



## **PRESS RELEASE**

13 February 2013

### **Capital Punishment not a deterrent: WGHR condemns the execution of Afzal Guru; Demands the abolishment of Death Penalty**

**The Working Group on Human Rights in India and the UN (WGHR)** - a coalition of fourteen human rights organizations and independent experts - denounces the execution of Afzal Guru on 9 February 2013 in Tihar Jail, convicted of the 13 December, 2001, Parliament attack. WGHR also condemns the indiscriminate and arbitrary use of state power for imposing capital punishment to Afzal Guru covertly, not allowing his family a last visit and not handing over his body to his family.

WGHR stated that that death penalty embodies the idea of retribution which is as violent as the offence for which one is convicted, and is contrary to all civilized ideals of criminology and constitutionalism. Recently, during the second inter-governmental peer review of India's human rights (also known as the Universal Periodic Review) in May 2012, the UN Human Rights Council made 169 recommendations to the Government of India out of which 11 recommendations related to the abolition of death penalty and the adoption of an official moratorium on death penalty. While none of these recommendations have been accepted by the Government of India, they nevertheless represent the growing concern in the international community against the continuation of death penalty in India.

WGHR expressed concerns against India aligning itself with the small minority of nations which favour death penalty. On 21st November 2012 a resolution was passed by the UN General Assembly's Third Committee (Social, Humanitarian and Cultural) on "Moratorium on the use of the death penalty" by a record 110 votes but India voted against the motion.

This is despite the fact that studies show that there is no scientific or empirical basis for claiming that death penalty has a deterrent effect on the incidence of crime. Data generated by the Ministry of Home Affairs of India also supports the argument that death penalty has not been and is not a deterrent for murder. The murder rate in India has declined consistently in India over the last 20 years, despite the slowdown in the execution of death sentences since 1980.

The Supreme Court of India in its earlier pronouncements (especially, in the case of *Bachan Singh v. State of Punjab*) laid down the policy of awarding capital punishment only in the "rarest of rare cases". However, statistics show that there has been an increase, of late, in the number of death sentences awarded by the courts with around 100 cases per year.

WGHR expressed its concerns regarding selective executions without following the queue of already death-row convicts.

Noted human rights expert **Mr. Suhas Chakma**, Director of Asian Centre for Human Rights and a member of the WGHR stated, "*There is no law in the country which differentiates among the death-row convict to selectively fast track execution of certain persons. It is clear that the Government of India does not follow the inviolable principle of equality and non-discrimination with respect to the death-row convicts and the malafide intention of the Government stands exposed from the failure to inform the family and handover the dead body to the family*".



Working Group on Human Rights  
in India and the UN

*“What makes matters worse is that we have a President of the country who appears to be trigger happy and ready to rapidly comply with the government’s wishes even if his actions are contrary to the humanistic traditions of Indian civilisation”,* stated **Mr. Miloon Kothari**, Convenor of WGHR and former Special Rapporteur of the UN Human Rights Council.

WGHR strongly urged the Government of India to reconsider the UPR recommendations received from the UN Human Rights Council calling for the abolishment of death penalty. There is considerable evidence across the globe that death penalty has no deterrent effect on serious crimes. WGHR reiterates that death penalty cannot be justified under any civilized judicial system and demands the Government of India to abolish death penalty immediately.

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*The Working Group on Human Rights in India and the UN – a national coalition of fourteen human rights organisations and independent experts – works towards the realisation of all civil, cultural, economic, political and social human rights in India and towards holding the Indian government accountable to its national and international human rights obligations. For information on WGHR, please visit: [www.wghr.org](http://www.wghr.org)*

Convenor | Miloon Kothari, Former Special Rapporteur on adequate housing, UN Human Rights Council

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