

**“Stop the Witch-hunt of Journalists and Human Rights Activists in Kashmir:
Release Irfan Mehraj, Khurram Parvez as well as Aasif Sultan, Sajad Gul, and Fahad Shah**

The PUCL strongly condemns the arrest of Irfan Mehraj, a Srinagar based freelance journalist under the Unlawful Activities (Prevention) Act (UAPA) on 20th March, 2023 by the National Investigation Agency (NIA). The arrest of Irfan Mehraj was pursuant to an FIR registered in 2020, in which human rights activist, Khurram Pervez was arrested as well.

Irfan Mehraj, 32, Editor for TwoCircles.net, regularly contributed to national and international news organisations like Al Jazeera, DW, TRT, The Caravan and Himal. He is also the founder editor of a popular online magazine called 'Wande' magazine which addresses a variety of issues related to Kashmir society.

The timing and method of arrest of Mehraj makes it apparent that he was detained for continuing to research police and military excesses and for exercising his journalistic duty of speaking truth to power.

It is necessary to point out that Mehraj earlier worked as a researcher with one of India's most respected human Rights organizations, namely the Jammu and Kashmir Coalition of Civil Society (JKCCS). The JKCCS has been manned by remarkably able and courageous human rights workers including Parvez Imroz and Khurram Parvez who was the organisation's convenor at the time of his arrest.

A clear pattern which emerges is that these arrests are a part of the pattern of the Indian state trying to repress the voice of professional and independent members of the journalist fraternity. It follows in the light of scores of journalists and their families being hounded for their work, with their homes being raided, devices confiscated and with some of them being arrested as well. The arrests of other journalists from Kashmir include Fahad Shah, Editor of *Kashmir Wallah*, in several FIRs under UAPA; Sajad Gul, a trainee reporter with *Kashmir Wallah* and the 2018 arrest of Aasif Sultan of *Kashmir Reporter*. Apart from just reporters, researcher Abdul Aala Fazili was also arrested with Fahad in early 2022 on grounds of sedition, for an article published by the latter in 2011. The unprecedented attack on the media has led to many newspapers and online magazines, including Kashmir Reader and Kashmir times being pushed to the brink of closure.

Apart from the media, the state is also attacking human rights activism. According to the FIR, the NIA case consists of '*certain NGOs, Trusts and Societies, registered, as well as un-registered, alleged to be collecting funds domestically and abroad through donations, business contributions etc. in the name of charity and various welfare activities such as public health, education*

etc.’ Troublingly the FIR states that ‘These NGOs, Trusts and Societies and their members, by words and written means, publish anti-national and incriminating material to bring into hatred, contempt and disaffection towards the Government of India.’

In a statement released by the NIA it was noted that, “Following comprehensive investigations into the NGO Terror funding case registered in October 2020, the National Investigation Agency arrested Irfan Mehraj from Srinagar (J&K) yesterday (20.03.2023). Irfan Mehraj was a close associate of Khurram Parvez and was working with his organization, Jammu and Kashmir Coalition of Civil Societies (JKCCS). Investigation revealed that the JKCCS was funding terror activities in the valley and had also been in propagation of secessionist agenda in the Valley under the garb of protection of human rights.’

Human rights workers of the JKCCS including Mehraj and Pervez have been reporting on issues of human rights concerns in the Valley, despite threats and intimidation from the police, security establishment and Kashmir administration. The arrest of Mehraj and Parvez therefore clearly indicates that the target is the work of the JKCCS.

This particular action of targeting human rights work of documenting, reporting and publicizing how the Indian state has violated its commitments to ‘rule of law’, constitutional principles and human rights, is of grave concern to all those concerned about the future of constitutional democracy itself. The work of documenting human rights violations by civil society groups such as the JKCCS is an essential part of the right to free speech. Its only when civil society is able to exercise this constitutional right that a society respecting the rule of law becomes even possible.

The essence of a rule of law society is when the state conforms to the law it has itself enacted. When the state instead criminalizes those who expose its departures from the rule of law framework, it gravely imperils democracy. Weaponising the law to persecute human rights activists and groups threatens constitutional order and thereby democracy itself.

By criminalizing and prosecuting speech by dubbing it ‘anti national’, India betrays its constitutional promise of guaranteeing to all its citizens the right to speech, expression and association all of which involves the right to dissent, right to question those in power and seek accountability, the right to peacefully assemble, protest and form associations.

The PUCL therefore demands:

1. Immediate closure of the FIR and the investigations against Parvez and Mehraj and others associated with the JKCCS and dropping all criminal charges against them.
2. The immediate release of Parvez and Mehraj as well as Aasif Sultan, Sajad Gul, Aala Fazili and Fahad Shah from custody.
3. The immediate repeal of the Unlawful Activities (Prevention) Act as well as the Public Safety Act.
4. Restore constitutional democracy in the Union Territory of Jammu and Kashmir.
5. Ensure media, human rights groups, NGOs, civil society groups and ordinary citizens can lead a life where the constitutional promise of equality, liberty and fraternity is fulfilled.

Dr. V. Suresh, General Secretary, PUCL, 31.03.2023