

URGENT ACTION

PRISONERS FACING IMMINENT EXECUTION NAMED

The Indonesian authorities have now publicly named six death row prisoners facing imminent execution. The Attorney General's Office has stated that the executions will be carried out before the end of this month.

On 5 January 2015, the Junior Attorney General for General Crimes, AK Basyuni, announced that his office will proceed with the execution of six death row prisoners before the end of the month, instead of five as earlier stated. The Attorney General's office had earlier postponed the executions scheduled for December 2014 because at least three death row prisoners had submitted new petitions for a case review to the Supreme Court, as provided for by a 2014 Constitutional Court decision.

The Attorney General's office has now publicly named the six individuals facing execution as Gunawan Santoso, Tan Joni, Agus Hadi, Pujo Lestari, Namaona Denis and Marco Archer Cardoso Moreira. The Attorney General's office has also announced that a firing squad is being prepared on Nusakambangan Island, Central Java for the execution of the six men.

In December 2014, it was reported that the President would not grant clemency to at least 64 individuals who have been sentenced to death for drug-related crimes and that there were plans to execute them. Drug-related offences do not meet the threshold of the "most serious crimes" for which the death penalty can be imposed under international law. No executions were carried out in Indonesia in 2014, however 20 executions are scheduled for 2015. There are at least 130 people under death sentence in Indonesia

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

- Urging the authorities to immediately halt plans to execute the six death row prisoners;
- 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;
- 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 in this area.

PLEASE SEND APPEALS BEFORE 24 FEBRUARY 2015 TO:

President of the Republic of Indonesia

H. E. Joko Widodo

Istana Merdeka

Jakarta Pusat 10110

Indonesia

Fax: +62 21 3864816 / +62 21 3442233

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. This is the first update of UA 305/14. Further information: <http://www.amnesty.org/en/library/info/ASA21/031/2014/en>

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ADDITIONAL INFORMATION

Here is further information on the six cases:

- Gunawan Santoso, an Indonesian national, was convicted in 2003 for being the mastermind behind the murder of his father in-law and his bodyguard. He has submitted a petition for a case review.
- Tan Joni, an Indonesian national, was convicted in 2006 for the murder of three members of a family in Baran, Tanjung Balai Karimun, Riau island province.
- Agus Hadi, aged 53, and Pujo Lestari, aged 39, both Indonesian nationals, were convicted in 2007 for attempting to traffic almost 25,500 ecstasy tablets from Malaysia to Indonesia's Batam Island. They have submitted a petition for a case review.
- Namaona Denis, aged 49, was reportedly born in Nigeria but travelled to Indonesia with a Malawian passport. He was sentenced to death by the Bandung High court in 2001, after being convicted of smuggling 940 grams of heroin at the Soekarno-Hatta airport in Jakarta. According to his lawyers, Denis did not understand his trial proceedings as he was not provided with adequate interpretation.
- Marco Archer Cardoso Moreira, aged 52, a Brazilian national, was convicted in 2004 for smuggling 13.4 kilograms of cocaine into Indonesia via Soekarno-Hatta airport in Jakarta.

In March 2014 the Constitutional Court scrapped Article 268(3) of the Indonesian Criminal Procedures Code (KUHAP) which limited to one the number of petitions for case review that convicts could file. This has opened the door for death row prisoners to file multiple petitions to the Supreme Court, although the authorities have been attempting to limit this by executive order. However, on 9 January 2015, the Minister of Law and Human Rights, Attorney General and Coordinating Minister on Law, Politics and Security decided that case reviews will not block the implementation of death sentences and that the authorities could carry out executions if an application for clemency were rejected by the President.

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. Indonesia abstained during voting on the fifth resolution on a moratorium on the use of the death penalty in December 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: Gunawan Santoso, Tan Joni, Agus Hadi, Pujo Lestari, Namaona Denis and Marco Archer Cardoso Moreira
Gender m/f: m

Further information on UA: 305/14 Index: ASA 21/002/2015 Issue Date: 13 January 2015