

EXTERNAL (for general distribution)

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UA 284/92 Death Penalty

10 September 1992

**INDIA: Auto Shankar
 Eldin
 Sivaji**

Amnesty International is concerned that Auto Shankar, Eldin and Sivaji have been sentenced to death and have until 17 October 1992 to appeal to the Supreme Court against their death sentences. They were sentenced to death on 30 May 1991 by Chengalpattu District and Sessions Court in Tamil Nadu for multiple murders committed in 1988.

The Madras High Court confirmed the death sentences on 17 July 1992, but stayed their execution on 3 September 1992, 4 days before the scheduled executions on 7 September 1992. The Court directed that their executions were to be postponed until the expiry of the period of appeal (90 days) or until their appeals to the Supreme Court, if filed by then, were disposed of.

BACKGROUND INFORMATION

The Indian Constitution protects the right to life. Yet on average over a dozen executions are carried out in India every year for criminal offences. Most of those executed are poor and illiterate.

The death penalty is usually carried out by hanging. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1983 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all these.

Although India's higher courts have ruled that the death penalty can only be applied in the "rarest of rare" cases, the number of offences carrying the death penalty has been extended in recent years. In 1984, several judges of the Supreme Court ruled that a death sentence, if not carried out for more than two years, should be automatically commuted to life imprisonment. Other Supreme Court judges, however, have ruled that no specific time limit could be set for converting a sentence of death into life imprisonment on grounds of delay in execution.

There have been reports in the press that the government is considering extending the death penalty to persons convicted of kidnapping.

RECOMMENDED ACTION: Please send telegrams and airmail letters in English:
- urging that the death sentences of Auto Shankar, Eldin and Sivaji be commuted to life imprisonment;

- expressing unconditional opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

- pointing out that the death penalty has never been shown to have a special deterrent effect.

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APPEALS TO:

1. Chief Minister of Tamil Nadu
Ms Jayalalitha Jayaram
Chief Minister of Tamil Nadu
Office of the Chief Minister
Madras
Tamil Nadu
India

Telegrams: Tamil Nadu Chief Minister, Madras, Tamil Nadu, India
Salutation: Dear Chief Minister

2. Governor of Tamil Nadu
Beeshma Narayana Singh
Governor of Tamil Nadu
Office of the Governor
Madras
Tamil Nadu
India

Telegrams: Tamil Nadu Governor, Madras, Tamil Nadu, India
Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 October 1992.