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His Excellency President
Joko Widodo
Istana Merdeka
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18 February 2015

Your Excellency

OPEN LETTER ON THE DEATH PENALTY

I am writing to express Amnesty International's concern about the impending executions of at least 11 people, both Indonesians and foreigners, for drug-related crimes and murder.

Amnesty International opposes the death penalty in all cases without exception, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Should these executions proceed Indonesia will be contravening international human rights law and standards. At least two of those facing execution have appeals pending before the Supreme Court; international standards stipulate that no executions should be carried out while appeals are pending. Amnesty International is also concerned that some of the individuals facing executions may not have had legal assistance to enable them to file appeals for further judicial reviews.

One prisoner, Brazilian national Rodrigo Gularte, has been diagnosed as having paranoid schizophrenia and bipolar disorder with psychotic characteristics, an illness which deteriorated while on death row. International law prohibits the use of the death penalty against those with mental or intellectual disabilities. We welcome recent reports that the Indonesian authorities are assessing Gularte's case and that he may not be executed if he is found to have a mental illness.

Amnesty International is also alarmed about the stated intention of the government of Indonesia to deny any application for clemency made by people sentenced to death for drug-related crimes. This undermines the right of individuals to appeal for pardon or commutation of their sentence, a right clearly set out in Article 14 of the Indonesian Constitution and in Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party.

The resumption of executions in Indonesia is being presented as a response to crime, including drug crime. However, drug-related offences do not meet the threshold of the "most serious crimes" for which the death penalty can be imposed under the ICCPR. Moreover, there is no compelling evidence that the death penalty prevents crime more effectively than other punishments. A comprehensive study carried out by the United Nations (UN) on the relationship between the death penalty and homicide rates concluded that research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment.

As the UN and other bodies have stated, combatting serious crime and insecurity requires investment in an effective law enforcement and criminal justice system. The public should have confidence that law enforcement officials are well trained and equipped to investigate criminal acts, without violating human rights, and that the justice system is independent, fair and objective.

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The continued use of the death penalty in Indonesia, in violation of international law and standards, may also undermine efforts by the Indonesian government to protect its citizens from being subjected to judicial execution in other countries. Amnesty International is aware that in April 2014 the Indonesian government paid financial compensation to secure the commutation of a death sentence against an Indonesian domestic worker in Saudi Arabia who had been convicted of the murder of her employer, in a case where the woman may have acted in self-defence. Most recently, the Ministry of Foreign Affairs announced that it is seeking to prevent the execution of at least 229 Indonesian citizens facing the death penalty overseas for crimes such as murder and drugs. While we commend the Indonesian government's pursuit of clemency for those facing execution abroad, the ongoing use of the death penalty at home reflects a troubling double standard.

Amnesty International urges the Indonesian government to:

- Immediately halt plans to execute 11 people, and review all of the cases with a view to commuting existing death sentences to terms of imprisonment;
- Establish a moratorium on executions, with a view to abolishing the death penalty, in line with the resolutions of the UN General Assembly;
- Revise the Criminal Code and all other relevant articles in Indonesian legislation that provide for the death penalty to remove all such provisions.

We hope that you will consider these recommendations.

Yours sincerely

Salil Shetty
Secretary General