

EXTERNAL (for general distribution)

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Death penalty

1 February 1995

INDONESIA Tham Tuck Yin, also known as A.Tijai, 29-year-old Malaysian tile craftsman

On January 17 1995, Tham Tuck Yin was sentenced to death in Central Jakarta District Court for drug trafficking.

Tham Tuck Yin was arrested along with Sae Lim Iaw, 50, a Thai national and Freddy A Ting, 44, an Indonesian national, at the Hotel Indonesia on 11 May 1994. All three were charged with illegal possession of high grade heroin, a charge which carries the death sentence or life imprisonment. Sae Lim Iaw and Freddy A Ting were sentenced to life imprisonment on 23 and 24 January respectively.

Tham Tuck Yin was accused of transporting the heroin from Medan to Jakarta under instructions from a third party. In addition to being sentenced to death, Tham Tuck Yin was also fined Rp 50 million (US\$22,716). His lawyers are arguing that this contravenes Article 67 of Indonesia's Criminal Code which stipulates that a death sentence cannot be imposed along with fines or any other sentence. Tham has indicated that he will appeal.

BACKGROUND INFORMATION

In Indonesia drug-related offences are subject to the death penalty. At least 35 people have been sentenced to death since 1985, some of whom were convicted of drug trafficking. Since then, no one has been executed for the offence.

Prisoners sentenced to death by civilian courts have the right to appeal to the Supreme Court. If the Supreme Court upholds the death penalty, their final legal remedy is to ask for presidential clemency. However, clemency is seldom granted and many prisoners refuse to request it for fear it will close the last legal avenue available and hasten their death.

The rationale for the use of the death penalty is that it will deter drug traffickers more effectively than other punishments. Amnesty International is concerned that despite the hundreds of executions that have occurred all over the world during the past five years there is no compelling evidence of a decline in drug trafficking which could be attributed to the use of the death penalty. It is usually the weakest links in a drug smuggling chain who are caught and executed, while syndicate leaders walk free.

RECOMMENDED ACTION: Please send telegrams/faxes/express and air mail letters in Bahasa Indonesia, English, or your own language:

- expressing concern that Tham Tuck Yin has been sentenced to death;
- urging that this and all other death sentences in Indonesia be commuted;
- expressing opposition to the death penalty as the ultimate form of cruel punishment and a violation of the most basic of human rights - the right to life.

APPEALS TO:

President Suharto

President RI
Istana Negara
Jl.Veteran
Jakarta Pusat
Indonesia

Telegrams: President Suharto, Indonesia

Salutation: Dear President Suharto

Minister of Justice
Haiji Utoyo Usman S.H.
Menteri Kehakiman
Jl. H.R. Rasuna Said Kav, 6-7
Kuningan
Jakarta Selatan
Indonesia

Faxes: + 62 21 525 3095

Telegrams: Minister of Justice, Jakarta Selatan, Indonesia

Salutation: Dear Minister

COPIES OF YOUR APPEAL TO:

Chairman, National Commission on Human Rights

Ali Said SH

Ketua Komisi Nasional Hak Azasi Manusia

Jalan Veteran No,11

Jakarta, Indonesia

Faxes: +62 21 314 1625 (c/o Ministry of Justice)

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat or your section, if sending appeals after 19 March 1995.