

EXTERNAL

AI Index: ASA 20/34/95

31 October 1995

Further information on UA 155/94 (ASA 20/12/94, 20 April 1994) - Death penalty

INDIA Dhananjoy CHATTERJEE

Amnesty International fears for the life of Dhananjoy Chatterjee after receiving reports indicating that preparations are being made for his execution.

Dhananjoy Chatterjee was sentenced to death in August 1991 for rape and murder allegedly committed in March 1990. After unsuccessful appeals to both the High Court and the Supreme Court, he was due to be hanged on 25 February 1994.

However, his family made a final appeal to the President on 6 February, after which the date of execution was postponed to 4 and then 18 March 1994. As far as Amnesty International is aware the execution has not yet been carried out and the petition filed by Dhananjoy Chatterjee's relatives has not yet received an answer from the President.

A national Indian newspaper has now reported that the Inspector General of Prisons has recently asked the superintendent of Alipore Jail, where Dhananjoy Chatterjee is being held, to set a new date for execution and to contact the hangman, who would be rewarded 10,000 Rupees and a permanent identity card for his part in the execution. Earlier it was reported that the hangman hired by Alipore jail refused to carry out Dhananjoy Chatterjee's execution until he was awarded a pay rise.

The state home secretary has reportedly denied having any knowledge that the petition asking for commutation of Dhananjoy Chatterjee's death sentence had been rejected by the President and that preparations for Dhananjoy Chatterjee's execution had been made for that reason.

BACKGROUND INFORMATION

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

The death penalty in India is usually carried out by hanging. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1981 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all of these.

Although India's highest courts have ruled that the death penalty can only be applied in the "*rarest of the rare*" cases, the number of offences carrying the death penalty has been extended in recent years. Several Supreme Court judgements have ruled that a death sentence, if not carried out for more than two years, should be commuted to life imprisonment on the grounds of inexcusable delay in execution of sentence, while other judgements 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.

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

- expressing serious concern at recent press reports that preparations for Dhananjoy Chatterjee's execution are apparently being made while the President's answer to a petition for clemency is still awaited;

- urging that the death sentence on Dhananjoy Chatterjee be commuted;
- 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.

APPEALS TO

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Faxes: +91 11 301 7290

Salutation: Dear President

Mr Jyoti Basu
Chief Minister of West Bengal
Office of the Chief Minister
Calcutta 600 001
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Telegrams: Chief Minister West Bengal, Calcutta, West Bengal, India

Salutation: Dear Chief Minister

COPIES TO:

Mr S.B Chavan
Minister for Home Affairs
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India

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 12 December 1995.