

PUBLIC

AI Index: ASA 20/25/99

EXTRA 85/99

Death Pen

INDIA Sheikhmiran
Selvam
Radhakrishnan

Amnesty International is concerned that Sheikhmiran, Selvam and Radhakrishnan may face imminent execution.

The three men were found guilty of murder following a series of tit-for-tat gang killings in Nagercoil, Tamil Nadu. Sheikhmiran, Selvam and Radhakrishnan were alleged to have been among a group of men who murdered a rival gang member in the Nagercoil Court during a trial in June 1994.

They were sentenced to death on 5 October 1998 by the Tirunelveli District Court. Others involved in the killings were sentenced to life imprisonment. The death penalty handed down to them was upheld by Madras High Court on 30 April 1999 and again on 21 June 1999 by the Indian Supreme Court in New Delhi. Although their executions have been scheduled for 15 July, in the past week a clemency petition has been sent to President Narayanan, who has the power to overturn the sentence. An execution can only be carried out after the president has been given enough time to consider such petitions.

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. Because this is not further defined and no clear guidelines exist, this means that the use of the death penalty in India depends to a large extent how individual judges interpret this phrase.

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

- acknowledging the grave nature of the crime of which Sheikhmiran, Selvam and Radhakrishnan have been convicted, and expressing sympathy for the relatives of their victims;
- urging President Narayanan to commute their death sentences;
- 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.

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

COPIES TO:

Justice Anand
Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi 110 001, India

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.