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Review of Indonesia under the Universal Periodic Review: Amnesty International's reflections on the outcome

Amnesty International believes that the recommendations in the report of the review of Indonesia do not adequately reflect some of the most pressing human rights concerns in the country.

Amnesty International is deeply concerned about violations against human rights defenders in Indonesia over the past decade and welcomes the call on the government "to support and protect" the work of human rights defenders. The violations include intimidation, harassment, arbitrary arrest and detention, torture and ill-treatment, and extra-judicial executions. In 2007 alone, up to 76 people, including peaceful political activists, union leaders, religious practitioners and students were detained for peacefully expressing their political or religious views. The Indonesian government rarely investigates such violations or brings the perpetrators to justice.

As documented by many NGOs, including Amnesty International, human rights defenders in the Indonesian province of Papua face particular restrictions in their work. They operate in a climate of fear and their activities are restricted by the heavy presence of security personnel. In June 2007, security forces arrested more than 20 people in Ambon, Maluku province, following a visit by President Yudhoyono. The incident occurred when dancers performing a traditional dance in front of President Yudhoyono, raised the flag of an independent Maluku. The dancers were subsequently arrested and brought to the police station where allegedly they were beaten and threatened. Most of them were charged with 'rebellion' under articles 106 and 110 of the Criminal Code. On 4 April 2008, one of the protesters, Johan Teterisa, was sentenced to life imprisonment. If it is confirmed that the dancers did not use or advocate violence, Amnesty International will consider them prisoners of conscience.

Amnesty International calls on the Human Rights Council to urge Indonesia to guarantee the rights to freedom of expression and assembly in Papua and Maluku provinces, and to ensure that local and international journalists, humanitarian workers and human rights defenders have unimpeded access to these provinces. The government must also ensure that all members of the police and military are aware of the legitimate role of human rights defenders and their responsibility to protect them, as set out in the *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. Finally, as recently decided by the Constitutional Court, the government should remove all articles from the Criminal Code which impinge on the rights to freedom of expression and association, and release those imprisoned for the peaceful exercise of those rights.

The government has consistently failed to bring to justice those responsible for gross human rights violations committed in Aceh, Papua, Timor-Leste and elsewhere. Despite the creation in 2000 of a human rights court to deal with gross human rights violations, including crimes against humanity, as well as ad hoc courts to consider past crimes, these have failed to deliver justice and reparations for the victims and their families. In implementing the recommendation made during the review, the government must ensure that full and independent investigations are carried out into all reports of extrajudicial executions, torture and other ill-treatment, excessive use of force during demonstrations, and harassment of

human rights defenders; that those responsible are brought to justice; and that the victims receive effective reparations.

Amnesty International welcomes the endorsement by the Indonesian government of recommendations made during the review to combat impunity for human rights violations and to finalise the draft criminal code, taking into account comments received from stakeholders. Amnesty International believes that the absence of effective legal safeguards against torture is one of the main weaknesses in the current system. The Committee against Torture recently noted that the current Criminal Code does not have a comprehensive definition of torture and lacks provisions making torture a criminal offence. The Committee further noted that the Code contains provisions allowing for prolonged detention of suspects without being brought before a judge and insufficient safeguards to prohibit the use of statements extracted under torture as evidence in judicial proceedings. As a result, torture and other ill-treatment remain widespread in Indonesia, and Amnesty International urges the government to give immediate and full effect to the recommendations made during the review under the UPR as well as the recommendations of the Committee against Torture.