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Amnesty International appeals for commutation of death sentences and an end to the use of the death penalty in India

The execution of four persons whose sentences of death were confirmed by the Supreme Court of India on 11 May 1999 would be a retrograde step for human rights in India, Amnesty International said today in a 7-page report.

The human rights organization is appealing for the commutation of sentences of death against Nalini [f], Murugan, Perarivalan and Santhan on the basis of its universal opposition to the death penalty. The four were convicted in January 1998 of conspiracy to murder former Prime Minister of India and sentenced to death.

A review petition is due to be heard by the Supreme Court on 17 August. If rejected, the four can seek clemency from the President of India.

Amnesty International's appeal argues that at a time when positive steps are being taken towards abolition of the death penalty worldwide and in the same year that the United Nations (UN) Commission on Human Rights has urged governments to hold a moratorium on executions, India should itself be taking steps towards abolition.

The report refers to the knee-jerk reaction of the trial court which sentenced 26 people to death in January 1998 based on a misguided perception that the death penalty is an appropriate means of deterrence or retribution.

"While the Supreme Court upheld the sentence of death against only four of those originally sentenced, Amnesty International's concerns remain. Numerous studies have failed to establish that the death penalty deters crime and the concept of retribution is fundamentally flawed by the injustice and arbitrariness of the application of the death penalty in practice", the organisation added.

The report also expresses concern that while Nalini, Murugan, Perarivalam and Santhan were acquitted by the Supreme Court of offences under the Terrorist and Disruptive Activities (Prevention) Act (TADA), the Supreme Court failed to consider the incompatibility of certain provisions of TADA with international standards for fair trial when it held that their trial under those provisions should not be called into question.

“To confirm sentences of death imposed after a trial held under provisions of a law which has now lapsed following widespread criticism from national and international human rights bodies that it denied the right to a fair trial, is manifestly unsound”, Amnesty International said.

Amnesty International opposes the death penalty in all cases in all countries on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment. The organization campaigns against the death penalty in countries throughout the world, from the United States of America to the Philippines, the Caribbean to Pakistan.

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