

Public Statement

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India: Use of the Public Security Act in Jammu and Kashmir

The arbitrary arrest and detention of those peacefully voicing dissent is continuing in Jammu and Kashmir, India, with the Public Security Act (PSA) increasingly being used to punish those who criticise the government, Amnesty International warned today.

Political activists were detained and beaten last week following public protests over the killing of six women. Amnesty International is calling for the immediate release of those who remain in detention and considers them to be prisoners of conscience, held solely for the peaceful exercise of their right to freedom of expression and association.

On 8 June 2001 an unidentified attacker threw a hand grenade at a group of women picnicking at a shrine in Chara-e-Sharief. Four women were killed outright and two more died later of their injuries. Local observers believe that the attacker was a member of the Special Operations Group [SOG] which is a division of the police created to deal with militancy. Amnesty International urges the government of Jammu and Kashmir to immediately initiate an independent, impartial and transparent inquiry into this incident.

Several associates of the Human Rights Front, including their patron Mr Untoo, were taken from their homes at around 4:00am on the 9th June and held in detention until that evening. At the same time members of the Islamic Students League were also picked up and

placed in preventive detention. A two year detention order was issued for Shakil Ahmad Bakhshi, a student leader under the Public Safety Act.

Dr Hubbi, a leader of the All Parties Hurriyet Conference (APHC) and vice Chairman of the Jammu and Kashmir People's Conference, and his wife attended a demonstration on Saturday 9 June. At the demonstration the couple were beaten by police and Dr Hubbi was taken into preventive detention. A two year detention order was issued against Dr Hubbi who is now being held in Kotbalwal jail. There are reports that the home of Dr Hubbi's brother, Abdul Kabir Hubbi, was also raided by the SOG on the night of 12 June. Dr Hubbi, who has no connections with the armed opposition, has served earlier periods in preventive detention, including eight months in 1999-2000 along with 25 other leaders of the APHC.

Other APHC leaders including Shahidul Islam and Javed Ahmad Mir were also arrested. Amnesty International has also seen reports that APHC leader Sheikh Abdul Aziz was stopped from attending the demonstration by the police at Awantipora and that, together with activists Mukhtar Waza, Zahoor Sheikh and Khalil Ahmad Khalil, he was beaten by police.

Amnesty International is concerned about the widespread use of excessive force by the police when detaining activists. In March 2001, Syed Shah Geelani, who is known to the authorities as having a serious heart disease, was pushed to the floor and beaten unconscious by police when he was being released from detention.

Amnesty International is also concerned that the PSA continues to be abused in Jammu and Kashmir to detain opposition politicians. AI is aware of 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.

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 deemed likely to act in a way "prejudicial to the maintenance of public order" or up to two years if their actions are likely to be "prejudicial to the safety of the state".

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