

# Indonesian government pushes ahead with planned executions

By John Roberts  
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The Indonesian government is determined to press ahead with a second round of executions of 11 convicts despite appeals for mercy from families, foreign governments and lawyers. In the case of two prisoners, Australian citizens Andrew Chan and Myuran Sukumaran, it has brushed aside a new legal appeal launched in the State Administrative Court in Jakarta.

The latest court case follows the rejection of an appeal for a judicial review in the Denpasar District Court on February 4, following the intervention of Indonesia's Attorney-General H. M. Prasetyo. Chan and Sukumaran were convicted along with seven others in 2006 of attempting to bring 8.3 kilograms of heroin from Bali into Australia.

Prasetyo told the media that the embassies of foreign nationals had been informed of the executions and that these would be carried out at "the right time ... maybe within two weeks, maybe less than two weeks." The authorities normally inform relatives of the exact dates, but are not legally obliged to do so.

Six prisoners were executed by firing squad on January 18, and, as in the current cases, most had been convicted of drug offences. These were the first judicial killings in Indonesia since March 2013 when three were shot. This was the only use of the country's reactionary death penalty laws in the last five years under the previous President Susilo Bambang Yudhoyono.

The decision by current President Joko Widodo to reactivate and accelerate executions is based on cynical political calculations. In an interview with CNN on January 27, Widodo was adamant that there would be no mercy and "no compromise" for the scores of drug offenders among the more than the 130 prisoners currently on death row.

Widodo is engaged in a law-and-order campaign to

cement his ties to the politically powerful police and military apparatus established under the decades-long Suharto dictatorship. He is also seeking support from right-wing Islamist groups as his government implements deeply unpopular austerity measures and pro-market restructuring demanded by big business and foreign investors.

In the case of Chan and Sukumaran, the political considerations in Canberra are no less venal. The overriding concern of the government of Prime Minister Tony Abbott is to do nothing to upset Australia's strategically important relationship with Indonesia. Particularly over the past decade, close ties have been forged between the police, military and security apparatuses of the two countries under the banner of the "war on terror."

The Australian Federal Police (AFP) provided the intelligence to their Indonesian counterparts that enabled the arrest of the so-called "Bali Nine" in 2005 even though Indonesia imposes the death sentence for drug trafficking. The federal government and its agencies are legally barred from assisting a foreign country in prosecuting anyone charged with an offence punishable by death, but the AFP effectively put Chan and Sukumaran on death row.

Beside the two Australians due to be executed, probably on Nusakambangan Island off Central Java, the attorney general's office has named Brazilian Rodrigo Gularte, Filipino Mary Jane Fiesta Veloso, French national Serge Areski Atlaoui, Ghanaian Martin Anderson, Nigerian Raheem Agbaje Salami and four Indonesians—Syofial, Zainal Abidin, Sargawi and Haran bin Ajis.

The case being brought by Chan and Sukumaran in the Administrative Court case is based on challenging Widodo's blanket denial of clemency for drug

offenders sentenced to death. Their lawyers are arguing that each case should be dealt with on its merits.

Former Constitutional Court and Supreme Court judge Laica Marzuki told the media that Widodo's decrees denying clemency were administrative acts and therefore the Administrative Court had jurisdiction. However, the judge would not comment of the outcome of the case. The Australian Broadcasting Corporation reported that such an appeal had only been tried once before in 2008 and failed.

The lawyers for Chan and Sukumaran were also acting on information from Mohamad Rifan, a lawyer in the 2006 case. He said that the judges had come to him after the case and said that they had not wanted to impose the death penalty and implied there had been a political "intervention" into the penalty phase of the case.

In addition, one of the trial judges, Roro Suryowati, currently a High Court judge, said this week in an interview with the News Corporation that she had voted against the death sentence and that neither Chan nor Sukumaran deserved to be executed.

Justice and Human Rights Minister Yasonna Laoly, speaking on February 9 on the sidelines of a meeting of the Indonesian parliament, indicated that the Widodo might "review" the executions. His remarks were flatly contradicted by the attorney general's office, which stated that the Administrative Court case would not alter the government's plans to execute Chan, Sukumaran and the other nine prisoners.

The families of Chan and Sukumaran are in Indonesia and have made emotional appeals to Widodo to spare the two men.

No senior Australian minister has flown to Jakarta to call on Widodo to call off the executions. Foreign Minister Julie Bishop told the media "representations" were being made at the highest level from Canberra, but provided no details. "The course we are adopting is in the best interests of Mr Chan and Mr Sukumaran," she claimed.

In fact, the Abbott government's main concern is to maintain close relations with Indonesia. Successive Australian governments, Liberal and Labor, regard Indonesia as vital to Canberra's interests in South East Asia and the broader Asia Pacific region. Indonesia has only assumed greater strategic importance as Canberra has integrated more closely in the US "pivot to Asia"

and Washington's military build-up throughout the region against China.

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