



# General Assembly

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## Human Rights Council

### Forty-fourth session

15 June–3 July 2020

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by World Muslim Congress, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-07926(E)



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## **Freedom of expression under threat in Indian administered Jammu and Kashmir**

Freedom of expression, free flow of information and media freedom are crucial for the functioning of any democratic society. It becomes necessary in times of crisis such as the one that the world is currently grappling with.

The provision of timely information about health risks is a critical element in crises response. Special attention should be paid to the communication and dissemination of information relating to the virus and its circulation, risks of contamination, number of illness/ deaths, as well as to those measures which have a more remote connection with the policy of social distancing.

The global Coronavirus pandemic has had life-changing impact on people around the world. But in the Indian Occupied Jammu and Kashmir the state is using the COVID-19 outbreak as an opportunity to further entrench repressive measures, and suppress the people's resistance by all means. People are being terrorized and arrested without being COVID-19 positive; rather, they are being held and their voices muzzled under the garb of the pandemic for raising voices for their freedom and other human rights violations perpetrated by the trigger happy forces.

It is worth a note that people of the occupied region are under a lockdown since August 5, 2019, when Article 370 of the Indian Constitution was abolished which gave special status to the disputed territory and hundreds of thousands of more Indian troops were flooded in to terrorize and control the already subjugated people.

The people of Indian occupied Kashmir are facing the same challenge as the rest of the world due to COVID-19 but their pain is unending. The Indian state has used the pandemic as a cover for its brutal measures - it has attached people's residences, killed innocent civilians in the grab of killing militants and destroyed hundreds of residential houses under the garb of fighting pro-freedom resistance fighters. The common folk are killed, arrested, detained and beaten by the occupation forces for raising voices against the occupation and new domicile law applied to the state to change the demography of the state. Hundreds have been reported to police formally to threaten them and thousands detained since the outbreak of pandemic under the garb of COVID-19.

Despite the freedom of expression being protected under the Indian Constitution and India's pledges under several international treaties the occupation authorities are criminalizing peaceful expression as they increasingly employ draconian laws such as sedition provisions of penal code and laws dealing with the hate speech to silence the dissent. This has led to self-censorship in most if not all instances.

During the pandemics media plays important role coupled with increased responsibility, in providing accurate, reliable information to the public, but also in preventing panic and fostering people's understanding for and cooperation with necessary resections but in COVID-19 when the International community is engaged in flattening the curve, the Indian occupation authority in Kashmir is terrorizing and detaining journalists.

On April 11, 2020, the police in Bandipora district of Indian occupied Kashmir arrested Mushtaq Ganaie, a reporter with the English language daily Kashmir Observer on a mere allegation of obstructing police, violating COVID-19 lockdown, and spreading the virus.

Ganaie told CPJ that police stopped his vehicle while he was reporting on the lockdown in the region, and refused to let him go despite showing a mandatory press card. The Police detained him for two days and hit him while in custody, injuring his arms and body. He was released on bail on April 13. His phone was returned two days after his release, and the police returned his car after six days.

The authorities in the Indian occupied Jammu and Kashmir intimidate, detain journalists to force their compliance. To continue their control, the official authorities level concocted charges of "anti-national" activities and criminalize their freedom of expression during the COVID-19 pandemic.

Between 18 April 2020 and 21 April 2020, the cyber police of Kashmir zone in Srinagar filed FIR against three journalists Masarat Zahra, Peerzada Ashiq and Gowhar Galani. On April 2020, photojournalist Masarat Zahra was charged under the Unlawful Activities Prevention Act by the cyber police for uploading social media posts that allegedly glorify “anti-national activities” on social media. The following day, on 19 April 2020, an FIR was filed by cyber police against journalist Peerzada Ashiq for an article he had written for The Hindu, a reputed Indian English daily. On 21 April 2020, an FIR was filed against journalist and author Gowhar Geelani by cyber police for his social media post which allegedly glorified terrorism. Human Rights defenders believe that Masarat Zahara, Peerzada Ashiq, and Gowhar Geelani are being targeted for their peaceful human rights work and honest documentation of the lives of Kashmiris. The defenders are concerned about the particular timing of the police harassment, during the pandemic when they must enable the media to report without fear.

Kashmir Press Club also showed serious concerns about the harassment and summoning of journalists by the police and in a statement said, journalism in Kashmir had never been easy, challenges and hardships have multiplied for journalists since August 5, 2019. “Even in this time of Coronavirus pandemic journalists in Kashmir have been called to police stations and forced to present themselves to explain their stories”, the statement added.

Paris-based media watchdog, Reporters Sans Frontiers, condemned the campaign of harassment of these journalists and a statement posted on its website said that these accusations were designed to intimidate journalists in Srinagar and that they must be withdrawn at once. The statement added, the latest target was Gowhar Geelani, a well-known writer and columnist who works with many media outlets including BBC and India website daily O and Scroll.in.

Since the outbreak COVID-19 the international community, civil society and governments have collaborated on information dissemination campaign to mitigate its impact. This information dissemination has provided the public with the understanding needed to support collective health efforts to reduce transmission. But in the Indian occupied Kashmir, the internet restrictions by occupation authorities prevent people from accessing vital health information which is a clear violation of the freedom of expression. Since August 5, eight million people of occupied Kashmir have been under a constant lockdown with restricted communications. Although the Supreme Court of India has affirmed that, “freedom of internet access is a fundamental right” the occupation authorities refuse to allow internet operation at full 4G capacity.

As a result, healthcare professionals in the occupied region are fighting COVID-19 without a full library of resources. Iqbal Saleem, a professor of surgery in a Tweet wrote, “This is so frustrating. Trying to download the guideline for intensive care management... 24 MBs and one hour. Still not able to do so.” The low-speed 2G internet stops health workers in the disputed territory from accessing current and relevant information, public health guidelines, and well accurate updates on transmission in the region.

The United Nations (UN) has called for an immediate global cease-fire to “put armed conflicts in lockdown” and focus on protecting the most vulnerable from the spread of COVID-19 but India, contrary to the UN advice on harassing journalists, rising police powers and denying people freedom of expression. These actions establish beyond any shadow of a doubt that the Indian government is exploiting the pandemic to suppress the Kashmiri people’s resistance.

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