



General Assembly

Distr.: General
2 June 2022

English only

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Freedom of Assembly and Association

Article 20 of the Universal Declaration of Human Rights states that everyone has the right to freedom of peaceful assembly and association, and that no one may be compelled to belong to an association. The people living in the UN disputed territory-Kashmir also believe in the international conventions. However, the country which had the responsibility to protect their life, honor, and property has unfortunately remained involved in violating all these laws and conventions.

Kashmir is not a real estate issue between India and Pakistan. It is a question of the right to self-determination of the Kashmiri people, promised to them by the international community through solemn UN Security Council resolutions. It was obligatory for both India and the UN to have this long pending issue settled in line with the commitments made to the people of Kashmir. More than seven decades elapsed Kashmir is still besieged and bleeding. To strengthen its occupation, India has not only turned this piece of land into a military garrison but has also deprived the inhabitants of every right including the right to Freedom of Assembly and Association.

As per the estimation of different organizations, there are over 800000 Indian troops in Indian Administered Kashmir. On one hand, they have no training in human rights and crowd-management practices, while on the other they enjoy impunity under draconian laws, due to which Indian Administered Kashmir has witnessed a number of massacres, both big and small, at the hands of these forces.

The “right to assemble peaceably” is also guaranteed by the constitution of India under Article 19. It is also equally accepted that it is directly related to the fundamental right to freedom of speech. However, in Indian Administered Kashmir, holding peaceful demonstrations in order to air the grievances or to expect the voice is heard in the relevant quarters is just wishful thinking.

Prior to 2019, Indian Administered Jammu and Kashmir enjoyed some sort of autonomy and the people somehow used to air their grievances in one way or another. In February 2019, two political groups, the Jammu Kashmir Liberation Front and the Kashmir Chapter of Jammāt-e-Islami were banned and hundreds of their leaders and members were thrown behind the bars.

On 5 August 2019, the government of India revoked Articles 370 and 35A of the Constitution, which guaranteed the autonomous status and rights of the state of Jammu and Kashmir. The announcement of the revocation of JK’s special status was accompanied by widespread restrictions. There was an increased deployment of Indian armed forces at all roads and intersections across the region, and the unyielding troops have strictly restricted the movement of people. Section 144 of the Indian Penal Code, which bans public gatherings of more than four people, was imposed despite curfew-like restrictions being in place. This prevented people from organizing any type of gatherings and meetings.

There is now a blanket ban on all political and religious activities. People are advised to toe the pro-government line and also forced to participate in government-sponsored programs and functions. If these helpless people assemble to support the government’s line they are hailed as nationalists. But if the same people assemble to voice their dissent or protest against the atrocities and abuses being perpetrated on them by the occupation forces, they are detained, tortured, and thrown behind the bars on fabricated charges. Those victimized include political leaders from both pro-India and pro-freedom parties, students, lawyers, traders, civil society members, and human rights defenders.

Moreover, a ban on Shiite Muslims’ Muharram processions, which usually take place during a period of mourning at the Islamic New Year, has been upheld for many years. Every year people try to organize these processions in a peaceful manner but they are always dispersed violently by the Indian forces. The authorities have also closed some mosques including the main mosque (Jamia Masjid Srinagar), the largest social and cultural space in Kashmir, and deprived people of offering congregational prayers.

To change the narrative of Indian Administered Jammu and Kashmir, India is trying to change the complexion of Kashmiri organizations and civil society groups like Trade unions,

Lawyers forums and Journalist bodies etc. Elections to the Jammu and Kashmir High Court Bar Association (JKHCBA), the Kashmir Chamber of Commerce & Industries, and the Kashmir Press Club were forcefully stalled by issuing prohibitory orders. The democratic process has been completely eroded.

Kashmiri Lawyers, under the banner of JKHCBA, have been providing free legal aid and services to the victims of human rights violations, prisoners, and people under trials. They requested many times to the occupation authority to grant them permission to hold internal elections, but all in vain. Instead, a wedge was created by creating a parallel group of a few lawyers. As per the statements of some senior lawyers, the constitution of JKHCBA, actually, refers to Kashmir as a “dispute”, therefore the motive behind this new group was to create opposition against the lawyers and to have a narrative that suits the Indian agenda.

Similarly, the media in Indian Administered Kashmir has been tightly controlled by India as it needs to distort the facts and hide the crimes committed by the soldiers. Besides the media gag, Kashmiri journalists have been intimidated, summoned to army camps, humiliated, tortured, and imprisoned on fabricated charges.

The announcement of the region’s changed administrative status was accompanied by the worst type of military repression and unprecedented communication blockade. Media houses were raided and the journalists were straight away asked to remain silent on the situation that emerged during and after the August 5 siege. In addition to this, the disruption in Internet and mobile phone services and the curfew-like restrictions on the movement made it almost impossible for the media persons to continue with their work.

Interestingly, despite the clampdown and repression Kashmiri journalists tried to mobilize their colleagues and resumed to assemble and interact at the region’s only press club- the Kashmir Press Club Srinagar. They also announced the date for their internal elections. But the authorities struck dramatically, violently, and illegally against the club and shut it down permanently. By doing so they not only prevented this organization from holding democratic elections for its governing body but also deprived its 300 members of the right to freedom of assembly and association enshrined in Article 11 of the Indian constitution.

Jammu Kashmir Coalition of Civil Society (JKCCS), a local human rights organization, have played a vital role in documenting and reporting human rights violations, but its members were dealt with with an iron fist. The offices and homes of prominent activists Parvez Imroz, Khurram Parvez, Ms. Parveena Ahangar, and others, were raided by India’s National Investigation Agency (NIA). The agency, during the raids, seized all the documents and confiscated their laptops and mobile phones. Khurram Parvez was later detained, taken to Delhi and imprisoned. He is still in jail while as his home and homeland under constant surveillance.

The current Indian Administered Kashmir is under digital surveillance. There are security cameras on almost every street in Srinagar and other towns. But now the people are asked to install CCTV systems inside their businesses establishments, places of worship, and markets to enhance the ability of soldiers to watch people’s every move. According to Aakar Patel, former head of Amnesty International in India, this move will legitimize complete surveillance of their civic life, threatening their human rights to privacy, freedom of assembly, autonomy, and dignity.

There is an urgent need to investigate and prosecute the abuses and crimes being perpetrated by India on the Kashmiri people.
