



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/NGO/73
28 February 2006

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 17(b) of the provisional agenda

**PROMOTION AND PROTECTION OF HUMAN RIGHTS:
HUMAN RIGHTS DEFENDERS**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

GE.06-11197

Trial of human rights defender exposes absence of justice and law in Indonesia

1. The investigation into the death and subsequent trial of Indonesian human rights defender Munir Said Thalib exposes the dire human rights and rule of law situation within Indonesia. Although Munir's murderer was sentenced to 14-years imprisonment, it is clear that there are other perpetrators who have still not been brought to court, let alone investigated.

2. The presidential fact-finding team assigned to the case stated that Munir's perpetrator was just one among a number who were part of a conspiracy to commit murder. However, the team's findings have not been taken into account by either the Indonesian police or prosecution. Furthermore, the police investigation team that began its work after the fact-finding team's mandate had expired is yet to publicise its results.

3. Another concern is that the chair of the police investigation team, Brig Gen Marsudi Hanafi, who was also the head of the fact-finding team, has been transferred to a consultative post (Expert Staff of Chief of National Police) at the National Police Headquarters. Other former members of the team, Usman Hamid (Coordinator of KontraS, a human rights organisation) and Rachland Nasidik (Director of Imparsial, a human rights organisation) have been accused of defamation by Hendropriyono, the former chief of the Indonesian state intelligence body (BIN). According to Hendropriyono, this is because of their allegations that he was involved in Munir's murder.

4. Furthermore, the team was hindered by a lack of cooperation from the state intelligence agency, as well as senior officers who had refused to meet the team, as they are key suspects. The complete disregard for the team's report shown by the police, as well as the lack of cooperation by the state intelligence agency in meeting with team members shows the total lack of respect that these institutions have for the domestic law of Indonesia and for any commitments made by the Government of Indonesia to human rights in accordance with international standards.

5. There were also attacks on Munir's supporters outside the court, prior to the scheduled hearing of a state intelligence agent who had been called twice before but had yet to show up. More than 50 unidentified people attacked those demanding justice in the case, while Munir's family, supporters and colleagues were also subjected to threats and intimidation. The police have investigated none of these attacks and provided no protection to the victims.

6. The Asian Legal Resource Centre (ALRC) urges the Commission to call for the Government of Indonesia to conduct a proper investigation of the death of Munir through independent agencies and with authority to ensure full cooperation from all state organisations, including BIN, in accordance with international standards. It also urges the Commission to work with the Government of Indonesian to reform its justice system and police investigation techniques, to redress the sort of deficiencies evident in this case. It sincerely believes that close cooperation between the international community and concerned agencies inside the country will lead to an improved human rights situation there and give hope that unresolved murders and other gross abuses of human rights, including the killing of Munir, may be satisfactorily addressed as envisaged by article 2 of the International Covenant on Civil and Political Rights, to which Indonesia is a party.

- - - - -