

PUBLIC

AI Index: ASA 20/29/00

10 July 2000

Further information on EXTRA 154/99 (ASA 20/38/99, 4 November 1999) and follow-up (ASA 20/39/99, 5 November 1999 and ASA 20/06/00, 15 March 2000) - Death Penalty / Fear of Imminent Execution

INDIAGovindaswamy

Govindaswamy is reportedly due to be executed on 14 July 2000.

The Campaign against the Death Penalty in India has told Amnesty International that a clemency petition has been rejected by the President of India. They verified this information with the authorities of Coimbatore Central Prison in Tamil Nadu where the execution by hanging is due to take place.

No official release has, as far as we know, been issued by the Government of India or the office of the President so the date the clemency petition was rejected and of the order for his execution is not yet known.

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, the High Court reversed this judgement and sentenced him to death after the government appealed against his acquittal. In 1998 the Supreme Court dismissed an appeal and upheld the death sentence.

The President of India rejected a previous clemency petition in October 1999. The execution was temporarily stayed by the High Court of Tamil Nadu after a petition was filed on Govindaswamy's behalf calling for the death sentence to be commuted on the grounds of an unacceptable delay in the consideration of his clemency petition (over one year). However, the Tamil Nadu High Court ultimately rejected this petition.

On 15 March 2000, when the media reported that his execution had been set for 16 March, Govindaswamy was granted a further 15-day stay of execution. A series of 15-day stay orders were subsequently granted pending consideration of outstanding clemency petitions filed with the President of India. Three senior Cabinet Ministers are reported to have argued for the sentence to be commuted.

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

- expressing grave concern at reports that the date of execution of Govindaswamy has been set for 14 July following the rejection of his clemency petition by the President of India;
- expressing concern at the apparent lack of official public notification of the rejection of the clemency petition and the scheduling of his execution;
- 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:

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

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

COPIES TO:

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

Mr Karunanidhi
Chief Minister of Tamil Nadu
Office of the Chief Minister
Chennai
Tamil Nadu, India
Faxes: +91 44 536 6929/536 1441
Salutation: Dear Chief Minister

and 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 17 July.