

**PUBLIC**

**AI Index: ASA 21/001/2006**

**03 February 2006**

**Further Information on UA 286/05 (ASA 21/20/2005, 15 November 2005) - Imminent execution**

**INDONESIA**

**Fabianus Tibo (m) aged 60**

**Dominggus da Silva (m), also known as Domi, aged 42**

**Marinus Riwu (m), aged 48**

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The authorities are reportedly preparing for the execution of Fabianus Tibo, Dominggus da Silva and Marinus Riwu. The intended date and time have not been announced, but the Central Sulawesi Prosecutor's office has apparently ordered three coffins and begun final preparations. President Yudhoyono rejected the three men's appeal for clemency in November 2005, but the authorities still have the power to delay the execution while the case is reviewed.

The three men were sentenced to death in April 2001 for premeditated murder and inciting riots, in connection with ethnic and religious violence between Christians and Muslims in the town of Poso, Central Sulawesi, in May 2000. Tibo, da Silva and Riwu, all Christians, were accused of leading an attack on a Muslim village.

Amnesty International believes that their trial in 2001 may not have been fair. Reportedly there were demonstrators armed with stones outside the courthouse, demanding that the three be sentenced to death, and their legal representatives were subjected to intimidation including death threats. A bomb was planted at the house of one legal adviser.

On 1 February 2006 the lawyers representing the three men announced that they had new evidence and called for a renewed investigation into the case. They claimed that this evidence demonstrates that 16 other people were responsible for instigating the violence in Poso. The lawyers assert that the new evidence will show that Tibo, da Silva and Riwu did not orchestrate the disturbances, but that they are key witnesses in the cases of the 16 people, whose names the lawyers have submitted to the National Police headquarters.

In the past few weeks, the case has attracted the attention of numerous local and national human rights groups and religious leaders, including former President and prominent Muslim cleric Abdurrahman "Gus Dur" Wahid. They have repeatedly called on the authorities to abandon or at least delay the execution to allow for further investigation into the case.

#### **BACKGROUND INFORMATION**

Between 2000 and 2001 the town of Poso and the surrounding area, in the province of Sulawesi, became the scene of rioting and violence between Christian and Muslim factions, leaving more than 1,000 people dead. A government-brokered truce was established in December 2001, but sporadic violence has continued since that time.

At least 66 people are believed to be under sentence of death in Indonesia, but the figures released by the authorities do not appear to be comprehensive or up-to-date. The Indonesian Commission on Human Rights (Komnas HAM) noted in 2001 that, "Aside from being recognised as a human rights violation in itself...the death penalty administered by a corrupt judiciary is extremely dangerous."

Even the most proficient of judicial systems carry with them a serious risk of error in applying the death penalty. The Indonesian authorities have widely acknowledged that there is need to reform the country's judicial system, and Amnesty International welcomes the important steps that they are taking to address the

inherent problems. However, these problems remain significant. President Yudhoyono has recently sanctioned a review of every member of the Supreme Court, which the Chairman of the Judicial Commission has said is intended to address the court's problems of serious mismanagement, lack of leadership and corruption, according to the *Jakarta Post* newspaper. In the light of these problems, Amnesty International remains concerned that the judicial system that sentenced these three men to death has done so in contravention of international standards and safeguards governing the use of capital punishment.

Amnesty International recognizes the need to address serious crime, including murder, but is convinced that the death penalty does not provide a solution. There is no clear evidence that the death penalty deters crime any more effectively than other punishments. Amnesty International opposes the death penalty unreservedly in all cases. Every death sentence is an affront to human dignity, every execution a symptom of a culture of violence, rather than the solution to it. Today 120 countries are abolitionist in law or practice. An execution cannot be undone, yet the risk of error is inescapable.

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

- calling on President Yudhoyono to commute the death sentences passed on Fabianus Tibo, Dominggus da Silva and Marinus Riwu;
- expressing concern at reports that the men did not receive a fair trial;
- urging the authorities to review the trial, and order a retrial if any irregularities are found;
- calling on the authorities to release comprehensive and up-to-date information on all people under sentence of death in Indonesia;
- calling on the authorities to commute all outstanding death sentences in Indonesia, as they constitute a violation of the most fundamental of human rights, the right to life;
- urging the government to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and undertake to work towards the abolition of the death penalty.

**APPEALS TO:**

President

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

**Fax:** +62 21 345 2685

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**Salutation:** Dear President Yudhoyono

Minister of Justice and Human Rights

Hamid Awaluddin, Menteri Kehakiman dan HAM, Jl. H.R. Rasuna Said Kav. 4-5  
Kuningan, Jakarta Selatan 12950, Indonesia

**Fax:** +62 21 725 0213

**Salutation:** Dear Minister

**COPIES TO:**

Chairman, human rights commission

Abdul Hakim Garuda Nusantara, Komisi Nasional Hak Asasi Manusia,  
Jl. Laturharhary No.4B, Menteng, Jakarta, Indonesia

**Fax:** +62 21 392 5227

and to diplomatic representatives of Indonesia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 16 March 2006.