

Impunity

Any solution of human rights violations needs consensus

Kompas, 18-03-2017.

A national consensus is necessary to reach a solution on serious human rights violations of the past, especially those of the Tragedy of 1965. In relation to this the retired officers of the TNI Army signaled that such a solution should use the method of a natural reconciliation.

The President of the Federation of Retired Officers of the TNI Army, (PPAD), ret. Lieutenant-general Kiki Syahnakri touched upon this issue of reconciliation after a closed meeting with the National Human Rights Commission (Komnas HAM) at the PPAD building, last Friday, 17 March. "A judicial solution is feared to open old wounds. A non-judicial process is long and may lead to a deadlock. The best solution is natural reconciliation," said Kiki.

What is meant with a natural reconciliation is a solution that happens on its own via the measures that the government has taken since the Reformasi. One of these was the deletion of a special sign at the ID of people who were considered involved with the Indonesian Communist Party.

The member of the Komnas HAM Roichatul Aswidah, chose to keep to the National Midterm Development Planning (Rencana Pembangunan Jangka Menengah Nasional) that the government has published. It includes, among others, a solution for the serious human rights violations of the past via a national consensus and by the establishment of a special commission directly under the President.

Nevertheless, Roichatul together with another member of the Komnas HAM, Nurkholis, valued the input of the retired officers. The Komnas HAM will also visit the Federation of Retired Officers of the Armed Forces. "This input contributes to our consideration of further steps. The voices of the victims and their relatives will also be listened to. Other

institutions that have a relation with reconciliation will also be asked for their opinions," said Roichatul.

Up till now the process of solution of the cases of serious human rights violations of the past is not yet clear. The model of achieving a solution has not yet been decided upon. On the analysis of the human rights violations, that would be prioritized by [then] Coordinating Minister for Political, Legal and Security Affairs, Tedjo Edhy Purdijatno in 2015, nothing has been heard of. At that moment it had been agreed that there would be a united committee with members from the Komnas HAM, the Prosecutor General, the Police, the Intelligence Agency BIN and the army.

Six cases still have to be solved: the 1965 tragedy, the mysterious killings (1982-1985), the Talangsari events (1989), the enforced disappearances (1997-1998), the May unrest (1998), and the cases of Trisakti, Semanggi I and II¹.

Children's Rights

Not Only Monitoring, but Also Sexual Education Needed to Fight Child Porn: ECPAT

The Jakarta Globe, 19-03-2017

When a group of mothers earlier this week helped the police uncover a child pornography site on Facebook, the news shocked many, but ECPAT Indonesia says the case is nothing new. "The advancement of technology increases the number of victims; there's no monitoring from parents," Rio Hendra, ECPAT Indonesia legal service coordinator told the Jakarta Globe on Saturday (18/03).

In accordance with the latest government regulation, signed by President Joko "Jokowi" Widodo in May, child sex offenders, if convicted, have to serve at least 10 years in prison. In response to the regulation, ECPAT has urged the government, the Ministry of Social Affairs and victim and witness protection agency (LPSK) to provide rehabilitation programs

¹ The listings change every now and then. Here we miss the two unsolved cases in Papua: Wasior (2001) and Wamena (2003) .

Weekly Update Human Rights in Indonesia – 20-03-2017

for convicts to make sure the offences will not be repeated. "It's not only victims who need rehabilitation, if perpetrators do not receive counseling, they will become more dangerous," Rio said.

According to Rio, some of the culprits were once victims themselves, and many of them are still children.

It is not only the lack of monitoring from parents, but also the absence of sexual education, he added, that makes children so easily become both victims and perpetrators — without proper education, they learn about sex from porn sites.

In many cases children do not realize they are victims of sexual abuse and voluntarily share their own photographs or engage in sex video calls with strangers, considering it an easy way to earn money.

Social media, Skype, Line or Whatsapp, have been used as platforms to share porn content, with "buyers" paying for it around Rp 200,000 (\$15).

ECPAT with the Transaction Reports and Analysis Center (PPATK) and Australian Police have recently found, after suspicious money transfers to minors, an indication of a pedophile network operating in Australia, Japan, South Korea and several European countries, purchasing porn content from Indonesian children.

Indigenous Rights

BRG Partners With Indigenous Groups to Restore Peatlands and Combat Wildfires

The Jakarta Globe, 18-03-2017

The Peatland Restoration Agency, or BRG, and the Alliance of the Indigenous Peoples of the Archipelago, known as AMAN, have agreed to work together in peatland restoration and combating wildfires. The two parties signed a memorandum of understanding at the Congress of Indigenous Peoples of the Archipelago in Tanjung Gusta, North Sumatra, on Friday (17/03).

"This cooperation will ensure a rights-based approach and community participation in peatland restoration," BRG head Nazir Foead said in a statement.

The cooperation will include institution capacity building, mapping out social, economic and cultural aspects that play a role in sustainable restoration, spatial planning in indigenous lands, protection of the communities' traditional livelihoods, and their economic empowerment.

According to BRG, there are 1,200 villages in peatland restoration areas. Some of them overlap with the lands of indigenous communities, which often leads to disputes.

Raja Ampat indigenous communities saddened by damaged coral reefs

The Jakarta Post, 18-03-2017

Indigenous communities from Yembuba village in Raja Ampat regency, West Papua, were saddened by the damage to the coral reefs after British cruise vessel MV Caledonian Sky ran aground in shallow waters in the area last week.

"For decades, we have been preserving the coral reefs, which were even protected by our ancestors. But within hours, a cruise ship destroyed the 1.3-hectare area," Yembuba village head Habel Sawiyai said as quoted by Antara in Sorong, on Friday.

He further said waters in Yembuba village were protected by a customary law local people called sasi. Sasi, which had been passed down generations, prohibited people from catching fish illegally and destroying coral reefs in the area.

The customary law also supported local administrations to conserve sea ecosystems for the development of tourism in Raja Ampat, he explained.

"Frankly, we, as traditional communities, feel sad to see damage to the coral reefs. Moreover, we have not been included by the government in the process to claim compensation for the damage," said Habel.

Weekly Update Human Rights in Indonesia – 20-03-2017

Meanwhile, Raja Ampat Customary Council head Kristian Thebu said separately that the council fully entrusted the governmental process to claim compensation for the damaged coral reefs.

However, it would be ideal if the government could involve the residents of Yembuba village, who had lived in the area for generations watching over the conserved coral reefs that were destroyed by the cruise ship. “Local people must be involved in the settlement of tourism problems in Raja Ampat,” said Kristian.

Migrant Workers’ Rights

Indonesia boosts efforts to protect migrant workers in Malaysia

The Jakarta Post, 19-03-2017

Indonesia is intensifying its efforts to protect migrant workers in Malaysia, as indicated by a visit to Penang and Johor by Foreign Minister Retno LP Marsudi this week. Retno's visit from March 15 to 18 was the first by an Indonesian foreign minister to Penang and Johor since 1969.

The minister held talks with Indonesian migrant workers and several companies in some key areas, including oil palm plantations and technology-intense industries, such as the Plexus Riverside.

“I have asked the management to end the problems that occur in Malaysia and I will also convey that to the Malaysian government. Meanwhile, I have communicated with the relevant ministers to look for solutions to the upstream problems,” Retno said in a statement on Saturday.

Retno also visited shelters for troubled citizens managed by the Indonesian consulate general offices in Penang and Johor Bahru and she launched public service innovations to assist with the welfare of migrant workers aboard, such as online passport application assistance. She also launched the Indonesian Community Center, initiated by Johor

Bahru’s consulate general, which provides clinic facilities and skill training to migrant workers.

In Penang, Retno met with Governor Tun Dato Seri Utama Haji Abdul Rahman, who conveyed appreciation for Indonesian migrant workers' contributions to development in Malaysia.

According to data from the Foreign Ministry, there are approximately 360,000 Indonesian workers registered in KJRI Johor Bahru and about 80,000 in the KJRI Penang area, the majority of which work in oil palm plantations, construction and manufacturing industries.

Death Penalty

Man on death row claims innocence as execution imminent

The Jakarta Post, 14-03-2017

“They betrayed my trust,” Santa said when The Jakarta Post visited the 43-year-old father-of-one at the Salemba detention center in Central Jakarta, recently. He repeated the phrase several times throughout the conversation, expressing strong disappointment in his business colleagues, several Chinese nationals whom Santa believes put him on death row.

It all started in April last year when Santa, who ran a small business offering driving services, got an order to pick up four Chinese nationals at Jakarta’s SoekarnoHatta International Airport. One order led to another, and the Chinese men became his business partners in distributing children’s toys imported from China.

One of the men, whom he referred as Jia Bo, called him on the evening of June 3 last year, asking him to come to a toy warehouse in North Jakarta for a Mandarin-Indonesian translation job.

Alas, 12 police officers from the Jakarta Police were waiting when he arrived and immediately arrested Santa over allegations of possessing 20 kilograms of crystal methamphetamine, locally known as shabu-shabu. The police also arrested four other

Weekly Update Human Rights in Indonesia – 20-03-2017

Chinese men that evening, Tan Weiming aka Aming, Shaoyan aka Xiao Yan Zi, Shi Jiayi aka Jia Bo and Qui Junjie aka Junji.

The West Jakarta District Court sentenced Santa to death on March 3, but the court sentenced the four Chinese citizens to life imprisonment.

All of them were indicted under articles 112, 113 and 114 of Law No. 35/2009 on narcotics. The law stipulates sentences of a minimum of six years and a maximum life sentence for drugs trafficking. Santa's lawyers from the Jakarta-based Community Legal Aide Institute (LBH Masyarakat) slammed the sentence as "blatant injustice."

LBH Masyarakat decried the sentence due to several irregularities, one of which was the absence of a lawyer during an interrogation by the Jakarta Police's investigator on June 4. Santa was allegedly forced to admit that he imported the meth and that he had consumed the drugs. A urine test later showed that Santa was clean, said one of his lawyers, Muhammad Afif.

Afif said the trial was illegitimate because so many hearings had been delayed due to the failure of prosecutors to present witnesses and translators. "We were given only 30 minutes to prepare our final defense statement," Afif added, elaborating that the defendant would normally have at least seven days to prepare the final defense statement. "It seems like the trial was a mere formality and that the judges had made their decision before the end of the process."

Human rights campaigners have called on the government to impose a moratorium on capital punishment due to the country's corrupt legal system and have denounced President Joko "Jokowi" Widodo's decisiveness on the policy.

In a recent hearing with the House of Representatives' Commission III overseeing legal affairs, Attorney General Muhammad Prasetyo reaffirmed that Indonesia would continue to use death penalty.

Prasetyo admitted that the government had temporarily put executions on hold to avoid criticism while Indonesia was vying to be a non-permanent member of the United Nations Security Council.

Over the weekend, at least seven death row convicts were transferred to the secluded prison island Nusakambangan in Cilacap, West Java, along with 50 convicts from various penitentiaries in the country.

An authority in charge of Nusakambangan, Abdul Aris, confirmed this. "It's true. Fifty prisoners from Salemba [penitentiary] and six from the Magelang [penitentiary] were transferred here on Friday [last week]," he said.

The last time death row convicts were executed on Nusakambangan was in July 2016. Four drug convicts were executed from the 14 listed at the time, including an Indonesian man and three Nigerians.