

PUBLIC

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Further Information on UA 260/06 (ASA 20/027/2006, 29 September 2006) Imminent Execution

INDIA

Mohammad Afzal (m)

The execution of Mohammad Afzal, scheduled for 20 October, was stayed following the filing of a mercy petition by his wife. In addition, Mohammad Afzal has also filed a separate mercy petition, on the grounds that he did not receive a fair trial.

Mohammad Afzal's mercy petition is still pending with the President of India. He has reportedly forwarded it to the Union Ministry of Home Affairs and the government of Jammu and Kashmir state, where Mohammad Afzal comes from, for their consideration and opinion. However, the final decision on whether to commute or approve the death sentence rests with the President.

Mohammad Afzal was sentenced to death in December 2002 after being convicted of conspiracy to attack the Parliament of India, waging war against India and murder, following an armed attack on the Parliament complex building on 13 December 2001, while Parliament was in session. A charge of being a member of a terrorist organization was dropped by the Supreme Court for lack of evidence.

According to reports, a separate legal petition is being filed on the grounds that he was not provided with legal representation during his trial.

Political pressure on the President and the Indian government is growing as the fifth anniversary of the attack on the Parliament building approaches. The Bharatiya Janata Party – who were heading the coalition government when the attack took place - have circulated a pamphlet outlining the reasons as to why Mohammad Afzal should be executed. Regular widespread protests against the planned execution have taken place in Jammu and Kashmir. The Jammu and Kashmir Chief Minister, Ghulam Nabi Azad has stated that the execution would have a negative impact on the ongoing peace process.

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

- urging the President to commute Mohammad Afzal's death sentence to a more humane alternative;
- 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 forms of punishment;
- noting that Amnesty International acknowledges that the government has the right and the obligation to ensure law and order and to protect citizens from violent crime; however, in the attempt to curb "terrorism", governments must not relegate human rights protection to second place;
- urging the President of India to ensure that security concerns do not override respect for human rights.

APPEALS TO:

President

His Excellency A P J Abdul Kalam

Office of the President

Rashtrapati Bhavan

New Delhi 110 004

India

Fax: + 91 11 2301 7290
Email: presidentofindia@rb.nic.in
Salutation: Your Excellency

COPIES TO:

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Justice Shivaraj Patil
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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 January 2006.