

**PUBLIC**

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**EXTRA 38/03     Imminent Execution**

**INDIA             Dayanidhi Bisoi (m)**

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Amnesty International is concerned that Dayanidhi Bisoi may be facing imminent execution. His death sentence was confirmed by India's Supreme Court on 23 July, and he is scheduled to be executed on 23 August. His only hope of clemency now lies in a mercy petition filed with the Indian President, A J P Abdul Kalam.

In 1999 Dayanidhi Bisoi, a resident of Niranguda village in the state of Orissa, was found guilty of killing a family of three, including a three-year-old girl, while they slept. He denied the charges. The court found there were "no extenuating circumstances" and ruled that his case was "one of the rarest of the rare cases" in which the use of the death penalty was justified. His conviction and sentencing was upheld by the Orissa High Court in 2000. His petition for mercy to the President was filed on 5 August 2003. This appeal is currently with the Governor of Orissa, who is also able to grant clemency.

#### **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 exist, the use of the death penalty in India is largely dependent on the interpretation of this phrase by individual judges. The majority of those executed in India are poor and illiterate. During 2002, at least 29 people were sentenced to death. The exact numbers of death sentences passed and executions carried out were not known as the government does not release the relevant information.

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 have shown that it is more likely to be imposed on those who are poorer, less educated and more vulnerable than average. The death penalty is irrevocable, yet the risk of error in its application is inescapable. Whilst Amnesty International recognizes the need to combat violent crime, 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:**

- urging that the death sentence imposed on Dayanidhi Bisoi is immediately commuted;
- 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:**

##### **President**

His Excellency A J P Abdul Kalam  
Office of the President  
Rashtrapati Bhavan  
New Delhi 110 004  
India

**Fax:** +91 11 3017290 / 3017824  
**Salutation:** Dear President

**COPIES TO:**

**Governor of Orissa**  
Mr M M Rajendran  
Office of the Governor  
Bhubaneshwar  
Orissa  
India

**Fax:** +91 674 404695  
**Salutation:** Dear Governor

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 23 August.