

UA 56/99

Death Pen**INDIADharampal**

Dharampal may be facing imminent execution. On 19 March 1999 the Supreme Court of India confirmed the death sentence handed down to him.

The President has the power to overturn Dharampal's death sentence, acting on advice from the Minister of Home affairs.

An appeal against his conviction had previously been rejected by the Punjab and Haryana High Court. Dharampal was convicted along with his brother, Nirmal, of the June 1993 murder of five people, including three children. The victims were the relatives of a woman who had testified against Dharampal after he raped her. The Supreme Court commuted the death sentence imposed on his brother Nirmal to life imprisonment.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unconditionally as an extreme form of cruel, inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

India's highest courts have ruled that the death penalty can only be applied in the "rarest of rare" cases, which are not further defined. The use of the death penalty in India thus depends to a large degree on how individual judges interpret this phrase. The lack of clear guidelines about the circumstances in which the death penalty should be imposed means that judges have a great deal of discretion in capital cases.

Amnesty International is also concerned at calls for the scope of the death penalty in India to be widened to include other offences, including rape.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- acknowledging the grave nature of the crimes of which Dharampal has been convicted, and expressing sympathy for the relatives of his victims;
- 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 emphasising that the death penalty has never been shown to have a special deterrent effect.
- urging that the death sentence handed down to Dharampal be commuted.

APPEALS TO:

Mr K.R. Narayanan
President of India
Office of the President
Rashtrapati Bhavan
New Delhi 110 004, India
Telegrams: President, New Delhi, India
Faxes: + 91 11 301 7290
Salutation: Dear President

Mr L K Advani
Minister of Home Affairs

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Ministry of Home Affairs
North Block, New Delhi 110 001, India
Faxes: + 91 11 301 5750

COPIES TO:

Justice Anand
Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi 110 001, India
Telegrams: Chief Justice, New Delhi, India
Salutation: Dear Chief Justice

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 11 May 1999.