

URGENT ACTION

CHILD DETAINED WITHOUT CHARGE OR TRIAL

Murtaza Manzoor has been held in administrative detention since 8 February by police in Jammu and Kashmir, India. His official birth certificate states that he is only 17 years old.



Murtaza Manzoor was arrested on 21 January by police in Srinagar, the capital of Jammu and Kashmir. He was arrested in relation to a case from June 2010 on allegations of attempted murder, assault and rioting. According to the police, he is an “incorrigible antisocial element” who was leading a protest march that resulted in protestors pelting police with stones.

On 8 February the police decided to hold Murtaza Manzoor, under the Public Safety Act, as they feared that he would be released on bail in the criminal case against him. Police documents relating to his arrest and detention give no indication of his age, but his family members gave Amnesty International a copy of his official certificate of birth (from the Office of the Registrar of Births and Deaths, Government of Jammu and Kashmir) that shows that he is only 17 years old.

Murtaza Manzoor has been held at Kot Bhalwal Jail in Jammu, nearly 300 km away from his home, since 8 February. The prison does not have any special facilities for children and provision of health care is limited. Manzoor’s father is an auto rickshaw driver in Srinagar and the family is struggling to meet the expenses for jail visits and legal proceedings for his release.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Demanding that the state authorities immediately end the administrative detention of Murtaza Manzoor;
- Urging that if Murtaza Manzoor is to be held on charges of a recognizably criminal offence, he be afforded all fair trial guarantees set out in international law and specifically the UN Convention on the Rights of the Child, which stipulates also that any detention shall be used only as a measure of last resort and for the shortest appropriate period of time; such detention should be in a separate facility for children, as close as possible to his family in order to facilitate family contact.

PLEASE SEND APPEALS BEFORE 26 MAY 2011 TO:

Chief Minister of Jammu & Kashmir

Omar Abdullah

Civil Secretariat

Government of Jammu and Kashmir

Jammu – 180 001

Fax: +91 191 2546466

Salutation: Dear Chief Minister

And copies to:

Minister of Home Affairs

P Chidambaram

North Block, Central Secretariat

New Delhi – 110 001

Fax: + 91 11 23094221

Email: hm@nic.in

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Murtaza Manzoor is detained under the Jammu and Kashmir Public Safety Act, a law that allows the state authorities to detain persons for up to two years without any judicial review of the allegations against them. Repeat detentions are also commonly ordered.

At least 322 people are reported to have been detained without trial under the provisions of the Public Safety Act in Jammu and Kashmir from January to September 2010 alone. A number of them, 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 of Jammu and Kashmir has claimed that no children are being detained in the state, as the Jammu and Kashmir Juvenile Justice Act 1987 treats boys above the age of 16 as adults. However, 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. Earlier this week, the Director, Social Welfare Department Hilal Ahmad Parray told the Greater Kashmir newspaper that a proposal to amend the Juvenile Justice Act was under preparation and that the age would be amended on a priority basis.

UA: 115/11 Index: ASA 20/015/2011 Issue Date: 14 April 2011

