
Six monthly review of human rights situation in Indian administered Jammu and Kashmir

(January to June 2019)

Prepared by:

Jammu Kashmir Coalition of Civil Society
(JKCCS)

and

Association of Parents of Disappeared
Persons (APDP)



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The first half of 2019 in Indian administered Jammu and Kashmir (IAJK) witnessed continued and increased violence and heightened tensions between India and Pakistan following a militant attack on the Central Reserve Police Force (CRPF) convoy on the Jammu – Srinagar highway in February 2019, which led to the killing of 48 Indian soldiers. Following the militant attack on the CRPF convoy, Kashmiris living in various cities and towns of India became targets of hate crimes, forcing thousands of Kashmiri students to flee their colleges and universities in an atmosphere of fear and trepidation. While de-escalation of the tensions between the two countries calmed the fears of a nuclear war, the de-escalation did not lead to any decrease in violence against the people of Jammu and Kashmir – in and outside Kashmir. IAJK continues to be the site of increased violence, frequent Cordon and Search Operations (CASOs), continued use of excessive force against the civilian population, and a complete chokehold on the freedom to express dissent and hold opinions contrary to the policy of the government.

In April and May 2019, elections to the Indian Parliament were held in IAJK prior to which 100 additional companies were deployed in Kashmir, effectively making IAJK the only place in the world where increased military presence ensures the conduct of elections – which are largely boycotted by the civilian population. The polling days witnessed complete shutdowns, violence and also killings. Ahead of the elections, mass arrests of political and religious leaders and banning of religious and political organizations was carried out in IAJK. While Parliamentary elections were held under heavy military presence in IAJK, the elections to the State Assembly Elections have been deferred. Interestingly, Election of Commission of India's decision to not announce Assembly Elections in Jammu and Kashmir was based on India's Ministry of Home Affairs (MHA) assessment of not possessing 'inadequate security personal' for conducting elections.¹ The admission by MHA effectively shows that elections in Jammu and Kashmir are a military exercise and are only made possible by the massive presence of armed forces on ground.

¹ <https://economictimes.indiatimes.com/news/elections/lok-sabha/india/inadequate-security-personnel-hinders-jk-assemblypolls/articleshow/68350594.cms>

Killings from January to June 2019

The first six months of 2019 recorded 271 killings in IAJK in various incidents of violence, which include 43 civilians, 120 militants and 108 Indian armed forces personnel. While 2018 was the deadliest year of the last decade recording 586 killings, the violence has continued at the same pace in 2019 as the killing figures in the first six months of 2019 reveal.

Killing Figures (January to June 2019)

Month	Civilians	Militants	Armed Forces	Total Killings
January 2019	02	17	08	27
February 2019	05	22	60	87
March 2019	14	19	15	48
April 2019	05	11	03	19
May 2019	11	27	04	42
June 2019	06	24	18	48
Total Killings	43	120	108	271

While February 2019 recorded the highest (87) killings in IAJK, April 2019 witnessed the least (19) killings.

Among the 43 civilians killed in the first half of 2019, 14 were killed by Indian armed forces and police, 12 were killed by unidentified gunmen, 8 civilians died after falling victim of cross LOC shelling in the border areas of IAJK, 5 civilians were killed by suspected militants, 3 died due to explosion while the agency responsible for the killing of 2 civilians remains unknown – as both police and militants blamed each other for these two killings.

Among the 43 civilians killed, 9 were minors.

The four South Kashmir districts of Anantnag (3), Kulgam (2), Shopian (5), and Pulwama (11) accounted for the highest (21) civilian killings in the first half of 2019. The North Kashmir districts of Kupwara (4), Bandipora (2), Baramulla (3) recorded 9 killings, while the Central Kashmir district of Srinagar recorded 2 killings. While Poonch recorded 5 civilian killings, the districts of Doda, Baderwah and Kishtwar recorded 3 civilian killings, one from each. Jammu district witnessed 2 civilian killings while one civilian killed was a non-local person from Uttar Pradesh.

Among the 108 Indian armed forces and Jammu Kashmir police personnel killed in Jammu and Kashmir, the highest (80) forces personnel were killed in counter-insurgency related incidents, including in a suicide militant attack on a CRPF convoy in Pulwama on 14 February 2019, which resulted in the killing of at least 48 CRPF personnel, while 8 Indian armed personnel were killed at the volatile Line of Control (LOC). 15 armed forces committed suicide, 3 CRPF troopers were killed in a fratricidal incident by a CRPF trooper in Udhampur district of Jammu and 2 Special Police Officers (SPO) of Jammu Kashmir Police were killed by suspected militants.

Cordon and Search Operations (CASO's)

The frequency of CASOs exponentially increased following the militant attack on a CRPF convoy in February 2019. In the first six months of 2019, at least 177 CASOs were conducted in IAJK by Indian armed forces. The four south Kashmir districts of Kulgam, Anantnag, Pulwama and Shopian witnessed the majority of the CASO's.

The 177 CASOs have resulted in the killing of at least 118 militants, four civilians and destruction of at least 20 civilian properties.

Arbitrary and Administrative Detention

The use of administrative detention under the provisions of repressive Public Safety Act (PSA) continued unabated in the first half of 2019. The detention of civilians, political activists, Hurriyat and religious leaders under PSA witnessed an uptick in the first half of 2019.

In addition to many Hurriyat and pro-Independence activists being detained and put under house arrest throughout these six months, mass arrests of Jamaat-e-Islami (Jel) and Jammu & Kashmir Liberation Front (JKLF) activists took place after the two organizations were banned by the Government of India. Nearly 150 people, mainly from the Jamaat-e-Islami Jammu and Kashmir including its chief Abdul Hamid Fayaz, were detained during the intervening night of 22 and 23 February.

Between January and June, at least 25 people were booked under the Public Safety Act (PSA), including but not limited to many of the prominent activists of Jel, as well as JKLF chief Yasin Malik. 14 of those booked under PSA occurred in the three-month period of April to June 2019. Those booked under the PSA include Hurriyat (G) district president Bandipora Sheikh Danish Mushtaq, Hurriyat (G) senior leader and District President Kulgam Muhammad Ramzan Sheikh, and Zonal president of the banned Jammu Kashmir Liberation Front (JKLF) Noor Muhammad Kalwal.

Notably, on 21 May, the High Court quashed the detention order of Muslim League Chairman, Masarat Alam Bhat and directed the government to release him from preventive detention "if not required in any other case". In his plea, Bhat had challenged his 37th detention order which was issued against him by District Magistrate on 13 November 2018.

The High Court, on 3 June, also quashed the detention order of prominent cleric and Vice-President, Jamiat Ahlihadith, Mushtaq Ahmad Veeri who was booked under Public Safety Act in March this year. In addition, the court quashed detention orders of Tariq Ahmad Tantray, Irfan Ashraf Dar and Akhter Rasool Lone, all from Reban Sopore, and Ahmad Dar of Old Town Baramulla.²

Pertinently, on 12 June 2019, Amnesty International India released a report titled *“Tyranny of a ‘Lawless Law’”*. The report which deals with the phenomenon of detention without charge/ trial under the J&K Public Safety Act, recommended that the government of J&K repeal the Public Safety act as well as any other legislation that facilitates the use of administrative detention.

Apart from the administrative detention carried out under Public Safety Act, the practice of illegal and arbitrary detention was also reported throughout the first half of 2019. Many youth were arrested in night raids, predominantly, in South Kashmir. Following the Pulwama attack on 14 February, in which 48 CRPF personnel died, media reported that as many as 35 persons, including two minors, were detained by government forces during raids in Tral, Awantipora, Pampore and Khrew.

Three minors were also arrested. Notably, the 14-year-old son of a widow Mahmooda, whose house was razed to the ground in the Aripal encounter in Tral on 5 January, was detained by the police. Another juvenile arrest was reported on 10 January in Awantipora where the police detained a minor who was taken to Kathua for questioning in connection with a militancy-related case. Media also reported that the person who was arrested and accused of lobbing a grenade at the Jammu bus stand on 7 March is a 15-year-old.

In the three month period of April to June 2019, as many as 90 youth were arrested in night raids through out the Kashmir valley, a majority of them from South Kashmir. In the three days from 30 April to 2 May only, media reported that as many as 84 youth were detained across Pulwama and Shopian districts.

Use of Excessive Force against Civilians

The use of pellet shotguns, first introduced in 2010, continued throughout the first six months of 2019. The excessive use of force by the Indian forces, especially the firing of pellets resulted in at least 3 deaths from the months of January to June. On 11 April, a teenage boy, Owais Mir was killed by pellets after Indian forces fired pellets at protestors in Mandigam village of Langate where polling for the parliamentary elections had just ended. On 15 May late evening, Arshad Ahmad Dar of Chenbal who was critically injured by pellets during clashes that had erupted in Pattan after the rape of the 3-year-old Bandipora girl succumbed to his injuries. Another youth, Mehraan Banday died of the pellet injuries to his head which he had suffered last year.³

² <https://www.greaterkashmir.com/news/front-page-2/hc-quashes-psa-detention-of-mushtaq-veeri-4-others/>

³ <https://www.asiannewshub.com/breaking-civillian-injured-during-clashes-at-nowhatta-months-ago-sccumbs/>

Grievous eye injuries due to pellets were also reported throughout the span of 6 months. On May 20, media reported that doctors were removing one eye of 14-year-old Asif Ahmad Parray which had suffered severe pellet damage. Asif had been hit by a full cartridge of pellets from a point-blank range when he was on his way home. Notably, on 30 May, a non-local labourer Sohanjeet who hails from Ariyia in Bihar, was hit by pellets in both eyes.

In addition to these cases, local media sources reported at least 95 cases of people being hit by pellets, many of them in their eyes.

Suspension of Internet Services

Internet services continue to be curtailed as part of the ongoing counter insurgency measures by the government in IAJK. In the first half of 2019, internet services were suspended 51 times in IAJK and most of these suspensions of data services were reported in South Kashmir.

While internet services were curtailed a total of 23 times in the first three months of January, February, March 2019 the frequency of internet shutdowns increased in the next three months of April, March and June with reportedly 28 instances of internet shutdowns reported in IAJK. As per local media reports, mobile internet services were suspended and the speed of broadband connections reduced 7 times in April, 13 times in May, and 8 times in June. Most of these internet suspensions were reported from South Kashmir. Pertinently, on 7 May, the authorities restored the internet services in south Kashmir after a duration of five days. The authorities had snapped the internet services in entire south Kashmir immediately after an encounter broke out between militants and government forces on 3 May morning in Aarkhara village of Shopian district. In the aftermath of the killing of militant commander Zakir Musa in a gunfight, mobile internet services were snapped in various parts of the Kashmir valley as a “precautionary measure”.

The frequency of internet shutdowns in Kashmir were subject of critique of a report ‘*Of Blackouts and Bandhs: The Strategy and Structure of Disconnected Protest in India*⁴’ by Stanford University in USA. The report stated, “India has witnessed 134 network shutdowns in 2018, with more than 100 shutdown seen in 2016-17.” The report highlighted that Kashmir is most prone to internet shutdowns with the Valley being under a digital curfew for more than 203 days after 2016 unrest following the killing of Hizbul Mujahideen Commander Burhan Wani.

Attacks on Kashmiris Living in India

Following the militant attack on CRFP convoy in Pulwama district of Kashmir on 14 February 2019 – in which at least 48 CRPF men were killed, thousands of Kashmiris living in Indian cities, came under attack of Hindu right-wing mobs and angry Indians.

In the first half of 2019, at least 43 incidents of attacks on Kashmiris across India were

⁴ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330413

reported through out India, with 42 of them alone in the first quarter of 2019. On 26 June, media reported that a resident of Kulgam district in south Kashmir was arrested by the Assam police for allegedly posting an “obscene comment” on social networking website Facebook against the widow of a CRPF man killed in a Maoist attack in Jharkhand on June 13.⁵

The reported incidents of violence against Kashmiris in the first quarter of 2019 (42) are significantly higher than the combined incidents of attacks against Kashmiris in India last year in 2018 (22).

As an immediate consequence of the militant attack on CRPF, violence escalated in Jammu city on 15 February after Hindu right-wing mobs attacked Muslim majority areas and Kashmiri Muslims, torched vehicles bearing Kashmir registered number plates, attacked homes of Kashmiris with stones and demanded them to leave Jammu city.

The government enforced a curfew in Jammu city for 6 days yet violent right-wing mobs held protests and processions against the CRPF attack and their ire was directed towards Kashmiri Muslims living in Jammu.

There were attacks on Kashmiris living in Indian cities. Kashmiri students came under attack and many were beaten, threatened and demanded to leave colleges and universities. Some Kashmiri students were also booked for sedition for allegedly posting on social media. The incidents of these hate crimes against Kashmiris have only risen – with even the Governor of Meghalaya (a state in North Eastern India) calling for a social boycott of Kashmiris and Kashmiri products. There was also news of Kashmiri students suspended from colleges. While calling for revenge against the militant attack on CRPF, a JNU professor called for “public execution of 40 Kashmiris for 40 soldiers.” The rising attacks against Kashmiris left thousands of Kashmiris living in India and cities like Jammu and Dehradun feeling unsafe and fearing for their lives. Owing to such threats to life, scores of Kashmiri students returned to their homes, which gravely affected their studies and careers.

The attacks on and persecution of Kashmiris living outside in Indian cities is not uncommon. Kashmiri people are looked at with suspicion and the idea of nationalism is projected by attacking Kashmiris. In 2018, the instances of persecution and harassment of Kashmiris living outside was frequently reported. According to the data compiled by APDP and JKCCSat least 22 incidents of harassment and persecution of Kashmiris living outside were reported in 2018 in which 24 Kashmiri students were assaulted and 19 were arrested. Following war-like tensions between India and Pakistan, the government in Jammu and Kashmir also arrested hundreds of political and religious leaders in the valley and NIA conducted raids on prominent Pro-Independence leaders.⁶

⁵ <https://www.greaterkashmir.com/news/kashmir/assam-police-arrests-kashmir-youth-for-obscene-facebook-comment-against-crpf-mans-widow/>

⁶ <https://economictimes.indiatimes.com/news/defence/kashmir-tense-after-crackdown-on-jamaat-andhurriyat/articleshow/68126017.cms>

Destruction of Civilian Property During Encounters

Civilian properties continue to be damaged and destroyed during the encounters between militants and armed forces, however the normalization of this type of violence in IAJK has resulted in less media focus on reporting and recording these incidents. While in the first quarter of 2019, at least 18 cases of destruction of civilian properties were reported in Jammu and Kashmir, in the next three months of April, May and June instances of destruction of civilian properties began to be less reported due to unknown reasons. However, cases of civilian properties damaged due to encounters certainly occurred as in the encounter in Pulwama which resulted in the killing of militant commander Zakir Musa.⁷

In all the cases of destruction of civilian properties, armed forces, in a direct violation of Geneva Conventions and International Humanitarian Law, use disproportionate force to inflict damage on civilian property, sometimes resulting in the death of civilians as well, as the killing of 12-year-old Atif Mir reveals.

Continuous Use of Torture

Torture is used rampantly by the Indian armed forces in IAJK to intimidate, threaten and punish the people. Torture has been used indiscreetly against combatants and civilians. The Association of Parents of Disappeared Persons (APDP) and Jammu Kashmir Coalition of Civil Society (JKCCS) released the first ever report focussing on torture in Jammu and Kashmir titled *Torture: Indian State's Instrument of Control in Indian-Administered Jammu and Kashmir*. The report presented a context, trends and patterns, targets, perpetrators, sites and impacts of torture in Jammu and Kashmir. This report was built on detailed testimonies of 432 victims of torture who have been tortured since 1990. While the report received no official response from the Indian State, torture continues to be perpetrated in Jammu and Kashmir in detention centers, during Cordon and Search Operations (CASOs), at checkpoints and raids, as a matter of policy. Many cases of torture and inhuman treatment were reported in the first half of 2019.

One of the cases of torture in the first six months of this year was the case of Rizwan Assad Padith, a 29 year old school teacher from Tral. Rizwan was killed in custody due to torture after he was illegally detained in Cargo Camp of Special Operations Group of Jammu and Kashmir Police. His preliminary post-mortem revealed that he may have died due to extravasation of blood caused by multiple injuries. His family claimed that his body bore torture marks.⁸

⁷ <https://www.thehindu.com/news/national/other-states/zakir-musa-buried-curfew-like-restrictions-in-kashmir-valley/article27233862.ece>

⁸ <https://kashmirlife.net/rizwan-may-have-died-due-to-multiple-injuries-report-205093/>

Curbs on Freedom of Expression, Dissent and Media

Government in IAJK continues to curb freedom of expression and dissent of the civilian population and frequently resorts to arbitrary arrest and illegal detention as well as banning of events and organizations and arresting journalists.

During the last week of February, the Jammu Kashmir police carried out a crackdown on Jammata e Islami cadres (Kashmir's well known religious organization) and arrested nearly 150 members of the Jamaat. Days after the crackdown, the Government of India banned Jamaat for five years under the anti-terror law and accused it of being 'in close touch' of militants. While the ban is not new as the Jamaat has been banned in Kashmir two times earlier in late seventies and early nineties, the government seized properties of its members and sealed schools and orphanages run by the Jamaat. The move by the government to target Jamaat schools and orphanages – where thousands of students and orphans study and avail benefits, was criticized. Jammata continues to be banned to this day, with several of its members, including its Chief under arrest under PSA.

Shortly after the ban on Jamaat, the Government also banned Jammu Kashmir Liberation Front (JKLF)⁹ under anti-terror law. Many of JKLF's members, including its chief Mohammad Yasin Malik, were put behind bars and continue to remain so.

The government continued to wield pressure on media by resorting to un-announcing banning of government advertisements to two prominent English dailies. The move was widely seen as yet another attempt by the government to coerce the already strained media into submission.¹⁰

The government continues to deny bail to journalist Aasif Sultan, who has been in prison since August 2018 under the anti-terror law. The indefinite incarceration of Aasif Sultan is an assault on the freedom of the press, as police has failed to produce documentary evidence against Sultan for his alleged crime. His arrest has directly impacted the functioning of the news magazine he works for.¹¹

In yet another attempt to pressurize media, on 24 June night, Jammu Kashmir Police raided the residence of a senior Urdu daily editor in Srinagar and arrested him around 11: 30 at night. According to family sources, a police party from police station Shaheed Gunj arrived at the residence of senior Urdu daily editor Ghulam Jeelani Qadri and took him to the police station. Later, the family came to know that Qadri was arrested in a case registered against him in 1992.¹² Qadri was later released on bail but the manner in which he was arrested in a decades old case only suggests that government feels it has a free hand to intimidate and coerce the press.

⁹ JKLF is a political organization headed by Mohammad Yasin Malik, which advocates for peaceful settlement of the Kashmir dispute under the right to self-determination principle.

¹⁰ <https://thewire.in/media/kashmir-media-ad-ban-blank-front-pages>

¹¹ <https://thediplomat.com/2019/01/press-freedom-under-siege-the-jailing-of-a-kashmiri-journalist-in-india/>

¹² <https://kashmirilife.net/senior-kashmiri-journalist-detained-during-midnight-raid-in-srinagar-213283/>

The government yet again resorted to banning of events to prevent discussion on pressing human rights issues. In June 2019, the authorities prevented Amnesty International from releasing a report on the abuses under the repressive Public Safety Act.¹³ The banning of such events is nothing new as previously the government has repeatedly banned JKCCS and APDP functions under the pretext of law and order.¹⁴



¹³ <https://www.aljazeera.com/news/2019/06/india-officials-block-amnesty-event-kashmir-190612193804661.html>

¹⁴ <https://theprint.in/india/hours-before-amnesty-briefing-on-detention-law-jk-denies-permission-for-event-in-srinagar/249193/>