

**Solidarity Statement From South Asian American Civil and Human Rights Lawyers
on Legal Abuses and Atrocities in India and Kashmir**

January 13, 2020

We, the undersigned, are civil and human rights lawyers of South Asian origin living in the United States. We are deeply committed to dismantling systems of oppression and supremacy, and to uplifting and advocating for the rights of individuals who are marginalized, excluded, and targeted through unfair and inhumane laws, policies and systems. We have grave concerns about the ongoing legal abuses and human rights atrocities occurring in India and Kashmir today. We express our solidarity with the people of India and Kashmir who are engaging in peaceful dissent and facing arbitrary arrest and violence. We lend our support to lawyers and legal workers in India and Kashmir who are playing critical roles as first responders, jailhouse lawyers, and constitutional defenders. And, we call upon leaders in the United States including elected officials and business, civic, and faith leaders to provide messages and actions of solidarity aligned with the demands of directly affected communities.

In recent weeks, hundreds of thousands of Indians have protested the Citizenship Amendment Act (CAA), which openly discriminates against Muslim migrants on the basis of faith. The bill gives Hindu, Sikh, Buddhist, Jain, Parsi and Christian migrants from Afghanistan, Pakistan and Bangladesh who settled in India prior to 2015 the right to apply for citizenship, but excludes Muslims, including minority sects, such as the Ahmadiyya from Pakistan and the Hazaras from Afghanistan. The law also excludes persecuted religious minorities from Sri Lanka, Myanmar, and Tibet. The CAA violates the Indian Constitution and international human rights law, leading the Office of the UN High Commission for Human Rights to deem it “fundamentally discriminatory.”

The National Register of Citizens (NRC), the sister effort to CAA, is equally alarming. The government describes the NRC, which is already underway in the state of Assam, as a census, but it is a policy of forced displacement. The Assamese were asked to prove their Indian citizenship by providing documentary proof that they or their ancestors lived in India prior to 1971, evidence that in many cases does not exist. In August, the government published a list that excluded 1.9 million people that it claims did not have the necessary paperwork, rendering them vulnerable to statelessness. Many are Muslims, women, children, and the impoverished, who now fear that they will be detained and deported. The combined effect of the CAA and the NRC is to potentially render stateless the 200 million Muslims living in India, which has the second largest Muslim population in the world.

The Indian government has simultaneously pursued a policy of annexation and mass deprivation in Kashmir. On August 5, India revoked the autonomy of Jammu and Kashmir without legal foundation or consultation with the people, depriving them of their constitutional right to self determination. Security forces have arrested thousands of Kashmiris, including children as young as nine, without cause. Many are detained under the Public Safety Act, which allows for two years of detention

without trial. Detainees who have been released have alleged brutal torture. The government has simultaneously imposed a series of curfews and a communication blockade on the region, and the internet and many phone lines remain cut off. UN experts have called the blackout “collective punishment” and “inconsistent with the fundamental norms of necessity and proportionality.”

State officials have responded to widespread protest with overreach, including preventive detentions, internet blackouts, intimidation of journalists and protesters, and the use of draconian laws such as Section 144 of the Indian Penal Code, which prohibits assembly of five or more people, and the National Security Act, which allows the state to detain individuals for one year on the grounds of national security. There have also been unspeakable acts of police violence, including against students at Jawaharlal Nehru University, Jamia Millia Islamia, Aligarh Muslim University and other campuses across the country, leaving many injured, maimed, and even dead. In the state of Uttar Pradesh, there have been reports of violence by police and civilian mobs harassing, beating, and torturing Muslims, and looting their property; some accounts place the death toll in the state in the dozens. The Indian Civil Liberties Union, a coalition of lawyers and activists providing grassroots support, estimates that nearly 5,500 people have been detained in India in recent weeks and over 1,600 have been arrested in Uttar Pradesh alone.

The crisis unfolding in India today is rooted in a long history of impunity and failed democratic institutions. Lynchings of Muslims, Dalits & Christians have become so commonplace that they are often organized on social media and the videos uploaded online. Rarely does the government hold the perpetrators accountable. The government can unilaterally declare a person a terrorist without due process, and journalists and lawyers who have criticized the government have been threatened, arrested, and assaulted. In addition, there has yet to be accountability for the 2002 Gujarat massacres, during which mobs slaughtered 2,000 Muslims and displaced thousands; the anti-Sikh pogroms of 1984, in which mobs murdered 17,000 Sikhs across 40 cities with the support of the police and Congress Party; and decades of gross violations in Punjab and Kashmir, where security forces engaged in torture, unlawful killings, and enforced disappearances.

The BJP and Prime Minister Modi have built upon this troubled history with a Hindutva nationalist agenda. They seek to create a Hindu state, where Hindus enjoy a privileged status, and minorities, especially Muslims and Dalits, are second-class citizens. The long arm of Hindu fascism has extended to the United States as well, as the Hindu right is attempting to rewrite descriptions of Hinduism in textbooks, fund university endowments, and influence overseas elections.

We urge American lawmakers to speak up and take action in the following ways:

- Condemn the CAA, NRC, and police brutality;
- Denounce unnecessary and excessive infringements on civil liberties, including government imposed internet blackouts;

- Urge India to adopt a robust asylum system based on the principles of dignity, equality, and non-discrimination and pass comprehensive anti-discrimination legislation to ensure that all Indians enjoy the same rights, privileges and immunities;
- Demand that India allow legal observers and foreign journalists unfettered access into Kashmir, end all abuses and atrocities in the region, and support the Kashmiris' right to self determination;
- Meet with their constituents from Indian minority communities to better assess their ongoing needs; and
- Hold hearings to investigate how Hindu nationalism has contributed to acts of repression and violence in India and its growing influence in the United States

As civil and human rights lawyers of South Asian descent who are committed to advocating for the dignity and humanity of all people, we will not be silent as India continues down a path of abandoning fundamental rights and pursuing policies of marginalization, exclusion, discrimination, and violence. We urge all people of conscience to uplift the demands of Indian protesters and raise their voices in solidarity and support.

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