

URGENT ACTION

FIRST EXECUTION IN INDIA SINCE 2004 IMMINENT

Mahendra Nath Das is facing imminent execution in Jorhat, Assam, north-east India, after the President of India rejected his mercy petition. This would be the first execution in India since 2004.

Mahendra Nath Das was sentenced to death in August 1997 for a murder in Guwahati, Assam in 1996. His mercy petition was rejected by the President of India in May 2011, following the advice of the Government of India.

The judicial process was completed after the High Court confirmed the death sentence in February 1998 and the Supreme Court rejected the appeal in May 1999. A mercy petition was sent to the Government of India in 2000 but was only decided upon in May 2011.

Amnesty International is concerned that the eleven-year delay in announcing the verdict of the mercy petition and the resultant prolonged stay on death row may amount to cruel, inhuman and degrading punishment, particularly since prison conditions in Assam are poor.

The Chief Justice of India has previously described the time spent by a condemned prisoner on death row as “living death”. The Supreme Court of India has also ruled that delay in executing the death sentence is a factor in deciding on the commutation of the death sentence and has itself commuted death sentences in a number of cases due to inordinate delay in deciding mercy petitions.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging that the death sentence of Mahendra Nath Das be commuted;
- Acknowledging the seriousness of the crime for which Mahendra Nath Das has been convicted, but raising concern that his prolonged stay on death row, due to the mercy petition kept pending for eleven years, may have amounted to cruel, inhuman and degrading punishment;
- Reiterating the call of the UN General Assembly to establish a moratorium on executions with a view to abolishing the death penalty, and pointing out that India’s decision to resume executions after a seven-year hiatus goes against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 14 JULY 2011 TO:

Prime Minister of India:

Dr. Manmohan Singh
South Block
Raisina Hill
New Delhi 110 001
Fax: +91 11 2301 9545 / 2301 6857
Email: (via form)
<http://pmindia.nic.in/feedback.htm>

Salutation: Dear Prime Minister

President of India:

Pratibha Patil
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
Fax: +91 11 2301 7290 / 2301 7824
Email: (via form)
<http://helpline.rb.nic.in/GrievanceNew.aspx>

Salutation: Dear President

And copies to:

Minister of Home Affairs
P Chidambaram
North Block, Central Secretariat
New Delhi – 110 001
Fax: + 91 11 2309 4221
Email: hm@nic.in

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

International human rights standards and national and regional jurisprudence have recognized pro-longed stays on death row as amounting to cruel, inhuman or degrading punishment, while recognizing the right of a prisoner under sentence of death to make the maximum use of the judicial process available.

This is the first mercy petition to be rejected since 2004, when the last execution in India took place. There has only been one execution in India since mid -1997, and the move to resume executions after a seven-year hiatus would put the country against the regional and global trend towards abolition of the death penalty.

UN bodies and mechanisms have repeatedly called upon Member States to establish a moratorium on executions with a view to abolishing the death penalty, most recently through the adoption of a third UN General Assembly resolution on the matter in December 2010. In a general comment on Article 6 of the International Covenant on Civil and Political Rights, to which India is a State Party, the UN Human Rights Committee stated that Article 6 "refers generally to abolition [of the death penalty] in terms which strongly suggest... that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life... "

No date has yet been fixed for the execution as there is no hangman available, but the Superintendent of the Jail has indicated that the execution could be carried out as soon one is found from another state.

Amnesty International opposes the death penalty in all cases, regardless of the nature of the crime, the characteristics of the offender, or the method of execution.

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