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Indonesia: Struggle against impunity -- one step forward, two steps back

News that the Indonesian President has approved the establishment of a human rights court for East Timor which will only try cases of violations committed after the August 1999 popular consultation was greeted with dismay by Amnesty International.

*The Presidential Decree issued on 23 April 2001 followed a recommendation from Indonesia's parliament to establish *ad hoc* Human Rights Courts on East Timor and on the 1984 Tanjung Priok case in which dozens of Muslim protestors were unlawfully killed, "disappeared" or imprisoned.*

"It is a case of one step forward, two steps back," Amnesty International said. "The decision to establish courts on Tanjung Priok and East Timor is a positive move, but to restrict the mandate of the court on East Timor to post-ballot cases denies justice to the scores of victims who suffered serious violations in the months leading up to the vote."

*Amnesty International urged the Indonesian government to demonstrate its commitment to ending impunity by reconsidering its decision to limit the jurisdiction of the *ad hoc* court, so that the full truth of the 1999 events including on issues of policy and command responsibility are revealed.*

Restricting the court's remit to events after the 30 August 1999 vote looks like an attempt to rewrite history -- suppressing the truth denies the connection between the post-ballot violence and the pattern of events throughout the year in which militia were established, armed and trained by the Indonesian military before being let loose on the East Timorese population. In particular it means that suspects in two of the major cases investigated by the Attorney General's office will now not be brought to trial.

The Presidential Decree comes only days after the UN Commission on Human Rights adopted a statement recommending, among other things, that those responsible for human rights violations in East Timor be brought to justice without further delay -- a statement which the Indonesian authorities agreed to.

"This compromised decision should force the international community to seriously consider the establishment of an international criminal tribunal on East Timor so that the 1999 events can be looked at in their entirety," Amnesty International said.

The organization also emphasised the need to ensure that any Human Rights Court which is set up conforms to international standards. The required steps include further amendments of the legislation on Human Rights Courts to guarantee their competence and independence as well as the rights of suspects; the training of judges and other court officials; and an effective program of victim and witness protection must be established.

"The victims of human rights violations in both Indonesia and East Timor have already waited too long for justice -- insult should not be added to injury by allowing this justice to be compromised in any way."

Background

From January 1999 pro-Indonesian militia, supported by the Indonesian security forces, used violence, threats and intimidation to try and influence the East Timorese population to support continued integration into Indonesia in the 30 August vote organized by the United Nations. In apparent revenge for the overwhelming vote in favour of independence, the violence intensified after the results were announced. An estimated one thousand pro-independence supporters were killed and hundreds of thousands fled their homes or were forcibly expelled to Indonesia.

A UN investigation team found that a pattern of serious violations of fundamental human rights and humanitarian law had taken place in East Timor during 1999. International pressure persuaded Indonesia to establish its own inquiry, led by Indonesia's National Human Rights Commission, which also found

that gross human rights violations had been committed. Criminal investigations into five cases were opened. They included two that occurred in April 1999; the Liquica church massacre in which at least 13 civilians were killed and an attack by militia on the house in Dili of the political leader, Manuel Carrascalao in which his son and at least 11 others died. The investigations were completed in October 2000 but no indictments have yet been issued. According to the Indonesian Attorney General, indictments were waiting for the establishment of the ad hoc courts.

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