

- * India: Open letter to Law Minister Jana Krishnamurthi about the forthcoming trial of Abdul Rehman Geelani and three others (AI Index: ASA 20/011/2002)

Visit

AI delegates visited India in April and met government and other officials as well as human rights groups. Access to the country for a research visit to Gujarat in the aftermath of the massacres was *de facto* denied by the government in July.

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: Megawati Sukarnoputri

Death penalty: retentionist

International Criminal Court: not signed

In Nanggroe Aceh Darussalam (NAD) and Papua provinces (formerly known as Aceh and Irian Jaya respectively), the human rights situation remained grave, with hundreds of reported cases of extrajudicial execution, "disappearance", torture and unlawful arrest. The government's failure to take decisive action to end human rights violations undermined efforts to resolve the conflicts resulting from long-standing demands for independence. Impunity was reinforced by the failure of trials of the *ad hoc* Human Rights Court on East Timor to satisfactorily resolve serious crimes, including crimes against humanity, committed in 1999 in East Timor (renamed Timor-Leste in 2002). At least nine prisoners of conscience were sentenced to terms of imprisonment and four others were awaiting trial at the end of the year. Human rights defenders suffered human rights violations, including extrajudicial execution, torture and unlawful arrest.

Background

Reform progressed in some areas. Direct presidential elections were introduced and a deadline of 2004 was given to end the much criticized system of reserved parliamentary seats for the military and police. However, reform of the judiciary made little progress and plans to amend the Criminal Code or the Criminal Procedures Code were again not implemented.

A number of high-profile corruption trials during the year did little to restore public confidence in either the judicial system or the political leadership. Akbar Tanjung, leader of Golkar, one of the main political parties, was among those sentenced to terms of imprisonment for corruption. Despite his conviction, he did not relinquish his post as party leader or speaker of parliament.

Security legislation

A Government Regulation on the Elimination of Terrorism was enacted in the aftermath of the bombing of a nightclub in Bali on 12 October which killed close to 200 people. The Regulation introduced the death penalty for some acts characterized as "terrorism". Rights of suspects to fair trial, including the right to presumption of innocence and the right to legal counsel, were not adequately guaranteed. Legislation to replace the Regulation was submitted to parliament but had not been adopted by the end of the year.

Fifteen people were detained in connection with the Bali bombing. A leading Muslim cleric was detained in relation to other bombings in Indonesia in recent years. There were concerns that their trials might not meet international standards for fair trial.

Impunity

Attempts to tackle impunity in human rights cases made little progress as political resistance and legal and institutional weaknesses continued to undermine investigations and trials of those suspected of human rights violations. Four permanent human rights courts provided for under legislation enacted in 2000 had not been established by the end of the year. The courts would have jurisdiction over cases of crimes against humanity and genocide.

Timor-Leste trials

An *ad hoc* human rights court was convened in March to consider cases of crimes against humanity committed in East Timor around the August 1999 vote on independence. Eighteen people were tried in relation to four events. The former provincial Governor of East Timor, Abilio Jose Osorio Soares, the head of the military in Dili, Lieutenant Colonel Sujarwo, and militia leader, Eurico Guterres, were sentenced to three, five and 10 years' imprisonment respectively. Eleven other defendants were acquitted. The trials of the remaining four had not been completed by the end of the year. AI expressed its concern that the prosecutors had failed in their duty under international law to bring effective prosecutions against the accused because they ignored relevant and well-attested evidence, and failed to prove the widespread and systematic nature of crimes committed in East Timor in 1999. Moreover, witnesses and victims were not provided with adequate protection and several witnesses refused to appear because their security could not be guaranteed.

Hundreds of other cases of serious crimes committed in East Timor during 1999 were not investigated. Indonesia also continued in its refusal to cooperate with the investigations and trials being undertaken in Timor-Leste, including by failing to transfer to Timor-Leste Indonesians or individuals living in Indonesia against whom the UN Serious Crimes Unit had issued arrest warrants.

Other unresolved cases

Little progress was made towards bringing perpetrators of other human rights violations to justice and thousands of cases were not investigated. The few that were investigated did not, except in one case, lead to

trials. In three prominent cases where investigations of crimes against humanity had been initiated no one was charged or brought to trial.

In January, nine members of the Police Mobile Brigade (Brimob) were sentenced to between three and six years' imprisonment by a military court in relation to the shooting of four students at Trisakti University in Jakarta in 1998. However, a number of senior military and police officials refused to respond to summons for questioning by a Commission of Inquiry into the extrajudicial execution of the four students and at least 19 others who were killed when the security forces opened fire on demonstrators in Jakarta in 1998 and 1999. The inquiry team reported in April that 49 members of the police and military were involved in the killings. Its recommendation that the Attorney General carry out further investigations had not been acted on by the end of the year.

The Attorney General's office sent an investigation team to Papua in April in response to the conclusions of another Commission of Inquiry which had found evidence of gross human rights violations in Abepura in December 2000, including the killing of three students and the unlawful detention and torture of around 100 others. No one had been charged by the end of the year.

Fourteen people, including the head of the Special Forces Command (Kopassus), were named as suspects for the killing of a large number of people in Tanjung Priok, Jakarta, in 1984 when security forces opened fire on demonstrators. They had not been brought to trial by the end of the year.

Repression of pro-independence movements Nanggroe Aceh Darussalam

Dialogue between the government and the armed opposition Free Aceh Movement (GAM) resulted in the signing of a cease-fire agreement in December. The agreement was intended as a first step towards ending the conflict, in which over 1,300 people were killed during the year according to estimates by local human rights organizations.

Scores of unlawful detentions by both the police and the military were reported. Torture and ill-treatment of detainees continued to be routine. Victims included individuals suspected of belonging to or sympathizing with GAM, political activists and human rights defenders. In some cases relatives were held in the place of suspected GAM members. Demands for payment to secure the release of detainees were also reported.

GAM was also responsible for serious human rights abuses, including kidnappings and unlawful killings. Justice for these and other human rights violations was not addressed under the cease-fire agreement.

☞ Junaidi, head of the Aceh Besar District branch of the pro-independence Information Centre for a Referendum in Aceh (SI RA), was detained on 8 January by soldiers from the Army Strategic Reserve Command (Kostrad) and subsequently "disappeared". A relative received a telephone call from him saying that he was being detained in the Seulimeum Sub-district area, Aceh Besar District. The military denied holding him.

☞ Hasan Basri, a 50-year-old man from Krueng Sabee Sub-district, West Aceh District, was held in military detention for five months. He was tortured, including by being threatened with death and forced to witness the execution of another prisoner. He was thought to have been detained because the military suspected that two of his children belonged to GAM. Lawyers who tried to gain access to him were threatened with death.

Papua

Efforts to find a peaceful solution to political and other grievances in Papua continued to be undermined by human rights violations by the security forces. Restrictions on freedom of expression severely limited the activities of the civilian independence movement. Trials of three senior members of the leading political independence group of the Papua Presidium Council (PDP) continued. They were acquitted in March of charges relating to their peaceful political activities. Four members of the Jayawijaya District branch of the PDP, who had been sentenced to four years' imprisonment in 2000, remained under town arrest in Wamena. They were prisoners of conscience.

Members of Kopassus were declared suspects of the November 2001 killing of PDP chairman Theys Eluay, and seven were facing charges at the end of the year. Their trials before a military court were scheduled to begin in January 2003.

Human rights violations were committed in the context of mining and logging operations. In August, one Indonesian and two US citizens were killed in an attack close to the PT Freeport Indonesia mine in Mimika District. The military blamed the armed opposition group Free Papua Movement (OPM). However, both the police and local human rights organizations publicly stated that they believed that the Indonesian military was involved in the killings.

Access to Wasior Sub-district, Manokwari District, continued to be restricted following police operations in 2001 against individuals suspected of carrying out two attacks on logging companies. Twenty-seven people arrested during the police operations were sentenced to terms of imprisonment after unfair trials. All but Marthinus Septinus Daisiwa, who was sentenced to seven years' imprisonment, had been released by the end of the year. No investigation was carried out into allegations that the 27 had been tortured and subjected to other human rights violations.

Forty-nine people were arrested in connection with peaceful pro-independence ceremonies in November and December, including 41 people in Manokwari town, Manokwari District. The 41 were initially denied access to lawyers and relatives. Eight remained in detention at the end of the year.

Prisoners of conscience

There was an increase in the use of repressive legislation to arrest and imprison prisoners of conscience. Two people were sentenced to terms of imprisonment and three were charged with "insulting the President" under legislation not used since 1998. Seven others, including labour and independence activists, were sentenced to terms of imprisonment

under different legislation for their peaceful activities. Another political activist, who would be a prisoner of conscience if convicted, was still awaiting trial at the end of the year.

☞ Muzakkir and Nanang Mamiya were each sentenced to one year in prison in October for "insulting the President" after defacing a picture of her during a demonstration in Jakarta. Ricky Tamba and Frederik were held for two days in connection with the same demonstration.

☞ Raihana Diany, Coordinator of the Acehese Democratic Women's Organization (ORPAD), was arrested during a peaceful demonstration against the policies of the government and human rights violations in NAD province in July. She was charged with "insulting the President". Her trial, which started in October, had not been concluded at the end of the year.

Human rights defenders

Access to NAD and Papua provinces for national and international human rights monitors was restricted. Human rights defenders in both provinces continued to be subjected to human rights violations, including extrajudicial execution, torture and unlawful arrest. Many also reported being threatened and harassed when carrying out their work. In NAD, two human rights defenders were extrajudicially executed. At least 23 were detained during the year – 14 of them reported being beaten in detention.

Seven people were each sentenced to a prison term of two months and 10 days for an attack on the Jakarta office of the Commission for Disappearances and Victims of Violence (Kontras) in March. However, most cases remained unresolved, including the unlawful killing of three workers of the Rehabilitation Action for Torture Victims (RATA) in NAD in December 2000, even though the suspects had been identified in 2000.

☞ In March, Nasrullah Ibrahim, Muhammad and Riza Pahlevi of the Association of Human Rights Victim Abuse (SPKP HAM) were held in incommunicado detention by the police for four days before being released without charge. Koes Sofyan, another SPKP HAM member, was detained by members of Kopassus and held for nearly three months before being released without charge. All four were tortured.

☞ Musliadi, head of the West Aceh Student and Youth Action Coalition (Kagempar), was detained by six men in plain clothes at the organization's office in Banda Aceh, the provincial capital of NAD, in November. His body was found floating in a river 70 kilometres outside Banda Aceh four days later. It had bruises on the legs, back and chest and a stab wound at the back of the head. There were concerns that he may have been killed because of his activities against human rights violations in NAD.

Death penalty

Nine people were known to have been sentenced to death, bringing the total number under sentence of death to at least 58. Twenty-five of those on death row had been convicted of drugs-related offences. No executions took place.

Intergovernmental organizations

The UN Special Rapporteurs on the independence of judges and lawyers and on the right to education visited Indonesia in July. A request by the Special Rapporteur on the independence of judges and lawyers to visit NAD was refused.

An invitation to visit Indonesia was extended to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Neither the UN Special Rapporteur on torture nor the UN Special Representative on human rights defenders received responses to their requests to visit Indonesia.

AI country reports/ visits

Reports

- Indonesia: Impunity and human rights violations in Wasior, Papua (AI Index: ASA 21/015/2002)
- Indonesia: Grave human rights violations in Papua (AI Index: ASA 21/032/2002)

Visit

AI delegates visited Indonesia in January, including a short visit to Papua Province.

IRAN

ISLAMIC REPUBLIC OF IRAN

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

President: Hojjatoleslam val Moslemin Sayed Mohammad Khatami

Death penalty: retentionist

International Criminal Court: signed

Scores of political prisoners, including prisoners of conscience, were arrested. Others continued to be held in prolonged detention without trial or were serving prison sentences imposed after unfair trials. Some had no access to lawyers or family. Freedom of expression and association continued to be restricted by the judiciary, and scores of students, journalists and intellectuals were detained. At least 113 people, including long-term political prisoners, were executed, frequently in public and some by stoning, and 84 were flogged, many in public.

Background

Political and social tension intensified during the year, adversely affecting human rights. There was heightened political rivalry between President Khatami's supporters and the large parliamentary majority favouring social reform on the one hand, and those favouring the conservative approach of the Supreme Leader Ayatollah Khamenei, the judiciary and many security officials on the other. Combined with