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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 Al Baraem Association for Charitable Work, 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.

[4 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.



India: Arbitrary detention of Khurram Parvez in Indian Administered Jammu and Kashmir

On November 22, 2021, officials of the National Investigation Agency, India's federal counterterrorism agency, raided Parvez's home and office, seized several electronic devices and documents, and arrested him on allegations of terrorism funding, being a member of a terrorist organization, criminal conspiracy, and waging war against the state. The action against Parvez was apparently politically motivated.

Parvez, 44, is the program coordinator of the Jammu and Kashmir Coalition of Civil Society and the chair of the Asian Federation against Involuntary Disappearances. He has documented various cases of enforced disappearances and investigated unmarked graves in Kashmir, and as a result, the Indian authorities have repeatedly targeted him for his human rights work.

On December 4, 2021, Khurram Parvez appeared before the National Investigation Agency (NIA) Special Court in New Delhi, after 12 days under NIA's custody. Judge Parveen Singh ordered his pre-trial detention in the Tihar maximum security prison, in New Delhi, where he remained detained at the time of publication of this Urgent Appeal. The next hearing in his case is scheduled for December 23, 2021.

He was detained for over two months in 2016 and blocked from traveling to the United Nations Human Rights Council in Geneva. He was among those targeted in counterterrorism raids in October 2020 when several nongovernmental organizations, activists, and a newspaper faced investigations for their work or for being outspoken about government abuses.

Parvez's arbitrary arrest and detention is the latest in a long list of human rights violations by Indian authorities against civil society groups, human rights activists, and media outlets in Indian Administered Jammu and Kashmir. The authorities have not ensured accountability for extrajudicial killings and other grave abuses by security forces in Kashmir but have instead arrested those who speak out for justice and human rights. Journalists and activists have expressed fear that they can be summoned or arrested at any time. Over 40 people have been placed on lists instructing immigration authorities to stop them from traveling abroad, a news report said.

Parvez's arrest comes amid a growing nationwide crackdown by the Bharatiya Janata Party-led government on civil society groups and media, and particularly in Indian Administered Jammu and Kashmir since the government revoked the state's special autonomous status in August 2019 and split it into two federally governed territories.

The authorities are increasingly using the counterterrorism law against activists, journalists, peaceful protesters, and critics to silence dissent. The law contains a vague and overbroad definition of terrorism that encompasses a wide range of nonviolent political activity, including political protest by minority populations and civil society groups. In 2019, the government further amended the law, granting officials the authority to designate an individual as a "terrorist" without charge or a trial.

Since August 2019, the Indian authorities have clamped down on media freedom in Kashmir. The authorities have shut down the internet more often than anywhere else in the world. The majority of the shutdowns are in Kashmir, and are aimed at silencing protests and also curbing access to information and violating fundamental rights including freedom of speech and association.

Journalists in Indian Administered Jammu and Kashmir face increasing harassment by the authorities, including raids and arrests on terrorism charges. In September last year, the police raided the homes of four Kashmiri journalists and confiscated their phones and laptops. In June 2021, the UN special rapporteur on freedom of expression and the UN Working Group on Arbitrary Detention expressed concern over "alleged arbitrary detention and intimidation of journalists covering the situation in Jammu and Kashmir."

In November 2020, police arrested an activist and politician, Talib Hussain, for publicly questioning the security forces' killing of a Kashmiri man in October 2020. The authorities

did not investigate Hussain's allegations, but instead accused him of "promoting enmity between different groups" and "spreading rumors or fake news."

Since 2019, the security forces have been implicated in numerous abuses while enforcing restrictions on movement including routine harassment and ill-treatment at checkpoints, arbitrary detention, torture, and extrajudicial killings. On November 15, 2021 four people were killed in an alleged gunfight with security forces in Srinagar's Hyderpora area and the police hurriedly buried their bodies. The families of two victims said they were businessmen and were used by the police as "human shields." When the families protested the killings, the police arrested them and temporarily detained several. After widespread protests, including by two former chief ministers, the police exhumed the two bodies and handed them over to their families, and the administration ordered a magisterial inquiry into the deaths.

Five UN expert mandates wrote to the Indian government seeking information about the detention of a Kashmiri politician, Waheed Para; the alleged custodial killing of a shopkeeper, Irfan Ahmad Dar; and the enforced disappearance of Naseer Ahmad Wani, a resident of Shopian district. They raised concerns about "the repressive measures and broader pattern of systematic infringements of fundamental rights used against the local population, as well as of intimidations, searches and confiscations committed by national security agents."

The UN High Commissioner for Human Rights raised concerns over the mounting use of the law against human rights defenders and peaceful protesters and urged the authorities to release people arrested "for simply exercising basic human rights that India is obligated to protect."

In December 2020, security forces killed two men and a teenager in the outskirts of Srinagar, claiming they were militants. The families disputed the claims, and the teenager's father said he was a secondary school student. In February, the police reportedly filed a criminal case, including under the counterterrorism law, against the teenager's father, who had demanded his son's body and sought an investigation into the killing.

There has been no accountability for security force abuses, in part because of the Armed Forces (Special Powers) Act (AFSPA), which gives the security forces effective immunity from prosecution. Since the law came into force in Indian Administered Jammu and Kashmir in 1990, the Indian government has not granted permission to prosecute any security force personnel in civilian courts. Rights groups have long documented that the law has become a tool of state abuse, oppression, and discrimination, and called for its repeal. Affected residents, activists, government-appointed committees, politicians, and UN human rights bodies have also criticized the law.

As India's crackdown on human rights has unfolded, its international partners, including the United States of America, the European Union, the United Kingdom of Great Britain and Northern Ireland, Canada, and Australia remain reluctant to publicly denounce Indian government abuses, let alone take measures to address them. This unwillingness to criticize heightening abuses raises concerns that the government will feel emboldened to take further repressive measures.

We request this council to ask Indian authorities to immediately and unconditionally release Parvez and others arrested in politically motivated cases and drop all charges against them, the groups said and also ask Indian government to amend the Unlawful Activities Prevention Act to bring it in line with international human rights law and standards and pending its amendment, it should stop using it to target human rights defenders, critics of the government, and others exercising their basic human rights.

European Institution for Economic, Political and Social Research, NGO(s) without consultative status, also share the views expressed in this statement.