



FIDH – International Federation for Human Rights

Update on human rights violations in Indian-administered Jammu & Kashmir since August 2019

26 September 2019

In the early hours of 5 August 2019, the authorities in Indian-administered Jammu and Kashmir (J&K) State imposed a curfew on the entire territory of J&K and deployed several thousand Indian army troops and J&K police across all 22 districts without any prior announcement. In addition, on the evening of 4 August 2019 the Indian government imposed a blanket communication blockade across J&K. People woke up the next day with the entire region being under a military and communication clampdown.

At around noon on 5 August, the Indian government, led by the Bharatiya Janata Party (BJP), introduced a bill in the upper and lower houses of the Indian parliament to abrogate Article 370 of the Indian constitution. Article 370 had guaranteed ‘special status’ to J&K State since 1949 and prevented any person who did not have a state subject certificate from acquiring immovable property in J&K. The abrogation of Article 370 by the Indian government is inconsistent with earlier rulings by the Supreme Court of India, which declared that Article 370 could not be abrogated without the approval of the J&K State’s Legislative Assembly.¹

A majority of Indian parliamentarians voted in favour of the BJP’s decision to repeal Article 370 and to pass a second piece of legislation, the Jammu and Kashmir Reorganisation Act of 2019, which led to the split of the existing state of J&K into two Union Territories, Ladakh and J&K, under direct control of New Delhi. This move is part of the Indian government’s plan to ensure the complete annexation of J&K, in a belief that such developments would lead to an end of the decades-long conflict.

This pivotal constitutional change was preceded by mass panic and tension in the Kashmir valley. The reports of additional troop deployment, the leaking of several government orders suggesting a “deterioration of law and order situation in the near future in Kashmir” and asking domestic tourists and Amarnath pilgrims “to leave Kashmir immediately” added to the extremely tense situation.

What follows is a partial summary of the main human rights violations that have been reported since 5 August 2019. Due to the ongoing communication blockade over the entire Kashmir valley, no information could be obtained from remote districts, including in South Kashmir, and little or nothing is known about the situation in these areas. The ongoing communication clampdown has also prevented journalists and human rights activists from assessing and providing extensive reports on the situation on the ground.

¹ Frontline, *Kashmir: Murder of insaniyat*, 30 August 2019, <https://frontline.thehindu.com/cover-story/article29049528.ece?homepage=true>.

Mass arrests: Around 4,000 detained

The announcement of the abrogation of Article 370 and the subsequent split of J&K was accompanied by a mass detention of local residents. According to a government report dated 6 September, more than 3,800 people had been detained since 5 August and about 2,600 of them had since been released.² However, reports from the field suggest that a much higher number of people were detained and there reports of ongoing detentions. From Turkwangan, Pulwama District, to Heff-Shirmal, Shopian District, an area that covers at least 12 villages, nearly 50 people have been illegally detained by the police since 5 August. Some people reported that they were required to report and remain at the local police stations from 9am to 9pm. The government claims that no persons are under house arrest but leaders and politicians like Syed Ali Shah Geelani, Mirwaiz Omar Farooq, Farooq Abdullah, Taj Mohiuddin and M Y Tarigami have been under house arrests.

Those detained include political leaders from both pro-India and pro-independence parties, civil society members, lawyers, and protestors. Three ex-Chief Ministers of J&K, Farooq Abdullah, Omar Abdullah, and Mehbooba Mufti, have been detained since 5 August. On 16 September, Farooq Abdullah was detained under the Public Safety Act (PSA). Despite the government's claim that no one has been placed under house arrest, many leaders and politicians, such as former J&K Chief Minister Farooq Abdullah, Srinagar Mayor Junaid Azim Mattu, Congress leader Taj Mohiuddin, Communist Party of India (Marxist) member Mohammed Yousuf Tarigami, and Kashmiri pro-independence leaders Syed Ali Shah Geelani and Mirwaiz Omar Farooq, have been under house arrest.

Government-owned guest houses and hotels, most of which are in Srinagar District, have been turned into detention centers. Tourist reception centers and dak bungalows³ have also been turned into detention centers in other districts.

Many pro-India, pro-independence leaders, and civil society members have been detained under the repressive PSA. Many of those detained under the PSA have been transferred to jails outside J&K, such as Agra, Bareilly, Jodhpur, Jaggad, Allahbad, Tihar, and Lucknow, making it difficult for their families to travel outside the region to meet with them.

Local people in Pulwama District, South Kashmir, reported that army personnel detained nearly 1,000 youths following night raids in Pulwama. Before being handed over to the police, the youth were first held in army camps and in some cases beaten and tortured.

Many youths who were detained were kept in police stations without any formal charges against them. They were later released after they signed and submitted bail bonds. According to lawyers in Shopian District Court, many families have been hesitant to apply for the release of their detained family members for fear that they might be arrested under the PSA.

In Shermal Village, Shopian District, at least 13 youth were detained shortly after 5 August. They were not charged or remanded and were kept in illegal detention until their release on 26 August. On the night between 25 and 26 August 2019, armed forces detained about 10 youth during a night raid in the Pinjura area of Shopian.

In addition to scores of youth being detained, with families mostly unaware of their whereabouts, there has also been a clampdown on civil society. Detained civil society members include: Kashmir

² TRT World, *India jailed thousands in Kashmir crackdown – official data*, 13 September 2019, <https://www.trtworld.com/asia/india-jailed-thousands-in-kashmir-crackdown-official-data-29730>

³ Dak bungalows were government buildings in British India and now typically refer to tourist lodges.

University professor and head of Kashmir Centre for Social and Developmental Studies Hameedah Nayeem; Kashmir Chamber of Commerce and Industry former President Mubeen Shah; Federation of Chamber of Industries Kashmir President Shakeel Qalandar; and Kashmir Economic Alliance President Mohammad Yaseen Khan. It was later reported that some of them were subsequently transferred to jails outside J&K, as the prisons there had run out of capacity.⁴

Former bureaucrat turned politician Shah Faesal and People's Democratic Party (PDP) youth leader Wahid-ur-Rehman Parra were also arrested.⁵ He was subsequently placed under preventive detention. Shah Faesal of the Jammu & Kashmir People's Movement was arrested on 14 August at Delhi International Airport and prevented from travelling abroad, before being flown to Srinagar where he was held in one of the detention centres in Srinagar under the PSA.⁶

Many detainees have been denied visits from their family members. Some families contested this denial of right in the High Court. Although the High Court initially did not issue any orders in these cases, the J&K administration granted the families of four detainees permission for a meeting on 5 September. From 5 August to 4 September 2019, 146 habeas corpus petitions were filed with J&K High Court.

Allegations emerge of torture by armed forces

Since 5 August, reports of torture of civilians by Indian armed forces in J&K have surfaced. Human rights researchers were able to gather information concerning the torture of 14 individuals, mostly youth, on the night of 5 August. These 14 were tortured by Indian Army personnel led by Major Aditya from Zaldoora Camp in Pulwama District, South Kashmir. The 14 were detained after an army raid on their homes in Nadapora village of Parigam area in connection with a stone-pelting incident against the motorcade of an army commander earlier in the day. Army personnel took the victims to the roadside, forcibly removed their clothes, severely beat them with bamboo sticks and plastic canes, and forced them to sit one on top the other. One of the victims, an electrician who runs a religious school in the village, was severely tortured for refusing to shout "Jai Shri Ram" [Praise the Hindu God] through the local mosque's loudspeakers. All victims were released around midnight.

Twenty-four additional cases of torture have been reported from Gulshanabad, Gung Bug, Tengpora, Firdosabad, Boatmen's Colony and Mansoor Colony in Srinagar District.

In addition, on 3 September, 24-year-old Riyaz Ahmad Thickrey died in police custody after being tortured in the Handwara area of Kupwara District. On 17 September, 15-year-old Yawar Ahmed Bhat from Chandigam Village, Pulwama District, died after consuming poison possibly as a result of the trauma from being beaten and detained.⁷

Forced labour by army personnel

Reports of the use of forced labour by army personnel also surfaced in the Quill area of Pulwama District. Shortly after 5 August, militarization of South Kashmir increased significantly, with large number of troops deployed on roads, streets, and alleys. Locals said that as more and more forces

⁴ Indian Express, *Prisoners lodged in J&K shifted outside the state*, 9 August 2019, <https://indianexpress.com/article/india/prisoners-lodged-in-jk-shifted-outside-the-state-5890303/>.

⁵ Indian Express, *Amid crackdown on leaders in Kashmir, Engineer Rashid arrested in terror funding case*, 10 August 2019, <https://indianexpress.com/article/india/ia-arrests-former-jk-mla-rashid-engineer-terror-funding-case-5893060/>.

⁶ Huffington Post, *Kashmir: Shah Faesal Arrested in Delhi Sent to Srinagar*, 14 August 2019, https://www.huffingtonpost.in/entry/shah-faesal-arrested-in-delhi-sent-to-srinagar_in_5d539860e4b0cfeed1a52bd6.

⁷ Wire, *Kashmir Boy Dies By Suicide After Allegedly Being Beaten by Soldiers*, 22 September 2019, <https://thewire.in/rights/kashmir-boy-dies-by-suicide-after-allegedly-being-beaten-by-soldiers>

were being deployed in Pulwama, the army began construction of a camp in the area around Lassipora. All those who passed along the road connecting the camp with the main street were forced by the army to work at the camp without receiving any payment for their work.

Several killed in protests amid severe restrictions on assemblies

J&K authorities imposed severe restrictions on the right to peaceful assembly under Section 144 of the Criminal Procedure Code, which empowers magistrates to pass temporary orders prohibiting assemblies of more than four persons. Such restrictions were eased in the Jammu region after remaining in force for three days, but Kashmir has continued to remain under strict curbs to this day. Due to the ongoing communication blockade over the entire Kashmir valley, news from other districts of the Kashmir valley – including from South Kashmir where the situation has remained tense since 2016 – is not available and little to nothing is known of the current situation in these areas.

On 9 August, several people were injured during protests with government forces in the Soura area of Srinagar.⁸ Although the Indian Home Ministry's Spokesperson initially claimed that footage broadcast by the *BBC* of the clashes were fake, the government later admitted to the clashes having happened.⁹ A doctor confirmed that at least 53 youths were treated for their injuries at Sher-i-Kashmir Institute of Medical Sciences in Soura.

Reports emerged of five people killed in separate incidents as a result of excessive use of force by law enforcement officials in the policing of protests since the start of the clampdown.¹⁰ On 5 August, 17-year old Osaib Altaf from Palpora, Srinagar, was reported to have drowned after being chased by Central Reserve Police Force (CRPF) personnel. On 9 August, 35-year-old Fehmeeda Bano was killed after being exposed to teargas and pepper spray in her home at Bemina, Srinagar. On 17 August, 55-year-old Ayoub Khan died at his home in Yaripora, Srinagar, as a result of exposure to teargas when his home was shelled with teargas canisters.

A police statement on 25 August reported the death of a driver during a stone-pelting incident during a confrontation with the police in South Kashmir's Bijbehara area. On the next day, two youth were reported to have been arrested in connection with the case and six others were detained for questioning.¹¹

On 4 September, strict curbs were re-imposed in Srinagar's old city as news came out of a youth having succumbed to injuries he sustained during the initial days of the clampdown. Media reports say 16-year-old Asrar Ahmad was hit by pellets¹² while the Indian Army claimed that stone pelters caused his death, after a protest on 6 August.¹³ It has also been reported that doctors in major hospitals of the Kashmir valley were given instructions to keep "admissions related to clashes to a minimum, and to discharge victims quickly in order to keep statistics down."

⁸ BBC News, *Indian Administered Kashmir: Protests in Soura leave many injured* (video), 10 August 2019, <https://www.youtube.com/watch?v=cOHI1koyn1c>.

⁹ See Twitter account of Spokesperson of Ministry of Home Affairs, 13 August 2019, <https://twitter.com/pibhomeaffairs/status/1161224075680931841>.

¹⁰ Independent, *Ghosts of Kashmir: Indian authorities refusing to issue death certificates for civilians killed in clashes, say families*, 26 August 2019, <https://www.independent.co.uk/news/world/asia/kashmir-india-death-certificates-jammu-protests-violence-modi-a9079371.html>.

¹¹ News18, *2 Arrested in Kashmir's Anantnag for Causing Truck Driver's Death in Stone-Pelting Incident*, 26 August 2019, <https://www.news18.com/news/india/2-arrested-in-kashmirs-anantnag-for-causing-truck-drivers-death-in-stone-pelting-incident-2283889.html>.

¹² See Twitter @news18dotcom, 4 September 2019, <https://twitter.com/news18dotcom/status/1169139034377113602>.

¹³ See Twitter @CNNnews18, 4 September 2019, <https://twitter.com/CNNnews18/status/1169148378032279555>.

Despite the apparent calm, an atmosphere of fear prevails in the region. Locals of Gulmarg, Baramulla District, North Kashmir, which is located at a close distance from the Line of Control, reported that nearly 400 'cordon and search' operations were carried out by armed forces from 5 August to early September.¹⁴

Indian MPs denied access

Authorities prevented several prominent Indian political leaders from entering J&K. For example, authorities stopped Indian National Congress MP Ghulam Nabi Azad after he landed at Srinagar on 8 August, and asked him to board a return flight to New Delhi.¹⁵ Azad was expected to hold a meeting with local Indian National Congress leaders at the party headquarters in Srinagar regarding the situation in J&K after the abrogation of Article 370. Similarly, on 24 August, a delegation of Indian opposition parties led by Rahul Gandhi was sent back from Srinagar airport upon landing.¹⁶ Communist Party of India (Marxist) General-Secretary Sitaram Yechury was stopped twice at Srinagar airport and prevented from entering Srinagar. He was finally allowed to enter on 29 August after the intervention of the Supreme Court of India.¹⁷

Communications shut down, journalists arrested

Between 4 and 5 August, the Indian government blocked all communications, including all mobile phone networks, state-owned landline telephone networks, including broadband internet services, and private internet services. The internet shutdown that started on 4 August was the 55th internet shutdown in the state this year and the longest to date. People in Kashmir only learned of the lockdown through television news networks because all other forms of mass media remained blocked.

The ongoing communication blockade has effectively ensured that alleged human rights violations in the form of illegal arrests, detentions under the PSA, beatings, harassment, and destruction of private property at the hands of armed forces remain unreported and therefore unaccounted for.

Newspapers in Kashmir have been forced to publish a reduced number of pages due to inaccessibility of the internet and the inability of media persons to travel to other J&K districts because of the ongoing restrictions on movement. Journalists have been forced to rely on only state-issued press briefs once or twice a week without the means to verify the stories.

Journalists have also faced reprisals for filing stories on Kashmir's ongoing clampdown and mass arrests.

¹⁴ During a Cordon and Search Operation (CASO), the male members (including teenage boys) of all households of the area where the CASO is taking place, are asked by the armed forces to vacate their homes and assemble in a designated location. Their identity cards are checked and they are questioned. Meanwhile, female family members are asked to remain in their houses, while army officers search the houses for possible arms and ammunition or any links to the militancy. CASOs were very common during the 1990s and were known locally as "crackdowns." Although the practice was abandoned in 2001 due to opposition from the civilian population, CASOs were re-introduced in May 2017. Read more: https://www.fidh.org/IMG/pdf/20190315_kashmir_briefing_note_-_final.pdf.

¹⁵ News18, *Ghulam Nabi Azad Not Allowed to Enter Jammu and Kashmir, Says Central Govt 'Mercilessly Massacred' State*, 9 August 2019, <https://www.news18.com/news/politics/ghulam-nabi-azad-not-allowed-to-enter-jammu-and-kashmir-says-central-govt-mercilessly-massacred-state-2263785.html>.

¹⁶ NDTV, *Rahul Gandhi, Other Opposition Leaders Sent Back from Srinagar Airport*, 24 August 2019, <https://www.ndtv.com/india-news/as-rahul-gandhi-opposition-leaders-head-to-jammu-and-kashmir-government-says-stay-away-2089677>.

¹⁷ News18, *Sitaram Yechury Visits Srinagar After SC Order, Meets Ailing CPI(M) Leader Yusuf Tarigami*, 30 August 2019, <https://www.news18.com/news/politics/sitaram-yechury-visits-srinagar-after-sc-order-meets-ailing-cpi-m-leader-yusuf-tarigami-2289433.html>.

On 11 April, Haziq Qadri, a journalist working with digital video publisher *Brut India*, was detained for nine hours at the Safa Kadal police station and his phone was confiscated for recording videos of the lockdown.¹⁸

On 14 August, police arbitrarily detained Irfan Malik, a journalist working with the English-language newspaper *Greater Kashmir* in Tral. He was subsequently released after spending one night in detention. The government did not disclose the charges against him and the reason for his detention.¹⁹

On the night between 31 August and 1 September, Kashmiri journalist and author Gowhar Geelani was stopped by Immigration officials at New Delhi International Airport and not allowed to travel to Germany for an editors' conference of the *Deutsche Welle*. Officials cited "a request by the [Central] Intelligence Bureau" as the reason for not allowing Geelani to travel.²⁰

Three local journalists working for Indian and international press were verbally asked by the authorities to vacate their government issued properties in Srinagar in early September.²¹

According to a statement issued by the Srinagar-based Kashmir Press Club on 3 September, police summoned a local journalist working for an English language daily newspaper and ordered him to reveal his sources.²² Apparently, the journalist had filed a story on the number of arrests recorded in the Kashmir valley.

The government's retaliation against anyone denouncing the ongoing clampdown in Kashmir was visible on 6 September, when Amnesty International India was issued a show-cause notice²³ by the Ministry of Finance's Enforcement Directorate for allegedly violating the Foreign Exchange Management Act. A day earlier, Amnesty International India had launched a global campaign on Kashmir against the ongoing communication blockade called #LetKashmirSpeak.²⁴

The severe clampdown in the Kashmir valley has also led to tensions within the Kashmiri student community studying in various universities and colleges across India, as the students have been unable to reach out to their families back home in the Kashmir valley. Estimates put the figure of Kashmiri students studying in India at over 30,000 and these students have appealed to the government to allow them to reach out to their families under lockdown in Kashmir. On 11 August, the J&K authorities said they were setting up 300 phone booths at landmark points in all parts of the

¹⁸ Committee to Protect Journalists, *At least 2 journalists detained amid tensions in Jammu and Kashmir*, 16 August 2019, <https://cpj.org/2019/08/two-journalists-detained-jammu-kashmir-india.php>.

¹⁹ Hindu, *Security forces detain Kashmir journalist, release him on bond*, 16 August 2019, <https://www.thehindu.com/news/national/security-forces-detain-kashmir-journalist-release-him-on-bond/article29111257.ece>.

²⁰ Indian Express, *Stopped from flying to Germany, says Kashmir journalist-author*, 1 September 2019, <https://indianexpress.com/article/india/stopped-from-flying-to-germany-says-kashmir-journalist-author-gowhar-geelani-5954852/>.

²¹ National Herald, *Reuters, AP and NDTV correspondents asked to vacate Govt bungalows in Srinagar*, 5 September 2019, <https://www.nationalheraldindia.com/india/reuters-ap-and-ndtv-correspondents-asked-to-vacate-govt-bungalows-in-srinagar>.

²² Telegraph, *Kashmir journalists raise voice*, 4 September 2019, <https://www.telegraphindia.com/india/kashmir-journalists-raise-voice/cid/1702466>.

²³ A show cause notice refers to a court order requiring a party to appear before the court and justify why certain actions should not be taken against them.

²⁴ Amnesty International India, *Put Humanity First: Lift The Communications Lockdown in Kashmir!*, <https://amnesty.org.in/take-action/put-humanity-first-lift-the-communications-lockdown-in-kashmir/>.

Kashmir valley to facilitate students who wanted to return to J&K.²⁵ People had to wait for hours in queues to access the phones set up in government offices, only short calls were allowed, and the conversations were monitored.²⁶ While landline communications have been largely restored in the Kashmir valley, the mobile and internet connectivity remains severely limited.

Prayers forbidden

Ongoing restrictions also had a negative impact on the local community's right to worship. On the occasion of the Muslim festival of Eid on 12 August, authorities barred people in Srinagar and in various other districts from gathering in large numbers and allowed prayers only in small mosques in the region. At Heff-Shermal Village in Shopian, which is considered a militant stronghold, armed forces prohibited prayers at all 11 mosques in the village.²⁷ A strict curfew remained in place until late afternoon on the first day of Eid, with hardly any movement of people. J&K authorities have also prohibited Eid prayers at major mosques of the Kashmir valley, including two of the holiest, the centrally located Jamia Masjid Mosque and the Hazratbal Mosque in Dargah.

Right to health threatened by blockade

Despite the Indian government's attempt to promote the supposed long-term economic "benefits of the revocation of Article 370",²⁸ the numerous restrictions imposed in J&K have led to immediate violations of the local population's right to health.

Four weeks after the start of the clampdown, local residents reported a shortage of essential medicines, and baby formula. While the government denied that such crisis was unfolding, the J&K's Department of Information and Public Relations admitted to having made baby formula available after it was in shortage for two days.²⁹ Chemists reported that they were running out of medicine stocks.³⁰ A doctor reported that some patients, who were undergoing critical treatment, did not have access to ongoing medical procedures and treatment, threatening their lives. He was detained by the police shortly after he made those statements.³¹ International media reports have suggested that there is immense pressure on doctors working in tertiary care hospitals in Srinagar to hide the actual statistics about casualties. The relatives are even being denied death certificates of the deceased.³²

²⁵ India Today, *300 special telephone booths being established for communication in J&K*, 11 August 2019, <https://www.indiatoday.in/india/story/300-special-telephone-booths-being-established-for-communication-in-j-k-1579794-2019-08-11>.

²⁶ India Today, *Waiting for the phone in Kashmir: Of conversations, long queues and tears*, 13 August 2019, <https://www.indiatoday.in/india/story/kashmir-situation-jammu-clampdown-restrictions-communications-blackout-phone-booth-1580360-2019-08-13>.

²⁷ Interview with locals, 12 August 2019.

²⁸ Scroll, *Raids at night, handbills by day: Army siege in South Kashmir escalates after special status revoked*, 27 August 2019, <https://scroll.in/article/935245/raids-at-night-handbills-by-day-army-siege-in-south-kashmir-escalates-after-special-status-revoked>.

²⁹ Scroll, *Raids at night, handbills by day: Army siege in South Kashmir escalates after special status revoked*, 27 August 2019, <https://scroll.in/article/935245/raids-at-night-handbills-by-day-army-siege-in-south-kashmir-escalates-after-special-status-revoked>.

³⁰ Indian Express, *Amid restrictions in Jammu and Kashmir, chemists say medicine stocks running low*, 14 August 2019, <https://indianexpress.com/article/india/jammu-and-kashmir-amid-restrictions-chemists-say-medicine-stocks-running-low-5902897/>.

³¹ Scroll, *Watch: J&K Police take away doctor who was speaking about health crisis in state due to recent curbs*, 27 August 2019, <https://scroll.in/latest/935259/j-k-restrictions-police-take-away-doctor-who-was-speaking-about-health-crisis-in-the-state>.

³² Independent, *Ghosts of Kashmir: Indian authorities refusing to issue death certificates for civilians killed in clashes, say families*, 26 August 2019, <https://www.independent.co.uk/news/world/asia/kashmir-india-death-certificates-jammu-protests-violence-modi-a9079371.html>.