

ZULFIQAR ALI INDONESIA



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DETAINED FOR ALMOST EIGHT YEARS, Zulfiqar Ali, a textile worker from Pakistan, was sentenced to death in June 2005 after an unfair trial. The only legal avenue open to him now is to appeal to the President of Indonesia for clemency.

Zulfiqar Ali, who came to Indonesia in 2000, was arrested at his home in West Java Province on 21 November 2004.

He was charged with possessing 300g of heroin and tried by the Tangerang District Court, Banten Province, on 20 January 2005. Five months later, on 14 June, he was sentenced to death by the same court. The court rejected a witness statement, which admitted that the drugs did not belong to Zulfiqar Ali, because the statement had not been dated.

During his pre-trial detention, Zulfiqar Ali was denied a lawyer. Access to a lawyer from the outset of detention is a key safeguard against torture and other ill-treatment, and essential to ensure a fair trial.

The right to a fair trial is set out in Article 14 of the International Covenant on Civil and Political Rights, acceded to by Indonesia in 2006. It requires that the accused has access to a lawyer not only during the trial itself, but also immediately on arrest, during detention, interrogation and preliminary investigations. This is also reflected in the Indonesian Criminal Procedure Code which states, “legal counsel shall have the right to contact a suspect from the moment of his arrest or detention at all stages of examination”.

Denied access to a lawyer, Zulfiqar Ali did not have adequate time and facilities to prepare a defence. During his arrest and detention, he was also refused the right to contact the Pakistan Embassy, in violation of the Vienna Convention on Consular Relations.

Zulfiqar Ali was only allowed access to a lawyer one month after his arrest and states that he was beaten almost daily from the date of his arrest to 21 January 2005 by officers from the Bandara Soekarno-Hatta district police (Polres). He also said that he was tortured and otherwise ill-treated in detention until he signed a confession. He later needed stomach and kidney surgery because of the beatings, and is now in poor health.

“I mentioned during the trial that I had been severely tortured and was forced to admit to a crime that I truly did not do... I had to be admitted to the hospital for 17 days because of the police torture... but the court [officials] ignored me.”

Zulfiqar Ali

TORTURE/OTHER
ILL-TREATMENT

RIGHT TO A
LAWYER DENIED

The prohibition of torture is absolute in international law; it applies to all states at all times and in all circumstances, without exception.

Zulfiqar Ali's appeals to the High Court and to the Supreme Court were rejected and he remains under sentence of death. Reportedly, no material evidence has ever been brought against him. Denied a fair trial, he now faces execution, and remains at Kedung Pane Prison in Central Java Province.

More than 100 people are on death row in **INDONESIA**: over half have been convicted of drug trafficking; many are foreign nationals. No executions have taken place in Indonesia since 2008 when 10 were carried out. At least six people were sentenced to death in 2011. The Indonesian Constitution prohibits torture, but torture by police is widespread and forced confessions are routinely relied upon in court. Indonesia has yet to make torture a criminal offence. Those charged with crimes carrying the death penalty can be held for up to 231 days before being tried. There are serious concerns around corruption and lack of independence within the judiciary.

ACT NOW

Appeal to the Attorney General to:

- ★ Stop the execution of Zulfiqar Ali by whatever means available.
- ★ Ensure that Zulfiqar Ali is re-tried in proceedings that comply with international fair trial standards.
- ★ Investigate the reports of torture and other ill-treatment, and ensure that all statements resulting from such coercion are completely excluded from any re-trial.
- ★ Suspend all executions and the imposition of death sentences as a step towards total abolition of the death penalty.
- ★ Revise the Indonesian Criminal Code and other laws and change policies and practices to ensure fair trials in line with international standards.

Write to:

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