

URGENT ACTION

GRAVE HEALTH FEARS FOR PARALYSED ACTIVIST IN PRISON

Disabled activist and teacher, G N Saibaba was convicted under a draconian anti-terror law on 7 March 2017 and continues to be denied access to adequate medical treatment in Nagpur Central Jail. Due to chronic health issues, his family fear that he will not survive the winter if he is not provided immediate and adequate access to medical care.

G N Saibaba was convicted of offences including "unlawful activities", conspiring to commit a "terrorist act" and "membership of a terrorist organization", and sentenced to life imprisonment by a Maharashtra court under a draconian anti-terror law, the Unlawful Activities Prevention Act (UAPA), on 7 March 2017. Detained at the Nagpur Central Jail in Maharashtra State, G N Saibaba suffers from post-polio paralysis in both his legs and requires the use of a wheelchair. He has further been diagnosed with acute pancreatitis, a spinal disorder that compromises the use of his left shoulder and hand. He also suffers from a cardiac condition and hypertension.

Parts of the UAPA, including its sweeping definitions of "unlawful activity" and "membership" of a "terrorist organization", do not meet international human rights standards. G N Saibaba's conviction was based primarily on documents and videos which the court ruled was evidence that he was a member of a front organization of the banned Communist Party of India (Maoist). Amnesty International believes that the charges against G N Saibaba are fabricated and that his trial did not meet international fair trial standards

Following his arrest, G N Saibaba's condition has considerably worsened. His wife said that he had told her he is in acute pain and has fallen unconscious in his cell three times since his conviction. He also told his advocate that the jail authorities regularly delay him access to lifesaving medication. Jail authorities have failed to provide necessary health updates to his family and lawyers and to take him to a hospital equipped to provide him the care he requires. In addition, there are continued concerns around prison conditions including issues regarding sanitation and G N Saibaba's access to basic needs such as a mattress and appropriate clothing.

If this situation is not immediately remedied, G N Saibaba and his family fear that he will not survive the winter. Denial of medical treatment to prisoners is cruel, inhuman and degrading treatment that can amount to torture.

Please write immediately in English or your own language, urging authorities to:

- Commute his sentence and release him immediately;
- Pending his release, in consultation and agreement with G N Saibaba and his family, grant him prompt, regular and unrestricted access to medical care on request or as necessary;
- Ensure G N Saibaba is protected from torture and other ill-treatment while in detention, and that he is allowed, without delay, regular access to his family and lawyer.

PLEASE SEND APPEALS BEFORE 4 JANUARY 2018 TO:

Minister of Home Affairs
Rajnath Singh
17 Akbar Road
New Delhi 110001
Fax: +91 11 2301 4184
Email: 38ashokroad@gmail.com
Salutation: Dear Minister

Inspector General of Prisons,
M C Borwankar
Chhatrapati Shivaji Maharaj Marg,
Colaba, Mumbai,
Maharashtra 400001
Fax: +91 20 2612 5878
Email: adgprison.pune@home.maharashtra.gov.in
Salutation: Dear Madam

And copies to:
Focal Point for HRDs
Srinivasa Kammath
National Human Rights Commission
Block-C, GPO Complex, INA New Delhi,
India, PIN: 110023
Tel: +91 11 2465 1330
Email: hrd-nhrc@nic.in

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

Please check with your section office if sending appeals after the above date. This is the first update of UA 131/14. Further information:

<https://www.amnesty.org/en/documents/asa20/013/2014/en/>

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ADDITIONAL INFORMATION

G.N Saibaba is an activist and academic who has routinely spoken out against human rights abuses against Adivasis in the mineral rich belt of central India. He was first denied medical care in May 2014, when he was detained by the Maharashtra police for his alleged links with the CPI (Maoist) armed group. In March 2016, the Supreme Court of India granted him bail on medical grounds after his health deteriorated. According to media reports, the court said the Maharashtra government had been “extremely unfair to the accused, especially considering his health”. His recent conviction was primarily based on photographs, documents and videos which the police say they found in G N Saibaba's home.

Human rights groups in India have highlighted several instances where the Unlawful Activities Prevention Act (UAPA) has been abused, with the use of fabricated evidence and false charges, to detain activists that are peacefully exercising their rights to freedom of expression and association. Parts of the UAPA do not meet international human rights standards and are likely to lead to human rights violations. For example, the UAPA dilutes the evidentiary requirement for terror convictions and uses sweeping definitions of ‘acts of terrorism’ and ‘membership’ of ‘unlawful’ organizations, and does not comply with India’s international legal obligations.

India is a state party to the International Covenant on Civil and Political Rights and a signatory to the UN Convention Against Torture, which impose an absolute prohibition on torture and other ill-treatment. India is also a signatory to the UN Convention on the Rights of Persons with Disabilities, which requires states to ensure that persons with disabilities are not subjected to torture or other ill-treatment.

The UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, state that the provision of healthcare of prisoners is a state responsibility, and that prisoners “should enjoy the same standards of health care that are available in the community” without discrimination. The Mandela Rules also provide that all reasonable accommodation and adjustments be made to ensure that prisoners with disabilities have full and effective access to prison life on an equitable basis, and that prisoners who require specialist treatment must be transferred to specialized institutions or outside hospitals when such treatment is not available in prison.

Name: G N Saibaba

Gender: m

Further information on UA: 131/14 Index: ASA 20/7495/2017 Issue Date: 23 November 2017