

## Freedom of Religion

### **Ahok Not Guilty of Blasphemy: Expert Witness**

The Jakarta Globe, 07-04-2014

Ahmad Ishomuddin, the deputy chairman of the edict commission at the Indonesian Ulema Council, or MUI, said during his testimony in court on Tuesday (04/04) that Jakarta Governor Basuki "Ahok" Tjahaja Purnama was not guilty of blasphemy. According to the cleric, Ahok never intended to insult the Koran or Islam when he referred to a verse in the Muslim holy book during a speech on Pramuka Island last year.

Ishomuddin pointed out that the governor made the comment as an aside while he was explaining a fish breeding program in the area. "Ahok has no intention to insult Islam, the ulemas or their followers. He's a smart person and respects pluralism," he added. Though Ishomuddin is a senior figure at MUI, he admitted that the institution might have rushed into conclusion when it issued an edict that accuses the governor of insulting Islam. "[The edict] was issued in a rush. We did not watch the entire 1 hour and 48 minutes of video footage. We made our judgment after seeing the edited version," he said.

"In the full video, Ahok never mentioned the word 'ulema.' He said 'people' [who misuse the Koranic verse]," the cleric added. Following his testimony at Ahok's trial, rumors swirled that MUI may expel Ishomuddin from the ulema council. MUI Chairman Ma'ruf Amin said Ishomuddin is only going to be demoted to a regular member.

### **AGO agrees with suggestion to postpone Ahok's trial until runoff**

The Jakarta Post, 08-04-2017

Attorney General HM Prasetyo said on Friday he agreed with the Jakarta Police's suggestion to the North Jakarta District Court to postpone the hearing of Jakarta Governor Basuki "Ahok" Tjahaja Purnama's blasphemy trial until after the election runoff.

"I can accept and justify what has been expected and suggested by the police, which aims to reschedule the hearing as the runoff draws closer," Prasetyo said on Friday as quoted by kompas.com.

According to the initial schedule, prosecutors are expected to deliver a sentence to Ahok on April 11. The defendant is scheduled to read out his defense statement on April 17, two days before the runoff.

The police through their letter to the court suggested the postponement given security concerns in the capital ahead of the runoff.

The police and military personnel will have to begin focusing their attention on security during the election, Jakarta Police chief Insp. Gen. M. Iriawan said.

In addition to requesting that the court postpone Ahok's hearing, Iriawan also informed the court that the police would postpone their interrogation of Ahok's gubernatorial rivals, Anies Baswedan and Sandiaga Uno, who had also been reported to the police for several alleged violations.

Prasetyo said the suggestion by the police to postpone the trial was reasonable. "All of the suggestions can be understood because we don't want something bad to happen," he said.

### **Police Hand Over Buni Yani Case Dossier to Prosecutors**

The Jakarta Globe, 10-04-2017

Jakarta Police on Monday (10/04) handed over the case file against Buni Yani — the man who initially uploaded a video of a speech by Jakarta Governor Basuki "Ahok" Tjahaja Purnama on Facebook and triggered the blasphemy allegations against him — to the Depok Prosecutors Office in West Java.

Buni, a former university lecturer, is accused of having uploaded a heavily edited video of a speech Ahok made on Pramuka Island in Jakarta's Thousand Islands district last year, in which the governor said nobody should manipulate verses from the Koran for political gain.

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Jakarta Police spokesman Chief Comr. Argo Yuwono said police have transferred Buni's case file — including evidence against him — to the Depok Prosecutors Office for the court trial. "We also handed over the suspect to the prosecutors," Argo told reporters at the Jakarta Police headquarters in South Jakarta.

Buni underwent a medical check-up at a police hospital before being transferred to the prosecutors, Argo added. Buni's lawyer Aldwin Rahardian said his client will co-operate with all legal processes demanded by the prosecutors. It remains unclear whether or not the prosecutors will choose to detain Buni.

Investigators from the Jakarta Police's cybercrime unit named Buni a suspect on Nov. 23 for allegedly inciting public controversy involving race, religion, ethnicity and group affiliation. Buni faces a six-year prison term or a Rp 1 billion (\$75,000) fine if found guilty of having violated the Electronic Transaction and Information Law.

## Social-economic Rights

### **Indonesia rejects European Union's accusation**

Kompas, 08-04-2017

Indonesia has rejected an accusation by the European parliament that links the palm oil sector to human rights, corruption and socio-cultural issues. The Indonesian minister for Environment and Forestry, Siti Nurbaya has lodged a serious protest against this.

The issue started with the report by the European Parliament "Report on Palm Oil and Deforestation of Rainforests"<sup>1</sup>, and was linked to a resolution that was discussed in Brussels on 4 April. The resolution is of a non-binding character and will be submitted to the European Council for further measures. "The report is nonsense. It is without any grounds and ignores the many progressive efforts that have been carried out by the Indonesian government", said Siti Nurbaya in her hotel in Finland, last Friday.

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<sup>1</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0066+0+DOC+XML+V0//EN&language=en> ; in para AA, footnote 8, the report refers, among others, to the report by Amnesty International, "The Palm Oil Scandal" of november 2016.

The report mentions specifically the Indonesian palm oil sector in connection with, among others, corruption, child labour, violations of human rights and neglect of traditional rights of the population. "For Indonesia the issue of palm oil is a sensitive one. In connection with the environment and forestry, I have to respond", said the minister.

The palm oil industry is among the big sectors that are responsible for the farmers' basic needs. It includes 11.6 millions of hectares and 41 % of it is managed by small farmers. About 16 million farmers and workers are involved.

Siti Nurbaya considered the negative implications in the resolution as an insult for Indonesia. "We cannot accept this. The accusation is shameful and not relevant," she said.

Under the leadership of President Joko Widodo, Indonesia applies a management policy of sustainable palm oil. It makes an effort to improve the way of management of the forest and the lands; among others by a moratorium for new permits for peat lands and primary forest, and by the implementation of the Governmental Regulation No. 57 /2016 on the protection and management of peat lands ecosystems.

The strengthening of the Indonesian Sustainable Palm Oil (ISPO) is an effective means for the government to get inputs from the general public, such as the Sistem Verifikasi Legalitas Kayu (SVLK, Verification System of Wood Legality) that is of the same level as the Lisensi FLEGT (Penegakan Hukum, Pemerintahan, dan Perdagangan bidang Kehutanan; Law Enforcement, Administration and Trade in the area of forestry), that is set up by the European Union.

In connection with the traditional rights of the population, according to Siti Nurbaya, the Indonesian government has recognized the concept of traditional forest. Up till now, President Widodo has given 13,000 hectares of traditional forests to nine traditional communities.

Interviewed separately, the chairman of the Gabungan Pengusaha Kelapa Sawit Indonesia (Federation of Indonesian Palm Oil Entrepreneurs) Joko Supriyono, said that the European Union also suggests that the palm oil is one of the causes of deforestation. "We have laws and regulations for the conversion of forest areas into space that can be used for agriculture and other basic needs, including making palm oil plantations," he said.

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However, the European Union considers that as deforestation (with a negative eye), although it has been carried out according to the law. As regards illegal palm oil plantations, he said that there were 800,000 hectares, all in Central Kalimantan.

The opening of the forest to plant palm oil plantations has been carried out based on a permit from the Planning Agency (now called the Direktorat Jenderal Planologi Kehutanan dan Tata Lingkungan KLHK) till 2003. In 2006, this policy has been discontinued but some logging procedure has used the former policies. kebijakan ini dicabut namun di lapangan telanjur terjadi pembukaan lahan.

An activist of the Foundation Madani Berkelanjutan<sup>2</sup> (Manusia dan Alam in Sustainable Indonesia), M. Teguh Surya, considers the European Parliament report as a signal that the Indonesian government fails to convince the commercial stakeholders of the commitments necessary in the palm oil plantations management. These include the protection of the forests and peatlands, zero deforestation, no corruption, child labour, human rights violations and neglect of traditional populations' rights. "Although the government give attention to sustainable development, still many policies are on contradiction with the protection of the environment and the recognition of peoples' rights," he said. Also he expressed the hope that the Indonesian government would not seek the confrontation on the report of the European Parliament. "The government can not walk this road alone", he said.

### Indonesia calls EU's ruling on palm oil 'discriminatory'

The Jakarta Post, 10-04-2017

Jakarta has denounced the European Parliament's recent ruling on palm oil and deforestation that it considers to be damaging to the country's biofuel exports.

The Foreign Ministry said the European Parliament's Resolution on Palm Oil and Deforestation of Rainforests, which was passed in Strasbourg on April 4, was a discriminatory act as it contradicts the European Union's position of being a champion of open, free and fair trade.

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<sup>2</sup> <http://madaniberkelanjutan.id/about-madani-berkelanjutan/>

"The European Parliament's resolution was based on inaccurate and unaccountable data on development related to palm oil and forestry management in palm oil producing countries, including Indonesia," the ministry said in a statement.

It argued that oil palm plantations did not make a significant impact on global deforestation, citing studies by the European Commission in 2013 that said from a total of 239 ha of land which underwent deforestation globally in a 20 year period, 58 million ha was for livestock grazing, 13 million ha for soy cultivation and 6 million ha for palm oil production, meaning palm oil only contributed to 2.5 percent of the total deforestation.

Indonesia is now the world's largest palm oil producer supplying more than 26 million tons of palm oil-based products to global markets annually. The EU has been one of the largest importers, taking up to 15 percent of Indonesian exports.

The palm oil industry has also been subject to criticism for its irresponsible business practices, having been embroiled in land conflicts with residents and causing deforestation and haze.

Read also: <http://www.thejakartapost.com/academia/2017/03/24/editorial-eu-policy-unjustifiable.html>

### Third Floating Hospital to Help Indonesians on Remote Islands

The Jakarta Globe, 09-04-2017

Indonesia, with more than 17,000 islands, is the biggest archipelago country in the world. It is also rich in biodiversity and cultures, which give pride to all citizens. Many of the islands, however, are very difficult to access. They often lack in modern infrastructure and health care facilities. This has prompted a surgeon, Dr. Lie Dharmawan, to set up DoctorShare, a non-profit foundation aiming to help Indonesians on remote islands.

Soon after he established DoctorShare, Lie realized that a floating hospital would be the best solution. In 2012, he sold his own house and bought the foundation's first ship. Each year, the ship visits about 10 islands to help the sick and train health practitioners on the spot. Lie's tireless dedication earned him the "Kick Andy Heroes" award in 2014.

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"My father was so touched when he saw Dr. Lie's story on TV [on 'Kick Andy' program] that he asked me to find him," Julia Windasari Tan, business review and development manager of shipping company Multi Agung Sarana Ananda (MASA) told the Jakarta Globe on Thursday (06/04).

Julia's father, who owns the company, decided to give one of his barges to Dr. Lie to have it transformed into another floating hospital. "When Dr. Lie saw me coming with the blueprint of the barge, he immediately got up and pointed to one spot on the map of Indonesia. He said 'here, Julia, is where I want to put the barge,'" Julia recalled.

Dr. Lie was pointing to Maluku Islands. Maluku, dubbed a "thousand isles" province, consists of 1,450 islands — many of which do not even have basic medical facilities.

The province has a high maternal mortality rate, with 199 deaths per 100,000 live births, and high neonatal mortality rate — nine deaths per 1,000 live births. "You would see many severely malnourished toddlers there, skeleton-thin with distended abdomens," said Dr. Marselina Mieke, secretary general of DoctorShare. It will take a lot of effort and resources to convert the barge into a hospital. "We need around Rp 10 billion (\$750,000) to transform the barge into a floating hospital and to buy the necessary medical equipment," Julia said.

The barge is going to become DoctorShare's third hospital. Besides its first Rumah Sakit Apung (Floating Hospital, RSA) Dr. Lie Dharmawan, the foundation also operates RSA Nusa Waluya I. The 45 meter x 20 meter barge, RSA Nusa Waluya II, will become a three-story hospital with clinics, emergency room, operating rooms, maternity wards, laboratories and intensive care units.

More than 250 Indonesian doctors affiliated with the foundation take turns in serving at its hospitals. "We've been raising funds [for the third hospital] since 2016. We've already collected more than 65 percent of what is needed," Julia said.

To cover the remaining 35 percent, DoctorShare, in collaboration with Lions Club International District 307-A1, will hold a charity dinner and art auction at The Dharmawangsa Hotel in Jakarta, on April 18, during which award-winning pianist Ananda Sukarlan will give a recital on a Blüthner grand piano.

The auction will see five paintings by top artists Andy Dewantoro, Christine Ay Tjoe, Entang Wiharso, Oky Rey Montha and Sintia Tantra. "We've chosen these famous artists, so that people should be more inclined to buy the works," said Inge Santoso, owner of CAN's Gallery, which represents the painters. During the event, guests can also adopt a room in the floating hospital to be named after them. Tickets for the dinner are sold for Rp 2.5 million and Rp 5 million. About half of them, 100, have already been sold. "If the concert and auction are successful, they should cover all the remaining costs. We're already in the renovation process. If all goes well, the floating hospital should be ready within the next four months," Julia said.

In the first year, the new hospital is going to serve about 150,000 patients in 85 islands of the Western Southeast Maluku, and train more than 400 health practitioners in the area. All health services at the floating hospitals are free of charge.

### Land Rights

#### **Land acknowledgment crucial to prevent human rights violations**

The Jakarta Post, 08-04-2017

Experts have warned that vibrant economic development in Southeast Asia has potential to trigger human rights violations, especially when the state fails to acknowledge the rights of people over land.

Civil societies could prevent rights violations by guarding development in their respective areas, they further say.

Norwegian Center for Human Rights adviser Aksel Tømte said potential for human rights violations began to open when the state handed over parts of its responsibilities on rights protection to corporations or business entities. He referred to the Voluntary Guidelines on Responsible Governance on Tenure (VGGT), which had been acknowledged as one of international guidelines on people's rights over land but was not considered a legal instrument because it was voluntary in nature.

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“This guideline has proposed companies to carry out a social impact analysis and to create a social complaint mechanism. But there is a problem here. Not all people agree that state functions, which are crucial, should be handed over to or controlled by companies.

This is because the companies represent the interests of stakeholders, which could be different from the interests of the people,” said Tømte during the opening of Moot Court Competition’s final stage in Bandung, West Java, on Friday.

Tømte further explained that many legal problems between corporations and the people were related to unresolved land ownership status.

This often happened in oil palm plantation schemes, in which companies gave indigenous people who did not have land certificates rights over the land, or often called plasma farmers. “They are prone to lose their rights over the land,” said Tømte.

### **Supreme Court decides in favour of publication of data on landusers’ rights**

Kompas, 10-04-2017

The Supreme Court has decided to allow for the publication of data on landusers’ rights (hak guna usaha, HGU), notwithstanding the objections of the Ministry for Agriculture. With this decision the government is obliged to make available all information on landusers’ rights, except for what has been indicated as ‘confidential’. In the plantation sector this public information may improve the communities’ participation to report on illegal plantation activities. And this helps the government to fight deforestation and supports those entrepreneurs who work according to existing regulations.

The Decision of the Supreme Court, No. 121 K/TUN/2017 was read by Judges Yulius, Yosran, and Irfan Fachruddin on 16 March 2017. It has now been published on the Supreme Court’s website.

The HGU data were up till now only made available in the context of a judicial investigation. The claimant in this public information case, Linda Rosalina, Campaign and Policy Intervention Manager of Forest Watch Indonesia welcomed the Supreme Court’s Decision that is in the interest of the people. It supports the earlier decision of the Central

Information Committee (Komisi Informasi Pusat dan Pengadilan Tata Usaha Negara) with regard to the Ministry of Agriculture’s obligation to make this information available. “We hope that the Ministry will comply with this decision and open up the files on HGU in the palm oil plantation sector”, she said.

The Chairman of the Department for landuse issues of the Indonesian Federation of Palm Oil Entrepreneurs, Eddy Martono, said that as long as the policy “One Map” is not yet finished, this decision may cause a lot of unrest and hamper the investment opportunities.

### **Terror and counter-terrorism**

#### **Three JAD-affiliated terror suspects arrested in East Java**

The Jakarta Post, 08-04-2017

The National Police’s counterterrorism squad, Densus 88, arrested three terror suspects allegedly affiliated with home-grown extremist group Jamaah Anshar Daulah in Lamongan, East Java, on Friday.

“They had planned to attack the Brondong police sub-precinct office in Lamongan,” the police’s spokesperson, Sr. Comr. Martinus Sitompul, told journalists in Jakarta.

The police identified the trio as Zaenal Anshori, 42, Zaenal Hasan, 36, and Adi Bramadinata, 20, all of whom allegedly belong to a cell lead by Suryadi Mas’ud alias Abu Ridho, who was arrested in Bekasi, West Java, on March 23.

Martinus said terror convict Aman Abdurrahman, the former leader of JAD, an Islamic State-affiliated network, had chosen Zaenal Anshori as the group’s leader. Aman is now serving time in Nusakambangan Prison.

Anshori, who underwent military training in southern Philippines, once purchased five guns there, two of which were used in the terror attack on Jl. Thamrin in Central Jakarta in January 2016, Martinus said.

Anshori was also identified as one of the JAD members who helped initiate the construction of a military-style training ground in Halmahera, North Maluku, he went on.

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Martinus said the police however, had to further investigate the specific roles of the three terror suspects in the organization.

## **Six Suspected Islamic State Militants Shot Dead in East Java's Tuban**

The Jakarta Globe, Reuters, 08-04-2017

Six suspected members of an Islamic militant group were shot dead in Tuban district, East Java, on Saturday (08/04), after a drive-by shooting targeting police officers.

After a police chase, the suspected terrorists abandoned their vehicle in Suwalan, Jenu subdistrict, and attempted to flee into a plantation where they were all killed in a second gun battle, East Java Police spokesman Sr. Comr. Frans Barung Mangera said. "By around 5 p.m. we had immobilized all of them," Mangera said, confirming that all six had died during the incident. A box of 9 mm bullets was found in their vehicle, he said.

Police were monitoring the vehicle prior to the attack, in connection with Friday's arrest of three suspected members of the group, Jemaah Anshorut Daulah (JAD), who were allegedly planning an attack on a police station and had bought M16 machine guns from the southern Philippines. "We tried to stop that vehicle, but it didn't," Mangera said, adding that those in the vehicle "took out weapons and shot at officers."

Indonesia has had some major successes tackling militancy, but there has been a resurgence of Islamist activity in recent years, some of it linked to the rise of Islamic State. The most serious incident last year was in January when four suicide bombers and gunmen attacked a shopping area in central Jakarta.

JAD is an umbrella organization on a US State Department "terrorist" list that is estimated to have drawn hundreds of Islamic State sympathizers in Indonesia.

Recent attacks by Islamic State sympathizers have mostly been poorly organized, but authorities believe about 400 Indonesians have left to join the militant group in Syria, and some could pose a more deadly threat if they came home.

## Political developments

### **President Chooses Saldi Isra to Replace Patrialis Akbar at Constitutional Court**

The Jakarta Globe, 08-04-2017

President Joko "Jokowi" Widodo has chosen Andalas University's law expert Saldi Isra to fill the post left vacant at the Constitutional Court by disgraced judge Patrialis Akbar. Saldi was among the shortlisted candidates, including Bernard Tanya of Nusa Cendana University and former director general of law at the Human Rights Ministry Wicipto Setiadi. The government has yet to make an official announcement.

"I asked the State Secretariat about the selection and they said the president had chosen Saldi," head of the government's selection team, Harjono, said on Saturday (08/04). He added the State Secretariat also told him the inauguration ceremony will be held on Tuesday.

The Constitutional Court is one of highest state institutions in the country, which has the power to review any law that contravenes the Constitution. It also resolves electoral disputes and conflicts between other state institutions.

The president, the House of Representatives and the Supreme Court each appoint three judges to the Constitutional Court for a five-year period.

Saldi will replace Patrialis, who was chosen by former President Susilo Bambang Yudhoyono in 2013. Patrialis was discharged in January after the Corruption Eradication Commission (KPK) arrested him in a sting operation. He allegedly received nearly \$160,000 in bribes to help a third party with a judicial review of a law on animal farming and health.

The Constitutional Court has been marred by bribery scandals in recent years. Akil Mochtar, its former chairman, was sentenced to life in prison in 2015, in another unrelated bribery case.