

URGENT ACTION

JOURNALIST HELD WITHOUT CHARGE IN INDIA

Journalist Jaikhlong Brahma has been detained since 2 September after being accused of having links with banned armed groups in Assam, India. He is at risk of being detained for 12 months without charge or trial under the National Security Act (NSA).

Journalists Jaikhlong Brahma and Rinoy Basamatory were arrested by police in Kokrajhar, Assam on 2 September on suspicion of criminal offences including multiple counts of conspiracy, being a member of an “unlawful association” and “inciting unlawful activities”. Rinoy Basamatory has since been released while Jaikhlong Brahma remains in detention without charge.

Jaikhlong Brahma was remanded in judicial custody by a local court for two weeks after his arrest on 2 September. A detention order under the NSA, which allows administrative detention for up to 12 months, was issued by the head of the local administration on 9 September. Jaikhlong Brahma continues to be in detention under the NSA. Administrative detention is a system that allows the authorities to detain individuals by executive order without charge or trial, and denies them the safeguards of a fair trial as required under international law.

The NSA detention order states that Jaikhlong Brahma “has been indulging in various types of violent activities with secessionist aims”. It also states that he maintained “personal link with the [outlawed] National Democratic Front of Bodoland (Songbijit faction) (NDFB(S)),” provoked and abetted the NDFB(S) to commit killings and arson, and accepted money from the group in exchange for producing and broadcasting video reports about it.

According to the NSA, a non-judicial Advisory Council must submit a report to the Assam authorities with its opinion on whether there is sufficient cause to continue detaining Jaikhlong Brahma within seven weeks of the start of his detention. Based on that report, the state authorities may continue to detain him for up to one year without charge or trial.

The Kokrajhar Press Club has issued a statement refuting the allegations against Jaikhlong Brahma, and stated that his wife is also facing harassment from the local police. In a letter to the Deputy Commissioner of Kokrajhar, they stated that journalists in Kokrajhar are being targeted by police.

Please write immediately in English or your own language:

- Calling on the authorities to release Jaikhlong Brahma from administrative detention or charge him with recognizably criminal offences, and guarantee him a fair trial which meets international standards;
- Calling on them to end the use of administrative detentions under the National Security Act, 1980 or any other legislation, and repeal all legislation that facilitates the use of administrative detention;
- Take all necessary measures to guarantee that journalists are able to carry out their activities without fear of harassment or arbitrary detention.

PLEASE SEND APPEALS BEFORE 04 NOVEMBER 2014 TO:

Chief Minister of Assam

Shri Tarun Gogoi

CM-1, CM Secretariat, Guwahati

Assam, India 781007

Fax: (+91) 0361-2262069

Salutation: To the Honorable Chief Minister

Director General of Police

Shri Khagen Sarma

Office of the DGP, Uluvar

Guwahati, Assam, India 781007

Fax: (+91) 0361-2525397

Email: dgp@assampolice.com

Salutation: Dear Director General

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



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

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ADDITIONAL INFORMATION

Enacted in 1980, the National Security Act (NSA) permits administrative detention for up to 12 months on loosely defined grounds of national security and maintenance of public order, and has been subjected to widespread abuse in several states. In her India mission report to the UN Human Rights Council in 2012, the UN Special Rapporteur on the situation of Human Rights Defenders called for the repeal of the NSA. The Supreme Court of India has described the system of administrative detention as “lawless.”

Amnesty International has previously documented a number of cases of human rights defenders detained under the NSA and is aware of a number people, including human rights defenders, who continue to be held in preventive detention in the country.

Name: Jaikhlong Brahma and Rinoy Basamatory

Gender m/f: Both male

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