

URGENT ACTION

MAN FACES IMMINENT EXECUTION IN INDIA

Ajmal Kasab faces imminent execution for his involvement in the Mumbai attacks on 26 November 2008. His mercy petition is now with India's President. If rejected, his may be the first execution in India since 2004.

In 2010, **Ajmal Kasab** (a Pakistani national currently aged 25) was convicted by a special court for his involvement in the 2008 attacks in Mumbai, Maharashtra, where over 150 people were killed and over 250 were injured. He was found guilty on over 80 charges (including committing acts of terrorism and criminal conspiracy to commit murder) and sentenced to death. In 2011, the Bombay High Court upheld his sentence. On 29 August 2012, India's Supreme Court also upheld his sentence, ending all legal appeals open to Ajmal Kasab. Following the Supreme Court judgment, Ajmal Kasab filed a mercy petition asking for his death sentence to be commuted.

Under Indian law, mercy petitions are first decided at the state level. If rejected, they are considered by the Union (central) government. According to newspaper reports, on 24 September, the Ministry of Home Affairs of the state of Maharashtra recommended the rejection of Ajmal Kasab's petition; five days later, the Maharashtra governor rejected it. On 23 October, the Union Ministry of Home Affairs recommended likewise that the petition be rejected. The decision to grant mercy is now with India's President, and will be final.

It appears that the Indian authorities are moving very quickly in processing Ajmal Kasab's petition. In other cases, they have taken as long as 11 years to process mercy petitions. Given the nature and context of this case, it is likely that Ajmal Kasab's petition for mercy could be rejected by the President soon.

Amnesty International recognizes the grave nature of the crimes for which Ajmal Kasab has been convicted and sentenced, and sympathises with the victims of his acts and their families. However, the death penalty is the ultimate denial of human rights and a violation of the right to life as recognized in the Universal Declaration of Human Rights. There have been no executions in India since 2004; reversing this policy in response to these atrocious crimes would be a step back for human rights.

Please write immediately in English or your own language:

- Calling on the Indian President to commute Ajmal Kasab's death sentence to terms of imprisonment;
- Calling on the Indian President to immediately establish an official moratorium on executions with a view to abolishing the death penalty, as called for by UN General Assembly resolutions in 2007, 2008 and 2010;
- Acknowledging the seriousness of Ajmal Kasab's crimes and expressing sympathy with the victims of his actions, but raising concern that the death penalty is the ultimate denial of human rights;
- Pointing out that India's decision to resume executions after an eight-year gap goes against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 17 DECEMBER 2012 TO:

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

President of India
President Pranab Mukherjee
Rashtrapati Bhavan
New Delhi 110 004 India
Fax: +91 11 23017290;
+91 11 23017824
Email: (via form)
<http://www.helpline.rb.nic.in/>
Salutation: Dear President

And copies to:
Minister of Home Affairs
Sushilkumar Shinde
104, North Block,
Central Secretariat
New Delhi 110001 India
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

The last execution took place in India in August 2004. The move to resume executions after an eight-year hiatus would put the country against the regional and global trend towards abolition of the death penalty. Ajmal Kasab's petition is currently pending with the President of India. The President has the options of rejecting the mercy plea; granting the plea and commuting the death sentence to terms of imprisonment; or not deciding the plea in the foreseeable future, as has happened in past cases.

Worldwide, 97 countries worldwide have abolished the death penalty for all crimes, eight countries have abolished the death penalty for ordinary crimes and 35 countries have abolished the death penalty in practice. In total, 140 countries, more than two thirds of the world's countries, are abolitionist in law or in practice. In 2011, only 21 states in the world executed, meaning that 90 per cent of the world was execution-free.

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. In 2011, seven countries in the region carried out executions in 2011, with China far and away the largest executioner in the world.

Presently, Singapore and Malaysia are considering legal changes which could reduce the application of the death penalty, specifically for those convicted of drugs offences. In 2010, Mongolia's President announced first the establishment of an official moratorium on all executions, and this year the country ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Across the region, general public awareness has led to a greater level of debate and transparency.

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 in addition 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...".

International law and standards 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: Ajmal Kasab
Gender m/f: m

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