

PUBLIC

AI Index: ASA 20/004/01

16 January 2001

Further information on EXTRA 85/99 (ASA 20/025/1999, 14 July 1999) and follow-up (ASA 20/028/1999, 23 July 1999) - Death Penalty / Imminent Execution
new concern: Fair Trial

INDIA Sheikmiran
 Selvam
 Radhakrishnan

The Governor of Tamil Nadu has rejected mercy petitions lodged by Sheikmiran, Selvam and Radhakrishnan against their death sentences. The President of India is expected to rule soon on a further petition lodged by the condemned men in July 1999.

The three men were found guilty of murder following a series of tit-for-tat gang-related killings in Nagercoil, Tamil Nadu. They were alleged to have been among a group of men who murdered a rival gang member in June 1994. They were sentenced to death on 5 October 1998. Others alleged to be involved in the killing were sentenced to life imprisonment.

Amnesty International has recently learnt that key witnesses for the prosecution have reported that they were coerced by police into testifying against the three men. Lawyers have also raised concern about the legality of the Supreme Court's dismissal, in July 1999, of a review petition in their case. These concerns heighten fears about the fairness of the trial process and the upholding of their death sentence.

BACKGROUND INFORMATION

India's highest courts have ruled that the death penalty can only be applied in the "rarest of rare" cases. Because this is not further defined and no clear guidelines exist, this means that the use of the death penalty in India depends to a large extent on how individual judges interpret this phrase.

Executions can only be carried out after the president has been given enough time to consider petitions of clemency.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or in your own language:

- urging President Narayanan to commute the sentences of death against Sheikmiran, Selvam and Radhakrishnan;
- expressing concern at reports that witnesses were coerced into giving evidence against the three men;
- expressing your sympathy for the victims of violent crimes and their families but 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 have a special deterrent effect.

APPEALS TO:

Mr K.R. Narayanan
President of India
Office of the President
Rashtrapati Bhavan
New Delhi 110 004, India
Telegrams: President, New Delhi, India
Faxes: + 91 11 301 7290
Salutation: Dear President

Mr L K Advani
Minister of Home Affairs

2

Ministry of Home Affairs
North Block, New Delhi 110 001, India
Telegrams:Home Affairs Minister, Delhi, India
Faxes: + 91 11 301 5750
Salutation:Dear Minister

COPIES TO:

Justice Anand
Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi 110 001, India

and 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 27 February 2001.