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### **PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by Human Rights First, a non-governmental  
organization in special consultative status**

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

[21 February 2008]

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

## **Statement on the Report of the Special Representative of the Secretary General on the Situation of Human Rights Defenders**

Human Rights First welcomes the report submitted by the Special Representative of the Secretary General on Human Rights Defenders (Special Representative) to the Seventh session of the Human Rights Council (A/HJRC/7/28). Human Rights First agrees with the report's central finding that improved follow-up from both member states and civil society is necessary in order to improve the efficacy of the mandate. The report demonstrates the value of the communications procedure as a way of distilling trends and patterns of attacks against human rights defenders in countries and regions in addition to its benefit in an individual case. Moreover, member states should use the list of indicators contained in the report to conduct an assessment of the situation of human rights defenders in their country.

In the report the Special Representative calls for non-government organizations to comment on the challenges and achievements in the implementation of her country recommendations. Given Human Rights First's long involvement in the protection of human rights defenders in Indonesia, the rest of this statement comments on the recommendations contained in her mission report to Indonesia (A/HRC/7/28/Add.2).

Indonesia is to be congratulated for extending an invitation to the Special Representative, who visited June 5-12, 2007. Hina Jilani was able to meet with human rights defenders in Jakarta, Aceh, and Papua. The Special Representative's mission report provides assistance to the Indonesian government to better protect human rights defenders.

The report highlights a number of crucial issues that might otherwise have been overlooked by the Government of Indonesia and the international system, evidence of the continuing importance of the mandate.

The Special Representative's central finding was that, despite an increasingly robust legal and institutional framework for protecting human rights, *there is an absence of concrete measures dealing directly with the protection of human rights defenders*. Such laws and mechanisms are needed to offer physical protection, enhanced legitimacy, and accountability for those who threaten or harm defenders.

Human Rights First has developed similar findings based on our research on Indonesia. Despite significant political change, the situation of human rights defenders in Indonesia remains precarious. At least fifteen have been killed since 2000, many in circumstances that implicate military or intelligence officers. Many of these activists were killed in Aceh prior to the 2004 tsunami and subsequent peace agreement. However, defenders continue to be subject to frequent threats and intimidation, particularly in conflict-prone areas such as Papua and Poso, and where activists confront local corruption or defend vulnerable religious and social groups. While many such threats are anonymous, some intimidation can be traced directly to the statements and actions of police, military, intelligence officers, and prosecutors.

We welcome the progress in one case described in detail by the Special Representative, the murder of Munir. One of Indonesia's most prominent advocates for accountability and reform, Munir was fatally poisoned in September 2004 while traveling abroad. Since the Special Representative completed her report, the Indonesian Supreme Court has agreed to

review its 2006 decision to overturn the conviction of an off-duty co-pilot named Pollycarpus Budihari Priyanto. In January 2008, the Court convicted Priyanto and sentenced him to 20 years in prison. In addition, the trials of two Garuda Airlines officials, former Executive Director Indra Setiawan and Secretary to the Chief Pilot Rohainil Aini concluded with Setiawan being sentenced to one year in prison for his role in the premeditated murder, while Aini was acquitted.

The conviction of Priyanto was an essential step forward in the prosecution of this crime. But even these legal proceedings do not hold to account the intellectual authors, those who ordered and planned Munir's murder. The Supreme Court hearings and the Garuda trials raised new evidence of the involvement of former senior intelligence officials. The failure to investigate and prosecute those who planned and ordered Munir's death leaves other human rights defenders vulnerable to further attacks and intimidation. Human Rights First urges the Indonesian police and prosecutors to fully and promptly investigate and prosecute all of those responsible for planning or ordering Munir's death.

Human Rights First recommends that the Human Rights Council:

- Include the treatment of human rights defenders, and the findings of the Special Representative in particular, as one important element of Universal Periodic Review for Indonesia and other countries.
- Encourage Indonesia and other countries to improve follow-up with the mandate holder by reporting developments in cases and progress in implementing the Special Representative's recommendations.
- Encourage Indonesia, and other countries, to respond promptly and fully to communications from the mandate holder. This procedure is an important way of identifying trends and patterns in addition to its importance in resolving individual cases.

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