

PUBLIC

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Death penalty / fear of imminent execution

24 June 2004

INDONESIA

**Ayodhya Prasad Chaubey (m) aged 57, Indian national
Meirika Franola alias Ola (f), aged 34, Indonesian national
Rani Maharani (f) aged 29, Indonesian national
Dany Maharwan (m) aged 32, Indonesian national**

According to Indonesian media reports, Ayodhya Prasad Chaubey, who was convicted of drug trafficking in Indonesia in September 1994, may face imminent execution after his request for a second case review was rejected by the Supreme Court.

On 23 June, a spokesman for the Attorney General's Office said that they were making preparations for the execution. Ayodhya Prasad Chaubey has exhausted the appeals process, following the rejection of his appeal for clemency to President Megawati Sukarnoputri in February 2003 and most recently, the rejection of his request to the Supreme Court for a second case review. According to media reports, the date of the execution will not be publicly announced and Ayodhya Prasad Chaubey and his family will only be informed of the date of execution the day before it is due to take place. (See Extra 07/03, ASA 21/002/2003, 5 February 2003 and follow up)

The spokesman for the Attorney General's Office, is also reported to have said that at least four more people convicted of drugs charges are now facing imminent execution because their appeals for clemency have been rejected. These include three Indonesian nationals who are named in the media as Meirika Franola, Rani Maharani and Dany Maharwan. They were all reportedly convicted of drug-trafficking in 2000.

BACKGROUND INFORMATION

At least 66 people are believed to be on death row in Indonesia. Despite pro-death penalty statements by the government, particularly for drug trafficking, executions are rare. The last known execution took place in May 2001, when two men were executed for murder. Prior to this there had been no executions for six years. However, in recent years an increasing number of death sentences have been handed down to those convicted of drug trafficking, the majority of whom have been foreign nationals. This year, five foreign nationals have received death sentences for drug trafficking. The majority of these sentences have been passed by Tangerang District Court whose jurisdiction covers Sukarno-Hatta International airport which serves the capital city of Jakarta.

The United Nations has consistently made recommendations regarding the use of the death penalty for drug related crimes. In December 1996 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions concluded that "the death penalty should be eliminated for crimes such as economic crimes and drug-related offences."

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. The Indonesian Human Rights Commission (Komnas HAM) has expressed concerns with the Indonesian judicial system in relation to corruption and low professional standards. Komnas HAM have argued that the administration of the death penalty by a corrupt judiciary is 'extremely dangerous.' Following a visit to Indonesia in July 2002, the UN Special Rapporteur on the independence of judges and lawyers also expressed concerns regarding corruption within the judiciary.

The death penalty is an inherently unjust and arbitrary punishment. Studies have shown it is more likely to be imposed on those who are poorer, less educated and more vulnerable than the average. Moreover, there is no evidence that the death penalty helps deter crimes more effectively than other punishments. The death

penalty in Indonesia is applicable to crimes of murder, desertion or betrayal of the military in times of war, as well as the production and distribution of illegal drugs. Executions are by firing squad.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the President to commute the death sentence passed on Ayodhya Prasad Chaubey, Meirika Franola, Rani Maharani and Dany Maharwan;
- expressing your unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights - the right to life;
- recognizing the Indonesian government's need to address the trade in and use of illicit drugs, but emphasizing that there is no proof that the death penalty deters would-be traffickers more effectively than other punishments, and appealing to the authorities to find a more humane way of tackling the problem.

APPEALS TO:

President

President Megawati Sukarnoputri
President RI
Istana Merdeka
Jakarta 10110
Indonesia

Fax: + 62 21 345 2685/ 526 8726 /345 7782

Salutation: Dear President

Attorney General

Muhammad Abdul Rachman
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Jakarta Selatan 12130
Indonesia

Fax: +62 21 725 0213

Salutation: Dear Attorney General

COPIES TO:

Chairman, Komnas HAM

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Komisi Nasional Hak Asasi Manusia
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Salutation: Dear Chairman

and to diplomatic representatives of INDONESIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 August 2004.