

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Jammu and Kashmir in Context

November 14, 2019 - 2:00 p.m.
2200 Rayburn House Office Building

Statement of Arjun Singh Sethi
Human Rights Lawyer, Community Activist, Author, Law Professor

Good afternoon. My name is Arjun Singh Sethi, and I'm a human rights lawyer, community activist, author, and law professor. I'm the editor of *American Hate: Survivors Speak Out*, and work closely with Muslim, Arab, South Asian, and Sikh communities across the United States. I have represented asylum seekers and national security detainees, and have served as a legal observer across the world, including military commissions at Guantanamo Bay. I hold faculty appointments at Georgetown University Law Center and Vanderbilt University Law School, and presently co-chair the American Bar Association's National Committee on Homeland Security, Terrorism, and Treatment of Enemy Combatants.

2019 marks the hundredth anniversary of one of the great atrocities of colonial rule in South Asia. On April 13, 1919, British officers opened fire on civilians in Jallianwala Bagh in Amritsar, Punjab, murdering more than a thousand people.¹ Soon after, the British enforced an ordinance that compelled Indians to crawl the streets so that they knew their place in the colonial hierarchy.

In 1947, India created a constitutional republic based on the principles of secularism and pluralism. The founders hoped this framework would hold the nation's rich diversity together and ensure that India would never inflict on others the brutality inflicted on them.

Yet today, Hindu nationalist mobs roam India, targeting Muslims, Dalits and

¹ For an extraordinary account of this event and all that followed, see Anita Anand, *The Patient Assassin: A True Tale of Massacre, Revenge, and India's Quest for Independence*, Scribner, 2019.

Christians, sometimes forcing them to recite Hindu slogans.² Security forces have forced Kashmiris to lick dirt off the road for refusing to utter national mottos.³

Hindu nationalism isn't new to India, but it is on the rise. It's rooted in the belief that India is a Hindu nation, and that Hindus, who make up 80% of the population, should enjoy a privileged status and exercise majoritarian rule. This ideology is amplified by the RSS, a male only, volunteer, paramilitary organization. Its earliest leaders referred to Christians and Muslims as "internal threats" and compared India's Muslims to "Jews in Germany."⁴

The BJP is the political wing of the RSS, and Narendra Modi, the Prime Minister of India, its national leader. Modi trained with the RSS at the age of eight, and recently told a crowd of RSS supporters that he was proud to be a member.⁵ Amit Shah, Modi's second in command, has called undocumented Muslim immigrants "termites" and vowed to "throw them in the Bay of Bengal."

Modi is forging a new India, where non-Hindus are second class subjects with limited rights. India is often called the world's largest democracy, but democracies only work if people can speak, associate, and protest freely. Democracies only thrive if they safeguard civil liberties and minority rights. Today, India more closely resembles an authoritarian regime than a pluralistic republic.

On August 5, India revoked the autonomy of Jammu and Kashmir without legal foundation or consultation with the people. Security forces have arrested thousands of Kashmiris, including children as young as nine, without cause. Family members fear that security forces may disappear their loved ones and dump their bodies in mass graves. Detainees who have been released have alleged brutal torture.⁶

² <https://www.npr.org/2019/08/21/751541321/this-is-it-im-going-to-die-indias-minorities-are-targeted-in-lynchings>

³ <https://foreignpolicy.com/2019/08/23/kashmiris-wont-stay-silent-forever-jammu-kashmir-pulwama-report/>

⁴ https://www.thehinducentre.com/multimedia/archive/02486/Bunch_of_Thoughts_2486072a.pdf;
<https://theintercept.com/2019/09/21/howdy-modi-trump-anders-brevik/>

⁵ <https://www.npr.org/2019/05/03/706808616/the-powerful-group-shaping-the-rise-of-hindu-nationalism-in-india>

⁶ https://www.washingtonpost.com/world/asia_pacific/the-night-the-soldiers-came-allegations-of-abuse-surface-in-kashmir/2019/09/28/90969472-d40d-11e9-8924-1db7dac797fb_story.html; <https://www.bbc.com/news/world-asia-india-49481180>; <https://www.freekashmir.org/torture-in-jammu-and-kashmir-a-report/>.

The government has simultaneously imposed a curfew and communication blockade on the region. To this day, 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.”⁷

Modi is also pursuing a strategy of forced displacement in Assam, one of India’s most diverse states. In August, the government published a list that excluded 1.9 million people that it claims did not have the paperwork to prove their citizenship.⁸ Many are Muslims, women, children, and the impoverished. Those excluded have to prove their citizenship in one of 200 newly created foreigners’ tribunals, and if they fail, may be sent to detention camps.⁹ While a large number of Bengali Hindus are affected, they will fare better in the tribunals, which have shown anti-Muslim bias.¹⁰ Many fear that similar programs will be rolled out across India, and entire minority communities rendered stateless.

Muslims, Dalits, Christians, Sikhs, journalists, and human rights activists are all vulnerable to violence in India. A recent study found that 90% of religious hate crimes between 2009 and 2018 occurred under Modi’s watch.¹¹ Another report found that between May 2015 and December 2018, at least 44 people were killed by cow vigilantes, most of the victims being Muslim.¹² Lynchings are so commonplace that they are often organized on social media and the videos uploaded online.¹³

⁷ <https://thewire.in/rights/collective-punishment-un-experts-slam-kashmir-communication-clampdown>;
<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24909&LangID=E>.

⁸ <https://www.theguardian.com/global-development/2019/aug/31/india-almost-2m-people-left-off-assam-register-of-citizens>

⁹ <https://economictimes.indiatimes.com/news/politics-and-nation/nrc-list-impact-assams-foreigner-tribunals-to-have-1600-on-contract/articleshow/71368675.cms?from=mdr>

¹⁰ <https://scroll.in/latest/943924/nrc-is-a-tool-to-render-indian-muslims-stateless-says-us-federal-panel-on-religious-freedom>

¹¹ <https://time.com/5617161/india-religious-hate-crimes-modi/>

¹² <https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities>

¹³ <https://www.npr.org/2019/08/21/751541321/this-is-it-im-going-to-die-indias-minorities-are-targeted-in-lynchings>

Rarely does the government hold the perpetrators accountable. Last summer, a cabinet minister garlanded eight men who had been convicted of lynching a Muslim, and Modi himself rarely acknowledges the hate spreading across India.¹⁴ Yet, as its October hate crimes report shows, India is eager to publish information about attacks committed by “anti-national elements” and “jihadi terrorists,” while excluding data on religious violence and crimes against journalists.¹⁵

In India today, the government can unilaterally declare a person a terrorist without due process and incarcerate activists under false charges and arbitrary laws.¹⁶ Government bodies have rewritten history books by removing sections on Muslims, and dropped Muslim names from historical sites.¹⁷

The war on civil society and dissent has reached a frenzied pace in recent months. Professors have been asked to furnish credentials for speaking out; an author was stripped of overseas citizenship for criticizing Modi; and journalists and lawyers who have dared to expose the truth have been threatened, arrested, and assaulted.¹⁸

There is little redress for those who suffer human rights violations, as impunity reigns. There has yet to be accountability for the 2002 Gujarat massacres, during which mobs slaughtered 2,000 Muslims and displaced thousands. Modi was banned from the US for a decade for his role in the atrocity.¹⁹

And 35 years after 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, survivors

¹⁴ <https://timesofindia.indiatimes.com/india/union-minister-jayant-sinha-garlands-8-lynching-convicts-faces-opposition-flak/articleshow/64901863.cms>

¹⁵ <https://www.nytimes.com/2019/10/24/world/asia/india-modi-hindu-violence.html>

¹⁶ <https://www.indiatoday.in/magazine/up-front/story/20190819-who-is-the-real-terrorist-1579016-2019-08-09;>
<https://www.hrw.org/world-report/2019/country-chapters/india>

¹⁷ <https://www.nytimes.com/2019/08/06/world/asia/jammu-kashmir-india.html>;
<https://www.nytimes.com/2019/04/11/world/asia/modi-india-elections.html>.

¹⁸ <https://www.indiatoday.in/india/story/historian-romila-thapar-asked-to-submit-cv-for-her-professor-emeriti-status-at-jnu-1594103-2019-09-01>; <https://www.theguardian.com/books/2019/nov/14/rushdie-atwood-restore-citizenship-critic-modi>;
<https://www.nytimes.com/2019/03/14/magazine/gauri-lankesh-murder-journalist.html?module=inline>

¹⁹ <https://www.wsj.com/articles/why-narendra-modi-was-banned-from-the-u-s-1399062010>

are still seeking accountability.²⁰ These massacres were followed by over a decade of gross violations in Punjab, where security forces engaged in torture, unlawful killings, and enforced disappearances of Sikhs.²¹

I work closely with South Asian minority communities in the U.S., and they fear they are at risk too. Hindu nationalism has found its way abroad, from the rewriting of textbooks in California to influencing elections overseas, and as reported yesterday, to the creation of 265 fake news outlets that amplify Indian interests and target its opponents.²² Many fear for the safety of their friends and family back home, and worry that the long arm of the Indian state will punish them for speaking out. I fear that my testimony today – and that of others speaking here and at rallies around the world - may be grounds for being banned from India.

Congress must meet with their constituents from Indian minority communities and investigate Hindu nationalism, the RSS, and their influence in the U.S. Lawmakers must demand that India allow legal observers and foreign journalists unfettered access into Kashmir, Assam, and across India, prosecute those responsible for atrocities, and provide reparations. Vulnerable communities deserve justice.

Thank you to the Commission for holding this hearing, and for the opportunity to testify today.

²⁰ <https://ensaaf.org/publications/reports/twenty-years-of-impunity/>

²¹ <https://ensaaf.org/publications/reports/protecting-the-killers/>

²² <https://caravanmagazine.in/vantage/californias-textbooks-war-reveals-mounting-influence-hindutva-united-states;>
[https://www.opendemocracy.net/en/opendemocracyuk/concerns-over-foreign-interference-as-india-linked-hindu-nationalist-group-targets-labour-candidates/;](https://www.opendemocracy.net/en/opendemocracyuk/concerns-over-foreign-interference-as-india-linked-hindu-nationalist-group-targets-labour-candidates/) <https://qz.com/india/1747796/fake-media-outlets-boosted-indian-kashmir-stand-in-eu-says-ngo/>