

Further Information on UA 109/06 (ASA 21/002/2006, 28 April 2006) and follow-up (ASA 21/007/2006, 4 July 2006 and ASA 21/010/2007, 11 September 2007) - Imminent Execution

INDONESIA

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

Amrozi bin H. Nurhasyim, Ali Ghufron and Imam Samudera, who were convicted of involvement in the 12 October 2002 bombings on the island of Bali, which killed 202 people and injured a further 209, are facing imminent execution. The final requests for judicial review of their cases have now been rejected by the Supreme Court.

The three men were sentenced to death by the Denpasar District Court between August and October 2003. They were due to be executed in 2006. However their executions were stayed after they applied for judicial review of their cases, arguing the anti-terrorism law they were convicted under could not be applied retroactively. A new law, brought into force in 2003 introduced the death penalty for 'terrorist' acts, and allowed for those involved in the 2002 bombings in Bali to be tried retroactively.

On 30 August 2007, Indonesia's Supreme Court rejected Amrozi's attempt to secure a judicial review of his case. The rulings on the judicial reviews sought by Ali Ghufron and Imam Samudera were issued by two judicial panels on 23 August 2007 and 19 September 2007 respectively, but only announced to the public on 24 September 2007. "By the rejection of the judicial reviews, the punishment, decided earlier by the court, is effective and valid," said Supreme Court spokesman Nurhadi.

The three men are facing execution by firing squad unless they are pardoned by President Susilo Bambang Yudhoyono. This is extremely unlikely given the intense international interest in Indonesia's efforts to tackle terrorism, and the fact that all three men have previously stated that they will not apply for Presidential pardon.

Last week, their lawyer Achmad Michdan stated "They are all ready should their executions have to be carried out. They said they are even looking forward to their executions". All three have reportedly written spiritual testaments. Amrozi's lawyers released a small segment of his letter in which he states he is ready to "take up the jihad once again" should he be saved from execution; and he will be happy if he dies because he will meet "the Prophet and all of God's Warriors in paradise".

Officials responsible for fighting terrorism and political crimes have repeatedly pointed out that executions are as likely to increase terrorist acts as they are to stop them. Executions can create martyrs whose memories become a rallying point for their organisations. Amrozi's statement appears to corroborate these fears as he states "our spilled blood will become a ray of light for all Muslims and hell for all infidels".

The Attorney General's office in Jakarta refuses to provide details surrounding the date and place of the execution. "According to law – explains public official Abdul Hakim Ritonga – it should take place in Bali where the crime was committed, but for security reasons it may be moved elsewhere". Amnesty International believes the executions could be carried out imminently, without further public notification of time or place.

BACKGROUND INFORMATION

Death sentences in Indonesia are carried out by firing squad. The person under sentence of death has the choice of standing or sitting and of using a blindfold or cover for their head. Firing squads consist of 12 people, six of whom are supplied with live ammunition and six whose guns are loaded with blanks. The squad fires from a distance of between five and 10 metres.

To Amnesty International's knowledge, at least 99 people are believed to be under sentence of death in Indonesia. Thirteen of these were convicted and sentenced to death in 2006. At least one person was executed in 2007: Ayub Bulubili (see UA/96/07, ASA 21/005/2007, 23 April 2007, and follow-up). He was the first recorded by Amnesty International in Indonesia since September 2006.

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. Today 133 countries are abolitionist in law or practice. An execution cannot be undone, yet the risk of error is inescapable.

In 2006, Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR), which states that "every human being has the inherent right to life." 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 Indonesian, English or your own language:

- calling for the preparations for the executions of Amrozi bin H. Nurhasyim, Ali Ghufron alias Mukhlas and Imam Samudera to be halted immediately and for their sentences to be commuted to life imprisonment;
- expressing concern that the Law on Combating Criminal Acts of Terrorism, under which these men were sentenced to death, was applied retroactively to include all those involved in the Bali bombings, violating international criminal law and the Indonesian Constitution;
- calling on the Indonesian 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 authorities to release information on the number of prisoners currently under sentence of death in Indonesia, the date of sentencing, and the status of appeals against sentences, and release information on the procedures for informing prisoners and their families when their execution is imminent;
- calling on 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 Pusat 10110, Indonesia

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

Salutation: Dear President

Attorney General

Mr. Hendarman Supandji, Jaksa Agung, J. Sultan Hasanuddin No. 1, Kebayoran Baru, Jakarta, Indonesia

Fax: + 62 21 725 0213
Salutation: Dear Attorney General

COPIES TO:

Governor of Bali

Governor Dewa Made Beratha
Jl. Basuki Rahmat Renon Denpasar 80361, Bali, Indonesia

Fax: +62 361 236 037
Salutation: Dear Governor

and to diplomatic representatives of Indonesia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. *****