

URGENT ACTION

INDIA TURNS DOWN SECOND MERCY PETITION

Devender Pal Singh is at risk of imminent execution in New Delhi, India, after the President of India rejected his mercy petition in May. This is the second petition rejected in the same month.

Devender Pal Singh (also known as Davinder Pal Singh Bhullar) was sentenced to death in August 2001 after being found guilty of involvement in bomb attack in New Delhi in 1993 that killed nine. He was found guilty solely on the basis of an unsubstantiated confession he made to police and later retracted as being made under police pressure. He was arrested under the subsequently-lapsed Terrorist and Disruptive Activities (Prevention) Act (TADA) at New Delhi Airport in January 1995, after being deported from Germany where he had sought political asylum. TADA is recognised as containing provisions that are incompatible with international standards for fair trial.

In March 2002, the death sentence was upheld by the Supreme Court, with two judges in favour and the senior judge acquitting Devender Pal Singh. In December 2002, a review petition challenging the legitimacy of the death penalty was rejected by the same three judges maintaining a difference of opinion. The two judges in favour of the death sentence observed that the non-unanimous sentence could be a factor considered in the mercy petition process. Although other mercy petitions appear to have been accepted on the same ground, Devender Pal Singh's petition was rejected by the President in May 2011.

In addition to concerns about the fairness of the trial, the eight-year delay in announcing the verdict of the mercy petition and the resulting prolonged stay on death row may amount to cruel, inhuman and degrading punishment. Devender Pal Singh was admitted into a New Delhi psychiatric facility in January and has reportedly attempted to commit suicide a number of times.

The Chief Justice of India has previously described the time spent by a condemned prisoner on death row as "living death". The Supreme Court of India has also ruled that delay in executing the death sentence is a factor in deciding on the commutation of a death sentence and has commuted death sentences in a number of cases due to long delays in deciding mercy petitions.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urge the authorities to commute the death sentence of Devender Pal Singh;
- Acknowledge the seriousness of the crime for which Devender Pal Singh has been convicted, but raise concern that trial may not have met international fair trial standards and that his prolonged stay on death row, due to the mercy petition kept pending for eight years, may amount to cruel, inhuman and degrading punishment;
- Reiterating 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 hiatus goes against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 15 JULY 2011 TO:

Prime Minister of India:

Dr. Manmohan Singh
South Block, Raisina Hill
New Delhi 110 001
Fax: +9111 2301 9545
Email: (via form)

<http://pmindia.nic.in/feedback.htm>

Salutation: Dear Prime Minister

President of India:

Pratibha Patil
Rashtrapati Bhavan
New Delhi 110 004
Fax: +9111 2301 7290 / 2301 7824
Email: (via form)

<http://helpline.rb.nic.in>

Salutation: Dear President

And copies to:

Minister of Home Affairs

P Chidambaram
North Block, Central Secretariat
New Delhi – 110 001
Fax: + 91 11 2309 4221
Email: hm@nic.in

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

International human rights standards and national and regional jurisprudence have recognized pro-longed stays on death row as amounting to cruel, inhuman or degrading punishment, while recognizing the right of a prisoner under sentence of death to make the maximum use of the judicial process available.

Lawyers for Devender Pal Singh filed a petition to the Supreme Court in May seeking commutation of the death sentence on the ground of delay. The mercy petition was rejected immediately after the Supreme Court sought an explanation for the delay from the Government of India.

This is one of two mercy petitions to have been rejected in May – the first since 2004, when the last execution in India took place. There has only been one execution in India since mid -1997, and 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... "

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.

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