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Indonesia: President must ensure truth and justice for 1997-98 enforced disappearances

Amnesty International is disappointed by the Indonesian government's statement yesterday that it would not set up a human rights court to try those responsible for the abduction and enforced disappearance of 13 political activists in 1997-1998. The failure to establish the truth about what happened to the disappeared and to hold the perpetrators to account perpetuates an ongoing human rights violation and fuels a climate of impunity in Indonesia.

Earlier this week, presidential advisor Albert Hasibuan raised hopes when he reportedly stated that the President would soon issue a decree to establish an *ad hoc* human rights court to try those responsible for the 1997-98 disappearances. However, on 21 March 2013, Coordinating Minister for Political, Legal and Security Affairs, Djoko Suyanto, refuted this and announced that the government had no plans to set up the court.

The fate and whereabouts of the 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.

In 2009, following an inquiry by the Indonesian Human Rights Commission (Komnas HAM), the Indonesian Parliament recommended that President Susilo Bambang Yudhoyono 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.

Amnesty International calls on President Susilo Bambang Yudhoyono to immediately implement Parliament's 2009 recommendations and promptly initiate an independent, impartial and effective investigation into the disappearance of the 13 activists. This must form part of a wider investigation into enforced disappearances in Indonesia and during the occupation of Timor-Leste from 1975-1999.

Those found responsible must be brought to justice in independent courts and in proceedings which meet international standards of fairness, without the imposition of the death penalty. Victims of enforced disappearance and/ or their families must also be provided with full and effective reparation – including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

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.

Amnesty International also 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.