

URGENT ACTION

INDIA: 16 PRISONERS AT RISK OF EXECUTION

Following the recent execution of Ajmal Kasab, there is fear that Indian authorities may similarly execute other prisoners with petitions for mercy currently pending.

On 21 November, the Indian government executed Pakistani national Ajmal Kasab, convicted for his involvement in the 2008 Mumbai attacks. This was the first execution in India in eight years.

The manner of his execution was a deviation from usual practice, and raises serious concerns. Firstly, mercy petitions in India are generally considered in the order in which they were filed. However, the Indian state considered Ajmal Kasab's case out of turn. Secondly, the execution was only announced to the public after it had been carried out. Indian authorities have publicly sought to justify this lack of prior announcement in Kasab's case, stating that this was done to avoid intervention from human rights activists.

Official figures indicate that 11 mercy petitions involving 15 men and one woman on death row are now pending before the President. They are **Gurmeet Singh; Dharampal; Suresh and Ramji; Simon, Gnanaprakasam, Madaiah and Bilavandra; Praveen Kumar; Mohammed Afzal Guru; Saibanna Ningappa Natikar; Jafar Ali; Sonia (f) and Sanjeev; Sundar Singh and Atbir.**

Nine of the petitions for mercy are being reviewed for a second time by the Ministry of Home Affairs. It is not known which petitions these are. Ministers have publicly stated that decisions on some of these petitions will be made soon. As Ajmal Kasab's execution was not announced to the public until it had been carried out, and because of the out-of-turn perusal of mercy petitions, it is unclear which of the petitions are being reconsidered and when the authorities might decide to execute the prisoners.

Please write immediately in English or your own language:

- Calling on Indian authorities to commute all death sentences to terms of imprisonment
- Calling on India's President to immediately stop plans to carry out further executions and establish an official moratorium on executions with a view to abolishing the death penalty;
- Where mercy petitions have been rejected, calling on the President and Ministry of Home Affairs to respect the practice of promptly informing the individual, his/ her lawyers, his/ her family, of the decision, reasons for the decision, and proposed date of execution, as well as the public of any scheduled execution;
- Pointing out that India's decision to resume executions after an eight-year gap has set the country against regional and global trends towards abolition of the death penalty;
- Acknowledging the seriousness of violent crimes and expressing sympathy with the victims, but raising concern that the death penalty is the ultimate denial of human rights.

PLEASE SEND APPEALS BEFORE 7 JANUARY 2013 TO:

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

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

Minister of Home Affairs
Sushilkumar Shinde
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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The last execution before that of Ajmal Kasab took place in India in August 2004. Additionally, and in contrast to this latest execution, Indian authorities had in the past made information about the rejection of mercy petitions and dates of execution available to the public prior to any execution taking place. In resolution 2005/59, adopted in 2005, 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". This move to resume executions after an eight-year hiatus has positioned the country against the regional and global trend towards abolition of the death penalty.

Official figures suggest that 11 mercy petitions concerning 16 people are currently pending before the Indian President. Unofficial sources and newspapers suggest that the figure is higher, and up to 14 petitions might be pending.

Fourteen former judges have recently petitioned the President to commute 13 death sentences that they believe were wrongly imposed. The case of Saibanna Ningappa Natikar, sentenced to death for murdering two members of his family in 2005, was one of the cases identified by the judges. This is one of the 11 mercy petitions currently at risk of rejection. Mohammad Afzal Guru, sentenced to death for his involvement in the 2001 Parliament attack, was tried by a special court under the Prevention of Terrorism Act. Amnesty International has found that these trials did not conform with international human rights standards. 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 on the plea in the foreseeable future, as has happened in past cases.

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 have abolished the death penalty for all crimes; Bhutan and Samoa in 2004, the Philippines in 2006 and the Cook Islands in 2007. 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 three UN General Assembly resolutions, in December 2007, 2008 and 2010. A fourth draft resolution on a moratorium on the use of the death penalty was adopted with increased support at by the Third Committee of the UN General Assembly on 19 November 2012 and will be put to a final, plenary vote in December. 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 has 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...".

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: Gurmeet Singh; Dharampal; Suresh and Ramji; Simon, Gnanaprakasam, Madaiah and Bilavandra; Praveen Kumar; Mohammed Afzal Guru; Saibanna Ningappa Natikar; Jafar Ali; Sonia (f) and Sanjeev; Sundar Singh and Atbir
Gender m/f: both

Further information on UA: 337/12 Index: ASA 20/040/2012 Issue Date: 26 November 2012