

URGENT ACTION

STOP IMMINENT EXECUTION OF FIVE PRISONERS

Five death row prisoners in Indonesia have been moved to separate cells and are believed to be at risk of imminent execution. Indonesia's new government has said publicly that it plans to carry out the five executions this year and 20 more in 2015.

On 28 November 2014, the Junior Attorney General for General Crimes, Basyuni Masyarif, announced that the government was planning to execute five individuals currently on death row, who have exhausted all of their legal and clemency appeals, before the end of 2014. He also stated that another 20 executions are scheduled for 2015.

Around the 3rd Association of South East Asian Nations (ASEAN) Ministerial Meeting on Drug Matters in Jakarta on 3 December, the Indonesian Vice-President, Jusuf Kalla, stated that the President will not grant clemency to at least 64 individuals who have been sentenced to death for drug-related crimes and that there are plans to execute them.

News reports on 4 December indicate that one of the five individuals facing imminent execution is detained in Tangerang, Banten province, and two others in Batam, Riau Islands Province. All three appear to be convicted of drug-related crimes. Two other prisoners, who appear to have been sentenced to death for murder, are imprisoned in Nusakambangan, Central Java province. Reports also suggest that they have now been isolated from other prisoners, three days before executions are due to take place, as required by law. No executions have been carried out so far in 2014. There are at least 130 people under sentence of death in Indonesia.

International law guarantees the right of all prisoners under sentence of death to apply for pardon or commutation of the sentence and allows for the imposition of the death penalty only for the "most serious crimes". Drug-related offences do not meet this threshold.

Please write immediately in English, Indonesian or your own language:

- Urging the authorities to immediately halt plans to execute the five individuals ;
- Calling on 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;
- Urging them to ensure that full information about the use of the death penalty in Indonesia is available publicly and that relatives and lawyers are given full access to death-row prisoners and information about their cases;
- Pointing out 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.

PLEASE SEND APPEALS BEFORE 16 JANUARY 2014 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: ppid@setkab.go.id

Salutation: Dear President

Attorney General

H. M. Prasetyo

Jl. Sultan Hasanuddin No. 1, Jakarta

Selatan, Jakarta 12160, Indonesia

Fax: +62 21 722 1269 / +62 21 725 0213

Email:

humas_puspenkum@yahoo.co.uk

Salutation: Dear Attorney General

And copies to:

National Human Rights Commission

Chairperson

Hafid Abbas

Jl. Latuharhari No. 4B, Menteng

Jakarta Pusat 10310, Indonesia

Fax: +62 21 392 5227

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Indonesia resumed executions on 14 March 2013 after a four year hiatus, when Adami Wilson, a 48-year-old Malawian national, was put to death for drug-trafficking. Four other people were executed during 2013, three for murder and one other, a foreign national, for drug-trafficking. The resumption of executions was a shocking and regressive step after years of positive indications that Indonesia was moving away from the death penalty. In October 2012, after news that the then President Susilo Bambang Yudhoyono commuted the death sentence of a drug trafficker, Foreign Minister Marty Natalegawa had said the move was part of a wider push away from the use of the death penalty in Indonesia. Also in 2012, the Supreme Court commuted the death sentence of a drug trafficker to 12 years' imprisonment and the President granted clemency for two others who had been sentenced to death for drug trafficking.

Death sentences in Indonesia are carried out by firing squad. The prisoner has the choice of standing or sitting and whether to have their eyes covered, by a blindfold or hood. Firing squads are made up of 12 people, three of whose rifles are loaded with live ammunition, while the other nine are loaded with blanks. The squad fires from a distance of between five and 10 metres.

Amnesty International recognizes the obligation and duty for governments to protect the human rights of victims of crime, and believes that perpetrators, after a fair judicial process, should be punished with a sentence that is proportionate to the crime committed, but without resort to the death penalty. There is no convincing evidence that the death penalty deters crime any more effectively than other forms of punishment.

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, states 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 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".

The then UN Commission on Human Rights, in resolution 2005/59, called upon all states that still maintain the death penalty "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution". On 23 March 2012, the UN Human Rights Council adopted resolution 19/ 37 on the "Rights of the child", in which it called on states to ensure that inmates on death row, as well as their families and legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person.

Amnesty International opposes the death penalty unreservedly in all cases and supports calls, also included in four 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. At the voting on one of these resolutions in December 2012, Indonesia for the first time changed its vote from against to abstention. This position was confirmed during the voting on the fifth draft resolution on a moratorium on the use of the death penalty at the Third Committee of the UN General Assembly on 21 November 2014. As of today 140 countries have abolished the death penalty in law or practice; out of 41 countries in the Asia-Pacific region, 17 have abolished the death penalty for all crimes, 10 are abolitionist in practice and one – Fiji – uses the death penalty only for exceptional military crimes.

Name:

Gender m/f: Unknown

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