

URGENT ACTION

SIX PRISONERS FACE IMMINENT EXECUTION IN INDIA

Four men and two women are at risk of imminent execution in India after their mercy pleas were rejected by the President. They could be executed at any time.

Surendra Koli was convicted and sentenced to death in five cases involving the abduction, rape and murder of girls in Nithari, Uttar Pradesh between 2005 and 2006. His death sentence was confirmed by the Supreme Court in February 2011. A number of other cases against him are still under trial. Two women, **Renukabai** and **Seema**, were convicted of abducting and killing five children in the state of Maharashtra between 1990 and 1996 and sentenced to death. The Supreme Court confirmed the death penalty in August 2006. In India, it is rare for women to be sentenced to death.

Rajendra Wasnik was convicted and given the death penalty for the rape and murder of a girl in Maharashtra in March 2007. The Supreme Court upheld the sentence in February 2012. The President also rejected the mercy plea of **Jagdish** who was convicted of murdering his wife and five children in August 2005 and sentenced to death. The sentence was upheld by the Supreme Court in September 2009.

Holiram Bordoloi was sentenced to death for killing three men in the state of Assam in November 1996. The death sentence was upheld by the Supreme Court in April 2005. Holiram Bordoloi's mercy petition to the President was reportedly misplaced by authorities in Assam and not considered by the authorities for nine years. In March 2014, the National Human Rights Commission directed federal authorities to report on the status of the mercy petition.

In January 2014, India's Supreme Court commuted the sentences of 15 death row convicts on grounds of delay in the disposal of their mercy petitions by the President ranging between five and 12 years. The court ruled that "undue, inordinate and unreasonable delay in execution of death sentence [amounts to] torture".

Please write immediately in English or in your own language:

- Urging authorities in India to not execute the six prisoners and commute all death sentences to terms of imprisonment;
- Urging them to establish an official moratorium on all executions with a view to abolishing the death penalty;
- Reminding them that India's decision to carry out executions sets the country against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 15 SEPTEMBER 2014 TO:

The President

Shri Pranab Mukherjee
Rashtrapati Bhavan
New Delhi 110011
India

Fax: +91 11 23017290

Salutation: H.E

The Prime Minister

Mr Narendra Modi
The Prime Minister's Office
South Block, Raisana Hill
New Delhi 110011
India

Fax: +91 11 23019545

Salutation: Honourable

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

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ADDITIONAL INFORMATION

In the Indian justice system, a mercy petition is often the final opportunity for individuals to have their death sentences commuted by the executive, after the judicial appeals have been exhausted.

Since assuming office in 2012, President Pranab Mukherjee has rejected the mercy petitions of at least 26 people. In November 2012, the Indian state resumed executions after a hiatus of over eight years. Another execution was carried out in February 2013.

The two executions— that of Ajmal Kasab and Afzal Guru - were carried out in a secretive manner. In both cases, the public was not informed of the date of execution. In Afzal Guru's case, his family received notification of the execution after it had been carried out and his body was not returned for burial. In resolution 2005/59 the UN Commission on Human Rights called upon all states that still maintain the death penalty "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution".

In January 2014, India's Supreme Court laid down guidelines for safeguarding the rights of people under sentence of death. According to the guidelines, prisoners on death row should receive legal aid, be informed about the rejection of their mercy petitions and in writing, have their mental and physical conditions regularly checked and be allowed to meet their family members before execution, which should not happen before two weeks from the receipt of communication of the rejection of the mercy petition.

Research by Amnesty International and the People's Union for Civil Liberties into Indian Supreme Court judgements on the death penalty has revealed that the imposition of death sentences in India is arbitrary, and disproportionately affects those with little wealth or influence.

India's resumption of executions has set the country against regional and global trends towards abolition of the death penalty: 140 countries are now abolitionist in law or in practice. Out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes. Over the past 10 years, four Asia-Pacific countries abolished the death penalty for all crimes: Bhutan and Samoa in 2004, the Philippines in 2006 and the Cook Islands in 2007. UN bodies and mechanisms have repeatedly called upon member states to establish a moratorium on executions with a view to abolishing the death penalty, including through the adoption of four UN General Assembly resolutions in December 2007, 2008, 2010 and 2012. India voted against all four resolutions.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, regardless of the nature of the crime; guilt, innocence or other characteristics of the person facing execution; or the method used by the state to carry out the execution.

Name: Surendra Koli (m), Renukabai (f), Seema (f), Rajendra Wasnik (m), Jagdish (m), Holiram Bordoloi (m)

Gender m/f: Both

UA: 193/14 Index: ASA 20/029/2014 Issue Date: 4 August 2014

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