

## **SPECIAL APPEAL FOR PRESIDENTIAL PARDON FOR 18 NIGERIANS ON DEATH ROW IN INDONESIA**

**PRESENTED TO: HIS EXCELLENCY PRESIDENT SUSILO BAMBANG  
YUDHOYNO C/O AMBASSADOR URI OCTAVIAN THAMRIN**

**PRESENTED BY: ARISE NIGERIA ON 12<sup>TH</sup> JULY 2010**

### **NAMES OF DEATH ROW PRISONERS:**

- 1 Okonkwo kingsley (Onitsha)
- 2 Micheal Titus (Osuohu)
- 3 Uchenna Onyeworo {aka seck usman} (Uli)
- 4 Sylvester Nwolisa (Orukwu)
- 5 Denis Anumona (Agulu)
- 6 Ikenna Ezewunne (Nnobi)
- 7 Okwudili Ayotaeze (Nnobi)
- 8 Obinna Nwajagu (Ufuma)
- 9 Adam Wilson (Igbukwu)
- 10 Fredrick Luther (Nnewi - Anambra State)
- 11 Emmanuel ihenjirka (Ebonyi State)
- 12 Humphery Ejike (Isukwuato)
- 13 Ekperedike Olekamma (Isuochi - Abia state)
- 14 Hilary Chimezie (Obowo)
- 15 Gabriel Nnadi (Owerre - Imo State)
- 16 Eugene Ape (Ezike - Enugu)
- 17 Daniel Enemu (Ezeagu - Enugu state)
- 18 Martin Anderson (Ijebu-Ode - Ogun state)

### **NATURE OF OFFENCES:**

Drug trafficking

### **BACKGROUND OF CONDEMNED PRISONERS:**

The above named death row prisoners are all male and citizens of the Federal Republic of Nigeria. Majority of them are single from very disadvantaged background. They have basic education and literacy competences. Their parents are very poor village farmers or retired old people of little or no means who have never left their villages nor have any hope of ever leaving their

villages. Many of their parents toiled tirelessly in order to give their children the education they never had. From the moment they are registered on a University course they are left to their own fate and have to fend for themselves and in most cases, their families. These parents and their children see education as their only way out of poverty and will often sell land in order to give their children education in the hope that they will have good employment opportunities after they graduate. Upon graduation they are expected to be able to support their families and sometimes help to pay off any debts owed to third parties while the parents were supporting them through their years at University. This only applies where the parents have such land to sell otherwise the children are expected to survive on as little as possible. This state of affairs often poses problems and some of them fall victims to unscrupulous criminals of drop out of Universities and colleges without any hope in the future.

The few who are able to complete their education usually find it difficult to obtain any or suitable employments and are forced to go into big cities in search of employment.

Many of them usually have no one to support or guide them while they are in the city in search of means to basic necessities of life. Some of them often live rough on the streets until they are lucky to find anyone who may assist them in obtaining employment. This renders them extremely vulnerable to exploitation by criminals including drug barons and fraudsters who promise them better lives in foreign land as a gesture of kindness and sympathy which often turn out to be for the selfish interests of such evil benefactors. This applies to some of the prisoners in this case.

The drug barons and fraudsters only way of assisting these vulnerable young men and sometimes women is sending them on drug runs around the country and the world where they are often exposed to many life threatening risks including deaths on the streets in foreign lands, attacks by major drug barons or rival gangs, life imprisonments or this occasion death penalties.

As already mentioned above and emphasised again here often these young people are made promises of better and best lives outside their countries with promises of employments in the foreign countries where the barons send them. Majority of them do not know that they are being sent on drug errands. In majority of cases the young men have never been abroad. Their passports and travel arrangements are therefore made by the barons who check in bags which they may never have seen the contents for them at the airports and give them the baggage tags. Sometimes if they are lucky to know that they have any substance in their bags they are led to believe that they are traditional spices for contacts abroad. Therefore the only actual time they realise that instead of a greener pasture they are indeed heading to prison and possible death, is when they arrive at destinations which the barons have arranged for them and are caught with drugs.

The worrying situation is that in some cases where the young people are being sent on these errands they are sworn to secrecy with death threats and

other life threatening consequences including the mass killing of close family members if they are caught and they mention or disclose the identities of the barons upon realising their difficult situations. The threats are so much that they would be unable to disclose the identity of the barons or persons at the receiving end in their host countries. Some of the barons or sponsors are friends of people in high places and therefore untouchable.

Although in most cases some of the drug traffickers may have been picked up on the street or introduced to the barons by other victims who may be under obligation to introduce new traffickers or be killed, the barons under the pretence of help for them and their families always ensure that parents and families of their victims are known to them and very often force their victims to swear oath of secrecy and silence with the condition that if they are caught in their way to better lives within or outside the country, they must never mention the barons or disclose their identities as otherwise they may kill or harm their family members.

Majority of the victims of the barons hardly know what they should expect but simply follow instructions. In many of these cases the poor parents do not know the whereabouts of their children and are simply hoping that they will one day return from the city with wealth which may better their lives not knowing that their children have been forced into drug trafficking and may never return. Many a times, some of these parents who have toiled day and night to provide their children with everything they never had including the selling of their ancestral land die without ever seeing their children again.

The poor children on the other hand languish in jails, live as beggars on the streets in foreign lands so far away from home because the promised land have not materialised. Some due to language difficulties may never settle anywhere or return home. Some have been known to be targeted by drug barons in their host countries or accused of offences they did not commit but due to their confusion have ended up serving sentences for offences they did not commit. Some have died on the streets in foreign land and given a pauper's burial because no one could identify them. Yet their families are still waiting for them to return and the barons are getting on with their lives and continuing to endanger, the life and security of many other unsuspecting young people.

## **PRISONS WHERE DETAINED WHILE AWAITING DEATH**

Various prisons in Indonesia

## **EDUCATION, EMPLOYMENT, FAMILIES FINANCIAL POSITIONS AND CRIMINAL RECORDS BEFORE THEY CAME TO INDONESIA AND BECAME DETAINED AS DRUG TRAFFICKERS**

Majority of them are unemployed University graduates, illiterate school drop outs, street hawkers and small scale street traders with no previous record of drug dealing or taking. Their parents are poor and rely on hand outs from

their children and other close relatives in the cities or abroad for their daily subsistence. They lack access to basic amenities and often die very poor and dejected. Not having any previous records is something which must be considered seriously and used as a point in mitigating their situations.

### **PROSECUTION IN INDONESIA**

We understand that the prisoners may not have had fair trials in Indonesia due to language barriers, natural human prejudices and lack of legal funding. From information available to us they still have rights of further appeals but have no means of funding the appeals but will be killed nonetheless unless they can find the means to follow up their appeals.

We consider this to be a matter of grave concern and contrary to natural justice, the human rights convention and the national law of Indonesia.

It is even more concerning as it appears that these men may die because of their impecunious circumstances in life. Poverty must not be the deciding factor on whether anyone should lose their liberty, live or die.

We all have fundamental freedom of right to life and no one must take the life of another other than in times of legitimate wars without justification.

### **PREVIOUS EFFORTS**

In 2008 the Nigerian government made attempts to negotiate the positions of the 18 men after two people were killed. A delegation of legislators and the former Minister of Foreign Affairs met with officials in Indonesia to plead for clemency and stay of execution which appeared to have delayed further executions. However, there appears to have been no other follows up of that visit or formal official negotiations with the Indonesia government by the Minister of Foreign Affairs.

It is understood that as at December 2009 the former Nigerian Ambassador to Indonesia stated that further efforts are still being made to enter into prisoner exchange arrangement but this may never materialise or take forever as Nigeria has no Indonesia prisoner to exchange and Indonesia is not familiar with the process of prisoner exchanges.

### **CURRENT POSITION**

There is a heightened state of anxiety amongst the prisoners as a recent newspaper report stated that the prisoners are likely to be executed between June and August of 2010. Many of the families of the prisoners still do not know their whereabouts and those who do cannot raise the required funds for the appeals. The men fear imminent deaths whilst still believing that if they have the means or anyone cared enough about them they may be able to succeed in an appeal against the death penalty or have their sentences commuted to life which they may be allowed to spend in Nigeria where their family members may visit them.

## **OUR REASONS FOR SEEKING PARDON FOR THEM**

We are a Nigeria group which was set up to assist Nigerians in Diaspora out of any situation they may find themselves in while they are away from home and also assist our government in creating awareness, promoting good governance and protecting the image of Nigeria. The plight of these Nigerians is one of the major aspects of our objectives. It is a well known fact that national governments are custodians of their citizens wherever they may find themselves in the world. However successful governments are known to be ones whose efforts are supported by their citizens in any legitimate way possible. We are therefore about assisting our government and protecting the rights of fellow Nigerians.

The Prisoners believe in the readiness of the Indonesia authority to reconsider their sentences but fear that the Nigerian government's failure to follow up matters more effectively after their visit in 2008 may be infuriating the Indonesia authorities. They further believe that some officials of the Nigerian Embassy in Indonesia may have given the authorities the impression that they are a group of restive/criminal youths who are simply a danger to the society in which case their cases have been greatly prejudiced. Additionally the ill health and eventual death of President Umaru Musa Yaradua may have caused considerable distractions within the ranks of the government.

Furthermore, many of us are parents and know how painful and hard it is to have and raise children. We know that sometimes despite our unequivocal commitment to bringing up our children as great responsible citizens of our societies and the world, they sometimes derail or fall prey to situations beyond our control due to changes in their circumstances including, deaths of parents, peer pressure and exploitation by criminals. But generally we never let them die if there are alternatives open to them.

We were all born equal and share one common fundamental freedom; right to life. Therefore the fact that someone is poor or have limited means must not take away that freedom we share regardless of our status in life.

By giving the prisoners rights to further appeals the Indonesia justice system recognises that their cases remain to be completely certified for death penalty. However, poverty and hardship which means that they cannot afford the costs of such further appeals appears to be the barrier or deciding factor between life and death for them. Killing them while these rights remain to be explored will be a perpetual blight on our conscience and cannot be justified in any circumstances.

Under the United Nations Convention on Human Rights to which Indonesia and Nigeria are signatories, International Covenant on Civil and Political rights, International Convention on the Elimination of All Forms of Racial Discrimination, Indonesia Constitutional law and natural justice, we are all guaranteed right to life, fair trial, access to court by foreigners, and

prohibitions against, torture, arbitrary deprivation of life, death penalty, inhuman and degrading treatments.

Given the background of these 18 prisoners and the circumstances leading to their sentences, it is obvious that the Indonesia justice system still recognise their right to life. Nonetheless they may die because they are poor and not able to afford the costs of justice which should be available to them.

### **OUR PLEA FOR PARDON**

In light of all the above, we respectfully ask for a presidential pardon for the men. They cannot afford the costs of any further appeals but the Indonesia justice system recognize that some of them may be able to successfully argue their innocence and be saved the sentences.

As the cost of legal representations is prohibitive, their only other alternative will be a presidential pardon.

We have looked at statistics and regrettably notice the number of people who die in Indonesia as a result of drug related illnesses. We condemn the influence of drugs in their deaths and consider their deaths needless in which case there can never be any justification for drug trafficking.

The trade is a great threat to life, humanity and good governance. We therefore fully understand why any responsible government like the government of Indonesia who cares about the welfare and wellbeing of their citizens would take draconian measures to curb the trade and secure the mental and physical wellbeing of their citizens for the benefit of society.

Clearly, if any of these 18 death row prisoners had succeeded in their attempt to peddle and promote the drug trade in Indonesia, their success could easily transform into the death of others which is a very undesirable outcome of any business. The potential victims share the fundamental freedom of right to life just like the Prisoners and no one must be allowed to interfere with those rights for their own selfish means no matter the circumstances.

That said, since two wrongs cannot make a right and as everyone involved in maintaining law and order, dignity and integrity of human beings plus securing the life of the good citizens of Indonesia would appreciate, we cannot commit a crime in order to solve another crime. Therefore the proposed killing of the men cannot be justified. It is therefore human and reasonable that the death penalties must be reconsidered for the good of mankind and humanity.

We are very aware that our plea for pardon may sound too much to ask and some people may feel that we are attempting to undermine the rights of the government of Indonesia to maintain law and order in their country plus send very strong signals to potential criminal drug traffickers, far from it, we appreciate greatly the good work you are seeking to do for Indonesia and the world and therefore condemn drug trafficking in every respect. We will never

condone or trivialise crimes of the magnitude these 18 Nigerians have been charged with. However, looking at the surrounding circumstances most importantly the backgrounds of these convicts, and their impecunious situations which have meant that they may never be able to afford the cost of any further appeal, this is their only and last option. We must not let them die.

Should His Excellency be unable to grant them absolute pardon then we invite and respectfully implore him to kindly direct that their sentences be commuted to life sentences which they can serve in Nigeria where they have family. It is one thing to live and die in prison but another to die in a foreign land so far away from home. Of course the many victims of the drug trade who are dead or mentally challenged no longer have the pleasure of the option of whether they should live and die in prison at home or abroad and no one must allow him or herself to be seen as insensitive to the distress the cause of their deaths may have caused their families but good national and international relations requires compassion and forgiveness. There must be an end to bitterness otherwise our world will be the most difficult place to live in and there may never be an end to suffering and punishments.

We are happy to embark on serious worldwide fundraising campaigns in order to have the opportunity to review their cases and where necessary continue their appeals in order to ensure that whoever is innocent is cleared and allowed to return to Nigeria and those who may be guilty will be punished without any loss of life.

Death must never be an option. It is therefore believed that if His Excellency should allow our plea on the behalf of these men, this single gesture of goodwill in recognition of the natural law of sanctity of life and international human rights law will not only show Indonesia as compassionate and understanding but will also call the attention of many nations to the changes which must be followed for the good of mankind.

Again, in these times of growing crimes due to worldwide population explosion and economic melt down, forgiving and repatriating these men to Nigerian will free out prison spaces for use by the penal system in the reformation of erring citizens of Indonesia and improve international relations amongst nations.

Many nations of the world are quickly imbibing the modern day culture of punishment without death and promotion of respect for life as a fundamental freedom.

For instance, Libya paid blood money in order to secure the release of their citizen who was jailed for bombing a plane in Scotland. They went further to secure his release at all costs as he laid dying in a prison hospital in Scotland. They never gave up on him despite the fact that his crime was so heinous and he did not face any real risk of death other than life imprisonment under satisfactory conditions.

Many other countries of the world including most recently Malaysia which is fighting for the release of one of their citizens who has been condemned to

death in Bangkok for drug trafficking are following suit. This is evidence that though many people feel that the death penalty may deter criminals, it has not produced the anticipated effect in which case our fundamental freedom to life supersedes any use of death penalty and our fundamental freedom of right to life remains supreme.

Surely Indonesia would like to be part of change and champion a cause which will restore justice and fairness to all without any regard to their status in life as poor or rich and in accordance with the law of natural justice. This will make the difference in the lives of these Nigerians, their poor helpless families and many other people in their position in other parts of the world.

Your Excellency Sir, please lead the way and be the champion of the change the world needs and other people will follow.

We fully regret the inconveniences and distress these 18 Nigerians may have caused the people of Indonesia and take this opportunity to profusely apologise to the government and citizens of Indonesia on their behalf.

We further undertake to work with these men in order to ensure that they all individually prepare and forward full heartfelt apologies to the government of Indonesia and where possible make them to visit the victims of drug trafficking and their families to see and hear first hand the consequences of drug trafficking.

We will also ensure that before they leave Indonesia they sign their written unequivocal undertaking never to enter Indonesia ever in their lives and if they do to be responsible for any sanctions the government of Indonesia may impose on them for whatever reason without looking up to anyone for assistance.

We will also ensure that upon their return to Nigeria anyone who is supposed to serve any further prison sentence serves those sentences and go through a deep process of rehabilitation before they eventually integrate into the Nigerian society.

Your Excellency, you would appreciate that the backgrounds of these prisoners and some of the circumstances leading to their situation are exceptionally compassionate and compelling and that given the anxiety they have suffered while waiting without certainty about their lives and future, our request for pardon on their behalf merits your exceptional consideration and they ought to be given the chance to benefit from your right to grant pardon in cases of this nature.

Your Excellency Sir, if you do not grant them pardon, they will die and you may never know who was guilty or not guilty. Life is worth more than anything we can imagine and people should not be allowed to die because of poverty which is the case here. You will be forever remembered for starting a revolution which will consign death penalties to the history books.

## **IN RETURN FOR YOUR PARDON**

We fully recognise the dire consequences of drug trafficking and therefore condemn it in every respect. The Nigerian government recognises the dangers and threats posed by drug trafficking and would do everything within their powers to prevent Nigerians from peddling drugs in Nigeria or outside Nigeria. However, due to inherent corruption they appear to lack the will to stop the illegal destructive trade for now.

In addition to any current actions of the Nigerian Government in stopping drug trafficking by Nigerians, as a group, we have resolved to assist our government in the war against drug trafficking and make the difference nationally and internationally by:

- 1) embarking on a nationwide training on the consequences of drug trafficking and use in Nigeria
- 2) Assisting the Indonesia Embassy in Nigeria in spotting drug cartels who secure visa for their mules and ensuring that they are punished in accordance with Nigerian law as a deterrent to future trafficking
- 3) Designing and providing Indonesia Embassy in Nigeria with undertaking forms to be completed, signed and submitted to them by any Nigerian who is issued visa to travel into Indonesia.
- 4) Further forms will be designed and deposited with customs and immigration at every airport in Nigeria for people to complete, declare and sign that they have no drugs on them while travelling to Indonesia and any other parts of the world and that if they are found with drugs contrary to their declarations and undertakings they will be subjected to the full force of the respective country's drug trafficking laws without sympathy or intervention by Nigerian government or Arise Nigeria.
- 5) We will ensure that proper sign postings about the effects of drugs and consequences for drug dealers are generously posted in strategic areas in Nigeria including airports, universities, markets, and many other public areas in Nigeria
- 6) Upon receipt of funding from Nigerian government and international development funders we will recruit and train trainers who will go into Universities to train youths on the dangers of drug trafficking, how to spot barons who may turn them into mules and know how to report them to the authorities without endangering their lives
- 7) Also in the event of the release of these 18 prisoners we will ensure that your government do not suffer any form of financial loss in returning them back to Nigerian and will ensure that their fares are fully paid for by Nigerian government or funds to be donated by Nigerians all over the world through our fund raising efforts
- 8) Should you require the men to compensate anyone who may have directly suffered harm as a consequence of their actions, then we are happy to enter into negotiations on their behalf in order to

determine what will be a reasonable compensation for them and assist in raising the necessary funds to meet such demands.

While you are considering our request, we would like the opportunity to visit these prisoners in their various prisons in Indonesia, communicate with the head of Narcotics law enforcement, the Justice Minister and Ministry in Indonesia with a view to us being allowed the opportunity to review their case files and work along side your law enforcement officers in causing any action that may not have been taken to be taken in the interest of justice.

Finally, we thank you Your Excellency, the Honourable Indonesia Ambassador to the United Kingdom for granting us the opportunity to make this appeal and hereby reconfirm our commitment to assisting the Nigerian and Indonesia governments in fighting drug trafficking in every respect.

Signed: ARISE NIGERIA

Date: 12<sup>th</sup> July 2010.