

# URGENT ACTION

## AT LEAST TEN FACING IMMINENT EXECUTION

**At least 10 individuals are at imminent risk of execution in Indonesia. Three death row prisoners were transferred by the authorities to Nusakambangan Island today, the location of the scheduled executions.**

The Indonesian authorities moved three death row prisoners to Nusakambangan Island in Central Java province on the morning of 4 March, where they are scheduled to be executed. **Andrew Chan** and **Myuran Sukumaran** (both Australian) were transferred there from Kerobokan prison in Bali, while **Raheem Agbaje Salami** (Nigerian) was transferred from Madiun prison in East Java province. The authorities have not yet provided the 72 hours' notice of imminent execution to the prisoners or their representatives, as required by law.

Although a final list of those facing executions has yet to be announced, others reportedly facing imminent executions include **Zainal Abidin** (Indonesian), **Martin Anderson** alias Belo (Ghanaian), **Rodrigo Gularte** (Brazilian) and four other individuals. All 10 were sentenced to death for drug trafficking, an offence that does not meet the threshold of the "most serious crimes" for which the death penalty may be imposed under international law. Indonesian President Joko Widodo rejected their clemency applications in December 2014 and January 2015.

The lawyers for Andrew Chan, Myuran Sukumaran and Raheem Agbaje Salami are currently appealing the rejection of their clemency application by the President in the administrative courts. At least two of the 10 individuals have filed a judicial review of their case before the Supreme Court. Rodrigo Gularte has been diagnosed as having paranoid schizophrenia and bipolar disorder with psychotic characteristics, an illness which has deteriorated while he has been on death row. The authorities are reportedly still assessing his medical condition.

### Please write immediately in English or your own language:

- Calling on the authorities to immediately halt plans to carry out any executions;
- Reminding them that international safeguards clearly state that no execution must be carried out while appeals are pending, and that the death penalty should not be imposed or implemented against people with mental disabilities;
- Urging them to establish a moratorium on all executions with a view to abolishing the death penalty and to commute all death sentences to terms of imprisonment;
- Pointing out that there is no convincing evidence that the death penalty deters crime more effectively than other punishments and that the decision to resume executions has set Indonesia against the global trend towards abolition of the death penalty and the country's own progress in this area.

### PLEASE SEND APPEALS BEFORE 15 APRIL 2015 TO:

#### President of the Republic of Indonesia

H. E. Joko Widodo  
Istana Merdeka  
Jakarta Pusat 10110  
Indonesia  
Fax: +62 21 386 4816 /+62 21 344 2233  
Email: dumas@setneg.go.id.  
Twitter: jokowi\_do2  
**Salutation: Dear President**

#### Minister of Law and Human Rights

Yasona H. Laoly  
Jl. H.R. Rasuna Said Kav No. 4-5  
Kuningan, Jakarta Selatan  
12950, Indonesia  
Fax: +62 215 253095  
Email: rohumas@kemenkumham.go.id  
Twitter: Humas\_Kumham  
**Salutation: Dear Minister**

#### **And copies to:**

Minister of Foreign Affairs  
Retno Marsudi  
Jl. Pejambon No.6.  
Jakarta Pusat, 10110  
Indonesia  
Fax: +62 21 3857316  
Email: kontak-kami@kemlu.go.id

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 305/14. Further information:

<http://www.amnesty.org/en/library/info/ASA21/005/2015/en>

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## AT LEAST TEN FACING IMMINENT EXECUTION

### ADDITIONAL INFORMATION

Further information on those facing executions:

- **Myuran Sukumaran** and **Andrew Chan**, Australian nationals, were sentenced to death by the Denpasar District Court in February 2006 for attempting to traffic more than 8 kilograms of heroin to Australia in 2005.
- **Martin Anderson, alias Belo**, a Ghanaian national, was sentenced to death by the South Jakarta District Court in June 2004 after being convicted of possessing 50 grams of heroin in Jakarta in November 2003.
- **Zainal Abidin**, an Indonesian national, was initially sentenced to 15 years' imprisonment by the Palembang District Court in September 2001 for smuggling 58.7 kilograms of marijuana. He was later sentenced to death by the Palembang High Court in December 2001.
- **Raheem Agbaje Salami**, a Nigerian national, was initially sentenced to life imprisonment by the Surabaya District Court in April 1999 for smuggling 5.3 kilograms of heroin into Indonesia at the Juanda airport, East Java province in September 1998. In May 2006 he was sentenced to death by the Supreme Court and was not able to appeal against his death sentence to a higher court, a right guaranteed by Safeguard No.6 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984.
- **Rodrigo Gularte**, a Brazilian national, was sentenced to death by the Tangerang District Court in February 2005 for smuggling six kilograms of cocaine into Indonesia at the Cengkareng airport, Banten province. According to his lawyer, a psychiatrist from a local state hospital has diagnosed him with paranoid schizophrenia and bipolar disorder with psychotic characteristics. It was recommended Ricardo Gularte be admitted to a mental health facility. International law and standards on the use of capital punishment clearly state that the death penalty should not be imposed or carried out on people with mental or intellectual disabilities. This applies whether the disability was relevant at the time of their alleged commission of the crime or developed after the person was sentenced to death.

Death sentences in Indonesia are carried out by firing squad. The prisoner has the choice of standing or sitting and whether to have their eyes covered, by a blindfold or hood. Firing squads are made up of 12 people, three of whose rifles are loaded with live ammunition, while the other nine rifles are loaded with blanks. The squad fires from a distance of between five and 10 metres.

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. Article 6(6) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a State Party, provides that "Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant". The Human Rights Committee, the expert body overseeing the implementation of the ICCPR, has stated that Article 6 "refers generally to abolition [of the death penalty] in terms which strongly suggest... that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life".

The UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984, clearly state that "Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence" and that "the death sentence shall not be carried out on pregnant women, or on new mothers, or on persons who have become insane."

Amnesty International opposes the death penalty in all cases without exception and supports calls, included in five resolutions adopted by the UN General Assembly since 2007, for the establishment of a moratorium on executions with a view to abolishing the death penalty. As of today, 140 countries have abolished the death penalty in law or practice; out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes.

Name: Andrew Chan, Myuran Sukumaran, Raheem Agbaje Salami, Martin Anderson, Zainal Abidin, Rodrigo Gularte, four other individuals  
Gender m/f: m/f

Further information on UA: 305/14 Index: ASA 21/1124/2015 Issue Date: 4 March 2015