



State *versus* Khurram Parvez  
A PEOPLES' DOSSIER



**JAMMU KASHMIR COALITION OF CIVIL SOCIETY**

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**“ MR. PARVEZ IS A WELL-KNOWN AND OUTSPOKEN HUMAN RIGHTS DEFENDER** who has had a longstanding and positive engagement with the UN human rights mechanisms. His continued detention following his arrest just a few days before his participation in the UN Human Rights Council, suggests a deliberate attempt to obstruct his legitimate human rights activism. ” **The UN Working Group on enforced or involuntary disappearances; the UN Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst; the Chair-Rapporteur of the UN Working Group on Arbitrary Detention, Mr. Sètondji Adjovi; the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai, and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye.**

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Today, 9 November 2016, marks the 55 th day of Khurram Parvez’s unlawful detention. Presently imprisoned at Kot Bhalwal Jail, Jammu, under the Public Safety Act, 1978 Khurram Parvez has been declared a threat to “public safety” and “public order” on the basis of spurious and unsubstantiated police allegations.

This document introduces him as a person, his work and why the State has detained him.

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Khurram with wife Sameena, and son Ahmed.

## I. Who is Khurram Parvez?

**K**hurram Parvez, 39, is an internationally renowned Kashmiri human rights defender being held under illegal and arbitrary preventive detention by the Indian state, specifically the Jammu and Kashmir police, since 16 September 2016. Parvez lives in Srinagar, with his six year old son Ahmed, and his wife Sameena Mir, 34. He is presently imprisoned in Kot Bhalwal Jail, Jammu, about 300 kilometres from his home.

Born and raised in Srinagar, the summer capital of the disputed Indian Administered province of Jammu and Kashmir, Parvez was thirteen years old when his grandfather was killed, in Indian armed forces firing on an unarmed protest demonstration in Gawkadal, Srinagar in January 1990. In 1996, as a student of Kashmir University, Parvez started a helpline which provided peer counseling and guidance to students affected by the conflict. Parvez was active in student politics, and by 1999 had begun actively volunteering with a Srinagar based group working on issues of enforced disappearances, Association of Parents of Disappeared Persons (APDP, estb. 1994). He completed his Masters in Journalism, from Kashmir University, in 2004.

**“ This award stands as a symbol of remembrance of all those faces unseen, voices unheard and souls familiar as well as strangers whose killings and sufferings everyday have deepened our commitment and cemented our belief in the rights movement. ”**

**Khurram Parvez,**

Reebok Award Acceptance Speech 2006



Parvez deliberates with members of AFAD.

In 2000, Parvez was a part of the founding membership of Jammu Kashmir Coalition of Civil Society (JKCCS) a non-funded and voluntary amalgam of individuals and groups, formed with the aim of creating a space for independent rights based dialogue and documentation.

Parvez is presently Programme Coordinator and Spokesperson of JKCCS. He is also Chairperson of Asian Federation against Involuntary Disappearances (AFAD) – a federation of 13 non-governmental organizations from 10 Asian countries campaigning on the issue of enforced disappearances, of which the Srinagar based APDP is a founding member.

Parvez was severely injured in April 2004, when a vehicle he was travelling in as part of a civil society team monitoring Indian parliamentary elections in Jammu and Kashmir, was hit in an IED explosion leading to the death of two of his colleagues, and the eventual amputation of his right leg. He thereafter became actively engaged with the International Campaign to Ban Landmines (ICBL).

Parvez received the prestigious 2006 Reebok International Human Rights Award, in recognition of his exemplary human rights work. He was also a recipient of a prestigious Chevening Fellowship at University of Glasgow, UK from December 2005 to April 2006, and the International Visitors' Leadership Program, a United States Government's programme for mid career professionals in 2009.

## II. What work does Khurram Parvez do?

### II. A Civil Society Engagements and Democratic Institution Building

Democratic dialogue and accurate information are often invisible casualties of armed conflict and state repression, as polarized divisions choke the space for civil society institutions. This is particularly so in prolonged conflicts, characterized by everyday surveillance, militarization and ‘dirty war’ counter-insurgency tactics, as witnessed in Indian Administered Kashmir. Parvez has been the moving force behind some of the most important and vibrant civil society based initiatives for dialogue in this region.

Through his career, while facilitating platforms for inclusive dialogue with stakeholders - both state and non-state; and within Kashmiri civil society including minority groups, Parvez has always maintained a principled position on the need for the participation of the Kashmiri people in the political resolution to the conflict, in keeping with international human rights law. Parvez’s unequivocal insistence that there can be no lasting peace in the region, without the inclusion of Kashmiri voices and ground realities in any conversation about Kashmir has greatly enriched the public discourse about this complex and misunderstood conflict—internationally, within Kashmir, and in India and Pakistan.

“The visible aspect of militarization is the seven hundred thousand troops. But there are so many invisible things about what militarization has meant in our lives. I’ve done human rights work for the last twelve years. Over that time I have forgotten a lot of things. But the files maintained in the interrogation centers and intelligence bureaus are complete. They can give me the details of what I did on what day. They tell us sometimes, ‘You met such-and-such person on such-and-such date.’”

**Khurram Parvez,**

Interview with David Barsamian for Alternative Radio February 18, 2011.

#### Creating an independent, inclusive, democratic culture

On the strength of its fact-finding, field reports and community outreach, JKCCS has been recognized by scholars, journalists and human rights organisations, as one of the most credible resources for information, and collaborative research on human rights issues in Kashmir. As Programme Co-ordinator and Spokesperson of JKCCS Parvez has often been the key point of contact, and primary resource person in fostering these partnerships.

JKCCS has also been instrumental in facilitating rights based, civil society dialogues on Kashmir’s political future. In 2005 and 2006, JKCCS organized ‘Peoples Vision’ a public event where political leaders from across the political spectrum were invited to share their vision for the future of Jammu and Kashmir. Participants included leaders from the pro-freedom Hurriyat Conference, and Omar Abdullah, of the pro-Indian National Conference. In 2008, and 2009 JKCCS organized public meetings on ‘Self-determination and elections under occupation’, with Chairman of Hurriyat Conference (G) Syed Ali Shah Geelani and JKLF chairman Muhammad Yasin Malik, and ‘Civil Society Concerns about Dialogue’, in response to Indo-Pakistan dialogues involving civil society representatives from across Jammu and Kashmir. After the mass civilian uprising in the summer of 2010, JKCCS hosted a public panel discussion, ‘Whither Kashmir? Freedom or Enslavement’ in which Indian

and Kashmiri public intellectuals participated in discussions on the question of the political resolution of the Kashmir dispute.

At the core of these civil society engagements is recognition that in an armed conflict, the role of civil society is to hold all sides accountable to human rights standards—and speak truth to power and violence.

Protection of minority rights has been one of Parvez’s strongest commitments as a human rights defender. He and JKCCS have had long enduring and consistent engagements with the Kashmiri Pandit Sangarsh Samiti (KPSS) a community based group of minority Kashmiri Hindus who continued to remain in the valley, after the mass migration of the Kashmiri Hindu community in the 1990s. In the aftermath of the 2010 civilian uprising and killings Parvez became associated with New Delhi based Centre for Dialogue and Reconciliation (CDR). He has taken active part in CDR’s youth outreach programmes which are aimed at providing alternatives to violence, and training in ethical and responsible leadership. He was also involved in CDR’s Inter-regional dialogue of understanding in J&K where communities from Jammu and Kashmir’s three distinct regions: Jammu, Kashmir and Ladakh participated in dialogues, aimed at discussing disagreements over issues of common interest that threaten to destabilize peace between



The JKCCS office, at the Bund, Amira Kadal after Parvez’s arrest

“We do not want our state to be an oppressor, because it would be a nightmare for us if we replace Indian rule with a bad Kashmir rule. We don’t want that to happen. That’s why we are striving hard to promote the values of international humanitarian law and the values of nonviolence, truth, justice, and democracy. And we are hopeful that Kashmir will be better than many other existing nations in the world.”

**Khurram Parvez,**

Interview with David Barsamian



Parvez at election monitoring planning meeting, 2002

communities and regions.

Between December 2011 and December 2015, Parvez participated in a series of six inter-community dialogues between members of the majority Kashmiri Muslim and the minority Kashmiri Hindu community, many of whom migrated from Kashmir in the 1990s. These meetings grappled with difficult questions such as the reasons for the Kashmiri Pandit mass migration, inter-community prejudice and distrust, Kashmir's distinct multi-ethnic and multi-religious cultural identity, and the possibility of the negotiated and safe return of persons displaced by the conflict. A consensus statement was evolved as an outcome of these dialogues. In April 2012, participants comprising representatives of both communities met senior political leaders in Kashmir, Syed Ali Shah Geelani, Mirwaiz Umer Farooq and Mehbooba Mufti, and discussed their concerns.

Parvez and JKCCS have often condemned specific acts of civilian killings and attacks on non-military targets by non-state actors, and issued appeals for them to comply with the principles of International Humanitarian Law, most significantly in the case of land-mine use.

Parvez has also directed his organizational abilities and civil society networks to assist the people of Jammu and Kashmir during times of natural disaster. For example, in 2005, whilst still recovering from amputation of his leg, he coordinated many relief, reconstruction and rehabilitation activities in North Kashmir after a devastating earthquake hit the region, including through the socio-economic 'adoption' of two villages in Uri. He worked with other activists to establish a voluntary initiative named Athrout [a coalition of various rights groups and civil society organizations]. In September 2014, Parvez was active in several community based flood relief and rehabilitation initiatives.

#### Documenting electoral processes in Jammu and Kashmir

Elections to the Jammu and Kashmir state legislature and Indian parliament, have been flash points in the Kashmiri conflict, with allegations of coercive participation / boycott, and systematic, state sanctioned poll rigging.

Between 2002 and 2008, JKCCS was part of a process of independent, civil society election monitoring, (of the electoral process in 2002, 2004 and 2008) in collaboration with journalists and members of Indian civil and democratic rights groups. The process of election monitoring involved multiple teams travelling to polling booths across the region in order to observe and record their findings in a report. These findings remain the only available



Parvez has been part of many workshops, seminars and meetings with members of civil society, and victims' collectives.

independent record of elections in Jammu and Kashmir in the relevant time period in the absence of international monitors who were denied access by the Indian government, despite requests.

During an election monitoring mission in 2004, JKCCS suffered the loss of two of its dedicated workers—Aasiya Jeelani, 30, a women's rights activist, convenor of JKCCS constituent Kashmir Women's Initiative for Peace and Development (KWIPD) and editor of Voices Unheard a magazine on gender and militarization; and Ghulam Nabi Sheikh, 42, the driver of the vehicle— in a land mine explosion. Parvez was grievously hurt, but insistent, even from his hospital bed that the monitoring should continue. The published report is a testament to his grit, and the dedication of other civil society and democratic rights activists who carried on with the work in the face of the overwhelming tragedy.

#### Providing a voice for victims of gross human rights violations

In a context of total impunity where no armed forces personnel has been tried in a civilian court for human rights violations committed since 1989, Parvez joined JKCCS efforts to form collectives of survivors and victim families to demand truth and justice. Over the last decade, Parvez has led numerous groups and individuals in their efforts to highlight the widespread and systematic state violence and the failure of the judiciary to redress crimes committed by state forces.

APDP: Modeled on the renowned Mothers of Plaza de Mayo (Argentina) which first drew the world's attention to problem of systematic state practices of enforced and involuntary disappearances, APDP was established in Srinagar in 1994, by families and lawyers representing victims of enforced disappearances in Jammu and Kashmir. Parvez joined the organization in 1999 as a volunteer, and became actively involved in its victim-centric activities, including organizing monthly meetings at a prominent park in Srinagar, and documentation and campaigning on the issue of enforced disappearances.

Over the years, APDP has provided psycho-social services, legal aid, and peer-support to families who have suffered the enforced disappearance of a loved one. It has also raised awareness about the widespread phenomenon of enforced disappearances in Kashmir (estimated at 8000+ victims since 1989) through advocacy campaigns, training workshops and public gatherings. Every year, during the last week of May, APDP organizes series of activ-



Members of APDP, and families of victims of the Saderkote Bala Massacre (1996) hold a joint protest in Srinagar, against state impunity for human rights abuses, 2016.

ities in order to mark the international week of the disappeared. Every 30 August, APDP commemorates the International Day of the Disappeared. Families of the disappeared, activists, students and other civil society members participate in seminars, public forums and sit-ins. Between 2004-2012 the Aasiya Memorial Foundation, co-ordinated by Parvez, provided vocational training to the widows and half-widows, and self employment opportunities to women victims of the conflict.

In April 2003, Parvez organized a hunger strike, to draw the world's attention to continuing disappearances, which was supported by international groups by organizing solidarity manifestations in nine different countries. In March 2004, he coordinated a protest demonstration by APDP, which was attacked by state forces and 28 APDP activists arrested. The event was widely covered by local and international media. Parvez also co-directed a film on enforced disappearances in Jammu and Kashmir, Chandaw (The Search).

The problem of enforced disappearances, and the plight of 'half-widows' (women the whereabouts of whose husbands are not known) has become one of the iconic images of Kashmiri suffering under Indian administration. APDP's campaign and advocacy against enforced disappearances has led to a sharp drop in fresh cases of disappearances in Jammu and Kashmir, although questions of culpability, justice and truth continue to be ignored by the state.

APDP became a founding constituent member of AFAD in 1998. AFAD is an alliance of organizations from across Asia, (including Pakistan, Sri Lanka, Nepal and Bangladesh in the South Asia region) which has been at the forefront of lobbying for compliance with international laws and humanitarian interventions and investigations, on the issue of international crime of disappearances.



Parvez participates in a silent protest outside the Kupwara Sessions Court after a hearing of the Kunan Poshpora mass rape case, along with survivors from the community and women activists.

**Support Group for Survivors of Kunan Poshpora:** In 2012, a group of 50 Kashmiri women, some of whom were volunteers at JKCCS, filed a Public Interest Petition in the High Court of Jammu and Kashmir, asking for the reinvestigation of a case of mass and gang rapes and torture, by Indian armed forces in the villages of Kunan and Poshpora, in Kupwara, North Kashmir in February of 1991. The tortuous legal journey of the victims of this forgotten case became a rallying point for public conversations, documentation efforts and social media campaigns around the often hidden and stigmatized issues of sexual violence and sexualized torture in Kashmir. Parvez was a key focal point in many of these efforts, working on liaising between the village committees of Kunan and Poshpora consisting of the survivors themselves, the support group, and the media.

From 24 February 2013, the anniversary of that night is commemorated as Kashmiri Womens' Resistance Day, a day of remembering and celebrating the courage and resilience of Kashmiri women. Every year, the Support Group for Kunan Poshpora organizes seminars and events around issues such as state sanctioned impunity for violence against women, and women's participation in democratic spaces.

In 2015, the event saw the release of *Do you remember Kunan Poshpora?* (Zubaan books, 2015) about the mass rape and the survivors' struggle for truth and justice, authored by five young Kashmiri women. The authors were part of the original writ petition, asking for the reopening of the case. The Kunan Poshpora mass rape is now recognized as the single largest documented instance of mass rape in the sub continent. In the broader context of sexual impunity of armed forces in Kashmir, no contemporary research or legal reform on sexual violence in the sub-continent can ignore the Kunan Poshpora mass rape.

In April 2016, after a 16 year school girl from Handwara, North Kashmir who complained of being sexually assaulted by a soldier was illegally detained, ostensibly in police 'protective custody'. Parvez campaigned for her immediate release, in co-ordination with the Solidarity Group for Handwara Girl. The Solidarity Group supported the family's legal

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“They question the character of the women who were killed and raped. In Kashmir the character of the victims is always discussed by our oppressors as if it is legal for them to rape a woman if she’s a prostitute, as if it is legal for them, if a woman is involved in some promiscuity, to molest, or kill them [...] There is institutional deniability. It’s not even an individual denying that he’s not involved in rape. It is the institution which is protecting the perpetrators.””

**Khurram Parvez,**  
Interview with David Barsamian

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efforts to have the minor set at liberty, while also countering societal character assassination, which blamed her for the deaths of five civilians killed in armed forces firing during protests against her assault.

- **Recognizing exemplary contributions: The Robert Thorpe award and Pandit Vaishnavi Lecture**

In 2003, JKCCS instituted the Robert Thorpe Award, named after the author of Kashmir Misgovernment an English civil servant who wrote about the plight of colonized Kashmiris. The Award aims to honour and recognize the work of ‘unsung heroes’, people who have contributed to the highlighting of human rights abuses, and alleviating the life conditions of Kashmiri people. Past recipients of the award include Late Jalil Andrabi, a Kashmiri human rights human rights advocate and victim of extra judicial killing by Indian state, Patricia Gossman, an international human rights researcher and Late K. Balagopal, Indian human rights lawyer and civil liberties activist.

In 2014, Khurram Parvez in collaboration with scholars, academicians and Kashmiri public intellectuals instituted the Pandit Raghonath Vaishnavi Memorial Annual Lecture. Late Raghonath Vaishnavi was a Kashmiri radical humanist and political dissenter. The first annual lecture in 2014, which was to be delivered by noted historian Mridu Rai was not allowed to take place by police. The Second Annual Lecture (2015) was delivered to a packed hall, by Prof Suvir Kaul. The third annual lecture which was to be delivered by Indian human rights activist and scholar Manisha Sethi, on 10 July 2016, could not be held due the enforcement of strict curfew, after the extra judicial killing of militant Commander Burhan Wani, on 8 July.

- **Enabling Regional and International Networks**

Parvez has been at the forefront of JKCCS efforts to form regional and international networks with groups and individuals committed to processes of justice, liberty and truth.

In 2008, Parvez became an official liaison for the International Peoples Tribunal on Human rights and Justice in Indian Administered Kashmir (IPTK) a group of scholars, formed to draw attention of the international community to the effects of pervasive militarization and institutionalized state violence in Kashmiri society. IPTK has been instrumental in ground-breaking documentation and international campaigns on the human rights situation, including on the presence of unknown, unmarked and mass graves, the 2009 Shopian rapes and killings, and documentation of institutionalized impunity for human rights abuses.

JKCCS and Parvez were also part of an important sub-continental network: The Coor-

dination of Democratic Rights Organizations (CDRO). In May 2006 JKCCS organized and hosted a series of workshops on the human rights situation, inviting rights activists from all across India. CDRO, formed in August 2007, as an outcome of these meetings, is a coalition of around 20 civil and democratic rights organizations, many of which are based in India. CDRO affirms core principles that are reflected in Parvez’s work: to stand united against all forms of state repression on people’s democratic struggles, and to express solidarity against attacks by the state against civil rights organizations.

In addition to formally associating and forming coalitions, Parvez has been a friend, advisor and mentor to a range of groups and individuals. For example, since 2012 Parvez has been associated in community based human rights education and training programs with Indo-Global Social Service Society, a non profit organization working on issues of equitable development in Jammu and Kashmir.

- **Right to Information**

To ensure accountability and uncover the operations of state sanctioned impunity in Kashmir, Parvez has been a tireless Right to Information (RTI) campaigner and activist. The results of his efforts at securing otherwise inaccessible official documents have greatly contributed to the quality of human rights documentation and advocacy on the ground.

Parvez has made more than hundred RTI applications to Government of India and Government of Jammu and Kashmir. Parvez has filed RTIs on many pressing human rights issues, including on cases of sanction under Armed Forces (Special Powers) Act, 1990 (AFSPA); court-martials; specific judicial cases of state crimes; cases of sexual violence; cases under the Public Safety Act, 1978 (PSA); officially acknowledged armed ‘encounters’; numbers of missing persons; geological mining sites; formation and numbers of formal and informal state forces including Village Defence Committees; standard operating procedures of state forces; awards, rewards and out-of-turn promotions for state forces; interrogation centers; crimes against Kashmiri minorities (killings, sexual violence, injuries, destruction of property and other issues); state enquiries into mass crimes; military occupation of land.

The RTI data he obtained on the absence of AFSPA sanction in a single pending case, has become one of the most often cited examples of state endorsed impunity for human rights abuses in Kashmir. Similarly, the data he obtained on Village Defense Committees (state sponsored armed militias in the Jammu region) has been extremely significant in understanding the divisive communalization of the Kashmir conflict, by the state.

This work has often involved intensive, repeated follow-ups and appeals, over months and even years, given the culture of official secrecy and delays in parting with information, particularly information related to militarization, human rights abuses and state illegalities. Parvez has often followed up his RTI activism by filing legal cases before the Jammu and Kashmir High Court. Three writ petitions filed by him—on the misuse of Section 144 JK Criminal Procedure Code that allows the state to impose unbridled restrictions on

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“ We believe that memory is the most important tool which oppressed people have. Oppressors want us to have amnesia, that we forget everything. The only potent weapon we have as a weak and oppressed people is memory. Our memory will always help us to sustain the struggle against injustice.”

**Khurram Parvez,**  
Interview with David Barsamian

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A child looks at the poster exhibition before the Haqeeqat-e-Kashmir event, September 2013.

movement and assembly by civilians; the unconstitutionality of Village Defence Committees and other informal state forces; and the state's refusal to share details of official probes and enquiries conducted by it since 1990; remain pending today.

#### • Resisting Cultural Appropriation

Kashmir has witnessed a long history of cultural appropriation and erasure of its history, language and experiences of horrific violence, through active state denial and delegitimization.

Parvez has used non-violent and creative means to counter statist narratives of 'normalcy' and reduction in violence. For example, in 2013, the Indian Government in collaboration with the German Embassy organized an extravagant musical concert, Ehsaas –e-Kashmir [The Feeling of Kashmir] at the Shalimar Gardens, in Srinagar. Severe valley-wide restrictions on public movement were put in place as part of the 'high-security' arrangements for the concert. Four civilians were killed in armed forces firing at a security barricade in

**“ Kashmir remains the most militarized zone in the world and this kind of concert in an active conflict is very dangerous. We were told the concert is apolitical, but we believe in times of conflict neutrality is complicity with perpetrators of violence.”**

**Khurram Parvez,**  
New York Times, September 9, 2013.



Parvez interviews a victim, during field work for a JKCCS report. Uri, 2015.

Shopian, South Kashmir. The concert faced widespread public criticism, particularly after it was disclosed that the invitees were by and large to be flown in from outside Kashmir.

In order to draw international attention to systemic human rights abuses and militarization in Kashmir, Parvez in collaboration with local youth groups, cultural activists and artistes organized Haqeeqat-e-Kashmir [The Truth of Kashmir] a public, cultural event of open air musical performances, poster and art exhibitions, poetry readings and folk and theatre acts, in the central Sher-e-Kashmir grounds in Srinagar. Despite official attempts to restrict attendance, the event proved extremely successful, becoming a rare instance of independent and public Kashmiri cultural and artistic expression.

#### • II.B Documentation

Parvez and JKCCS have played a crucial role in the local and international documentation of human rights abuses, militarization, and international war crimes in Jammu and Kashmir. Besides his own active participation in fact finding missions and field based research, he has been an important resource person for many acclaimed human rights reports, scholarly works and journalistic accounts about the region. Amnesty International's widely cited reports A 'Lawless Law' (2011) on the draconian Public Safety Act, and Denied on the AFSPA, (2015), Human Rights Watch's Report Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir (2006), and the Yale Law School's report The Myth of Normalcy: Impunity and Judiciary in Kashmir (2007) benefitted from Parvez's considerable and acknowledged contributions to the research process.

Since 2011, JKCCS has published an Annual Review of Human Rights in Jammu and Kashmir, a compilation of documented cases and statistics on human rights abuses, as a result of the conflict. As a member of JKCCS and other groups with which he has been



associated, the body of diverse human rights reportage to which Parvez has contributed his time, energies and considerable expertise over the years, includes:

- **Did They Vanish in Thin Air? Volumes 2, 2001 (JKCCS)** A compilation of case studies about 150 cases of enforced disappearances in Jammu and Kashmir, since 1989.
- **Independent Election Observer's Team Report: J&K Assembly Elections, 2002; Independent Election Observer's Team Report: J&K Assembly Elections, 2004; and Interpreting Elections: Independent Election Observer's Team Report on Jammu & Kashmir Legislative Assembly Elections, 2008. (JKCCS)** These reports, based on fact finding and observation missions by JKCCS in collaboration with other civil society groups, record the highly militarized circumstances in which these elections in Jammu and Kashmir were conducted, amidst severe curfew restrictions and election boycott calls.
- **Aasiya –Martyr of Peace, 2005 (JKCCS)** A memorial volume of essays commemorating the life and work of Aasiya Jeelani, Parvez's friend and comrade who was killed in a land mine explosion, during election monitoring in 2004.
- **State of Human Rights in Jammu & Kashmir, 2006 (JKCCS)** A thorough compilation of human rights documentation, including field work based case studies, statistics and newspaper reportage of human rights violations – by state and non-state actors - in Jammu and Kashmir since 1989.
- **Dead But Not Forgotten –A Survey on people killed since 1989-2006 in Baramulla District, of Jammu Kashmir, 2007 (JKCCS).** The report is based on a detailed survey of Baramulla district enumerating people killed between 1989-2006 including civilian casualties, militant deaths, custodial murders and enforced disappearances along with the occupational, educational and income profile of victims.
- **Bouquet: A tribute to the unsung heroes of Kashmir, 2007 (JKCCS)** An anthology of short biographical essays on Kashmiri political dissidents who have faced state repression and violence
- **Facts under Ground, A Fact Finding Mission on Nameless Graves & Mass Graves in Uri Area, 2008 (APDP)** The report documented unmarked and mass graves in the Uri block of Baramulla District based on a field survey.
- **Buried Evidence – Report on Mass Graves in Kashmir, 2009 (IPTK-APDP).** The report documents 2700 unknown, unmarked and mass graves across 55 villages in Baramulla, Bandipora and Kupwara districts of Jammu & Kashmir.
- **Militarization with Impunity: A Brief on Rape and Murder in Shopian, Kashmir, 2009 (IPTK).** The report presents a detailed legal account of the Neelofar and Aasiya Jan rape and murder case, against personnel of the Indian paramilitary forces in Shopian.
- **Peace and Processes of Violence – An observation of the situation in Jammu & Kashmir from 2002 to 2009, 2010 (JKCCS)** This report documents the number of people killed in the conflict (including civilians, military and militant deaths), custodial killings enforced disappearances, suicidal and fratricidal incidents in the armed forces, and the outcomes of judicial and official probes into such incidents between 2002 - 2009.



JKCCS reports for sale and distribution at the Haqeeqat –e –Kashmir concert, September 2013.

- **Fake Encounters and State Terror in Kashmir: A Brief, 2010 (IPTK)** A report about the Machil Fake Encounter case.
- **Half Widow, Half Wife? Responding to Gendered Violence in Kashmir, 2011 (APDP)** The report documents the life experiences of 'half widows' (wives of the Disappeared) in Jammu & Kashmir, including legal battles, economic hardships and social stigma.
- **Alleged Perpetrators – Stories of Impunity in Jammu & Kashmir, 2012 (IPTK-APDP).** The report documents state impunity in Jammu and Kashmir based on RTI queries and court documents. It seeks a process of accountability for institutional crime, where the identities of the individual perpetrators (500) are known.
- **The Anatomy of a Massacre, 2014 (JKCCS).** The report documents the mass killings of 19 civilians at Sailan, Poonch District in August 3-4 1998, and the survivor's struggle for truth and justice.
- **Occupational Hazard- The Jammu & Kashmir Floods of September 2014, 2015 (JKCCS).** This report places the Jammu and Kashmir floods of 2014 at the heart of ecologically disastrous state policies of massive military deployment and 'development' oriented counter insurgency.
- **Structures of Violence: The Indian State in Jammu and Kashmir, 2015(IPTK-APDP):** This report, based on judicial, quasi-judicial, official information, and witness testimony, portrays the state of impunity prevalent in Jammu and Kashmir and lays



Parvez speaks at the release of Structures of Violence, 2015

out the structure of the armed forces in Jammu and Kashmir. Continuing the work of the 2012 Alleged Perpetrators report, this report seeks a process of accountability for institutional crime, where the identities of the individual perpetrators (972) are known.

These reports have played a crucial role in the development of human rights language and documentation in the region. JKCCS has regularly submitted its reports to functionaries at the state and union government level, seeking their official response. Such responses have rarely been forthcoming.

## II.C Campaigns, Advocacy and Litigation Support

Aside from engaging in processes of civil society building and democratic dialogue and documentation, Parvez has been part of many international and local campaigns, advocacy

“ What we are trying to do now is to document our present. We are historians of the present. We are writing the history for our future generation so they know what we have gone through and why it is not possible for us to compromise and to surrender. Why is it important to remember? Because if the injustices here are forgotten, they will be repeated.”

**Khurram Parvez,**  
Interview with David Barsamian



Parvez interacts with the late Atta Mohammad, a gravedigger in North Kashmir, watched by a team of BBC journalists

and litigation to bring to light systemic human rights violations in Jammu and Kashmir. JKCCS has consistently accessed domestic quasi-judicial and judicial processes for redressal of human rights abuses, creating an archive of state failures, impunity, and routine abdication of rule of law.

Parvez has played the role of a liaison between victimized communities, the legal team at JKCCS, and international rights organizations. He has leveraged findings from ground based documentation and litigation, to create international awareness about the patterns of human rights violations and state structures of impunity for the armed forces.

- **Enforced Disappearances**

While supporting the work of APDP, Parvez has been part of international organizations, coalitions, seminars, public events and meetings to highlight the issue of enforced disappearance in Jammu and Kashmir, to bring about international recognition for the crime of

“ There is no scope for justice. These are war crimes, because all institutions collaborate to perpetuate the crimes against humanity here. There is judicial impunity, there is moral impunity, and political impunity from India. And Indian civil society has hardly questioned what has happened in Kashmir.”

**Khurram Parvez,**  
Interview with David Barsamian



Parvez, along with members of AFAD at Philippines

enforced disappearance, and to ask for ratification of the international convention on the issue. He was a participant in the drafting process of the text of what eventually became the International Convention for the Protection of All Persons from Enforced Disappearance, 2010 representing along with other delegates from the Asian Federation on Involuntary Disappearances (AFAD), the important victim's rights perspective.

In 2015, Parvez was elected unopposed to the chair of AFAD. As a part of APDP and AFAD, Parvez has participated in important international campaigns, deliberations and delegations, including to the UN Committee on Enforced Disappearance, UN Working Group on Enforced or Involuntary Disappearance, and various UN Special Procedures campaigning for the ratification and implementation of the International Convention, the recognition of the competence of the UN Committee on Enforced Disappearances and the enactment of domestic laws criminalizing enforced disappearances. In February 2016, Parvez represented AFAD at 108th Session of the UN Working Group Enforced and Involuntary Disappearances, in Morocco, at which a proposed change to the International Convention to broaden the ambit of the definition of 'enforced disappearance', was successfully opposed by victim's organizations, on the basis of their ground experiences.

In February, 2015 Parvez visited Pakistan, and met with families of the disappeared through a local member of the AFAD coalition, Defence of Human Rights, Pakistan. Condemning the phenomenon of enforced disappearance Parvez publically appealed to the Pakistani Government to trace and release the estimated 2000 disappeared Pakistani citizens.

- **International Campaign to Ban Land Mines and the Land Mines Monitor**

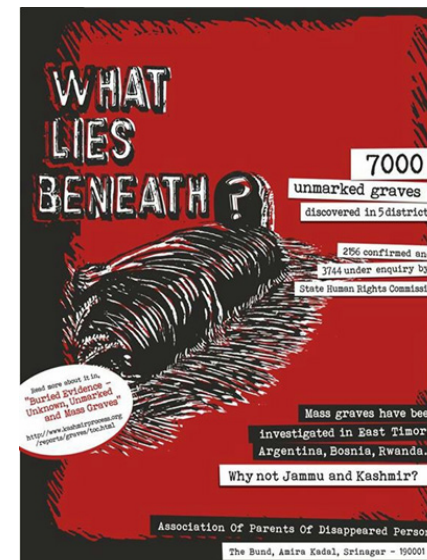
As a consequence of the serious land mine injury he survived in 2004, Parvez became involved with the humanitarian International Campaign to Ban Landmines, recipient of the Nobel Peace Prize in 2007. India and Pakistan are among the highest stock-pilers of land

mines globally.

In 2006, Parvez collaborated with researchers of ICBL to investigate the use of land mines by state and non state actors, first in border areas of Poonch district, in Indian Kashmir and thereafter in Pakistan. During his visit to Pakistan in 2007 as part of the ICBL mission Parvez was crucial to the meetings and negotiations towards the signing of a land mine ban agreement, and a code of conduct in keeping with the Geneva Conventions, by militants of the United Jihad Council (the co-ordinating council of Kashmiri militant groups, in which some Pakistani groups have observer status). Land mines have thereafter not been used by militant groups operating in Indian Administered Kashmir. The efforts of the JKCCS-ICBL collaboration are documented in the 2007 Kashmir Mission Report of ICBL. Parvez continues to be a campaigner, and contributor to the Landmine Monitor on issues of land mine casualties and other ground reports from Kashmir.

- **Mass graves:**

In 2008, APDP and IPTK discovered around 1000 mass and unmarked graves in north Kashmir's Uri area and published its



An APDP poster on mass graves



**International CAMPAIGN TO BAN LANDMINES**  
**2006-2007 Kashmir Mission Report**

The cover of the report on land mines in Kashmir, to which Parvez was a key contributor.

findings in a widely acclaimed report Buried Underground. In a follow up report Buried Evidence, APDP-IPTK documented 2373 such graves in three districts of North Kashmir. These graves, whose records and memories are maintained by gravediggers from the local community, contain bodies of unidentified persons handed over by state authorities, often bearing marks of torture and unnatural death. There are strong grounds for believing that they are the victims of unlawful and extra judicial killings by state agents. After an international outcry, the Jammu and Kashmir State Human Rights Commission undertook independent suo motu investigations discovering the evidence of 2700 graves in three districts of North Kashmir. Human Rights activists, lawyers and researchers from APDP and IPTK encountered enormous amounts of state obstruction and retaliation during the course of their investigations including police interrogations and surveillance, and an unattributed grenade attack on



Parvez and Advocate Parvez Imroz of JKCCS interact with UN Special Rapporteur on Extra Judicial Executions, Mr. Christof Heyns

the residence of Parvez Imroz, convenor of APDP.

Parvez was actively involved in the international and local campaign to both bring to light the issue of mass graves in Kashmir, and the question of safety of human rights defenders in active conflict zones. Thus far, Parvez and APDP have identified 7000+ graves across five districts of Jammu and Kashmir.

In July 2008, the European Parliament in Brussels held a hearing on the issue of mass graves, at which Parvez and Imroz presented their views via video conferencing, alongside other IPTK members who were present in person. The European Parliament passed a landmark resolution seeking safety for activists on ground and offering Government of India financial assistance towards investigations of unmarked graves.

- **Litigation: Judicial and Quasi-judicial**

As Programme Coordinator of JKCCS, Parvez has been at the forefront of campaigns to highlight the human rights litigation undertaken by JKCCS and other human rights lawyers in Kashmir. These campaigns, have helped draw attention to both state crimes and the alleged perpetrators involved.

Some of these cases include, allegations of extra-judicial killing and disappearance of civilians in Doda, Jammu, by the then serving Director General of Police, Jammu and Kashmir (2011-2012), allegations of sexual assault by armed forces personnel against a 16-year-old-minor girl from Handwara, North Kashmir (April 2016 – to date), mass rape and torture by armed forces in Kunan Poshpora, North Kashmir (2013 – to date), mass killings and arson by paramilitary forces in Sopore, North Kashmir (2013- to date), and massacre by armed forces personnel of civilians in Poonch, Jammu (2011 – to date).

Besides the well known case of unmarked and mass graves, referred to earlier, Parvez has been at the forefront of agitating other important cases before the Jammu and Kashmir State Human Rights Commission. In addition to hundreds of individual cases of torture



Parvez addresses members of European Parliament, Brussels 2015

and killings, Parvez has submitted and argued omnibus cases of enforced disappearances. In 2011, Parvez submitted a petition on 150 documented cases of enforced disappearances, by both state and non-state actors from Banihal, Jammu. He further filed a petition before SHRC in 2011, seeking an investigation into 1417 reported cases of missing persons, from across Jammu and Kashmir. In 2012, he sought reparations on behalf of victims on 507 confirmed and investigated cases from Baramulla and Bandipora Districts. He has also pursued a case on extrajudicial killings during 2008 Amarnath land row unrest in Jammu and Kashmir. In 2012, Parvez also filed a complaint for investigations into the 1995 abduction, killings/ disappearance of six foreign tourists.

- **Interaction with UN Special Procedures and other international bodies:**

Parvez has been invited as an expert, to several meetings of visiting international embassy and UN delegations to present his views on the human rights situation in Jammu and Kashmir. He has along with other members of JKCCS met the UN Special Rapporteurs on Extra Judicial, Summary and Arbitrary, Executions (2012), and Human Rights Defenders (2011) during their official visits.

In September 2015, Parvez and JKCCS presented their report titled Structures of Violence in Geneva, at the UN Human Rights Council session, and in Brussels, before members of the European Parliament.

Over the past five years, Parvez has led JKCCS efforts to submit cases of human rights violations before the relevant UN bodies. Most recently, JKCCS submitted a report to the UN Human Rights Council, as a part of India's upcoming Universal Periodic Review in 2017. In September 2016, he was scheduled to attend the 33rd session of the UN Human Rights Council and apprise the United Nations bodies and foreign missions about the humanitarian crisis that has been ongoing in Kashmir in Jammu and Kashmir, when he was detained at the New Delhi Airport, shortly before his arrest on 16 September 2016.



Parvez is taken to Kot Bhalwal Jail under custody of Jammu and Kashmir Police, 21 September 2016

### III. The Case against Khurram Parvez

At 12:30 am on 16 September, 2016 Parvez was taken from his home in Sonwar, Srinagar by personnel of the Jammu and Kashmir Police to the police station in Kothi Bagh, Srinagar. Since then, he has remained in custody of the police, who first shifted him from Srinagar to a sub-jail in remote Kupwara, around 100 kilometers from the city. He was first held under sections 107 and 151 of the Criminal Procedure Code [preventive, administrative detention for breach of peace and design to commit cognizable offence]. Notably, Parvez was not allowed access to legal counsel at the time of his arrest, or produced before the detaining authority as required under law.

The initial order for his detention was set aside, on grounds of illegality, by the Principal District and Sessions Judge Srinagar, on 20 September 2016 and Parvez was ordered to be released. However immediately upon his release, Parvez was re-arrested at the gates of Kupwara Sub jail, and detained at the Kupwara Police station.

The next day, after his transportation to the Kothibagh Sub Jail in Srinagar, he was orally informed of his detention under the draconian Public Safety Act, 1978 a law which provides for prolonged preventive detentions without indictment or trial, and has been condemned by international organisations as being unlawful under international human rights law. He was not provided with the written grounds for his arrest. He was transported to Kot Bhalwal Jail, Jammu, 300 kms away that same evening, and has been imprisoned there, since.

The Police Dossier which forms the basis of the official Grounds of Detention, contains absurd, vague and unsubstantiated allegations of ‘instigating’ violent protests, using his human rights work as a cover for being a part of the ‘secessionist camp’, and ‘threatening public order’. The dossier annexes four police complaints, related to incidents of violent protests as evidence of Parvez’s role in instigating violence. None of these police com-

plaints mention Parvez by name, or provide any other evidence of his involvement.

The legality and constitutionality of Parvez’s detention is presently under challenge in a Habeas Corpus Petition before the Jammu and Kashmir High Court. The Court is currently hearing over two hundred such cases of illegal and arbitrary detention, given the mass arrests carried out by the state, in the last three months.

### IV. The Kashmir Context

Parvez’s arrest and detention has taken place at a time when India has rejected the request of the UN High Commissioner for Human Rights for access for a fact-finding mission to probe the humanitarian situation in Jammu and Kashmir.

Jammu and Kashmir is the most militarized zone in the world where an estimated 7,00,000 Indian armed forces have been deployed. For the past 26 years, civilians have faced widespread and systematic attacks by Indian forces resulting in 70,000+ extra-judicial killings, 8000+ enforced disappearances, 7000+ unmarked and mass graves and numerous cases of torture and sexual violence. With Parvez at the forefront, JKCCS has extensively documented and litigated human rights violations by Indian state forces.

Khurram Parvez’s detention, release and immediate re-arrest is typical of the Indian state’s consistent use of the Public Safety Act, ‘as a revolving door of detention’ against hundreds of Kashmiri political activists, lawyers, journalists and others who advocate an end to India’s human rights abuses to keep them ‘out of circulation’, as extensively documented by Amnesty International (2011).

For instance, in July 2010 Mian Abdul Qayoom, President of the Jammu and Kashmir High Court Bar Association, who has worked for many years on cases of enforced disappearances, illegal detentions, state crimes and sexual violence was detained under PSA, on the basis of allegations of “illegal activities” and attempting to turn the Bar Association into a “secessionist outfit”. The order was subsequently revoked in September 2010, but a new order was issued without his being released and he was rearrested. The J&K High Court struck down the order in November 2010, and Qayoom was rearrested and detained under FIRs relating to ‘waging war against the state’. He was finally released from custody on 10 April, 2011. In July 2010, Advocate G.N. Shaheen, General Secretary High Court Bar association who was actively involved in the agitation of the high profile Shopian rape and killings (2009) before the High Court was similarly held on consecutively issued PSA

“ In the last twenty years the kind of human rights abuses we have seen are institutional. There is systematic state repression. It’s official policy. The rate at which these human rights abuses have taken place is not possible if there is no official acquiescence. When seventy thousand people have died, when more than eight thousand have disappeared, thousands of women have been raped, then it’s an institutional policy of the government and not of the individuals who are part of the state. For us it’s a war crime committed against a people who are demanding the right of self-determination. The Indian state unleashed a war on the people of Kashmir because Kashmiris are demanding their rights, the restoration of their dignity, and their right to self-determination.”

**Khurram Parvez**



Kashmir man with pellet injuries (REUTERS: Danish Ismail) July 15 2016

orders, for a period of 9 months. Amnesty International estimates that between 1989 and 2011, up to 20,000 persons have been preventively detained under PSA.

This year, since the extrajudicial killing of militant commander Burhan Wani on July 8, it is estimated that more than 9000 persons including political activists and minors, have been jailed and 500+ are being preventively detained under the Public Safety Act, without being charged with a crime, in various jails and police stations in Kashmir.

Over the last three months, the fundamental rights of the people of Jammu and Kashmir have been severely curtailed through continuous curfews, restrictions on peaceful gatherings - marches, funeral processions and public prayers - and a blockade of telecommunication services. A popular news daily, Kashmir Reader has been banned, working journalists have been physically attacked by state forces, and their homes vandalized. State forces have killed more than 100 civilians and injured more than 15,000. 1000 civilians have had their eyes damaged due to the use of shot gun pellets on protestors. Parvez and JKCCS have consistently drawn attention to this violence since 8 July, through regular documentation, public press releases and sending communications on individual cases to offices of United Nations human rights Special Procedures.

Parvez's arrest has drawn expressions of international solidarity, demands for immediate release, and strong condemnation of the Indian state, from the world community, including in an open letter signed by eminent scholars, thinkers and activists, such as Dr. Naom Chomsky, Dr. Judith Butler, and Arundhati Roy. The value of his human rights work has been highlighted, and the egregious violation of international and domestic legal norms underlying his arrest has been criticized in the strongest terms by International rights organisations including Amnesty International, Human Rights Watch, Lawyers Watch Canada, International Commission of Jurists, International Campaign to Ban Land Mines, Asian Federation against Involuntary Disappearance, Frontline Defenders, as well as local, Indian and Pakistani human rights groups such as Kashmiri Pandit Sangharsh Samiti, Parveena Ahanger led APDP, Peoples' Union for Democratic Rights, Peoples' Union for Civil Liberties, Coalition of Democratic Rights Organizations, Jamia Teachers' Solidarity Association and Defence for Human Rights, Pakistan. On 19 October, 2016 5 UN Special



Mothers of the Plaza de Mayo (Argentina) with photographs demanding Parvez's release.

Procedures in a press release condemned his arrest and demanded his immediate release.

Mothers of the Plaza de Mayo (Argentina) with photographs demanding Parvez's release.

It is ironic, that a man who has so courageously raised his voice against abuses of power by the Indian state, is now a victim of the very same lawlessness, held without trial under a law whose injustice he is to a great extent responsible for illuminating. The arrest of Parvez, is a silencing not just of his voice, but has a chilling effect on all those who speak for the voiceless in Kashmir, jeopardizing the work and space he has carefully crafted over years against the forces of fear and repression. As only one among thousands of forgotten victims of the Indian state's brutal repression of Kashmiri people, the struggle for his release is a part of the larger struggle for rights of the people of Jammu and Kashmir.

He must be released immediately and have his rights and freedoms restored.

The young man I met in 1998 for the first time has grown into a man whose leadership quality is second to none and his indefatigable energy matchless & infectious. (He more than makes up for his bluntness with his warm and affectionate nature.) My partner Sahba Husain calls him 'Sher'. In captivity or in Freedom Khurram will stand tall and wont be cowed down. But his detention under draconian PSA signifies a cowardly and nervous attempt to squelch voices of those who fearlessly speak Truth to those in power, and are conscience bearer for their people.

**Gautam Navlakha, Indian civil and democratic rights activist**

“Kashmir suffers from many things. One of the most enduring legacies of conflict over the land of Kashmir is the antipersonnel landmines which stretch along the line separating Pakistani and Indian administered parts of Kashmir. Countless people have had their lives lost, or their lives altered, by encounters with these invisible killers. No one knows the impact on life and well-being better than those who have suffered the encounter and survived. Khurram Parvez survived an encounter with a landmine which killed his colleges while they were doing election monitoring in Kashmir. Khurram has since been steadfast and outspoken in his pursuit of a Kashmir free of antipersonnel mines as well as other types of violence. No use by no one anywhere, take the mines out of the ground. As a survivor he is an eloquent advocate who speaks from experience and we are fortunate to have him as a part of our global movement”

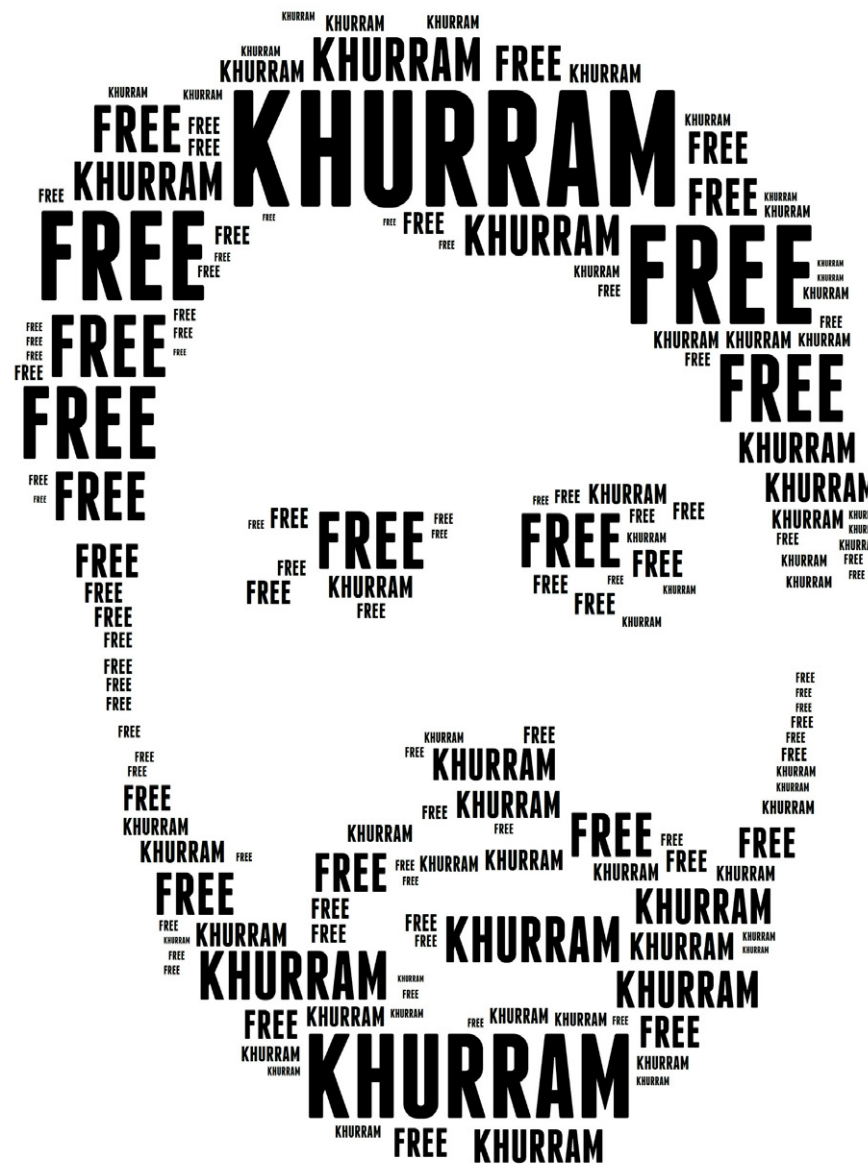
**Dr. Yeshua Moser-Puangsuwan,  
(Nobel Laureate, 2007) International Campaign to  
Ban Landmines-Landmine Monitor Editorial Team**

With the arrest and incarceration of Khurram Parvez, I cannot but think of the canary in the coal-mine, carried deep down to warn us of the dangers of impending disaster. At this crucial juncture in the life of Kashmir's people, instead of taking heed of the signals of an unprecedented crisis, the Indian State has attempted to silence the messenger, Khurram, that most outstanding and outspoken of human-rights defenders. What lies ahead in Kashmir, one is forced to think, without even that fragile light that Khurram and his colleagues at the JKCCS are doing to shine into the darkness of unbridled militarisation? We must speak up, and demand the immediate release of Khurram Parvez.

**Sanjay Kak, Award winning film maker and writer on Kashmir**

The arrest of Khurram Parvez under the Public Safety Act is yet another manifestation of a regime that has no moral bearings. Khurram Parvez is not a danger to public safety. The danger to public safety is when security forces kill, maim and blind people. People like Khurram who document those crimes are not the criminals. In a situation such as the one that prevails in Kashmir right now, a person like Khurram Parvez provides a moral compass to all sides in the conflict. Arresting him is not just wrong, it is stupid

**Arundhati Roy, Award winning author**



A



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**“KHURRAM HAS SINCE BEEN STEADFAST** and outspoken in his pursuit of a Kashmir free of antipersonnel mines as well as other types of violence.”

**DR. YESHUA MOSER-PUANGSUWAN**

**“INSTEAD OF TAKING HEED OF THE SIGNALS** of an unprecedented crisis, the Indian State has attempted to silence the messenger, Khurram, that most outstanding and outspoken of human-rights defenders.”

**SANJAY KAK**

**KHURRAM PARVEZ IS NOT A DANGER** to public safety. The danger to public safety is when security forces kill, maim and blind people. People like Khurram who document those crimes are not the criminals.

**ARUNDHATI ROY**

**For more information see: [www.jkccs.net](http://www.jkccs.net)**

Join the solidarity campaign to release Khurram Parvez <https://www.facebook.com/freekhurram>