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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 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.

[15 August 2022]

* Issued as received, in the language of submission only.



Right to Freedom of Expression and Free Speech Under Threat in Indian Administered Jammu and Kashmir

The Universal Declaration of Human Rights affords everyone the right to freedom of opinion and expression. This includes the freedom to seek, receive and impart information, and ideas through any medium and regardless of frontiers.

The Supreme Court of India in the case titled *Shreya Singhal v. Union of India* reiterated the freedom of expression is protected under the Indian Constitution and international treaties to which India is a party.

“Our democracy will not sustain if we can’t guarantee freedom of speech and expression” Prime Minister Narendra Modi said in June 2014, after a month in office.

Leaders of the powerful G7 group and its five partner countries including India have said they are committed to open public debate and the free flow of information online and offline while guarding the freedom, independence and diversity of civil society actors.

In a joint statement titled ‘2022 Resilient Democracies Statement’ Issued on Monday 27th June 2022, during the G7 Summit, the leaders, including Prime Minister Narendra Modi reiterated his commitment to defend these principles and resolved to protect the freedom of expression.

Despite Supreme court decisions and tall claims of Indian leadership, freedom of expression remains a distinct dream for Journalists and activists in Indian Administered Jammu and Kashmir. Media outlets are forced to either fall in line or face the state’s wrath. Most of them opted to toe the official line and are observing exceptional self-censorship.

A consistent target of government harassment has been the Independent daily, The Kashmir Walla. Its editor Fahad Shah has been arrested multiple times this year, first for uploading so-called “anti-national content”. He was arrested two more times before being jailed under Jammu and Kashmir Public Safety Act in March while he was still in custody. On March 20, he was arrested for the fifth time, according to The Indian Express.

Another journalist at The Kashmir Walla, Sajad Gul was arrested in January 2022 under the PSA for sharing ‘disinformation’ on social media after he posted a video of a public protest. According to The Wire in the year 2021, he was booked for reporting on a demolition drive in the Bandipora district.

On June 2, 2022, authorities questioned Yashraj Sharma, the interim editor of The Kashmir Walla, as part of an investigation of an article. “The Shackles will break” published by the magazine in 2011.

Sharma joined The Kashmir Walla in 2018 and was only 12-year-old when that article was published. The State Investigation Agency (SIT), a newly set up specialized body investigating terrorism cases said the article was “highly provocative, seditious and intended to create unrest”.

The author of the article Abdul Aala Fazali, who is a PhD student at the University of Kashmir, was arrested under the Unlawful Activities (Prevention) Act on April 17. The SIT also seized computers, laptops and other digital equipment.

The vindictive campaign against journalists has reached the point of absurdity with the arrest of former The Kashmir Walla contributor Abdul Aala Fazali over an 11-year-old article,” said Steven Butler CPI’s Asia program coordinator.

The UN special rapporteur on freedom of expression and the UN Working Group on Arbitrary Detention expressed concern over the arbitrary detention and intimidation of journalists covering the situation in Jammu and Kashmir. They noted that these violations “may be part of a broader pattern of silencing of independent reporting in Jammu and Kashmir, which in turn may ultimately deter other journalists and civil society more broadly from reporting on issues of public interests and human rights in the region”.

Free, fair and transparent journalism in Indian Administered Jammu and Kashmir continues to face strangulation after the abrogation of the special status within the Indian Constitution.

The more disgracing aspect of this period is that the Indian national press has lost the sense of fairness and honest analysis.

Young Kashmiri writers, columnists, photojournalists and students of journalism are thrown into prisons. Sometimes writers are pressurized to become kings' witnesses against their colleagues or face baseless criminal charges of treason and sedition. Kashmiri press has no right to dissent and those who dissent are physically assaulted, arrested, threatened, summoned and intimidated.

According to Human Rights Watch, "at least 35 journalists in Kashmir have faced police interrogation, raids, threats, physical assaults or criminal cases for their reporting" since 2019.

Aakash Hussain, a freelance journalist who writes for international media outlets, told Fair Planet that the crackdown has restricted his ability to work freely. "Every time I think of working on a story or writing even a Tweet, I have to look over my shoulders. The situation for journalists is getting worse with each passing day and I am not the only one facing this" he said.

Steven Butler of CPJ was quoted by Al-Jazeera in January this year that the Indian authorities appear determined to thwart journalists from doing jobs.

In a statement on 9 March, CPJ stated that the rapidly growing number of journalists detention reflects India's "utter intolerance" for press freedom and peaceful criticism of the state.

Kashmiri Journalists Barred from Travelling Abroad

Article 12(2) of International Covenant on Civil and Political Rights provides that "Everyone shall be free to leave any country including his own" -- in other words, there shall be no restrictions on travelling abroad.

However, the administration in Indian Administered Jammu and Kashmir has prepared a lookout circular list basis on which journalists, human rights activists and academicians are being barred from travelling outside India. According to The Wire most of these journalists are working for international organizations. And there is a fear that allowing them to travel abroad can dent the image of the union government in international media.

The Indian authorities on the 2nd of July 2022 stopped a Pulitzer-winning photojournalist Sanna Irshad Mattoo from Indian Administered Kashmir from flying to Paris at Delhi's Indira Gandhi International airport. Matta said on Twitter that "I was scheduled to travel from Delhi to Paris today for a book launch and photography exhibition as one of 10 award winners of the Serendipity Arles grant 2022. Despite procuring a French visa, I was stopped at the immigration desk at Delhi airport". According to the Indian leading newspaper The Hindu, Indian Administered Jammu and Kashmir police did not comment on the issue and it was not known at whose request Ms. Mattoo was stopped.

On 1st August 2022, another Kashmiri Journalist Aakash Hussain, 25, was stopped by Indian authorities from flying abroad as a continuing clampdown on press freedom in Indian Administered Kashmir. Aakash Hussain was on his way to Sri Lanka for reporting assignment when immigration officials at New Delhi airport barred him, making him the fourth Kashmiri Journalist in about a year to face such action.

"I got my boarding pass and when I was at the immigration, I was told to wait at the side," Hussain told Al Jazeera.

"Then I was taken to a room and interrogated by two people who did not identify themselves, asked me what kind of journalism I do. They asked my background," he said.

"My passport and boarding pass were stamped with 'Stopped without prejudice' and my luggage was off-loaded," said Hussain, who also shared pictures of stamping on Twitter.