

URGENT ACTION

CHILD RELEASED FROM DETENTION IN INDIA

Murtaza Manzoor, 17 years old, was released from police custody in Jammu and Kashmir, India, on 23 May. He had been released from administrative detention on 18 May, but was immediately detained by police.

Murtaza Manzoor had been arrested on 21 January 2011 by police in Srinagar, the capital of Jammu and Kashmir. He was held in administrative detention, without charge or trial, under the Public Safety Act (PSA) from 8 February until 18 May.

On 13 May the High Court of Jammu and Kashmir found the detention unlawful and ordered his release. On 18 May, instead of being released to his father who was waiting outside the Kot Bhalwal Jail, Murtaza Manzoor was escorted from the prison by four policemen of a specialist counter-insurgency team and taken to the Joint Interrogation Centre at Jammu.

The police officials did not give his family any information on the alleged offences for which Murtaza Manzoor was being held – his detention may have been without legal basis. The police officers however told his father that Murtaza Manzoor would be kept at the interrogation centre for a few days before being handed over to a police station in Srinagar. It was feared that a repeat administrative detention order would be passed to further hold Murtaza Manzoor under the PSA.

Murtaza Manzoor was transferred by the police from Jammu to Srinagar and was eventually released on 23 May.

Many thanks to those who sent appeals. No further action is required from the UA network.

This is the second update of UA 115/11. Further information: <http://www.amnesty.org/en/library/info/ASA20/015/2011/en>

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ADDITIONAL INFORMATION

At least 322 people are reported to have been detained without trial under the provisions of the Public Safety Act in Jammu & Kashmir from January to September 2010 alone. A number of them, reportedly including children, have been detained on similar grounds of stone pelting and rioting during various protests against the Indian government throughout the summer of 2010. The Chief Minister has claimed that no minors are being detained in the state, but lawyers point out that the state Juvenile Justice Act 1987 defines a boy above the age of 16 as an adult, thereby facilitating their detention under the PSA. On the contrary, the Indian Juvenile Justice (Care and Protection of Children) Act 2000 operating in the rest of the country gives the age of majority as 18 in line with the UN Convention on the Rights of the Child (CRC). When considering India's second periodic report under the CRC, the Committee on the Rights of the Child specifically recommended the application of the updated national law to the state of Jammu and Kashmir.

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