

AMNESTY INTERNATIONAL PRESS RELEASE

21 February 2002

AI Index ASA 21/002/2002 - News Service Nr. 31

Indonesia: First indictments but will justice be delivered?

Justice for East Timorese victims of crimes against humanity and other serious crimes is at risk because basic measures to ensure that the trials in Indonesia meet international standards of fairness are missing, Amnesty International warned today.

The long-awaited first trial in Indonesia of serious crimes committed in East Timor in 1999 is one step closer following the issuing of an indictment against seven suspects, including senior members of the civilian and police authorities.

"The fact that an indictment has been issued is positive, but this is not the moment for complacency. Unless rapid measures are taken to significantly improve the legal and institutional framework in which these trials will take place, there is a real danger that they will be neither credible or effective."

Amnesty International has repeatedly called for a series of steps to be taken before trials begin which would protect the fairness of the trials and the security of both victims and suspects. To this end, Amnesty International has repeatedly called for the Law on Human Rights Courts (Law 26/2000) to be amended so that it is fully consistent with international standards.

Among the organization's concerns is the scope this legislation allows for political interference, including the role of the executive branch of the government in selecting judges and prosecutors and in deciding which cases can be prosecuted. Concerns about the independence of the

newly appointed judges have already been raised by non-governmental organizations and legal experts in Indonesia. The provision of the death penalty as a punishment for some crimes is also strongly opposed by Amnesty International.

Crucially, Indonesia has also yet to establish a witness and victim protection program, which was provided for under Law 26/2000.

"Victims and witnesses from East Timor, already deeply traumatised by their treatment at the hands of the Indonesian security forces and the Indonesian-backed militias, are unlikely to travel to Indonesia to testify in these trials without guarantees for their security," Amnesty International said. "Without their testimony, the judges will only hear one side of the story."

Amnesty International is also seriously concerned that the judges and other relevant officials who have only recently been appointed have not had adequate training in the practical implementation of international human rights law to carry out their duties effectively.

"This is the first time that charges of crimes against humanity will be heard in an Indonesian court. It is irresponsible to expect the judges to hear cases of such a complex nature with the limited training they have so far received," the organization stressed.

Despite the indictment, a question still remains over Indonesia's commitment to bring to justice perpetrators of the serious crimes in 1999 which is reinforced by the limits placed on the jurisdiction of the ad hoc Human Rights Court on East Timor. A 2001 Presidential Decision establishing the ad hoc court only allows the court to hear cases which took place in in the two months of April and September 1999 and to just three out of 13 districts in East Timor. The decision allows the first

five cases investigated by Indonesia to be brought before the court but excludes hundreds of other cases of unlawful killing, torture, rape and other serious crimes, committed from January to October 1999 throughout the territory.

"The international community also has an important role to play in ensuring that the trials are successful," Amnesty International said, noting how the international community has preferred to support Indonesia's efforts rather than back the recommendation of a United Nations International Commission of Inquiry that an international tribunal be set up for East Timor in light of the widespread and systematic human rights violations documented in the region.

"Other governments must not accept double standards of justice -- one for their own citizens and a lower one for the East Timorese. Full support should be given to Indonesia's efforts, but if they stall or fail to meet international standards, alternatives including prosecutions in third countries and an international criminal tribunal must be sought," Amnesty International said.

"The East Timor trials are an opportunity for the Indonesian government to demonstrate its commitment to human rights and to ending the deeply entrenched pattern of impunity," the organization concluded.

Background

On 30 August 1999, in a United Nations organized ballot, the overwhelming majority of East Timorese voted to separate from Indonesia which had occupied the territory since 1975. In the months leading up to the vote, violence, threats and intimidation were widely employed against supporters of independence by East Timorese militias.

The militia groups had been set up and were backed by the Indonesian security forces.

The violence escalated dramatically after the results of the ballot were announced on 4 September 1999. During the following weeks it is estimated that around 1,000 people were unlawfully killed by militia and Indonesian security forces. Over a quarter of a million people fled or were forcibly expelled to Indonesia. Thousands of others sought safety in the hills while infrastructure and property was looted and destroyed.

Under pressure from the international community, Indonesia set up a team, headed by its National Commission on Human Rights, to conduct an initial inquiry into reports of human rights violations. It reported in January 2000 that crimes against humanity had been committed in East Timor. Subsequent criminal investigations into five cases were completed by the Attorney General's office in October 2000.

\ENDS

public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>