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Indonesia: Absence of basic fair trial guarantees for East Timor cases cause for alarm.

Amnesty International expressed alarm that trials of suspects involved in serious crimes in East Timor in 1999 began in Indonesia today, before basic guarantees for fair trials had been put in place. In the trials, charges were heard against the former police chief and governor of East Timor for their involvement in committing crimes, including crimes against humanity.

Amnesty International has consistently demanded justice for serious crimes, including crimes against humanity, committed by Indonesian security forces and pro-Indonesian militia in East Timor during 1999. However, the organization has equally insisted that the process meet international standards of fairness, and that the rights of both victims and defendants are guaranteed.

"The Indonesian government will demonstrate its commitment to justice by ensuring that the trials meet with international standards" Amnesty International said. "A flawed process will undermine the credibility of Indonesia's efforts to address serious human rights violations and will not lessen demands for the suspected perpetrators to be held to account," it added.

Amnesty International urges the Indonesian government to take the following steps as a matter of urgency:

** Review Law 26/2000 on Human Rights Courts under which the ad hoc court on East Timor has been established. The legislation must be amended so that it is fully consistent with international human rights law and standards, including by ensuring that definitions of*

crimes fully comply with the standards contained in the Rome Statute of the International Criminal Court and other relevant international instruments and treaties. In line with its total opposition to the death penalty, Amnesty International also urges the repeal of provisions for the death penalty contained in the law.

* Establish an effective witness/victim protection program. The willingness of witnesses to testify in these highly sensitive trials depends on whether their safety can be guaranteed. In the absence of a functioning protection program many witnesses, particularly those in East Timor, may be unwilling to risk their safety by appearing before the court.

* Review the selection procedure for ad hoc judges so not to involve elected state officials, which may give the perception of political interference in such appointments. Amnesty International believes that appointees should be screened by an independent, non-political body and appointments made on the basis of neutral criteria to ensure selection is based on integrity, ability and qualification.

* Judges and other relevant officials should receive thorough training in the practical implementation of human rights law and standards.

Finally, Amnesty International is urging the government of Indonesia to amend Presidential Decision No. 96/2001 which limits the jurisdiction of the ad hoc Human Rights Court on East Timor to just two months in 1999 and three districts in East Timor. Extending the jurisdiction of the court would send a strong message that the Indonesian Government is committed to full accountability for crimes committed in East Timor.

Background

On 30 August 1999, in a United Nations organized ballot, the overwhelming majority of East Timorese voted to separate from Indonesia which had occupied the territory since 1975. In the months leading up to the vote, violence, threats and intimidation were widely employed against supporters of independence by East Timorese militias. The militia groups had been set up and were backed by the Indonesian security forces.

The violence escalated dramatically after the results of the ballot were announced on 4 September 1999. During the following weeks it is estimated that around 1,000 people were unlawfully killed by militia and Indonesian security forces. Over a quarter of a million people fled or were forcibly expelled to Indonesia. Thousands of others sought safety in the hills while infrastructure and property was looted and destroyed.

Under pressure from the international community, Indonesia set up a team, headed by its National Commission on Human Rights, to conduct an initial inquiry into reports of human rights violations. It reported in January 2000 that crimes against humanity had been committed in East Timor. Subsequent criminal investigations into five cases were completed by the Attorney General's office in October 2000.

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