

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

India: Amendments not enough - Repeal the Jammu and Kashmir Public Safety Act

AI Index: ASA 20/019/2012
2 May 2012

Amnesty International reiterates its call on the authorities in Jammu and Kashmir (J&K) to end the persistent practice of administrative detentions in the state, and repeal the Public Safety Act, 1978 (PSA).

A legal team, deputed by Amnesty International to review progress since its March 2011 report on detentions under the PSA,¹ has found no evidence that an amendment to the PSA of 5 April 2012,² will bring J&K detention practices fully in line with India's human rights obligations under international law. Hundreds of persons suspected of involvement in protests, including separatist political leaders and activists, remain in detention without charge for trial.

Amnesty International delegates noted an apparent drop in the number 16 and 17 year olds being detained, since a welcome new provision in the amendment that persons under 18 can no longer be detained under the PSA. However they continue to be unlawfully detained in police stations and other detention centres run by state authorities. Moreover, young persons over 18 years of age, in particular those perceived as having separatist views, continue to be harassed by the state police, including with threats of detention under the PSA, and with charges of attempted murder.

Some former detainees and families of those still detained told the Amnesty International delegates that the revised PSA does not inspire much confidence, since authorities are able to continue their practice of "revolving door detentions" after the detention period, or after the judiciary has set aside the detention order.

Therefore, Amnesty International once again urges the J&K authorities including Chief Minister Omar Abdullah, to ensure that: are all detainees are released or charged with a recognizable criminal offence and tried fairly in a court of law. Safeguards must be introduced to ensure that those detained are charged promptly, have access to their families, legal counsel and medical examinations, and are held in recognized detention facilities pending trial.

While in Srinagar, the Amnesty International team met also with the families of victims of other human rights violations, representatives of the J&K Human Rights Commission, leaders of political, civil society and minorities' organizations, and senior police officials.

ENDS

¹ Amnesty International *India: A 'lawless law': Detentions under the Jammu and Kashmir Public Safety Act*, March 2011, AI Index: ASA 20001/2011, <http://www.amnesty.org/en/library/info/ASA20/001/2011/en>

² The amendment to the PSA was passed by the state legislature on 5 April 2012 but has yet to enter into force and enters into force once promulgated by the Governor and the President of J&K.