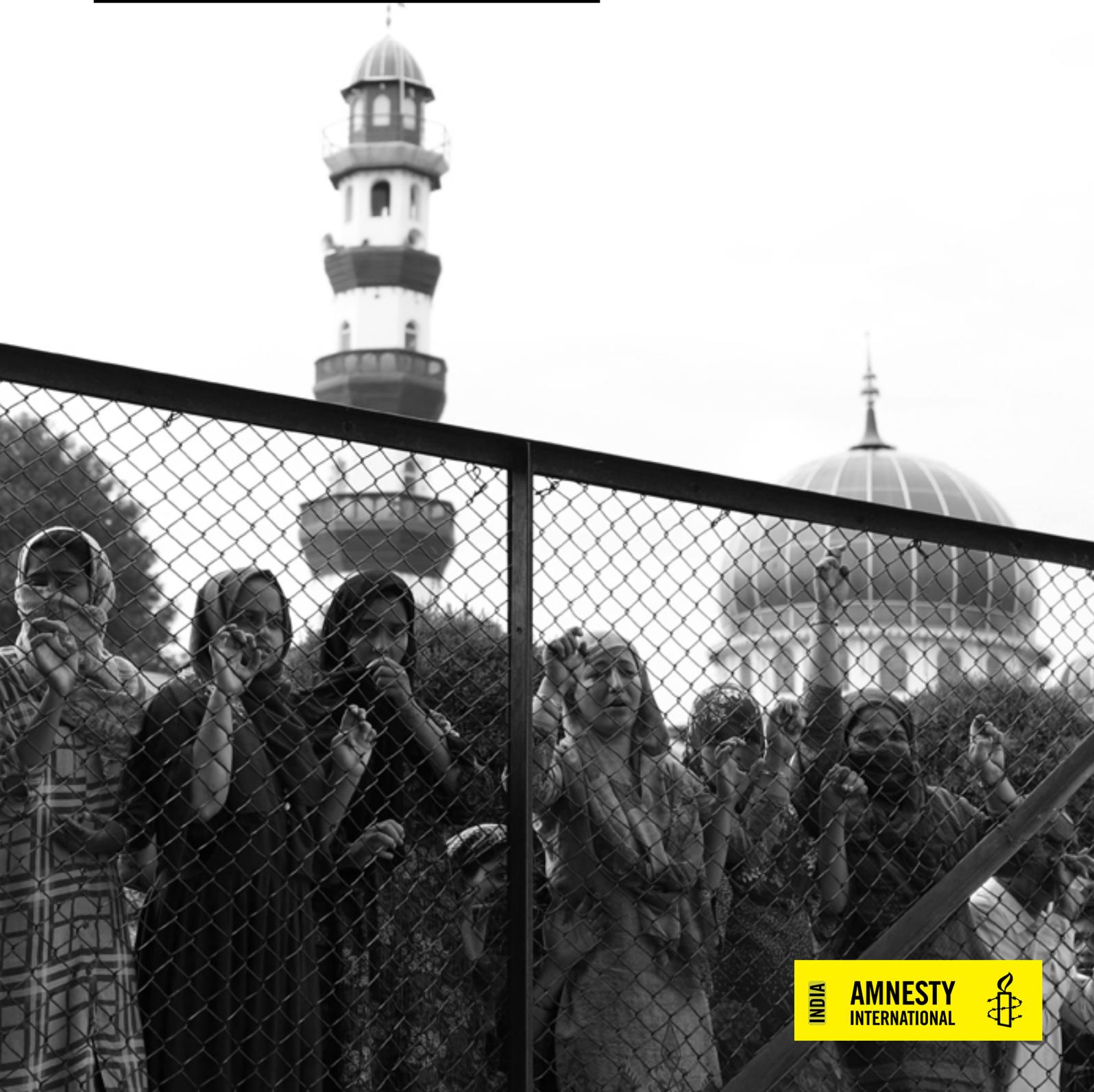


SITUATION UPDATE AND ANALYSIS

JAMMU AND KASHMIR AFTER ONE YEAR OF
ABROGATION OF ARTICLE 370



INDIA

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Amnesty International India is part of the Amnesty International global human rights movement. Amnesty International India seeks to protect and promote the human rights of everyone in India. Our vision is for every person in India to enjoy all the rights enshrined in the Universal Declaration of Human Rights, other international human rights standards and the Constitution of India. We are independent of any government, political ideology, economic interest or religion, and are funded mainly by contributions from individual supporters.



SITUATION UPDATE AND ANALYSIS

JAMMU AND KASHMIR AFTER ONE YEAR OF ABROGATION OF ARTICLE 370 AND CHANGE OF STATUS OF THE REGION

This Situation Update is third and final in the series that Amnesty International India has produced since 5 August 2019 and marks the one year anniversary of the abrogation of Article 370.

On 5 August 2019, the Government of India unilaterally revoked Article 370 of the Indian Constitution. Article 370 guaranteed special autonomy to Jammu & Kashmir and gave it independence over matters excluding foreign affairs, defence and communication. This was followed by the enactment of the Jammu & Kashmir Reorganization Act on 31 October 2019 that bifurcated the state of Jammu & Kashmir into two separate union territories. Union territories, as opposed to states, are governed by the central government.

The Act also amended or repealed critical laws passed by the Jammu & Kashmir Legislative Assembly. All these amendments and changes were made amidst a complete communication clampdown, curfew on movement and mass detentions of political leaders in the region. Even today, as the world

and country fights the COVID-19 pandemic, the communication services remain hindered, several political leaders detained and free press censored in the region.

This Situation Update is indicative of the various challenges in the region of Jammu and Kashmir - covering detention of political leaders, severe clampdown on freedom of press, protracted restrictions to internet access and its resulting impediment in access to healthcare, education and justice along with challenges thrown up due to COVID-19 in prisons and the closure of other autonomous bodies.

After interviewing a dozen journalists and gathering corroborating evidences through Right to Information applications and digital and print media, Amnesty International India demands the release of all political leaders, journalists and activists from administrative detention, restoration of 4G mobile internet services, decongestion of prisons and a prompt and independent investigation into the attacks on journalists.



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DETENTION OF POLITICAL OPPOSITION

Amnesty International India urges the Government of India to release all those who are placed under administrative detention in Jammu and Kashmir.

"Politics, as we know it, is over in Kashmir. Politics is all about representation. This move has stripped people of any semblance of representation that they might have had..."¹

Since 5 August 2019, Amnesty International India has documented a clear pattern of authorities using administrative detention on politicians, activists and anyone likely to hold a dissenting opinion in Jammu & Kashmir.

In the absence of any publicly available data on detention, Amnesty International India gathered information from various digital and print media and found that at least 70 political leaders including three former chief ministers – Farooq Abdullah, Omar Abdullah and Mehbooba Mufti were placed under administrative detention, mostly on 5 August 2019. These detentions cut across a wide political spectrum and included members from the J&K People's Democratic Party, J&K National Conference, J&K Peoples Movement, Indian National Congress, J&K Democratic Party Nationalist, J&K Awami Ittihad Party, Dogra Swabhimaan Sangathan and the J&K Panthers Party.

Amnesty International India could not find any information on the detention of political leaders belonging to Bharatiya Janata Party (BJP) which is the current ruling party in India.

Most political leaders were detained either under the Jammu & Kashmir Public Safety Act, 1978 (PSA) or Section 107 and 151 of the Code of Criminal Procedure.

All systems of administrative detention are a way to circumvent fair trial safeguards of criminal proceedings. The procedures, rules of evidence and burden and standard of proof in the criminal justice system minimize the risk of innocent individuals being convicted and punished. It is unacceptable for a government to circumvent these safeguards and detain people whom it does not intend to prosecute. This is a blatant abuse of laws by the Government of India undermining accountability, transparency, and respect for human rights.

QUELLING POLITICAL OPPOSITION

Since June 2018, as a result of the consecutive Governor's and President's rule in the region, Jammu and Kashmir has been governed by the Central Government. Before the Governor's

rule was imposed, there were 87 sitting members in the state's Legislative Assembly - 46 in Kashmir valley, 37 in Jammu and four in Ladakh region. According to a survey of the news reports both in print and digital, Amnesty International India found that 28 members of the Legislative Assembly (MLAs) in Kashmir valley have been put under detention since 5 August 2019. Amnesty International India could find only two documented cases of administrative detention of MLAs in the Jammu region and none in Ladakh region.² While the entire region of Jammu & Kashmir has been impacted, the sweeping arrests and disproportionate use of detention on the political leaders in Kashmir particularly undermined their rights to freedom of expression and opinion.

After a year, over two dozen mainstream leaders remain under house arrest in Kashmir.³ The detention of former Chief Minister Mehbooba Mufti under PSA has been extended by three months.⁴

These arbitrary political detentions - made possible through repressive laws have quelled all credible opposition voices that could bring any kind of national or international attention to the on-ground situation in Jammu & Kashmir and demand accountability for the human rights violations.

VERBAL ORDERS OF DETENTION

As documented in Amnesty International India's February 2020 update, at least 1,249 people, including minors were held in administrative detention in Jammu & Kashmir, often through verbal orders.

Shockingly, Amnesty International India found that since August 2019, the executive magistrates in Kashmir region have been unlawfully issuing verbal orders of detentions under Section 107 and 151 of the Code of Criminal Procedure, which also allows for administrative detention, without keeping any record.

Saifuddin Soz, an 83-year-old professor and member of the Indian National Congress has recently alleged that he has been kept in detention unlawfully by the Jammu & Kashmir administration on the basis of a similar verbal order.⁵ Previously, Mustafa Kamaal of National Conference, Begum Khalida Shah and Muzaffar Shah of Awami National Conference had made similar allegations.⁶

On 14 July 2020, the President of the National Conference Party, Farooq Abdullah petitioned to the J&K High Court for the release of 16 members of the party who have allegedly been

detained without any written orders.⁷ The members include Nasir Aslam Wani, party's women wing leader Shameema Firdous, party's general secretary Ali Mohammed Sagar and party's chief spokesperson Aga Syed Ruhullah Mehdi. The petition is yet to come up for review by the court.

Sajad Gani Lone, chairperson of Jammu & Kashmir's Public Conference who had been in detention since 5 August 2019, was released on 31 July. Despite his release, he has alleged that he has been verbally ordered not to leave his residence until 5 August 2020.⁸

International human rights law requires states to ensure all individuals deprived of their liberty are informed, in a language they understand, in writing, of the reasons for their detention and of their right to prompt and regular access to counsel. Absence of a written order of detention restricts an individual's right to an independent and impartial judicial review.

Detaining individuals on the basis of verbal orders is a violation of their fair trial rights as guaranteed under Article 9 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party.

Amnesty International India accessed copies of several 'bonds' that many of the politicians had to allegedly sign to secure their release. These bonds lay down the condition that the leaders will not "commit breach of peace" and indulge in any political activity including making political speeches.

So far, at least five political leaders have signed bonds to secure their release.¹⁰ Those who refused to acquiesce to these stringent conditions, such as Mehbooba Mufti and Shah Faesal -a bureaucrat-turned-politician and founder of J&K People's Movement (JKPM), continue to be detained.

Political speech cannot be prohibited under national and international law unless it constitutes a direct threat to public order, which has not been adequately demonstrated by the Indian government. The blanket nature of this condition does not fulfil the conditions of legality and proportionality. Instead, this vague and broad condition stifles public debate and impedes political discourse.

Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression. In the case of *S. Rangarajan v. P. Jagjivan (1989 SCC (2) 574)*, the Supreme Court of India held that "open criticism of government policies and operations is not a ground for restricting expression".

CURBING FREEDOM OF EXPRESSION AND ASSOCIATION

Many arrested political leaders have been subsequently released. However, their release is as problematic as their detentions in the first place. Dozens of political leaders and activists since their detention on 5 August 2019, have signed 'bonds' that secure their release on the conditionality of maintaining silence on political issues – including participation in any political activity or issuing of statements around the abrogation of Article 370 and change of status of the region.⁹

1. Telephonic Interview with Shehla Rashid on 28 Sept 2019 at New Delhi.
2. Annexure 1
3. Peerzada Ashiq, The Hindu, 'A year in several Jammu and Kashmir leaders remain confined,' 2 August 2020, <https://www.thehindu.com/news/national/a-year-on-several-jammu-and-kashmir-leaders-remain-confined/article32254824.ece>
4. Debanish Achom, NDTV, 'Mehbooba Mufti's detention under Public Safety Act extended by 3 months,' 31 July 2020, <https://www.ndtv.com/india-news/mehbooba-muftis-detention-under-public-safety-act-extended-by-3-months-2272046>
5. Basharat Masood, 'SC was told a blatant lie that I am a free man... why am I being stopped', Indian Express, 31 July 2020, <https://indianexpress.com/article/india/saifuddin-soz-detention-sc-petition-jk-6531606/>
6. D A Rashid, 'Plea by Kamaal, Khalida, Muzaffar Shah against 'house arrest'', Greater Kashmir, 3 March 2020, <https://www.greaterkashmir.com/news/front-page-2/plea-by-kamaal-khalida-muzaffar-shah-against-house-arrest-are-you-ready-to-give-up-security-hc-tells-appellants/>
7. Farooq, Omar Abdullah Move HC For Release of Detained NC Leaders, The Quint, 14 July 2020, <https://www.thequint.com/news/hot-news/farooq-omar-abdullah-move-jammu-and-kashmir-high-court-for-release-of-detained-nc-leaders>
8. The Wire, 'Sajad Lone 'Released' After a Year's Detention, 'Asked Not to Leave Home Till Aug 5,' Say Reports', 31 July 2020, <https://thewire.in/rights/sajad-lone-released-jkpc-article-370>
9. Muzaffar Rana, The Telegraph, 'Crisis in Kashmir: Bond of silence that buys freedom', 19 October 2020, <https://www.telegraphindia.com/india/crisis-in-kashmir-bond-of-silence-that-buys-freedom/cid/1712906>
10. Vijaita Singh, The Hindu, 'Mizwaiz Umar Farooq, four other Kashmiri Leaders sign bonds to secure release', 20 September 2020, <https://www.thehindu.com/news/national/mirwaiz-umar-farooq-four-other-kashmiri-leaders-sign-bonds-to-secure-release/article29462227.ece>

SEVERE CLAMPDOWN ON FREEDOM OF PRESS

Amnesty International India urges the Government of India to immediately put an end to the clampdown on the press in Jammu and Kashmir, including withdrawal of the new Media Policy 2020 and revoking the various cases against journalists under PSA and the Unlawful Activities (Prevention) Act.

“An entire political leadership had been put behind bars... including three former chief ministers who have been extremely pro-India. Even they were not spared. So, how safe are the journalists?”¹¹

Freedom of press is crucial for holding institutions accountable. The protracted communication restrictions in Jammu & Kashmir along with the rising intimidation faced by journalists raise grave concerns of human rights violations that may occur yet remain unreported due to Government of India's near-total control over information coming out of the region. The misuse of repressive laws and ushering in of far-reaching policies has resulted in journalists policing themselves from fear of offending the authorities and the government pushing its own narrative. This signals towards a silencing of all views that are critical of the government.

THE BLACKOUT

“In our first editorial after 5 August blackout, I addressed my readers and told them that we, as newspaper, know nothing. We were publishing just to tell people that we are there...”¹²

The complete shutdown of the internet and telecommunication networks contravene the fundamental principles of necessity and proportionality that must be met by any restrictions to the right to freedom of opinion and expression, protected under the International Covenant on Civil and Political Rights to which India is a signatory. In the case of *Anuradha Bhasin v. Union (WP(Civil) 1031/2019)*, the Supreme Court of India affirmed this and directed the government to make public every order curtailing the internet and subject to judicial review.

Amnesty International India found that the on-ground reality in Jammu & Kashmir is starkly different from the narrative of ‘normalcy’ peddled by both the government and mainstream media in India. With landline and mobile phones not working, the local media suffered, grinding their work to a halt. The local newspapers either stopped publishing or produced truncated versions while their websites remained dated for months.



In several interviews with local journalists, editors and publishers conducted by Amnesty International India between 1 September 2019 and 31 July 2020, it was repeatedly expressed that the journalists felt threatened, intimidated and coerced. Most journalists who spoke to Amnesty International India requested anonymity, citing fear of reprisal from the authorities.

Speaking to Amnesty International India, a woman journalist who experienced the heavy handed tactics of the authorities first-hand said, "I remember the day [5 August 2019]. There was no information on what was happening around. I left my home and reached the down town area of Srinagar. I started taking general pictures of barbed wires and of the many standing security personnel there. A police officer arrived and asked me to leave the spot. Pointing towards me he said, 'Close your camera or I will thrash you with your shoes.' These were his words."

Amnesty International India interviewed many journalists whose cameras were regularly checked and memory cards erased by the authorities. Several journalists also reported that the authorities summoned them to police station to question the "sources" of their story and coerced them to report on "development work". In a few cases, the authorities made home visits and also inquired with the families.

While local journalists have found it difficult to report from the ground, publishers and editors have struggled to bring out their editions during the communication blackout. No access to internet and mobile services severely affected information collection, coordination, verification and dissemination. Newspapers only reproduced government information or wire agency reports collected from the Media Facilitation Centre set up by the Government of India in Srinagar. Many newspapers were reduced to four printed pages from the usual 16-20 pages. Circulation of newspapers dwindled and distribution mechanism collapsed as no public transport was available for months after 5 August 2019.

Zafar Choudhary, a Jammu-based journalist and author told Amnesty International India that the media in the Jammu region had gradually transitioned into the digital space but due to the communication blackout many journalists lost their jobs.¹³

Condemning the communications blackout, the Kashmir Press Club, in September 2019, had called the restrictions "totally unwarranted and unreasonable aimed at gagging the Kashmir press".¹⁴

THE MEDIA 'FACILITATION' CENTRE

*"There were a lot of issues in the Media Facilitation Centre. One was about the privacy of the journalist... we always had the apprehension that someone is snooping on us, we didn't know if our emails were secure, if our passwords were getting copied and there were regular internet snaps. So it was the Government telling us that it will be on (their) wish and will when journalists will be able to work and when they will not...."*¹⁵

In wake of the communication blackout, the Government of India set up the Media Facilitation Centre to help journalist access internet and other communication channels. Several journalists have complained of the impossible working conditions imposed on them which include working out of a small room with minimal number of computers where they would get approximately 15 minutes to file their stories and update their websites. Initially, the facility only had three computers which were connected to the internet. Over 300 journalists were forced to work on these computers. Most journalists who accessed the facility have also routinely expressed issues of privacy and insecure systems.

11. Interview with Anuradha Bhasin, Executive Editor, Kashmir Times, with Amnesty International India on 26 July 2020 over Skype from Jammu.

12. Interview with a senior newspaper publisher and member of Kashmir Editors Guild on the condition of anonymity in September 2019 in Srinagar, Kashmir.

13. Interview with Zafar Choudhary on 4 August 2020

14. Deccan Chronicle, 'J&K media curbs aimed at gagging press: Kashmir Press Club,' 24 September 2019, <https://www.deccanchronicle.com/nation/current-affairs/240919/jk-media-curbs-aimed-at-gagging-press-body.html>

15. Interview with Aakash Hassan, Journalist, CNN News 18 on 9 July 2020 at Srinagar, Kashmir

INTIMIDATION AND PHYSICAL ATTACK ON JOURNALISTS

“The fact that every second journalist has been either summoned by the police or questioned on the phone or ticked off or intimidated in some way or the other - all these things are adding to this fear psychosis...”¹⁶

A month before the August lockdown, Fayaz Ahmad Kaloo, editor of Greater Kashmir and president of Kashmir Editors Guild were summoned to Delhi and questioned by the National Investigation Agency for six days between 1 and 6 July 2019. He was allegedly interrogated about the articles in Greater Kashmir and sources of funds for his organization.¹⁷ Earlier in the year, the government had also stopped advertisements to both Greater Kashmir and Kashmir Reader – the largest English language newspapers of the region.

This pattern of harassment and intimidation faced by journalists in Jammu & Kashmir has intensified since 5 August 2019 as clearly documented by Amnesty International India.¹⁸

On 14 August 2019, Irfan Amin Malik, a journalist with Greater Kashmir was detained. He was not informed of the reasons of his arrest and released later on the same day. Peerzada Ashiq, the Srinagar correspondent for the national daily, the Hindu was summoned on 1 September 2019 by the police and asked to reveal the sources of his story that he had written on unlawful detentions in Jammu & Kashmir after the abrogation of Article 370. He was again summoned on 19 April 2020 in relation to the social media posts about one of his reports.

On 20 May 2020, the Srinagar Police summoned Fahad Shah,

editor of The Kashmir Walla - a multimedia news and views platform - for covering the encounter between the militants and security forces in the Nawakadal neighbourhood of downtown Srinagar. The police claimed that the stories “maligned the police”.¹⁹ Fahad stated that he was allowed to leave the police station only after five hours of questioning.²⁰ He was summoned again on 9 July 2020 and questioned on the same matter.

Amnesty International India also documented at least four instances of physical assaults on journalists in the last one year. In December 2019, Azaan Javaid, a journalist with The Print was physically assaulted while attempting to cover a story at Srinagar’s Islamia College of Science where a student protest was underway. On 10 February 2020, the Kashmir Press Club issued a statement saying that security agencies were threatening and intimidating journalists working in the Valley.²¹

In a violation of right to freedom of expression, the continuing harassment and intimidation of journalists by the authorities is leading to censorship and growing fear and gradually extinguishing the independence of media.

16. Interview with Anuradha Bhasin, Executive Editor, Kashmir Times on 26 July 2020 over Skype at Jammu

17. Sagrika Kisku, NewsClick, ‘Kashmiri Daily Editor Interrogated by NIA as persecution of journalists continues,’ 12 Jul 2019, <https://www.newsclick.in/kashmiri-daily-editor-interrogated-NIA-persecution-journalists-continues>

18. Annexure 2

19. Asmita Nandy, Kashmir Editor Summoned By Cops, Quizzed on ‘Gunfight Coverage’, The Quint, 20 May 2020, <https://www.thequint.com/news/india/kashmir-editor-fahad-shah-summoned-by-cops-quizzed-on-gunfight-coverage-nawakadal-encounter>

20. Interview on 31 July 2020 at Srinagar, Kashmir.

21. PTI, ‘Valley journalists being intimidated by security agencies, says Kashmir Press Club,’ 10 February 2020, <https://timesofindia.indiatimes.com/india/valley-journalists-being-intimidated-by-security-agencies-says-kashmir-press-club/articleshow/74065129.cms>

JOURNALISTS ARRESTED AND INTIMIDATED

A non-exhaustive list of journalists from Jammu and Kashmir who were allegedly summoned, arrested or physically assaulted by the police since August 2019 compiled from news reports in national and local print media.

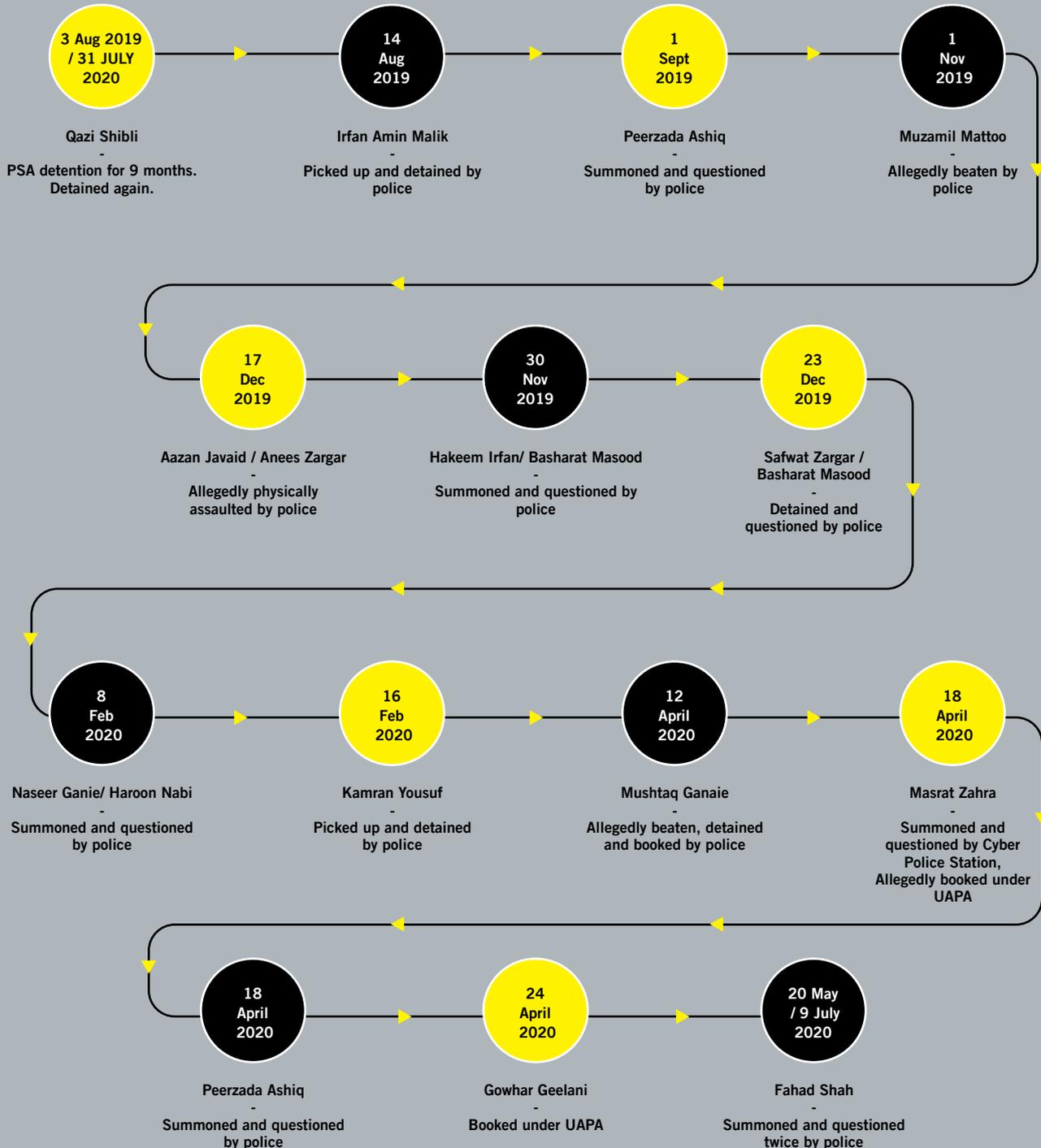


Chart 1: Timeline of journalists arrested and intimidated since august 2019 in Jammu and Kashmir

USE OF REPRESSIVE LAWS AGAINST JOURNALISTS

“It was happening as a pattern, as an ugly pattern where journalists were being routinely summoned for their work...”²²

As COVID-19 tore across the country and families lost their loved ones, the Government of India used the pandemic to escalate its chilling crackdown on press freedoms. Several journalists have been booked under repressive laws such as the PSA and UAPA, instilling fear in others.

UAPA, India’s principal counter-terrorism law, does not meet international human rights standards²³ but has been used against at least three journalists in the region. This heavy-handed intimidation tactics of the government has further muzzled dissent in Jammu & Kashmir. A week before the government imposed the communication blackout, Qazi Shibli - a Kashmir-based journalist and editor of a news website called the Kashmiriyat - was arrested in July 2019. He was booked under PSA on 8 August 2019. After nine months in jail, Shibli was released from Bareilly District Jail, Uttar Pradesh only to be detained again on 31 July 2020.

On 20 April, independent award-winning photojournalist Masrat Zahra was reportedly booked under the stringent UAPA. On 21 April, well-known author and journalist Gowhar Geelani was also booked under the same law. Both faced charges for their social media posts, which the police claimed were “prejudicial to national integrity, sovereignty and security of India.”

The United Nations Special Rapporteurs on the promotion and protection of the right to freedom of expression and opinion and on the situation of human rights defenders along with the Vice Chair of the Working Group on Arbitrary Detention in their communication to the Government of India on 12 May 2020 have expressed their ‘serious concern’ over the ‘pattern of silencing independent reporting on the situation in Jammu and Kashmir through the threat of criminal sanction.’ The penalization of journalists solely for being critical of the government is incompatible with India’s obligations under international human rights laws.

BIASED ACCESS TO THE GOVERNMENT

“If they are inaccessible, you need to carry on with your story but how do you do it? Do you face fake news charges or do you go ahead with the story saying that – ‘yes we did try to contact them but they were not contactable’?”

But even after that journalists have been summoned by police and questioned - Why did you do this particular story?

What are your sources?

What are your evidences and all that...”²⁴

Journalists in Jammu & Kashmir face a constant dilemma. In majority of the cases, the authorities are unwilling to speak to them or remain inaccessible. Not having the official version on the events or issues have led to charges of peddling fake news on the journalists or summons to the police station. Most independent journalists accuse the authorities of bias and prejudice. Speaking to Amnesty International India, senior journalist Yusuf Jameel said, “The authorities only encourage the journalists who are willing to tow their line - people who don’t ask questions on issues – people who don’t investigate stories and publish only official version on issues. There is no clearly laid out policy on who gets invited for press conferences or to meet important delegations. The choice on journalists receiving official invitation are arbitrary with even the accredited journalists being often sidelined.”

NEW MEDIA POLICY

“If things continue as they are - the crackdown, the intimidation, the threatening of journalists. I don’t think there will be any journalism. It will just be another arm of the government giving out press releases. If this continues a lot of journalists are going to break. They will change their fields. They will not want their conscience to be violated every day...”²⁵

Freedom of speech and expression form a part of the corpus of India's international obligations. Article 19 of the Universal Declaration of Human Rights and Article 19(2) of the International Covenant on Civil and Political Rights, to which India is a state party provide for the freedom of speech and expression, in similar manner as the Indian Constitution. In *Romesh Thappar v. State of Madras (1950 SCR 594)*, the Supreme Court of India held that freedom of press contribute to a free political discussion without which no public education, which is essential for the proper functioning of the process of Government, is possible.

On 2 June 2020, in the middle of the COVID-19 pandemic, the Department of Information and Public Relations, Government of Jammu and Kashmir issued a statement, notifying that the government had approved a new media policy.²⁶

The draconian and punitive policy openly aims to create “a sustained narrative on the functioning of the government in media” by checking on “anti-national activities, fake news and plagiarism”. Many journalists call this policy an extension of the hostility that started from 5 August 2019, raising new challenges of deliberate censorship and undermining the impartiality and independence of media.

The 53-page document elucidates in detail on the objectives, guiding principles and policy guidelines for different media such as print, cable and satellite TV Channels, FM and community radio stations, print and design, and online & new media.

The 2017 Joint declaration on freedom of expression and 'fake news', disinformation and propaganda, in which the UN and regional mechanisms of freedom of expression affirmed that 'general prohibitions on the dissemination of information based on vague and ambitious ideas, including 'false news' or 'non-objective information' are incompatible with international standards for restrictions on freedom of expression.

The policy gives the government unbridled powers to decide what is 'fake', 'unethical' or 'anti-national' news, and to

take legal action against the journalist or media organization concerned. The use of vague, ambiguous and undefined terms such as 'fake', 'unethical', 'anti-national' and 'anti-social' opens the doors for misuse. Moreover, giving government powers to decide which news falls within the purview of these undefined terms, without standards or principles to guide officials in this respect concentrates wide discretion in the hands of the executive.

While the journalists in the Kashmir region have pushed back on the policy, the journalists in Jammu have largely remained silent. Speaking to Amnesty International India, Zafar Choudhary said, “The Press in Jammu mainly reflects the dominant political sentiment of the regional majority. The political culture of Jammu is mostly constructed on reactions to Kashmir with no major agency of its own. So, when a difficult law, rule or policy comes in, the journalists think it is directed against Kashmir and must be in national interest. As a result, no journalist/media house in Jammu has spoken against the media policy.”²⁷

In May 2020, UNESCO warned that fake news laws could undermine the freedom of expression and critical journalism designed to ensure that accurate information reaches the public and that governments are held to account for their management of the pandemic.²⁸ The UN Secretary-General António Guterres during a High-Level Dialogue on Press Freedom and Tackling Disinformation in the COVID-19 Context in May 2020 remarked that the antidote to the pandemic of misinformation is fact-based news and analysis which depends on media freedom and independent reporting and it is rooted in the fundamental tenet of “journalism without fear or favour”.²⁹

“We are faced with undeclared censorship, they create situations where it becomes difficult, sometimes even impossible for journalists and reporters to work.”³⁰

22. Interview with Gowhar Geelani, journalist and author in July 2020 at Srinagar, Kashmir

23. Comments to the Unlawful Activities Amendment Act 2019 and the 1967 Unlawful Activities Prevention Act by United Nations Special Rapporteurs, 6 May 2020, OL IND 7/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25219> OL IND 7/2020

24. Interview with Anuradha Bhasin, Executive Editor, Kashmir Times on 26 July 2020 over Skype from Jammu

25. Interview with Azaan Javaid, Journalist, The Print, with Amnesty International India on 12 July 2020 at Srinagar, Kashmir

26. Azaan Javaid, The Print, J&K approves new media policy to create 'sustained' govt narrative, thwart fake news, 2 June 2020, <https://theprint.in/india/jk-approves-new-media-policy-to-create-sustained-govt-narrative-thwart-fake-news/434313/>

27. Interview with Zafar Choudhary on 4 August 2020.

28. UNESCO, Press Freedom : with COVID-19, journalism faces new challenges, <https://en.unesco.org/news/press-freedom-covid-19-journalism-faces-new-challenges-says-unesco-report>

29. High-Level Dialogue on Press Freedom and Tackling Disinformation in the COVID-19 Context, 4 May 2020, https://en.unesco.org/sites/default/files/high_level_dialogue_summary_-_wpfd.pdf

30. Interview with Yusuf Jameel on 6 July 2020 at Srinagar, Kashmir

PROTRACTED RESTRICTIONS TO INTERNET ACCESS

Amnesty International India urges the Government of India to immediately restore full internet connectivity in Jammu and Kashmir.

“When we are all going through a pandemic, when people are being encouraged to work from home, when students are trying to catch up with their studies online... the internet in Kashmir does not exist.”³¹

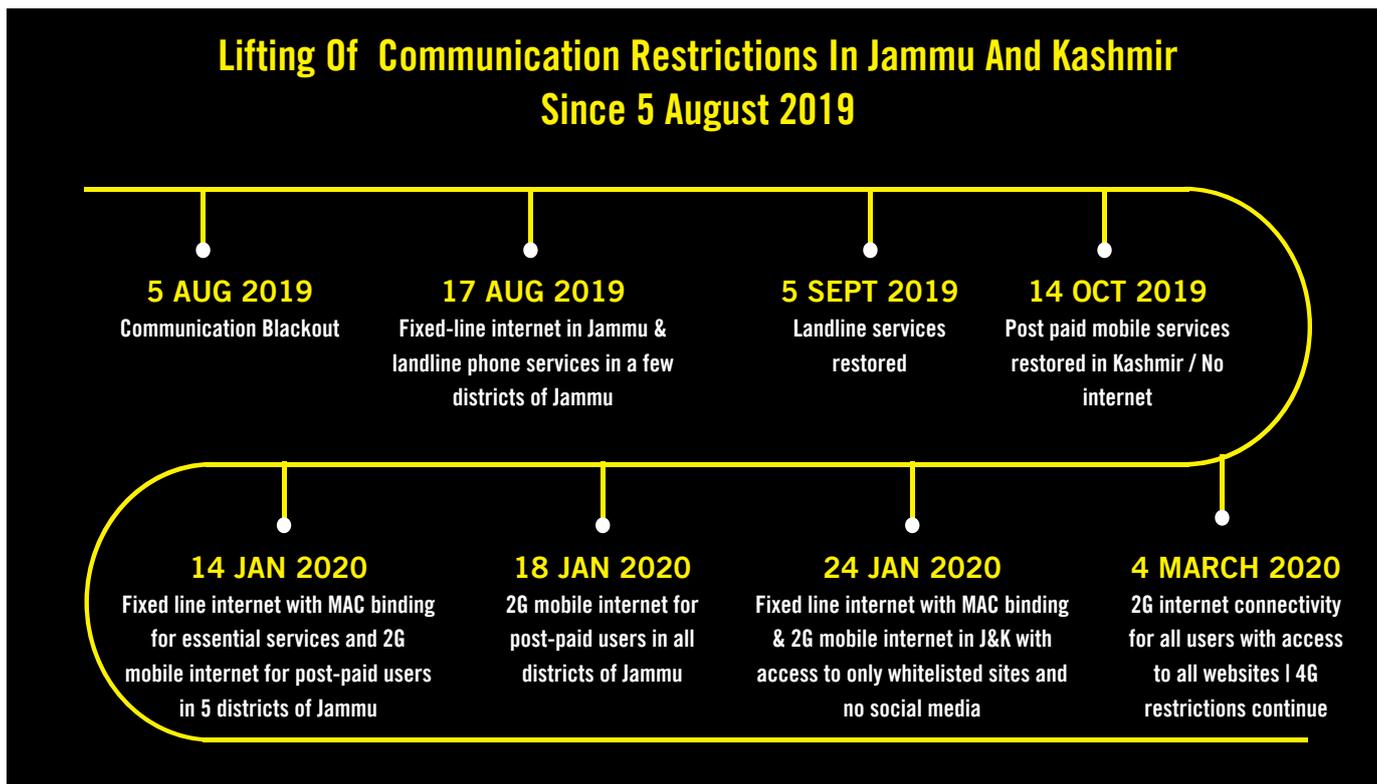


Chart 2: Timeline of lifting of communication restrictions in Jammu & Kashmir since 5 August 2019. The timeline only provides an indication of the key dates.

ARBITRARY INTERNET SHUTDOWNS

Since 2019, internet access has been disrupted in Jammu & Kashmir by at least 90 government-imposed internet shutdowns – the highest in the world.³² 4G mobile internet remains suspended in the region. A timeline of the lifting of communication restrictions shows that 2G mobile internet for all users was restored after seven months, on 4 March 2020. However, despite restoration of 2G mobile internet across the region, regular suspension of internet services keeps taking place in individual districts of or across Kashmir. Amnesty International India documented a total of 67 government-enforced internet shutdowns between 14 January 2020 and 4 August 2020.³³

Anuradha Bhasin, the editor and publisher of the newspaper Kashmir Times told Amnesty International India that she could not publish the newspaper due to communications restrictions imposed by the Government of India. On 10 August 2019,

she petitioned to the Supreme Court of India for the removal of restrictions imposed on the access of internet, mobile and landline phones and for other appropriate relief.

After five months, on 10 January 2020, the Supreme Court of India declared that the freedom of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation over the medium of Internet, enjoys constitutional protection. This became a landmark judgement making access to internet a fundamental right and any restrictions imposed on it to be in consonance with test of proportionality.

Upholding the power of the government to impose complete internet shutdown, it directed them to make public any order imposing such restriction and subject to judicial review. It also directed the government to ensure availability of internet connectivity to essential services such as hospitals and banks.

Stopping short of lifting the communication restrictions, it directed the government to constitute a special committee comprising (i) Secretary, Ministry of Home Affairs, (ii) Secretary, Department of Telecommunications, and (iii) Chief Secretary, Government of Jammu & Kashmir to review the shutdown orders against the tests outlined in its judgment and lift those that were not necessary or did not have a temporal limit. It also asked the committee to explore other viable alternatives. It is important to note that until now the Special Committee has not put any information on its functioning in the public domain, particularly on its constitution, the number of meetings held, reviewing of the government orders imposing internet shutdowns and its decision.

On 18 January 2020, prepaid mobile services were restored in Kashmir along with the 2G mobile internet to 153 websites on post-paid cell phones in Jammu and two districts of Kashmir. While broadband services were never completely disrupted in Jammu, they began to be restored in Kashmir in a phased manner beginning with the opening of about 400 internet kiosks.

In a 2016 resolution on the promotion, protection, and enjoyment of human rights on the internet, the U.N. Human Rights Council stated that it “[c]ondemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online . . . and calls on all States to refrain from and cease such measures.”

On 16 February 2020, the Jammu and Kashmir government added more than 1,000 websites to its internet whitelist, taking the total number from 481 to 1,485.

The Jammu and Kashmir police also invoked the Unlawful Activities (Prevention) Act (UAPA) against people allegedly misusing social media sites through proxy servers.³⁴

On 4 March 2020, 2G mobile internet services were restored in Kashmir after seven months along with lifting of restrictions on social media websites. However, within a few weeks, a second lockdown was imposed in the region to curb the spread of the COVID-19 pandemic.

Five months on, the continued restrictions to internet speed in the region to 2G mobile internet and frequent internet shutdowns even during the pandemic has led to unreliability of the internet connections in Kashmir. In the month of May alone there were at least four complete internet shutdowns in the Kashmir region. On 21 July 2020, the Special Committee constituted after the order of the Supreme Court of India decided against the resuming of internet services.

ACCESS TO HEALTHCARE

Amnesty International has documented the curtailed access to medical services, doctors and critical supplies in Kashmir during the communication blackout. As the region went from one lockdown to another, the situation in relation to the COVID-19 pandemic constantly evolved, throwing up new challenges. The internet provides a crucial link to information that helps keep families healthy and safe during this global health crisis. To ensure real-time preparedness of the people against the spread of the virus, full access to high speed internet is essential.

However, the people of Jammu and Kashmir are being ruthlessly deprived of telemedicine and online education during the COVID-19 pandemic.

Speaking with Amnesty International India, Anuradha Bhasin said, “Even those who were able to go to hospitals, they could not avail the various health schemes meant for people from economic backward sections of society. They were unable to do so because these were all internet lined. There was no internet facility provided in hospitals, which are essential services. If the doctors needed some research on latest information about medicines, if they needed to consult specialist outside - which they do in normal times in cases of medical complications - they were unable to do that.”

Human rights approach must be at the centre of all prevention, preparedness, containment, and treatment efforts to protect public health during the COVID19 pandemic. The right to health, as guaranteed under the Universal Declaration of Human Rights, provides for the right to access healthcare. Access to health-related information is also a crucial part of the right to health. Providing “education and access to information concerning the main health problems in the community, including methods of preventing and controlling them” is considered an “obligation of comparable priority” to the core obligations of the right to health.

The World Health Organisation recommends that the public must be informed of the situation so that they can take appropriate measures to protect themselves and their family. It further advises that anxiety around the outbreak can be countered by access to facts from reliable sources that help accurately determine risks so that reasonable precautions can be taken.

The people of Jammu and Kashmir have the right to remain informed of the threat to their health, the measures to mitigate risks, early warning information of possible future

31. Interview with Anuradha Bhasin, Executive Editor, Kashmir Times, with Amnesty International India on 26 July 2020 over Skype

32. Internet Shutdowns, Software Legal Centre, <https://internetshutdowns.in/>

33. Annexure 3

34. Press Release, Amnesty International India, <https://amnesty.org.in/news-update/jk-police-using-repressive-counter-terrorism-law-to-muzzle-access-to-social-media/>

consequences and information on ongoing response efforts. They have the right to information in the local languages and through media and in formats that can be easily understood and accessed, so that they can fully participate and take informed decisions in the response efforts.

The people of Jammu & Kashmir are entitled to live with dignity and be informed of the threats that COVID-19 pose to their health.

ACCESS TO EDUCATION

On 11 April 2020, the Private Schools Association of Jammu and Kashmir had moved the Supreme Court of India seeking restoration of 4G services in the union territory, contending that the lack of proper internet connectivity violated the fundamental right to education of children.³⁵

Restrictions on internet speed directly impacts the students of Jammu and Kashmir to exercise their right to education as they are unable to access elearning services such as online video classes and other online educational content. This not

only impacts their continuing education, but also disadvantages the students of Jammu and Kashmir who are preparing for competitive exams.

It has been a year since the children in Kashmir have been able to substantially attend schools and colleges, the only exception being November 2019 when they went in to take assignments for the holidays and took instructions for online exams and March 2020 when schools had begun to reopen. In a response to a Right to Information application from Amnesty International India, the Zonal Education Officer, Pulwama district in Kashmir shared that before the nation-wide lockdown was imposed to curb the COVID-19 pandemic, schools were open only for 19 working days in the district in 2020.

The authorities on two occasions announced the reopening of schools. But students stayed away amid the ongoing restrictions and reportedly due to concerns among parents about the children's safety. Broadband WiFi is not accessible to a large section of students, forcing them to rely on mobile internet connections. However, access with low 2G bandwidth, and intervals of complete internet shutdowns too prove to be an ongoing challenge.



ACCESS TO JUSTICE

On 6 April 2020, owing to the spread of COVID-19 pandemic in India, the Supreme Court of India issued guidelines for using video conferencing to hear matters.³⁶ It held:

“Technology has facilitated advances in speed, accessibility and connectivity which enable the dispensation of justice to take place in diverse settings and situations without compromising the core legal principles of adjudication.”

As a result, the High Court of Jammu and Kashmir has been holding virtual hearings since 23 March 2020. However, due to restrictions placed on internet, there have been reports of “extreme difficulty” in hearing the counsels. It is evident that the technological advancements have no place in Jammu & Kashmir along with the fundamental legal principles that call for unfettered access to justice.

To illustrate, a comparative analysis of the Habeas Corpus Petitions (HCP) filed in the Jammu and Srinagar wings of the Jammu and Kashmir High Court in the last five years show that the highest number of pending HCPs (371) in Srinagar Wing were in 2019.³⁷

The continuous lockdown in the region may have affected the number of HCPs the High Court could dispose since 2019. In 2020, both the number of HCPs filed as well as the number of HCPs disposed by the Court have seen a sharp decline. This can be attributed to COVID-19 related travel restrictions accompanied by the lack of hi-speed internet to hold uninterrupted hearings through video conferencing. This has severely impacted access to justice in Jammu and Kashmir considering the sheer number of people who were held in detention without charge or trial since 5 August 2019.

The continued restrictions by the government claiming that they have no effect on the efforts to control COVID-19 or ability of people to access information and educational content ignores the lived realities of people actually suffering the consequences of these restrictions.³⁸

Habeas Corpus Petitions in the J&K High Court

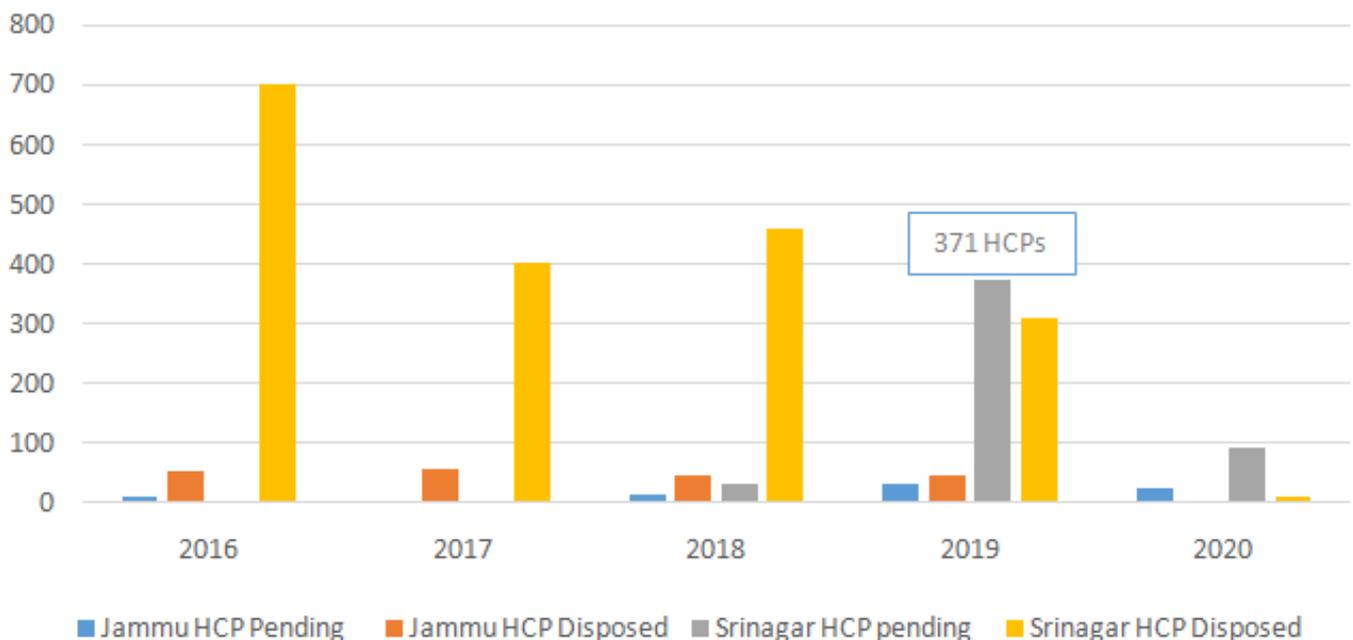


Chart 3. Comparison of habeas corpus petitions pending and disposed in the Jammu and Srinagar (Kashmir) wings of the J&K high court over the last 5 years – show a steep rise in pending petitions with the Srinagar wing in 2019 and sharp decline in overall petitions filed so far in 2020.

35. The Tribune, ‘J&K Private School Association moves SC for restoration of 4G services’, 11 April 2020, <https://www.tribuneindia.com/news/j-k-private-school-association-moves-sc-for-restoration-of-4g-services-69769>

36. Writ (Civil) No. 5/2020, https://main.sci.gov.in/supremecourt/2020/10853/10853_2020_0_1_21588_Judgement_06-Apr-2020.pdf

37. Jammu & Kashmir High Court, <http://jkhighcourt.nic.in/>

38. Outlook, Naseer Ganai, 4G Internet Ban In J-K Extended ‘In The Interest Of Sovereignty Of India’: Admin, 9 July 2020, <https://www.outlookindia.com/website/story/india-news-4g-internet-ban-in-kashmir-extended-in-the-interest-of-sovereignty-of-india/356311>

PRISONS: COVID19 HOTSPOTS

Amnesty International India urges the Government of India to release those who are currently in administrative detention, particularly booked under PSA and Section 107, 109 and 151 of the CrPC. It also calls on the government to immediately and unconditionally release all persons deprived of their freedom solely for peaceful enjoyment of their rights to freedom of expression, association, peaceful assembly, belief or equality and non-discrimination as they should not have been imprisoned in the first place.

According to the Ministry of Home Affairs, more than 5,100 Kashmiris were detained—most of them released later—before and after August 5, when the Indian government scrapped Jammu and Kashmir’s autonomous status.³⁹ But hundreds are still lodged in jails in Kashmir and elsewhere. According to media reports, the occupancy in the jails of Jammu & Kashmir at this time is 12% more than their capacity.⁴⁰ The 14 jails in the region house 3,628 inmates against an overall capacity of 3,234.⁴¹

On 29 March 2020, in line with the earlier judgment of the Supreme Court of India to prevent the spread of COVID-19 in prisons, the Government of Jammu and Kashmir constituted a High Powered Committee to release prisoners on interim bail or parole to decongest prisons across the Union Territory. The Supreme Court had stated that factors such as the nature and severity of the offence and the duration of the sentence must be considered for ordering the release of a prisoner.⁴²



According to the information obtained through Right to Information applications by Amnesty International India, 490 prisoners were released from jails in the region till 16 March 2020. On 30 March 2020, the Government of India further revoked detention orders under PSA against 31 persons. In April 2020, about 371 prisoners were released to decongest the jails in wake of the COVID-19 pandemic.⁴³

On 16 July 2020, at least 96 prisoners of the Anantnag district jail, mostly undertrials, tested positive for COVID-19.⁴⁴ The infections constitute nearly 50 per cent of the overcrowded jail's inmate population. A staff member also tested positive. On 27 July, at least five jail staff of the Central Jail hospital Srinagar tested positive for COVID-19.⁴⁵

A basic protective measure to prevent the spread of COVID-19 recommended by the World Health Organisation (WHO) is to maintain physical distancing from others. The WHO also

advises people to keep at least 1 metre distance between themselves and others. Amnesty International is concerned that the overcrowded conditions in the jails of the region make physical distancing of the kind recommended by the WHO, impossible.

On 3 April, the Office of the United Nations High Commissioner for Human Rights (OHCHR) urged countries around the world in view of the pandemic to release “every person detained without sufficient legal basis, including political prisoners, and those detained for critical, dissenting views”.⁴⁶ It also called for the release of pregnant women, older persons and persons with disabilities.

To mitigate the high risks of the further spread of the virus in the prisons where physical distancing is impossible, it is clearly an urgent need to decongest the prisons of Jammu & Kashmir.

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39. The Wire, '5161 people detained in J&K since August 5 decision, says centre,' 20 November 2019, <https://thewire.in/government/jammu-and-kashmir-detentions-parliament>
40. Umer Maqbool, 'Kashmir: Prisoner Detained Under Public Safety Act Tests Positive for COVID-19', 14 July 2020, <https://thewire.in/rights/kashmir-prisoner-jail-public-safety-act-covid-19>
41. Umer Maqbool, 'Kashmir: Prisoner Detained Under Public Safety Act Tests Positive for COVID-19', 14 July 2020, <https://thewire.in/rights/kashmir-prisoner-jail-public-safety-act-covid-19>
42. Zulfikar Majid, Deccan Herald, 'Amid coronavirus pandemic J&K Committee issues guidelines to decongest jails,' 2 April 2020, www.deccanherald.com/national/north-and-central/amid-coronavirus-pandemic-jk-committee-issues-guidelines-to-decongest-jails-820402.html
43. IANS, Outlook, 'J&K releases 371 prisoners during April', 1 May 2020, www.outlookindia.com/newscroll/jampk-releases-371-prisoners-during-april/1820688
44. Naseer Ganai, Outlook, 'Kashmir: 96 Prisoners test Covid positive in Anantnag Jail, 16 July 2020, 'www.outlookindia.com/website/story/india-news-kashmir-96-prisoners-test-covid-positive-in-anantnag-jail/356817
45. Shabir Ibn Yusuf, Greater Kashmir, '5 officials of central jail hospital test positive', 27 July 2020, www.greaterkashmir.com/news/front-page-2/5-officials-of-central-jail-hospital-test-positive
46. UN High Commissioner for Human Rights, Press briefing note on COVID-19, 3 April 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25770&LangID=E>
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CLOSURE OF STATE HUMAN RIGHTS COMMISSION AND OTHER BODIES

Given the chronic history of human rights abuses in the past in the region, Amnesty International India recommends that the National Human Rights Commission (NHRC) set up a branch office for Jammu and Kashmir to facilitate easy access to the complaint filing process for the local people. It must also appoint a Special Monitor for the region with authority on local situation and challenges.

The NHRC must urgently take up cases that had been pending with the former State Human Rights Commission and end the limbo for the petitioners seeking redressal of their grievances.

Amnesty International India recommends that the National Commission for Women constitute a Jammu and Kashmir Cell in the Commission to address problems being faced by women of the region.

The Jammu & Kashmir State Human Rights Commission (J&K SHRC) was among the seven different commissions abolished after the Jammu and Kashmir Re-Organisation Act repealed various state laws. The Government of India through the Jammu and Kashmir Re-Organisation (Adaptation of Central Laws)

Order, 2020 has given the National Human Rights Commission the authority to deal with all human rights matters from the region. This goes against the recommendations from J&K Law Commission, of creating a separate rights body for the union territory.⁴⁷



In October 2019, speaking to Amnesty International India, Justice Bilal Nazki, Chairperson of the J&K SHRC had said, “The NHRC already had limited jurisdiction in the state of Jammu & Kashmir, but for union territories of Jammu & Kashmir and Ladakh, the Act does not provide any mechanism. Presently, we have no idea of how things will be rolled out. Everything is unknown. But the government will have to develop a mechanism and that too as soon as possible.” However no such mechanism has been developed so far. Until 2019, the J&K SHRC had received 8,529 cases of alleged human rights violations involving killings, torture and custodial disappearance, of which 7,725 had been dealt with.⁴⁸

Among commissions that were abolished along with the J&K SHRC was also the State Commission for Protection of Women and Child Rights (SCPWCR). The National Women’s Commission (NWC) is yet to take up the pending cases of the erstwhile state commission, thus leaving the women of J&K in lurch. The official figure states that over 200 cases, majority of them domestic violence, were undergoing trial at the SCPWCR, the day it was closed.⁴⁹ The women and child rights commission is extremely important especially considering the increased vulnerability of women and children during the COVID-19 pandemic that has witnessed a spike in domestic violence.

47. Waseem Ramzan, Kashmir News Service, ‘Law Commission recommends separate human rights body for J&K and Ladakh UTs, 6 Nov 2019,’ <http://www.knskashmir.com/Law-Commission-recommends-separate-human-rights-body-for-JandK-and-Ladakh-UTs-39919>

48. Umer Maqbool, The Wire, ‘J&K No Longer Has its Own Rights Body,’ 17 April, <https://thewire.in/rights/kashmir-human-rights-nhrc>

49. Shafaq Shah, New18, ‘Kashmir’s Victims of Violence Lose Hope After Article 370 Move Closes State Commission for Women and Children, 17 Feb 2020,’ <https://www.news18.com/news/buzz/kashmirs-victims-of-violence-lose-hope-after-article-370-move-closes-state-commission-for-women-and-children-2502779.html>



ANNEXURE 1

LIST OF POLITICAL LEADERS DETAINED IN JAMMU AND KASHMIR SINCE AUGUST 2019

This is a non-exhaustive list of prominent politicians from Jammu and Kashmir who were put under administrative detention since August 2019 compiled from news reports in national and local print media.

1. A ELECTED MEMBERS OF LAST J&K ASSEMBLY:

| S.NO | NAME OF POLITICIAN | PARTY | CONSTITUENCY | REGION | DETAINED ON | RELEASED |
|------|-----------------------|--|--------------|---------|-------------|-----------|
| 1. | M Y Tarigami | Communist Party of India (Marxist) | Kulgam | Kashmir | 5-Aug-19 | 16-Sep-19 |
| 2. | Mehbooba Mufti | J&K People's Democratic Party | Anantnag | Kashmir | 5-Aug-19 | |
| 3. | Abdul Haq Khan | J&K People's Democratic Party | Lolab | Kashmir | 5-Aug-19 | 17-Jan-20 |
| 4. | Sajjad Gani Lone | J&K People's Conference | Handwara | Kashmir | 5-Aug-19 | 5-Feb-20 |
| 5. | Mohammad Shafi | J&K National Conference | Uri | Kashmir | 5-Aug-19 | 4-Feb-20 |
| 6. | Yawar Ahmad Mir | J&K People's Democratic Party | Rafiabad | Kashmir | 5-Aug-19 | 10-Oct-19 |
| 7. | Abdul Rashid Dar | J&K National Conference | Sopore | Kashmir | 5-Aug-19 | 17-Jan-20 |
| 8. | Nazir Ahmad Khan | J&K National Conference | Gurez | Kashmir | 5-Aug-19 | 17-Jan-20 |
| 9. | Usman Majeed | Indian National Congress/ Joined Apni Party | Bandipora | Kashmir | 9-Aug-19 | |
| 10. | Altaf Ahmad wani | J&K National Conference | Pahalgam | Kashmir | 5-Aug-19 | 16-Jan-20 |
| 11. | Mohammad Abbas Wani | J&K People's Democratic Party | Gulmarg | Kashmir | 5-Aug-19 | 17-Jan-20 |
| 12. | Mohammad Amin Bhat | J&K National Conference | Devsar | Kashmir | 5-Aug-19 | |
| 13. | Farooq Ahmad Andrabi | J&K National Conference | Dooru | Kashmir | 5-Aug-19 | |
| 14. | Ishfaq Ahmad Sheikh | J&K National Conference | Ganderbal | Kashmir | 5-Aug-19 | 30-Dec-19 |
| 15. | Omar Abdullah | J&K National Conference | Beerwah | Kashmir | 5-Aug-19 | 24-Mar-20 |
| 16. | Abid Hussain Ansari | J&K People's Democratic Party | Zadibal | Kashmir | 5-Aug-19 | 10-Oct-20 |
| 17. | Mabarak Gul | J&K National Conference | Eidgah | Kashmir | 5-Aug-19 | 8-Feb-20 |
| 18. | Ali Mohammad Sagar | J&K National Conference | Khanyar | Kashmir | 5-Aug-19 | 17-Jun-20 |
| 19. | Shamima Firdous | J&K National Conference | Habba Kadal | Kashmir | 5-Aug-19 | |
| 20. | Mohammad Ashraf Mir | J&K People's Democratic Party/ Joined Apni Party | Sonawar | Kashmir | 5-Aug-19 | 4-Feb-20 |
| 21. | Noor Mohammad Sheikh | J&K People's Democratic Party | Batamaloo | Kashmir | 5-Aug-19 | 10-Oct-19 |
| 22. | Aijaz Ahmad Mir | J&K People's Democratic Party | Wachi | Kashmir | 5-Aug-19 | 5-Feb-20 |
| 23. | Syed Ruhullah Mehdi | J&K National Conference | Budgam | Kashmir | 5-Aug-19 | |
| 24. | Mohammad Yousuf Bhat | J&K People's Democratic Party | Shopian | Kashmir | 5-Aug-19 | 4-Feb-20 |
| 25. | Hakeem Mohammad Yasin | J&K People Democratic Front(Secular) | Khansahib | Kashmir | 5-Aug-19 | 24-Nov-19 |
| 26. | Gulzar Ahmad wani | J&K National Conference | Shangus | Kashmir | 5-Aug-19 | |
| 27. | Abdul Majeed Larmi | J&K National Conference | Shalibugh | Kashmir | 5-Aug-19 | 4-Feb-20 |
| 28. | Zahoor Ahmad Mir | J&K People's Democratic Party | Pampore | Kashmir | 5-Aug-19 | 30-Dec-19 |
| 29. | Vikar Rasool Wani | J&K National Conference | Banihal | Jammu | | 2-Oct-19 |
| 30. | Davender Singh Rana | J&K National Conference | Nagrota | Jammu | | 2-Oct-19 |

1. B OTHER MAINSTREAM POLITICAL LEADERS:

| S.NO | NAME | POLITICAL PARTY | REGION | RELEASED ON | RELEASED AFTER |
|------|---------------------------|----------------------------------|---------|-------------|----------------|
| 1. | Dr Farooq Abdullah | J&K National Conference | Kashmir | 13-Mar-20 | PSA Revoked |
| 2. | Naem Akhtar | J&K People's Democratic Party | Kashmir | 17-Jun-20 | PSA Revoked |
| 3. | Sartaj Madani | J&K People's Democratic Party | Kashmir | 3-Jun-20 | PSA Revoked |
| 4. | Dr Shah Faesal | J&K Peoples Movement | Kashmir | 3-Jun-20 | PSA Revoked |
| 5. | Bashir Ahmad Veeri | J&K National Conference | Kashmir | | PSA Revoked |
| 6. | Shoib Lone | Indian National Congress | Kashmir | 10-Oct-20 | Signed a Bond |
| 7. | Noor Mohammad | J&K National Conference | Kashmir | 10-Oct-20 | Signed a Bond |
| 8. | Yasir Reshi | J&K People's Democratic Party | Kashmir | 30-Dec-20 | |
| 9. | Dilawar Mir | J&K People's Democratic Party | Kashmir | 25-Nov-20 | |
| 10. | Ghulam Hassan Mir | J&K Democratic Party Nationalist | Kashmir | 25-Nov-20 | |
| 11. | Hilal Akbar Lone | J&K National Conference | Kashmir | 18-Jun-10 | PSA Revoked |
| 12. | Rafiq Mir | J&K People's Democratic Party | Kashmir | 26-Nov-20 | |
| 13. | Bashir Ahmad Shah | J&K People's Democratic Party | Kashmir | | |
| 14. | Hilal Ahmad Shah | Indian National Congress | Kashmir | | |
| 15. | Ghulam Nabi Bhat | J&K National Conference | Kashmir | 2-Feb-20 | |
| 16. | Dr Mohammad Shafi | J&K National Conference | Kashmir | 2-Feb-20 | |
| 17. | Showkat Ganie | J&K National Conference | Kashmir | 16-Jan-20 | |
| 18. | Salman Sagar | J&K National Conference | Kashmir | 16-Jan-20 | |
| 19. | Nizam-u-din Bhat | J&K People's Democratic Party | Kashmir | 16-Jan-20 | |
| 20. | Mukhtar Bandh | J&K People's Democratic Party | Kashmir | 16-Jan-20 | Signed a Bond |
| 21. | Peer Mansoor | J&K People's Democratic Party | Kashmir | 3-Jun-20 | PSA Revoked |
| 22. | Raman Balla | Indian National Congress | Jammu | 2-Oct-19 | |
| 23. | Harshdev Singh | J&K Panthers Party | Jammu | 2-Oct-19 | |
| 24. | Surjit Singh Slathia | J&K National Conference | Jammu | 2-Oct-19 | |
| 25. | Sajjad Ahmad Kitchloo | J&K National Conference | Jammu | 2-Oct-19 | |
| 26. | Tanvir Sadiq | J&K National Conference | Kashmir | 8-Feb-20 | |
| 27. | Bilal Sultan | J&K Awami Ittihad Party | Kashmir | 11-Mar-20 | |
| 28. | Waheed-ur-Rehman Parra | J&K People's Democratic Party | Kashmir | 5-Feb-20 | |
| 29. | Abdul Rahim Rather | J&K National Conference | Kashmir | | |
| 30. | Chowdhary Mohammad Ramzan | J&K National Conference | Kashmir | | |
| 31. | Bashir Ahmad Mir | J&K People's Democratic Party | Kashmir | 30-Dec-20 | |
| 32. | Abdul Rashid | Indian National Congress | Kashmir | 17-Jan-20 | |
| 33. | Nasir Aslam Wani | J&K National Conference | Kashmir | | |
| 34. | Saifuddin Soz | Indian National Congress | Kashmir | | - |
| 35. | Peerzada Moahmmad Syed | Indian National Congress | Kashmir | | |
| 36. | Ghulam Nabi Monga | Indian National Congress | Kashmir | | |
| 37. | Aga Syed Mehmood | J&K National Conference | Kashmir | | |
| 38. | Irfan Shah | J&K National Conference | Kashmir | | |
| 39. | Saifuddin Bhat | J&K National Conference | Kashmir | | |
| 40. | Firdous Tak | PDP | Jammu | 2-Oct-19 | |

ANNEXURE 2

LIST OF JOURNALISTS ARRESTED AND INTIMIDATED SINCE AUGUST 2019 IN JAMMU AND KASHMIR

This is a non-exhaustive list of journalists from Jammu and Kashmir who were allegedly summoned, arrested or physically assaulted by the police since August 2019 compiled from news reports in national and local print media.

| S. NO | NAME | ORGANISATION | DATE OF INCIDENT | NATURE OF INCIDENT | REMARKS |
|-------|------------------|----------------------|------------------------|--|--|
| 1. | Qazi Shibli | The Kashmiriyat | 3 Aug 2019/31 Jul 2019 | Arrested and booked under PSA | Released after nine months of detention in a jail in Agra, Uttar Pradesh. Detained again. |
| 2. | Irfan Amin Malik | Greater Kashmir | 14-Aug-19 | Picked up and detained by police from Tral | Detained without any reason and released later. |
| 3. | Peerzada Ashiq | The Hindu | 1-Sep-19 | Summoned and questioned by Police | Asked to reveal the sources of his story on unlawful detentions in J&K. |
| 4. | Muzamil Mattoo | Freelance journalist | 1-Nov-19 | Allegedly beaten by J&K police | While covering a religious gathering in Khawja Bazar area in old city, Srinagar. |
| 5. | Aazan Javaid | The Print | 17-Dec-19 | Allegedly physically assaulted by police | While covering a protest in Srinagar. |
| 6. | Anees Zargar | NewsClick | 17-Dec-19 | Allegedly physically assaulted by police | While covering a protest in Srinagar. |
| 7. | Hakeem Irfan | Economic Times | 30-Nov-19 | Summoned and questioned by Police | Questioned about the sources of their stories. |
| 8. | Basharat Masood | Indian Express | 30 Nov, 2019 | Summoned and questioned by Police | Questioned about the sources of their stories. |
| 9. | Basharat Masood | Indian Express | 23-Dec-19 | Detained and questioned by police | Stopped by the police in Handwara while on an assignment. Taken to office of the Superintendent of Police Handwara and questioned. |
| 10. | Safwat Zargar | Scroll | 23-Dec-19 | Detained and questioned by police | Stopped by the police in Handwara while on an assignment. Taken to office of the SP Handwara and questioned. |
| 11. | Naseer Ganie | Outlook | 8-Feb-20 | Summoned and questioned by police | Questioned about reporting on a statement issued by J&K Liberation Front (JKLF) which has been banned by the government. |
| 12. | Haroon Nabi | - | 8-Feb-20 | Summoned and questioned by police | Questioned about reporting on a statement issued by J&K Liberation Front (JKLF), which has been banned by the government. |

| S. NO | NAME | ORGANISATION | DATE OF INCIDENT | NATURE OF INCIDENT | REMARKS |
|-------|----------------|----------------------------|------------------|---|---|
| 13. | Kamran Yousuf | NewsClick | 16-Feb-20 | Picked up and questioned by police | Picked up by the police from his home on the suspicion of using Twitter. Let go after two hours of questioning. |
| 14. | Mushtaq Ganaie | Kashmir Observer | 12-Apr-20 | Allegedly beaten, detained and booked by police | Beaten and booked by J&K police while reporting from Bandipora district in North Kashmir. Detained for two days in a police lockup. |
| 15. | Masrat Zahra | Freelance Photo-journalist | 18-Apr-20 | Summoned and questioned by Cyber Police Station | Summoned for posting her work on social media. Allegedly booked under UAPA |
| 16. | Peerzada Ashiq | The Hindu | 18-Apr-20 | Summoned and questioned by J&K police | Questioned for alleged factual inaccuracies in one of his story for the Hindu. |
| 17. | Gowhar Geelani | Freelance Journalist | 24-Apr-20 | Booked under UAPA | Booked under UAPA. He has challenged it in the court |
| 18. | Fahad Shah | Kashmir Walla | 20 May/9 Jul | Summoned and questioned twice by J&K Police | Summoned over charges of defamation |

ANNEXURE 3

LIST OF INTERNET SHUTDOWNS IN JAMMU AND KASHMIR SINCE 14 JANUARY 2020

This is an exhaustive list of internet shutdowns in the region of Jammu and Kashmir compiled from the notices issued by the Home Department, Government of Jammu & Kashmir and made available in public domain till 4 August 2020. This is pursuant to the order of the Supreme Court of India on 10 January 2020 directing the Government of Jammu & Kashmir to make any order imposing restrictions public. Amnesty International India documented a total of 67 government-enforced internet shutdowns between 14 January 2020 and 4 August 2020.

| S. NO | MONTH & DATE | PARTICULARS | NO. OF INTERNET SHUTDOWNS | |
|-----------------|--------------|---|---------------------------|--|
| JANUARY | | | | |
| 1 | 14-Jan-20 | 2G internet allowed on post-paid SIM cards in Jammu, Samba, Kathu, Udhampur and Reasi districts | 02 | |
| 2 | 18-Jan-20 | 1. Fixed Line internet restored to companies engaged in software services | | |
| | | 2. 2G mobile internet restored in all districts of Jammu division and two districts of Kashmir | | |
| | | 3. Voice and SMS services restored on pre-paid SIM cards | | |
| 3 | 24-Jan-20 | Restrictions on 4G mobile internet continue | | |
| 4 | 26-Jan-20 | 2G mobile internet, voice calling and SMS services suspended across Kashmir valley | | |
| 5 | 28-Jan-20 | 2G mobile internet suspended in Anantnag District | 05 | |
| 6 | 31-Jan-20 | Restrictions on 4G mobile internet continue | | |
| FEBRUARY | | | | |
| 7 | 7-Feb-20 | Restrictions on 4G mobile internet continue | | |
| 8 | 9-Feb-20 | 2G mobile internet suspended across Kashmir valley | | |
| 9 | 11-Feb-20 | 2G mobile internet suspended across Kashmir valley | | |
| 10 | 3-Feb-20 | Internet services suspended across Kashmir | | |
| 11 | 15-Feb-20 | Restrictions on 4G mobile internet continue | | |
| 12 | 20-Feb-20 | 2G mobile internet suspended in Baramulla and Awantipora districts | | |
| 13 | 23-Feb-20 | 2G mobile internet suspended in Anantnag and Kulgam districts | | |
| 14 | 24-Feb-20 | Restrictions on 4G mobile internet continue | 02 | |
| MARCH | | | | |
| 15 | 4-Mar-20 | Restrictions on 4G mobile internet continue | | |
| 16 | 10-Mar-20 | 2G mobile internet suspended in Anantnag and Kulgam districts | | |
| 17 | 16-Mar-20 | 2G mobile internet suspended in Anantnag and Kulgam districts | | |
| 18 | 17-Mar-20 | Restrictions on 4G mobile internet continue | | |

| APRIL | | |
|------------|-----------|---|
| 19 | 3-Apr-20 | Restrictions on 4G mobile internet continue |
| 20 | 5-Apr-20 | 2G mobile internet suspended in Kulgam districts |
| 21 | 6-Apr-20 | 2G mobile internet suspended in Kulgam district. |
| 22 | 8-Apr-20 | 2G mobile internet suspended in Sopore. |
| 23 | 11-Apr-20 | 2G mobile internet suspended in Kupwara district. |
| 24 | 12-Apr-20 | 2G mobile internet suspended in Kulgam district. |
| 25 | 15-Apr-20 | Restrictions on 4G mobile internet continue |
| 26 | 18-Apr-20 | 2G mobile internet suspended in Shopian district. |
| 27 | 22-Apr-20 | 2G mobile internet suspended in Shopian district. |
| 28 | 22-Apr-20 | 2G mobile internet suspended in Anantnag district. |
| 29 | 25-Apr-20 | 2G mobile internet suspended in Kulgam and Awantipora districts. |
| 30 | 27-Apr-20 | 2G mobile internet suspended in Kulgam district. |
| 31 | 27-Apr-20 | Restrictions on 4G mobile internet continue |
| 32 | 28-Apr-20 | 2G mobile internet suspended in Anantnag district. |
| 33 | 29-Apr-20 | 2G mobile internet suspended in Shopian and Pulwama districts. |
| 34 | 29-Apr-20 | 2G mobile internet suspended in Anantnag district. |
| 35 | 30-Apr-20 | 2G mobile internet suspended in Anantnag, Shopian and Kulgam districts. |
| MAY | | |
| 36 | 3-May-20 | 2G mobile internet suspended in Pulwama district. |
| 37 | 3-May-20 | 2G mobile internet suspended in Handwara and Kupwara district. |
| 38 | 3-May-20 | 2G mobile internet suspended in Pulwama district. |
| 39 | 4-May-20 | 2G mobile internet suspended in Handwara in Kupwara districts. |
| 40 | 6-May-20 | 2G mobile internet suspended in Handwara in Kupwara districts. |
| 41 | 6-May-20 | 2G mobile internet suspended in Ramban in Jammu division. |
| 42 | 7-May-20 | 2G mobile internet suspended in police district Awantipora in Anantnag districts. |
| 43 | 6-May-20 | 2G mobile internet suspended in entire Kashmir valley. |
| 44 | 7-May-20 | 2G mobile internet suspended in entire Kashmir valley. |
| 45 | 11-May-20 | 2G mobile internet restored except Shopian and Pulwama districts. |
| 46 | 13-May-20 | Restrictions on 4G mobile internet continue |
| 47 | 14-May-20 | 2G mobile internet suspended in Budgam district. |
| 48 | 15-May-20 | 2G mobile internet suspended in Kulgam district. |
| 49 | 20-May-20 | 2G mobile internet suspended in Srinagar district. |
| 50 | 20-May-20 | 2G mobile internet suspended in Srinagar district. (Exempting BSNL) |
| 51 | 20-May-20 | 2G mobile internet suspended in Pulwama district. |
| 52 | 26-May-20 | 2G mobile internet suspended in Kulgam and Shopian districts. |
| 53 | 27-May-20 | Restrictions on 4G mobile internet continue |
| 54 | 31-May-20 | 2G mobile internet suspended in Kulgam district. |

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| JUNE | | |
|------|-----------|---|
| 55 | 1-Jun-20 | 2G mobile internet suspended in Anantnag district. |
| 56 | 3-Jun-20 | 2G mobile internet suspended in police district Awantipora and Anantnag district. |
| 57 | 4-Jun-20 | 2G mobile internet suspended in Pulwama district. |
| 58 | 8-Jun-20 | 2G mobile internet suspended in Shopian district. |
| 59 | 8-Jun-20 | 2G mobile internet suspended in Kulgam district. |
| 60 | 11-Jun-20 | 2G mobile internet suspended in Shopian district. |
| 61 | 14-Jun-20 | 2G mobile internet suspended in Kulgam district. |
| 62 | 17-Jun-20 | 2G mobile internet suspended in Shopian district. |
| 63 | 17-Jun-20 | Restrictions on 4G mobile internet continue |
| 64 | 19-Jun-20 | 2G mobile internet suspended in police district Awantipora and Anantnag district. |
| 65 | 19-Jun-20 | 2G mobile internet suspended in Shopian district. |
| 66 | 19-Jun-20 | 2G mobile internet suspended in police district Awantipora and Anantnag district. |
| 67 | 19-Jun-20 | 2G mobile internet suspended in police district Awantipora and Anantnag district. |
| 68 | 19-Jun-20 | 2G mobile internet suspended in Kulgam district. |
| 69 | 21-Jun-20 | 2G mobile internet suspended in Kulgam and Shopian districts. |
| 70 | 22-Jun-20 | 2G mobile internet suspended in Srinagar district. |
| 71 | 24-Jun-20 | 2G mobile internet suspended in Pulwama district. |
| 72 | 26-Jun-20 | 2G mobile internet suspended in police district Awantipora and Anantnag district. |
| 73 | 26-Jun-20 | 2G mobile internet suspended in police district Sopore and Baramulla districts. |
| 74 | 30-Jun-20 | 2G mobile internet suspended in Anantnag district. |
| JULY | | |
| 75 | 1-Jul-20 | 2G mobile internet suspended in Anantnag district. |
| 76 | 8-Jul-20 | Restrictions on 4G mobile internet continue |
| 77 | 8-Jul-20 | 2G mobile internet suspended in Pulwama district. |
| 78 | 9-Jul-20 | 2G mobile internet suspended in Shopian and Kulgam districts. |
| 79 | 9-Jul-20 | 2G mobile internet suspended in Anantnag, Awantipora and Sopore districts. |
| 80 | 13-Jul-20 | 2G mobile internet suspended in sopore. |
| 81 | 14-Jul-20 | 2G mobile internet suspended in Anantnag district |
| 82 | 18-Jul-20 | 2G mobile internet suspended in Kulgam district |
| 83 | 19-Jul-20 | 2G mobile internet suspended in Shopian district |
| 84 | 29-Jul-20 | Restrictions on 4G mobile internet continue |



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Relatives mourning the death of the 16-year-old boy who was fatally hit by pellets during a protest against the scrapping of Article 370.

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