

PUBLIC

AI Index: ASA 21/008/2006

04 July 2006

UA 186/06

Imminent Execution

INDONESIA	Okonwo Nonso Kingsley (m), aged 33]
	Humphrey Ejike (also known as Doctor) (m)]
	Gap Nadi (also known as Papa) (m)]
	Eugene Ape (also known as Felixe) (m)] Nigerian
	Ek Fere Dike Ola Kamala (also known as Samuel) (m)] nationals
	Michael Titus Igweh (m)]
	Hillary K Chimize (gender unknown)]
	Bunyong Kaosa Ard (f), Thai national	
	Indra Bahadur Tamang (m), Nepali national	
	Namaona Denis (m), aged 41, Malawian national	
	Deny (also known as Kebo), (gender unknown)]
	A Yam (m)] Indonesian
	Jun Nao (also known as Vans Liem or A Heng) (gender unknown)] nationals
	Deni Setiawan Maharwan (also known as Rapi Mohamed Majid) (m)]	
	Meirika Franola alias Ola (f), aged 36]
	Rani Andriani alisa Melisa Aprilia (f)]

A spokesperson for the Attorney General has announced that 16 people sentenced to death for drug trafficking will be executed imminently. According to the spokesperson's statement the 16, who include six Indonesian nationals, seven Nigerian nationals, one Nepali national, one Malawian national and one Thai national, have all exhausted all legal avenues for appeal.

On 30 June 2006 President Susilo Bambang Yudhoyono ruled out the possibility of granting clemency to any of the 16 prisoners, and reiterated his strong position on the use of the death penalty for drug traffickers. "I of course choose the safety of our nation and its young generation over granting clemency to those who are destroying our nation's future", he said, adding that the government will use "all [its] might" to fight drug offenders.

Although no information is currently available on when and where these executions are going to take place, the spokesperson for the Prosecutor's Office in North Sumatra province declared on 29 June 2006 that he was waiting for instructions from the Attorney General's Office on when the execution of Okonwo Nonso Kingsley should be carried out.

In the past, Amnesty International has received reports that both Indonesian and foreign nationals have been executed or sentenced to death without a fair trial, thus leading to concerns that the trial of these 16 people may also have fallen short of international standards. In 2004, three foreign nationals, Ayodhya Prasad Chaubey, Saelow Prasert and Namsong Sirilak, were executed for drug trafficking (see UA 209/04, ASA 21/021/2004, 24 June 2004, and follow-ups). According to their lawyers, they did not have access to legal representation during the police investigation or prior to their trial. The three were given legal representation only once their trial had started, meaning that they had no legal advice during questioning and were unable to prepare their defence adequately. According to reports, the three did not speak Bahasa Indonesia, the official language of Indonesia, at the time of their arrest, and were not given access to an interpreter during the police investigation. Interpretation was provided during their trial, but the quality of interpretation into their native languages was reportedly poor. In addition, there were many procedural irregularities during their trial.

Amnesty International believes that Nepali national Indra Bahadur Tamang, one of the 16 currently under threat of imminent execution, was previously made to sign documents written in Bahasa Indonesia, even though he reportedly did not understand the language. These documents allegedly formed part of the evidence used by the prosecution to sentence him to death.

BACKGROUND INFORMATION

At least 89 people are believed to be under sentence of death in Indonesia, seven of them convicted this year. Five people are known to have been executed since 2004. Two people were executed in 2005: Astini (see UA 303/04, ASA 21/048/2004, 10 November 2004) in March 2005 and Turmudi bin Kasturi in May 2005. Both had been convicted of murder. 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 a solution to it.

In recent years, an increased number of death sentences have been handed down to those convicted of drug trafficking, the majority of whom have been foreign nationals. The trade in and use of illicit drugs is a world-wide problem, and Amnesty International recognizes that the calls for the death penalty reflects a genuine need to protect the community from this threat. However, no convincing evidence has been produced that the death penalty deters would be drug-traffickers and suppliers more efficiently than other punishments.

In September 2005, the Indonesian parliament took steps to authorize ratification of the International Covenant on Civil and Political Rights (ICCPR), which promotes the right to life. However, they 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 Indonesia or English or your own language:

- calling on President Yudhoyono to commute the death sentences passed on these 16 people;
- calling on the authorities to release comprehensive information on all current death penalty cases in Indonesia;
- calling on the authorities to commute all death sentences in Indonesia, as they constitute the violation of one of the most fundamental of human rights – the right to life;
- urging the government of Indonesia to sign and ratify the Second Optional Protocol to the ICCPR and commit themselves to working towards the abolition of the death penalty.

APPEALS TO:

President Susilo Bambang Yudhoyono
President RI
Istana Merdeka
Jakarta 10110, Indonesia
Fax: +62 21 345 2685/+62 21 526 8726
Salutation: Dear President

Attorney General

Abdul Rahman Saleh
Jaksa Agung
Jl. Sultan Hasanuddin No. 1, Kebayoran Baru
Jakarta Selatan, 12130, Indonesia
Fax: +62 21 725 0213
Salutation: Dear Attorney General

COPIES TO:

Minister of Justice and Human Rights
Hamid Awaluddin
Menteri Kehakiman dan HAM
Jl. H.R. Rasuna Sid Kav. 4-5
Kuningan
Jakarta Selatan, 12950, Indonesia

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.