PUCL STATEMENT ON ARREST OF KHURRAM PARVEZ

PUCL calls for the immediate release of Kashmiri human rights defender Khurram Parvez, who was arrested on 22nd November 2021, by the National Investigating Agency under various provisions of the Unlawful Activities Prevention Act (UAPA) and Indian Penal Code.

PUCL condemns the relentless use of UAPA by Indian Government to arrest, detain and jail human rights defenders for long periods without any trial.

According to the arrest memo, the sections that have been invoked against Khurram include 120B, 121 and 121A of IPC (pertaining to waging war against the Government) and sections 17, 18, 18B, 38 and 40 (pertaining to terrorist activities and being member of terrorist organization) of Unlawful Activities Prevention Act (UAPA) Act, 1967.

In past few years Indian Government has repeatedly targeted Khurram Parvez, raided his office, home on multiple occasions and even arrested and jailed him.

In September 2016 immigration authorities had disallowed him from boarding a flight to Geneva. Mr. Khurram was then travelling to attend the thirty-third session of the United Nations Human Rights Council. He was later immediately detained and arrested in Srinagar. Four days later, the principal district and sessions judge of Srinagar set aside his order of detention and ordered his release. But as soon as he was released, he was rearrested, under the Jammu and Kashmir Public Safety Act, 1978—a law, applicable only in Jammu and Kashmir, which allows an individual to be taken into preventive custody for two years without any charges or a trial. Seventy six days later, the Jammu and Kashmir High Court quashed his detention as “illegal.” It also noted that the district magistrate of Srinagar, had acted “arbitrarily” and the “detaining authority has abused its powers.”

Once again in October 2020, Khurram and JKCSS were targeted and raided by NIA. Being unable to prove even before the High Court of Jammu and Kashmir their case for arrest and detention of Khurram Parvez, the Indian State has used its ultimate weapon of invoking UAPA, a legislation which has very harsh bail condition, which allows Government to jail the arrested dissenters without trial for many years.

Khurram Parvez has been the coordinator of the Jammu Kashmir Coalition of Civil Society (JKCCS) and chairperson of the Asian Federation Against Involuntary Disappearances (AFAD). Parvez is a Distinguished Scholar with the Political Conflict, Gender, and People’s Rights Initiative at the Center for Race and Gender at University of California, Berkeley.

JKCCS has acted as the conscience of society and published several reports on human rights violations in Jammu and Kashmir over the decades. The reports range from election monitoring, impact of violence on children, sexual violence, enforced disappearances, torture, to environmental disasters.
Various International Human rights organizations, including United Nations Special Rapporteur on Human Rights Defenders, have expressed concern over arrest of Parvez Khurram and have urged for his immediate release.

PUCL firmly believes that the present action is one more attempt on part of the present establishment to silence peaceful, non-violent dissenters. In the context of what has happened in recent times concerning cases of Bhima Koregaon, Delhi riots, Tripura violence, farmers protest, the tool kit case, Siddique Kappan case and various others across the country, Khurram’s arrest is one more instance of a brutalizing state machinery being used against human rights defenders.

This is all the more significant in the context of Jammu and Kashmir, where the Central Government steamrolled the State’s autonomy guaranteed under Article 370 of the Constitution without taking into account the democratic aspirations of the people of the State and the converting of Jammu and Kashmir into a union territory directly ruled from Delhi with complete bulldozing of all human rights of the ordinary people. The population has been already subjected to other massive violations including total militarization, long internet shutdowns, use of draconian laws such as Public Safety Act, AFSPA and UAPA. Recently on 15th November, 2021, 4 persons were shot dead by the police in an alleged encounter in Hyderpora, Srinagar which was contested by the families as a fake encounter and actually a cold blooded murder of innocents. The widespread protests led by the families led to the announcement by the Kashmir administration of a Magisterial enquiry and return of bodies to the families. It is in this wider context that it is very crucial that alternate narratives of ground level reality be brought before the world. This is precisely what JKCCSS and Khurram were doing.

PUCL believes that the arrest of Khurram Parvez is not just an attack on him or JKCCS but an effort to stop any voices concerning human rights violations from Jammu and Kashmir being allowed to be heard in the larger world. It is also an ominous illustration of the implications of the doctrine of the national security adviser Ajit Doval that civil society is the “new frontier of war”. Such arrests will have a chilling effect on any independent voice emerging from civil society and a further indication of a government mindset which is uninterested in any political resolution. Trust building between the people and the government needs the government to respect civil society not destroy it. This is the position of international law as articulated in the UN Declaration on human rights defenders, 1999. This government’s action of arresting important voices in civil society like Khurram demonstrates the governments contempt for international law which it has itself undertaken to respect and will only further alienate the people of Kashmir and make the political solution to the Kashmir issue that much more distant.

What emboldens the state in continuing to ride roughshod over the rights of the people of Jammu and Kashmir is the tragic failure of the Supreme Court to hear the challenges to the abrogation of Article 370 of the Constitution.

For all these reasons we call for the immediate release of Parvez Khurram and denounce the continuous use of draconian UAPA and other legislations to silence the voices of human rights defenders.

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