

URGENT ACTION

NINE PRISONERS AT RISK OF EXECUTION

Following two recent secret executions in India, there is fear that the Indian authorities may execute nine other prisoners whose petitions for mercy have not yet been ruled on.

The mercy petitions of eight men and one woman are pending with either the Union Home Ministry or the President: **Gurmeet Singh, Dharampal, Suresh, Ramji, Praveen Kumar, Jafar Ali, Sonia (f), Sanjeev, and Sundar Singh**. Ministers have publicly stated that decisions on some of these petitions will be made soon, putting the nine in imminent danger of execution.

The manner in which the Indian authorities have dealt with executions recently raises serious concerns and increases the risk of executions. Mercy petitions are generally considered in the order in which they are filed. However, the authorities have started to consider cases out of turn, making it difficult to determine which case is being considered when. The two recent executions were announced to the public after being carried out; this is in violation of international standards on the use of the death penalty and makes timely interventions before executions impossible. This means we can no longer know which mercy petitions are being considered, when decisions are to be made, and whether these decisions would be public.

The Indian government executed Pakistani national Ajmal Kasab on 21 November 2012, for involvement in the 2008 Mumbai multiple attacks. This was the first execution in India in eight years. On 9 February, they executed Afzal Guru, convicted for the attack on India's parliament in December 2001. These two executions were considered out of turn and were not announced to the public until they had been carried out. The relevant government minister publicly stated that no prior announcement was made in Ajmal Kasab's case in order to avoid intervention from human rights activists. In Afzal Guru's case, the family only received notification of the execution after it had been carried out, and the body was not returned to them for burial.

Please write immediately in English or your own language:

- Urging Indian authorities to stop plans to execute Gurmeet Singh, Dharampal, Suresh, Ramji, Praveen Kumar, Jafar Ali, Sonia, Sanjeev, and Sundar Singh, and all other executions;
- Urging Indian authorities to commute all death sentences to terms of imprisonment;
- Reminding Indian Authorities that the UN General Assembly has called repeatedly for a moratorium on executions, with a view to abolishing the death penalty, and pointing out that India's decision to resume executions has set it against the global trend towards abolition.

PLEASE SEND APPEALS BEFORE 4 APRIL 2013 TO:

President

President Pranab Mukherjee

Rashtrapati Bhavan

New Delhi 110 004, India

Fax: +91 11 23017290;

+91 11 23017824

Email: (via website)

<http://www.helpline.rb.nic.in/>

Salutation: Dear President Mukherjee

Prime Minister

Dr. Manmohan Singh

South Block, Raisina Hill

New Delhi 110 001, India

Email: (via website)

<http://pmindia.gov.in/feedback.php>

Salutation: Dear Prime Minister

And copies to:

Minister of Home Affairs

Sushilkumar Shinde

104, North Block,

Central Secretariat

New Delhi 110001, India

Fax: + 91 11 23094221

Email: hm@nic.in

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 337/12. Further information:

<http://amnesty.org/en/library/info/ASA20/004/2013/en>

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ADDITIONAL INFORMATION

Since taking office in July 2012, India's President Pranab Mukherjee, has rejected the mercy petitions of seven people on death row and commuted the death sentence of one prisoner, after which the two secret executions took place. The five remaining prisoners whose mercy petitions have now been rejected are: Saibanna Ningappa Natikar, Gnanprakasham, Simon, Meesekar Madaiah, and Bilavendran.

Before the two executions in 2012, the last execution in India had been that of Dhananjay Chatterjee in August 2004. This move to resume executions has set the country against the regional and global trend towards abolition of the death penalty. The authorities used to make information about the rejection of mercy petitions and dates of execution available to the public before any executions. In resolution 2005/59 the UN Commission on Human Rights called upon all states that still maintain the death penalty "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution".

In total, 140 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. Out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes. Over the past 10 years, four Asia-Pacific countries abolished the death penalty for all crimes: Bhutan and Samoa in 2004, the Philippines in 2006 and the Cook Islands in 2007. In 2012, Mongolia became a State Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

UN bodies and mechanisms have repeatedly called upon member states to establish a moratorium on executions with a view to abolishing the death penalty, including through the adoption of four UN General Assembly resolutions, in December 2007, 2008, 2010 and 2012. India voted against all four resolutions. In a general comment on Article 6 of the International Covenant on Civil and Political Rights, to which India is a State Party, the UN Human Rights Committee stated that Article 6 "refers generally to abolition [of the death penalty] in terms which strongly suggest ... that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life."

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, regardless of the nature of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

Names: Gurmeet Singh, Dharampal, Suresh, Ramji, Praveen Kumar, Jafar Ali, Sonia (f), Sanjeev, and Sundar Singh
Gender m/f: both

Further information on UA: 337/12 Index: ASA 20/008/2013