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Dr Manmohan Singh
Prime Minister of India
South Block, Raisina Hill,
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India

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**AMNESTY
INTERNATIONAL**



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Dear Prime Minister,

IMMINENT EXECUTION OF BALWANT SINGH RAJOANA

I am writing to request your urgent intervention to halt the imminent execution of Balwant Singh Rajoana, scheduled to be carried out on 31 March 2012. We understand your government has the sole authority to prevent the execution, since the government in the Union Territory of Chandigarh, where he was awarded the death sentence, does not have the power to commute that sentence.

While death sentences continue to be imposed by Indian courts, no executions have been carried out since 2004 and the debate on the death penalty has intensified markedly in India in recent years. The resumption of executions after an eight year hiatus would place the country in opposition to regional and global trends towards abolition of the death penalty.

As of 22 March 2012, more than two-thirds of all countries have abolished the death penalty in law or practice. Most recently, Mongolia became the 141st country to have joined this group by becoming a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 13 March 2012. No executions were recorded in Japan for the first time in 19 years, and 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.

Amnesty International opposes the death penalty in all cases without exception, as a violation of the right to life as recognized in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment. The desirability of the abolition of the death penalty has long been recognized in international law and standards. The International Covenant on Civil and Political Rights (ICCPR), which allows for the use of the death penalty under certain circumstances, clearly states in Article 6.6 that no provision in Article 6 should be invoked “to delay or to prevent the abolition of capital punishment.”

The UN Human Rights Committee, the expert body established under the ICCPR to monitor its implementation, has said in its General Comment no. 6 of 30 April 1982 that Article 6 of the ICCPR “refers generally to abolition in terms which strongly suggest that abolition is desirable.” The Committee concluded that “all measures of abolition should be considered as progress in the enjoyment of the right to life.” India is a state party to the ICCPR and has a legal obligation to comply with the provisions of the Treaty.

Over the years several UN and regional bodies have discussed and adopted instruments to support the call for the worldwide abolition of the death penalty. In 2007, 2008 and 2010 the UN General Assembly adopted with large majorities resolutions 62/149, 63/168 and 65/206 respectively, calling

for the establishment of a moratorium on the use of the death penalty “with a view to abolishing the death penalty.” In November 2008, the African Commission on Human and Peoples’ Rights likewise adopted a resolution calling on state parties to the African Charter on Human and Peoples’ Rights to observe a moratorium on the use of the death penalty with a view to its abolition.

The retention of the death penalty in India is presented as a crime-control measure, despite the lack of convincing evidence of its deterrent effect. Studies have consistently failed to show that the death penalty prevents crime more effectively than other punishments, as demonstrated by the persistently high crime rates in many of the states of the US that retain capital punishment.

The most comprehensive study carried out by the UN (E/AC.57/1988/CRP.7) on the relation between the death penalty and homicide rates concluded: "...research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis".

Amnesty International urges you to take all necessary measures within your power to stop the execution of Balwant Singh Rajoana and immediately establish an official moratorium on executions; commute the death sentences of all prisoners in the country; and swiftly abolish the death penalty in India for all crimes.

I remain at your disposal should you need any further clarification. A copy of this letter will be sent to the President of India, the Minister of Home Affairs, the Governor of Punjab & the administrator of the Union Territory of Chandigarh and the Chief Minister of Punjab.

Yours sincerely,

Sam Zarifi
Asia-Pacific Director
Amnesty International