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decades of violence in the region.[5] Kashmir has held special autonomous status protected by Article 370 of the Indian Constitution for over fifty years.[6] This status was also protected by UN Security Council Resolution 47 in 1948.[7] Since 1989, various groups have protested for Kashmir's right to self-determination, leading to a rise in violence and approximately 77,000 killed in the region over the past thirty years.[8]

On August 5, 2019, the Indian Prime Minister, Narendra Modi, controversially decided to remove Kashmir's autonomous status under Article 370.[9] Subsequently, India shut down access to internet and mobile communication in the region.[10] Adding further tension, on August 6, 2019, the President of India, Ram Nath Kovind, ordered that Jammu and Kashmir be reorganized into two separate union territories.[11] This designation eliminates representation in the federal government and gives the central government of India direct control over the region.[12]

During the lockdown, roughly 3,800 Kashmiris were detained without charge or trial.[13] According to the Indian government, as of September 6, 2019, over 1,000 remain in prison.[14]

However, most journalists have been barred from entering the region to verify data.[15] Many of those arrested have been beaten or tortured by security forces.[16] Some detained Kashmiris have been transported to prisons more than 1,000 kilometers away from Kashmir.[17] The government has not disclosed the reasons for these detentions. Those arrested include local politicians, journalists, lawyers, or suspected political dissidents, including the former chief minister of Kashmir.[18] However, the government has not provided reasons for the detention of other civilians without political influence, including children.[19]

International human rights standards do not allow for prolonged, arbitrary detention. Article 9 of the ICCPR, which India has ratified, states that no one shall be arbitrarily arrested or detained without trial.[20] The Indian security forces are obligated to inform detained individuals of the reason for their arrest and to allow them access to a trial in a timely manner. If the detention appears to be unlawful, detainees are entitled to take proceedings to court and be fairly compensated, according to ICCPR Article 9(4) and (5).[21] The Kashmir PSA violates these rights. The PSA allows

Arbitrary Detention in Jammu and Kashmir

by Maya Rose Martin

Early in August 2019, the Indian government stripped Jammu and Kashmir of their special status under the Indian constitution.[1] Since then, nearly 4,000 residents of Jammu and Kashmir were arrested and detained without trial.[2] These arrests were justified by the Public Safety Act (PSA), which allows arrests to ensure public order.[3] However, these detentions violate the Indian Constitution and the International Covenant on Civil and Political Rights (ICCPR).[4] India is not fulfilling its obligations to ensure of the right to freedom from arbitrary detention and the right to a fair trial.

Since the partition of India and Pakistan, the disputed status of Jammu and Kashmir (Kashmir) has led to

civilians to be arrested for “acting in any manner prejudicial to the security of the State.”[22] This controversial law has been broadly applied by Indian security forces; India argues that the law protects citizens from militants.[23] In one month, 250 habeas corpus petitions were filed in the region by prisoners challenging their detention, a number that would likely increase but for the fact that there is a lack of legal representation for criminal defendants in the region.[24] However, this number does demonstrate that a large number of detainees have been imprisoned without trial.

If children have been detained in Kashmir, as some journalists have suggested, this would violate Article 37 of the Convention on the Rights of the Child (CRC). [25] Article 37 protects children from arrest and detention except as a measure of last resort. There are reports of children as young as nine being detained, but this has been disputed by the Indian government.[26] India is also violating its own constitution, as Article 22 of the Indian Constitution protects against arbitrary detention.[27] Article 22 also states that individuals are to be informed of the grounds of their arrest in a timely manner. However, Article 22(3)(b) does allow for arrests and detention on a basis of preservation of public order, but those arrests are to be held to a strict standard.[28]

Thousands of arrests have been confirmed since August 5, 2019, and few of the imprisoned have had a trial due to the PSA.[29] The High Court of Jammu and Kashmir has ignored or prolonged proceedings for the petitions of habeas corpus filed by detainees.[30] These actions directly contradict Article 9(3) of the ICCPR, intended to give individuals who are unjustly detained access to trial.[31] The situation is complicated as most attorneys in Kashmir are boycotting the court following the arrest of the leaders of the Jammu and Kashmir Bar Association in August.[32] The lack of due process and access to attorneys is preventing detainees from seeking justice.

NGOs, such as Amnesty International, have called on India to stop abusing the PSA and release detainees. [33] At the UN General Assembly in September 2019, Pakistani Prime Minister Imran Khan also called on the world to sanction India and not allow such human rights abuses in Kashmir, making a point to mention the targeting of Muslim and non-Hindu Kashmiris. [34] Few nations besides Pakistan have made diplo-



PHOTO OF A ROAD IN KASHMIR'S ANCHAAR AREA AFTER YOUTH PROTESTERS CLASHED WITH POLICE FORCES VIA FLICKR USER IPS INTERPRESS SERVICE NEWS AGENCY, LICENSED UNDER PD.

matic or economic efforts to condemn India.[35] The UN Human Rights Council has already condemned India's actions in the Kashmir crisis, with seemingly little effect.[36] The most effective result may be from India's courts. Attorneys from other regions of India should be allowed to counsel detainees.[37] If petitions from Kashmir are allowed to proceed in court, the detentions may be found unconstitutional under Indian law.[38]

On October 31, 2019, Kashmir's constitution was nullified, the state was split into two territories (Jammu and Kashmir, Ladakh) and the Indian government took more direct control over the region.[39] Increased international condemnation over the crisis in Kashmir may spur the Indian government to change its actions in Jammu and Kashmir. India's judicial system should take action to curb the President and Prime Minister's actions regarding Kashmir. India is violating international human rights standards in Kashmir and should immediately give detainees access to fair and impartial legal counsel and trial.

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Xenophobia in South Africa

by Salim Rashid

In September 2019, looters and protestors targeted foreign-owned businesses in Johannesburg, killing and displacing several South African residents and immigrants.[1] These recent attacks are some of the many acts of anti-immigrant violence that have plagued business owners for the past few decades.[2] South African leaders have attempted to address these issues through a series of initiatives following South African independence in 1961. The South African Human Rights Commission (SAHRC), the UN High Commissioner for Refugees (UNHCR), and the National Consortium on Refugee Affairs (NCRA) created the Roll Back Xenophobia Campaign (RBX), South Africa's first attempt at recognizing xenophobic rhetoric.[3] Unfortunately, the campaign lost funding in 2002 and never realized its goal, with xenophobic violence becoming more common in the years following.[4]

South Africa's improving economy invites unique opportunities that are imperative to the success of the continent as a whole. South Africa has the second

largest economy in Africa based on its gross domestic product.[5] Its economy attracts immigrants from around the continent who are seeking refuge from poverty and persecution in their home countries.[6] Many South Africans blame immigrants for hardships they face. A Wits University study on forced migration found that sixty-four percent of South Africans believed that immigrants were "generally untrustworthy," and a similar percentage thought that South Africa would be better off if immigrants left the country.[7] Unemployment in South Africa is between twenty and forty percent; however, foreign-born residents are only three to five percent of the total population.[8] Over time, this rhetoric has evolved into violence. The South African Human Rights Commission stated that attacks against immigrants in 2008, which claimed fifty-six lives, exposed the "vulnerability of [immigrants], particularly from other African countries." [9]

Harmful rhetoric starts at the top. Reputable Government officials perpetuate negative stereotypes about immigrants.[10] Violence against immigrants and negative stereotypes reinforced by South African leadership are clear violations of South Africa's international human rights obligations. Although President Cyril Ramaphosa has condemned South African citizens, this ideology is unique among South African leadership.[11] Former President Jacob Zuma stated that the South African government cannot ignore that immigrants commit the most violent crimes.[12] Gauteng Province Police Commissioner Lieutenant, General Deliwe De Lange, claimed that "illegal" immigrants are responsible for sixty percent of "violence" in his province.[13] De Lange prefaced this comment by ensuring he is "not xenophobic." Yet, the African Institute for Security Studies found that law enforcement does not release data on nationalities of persons they arrest.[14] Intentional distortion of facts by trusted government representatives irresponsibly fuels distrust towards immigrants and justifies the violence that they endure. This rhetoric constitutes the government inciting violent acts against a race or group of persons of another ethnic origin and that this is a violation of the Committee on the Elimination of Racial Discrimination (CERD).

The International Bill of Rights — consisting of the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic,