

EXTERNAL (for general distribution)

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Further information on UA 362/91 (ASA 20/45/91, 30 October 1991) - Death Penalty

INDIA:Raj Gopal NAYYAR

On 24 December 1991 the Jammu and Kashmir High Court dismissed two petitions brought on behalf of Raj Gopal Nayyar. However, the High Court stayed his execution for one week to allow Raj Gopal Nayyar time to bring a petition before the Supreme Court, which was on vacation at the time. As of 9 January, the petition was about to be brought before the Supreme Court and the order of execution had yet to be carried out. Amnesty International is concerned that Raj Gopal Nayyar faces imminent execution.

FURTHER BACKGROUND INFORMATION

Raj Gopal Nayyar was sentenced to death on 24 April 1985 for the murder of his father and step-brother in July 1982. His death sentence has been confirmed at least six times in separate legal proceedings, and appeals and mercy petitions have been rejected by the Supreme Court, the Governor of Jammu and Kashmir, and the President of India. His execution, originally scheduled for 23 October 1991, was rescheduled three times after a succession of petitions were considered by the Supreme Court and the Jammu and Kashmir High Court. Petitions for commutation of the sentence have been based on the unconstitutionality of the death penalty, and the length of imprisonment already undergone by Raj Gopal Nayyar.

FURTHER RECOMMENDED ACTION:

- explaining that Amnesty International unconditionally opposes the death penalty on the grounds that it violates the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights;
- urging that the death sentence of Raj Gopal Nayyar be commuted to life imprisonment;
- stressing that the seven years Raj Gopal Nayyar has already spent awaiting execution is a strong humanitarian reason to commute his death sentence;
- pointing out that the death penalty has never been shown to have a special deterrent effect.

APPEALS TO:

- 1) His Excellency
President Ramaswamy Venkataraman

Office of the President
Rashtrapati Bhavan
New Delhi 110 004
India

Telegrams: President Venkataraman, New Delhi, India

Telexes: 31 66427 RBND IN

Salutation: Dear President

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2) His Excellency
Mr Girish Saxena
Governor of Jammu and Kashmir
Srinagar
Jammu and Kashmir
India

Telegrams: Governor Jammu and Kashmir, Srinagar, India

Salutation: Dear Governor

3) Mr M. M. Jacob
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001
India

Telegrams: Home Affairs Minister Jacob, New Delhi, India

**Telexes: 3161879 FRGN IN) via Ministry of
3161880 FRGN IN) Foreign Affairs**

Salutation: Dear Minister

COPIES TO: diplomatic representatives of India in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section office if sending appeals after 21 February 1992.