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Indonesia: human rights leadership undermined through use of the death penalty

As the government of Indonesia prepares to carry out the third round of executions since 2015, Amnesty International renews its calls on the country's authorities to maintain their electoral promises to improve respect for human rights by immediately establishing a moratorium on the implementation of the death penalty, reviewing and commuting existing death sentences and abolishing this punishment from national legislation once and for all.

Since the religious month of Ramadan came to an end on 6 July, the Attorney General and other authorities of Indonesia have declared in interviews with local media that they will carry out a third round of executions. The reported statements indicate that more than two people will be executed and that those at imminent risk include Indonesian, Nigerian and Zimbabwean nationals. On 24 and 25 July two prisoners –Pakistani national Zulfiqar Ali, who had recently been moved to a prison hospital due to a chronic health condition, and Indonesian national Merri Utami – were transferred to the prison on Nusakambangan Island, near Cilacap in Central Java. Relatives of prisoners held at the prison complex told media that family visits have been suspended for a week. Some diplomatic representatives have been invited to visit death row prisoners from their respective countries in Cilacap on 25 July, which suggests that executions could be carried out as early as 30 July. To date, however, the Indonesian authorities have not provided to the prisoners' families and lawyers formal notification of the forthcoming executions, nor announced when these will take place. Amnesty International is concerned that some of the prisoners who could be executed this week have not been able to submit their clemency requests to the President.

The authorities' statements in relation to the implementation of the death penalty are deeply alarming. When President Joko Widodo took office in October 2014, he promised respect for human rights. However, his administration has continued to show utter disregard for its human rights obligations and international safeguards that must be observed in all death penalty cases. The President has also stated publicly in December 2014 that the government would reject any application for clemency made by people sentenced to death for drug-related crimes, saying that "[t]his crime warrants no forgiveness".

The authorities have repeatedly stated that they apply the death penalty in line with international law and standards, while claiming that executions are needed to tackle the high incidents of drug-related deaths in the country. While there is no evidence of the deterrent effect of the death penalty, drug-related offences do not meet the threshold of

the “most serious crimes” to which the use of the death penalty must be restricted under the International Covenant on Civil and Political Rights, a treaty Indonesia acceded to in 2006. Amnesty International and other national human rights organizations have documented violations of the right to a fair trial and other fundamental rights in several death penalty cases, which point to a criminal justice system where guarantees put in place to safeguard against the arbitrary deprivation of life are routinely disregarded.

By continuing to execute, the Indonesian authorities are not only going against their international law obligations, but are also setting the country against the global trend towards abolition of the ultimate cruel, inhuman and degrading punishment. As of today, the majority of the world’s countries has abolished the death penalty for all crimes, including most recently Fiji and Nauru in 2015 and 2016, respectively. More than two-thirds are abolitionist in law or practice.

Governments must uphold their duty to protect and promote human rights and this is also shown by leading informed and meaningful debates for the abolition of the death penalty. Pending full abolition of this punishment in Indonesia, Amnesty International renews its call on the country’s authorities to halt all executions and to take immediate steps to ensure that the cases of all those under sentence of death are reviewed by an independent and impartial body, with a view to the commutation of their death sentences.

In particular, in cases where the death penalty has been imposed for drug-related offences, or where the trial did not meet the most rigorous international fair trial standards, or where in any other respect the proceedings or the handling of the case has been seriously flawed, relevant authorities should ensure there is a retrial that fully complies with international fair trial standards and which does not resort to the death penalty.

Background

The last executions to occur in Indonesia were carried out in January and April 2015, when six and eight people, respectively, were put to death by firing squad. The authorities began making new arrangements to implement death sentences once again this year since April 2016, when the authorities moved one man from Cipinang prison in Jakarta to Nusakambangan Island, where 13 of the 14 executions carried out in 2015 took place. On 8 May three other prisoners were moved to Nusakambangan Island from Batam prison, Riau Islands, east Sumatra. All four men have been convicted of drug-related offences. According to statements attributed to a prison guard at Nusakambangan Island, 59 death row prisoners were held at this facility in early May. The executions arrangements were put on hold for Ramadan.

In a 2015 report, *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, Amnesty International highlighted the cases of 12 death row prisoners whose cases illustrate the manifestly flawed administration of justice in Indonesia that resulted with flagrant human rights violations. The report can be read at this link: <https://www.amnesty.org/en/documents/asa21/2434/2015/en/>

Amnesty International opposes the death penalty unconditionally, for any cases and under

any circumstances.