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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.

[24 January 2023]

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



Human Rights Violations Dossier: A Record of India's War Crimes in Indian Administered Jammu and Kashmir

Like previous years, India's massive human rights abuses persisted in Indian Administered Jammu and Kashmir in 2022 also. These human rights violations include extrajudicial killings, torture and arbitrary detentions, prohibition of the public assembly, mass imprisonments, curbs on press and freedom of speech, illegal land grabs by the Indian military, and demographic changes with a larger settler colonial design.

This year witnessed at least 312 killings in different incidents of violence in Indian Administered Jammu and Kashmir: Which includes 181 civilian killings during 199 Cordon and Search Operations (CASOs) and Cordon and Destroy Operations (CADOs) conducted by the Indian military and paramilitary forces. 45 extra-judicial killings of civilians from January to December 2022 Kashmiris took place in some stage-managed fake encounters and in custody of Indian army and police. 212 civilian properties were destroyed or vandalized by the army and paramilitary forces.

The media continued to be at the receiving end of the pressure, intimidation, and harassment by the Indian authorities in 2022. A blow to the freedom of press came on 15th of January 2022, when 'Kashmir Press Club' (KPC) witnessed a military style takeover by a group of military-backed journalists who broke into the press club offices in Srinagar the summer capital of Indian administered Jammu and Kashmir and grabbed hold of the official seals and letterhead as Indian police cordoned off the premises. This group authoritatively appointed themselves as interim management of the KPC. This club has been both a material and spiritual safe-house for Kashmiri journalists reeling under constant harassment by Indian establishment. The freedom of press continues to be further curtailed by the 'revolving-door' arrests of many journalists and editors of the local media outlets. In addition, the right to access information continues to be severely restricted with more than 164 instances of internet blockade from January to December 2022.

In addition, India has revive the state-backed militia branded as 'Village Défense Groups' (VDG) in Indian Administered Jammu and Kashmir. This move comes despite gross human rights abuses by the members of the VDG, including charges of rape and murder. Official data reveals that 221 criminal cases have been filed against VDG personnel so far.

Large number of Indian Administered Jammu and Kashmir's political detainees illegally imprisoned under the draconian laws like Unlawful Activities [Prevention] Act (UAPA) were shifted from Indian Administered Jammu and Kashmir to jails in mainland India where they are forced to live in extremely inhumane conditions. These detainees are deprived of medical care and other basic necessities – primarily for upholding the idea of freedom from Indian occupation. Many such detainees faced unjust harassment not only from the jail authorities but also from the non-Kashmiri Hindu inmates. This treatment has resulted in death of several Kashmiri leaders inside the Indian jails.

Arbitrarily imposed curfews continue to disrupt life and business in Indian Administered Jammu and Kashmir where Indian authorities have been consistently falling back upon such unlawful measures to prevent any pro-freedom gathering. In June 2022, curfew was imposed and internet services were snapped in Srinagar, Kishtwar, and Bhandarwah districts after protests by Kashmiri Muslims against the offensive remarks made by BJP spokesperson Nupur Sharma on Prophet Mohammad (PBUH).

Indian Administered Jammu and Kashmir has historically been a victim of unilateral decision-making by India; the dilution of Article 370 took this trend to further extremes and drained local population of a right to dignity and freedom within the own territory. The move further fortified India's ability to dictate events in the Valley. As a consequence, Indian Administered Jammu and Kashmir's economy continues to exhibit a strong downward spiral. There is clear evidence that the middle and the lower classes sections of Kashmiri society are rapidly losing their purchasing capacity.

Therefore, responsibility for the crimes in Indian Administered Jammu and Kashmir must not be limited to the individual Indian forces personnel who physically commit the crimes.

The structure behind him – whether formal or informal: directing, ordering, committing, and commanding – must be held responsible under due provisions of the international law.

Few points which need council's special attention are as follows:

- 1) Extrajudicial and custodial killing of innocent Kashmiri Muslims by Indian military and paramilitary forces remain inordinately high in 2022. Both Kashmir's Muslim leadership as well as the common civilians of the Valley became victims of these extrajudicial murders. This has instilled an endless fear of an ethnic cleansing by India among the Kashmiri natives.
- 2) The draconian laws like UAPA, AFSA and PSA continue to be disproportionately employed against the Kashmir's Muslim leadership, journalists, academics, students, and other professionals. The inordinate application of these laws has resulted in severe clampdown on the freedom of press, conscience, and freedom to practice religion.
- 3) While Indian Administered Jammu and Kashmir is already 'world's largest military zone,' India continues to enhance its military presence in the region. This militarization is turning Indian Administered Jammu and Kashmir into a place where non-Kashmiri Hindus feel entitled to claim it as their own, and to reimagine a Kashmiri identity that excludes its native Muslim. And with an authorization by the Armed Forces Special Powers Act (AFSPA), such dense military presence has made life extremely difficult for the natives of the land.
- 4) India continues to deny burial and funeral rights to the families of civilians killed by its military in an extrajudicial manner. Instead, the slain Muslim youth are buried secretly by the Indian authorities at faraway areas which are consistently patrolled by the Indian military personnel to prevent the families and friends of the slain to visit their graves and pay their homage to the dead. This is in total contradiction to the provisions of the International Armed Conflicts.
- 5) The politically motivated persecution of Kashmiri community in various Indian states has witnessed as steady increase in 2022. Most of these attacks take place inside the premises of different colleges and universities of India. These attacks on Kashmiri Muslim students are quite openly supported by the college/university administration which often forces the Kashmiri students to leave their studies and return home.
- 6) In a bid to disempower native Muslim population, India allowed voting rights to any Indian citizen living temporarily in Indian Administered Jammu and Kashmir. This ignited extreme fears of yet another attempt by the Hindu nationalist government to change the demography of Indian Administered Jammu and Kashmir. The granting of voting rights to non-locals comes after the controversial 'delimitation exercise
- 7) Arrests and summoning of Indian Administered Jammu and Kashmir's religious leadership remained quite constant even in 2022. Dozens of Imams and preachers were routinely harassed, while many of them were booked under draconian laws like UAPA. This move was accompanied by disallowing of prayers in several mosques across Indian Administered Jammu and Kashmir – especially the historical Jamia Masjid in the heart of Srinagar.
- 8) Illegal acquisition of land by Indian military and paramilitary forces remained another dominant rights violation issue in Indian Administered Jammu and Kashmir. In January 2022, thousands of acres of land in Gulmarg and Sonamarg area of Indian Administered Jammu and Kashmir were declared as 'strategic areas' and given to Indian military. This is a brazen violation of International Law governing the disputed nature of the Kashmir region.
- 9) The Indian authorities have terminated services of at over 40 employees – almost all these terminated employees are Muslims.

- 10) Erosion of the newspaper archives of local press is another grave issue aimed to alter the history of Indian Administered Jammu and Kashmir. This process began in February 2022. The reportage of local newspaper highlighted vicious human rights abuse by Indian military forces in Indian Administered Jammu and Kashmir over the past decades. To add to this, Indian authorities have imposed stringent policies to hounded editors and proprietors of the media outlets which has forced the local newspapers into self-

Recommendations

We call on the Human Rights Council, its member states, to call on the Government of India.

- 1 Immediately release all detained HDs, journalists and political leaders and drop all charges against them, and ensure that they are able to carry out their legitimate activities without any hindrance and fear of reprisals in all circumstances.
- 2 End all acts of illegal harassment of HDs, and members of civil society organisations.
- 3 Ensure the physical integrity and psychological well-being of Kashmiri prisoners in custody, including by upholding the absolute prohibition of torture and cruel and inhuman degrading treatment.
- 4 Invite UN Special Procedures, including the UN Special Rapporteurs on the situation of, HDs, freedom of Peaceful Assembly and of Association, special rapporteur Torture to conduct country, working group on enforced and involuntary disappearance and Working group on arbitrary detentions to visit Indian Administered Jammu and Kashmir.
- 5 Ratify the UN Convention Against Torture and Other Cruel, Inhuman or Degrading
- 6 Allow well reputed international media outlets to visit Indian Administered Jammu and Kashmir to monitor and report media censorship, situation of freedom of speech and religious freedom.
- 7 Fulfil its human rights obligations in line with International Human Rights and allow UN fact finding mission to Indian Administered Jammu and Kashmir as recommended by OHCHR Kashmir report in 2018.