



Press Release

24th of April 2015

ASEAN Civil Society Conference/ ASEAN People's Forum 2015 (Kuala Lumpur, Malaysia)

ASEAN governments urged to abolish death penalty

Civil society organisations from ASEAN countries are urging the grouping's governments to impose an immediate moratorium on the use of the death penalty with a view of completely abolishing the greatest violation of the right to life - state-sanctioned killing.

The "*Death Penalty In Southeast Asia: Towards A Regional Abolition*" workshop, held in conjunction with the ASEAN Civil Society Conference/ ASEAN People's Forum (ACSC/ APF) 2015 in Kuala Lumpur this week, saw anti-death penalty advocates in the region calling for a cease in using the death penalty. The workshop was jointly organised by FORUM-ASIA, Amnesty International Malaysia, KontraS, Think Centre, and Anti-Death Penalty Asia Network (ADPAN).

"At the ASEAN level, a strict application of the non-interference principle, which emphasises on the respect for state sovereignty, in the context of the death penalty is no longer relevant as the death penalty is an issue of all countries," said **Rafendi Djamin, the Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR)**. He noted that a regional trend towards a moratorium had begun. Singapore had taken a step towards a moratorium and Malaysia had expressed intentions to consider it. He added that the AICHR would continue its thematic study of the right to life which will be accompanied by awareness-raising activities within ASEAN countries, including organising a workshop with the judiciary in ASEAN.

Within Southeast Asia, Malaysia, Singapore, Thailand, Indonesia, and Viet Nam are retentionist countries that actively use the death penalty. Philippines and Cambodia abolished the death penalty for all crimes in 2006 and 1989, respectively, while Brunei, Laos, and Myanmar have had *de facto* moratoriums on the death penalty for decades.

The Deputy Secretary of Policy, Law and Complaints of SUHAKAM, Nurul Hasanah Ahamed Hassain Malim, said that the belief of some government officials that death penalty is a deterrent to crime and that abolishing the death penalty would be going against Syariah law are the two main challenges to abolishing the death penalty in Malaysia. A positive development, she added, was that the Attorney-General's Chambers was conducting a study on the use of the mandatory death penalty for drugs.

The workshop also allowed anti-death penalty advocates in ASEAN countries to exchange knowledge and best practices to move forward possible policy dialogues member states.

On abolition, **the Philippines' Human Rights Information Centre's Executive Director, Dr Nymia Pimentel-Simbulan**, said that a crucial strategy which led the Philippines to abolish the death penalty – making it the first country in Asia to do so – was active mobilisation of stakeholders. This, she said included civil society organisations, the Catholic church, members of the diplomatic community



including the European Union, anti-death penalty champions in the Philippine Congress, families of death row inmates and victims' families against the death penalty.

"Another key strategy that resulted in abolition was comprehensive research on crime statistics and the history of the death penalty's use that made up a legislative kit used during debates in Congress," she said. "Public awareness and education campaigns as well as case studies of women on death row were among other effective strategies which led to abolition", she added.

The workshop's speakers presented various practices and trends in the region's use of the death penalty and discussed the possibility of bringing the agenda of abolishing death penalty to the ASEAN level, especially via the AICHR as the body with the mandate to promote and protect human rights in the ASEAN region.

Think Centre's Executive Secretary, Ted Tan, in giving an overview of the use of the death penalty in Singapore, said that the latest statistics recorded 21 executions since 2007. He shared that the moratorium on executions (2011-2014) did not occur because of Singapore undergoing the UPR in 2011 but more likely due to the negotiations with the European Union over a free trade agreement. In fact there were 4 executions in 2011, prior to the UPR session.

He said, "We can expect executions to still continue in Singapore, since the government tightened the definition of capital punishment's usage and the amended laws were enacted in 2013. Additionally the negotiations on the FTA were mostly completed by then. So to the Singapore administration's mind, it was probably business as usual."

He concluded that the death penalty is now likely to be imposed on cases of heinous crimes like murder, and the number of executions for convicted drug traffickers should be smaller in the future.

Puri Kencana Putri of the Commission for the Disappearances and Victims of Violence (KontraS) briefed the workshop participants of its six-month fact-finding mission on recent executions in Indonesia, where serious loopholes were found with how the death sentence was meted out. "Elements of torture, mistaken identity, and delay in deaths for up to 15 minutes during an execution were recorded," she said.

Puri noted Indonesia's strong policy on how the government interprets "most serious crimes", where the definition encompasses drug trafficking, adding that "anti-death penalty activists cannot rely on rhetoric to win the battle against the death penalty in Indonesia." The way forward, she said, should include an evaluation of anti-drug agencies in relation to their donors, as well as an increase in public education programmes.

Another Indonesian speaker, **Jakarta National University sociologist, Dr Robertus Robet**, pointed out that the use of the death penalty was escalating under the administration of Indonesia's Joko Widodo.

"Six individuals were executed within his first 100 days in office. Another 10 individuals currently housed in the Nusa Kambangan Island prison are expected to be executed in the near future. If plans move forward with the next round of executions, which include French nationals, there would be a bigger hit back to the Jokowi policy."



In closing, **Atnike Nova Sigiro**, ASEAN Programme Manager of FORUM-ASIA, emphasised “the importance of institutional and legal reform as well as a change of culture and values that encourage retaliation and vengeance, for which regional solidarity is indispensable”. As one of the organizers she added, “The ASEAN People’s Forum is one important venue to bring solidarity in abolishing death penalty in this region”. “Now in Indonesia, a Philippines citizen, Mary Jane Veloso is one among the list of persons to be executed soon. The conference calls for solidarity from the people of ASEAN to call on the government of Indonesia to stop the execution of Mary Jane and also for other inmates on the list” Atnike concluded.

For media inquiries, please contact:

- **Shamini Darshni** (Amnesty International Malaysia Executive) at +60 19 274 8877 or shamini@aimalaysia.org (Malaysia)
- **Atnike Nova Sigiro** (FORUM-ASIA) at +62-8129401766/ atnike@forum-asia.org (Indonesia)
- **Puri Kencanaputri** (KontraS) at +62-8175455229/ purikencanaputri@kontras.org (Indonesia)
- **Ted Tan** (Think Centre) at +65-81884723/ thinkcentre@hotmail.com (Singapore)
- **Charles Hector Fernandez** (ADPAN) at +6019271100/ easytocall@gmail.com (Malaysia)



About the organisers:

FORUM-ASIA

Asian Forum for Human Rights and Development (FORUM-ASIA) is membership-based regional human rights organisation committed to the promotion and protection of all human rights including the right to development. As a regional forum with 49 member organisations in across Asia, FORUM- ASIA seeks to facilitate dialogue, capacity building, and networking, among human rights defenders, civil society actors and organisations in Asia. FORUM-ASIA, as an NGO in Consultative Status with the UN Economic and Social Council (ECOSOC), also promotes cooperation with governments, inter-governmental organisations and the UN for the betterment of people's lives and the full respect of human rights and human dignity.

Amnesty International

Amnesty International is a Nobel Peace Prize-winning grassroots activist organisation with more than 7 million members in more than 150 countries campaigning for human rights worldwide. The organisation investigates and exposes abuses, educates and mobilises the public, and works to protect people wherever justice, freedom, truth and dignity are denied.

KontraS

The Commission for the Disappeared and Victims of Violence or widely known as KontraS, a non-governmental organisation, is committed to protecting and promoting human rights in Indonesia. For more than a decade, KontraS has been promoting political awareness of victims of abuse in order to fight for justice throughout Indonesia, without regard to religious background, race, ethnicity, ideology, class, gender, or sexual orientation. It also focuses on conflict resolution, human rights and democratisation in the region, with specific issues of transitional justice, anti-death penalty, peace and security as well as business and human rights.

Think Centre

Think Centre is an independent non-governmental organisation in Singapore. It aims to critically examine issues related to political development, democracy, rule of law, human rights and civil society. Its activities include research, publishing, organising events and networking.

ADPAN

The Anti-Death Penalty Asia Network (ADPAN) is an independent regional network of the non-governmental organizations (NGOs) founded in Hong Kong in 2006 on the World Day Against the Death Penalty. ADPAN is committed to working for the abolition of the death penalty throughout Asia and the Pacific region and has members in 28 countries consisting civil society groups, lawyers, academics and individual members.