

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 21/018/2005 (Public)
News Service No: 245
8 September 2005

Indonesia: Killing and torture acquittals demonstrate failure of justice system

Today's acquittal of two senior Indonesian police officers, accused of allowing the killing of three Papuan students and the torture of over a hundred others, is a worrying illustration of Indonesia's security forces again being allowed to escape justice.

The case concerned an incident on 7 December 2000 when police officers, under the command of senior officers Johnny Wainal Usman and Daud Sihombing, raided student dormitories in Abepura, in Indonesia's Papua province. One student was shot dead during the raids. Over a hundred other students were detained and tortured, including pregnant women and children as young as seven. Two other students died as a result of the torture and another was left paralysed for life.

"Today's verdict means that not a single member of Indonesia's security forces has been convicted of these horrific crimes after nearly five years of investigations and legal proceedings. The verdict also denied victims any compensation," said Natalie Hill, Deputy Director of Amnesty International's Asia-Pacific programme.

"Despite the Indonesian government's overtures of reform and the establishment of Human Rights Courts, this verdict sends an alarming message to the victims of grave human rights abuses."

The verdict followed many reported shortcomings in the investigation stages and trial of the police officers.

During the initial investigation by Komnas HAM (National Human Rights Commission), police officers did not cooperate with the investigative team;
The Komnas HAM investigative team complained publicly that witnesses had been intimidated by the police and that the police had refused to provide adequate responses to their questions;
Two of the investigative team's own members were later summoned for questioning by the police in what was widely regarded as an attempt to intimidate them;
The report from the investigative team listed 25 suspects, but only two of these suspects were charged by the Attorney General's Office, with no adequate explanation;
The suspects remained free and on active duty during the trial;
Despite legislation requiring trials at the Human Rights Court to last no longer than 6 months, this trial was subject to continual delays, and lasted a total of 16 months – thus creating further distress for the victims and witnesses.

In the five years since the establishment of the Human Rights Courts, the courts have failed to deliver justice for grave violations of human rights.

Indonesia's *ad hoc* Human Rights Court on East Timor acquitted all but one of the only 18 defendants indicted for crimes against humanity committed in 1999, and he remains free pending appeal.

Earlier this year the Indonesian appeals court acquitted 12 soldiers of involvement in the 1984 "Tanjung Priok" massacre, which means that not one person has been convicted for the incident in which security forces killed at least 33 civilians.

"These failures to deliver justice and combat impunity illustrate both a flawed system and a lack of political will, which sets an extremely worrying precedent for other cases of grave human rights violations currently under investigation," said Natalie Hill.

"Today's verdict also risks giving a green light to future human rights violations by the Indonesian security forces."

For further background information please see the following documents at

<http://web.amnesty.org/library/engindex>

Indonesia: On the fourth anniversary of the Abepura raids, impunity remains entrenched in Papua

Indonesia: NGOs call on the UN to move to resolve the question of justice for Timor-Leste

Indonesia: Urgent measures needed to ensure justice for victims of human rights violations in Papua

Indonesia/Timor-Leste: Justice for Timor-Leste: UN dragging its heels while perpetrators walk free

Public Document

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