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Indonesia: No justice yet for political activists abducted in 1997-1998

The Indonesian government must immediately implement recommendations by the Indonesian Parliament to investigate and try those responsible for the abduction and enforced disappearance of 13 political activists in 1997-1998. The failure to follow the recommendations, issued on 30 September 2009, to establish the truth about what happened to the disappeared and to hold the perpetrators to account perpetuates an ongoing human rights violation and the climate of impunity in Indonesia.

The fate and whereabouts of 13 political activists who disappeared in 1997-1998 during the last months of President Suharto's rule remain unknown. Five were subject to enforced disappearance in 1997 and eight disappeared during the political crisis in early 1998. Nine others who were arrested and tortured by the military while being held incommunicado in a military facility in Jakarta in 1998, and who were subsequently released, have confirmed that at least six of the missing activists were held in the same facility.

A military inquiry set up in August 1998 admitted that the nine released men had been abducted by the military, but found no evidence of any military role in the enforced disappearance of the other 13. None of the documents from the inquiry have been made public. The 13 victims' case is emblematic of a wider history of enforced disappearance in Indonesia and during the 1975-1999 occupation of Timor-Leste. Thousands of cases of enforced disappearance have been documented by human rights organizations, and many more are believed to have taken place, however in the vast majority of cases the perpetrators have yet to be held to account.

In 2007, a Special Committee (Pansus) was set up by the Indonesian Parliament in response to a 2006 report by the Indonesian Human Rights Commission (Komnas HAM), as well as ongoing pressure from human rights organizations and the families of the disappeared. On 30 September 2009, the Indonesian Parliament recommended that the Indonesian President create an ad hoc human rights court to try those responsible for enforced disappearances in 1997-1998. Other recommendations included an immediate search for the 13 disappeared activists by the Indonesian authorities; the provision of "rehabilitation and compensation" to the victims' families; and the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

Two years later these recommendations have yet to be properly implemented. While the Indonesian government has expressed its intention to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and signed the treaty in September 2010, none of the other recommendations have been acted on. Those responsible have not been brought to justice and the victims' families continue to be denied the opportunity to establish the truth.

Amnesty International urges the Indonesian authorities to initiate promptly an independent, impartial and effective investigation into the fate and whereabouts of the 13 disappeared political activists, within the framework of a wider investigation into enforced disappearances in Indonesia. The organization also calls on the Indonesian President to ensure that perpetrators are brought to justice in independent courts and in proceedings which meet

international standards of fairness. We also call upon the President to ensure reparations to all victims of enforced disappearance and/or their families.

Enforced disappearance is a serious and cruel human rights violation; a violation of the rights of both the persons who were disappeared and of those who love them. As long as the fate and whereabouts of the disappeared are not known to the family, enforced disappearance is a continuing violation which persists often for many years after the initial abduction. Beyond being a human rights violation on its own, acts of enforced disappearance violate a range of other human rights, including freedom from arbitrary detention; the right to recognition as a person before the law; the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment; and often the right to life.

Amnesty International calls on the Indonesian government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance at the earliest opportunity, incorporate its provisions into domestic law and implement it in policy and practice. It also calls on the government to facilitate a visit of the UN Working Group on Enforced or Involuntary Disappearances (WGEID) to Indonesia. In 2006 the WGEID requested a visit to Indonesia, however to date has yet to receive a positive response from the government.