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Indonesia: Urgent measures needed to ensure justice for victims of human rights violations in Papua

On the opening day of the first trial in Indonesia's newly established permanent Human Rights Courts, Amnesty International called on the Indonesian authorities to ensure that the proceedings are conducted in a manner which meets international standards of fairness.

The two police officers who will stand trial have been charged with crimes against humanity in connection with the extrajudicial execution of one person and arbitrary detention and torture of scores of others, two of whom died as a result of torture, in Abepura, Papua in December 2000. The case is the third to be heard under Law 26/2000 on Human Rights Courts.

"Amnesty International has campaigned for the perpetrators of human rights violations in Papua, including those which took place in Abepura, to be brought to justice. Justice requires that the rights of both victims and the accused must be respected in the course of the procedures" the organization said.

To this end, Amnesty International has called for 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. The provision in this law allowing the imposition of the death penalty as a punishment for some crimes is also strongly opposed by Amnesty International.

Amnesty International also called on the Indonesian authorities to ensure the respect for the independence and impartiality of the court.

The organization further emphasized the urgent need for credible and effective witness protection. Although the law makes provision for witness protection in such cases, its implementation has so far proved to be inadequate. Witnesses in the first two trials heard under Law 26/2000 were subjected to intimidation and some refused to appear in court because of fears for their safety.

"The Indonesian authorities must take all necessary steps needed to secure the safety of witnesses and their lawyers. If the full truth about the violations in Abepura is to be revealed and justice is to be served, it is essential that witnesses are able to testify without fear of harassment or intimidation", Amnesty International said.

Amnesty International also called on the authorities to safeguard the transparency and public nature of the trials, in order to allow family members of victims and others unable to attend the trial, which is being heard in Makassar, South Sulawesi Province, some two thousand kilometres from their home town, to be informed about developments in the trial process.

The need to review Law 26/2000, and to safeguard the independence and impartiality of the court

and ensure the safety of witnesses is of particular urgency given that measures taken in the two cases heard in previous *ad hoc* Human Rights Courts established under this legislation were wholly inadequate and, in spite of some convictions, undermined the credibility of the trials.

A litany of problems in the first trial before an *ad hoc* Human Rights Court relating to violence in the Democratic Republic of Timor-Leste (Timor-Leste, formally known as East Timor) in 1999, meant that the process resulted in a failure to deliver either truth or justice. The second trial related to the killing of Muslims in Tanjung Priok, Jakarta in 1984 is still ongoing, but a number of concerns have also emerged.

There are already indications that shortcomings evident in the trials in the *ad hoc* Human Rights Courts are being repeated in this case. At an early stage of investigations, a team established by Indonesia's National Commission on Human Rights (Komnas HAM) to carry out an initial investigation into the Abepura case, raised concerns that witnesses had been intimidated, and that the police had refused to provide adequate responses to their questions. Two of the investigation team's own members were later summoned for questioning by the police in what was widely regarded as an attempt to intimidate them.

Amnesty International is also concerned that, of the 25 people identified as possible suspects by the initial investigation, only two people have been charged by the Attorney General's office. This follows a similar pattern to the earlier cases where only a few of the suspects named by Komnas HAM were prosecuted. Some of the most senior ranking members of the security forces under suspicion were never charged.

"This trial provides an opportunity for Indonesia to show that it is serious about bringing to justice those who commit human rights violations. However, unless the trial is fair, it will not result in justice for the victims and their families and will undermine the credibility of Indonesia's efforts to address serious human rights violations" Amnesty International concluded.