

URGENT ACTION

EXECUTIONS SUSPENDED UNTIL NOVEMBER

The execution of two Sri Lankans and an Indian national convicted for being conspirators in the assassination of India's former Prime Minister, Rajiv Gandhi, have been suspended till November by an Indian court. This is a crucial time to appeal to the Government to commute the death sentences.

An Indian court has suspended the executions of **Murugan, Santhan**, and **Arivu** (alias **Perarivalan**) until early November, in order to hear petitions challenging the constitutionality of their 11 year stay on death row.

At a hearing on 30 August, the Madras High Court suspended the execution and sought a response from the Governments of India and Tamil Nadu state to explain the 11 years taken by the Government and the President to decide on the mercy petitions filed by the three prisoners.

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.

Murugan, Santhan and Arivu (alias Perarivalan), were sentenced to death in January 1998 by a Special Anti-Terrorist Court on grounds of involvement in the assassination of India's former Prime Minister Rajiv Gandhi. If carried out, these would be the first executions to take place in India since August 2004.

Please write immediately in English or your own language:

- Urge that the death sentence of Murugan, Santhan and Perarivalan be commuted;
- Acknowledge the seriousness of the crime – the assassination of former Prime Minister Rajiv Gandhi - but raise concerns that their stay on death row, since the mercy petition was kept pending for eleven years, may further amount to cruel, inhuman and degrading punishment;
- Reiterate 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 gap would go against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 18 OCTOBER 2011 TO:

Prime Minister of India

Dr. Manmohan Singh
South Block
Raisina Hill
New Delhi 110 001
Fax: +91 11 23019545/
23016857

Salutation: Dear Prime Minister

President of India

President Pratibha Patil
Rashtrapati Bhavan
New Delhi 110 004
Fax: +91 11 23017290/
23017824
Email: (via form)
<http://helpline.rb.nic.in/>
Option: Lodge a request/ grievance

Salutation: Dear President

And copies to:

Minister of Home Affairs
P Chidambaram
104, North Block,
Central Secretariat
New Delhi 110001
Fax: + 91 11 23094221
Email: hm@nic.in

Please check with your section office if sending appeals after the above date. This is the first update of UA 246/11. Further information:

<http://www.amnesty.org/en/library/info/ASA20/040/2011/en>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Murugan, Santhan, and Arivu (alias Perarivalan), were sentenced to death in January 1998 by a Special Anti-Terrorist Court on grounds of involvement in the assassination of India's former Prime Minister Rajiv Gandhi. Their sentence was confirmed by the Supreme Court of India in May 1999. Their mercy petitions were reportedly rejected by the President in August 2011.

This is the third set of mercy petitions to be rejected since June 2011. No executions have taken place in India since 2004. The move to resume executions after a seven-year hiatus would put the country out of step with 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 detention on death row can amount to cruel, inhuman and degrading treatment. 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.

The Tamil Nadu state assembly has also passed a unanimous resolution urging the President of India to commute the death sentences.

Name: Murugan, Santhan and Arivu (alias Perarivalan)

Gender m/f: m

Further information on UA: 246/11 Index: ASA 20/045/2011 Issue Date: 6 September 2011