

# Weekly Update Human Rights in Indonesia – 19-12-2016

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## Human Rights in General

### **UPR submission by Amnesty International: It's not good enough!**

14-12-2016

This submission was prepared for the Universal Periodic Review (UPR) of Indonesia taking place in May 2017. In it, Amnesty International evaluates the implementation of recommendations made to Indonesia during its previous UPR in 2012, noting that important recommendations have yet to be implemented. Amnesty International is concerned about the failure by Indonesia to ensure truth, justice and reparations for the victims of past human rights violations and their relatives, and the fragile justice system in the country. Rather than listening to victims and their families, the authorities have attempted to silence public discussions in many areas of Indonesia and have disbanded events related to the mass human rights violations that occurred in 1965-66 and the use of unnecessary and excessive force, particularly in Papua. Legislation is used to criminalize peaceful political activities and violations of the right to freedom of expression are particularly severe in areas with a history of pro-independence movements, such as Maluku and Papua. Religious minorities still face harassment, intimidation and attacks. In the final section of this document, Amnesty International makes a number of recommendations to Indonesia to address the human rights concerns raised in the submission.

See the full report: <https://www.amnesty.org/en/documents/asa21/5345/2016/en/>

### **Anthropologists Speak Out Against Identity Politics**

The Jakarta Globe, 16-12-2016

Anthropologists have declared a "state of emergency" over rising intolerance in Indonesia in recent years and called on all elements of society to unite against what they called the politicization of identity.

Religious and ethnic minorities have frequently become the targets of intolerant groups in the world's largest Muslim-majority country in recent years. This situation has repeatedly drawn fire from human rights activists.

However, recent developments have prompted the group of anthropologists to publicly take a stance by stating that "there's no better time than now to show that we are not silent in the face of the nation's problems."

"This state of emergency did not develop suddenly. It follows years of negligence," Yogyakarta-based anthropologist Yando Zakaria told the media in Jakarta on Friday (16/12). "It is time to build cooperation among all in the community of anthropologists," he added.

Yando read out a joint statement saying: "Anthropology teaches that Indonesia's diversity is a social construct, which was built through our founding fathers' collective awareness. We are the inheritors [of that diversity], who are responsible for maintaining it."

Concerns over the fate of the country's religious and ethnic diversity have mounted in recent months, when Muslim hardliners started making blasphemy accusations against Jakarta Governor Basuki "Ahok" Tjahjaja Purnama, who is a Christian of Chinese ethnicity.

The case came in the lead-up to next year's Jakarta gubernatorial election, in which Ahok is seeking re-election. "Identity has frequently been politicized lately. Certain groups have instead sharpened the differences by politicizing identity," Yando said. "We are calling on all members of the public to keep pushing efforts to maintain diversity through democratic means."

# Weekly Update Human Rights in Indonesia – 19-12-2016

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## Freedom of Religion

### **‘Stop blasphemy case against Jakarta governor and incitement charges against university lecturer’: Amnesty**

Amnesty International Public Statement, 15-12-2016

Amnesty International calls on the Indonesian authorities to immediately drop the criminal cases against the Governor of Jakarta for alleged blasphemy and a university lecturer, Buni Yani, for alleged religious-based incitement.

On 16 November the police announced an investigation into comments made by the Governor of Jakarta, Basuki Tjahaja Purnama, popularly known as “Ahok”, who is a Christian, in a video posted on the internet that appeared to “insult” Quran verses. He is charged with blasphemy under Articles 156 and 156(a) of Indonesia’s Criminal Code and could face up to five years’ imprisonment.

This video was harshly criticized by many Islamist groups and generated nationwide mass demonstrations on 4 November calling for him to be charged with defamation of Islam. On 13 December the first trial was started by the North Jakarta District Court.

Supporters of Ahok reported to the police that the video had been edited in a manner that distorted what he had said. On 23 November, Indonesian police named Buni Yani as a suspect in a criminal investigation for allegedly uploading the video to the internet. Police stated that they had collected evidence that Buni Yani had incited religious hatred by intentionally removing key words from the video and its transcript. Buni Yani is charged under Article 28(2) of Law No. 11/2008 on Electronic Information and Transactions (ITE).

Article 28(2) of the ITE Law, under which Buni Yani has been charged, carries a maximum sentence of six years’ imprisonment and a fine of up to one billion rupiah (US\$73,700) for “[a]ny person who deliberately and without right disseminates information aimed to inflict hatred or hostility on individuals and/or certain groups of community based on ethnic groups, religions, races and inter-groups (antargolongan).” While this provision refers to incitement against individuals, in practice, it has often been used to prosecute

individuals who have been accused of defaming or insulting a religion through online activities.

In both cases these prosecutions are inconsistent with Indonesia’s obligations to respect and protect freedom of expression and of thought, conscience and religion or belief.

International human rights law requires states to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as provided in Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. The prohibition relates to incitement against persons belonging to particular groups, including religious groups; it does not cover insult to religions or beliefs as such. In order to comply with the ICCPR, any such prohibition must be very precisely formulated to cover only forms of expression which contain both the element of advocacy of national, racial or religious hatred and the element of incitement against the people concerned; moreover, such acts may only be criminally prosecuted if there is evidence of intent with regard to both elements.

The blasphemy provisions in Articles 156 and 156(a) of the Criminal Code criminalise “any person who in public deliberately expresses his/her feelings or engages in actions that in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia”. While states are permitted under international human rights law to impose certain restrictions on the exercise of freedom of expression where this is demonstrably necessary for protection of the rights of others, this cannot be used to protect belief systems from criticism. The right to freedom of religion or belief protects the rights of individuals and groups, but does not protect religions as such, and does not include the right to have a religion or a belief that is free from criticism or ridicule. Accordingly, laws which prohibit expression on this basis, such as blasphemy or religious insult laws, are incompatible with the right to freedom of expression, and such provisions should be repealed.

Amnesty International calls on the Indonesian authorities to stop the proceedings against Ahok and Buni Yani. It also calls the Indonesian authorities to repeal Articles 156 and 156(a) of the Criminal Code, and to amend Article 28(2) of the ITE Law to bring it into conformity with Indonesia’s obligations under international law and ensure that it is not used to violate the right to freedom of expression.

## Weekly Update Human Rights in Indonesia – 19-12-2016

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### Ahok Moved to Tears During Court Testimony

The Jakarta Globe, 13-12-2016

Jakarta Governor Basuki "Ahok" Tjahaja Purnama delivered an emotional note of objection in the first day of trial against him on Tuesday morning (13/12). The first session at the Central Jakarta District Court temporary building featured an indictment from prosecutors as well as the defendant's note of objection.

Prosecutor Ali Mukartono accused Basuki of issuing a statement which triggered conflict, misuse and blasphemy, an alleged violation of Article 156a of the Criminal Code.

During a visit to the Pramuka Island in Jakarta's Thousand Islands district Sept. 27, the governor said nobody should manipulate the Al-Maidah 51 verse from the Koran for political gain.

A video of the incident went viral and prompted several hardline Muslim groups to report Basuki to the police for blasphemy and was used as justification for a series of mass protest rallies in the capital.

Ali argued that the governor, who is seeking for re-election in February, intentionally addressed the election by connecting it to the Al-Maidah 51 verse in his remarks, adding the visit should have no relation to election.

"The defendant's speech put the Al-Maidah 51 verse as it was used by someone else to deceive or fool the people in the local elections. Nevertheless, the defendant himself placed the Al-Maidah 51 verse as a tool to deceive and fool people in the election," Ali said.

He added the interpretation, comprehension and implementation of the Koran holy verses are the domain of Muslims.

In his notes of objection, Basuki reiterated he has no intention to insult the ulemas (Muslim scholar) and Islam.

Basuki, who had tears in his eyes, said he was raised by a non-Muslim family and a devout-Muslim foster family so he would never insult Islam. "I am so sad to be accused of insulting

Islam since that accusation is much the same as saying that I have insulted my foster parents and brothers who I love the most," Basuki said.

Basuki's lawyer Sirra Prayuna said the legal process against his client ran very fast due to pressure from several mass groups, saying it was a "trial by mob."

The police declared Basuki a suspect in the blasphemy case in mid-November after two massive protest rallies led by Muslim hardliners, who accuse the Christian of Chinese descent of insulting the Koran.

Basuki's case dossier was handed over to prosecutors less than a week after he was named a suspect, with prosecutors declaring the dossier complete within only three days after receiving it from the police and handed over the case to the court that same day.

### Police escort FPI members during raid on Santa hats in Surabaya malls

The Jakarta Post, 18-12-2016

The Surabaya Police escorted Islam Defenders Front (FPI) members on Sunday as they raided shopping malls in the East Java capital to check whether outlets had ordered employees to wear Christmas attire such as Santa hats.

For promotional purposes, many companies ask their employees to wear holiday season paraphernalia, including Santa hats, when serving customers ahead of Christmas and New Year celebrations. Recently, the Indonesian Ulema Council (MUI) issued an edict banning companies from forcing staff to wear such items, deeming it haram.

Hundreds of officers from the Surabaya Police and East Java Police's Mobile Brigade escorted the Surabaya FPI members during their raid on the malls, tribunews.com reported Sunday.

Surabaya Police chief Sr. Comr. M. Iqbal was seen leading the operation.

See also: <http://jakartaglobe.id/opinion/johannes-nugroho-ahok-sinophobia-economic-jihad/>

# Weekly Update Human Rights in Indonesia – 19-12-2016

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## Women's Rights

### **Six women get posthumous awards for fight against inequality in Indonesia**

By Hans Thoolen

Human Rights Day was the occasion for the Indonesian Government - together with the National Commission on Violence Against Women (Komnas Perempuan) - to honor six women with posthumous Women Human Rights Defenders Awards for their fight against inequality and for the human rights of women. On 10 December 2016 officials from the Law and Human Rights Ministry and the National Development Planning Board handed the awards to the activists' families, as part of the global 16 Days of Activism against Gender-based Violence Campaign: Siti Latifah Herawati Diah, Lily Zakiyah Munir, Zohra Andi Baso, Mientje DE Roembiak, Darmiyanti Muchtar, and Theresia Yuliawati Sitanggang.

Komnas Perempuan chairman Azriana said the awards were presented to remind the nation that these women fought to promote gender equality. "They never once asked to be awarded, but they dedicated their lives to help Indonesian women".

See also: <http://www.thejakartapost.com/news/2016/12/10/six-women-get-posthumous-awards-fight-against-inequality.html>

## Terrorism and counter-terrorism

### **UPDATE ON INDONESIAN PRO-ISIS PRISONERS AND DERADICALISATION EFFORTS**

IPAC, 14-112-2016

Pro-ISIS extremists continue to recruit and radicalise fellow inmates in Indonesian prisons, while structural problems of the prison system continue to defeat efforts at deradicalisation and disengagement.

Update on Indonesian Pro-ISIS Prisoners and Deradicalisation Efforts, the latest report from the Institute for Policy Analysis of Conflict (IPAC), looks at the burden on corrections officers with a growing number of pro-ISIS prisoners – 2016 has seen more than 120 suspected terrorists arrested and charged, as well as more than 50 released.

"The obstacles to effective prison management remain overwhelming," says Sidney Jones, IPAC director. "Prisons are overcrowded and understaffed, corruption is rife, and inadequate budgets make it easier for well-funded extremists to recruit inmates when they can offer extra food. No deradicalisation program is going to be effective unless some of these issues are addressed."

The report looks at several cases of extremist recruitment of criminal offenders, involvement of released prisoners in terrorist acts, and the planning of terrorist operations from behind bars and analyses why these took place and how they could have been prevented. The case study of Juhanda, the former book bomber who tried to bomb a church in Samarinda, East Kalimantan in November 2016 shows how extremist networks operate inside prison with the help of contacts on the outside.

The report also draws attention to geographic clusters of inmates. The best example is Poso, Central Sulawesi where the joint police-army operations in 2015 and 2016 produced almost 60 inmates from in and around the Poso area. They are not all detained together nor will they be released at the same time, but police and the National Anti-Terrorism Agency (Badan Nasional untuk Penanggulangan Terorisme, BNPT) need to be working on a prevention strategy now, identifying families that have disengaged from violence but have standing in the community who can work with newly released prisoners. They also need to think through where temptations to re-engage will come from.

The new update also examines tensions and competing priorities between BNPT and the Directorate-General for Corrections within the Ministry of Law and Human Rights. Those tensions heightened over plans to transfer "cooperative" extremists to a new facility in Sentul, Bogor, that will be a showcase for BNPT's deradicalisation efforts. While an agreement was worked out in November that will enable the transfer to begin, prison officials remain unhappy that some of the inmates they most rely on to help keep the pro-ISIS inmates in check will move out, leaving the prisons with the hardcore ideologues.

## Weekly Update Human Rights in Indonesia – 19-12-2016

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The report concludes with a call for a better donor coordination mechanism for assistance to Indonesian prisons. See for the full report:

[http://file.understandingconflict.org/file/2016/12/IPAC\\_Report\\_34\\_Ind\\_Pro-ISIS\\_Prisoners.pdf](http://file.understandingconflict.org/file/2016/12/IPAC_Report_34_Ind_Pro-ISIS_Prisoners.pdf)

### **“Guantanamo article” in counter-terrorism law does not pass**

Kompas, 15-12-2016

The Indonesian Parliament has decided not to include the amendment in the counter-terrorism law (UU15/2003) that makes it possible for the prosecutor to isolate suspects for six months in a certain place. This article has been named the “Guantanamo article” and is prone to lead to human rights violations during the isolation. A broad coalition expressed its opposition to this proposal, consisting of the Golkar Party, the Democrat Party, PAN, PKB, PKS, the NasDem Party, the Hanura Party and PPP. The PBI-P was the only one to stand by the original proposal.

### Political developments

#### **TNI Will Not Protect Corrupt Officers**

The Jakarta Globe, 16-12-2016

The Indonesian Military, or TNI, will not protect corrupt officers and is ready to assist in bringing them to justice. “Any member of the military who violates the law will be prosecuted,” TNI spokesman Maj. Gen. Wuryanto said in Jakarta on Friday (16/12).

He added that graft is the country's biggest enemy and the corruption eradication process should not be obstructed. “Corruption is the common enemy of all Indonesians,” Wuryanto said.

On Wednesday (14/12), the Corruption Eradication Commission (KPK) nabbed Eko Susilo Hadi, deputy head for legal affairs and cooperation at the Maritime Security Agency (Bakamla), and three other persons who are believed to have bribed him.

Eko was handling three procurement projects at Bakamla, worth Rp 400 billion (\$29.5 million). KPK is investigating a possible involvement of military officers in the case. “To follow up [on the case], the military police now need to obtain all information from the KPK,” Wuryanto said.

#### **KPK to Summon Setya Novanto on Tuesday as Witness in e-KTP Graft Case**

The Jakarta Globe, 10-12-2016

Investigators at the Corruption Eradication Commission, or KPK, will summon newly reappointed speaker of the House of Representatives Setya Novanto on Tuesday (13/12) as a witness over the notorious e-KTP corruption case.

“KPK has sent a summon letter for Setya Novanto, the speaker at the House of Representatives, related to the e-KTP case,” KPK's spokesman Febri Diansyah said.

He would not comment on potential lines of questioning, but said Setya's name had been mentioned by graft convict and former treasurer of the Democrat Party Nazarrudin, who said the e-KTP project had been controlled by Setya and former Democrat Party chairman Anas Urbaningrum.

The e-KTP case emerged after the House of Representatives' Commission II, which oversees home affairs and elections, approved the Home Affairs Ministry's budget proposal for procurement of the electronic ID card, or e-KTP, program which cost the state Rp 6.7 trillion (\$500 million).

The project, initially planned to provide biometric ID cards to all Indonesians aged 17 and older, was mothballed in Oct. 2015 following a series of problems, including a late start, technical glitches and officials demanding payments from residents to provide the ostensibly free service.

The case has caused approximately Rp 2.3 trillion in state losses. The House, at the end of November, reappointed Setya as speaker, reinstating him despite a major scandal last year when he was accused of trying to extort billion dollars worth of shares from the local arm

## Weekly Update Human Rights in Indonesia – 19-12-2016

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of US mining giant Freeport McMoran. Setya resigned as speaker in December after an inquiry was launched over the extortion allegation.

### House to Support Govt Programs in 2017 Setya Tells Jokowi

The Jakarta Globe, 16-12-2016

House of Representatives Speaker Setya Novanto told President Joko "Jokowi" Widodo the House will fully support the president's programs in 2017.

Setya made the commitment when meeting with Jokowi at the back terrace of Merdeka Palace, a meeting place which famously hosts the "veranda meetings" for only the most special of guests.

"[The House] and the government will join hands to develop the nation, state and the government's programs," Setya said after the meeting on Friday (16/12).

The two institutions would maintain public interest as the main focus while developing welfare, he said.

"The government and the supervisory functions of the government should go hand-in-hand for our economy to stabilize and improve. That is what the people are waiting for," he said. Setya also touched on foreign and domestic investment and reiterated the need for it to preserve the economy.

Setya was joined by the House's three deputy speakers Taufik Kumiawan, Fadli Zon and Fahri Hamzah, while Jokowi was accompanied by State Secretary Minister Pratikno.

### Anies Baswedan to stop Jakarta reclamation project if elected

The Jakarta Post, 17-12-2016

Jakarta gubernatorial candidate Anies Baswedan says he will stop the controversial Jakarta Bay reclamation if he is elected next year, saying that the project is harming people who live around the bay and the environment. "Our stance regarding the reclamation is clear. We don't agree with the reclamation and we will surely stop it," the former education and

culture minister said during a discussion at the Greenpeace office in South Jakarta on Friday.

Previously, Anies said the reclamation project should be stopped as it would affect the livelihoods of those living around the bay. Anies and his running mate, Sandiaga Uno, have included that plan in their working program.

During the discussion, Hindun Mulaika, climate and energy team leader at Greenpeace Indonesia, said the future leader should stop the reclamation project as it threatened the environment.

Hindun added that the next governor should recover the ecological functions of the bay ecosystem that had been damaged by the project.

Jakarta Governor Basuki "Ahok" Tjahaja has persisted with the development of 17 man-made islands despite opposition from environmental activists and fishing communities.

Ahok says the project will settle land problems in the city and bring huge profits to the administration.

See also: <http://www.thejakartapost.com/academia/2016/12/18/indonesia-should-make-land-acquisitions-more-transparent-and-participative.html>