

28th Session of the UN Human Rights Council
Dialogue during the Panel on Biennial High Level Panel on the Question of Death Penalty
Oral Statement on Death Penalty in Indonesia
Delivered by Budi Tjahjono – Franciscans International

Thank you Mr. Chairperson,

On behalf of a coalition of international and national NGOs in Indonesia, we would like to draw the attention of the Council to the recent decision of the Government of Indonesia to execute six inmates on 18 January 2015. One Indonesian and five foreign nationals¹ were executed in relation to cases involving drugs and narcotics.² Furthermore, the Government of Indonesia has announced plans to execute ten more death row inmates in the near future and 48 more scheduled to be executed in 2015. This decision is contradictory to Article 28A of the 1945 constitution, which stipulates that “Each person has the right to life and the right to defend his life and existence”.

Indonesia is a member of the Human Rights Council and a state party to the International Covenant on Civil and Political Rights (ICCPR). In the Concluding observations in 2013, the Human Rights Committee, regretted that death sentences are imposed by courts for drug crimes, which do not meet the threshold of the “most serious crimes” set under article 6 of the Covenant. The Committee recommended Indonesia to consider abolishing the death penalty and ratify the Second Optional Protocol of the ICCPR. In addition, during the second cycle of the UPR in 2012, the working group recommended Indonesia to abolish death penalty.

We deplore the justification provided by the Indonesian government grounded with the argument that the death sentence is considered last resort to discourage people from being involved in crimes related to drugs and narcotics. There is no empirical proof to back the legitimacy of this policy. We express our deep disappointment with the Government of Indonesia, and in particular with President Joko Widodo. This policy is contrary to the promise of *Nawacita* he made during his presidential campaign, which specified a stronger commitment to promote human rights issue in Indonesia. However, the President refused to exercise his prerogative to grant mercy on the death row inmates.

As a member of the Council and a leading democracy in the region, we urge the Government of Indonesia to demonstrate its commitment to uphold human rights principles. Therefore we would recommend the following:

- 1. To take immediately moratorium policy on death penalty, grant mercy to all death row inmates and implement the mechanism to convert death penalty sentences to life imprisonments;**
- 2. To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights so as to abolish death penalty, or at least impose a moratorium on all executions;**
- 3. To set the abolition of the death penalty as a priority in the next National Action Plan on Human Rights;**
- 4. To ensure the process of clemency plea for the families and victims of the death penalty more transparent**
- 5. To ensure due process of law for the families and the victims of the death penalty.**

Thank you.

This statement is supported by

¹They were Rani Andriani (Indonesian), Ang Kim Soei (Netherlands), Daniel Enemuo (Nigeria), Marco Archer Cardoso Moreira (Brazil), Namaona Denis (Nigeria), and Tran ThiBich Hahn (Viet Nam).

²We received information from the chaplain of the death row inmates on their psychological stress prior to the execution, according to Fr. Carolus OMI, Catholic priest and chaplain for the death row inmates in Nusa Kambangan prison. He provided spiritual accompaniment of one of the executed inmate.

1. *Franciscans International*
2. *Indonesia's NGO Coalition for International Human Rights Advocacy (HRWG)*
3. *Community Legal Aid Institution (LBH Masyarakat),*
4. *ELSAM*
5. *Institute for Judicial Justice Reform (ICJR)*
6. *Imparsial*
7. *Indonesian Legal Resource Center (ILRC)*

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