

debate triggered by the clemency petition submitted on behalf of Mohammed Afzal, who was sentenced to death on charges relating to the armed attack on India's parliament in December 2001.

Other issues

There were concerns that amendments to the Protection of Human Rights Act, 1993, would weaken the operating framework of the NHRC which already had no mandate to investigate abuses by armed forces and complaints more than a year old. The amendments also allow for transfer of cases from the NHRC to state-level commissions which continued to be starved of resources; 11 of the 28 states had yet to set up such commissions and five of those operating had no chairpersons.

AI country reports/ visits

Statements

- India: Amnesty International condemns multiple bomb attacks in Mumbai (AI Index: ASA 20/017/2006)
- India: Continuing concern over the safety of civilians, including *adivasis*, caught in escalating conflict in Chhattisgarh (AI Index: ASA 20/018/2006)
- India: Concerns with Protection of Human Rights Act (AI Index: ASA 20/019/2006)
- India: Amnesty International condemns multiple bomb attacks in Malegaon, Maharashtra (AI Index: ASA 20/025/2006)
- India: Continued detention two years after the repeal of POTA (AI Index: ASA 20/026/2006)
- India: The Armed Forces Special Powers Act (AFSPA) Review Committee takes one step forward and two backwards (AI Index: ASA 20/031/2006)

Visits

AI's Secretary General and other delegates visited India in February and met government officials and civil society organizations. AI delegates also met officials and activists in May, July and December.

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government: Susilo Bambang Yudhoyono

Death penalty: retentionist

International Criminal Court: not ratified

Perpetrators of human rights violations continued to enjoy impunity for violations which occurred in Nanggroe Aceh Darussalam (NAD) and Papua. In Papua, cases of extrajudicial executions, torture and excessive use of force were reported. Across the country, ill-treatment or torture in detention facilities and police lock-ups continued to be widely reported. Three people were executed in September, sparking increased debate about the death penalty. At least 13 people were sentenced to death. Freedom of expression remained under threat with at least eight people prosecuted for peacefully expressing opinions.

Background

In May, Indonesia's ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights came into force, but legislation had not been enacted by the end of 2006 to incorporate the treaties' provisions into domestic law.

In June Indonesia was elected to the UN Human Rights Council and it promised to ratify the Rome Statute of the International Criminal Court by 2008.

Minority religious groups and church buildings continued to be attacked. In Sulawesi, sporadic religious violence occurred throughout the year.

In July, a long-awaited Witness Protection Act (Law 13/2006) was passed, establishing a witness and victim protection agency, among other positive developments. However, non-governmental organizations (NGOs) protested that incomplete definitions rendered the Law's protections inadequate.

Impunity

In October, the Supreme Court overturned the conviction of Pollycarpus Budihari Priyanto for the murder of human rights defender Munir, who was poisoned on a flight to the Netherlands in 2004. No-one has been held to account for this crime.

The majority of human rights violations by the security forces were not investigated, and impunity for past violations persisted. The Attorney General's Office (AGO) failed to act on two cases in which the National Human Rights Commission (Komnas HAM) had submitted evidence in 2004 that crimes against humanity had been committed by the security forces.

In March, Eurico Guterres – a Timorese militiaman sentenced to 10 years' imprisonment for crimes against humanity committed in Timor-Leste in 1999 – was jailed after the Supreme Court upheld his 2002

conviction. He is the only person found responsible for the 1999 crimes by the ad hoc Human Rights Court to have had his conviction upheld.

The Commission of Truth and Friendship established jointly by Indonesia and Timor-Leste to document crimes committed in Timor-Leste in 1999 and to promote reconciliation began its work. Provisions in its mandate included the ability to recommend amnesty for perpetrators of gross human rights violations.

In December the Constitutional Court annulled Law 27/2004 which mandated an Indonesian Commission of Truth and Reconciliation. Rights activists had challenged provisions allowing amnesty for perpetrators of severe human rights violations and limiting victims' ability to obtain compensation. However, the Court ruled that the whole law should be repealed as it was "illogical", some articles violated the Constitution, and the annulment of individual articles would render the rest of the law unenforceable. The annulment of the law left victims of past human rights violations without a compensation mechanism.

Torture and ill-treatment

Torture and ill-treatment of detainees and prisoners continued to be widespread.

✉ Twenty-three men were reportedly ill-treated during police interrogation to make them "confess" to involvement in violence during a demonstration in Jayapura, Papua, in March. Before their trial in May, 16 of the defendants were reportedly kicked by police officers and beaten around the head and body with rifle butts and rubber batons to make them admit their guilt in court. Those who refused to acknowledge the charges were allegedly beaten and kicked by police when they returned to detention.

Prison conditions fell short of minimum international standards. Detainees lacked access to adequate bedding, health services, adequate food, clean water and hygiene products. They were subjected to physical and sexual violence and suffered from severe overcrowding. Juveniles were sometimes held together with adults, and women detainees were sometimes guarded by male guards.

Death penalty

At least three people were executed by firing-squad during 2006 – Fabianus Tibo, Domingus da Silva and Marinus Riwu from Sulawesi. Their case heightened debate on the death penalty. There were concerns that their trial had been unfair and two of the three men were allegedly ill-treated before being executed.

There were announcements during 2006 that 19 further prisoners would be executed, including three men convicted of involvement in the 2002 Bali bombings. However, none of these were executed by the end of the year.

At least 92 people were known to be under sentence of death at the end of 2006.

Discrimination and violence against women

In May, the National Commission on Violence Against Women criticized the lack of gender-sensitive

provisions in the draft revision of the Criminal Procedure Code (KUHP). The draft lacks sufficient provisions for the investigation and prosecution of crimes of sexual or gender-based violence and fails to address the particular needs of women in custody.

In August, the government issued a circular banning doctors and nurses from practising "female circumcision" (female genital mutilation). However, those who continued the practice would face no punishment.

Plans to pass into law a controversial pornography bill that would penalize women who wore short skirts or refused to cover certain parts of their body were ongoing at the end of the year.

The increasing application of Shariah bylaws by local governments appeared to disproportionately affect women. In February, a woman was sentenced to three days in jail after a judge ruled, after an unfair trial, that she was a sex worker because she was out on the street alone at night wearing make-up. In Tangerang municipality alone, there were at least 15 other cases in 2006 of women being arrested for similar offences – one 63-year-old woman was arrested while buying fruit.

Women domestic workers, who are excluded from the national Manpower Act, were subjected to violations of labour rights and to physical, sexual and psychological abuse. In June, the Ministry of Manpower prepared draft legislation on domestic workers but it did not regulate many basic workers' rights such as maximum hours of work and the minimum wage, or the special needs of women.

Nanggroe Aceh Darussalam

The security situation in Nanggroe Aceh Darussalam (NAD) remained stable despite sporadic clashes.

The Aceh Governance Bill, passed by Parliament in July, provided for a Human Rights Court to be established for NAD to try perpetrators of future violations. However, it contained no provisions to bring to justice perpetrators of past human rights violations.

In September, local organizations submitted information to Komnas HAM about mass graves excavated in NAD since the signing of a peace agreement in August 2005. The organizations urged Komnas HAM to conduct thorough investigations and to prevent further excavations from taking place without the presence of the necessary medical and legal experts.

In December, the first local elections were held in NAD in the presence of the European Union-led Aceh Monitoring Mission, which extended its stay until 15 December.

Throughout the year concerns were expressed over the increased use of Shariah law in NAD, and its adverse effects on women. Women complained that they were disproportionately targeted by Vice and Virtue patrols and were harassed for minor infractions and sometimes for no apparent reason. Reports indicated that at least 23 people were caned for gambling, adultery, selling and consuming alcoholic drinks, and theft.

Papua

There were reports of extrajudicial executions, torture and ill-treatment, excessive use of force during demonstrations and harassment of human rights defenders.

In at least six incidents civilians were shot at by the security forces.

☞ In January, a child was shot dead and at least two people were injured after security forces opened fire in the village of Waghete. Accounts of the incident by the police and by victims and witnesses differed widely. Many observers feared that the incident was in reprisal for the high-profile actions of 43 people from the Waghete region who sought asylum in Australia in January.

☞ In March, five members of the security forces were killed in Abepura after clashes with protesters demanding the closure of the gold and copper mine, PT Freeport. Security forces used tear gas and fired rubber bullets at the crowd. At least six civilians – and possibly many more – were injured, including one passer-by. Twenty-three people were prosecuted in connection with the violence. By the end of 2006, at least 21 men had been sentenced after unfair trials to between four and 15 years' imprisonment. All the detainees were reportedly ill-treated in police detention. Lawyers and human rights defenders involved with the trials were subjected to intimidation and received death threats.

Severe restrictions continued to bar nearly all foreign journalists and NGOs from operating in Papua. Officials claimed that foreign organizations were divisive, although access to Papua was granted to at least one international media team, albeit restricted and closely monitored.

Freedom of expression

At least eight prisoners of conscience were sentenced to prison terms during 2006 and eight others sentenced in previous years remained in jail. They included peaceful political activists, union leaders, religious practitioners and students.

☞ In February and March, six union leaders – Robin Kimbi, Masri Sebayang, Suyahman, Safrudin, Akhen Pane and Sruhas Towo – were sentenced to prison terms of between 14 months and two years, apparently because of legitimate trade union activities. The men were arrested following a strike and demonstration at a palm oil plantation owned by the company Musim Mas, in Riau province, in September 2005. The strike followed the company's refusal to negotiate with the union, SP Kahutindo, over issues including the implementation of minimum labour standards under national legislation. Four of the men – Suyahman, Safrudin, Akhen Pane and Sruhas Towo – were released in November.

In December the Constitutional Court repealed as unconstitutional Articles 134, 136 and 137 of the Criminal Code, which punished "insulting the President or Vice-President" with up to six years' imprisonment. These articles had long been used to inhibit free speech and to imprison activists.

Security legislation

In April, the police declared that around 200 people had been arrested since anti-terrorism operations began after the 2002 Bali bombing. At least 56 people were arrested under anti-terrorism legislation during 2006, and a further 24 people previously arrested were convicted. Despite declarations made in February by the government and lawmakers that anti-terrorism legislation (Law 16/2003) would be revised, there was no visible progress during the year.

Reports that terrorist suspects were subjected to ill-treatment by police officials during interrogations continued. In April, police shot dead two terrorist suspects during a raid in Wonosobo, Central Java.

Economic, social and cultural rights

Large-scale evictions were carried out with inadequate consultation, little or no compensation and excessive use of force.

☞ In January, two large-scale forced evictions occurred in east Jakarta, reportedly leaving over 600 families homeless, without suitable compensation or alternative housing. The series of forced evictions related to the expansion of the East-Jakarta-Cikarang railroad.

In May, exploratory drilling in east Java by the oil and gas company Lapindo Brantas triggered a vast flow of hot, noxious mud which had not been stemmed by the end of the year. The mudflow displaced around 10,000 people, engulfing entire villages, cultivated areas and infrastructure. In areas close to the mudflow more than 1,000 people were hospitalized with breathing difficulties and there were fears of water pollution.

Lapindo Brantas offered to pay an extrajudicial stipend of around US\$35 a month to those displaced, and reportedly set aside 6.9 billion Rupiah (US\$750,000) to cover future agricultural losses. Those affected protested that the compensation was inadequate. In September the President decreed that Lapindo Brantas should pay 1.5 trillion Rupiah (US\$163 million) to repair state infrastructure. He ordered that nearly 3,000 families be permanently relocated and provided with jobs and financial compensation. However, the government was not explicit on other rights, including the rights to adequate housing and water.

At the end of the year, hundreds of thousands of people were still without shelter as a result of the 27 May earthquake in Yogyakarta, which killed 5,900 people and displaced 1.5 million.

AI country reports/visits

Report

- Indonesia: Comments on the draft revised Criminal Procedure Code (AI Index: ASA 21/005/2006)

Visits

In February and March, AI delegates visited Java to conduct research on women domestic workers in Indonesia. AI delegates also visited Indonesia in July and September.