

armed forces and that he had not escaped as they claimed. An official Commission of Inquiry into the "disappearance" also submitted its report to the Manipur state government, but this had not been published by the end of 1999.

### Death penalty

At least 18 people were sentenced to death in 1999. At least 35 people remained on death row. It was not known if any executions were carried out. Human rights organizations throughout the country joined in a campaign against the death penalty. However, the Home Minister continued to refer to government plans to extend the use of the death penalty for crimes including rape.

✉ In May the Supreme Court upheld the death sentences against four people tried in connection with the assassination of former Prime Minister Rajiv Gandhi in 1991. The four had been sentenced after what appeared to be unfair trials under the TADA. A clemency petition was under consideration at the end of the year.

### Abuses by armed groups

Armed groups operating in many states continued to violate international humanitarian law. Human rights abuses reported included torture, hostage-taking and killings of civilians. In Tripura hostage-taking continued at an alarming level; several children were among those taken hostage. In Jammu and Kashmir armed groups continued to kill civilians; Hindus were particularly targeted for attack.

### AI country reports and visits

#### Reports

- India: "If they are dead tell us" – "Disappearances" in Jammu and Kashmir (AI Index: ASA 20/002/99)
- India: A vital opportunity to end impunity in Punjab (AI Index: ASA 20/024/99)
- India: Appeal against death sentences (AI Index: ASA 20/028/99)

#### Visits

AI delegates attended a series of four seminars for human rights activists in India. AI delegates visited Uttar Pradesh and West Bengal during May and June to research custodial violence and violence against women.

## INDONESIA AND EAST TIMOR

### REPUBLIC OF INDONESIA

Head of state and government: Abdurrahman Wahid (replaced B.J. Habibie in October)

Capital: Jakarta

Population: 199.5 million

Official language: Bahasa Indonesia

Death penalty: retentionist

1999 treaty ratifications/ signatures: International Convention on the Elimination of All Forms of Racial Discrimination

A UN-sponsored ballot in East Timor, which resulted in Indonesia relinquishing its claim to the territory, was marked by systematic and widespread human rights violations – including extrajudicial executions, rape and forcible expulsions – perpetrated by militia groups acting in concert with the Indonesian National Army (TNI) and the police. Human rights violations continued to be widespread throughout Indonesia, despite some progress towards political and legal reform. Extrajudicial executions and "disappearances" were particularly prevalent in Irian Jaya and Aceh, where demands for independence were forcibly repressed by the security forces. Extrajudicial executions also took place in the context of ethnic and religious conflicts and excessive use of force against demonstrators also led to deaths. Although 29 prisoners of conscience and a number of political prisoners were released, at least six people were on trial or facing trial at the end of the year for political offences. AI believed that some of them would be prisoners of conscience if convicted. Previous cases of "disappearances", extrajudicial executions, torture and other human rights violations remained unresolved.

### Background

In June, the first genuine multi-party elections in Indonesia for 44 years were held, in which the ruling *Golkar* party was defeated.

In August the people of East Timor voted overwhelmingly for independence from Indonesia. Following the ratification of the ballot results by the Indonesian Parliament on 19 October, authority for East Timor was transferred to the UN Transitional Administration in East Timor (UNTAET).

In October presidential elections were won by Abdurrahman Wahid who became Indonesia's fourth President. However, economic problems, regional insurgencies, endemic corruption and conflicts between the civilian and military arms of government contributed to ongoing instability.

## East Timor

In January the Indonesian government unexpectedly offered to rescind its claim to East Timor if an offer of special autonomy within Indonesia was rejected by the East Timorese people. Agreements were signed by the Indonesian and Portuguese governments and the UN on 5 May which set out the modalities for the popular consultation process on the special autonomy option. The UN Mission in East Timor (UNAMET) was set up to oversee the process.

Indonesia was entrusted under the Agreements with ensuring a secure environment for the popular consultation process. Despite repeated assurances by the Indonesian authorities that it would take steps to improve the security situation, no effective measures were taken to curb the activities of pro-integration militias which were responsible for many human rights violations. Indeed, there was much evidence of official involvement in the establishment of these militias and of the direct and indirect support of the military and police for their activities, including by providing weapons, training and facilities. Members of the TNI and police also participated in militia attacks.

The autonomy option was rejected by 78.5 per cent of voters in the ballot which took place on 30 August. A wave of violence by militias, the TNI and the police followed, forcing most UNAMET personnel to evacuate East Timor. In response, the UN Security Council authorized the establishment of a multinational force which was deployed on 20 September.

### Arbitrary detention, torture and killings

Scores of people were extrajudicially executed in East Timor in the months prior to the ballot. Others "disappeared" or were arbitrarily detained. Many of those held by the militias, TNI and police were believed to have been tortured or ill-treated. Among the main targets of the violations prior to the ballot were pro-independence activists and students suspected of being involved in political activities. There was evidence that "death lists" were used to identify victims. A small number of abuses by the pro-independence armed opposition group *Falintil* was also reported.

After the ballot the violence intensified. Many hundreds of people were believed to have been killed, although the exact number was not known. Members of the National Council of Timorese Resistance (CNRT) and students were again specifically targeted, as were members of the Roman Catholic Church and local UNAMET staff. Other killings were more indiscriminate.

☞ Father Hilario Modeira, well known for his vocal opposition to human rights violations, was among three Roman Catholic priests killed in a joint attack on a church compound in Suai by militias, the TNI and the police mobile brigade on 6 September. An unknown number of people displaced by the violence and sheltering in the church were also killed.

☞ Three Roman Catholic priests and two nuns were among nine people who were killed by militias in Los Palos on 25 September.

Reports of violence against women, including rape, were received throughout the year. In some cases

women were raped or held in sexual slavery in retaliation for the political activities of their male relatives. There were persistent reports of sexual violence against women in refugee camps in West Timor.

### Internally displaced people and refugees

Threats, intimidation and attacks caused the internal displacement of tens of thousands of people in the months preceding the ballot. Internally displaced people were vulnerable to attack, and humanitarian workers and others trying to assist them were also threatened and in some cases attacked.

☞ An attack by militias and the TNI on 6 April on internally displaced people sheltering in a church in Liquica resulted in the killing of at least 30 people.

☞ On 4 July a convoy returning from delivering humanitarian supplies to internally displaced people in Sare was attacked by militias. Several people were injured in the attack including a driver who was badly beaten.

After the ballot, some 75 per cent of the population fled their homes; more than 250,000 people fled, or were forcibly expelled from, East Timor. The majority went to West Timor. East Timorese refugees, particularly those in West Timor, remained at risk of human rights violations by militia groups. Access to the refugees by the UN High Commissioner for Refugees (UNHCR) and humanitarian agencies was restricted by militia activity. The voluntary repatriation program was hampered by threats, intimidation, attacks on refugee convoys and UNHCR representatives, and by misinformation. By the end of 1999 more than 100,000 East Timorese refugees remained in West Timor.

### Investigations into abuses

In September a Special Session of the UN Commission on Human Rights adopted a resolution calling for the establishment of an international commission of inquiry to gather information on possible violations of human rights and acts which might constitute breaches of international humanitarian law committed since January 1999. The international commission visited East Timor and Jakarta from 25 November to 8 December, but was denied permission to go to West Timor. It had not published its report by the end of the year.

The visit by the international commission was preceded by a visit to East Timor in November by the UN Special Rapporteurs on extrajudicial, summary and arbitrary executions, on violence against women and on torture. In a joint report, published in December, the Special Rapporteurs recommended further investigative measures and the establishment of an international criminal tribunal if, within a matter of months, the Indonesian government's efforts to investigate proved ineffective.

A separate inquiry team, the Commission for the Investigation of Human Rights Abuses in East Timor (*KPP-HAM*), was established by the Indonesian National Commission on Human Rights (*Komnas HAM*). *KPP-HAM* made two visits to East Timor and several visits to West Timor towards the end of 1999. In December it published an interim report in which it said

that it had found evidence that TNI members were involved in, or had prior knowledge of, the terror campaign.

#### AI's response

AI believed the grave and systematic human rights violations in East Timor amounted to crimes against humanity and war crimes and called for investigations to continue with a view to bringing the perpetrators to justice before an international tribunal. In the lead-up to the ballot and throughout September, AI's international membership responded to the human rights crisis in East Timor by engaging in mass letter-writing campaigns, government lobbying and demonstrations.

#### Reform in Indonesia

While the reform process begun in May 1998 proceeded, the human rights situation deteriorated in many areas. Among the reforms was the official separation of the police force from the military and the repeal of Anti-subversion Law, which had facilitated the detention and imprisonment of thousands of prisoners of conscience since its promulgation in 1963. However, the separation of the police from the military was incomplete as the police remained under the control of the Minister of Defence, and key provisions of the Anti-subversion Law, which prohibit criticism of the state ideology, *Pancasila*, and ban communist teachings, were incorporated into six new regulations in the Criminal Code. Popular protests against a new law on national security, which would give the military broad powers during a state of emergency, delayed the signing of the bill by the President. The bill had not been signed by the end of the year. Although the number of parliamentary seats assigned to the military was reduced from 75 to 38, it continued to wield considerable political influence and persisted in responding to dissent and disturbances with repression.

#### Political prisoners and prisoners of conscience

Twenty-nine prisoners of conscience and at least 30 political prisoners were released in a number of separate amnesties during 1999. Among those released were 10 elderly men who had been jailed in connection with an alleged coup attempt by the Communist Party of Indonesia in 1965 and seven members of the People's Democratic Party and its associated organizations, including its chairman Budiman Sudjatmiko, and the labour activist Dita Indah Sari. Acehese political prisoners and Muslim activists from Lampung were also among those freed.

All remaining East Timorese prisoners of conscience and political prisoners in Indonesia had been released by the end of 1999. Among them were Xanana Gusmão, president of the CNRT, who was released on 8 September.

Unfair political trials continued.

☞ In Irian Jaya, six people were on trial or facing trial at the end of the year in connection with pro-independence activities. The six had been arrested in 1998 in connection with their involvement in planning pro-independence meetings and demonstrations.

They were believed to have been charged under articles of the Criminal Code which relate to planning to bring the territory under foreign domination and intending to cause a revolution. AI believed that the six men were on trial for their legitimate political activities and that, if convicted, they would be prisoners of conscience.

#### Killings and violence by the security forces

Hundreds of people were killed in the context of counter-insurgency operations, communal violence and political protest. Counter-insurgency operations in Aceh against the armed opposition group the Free Aceh Movement intensified as demands for independence in the area increased and resulted in scores of extrajudicial executions. The Free Aceh Movement was also responsible for human rights abuses including arbitrary killings.

☞ On 3 February, at least seven people were shot dead when members of the TNI opened fire on a procession in Idi Cut, East Aceh.

☞ On 3 May, at least 38 people, including at least six children, were shot dead by the TNI in Dewantara Sub-district, North Aceh District, as they took part in a demonstration against military violence in a neighbouring village.

☞ On 23 July, at least 45 people were extrajudicially executed at a religious school in Beutong Sub-district, West Aceh.

Extrajudicial executions also took place in Irian Jaya in the context of mounting pressure for independence from the local population.

☞ Three people participating in pro-independence ceremonies in Sorong in July and September were reportedly killed by the security forces.

Excessive and lethal force characterized the authorities' response to many disturbances and demonstrations, including armed and peaceful opposition movements and civil unrest.

☞ In Jakarta, at least six people were shot dead during demonstrations in September against the proposed new security law.

☞ In Maluku killings by the military and police occurred as they tried to restore order in the context of communal violence between Muslims and Christians. The security forces were also accused of bias and there were reports of their supporting one side or the other during the violence which resulted in hundreds of deaths during the year.

☞ Robby Young was shot dead by a member of the military during a disturbance at Jayapura port, Irian Jaya, in July.

#### Torture and ill-treatment

There were continuing reports of torture and ill-treatment of both criminal and political suspects.

☞ In Sorong, Irian Jaya, two men who were among a group of 22 people arrested in connection with a flag-raising ceremony sustained broken legs as a result of torture.

#### 'Disappearances'

Dozens of people "disappeared" in Aceh after being taken into custody by members of the military or the

PPRM, a riot police unit. Some people who "disappeared" were subsequently found dead and were believed to have been killed by the security forces. Others remained unaccounted for.

### Death penalty

At least 27 people remained under sentence of death. In September an official at the Directorate General of Correctional Institutions was reported to have said that 16 prisoners could be executed imminently. However, no executions took place during 1999. Draft legislation to establish a human rights court provided for a maximum punishment of death for those convicted of serious human rights violations. The court had not been established by the end of the year.

### Impunity

A number of prosecutions of members of the security forces took place during 1999.

☞ In February, five soldiers were sentenced to between two years and six-and-a-half years' imprisonment in connection with the beating to death of five detainees in Lhokseumawe, Aceh, in January. At least 20 other detainees were injured in the incident.

☞ A soldier convicted of killing Robby Young in Irian Jaya was sentenced to five years in jail and dismissed from military service in July.

In July, the Independent Commission for the Investigation of Violence in Aceh was formed. The Commission focused on five specific incidents and recommended that those responsible for the violations be brought to trial. No trials had taken place by the end of the year.

Despite these initiatives a climate of impunity persisted. Prosecutions of members of the security forces for human rights violations continued to be the exception rather than the rule. Those who were brought to trial were generally from the lower ranks and were given light sentences. Many cases of past human rights violations remained unresolved.

### AI country reports and visits

#### Reports

- Indonesia: An audit of human rights reform (AI Index: ASA 21/012/99)
- Indonesia: Thirty-three recommendations to Indonesia's development assistance partners (AI Index: ASA 21/014/99)
- Indonesia: Open letter to President Abdurrahman Wahid from Pierre Sané, Secretary General, Amnesty International (AI Index: ASA 21/198/99)
- East Timor: Paramilitary attacks jeopardise East Timor's future (AI Index: ASA 21/026/99)
- East Timor: Seize the moment (AI Index: ASA 21/049/99)
- East Timor: Violence erodes prospects for stability (AI Index: ASA 21/091/99)
- East Timor: The terror continues (AI Index: ASA 21/163/99)
- East Timor: Demand for justice (AI Index: ASA 21/191/99)

### Visits

Research visits were made to Indonesia, including to Jakarta and West Timor. AI delegates also visited East Timor in May, October and November. A temporary research office was established in Darwin, Australia, from September to November to work on the crisis in East Timor.

## IRAN

### ISLAMIC REPUBLIC OF IRAN

Leader of the Islamic Republic of Iran: Ayatollah Sayed 'Ali Khamenei

President: Hojjatoleslam val Moslemin Sayed Mohammad Khatami

Capital: Tehran

Population: 62.3 million

Official language: Farsi

Death penalty: retentionist

Hundreds of people, including possible prisoners of conscience, were held without charge or trial following student demonstrations in July against the growing restrictions on freedom of expression and the closure of the daily newspaper *Salam*. Most were released within two months, but hundreds remained in detention at the end of the year and at least four people were sentenced to death. Numerous publications were forced to close and scores of journalists faced arrest and interrogation. There were continued reports of torture and ill-treatment, and judicial corporal punishments continued to be imposed. AI recorded 165 executions, although the true number may have been considerably higher. Religious minorities continued to face persecution.

### Background

Issues relating to freedom of expression dominated the year. Journalists began to address in print the political, economic and social problems facing Iran and broached issues that had previously been taboo. Political debate centred on the permissible level of freedom for the press, accentuating divisions that already existed between the two broad, but opposing, political factions that had supported and opposed President Mohammad Khatami's 1997 election.

The different policy positions taken by various elements of the two opposing factions were vigorously debated both inside and outside the *Majles* (parliament). This political tension exacerbated the rivalry for power that already existed between different elements of the administration. It was due in part to the *Majles* elections scheduled for February 2000 and led to an increasingly inconsistent and