

PUBLIC

AI Index: ASA 21/013/2008
17 July 2008

Further Information on UA 109/06 (ASA 21/002/2006, 28 April 2006) and follow-ups (ASA 21/007/2006, 4 July 2006 and ASA 21/010/2007, 11 September 2007, ASA 21/012/2007, 25 September 2007 and ASA 21/001/2008, 11 January 2008) - Imminent Execution

INDONESIA

Amrozi bin H. Nurhasyim (m)
Ali Ghufron alias Mukhlas (m)
Imam Samudera (m)

Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera, who were convicted of involvement in the 12 October 2002 bombings on the island of Bali, which killed 202 people and injured a further 209, are facing imminent execution by firing squad within the next week.

In January 2008, police and court officials informed the three men that their renewed demands for a second judicial review had been rejected. The men appealed against this decision, but on 17 July the Indonesian Supreme Court rejected this appeal and announced that they had exhausted their right of appeal, stating only one judicial review is permitted.

Media sources have reported that family members of the Australian victims of the bombings have been contacted by the Australian Federal Police, informing them that the executions are imminent.

Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera were sentenced to death by the Denpasar District Court in 2003. They were due to be executed in 2006. However their executions were stayed after they applied for judicial review of their cases, arguing that the anti-terrorism law they were convicted under could not be applied retroactively. The law they were convicted under was brought into force in 2003 and introduced the death penalty for 'terrorist' acts, and allowed for those involved in the 2002 bombings in Bali to be tried retroactively. Under international law (Article 15 of the International Covenant on Civil and Political Rights- ICCPR) and the Indonesian Constitution, a person cannot be tried under legislation brought in after the incident took place.

A pardon from President Susilo Bambang Yudhoyono is extremely unlikely. All three men have earlier stated that they will not apply for Presidential pardon. The President has also previously indicated in a television interview that he will not give clemency as they had been sentenced to death and the process should be seen through to the end.

BACKGROUND INFORMATION

Death sentences in Indonesia are carried out by firing squad. The person under sentence of death has the choice of standing or sitting and of using a blindfold or cover for their head. Firing squads consist of 12 people, six of whom are supplied with live ammunition and six whose guns are loaded with blanks. The squad fires from a distance of between five and 10 metres.

To Amnesty International's knowledge, at least 111 people are believed to be under sentence of death in Indonesia. Eleven of these were convicted and sentenced to death in 2007. Indonesia has executed three people since 26 June 2008.

In 2006, Indonesia ratified the ICCPR, which states that "every human being has the inherent right to life." However, the Indonesian authorities did not authorize ratification of the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Bahasa Indonesian, English or your own language:

- calling for the death sentences of Amrozi bin H. Nurhasyim, Ali Ghufron alias Mukhlas and Imam Samudera to be commuted;
- expressing concern that the Law on Combating Criminal Acts of Terrorism, under which these men were sentenced to death, was applied retrospectively to include all those involved in the Bali bombings, violating international law and the Indonesian Constitution;
- calling on the Indonesian authorities to commute all death sentences in Indonesia;
- recognizing that Indonesia has a right and responsibility to address serious crime, and expressing sympathy for its victims, but pointing out that there is no clear evidence that the death penalty is an effective deterrent;
- calling on the authorities to sign and ratify the Second Optional Protocol to the ICCPR and establish a moratorium on executions, as a first step towards the abolition of the death penalty as advocated in the UN General Assembly Resolution of 18 December 2007.

APPEALS TO: Please remember Indonesia is 6 hours ahead of GMT, and fax machines may be switched off outside of office hours.

President

President Susilo Bambang Yudhoyono, President RI, Istana Merdeka, Jakarta Pusat 10110, Indonesia

Fax: + 62 21 345 2685

+ 62 21 526 8726

Salutation: Dear President

Attorney General

Mr. Hendarman Supandji, Jaksa Agung, J. Sultan Hasanuddin No. 1, Kebayoran Baru, Jakarta, Indonesia

Fax: + 62 21 725 0213

Salutation: Dear Attorney General

COPIES TO:

Governor of Bali

Governor Dewa Made Beratha

Jl. Basuki Rahmat Renon Denpasar 80361, Bali, Indonesia

Fax: +62 361 236 037

Salutation: Dear Governor

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.