

PUBLIC

AI Index: ASA 20/20/99

2 June 1999

Further information on UA 32/98 (ASA 20/02/98, 29 January 1998) and follow-ups (ASA 20/22/98, 21 September 1998, ASA 20/17/99, 11 May 1999) - Death Penalty/Legal Concern

INDIAS Nalini (f) 33
Murugan, 28
Santhan, 28
Perarivalan, 24

The four people named above are scheduled for execution on 9 June 1999. They were among 26 people sentenced to death for murder and conspiracy to murder the Prime Minister, Rajiv Gandhi, who died in a bomb explosion in Tamil Nadu in 1991. The other 22 have had their sentences quashed or commuted.

On 11 May 1999 the Supreme Court of India upheld the death sentences, which were handed down by a special court in Tamil Nadu in 1998. On 24 May the Court refused to allow an application for a stay of execution, on the grounds that no petition for review of the Court's previous judgement had yet been filed. The defence stated that they would not be able to file a review petition before 7 June, as they needed time to study the full judgement of the Supreme Court. A hearing has been set for that date. It is possible, but not certain, that a stay of execution will be granted at that hearing, to give the court time to consider the petition.

The four can also file a mercy petition with the President of India, who has powers to grant clemency.

FURTHER RECOMMENDED ACTION: Please continue to send

telegrams/faxes/express/airmail letters in English or your own language:

- expressing concern at the Supreme Court's decision to uphold the death sentence against S Nalini, Murugan, Santhan and Perarivalan;
- urging the Supreme Court to reconsider its decision when it hears the review petition against the judgement on 7 June 1999;
- 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 emphasising 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 Narayanan

Justice A S Anand
Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi 110 001, India
Telegrams: Chief Justice, New Delhi, India

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Salutation: Dear Chief Justice

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 14 July 1999.