

URGENT ACTION

TWO STILL AT RISK OF IMMINENT EXECUTION

Eight men were executed in Nusakambangan Island in Indonesia in the early hours of 29 April. A man and a woman who received a temporary stay of execution remain at risk of execution in the coming weeks.

In the early hours of 29 April **Andrew Chan** and **Myuran Sukumaran** (both Australian), **Raheem Agbaje Salami** (Nigerian, also known as Jamiu Owolabi Abashin), **Zainal Abidin** (Indonesian), **Martin Anderson** alias Belo (Ghanaian), **Rodrigo Gualarte** (Brazilian), **Sylvester Obiekwe Nwolise** and **Okwudili Oyatanze** (both Nigerian) were executed by firing squad in in Nusakambangan Island, Indonesia.

The execution of Filipino national **Mary Jane Veloso** was halted at the last minute. The office of the Indonesian Attorney General announced that the stay of execution was granted following a request by the President of the Philippines to spare her life, since she would be required to give testimony at the trial of the person who allegedly deceived Mary Jane Veloso into becoming a drug courier. This person handed herself to the police in the Philippines on 28 April. While reports indicate that Mary Jane Veloso has been moved from Besi prison in Nusakambangan Island back into Wirogunan prison in Yogyakarta, Amnesty International remains concerned that she could be executed in the near future.

Another individual who could be at risk of execution is French national **Serge Atlaoui**, a man under sentence of death for a drug related offence who was, until 25 April, included in the group of those at risk of execution. He is currently appealing a decision by the administrative court. The high administrative court is expected to rule on his appeal in the next ten days. Indonesian law and international safeguards guaranteeing the rights of those facing the death penalty clearly state that executions may not be carried out while appeals are pending.

Please write immediately in English or your own language:

- Calling on the authorities to immediately halt plans to carry out any executions and commute Mary Jane Veloso's and Serge Atlaoui's death sentences;
- Reminding them that international safeguards clearly state that no execution may be carried out while appeals are pending;
- Urging them to establish a moratorium on all executions with a view to abolishing the death penalty and to commute all death sentences to terms of imprisonment;
- Pointing out that there is no convincing evidence that the death penalty deters crime more effectively than other punishments and that the decision to resume executions has set Indonesia against the global trend towards abolition of the death penalty and the country's own progress in this area.

PLEASE SEND APPEALS BEFORE 12 JUNE 2015 TO:

President of the Republic of Indonesia
H. E. Joko Widodo
Istana Merdeka
Jakarta Pusat 10110
Indonesia
Fax: +62 21 386 4816 /+62 21 344 2233
Email: dumas@setneg.go.id.
Twitter: jokowi_do2
Salutation: Dear President

Minister of Law and Human Rights
Yasona H. Laoly
Jl. H.R. Rasuna Said Kav No. 4-5
Kuningan, Jakarta Selatan
12950, Indonesia
Fax: +62 215 253095
Email: rohumas@kemenkumham.go.id
Twitter: Humas_Kumham
Salutation: Dear Minister

And copies to:
Minister of Foreign Affairs
Retno Marsudi
Jl. Pejambon No.6.
Jakarta Pusat, 10110
Indonesia
Fax: +62 21 3857316
Email: kontak-kami@kemlu.go.id

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the sixth update of UA 305/14. Further information:

<https://www.amnesty.org/en/documents/ASA21/1492/2015/en/>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

TWO STILL AT RISK OF IMMINENT EXECUTION

ADDITIONAL INFORMATION

Further information on those facing executions:

■ **Serge Areski Atlaoui**, a French national, was initially sentenced to life imprisonment by the Tangerang District Court in November 2006 for running a large narcotics factory in Tangerang District, Banten Province. However, he was subsequently sentenced to death in May 2007 by the Supreme Court. He is appealing a decision by the administrative court to reject his latest appeal.

■ **Mary Jane Fiesta Veloso**, a Filipino national, was sentenced to death by the Sleman District Court in October 2010 for attempting to smuggle 2.6 kilograms of heroin into Indonesia from Malaysia at the Yogyakarta airport in April 2010. In March 2015 the Supreme Court rejected her appeal for a review of her case. According to her current lawyer, she was not provided a lawyer or translator during her interrogation by the police which was conducted in Indonesian, a language she did not understand at the time. During her trial, she was provided an unlicensed court-provided interpreter – a student at a foreign language school in Yogyakarta to translate the proceedings from Bahasa Indonesia to English, a language which Mary Jane was also not fluent in.

Fourteen executions have been carried out in Indonesia in 2015. All executed prisoners had been convicted of drug trafficking. As of 30 April, 125 people are believed to be on death row with 50 inmates for drug-related offences, despite the fact that such offence does not meet the threshold of the “most serious crimes” for which the death penalty can be imposed under international law. The authorities had announced in December 2014 that at least 20 executions would be carried out this year.

Amnesty International expressed deep concerns that the authorities on 29 April went ahead with the implementation of the death sentences imposed against eight men, despite the fact that at least two prisoners had ongoing legal appeals which had been accepted by the courts. Furthermore, the clemency petitions of all eight prisoners had been summarily considered and rejected, undermining the prisoners’ right to appeal for pardon or commutation of their sentence as provided for under international law. The inadequacy of the legal representation and access to interpretation at trial casts serious doubt about the safety of the convictions and sentence in some of the cases. The UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984, clearly state that “Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence”.

One prisoner, Rodrigo Gularte, had been diagnosed with paranoid schizophrenia and bipolar disorder with psychotic characteristics. It was recommended Ricardo Gularte be admitted to a mental health facility. International law and standards on the use of capital punishment clearly state that the death penalty should not be imposed or carried out on people with mental or intellectual disabilities. This applies whether the disability was relevant at the time of their alleged commission of the crime or developed after the person was sentenced to death.

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. Article 6(6) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a State Party, provides that “Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant”. The Human Rights Committee, the expert body overseeing the implementation of the ICCPR, has stated that Article 6 “refers generally to abolition [of the death penalty] in terms which strongly suggest... that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life”.

Amnesty International opposes the death penalty in all cases without exception and supports calls, included in five resolutions adopted by the UN General Assembly since 2007, for the establishment of a moratorium on executions with a view to abolishing the death penalty. As of today, 140 countries have abolished the death penalty in law or practice; out of 41 countries in the Asia-Pacific region, 18 have abolished the death penalty for all crimes and a further 10 are abolitionist in practice.

Name: Andrew Chan (m), Myuran Sukumaran (m), Raheem Agbaje Salami (m), Zainal Abidin (m), Martin Anderson alias Belo (m), Rodrigo Gularte (m), Sylvester Obiekwe Nwolise (m) and Okwudili Oyatanze (m), Mary Jane Veloso (f) and Serge Atlaoui (m)

Gender: both

Further information on UA: 305/14 Index: ASA 21/1576/2015 Issue Date: 1 May 2015