
Bi-Annual Review – 2024

**Human Rights situation in Indian Occupied
Jammu & Kashmir**



LEGAL FORUM FOR KASHMIR - LFK

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Jammu & Kashmir**



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Cover Image: The Indian Army, JK Police, and CRPF Jawans are rushing towards the area after an encounter broke out between militants and security forces in Rafiabad, Jammu and Kashmir, India, on June 19, 2024. (Photo via Getty Images)

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TABLE OF CONTENTS

• Report Methodology	02
• Background	03
• Executive Summary	04
• Human Rights violations perpetrated by Indian Occupying Authorities in IOJK	05
• Heightened Militarization	07
• A Narrative of Erasure	08
• Some instances of ‘Atrocity crimes’ perpetrated by the Occupying force Since January 2024	10
• Freedom of expression, association, assembly, and free movement	11
• Religious Freedom	11
• Arbitrary Detentions under PSA and UAPA	12
• The NIA’s Disturbing Tactics in Kashmir	13
• List of NIA and SIA raids	13
• Arrest of Advocate Mian Qayoom	15
• UAPA sanctions against Arundhati Roy and Professor Sheikh Showket	16
• Silencing Dissent: Suppression and Property Seizures in Indian-Occupied Jammu and Kashmir	17
• Imposition of Restrictions on Lawyer’s body	19
• Banning of Resistance Organisations	20
• Sham Elections	21
• Annexure I: List of Freedom Fighters killed from Jan - June 2024	22
• Annexure II: List of Civilians killed from Jan - June 2024	24
• Annexure III: List of Indian Occupying Forces killed from Jan - June 2024	25
• Annexure IV: List of PSA detainees from Jan - June 2024	26

LIST OF ABBREVIATIONS

AFSPA	Armed Forces Special Powers Act
APDP	Association of Parents of Disappeared Person
BJP	Bharatiya Janata Party
CADO	Cordon and Destroy Operation
CASO	Cordon and Search Operation11
CAT	Convention against Torture
CFL	Cease Fire Line
CIHL	Customary International Humanitarian Law
GC	Geneva Convention
HRW	Human Rights Violation
IAC	International Armed Conflict
ICCPR	International Covenant on Civil and Political Rights
IFDH	International Federation for Human Rights
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IOJK	Indian occupied Jammu and Kashmir
JKCCS	Jammu Kashmir Coalition of Civil Societies
NHRC	National Human Rights Commission
NIA	National Investigation Agency (of India)
NIAC	Non-International Armed Conflict
OHCHR	Office of the High Commission of Human Rights
PSA	Public Safety Act
SHRC	State Human Rights Commission
SIA	State Investigation Agency
SOP	Special Operation Group
UAPA	Unlawful Activities Prevention Act
UDHR	Universal Declaration of Human Rights

REPORT METHODOLOGY

The Legal Forum for Kashmir – LFK is an international legal Advocacy group working on the conflict in Kashmir. Its members are indigenous people of the occupied territory in Jammu and Kashmir. The organization aims to defend the political, social, and human rights of Kashmiris and to promote the UN-sanctioned Right of Self-Determination. LFK works to address the consequences of marginalization, by working with its members. As an independent organization, LFK advocates, nationally and internationally, the Right of Self-determination and respect for human rights in Occupied Kashmir through legal research, documentation, and capacity building to address, under international law, the violations of individual and collective rights of Kashmiris. LFK believes that the occupier India's conduct in the Indian Occupied Jammu and Kashmir [1] needs independent and impartial profiling so that its unprecedented human rights violations in the Valley do not go unnoticed. This report aims to highlight the pattern of these HR violations and entreat concerned international authorities to take action. The report calls upon the international community to not limit the responsibility to only the physical perpetrators of crime; instead, the principles of individual criminal responsibility shall hold to account all those who may indirectly participate in a criminal act in question. This could include, for example, ordering, instigating, manipulating, or even inciting a rights violation. Past reports produced by the Legal Forum for Kashmir have provided evidence, through detailed case studies, that there is no will to provide justice even though the system exists in theory. With a judicial system dancing to the chords of the Indian Military, the institutions, and procedures of the rule of law in Occupied Jammu and Kashmir remain perpetually subverted to function within the larger culture of institutionalized impunity.

This report is based on the primary and secondary sources of information collected by the team of the Legal Forum for Kashmir (LFK). The report also has the compilation from official sources of IOJK, recognized media groups, and NGOs' fact-finding reports, as well as the information received from the victims' families. All the details mentioned in this report have been fact-checked from various sources to ensure the information is as accurate as possible.

[1] Indian Occupied Jammu and Kashmir (IOJK) refers to the territory of Jammu and Kashmir that's illegally occupied by India. This term is interchangeably used throughout the following report – Kashmir, or Occupied Kashmir, or Occupied Jammu and Kashmir all indicate the territory under India's illegal military occupation.

BACKGROUND

Kashmiris in Indian Occupied Jammu & Kashmir (hereinafter referred to as IOJK) continued to face Indian oppression, domination, and settler colonial machination under its brutal military occupation. The Government of India has been occupying the territory for 77 years despite multiple United Nations (UN) resolutions calling for a free and impartial plebiscite in the UN-recognised disputed Territory. IOJK is facing a new phase of the settler colonial process after the Indian parliament unconstitutionally robbed its semi-autonomous status in August 2019.

EXECUTIVE SUMMARY

The first six months of 2024 (January-June) saw a continued trend of state repression and counter-insurgency operations in the war-trampled region of Indian Occupied Jammu and Kashmir (IOJK). On the ground, violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) led to appalling human tragedies. The international response against these 'Atrocity Crimes' was inconsistent, as well as other patterns of egregious violations, some amounting to war crimes and crimes against humanity. They include heavy hand repression, Confiscation of civilian properties, land grabbing and demolition of civilian properties, torture, enforced disappearances, extrajudicial executions, and other series of crimes against Kashmiris. Human rights defenders and journalists often bore the brunt of India's excessive use of force and repressive policies.

The occupying authorities use anti-terror laws to criminalize the work of Human rights organizations, civil societies, socio-religious organizations, and digital media networks in the IOJK. These anti-terror laws supersede the universal safeguards guaranteed under UDHR, ICCPR & other international conventions.

Our on-ground research has uncovered disturbing evidence of escalating "atrocity crimes" perpetrated against the civilian population in the UN-recognized disputed territory. These findings shed light on the crimes against humanity arising from the transitional phase of settler colonialism, which appears to be a deliberate attempt to alter the demographic composition of the region.

Since August 05, 2019, the occupying authorities have brazenly disregarded the established regulations and protocols designed to protect the health and environment of the local population. This flagrant disregard for the well-being of the people has exacerbated the already dire situation in the region, leading to a deepening health and environmental crisis.

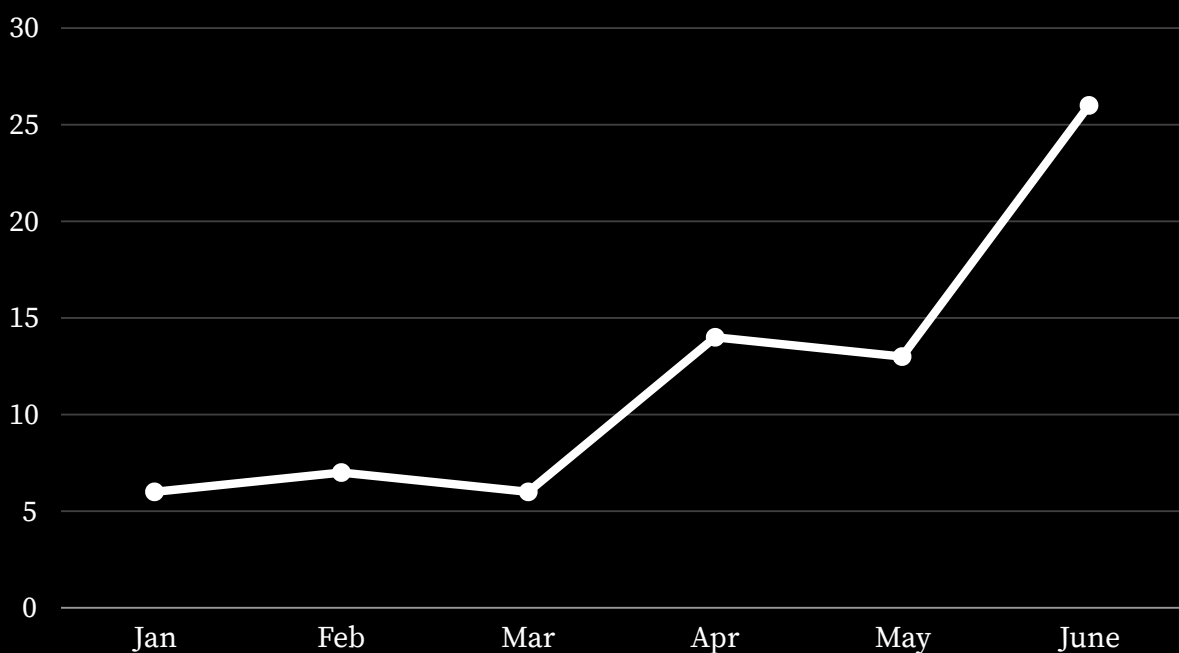
HUMAN RIGHTS VIOLATIONS PERPETRATED BY INDIAN OCCUPYING AUTHORITIES IN IOJK, (JAN-JUN, 2024)

Indian occupying authorities and the occupying forces stationed in IOJK have perpetrated a series of ‘Atrocity crimes’ during the first six months of 2024:

Indian occupying forces persisted in their repressive policies and disregard for international law and principle of Right of Self-determination. A total of 202 CASO’s were reported by the local media which are just a fraction of the total Search Operations launched by the Occupying Forces.

The first six months of 2024 recorded 72 killings in multiple incidents of violence across IOJK. The armed action of India’s Occupying Forces against the native population as a result of heightened military presence has resulted in the killing of 19 civilians, 23 freedom fighters and 30 Indian occupying personnel from Jan to June 2024. At least 32 Gun fights took place between Indian occupying Forces and the freedom fighters of Kashmir. During these CASOs, vandalism and destruction of nearly 25 civilian properties were reported. Also, 22 instances of Internet Shut down in IOJK were reported.

KILLINGS IN IOJK (JAN - JUN 2024)



KILLINGS OF INDIAN OCCUPYING FORCES, FREEDOM FIGHTERS AND CIVILIANS FROM JANUARY - JUNE 2024

Month	Killings	Injured	Arrests	CASOs	Internet Shutdown	Structure Damaged	Gunfights
January	6	14	108	33	3	4	5
February	7	1	52	49	2	2	3
March	6	5	145	27	2	1	2
April	14	5	177	31	4	6	8
May	13	46	109	42	5	5	7
June	26	62	66	20	6	7	7
Total	72	133	657	202	22	25	32

Month	Occupying Forces	Freedom Fighters	Civilians	Total Killings
January	5	1	0	6
February	5	0	2	7
March	4	0	2	6
April	6	5	3	14
May	7	5	1	13
June	3	12	11	26
Total	30	23	19	72

HEIGHTENED MILITARIZATION

The militarization of occupied territories is a critical issue that has drawn significant attention from International Human Rights Organizations. The occupying powers often resort to deploying military forces in the occupied territories, to assert control, suppress resistance, and maintain a perceived sense of security.[2] This militarization involves the establishment of military installations, checkpoints, and security infrastructure, resulting in a pervasive presence of occupying forces in the daily lives of the occupied population. Such militarization leads to a range of negative consequences and can exacerbate tensions and fuel resentment among the occupied population, perpetuating the cycle of violence and instability. Additionally, the increased military presence restricts the freedom of movement and basic rights of the natives, contributing to a climate of fear and oppression. Moreover, the militarization of occupied territories hinders the prospects for peaceful resolution and undermines efforts toward dialogue and reconciliation.[3]

The issue of militarization in Indian occupied Kashmir features a unique phenomenon of de facto sovereignty & impunity. The nearly one hundred thousand (100,000) Indian army and paramilitary forces stationed in UN recognised disputed territory operate through a legal instrument – Armed Forces Special Powers Act (AFSPA) of 1990 giving the occupying forces unbridled powers, which enable them to maintain an unlawful occupation of the occupied territory and conduct military operations against the civilians without any regard for the principle of distinction. This results in the situation of normalising the ‘Atrocity crimes’ against the civilian population.

The presence of a large number of occupying forces in Kashmir has resulted in a heavy militarization of the region. This has led to restrictions on civil liberties, such as curfews, limitations on freedom of movement, and increased surveillance. In addition, the militarization has facilitated the process of colonization and illegal annexation, which further undermines the right and dignity of Kashmiris. In 2019, India moved almost 50,000 military and paramilitary personnel to the region.[4]

[2] Tripp, Charles. *The Power and the People: Paths of Resistance in the Middle East*. Cambridge University Press, 2013.

[3] Mazawi, AndreElias. *World Yearbook of Education 2010: Education and the Arab “World”: Political Projects, Struggles, and Geometries of Power*. Routledge, 2017.

[4] Sandhu, Kamaljit Kaur. “Another 28,000 Troops Rushed to Kashmir Valley Week after 10,000 Were Deployed.” *India Today*, August 2, 2019. <https://www.indiatoday.in/india/story/28-000-more-troops-deployed-in-kashmir-valley-1576280-2019-08-01>.

On 08 March 2024, The Ministry of Home affairs and Defence ministry of India which directly control the occupied territory, announced the deployment of A 10,000-strong unit of Indian Army previously assigned to the country's western border to guard a stretch of its frontier with China.[5]

On 29 June 2024 ahead of Amarnath Yatra, the MHA has decided to deploy over 500 companies of Central Armed Police Forces (CAPFs) to the Union Territory in the backdrop of a recent spate of guerrilla attacks in the Jammu region.[6]

A NARRATIVE OF ERASURE

Post 05, August 2019, Indian Occupying Forces have organized and sponsored multiple Cultural events, Police Melas and Sports events as a narrative to win hearts and minds of Kashmiris. A North Kashmir based RTI activist who chose to remain anonymous because of the fear being persecuted said, Indian Occupying Forces are using the rehabilitation process and civilian programs as a pretext to carry out a dirty war in Kashmir. These programs are in reality, being used as a tool to control and manipulate the population. For instance, the Indian Occupying Forces have been accused of using these programs to gather intelligence, recruit informants, and monitor the activities of the people of Kashmir. Moreover, these programs have been criticized for their lack of transparency, accountability, and effectiveness. The occupying forces' actions have further undermined the trust and confidence of the Kashmiri people, leading to a situation where the forces have been equipped with an excessive amount of power, which enables them to conduct operations against civilians without any regard for their safety.

On Jan 13, the Indian Army's then Northern Commander LG Upendera Dwivedi chaired a crucial joint security review meeting at Victor Force headquarters in Awantipore to fine-tune the strategy for counter terrorism, and strengthening the synergy. The army commander stressed on intensifying the anti-terrorist operations by generating more human and technical intelligence by enhancing the public outreach in Southern districts of Kashmir.[7]

[5] Sudhi Rajan Sen, "India frees 10,000 more Soldiers to guard border with China" March 08, 2024 <https://economictimes.indiatimes.com/news/defence/india-frees-10000-more-soldiers-to-guard-border-with-china/articleshow/108298927.cms?from=mdr>

[6] Mukesh Rajan "Amarnath Yatra: 500 Companies of Central Police forces to reach Jammu to ensure safety of Pilgrims" 15 June 2024 <https://www.newindianexpress.com/nation/2024/Jun/15/amarnath-yatra-500-companies-of-central-police-forces-to-reach-jammu-to-ensure-safety-of-pilgrims>

[7] Writer, Staff, "Army commander calls for expanding soldier-public outreach." Kashmir Convener, Jan 13, 2024. <https://kashmirconvener.com/2024/01/13/army-commander-calls-for-expanding-soldier-public-outreach/>

On June 22, International Yoga Day as designated by Indian PM Narendra Modi, yoga sessions were conducted all across Kashmir valley along with Badami Bagh Cantonment in Srinagar. In a press release, the Army spokesperson remarked that the “local Kashmiri populace and Civil administration collaborated closely with the Indian Army contributing significantly to the grand session of the event.”[8]

[8] Writer, Staff, “Army organises yoga sessions across Kashmir.” Greater Kashmir, June 22, 2024. <https://www.greaterkashmir.com/srinagar/army-organises-yoga-sessions-across-kashmir/>

SOME INSTANCES OF ‘ATROCITY CRIMES’ PERPETRATED BY THE OCCUPYING FORCE SINCE JANUARY 2024

- On 05th January, VDC member identified as Balwant Singh, son of Prem Nath, a resident of Kharangal Gandoh Doda was found dead near his home. The VDCs have been accused of numerous human rights violations including dozens of extra judicial killings and rape cases.[9]
- On 15th April, Baramulla police in Indian occupied Kashmir booked 8 civilians under Public safety Act.[10]
- On 04th of May, an armed resistance group carried an attack on convoy of IAF killing one corporal and injuring four others.[11]
- On 10th June 2024, At least nine people were killed and 33 injured when a bus carrying Hindu pilgrims plunged into a deep gorge after the attack by unknown gunmen in Reasi District of Indian Occupied Jammu and Kashmir. The attack came at a time Narendra Modi was taking oath as prime minister for a record-equalling third term. [12]
- On 29th June the first batch of Hindu pilgrims began the annual Amarnath Yatra in the Kashmir Valley amid heightened security. Around fifteen thousand pilgrims took the journey on the first day from both the base camps in Baltal in Sonamarg and Nunwan in Pahalgam. Around 60-70 thousand troops have been deployed to secure the Amarnath Yatra routes in the Union Territory. Multiple security review meetings were held before the start of the Yatra to make sure that every nook and corner of the Yatra was fully sanitised and secured. [13]

[9] Free Press Kashmir, “VDC member found dead with bullet injury in Doda, says police” January 5, 2024.

<https://freepresskashmir.news/2024/01/05/vdc-member-found-dead-with-bullet-injury-in-doda-says-police/>

[10] ANI, “J-K: Eight booked under Public Safety Act, April 15, 2024 <https://www.aninews.in/news/national/general-news/j-k-eight-booked-under-public-safety-act20240415205704/>

[11] Mint, “1 soldier killed, 4 injured after terrorist open fire on Indian Air Force convoy in Poonch; search operations on” May 4, 2024. <https://www.livemint.com/news/india/military-personnel-injured-dead-after-indian-air-force-convoy-attacked-by-terrorists-in-poonch-search-operations-on-11714832078931.html>

[12] Aljazeera, “ At least nine killed after attack on bus in Indian-administered Kashmir” June 9, 2024.

<https://www.aljazeera.com/news/2024/6/9/at-least-nine-killed-after-attack-on-bus-in-indian-administered-kashmir>

[13] PTI, “Amarnath Yatra begins, first batch of pilgrims leave for cave shrine” June 29, 2024.

<https://www.thehindu.com/news/national/amarnath-yatra-begins-first-batch-of-pilgrims-leave-for-cave-shrine/article68347156.ece>

FREEDOM OF EXPRESSION, ASSOCIATION, ASSEMBLY, AND FREE MOVEMENT

Indian occupying authorities in IOJK continued to unduly restrict and cripple the Right of expression, association, free movement and peaceful gatherings. These measures disproportionately impact vulnerable communities, exacerbating their socio-economic conditions and inhibiting their right to education, healthcare, and livelihood opportunities.

RELIGIOUS FREEDOM

In any armed conflict or occupation, respecting religious convictions has been a fundamental guarantee applicable to all persons. The Geneva Convention (GC) IV impose a duty on occupying power to facilitate the religious rights of occupied inhabitants without any distinction or impediment. Further, the GC III also gives Chaplains & religious personnel equal protection as medical personnel and religious organisations are, under certain circumstances, equated to relief societies.

The occupying authorities in IOJK curb religious freedom on the pretext of a law-and-order problem. In the last six months, the local administration barred Kashmiri Muslims from offering Eid prayers in the historical Jamia mosque and Eidgah.

Recently, on 30th of June 2024, a joint team of Jammu and Kashmir police and revenue officials in Kathua district tried to dismantle the mosque early morning with four bulldozers allegedly built on government land. The government officials also make an attempt to desecrate the holy books.

ARBITRARY DETENTIONS UNDER PSA AND UAPA

Government of India is making a mockery of its human rights commitments and Justice system by denying Kashmiris a free space to decide their future, jailing political leaders, and suspending basic freedoms. Several thousand Kashmiris, including politicians and opposition activists, were arbitrarily detained under preventive detention law on August 5, 2019, when the Indian Parliament unilaterally abrogated the semi-autonomous status of disputed territory.

The occupying authorities detained nearly 4,000 people, including supporters of political parties, separatist leaders, lawyers, journalists, and people who allegedly had records of participating in violent protests. There have been serious allegations of torture and beatings. Many detainees have not been allowed to contact their families or lawyers.

In the first six months of 2024, Torture & ill-treatment remained rife in detention centers of IOJK and High-security cells designed for Kashmiri prisoners outside Jammu & Kashmir Jails.

A total 108 Kashmiris were booked under the Lawless Public Safety Act, and more than 657 were arrested on different criminal charges.

The Kashmiri prisoners languishing in Indian jails have become more vulnerable due to the ongoing heatwave in most parts of North India. The heatwave has so far claimed around 275 lives, with numbers growing exponentially as temperatures in Delhi reportedly reached 127.22 degrees Fahrenheit, marking the highest ever recorded in India.[14]

Almost a hundred Kashmiri political prisoners are currently incarcerated in New Delhi's Tihar jail for their pro-freedom activism and advocacy for Kashmiri's right to self-determination. A family member of a 62-year-old Kashmiri political prisoner, named Asiya, stated, "Our people's skin is peeling off in the heat of Tihar (jail). They keep towels dipped in water on their heads to survive. High voltage bulbs are kept on all day that also emit additional heat and you are not allowed to turn them off."

[14] Times of India, "Hospitals in Delhi report 29 more recent deaths, heatwave toll is now 275", updated June 24, 2024. <https://timesofindia.indiatimes.com/city/delhi/hospitals-report-29-more-recent-deaths-heatwave-toll-is-now-275/articleshow/111214462.cms>.

Kashmiri political prisoners are at a higher risk as their bodies are not acclimatized at all to the climate of India. It is evident that the state's incarceration of Kashmiri political prisoners in such an environment that is hostile to their bodies, and then the denial of any relief to them, is a systematic way of torturing them. In the words of a family member of an incarcerated Kashmiri political prisoner, "This is India's weaponization of climate change against Kashmiri prisoners."

THE NIA'S DISTURBING TACTICS IN KASHMIR

Amidst the haunting backdrop of Kashmir's relentless turmoil, a grave concern casts its ominous shadow over the region. The National Investigation Agency (NIA), has been wielded as a weapon to target Kashmiris and orchestrate a web of false charges. This orchestrated campaign perpetuates an atmosphere of fear and injustice, silencing those who dare to advocate for self-determination, human rights, and justice. The NIA has been systematically suppressing dissent, branding legitimate expressions of apprehension as acts of sedition or terrorism. This misuse of power intensifies the suffering of Kashmiris, undermining the very fabric of justice and extinguishing the hope for a resolution of the Kashmir dispute.

In the first six months of 2024, the National investigative agency continued its crackdown on Kashmiris, arresting thousands including resistance activists, common people, journalists, religious scholars and academicians. The NIA & SIA have attached 76 properties including residential houses, Agricultural Land, shops, poultry farms and cars across IOJK in the last six months.

LIST OF NIA AND SIA RAIDS

In recent months, the State Investigation Agency (SIA) and the National Investigation Agency (NIA) along with Jammu and Kashmir Police have intensified raids in different parts of Indian occupied Jammu and Kashmir. These numerous raids across the region, targeting individuals and locations suspected of involvement in pro freedom activities. These operations highlight the ongoing battle against civilian masses in IOJK and the measures taken by the Indian authorities to disrupt peace in disputed territory. The NIA, SIA along with Jammu and Kashmir police conducted at least 70 raids on different location in different cases.

- On February 2, the SIA conducted raids at five locations in Srinagar and Delhi, focusing on an investigation into a fake and false so called terror funding case. Shortly after, on February 7, the SIA carried out raids across multiple locations in South Kashmir related to the 2016 unrest cases. Among the raided locations was the residence of Sarjan Barkati[15], a significant figure in the mass agitation against India in 2016. These actions were followed by another operation on February 10, when the NIA searched 15 locations in Kulgam and Srinagar in connection with a terror funding case involving Jamaat-e-Islami Jammu and Kashmir[16], which was declared an unlawful association under the Unlawful Activities (Prevention) Act.
- On February 15, the SIA raided 18 locations in Srinagar[17]. The operations continued in March, with significant raids conducted on March 15 across seven locations in Jammu province. These searches, which took place in Doda, Reasi, Ramban, and Jammu districts, were part of an investigation into a Pakistan-backed terror conspiracy. The following month, on April 22, the NIA carried out raids at nine locations in Kashmir, including Srinagar, furthering its investigation into a terror conspiracy case.
- In May, the intensity of the operations increased. On May 11, the NIA searched six locations across Jammu province, including Doda, Ramban, and Kishtwar district[18]. Just days later, on May 14, the SIA conducted searches at 11 locations in Anantnag, Kulgam, and Shopian districts, targeting terror funding activities.
- On June 8 2024, SIA conducted a search at the residence of Ahmadullah Malla in the Nawab Bazar area on 11 year old case. The SIA officials also seized of various materials and documents.[19]

[15] The Kashmir Monitor “SIA Conducts Raids Across South Kashmir” February 07, 2024.

<https://www.thekashmirmonitor.net/sia-conducts-raids-across-south-kashmir/>

[16] Majid Zulfikar “NIA raids in 10 locations across J&K; Rs 20 lakh, incriminating docs recovered against banned Jamaat-e-Islami outfit” February 10, 2024. <https://www.deccanherald.com/india/jammu-and-kashmir/nia-raids-in-10-locations-across-jk-rs-20-lakh-incriminating-docs-recovered-against-banned-jamaat-e-islami-outfit-2889161>

[17] Greater Kashmir “SIA raids underway at 18 locations in Srinagar” February 15, 2024.

<https://www.greaterkashmir.com/latest-news/sia-raids-underway-at18-locations-in-srinagar/>

[18] Press Trust of India “SIA carries out searches in terror conspiracy case at 7 locations in Jammu region” March 15, 2024. <https://www.ptinews.com/story/national/sia-carries-out-searches-in-terror-conspiracy-case-at-7-locations-in-jammu-region/1360098>

[19] Kashmir Observer “2013 Sopore Attack: SIA Raids Timber Dealer’s House In Srinagar” June 08, 2024.

<https://kashmirobsrver.net/2024/06/08/2013-sopore-attack-sia-raids-timber-dealers-house-in-srinagar>

ARREST OF ADVOCATE MIAN QAYOOM

Mian Abdul Qayoom, former president of the Jammu and Kashmir High Court Bar Association, was arrested by the State Investigation Agency (SIA) on 25th June and sent to police custody till July 1 by orders of a special court in connection with the 2020 murder conspiracy of fellow advocate Babar Qadri. Before his death, Qadri had posted a video on Facebook where he criticised Qayoom for his political activities within the Bar Association. In the video, Qadri accused Qayoom of using threats and coercion to influence Bar politics since 1990, calling for integrity and dignified political conduct.

Police had registered a case at Lalbazar Police Station for murder under section 302 of IPC, 7/27 of the Arms Act and sections 13, 16, 18, 20 and 39 of the Unlawful Activities Prevention Act (UAPA). A Special Investigation Team (SIT) had been formed to investigate the killing. The case was later taken over by the State Investigation Agency, and in 2023, it announced a reward of Rs 10 lakh for any person providing information that leads to the killers of Qadri.[1] In August 2022, Jammu and Kashmir Police carried out raids at the residences of three lawyers, including Mian Abdul Qayoom in Srinagar as part of the probe. The Srinagar Police in their statement said the searches were carried out given “certain new evidence” that has turned up and that they “have the potential to unravel the conspiracy part in the killing”. The statement added that Digital devices, bank statements, property sale agreements, ‘suspicious books’ and other relevant material were seized during the searches.[20]

[20] Basharat Masood. “Ex-president of J&K High Court Bar Association arrested for 2020 murder of advocate.” Indian Express, 25 June, 2024. <https://indianexpress.com/article/india/jammu-and-kashmir-high-court-bar-association-mian-abdul-qayoom-arrested-babar-qadri-murder-case-9413921/>

UAPA SANCTION AGAINST ARUNDHATI ROY AND PROFESSOR SHEIKH SHOWKET

The Delhi LG Vinai Kumar Saxena on June 14 gave prosecution sanction against Arundhati Roy and Sheikh Showkat under the UAPA for alleged “provocative speeches” they delivered at an event in 2010. The FIR against Roy and Sheikh was registered based on the orders of the Court of Metropolitan Magistrate, New Delhi. The complaint that led to the registration of the FIR was filed by Sushil Pandit, a Kashmiri Pandit, on 28 October 2010.[21]

The United Nations Human Rights Office, led by high commissioner for human rights Volker Turk, has urged the Indian government to drop the Unlawful Activities case against writer Arundhati Roy and Sheikh Showkat Hussain for remarks they made in 2010. In a post on social media platform X, the UN human rights office said “We are concerned by use of #UAPA anti-terror law to silence critics. Repeat call for review of law & release of human rights defenders detained under it. Urge authorities to drop cases against Arundhati Roy & Sheikh Showkat Hussain over comments on India-admin Kashmir.”[22]

In a letter over 200 academics, activists and journalists have urged the withdrawal of this sanction saying that freedom of expression was at stake in the Delhi lieutenant governor’s granting sanction to prosecute Arundhati Roy and Sheikh Showkat Hussain under stringent laws for statements they made in 2010. The letter deplored this action and appealed to the government and the democratic forces in the country to ensure that no infringement of the fundamental right to freely and fearlessly express views on any subject takes place in the nation.[23]

[21] News Desk. “Delhi LG approves prosecution of Arundhati Roy under UAPA for ‘provocative speech’: officials.” Times of India, 14 June, 2024. <https://timesofindia.indiatimes.com/india/delhi-lg-gives-prosecution-sanction-against-arundhati-roy-under-uapa-for-provocative-speech-at-an-event-in-2010-latest-updates/articleshow/111002023.cms>

[22] Wire Staff. “UN Rights Chief Urges India to Withdraw UAPA Case Against Arundhati Roy, Sheikh Showkat Hussain.” The Wire.In, June 28, 2024. <https://thewire.in/rights/un-rights-chief-urges-india-to-withdraw-uapa-case-against-arundhati-roy-sheikh-showkat-hussain>

[23] Wire Staff. “Delhi LG Must Withdraw UAPA Sanction in Arundhati Roy Case: 200+ Academics, Activists, Journalists.” The Wire.In, 21 June, 2024. <https://thewire.in/rights/withdraw-uapa-sanction-roy-hussain-open-letter>

SILENCING DISSENT: SUPPRESSION AND PROPERTY SEIZURES IN INDIAN-OCCUPIED JAMMU AND KASHMIR

22	Lateef Ahmad Bhat	16 marlas	Kupwara	25/04/2024
23	Mushtaq Ahmad Mir	1 kanal 2 marla	Kupwara	25/04/2024
24	Ghulam Nabi Ganai	1 kanal	Kupwara	25/04/2024
25	Adrees Ahmad Mir	6 kanal, 10 marla	Baramulla	2/05/2024
26	Shabir Ahmad Sofi	9 marlas and residential house	Kupwara	2/05/2024
27	Mukesh Kumar	House, 2 shops and car	Samba	3/05/2024
28	Asif Ahmed Malik	6 immoveable properties	Pulwama	8/05/2024
29	Mohd Shafi Mir	Residential house	Srinagar	8/05/2024
30	Mohammad Arif Badal	1 kanal 11 marla	Uri baramulla	14/05/2024
31	Abid Ramzan Sheikh	Residential house	Shopian	22/05/2024
32	Mehraj ud Din Shah	19.5 marla	Ganderbal	28/05/2024
33	Jalal Din	3 kanal 19 marla	Pattan baramulla	28/05/2024
34	Jaleel Ahmad Rather	Land 8 kanal 4 marla	Tilgam baramulla	8/06/2024
35	Riyaz Ahmad Bhat	Residential house	Anantnag	13/06/2024
36	Bashir Ahmad Ganie	Residential house	Kulgam	14/06/2024
37	Abdul Momin Peer	Residential house	Srinagar	28/06/2024

IMPOSITION OF RESTRICTIONS ON LAWYERS' BODY

In continuance of the repressive tactics, the Indian authorities-imposed restrictions under section 144 CrPC on the conduct of elections by the Jammu and Kashmir High Court Bar Association, Srinagar. In its order 08-DMS of 2024, dated 25-06-2024, the office of the District Magistrate Srinagar mentioned that a communication from Kashmir Advocates Association (KAA) was received that expressed concerns about the legality of the Jammu and Kashmir High Court Bar Association (JK-HCBA) Srinagar. Furthermore, the order mentioned that the Following the KAA's communication, the District Magistrate had directed an inquiry by the Senior Superintendent of Police (SSP), Srinagar who submitted a report stating that the JK-HCBA Srinagar is advocating for “peaceful settlement of Kashmir issue,” and has a secessionist ideology, and is providing free legal aid to anti-national elements.[24] The District Magistrate exercising his powers u/s 144 CrPC imposed restrictions on conduct of elections by JK-HCBA citing their failure to provide any response to the complaint by KAA, and the likelihood of breach of peace and disruption of public order if JK-HCBA proceeds forward with scheduled elections.[25]

On June 29, J&K and Ladakh High Court recognised a new lawyers' body in Kashmir, the Kashmir Advocates Association, by exercising powers under Section 58 of the Bar Council, which was extended to J&K after the abrogation of Article 370 in 2019. This move came just 4 days after the restrictions were imposed on the conduct of elections by JK-HCBA, a lawyers' body active for several decades, based on a complaint filed by KAA.[26]

[24] Mohsin Dar, “Jammu and Kashmir High Court grants recognition to Kashmir Advocates Association.” Bar and Bench, 29 June, 2024. <https://www.barandbench.com/news/jammu-and-kashmir-high-court-recognition-kashmir-advocates-association>

[25] District Magistrate Srinagar. “Restriction for conducting elections of J&K High Court Bar Association Srinagar under section 144 CrPC.” 25 June 2024. https://www.livelaw.in/pdf_upload/restrictions-for-jkhcba-elections-546211.pdf

[26] Peerzada Ashiq. “Days after restricting bar association, J&K High Court recognises new lawyers' body in Kashmir.” The Hindu, 30 June 2024. <https://www.thehindu.com/news/national/days-after-restricting-bar-association-jk-high-court-recognises-new-lawyers-body-in-kashmir/article68349271.ece>

BANNING OF RESISTANCE ORGANISATIONS

In last five years, the Government of India has banned ten separatist groups in Jammu and Kashmir under the Unlawful Activities (Prevention) Act 1967.

On February 28, 2024, the MHA banned the Muslim Conference Jammu & Kashmir (Sumji faction) and Muslim Conference Jammu & Kashmir (Bhat faction) over terror charges. On March 16, 2024 the Government of India banned four factions of Jammu & Kashmir Peoples League (JKPL) and Jammu & Kashmir Peoples Freedom League (JKPFL). Further the MHA declared factions of Jammu and Kashmir Peoples League (JKPL), namely, JKPL (Mukhtar Ahmed Waza), JKPL (Bashir Ahmad Tota), JKPL (Ghulam Mohammad Khan Sopori) also known as Jammu and Kashmir Peoples Political League and JKPL (Aziz Sheikh) led by Yaqoob Sheikh, as unlawful associations under the Unlawful Activities Prevention Act-1967. On the same day, the Centre also banned the Jammu & Kashmir Peoples Freedom League headed by Farooq Rehmani.[27]

The UAPA tribunal on June 22 confirmed the order passed by MHA declaring Muslim League Jammu and Kashmir (Masarat Alam faction) and Tehreek e Hurriyat JK (Hurriyat Geelani faction) as unlawful associations under Section 3(1) of the anti terror law. The tribunal was presided by Justice Sachin Datta of Delhi High Court, who confirmed orders of the MHA issued against ML-JK and the-JK on December 27, 2003 and December 31, 2023 respectively. Separate tribunals headed by Justice Naveen Chawla and Justice Neena Bansal of Delhi High Court are in the process of scrutinising similar ban imposed under the provisions of UAPA upon seven other organisations operating in Kashmir valley. The ban on ML-JK and the-JK will continue to hold force for next five years and any person claiming to be member or sympathiser of these association will face prosecution under stringent UAPA provision for next five years.[28]

[27] Web Desk. "UAPA tribunal confirms Centre's decision to ban Muslim League, Tehreek-e-Hurriyat." Greater Kashmir, June 22, 2024. <https://www.greaterkashmir.com/jammu-kashmir/uapa-tribunal-confirms-centres-decision-to-ban-muslim-league-tehreek-e-hurriyat/>

[28] Ashish Tripathi. "UAPA tribunal confirms ban on Tehreek-e-Hurriyat, Muslim League J&K faction." Deccan Herald, June 22, 2024. <https://www.deccanherald.com/india/jammu-and-kashmir/uapa-tribunal-confirms-ban-on-tehreek-e-hurriyat-muslim-league-jk-faction-3076875>

SHAM ELECTIONS

Indian authorities have often presented the electoral process in the occupied territory as a democratic alternative to the plebiscite, aiming to legitimize their control. The 2024 parliamentary elections in Jammu and Kashmir were no different as the polls were conducted amidst heightened security. The Indian authorities deployed additional occupying forces across the region, citing the need to ensure a peaceful polling process. In April the Election Commission of India approved deployment of 635 additional companies of paramilitary forces in Jammu and Kashmir and 57 in Ladakh for smooth conduct of polls amid security challenges.[29]

Critics argue that the elections in Jammu and Kashmir are often a facade, masking the underlying political and human rights issues. Kashmir's key political leaders and human rights defenders remain imprisoned, raising questions about the fairness and inclusivity of the electoral process. The incarceration of pro-election activists Engineer Rashid, who managed to secure a victory despite being incarcerated in Tihar jail, underscores these concerns. Rashid's win over notable opponents like former Chief Minister Omar Abdullah and former Hurriyat leader Sajad Lone in the Baramulla Parliamentary Constituency was denied bail and barred from taking oath as a member of 18th Lok Sabha.[30] The electoral results in Jammu and Kashmir have often been used by Indian authorities to project a sense of normalcy and democratic engagement in the region. The voters many of whom voted for the first time while interacting with media said it is no endorsement of India or its policies. Instead, it is a reflection of a dramatically changed political landscape in the region that they feel has left them with no other option to show their dissent against New Delhi.[31] The failure of the BJP to field candidates in 4 of the 6 parliamentary constituencies in the union territories Jammu and Kashmir, and Ladakh, the continued detention of local leadership and the heightened military presence during elections have led to widespread scepticism about the legitimacy of these outcomes.

[29] Shabir Ibn Yusuf. "Additional CAPF companies arrive in Kashmir." Greater Kashmir, 28 April, 2024. <https://www.greaterkashmir.com/kashmir/additional-capf-companies-arrive-in-kashmir/>

[30] Writer, Staff. "Lodged in jail, Engineer Rashid forced to sit out oath ceremony of 18th Lok Sabha." Deccan Herald, 24 June, 2024. <https://www.deccanherald.com/india/jammu-and-kashmir/lodged-in-jail-engineer-rashid-forced-to-sit-out-oath-ceremony-of-18th-lok-sabha-3078811>

[31] Junaid Kathju. "Why are Kashmiris voting in Indian election they've long boycotted?" Al Jazeera, 16 May, 2024. <https://www.aljazeera.com/news/2024/5/16/kashmir-breaks-with-election-boycotts-protests-indian-policies-by-voting>

ANNEXURE I: FREEDOM FIGHTERS KILLED FROM JANUARY - JUNE 2024

S.NO	Name of Freedom Fighter	IOF unit involved in Combat Operation	Date	Place of Combat Operation
1	Bilal Bhat	34RR,178BN CRPF,SOG	05/01/2024	Chotigam, Shopian
2	Unidentified	JAK RIF	06/04/2024	Uri, Baranmulla
3	Unidentified	JAK RIF	06/04/2024	Uri, Baranmulla
4	Danish Sheikh	53RR,43BN CRPF, SOG	11/04/2024	Pulwama
5	Sanan Zafar	22RR,179BN CRPF,SOG	26/04/2024	Sopore
6	Abdul wahab	22RR,179BN CRPF,SOG	26/04/2024	Sopore
7	Basit Dar	1RR,163BN CRPF,SOG	08/05/2024	Kulgam
8	Momin Gulzar	1RR,163BN CRPF,SOG	08/05/2024	Kulgam
9	Unidentified	1RR,163BN CRPF,SOG	08/05/2024	Kulgam
10	Riyaz Dar	50RR,183BN CRPF,SOG	03/06/2024	Pulwama
11	Rayees Ahmad	50RR,183BN CRPF,SOG	03/06/2024	Pulwama
12	Reyaz Ali	121 BN CRPF,SOG	12/06/2024	Kathua
13	Unidentified	121 BN CRPF,SOG	12/06/2024	Kathua
14	Umer Lone	9Para SF,13RR,3BN CRPF,SOG	18/06/2023	Bandipora

15	Abu Omar	32RR,92 BN CRPF,SOG	20/06/2024	Sopore
16	Abu Usman	32RR,92 BN CRPF,SOG	20/06/2024	Sopore
17	Unidentified	JAK RIF	22/06/2024	Uri, Baranmulla
18	Unidentified	JAK RIF	22/06/2024	Uri, Baranmulla
19	Unidentified	CRPF	26/06/2024	Doda
20	Unidentified	CRPF	26/06/2024	Doda
21	Unidentified	CRPF	26/06/2024	Doda

ANNEXURE II: KILLINGS OF CIVILIANS FROM JANUARY - JUNE 2024

S.No	Name	Date	Nature of Killig	Place of Killing
1	Amritpal Singh	9/02/2024	Fired upon by unknown gunmen	Srinagar
2	Rohit Masih	9/02/2024	Fired upon by unknown gunmen	Srinagar
3	Rajesh Kumar	7/03/2024	Mysterious blast	Rajouri
4	Habibullah Shergojri	9/03/2024	Ran over by IOF vehicle	Bandipora
5	Raja Shah	18/04/2024	Fired upon by unknown gunmen	Anantnag
6	Mohammad Razaq	22/04/2024	Fired upon by unknown gunmen	Thanamandi, Rajouri
7	Mohammad Shareef	28/04/2024	Fired upon by unknown gunmen	Udhampur
8	Abdul Salam	31/05/2024	Ran over by IOF vehicle	Hawal
9	Vasudev	8/06/2024	Cross Firing	Samba
10	Rajendra Saini	9/06/2024	Unidentified attack	Reasi
11	Mamta	9/06/2024	Unidentified attack	Reasi
12	Pooja Saini	9/06/2024	Unidentified attack	Reasi
13	Titu	9/06/2024	Unidentified attack	Reasi
14	Vijay Kumar	9/06/2024	Unidentified attack	Reasi
15	Arun Kumar	9/06/2024	Unidentified attack	Reasi
16	Shahnawaz Ahmad Shah	24/06/2024	Mysterious blast	Kupwara

ANNEXURE III: INDIAN OCCUPYING FORCES KILLED FROM JANUARY - JUNE 2024

S.No	Name	Date	Nature of Killig	Place of Killing
1	Balwant Singh	5/01/2024	Sucide	Doda
2	Gurpreet Singh	13/01/2024	Operational Task	Baramulla
3	CRPF Constable	13/01/2024	Sucide	Awantipora
4	Pritam Singh	16/01/2024	Killed in accident	Poonch
5	Agniveer	18/01/2024	Mysterious Blast	Rajouri
6	Iqbal Hussain	5/02/2024	Sucide	Nawabad
7	Mohd Arif Shiekh	5/02/2024	Mysterious Circumstances	Kupwara
8	Ashwini Kumar	16/02/2024	Unconscious death in Army Unit	Kupwara
9	Mohan Lal	20/02/2024	Cardiac Arrest	Kupwara
10	Javid Ahmad	26/02/2024	Cardiac Arrest	Ganderbal
11	BSF jawan	14/03/2024	Sucide	Shopian
12	Sreejith J	21/03/2024	fell unconscious	Kupwara
13	Mushtaq Ahmad	22/03/2024	Cardiac Arrest	Kupwara
14	CRPF jawan	27/03/2024	Sucide	Shopian
15	Deepak Sharma	3/04/2024	Cross Firing	Kathua
16	Army Jawan	5/04/2024	Sucide	Baramulla
17	Azad Hussain Mir	12/04/2024	Cardiac Arrest	Kulgam
18	Bashir Ahmad Sofi	22/04/2024	Cardiac Arrest	Kupwara
19	Prashant Sharma	27/04/2024	Accident	Jammu
20	Jitendra Singh Tanwar	11/05/2024	Bullet Injury	Srinagar
21	Amit Singh	11/05/2024	Cross Firing	Kemal
22	Mubarak Singh Padda	18/05/2024	Sucide	Akhnoor
23	Brahandev Ram	23/05/2024	Cardiac Arrest	Baramulla
24	Amrik Singh	31/04/2024	fell unconscious	Srinagar
25	Bashir Ahmad	1/06/2024	Fire Incident	Srinagar

ANNEXURE IV: LIST OF PSA DETAINEES FROM JANUARY - JUNE 2024

S.NO	Pending Since	Name of Detainees Under Public Safety Act 1978
1	2024	Shameem Ahmad
2	2024	Ishfaq Gul
3	2024	Mumin Naqash
4	2024	Tanveer Sultan
5	2024	Shoaib Ramzan Tantry
6	2024	Mohammad Iqbal Naikoo
7	2024	Shakir Riyaz Khan
8	2024	Syed Tajamul Bashir
9	2024	Riyaz Ahmad Channa
10	2024	Mohammad Latif Dar
11	2024	Hilal Ahmad Dar
12	2024	Mohammad Rafiq Shah
13	2024	Rayees Ahmad Khan
14	2024	Salik Khurshid Pandani
15	2024	Tasneem Ahmad Sheikh
16	2024	Shahid Ahmed Mir
17	2024	Mohammad Sulaiman Bhat
18	2024	Bilal Ahmed Reshi
19	2024	Mitha Malik
20	2024	Amir Rehman Dar
21	2024	Bashir Ahmed Lone
22	2024	Bilal Ahmad Dar
23	2024	Kaisar Ahmad Sheikh
24	2024	Mohammad Bariq Magray

25	2024	Javid Gull Tawqeer Bashir Magray
26	2024	Jahangir Ahmad Wani
27	2024	Mohammad Younis Mir
28	2024	Rafeeq Ahmad Khan
29	2024	Shakir Ahmad Zargar
30	2024	Khursheed Ahmad Lone
31	2024	Waseem Ahmed Mir
32	2024	Muneeb Rasool Sherwani
33	2024	Abid Parvaiz Hajam
34	2024	Shabir Ahmad Kana
35	2024	Junaid Ahmad Dar
36	2024	Mudasir Ahmad Sheikh
37	2024	Riyaz Ahmad Dar
38	2024	Abdul Hamid Mir
39	2024	Sameer Ahmad Dar
40	2024	Sehran Muzaffar Dar
41	2024	Mohammad Amin Malik
42	2024	Amir Ahmad Mir
43	2024	Ashiq Hussain Wani
44	2024	Adil Ahmad Ganie
45	2024	Kacho Amir Khan
46	2024	Reyaz Ahmad Khan
47	2024	Reyaz Ahmad Bhat
48	2024	Ghazi Ahmad Bhat
49	2024	Showkat Ahmad Mir
50	2024	Adil Ahmad Sofi
51	2024	Mitha Malik
52	2024	Tajamul Ahmad Dar

53	2024	Shabir Ahmad Wani Alias Shabu
54	2024	Idrees Jan Mir
55	2024	Subzar Ahmad Bhat
56	2024	Abdul Qayoom Guroo
57	2024	Shamim Ahmad Bhat
58	2024	Tarq Ahmad Dar
59	2024	Ashiq Hussain Lone
60	2024	Tariq Ahmad Wagay
61	2024	Mohammad Shafi Sheikh
62	2024	Jahangeer Ahmad Mugloo
63	2024	Ghulam Mohammad Mir
64	2024	Ishfaq Ahmad Bhat
65	2024	Jahangir Ahmad Dar
66	2024	Ubaid Bashir
67	2024	Abdul Rehman Naikoo
68	2024	Irshad Amin Wani Alias Sunny
69	2024	Mohammad Umar Noor
70	2024	Yawa Ahmad Bhat
71	2024	Shareef U Din Chichi
72	2024	Tariq Ahmad Sheikh
73	2024	Barkat Ali Mian
74	2024	Suhail Bashir Shergojri
75	2024	Shoib Ahmad Pandit Alias Shoib
76	2024	Mushtaq Ahmad Rather
77	2024	Jahangir Ahmad Bhat
78	2024	Rayees Ahmad Khan
79	2024	Fahad Altaf Sheikh
80	2024	Naseer Ahmad War

81	2024	Mosiab Mir
82	2024	Mehraj Ahmad Wani
83	2024	Mohammad Arif Najar
84	2024	Sameer Ahmad Yatoo
85	2024	Feroz Ahmad Allie
86	2024	Shoaib Ahmad Shiekh
87	2024	Tanveer Ahmad Bhat
88	2024	Zahoor Ahmad Shah
89	2024	Tajamul Islam Bhat
90	2024	Mudasir Irfan Dar
91	2024	Suhail Ahmad Wani
92	2024	Fareed Ahmad Chouhan
93	2024	Mohd Yousuf Reshi
94	2024	Mehran Ahmad Malik
95	2024	Naseer Ahmad War
96	2024	Shabir ahmad khanday
97	2024	Gulzar ahmad bhat
98	2024	Suhail ahmad ganie
99	2024	Syed tajamul bashir
100	2024	Shabir ahmad dar
101	2024	Tawqeer bashir magray
102	2024	Aijaz ahmad sheikh
103	2024	Showkat ahmad ganie
104	2024	Ghulam nabi mir
105	2024	Rayees ahmad khan
106	2024	Feroz ahmad allaie
107	2024	Altaf ahmad rather
108	2024	Lateef hassan lone



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