

PUBLIC

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Further Information on UA 206/04 (ASA 20/008/04, 22 June 2004) and follow-up (ASA 20/017/2004 9 July 2004, ASA 20/089/2004 5 August 2004) - Death Penalty/Imminent Execution

INDIA

Dhananjoy Chatterjee (m), aged 42

Dhananjoy Chatterjee was executed at 4:30am on 14 August. He is the first prisoner known to have been executed in India since 1997.

He had been sentenced to death in August 1991, for the rape and murder of an 18-year-old schoolgirl in her apartment in Calcutta in March 1990.

A last-minute petition on the grounds that, amongst other things, Dhananjoy Chatterjee had spent 13 years under sentence of death, had received no legal aid, and had not been DNA tested was overturned by the Supreme Court on the grounds that it had no merit. The petition also highlighted the fact that there was an abundance of case law showing commutation in other similar cases. A further last-minute petition to the High Court of West Bengal was also dismissed.

There were vigils and protests across India the night before the execution. Following the hanging, the executioner apparently broke down and resigned, after offering prayers for Dhananjoy Chatterjee.

Amnesty International is concerned that the 13 years Dhananjoy Chatterjee spent living with the mental anxiety caused by being sentenced to death may amount to cruel, inhuman and degrading punishment and that the decision to carry out the execution was an arbitrary one. Other courts in India have commuted a death sentence to life imprisonment on the grounds of prolonged detention. In 1989, one court gave such a judgement on the basis that the prisoner in question, who had been awaiting a decision on a mercy petition for eight years, "had suffered the mental agony of living under the shadow of death for far too long".

The execution has raised fears that others now on death row may also soon be executed. The Government of India does not publish statistical information about the implementation of the death penalty but at least 33 people were sentenced to death in 2003.

No further action is requested from the Urgent Action network. Many thanks to all who sent appeals.