

Freedom of Religion

Attorney General Withdraws Appeal in Ahok Blasphemy Case

Jakarta Globe, 07-06-2017

The Attorney General has withdrawn an appeal regarding a two years' sentence for former Jakarta Governor Basuki "Ahok" Tjahaja Purnama in a blasphemy case. "The withdrawal was sent on Tuesday (06/06) afternoon," state prosecutor Ali Mukartono said in Jakarta on Thursday, as quoted by state news agency Antara. The appeal was made to find out why the North Jakarta District Court sentenced Ahok to two years in prison, while the prosecution only demanded two years of probation.

On May 23, Veronica Tan, Ahok's wife, read her husband's letter explaining his decision not to appeal the sentence. Flanked by her husband's lawyers, Veronica burst in tears telling reporters her husband decided not to challenge the court's decision.

Background to the prosecutor's appeal (Jakarta Globe, 24-05-2017): Prosecutors recommended last month that Ahok be charged under Article 156 instead of Article 156a for blasphemy. The prosecution also recommended that if he were to be convicted, a probation term of two years with a possible one-year prison term would be appropriate.

They submitted their appeal to the North Jakarta District Court just days after the blasphemy verdict, which also ordered the immediate detention of Ahok, who is currently held in the police's Mobile Brigade headquarters in Depok, West Java.

A legal expert welcomed the prosecution's decision to file an appeal. "The prosecution is filing an appeal on the grounds that the sentence is manifestly excessive," Mika Vaswani, a former public prosecutor at the Attorney-General's Chambers of Singapore said. "There is a misconception that the prosecution's goal is to seek the harshest possible sentence – but that is not true. The prosecution has a duty to seek a sentence that is just and proportional to the crime committed," Vaswani said. Vaswani also said that this a step in the right direction, proving that the prosecution is prepared to stay impartial in the interests of justice.

"The very fact that the prosecution has decided to appeal the sentence is a positive sign, restoring faith and credibility in the criminal justice system in Indonesia," she said. "The decision to appeal the sentence, whether it be manifestly inadequate or excessive would apply whether or not the convicted person is a governor or a layman," she added. "For a criminal justice system to evolve, decisions must be challenged and judges must be held accountable and all parties must be prepared to justify their decisions reached with a higher authority," Vaswani said.

Pancasila Working Unit established

Kompas, 31-05-2017

President Joko Widodo will establish a Presidential working Unit on the development of the Pancasila Ideology. The Presidential decree (Peraturan Presiden Nomor 54 Tahun 2017) that is the legal basis of this unit was signed by the President on 19 May 2017 and enacted on 23 May.

The Coordinating Minister for Political, Legal and Security Affairs, Wiranto, has affirmed that the Presidential decree (Perpres) on a Presidential Working Unit for the Ideology Development of the Pancasila (UKP-PIP) has been signed by the President. The concretization and organisation will be realized immediately.

A copy of the Presidential Decree (Perpres No 54/2017) that Kompas has received the decree consists of 9 chapters and 41 articles. Article 3 mentions the working unit that will support the President in analyzing the direction of the general policy for development of the Pancasila ideology and to implement coordination, synchronization and steering the development of the Pancasila ideology in an overall and sustainable way.

Yudi Latif who has been appointed head of this unit stressed that the unit is different from the Badan Pembinaan Pendidikan Pelaksanaan Pedoman Penghayatan dan Pengamalan Pancasila (BP7) that was established in the Orde Baru (Soeharto) period. According to him the BP7 was focused on the Pancasila values by the spreading via the Pedoman Penghayatan dan Pengamalan Pancasila (P4).

Whereas the UKP-PIP has as its task to coordinate, steer and straighten out the lessons from Pancasila in schools. When the Ministries of Education and Culture (P&K) and of

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Research, Technology and Higher Education will resume giving lessons in the Pancasila principles, the unit will help them develop the reading material and, the educational methods. The unit, he continued, will enrich the communities in society to let the Pancasila values grow. Volunteers from different communities will socialize the interest of the application of Pancasila values in the life of people and state.

The unit will receive guidance from a Steering Council with members like: former President RI Megawati Soekarnoputri as chair, Ketua Umum Parisada Hindu Dharma Indonesia Wisnu Bawa Tenaya, as secretary, former vice President Try Sutrisno, former President of the Supreme Court M Mahfud MD, general chair of the Nahdlatul Ulama Said Aqil Siroj, general chair of the Majelis Ulama Indonesia KH Ma'ruf Amin, former chair of the board of Muhammadiyah A Syafii Maarif, former chair of the Council of Churches Persekutuan Gereja-gereja di Indonesia Andreas A Yewangoe, and former chair of the Majelis Buddhayana Indonesia Sudhamek AWS.

For some background and an interview with Syafii Maarif in Bahasa Indonesia: <http://nasional.kompas.com/read/2017/06/07/15231641/syafii.maarif.kerja.ukp-pip.berat>.

Indigenous Peoples' Rights

Compromises must be made in the quest for indigeneity among the Dayak Meratus

Inside Indonesia, 09-06-2017 by Jazak Akbar Hidayat

Setting foot in the Kiyu forest in South Kalimantan, visitors are greeted by a sign at the entrance: 'Welcome to the territory of the Kiyu customary forest under Constitutional Court Decree No. 35/PUU-X/2012'. The sign also declares, 'THIS IS OUR CUSTOMARY FOREST, NOT STATE FOREST.'

Located deep in the Meratus Mountains, the Balai Kiyu is an example of a traditional community successfully engaged in activism – with help from the nation-wide indigenous movement led by AMAN (Indigenous Peoples' Alliance of the Archipelago). The sign

mentioning the decree is a powerful symbol of their involvement in the modern legal discourse of indigeneity.

A closer look at the dynamics of activism, however, shows that the relationship has been give-and-take. The struggle for rights has led the Balai Kiyu, one of many Balai communities in the area, to adjust some of their own concepts – such as that of customary territory – to better fit with the dominant legal discourse, in the hope of acknowledgement. Though the struggle for indigenous autonomy provides many benefits, it risks submerging traditional identity in national and global discourses of indigeneity.

Activism among the Balai communities has its roots in the efforts of the Aliansi Meratus (Meratus Alliance) in 1999, when they opposed the provincial government's plan to grant a concession to a Korean timber company. This concession would have forced indigenous villages to engage in a land swap. An area of 46,270 hectares of protected forest in the district of Hulu Sungai Tengah (HST) was to become a limited production forest under PT. Kodeco Timber, according to a decree by the Minister of Forestry.

The Balai communities engaged in a series of protests. To support the struggle, several local NGOs and university Nature Clubs invited their broader networks of NGOs to form an alliance. A meeting of more than 30 NGOs, as well as the Balai communities, was held in November 1999 to formulate strategies. The series of actions taken by the alliance from 1999 to 2001 resulted in the HST government preserving the existing district spatial plan. The proposed concession area remained protected forest, where any industrial activity is prohibited. The company was forced to halt its development plans, due to the conflict of policies between district and national levels.

Succeeding in preventing the concession, the alliance had accomplished its goal. Though the alliance was subsequently disbanded, the case had taught both NGO activists and the Balai communities about the importance of having a recognised, and respected, identity.

Read the whole article: http://www.insideindonesia.org/comes-with-the-territory?utm_source=All+Subscribers&utm_campaign=ef4a700698-EMAIL_CAMPAIGN_2017_03_01&utm_medium=email&utm_term=0_32cd77f926-ef4a700698-295518369

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Political Developments

Jokowi should not intervene in House inquiry into KPK: Lawmaker

The Jakarta Post, 12-06-2017

A lawmaker has called on President Joko "Jokowi" Widodo not to interfere with the House of Representatives' plan to launch an inquiry against the Corruption Eradication Commission (KPK), arguing that such a move may break the existing separation of power between the executive and legislative branch.



Several people from the Save KPK Coalition wearing superhero costumes stage a rally to show support for the Corruption Eradication Commission (KPK) during Car Free Day in Jakarta on Sunday, April 16. (Antara/Akbar Nugroho Gumay)

The statement was made by lawmaker Taufiqulhadi, a deputy head of the House's special committee (Pansus) overseeing the inquiry, who was responding to KPK chairman Agus Rahardjo's criticism of the pansus inquiry.

Agus has recently said he would ask Jokowi to take action in the brouhaha and back the KPK.

"Encouraging the President to intervene [in the case] is the same as sending the President to go head-to-head with the House. It's not good and will destroy Indonesia's multi-party presidential system in the long run," Taufiqulhadi said on Monday as quoted by tribunnews.com.

He added that encouraging the President to intervene was irresponsible, then assured the inquiry would be conducted in a transparent manner.

However, Jokowi and the State Palace continue to remain tight-lipped over the issue.

Terrorism and counter-terrorism

Activists, Experts Urge Lesser Role for Military in Fighting Terror Amid New Legislation

Jakarta Globe, 11-06-2017

Activists and experts have urged the government to immediately draw up a separate bill on military assistance instead of pressing ahead with the current revision to the existing antiterror law, which would grant a greater role for the military in countering terrorism.

Revisions to the bill have sparked concerns since late last year over the fate of the country's criminal justice system, but protests have mounted after the government strengthened the revision earlier this month after a terror attack in East Jakarta, which killed three police officers.

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A greater role for the Indonesian Military (TNI) means soldiers can be involved in countering terrorism not as a form of assistance to police officers, but rather as conducting separate operations without police guidance or oversight.

That also means soldiers can be involved in countering terrorism without a state decree, thus the counterterrorism role of the military will no longer be considered provisional.

This is opposed to a 2004 law stipulating the powers of TNI, which grants the military a role in counterterrorism operations based on a joint decree signed by lawmakers and the government.

Human rights activists and security experts said this should immediately be regulated further, citing the issuance of a law on military assistance as "more ideal and important" than seeking a greater role for the military by revising the 2003 antiterrorism law.

"It is to elaborate on how far and under what conditions the military can assist the police in dealing with security threats, including terrorism," said a joint statement issued on Friday (09/06) by a group of more than 100 activists and experts.

Soldiers have occasionally assisted police in countering terrorism, the most notable of which is an ongoing joint operation against a terror group based in the jungles of Central Sulawesi's Poso. TNI's role in that operation was based on a presidential instruction.

"The military assistance should not be partially and improperly regulated in the revisions to the antiterrorism law," Friday's statement said. Activists and experts, however, are not fully opposed to the bill.

Renewed calls for the immediate passing of the antiterrorism bill followed last month's Islamic State-linked suicide bomb attack at the Kampung Melayu bus station in East Jakarta. That attack was the biggest since January last year, when four people were killed in an Islamic State-linked bomb and gun attack in Central Jakarta that prompted the government to move to revise the existing antiterrorism law.

International relations

Amnesty International, NU Encourages the Public Not to Buy Israeli Settlement Products

Jakarta Globe, 08-06-2017

Amnesty International and Nahdlatul Ulama, Indonesia's largest Muslim organization, have called for the end of human rights violations in Palestine in light of the Israeli government's 50-year occupation of the territory.

"Over the last 50 years, Israel has uprooted thousands of Palestinians from their land, which they in turn occupied and created settlements reserved for Israeli citizens," said Rumadi, head of Nahdlatul Ulama's (NU) research unit Lakpesdam, in Jakarta on Wednesday (07/06).

Meanwhile, Amnesty International's Indonesia country director, Usman Hamid, urged the international community to ban imported goods from Israeli-occupied lands in Palestine.

"One of the highlights of this campaign is our insistence that the international community take steps to ban all imported goods produced from illegally occupied territories on Palestinian land," Usman said. The country director also said the struggle to stop human rights abuses in Palestine should continue unabated to create better living standards for Palestinians. "This campaign is aimed to give voice to civilians who have suffered human rights violations in Palestine [...] many of them have become refugees in their own territory."

In order for Indonesia to contribute greater support to the Palestinian cause, Usman said, the Southeast Asian country needs to play a greater role in global political affairs. "Indonesia needs to assert itself on the global political map." Usman also urged other countries and private businesses to sever ties with Israeli companies who manufacture goods on Palestinian land.

Makarim Wibisono, a former United Nations special monitor for human rights abuses in Palestine, said businesses must be thorough in determining if products they trade for are

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made on occupied territory. "They maneuver by changing brands of products," Makarim said. "If we get together and put economic pressure on Israel, hopefully it will have an impact."

Amnesty International Indonesia called on the government to stop enabling the Israeli violation of Palestinian territory by signing an [online petition](#) to ban goods manufactured on occupied land.

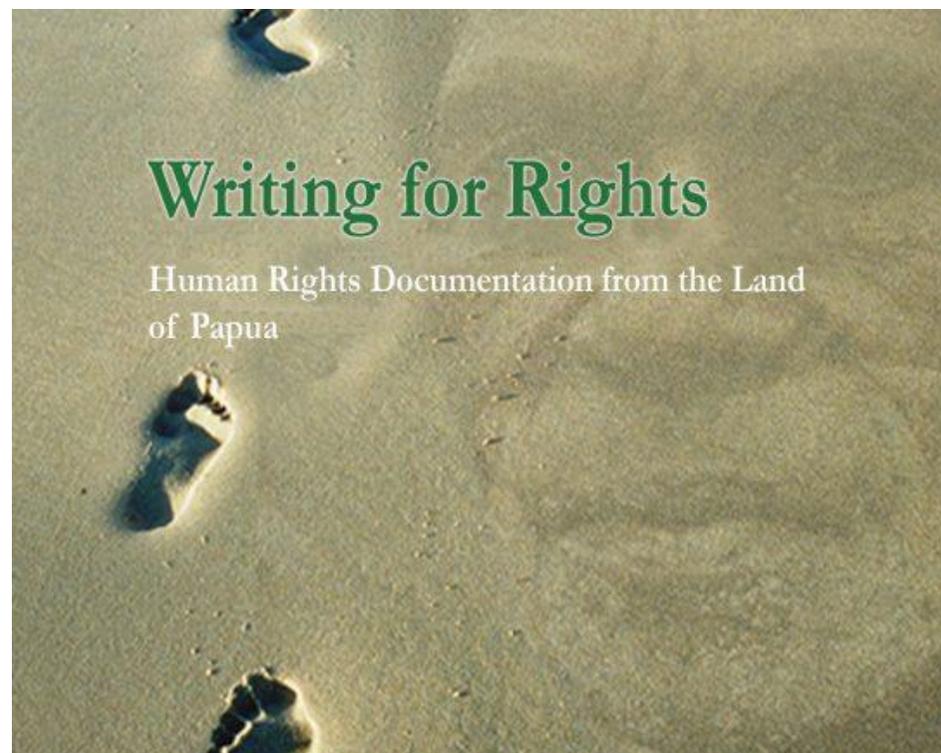
Papua

Writing for Rights

Elsam, 26-05-2017

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.



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/>

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