

PUBLIC

AI Index: ASA 21/001/2008

11 January 2008

Further Information on UA 109/06 (ASA 21/002/2006, 28 April 2006) and follow-ups (ASA 21/007/2006, 4 July 2006 and ASA 21/010/2007, 11 September 2007 and ASA 21/012/2007, 25 September 2007) - Imminent Execution

INDONESIA

**Amrozi bin H. Nurhasyim (m)
Ali Ghufron alias Mukhlas (m)
Imam Samudera (m)**

Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera, who were convicted of involvement in the 12 October 2002 bombings on the island of Bali, which killed 202 people and injured a further 209, are facing imminent execution by firing squad on or around 31 January 2008.

The three men were sentenced to death by the Denpasar District Court between August and October 2003. They were due to be executed in 2006. However their executions were stayed after they applied for judicial review of their cases, arguing the anti-terrorism law they were convicted under could not be applied retroactively. A new law, brought into force in 2003 introduced the death penalty for 'terrorist' acts, and allowed for those involved in the 2002 bombings in Bali to be tried retrospectively.

By September 2007, Indonesia's Supreme Court had rejected all three men's attempts to secure judicial reviews of their case. "By the rejection of the judicial reviews, the punishment, decided earlier by the court, is effective and valid," said Supreme Court spokesman Nurhadi.

On 2 January 2008, police and court officials informed the three men that their renewed demands for judicial review had been rejected. Although the men refused to accept the papers, state officials declared they would start a 30 day count-down, at the end of which all three would be executed unless they submitted requests for clemency to the President.

A pardon from President Susilo Bambang Yudhoyono is extremely unlikely. All three men have previously stated that they will not apply for Presidential pardon. The President has previously indicated in a television interview that he will not give clemency as they had been sentenced to death and the process should be seen through to the end.

On 7 January, Achmid Michdan, the men's lawyer, sent a letter to the Indonesian Council of Ulama, the country's highest authority on Islam, asking it to issue a *fatwa* (religious edict) on the legality of execution by firing squad. He claimed "Facing a firing squad for execution is against humanity, and as Muslims we encourage the government to consider applying beheading because it's fast and painless". Ali Ghufron was quoted as saying "I am ready for death...They should behead me because that is God's law, and God willing, I will die as a martyr".

BACKGROUND INFORMATION

Death sentences in Indonesia are carried out by firing squad. The person under sentence of death has the choice of standing or sitting and of using a blindfold or cover for their head. Firing squads consist of 12 people, six of whom are supplied with live ammunition and six whose guns are loaded with blanks. The squad fires from a distance of between five and 10 metres.

To Amnesty International's knowledge, at least 100 people are believed to be under sentence of death in Indonesia. 11 of these were convicted and sentenced to death in 2007. At least one person was executed in

2007: Ayub Bulubili (see UA/96/07, ASA 21/005/2007, 23 April 2007, and follow-up). He was the first recorded by Amnesty International in Indonesia since September 2006.

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 forms of punishment. Amnesty International opposes the death penalty unreservedly in all cases. Today 135 countries are abolitionist in law or practice. An execution cannot be undone, yet the risk of error is inescapable.

In 2006, Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR), which states that "every human being has the inherent right to life." However, the Indonesian authorities 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 Indonesian, English or your own language:

- calling for the preparations for the executions of Amrozi bin H. Nurhasyim, Ali Ghufron alias Mukhlas and Imam Samudera to be halted immediately and for their sentences to be commuted;
- expressing concern that the Law on Combating Criminal Acts of Terrorism, under which these men were sentenced to death, was applied retrospectively to include all those involved in the Bali bombings, violating international law and the Indonesian Constitution;
- calling on the Indonesian 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 authorities to release information on the number of prisoners currently under sentence of death in Indonesia, the date of sentencing, and the status of appeals against sentences, and release information on the procedures for informing prisoners and their families when their execution is imminent;
- calling on 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: Please remember Indonesia is 7 hours ahead of GMT, and fax machines may be switched off outside of office hours.

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

Attorney General

Mr. Hendarman Supandji, Jaksa Agung, J. Sultan Hasanuddin No. 1, Kebayoran Baru, Jakarta, Indonesia

Fax: + 62 21 725 0213

Salutation: Dear Attorney General

COPIES TO:

Governor of Bali

Governor Dewa Made Beratha

Jl. Basuki Rahmat Renon Denpasar 80361, Bali, Indonesia

Fax: +62 361 236 037

Salutation: Dear Governor

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. ALL APPEALS MUST ARRIVE BY 31 JANUARY 2008