

SOCIAL MEDIA CRACKDOWN

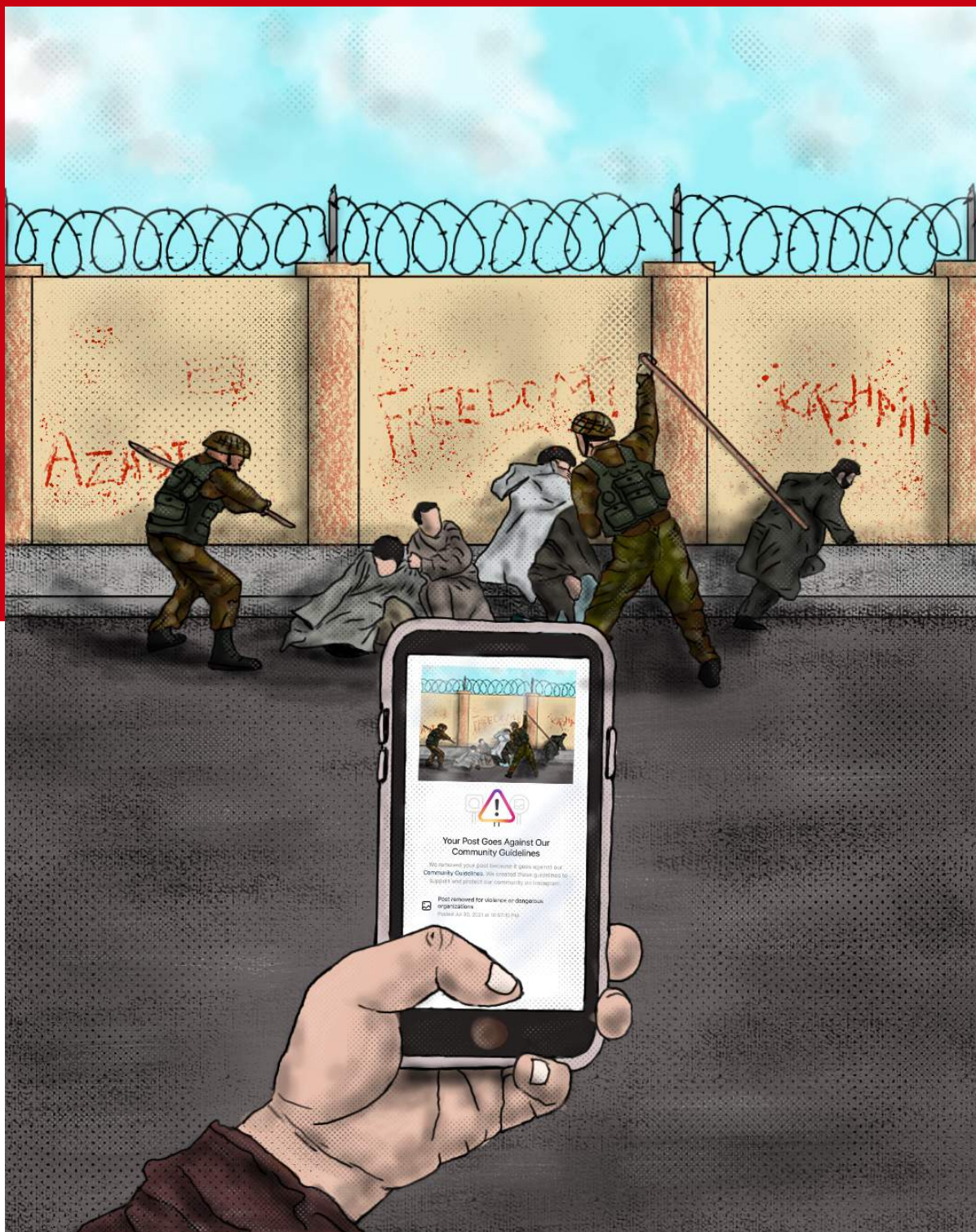
Over the last few days, Kashmiri social media users are increasingly being **surveilled, harassed, and detained** under draconian laws. This form of a crackdown is not new to Kashmiris, as the Indian state has always kept Kashmiri users on various social media platforms under surveillance and repeatedly booked users for expressing their perspectives, in particular related to expression of political and human rights.

- Over 300 accounts on Twitter are being actively monitored by the 'Cyber Cell' of the JK Police
- A number of social media users have been summoned and detained
- Users are being interrogated about their "links" and social media activity
- Phones have been confiscated
- Many have been threatened and beaten up by the armed forces
- Users have been asked to delete their social media accounts
- Those who are released have been made to sign bonds, a promise to not post anything "anti-India".
- Many users have deleted their old posts, and others have completely deactivated their accounts

This is a deeply worrying situation that raises serious concerns about an information blockade given the already existing curbs on press freedom. Social Media has been an important platform for Kashmiris to share their lived experiences with the world, and this militarization of the online space lays bare India's motivation to intimidate and stifle voices on the ground as it intensifies its settler-colonial policies in the region.

At this point it becomes all the more urgent to call the attention of the world to this unfolding crackdown on Kashmiris as young people are being **hounded for their right to expression.**

Photo: Dar Yasin



E-OCCUPIED: HOW SOCIAL MEDIA CORPORATIONS ENABLE SILENCE ON KASHMIR



Photo: Masrat Zahra

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HOW SOCIAL MEDIA CORPORATIONS ENABLE SILENCE ON KASHMIR



EXECUTIVE SUMMARY

Since 2017, Facebook, Twitter, Instagram and other social media platforms have continually silenced Kashmiri voices in the digital space. These corporations have removed content, suspended user accounts and engaged in algorithmic manipulation of content critical of India's military occupation and settler-colonialism in the region. Corporations are siding with India's suppression of Kashmiri digital rights, including the government's blockade of internet and telecommunications access in region, as well as its weaponization of the law and policy to curb expression of Kashmiri political aspirations in the digital space.

This report employs qualitative and quantitative methods. Stand With Kashmir researchers examine social media corporations' stifling of content and user profiles critiquing India's authoritarian policies in Kashmir. This report provides insight into the profound harm that results when corporations impose digital silence on Kashmiris. Social media corporations have publicly reiterated a commitment to international standards of freedom of expression. They have fallen short, however. Social media corporations must end their complicity in the ongoing digital occupation of Kashmiri voices—both inside and outside of Indian-occupied Kashmir. They must fulfill their stated human rights obligations to people living in the world's most militarized region by reinstating affected content; providing transparency into why content was removed; and evaluating the censorship experienced by Kashmiris at a policy level.



WHY KASHMIR?

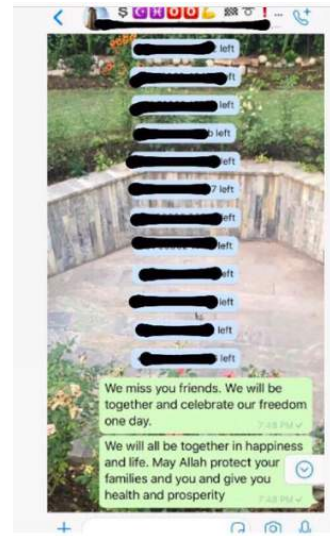
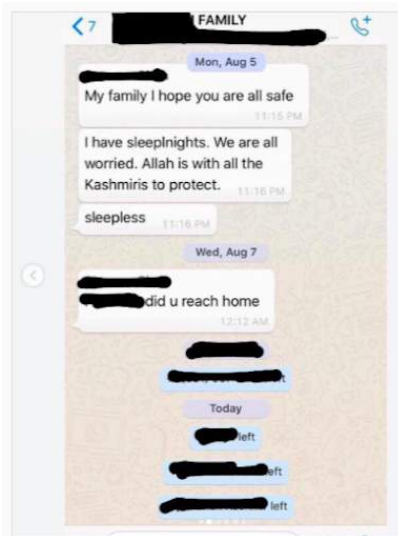
Kashmir remains critical for those who are interested in the expansive ability of seemingly “democratic” governments to surveil, suppress, and silence voices of dissent, as well as the complicity of social media corporations in these processes. Kashmir is a case study for social media platform governance issues writ broadly and provides a comprehensive example of how censorship is mediated through social media. Already, the visibility of the Kashmir issue in the international arena is suppressed as a result of India’s brutal crackdown on information from the region, heightened by recurrent internet shutdowns. Whatever content is produced by Kashmiri social media users is infiltrated by massive and organized Indian IT cells, often affiliated with the ruling BJP government. As with many other parts of the world, content by state or state-backed agencies that are putting out disinformation is often protected, while marginalized, grassroots voices are the ones to get **deplatformed**. Such silencing is practiced on marginalized communities and then exported elsewhere.

BACKGROUND

The advent of social media has dramatically transformed the realm of political activism in Indian-occupied Jammu & Kashmir (hereafter “Kashmir”) and within contentious regions at large. Access to social media platforms has provided a space to marginalized communities and movements—previously neglected by mainstream television, print and digital media—in which to voice speech critical of the government. Within Indian-occupied Kashmir, the summer uprisings of 2008, 2009, 2010 and 2016 witnessed a new generation of Kashmiri Muslim youth voice their vision for Kashmir’s sovereignty. These youth demonstrated a renewed engagement with the Kashmiri movement for **self-determination**, known as the *Tehreek*, by leading street protests and consistently engaging with social media platforms to transform narratives and perceptions of Indian rule in Kashmir.

During this time, the Indian state directly pressured local print and news media to black out stories related to the police, army and paramilitary’s use of disproportionate force on protestors, and curbs on freedoms of expression and speech. This vacuum was swiftly filled by new Kashmir-based newsrooms and magazines which relied on social





On Dec. 4, 2019, Kashmir-based accounts were automatically removed from WhatsApp for inactivity, after four months of India's internet blockade in Kashmir that began on Aug 4, 2019.

media for attracting their audiences and monetizing their businesses models. The Indian state responded to the summer uprisings in Kashmir by imposing a state of siege. In the 1990s, authorities used the mass militarization, extra-judicial killings, disappearances and massacres as counter-insurgency tactics. In contrast, the summer uprisings from 2008 saw the Indian state resort to nocturnal raids, mass arrests and widespread use of preventive detention of street protestors, political workers and human rights defenders.¹ Since Aug. 5, 2019, the Indian government has given a concrete shape to its plans for **settler-colonial engagement in Kashmir**. New Delhi eliminated Kashmir's quasi-autonomous legal status in the Indian constitution and the land-rights provisions contained therein. Evictions of indigenous people are also occurring without regard to Kashmir's designation as an international dispute by the United

Nations Security Council or to local aspirations?² This series of actions potentially constitutes India's annexation of Kashmir—prohibited under international law. Genocide Watch, a worldwide coalition of 75 organizations committed to stopping genocide, issued a Genocide Alert for Kashmir soon after the elimination of Kashmir's semiautonomous legal status citing the alarming developments there.³

Beginning on Aug. 4, 2019, the Indian state imposed a siege, in which internet and telephony services were interrupted or completely suspended for hundreds of days, culminating in what has been described as “the world's longest internet shutdown...” from August 2019 to March 2020.⁴ The purpose of the extended communication blackouts was to impede grassroots-level collective political action, and stifle local narratives that contradicted the government, whose propaganda the majority of Indian television

and print media picked up. As Indian authorities curtailed the freedoms of speech and expression of Kashmiri people inside Kashmir, diaspora-based Kashmiris helped pave the way for an expression of Kashmiri voices in the digital space. As this report will show, though, social media corporations have increasingly clamped down on expression in diasporic spaces, advancing an all-encompassing digital silence on Kashmir.

There exists widespread and verified documentation of Indian state actors and political parties' long-standing use of so-called "IT cells." These actors troll, create and distribute disinformation, and mass-report content on social media platforms to corporations to suppress Kashmiri voices and other marginalized voices within India society.⁵ More recently, both dubious NGOs and prominent news media distributors such as ANI, with potential links to the Indian state, have utilized profiles on Facebook and Twitter to amplify statist narratives on Kashmir as part of a disinformation campaign extending into Europe.⁶ Last year, a Wall Street Journal report revealed Ankhi Das, the top public policy executive at Facebook's India offices at the time—in charge of India, South and Central Asia—consistently sided with ruling-party politicians of the ethno-nationalist Bharatiya Janata Party (BJP). The party used the platform to peddle hate speech and Islamophobic rhetoric.⁷ At the same time, platforms have systematically removed or stymied the reach of

prominent profiles with content critical of the Indian state's actions in Kashmir, for accounts both within Kashmir and in the diasporic setting. This has occurred either directly at the urging of India authorities or by categorizing such content as "violating" the platform's guidelines. In effect, platforms have sided with India's colonial regime in Kashmir, and are complicit in the erasure of Kashmiri digital rights and the ongoing digital blackout of Kashmir.

SCOPE AND METHODOLOGY

This report uses a number of qualitative and quantitative methods to examine social media corporations' stifling of content and profiles critical of India's policies in Kashmir. Our first point of reference was an **online poll** we conducted. Stand With Kashmir asked Kashmiri followers on Twitter and Instagram which platforms they experienced censorship on. Our second point of reference was a **detailed survey** tool we created with a set of questions about the methods of censorship employed by the platforms; their impact on Kashmiri social media users; and the perceived efficacy and fairness of redress processes offered by the platforms themselves. We circulated this tool within our trusted networks and received fourteen responses from Kashmiri social media users to it. Our third point of reference was **interviews** we conducted with users of five prominent Kashmiri social media profiles operating across varied fields. Based on the experiences of these five profiles, we achieved an

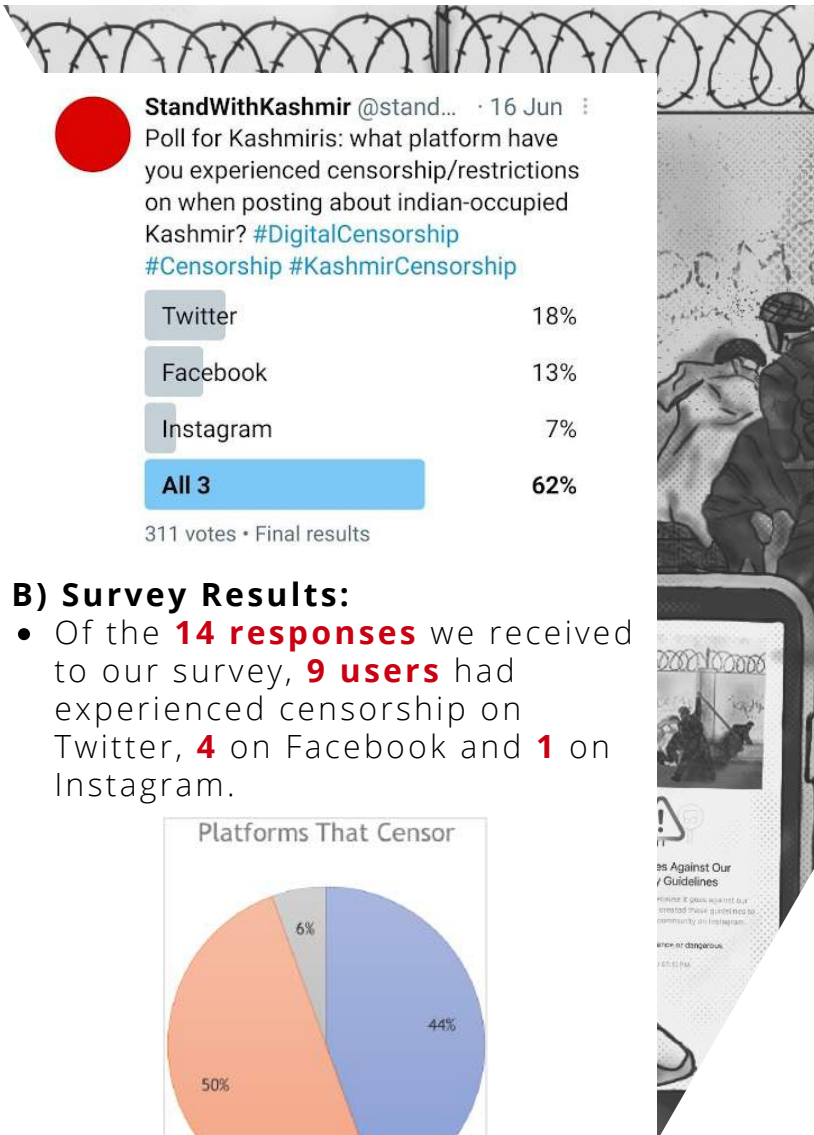


in-depth understanding about the methods and impacts of censorship; the potential relationship of the Indian state to the instance of censorship; and recommendations for platforms to re-establish trust with the Kashmiri community. Our final point of reference was **pre-existing media reports** and **human rights documentation** of censorship experienced by Kashmiri users in the digital space. To protect the digital privacy of those who provided corroborating evidence and data through our survey tool and online poll we have redacted all identifying information. The names of activists, scholars and journalists inside Kashmir who interviewed for this report have been removed to protect them from government reprisal.

SUMMARY OF CONTENT CENSORSHIP AND ACCOUNT RESTRICTIONS/REMOVAL

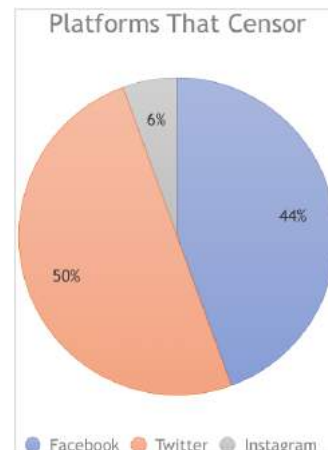
A) Poll Results:

In a poll we posted on Twitter to our 32,000 followers, we asked Kashmiris which platforms they had experienced censorship on. 311 people responded – **62% of respondents said they experienced censorship of some kind on all of the three major platforms – Twitter, Facebook and Instagram**. In another poll we posted on Instagram to our 56,000 followers to which 140 persons responded, 19% of respondents said they experienced censorship on Twitter, 25% experienced censorship on Facebook and 44% on Instagram.

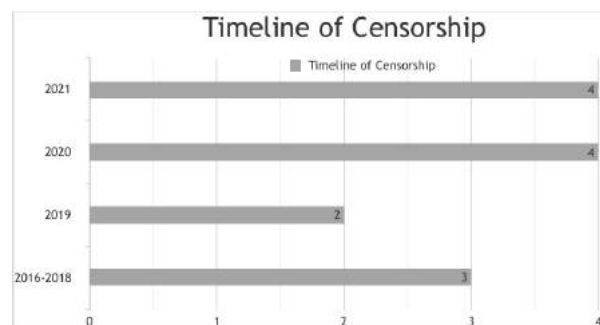


B) Survey Results:

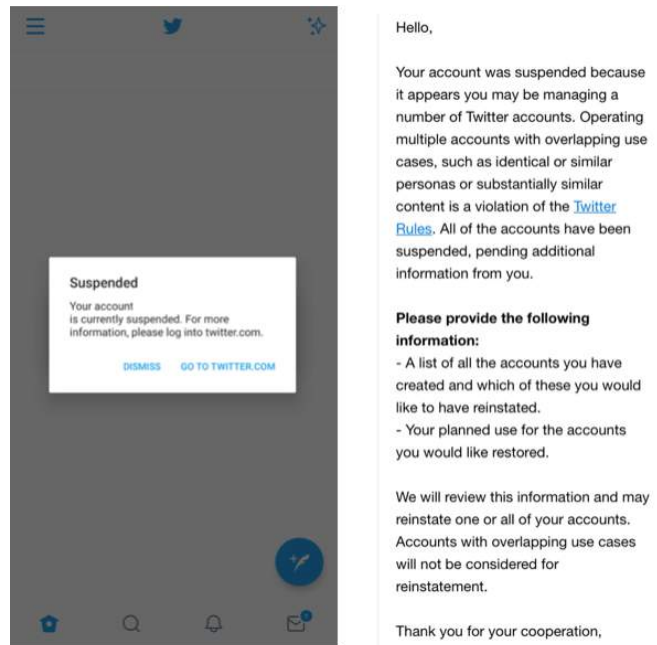
- Of the **14 responses** we received to our survey, **9 users** had experienced censorship on Twitter, **4** on Facebook and **1** on Instagram.



- While **3** Kashmiri users experienced censorship in the years from 2016-2018, **10** users experienced social media censorship from 2019-2021.



- Kashmiri users said they were censored in different ways—users' accounts were disabled, suspended and permanently deleted. Users reported their account privileges were restricted or account content was removed. Users also say **platforms offered dishonest technical reasons for the censorship** of their accounts.



Re: My Personal Account was Disabled -

Inbox X

Facebook

to me

Hi,

We're currently unable to confirm who owns this account. To help us confirm you're the owner of this account, please reply to this email and attach a

To view the types of ID we accept, please visit the Help Center:

<https://www.facebook.com/help/159096464162185/?ref=cr>

Please cover up any personal information we don't need to confirm your identity (ex: address, Social Security number) and save the image as a JPE

Keep in mind that we won't be able to assist you without a picture of an ID that meets the requirements detailed in the Help Center.

Thanks,

Facebook

- The majority of Kashmiri users felt the **platforms did not redress** the censorship issues they were facing in an effective and timely manner.
- Kashmiri users said they were harmed by social media platforms siding with Indian authorities. **Censorship impacted Kashmiri users' trust in the political neutrality of the platforms.** Here is what they said:





I feel gagged

1 response

As a Kashmiri, I know that the GOI controls everything here. Though I haven't been afraid of sharing my views on Twitter and Instagram, it is scary in general.

1 response

My right to raise my voice especially in support of Kashmir was gagged.

1 response

At first I was shocked but speaking to other Kashmiri friends I realized it isn't uncommon.

1 response

I was angry and felt hurt

1 response

this experience made me more aware and conscious about my activities on social media, many times after posting a news item I used to feel anxiety about any action that might be taken by the government against me on the basis of that post. I also began to avoid posting things which I otherwise would have, like opinions regarding the nature of the Indian state in Kashmir.

1 response

Twitter complies to Indian State fascism and silencing Kashmiri voices.

1 response

I am more cautious about the content that I am sharing/posting to aim for a diversity of matters. I have cleaned through my followers and blocked any suspicious/unknown/potentially bad actors. I have altered my profile a bit so that it does not seem to be a duplicate of any other active accounts. I am more weary and resentful of corporate/capitalist institutions that aim to please fascist governments/populations rather than protecting the freedom of speech that we have a right to.

1 response



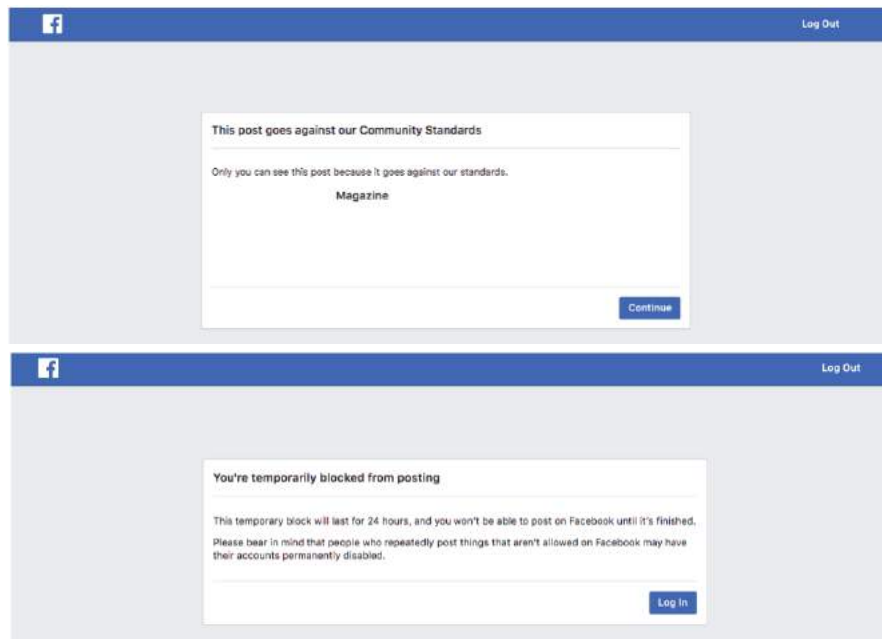
C) Narratives of Prominent Kashmiri Users Experiencing Digital Censorship:

Name Removed, Journalist, Editor of Kashmir-based Online Magazine ("Magazine").

Facebook first took down the Magazine page in October 2018. There was a gunfight between militants and the Indian armed forces in Kulgam (in southern Kashmir). There were unexploded shells that forces left behind. The scene at the encounter site was grim. There were houses that were blown up because the Indian armed forces don't practice removing ammunition from the site of the gunfights. Local people assembled there after the gunfight...several people were killed and many people were injured. Some photojournalists got in touch with me and wanted us to publish photos of what happened. So, I shared the post on our Facebook page. That post went viral. Then, after two hours I realized I couldn't find the page. Facebook had removed the Magazine page altogether. The same images were published by Indian publications like Outlook on their Facebook page but those weren't taken down.

I was able to get in touch with someone at Facebook through a friend. After two days, the Facebook page was restored but Instagram has since stopped me from doing business promotions. Instagram did not notify me about this. ...I think since it is owned by Facebook, the algorithm must work in a way that when content on one platform is flagged, the other flags it too. Tech experts have told me that conflict or human rights-related content doesn't get as much visibility on social media because of how the algorithm is set up. But for us, it is the core of what we cover and with the censorship, the possibility of reaching more audiences is much harder.

After Aug. 5, 2019, Kashmir-based media accessed the internet through a government-run Information Center, because of the telecommunications shutdown instituted at midnight on Aug. 4. There were five or six computers for around 400 journalists, increased overtime to ten or fifteen. At the Center, you could only access the internet for 10 or 15 minutes at most a day. The place was completely surveilled—the police would record information of who would come and go, there were armed police personnel right outside the computer room. You would get checked up before you entered the building and there was a body detector. When 2G internet was turned on late in February 2020, I accessed the magazine online and found that the Twitter page of the Magazine had been suspended even though we had not published that much in the last six months, neither had I accessed the account. I had asked friends in Delhi to post some things on our behalf—letters from Kashmiris to family members outside we hadn't spoken to in months. I reached out to Twitter and the page was restored. My sense is Hindutva-affiliated trolls are mass-reporting the page and the platforms are allowing them to do so. Those letters were likely something that triggered trolls to manipulate platforms.



Magazine's Facebook account was restricted from posting in early 2020.

In July 2020, I found the Magazine page was again suspended on Twitter; we were publishing maybe one piece a month so very little content. Twitter does not tell you why exactly your content was taken down which affected parties deserve to know. I appealed to Twitter, via the support tab, in July, then in December, then again in April 2021. This time I told them I am journalist and I have a verified Twitter account with a blue tick. They immediately restored it in two hours.

For online publishers, our entire distribution system is social media. How will people find us without the social media platforms? They are our lifelines. I am a journalist and editor...this is what I do and how I survive in my profession. As a Kashmiri, I am expressing the experience of the community. We have a rigorous process of verifying the authenticity of the information we receive. On top of the internet censorship we experience, there are several other layers of censorship. Social media companies need to make their platforms accessible and accountable. What are the Twitter and Facebook Community Guidelines? It is not clear what they are and when they are violated. The internal mechanisms are opaque—who is in charge within these corporations of overlooking what content is taken down and what is circulated? These companies are in the public sphere, and they need to be accountable and transparent about their processes. They need to look at the veracity of the mass-reporting system. They use algorithms which are not checking facts and are open to manipulation. These companies have massive resources to invest in designing systems that are trustworthy.

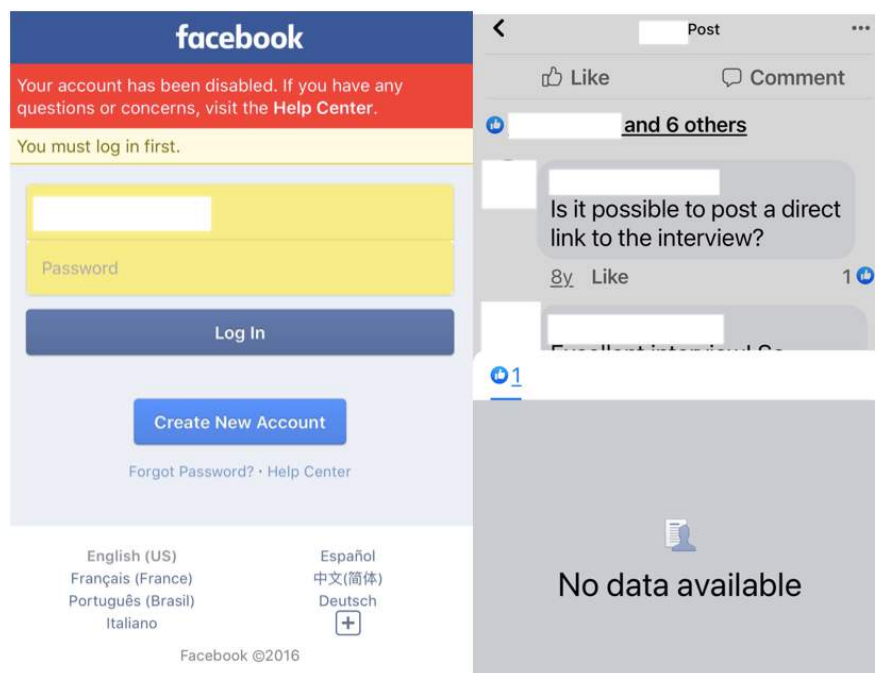
Social media companies say big things about freedom of speech and press freedom. They say they want to connect the world but when it comes down to marginalized communities, they comply every time with what the government and their trolls tell them to do. There have been prominent people who openly called for genocide in Kashmir on Twitter... those kinds of narratives get millions of views and are not taken down. How does this work?



Huma Dar, Lecturer, University of California, Berkeley, Department of Gender & Women's Studies and Ethnic Studies

My Facebook account was permanently disabled the day after Burhan Wani (Kashmiri rebel killed in an encounter with Indian armed forces) was martyred. I had never even received a warning. After Burhan was martyred, people in Kashmir sent me photos, including those from Burhan's funeral with a massive turnout, images later published in media houses. I had posted these photos with the customary Muslim funeral prayer, 'inna lillāhe wa inna ilāyehe rāje'ūn...'. This is our Muslim duty for any human being...it means we are all from Allah and to Allah we return. I also deeply respect Burhan Wani and what he stood for—freedom for Kashmir. Most of my posts were public at the time.

There was a Delhi-based young woman who told me my Facebook posts on Kashmir were disappearing and I thought that was so strange. In the morning, I got a call from a friend saying my account was gone, and when I checked that's what it was: I could not find my account, I couldn't log on. I contacted Facebook and after many days was told my posts had violated the Community Guidelines. Ironically, I was living a mile away from the Facebook headquarters in Menlo Park and this was happening to me! I taught much of the stuff I posted on Facebook and posted material on Facebook from what I taught: most of my academic network and entailed conversations and discussions had already migrated to Facebook. Facebook refused to identify which particular post had violated their Guidelines, and did not respond to why I wasn't asked to delete the "offending" post, like some other Indian academic acquaintances had been asked to. They told me there were no appeals available and it was their final decision to permanently disable my account. Later that week, Facebook



Huma Dar's Facebook account was permanently disabled after she posted a funeral prayer for slain rebel, Burhan Wani. Posts she liked from that account show her information as not being available, even though the digital memory of "liking" remains.

responded to a journalist from *The Guardian* who was writing about this censorship and told her my account was deleted because I was posting about so-called "terrorism" and that I was not condemning it. I contest this determination. How can saying a prayer for any person make me a supporter of terrorism? Who determines who is a "terrorist?" If almost one-tenth the population of Kashmir turned up, mourning, for Burhan Wani's funeral service, that too after a lockdown on all mobile internet services, who is the terrorist?

The prior month, June 2016, was the 10th anniversary of my having opened a Facebook account—also, coincidentally linked to Kashmir. I was visiting family in Kashmir, for the very first time in my life, and posting photographs every night on Facebook was the quickest way to share my daily cache of multiple photos with my immediate family in the U.S. Facebook started functioning as a hub of sociality for me. I found long-lost relatives on Facebook, and made some best friends there. I had poems that I had written only on Facebook, poems I do not have a copy of anywhere else. I posted notes on Facebook, notes that were being cited by academic colleagues. I had interesting and invigorating discussions on Facebook. I lost so many conversations from my inbox—one with a close friend who had suddenly died just a few months before then... All of that was erased. I never imagined I would lose any content I posted to my own timeline. I was a very active administrator on the Facebook group Kashmir Solidarity Network—all my interventions there are now lost. Except that one can still see the ghost of my old account that haunts Facebook—my interactions, comments left on other friends' posts and even "likes" have left a faint digital trace all over the strange virtual space. For example, one can tell I liked a post, but no one can see my name. Or one can see I must have posted a comment to which others responded, sometimes naming me in their responses. My comments, though, are all gone. My interlocutors are left talking to a "ghost." I have been forcibly disappeared from Facebook: just a faint digital trace remains behind.

From: Twitter Legal <twitter-legal@twitter.com>
 Date: August 30, 2017 at 3:28:46 PM PDT
 To:
 Subject: Twitter Receipt of Correspondence

Hello:

We are writing to inform you that Twitter has received official correspondence regarding your Twitter account, i

The correspondence claims that the following Tweet(s) is/are in violation of Indian law:

<https://twitter.com/status/891082376394166272>
<https://twitter.com/status/891574321457405953>

Please note we may be obligated to take action regarding the content identified in the complaint in the future. Please let us know by replying to this email as soon as possible if you decide to voluntarily remove the content identified on your account.

If you believe we have contacted you in error, please let us know by replying to this email.

This notice is not legal advice. You may wish to consult legal counsel about this matter.

For more general information on legal requests, please refer to the following Help Center article: <https://t.co/rfaq>.

Sincerely,
 Twitter

Twitter Legal wrote to Huma Dar of the potential illegal nature of her posts under Indian law.

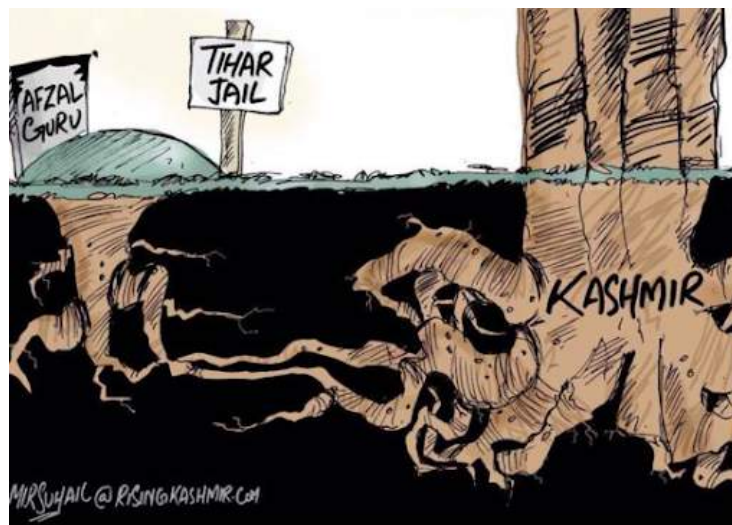


Twitter also emailed me saying three tweets of mine are against Indian law—two highlighted in the above email, and one in another subsequent email—and that I should delete them because they violate Indian law. But I am not based in India, neither is my account based in India. I am not Indian by nationality or residency...why is Indian law being held at my neck? What will it be after this? Burmese law? Or North Korean law?

I believe these platforms align themselves with parties in power. The government has an “in” with social media corporations to take down content at their behest without any due process. These companies need ethical teams comprised of researchers, academics and experts on issues to see whether content needs to be taken down. There is a lot of information out there and these companies have enough resources to do this. These are questions with global relevance...what should be the approach to content from Myanmar? What about Kashmir? What about Palestine? Not everything is acceptable speech, I understand that...we cannot condone racism and hate but social media companies cannot rely on trolls and governments to tell them what the answers are.

Mir Suhail, New York City Based, Political Cartoonist

Facebook removed a drawing from my artist page for the first time on Feb. 9, 2016. I remember that date. I had drawn for Afzal Guru.⁸ It was the second or third anniversary of his unjust hanging. His family was demanding the return of his body...he had been buried in Tihar jail where he was hung and remains there. I had shown the roots of his grave connecting with the roots of a tree in Kashmir—the image was a metaphor for longing. Facebook restricted my page, and I couldn't post anything or message anyone for 24 hours. I could still see posts but couldn't write or edit anything. I was working in Rising Kashmir at the time, a local daily in Kashmir. I believe Rising Kashmir had published this cartoon in the newspaper too, but the government didn't bother them about it! It was only a problem on Facebook because of Indian trolls.

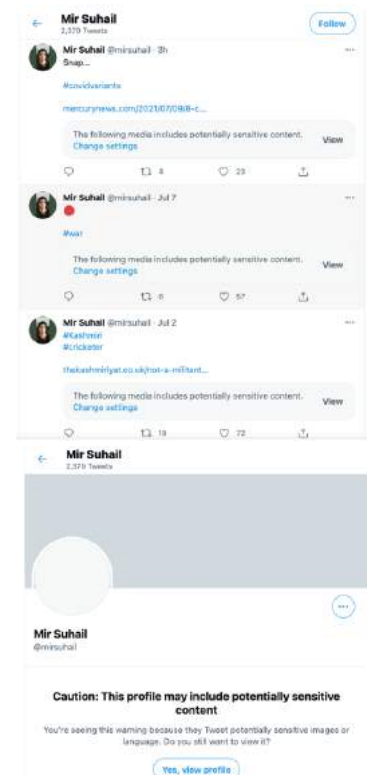
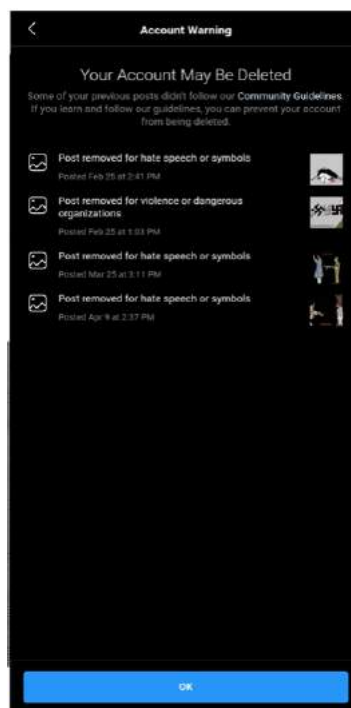


Facebook took down this cartoon by Mir Suhail on Feb. 9, 2016.

Later in 2016, there was an uprising after the killing of Burhan Wani. I was working from home because Kashmiris were living under siege. The government had blocked cellular internet and only broadband worked. I started living at my cousin's house who had broadband connectivity. Even with a curfew pass, it was hard to reach one's offices. Nobody was on the roads except for the Indian military so I didn't want to risk going to the office. From my cousin's home, access to the internet was slow but manageable.

Soon afterwards, I was let off work and I moved to Delhi...I didn't draw on Kashmir after 2016 in Delhi, as working for a prominent news media organization there was an explicit ban for me to draw on Kashmir. When the Pulwama attack happened in 2019—Kashmiri militants attacked a camp of the Indian armed forces—incidentally I had posted a cartoon before the attack on Twitter, I can't remember what cartoon it was. I got trolled, there was a lot of Islamophobic abuse, my editor asked me to delete the post which I did.

I moved to New York City in 2020, I started drawing on Kashmir again. In early 2020, on an almost daily basis, I started getting notifications that my Instagram posts were being removed for "hate speech or symbols." Other posts were removed for not following "community guidelines." They also warned me my accounts would be deleted. The same thing was happening on Twitter. I was drawing on different subjects related to the experiences of marginalized communities in India—about the experiences of Indian Muslims, the new citizenship laws—and on Kashmir.



Facebook and Instagram recently deleted Mir Suhail's cartoon on the rumors in Kashmir about India's plans to change the cartography of the region. Twitter automatically puts a sensitivity filter on every post from Suhail's Twitter account.

I didn't reach out to Facebook, Twitter or Instagram directly, but I shared this experience online. One of my Facebook friends who is a prominent activist in the U.S. reached out to me and I told her the details of what had happened. She in turn reached out to folks who work in the social media platforms. After a few days, my cartoons were on the platforms again, so I thought the matter was resolved. But then again, maybe after a month or so, one of my posts on Instagram and Twitter was deleted. Then recently, another one was. I didn't do anything about that. It is hard to spend energy on this every time.

To this day, there is a sensitivity filter on my Twitter account for each and everything I post, even if it is something entirely unremarkable. Clearly, there is no case-by-case determination for each post to see if the content merits a filter; the filter is applied to all of the content I post. My Twitter reach is also reduced. On Facebook and Instagram, I have over 50,000 followers and thousands of shares each day. But on Twitter, my following is substantially limited—maybe 15,000. This is also a form of censorship, and it is difficult to perceive because the algorithm is manipulated without the user's knowledge.

I share my work on these platforms and in doing so trust them to be ethical in how they handle it. These platforms say they are the protectors of free speech but in Kashmir they are hand-in-glove with the occupier. I don't trust social media anymore, they can erase my existence at any moment. I have worked in this field for a long time. I don't target religion or race as such—my work is about power, and my job is to speak on the subject. I think the platforms remove content at the asking of the Indian government. The BJP IT cell has a huge role in mobilizing trolls and fake accounts to mass report pages. The platforms need to invest resources in seeing who reports an account—it is easy to identify whether an account is fake. Instead of removing fake accounts, it seems easier for platforms to remove the voices of those who are already marginalized in society. And as for drawing against the government—that is a basic democratic right—if the platforms don't side with democracy, then they are siding with autocracy.

Name Removed, Co-Founder of Kashmiri Educational Website ("Website")

Before we created the Website, we started with a page on Facebook and Twitter in 2013. We would share text with pictures about the history of Kashmir from 1947 onwards, highlighting important historical dates. We ran the page for two or three years and around 2016 we started the Website. It was exclusively devoted to historical events. There were no donations, we spent a bit of our own money on the website, it didn't need that much money. We would curate the content on our own. We also started a digital repository which contained important articles, books, documentaries and archival material on Kashmir. It featured over 100 digital books—all for educational purposes.



By 2017, our Facebook page had upwards of 90,000 likes. Then, Facebook started restricting our reach...we went from 1,000 likes per post to single digits. People would tell me they could not see our posts. When I posted from my personal account to ask people if they could access our Facebook page, my personal account was restricted for seven days. After a few months, this happened again for ten days.

Then, in 2018, we started having trouble with the Website—a notification appeared that the Indian government was blocking access to it. The same year, around October, our Facebook page was restricted for 10 or 15 days and then restored. People told me they weren't able to view the material, that the content had been removed...I didn't know how. We were later summoned by the local police — they asked ridiculous questions: "Why do you people take undue advantage of freedom? Why do you have to write about everything that is happening here?"

The police alleged I was getting money from foreign sources and threatened to book me with terror-funding charges. They asked me other things, "How do you know events like the massacre at Gowkadal have happened?" I answered because the Kashmir police had itself filed a First Information Report (FIR) against the accused Border Security Forces in the 1990s for that massacre. I was released from the police station after five days—they said I would be watched. Then, sometime later in 2018, the entire website just disappeared. We were able to restore the Facebook account with the help of a friend who works at Facebook. Eventually, we decided not to operate our pages and website because of the prolonged internet shutdowns and also because Facebook and Twitter choked us out.

There is an ecosystem in which pro-Kashmir pages are censored. Our pages got notifications from Facebook and Twitter a few times that a post violated Community Guidelines but each post had sources and proper attributions so I could not understand what the actual reasons were. The companies should provide a proper reason for the erasure of our posts... They should give us an opportunity to respond, the way it is seems completely arbitrary. I understand the limits of speech... but speech which is educational, which is substantiated by sources and represents a community experience shouldn't be removed. If ideas of free speech don't apply to pages like ours, then I wonder whom they apply to?



WHY CENSORSHIP MATTERS BEYOND KASHMIR

The complicity of social media corporations with authoritarian governments has important consequences beyond Kashmir, for democracy and free speech in India and across the world. Following the Indian government's negligent response to a devastating second wave of the COVID-19 pandemic, Twitter, Facebook and Instagram obeyed Indian government orders to censor or restrict dozens of posts critical of its handling of the pandemic.⁹ Twitter complied with government requests to censor 52 tweets (including one tweet of Stand With Kashmir) that criticized India's handling of the pandemic. Facebook temporarily blocked the hashtag #ResignModi from view on its platform.¹⁰ Beyond the pandemic, Twitter has repeatedly censored or restricted prominent profiles such @watchthestate, which documents instances of state repression and violence against minorities in India.¹¹ Beyond India, in Israel, the government works with a network of trolls to silence online content that challenges

Israeli narratives about Palestinian liberation with platforms complying with 95% of Israel's requests to censor Palestine-related content.¹² According to a Propublica report, even within the United States, hate speech rules created by Facebook—used by its algorithms as well as human content reviewers—consistently leverage elite and government narratives over those of marginalized people.¹³

LEGAL ANALYSIS OF SOCIAL MEDIA CORPORATIONS' CENSORSHIP

A) Indian Laws as Gag Instruments in Kashmir:

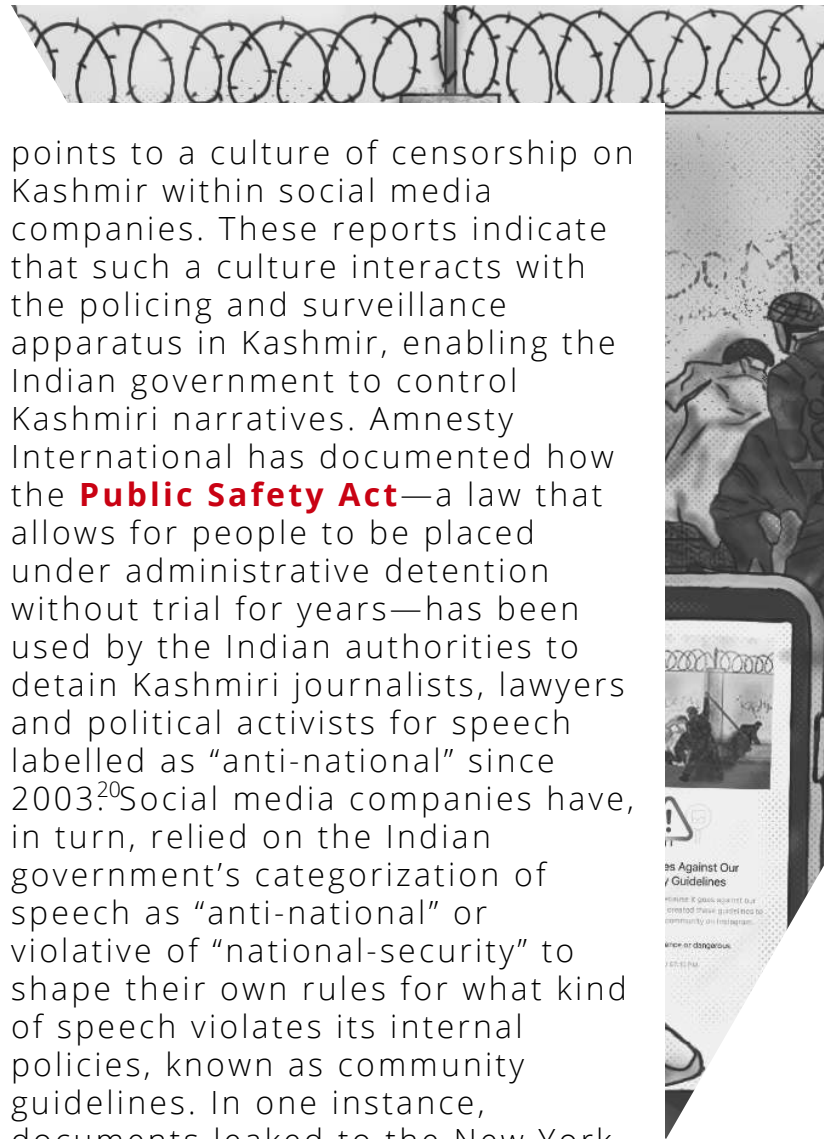
Facebook and Twitter have continually sided with the Indian authorities' weaponization of law and policy to curb Kashmir-related reportage and activism in the digital space. In July 2020, India formalized a set of informal policies long-used to suppress local journalists and publishers in Kashmir in the form of policy guidance, dubbed "**Media Policy-2020**" and issued by the Directorate of Information and Publication Relations (DIPR).¹⁴ The guidance gives government officials the power to determine whether the publication of particular news content, on and offline, constitutes participation



in “unethical or anti-national activities,” and take legal action against content deemed as such.¹⁵ Earlier this year, India also introduced new Intermediary Guidelines and Digital Media Ethics Code modifying the Information Technology Act 2011. The rules, purportedly created to combat misinformation, allow the Indian federal government to hold social media companies liable for content circulated on them in a direct repudiation of long-established principles of net neutrality. The rules require platforms to take down content the government deems objectionable within 36 hours of obtaining notification.¹⁶ In its latest Transparency Report, Twitter said the Indian government was the second-largest source in the world of account information requests accounting for 21% of global information requests¹⁷ and the **fifth-largest source of account removal requests**, which increased by 254% in the latest reporting period.¹⁸ In 2018, David Kaye, UN Special Rapporteur on the freedom of expression and opinion wrote to Twitter CEO Jack Dorsey about the company’s decision to censor Kashmir-related content and profiles as indicative of an accession to “government demands for content and account removals.”¹⁹

Aside from the narratives and data we have gathered for this report, there is pre-existing reportage that

points to a culture of censorship on Kashmir within social media companies. These reports indicate that such a culture interacts with the policing and surveillance apparatus in Kashmir, enabling the Indian government to control Kashmiri narratives. Amnesty International has documented how the **Public Safety Act**—a law that allows for people to be placed under administrative detention without trial for years—has been used by the Indian authorities to detain Kashmiri journalists, lawyers and political activists for speech labelled as “anti-national” since 2003.²⁰ Social media companies have, in turn, relied on the Indian government’s categorization of speech as “anti-national” or violative of “national-security” to shape their own rules for what kind of speech violates its internal policies, known as community guidelines. In one instance, documents leaked to the New York Times by Facebook employees revealed the company monitors political speech globally, using a set of biased rules which favor governments and the far right. In an overt government-friendly strategy, Facebook rules instruct moderators to **censor content with the phrase “Free Kashmir”** and deem content that calls for an independent Kashmir illegal in India.²¹ In a leaked internal review on the rise of online censorship,



Google employees noted how Facebook and Twitter “were implicated in the censorship of clashes between rebels and Indian authorities in Kashmir... highlighting the platforms’ complicity with government censorship.”²²

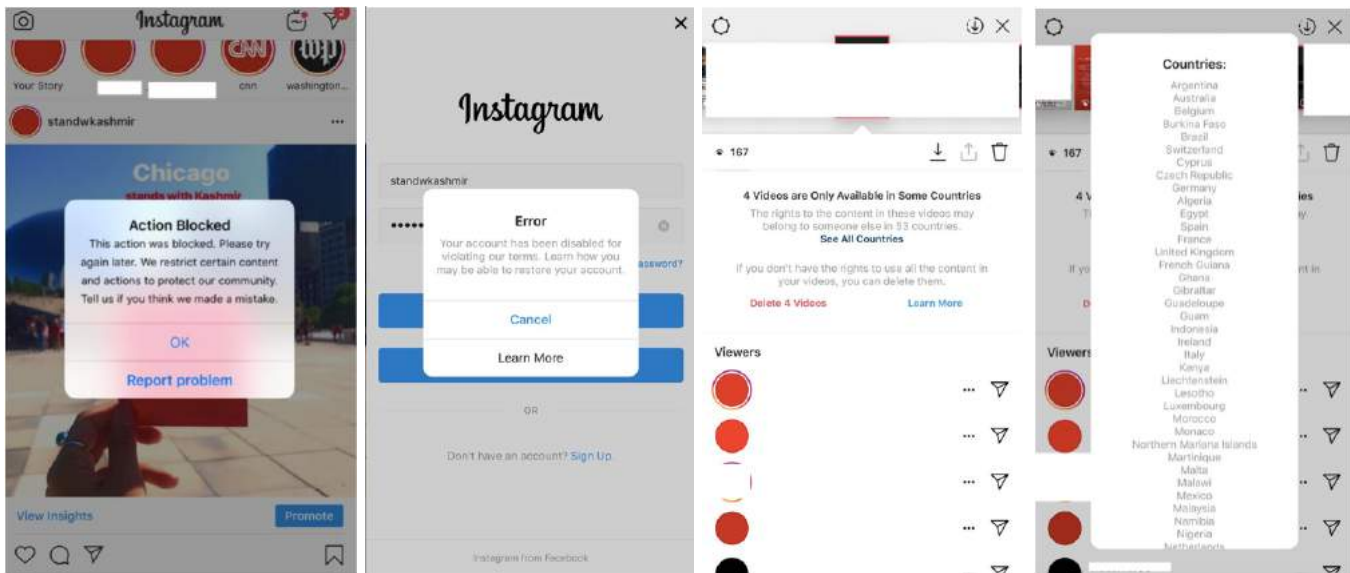
Three prominent profiles censored by Facebook and Twitter include: Stand With Kashmir; Free Press Kashmir, a licensed news media organization based in Kashmir; and Kashmir Podcast, a podcast run by Ifat Gazia, a Kashmiri graduate student at University of Massachusetts, Amherst.²³ An analysis of the patterns of content removal and restrictions on these accounts, two of which are based in the United States, indicates multiple layers of online censorship directly enabled by the platforms. A common method of censorship involves the platform directly **removing user content or restricting profiles at the behest of the Indian government**, or in response to reports from other users. Aside from this, platforms have employed censorship methodologies that operate at an algorithmic level and elude detection, such as by restricting the reach of user content and manipulating search results. This following documents the censorship experience of this organization and of a Kashmir-based online portal.

1) StandWithKashmir’s Digital Censorship

Platforms have persistently censored StandWithKashmir’s (SWK) Twitter, Facebook and Instagram accounts since August 2019, when the Indian government first imposed a communications blackout to control narratives of India’s potential annexation of Kashmir. In September 2019, SWK’s Facebook account was blocked from sharing any links.²⁴ Since March 2021, SWK’s Facebook and Instagram accounts cannot be accessed by users in Kashmir and India who form roughly half of the account audience, amounting to shadow banning. Additionally, the reach of its Facebook account has been restricted such that posts which were earlier organically able to reach 8,000 to 10,000 people are now only able to reach 2,000 or so people.

Similarly, Instagram too has restricted SWK’s account since its formation. Simply creating the account took the SWK activist based in the US three attempts, multiple correspondences with the company, and advocacy through activist’s personal networks, a privilege many groups do not have access to. Soon after the account was created in August 2019, the account’s captioning privileges were taken away. A few days later, the account could not be seen in 53 countries around the world.





In August 2019, Instagram blocked SWK's account multiple times, restricting its content in 53 countries and taking away captioning privileges.

Since October 2019, Twitter has sent SWK's handle multiple notices of its being in violation of India's Information Technology Act. Twitter then suspended SWK's account in December 2020 and March 2021. As with Facebook and Instagram, an analysis of the account data suggests Twitter has restricted SWK's account reach since March 2021. Although SWK has reached out to the platforms regarding these instances, the companies have either attributed the censorship to technical issues, unspecified violations of **"Community Guidelines"** or have been unresponsive. At the same time, the platforms have also chosen not to take steps to limit user-based manipulation by prominent troll accounts with documented links to the BJP government in power. The continued alignment of the platforms with authoritarian narratives acquires a renewed significance in light of the blocking of SWK's website in Kashmir and India on national security-related grounds. Social media platforms previously provided a rare opportunity for the Kashmiri people to voice their opinion without direct interference from authorities, in a place where the Indian state has weaponized access to telecommunications and controls the media sphere heavily. However, increasingly the platforms' complicity with the Indian state has impoverished this space not only in Kashmir, but also for a new generation of Kashmiri activists in the United States as well as in the broader diaspora, thus enabling a blackout over Kashmir. For example, advocacy groups such as Kashmir Civitas and the Legal Forum for Oppressed Voices of Kashmir, also based outside of Kashmir, have been censored by social media platforms.

Forwarded message

From: Twitter Legal <legal@twitter.com>
 Date: Thu, Apr 22, 2021, 8:18 AM
 Subject: Twitter Receipt of Correspondence
 To: @standwithkashmir <info@standwithkashmir.org>

Hi @standwithkashmir,

In the interest of transparency, we are writing to inform you that Twitter has received the attached request from the Government of India regarding your Twitter account, @standwithkashmir, that claims the following content violates the advisory issued.

@standwithkashmir
<https://twitter.com/standwithkashmir/status/1378642805942690988>

We have not taken any action on the reported content at this time as a result of this request.

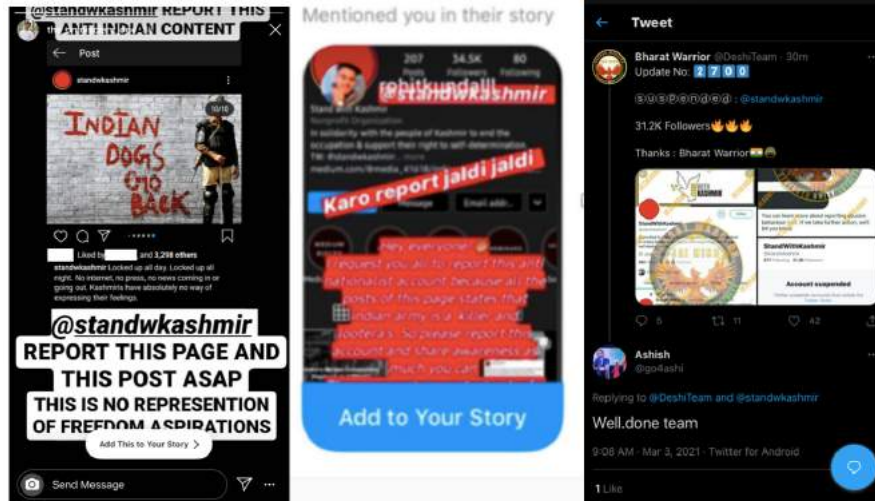
As Twitter strongly believes in defending and respecting the voice of our users, it is our policy to notify our users if we receive a legal request from an authorized entity (such as law enforcement or a government agency) to remove content from their account. We provide notice whether or not the user lives in the country where the request originated, however, we are prohibited from disclosing who submitted this request. This page provides more information: <https://help.twitter.com/en/rules-and-privacy/defending-and-respecting-our-users-voice>

When we take action on legal removal requests, and as long as the request does not prohibit us from doing so, we also notify Lumina (<https://lumina.databeats.org>), an independent, third-party research project studying and publishing such requests.

We understand that receiving this type of notice can be an unsettling experience. While Twitter is not able to provide legal advice or translate any attached legal process, we want you to have an opportunity to evaluate the request and, if you wish, take appropriate action to protect your interests. This may include seeking legal counsel and challenging the request in court, contacting relevant civil society organizations, voluntarily deleting the content (if applicable), or finding some other resolution. For more information on legal requests Twitter receives from governments worldwide, please refer to this article on our Help Center and our biannual Transparency Report: <https://help.twitter.com/en/rules-and-privacy/legal-faq>
<https://transparency.twitter.com>

Sincerely,
 Twitter

Since October 2019, Twitter has sent SWK multiple notices of the alleged illegality of its content under Indian law.



Government-linked trolls on Twitter have led a coordinated attack to mass-report SWK's account.

CONFIDENTIAL: Meeting Notice - Sec. 69A of IT Act 2000 - 02.03.2020 at MeitY - reg

6 messages

Cyberlaw & eSecurity.MeitY <cyberlaw@meit.gov.in>
 To: info@standwithkashmir.org, media@standwithkashmir.org

Fri, Feb 28, 2020 at 4:10 AM

Dear Sir/Madam,

This has been reported to this Ministry that the website: www.standwithkashmir.org and its social media accounts (Facebook, Twitter and Instagram) are propagating objectionable contents that are detrimental to the sovereignty and integrity of the country.

In this regard, a meeting for examination of blocking requests under the provisions of Section 69A of the IT Act 2000 is scheduled on **02nd March, 2020 at 05:00 P.M. in Room No.4062, MeitY, Electronics Niketan, 6 CGO Complex, Lodi Road, New Delhi 110003.**

You may please depute your representative to attend the meeting and present your case.

Kindly note that the notice(s) / order(s) issued under section 69A of the IT Act 2000 is **CONFIDENTIAL**.

Thanks and Regards

Cyber Laws & e-Security Division
 Ministry of Electronics & Information Technology
 New Delhi

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The Cyber Laws & e-Security Division, within India's Ministry of Electronics & Information Technology, has sent multiple legal notices to SWK about its website and social media accounts hosting content "detrimental to the sovereignty and integrity of the country."

2) Kashmir-Based Online News Portal's ("News Portal") Digital Censorship

News media in Kashmir operates in an environment marked by extreme levels of government control and surveillance. Editors and newspaper owners must customarily obtain "verification" from the Criminal Investigation Division (CID) as prerequisite to working in the region. The CID is a government agency responsible for criminal prosecution and investigation of criminal offenses, and its verification process involves submitting detailed personal information in response to informal interrogation by the CID. **Journalists and news editors are routinely contacted, threatened and attacked** by a range of state actors including police and paramilitary forces and intelligence personnel. In 2016, the Indian state banned printing presses from publishing copies of the daily newspaper Kashmir Reader for three months, after it published stories about violations of human rights by Indian armed forces.²⁵ The state also controls revenue available to publications via government advertisements—which form a substantial source of income for many publications—and for which 48 publications were made ineligible in 2021 for content deemed prejudicial to India's national security interests.²⁶ The editor of News Portal, elaborated:

"The social media environment for Kashmiri publications is not good. Businesses here have been shut down since Aug. 4, 2019, when the political situation was dramatically transformed by India's abrogation of Article 370 and later by military-managed COVID shutdowns. The private economy has been crippled and the government advertisements are not available to publications which want to cover state violence...we have switched from an advertisement model to a subscription model to fund our work. But when social media corporations shadow-ban our content or shutdown our pages, it makes it almost impossible for us to continue our work...one of the last ways to reach out to the world closes.

Our Facebook page was first taken down in 2018. I was told by contacts at Facebook that our content critical of Indian Prime Minister Narendra Modi was mass-reported. While the page was restored, the virality and interactivity of our content afterwards was dramatically reduced—the same story is with our Twitter account, it is also shadow-banned.

The nine-month long internet shutdown from August 2019 to March 2020 resulted in our (main) web pages getting rated down on Google. Our 10-year-old domain name was blacklisted and blocked by Google AdSense for illegal click activity...which means our website was being accessed some 1,000 times a second...this was the result of cyber-attacks on our website. Our sources within Google have told us that the corporation works with the Indian authorities to manipulate search results—certain keywords and websites don't feature as they would otherwise, or they don't receive as many hits. All this is happening at the algorithmic level."



B) U.S. and International Law Analysis

In the United States, the Free Speech clause of the First Amendment of the U.S. Constitution protects individual speech against government regulation, unless the regulation furthers a compelling government interest. Legal scholars generally agree that since social media companies are privately owned corporations and not government entities, individuals cannot assert claims of censorship against them under the First Amendment.²⁷

In international law, Article 19 of the International Covenant of Civil and Political Rights (ICCPR) obligates state parties to protect the right of freedom of expression, including the “freedom to seek, receive and impart information and ideas of all kinds” via different kinds of media.²⁸ Further, state parties are under an obligation to prohibit “propaganda for war” or content that incites discrimination, hostility and violence on the basis of nationality, race or religion.²⁹ As party to the ICCPR, India is violating its human rights obligations under the terms of the treaty. That includes engaging in direct and indirect censorship of Kashmiris’ expression of their political subjectivity on social media, and blockading their access to the digital space through extended internet and telecommunications shutdowns since 2008. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires state parties to outlaw hate speech and condemn all propaganda and organizations based on racial superiority of one group

over another.³⁰ As state party to the ICERD, India is in violation of its commitments under the terms of ICERD because “IT cells” run by state actors and politicians in the digital space **routinely engage in Islamophobic propaganda and hate speech** which calls for the genocide of Kashmiri Muslims.

According to the UN Guiding Principles on Business and Human Rights (UNGPs), social media corporations are under a “responsibility to respect human rights” wherever they operate, independently of the responsibilities of states.³¹ Social media corporations have a special responsibility towards protecting the civil and political rights of people living in contexts of “heightened risk,” such as those living in Indian-occupied Kashmir.³² Businesses, as part of their commitment to respect human rights, are obligated to conduct due diligence to “identify, prevent, mitigate and account for” their human rights impacts and engage in processes that enable remediation of adverse human rights impacts.³³ In sum, social media corporations must take concrete steps to avoid causing or enabling human rights abuses and must address human rights impacts of their operations. Social media corporations’ censorship of Kashmiris in the digital space at the behest of the Indian government is in violation of the UNGPs. The failure of social media companies to take steps to stop Islamophobic and racist hate speech directed at Kashmiri Muslims also is in violation of the UNGPs.





Recommendations for Social Media Corporations

Photo: Tauseef Mustafa

1. Social media corporations **must immediately reinstate all content removed and accounts suspended** in violation of international norms of freedom of expression.
2. Social media corporations **must undertake a human rights impact assessment of the situation in Kashmir, which** takes into account India's military occupation of Kashmir; its human rights record in the region, in particular, its history of blockading telecommunications services; and its curtailment of Kashmiri people's political speech and expression. Such an assessment must inform the corporations' policies, products, programs and partnerships in the region with regard to the protection of freedom of expression and protection of privacy.
3. Corporations must **investigate reports pointing to Indian government and political parties' long-standing use of "IT cells"** for creating disinformation, and suppressing marginalized populations in the digital space by trolling and mass-reporting accounts. Disinformation and troll accounts must be removed from the platforms.
4. Corporations must **hire fact-checkers** to look at content pertaining to Kashmir with a human rights and anti-occupation lens.
5. Corporations must **make publicly available detailed information on content or removal requests** by the Indian government or actors affiliated with it, including the number of requests received, the nature of the request and the corporations' response to the request.making process.

Recommendations for Social Media Corporations

Photo: Tauseef Mustafa

6. Corporations must **provide transparency on the restriction or removal of user's content** related to Kashmir based on their current community standards, guidelines or policy. Social media companies must establish exactly what portion of the content violated its community standards, guidelines or policy on a case-by-case basis.
7. Corporations must **suspend the use of AI mechanisms for review of Kashmir-related content. They must** form ethics committees of independent Kashmiri researchers, scholars and civil society groups with expertise in human rights and international law, to review content removal and restrictions related to Kashmir, subject to data privacy and protection requirements. Such a committee should also look at the effectiveness and fairness of current redressal mechanisms made available by the corporations with a view to regaining the trust of censored users.
8. Corporations must **designate specific staff members for conducting outreach** with civil society groups and advocacy organizations in an issue-specific and need-based manner. Outreach staff must have training in human rights to understand the complexities of a particular issue and gauge community needs.
9. Corporations must **increase investment in Hindi-language and Hinglish content moderation** and create a database of hate speech and Islamophobic terminology that harms Kashmiris and marginalized populations in India. They must also be transparent about their existing resources to this effect, and how much of content moderation is done by algorithms vs. humans, as well as their overall governance and decision-making process.



RECOMMENDATIONS FOR POLICY MAKERS AND GRASSROOTS ORGANIZATIONS

1. Amplify the voices of Kashmiri civil society organizations, advocacy groups, human rights defenders, journalists, and academics, including in relation to the censorship they face.
2. Apply pressure on social media corporations to adhere to international legal standards for human rights and freedom of expression, and stop abetting India's silencing of Kashmiri voices. Consider taking legal action against social media corporations if they don't amend their behavior.
3. Incorporate Kashmir in their analysis, networking, and action on content moderation and deplatforming issues.
4. Document and report violations of Kashmiris' digital rights to independent monitoring networks.



"#Instagram eat my artwork" – by Mir Suhail



1. A 'Lawless Law': Detentions Under Jammu and Kashmir Public Safety Act, Amnesty International (2011), see <https://www.amnesty.org/en/documents/ASA20/001/2011/en/>; India: Investigate the Use of Lethal Force in Kashmir, Human Rights Watch (2016), see <https://www.hrw.org/news/2016/07/12/india-investigate-use-lethal-force-kashmir>.
2. Occupation in Kashmir can be analyzed from a legal lens, but it also exists as an affective category delineated by the ways in which Kashmiris experience everyday life in the region. According to the Occupation law, a branch of International Humanitarian Law (IHL), occupation exists when territory is actually placed under the authority of a hostile army. It is presumed that occupation is a temporary measure and that until sovereignty is not restored to the occupied people, the occupier will preserve the existing laws and institutions of the occupied territory. According to Occupation and Other Forms of Administration of Foreign Territory, a report from expert deliberations of the International Committee of the Red Cross (ICRC), the following elements establish the existence of military occupation: 1) the presence of foreign forces exercising effective control of the land 2) the ability of foreign forces to exercise authority over the territory 3) the nonconsensual nature of occupation. While both International Human Rights Law (IHRL) and IHL apply to the situation in Kashmir, IHL governs because India refuses to acknowledge the sovereignty of the Kashmiri people over the territory following the end of the British colonialism in the subcontinent and the partition in 1947. Kashmir is occupied by India because 700,000 Indian armed personnel have exercised effective control over the territory since at least 1989, when the movement for armed resistance to Indian rule gained momentum. The control of Indian forces over Kashmiri territory is belligerent because the Kashmiri movement for self-determination is backed by the overwhelming majority of Kashmiris.
It is likely that Indian occupation in Kashmir dates to 1947-1948, when India and Pakistan fought the first war over Kashmir which precipitated a division in control of the territory between India and Pakistan across the Line of Control (LOC)—not recognized as an international boundary but one which functions much like a border. Following the war, the ruler of the princely territory of Jammu & Kashmir, Maharaja Hari Singh, entered into a treaty with the Indian Union known as the Instrument of Accession under the terms of which Kashmir acceded to India, subject to a plebiscite to be conducted amongst the population to determine the will of the people. Following the principle of self-determination, United Nations Security Council (UNSC) resolutions Number 38 (1948) and 47 (1948) urge India and Pakistan to create proper conditions for free and fair plebiscite to determine the political future of Kashmir. Such a plebiscite has not been held to date and its non-occurrence deeply marks the Kashmiri collective memory. While the legitimacy of the treaty agreement itself is disputed by historians, legal experts say its terms, even if considered legitimate, have since been violated through executive action by India since the 1950's and most recently by the termination of Kashmir's semi-autonomous status in the Indian constitution by the abrogation of Article 370 in August 2019. Legal experts say Indian presence in Kashmir today is legitimated by military force alone.
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