

leak and 15,000 more died in the following years as a result of the toxins, while tens of thousands more were living with chronic and debilitating illnesses. Survivors continued to be denied adequate compensation, medical help and rehabilitation. No one had been held responsible for the leak. UCC and Dow Chemicals (which took over UCC in 2001) had publicly stated that they had no responsibility for the leak or its consequences. UCC refused to appear before a court in Bhopal and the Indian government agreed to a final settlement in 1989 which was inadequate and was not paid out entirely. In mid-2004 the Supreme Court ordered that the remaining compensation money for victims of the gas leak be paid out. AI joined with other campaigners and survivors to call for an immediate clean-up of the pollutants, site and the affected surroundings, a full remedy for the victims, and to demand that those responsible be brought to justice.

AI country reports/visits

Reports

- * Clouds of injustice: Bhopal disaster 20 years on (AI Index: ASA 20/015/2004)
- * Open letter on human rights defenders attacked in West Bengal (AI Index: ASA 20/095/2004)
- * India: Punjab – Twenty years on impunity continues (AI Index: ASA 20/099/2004)

Visit

AI delegates attended the World Social Forum in Mumbai in January to discuss issues including arms control, corporate accountability and violence against women.

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: Susilo Bambang Yudhoyono (replaced Megawati Sukarnoputri in October)

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: signed

On 26 December an earthquake and tsunami devastated large parts of Nanggroe Aceh Darussalam (NAD) and surrounding areas, leaving more than 200,000 people dead or missing and displacing approximately half a million others. Even before the disaster, the human rights situation in the province had been grave. Prior to the massive international relief effort mounted in response to the tsunami, access to the province had been restricted. The downgrading in May of the military emergency to a civil emergency had little impact on

the human rights situation. Cases of extrajudicial executions, arbitrary detention, torture, sexual violence and destruction of property continued to be reported. Hundreds of suspected members or supporters of the armed pro-independence group, the Free Aceh Movement (GAM), were imprisoned following trials which contravened international standards. Repression of pro-independence activists in other regions also resulted in human rights violations. Elsewhere, police resorted to excessive force in responding to protests and when carrying out arrests. Dozens of people were arrested, detained and tried under "anti-terrorism" legislation. Justice for past human rights violations remained elusive although a number of members of the security forces faced trial. At least one person was sentenced to a term of imprisonment and at least four others were facing trial for the peaceful exercise of their right to freedom of expression. After a three-year de facto moratorium on executions, three people were executed.

Background

Megawati Sukarnoputri was replaced in October by former army general Bambang Susilo Yudhoyono after Indonesia's first direct presidential election. Regional and national parliamentary elections were also conducted. For the first time no parliamentary seats were reserved for the security forces. The reform process moved incrementally forward with several important legislative initiatives. However, corruption remained endemic. Forced evictions and disputes over land and resources led to conflict. Ethnic and religious tensions also resulted in violence, including in Maluku and Central Sulawesi. In September, Munir, a prominent human rights defender, died of arsenic poisoning on a flight to the Netherlands. A police investigation into his death was continuing at the end of the year.

Repression of pro-independence movements

In NAD, the gravity and pervasiveness of human rights abuses committed by the security forces and GAM meant that virtually all aspects of life in the province were affected, even before the devastation caused by the earthquake and tsunami.

Reliable figures relating to the conflict remained difficult to obtain. By September, according to official sources, 2,879 members of GAM and 662 civilians had been killed since May 2003. More than 2,000 suspected members of GAM had been arrested. The security forces conceded the difficulty in distinguishing between GAM members and the civilian population.

Trials of hundreds of suspected GAM members or supporters contravened international standards for fair trial, with many suspects denied full access to lawyers and convicted on the basis of confessions reportedly extracted under torture. There were concerns that some may have been imprisoned solely on the basis of the peaceful expression of their political beliefs.

Disproportionate restrictions were placed on the freedom of expression and movement. Tight

restrictions on access to NAD by international human rights monitors, humanitarian workers and journalists, combined with intimidation and harassment of local activists, effectively prevented independent human rights monitoring. In March, the National Human Rights Commission (Komnas HAM) reported that it had found indications that gross human rights abuses had been committed in NAD by both the security forces and GAM between March and November 2003.

GAM was responsible for human rights abuses including taking hostages and using child soldiers. The authorities also accused GAM of unlawful killings.

Hundreds of Acehnese fled to Malaysia and other countries (see Malaysia entry).

In Papua, operations by the security forces against the armed opposition group, the Free Papua Organization, reportedly resulted in extrajudicial executions. At least three men and two women were reportedly shot dead by police in Teluk Bintuni in April. Local human rights organizations said that those killed were civilians. Police stated that they fired after being attacked. Eleven police officers were disciplined as a result of the incident, but no criminal investigation or charges were known to have followed.

At least six civilians were reportedly killed and thousands displaced in Puncak Jaya during violence which started when the security forces began operations against the Free Papua Organization in August.

Excessive use of force by police

Police demonstrated a lack of restraint and continued to employ excessive force when responding to protests and during arrests. On several occasions police opened fire on demonstrators.

☞ In March, six people were killed and 19 injured when police opened fire on protesters outside the police station in Ruteng, Flores. The protesters, whom police said attacked the station, were demanding the release of seven people arrested in the context of a dispute over the rights of indigenous people to grow coffee in protected forests. Twenty-one officers were disciplined and one officer was dismissed from his post. None faced criminal charges. An investigation by Komnas HAM was ongoing at the end of the year.

Prisoners of conscience and political prisoners

At least one prisoner of conscience was sentenced to a prison term during the year, at least 10 others were facing trial, and eight others sentenced in previous years remained in prison. They included peaceful political and independence activists in NAD, Papua and Maluku. In addition to known prisoners of conscience, hundreds of alleged pro-independence activists, the majority of them from NAD, were sentenced to imprisonment after trials reported to have fallen short of international standards. Among them were believed to be individuals sentenced for their peaceful activities. Charges against journalists and human rights organizations threatened to undermine freedom of expression.

☞ Bambang Harymurti, editor of *Tempo* magazine, was sentenced to one year's imprisonment for libel

after publishing an article citing allegations that a businessman stood to profit from a fire that had destroyed part of a textile market. The article included a statement from the businessman denying the allegation. Bambang Harymurti remained free pending appeal at the end of the year.

☞ Holly Manuputty and Christine Kakisima, the wife and daughter of an independence activist in Maluku, were detained on charges of "rebellion". The charges against Holly Manuputty and Christine Kakisima focused on their presence at peaceful pro-independence meetings held at their house. Their trials were ongoing at the end of the year. They were among at least 66 people detained before and after a peaceful rally supporting independence in Ambon, Maluku. Many of those detained were reportedly sentenced to terms of imprisonment of up to nine years; trials involving the remainder were continuing at the end of the year. Although the rally itself was peaceful, it triggered communal violence in which at least 38 people were reportedly killed.

Impunity

The majority of human rights violations were not investigated and only a few investigations led to prosecutions.

By the end of the year only one person remained convicted for crimes against humanity committed in Timor-Leste in 1999. An appeals court upheld the conviction of Eurico Guterres, former militia leader, but halved his sentence to five years' imprisonment. He remained free pending final appeal to the Supreme Court. Four senior members of the security forces and the former provincial governor, Abilio Soares, had their convictions overturned on appeal. The Supreme Court confirmed the earlier acquittals of 12 others who had been indicted in relation to the 1999 violence.

Indonesia continued to refuse to transfer to Timor-Leste 304 people indicted by the Timor-Leste Prosecutor General. They included former general Wiranto who was head of the Indonesian armed forces in 1999. Wiranto had also not faced trial in Indonesia for his role in the violence of 1999. Although named as a suspect by Komnas HAM, he was never indicted by the Attorney General's Office and ran as a candidate in May's presidential elections, finishing third.

An ad hoc Human Rights Court in Jakarta convicted 12 military officials of charges arising from the killing, detention and torture of Muslim protesters in Tanjung Priok, Jakarta, in 1984. Major-General (retired) Rudolf Adolf Butar-Butar was sentenced to 10 years' imprisonment; the 11 other officers received sentences well below the statutory minimum of 10 years. They all remained free pending appeal. Two high-ranking officers, including the serving Commander of the Special Forces Command (Kopassus), Major-General Sriyanto, were acquitted. Other senior officials who were named as possible suspects by an initial investigation were not indicted.

After considerable delay, the trials of two senior police officers began in the Human Rights Court in Makassar in May. They were charged with command

responsibility for the shooting of one person and torture of dozens of others in Abepura, Papua, in 2000. The trial was ongoing at the end of the year. The initial investigation, conducted in 2001, was marred by allegations of witness intimidation.

Investigations into other human rights violations progressed slowly. In September Komnas HAM reported that it had found initial evidence suggesting that security forces had committed crimes against humanity in two separate incidents in Papua: in Wasior in June 2001 and Wamena in April 2003. The report was submitted to the Attorney General's Office.

Other cases of human rights violations involving members of the security forces came before district and military courts. In many cases, police and military officers remained on duty during the investigation and trial and, when convicted, received sentences that did not reflect the gravity of the offence.

A law passed in September provided for the establishment of a Truth and Reconciliation Commission to resolve, outside the court system, cases involving grave human rights violations committed prior to the enactment of the Law on Human Rights Courts (Law 26/2000). The Commission can conduct investigations, grant reparations to victims and recommend presidential amnesties.

Security legislation

In the wake of further bomb attacks, including two in Sulawesi and one outside the Australian embassy in Jakarta, dozens of people were arrested, interrogated and detained under the Law on Combating Criminal Acts of Terrorism. At least 28 people were tried and convicted, many under the same legislation, for their involvement in bomb attacks in previous years. Most of those arrested and tried were suspected members of Islamist groups.

Concerns about the Law remained, including the inadequate definition of acts of "terrorism" and provision for up to six months' detention without access to judicial review.

The newly established Constitutional Court ruled that the retroactive application of the 2003 security legislation was unconstitutional. This placed in doubt the convictions of several people charged and tried under the legislation in relation to bombings in Bali in 2002.

Death penalty

Ayodhya Prasad Chaubey, Namsong Sirilak and Saelow Prasert were executed by firing squad, the first executions since 2001. The three had been convicted of drug trafficking in 1994. There were concerns that their trials may not have met international fair trial standards.

At least eight people were sentenced to death during the year, bringing to 54 the total number of people known to be under sentence of death. Thirty of those facing execution had been convicted of drug-related offences.

Violence against women

According to data collected by the National Commission on Violence Against Women (Komnas

Perempuan), the number of cases of violence against women was on the rise. In September, the Law on the Elimination of Domestic Violence (Law 23/2004) was passed, which provides a framework for government, police and community responses to domestic violence. The Law defines domestic violence to include physical, sexual and psychological violence and neglect, and, for the first time in Indonesian legislation, criminalizes marital rape. The family is defined to include residential domestic staff.

AI country reports/visits

Reports

- Indonesia: New military operations, old patterns of human rights abuses in Aceh (Nanggroe Aceh Darussalam, NAD) (AI Index: ASA 21/033/2004)
- Indonesia: A briefing on the death penalty (AI Index: ASA 21/040/2004)
- Indonesia and Timor-Leste: Justice for Timor-Leste—the way forward (AI Index: ASA 21/006/2004)

IRAN

ISLAMIC REPUBLIC OF IRAN

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

Head of government: President: Hojjatoleslam val Moslemin Sayed Mohammad Khatami

Death penalty: retentionist

International Criminal Court: signed

UN Women's Convention and its Optional Protocol: not signed

Scores of political prisoners, including prisoners of conscience, continued to serve prison sentences imposed following unfair trials in previous years. Scores more were arrested in 2004, many in connection with press articles or publications both in print and on the Internet which were alleged to "endanger national security" or defame senior officials or religious precepts. Many of the families of those arrested also faced intimidation. Independent human rights defenders were harassed. At least two individuals died in custody and 159 people were executed, including one minor. At least two of the 36 people who were flogged reportedly died following the implementation of the punishment; no investigations were carried out into these deaths. The true number of those executed or subjected to corporal punishment was believed to be considerably higher.