



**Written Testimony of Francisco Bencosme  
Asia Advocacy Manager  
Amnesty International USA**

Submitted to the  
Subcommittee on Asia, the Pacific, and Nonproliferation  
House Foreign Affairs Committee

For a hearing on “Human Rights in South Asia: Views from the State Department and the Region”

October 22, 2019

Chairman Sherman, Ranking Member Yoho, and other distinguished Members of the Subcommittee:

Thank you for holding this important and timely hearing entitled “Human Rights in South Asia: Views from the State Department and the Region”.

South Asia finds itself at cross-roads when it comes to human rights. We have seen transitional justice stalled in many countries like Sri Lanka and Nepal – while impunity continues to entrench itself in society. Amnesty International has also documented an increasingly volatile environment for civil society and freedom of expression where South Asian governments are increasingly instituting new NGO laws such as in India and Bangladesh. Finally, migrants and refugees in the country continue to face potential exploitation and their rights stripped away from them rendering them stateless. The international community, especially the United States, should put a spotlight on these abuses and put pressure on these countries to meet their international obligations.

### **India**

The Government of India is desperately trying to crush dissenting voices and human rights work in India. The raid and subsequent freezing of accounts of Amnesty India is a recent evidence of a pattern of demonizing and criminalizing organizations and individuals, who have raised their voices against human rights violations. On 25 October 2018, Amnesty India endured a ten-hour-long raid as a group of officers from the Enforcement Directorate, a financial investigation agency under the Ministry of Finance,

entered the premises and locked the gates behind them. Some of the staff were ordered to not leave, shut their laptops and not use their mobile phones. Most of the documents asked for during the search were available in the public domain or were already filed with the relevant government authorities. Details of our current structure, which was the focus of much of the questioning, have been available on our website since 2014.

This action was taken in the absence of a formal complaint—a clear violation of fair trial guarantees. With their accounts frozen, Amnesty India’s vital human rights work was significantly set back. The Indian government is also attempting to tarnish Amnesty International’s reputation in India through selective leaks of evidence gathered during the investigations by the authorities to certain pro-government media outlets effectively weaponizing the media against it. Not only this, other organizations and individuals who work on human rights and justice are being targeted in a chillingly similar manner leading to arbitrary arrests or fear of reprisal.

India’s 2010 Foreign Contributions Regulation Act was ostensibly introduced to address concerns about the risks to the “national interest” posed by foreign funding and foreign organizations. The Law lists individuals and organizations that are barred from receiving foreign funds; it requires licenses to be renewed every five years and provides for suspension of licenses and freezing of bank accounts during investigations. In practice, it has been used to target organizations who criticize the government and demand accountability. For example, groups who have criticized infrastructure and mining projects and those seeking justice for the anti-Muslim violence in Gujarat in 2002 faced repeated questions about their work, threats of investigations and blocking of foreign funding. In 2014, an Intelligence Bureau report leaked to the press accused “foreign-funded” NGOs like Greenpeace, Cordaid, Amnesty International and ActionAid of “serving as tools for foreign policy interests of western governments”, of having a negative impact on the country’s economic development and of being part of a “growth-retarding campaign” to discredit India at international forums. In 2016, the government cancelled the licenses of thousands of NGOs for allegedly undertaking “activities not conducive to national interest”.

We also note that those who work with and for advancing the rights of [...] Dalits, Adivasis, LGBT communities and women, are being systemically targeted as well, in such raids across India. Often, this has resulted in arrests of key activists and journalists. Ten prominent activists, including Sudha Bharadwaj, Shoma Sen and Arun Ferreira, were arrested under draconian anti-terror legislation in Bhima Koregaon, Maharashtra state. A Dalit activist, Chandrashekhar Azad “Ravan”, was held in administrative detention for 10 months without charge or trial.

Women human rights defenders, who face reprisals for their human rights work and are subjected to gender-based discrimination, faced a torrent of online violence and abuse in India this year. Journalist Rana Ayyub and activist Gurmehar Kaur were threatened with sexual violence for exercising their right to freedom of expression. And offline, the civic

space continued to shrink as the central government used the controversial Foreign Contribution (Regulation) Act, 2010 as a political tool to harass organizations critical of its views and actions.

On June 18, 2019, the Central Bureau of Investigation (CBI) filed a criminal case against the Lawyers Collective for allegedly violating the Foreign Contribution (Regulation) Act (FCRA). Indian authorities have cited financial ‘irregularities’ and activities that are against ‘public interest’ and ‘national interest’ to cancel NGOs’ foreign funding licenses under the FCRA. Some organizations that have been targeted using this law are the Lawyers Collective, People’s Watch, Sabrang Trust and Navsarjan Trust, whose licenses remain suspended or cancelled. While the FCRA makes it extremely difficult for rights organizations to access funding, companies and political parties receiving foreign funds are held to far less restrictions and rarely face repressive consequences.

Amnesty International India’s interactive website [Halt the Hate](#) has found that reports of alleged hate crimes have witnessed the steepest rise in numbers since 2016. In the first six months of 2019 alone, 181 incidents of alleged hate crimes have been recorded by the website, nearly double than previous three years’ half-yearly counts. This highlights a very alarming trend in the country. Between January and June 2019, over two-third of the victims suffered harm on account of their Dalit identity followed by their Muslim (40), Adivasi (12), Christian (4) and their actual or perceived sexual orientation or gender identity (6). Some of the alleged hate crimes against Dalits related to denial of access to public property such as roads, water, crematorium, schools etc. Cow-vigilantism related hate crimes and honor killing were reported in 17 cases.

In Assam, more than 1.9 million people have been left out from the final list of the National Register of Citizens (NRC), which was published late August. Amnesty International expresses its deep concerns about the functioning of the 100 or more Foreigners Tribunals, which will decide whether those excluded from the NRC list are Indian citizens or not. Amnesty International has strongly urged the Assam Government to ensure that the Foreigners Tribunals function with utmost transparency and are in line with the fair trial standards guaranteed under national and international law.

Instances of the Foreigners Tribunals declaring citizens as ‘irregular foreigners’ over clerical errors—such as minor differences in spellings of names or age in electoral rolls, or slight contradictions between answers given in cross-examinations and what is written in the documents—are appallingly common.

Assam is on the brink of a crisis which would not only lead to a loss of nationality and liberty of a large group of people but also erosion of their basic rights – severely affecting the lives of generations to come. Amnesty, in its 2018 briefing, ‘Between Fear and Hatred: Surviving Migration Detention in Assam’ documented the inhumane conditions of the detention centres in Assam and the ill-treatment suffered by persons declared as

foreigners and held in these detention centres. Many persons Amnesty spoke to in 2018 reported that fellow detainees were suffering from mental health problems. The facilities for treatment of mental health disorders within the prisons are highly inadequate. It also found that detainees face indefinite detention in overcrowded prisons where there is no segregation of detainees from convicts and undertrial prisoners. Former detainees interviewed by Amnesty had also said that the prisons were overcrowded with hardly any space to move or even turn around.

Currently, there are 6 detention centres across Assam, and the state government is planning to set up 10 more centres. The Assam government in July 2019 had said that 25 people who were declared as foreigners died in detention due to illness. As many as 25 of these deaths occurred in the last three years.

In a recent television interview, Union Home Minister, Amit Shah said there will be a nation-wide National Register of Citizens (NRC) before 2024. The extension of NRC risks the mirroring of discrimination and arbitrary deprivation of nationality, as observed in Assam to the rest of India which stands to result in wide-scale statelessness. Amnesty International India calls on the government to adhere to international human rights norms and stop the use of NRC as a political tool to render people, who have been living in India for decades and have established strong links with the country, stateless.

On August 5, 2019, the Government of India unilaterally revoked Article 370 of the Indian Constitution. Article 370 guaranteed special autonomy to Jammu & Kashmir and gave it independence over matters excluding foreign affairs, defense and communication. This was followed by the enactment of the Jammu & Kashmir Reorganization Act that aims to bifurcate the state of Jammu & Kashmir into two separate union territories on 31 October 2019. Union territories, as opposed to states, are governed by the central government. All these amendments and changes were made amidst a complete communication clampdown, curfew on movement and mass detentions of political leaders in the region.

In September and October 2019, Amnesty International spoke to the people of Jammu & Kashmir, including those detained in the context of the larger clampdown, as well as with the lawyers representing detained persons; medical professionals working in both government and private hospitals in the capital city of Srinagar; journalists and editors of local media; and representatives of the regional political parties. Amnesty International reviewed photographs and documents presented as evidence of many specific events described during the interviews. At the time of conducting these interviews, while both mobile phone and landline services were restored in the Jammu region, only landline services were restored in Kashmir.

Amnesty International documented a clear pattern of authorities using administrative detention on politicians, activists and anyone likely to hold a dissenting opinion before and after August 5. While the Central Home Ministry claims it has no information on the

name and locations of detainees, media reports suggest that the number of detentions runs in thousands. The Jammu & Kashmir (J&K) police recently accepted that about 144 children, as young as nine, have been taken into custody.

In wake of the Block Development Council elections slated to be held on October 24 in Jammu Kashmir, few political detainees were released by the authorities on the condition that they must not indulge in any political activities and speeches. Political leaders are made to sign bonds for their release from detention undertaking that they will not make any comment/issue statement/make public speech/hold or participate in public assembly for a period of one year.

Political speech cannot be prohibited under international law unless it constitutes a direct threat to public order, which has not been adequately demonstrated by the Government of India. These conditions also place unwarranted restrictions on political leaders, especially when most of them have been advocating for peace in the region. For instance, the last words of Omar Abdullah, the former chief minister of J&K before he was placed on house arrest, were a request for the public to maintain calm and not to take the law into their own hands. Moreover, the blanket nature of this condition does not fulfil the conditions of legality and proportionality as required under the international law. Instead, it stifles public debate and hampers political discourse.

The cases documented by Amnesty International India clearly show the government's witch-hunt to curb dissenting voices in Kashmir, including those of duly elected leaders which is against the representative and participative thread of India. An atmosphere of fear and reprisal has ensured silence from many quarters. This has been compounded through arbitrary detentions often without any kind of documentation, access to lawyers and recourse to justice.

Amnesty International interviewed 5 young men who had been arbitrarily picked up by the security forces during raids in separate incidents since August. All of them reported use of excessive force by the security forces during their detention. Several of these cases amount to torture or other cruel, inhuman and degrading treatment, absolutely forbidden under international law. Amnesty International was told that after the story of their torture was telecasted by the international media channel BBC in early September, security forces went back to the homes of those tortured. Their homes were raided and their families were threatened of consequences in case they talk to anyone.

Amnesty International during its research observed that the reality on the ground in Kashmir is very different from the narrative of 'normalcy' set forth by both the government and national news in India. One of the main reasons for this was the complete dependency on the government information in the absence of ground reports from local Kashmiri media. In several interviews with local journalists, editors and publishers conducted by Amnesty International India, it was repeatedly expressed that

they felt threatened, intimidated or coerced into silence leading to the stark absence of voices from Kashmir.

Amnesty International India believes that the intimidation and coercive attacks from security forces faced by journalists in Kashmir severely affects their independence in reporting and verifying the events unfolding in Kashmir since August 5, 2019. Freedom of press is crucial for holding institutions accountable and the present situation raises grave concerns of human rights violations that may occur yet remain unreported due to Government of India's near-total control over information coming out of Kashmir. Most importantly, this clampdown is effectively silencing the truth.

### **Bangladesh**

Bangladesh has made great strides on digital platform with high-speed internet connectivity. The government maintains a vision for Digital Bangladesh that would enhance efficiency in communication and services. However, members of civil society and media have expressed concerns about intrusive surveillance, intimidation and a repressive law stipulating harsh punishment for exercising right to freedom of peaceful expression. An anti-drug drive launched in May 2018 has killed more than 400 people in just over a year. More than a million Rohingya refugees live in Bangladesh, one of the newest challenges for a country striving to become a lower middle-income economy. The future of the Rohingya refugees hangs in the balance, as the Bangladesh government imposes tough restrictions on access to fundamental freedoms and humanitarian activities on the ground in the aftermath of their repatriation to Myanmar in August this year.

As the US enjoys a robust relationship with Bangladesh in areas of trade and investment, peacekeeping and development partnership and aims to further those ties with security assistance as part of the US government's Bay of Bengal initiative, the United States should strongly promote and ensure that fundamental freedoms and rights of the people are protected in Bangladesh.

Amnesty International is concerned about alleged extrajudicial executions of hundreds of people including the Rohingya refugees in Bangladesh. Narratives of each of the incidents by the law enforcement agencies follow an identical pattern, which are inconsistent with the statements by families of the victims of alleged extrajudicial executions. Human rights groups in Bangladesh have reported that more than 200 people have become victims of alleged extrajudicial executions this year, some of them were forcibly disappeared before they were killed.

Political parties and civil rights groups are concerned about increased restrictions on their movements and activities and said that in some cases they have been denied permission to host peaceful assembly. The government has curtailed operations of local human rights organizations such as Odhikar under laws such as the "Foreign Donations

(Voluntary Activities) Regulation Act 2016". Odhikar was recipient of the State Department's "Freedom Defenders Award 2008".

Bangladesh introduced a Digital Security Act in 2018 to counter crimes committed on digital platforms such as financial fraud and other forms of threats. However, civil society groups and journalists have been dismayed by the hasty enactment of the legislation without taking into consideration their views and concerns. Nearly 400 indictments were filed under a draconian Digital Security Act and 200 were dismissed due to lack of evidence. The dismissal of such a large number of indictments is proof of the harassment people have faced under the legislation. This extremely repressive legislation, which has expanded on earlier legislation titled the Information and Communication Technology Act, stipulates punishment up to life imprisonment for repeat offences such as spreading "propaganda against the spirit of liberation war". Journalists of mainstream newspapers alleged that they refrained from publishing stories for fear of reprisals or intimidation from members of intelligence agencies. Amending the Digital Security Act in consultation with members of the civil society and media is extremely important to uphold freedom of peaceful expression.

Two years after Bangladesh became a host to nearly one million Rohingya refugees, the country faces an enormous challenge meeting a protracted crisis. The international community must do more to create conducive conditions in Myanmar for returns of the Rohingya refugees.

The Rohingya are victims of extreme forms of persecution and are deeply appreciative of the people of Bangladesh for the generosity they have demonstrated by receiving them at their most difficult time. A large number of Rohingya refugees organized a rally of appreciation for Bangladesh and appeals to Myanmar to speak to them about safe returns with dignity in August. But this had amounted to further restrictions on their freedom of peaceful assembly, expression and movement. The Bangladesh authorities have shutdown mobile phone networks inside the refugee camps and made announcements about erecting barbed wire fences around the camps.

In the aftermath of a repatriation in August this year Rohingya refugees in Bangladesh were subjected to xenophobic and hate messages against them spreading on mainstream and social media. These messages have implications of further harassment of the refugees by turning the host community against them and could potentially make it hard for them to get justice.

The restrictions on- and hostility towards- refugees in the camps renew fears of relocation to Bhashan Char, a remote island at the Bay of Bengal. Amnesty International maintains that any relocation of the refugees should be voluntary, and that humanitarian and rights organizations should have unfettered access to the island, to do their independent assessment for the purpose of their day to day work.

The influx of more than 700,000 Rohingya refugees since August 2017 has resulted in a huge population of affected communities. About 500,000 Rohingya are school-aged children who have no access to accredited education, are at risk of becoming a lost generation and are vulnerable to forced recruitment into armed groups, child labor, sexual exploitation and child marriage. In addition, the host community in Ukhiya and Teknaf also have poor primary school enrolment and high dropout. Access to appropriate and accredited education curriculum for the affected communities including about 500,000 Rohingya children is important to avoid a lost generation.

At the same time, the United States and members of the international community should ensure that right to education and academic freedom of the Rohingya in Myanmar are addressed so that education of the Rohingya refugees in Bangladesh complement the principle of safe, voluntary, dignified and sustainable returns.

### **Sri Lanka**

On November 16, Sri Lanka will have their next Presidential elections. The next Sri Lankan president faces a test: Will they have the political will to allow people to speak, protest and organize freely, or will they go the way of demagogues who choose to silence criticism by using fear? The rights to freedom of expression, peaceful assembly and association have been under assault in Sri Lanka over the recent months. Laws that are supposed to protect human rights have perversely been used to punish people for exercising their human rights.

The election will be an important indicator in the direction the country will go on human rights – recently Amnesty International called on all candidates to put human rights at the heart of their policies, including commitments on transitional justice made in the aftermath of the decades-long internal conflict. Amnesty International also called on the candidates for elections to if elected commit to repealing repressive laws, protecting civic space, and protecting human rights including the rights to freedom of expression, peaceful assembly and association.

In 2015, Sri Lanka made commitments to pursue truth, justice, reparations and guarantees of non-recurrence for victims of the 26-year-long internal conflict that ended in 2009. There has been unfortunately slow progress on these commitments over the past four years, but there have been some key advances, including the operationalization of Office of Missing Persons, the Office for Reparations, and the return of some of the land occupied by the Sri Lankan military.

Amnesty International has called for the repeal of the notorious Prevention of Terrorism Act - one of main drivers of human rights violations to this day. It should be replaced by a law that meets international standards. While tracts of civilian-owned land have been returned to their owners, many families are still protesting to get their lands back. The land that is still occupied by the Sri Lankan military should be returned and there should also be paid reparations for their decade-long dispossession.

The International Covenant on Civil and Political Rights (ICCPR) Act was supposed to enshrine into domestic law Sri Lanka's international obligations. Instead, the law has been repeatedly abused to silence people for what they say or write. The Sri Lankan cabinet has also been considering the amendments to the penal code that will criminalize freedom of expression under the guise of combating "false news."

For example, Shakthika Sathkumara, an award-winning Sri Lankan writer, was arrested on April 1, 2019 for writing a short story and sharing it on his Facebook profile. While he was released on bail by the High Court on August 5th, after spending four months in prison, the charges against him are still pending and he could face up to 10 years in prison if found guilty. Detained for peacefully exercising his right to freedom of expression, Shakthika Sathkumara is a prisoner of conscience and all charges against him should be immediately and unconditionally dropped.

The next Sri Lankan president must commit to ensuring that people are able to exercise their human rights freely and without fear of reprisals. This means upholding their rights to freedom of expression, peaceful assembly and association.

A worrying trend over recent years has been a rise in anti-Muslim violence in Sri Lanka. In the wake of the Easter Sunday massacre, where hundreds were killed in churches and hotels in different parts of Sri Lanka, violent mobs unleashed their rage against Sri Lankan Muslims and refugees and asylum seekers from Muslim-majority countries. The attacks follow similar violence in 2018, 2017 and 2014, when armed mobs attacked and torched Muslim-owned homes, businesses and places of worship. These mobs included hardline Buddhist monks who took part in the attacks and incited violence against Muslims.

Sri Lanka continues to criminalize homosexuality using an archaic, colonial-era penal code. LGBTI people routinely face harassment and discrimination at the hands of the police and other state officials.

## **Nepal**

In Nepal, impunity remains one of the biggest challenges. The Nepalese government and the political leadership across the different political spectrum has failed to put in place a serious truth and justice process that would bring meaningful justice to the thousands of victims of serious violations committed during the ten-year Maoist conflict in Nepal. Despite repeated assurances that Prime Minister Khadga Prasad Oli would bring the transitional justice process into conformity with Nepal's international human rights obligations and with the Nepalese Supreme Court ruling –no cases have been initiated and no perpetrators have been held to account. Instead deepening the sense of mistrust with the Nepalese government – there was a lack of transparency in the appointment of

commissioners to the Truth and Reconciliation Commission and to the Commission on the Investigation of Enforced Disappearances.

Impunity in ongoing human rights violations and crimes is also a big challenge. No shred of evidence being uncovered in the rape and murder of a 13-year-old girl Nirmala Panta even after 1.5 years is a testament to this. In July 2018, a 13-year-old schoolgirl named Nirmala Pant was raped and murdered in Nepal's Kanchanpur District. This brutal crime, and the lack of effective investigation by the authorities, started a wave of protests across Nepal.

Nepal still retains an archaic and restrictive time limitation for reporting of rape to police and investigation and prosecution of it in the country. The law in Nepal currently bars investigation and prosecution of rape unless it is conducted within one year of the crime being committed. This is deeply problematic as it enables impunity for perpetrators of rape. The law also exacerbates the injustice caused to vulnerable victims, particularly children, who may not reveal the crime until a period of time has passed or the perpetrator no longer has access or control over them.

Civil society and freedom of expression is also eroding at an alarming rate. In Nepal, a large number of new human rights-focused laws were hastily ushered through parliament. The Right to Housing Act 2018 contains a provision empowering the authorities to forcibly evict people from informal settlement areas. Evictions carried out by local governments (e.g. Butwal and Nagarkot) by taking benefit of the legal flaws have already left dozens of households homeless. Victims' groups remained aggrieved that they had not been consulted. The 2015 Constitution for example directs the government "to involve [NGOs] only in the sectors of national need and priority, while making investment and role of such organizations transparent and accountable". Referring to that provision, the government produced the draft Social Welfare and Development Bill of 2016. If enacted, it would provide for compulsory affiliation with the Social Welfare Council, which would have discretionary powers to allow or disallow affiliation, bar civil society organizations from obtaining foreign funding and suspend or dissolve organizations considered to have violated the law. The Draft National Integrity Policy, proposed in 2017, would oblige organizations to obtain government permission to receive donations and prohibit international NGOs from engaging in projects that influence the drafting of laws and policies in Nepal; organizations would have to obtain government approval for their budgets and programs of work.

Laws like the Electronics Transactions Act 2006 have been misused to arbitrarily arrest journalists for publishing stories or individuals who posted their opinions online. In April 2019, Arjun Giri, a Pokhara-based journalist, was charged under the Act for reporting on a financial fraud case. In June, comedian, Pranesh Gautam, was arrested for posting a satirical film review on YouTube. Several bills which included provisions that threatened to severely restrict freedom of expression, including press freedom were pending before

Parliament. They include the Media Council Bill, the Mass Communication Bill, the Information Technology Bill and Advertisement Bill.

The use of force and policing is another issue. Police continue to use excessive force and have resorted to a number of "encounter killings". For example in July, police killed Kumar Paudel, who was suspected of being a cadre of the Biplav Maoist, reportedly in a fake encounter in Sarlahi district . Incidents of torture and other ill-treatment continued to be reported frequently, with a rise in the recent years. The authorities in Nepal continue to use torture as a method of extracting evidence. No credible investigations on the custodial deaths suspected to have occurred due to torture have taken place. Though the Criminal Code contains a provision to penalize torture, this is not adequate in view of the international standards.

It is estimated that over 1000 people leave Nepal daily through official channels for work, largely in low-skilled sectors such as construction, manufacturing and domestic work. Many continued to be trafficked for exploitation and forced labor by recruitment agencies and brokers. Recruiters deceived migrant workers about their pay and conditions and charged fees despite the government's "free visa" policy which allowed migrant workers to travel abroad without cost. Women aged under 30 were banned from migrating for work to Gulf States. While this was intended to protect women, it meant many were forced to use informal channels, thus increasing their risk of exploitation and abuse. Following the earthquakes in 2015, migrant workers in the Gulf, Malaysia and other countries also encountered problems with returning to their families in Nepal.

Lack of implementation of the fundamental rights enshrined under the 2015 Constitution -rights to food, housing, land, health, etc.- continue to remain unimplemented. Amnesty has provided its feedback and suggestions in some of the legislative frameworks, but they still remain far from being incorporated. The Housing Act similarly fails to ensure protection against forced eviction for those living in informal settlements. The Right to Food and Food Sovereignty Act lacks a strong implementation mechanism.

Though all commissions mandated by the Constitution have been created, the Government failed to appoint commissioners in time. Many of the commissions only have a chairperson and other members are yet to be appointed. The legal framework for pre-existing National Human Rights Commission has also not been updated in view of the mandate under the new constitution. Rather, the Amendment Bill introduced in the Parliament contains a provision empowering the Attorney General to bypass the recommendations of National Human Rights Commission for prosecution. A significant number of people affected by the 2015 devastating earthquake in Nepal continue to remain homeless. caste discrimination and practices of untouchability also remain key barriers for the enjoyment of human rights—particularly, economic, social and cultural rights by Dalits.

The Prime Minister had pledged that Nepal, as a member of UN Human Rights Council, would play a constructive role in delivering the council's mandates. However, his commitments have failed to materialize. Nepal chose to abstain on a key resolution on the crimes against humanity committed against the Rohingya of Myanmar.

The international community has very little faith in the government's ability to fulfil its human rights obligations, especially after failing to demonstrate substantive progress on transitional justice. Nepal's Prime Minister has categorically, in his defense, stated that Nepal's commitment to human rights is 'total and unflinching.' He said, 'Nepal would not allow impunity in serious violations of human rights and international humanitarian laws.' If the Prime Ministers' commitment to human rights is 'total and unflinching'—as he claims—the Government must abandon its selective approach to human rights.

The United States remains one of the three key influencers in Nepal (the two others being China and India) and should continue to demand accountability from the Nepalese government on issues of crimes under international law committed during the conflict. This should include calling for the authorities to adhere to the rule of law principles and establishing an independent investigation to examine the regression in adhering to these international standards. Finally, any of the perpetrators found in that investigation should be held to account. In terms of foreign assistance, the United States should help address long term violations of human rights, including violence against women, human trafficking, exploitative labor migration, and a focus on human rights education would be appreciated from all quarters.

### **Pakistan**

Freedom of expression, assembly and association remained under attack in Pakistan in 2019. Human rights defenders and journalists faced restrictions in both online and offline spaces. Enforced disappearances were pervasive in the country with impunity. Blasphemy laws continue to enable grave human rights abuses in Pakistan.

In 2019, the clampdown on civic space was intense. Media, both print and electronic, was severely censored. Amnesty International spoke to several media staffers and journalists who reported getting forced into censorship, intimidated, and subjected to surveillance. Draconian legislation such as the Pakistan Electronic Crimes Act, Maintenance of Public Order and Anti-terrorism, defamation and seditions laws are frequently used to forcibly shrink space and suppress dissent.

Journalist Shahzeb Jillani was charged with cyber-terrorism and defamation for criticizing the Pakistan military and government before the case against him was quashed in May by a court in Karachi due to lack of evidence.

The wave of crackdown against the peaceful movement for civil rights of the Pashtun ethnic group, the Pashtun Tahaffuz Movement (PTM), which had begun in 2018,

intensified this year. The PTM campaigns against enforced disappearances, extra judicial killings and landmines in Khyber Pakhtunkwa province. Dozens of PTM activists were arrested, arbitrarily detained and continued to face intimidation and surveillance.

In January, PTM's member HRD Alamzeb Khan was arrested at gun-point in Karachi and jailed for nine months. On February 2nd, another core member of the PTM Arman Luni was beaten to death by a police officer in Loralai, after he had protested Khan's arrest. The police registered a case against Luni's alleged killer after a month long campaign by his family and the PTM supporters.

Women's rights defender, Gulalai Ismail, also a supporter of PTM, was charged with defamation, terrorism and sedition. She left for the USA to seek political asylum. Through surveillance and raids, the state authorities continuously intimidate and threaten Gulalai's parents who live in Islamabad, Pakistan.

In Khar Qamar area of North Waziristan, at least 13 people lost their lives due to gunfire when a group of Pashtun men were crossing a check post to join a protest. As a result curfew and network shutdown was imposed in the area.

Ali Wazir and Mohsin Dawar, PTM parliamentarians, were arrested when they led this procession of men on their way to the protest. They were released on bail in September.

Blasphemy laws are a cause of human rights abuses in Pakistan. They are vague, broad and coercive. Christian farm worker Asia Bibi, on death row for eight years for blasphemy, left Pakistan this year to reunite with her family in May. Despite getting acquitted of blasphemy by the Supreme Court in 2018, before she left Asia Bibi was in protective custody due to threats to her security from sectarian groups which openly incite violence and hate against minorities.

University teacher Junaid Hafeez has been on trial for blasphemy for more than six years. This year his trial went through multiple adjournments. His unfair, lengthy trial has taken a serious toll on his mental and physical health. He has been in solitary confinement since June 2014 and his confinement conditions have been extreme for over a year.

Throughout this year, cases of Hindu, Sikh and Christian women and girls who were forcibly converted to Islam were reported by the minority groups. In October, a court in Lahore gave five years to Sajjad Ali for posting "blasphemous post" on Facebook. In September, Nautan Lal, a Hindu school teacher was arrested on charges of blasphemy in Ghotki, Sindh. Violent mobs attacked properties owned by the Hindu community of the city and a temple until Nautan Lal surrendered to the police.

Enforced disappearances, a stain on Pakistan's human rights record, continued to take place in 2019. The groups and individuals targeted in enforced disappearances in Pakistan include people from Sindhi, Baloch, Pashtun ethnic groups, the Shia community, political activists, members and supporters of religious and nationalist

groups, suspected members of armed groups, and proscribed religious and political organizations in Pakistan. The Commission for Inquiry on Enforced disappearances has had 2218 cases unresolved as of the end of June.

In January, political dissident Ahmad Mustafa Kanju was forcibly disappeared from his house in Rahim Yar Khan, Punjab. In March, two Shia journalists from Karachi were forcibly disappeared for more than three weeks. In October, Suleman Farooq Chaudhry, a Fulbright scholar was forcibly disappeared from Islamabad.

Earlier this year, Pakistan's military met with Amina Janjua, Pakistan's leading campaigner against enforced disappearances, whose husband Masood Ahmad Janjua has been disappeared since July 2005. The spokesperson for the Pakistan military announced that a special cell had been set-up at the military HQ to look into the issue of missing persons.

The government failed to legislate against enforced disappearances despite commitments. Families of the disappeared and civil society activists held several peaceful protest camps in different cities of Sindh province, Quetta, Lahore and Islamabad. In Balochistan, hundreds of forcibly disappeared were returned. Members of the Shia community and Sindhi activists were also returned in small numbers.

Thank you!