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Indonesia: Military tribunals being used to shield human rights violators

The trial of 12 *Kopassus* (Special Forces Command) soldiers accused of the extrajudicial execution of four detainees is likely to be little more than a sham warned Amnesty International as the military hearing opens on Thursday.

“These courts should never be used to try those accused of human rights violations. They are biased, and they create an intimidating environment for witnesses to testify,” said Isabelle Arradon, Deputy Director of Amnesty International’s Asia-Pacific Programme.

Kopassus forces have been accused of a range of serious human rights violations in the past but the vast majority have never been tried in an independent court for these crimes.

“This horrific case is a stark reminder of how reforms of the military and the justice system have been stalled for years in Indonesia. Perpetrators of past crimes run free and new abuses can be committed with apparent impunity. There has to be immediate changes in law and practice so that human rights violators can be effectively tried before independent, civilian courts, and to send a clear message that no one is above the law,” said Arradon.

The 12 *Kopassus* soldiers are accused of killing four unarmed detainees at Cebongan prison outside Yogyakarta on 23 March this year. According to credible sources, the soldiers – wearing masks and carrying weapons including AK-47s – managed to force their way into the prison after a man claiming to be from the Yogyakarta police convinced guards to open the doors.

After beating guards in order to gain access to the detainees’ cells, the *Kopassus* soldiers then reportedly shot the detainees dead inside their cell. CCTV footage has since been removed from the prison in an apparent attempt to hide evidence.

The local military commander’s initial reaction to the incident was to deny military involvement, but an internal military inquiry later named the 12 *Kopassus* soldiers as suspects. Despite this, *Kopassus* commander Major General Agus Sutomo insisted that what happened was not a human rights violation but “insubordination”.

“That senior military officers call ‘insubordination’ the killing of four unarmed men who were locked up in a cell is deeply concerning, and shows why it is so crucial that the military should not be allowed to simply investigate themselves in these cases. Although it is important that steps are taken to ensure those responsible for serious human rights violations are held to account, military tribunals are not the solution,” Arradon said.

Extrajudicial executions are crimes under international law, and also violate the basic human right to life, which Indonesia is bound to respect and protect under international treaties and its own Constitution.

With the trial of the 12 soldiers starting tomorrow, local human rights groups have already raised concerns about the scarcity of evidence compiled by military investigators. At least 10 traumatized witnesses are also afraid to testify in court, and have requested teleconferencing facilities.

“Testifying in a military court is clearly a terrifying prospect for many civilians. The Indonesian government needs to ensure that witnesses of military abuses are free from potential retaliation during trial proceedings,” said Arradon.

In a previous case in 2010, three soldiers who were filmed torturing Papuan men – including by kicking them and burning their genitals – were sentenced to between eight and 10 months’ imprisonment by a military tribunal for “deliberately disobeying orders”. Victims were too afraid to testify at the trial and no criminal charges were filed against the soldiers.