

Impunity



Ingat 65

We have come into contact with Ingat 65 (“Remember 65”), an online information centre focused on the 1965 massacre. Early May they have sent us an update on events and incidents relating to 1965.

1. The opening of an art exhibition designed as a tribute to leftist poet and activist Widji Thukul in Semarang, Central Java, has been delayed after mass organizations (Front Pembela Islam aka FPI) demanded the organizer cancel the event. Widji was one of 13 victims of the 1998 riots. The labor activist was allegedly abducted and remains missing, along with 12 other activists.

In English <http://www.thejakartapost.com/news/2017/05/03/no-talk-of-papua-at-press-freedom-day-1493789249.html>

In Bahasa Indonesia <http://www.gerilyapolitik.com/fpi-dan-kokam-muhammadiyah-teror-pameran-lukisan-widji-thukul-di-lbh-semarang/>

But according to the committee event, they will continue the exhibition today until May 6th. >>> Pameran Karya Rupa Pembebasan (Andreas Iswinarto) "Melihat Lebih Dalam Widji Thukul" telah dibuka. Pameran akan dilaksanakan tanggal 3-6 Mei 2017 di Jl. Parang Kembang No 14 (Kantor lama LBH Semarang).

2. IPT 65 had a presentation in Asian Days in Cologne, Germany in end of April. IPT appointed Sri Tunruang as a delegation as well as the speaker. It's not a really big event.

3. IPT 1965 to remind President Jokowi on his promise on the 1965 massacre. <https://m.tempo.co/read/news/2017/05/02/058871299/ipt-65-tagih-janji-jokowi-selesaikan-kasus-pelanggaran-ham-berat>

4. Putu Oka Sukanta, one of the 1965's victim, just released a book title "Cahaya Mata Sang Pewaris and it sparks conversation among the younger (third generation) Here <http://artsonline.monash.edu.au/herb-feith-foundation/new-publication-cahaya-mata-sang-pewaris/>

5. The latest essay from Ingat65. <https://medium.com/ingat-65/menulis-kisah-hidup-kakek-menyingskap-tirai-propaganda-f6564891f88b> Fyi about Ingat65 <http://www.thejakartapost.com/news/2016/05/07/digital-community-ingat65-remembers-1965.html>

6. The latest discussion about 1965 by IPT 65. The topic is about the genocide of 1965. <https://www.youtube.com/watch?v=4IjM6Azs5GI>

7. Meanwhile, in Boyolali, central Java, the 1965 victim's gathering was successfully held by the help of the police. Here's the report in Bahasa Indonesia <http://ypkp1965.org/blog/2017/04/17/temu-korban-65-boyolali-dijaga-polisi/>

View the Newsletter of the Ingat 65 Community at: <http://tinyletter.com/ingat65/letters/>, the latest being: <http://tinyletter.com/ingat65/letters/menelusuri-jejak-65-di-papua>

Freedom of Religion

EU and the verdict against Ahok

https://eeas.europa.eu/delegations/indonesia/25799/eu-local-statement-freedom-religion-or-belief-and-freedom-expression-jakarta-9-may-2017_en, 09-05-2017

The European Union Delegation to Indonesia and Brunei Darussalam issues the following statement in agreement with the EU Heads of Mission in Indonesia:

The European Union takes note of the decision of the North Jakarta District Court on the case involving Governor Basuki Tjahaja Purnama delivered on 9 May.

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The European Union has always praised the leadership of Indonesia as the world largest Muslim majority country, a strong democracy and a country with a proud tradition of tolerance and pluralism. We call on the Indonesian government, its institutions and its people to continue this long standing tradition of tolerance and pluralism.

Indonesia and the European Union have agreed to promote and protect the rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights such as the freedom of thought, conscience and religion and freedom of expression.

The European Union recalls that those freedoms are interdependent, interrelated and mutually reinforcing rights, protecting all persons and protecting also the right to express opinions on any or all religions and beliefs in accordance with the international human rights law.

The European Union has consistently stated that laws that criminalize blasphemy when applied in a discriminatory manner can have a serious inhibiting effect on freedom of expression and on freedom of religion or belief.

LBH on the blasphemy law

Kompas, 05-06-2017, by Sony Gusti Anasta, officer for Legal Aid, LBH Jakarta

The Court of North Jakarta has sentenced Basuki Tjahaja Purnama to two years imprisonment for disgracing religion (penodaan agama). Basuki was sentenced based on article 156a of the Criminal Code because, according to the judges, he had clearly and intentionally insulted the Muslim community, causing unrest, disturbances and insecurity among society.

In a press statement, dated 9 May 2017, LBH Jakarta has criticized this verdict. This criticism is not just based on the defence that Basuki presented, but based on criticism against article 156a of the Criminal Code, that has from early days on threatened the freedom of expression and religion, as well as the democratic life in general. Already in 2009, LBH Jakarta has submitted a request for a judicial review of article 156a. Uptill now, LBH has been consistent in defending individuals and groups of people who tend to become “victims” of this ferocious article.

There are at least seven reasons why the court has been at fault in applying this article 156a. First, article 156a is undemocratic in itself as it violates the right of people to express their opinion and thus violates the guarantee of freedom of expression as ruled by article 28E of the 1945 Constitution, the Law on Human Rights, the Law on freedom of Expression in Public, as well as the UN Covenant on Civil and Political Rights, ratified in Law 12/2005.

Second, this article is often used as a political instrument by the state and people from an intolerant majority group to criminalize the rights of minorities and individuals with a different opinion, such as Lia Eden, Abdul Rahman, Ahmad Musadeq (leader of Gafatar), HB Jassin, Arswendo Atmowiloto, Saleh, Ardi Husein, Sumardin Tapaya (a case of praying by whistling), Yusman Roy (praying in deferent languages), dan Mangapin Sibuea (leader of the doomsday sect). At this moment, Article 156a also threatens Rizieq Shihab [leader of the Front Pembela Islam]. Megawati Soekarnoputri is also known to have used this undemocratic article. In the current situation of polarization in society it is very well possible that the number of these cases will grow even more. It facilitates intolerance in society. Diversity in society should enhance the public debate, but in this way it brings irresponsible people to a situation in which they criminalize opinions.

Thirdly, article 156a was based on a law UU No 1/PNPS/1965, approved in a period that the country was in an emergency situation, when the government did not function normally because of the disagreements between the Muslim groups and the communist groups. Therefore, the application of article 156a is not relevant anymore in the current era of Reformation – an era that aims at acknowledgement and protection of human rights and democracy.

Fourthly, the analysis of article 156a is not clear. It does not fulfill the principles of “lex certa” and “lex scripta” in the legality guarantee, it is subjective in its application as it derives its criteria of what is right and what is not right from only one religion, namely the majority’s religion. This results in article 156a being contrary to the principle of legal security as ruled in article 28D/1 [of the Constitution], so that it threatens the democratic principles and the rule of law.

The fifth reason is that the court in its verdict does not apply article 156a as a material offense. And the measurement of the “mens rea” in its considerations is fabricated and fails to be proven. The court has not seen that the elements that split the Muslim

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community, cause commotion and break the unity in society, are spread by the intolerant groups that have accused Basuki and have forced him to be tried in court. The court considers just Basuki as responsible for the unrest in society. It can be said that the consideration that Basuki caused the unrest and insecurity is directed to the wrong person (error in persona).

As the sixth reason, the court has failed to apply the law in a contextual way and in coherence with earlier legal results. The court has not taken into account the Constitutional Court Decision No 84/PUU-X/2012 and the warning in the form of SKB Tiga Menteri¹ and other technicalities.

Finally, as the seventh reason, the application of the article 156a has been forced by public opinion. The analysis whether these offences included elements of disgracing a religion were not only based on analysis of those elements, but also followed the public opinion and pressure by a majority group. That intervention has influenced the independence of the judges to take a decision in line with the demands of the intolerant majority groups that said that Basuki had sinned.

The rule of law has been victimized and replaced by the rule of the masses (mobocracy). This proves that our constitutional ideals of independent jurisdiction in each legal case, has not yet been realized. In this situation the law is only an instrument for the majority to punish, to dwarf and to corner a minority and groups with different opinions.

Rotten precedent

Eventually, the verdict by the court of North Jakarta has in the case of Basuki offered a rotten precedent for other groups with a minority religion or opinion in Indonesia. Even for all Indonesians. In the interest of democracy, the government and the parliament must reconsider the offence of disgracing religion in the parliamentary debate of the review of the Criminal Code. It should repeal this undemocratic article in favour of the democratic and human rights principles and legal security in Indonesia.

¹ A Google search on this terminology results in rulings about holidays issued nearly every year by the ministries of Religion, of Work and Transmigration, and of State Apparatuses and bureaucracy Reform. We will extend our search in due time.

Solok Police Chief Removed From Post for Negligence in Persecution Case

Jakarta Globe, 04-06-2017

It did not take long for the National Police to remove West Sumatra's Solok Police chief Commr. Adj. Susmelawati Rosya from her post as she was slow in taking action over a report filed by a medical doctor in a persecution case.

Fiera Lovita, the doctor from Solok was subjected to threats and intimidation after she criticized firebrand Islamic cleric Rizieq Shihab on Facebook last month, and was forced to sign a letter of apology. She had to flee to Jakarta where she approached the Indonesian Legal Aid Foundation (YLBHI) for assistance and informed journalists about her ordeal.

"That's right, she [Susmelawati] was removed. National Police chief Gen. Tito Karnavian has ordered prosecution of all who engage in discrimination against others. Regional police chiefs who are not good enough will be removed from their posts," Insp. Gen. Arief Sulistyanto of the National Police's human resources department told Beritasatu.com on Saturday (03/06).

While the persecution case is now handled by the National Police, Commr. Adj. Dony Setiawan, who was previously serving at the National Police's Criminal Investigation Unit (Bareskrim), will head the Solok Police.

A similar persecution case is currently investigated in the capital city after members of the Islamic Defenders Front (FPI) stormed the home of Putra Mario Alvian Alexander, 15, in East Jakarta, for a social media post he made, which they considered an insult against Rizieq. This time, the police acted immediately and arrested two people charged with assaulting the teenager.

Ban on Islamic organization HTI

Jakarta Globe, 02-06-2017

The Coordinating Minister for Political, Legal and Security Affairs Wiranto announced last month the government's plan to ban Hizbut Tahrir Indonesia, or HTI, by means of having

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the hardline Islamic organization disbanded through a court order. "HTI's activities suggest that its aims, foundation and values are directly opposed to [the state ideology] Pancasila and violating Law 17 2013, which requires all mass organizations to adhere to [Pancasila]," he said, quickly adding that the move should not be interpreted that the government was "ill-disposed to Islamic organizations."

The move, however, is evidently an attempt by the government to curb radical elements within political Islam, particularly after the string of massive protests orchestrated by Islamist groups such as the Guardians of the Indonesian Ulema Council's Fatwas (GNPF-MUI), the Islamic Defenders' Front (FPI) and HTI in the wake of the criminalization of the then Jakarta Governor Basuki "Ahok" Tjahja Purnama for blasphemy against Islam. Clearly taken aback by the large turnouts in the "In Defense of Islam" rallies, the administration of President Joko "Jokowi" Widodo scrambled to mount a response.

Read the analysis by Johannes Nugroho: <http://jakartaglobe.id/opinion/johannes-nugroho-can-effective-ban-hti-enacted/>

Read also: <http://jakartaglobe.id/news/most-indonesians-are-opposed-to-islamic-state-and-hizbut-tahrir-indonesia-survey/>

Authorities allegedly seal Ahmadiyah mosque in Depok

The Jakarta Post, 04-06-2017

A week into Ramadhan, authorities of Depok city in West Java reportedly sealed on late Saturday a mosque belonging to an Ahmadiyah congregation, a minority Muslim group that has long been persecuted for its beliefs.

Ahmadiyah spokesman Yendra Budiana said in a press release that Depok Mayor Mohammad Idris and a number of police and Public Order Agency (Satpol PP) officers went to the Al-Hidayah Mosque in Sawangan, Depok to ensure the mosque had not been used for worship activities.



Public Order Agency (Satpol PP) personnel are on guard in front of Al-Hidayah Mosque on Jl Muchtar Raya in Sawangan, Depok, West Java, on Friday. The Depok administration sealed the mosque, which had been used by congregations of the minority Ahmadiyah faith. (JP/Bagas Rahadian)

"The mayor had the police confiscate the mosque's CCTV recordings to prove that there had been activity in the mosque recently," said Yendra. "The mayor also reported Depok's Ahmadiyah congregation to the police for using the mosque as a place of worship."

He said while the National Commission on Human Rights (Komnas HAM) and the National Commission on Violence Against Women (Komnas Perempuan) had urged the mayor to not restrict religious freedom, the latter insisted on fulfilling the demands of "certain groups that pressured him into forbidding Ahmadiyah followers from carrying out their worship activities in Depok". He also called on the mayor, National Police chief Gen. Tito Karnavian, relevant ministries and President Joko "Jokowi" Widodo to give more attention to the issue.

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Social-economic Rights

Review: Beyond decent work

Inside Indonesia, June 2017

A new book examines Indonesian labour struggles through the lens of international political economy theory. Indonesian wages continue to be among the lowest in the region. The term 'decent work' is generally defined as fair globalisation and poverty reduction through the promotion of competitiveness. This is achieved by improving compliance with existing labour regulations. But more radical unions in Indonesia have decided not to be part of 'decent work' schemes at all. In his book *Beyond decent work: The cultural political economy of labour struggles in Indonesia*, Felix Hauf argues that it remains questionable whether low-cost production can ever be compatible with ethical labour standards given that the Indonesian minimum wage (which is not even paid by many employers) is seldom above subsistence levels.

The term 'decent work' is generally defined as fair globalisation and poverty reduction through the promotion of competitiveness by improving compliance with existing labour regulations. Hauf's book is first and foremost concerned with whether or not 'decent work discourse' is helping Indonesian unions in their political strategies and everyday struggles for better living and working condition for workers, and if so, how.

Read the review: <http://www.insideindonesia.org/review-beyond-decent-work>

Community policing

UN Migration Agency, Netherlands Promote Human Rights, Community Policing in Indonesia's Papua, Maluku Islands

IOM, 05/12/17

<https://www.iom.int/news/un-migration-agency-netherlands-promote-human-rights-community-policing-indonesias-papua-maluku>

Indonesia - Conflict prevention and grassroots access to justice are crucial for the protection of human rights, according to Netherlands' Human Rights Ambassador, Kees van Baar, who this week visited the community policing projects in Papua and Maluku of the UN Migration Agency (IOM)'s mission in Indonesia.

"It is great to see the villages being empowered, learning about their rights, developing the tools to prevent and resolve conflicts and to find solutions by themselves, as well as their fruitful cooperation with the local police," said van Baar.

"Human rights belong to everybody; justice is justice for all. The Netherlands considers this a major priority globally. Open and constructive communication between police and the community is one strategy to ensure the protection of these rights," he added.

IOM Indonesia and the Indonesian National Police (INP) have collaborated on human rights training and community policing around the country for the past 14 years, supporting the INP's transition from a militarized force into a civil security organization.

With funding from the Dutch Embassy, IOM has trained over 5,800 front-line officers in Papua, Papua Barat and Maluku provinces in human rights protection and community communication techniques since 2013.

Community Policing Forums (CPFs) have been established in 28 villages in 12 districts, providing a platform for a variety of community stakeholders, NGOs, government and police to discuss potential and current security and social issues.

"This programme is just as much about the community as it is about the police; one of the most important objectives is to make sure the voices of people in the community are heard," said IOM Indonesia Deputy Chief of Mission, George Gigauri. "With this collaboration, conflict can be prevented and social development plans can be created, paving the way forward for a harmonious society."

Ambassador van Baar discussed the human rights situation in Papua, West Papua and Maluku with security and government officials, civil society organizations and village CPFs. Communal violence, access to justice, domestic violence, conflict prevention, and freedom of expression and of religion were among the topics raised. He also noted the use of

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community policing strategies to anticipate and defuse situations that might lead to potential human rights issues.

“Before (this programme), our community was uncomfortable communicating with the police, but now we can approach them without fear. We now have a way to make our community safer,” a woman CPF member told the delegation in Amahusu village in Maluku. At the request of the CPF, police have been disseminating information in the village about domestic violence and mechanisms in order to address it.

Papua

Writing for Rights

Elsam, June 2017

The Indonesian NGO ELSAM (Institute for Research Policy and Advocacy) has made the book *Writing for Rights: Human Rights Documentation from the Land of Papua* available for free download on their website at <http://elsam.or.id/2016/11/pembela-ham-menulis-bunga-rampai-pendokumentasian-situasi-ham-di-tanah-papua-seri-1/>

Writing for Rights is an English translation of a research compilation from Human Rights Defenders working at the grassroots level to improve the human rights situation in Papua, on the eastern edge of the Indonesian archipelago. The six contributors are all alumni of the Basic Course for Human Rights Defenders, a collaborative project between ELSAM and Peace Brigades International to build capacity among HRDs working in remote Indonesian regions dealing with natural resource conflicts. The compilation examines daily issues faced by Papuans through a human rights lens. Topics covered include the expansion of palm oil, market access for indigenous women, criminalization of protest and related issues with case studies from Sorong, Merauke and Jayapura.

Download: <http://elsam.or.id/2017/05/writing-for-rights-human-rights-documentation-from-the-land-of-papua/>

All ELSAM publications are dedicated to victims of human rights violations, in addition to being part of the effort to promote and protect human rights in Indonesia. The original

Indonesian version of the book (*Pembela HAM Menulis: Bunga Rampai Pendokumentasian HAM di Tanah Papua*) can also be accessed through the ELSAM website at <http://elsam.or.id/2016/11/pembela-ham-menulis-bunga-rampai-pendok-anasi-situasi-ham-di-tanah-papua-seri-1/>

Timor Leste

Journalists cleared of criminal defamation

Amnesty International Urgent Action Update, 02-06-2017

On 1 June, a Dili court cleared Raimundos Oki and Lourenco Vicente Martins of all charges against them. The two Timorese journalists were on trial on criminal “defamatory false information” charges filed by Timor-Leste’s Prime Minister in 2016.

Raimundos Oki and Lourenco Vicente Martins were cleared of criminal defamation on 1 June by a court in Dili, Timor-Leste’s capital. Prime Minister Rui Aia de Araujo filed criminal charges on 22 January 2016 against the two journalists for “defamatory false information” or “slandorous denunciation” under Article 285(1) of the Timor-Leste Criminal Code over a 2015 article they published about irregularities during the tendering process for a government IT project.

On 17 May, the lead prosecutor submitted the final charge sheet against the two men. The prosecutor had called for Raimundos Oki to be jailed for one year and for Lourenco Vicente Martins to be given two years ‘probation with the threat of one year imprisonment’ if he recommitted the same offence during that time.