

**PUBLIC**

**AI Index: ASA 21/003/2003**

**07 February 2003**

**Further Information on EXTRA 07/03 (ASA 21/002/2003, 5 February 2003) Death Penalty / fear of imminent execution**

**INDONESIA**

**Ayodhya Prasad Chaubey (m), aged 56, Indian national**

**Suryadi Swabuana (m), aged 37, Indonesian national**

**Nyonya Sumiarsih (f), Indonesian national**

**Djais Adi Prayitno (m), Indonesian national**

**Sungeng (m), Indonesian national**

**Jurit bin Abdullah (m), Indonesian national**

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The names of the six people sentenced to death in Indonesia are now known and are listed above. It is feared that they face imminent execution as all six had their appeals for clemency rejected by the President. According to media reports, a Presidential decree on the refusal to grant clemency was received by the Attorney General's office on 5 February 2003. A spokesperson for the Attorney General's office reportedly said that the six had exhausted all methods of legal recourse, and according to Law no. 2/1994 must be executed within 30 days of receipt of the decree.

Ayodhya Prasad Chaubey was sentenced to death along with two Thai nationals in September 1994 for involvement in the trafficking of 12kg of heroin. The defence complained that the original trial was conducted in Indonesian, a language the defendant did not understand, and that no interpreter was provided. It is not known whether subsequent appeals adequately addressed this issue or whether there was a re-trial.

Nyonya Sumiarsih, his wife, Djais Adi Prayitno, and their son, Sungeng, were all sentenced to death in 1989 for the murder of a family of five in Surabaya. Their son-in-law, Sgt. Adi Saputro was convicted of the same crime and sentenced to death by a Surabaya Military Court in November 1988. He was executed in late 1992.

Suryadi Swabuana was sentenced to death in 1992 for the murder of a family of three and their maid.

Jurit bin Abdullah was sentenced to death for murder. No other details are available at present.

**BACKGROUND INFORMATION**

In the last few years there has been an increase in those being sentenced to death in Indonesia, yet there is little public debate on the subject. Amnesty International is concerned that where there is debate, important information is often excluded, particularly regarding the lack of deterrent effect. In a working paper prepared for the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders, the UN Secretariat concluded that it was 'an important task of governments...to educate the public as to the uncertainty of the deterrent effect of capital punishment...'. A survey of worldwide research findings on the relation between the death penalty and homicide rates, conducted by the UN in 1988, and updated in 1996, concluded that research failed to prove executions were a more effective deterrent than life imprisonment, and that such proof was unlikely to appear.

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 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. The last known executions

to take place in Indonesia were in May 2001 when two men were executed for murder. Previous to this there had been no executions for six years. 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 sentences passed on the six individuals;
- expressing sympathy for the victims of crime, but pointing out that if the executions are carried out, they will only cause more suffering for the relatives of those who are executed.
- 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 combat crime, but emphasizing that there is no proof that the death penalty deters crime more effectively than other punishments, and appealing to the authorities to find a more humane way of tackling the problem.

**APPEALS TO:**

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**Salutation: Dear President**

Attorney General

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**Salutation: Dear Attorney General**

**COPIES TO:**

CHAIRMAN, KOMNAS HAM

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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 21 March 2003.