

PUBLIC

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EXTRA 07/03 **Death penalty / fear of imminent execution**

INDONESIA **Six individuals (names and nationalities unknown)**

Six people convicted of drug trafficking in Indonesia may face imminent execution after their appeals for clemency were rejected by the President. Despite the decision to execute the six being announced to the media, the names and nationalities of those facing execution have not been made public. A statement by the Minister for Justice and Human Rights suggests that all six may be foreign nationals.

The President's announcement on 4 February that she would not grant clemency came after a meeting of the cabinet. This was followed by a statement by the Attorney General's office on 5 February that the executions would take place soon, after administrative matters had been settled. Before the executions can take place the President must put her approval in writing to the Attorney General's office.

BACKGROUND INFORMATION

Despite a growing number of people on death row in Indonesia and pro-death penalty statements by the government, particularly for drug trafficking, executions are rare. The last known executions to take place in Indonesia were in May 2001 when two men were executed for murder. Previous to this there had been no executions for six years. However, in recent years an increasing number of death sentences have been handed down to those convicted of drug trafficking, the majority of whom have been foreign nationals. Twenty-seven people have been sentenced to death since 2000. The majority of these sentences have been passed by Tangerang district court whose jurisdiction covers Sukarno-Hatta International airport which serves the capital city of Jakarta.

The United Nations has consistently made recommendations regarding the use of the death penalty for drug related crimes. In December 1996 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions concluded that "the death penalty should be eliminated for crimes such as economic crimes and drug-related offences."

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. The Indonesian Human Rights Commission (Komnas HAM) has expressed concerns with the Indonesian judicial system in relation to corruption and low professional standards. Komnas HAM have argued that the administration of the death penalty by a corrupt judiciary is 'extremely dangerous.' During a recent visit to Indonesia, the UN Special Rapporteur on the independence of judges and lawyers, also expressed concerns regarding corruption within the judiciary.

The death penalty is an inherently unjust and arbitrary punishment. Studies have shown it is more likely to be imposed on those who are poorer, less educated and more vulnerable than the average. Moreover, there is no evidence that the death penalty helps deter crimes more effectively than other punishments. The death penalty in Indonesia is applicable to crimes of murder, desertion or betrayal of the military in times of war, as well as the production and distribution of illegal drugs. Executions are by firing squad.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the President to commute the death sentences passed on the six individuals;

- expressing your unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights - the right to life;
- recognizing the Indonesian government's need to address the trade in and use of illicit drugs, but emphasizing that there is no proof that the death penalty deters would-be traffickers more effectively than other punishments, and appealing to the authorities to find a more humane way of tackling the problem.

APPEALS TO:

President Megawati Sukarnoputri

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Salutation: Dear President

Attorney General

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Salutation: Dear Minister

COPIES TO:

CHAIRMAN, KOMNAS HAM

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Salutation: Dear Chairman

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 19 March 2003.