

PUBLIC

AI Index: ASA 20/34/99

13 October 1999

Further information on UA 32/98 (ASA 20/02/98, 29 January 1998) and follow-up (ASA 20/22/98, 21 September 1998, ASA 20/17/99, 11 May 1999, ASA 20/20/99, 2 June 1999) - Death Penalty / Legal Concern and new concern: Fear of imminent execution

INDIA S Nalini (f) 34
Murugan, 29
Santhan, 29
Perarivalan, 25

Amnesty International fears that S Nalini, Murugan, Santhan and Perarivalan are in danger of imminent execution after the Supreme Court of India dismissed a review petition filed by them on 8 October 1999. Their only chance now lies with an appeal for clemency with the President who will make a decision after taking advice from the Ministry of Home Affairs.

They were originally scheduled to be executed on 9 June but this was deferred when they filed the review petition to the Supreme Court.

The four were sentenced to death in January 1998, together with 22 others, for murder and conspiracy to murder the former Prime Minister of India, Mr Rajiv Gandhi, in 1991. Mr Gandhi was killed by a bomb explosion in Tamil Nadu in May 1991. The other 22 had their sentences quashed or commuted on appeal. Amnesty International believes they did not receive a fair trial according to international standards for fair trial.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unconditionally as an extreme form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

The Indian Constitution protects the right to life. 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. On average a dozen executions are carried out in India every year for criminal offenses. Most of those executed are the poor and illiterate.

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

- expressing concern at the Supreme Court's decision to turn down the review petition filed by S Nalini, Murugan, Santhan and Perarivalan;
- urging the President to exercise his power of clemency under Article 72 of the Constitution of India to commute the death sentences;
- 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;
- reminding the authorities of the United Nations (UN) Commission on Human Rights' recommendation that governments hold a moratorium on executions;

- urging them also, in the light of positive steps being taken worldwide to abolish the death penalty, to commute all outstanding death sentences and take steps to remove the death penalty from all legislation.

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

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

COPIES TO:

Justice A S 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.