

# URGENT ACTION

## EXECUTION OF FOUR MEN IMMINENT

**Four men are at imminent risk of execution after India's president rejected their petitions for mercy. They were sentenced to death in 2004 for their involvement in a landmine explosion that killed 22 people.**

Indian president has rejected four men's petitions for mercy, putting them in imminent danger of execution.

**Meesekar Madaiah** (aged 66), **Gnanprakasham** (aged 56), **Simon** (aged 46) and **Bilavendran** (aged 62) are held in Hindalga Prison, Belgaum, Karnataka. Their last names are not known.

The four men were convicted of involvement in an April 1993 landmine blast that killed 22 and injured several others at Palar, in the state of Karnataka. The explosion blew up vehicles carrying police officers and police informers, on their way to arrest a sandalwood smuggler known as Veerappan and his accomplices. They were originally sentenced to life imprisonment, by a special court in Karnataka established under the Terrorist and Disruptive Activities Prevention Act (TADA Act), for offences under the TADA Act, the Indian Penal Code, the Indian Arms Act, and the Explosive Substances Act. Their sentences were increased to the death penalty on appeal to the Supreme Court in 2004. The Indian president has now rejected their petition for mercy. Trials under the TADA Act, repealed in 1995, did not meet international fair trial standards.

Since assuming office in 2012, the president has rejected at least three other petitions for mercy, after which two men were executed. These executions were carried out in secret, and the public was only informed afterwards.

### Please write immediately in English or your own language:

- ✓ Acknowledging the seriousness of the April 1993 landmine blast, and the suffering caused, but urging the authorities to stop plans to execute Meesekar Madaiah, Gnanprakasham, Simon and Bilavendran, and expressing concern that the TADA court, which tried the men, did not meet international fair trial standards;
- ✓ Urging them to commute all death sentences to terms of imprisonment;
- ✓ Reminding them that the UN General Assembly has called repeatedly for a moratorium on executions, with a view to abolishing the death penalty, and pointing out that India's decision to resume executions has set it against the global trend towards abolition.

### PLEASE SEND APPEALS BEFORE 1 APRIL 2013 TO:

#### President

President Pranab Mukherjee

Rashtrapati Bhavan

New Delhi 110 004, India

Fax: +91 11 23017290

+91 11 23017824

Email: (via form)

<http://www.helpine.rb.nic.in/>

**Salutation: Dear President Mukherjee**

#### Chief Minister of Karnataka

Jagadish Shivappa Shettar

Vidhana Soudha,

Dr. Ambedkar Veedhi,

Bangalore 560 001, India

Fax: +91 80 22281021

Email: [chiefminister@karnataka.gov.in](mailto:chiefminister@karnataka.gov.in)

**Salutation: Dear Chief Minister**

#### **And copies to:**

Minister of Home Affairs

Sushilkumar Shinde

104, North Block,

Central Secretariat

New Delhi 110001, India

Fax: + 91 11 23094221

Email: [hm@nic.in](mailto:hm@nic.in)

**Salutation: Dear Minister**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## EXECUTION OF FOUR MEN IMMINENT

### ADDITIONAL INFORMATION

The Indian Supreme Court on 16 February declined to hear the four men's plea for a stay of execution, on the grounds that an execution date had not yet been fixed. Their lawyers petitioned the Karnataka High Court and the Supreme Court on 18 February. The Supreme Court has now stayed the executions until 20 February. In 1989, the Indian Supreme Court allowed prisoners to approach courts to challenge decisions on their mercy petitions on the grounds of inordinate delay in the disposal of a mercy petition. The Supreme Court held that "Undue long delay in execution of the sentence of death will entitle the condemned person to approach this Court under Article 32". but this Court "will only examine the nature of delay caused and circumstances ensued after sentence was finally confirmed by the judicial process and will have no jurisdiction to re-open the conclusions reached by the Court while finally maintaining the sentence of death. This Court, however, may consider the question of inordinate delay in the light of all circumstances of the case to decide whether the execution of sentence should be carried out or should be altered into imprisonment for life. No fixed period of delay could be held to make the sentence of death in-executable". At least five men whose mercy petitions were rejected in recent years have filed applications before the Supreme Court on these grounds, and have had their executions stayed.

Since assuming office in 2012, President Pranab Mukherjee has rejected at least three other mercy petitions (Ajmal Kasab, Saibanna and Afzal Guru), and has commuted another death sentence (that of Atbir). India has executed two of them: Ajmal Kasab on 21 November 2012 and Afzal Guru on 9 February 2013. Before these, the last execution in India had been that of Dhananjay Chatterjee in August 2004. This move to resume executions after an eight-year hiatus has set the country against the regional and global trend towards abolition of the death penalty. Formerly the authorities made information about the rejection of mercy petitions and dates of execution available to the public before any executions. In resolution 2005/59 the UN Commission on Human Rights called upon all states that still maintain the death penalty "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution". In Afzal Guru's case, the family were informed about the execution only after it had been carried out and the body was not returned to the family for burial.

In total, 140 countries are abolitionist in law or in practice. In 2011, only 21 states in the world carried out executions, meaning that 90 percent of the world was execution-free. Out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes. Over the past 10 years, four Asia-Pacific countries abolished the death penalty for all crimes: Bhutan and Samoa in 2004, the Philippines in 2006 and the Cook Islands in 2007. UN bodies and mechanisms have repeatedly called upon member states to establish a moratorium on executions with a view to abolishing the death penalty, including through the adoption of four UN General Assembly resolutions, in December 2007, 2008, 2010 and 2012. India voted against all four resolutions. 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...".

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment, regardless of the nature of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

Names: Meesekar Madaiah, Gnanprakasham, Simon, Bilavendran  
Gender m/f: m

UA: 41/13 Index: ASA 20/007/2013 Issue Date: 18 February 2013