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# Government owes justice to Zulfiqar Ali, family

**O**n May 31, at 3:20 p.m. Zulfiqar Ali drew his final breath, five months after he was diagnosed with stage four liver cancer in December 2017. The much-awaited clemency he was promised turned out to be empty. He died because the government failed to keep its promise.

Ali, 54, died leaving six children including one with autism and the youngest just 10 years old. His wife, Siti Rohani, is a housewife from Bogor, West Java. They married back in 2001, in the same mosque where his body was laid out for the pre-burial prayers. Ali, who was from Pakistan, was wrongly sentenced for a crime he did not commit; one of many victims of unfair trials in Indonesia.

On June 14, 2005, Ali, a former clothes seller, was sentenced to death by the Tangerang District Court under a fabricated case. His arrest until his trial bore much abuse of his rights as a suspect, including torture during investigation, resulting in permanent damage to his organs. Moreover, the only thing that connected him with the 300 grams of heroin with which he was charged was a statement from Gurdip Singh, the person arrested with the said heroin three months before Ali was even arrested in November 2004.

Singh, later sentenced to death on Feb. 7, 2005, had admitted both verbally and in a notarized statement that the heroin never belonged to Ali and that Ali was never involved. Singh revoked his statement in his testimony at Ali's trial, confessing he had been forced to give such a statement following torture by police, who he said had promised him leniency if he testified that the hero-



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in found on him belonged to Ali. Naturally, after hearing his death penalty, Singh revoked this statement and vouched for Ali's innocence. Unfortunately the judges ignored this information.

Among others, case and field investigations under the Law and Human Rights Ministry revealed that Ali, the oldest child of eight, was well-behaved in the 14 years he had been imprisoned. He was assigned to keep the mosque clean at the Cipinang Penitentiary, East Jakarta, where he served his sentence. Sources said he never smoked nor consumed alcohol or abused drugs.

In 2010, the ministry's official Hafid Abbas had led the in-depth investigation, concluding that Ali was innocent and therefore recommending the President to give Ali clemency and to immediately release him from all charges.

Years later, hours before his scheduled execution in July 2016, former president BJ Habibie successfully appealed for Ali's life to President Joko "Jokowi" Widodo, citing his innocence. In October 2016, the National Commission on Human Rights also called for the President to pardon Ali and immediately release him, a request repeated in February 2018.

Ali had been reluctant about filing for clemency, insisting on his innocence, but following his diagnosis of stage four liver cancer last December, years after he had been diagnosed with liver cir-

rhosis, he filed for one on March 6, 2018. The copy of the request was submitted to the Tangerang District Court, which said it sent a copy to the Supreme Court on April 4. The ministry's investigation had also recommended immediate presidential clemency, citing that most liver cancer patients in Ali's condition would not live over six months.

The only option left for Ali to survive was through liver transplantation. But as doctors said such procedures in his condition could not be carried out in Indonesia, they suggested his immediate transfer abroad. Following his family's and doctor's communication with a hospital in China experts there said they could still help Ali. However, as his condition deteriorated and as the hospital was kept waiting, the patient never arrived. Ali could not be sent abroad for a liver transplant without the clemency.

Joy swept over the family in January 2018, when President Jokowi addressed Pakistan's parliament during an official visit. Prime Minister Shahid Khaqan Abbasi and parliament members strongly urged President Jokowi to grant Ali clemency and to return him to Pakistan to be with his family in his final days. The President responded with a promise.

But under the clemency law the President cannot issue a decision on clemency before receiving written consideration from the Supreme Court. Further, the law states the Supreme Court must send the written consideration to the President within 30 days after receiving a copy of the clemency request.

Yet until Ali's death on May 31, it turned out the President

had never received the required document.

On May 31 around 1 a.m., the unconscious Ali was transferred to intensive care at Jakarta's Medistra Hospital. A few hours later, after almost 14 years of being sick, wrongly imprisoned, and fighting for justice, he was finally gone.

When he was first diagnosed with advanced liver cancer last December, doctors had estimated he had three months to live. Ali fought with all his power to stay alive, waiting for the clemency so he could be with his family again. He survived five months. Apparently, the Indonesian government took longer to act.

The government's failure to act was irreparable. A life has been lost. Had the Supreme Court sent their consideration to the President within the required 30 days and had the President's clemency arrived as it should, Ali might still be alive. The only thing left now for the government to atone for the damage they have done is to clear Ali's good name; to let his family live in peace. The President and the government now, therefore, have an obligation to deliver justice for Ali and his family. And in them we place our trust.

Hours before he was scheduled to be executed back in July 2016, when staff from the Attorney General's Office asked his final wishes, he had said: "I have one wish — that Indonesia will fix its judicial system. No innocent person should go through what I have."

*The writer is a researcher at Imparsial (The Indonesian Human Rights Watch), which provided legal counsel for the late Zulfiqar Ali.*