

URGENT ACTION

CHILD AT RISK OF DETENTION WITHOUT CHARGE

A teenage boy, Murtaza Manzoor, was taken into custody by police immediately after being released from administrative detention on 18 May, and is at risk of a repeat administrative detention order.

Murtaza Manzoor had been arrested on 21 January by police in Srinagar, the capital of Jammu and Kashmir. He was held in administrative detention under the Public Safety Act (PSA) from 8 February till 18 May.

On 13 May the High Court of Jammu and Kashmir found the detention unlawful and ordered his release. On 18 May, instead of being released to his father who was waiting outside the Kot Bhalwal Jail, Murtaza Manzoor was escorted from the prison by four policemen of a specialist counter-insurgency team and taken to the Joint Interrogation Centre at Jammu.

The police officials did not give his family any information on the alleged offences for which Murtaza Manzoor was being held– his detention may be without legal basis. The police officers however told his father that Murtaza Manzoor would be kept at the interrogation centre for a few days before being handed over to a police station in Srinagar. It is likely that a repeat administrative detention order will be passed to further hold Murtaza Manzoor under the PSA.

Murtaza Manzoor is aged 17, but he is being treated as an adult as the laws of Jammu and Kashmir define boys above the age of 16 as adults, in contravention of Indian law and the UN Convention on the Rights of the Child.

The Chief Minister of Jammu and Kashmir has previously said that the state's juvenile justice laws will be amended to make them consistent with international law and standards.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Demanding that Murtaza Manzoor be released immediately, unless he is charged with a recognizably criminal offence and remanded in custody by an independent court, having regard to his status as a child;
- Demanding that the State authorities not order the repeat 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 30 JUNE 2011 TO:

Chief Minister of Jammu & Kashmir

Omar Abdullah
Civil Secretariat
Government of Jammu and Kashmir
Civil Secretariat, Srinagar,
Jammu and Kashmir, India

Fax +91 194 245 2224

Salutation: Dear Chief Minister

And copies to:

Minister of Home Affairs
P Chidambaram
North Block, Central Secretariat
New Delhi – 110 001, India

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.

This is the first update of UA 115/11. Further information: <http://www.amnesty.org/en/library/info/asa20/015/2011/en>

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ADDITIONAL INFORMATION

Murtaza Manzoor was previously held and is at risk of being detained again 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. Amnesty International's recent report 'A lawless law' (ASA 20/001/2011) documented the common practice of repeat detentions ordered by the state authorities.

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.

Further information on UA: 115/11 Index: ASA 20/019/2011 Issue Date: 19 May 2011

