



**Indian American
Muslim Council**

Report
GENOCIDE
Convention and
Persecution of
Muslims in India

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| FOREWORD |



The month of December holds deep significance and relevance to the cause of global human rights, religious freedom, and genocide prevention.

It was on December 10, 1948, that the United Nations General Assembly adopted the UN Declaration of Human Rights that enshrined, for the first time in human history, the rights and freedoms of all human beings.

Adopted as a “common standard of achievement for all peoples and all nations,” the Declaration committed member states

to recognize that all humans are “born free and equal in dignity and rights [regardless of] nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status.”

The previous day, December 9, 1948, the UN General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide, which, also for the first time in human history, defined genocide as any of five “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

These acts are: killing members of the group; causing them serious bodily or mental harm; imposing living conditions intended to destroy them; preventing their births; and forcibly transferring children out of the group. The Convention criminalizes complicity in, attempt and incitement to commit genocide. Not only are member states prohibited from engaging in genocide they are also obligated to enforce this prohibition.

Importantly, the Convention states perpetrators of genocide must be prosecuted, regardless of whether they are private individuals, public officials, or even political

leaders that have been given sovereign immunity. Going by the parameters set in the Genocide Convention, it is abundantly clear that not only is a genocide of Muslims being attempted and incited in India, Prime Minister Narendra Modi's Government is actively failing to prosecute the perpetrators. Modi's Hindu supremacist Government is itself leading this attempt and incitement to commit the genocide of country's 200 million Muslims.

It is in this backdrop that we release **"Genocide Convention and Persecution of Muslims in India"** report today to highlight and draw attention to the Modi Administration's blatant violation of the Genocide Convention, its complicity in and encouragement of the genocidal violence through targeted extrajudicial and mob killings; demolitions of homes, businesses and places of worship; enforced disappearances; denial of religious observances; and generally imposing living conditions that will eventually destroy India's Muslims.

Twenty years old this year, Indian American Muslim Council (IAMC) is the world's oldest and largest organization of the Indian Muslim diaspora dedicated exclusively to the pursuance of civil and political liberties, peace, pluralism and justice. As a responsible and important voice in the United States, IAMC seeks to hold the Indian government accountable for the ongoing human rights abuses against India's social and religious minorities, including Muslims, Christians, Dalits and the Adivasis.

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The 1948 Genocide Convention was created by the United Nations General Assembly in the aftermath of the Holocaust, in order to formally recognise genocide as a crime, and detail punitive measures for those who committed it. The Convention explicitly defined genocide and codified it into international law for the first time, so that it could be prosecuted against. India signed the Genocide Convention in 1949 and ratified it 10 years later, thus agreeing to abide by the Genocide Convention and recognise that 'genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilised world[1].'



Despite India's ratification of the Genocide Convention, in recent years the government of India, under the leadership of Bharatiya Janata Party (BJP) Prime Minister Narendra Modi, has acted against the Convention,

with the Union Government, State Government and grassroot violent Hindu supremacist organisations (collectively called the Sangh Parivar) committing genocidal acts, and failing to protect Indian minorities, especially Muslims and Christians. Globally renowned genocide watchdog Genocide Watch currently lists India at stages 6 (Polarisation), 7 (Preparation), 8 (Persecution) and 10 (Extermination) due to the BJP's polarising rhetoric, discriminatory legislation, and the ongoing state sponsored persecution of Indian Muslims. The United States Holocaust Memorial Museum has argued that India is the second likeliest place for mass killings to begin, behind only Pakistan.[2] In June 2022, US Secretary of State Antony Blinken berated India's continued persecution against religious minorities, saying 'India, the world's largest democracy and home to great diversity of faiths, we have seen a rise in attacks on people and places of worship'[3]. The United States Commission for International Religious Freedom (USCIRF) has recommended India to be designated as a Country of Particular Concern (CPC) for three consecutive years.

This report seeks to explicitly acknowledge the multitude of

instances where India's federal government, state governments and violent Hindu supremacist groups, have acted against the genocide convention. This report explores how in other instances, India is moving closer towards committing acts of genocide against its Muslim citizens on a national scale. Without international intervention, the Indian government will continue to commit and allow acts of genocidal violence against Muslims, which will inevitably transition into a full-blown genocide.

Articles of the Genocide Convention

The Indian government at the Union and State levels as well as the



Judiciary, Police and government backed violent Hindu extremist groups, such as the Bajrang Dal, Vishwa Hindu Parishad (VHP) and Sri Ram Sene, have contravened articles 1,2,3 and 5 of the Genocide Convention.

The Indian Government has attempted to legitimise its ongoing human rights abuses in Jammu and Kashmir, including the arrest, detention and torture of civilians, by alleging it is part of the government's policy to protect India from "terrorism and external threats." This contravenes Article 1, which states "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.[4]"

India has violated Article 2 of the Genocide Convention as Indian Muslims are killed, tortured, and subjected to mental and bodily harm. Article 2 of the Genocide Convention defines genocide as 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group'[5].



The Indian Government continues to break Article 3 of the Genocide Convention. Article 3 states that 'The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.[6]' BJP politicians and violent Hindu extremists use hate speech to incite genocide. The state has continuously failed to hold perpetrators accountable for genocidal hate speech and violence, often intervening to release perpetrators or seek inaction, making the state complicit in the impending genocide of Muslims.

The Indian Government, police and judiciary have failed to hold those who commit genocidal violence accountable. This breaks Article 5 of the Genocide Convention, which states 'The Contracting Parties undertake to enact, in accordance with their respective Constitutions,

the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.[7]'

Genocidal Acts in India

In order to demonstrate how India is moving closer to an impending genocide, this report will explore how the Indian Government has and continues to break the above-mentioned articles of the Genocide Convention. Hate Speech incites genocidal violence and often ensures



perpetrators are aware of their impunity. In India, perpetrators commit genocidal violence against Indian Muslims, and are not prosecuted, making the state complicit in these acts. The government's implementation of discriminatory legislations, bulldozing houses and places of worships as a collective punishment, crack down on Muslims,

journalists and civil society and failure to hold perpetrators accountable emboldens perpetrators, and has ultimately led to an increase in anti-Muslim violence.

Inciting Genocide through Hate Speech

The Indian Government continues to break Article 3 of the Genocide Convention, as its ministers and top politicians, use hate speech to incite genocide.

Union Home Minister Amit Shah has used genocidal rhetoric to describe Indian Muslims when speaking about the Assam National Register of Citizens (NRC). He dehumanised Muslims by referring to them as 'infiltrators', and used the term 'termites' when referring to the religious group, a term used by the Hutu to describe the Tutsi before and during the Rwandan Genocide[8]. These terms have been repeated at the grass roots level by Bajrang Dal militants, demonstrating how Shah's rhetoric has incited genocidal violence, breaking the Convention[9].

Uttar Pradesh Chief Minister, Yogi Adityanath, has used hate speech to re-ignite fears over the Love Jihad conspiracy theory. Hindu nationalists

created the conspiracy theory that Muslim men are posing as Hindus, meeting and marrying Hindu women and forcing them to convert to Islam. This has incited anti-Muslim violence and led many Muslim men who wish to marry women from a different religion to be attacked by Hindu extremists. Adityanath has legitimised these attacks in speeches, saying 'If Muslims convert one Hindu girl, Hindus will convert 100 Muslims girls. If they kill one Hindu, we will kill 100 Muslims.[10]'



BJP leader Kapil Mishra used hate speech to incite anti-Muslim violence during the 2020 Delhi Pogrom, as he gave Delhi Police an ultimatum, saying 'Till US President is in India, we are leaving the area peacefully. After that we won't listen to you [police] if roads are not vacated by then.' He spoke in the Jaffrabad area of Delhi, where communal riots later led to the death of 50 people, mostly Muslims[10].

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Equally, BJP leader Nand Kishor Gujjar claimed bringing in thousands of Hindu extremists to kill Muslims during the 2020 Delhi pogrom. He said "we have been accused of bringing 2500 people into Delhi during the riots. We were there to make them understand but they filed a case against us that we tried to kill the "jihadis". We have killed "Jihadis" and we always will. He also used hate speech to incite further violence,

saying 'But we won't touch those who call India their mother, chant "Bharat mata ki Jai", and is a descendent of Lord Ram.[12]'

From December 17-19, 2021, Hindu militant priests and BJP politicians came together for a 'Dharma Sansad' (religious parliament). At the event, a variety of speakers urged Hindus to arm themselves against Indian Muslims,



with some calling for a genocide. The Hindu Raksha Sena's President, Swami Prabodhanand Giri called for repeating the Rohingya genocide. He said 'This is why, like in Myanmar, the police here, the politicians here, the army and every Hindu must pick up weapons and we will have to conduct this cleanliness drive (safai abhiyan). There is no solution apart from this.[13]' General Secretary of the Hindu Mahasabha, Pooja Shakun,

also called for a genocide against Indian Muslims, remarking “Nothing is possible without weapons. If you want to eliminate their population then kill them. Be ready to kill and be ready to go to jail. Even if 100 of us are ready to kill 20 lakhs of them (Muslims), then we will be victorious, and go to jail... Like [Nathuram] Godse, I am ready to be maligned, but I will pick up arms to defend my Hindutva from every demon who is a threat to my religion.[14]” Similar Dharma Sansads pitching for genocide of Muslims were held throughout 2022 in different parts of India.

In October 2022, BJP leader and former Member of Legislative Assembly (MLA), Gyan Dev Ahuja was caught on camera telling people to ‘kill anyone involved in cow slaughter.’ Ahuja, went on to say ‘We have so far killed five people, be it in Lalawandi or Behror’, referencing the infamous lynching cases of Pehlu Khan and Rakhbar Khan. He spoke about the impunity he has given to Hindu extremists to lynch alleged cattle slaughterers (reference to Muslims), saying ‘I have given free hand to workers to kill. We will get them acquitted and secure bail.[15]’

These repeated calls that incite genocidal violence against Indian

Muslims have continued as the government fails to legislate against hate speech. Without efforts to stop such speech, safeguard Indian Muslims and uphold their constitutional rights, these calls to action will inevitably lead to genocide.

Genocidal Violence

The impact of such hate speech is visible through ongoing cow lynching



attacks. Since Narendra Modi took office as Prime Minister of India in 2014, there has been a sharp rise in lynching cases against Indian Muslims. 97% of cow lynching cases haven taken place since 2014, and majority of cases occur in BJP ruled states[16]. Equally, 86% of victims in cow lynching cases are Indian Muslims[17]. Cow lynching cases are a breach of the Genocide Convention, as Indian Muslims are targeted because of their religion, and then killed or badly injured by Hindu supremacists

for allegedly transporting cattle or having cow meat on their person or premises[18].

Cow Lynching cases demonstrate how Hindutva militias, such as the Bajrang Dal, seek to destroy Indian Muslims, as they make up the majority of victims, and are often forced to chant nationalist slogans, such as 'Jai



Shri Ram' before they are attacked. Equally, perpetrators and the police do not ask for documentation to check if the cattle are stolen, and in many cases 'they operated with an inherent assumption that if cows are being transported by Muslims, they are breaking the law.[19]' Ishan Marvel, a journalist who joined Cow Vigilantes on patrol for the night in Haryana interviewed the perpetrators, and their anti-Muslim ideology is clear. One Cow Vigilante remarked that 'One

can tell- an innocent guy won't be a Muslim.[20]'

One of the most shocking cow lynching cases, the lynching of Pehlu Khan in Alwar, Rajasthan, not only shocked the nation, but demonstrated the complicity of the police and local politicians in these genocidal acts. Pehlu Khan was lynched by cow vigilantes after they believed he was going to slaughter the cow he had purchased for milking. Despite showing papers, Khan was lynched by the mob of over 200 men[21]. In a report by Sabrang, the investigators found that 'the records establish that the police and the prosecution have, through acts of commission and omission, worked from the day of the attack to diminish the enormity of the crime, weakening the case against the accused[22].'

State level politicians are not only aware of the attacks but normalise cow lynching by tacitly endorsing the perpetrators. Rinku Sharma, a Cow vigilante from Haryana stated in an interview he has met Chief Minister Manohar Lal Khattar several times and that 'the CM is happy with our work, and we have his blessings and full support.[23]' Equally, Hindu extremists who lynched Mohammad

Akhlaq and were on bail at the time, sat on the front row of a BJP rally led by Uttar Pradesh Chief Minister Yogi Adityanath. One of the accused in the case, Vishal Singh, stated at the rally that 'nothing will happen now' after he and the other accused were released on bail[24].

The Police and Judiciary fail to hold



the perpetrators accountable for their crimes, thus breaking Article 5 of the Convention, (to hold guilty persons accountable) as less serious charges are invoked against the perpetrators, to secure them bail, and in the majority of cases Cow Vigilantes are ultimately acquitted. The Union Government has also intervened to secure the release of Cow Vigilantes. In one such case Amit Shah, Union Minister of Home Affairs wrote directly to the prison the perpetrator was held in to have him released[25].

The Indian Union and State governments are complicit in this genocidal violence, as they have failed to pass anti-lynching bills. Four Indian states, Jharkhand, West Bengal, Manipur and Rajasthan have passed such legislation, however, only the bill in West Bengal has been enacted into law, with the rest failing to receive Presidential or Gubernatorial



approval. In March 2022, the Jharkhand Governor, Ramesh Bais, a BJP supporter, returned the Bill, asking the state legislature to reconsider the definition of 'mob', which echoes the BJP's opposition to the Bill within the state legislature[26]. Both the Rajasthan and Manipur Bills were returned by the Centre, which asked for 'clarification' on certain aspects of each piece of legislation, and neither have received Presidential approval almost six months later[27].

Extra-judicial killings by the police are another way in which India continues to break the Genocide Convention, as they deliberately kill Indian Muslims due to their religion. In Uttar Pradesh (UP), what are colloquially known as 'encounters' have become common place since 2017, when BJP came to power, with one report estimating 146 people had been killed by the police in the state; 37% of whom were Indian



Muslims[28]. Equally, encounters have increased in Assam since May 2021, where 25 people have been killed, and 39 injured[29]. Extra-judicial killings are legitimised by alleged shoot outs with victims, which mean that Police are able to portray the event as following protocol. Former chief of UP police, Mr. OP Singh remarked that 'Encounters are part of crime prevention. The fact is that this is not a state policy, but a police strategy. We do not call it encounters but police engagement. We are engaged with the

criminals in a very professional and strategic manner.[30]

In a multitude of cases, the killings are pre-meditated, and recorded phone conversations between police officers corroborate these claims. In one media sting, two Agra police officers were recorded explaining they would frame, plant evidence against and kill an innocent man in an 'encounter' for



800,000 rupees (around \$10,000)[31].

Whilst in many cases the Police commit encounters in exchange for promotions in the police force, the Islamophobic ideology behind their actions is also clear. One 2019 poll found that 50% of police nationwide feel that 'Muslims are likely to be "naturally prone" towards committing crimes'[32]. Additionally, 36% of Police across the country believe that Police punishments against the accused were better than waiting for a trial

judgement. In Bihar, Chhattisgarh, Jharkhand and Karnataka, this number was much higher, with 60%, 57% and 59% of police officers favouring police brutality over trial[33].

In 2019, Police committed a series of extra-judicial killings against anti-Citizenship Amendment Act (CAA) protesters in the state. In

faced arrest and detention due to their religion. Think tank Pew Research Centre detailed in their recent report how India had the highest levels of religious hostility across the world, worse than Pakistan and Afghanistan, during the Pandemic. Accusations that Indian Muslims were deliberately spreading the virus led to allegations of 'Corona Jihad.' In Markaz, Muslims



Uttar Pradesh, the police fired on protesters throughout the state, killing more than 20 Muslims and injuring hundreds. Similarly, police in Mangalore opened fire on protesters, killing two people[34]. Despite these murders, no police officers have been held accountable for the unnecessary use of force and no charges have been filed against any police officials for the killings[35].

During the Covid-19 lockdown in India, Indian Christians and Muslims



who had travelled to join a religious congregation before the lockdown began were arrested and charged under the Epidemic Diseases Act. In Tamil Nadu, two Christians were killed whilst they were in police custody, after being beaten by police for allegedly violating the curfews in place[36].

In 2020, despite the significant reduction in crime across India due to the Covid-19 lockdowns, custodial deaths did not fall. 111 people died

in police custody, of whom 46% died due to torture, and 32% due to alleged suicide[37]. In both cases, the Indian state breached Article 2 of the Genocide Convention, as torture causes serious bodily and mental harm, and in cases of suicide, the victims often committed suicide to escape torture[38]. 60% of those who died in custody were from



marginalised communities, including Muslims[39]. Despite the large number of Indian Muslims tortured and killed in police custody, so far no police personnel have been held accountable, as they were only charged and never convicted of their crimes.

Perhaps the most notable cases of torture took place during the anti-CAA protests, when peaceful protesters were arrested, held in custody and

tortured by the Police. One activist Sadaf Jafar described her arrest by police: 'When Seelam {woman constable} tried to slap me, I covered my face. She then clawed my face and I had bruises all over my face and legs.' "Even the male cops beat me up. They kicked me in the stomach and called me 'Pakistani.[40]" In Nagina, Uttar Pradesh, five Muslim minors were tortured and a Muslim lawyer who was trying to help protesters was subjected to electric shocks by the police, who also verbally abused him[41]. During the 2020 anti-Muslim pogrom in Delhi, police officers brutally beat a group of Muslims and forced them to sing the national anthem while they lie on the ground injured, begging for mercy. One Muslim man later succumbed to his injuries. Activist Khalid Saifi was



brutally tortured by Delhi police after his illegal arrest in early 2020.

More recently, after the anti-Muslim violence in Khargone, Madhya Pradesh, a BJP ruled state, in April 2022, 12 Muslim minors were arrested in connection with the violence, detained in a juvenile correctional facility and tortured by the police. They were physically abused, beaten and denied food and water. The police also questioned them about their cultural practices, such as Namaz, and forced them to sing Hindu devotional songs and read from the Bhagavad Gita, Hindu scripture[42].

In these cases, torture was used by the Police in order to deliberately inflict serious bodily and mental harm on Indian Muslims. Additionally, the use of verbal abuse, including referring to Jafar as 'Pakistani' demonstrates that the police deliberately attacked Indian Muslims as they perceived them as an internal threat.

The Indian Government is complicit in the extra-judicial killings and torture perpetrated by the security forces throughout the country, thus breaking Article 3 of the Convention, as the Union Government continues to defend this genocidal violence

and has failed to legislate against it. The Uttar Pradesh State Government claimed that the UP Police are only 'discharging their constitutional and lawful duty to ensure the arrest of accused persons under due process of law. They further claimed that any fatalities are "unintended" and "an unfortunate consequence of lawful and proportionate use of force in self-defence" and "in the execution of their legal duty"[43].

The Supreme Court's guidelines over the investigations into self-defence killings by the Police have not been followed. Police reports are not interrogated to find adequate proof that victims were armed or fired at the Police, and there is no proof that retaliatory firing was necessary. Magistrates in the majority of cases 'unquestionably accepted the closure of the investigation' and the series of events presented to them by the police, thus facilitating an impending genocide against Indian Muslims[44]. Equally, the National Human Rights Commission (NHRC) has closed the majority of cases referred to them in favour of the police, ignoring inconsistencies in the police narrative as well as the failure of the police to provide adequate evidence against the accused.

In Jammu and Kashmir, the Indian Army and Central Armed Police Forces are reported to have continuously used torture against civilians since the 1990s. Torture has a multitude of purposes in the state and is used to obtain confessions from the accused as well as a means of punishing protestors, critics and alleged insurgents. It is also used as a means of destroying the psyche of Muslims across the state, as 'torture deaths, disappearances, and marking of the Kashmiri body and psyche with



violence have been intrinsic to the Indian State's rule over Kashmir.[45]

The security forces use the Unlawful Activities Prevention Act (UAPA) to arrest and detain any person or group, which 'disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India' or "causes or is intended to

cause disaffection against India"[46]. The wide scope of the law means that civilians, human rights activists and journalists are routinely arrested and held under the law for up to 180 days, significantly longer than if arrested under criminal law[47]. Torture is commonplace for those who are detained under the law, and those who are arrested and tortured are chosen not due to their occupation, political position, gender or age, but often due to the fact that they are Indian Muslims[48].

The Armed Forces Special Powers Act (AFSPA) prevents perpetrators from being held accountable, so they are able to torture Kashmiri Muslims with total impunity. The number of those tortured by Indian forces is unknown in Kashmir, as victims are often taken to torture centres, such as prisons, police stations and army bases, and cases are often not made public unless victims are killed. Nonetheless, a 2019 study into torture in the state found that of the 432 known victims, 51.4% suffered from health complications due to the torture they had endured, 94.1% had long term health issues, and 10.2% suffered from psychological difficulties. Additionally, 19% of

the total population of Jammu and Kashmir suffers from Post-Traumatic Stress Disorder (PTSD)[49].

The Union Government is complicit in this genocidal violence, as it has not yet ratified the Convention Against Torture, despite ongoing calls to do so, most recently at the United National Human Right's Council's Universal Periodic Review on India. Furthermore, the judiciary in Jammu and Kashmir, as well as the Jammu and Kashmir Human Rights Commission (JKHRC) have been rendered powerless in their duties to uphold the rule of law and prevent human rights violations. One High Court judge argued that "there is a total breakdown of the law



and order machinery [in Jammu and Kashmir]...the [High Court] has been made helpless by the so called law enforcing agencies. Nobody bothers to obey the orders of this court.[50]"

The Armed Forces Special Powers Act,

which provides security personnel with full immunity before the law, contravenes Articles 3, 5 and 1 of the Convention, as it enables the Forces in Jammu and Kashmir to act with total impunity so that they can continue to torture and kills Indian Muslims. Additionally, Article 1 explicitly states that genocidal violence breaks the convention regardless of whether it is used during times of peace or war. Therefore, the Indian Government



cannot legitimise the use of torture against alleged insurgents in Jammu and Kashmir.

Anti-Muslim Pogroms

The anti-Muslim violence across India in 1992, Gujarat in 2002, Muzaffarnagar (Uttar Pradesh) in 2013 and Delhi in 2020 including large scale violence against Muslims in eight Indian states in April 2022 demonstrate how Indian Muslims have consistently

been attacked and, in some cases, murdered due to their religion, as part of organised pogroms.

In December 1992, violent Hindu extremists backed by Rashtriya Swayamsewak Sangh (RSS) and the BJP attacked and demolished the Babri Mosque in Ayodha, Uttar Pradesh. It was a 16th century mosque which they claimed was built on the birthplace of Rama by a Muslim Mughal emperor. In the aftermath of the demolition, genocidal massacres against Indian Muslims were carried out by Hindu extremists, and 2,000 people were killed.

During the 2002 Gujarat Pogrom, Indian Muslims were attacked, assaulted and lynched by violent mobs of extremists Hindus throughout the state. Their property was also destroyed and around 2000 Muslims were murdered during the pogrom. Narendra Modi was Chief Minister of Gujarat at the time, and was crucial in inciting the genocidal violence, by dispersing rumours. He also gave perpetrators 3 days to commit the atrocities, and ensured perpetrators and the police, who also committed anti-Muslim attacks, were not held responsible for their actions.

Whilst Modi has remained immune from legal repercussions in India, his role in the Gujarat Riots was acknowledged by the US State department in 2005, when he applied for a US visa. His application was denied after the US State Department refused his entry to the US for 'severe violations of religious freedoms.'^[51]

Similar anti-Muslim pogroms have taken place since the 2002 Gujarat Riots. In Muzaffarnagar in 2013, 42 Muslims were murdered and 50,000 people were displaced after revenge



attacks by Hindu mobs took place across the Muzaffarnagar district of Uttar Pradesh. The anti-Muslim violence was incited by hate speech. BJP MLA Sangeet Singh Som gave inflammatory speeches, which he uploaded to Facebook. Whilst another BJP politician, Vikran Singh Saini, was recently jailed for 2 years for his role

in the pogrom, he was immediately bailed, and UP Chief Minister Yogi Adityanath heralded him for his actions, saying he lost his seat 'trying to protect Muzaffarnagar's dignity and self-respect'[52].



The 2020 Delhi Pogrom led to the deaths of 53 people, the majority of whom were Muslim. The violence was revenge for the anti-Citizenship Amendment Act (CAA) protests in Delhi which took place at the same time as the US President's visit to India. Hindutva mobs armed themselves with swords, petrol bombs, guns, iron rods and other weapons and went to majority Muslim areas

in the city to attack Muslims. 400 people were injured, and thousands displaced as homes and businesses were ransacked and destroyed. Mobs chanted nationalist and genocidal slogans, such as 'goli maro salon ko [kill the bastard Muslims]' before killing Muslims in their homes and on the streets[53].

The anti-Muslim violence in Tripura in 2021 was a revenge attack against Indian Muslims for the attacks Hindus had faced in Bangladesh. In October 2021, the VHP organised a protest rally against anti-Hindu violence in Bangladesh, which is located next to the country. During the rally, a mosque was vandalised and Muslim owned shops and houses were attacked in the north of the state. Tripura has historically not experienced Hindu-Muslim violence since Partition in 1947, and has remained peaceful even during times of communal violence across the border in Bangladesh. However, since the ruling BJP were elected to power in the state in 2018, there has been an increase in Hindu-Muslim violence in the state, with many blaming the BJP for polarising the communities[54].

The Khargone violence took place in April 2022. A procession celebrating

the Hindu festival Ram Navami turned violent during the Muslim call to prayer, and communal violence between Hindus and Muslims broke out. Consequently, a mob of 50 extremist Hindus began throwing stones and petrol bombs and setting fire to Muslim homes. They also shouted verbal and islamophobic abuses at Muslims. One member of the mob shouted 'Ek hi Musalman hai is gali mein, jalado isko ghar ke sath (There is only one Muslim in the lane, let's burn him with his house).[55]' Over 36 people were injured and 26 people's homes were burnt. The Police failed to hold the perpetrators accountable, failing to bring charges against Hindus named by victims. Conversely, 40 charges were brought against the Muslim community and over 160 Muslims were arrested. Additionally, the state had demolished Muslim homes, businesses and places of worship in the aftermath of the pogrom, claiming it is retribution for their alleged involvement in the violence[56].

All of these acts of genocidal violence break Articles 2, 3 and 5 of the Genocide Convention. Indian Muslims were attacked solely due to their religion, and the rhetoric used by the instigators and perpetrators

demonstrates how they view Indian Muslims as an "internal threat" and have developed an 'us versus them' dichotomy. Additionally, the fact that the perpetrators of the pogroms, including the police and politicians remain immune from legal prosecution contravenes Article 5 of the Convention.

In the case of the Gujarat Pogrom, Prime Minister Narendra Modi clearly broke Article 3 of the Convention, as he allowed the violence to go ahead, making him complicit in this



genocidal campaign against Indian Muslim.

Genocide in Future

Article 2 of the Genocide Convention also protects members of a group from 'conditions of life calculated to bring about its physical destruction in whole

or in part'[57]. The prevalent use of 'bulldozer justice' by BJP governments has not yet deteriorated to the level of destruction. Nonetheless, the mass demolition of Muslim homes, religious buildings and businesses, the failure to provide them with the legal recourse to stop demolitions breaks the International Covenant on Economic, Social and Cultural Rights, which guarantees citizens an adequate standard of living[58]. If India fails to stop these demolitions, and continues to commit them en masse, this will lead more Indian Muslims to become homeless and without access to shelter, breaking Article 2 as their 'conditions of life' will have deteriorated to bring about the destruction of this religious group.

Indian civil society has also been attacked by the PM Modi regime, as journalists, political activists, media outlets and human rights defenders continue to be threatened, harassed, intimidated and illegally arrested. Such attacks stop journalists and activists from being able to hold the Indian government accountable for its role in the impending genocide against Indian Muslims.

Amnesty International has highlighted how the Indian

Government uses anti-terrorism laws as a means of censoring dissent[59]. Siddique Kappan, a journalist who was reporting on the murder and gang rape of a Dalit girl in Uttar Pradesh was charged and imprisoned under the draconian anti-terror law UAPA in October 2020[60]. Additionally, two journalists, Samriddhi K. Sakunia and Swarna Jha, who were investigating and documenting anti-Muslim



violence in Tripura, were charged with criminal conspiracy, spreading communal disharmony and breaching the peace[61].

The UAPA has also been used to censor human rights activists. In June 2022 Teesta Setalvad and R.B. Sreekumar, who helped victims of the 2002 Gujarat Pogrom seek justice, were arrested and detained by an anti-terrorism squad for allegedly 'fabricating evidence against Prime Minister Narendra Modi.[62]

The Foreign Contribution Regulation Act (FCRA) has also been used by the Indian government to stop NGOs from being able to operate in the country. Amnesty International, Human Rights Watch and the World Organisation Against Torture have all called for India to stop using this law to silence civil society in India[63]. In 2020, Amnesty International was forced to close its offices in India due to the consistent harassment it received from the BJP government[64].



Since the revocation of Jammu and Kashmir's special status in August 2019, India has increased its crackdown against journalists, activists and human rights defenders in the state[65]. The Indian Government introduced an 18-month internet shutdown, the longest of its kind in any democracy. Similarly, journalists and activists face the constant threat of arrest and arbitrary detention by the state, as the government uses the UAPA and FCRA as a means

of censorship. Khurram Parvez, a Kashmiri human rights activist, was arrested on terrorism charges in November 2021 as retribution for his work documenting and investigating disappearances and unmarked graves across the state[66].

The censorship and crackdown on journalists, activists and members of civil society has enabled the Indian government to limit internal dissent and continue to erode the basic human rights of Indian Muslims across the country. As this crackdown continues, the Indian government will be able to continue to incite and commit genocidal acts and protect perpetrators, without being held accountable by journalists and civil society, ultimately leading to a future genocide.

The implementation of discriminatory legislation, such as anti-Conversion Laws has facilitated the arrest and detention of religious minorities in India, simply for practicing their religion. So far, nine states have passed anti-Conversion laws. The laws are used by right-wing Hindu supremacists to polarise religious communities over the fear of forced conversions. Equally, religious minority schools and religious

institutions have been attacked or forced to cancel events that support their local communities and Muslims and Christians are arrested and detained by the police, over unfounded allegations of forced conversions.

The Uttar Pradesh anti-conversion law goes further, banning “forced conversions” due to marriage, which in practice stops inter-faith



marriages and polarises religious communities over fears of what they call “Love Jihad”. In multiple cases, Muslim men are sent to prison for marrying Hindu women, despite the fact that the women continue to state they were never forced to marry their husbands, or to convert to Islam^[67]. Anti-Conversion laws not only undermine freedom of religion enshrined in the Indian constitution but stoke fears of conspiracy theories, polarising religious communities and

emboldening violent Hindu extremists to commit genocidal acts.

The Indian Government has stated that it will proceed with a nationwide National Register of Citizens (NRC), which in combination with the 2019 Citizenship Amendment Act has the capacity to make Indian Muslims stateless. Whilst the nationwide NRC has yet to be compiled, the National



Register of Citizens was completed in Assam, where nearly 2 million people were excluded from the Register and listed as ‘foreigners.’^[68] Many of those deemed to be ‘foreigners’ were sent to detention centres, where they faced conditions that break Article 2 of the Genocide Convention. A future nationwide NRC will lead to genocide against Indian Muslims, as more people will be made stateless and forced to endure conditions in detention centres that cause serious mental and bodily harm and death.

From 2016-2021, 31 'foreigners' died in the 6 detention centres in Assam[69], just under 50% of whom are Muslim[70]. The state continues to maintain that the deceased died due to illness, but given the varying age ranges of those who died (the youngest being 35 years old and the oldest 86), and the fact that multiple families suspect foul play, this continues to be debated[71]. The conditions inside the centres



are relatively unknown as access is limited, but each is located inside jails. The Wire interviewed survivors from Goalpara and Kokrajhar detention centres, and the conditions have clearly mentally and physically harmed the Indian Muslims held inside. In Goalpara detention centre, one survivor noted that there were 60-70 people crammed into one room, with 'three or four convicted criminals in each cell to discipline detainees.' The cells had no toilets, which meant they were littered with human excrement. Detainees were

malnourished, served roti 'as thin as the skin of a clove of garlic'[72]. In 2020, the Citizens for Justice and Peace team in Assam were explicitly told by jail superintendents that as detainees had to be released on bail due to the Supreme Court ruling, the government cut food expenditure, and detainees were receiving half of their usual ration[73].

Many of those who had not yet been detained committed suicide due to the 'processes to prove citizenship, the resultant and imminent dangers, the actuality of detention, and the prospect of deportation.' From July 2015 to October 2020, 38-42 people committed suicide, of whom 52.6-47.5% were Indian Muslims[74]. Clearly the prospect of detention and deportation, as well as the conditions inside detention centres breaks Article 2 of the Genocide Convention, as the Indian government is 'deliberately inflicting on the group conditions of life calculated to bring about its physical [and psychological] destruction.[75]' A nationwide NRC threatens to replicate this on a national scale, putting 200 million Indian Muslims at risk of genocide.

Conclusion

India is contravening articles 1,2,3 and 5 of the Genocide Convention. The Union and State governments, as well as government backed Hindu militia groups are committing genocidal violence against Indian Muslims through hate crimes, cow vigilantism, extra-judicial killings, torture and custodial deaths, anti Muslim pogroms. Additionally, demolishing



Muslim homes, anti-conversion laws, attacks on journalists and civil society, implementing various discriminatory laws, and the upcoming nation-wide NRC will escalate the situation to genocide, should the international community continue to ignore India's egregious violations of human rights and religious freedoms.

National and local politicians continue to incite genocidal violence through hate speech, and the failure

of the union and state governments, as well as the judiciary, to hold perpetrators accountable for their actions, makes these bodies complicit in the impending genocide against Indian Muslims.

Equally, the Indian government's extensive use of draconian anti-terror law UAPA, AFSPA, Public Safety Act (PSA) and torture of Muslims in Kashmir contravenes Article 1 of the Genocide Convention, as the destruction of a group cannot take place during peace or war time.

Going forward, more and more Indian Muslims will fall victim to the BJP governments continued attacks against the Indian Muslim community unless western governments, notably the United States, intervene and attempt to stop what is perceived the world's largest democracy from exterminating Indian Muslims. The United States not only has a moral duty, as leader of the free world, but is bound by the Genocide Convention itself, to realise its responsibility in stopping this 'odious scourge'[\[76\]](#), genocide, from taking place in India.

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