

Weekly Update Human Rights in Indonesia – 07-08-2017

Impunity

Workshop IPT65 banned by the police

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<http://www.tribunal1965.org/siaran-pers-pembubaran-lokakarya-ipt65-oleh- aparat-kepolisian/>

As a follow-up on the awareness raising program on the Final verdict of the International People' Tribunal 1965 (IPT65), the organisation planned to have a workshop on 1 August in Klender (Eaast Jakarta), to consider measures for a complete solution with regard to the serious human rights violations of 1965-66. A few hours before the program of the workshop would start the workshop organisers were approached by security forces, among them the Head of the district police of East Jakarta, AKBP Sianturi, the local military command, the civil administration and several intelligence officers.

The organizing committee was pressured to cancel this workshop and inform the IPT65 Council that it could not be allowed to take place because it failed to have a permit. The organizers had already rented a location and usually a permit is not necessary for a meeting that is not open for the public and will reach only 20-25 persons.

Several participants who came in early were interrogated about the plan and the invitation letter. The questions were posed to them by the Head of the Intelligence unit in an intimidating manner. He said that any meeting to be held needed a permit, especially as there had been complaints. When the organizing committee asked who had been complaining to the police, he did not respond. He said that the committee did not have to know.

The attitude of the security forces, including police and armed forces and some intelligence officers was intimidating towards the civilians and the organizers. The civil administration representative, the *lurah*, had been forced to accompany them. Considering the pressure that the organizers were under, the IPT65 Council decided that the workshop would be held in the office of Lembaga Bantuan Hukum (LBH)

We consider these events as violations of the freedom of association and expression, that are human rights for every person and the constitutional rights of Indonesian nationals, carried out by the security forces in an arbitrary way.

This banning of a debate, a film screening and an art exposition or festival did not only happen this time. In the documentation of SAFEnet (<http://id.safenetvoice.org/pelanggaranekspresi>), it has documented 61 events of a ban or forced cancellation in the period from 2015 till May 2017. 80 % of those were events that had a relation with survivors of the 1965-66 tragedy or with the issue of reviving communism.

In the context of dissemination and education on the Final Verdict by the Judges of the IPT65, we know of several bans. In Ambon, on 18-19 March 2017 the organisers have been intimidated and forced to change the location to a church. In Bandung, 31 March 2017 whereas the meeting was realised with more than 100 students of the Parahyangan University, still the dean' office was approached by the police in a hostile manner. In Semarang (17 March 2017) and Surabaya (24 May 2017) the local IPT65 Council was pressurized by the campus authorities to cancel the meeting. On 19 April 2017, on the campus of the APDM Yogya the local committee was interrogated by the intelligence officers. Recently also (23 July 2017) the YPKP65 in Cirebon was harassed. (...)

Freedom of Religion

Draft Law to Ensure Rights for Religious Minorities Met With Skepticism

Jakarta Globe, 01-08-2017

The head of the Ministry of Religion's Interfaith Harmony Forum said on Monday (31/07) that the government is currently drafting a law that will guarantee the rights of religious minorities across the country. "The government [currently] only recognizes six religions, while more than four million people who follow religions outside of those six are not served by the government [...] We want to solve this problem," Ferimeldi said during an open forum on interfaith relations in Jakarta.

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The government will seek to change the status quo through the new Religious Rights Protection Bill, which is expected to be presented to the House of Representatives before the end of the year, largely because existing regulations are insufficient to allow the government to assist religious minorities.

Muslims make up 87 percent of Indonesia's population of roughly 250 million people, whereas Christians and Catholics – the government classifies both separately – make up 7 and 3 percent of the population, respectively. Other prominent religions found across the archipelago include Hinduism, Buddhism and Confucianism.

Indeed, Confucianism, practiced by many of the country's ethnic Chinese, was originally identified as an official state religion under Indonesia's first president, Soekarno, but was later removed from the Constitution under Soeharto's New Order Regime, which recognized only five religions.

After Soeharto's downfall in 1998, however, President Abdurahman Wahid, known commonly as Gus Dur, threw out a 1978 Home Affairs Ministry decision that previously wiped Confucianism off the list of official state religions.

While Java and Sumatra, two of Indonesia's most populated islands, are largely Muslim, some smaller islands are comprised mostly of religious minorities. Bali, for instance, is over 80 percent Hindu, while North Sulawesi comprises a population that is more than 60 percent Christian.

Throughout Indonesia's relatively short history, religious minorities have faced an array of discrimination and prejudice, including being the victims of pogroms and unwarranted imprisonment, most notably during the 1965 anti-Communist killings and the 1998 riots.

Febi Yonesta, chairman of refugee rights advocacy group Suaka, said discrimination against religious minorities contradicts the country's 1945 Constitution, which on paper suggests equality for all citizens regardless of religious background. "I have observed that such continuous violations [have been] caused by a lack of political will of the government [...] to find durable solutions in upholding the rights of religious minorities," Febi said, labeling this dilemma the "dark side" of Indonesian democracy. The Suaka chairman noted that religious minorities face difficulties in everyday life, even in basic things such as obtaining government-issued identity cards or birth and death certificates.

For instance, the Ahmadiyya sect, or a branch of Islam found in West Nusa Tenggara, were forced from their ancestral land in Ketapang village, West Lombok regent, in February 2006 due to their unpopular teachings, which many Sunni Muslims view as blasphemous. Many Ahmadiyya followers still do not have access to ID cards or birth certificates.

Yenny Wahid, executive director of the Jakarta-based Wahid Foundation, said present and future administrations are unlikely to rise up to the challenge of officially recognizing a religion due to "political costs." She cited the backlash that her father Gus Dur faced after re-declaring Confucianism as the sixth officially recognized religion in Indonesia.

New York-based Human Rights Watch's (HRW) senior Indonesia researcher, Andreas Harsono, referred to the bill as "nothing less than a repackaging of highly toxic regulations against religious minorities in Indonesia." Furthermore, HRW also highlighted that the draft law expands the scope of Indonesia's 1965 blasphemy law and reinforces discriminatory administrative requirements, the latter unfairly restricting construction of places of worship by religious minorities. "The government should toss out this draft law and the discriminatory regulations that it seeks to enshrine," Andreas said.

Atheists thought immoral, even by fellow atheists: Study

AFP, The Jakarta Post, 08-08-2017

A unusual social study has revealed that atheists are more easily suspected of vile deeds than Christians, Muslims, Hindus or Buddhists -- strikingly, even by fellow atheists, researchers said Monday.

This suggests that in an increasingly secular world, many -- including some atheists -- still hold the view that people will do bad things unless they fear punishment from all-seeing gods. The results of the study "show that across the world, religious belief is intuitively viewed as a necessary safeguard against the temptations of grossly immoral conduct," an international team wrote in the journal *Nature Human Behaviour*. And it revealed that "atheists are broadly perceived as potentially morally depraved and dangerous."

The study measured the attitudes of more than 3,000 people in 13 countries on five continents. They ranged from "very secular" countries such as China and the Netherlands, to countries with high numbers of believers such as the United Arab Emirates, United

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States, and India. The countries had populations that were either predominantly Buddhist, Christian, Hindu, Muslim or non-religious.

Participants were given a description of a fictional evildoer who tortured animals as a child, then grows up to become a teacher who murders and mutilates five homeless people. Half of the group were asked how likely it was that the perpetrator was a religious believer, and the other half how likely that he was an atheist.

The team found that people were about twice as likely to assume that the serial killer was an atheist. "It is striking that even atheists appear to hold the same intuitive anti-atheist bias," study co-author Will Gervais, a psychology professor at the University of Kentucky in Lexington, told AFP.

"I suspect that this stems from the prevalence of deeply entrenched pro-religious norms. Even in places that are currently quite overtly secular, people still seem to intuitively hold on to the belief that religion is a moral safeguard."

Only in Finland and New Zealand, two secular countries, did the experiment not yield conclusive evidence of anti-atheist prejudice, said the team.

Distrust of atheists was "very strong in the most highly religious states like the United States, United Arab Emirates and India," said Gervais, and lower in more secular countries. Such research was about more than stigma alone, he added. "In many places, atheism can be dangerous, if not fatal." In a comment carried by the journal, Adam Cohen and Jordan Moon of the Arizona State University's psychology department, said the study marked "an important advance in explaining the prevalence of anti-atheist attitudes."

Death penalty

Government should immediately establish moratorium after maladministration surrounding execution: Amnesty et al.

Public Statement, 03-08-2017

The undersigned organizations, Amnesty International, ICJR (Institute for Criminal Justice Reform), KontraS (Commission for the Disappeared and Victims of Violence) and LBH Masyarakat (Community Legal Aid Institute), urge the government of Indonesia to establish an official moratorium on all executions and review all death penalty cases with a view to the commutation of their sentences as immediate first steps towards abolition of the death penalty. The call follows the publication of the findings by the Ombudsman of Indonesia, confirming violations of legal procedures in the case of a prisoner executed in July 2016.

On 28 July 2017 the Indonesian Ombudsman concluded that the Attorney General had conducted the execution of Nigerian national Humphrey "Jeff" Jefferson Ejike in violation of Indonesia's legal procedure. The Ombudsman's decision was announced almost a year after Humphrey was executed on 29 July 2016 in Nusakambangan Island, Central Java, along with other three prisoners. All men had been convicted of and sentenced to death drug-related offenses, which do not meet the threshold of the "most serious crimes" to which the ultimate punishment must be restricted to, pending abolition, under the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party.

Amnesty International, ICJR (Institute for Criminal Justice Reform), KontraS (Commission for the Disappeared and Victims of Violence) and LBH Masyarakat (Community Legal Aid Institute) believe that the Ombudsman's decision echoes the organizations' findings documented in many other death penalty cases, which point to systemic flaws in the administration of justice in Indonesia. These include serious violations of the right to a fair trial and of other international safeguards that must be observed in all death penalty cases. We regret that the findings come a year too late, as the irrevocable punishment of the death penalty has already been implemented on Humphrey "Jeff" Jefferson Ejike. .

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The Ombudsman declared that the Attorney General should have not executed Humphrey “Jeff” Jefferson Ejike because his clemency request was still pending. The Attorney General should have followed the Constitutional Court decision delivered on 15 June 2016 that allowed any convicted person to request clemency beyond up to a year after the final decision being made by the Indonesia’s court. Further, the Ombudsman also declared that the Central Jakarta District Court there was an element of “discrimination” by not submitting Jeff’s case review request –the last available appeal in criminal cases– to the Supreme Court, while they submitted the appeals for case review by other death row prisoners to the Court.

Research findings by the National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia, Komnas HAM) and additional research carried out by Amnesty International, ICJR (Institute for Criminal Justice Reform) showed that defendants facing the death penalty did not have access to legal counsel at crucial stages of the process, whether from the time of arrest or at different stages of their trial and appeals. In some cases the police ill-treated them to make them “confess” to the crimes or countersign police investigation dossiers used as evidence in court. Several prisoners were brought before a judge for the first time only when their trials began, months after their arrest. Some of them did not receive legal assistance when appealing against their conviction or sentence, or did not even submit an appeal application because they were not informed by their lawyers of their right to do so.

In some cases in 2015 and 2016 executions went ahead despite the courts having accepted prisoners’ applications to submit appeals, which had not yet been heard by the courts. Despite the clear prohibition under international law on the use of the death penalty against persons who were below 18 years of age at the time of the offence, or who have a mental or intellectual disability, our organizations documented that claims which two prisoners made in relation to being under 18 and mental disability were not adequately investigated, resulting in the unlawful imposition of the death penalty and, in one of these cases, execution. The death penalty also continues to be used extensively for drug-related offences.

As of today, 105 countries have fully abolished capital punishment from their legislation and 141 in total—more than two-thirds of the world’s countries—have abolished the death penalty in law or in practice. In the Asia-Pacific region, 20 countries have abolished

the death penalty for all crimes and a further seven are abolitionist in practice, following the abolition of the death penalty in Fiji and Nauru in 2015 and 2016, respectively, and in Mongolia last July. By continuing to resort to the death penalty, the government of Indonesia is setting the country against the global and regional trend towards abolition of the ultimate, cruel and degrading punishment.

The organizations above renew their calls on the country’s highest authorities to immediately review all death sentences with a view to their commutation, and to establish a moratorium on the implementation of the death penalty, as essential first steps towards its abolition.

Political developments

The Hanura Party will support Jokowi for a second term

Kompas, 05-08-2017



The chairperson of the Hanura Party, Oesman Sapta Odang (right) with the Chief of Staff of the armed forces, general Gatot Nurmantyo (left).

Although a number of political parties have expressed their support for Jokowi in a second term as president (2019-2024), he himself has not yet decided about his candidacy. The Hanura Party held its congress last week (04-08-2017) in Bali. During the opening session Oesman Sapta Odang stated that the Hanura Party will back up a second candidacy of Joko Widodo.

At the same occasion, the leader of the army, Gatot Nurmyanto held a speech on the current and future conditions and challenges of Indonesia.

Earlier, the Golkar Party, the Nasdem, the Party of Justice and Unity (PKS) and the Party for Development and Unity (PPP) expressed support for Jokowi's next candidacy.

In response to the support by the Hanura Party, Jokowi said that he was not in a hurry to make up his mind. For him the support by any institution or individual is welcome. And the effectiveness of his administration, he added, does not only depend on the number of supporting political parties, but also on the political interaction and the unity in vision, and opinions, so that good and quick measures can be taken and implemented. (...)

I don't have face of a dictator: Jokowi

The Jakarta Post, 08-08-2017

Responding to criticism that many of his recent policies had an authoritarian bent, President Joko "Jokowi" Widodo has said that he has no predisposition to turn into an autocrat.

"Many people have called me authoritarian, but do I have the face of a dictator?" Jokowi said, which was greeted with chuckles by participants of the national pencak silak tournament in Lubang Buaya, East Jakarta, as quoted by tempo.co. Jokowi opened the tournament on Tuesday morning.

Jokowi was responding to criticism of his recent decision to issue a presidential regulation in lieu of law (Perppu) on the disbandment of mass organizations that failed to adhere to state ideology Pancasila.

Following the issuance of the Perppu, the Law and Human Rights Ministry revoked the license of the Islamist organization Hizbut Tahrir Indonesia (HTI).

Together with a number of Islamist organizations, the HTI has challenged the decision by filing a complaint with the Constitutional Court.