

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: Megawati Sukarnoputri (replaced Abdurrahman Wahid in July)

Capital: Jakarta

Population: 215 million

Official language: Bahasa Indonesia

Death penalty: retentionist

2001 treaty ratifications/signatures: Optional Protocol to the UN Children's Convention on the involvement of children in armed conflict

The human rights situation in the provinces of Aceh and Papua deteriorated during the year and hundreds of cases of extrajudicial execution, "disappearances", torture and unlawful arrests were reported. Human rights defenders were among the victims. Peaceful independence activists were tried and were among the first prisoners of conscience to be convicted since 1998. Armed independence groups in both provinces were also responsible for committing abuses. Elsewhere, deaths and injuries resulted from excessive force used by the military and police, including against striking workers, protesters and in areas of religious and ethnic conflict. Impunity continued; there were no credible investigations into allegations of human rights violations. The appointment of a new President in July did little to forward progress on legal, judicial and other human rights reform. The death penalty was applied.

Background

Political conflict, which effectively paralysed the government for the first half of the year, culminated in July in the impeachment of the first democratically elected President in over four decades. Abdurrahman Wahid was succeeded by the Vice-President, Megawati Sukarnoputri. The process of human rights reform and efforts to resolve some of Indonesia's most intractable conflicts were obstructed by political infighting both before and after the impeachment.

Legal and judicial reform

Although judges were appointed to serve in new courts to deal with gross violations of human rights, the courts had not been established by the end of the year. There was concern that the right to fair trial in the new human rights courts would be jeopardized because relevant legislation had not been amended and that legislation for a witness/victim protection program had not been enacted.

Long-standing government commitments to amend the Criminal Code were not fulfilled and provisions which contravened basic rights, including rights to freedom of expression and assembly, continued to be applied. Existing legal safeguards to protect the rights of detainees were frequently ignored.

Prisoners of conscience and unfair trials

Independence activists in Papua and Aceh, as well as labour and political activists, were among at least 13 people who were sentenced to terms of imprisonment for the peaceful expression of their views. Several were found guilty of crimes under the "Hate-sowing Articles" of the Criminal Code prohibiting the "spreading of hatred" against the government, which had been used extensively in the past to suppress dissent but which had fallen out of use in recent years. Prisoners of conscience and others were convicted after unfair trials. Defendants were routinely denied access to legal representation and some were coerced into making confessions, including through torture.

✉ Mixilmina Munir and Aris Wardoyo, activists with the student group City Forum (*Forkot*), were sentenced to five months' imprisonment in November for peacefully protesting against increases in fuel prices. The two were found guilty of defying police orders.

✉ Four students from Papua were found guilty in August of "spreading hatred" against the government for their role in a peaceful demonstration in support of Papuan independence outside the Netherlands Embassy in Jakarta in December 2000. Hans Gobay, Mathius Rumbakuk, Luan Wenda and Yosep Wenda were initially interrogated without lawyers and subjected to torture and ill-treatment. They were denied medical treatment in detention for injuries sustained as a result of beatings upon arrest. They were sentenced to three months and 25 days' imprisonment.

Impunity

Resistance by the authorities to bringing perpetrators of human rights violations to justice continued to prevail and the vast majority of allegations of human rights violations were not investigated. The cases that were investigated did not result in trials. Thousands of cases of past violations remained unresolved.

The National Commission on Human Rights (*Komnas HAM*) investigated several cases but none had resulted in prosecutions by the end of the year. In May a team headed by *Komnas HAM* reported that members of the Police Mobile Brigade (*Brimob*) and the local police in Papua were responsible for violations including the unlawful detention and torture of around 100 people in Abepura in December 2000. Two of the detainees died from their injuries. Local police officials, who refused to cooperate with the inquiry team, were also reported to have intimidated witnesses.

A report published by *Komnas HAM* in February on inter-religious conflict in the Moluccas stated that over 3,000 people had been killed since January 1999. The report also found that the government had failed to protect the civilian population and that the security forces were also responsible for human rights violations.

There was no progress on bringing to trial cases in Aceh which the government-appointed Independent Commission to Investigate Violence in Aceh had recommended in 1999 should be prioritized for investigation and prosecution. Four civilian suspects accused of unlawfully killing three members of a humanitarian organization, the Rehabilitation Action

for Torture Victims, in Aceh in December 2000, escaped from police custody in March. Four military suspects in the same case remained in custody but had not been charged by the end of the year.

The establishment of an *ad hoc* Human Rights Court for the Tanjung Priok case, in which scores of people were killed or had "disappeared" when the security forces opened fire on Muslim demonstrators in 1984, was approved by the President but had not been set up.

Past human rights violations in East Timor

Despite repeated government commitments to begin trials of cases of serious crimes committed in East Timor around the popular consultation on independence of 30 August 1999, the *ad hoc* Human Rights Court on East Timor had not been established by the end of 2001.

The effectiveness of the Court was undermined by limits placed on its jurisdiction even before it had been established. A Presidential Decree, issued in August 2001, gave the court jurisdiction over only the two months of April and September 1999, and over only three of East Timor's 13 districts. There was no indication that the government was willing to review the decree to ensure that suspects in all cases of serious crimes, including crimes against humanity, committed throughout East Timor during 1999 could be brought to justice. In the meantime, senior police and military officials who had been named as suspects in the investigations had not been charged and remained in active service.

Investigators with the UN Transitional Administration in East Timor (UNTAET) continued to be denied access to witnesses and other evidence in Indonesia. Indictments against suspects in Indonesia, including members of the military, had been issued by UNTAET by the end of the year but none had been transferred to East Timor for trial. (See East Timor entry.)

Repression of pro-independence movements

Repression of pro-independence movements intensified during the year. In Aceh, dialogue between the government and the armed opposition Free Aceh Movement (GAM) broke down and in April new security operations, involving both the police and the military, were launched against GAM. Local human rights groups claimed that some 1,500 people were killed during the year. Scores of cases of unlawful detention, "disappearances" and torture, including rape, were also reported. Many of the violations resulted from reprisals against civilians for GAM attacks on the security forces. Operations by the security forces against the independence movement in Papua also resulted in dozens of cases of unlawful killings, "disappearances", torture and other violations. Houses and means of livelihood were also destroyed in both provinces as a form of collective punishment for attacks by armed opposition groups against the police and military.

☞ On 9 August workers and their families at the PT Bumi Flora Plantation in East Aceh were ordered from their homes by unidentified men. At least 31 people, including children, were believed to have been shot dead. Although the military and GAM accused each other, evidence collected by local human rights

monitors indicated that the military may have been responsible. No one was brought to justice.

☞ Four people were believed to have been killed on 3 May when members of Brimob opened fire on them as they were boarding a boat in Wasior, Papua. Eighteen others, including Musa Kuluwa and Mandinus Yikwa, who suffered gunshot wounds, were kicked and beaten before being arrested. The group was brought to trial, accused of "attempting to commit separatism" and rebellion. The trial continued.

Leading figures in the pro-independence movements in both Papua and Aceh were imprisoned. Muhammad Nazar, chair of the Information Centre for a Referendum on Aceh (SIRA), was sentenced to 10 months' imprisonment in March for "spreading hatred" against the government. He was released in October after serving his sentence. The head of SIRA's Jakarta branch, Faisal Saifuddin, was also charged with "spreading hatred". His trial began in November but had not concluded by the end of the year. Both were prisoners of conscience.

Political leaders, together with other leading members of civil society, were also among the victims of unlawful killings. In Papua, Theys Eluay, chairman of the civilian umbrella independence group, the Papua Presidium Council (PPC), was found dead in his vehicle in November. He and four other members of the PPC had been on trial for their peaceful pro-independence activities. The military repeatedly denied any involvement in the killing but this was strongly contested by local human rights groups. A police investigation indicated that members of the Special Forces Command (*Kopassus*) were responsible. Five parliamentarians were killed in Aceh during the year. These cases had not been thoroughly investigated; the identity of the perpetrators was not established.

Human rights defenders

An increasing number of cases of human rights violations against human rights defenders were documented, mainly in Aceh and Papua. The violations included extrajudicial executions, unlawful arrests and torture, although threats and other forms of harassment by the police and military were also commonplace. Several activists were accused of, and in one case formally charged with, defamation and other offences for publicizing human rights violations by the security forces. In Aceh, GAM was also responsible for intimidating human rights activists.

☞ Indra P. Keumala and Hepi Suaidi, from the Commission for Disappearances and Victims of Violence (*Kontras*) and the People's Crisis Centre (PCC) respectively, were detained at a military checkpoint in July in Southeast Aceh District as they were returning from investigating reports of the killing of around 100 people in Central Aceh District by members of military and militia groups. The two were slapped, kicked and beaten with rifle butts. Their fingers were burned with cigarettes and they were doused in water containing human excrement. They were released without charge two days later.

Refugees

Security conditions, including the continued presence of armed militia, did not permit the return to West Timor of the UN High Commissioner for Refugees (UNHCR), which had evacuated the province in September 2000 after the murder of three of its staff by members of East Timorese pro-Indonesia militia. Despite the absence of a formal repatriation process, some 18,000 refugees returned to East Timor during the year. Concerns remained about the safety of the remaining 75,000 refugees who had been in West Timor since September 1999 when they fled the post-referendum violence in East Timor or were forcibly expelled.

Death penalty

Gerson Pandie and Fredrik Soru were executed by firing squad in May in the first known executions since 1995. At least 10 people were sentenced to death during the year, bringing to 40 the total number of people known to be under sentence of death. According to AI's information, this was the highest number of sentences passed in one year for the last 10 years.

Intergovernmental organizations

In November, in its concluding observations on Indonesia's first periodic report on the implementation of the UN Convention against Torture, the UN Committee against Torture expressed concern about the high number of allegations of torture committed by members of the security forces; numerous attacks against human rights defenders, sometimes resulting in death; the climate of impunity resulting from failure to bring to justice individuals suspected of carrying out acts of torture; and the inadequate legal and institutional framework for protection against torture.

A technical assistance program with the office of the Attorney General was suspended by the UN Office of the High Commissioner for Human Rights in August pending the amendment of the presidential decision to extend the jurisdiction of the *ad hoc* Human Rights Court on East Timor.

AI country reports/visits

Reports

- Indonesia: Comments on the law on Human Rights Courts (Law No. 26/2000) (AI Index: ASA 21/005/2001)
- Indonesia: Briefing on the current human rights situation in Indonesia (AI Index: ASA 21/006/2001)
- Indonesia: Amnesty International briefing on the deteriorating human rights situation in Aceh for participants in the ASEAN Regional Forum (AI Index: ASA 21/020/2001)
- Indonesia: Commentary on Indonesia's first report to the UN Committee against Torture (AI Index: ASA 21/048/2001)

Visit

AI delegates visited Indonesia in February and met government and other officials.

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: 71.4 million

Official language: Persian (Farsi)

Death penalty: retentionist

Scores of political prisoners, including prisoners of conscience, were arrested and others continued to be held in prolonged detention without trial or following unfair trials. Some had no access to lawyers or family. In a continuing clamp-down on freedom of expression and association, led by the judiciary, scores of students, journalists and intellectuals were detained. At least 139 people, including one minor, were executed and 285 flogged, many in public.

Background

President Khatami, the incumbent candidate, won the presidential election in June in a comprehensive victory seen by many as a reaffirmation of a reform agenda. He made public appeals to the judiciary to respect the constitutional rights of parliamentarians and citizens.

There were increasing indications of social, regional and ethnic disquiet and unrest. In July clothing and shoe factory employees protested, including in front of parliament, over unpaid wages. In the same month, disturbances occurred when Tehran officials attempted to destroy unauthorized housing. In August an announcement that the government planned to divide Khorasan province led to riots in Sabzevar in which three people reportedly died. Thousands of people were detained in October following public disorder after international football matches in Tehran. In July, student groups marked the anniversary of a raid by the security forces on student dormitories in Tehran in 1999, when at least one student was allegedly killed and others were ill-treated.

Drought and conflict in Afghanistan in 2001 increased the numbers seeking refuge in Iran. Protests in July over social conditions and lack of employment resulted in attacks on Afghan refugees in Falavarjan, central Iran. The authorities introduced restrictions on the employment of Afghans and more than 100,000 were repatriated during 2001. In October, following the bombing of Afghanistan, Iran closed its borders with the country and built refugee camps in Afghanistan near the Iranian border (see Afghanistan entry).

There were unconfirmed reports that the People's Mojahedin Organization of Iran, an armed political group, ill-treated its own members at a base in Iraq. The reports were denied by the organization but it failed to provide substantive information to allay AI's concerns.