

PUBLIC

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Further Information on UA 206/04 (ASA 20/008/04, 22 June 2004) Death Penalty/Imminent Execution

INDIA **Dhananjoy Chatterjee (m)**

The execution of Dhananjoy Chatterjee, scheduled for Friday 25 June, was stayed on 24 June for the President to consider a mercy petition submitted by Chatterjee's family. The President's decision is expected soon: he often commutes death sentences, but as there is widespread popular support for the death penalty in this case, international pressure may be vital.

Dhananjoy, a private security guard, was sentenced to death in August 1991 for the rape and murder of an 18-year-old schoolgirl in her apartment in Calcutta on 5 March 1990. As there were no eyewitnesses, the case is reported to have rested on circumstantial evidence alone. Chatterjee pleaded innocent but the Supreme Court ruled that his guilt was "amply evident". He was alleged to have committed the crime in revenge for the girl complaining to her parents that he was harassing her. The Supreme Court imposed the death penalty because of the "savage nature of the crime", and held that it fell into the category of "rarest of rare" cases for which the death penalty could be imposed.

After unsuccessful appeals to both the High Court and the Supreme Court, Dhananjoy Chatterjee was due to be hanged on 25 February 1994, after which the date of execution was postponed to 4 and then 18 March 1994, but did not take place. Dhananjoy Chatterjee has remained in jail for the last 14 years. According to Indian newspapers, his new execution date was set by officials from the West Bengal Government, who discovered that he had not been executed when they reviewed old files.

BACKGROUND INFORMATION

India's highest courts have ruled that the death penalty can only be applied in the "rarest of rare" cases. Since this is not further defined and no clear guidelines exist, it is largely up to individual judges to interpret this phrase in deciding whether to impose a death sentence.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is inflicted. Studies globally have shown that it is more likely to be imposed on those who are poorer, less educated and from marginalized segments of society. The death penalty is irrevocable, yet the risk of error in its application is inescapable. Amnesty International recognizes the need to combat violent crime, but there is no convincing evidence that the death penalty deters crime more effectively than other punishments.

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

- urging the President to commute the death sentence passed on Dhananjoy Chatterjee;
- 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 be a more effective deterrent than other punishments.

APPEALS TO:

President

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

Telegram: President Kalam, Office of the President, New Delhi, India

Fax: +91 11 2301 7290

Salutation: Your Excellency

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 17 July 2004.