

EXTERNAL (for general distribution)

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Further information on UA 505/90 (ASA 20/26/90, 14 December 1990) - Death Penalty

INDIA: Juman KHAN
K. GURUSAMY

Juman Khan

After the Supreme Court rejected Juman Khan's writ petition on 4 December 1990, there was no legal avenue for clemency which could effectively be explored further. As yet no date has been set for his execution, but it could take place at any time, possibly in the near future.

K. Gurusamy

On 23 November the Supreme Court stayed the execution of K. Gurusamy to allow his lawyer to bring one more petition to appeal against his death sentence. The Supreme Court are due to hear this appeal in the first week of March 1991.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:

- explaining that Amnesty International opposes the death penalty on the grounds that it violates the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment;
- urging that the death sentences of Juman Khan and K. Gurusamy be commuted to life imprisonment;
- stressing that the length of time that both men, but particularly K. Gurusamy, have spent awaiting execution is a strong humanitarian reason to commute their death sentences;
- stressing that Juman Khan's conviction was based entirely on circumstantial evidence and that in such circumstances there is always an element of doubt about guilt and that executions should not be carried out if there is a possibility that an innocent person may be killed;
- expressing concern at reports that Juman Khan was represented at his trial not by a lawyer of his choice but by a state-appointed lawyer who he claims was too inexperienced to provide him with an adequate defence.

APPEALS TO:

His Excellency
President Ramaswamy Venkataraman
Office of the President
Rashtrapati Bhavan
New Delhi 110 004, India

Telegrams: President Venkataraman, New Delhi, India
Telexes: 31 66427 RBND IN

Mr R. Bhargava
Secretary
Ministry of Home Affairs
North Block
New Delhi 110 001, India

Telegrams: R Bhargava, Home Affairs Ministry, New Delhi, India
Telexes: 3161879 FRGN IN; 3161880 FRGN IN
(via Ministry of Foreign Affairs)

Mr Subodh Kant Sahay
Minister of State for Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001, India

Telegrams: Minister of State Home Affairs Sahay, New Delhi, India
Telexes: 3161879 FRGN IN; 3161880 FRGN IN
(via Ministry of Foreign Affairs)

COPIES TO: diplomatic representatives of India in your country and:

On behalf of Juman Khan:

Mr B. Satyanarayan Reddy
Governor of Uttar Pradesh
Office of the Governor
Lucknow
Uttar Pradesh, India

Mr Mulayam Singh Yadav
Chief Minister of Uttar Pradesh
Office of the Chief Minister
Lucknow
Uttar Pradesh, India

On behalf of K Gurusamy:

Mr Surjit Singh Barnala
Governor of Tamil Nadu
Office of the Governor
Madras
Tamil Nadu, India

Mr Muthuvel Karunanidhi
Chief Minister of Tamil Nadu
Office of the Chief Minister
Madras
Tamil Nadu, India

Some appeals should be sent in a personal or professional capacity.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 10 March 1991.