

INDIAGovindaswamy

Amnesty International has learnt that Govindaswamy, an inmate at Coimbatore Central Prison in the Indian state of Tamil Nadu, is scheduled to be executed on 9 November 1999, after the President of India rejected his mercy petition.

Govindaswamy went on trial in 1985 at the Additional Sessions Court Coimbatore for the murder of 5 people in May 1984. In June 1987 he was acquitted on the grounds that the prosecution case was not proved beyond doubt. However, the government appealed against his acquittal in the High Court of Tamil Nadu and in September 1997 the High Court reversed this judgement and sentenced Govindaswamy to death. On 22 April 1998 the Supreme Court dismissed an appeal and upheld the sentence of death.

Govindaswamy submitted a clemency petition to the President of India (the President, and state governors, can commute death sentences) on 13 August 1998. On 27 October 1999, the Ministry of Home Affairs in New Delhi told the Coimbatore Central Prison that the President had rejected the petition. Govindaswamy was given a copy of this order on 30 October. The Coimbatore Central Prison set the execution date for 9 November.

On 1 November Govindaswamy submitted a fresh mercy petition to the President of India and to the Governor of Tamil Nadu. In the meantime, his lawyer is filing a petition in the High Court of Tamil Nadu calling for a stay of the execution on the grounds that the evidence against him is only circumstantial and certainly not sufficient grounds on which to base a sentence of death.

All offices and courts are closed on Saturday, Sunday and Monday (6/7/8 November 1999) because of the *Diwali* festival. It is therefore extremely urgent that appeals are sent to officials in India as soon as possible, and that the execution is stayed pending consideration of these appeals.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unconditionally as the ultimate 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.

The Indian Constitution protects the right to life. 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 on how individual judges interpret this phrase. On average a dozen executions are carried out in India every year for criminal offenses. Most of those executed come from poor and illiterate backgrounds.

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

- urging the President of India to re-examine the case, and until then to order an immediate stay of execution;
- 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 1999 that governments should establish 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 towards abolishing the death penalty in India.

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 7290/7824
Salutation: Dear President Narayanan

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

COPIES TO:

Ms Fathima Beevi
Governor of Tamil Nadu
Office of the Governor
Chennai, Tamil Nadu, India
Faxes: + 91 44 235 0570
Salutation: Dear Governor

Mr Karunanidhi
Chief Minister of Tamil Nadu
Office of the Chief Minister
Chennai, Tamil Nadu, India
Faxes: + 91 44 825 8101/536 1441/ 536 6929
Salutation: Dear Chief Minister

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.