

URGENT ACTION

EXECUTIONS FEARED FOR END OF APRIL

The Indonesian Attorney General announced that the execution of 10 prisoners might be carried out after the Asia-Africa Conference, end of April.

On 9 April Indonesian Attorney General HM Prasetyo made a statement implying that his office may carry out the executions of 10 prisoners after the Asia-Africa Conference, which is being held between 19 and 24 April in the Indonesian city of Bandung.

Although the final list of those facing executions has yet to be announced, the death row prisoners facing imminent executions are believed to include **Andrew Chan** and **Myuran Sukumaran** (both Australian, males), **Raheem Agbaje Salami** (Nigerian, male), **Mary Jane Fiesta Veloso** (Filipino, female), **Zainal Abidin** (Indonesian, male), **Martin Anderson, alias Belo** (Ghanaian, male), **Rodrigo Gularte** (Brazilian, male), **Sylvester Obiekwe Nwolise** (Nigerian, male), **Okwudili Oyatanze** (Nigerian, male) and one other individual. All 10 were sentenced to death for drug trafficking, an offence that does not meet the threshold of the "most serious crimes" for which the death penalty may be imposed under international law. Indonesian President Joko Widodo rejected their clemency applications in December 2014 and January 2015.

The lawyers for Andrew Chan and Myuran Sukumaran have filed a legal challenge at the Constitutional Court questioning the Indonesian president's process of refusing to pardon them from the death penalty. Rodrigo Gularte has been diagnosed as having paranoid schizophrenia and bipolar disorder with psychotic characteristics, an illness which has deteriorated while he has been on death row. However, on 20 April the Attorney General's office said that Rodrigo Gularte is mentally fit for the execution.

Please write immediately in English or your own language:

- Calling on the authorities to immediately halt plans to carry out any executions;
- 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;
- Reminding them that international safeguards clearly state that no execution must be carried out while appeals are pending, that the death penalty should not be imposed or implemented against people with mental disabilities and illnesses, and that drug trafficking is not an offence for which the death penalty can be imposed under international law;
- 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 3 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 fifth update of UA 305/14. Further information:

<https://www.amnesty.org/en/documents/ASA21/1124/2015/en/>

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ADDITIONAL INFORMATION

Further information on those facing executions:

- **Myuran Sukumaran** and **Andrew Chan**, Australian nationals, were sentenced to death by the Denpasar District Court in February 2006 for attempting to traffic more than 8 kilograms of heroin to Australia in 2005. They have submitted a legal challenge of Law No. 5/2010 on Clemency to the Constitutional Court.
- **Martin Anderson, alias Belo**, a Ghanaian national, was sentenced to death by the South Jakarta District Court in June 2004 after being convicted of possessing 50 grams of heroin in Jakarta in November 2003. He is still waiting for a decision on his case review at the Supreme Court.
- **Zainal Abidin**, an Indonesian national, was initially sentenced to 15 years' imprisonment by the Palembang District Court in September 2001 for smuggling 58.7 kilograms of marijuana. He was later sentenced to death by the Palembang High Court in December 2001.
- **Mary Jane Fiesta Veloso**, a Philippine 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 case review. 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.
- **Raheem Agbaje Salami**, a Nigerian national, was initially sentenced to life imprisonment by the Surabaya District Court in April 1999 for smuggling 5.3 kilograms of heroin into Indonesia at the Juanda airport, East Java province in September 1998.
- **Rodrigo Gularte**, a Brazilian national, was sentenced to death by the Tangerang District Court in February 2005 for smuggling six kilograms of cocaine into Indonesia at the Cengkareng airport, Banten province. According to his lawyer, a psychiatrist from a local state hospital has diagnosed him with paranoid schizophrenia and bipolar disorder with psychotic characteristics. It was recommended that 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.
- **Sylvester Obiekwe Nwolise**, a Nigerian national, was arrested in December 2002 for smuggling 1.2 kilograms of heroin into the country from Pakistan. He was convicted and sentenced to death by the Tangerang District Court in September 2004. His clemency application was rejected in February 2015.
- **Okwudili Oyatanze**, a Nigerian national, was arrested in January 2001 at the Soekarno Hatta for smuggling 1.15 kilograms of heroin. He was sentenced to death by the Tangerang District Court in August 2001. His clemency application was rejected in February 2015.

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. The Human Rights Committee, concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life.

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" and that "the death sentence shall not be carried out on pregnant women, or on new mothers, or on persons who have become insane."

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

Gender m/f: both

Further information on UA: 305/14 Index: ASA 21/1492/2015 Issue Date: 22 April 2015