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Indonesia: Amnesty International deplores death penalty for drug offences

Amnesty International is deeply disappointed with today's Indonesian Constitutional Court ruling to uphold the death penalty for drug offences.

The Indonesian Constitutional Court ruled in a split decision not to support a legal challenge to repeal the provisions in the 1997 Narcotics Law.

Amnesty International opposes the death penalty in all circumstances, as a violation to the right of life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment.

Amnesty International noted that the decision goes against the conclusions of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, who concluded that the death penalty be understood as "a quite exceptional measure" imposed where there was an intention to kill resulting in loss of life.

"It is particularly disappointing that this ultimate and extreme penalty is now being upheld," said Louise Vischer, Coordinator of Amnesty International's Asia Pacific Anti Death Penalty Regional Project. "It is legitimate for the Indonesia government to take appropriate law-enforcement measures against drug offenders but there is no scientific evidence showing that the death penalty deters would-be traffickers more effectively than other punishments."

It is feared that this decision will now impact negatively on the fate of over 90 prisoners currently under sentence of death in particular the three Bali bombers (Amrozi Bin H Nurhasyim, Ali Ghufron, Iman Samudera) who have exhausted all their legal avenues of appeal and have refused to request Presidential clemency. All three are at imminent risk of execution. Amnesty International is appealing for the death sentences of the three Bali bombers and all others who are under sentence of death in Indonesia to be commuted.

The Court ruling flies in the face of a worldwide trend towards restricting and abolishing the death penalty. The UN General Assembly is expected to vote next month on a resolution calling for a global moratorium on executions.

Amnesty International is calling on the Indonesian government to follow the example set by 133 countries around the world which have already abolished the death penalty in law or practice, including neighbouring Philippines, which abolished the death penalty in 2006.

Background

The accused who filed the petition to the Constitutional Court were three Australians, named Scott Rush, Andrew Chan and Myuran Sukumaran and two Indonesians, named Edith Sianturi and Rani Andriani.

The Constitutional Court decided that the three Australians did not have the legal capacity to challenge the constitution as foreigners.

Three of the nine judges argued that the right to life was absolute, whilst six found the right to life enshrined in the constitution was not absolute and therefore ruled that the death penalty under the Narcotics Act was valid.

Public Document

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