

PUBLIC

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UA 244/06 Imminent execution

INDIA Sanjay (m), aged 30

Amnesty International has received reports that a man known only as Sanjay is due to be hanged on 11 or 12 September in Uttar Pradesh state. He is currently being held in Agra Central Jail. He was sentenced to death for raping and murdering a four-year-old girl named as Babita.

According to news reports, Sanjay, from the village of Jalol in Uttar Pradesh, was sentenced to death on 21 September 2004 by a trial court in Bulandshahar, Uttar Pradesh. It is reported that his sentence may have been upheld by the Supreme Court. However, Amnesty International is not aware of any such decision by the Supreme Court, or of any petition by Sanjay for clemency to the Governor of Uttar Pradesh or the President of India.

According to Amnesty International's sources, Sanjay was attending a marriage ceremony with Babita and her aunt Raj Kumari in February 2004, when he informed Babita's aunt that he would take Babita back to her home in Jalol. Babita failed to arrive home and when questioned by her family, Sanjay reportedly confessed to having raped and murdered her.

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, it is largely up to individual judges to interpret this phrase in deciding whether to impose a death sentence.

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 globally have shown that it is more likely to be imposed on those who are poorer, less educated and from marginalized segments of society. The death penalty is irrevocable, yet the risk of error in its application is inescapable. Amnesty International recognizes the need to combat violent crime, but 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:

- expressing sympathy for Babita's family, and explaining that you are not seeking to downplay the seriousness of these crimes or the suffering caused;
- 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 be a more effective deterrent than other punishments;
- expressing concern at reports that a man known only as Sanjay is at risk of imminent execution for Babita's rape and murder;
- calling on the authorities to make public details of Sanjay's case;
- urging the authorities to stay the execution of Sanjay immediately, and to commute his death sentence to a more humane alternative.

APPEALS TO:

President

His Excellency A P J Abdul Kalam

Office of the President

Rashtrapati Bhavan

New Delhi 110 004

India

Fax: + 91 11 2301 7290

Email: presidentofindia@rb.nic.in

Salutation: Your Excellency

COPIES TO:

Mr. T.V. Rajeshwar

Governor

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Governor House

Lucknow

Uttar Pradesh

India

Fax: + 91 522 2239488

Email: hgovup@up.nic.in

Salutation: Dear Governor

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.