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## **India: New execution points to worrying and regressive trend**

Today's execution of Mohammad Afzal Guru indicates a disturbing and regressive trend towards executions shrouded in secrecy and the resumption of death penalty use in India, said Amnesty International.

"We condemn the execution in the strongest possible terms. This very regrettably puts India in opposition to the global trend towards moving away from the death penalty", said Shashikumar Velath, Programmes Director at Amnesty International India.

Indian authorities hanged Mohammad Afzal Guru at 0800 hrs in Tihar Jail, New Delhi on 9 February 2013. His execution is the second in India in three months after an eight-year hiatus.

Mohammed Afzal Guru was sentenced to death in December 2002 after being convicted of conspiracy to attack the Parliament of India, waging war against India and murder in December 2001. He was tried by a special court designated under the Prevention of Terrorism Act (POTA), a law which fell considerably short of international fair trial standards and has since been repealed, in 2004, after serious allegations of its widespread abuse.

Seven members of the security forces including a woman constable were killed in the December 2001 attack on India's Parliament complex in central Delhi, as were the five persons who had carried out the attack.

Afzal Guru's death sentence was confirmed by the Supreme Court in August 2005, and his mercy petition was reportedly rejected by the President on 3 February 2013. Of the other three persons initially arrested for the attack, Afsan Guru was released without charges. The trial court also imposed death sentences on Delhi-based professor S A R Geelani and Shaukath Hussain Guru, but the Supreme Court acquitted Geelani of all charges and commuted Shaukath Hussain Guru's sentence to 10 years' imprisonment. He was released from Tihar jail in December 2010.

"Serious questions have been raised about the fairness of Afzal Guru's trial. He did not receive legal representation of his choice or a lawyer with adequate experience at the trial stage. These concerns were not addressed," said Shashikumar.

"Before Ajmal Kasab's execution in November, Indian authorities used to make information about the rejection of mercy petitions and dates of execution available to the public prior to any executions. The new practice of carrying out executions in secret is highly disturbing."

It is not clear whether Afzal Guru was given the opportunity to seek a judicial review of the decision to reject his mercy petition – a practice that has been followed in other cases.

According to initial reports from Kashmir, Afzal Guru's family in Kashmir say they were not informed of his imminent execution, in violation of international standards on the use of the death penalty. The body

was also not returned to the family for last rites and burial, in violation of international standards.

India is among a minority of countries which continue to use the death penalty. In total, 140 countries, more than two thirds of the world's countries, are abolitionist in law or in practice. In 2011, only 21 states in the world executed, meaning that 90 per cent of the world was execution-free.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. It opposes it as a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.