

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>                      | <b>490</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Land:</b>                           | Indien                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Kilde:</b>                          | Amnesty International (AI), Anti-Death Penalty Asia Network (ADPAN), Asian Federation Against Involuntary Disappearances (AFAD), Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS: World Alliance for Citizen Participation, Collectif des familles de disparus en Algerie, Fédération Euro-méditerranéenne contre les disparitions forces, Front Line Defenders, Latin American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM), International Federation for Human Rights (FIDH), International Coalition Against Enforced Disappearances (ICAED), International Service for Human Rights (ISHR), Kashmir Law and Justice Project (KLJP), Martin Ennals Foundation, Nonviolence International (NI), World Organisation Against Torture (OMCT) |
| <b>Titel:</b>                          | India: End reprisals against the Jammu and Kashmir Coalition of Civil Society (JKCCS) and human rights defenders in Kashmir                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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## India: End reprisals against the Jammu and Kashmir Coalition of Civil Society (JKCCS) and human rights defenders in Kashmir

Sixteen human rights organisations today called on Indian authorities to immediately stop the reprisals against human rights defenders and organizations in Jammu and Kashmir, especially Khurram Parvez, Irfan Mehraj, and the Jammu and Kashmir Coalition of Civil Society (JKCCS). Khurram Parvez<sup>1</sup> has been arbitrarily detained since 22 November 2021 as a reprisal for his human rights work, including documentation and advocacy in Jammu and Kashmir. We are alarmed by new criminal cases filed against Khurram Parvez and Irfan Mehraj, a journalist and human rights defender, in March 2023, and the ongoing reprisals against JKCCS.

JKCCS is the leading human rights organization in Jammu and Kashmir. Since the organisation was founded in 2000, it has conducted ground-breaking human rights investigations, published dozens of rigorously researched human rights reports, litigated human rights cases and through non-violent mobilization and advocacy given voice to otherwise unheard victims of human rights violations in Jammu and Kashmir. The organization's research is widely considered to be authoritative by scholars, international civil society, and the United Nations' human rights experts, who have cited JKCCS' work in their own reports on the human rights situation in Jammu and Kashmir. Our organizations have also cited and referenced JKCCS' work, which is invaluable in understanding the human rights situation of Jammu and Kashmir and is of exceptional quality.

Khurram Parvez is the Program Coordinator of JKCCS and the Chairperson of the Asian Federation Against Involuntary Disappearances (AFAD). In February 2023, Khurram Parvez was the recipient of the prestigious Martin Ennals Award. Irfan Mehraj previously worked as a researcher for JKCCS. In October 2020, the JKCCS office and Khurram Parvez's home were raided by India's National Investigation Agency (NIA), and devices and documents including his passport were seized. Indian authorities through targeted reprisals and criminalizing human rights work have made it impossible for JKCCS to continue its vital work. The charges brought by the NIA against Khurram Parvez include serious terrorism-related charges under the Unlawful Activities (Prevention) Act (UAPA),<sup>2</sup> a counter-terror law that violates international norms and is systematically used by Indian authorities to incapacitate and persecute human rights defenders and other dissenters.<sup>3</sup> The UN Special Rapporteur

<sup>1</sup> Parvez was recently recognized with the 2023 Martin Ennals award for human rights defenders in recognition of his decades-long efforts to document and seek accountability for human rights abuses despite grave personal risk.

<sup>2</sup> See FIDH & OMCT, *Prominent rights defender Khurram Parvez is still in prison* (Urgent Appeal), 17 May 2022, <https://www.fidh.org/en/issues/human-rights-defenders/india-prominent-rights-defender-khurram-parvez-is-still-in-prison>.

<sup>3</sup> See FIDH, FLD & OMCT, *Joint submission for the Universal Periodic Review*, 31 March 2022, <https://www.fidh.org/en/region/asia/india/india-joint-submission-for-the-universal-periodic-review-upr>.

on the situation of human rights defenders, together with the Special Rapporteur on human rights and counter-terrorism and many others, have previously raised grave concerns about the 2019 amendment to the UAPA because of the threat it poses to human rights defenders and the right to freedom of expression.<sup>4</sup>

In addition to the charges against Khurram under the UAPA, another case has been filed by the NIA in October 2020 which specifically targets JKCCS, and anyone associated with the organization. On 20 March 2023, the NIA arrested Irfan Mehraj for serious terrorism-related charges. Khurram Parvez, already imprisoned in the 2021 case, was also arrested in the JKCCS case. The NIA has publicly stated that one of the grounds for Irfan Mehraj's arrest was his close association with Khurram Parvez and JKCCS who were 'funding terror activities in the valley and propagating secessionist agenda in the Valley under the garb of protection of human rights.'<sup>5</sup> Both human rights defenders remain detained in the maximum-security Rohini Jail in New Delhi. Khurram Parvez has been denied both release and bail despite widespread calls for his release.

Rather than upholding international legal obligations and protecting human rights, Indian authorities have explicitly criminalized JKCCS' critical human rights work describing it as an organisation that publishes 'anti-national and incriminating material to bring hatred, contempt and disaffection towards the Government of India'.<sup>6</sup> The Indian authorities have also carried out multiple raids at the residence and office of Khurram Parvez. His and Irfan Mehraj's arrest highlights the determination of Indian authorities to criminalize and delegitimize human rights defenders and incapacitate and punish those like Khurram Parvez and Irfan Mehraj who, in extremely difficult circumstances and at great personal cost, defend human rights. On 24 March 2023, the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, expressed her concern over the targeting of JKCCS and stated that the organization 'carries out essential work monitoring human rights. Their research and analysis of human rights violations are of huge value, including to international organisations seeking to ensure accountability and non-repetition of abuses.'<sup>7</sup>

There is a credible risk of increasing threats against JKCCS. In early March 2023, a week before Irfan Mehraj was arrested, the NIA interrogated Khurram Parvez for two consecutive days inside Rohini Jail and threatened him and his colleagues with arrest in a new case. In their submissions to the Patiala House Court on 22 March when Khurram Parvez and Irfan Mehraj were remanded, the NIA indicated that more persons are likely to be arrested in the same case.<sup>8</sup>

We call on the Indian authorities to immediately and unconditionally release Khurram Parvez and Irfan Mehraj, drop all charges against them and to end the ongoing persecution and targeting of human rights defenders in Jammu and Kashmir. Reprisals against human rights defenders in Jammu and Kashmir including human rights organizations and independent journalists are aimed at maintaining a forcible silence and facilitating continued impunity for violations in an intensely militarized region that the Indian government has made inaccessible to the international community and where grave human rights violations are longstanding and ongoing. The continued arbitrary detention of Khurram Parvez and Irfan Mehraj, and the abuse of counter-terror and related laws to target human rights defenders is a violation of India's international obligations and reinforces concerns about the deteriorating human rights situation in India. India should protect human rights, not persecute human rights defenders. Indian authorities must immediately comply with their

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<sup>4</sup> See Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism *et al*, OL IND 7/2020, 6 May 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25219>

<sup>5</sup> See, Twitter, NIA India, NIA makes first arrest in NGO Terror Funding Case, 21 March 2023, [https://twitter.com/NIA\\_India/status/1638104562879037442?s=20](https://twitter.com/NIA_India/status/1638104562879037442?s=20).

<sup>6</sup> See, NIA, Money transfer to J&K by NGOs through Hawala Channel for terrorist activities in Kashmir valley, Case RC-37/2020/NIA/DLI, 08 October 2020, <https://www.nia.gov.in/case-detail.htm?363>.

<sup>7</sup> See, OHCHR, Press Release, India: UN expert demands immediate end to crackdown on Kashmiri human rights defenders, 24 March 2023, <https://srdefenders.org/india-un-expert-demands-immediate-end-to-crackdown-on-kashmiri-human-rights-defenders-press-release/>

<sup>8</sup> See, National Investigation Agency (NIA), NIA chargesheets another overground worker in J&K terrorism conspiracy case, 21 March 2023, [https://www.nia.gov.in/writereaddata/Portal/PressReleaseNew/1422\\_1\\_Pr2.pdf](https://www.nia.gov.in/writereaddata/Portal/PressReleaseNew/1422_1_Pr2.pdf)

international legal obligations, allow civil society to freely operate in Jammu and Kashmir and India, and cease their longstanding obstruction of international civil society and inter-governmental organisations including the United Nations Special Rapporteurs and other human rights mechanisms which should have unfettered access to Jammu and Kashmir and Kashmiri detainees.

Signed

- Amnesty International
- Anti-Death Penalty Asia Network (ADPAN)
- Asian Federation Against Involuntary Disappearances (AFAD)
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- CIVICUS: World Alliance for Citizen Participation
- Collectif des familles de disparus en Algerie (CFDA)
- Fédération Euro-méditerranéenne contre les disparitions forces (FEMED)
- Front Line Defenders (FLD)
- Latin American Federation of Associations for Relatives of the Detained-Disappeared (FEDEFAM)
- FIDH (International Federation for Human Rights) within the framework of the Observatory for the Protection of Human Rights Defenders
- International Coalition Against Enforced Disappearances (ICAED)
- International Service for Human Rights (ISHR)
- Kashmir Law and Justice Project
- Martin Ennals Foundation
- Nonviolence International
- World Organisation Against Torture (OMCT) - within the framework of the Observatory for the Protection of Human Rights Defenders