

ASSOCIATION OF PARENTS OF DISAPPEARED PERSONS  
AND JAMMU AND KASHMIR COALITION OF CIVIL SOCIETY



# Annual Human Rights Review 2018



# ANNUAL HUMAN RIGHTS REVIEW 2018

*A Review of Human Rights in Jammu and Kashmir*



**Association of Parents of Disappeared Persons  
and  
Jammu Kashmir Coalition of Civil Society  
The Bund, Amira Kadal, Srinagar-190001, Jammu and Kashmir  
[www.jkccs.net](http://www.jkccs.net)**

***Annual Human Rights Review 2018 is annual review of Human Rights in Jammu & Kashmir. It summaries key human rights issues facing Jammu and Kashmir.***

Published by  
Jammu Kashmir Coalition of Civil Society  
&  
Association of Parents of Disappeared Persons  
(31 December 2018)

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Cover Picture: Mother and sister of Mohammad Muqem Bhat mourn during his funeral at Laroo Village in South Kashmir's district Kulgam. Muqem was killed in a blast at an encounter site on 21 October 2018. Photograph by Zafar Dar.

Cover Image designed by Sameer Bhatt.

## **Table of Contents**

- 1. Executive Summary**
- 2. Statistics of Human Rights Violations**
- 3. Violations**
  - i. Extra-judicial Executions**
  - ii. Excessive Use of Force**
  - iii. Encounters**
  - iv. Cordon and Search Operations**
  - v. Destruction of Civilian Property During CASOs**
  - vi. Arbitrary Detention**
  - vii. Enforced Disappearances**
  - viii. Unknown, Unmarked And Mass Graves**
  - ix. Assault on Media/ Curtailment of Freedom of Expression**
  - x. Curbs on Freedom of Movement and Assembly**
  - xi. Curbs on Religious Freedoms**
  - xii. Restrictions on Internet and Social Media**
  - xiii. Sexual Violence**
  - xiv. Surveillance**
- 4. Local Elections**
- 5. Population on Target**
  - i. Killings and Arrests of Political Activists**
  - ii. Attacks on Families of Policemen, Activists and Militants**
  - iii. Violence Against Children**
  - iv. Violence against Persons with Disabilities**
  - v. Persecution of Kashmiris Living in India**
- 6. Issues**
  - i. Impunity**
  - ii. Militarization**
- 7. Suicides and Fratricides Among Indian Armed Forces**

## 1. Executive Summary

The year 2018 was the deadliest year of the last decade in Indian administered Kashmir as violence peaked during the year resulting in the killing of at least 586 people in different incidents of violence, which is highest in the last decade (*See Table 1*). Among 586 people killed in Indian administered Jammu and Kashmir, 160 are civilians, 267 are militants and 159 are members of Indian armed forces and Jammu and Kashmir police. The killing of 267 militants during encounters with armed forces and police is also the highest in the last decade. In fact, there has been a marked uptick in militant killings since 2016 as 145, 216 and 267 militants have been killed in Indian administered Kashmir in 2016, 2017 and 2018 respectively. In the last decade the year 2012 witnessed least number of killings.

**Table 1 - 2008 to 2018**

Year	Armed Forces and Police	Militants	Civilians	Yearly Total
2008	151	363	157	671
2009	117	244	99	460
2010	102	201	167	470
2011	71	101	56	228
2012	36	75	32	143
2013	82	73	48	203
2014	83	99	53	235
2015	58	106	55	219
2016	104	145	146	395
2017	125	216	108	449
2018	159	267	160	586
Total	<b>1088</b>	<b>1,890</b>	<b>1081</b>	<b>4059</b>

The year saw extrajudicial executions of at least 160 civilians in Indian administered Kashmir; with the month of May recording the highest (28) civilians killed this year. November recorded highest (61) killings followed by October with 57 killings (*See Table 2*).

**Table 2 - Month Wise Killing of Year 2018**

Month	Armed forces / Police	Militants	Civilians	Monthly Total
Jan	14	10	15	39
Feb	17	09	07	34
March	12	22	13	47
April	13	23	20	56
May	09	19	28	56
June	19	25	11	55
July	10	12	09	31
Aug	18	25	10	53
Sep	11	35	08	55
Oct	14	29	14	57

Nov	09	39	13	61
Dec	13	19	10	42
	<b>159</b>	<b>267</b>	<b>160</b>	<b>586</b>
<b>Total Killings</b>		<b>586</b>		

Among 160 civilians killed in 2018, 18 are women. The year also witnessed killing of at least 31 children, accounting for nearly 20% killings of civilians, which is highest in the last ten years.

South Kashmir continued to witness increased violence as has been observed since the killing of Hizbul Mujahideen commander Burhan Wani in July 2016. The four districts of South Kashmir – Kulgam, Anantnag, Pulwama and Shopian jointly recorded highest number of civilian killings with 85, while North Kashmir districts of Baramulla, Kupwara and Bandipora recorded 24 civilian killings and the Central Kashmir districts of Srinagar, Ganderbal and Budgam recorded 13 civilian killings. (*See Table 3*)

**Table 3 - District Wise Civilian Killings**

District	Total Civilian Killings
Kulgam	26
Anantnag	07
Pulwama	28
Shopian	24
Srinagar	07
Ganderbal	02
Budgam	04
Baramulla	14
Bandipora	07
Kupwara	04

The excessive use of force on civilians continued unabated this year as the killings of civilian demonstrators suggest. In 2018, 191 incidents of excessive use of force have been recorded. The use of force on civilian demonstrators by armed forces in the situation emerging out of encounters with militants lead to 40 extra-judicial executions.

In 2018, at least 275 Cordon and Search Operations (CASOs) were conducted across Indian administered Jammu and Kashmir which resulted in the killing of 267 militants. According to the data compiled by APDP and JKCCS, at least 143 encounters took place between Indian armed forces and the militants following CASOs. In 2018, at least 120 cases of damage to civilian houses were reported in Indian administered Jammu and Kashmir in which 31 houses were completely burnt while 94 were partially damaged.

In 2018, the government continued to use arbitrary and administrative detention like Public Safety Act (PSA) to detain dissenting individuals and Hurriyat leaders. Hundreds of fresh detentions under PSA were reported this year. Apart from administrative and preventive

detentions, putting pro-independence leaders under house arrest was common in 2018. People were also detained in illegal detention at police stations and sometimes even army camps on the pretext of questioning them.

In 2018, three civilians were forcibly disappeared and their dead bodies later surfaced. The crime of enforced disappearances is continuing crime and the Indian State continues to be in denial about the 8000 enforced and involuntarily disappeared persons from Indian administered Jammu & Kashmir. The government in Indian administered Kashmir is reluctant to carry out forensic investigations into 7000+ unmarked and mass graves despite several SHRC recommendations.

In 2018, media in Indian administered Jammu and Kashmir continued to be at the receiving end of violence.

The state government in Indian administered Kashmir continues to exercise restraint on the freedom of religion and belief and frequently resorts to curbs. In 2018, for 12 Fridays out of 52, prayers were disallowed in the Jamia Masjid and Muharram processions were also disallowed.

In the year 2018, APDP and JKCCS documented 108 instances of internet blockade in Indian administered Jammu and Kashmir.

Sexual violence as a 'weapon of war' continues to be prevalent in Indian administered Jammu and Kashmir as the horrifying rape and murder of an eight year girl from Kathua in January 2018 demonstrates. In 2018, there were other cases where allegations of rape were made against CRPF personal in Poonch and in another case an Indian army personal was arrested by police for allegedly abducting a girl in Poonch. This year in February, JKCCS submitted a petition to State Human Rights Commission (SHRC) listing 143 cases of sexual violence cases in Indian administered Kashmir and demanded investigation but till now no progress has happened in the case.

In 2018, several cases of State surveillance were reported in Kashmir. This year, there were reports that army in Kashmir is seeking information on populations, from the police in the vicinity of the armed forces camps.

In 2018, APDP and JKCCS received several complaints from people who are repeatedly summoned to the police stations in an illegal and informal manner where they are threatened for what they have been writing on several social media platforms, mainly criticism against Indian officials and the conduct of armed forces. This constitutes harassment and violation of the rights of freedom of expression and a breach of individual privacy.

In 2018, the instances of persecution and harassment of Kashmiris living outside was frequently reported. According to the data compiled by APDP and JKCCS, at least 22 incidents of harassment and persecution of Kashmiris living outside were reported this year in which 24 Kashmiri students were assaulted and 19 were arrested.

In 2018, the Indian administered Kashmir was put through another military election by conducting of Municipal Elections and Panchayat Elections. Both these elections witnessed heightened militarization in the valley and no independent observation of the elections was allowed. Both the elections this year, which witnessed single digit polling, had many anomalies, which are further detailed in the report.

In 2018, political activists and workers of various parties continued to be attacked and killed. This year at least 11 political activists were killed in acts of targeted violence in Indian administered Jammu and Kashmir. This year also witnessed multiple attacks on the family members of policemen, political activists and militants.

The year also witnessed the extra-judicial executions of two persons with mental disabilities by Indian armed forces. In last many years, APDP and JKCCS have documented at least 18 such killings.

This year the state of impunity continued to exist as no breakthrough was made in any case in which armed forces are accused of human rights violations, which includes the mass gang rape and torture of the women and men in the twin village of Kunan Poshpora in 1991. The case is still stuck in the Supreme Court of India with no headway.

This year government released figures of 21,400 hectares of land in Indian administered Jammu and Kashmir under the illegal occupation of Indian armed forces, with 18,846 hectares under 'authorized occupation' of the armed forces in Kashmir including Ladakh. The heightened militarization in Indian administered Jammu and Kashmir and especially in Kashmir was witnessed during elections and during the Amarnath Yatra.

In 2018, suicides among Indian armed personal stationed in Indian administered Kashmir saw a massive uptick as reportedly 20 armed forces personal claimed their lives, which is highest in the last ten years.

## **2. Statistics of Human Rights Violations**

<b>Year 2018</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
Civilian Killed	16	7	13	20	28	11	9	10	8	14	13	11	160
Militants Killed	10	9	22	23	19	25	12	25	35	29	39	19	267
Armed Forces Killed	14	17	12	13	9	19	10	18	11	14	9	13	159
Total Number of Encounters	5	10	12	6	10	14	12	15	18	16	19	6	143
Enforced Disappearances				1					1	1			3
Sexual Violence	1			1									2
CASOs	29	23	29	10	12	13	24	24	23	28	16	43	275



### 3. Violations

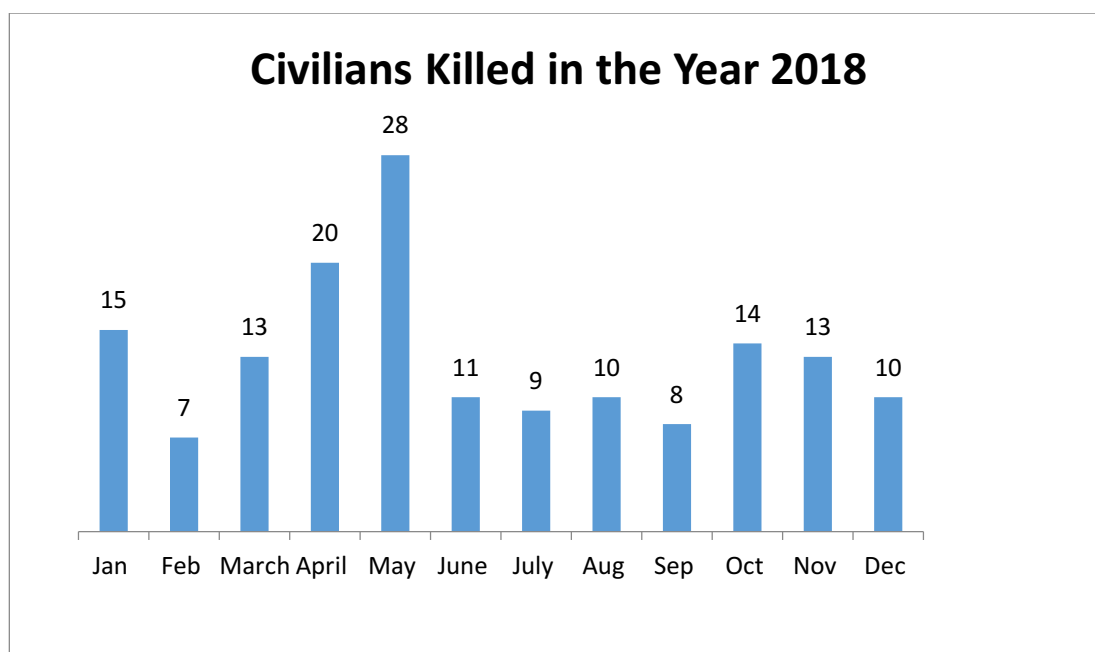
#### I. **Extra-judicial Executions**

Extra-judicial executions are a routine form of human rights violations in Jammu & Kashmir. Over the last 10 years from 2008 to 2018, at least 1081 civilians have been killed. Extra judicial killings have been routinely witnessed during civilian protests against the excesses of the Indian State as killings of civilians in 2008, 2009, 2010 and 2016 reveal.

In this year, at least 160 civilians were killed in Indian administered Jammu and Kashmir, pointing to a spike in civilian killings in last three years as 146 and 148 civilians were killed in 2016 and 2017 respectively.

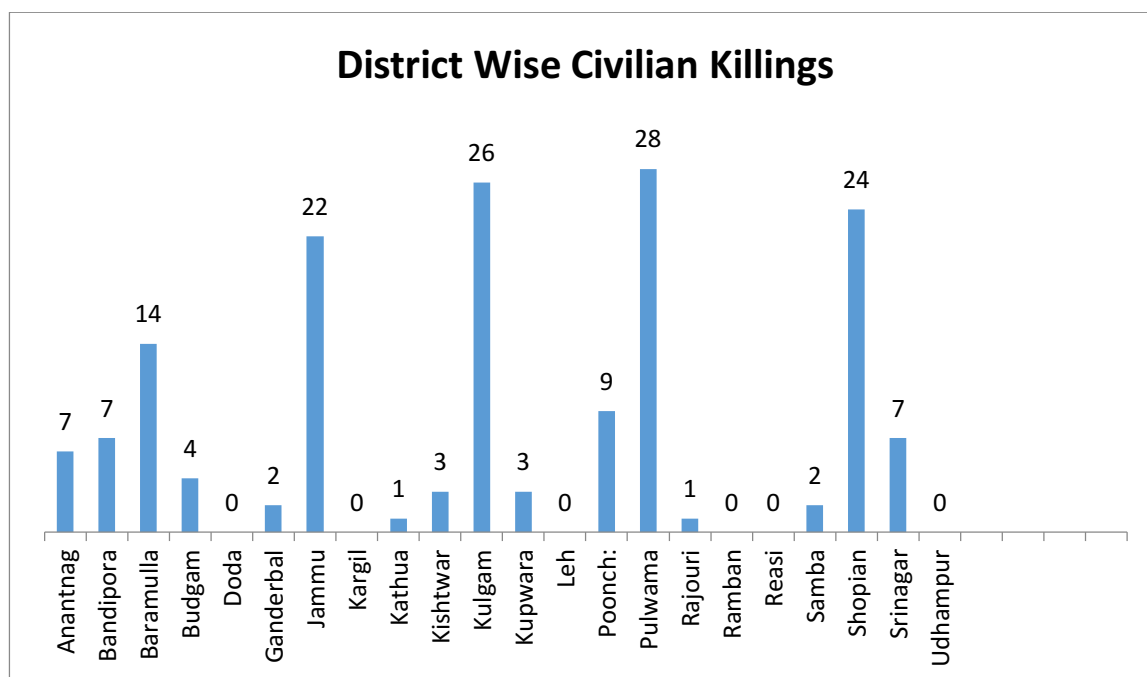
Out of the 160 civilians killed, 71 were killed by armed forces, 29 died in cross LOC shelling, 25 were killed by unidentified gunmen, 18 were killed by militants, 10 were killed in explosions, one died in stone pelting, one was killed by a security guard, and one person (a minor girl) was raped and killed by Special Police Officers of Jammu and Kashmir police.

Disproportionate use of force is common and has led to increasing number of killings each year. The number of extra-judicial killings has increased from 146 in 2016 and 108 in 2017 to 160 in 2018.



This year, most number of civilian killings occurred in the month of April and May with 20 and 28 killings, respectively. Incidentally, May was also observed as the month of Ramadhan and the government of India had announced cease-fire for the month. Despite the announcement, May witnessed the second highest number of overall killings of 56 civilians, militants and armed forces after November, which witnessed 61 killings. The months of April and May, ironically, witnessed a steep escalation in violence in Jammu and Kashmir.

Out of the 20 civilian killings in April, 12 were killed by armed forces and out of the 28 civilians killed in May, 8 were killed by armed forces and police and 11 were killed in cross LoC shelling.



In 2018, the highest number of civilian killings was recorded in Pulwama district with 28 civilian killings, followed by Kulgam district with 26 civilian killings. District Shopian witnessed 24 civilian killings. The four districts of South Kashmir – Kulgam, Anantnag, Pulwama and Shopian jointly recorded highest number of civilian killings with 85, while North Kashmir districts of Baramulla, Kupwara and Bandipora recorded 24 civilian killings and the Central Kashmir districts of Srinagar, Ganderbal and Budgam recorded 13 civilian killings. Jammu recorded 22 civilian killings as a result of cross LoC shelling. The least number of killings was recorded in Kathua and Rajouri districts with one civilian killing in each district.

Doda, Kargil, Leh, Ramban, Reasi and Udhampur remained peaceful as no civilian killings were recorded in these districts.

Women continue to be direct victims of State violence in Indian administered Jammu and Kashmir as at least 18 women were killed in 2018 in different incidents of violence. Majority of women (8) fell victim to the cross LOC shelling, while 6 were killed in Indian armed forces action and three died in cross firing and one was killed by a suspected militant.

Children too fell victims to the ongoing violence in Indian administered Jammu and Kashmir as at least 31 children were killed in 2018. The youngest victim was the 8-year-old minor girl of Kathua, who was kidnapped, sedated and gang-raped in January this year by two Special Police Officers of Jammu Kashmir Police. Ten-year-old Musharraf Fayaz and 9-year-old Saliq Iqbal of Shopian district fell victims to explosions caused by littered shells. The littered explosions continue to claim lives in Indian administered Kashmir pointing to an absolute disregard for post-encounter sanitizing operations by Indian armed forces and Jammu

Kashmir Police, which have resulted in deaths and injuries as the recent post-encounter at Kulgam that killed 6 civilians.

## **II. Excessive Use of Force**

In 2018, 191 incidents of excessive use of force were recorded. Firing on protestors, use of pellet shotguns, beatings and physical assaults by Indian armed forces have been routinely reported.

Pellet shotguns, which were introduced for crowd control in Kashmir in August 2010 and used indiscriminately in 2016, were continued to be used this year as well, leading to many injuries. This year one youth Sheeraz Ahmad Naikoo was killed due to pellet injuries in Anantnag.

According to a newspaper report, from May 1 to 9, around 115 people were admitted in Shri Maharaja Hari Singh Hospital (SMHS) for pellet and bullet injuries. Out of these 115, 74 had received pellets, with 60 among them having injuries in their eyes. According to a surgeon treating the injured at the hospital, government forces had been firing bullets on chest, neck, head and abdomen, which showed their intention to kill<sup>1</sup>.

According to reports, the use of pellet guns has resulted in the death of at least 17 people in 2016 and 2017. According to records from SMHS, the hospital to which most pellets victims are referred, 1,253 people have been blinded in Kashmir since the summer of 2016. At least 61 of those were injured in both eyes<sup>2</sup>.

Pellets have been used indiscriminately without any regard to age and gender. On the 25<sup>th</sup> of November, 2018, a 19-month old girl from Shopian became the youngest victim of pellet shotguns while she was playing inside her house when clashes broke out between civilians and Indian armed forces after 6 militants were killed. The pellet hit her right eye. It was later removed but the doctors said that she may lose her eyesight in the right eye.

## **III. Encounters**

Consistent with the previous years, encounters between Indian armed forces and militants have continued to take place, leading to loss of life and damage to property. A total of 143 encounters took place this year leading to the killings of 267 militants and in the situation emerging out of encounters 40 civilians were killed in armed forces' action.

These extra-judicial executions of 40 civilians by the armed forces have been erroneously termed as 'encounter site killings' to create an impression as if the protests by unarmed civilians were an obstruction in the ensuing encounters. Based on the testimonies of the families of those killed around these encounters, it emerges that some of the civilians killed

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<sup>1</sup><http://www.greaterkashmir.com/news/kashmir/ward-8-smhs-hospital-becomes-synonymous-with-blindness/284719.html>

<sup>2</sup><http://www.greaterkashmir.com/news/kashmir/protesters-blinded-by-forces-struggle-in-darkness/285129.html>

were shot several kilometers away from the encounter sites and sometimes even after the culmination of the encounters.

#### **IV. Cordon and Search Operations (CASOs)**

After a gap of fifteen years, Cordon and Search Operations were re-introduced in Indian administered Jammu and Kashmir in May 2017 in Shopian district. In 2018, 275 Cordon and Search Operations were conducted across Indian administered Jammu and Kashmir. CASOs often culminated into encounters that led to killings of militants as well as civilians killed extra-judicially while some civilians were used as human shields.<sup>3</sup> The Indian army has been accused of harassment and ransacking of property during CASOs, including molestation of women and detention of civilians. CASOs have led to civilian protests against harassment that have been met with the use of excessive force. In May 2018, Indian Army announced that CASOs will be stopped during the month of Ramzan but they continued to be carried out.

CASOs are an assault on the right to privacy of the people with the armed forces barging into people's private spaces, and have been used to inflict collective punishment on the civilian population for dissent.

#### **V. Destruction of Civilian Property During CASOs and Encounters**

During Cordon and Search Operations (CASOs), Indian armed forces have been reportedly indulging in vandalism and destruction of civilian property, which is illegal both under Indian domestic law and International laws of warfare. One of the features of encounters between armed forces and militants in Indian administered Kashmir is the burning of the civilian houses where the militants are alleged to be hiding. In almost each encounter that takes place in Kashmir, the civilian property is set on fire by the armed forces as a form of collective punishment against the civilian population for their support to the militants.

In 2018, according to the data compiled by JKCCS, at least 143 encounters took place between Indian armed forces and the militants.

In 2018, at least 120 cases of damage to civilian houses were reported in Indian administered Jammu and Kashmir in which 31 houses were completely burnt while 94 were partially damaged. The burning and destruction of civilian properties is not just a form of collective punishment against the local population but an act which renders scores of families homeless.

Some of the instances of vandalism and destruction of civilian properties by the armed forces in 2018 is as follows:

##### **February 2018**

1. According to reports, two identical adjacent under-construction buildings were damaged badly in an encounter at Karan Nagar on 12 February. Security forces fired approximately 20,000 bullets and 250 UBGL grenades to kill the militants. Some of the bullets are still inside the 14 inch and 9 inch walls that support the structures.

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<sup>3</sup> <http://www.uniindia.com/encounter-ensues-during-caso-in-kupwara/states/news/1375520.html>

The damage was estimated at around Rs 70 lakhs<sup>4</sup>. According to reports, Jammu and Kashmir Police will recommend to the state government to pay relief to the owner of the building which was damaged in the encounter<sup>5</sup>.

2. On February 17, villagers in Kareemabad village in Pulwama district accused security forces of vandalism during a CASO<sup>6</sup>.
3. On February 22, a residential house was completely damaged and two others damaged partially in Tilawari village of border town in Uri when troops of India and Pakistan exchanged heavy gun fire across the LOC<sup>7</sup>.

### March 2018

4. According to official reports, in the five villages of Uri – Churanda, Tilawari, Silikote, Balkote and Hathlanga- affected by LOC firing, one house was completely gutted while 90 other houses were partially damaged<sup>8</sup>.
5. On March 15, armed forces razed to rubble four residential houses where militants were reportedly hiding at Balhama area of Khunmoh in Srinagar city<sup>9</sup>.
6. On March 16, government forces allegedly ransacked scores of parked vehicles and almost a dozen residential houses at Sharabad (Nowdal) Village in Tral after the funeral of a militant<sup>10</sup>.
7. According to reports, government forces blasted the house at Kachdoora in Shopian district where the militants were sheltered<sup>11</sup>.
8. On April 30, in an encounter at Drabgam in Pulwama district, two houses were partially damaged<sup>12</sup>.
9. According to sources, forces destroyed two houses during an encounter at Turkwangam village in Shopian district. One of the houses belonged to the father-in-law of militant Zeenat-ul-Islam<sup>13</sup>.

### May 2018

10. On May 6, security forces torched a two-storey concrete house and fired mortar shells to kill the militants during an encounter at Badigam village in Shopian district<sup>14</sup>.
11. On May 12, two houses were damaged during a gunfight at Barpora area in Pulwama district. Bashir Ahmad, the owner of one of the houses, suffered an injury in his shoulder<sup>15</sup>.

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<sup>4</sup> <https://kashmirreader.com/2018/02/18/karan-nagar-gunfight-owners-assess-loss-to-damaged-houses/>

<sup>5</sup> <https://kashmirreader.com/2018/02/17/owner-of-damaged-karan-nagar-building-may-b-paid-compensation/>

<sup>6</sup> <http://www.greaterkashmir.com/news/kashmir/five-arrested-during-search-operation-in-kareemabad-property-vandalized-locals-thrashed/276056.html>

<sup>7</sup> <https://kashmirreader.com/2018/02/23/cross-border-firing-in-uri-damages-three-houses/>

<sup>8</sup> <https://kashmirreader.com/2018/03/06/90-houses-partially-damaged-in-five-uri-villages-in-cross-border-shelling-last-month/>

<sup>9</sup> <http://kashmirlife.net/khunmoh-gunfight-four-houses-damaged-as-firing-stops-168276/>

<sup>10</sup> <http://www.greaterkashmir.com/news/kashmir/forces-ransack-houses-vehicles-after-militant-s-funeral-clashes-in-tral/278941.html>

<sup>11</sup> <http://www.risingkashmir.com/news/south-kashmir-gunfights-forces-blast-the-house-at-kachdoora-322706.html>

<sup>12</sup> <https://kashmirlife.net/drubgam-encounter-the-complete-story-173326/>

<sup>13</sup> <http://www.greaterkashmir.com/news/kashmir/south-kashmir-shopian-siege-ends-militants-escape/283960.html>

<sup>14</sup> <http://www.risingkashmir.com/news/blood-drenched-sunday-325190.html>

<sup>15</sup> <http://www.greaterkashmir.com/news/kashmir/crpf-trooper-killed-civilian-injured-in-pulwama-gunfight-militants-escape/284941.html>

### June 2018

10. On June 9, residents of Tekipora-Mirgund in Budgam district held a protest demonstration against police for damaging a local property<sup>16</sup>.
11. On June 19, the house at Nazneenpora in Tral area of Pulwama, in which the militants were hiding, was detonated with explosives by security forces<sup>17</sup>. The roof collapsed and iron rods were hanging in air due to Improvised Explosive Devices (IEDs) that rocked the house. Nothing was left for the Bhat family apart from a few standing walls pockmarked with bullet holes and soot, piles of broken bricks and wood<sup>18</sup>.
12. On June 22, the residence of Muhammad Yusuf Rather at Nowshehra in Srigufwara in Anantnag district, where militants were hiding was severely damaged during the encounter<sup>19</sup>.
13. On June 29, forces blasted the house in which an encounter between militants and forces took place at Chapora area in Pulwama district<sup>20</sup>.

### July 2018

14. On July 10, two residential houses, belonging to Muhammad Yaqoob Parray and Muhammad Maqbool, were damaged in heavy firing during an encounter at Kundalan village in Shopian district<sup>21</sup>.
15. According to reports, half a dozen carts of street vendors were set on fire at Soura area in Srinagar during stone pelting clashes between youth and government forces. While locals alleged government forces set the carts on fire, police denied the allegation and blamed the act on 'miscreants'<sup>22</sup>. On July 12, police denied the allegation that government forces torched vending carts during clashes in Soura area of Srinagar on July 11. Pictures of the carts, set ablaze during the clashes between the forces and protesters, had gone viral on social media. While the locals had reportedly blamed the government forces, the latter denied the allegation<sup>23</sup>.
16. According to reports, a FIR was filed at Police Station Soura and investigation initiated regarding the rumor circulated on social media about forces setting ablaze vending carts at Soura area in Srinagar. During the course of investigation, a few Facebook pages, WhatsApp groups and individuals using social media who circulated the rumor, were identified against whom legal action will be initiated<sup>24</sup>.
17. On July 22, two residential houses and one commercial building were damaged in the Kulgam encounter<sup>25</sup>.
18. On July 25, security forces blasted the house in which the militants were trapped during an encounter at Mehmaan Mohalla in Anantnag district<sup>26</sup>.

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<sup>16</sup> <https://kashmirlife.net/residents-protest-in-budgam-against-police-for-allegedly-damaging-a-compound-wall-177001/>

<sup>17</sup> <http://www.greaterkashmir.com/news/kashmir/two-militants-killed-crpf-officer-injured-in-ongoing-tral-gunfight/288316.html>

<sup>18</sup> <https://www.greaterkashmir.com/news/kashmir/battling-cancer-ameena-first-lost-her-militant-son-and-now-house/288636.html>

<sup>19</sup> <https://kashmirlife.net/srigufwara-encounter-the-complete-story-178356/>

<sup>20</sup> <https://www.greaterkashmir.com/news/kashmir/pulwama-gunfight-over-three-militants-civilian-killed/289160.html>

<sup>21</sup> <https://www.greaterkashmir.com/news/kashmir/2-militants-teenage-boy-killed-in-shopian/290173.html>

<sup>22</sup> <https://kashmirreader.com/2018/07/12/vendor-carts-set-ablaze-at-soura/>

<sup>23</sup> <https://www.greaterkashmir.com/news/srinagar-city/police-refute-reports-of-torching-vending-carts-during-soura-clashes/290341.html>

<sup>24</sup> <http://www.risingkashmir.com/news/rumor-mongers-of-soura-incident-identified-police-329495.html>

<sup>25</sup> <https://kashmirlife.net/redwani-encounter-the-complete-story-181311/>

<sup>26</sup> <https://www.greaterkashmir.com/news/kashmir/two-let-militants-killed-in-anantnag-gunfight/291524.html>

## August 2018

19. On August 1, residents of Bemina staged protest against the alleged highhandedness of Army and accused its personnel of damaging their vehicles and breaking windows panes of the residential houses in the area. According to reports, the incident began when a truck driver allegedly jumped the signal at Bemina Bypass and was beaten mercilessly by Army personnel present there. Some people present on the spot intervened to save the driver which enraged the Army men and they went on a rampage<sup>27</sup>.
20. On August 24, forces blasted two houses during an encounter at Vailoo area of Kokernag in Anantnag district<sup>28</sup>.
21. On August 27, government forces allegedly broke into the home of Showkat Ahmad, a militant affiliated with the Islamic State Jammu Kashmir (ISJK) in Qaimoh area of Kulgam and vandalised the house. Similar reports of ransacking the residence of family members of militants during nocturnal raids have come up from Shopian, Pulwama and Awantipora districts<sup>29</sup>.
22. On August 27, the family of a local militant, namely Burhan Ahmed Ganaie, a physiotherapy graduate and a native of Anantnag district, accused government forces of harassment and vandalizing their house. According to the family, a joint team of SOG and Army barged inside their house and woke up the inmates. The forces personnel searched the house while Burhan's father was abused verbally and household items were ransacked<sup>30</sup>.
23. On August 27, government forces allegedly vandalized the house of an active Lashkar-e-Toiba (LeT) militant namely Waris Ahmed, a resident of Rakh-e- Momin Arwani area of Bijbehara, in Anantnag district<sup>31</sup>.
24. On August 28, locals from a Kulgam village alleged that government forces ransacked the house of an active militant Parvaiz Ahmad Bhat and beat up the inmates during a nocturnal raid. The forces raided the house and ransacked the household goods. The family claimed that the army personnel, without any provocation, beat up the family members after they questioned the ransacking. Mr. Bhat allegedly joined the Islamic State of Jammu and Kashmir (ISJK) in the first week of July<sup>32</sup>.
25. On August 29, the house of Altaf Ahmad Dar at Muniward in Anantnag district, where an encounter took place, was completely razed to the ground. At least three houses around the encounter site were damaged partially in the encounter<sup>33</sup>.
26. On August 30, family members of the Lashkar-e-Toiba (LeT) militants from Shopian alleged the army of setting their residential houses ablaze on the intervening night of Wednesday and Thursday. The family members of LeT militant Shahjahan Mir of Amshipora Shopian alleged the Army 23 Para (based at Reshnagri Shopian) of setting their single-storey house ablaze and damaging the property. The family of militant

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<sup>27</sup> <http://www.risingkashmir.com/news/bemina-residents-accuse-army-of-vandalizing-houses-vehicles-330768.html>

<sup>28</sup> <https://www.greaterkashmir.com/news/kashmir/kokernag-gunfight-over-militant-killed-three-civilians-injured/294247.html>

<sup>29</sup> <https://www.greaterkashmir.com/news/front-page/govt-forces-accused-of-ransacking-militants-homes-during-nocturnal-raids/294638.html>

<sup>30</sup> <http://www.risingkashmir.com/news/militant-families-in-south-kashmir-accuse-forces-of-resorting-to-vandalism-332341.html>

<sup>31</sup> <https://kashmirilife.net/forces-allegedly-ransack-let-militants-house-in-south-kashmir-184331/>

<sup>32</sup> <https://kashmirilife.net/ransacking-spree-of-militant-houses-continue-in-south-kashmir-184366/>

<sup>33</sup> <https://kashmirreader.com/2018/09/02/17-injured-with-pellets-in-south-kashmir-shopian/>

Naveed Shah of Nazneenpora Shopian also alleged that their house was damaged and property was burnt by the forces<sup>34</sup>.

### **December 2018**

27. Around 8 residential houses were damaged and nine families dislocated in the Mujgund encounter on the night of December 8-9, 2018<sup>35</sup>

## **VI. Arbitrary and Administrative Detentions**

The government's use of arbitrary and administrative detentions to suppress political dissent in Indian administered Jammu and Kashmir continued in 2018. The Jammu & Kashmir Public Safety Act<sup>36</sup>, 1978 (PSA) is the most common law used to place under preventive detention the dissenters who espouse the cause of Kashmir's right to self-determination or question and criticize the State's conduct in Kashmir. It has been used to target human rights defenders, journalists, pro-independence political leaders, suspected members of armed opposition groups and people involved in protests, including minors.<sup>37</sup> It is used to keep people "out of circulation".

APDP and JKCCS have noted that the use of PSA is increased at the time of political unrest or civilian uprisings, as was witnessed during 2008, 2009, 2010 and 2016 civilian uprisings. Mass arrests were carried out by authorities in 2016 following a massive civilian uprising against Indian rule. According to the data compiled by APDP & JKCCS, more than 8000<sup>38</sup> civilians were put under illegal detention including 582 civilians who were detained under PSA in 2016 alone. The practice of illegal, administrative and arbitrary detention of individuals seen as espousing the belief in right to self-determination continued in 2017 and 2018. While scores of detentions under PSA were recorded in 2017, the same were quashed as 'illegal and arbitrary' by the Jammu Kashmir High Court. The practice of putting pro-independence Hurriyat leaders and activists under PSA was witnessed in 2018 as well.

According to the data compiled by APDP and JKCCS, hundreds of fresh detentions under PSA were carried out in 2018. Prominent Hurriyat and Muslim League leader Masarat Alam Bhat was booked under 37<sup>th</sup> PSA of his life – the highest against one individual since PSA was introduced in Jammu and Kashmir. Mr. Bhat's repeated incarceration under PSA represents how the judiciary has failed to deliver justice to Kashmiris despite each of his PSA getting quashed by JK High Court. The authorities have shown no regard to the Supreme Court of India order disallowing arrest of Masarat Alam Bhat without allowing him the opportunity to take legal redress. It is pertinent to mention that Masarat Alam Bhat in the last 11 years has spent more than 10 years in jail under the PSA. New charges were brought against him when he was in jail – which is not only irrational but also illegal.

In June 2018, the government in Indian administered Jammu and Kashmir amended section 10 of the PSA which will now allow for extra-territorial lodgement of detainees outside

<sup>34</sup> <https://kashmirilife.net/militant-families-allege-army-of-setting-their-houses-ablaze-184600/>

<sup>35</sup> <https://www.greaterkashmir.com/news/business/mujgund-encounter-kashmir-inc-assesses-loss-to-residential-houses/306012.html>

<sup>36</sup> <http://jkhome.nic.in/psa0001.pdf>

<sup>37</sup> <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>38</sup> <http://jkccs.net/wp-content/uploads/2018/03/2016-Human-Rights-Review-JKCCS.pdf>



Jammu and Kashmir and as of now at least 40 detainees have been lodged outside Indian administered Jammu and Kashmir in different jails in India. The High Court Bar Association has filed a writ petition before the High Court of Jammu and Kashmir seeking quashment of the order. The matter is pending before the Court.

Among hundreds of instances of detentions that were reported, some of the prominent ones are presented below.

1. In February 2018, four people including a Muslim League (ML) leader were booked under Public Safety Act (PSA) in Bandipora district. They were identified as Rayees Ahmad Baba, Muslim League leader Mohammad Assadullah Parray, Mohammad Azhar Parray and Ghulam Mohi-ud-din Khan<sup>39</sup>. They were booked under Public Safety Act (PSA) in Hajin area in Bandipora district and were shifted to Kotbalwal jail in Jammu<sup>40</sup>.
2. On 10 March 2018, Tehreek-e-Hurriyat district president Islamabad Mir Hafizullah was booked under another Public Safety Act (PSA) and shifted to Amphala jail in Jammu from Police Station Achabal. He was arrested in November 2016 and was slapped with PSA and shifted to Kotbalwal Jail<sup>41</sup>.
3. In March 2018, a couple in Sopore were suspended from services and the husband was jailed under repeated Public Safety Acts (PSAs) since 2016. Sofia – wife of Mohd Ashraf Malik, originally accused of involvement in unlawful activities, was issued a non-involvement certificate by police in Feb 2017, yet she continues to remain suspended. Ashraf Malik, an employee of Education department, was arrested in December 2016 and continues to languish in jail under consecutive PSAs. Prior to his arrest he was suspended from his job as a junior assistant. The couple had accused authorities of political harassment since Sofia is the daughter of Hurriyat Conference (G) leader Haji Sheikh Mohammad Yousuf<sup>42</sup>.
4. In May 2018, government ordered the detention of Abdullah Gujjar alias Dullah alias Sher Khana- a former Harkat-ul-Mujahideen (HuM) militant, under the Public Safety Act (PSA) apprehending that he may start recruiting youth and providing them with arms and ammunition to revive militancy in Kishtwar district<sup>43</sup>.
5. In June 2018, the Juvenile Justice Team asked the government to consider revocation of the detention order of a minor boy from Anantnag serving detention under Public Safety Act at Jammu jail for seven months. The team sought his immediate release. The minor boy identified as Umar Yusuf Khan, who suffers from a peculiar nervous disorder, is serving PSA term in Kathua jail since November 2017. Police has charged the detainee with leading violent mobs and instigating people to attack the forces with 'intent to kill', even though the alleged cases date back to 2016 when he was barely 14<sup>44</sup>. Mr. Khan has been charged in four different cases during the 2016 uprising, which was triggered by the killing of Hizbul Mujahidin

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<sup>39</sup> <http://www.risingkashmir.com/news/4-booked-under-psa-in-bpora-319709.html>

<sup>40</sup> <http://www.greaterkashmir.com/news/kashmir/jammu-and-kashmir-four-hajin-residents-booked-under-psa-shifted-to-jammu-jail/276282.html>

<sup>41</sup> <http://www.greaterkashmir.com/news/kashmir/teh-islamabad-district-president-slapped-with-psa-shifted-to-amphala-jail-in-jammu/278279.html>

<sup>42</sup> <https://kashmirreader.com/2018/03/22/husband-in-jail-wife-suspended-from-service/>

<sup>43</sup> <https://kashmirreader.com/2018/05/05/former-hum-militant-detained-under-psa-in-kishtwar/>

<sup>44</sup> <http://www.greaterkashmir.com/news/kashmir/gk-impact-juvenile-justice-team-seeks-immediate-release-of-minor-anantnag-boy/288025.html>

commander Burhan Wani. However, he has already been bailed out in all cases by the court. In first three cases, the accused has been bailed out by Chief Judicial Magistrate Anantnag and in the last one he has been bailed out by Principal and District Session Judge<sup>45</sup>.

6. In June 2018, Shakeel Ahmad Itoo (47), a Hurriyat (G) pro-freedom leader, completed more than two years in jail despite his PSA detention quashed by court in February this year. Mr. Shakeel's family states that he was arrested on June 20, 2016 (18 days before killing of militant commander Burhan Wani) and was lodged in Kathua jail. Currently he is lodged at Central Jail Srinagar despite the quashing of the detention order by the court<sup>46</sup>.
7. In July 2018, during night raids in south Kashmir and particularly in Anantnag district, many youth including Shabir Ahmad Rather, Mushtaq Ahmad Sheikh, Aijaz Ahmad Malik were arrested and PSA slapped against them<sup>47</sup>.
8. In July 2018, a 60-year-old Hurriyat activist from Baramulla who had suffered a brain haemorrhage in Kot Balwal jail on February 10 2017, was again booked under the PSA despite his deteriorating health and sent to Kot Balwal jail. Abdul Rehman Tantray who is a member of Tehreek-e-Hurriyat, was booked under PSA in November 2016. During his detention in Kot Balwal, Mr. Tantray was beaten by police on his head, due to which he developed a clot in his head. He developed facial palsy after the hemorrhage that left him "more than 50 percent disabled". While his PSA was quashed on March 7, 2017, Mr. Tantray was immediately taken by CIK Jammu. On July 5, he was again arrested in a new FIR and subsequently taken to Kotbalwal Jail<sup>48</sup>.
9. On 23 July 2018, District Administration Bandipora booked two people under the Public Safety Act. The individuals were identified as Umer Farooq Kanjwal and Deen Muhammad Malik. Mr. Umer is a student of BA 3rd year Degree College Bandipora. Mr. Malik is a labourer by profession. The duo was shifted to Kot Balwal Jail in Jammu<sup>49</sup>.
10. In August 2018, Jammu and Kashmir High Court overturned 26 Public Safety Act detentions in the months of July and August. In a single day, the court of Justice M K Hanjura overturned 8 PSA detentions, citing lacunae in police dossiers and long execution gaps in detention orders. The detentions were mostly quashed on the grounds that no fresh activity had been attributed to the detainees. Weak dossiers and long delays in carrying out the detention orders also led the court to quash the orders. In some cases, the court quashed detentions on the grounds that the detaining authorities did not allow the detainees to make a representation against the detention order<sup>50</sup>.
11. In August 2018, three people were charged PSA and shifted to District Jail Kathua. JKLF founder's brother Zahoor Ahmad Bhat, was picked up by the police and charged with PSA by the District Magistrate Srinagar. Javed Ahmad Munshi alias Bilal Papa, was arrested earlier the same month and booked under PSA by the District Magistrate Srinagar. Asif Mushtaq Baba was arrested a few days back by Police

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<sup>45</sup><http://www.greaterkashmir.com/news/front-page/anantnag-s-minor-serving-psa-term-in-kathua-jail/287940.html>

<sup>46</sup><https://kashmirreader.com/2018/06/28/shakeel-ahmad-itoo-was-arrested-18-days-before-burhan-wanis-killing/>

<sup>47</sup><https://kashmirilife.net/hurriyat-g-expresses-serious-concern-over-arrests-night-raids-in-kashmir-parts-179595/>

<sup>48</sup><https://kashmirreader.com/2018/07/10/hurriyat-activist-detained-under-psa-again-despite-failing-health/>

<sup>49</sup><http://www.risingkashmir.com/news/student-labourer-booked-under-psa-in-bandipora-330017.html>

<sup>50</sup><https://kashmirreader.com/2018/08/08/hc-quashes-26-psa-detentions-over-last-18-days/>

Station Pantha Chowk and was also booked under PSA by the District Magistrate Srinagar<sup>51</sup>.

12. On 20 August 2018, a former militant of Hizbul Mujahideen was charged under PSA in Srinagar district and shifted to Kathua District Jail. The individual, identified as Manzoor Ahmad Khan, was arrested in July by Police Station Batmaloo over his alleged anti-national activities and subsequently booked under the PSA.
13. In August 2018, a 65-year-old Tehreek-e-Hurriyat leader namely Muhammad Ramzan Sheikh was detained under PSA and shifted to Kot Balwal Jail in Jammu. Mr. Sheikh, a resident of Qaimoh in Kulgam district had been released in July after having served two years' detention under the Public Safety Act. He was arrested at the peak of 2016 summer uprising. Mr. Sheikh was arrested by Jammu and Kashmir Police on August 31 and charged under PSA<sup>52</sup>.
14. On 7 September 2018, the police booked a person allegedly involved in carrying out an explosion in the famed Manasbal Park in Ganderbal district on June 17 under the Public Safety Act. Senior superintendent of police Ganderbal Muhammad Khalid Poswal said that the accused, Bilal Ahmad Mir son of Ghulam Rasool of Cheshmai Manasbal, was arrested in the case filed vide FIR No. 20/2018 at police station Safapora. He was under arrest but subsequently booked under PSA and shifted to Kotbalwal jail in Jammu<sup>53</sup>.
15. On 8 September 2018, six people identified as Mohd Lateef Dar of Zawoora, Mohd Hussain agay of Nagbal, Gh Jeelani Gatoo of Banabazar, Bilal Ahmad Bhat of Chek Cholan, Faisal Amin Mir of Bona Bazar and Shakeel Ahmad Thokar of Meemender, all residents of district Shopian, were booked under the Public Safety Act and sent to central Jail, Kot Balwal, Jammu. According to a police official, the accused were booked for their role in various militancy related cases<sup>54</sup>.
16. On 8 September 2018, Muslim League Chairman Mushtaq-ul-Islam was once again booked in a case related to digging up of cricket pitch during India -West Indies one-day match in 1983 in Srinagar City. The spokesperson of the party said that Mushtaq-ul-Islam was already acquitted by court in this case; however, authorities despite court orders once again framed same charges against the party chairman. The spokesperson blamed authorities for detaining its incarcerated chairman on frivolous charges. "He was arrested and booked under Public Safety Act in cases already decided by state judiciary," he said<sup>55</sup>.
17. On 18 September 2018, authorities booked a pellet victim under Public Safety Act in district Pulwama. Suhail Ahmed Trambo, son of Muhammad Ashan, a resident of Muran, district Pulwama was arrested by Government Forces along with many youth some two weeks before and on 18 September, he was booked under PSA and shifted to Kathua jail<sup>56</sup>.
18. On 2 October 2018, Shopkeeper Hilal Ahmad Dhobi of Hamdania Bazar Tral and a former Hizb ul Mujahideen militant Arizoo Bashir Najar s/o Bashir Ahmad Najar of

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<sup>51</sup> <https://kashmirilife.net/magbool-bhats-brother-among-3-detained-under-psa-shifted-to-kathua-jail-183754/>

<sup>52</sup> <https://kashmirreader.com/2018/09/02/65-yr-old-tehreek-e-hurriyat-leader-slapped-with-psa-shifted-to-kot-balwal/>

<sup>53</sup> <https://www.greaterkashmir.com/news/kashmir/manasbal-blast-another-accused-slapped-with-psa/295583.html>

<sup>54</sup> <https://www.greaterkashmir.com/news/kashmir/six-booked-under-psa-in-south-kashmir-s-shopian-sent-to-jammu-jail/295750.html>

<sup>55</sup> <https://kashmirobserver.net/2018/city-news/mushtaq-ul-islam-booked-under-psa-35-year-old-case-35834>

<sup>56</sup> <http://www.kashmirnewszone.com/pellet-blind-victim-from-south-kashmir-booked-under-public-safety-act/>

Mandoora village of Tral, who were arrested before on different occasions were booked under the PSA.

19. On 12 October 2018, Sheikh Sartaj, a 30-year-old man from Anchidora Anantnag, who had been arrested in south Kashmir's Anantnag town in September was booked under PSA and shifted to Kotbalwal jail in Jammu.
20. On 14 October 2018, Police booked five persons under PSA in district Bandipora on stone pelting charges. Sources said that five persons from Kaloosa, Nusoo and Hajin areas booked under PSA under unlawful activities in the district.
21. On November 14, the incarcerated chairman of Muslim League Jammu and Kashmir Masarat Alam Bhat was shifted to Hira Nagar jail Jammu after authorities booked him under a fresh PSA. The fresh orders, incidentally 37th in the series, were passed by the Deputy Commissioner, Baramulla. Alam was brought to JIC Jammu a few days prior to this, and in the meantime, a fresh PSA was slapped on him. After being slapped with 37th PSA, which is a world record, Masarat Alam was shifted to Hira Nagar Jail in Jammu<sup>57</sup>.

Apart from administrative and preventive detentions, putting pro-independence leaders under house arrest is common. Since 2008, following the mass uprising against Indian rule, Hurriyat leaders Syed Ali Geelani, Mirwaiz Umar Farooq and JKLF leader Mohammad Yasin Malik have frequently been put under house arrest and have been disallowed to carry out their political activities. In 2018, Syed Ali Geelani completed eight years under house arrest.<sup>58</sup> People are also detained in illegal detention at police stations and sometimes even army camps on the pretext of questioning them.

Arbitrary detention violates Article 9 of the 1948 Universal Declaration of Human Rights which decrees that "no one shall be subjected to arbitrary arrest, detention or exile".

Arbitrary detention in Indian administered Jammu & Kashmir is used strategically and serves to choke the space for political dissent and limiting public space for those who question the legitimacy of Indian rule in the region. PSA is an example of the structural violence that is perpetrated on dissenters in Kashmir.

## VII. Enforced Disappearances

The Indian State continues to be in denial about the 8000 enforced and involuntarily disappeared persons from Indian administered Jammu & Kashmir. The Indian State acknowledges only 4008<sup>59</sup> missing persons in Jammu & Kashmir that it claims are those who crossed the Line of Control (LOC) to Pakistan and never returned. There have been no efforts to ascertain if these 'missing' persons are dead or alive. Enforced disappearance is a continuing crime and the families of the disappeared are still waiting for truth, justice and reparation.

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<sup>57</sup> <https://kashmirilife.net/37th-psa-slapped-on-masarat-alam-shifted-to-hira-nagar-jail-191994/>

<sup>58</sup> Kashmir Media Service, 23 December 2018, Syed Ali Geelani completes 8 years under house arrest, <https://kmsnews.org/news/2017/12/23/syed-ali-gilani-completes-8-years-under-house-arrest-aphc/>

<sup>59</sup> UN Report on Kashmir, June 2018, <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

The crime of enforced disappearance started as a way to instill fear and terror among the people and dissuade them from participating in and supporting the armed struggle. Civilians and combatants were targeted alike. In all likelihood, these persons were tortured and killed. Enforced disappearance infringes on the right to life, liberty and security of the disappeared person and the obstruction in justice violates the right to truth and reparation of the family of the disappeared.

In this year, three persons were forcibly disappeared and their dead bodies later surfaced:

1. 25-year-old Manzoor Ahmad Bhat of Hajin, Badipora was abducted by unidentified gunmen and found dead on April 06, 2018. His body was found in an orchard.
2. Mushtaq Ahmad Mir of Mir Mohalla, Harwan, Sopore was forcibly disappeared by unidentified gunmen on 22<sup>nd</sup> September and later found dead on September 24, 2018.
3. 45-year-old Sheeraz Ahmad Bhat of Laroo, Kulgam was forcibly disappeared on October 21<sup>st</sup> 2018 by unidentified gunmen. His bullet-ridden dead body surfaced on December 11<sup>th</sup>.

In 2017, 7 cases of enforced disappearances were reported.<sup>60</sup> The bodies of five of these persons were recovered a few months later. The Government of India has signed the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) in 2007 but has not ratified the convention. There have been no efforts to criminalize enforced disappearances in India even though UN OHCHR's report on Kashmir in June 2018 recommended India to not only ratify ICPPED but also "introduce enabling domestic laws as recommended during India's UPR in 2008, 2012 and 2017."<sup>61</sup>

During its 3<sup>rd</sup> Cycle at the Universal Periodic Review in May 2017, India received recommendations from various member states to ratify the ICPPED but it did not act on them. The United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) has not been allowed to visit India.

## VIII. Unknown, Unmarked and Mass Graves

There are over 7000 unmarked and mass graves across 7 districts of Baramulla, Bandipora, Kupwara, Poonch, Rajouri, Srinagar and Budgam in Jammu & Kashmir.

The Jammu & Kashmir State Human Rights Commission (SHRC) took suo moto cognizance of the complaints made in the report *Buried Evidence* and on 16<sup>th</sup> April, 2011, confirmed the existence of 2730 graves, recommending forensic examination and DNA testing of the graves along with setting up of a Commission of Inquiry.<sup>62</sup> None of these recommendations were implemented.

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<sup>60</sup> <https://jkccs.files.wordpress.com/2017/12/jkccs-annual-human-rights-review-2017.pdf>

<sup>61</sup> <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>62</sup> <https://kashmirilife.net/full-text-of-the-enquiry-report-of-the-investigation-team-of-jak-shrc-on-unmarked-graves-in-north-kashmir-1702/>

On 24<sup>th</sup> October 2017, in response to a petition filed by the APDP alleging presence of 3844 unknown, unmarked and mass graves in the districts of Poonch (2717) and Rajouri (1127), the SHRC acknowledged the phenomenon of mass graves and unmarked graves based on the submissions made by police department, Deputy Commissioner Poonch and Deputy Commissioner Rajouri who acknowledged the presence of 2080 unidentified persons buried in these unmarked graves. Consistent with its previous order of 2011 in which the phenomenon of unmarked and mass graves was authenticated by the SHRC in the districts of Baramulla, Bandipora and Kupwara, the SHRC recommended comprehensive investigation using DNA testing, carbon dating and other forensic techniques. The government took no action on the recommendations exactly like they ignored the recommendations of SHRC in 2011.

In 2018, APDP filed a petition in the SHRC urging the SHRC to exercise its power to approach the JK High Court, Srinagar Bench and seek directions from the High Court in its writ jurisdiction to order the government to act as per the SHRC recommendations in 2011 and 2017 judgments. The SHRC has ordered the government to submit the Action Taken Report for its recommendation on the matter of unmarked and mass graves. The government so far has not submitted the same and therefore the matter is still pending before the SHRC.

On 4 February 2018, APDP's team of lawyers (including Parvez Imroz and Kartik Murukutla) were disallowed from visiting the grave site of grave digger Atta Mohammed of Bimyar village in Uri area of Baramulla district of north Kashmir. Atta Mohammed, who passed away on 10<sup>th</sup> January 2016, was instrumental in unmasking the phenomenon of mass graves in Uri area of Kashmir.

## **IX. Assault on Media/Curtailment of Freedom of Expression**

This year the government continued to exercise curbs on the rights of Freedom of Expression and Opinion in various ways. The space for journalists to carry out their work without fear of being targeted has been completely choked. This year saw attacks against journalists taking a brutal shape in the targeted assassination of prominent journalist Shujaat Bukhari by unknown gunmen on 14 June 2016, which incidentally was the same day when a United Nations first-ever report on Indian administered Jammu and Kashmir severely criticized Indian forces conduct in Kashmir.

The year saw journalists being attacked, killed, arrested, detained, threatened and abused.

Some of the incidents of attacks and restrictions on media reported in 2018 are as follows:

**14 March 2018:** Kashmiri freelance photojournalist, Kamran Yousuf was released on bail from Tihar Jail New Delhi after serving 6 months under unsubstantiated charges of 'stone-throwing' by National Investigation Agency (NIA) in September 2016.<sup>63</sup>

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<sup>63</sup> Kamran Yousuf, 24, was arrested by India's National Investigation Agency (NIA) in September 2017 without any charges and released on bail in March 2018. His chargesheet, produced in January 2018, dubbed him as a stone pelted and he was accused of carrying out terrorist and secessionist activities. Kamran's case of arbitrary detention received attention and support globally. Read Outlook Magazine, *NIA Failed To Provide A Single Evidence Against Kamran Yousuf: Delhi Court Grants Bail To Kashmiri Photo-Journalist*, 14<sup>th</sup> March 2018, <https://www.outlookindia.com/website/story/nia-failed-to-provide-a-single-evidence-against-kamran-yousuf-delhi-court-grants/309505>

**14 June 2018:** Senior journalist and Editor-in-Chief of daily Rising Kashmir newspaper Shujaat Bukhari was shot dead in the Press Enclave in Srinagar when he was leaving for his home.<sup>64</sup>

**13 July 2018:** Auqib Javed, a journalist working with daily *Kashmir Observer* was summoned by the NIA as he had produced an interview with pro-freedom leader, Aasiya Andrabi.<sup>65</sup>

**21 July 2018:** According to reports, New Delhi issued an “advisory” to foreign correspondents working in India, reminding them that they need prior permission before travelling to certain “protected” areas, including Jammu and Kashmir. According to the Foreigners (Protected Areas) Order, 1958, the whole of Arunachal Pradesh, Manipur, Mizoram, Nagaland, Sikkim, and parts of Himachal Pradesh, Jammu & Kashmir, Rajasthan and Uttarakhand have been declared as “protected areas”.<sup>66</sup>

**23 July 2018:** On July 23, Jammu Kashmir Police beat up local daily Rising Kashmir’s lensman Farooq Shah near Barzulla Bridge in Srinagar, while he was carrying out his professional duties. Mr. Shah claimed that he sustained injuries in one of his fingers and the police damaged his camera. He said that the police beat up many women who were protesting there. The locals were demanding to hand over the dead body of a deceased militant who was killed by the government forces early that month in Kupwara district.<sup>67</sup>

**1 August 2018:** On August 1, Washington Post’s India bureau chief Annie Gowen stated that she had been denied permission to report on Kashmir. The Government of India recently asked foreign correspondents to seek permission in writing for travelling anywhere in Jammu and Kashmir, a move reminiscent of the early 1990s when the Indian government made it impossible for foreign journalists to report from the valley. She said that she had applied for permission on June 22 and called the delay “unacceptable”.<sup>68</sup>

**25 August 2018:** According to reports, the Indian government withdrew the security clearance of English TV news channel Al Jazeera. Without the clearance, the channel will need to stop broadcasting in the country. While the government provided no explanation, reports suggest that the decision was taken after the broadcast of a documentary about militancy in Kashmir. According to official documents, the security clearance was given by the home ministry on December 3, 2010 and withdrawn on May 29, 2018.<sup>69</sup>

**2 September 2018:** A Srinagar based journalist Aasif Sultan, working with Kashmir Narrator newsmagazine was booked by the Jammu and Kashmir Police under charges of ‘harbouring known militants’ at his home, which his family has rejected.<sup>70</sup> Aasif was taken into police

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<sup>64</sup> <https://www.bbc.com/news/world-asia-india-44488081>

<sup>65</sup> <https://www.thehindu.com/news/national/other-states/nia-summons-kashmiri-journalist/article24414420.ece>

<sup>66</sup> <https://www.greaterkashmir.com/news/kashmir/govt-asks-foreign-journalists-to-seek-permission-before-travelling-to-jammu-and-kashmir/291140.html>

<sup>67</sup> <http://www.risingkashmir.com/news/police-beat-up-rk-lensman-in-barzulla-330015.html>

<sup>68</sup> <https://www.greaterkashmir.com/news/front-page/washington-post-india-head-awaits-permission-to-cover-kashmir-since-june-22/292194.html>

<sup>69</sup> <https://kashmirilife.net/al-jazeera-to-go-off-air-in-india-after-documentary-about-militancy-in-kashmir-184149/>

<sup>70</sup> <https://kashmirreader.com/2018/09/02/journalist-charged-with-harbouring-terrorists/>

custody on August 27 and was formally charged on September 2. All major international journalist bodies like Committee to Protect Journalists (CPJ)<sup>71</sup> and Reporters Without Borders<sup>72</sup> have called for his immediate release. Sultan has been repeatedly denied bail and continues to remain incarcerated. Apparently, Sultan was arrested over his story on the slain Kashmiri militant leader Burhan Wani in the July 2018 issue of Kashmir Narrator, where Sultan is an associate editor.<sup>73</sup>

**28 December 2018:** A Pulitzer prize winning journalist Cathal McNaughton, who is working as a Chief Photographer with global news agency Reuters at its Delhi office, was denied entry back into India for alleged violation of visa conditions. India's Ministry of Home Affairs have said that said that McNaughton "violated visa conditions by travelling to restricted and protected areas in Jammu and Kashmir without permission".<sup>74</sup> The Indian Express that when McNaughton was sent back from Delhi airport — he was returning from an overseas trip — he had a "valid visa" to enter India.<sup>75</sup> India's Home ministry officials alleged that McNaughton had visited restricted areas in Jammu and Kashmir but also reported from the region without valid permission. "He was not charged with violation of visa rules but was denied entry," said a government official. According to visa rules for foreign journalists, "A foreign journalist, TV cameraperson etc, including a foreign journalist already based in India, who desires to visit a restricted or protected area or Jammu & Kashmir or the North Eastern States, should apply for a special permit through the Ministry of External Affairs (External Publicity Division)." This year in May, India's Ministry of Home Affairs issued an advisory to foreign correspondents working in India, reminding them that they need prior permission before travelling to certain "protected" areas, including Jammu and Kashmir.

## X. Curbs on Religious Freedom

Under the pretext of maintaining law and order, the Jammu and Kashmir government has frequently resorted to curbing and restricting rights of freedom of religion and belief of the civilian population. In 2018, for 12 Fridays out of 52, prayers were disallowed in the Jamia Masjid. As data shows, this is a trend to prevent people for congregating for religious purposes. In 2017, the predominantly Muslim population was prevented from offering Friday prayers in the historic Jamia Masjid for 18 out of 52 Fridays.<sup>76</sup> In 2016, following the civilian uprising after Burhan Wani's killings, Jamia Masjid was locked down for 19 weeks.<sup>77</sup>

Every year, severe restrictions are put in place by the Jammu and Kashmir authorities to thwart the *Moharram* processions, stating that there are possibilities of sectarian violence. In 2018, curfew like restrictions were put in place to prevent Shia mourners to take out processions on *Moharram*, curbing their religious freedom. The Shia community has been arguing that the government provides security for the Amarnath Yatra (pilgrimage) for the

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<sup>71</sup><https://kashmirilife.net/cpj-seeks-release-of-kashmir-journalist-184922/>

<sup>72</sup><https://www.greaterkashmir.com/news/kashmir/-reporters-without-borders-calls-for-immediate-release-of-kashmir-journalist-aasif-sultan/295536.html>

<sup>73</sup> <https://cpj.org/data/people/aasif-sultan/index.php>

<sup>74</sup> <https://freepresskashmir.com/2018/12/28/pulitzer-awardee-reuters-journalist-cathal-mcnaughton-denied-visa-for-travelling-to-restricted-areas-in-kashmir/>

<sup>75</sup> <http://www.newindianexpress.com/nation/2018/dec/28/pulitzer-winner-denied-entry-mha-says-foreign-journalists-violating-indian-laws-liable-to-action-1917637.html>

<sup>76</sup> JKCCS, 2017, *Annual Human Rights Review*

<sup>77</sup> JKCCS, 2016 *Annual Human Rights Review*



Hindu pilgrims visiting Amarnath cave from various parts of India, but shamelessly refuses the Shia community from performing their religious activity.

## XI. Restrictions on Internet and Social Media

In 2018, as is the practice since the last many years, internet services repeatedly became the victim of state's ongoing clampdown on information and communication. The clampdown on information, as we have noted, is an attempt at preventing information of State violence against people in Indian administered Jammu and Kashmir from reaching to the international audience and diluting its impact.

According to reports, Internet was suspended 59 times in Jammu and Kashmir in 2017, the most, by far, in any state of India. In the Internet blacklist, Jammu and Kashmir is 42 notches above the next state, Rajasthan, which saw Internet shut down 17 times, then Haryana with 11 shutdowns in the year followed by 10 in Gujarat<sup>78</sup>.

In the year 2018, APDP and JKCCS have documented (based on media reports and independent verification) **108** instances of internet blockade in Indian administered Jammu and Kashmir. The South Kashmir districts of Kulgam, Anantnag, Pulwama and Shopian recorded the highest instances of internet shutdowns with 67 such instances.

Internet was shut for the entire Kashmir valley on 07 instances, while internet services were shut for the entire South Kashmir on 12 occasions.

The districts impacted by State imposed internet shutdowns are shown in a table below.

**Districts affected by State imposed internet shutdowns in 2018**

Districts	Number of Internet Shutdowns in 2018
Kulgam	11
Anantnag	16
Pulwama	17
Shopian	11
Srinagar	11
Budgam	06
Ganderbal	01
Baramulla	06
Bandipora	01
Kupwara	05
Samba	01
Kathua	01
Rajouri	01
Kishtwar	01
Entire Kashmir Valley	07
Entire South Kashmir	12
<b>Total Instances</b>	<b>108</b>

<sup>78</sup> <https://kashmirreader.com/2018/01/04/jk-tops-indias-internet-blacklist-with-59-shutdowns-in-2017/>

The month-wise break up of the instances of internet blockade is as follows:

### January 2018

1. On January 9, mobile Internet continued to remain suspended in Budgam district for second consecutive day<sup>79</sup>.
2. On January 10, Internet continued to remain suspended in twin districts of Anantnag and Kulgam<sup>80</sup>.
3. On January 24, Internet services were snapped in the Shopian and Pulwama districts<sup>81</sup>.
4. On January 25, mobile Internet service was suspended in Kashmir on the eve of India's Republic day<sup>82</sup>.
5. On January 26, mobile telephone and Internet data services remained blocked throughout the day in Kashmir valley in view of January 26 functions<sup>83</sup>. After the culmination of the function at Sher-e-Kashmir Cricket Stadium in Srinagar, mobile telephone and Internet data services were restored<sup>84</sup>.
6. On January 27, mobile Internet service continued to remain suspended for the fourth consecutive day in Pulwama and Shopian districts<sup>85</sup>.
7. On January 28, Internet remained blocked across south Kashmir for the fourth consecutive day. High speed Internet was slowed down in Kashmir after the two civilian killings in Shopian<sup>86</sup> but was restored later around 7:15 pm<sup>87</sup>.
8. On January 30, mobile Internet service remained suspended in the Pulwama and Shopian districts on the sixth consecutive day<sup>88</sup>.
9. On January 31, mobile Internet service remained suspended in Pulwama and Shopian districts on the seventh consecutive day<sup>89</sup>.

### February 2018

1. On February 1, mobile Internet service remained suspended for eighth consecutive day in both Pulwama and Shopian districts<sup>90</sup>.
2. On February 2, mobile Internet service remained suspended on the ninth consecutive day in Pulwama and Shopian districts<sup>91</sup>.

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<sup>79</sup> <http://www.greaterkashmir.com/news/kashmir/shutdown-in-chadoora-against-militant-killing/271680.html>

<sup>80</sup> <http://www.greaterkashmir.com/news/kashmir/two-rounds-of-funeral-prayers-for-slain-militant-farhan-wani-in-south-kashmir-thousands-attend/271804.html>

<sup>81</sup> <http://www.greaterkashmir.com/news/kashmir/two-militants-killed-in-shopian-gunfight-police/273344.html>

<sup>82</sup> <http://www.greaterkashmir.com/news/kashmir/internet-suspended-in-kashmir-on-eve-of-r-day/273460.html>

<sup>83</sup> <http://www.greaterkashmir.com/news/kashmir/communication-blockade-huge-deployment-of-forces-on-r-day-in-kashmir/273546.html>

<sup>84</sup> <http://www.greaterkashmir.com/news/kashmir/communication-restored-stringent-measures-continue-in-kashmir/273555.html>

<sup>85</sup> <http://www.greaterkashmir.com/news/kashmir/internet-service-shut-for-fourth-straight-day-in-pulwama-and-shopian-students-suffer/273643.html>

<sup>86</sup> <http://www.greaterkashmir.com/news/kashmir/high-speed-internet-shut-in-kashmir-after-twin-shopian-civilian-killings/273745.html>

<sup>87</sup> <http://www.greaterkashmir.com/news/kashmir/4g-3g-internet-services-restored-in-kashmir/273763.html>

<sup>88</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-shuts-on-sixth-straight-day-to-mourn-civilian-killings/273960.html>

<sup>89</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-shuts-on-seventh-straight-day-to-mourn-civilian-killings/274105.html>

<sup>90</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-pulwama-shut-on-eighth-straight-day-against-civilian-killings/274211.html>

3. On February 3, 2G mobile Internet service was restored in Shopian and Pulwama district. However, high-speed 3G and 4G services continue to remain suspended in the two districts<sup>92</sup>.
4. On February 4, mobile Internet service was restored in north Kashmir after remaining suspended for over 12 hours<sup>93</sup>.
5. On February 10, mobile Internet service was suspended in Shopian and Pulwama districts<sup>94</sup>.
6. On February 12, high-speed mobile Internet service was suspended in Srinagar city in view of a gunfight between militants and government forces in Karan Nagar area of Srinagar<sup>95</sup>.
7. On February 13, high-speed 3G, 4G services were restored in the evening by authorities in Srinagar district<sup>96</sup>.
8. On February 16, authorities suspended mobile Internet service in Baramulla district as a precautionary measure<sup>97</sup>.
9. On February 27, authorities suspended mobile Internet service in Bandipora district in view of a militant's killing<sup>98</sup>. Mobile Internet services remained suspended till March 28 evening in the entire Bandipora district<sup>99</sup>.

### March 2018

1. On March 1, authorities suspended mobile Internet services in Bandipora district following the killing of a militant at Shukur din Mohalla in Hajin town<sup>100</sup>.
2. On March 4, authorities snapped mobile Internet services in all South Kashmir districts following the civilian killings in Shopian district<sup>101</sup>.
3. On March 5, authorities suspended high-speed mobile Internet service across Kashmir valley following the killings in Shopian on March 4<sup>102</sup>. High-speed mobile Internet services remained suspended for the second consecutive day in south Kashmir<sup>103</sup> after which the authorities on March 5 afternoon snapped mobile Internet services across south Kashmir<sup>104</sup>.

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<sup>91</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-pulwama-shut-on-ninth-straight-day-against-civilian-killings/274339.html>

<sup>92</sup> <http://www.greaterkashmir.com/news/kashmir/2g-internet-service-restored-in-pulwama-shopian-districts-after-ten-days/274452.html>

<sup>93</sup> <http://kashmirilife.net/internet-service-restored-in-north-kashmir-164197/>

<sup>94</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-teen-saima-wani-buried-after-two-back-to-back-funerals/275417.html>

<sup>95</sup> <http://www.greaterkashmir.com/news/kashmir/high-speed-mobile-internet-service-suspended-in-srinagar-as-gunfight-rages-in-karan-nagar/275530.html>

<sup>96</sup> <http://www.risingkashmir.com/news/high-speed-internet-services-restored-in-srinagar-319317.html>

<sup>97</sup> <http://www.greaterkashmir.com/news/kashmir/north-kashmir-gunfight-breaks-out-in-palhallan-internet-shut-in-baramulla/275935.html>

<sup>98</sup> <http://www.greaterkashmir.com/news/kashmir/north-kashmir-hajin-shuts-to-mourn-killing-of-lashkar-militant/277075.html>

<sup>99</sup> <https://kashmirreader.com/2018/03/01/day-of-rumours-in-hajin-over-pakistani-militants-grave/>

<sup>100</sup> <http://kashmirilife.net/hajin-gunfight-internet-services-suspended-in-bandipora-district-166740/>

<sup>101</sup> <http://www.greaterkashmir.com/news/kashmir/3-civilians-militant-killed-in-shopian-shootout/277665.html>

<sup>102</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-killings-aftermath-high-speed-internet-service-suspended-across-kashmir/277726.html>

<sup>103</sup> <http://www.greaterkashmir.com/news/kashmir/south-kashmir-shuts-on-second-consecutive-day-to-mourn-shopian-killings/277845.html>

<sup>104</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-killings-fallout-mobile-internet-services-snapped-across-south-kashmir/277736.html>

4. On March 7, Internet services in south Kashmir continued to remain suspended for the third consecutive day<sup>105</sup>.
5. On March 8, mobile Internet service in Shopian district remained suspended on fourth straight day after authorities snapped the service on March 5<sup>106</sup>.
6. On March 8, authorities suspended Internet services in Baramulla after a police vehicle killed a civilian<sup>107</sup>.
7. On March 12, authorities suspended high-speed mobile Internet service in Srinagar and south Kashmir in the wake of killing of three militants in a gunfight with forces in Anantnag district<sup>108</sup>. Authorities restored the high-speed mobile Internet service in Srinagar the same evening<sup>109</sup>.
8. On March 16, mobile Internet service continued to remain suspended for the second consecutive day at Awantipora in Pulwama district<sup>110</sup>.
9. On March 24, mobile Internet service was suspended in the area after gunfight erupted at Dooru area in Anantnag district<sup>111</sup>.
10. On March 25, mobile Internet service was suspended in parts of Baramulla district following the killing of a militant in Budgam district<sup>112</sup>.

#### April 2018

1. On April 1, mobile Internet services were suspended in the Kashmir Valley as a precautionary measure<sup>113</sup>.
2. On April 2, Internet services continued to remain suspended on second straight day<sup>114</sup>. According to reports, low speed mobile Internet service was restored in Srinagar district<sup>115</sup>.
3. On April 3, after remaining suspended for over 48 hours, high-speed mobile Internet service was restored in Kashmir valley except districts in South<sup>116</sup>.
4. On April 11, authorities suspended Internet services in Kulgam district and Anantnag district<sup>117</sup>. High-speed mobile Internet service was suspended in Srinagar following the killing of civilians in clashes in Kulgam district<sup>118</sup>.

<sup>105</sup><http://www.greaterkashmir.com/news/kashmir/restrictions-imposed-to-prevent-jrl-s-march-to-shopian/277943.html>

<sup>106</sup><http://www.greaterkashmir.com/news/kashmir/shopian-shuts-on-fourth-straight-day-to-mourn-killings/278069.html>

<sup>107</sup><http://www.greaterkashmir.com/news/kashmir/shutdown-in-baramulla-areas-after-police-van-crushes-elderly-man-to-death/278064.html>

<sup>108</sup><http://www.greaterkashmir.com/news/kashmir/high-speed-mobile-internet-service-shut-in-srinagar-south-kashmir-areas/278479.html>

<sup>109</sup><http://www.greaterkashmir.com/news/kashmir/high-speed-internet-restored-in-srinagar/278508.html>

<sup>110</sup><http://www.greaterkashmir.com/news/kashmir/clashes-shutdown-in-pulwama-after-killing-of-two-militants-in-khonmoh-gunfight/278912.html>

<sup>111</sup><http://www.greaterkashmir.com/news/kashmir/dooru-gunfight-over-two-militants-killed-jammu-and-kashmir-police/279726.html>

<sup>112</sup><http://www.greaterkashmir.com/news/kashmir/internet-suspended-in-baramulla-parts-after-killing-of-militant-in-arizal-shootout/279832.html>

<sup>113</sup><http://www.greaterkashmir.com/news/kashmir/shopian-killings-backlash-mobile-internet-service-suspended-in-kashmir-valley/280565.html>

<sup>114</sup><http://www.greaterkashmir.com/news/kashmir/life-paralysed-in-kashmir-after-shopian-militant-civilian-killings/280643.html>

<sup>115</sup><http://kashmirlife.net/internet-services-restored-in-srinagar-170035/>

<sup>116</sup><http://www.greaterkashmir.com/news/kashmir/barring-south-high-speed-internet-service-restored-in-kashmir-after-48-hours/280767.html>

<sup>117</sup><http://www.greaterkashmir.com/news/kashmir/army-man-killed-two-troopers-wounded-in-ongoing-kulgam-gunfight-internet-snapped/281614.html>

<sup>118</sup><http://www.greaterkashmir.com/news/kashmir/kulgam-killings-high-speed-mobile-internet-service-suspended-in-srinagar/281640.html>

5. On April 12, mobile Internet facility continued to be suspended in Anantnag, Shopian, Kulgam and Pulwama districts. Internet speed was slowed in all other regions of Kashmir valley<sup>119</sup>.
6. On April 17, Internet service was suspended in Jammu region in the districts of Samba, Kathua and Jammu after incidents of stone pelting were reported from Sarore area<sup>120</sup>. The service was restored on April 18<sup>121</sup>.
7. On April 20, mobile Internet services were temporarily suspended in Srinagar city, while high-speed network was suspended in parts of Anantnag, Kulgam, Pulwama and Shopian districts as a precautionary measure<sup>122</sup>.
8. On April 20, authorities suspended mobile Internet service in Rajouri district to prevent rumour mongering over the death of a teenage boy on April 19<sup>123</sup>.
9. On April 30, authorities suspended mobile Internet services in South Kashmir districts after an encounter broke out at Drabgam village in Pulwama district<sup>124</sup>.

### May 2018

1. On May 1, mobile Internet service was snapped in Hajin area in Bandipora district after a brief exchange of fire took place between militants and army personnel<sup>125</sup>.
2. On May 1, mobile Internet services continued to be suspended across south Kashmir<sup>126</sup>.
3. On May 2, authorities suspended Internet services in Shopian and Pulwama districts following a gunfight between militants and government forces in Turkawangam village of Shopian district<sup>127</sup>.
4. On May 5, mobile Internet services were suspended in Srinagar following a gunfight that broke out between militants and the government forces in Chattabal area<sup>128</sup>.
5. On May 6, Internet was suspended in Ganderbal district following the killing of a native militant in Shopian gunfight<sup>129</sup>. Mobile Internet service was suspended in Shopian and Pulwama districts<sup>130</sup>.
6. On May 7, mobile Internet services continued to remain suspended in all south Kashmir districts and Ganderbal district<sup>131</sup>. Internet blockade continued in Srinagar district for the third consecutive day<sup>132</sup>.

<sup>119</sup> <http://www.greaterkashmir.com/news/kashmir/kashmir-shuts-to-mourn-kulgam-civilian-killings/281732.html>

<sup>120</sup> <https://kashmirreader.com/2018/04/17/stone-pelting-incidents-in-jammu-areas-internet-services-snapped/>

<sup>121</sup> <http://www.risingkashmir.com/news/mobile-internet-services-restored-in-jammu-323940.html>

<sup>122</sup> <http://www.greaterkashmir.com/news/kashmir/internet-services-suspended-in-srinagar/282613.html>

<sup>123</sup> <http://www.greaterkashmir.com/news/pir-panjal/mobile-internet-service-snapped-in-rajouri-after-protests-over-boy-s-death/282617.html>

<sup>124</sup> <http://www.greaterkashmir.com/news/kashmir/pulwama-gunfight-mobile-internet-suspended-in-south-kashmir-parts/283623.html>

<sup>125</sup> <http://www.greaterkashmir.com/news/kashmir/north-kashmir-searches-underway-after-militants-exchange-fire-with-army-in-shahgund/283746.html>

<sup>126</sup> <http://www.greaterkashmir.com/news/kashmir/restrictions-in-kashmir-capital-to-prevent-protests-against-pulwama-killings/283735.html>

<sup>127</sup> <http://www.greaterkashmir.com/news/kashmir/internet-snapped-in-south-kashmir-parts-after-shopian-gunfight/283878.html>

<sup>128</sup> <http://www.greaterkashmir.com/news/kashmir/chattabal-gunfight-over-three-militants-killed/284188.html>

<sup>129</sup> <http://www.greaterkashmir.com/news/kashmir/internet-suspended-in-ganderbal/284300.html>

<sup>130</sup> <https://kashmirilife.net/badigam-gunfight-internet-services-suspended-in-pulwama-shopian-173919/>

<sup>131</sup> <http://www.greaterkashmir.com/news/kashmir/restrictions-in-srinagar-to-prevent-protests/284377.html>

<sup>132</sup> <http://www.greaterkashmir.com/news/kashmir/durbar-opens-in-srinagar-internet-blockade-continues-for-third-straight-day/284380.html>

7. On May 8, low-speed mobile Internet service was restored in Srinagar and Budgam districts after remaining suspended for four days following militant and civilian killings<sup>133</sup>.
8. On May 10, 2G mobile Internet service was restored in Pulwama district<sup>134</sup>.
9. On May 11, mobile Internet service was suspended in Budgam district following a militant attack on a police guard in Wadwan village<sup>135</sup>.
10. On May 11, broadband and mobile Internet services continued to remain blocked in Shopian district<sup>136</sup>.
11. On May 12, mobile Internet service continued to remain suspended Budgam district for the second consecutive day<sup>137</sup>. The service was restored around 8 pm, after remaining suspended for over 32 hours<sup>138</sup>.
12. On May 13, high-speed internet services were restored after two weeks in Anantnag, Kulgam and Pulwama districts, while internet continued to remain suspended in Shopian district<sup>139</sup>.
13. On May 16, mobile Internet services were restored in Shopian district after sixteen days<sup>140</sup>.
14. On May 19, mobile Internet service was snapped across Kashmir valley in the wake of Indian Prime Minister Narendra Modi's visit. Both high and low-speed mobile Internet services were snapped shortly after midnight. However, low speed service was restored on some networks by afternoon<sup>141</sup>.
15. On May 28, Internet services were suspended in Pulwama district following the killing of a civilian in Kakapora area in Pulwama district<sup>142</sup>.

### June 2018

1. On June 2, mobile Internet service was suspended in Srinagar and Budgam districts after a youth run over by a CRPF vehicle succumbed to his injuries. Broadband Internet speed was reduced as a precautionary measure<sup>143</sup>.
2. On June 5, Internet service was snapped in Pulwama and Kulgam districts as a "precautionary measure" after bodies of two local militants were handed to their kin<sup>144</sup>.
3. On June 20, mobile Internet service was restored across South Kashmir after remaining suspended for around a week<sup>145</sup>.

<sup>133</sup> <http://www.greaterkashmir.com/news/kashmir/2g-mobile-internet-service-restored-in-srinagar-budgam/284522.html>

<sup>134</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-pulwama-shut-for-sixth-straight-day/284855.html>

<sup>135</sup> <http://www.greaterkashmir.com/news/kashmir/mobile-internet-service-suspended-in-budgam-after-militant-strike/284854.html>

<sup>136</sup> <http://www.greaterkashmir.com/news/kashmir/shopian-pulwama-shut-for-sixth-straight-day/284855.html>

<sup>137</sup> <http://www.greaterkashmir.com/news/kashmir/mobile-internet-shut-for-second-straight-day-in-budgam/284970.html>

<sup>138</sup> <http://www.greaterkashmir.com/news/kashmir/mobile-internet-service-restored-in-central-kashmir-s-budgam/284975.html>

<sup>139</sup> <http://www.greaterkashmir.com/news/kashmir/internet-restored-in-south-kashmir-parts/285068.html>

<sup>140</sup> <https://kashmirreader.com/2018/05/16/mobile-internet-services-restored-in-shopian-after-16-days/>

<sup>141</sup> <http://www.greaterkashmir.com/news/kashmir/internet-blockade-in-kashmir-ahead-of-modi-s-visit/285661.html>

<sup>142</sup> <http://www.greaterkashmir.com/news/kashmir/civilian-killing-fallout-internet-snapped-in-pulwama-train-service-suspended-partially/286550.html>

<sup>143</sup> <http://www.greaterkashmir.com/news/kashmir/internet-suspended-in-srinagar-budgam-after-youth-run-over-by-crpf-vehicle-dies/287072.html>

<sup>144</sup> <http://www.greaterkashmir.com/news/kashmir/internet-snapped-in-south-kashmir-parts-after-bodies-of-two-militants-handed-over-to-families/287422.html>

<sup>145</sup> <http://www.kashmirtimes.in/newsdet.aspx?q=80240>

4. On June 22, mobile Internet services were snapped in three districts of Kashmir Valley as a precautionary measure to maintain law and order after an encounter broke out in Anantnag district. The services were barred in Srinagar, Anantnag and Pulwama districts<sup>146</sup>.
5. On June 23, internet services were suspended in Shopian district following a gunfight between the militants and the government forces in Darmdora village in Shopian district<sup>147</sup>.
6. On June 23, mobile Internet service was restored in Srinagar, following a daylong suspension, after the killing of a local militant from the city in gunfight at Anantnag district. It continued to remain suspended in Anantnag and Pulwama districts<sup>148</sup>.
7. On June 24, internet services were suspended in Kulgam and Anantnag following a gunfight between government forces and militants in Cheddar village in Qaimoh area of Kulgam district<sup>149</sup>.
8. On June 25, Internet services continued to be suspended across south Kashmir areas<sup>150</sup>.
9. On June 30, authorities snapped Internet services in parts of Kupwara district as a precautionary measure after the killing of a local militant<sup>151</sup>.

### July 2018

1. On July 9, mobile Internet service continued to remain suspended in south Kashmir districts while the services were restored in northern and central districts on the evening of July 8<sup>152</sup>.
2. On July 10, authorities suspended mobile Internet and broadband Internet service in Shopian district following a gunfight between the government forces and militants in Kundalan village of Shopian<sup>153</sup>.
3. On July 11, Internet service was snapped in Kupwara district and various parts of Sopore area of Baramulla district after the killing of a civilian in army firing<sup>154</sup>.
4. On July 11, mobile Internet services were suspended in most areas of south Kashmir<sup>155</sup>. Authorities restored low speed 2G Internet services in southern Anantnag and Pulwama districts after five days. In Kulgam and Shopian districts the shutdown of both low and high speed Internet services continued<sup>156</sup>.
5. On July 12, Internet service continued to be snapped in Kupwara district and various parts of Sopore area of Baramulla district<sup>157</sup>.

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<sup>146</sup> <https://www.greaterkashmir.com/news/kashmir/mobile-internet-services-snapped-in-three-kashmir-districts/288557.html>

<sup>147</sup> <https://kashmirilife.net/darmdora-gunfight-internet-services-suspended-in-shopian-178457/>

<sup>148</sup> <https://www.greaterkashmir.com/news/kashmir/internet-service-restored-in-srinagar-after-day-long-suspension/288651.html>

<sup>149</sup> <https://kashmirilife.net/kulgam-gunfight-internet-services-suspended-in-south-kashmir-parts-178517/>

<sup>150</sup> <https://www.greaterkashmir.com/news/kashmir/jrl-called-shutdown-affects-life-in-kashmir-valley/288812.html>

<sup>151</sup> <https://kashmirilife.net/thousands-attend-funeral-of-let-militant-in-handwara-179135/>

<sup>152</sup> <http://www.risingkashmir.com/news/mobile-internet-remain-suspended-in-south-resumes-in-central-north-kashmir-329065.html>

<sup>153</sup> <https://kashmirilife.net/kundlan-gunfight-internet-services-suspended-in-shopian-180063/>

<sup>154</sup> <https://www.greaterkashmir.com/news/kashmir/youth-killed-in-army-firing-laid-to-rest-amid-shutdown-in-trehgam/290334.html>

<sup>155</sup> <https://www.greaterkashmir.com/news/kashmir/shutdown-called-against-civilian-killings-affects-life-in-kashmir-valley/290241.html>

<sup>156</sup> <http://www.kashmirtimes.in/newsdet.aspx?q=80818>

<sup>157</sup> <https://www.greaterkashmir.com/news/kashmir/curfew-imposed-in-trehgam-day-after-soldiers-shot-dead-civilian/290331.html>

6. On July 22, mobile Internet service was suspended in Anantnag and Kulgam district following the killing of three militants in a gunfight with the government forces in Khudwani area<sup>158</sup>.
7. On July 25, Mobile Internet service was snapped in Anantnag district after a gunfight broke out in the Mehmaan Mohalla area<sup>159</sup>. The services were also suspended in Kulgam district<sup>160</sup>.
8. On July 27, Internet continued to be suspended in Anantnag district for the third consecutive day<sup>161</sup>.

### August 2018

1. On August 2, mobile Internet service was suspended in Kupwara district following the killing of two militants in a gunfight with government forces<sup>162</sup>.
2. On August 3, mobile Internet service was suspended in Sopore after a gunfight broke out between government forces and militants<sup>163</sup>. Internet service was snapped in Baramulla district amid apprehensions of widespread protest against the killing of a local militant in Sopore town in Baramulla district<sup>164</sup>.
3. On August 4, Internet services were suspended in Shopian district following the killing of five militants in an overnight gunfight in Kiloora village. Both the mobile Internet and Broadband service were suspended “as a precautionary measure” to prevent protests<sup>165</sup>. Authorities snapped mobile Internet services in Anantnag district after the killing of a local militant at Kiloora village<sup>166</sup>.
4. On August 6, Internet services including landline broadband connections were restored in Anantnag, Kulgam, Pulwama and Shopian districts after remaining suspended for three consecutive days. The services had been snapped on August 4, following an encounter between the government forces and militants in Shopian district<sup>167</sup>.
5. On August 12, mobile Internet was snapped in Srinagar following an encounter between militants and government forces in Batmaloo area of Srinagar<sup>168</sup>. Internet services were later restored in the afternoon<sup>169</sup>.
6. On August 15, authorities temporarily suspended mobile phone services in Kashmir ahead of the Independence Day functions. All service providers in the valley shut off both mobile phone Internet and calling facilities in the morning. Suspension of mobile phone connectivity has for the last many years become a part of the security

<sup>158</sup> <https://www.greaterkashmir.com/news/kashmir/internet-shut-in-kulgam-anantnag-after-khudwani-gunfight/291218.html>

<sup>159</sup> <https://www.greaterkashmir.com/news/kashmir/anantnag-gunfight-clashes-erupt-in-old-town-areas-despite-curbs/291519.html>

<sup>160</sup> <https://kashmirilife.net/mehmaan-mohalla-encounter-the-complete-story-181614/>

<sup>161</sup> <http://www.kashmirtimes.in/newsdet.aspx?q=81345>

<sup>162</sup> <https://www.greaterkashmir.com/news/kashmir/mobile-internet-shut-in-kupwara-after-militant-killings/292344.html>

<sup>163</sup> <https://www.greaterkashmir.com/news/kashmir/sopore-gunfight-over-two-militants-army-soldier-killed/292416.html>

<sup>164</sup> <https://kashmirreader.com/2018/08/03/internet-services-snapped-in-pulwama-after-militant-killings/>

<sup>165</sup> <https://www.greaterkashmir.com/news/kashmir/internet-service-shut-in-shopian-after-five-militants-killed-in-overnight-gunfight/292526.html>

<sup>166</sup> <https://kashmirreader.com/2018/08/04/internet-services-snapped-in-anantnag/>

<sup>167</sup> <https://kashmirilife.net/internet-services-resumed-in-south-kashmir-182692/>

<sup>168</sup> <https://www.greaterkashmir.com/news/srinagar-city/mobile-internet-snapped-in-srinagar-after-batmaloo-shootout/293290.html>

<sup>169</sup> <http://www.risingkashmir.com/news/internet-services-restored-in-srinagar-331461.html>



drill in Jammu and Kashmir ahead of August 15 and January 26<sup>170</sup>. Mobile calling services were suspended across all network operators this morning, while mobile Internet facilities were barred from midnight. Only BSNL landline services and its wired-Internet facilities were working since morning. The services were restored in the afternoon<sup>171</sup>.

7. On August 17, authorities suspended Internet services in parts of Bandipora district including Hajin area after a cordon and search operation was launched at Mir Mohalla<sup>172</sup>
8. On August 24, authorities snapped Internet service in parts of Anantnag district<sup>173</sup>.
9. On August 29, authorities snapped Internet service in most parts of Anantnag and Kulgam districts after gunfight broke out at Muniward area of Khanbal in Anantnag district<sup>174</sup>.

### September 2018

1. On September 8, Internet was snapped in south Kashmir districts of Anantnag and Kulgam, following the killing of a militant in a brief shootout with the government forces in Achabal<sup>175</sup>.
2. On September 11, authorities suspended the mobile Internet service in parts of Handwara following a gunfight that left two militants dead<sup>176</sup>. On September 13, in wake of the gun battle, authorities suspended the mobile internet services and also decided to suspend the class work in all the educational institutions of sub division Sopore<sup>177</sup>
3. On September 15, mobile Internet service was suspended in south Kashmir districts of Anantnag and Kulgam in view of an ongoing gunfight in Qazigund area<sup>178</sup>.

### October 2018

1. On October 8, mobile Internet service was barred in south Kashmir while the speed was reduced to 2G in rest of the valley in view of ongoing municipal polls for 10 hours.
2. On October 18, Internet continued to remain suspended in Kashmir capital Srinagar for the second consecutive day. The service was suspended the previous morning in the wake of gunfight in Fateh Kadal that left two militants, a civilian and a policeman dead. Low speed 2G mobile internet service was restored in Srinagar city on 18<sup>th</sup> evening. High speed 4G mobile internet service, however, continued to remain suspended in view of shutdown called by Joint Resistance Leadership (JRL).

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<sup>170</sup> <https://www.greaterkashmir.com/news/kashmir/i-day-mobile-phone-services-suspended-in-kashmir-valley/293595.html>

<sup>171</sup> <https://www.greaterkashmir.com/news/kashmir/internet-mobile-services-restored-in-kashmir/293611.html>

<sup>172</sup> <https://www.greaterkashmir.com/news/kashmir/clashes-erupt-during-search-operation-in-hajin-internet-suspended/293784.html>

<sup>173</sup> <https://www.greaterkashmir.com/news/kashmir/gunfight-breaks-out-in-kokernag-internet-suspended/294243.html>

<sup>174</sup> <https://www.greaterkashmir.com/news/kashmir/south-kashmir-gunfight-breaks-out-in-anantnag-internet-snapped/294698.html>

<sup>175</sup> <https://www.greaterkashmir.com/news/kashmir/internet-snapped-in-anantnag-kulgam-after-killing-of-militant-in-achabal-shootout/295743.html>

<sup>176</sup> <https://www.greaterkashmir.com/news/kashmir/handwara-gunfight-fallout-internet-snapped-class-work-suspended/296042.html>

<sup>177</sup> <http://www.risingkashmir.com/news/gunfight-rages-in-sopore-internet-suspended-333355.html>

<sup>178</sup> <https://www.greaterkashmir.com/news/kashmir/internet-service-suspended-in-south-kashmir-s-anantnag-kulgam/296501.html>

3. On October 21, internet and mobile telephony services were suspended in district Kulgam following a gunfight between the militants and the armed forces.
4. On October 22, authorities suspended the high-speed Internet service in Srinagar in view of proposed separatist march and sit-in.
5. On October 24, Internet was snapped in Srinagar and Budgam as a "precautionary measure" to prevent law and order situation.
6. On October 25, authorities restored the high-speed Internet service in south Kashmir parts after suspending it for more than a month. According to reports, "the 4G Internet facility for mobile phones was restored in Police districts of Awantipora, Pulwama and Shopian after 35 days of suspension".
7. On October 25, mobile Internet service was suspended in district Baramulla following a gunfight in Kreeri area. According to reports, "both the low-speed and high-speed Internet services were blocked in the entire district after gunfight broke out between militants and the government forces in Athoora area of Kreeri".

### **November 2018**

1. On November 1, authorities snapped the Internet service in police district Awantipora following the killing of a militant of Pampore in a gunfight with forces in Arizal area of central Kashmir's Budgam district.
2. On November 10, Mobile Internet service was restored in district Kishtwar after remaining suspended for ten days. The service was suspended to prevent rumour-mongering in the wake of killing of BJP state secretary Anil Parrihar and his elder brother by unknown gunmen on November 1<sup>179</sup>.
3. On November 17, high-speed Mobile Internet service was suspended in several parts of Kashmir valley where Panchayat elections were underway. According to reports, "the speed of mobile Internet was throttled to 2G in Budgam, Baramulla and Bandipora districts while the data service was completely blocked in Kupwara district"<sup>180</sup>.

### **December 2018**

1. On December 8, mobile internet services were suspended in Srinagar district following the gunfight between the government forces and militants at Mujgund area in the city outskirts<sup>181</sup>.
2. On December 12, after a gunfight broke out between militants and Indian armed forces in village Gund Brath in Sopore in north Kashmir's Baramulla district, internet was suspended in the area<sup>182</sup>.
3. On 15 December, authorities suspended the mobile Internet service in Srinagar and south Kashmir districts of Pulwama and Shopian while the speed was throttled to 2G in Budgam district. An official said the service was barred in view of protests and shutdown called by the separatists over civilian and militant killings<sup>183</sup>.

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<sup>179</sup> <https://www.greaterkashmir.com/news/chenab-valley/mobile-internet-service-restored-in-kishtwar-after-10-days/302563.html>

<sup>180</sup> <https://www.greaterkashmir.com/news/kashmir/panchayat-polls-high-speed-internet-suspended-in-kashmir-parts/303273.html>

<sup>181</sup> <https://kashmirilife.net/mujgund-gunfight-internet-service-suspended-in-srinagar-194513/>

<sup>182</sup> <https://kashmirilife.net/gunfight-rages-in-sopore-internet-suspended-194811/>

<sup>183</sup> <https://www.greaterkashmir.com/news/kashmir/pulwama-killings-fallout-mobile-internet-suspended-in-srinagar-south-kashmir/306273.html>

4. On 17 December, internet was suspended in Srinagar district in view of the march to Badamibagh cantonment called by the Joint Resistance Leadership (JRL)<sup>184</sup>
5. On 18 December, media reported that internet continued to be suspended in the four districts of south Kashmir since the killing of 7 civilians and 3 militants on 15 December<sup>185</sup>.
6. On December 21, internet services remained suspended for the 7<sup>th</sup> consecutive day<sup>186</sup> in district Pulwama<sup>187</sup>.
7. On 21 December, media reported that the Indian Home Ministry authorised ten security and intelligence agencies to intercept, monitor and decrypt any information generated, transmitted, received or stored in any computer resource. Among the agencies that have been authorised are the Intelligence Bureau, Narcotics Control Bureau, the Enforcement Directorate, the Central Board of Direct Taxes, Directorate of Revenue Intelligence, Central Bureau of Investigation, National Investigation Agency, Cabinet Secretariat (RAW), Directorate of Signal Intelligence (For service areas of Jammu & Kashmir, North-East and Assam only), and the Commissioner of Police, Delhi. The notification was issued in this regard on December 20<sup>188</sup>.
8. On December 21, the United Nations Special Rapporteur on freedom of opinion and expression David Kaye wrote a letter to Twitter CEO regarding the blocking of Twitter accounts of Kashmiris and blocking users for sharing or posting Kashmir related content. Kaye has asked Twitter to provide complete details of the request made by the Indian Government about the withholding of Kashmir content and blockage of Kashmir twitter handles<sup>189</sup>.
9. On 20 December, the government accorded sanction for prosecution against a person for presenting a sermon against the State and India and for chanting slogans against the sovereignty of India at Takya Khurhama village in north Kashmir's Kupwara in May last year. In this connection a case FIR No. 28/2017 under section 13 of the Unlawful Activities Prevention Act 1967, came to be registered in Police Station, Lalpora<sup>190</sup>
10. On 22 December, internet service in police district Awantipora was suspended following a gunfight between militants with forces in Arampora village of Tral. Reports said that soon after the gunfight raged in Arampora village, the authorities suspended the Internet service in police district Awantipora which includes Pampore, Awantipora, and Tral<sup>191</sup>.
11. On 23 December, for the second consecutive day Internet services remained suspended in Tral area of south Kashmir's Pulwama district where 6 local militants had been killed on 22 December<sup>192</sup>.

<sup>184</sup> <https://kashmirilife.net/students-businessmen-aghast-over-continuous-internet-suspension-in-kashmir-parts-195310/>

<sup>185</sup> <https://kashmirobsrver.net/2018/local-news/barring-south-kashmir-life-returns-normal-valley-38771>

<sup>186</sup> <https://kashmirobsrver.net/2018/local-news/kupwara-man-faces-prosecution-anti-india-sermon-38845>

<sup>187</sup> <https://www.greaterkashmir.com/news/kashmir/protests-clashes-in-pulwama-after-friday-prayers/306934.html>

<sup>188</sup> <https://www.greaterkashmir.com/news/india/10-govt-agencies-can-now-monitor-your-computer-mha-issues-guidelines/306922.html>

<sup>189</sup> <https://kashmirilife.net/how-many-removal-requests-came-from-government-agencies-for-removal-of-kashmir-related-tweets-un-rapporteur-asks-twitter-195789/>

<sup>190</sup> <https://kashmirobsrver.net/2018/local-news/kupwara-man-faces-prosecution-anti-india-sermon-38845>

<sup>191</sup> <https://kashmirilife.net/tral-gunfight-internet-service-suspended-in-police-district-awantipora-195874/>

<sup>192</sup> <https://greaterkashmir.com/news/kashmir/tral-shuts-for-second-straight-day-against-militant-killings/307149.html>

## XII. Sexual Violence

Rapes and other forms of sexualized violence have been routinely experienced by people of Indian administered Jammu & Kashmir, especially those living in areas close to the Line of Control and other remote areas. Rape has been systematically used as a weapon of war to instil fear among the communities “to punish, intimidate, coerce, humiliate and degrade”<sup>193</sup> the population.

Sexual violence as a ‘weapon of war’ continues to be prevalent in Indian administered Jammu and Kashmir as the horrifying rape and murder of an eight year girl from Kathua in January 2018 demonstrates. There were other cases of rape and abduction reported in 2018.

- On 14 April 2018, police arrested an army soldier for allegedly abducting a girl from Mendhar area of border Poonch district<sup>194</sup>.
- In April 2018, according to reports, a 24-year-old woman from Poonch district, had alleged wrongful confinement and rape against three CRPF personnel, prompting police to register a case and start investigations. The incident took place on March 10, when the victim was going to a relative’s home in the evening and three CRPF offered to help her. They took her inside the camp, one of them raped her and filmed the assault and threatened to release the video on social media if she disclosed the incident to police or anyone else<sup>195</sup>. The three CRPF personnel have been suspended<sup>196</sup>.

Claims by some regarding the rape and sexual violence no longer being used as a tactic of war, fall flat. Systematic rapes still prevail and women are still targeted for instilling fear in a community. In 2016, a 16 year old girl from Handwara in district Kupwara was molested by an Army person.<sup>197</sup> The rape and murder of an 8 year old Bakerwal girl at Kathua in January 2018 also points to this.<sup>198</sup>

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<sup>193</sup> Human Rights Watch, 1991, *Rape in Kashmir – A Crime of War*

<sup>194</sup> <http://kashmirlife.net/police-arrests-soldier-for-abducting-minor-in-mendhar-sector-171549/>

<sup>195</sup> <http://www.greaterkashmir.com/news/jammu/woman-alleges-rape-by-crpf-trooper-in-jammu-case-registered/283544.html>

<sup>196</sup> <https://kashmirlife.net/3-crpf-men-suspended-over-molestation-case-in-jammu-173228/>

<sup>197</sup> On 12<sup>th</sup> April 2016, a 16-year-old girl went to use the public bathroom after school where she was allegedly molested by a soldier of 21 Rashtriya Rifles. The incident sparked civilian protests and the the girl was detained in the local police station while army and policy resorted to firing leading to the killing of 5 civilians. Later in the day, the Jammu Kashmir Police forced the girl to record a video statement absolving the army personnel of the crime, which was widely circulated by the police. The girl and her father were detained in Handwara Police Station for 4 days and shifted to her maternal uncle’s house in Zachaldara on 16<sup>th</sup> April. The girl, during a press conference on 16<sup>th</sup> May, 2016 made a public statement that the video was recorded under coercion and that she went through mental torture.

For more details see: <https://kashmirreader.com/2016/04/28/handwara-girl-prisoner-of-the-state-of-affairs/>

<sup>198</sup> On 10<sup>th</sup> January 2018, an eight-year-old Muslim girl from the Gujjar-Bakerwal nomadic community, was abducted, raped and murdered in Hiranagar area of Kathua district and her body was spotted by villagers in a nearby forest on January 17. The Crime Branch investigation has revealed that the victim was held captive for five days in a local Hindu temple where she was sedated and repeatedly raped. The men who were arrested in the crime include the temple caretaker and two policemen. The police say that the crime was planned with the motive of instilling fear in the nomadic community to drive them out of the area. This case is an example of how sexual violence is used systematically to instil fear and ensure submission of a particular community.

From Kunan Poshpora mass rape to Kathua rape and murder, justice mechanisms have proved to be faulty. Kunan Poshpora case is in the Supreme Court of India since 2015 and has barely progressed, pointing to the lackadaisical approach of the justice system of India. It also shows how those very few courageous people who choose to fight cases are frustrated by the court delays for years, like in Kunan Poshpora case even after 27 years of the crime, the court case appears to be never ending.

In February 2018, a group of women associated with JKCCS submitted a petition in the State Human Rights Commission and demanded enquiries to be made in cases of sexual violence in Jammu and Kashmir. A list of 143 cases was submitted.<sup>199</sup> So far no progress has been made in this case.

In April 2018, JKCCS collaborated with *One Billion Rising* in launching an international campaign to highlight the prevalent sexual violence in Indian administered Jammu and Kashmir. The campaign was well received and it has garnered 2502 signatures online supporting the demand for 'international inquiry into all sexual violence cases in Jammu and Kashmir, from Kunan Poshpora to Kathua.'<sup>200</sup>

### **XIII. Surveillance**

Surveillance, intelligence gathering and infringements on the right to privacy by the state in the Indian administered state of Jammu and Kashmir have become a fact of life in Kashmir. Often invisibilized or normalized, because of a lack of direct and visible effects, the scope, extent of such surveillance and intelligence gathering is scary; and such information gathering/surveillance forms the basis of control over the population and the channels of information. In fact, the state has unabashedly acknowledged the use of CCTV cameras, phone tapping etc this year. For instance, Inspector General of Central Reserve Police Force (CRPF), Ravideep Sahai, said that the number of militants killed in the last two years was higher "due to the better flow of information" by way of gathering of information about the movement of militants.<sup>201</sup>

There have been many forms in which the army and the police, without any legal sanction, have been involved with data/information collection methods like census, as highlighted in the JKCCS 2017 Annual Report. There are reports regarding the same this year as well.<sup>202</sup> This year there is also news that army in Kashmir is seeking information on populations from the police in the vicinity of the camps. Such information provided by police will be studied and analyzed to review and strengthen the security grid inside the army camps.<sup>203</sup> There is also news this year that the Army is working on digital mapping of villages in Kashmir. Such mapping, it is said, may have details of interior structure of houses etc.<sup>204</sup>

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<sup>199</sup> Greater Kashmir, 24<sup>th</sup> February 2018, *Support Group for Victims Petitions SHRC*

<https://www.greaterkashmir.com/news/kashmir/support-group-for-victims-petitions-shrc/276754.html>

<sup>200</sup> <https://www.onebillionrising.org/42830/appeal-for-an-independent-international-enquiry-into-all-the-sexual-violence-cases-in-jammu-and-kashmir-from-kunan-poshpora-to-kathua/>

<sup>201</sup> <https://www.firstpost.com/india/jammu-and-kashmir-security-forces-use-strong-intelligence-network-cctv-surveillance-to-thin-ranks-of-militants-5678501.html>

<sup>202</sup> <https://kashmirreader.com/2018/08/27/police-begin-fresh-household-profiling-in-sgr-budgam-areas/>

<sup>203</sup> <https://www.greaterkashmir.com/news/front-page/army-seeks-info-on-populations-in-vicinity-of-its-camps/277007.html>

<sup>204</sup> <https://twitter.com/sneheshphilip/status/1014805430223167488>

Additionally, the state has used and continues to use illegal preventative policing techniques (i.e. monitoring of individuals like activists, politicians, journalists, lawyers, members involved with armed resistance, students, surrendered militants, past offenders who have records in the police and other intelligence - without a sound legal justification). In February this year, the CID itself admitted to the need and the use of such monitoring in its report to the Director General of Police. The report called for keeping an eye on “potential” recruits living in the locality of a slain militant, and the need to keep them away from funerals of militants. As per the report, the youths that “have inclination towards militancy”, should be called to the police station concerned and directed to remain there until the funerals are over. It also asked the police to keep an eye on the who speak at funerals.<sup>205</sup> Such measures are a way to monitor and target any opposing voice.

There is enough evidence to suggest that the State monitors the uses of technology (through phones, tracking of online space) very often – through use of technology. This year many prominent twitter handles, Facebook accounts were identified and suspended – also censoring speech consequently.<sup>206</sup>

The suspension of Kashmir Twitter handles was also highlighted by the 10 December 2018 letter to Twitter CEO by United Nations Special Rapporteur on Freedom of Expression and Opinion David Kaye.<sup>207</sup>

There has been evidence of mass surveillance programs of the Government of India being formally started in Kashmir. A prominent one in public eye was the digitization of police records under an all-India Crime and Criminal Tracking Network System (CCTNS) which also kick-started in Kashmir in April of this year.<sup>208</sup> The digital database will include First Information Reports (FIRs), case dairies, crime details forms, arrest memos, and police station dairies, accessible to anyone through the internet. As per a report by the Centre for Internet Society, “While seemingly harmless at face value, the project’s true power lies in two main possible uses. The first being its ability to profile individuals using their past conduct, which now can include all stages of an investigation and not just a conviction by a court of law, which has massive privacy concerns. The second harm is the notion that the CCTNS database will not be an isolated one but will be connected to the National Intelligence Grid and other such databases operated by organisations such as the National Crime Records Bureau, which will allow the information present in the CCTNS to be leveraged into carrying out more invasive surveillance of the public at large”<sup>209</sup>

There is also evidence that the state forces monitor phones/online communications in cruder ways too. For instance, this year there have been many reports of police stopping

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<sup>205</sup> <https://kashmirreader.com/2018/02/28/cid-sounds-alarm-at-glamorous-funerals/>

<sup>206</sup> <https://thewire.in/politics/censorship-twitter-blocked-narendra-modi-freedom-of-expression;>

[https://m.timesofindia.com/india/jk-police-crack-down-on-keypad-jihadis-on-social-media/amp\\_articleshow/64341757.cms?utm\\_medium=referral&utm\\_campaign=iOSapp&utm\\_source=twitter.com&\\_twitter\\_impression=true](https://m.timesofindia.com/india/jk-police-crack-down-on-keypad-jihadis-on-social-media/amp_articleshow/64341757.cms?utm_medium=referral&utm_campaign=iOSapp&utm_source=twitter.com&_twitter_impression=true)

<sup>207</sup> [https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL\\_OTH\\_70\\_2018.pdf](https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL_OTH_70_2018.pdf)

<sup>208</sup> [https://kashmirreader.com/2018/04/09/police-records-being-digitised-in-massive-database/;](https://kashmirreader.com/2018/04/09/police-records-being-digitised-in-massive-database/)

Also see: <https://twitter.com/AnantnagPolice/status/1001029891595227136>

<sup>209</sup> [https://cis-india.org/internet-governance/blog/the-design-technology-behind-india2019s-surveillance-programmes#\\_ftn25](https://cis-india.org/internet-governance/blog/the-design-technology-behind-india2019s-surveillance-programmes#_ftn25)

individuals at checkpoints and checking their phones/laptops for content and images.<sup>210</sup> Besides that, the police has continued to monitor WhatsApp groups in many areas. For instance, in July 2018 the SSP Kishtwar had issued notices to twenty one WhatsApp Group Administrators to register their groups with concerned quarters.<sup>211</sup>

Similarly, there is information gathering through surveillance of spaces - through drones, CCTV cameras, use of strategic bunkers, checkpoints etc to track movement. As has been reported, the state government in 2018 has said that it plans to bring major towns, police stations, police posts, the National Highway (NH) and other important roads under the state-wide CCTV Surveillance System Project; and to give a boost to these efforts, an allocation of Rs. 500 crore has been made.<sup>212</sup> As per the same report, the police confirmed that the management of commercial establishments, educational institutions, banks, religious places, bus stations, hotels, industrial units, lodges, guest houses among others had already been asked to fix CCTV cameras and make arrangements to store video footage to a minimum of 30 days and make it available for inspection as and when required.<sup>213</sup>

Information gathering methods are also employed at schools, hospitals. In border areas like Gurez, the surveillance and military presence is unfathomably high.<sup>214</sup> In March this year, the BSF also admitted to completing two pilot projects of Comprehensive Integrated Border Management System, pursuant to which a number of new gadgets and technologies are being used to electronic surveillance of borders areas now.<sup>215</sup>

There are many unaccountable ways of information gathering as well. One of the biggest issues is the gathering of information done by a web of local informers. This method is dangerous and has very little accountability. Moreover, the use of goodwill programs like Sadbhavna has also created a huge dependence and deep in-roads into the life of ordinary civilians – especially in areas close to the Line of Control. This is something that is deeply problematic – as it blurs the lines of private life by such intrusion. Besides that, it is also known how goodwill programs are used by the state forces to find information sources within civilian population.

### **Harassment against Online Activism**

JKCCS and APDP have received several complaints from people who are repeatedly summoned to the police stations in an illegal and informal manner. They are threatened for what they have been writing on several social media platforms, mainly criticism against Indian officials and the conduct of armed forces. There are no formal charges brought

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<sup>210</sup>[https://twitter.com/Ceema\\_Bhat/status/1022457597016793089](https://twitter.com/Ceema_Bhat/status/1022457597016793089)

<sup>211</sup><https://twitter.com/SSPKishtwar/status/1016702325170278400>

<sup>212</sup><https://freepresskashmir.com/2018/04/09/500-crores-allocated-because-srinagar-city-lacks-sufficient-surveillance-need-more-cctv-cameras/>

Also see: <http://www.knskashmir.com/-New-surveillance-cameras-come-up-in-Srinagar--27524>

<sup>213</sup><https://freepresskashmir.com/2018/04/09/500-crores-allocated-because-srinagar-city-lacks-sufficient-surveillance-need-more-cctv-cameras/>

<sup>214</sup><https://www.dailysabah.com/feature/2018/07/11/gurez-a-paradise-under-surveillance>

<sup>215</sup><https://economictimes.indiatimes.com/news/defence/pilot-project-of-cibms-along-indo-pak-border-in-jammu-and-kashmir-to-be-completed-by-april-end->

[bsf/articleshow/63552786.cms?utm\\_source=APPusers&utm\\_medium=twittershare&utm\\_campaign=socialsharebutton;](https://www.bsf/articleshow/63552786.cms?utm_source=APPusers&utm_medium=twittershare&utm_campaign=socialsharebutton;) Also see <http://www.newindianexpress.com/nation/2018/jul/02/jammu-and-kashmir-bsf-to-use-state-of-art-tech-for-border-surveillance-1836679.html>; and <https://www.indiatvnews.com/news/india-home-minister-rajnath-singh-in-jammu-and-kashmir-one-day-visit-smart-border-fence-international-border-463583>

against these individuals. They are made to present themselves before various units of intelligence and police and questioned for several days and subsequently released. The practice of summoning people for writing their views on social media has been going on since the summer of 2010. JKCCS and APDP have documented at least fifteen cases of harassment of these individuals by police and intelligence officials for their online activities but the threat of the government is such that despite these individuals sharing their stories with us, they do not want it to be reported for fear of further reprisals.

Recently a Kashmiri journalist based in New Delhi, Zulkarnain Banday was informally summoned by Jammu and Kashmir Police to visit Srinagar for meeting them. He was detained for a few days at Joint Interrogation Centre at Humhama Srinagar during which he was repeatedly questioned and harassed for his online views.<sup>216</sup>

In last two years, JKCCS and APDP has noted that people living in Pakistan administered Kashmir have faced online censorship from Facebook and Twitter for their online activism. Either their Facebook and Twitter account is suspended or sometimes they are informed that due to the request by Indian government their Twitter handles are not visible in India.

The new trend, JKCCS has noted, after media reports and independent information by individuals, is the illegal checking of personal content on mobile cellphones of civilians during frisking at checkpoints and during CASOs. At various places near checkpoints and also during cordon and search operations, Indian armed forces forcibly take away the mobile phones of civilians and scan the contents of the phone as well as their social media apps. During several such instances, individuals have been ruthlessly beaten on the streets and sometimes detained. This is a clear breach to the right to privacy of these individuals and leads to heightened sense of being surveilled.

Recently an incident involving a nineteen-year-old youth from Bijbehera came to the notice of JKCCS. The case is described as follows:

Salik (name changed), 19 was returning home from Sangam (Anantnag district) on a cold November evening in an automobile (load carrier). He was stopped by a patrolling party of Rashtriya Rifles (RR) (as described by Salik) at Sangam bridge and frisked. During frisking the RR personal took his phone and illegally went through the contents of his photo gallery, snooped on his WhatsApp, his social media accounts and other personal data and documents. While illegally going through the contents of his cell phone, the forces came across photographs of funerals of militants, pictures of militants (both killed and alive) that are already in circulation on social media platforms like Facebook, WhatsApp and Twitter and are published by authentic news pages. Seeing the pictures of militants in his phone infuriated the armed forces and they started beating Salik ruthlessly. Salik was beaten to pulp with sticks and guns. He was also forcibly ordered to log in to his Facebook profile and his clothes were taken off by the armed forces and his naked photo was forcibly uploaded on his timeline. Following this, he was forcibly ordered to delete all the content from his cell phone and was finally set free with threats and abuses. The

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<sup>216</sup> <https://caravanmagazine.in/media/unlawful-crackdown-on-media-kashmir>



driver of the vehicle in which Salik was travelling was also beaten and the stereo system of his vehicle was damaged by the armed forces.

An incident like this is not an exception in South Kashmir, which has witnessed widespread protests against state violence since 2016. The harassment, intimidation and humiliation of civilians during incidents like this has become a norm in the recent months. The Indian army personnel and SOG regularly harass people during Cordon and Search Operations (CASOs), illegally frisk them at checkpoints and roads, wherever the forces are stationed. At many instances, the armed forces have reportedly used cellphone applications like Disk Digger, which is a photo recovery application to dig out the deleted pictures and content from cell phones.

#### **XIV. Reprisals against Human Rights Defenders**

The cases of intimidation and reprisals against individuals and groups working on human rights in a conflict situation in Indian administered Jammu and Kashmir are common and frequent. Reprisals against human rights defenders and organizations having cooperated with regional and international human rights mechanisms, including that of United Nations, is a retaliation against their sustained work. Reprisals against human rights defenders and groups in J&K have been witnessed since the early 1990s. From killings, threats to life, arbitrary detention, to surveillance and maligning campaigns, human rights defenders in Kashmir have faced many challenges. In recent years, human rights defenders have also been barred from holding press conferences, seminars or public events on human rights issues.

In the last few years, reprisals against human rights defenders have increased making the situation of human rights defenders precarious. Some of the instances of reprisals against human rights defenders in 2018 are as follows.

On 5<sup>th</sup> February 2018, Parvez Imroz, along with three lawyers from APDP, was illegally detained by personnel from Boniyar police station for more than an hour when they were on a visit to the grave of grave digger Ata Muhammed in Uri area of Baramulla district to pay respects to him as he had been instrumental in unearthing the phenomenon of mass graves.

On 1 December 2018, a local news daily Kashmir Reader carried a news item headlined “*An assistant professor, a journalist, a lawyer, all booked for posts on social media*”<sup>217</sup>. The news story, which is confirmed by JKCCS to be true, details reprisals against Dr Abdul Bari, a local journalist Abdul Hameed and a lawyer Muzammil Butt. The Kulgam police filed cases against all three for “separatist” activities, “rumour mongering”, and “sharing anti-government posts on Facebook”.

JKCCS independently collected details of reprisal against Dr Abdul Bari.

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<sup>217</sup> [https://kashmirreader.com/2018/12/02/an-assistant-professor-a-journalist-a-lawyer-all-booked-for-posts-on-socialmedia/?fbclid=IwAR0B0DrbLEjxVzjSQ9LW2i5os39eTqE4ucAEb0e\\_2PpBQSdxVEv-gT-xDOc](https://kashmirreader.com/2018/12/02/an-assistant-professor-a-journalist-a-lawyer-all-booked-for-posts-on-socialmedia/?fbclid=IwAR0B0DrbLEjxVzjSQ9LW2i5os39eTqE4ucAEb0e_2PpBQSdxVEv-gT-xDOc)

Dr. Abdul Bari Naik from Kulgam district of south Kashmir is an Assistant Professor who teaches at the Government Degree College (GDC) Kulgam. He is also a social activist and a Right to Information (RTI) activist.

On 23 November 2018, Police Station Kulgam booked Abdul Bari under RPC sections 153 (promoting enmity between different groups), 353 (Assault or criminal force to deter public servant from discharge of his duty) and 13 ULA Act (advocates, abets, advises or incites the commission of, any unlawful activity). Speaking to JKCCS, Dr Bari maintained that the charges brought against him are false and motivated to silence him for carrying out his activism.

In the past, Dr. Bari has faced reprisals from state administration for his work as an activist. In September 2018, the Kulgam district administration sent a letter to the Principal of GDC Kulgam, where Dr. Bari taught – seeking a report on Bari. The letter asked the Principal to find out if Dr. Bari was violating any Civil Service Rules (CSR) while carrying out his activism. In response, a three-member committee set up to look into the matter exonerated Dr. Bari of any ill doing and hailed him as ‘an ideal and popular teacher’.

As a social activist, Dr Bari had recently sought removal of an armed forces camp in Kulgam which he believes ‘impedes the education of the children.’ A Rashtriya Rifles camp had recently been installed adjacent to a primary school Mustafa Memorial at Redwani, Kulgam. Objecting to this, Dr. Bari had sought “either the camp be removed or the school relocated”. He believes his concerted efforts, which included his social media post about the closure of the school that had remained shut as the local population had protested against the installation of the camp near the vicinity of the school, didn’t go down well with the authorities and it is the reason authorities have booked him under spurious charges.

Dr. Bari has filed a complaint in SHRC alleging harassment and intimidation by the authorities and in response SHRC has issued a notice to Kulgam police to submit a detailed report on the case within one week.

#### **4. Local Elections**

The Indian government has ensured that elections take place in Kashmir to prove that people are in support of Indian democracy. Elections in Jammu & Kashmir have been coercive and never free and fair. J.M Lyngdoh in his book *Chronicles of an Impossible Election* admitted that except 1997 when a credible election was held under the Janata regime, the polls in the Jammu and Kashmir have been far from fair. Elections in Indian administered Jammu and Kashmir are a military exercise to keep up a functional democracy. It is not a transparent exercise as monitoring has never been allowed. Since 1951, all elections in Jammu & Kashmir have been a sham and orchestrated to create a façade of normalcy.

The response of the mainstream political parties towards the announcement of elections was hostile and aggressive. This was owing to the legal challenges posed to Article 35A in the Supreme Court of India and the ensuing discussions of its revocation. Article 35A accords special rights and privileges to the citizens of Jammu and Kashmir and bars people

from outside the state from acquiring any immovable property in the state. These parties argued that unless article 35 A is safeguarded and discussions around its revocation are dismissed, the polls are irrelevant. The National Conference and People's Democratic Party thus announced the boycott of the Urban Local Body and Panchayat elections.

Elections in Kashmir have always brought about use of excessive force against unarmed civilian population who are opposed to the elections. On 10th April, 2017, 8 civilians were killed in firing by the Indian armed forces in Srinagar district, in which only 7% voting was recorded. This was followed by a call for a 2-day strike by the Joint Resistance Committee, internet shut down and deployment of more forces in polling areas.<sup>218</sup> The elections in 2018 were met with call for boycott and strikes on polling days in poll bound areas. In all districts of Kashmir, people observed complete shut down on polling days. The by-poll for the Anantnag district which was originally scheduled for 12 April was also postponed to 25 May due to the violence and poor participation in the Srinagar by-poll and later cancelled.<sup>219</sup> On April 9 2017, Major Leetul Gogoi tied a civilian Farooq Ahmad Dar of district Budgam to the bonnet of an Army jeep to escape heavy stone pelting in the area during polling. The image of the man tied to the jeep and being used as a human shield sparked severe criticism, proving the point that elections have been conducted in Jammu & Kashmir using coercive measures. In these by-elections in 2017, only 7% voting was recorded.

### **Urban Local Body Elections**

This year, the Urban Local Body (ULB) elections were held in Jammu & Kashmir for the first time in 13 years. The last elections took place in 2005 for a five-year term that expired in February 2008. A total of 1145 wards and 1697291 electors were announced for the elections. There were a total of 3372 nominations for 1145 wards across Jammu & Kashmir.

The ULB elections were held in 4 phases on 8<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup> of October 2018. The nominations for the elections were anonymous. There was no information available about the candidates. The names were not announced till the day of voting. This was in view of the boycott of elections by the JRL and the threats issued by Hizbul Mujahideen against those taking part in the elections.

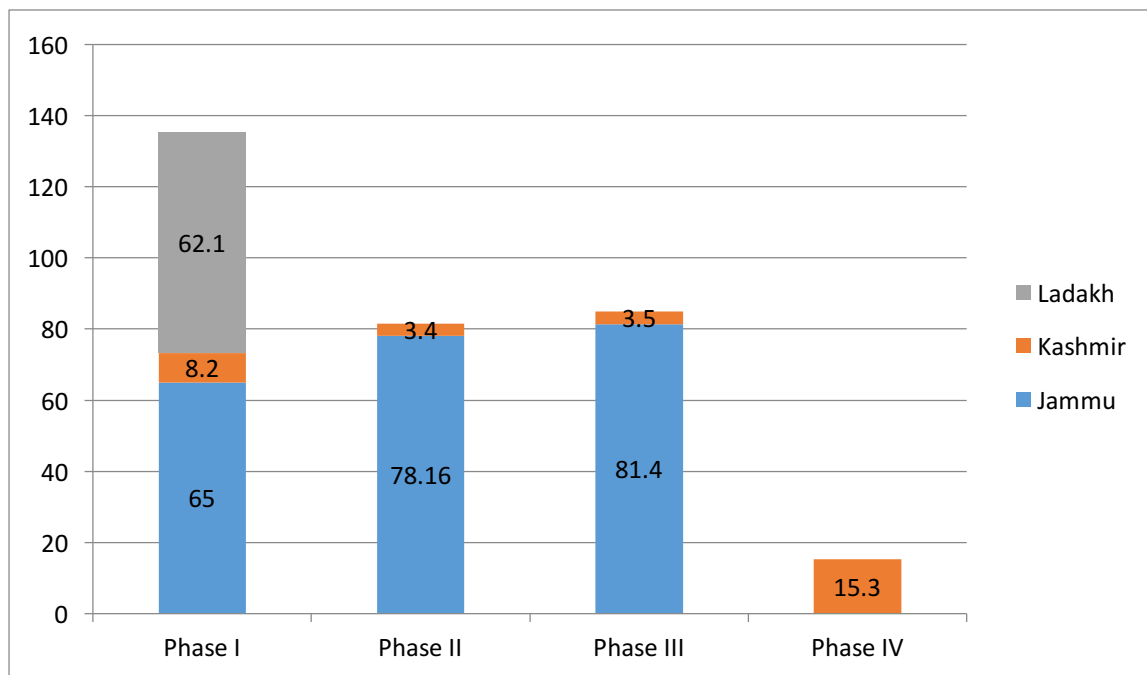
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<sup>218</sup><https://economictimes.indiatimes.com/news/politics-and-nation/8-killed-scores-wounded-during-srinagar-ls-by-poll/articleshow/58094199.cms>

<sup>219</sup><https://www.hindustantimes.com/india-news/election-commission-cancels-anantnag-lok-sabha-bypoll-says-ground-situation-not-right/story-sCgkpabu871nyjb6UoeysN.html>

**The voter turnout in the municipal elections is as follows:**

Phase	Division	Voting Percentage	Overall Voting Percentage
I	Jammu	65	56.7
	Ladakh	62.1	
	Kashmir	8.2	
II	Kashmir	3.4	31.3
	Jammu	78.16	
III	Kashmir	3.5	16.4
	Jammu	81.4	
IV	Kashmir	15.3	4.2



In Phase I, there was 65% voting in Jammu division while only a single digit voting at 8.2% in Kashmir valley. Similar trend was observed in the other 3 phases of the elections. In Phases II and III Jammu recorded voting percentage of 78.16% and 81.4 %, respectively, while Kashmir Division again recorded a single digit voting percentage of 3.4% and 3.5% respectively. In Phase IV, during which voting took place only in Ganderbal and Srinagar districts, voting percentage of 11.35% and 4% was recorded, respectively. The voting percentage of Phase IV was 15.3%.

An overall percentage of 35.1% was recorded during Municipal or ULB elections in Jammu & Kashmir.

The figures recorded point to the fact that the call for boycott of elections was taken seriously by people living in Kashmir Division. Very few people came out to vote. In fact, when the results came out, the elections seemed to be a mockery of democracy and proved the fact that people living in Kashmir valley had no or very little faith in the electoral processes of the Indian democracy. A newspaper reported<sup>220</sup> that in one of the ward in the Valley, a candidate won where only three votes were cast. In Baramulla district, a candidate won securing the only one vote that was cast. In Srinagar, nobody won, as even the three candidates contesting the elections did not cast their votes. 11 candidates in Shopian were elected unopposed without any voting.<sup>221</sup>

### **Panchayat Elections**

The Panchayat elections took place in 9 phases on November 17, 20, 24, 27, 29 and December 01, 04, 08 and 11. The elections were held in 316 Blocks, 4490 Panchayat Halqas and 35096 Panch Constituencies. The number of electors was 5812429.

During the Panchayat elections, a higher voting percentage of 74% was recorded. But in some areas like Anantnag, voting percentage was just 1%. A higher voting percentage was recorded in areas like Uri and Kupwara where there is a higher presence of military.

### **Anomalies in Election**

The Government of Jammu & Kashmir made all efforts to ensure that the elections are a success and the process is carried out amidst fortified security.

- An additional 40,000 paramilitary forces were deployed in the Valley to maintain 'law and order' during the elections.
- The names of the candidates were not made public, which meant that voters did not know who they were voting for. Instead of a name, candidates were referred to by a number.
- Apart from withholding information about the candidates, nominations were allowed for 24 hours and not just restricted to the regular 10am to 3pm time slot.
- For the first time in the history of elections in India, the polling time started at 7'o clock in the morning. This time was changed for 'security' reasons.
- Candidates were lodged in barricaded hotels. 300 hotel rooms were booked to ensure security for the candidates across Kashmir valley. The families of the candidates protested the fact that the lives of their family members had been endangered.

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<sup>220</sup><https://indianexpress.com/article/india/victory-after-winning-just-a-single-vote-in-farcical-jk-civic-poll-5410953/>

<sup>221</sup><https://kashmirreader.com/2018/10/08/11-declared-elected-in-shopian-without-any-voting/>

- News reports said that those who wanted to withdraw their nominations were not allowed to do so. 4 BJP candidates were allegedly held hostage at the official residence of a senior party leader on the last date for withdrawal of nominations.
- Owing to the reluctance of the government employees in going for poll duty, the Government of Jammu & Kashmir announced that it would pay one month's additional salary to those going for poll duty as an incentive.
- In October, Governor Satya Pal Malik made comments about the new Mayor being 'foreign educated'. This prediction was made by the Governor before the polling had started. This was seen as alluding towards Junaid Azim Mattu. Incidentally, Junaid did become the Mayor of Srinagar pointing to the fact that the elections were perhaps concocted.

### **Schemes for Migrants**

The office of the Chief Electoral Officer under notification number CEO/ME/2018/461 dated 16-9-2018 announced that the migrants would be provided the benefit of participating in the election through postal ballots in 46 constituencies. Migrants were also allowed to file nominations. In fact, 13 BJP candidates from Shopian were elected unopposed.<sup>222</sup>

## **5. Population on Target**

### **I. Killings and Arrests of Political Activists**

In 2018, the targeted killings of political activists in Indian administered Jammu and Kashmir continued unabated. Activists belonging to pro right to self-determination parties like Hurriyat Conference and Tehreek e Hurriyat were attacked, killed and detained this year leading to increased fear. This year at least 11 political activists were killed in acts of targeted violence in Indian administered Jammu and Kashmir.

Some of reported cases of attacks and killings of political activists in 2018 are as follows:

1. On 12 February 2018, Hurriyat activist Muhammad Yousuf Rather (Nadeem) was shot dead by unknown gunman in Charangam village in Budgam district.
2. On 5 May 2018 Pro-freedom activist Ghulam Hassan Dar who was associated with Tehreek-e-Hurriyat was killed along with his Nephew Bashir Ahmad Dar.
3. On 8 September 2018, Hakim-ul-Rehman Sultani was shot dead outside his home in Reshipora Bomai by unidentified gunmen. He was a Hurriyat (G) activist in Sopore area of district Baramulla.
4. On 20 November 2018, the Anantnag district president of Tehreek-e-Hurriyat, Hafizullah Mir was killed after unidentified gunmen fired at him at his home in Badru-Akingam area of Achabal.

Atleast 8 activists from Pro-India political parties like National Conference (NC), Bharatiya Janata Party (BJP) and People's Democratic Party (PDP) were also killed. Here in below is their list:

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<sup>222</sup><https://kashmirreader.com/2018/10/03/no-voting-to-be-held-in-shopian-bjps-13-pandits-to-win-13-wards-unopposed/>

1. On 29 April 2018, unidentified gunmen killed BJP activist Zubair Majeed Parray in Alochi Bagh Srinagar.
2. On 22 August 2018, unidentified gunmen in Pulwama district abducted BJP activist Shabir Ahmad Bhat whose bullet-riddled body was later found.
3. On 1 November 2018, the state secretary of Bharatiya Janata Party (BJP) Anil Parihar and his brother in Kishtwar district of Jammu and Kashmir were shot dead.
4. On 3 January 2018, 25-year-old Arif Ahmad Sofi, was killed in Harwan village of Sopore in Baramulla district. Sofi was claimed by the BJP to be affiliated with the party.
5. On 25 April 2018, unidentified gunmen shot dead Ghulam Nabi Patel, a former Congress politician who had switched over to the Peoples Democratic Party (PDP), near Rajpora Chowk in Pulwama district.
6. On 28 October 2018, another PDP worker, Muhammad Amin Bhat, suffered multiple bullet injuries when he was attacked by unknown gunmen in Gangbugh area of Srinagar. He later succumbed to his injuries.
7. On 5 October 2018, two National Conference workers, Mushtaq Ahmad Wani and Nazir Ahmad were killed and another Shakeel Ahmed Zangoon injured after unknown gunmen opened fire on them in Habba Kadal area of Downtown Srinagar.

Additionally, on 17 July 2018, a 70-year-old pro-freedom activist, Mr. Ghulam Hassan Malik, alias Noor Khan who was lodged in Kotbalwal jail, Jammu under Public Safety Act (PSA) passed away.

Many political activists were also arrested this year. Syed Ali Shah Geelani, chairperson of the Hurriyat Conference (G) and Mirwaiz Umar Farooq, chairperson of Hurriyat (M) continued to remain under house arrest for the most part. Mirwaiz Umar Farooq was put under house arrest over 20 times during the course of the year, and detained on at least 6 occasions when he defied house arrest.

Many Jammu and Kashmir Liberation Front (JKLF) leaders were also detained. The JKLF Chairman Muhammad Yasin Malik was put under detention at least 23 times this year. In October, former Mirwaiz south Kashmir Qazi Yasir and a Tehreek-e-Hurriyat leader Ashiq Hussain Narchoor were booked under Public Safety Act (PSA) and shifted to a jail in Jammu.

On 20 April 2018, Dukhtaran-e-Millat (DeM) chairperson Aasiya Andrabi along with Sofi Fahmida, Nahida Nasreen and another party activist were arrested at Aang area in Anantnag district. Aasiya Andrabi and two of her associates were later sent to judicial custody after their 10 day National Investigation Agency (NIA) custody expired in July.

On November 14, a fresh Public Safety Act (PSA) – which is 37th in a row – was slapped on the incarcerated chairman of Muslim League Jammu and Kashmir Masarat Alam Bhat.

## **II. Attacks on Families of Policemen, Activists and Militants**

Throughout the year, there were multiple attacks on the family members of policemen, political activists and militants.

On 9 July 2018, two masked men barged inside the house of a People's Democratic Party (PDP) worker Abdul Majeed at Shahgund in Hajin area of Bandipora district and attacked his wife Shakeela with a sharp-edged weapon. The woman later succumbed to her injuries from the knife attack.

The government forces on various occasions arrested the kin of militants. On 7 August 2018, father and a brother of an active Hizb-ul-Mujahideen militant Adil Ahmad Mir were among the several persons arrested in Tral area of Pulwama district. Talib Fayaz Parray, a student of 11th standard and the brother of Hizb ul Mujahideen militant Adfar Fayaz Parrey was also arrested on the same day.

On 30 August 2018, police arrested Asadullah Naikoo, father of the Hizbul Mujahideen commander Riyaz Naikoo during a night raid in Awantipora area of Pulwama district.

The year was also characterized by multiple occurrences in which family members of policemen were abducted. Asif Rafiq, son of a policeman Rafiq Ahmad Rather, was abducted from his home by masked gunmen in Pinglish village of Tral township on 29 August 2018. The very next day, on 30 August 2018, gunmen abducted several family members of policemen across south Kashmir areas. These included Zubair Ahmad, son of a policeman; Arif Ahmed, brother of a police officer; Sumar Ahmad Rather, son of a policeman; Faizan Ahmad, son of a policeman, and Gowhar Ahmad, brother of a Deputy Superintendent of Police, all from district Kulgam.

In Shopian, unidentified gunmen abducted Yasir, son of Assistant Sub-Inspector Bashir Ahmad and Adil Ahmad Shah, nephew of Deputy Superintendent of Police from Trenz. Nasir Ahmad, son of a policeman from Tral in Pulwama district was also kidnapped. The abducted relatives of policemen were released by militants after the father of the Hizbul Mujahideen commander Riyaz Naikoo was released by the police on 31 August 2018.

### **III. Violence against Children**

Children have been one of the worst affected groups in the conflict in Jammu & Kashmir. Children have been both direct and indirect victims of the conflict and have suffered psychologically, socially, economically and educationally.

Children have been killed, injured, faced inhuman and degrading treatment, been victims of torture and sexual violence and become victims of pellet-shot guns, revealed a JKCCS report *Terrorized: Impact of Violence on the Children of Jammu and Kashmir*, which was released in March this year.

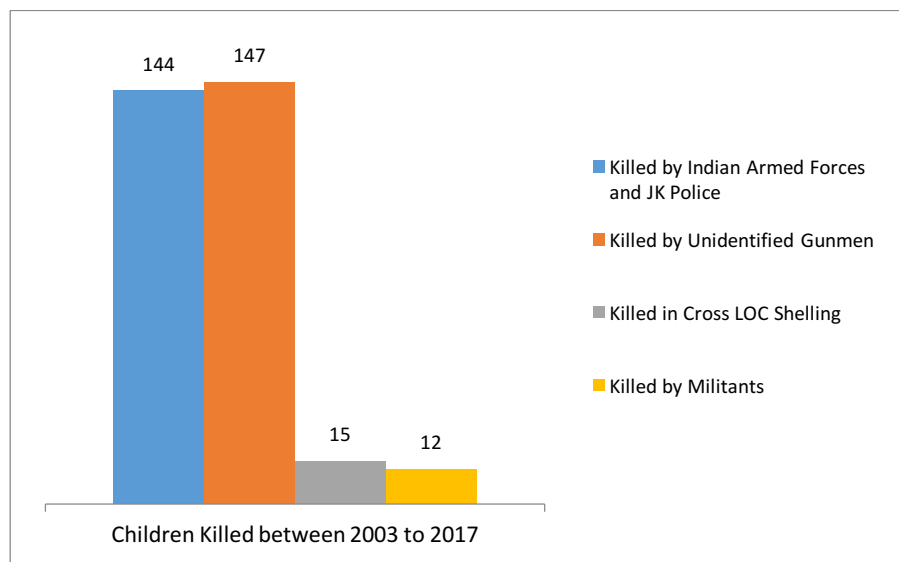
The violence against children continued this year as well at an alarming scale. According to the data maintained by APDP and JKCCS, at least 31 children have been killed in different incidents of violence in the year 2018 – besides several cases of injuries. This year children account for 19.49 percent killings of 159 civilians in Indian administered Kashmir, which is the highest in last ten years as children accounted for 8% percent killings of the total civilian killings. Among 31 children killed in Indian administered Jammu and Kashmir in 2018, 4 were



female. While 17 children were killed by armed forces, 7 children were killed due to cross LOC shelling, 4 died to explosions, 2 were killed in cross firing and 1 was killed by militants.

The violence against children is perpetrated indiscriminately and without any recourse to any Standard Operating Procedure (SOP) by the armed forces. In November 2018, a toddler Hiba Nisar of Shopian became the youngest pellet victim from Kashmir when armed forces fired pellets at her inside her home, which may result in the toddler losing complete eyesight.<sup>223</sup>

The March 2018 JKCCS report on the impact of violence on the children of Jammu and Kashmir found that from 2003 to 2017, a total of 318 children have been killed in Jammu and Kashmir. Out of these 144 children were killed in actions by Indian armed forces and Jammu & Kashmir Police while 147 children were killed by unidentified gunmen. While 15 children died in shelling and firing across the Line of Control, 12 were killed by militants.<sup>224</sup>



On 3-4 August 1998, 11 children between the age group of 4 to 15 years were among the 19 people shot dead in their homes at Sailan village, Surankote Tehsil of district Poonch in Jammu region by Special Police Officers (SPOs) police and armed forces.<sup>225</sup> In 2012, the families of the victims moved to the Jammu and Kashmir High Court, which directed the Central Bureau of Investigation (CBI) to carry out proper investigations. On 25 August 2015, the CBI concluded that the case should be closed, and exonerated the accused stating that the families of the victims were untruthful.<sup>226</sup>

The report found out that apart from the killings, juveniles are regularly detained in police stations and illegal detention centres. Many children have been detained under the controversial PSA, 1978.<sup>227</sup> In 2011, a fourteen year old boy, Faizan Rafiq from Anantnag

<sup>223</sup> <https://www.aljazeera.com/indepth/features/kashmir-youngest-pellet-gun-victim-lose-complete-sight-181206223840348.html>

<sup>224</sup> <http://jkccs.net/wp-content/uploads/2018/03/2018-Impact-of-Violence-on-Children-of-JK-JKCCS.pdf>

<sup>225</sup> <https://jkccs.files.wordpress.com/2017/05/sailan-report-webversion.pdf>

<sup>226</sup> <http://www.risingkashmir.com/news/19-years-on-no-justice-in-sailan-massacre-case-jkccs>

<sup>227</sup> For more details see: <http://jkhome.nic.in/psa0001.pdf>

district in South Kashmir was charged under the PSA allegedly for stone pelting. He was sent to the Kot Balwal Jail in Jammu from Central Jail, Srinagar.<sup>228</sup> Not even once during his detention was Faizan placed in the only Juvenile Home in Kashmir valley. He was released after one month and nine days on humanitarian grounds.<sup>229</sup>

Booking minors under PSA and lodging them in jails is in contravention with the Jammu & Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013<sup>230</sup> which states that all juveniles in conflict with law<sup>231</sup> shall be placed under the custody of a special juvenile police unit or in an observation home<sup>232</sup>. Additionally in 2012, the Jammu and Kashmir State Assembly amended PSA to prohibit the detention of children below 18 years of age, yet detentions continue.

The state violence against children in Jammu and Kashmir is endemic and points to an absence of any Standard Operating Procedures while carrying out any counter insurgency operations. Children have not been viewed differently by armed forces, including the police and have routinely been targets of grave force and violence.

The list of extrajudicial executions of children in 2018 is presented in a table below:

**List of Children Killed in 2018**

S. No	Name	Age	Parentage	Address	Occupation	Date of Killing	Agency	Gender
01.	Asifa Bano	08	Mohammad Yousuf Pujwala	Kathua, Jammu		Dec 10-2018	SPO's and one civilian	Female
02.	Sabity	13	Sat Pal	Dayala Chak, Kathua, Jammu		January 18-2018	C	Female
03.	Gaura Ram	17		Kapur R S Pura, Jammu		January 20-2018		Male
04.	Shakir Ahmad Mir	17	Mohammad Maqbool Mir	Kalanpora, Shopian		January 24-2018	Armed Forces	Male
05.	Musharraf Fayaz	10	Fayaz Ahmad Najar	Daramdore, Shopian		February 1-2018		Male
06.	Abdul	14	Mohamma	Devta		March 18-		Male

<sup>228</sup> <https://www.greaterkashmir.com/news/news/anantnag-teenager-booked-under-psa/90245.html> (accessed on 24th November 2018)

<sup>229</sup> <https://indianexpress.com/article/india/india-others/jk-stonepelting-teenager-faizan-released/>

<sup>230</sup> Jammu & Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013

[http://jkdsdj.jk.gov.in/rulesRegulations/jj\\_Act.pdf](http://jkdsdj.jk.gov.in/rulesRegulations/jj_Act.pdf)

<sup>231</sup> "Juvenile in Conflict with Law" means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence

<sup>232</sup> "Observation home" means a home established by the Government or by a voluntary organization and certified by the Government as an observation home for the juvenile in conflict with law. The Government may establish and maintain either by itself or under an agreement with voluntary organisations, observation homes in every district or a group of districts or each division of the State for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under the Act.

	Rehman		d Ramzan	Sargloon, Poonch		2018		
07.	Mohammad Rizwan	12	Mohammad Ramzan	Devta Sargloon, Poonch		March 18- 2018		Male
08.	Razaq Ramzan	7	Mohammad Ramzan	Devta Sargloon, Poonch		March 18- 2018		Male
09.	Faisal Elahi	15		Melhora, Shopian		April 11- 2018	Armed Forces	Male
10.	Umar Abdullah Kumar	14	Abdul Ahad Kumar	Pinjoora, Shopian	8 <sup>th</sup> Class Student	May 2-2018	Armed Forces	Male
11.	Zubair Ahmed Naikoo	15	Mohammad Rajab Naikoo	Ayandgund Rajpora Pulwama	Student 10 <sup>th</sup> Class	May 6-2018	Armed Forces	Male
12.	Nisar Ahmed	17		Arihal, Pulwama		May 6-2018	Armed Forces	Male
13.	Iqbal Hassan Bhat	17	Ghulam Hassan Bhat	Dacho village of Shopian	Student (10 <sup>th</sup> class)	May 8-2018	Armed Forces	Male
14.	Nitin Kumar-Eight-month-old	8 month		Pallanwala sector along the LoC		May 21- 2018		Male
15.	Krishna	10		Glad area in Ramgarh sector of Samba, Jammu		May 23- 2018		Male
16.	Viqas Ahmad Rather	15	Ghulam Qadir Rather	Nowpora village in Lassipora area of Pulwama		June 15- 2018	Armed forces	Male
17.	Faizan Ahmad Khan	15	Dr Abdul Gani	Ladhoo village in Pulwama	9 <sup>th</sup> Class Student	June 29- 2018	Armed forces	Male
18.	Andleeb Jan	13	Ali Muhammad	Havoora, Qaimoh, Kulgam	7 <sup>th</sup> Class student	July 07- 2018	Armed forces	Female
19.	Tamsheel Khan	16	Khurshid Ahmad	Vehil, Kachdoora, Shopian		July 10-- 2018	Armed forces	Male
20.	Ubaid Lone	17	Manzoor Ahmad Lone	Nadihal, Baramulla		July 10- 2018	BSF	Male
21.	Soliq Iqbal	9	Mohamma	Seikh Naad,	Student	July 11-		Male

			d Iqbal Malik	Meemender, Shopian		2018		
22.	Arjun Kumar	17	Suresh Kumar	Bareilly, Uttar Pradesh Non-local	Labourer	September 5-2018		Male
23.	Mukeem Ahmad Bhat	17	Hafeezullah Bhat	Laroo Kulgam	12 class student	Oct 21-2018		Male
24.	Uzair Ahmad Dar	13		Reshipora, Kulgam		Oct 21-2018	Armed Forces	Male
25.	Nadeem Manzoor	17	Manzoor Ahmad Dar	Safnagri village of Shopian	11 <sup>th</sup> class student/ alleged forces informer	Nov 16-2018	Militants	Male
26.	Nouman Ashraf	15		Kulgam		Nov 25-2018	Armed Forces	Male
27.	Liyaqat Majeed Dar	17		Parigam, Pulwama	Student 11 <sup>th</sup> class	Dec 15-2018	Armed Forces	Male
28.	Suhail Rasheed	16		Bwllow, Pulwama	Student 10 <sup>th</sup> class	Dec 15-2018	Armed Forces	Male
29.	Muhammad Murtaza Dar	14			Student 7 <sup>th</sup> class	Dec 15-2018	Armed Forces	Male
30.	Muskan Jan	14		Wangud, Qaimoh, Kulam	Student	Nov 24-2018		Female
31.	Arif Ahmad Dar	10	Abdul Ghani Dar	Larrow, Pulwama	Student	Dec- 29-2018		Male

#### IV. Violence against Persons with Disabilities

Jammu and Kashmir is perhaps the only armed conflict in the world where the cold-blooded killing of unarmed persons with disabilities by armed forces is deemed worthy of being declared an 'encounter' and award money sought from the government. The 2011 case of a mentally challenged person from Poonch passed off as a top Lashkar militant and killed in an encounter by Indian army and police is a glaring example of the arbitrary nature of India's counter-insurgency campaign in Indian administered Jammu and Kashmir, which has not distinguished between civilians and combatants and routinely kills civilians.

This year, two mentally challenged persons from Budgam and Shopian were killed by Indian armed forces and in both instances the family challenged the Army's version of the killings and demanded investigations.

On the intervening night of 3-4 November 2018, at around 3 a.m. a 28-year-old mentally challenged man was shot dead by personal of 44 Rashtriya Rifles stationed at Pahnoo camp in Shopian district. According to the police, the man, identified as Rayees Ahmad Wani, of

village Bogam in Kulgam district, had allegedly tried to 'cross the ring fence of an army camp on the night of 3<sup>rd</sup> November.'<sup>233</sup>

The police further said that the sentry stationed at the bunker fired some warning shots in the air but Rayees didn't stop thus forcing the sentry to directly open fire on the man – resulting in his on spot death.

The family of the victim said that Rayees, who was mentally disabled and required care and protection, had disappeared from his village on Friday afternoon. The family had announced about the disappearance on social media and was desperately looking for him.

On Saturday morning, the family was informed by police that their mentally challenged son Rayees Ahmad had been killed by the army. On being informed, the family members of the slain man arrived in Shopian and held a sit-in protest at the Batapora crossing, demanding justice for their slain son.

The family blamed the army for not exercising restraint, saying that the Armed personal could have shot him below the waist and saved his life. The family claimed that while a single bullet had pierced his chest, many had grazed his head and throat.

The police launched an investigation but till now nothing has come out of the investigation.

The killing of Rayees Ahmad Wani is the second instance in 2018 when a mentally challenged person was killed by the armed forces and became a victim of Kashmir's deeply militarized landscape, the violence of which is both arbitrary and systematic.

On the intervening night of 18-19 February this year, a 65-year-old mentally challenged man identified as Syed Habibullah of Soibugh Budgam was killed by an armed sentry at an Air Force station in Budgam. The police said he had come close to the perimeter wall of the station and ignored repeated warnings. The killing of Habibullah had drawn condemnation on social media and his family blamed the armed forces for 'putting to death an innocent man, who wasn't wearing any winter clothes and was barefoot and didn't carry an identity card.'<sup>234</sup>

The killing of two mentally challenged persons in this year by Indian armed forces is nothing new. Such killings have happened before in Kashmir and the trend has largely gone ignored and unnoticed.

In the data compiled by JKCCS, in the last fifteen years i.e. from 2003 to 2018 at least eighteen such killings of persons with mental disabilities were recorded in Indian administered Jammu and Kashmir. The details of the killings are given in a table below.

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<sup>233</sup> <https://www.greaterkashmir.com/news/kashmir/mentally-unsound-man-killed-in-shopian-village/301931.html>

<sup>234</sup> <http://www.wandemag.com/killing-mentally-disabled-trend/>

S. No.	Incident
1.	Soldiers of 17 Rashtriya Rifles (RR) of Indian Army allegedly killed a woman when she was roaming around the RR camp at Nowgam area of Banihal in Ramban district. Her identity was not established but it was confirmed that the deceased was not mentally well.
2.	An unidentified teenaged mentally challenged boy was allegedly shot dead by paramilitary forces in Abi Guzar area of Srinagar district. The boy was later buried in Abi Guzar graveyard.
3.	Gul Mohammad Bhat (22) s/o Aamir Bhat r/o Passerkot Chattru, tehsil Kishtwar was killed by troops in a case of mistaken identity. According to his family, Gul Mohammad was mentally challenged since his birth.
4.	A mentally challenged woman lost her life when militants and armed forces exchanged heavy fire at Nowkote, Duligam, Banihal in Ramban district. The deceased was later identified as Shameema Begum, 40, wife of Ghulam Rasool of Nowkote.
5.	Indian troops allegedly shot dead a mentally challenged person namely Nazir Ahmad Chaku son of Ghulam Mohammad Chaku resident of Islamabad district of Kashmir. Locals
6.	Ghulam Hassan, a mentally challenged man, was allegedly shot dead by the Indian troops on August 8 2004, when he was working in his orchard.
7.	A mentally challenged person was allegedly shot dead by the personnel of BSF of 173 Battalion in Sherabad, Tral area of Pulwama. The deceased was identified as Shamshad Ahmad Ganai s/o Muhammad Shaban Ganai of Poshwan, Tral.
8.	Indian armed personnel shot dead a mentally challenged person at Ganwan Kangan in Ganderbal district.
9.	A 40-year-old mentally challenged man was killed by armed forces in the intervening night of May 12 and 13 in Kunan-Poshpora. The killing of a mentally challenged man by troops triggered massive protests in Kunan-Poshpora. People demanded action against the accused. Army while regretting the killing, termed it a case of "mistaken identity".
10.	The counterinsurgency force Rashtriya Rifles (RR) troops shot dead a civilian in north Kashmir's Kupwara district on July 15 evening in, what it calls, a "case of mistaken identity". Reports said troops of 21 RR, who had laid an ambush at Totigund village, opened indiscriminate fire on Muhammad Abdullah Wani, 60, son of Muhammad Sultan of Braripora, Handwara when he was passing through the village. Abdullah was said to be mentally challenged.
11.	A mentally-challenged boy was shot dead by Indian armed personnel after he allegedly tried to intrude into an Indian army camp in Sopore in the wee hours on Friday 26 October.
12.	Massive protests rocked the Gujjar hamlet, seven kilometers from Tral, after Rashtriya Rifles (RR) killed a local resident in Branpathrinagbal village in cold blood on April 2. Police registered a case against the army. Army regretted the killing and termed it a case of "mistaken identity." The victim was mentally challenged.
13.	A 24-year-old mentally challenged youth, Shakeel Ahmad Malik of Boniyar Uri, was shot dead by army when he tried to sneak into 22 Rashtriya Rifles camp in Mazbug village. Police registered a case as army termed the incident as "unfortunate."
14.	A forty-year-old deaf and dumb man was shot dead by the army guarding the high security Gupkar Road, Srinagar on January 6. The alleged murder triggered a massive demonstration in the victim's native village, Veer Saran Pahalgam in south Kashmir's Anantnag district.
15.	Army soldiers allegedly shot dead an unidentified man, who was mentally challenged, in district Kupwara on Tuesday night.
16.	On August 7 2011, army and police claimed that they had eliminated a top Lashkar-e-Taiba (LeT) militant Abu Usman, a Pakistani national in Surankote area of Poonch district in a 12 hour long gun battle. The joint claim was questioned by the locals who alleged that the killed youth was

	not a militant but a mentally challenged civilian.
17.	An unidentified person was shot dead at Air Force station in central Kashmir's Budgam district. Police said that the air force authorities informed them that at airforce station Budgam around 12:05 am one unidentified individual entered the security zone area. The man was mentally challenged.
18.	On the intervening night of 3-4 November 2018 at around 3 a.m. a mentally challenged man Rayees Ahmad was shot dead by personal of 44 Rashtriya Rifles stationed at Pahnoo camp in Shopian district. According to the police, the man, identified as Rayees Ahmad Wani, of village Bogam in Kulgam district, had allegedly tried to 'cross the ring fence of an army camp on the night of 3 <sup>rd</sup> November.'

## V. Persecution of Kashmiris Living in India

Every year instances of persecution of Kashmiris living outside in different parts of India are reported. With the rise in right-wing mob violence in India, there is an increased level of insecurity and fear among Kashmiris, especially students at various Indian universities. The fear is not unfounded as the cases of persecution and harassment this year suggest. According to the data compiled by APDP and JKCCS, at least 22 incidents of harassment and persecution of Kashmiris living outside were reported this year in which 24 Kashmiri students were assaulted and 19 were arrested.

The month-wise break up of instances of harassment and persecution of Kashmiris living outside is as follows:

### February 2018

1. On February 2, Kashmiri students at Haryana Central University were beaten while returning to campus after offering congregational Friday prayers in Mahendragarh town in Haryana<sup>235</sup>.
2. According to reports, Muhammad Idrees, a Kashmiri student of the Sher-e-Kashmir University of Agriculture Science and Technology (SKUAST) who was arrested in Bhopal, was released after spending two days in police custody<sup>236</sup>.
3. On February 3, Haryana Police lodged an FIR in connection with the assault on two Kashmiri students of Central University of Haryana in Mahendergarh town<sup>237</sup>. The two students who were assaulted in Haryana by a group of over 15 people refuted the police version that they were beaten after a scuffle between the two sides<sup>238</sup>.
4. On February 7, Mudasir Ahmad, a student of B.Sc Radiology at Maharishi Markandeshwar University, suffered injuries after a group of local people caught and beat him up near his hostel room at Ambala in Haryana<sup>239</sup>.
5. According to reports, a number of Kashmiri students and professionals working in Pune sought an appointment of a dedicated nodal police officer to address their safety issues. Around 100 students and professionals, hailing from Jammu and

<sup>235</sup> <http://www.greaterkashmir.com/news/kashmir/kashmiri-students-assaulted-in-haryana-mehbooba-expresses-shock-urges-strict-action/274357.html>

<sup>236</sup> <https://kashmirreader.com/2018/02/02/kashmiri-student-arrested-in-bhopal-released-skuast/>

<sup>237</sup> <http://www.greaterkashmir.com/news/kashmir/kashmiri-students-assaulted-haryana-police-registers-fir/274444.html>

<sup>238</sup> <http://www.greaterkashmir.com/news/kashmir/assaulted-jammu-and-kashmir-students-refute-police-version-of-scuffle-with-accused/274453.html>

<sup>239</sup> <http://kashmirilife.net/another-kashmiri-student-assaulted-in-haryana-164551/>

Kashmir, met with Pune Police Commissioner Rashmi Shukla and expressed concerns regarding their safety in the city<sup>240</sup>.

6. According to reports, Rajasthan Police released six Kashmiris who were earlier arrested by the BSF after they were seen near a prohibited area<sup>241</sup>.
7. According to reports, a traders' body in Mussoorie asked Kashmiris, who sold garments from rented shops in the city, to leave. Most of the shops had been rented out to them on an 11-month contract that ended on February 28, after which the Mussoorie Traders & Welfare Association asked the Kashmiri businessmen to leave<sup>242</sup>.

#### **April 2018**

8. According to reports, National Investigation Agency (NIA) reportedly arrested seven Kashmiri students from Jamia Arabia Madrasa in Banda district of Bundelkhand region<sup>243</sup>. On April 7, the NIA stated that none of the 10 students questioned by the agency at Jamia Arabia Madrasa in Banda district of Bundelkhand, was a Kashmiri<sup>244</sup>.

#### **May 2018**

9. On May 10, a group of Kashmiri people was allegedly thrashed by a mob at Sunlight Colony in New Delhi, following which police launched a probe. The victims, including four women, were allegedly surrounded and beaten up by a mob of 30-40 people<sup>245</sup>. According to reports, four persons were arrested by Delhi police for beating up and assaulting five Kashmiris in southeast Delhi on May 10<sup>246</sup>.
10. On May 12, Himachal Pradesh Police lodged a First Information Report (FIR) over beating up of a Kashmiri businessman in Manali. According to reports Hakim Saamir, engaged in travel trade, was assaulted by goons at his office in Manali<sup>247</sup>.

#### **August 2018**

11. According to reports, four Kashmiri students studying a nursing course at a Bengaluru college were allegedly barred from attending their classes for growing beard. The students faced alleged discrimination after a new Principal Priyadarshini joined the college — the Adarsh College of Nursing in Mariyappana, Mallathahalli, a month back. The new principal cited 'hygiene' as a reason to bar the students from taking their classes<sup>248</sup>.

#### **September 2018**

12. On September 7, two residents of Jammu and Kashmir were arrested from New Delhi with the police claiming that the duo was suspected to be associated with

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<sup>241</sup><http://www.greaterkashmir.com/news/kashmir/six-kashmiris-arrested-by-rajasthan-police-released-veeri/274682.html>

<sup>242</sup><http://kashmirilife.net/traders-welfare-association-in-mussoorie-asks-kashmir-garment-sellers-to-leave-166360/>

<sup>243</sup><http://www.greaterkashmir.com/news/kashmir/nia-picks-up-seven-kashmiri-students-from-up-madrasa-report/281014.html>

<sup>244</sup><http://www.greaterkashmir.com/news/kashmir/nia-says-no-kashmiri-madrasa-student-detained/281140.html>

<sup>245</sup><http://www.greaterkashmir.com/news/kashmir/cops-begin-probe-after-mob-roughs-up-five-kashmiris-in-delhi/284841.html>

<sup>246</sup><http://www.greaterkashmir.com/news/kashmir/four-arrested-over-thrashing-of-kashmiris-in-delhi-victims-say-it-was-hate-crime/284955.html>

<sup>247</sup><http://www.greaterkashmir.com/news/kashmir/kashmiri-attacked-in-himachal-police-lodges-fir-against-attackers/284974.html>

<sup>248</sup><https://www.greaterkashmir.com/news/kashmir/citing-hygiene-bengaluru-college-bars-bearded-kashmiri-students-from-classes/293006.html>



Islamic State group. The suspects were arrested from the Red Fort area on Thursday night, Deputy Commissioner of Police, Special Cell, P.S. Kushwah said. The group is not known to have physical presence in Jammu and Kashmir and the state police have been denying that IS militants were operating from there<sup>249</sup>.

### October 2018

13. On October 1, two Kashmiri students were allegedly picked up by security agencies outside their rented apartment in Chandigarh. According to the students of Aryans group of colleges Nethra, Alampur, two of their classmates, Gazi Ahmad Malik of Heff village in Shopian and Mir Imran of Guder village in Pulwama were rounded up by uniformed men when they were returning to their apartment in Banur from the marketplace on Sunday evening. The duo was picked up when another group of uniformed men were searching their apartment and grilling other Kashmiri students staying with them, the students said. A Kashmiri student was detained while another let off by the Punjab police for alleged links with a special police officer (SPO) who fled with seven rifles and a pistol from a PDP legislator's residence in Srinagar. Mir Imran, a third semester engineering student of Aryans group of colleges was released by the intelligence wing of the Punjab police while his classmate Gazi Ahmed Malik of Heff Shopian continued to remain in the custody of cops at the CID office Kharar, Mohali.
14. On October 4, a Kashmir student, Ahtisham who was pursuing bachelors in Medical Imaging Technology (BMIT), was injured after he was ruthlessly beaten by a group of students at Sharda University in Greater Noida, Uttar Pradesh. He was admitted at Sharda hospital after he was beaten. Over 350 Afghans and Indians were booked under various offences like rioting, causing intentional hurt etc based on the video footage.
15. On October 10, three Kashmiri students were arrested by the Punjab Police in a joint operation with the Jammu and Kashmir Police in Jalandhar city along with explosives and weapons, claimed the Punjab police, in a statement. "The students were nabbed from the hostel of CT Institute of Engineering Management and Technology, located in Shahpur on the outskirts of Jalandhar," DGP Suresh Arora was quoted as having said, in the statement. It claimed the joint team, which conducted a raid at the hostel early today morning, also recovered two weapons, including an assault rifle, as well as explosives from the hostel room of B Tech (Civil) student of 2nd semester, Zahid Gulzar of Rajpora, Awantipora. "Zahid was detained along with Mohd Idris Shah @ Nadeem of Pulwama J&K, and Yusuf Rafiq Bhatt of Noorpura, Pulwama J&K," it claimed. The Punjab police chief said the arrests followed the development and corroboration of various leads/inputs about the presence and activities of certain militant organizations/individuals operating in J&K and Punjab.
16. On October 12, Aligarh Muslim University suspended three Kashmiri students for offering funeral prayers in absentia for scholar-turned-militant Manan Wani who was killed in a gunfight with the government forces in Kupwara. The three Kashmiri students were suspended as they violated the university's discipline and rules and indulged in unlawful assembly," The Times of India quoted the varsity proctor Mohsin Khan as having said.

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<sup>249</sup><https://www.greaterkashmir.com/news/kashmir/two-kashmiris-arrested-in-delhi-police-claims-they-have-ties-with-islamic-state-group/295651.html>

17. On October 27, a final-year engineering student from Kashmir identified as Mubashir of Balhama, district Srinagar was attacked by some persons with a knife at his rented accommodation in Chandigarh on Friday night. According to Mubashir, “a group of more than six persons barged inside, three were masked and all were carrying iron rods and knives with them”.
18. On October 30, a Kashmiri student who was assaulted earlier this month at a private university in Greater Noida has gone missing, causing panic in his family back home in Srinagar. Ahtisham Bilal, a first-year student of Medical Imaging Technology, was beaten up by a group of students following a clash between Afghan and Indian students in the first week of October.

### **November 2018**

19. On November 11, As India was set off to celebrate Diwali on November 7, four Kashmiri men were picked up by the Police day before in Ludhiana city of Panjab, for some “routine questioning” but what shocked the four Kashmiris was when they were “defamed and branded as terrorists” by a section of the local media in news reports that appeared on next day. According to a report by *Indian Express*, the police did not misbehave with them and released them after some routine questioning, but the four men said that this had not only impacted their credibility in business circles but also affected their families back home<sup>250</sup>.

### **December 2018**

20. On December 5, the National Investigation Agency (NIA) produced three Kashmiri students (Yousuf Rafiq Bhat, Zahid Gulzar, Mohammad Idrees Shah), alleged to be members of a militant outfit, in a special court in Chandigarh. The trio were earlier arrested from an educational institute by Jalandhar police. The case was later transferred to the NIA<sup>251</sup>.
21. On December 6, media reported that two Kashmiri youth— Altaf Najar (23) and a 16-year-old boy— were arrested in the Indian state of Gujarat over ‘stone throwing’ charges. They have been kept under preventive detention till the J&K police take their custody<sup>252</sup>.
22. On 26 December, media reported that a BBA student from Quil Muqam village of north Kashmir's Bandipora district has gone missing from his college in Noida. Syed Basit Hassan (22) son of Syed Naseer ul Hassan went missing on December 13 from Noida college where he was pursuing BBA from past two and a half years<sup>253</sup>.

## **6. Issues**

### **I. Impunity**

In Indian administered Jammu and Kashmir, there are over 70,000 killings, over 7000 unmarked and mass graves, over 8000 disappeared persons, numerous cases of systematic

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<sup>250</sup> <https://kashmirilife.net/kashmiri-shawl-traders-dubbed-as-militants-by-punjab-media-police-negates-claim-191675/>  
<sup>251</sup> <https://www.greaterkashmir.com/news/kashmir/nia-produces-three-kashmiri-students-in-punjab-court/305136.html>  
<sup>252</sup> <https://kashmirreader.com/2018/12/06/two-kashmir-youth-arrested-in-gujarat-over-stone-throwing-charges/>  
<sup>253</sup> <https://www.greaterkashmir.com/news/kashmir/bandipora-student-goes-missing-from-noida-college/307452.html>

sexual violence and an institutionalised practice of inflicting torture perpetrated by the Indian armed forces. Yet there is no prosecution even after indictment of those armed forces personnel committing war crimes in Jammu & Kashmir. In fact, the crimes are justified as necessary action to maintain law and order situation in the region and to curb militant activity.

There is moral, legal and judicial impunity that is ensured to the Indian armed forces operating in the region. Since 1990 till now, there has not been even a single prosecution of Indian armed forces in civilian courts. In September 2015, IPTK and APDP published a report called *Structures of Violence* which listed 333 cases of human rights violations by 972 individual perpetrators, which include army personnel, paramilitary personnel, Jammu and Kashmir Police personnel and pro-government militants who have been granted absolute impunity for all crimes committed.

These reports bare the institutionalised and systematic forms of violence and lack of system of accountability. There is unwillingness on part of the Indian government to provide justice to the people of Indian administered Jammu & Kashmir and a willingness to continue to protect and shield the perpetrators.

This situation of impunity is exacerbated by the existence of laws such as the Armed Forces (Jammu & Kashmir) Special Powers Act, 1990 (AFSPA)<sup>254</sup>. AFSPA warrants the armed forces to use force even to causing death and arrest without warrant on mere suspicion, enter and search any premises, stop, search and seize any vehicle. AFSPA also protects the armed forces from prosecution in a civilian court without a prior sanction from the Indian government.<sup>255</sup>

The Indian army claims that they are a disciplined force and that they take cognizance of any human rights violation perpetrated by their members. They claim that these cases are adjudicated in Military Courts. JKCCS and APDP have tried seeking details about all the prosecutions, which were undertaken through Court Martials, but the proceedings of these Court Martials are not transparent as they are never made public. Based on some of the case details, which APDP and JKCCS were able to acquire through RTI applications, it can be said that these convictions have been an eye-wash with no serious punishment for committing heinous crimes. In these Court Martials, the victims have no access to legal aid and thus no access to justice whereas armed forces enjoy full protection. In the few cases where Court Martials have been conducted, the orders have later been revoked after the indicted persons approached courts or tribunals or High Courts.<sup>256</sup>

A case in point is the Machhil fake encounter case. In 2010, three men from Nadihal area in Baramulla were killed in a fake encounter in Machhil sector near the Line of Control, dubbed as foreign militants and buried in the local graveyard. Later, their bodies were exhumed and identified. In its Court Martial, which the army initiated in 2013, the army men involved in

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<sup>254</sup> For more details see: [http://legislative.gov.in/sites/default/files/A1990-21\\_1.pdf](http://legislative.gov.in/sites/default/files/A1990-21_1.pdf)

<sup>255</sup> UN report on Kashmir

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

<sup>256</sup> JKCCS, Annual Human Rights Review 2017, <https://jkccs.files.wordpress.com/2017/12/jkccs-annual-human-rights-review-2017.pdf>

the fake encounter were sentenced to life imprisonment. These men challenged the decision in Armed Forces Tribunal and were acquitted in 2017.<sup>257</sup>

This is indicative of a highly systematised and institutionalised system of impunity in the region where gross human rights violations are conducted in the garb of maintaining law and order.

In the last ten years, since the first mass uprising against Indian rule occurred in 2008 to 2018, at least **1081** civilians have been killed in Indian administered Kashmir and the bulk of these killings are of young civilian demonstrators and protestors. Several commissions and inquiries were ordered by the respective governments in Indian administered Jammu and Kashmir to 'investigate the circumstances of these killings and assign responsibility', however in not even a single case was the perpetrator put on trial, let alone punished for human rights violations.

An example of glaring structural impunity enjoyed by the armed forces in Indian administered Jammu and Kashmir is the fate of the Koul Commission, which was constituted by then Chief Minister Omar Abdullah to look into the killings of scores of youth by armed forces in 2010 street protests. Although Koul Commission submitted its final report to the government in December 2016, the report was not made public. The families of the victims, who had participated in the Commission's truth seeking exercise, were not availed with the results of the report thereby eroding their trust with the Commission. The victims' families have called it a 'wasted exercise, aimed to deny justice to the victims'.<sup>258</sup>

Following the civilian killings in 2016 mass uprising, the government yet again – in order to dissipate the rising anger against state violence, called for judicial enquires into the four among nearly hundred civilian killings. Till date, nothing conclusive has emerged out of these inquiries.

In Jammu & Kashmir, to pacify the public anger, ordering probes and instituting enquiry commissions has become a customary practice with the government that has led to no concrete results. Allegations of human rights violations, if met with severe civilian protests often lead to ordering of probes by the government. These probes have proved to be farcical to the civilian population, to handle the law and order situations by appeasing the public with false promises of justice. Since 2008 to 2018, 107 enquiries have been ordered by the Jammu and Kashmir government. The highest numbers of enquiries were ordered in 2009, which includes instituting the Justice Jan Commission to look into the Shopian rape and murder case.<sup>259</sup> The report of the Jan Commission alluded to foul play but as usual the report was not perused for the formal investigation by the police.

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<sup>257</sup> <https://indianexpress.com/article/india/machil-fake-encounter-armed-forces-tribunal-suspends-life-imprisonment-of-five-armymen/>

<sup>258</sup> <https://kashmirobsrver.net/2018/local-news/2010-unrest-probe-denying-coi-report-betrayal-victims-against-accountability-32391>

<sup>259</sup> On 29<sup>th</sup> May, 2009, Aasiya and Neelofar from Shopian left their home to visit their orchard and did not return home. Next day, their bodies were found in the Rambiyar Nallah in ankle deep water. It was alleged that the two women had been raped and murdered by the paramilitary troops stationed near the area. The incident was followed by severe protests across the Kashmir valley and shut down in Shopian district for 47 days, which compelled the State Government led by then Chief Minister, Omar Abdullah to institute a one-man Enquiry Commission headed by Justice Jan.

### **4000 Contempt Petitions Pending in JK High-Court**

On 29 November 2018, the Chief Secretary of Jammu and Kashmir Government issued a letter to all the Administrative Secretaries of Jammu and Kashmir government, asking them for their compliance on all the Contempt of Court petitions filed in the High Court of Jammu and Kashmir. (Annexed)

Strikingly, the letter quotes the oral observations of the Chief Justice of Jammu and Kashmir, during the hearing of a case in the Jammu and Kashmir High Court on 26 November 2018, in which the Chief Justice Geeta Mital has said that there are 4000 pending Contempt of Court petitions filed before the Srinagar bench of the Jammu and Kashmir High Court. This is a very serious observation and it implies that various departments of Jammu and Kashmir government appear to wilfully disregard the orders of the highest court in Jammu and Kashmir.

This is not a secret revelation for the people of Jammu and Kashmir, as people are already aware of the state of affairs of the judicial processes. But it is an indicator for people to understand the reasons behind the impunity, which is sustained by the government towards the alleged perpetrators. In numerous cases of human rights violations when the High Court either ordered for investigations against the armed forces involved or directed for the benefits to be provided for the survivors, we have witnessed how the orders are not implemented and the lawyers choose to file Contempt of Court petitions. It is pertinent to mention that so far in the last 28 years, no armed forces personnel has been prosecuted in civilian courts, for human rights violations ranging from mass rapes to enforced disappearances, or extra-judicial executions or torture etc.

Now according to this observation by the Chief Justice, it is clear that in around 4000 cases the Government has chosen brazenly to violate the High Court orders and has perhaps scuttled through various delay tactics the adjudication of these 4000 Contempt of Court cases.

This observation by Chief Justice, Geeta Mital certainly proves 'rule of law' is not adhered to in Jammu and Kashmir and government itself is the violator. The observation also alludes to the fact that the government has by design made judicial processes dysfunctional, which makes it impossible for the present judicial mechanisms to deliver justice in cases where the government itself is a perpetrator and has so far scuttled all means used by victims for seeking justice.

## **II. Militarization**

Indian administered Jammu and Kashmir continues to be the worlds' highest militarized zone with the presence of nearly 0.7 million armed forces and police. This year government released figures on the total hectares of land occupied by the Indian army. By the government's admission, 21,400 hectares of land in Indian administered Jammu and Kashmir is under the illegal occupation of Indian armed forces while 18,846 hectares are under 'authorized occupation' of the armed forces in Kashmir including Ladakh. Giving further break up the government said, "12,940 hectares of land is under illegal occupation of army in Ladakh, 5,906 hectares in Kashmir and 2,555 hectares in Jammu division.

According to official information, the forces pay Rs 12.38 Crore annual rent for private land in Kashmir. The rent is paid for 144.35 hectares of horticulture land which is under occupation of defense in the Valley.”<sup>260</sup>

According to another report, 27,725 Kanals and 17 Marlas of land is under army occupation in Chhamb area along LoC.

Around 246 Kanal of land in HMT is allotted to the J&K Police. In Rangreth, the army continues to occupy 60 kanals of Land.

This year the government in Indian administered Jammu and Kashmir received sanction for the construction of 14,460 bunkers along LoC amounting to cost Rs 415.73 Crore – thereby further militarizing the already intense militarized zone. The Government of India sanctioned the construction of 90 Border Outposts along International Border in Jammu. In Rajouri 5,500 underground bunkers and 102 family-type bunkers were constructed.

Currently in Kashmir valley, there are 48 Battalions of forces and 450 Camps.

In 2017, the government in Indian administered Jammu and Kashmir purchased 1800 bulletproof jackets, 23,000 bulletproof turbans, 550 vehicles and in 2018 Jammu and Kashmiri Police set up 50 bullet-resistant bunker vehicles. In 2008, reports suggest that around Rs 2400 Crore were granted by the government of India for the construction of Police Colonies.

In 2016, it was also reported that around 36,000 modern AK-Series assault rifles have been provided to Central Paramilitary Forces and Selected Police Units. India’s Defense Minister also approved Rs 1,487 project for improving the security of army camps in Indian administered Jammu and Kashmir and North-East.

The heightened militarization in Indian administered Jammu and Kashmir and especially in Kashmir was witnessed during elections and during the Amarnath Yatra. In April 2018, the government of India agreed to the deployment of additional companies of Paramilitary Forces in Jammu & Kashmir for the Shri Amarnath pilgrimage. Over 40,000 personnel of Central Paramilitary Forces were deployed in 2018 to provide security for Panchayat elections and several new military installations like bunkers and checkpoints were installed in Srinagar and other districts of the valley where polls were conducted.

The increased militarization in Indian administered Kashmir can also be gauged from the fact that in the last two years, over 10,758 Special Police Officers (SPOs) have been engaged in Jammu & Kashmir, in which around 5,946 SPOs were appointed in 2017.

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<sup>260</sup> <https://freepresskashmir.com/2018/01/10/over-21400-hectares-of-land-in-jk-under-illegal-occupation-of-security-forces-mehbooba/>

## **7. Suicides and Fratricides among Indian Armed Forces**

In 2018, suicides among Indian armed personal stationed in Indian administered Kashmir saw a massive uptick as reportedly 20 armed forces personal claimed their lives, which is highest in the last ten years.

One of the ignored aspects of the entrenched militarization and violence in Indian administered Jammu and Kashmir is its impact on the psychological health of Indian and state armed forces. The direct consequence of the deteriorating mental health of Indian armed forces is the rising suicide rate among them. Each year, Indian administered Jammu and Kashmir witnesses' suicides among armed forces. The data compiled by APDP and JKCCS in the last fifteen years from 2004 to 2018 reveals that at least 323 Indian armed personal and state police personal have committed suicide while stationed in the volatile Indian administered Jammu and Kashmir. The reasons for suicide have been hushed up by the Indian authorities but it is well known that suicide rate is high among Indian armed forces. In July 2014, the Indian government revealed in the Upper House of the Parliament of India that "from 2009 to 2013, 597 Indian armed forces personnel committed suicide - 498 from the Army, 83 from the Air Force and 16 from the Navy."<sup>261</sup> While the state-wise break up of the suicides was not provided, the figures provided by the government belie its claims that Indian armed forces are not suffering from psychological disorders resultant upon working under severe volatile conflict situations especially in Indian administered Jammu and Kashmir – which ironically the government of India denies

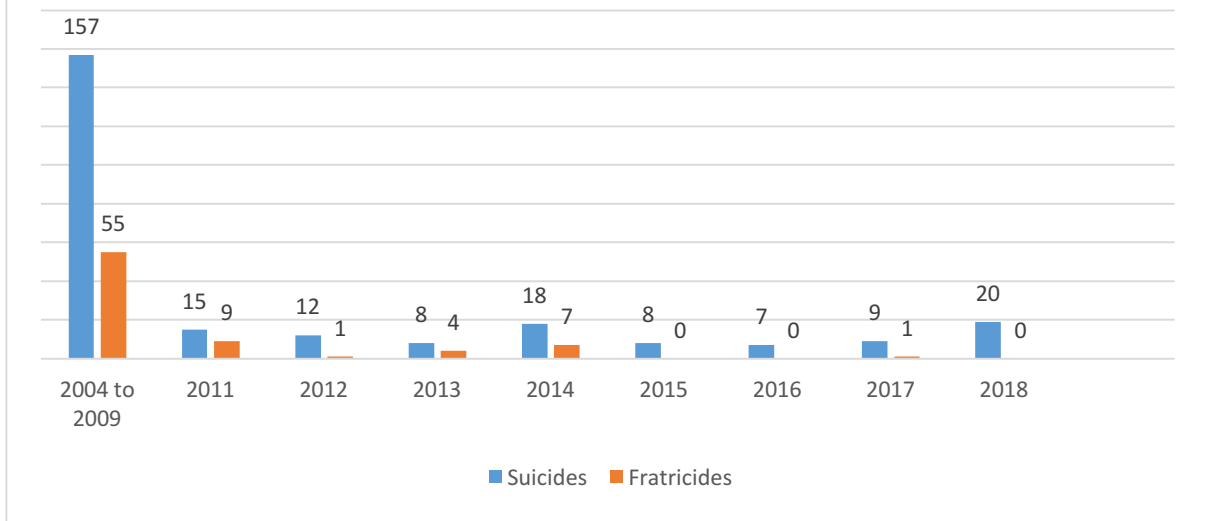
Aside from suicides among armed forces, Indian administered Kashmir has also witnessed fratricidal killings among its armed personal. According to the data compiled by JKCCS, from 2004 to 2018 at least 77 armed forces personal have been killed in fratricidal violence. The toll of suicides and fratricides among armed forces in Indian administered Jammu and Kashmir is in addition to the deaths of armed forces during violent insurgency related incidents.

The yearly break-up of suicides and fratricides among Indian armed forces stationed in Indian administered Jammu and Kashmir is given in a table below.

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<sup>261</sup>,<https://www.indiatoday.in/india/north/story/defence-personnel-suicides-army-navy-air-force-arun-jaitley-rajya-sabha-201344-2014-07-23>

### Suicides and Fratricides among Indian armed Forces in Indian administered Jammu and Kashmir



The rising rate of suicides among armed forces and their deteriorating mental health explains how in the context of draconian laws and lack of accountability in Indian administered Kashmir has proved to be lethal during counter-insurgency campaigns as many unarmed civilians have fallen victims of India’s armed forces in the last two decades.

