

# URGENT ACTION

## ARRESTED THEATRE ACTIVISTS AT RISK OF TORTURE

Theatre activists **Sheetal Sathe** and **Sachin Mali** were arrested on 2 April 2013 on various charges, including criminal conspiracy and being part of a banned organization. They are being held in Mumbai, India and are at risk of torture or other ill-treatment.

**Sheetal Sathe** and **Sachin Mali** are members of Kabir Kala Manch (KKM), a group which uses protest music and theatre to campaign on human rights issues, including dalit rights and caste-based violence and discrimination in the western Indian state of Maharashtra.

On 17 April 2011 they were two of 15 people charged by the police under India's principal anti-terror legislation of being members of, and supporting and recruiting people for, the Communist Party of India (Maoist) - a banned armed group fighting for more than a decade to overthrow elected governments in several Indian states. They also faced several criminal charges including extortion, forgery and impersonation. Seven people were arrested, while the others – including Sheetal Sathe and Sachin Mali, who are married to each other – could not be traced by the police until earlier this month.

On 2 April 2013, Sheetal Sathe and Sachin Mali appeared before the legislative assembly of Maharashtra in what they said was a protest against the charges levelled against them. They were arrested by the Mumbai police and brought before a magistrate, who remanded Sheetal Sathe to judicial custody until 17 April, and Sachin Mali to police custody until 10 April. According to her mother, Sheetal Sathe is six months pregnant. Reports of torture and forced confessions by police in India are very common, and the Maharashtra Anti-Terrorism Squad, a unit of the state police, has in particular faced several allegations of torture.

The Unlawful Activities Prevention Act (UAPA), under which they have been charged, uses sweeping and overbroad definitions of 'acts of terrorism' and 'membership' of 'unlawful' organizations, and does not comply with India's international legal obligations.

### Please write immediately in English, Marathi, Hindi or your own language:

- Urging the Maharashtra authorities to ensure that Sachin Mali and Sheetal Sathe are protected from torture and other ill-treatment while in custody, and Sheetal Sathe, who is six months pregnant, is provided with any medical care that she requires;
- Urging the Maharashtra authorities to ensure that Sheetal Sathe, Sachin Mali and the other accused activists are tried in proceedings that meet international fair trial standards.

### PLEASE SEND APPEALS BEFORE 17 MAY 2013 TO:

Inspector-General of Prisons (South  
Region, Mumbai)

Vinod Lokhande  
Special IGP  
South Region  
Byculla  
Mumbai – 400008, India  
Fax: +91 22 23001177  
**Salutation: Dear Mr Lokhande**

Additional Director-General of Police,  
Anti-Terror Squad, Mumbai

Rakesh Maria  
DGP, Police Headquarters  
SB Road, Old Council Hall  
Colaba, Mumbai – 400001, India  
Fax: +91 22 23053158  
Email: adgats.mah@mahapolice.com  
**Salutation: Dear Mr Maria**

### And copies to:

Home Minister, Maharashtra

R.R. Patil  
Home Department  
7<sup>th</sup> Floor, World Trade Centre  
Cuffe Parade  
Mumbai – 400005, India  
Fax: +91 22 22029742  
Email: min.home@maharashtra.gov.in

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

In April 2011, the Anti-Terror Squad of the Maharashtra Police arrested Angela Sontakke, who they claim is a senior member of the Communist Party of India (Maoist), and filed charges against 15 KKM members for allegedly having links with her.

In October 2012, the Bombay High Court granted bail to two of the seven arrested activists. The same court granted bail to four other arrested activists in January 2013, observing, "the membership of a terrorist gang or organization as contemplated by (the UAPA) has to be treated as an active membership which results in participation of the acts of the terrorist gang or organization which are performed for carrying out the aims and objects of such gang or organization by use of violence or other unlawful means." The court also observed that "speaking about corruption, social inequality, exploitation of the poor, etc. and desiring that a better society should come in existence is not banned in our country...even the expression of views to the effect that a change in the social order can be brought about only by a revolution would not amount to an offence."

Parts of the Unlawful Activities Prevention Act (UAPA) do not meet international human rights standards and are likely to lead to human rights violations. Amendments to the Act in 2008 extended the minimum period of detention of suspects from 15 to 30 days and the maximum period of such detention from 90 to 180 days, avoided adequate pre-trial safeguards against torture and other cruel, inhuman or degrading treatment or punishment of detainees and reversed certain evidential burdens of grave crimes and required, in certain circumstances, the accused persons to prove their innocence..

Human rights groups in India have highlighted several instances where the UAPA has been abused, with the use of fabricated evidence and false charges to detain activists defending the rights of adivasi and dalit communities and peacefully exercising their rights to freedom of expression and association.

Activist and documentary filmmaker Anand Patwardhan was present with Sheetal Sathe and Sachin Mali on 2 April. He said, "Due to our previous experience with the police, we are apprehensive of what may happen to Sachin Mali in police custody".

Name: Sheetal Sathe (f), Sachin Mali (m)

Gender m/f: both

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