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Indonesia: The UN's highest human rights body fails victims in Indonesia and East Timor

Following the adoption of a statement on East Timor by the United Nations Commission on Human Rights (the Commission) in Geneva last Friday, Amnesty International expressed its disappointment that once again the Commission has succumbed to pressure from the Indonesian Government not to address either the grave human rights situation in Indonesia or its poor record on holding perpetrators to account.

Although serious human rights violations continue to be committed by the Indonesian security forces, most notably in the provinces of Aceh and Papua, no reference to this was made in the statement. The statement was confined to the current human rights situation in East Timor and on Indonesia's responsibility for serious crimes committed there by Indonesian security forces and pro-Indonesian militia during 1999.

"Despite being provided with ample evidence of grave human rights violations, including unlawful killings and torture, the Commission has chosen once again to ignore the situation in Indonesia," said Amnesty International. "It is sad that the UN's highest human rights body will not take a stand against a government which permits its security forces to engage in acts of such brutality."

The Commission also lost the opportunity to apply serious pressure on Indonesia to carry out a credible and effective justice process for serious crimes, including crimes against humanity, which were committed by Indonesian security forces and pro-Indonesian militia

throughout East Timor during 1999. Trials in three cases began in the Indonesian capital, Jakarta, in March but the court process is likely to be flawed and lacks safeguards to ensure it meets international standards for fairness. There are also signs that Indonesia intends to limit to just five the number of cases to be brought to trial thereby denying justice to thousands of victims in East Timor.

"Given the serious concerns about the quality of the trials which have been voiced by Amnesty International and other observers, it is surprising that the Commission is so positive about them," Amnesty International said. "The weakly worded references to the process will not put the Indonesian authorities under any pressure to take the measures necessary to ensure that justice is delivered or that all alleged perpetrators, including those with command responsibility, are brought to justice."

Amnesty International is particularly concerned that the Commission statement fails to express concern that both justice and the rights of defendants are at risk because basic measures, such as a functioning witness/victim protection program, necessary to guarantee that the trials are fair are not yet in place. It also makes no reference to the sweeping temporal and territorial limits on the jurisdiction of the ad hoc Human Rights Court on East Timor which mean that many of the perpetrators will escape justice and that the full truth behind the events of 1999 will not be revealed.

Also absent from the statement is any condemnation of Indonesia's failure to cooperate with the UN Transitional Administration in East Timor (UNTAET) in its own investigations and prosecutions of the 1999 serious crimes, including by handing over individuals who have been charged with crimes against humanity by UNTAET Serious Crimes Unit.

Similarly, the Commission barely mentions the plight of tens of thousands of East Timorese refugees in Indonesia who are still prevented by security and other concerns from making a free and informed decision as to whether to return to East Timor or remain in Indonesia. The refugees have been in Indonesia since September 1999 when they fled or were forcibly expelled by Indonesian security forces and militia.

"The Commission should be impressing on governments such as Indonesia that it expects human rights to be promoted and protected in all places and in all circumstances. Instead it has turned a blind eye to ongoing violations, including in Papua and Aceh, and ignored the fact that the East Timor justice and refugee repatriation processes are falling far below acceptable standards."

The one positive element of the Commission statement is the call for the High Commissioner for Human Rights to submit an interim report to the UN General Assembly later this year. Amnesty International hopes that the UN General Assembly will now address the grave human rights situation in Indonesia, the victims of which have been badly let down by the Commission.

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