

20 June 2001

Further information on EXTRA 31/01 (ASA 20/032/2001, 24 May 2001) - Death Penalty**INDIARam Deo Chauhan (alias Raj Nath Chauhan)**

Ram Deo Chauhan's lawyers have lodged a mercy petition with the President of India. His only hope lies with this or the mercy petition lodged with the Governor of Assam. Both have the power to commute Ram Deo Chauhan's death sentence.

There is strong evidence that Ram Deo Chauhan, who was convicted and sentenced to death by an adult trial court in Assam in March 1998 for the 1992 murder of four members of a family he worked for, was aged 15 when the crime was committed. According to India's Juvenile Justice Act, those under 16 when committing a crime cannot be sentenced to death, and should be tried in a Juvenile Court. Concerns have also been raised that Ram Deo Chauhan did not have access to competent legal counsel, and that - in violation of established law in India - the conviction and the sentence were pronounced on the same day. Despite this, the Supreme Court upheld the sentence and rejected appeals asking for it to be reviewed, commenting that "The awarding of a lesser sentence only on the ground of the appellant being a youth at the time of occurrence cannot be considered as a mitigating circumstance in view of our findings that the murders committed by him were most cruel, heinous and dastardly".

India is party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which both prohibit the execution of those under 18 at the time of the crime. The Government of India has stated at international fora that the death penalty is defacto not applied to persons under 18. However, India has not yet abolished the death penalty for those under 18, despite the UN having recommended this on several occasions.

Ram Deo Chauhan's case has drawn widespread domestic and international condemnation. If it goes ahead, the execution of Ram Deo Chauhan is likely to have far reaching implications for both the trying and sentencing of juveniles in India.

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

- calling on the relevant authorities to immediately repeal the death sentence handed down to Ram Deo Chauhan;
- expressing concern that he was sentenced to death although he was apparently aged 15 at the time of the crime, pointing out that the sentence therefore violates Article 6(5) of the ICCPR and Article 37 the CRC, to which India is party;
- expressing concern that the courts have apparently failed to take account of his status as a minor, or of compelling evidence that he did not have access to competent legal counsel;
- calling for his case to be immediately reconsidered, since it appears that his trial and conviction did not conform with Indian law on the trial of minors, or with international standards;
- 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 have a special deterrent effect;

- reminding the authorities of the United Nations (UN) Commission on Human Rights resolution of April 2000 that governments should establish a moratorium on executions;

- urging them to implement the recommendation of the UN Human Rights Committee and the UN Committee on the Rights of the Child, and abolish by law the imposition of the death penalty on minors.

APPEALS TO: (Indian fax numbers can be difficult to reach. Please be patient and keep trying)

His Excellency Mr K Raman Narayanan
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
Fax: + 91 11 3017290 / 3017824
Telegrams: The President, New Delhi, India
Salutation: Dear President

Lt. Gen. (Retd) S.K. Sinha
Governor of Assam
Office of the Governor
Guwahati
Assam, India
Fax: + 91 361 560900
Telegrams: Governor, Guwahati, India
Salutation: Dear Governor

Mr Arun Jaitley
Minister of Law and Justice and Company Affairs
Law Ministry
Shastri Bhavan
Dr Rajendra Prasad Road
New Delhi 110 001, India
Fax: + 91 11 338 4241
Telegrams: Law Minister, New Delhi, India
Salutation: Dear Minister

COPIES TO:

Justice A.S. 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. Check with the International Secretariat, or your section office, if sending appeals after 20 July 2001.