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

Written statement* submitted by International Muslim Women's Union, a non-governmental organization in special consultative status

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

[7 February 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.



Criminalization of Right to Freedom of Expression in India-Administered Kashmir

In a landmark judgment of the case *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 the Supreme Court of India held that the freedom of speech and expression has no geographical limitation and it carries with it the right of a citizen to gather information and to exchange thought with others not only in India but abroad also.

However, in Indian Administered Jammu and Kashmir the journalists, human rights defenders and writers have been denied this precious right for the last seventy-three years in general and since the 5th of August 2019 in particular. The authorities besides initiating physical attacks against dissent have resorted to covertly silencing the journalists. Almost on daily basis, journalists are summoned, held hostage, and shot at, while their family members are harassed and even arrested. At the times, the harassment has been much subtler, restricting the official advertisements for newspapers, not allowing officials to give statements to journalists, and not inviting reporters to important news briefings. The threats and intimidation of human rights defenders and journalists reporting violations have become the order of the day.

On 22, November 2021, an Indian counter-terrorism agency arrested a prominent Kashmiri human rights activist Khurram Pervez under draconian anti-terrorism law which makes it impossible to get bail. The police have charged him under various sections of the draconian unlawful activities (Prevention) Act including “criminal conspiracy” “attempt to wage war against the government” and for “raising funds for terrorist acts and a terrorist organization”.

Mr. Pervez has long been a vocal critic of the authorities and his organization Kashmir Coalition of Civil Society (JKCSS), a group based in India-Administered

Kashmir has published several scathing reports on human rights violations and excesses committed by occupation forces in Kashmir valley.

Activists and others on social media has called the arrest of Khurram Pervez an attempt to “silence and punish human rights defenders”. The United Nations’ Special Rapporteur on Human Rights Defenders, Mary Lawlor, said she was disturbed to hear about Mr. Pervez’s arrest. “He is not a terrorist; he is human rights defender”. She wrote on Twitter.

To stifle freedom of expression in India-Administered Kashmir several Kashmir-based journalists have been subject to probes by police over the past couple of months, and while most have not been charged, the process has cast a chilling effect on the working of media.

Activists and legal experts believe that these probes, in absence of prima facie any wrongdoings, are meant to curb press freedom, illustrating the growing constraints that journalists face.

Former Chief Minister of Indian Administered Jammu and Kashmir Mehabooba Mufti recently in her letter to the Editors Guild of India, pointing to the “continued harassment” of journalists in Kashmir “who work under tremendous pressure and speak truth to power”.

“We witnessed the manner in which fundamental rights such as freedom of speech and expression enshrined in the Indian Constitution have increasingly come under attack, especially in the last two years by a hostile and insecure dispensation, she said in her letter.

The authorities, in addition to this harassment, also shot off a questionnaire to journalists seeking personal and often unrelated information such as religious and political affiliations and links outside the country.

Mohammad Raafi, a freelance writer, while talking to the wire, said the questioning has triggered a “sense of perpetual anxiety and fear” among Kashmiri journalists. “Earlier it was routine, an annual affair in which police would ask us for basic details about our organization, etc. Now they are personalizing it”.

“By personalizing it and involving our families, they want to send a message that if they can come after me, they can come after my family as well. In absence of support structure, journalists have stopped chasing sensitive stories, he added.

The authorities have also threatened journalists to stop reporting on Kashmir if their work is seen as threat to “peace” and “public tranquility”. A number of journalists are either threatened or charged with sections under UAPA Unlawful Activities (Prevention) Act], sedition laws, and lawless law Public Safety Act (PSA).

On January 6, 2022, Sajad Gul (26), a trainee reporter with local magazine Kashmiri portal The Kashmir Walla and student was arrested and booked under criminal conspiracy and other charges for posting a video of a family shouting anti-India slogans after their kin was killed by forces in Srinagar.

Indian Administered Jammu and Kashmir Police in a statement released to the media said that they have arrested Sajjad Gul for allegedly provoking people to “resort to violence and disturbed public peace”. A court granted him bail in the case on January 15, but a day later, the police booked under PSA and shifted him to prison several hundred kilometers away from his home. The grounds of detention, as officially described, accuse Gul of “less reporting about welfare” and “promoting enmity”. In India-Administered Kashmir, the laws like PSA are often used against detainees to perpetually hold them in detention.

The valuable right of freedom of expression and future of press freedom in India Administered Kashmir has been thrown into question after a group of government-sponsored journalists accompanying armed paramilitary forces forcibly took over the building of an independent press club, which government authorities later shut down in mid-January this year.

The coup at the Kashmir Press Club was widely condemned. The Editors Guild of India said it was “aghast at the manner in which the office and management of Kashmir press club ... was forcibly taken over” and accused the state of being “brazenly complicit in this coup”.

After talking to journalists in Kashmir, Reporters Without Borders (RSF) demanded the immediate reopening of the Kashmir Press Club.

“We call on Jammu and Kashmir Lieutenant Governor Manoj Sinha to immediately restore the KPC’s license and order its reopening,” said Daniel Bastard, the head of RSF’s Asia-Pacific Desk. “This Society’s closure is clearly the outcome of coup hatched at great length by local government, which follows Prime Minister Narendra Modi. This undeclared coup is an Indian government insult to all the journalists trying to do their jobs in Kashmir valley, which is steadily being transformed into a black hole for news and information.

This clearly illustrates that the press in the India-Administered Kashmir has lost its purpose under the official imposition of draconian restrictions.
