

URGENT ACTION

INDIA: THREE MEN FACE IMMINENT EXECUTION

Two Sri Lankans and an Indian national convicted for the assassination of India's former Prime Minister, Rajiv Gandhi, are facing imminent execution in Vellore prison in Tamil Nadu, India. This follows the rejection of their mercy petitions by the President of India. If carried out, these would be the first executions in India since 2004.

Murugan and **Santhan**, both 41, and Arivu alias **Perarivalan**, 37, were sentenced to death in January 1998 by a Special Anti-Terrorist Court on grounds of involvement in the assassination of India's former Prime Minister Rajiv Gandhi. Their sentence was confirmed by the Supreme Court of India in May 1999. According to information received by Amnesty International and reports in the Indian media, their mercy petitions were rejected by the President in August 2011, following the advice of the Government of India.

The three men were amongst 26 people sentenced to death by a special court at the Poonamallee jail complex in Tamil Nadu, under the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) – a law that contained provisions that were incompatible with international standards for fair trial. On appeal, a three-judge Supreme Court bench confirmed the death sentences of Murugan, Santhan, Perarivalan and a woman, Nalini, while acquitting 19 persons of the murder charges and commuting the death sentences of three others. In April 2000, the Governor of Tamil Nadu commuted Nalini's sentence to life imprisonment, but rejected the mercy petitions of the three men. A mercy petition for the three men was sent to the Government of India in April 2000 and eventually only decided upon at the beginning of August 2011.

Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment. The eleven-year delay in announcing the verdict of the mercy petition and the resultant stay on death row may further amount to cruel, inhuman and degrading punishment. The Supreme Court of India has itself commuted death sentences in a number of cases due to prolonged delay in deciding mercy petitions.

Please write immediately in English or your own language:

- Urge that the death sentence of Murugan, Santhan and Perarivalan be commuted;
- Acknowledge the seriousness of the crime, i.e. assassination of former Prime Minister Rajiv Gandhi, but raise concern that their stay on death row, since the mercy petition was kept pending for eleven years, may further amount to cruel, inhuman and degrading punishment;
- Reiterate 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 gap goes against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 26 SEPTEMBER 2011:

Prime Minister of India
 Dr. Manmohan Singh
 South Block
 Raisina Hill
 New Delhi 110 001
 Fax: +91 11 23019545
 23016857
 Email: (via form)
<http://pmindia.nic.in/feedback.htm>
Salutation: Dear Prime Minister

President of India
 President Pratibha Patil
 Rashtrapati Bhavan
 New Delhi 110 004
 Fax: +91 11 23017290,
 23017824
 Email: (via form)
<http://helpline.rb.nic.in/GrievanceNew.aspx>
Salutation: Dear President

And copies to:
Minister of Home Affairs
 P Chidambaram
 104, North Block,
 Central Secretariat
 New Delhi 110001
 Fax: + 91 11 23094221
 Email: hm@nic.in

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

This is the third set of mercy petitions to be rejected since June 2011. No executions have taken place in India since 2004. 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...".

Other national and regional bodies have also recognized that prolonged detention on death row can amount to cruel, inhuman and degrading treatment. This is in addition to international law and standards which make clear that prisoners under sentence of death have the right throughout the process to make maximum use of the judicial and clemency processes available, including by petitioning international bodies.

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.

Name: Murugan, Santhan and Arivu alias Perarivalan

Gender m/f:

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