

URGENT ACTION

INDIA EXECUTION SUSPENDED UNTIL JULY

Mahendra Nath Das' execution has been suspended until 21 July by the Gauhati High Court in Assam, north-east India, as the Government has sought time to respond to the Court. This is a crucial time to appeal to the Government to commute the death sentence.

An application seeking commutation of the death sentence was filed earlier this month by the mother of **Mahendra Nath Das**. The Gauhati High Court sought an explanation from the State and Central Governments to explain why it took 11 years to make a decision on the mercy petition. At the hearing on 17 June, the Central Government was granted an extension to submit its response and the Court suspended the execution until the next hearing on 21 July.

Courts in India have previously commuted death sentences on grounds of delayed decisions on mercy petitions. Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment.

Mahendra Nath Das was sentenced to death in August 1997 for a murder in Guwahati, Assam in 1996. His would be the first execution in India since 2004.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging that the death sentence of Mahendra Nath Das be commuted;
- Acknowledging the seriousness of the crime for which Mahendra Nath Das has been convicted, but reiterating that the death penalty itself is the ultimate form of cruel, inhuman and degrading punishment;
- Reiterating the call of the UN General Assembly to establish a moratorium on executions with a view to abolishing the death penalty, and pointing out that India's decision to resume executions after a seven-year hiatus goes against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 21 JULY 2011 TO:

Prime Minister of India:

Dr. Manmohan Singh
South Block
Raisina Hill
New Delhi 110 001
Fax: +91 11 2301 9545 / 2301 6857
Email: (via form)
<http://pmindia.nic.in/feedback.htm>

Salutation: Dear Prime Minister

President of India:

Pratibha Patil
Office of the President
Rashtrapati Bhavan
New Delhi 110 004
Fax: +91 11 2301 7290 / 2301 7824
Email: (via form) <http://helpline.rb.nic.in>
choose "Lodge a request/grievance"

Salutation: Dear President

And copies to:

Minister of Home Affairs
P Chidambaram
North Block, Central Secretariat
New Delhi – 110 001
Fax: + 91 11 2309 4221
Email: hm@nic.in

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

This is the first update of UA 161/11. Further Information: <http://www.amnesty.org/en/library/info/ASA20/023/2011/en>

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ADDITIONAL INFORMATION

Mahendra Nath Das was sentenced to death in August 1997 for a murder in Guwahati, Assam in 1996. His mercy petition was rejected by the President of India in May 2011, following the advice of the Government of India. The judicial process was completed after the High Court confirmed the death sentence in February 1998 and the Supreme Court rejected the appeal in May 1999. A mercy petition was sent to the Government of India in 2000 but only decided upon in May 2011.

This is the first mercy petition to be rejected since 2004, when the last execution in India took place. The previous execution took place in mid -1997. The move to resume executions after a seven-year hiatus would put the country against the regional and global trend towards abolition of the death penalty.

UN bodies and mechanisms have repeatedly called upon Member States to establish a moratorium on executions with a view to abolishing the death penalty, most recently through the adoption of a third UN General Assembly resolution on the matter in December 2010. In a general comment on Article 6 of the International Covenant on Civil and Political Rights, to which India is a State Party, the UN Human Rights Committee stated that Article 6 "refers generally to abolition [of the death penalty] in terms which strongly suggest... that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life...".

Other national and regional bodies have also recognized that prolonged duration of death row detention can amount to cruel, inhuman and degrading treatment and should accordingly lead to automatic commutation of the sentence. This is in addition to international law and standards which make clear that prisoners under sentence of death have the right throughout the process to make maximum use of the judicial and clemency processes available, including by petitioning international bodies.

Amnesty International opposes the death penalty in all cases, regardless of the nature of the crime, the characteristics of the offender, or the method of execution.

Further Information on UA: 161/11 Index: ASA 20/030/2011 Issue Date: 17 June 2011

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