

Mr Leandro Despouy
Special Rapporteur on the independence of judges and lawyers

Re: The Abepura Case of 7 December 2004-first case of the permanent human rights court of Indonesia

Dear Mr Despouy,

The Office for Justice and Peace and Franciscans International are pleased to provide you information on the follow-up of a human rights case in Papua, Indonesia, namely the *Abepura case of 7 December 2000*. This is a case of torture and extrajudicial killings committed by the Police in Papua against students and civilians following the attack to the Police Station in Abepura (20km from Jayapura, the provincial capital of Papua).

This case has been reported by the Special Rapporteur on torture (E/CN.4/2003/68/Add.1 para 654) and the Special Rapporteur on extrajudicial killings (E/CN.4/2003/3/Add.1 para 313) to the Commission on Human Rights on its 59th session. Within the national judiciary, the Indonesian National Commission on Human Rights (KOMNAS HAM) has undertaken an investigation into the case in 2001 and found evidence that the Police in Papua committed crimes against humanity (Final Report 8 May 2001, Chapter 5). As stipulated by Law No. 26/2000, KOMNAS HAM submitted the dossier to the Attorney General who has the responsibility to prosecute this case.

It took three years before the Attorney General filed the case to the human rights court in Makassar as Papua falls under the Makassar court jurisdiction (Law No. 26/2000) which will hear the case on 7 May 2004. This fact clearly indicates that the Attorney General Office has delayed its responsibility to bring the perpetrators to justice.

The victims, NGOs and religious leaders in Papua are very concerned with the independence of the court as they have witnessed the failure of the Ad Hoc Human Rights Tribunals for East Timor to bring justice for the victims. The systemic corruption of the administration of justice mostly likely hampers access to justice for the victims as the Special Rapporteur on the independence of judges and lawyers clearly identified in his report of his mission to Indonesia in 2002 (E/CN.4/2003/65/Add 2). Moreover, the victims have been deeply concerned with their personal security when they will deliver their testimonies before the court in Makassar which is located outside Papua due to the fact that there is no witness protection program in Indonesia.

Given that this is the first case under the permanent human rights court in Indonesia, we believe that this case will greatly contribute to the promotion and protection of human rights in Indonesia, as well as serve as the test case for the independence of judiciary in the country. Indonesia would greatly benefit from a successful first case which could establish an important

precedence for this court and further encourage all of those who work for human rights in Indonesia.

Therefore, the Office for Justice and Peace and Franciscans International appeal to you to:

1. Urge the Indonesian authorities to ensure that the Abepura case is fair, impartial and in line with international standards;
2. Closely monitor this trial in order to comply with the international standards of human rights trials;
3. Transmit this communication to the relevant special procedures.

Thank you very much for your attention,

Yours sincerely,

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