being armed in Rajouri in Jammu & Kashmir. Group members receive a .303 rifle and 100 rounds of ammunition. Over 5,000 individuals have already been armed, and more are registering to receive weapons from the local police. Last year, the government announced it would pay each member ₹ 4,000/month honorarium, though payments have not yet been distributed.

The announcement has caused concern about the misuse of weapons, particularly as there are over 200 outstanding criminal cases against members in various districts. Such militia groups, previously called [Village Defence Committees](#), are constituted on a [racist](#), anti-Muslim, anti-Kashmiri [platform](#) and have historically committed grave violations in IAK with impunity.

PUBLIC STATEMENTS, COMMUNICATIONS, AND REPORTS

The Legal Forum for Kashmir (LFK) published [Slaughter in Sopore](#), a fact-finding probe into the January 6, 1993 Sopore Massacre compiled by Institute of Kashmir Studies (and reproduced by LFK). Indian troops of the 94 Battalion of the Border Security Force, led by Commanding Officer S. Thangappan, shot and killed 46 people and injured dozens more.

LFK also published the [Kupwara Massacre 1994](#), another fact-finding probe compiled by the Institute of Kashmir Studies (and reproduced by LFK). This probe covers the January 27, 1994 massacre in Kupwara in which soldiers of the 31 Madras Regiment, the 15 Punjab Regiment and the Rashtriya Rifles as well as Kilo Force (a counterinsurgency group) (under the command of GDS Bakshi and VK Singh) through "deliberate and indiscriminate" firing killed at least 21 people and injured at least 37.

The [International Press Institute \(IPI\) issued a monitoring report](#) on press freedom violations in India between April and September of 2022. IPI reported an "alarming deterioration of press freedom," saying that the Indian government "attempted to silence independent media through attacks and repressive laws, often targeting the Muslim minority." In addition to [suspensions](#) of internet and mobile services, IPI reported the suspension from Instagram of Free Press Kashmir, an independent online weekly from IAK, for "being under 13." Among the arrests and attacks on journalists, IPI noted the multiple arrests under the UAPA of Fahad Shah, a Kashmiri journalist, describing this as "part of a broader pattern of legal harassment and intimidation of independent journalists in Kashmir."

The British Broadcasting Corporation (BBC) released Episode 2 of a multi-episode called "[India: The Modi Question](#)." This episode describes violations targeting Muslims under Indian authority and impunity for those violations, including in IAK.

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