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## ***India: Abuse of the Public Safety Act in Jammu and Kashmir***

Following the release of three leaders of the All Parties Hurriyet Conference (APHC), Amnesty International today called on the Government of Jammu and Kashmir to either immediately release the other 22 leaders or charge them with a recognizable criminal offence and try them in a regular court of law.

Recently released Syed Ali Shah Geelani, Abdul Gani Bhat and Maulana Abass Ansari, were among 25 leaders of the APHC detained last September and October under the Jammu and Kashmir Public Safety Act (PSA). They were detained after calling for a boycott of elections.

The arbitrary arrest and detention of those peacefully voicing dissent appears to have become more widespread in Jammu and Kashmir with the PSA increasingly being used to punish those who speak out against the government.

Those still in detention include Muhammad Yasin Malik who suffers from a heart condition and high blood pressure and is denied regular access to specialized medical attention. The APHC leaders have also been denied prompt and regular access to family members and lawyers. In the first few weeks of detention, while being shifted from police station to police station, they were held incommunicado.

Amnesty International is particularly concerned that the terms of detention under the PSA are made open-ended without explanation and that there are many cases of activists being held for years without recourse to the judicial process. As most people detained under the PSA are denied access to lawyers and family members, they also run a high risk of being subjected to torture or ill-treatment.

### **Background**

The justification provided for the detention of the APHC leadership under the PSA, was that it would be a deterrent to carrying out "illegal anti-national and subversive activities in the future ... which were prejudicial to the security of the state".

The Jammu and Kashmir Public Safety Act of 1978 is the main law relating to preventive detention in Jammu and Kashmir and permits administrative detention without trial for a period of up to one year if a person is to be prevented from acting in a manner deemed "prejudicial to the maintenance of public order" or up to two years if their actions are likely to be "prejudicial to the security of the State". The detention orders of the APHC leadership brought under the PSA cited grounds of activities being anti-national, subversive or prejudicial to the security of the state.

Twenty-five writ petitions were filed in the High Court in Srinagar during the first week of November which challenge the legality of the detention orders. The next hearing is reportedly to be held in the High Court of Jammu and Kashmir in Srinagar on 18 April 2000.

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