

# URGENT ACTION

## 15-YEAR-OLD DETAINED IN KASHMIR

**Fifteen-year Umar Farooq Shaikh, a student in Jammu & Kashmir, northern India, has been in detention for more than three months under the Public Safety Act (PSA). This is despite a recent amendment to the legislation which makes it illegal for anyone under 18 years old to be detained under the act.**

**Umar Farooq Shaikh's** family said that on 3 February he was taken to the Zukura police station and later moved to Sheegari police station, both in Srinagar, Jammu & Kashmir state. A few days later, the family learnt that he had been charged with having committed several offences during violent protests over the last two years. The charges included rioting, rioting armed with deadly weapons, assault or use of criminal force to deter a public servant from discharge of his duty and public singing of obscene songs.

A local court ordered his release on bail on 27 February, but he continued to be held. On 29 March, his detention was extended under a PSA order and he was transferred to Udhampur district jail in Jammu, 207 km away, where he continues to be held. This is despite an amendment to the PSA on 18 April which prohibits the detention of anyone under 18 year olds under the act.

The PSA detention order accuses him of involvement in "anti-social activity aimed at disturbing public peace and tranquility" and "acts aimed at keeping the state on boil and thereby bringing about secession of Jammu & Kashmir from India" but does not explain the specific offences he is suspected of having committed. It refers to the February charges but fails to mention also the 27 February court order to release him on bail. A petition filed by his family challenging his order is now pending before a local court.

### **Please write immediately in English or your own language:**

- Demanding that the state authorities immediately end the administrative detention under the PSA of Umar Farooq Shaikh;
- Urging that if Umar Farooq Shaikh 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, ratified by India. This Convention stipulates 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 27 AUGUST 2012 TO:**

#### **Chief Minister of Jammu & Kashmir**

Omar Abdullah  
Civil Secretariat  
Government of Jammu and Kashmir  
Srinagar  
INDIA  
**Fax: 011 91 194 245 2224 (keep trying)**  
**Salutation: Dear Chief Minister**

#### **Minister of Home Affairs**

P Chidambaram  
North Block, Central Secretariat  
New Delhi 110 001  
INDIA  
**Fax: 011 91 11 230 94221**  
**E-mail: hm@nic.in**  
**Salutation: Dear Minister**

#### **Also send copies:**

Ambassador Nirupama Rao, Embassy of India  
2107 Massachusetts Ave. NW, Washington DC 20008  
**Tel: 1 202 939 7000 | Fax: 1 202 265 4351 | Email: indembwash@indiagov.org-OR-info2@indiagov.org**

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

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### ADDITIONAL INFORMATION

Hundreds of persons have been detained without trial under the provisions of the 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 prohibiting the 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. The Jammu and Kashmir authorities have claimed that no children are being detained in the state.

**Name:** Umar Farooq Shaikh (m)

**Issues:** Legal concern, Unjust imprisonment

**UA:** 209/12

**Issue Date:** 16 July 2012

**Country:** India