

PUBLIC

AI Index: ASA 21/036/2004

17 September 2004

Further Information on UA 209/04 (ASA 21/021/2004, 24 June 2004) and follow-ups (ASA 21/024/2004, 12 July 2004; ASA 21/026/2004, 5 August 2004; ASA 21/028/2004, 20 August 2004) - Death penalty/fear of imminent execution/legal concern

INDONESIA **Meirika Franola, alias Ola (f), aged 34, Indonesian national**
Rani Maharani (f) aged 29, Indonesian national
Dany Maharwan (m), aged 32, Indonesian national
Saelow Prasert (m), aged 62, Thai national
Namsong Sirilak (f), aged 32, Thai national
Samuel Iwuchekwu Okoye (m), aged 34, Nigerian national
Hansen Anthony Nwaolisa (m), aged 37, Nigerian national
Indra Bahadur Tamang (m), aged 24, Nepali national
Muhammad Abdul Hafez (m), aged 36, Pakistani national
Namaona Denis (m), aged 39, Malawian national

Thai nationals Saelow Prasert and Namsong Sirilak are to be executed by the end of September 2004. The Prosecutor's office has publicly stated that final preparations are being made for their executions, which could occur within two weeks of the Presidential election which is due to take place on 20 September. The earliest possible date for the execution has been announced as 23 September.

Saelow Prasert and Namsong Sirilak have reportedly been informed of their imminent execution. They were sentenced to death for drug-trafficking in 1994, together with Indian national Ayodhya Prasad Chaubey. He was executed by firing squad on 5 August 2004, making him the first person to be executed in Indonesia since 2001.

Saelow Prasert and Namsong Sirilak's appeals for clemency were rejected in July 2004. As in the case of Ayodhya Prasad Chaubey, Amnesty International believes that their trials may not have been fair because they did not have access to legal representation before their trial or to interpreters during the police investigation.

The eight other people named above had their appeals for presidential clemency rejected in June and July, which means that they are at imminent risk of execution.

BACKGROUND INFORMATION

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, 118 countries are abolitionist in law or practice. At least 56 people are believed to be on death row in Indonesia. Before the executions carried out in 2001, there had been no executions in Indonesia for six years.

The risk of error in applying the death penalty is inescapable, yet it is irrevocable. 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 Special Rapporteur on the independence of judges and lawyers expressed concern regarding corruption within the judiciary.

Amnesty International recognizes the need to address serious crime all over the world, including the trade in illicit drugs. 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 Indonesian, English or your own language:

- calling on President Megawati Sukarnoputri to commute the death sentence of Thai nationals Saelow Prasert and Namsong Sirilak, who could be executed as early as 23 September 2004;
- urging the authorities to review the trials of Saelow Prasert and Namsong Sirilak, and order a retrial if irregularities are found;
- calling for the death sentences of the eight other people named above to also be commuted;
- expressing deep concern about the renewal of executions in Indonesia and at the possibility of judicial error in the Indonesian criminal justice system, which increases the risk of the innocent being executed.

APPEALS TO: (Fax numbers may be difficult to get through to. Please keep trying)

President

President Megawati Sukarnoputri
President RI
Istana Merdeka
Jakarta 10110
Indonesia

Fax: +62 21 345 2685/ 526 8726/ 345 7782

Salutation: Dear President

Attorney General

Muhammad Abdul Rachman
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

The Ambassador

The Royal Thai Embassy
Jalan Imam Bonjol 74
Jakarta Pusat 10310
Indonesia

Fax: +62 21 310 7469/390 4055

Salutation: Your Excellency

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 29 October 2004.