

Impunity

Indonesia: 28 years later, Talangsari victims are still being denied justice

Amnesty International Public Statement, 07-02-2017

On 7 February, as thousands of victims and victims' families from Talangsari, Lampung mark the 28th anniversary of the serious human rights violations against them and are still demanding justice, Amnesty International is extremely concerned that the Indonesian government is attempting to resolve this and seven other cases solely through the establishment of a non-judicial mechanism. The organization calls on the Indonesia government to ensure that victims and their families receive truth, justice and reparation for the violations they have suffered. The government's repeated failure to ensure that perpetrators are held to account fuels a climate of impunity in Indonesia.

On 7 February 1989 military personnel launched attacks in Cihideung village, Talangsari, Lampung province against a peaceful Islamic community - Jemaah Warsidi – who were accused by the then Indonesian military government of wanting to set up an Islamic state in the country.

Nearly two decades later a judicial inquiry carried out by the National Human Rights Commission (Komnas HAM) found, in July 2008, that at least 130 men, women and children had been unlawfully killed by military personnel, at least 53 people were arbitrarily detained and subjected to torture or other ill-treatment and at least 77 people were forcibly evicted from their village. The inquiry concluded that the Talangsari incident met the definition of "gross human rights violations" defined under Law No. 26/2000 on Human Rights Court and submitted the inquiry report to the Attorney General Office for prosecution before an ad hoc Human Rights Court. However no progress has been reported.

When President Joko Widodo came into power in 2014, hopes were raised that this case along with other cases of "gross violations of human rights" would be addressed by the courts. However their hopes were dashed when his administration including the Attorney

General proposed to 'resolve' all past serious human rights violations through a non-judicial mechanism, particularly through a 'reconciliation committee' – the mandate of which has yet to be fully explained. Amnesty International, national NGOs and victims are concerned that this process may prioritize reconciliation to the detriment of truth and justice.

Amnesty International does not oppose the establishment of the reconciliation committee, providing that it respects the rights of those engaged in the process. However, this mechanism alone cannot effectively fulfil Indonesia's obligations under international law to ensure justice, truth and full reparation to victims.

The crimes committed in Talangsari must be thoroughly, independently and impartially investigated and, if sufficient admissible evidence exists, those suspected should be prosecuted in fair trials, without recourse to the death penalty. Furthermore, it could weaken public confidence that the authorities are serious about addressing the wider culture of impunity in Indonesia and send the wrong message that such acts can be committed without facing any consequences.

The seven cases of "gross violations of human rights", that are proposed by the Indonesia government to be resolved by the reconciliation committee, have been investigated by the National Human Rights Commission under Law No. 26/2000, but have not been fully investigated by the Attorney General's Office or brought to court. These cases include the purge against the alleged communist members and supporters in 1965-1966, the mysterious shootings of alleged criminals in the 1980s, the 1989 Talangsari Lampung killings, the enforced disappearance of anti-Suharto activists in 1997-1998, the Trisakti University shootings, the Semanggi I and II shootings in 1998 and 1999, human rights violations in Wasior in 2001 and Wamena in 2003, both in Papua.

Human rights groups have also been sceptical of the government's commitment to address past human rights violations following the appointment by President Widodo in July 2016 of Wiranto as the new Coordinating Minister for Politics, Legal and Security Affairs. Wiranto was indicted for crimes against humanity by the UN-sponsored tribunal in Timor-Leste in February 2003 and named as a suspect in the inquiry initiated in 1999 by the National Commission on Human Rights (Komnas HAM) for "gross violation of human

Weekly Update Human Rights in Indonesia – 13-02-2017

rights” surrounding the 1999 referendum in East Timor. However, he has never been charged in Indonesia.

Elections 2017

General information

Indonesians will go to the polls on Wednesday, Feb. 15, to elect regional heads in more than 100 provinces, cities, and districts, with the contest for the powerful post of Jakarta governor turning into one of the more divisive political battles in the country's democratic era. The race to lead the city of more than 10 million is being fought by three powerful candidates whose rivalry has triggered mass protests and stirred religious and political tensions in the world's third-largest democracy.

Candidates in the Jakarta election:

Basuki "Ahok" Tjahaja Purnama

The incumbent governor took over running Jakarta in 2014 when his then boss, Joko "Jokowi" Widodo, won the presidency. Ahok, 50, is the city's first ethnic Chinese and Christian leader. He was accused of insulting the Holy Koran in a speech on Pramuka Island, an event which triggered radical Islamic groups to gather their forces against the former East Belitung district head.

Ahok has denied wrongdoing, but is on trial for blasphemy in a case which is proving to be a test of religious freedom in the Muslim-majority country. Some say the case is politically motivated to bring down the popular governor. Ahok is backed by the country's ruling party, the Indonesian Democratic Party of Struggle (PDI-P). Ahok's popular policies include a commitment to tackling chronic flooding and traffic gridlocks in the city and improving and cleaning up the bureaucracy.

Agus Yudhoyono

Agus is the oldest son of former president Susilo Bambang Yudhoyono and retired from the military at 38 to run for the governorship. He is backed by the Democratic Party, in

which his father is a chairman, and a number of Islamic parties. In his campaign Agus has been promising to improve the lives of Jakarta's poor with cash handouts to low-income families.

Anies Baswedan

Anies, 47, was the former education minister in President Jokowi's government.

He is supported by Gerindra, a party headed by Jokowi's rival in the 2014 presidential election, former military strongman Prabowo Subianto. Anies's campaign has focused on improving public education and combating the rising costs of living in the capital.

Voting process in Jakarta

Voting will take place on Feb. 15. Official results are expected to be announced on March 8-10. If no candidate achieves a majority in the first round, a runoff is expected in May between the two candidates securing the most votes. Defeated candidates can dispute the results in the Constitutional Court.

What happens if Ahok is convicted of blasphemy

If incumbent governor Ahok wins the Jakarta election but is convicted of blasphemy, he is legally allowed to assume office as long as the appeal process is ongoing.

By the numbers

7.1 million people are registered to vote in Jakarta. Outside Jakarta: Elections will be held for governors, mayors and district heads in 101 regions throughout the country. Seven provinces, including Jakarta, will choose a governor and there will be 18 city elections and 76 district elections.