

URGENT ACTION

FOUR EXECUTED, TEN STILL AT RISK

Four men were executed in Indonesia on 29 July for drug-related offences. Nine other men and one woman received a last-minute temporary stay of execution after they were also taken to the execution grounds. The reasons and length of the stay are unclear and the ten prisoners remain at risk of execution.

Approximately one hour after midnight on 29 July the Indonesian authorities executed by firing squad Nigerian national **Humphrey Jefferson Ejike**, **two other Nigerian men** and **an Indonesian national** on Nusakambangan Island, near Cilacap in Central Java. All men had been convicted of drug-related offences. However, these offences do not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law. Humphrey Jefferson Ejike had applied for clemency from the president on 26 July but the president had not even considered his appeal when the executions were carried out. The Indonesian national submitted a clemency appeal to the president on 28 July just over a week after the Supreme Court rejected his case review. Indonesian authorities only informed the families of the 14 prisoners selected for executions in the morning of 28 July that the executions would be carried out later that same day.

The authorities had also selected Indonesian nationals **Merri Utami**, **Agus Hadi** and **Pujo Lestari**, Pakistani national **Zulfiqar Ali** and six other men for execution and took them to the execution grounds. However they took the prisoners back to the cells where they are held before death sentences are implemented, and gave no explanation as to why their executions were not carried out. The authorities later moved Merri Utami from the prison in Nusakambangan Island to another detention facility for women. In a press conference later that day, the Deputy Attorney General stated that the government had not decided when the executions of the remaining ten prisoners would be carried out. The Attorney General later told the media that his office will conduct “a comprehensive study” to ensure there is “no judicial and non-judicial error” in the cases of the 10 prisoners.

The Indonesian authorities have repeatedly referred to their execution plan as an effective tool in tackling drug trafficking, despite the lack of credible evidence to support this claim.

Please write immediately in English, Bahasa Indonesia or your own language:

- Calling on the authorities to immediately halt plans to carry out any executions and establish a moratorium on all executions with a view to abolishing the death penalty;
- Calling them to take immediate steps to ensure that the cases of all those under sentence of death are reviewed by an independent and impartial body, with a view to the commutation of their death sentences;
- Reminding them that drug-related offences do not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law and that international safeguards guaranteeing protection of the rights of those facing the death penalty must be strictly observed in all capital cases.

PLEASE SEND APPEALS BEFORE 5 SEPTEMBER 2016 TO:

President of the Republic of Indonesia
H. E. Joko Widodo
Istana Merdeka
Jakarta Pusat 10110, Indonesia
Fax: +62 21 345 0009
Email: webmaster@ksp.go.id
Twitter: @jokowi
Salutation: Dear President

Coordinating Minister for Politics, Law
and Security Affairs
Mr Luhut Panjaitan
Jl. Medan Merdeka Barat No. 15
Jakarta Pusat 10110, Indonesia
Fax: +62 21 348 33704
Twitter: @PolhukamRI
Salutation: Dear Minister

And copies to:
Chairperson of the National Human
Rights Commission (Komnas HAM)
Mr Imdadun Rahmat
Jl. Latuharhary No. 4
Menteng, Jakarta Pusat 10310
Indonesia
Fax: +62 21 392 5227
Email: info@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 179/16. Further information:

www.amnesty.org/en/documents/asa21/4542/2016/en/

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ADDITIONAL INFORMATION

Humphrey Jefferson Ejike did not have access to a lawyer at the time of his arrest, interrogation or detention. He was detained for a total of five months without legal representation. He stated that he was repeatedly beaten during interrogation and threatened with being shot if he refused to sign papers in which he “confessed” to the crime or if he refused to implicate others. Agus Hadi and Pujo Lestari, currently at risk of execution, were held in police custody in total for nine weeks before they appeared before a judge at their first trial hearing. Agus Hadi only received assistance from a lawyer 20 days after his arrest, while Pujo Lestari had legal counsel appointed 78 days after his arrest and a week after the court had scheduled the first trial hearing. Merri Utami told her current lawyer that shortly after her arrest the police repeatedly beat her, sexually harassed her and threatened her with rape to make her “confess” to possessing the drug; and that her sight has been damaged as a consequence of the beatings. She submitted an application for clemency to the president on 26 July 2016. While in pre-trial detention, Zulfiqar Ali was refused the right to contact his embassy and was not permitted any access to a lawyer until approximately one month after his arrest. Whilst being interrogated by the district police, Zulfiqar Ali was kept in a house for three days and punched, kicked and threatened with death unless he signed a self-incriminating statement, which he later did. After three days he was sent to a police hospital, where he required stomach and kidney surgery due to damage caused by the beatings. During his trial he described this torture, but the judges allowed the “confession” to be admitted as evidence. He received limited translation assistance throughout his detention and during the proceedings against him. At the trial, he was provided with translation only from Bahasa Indonesia to English, but he understood only a little English.

Research findings by the National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia, Komnas HAM), Amnesty International, and other human rights organizations showed that systemic flaws in the administration of justice in Indonesia have resulted in violations of fair trial and other international safeguards that must be strictly observed in all death penalty cases. In several of the cases considered, defendants did not have access to legal counsel from the time of arrest and at different stages of their trial and appeals. The police ill-treated some of them to make them “confess” to the crimes or counter-sign police investigation dossiers used as evidence in court. Several prisoners were brought before a judge for the first time when their trials began, months after their arrest and some of them did not receive legal assistance when appealing against their conviction or sentence, or did not even submit an appeal application because they were not informed by their lawyers of their right to do so. Executions went ahead in 2015 and 2016 even though the Indonesian courts had accepted to hear appeals put forward by the prisoners. Despite the clear prohibition under international law on the use of the death penalty against persons who were below 18 years of age or have a mental or intellectual disability, Amnesty International documented that claims two prisoners made in relation to their juvenility and mental disability were not adequately investigated and have resulted in the unlawful imposition of the death penalty and, in at least one case, execution.

At least 46 new death sentences were imposed in 2015, a sharp increase compared to 2014, when only six new death sentences were recorded. Of the new death sentences imposed in 2015, 29 were for drug-related offences and 17 for murder. At least 165 people were under sentence of death at the end of the year. All the 2015 and 2016 executions were carried out for drug-related offence, crimes that do not meet the threshold of “most serious crimes” under international law and standards. UN bodies and independent experts have stated that the use of the death penalty must be restricted to intentional killing and that this punishment is not supported by the international drug control conventions.

The majority of the world’s countries have now abolished the death penalty for all crimes and a total of 140 countries are abolitionist in law or practice. Amnesty International opposes the death penalty in all cases and under any circumstances.

Name: Merri Utami (f), Zulfiqar Ali (m), Humphrey “Jeff” Jefferson Ejike (m), Agus Hadi (m), Pujo Lestari (m) and nine men.
Gender m/f: both

Further information on UA: 179/16 Index: ASA 21/4581/2016 Issue Date: 29 July 2016