

INDONESIA

Open letter from Amnesty International to political parties taking part in the June 1999 National Parliamentary elections

May 1999

To all political parties and candidates in the National Parliamentary elections,

I am writing this open letter to you as Secretary General of Amnesty International, the world's largest human rights organization, to urge you to recognize the importance of human rights to Indonesia's future political, economic and social development by including a human rights component in your party's manifesto for the forthcoming parliamentary elections.

Today, the promotion and protection of human rights has become a global issue. Governments have recognized its importance by ratifying international human rights treaties, participating in international human rights monitoring and raising human rights in international fora. People everywhere are demanding the fulfilment of their basic rights through their participation in the political process and broader civil society.

Indonesia is currently going through a period of profound change. Although suffering from severe economic and social problems, Indonesia remains a country with considerable influence in the Asia-Pacific region and beyond. The direction which Indonesia chooses to take in the coming years will have wider implications for the whole region. Amnesty International urges you to pursue a path which will guarantee the human rights of all Indonesian citizens and to promote these principles internationally, particularly among your ASEAN partners.

The forthcoming parliamentary elections mark an important stage in the reform process which has been underway in Indonesia since May 1998. The human rights reforms to date have enhanced Indonesia's international standing. But this process remains fragile and is dependent on the implementation of legal and institutional reforms which will safeguard economic, social, civil and political rights into the future.

Politicians, whether in government or opposition, have a key role to play in securing human rights. Protection of human rights should be a central component of any political party's program. Amnesty International hopes that, if elected you will demonstrate your commitment to human rights by ensuring the implementation of legal and institutional reforms and debate in the national parliament on human rights issues.

Amnesty International is an impartial, worldwide voluntary movement. It does not support or oppose any government, political group or system, nor does it support or oppose the views of the victims whose rights it seeks to protect.

The main focus of Amnesty International's campaigning is to free all prisoners of conscience - people who are detained for their beliefs or because of their ethnic origin, sex, colour or language, who have not used or advocated violence; to ensure fair and prompt trials for political prisoners; to abolish the death penalty; to end torture and other cruel treatment of prisoners; and to stop extrajudicial executions and 'disappearances'. Each year, we report on and campaign for human rights in all the countries of the world, large and small, from the United States of America to Kosovo, Nigeria to Japan.

Amnesty International has identified some key areas in which human rights reform is required in Indonesia. The organization believes that these issues can and should be resolved by the next government as a foundation for Indonesia's future political stability and economic development. I urge you to consider and act upon the following recommendations.

Protection of human rights during the election campaign

The protection of human rights can be severely tested during national elections. All participants in an election process - including the candidates - have a particular responsibility to promote respect for human rights during this time. This can be done both by making respect for human rights a prominent part of your party's manifesto and by issuing statements to your supporters to refrain from actions which could intimidate supporters of other parties, or might incite discrimination on the grounds of race, ethnic background, culture or religion.

The military and the police have a key role in ensuring security and order during this period, but this should at all times be exercised with restraint and in accordance with international human rights standards.

Human rights within political party programs

Amnesty International has been encouraged by the human rights reforms which have been introduced in Indonesia since May 1998. However, there is still a need for substantial legislative and institutional changes.

Amnesty International is urging all political parties to commit to a full program of human rights reform which includes the following elements:

1) Prisoners of conscience and political prisoners

Amnesty International has welcomed the prisoner releases that have taken place so far, but is concerned that approximately 20 prisoners of conscience and at least 100 political prisoners remain in jail.

The organization is calling for the release of all prisoners of conscience. Any restrictions on released prisoners of conscience - such as work or voting restrictions - should also be removed.

The cases of political prisoners, who have been convicted in trials which failed to meet international standards of fairness, should be immediately reviewed.

2) Legislative Reform

Legislation which facilitates the arrest and imprisonment of prisoners of conscience should be repealed. This process has already been started with the repeal of the Anti-subversion Law in April 1999. However, key provisions of the Anti-subversion law are being incorporated into the Criminal Code which could still be used against peaceful critics of the government. Similarly, there are articles within the Criminal Code which punish the spreading of hatred against the government and which have, in the past, frequently been used to suppress dissent (Articles 134, 137, 154, 155, 156, 160). These articles should also be repealed.

Indonesia ratified the United Nations (UN) Convention Against Torture in October 1998. It has also committed itself, under its Five Year National Action Plan for Human Rights, to accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights - two of the most comprehensive international human rights treaties. A review of all existing legislation is required in order to establish compliance with these treaties. As a first step, torture, extrajudicial executions and "disappearances" should be prohibited under Indonesian law.

3) Abolition of the death penalty

Amnesty International is urging Indonesia to join the growing number of countries which have abolished the death penalty in law. The death penalty violates the most fundamental human right, the right to life and constitutes cruel and inhuman treatment. It has no unique effect in deterring crime; it may be used against the innocent and disproportionately used against vulnerable groups within society.

The commutation of all death sentences and a public commitment to carry out no further executions would represent a positive first step towards total abolition.

4) Institutional reform - the judiciary and the police

An independent judiciary is the cornerstone of any fair and transparent legal system. The Justice Ministry's control over the judiciary in Indonesia and the requirement that all judges are members of the Indonesian Civil Service Association (Korpri) compromise its independence and, therefore, the rule

of law. An independent judiciary should be established which is separate from the Ministry of Justice and which conforms to international standards on the independence of the judiciary and the right to a fair trial.

The responsibility for maintaining law and order within any society should rest with the civilian police force. The first step towards creating a civilian police force took place in April 1998 with the separation of the police force from ABRI. This process should be pursued vigorously by any new government. Members of the police force should be trained to carry out their duties in accordance with internationally recognized standards, including the United Nations Code of Conduct for Law Enforcement Officials.

5) Ending impunity for human rights violations

Systematic human rights violations, including extrajudicial executions, “disappearances” and torture are perpetrated only when those responsible are confident that they will not be held to account for their crimes. To break the cycle of impunity, mechanisms must be established which will ensure that all allegations of human rights violations are immediately and impartially investigated and that anyone found responsible for committing such a violation is brought to justice in a civilian court.

Recently, a number of well-publicised investigations and prosecutions of members of the Indonesian Armed Forces for the “disappearance” of activists in early 1998 have highlighted some of the weaknesses within existing procedures, including the use of a military tribunal rather than a civilian court, and the failure to bring to justice those responsible for issuing the orders. Human rights abuses are crimes and deserve to be punished as such. It is not sufficient for a soldier to be brought before a military rather than a civilian court, or for a member of the police to merely face demotion or transfer for the criminal act of torture.

Many other human rights violations, both past and present, have not been investigated and the victims and their families have received no redress. The failure to deal with unresolved human rights violations from the past, including in Aceh and Irian Jaya, is a source of anger and frustration which undermines confidence in the government and can ultimately impact on the stability of the nation.

Political parties should address past and present violations by supporting the establishment of a mechanism by which allegation of human rights violations are systematically, independently and thoroughly investigated and which brings the perpetrators to justice. Recommendations made by the National Commission on Human Rights (Komnas HAM) should be implemented.

6) Cooperation with the United Nations

Amnesty International has recently been encouraged by Indonesia’s increased cooperation with the United Nations human rights mechanisms, including its willingness to allow visits by the UN Working Group on Arbitrary Detention and the Special Rapporteur on Violence Against Women and the posting of a representative of the UN High Commissioner for Human Rights in Jakarta.

Indonesia should continue this cooperation by ensuring that recommendations made by the UN thematic mechanisms and experts are acted upon and that UN representatives are given full access to monitor the human rights situation in all areas of Indonesia and East Timor.

Amnesty International also urges all political parties to cooperate closely with the United Nations in the process of resolving the problem of East Timor. Amnesty International takes no position on whether or not East Timor should be independent, but considers it essential that all parties involved cooperate to establish a climate for the popular consultation on 8 August 1999 which is free from harassment, intimidation and abuse. Allowing access for international human rights monitors, and providing guarantees for the safety of domestic human rights defenders are essential factors in securing such conditions and in ensuring the protection of all East Timorese regardless of their political views.

7) Human rights training and promotion

Amnesty International believes that cultural, economic, civil and political rights are interdependent and indivisible. It is the responsibility of governments to promote these rights among the citizens of their country through both formal and informal education and by ensuring participation of representatives from all parts of society in government decision-making processes.

Members of the authorities have a particular responsibility to ensure that they act professionally in accordance with international human rights standards. Training should therefore be provided to members of the authorities including the military, the police and the judiciary to ensure that they are aware of their responsibilities to protect and promote human rights at all times.

I hope that you will ensure that your party adopts a strong program on human rights and that, if elected to the National Parliament in June 1999, you will give high priority to the concerns expressed in this letter.

Yours sincerely

Pierre Sané
Secretary General