

URGENT ACTION

ACTIVIST WITH DISABILITIES HEALTH DETERIORATES

Activist and teacher, G N Saibaba, who is paralysed, continues to be denied access to adequate medical treatment in Nagpur Central Jail despite pleas of intervention from his family. Convicted under a draconian anti-terror law on 7 March 2017, his life remains under threat if he is not provided immediate and adequate access to medical care.

G N Saibaba was taken on a hospital visit on 2 April 2018 by the prison authorities. No information about the visit has been given to his wife, who has been prevented from meeting him and his doctor. On 27 March, his wife appealed to the National Human Rights Commission to investigate G N Saibaba's health and to transfer him to a jail in another city, where hospitals are better equipped and he will have the support of his family.

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 on 7 March 2017. The 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.

G N Saibaba has post-polio paralysis in both his legs and requires the use of a wheelchair. He has been diagnosed with acute pancreatitis, a spinal disorder that compromises the use of his left shoulder and hand. He also has a cardiac condition and hypertension. Following his arrest and detention at the Nagpur Central Jail in Maharashtra, his condition has considerably worsened. His wife reported that he is in acute pain and has fallen unconscious in his cell three times since his conviction. In a recent letter, he shared that he is suffering from pain in his abdomen and left hand, has headaches, and is unable to perform basic bodily functions such as urination, without severe pain. He mentioned that even writing the letter was a painful task that he managed to complete with great difficulty.

Jail authorities have failed to provide necessary health updates to G N Saibaba's family despite repeated requests for information. A hearing regarding the petition filed last year, seeking bail pending an appeal, on grounds of G N Saibaba's ill-health, is expected to take place next week.

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

- Commute G N Saibaba's 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 16 MAY 2018 TO:

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

Jail Superintendent, Nagpur Central Jail,
Rani Ram Bhonsle
Wardha Road, Dhantoli, Nagpur,
Maharashtra 440012
Fax: +91 0712 246 1413
Email: nagpp.utcp-mh@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. HIS EXCELLENCY MR YASHVARDHAN KUMAR SINHA, Office of the High Commissioner for India, India House Aldwych WC2B 4NA, 020 7836 8484, Fax 020 7836 4331, info.london@hclondon.in, www.hclondon.in, salutation: Your Excellency

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

<https://www.amnesty.org/en/documents/asa20/7495/2017/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.

Further information on UA: 131/14 Index: ASA 20/8167/2018 Issue Date: 6 April 2018