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## **India: End detention of Jammu and Kashmir lawyers**

The Jammu and Kashmir state government must immediately end the preventive detention of the leaders of the Jammu and Kashmir High Court Bar Association, Amnesty International said today.

Mian Abdul Qayoom, the President of the Bar Association and Ghulam Nabi Shaheen, its General Secretary, have been arbitrarily detained under the J&K Public Safety Act (PSA) since 7 July and 18 July 2010 respectively.

The vaguely formulated PSA allows for detentions of up to two years without charge or trial on the presumption that future acts harmful to the state may be committed.

“The detention of the Bar Association leaders appears to be an attempt to stifle legitimate and peaceful protest, as part of the ongoing crackdown by the authorities in parts of Kashmir,” said Sam Zarifi, Asia-Pacific Director at Amnesty International

The grounds of detention prepared by the Srinagar District Magistrate relating to Mian Qayoom allege he is attempting to turn the Bar Association into “a secessionist outfit” indulging in “illegal activities”.

Four previous criminal cases registered involving Mian Qayoom between October 2008 and June 2010 are also mentioned in the document which accuses him of instigating recent protests that have reportedly left at least 18 people dead.

“The state administration has resorted to preventive detention under the PSA, which subverts the judicial process,” Zarifi said. “If the government has criminal charges to bring, it should do so in a properly constituted criminal trial where Mian Qayoom will have the protections afforded under the law, for instance, the ability to post bail.”

The official grounds of detention against Mian Qayoom state that he is being detained for questioning the conduct of government security forces and for his political views.

Reports indicate the General Secretary of the Bar Association, Ghulam Nabi Shaheen,

is being detained on similar grounds as well as for organizing public rallies seeking the release of Mian Qayoom.

“The arbitrary use of the PSA to detain government critics is yet another demonstration of why this law must be repealed,” Zarifi said.

The Kashmir valley has witnessed mass public protests over the past several months, initially over the extrajudicial executions of three men at Machil, Baramulla district, and subsequently by killings of protesters by Central Reserve Police Force personnel.

At least 18 people, many of them teenagers, were allegedly killed during a crackdown on protests that began on 11 June 2010.

Amnesty International has previously demanded that the Indian authorities avoid excessive use of force and investigate all the deaths due to the shootings.

The State administration has also responded by placing a large number of people in preventive detention instead of charging and trying them – including those reportedly suspected of throwing stones at the police and others suspected of inciting violence by posting inflammatory material online.

A number of political leaders have also been recently detained including Hurriyat Conference (G) chairman Syed Ali Geelani, and his aides Mohammad Ashraf Sahrai, Ayaz Akbar, Mohammad Yousuf Mujahid and Zafar Akbar Bhat. Prominent Kashmiri leaders including Shabbir Shah and Nayeem Ahmed Khan also continue to remain in detention under the PSA.

## **Background**

Amnesty International opposes all preventive/administrative, detention as a form of arbitrary detention and a denial of the right to a fair trial.

If there are sufficient grounds to believe that any person has committed a recognizably criminal offence they should be prosecuted in a prompt and fair trial in a regular court of law.

Amnesty International believes that detention under the PSA violates India’s international obligations, including provisions prohibiting arbitrary detention and guaranteeing fair trials in the International Covenant on Civil and Political Rights (ICCPR) to which India is a state party since 1979.