



AMBASSADOR / PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF INDONESIA TO THE UNITED NATIONS,
WORLD TRADE ORGANIZATION AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No.155/POLII/X/2017

Geneva, October 2017

Dear Special Procedure Mandate Holders (SPMHs),

I would like to acknowledge receipt of a joint communication with reference no. AL IDN 7/2017 dated 29 September 2017 sent by the Working Group (WG) of Experts on People of African Descent; Special Rapporteur (SR) on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; SR on Extrajudicial, Summary or Arbitrary Executions and SR on the Human Rights of Migrants regarding the information that you have received on the execution of 12 Nigerian nationals in Indonesia since 2008 as well as five others who remain on death row under threat of imminent execution.

Allow me to inform you that as a sovereign state, the death penalty is still a part of Indonesia's positive law. In Indonesia, the death penalty applies only as a last resort after taking into account the existing safeguards as well as after the convict has exhausted all legal remedies possible. It is also worth stating that in accordance with the decision taken by Indonesia's Constitutional Court as the highest law-making authority along with Indonesia's 'narcotic emergency' condition, drug offenses are still considered as one of the most serious crimes in Indonesia to which death penalty shall be applied.

In this regard, Indonesia is well aware of its international obligations as it is not a party to second optional protocol of the ICCPR which demands for the abolishment of death penalty and I can assure you that the sentencing of death penalty to drug traffickers in Indonesia is not based on race, gender or whether the perpetrator is a foreigner or citizen as implied in your letter, but rather based on the gravity of the crime and the existing rule of law.

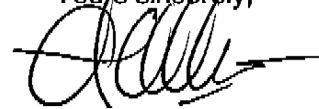
1. Mr. Sabelo Gumedze, Working Group of Experts on People of African Descent
2. Mr. Mutuma Ruteere, Special Rapporteur on Contemporary Forms of Racism Racial Discrimination, Xenophobia and Related Intolerance;
3. Ms. Agnes Callamard, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
4. Mr. Felipe Gonzalez Morales, Special Rapporteur on the Human Rights of Migrants

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Let me also take this opportunity to convey that the SPMHs' request for clarification, observation and data regarding the death penalty in Indonesia has been forwarded to relevant institutions in the capital. I will update you on any developments and responses.

Please accept the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Hasan Kleib', with a long horizontal stroke extending to the right.

Hasan Kleib

Ambassador/ Permanent Representative