

Impunity

Jokowi Allows Legal Process on Missing Documents of Munir's Case

The Jakarta Globe, 14-10-2016

President Joko "Jokowi" Widodo has allowed a legal process to be conducted against the missing investigation documents related to the murder of prominent human rights defender Munir Said Thalib.

The missing documents had been submitted to former president Susilo Bambang Yudhoyono at the State Palace in 2005.

"If there is a new novum [existing evidence before a trial process], conduct the legal process," Jokowi said at Merdeka Palace, Jakarta, Thursday (13/10).

The president also ordered a search for the missing documents submitted by the original fact-finding team on Munir's case. "I have ordered the Attorney General [HM Prasetyo] to find and locate the results of the fact-finding team, as it is not available at the State Secretary Ministry," Jokowi added.

Previously, the coordinator of the Commission for Missing Persons and Victims of Violence (KontraS) Haris Azhar urged the government to investigate the whereabouts of the documents.

Officials to Face Criminal Charges If They Can't Locate Munir Murder Files

The Jakarta Globe, 15-10-2016

Government officials could face criminal charges if they are unable to find missing investigation files on the 2004 murder of human rights activist Munir Said Thalib, activists say.

Public information commissioners earlier this week ordered the government to declassify the files, but the State Secretariat claimed it does not have them or know their whereabouts.

Officials are still searching for the files amid pressure from human rights activists, who insisted the files had been submitted by a fact-finding team to former president Susilo Bambang Yudhoyono in 2005.

If officials fail to find the files, they could be charged under the 2008 law on public information transparency, a lawyer from the Jakarta Legal Aid Institute (LBH) Ucok Sigit said.

"They should be held responsible. The public will lose out if the documents can't be found. That would be a criminal offense," Ucok told the press on Friday (14/10).

The law stipulates that individuals who intentionally dispose of public documents could face up to two years in prison and be fined Rp 10 million (\$765).

Citing a 2005 presidential regulation on the State Secretariat, human rights group KontraS activist Putri Kanesia said the institution's response to the order was "contradictory."

The regulation says the secretariat is tasked with providing technical and administrative assistance to the president and vice president.

Human rights groups are still waiting for the government's response before determining their next move, KontraS coordinator Haris Azhar said.

"The state must make an official announcement on the current status of the documents regardless of them having gone missing or not," Haris said.

Activists have long demanded that the government find Munir's real killer. The activist was poisoned with arsenic during a layover in Singapore in 2004 before boarding a flight to Amsterdam. Former pilot Pollycarpus Budihari Priyanto was sentenced to 14 years in prison for premeditated murder in the case, but the alleged masterminds behind his murder remain unknown.

The results of the investigation by the fact-finding team have never been made public.

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Munir Murder Files Could Have Been Deliberately Buried: Fact-Finding Team Member

The Jakarta Globe, 14-10-2016

Investigation documents related to the murder of prominent human rights defender Munir Said Thalib had apparently gone missing, the public learned on Monday (10/10), as the State Secretariat claimed it does not possess or know the whereabouts of the fact-finding team's files.

A former member of that fact-finding team said this could indicate either poor state administration or that someone had deliberately tried to bury the files.

Public information commissioners ruled earlier this week that the State Secretariat should declassify files related to the case, nearly 11 years after they were submitted by the fact-finding team to former President Susilo Bambang Yudhoyono.

The secretariat has announced it does not have the documents, or know their whereabouts.

Former fact-finding team member Hendaradi insisted that President Yudhoyono received the documents from the team in 2005, a year after the investigation was closed. "It's on the public record that the results of the investigation were submitted by the team to the president. The government's response shows poor state administration," Hendaradi said in a statement released on Friday. President Joko Widodo has ordered his staff to locate the documents, while human rights activists have demanded clarification from the government over the missing files. "If it is not due to poor administration, it can be alleged that the documents have been intentionally removed by those who do not want to see this case resolved," Hendaradi added.

Activists have long urged the government to find Munir's real killer.

Munir was poisoned with arsenic during a layover in Singapore in September 2004, before boarding a flight to Amsterdam. Former pilot Pollycarpus Budihari Priyanto was sentenced to 14 years in prison for premeditated murder. However, the masterminds behind Munir's murder remain unknown, while the investigation results have never been disclosed to the

public. "It should be kept in mind that the fact-finding team did indicate several persons who could have been implicated in the premeditated murder," Hendaradi said.

No Human Rights Progress in Two Years: Activists

The Jakarta Globe, 16-10-2016

Human rights activists have slammed the president saying he has not fulfilled campaign promises of investigation past cases of rights abuses, rights leaders said on the two year anniversary of President Joko "Jokowi" Widodo's inauguration.

Jokowi has no historical links with any of the incidents, leading many activists and the families of victims to support the then-Jakarta governor during his campaign hoping he would resolve the cases once elected.

Those hopes are now fading, with Jokowi's administration moving slowly on the cases, with some officials tipping "national reconciliation."

This process, activists say, does not provide legal certainty for victims and their families. "There's no single case of human rights violations resolved to date. There's no progress at all," Haris Azhar, coordinator at rights group Commission for Missing Persons and Victims of Violence (KontraS), said on Friday (14/10).

Long term investigations from KontraS has resulted in reports on past cases of "gross human rights abuses" across the country. "No one has been able to deny the dossiers. But almost nothing has been done by the government to resolve the matter," human rights activist Usman Hamid said.

The reports have been submitted to the Attorney General, but are yet to result in any meaningful further investigation.

"Unsettled cases of violence in the past would only lead to more violent incidents in the future," United Nations human rights council special rapporteur for North Korea Marzuki Darusman said.

Freedom of Religion

Weekly Update Human Rights in Indonesia – 17-10-2016

Indonesian Muslims' religious arrogance

by Lailatul Fitriyah¹ The Jakarta Post, 15-10-2016

The more I observe the socio-political predilections of some Indonesian Muslims, the more I am convinced that what I am seeing mirrors the Evangelical Christian rights-defending Trump supporters in the US. The former's accusation of blasphemy against Jakarta Governor Basuki "Ahok" Tjahaja Purnama is one case in point.

What started as Ahok's expression of disappointment to those who twisted the literal interpretation of verse 5:51 of the Quran and used it against him, led to widespread belief that the governor had committed blasphemy against Islam's holy book, and hence Muslims. Eventually Ahok apologized to Muslims for his statement.

The problem here is that rather than to see the Quran as a scripture to be studied, some Indonesian Muslims take the Quran as a relic so fragile that it needs to be defended at all cost.

It naturally follows then that every single "inappropriate" statement about the Quran will taint its authenticity unless some self-styled religious gatekeeper comes to the rescue.

However, the truth is that the Quran has always been a colorful "enterprise", a "fluid space" in which various readings take place and interpretations have been built upon specific times and spaces.

Otherwise, how can a 7th century revealed scripture have anything to say within our 21st century life without inherent elasticity within it?

Of course some will say just exactly that is what those literal readings mean. If I can read the Quran within the pluralistic framework of the 21st century Indonesia, then why cannot others read it in the fashion of 7th century Hijaz?

Here is why: a literal reading of the Quran contradicts its universalist spirit. This is a scripture that was sent down for all of humanity but was revealed in a specific historical context. Hence, whatever forms of interpretation we employ to understand the Quran

must not be in opposition to its mission to provide guidance for humanity, and not in any way dismisses the historical context within which it was revealed.

This is what happened to the interpretation of verse 5:51 that prescribes Muslims to only live under the leadership of another Muslim. The reading anachronistically employed a political principle suitable for medieval Islamic period on to contemporary Indonesia that is politically and culturally diverse.

In addition, since any reading also brings with it values and sensibilities of its own time, the literal interpretation to verse 5:51 carries thick nuance of imperial Islam with its predilection to conquer.

In Indonesia, the inherent problem in what a literal reading of the Quran brings is compounded by a social subconscious that perceives Muslims as first-class citizens and the rest as sidekicks in national development projects.

Contrary to common opinion, this perception is not only within the domain of hard-liner Muslims, but is also present in mainstream elements of Indonesian Muslim society.

Another example from the current opposition to Ahok's leadership of the Indonesian capital will make this clearer. The core resentment to oppose Ahok from retaining the governorship is not necessarily a religious one.

This is the case because there are not many Muslim figures for the seat who can prove that they are more capable than the ethnic Chinese-Christian Ahok in doing the job as the governor of Jakarta.

Yusril Ihza Mahendra failed to gain support from a coalition, whose members including two major Islamic political parties, which ended up supporting former president Susilo Bambang Yudhoyono's son, Agus Harimurti Yudhoyono, a military officer who has zero experience in managing a cosmopolitan province as complicated as Jakarta.

While another major Islamic party, the Prosperous Justice Party (PKS), supports one of the richest men in Indonesia, Sandiaga Uno, who also does not have any experience in leading a megapolitan like Jakarta either.

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This is why resentment of Ahok specifically comes from the fact that, first, he is an Indonesian of Chinese descent, and second he is a Christian.

When essential components of leadership such as capacity and experience to govern are missing from the equation, the only things left to employ are petty sectarian excuses such as race and religion.

The fact is that some of us Indonesian Muslims still are unable to place ourselves in an equal position with other non-Muslim, non-Javanese Indonesians. We still think that we are more entitled over the country, and thus more capable to lead it, simply due to the fact that we make up the majority of society.

We are still stuck in the imperial mode of Islam in that we feel we need to limit non-Muslims political aspirations because otherwise they will make the country non-Islamic, hence the desperation in finding any Muslim wanting to take the lead despite his/her capacity to lead.

Well, guess what? Indonesia has never been an Islamic state in the first place and will never be one. Neither should it be a Christian, Hindu, or Buddhist country. Indonesia is ours, regardless of religion or race, ethnicity or tribe.

Sexual Rights

Halt chemical castration and expansion of the scope of death penalty

Amnesty International Public statement, 15-10-2016

Indonesia's authorities must immediately repeal provisions that allow sex offenders to be punished by forced chemical castration and even the death penalty, Amnesty International said today.

"The sexual abuse of children is indescribably horrific. But subjecting offenders to chemical castration or executions is not justice, it is adding one cruelty to another," said Papang Hidayat, Amnesty International's Researcher on Indonesia.

Chemical castration is a drug or hormone treatment to suppress sex drive. Imposing it by law without informed consent as a punitive measure would be a cruel, inhuman and degrading punishment.

"Forced chemical castration is a violation of the prohibition on torture and other cruel, inhuman or degrading treatment or punishment under international law," said Papang Hidayat.

"The expansion of the scope of the death penalty is inconsistent with Indonesia's international obligations which protects the right to life. Further given the serious flaws in Indonesia's justice system the risk of executing the innocent can never be eliminated."

The Indonesian Doctors Association (IDI) has said they will refuse to implement the castration punishment as it violates their medical ethics.

Land Rights

Govt. to Boost Land Certification Program

The Jakarta Globe, 17-10-2016

President Joko "Jokowi" Widodo has ordered the acceleration of the National Agrarian Operations Project, or Prona, land certification program, which has failed to certify even half of privately owned land in the country.

The 35-year-old Prona land certification program is for middle to low class residents who are yet to register land in accordance with regulations. So far, the program has reached just 44 percent of its total target.

The land targeted includes under-developed villages, agricultural areas and satellite cities which have not been recorded by the land and spatial planning agency.

Death penalty

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Going backwards: an FIDH report on SE Asia

10-10-2016

Since October 2015, Indonesia, Malaysia, and Singapore have all carried out executions. It is unknown whether any executions were carried out in Vietnam, where statistics on the death penalty continue to be classified as 'state secrets.'

In the name of combating drug trafficking, Indonesian President Joko Widodo is rapidly becoming Southeast Asia's top executioner. The Philippines, which effectively abolished the death penalty for all crimes in 2006, is considering reinstating capital punishment as part of President Rodrigo Duterte's ill-conceived and disastrous 'war on drugs.'

Slow or no progress towards the complete abolition of the death penalty for all crimes has been observed in Brunei Darussalam, Burma, Laos, and Thailand – countries that have attained, or are close to attaining, the status of de facto abolitionist.

Across retentionist countries in Southeast Asia, a disproportionate number of death sentences continues to be imposed for drug-related offenses. Countries that have ratified the International Covenant on Civil and Political Rights (ICCPR) and that continue to impose capital punishment for drug-related offenses are in contravention of their own international legal obligations. Article 6 of the ICCPR reserves the death penalty solely for the "most serious crimes," a threshold that international jurisprudence has repeatedly stated drug-related offenses do not meet.

To download the report: <https://www.fidh.org/en/issues/death-penalty/going-backwards-the-death-penalty-in-southeast-asia>

Counterterrorism

Asean, EU Ministers Boost Partnerships, Praise Indonesia's Counterterrorism Policies

The Jakarta Globe, 16-10-2016

Member countries from Asean and the European Union praised Indonesia's counterterrorism policies during a ministerial meeting in Bangkok, the Foreign Ministry said in a statement released on Saturday (15/10).

"The Asean-EU partnerships are essential for strengthening, especially in the efforts of battling terrorism and extremism through concrete cooperation between the parties," Foreign Minister Retno Marsudi said in the statement.

Retno led the partnership discussion on facing global security challenges, including on counterterrorism, de-radicalization, illegal-migrations and human trafficking.

On counterterrorism, the minister said multilateral and bilateral partnerships should be strengthened, with a focus on anti-terror skill development and the mainstreaming of education programs.

Indonesia's counterterrorism policies were noted by a number of EU countries for the focus on tolerance.

The Asean-EU partnership will become particularly important for maritime cooperation, the government said. Likewise, Indonesia pressed the need to address transnational crime, including human trafficking and illegal drugs and weapons trade.

The meeting produced the Bangkok Declaration as the Asean-EU's foundation and commitment to strengthening strategic partnerships.

Retno met with foreign ministers from eight EU member countries at the sidelines of the meeting: the Netherlands, Denmark, Luxembourg, Latvia, Italy, Lithuania, France and Poland.

Political developments

Papua Police to beef up security for 2017 elections

The Jakarta Post, 15-10-2016

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Around 10,000 security personnel from the National Police, the Indonesian Military (TNI) and the Community Protection Agency (linmas) will be deployed to guard the 2017 general elections in Papua.

Eleven regencies and municipalities will take part in the election scheduled for Feb. 15, 2017. "The security umbrella will be implemented from the registration of hopefuls up to the announcement of the winners," Papua Police chief Inps. Gen. Paulus Waterpauw said during a simulation event of regional elections security in Jayapura on Saturday.

Papua Police have arranged strategic planning for all regencies and municipalities that participate in the elections. "We will press down on any conflicts that might happen," Paulus said.

From the 11 areas, security authorities have listed four areas as potential zones of conflict, namely Jayapura, Lanny Jaya, Puncak Jaya and Tolikara.

In Jayapura, conflict may emerge after the Golkar Party mistakenly endorsed two candidate pairs, Abisai Rollo-Dipo Wibowo and Benhur Tommy Mano-Rustan Saru. The mistake led to the acting secretary of Golkar's Papua branch, Marthinus Werimon, to receive a bomb threat on Thursday.

Furthermore, in Puncak Jaya, there is a potential for conflict from armed militia groups operating in the area.

Timor Leste

Two journalists on trial for defamation

Amnesty International Urgent Action, 13-10-2016

Two Timorese journalists, Raimundos Oki and Lourenco Vicente Martins, are facing trial on criminal defamation charges filed by Timor-Leste's Prime Minister over a 2015 article they published about irregularities during the tendering process for a government IT project. If found guilty they may be sentenced to three years' imprisonment each.

Timor Leste's Prime Minister Rui Maria de Araujo filed criminal defamation charges on 22 January 2016 for false accusations or "slandorous denunciation" under Article 285(1) of the Timor-Leste Criminal Code against two former Timor Post journalists Raimundos Oki and Lourenco Vicente Martins over an article alleging official interference during the tendering process for a government IT project. The trial is scheduled to start on 2 December. If found guilty, the journalists could be sentenced to up to three years' imprisonment.

On 10 November 2015, Raimundos Oki, then a journalist for the Timor Post, published in the newspaper an article alleging irregularities during the tendering process for a project to supply and install IT equipment in a new Ministry of Finance building in 2014. The article alleged that Prime Minister Rui Maria de Araujo, in his former position as advisor to the Finance Minister, had recommended a company before the process had begun, and that company won the tender. On 17 November 2015, the Prime Minister issued a reply to the article denying the allegations which were published on the newspaper's front page. On 18 November the Timor Post published a clarification and correction to a factual error in the article, as well as an apology. Lourenco Vicente Martins, the editor of the Timor Post at the time, also resigned. On 22 January 2016, Raimundos Oki received notice that defamation charges were being filed against him and Lourenco Vicente Martins. The Dili District Court had scheduled the first trial for 7 October, but later postponed it to 2 December.

In 2013, Raimundos Oki and another journalist were convicted for exposing alleged corruption in their country's judicial system though were later absolved of their liability in the defamation case under the Article 285 of the Criminal Code. However, the court fined each journalist and their informant US\$ 150 for causing psychological distress to the defendant.

To take action: <https://www.amnesty.org/en/documents/asa57/4957/2016/en/>.