

Impunity

Indonesia: President Jokowi must fulfil promises on unresolved enforced disappearances cases

Amnesty International Public Statement, 30 August 2017

As people around the world today mark the International Day of the Victims of Enforced Disappearances, Amnesty International Indonesia, AFAD (Asian Federation Against Involuntary Disappearances), AJAR (Asia Justice and Rights), IKOHI (Indonesian Association of Families of the Disappeared) and KontraS (the Commission for the Disappeared and Victims of Violence) call on President Joko 'Jokowi' Widodo to immediately provide the families of the disappeared truth, justice and reparation as recommended by various Indonesian authorities.

Our organisations urge on the Indonesian President Widodo to fulfil the government's obligations under international law, as well as his commitments - made on Indonesia's Independence Day in 2015 - to "address past human rights violations so that future generations in Indonesia would not continue to bear the burden of history".

The families of 13 political activists, all men – Sonny, Yani Afri, Ismail, Abdun Nasser, Dedi Hamdun, Noval Alkatiri, Wiji Thukul, Suyat, Herman Hendrawan, Bimo Petrus Anugerah, Ucok Munandar Siahaan, Yadin Muhidin and Hendra Hambali – who were disappeared in 1997-98 continue to demand that the government uncover the truth about what happened to them over 19 years ago.

In addition to that victims' groups and local Acehnese NGOs have called for the Indonesian authorities to find out what happened to the disappeared and missing persons in Aceh during the 29 year conflict in Indonesia's most westerly province between the Indonesian government and the armed opposition group, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM). Further, in Timor-Leste, many families want to know the fate and whereabouts of those who disappeared and went missing during the period of Indonesian occupation (1975-1999) and in the context of the 1999 independence referendum. The families of the victims still demand that President Jokowi fulfils his pledges to address

cases of enforced disappearance and they are disappointed that despite several positive official statements and recommendations to address the problems, almost all of them have been ignored by the Indonesia's government. In 2009 the Indonesian Parliament, based on a 2006 report by the National Human Rights Commission (Komnas HAM), recommended that then President Susilo Bambang Yudhoyono establish an ad hoc human rights court to try those suspected of committing enforced disappearances in 1997-98.

However, unfortunately, by the end of his term, President Yudhoyono failed to issue a presidential decree, required to establish the court. Other recommendations included an immediate search for the 13 activists by the Indonesian authorities; the provision of "rehabilitation and compensation" to the victims' families; and the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Eight years later, the authorities have yet to take concrete action to effectively implement these recommendations.

In July 2008, the Commission of Truth and Friendship (CTF), which was set up by the Indonesian and Timorese governments in 2005 to "establish the conclusive truth" in regard to the events prior to and immediately after the popular consultation in 1999, published its final report, in which one of its key recommendations was for the Indonesian and Timorese governments to work together to establish the fate and whereabouts of those who disappeared and went missing surrounding the 1999 referendum by establishing a Commission for Disappeared Persons. However, the Commission has yet to be established and the issue has been sidelined in bilateral meetings.

In the province of Aceh, after many years of campaigning and advocacy the Aceh Provincial Parliament (DPRA) established an Aceh Truth and Reconciliation Commission (KKR Aceh) in 2013. In July 2016, the Aceh parliament appointed seven Commissioners due to operate between 2016 and 2021. The Commission is mandated to uncover the circumstances that led to abuses in the past, including to provide the truth about the fate and whereabouts of disappeared or missing persons together with the need to be able to provide proper burials. With very limited resources, the Aceh TRC has just started to initiate truth seeking by collecting victims' testimony. Enforced disappearance is a serious human rights violation and a crime under international law which violates the rights of the persons who were disappeared and of their loved ones. The Declaration on the Protection of All Persons from Enforced Disappearances adopted by the United Nations General

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Assembly in 1992, provides that an investigation “should be conducted for as long as the fate of the victim of enforced disappearance remains unclarified” (Article 13(6)). It also states that “enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified” (Article 17(1)). Enforced disappearance can also result in or lead to a range of other human rights, including freedom from arbitrary detention; the right to recognition as a person before the law; the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment; and the right to life.

The right of families of disappeared and missing persons to know what happened to the victims is an essential component of the right to truth. The right to know the fate and whereabouts of disappeared relatives, both in times of peace and in times of armed conflict, has been confirmed in Article 24 (3) of the International Convention for the Protection of All Persons from Enforced Disappearance (which Indonesia has signed but not yet ratified), as well as jurisprudence of international and regional human rights bodies and national courts. The continued failure to investigate these crimes to establish the fate and whereabouts of the disappeared and, where sufficient admissible evidence exists, to prosecute those suspected of committing the crimes, perpetuates the human rights violation and contributes to a wider culture of impunity in Indonesia.

Social-economic Rights

Gov't, Business Leaders Commit to End Modern Slavery at Bali Process Forum

Jakarta Globe, 26-08-2017

Governments and businesses from 45 member countries of the Bali Process Forum on Friday (25/08) made a commitment to adopt the Indo-Pacific Modern Slavery Acts in a collective effort to end modern slavery in the region, and hopefully around the world.

The Indo-Pacific Modern Slavery Acts, announced during the inaugural meeting of the Bali Process Government and Business Forum in Perth, Australia, include transparent and

mandatory reporting requirements, which will force companies to detail efforts in eradicating modern slavery from their supply chains.

Speaking during an exclusive teleconference on Thursday, Australia’s business co-chair of the forum and founder of the Walk Free Foundation, Andrew Forrest, described the commitment as an “unprecedented breakthrough.”

“[...] This will lead to uniformity of standard behavior in the business sector, which is what we need to end modern slavery in the Indo-Pacific region. I really do think that this is a major breakthrough in the pursuit to end modern slavery in the world,” Forrest said.

Discussions among major business leaders in the region on Thursday led to the understanding that legislation was necessary in order to ensure the practice of ethical requirements and “to protect at-risk workers and end the immoral practice of would-be employees paying upfront fees to recruitment agencies.”

The legislation will be applied in each of the 45 member countries of the Bali Process. Independent commissioners are expected to be appointed in each country to provide support and encouragement for businesses to “look, find and report on any slavery found in their supply chains.”

Furthermore, companies that adhere to these laws will be awarded certifications for responsible business practices, to help incentivize more businesses to help end modern slavery.

According to Forrest, the key challenge has been for businesses to accept that there is an opportunity in the collective effort to eradicate this type of abuse.

“But once business leaders see that it is not threatening, that it’s not going to damage their reputation [...] business leaders are absolutely engaged [in the cause],” Forrest said.

Eddy Sariaatmadja, Indonesia’s business co-chair of the forum and chairman of the Emtek Group, said that one of the most important thing is “to admit that modern slavery also happens in our country. I think it is important to believe in the virtue of what we are doing, that our effort, if successful, will bring about enormous social good and econ benefit to societies around the world,” he said.

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The issue of modern slavery has not been exclusive to developing countries — developed countries such as Australia have also experienced the problem.

The meeting in Perth has shown the extensive progress that governments and businesses can make through effective collaborations.

Michael Chaney, non-executive chairman of the Australian conglomerate Wesfarmers, noted that in the past, part of the problem has been the lack of exposure on the issue of modern slavery, which made it easier for businesses to ignore it. "This sort of forum brings about communication on what's been going on and what can be done [by businesses] to prevent slavery in their supply chain," Chaney said.

Furthermore, the commitments seen during the forum are important examples of the responsiveness of the private sector to the growing trends among consumers across the globe, who are increasingly more critical in evaluating the origins of the goods they purchase.

According to Dino Patti Djalal, who is serving as an adviser to Eddy at the forum, the growth of the middle-class in the Indo-Pacific region will be increasingly important for businesses to take into account.

"If [businesses] can prove that their products are free from human oppression, human exploitation, they will find more receptive markets out there. It will be good for them to practice businesses that are free from modern slavery," Dino said.

Established in 2002, the Bali Process is an international forum for policy dialogue on people smuggling, human trafficking and related transnational crime.

The Bali Process Government and Business Forum was launched during the sixth Bali Process Ministerial Conference in March last year to expand the forum's engagement and include the private sector as part of a collective effort to eradicate these crimes.

The forum has more than 40 members, made up of governments and international organizations, such as the International Organization for Migration (IOM).

Central Java villagers face skyrocketing water price amid drought

The Jakarta Post, 04-09-2017

Residents of 13 villages in Kemalang district, Klaten, Central Java, are being forced to buy clean water, as the dry season has caused wells and rivers in the area to dry out. The villages, which are remote and geographically difficult to access, have seen the price of water skyrocket up to Rp 300,000 (US\$ 22.49) for each 5,000-liter tank. Clean water usually costs from Rp 100,000 to Rp 150,000 per tank.

The water in each tank lasts only two weeks, because villagers use it not only for bathing, cooking and washing clothes, but also to water their livestock. "The more livestock they have, the more water they will need," Sidorejo resident Sukiman said on Sunday.

Sidorejo is one of the villages hit by the water crisis. The others include Kendalsari, Panggang, Talun, Tegalmulyo and Tlogowatu, all of which are located on the slopes of Mount Merapi and prone to drought.

The villagers are forced to buy water because their rainwater reservoir has run dry, while the water supplied by the Klaten Disaster Mitigation Agency (BPBD) is inadequate to cover their needs. "Residents here have bought water from private suppliers several times. In August, one tank containing 5,000 liters of water cost Rp 230,000," said Sukiman. Sidorejo villagers spend between Rp 600,000 and Rp 1 million per month on clean water. "Before, there was always water from Brebeng spring in Sleman. After Mt Merapi erupted in 2010, there is no more," said acting Kemalang district head Hajoko.

LGBTI's rights

Suspected lesbians hounded out of Bogor village

The Jakarta Post, 04-09-2017

Female couples have been expelled from their rented house after local authorities of Tugujaya village, Bogor regency, West Java, accused them of being lesbians. Tugujaya

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village head Sugandi Sigit said local residents reported the possible presence of the six lesbian couples, who rented a house together, and the village consultative board followed up the report with a raid.

Sugandi said that the presence of the women had made “the villagers restless because they are against LGBT [lesbian, gay, bisexual or transgender] community.

“Tugujaya must be cleansed of LGBT people, that is why we conducted the raid,” he said as quoted by [tribunnews.com](#) on Sunday. Sugandi explained that the women worked near the village and rented a house together.

The women were no longer staying in the village and have returned to their hometowns, he added. According to their ID cards, their hometowns were Ciamis, Cianjur, Sukabumi and Tasikmalaya regencies in West Java, as well as Purworejo in Central Java and Ketapang regency in West Kalimantan.

Political developments

Former Constitutional Court justice sentenced to 8 years in prison

The Jakarta Post, 04-09-2017

Jakarta Corruption Court judges sentenced former Constitutional Court (MK) justice Patrialis Akbar to eight years in prison at a hearing on Monday. Reading out the court's final verdict, presiding judge Nawawi Pamolango said the former member of the National Mandate Party (PAN) was proven guilty of accepting bribes from a beef importer in connection with a judicial review on the 2014 Animal Husbandry and Livestock Health Law.

It was reported that Patrialis received US\$70,000 in bribes from businessman Basuki Hariman and his secretary, Ng Fenny, through his aide Kamaludin.

Last week, Basuki and Fenny were sentenced respectively to seven and five years behind bars for their roles in the bribery.

Corruption Eradication Commission (KPK) prosecutors had asked for 12.5 years of imprisonment and Rp 500 million (\$37,486.90) in fines for Patrialis at a hearing two weeks ago. The prosecutors also required him to return the \$10,000 and Rp 4 million he had gained from his crimes.

The corruption court is also scheduled to hand down the sentence for Kamaludin in a separate hearing on Monday. Prosecutors have sought eight years in prison for the middleman.

Patrialis has become the second MK justice to be tried for graft following former chief justice Akil Mochtar, who was found guilty of bribery. In 2014, the court sentenced Akil to life imprisonment when judges found him guilty of accepting Rp 57 billion in bribes from a number of regional heads. The bribes were intended to influence the Constitutional Court's decision on electoral disputes he had handled.

Papua

Indonesia Reaches Agreement With Freeport on New Mining Permit for Grasberg

Jakarta Globe, 29-08-2017

Indonesia and Freeport-McMoRan on Tuesday (29/08) reached an agreement to allow the US miner to keep operating its giant Grasberg copper and gold mine, though the timing and price of a 51 percent divestment in the mine still needs to be worked out.

Freeport, the world's biggest publicly traded copper company, can apply for an immediate 10-year permit extension to mine at Grasberg beyond 2021, said Indonesian Energy and Mineral Resources Minister Ignatius Jonan. Grasberg is the world's second-biggest copper mine.

"The mandate of the president, which has been agreed to by Freeport, is that the divestment should reach 51 percent in total," Jonan told a joint news conference, alongside Freeport's Chief Executive Officer Richard Adkerson. "All that is left is to discuss the timing. The price will be negotiated later," said Jonan.

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Revised rules in Indonesia require miners to divest a 51 percent stake, relinquish arbitration rights and pay new taxes and royalties. Freeport has insisted on getting the same fiscal and legal protection as in its current contract. The mining minister said Freeport could "immediately apply" for its first 10-year permit extension and a second extension could be proposed before 2031.

Freeport's copper concentrate exports from Indonesia were at risk of being halted again if the two sides had failed to reach an agreement on a new mining permit before the current temporary permit expired in October. Freeport exports around two-thirds of the copper concentrate it produces at Grasberg and the remainder is processed domestically.

Phoenix, Arizona-based Freeport has held lengthy talks with the Indonesian government over issues such as the amount and valuation of the divestment and the development of a new smelter to extend its 30-year mining contract, which is due to expire in four years time.

Adkerson said the existing contract of work would remain in place until everything was settled, but stressed that the company had given ground. "We want to emphasize that to divest the 51 percent [stake] and to build a [second] smelter are a major concession," said Adkerson. Adkerson, who has been personally involved in the negotiations, in April had called the divestment rule "a form of expropriation". Freeport had said it wanted an agreement that would run to 2041 and provide the fiscal and legal certainty it needed to proceed with a multi-billion dollar underground expansion for Grasberg. The mine is located in Indonesia's eastern province of Papua, on the island of New Guinea.

URGENT ACTION: PAPUAN PRISONER OF CONSCIENCE DENIED PAROLE

Amnesty International Urgent Action, 30-08-2017

Political activist, Oktovianus Warnares was convicted of "rebellion" (makar) in 2013 after peacefully commemorating the 50th anniversary of the handover of Papua to the Indonesian government. He is a prisoner of conscience and should be immediately and unconditionally released.

Oktovianus Warnares, a prisoner of conscience who has served more than two thirds of his prison term, is eligible for parole. His sentence reduction, an otherwise automatic arrangement, was denied on the grounds that Oktovianus Warnares has to first declare on paper his allegiance to the state of Indonesia according to Government Regulation No. 99/2012.

Oktovianus Warnares, along with five other Papuan political activists, organised on 1 May 2013 a flag-raising ceremony of the Morning Star, a symbol forbidden under the Government Regulation No. 77/2007. The event was held in the vicinity of a government building in Biak Numfor, Papua province to commemorate the 50th anniversary of the handover of Papua to the Indonesian government by the United Nations Temporary Executive Authority (UNTEA).

The group was immediately arrested after the police opened fire on dozens who were gathering. Oktovianus Warnares and the other men were charged with "rebellion" (makar) under Articles 106 and 110 of the Indonesian Criminal Code (KUHP) and possession of ammunition and explosives under Article 1(1) of the Emergency Law No. 12/1951. His lawyer claimed that the police planted the evidence to incriminate them. On 10 February 2014, the Biak District Court convicted Oktovianus Warnares and the other Papuan activists guilty of all charges and sentenced him to three years' imprisonment. Following the appeal process, the sentence has twice been extended; the Jayapura High Court increased the sentence into five years' and then on 26 August 2014 the Supreme Court ruled his sentence to be seven years' imprisonment. The other five activists have all since been released.

To take action, the link to the document is available:

<https://www.amnesty.org/en/documents/asa21/7008/2017/en/>

Four police officers found guilty over fatal Deiyai shooting ordered to apologise

CNN Indonesia - August 31, 2017

Four Indonesian police (Polri) officers have been found guilty in relation to a clash that took place in Bomou village, South Tigi district, Deiyai regency, Papua, in early August.

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Their only punishment however is that they must issue a verbal apology and will be transferred. Those found guilty are former sectoral Police Chief Inspector Maing Raini and Mobile Brigade (Brimob) platoon commander (Danton) Iptu Aslam Djafar along with two of his subordinates Second Deputy Inspector Esra Sattun and Sergeant Victor Manggaprouw.

Papua regional police public relations chief Senior Commissioner Ahmad Musthofa Kamal said Wednesday that the four officers were sentenced to making a verbal apology by a hearing of the Indonesian Police Code of Ethics Commission (KKEP) and will be demoted and transferred to different posts for one year. "The result of the ethics hearing was that the four were declared guilty of deplorable [tercela] actions", said Kamal when sought for confirmation on Thursday August 31. He said that the Code of Ethics hearing declared Maing guilty of failing to report to his superiors and going to the location of the incident without wearing a uniform.

In addition to this the hearing found that Maing failed to follow the directions of his superior and should have gone to the location of the incident with his officers without bringing Brimob personnel. Maing was found to have failed to control his officers, abandoned officers conducting negotiations with the community and leaving the location of the incident without paying attention to officers who were still confronting protesters.

According to Kamal, Maing's actions violated Article 7 Paragraph 1 Subsections b and c and Article 13 Paragraph 1 Subsection e of Police Regulation Number 14/2011 on the Indonesian Police Professional Code of Ethics. "Indonesian police officers are obliged to maintain an image of solidarity, the credibility, reputation and respect of Polri and are obliged to carry out their duties in a professional manner. Polri officers are prohibited from misusing their powers in carrying out their duties as police", he said.

Meanwhile the ethics commission found that Iptu Aslam Djafar had deployed Brimob officers as security at the company without permission from his superiors.

Djafar was also found to have failed to comprehend the situation and should have allowed the sectoral police to first resolve the problem and should have followed the instructions of the sectoral police chief as the head of operational control at the time. At the time, said Kamal, the sectoral police chief ordered police to withdraw because conditions were

unfavorable. Djafar however only withdrew slowly and as a result the protesters pushed forward approaching and attacking the officers.

He said that Djafar as the platoon commander should not have allowed the protesters to get too close to the police officers.

Meanwhile Kamal said that the ethics commission declared Esra Sattun and Victor Manggaprouw guilty of deciding to use live ammunition without orders from their superiors and directing fire above and below the protesters without due consideration.

"This is what possibly resulted in victims falling, specifically the one that was hit by live rounds", he said.

Kamal added that the ethics commission found five other Brimob officers not guilty because they carried out their duties as police in accordance with standard operational procedures as stated under Article 15 Paragraph 3 of National Police Regulation 1/2009 on The Use of Force in Police Actions.

The clash in Deiyai, which occurred on August 1, 2017, was triggered by dissatisfaction on the part of local people because a company building a bridge in the Oneibo river area refused to help them.

The residents had asked the company to transport a person in a critical condition to hospital after they had drowned in the river but the company refused to provide a vehicle.

Local people eventually obtained a vehicle from elsewhere and took the person to hospital but they were unable to be saved. The angry residents then returned to the encampment at the bridge construction and vandalized a work post.

Brimob and Tigi Sectoral Police officer immodestly went to location. The crowd went on a rampage and police fired shots. One person was shot dead and eight others wounded.

[Translated by James Balowski for the Indoleft News Service. The original title of the article was "Penembakan di Deiyai, Empat Polisi Divonis Minta Maaf".]

Source: <https://www.cnnindonesia.com/nasional/20170831162855-12-238698/penembakan-di-deiyai-empat-polisi-divonis-minta-maaf/>