

detained 11 Adivasis. Shamim Modi, who had received threats to her life, sustained injuries during an attack in Mumbai by alleged mercenaries hired by forest contractors.

Rights of lesbian, gay, bisexual and transgender people

In a historic decision in July, the Delhi High Court rejected section 377 of the Indian Penal Code in cases of consensual sexual acts. Section 377, which criminalizes homosexuality and was introduced under British colonial rule, was deemed discriminatory and “against constitutional morality”. A formal repeal of the law remained pending.

Death penalty

No executions were known to have taken place during the year, but courts sentenced at least 50 people to death.

Amnesty International visits/reports

✈️ Amnesty International delegates visited India in February/March and August/September.

📄 India: Dodging responsibility – Corporations, governments and the Bhopal disaster (ASA 20/002/2009)

📄 India: Open Letter to authorities to withdraw the clearance granted to Vedanta-Orissa Mining Corporation for bauxite mining project which could threaten Dongria Kondh indigenous communities at Niyamgiri (ASA 20/004/2009)

📄 India: Authorities should avoid excessive use of force in West Bengal (ASA 20/006/2009)

📄 India: Revoke preventive detention of human rights defender in Manipur (ASA 20/019/2009)

INDONESIA

REPUBLIC OF INDONESIA

Head of state and government:	Susilo Bambang Yudhoyono
Death penalty:	retentionist
Population:	230 million
Life expectancy:	70.5 years
Under 5-mortality (m/f):	37/27 per 1,000
Adult literacy:	92 per cent

There were violent clashes throughout the year in Papua and its population continued to face severe restrictions of their rights to freedom of expression and assembly. Members of the police reportedly used torture and other ill-treatment, and unnecessary or excessive force sometimes leading to unlawful killings throughout the archipelago. The criminal justice system remained unable to address ongoing impunity for current and past human rights violations. No one was executed during the year; however, a new by-law in Aceh provided for stoning to death. Attacks on human rights defenders continued and there were at least 114 prisoners of conscience. A new Health Law contained provisions hampering equal access to maternal health.

Background

Parliamentary elections were conducted in April. Presidential elections took place in July. President Susilo Bambang Yudhoyono was elected for a second five-year term after the first election round. The elections were conducted without any major violent incidents, except in Papua.

In July, at least nine people were killed in Jakarta in two bomb attacks.

Freedom of expression

At least 114 people were detained for peacefully expressing their views. The overwhelming majority were peaceful political activists who were sentenced to terms of imprisonment for raising prohibited pro-independence flags in Maluku or Papua.

■ In March, Buce Nahumury was sentenced to four years' imprisonment for having participated in a peaceful Cakalele dance in Ambon Maluku province in June 2007. During the dance, the “Benang Raja” flag, a symbol of the South Maluku independence movement, was unfurled in front of the President. All

22 other Cakalele dancers were serving jail sentences of between seven and 20 years.

Human rights defenders (HRDs) continued to be intimidated and harassed. At least seven HRDs faced criminal defamation charges, which carried a maximum sentence of just over five years' imprisonment under the Criminal Code. Most past human rights violations against HRDs, including torture, murder and enforced disappearances, remained unsolved and those responsible had not been brought to justice.

Although two people have been convicted of involvement in the murder of prominent HRD Munir Said Thalib (known as Munir), credible allegations were made that those responsible for his murder at the highest levels of command were still at large. Munir Said Thalib was poisoned on 7 September 2004.

Freedom of religion

Minority religious groups remained vulnerable to violent attacks by non-state actors, and were subjected to discrimination.

Students from the Christian STT Setia College continued to study and live in substandard temporary sites. They were evacuated from their school premises in Pulo, Pinang Ranti village, Makassar sub-district in East Jakarta following a violent attack by sections of the Islamic Defenders Front in July 2008. In October, at least 17 students went on hunger strike because they were at risk of forced eviction to premises which they believed were even more inadequate for people to live and study. By the end of the year, the STT Setia students continued to live and study in temporary sites in Jakarta.

Papua

Violence increased sharply around the time of parliamentary and presidential elections, creating a climate of fear and intimidation. There were reports that security forces used unnecessary or excessive force during demonstrations and tortured and ill-treated people during arrest, questioning and detention. Security forces also reportedly committed unlawful killings. Severe restrictions were imposed on the right to peaceful assembly and expression.

■ On 6 April, police opened fire on a protest in the city of Nabire, Papua province, injuring at least seven people including a 10-year-old pupil who was shot as

he returned from school. A police officer was also injured by an arrow. Police beat and otherwise ill-treated Monika Zonggonau, Abet Nego Keiya and fifteen other political activists during and after arrest. On 9 April, the body of Abet Nego Keiya was found at Waharia village, Nabire district.

■ Prisoners of conscience Filep Karma and Yusak Pakage, sentenced to 15 and 10 years' imprisonment respectively, remained in jail. The two men were convicted in 2005 for raising the "Morning Star" flag.

Police

Torture remained widespread during arrest, interrogation and detention. Criminal suspects from poor and marginalized communities and peaceful political activists were particularly vulnerable to violations by police, including unnecessary or excessive use of force, sometimes resulting in death; torture and other ill-treatment; and failure to protect demonstrators and religious minorities.

■ In January, at least 75 villagers from Suluk Bongkal village in Riau province were charged with illegally claiming land. Police had arrested them in December 2008 after forcibly evicting them. In August, they were sentenced to 10 months' imprisonment and a fine of 1 million Indonesian rupiah. By the end of the year, the villagers had not received compensation, reparations or alternative adequate housing.

In January, the police issued a new regulation on the use of force in police action (No.1/2009), largely in line with the UN Basic Principles on the Use of Force and Firearms. In June, the police issued a regulation on the implementation of human rights principles (No.8/2009). However, internal and external accountability mechanisms to deal with police abuse remained weak.

Impunity

Impunity for past gross human rights violations in Aceh, Papua, Timor-Leste and elsewhere continued. The government continued to promote reconciliation with Timor-Leste at the expense of justice for crimes under the Indonesian occupation of East Timor (1975-1999).

■ In August, the government interfered with the judicial process in Timor-Leste by pressuring the Timor-Leste government to release Martenus Bere, an indicted militia leader charged with the extermination of civilians in the town of Suai and other crimes against

humanity in 1999. In October, Martenus Bere was allowed to return to West Timor (Indonesia) before his case had been prosecuted by an independent court in a fair trial.

Over 300 individuals who were indicted by the UN Special Panels for Serious Crimes for crimes against humanity and other crimes remained at large and were outside the territorial jurisdiction of Timor-Leste. Most of them were believed to live in Indonesia. The government refused to facilitate the extradition of those indicted on the basis that it did not recognize the UN mandate to try Indonesian citizens in Timor-Leste.

In September, the Special Committee on Disappearances 1997-1998 of the House of People's Representatives urged the government to create an ad hoc human rights court to try those responsible for enforced disappearances. They also urged the government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. However, the government had not acted on the recommendations by the end of the year.

Death penalty

No executions were reported. However, at least 117 people remained under sentence of death.

In September, the Aceh Regional Parliament passed the local Islamic Criminal Code, which contains provisions for stoning to death for adultery and caning with up to 100 lashes for homosexuality. Although the Aceh governor refused to sign the new by-law, it came into force automatically in October.

Right to health

Maternal mortality rates remained high, particularly in poor and marginalized communities.

In September, a new Health Law was passed. Unlike the Criminal Code, the law permitted abortion in certain circumstances. Abortions were permitted provided the pregnancy could harm the mother and/or infant or, if it resulted from a rape which caused psychological trauma to the victim. Local NGOs criticized the new law as it discriminated against those who were unmarried, particularly regarding access to information on sexuality and reproduction.

Amnesty International visits/reports

✈️ Amnesty International delegates visited Indonesia in April, June and July.

📄 Indonesia: Jailed for waving a flag – Prisoners of conscience in Maluku (ASA 21/008/2009)

📄 Unfinished business: Police accountability in Indonesia (ASA 21/013/2009)

IRAN

ISLAMIC REPUBLIC OF IRAN

Head of state:	Leader of the Islamic Republic of Iran: Ayatollah Sayed 'Ali Khamenei
Head of government:	President: Dr Mahmoud Ahmadinejad
Death penalty:	retentionist
Population:	74.2 million
Life expectancy:	71.2 years
Under-5 mortality (m/f):	33/35 per 1,000
Adult literacy:	82.3 per cent

An intensified clampdown on political protest preceded and, particularly, followed the presidential election in June, whose outcome was widely disputed, deepening the long-standing patterns of repression. The security forces, notably the paramilitary Basij, used excessive force against demonstrators; dozens of people were killed or fatally injured. The authorities suppressed freedom of expression to an unprecedented level, blocking mobile and terrestrial phone networks and internet communications. Well over 5,000 people had been detained by the end of the year. Many were tortured, including some who were alleged to have been raped in detention, or otherwise ill-treated. Some died from their injuries. Dozens were then prosecuted in grossly unfair mass "show trials". Most were sentenced to prison terms but at least six were sentenced to death.

The election-related violations occurred against a background of severe repression, which persisted throughout 2009 and whose victims included members of ethnic and religious minorities, students, human rights defenders and advocates of political reform. Women continued to face severe discrimination under the law and in practice, and women's rights campaigners were harassed, arrested