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Indonesia must end impunity for past human rights violations

Human Rights Council adopts Universal Periodic Review outcome on Indonesia

Amnesty International welcomes Indonesia's commitment to ratify important human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ILO Convention No. 189 on Domestic Workers.¹ The organization urges Indonesia to ratify these instruments at the earliest opportunity and to incorporate their provisions into domestic law and implement them in policy and practice. In its previous UPR Indonesia had already accepted such recommendations,² however, it did not implement them.

Further, despite having accepted a similar recommendation in its previous review,³ this time round Indonesia did not explicitly accept recommendations⁴ to ratify the Rome Statute of the International Criminal Court, made by nine states.⁵

Previous years have seen attempts to bring to justice those suspected of criminal responsibility for serious human rights violations, which occurred during the rule of former President Suharto from 1966 to 1998 and during the early reform period between 1998 and 2002, and to provide redress for the victims and their families. However, these attempts were not sufficient. Amnesty International is disappointed that Indonesia did not accept recommendations to address past human rights violations and ensure reparations to the victims.⁶ It welcomes, however, Indonesia's commitment to "investigate all human rights cases in Papua".⁷

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Indonesia*, A/HRC/36/7, 14 July 2017, recommendations 139.4 (Denmark, Guatemala, Hungary, Montenegro, Portugal, Turkey), 139.5 (Bosnia and Herzegovina), 139.6 (France, Portugal, Ukraine, Sierra Leone, Japan, Kazakhstan), 139.7 (Philippines).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Indonesia*, A/HRC/21/7, 5 July 2012, recommendations 108.1 (Iraq), 108.2 (Chile), 108.3 (Austria), 108.4 (Slovenia), 108.5 (Sweden), 108.6 (Switzerland), 108.7 (United Kingdom of Great Britain and Northern Ireland), 108.8 (Turkey), 108.9 (Maldives), 108.10 (Ecuador), 108.11 (Spain), 108.12 (Argentina), 108.13 (Mexico), 108.14 (Timor-Leste), 108.15 (Morocco), 108.20 (Slovakia), 108.21 (Germany), 108.22 (Liechtenstein), 108.23 (Australia), 108.24 (Hungary), 108.25 (Latvia), 108.26 (France), 108.70 (Denmark), 109.8 (Slovakia).

³ A/HRC/21/7, recommendations 108.3 (Austria), 108.4 (Slovenia), 108.5 (Sweden), 108.6 (Switzerland), 108.7 (United Kingdom of Great Britain and Northern Ireland).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Indonesia*, Addendum, A/HRC/36/7/Add.1, recommendation 141.11 (Botswana).

⁵ A/HRC/36/7, recommendations 141.11-141.16 (Botswana, Latvia, Madagascar, Portugal, Timor-Leste, Liechtenstein, Hungary, Guatemala, Armenia).

⁶ A/HRC/36/7, recommendation 141.62 (United States of America).

⁷ A/HRC/36/7/Add.1, recommendation 141.63 (Australia).

Despite guarantees in both the Constitution and national law of the rights to freedom of expression, thought, conscience, religion and peaceful assembly, the authorities continue to criminalize peaceful political activities, particularly in Maluku and Papua where there is a history of pro-independence movements, and to criminalize blasphemy and religious defamation. Amnesty International regrets that Indonesia did not accept recommendations to repeal or amend provisions in laws and regulations, in particular Articles 106, 110, 156 and 156(a) of the Criminal Code and Law Number 1/PNPS/1965 on the Prevention of Religious Abuse and/or Defamation, which impose restrictions on the right to freedom of expression and thought, conscience and religion, in breach of Indonesia's obligations under international human rights law.⁸

Finally, Amnesty International welcomes Indonesia's commitment to consider establishing a moratorium on executions, with a view to abolishing the death penalty, and to commute the existing death sentences, in an effort to move away from the death penalty.⁹

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Indonesia on 21 September 2017 during its 36th session. Prior to the adoption of the report of the review Amnesty International delivered an oral statement. Amnesty International also contributed to the information basis of the review through its submission on country:

<https://www.amnesty.org/en/documents/asa21/5345/2016/en/>

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⁸ A/HRC/36/7, recommendations 141.30 (Germany), 141.31 (United States of America), 141.29 (United States of America).

⁹ A/HRC/36/7/Add.1, recommendation 141.52 (Austria, Italy and Namibia).