

Human Rights Defenders Alert - India

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The Chairperson
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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action –Maharashtra - An Appeal to get Sheetal Sathe and other members of Kabir Kala Manch released on bail - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the denial of bail to the eight months pregnant, Sheetal Sathe and other activists of Kabir Kala Manch (KKM, a radical musical group) by the Mumbai Sessions Court.

About the Human Rights Defender under attack:

Sheetal Sathe, Deepak Dengle, Siddharth Bhonsle and Sachin Mali of the Kabir Kala Manch (KKM), a radical musical group Kabir Kala Manch (KKM) that uses music and poetry, not guns, to protest the institutionalised inequalities rampant in the country

The Perpetrators: The Government of Maharashtra, the Fast track court, Mumbai, Maharashtra

Date and Time of Incident: 11 June 2013,

Place of Incident: Inside the Court.

Incident:

On Friday, 14 March, we received information from an Independent Researcher and Human Rights Advocate, New Delhi, that a SEWREE fast track court rejected radical musical group Kabir Kala Manch (KKM) activist Sheetal Sathe's bail application on Tuesday, 11 June 2013. After being underground for over two years, Sathe (27), who is eight months pregnant, surfaced outside Mantralaya in April along with her husband Sachin Mali (27) and had courted arrest.

Sheetal Sathe, Deepak Dengle, Siddharth Bhonsle and Sachin Mali of the Kabir Kala Manch (KKM) continue to be in detention after denial of Bail for them. It is to be noted here that Sheetal Sathe who is in the 8th month of her pregnancy along with other members of KKM has been in Jail since April 4, 2013. As yet no charge-sheet has been filed by the Mumbai Police in the Trial Court.

In light of the fact that all 4 of these KKM members gave themselves up to the authorities voluntarily and are therefore unlikely to run away, the denial of Bail to them is inexplicable.

Continued police and judicial custody of these people for more than 2 months without charge-sheeting by the Police raises some uncomfortable questions on the manner in which the criminal justice system seems to be functioning in this case. It is also to be noted here in this connection that the Bail granted to Deepak Dengle and other members of KKM by Justice Abhay Thipsay of the Mumbai High Court some months ago needs to be taken into consideration. The denial of Bail to Sheetal Sathe and other members of KKM may be seen as a fit case of contempt of The High Court and The Supreme Court rulings on such matters.

Denying bail to somebody who is eight months pregnant is inhuman. It looks increasingly certain that Sheetal and Sachin's child will be born in jail. We all know what conditions in jail are like. The food is extremely poor at the best of times. Hygiene is non-existent. Though Sheetal is getting medical checkups, her nutrition remains a major cause for concern.

Back Ground Information:

There is not much to prove that these people — youths who use music and poetry, not guns, to protest the institutionalised inequalities rampant in our country — are Naxalites. Even if you assume that they were in some way attracted to the ideology, the Supreme Court has established that mere membership of a banned organisation is not something punishable by itself, in that there is a distinction between active and passive membership of a banned outfit. In fact, the Bombay High Court granted bail to Deepak Dengle and Siddharth Bhonsle, two other members of the KKM who were arrested in 2011 in the same case under the Unlawful Activities (Prevention) Act, saying that sympathy for an ideology does not incriminate someone. It was that decision that gave Sheetal and Sachin hope for a fair hearing.

These people have not committed a violent crime. Even the State does not accuse them of having committed one. They are being victimised for what they think, or to put it more accurately, what the State assumes they think. By restricting people from singing songs, performing plays or speaking out against injustice, it is reducing the space for dissent that a democracy naturally allows. If people are not allowed to voice their grievances publicly, they will be pushed underground. So, in effect, the State is forcing people like them to go against the law.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

- The 8 month old pregnant Sheetal Sathe and other members of the KKM are released on bail on humanitarian and also on juridical grounds.
- The State government looks into the matter of Maternal Health and health system in large as a serious concern.
- All necessary measures are taken to guarantee the physical and psychological integrity and security of five human rights defenders, one of whom is a woman
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.

- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary Working Secretary

Human Rights Defenders Alert – India

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