

Mr Nicolas Sarkozy,
French Presidency of the EU

Brussels, 25 September 2008
Ref: B813/ SF 08 E 115 PFUE

Dear Mr Sarkozy,

EU-India summit 29 September

Ahead of the EU-India summit, which you will be attending in Marseille next week, we are writing to urge you to make human rights a core part of the discussion. Amnesty International believes that it would send an important signal for the EU to raise its concerns about the use of the death penalty in India, and also worrying reports on the persecution of religious minorities and human rights defenders.

The summit will take place less than two weeks ahead of World Day Against the Death Penalty, on 10 October 2008. The focus of this year's World Day is Asia. In light of the EU's clear commitment, in the EU Guidelines on the Death Penalty, and in follow up to the UN Resolution in December 2007 calling for a global moratorium on executions, the EU should express disappointment that India retains the death penalty and voted against the moratorium.

Information relating to current and past death sentences and executions in India remains sketchy. The Government of India does not publish the number of death sentences given, or executions carried out, arguing that it is difficult to do so in a federal structure. However this claim has been challenged by local human rights organizations who have located information on the application of the death penalty in previous Law Commission reports – which suggests that the Government of India does maintain records but has not made them public. The Government of India continues to assert that the death penalty is applied only in the “rarest of rare” cases. In May this year, Amnesty International published a report which questioned this, highlighting that the “rarest of rare” principle is arbitrarily applied, inherently discriminatory and that similar crimes can receive very different sentences. A full copy of the report is available at:

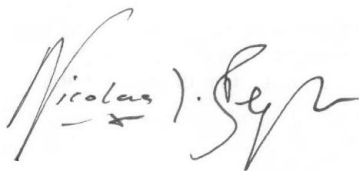
<http://www.amnestyusa.org/document.php?id=ENGASA200062008&lang=e>

Amnesty International has noted recent indications that the persecution of Christians in the eastern Indian state of Orissa may be discussed at the summit in Marseille. This discussion would be welcome, and the EU should urge the Government of India to take immediate action to halt the attacks on Christians, provide adequate security for the relief camps set up for Christians in the state of Orissa, and also ensure a prompt and impartial investigation into the attacks, bringing those responsible to justice.

However the EU-India summit should also discuss the wider persecution and discrimination against religious minorities, including recent violence against Christians in Karnataka, and discrimination against Muslims in states such as Gujarat. The summit should also address the ongoing harassment of human rights defenders in India, which takes many forms, such as arbitrary and preventive detention of peaceful protesters and attempts by the state to discredit activists - including through stigmatisation and unwarranted scrutiny - torture and ill-treatment, threats and harassment from non state and state actors, as well as "disappearances." Given the EU's commitment to raise human rights concerns in all meetings with third countries, the EU-India summit provides an important platform for promoting redress of these important issues.

We look forward to feedback on a successful summit, including discussion of these crucial human rights concerns.

Yours sincerely,



Dr. Nicolas Beger
Director
Amnesty International EU Office



Geneviève Garrigos
Chair
Amnesty International France