



INDIA

SILENCING JOURNALISM AND HUMAN RIGHTS IN KASHMIR

Briefing Report
HUMAN RIGHTS, CONFLICT *and* JUSTICE PROGRAMME

STOKE  WHITE
INVESTIGATIONS



AUTHORS

Khalil Dewan

Head of Legal Investigations
Stoke White Investigations (SWI-unit)

Nasir Qadri

Executive Director & Founder of Legal Forum for Kashmir (LFK)

ABOUT STOKE WHITE INVESTIGATIONS

Stoke White Investigations or SWI-unit is an independent investigative unit based within the law firm, Stoke White Ltd. In 2021, Stoke White Ltd recognised the need to form a unit dedicated to investigations covering public interest matters and support the legal team for its complex international law cases.

For more information, please visit www.swiunit.com

Stoke White Investigations Unit / Stoke White Ltd

150 Minorities
London
United Kingdom
EC3N 1LS



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Graphic designer Somerset Bean

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BRIEFING INTRODUCTION

In January 2022, Stoke White Investigations (SWI-unit) submitted extensive evidence to the UK's Metropolitan Police's War Crimes Unit documenting how Indian forces led by General Manoj Mukund Naravane and Home Affairs Minister Amit Shah were responsible for kidnapping, torture and extrajudicial killing of civilians. Some 2000 testimonies were documented between 2020 and 2021 – the legal submission accused eight other senior Indian military officials to the UK War Crimes Unit with direct involvement in war crimes in Kashmir.

The investigation resulted in the following findings:

- **450 cases of torture**
- **1500 cases of pellet gun victims**
- **100 cases of enforced disappearance**
- **30 cases of sexual violence**

The SWI-unit also obtained audio recordings of Indian forces – army and police – discussing interrogation tactics, detention of minors and other events which are kept on file for further investigation. The legal submission is currently being proactively reviewed by the UK Metropolitan Police's War Crimes Unit with special interest.

The SWI-unit and its local partner in Kashmir, Legal Forum for Kashmir (LFK) is concerned that India's long-standing occupation of Jammu and Kashmir (J&K) vis-a-vis its national army, paramilitary troops, border security force, special task force and other defence committees has systematically violated international human rights law and international humanitarian law. In particular, war crimes and crimes against humanity violations in J&K, including but not limited to extrajudicial killings, torture, pellet gun violence, enforced disappearance and arbitrary detention.

The culture of impunity is compounded by the lack of access to justice for victims of war crimes and human rights abuses. Nearly three decades have passed and not a single member of the Indian military has been prosecuted for unlawful conduct in J&K, despite growing evidence against the armed forces. To make matters worse, the police as well as the Indian army prevent victims from reporting crimes committed by their personnel to the local police station. Additionally, when a botched extrajudicial killing or an incident of sexual violence has taken place, the Indian authorities – via the police – have on occasion offered compensation. However, evidence suggests that this has not been in the spirit of apology, but rather serves as a bid to silence victim families or relatives. This 'silencing' is now manifesting itself in a more dangerous dynamic, by focusing on those defending human rights and reporting on violations for the media.

SILENCING JOURNALISM AND HUMAN RIGHTS

Following on from our investigative work in Kashmir, this Briefing Report draws special attention to India's counterinsurgency strategy in silencing journalism and human rights in J&K. For many in Kashmir, human rights defenders and journalists are considered the last line of 'defence' for basic human rights protections.

The dynamic and structure of violence, instrumentalised by the use of law in conflict, creates an environment to silence authentic journalism and human rights documentation. As a result, the Indian government has relied upon 'colonial' jurisprudential instruments to legitimise security state measures in the name of maintenance of public order across the Kashmir valley.

The Indian authorities are using the following legal instruments to legitimise and facilitate abuses:

- **Unlawful Activities (Prevention) Act 1967**
- **Jammu and Kashmir Public Safety Act 1978**
- **The Armed Forces (Jammu and Kashmir) Special Powers Act 1990 (AFSPA)**
- **Global War on Terror (GWOT) rhetoric**

Following the abrogation of Article 370 and 35A in 2019, the Indian authorities increased their military might against human rights defenders and journalists. The SWI-unit has documented cases of human rights lawyers and practitioners being subject to home/office raids, disruption of normal workflow, arrest while on fieldwork or malicious confiscation of travel documents to prevent legitimate journalism or human rights work.

INHERENT DESIGN PROBLEMS

SECURITY STATE VS. PUBLIC ORDER

Through the usage of the Unlawful Activities (Prevention) Act (UAPA), the Indian authorities have provided immunity via legal tactics to excuse and facilitate abuses against civilians in the Kashmir conflict. It has especially used legislation and leveraged the Global War on Terror to effectively criminalise dissent. The definition of 'unlawful' within the Unlawful Activities (Prevention) Amended Act 2019, is largely vague and is being used against Muslims to disrupt any form of legitimate and lawful activities in Jammu and Kashmir.

The UAPA is being utilised to stifle any form of activity that may be considered as dissent against the ongoing occupation by the Indian authorities. Consequently, journalists and human rights practitioners continue to be charged under the UAPA. Furthermore, social media users have been subject to summons, for simply expressing dissenting views online against the Indian authority and its activities in the Kashmir valley. The same application of the UAPA has been used against photojournalists and students supporting Pakistan's cricket team in a match versus India.

In one incident observed in 2021, Mushtaq Ahmad Wani, the father of Athar Mushtaq Wani from Pulwama was charged under the UAPA for organising a protest against his son's extrajudicial killing by the Indian authorities — what is commonly known as a 'fake encounter' or alleged crossfire. Mushtaq called for a protest as the Indian authorities were not releasing the dead body for burial. The Indian authorities charged the father for "organising illegal procession under criminal conspiracy" and "abetting anti-national" sentiments

against India, which is unsubstantiated. Thus, the UAPA is being used for any sort of activity that may be deemed to challenge the Indian authorities, as open ended legislation to charge Kashmiris.

In 2020, the Indian authorities raided the offices and family homes of prominent human rights lawyers and practitioners working in NGOs, including Jammu Kashmir Coalition of Civil Society (JKCCS), Legal Forum for Kashmir (LFK), Association of Parents of Disappeared Persons (APDP) and others. Some are reluctant to identify themselves, or speak of the arrests and raids due to the threat of reprisal.

The National Investigating Agency (NIA), India's primary counter-terrorism agency, specifically targets human rights work that reveals abuses and violence on the part of the Indian army and security services. India fears that the advocacy and publication of abuses conducted by the Indian authorities may reach the UN, its special rapporteurs or indeed Europe or the United States. Thus, a counter dissent strategy has been employed to threaten human rights advocacy work done by Muslims in the region.

‘MEDIA POLICY’

This background paved the way for the Indian authorities to introduce a new ‘Media Policy’ in 2020, to be implemented by the Department of Information and Public Relations (DIPR).¹ A deeper read of the 51-page policy appears to be a strategy to censor news reporting and stifle any form of dissent in Jammu and Kashmir. According to the policy, which has a five year term, its purpose is to ‘build public trust’ and foster a ‘positive image of the government’, including positive goals of strengthening relationships with stakeholders and disseminating information for public awareness. The stated purpose of the policy takes a negative turn when stating its intent to ‘thwart mis-information’, ‘fake news’ and attempts to ‘propagate any information prejudicial to the sovereignty and integrity of India’. The policy seeks leverage over radio, television, local cable networks, social media, online news portals, including information booklets — effectively all platforms for media dissemination.

More concerningly, the Indian authorities have included a strategy to conduct ‘background checks’ including ‘verification of antecedents of each journalist’. To do this, guidelines for ‘accreditation’ are being ‘revised and updated’ by the Indian authorities to reflect the aim of controlling journalists and, by extension, human rights defenders who use the same platforms for publishing their work.

Any form of reporting or media which ‘questions [the] sovereignty and integrity of India or violate the accepted norms of public decency and behaviour’ will be subject to investigation by the DIPR and have their information/details shared with a mechanism involving the ‘security agencies’.

More remarkably in the policy, the Indian authorities seek to ‘sponsor’ seminars and ‘workshops’ on journalism, and the policy goes further to ‘organise refresher courses’, ‘training classes’ and ‘exhibitions’. In the medium to long-term, this could develop into a social engineering programme/policy to re-organise and nurture journalism and the reporting industry to reflect an engineered ‘positive’ image of the Indian authorities.

In consideration of the above policy, journalists and human rights defenders have been subject to unnecessary and disproportional means and methods to prevent their professional work. Of particular concern, journalists and human rights defenders have been subject to arrest (Asif Sultan,² Khuram Parvez,³ Ahsan Untoo,⁴ Qazi Shibl,⁵ Irfan Mali,⁶ Gowhar Wani,⁷ Fahad Shah,⁸ Sajal Gul⁹ and others), prevented from travelling abroad (Zahid Rafiq,¹⁰ Gowhar Geelani,¹¹ Khuram Parvez,¹² Shabir Hassan¹³ and Sanna Irshad Mattoo¹⁴), had passports denied (Ahmer Khan, Peerzada and more¹⁵) and been raided (Hilal Mir, Azhar Qadri, Shah Abbad, Showkat Motta and Parvaiz Bukhairi¹⁶) among other measures including summons to local police stations. This demonstrates the extent of the measures adopted by the Indian authorities, with the case list against journalists continuing to grow.

The disruption tactics are administered by the military and the police, in addition to a sophisticated cyber operations unit mandated to spy on the Kashmiri population, and thwart perceived threats alongside counter-terrorism tactics.

DIGITAL AUTHORITARIANISM

INTERNET SHUT-DOWNS AND PEGASUS

In order to exercise the freedom of speech and expression in our modern times, the right to access the internet is assumed in any healthy society. However, in Kashmir, the Indian authorities have restricted internet access on several occasions and completely blocked it in some instances — in fear of critical views of the Indian authorities shared beyond J&K via social media.

In 2019, J&K experienced heightened disconnection of high-speed internet, including of mobile phone signal infrastructure for 18 months. This hampered communication and access to the internet. As a result, journalist and activists based in Kashmir would hold frequent peaceful protests.

In 2020, India restricted the internet some 109 times.¹⁷ This is a dismal failure to uphold the rights of Kashmiris, though it is likely a strategy to prevent information regarding India's operational activities in Kashmir from being 'uploaded' and spread on social media. The restriction — and complete closure — of the internet also occurred during the COVID-19 pandemic, which further demonstrated a practice to curtail freedom of expression. While the Indian authorities claim that the restriction of the internet is to disrupt 'militant' groups in Kashmir from functioning, this argument appears questionable, especially when having the ability to intercept communications would be more advantageous. The argument does not further bode well when the authorities have a dedicated cyber unit to monitor narrative, expression, opinions and internet activity.

'THE CARGO'

CYBER OPERATIONS UNIT

A building which was reportedly used by a cargo company for Indian Airlines was recently turned into a cyber operations unit, used for counter-terrorism operations and surveillance monitoring across J&K.

While its operations are given the cover of 'counter-terrorism' in the Kashmir valley, it appears that the Indian government have mandated the J&K police to collaborate alongside the military to conduct surveillance on any individuals of interest that may come up on their radar via social media or other internet platforms. In particular, journalists, human rights defenders and activists are of interest.

The police frequently contact social media users they believe are not acting 'conducive' to India's integrity, and thus summon individuals to the cyber operations unit, otherwise known as 'The Cargo' — which is also known to Kashmiris for being used as a torture chamber.

Investigations by SWI-unit & LFK have uncovered the names of officers responsible for disruption and detention of journalists and human rights defenders, which will be subject to a broader legal submission. The Indian military and police, in sum, have been instructed by the government with the responsibility of commanding and directing the profiling of journalists and human

rights defenders. This in turn, reflects the objectives of the questionable ‘Media Policy 2020’, as referred to earlier in this briefing.

The cyber operations unit directly undermines basic international human rights, including the right to privacy. Individuals are often summoned or visited by the police, warned and/or investigated based on surveillance by the unit. It is unclear if there are any oversight mechanisms with the cyber operations unit, which triggers several legal questions and the issue of how it is intrinsically connected to structural violence in Jammu and Kashmir.

The Counter Insurgent unit, otherwise known as the Special Operations Group, part of the JK Police and Chinar XV Corps of the Indian army have dedicated units that are monitoring and profiling Kashmir-based human rights defenders and journalists — most of whom work for either local or international media outlets. India’s Counter Insurgent unit is based in ‘The Cargo’.

According to LFK’s findings, Tahir Ashraf Bhatti is the head of the Counter Insurgent unit, where he summoned many journalists and harassed them for purely reporting on events in Kashmir.¹⁸ In particular, Bhatti was interested to suppress any reporting on Article 370, internet connection bans or regular extrajudicial killings by the Indian authorities in Kashmir. Bhatti was additionally invited by the United States’ Federal Bureau of Investigation (FBI) for counter insurgency training, evidence which is available on open source platforms.¹⁹

The cyber cell recruits for its force units in the public domain. The JK police have hired a new batch of officers dedicated to surveillance on human rights defenders, activists and journalists. The current head of

the cyber cell is Syed Sleet Shah, who recently was recruiting “serious candidates” for a special cyber project via her personal twitter account.²⁰ This also demonstrates that Shah intends to work with local co-workers based within the Kashmir valley, and not individuals external to it, despite it being a cyber related project.

JOURNALISM DENIED

SELECTED CASES

In this part of the briefing, we explore some selected cases which display how journalism has been denied in Kashmir.

SAJAD GUL

Sajad Gul, a trainee reporter at *Kashmir Walla* was arrested on January 5, 2022 at his family home in Hajin area of the Bandipora district. Gul was charged under sections 120B (criminal conspiracy), 153B (imputations, assertions prejudicial to national integration) and 505B (fear or alarm to the public) of the Indian Penal Code. Gul was charged under the Public Safety Act (PSA) and shifted to Kot Bhalwal jail in Jammu, a day after the Jammu and Kashmir district court at Bandipora on January 15 granted him bail in a criminal conspiracy case directed against him by the police. The local court had directed the police to release him for a sum of 30000 INR, subject to Gul not being involved in any other crime.

However, Gul was not released and police claim that his identity had surfaced in another FIR (first information report) registered (number 2/2022) under sections 153B (imputations, assertions prejudicial to national integration), 147 (rioting), 148 (rioting, armed with a deadly weapon), 149 (every member of unlawful assembly guilty of the offense committed in prosecution of common object) and 307 (attempt to murder) of the Indian Penal Code. Gul's legal counsel have alleged that the police could not make a case against him and consequently decided to charge him under the controversial Public Safety Act (PSA). Consequently, Gul's family and counsel believe all the charges are

baseless, and said that the PSA was invoked to keep him in prison.

FAHAD SHAH

In another similar case, Fahad Shah, a Kashmir-based journalist — who was nominated in 2020 for the RSF Press Freedom prize for courage and won the Human Rights Press Award in 2021 — was charged under Sections 147 (rioting), 307 (attempt to murder), 109 (abetment), 501 (printing or engraving defamatory matter) and 505 (public mischief) of the Indian Penal Code. However, during the investigation, three charges — IPC Sections 109, 147, and 307 — were dropped. Shah was arrested on February 4, 2022 by Pulwama Police for allegedly posting 'anti-national' content on social media, and was subsequently charged under the UAPA. He was granted bail after 22 days by a National Investigation Agency court. But hours after he was given bail, he was arrested again on February 26, 2022 by the Shopian Police, a common pattern seen with other cases documented by the SWI-unit and LFK. Shah attained bail as the allegations against him, similar to Gul, failed to link him to the commission of the alleged offences. Subsequently, the Indian authorities invoked the Public Safety Act (PSA) to arbitrarily detain Shah.

ASIF SULTAN

Finally, it is appropriate to note the significant case of Kashmir-based journalist, Asif Sultan, a reputable journalist who was awarded the

Press Freedom Award by the US National Press Club in 2019. The National Press Club was forced to announce that it was giving its annual John Aubuchon Press Freedom Award to a journalist in Kashmir jailed for nearly for a year for his brave reporting. After nearly four years in prison, Sultan was released from Srinagar's Central Jail on April 5 this year, when judge Manjeet Singh Manhas of the National Investigation (NIA) court granted him bail. Sultan was re-arrested by the Jammu Kashmir Police in Kashmir on April 10 under the PSA. Under the PSA, the accused can be held for up to two years without a formal charge against him and without trial.

There's been an outpouring of support for the journalists unlawfully detained in Jammu and Kashmir. Several international organisations including the Committee to Protect Journalists have rejected the accusations against journalists in Kashmir, including the ones mentioned in this Briefing Report, and are of the view that Asif Sultan was doing a "public service and not a criminal act" through his investigative reporting. Similarly, the International Federation of Journalists (IFJ) termed the prolonged detention and immediate re-arrest of journalists in Jammu and Kashmir as the violation of the fundamental rights to freedoms of press and expression enshrined in the Indian constitution. In general, it appears that the Indian authorities are fabricating cases in order to fulfil a policy of controlling the narrative and silencing effective journalism. This unlawful and disproportional strategy used against journalists by the Indian authorities is also witnessed with human rights defenders.

HUMAN RIGHTS DEFENDERS, DEFENCELESS

Human rights defenders are defenceless in Kashmir, without any access to due process. In this section, we demonstrate the cases of two prominent human rights defenders.

KHURRAM PARVEZ

At the time of his arrest, Khurram Parvez was the Program Coordinator of the Jammu Kashmir Coalition of Civil Society (JKCCS) based in Srinagar, Chair of the Asian Federation Against Involuntary Disappearances (AFAD – a consortium of 13 NGOs from ten Asian countries), and Distinguished Scholar (non-resident) of the Political Conflict, Gender and People's Rights Initiative at the Center for Race and Gender at the University of California, Berkeley.

Parvez is a respected journalist, holds a distinguished international profile as a human rights activist and was most recently selected in Time Magazine's "100 Most Influential People of 2022", despite being incarcerated.²¹ His work through JKCCS has been recognized by the Rafto Foundation for Human Rights and earned him the Reebok Human Rights Award. Parvez worked directly with families and communities to document the impact of state torture, extrajudicial killings, and other widespread abuses. His work helped uncover major human rights abuses including the discovery of mass graves. Parvez also trained researchers, supported scholarly discussion and exchange inside and outside of Kashmir, including acting as a critical link between local, regional, and global human rights communities. Additionally, Parvez's work through JKCCS has been cited as a primary source by the Office of the UN High Commissioner for Human Rights (OHCHR),

global human rights organisations, academic institutions, and the US State Department.

Thus, his arrest is detrimental to human rights documentation in Kashmir. International organisations, including Amnesty International (AI) and Human Rights Watch (HRW) issued a joint statement calling for Parvez's immediate and unconditional release. The UN Human Rights Office also echoed the same call for his release.

In November 2021, India's NIA, unlawfully raided the family home and office of Khurram Parvez, by invoking an abusive counter-terrorism law. Parvez's personal electronic devices, personal books and JKCCS documents were seized. Parvez's family received a telephone call at approximately 6pm on the same day of the raid to bring his clothes to the police station. The family were given a detention memo under the case number 30/2021.

Unlawful raids and detention are not new for Parvez; his office and family home was raided in 2020, and he was arrested in 2016. Parvez was subsequently prevented from boarding a flight in Delhi to attend a United Nations Human Rights Council meeting in Geneva.

Khurram was charged under 120B (Criminal Conspiracy) & 121A (Waging war against India) of Indian penal code Section 8 (Bribing of civil servant) of Prevention of Corruption Act and Sections 13 (Punishment for conspiracy), 18 (Punishment for organizing of terrorist camps), 18B (Punishment for recruiting of any person or persons for terrorist act), 38 (Offence relating to membership of a terrorist organisation) and 39 (Offence relating to support given to a terrorist organization) of the UAPA.

The Indian authorities have a track record of disrupting human rights defenders from performing their duties, including via assassinations. The SWI-unit has observed that the journey to assassination begins with surveillance, monitoring and then disruption which includes arrests, as seen recently with Khurram Parvez and others who have not been mentioned in this report for security reasons.

Consequently, it is important for those documenting human rights abuse in the region to note closely when lawyers are arrested and that such cases can then lead to prolonged detention without trial or even extrajudicial killings. The killing of lawyers in J&K has occurred under the effective control of the Indian authorities since as early as the 1990s according to the Legal Forum for Kashmir – with little to no attention to these abuses internationally. The SWI-unit are in touch with families of lawyers who have been denied these basic rights or extrajudicially killed (Advocate Jalil Andrabi, Advocate Abdul Qadir Sailani and Advocate Hissamuddin and others).²²

MUHAMMAD AHSAN UNTOO

Muhammad Ahsan Untoo, the Chairman of International Forum for Justice and Human Rights Jammu and Kashmir was charged under Section 153-A (Prompting Enmity between different groups), 506 (Punishment for criminal intimidation) Indian Penal Code & Section 13 (Punishment for unlawful activities), 38 (Offence relating to membership of a terrorist organisation) of UAPA after he submitted his own testimony to Stoke White’s legal team for a Universal Jurisdiction application – alleging that the Indian authorities tortured him for his human rights advocacy on numerous occasions.

Untoo was granted bail following six months of detention on 23 June, 2022, which included a ‘bail sum’ of 100,000 INR before the court. However, as expected based on the trend of cases in Jammu and Kashmir, the Indian authorities did not comply with the court order and instead re-arrested Untoo – this time under the Public Safety Act and relocated him some 400 kilometres away from his residence to Kotbawal, Jammu.

The J&K police is yet to file any charge sheet against Untoo or before any recognised court of law. The J&K Police issued a statement to the media regarding his arrest, alleging that he participated in secessionist discussions on Twitter spaces discussing social, conflict and politics of Kashmir – which many on the ground Kashmiris organise and take part in, albeit anonymously in fear of reprisal of the Indian authorities.

Muhammad Ahsan Untoo has been subject to psychological and physical torture since his arrest in January 2022. Lakshya Sharma, an Indian Police service officer, administered torture and other inhumane treatment on Untoo based on testimony documentation by our field partner LFK.

Khuram Parvez and Muhammad Ahsan Untoo are key examples of how the Indian authorities disrupt, detain and punish human rights documentation and advocacy work, which is ultimately protected under International Law.

OUTLOOK

A CONUNDRUM

It appears that the Indian authorities are running a strategy to disrupt, detain and punish those engaging in reasonable journalism and human rights advocacy — particularly against those who have the capability to document rights violations and report newsworthy incidents to the global arena. Based on the factual elements mentioned in this briefing, we are likely to see a medium to long-term drawback to human rights and journalism in the Indian administered Jammu and Kashmir. This poses difficult challenges for human rights defence and journalism, which will only impact conflict dynamics as the subjects of India's evolving counter-insurgency strategy exacerbates the frustration of the abused without any outlet to complain, seek justice or transparency.

India is in a conundrum between censorship and compliance under international law. The Unlawful Activities (Prevention) Amended Act 2019 and the current Unlawful Activities Prevention Act 1967 (a counter-terrorism law) poses concerns about India's compliance with international human rights law. This is further exacerbated when the use of counter-terrorism enters the equation, which necessitates added scrutiny on India's approach based on the manner in which the authorities incorporate unnecessary measures.

Kashmiri dissenters are often designated as "terrorists" in an ongoing conflict directed against human rights defenders, journalists and other political dissidents. India must ensure that its use of the law, as mentioned above, is in compliance with the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights

(UDHR), and other applicable instruments.

In light of this, the Indian authorities must recognise the work of journalists and human rights defenders. There needs to be an urgent review of the use of UAPA /PSA to align its laws with India's obligations under international law — in particular international human rights law.

Halting India's disingenuous application of counter-terrorism is urgently required. It must be questioned — even if a state is running a censorship strategy — why there is a preference for using a counter-terrorism framework to disrupt, detain and punish media and human rights professionals? Such a strategy is questionable at best and triggers many legal questions over the motives of such a security law.

The matter at hand is even more basic when definitions of the counter-terrorism framework are not defined. The expansion of the designation of an individual as a "terrorist" as enshrined in the UAPA is problematic as the legislation itself fails to correctly define a "terrorist threat". Thus it allows complete discretion to the Indian authorities to label individuals without any real legal criterion. Any application of counter-terrorism must be clear, precise and non-discriminatory. Based on how it is implemented in practice, it is clear that the Indian authorities are discriminating against the Muslim population and applying it loosely against civilians who have not held any lethal or combative behaviour. Without the required legal certainty, as per the principle in Article 15(1) of the ICCPR and Article 11 UDHR, the application of such framework, charges

and detentions cannot be taken seriously in the domestic arena or for observers in the international realm.

India is a party to all four Geneva Conventions and incorporated the Geneva Convention Act of 1960 into its domestic legislation. The act obliges India to implement and respect international humanitarian law, principles and treaties. According to Rule 34 of the study on customary international humanitarian law, civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not directly participating in hostilities (DPH) and such protection applies in both international and non-international armed conflict. Resolutions and declarations have been undertaken within the UN to prevent acts of violence against journalists, including UNESCO Resolution 29 (1997), UN Security Council Resolution 1738 (2006), the Medellin Declaration, (May 4, 2007) and the Declaration on the Safety of Journalists (2009). The resolutions condemn attacks on journalists in conflict situations and urge member states to investigate all acts of violence against journalists, release detained journalists, and sign/ratify the Additional Protocols I and II of the Geneva Conventions and Rome Statute of the International Criminal Court (ICC).

RECOMMENDATIONS

HUMAN RIGHTS DEFENDERS AND JOURNALISTS

- All journalists and human rights defenders must ensure that **encrypted communication** means and methods are inserted into workflows to ensure complete end-to-end encrypted communication. This is particularly valuable for getting special news reports or human rights documentation published and ultimately reach the international community without any hinderances. It will also protect primary source documentation involving victims.
- Journalists and human rights defenders should employ secure messaging and working methods — if not already — including the use of TAILS, Pidgin messenger, Tor browser, PGP, Signal messenger, Protonmail and other applications.
- It is important to cultivate a culture of encryption among each other, and dedicate individuals to specialise in its developments, updates and best practices.
- Consider sending crucial information (special projects) to trusted sources in good time outside of the Indian jurisdiction to ensure work is safely stored and/or published.

UNITED NATIONS

- The UN, along with its dedicated special rapporteurs must continue to highlight and pressure the Indian authorities to reconsider its questionable counter-insurgency measure against protected persons in conflict theatres.
- Without legal certainty of the charges against journalists and human rights defenders, as per the principle in Article 15(1) of the ICCPR and Article 11 UDHR, the application of such a framework of counter-terrorism, its charges and detentions cannot be taken seriously in the domestic or for observers in the international realm.
- The Indian authorities must recognise the work of journalists and human rights defenders. An urgent review of the use of UAPA/PSA (and other legislation) must align its laws with India's obligations under international law — in particular international human rights law.

ENDNOTES

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SILENCING JOURNALISM AND HUMAN RIGHTS IN KASHMIR

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