



New Trade Union Initiative

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**Petition to the President of India for granting clemency to
Mohammad Afzal Guru**

2 November 2006

Prof. A. P. J. Abdul Kalam
Hon'ble President of India
Rashtrapati Bhawan
New Delhi-110001

Dear Mr. President,

The democratic rights of the peoples of Jammu and Kashmir have been undermined through both terrorism and the deployment of armed forces for over two-decades.

All threats to democracy and disruption of social life first affect workers and their livelihood. The people of this region, the world's largest section of working poor, have been victims of violations of democratic rights.

Democratic tradition in India takes pride in the fact that presidential pardon is a part of our constitution and an integral part of our criminal justice system. We recognise that the legal effect of the pardon is not a judicial suppression of the sentence but an exercise of power in the interest of society.

We recognise the steps taken by the UPA government and hope that this will advance a peaceful resolution to the Kashmir problem.

NTUI believes that the case of Mohammad Afzal Guru is a proper and fit case for the exercise of such power of clemency as it is in the interest of society.

The Kashmir issue has been the core political problem that has given genesis to prejudices, contention, terrorism and war both open and covert. The people of India are also paying an increasingly heavy price for this. It also undermines the development of a South Asia identity and regionalism that enables a peaceful nation building process in the region and their co-operation; a condition for security and prosperity of people in India and the region.

The NTUI believes that the issue of clemency has to be viewed in relation to the peaceful resolution of this issue. And on evaluation within such a framework it is in the interest of the people of India.

Firstly, the sentence of Mohammad Afzal Guru has failed to make the cardinal distinction between the direct perpetrator of crime and indirect collaboration. Secondly, the conviction of Mohammad Afzal Guru as a conspirator is based only on weak circumstantial evidence, and thirdly, the evidential value of the circumstantial evidence is not at par with universal norms when the principal circumstantial evidence is based on the confessional statement, extracted under a repressive regime and of an accused who is a surrendered militant reporting to the police.

Not only is justice wanting and inadequate in the Supreme Court judgment but also perceived as such by the people of the Kashmir valley and also people who take pride in the democratic values of our institutions.

The death sentence of Mohammad Afzal Guru will have far-reaching consequences for the secular fabric of the country, the peace process in Kashmir, and the ability to address concerns of terrorism in the country. A single death sentence could potentially undermine all efforts to creating conditions for lasting peace in Kashmir.

We oppose the use of terror and believe that there must be adequate punishment of the guilty, as established by due process of law. At the same time we are opposed to death penalty, as it does not amount to justice in a civilised humane society. There is also no evidence to suggest that death penalty serves as a deterrent to heinous crimes and terrorism.

We appeal to the President of the Republic to grant clemency to Mohammad Afzal Guru.

Yours sincerely,

Ashim Roy
General Secretary

New Delhi
2 November 2006