

At least 60 people remained on death row. Legislation to extend the use of the death penalty to crimes of rape remained pending. An increasing number of human rights organizations continued to campaign against the death penalty and a national conference against the death penalty was held in New Delhi in July.

☞ In April the sentence of death against Nalini, one of the four whose death sentences were upheld by the Supreme Court in 1999 in connection with the assassination of former Prime Minister Rajiv Gandhi in 1991, was commuted to life imprisonment. The clemency petitions of the remaining three remained pending along with those of several others.

### Abuses by armed groups

Abuses by armed groups operating in many areas continued, including hostage-taking, torture and deliberate killings of civilians. Hostage-taking, including of children, continued at an alarming level in Tripura, where in November it was reported that members of an armed group had tortured a four-year-old hostage. In Jammu and Kashmir, civilians continued to be targeted for attack.

### AI country reports and visits

#### Reports

- India: Persecuted for challenging injustice – Human rights defenders in India (AI Index: ASA 20/008/2000)
- India: Punitive use of preventive detention legislation in Jammu and Kashmir (AI Index: ASA 20/010/2000)
- India: The Prevention of Terrorism Bill 2000 – Past abuses revisited? (AI Index: ASA 20/022/2000)
- India: A trail of unlawful killings in Jammu and Kashmir – Chithisinghpura and its aftermath (AI Index: ASA 20/024/2000)

#### Visits

AI delegates attended a national seminar for human rights activists in Delhi in April. AI delegates visited Rajasthan and Uttar Pradesh in December to research human rights violations against women and met senior government officials in Delhi to discuss recommendations for the prevention of torture.

## INDONESIA

### REPUBLIC OF INDONESIA

Head of state and government: Abdurrahman Wahid

Capital: Jakarta

Population: 212 million

Official language: Bahasa Indonesia

Death penalty: retentionist

2000 treaty ratifications/signatures: Optional Protocol to the UN Women's Convention

Political conflict had a negative impact on the pace of reform. Positive initiatives, such as efforts to investigate some past violations of human rights, were outweighed by a marked deterioration in the human rights situation in areas such as Aceh and Papua. Hundreds of extrajudicial executions were reported. "Disappearances", torture and arbitrary detention were also widespread, particularly in areas of opposition to Indonesian rule. Political activists and human rights defenders were among those subjected to human rights violations, including unlawful killings, torture and arbitrary detention. Human rights violations by the security forces also took place in other contexts including land and labour disputes, political demonstrations and in areas of religious or ethnic conflict, including in the Moluccas. Human rights abuses were committed by the armed opposition group Free Aceh Movement (GAM).

### Background

The first full year of democratically elected government in Indonesia in over 40 years was turbulent. Efforts by President Wahid to establish civilian supremacy over the armed forces and to consolidate his own position were weakened by accusations of corruption, personal scandal and political mismanagement. Economic problems continued to fuel social unrest, and concerns about maintaining Indonesia's territorial integrity preoccupied the authorities. Against this background, the process of human rights reform suffered and repression was widely used by the police and the military.

### Legal and judicial reform

Legislation to establish Human Rights Courts was adopted by parliament in November. Human Rights Courts are intended to hear cases of genocide and crimes against humanity, introducing these crimes into Indonesian law for the first time. There is provision under the legislation for *ad hoc* tribunals to be set up to try past cases of gross human rights violations. Some provisions in the new law were inconsistent with the right to fair trial, and the legislation introduced a maximum sentence of death for those convicted of crimes including genocide, murder and torture.

An amendment to the Constitution was adopted in August 2000 which banned the retroactive application

of legislation. There was concern that the amendment might be used to protect suspected violators of human rights from being brought to justice.

Plans to amend both the Criminal Code and the Criminal Procedure Code had not been implemented by the end of 2000. Both required significant changes in order to bring them into line with international fair trial standards. Existing provisions within the Code of Criminal Procedure which should protect the rights of detainees were often not implemented.

The independence of the judiciary continued to be undermined by corruption and by government interference.

### Impunity

Political resistance together with the weakness of legal and judicial institutions continued to obstruct investigations and trials of perpetrators of human rights violations. The atmosphere of impunity continued to undermine efforts to improve the human rights situation.

One of five cases of past human rights violations in Aceh which had been prioritized for investigation came to trial in April. One civilian and 24 members of the military were sentenced in a joint military/civilian court to prison terms of between eight and a half and 10 years for killing a Muslim cleric, Teungku Bantaqiah, and more than 50 of his followers in West Aceh in July 1999. The case indicated a willingness by the government to hold perpetrators of human rights violations to account, but the trial was considered flawed. Among the concerns were that military officers with command responsibility were not brought to trial, and that some witnesses did not testify because they claimed that their security could not be guaranteed. None of the four other prioritized cases came to trial, nor have thousands of other human rights violations which have taken place in Aceh been addressed.

There was little progress in bringing to justice those responsible for crimes, including crimes against humanity, in East Timor in 1999. Investigations into five cases were completed in October and 23 suspects were named, but not indicted by the end of the year. They included some senior members of the Indonesian military and police, East Timorese government officials and members of pro-Indonesian militia. The cases were expected to be heard in an *ad hoc* Human Rights Court established under the new legislation on Human Rights Courts. However, by the end of 2000 such a court had not been established.

No steps were taken to investigate the many hundreds of other crimes committed by the Indonesian security forces and pro-Indonesian militia in East Timor during 1999. These included hundreds of extrajudicial executions, torture including rape, and the forcible expulsion of tens of thousands of East Timorese. Despite the existence of a Memorandum of Understanding on legal cooperation signed with the UN Transitional Administration in East Timor (UNTAET), Indonesia refused to allow UNTAET investigators access to information and suspects (see East Timor entry).

Other investigations did take place. These included an inquiry led by the National Commission on Human Rights (*Komnas HAM*) into extra judicial executions and "disappearances" which took place in Tanjung Priok, Jakarta, in 1984. The inquiry found that 33 people had been extra judicially executed or had "disappeared". On the basis of the findings, a criminal investigation was set up by the Attorney General's Office in November. A joint police/military team began to investigate a raid on the headquarters of the Indonesian Democratic Party (PDI) in July 1996 which resulted in an unknown number of deaths.

### Repression of pro-independence movements

Despite initiatives by the government to engage in dialogue with pro-independence supporters in Aceh and Papua, repression was widely employed against members of civilian and armed independence movements.

#### Aceh

Police and military operations against the armed opposition group Free Aceh Movement (GAM) continued throughout 2000. Hundreds of people were extrajudicially executed. Some victims were tortured before being killed. Scores of people "disappeared" or were detained because of their alleged connection with GAM. Torture and ill-treatment were routine in both police and military custody and some people died as a result of torture. A significant proportion of the victims were ordinary civilians, including women, children, humanitarian workers, human rights defenders and political activists.

☐ At least eight GAM suspects were extrajudicially executed in Hagu Barat Laut village in North Aceh on 18 May. All were tortured before being killed. One had his hand cut off and another body was found with his genitals missing.

☐ Amrisaldin, a 24-year-old volunteer with an humanitarian organization, Save Emergency for Aceh (SEFA), was detained and tortured by members of the Police Mobile Brigade (Brimob) in Meukek Sub-district, South Aceh, on 5 September. He was punched, kicked, slashed with a knife, his pubic, chest and armpit hair was burned and he was threatened with death. He was released the next day.

☐ At least three women were raped and up to seven people, including young girls, were sexually assaulted on 7 March in Alue Lhok village, Matangkuli Sub-district, North Aceh. A report by the Aceh branch of *Komnas HAM* concluded that the military appeared to be responsible and recommended further investigation.

GAM was also responsible for human rights abuses in Aceh. There were reports of unlawful killings, abductions and torture by GAM members against both members of the security forces and civilians. Among the victims were suspected military informers and people suspected by GAM of being criminals. Local government officials, religious officials and humanitarian workers were among those subjected to threats and intimidation by GAM.

An effective cease-fire, known as the Joint Understanding on a Humanitarian Pause, between the

government and GAM was implemented in June. Initially it resulted in a decrease in violations, but within weeks the number of reported incidents rose again. The situation deteriorated further towards the end of the year including in the run-up to a pro-independence rally in Banda Aceh in November. Operations by the security forces to prevent people from attending the rally were believed to have resulted in the extrajudicial execution of at least 20 and possibly many more people. A number of people involved in organizing the rally were detained. One political activist, Muhammad Nazar, head of the Information Centre for a Referendum on Aceh (SIRA), remained in detention at the end of 2000. He was a prisoner of conscience.

#### Papua

Attempts to respond to mounting demands for independence in Papua (formerly Irian Jaya) through political dialogue were undermined by the actions of the security forces. Dialogue continued and conciliatory measures were introduced, such as changing the name of the province and permitting the raising of the Papuan flag, regarded locally as a symbol of independence. However, these did not prevent flag-raising and other pro-independence protests from being forcibly broken up by the security forces. At least 21 people were killed and dozens injured in the course of these operations. Detainees, including people held for the peaceful expression of their views, were tortured and ill-treated. Pro-independence and pro-integration militia groups were established and there were reports that they had committed human rights abuses.

☞ Three people were shot dead and 12 injured when police forcibly dispersed a crowd which had gathered to raise the Papuan flag outside a church in Sorong on 22 August. Around 30 others were arrested and charged with attempting to separate the state and possessing firearms.

☞ About 100 people, including children, were arbitrarily detained during police raids on student hostels in Jayapura, apparently in retaliation for the killing of two police officers and one security guard on 7 December. Elkius Suhuniab was killed during a raid, and Johnny Karrunggu and Orry Doronggi died as a result of torture in police custody. Human rights activists and journalists were subsequently harassed by the police for publicizing the violations.

#### Refugees and militia

More than 100,000 East Timorese refugees were still in Indonesia at the end of 2000, mostly in West Timor. They had fled or were forcibly expelled to Indonesia by pro-Indonesian militia and the Indonesian security forces in September 1999. Efforts to repatriate the refugees were hampered by threats, intimidation and physical attacks on refugees by militia in West Timor. Frequent threats and attacks by militia on representatives of the UN High Commissioner for Refugees (UNHCR) also disrupted the repatriation program. The program was suspended and all international and many local humanitarian agencies

left West Timor after three UNHCR staff were killed by militia in Atambua, West Timor, on 6 September.

In response to international condemnation of the attack, the Indonesian authorities set up an investigation into the killings. Although six suspects were arrested, no one had been brought to trial by the end of 2000. A process to disarm the militias was also established, but some refugees who made their own way back to East Timor later in the year reported that armed militia were still active in West Timor. UNHCR had not returned by the end of 2000.

#### Death penalty

Eight people were sentenced to death, bringing the total number under sentence of death to at least 34. No executions took place during 2000. The death penalty was introduced as a maximum sentence for a number of crimes under new legislation on Human Rights Courts.

#### International initiatives

The report of the International Commission of Inquiry (ICOI) on East Timor, established by the UN Secretary-General, was published in January. The COI, which had visited East Timor and Indonesia in late 1999, concluded that gross violations of human rights and breaches of humanitarian law were perpetrated by pro-Indonesian militias with the support of the Indonesian military during 1999. It recommended that an international tribunal on East Timor should be established. It also recommended that the voluntary return of East Timorese refugees in Indonesia should be facilitated and that pro-Indonesian militia should be disarmed.

Following the killing of three UNHCR staff in West Timor in September, the UN Security Council adopted Resolution 1319 (2000), in which it insisted that the Indonesian government should immediately disarm and disband the militia, ensure safety and security in refugee camps for humanitarian workers and take measures to ensure the safe return of refugees to East Timor. A UN Security Council delegation visited Indonesia in November to review the progress of the authorities in implementing the resolution.

#### AI country reports and visits

##### Reports

- Indonesia: Impunity persists in Papua as militia groups take root (AI Index: ASA 21/034/2000)
- Indonesia: Comments on the draft law on Human Rights Tribunals (AI Index: ASA 21/025/2000)
- Indonesia: The Consultative Group on Indonesia (CGI) – A briefing for government members and donor agencies (AI Index: ASA 21/051/2000)
- Indonesia: A cycle of violence for Aceh's children (AI Index: ASA 21/059/2000)
- Indonesia: The impact of impunity on women in Aceh (AI Index: ASA 21/060/2000)
- Indonesia: Activists at risk in Aceh (AI Index: ASA 21/061/2000)

##### Visits

AI delegates visited Indonesia, including Jakarta and Aceh.