

# Amnesty UK South Asia

**November 2023**



## South Asia Coordinator Team

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Thank you for your support.

Cherry, Nigina, Lucja & Jerry

## INDIA

### BK-16 Update: Bail granted to three of the activists



The number of the BK-16 group still in jail has now fallen to nine, and hopefully will soon be down to eight, as Vernon Gonsalves and Arun Ferriera were released on bail in August. Varavara Rao, Sudha Bharadwaj, Anand Tetumbde were already on bail and Gautam Navlakha is under house arrest on medical grounds. Father Swamy died in 2021. In the latest development, Mahesh Raut was granted bail on 21 September, but the High Court and Supreme Court imposed a “stay” which means that he has not yet been released. Read more [here](#).

There are also positive signs in reports about Jyoti Jagtap’s latest bail plea, with the Supreme Court noting that parameters set in the judgement granting bail to Vernon Gonsalves and Arun Ferreira could also be applied to her case. This seems to be based on questioning of whether the electronic evidence used against her (which was the same as for the other two) is in fact valid.

Read more [here](#).

## But conditions have not improved for those BK16 activists still in jail

Sagar Gorke, musical performer, anti-caste activist and member of the Kabir Kala Manch cultural troupe, who was jailed in September 2020, has been referred for hospital treatment for mental health, spinal and neurological conditions. His lawyers argue that Taloja jail failed to provide him with treatment for conditions diagnosed over a year ago, and that the wrong medicines have been provided, leading to further problems and his “extreme distress”. He describes conditions in the jail as being like a torture camp.



Read the NewsClick report [here](#).

## “Jaggi” Jagtar Singh Johal’s case



There have been repeated calls (including from more than 70 MPs) for Britain to do more to secure the release of Scottish Sikh, “Jaggi”, from Dunbarton, who was arrested in 2017 while visiting India to get married. He has now been in custody in India for over six years and claims to have been tortured and forced to sign a blank confession document. He faces terrorism charges, related to the movement for Sikh separatism, but after so long, the first stages of his trial have only just started after repeated delays caused by disputes over evidence.

After the UK Foreign Office previously said its intervention would “not be in Jaggi’s best interests”, Prime Minister Rishi Sunak recently confirmed he had in fact raised Jaggi’s case during a recent visit to India for the G20 Leaders’ Summit.

Read more [here](#).

## Notifications of unlawful targeted surveillance

In 2020, Amnesty International and Citizen Lab revealed how human rights defenders were targeted in a coordinated malware operation using commercial off-the-shelf malware. In 2023, on 31 October, threat notifications were sent by Apple to at-risk individuals in multiple countries around the world, including in India, warning that their Apple devices and accounts were targeted by “state-sponsored attackers”. This follows many previous rounds of such threat notifications, after which forensic investigations confirmed that many of those notified had indeed been targeted and infected by spyware such as Pegasus. Opposition leader Rahul Gandhi said that a number of people in his office [received the notifications](#).



In 2021, as part of the Pegasus Project, it was [revealed](#) how civil society and journalists in India were targeted and infected using NSO Group’s Pegasus spyware. Following this, the Supreme Court of India set up a technical committee to investigate abuses involving the software, but their findings have so far not been made public, although the Court noted that Indian authorities had not cooperated with the investigations.

Read the Amnesty update [here](#).

## Air pollution in Delhi: The human cost



Amnesty International's climate advisor, Anne Harrison, has emphasised that the severe pollution levels currently being experienced in Delhi amount to a significant violation of people's right to life and health, also affecting access to education and livelihoods, as people are warned to stay at home and schools are closed. She said that "the annual air emergency in Delhi is neither a new problem, nor one that comes without warning. The government's repeated failure to protect people from exposure to hazardous air in Delhi and surrounding areas risk violating their human rights to life and health. The human cost of air pollution needs to be avoided at all costs".

Read more [here](#).

## Internet still shut down in Manipur

Despite repeated promises to restore connectivity, the internet remains closed in Manipur state, where there has been ongoing civil unrest involving violent conflict between Hindu Meitei and Christian Kuki-Zo ethnic groups for much of this year. Mobile internet has been unavailable since May, restored only for a few days in September. The government claim that the internet was used to spread rumours, but reports from the ground and expert opinion indicate that in fact the shutdown has hindered the flow of useful information that could have revealed the true scale of violence. Others say that without internet "news and updates of events were often distorted. Information was distributed by those in positions of power, to shape a narrative that suited their convenience". Emergency services have also been affected by the ban, which has made daily life and business hard for people.

Governments in India are infamous for shutting down internet services. [In a recent report](#), Human Rights Watch (HRW) and Internet Freedom Foundation (IFF) scrutinised India's record as the world's [internet shutdown capital](#). They found that internet shutdowns impact people's rights to food, work, education and health, are enabled by the Indian state and law, and run contrary to India's international legal obligations.

Read more [here](#).

## Odisha tribal women resist bauxite mining in Majingmali

The civil rights network, Forum Against Corporatization and Militarization (FACAM), reported on resistance in Odisha state by around 15 Adivasi women to protect their tribal lands from mining corporates. The women gathered at the proposed mining spot and initiated a sit-in protest in front of police platoons and their JCBs. A FACAM spokesperson said that brute force of paramilitary and police is being used "to drive off Adivasis" from their lands in order to intensify "rampant looting of natural resources by big corporates."



Read more [here](#).

## Kashmir: Blanket ban imposed on protests by government employees in J&K



Amnesty International [tweeted](#) that the blanket ban imposed on all protests by government employees in J&K is an unnecessary and disproportionate restriction that violates the fundamental human rights of government employees to express themselves collectively.

## Kashmir: Drug addiction increasing

As a sense of hopelessness pervades the region, Kashmir's youth are increasingly turning to drugs. Officials say drug addiction is becoming a serious worry, devastating the lives of young people. Around 8% of the region's population use drugs of some kind, including cannabis, opioids or sedatives, but in particular there has been a sharp rise in the consumption of hard drugs such as heroin. Doctors say they are seeing a surge in the number of addicted patients, "Until a decade ago, we used to see 10-15 cases of drug addiction per day at our hospital. Now we see 150-200 cases a day. This is alarming," says Dr Yasir Rather, a psychiatrist and professor at IMHANS (Institute for Mental Health and Neurological Science). Experts attribute this to several factors, including a shortage of jobs and mental health issues arising from living in a conflict zone.



Read the BBC report [here](#).

Read our latest (the third) blog on Kashmir [here](#). It is based on the experience of an HRD I spoke to who recently left Kashmir.

And if you haven't done so already, please write to your MP about the situation (template letter available from Cherry Bird).

# BANGLADESH

## UN High Commissioner for Human Rights report

A UNHCR report on 31 October 2023 states:

"We are deeply concerned by a series of violent incidents during ongoing protests in Bangladesh. As the country heads towards elections, we call on all political actors to make clear that such violence is unacceptable and to avoid any statements or actions that could constitute incitement to violence.

As of this morning, at least 11 people have died in connection with the protests in many parts of the country. Among the dead are two policemen, six opposition party staff members and two bystanders.

On 28 October, opposition protesters allegedly attacked the residences of the Chief Justice and other judges, and approximately 30 journalists were assaulted by protesters and masked individuals riding on motorcycles, who are thought to have been ruling party supporters.

In responding to the protests, police have reportedly attacked protesters with rods, batons, rubber bullets and sound grenades. They have also raided the homes of opposition activists across the country, indiscriminately arresting and detaining hundreds, including the activists' family members.

We urge the police to ensure that force is only used when strictly necessary and, if so, in full compliance with the principles of legality, precaution and proportionality. All fatalities and serious injuries should be investigated.

On 30 October, the head of the opposition BNP, Mirza Fakhrul Islam Alamgir, was arrested and charged under the Explosive Substances Act in connection with the alleged arson attack on the Chief Justice's residence. He remains in detention. Several other senior opposition leaders are reported to have gone into hiding for fear of arrest.

We urge the Government to observe the greatest restraint to curb political tensions at this critical time, and to take steps to ensure that human rights are fully upheld, for all Bangladeshis, before, during and after the elections.”

## Repeated cycle of deaths, arrests and repression during protests must end

Responding to widespread arrests of opposition party members, and reports of violent clashes between protesters and police officers that left at least two dead during opposition led anti-government protests, Yasasmin Kaviratne, Amnesty International’s regional campaigner for South Asia, said in a [report on 30<sup>th</sup> October](#):



“The intensified crackdown on opposition party leaders and protesters over the weekend signal an attempt at a complete clampdown of dissent in Bangladesh ahead of the general elections in January. The Bangladeshi authorities need to remember that it is not a crime to dissent, and they must respect everyone’s right to protest peacefully. The repeated cycle of killings, arrests and repression in Bangladesh has deeply chilling implications on human rights in the country before, during and after the elections. Once again, Amnesty International urges the Bangladeshi authorities to stop the crack down on protesters and instead fulfil their duty to facilitate peaceful assemblies.”

Read the full report [here](#).

## Universal Periodic Review (UPR) on Bangladesh

[Amnesty statement](#): “UN member states must demand accountability from Bangladesh for gross violations of human rights in upcoming UPR.” Here are some of the concerns:

- **Freedom of expression:** In the past five years [Bangladesh] has persistently undermined this right, including through perfunctory reform and weaponization of various laws. The new Cyber Security Act 2023 retains the draconian features of the former Digital Security Act.
- **Enforced disappearances and extrajudicial executions:** Amnesty International has investigated and documented a clear pattern of enforced disappearance including extrajudicial executions by the Rapid Action Battalion (RAB) who Killed at least 466 people under the guise of an anti-drug campaign in 2018.
- **Freedom of peaceful assembly:** The police have continued to suppress peaceful protests on a range of civic issues, including those organized by university students, schoolchildren, workers, and political activists. This includes using tear gas, rubber bullets, batons, stun grenades and water cannon, and in some instances, lethal force.
- **Minority and refugee rights:** 25 years since the Chittagong Hill Tracts (CHT) Peace Accord was signed, militarisation of the region persists, violating the Accord.

“Amnesty International strongly urges UN Member States to engage in meaningful discussions with Bangladesh, including by following up on their past recommendations and offering concrete recommendations to improve respect for human rights in the country.”

See the full statement [here](#).

# AFGHANISTAN AND PAKISTAN

## Decisions on forced returns of Afghan refugees must be reversed immediately

The Pakistan government has begun the forced deportation of unregistered Afghan refugees, whereby more than 1.4 million refugees are at risk of being deported.



Deprose Muchena, Amnesty International's Senior Director stated that Amnesty 'strongly reiterates its call to the government of Pakistan to immediately reverse its decision to forcibly deport unregistered Afghan refugees'. Amnesty also urges Pakistan to meet its international obligations, including the principle of non-refoulement and stopping the crackdown and harassment of Afghan refugees across the country.

The deportations particularly place women and girls in grave danger of persecution and repression, exposing to persecution and other human rights violations by the Taliban, including removal of the right to education, simply because of their sex and gender.

Amnesty also called on the international community to financially support Pakistan for hosting Afghan refugees, and to share the responsibility to provide protection to those fleeing persecution in Afghanistan.

Read more [here](#).

## Halt mass detentions and deportations of Afghan refugees

Following the Pakistani government's decision to deport Afghan refugees, Amnesty International has urged the government of Pakistan to immediately halt the detentions, deportations and widespread harassment of Afghan refugees.

According to the government, more than **170,000 Afghans**, many of whom have lived in Pakistan for decades, have had to leave the country since 17 September as the government gave an ultimatum for all 'unregistered foreign nationals' to leave Pakistan by 1 November. Since the expiry of the deadline, the police have moved from registering cases under the Foreigners Act, 1946, which, among other things, criminalizes illegal entry into Pakistan, to directly detaining refugees deemed 'illegal' at deportation centres.



Amnesty International has concerns about the complete lack of transparency, due process and accountability in the detentions and deportations. Increased incidents of harassment and hostility against Afghan refugees in Pakistan have exacerbated this. Amnesty International has confirmed with journalists across Pakistan that the media has also not been given access to these centres.

According to the government, **49 detention centres** (also referred to as "holding" or "transit" centres) have been set up across Pakistan, with the possibility of more to come. These centres have not been constructed under a specified law and run parallel to the legal system. Amnesty International has verified that in at least seven of these, no legal rights are extended to detainees, such as the right to a lawyer or communication with family members. They are therefore in violation of the right to liberty and a fair trial. Also, no information is made public, making it hard for families to trace their loved ones.

Read more [here](#).

# NEPAL

## Exploitation of workers in Saudi



A new report by Amnesty International, *Don't Worry, it's a Branch of Amazon*, shows how Amazon failed to protect its contracted workers in Saudi Arabia from repeated human rights abuses. In a story that has become all too familiar, workers from Nepal were deceived by recruitment agencies, cheated of their earnings, housed in appalling conditions and prevented from seeking alternative employment or leaving Saudi. This despite complaints Amazon received directly from

workers over a lengthy period of time. In many cases it is highly likely the abuses were severe enough to amount to human trafficking, given the deception (they were not told their employer would be a private contractor rather than Amazon) and exploitation they suffered.

Read the report [here](#) and a summary [here](#).

## And closer to home

In a system known as “the raspberry visa” workers from South Asia, including Nepal, toil in fruit plantations in Portugal, under an agreement that after 5 years of working they can apply for a European visa. A BBC production asks if the toil and expense are worth it, as workers describe the harsh working conditions and long hours for less than the minimum wage. Accommodation is poor, with many sleeping in overcrowded conditions on damp floors in freezing temperatures. Those who protest risk instant dismissal. Once again, the desperation of people to find a way out of poverty is exploited for the benefit of the rich world.



This issue was highlighted in a [Guardian article](#) in early 2022, now you can also listen to the BBC documentary [here](#).

## Nepal Government bans Tiktok

Following its endorsement of new guidelines requiring all social media platforms to register with the government and to renew their licences every three year, the Nepal Government has banned Tiktok, citing its role in promoting hate and creating social disturbance. Under the new regulations, any platform not registered may be closed. Around 50 countries around the world, including India, have already banned the Chinese owned Tiktok. While the reasons behind this increased control may sound sensible, the direction of travel is towards reduction in freedom of speech.