

# HUMPHREY JEFFERSON EJIKE ELEWEKE INDONESIA



© Private

**HUMPHREY JEFFERSON EJIKE ELEWEKE** (Jeff), from Nigeria, was arrested for drug offences in 2003 and sentenced to death in 2004.

Jeff was arrested on 2 August 2003 in Jakarta for possessing drugs after police found 1.7kg of heroin in a room used by one of his employees at the restaurant he owned and ran.

He was charged with offences relating to the import, export, sale and trafficking of drugs – offences which carry the possibility of the death penalty. However, Jeff did not have access to a lawyer at the time of his arrest, interrogation or detention. He was detained for a total of five months without legal representation, in breach of Article 14 of the International Covenant on Civil and Political Rights (ICCPR) as well as of Indonesia's Criminal Procedure Code, which guarantees the right to be assisted by and to contact counsel. Indonesia ratified the ICCPR in 2006.

Jeff has claimed that he was repeatedly beaten during interrogation. He said his interrogators threatened to shoot him if he refused to sign papers confessing to possession of the heroin or if he refused to implicate others. Trial records of April 2004, however, show that Jeff reported that he was not subjected to any form of coercion.

The trial judgement includes the statement that "black-skinned people from Nigeria" are under surveillance by police because they are suspected of drug trafficking in Indonesia. This raises concerns about the impartiality of the trial process. The ICCPR requires that everyone be given a fair and public hearing by a competent, independent and impartial tribunal. The ICCPR places an explicit obligation on states to respect and protect the rights of all individuals "without distinction of any kind" including race, colour, and national or social origin.

Jeff was convicted of possession and sale of drugs by the Central Jakarta district court and sentenced to death in April 2004. His conviction and sentence were upheld by the High Court in June 2004 and the Supreme Court in November 2004.

In November 2004, Charles Kanu, alias Kelly, the former owner of Jeff's restaurant, reportedly told police that he had organized for drugs to be planted in the restaurant so that Jeff would be arrested and convicted. Although he later died in prison, several people testified that they had witnessed Charles Kanu making this confession while in prison on drug charges. Such witness statements formed part of an appeal for a review of Jeff's case to the Supreme Court, which was rejected in September 2007.

“Black-skinned people from Nigeria' are under surveillance by police because they are suspected of drug trafficking in Indonesia.”

Paraphrase of trial judgement in the case of Humphrey Jefferson

TORTURE/OTHER  
ILL-TREATMENT

RIGHT TO A  
LAWYER DENIED

That same year the court upheld the constitutionality of the death penalty for drug offences.

Jeff is currently held in the Nusa Kambangan Prison awaiting execution. He has not appealed for clemency from the President as he maintains that he is innocent and should not seek forgiveness for a crime he did not commit.

Indonesia has yet to make torture a criminal offence in its Criminal Code.

More than 100 people are on death row in **INDONESIA**: half have been convicted of drug trafficking; many are foreign nationals. Ten were executed in 2008, compared to 11 executions recorded in the preceding decade. At least seven people were sentenced to death in 2010, but since 2008 there have been no recorded executions. In August 2010, the clemency law was amended so that those sentenced to death can only appeal once for clemency from the President, within one year of the final verdict. The Constitution prohibits torture, but torture by police is widespread and forced confessions are routinely relied upon in court. Those charged with crimes carrying the death penalty can be held for up to 231 days before being tried. There are serious concerns around corruption and lack of independence within the judiciary.

## ACT NOW

### Appeal to the Attorney General to:

- ★ Stop the execution of Humphrey Jefferson Ejike Eleweke by whatever judicial or other means available.
- ★ Ensure Humphrey Jefferson Ejike Eleweke is re-tried in proceedings which comply with international fair trial standards.
- ★ Make torture a criminal offence, investigate reports of torture and other ill-treatment and ensure that all statements resulting from such coercion are completely excluded from any re-trial.
- ★ Suspend all executions and the imposition of death sentences as a step towards total abolition of the death penalty.
- ★ Revise the Criminal Code and other laws and change policies and practices to ensure fair trials in line with international standards.

### Write to:

Attorney General of the Republic  
of Indonesia  
Jl. Sultan Hasanudin No.1  
Kebayoran Baru  
Jakarta Selatan 12160  
Indonesia  
Fax +62 21 725 0213 /  
+62 21 739 2576