

Impunity

Photo exhibition “The Widows”, National Military Museum, Soesterberg, The Netherlands.

01-04-2017 – 30-06-2017

The exhibition was opened with a brief presentation by Prof. Liesbeth Zegveld, who called for more insight into the impact of what the Dutch military have been responsible for when it comes to human rights violations such as the summary executions in the period 1945-1949. The eight widows are from Rawagede (West Java) and Suppa (South Sulawesi). This exhibition shows again that an image may say more than a thousand words.



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It is possible to make a reservation for the book that will be published later this year (www.suzanneliem.com). The book will contain interviews with the widows and an essay

by Dr. Nicole Immler (University of Humanistics, Utrecht and researcher at NIOD: <http://www.niod.knaw.nl/nl/medewerker/nicole-immler>).

See for more information on the exhibition: <https://www.nmm.nl/over-het-nmm/nieuws/foto-expositie-de-weduwen/>.

Freedom of Religion

Jokowi accused of promoting secularism

The Jakarta Post, 27-03-2017

President Joko “Jokowi” Widodo’s call for religious leaders and politicians not to mix religion and party politics has received a skeptical response from some quarters, with the Indonesian Ulema Council (MUI) dismissing the statement as the promotion of “secularism” in an otherwise religious country.

Faced with worsening sectarian tension in the lead-up to the runoff round of the Jakarta gubernatorial election, President Jokowi warned over the weekend that mixing religion and politics was dangerous as it could lead to divisions within society.

“[The two] should be separate so people can know what is religion and what is politics,” Jokowi said during the unveiling of a monument to the birthplace of Islam Nusantara (Islam in the Archipelago) in South Tapanuli, North Sumatra, on Friday.

Responding to the statement, MUI deputy secretary general Tengku Zulkarnain said that in making the statement, Jokowi was promoting liberal values of a type that should prevail only in western countries and that the organization would oppose any efforts to promote them.

“That’s secularism. We haven’t yet convened a meeting to respond to it but I am sure [all MUI members] will oppose and criticize it,” Tengku told The Jakarta Post.

In 2005, the MUI issued an edict outlawing secularism, pluralism and liberalism, considering them to be western values that were not compatible with Indonesian society. Last year, the organization also issued an edict stating that Jakarta Governor Basuki

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Tjahaja "Ahok" Purnama blasphemed against the Quran after suggesting that Muslim leaders had duped voters by using a verse in the Quran that instructs the faithful only to vote for Muslim candidates. Ahok is currently standing trial for the alleged blasphemy.

In recent months sectarian tension has risen, especially in Jakarta, where the stakes in the gubernatorial election are so high. Many observers regard the Jakarta election as the harbinger of things to come in the 2019 presidential election.

In an unprecedented move against Ahok and his supporters, a number of Muslim clerics have launched a campaign to deny proper burial rites to deceased Muslims who had voted for Ahok, a Christian of Chinese descent, in the election.

Contacted separately, Sohibul Iman, the chairman of the Prosperous Justice Party (PKS), which backs Ahok's rival, Anies Baswedan, in the Jakarta election, said Jokowi's statement ignored the Islamic character of the country and its history.

Sohibul claimed that the country's struggle for independence from colonial rule had been motivated by religion and it was religious values that lay at the nation's foundation.

"I suspect the statement reflects his incomprehension and his inability to manage diversity in this country. The fact is that tension has risen during his time in office," Sohibul told the Post. The PKS chairman said Jokowi's call for a separation of faith and politics could in fact increase tension. "I wish the President would think wisely before making such a sensitive statement [...] this could create more tension," Sohibul said.

Meanwhile, the deputy chairman of the country's largest Islamic organization Nahdlatul Ulama (NU), Maksum Machfoedz, said he backed Jokowi's call, insisting that it was dangerous to drag religion into what he called "transactional politics." He said religious leaders should take the high road and remain aloof from electoral politics, maintaining that religion should only be used to inspire political leaders and the public in general to do good. "NU has opted to stay away from promoting political interests," Maksum said.

NU and Muhammadiyah, the country's second-largest Islamic organization, have been the champions of a moderate version of Islam in the country while allowing political parties that have their roots in their organizations, the National Awakening Party (PKB) and the National Mandate Party (PAN), respectively, to engage in politics.

Police Detain FUI Leader on Plotting Charges

The Jakarta Globe, 31-03-2017

The National Police have arrested Muhammad Al-Khaththath, the secretary general of the Indonesian Muslim Forum, of FUI, for alleged plotting against the government, the police said on Friday (31/03).

Muhammad and three others, identified as Z.A., I. and D.N., are held in custody at the Police Mobile Brigade (Brimob) headquarters in Kelapa Dua in Depok, West Java, Jakarta Police spokesman Sr. Comr. Raden Prabowo Argo Yuwono said. "They've been detained on plotting charges," he added.

The suspects were arrested at dawn, ahead of an FUI-supported rally to demand that President Joko "Jokowi" Widodo suspend Jakarta Governor Basuki "Ahok" Tjahaja Purnama who is on trial for alleged blasphemy. Argo said the police are waiting for the suspects' lawyer before they proceed with questioning.

In December, 11 high-profile activists were arrested on similar charges ahead of previous anti-Ahok rally.

Freedom of Expression

Amnesty's secretary-general presents the Yap Thiam Hien lectures in Jakarta and Yogyakarta

Amnesty International Public Statement, 24-03-2017

Mr Salil Shetty in Yogyakarta: "It is an honour to be here to give the second of this year's Yap Thiam Hien human rights lectures. I am here at a time when Amnesty International is establishing a new national office in Indonesia, which we hope will give us a more present role in the already very active and strong human rights movement in the country. Yap Thiam Hien was one of the leading lights of the human rights movement in this country, and Amnesty is looking to be part of the collective efforts to build on his legacy and strengthen justice, equality and human rights in Indonesia.

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Indonesia is a country which rightly has optimism and strong aspirations for the future. It has a strong state, a relatively free press in all but Papua, and a longstanding liberal tradition that allows strong social movements to thrive.

It is an outward-looking country, host of the ASEAN secretariat and with aspirations and the potential to play a leadership role in this region.

But Indonesia also has a dark recent history of conflict and large-scale human rights abuse. This continues to cast a shadow over the country to this day. Today I would like to talk about the bright future that Indonesia can rightfully seek – by reckoning with the past.

Put simply, a stronger future for Indonesia has to be built on a foundation of justice. In order to move forwards and truly realise its potential, this country must also look backwards and deal with the legacy of the past. That will be painful and difficult, it will aggravate old wounds and perhaps open new ones. But it is also necessary.

I would like to use my time to look at the legacy of past abuses which I believe Indonesia must confront, and then to suggest some ways forward to a brighter future for all Indonesians.

Let me be clear that Indonesia has some outstanding resources to work with. And the greatest asset is the people: this is a country where the marginalised have been able to find voice across the country, and people's participation is strong and deep.

See for the full statement: https://www.amnesty.org/en/latest/news/2017/03/why-indonesia-must-look-backwards-to-build-a-stronger-future/?utm_source=TWITTER-IS&utm_medium=social&utm_content=843050565&utm_campaign=Amnesty

Social-economic Rights

Land for the poor: What next?

The Jakarta Post Editorial, 31-03-2017

The administration of President Joko "Jokowi" Widodo is starting to redistribute state land to farmers as part of poverty alleviation measures. The measure is part of an agrarian

reform program Jokowi publicly announced in his 2014 presidential inauguration speech that involves the redistribution of roughly 22 million hectares of undisputed state land — 13 million hectares to indigenous people and the remaining 9 million to impoverished farmers.

As part of the realization of the President's commitment, the Environment and Forestry Ministry transferred land to 11 indigenous groups in December. The granted property was largely expropriated from forestry businesses whose concessions had expired. The next crucial agenda is the arduous distribution of 9 million hectares in 33 provinces, where idle land starkly differs in size and in agricultural suitability while the provinces' populations are no less complex in terms of size and needs.

Jokowi has announced that land redistribution will start as soon as this year, with Coordinating Economic Minister Darmin Nasution saying the land will be granted to farmer associations instead of to individuals so as to minimize cases of illegal sales. Sizes of land to be redistributed will vary by region: On large but scarcely populated islands, each farmer group consisting of 30-40 families may receive about 50 hectares, while it could be much less in densely inhabited areas like Java.

Land redistribution is undoubtedly a bold program that eluded the nation in the past. If materialized, the program will benefit at least 26 million impoverished families — 56 percent of whom have less than 0.3 ha of land in this agricultural country. The problem, however, is the fact that the 1960 Basic Agrarian Law, the legal foundation for the land redistribution program, is half a century old and has been poorly enforced and often abused, leading to widespread agrarian conflicts. In many areas, indigenous people have been evicted from their ancestral land to make way for large-scale plantations, with state representatives, such as military and police personnel, oftentimes siding with the investors. In many cases, land disputes have escalated into violence resulting in murder, forced disappearance and torture.

To support the law, many pieces of legislation will need to be made and more detailed execution technicalities defined in order to make the program enforceable. The program simply needs fundamental change in legal certainty concerning ownership and settlement of land conflicts across the archipelago.

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It will certainly take a long time to complete the much-needed laws. They perhaps will be passed only after Jokowi ends his five-year term in 2019.

The current government's initiative may account for only a basic form of agrarian reform, yet it deserves the thumbs-up given the fact that the 1960 Basic Agrarian Law has been systematically abused in favor of economic considerations and political elites. The question now is, after starting the agrarian reform, which millions of farmers have been longing for, what's next?

Business and human rights

The Jakarta Post, 03-04-2017 by Amanda Himawan, official at the Foreign Office

(...) The ongoing negotiations on business and human rights (BHR) in the multilateral forum have triggered national discourse on how Indonesia should respond to it, both domestically and internationally. Answering such questions requires a comprehensive assessment of Indonesia's current BHR framework.

Currently, no regulations specifically regulate the human rights aspect of business conduct.

However, BHR are indirectly addressed in several sectoral laws in Indonesia, such as inter alia, the 2003 Labor Law, the 2007 Capital Investment Law, the 2007 Corporations Law, the 2009 Mining Law and the 2009 Environmental Protection and Management Law. In addition, the Maritime Affairs and Fisheries Ministry recently issued Regulation No. 35/PermenKP/2015 on human rights system and certification in the fisheries business, which sets criteria on human rights compliance in the fisheries business and requires fishing companies to conduct human rights due diligence.

Despite these regulations, the National Commission on Human Rights (Komnas HAM) has reported that of the 7,188 human rights violation reports it has received, 1,030 — the second-largest — were carried out by corporations. Most of the cases related to BHR involved infringement of land rights, labor rights and environmental rights. The discovery of more than 200 victims of slavery by PT Pusaka Benjina in Maluku in 2015 further exposed the government's limitations in monitoring business conduct by fishing companies.

See for the whole article:

<http://www.thejakartapost.com/academia/2017/04/03/embracing-business-and-human-rights.html>

Women's Rights

Violence against women

Kompas, 30-03-2017

One third of the women between 15 and 64, or 28 million individuals have experienced physical or sexual violence, within their marriage or outside. In the most recent year 2016 alone, nearly 10 percent, or 8,2 million experienced such violence. This is the outcome of the Survei Pengalaman Hidup Perempuan Nasional (SPHPN) 2016, carried out by the National Bureau of Statistics, BPS, at the request of the Ministry of Empowerment of Women and Protection of Children (PPPA).

These data are the first data for the government to be able to use for policy making. Formerly there were no representative data as there is a serious underreporting on this issue.

The results of the SPHPN were presented by the Head of BPS, Suhariyanto together with his deputy of the department for the protection of women's rights of the Ministry for PPPA, Vennetia Ryckerens Danes; the deputy for Social Statistics, M Sairi Hasbullah, and the representative of the UN Population Fund (UNFPA) in Indonesia, Annete Sachs Robertson.

The SPHPN 2016 worked with a sample of 9,000 households and found that every one in three women in Indonesia between 15-64 years of age had at a certain time in her life experienced violence, be it by their partner or by another man. For one in ten it had been during the last year that she met with violence. The perpetrator of the violence was in most cases not her own partner (23.7 %) compared with the perpetrator being her own partner (18 %). One of the aims of the survey was to fight the underreporting of these crimes.

Death penalty

Death penalty meets fresh resistance

The Jakarta Post, 28-03-2017

A discussion on the dilemma of the death penalty at the Islamic College Sadra on Monday saw another heated debate surrounding the inclusion of capital punishment in Indonesia's legal system with a number of academics and experts offering different opinions.

Franz Magnis Suseno from the philosophy college of STF Driyakarya said that the death penalty had failed to reduce the crime rate in the country. "The death penalty does not have a deterrent effect, since we can see that the number of crimes such as drug trafficking is still very high," he said. Franz added that human beings "do not have the right" to end someone's life, adding that punishment should not be understood as an act of revenge.

(Read also: [UN support sought to end death penalty in Indonesia](#))

Ammar Fauzi from the Islamic College Sadra, however, argued that the death penalty was about "upholding justice." However, according to him, the most important thing for the government was to create a fair justice system.

Hertasning Ichlas from Universal Legal Aid (YLBHU) also questioned the implementation of the death penalty, saying it was still "discriminatory." He said that most of the convicts on death row were not "the big fish" or key actors in their criminal networks. He suggested that it was better for all stakeholders to focus on fixing problems and reforming the country's justice system than to prolong debates over the death penalty.

Indonesian Death Penalty Moratorium Needs Presidential Push

Human Rights Watch, 29-03-2017

Indonesia's President Joko "Jokowi" Widodo dropped fresh hints this week that he supports reinstatement of the official moratorium on the death penalty, but only if the

Indonesian public supports the move. "Why not? But I must ask my people. If my people say OK, they say yes, I will start to prepare [to reinstate a moratorium]."

We've been here before. In November 2016, Jokowi suggested the Indonesian government might emulate European governments by moving toward abolishing the death penalty. At that time, Jokowi said his government was "very open to options" on death penalty alternatives, without elaborating. But since then, neither he nor his government have taken any serious steps to change Indonesia's policy. On the contrary, in recent weeks Indonesia seems poised to execute up to six convicted drug traffickers from foreign countries on the prison island of Nusa Kambangan.

The gap between Jokowi's rights-respecting rhetoric and the absence of policy measures to back it up is unsurprising. Jokowi has well-earned reputation for talking the talk on human rights policies, but consistently failing to deliver. He's stalled on accountability plans for past gross human rights violations, such as the massacres of 1965-66; failed to abolish discriminatory laws fostering religious intolerance; and lacked follow-through on promises of accountability for abuses in Papua.

Indonesia ended a four-year unofficial moratorium on the death penalty in March 2013, and Jokowi has made the execution of convicted drug traffickers a signature issue of his presidency. Jokowi has justified using the death penalty by saying drug traffickers on death row have "destroyed the future of the nation." In December 2014, he told students that the death penalty for convicted drug traffickers was an "important shock therapy" for anyone who violates Indonesia's drug laws. Since taking office in 2014, his government has executed 18 convicted drug traffickers, though no executions have taken place this year. The majority of those executed have been citizens of other countries, and Jokowi rejected their government's calls for clemency, citing national sovereignty.

Jokowi should not hinge his action on so fundamental an issue as capital punishment on the vagaries of popular support. Instead, he should take this opportunity to demonstrate leadership and bolster his rhetorical support for a death penalty moratorium with real action. Indecision is no reason to impose an inherently cruel punishment.

Political developments

Johannes Nugroho: Tug-of-War Between Military, Police Under Jokowi

The Jakarta Globe, 27-03-2017, by Johannes Nugroho

Following the awkward debacle of suspended military cooperation with Australia, in another maverick moment, Gen. Gatot Nurmantyo told the press he might soon be replaced as chief of the Indonesian Military, or TNI, hinting that he had somehow fallen out of favor but later explaining that at any rate, he was nearing retirement.

He then made an "exposé" about how little power the TNI chief had in the procurement of military hardware under a 2015 law that grants the Ministry of Defense sole responsibility for such acquisitions. Ruing his loss of control over procurement, he said: "If this [erosion of the TNI chief's prerogatives] continues, then the commander will have no authority whatsoever."

The new law must have come as a great disappointment to the armed forces, just when they were expecting significant rises in defense spending. In the 2017 state budget, defense is one of the 10 biggest spenders at Rp 104.4 trillion (\$7.85 billion), compared to the Rp 72.4 trillion allocated to the National Police. The figures are expected to increase as the president has made a promise to jack up defense spending to around Rp 250 trillion a year.

The figures must have been music to the generals' ears, since defense procurement in the past was an area in which the top brass of the military could make significant economic gains through "commission fees" from defense contractors as well as other "markups." By relocating the procurement responsibility to the Ministry of Defense, the government effectively closed off another significant "economic access" previously enjoyed by military grandees.

In airing his disappointment, Gatot was perhaps being true to his brash indiscreet self, a side Jokowi had evidently missed, or underestimated when considering him for the top job. However, the general's penchant for talking to the press and delivering incendiary

lectures – in one of which he described feeding hypothetical Chinese refugees to the sharks – may also suggest that he is trying to craft a careful image of himself as an all-action patriot ready to embark on great things. Judging by former President Susilo Bambang Yudhoyono's political success story, former army generals with popular appeal can still do well electorally.

It is also noteworthy that Gatot's unbosoming to the press came after the police scored an important political triumph in shoring up the president's authority during the populist Islamist rallies in November and December last year. The rallies, purportedly against Jakarta Governor Basuki "Ahok" Tjahjaja Purnama – a Christian of Chinese descent who is accused of blaspheming against Islam – were on the verge of turning into protests against the government and ultimately, the president.

With a turnout of hundreds of thousands, the Islamist protests represented the first real challenge to Jokowi's presidency. To blunt the blow, the police duly arrested several "agitators" on treason charges on the morning of last year's Dec. 2 rally. National Police chief Gen. Tito Karnavian, handpicked by Jokowi in July last year, threw his weight behind the president and proved to be in his element by being seen to contain the possible excesses of the rallies through a combination of negotiations and strong-arm tactics.

In contrast, the armed forces did not seem overly eager to come to the president's aid during the turbulent months. Instead, Gatot expounded his pet theory to the press, arguing that radicalism and "pitting Indonesians against one another" as evident in the gubernatorial election campaign, was another proxy war designed by foreign powers.

More seriously, Gatot is said to have strong links to hardline Muslim groups such as the Islamic Defenders Front (FPI), which served as the field operators for the recent Islamist rallies against the government. Seasoned Indonesia correspondent John McBeth considers the allegation to have some merit. He quoted a retired general in an article, writing: "Playing games with Muslim groups is a result of a rotting situation... They want to show that the Army is still needed and they have no concerns about the problems it creates."

If true, then Tito, with the president's blessing, deftly turned the tables on the cabal Army group wishing to create an untenable situation, which would have necessitated military intervention. Far from humiliating the police for their inability to control the masses, it allowed them to swoop in and save the day for the president.

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The triumph of the police in securing the president's gratitude took place at the expense of the military. Yet, this temporary political setback for the military does not mean the end of rivalry between the forces. The police, being the most involved with civilians, inevitably has the advantage over the TNI in post-Reformasi Indonesia.

However, in its interaction with the people also lies the police's weakness. A 2015 survey by Transparency International, for instance, placed the police as one of the most corrupt government agencies as perceived by the public. Apart from taking and demanding bribes, police officers are also known for operating strictly illegal "businesses" on the sidelines, such as "security money" demanded from businesses and individual officers commandeering lucrative urban "parking spaces" in conjunction with gangsters, or preman.

Now that the president is indebted to the police, it remains to be seen if Jokowi can push through further reform within the force to combat rampant corruption. Failure to do so might just provide the military with another avenue to power. The president certainly has his work cut out for him in balancing between the forces.

The specter of the armed forces' tentacles in Indonesian politics is real enough to warrant vigilance, although the country's democracy has fared better than its Thai counterpart in this respect. The dwifungsi may have been formally abolished, but its roots are buried deep. Corny as it may sound, a military uniform tends to inspire confidence in the country, so much so that President Sukarno, who never had military training, spent the last years of his life wearing his military honors in the most conspicuous manner.

If Gatot truly has political aspirations after he retires, and provided he can secure enough political backing, we may see him compete in the 2019 presidential election, alongside Prabowo Subianto and perhaps Yudhoyono's son Agus Harimurti. Indonesia's days of pseudo-military leaders are apparently not over yet. Not by far.

See for the earlier article by Johannes Nugroho:

<http://jakartaglobe.id/commentary/johannes-nugroho-tug-war-military-police-jokowi-part-1/>

Papua

Freeport Near Deal Allowing Indonesia Exports: Minister

The Jakarta Globe, 31-03-2017

Freeport McMoRan's Indonesian unit is close to reaching a deal that would allow the world's biggest publicly listed copper producer to temporarily resume concentrate exports, Indonesia's mining minister said on Thursday (30/03).

The news boosted Freeport's stock more than 6 percent as it is a marked shift in tone from the Southeast Asian nation, which banned miners from shipping copper concentrate on Jan. 12 as part of a hard line push to develop its local smelter industry and boost domestic benefits from mining.

Energy and Mineral Resources Minister Ignasius Jonan said a new deal would allow Freeport to resume exports for the next six months from Grasberg, the world's second-biggest copper mine, while a new permit is negotiated.

"Freeport Indonesia has entered the final stage of discussions," Jonan told parliament, adding the finance ministry will oversee talks, focusing on a "nailed down" tax rate and guarantees fiscal terms will not change.

"If they agree on the special mining permit, they can export, as long as they put forward a proposal to develop a smelter within five years," Jonan said, adding Freeport agreed to adopt the new permit in principle.

Freeport stock climbed 6.1 percent to \$13.50 in New York afternoon trading.