

PUBLIC

AI Index: ASA 20/093/2004

27 August 2004

UA 257/04

Death Penalty/fear of imminent execution

INDIA

Praveen Kumar (m), aged 43

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Praveen Kumar, who was sentenced to death in 2002, may be facing imminent execution. The case is before the President and state governor who have the power to commute the sentence. However, the President dismissed another mercy petition earlier this month, and this led to the country's first execution in seven years.

Kumar was sentenced to death in February 2002. Appeals against the sentence were rejected by the High Court in October 2002 and by the Supreme Court in October 2003. Kumar then submitted a mercy petition to the President, who sought the advice of the Karnataka state government. On 17 August the state government recommended that the President uphold the sentence.

Kumar had been convicted of the February 1994 murder of four of his relatives in Mangalore, Karnataka. He was arrested shortly after the murders, but escaped and was rearrested by police in Goa in 1998. He is now in a jail in Karnataka.

## BACKGROUND INFORMATION

India's highest courts have ruled that the death penalty can only be applied in the "rarest of rare" cases. Until the execution of Dhananjay Chatterjee on 14 August (see UA 206/04, ASA 20/008/04, 22 June 2004 and follow-ups) there had been a de facto moratorium on executions since 1997. The Indian authorities have opposed the death penalty in some cases but condoned it in others. The government recently requested mercy for Indian national Ayodhya Prasad Chaubey, who was executed in Indonesia on 5 August on drug-trafficking charges, but have condoned other executions of Indian citizens. Amnesty International calls on the government of India to apply similar standards respecting human rights to all cases and urges them to declare a moratorium on executions, with a view to abolishing the death penalty.

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:

- urging the President and Governor to commute the death sentence passed on Praveen Kumar;
- 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;

- urging the authorities to declare a moratorium on executions, with a view to abolishing the death penalty.

**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

**Salutation:** Your Excellency

**COPIES TO:**

Governor of Karnataka

Mr. T.N. Chaturvedi  
Raj Bhavan Road  
Bangalore 560 001 INDIA

**Fax:** +91 80 22258150

**Email:** root@rjbvnbng.kar.nic.in

**Salutation:** Dear Governor

and 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 8 October 2004.