

**EXTERNAL (for general distribution)**

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**UA 27/94      Death Penalty**

**27 January 1994**

**INDIA            Dhananjoy Chatterjee**

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Amnesty International is concerned that Dhananjoy Chatterjee faces execution after the Supreme Court on 12 January upheld the death sentence earlier imposed by the Calcutta High Court.

Dhananjoy Chatterjee, a private security guard, was sentenced to death for the rape and murder of an 18-year-old school girl in her flat in Calcutta on 5 March 1990. As there was no eyewitness, the case is reported to have rested on circumstantial evidence alone. Chatterjee pleaded innocence but the Supreme Court ruled that his guilt was "amply evident". The crime was allegedly perpetrated in revenge for the girl's complaints to her parents about his harassment of her. The Supreme Court held that the case fell into the category of "rarest of rare" cases for which the death penalty could be imposed. They imposed the death penalty because of the "savage nature of the crime".

#### **BACKGROUND INFORMATION**

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

The death penalty is usually carried out by hanging. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1983 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all these.

Although India's higher courts have ruled that the death penalty can only be applied in the "rarest of rare" cases, the number of offences carrying the death penalty has been extended in recent years. In 1984, several judges of the Supreme Court ruled that a death sentence, if not carried out for more than two years, should be automatically commuted to life imprisonment. Other Supreme Court judges, however, have ruled that no specific time limit could be set for converting a sentence of death into life imprisonment on grounds of delay in execution.

#### **RECOMMENDED ACTION: Please send telegrams, telexes, faxes and airmail letters in English:**

- urging that the death sentence of Dhananjoy Chatterjee be commuted;
- 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 and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights;
- pointing out that the death penalty has never been shown to have a special

deterrent effect.

**APPEALS TO**

1) His Excellency

President Shankar Dayal Sharma

Office of the President

Rashtrapati Bhavan

New Delhi 110 004, India

**Telegrams: President Shankar Dayal Sharma, New Delhi, India**

**Telexes: 31 66427 RBND IN**

**Faxes: (11) 301 72 90**

**Salutation: Dear President**

2) The Governor of West Bengal

Mr K.V. Raghunatha Reddy

Governor of West Bengal

Office of the Governor

Raj Bhavan

Calcutta, India

**Telegrams: West Bengal Governor, Calcutta, West Bengal, India**

**Salutation: Dear Governor**

**COPIES OF YOUR APPEALS TO:**

The Chief Minister of West Bengal

Mr Jyoti Basu

Chief Minister of West Bengal

Office of the Chief Minister

Writers Building

Calcutta 600 001, India

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 10 March 1994.