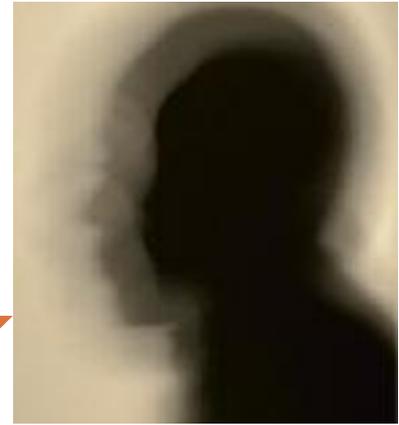


DEVENDER PAL SINGH INDIA



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DEVENDER PAL SINGH (also known as Davinder Pal Singh Bhullar) was arrested by police at New Delhi's international airport in January 1995 for travelling on false documents.

Police claim that following his arrest at New Delhi airport, Devender Pal Singh confessed to being involved in a 1993 bomb attack in Delhi that killed nine people – a statement which was made when he was first detained and had no access to a lawyer.

Devender Pal Singh later retracted the confession, stating that he had been “physically manhandled, threatened with encounter extinction [extra judicial execution] and was forced to sign several blank papers”. He filed a petition with the Supreme Court which refers to “coercion and torture” in extracting the alleged confession.

In his statement to the Supreme Court, Devender Pal Singh said that on the way to the magistrates' court hearing, “he was told that if he made any statement to the Court [about being tortured], he would be handed over to Punjab Police who would kill him in an encounter.”

Devender Pal Singh was tried under the 1987 Terrorist and Disruptive Activities (Prevention) Act (TADA), a law which lapsed in 1995 following widespread criticism from national and international human rights organizations because it had been misused to arbitrarily arrest, detain and torture thousands of people. Despite its lapse, prosecutions under the Act continue against people suspected of terrorist offences committed prior to 1995.

The only evidence against Devender Pal Singh was his retracted confession. Under ordinary Indian law, confessions are only admissible as evidence if they are made before a judicial magistrate; those made to the police are not. TADA, however, made confessions to police admissible at trial.

Devender Pal Singh was taken before a judicial magistrate who was supposed to verify whether his confession was made voluntarily. However, the judicial magistrate asked only one question - whether the statement was recorded on the particular date. The magistrate did not actually see the statement, and allowed police officials to be present during the hearing.

In August 2001, a special TADA court convicted Devender Pal Singh of committing a terrorist act resulting in death, conspiracy to murder and various other offences and sentenced him to death. Ordinarily, all death sentences

“ It is for the accused to show and satisfy the court that the confessional statement was not made voluntarily. ”

Supreme Court response to Devender Pal Singh's allegations of torture, March 2002

TORTURE/OTHER
ILL-TREATMENT

SPECIAL COURTS

passed by a trial court are reviewed automatically by a High Court, with a possibility of further appeal to the Supreme Court, but under TADA, appeal is only to the Supreme Court.

The conviction and death sentence were confirmed by the Supreme Court in March 2002. However, one of the three judges found Devender Pal Singh not guilty, concluding that there was no evidence to convict him and that a dubious confession could not be the basis for passing a death sentence.

A further review petition was dismissed by the same Supreme Court judges, again by a 2 to 1 majority, in December 2002. A clemency petition to the Indian President was rejected in May 2011 but on 23 August 2011 the Supreme Court admitted a petition to commute the sentence because of the President's delayed rejection of the mercy plea.

The **INDIAN** Constitution protects the right to life. However, a number of offences are still punishable by death, including murder and conspiracy to murder, some drug offences and offences under antiterrorism legislation. Indian courts continue to hand down death sentences and at least 345 people were thought to be under sentence of death at the end of 2008. The last execution took place in 2004 following a seven-year period in which no executions were carried out. No one has been executed for "offences under antiterrorism" legislation since 1992 but eight people, including Devender Pal Singh, remain at risk of execution after being convicted under such laws.

ACT NOW

Appeal to the Prime Minister to:

- ★ Stop the execution of Devender Pal Singh by whatever means available.
- ★ Ensure Devender Pal Singh is re-tried in proceedings which comply with international fair trial standards.
- ★ Investigate his complaints of torture and other ill-treatment and ensure that all statements resulting from such coercion are completely excluded from any re-trial.
- ★ Suspend all executions and the imposition of death sentences as a step towards total abolition of the death penalty.
- ★ Revise laws and change policies and practices to ensure fair trials in line with international standards.

Write to:

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Fax: +9111 2301 9545
Email: (via form)
<http://pmindia.nic.in/feedback.htm>