

EXTERNAL (for general distribution)

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UA 155/94 Death Penalty

20 April 1994

INDIA: Dhananjoy CHATTERJEE

Amnesty International is concerned that Dhananjoy Chatterjee is in imminent danger of execution. He was sentenced to death in August 1991 for rape and murder committed in March 1990. He appealed against his sentence to the High Court and the Supreme Court which both upheld the sentence. He was due to hang on 25 February 1994 but his family made a final appeal to the President on 6 February to which a reply is still awaited. The date of execution was consequently postponed to 4 and then 18 March 1994.

As far as Amnesty International is aware Dhananjoy Chatterjee is still alive and in detention. He was not executed on 18 March, firstly because the President had not given his reply to the appeal, and secondly because the hangman refused to carry out the execution until he was awarded a pay rise. The hangman filed petitions to the jail authorities demanding more pay and it was reported that the Deputy Inspector General Prisons had agreed to his requests. However, there has since been some international pressure urging the President to show clemency to Dhananjoy Chatterjee.

BACKGROUND INFORMATION

The Indian Constitution protects the right to life. Yet on average a dozen executions are carried out in India every year for criminal offenses. 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 1981 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all of these and unconditionally opposes 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.

Although India's highest courts have ruled that the death penalty can only be applied in the "*rarest of the rare*" cases, the number of offenses 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/express and airmail letters either in English or in your own language:

- urging that the death sentence on Dhananjoy Chatterjee not be carried out and that his sentence 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) President Shankar Dayal Sharma
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
India

Salutation: Dear President

Telegrams: President of India, New Delhi, India

Faxes: +91 11 301 7290

2) Mr Jyoti Basu
Chief Minister of West Bengal
Office of the Chief Minister
Calcutta
West Bengal
INDIA

Salutation: Dear Chief Minister

Telegrams: Chief Minister West Bengal, Calcutta, West Bengal, India

COPIES OF YOUR APPEALS TO:

Mr S.B Chavan
Minister for Home Affairs
Ministry for Home Affairs
North Block
New Delhi
India

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.