

EXTERNAL (for general distribution)

AI Index: ASA 21/08/91
Distr: UA/SC

25 April 1991

Further information on UA 112/91 (ASA 21/05/91, 26 March 1991) - Fear of Execution

Indonesia: Kamjai Khong Thavorn, aged 33, a Thai seaman

Amnesty International has received further information on Kamjai Khong Thavorn, who is believed to be in imminent danger of execution by firing squad in Indonesia.

Kamjai Khong Thavorn was sentenced to death for drug-smuggling in January 1988 (please note correct date). His appeals to the High Court of East Kalimantan and to the Supreme Court were rejected in March and December 1988 respectively. In March 1991, the Indonesian authorities announced publicly that Kamjai Khong Thavorn's appeal for presidential clemency had been rejected during the previous month and that preparations for the execution were under way. The exact date of the execution has not been announced. As of 30 March 1991, Kamjai Khong Thavorn was believed not to have been informed that his appeal for presidential clemency had been turned down.

On 27 March 1991 a government official was reported to have said that those facing execution must be informed at least three days before it is scheduled to be carried out. The same official was also reported to have said that *"according to the law we must invite the family"*.

On 4 April 1991, Kamjai Khong Thavorn's lawyers told press reporters that they had only been involved in the High Court appeal. They said they were not informed of Kamjai Khong Thavorn's appeal to the Supreme Court, or of their client's application for presidential clemency. The lawyers said they had learned of the President's rejection of the appeal for clemency through newspaper reports.

The lawyers also stated that a well-qualified interpreter had not been made available to the defendant when his case was first heard before the district court. According to the lawyers, Kamjai Khong Thavorn had received elementary school education and could not speak Indonesian.

Kamjai Khong Thavorn is believed to have received no visits or letters from his family since his imprisonment in 1987, although he is reported to have a wife and child in Thailand.

FURTHER RECOMMENDED ACTION: Telexes/faxes/express and airmail letters:

Please include one or more of the following points in your appeals:

- expressing concern that Kamjai Khong Thavorn continues to be in imminent danger of execution;
- expressing concern that, although rejection of the presidential appeal has been announced in the press, Kamjai Khong Thavorn is believed not to have been informed that preparations for the execution are under way;
- expressing concern that lawyers involved in the case may not have been fully

informed of the progress of appeals, and that because of this, Kamjai Khong Thavorn may have been denied his right to a full and proper appeal;

- stating that your concerns are increased by reports that the original trial may have been unfair, as it is believed to have been conducted in a language the defendant did not understand;

- noting with concern that Kamjai Khong Thavorn appears to have been unable to contact his relatives and, that because of this, his access to information about the appeals process may have been unduly restricted;
- stating your opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment;
- expressing hope that this execution is not carried out and that there will be no further executions in Indonesia.

APPEALS TO: Please ensure that participants only send ONE appeal to ONE of the following newspapers/journals in Indonesia:

Kompas
PO Box 605
Jakarta 10270
Indonesia
Telexes: 46327; 49520
Faxes: + 62 21 548 6085

Jakarta Post
PO Box 85
Jakarta 11001
Indonesia
Faxes: + 62 21 549 2685

Tempo
Jl H. R. Rasuna Said Kav. C-17
Kuningan
Jakarta 12940
Telexes: 62797 IA
Faxes: + 62 21 520 0148

Suara Pembaharuan
Faxes: + 62 21 809 1652

and to diplomatic representatives of Indonesia in your country.

PLEASE SEND APPEALS AS SOON AS YOU CAN.