

**PUBLIC**

**AI Index: ASA 21/007/2006**

**04 July 2006**

**Further Information on UA 109/06 (ASA 21/002/2006, 28 April 2006) Imminent Execution**

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

---

On 27 June, a spokesperson from the Attorney General's office announced that they had received preliminary approval from the Minister of Justice and Human Rights to execute Amrozi bin H. Nurhasyim, Ali Ghufron alias Mukhlas and Imam Samudera. The men were convicted of involvement in the 12 October 2002 bombings on the island of Bali, which killed 202 people and injured a further 209.

For security reasons, the executions will almost certainly to take place in Nusakambangan Prison in Central Java, where the three men are currently detained, instead of in Bali, where the crimes were committed. The intended time and date of the execution have not yet been announced.

The Minister of Justice and Human Rights confirmed that the Attorney General sought permission to change the place of execution. He added: "I have replied that it can be done because the execution is the Attorney-General's prerogative. It depends on the Attorney General when they are going to be executed".

Amnesty International is concerned that the three men might not have received a fair trial for a number of reasons. In 2004 the security legislation under which the three men were tried was deemed unconstitutional by the Indonesian Constitutional Court. This was because it had been enacted after the bombing took place and applied retroactively which is prohibited by international criminal law. Furthermore, Amnesty International has previously expressed concern that Indonesia's security legislation risks undermining human rights, as not only does it contains a provision for the death penalty but it also fails to define the nature of "terror" or "acts of terrorism" that are criminalized under the law.

The three men and their families have refused to seek presidential clemency and have exhausted all the legal remedies available to them. Proponents of the death penalty, including in Indonesia, have often argued that the imposition of the death penalty is necessary to dissuade other people from committing the same crime. However, studies in a diverse range of countries – including those struggling with violent crime – have failed to find convincing evidence that the death penalty acts as a more effective deterrent against crime other than other forms of punishment

Amnesty International opposes the death penalty unreservedly in all cases. Every death sentence is an affront to human dignity, every execution a symptom of culture of violence, rather than a solution to it. The risk of error in applying the death penalty is inescapable, yet execution is irrevocable.

**BACKGROUND INFORMATION**

To Amnesty International's knowledge, at least 89 people are believed to be under sentence of death in Indonesia, seven of them convicted this year. Indonesia has executed two people in 2005: Astini (see UA 303/04, ASA 21/048/2004, 10 November 2004) in March 2005 and Turmudi bin Kasturi in May 2005. Both were convicted of murder.

Following the execution of two men in May 2001, there was a *de facto* moratorium on the death penalty in Indonesia until 2004. Prior to 2001, there had been no executions in the country for six years.

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. The ICCPR entered into force on 23 May 2006. 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 Indonesia, English or your own language:**

- expressing concern that Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera could be executed at anytime;
- expressing concern that the Law on Combating Criminal Acts of Terrorism, under which these men were sentenced to death, was applied retroactively, violating international criminal law and the Indonesian constitution;
- urging the authorities to commute all death sentences in Indonesia, as they constitute the violation of the most fundamental of human rights – the right to life.
- urging 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
- calling on the authorities to release comprehensive information on all current death penalty cases in Indonesia.

**APPEALS TO:**

President

President Susilo Bambang Yudhoyono

President RI

Istana Merdeka

Jakarta 10110, Indonesia

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

**Salutation: Dear President**

Attorney General

Abdul Rahman Saleh

Jaksa Agung

Jl. Sultan Hasanuddin No. 1

Keboyan Baru

Jakarta Selatan, 12130, Indonesia

**Fax: +62 21 725 0213**

**Salutation: Dear Attorney General**

Minister of Justice and Human Rights

Hamid Awaluddin

Menteri Kehakiman dan HAM

Jl. H.R. Rasuna Said Kav. 4-5

Kuningan

Jakarta Selatan, 12950, Indonesia

**Fax: +62 21 525 3095**

**Salutation: Dear Minister**

**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.**