

**EXTERNAL (for general distribution)**

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**Death Penalty**

**28 July 1992**

**India:**

**Sukhdev Singh alias Sukha and Harjinder Singh alias Jinda**

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Amnesty International is concerned that Sukhdev Singh and Harjinder Singh face execution after the Supreme Court upheld their death sentence on 16 July 1992.

Sukhdev Singh and Harjinder Singh, both members of the Sikh community, were sentenced to death by a Trial Court for their role in the assassination of General A.S. Vaidya, former Chief of the Armed Forces, in January 1986. They reportedly confessed to the crime and have not filed any appeal against their conviction or the severity of the sentence.

#### **BACKGROUND INFORMATION**

Following conflict between the Indian army and Sikh militants demanding a separate Sikh state in Punjab, the then Prime Minister, Indira Gandhi, put General Vaidya in charge of "Operation Bluestar" to flush militants out of the Golden Temple, the main Sikh Shrine in Amritsar, in 1984. During this operation, an estimated 1,000 people were killed. Many were armed Sikh militants, but some were innocent bystanders or pilgrims.

India's higher courts have ruled that the death penalty can only be applied in the "rarest of rare" cases. In upholding the sentence of death for Sukhdev Singh and Harjinder Singh, the Supreme Court concluded that this case was "the rarest of the rare", and that the death penalty was "unassailable". They drew attention to the lack of remorse or repentance shown by the two men and to their apparent pride in having killed General A S Vaidya for his role in Operation Bluestar.

The threat of the death penalty has never been shown to prevent politically motivated crimes. The prospect of execution for those convinced of the legitimacy of their cause can instead encourage political martyrdom. Public officials responsible for fighting terrorism have repeatedly pointed out that executions are likely to increase political violence rather than prevent it.

The Indian Constitution protects the right to life. Yet on average over a dozen executions are carried out in India every year for criminal offenses. The death penalty is usually carried out by hanging from the neck until dead. An attempt to challenge this method of execution failed before the Supreme Court, which stated in a 1983 judgement that hanging did not involve torture, barbarity, humiliation or degradation. Amnesty International believes it involves all these.

**RECOMMENDED ACTION: Telegrams/telexes and airmail letters**

- urging that the death sentence of Sukhdev Singh and Harjinder Singh be commuted to life imprisonment;

- 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.

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- pointing out that the death penalty has never been shown to prevent politically motivated crime; that it may encourage martyrdom and increase political crime, rather than prevent it.

**APPEALS TO:**

1) 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**

**Salutation: Dear President**

2) Mr M. M. Jacob  
Minister of State for Home Affairs  
Ministry of Home Affairs  
North block  
New Delhi 110 001  
INDIA  
**Telegrams: Home Affairs Minister Jacob, New Delhi, India**  
**Telexes: 3161879 FRGN IN ) via Ministry of**  
**3161880 FRGN IN ) Foreign Affairs**

**Salutation: Dear Minister**

**COPIES 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 8 September 1992.