

Impunity

Impunity in Papua

The Jakarta Post, 14-11-2016

The taskforce on human rights in Papua has made slow progress in resolving alleged abuses in Papua and West Papua provinces, largely as a result of the Attorney General's Office (AGO), which has persistently disagreed with the approach of the National Commission on Human Rights (Komnas HAM).

The taskforce was initially set up by then coordinating political, legal and security affairs minister Luhut Pandjaitan on Oct. 25, 2015, with a one-year mandate. It was hoped the taskforce could help ease the problems that had bedevilled many human rights cases in the country's easternmost region.

However, by the time its initial term ended last month, the taskforce had failed to secure any form of law enforcement against the perpetrators of human rights cases they examined, prompting the minister's office to extend its mandate by another year.

"We will conduct public hearings on the cases so members of the public, as well as activists and legal experts, can see openly the problems [that have hampered our work]," human rights activist and taskforce leader Mathius Murib said over the weekend. He added that the taskforce would also soon hold meetings with witnesses and victims' families in three cases.

The team has been tasked with overseeing 11 cases of alleged human rights violations but the three cases Mathius was referring to were the Wasior tragedy in 2001, the killings in Wamena (2003) and the bloody conflict in Paniai (2014).

A number of civilians from dozens of villages were allegedly killed and tortured in Wasior during a joint police and military operation following a break-in at a military arsenal. None of the perpetrators in the three cases have been brought to justice.

Komnas HAM has also declared the Wasior and Wamena cases to be gross human rights violations and submitted its findings to the AGO, but the latter has refused to bring the cases to court, citing a lack of evidence.

Mathius said he hoped an open and transparent case hearing could help resolve the problems centering on the different approaches used by the AGO and Komnas HAM.

Read the full article: <http://www.thejakartapost.com/news/2016/11/14/old-problems-hinder-papua-taskforce.html>

Impunity in Timor Leste

This is part one of a two-part series that reflects and reports on the power of eyewitness video that played a crucial role in exposing the brutality of the Indonesian occupation in East Timor. Arul Prakkash, WITNESS' program manager for Asia-Pacific recently spoke with British filmmaker Max Stahl about his role in documenting and preserving footage of the Santa Cruz Massacre, and how his visual account helped propel Timor-Leste back into the spotlight of the world.

Twenty-five years ago, on 12 November 1991, a cacophony of rifle shots disrupted a nonviolent memorial march in Dili, the capital of East Timor. Over 1,000 East Timorese had just attended a funeral mass at the church of San Antonio de Motael. The crowd – students, workers, farmers, villagers, mothers, sisters, children – were making their way to the Santa Cruz cemetery to honour a youth killed by Indonesian troops.

Within minutes of the crowds reaching the cemetery, the US-trained elite Indonesian military unit opened fire. The massacre of the people at Santa Cruz, which resulted in over 200 East Timorese being killed, with the many wounded trampled and left to bleed by the roadside, demonstrated to the world the stark brutality of the Indonesian government under its then president Suharto.

See: <https://blog.witness.org/2016/11/recording-resistance-santa-cruz-25-years/>

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Human rights general

Indonesia's Democracy Takes One Step Forward, One Back, Survey Finds

The Jakarta Globe, 15-11-2016

Jakarta. Indonesia's democracy rating has dropped slightly on the back of increasing discrimination and alleged corrupt practices among lawmakers and political parties, a leading researcher has said.

A Central Statistics Agency (BPS) study released in August found Indonesia's Democratic Index reached 72.82 points, a 0.22 point drop on the last report. The number reflects the fluctuation in democratic processes across the country, but is still firmly in the "safe" category and remains stable.

BPS uses local newspaper reporting, local and gubernatorial regulations, discussions with focus groups and in-depth interviews to determine the index.

In a commentary article to Jakarta Globe, political analyst Pitan Daslani said that the practice of democracy in Indonesia is moving backwards. The former journalist pointed to discriminatory ethnic and religious sentiment within the political sphere ahead of next year's regional elections.

POLITICAL RIGHTS

This year's survey resulted in the highest ranking for political engagement — such as the right to vote or hold office — since the study first began in 2009. The ranking has shot up 63.72 in 2014, after a dismal 46.25 in 2013, climbing a further 6.91 points in 2015 to reach 70.63.

Syamsuddin Haris, a political researcher from the Indonesian Institute of Sciences (LIPI), said the increase is due to the expansion of freedoms under the current government. President Joko "Jokowi" Widodo, who made international headlines after winning the presidency for his humble background outside of political dynasties, faced tough anti-democratic campaigning in 2014 with results disputed by his establishment opponent.

February's regional elections, particularly the gubernatorial race in Jakarta, is widely expected to be the next test in Indonesia's democracy after incumbent Governor Basuki "Ahok" Tjahaja Purnama became embroiled in a blasphemy case at the beginning of the campaign period.

CIVIL FREEDOMS

While engagement improved, civil freedoms and executive, legislative and judiciary institutions decline. Straddling the "good" and "safe" categories, civil freedoms dropped from 82.62 to 80.30 following investigation into movement, speech, religious freedoms and discrimination.

The report cited events such as the August police blockade on a Yogyakarta university dormitory, ostensibly to trap up to 70 Papuan students who had demonstrated in support of the United Liberation Movement for West Papua (ULMWP).

Indonesia maintains pluralism and harmony through the founding Pancasila ideology and the Bhinneka Tunggal Ika (Unity in Diversity) motto, but Syamsuddin says the government, including the Jokowi administration, fails to protect all citizens. "[Some] legislators manipulate religious issues for their political needs, so they could still get elected in the next period," Syamsuddin said.

He emphasized government policies, which play an important role in ending discrimination and upholding constitutional rights of all Indonesians, despite race, ethnicity, religion and inter-group dynamics. "If discrimination remains high, our democracy would likely be low," Syamsuddin said in Jakarta last week.

DECLINING INSTITUTIONS

Functioning of democratic institutions has declined the furthest, dropping from 75.81 in 2014 to 66.87 points. Political parties, legislative assemblies and the House of Representatives are all taken into account when assessing the index. "Our representatives, in both the House and Regional House, haven't made any improvements in quality," Syamsuddin said. Representatives have dragged the country's democracy index after a string of high-profile graft cases involving lawmakers across the country.

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Despite the Saber Pungli task force, launched by Jokowi a year ago, sniffing out extortion and graft in the institutions, Syamsuddin said the process is still on-going and will take a long time. Syamsuddin added that Indonesia's politics remains transactional among the established parties, of which the country has dozens vying for power.

The current system, in which citizens elect their local representatives in the House via elections, is prone to money politics. "If there are 10 house political parties means 10 different thoughts on one subject. During the process of negotiating, they sell their political rights in exchange of money," Syamsuddin told the Jakarta Globe. "The public positions that were contested by members of political parties is being manipulated and used as an ATM to fund their party."

Currently, 19 governors, 10 former ministers, officials of the Constitutional Court and Judicial Commission and hundreds of mayors, district heads and ad hoc government officials have been arrested in graft cases.

Transparency International's annual Corruption Perception Index last year saw Indonesia move up the ranking slightly to 56 of 178 countries on 47 points, just behind Malaysia ranked 55.

Syamsuddin said the government must intervene and create a subsidy for political parties, as is the case in other countries, in an effort to battle money politics. The parties themselves, meanwhile, must improve the quality of human resources.

A parliamentary free-for-all

By Yuna Farhan, Inside Indonesia, 14-11-2016

At first glance, the second cabinet reshuffle by President Joko Widodo, or Jokowi, appears to continue Indonesia's well-established rainbow cabinet strategy. Like the other three incumbents since 1999, Jokowi has formed an oversized parliamentary coalition. Jokowi began with a parliamentary minority. But, after winning over the Golkar Party, the National Mandate Party (PAN) and the United Development Party (PPP), he now has the support of seven of the 10 parties with a presence in the House of Representatives.

With 69 per cent of seats in the parliament, the coalition has the capacity to wield enormous power. But the annual budget process has proven that numbers aren't always a recipe for success. Instead of paving the way for the adoption of the government's budget agenda, Jokowi's newfound parliamentary majority has had little impact on the budgeting process.

THE FRAGILITY OF COALITIONS

Like Yudhoyono's before him, Jokowi's coalition cabinet relies on the assumption that political parties will provide legislative support in exchange for cabinet seats. Indeed, a coalition cabinet has been known as a powerful presidential 'toolbox', which could be used to build legislative support for executive policy positions.

Since the introduction of the open-list proportional system, though, the role of party leadership and party discipline has fallen away. The new system encourages parliamentarians to prioritise building a relationship with their constituents rather than being representative of their respective parties. As a consequence, party alliances no longer guarantee that the parliament will support government policy.

In the revisions of the 2012 budget and 2013 budgets, for example, the Prosperous Justice Party (PKS) joined with opposition parties to reject the government's proposal for the removal of the fuel subsidy, even though it was a part of the government-majority coalition. Jokowi's experience in the last two years has also demonstrated that the size of coalition no longer determines the relative success or failure of the government agenda in parliament. Parliament approved the revised 2015 budget bill even though Jokowi's coalition held only a minority of seats. What's more, the revised 2015 budget was also not business-as-usual fiscal policy. Besides removing fuel subsidies, Jokowi's first budget also proposed a significant jump in the budget allocation to state-owned enterprises.

How, then, did Jokowi get his controversial budget bill passed? What accounts for parliament's decision to approve it, if not a rainbow cabinet strategy?

Read the full article: http://www.insideindonesia.org/a-parliamentary-free-for-all-2?utm_source=All+Subscribers&utm_campaign=f337c8a78d-EMAIL_CAMPAIGN_2016_11_13&utm_medium=email&utm_term=0_32cd77f926-f337c8a78d-295518369

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Freedom of Religion

Drop blasphemy case against Jakarta Governor

Amnesty International Public Statement, 17-11-2016

The Indonesian police should immediately drop the criminal investigation into Jakarta's governor for alleged blasphemy, Amnesty International said today.

The organization's call came as the Indonesian police named Basuki Tjahaja Purnama, the Governor of Jakarta better known as 'Ahok', as a suspect in a blasphemy complaint filed by some religious groups. Ahok, a Christian, is the first member of Indonesia's ethnic Chinese community to be elected Governor of Jakarta.

"By carrying out a criminal investigation and naming Ahok as a suspect, the authorities have shown they are more worried about hard-line religious groups than respecting and protecting human rights for all," said Rafendi Djamin, Amnesty International's Director for Southeast Asia and the Pacific.

"Among the police, opinion is divided on whether the case should proceed, showing that the decision to open an investigation against Ahok is a controversial step."

At a press conference on Wednesday, the Head of the Criminal Investigation Department of the National Police Headquarters, Comr. General Ari Dono said, "Although there are different opinions among police investigators most agreed that the case should be settled in an open trial."

The announcement of the police investigation comes after more than 100,000 people demonstrated against Ahok earlier this month, calling on the police to charge him with defamation of Islam. They also called for voters to not re-elect him next year for these purported comments.

Ahok has denied making any defamatory remarks. He is currently barred from leaving the country and could face up to five years in prison if he is ultimately charged and convicted.

The police have acknowledged that a video featuring Ahok had been edited by a social media user to make it appear that he was criticising the Quran. The video went viral after hard line groups seized on the edited version and promoted it on social media.

"Indonesia prides itself on its image as a tolerant country. This case would set a deeply worrying precedent, making it hard for the authorities to argue that they respect all faiths. It also highlights the urgent need to repeal Indonesia's blasphemy laws which have often been used to target people who belong to minority religions, faiths and opinions," said Rafendi Djamin.

BACKGROUND

Ahok has been named as a suspect under Article 156(a) of the Indonesia's Criminal Code and Article 28(2) of Law No. 11/2008 on Electronic Information and Transaction.

In his actual comments, Ahok said: "So it can be that in your subconscious that you, ladies and gentlemen, you can't vote for me because you've been lied to, with Surat Almaidah 51 and the like. That's your right. If you feel you can't vote for me because you fear you'll go to hell, because you've been lied to, no worries. That's your personal call."

Under Law Number 1/PNPS/1965 on the Prevention of "Religious Abuse and/or Defamation", commonly known in Indonesia as the blasphemy law (Undang-Undang Penodaan Agama) people may be imprisoned for "defamation" for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedom of thought, conscience or religion, which are protected under international human rights law.

"Incitement" provisions in Law No. 11/2008 on Electronic Information and Transaction (ITE) has been used to criminalize peaceful expression. Both of these laws have been used to target individuals who belong to minority religions, faiths and opinions, and particularly those who adhere to interpretations of Islam that are different from the mainstream form of Islam in Indonesia.

Concerns surrounding freedom of religion in Indonesia have long been raised widely both within the country and internationally. Blasphemy laws such as those above are fundamentally incompatible with Indonesia's obligations under international human rights

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law. Specifically, the laws violate legally binding provisions in the International Covenant on Civil and Political Rights, to which Indonesia is a state party, on freedom of expression, thought, conscience and religion, equality before the law and freedom from discrimination.

Although the blasphemy law (Presidential Decree No. 1/PNPS/1965) and Article 156(a) of the Criminal Code were enacted in 1965, they were used to prosecute only around 10 individuals between 1965 and 1998, when former President Suharto was in power during which time the right to freedom of expression was severely curtailed. Between 2005 and 2014 Amnesty International has recorded at least 106 individuals who have been prosecuted and convicted under blasphemy laws.

Calls Reemerge for Revocation of Blasphemy Laws

The Jakarta Globe, 19-11-2016

Calls are reemerging to revoke a set of legal provisions on blasphemy in Indonesia, which activists say have often been used to undermine minority ethnic or religious groups.

The calls come amid a blasphemy allegation launched by Muslim hardliners against Jakarta governor Basuki "Ahok" Tjahaja Purnama in the lead-up to next year's gubernatorial election.

Police have charged the governor, who is seeking re-election, earlier this week for violating the 1965 law on blasphemy.

"The blasphemy laws should be revoked. As long as they're still in place, they'll be used to discredit minority groups," Bahrain of the Indonesian Legal Aid Foundation said on Friday (18/11).

Activists have twice filed judicial reviews against the 1965 blasphemy law with the Constitutional Court in 2013 and 2008, but they were all rejected on the grounds that the law is necessary to maintain public order.

Right to land

Activists protest alleged violence against W. Java farmers

The Jakarta Post, 20-11-2016

A hundred activists from various organizations have sent a letter to President Joko "Jokowi" Widodo to protest alleged violence by security personnel in a West Java village where an airport is planned.

The incident reportedly took place on Thursday in the village of Sukamulya, Kertajati district, Majalengka regency.

An altercation erupted when some 2,000 personnel from the Indonesian Military, the National Police and the Public Order Agency were deployed to the village to secure land measuring activities by the National Land Agency (BPN). The government plans to build the West Java International Airport (BIJB), also known as Kertajati International Airport in the area.

According to the Land Reform Consortium (KPA), villagers protested the attempt and police arrested six people. Dozens were reportedly wounded after being beaten, with one sustaining an open head injury.

The activists wanted the government to stop what they called police "repression" and to release the detained farmers. "We also want the government to reassess the planning for the extension of the runway, because the government could avoid the forced eviction of Sukamulya villagers if it planned the extension on the other side of the airport," the letter said.

Previously, West Java Police spokesperson Sr. Comr. Yusri Yunus said some villagers had protested the measuring activities. "Residents threw stones and in return had tear gas thrown at them," he said on Thursday, as quoted by tempo.co. Yusri said some villagers who refused to sell their land had provoked others to protest.

The government has announced the plan to procure land in Sukamulya in August, but each attempt to measure the land was met with protests.

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Majalengka Regent Sutrisno said the airport would become an investment magnet for neighboring Cirebon. The KPA said the airport project was defined in Presidential Regulation No. 3/2016 as a public transportation project, but did, in fact, amount to an urban development project called Aerocity Kertajati. The KPA said the total land for the urban development was 5,000 hectares, 1,800 ha of which would be for the airport and 3,200 ha of which would be for new city development.

“While the project is ongoing, paddy fields and housing have transformed into the project. Sukamulya village is the only village that stands its ground and refuses to move. There are 1,478 families who refuse to move, defending about 500 hectares of land,” the KPA said.

The KPA said besides Sukamulya 10 other villages were affected by the project. (evi)

Papua

Police ordered Papuan praying congregation to disperse, accusing them of separatism

The Jakarta Post, 21-11-2016

Sorong Police in West Papua province confirmed they ordered a group of people praying on SPG Sorong field on Saturday to disperse and accused the congregation of separatism because the police claim the congregation yelled, demanding independence.

The event was organized by West Papua National Committee (KNPB) to celebrate their eighth anniversary by organizing an event to pray together. KNPB said the police took all 106 people at the event to Sorong Police office for questioning. Later, they released 99 people and detained the other seven: Agustinus Kossay, Arnoldus Kocu, Jack Badii, Kantius Heselo, Mika Giban, Oskar Solossa and Yance Assem.

KNPB said the police accused the seven of treason and provocation. Sorong Police chief Adj. Sr. Comr. Edfrie Maith said they only detained seven of them for 24 hours, in compliance with the procedure.

“It’s our duty to question them within 24 hours. After we questioned them, we released them,” Edfrie said.

Veronica Koman, a public interest lawyer with Papua Itu Kita, who often helped KNPB with legal advocacy, said the seven were released on Sunday, but they had to report to the police daily.

Edfrie said the police ordered the event to disperse because in the event notification letter from KNPB, the organization used a symbol that is not an Indonesian symbol. “Of course we didn’t let them organize it, they refuse to acknowledge the Republic of Indonesia,” he said on Sunday.

Veronica said KNPB produced a notification letter about the event using the KNPB logo, which was the usual procedure for any other organization. “The stamp resembles the Morning Star flag, but I think that’s beside the point. This is an attempt to muffle freedom of expression in Papua,” she said.

Gema Demokrasi, a Jakarta-based network of 75 civil society organizations, criticized Edfrie’s statement in which he made a deal with Sorong journalists not to publish the story. “Sorong journalists and I have agreed not to make news of the event. They intentionally made such an event to get some outside exposure to be acknowledged,” Edfrie said as quoted in tabloidjubi.com.

Gema Demokrasi said Edfrie’s attempt was a violation of the 1945 Constitution on freedom of expression.

KNPB is an organization promoting self-determination for Papuan people.