

Impunity

Indonesians must forget the past: Retired general

The Jakarta Post, 02-06-2016

In the wake of a public outcry to resolve past human rights abuse cases, retired Army general Kiki Syahnakri has said Indonesians must learn to move on as nothing good comes from opening old wounds.

Kiki compared the 1965 tragedy with the 1948 Madiun affair, a failed armed insurrection by the now-defunct Indonesian Communist Party (PKI). "In 1948, the victims were Muslims and Indonesian soldiers. But, we, the current generation of Muslims and the military never discuss the past ferocity of PKI," he said during the national symposium titled "Protecting Pancasila from Threats of PKI and Other Ideologies" in Jakarta on Wednesday.

Hence, Kiki questioned 1965 survivors and victims' whom have called on the government to apologize for violating their human rights. "That is so wrong," he said, "As what this country needs is to forget the past and look forward to the future". "We don't need to open old wounds".

The kidnapping and murder of six Army generals on Sept. 30, 1965, led to the purge of PKI members, sympathizers and their families, resulting in the deaths of hundreds of thousands across the country.

The two-day national symposium, held in April, titled "Dissecting the 1965 Tragedy", brought forth recommendations for the government to resolve the 1965 case. The symposium brought together victims and families of the 1965 communist purge, human rights activists, academics and state officials.

However, several retired Army generals were displeased by the event and organized a counter symposium on Wednesday and Thursday, involving a few hundred retired officers and several mass organizations. "I have heard that President Joko Widodo will officially say sorry to [1965 survivors] on Independence Day [observed on Aug. 17]," said retired Army

general Kivlan Zein during the second day of the symposium in Jakarta on Thursday. "We can't let that happen," he added.

Meanwhile, Haryono, spokesman of Lembaga Perjuangan Rehabilitasi Korban Orde Baru, an NGO working for the rehabilitation of New Order regime victims, said during the April symposium that it was important for the government to apologize. "We don't want to re-raise communism in Indonesia. We just ask the President to engage in reconciliation," said Haryono.

Furthermore, Kiki also said that the latest symposium might recommend the government to gather those two opposing sides in order to find an ideal resolution.

See also: <http://www.bbc.com/news/world-asia-36432147>

A brief look at the theories of Soeharto's role in the 1965 tragedy

The Jakarta Post, 09-06-2016, by Anton Hermansyah

The mapping out of the political powers involved in the aborted coup of 1965 remains unclear to this day, with historians yet to reach consensus on what forces were behind the incident.

Many historical accounts have linked Soeharto's place in the political power structure with the successful military operations he launched against the now-defunct Indonesian Communist Party (PKI), accused of being responsible for the coup.

Among the theories are those that suggest Soeharto knew of, if not masterminded, the coup plan, given his difficult relationship with the generals killed in the incident. One question that the public has yet to find an answer to is whether Soeharto was fully aware of the operation that would be launched on Sept.30, 1965, but let it happen due to his disagreement with the Army generals murdered in the incident.

"The mapping of political powers remains an unfinished task for historians because it is unclear whether Soeharto really hated the generals as has been widely reported," historian Yosef M.Djakababa told thejakartapost.com in a recent interview.

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He further explained that the speculation began from a report revealing that Soeharto was accused of being involved in budget appropriations when he was the head of the Diponegoro Military Area Command IV (Kodam) in Semarang, Central Java, in 1946.

“Following the case, he [Soeharto] was reassigned to a military school in Bandung, West Java, but he was not demoted,” Yosef said.

The case is recorded in a book containing the testimonies of Maj. Gen. Pranoto Reksosamodra, which was first published in 2014 by Kompas with the title *Catatan Jenderal Pranoto: Dari RTM Boedi Oetomo sampai Nirbaya* (The Diary of General Pranoto: From Boedi Oetomo Military Detention House to Nirbaya).

It was Col. Pranoto replacing Colonel Soeharto as Kodam IV Diponegoro commander that gave way to an audit team led by Brig.Gen.Soengkono to investigate the accusations. It later found evidence suggesting Soeharto’s involvement in illegal businesses, including a clove-trading monopoly sponsored by a cigarette factory owners association.

Although his rank was not downgraded, Soeharto’s military career was delayed and he was passed by younger cadets such as Ahmad Yani, who later became the army commander and one of the seven generals killed in the aborted left-wing coup in 1965.

After that, Soeharto was placed at the Army Strategic and Reserve Command (Kostrad), a military unit that was not deemed to be strategic. At that time, Kostrad was known as the Army General Reserve Corps (CADUAD).

“Don’t think that Kostrad at that time was a large, strategic military unit as it is now. Kostrad was a reserve corps. Although CADUAD commander was considered a high-ranking position, it was not an important corps. This was why for Soeharto, this position was a humiliation for him,” said Yosef.

The historian further explained that CADUAD’s less-than-strategic position could be seen from the fact that it was the Army Paratrooper Command (RPKAD) that had staged the operations to free several strategic posts controlled by the PKI, such as the state-run broadcaster Radio Republic Indonesia (RRI), Halim Perdanakusuma Airport and the Merdeka field, although during the vacuum of leadership after the generals were killed, as the CADUAD commander, it was Soeharto who should have taken the lead.

“As CADUAD had no troops at that time, it was the Red Beret command, or RPKAD, that was summoned for the operations to free the strategic posts,” said Yosef.

The historian explained Soeharto had become desperate after the revelation of his alleged involvement in budget appropriations at Kodam IV Diponegoro. He was even about to deliver his resignation letter to army commander Gen.Abdul Haris Nasution, but the letter was held back by Soedjono Hoemardani, then administration division head at Kodam IV Diponegoro.

Soedjono later became the private assistant of President Soeharto. He was also the founder of the Centre for Strategic and International Studies (CSIS), which was widely known as the Soeharto administration’s think-tank.

“In Jusuf Wanandi’s book *Shades of Grey*, it is mentioned that it was Soedjono who held back Soeharto’s resignation letter. Soedjono, as is widely known by the public, was a practitioner of *kejawan* (Javanese mystical beliefs). Jusuf revealed that Soedjono foresaw that Soeharto would become a big man in the future. This was why the letter was never handed over to the army commander [Nasution],” Yosef said.

Jusuf Wanandi was an anti-communist student activist, who was also the co-founder of CSIS.

Yosef said there were too many speculations about Soeharto’s role in the failed coup attempt that remained a mystery, such as whether Soeharto knew in advance that the PKI would launch the military operation. “It was strange that Soeharto was not included on the list of targeted generals because he was also a high-ranking military commander,” he said.

Yosef further cited a report saying Col. Abdoel Latief [leader of the Sept. 30 operation] met Soeharto at a military hospital, where the latter’s youngest son, Hutomo “Tommy” Mandala Putra, was being treated for injuries from hot soup spills. Latief then allegedly told Soeharto: “The troops to kidnap the generals are ready.”

“That is based on Col. Latief’s testimony. It was also mentioned by Ibu Sukma (the late former president Sukarno’s daughter Sukmawati Sukarnoputri) during the [1965 reconciliation] symposium,” said Yosef, referring to the 1965 tragedy symposium held in April.

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"There are two versions of Soeharto's reply to Latief's report. In the first, he mentioned he already knew about the military operation plan. In the second version, he merely nodded. Unfortunately, nobody witnessed Col. Latief's visit to the military hospital," Yosef said.

The historian added that it was hard to confirm the truth of the meeting between Latief and Soeharto before the Sept. 30 coup as there was no third party that witnessed the meeting. When Soeharto was asked to confirm that the meeting had taken place, he replied: "He (Latief) actually came to kill me".

"It is clear that at that time the military was divided into so many factions and according a lot of the literature, Soeharto was not in the circle of the generals but his relationship with the PKI has remained a mystery," said Yosef.

"The only comment I can offer is that Soeharto was really smart in using the situation. He was a really brilliant military strategist, when the enemy launched a maneuver, he countered it with a better maneuver," Josef said in closing.

Freedom of Religion

MINORITY RELIGIOUS LEADERS DETAINED AND CHARGED

Amnesty International Urgent Action, 27-05-2016

Three followers of the 'Millah Abraham' religious belief are being detained by the Indonesian national police. They have all been charged with blasphemy and treason, merely for peacefully manifesting their right to freedom of thought, conscience and religion, and must be immediately and unconditionally released.

The three detainees are the former leaders of the forcibly disbanded religious minority group known as Gafatar (the Fajar Nusantara Movement). The group practiced the 'Millah Abraham' belief system – which intermixes the religious teachings of Islam, Christianity and Judaism. Ahmad Mushaddeq, Andry Cahya and Mahful Muis Tumanurung were arrested and detained on 25 May by the Criminal Investigation Unit of the Indonesian National Police, they have all been charged with blasphemy under Article 156a of the Indonesia's Criminal Code and treason (or *makar*) under Articles 107 and 110 of the Criminal Code.

On 29 February the Attorney General, the Minister of Home affairs, and the Ministers of Religious affairs issued the Joint Ministerial Decree (No. 93/2016). This piece of legislation, which directly violates Indonesia's international obligations to protect freedom of religion, forbids 'Millah Abraham' and considers it to be blasphemous, branding its followers as heretics.

Followers of the Millah Abraham and former members of the Gafatar community have previously faced attacks and imprisonment solely because of their religious beliefs. In January 2016 a mob attacked and set alight nine houses belonging to members of the community in Menpawah District, West Kalimantan. After the attacks at least 2,000 members of the community were forcibly moved by the local security forces to temporary shelters in Kubu Raya District and Pontianak City, West Kalimantan, and then transferred to several locations on Java Island without prior consultation.

To take action, see <https://www.amnesty.org/en/documents/ASA21/4135/2016/en/>

Social-economic Rights

Review: Palm oil and patronage

Inside Indonesia, May 2016, by Patrick Anderson

Using fire to clear forests for plantations is illegal in Indonesia, but the practice is widespread and perpetrators have almost always escaped punishment. Helena Varkkey's book uses a political economy lens to explore the palm oil sector in Indonesia and associated transboundary haze, and finds that regional influences and patronage politics lie at the heart of the industry's rapid expansion and the failed attempts to reduce the haze from forests burnt to establish oil palm plantations.

The Haze Problem in Southeast Asia: Palm Oil and Patronage is a valuable addition to efforts to explore the failure of Indonesia and ASEAN to address forest fires and related haze. Simply put, the billionaires that now own the biggest oil palm companies have been able to use their influence to stop effective policies and enforcement, while hiring former and current government officials into nominal roles, to facilitate their access to development licenses.

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Plantation industries have been responsible for 80 per cent of the transboundary haze in recent years. Tens of millions of people in Southeast Asia are affected on an annual basis. In late 2015, fuelled by El Nino, peat fires raged for months with the smoke affecting more than 40 million people. As well as the health costs from the haze, the oil palm industry and its patronage networks have damaged local economies, destroyed millions of hectares of forests and weakened the rule of law.

Varkkey examines the similarities in patronage politics in Singapore, Malaysia and Indonesia. She explores how this shared approach to doing business and politics, helped Singaporean and Malaysian companies to expand in Indonesia, where they now own half of the oil palm sector. At the same time, despite large public outcry about the haze problem, ASEAN's principle of non-interference in national government policies has meant that Indonesia has faced little pressure from its neighbours to stop generating transboundary haze.

Read the whole article: <http://www.insideindonesia.org/review-palm-oil-and-patronage>

Transboundary haze

Inside Indonesia, June 2016, by Helena Varkkey

At a public forum held in Kuala Lumpur recently to discuss my book, *The Haze Problem in Southeast Asia: Palm Oil and Patronage*, one audience member made an interesting observation. He said that the haze was a blessing in disguise, as it shone light on other related issues that may otherwise have escaped regional attention.

What he meant by that statement was that the Indonesian fires produce haze that travels across national boundaries and affect up to six Southeast Asian countries with differing levels of severity. This is the transboundary effect of the fires, and has caused increased awareness and concern in various countries beyond Indonesian shores. He opined that, if the haze was confined to Indonesian borders, awareness of the issue and other problems related to the fires that were not transboundary in nature may not have garnered much interest outside the country.

Read the full blog: <http://www.insideindonesia.org/transboundary-haze>

Law enforcement

Indonesia: Forced chemical castration is a degrading punishment

AMNESTY INTERNATIONAL PUBLIC STATEMENT, 27 May 2016

Index: ASA 21/4128/2015

Indonesia must immediately repeal recent amendments to the child protection law that imposes a punishment of forced chemical castration on those convicted of sexual violence against children in aggravated circumstances. The organization considers that by adopting these amendments the Indonesian government is undermining the basic right to physical and mental integrity, in particular the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The regulation also extends the scope of the death penalty, contrary to international standards, to apply to some crimes of sexual violence against children.

On 25 May President Joko Widodo issued Government Regulation in Lieu of Law (Perppu) No.1/2016 which amended Law No. 23/2002 on the Protection of Children following several high-profile cases of rape of children and subsequent calls by politicians for harsher punishments for those who commit sexual offences against children.

Article 81 of the regulation imposes forced chemical castration as an additional punishment for “anyone who commits violence or threatens violence to force a child - person below 18 years - to have intercourse with him or with another person that causes: more than one victim, serious injury, mental disorder, infectious diseases, the loss or malfunction of the reproductive organs and/or death of the victim”.

According to the regulation chemical castration will be carried out against the offender for a period of up to two years after the convict has undergone his prison term. Offenders below the age of 18 are not subject to this punishment.

Forced chemical castration violates the international law prohibition on torture and other cruel, inhuman or degrading treatment which is set out in the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party.

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So-called chemical castration - that is, drug or hormone treatment to suppress sex drive - may be carried out as a medical treatment on an individual who has given informed consent, on the basis of an assessment by medical professionals regarding its suitability and likely effectiveness for the individual concerned. Imposing it by law without informed consent as a punitive measure would be a cruel, inhuman and degrading punishment. Moreover it would require doctors or other health professionals to carry out the measure outside the framework of clinical judgment and professional ethics.

The Presidential Regulation No. 1/2016 also widens the scope of the death penalty by imposing it as punishment for sexual violence against children in aggravating circumstances defined under Article 81. The expansion of the scope of the death penalty is contrary to international standards on the death penalty and, as noted by the UN Human Rights Committee, "raises questions as to the compatibility with article 6 of the International Covenant on Civil and Political Rights", which protects the right to life.

Amnesty International opposes the death penalty in all circumstances and believes that there is no credible evidence that the death penalty deters crime more effectively than a prison term.

While this introduction by the government of so-called "chemical castration" and the death penalty may have the aim of showing "toughness" in response to cases of sexual violence against children, Amnesty International believes it is a "quick fix" measure which deflects attention from more complex legal and policy reforms that the government must bring about to tackle sexual violence more effectively. Amnesty International opposes crimes of sexual violence, including against children, and urges governments to take all appropriate steps to bring an end to such violence.

New spy agency shows ministry's lack of coordination: Setara

The Jakarta Post, 10-06-2016

The Defense Ministry's plan to establish its own intelligence agency reflects its lack of willingness to coordinate with the country's existing intelligence bodies, rights group Setara Institute claimed on Friday.

Setara Institute chairman Hendaradi said the Defense Ministry actually could benefit from intelligence units within the Indonesian Military (TNI) or coordinate with the National

Intelligence Agency (BIN) to gain the information it needed. However, they were somewhat reluctant to coordinate with each other, he added.

"It seems each [of the institutions] wants to show off its institutional superiority instead of coordinating with each other for the sake of the nation and state," Hendaradi said in a statement in Jakarta on Friday.

Hendaradi said that with its plan to create a new spy agency, the Defense Ministry was neglecting several items on the strategic defense agenda it should improve, including the management of military businesses and human resources and the reform of military courts.

The plan also contradicted the 2004 Indonesian Military Law and the 2002 Defense Law, which mandated defense and military reforms, Hendaradi added.

Earlier, Defense Minister Ryamizard Ryacudu announced his plan to establish an intelligence body under the Defense Ministry that aimed to dig deeper for information for the sake of the country's defense interests.

Indonesian Courts in 'Emergency Situation', President Urged to Deal with Corrupt Judges

Global Indonesian Voices, 30-05-2016

Jakarta, GIVnews.com – President Joko 'Jokowi' Widodo is being urged to tackle and eradicate corruption at Indonesia's court system by issuing a presidential regulation.

There is a growing call that the President issue a government regulation in lieu of law (Perppu), targeting to discipline court judges and other court officials.

The demands follow recent arrests of allegedly corrupt judges at various court houses around the country. In the past two months, there is a growing number of cases involving judges and other court officials, including at the Supreme Court (MA). Officials were charged with taking bribes.

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Last Wednesday (25/5), the Corruption Eradication Commission (KPK) arrested two district court judges in Bengkulu in southern Sumatra, in latest sting operation involving allegedly corrupt cases.

Even before the arrest in Bengkulu, some noted analysts had publicly aired concerns, citing that the country's court and justice system is now in an "emergency situation".

The arrested court official had reportedly compromised court verdicts, an action popularly called in Indonesia as 'dagang perkara', referring to 'case trading'. Many court officials were caught red-handed by KPK personnel while receiving bribe money, often in the amount that raised many eyebrows.

Court corruption

It is public knowledge that corrupt practices are commonly found in the Indonesian justice system over the past decades. This is despite the law reforms that have been introduced by the government since early 1980s. But until today, the resulting effect of these law reforms is not yet felt.

Accordingly, they called on the President to immediately restore the situation, otherwise public trust in the country's court system will drastically decline.

One of them comes from former Constitutional Court (MK) chairman Prof. Mahfud MD, who was also the campaign team leader Prabowo Subianto, Jokowi's competitor, during the 2014 Presidential Election.

On the issue, Mahfud MD said that it is high time for President Jokowi to issue a Perppu to salvage the country's judiciary system. He mentioned the Supreme Court as the institution that requires special handling. Mahfud MD is also a professor in state administration law, served as MK chairman in the 2008-2011 period and was a MK judge from 2008 to 2013.

Mahmud's statements had sparked others to also air the same demand. "The condition of the Indonesian judiciary system now requires an overhaul," Supreme Court (MA) judge Gayus Lumbuun told Detik.com on Sunday (29/5).

In fact, the outspoken Gayus Lumbuun had publicly said the same thing in television talk shows and on several other occasions. Like Mahfud MD, Gayus Lumbuun is also professor

of state administration law and once owned a law firm. He also served as a House member. "The Perppu must contain patterns for judge promotions," Gayus Lumbuun said.

Meanwhile, the KPK has prosecuted dozens of judges in the past five years. Other court officials also arrested or prosecuted included court secretaries and section heads. Still, the anti-corruption body agreed that the arrest cases are just at the tip of the iceberg.

The court officials were from the Supreme Court (Jakarta) and from the district courts and high courts in Jakarta and in other provinces including South Sumatra, West Java, Semarang, East Java, Central Sulawesi, West Kalimantan, North Sumatra, Aceh, and West Sumatra.

The ball is in President Jokowi's court now. Will he issue Perppu to salvage Indonesia's court and judiciary system?

<http://www.globalindonesianvoices.com/26381/indonesian-courts-in-emergency-situation-president-urged-to-deal-with-corrupt-judges/>)

Papua

REBUILDING AFTER COMMUNAL VIOLENCE: LESSONS FROM TOLIKARA, PAPUA

IPAC, 13 June 2016

Next month will mark the first anniversary of an outbreak of communal violence in Tolikara, a remote district of the Papuan central highlands, that involved indigenous Christians, Muslim migrants and poorly trained security forces. As the Jokowi government attempts to formulate a strategy toward Papua, it could usefully study the Tolikara case – or even use it as a topic for dialogue with Papuan civil society – because it reveals how many overlapping problems are involved in one incident. It also shows how leftover grievances from the 2015 outbreak are likely to add to the potential for violence as Tolikara gears up for local elections next year.

Rebuilding after Communal Violence: Lessons from Tolikara, Papua, the latest report from the Institute for Policy Analysis of Conflict (IPAC), provides a detailed analysis of the

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violence and the government response. The immediate cause of the outbreak was a decision of the locally dominant church, known as GIDI, to ban Muslim prayers celebrating the end of the fasting month on the grounds that they might disturb an international revival meeting that was taking place nearby. When prayers went ahead, GIDI youth threw rocks at the worshippers and police fired warning shots to stop them. Within a few hours, Papuans had torched some 60 mostly Muslim-owned shophouses, the local mosque had burned down, and unidentified gunmen had killed one Papuan teenager and injured eleven others. Two Papuans were arrested as provocateurs in a deeply flawed investigation, but neither the arsonists nor the shooters were ever identified. “It may be tempting to see the Tolikara violence as the inevitable result of indigenous Papuan resentment toward migrants, but that’s far too simplistic and lets too many people off the hook,” says Sidney Jones, IPAC director.

The central government stepped in quickly to assist the displaced, only to face criticism from Papuan leaders for being quicker to aid migrants than to respond to violence against Papuans. Muslim leaders berated the government for failing uphold freedom of religion. A hastily arranged reconciliation meeting papered over grievances and left both sides unhappy.

Questions that this case raises going forward include:

- How can any reconciliation endure without being based on a thorough understanding of the facts and a commitment to justice?
- How can a special task force within the police be established to ensure more professional investigations in remote areas?
- How can the incentive structure within the police be changed to attract the brightest and most motivated young officers to places like Tolikara?
- What steps can the central government take to discourage local officials from endorsing activities that promote religious intolerance?
- How do elected Papuan officials solve the conundrum of wanting to reduce dependence on migrants while encouraging their influx through creating more districts and subdistricts?

“The anniversary of the Tolikara incident should be a time for reflection on what might have been done differently and how future conflict can be avoided,” says Jones.

Read the full report:

http://file.understandingconflict.org/file/2016/06/IPAC_Report_29.pdf

Poor prison conditions for Papua activist

Amnesty International Urgent Action, 23-05-2016

A Papuan political activist arrested on 5 April as a result of his peaceful political activities has been suffering from chest pain and frequent headaches due to poor detention conditions. The activist has been charged with “rebellion” (makar) and could face up to life imprisonment.

Steven Itlay, a Papuan political activist, has been denied access to adequate medical treatment and has been granted only limited access to meet with his family and lawyer by the Mimika Baru Sector Police (Polsek). He is suffering from chest pain and frequent headaches since being detained in a room without good air circulation and lack of natural light. The Mimika Baru Police limit his meetings with his family to only 10 minutes, their conversations are supervised and they are stopped from speaking their local dialect. Further, Steven receives only two meals a day of either rice or instant noodles.

On 5 April Mimika Resort Police arrested Steven Itlay and 14 other Papuan political activists for participating in a joint prayer, gathering in the backyard of the GKII Jemaat Gologota Church in Utikini village, Kuala Kencana district, Papua province. The gathering was to support the United Liberation Movement for West Papua (ULMWP), a peaceful Papuan pro-independence umbrella group, to be accepted as a member of the Melanesian Spearhead Group (MSG), a sub-Pacific intergovernmental organization. The police released 13 of the activists without any charges over the following two days. Steven Itlay has been charged with “rebellion” under Article 106 of the Indonesian Criminal Code (KUHP), and could face up to life imprisonment. Another activist, Jus Wenda, has been charged with maltreatment against the Head of Mimika Resort Police Force under Article 351(1) of the Criminal Code. Jus Wenda, who denies committing this violent act, could face up to 32 months’ imprisonment.

Steven Itlay and Jus Wenda are both being detained at the Mimika Baru Sector Police Headquarters in Mimika district, Papua province.