

URGENT ACTION

INDIAN PRISONERS AT RISK OF IMMINENT EXECUTION

The Indian President has rejected the mercy petitions of at least seven people, putting them at risk of imminent execution. The government has not, however, disclosed the names of those who are now at risk of execution.

Decisions have been made by the Indian President on mercy petitions involving at least nine people. Petitions involving at least seven people have been rejected. These numbers could be higher as the Government has not yet confirmed details about the decisions.

Media reports from jail authorities' statements suggest that **Dharampal's** mercy petition has been rejected. He was found guilty of the murder of five people and the Supreme Court confirmed his death sentence in 1999. Reports suggest that on 05 April he will be moved to a prison that is equipped to carry out executions, raising fears that he is likely to be executed within days.

Based on previous communication issued by the government, it is understood that the petitions of **Gurmeet Singh, Suresh** and **Ramji** have also been rejected, and they are at risk of imminent execution. Gurmeet Singh was convicted for the murder of 13 people in 1986. The Supreme Court confirmed his conviction and death sentence only in 2005, almost 20 years after the crime was committed. Suresh and Ramji were also convicted for multiple murders, and the Supreme Court confirmed their sentences in 2001.

As the government has not stated which petitions were commuted and which were rejected, at least one of the following individuals who had mercy petitions pending could also be at risk of execution: **Sanjeev, Sonia (f), Praveen Kumar, Jafar Ali, Sundar Singh, Shivu, Jadeswamy, B.A. Umesh, Balwant Singh Rajoana** and **Maganlal**.

Please write immediately in English, Hindi or your own language:

- Urging the Indian authorities to immediately halt any further executions, commute all death sentences to terms of imprisonment, and establish an official moratorium on executions with a view to abolishing the death penalty;
- Reminding the Indian authorities that the UN General Assembly has repeatedly called 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 the country against regional and global trends towards abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 17 MAY 2013 TO:

President

President Pranab Mukherjee
Rashtrapati Bhavan
New Delhi 110 004, India
Fax: +91 11 23017290; 23017824
Email: (via form)
<http://www.helpline.rb.nic.in/>
Salutation: Dear President Mukherjee

Prime Minister

Dr. Manmohan Singh
South Block, Raisina Hill
New Delhi 110 001, India
Fax: +91 11 23019545; 23016857
Email: (via form)
<http://pmindia.gov.in/feedback.php>
Salutation: Dear Prime 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
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**



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ADDITIONAL INFORMATION

In the Indian justice system, a mercy petition is often the final opportunity for individuals to have their death sentences commuted by the executive, after the judicial appeals have been exhausted. In the past, some mercy petition decisions have been challenged before the Supreme Court – the country's highest court - on grounds of undue executive delay. However, the decision to hear such a challenge is left to the discretion of the Supreme Court. It is presently unclear how many of the individuals currently at risk will be challenging the decisions on their mercy petitions in such a manner.

In November 2012, the Indian state resumed executions after a hiatus of over eight years. Since assuming office in 2012, President Pranab Mukherjee has rejected four mercy petitions involving seven people (Ajmal Kasab, Saibanna, Afzal Guru, Gnanprakasham, Simon, Meesekar Madaiah, and Bilavendran), and has commuted one death sentence (Atbir). In the past five months, India has executed two of these individuals: Ajmal Kasab on 21 November 2012 and Afzal Guru on 9 February 2013. Prior to these, the last execution in India had been that of Dhananjay Chatterjee in August 2004.

The two executions in the past five months – that of Ajmal Kasab and Afzal Guru - were carried out in a secretive manner. In both cases, the public was not informed of the date of execution. In Guru's case, his family received notification of the execution after it had been carried out and his body was not returned for burial. Amnesty International is concerned that a similar practice might be followed in the current cases against international standards on the use of the death penalty.

The Indian authorities used to make 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".

As of today, 140 countries are abolitionist in law or in practice. 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...".

Name: Gurmeet Singh (m), Sanjeev (m), Sonia (f), Dharampal (m), Praveen Kumar (m), Jafar Ali (m), Sundar Singh (m), Suresh (m), Ramji (m), Shivu (m), Jadeswamy (m), B.A. Umesh (m), Balwant Singh Rajoana (m) and Maganlal (m).

Gender m/f: 13 Males, 1 female