

PUBLIC

AI Index: ASA 20/06/00

15 March 2000

Further information on EXTRA 154/99 (ASA 20/38/99, 4 November 1999) and follow-up (ASA 20/39/99, 5 November 1999) - Death Penalty / Fear of Imminent Execution

INDIAGovindaswamy

On 15 March 2000, Govindaswamy was granted a 15-day stay of execution. The stay was ordered the same day that the media reported that his execution had been set for 0500 hrs (Indian Standard Time) on 16 March in Tamil Nadu.

The office of the Home Secretary granted the stay after human rights activists had made appeals on 15 March to the President to grant one, pending consideration of outstanding clemency petitions filed by them.

Clemency petitions earlier filed by Govindaswamy with the Governor of Tamil Nadu and the President had all been rejected.

This is the second stay of execution granted to Govindaswamy who was initially scheduled to be put to death on 9 November 1999.

Govindaswamy, an inmate at Coimbatore Central Prison in the state of Tamil Nadu, was tried in 1985 for the murder of 5 people the year before. In 1987 he was acquitted on the grounds that the prosecution case was not proved beyond doubt. In 1997, however, after the government appealed against his acquittal, the High Court reversed this judgement and sentenced him to death. In 1998 the Supreme Court dismissed an appeal and upheld the death sentence. A clemency petition to the President was later rejected and an execution date set.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or in your own language:

- expressing grave concern that an execution date was set for Govindaswamy, an inmate at Coimbatore Central Prison in the state of Tamil Nadu, despite clemency petitions from human rights organizations pending before the Governor of Tamil Nadu and the President;
- welcoming the temporary stay of execution but urging the President to commute his death sentence;
- 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 or degrading treatment or punishment, and emphasising that the death penalty has never been shown to have a special deterrent effect.

APPEALS TO (please note that the following fax numbers may be difficult to get through to. It may be better if you try during office hours local time + 5 GMT):

Mr K.R. Narayanan
President of India
Office of the President
Rashtrapati Bhavan
New Delhi 110 004, India
Telegrams: President, New Delhi, India
Faxes: + 91 11 301 7290 / 7824 / 7077
Salutation: Dear President Narayanan

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Ms Fathima Beevi
Governor of Tamil Nadu
Office of the Governor
Chennai
Tamil Nadu, India
Telegrams: Governor, Chennai, India
Faxes: + 91 44 235 0570
Salutation: Dear Governor

COPIES TO:

Mr Ram Jethmalani
Minister of Law and Justice
Ministry of Law and Justice
Shastri Bhavan
Dr Rajendra Prasad Road
New Delhi 110 001, India
Faxes: +91 11 338 7259

Mr L.K. Advani
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001, India
Faxes:+91 11 301 5750

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.