

PUBLIC

AI Index: ASA 21/020/2005

15 November 2005

UA 286/05 **Fear of imminent execution**

INDONESIA **Fabianus Tibo (m), aged 60**
Dominggus da Silva (m), also known as Domi, aged 42
Marinus Riwu (m), aged 48

Amnesty International is concerned that Fabianus Tibo, Dominggus da Silva and Marinus Riwu may face imminent execution after their appeal for clemency was rejected by President Susilo Bambang Yudhoyono on 10 November.

A spokesman for the Attorney General reportedly stated on 11 November that the preparations for the execution would begin as soon as the Attorney General received official notification that clemency had been denied. His office said that the executions would be by firing squad, and that the three men would be informed three days in advance of the date of their execution.

Fabianus Tibo, Dominggus da Silva and Marinus Riwu were sentenced to death by Palu District Court in Central Sulawesi province in April 2001, and their sentences were upheld by the Central Sulawesi High Court and the Indonesian Supreme Court later the same year. They were sentenced to death for committing premeditated murder and inciting riots, following ethnic and religious violence in the town of Poso, Central Sulawesi, in May 2000.

In addition, Amnesty International is concerned at reports indicating that the trial of the three men in Palu District Court did not meet international standards of fairness. In particular, there are concerns that witness testimony provided as evidence by the defence may have been ignored by the Court when giving its verdict. There were also reports that there were armed demonstrators outside the courthouse, demanding the conviction of the three men. Amnesty International is concerned that this intimidation may have affected the outcome of the trial.

BACKGROUND INFORMATION

To Amnesty International's knowledge, 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 October 2005, the Indonesian Parliament ratified the International Covenant on Civil and Political Rights (ICCPR) which promotes the right to life. However, they did not ratify the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty.

More than 66 people are believed to be under sentence of death in Indonesia. The Indonesian Commission on Human Rights (Komnas HAM) noted in 2001 that, "Aside from being internationally recognized as a human rights violation in itself... the death penalty administered by a corrupt judiciary is extremely dangerous." Following his visit to Indonesia in July 2002, the UN Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers expressed concern regarding corruption within the judiciary.

Amnesty International opposes the death penalty unreservedly in all cases. Every death sentence is an affront to human dignity, every execution a symptom of a culture of violence, rather than a solution to it. Today, 120 countries are abolitionist in law or practice. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. Amnesty International recognizes the need to address serious crime all over the world, including murder. However, the organization is convinced that the death penalty will not provide a solution. There is no clear evidence that the death penalty acts as a more effective deterrent against crime than other forms of punishment.

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

- calling for the death sentences passed on Fabianus Tibo, Dominggus da Silva and Marinus Riwu to be commuted;
- expressing concern at reports indicating that the trial of Fabianus Tibo, Dominggus da Silva and Marinus Riwu did not conform to international standards for fair trial;
- urging the authorities to review the trials of Fabianus Tibo, Dominggus da Silva and Marinus Riwu, and order a retrial if irregularities are found;
- calling on the Indonesian authorities to release comprehensive 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 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.

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

Kebayoran Baru

Jakarta Selatan 12130, Indonesia

Fax: +62 21 725 0213

Salutation: Dear Attorney General

COPIES TO:

Chairman, Komnas HAM

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 27 December 2005.