

SDG 16: The Global War on Drugs vs. Rule of Law and Human Rights

Parallel event to the UN High-Level Political Forum on Sustainable Development 2021

War on Drugs, Death Penalty, and Fair Trial in Indonesia

Iftitahsari

Researcher – Institute for Criminal Justice Reform (ICJR)

July 13th, 2021

War on Drugs in Indonesia

- Extrajudicial killings of drug-related offenders
- Judicial killings: death penalty for drug-related crimes
 - Trend of execution
 - Trend of indictment and sentence
 - Violations of the right to a fair trial

Jokowi Promises War on Drugs for a 'Golden Indonesia'

BY : CARLOS PAATH & PRISKA SARI PRATIWI

FEBRUARY 04, 2015

Jakarta. President Joko Widodo opened the 2015 National Coordination Meeting on Drugs on Wednesday promising a renewed commitment to fighting the war on drugs in Indonesia.



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President Jokowi Declares War on Drugs

By Office of Assistant to Deputy Cabinet Secretary for State Documents & Translation

Date 26 Juni 2016

Category: News

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War on Drugs in Indonesia: Judicial and Extrajudicial Killings

Apriadi Gunawan (The Jakarta Post)

Medan • Thu, October 19, 2017

National Narcotics Agency (BNN) chief Comr. Gen. Budi Waseso said that investigators would continue to shoot on site suspected drug dealers who refused to surrender.

“People said that the BNN cannot shoot on the spot. Why not?” he said at Merdeka Square in Medan, North Sumatra, on Thursday.

News Desk (The Jakarta Post)

Jakarta • Fri, July 21, 2017

National Police chief Gen. Tito Karnavian said on Thursday that the example of the Philippines illustrated that capital punishment was an effective way to combat drug dealers.

Extrajudicial killings: Excessive use of force by police

The numbers of police shootings in Indonesia:


- **July 2020 – May 2021** → 390 incidents (KontraS, 2021)
- **July 2019 – June 2020** → 543 incidents (victims: 41 drug mules and 38 drug dealers/kingpin), killing 287 people (KontraS, 2020)
- **2018** (only drug-related offenders) → 159 incidents killing 68 people (LBHM, 2020)
- **2017** (only drug-related offenders) → 215 incidents killing 99 people (LBHM, 2018)

Extrajudicial killings: Excessive use of force by police

In 2018, Amnesty International published a new report with the title, “Don’t bother, just let him die.”¹ Amnesty International has analysed 69 cases of suspected unlawful killings by security forces in Papua between January 2010 and February 2018.

ICJR Minta Narasi Extrajudicial Killing Dihentikan

22 Apr, 2020

 Print this article
T1 Font size 16

ICJR mengingatkan aparat untuk tidak mengesampingkan peraturan penggunaan kekuatan oleh kepolisian khususnya dalam menangani kejahatan jalanan termasuk yang diduga dilakukan oleh Warga Binaan Pemasyarakatan (WBP) asimilasi/integrasi. Penggunaan senjata api merupakan upaya terakhir yang bertujuan untuk menghentikan pelaku kejahatan, bukan mematikan.

PRESS RELEASE — STOP EXTRA-JUDICIAL KILLINGS IN NARCOTICS CASES NOW!

[Admin Web](#) [6 March 2018](#) [Press Release](#) [Leave a comment](#) [786 Views](#)

LBH Masyarakat is strongly urging the Indonesia Government to immediately cease extra-judicial killings in the handling of narcotics cases. Monitoring of online media carried out by LBH Masyarakat has shown there were at least 215 shootings in the enforcement of narcotics law in 2017. Of these 215 cases, 116 people were wounded and 99 were killed.

Penembakan FPI, Polisi Diduga Lakukan *Extra Judicial Killing*

Jumat 08 Jan 2021 18:30 WIB

Rep: Bambang Noroyono/ Red: Bayu Hermawan

Trend of execution: death-row inmates of drug-related cases

First Batch execution (18 January 2015)

- 1) Marco Archer Cardoso Moreira (Brazilian)
- 2) Namaona Denis (Malawian)
- 3) Daniel Enemuoh a.k.a Diarrassouba Mamadou (Nigerian)
- 4) Ang Kiem Soei a.k.a Kim Ho a.k.a Ance Tahir a.k.a Tommi Wijaya (Dutch)
- 5) Tran Thi Bich Hanh (Vietnamese)
- 6) Rani Andriani a.k.a Melisa Aprilia (Indonesian)

Second Batch execution (29 April 2015)

- 1) Myuran Sukumaran (Australian)
- 2) Andrew Chan (Australian)
- 3) Martin Anderson (Ghanaian)
- 4) Zainal Abidin bin Mgs Mahmud Badarudin (Indonesian)
- 5) Raheem Agbaje Salami (Spanish)
- 6) Rodrigo Gularte (Brazilian)
- 7) Sylvester Obiekwe Nwolise (Nigerian)
- 8) Okwudili Oyatanze (Nigerian)

Third Batch execution (29 July 2016)

- 1) Seck Osmane (Nigerian)
- 2) Michael Titus Igweh (Nigerian)
- 3) Humphrey Ejike (Nigerian)
- 4) Freddy Budiman (Indonesian)

Source: various media coverage

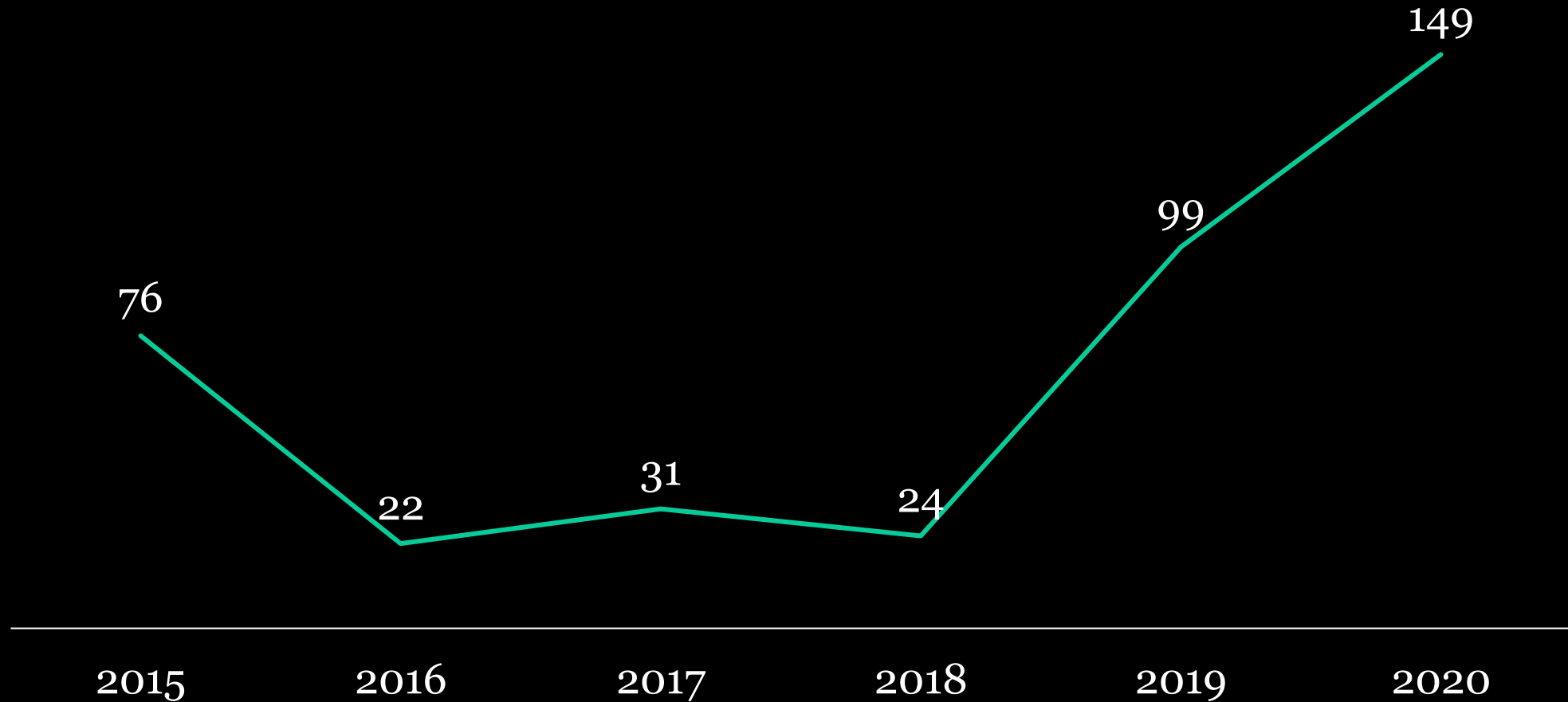
Haeril Halim (The Jakarta Post)

Jakarta • Sat, July 22, 2017

President Joko “Jokowi” Widodo has instructed law enforcement officers to impose the sternest sanctions on drug dealers operating in Indonesia, including gunning them down if necessary.

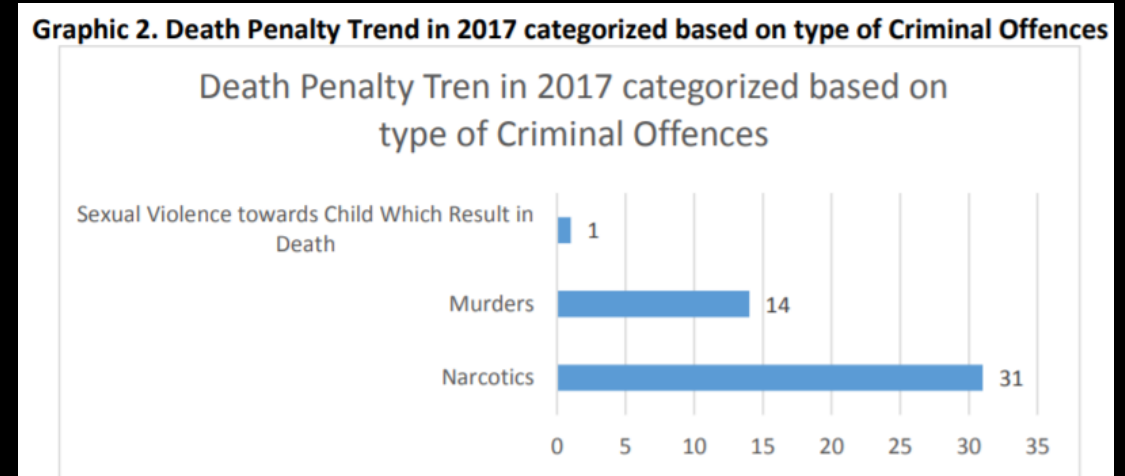
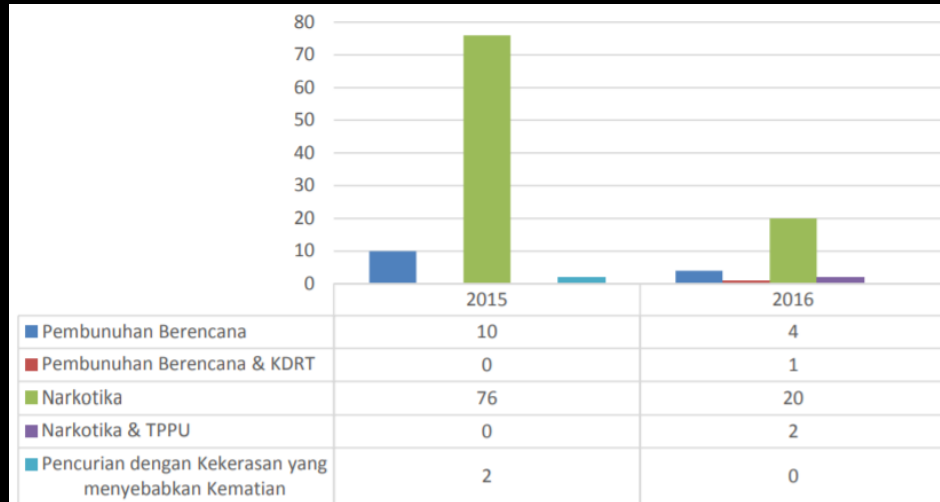
“I have told you, just be firm, especially with foreign drug dealers who enter the country and resist [upon arrest]. Gun them down. Give no mercy,” he said in a speech on the United Development Party (PPP) national working meeting (Mukernas) in Jakarta on Friday.

Trend of the death penalty cases on drug-related crimes in Indonesia (indictment and/or sentence)

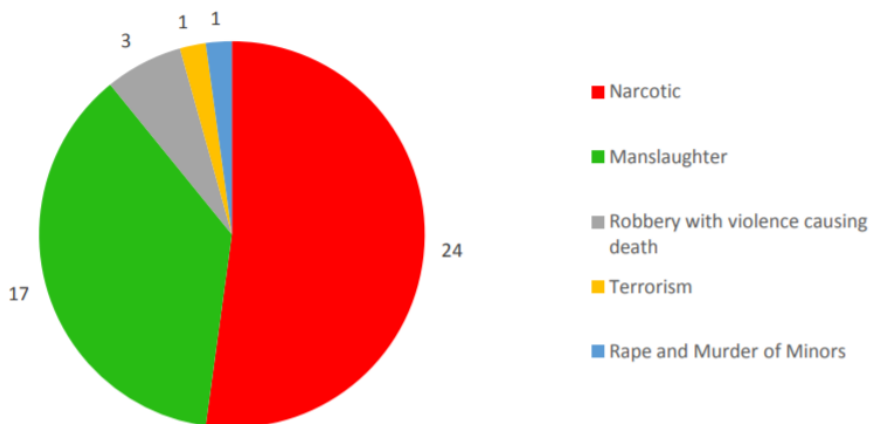


Source: ICJR's annual reports on the death penalty in Indonesia published from the year of 2016 - 2020

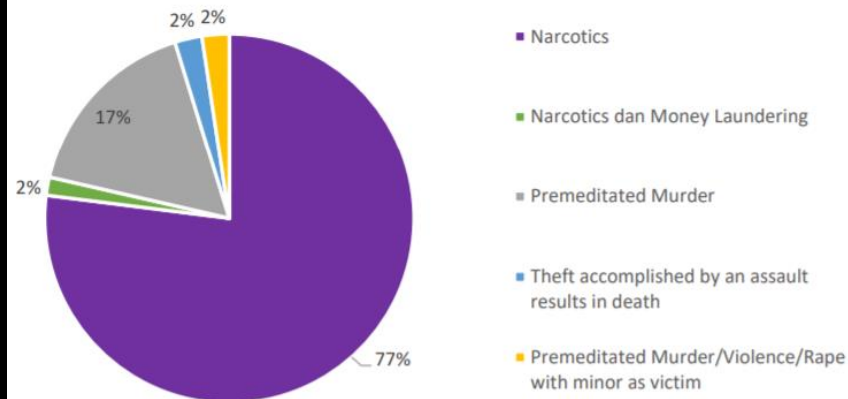
Drug-related crimes: The majority of death penalty cases in Indonesia



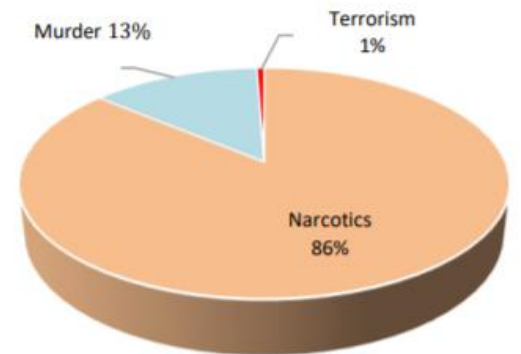
Type of Cases Indicted and/or Imposed with Death Penalty (October 2017 - October 2018)



Type of Crimes Charged/Sentenced with Death Penalty (October 2018 - October 2019)



Type of Cases Prosecuted with and/or Sentenced to Death Penalty (October 2019 - October 2020)

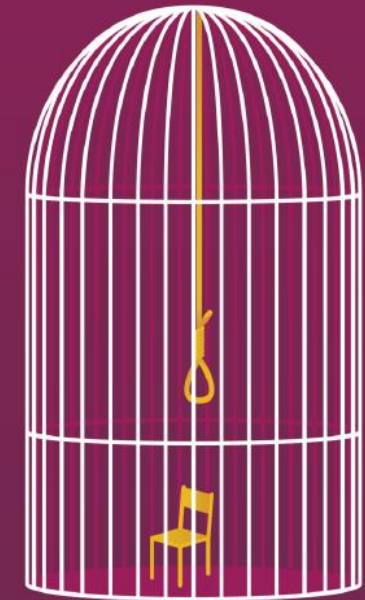


ICJR's Research: Death Penalty and Fair Trial in Indonesia (2019)

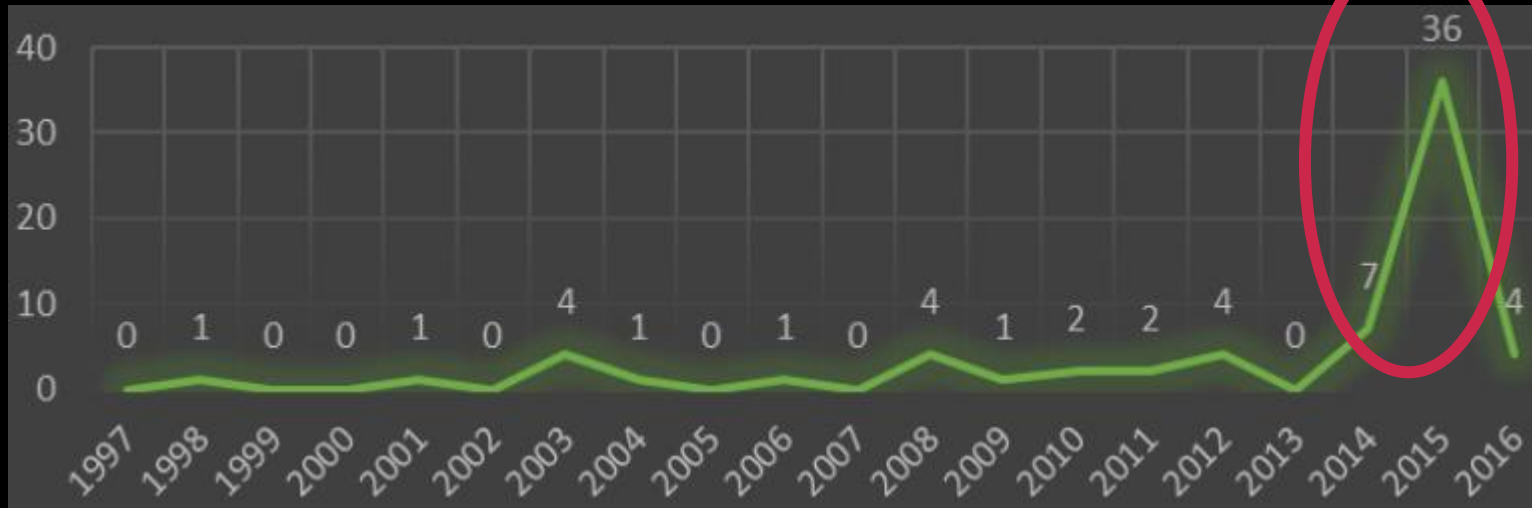
Sample data:

- 306 court decisions on the death penalty cases
- 100 death penalty cases (1997-2016)
- 118 defendants charged with and/or sentenced to death (75 drug-related offenders, 43 offenders of premeditated murders)
- 35 districts in 19 provinces

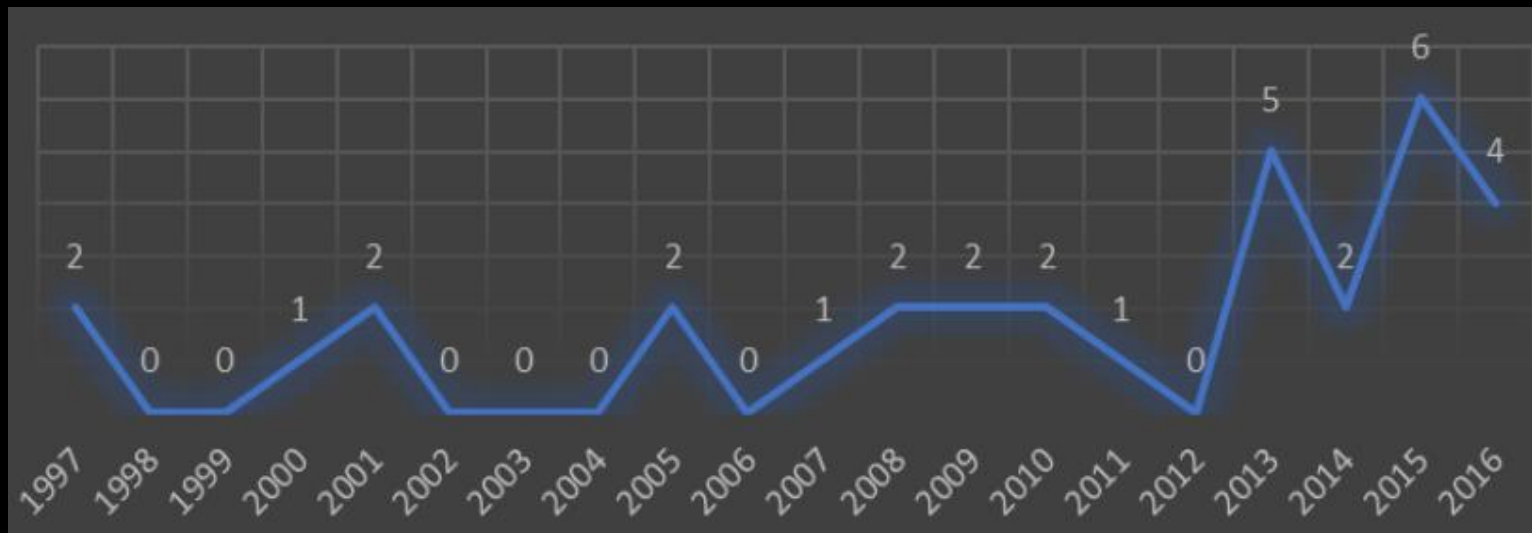
MENYELISIK
KEADILAN YANG RENTAN:
**Hukuman Mati
dan Penerapan Fair Trial
di Indonesia**



ICJR's Research: Death Penalty and Fair Trial in Indonesia (2019)



Trend of death penalty cases
(drug-related crimes)



Trend of death penalty cases
(non drug-related crimes)

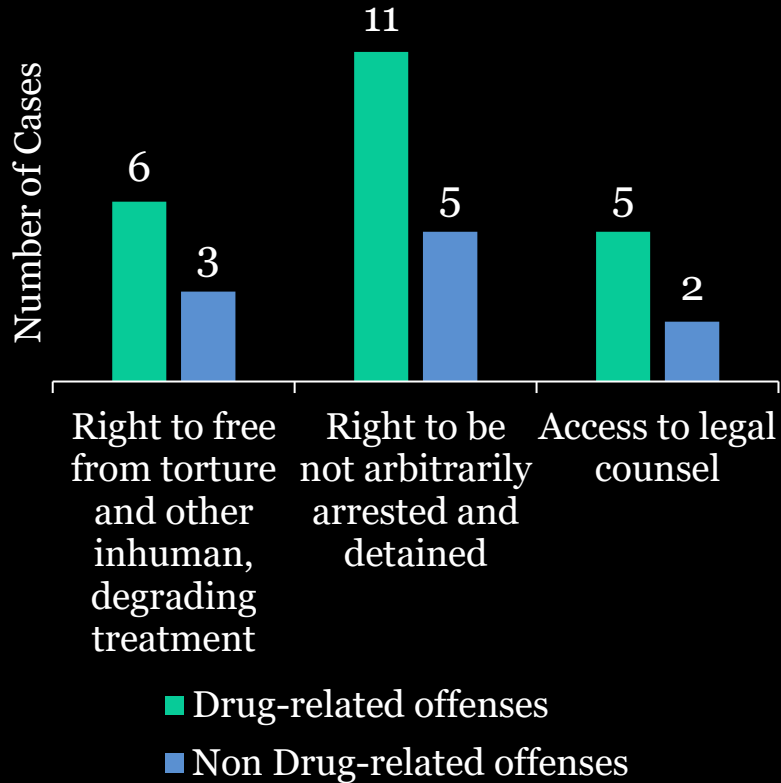
ICJR's Research: Death Penalty and Fair Trial in Indonesia (2019)

Judges' Reasoning in Imposing the Death Penalty as stated in Court Decisions

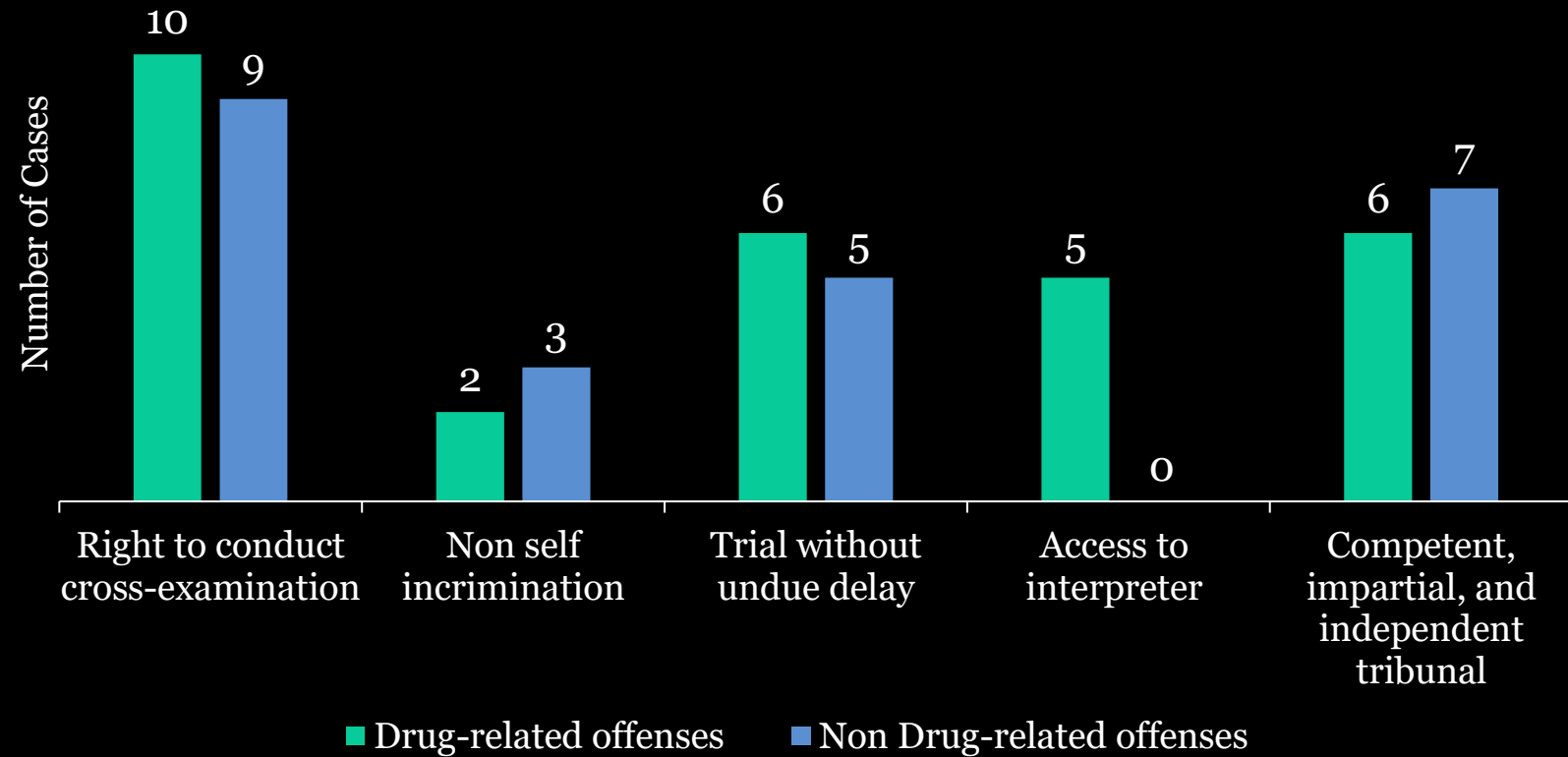


ICJR's Research: Death Penalty and Fair Trial in Indonesia (2019)

Violation of Fair Trial Rights During Pre-Trial



Violation of Fair Trial Rights During Trial



ICJR's Research: Death Penalty and Fair Trial in Indonesia (2019)

Some drug-related cases where the defendants were sentenced to death based on their incriminating statements during police investigation. The defendants were coerced, intimidated, and physically tortured to make such statements.

CHRISTIAN

Surat Rekomendasi Komisi Nasional Hak Asasi Manusia (Komnas HAM):

“Christian merupakan korban salah tangkap dan sempat mengalami penyiksaan selama proses penangkapan dan pemeriksaan di kepolisian.”

Namun adanya dugaan penyiksaan tersebut tidak diperhatikan dengan sungguh-sungguh dalam persidangan tersebut.

(Putusan Mahkamah Agung Republik Indonesia Nomor 171 PK/PID.SUS/2016, hal. 57)

LIM JIT WEE

VONIS
2008, PN JAKARTA BARAT

KASUS
NARKOTIKA

STATUS
DALAM DERET TUNGGU
PIDANA MATI



” KEHILANGAN SEBAGIAN JARI TENGAH DAN JARI MANIS DI TANGAN KANANNYA AKIBAT DARI PENYIKSAAN SELAMA PROSES PENYIDIKAN.

KETERANGAN YANG DIDAPAT DARI PENYIKSAAN TERSEBUT TETAP DIGUNAKAN HAKIM UNTUK MENJATUHKAN PIDANA MATI KEPADA DIRINYA.

”

ALASAN PEMOHON PENINJAUAN KEMBALI
DALAM PUTUSAN MA RI NO. 171 PK/PID.SUS/2016, HAL. 55

ZAINAL ABIDIN

VONIS
2001, PN PALEMBANG

KASUS
NARKOTIKA

STATUS
TELAH DIEKSEKUSI
PADA 29 APRIL 2015



” TAK TAHAN DIPUKULI DAN DIINTIMIDASI, AKHIRNYA DIA MENGARANG CERITA DAN MENGAKU.

PENGAKUAN YANG DIDAPAT DARI HASIL PENYIKSAAN TERSEBUT MENGANTARKAN ZAINAL ABIDIN MENEMUI AJAL PADA 2015 DI HADAPAN EKSEKUTOR PIDANA MATI.

”

PERNYATAAN PEMOHON KASASI
DALAM PUTUSAN MA RI NO. 503 K/PID/2002, HAL. 13

M. NUR ISMAIL

DISIKSA, DIPUKULI DENGAN TANGAN BAHKAN MENGGUNAKAN KABEL LISTRIK BESAR BERULANG KALI. TERPAKSA PASRAH DAN MENGAKU KARENA TIDAK LAGI SANGGUP BERTAHAN.

VONIS PN
2009, PN KALIANDA

KASUS
NARKOTIKA

STATUS
TUNTUTAN HUKUMAN
MATI TIDAK
DIKABULKAN, SAAT INI
MENJALANI PIDANA
PENJARA SELUMUR HIDUP

ALASAN PEMOHON PENINJAUAN KEMBALI DALAM
PUTUSAN MA RI NO. 36 PK/PID. SUS/2011.

Conclusion

- The Indonesian Government has been continuously denouncing “war or drugs” for the past 5 years despite undermining the rule of law and human rights protection
- EJKs are still frequently occurring, accountability?
- The numbers of people sentenced to death particularly for drug-related crimes are raising while the Indonesian criminal justice system fails to guarantee the right to a fair trial

Thank You!

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