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## India's secret executions raise fears on use of ultimate punishment

By Associated Press

February 23, 2013

For 11 years the family of a convicted terrorist waited and wondered about his fate as he sat on death row. Two weeks ago they found out — from television. Mohammad Afzal Guru had been hanged in secrecy in a faraway jail in New Delhi. A government letter informing them of the imminent hanging arrived at their home in Kashmir two days after he was dead.

“No words can describe the pain. It was like a bolt from the sky. Our whole family is still locked in that moment. We’re still struggling to reconcile with that moment,” said Yasin Guru, the dead man’s cousin.

India has hanged two men in the past three months, its first executions in eight years. In a departure from past practice, both were done in secrecy. Rights activists worry the government has set a precedent that could impact the nearly 500 people on death row in India, including four men whose mercy pleas — their last hope of life — were rejected by India’s president last week.

“The new practice of executing in secret without prior notification to relatives is deeply worrying,” said G. Ananthapadmanabhan, who heads the India chapter of Amnesty International.

Three months earlier, Mohammad Ajmal Kasab, the lone surviving gunman of a 2008 terror attack in Mumbai, was hanged in equal secrecy. His execution was announced several hours later.

Many believe that the government wanted to avoid violent protests in Kashmir — where a separatist campaign has just begun to wane — that would have erupted had Guru's hanging been announced beforehand.

But that's no consolation to his family or relevant to human rights activists and lawyers who see the two secret hangings as an assault on the values of democratic India.

Guru was convicted in the 2001 attack on India's Parliament that killed 14 people when five heavily armed gunmen entered the high-security parliament complex and opened fire. Eight police personnel were killed before the five attackers were shot and killed. A gardener also died.

Guru's wife, 13-year-old son and other family members were stunned when they heard on television news that he had been executed, said Yasin Guru, the cousin. Convicts facing imminent execution are normally allowed a last meeting with their families.

"The world's biggest democracy did not even have the courtesy to inform us," he said, adding the family was now demanding that the government hand over his body, which has been buried in Tihar jail in New Delhi, where he was executed Feb. 9.

The government says it sent a letter, dated Feb. 6, informing Guru's family of the execution. But it was mailed Feb. 8, one day before his execution and reached his family in Sopore in Kashmir on Feb. 11, two days after Guru was hanged.

"The most distressing failure of official compassion and public decency was in denying Afzal Guru's wife and teenage son the chance to meet him for the last time before his execution," activist Harsh Mander wrote in the Hindustan Times newspaper.

T.R. Andhyarujina, a former solicitor general of India, called Guru's execution "an inhumane act" that serves as "the most callous death sentence carried out by the government of India."

Kasab, the convict in the Mumbai terror attack, was a Pakistani. India said it informed Pakistan about the imminent execution and asked Islamabad to inform his family. Kasab's family did not claim his body.

There was little outcry over his execution, partly because of the deep revulsion that his actions evoked in India. The two and a half day attack by Kasab and his comrades in November 2008 left 166 people dead and is seared in the memory of most Indians. Because Kasab was a foreigner with no local ties, family or support, his execution did not cause the same kind of blowback that Guru's did.

Most of that anger was evident in Kashmir which erupted into violence after the news of Guru's hanging came out. Many Kashmiris also believe that he did not receive a fair trial.

Even Kashmir's chief minister, Omar Abdullah, an ally of the Indian government, said it was unacceptable that the family was not told of the execution and allowed to say goodbye.

"If we are going to inform someone by post that his family member is going to be hanged, there is something seriously wrong with the system," he said.

The secrecy goes against the humanitarian values the Indian state professes to uphold, said Rebecca John, a Supreme Court lawyer.

"The fact that the family was not informed, it reflects not only a weak state, but a brutal state; a state that does not believe in basic human rights," she said.

The use of the death penalty, on the books since 1860, has been unheard of recently. In 1982, the Supreme Court ruled that it should be given only in the "rarest of rare" cases. The executions of Kasab and Guru were the first time in eight years India had put anyone to death.

According to the government, 476 people were on death row in 2012. With most appealing for clemency through India's slow-moving judicial system, few will likely end up facing execution.

Rights activists point to the irrevocable nature of the death penalty and the rise in cases where DNA evidence has overturned convictions. They fear executions shrouded in secrecy deprive defendants of any last-minute legal recourse.

Attention is now focused on the four men on death row in the southern Indian state of Tamil Nadu whose mercy pleas were rejected by President Pranab Mukherjee last week, nine years after they filed them.

They were convicted in 1993 of involvement in a land mine blast that killed 22 people, including several police, who were on their way to arrest a notorious smuggler.

On Wednesday, they earned a short reprieve when the Supreme Court gave them six weeks to pursue a last bid for clemency.

Another case is that of Balwant Singh Rajoana, convicted in the 1995 killing of a former chief minister of India's Punjab state. Last year, the present chief minister, Prakash Singh Badal, took the lead in getting Rajoana's execution postponed while he filed another appeal in the Supreme Court.

Political experts say that Guru was hanged within days of Mukherjee turning down his clemency plea, which is unusual in India. They feel it was done with an eye on upcoming general elections expected next year.

The quick and quiet executions will allow the government to claim it is being tough on terror, without angering any major constituency, and perhaps winning accolades from the majority Hindus.

“This secret hanging is a clear message to Kashmiris that Indian laws are only meant to protect the state and its officials,” said Khurram Parvez, a Kashmiri human rights activist.