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KASHMIR
ACTION
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POWERED BY SOUND VISION

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Authored by: Kashmir Action Staff Writers and Researchers

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Methodology

The primary and secondary sources of data gathered by the Justice for All's *Kashmir Action* research team served as the foundation for this report. The report also draws upon data obtained from government sources in Indian-occupied Kashmir, reputable media outlets, fact-finding reports from non-governmental organizations, and firsthand accounts from the families of the victims. To guarantee its accurate veracity, every detail in this report has been verified from multiple sources.

Executive Summary

For the past 76 years, the people of Indian-occupied Jammu and Kashmir have been struggling to exercise their UN-mandated right to self-determination. The Indian state's occupation of Kashmir and its persistent repression of the political aspirations of the Kashmiri population have resulted in ongoing and egregious human rights violations.

This report, prepared by Justice for All, offers an overview and analysis of the multifaceted human rights violations and political developments in Indian-occupied Jammu and Kashmir, covering the period from January 2023 to December 2023.

Some of the dominant trends of human rights violations that were observed in this period include:

- i) the denial of religious freedom as evinced by the closure of mosques and banning of prayer gatherings,
- ii) the institution of various policies and laws that aim at altering the Muslim-majority demographic status of the territory and institutionalizing Hindutva,
- iii) the continued arbitrary and illegal detentions of pro-freedom Kashmiri Muslims, seizure and/or destruction of their homes and the homes of their supporters,
- iv) the repression of press freedom as shown by the arrest and intimidation of many journalists,
- v) the suspension of Kashmiri Muslims from employment because of their pro-freedom opinions or beliefs,
- vi) extrajudicial murders of Kashmiri civilians who were falsely labeled as "combatants",
- vii) internet blockades, and
- viii) further militarization of the world's "most militarized zone".

The report gathers information from reports in local and international press, reports by human rights organizations, government records, and family members of the victims of the human rights violations. Nevertheless, during our documentation work, we discovered that many Kashmiri families do not speak out about the various forms of oppression committed against them due to the fear of reprisal and punishment. Additionally, the work of journalists on the ground is highly regulated by state officials, preventing the free flow of information and facts surrounding the human rights violations. The report, therefore, attempts to make an important intervention: as India forces Kashmiri journalists to report ground realities in a manner and in a vocabulary that suits statist narratives, the report foregrounds the Kashmiri perspective and lens.

Human rights violations in Indian occupied Jammu and Kashmir are systematic,

organized, and state-sanctioned and not isolated incidents. Efforts by Kashmiris to use domestic legal avenues to obtain redress have been persistently frustrating as the rare court orders to protect detainees are routinely flouted and the state's legal machinery has created a culture of impunity. While India's occupation of Kashmir is often reduced to a land dispute between India and Pakistan, the human cost of the occupation and the stories of intimate sufferings are lost sight of. It is this human cost of the occupation that the report seeks to disseminate.

Annual Human Rights VIOLATIONS in the Indian occupied Kashmir

Killings and Injuries due to Indian occupation	522
Detentions/Arrests	5667
Gunfights between pro-freedom armed fighters and occupation forces	70
Cordon and Search Operations/Military Raids	260
Structures Damaged	138
Internet Blockades	171

Source: Legal Forum for Kashmir
(ifkashmir.com)

Monthly ACCOUNT OF COST of Occupation in the Indian occupied Kashmir

Month	Killings and Injuries due to Indian occupation	Detentions	Cordon And Search Operations	Internet Blockade	Structures Damaged	Gunfights
January	44	65	14	15	15	3
February	65	45	7	6	1	3
March	14	17	14	7	13	1
April	15	3018	14	15	31	1
May	15	2223	57	66	26	6
June	3	24	9	7	11	5
July	20	36	8	9	7	4
August	45	50	40	8	3	6
September	7	48	30	9	4	12
October	6	38	27	9	8	12
November	1	33	27	12	9	12
December	3	70	20	8	10	5
Total	20	5667	260	171	138	70

Source: Legal Forum for Kashmir
(ifkashmir.com)

Religious Freedom Violations

This section of the report focuses on the ongoing restrictions on religious practices and assembly rights in the Kashmir region, highlighting specific incidents that underscore a continued pattern of interference by the authorities in the religious activities of the Muslim population.

Barring of prayers and congregations

On January 6th, Kashmiri pro-freedom and religious leader, Mirwaiz Umar Farooq, was not permitted to offer Friday prayers at the Jamia mosque in Kashmir for the 176th consecutive week.¹ For centuries Jamia has been the most prominent mosque in the valley and the center of all religious activities in the area. On March 7th, Indian authorities banned Shab-e-Barat (Night of Repentance) congregational prayers at the Jamia mosque in Kashmir.² Indian officials locked the gates and posted military soldiers at the entrance, preventing thousands of Kashmiri Muslims from praying at the main mosque of the region. On April 22nd, India decided not to allow Eid-ul-Fitr (the Muslim main holiday) prayers at the historic Jamia mosque in Srinagar. This was the fourth year in a row that the Indian government did not allow Eid-ul-Fitr prayers.³ On June 28th, India again prevented Eid-ul-Adha prayers at Jamia and also the historical Eidgah (biggest Eid congregational place) at Srinagar. The local mosque committee said that it had announced that Eid prayers will be held at Eidgah, however, the Indian authorities disallowed it and increased military surveillance to prevent people from reaching the Eidgah.⁴ In the month of October, the Friday congregational prayer was disallowed for three consecutive Fridays.⁵ On November 10th, India banned congregational prayers at the historic Jamia mosque. This was the fifth consecutive Friday that congregational prayers had not been allowed in the mosque. On December 15th, Friday prayers in Kashmir's main mosque, Jamia mosque in Srinagar, were again shut down, marking the 10th consecutive week in a row when

1 <https://freepresskashmir.news/2023/01/06/mirwaiz-barred-from-176th-consecutive-friday-prayers-anjuman-auqaf/>

2 <https://freepresskashmir.news/2023/03/07/shab-e-baraat-prayers-barred-at-jamia-masjid-in-srinagar-gate-locked-anjuman-auqaf/>

3 <https://www.outlookindia.com/national/jammu-and-kashmir-eid-ul-fitr-prayers-barred-at-srinagar-s-jamia-masjid-in-view-of-pro-azadi-sloganeering-news-280414>

4 <https://indianexpress.com/article/india/prayers-not-allowed-at-srinagar-eidgah-8691423/>

5 <https://www.hindustantimes.com/cities/chandigarh-news/friday-prayers-not-allowed-at-jamia-mosque-mirwaiz-under-house-arrest-anjuman-auqaf-101698427768648.html>

the congregation was not allowed.⁶

Analysis

The documented incidents of restrictions on religious freedom within this report reveal a deliberate and systematic approach by the Indian authorities to impede the Muslim community's ability to engage in their religious practices and gatherings, particularly in relation to the Jamia Mosque, a central and historically significant site of worship in the region. This pattern of behavior not only infringes upon the basic human rights of religious expression and assembly but also exacerbates tensions within the community and undermines the principles of religious tolerance and coexistence. It is imperative that these issues be addressed in a manner that respects the fundamental rights of all individuals to freely practice their religion and participate in communal activities without undue interference or restriction.

Infringements on Religious Freedoms of Kashmiri Political Prisoners

In a concerning development reported on May 18th, the family of a female Kashmiri political prisoner incarcerated at Tihar Jail in New Delhi communicated a significant infringement on religious freedoms to Justice For All. Authorities in the prison, led by a Brahmin officer, installed loudspeakers that broadcast Hindu hymns throughout the day in a ward housing Kashmiri Muslim female political prisoners, despite no Hindu inmates being present. Requests from prisoners to have the Adhan (Islamic call to prayer) played on these speakers were summarily rejected. This act of broadcasting religious hymns from a different faith, especially in the absence of followers of that faith in the ward, and denying prisoners the right to their religious practices, is indicative of a broader attempt to impose psychological distress and is reflective of the Hindutva ideology influencing policies and practices in India.

Harassment and Detention of Kashmiri Religious Scholars

On June 7th, Maulana Rehmatullah Qasmi, the rector of the renowned Islamic seminary in Kashmir, known as Darul Uloom Raheemiya, was summoned by the National Investigation Agency (NIA) of India for interrogation.⁷ The summoning was part of India's systematic crackdown on religious scholars in Kashmir. Many scholars were detained, with some of them released after prolonged detention. This pattern of detention and interrogation has affected numerous prominent scholars, including Abdul Rasheed Dawoodi, Mushtaq Veeri, and Abdul Majeed Dar Al-Madani among others. One of the detainees, known as Nazir Ahmed Raina, suffered from partial paralysis. Other detainees included Faheem Mohammad Ramzan and Ghazi Moin-ul-Islam Nadvi. These detentions served to deprive the Kashmiri people of the leadership of these Muslim scholars at a time when India is ruled by a Hindu regime that is deeply Islamophobic. Kashmiri political analysts assert that by detaining the Muslim scholars, the Indian government seeks to silence all influential voices that may express dissent against India's Hindutva policies.

Denial of Right to Wear Abaya for Kashmiri Girls

On June 8th, students of Vishwa Bharati Higher Secondary School in Srinagar's Rainawari area held a protest against the school authorities for not being allowed

⁶ <https://www.thehindu.com/news/national/friday-prayers-disallowed-in-jammu-and-kashmir-for-the-10th-secutive-week/article67641826.ece>

⁷ <https://indianexpress.com/article/political-pulse/nia-summons-religious-figure-aimplb-founder-maulana-qasmi-8653104/>

to enter the premises wearing 'Abaya', a cloak Muslim women wear to cover themselves.⁸ One of the protesting students, while speaking to us, stated that they were not allowed to enter the school premises wearing 'Abaya' following an order from the school principal. She said that the principal asked the students not to enter the school premises with 'Abaya', and asked them to go to Madrasah (traditional Islamic seminary) instead if they want to wear it. The curtailment of Muslim women's right to wear the dress of their choice is on a rise in BJP-ruled India.

Forced Chanting of Hindu Slogans by Kashmiri Muslims

On the intervening night of June 23rd and June 24th, Indian armed forces forced Kashmiri Muslim villagers in south Kashmir's Pulwama district to chant the Hindu 'Jai Shri Ram' slogan inside a mosque. In a report by The Wire, locals state that a group of soldiers from the Army's 50 Rashtriya Rifles first arrived in the village and during the 'operation', army soldiers detained at least 10 youngsters of the village, five of whom were beaten up severely. They used a belt to beat them up, inflicting serious bruises upon them, for which the locals have produced photographic evidence.⁹ At the crack of dawn, when the local muezzin (caller to prayer) went inside the mosque to call Adhan, the Indian soldiers followed him and in the middle of the Adhan, forced him to chant 'Jai Shri Ram' on the loudspeaker. The soldiers also forced the detained youngsters to chant the same slogan in chorus behind the muezzin. The subsequent removal of an army officer from duty, following widespread protest and social media outcry, does little to redress the fundamental issue of religious coercion and violation of rights.¹⁰

Demolition of Islamic Religious School

On October 10th, India demolished a building of Darul Uloom (Islamic seminary) in a village of south Kashmir's Pulwama district.¹¹ According to a government official, the action was taken on the recommendation of the National Investigation Agency (NIA). The administrators of the seminary are also in illegal detention, as they have been accused of supporting the Kashmiri freedom movement, which India labels as "terrorism" or "secessionism". Islamic seminaries (madaris) in Kashmir are sources of education for the most marginalized and needy sections of the society, especially the orphans. The students usually live in these seminaries, where they are provided with all the basic necessities of life, free of any cost. In the past, India has shut down hundreds of similar schools for the needy, whose administrators were also accused of participating in Kashmir's right to self-determination movement or being "sympathetic" to it.¹²

8 <https://kashmirilife.net/vishwa-bharti-abhaya-dictate-triggers-serious-controversy-319689/>

9 <https://thewire.in/rights/kashmir-army-jai-shri-ram-mosque-amit-shah>

10 <https://freepresskashmir.news/2023/06/26/officer-removed-for-forcing-people-in-mosque-to-shout-jai-shri-ram/>

11 <https://kashmirreader.com/2023/10/11/dar-ul-uloom-on-govt-land-demolished-police/>

12 <https://thewire.in/communalism/falah-e-aam-trust-schools-ban-unemployment-teachers-free-education-or-orphans>

Social Media, Internet Bans, and Press Repression

Arrest of Journalist Irfan Mehraj in Kashmir

The arrest of Irfan Mehraj, a freelance journalist and online editor for twocircles.net, on March 22nd, in Srinagar, Indian-occupied Kashmir, by the National Investigation Agency (NIA) highlights an ongoing pattern of suppression of press freedom in the region. Mehraj's arrest, under the auspices of an investigation into an alleged "NGO terror funding case," reflects a broader strategy employed by Indian authorities to stifle dissenting voices and curtail the freedom of the press under the guise of national security.

Mehraj's association with the case, which also implicates the well-known Kashmiri human rights activist Khurram Parvez, jailed since 2021, underscores the intertwining of civil society crackdowns with efforts to silence independent journalism in Kashmir. The framing of Mehraj's and Parvez's involvement in terms of terrorism-related charges is indicative of a tactic used by states to legitimize the persecution of journalists and activists who challenge or critique state policies and actions.

This incident is not isolated but part of a continuing trend of detaining journalists in Kashmir, including Asif Sultan and Sajad Gul¹³, who have faced arbitrary and prolonged detention. The use of detention and legal proceedings against journalists and activists not only undermines the fundamental principles of freedom of expression and press freedom but also sends a chilling effect across the journalistic community and civil society at large.

Social media users targeted, houses raided, phones confiscated

On 20th June, State Investigation Agency of India conducted midnight raids at many locations in four districts of occupied Kashmir, namely Srinagar, Islamabad (also known in state nomenclature as Anantnag), Pulwama and Kupwara.¹⁴ According to the police, the social media users who were "promoting secessionist agenda" were targeted in the raid. India calls all calls for Kashmiri right to self-determination as secessionist and criminalizes it. The phones and electronic devices of pro-freedom Kashmiri social media users were seized during the raid. The raids reflect how India is not willing to tolerate even a social media post that may question India's military

13 <https://www.muslimnetwork.tv/kashmiri-journalist-arrested-in-terror-funding-case/>

14 <https://thekashmirwalla.com/social-media-crackdown-sia-conducts-multiple-searches-in-valley/>

occupation of the region.

On 21st September, the Jammu and Kashmir Police illegally detained a Kashmiri Facebook user, accusing him of “promoting anti-national activities”.¹⁵ The detained Kashmiri lived in South Kashmir’s Pulwama district. Ashiq Ahmed Khan, the detained Kashmiri, ran a Facebook page by the name of Pulwama News. On his Facebook page, he was covering a gunfight that was taking place between Kashmiri freedom fighters and Indian military forces in the Kokernag area of Kashmir. India has severely snubbed free press in Kashmir, and all media houses are expected to toe the state’s narrative in their reportage, especially the reporting on human rights violations and gunfights. Ashiq Ahmed’s social media news page, Pulwama News, differed from the state’s account of the gunfight, and as a result, he was put behind bars.

On 9th December, India arrested around 12 Kashmiris for allegedly uploading “provocative” content on social media. Around 4 Kashmiris were arrested from Kashmir’s Islamabad district, 2 from Budgam district, 2 from Ganderbal district, 1 from Baramulla district, and about 3 civilians from Shopian, Kulgam, and Pulwama districts. The families of 3 of the detainees, speaking to us on the condition of anonymity, stated that their family members were arrested for condemning the derogatory remarks against the Prophet Muhammad (peace be upon him) made by an extremist Hindu student studying in a university in Kashmir.¹⁶

Banning of Internet

On 30th June, Indian government approved suspension of mobile internet services in Kishtwar district of Jammu and Kashmir “in the interest of sovereignty and integrity of India, the security of the State and for maintaining public order.”¹⁷ The language of national security has often been invoked to deny Kashmiris the right to express themselves on social media and cyberspace. Kashmiris have experienced more internet shutdowns and restrictions than any other region in the year 2022, including Iran and Russia.¹⁸ On November 7th, India similarly suspended the internet in parts of Pulwama district of Jammu and Kashmir for “security reasons”. According to Kashmiri rights group, Legal Forum for Kashmir, the internet was suspended in Kashmir for 171 times in the year 2023.

Suspension of Passports of Journalists

On 1st August, it was reported that India suspended the passports of Kashmiri journalists and at least one political activist in Kashmir, terming them “security threats to India”. Citing section 10(3) of The Passports Act, 1967, the Regional Passport Office in Srinagar has conveyed notices to at least two journalists and a political activist, informing them that their passports have been suspended. We have been informed by credible sources in the valley that a list of more than 100 people has been prepared by the Indian government, which includes journalists, lawyers, human rights activists, politicians and scholars, whose work has been perceived as “anti-national” by the government. Their passports are also going to be impounded in a similar fashion expectedly.¹⁹

15 <https://risingkashmir.com/police-arrests-miscreant-running-pulwama-news-facebook-page-for-anti-national-activities>

16 <https://www.ndtv.com/india-news/6-charged-in-kashmir-for-instigative-content-on-social-media-4625207>

17 <https://timesofindia.indiatimes.com/india/internet-services-suspended-in-kupwara-in-wake-of-encounter/articleshows/52387427.cms>

18 <https://www.voanews.com/a/kashmir-registers-highest-number-of-internet-restrictions-globally-/6958516.html>

19 <https://thewire.in/media/passport-kashmir-journalists-suspended-security-threat>

Another strategy which has been used by India has been denying renewal of expired passports to Kashmiris living abroad who the state views as “anti-national” dissidents. This leaves these Kashmiris in a condition of great insecurity, with the threat of deportation, or even exile as returning home may mean detention or interrogation by the Indian state. In the past, India has also denied the right to movement to journalists, who despite carrying a valid passport and visa, were not allowed to travel abroad for the purpose of studying or taking part in a conference.²⁰

Attack on Independent Journalism

On August 19th, India “blocked” the website and social media handles of a Srinagar-based independent news outlet The Kashmir Walla. The founder-editor of the outlet, Fahad Shah, was also put under illegal detention by India in February, 2022, for his journalistic work. He was released after 600 days of detention. Following his arrest, The Kashmir Walla’s office was raided in April 2022 by the State Investigation Agency (SIA) and his residence in Srinagar for an investigation into an opinion piece published in 2011. In the opinion piece, a Kashmiri PhD scholar had advocated for Kashmir’s right to self-determination and criticized India’s military-occupation of Kashmir.²¹

Is Big Tech collaborating with Indian occupation in Kashmir?

On 25th September, reports emerged that social media platforms like Facebook, Instagram, and X (formerly Twitter) have allegedly provided access to the Jammu and Kashmir Police, allowing them to track individuals or entities deemed as “anti-national” who use these platforms. “Anti-national” is the category that India deploys to classify any and all expressions of advocacy for Kashmir’s right to self-determination and human rights. According to the report, which quotes anonymously from police officials, Jammu and Kashmir Police have secured cooperation from social media giants, including WhatsApp, X, Snapchat, Instagram, Telegram, and TikTok, etc. The report came after India’s Cyber Investigation wing of Kashmir detained a Kashmiri who had expressed dissenting views on his Instagram account.²²

No social media giant has confirmed or responded to the claim of Jammu and Kashmir police about this alleged cooperation.

The aforementioned report of the cooperation between social media giants and India, though its veracity is questioned by some, is not implausible. In 2018, the National Investigation Agency of India detained three Kashmiri women for their advocacy work for Kashmir’s right to self-determination. India seized their electronic devices, and tried to access their social media accounts in order to draw out information about their activism. But the family members of the detained activists had deleted the social media accounts, especially their emails, in order to prevent the privacy breach. In the charge-sheet against the detained Kashmiri women, that Justice for All was able to access, the National Investigation Agency of India mentions its request to Google to retain all the data of their email accounts, a request that Google complied with, thus endangering the three women.

20 <https://www.bbc.com/news/world-asia-india-63226116>

21 <https://maktoobmedia.com/latest-news/it-was-a-home-kashmir-walla-shuts-lives-on-in-memory/>

22 <https://freepresskashmir.news/2023/09/25/whatsapp-x-instagram-others-give-free-access-to-jk-police-to-track-anti-national-elements-officials/>

Property and Land Dispossession as a Weapon

Socio-religious welfare organizations, hospitals, and pro-freedom political groups targeted

On January 7, the Indian State Investigation Agency (SIA) seized around 5 properties belonging to banned socio-religious welfare organization Jamaat-e-Islami (JeI) at different locations in south Kashmir. The JeI has been banned, their members detained, and their properties confiscated, due to their alleged participation in and support for the Kashmiri struggle for right to self-determination.²³ On 29th May, the State Investigation Agency (SIA) of Jammu and Kashmir police confiscated approximately 20 shops in the Kupwara district of north Kashmir, belonging to the same organization.

On January 28, India's National Investigation Agency (NIA) sealed the office of one of the factions of the major pro-freedom organization, Hurriyat Conference, after a court in New Delhi ruled that the group's "anti-India" activities, a state euphemism for self-determination activism, warrants the confiscation of the office.²⁴

On February 12, the Indian state seized and shut down nearly 45 properties and demolished two properties in Banihal, most of which were either pharmacies or medical diagnostic centers.²⁵ While the state claimed that the demolition of the properties was carried out because they were built on "state-land", Amnesty International and other human rights organizations have argued that the ongoing demolitions appear to be an extension of the brutal human rights violations the region of Jammu and Kashmir, a case of "dispossession through demolitions."

Property Confiscation of Kashmiri Independence

Advocates

On January 10, the Indian state seized the house of Kashmiri political prisoner, Usman Gulzar Wani, from South Kashmir's Shopian district, accusing him of having links with pro-freedom armed fighters. Wani is currently imprisoned in Kot Bhalwal Jail Jammu. Around 250 properties of pro-freedom Kashmiris have been identified by the Indian state and are expected to be sealed, with 60 properties in Jammu

23 <https://thekashmirwalla.com/sia-attaches-jei-property-in-south-kashmir/>

24 <https://freepresskashmir.news/2023/01/29/nia-seizes-hurriyat-office-in-srinagar/>

25 <https://kashmirilife.net/45-shops-linked-to-health-sector-sealed-in-banihal-two-demolished-310285/>

division and the rest in the Kashmir valley.²⁶

On February 24, properties of three persons who were allegedly involved in pro-freedom activities were seized by the Special Investigation Unit in Ramban district of occupied Jammu and Kashmir.²⁷ On February 27, Jammu and Kashmir police's State Investigation Unit, a special unit that primarily targets political dissidents, human rights defenders, and pro-freedom activists, seized four houses in Srinagar district for allegedly providing shelter to pro-freedom rebels.²⁸

On 13th March, the Special Investigation Unit of the Indian state seized a residential house of a Kashmiri, Muhammad Ishfaq Malik, for his alleged involvement in 'militant activities' in Kokernag area of south Kashmir's Anantnag district.²⁹ On 20th March, Jammu and Kashmir Police seized two residential properties in Gundpora-Rampora and Chittibanday villages of north Kashmir's Bandipora district for allegedly sheltering pro-freedom armed fighters. A police official stated that the houses were used for the purpose of pro-freedom activity and the shelter was voluntarily given by members of the houses. The Indian state has systematically deprived Kashmiris of their livelihood, properties, and basic human rights for participating in Kashmir's right to self-determination movement, or supporting those engaged in it.³⁰ On 17th March, a residential property belonging to a Kashmiri civilian was also seized for providing 'shelter' to pro-freedom armed rebels in north Kashmir's Handwara.³¹

On 10th May, the National Investigation Agency of India (NIA) seized six shops under the draconian Unlawful Activities Prevention Act in Lethpora area of south Kashmir's Pulwama district.

On 13th June, India's National Investigation Agency (NIA) seized the property of incarcerated pro-freedom Kashmiri leader, Ayaz Akbar, at Shalteng area of Srinagar. Ayaz Akbar has been under illegal detention for the past 6 years for his participation in Kashmiri right to self-determination movement.³² The property was not owned by Ayaz Akbar, but instead his father, Muhammad Akbar Khanday. Ayaz Akbar's wife passed away in April after a prolonged battle with cancer, and Ayaz was denied participating in her funeral or visiting her in her last moments. She was buried in his absence.

A day earlier, on 12th June, the same agency had seized three properties of Kashmiri businessman Zahoor Watali, who is also battling with cancer.³³ He has also been accused of working with Kashmiri pro-freedom activists. He was kept in prolonged detention for more than a year, before finally being shifted to house-detention due to his last-stage cancer.

On November 2nd, India seized two residential houses in South Kashmir for

26 <https://thekashmiriyat.co.uk/house-of-jailed-kashmiri-man-accused-of-supporting-militants-sealed-in-shopian/?amp=1>

27 <https://thekashmirwalla.com/properties-of-3-persons-involved-in-grenade-attack-attached-in-ramban/>

28 <https://www.greaterkashmir.com/kashmir/trf-arms-recovery-case-siu-attaching-four-houses-in-srinagar-anantnag>

29 <https://thekashmirwalla.com/property-of-man-involved-in-militant-activities-attached-in-south-kashmir/>

30 <https://thekashmirwalla.com/two-residential-houses-attached-in-bandipora-for-sheltering-militants/>

31 <https://thekashmirwalla.com/property-attached-in-handwara-for-aiding-militants-police/>

32 <https://thekashmirwalla.com/nia-attaches-property-of-incarcerated-hurriyat-leader-ayaz-akbar/>

33 <https://thekashmirwalla.com/funding-case-nia-attaches-zahoor-watalis-3-properties-in-handwara/>

“sheltering militants”.³⁴ On November 14th, India’s National Investigation Agency (NIA) confiscated two apple orchards and a residential house along with a property of land in two villages of south Kashmir’s Pulwama district. The properties were seized under the Unlawful Activities Prevention Act, as the owners were accused of providing support to and being sympathetic to the Kashmiri freedom struggle. Two days later, on November 16th, another Indian agency, State Investigation Unit, seized a piece of land and orchard, also in Pulwama district, belonging to a Kashmiri civilian accused of providing support to Kashmiri pro-freedom armed rebels.³⁵ In December, at least 5 more properties of pro-freedom Kashmiris were seized.³⁶

Intimidation of the United Nations in Srinagar

On January 21, United Nations Military Observer Group properties in India and Pakistan (UNMOGIP) located in Srinagar were listed as part of the encroaching properties, in a list issued by the Indian government. In the documents accessed by Kashmiri media outlets, the Indian state has asserted that the UN group is using what is ‘state land’. It is feared that the state will use the pretext of encroachment to either intimidate or dismantle the UN offices in Srinagar, which serve as one of the last symbols of the unfulfilled promise of self-determination made to the Kashmiris.³⁷ The presence of the UN offices in Srinagar serves as a reminder of the disputed nature of the territory of Jammu and Kashmir, and challenges India’s claim of Kashmir being its integral part. The narrative of “encroachment” has been used to deprive many pro-freedom Kashmiris of their land and properties, resulting in the destruction of many houses of pro-freedom Kashmiris.³⁸

In the Srinagar district of Kashmir, the Indian state has listed a total of 6926 patches of land as ‘state land’ that has to be retrieved from so-called encroachers.³⁹

34 <https://www.newsclick.in/jk-police-attaches-2-residential-houses-south-kashmir-harboursing-militants>

35 <https://news.abplive.com/news/india/nia-attaches-properties-of-2-individuals-under-uapa-in-jammu-and-kashmir-s-pulwama-1642647>

36 <https://freepresskashmir.news/2023/12/07/three-houses-seized-in-pulwama-and-kulgam-nia/>

37 <https://thekashmirwalla.com/governor-house-un-office-nehru-guest-house-high-profile-properties-listed-as-encroachers-in-j-k/>

38 <https://kashmirilife.net/extension-wall-of-militants-house-demolished-307440/>

39 <http://thekashmiriyat.co.uk/165000-kanal-of-land-marked-as-state-land-by-officials-in-srinagar-details-here/>

Economic Disenfranchisement of Kashmiris

Resource exploitation, taxes and tariffs to economically marginalize Kashmiris

On February 21st, the Indian state instituted a new property tax to be imposed on Kashmiris in Indian occupied Jammu and Kashmir. Prior to August 5th, 2019, Jammu and Kashmir enjoyed some degree of autonomous status through constitutional provisions such as Article 370 and Article 35A. Under this arrangement, there was no provision for property tax in the occupied territory. However, following the illegal abrogation of Article 370, over 100 central laws were extended to Kashmir with the aim of consolidating India's centralized power in the region and reducing any degree of autonomy previously enjoyed by the Kashmiri people. As a result, property tax was introduced in Kashmir, further eroding the autonomy of the region and limiting the rights of its people. India's military-occupation regime expects to get 1500 million in revenue from this property tax.⁴⁰

On 5th September, India lifted additional duties on approximately half a dozen American products, such as chickpeas, lentils and apples, walnuts in shells and almonds fresh or dried. It is important to remember that Kashmir's apple, walnut, and almond growers are facing a significant challenge with the recent decision by the Indian government to lift duties on these American products, including these commodities. While the move might benefit Indian consumers through lower prices, it threatens the livelihoods of the hardworking Kashmiri farmers and businesses. In response to the move, the Kashmir Chamber of Commerce and Industry sought the order to be reconsidered as it seriously damages Kashmir's apple and fruit industry badly. Kashmir's economy is primarily driven by apple and fruit produce. Additionally, the decision also jeopardizes the economic survival of millions of others indirectly connected with the trade. The apple economy in Kashmir is estimated to be around 1,305,288,000 US Dollars. In September of 2022, India similarly targeted Kashmir's apple economy by blocking highways that Kashmiri apple growers used to transport their trucks, causing all the fruits harvested in the season to rot.⁴¹

On September 25th, a high government official announced that India will auction Jammu and Kashmir's lithium reserves over the next few weeks. India has been seeking ways to procure supplies of lithium, a critical raw material that is used in the manufacturing of electric vehicle batteries. In February, it discovered its first lithium deposits in Jammu and Kashmir with estimated reserves of 5.9 million tonnes. Soon

40 <https://thekashmirwalla.com/j-k-admin-expecting-150-crores-from-imposing-property-tax/>

41 <https://freepresskashmir.news/2023/09/13/gois-decision-to-cut-extra-duties-on-us-imports-will-hit-kashmir-produces-drastically-kcci/>

after, India reached out to foreign miners, expressing its interest in auctioning the lithium reserves. According to the government official, some overseas miners have already shown interest in the venture. Capitalist exploitation and resource control are the key instruments of India's project of occupation of Kashmir. India has for long exploited Kashmir's water resources and its capacities to generate electricity for the rest of India, while systematically denying Kashmiris the very electricity that it produces.⁴²

Kashmiri Muslim employees forced to choose between rights and survival

On February 26th, three Kashmiri Muslim employees were terminated over alleged links to the Kashmiri self-determination movement.⁴³ On February 24th, another teacher was expelled for criticizing the government's policies on social media.⁴⁴

On 17th July, India terminated three Kashmiri Muslim government employees for supporting the Kashmiri self-determination struggle. India accuses the employees of having "links" with "militant outfits", an accusation that the family members of the employees deny. India has for long punished Kashmiri civilians for their alleged links with pro-freedom organizations, even when the links have not been established in any court of law.⁴⁵

On November 22nd, India ordered termination of four Kashmiri Muslim employees for their "anti-India" and pro self-determination views. The expelled employees include a medical doctor and a teacher.⁴⁶

Article 311 of the Constitution of India has been used to expel employees. Article 311 has been described as an instrument of "executive impunity" and activists claim that the legislation is being used by Prime Minister Narendra Modi's government, which runs Kashmir directly, to undermine the fundamental right of free speech in J&K. Since the Modi government took charge of Jammu and Kashmir in 2019 when Article 370 was read down, more than 50 employees have been terminated from employment using Article 311. Six of the dismissed employees are from Jammu while the rest are from Kashmir.

Prioritization of External Economic Interests to the Detriment of Indigenous Kashmiri Rights

On 5th April, the Hindu nationalist Indian government announced that 185 persons from outside Jammu and Kashmir have bought land in the occupied territory during 2020, 2021 and 2022.⁴⁷ While responding through a written reply to a question, Union Minister of State for Home, Nityanand Rai informed the Rajya Sabha (upper house of the Indian parliament) that in 2020 only one person bought the land, while 57 persons bought the land in 2021 and 127 in 2022. Furthermore, he added that a total of

42 <https://www.reuters.com/markets/commodities/india-auction-jammu-kashmir-lithium-reserves-few-weeks-govt-source-2023-09-25/>

43 <https://thekashmirwalla.com/three-govt-employees-terminated-over-alleged-militancy-links/>

44 <https://thekashmirwalla.com/teacher-suspended-for-criticising-govt-on-social-media-in-ramban/>

45 <https://thewire.in/government/j-activists-dub-move-as-arbitrary>

46 <https://www.thehindu.com/news/national/other-states/l-g-govt-sacks-4-employees-including-head-of-doctors-body-for-posing-threat-to-jks-security/article67561728.ece>

47 <https://thekashmirwalla.com/185-outsiders-have-bought-land-in-j-k-in-3-years-centre/>

1559 Indian companies, including multinational companies, have made investments in the occupied region. In the 2020–21 financial year, 310 entities have been invested while 175 in 2021–22 and 1074 in 2022–23.

This influx of external land ownership and corporate investment follows the abrogation of Articles 370 and 35A of the Indian Constitution. Previously, these articles restricted land ownership within Jammu and Kashmir to state subjects to safeguard the demographic composition of the region. The repeal of these legal protections has facilitated an increase in land purchases and investments by non-local entities and individuals.⁴⁸ With the shift to external land ownership, numerous Kashmiris have been dispossessed of their properties, residences, and lands.⁴⁹ The consequence of these legislative changes and subsequent investments has been significant for the local Kashmiri population. There are increasing concerns over the displacement of Kashmiri residents and the alienation of their land and resources. The latest announcement of outsider investments in the occupied region are part of India's economic subjugation of the local population. Profits of these investments will go to these corporations.⁵⁰ Rights to important industries, such as mining, have already been handed over to non-local companies.⁵¹ In the mining industry, for example, more than 70% of the total contracts went to Indians. This situation poses challenges to local employment and economic opportunities, potentially exacerbating the economic vulnerabilities of the Kashmiri population and impacting their job security.⁵²

48 <https://economictimes.indiatimes.com/industry/services/property/-/cstruction/all-you-need-to-know-about-buying-property-in-jammu-kashmir/>

49 <https://www.voanews.com/a/india-seizes-properties-worth-millions-in-kashmir-/6894582.html>

50 <https://www.thehindubusinessline.com/economy/jk-travel-and-tourism-industry-to-get-a-boost/article28836958.ece>

51 <https://www.aa.com.tr/en/asia-pacific/kashmir-s-mineral-contracts-largely-handed-to-non-locals/1923634>

52 <https://www.himalmag.com/kashmir-and-the-rise-of-settler-colonialism-2020/>

Arbitrary Detentions, Plight of Political Prisoners, and Torture

Mass Detentions in the Context of the G-20 Meeting in Kashmir

On April 29th, in anticipation of the G-20 meeting hosted in Kashmir, the Indian authorities undertook a widespread campaign of detentions, affecting thousands of local Kashmiris. This action appears to have been strategically implemented to suppress potential peaceful protests and dissenting voices advocating for Kashmir's right to self-determination, coinciding with the international event. The mass arrests are indicative of an effort to present an image of stability and normalcy in a region marked by long standing political unrest and demands for autonomy. Such measures raise serious concerns regarding the violation of fundamental human rights, including the freedom of expression and peaceful assembly, as well as the right to political participation of the Kashmiri people.⁵³ One Kashmiri citizen journalist and blogger stated that about 2789 Kashmiris were detained illegally.⁵⁴ Legal Forum for Kashmir, a prominent indigenous human rights organization, maintains that around 3018 Kashmiris were subjected to illegal detention in order to prevent them from voicing their protest against Indian human rights violations during the G-20 summit.⁵⁵

India's Persistent Enforcement of the Strict Public Safety Act

On 26th May, four civilians of Jammu and Kashmir's Baramulla district were booked under the lawless Public Safety Act (PSA) for their "anti-national" activities, India's euphemism for participation in the Kashmiri right to self-determination movement. The civilians were subsequently detained and lodged in Kot-Bhalwal jail in Jammu, which is hundreds of miles away from their home. The PSA allows detention without trial for up to two years and according to Amnesty International, "People detained under the PSA also run a high risk of being tortured, as many are denied access to family or lawyers for long periods of time. Torture is widely used in police stations and interrogation centres in Jammu and Kashmir to extract confessions or information, to humiliate or punish detainees, leading to dozens of reported deaths in custody."

On 24th June, India jailed three Kashmiri civilians under the lawless Public Safety Act

53 <https://www.indiatoday.in/india/story/mehbooba-mufti-says-local-youth-arrested-tortured-g20-event-jammu-kashmir-2366390-2023-04-29>

54 <https://twitter.com/DazaanKC/status/1651911912743919617>

55 <https://twitter.com/LFKashmir/status/1652912945247002626>

after labeling them as supporters of Kashmiri pro self-determination groups.⁵⁶

On 14th July, India booked a member of pro-freedom socio-political organization, Hurriyat Conference, under the draconian Public Safety Act (PSA) in north Kashmir's Bandipora district. Ameer Hamza was accused by the Jammu and Kashmir police of being involved in "anti-national" activities, a juridical category that state deploys to criminalize any and all calls for Kashmir's right to self-determination.⁵⁷ The FIR does not mention as to what activities exactly were being undertaken by Ameer Hamza, nor has the family of the detainee been informed about the grounds of his arrest. This is not surprising as the PSA allows India to jail any Kashmiri for up to two years without being required to provide the grounds of his arrest. The PSA also denies the Kashmiri detained under PSA the right to a trial.

A report by Jammu and Kashmir Coalition of Civil Society (JKCCS) and Association of Parents of Disappeared Persons' (APDP) said 662 persons were booked under the PSA in 2019 alone. In 2015, when the government revealed that 16,329 persons had been detained under the PSA since 1988. Among these detainees, 95% of the detainees were from Kashmir. The percentage reflects how India has weaponized PSA against Kashmiris for demanding their fundamental rights. In 2008, 366 Kashmiris were booked under it. In year 2009 and 2010, 711 Kashmiris were booked under it for protesting against a gang-rape of two Kashmiri women by Indian military personnel. From 2011 to 2015 more than 734 Kashmiris were detained under the PSA. At least 921 Kashmiris were jailed under the PSA after 2016, when India killed a popular Kashmiri pro-freedom commander. In 2017, 410 Kashmiris were jailed under the PSA, while the detention went up to 510 in 2018.⁵⁸

Kashmiri Leader Yasin Malik Faces Capital Punishment Preparations Under Alleged Victimization

On May 26th, the National Investigation Agency (NIA) of India recommended the death penalty for Kashmiri leader Muhammad Yasin Malik, who is currently serving a life sentence. Malik, the head of the Jammu Kashmir Liberation Front (JKLF), was convicted by an Indian court for his role in advocating for Kashmir's freedom. He has been held in solitary confinement at New Delhi's Tihar Jail for over six years, where other Kashmiri leaders seeking self-determination are also detained.⁵⁹ This move by the NIA to seek a harsher sentence for Malik underscores the severe measures being applied to political dissenters in the region.

Isolation of Kashmiri Female Political Prisoners and Denial of Support

On July 26th, Justice for All was informed by family members of three Kashmiri female political prisoners that their loved ones have been subjected to further hardships while in detention. Asiya Andrabi, Nahida Nasreen, and Sofi Fehmeeda, incarcerated since 2017 for their involvement in the Kashmiri self-determination movement, have been forcibly separated and relocated to different wards within the prison facility. This action has significantly impacted their ability to support each other amidst their health challenges.

56 <https://thekashmirwalla.com/three-militant-associates-booked-under-psa-in-south-kashmir-police/>

57 <https://thekashmirwalla.com/ex-militant-booked-under-psa-in-bandipora/>

58 <https://www.amnesty.org/en/documents/asa20/001/2011/en/>

59 <https://www.aa.com.tr/en/asia-pacific/indian-court-to-take-up-kashmiri-pro-freedom-leaders-death-sentence-in-august/2909212>

Asiya Andrabi, who requires oxygen support, along with Sofi Fehmeeda, who is wheelchair-bound and requires assistance for mobility, alongside Nahida Nasreen, are all dealing with serious health issues while in detention. Prior to their separation, the three women provided mutual aid and support, essential for their physical and emotional well-being. The decision to isolate them from one another has been perceived by their families as a punitive measure by the jail authorities, aimed at further penalizing the prisoners beyond their incarceration.

The authorities have failed to present any substantial justification for this separation, merely attributing the decision to directives from higher officials. This lack of transparency and rationale behind such measures raises concerns regarding the treatment of political prisoners, particularly in contexts where health vulnerabilities necessitate support and solidarity.

The isolation of Andrabi, Nasreen, and Fehmeeda not only exacerbates their existing health concerns but also signifies a disregard for the basic human rights and dignity afforded to prisoners, especially those with significant health issues. This incident underscores the need for accountability and humane treatment standards within detention facilities, ensuring that the health and well-being of inmates, particularly those involved in political and self-determination movements, are adequately protected.

Health Concerns and Denial of Medical Treatment for Kashmiri Female Political Prisoner

On September 24th, concerning reports emerged regarding the health condition of 34-year-old Fehmeeda Sofi, a Kashmiri female political prisoner currently detained under severe charges, including those laid out under the Public Safety Act and the Unlawful Activities Prevention Act. Held intermittently for over eight years and presently incarcerated at Tihar Jail in New Delhi since 2018, Sofi's health has significantly deteriorated, leading to her complete immobility due to serious back and spinal issues.

Family members, who have been her primary source of information for Justice For All, relayed that Sofi's condition has regressed to the point where she is now bedridden, unable to walk or move independently. This development is particularly alarming given her relatively young age and previously reported good health prior to her detention. The critical nature of her health condition underscores the harsh realities faced by detainees, including inadequate medical care and the physical toll of prolonged imprisonment.

Medical professionals have urgently recommended back surgery for Sofi to address her debilitating condition. However, reports indicate a disturbing neglect by prison authorities to facilitate the necessary medical intervention. Furthermore, there have been accounts of discrimination hindering her access to healthcare outside the prison, with hospital staff allegedly refusing treatment based on her religious attire and political associations.

The refusal of prison authorities to provide appropriate post-surgery care, as voiced by Sofi's family, exacerbates the risk of permanent mobility loss and potential complications from her spinal condition. The insistence on returning her to prison immediately after such critical surgery, without allowing for adequate recovery time in a medical facility, reflects a grave violation of her rights to health and humane treatment.

This case highlights the broader issue of the treatment of political prisoners, particularly those associated with the Kashmiri self-determination movement, within the Indian penal system. It raises serious human rights concerns, including the denial of essential medical care and the impact of incarceration on the physical well-being of detainees.

Teenager arrested and interrogated

On August 19th, the National Investigation Agency (NIA) of India carried raids against pro-freedom activists in Kashmir at three different locations. During the raids, they detained a teenage boy and his father from the Kupwara area of Kashmir. The 19-year-old boy, Mehrajudin Sofi, and his father, Ghulam Mohammad Sofi, were taken into custody by the NIA during a raid in Kralpora village, Kupwara. Mehraj is an undergraduate student. They were then transported to Srinagar for further interrogation after being accused of being involved in the Kashmiri self-determination movement.⁶⁰

Mass-detainment drive against those who raised pro-freedom slogans peacefully
On 23rd September, the Jammu and Kashmir police illegally arrested ten Kashmiri boys for allegedly disrupting the 'peace' outside Jamia mosque in Srinagar. The boys had raised pro-freedom slogans after Mirwaiz Umar Farooq, a prominent political and religious Kashmiri leader, was allowed to attend Friday prayers in the historic Jamia mosque after four long years of illegal detention in his house.⁶¹

Surveillance technology instituted against released political prisoners

On November 4th, Jammu and Kashmir Police introduced GPS tracker anklets to monitor and control people who have been granted bail. This is the first time the anklet has been used by India. The first person who this technology has been used against is a Kashmiri political prisoner and activist, Ghulam Muhammad Bhat, who had been jailed under the draconian Unlawful Activities Prevention Act (UAPA). In 2020, United Nations special rapporteurs stated that the UAPA, contravenes several articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The introduction of the tracker against political prisoners is a new addition to India's human rights violations. The tracker will enable a heightened and continuous surveillance of released political activists and dissidents.⁶²

India targets families of Kashmiri political prisoners

On 25th November, India's State Investigation Agency (SIA) arrested Shabroza Bano, wife of Sarjan Ahmad Barkati, under the draconian Unlawful Activities Prevention Act. Barkati is a religious preacher who has been incarcerated for his involvement in Kashmiri right to self-determination movement. Barkati and his wife, Shabroza Bano, have a small daughter who now has lost both her parents in incarceration. Bano is now part of many Kashmiri female political prisoners, who India has incarcerated for

60 <https://kashmirilife.net/father-son-duo-detained-during-nia-raids-325558/>

61 <https://www.firstpost.com/india/ten-held-for-sloganeering-after-friday-prayers-outside-srinagars-jamia-mas-jid-13161142.html>

62 <https://indianexpress.com/article/cities/srinagar/jk-police-first-in-country-to-use-gps-anklet-for-uapa-accused-out-on-bail-9013746/>

their political and social activism.⁶³

Kashmiri students detained for supporting Australian sports team against India

On November 27th, seven Kashmiri Muslim students were arrested by India for allegedly not supporting India's cricket team in a World Cup final against Australia. A copy of the first information report (FIR), accessed by us, shows the students have been booked under Section 13 of the Unlawful Activities Prevention Act and Sections 505 and 506 of the Indian Penal Code related to public mischief. The case against Kashmiri students was lodged a day after the world cup final on the basis of a complaint by an Indian student from outside Jammu and Kashmir. The seven students were arrested on November 20. The Indian student had accused the Kashmiri students of cheering for Australia and celebrating India's loss in the cricket match final. The Kashmiri students have also been accused of raising anti-India slogans during the match. One university official who spoke to Justice for All on the condition of anonymity stated that the Kashmiri students engaged in no violent activity and were punished solely for being jubilant over Australia's victory in the cricket match. They were later granted bail after prolonged detention.⁶⁴

Torture and Custodial Murder

On 22nd December, Indian army illegally detained at least eight Kashmiri civilians for questioning and interrogation, a day after pro-freedom rebels fighting against Indian rule ambushed two army vehicles in the southern Poonch district, killing four soldiers and wounding three others.⁶⁵ Locals state that the army personnel tortured three of the detainees to death in a nearby military camp. The bodies were later handed to the local police who in turn contacted the families. Residents said the bodies bore marks of severe torture. Videos emerged of the torture, in which the Indian army personnel are seen stripping these Kashmiri civilians naked, beating them ruthlessly, and pouring spices and chilli powder on their wounds, especially their private parts.⁶⁶

The three deceased detainees include Mohammad Showkat, 22, Safeer Hussain, 45, and Shabir Ahmad, 32. Torture marks were found on the bodies of all three victims of extrajudicial custodial murder.⁶⁷ All three victims hail from a tribal community known as Gujjar, who traditionally lead a pastoral life in the mountain areas of Kashmir.

The rest of the detainees remained in a military-hospital where they are being treated after being subjected to severe torture. Soon after the horrific videos of the torture spread, Indian authorities cut off internet services on smart devices in Poonch and nearby Rajouri, a common tactic used by India to crush possible protests and discourage dissemination of the videos, creating an information blackhole and preventing any journalistic investigation.

63 <https://www.hindustantimes.com/cities/chandigarh-news/sia-arrests-jailed-kashmir-cleric-s-wife-in-terror-funding-case-101700847707748.html>

64 <https://www.reuters.com/world/india/kashmiri-students-arrested-celebrating-indias-cricket-world-cup-defeat-get-bail-2023-12-03/>

65 <https://www.aljazeera.com/news/2023/12/24/anger-in-kashmir-after-indian-army-accused-of-killing-civilians-in-custody>

66 <https://www.thehindu.com/news/national/jammu-and-kashmir-govt-initiates-legal-action-after-three-civilians-in-armys-custody-found-dead-with-multiple-injuries/article67669440.ece>

67 <https://www.trtworld.com/asia/protests-in-kashmir-after-three-civilians-killed-in-indian-army-custody-16360386>

Lt Col Suneel Bartwal, an Indian army spokesman, said he had no “input” about the circumstances surrounding the three deaths.⁶⁸ Though Indian authorities have promised investigation and offered compensation to the families, which the family claims is an admission of guilt, people remain deeply skeptical of any prospect of justice. Throughout Indian rule in Kashmir, not a single army personnel has been prosecuted for their widely documented war crimes and human rights violations.

For example, In 2020, the Indian army extrajudicially killed three civilians from Rajouri, Kashmir. They were falsely portrayed as rebels but investigations revealed that the army was behind the killing. The Indian army’s internal court admitted wrongdoing and sentenced an officer to life imprisonment for the killings. But last month, the military tribunal suspended the officer’s sentence and granted him bail.⁶⁹ This is a pattern of brazen impunity that has repeated throughout Kashmir’s history.⁷⁰

68 <https://www.dawn.com/news/1800225>

69 <https://www.hindustantimes.com/india-news/amshipora-fake-encounter-case-army-captain-life-sentence-suspended-granted-conditional-bail-101699892305601.html>

70 <https://www.hrw.org/reports/2006/india0906/2.htm>

Increased Militarization, Settler-colonies, and Surveillance Technologies

Further militarizing world's most militarized zone

On January 4th, the Indian Ministry of Home Affairs announced the deployment of 10 military companies from Delhi into the valley, making it the most militarized zone in the world.⁷¹ In June, India further augmented its military presence in Kashmir with the bringing in of 85 new military squads. In 2019, India deployed almost 50,000 military and paramilitary personnel to the region, adding to the already stationed 700,000 personnel.⁷² Since then the militarization has increased in a gradual manner. The Indian army has seized over 54,000 acres of land in the occupied region, and the Indian state has made changes in several acts and laws to permit the construction of permanent structures on Indian Armed Forces encampments for troops and their families.⁷³

After the abrogation of Kashmir's nominal autonomy in 2019, the Indian state put an end to a requirement instituted in 1971 which mandated Indian occupying forces to get a special certificate in order to take hold of land in Kashmir. Moreover, the Indian state has also made changes in several acts and laws, allowing the construction of permanent structures on Indian armed forces encampments for troops and their families, as well as on areas marked as "desired" or "strategic" by the Indian military.⁷⁴

Settler-colonial mode of oppression is a reality in Kashmir now

On January 20th, Jammu and Kashmir's Lieutenant Governor, Manoj Sinha, inaugurated 930 militarized and settler-style accommodations for migrant Brahmins. Similar projects are proceeding at nine other locations across Kashmir for migrant Brahmins.⁷⁵ A Brahmin is a member of the highest caste or varna in Hinduism. The Brahmins are the caste from which Hindu priests are drawn, and all other castes are deemed inferior to the Brahmins. For a long time, India has proposed using the military to return the Hindu diaspora to the Muslim-majority region, creating enclosed colonies heavily guarded and equipped with their own

71 <https://thekashmirwalla.com/rajouri-attack-mha-to-deploy-18-crpf-companies-in-j-k-amid-militant-threats/>

72 <https://www.forbes.com/sites/ranisingh/2016/07/12/kashmir-in-the-worlds-most-militarized-zone-violence-after-years-of-comparative-calm/>

73 <https://www.aljazeera.com/news/2019/10/30/indias-defences-eat-away-at-farmland-along-border-with-pakistan>

74 <https://www.aljazeera.com/news/2020/7/28/india-eases-rules-for-security-forces-to-acquire-land-in-kashmir>

75 <https://thekashmirwalla.com/lg-inaugurates-930-flats-for-kps-assures-adequate-security-for-bharat-jodo-yatra/>

amenities and infrastructure. These actions represent a shift in India's rule in Kashmir, moving from military occupation to a type of settler-colonialism.⁷⁶

Technology as a weapon of occupation

On March 2nd, the Central Reserve Police Force (CRPF), a unit of Indian occupation forces in Kashmir, announced its acquisition of new "Hi-Tech Critical Situation Response Vehicles (CSRV)" which are said to be equipped with advanced weaponry. The CRPF, in a statement, said that the technology will be used against pro-freedom activists in Kashmir.⁷⁷

The operation units that are active against Kashmiri pro-freedom armed fighters have also been provided with the latest gadget technology. Cameras have been installed in these army vehicles to further strengthen the Indian surveillance network in Kashmir. These cameras will allow the profiling of those Kashmiris who participate in civilian protests or other activities in favor of Kashmir's right to self-determination.

On May 4th, ahead of the G-20 meeting in the occupied territory of Jammu and Kashmir, India took up the revamping and repair of military bunkers by converting them into "smart bunkers" at different locations in the valley. The outer layer of the pervasive military bunkers, which are symbols of India's excessive militarization of Kashmir, is covered with photos of tourist spots of the valley. It symbolizes India's approach towards Kashmir: oppress the local population of Kashmir and simultaneously project Kashmir as the "paradise" on earth to the world through the imagery of snowclad mountains and lush green landscapes.⁷⁸ The makeover of the city was done in order to give an impression to the visiting G-20 members that all is normal and thriving in Kashmir. Previously, India had not allowed the visiting foreign officials to meet the local population, due to the fears that an honest conversation with locals may disrupt India's falsely constructed normalcy in the region. Additionally, if Kashmiris observe a strike, shutting down their shops, in order to convey their protest to the visiting foreign officials, the military has forced shopkeepers to keep their shops open during such visits. The shopkeepers have been threatened with confiscation of their shops in case they observe a strike.

Training and arming Hindu extremist groups

On January 10th, the Indian army announced that it would provide military training to the Village Defence Committee (VDC) guards. The VDC is a group of extremists who claim to combat "terrorism," but in reality, it has historically been used against pro-freedom Kashmiris. The BJP government has been pushing for arming Hindus in Jammu and Kashmir against the Muslim population.⁷⁹ The human rights bodies have long maintained that the Village Defence Committee is involved in harassment and violence against civilians under the garb of fighting "militancy". Many members have also been accused of crimes like rape and drug trafficking. In 2016, the then Jammu and Kashmir government informed the state legislative assembly that there were a total of 221 cases against members of village defence groups, 23 were murder cases, seven were rape cases and 15 cases were for rioting.

A report by Kashmiri journalist Safwat Zargar, stated that many of these "crimes acquired a communal hue, since the defense groups were predominantly Hindu,

76 <https://harvardlawreview.org/print/vol-134/from-domicile-to-dominion-indias-settler-colonial-agenda-in-kashmir/>

77 <https://thekashmirwalla.com/crpf-gets-hi-tech-response-vehicles-for-anti-militancy-ops/>

78 <https://standwithkashmir.medium.com/smart-settler-colonialism-the-srinagar-smart-city-project-29d40f9e40a8>

79 <https://thekashmiriyat.co.uk/crpf-to-provide-weapon-training-to-vdcs-in-jammu/?amp=1>

operating in Muslim-majority areas. In the Chenab Valley, for instance, Muslims form 61% of the population, according to the 2011 Census. However, Right to Information queries revealed more than 90% of the members of village defense groups in the Chenab region were Hindu.” In 2014, Bharatiya Janata Party’s ideological architect and Nazi-inspired Rashtriya Swayamsevak Sangh took credit for the creation of Village Defence Committees in Jammu and Kashmir by saying that it was the RSS that had devised the “basic draft” of the committee policy. As stated in Zargar’s report, many volunteers of the committee admitted to being affiliated with the BJP. “We are supporters, members and activists of BJP and we have been in constant touch with the party leadership over our problems,” as stated by Ratan Chand Sharma, a prominent member of the committee.⁸⁰

80 <https://scroll.in/article/1026872/we-are-trapped-why-village-defence-groups-that-fought-militancy-in-jammu-are-caught-in-a-bind>

India's War Against Memory and History of Kashmiris

Rewriting history and curriculum

On April 12th, The Hindu, a prominent Indian newspaper, reported that a revised political science textbook has been published by India's National Council for Educational Research and Training (NCERT).⁸¹ The authors of the new textbook removed a section in the book that stated that Kashmir's highly contested accession to India was conditional, based on the promise that the State of Jammu and Kashmir would remain autonomous. The section was present in the tenth chapter of the textbook, titled "The Philosophy of the Constitution". The omitted section previously read, "For example, the accession of Jammu and Kashmir to the Indian union was based on a commitment to safeguard its autonomy under Article 370 of the Constitution." The erasure came four years after the Article-370 and Article 35-A were abrogated by India, which granted the state of Jammu and Kashmir nominal autonomy, restricting property and domicile rights to the native population. To some extent, these measures prevented the call led by the Hindu nationalists for demographic change in the Muslim-majority region. With the abrogation, India has already issued thousands of domicile certificates to non-Kashmiris, and granted them lands in Kashmir, while dispossessing the local Kashmiri population of their rights, lands, and employment.⁸²

On 19th July, media reports raised an alarm as the Indian government removed globally appreciated literature of Kashmiri writer Agha Shahid Ali and novelist Basharat Peer's *Curfewed Night* from the curriculum at University of Kashmir.⁸³ The University of Kashmir (UoK), the Valley's foremost higher-educational institution, has removed three poems by Kashmiri-American poet Agha Shahid Ali along with author and journalist Basharat Peer's memoir from the curriculum of a post-graduate programme in English. Shahid's famous poems – 'Postcard from Kashmir', 'In Arabic' and 'The Last Saffron' – and Peer's 'Curfewed Night' were taught in the third semester of the Masters of Arts (English) course at the university. A similar decision to remove Shahid's two poems, 'I see Kashmir from New Delhi at Midnight' and 'Call me Ishmael Tonight,' was made by the Cluster University Srinagar (CUS). 'I See Kashmir from New Delhi at Midnight' is one of the most memorable depictions of the people of Kashmir's struggles. Torture, 'bullet-torn' bodies, and 'curfewed evenings' were recurring themes in the lives of Kashmiris, which the poem depicted. Basharat Peer's

81 <https://www.thehindu.com/news/national/historians-condemn-key-deletions-from-ncert-textbooks/article6711848.ece>

82 <https://www.arabnews.com/node/2148086/world>

83 <https://thewire.in/government/kashmir-university-gha-shahid-ali-basharat-peer-dropped>

Curfewed Night, a memoir of growing up in the violent realities of everyday life in Kashmir, had received critical acclaim for drawing an unforgettable image of more than three decades of occupation in Kashmir.

Jammu and Kashmir's Lieutenant Governor Manoj Sinha, a close ally and supporter of the Modi-led Hindu nationalist Bharatiya Janata Party, is the head of the university. The Indian advisors on the education policy have said the expelled works are examples of "Resistance Literature", which they claim promotes "secessionist mindset, aspiration and narrative" among students. It is clear that India uses education as a political tool and will only allow the literature that is statist and obfuscates the reality of life under occupation in Kashmir.

The war against memory and concealment of war-crimes

On June 22nd, India expelled from employment two Kashmiri doctors who were part of the team who conducted the post-mortem of the infamous rape and murder of Asiya and Neelofar, two Kashmiri civilian women, by Indian army personnel in May 2009 in Shopian area of Kashmir, and released a report thereafter that had incriminated the army personnel. The dismissed doctors identified as Dr. Bilal Ahmad Dalal and Dr. Nighat Shaheen Chilloo had conducted the two autopsies and released the report. Asiya and Neelofar women were abducted by Indian men in uniform on May 29, 2009, gang-raped and subsequently killed in custody. Interestingly, India has accused the doctors of being "pro-Pakistan", after 14 years since the incident, and expelled them from employment.⁸⁴

Dr Nighat's report had concluded that rape had been committed against both women and her findings were substantiated by a forensic report. In the expulsion order, Dr Nighat Shaheen, has been accused of "causing disaffection against the Indian army". In 2009, a judicial commission was created by the Jammu and Kashmir government of the time and the report that resulted from the commission affirmed that the two women had been raped and murdered through lab results provided by a forensic science lab.⁸⁵ However, the report was denied by the military court, which stated that the lab had not provided "enough evidence", and the case was then given to the CBI (Central Bureau of Investigation). The CBI report claimed that the death of the two women was accidental and therefore no crime had occurred; it argued that they had drowned and that Indian security personnel had nothing to do with the incident. The findings, however, were a cover-up.

The CBI had then went on to "file supplementary charge-sheets against the state prosecutors, doctors, advocates for the complainant, advocates demanding justice and the family members of the women." The expulsion of the doctors after all these years is a culmination of this denial of justice and concealment of a war-crime. Such is the culture of impunity for the Indian military in Kashmir.

84 <https://www.deccanherald.com/india/jammu-and-kashmir-govt-terminates-two-doctors-for-fabricating-evidence-in-2009-shopian-rape-case-1230214.html>

85 <https://academiccommons.columbia.edu/doi/10.7916/D82Z1HTN/download>

Imposing “Patriotism” on an Occupied Population

Raise the flag or face consequences

In the month of August, the Indian government in Kashmir ordered the hoisting of the Indian flag on all educational institutions for the Indian Independence Day (August 15th). As in the year 2022, the Chief Education Officer issued orders to numerous schools in Kashmir, asking them to ensure that all members of the school, including students, teachers and all the workers, hoist the Indian flag at their homes and school buildings. In the order that has been issued, the Chief Education Officer stated that “there should not be any house uncovered and 100% saturation is to be achieved. A control room has been established in this office for daily monitoring.”⁸⁶

The government employees were threatened with suspension in case they failed to participate in the Independence Day “celebrations”. The Jammu and Kashmir Chief Secretary, Arun Mehta, stated that “All Government Officers and the general public at large hoist tricolor over their houses. It shall however be ensured that the flag is hoisted in an appropriate and befitting manner having due regard to the flag code.” The government employees and other members of the population were directed to click “selfies” with the Indian flag on that day and to share the pictures on social media.⁸⁷

The initiative was another attempt of “forced identification with India” thrust at Kashmiris against their will, who continue to struggle for the right to self-determination. The refusal to hoist the flag resulted in intimidation and harassment of the individual. Employees were suspended for failing to hoist the flag⁸⁸, and schools were shut down for refusing to participate.⁸⁹

86 <https://www.thehindu.com/news/national/other-states/kashmir-sees-politics-over-har-ghar-tiranga-campaign/article65722354.ece>

87 <https://thekashmirwalla.com/i-day-authorities-orders-decoration-of-educational-institutions-hoisting-of-national-flag/>

88 <https://kashmirilife.net/insult-to-national-flag-ao-of-mc-magam-budgam-suspended-pending-enquiry-298403/>

89 <https://economictimes.indiatimes.com/news/politics-and-nation/jk-government-warns-five-schools-over-refusal-to-participate-in-republic-day-function/articleshow/62637202.cms>

Political Parties, Human Rights Defenders, and Academicians Targeted

Academicians barred from talking about Kashmir

On March 15th, the Delhi Police denied permission for a public meeting on Kashmir at the Gandhi Peace Foundation, citing the possibility of “law and order disturbance”, a claim that the organizers say is fictitious. The public meeting was aimed at raising awareness about media blackout in Kashmir, and by denying permission for it, the Delhi police has substantiated the existence of just such a blackout. The speakers at the event included Delhi University professor Nandita Narain, Hussain Masood, retired judge of the Jammu and Kashmir High Court, Communist Party of India (M) leader MY Tarigami, filmmaker Sanjay Kak, Mir Shahid Saleem, Chairman of United Peace Alliance, and Anil Chamadia, a senior journalist. Some of these speakers are political dissidents who stand in opposition to the current Modi-led Hindu nationalist regime that rules India.

According to Narain, one of the speakers of the event, the public meeting was organized by several student and teacher groups. “The speakers were informed about the cancellation, just when they were about to leave for the event. It was not a protest but a public meeting. It was being carried out in a hall and the police had nothing to do with it.”

“This is what is happening. They are entering colleges to stop events. There was to be a discussion on media blackout in Kashmir but this cancellation shows that it is happening everywhere,” she said.⁹⁰

Raids to silence human rights defenders

On August 1st, the National Investigation Agency (NIA) of India, which has led the crackdown against human rights defenders and pro-freedom activists in Kashmir, raided multiple locations in Kashmir including the residence of Advocate Parvez Imroz. Imroz is a prominent human rights defender who has been awarded with Ludovic-Trarieux International Human Rights Prize and also the Thorolf Rafto Memorial Prize. He was given these awards for his documentation of the human rights abuses that take place in Kashmir. Imroz’s residence was only one of the many that were raided, as numerous other activists and civilians also informed Justice for All of the agency’s raids on their homes on the same day.

Indian authorities maintain that the human rights organizations are being

⁹⁰ <https://thekashmirwalla.com/delhi-police-denies-permission-for-public-meeting-on-kashmir/>

investigated for “terror-funding”, a charge that the human rights defenders vehemently deny. The concocted nature of the charge is revealed in the case of prominent human rights defender, Khurram Parvez, who has been under illegal detention for almost two years now. No charge against him has been proven in the court.

Political parties banned while their leaders are incarcerated

On October 6th, India declared Jammu and Kashmir Democratic Freedom Party (JKDFP), a pro-freedom organization headed by Hurriyat leader Shabir Ahmad Shah, as an “unlawful association”, thereby banning it.⁹¹ The ban is set for five years. In the recent past, India has similarly banned socio-political organizations like Jamaat-e-Islami (Jel), women’s group Dukhtaran-e-Millat (DeM), Jammu and Kashmir Liberation Front (JKLF), for their activism in favor of Kashmiri right to self-determination.

Jammu and Kashmir Democratic Freedom Party was formed in 1998 by Shabir Ahmad Shah, who has been under illegal detention for the past 6 years. He is one of Kashmir’s longest serving political prisoners, having spent more than 30 years of his life in prisons across India for his peaceful pro-freedom activism. In the notification banning the party that we accessed, the government of India justifies the ban by stating that Shabir Shah had called Kashmir a ‘dispute’ and ruled out any settlement within the framework of the Constitution of India. It’s pertinent to note that the United Nations has consistently maintained a similar position, seeing Kashmir as a dispute to be resolved by the much-awaited plebiscite.

91 <https://thewire.in/security/explained-what-is-the-now-banned-jkdfp-and-who-is-its-leader-shabir-shah>

Right to Movement and Travel Under Attack

Denial of passport as a tool of oppression

On April 7th, the Jammu and Kashmir (J&K) police made use of the Official Secrets Act in its “verification report” on Kashmiri politician Mehbooba Mufti’s daughter Iltija Mufti, who has been issued a conditional passport.⁹² In a report by the The Wire, it states that in its response to a petition filed by Iltija in the J&K high court, the Regional Passport Officer in Srinagar said that the Criminal Investigation Department (CID) of J&K Police “does not favor issuance of passport” to the Peoples Democratic Party (PDP) chief’s daughter.⁹³ Furthermore, the CID has issued its report on Iltija’s case as a ‘top secret, and as a result, it will not be made public under the provisions of the Official Secrets Act, a colonial-era law which has been weaponized by the Indian government to maintain secrecy in matters of state-sanctioned human rights violations.

The passport issued to Iltija by the regional passport officer on April 5 was “for UAE only” with a two-year validity, even though an ordinary passport has 10-year validity. Iltija, who joined active politics following the abrogation of Article 370, maintains that she and her family were being targeted for dissenting against the policies of the Hindu nationalist Indian government.⁹⁴ Her grandmother – Mehbooba’s mother Gulshan Mufti – was also denied a passport for three years but she was issued one this year following court’s intervention.

The case of Iltija, however, is not unique in Kashmir. India has for long denied Kashmiri activists, politicians, leaders, and human rights defenders, the right to movement and travel. This takes many forms. While some have been denied the passport outright, in the name of “national security”, others have been issued conditional passports.⁹⁵ The families of pro-self determination Kashmiri leadership have been systematically deprived of passports, due to their relationship with pro-freedom activists.⁹⁶

In a similar case, on 14th June, a special Indian court dismissed an application submitted by People Democratic Party’s (PDP) youth leader, Waheed-ur-Rehman Parra, in which he sought permission to travel to the United States of America (USA)

92 <https://thekashmirwalla.com/iltija-mufti-says-will-continue-her-passport-case-in-court/>

93 <https://thewire.in/government/iltija-mufti-official-secrets-act-passport>

94 <https://economictimes.indiatimes.com/news/politics-and-nation/jk-iltija-mufti-on-a-passport-issued-for-2-years-says-i-am-not-nirav-modi/video/99324415.cms?from=mdr>

95 <https://kashmirobsrver.net/2013/02/06/mirwaiz-denied-passport-for-oic-meet/>

96 <https://www.thehindu.com/news/national/in-kashmir-strict-police-verification-leaves-hundreds-without-jobs-passports/article66584095.ece>

to pursue a 3-month Peace Fellowship Programme at Yale University.⁹⁷

Parra was previously detained for a prolonged period, under the lawless Unlawful Activities Prevention Act, for his alleged relationship with Kashmiri pro-freedom movement activists. Parra is a close aide of former Kashmir Chief Minister, Mehbooba Mufti. He was released from detention but his passport was withheld by India. After his selection for the fellowship at Yale, he had requested for the return of the passport so that he may travel. Turning down a plea for the release of his passport, which was seized on the order of J&K high court by the Indian National Investigation Agency (NIA) in May last year, the court upheld the prosecution's argument that Parra could seek "political asylum" in the US if he was permitted to travel and "indulge in vicious smear campaign" to "defame India's reputation and credibility".

It is quite clear through this legal reasoning that India silences Kashmiri voices and represses them, and fears the implications of Kashmiri voices having freedom of expression in a safe environment.

⁹⁷ <https://thewire.in/rights/waheed-parra-travel-ban-jammu-kashmir-yale-pdp>

Kashmiri Muslim Students Targeted in Mainland India

Kashmiri students denied education, then beaten for protesting peacefully

On September 15th, Kashmiri Muslim students were severely attacked at Desh Bhagat University in Punjab during their peaceful protest against the university's move to illegally transfer their admissions to a college that lacks accreditation. Around 70 Kashmiri students were being illegally transferred, despite being in their third year of study already.

One of the students who faced police brutality, while speaking to Justice for All on the condition of anonymity, stated that many of her fellow Kashmiri students were detained, beaten with batons, and some even had to be hospitalized after receiving serious injuries. Another student, speaking to one of the news outlets, stated that the hijabs of the Kashmiri Muslim girls were forcibly removed from their heads by the police.⁹⁸ One of the Kashmiri students received a severe head injury that resulted in 15 stitches.⁹⁹

This is not the first time Kashmiri Muslim students have faced attacks in different parts of India. In October of 2021, Kashmiri students were attacked and beaten after Pakistan defeated India in a cricket match.¹⁰⁰ On other occasions, Kashmiri students have been forced to chant pro-India, Hindu, or anti-Pakistan slogans.¹⁰¹

98 <https://twitter.com/meerfaisal01/status/1702531275905773775?s=08>

99 <https://theobserverpost.com/hijabs-forcibly-pulled-from-our-heads-kashmiri-students-allegedly-thrashed-at-desh-bhagat-university-campus-closed-amid-protests/>

100 <https://www.ndtv.com/india-news/kashmiri-students-attacked-in-punjab-after-indias-world-cup-loss-to-pak-2586802>

101 <https://thekashmiriyat.co.uk/kashmiri-youth-forced-to-chant-bharat-mata-ki-jai-slogans-in-delhi-sheer-fundamentalism-says-pdp/>