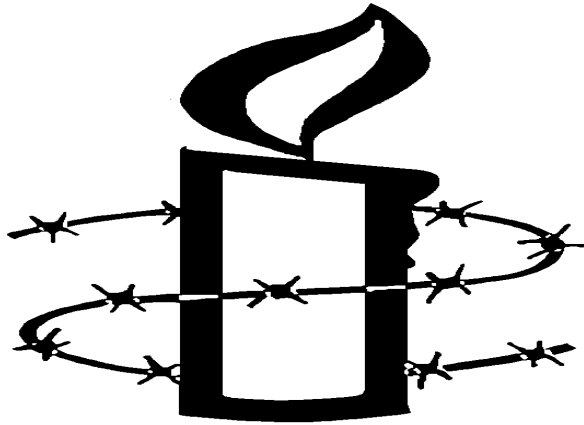

amnesty international

INDONESIA

CONCERNS AND RECOMMENDATIONS, ASIA-EUROPE MEETING, 3-4 April 1998, London

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Current Human Rights Situation

Persistent and serious human rights violations continue to be documented in Indonesia including imprisonment of prisoners of conscience, torture/ill-treatment in police and military custody, arbitrary arrest and unfair trials of political prisoners, extrajudicial executions and "disappearances" in the context of counter-insurgency operations, peaceful demonstrations, riots and law and order campaigns. The death penalty is also retained and the last execution to take place was in 1995

Starting in July 1996 there has been a sharp down turn in the human rights situation. A government backed raid on the headquarters of a political party - the Indonesian Democratic Party (PDI) and subsequent rioting in Jakarta provided the authorities with the pretext to crack down on its alleged opponents. Widespread arrests took place and resulted in the trials and imprisonment of 14 people - all members of the unofficial People's Democratic Party (PRD) or its affiliated organizations - for up to 13 year's. Other prominent critics of the regime including the independent trade union leader, Mughtar Pakpahan, and former parliamentarian, Sri Bintang Pamungkas are on trial.

All of the above were, or are being, tried under the draconian Anti-subversion Law. The use of this law had declined in the early 1990s due, at least in part, to domestic and international pressure for it to be repealed. The recent resurgence in its use is seen as indicating a hardening in the attitude of the authorities against opposition. AI has serious concerns about the legislation including that it is being widely used to detain or imprison prisoners of conscience; that people detained under the Anti-subversion Law are denied the right to a fair trial and that it carries the death penalty. A further reflection of this toughening stance by the government is the plans to augment existing repressive legislation with a new emergency decree which would give the president increased powers to take "preventative measures" against its opponents to "secure national development".

It is anticipated that mounting tensions resulting from Indonesia's severe economic crisis and the issue of the presidential succession, will result in an increased intolerance of opposition and an increase in use of repressive techniques as the regime attempts to cling on to power. The recent economic difficulties have exposed deep rooted political and institutional problems in Indonesia. The focus of the international community has mainly been on shoring up the ailing economy. Amnesty International is concerned that this approach ignores the underlying distortions which have contributed to the social unrest

and prevent a durable solution. Domestically, there are increasingly strong calls for political reform, greater transparency and accountability of government and increased participation as well as direct challenges to President Suharto's continued leadership. Already the military has threatened that it will "cut to pieces" [unofficial translation] all anti-government groups in the run up to the presidential election in March backing this up with shows of force in Jakarta and arrests and harassment of political activists.

Protests about price rises in basic commodities have already spilled over into violence in towns and cities in Central and East Java, Sulawesi and elsewhere and has resulted in large numbers of arrests. It is likely that protests against the regime and disturbances prompted by the worsening economic situation could spread in the run up to the elections. Historically the security forces have used excessive force, including shooting which has, in some cases, resulted in deaths, to quell disturbances. There are serious concerns that the security forces may resort to similar methods in an attempt to control unrest in the coming weeks.

Vulnerable groups, especially the Chinese are at particular risk during times of social unrest. Much of the violence so far has been targeted against Chinese trades people and there are concerns that anti-Chinese feelings among the general population are being fuelled by the authorities in an attempt to deflect criticism from the government and its handling of the economic crisis.

There are also concerns about unlawful killings of criminals. At least 85 criminals were reported to have been shot dead by police officers in Jakarta during 1997 compared to 46 reported to have been killed in 1996. At least some of these appear to have been shot in suspicious circumstances National police chiefs have denied that there is a shoot on sight policy for alleged criminals. This, however, seems to contradict other statements by some regional police chiefs.

Extrajudicial executions as well as "disappearances" and arbitrary arrests also continue to take place in the context of counter insurgency operations in Aceh, North Sumatra and Irian Jaya.

In Aceh an apparent increase in activity by the armed opposition group, *Aceh Merdeka*, towards the end of 1997 has resulted in dozens of individuals being arrested and in some cases held in incommunicado detention. Around 17 people are on trial, or have already been tried for their alleged links to *Aceh Merdeka*, all are reported to have been tortured in custody and there are serious concerns that their trials will not conform to international standards for fair trial.

Access

The heavy presence of security forces and the lack of access to Aceh and Irian Jaya by international human rights monitors and the media makes verification of reported human rights violations extremely difficult. Until 1997 AI had been permitted access to most other parts of the country apart from Aceh, Irian Jaya and East Timor. However, in November 1997 a letter from the Indonesian government was received in response to a

request to conduct a mission which effectively forbade AI access to Indonesia. There has been no visit by AI since August 1996.

Domestic Initiatives

The National Human Rights Commission (Komnas HAM) continues to actively investigate allegations of human rights violations. Members of the Commission have been quite outspoken during the recent economic crisis criticising military statements about repressing opposition and calling on the authorities to respect human rights. AI continues to welcome and support the work of Komnas HAM, however it remains concerned that its recommendations are not acted upon by the government.

There have been a number of cases where members of the security forces have been brought to trial and sentenced for their role in committing human rights violations. However, the investigation and prosecution of abuses is not consistent and there remains a general atmosphere of impunity. Where members of the security forces are brought to justice, their sentences frequently do not reflect the seriousness of the crime.

International Initiatives

The focus of the international community, at least in relation to human rights, continues to be on East Timor. Despite the marked downturn in the human rights situation in Indonesia over the past eighteen months, the response from the international community has been muted. Some second governments made statements criticising Indonesian Government's actions around the raid on the PDI headquarters in July 1996, but otherwise the international community has remained largely silent.

Amnesty International calls on the Member States of the European Union in their meetings with Indonesia, either individually or in concert, and as part of the ASEM process:

- to raise concern about the safety of peaceful opponents of the government and the protection of vulnerable groups during this period of economic transition such as the Chinese ethnic minority;
- to raise concern with the Indonesian Government about its use of the Anti-subversion Law, particularly its potential use to detain and imprison peaceful opponents of the government;
- to help secure the release of prisoners of conscience such as Muchtar Pakpahan, Dita Indah Sari, Coen Husein Pontoh and Mochamad Sholeh;
- to raise concern about unlawful killings both of criminals and in the context of counter-insurgency operations;
- to use their influence on the Indonesian Government to grant access to all areas of Indonesia, including Aceh and Irian Jaya for national and international human rights monitors;
- to support the work of the National Human Rights Commission and call on the Indonesian Government to act upon its recommendations;

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- to include in any financial rescue package a commitment for *strengthening of the rule of law, government accountability and respect for human rights.*