

Freedom of Religion

Eviction of Gafatar followers amounts to human rights violation

The Jakarta Post, 26-01-2016

The eviction of former Fajar Nusantara Movement (Gafatar) members from their homes in West Kalimantan amounts to a humanitarian tragedy as the government neglected its responsibility to protect its citizens, human rights activists say.

"The government has allowed the destruction the victims' property and neglected its function to act as a fact finder," Jakarta Legal Aid Institute (LBH) spokesperson Pratiwi Febri said in Jakarta on Monday, adding that the effort to return people to their old hometowns would not settle the problem of discrimination, expulsion and mistreatment of Gafatar followers.

Gafatar has also been linked to the disappearance of at least a dozen people. Police and military personnel relocated hundreds of former members of Gafatar to Pontianak, West Kalimantan, following the burning of their homes in Mempawah regency in the province earlier this week.

Religious Affairs Minister Lukman Hakim Saifuddin has previously said Gafatar was an illegal organization and that community members were not permitted to join it. The group's spiritual leader Ahmad Musadeq was sentenced to four years in prison in 2008 for religious blasphemy after he declared himself a prophet.

Meanwhile, Human Rights Working Group (HRWG) director Rafendi Djamin said the Indonesian government had violated the rights of the former Gafatar

members by not providing them with protection from local people who burned down their houses.

"The violent eviction of former members of Gafatar shows that the government has failed to uphold its responsibilities and act as a protector of its own citizens. A state does not control interpretation of belief, but it does control how people who hold beliefs have their freedom protected," Rafendi said in a press-conference.

Since Gafatar has not been proven to have committed any criminal acts, the government should not disturb them and instead should protect their rights to freedom of belief and association, as both those principles were enshrined in national and international law, Rafendi said.

However, following the burning of their property, the government instead forced them to relocate to their old hometowns where they did not have any economic basis to live, neglecting their economic and social rights to maintain a livelihood, Rafendi added.

As internally displaced persons, the people were now protected under human rights principles and had the right to feel safe and resume their lives as they saw fit, however, the government had also neglected their right to migrate and choose their own place of settlement, Rafendi said.

Setara Institute deputy chairman Bonar Tigor Naipospos said the government did not make any attempt to provide protection to Gafatar followers from intolerant groups who committed violent acts against them, while they had not violated the law and only created an organization to live by their own will.

The facts showed that the government had only prioritized national security and stability, Bonar said, as the easiest thing was to take the side of the majority who opposed Gafatar in order to not create chaos.

Weekly Update Human Rights in Indonesia – 01-02-2016

"Officials only comply with majority rule and have failed to facilitate dialogue between Gafatar and the majority," Bonar said.

Psychologists support Gafatar followers

The Jakarta Post, 27-01-2016

Three psychologist teams from the Central Java Police and two state-run universities in the province, namely the University of Diponegoro (Undip) in Semarang and Sebelas Maret University (UNS) in Surakarta, are ready to help Fajar Nusantara Movement (Gafatar) members suffering from psychological trauma, says a police officer. "We were assigned here when the Gafatar followers were discharged from [war vessel] KRI Teluk Gilimanuk on Monday. Now, we are waiting for the second batch of arrivals, in which the number of Gafatar followers repatriated may be higher than that day," the Central Java Police's psychology division head Adj. Sr. Comr. Agus Yulianto told journalists at Tanjung Emas Port in Semarang on Wednesday. (...)

Gafatar followers demand compensation

The Jakarta Post, 29-01-2016

Fajar Nusantara Movement (Gafatar) former members have demanded that the government compensate them for property that locals in Kalimantan forced them to abandon. They are currently listing all the assets they want the government to compensate them for because they invested all of their wealth in the province, said Andi Pratama, the former leader of the Gafatar in Bengkulu, West Sumatra. "We even built a house worth Rp 158 million [US\$11,474], and there was a pickup to transport vegetables," Andi said.

"To be honest, we are disappointed. We are not criminals and we did not bother the local community, yet we are being treated like this," Edward added. Andi said

his 4-hectare farm had been ready to harvest, but he had been forced to abandon it and return to his former hometown in Bengkulu, tempo.co reported.

Separately, Edward, who was forced to leave Samboja subdistrict in Kutai Kartanegara, East Kalimantan, said he had left behind all of his assets, including a 2-hectare plot of land and houses worth Rp 800 million. "We spent Rp 1.3 billion on our property and the work we did, but we left it all there," Edward said as quoted by kompas.com in Balikpapan. Edward claimed that for almost seven months since the end of August 2015, he and other Gafatar members had grown crops on 9 hectares of farmland, some of which was to be harvested and sold in March, Edward said. Edward and a number of other evacuees said they accepted their relocation to Balikpapan and that they had willingly given up their lives in Samboja was proof that they obeyed the government and did not spread deviant religious teachings or misguided ideology. "As to the assets we left behind, I hope there will be compensation. Please pay attention to our fate," Edward said.

Following the burning of houses belonging to Gafatar members in Mempawah regency, West Kalimantan, the government repatriated thousands of them to their former hometowns, such as Balikpapan in East Kalimantan, Banyuwangi in East Java, Jakarta and Semarang in Central Java. Gafatar members had moved to West Kalimantan to farm and build settlements to achieve food security and economic independence. Andi denied that the group had spread deviant religious teachings or misleading ideology that sparked misperceptions among the local people, saying that all they did was farm. "We always shared our crop yields with the animals. What have we done wrong?" Andi said, adding that the government should restore their image.

Weekly Update Human Rights in Indonesia – 01-02-2016

Indonesia: Religious minority members forcibly evicted from West Kalimantan

Amnesty International Public Statement, 28-01-2016

The Indonesian authorities must guarantee that the members of a religious minority -the Fajar Nusantara Movement (Gafatar) who were forcibly evicted last week in West Kalimantan – have access to an effective remedy for their situation. This includes not only access to justice but also the right to reparation. Reparations should encompass guarantees of safe, voluntary and dignified return of the Gafatar members to their homes, or other safe places of their choice based on genuine consultation, adequate compensation for the harm suffered including damage and destruction of their homes, and guarantees that this will not occur again.

On 19 January a mob attacked the village of Motong Panjang in Mempawah District and set alight nine houses belonging to members of the Gafatar community. After the attacks, Gafatar members were moved by the Mempawah resort police to temporary shelters in a military compound in Kuburaya District, West Kalimantan and a sports complex in Pontianak, the capital of West Kalimantan. At least 1,500 members of Gafatar, including women and children, were forcibly evicted from their homes in Sintang and Ketapang Districts, also in West Kalimantan, by mobs from the local area due to their affiliation to Gafatar which is considered “heretic” by the Indonesia Ulema Council (MUI).

On 21 January, the local West Kalimantan authorities started to transfer hundreds of Gafatar members by ships to several locations on Java Island, which the authorities claim to be their place of origin. The relocation by authorities in West Kalimantan prevented further attacks against the group but some of those members currently staying in temporary accommodation in Java report that the relocation was carried out without consultation. There has been no criminal investigation conducted by the police into the forcible evictions and other

criminal acts by the mobs. The group have also expressed their concern about discrimination by local authorities and the risk of further harassment, intimidation and repeated attacks based on their religious affiliation. According to the Secretary of Cabinet their freedom of movement will be restricted and they will undergo religious “re-education” programmes.

The right to freedom of religion is guaranteed in the Indonesian Constitution. Additionally, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, stipulates that “this right shall include freedom to have or to adopt a religion or belief of his choice” and that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions. This approach is reinforced by article 17(1) of the ICCPR which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, inter alia, the right to be protected against “arbitrary or unlawful interference” with one's home.

The incident highlights the on-going problem of religious intolerance and abuses against religious minorities in Indonesia. On 5 January, the Bangka District administration in Bangka Belitung Islands Province issued a letter threatening a group of 100 Ahmadiyya members with expulsion from their homes unless they converted to mainstream Sunni Islam. At least 150 members of the forcibly evicted Shi'a community have been in temporary accommodation in Sidoarjo, East Java since August 2012 and are waiting to return to their homes in Sampang, Madura Island. In Mataram, West Nusa Tenggara province about 130 people, including women and children, belonging to the Ahmadiyya community have been living in temporary accommodation since February 2006.

Weekly Update Human Rights in Indonesia – 01-02-2016

The Fajar Nusantara Movement (Gafatar) was founded in January 2012 with branches in 14 provinces. A few weeks before the attacks the Indonesian Ulema Council (MUI), a national association of Islamic clerics considers Gafatar as the transformation of al-Qiyadah which it declared a “heretic” organization in November 2007.

In April 2008 al-Qiyadah leader, Ahmed Moshadeq, was found guilty under Article 156(a) of the Indonesian Criminal Code and sentenced to four years’ imprisonment by the South Jakarta District Court for leading a “heretical sect” and claiming to be a prophet. In June 2015, six members of the Gafatar community in Aceh Province were convicted for insulting religion under Article 156 of the Criminal Code and sentenced to four years’ imprisonment by the Banda Aceh District Court. They were detained solely for the peaceful exercise of their right to freedom of belief and must be immediately and unconditionally released.

Social and Economic Rights

Freeport Loses Right to Export from Indonesia Copper Mine, Talks Ongoing

The Jakarta Globe, 29-01-2016

Freeport McMoRan Inc on Friday lost its right to export copper concentrate, valued at more than \$1 billion, from one of the world's biggest mines as talks with Indonesia's government remained deadlocked over payment for a new metal smelter. Freeport's six-month licence to export concentrate expired on Thursday and it was unclear how soon a new one would be issued as the two sides have yet to resolve a government demand that the US firm first pay a \$530 million deposit. "Without an export permit, there can be no exports. The exporter

knows that," Didi Sumedi, Indonesia's director of mining and industrial products told Reuters via text message.

However, it was not clear if exports had actually stopped at Freeport's Grasberg mine in the province of Papua, one of the world's largest copper and gold mines. Asked if overseas shipments had ceased, a Freeport spokesman said "everything is normal", without elaborating.

Last year, Freeport sold 744 million pounds of copper concentrate from Grasberg, valued at around \$1.73 billion, according to the company's fourth-quarter financial results.

A prolonged stoppage in exports would hit Freeport's profits and deny the Indonesian government desperately needed revenue from one of its biggest taxpayers. It could also buoy global copper prices, which have slipped more than 3 percent so far this year on worries about oversupply.

But in the short-term, traders do not expect any major market reaction. "If it lasts a couple of months, sure we may see an impact. But with the new mines and mine expansions this year, the market is fairly well covered at the minute," said a concentrates trader in Asia.

Indonesia has said it was open to negotiations with Freeport on the \$530-million deposit and that if the company did not want to pay, it must provide an alternative to demonstrate its commitment to expanding the country's smelter capacity.

Indonesia wants the deposit as a guarantee that the Phoenix, Arizona-based company will complete construction of another local smelter. The amount would add to an estimated \$80 million that Freeport set aside in July 2015 to obtain its current export permit.

Weekly Update Human Rights in Indonesia – 01-02-2016

Freeport CEO Richard Adkerson said late on Tuesday the government's demand for a smelter deposit was "inconsistent" with an agreement reached between the two sides in mid-2014.

According to that agreement, Freeport must sell the government a greater share of the Grasberg mine, and invest in domestic processing to win an extension of its mining contract beyond 2021. The US mining giant wants to invest \$18 billion to expand its operations at Grasberg, but is seeking government assurances first that it will get a contract extension.

Freeport's long-held desire to continue mining in Indonesia beyond 2021 has been beset by controversy, including cabinet infighting, resignations and a major political scandal that led to the resignation of the parliamentary speaker. (Reuters).

Land rights

Indigenous peoples marginalized

Kompas, 28-01-2016

In the prioritization of draft-laws to be debated in parliament, the interests of the indigenous peoples¹ have been seriously hampered. The draft-law on acknowledgement and protection of "adat communities" (RUU PPHMA) will not be tabled in 2016. The consequences are that 70 million people will be threatened with loss of their land and natural resources. Additionally they may also lose their cultural identity and the local circumstances linked to it.

¹ The term indigenous peoples is problematic. The Indonesian government has the opinion that all Indonesians are indigenous peoples. The term used by Kompas is "masyarakat adat", communities living according to old traditions.

Luthfi A Mutty from the Nasdem Party said that the decision by the parliament only gives priority to the national economic development. "That is ironic," he said, "The laws on economic development aim at improving the population's interest, but at the same time the "adat communities" fail to be protected against this kind of development. He stated this in a public debate organized by the Aliansi Masyarakat Adat Nusantara (AMAN), last Wednesday (27/1).

According to Luthfi, AMAN could lobby the government to give priority to the debate on this draft-law, in a coordinated effort with the Ministry of Law and Human Rights, and the Ministry of Environment and Forest Affairs.

Based on data from AMAN, currently there are 2.302 "adat communities" with a total of 70 million people, spread all over Indonesia. The executive director of the Epistema Institute², Myrna A Safitri, said that only 15.577 hectares of land have been identified as "adat areas", whereas in total these cover some 6.8 million hectares.

The Secretary-general of AMAN, Abdon Nababan, said that there is an extraordinary discrimination and criminalization against "adat communities". Every week "adat people" are being arrested. They also have difficulty in obtaining an ID card, because their religion is different from the main religions.

Abdon added that by not prioritizing the RUU PPHMA in the DPR agenda for 2016 (Prolegnas 2016) it showed there is no respect for the diversity in society. He said that the acknowledgment of "adat communities" in the Constitution did not yet result in concrete results. Protection of "adat communities" is insufficient," he said.

² The Epistema Institute contributes to the realization of learning centres on law, society and environment. See: <http://epistema.or.id/> and http://www.epistema.or.id/download/Amicus_Brief_1-2015_Final.pdf

Death penalty

Supreme Court confirms death sentence

Kompas, 30-01-2016

The Supreme Court has upheld a death sentence against two foreigners (originating from Taiwan), Chen Jia Wei and Lo Chih Chen, for drug smuggling of nearly 2,5 kilogram narcotics. With this decision the Supreme Court overturned the earlier Banten Appeal Court's decision.

Spokesperson of the Supreme Court Suhadi said that the decision has been taken on 29 January by the chairperson of the criminal division of the Supreme Court, Artidjo Alkostar together with judges Surya Jaya and Sri Murwahyuni.

Chen Jia Wei and Lo Chih Chen had been sentenced to death by the State Court of Tangerang, but the Banten Appeal Court changed this sentence into life.

Political developments

New bill on counter-terrorism

The Jakarta Post, 30-01-2016

A government team on Friday finished preparing revisions to a bill on the eradication of terrorism. The bill is ready to be debated at the House of Representatives, a minister has said.

"About 35 percent of the law that have been changed," Coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan said as quoted by Antara news agency at his office, adding that the bill would be submitted to President Joko "Jokowi" Widodo on Monday. 19 articles were revised during the drafting

process, with some new articles added and some others amended from existing ones, said Luhut. An official previously said that one of the main focuses of the debate was whether passport revocations should only cover Indonesians alleged to have joined the Islamic State (IS) movement and who had committed terrorist attacks. The drafters also discussed whether Indonesian nationals who had departed and engaged in illegal military training abroad should have their passports revoked.

Other additional articles will regulate the valid use of electronic information to arrest suspects involved in terrorist attacks. Law enforcement is also expected to get the extraterritorial authority to arrest foreign terrorist suspects who are on Indonesian soil. The House is scheduled to receive the revisions in about three days after the revisions are first submitted to the President, Luhut said.

New IPAC Report released: DISUNITY AMONG INDONESIAN ISIS SUPPORTERS AND THE RISK OF MORE VIOLENCE

See: http://file.understandingconflict.org/file/2016/02/IPAC_25.pdf

Disunity among Indonesian ISIS Supporters and the Risk of More Violence, the latest report from the Institute for Policy Analysis of Conflict (IPAC), looks at the Jakarta attack on 14 January 2016 in the context of rivalry among Indonesian ISIS leaders in Syria and different pro-ISIS groups in Indonesia. The bombing and shooting in Indonesia's capital killed four civilians and four terrorists.

"The Jakarta attack is now known to have been locally organised – not directed from Syria as originally thought – but it almost instantly resulted in instructions from a Syria-based leader to his followers to do one better," says Sidney Jones, IPAC director. "Leaders of Indonesia's tiny pro-ISIS camp are competing to prove their fighting credentials."

Weekly Update Human Rights in Indonesia – 01-02-2016

The report examines how these rivalries emerged. The Jakarta attack appears to have been carried out by members of a group known as Partisans of the Caliphate (Jamaah Anshar Khilafah, JAK), whose ideological leader is detained cleric Aman Abdurrahman. Aman has fallen out with the top Indonesian in Syria, Bahrumsyah, who commands Katibah Nusantara, the main Indonesian-Malaysian military unit in ISIS. He is close to Bahrumsyah's rival, Abu Jandal, who heads a dissident unit. Bahrumsyah is the Indonesian with best access to central ISIS leaders and funds, but the fact that official ISIS media claimed credit for the Jakarta attacks may have boosted Abu Jandal's position. A third Indonesian, Bahrun Naim, has tried to steer clear of that rivalry but has been trying on his own to encourage and fund attacks in Indonesia and elsewhere in Southeast Asia. Because he tried to direct attacks on Java in August and December 2015, he was immediately named as the mastermind of the 14 January plot, but to date, no evidence of his involvement has been uncovered.

Indonesia Corruption Watch on KPK whistleblower

The Jakarta Globe, 28-01-2016

The Corruption Eradication Commission, or KPK, should carefully examine the proposal from graft suspect Damayanti Wisnu Putranti to treat her as a whistleblower, an antigraft activist said on Thursday (28/1) saying the body must ensure her testimonies are significant enough to net other suspects. Damayanti, a lawmaker from the Indonesian Democratic Party of Struggle (PDI-P), was arrested in a sting operation on Jan. 13, shortly after receiving SGD\$99,000 (\$69,000) in alleged kickbacks from Abdul Khoir, the president director of construction firm Windu Tunggal Utama.

KPK investigators believe the money, allegedly linked to this year's road construction project in Maluku, is only a down payment, with a total SGD\$404,000 in kickbacks promised which Damayanti was planning to distribute the cash among colleagues at House Commission V.

Last week, Damayanti said she has information about other members of the House Commission V, overseeing transportation and infrastructure, which could see further corruption charges laid. In exchange, Damayanti has called on the KPK to name her as a justice collaborator, potentially giving her a lighter sentence and entering a protection program from the Witness and Victim Protection Agency (LPSK).

Donal Fariz, a senior researcher at Indonesia Corruption Watch, said the KPK should be cautious when considering the proposal. "As long as [Damayanti] is serious about revealing other officials involved and give complete information about those receiving the kickbacks including how they received them and from whom," Donal said.

Single Antigraft Body Would Not Work in Indonesia, Observers Say

The Jakarta Globe, 30-01-2016

A proposal to make the Corruption Eradication Commission (KPK) Indonesia's sole graft-busting agency would not help the country eradicate corruption, analysts say, adding that streamlining the efforts by all bodies currently involved would be a more appropriate solution.

The State Palace is currently looking into the proposal, which it says could address the problem of indecision hampering government attempts to pursue major graft cases, which are currently being investigated by such agencies as the KPK, the National Police and the Attorney General's Office.

Yanuar Nugroho, deputy of the presidential staff office, said earlier this week that corruption cases should be handled by only one agency, citing the Malaysian Anti-Corruption Commission and the Hong Kong Independent Commission Against Corruption as examples.

Weekly Update Human Rights in Indonesia – 01-02-2016

But those examples would be difficult to follow in Indonesia because the KPK lacks human resources, said Indriyanto Seno Adji, a legal expert.

"It would be backbreaking for the KPK to solely handle the massive corruption [in Indonesia]," said Indriyanto, a former KPK commissioner. "Thus, synergy among law enforcement agencies should be prioritized."

"One of the objectives of establishing the KPK is clear: To trigger the National Police and the Attorney General's Office to improve their mechanisms in eradicating corruption," he said.

Lalola Easter, a researcher at Indonesia Corruption Watch, concurred. "The overlapping authority could actually be avoided," Lalola said, pointing to the limited tasks of the KPK -- handling graft cases that draw public concern, implicate law enforcers or cause more than Rp 1 billion (\$73,000) in state losses.

The proposal would also mean legal revisions would be needed, Lalola said, citing the 2002 KPK law. "There is no article designating the KPK as the sole anti-corruption agency, he said. "And the deliberation process for the needed revisions could well be used to further weaken the KPK."

Timor Leste

HARASSED FOR ORGANIZING PEACEFUL RALLY

Amnesty International Urgent Action, 27-01-2016

Two members of Timor-Leste's security forces visited the office of the human rights NGO Yayasan HAK on 26 January and the police has been harassing its Executive Director by telephone for organizing and participating in a peaceful demonstration. Manuel Monteiro Fernandes, Executive Director of the human rights NGO Yayasan HAK based in Dili, Timor Leste, has informed Amnesty

International that the police has been calling him repeatedly regarding the NGO's involvement in organizing a peaceful demonstration to coincide with the President of Indonesia's visit to Timor-Leste on 26 January. His safety is at risk.

On the day of the demonstration, two members of the Timor-Leste Defence Force (Falintil-Forças de Defesa de Timor-Leste, F-FDTL) visited the Yayasan HAK office and requested to use the space as a security base due to its proximity to the Indonesian Embassy in Dili. Manuel Monteiro Fernandes refused to allow them to use their office. One of the soldiers then approached another member of the staff, Adelio da Costa Fernandes and requested that he immediately remove his t-shirt because it carried the slogan "Free West Papua", which refers to a political issue that is considered as highly sensitive by the Indonesian government.

Yayasan HAK announced in a joint public statement on 25 January, together with other local NGOs, that the peaceful demonstration was organised to urge the Timorese and Indonesian governments to address crimes against humanity committed during the Indonesian occupation between 1975 and 1999. They also called for the immediate implementation of recommendations set out by the Commission for Truth and Friendship (CTF), a bilateral agreement between the government of Indonesia and the government of Timor-Leste to investigate crimes committed during the 1999 independence referendum, including the establishment of a Commission for Missing People.

To take action: <https://www.amnesty.org/en/documents/asa21/3351/2016/en/>