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Indonesia

Amnesty International's Asia & Pacific Section Directors appeal to political parties to make human rights a priority

March 2004

Public
Statement

AI Index: ASA 21/009/2004

The Directors of Amnesty International's 13 Sections in the Asia Pacific region urge candidates standing for election to Indonesia's People's Representative Assembly (DPR) on 5 April 2004 to commit to improving the human rights situation in the country.

Amnesty International believes that the parliamentary elections present an important opportunity to revitalize efforts towards reform in Indonesia. Although the Indonesian population now enjoy many freedoms, the promise of change that followed the collapse of the New Order in 1998 has yet to be fully realized. For ordinary people the risk of human rights violations remains because of the lack of legal protection, the weakness of the judiciary, poor training and lack of oversight of the police and military, corruption, and discrimination including on grounds of gender, ethnicity and religion.

Amnesty International calls upon each of the 24 political parties contesting the elections to publicly commit to bringing about change in the following key areas.

❖ Equality before the law

Everyone should be equal before the law and the protection of the law should be extended to all citizens whatever their ethnicity, religion, or gender. Despite some efforts towards reform, the judicial system in Indonesia remains weak and subject to corruption. It is therefore unable to effectively or consistently protect the rights of individuals, particularly those of the economically or socially marginalized such as indigenous people, the urban poor, religious and ethnic minorities. In some areas discriminatory laws remain, such as those against ethnic-Chinese Indonesians, in contravention of Indonesia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

- Commit to accelerate the process of reforming the judiciary so that its independence is ensured and it is free from corruption.
- Commit to repealing all discriminatory laws and regulations.

❖ **Violence against women**

Women in Indonesia continue to face discrimination and human rights violations specific to their gender. Rates of domestic violence are reported to be increasing, yet there is no effective remedy for this crime and little support for victims. Rape and other crimes of sexual violence by the security forces have been reported in conflict areas, particularly Nanggroe Aceh Darussalam (NAD), but investigations are rare and almost without exception, perpetrators are not held to account. There is little or no protection against unscrupulous employment agencies and employers for the tens of thousands of women who leave Indonesia each year to seek work abroad. In-country domestic workers, many of whom are still children, also face abuses. Women and girls are also the victims of trafficking, often into the commercial sex industry.

- Commit to amending laws and eliminating practices that discriminate against women, including in relation to economic rights and status in the family and marriage.
- Commit to adopting and implementing laws and other measures to protect women against domestic violence, trafficking and other forms of violence.

❖ **Protecting freedom of expression**

The right to freedom of expression is enshrined in the 1945 Constitution of the Republic of Indonesia. However, this right is increasingly denied to individuals who are critical of government policies at both the national and local level. In 2003, the highest numbers of prisoners of conscience were imprisoned since the Suharto years. Among the 30 people who were sentenced to terms of imprisonment during the year purely for the peaceful expression of their views, were labour and political activists and members of civilian independence movements in the provinces of NAD and Papua. Several members of the media were also among them. Establishing the freedom of the press has been one of the single most important developments in Indonesia in the past five years, yet it is threatened by the growing number of legal actions against journalists.

- Call for the immediate and unconditional release of all prisoners of conscience.
- Commit to repealing legislation that curtails freedom of expression as protected in international standards.

❖ **Human rights protection in conflict areas**

Civilians are disproportionately the victims of conflicts in Indonesia, whether fully-fledged internal armed conflict such as in NAD, counter-insurgency operations in Papua, or religious or ethnic conflicts such as those in Maluku or Central Sulawesi.

Grave human rights violations, both by the Indonesian security forces and the Free Aceh Movement (GAM), have been reported in NAD since the beginning of the Military Emergency in May 2003. They include extrajudicial executions, including of children, “disappearances”, arbitrary detention and torture and ill-treatment. Hundreds of alleged members or supporters of GAM have been sentenced to terms of imprisonment, many of them after unfair trials. In Papua, military and police operations against the Free Papua Movement (OPM) have also resulted in serious human rights violations.

- Formally put on public record your party’s opposition to human rights violations, including unlawful killings, “disappearances” and torture.
- Commit to providing members of the security forces with practical training in human rights, including in the use of force and in the conduct of arrests and detentions.

Officials found to have ordered, tolerated or carried out human rights violations should be held criminally responsible for such acts.

- Commit to supporting efforts towards finding political solutions to conflicts in which respect and protection for human rights are at the centre.

❖ **Protecting the protectors**

Human rights defenders have a legitimate and useful role to play in any society. By providing timely information on emerging problems they can work with governments to find effective remedies. This role, and the right of human rights defenders to carry out their work free from threat of intimidation, harassment, imprisonment or other human rights violations has been recognized by the United Nations.

Nevertheless harassment and intimidation of human rights defenders is not uncommon in Indonesia. Some have also faced defamation suits for publicising information about human rights violations. In areas of conflict the threat to them is even more acute. In NAD, 19 human rights activists have been killed or “disappeared” since 2000 and at least 19 have been arbitrarily detained since the beginning of the Military Emergency.

- Publicly support the work of human rights defenders and commit to implementing measures to protect them in carrying out this work.
- Commit to ensuring that investigations are carried out into all allegations of human rights violations against human rights defenders.

❖ **End torture**

By ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Indonesia has committed to ending the practice of torture. Yet torture still persists in both police and military custody. Amnesty International receives regular reports of torture or ill-treatment of detainees in both NAD and Papua. In some cases death or permanent disability has resulted. Elsewhere there are documented cases of torture or ill-treatment of political and labour activists, peasant farmers, members of indigenous groups and others involved in protests, including against government policies, mining, logging, plantation and other commercial operations that threaten local livelihoods or ancestral land rights.

- Publicly condemn all acts of torture and ill-treatment and commit to explicitly prohibiting torture and other cruel, inhuman or degrading treatment in law.
- Commit to providing training on the rights of detainees to all law enforcement officials, including the police, judges, prison staff and the military.

❖ **Tackling impunity**

Despite recent efforts by the authorities to bring to trial perpetrators of human rights violations in a number of high profile cases, impunity still widely prevails. The lack of effective accountability mechanisms and a strong, independent judiciary means that allegations of human rights violations are only infrequently investigated and perpetrators are rarely held to account for their actions.

The establishment of Human Rights Courts to try suspects in cases of crimes against humanity and genocide represents a significant step towards tackling impunity, but its success

has so far been limited. Two major cases have so far been brought to trial in these courts¹ and several others have been investigated. But weak prosecutions, intimidation of victims and witnesses and failure to enforce sentences have undermined the impact of these efforts. In the meantime, many thousands of people who have suffered human rights violations recently and in the past have not received justice or reparations.

- Commit to establishing mechanisms to ensure that all allegations of human rights violations are immediately, independently and impartially investigated and, where there is sufficient evidence, suspects are brought to trial in a manner consistent with the right to fair trial.

❖ **“War on terror”**

Indonesia has suffered a number of shocking bomb attacks in the past few years resulting in the tragic loss of hundreds of lives. The government has responded by adopting new legislation on security and arresting and detaining individuals suspected of involvement in such acts. Amnesty International recognizes that all states have a duty to protect their population from violent criminal acts and when such abuses occur they should be investigated and perpetrators brought to trial in a manner consistent with the right to fair trial. However, there is concern about reports that some of those detained have been subjected to ill-treatment and basic procedures to protect their rights, such as informing their families of their whereabouts or providing them with access to legal counsel were not followed in all cases. Amnesty International believes curtailment of human rights in the name of security will cause greater divisions and mistrust within and between countries thereby sowing the seeds of more conflict.

- Publicly state commitment to ensuring that the rights of individuals accused of acts of “terrorism” are fully protected and that they receive a fair trial in accordance with internationally accepted standards.

❖ **Abolish the death penalty**

Indonesia’s record on the death penalty is among the most progressive in the region. The state has rarely implemented this cruel and inhuman form of punishment – the last execution took place in 2001. However, an increasing number of people have been sentenced to death in the past few years, including for drug trafficking offences and for involvement in bomb attacks.

This increased application of the death penalty is contrary to the considerable evidence that it does not deter people from criminal activities any more than other forms of punishment. To implement these sentences would also be contrary to international efforts to restrict the use of the death penalty with a view to eventual abolition. Indonesia is well positioned to be a regional leader on this fundamental human rights issue by standing up against the death penalty.

- Commit to commuting all death sentences.
- Commit to abolishing the death penalty in law.

Finally, the Directors of Amnesty International’s Asia Pacific Sections appeal to all political parties to ensure that their supporters and security personnel do not engage in

¹ The two cases relate to crimes against humanity and other serious crimes committed in the Democratic Republic of Timor-Leste (formally known as East Timor) in 1999 and the killing of Muslim protestors in Tanjung Priok, North Jakarta in 1984.

violence and that they respect the rights of supporters of other political parties to freely and peacefully express this support.

Signed by the Directors of:

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Amnesty International Hong Kong

Amnesty International Japan

Amnesty International Malaysia

Amnesty International Mongolia

Amnesty International Nepal

Amnesty International New Zealand

Amnesty International Pakistan

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