PUBLIC AI Index: ASA 20/36/99

28 October 1999

Further information on UA 32/98 (ASA 20/02/98, 29 January 1999) and follow-up (ASA 20/22/98, 21 September 1998, ASA 20/17/99, 11 May 1999, ASA 20/20/99, 2 June 1999 and ASA 20/34/99 of 13 October 1999) - Death Penalty / Legal Concern

INDIA S Nalini (f), 34

Murugan, 29 Santhan, 29 Perarivalan, 25

According to information received by Amnesty International on 28 October 1999, a clemency petition sent to the Governor of Tamil Nadu on 15 October by S Nalini, Murugan, Santhan and Perarivalan has been rejected.

Amnesty International had previously understood that the petition had been sent to the President of India. Under the Indian Constitution the President and the concerned State Governor have powers of clemency. Rather than appeal to the President, the petition was sent initially to the State Governor.

Amnesty International understands that S Nalini, Murugan, Santhan and Perarivalan will now send a clemency petition to the President. They must do this in the next two days. There is no time limit set for the President's consideration of a clemency petition. If he rejects the appeal, the execution of the accused could take place after seven days, according to the jail code.

The Governor of Tamil Nadu is not understood to have given reasons for her rejection of the petition.

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

- expressing grave concern at the rejection of the clemency petition of S Nalini, Murugan, Santhan and Perarivalan by the Governor of Tamil Nadu;
- urging the President to exercise his power of clemency under Article 72 of the Constitution of India to commute the 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;
- reminding the authorities of the United Nations (UN) Commission on Human Rights' recommendation that governments hold a moratorium on executions;
- urging them also, in the light of positive steps being taken worldwide to abolish the death penalty, to commute all outstanding death sentences and take steps to remove the death penalty from all legislation.

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 Narayanan

Mr L.K. Advani

Minister of Home Affairs Ministry of Home Affairs North Block, New Delhi 110 001, India

Telegrams: Home Affairs Minister, New Delhi, India

Faxes: + 91 11 301 5750
Salutation: Dear Minister

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.