

PUBLIC

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Death penalty

INDIA

**Renuka Kiran Shinde (f)
Seema Mohan Gavit (f), her sister**

Two sisters, Renuka Kiran Shinde and Seema Mohan Gavit, face execution after the India's Supreme Court upheld their death sentences. If the Supreme Court, which has upheld the verdicts of two lower courts, rejects the sisters' plea for a review of their case, their last hope would be their petitions for mercy, submitted to the President's office five years ago, which are still pending. The President and the Governor have the power to commute their sentences.

The two women, from the city of Pune, were convicted of kidnapping and killing five children in the western state of Maharashtra between 1990 and 1996. They were accused of kidnapping 13 children, all under the age of five, and brutally killing nine of them, but only five of the murders could be proved. The women reportedly carried the children in their arms to avoid suspicion while moving about in crowded towns to snatch purses and other valuables. The children were allegedly murdered when they grew too old to be carried about or if they tended to cry in public and aroused suspicion.

In India, it is rare for a woman convicted of a murder offence to be sentenced to death. Most of those women who have received death sentences have had them commuted. The most recent example is that of Nalini, a woman who was convicted in relation to the assassination of former Prime Minister Rajiv Gandhi. Her sentence was commuted in 2000.

The Supreme Court has described the case of Renuka Kiran Shinde and Seema Mohan Gavit as the "rarest of the rare" in which a death sentence is appropriate. The court, while refusing leniency, said: "The nature of the crime and the systematic way in which each child was kidnapped and killed amply demonstrates depravity of mind," and added that the women were unlikely to reform themselves if given a second chance at life.

BACKGROUND INFORMATION

India's highest courts have ruled that the death penalty can only be applied in the "rarest of rare" cases. Since this is not further defined and no clear guidelines have come to exist, it is largely up to individual judges to interpret this phrase in deciding whether to impose a death sentence.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is inflicted. Studies globally have shown that it is more likely to be imposed on those who are poorer, less educated and from marginalized segments of society. The death penalty is irrevocable, yet the risk of error in its application is inescapable. Amnesty International recognizes the need to combat violent crime, but there is no convincing evidence that the death penalty deters crime more effectively than other punishments.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing sympathy for those affected by the murders of the five children in Maharashtra, and explaining that you are not seeking to downplay the seriousness of these crimes or the suffering caused;

- expressing unconditional opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, and emphasizing that the death penalty has never been shown to be a more effective deterrent than other punishments;
- urging the authorities concerned to commute the death sentences passed on Renuka Kiran Shinde and Seema Mohan Gavit.

APPEALS TO:

President

His Excellency A P J Abdul Kalam
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India

Fax: +91 11 2301 7290

Email: presidentofindia@rb.nic.in

Salutation: Your Excellency

Governor of Maharashtra

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Salutation: Dear Governor

COPIES TO: diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 October 2006.