

URGENT ACTION

TWO CHILDREN DETAINED, ANOTHER AT RISK

Two teenage boys have been detained without charge under the Public Safety Act (PSA) in Jammu and Kashmir. A third boy detained without charge at the same time has been released for health reasons but may be returned to custody within days. It is illegal for anyone under 18 to be detained under the PSA.

Asif Shaksaz and Sajad Mir, both of Srinagar, and Aadil Khan of Sopore were arrested and detained without charge on 25 March, 8 March and 14 March respectively under the PSA for "stone-pelting" and "disruption of peace". The police took Sajad Mir and Aadil Khan, without telling their families, to Kotbalwal Jail in Jammu, about 300km from Srinagar and Sopore. Asif Shaksaz was arrested for criminal offences on 18 March and released on bail on 25 March, but police issued a PSA detention order for him the same day, amounting to "revolving door detention," or repeated detention on the same or similar charges designed to keep people in detention without charge. He was held in different police stations in Srinagar until 7 April, when he was released for an emergency appendectomy. He is recuperating at home, but the police have said they will take him into custody again on 22 April. It is not clear whether they intend to detain him again under the PSA.

The police claim that all three boys are 19 years old. However, copies of Asif Shaksaz and Aadil Khan's school records show they are 15 and 17 respectively. Sajad Mir's family do not have any proof of his age, as they did not register his birth or send him to school, but they claim that he is 16 years old. An amendment to the PSA made it illegal for anyone less than 18 years of age to be detained under the Act.

Sajad Mir and Aadil Khan's families have been unable to contact their children and are unaware of the conditions in which they are detained. Their lawyers have filed petitions challenging the PSA detention orders.

Please write immediately in English or your own language:

- Urging the authorities to immediately end the administrative detention of Sajad Mir and Aadil Khan under the PSA, and ensure that Asif Shaksaz is not unlawfully detained again;
- Calling on them to either release Sajad Mir and Aadil Khan or charge them with recognizably criminal offences, and guarantee them a fair trial, as set out in the Jammu and Kashmir Juvenile Justice Act and the UN Convention on the Rights of the Child.
- Urging them to order an investigation of the detention of all three, as well as the broader practice of detaining children in Jammu and Kashmir, and bring those responsible to justice;
- Calling on them to end all administrative detentions and repeal the Public Safety Act and any other legislation that facilitates the use of administrative detentions

PLEASE SEND APPEALS BEFORE 29 MAY 2013 TO:

Chief Minister

Omar Abdullah

Civil Secretariat

Government of Jammu and Kashmir

Srinagar, India

Fax: +91 194 245 2224

Salutation: Dear Chief Minister

Minister of Home Affairs

Sushilkumar Shinde

North Block, Central Secretariat New

Delhi 110001, India

Fax: +91 11230 94221

Email: hm@nic.in

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hundreds of people have been detained without trial under the provisions of the Jammu & Kashmir Public Safety Act (PSA) in Jammu and Kashmir. A number of them, including children, were detained on similar grounds of "stone-pelting" and rioting during various protests against the Indian authorities throughout the summer of 2010. Repeat detentions are also commonly ordered.

Amnesty International has been campaigning for the repeal of the PSA. Amendments to the PSA, passed by the Jammu and Kashmir state assembly on 5 April 2012 disallowing detention of those below 18 years of age and reducing the period of detention from two years to six months, came into effect on 18 April 2012. An amendment to the J&K Juvenile Justice Act was also passed in March 2013, raising the juvenile age from 16 to 18 for boys and girls. The Jammu and Kashmir authorities claimed again on 31 March that no children are being detained in the state.

Names: Asif Mujeed Shaksaz, Sajad Ahmad Mir, Aadil Ashraf Khan
Gender: m

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