

PUBLIC

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Further Information on UA 21/03 (ASA 20/004/2003, 22 JANUARY 2003) IMMINENT EXECUTION/UNFAIR TRIAL

INDIA **Davinder Pal Singh Bhuller, (m)**

The Supreme Court of India has rejected a further petition challenging the appeal decision in the case of Davinder Pal Singh Bhuller. Amnesty International is extremely concerned that Davinder Pal Singh Bhuller may face imminent execution.

The petition, filed by Davinder Pal Singh Bhuller's lawyers, was rejected by the Supreme Court on 12th March. It questioned the validity of the decisions made by the Supreme Court in rejecting his appeals against the death penalty in which a senior judge expressed dissent at the Court's conclusions.

The only hope of clemency for Davinder Pal Singh Bhuller remains in a mercy petition filed with the Indian President, A J P Abdul Kalam, who has the power to commute the sentence.

BACKGROUND INFORMATION

Davinder Pal Singh Bhuller was sentenced to death on 29 August 2001 after being found guilty of involvement in the 1993 bombing of the Youth Congress Office in the capital, New Delhi. Twelve people were killed and 29 injured in the blast. Davinder Pal Singh Bhuller sought political asylum in Germany, but was forcibly returned to India, where he was arrested on arrival at New Delhi airport in January 1995. There are serious concerns that he may not have been given a fair trial.

Davinder Pal Singh Bhuller appealed against the death sentence in December 2001, but the appeal was rejected by a three-member bench of the Supreme Court. This was not a unanimous decision: the most senior of the three judges found the accused not guilty and directed that he should be released. It is usually custom, whenever there is a split decision, for the death penalty not to be handed down. However, while the Supreme Court was considering Davinder Pal Singh Bhuller's appeal, armed militants attacked the Lokh Sabha (the lower house of the Indian parliament) on 13th December 2001. Observers believe that heightened rhetoric about the threat of "terrorism" in India following that attack, and a hardening of government policies may have influenced the judges' decision.

Amnesty International opposes the death penalty in all cases, regardless of issues of guilt or innocence, or the seriousness of the crime. The death penalty is a symptom of a culture of violence, not a solution to it. It has not been shown to have any special deterrent effect and carries the risk of irrevocable error. It denies the possibility of rehabilitation and reconciliation and extends the suffering endured by the families of murder victims to the families of condemned individuals.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging that the President immediately commutes the death sentence imposed on Davinder Pal Singh Bhuller;
- pointing out the controversial nature of the two decisions made by the Supreme Court;
- 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 have a special deterrent effect.

APPEALS TO: (You may difficulties when trying to fax India, please be persistent)

His Excellency A J P Abdul Kalam
The President of India
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
India

Fax: + 91 11 23017290

Salutation: Dear President

COPIES TO:

Mr Soli Sorobjee
The Attorney General
The Office of the Attorney General
Supreme Court Of India
Tilak Marg
New Delhi 110 001
India

Fax: + 91 11 6862957

Salutation: Dear Mr Attorney General

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 25 April 2003.