

Impunity

Sueing the Attorney-General's Office?

Kompas, 12-03-2016



A delegation of relatives of victims, Maria Katarina Sumarsih (left), the mother of Norman Irawan alias Wawan, who was killed in the Semanggi Tragedy (1998), and the head of the impunity monitoring division of human rights organisation KontraS, Feri Kusuma (centre) submit the file of their claim that the Attorney-General has failed to investigate the serious human rights violations, to the Chairperson of the "Prosecution Commission"¹, Sumarno (right) at the office of the Commission in Jakarta, last Friday (11-03-2016). The Attorney-General is

¹ The Prosecution Commission (Komisi Kejaksaan) is aiming at overseeing the Attorney-General's performance.

being sued for not realising any investigation into seven files of serious human rights violations.

Indonesia rights body urges Obama to open secret US files

The Jakarta Post, 11-03-2016

The Indonesia that Barack Obama lived in as a child bore fresh scars from the darkest period in country's modern history. Shortly before Obama's arrival in 1967, hundreds of thousands of people had been killed in a bloody anti-communist purge. Now Indonesian human rights officials want Obama's help in addressing unanswered questions about the bloodshed 50 years ago. They are requesting the declassification of secret US files that could shed light on how the killings were planned and the extent that the United States collaborated with Indonesia's military.

Despite nearly two decades of civilian rule, the prevailing account in Indonesia of those events remains the one planted by the military regime that swept to power after the killings, led by the dictator Suharto who ruled for 30 years. Indonesian text books portray it as a national uprising against a communist threat, and gloss over the deaths. Joko Widodo, the first directly elected Indonesian president without links to Suharto, ran as a reformer who would look into episodes of military impunity, but since taking office in 2014, he has not pressed the issue due to opposition within his own government and the still-powerful military.

Indonesia's National Human Rights Commission in 2012 reported there was evidence that crimes against humanity were committed during the 1965-1966 crackdown, but the attorney general took no action. Commissioner Muhammad Nurkhoiron met this week with State Department officials and has made a formal request to Obama that says the release of files from the CIA, the Defense Intelligence Agency and other agencies will help in "encouraging the Indonesian

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government to redouble its own efforts to establish the truth" and promote reconciliation. "We need the US to immediately release those documents to help our efforts," Nurkhoiron said in an interview. He said when Obama leaves office early next year, momentum for US action could be lost.

Myles Caggins, a National Security Council spokesman, said it will review the commission's request. He said the administration supports the declassification of any relevant documents from the period which do not pose a national security risk. The US has already released many documents related to the period, but has withheld others.

The killings began in October 1965 shortly after an apparent abortive coup in which six right-wing generals were murdered. Suharto, an unknown major general at the time, filled the power vacuum and blamed the assassinations on Indonesia's Communist Party, which was then the largest outside the Soviet Union and China, with some 3 million members. No conclusive proof of communist involvement in the coup has been produced. In his 1995 best-selling memoir, "Dreams From My Father," Obama recounted how his mother, who had moved them to Jakarta after marrying an Indonesian, learned about the recent killings through "innuendo, half-whispered asides." In words that still ring true, Obama wrote: "The death toll was anybody's guess: a few hundred thousand, maybe; half a million." At that time, the Vietnam War was intensifying, and Washington's fears of communist takeovers in Southeast Asia were running high. Previously declassified State Department documents indicate that the US Embassy in Jakarta passed the names of dozens of Communist Party leaders to the Indonesian army. Redacted meeting notes from a National Security Council covert action committee that were declassified last month — the result of a 2004 freedom of information request from a U.S. historian — show that the US endorsed "obstructive action" against the Communist Party.

The historian, Brad Simpson from the University of Connecticut, said the US organized covert operations aiming to provoke a violent clash so the Indonesian

army would crush the communists. Once the killings had started, the US sent technical assistance and clear signals that it supported the killings, he said. But Simpson said releasing more detailed information would likely make clearer that the primary responsibility for killings lay with the Indonesian military and state, and not the United States. It could shed light on the command and control structure of the Indonesian armed forces, who was actually carrying out the killings in particular places, and the degree of coordination that was involved between the Indonesian army and its civilian supporters and affiliates. "The more we release, the less tenable will be the conspiracy theories about the US role," Simpson said.

Thomas Blanton, director of the nongovernment National Security Archive, said the Obama administration has quite a good track record on declassifying documents for human rights accountability, as it did last October for Chile, revealing that former dictator Augusto Pinochet ordered the 1976 assassination of a Chilean diplomat. But he said the US was unlikely to act without a strong push from the Indonesian government, particularly as some of the documents being sought are closely guarded CIA operational files. That appears unlikely, as the bloodshed of 50 years ago, which is believed to have caught up many with only tenuous communist links, remains a deeply sensitive topic in Indonesia. Authorities have in some cases blocked public viewings of two recent Oscar-nominated documentaries by the filmmaker Joshua Oppenheimer, who tracked down former death squad members and found them unashamed, unrepentant and even willing to re-enact their brutal murders.

Kompas has several background articles on 50 years Supersemar in bahasa: <http://lipsus.kompas.com/topikpilihanlist/4037/2/50.Tahun.Supersemar>

Freedom of Religion

Nyepi observed in tolerance

The Jakarta Post, 10-03-2016

Nyepi, the Balinese Day of Silence, felt more special this year as a total solar eclipse unfolded over parts of Indonesia on the same day. The day exhibited a tolerant atmosphere between Balinese Hindus, who observed Nyepi, and Muslims, who performed eclipse prayers. During Nyepi, Balinese Hindus celebrate the Caka new year through meditation and contemplation and refrain from using electricity, making fire, traveling outside the home or participating in entertainment activities.

The secretary of the Bali chapter of the Indonesian Ulema Council (MUI), Abdul Kadir Makaramah, said the council had called on Muslims to conduct eclipse prayers either in their respective houses or in nearby mosques without the use of loudspeakers. “It’s based on our agreement with all interfaith forums that we respect the Balinese Hindus observing Nyepi,” Abdul said. “This is part of interfaith tolerance because in Bali, we support each other.” No cars or motorcycles were seen on the streets. Muslims who went to the mosque all went on foot, while *pecalang* (traditional guards) patrolled the streets, securing their respective areas. “We told people not to ride their vehicles to go to the mosque and to respect our Hindu brothers and sisters,” said Badrus Syamsi, a prominent Muslim figure from the Wanasari Muslim village in Denpasar. IGN Sudiana, the chairman of the Bali chapter of the Indonesian Hindu Religious Council (PHDI), said that he was grateful for a peaceful Nyepi and the support from people of other religions, including Muslim communities, in Bali. “The PHDI would like to thank everyone from all religions for the tolerance they have shown in Bali. We must maintain the harmony that has existed here for a long time,” said Sudiana.

Many people also decided to spend the Nyepi day in a hotel as many hotels offered Nyepi holiday packages. A Denpasar resident, Hendro W. Saputra, usually spends Nyepi at home, but he and his family this year decided to stay at a hotel in Legian because of work. “For me, as a Muslim, Nyepi also serves as time to be closer to God as we have the opportunity to pray the eclipse prayer, to read the Koran, and to be closer to the family,” said Hendra. Bali turned silent during Nyepi as all of the island’s entry gates, including Ngurah Rai International Airport and three major ferry harbors, were closed. At least 387 domestic and international flights from and to the island were postponed. Roads were closed and only clearly marked ambulances transporting sick people and other emergency responders were exempted from the rule. Hospitals and hotels will be allowed to turn on their lights at night.

Nyepi was also celebrated across the archipelago, such as in Banuroja village in Pohuwato, Gorontalo. In the village, interfaith relations remained harmonious as Hindus and residents of other religions observed Nyepi and the solar eclipse without violence. “The eclipse means a lot to us, as nature also seems to be in silence,” said I Wayan Adhe, a Hindu community leader in the village. Although there was no announcement that specifically prohibited Muslims from using loudspeakers during the eclipse prayer, Muslim residents turned them off on their own accord to respect their neighbors observing Nyepi. “We didn’t turn on the speakers because we understand that they are our neighbors and they observe Nyepi,” said Ahmad Wahid, Muslim from the village.

Rights of women

Jakarta records most violence against women

The Jakarta Post, 10-03-2016

Jakarta saw the highest number of cases of violence against women of any Indonesian city in 2015 based on data gathered by partner institutions of the National Commission on Violence against Women (Komnas Perempuan). An annual study carried out by the commission has found that 3,320 out of 16,217 cases were reported in Jakarta, almost double the number in the second province on the list, East Java that saw 1,785 cases. West Java had the third most reported cases with 1,540. However, Komnas Perempuan believes a number of factors contributed to the results such as the high level of public awareness of women's rights in the capital.

The report reveals that the three provinces with the lowest number of reported cases of violence against women are Papua with 21 cases and North Maluku and West Papua with four cases each. "North Maluku and West Papua are relatively new provinces and consequently their infrastructure and human resources are different from conditions in Java," the report said. The report suggests that this poses a challenge for women in those provinces that want to report cases of violence.

Besides data submitted by its 232 partner institutions, the commission also gathered data from religious courts throughout the country and found that 305,535 cases of violence against women were recorded by the courts in 2015. Azriana, Komnas Perempuan chairwoman, said during a press conference on Monday that the data was only the tip of the iceberg as most victims of were reluctant to file a report because of the stigma attached to being a women and experiencing abuse. "Not only that, a lot of the victims stay silent because they

believe that even if they file a report, the case would not go anywhere," she continued.

The report also showed that 69 percent of reported cases took place in a domestic context, including the abuse of wives and daughters, and in a dating context, while 31 percent of cases happened in the community, such as at school and in the workplace. Yuniyanti Chuzaifah, the commission's deputy chairwoman, said the government also played a role in causing violence against women through various policies. For example, she said, the Jakarta administration's decision to evict the residents and workers of the Kalijodo red-light district was not only an ineffective solution to the issue, but also potentially made conditions even worse for the sex workers. She said after losing their workplace in an eviction by the city administration in February, sex workers of Kalijodo in North and West Jakarta would find another place to work such as online prostitution networks or other red-light districts. Tangerang regency has recorded about 20 sex workers from Kalijodo that have moved to the regency's red-light district Dadap. "Eviction is not the answer, the girls will only move elsewhere and, worse still, they could potentially spread HIV," Yuniyanti said.

Komnas Perempuan points out that perpetrators of violence come from all walks of life. Azriana said the commission had recorded private employees, students, teachers, police officers, military officers and religious leaders as being perpetrators. "Even a public figure has been named a suspect of committing violence against women," she said. She was referring to the domestic abuse case that implicated lawmaker Fanny Safriansyah, better known as Ivan Haz. Ivan, son of former vice president Hamzah Haz, has been arrested by the Jakarta Police and charged with abusing his child's nanny, a 20-year-old woman. If proven guilty, he faces a maximum punishment of 10 years in prison.

In the report, the commission recommends that the government be more active in preventing violence against women by including anti-discrimination and women's rights education in the school curriculum. The commission also

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demands that the Education Ministry apply a new policy preventing schools or any educational institutions from dismissing students who are pregnant.

Land rights

Land conflict in Kulon Progo

Asian Human Rights Commission, 07-03-2016

The Asian Human Rights Commission (AHRC) has received information provided by Yogyakarta Legal Aid (LBH Yogyakarta) regarding a vicious attack and abuse of power conducted by the Indonesian police, the Civil Service Police Unit (Satpol PP), and the Army against local residents who have refused to cooperate with the government in its plan to build a new Airport in Kulon Progo Regency, Yogyakarta Province.

On 16 February 2016, approximately 1,000 personnel of the Army, Police, and Satpol PP were on guard for the boundary making exercise conducted by the National Land Agency (BPN) in Kulon Progo Regency. The Adjunct Senior Commissioner (AKBP) and Chief of Kulon Progo Police Resort, Djunadi S.I.K led the police officers overseeing the boundary making, while the local army commander led the presence of the army men.

The authorities did not show any willingness to have a dialogue with local residents, who gathered and objected to the boundary making exercise. The residents claimed that the marking had entered residential land. The local residents were then subjected to a violent and brutal attack. They were punched and kicked, and were intimidated in various ways by the Army and police. Children of residents were trampled upon when police dispersed the people gathered.

The police and Army men also choked local residents; as a result, some of them fainted. Further, the police destroyed property belonging to local farmers, such as motorcycles and chili seed plants in the yards. One woman was also force shackled in handcuffs by the police. The citizens cried out and could not believe the brutal attack and inhuman treatment that had unfolded.

Expansion of the Airport in Kulon Progo Regency is part of the government's ambitious national project under the Master Plan for Acceleration and Expansion of Indonesia's Economic Development (MP3EI). Launched in 2011, it is a project with great potential for rights violations. Therefore, in order to support this project, the government has sought to apply the National Law No. 2 of 2012 on Land Procurement in the Public Interest.

This brutal attack conducted by the State apparatus proves that the government has no goodwill to set up a peaceful dialogue with local residents concerning the plan to expand the Airport. The government has preferred to deploy excessive force and use violence to grab the land from local residents.

On behalf of national development, security forces have frequently been deployed to attack and intimidate residents or local indigenous people who defend their land and property. Many land disputes have triggered human rights violations, because of a lack of law enforcement and control upon the security forces that abuse their power.

To take action: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-017-2016> .

Police, military involved in illegal mining in national park

The Jakarta Post, 12-03-2016

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Environmental activists have found indications that police and military personnel have been involved in illegal gold mining in the Lore Lindu National Park (TNLL) in the Poso and Sigi regencies. The chairman of the Community Innovation Association (Imunitas), Shadiq, said that based on an investigation conducted by his organization, the illegal miners had allegedly received back-up from military and police officers for their operations. “According to our investigation, the officers also participate in the mining activities. They also oversee the distribution of the minerals to Palu for further processing,” he said recently.

Separately, Central Sulawesi Police spokesperson, Adj. Sr. Comr. Hari Suprpto, said that his office had also received reports about the involvement of police officers in the activities. However, he said, the police still needed to investigate the issue more to find solid proof. “Tough action will surely be taken should our members be involved,” Hari said. Some 1,000 people are currently illegally mining in a 4-hectare area around Dongi-Dongi village in the Sedoa subdistrict and are blamed for causing environmental damage to the national park.

Karsa Institute executive director Rahmat Saleh said that apart from police officers, two businessmen are also alleged to be involved as they were believed to have provided the trommels used to process the minerals. “In addition to the miners, these people must also be caught in order to totally curtail the illegal mining in the park,” Rahmat said. He said the illegal mining had damaged land located in the rehabilitation areas, creating unstable ground that could trigger floods and landslides during heavy rain.

“The illegal mining also pollutes the Sopo River with toxic mercury and cyanide,” said the SIKAP Institute’s executive director, Muhammad Rifai Lahamu. The mining, he said, violated a number of laws, including a 2013 law on the prevention and eradication of forest damage, a 1990 law on the conservation of biodiversity and ecosystems, a 2009 law on mineral and coal mining, a 1997 law on environment management and a 1999 law on forestry. “No law justifies the mining activities in the national park,” Rifai said.

Meanwhile, TNLL office head Sudaryatna said that they would intensify patrols by working together with police and military officers to curb the illegal mining. “The joint operation to stop the activities will be conducted in the near future. Miners have to leave the area,” he said. The TNLL officially covers an area of 217,991.18 hectares. It is home to flora and fauna endemic to Sulawesi and offers interesting natural phenomena as a result of its being located on the Wallace Line, which is the transition line between the Asian and Australasian landmasses. Located to the south of Donggala regency and to the west of Poso regency, the park is a water-catchment area for the three big rivers in the province, namely the Lariang, Gumbasa and Palu rivers. The park is a habitat for Sulawesi’s biggest native mammals including anoa, hog deer, deer, ghost monkeys, kakaktonkea monkeys, kuskus marsupials and civets. At least five different species of squirrels and 31 of 38 species of rats can also be found there.

Papua

In restive province, Papuans wonder whose side church is on

Indigenous continue fight for self determination despite sideways glance from institutional church leaders. UCANews², 11-03-2016



² UCANews is “Asia’s most trusted independent Catholic News source”.

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Indonesian Father John Djonga has continually found himself in trouble with security forces in West Papua.

In the latest incident, Father Djonga, a priest of Jayapura Diocese and a renowned human rights defender, was questioned by the police for his role in leading an ecumenical prayer service for the inauguration of the Papuan Indigenous Council Center in Wamena, which is also an office for the United Liberation Movement for West Papua. Around 5,000 Papuans from various denominations attended the ceremony.

The allegation against Father Djonga is treason, an accusation that has put many Papuans behind bars as political prisoners and a few others executed through extrajudicial killings. Progressive Protestant leaders such as the Rev. Benny Giay and the Rev. Yoman Socrates also faced such accusations and now are under strict military surveillance, as confirmed by leaked military documents in 2011.

In 2008, Father Djonga had similar trouble as a parish priest in the remote area of Keerom in Papua as he was defending indigenous Papuans fighting against land grabbing, deforestation, and military violence on the border with Papua New Guinea.

The priest also criticized the involvement of security forces in illegal logging, which caused him trouble when the military's special forces troops, known as Kopassus, allegedly urged him to keep quiet or he would be buried alive. The civil society networks then rescued him, but when he returned to Keerom, instead of remaining silent as he was warned, he continued his work and established a human rights foundation.

In 2012 Father Djonga faced scrutiny from Indonesia's intelligence agency and military. He was charged with colluding and supporting pro-independence leaders in hiding in the forests and abroad. His phone, which contained phone numbers of pro-independence leaders, became evidence.

In his defense, Father Djonga asked authorities also to reveal a phone list of his containing the numbers of Indonesian police and military officials, and announce the names of all Jakarta officials, including ministers, who had contacted and communicated with him.

He told investigators at that time that as a pastor, it was his duty to bridge communication and dialogue with all parties, without resorting to the use of violence.

Churches often proclaim their concerns for human rights and their mission of liberating the oppressed. However, in complicated situations like in West Papua, where the state and corporate powers conspire against the well-being of the people, concerns for human rights and solidarity with the oppressed are not as simple as preaching from a podium or publishing a pastoral letter.

In everyday reality, defending the rights of Papuans means a confrontation with dominant groups, such as the state apparatus and corporate oligarchies. The dilemma in defending the indigenous' rights to their land and forests means fighting against investors and politicians, many of whom are also Christians and donors to the development of churches.

Does the church choose solidarity with the people at the expense of development donations? This is an option with a cost that not all church leaders are willing to absorb.

Read the full article: <http://www.ucanews.com/news/in-restive-province-papuans-wonder-whose-side-church-is-on/75454>

Political developments

DPR critical on adapted counterterrorism law

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Kompas, 09-03-2016

The Parliament (DPR) has critically considered the proposed adaptations of the counterterrorism law (UU 15/2003). Additionally to not being consistent with other laws, the proposal may lead to human rights violations. One issue is period of initial arrest which is changed from 7 days to 30 days, whereas the Criminal Procedure Code (KUHAP) keeps it to 7 days. The total of pre-trial detention during which the investigation has to be carried out, can last for 300 days, whereas the KUHAP limits it to 170 days. The place of detention can be changed at random. Members of the DPR compared it to Guantanamo.

Human Rights Commission (Komnas HAM) has also criticized the long period of initial arrest, which is prone to give space to police violence, a commissioner said.

Update on the Indonesian military's influence

IPAC Report, 11-03-2016

The Indonesian military (Tentara Nasional Indonesia, TNI) continues to press for an expanded role in internal security, driven by distrust of civilian politicians, contempt for the police and the conviction that Indonesia is facing hostile powers using proxies to attack it through non-military means.

“The TNI’s concept of ‘proxy war’ turns an international threat into a domestic danger and therefore justifies a military role at home ,” says Sidney Jones, director of the Institute for Policy Analysis of Conflict (IPAC). “Everything from the haze crisis to gay rights advocacy becomes evidence of foreign enemies bent on weakening Indonesian from within.”

Update on the Indonesian Military’s Influence, the latest report from the Institute for Policy Analysis of Conflict (IPAC), builds on a May 2015 report, The Expanding Role of the Indonesian Military. It looks at how far the pressure for an increased role has progressed since then, with particular attention to the counter-terrorism

field. The effective performance of the police in handling the 14 January 2016 terrorist incident in Jakarta and the continuing ability of Indonesia’s most wanted terrorist, Santoso, to elude capture even with some 2,000 soldiers joining the police in the search, have temporarily muted the TNI demand for more operational engagement. In a draft of a strengthened anti-terrorism bill that the government is trying to fast-track through parliament, the TNI has not been given any additional powers. Nevertheless, the draft leaves it to the president to formulate a national counter-terrorism strategy, and it is possible that President Jokowi, who sees the military as one of his most dependable allies, could still give it a broader role than it now has.

The report explores the continuing “mission creep” of the TNI into non-military tasks, such as agricultural extension. The military sees this as completely in line with its mission to be an “army of the people” (tentara rakyat), but if any task that brings it closer to the people is legitimate, then there are no boundaries to its mandate. It also examines the expansion of the territorial structure whose overhaul was once seen as the key to military reform. Some of this expansion has been justified in terms of meeting President Jokowi’s goal of strengthening Indonesia’s capacity to cover its maritime approaches, but it also reinforces its internal security role.

Indonesia still needs an independent review of defence policy, strategy and TNI force structure, according to IPAC. “Almost eighteen years after democracy was re-established, Indonesia still needs to institute safeguards to ensure that that there are clearly understood limits to the military expansion now underway,” says Jones. Download the full report:

http://file.understandingconflict.org/file/2016/03/IPAC_Report_No._26_.pdf