

PUBLIC

AI Index: ASA 21/002/2006

28 April 2006

UA 109/06

Imminent Execution

INDONESIA

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

The three men named above are facing imminent execution. They were convicted of involvement in the 12 October 2002 bombings on the island of Bali, which killed 202 people and injured a further 209. The Bali Prosecutors' Office has announced that it has "completed preparations" for the execution, and they could now be put to death at any time.

The men and their families have refused to seek a pardon from the president. Samudra said from his death row cell last August that he did not need mercy: "I believe I will die on the right path," he said. "I don't need mercy in this world because God has forgiven me."

On 14 April, a spokesperson from the Attorney General's office confirmed that the refusal to seek clemency would mean that they have exhausted all the legal remedies available to them and that, as a result, they would be executed immediately. On 25 April, the Bali Prosecutor's Office was reportedly waiting for the Attorney General's order to proceed with the executions.

They were sentenced to death by the Denpasar District Court between August and October 2003. They were convicted under the Government Regulation on the Elimination of Terrorism, one of two presidential decrees which were enacted in the aftermath of the bomb attacks and were later turned into the Law on Combating Criminal Acts of Terrorism (Law 16/2003). The law introduced the death penalty for "terrorist" acts, which were not further defined, and allowed for those involved in the bombings in Bali to be tried retroactively.

On 23 July 2004, the Constitutional Court ruled the retroactive application of the 2003 security legislation violated Article 28I(1) of the Constitution and was therefore unconstitutional, placing in doubt the convictions of several people charged and tried under it. International criminal law also prohibits the retroactive application of criminal law. This called into doubt the convictions of several people tried under the legislation, including these three men.

On 12 October 2005, 500 protesters broke into Kerobokan jail in Bali, where the three men were held at the time, demanding that they be executed immediately. The three were moved to Nusakambangan Prison in Java for their own security and to maintain order.

This case illustrates clearly that the death penalty does not act as a deterrent. After these three men had been sentenced to death for their part in the 2002 Bali bombing, the resort island was once again the target of two bomb attacks, on 1 October 2005, which killed 23 people.

Officials responsible for fighting terrorism and political crimes have repeatedly pointed out that executions are as likely to increase such acts as they are to stop them. Executions can create martyrs whose memory becomes a rallying point for their organisations.

BACKGROUND INFORMATION

At least 89 people are believed to be under sentence of death in Indonesia, seven of them convicted this year. Five people are known to have been executed since 2004. Two men were executed in 2005: Astini

(see UA 303/04, ASA 21/048/2004, 10 November 2004) in March 2005, and Turmudi bin Kasturi in 2005. Both had been convicted of murder.

In September 2005, the Indonesian parliament took the necessary steps to authorize ratification of the International Covenant on Civil and Political Rights (ICCPR), which promotes the right to life. However, they 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 Indonesia, English or your own language:

- calling on the authorities to commute the death sentences passed on Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera;
- expressing concern that the Law on Combating Criminal Acts of Terrorism, under which these men were sentenced to death, was applied retroactively to include all those involved in the bombings in Bali, violating international criminal law and the Indonesian Constitution;
- calling on the authorities to release comprehensive and up-to-date information on all current death penalty cases in Indonesia;
- calling on the authorities to commute all death sentences in Indonesia, as they constitute the violation of one of the most fundamental human rights, the right to life;
- urging the authorities 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:

President Susilo Bambang Yudhoyono
President RI
Istana Merdeka
Jakarta 10110, Indonesia

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

Salutation: Dear President Yudhoyono

Attorney General

Abdul Rahman Saleh
Jaksa Agung
Jl. Sultan Hasanuddin No. 1, Kebayoran Baru
Jakarta Selatan, 12130, Indonesia

Fax: +62 21 725 0213

Salutation: Dear Attorney General

COPIES TO:

Chairman, national human rights commission

Abdul Hakim Garuda Nusantara
Komisi Nasional Hak Asasi Manusia
Jl. Latuharhary No. 4B, Menteng
Jakarta Pusat 10310, Indonesia

Fax: +62 21 392 5227

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 9 June 2006.