

PUBLIC

AI Index: ASA 21/011/2006

18 August 2006

Further Information on UA 286/05 (ASA 21/020/2005, 15 November 2005) and follow-up (ASA 21/001/2006, 3 February 2006) - Imminent Execution

INDONESIA

**Fabianus Tibo (m) aged 61
Dominggus da Silva (m), also known as Domi, aged 43
Marinus Riwu (m), aged 49**

Amnesty International fears that Fabianus Tibo, Dominggus da Silva and Marinus Riwu are at risk of imminent execution at any time from 20 August 2006 onwards. They had been scheduled to be executed on 12 August, but received a last-minute stay of execution. The exact date of the rescheduled executions is currently unknown. If the three men are executed, they will mark the first executions by Indonesia in 2006.

The three men were sentenced to death in April 2001 for premeditated murder and inciting riots, in connection with ethnic and religious violence between Christians and Muslims in the district of Poso, Central Sulawesi, in May 2000. Fabianus Tibo, Dominggus da Silva and Marinus Riwu, all Christians, were accused of leading an attack on a Muslim village.

On 8 August 2006, the office of the Prosecutor of Central Sulawesi sent a letter to the families of the three men (reference SR.65/R.2.10/Buh.1/8/2006) informing them that they would be executed by firing squad at 12.15am on 12 August. Hours before the executions were due to take place, the three men were granted a reprieve.

The case has attracted the attention of human rights organizations and religious groups, both locally and internationally. Thousands of local Christians joined a rally on 11 August 2006 to protest against the executions while Pope Benedict XVI made a direct appeal for clemency to President Yudhoyono on 12 August 2006. In postponing the executions, local police made no reference to such interventions and said that the postponement was due to local authorities being engaged with various activities in the run-up to Indonesia's Independence Day celebrations on 17 August, and that any execution would not be rescheduled until at least three days after Independence Day.

Other religious leaders, including former President and prominent Muslim cleric Abdurrahman Wahid, known as "Gus Dur", had in the past called on the authorities to abandon or at least delay the execution to allow for further investigation into the case.

In April 2006, the Supreme Court, which had confirmed their death sentence in 2001, agreed to review their case for a second time. This followed an announcement by lawyers representing the three men that they had new evidence which could prove the defendants were innocent (see previous UA update). However, in May it ruled that no convincing new evidence had come to light. All judicial remedies have now been exhausted.

Amnesty International believes that the trial of the three men in 2001 was unfair. According to reports, there were demonstrators armed with stones outside the courthouse, demanding that the three be sentenced to death, and their legal representatives were subjected to intimidation including death threats. A bomb was planted at the house of one legal adviser.

BACKGROUND INFORMATION

To Amnesty International's knowledge, at least 89 people are believed to be under sentence of death in Indonesia. Seven of these have been convicted this year. Indonesia 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 states that "every human being has the inherent 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.

Amnesty International recognizes the need to address serious crime, including murder, but is convinced that the death penalty does not provide a solution. There is no clear evidence that the death penalty deters crime any more effectively 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 a culture of violence, rather than the solution to it. Today 125 countries are abolitionist in law or practice. An execution cannot be undone, yet the risk of error is inescapable.

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

- expressing concern that Fabianus Tibo, Dominggus da Silva and Marinus Riwu are facing imminent execution, and calling on President Yudhoyono to commute their death sentences immediately;
- expressing concern at reports that they did not receive a fair trial;
- urging the authorities to review the trial, and order a retrial if any irregularities are found;
- calling on the authorities to commute all outstanding death sentences in Indonesia, as they constitute a violation of the most fundamental of human rights, the right to life;
- urging the government to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and undertake to work towards the abolition of the death penalty.

APPEALS TO:

(Please note that fax numbers may be switched off outside office hours, 7 hours ahead of GMT. Please keep trying).

President

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

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

Salutation: Dear President Yudhoyono

Head of Central Sulawesi Prosecutor's Office

M Jahya Sibe, Kepala Kejaksaan Tinggi Sulawesi Tengah, Jl Sam Ratulangi, Palu Timur, Indonesia

Fax: + 62 451 452281 [please note that this is the fax number of Kontras Central Sulawesi, a local human rights organization. Their staff will take your appeals and bring them to the office of the prosecutor]

Salutation: Dear Mr. Sibe

COPIES TO:

Attorney General

Abdul Rahman, Jaksa Agung, J. Sultan Hasanuddin No. 1, Kebayoran Baru, Jakarta, Indonesia

Fax: + 62 21 725 0213

and to diplomatic representatives of Indonesia accredited to your country

PLEASE SEND APPEALS IMMEDIATELY.