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Open letter to Omar Abdullah, Chief Minister Jammu and Kashmir

POSTED BY [RANJAN MOHANTY](#) 56AC ON APRIL 05, 2013 ·

Dear Chief Minister,

I would first like to welcome your government's decision to amend the Jammu and Kashmir Juvenile Justice Act to raise the juvenile age for girls and boys to 18. You have been outspoken on a number of human rights issues, however we see a serious gap concerning police practices facilitating abuses where you can "pick up your pen," and stop police abuse allowed by laws such as the Public Safety Act, and the proposed Draft Jammu and Kashmir Police Bill, 2013.

Amnesty International launched a campaign asking you to "pick up your pen to stop police abuse" on Monday. The campaign is based on the findings and recommendations in our recent briefing produced in 2012 titled "Still a Lawless Law: Administrative Detentions under the J&K Public Safety Act." As the document reveals, despite the recent legal and policy developments in Jammu and Kashmir, the Public Safety Act (PSA) and its application continue to facilitate arbitrary detentions and violate international human rights law.

Our research in 2012 has also found that the manner in which authorities use the PSA in Jammu and Kashmir continues to result in unlawful deprivations of liberty through the practice of 'revolving door detentions,' detentions of suspected members of separatist groups, torture and other ill treatment, the denial of medical care while in detention, and a limited realization of the right to reparations. Authorities continue to circumvent the rule of law and criminal justice system by using administrative detentions under the PSA to detain persons suspected of committing offences instead of charging and trying them in a fair trial in a court of law. This practice also denies access to justice to the victims of these crimes.

Amnesty International therefore reiterates its call to the Government of Jammu and Kashmir to repeal the Public Safety Act, and urges you, as a member of the Legislative Assembly in J&K, to repeal the PSA and any other legislation facilitating the use of administrative detentions.

In the period before repeal of the PSA, we call on you to strengthen human rights protections in detention by:

- Ending the use of repeated and consecutive detentions designed to keep individuals "out of circulation," also known as "revolving door detentions."
- Ending lack of transparency concerning the whereabouts and condition of detainees by making the registry of PSA detainees maintained by the J&K Home Ministry publicly accessible, particularly to the families and lawyers of detainees.
- Revising and amending the proposed J&K Police Bill;

To stop the two practices mentioned in points 1 and 2, we have been told that all that is required are the signing of two executive orders by the Chief Minister's office. We hope to see you sign these executive orders by June of this year, and popular support garnered for heavily revising the proposed Police Bill.

We would have preferred to meet you in person to speak about this issue, but in lieu of that, we have drafted this letter to you.

Mr Chief Minister, Pick up your Pen and do the right thing.

Sincerely,

G. Ananthapadmanabhan

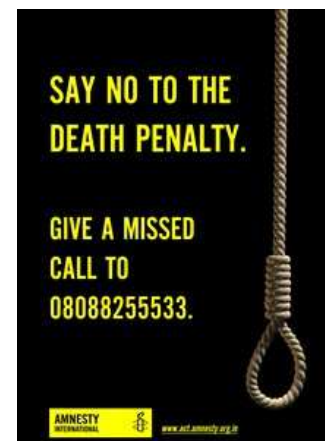
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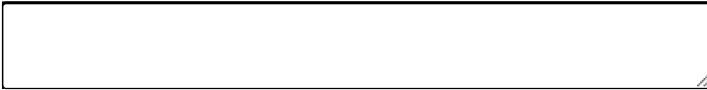
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