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Indonesia: Military tribunal will further entrench impunity

The upcoming trial of 12 *Kopassus* (Special Forces Command) soldiers accused of extrajudicially executing four detainees, a crime under international law, highlights the ongoing failure of the Indonesian authorities to undertake meaningful reform of the military justice system in Indonesia.

The trial is due to take place tomorrow before a military court, as required under Indonesian law. However, such courts are not impartial or independent and are rarely transparent, and so offer little hope of full accountability in the case.

Human rights groups have already raised concerns about the scarcity of evidence compiled by the military investigators in the course of their investigation while according to the Victim and Witness Protection Agency (*Lembaga Perlindungan Saksi dan Korban*, LPSK), at least 10 witnesses are reportedly too traumatized to testify in person at the tribunal and have requested teleconferencing facilities.

Amnesty International calls on the Indonesian authorities to amend existing legislation – in particular the Law on Military Tribunals (Law No. 31/1997) – to ensure that offences involving human rights violations and crimes under international law committed by military personnel, including extrajudicial executions and torture, are clearly defined in law and can be tried in independent, civilian courts rather than military tribunals.

At 12:30 am on the morning of 23 March 2013 four detainees at the Cebongan prison, Sleman Regency, Yogyakarta were killed by a group of armed masked men, who were later confirmed to be members of *Kopassus* (Special Forces Command), part of the Indonesian military.

The four detainees – Johanes Juan Manbait, Gamaliel Yeremianto Rohi Riwu, Adrianus Candra Galaja and Hendrik Angel Sahetapy, *alias* Deki – had been arrested on suspicion of killing a member of *Kopassus* during a brawl in a café in Yogyakarta on 19 March 2013. The four men had previously been detained at the Yogyakarta police headquarters but had been moved to Cebongan prison the day before the attack.

According to credible sources, a man claiming to be from the Yogyakarta police headquarters arrived at Cebongan prison and requested to see the four detainees. He had with him a letter claiming to be from the head of the Yogyakarta police. When the prison guards opened the door, armed men wearing masks appeared and forced their way into the prison. They were reportedly carrying AK-47s and a pistol.

The men then demanded that the prison guards take them to the cell where the four detainees were being held. They reportedly beat prison guards so as to get access to the cells and find out where the prison CCTV room was located. The four detainees were then shot dead inside their cell. CCTV footage was then removed from the prison. Local NGOs who investigated the case said the attack appeared to be carefully planned and co-ordinated.

While the local military commander initially denied military involvement in the killings, an internal military inquiry later named 12 *Kopassus* soldiers as suspects.

Amnesty International is deeply concerned that government and military officials have publicly denied that the killings amounted to human rights violations. Indonesian Defence Minister Purnomo Yusringtoro reportedly stated that the prison attack did not constitute a human rights violation as it was spontaneous in nature and not systematic. *Kopassus* commander Major General Agus Sutomo has insisted that what occurred was not a human rights violation but “insubordination”.

Extrajudicial executions violate the basic human right to life, which Indonesia is bound to respect and protect under international treaties such as the International Covenant on Civil and Political Rights as well as its own Constitution. Extrajudicial executions are also crimes under international law and perpetrators are liable to be prosecuted globally.

Kopassus (Special Forces Command) have been responsible for a range of serious human violations including torture, enforced disappearances, and killings during past conflicts in Aceh and Timor-Leste (formerly East Timor), and during the final months of President Suharto’s rule in 1997-1998. However, the vast majority of *Kopassus* forces members and their superiors have never been brought to an independent court of law and tried for these crimes. Amnesty International calls on the Indonesian authorities to ensure that members of the security forces, including those in situation of command responsibility, are held to account. This should include ensuring that special units such as *Kopassus* are not above the law, and that there are adequate internal and external accountability mechanisms to deal with criminal offences amounting to human rights violations.