

URGENT ACTION

KASHMIRI PHOTOJOURNALIST RELEASED ON BAIL

Kamran Yousuf was granted bail and released from prison on 14 March 2018, following six months of pre-trial detention. He has been charged with several criminal offences including 'waging war against the government of India', and faces life imprisonment if convicted.

Kamran Yousuf, a freelance journalist, was arrested by the National Investigation Agency (NIA) in September 2017 in relation to a case of alleged funding of terror-related acts as well as accusations that he had thrown stones at security forces. On 14 March 2018, after six months of pre-trial detention, he was released from prison after a special court in Delhi granted his bail application the previous day.

In January 2018, the NIA formally charged Kamran Yousuf, along with 11 others, with offences under the Indian Penal Code and the Unlawful Activities (Prevention) Act (UAPA), including 'criminal conspiracy', 'waging war against the government of India', committing 'unlawful activities' and being a 'member of a terrorist organization'. The primary evidence put forward for these charges were that his mobile number was "persistently located at places where counter-terrorist operations were in progress" and that he was not a "real journalist" as he had not covered developmental activities carried out by the government.

If convicted of the charges, Kamran Yousuf, who is 20 years of age, faces life imprisonment. Amnesty International believes the charges against Kamran Yousuf to be fabricated and politically motivated, and part of an attempt to stifle journalism in Kashmir.

The special court, in its order granting bail for Kamran Yousuf, observed that the NIA failed to provide any evidence to show the accused indulged in stone pelting activities at any site, establish any direct links between him and the other accused in the case or prove he was member of any specific banned organization or that he was involved in "terrorist activities". In response to the claims made by the NIA, the court further observed that "mere presence of the accused at the site of incident is not sufficient to implicate such accused, who is a journalist, for the offences that allegedly occurred during that period at that site" and that Kamran Yousuf covered "all kinds of incidents ranging from social, cultural, political and economical and other activities in the Kashmir Valley and as such... his presence on the sites of stone pelting incident etc is intrinsic".

Kamran Yousuf will still face trial for the criminal offences laid against him in January, however the court stated that holding the NIA's "accusation as prima facie true" would cause a "serious dent" to the personal liberty guaranteed under Article 21 of the Indian Constitution.

Amnesty International will continue to monitor his trial and issue updates, as appropriate.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the first update of UA 43/18 India Further information: <https://www.amnesty.org/en/documents/asa20/7931/2018/en/>

Name: Kamran Yousuf

Gender m/f: m

Further information on UA: 43/18 Index: ASA 20/8080/2018 India Date: 19 March 2018

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