

pollutants from the site and the affected surroundings as well as a full remedy for the victims, and for those responsible to be brought to justice.

Other issues

There was grave concern at the intensification of social, political, cultural and economic discrimination, oppression and violence against *dalits*. Data suggested that few cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 had resulted in convictions.

Adivasi communities in several states continued to face great pressure from dam and mining development projects, expansion of modern forms of agriculture and settlements. Legislation aimed at recognizing and guaranteeing the rights of these communities to access forest areas and resources was under debate in the Indian parliament at the end of the year.

AI country reports/ visits

Reports

- Justice the victim: Gujarat state fails to protect women from violence in 2002 (AI Index: ASA 20/002/2005)
- India: Union Carbide Corporation, DOW Chemicals and the Bhopal communities in India – the case (AI Index: ASA 20/005/2005)se nx: ASA 20/005/2005).
- Briefing on the Armed Forces Special Powers Act (Manipur) (AI Index: ASA 20/025/2005)
- The death penalty in India: briefing for the EU-India Summit, 7 September 2005 (AI Index: ASA 20/034/2005)

Visits

AI delegates, including AI's Secretary General, visited India in February and met government officials, NHRC representatives and civil society organizations.

AI representatives met government officials and activists in December.

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: Susilo Bambang Yudhoyono

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: signed

Although the general situation in Nanggroe Aceh Darussalam (NAD) improved after a peace agreement was signed in August by the government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM), impunity for serious human rights violations remained a concern. In Papua, cases of torture and arbitrary detention were reported. Across the country, the police used excessive force against demonstrators, and ill-treatment in detention facilities and police lock-ups was widespread. At least two people were executed by firing squad and at least 10 people were sentenced to death. Freedom of expression remained severely curtailed and at least 18 people were detained for criticizing the government.

Background

For the first time a representative of Indonesia chaired the annual session of the UN Commission on Human Rights in Geneva. In September parliament took the necessary steps to approve ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Various religious minority groups came under threat. Members of the Ahmaddiya community were targeted for attacks, sometimes forcing them to flee. The Liberal Islam Network was also attacked, and several Christian churches were forced to close in Java. In Maluku and Central Sulawesi, ethnic and religious tensions continued to result in violence.

On 1 October bomb attacks in Bali killed 23 people.

Nanggroe Aceh Darussalam

On 15 August a Memorandum of Understanding between the government and GAM was signed setting out a framework to end peacefully the 29-year conflict in NAD. Over 200 monitors from European Union and Association of South East Asian Nations (ASEAN) countries were deployed to monitor compliance with the agreement. By the end of the year over 30,000 police and army personnel had left the province and the fourth phase of the decommissioning of GAM's weapons had been completed. There was hope that the peace process would hold. Preparations for local elections were well under way.

In January human rights monitors, humanitarian aid agencies and journalists were allowed to operate in NAD for the first time since martial law was declared in

May 2003. Their presence, although mainly restricted to areas affected by the 2004 tsunami, contributed to an enhanced feeling of security in the province.

In May, as part of the government's post-tsunami reconstruction and rehabilitation efforts, the Civil Emergency status in NAD was downgraded to Civil Order status. This had little impact in practice as military operations continued. However, as a result of the peace agreement in August the human rights situation improved significantly.

Despite considerable human and financial investment in the reconstruction effort, there was widespread criticism of the aid agencies' lack of local consultation and coordination. In November over 130,000 people were still living in tents or temporary barracks waiting for permanent housing. There were concerns that many were living in facilities that did not meet basic needs.

In August more than 1,400 political prisoners and at least two human rights activists were released from prisons in NAD and Java as part of an amnesty granted to alleged GAM combatants and their supporters. In October, concerns were raised that 115 GAM prisoners had not been released. During the military and civil emergencies, suspected GAM members and supporters faced unfair trials. Many suspects were denied full access to lawyers and were convicted on the basis of confessions reportedly extracted under torture.

According to local human rights organizations, during the Civil Emergency period alone (May 2004–May 2005) 80 civilians were killed: three died as a result of torture; 64 were assassinated; six were abducted and killed; and seven were killed during shootings. There were concerns that past human rights violations would not be prosecuted and that impunity could undermine prospects for a lasting peace. Despite provisions within the Memorandum of Understanding that a human rights court would be set up, the government announced that the court would not have powers to hear cases from the past.

Papua

In March, the military announced plans to increase troop numbers in Papua by 15,000. There were concerns that this might lead to more human rights violations in the province. Hundreds of additional military troops were reportedly sent to Merauke in October. Concerns were also expressed that troops withdrawn from NAD could be deployed in Papua.

Tight restrictions on access to Papua by international human rights monitors, as well as harassment and intimidation of local activists, hampered independent human rights monitoring. At least two peaceful supporters of Papuan independence were sentenced to long jail sentences. There were reports of arbitrary arrests, torture and ill-treatment.

☛ In April, prisoners of conscience Yusak Pakage and Filep Karma were sentenced to 10 and 15 years in prison respectively for having raised the Papuan flag in December 2004. Both were imprisoned in Jayapura, Papua province, and had lodged appeals to the Supreme Court by the end of the year.

Security legislation

Between April and June, at least 64 civilians were arrested under the Law on Combating Criminal Acts of Terrorism. Concerns about the legislation remained, including the inadequate definition of acts of "terrorism"; provision for up to six months' detention without access to judicial review; and provisions allowing capital punishment. There were reports that 36 of those arrested were arbitrarily arrested and four of them were ill-treated.

☛ In June, four peasant farmers — Jumaedi, Jumeri, Mastur Saputra and Sutikno — who were arrested in relation to a bomb attack in Tentena, Sulawesi district, in May, were reportedly beaten by police during interrogation. An internal investigation was initiated by the police but there were fears that it would not lead to full prosecution of those found responsible.

Excessive use of force

Members of the police used excessive force on numerous occasions, including against demonstrators and detainees.

☛ In September, 37 people were reportedly wounded when the police shot into a crowd of around 700 peasant farmers in Tanak Awuk, Lombok island. The gathering was organized to commemorate National Peasants' Day and to discuss land issues. The police said they were responding to people attacking them. The National Human Rights Commission (Komnas HAM) sent a team to investigate the incident in October.

Torture and cruel, inhuman or degrading treatment

According to a survey conducted by a local non-governmental organization, over 81 per cent of prisoners arrested between January 2003 and April 2005 in Salemba detention centre, Cipinang prison and Pondok Bambu prison, all in Jakarta, were tortured or ill-treated. About 64 per cent were tortured or ill-treated during interrogation, 43 per cent during arrest and 25 per cent during detention.

For the 12th consecutive year, the request by the UN Special Rapporteur on torture to conduct research in the country was not granted.

At least 29 men convicted of gambling and two women were caned under local Sharia (Islamic law) in NAD.

Impunity

The Human Rights Courts proved unable to bring perpetrators of serious human rights violations to justice, including those in Tanjung Priok, Timor-Leste and Abepura.

In a report submitted to the UN Security Council, a Commission of Experts (CoE) appointed by the UN Secretary-General to review the prosecution of serious violations of human rights in Timor-Leste (then East Timor) in 1999 concluded that the judicial process before the Indonesian ad hoc Human Rights Court for Timor-Leste was "manifestly inadequate with respect to investigations, prosecutions and trials". The CoE pointed to provisions in the terms of

reference of the Truth and Friendship Commission, officially established by the governments of Indonesia and Timor-Leste in March to reveal the truth about the 1999 events, which "contradict international standards on denial of impunity for serious crimes". In particular, the CoE stated that the Truth and Friendship Commission should not allow amnesties for cases of genocide, crimes against humanity and other grave human rights violations. Despite such criticism, the Truth and Friendship Commission was set up in August without appropriate changes to its mandate.

☞ In July, an Appeals Court overturned the decision by the ad hoc Human Rights Court in Jakarta to convict 12 military officials of charges arising from the detention, torture and killing of Muslim protesters in Tanjung Priok, Jakarta, in 1984. No one has been held to account for these crimes.

☞ In September, two police officers were acquitted by the Human Rights Court in Makassar and victims were denied reparations. The officers were charged with command responsibility for the killing of three people and the torture of many others in Abepura, Papua, in 2000. The initial investigation was marred by allegations of witness intimidation. The trial suffered severe delays in both the investigation and trial stages. The victims and their families lodged an appeal.

Investigations into other human rights violations were stalled. The report submitted in September 2004 by Komnas HAM to the Attorney General's Office suggesting that security forces had committed crimes against humanity in Wasior in June 2001 and Wamena in April 2003 were not acted upon during the year.

Freedom of expression

At least 19 prisoners of conscience were sentenced to prison terms during the year and three others sentenced in previous years remained in jail. They included peaceful political and independence activists, members of religious minorities, students and journalists. Defamation suits were also used against human rights activists, sending a chilling message to the human rights community.

☞ In September Rebekka Zakaria, Eti Pangesti and Ratna Bangun were each sentenced by the Indramayu District Court, West Java, to three years' imprisonment for having violated the 2002 Child Protection Act. The three women, all prisoners of conscience, were accused by a chapter of the Indonesian Council of Muslim Clerics of enticing children to participate in a Sunday school programme and trying to convert them to Christianity. The trial was marred by Islamists who made threats inside and outside the courtroom to kill the accused. In November the High Court confirmed the sentence.

Death penalty

At least 10 people, including two convicted of terrorism-related charges, were sentenced to death, bringing to at least 82 the total number of people known to be under sentence of death.

At least one woman, Astini, and one man, Turmudi bin Kasturi, were executed by firing squad. Both were convicted of murder.

Violence against women

Women's organizations expressed concern about the lack of implementation of the 2004 Law on Domestic Violence. In November, the commission on violence against women reported that the Law had not contributed to reducing the high number of domestic violence cases, and that the lack of clarity of the definitions and regulations pertaining to the Law hampered full enforcement by local police and judges.

AI country reports/ visits

Reports

- * Recommendations to the Government of Indonesia on the occasion of the election of Ambassador Makarim Wibisono as Chair of the United Nations Commission on Human Rights (AI Index: ASA 21/001/2005)
- * The role of human rights in the wake of the earthquake and tsunami: A briefing for Members of the Consultative Group on Indonesia, 19-20 January 2005 (AI Index: ASA 21/002/2005)
- * A briefing for EU and ASEAN countries concerning the deployment of the Aceh Monitoring Mission to Nanggroe Aceh Darussalam Province (AI Index: ASA 21/017/2005)

Visits

In February, AI delegates attempted to investigate conditions facing internally displaced people in tsunami-affected areas in NAD, but were not granted the necessary authorization by the authorities.

AI delegates visited Jakarta in September and October.