



Mr. President,

The World Organization Against Torture and Human Rights First would like to comment on the report of the Working Group concerning Indonesia.

The report focuses on plans and institutions, but does not fully address their impact. Questions, responses, and recommendations largely fail to note that effectiveness of the National Human Rights Commission has been severely limited in recent years, due in part to an impasse with the military and parliament.

Indonesia also offers the Truth and Friendship Commission as a means to "close the chapter" on the violence in East Timor in 1999 but it is unable to assign individual responsibility or recommend prosecution. Empowered to propose amnesties for even the most egregious crimes, the CTF may serve as a mechanism for impunity.

### **Recommendations**

**1. Take Concrete Measures to End Impunity:** No major human rights cases from the Soeharto era have been effectively prosecuted, while perpetrators have been promoted to positions of influence. Affirmation must be accompanied by concrete action, including:

- take legislative and executive measures to resolve the impasse at the National Human Rights Commission;
- assign individual responsibility for crimes against humanity in East Timor;
- reform of the Human Rights Court system to ensure prosecution of serious human rights violations, past and present.

**2. Revise the Criminal Code** to include both a clear definition of torture and appropriate penalties. The revisions should also eliminate clauses on defamation and incitement frequently used to harass or silence critics.

**3. Protect human rights defenders:** Several countries raised the issue of human rights defenders subjected to threats and intimidation. The murder of the leading human rights lawyer Munir in 2004 stands as a testament to continued impunity. We urge Indonesia to investigate all of those suspected of planning and ordering the killing and prosecute all threats and intimidation against defenders in Papua and elsewhere.

**4. Fully fund and implement Law No. 13 of 2006 on Protection of Witnesses and Victims.**

OMCT and Human Rights First thank you for your attention to these matters and hope they will be considered as the Council carries out follow-up to the Universal Periodic Review.

