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*India: The Jammu and Kashmir Public Safety Act - a threat to
human rights*

"The release of several leaders of the All Parties Hurriyat Conference (APHC) during the past month should not create the illusion that arbitrary detention of peaceful dissenters in Jammu and Kashmir has ceased," Amnesty International said today as it released a new report on the use of preventive detention without charge or trial in the state.

"Not only should the remaining 11 APHC leaders who have been held for over six months in preventive detention be released immediately and unconditionally, but the law under which they were detained, the Public Safety Act (PSA), needs to be urgently reviewed to ensure its consistency with international human rights standards, or else repealed."

"Security concerns in Jammu and Kashmir are obviously a top priority for the government. However the conflict does not justify imprisoning people who have not committed any offence and have not used or advocated violence," the organization said.

A pattern has emerged of harassment, intimidation and deliberate disregard for the civil and political rights of those who are critical of the government. Many of those detained are prisoners of conscience, held only for their peaceful political views.

Shabir Ahmed Shah, a peaceful campaigner for the right to Kashmiri self-determination, spent 22 years of his life in jail -- half of this in preventive detention -- for calling for strikes, issuing leaflets and calling for a boycott of India's independence day.

People detained under the PSA also run a high risk of being tortured, as many are denied access to family or lawyers for long periods of time. Torture is widely used in police stations and interrogation centres in Jammu and Kashmir to extract confessions or information, to humiliate or punish detainees, leading to dozens of reported deaths in custody.

In February 1998, political activist Ghulam Ahmad Dar was given electric shocks, had wooden rollers rolled over his thighs and had his hands beaten with a pistol butt.

Hundreds of people are thought to be held in preventive detention or on a range of criminal charges despite court orders for their release. Often, when the state anticipates that detainees will be released on bail, it uses the PSA to ensure their continued detention. The vaguely formulated act allows for detention for up to two years without charge or trial on the purported presumption that they may in the future commit acts harmful to the state. Amnesty International is aware of some detainees who have been held without charge or trial since the early 1990s.

Lawyers in Jammu and Kashmir have consistently challenged specific PSA cases in the courts, but the government has blatantly disregarded

court orders quashing detention orders or granting bail. Such disregard completely undermines the role of the courts to protect human rights.

Amnesty International has repeatedly called on the Government of Jammu and Kashmir to immediately and unconditionally release the APHC leaders. As Amnesty International has never been permitted to visit Jammu and Kashmir, a delegation raised these concerns with representatives of the Union Government in New Delhi in December 1999 and again in late April 2000, when a copy of the report was handed over. The organization asked the government to comment on its concerns but has yet to receive a response.

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