

Human Rights Defenders Alert - India

National Coordination Office
23, West Park Street, 1st Floor,
Shenoy Nagar, Near Post Office, Chennai – 600 030 Tamil Nadu, INDIA
Tel: +91-9994368540 Email : hrda.india@gmail.com

Date 16th February 2013

The Inspector-General of Prisons,
Seshadri Road,
Bengaluru 560009,
Karnataka.
Fax: +91-80-2267290
E.mail: karnatakaprison@gmail.com digprison@ksp.gov.in

Sir,

Sub: Stay on Execution of Death Sentence on Prisoners Simon, Gnana Prakasam, Madhaiah, and Bilavendran in Belgaum Central Prison-Reg

I am writing to you on behalf of Simon, Gnana Prakasam, Madhaiah, and Bilavendran who are death row prisoners in Belgaum Central Prison, Belgaum, Karnataka. They have also approached me in my capacity as the Executive Director of People's Watch and as one who had taken up their cases before the trial court in the Special TADA Court in Mysore and alter their appeal before the Supreme Court in Delhi and also followed up their complaints before the National Human Rights Commission in New Delhi to take further legal steps subsequent to their mercy petitions being turned down by the President of India.

I have been informed that their mercy petitions have been rejected by the Hon'ble President of India after being kept pending for almost 9 years. Their lawyers are taking steps to file writ petitions before the Karnataka High Court and / or the Supreme Court of India to protect their rights under Article 21 of the Constitution of India by, inter alia, seeking review of the death sentences imposed on them, challenging the rejections of their mercy petitions, and seeking commutation of the death sentences on the grounds, among others, of the inordinate delay in disposal of their mercy petitions.

As you are aware, **Simon, Gnana Prakasam, Madhaiah, and Bilavendran** have a right to seek legal remedies and file petitions under article 32 and 226 of the Constitution of India to challenge the rejection of their mercy petitions, and also to seek commutation of their death sentences on the grounds mentioned above. A similar issue is presently sub judice in the Supreme Court in the case of Devender Pal Singh Bhullar, Mahindra Nath Das, Murugan, and others. Furthermore, in a similar case, on 22nd January 2013, the Hon'ble Karnataka High Court has stayed the execution of prisoner Saibanna. It would therefore be improper, illegal and inhumane to execute them without giving them reasonable time to file these petitions and obtain a stay on execution.

The lawyers are in the process of drafting the writ petitions seeking an interim stay on the execution of the death sentences on **Simon, Gnana Prakash, Madhiah, and Bilavendran**

I expect that these petitions will be filed within the next 14 days. I would therefore request you to delay the executions and direct that no steps be taken to execute the death sentences on them till the Hon'ble Court decides their petitions. May I respectfully point out that no prejudice or harm would be suffered by anybody by delaying the death sentence. On the other hand, it is very likely that such a step may save the lives of four persons and prevent a grievous miscarriage of justice.

I have every expectation that you will accede to this humble request.

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary
Human Rights Defenders Alert - India

Copy to:

1. The Hon'ble President of India
Rastropati Bhavan,
New Delhi
Fax: +91-11-23017290, 23017824
2. The Hon'ble Prime Minister
Government of India
South Block, Raisina Hill
New Delhi 110001
Fax: +91 11 230116857; 23019545
Email: manmohan@sansad.nic.in

3. The Hon'ble Minister
Ministry of Home Affairs,
North Block,
Government of India
New Delhi 110001
Fax: +91-11-23094221
E.mail: hm@nic.in
4. The Hon'ble Home Secretary
Ministry of Home Affairs
Government of India, North Block,
Central Secretariat,
New Delhi 110001
Fax: +91-11-23093003
E.mail: hshso@nic.in
5. The Hon'ble Chief Minister
Government of Karnataka
Vidhana Soudha, Dr. Ambedkar Veedhi
Bengaluru 560001
Fax: +91-80-22258150
E.mail: chiefminister@karnataka.gov.incm@kar.nic.in
6. The Hon'ble Minister
Ministry of Home Affairs
Vidhana Soudha, Dr. Ambedkar Veedhi
Bengaluru 560001
Fax: +91-80-22258583
E.mail: min-home@karnataka.gov.in
7. The Hon'ble Home Secretary
Ministry of Home Affairs
Vidhana Soudha, Dr. Ambedkar Veedhi
Bengaluru 560001
Fax: +91-80-22250225
E.mail: prs-home@karnataka.gov.in
8. The Superintendent,
Belgaum Central Prison,
Belgaum, 590001
Karnataka.
Fax: +91-831-2447551
E.mail: prison@bgl.vsnl.net.in