

The Failings of Capital Punishment: Indonesia Executes the Traffickers

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“Jokowi. Myuran Sukumaran. Kerobokan Prison. Bali. 23/01/2015. People can change.” – Inscription by Myuran Sukumaran of a portrait of Joko Widodo, Indonesian President.

We have been reduced to morbid reflections, those moments when the smell of death, and the exiting life, is near. “The two boys died well,” explained Australian lawyer Peter Morrissey. “They made their preparations, they were dignified. They’re strong against the death penalty, they were supportive of their families.” Andrew Chan and Myuran Sukumaran died before the firing squad without being given the last rites. They were joined by six others: Okwuduli Oyatanze, Martin Anderson, Raheem Agbaje Salami, Silvester Obiekwe Nwolise, Rodrigo Gularte and Zainal Abidin.

The eight executions that took place at 12.35 in the morning local time on the prison island of Nusakambangan were not averted by the involvement of the UN Secretary General Ban Ki-moon. Or the EU. Neither did the pleas of France, Australia, Brazil, or Nigeria have much sway, though Philippines woman Mary Jane Veloso received a last minute reprieve from Manila that she be spared to act as a witness against a woman charged with trafficking her.

The entire saga has been one of state-sustained cruelty. One of the executed, Rodrigo Gularte, was a confirmed schizophrenic. The man executed as Raheem Agbaje Salami was actually Jamiu Owolabi Abashin, a Nigerian national whose fake identity was used by authorities from his conviction to his clemency pleas. He died, effectively, as a fake. Australians Chan and Sukumaran, leaders of the “Bali Nine” drug group, had been passing time in the throes of rehabilitation, with Sukumaran learning to paint and Chan finding God and a vocation in teaching English.

Even as those on death row were awaiting their last gasps of life, they were greeted by the vicious legal lottery that is capital punishment. Earlier this month, the “shock therapy” that Indonesia’s unrelenting president Joko Widodo described as necessary against drug traffickers was far from evident in the Bandung High Court. In commuting the death sentences of Iranians Mosavipour bin Sayed Abdollah and Moradalivand bin Moradali to life imprisonment, the court spoke of a need to educate rather than exact revenge.[1]

Death here is taken in various guises. Drugs kill, though some are more permissible than others. Traffickers profit, suggesting that they, too, are the profiteers of the sick society. But visiting death upon such individuals in this bullet-ridden context is an irreversible, immutable process, striking rehabilitation efforts dumb. It suggests that the world is irreversibly dark, and the crimes of a few individuals will be met by the sanctioned crime of a vengeful state. Such punishment can never, by its own logic, be a deterrent because those who are best deterred will breathe no more. The victims, and the perpetrators, will

continue to multiply.

The joint statement from France, Australia and the EU outlined some of the salient points. "We fully respect the sovereignty of Indonesia. But we are against the death penalty in our country and abroad. The execution will not have a deterrent effect on drug-trafficking or stop others from becoming victims of drug abuse. Executing these prisoners now will not achieve anything."

The Bali Nine saga did not make for pretty reading and viewing. There was sentimentalising, not least of all attempts to transform moral chaff to patriotic wheat. Australian actor Brendan Cowell decided to get stropky, urging the Australian prime minister in a video packed with celebrity wishes to "show some balls" in getting "over to Indonesia and bring[ing] these boys home." [2]

The inconsistency in the approach of certain countries to protecting their citizens was also exposed. Australia's politicians were adamant in mucking in the emotional stakes for Chan and Sukumaran, but indifferent to citizens caught in the so called "war on terror" (David Hicks) or those who would meddle with the muscular presumptions of US foreign policy (Julian Assange). State policy is often merely a form of established hypocrisy.

There were also the parochial outbursts. Indonesians felt that drug dealing convicts were being romanticised as victims, while their legal system was being derided as fetid. Right to the point of the executions, there were suggestions on the part of Chan and Sukumaran that the judges hearing their case were compromised by corruption.

A judicial commission indicated that it had investigated claims that the judges had asked for \$130,000 to reduce the sentences to less than 20 years in prison, only to refuse to release its findings. "I don't think executions should take place if the investigations have not taken place," suggested defence counsel Todung Mulya Lubis. "I don't even know what is the outcome of the investigation." The legal proceeding had become a parody of itself.

What matters in the spirit of rehabilitation is that there is no bridge too far – in some cases. Beating a retreat to the realm of measured sanity and stability are possible. Those efforts, if they are not at least rewarded, should not be ignored by populist, executive fiat. Those who perish before the capital punishment do so as political, rather than judicial sacrifices. Sovereignty kills.

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Notes:

[1] <http://www.smh.com.au/world/bali-nine-executions-iranians-on-indonesias-death-row-have--sentences-commuted-to-life-in-prison-20150420-1mpe5n.html>

[2] <http://www.abc.net.au/news/2015-04-28/celebrities-video-bali-nine-chan-sukumaran--execution/6427170>

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