

Impunity

The solution of past human rights violations by a Joint Committee not yet continued

Kompas, 20-11-2015

The follow-up of the effort to solve the cases of suspected serious human rights violations by a Joint Committee is not yet clear. The Coordinating Ministry for Politics, Law and Security that suggested to establish such a Committee has not yet initiated to have a meeting with a number of institutions that should be involved.

Following the change of the Coordinating Minister from Tedjo Edhy Purdijanto to Luhut Binsar Panjaitan mid August, the Attorney General's Office (AGO) and the National Human Rights Commission (Komnas HAM) have confirmed that the Joint Committee has not yet met. The Committee would include the AGO, the Komnas HAM, the police, the Intelligence Service (BIN) and the Army (TNI).

"Up till now this [Committee] has not met to discuss the follow-up", said the Attorney General, H.M. Prasetyo.

On the other hand, Prasetyo is still waiting for the Komnas HAM to get into contact with the victims, their relatives and human rights activists about the non-judicial steps that should be agreed on by the Joint Committee. In fact, up till now the rejection and criticism by the human rights activists of the manner of solving these violations by reconciliation, still is on the table. "While it has already been clarified several times why at last this step is taken," said Prasetyo.

There are six cases of the past of serious human rights violations that will be solved by a non-judicial approach. These cases are:

- The events of 1965-1966,
- The mysterious killings 1982-1985,
- Talangsari, Lampung (1989),
- Enforced disappearances 1997-1998,
- The riots of May 1998,
- And the events of Trisakti, Semanggi I, dan Semanggi II.

In a separate interview, the member of the Komnas HAM, Roichatul Aswidah, warned that although the non-judicial approach is taken, the truth finding still is the most important item on the agenda. According to the rules [aturan] there are five elements that have to be fulfilled when solving these cases in a non-judicial manner in the form of reconciliation.

First, the state acknowledges that the human rights violations have taken place. Second, it is obliged to express what really has happened (truth finding). Third, the state apologizes or expresses regret about these events. Fourth, it guarantees that such events will not happen again. Fifth, it grants restoration of rights of the victims and their relatives, and their rehabilitation and good reputation.

PKS Politician Wants 'Traitors' at IPT 1965 to Be Prosecuted

The Jakarta Globe, 22-11-2015

Aboe Bakar Alhabsyi, a lawmaker for the Prosperous Justice Party (PKS), wants the Indonesian "traitors" who attended proceedings of the International People's Tribunal 1965 in The Hague recently to be prosecuted upon return.

Aboe Bakar said that the presence of those people at the tribunal was proof of their support for the Communist Party of Indonesia (PKI), which remains banned in Indonesia.

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Tribunnews.com, a local website, reported that Aboe Bakar felt a strong need for continued enforcement of the country's anti-communist laws and regulations that hail back to the 1960s.

Indonesia in the mid-1960s was the scene of a campaign of government-sponsored anti-communist purges that left hundreds of thousands and possible over a million people dead.

At the IPT 1965, activists from Indonesia and elsewhere argued that the Indonesian state should be held responsible for the killings and various forms of abuse of survivors and their relatives, including sexual violence and arbitrary detention, in the years that followed.

The massacres were kicked off after a failed coup attempt pinned on the PKI, during which a number of senior Indonesian military leaders were killed.

The tribunal is not an official court and its findings cannot be enforced, but Indonesian officials have expressed their displeasure about the proceedings regardless.

Noted Indonesian lawyer and rights activists Todung Mulya Lubis led the prosecution.

Besides the military, some of the fiercest resistance against suspected communists came from Islamic organizations.

"The PKI were rebels, how can they be defended?" Aboe Bakar was quoted as saying by Tribunnews.com. "You can say that they [the activists in The Hague] have resisted the state by acting in violation of the [1966 ban on communism], that's why they can be convicted."

Freedom of religion

Bogor most intolerant city in Indonesia, says Setara

The Jakarta Post, 16-11-2015

Bogor municipality ranks the worst in religious tolerance in Indonesia, according to a recent study by human rights advocacy group Setara Institute for Democracy and Peace. Setara carried out a study from Aug. 3 to Nov. 13, ranking 94 municipalities from the most religiously tolerant to the least.

Setara Institute deputy chairman Bonar Tigor Naipospos said there had been cases in Bogor that showed how intolerance was not adequately regulated in the city. "There are the cases of GKI Yasmin and anti-Ahmadiyah sentiment. We also heard that the Bogor administration facilitated meetings of anti-Shiites at City Hall," Bonar said in a press conference on Monday.

The congregation of Gereja Kristen Indonesia (GKI Yasmin) has been holding services outside the church building since it was sealed by the Bogor administration in 2010, following objections by radical groups. Even though the Supreme Court ordered the administration to remove the seal and let activities in the church resume, there has been no change.

Bogor Mayor Bima Arya also prohibited members of the Shiite community to celebrate the religious feast day of Asyura last month.

After Bogor, the next least tolerant municipalities in the country are Bekasi, Banda Aceh, Tangerang, Depok, Bandung, Serang, Mataram, Sukabumi, Banjar and Tasikmalaya.

Interestingly, Jakarta's satellite cities that make up Greater Jakarta are all on the least tolerant list: Bogor, Bekasi, Tangerang and Depok. Bonar said the study reflected firm numbers of current conditions and should serve as a warning to

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the central government and local administrations. "The home minister should observe our research findings so that the government can improve religious tolerance in our nation," he said. "The government should also actively discourage any events that have the potential to incite further acts of intolerance."

The study categorized the municipalities in terms of religious tolerance according to four variables: government regulations, government acts, events involving religious intolerance recorded by the Satara Institute and religious demography of the municipality. Jakarta's municipalities were grouped as one and ranked 65th.

Ismail Hasani, research director at Setara, said Jakarta was the capital city and so there was considerably more religious intolerant-related events that contributed to the overall score of the city. He said events such as protests against Ahmadis, Christians and the like were more likely to take place in Jakarta. Such groups hold their activities in the capital as they are more likely to gain attention for their causes due to the ease of access to mass media and the political influences of the nation. "Jakarta is an exception in this case. Because these events aren't necessarily because of incompetent governance or failure of the application of regulations but rather because it is the center of activity for Indonesian society. For this reason, Jakarta cannot help but be affected," he said.

The study revealed that the most tolerant city in the country was Pematang Siantar in North Sumatra. Other municipalities in order of tolerance are Salatiga in Central Java, Singkawang in West Kalimantan, Manado in North Sulawesi, Tual in Maluku, Sibolga in North Sumatra, Ambon in Maluku, Sorong in Papua, Pontianak in West Kalimantan and Palangkaraya in Central Kalimantan.

Police accountability

Jakarta Police to Nix Black Masks for Criminals

The Jakarta Globe, 20-11-2015

The Jakarta Police has announced it will no longer place black masks over the faces of criminals being presented to the media in an effort to increase transparency and avoid accusations of officers tampering with cases.

"This is to ensure the public that investigators name their suspects purely based on evidence and facts they have collected," said Jakarta Police's general crimes chief Sr. Comr. Krishna Murti said on Friday morning.

Presidium chairman of the Indonesia Police Watch (IPW) Neta S. Pane expressed his full support for the decision, saying it could "prevent the police from charging the wrong person in a criminal case." "For instance, the policy would make it impossible for police to switch the perpetrator with an innocent person in exchange for bribes," he added.

Neta compared a police suspect to that of the Corruption Eradication Commission (KPK), whose faces remain bare as they are escorted by KPK investigators and merely wear an orange vest to distinct them as "KPK Detainee."

"So, why should the police hide the faces of the criminals they arrest? They are just like the KPK detainees, who are criminals as well," Neta said. "I urge National Police chief Gen. Badrodin Haiti to implement the same policy in police stations across the country he added.

Police customarily hide the faces of suspects in criminal cases to support the presumption of innocence according to Indonesia's Criminal Procedure code, or KUHAP.

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Death penalty

Indonesia suspends executions of death row convicts

The Jakarta Post, 19-11-2015

The government has suspended executions of convicts on death row amid the current economic slowdown, Coordinating Political, Legal and Security Affairs Minister Luhut Panjaitan said on Thursday. He said the government was focusing on improving economic growth, which accelerated at a slow pace of 4.73 percent in the third quarter of this year. “We are not thinking about carrying out death sentences as long as our economy is still like this,” he said as quoted by kompas.com.

Luhut said the issue of the death penalty in Indonesia was raised when he met with Australian government representatives in Sydney earlier this week. Australia had promised not to interfere in Indonesia’s stance on the death penalty, he added. “I have told them that we [Indonesia] are concentrating on the economy. We will have further discussions if something comes up,” he said. Foreign countries and human rights groups have slammed Indonesia for implementing the death sentence against convicts, as stipulated in the Criminal Code (KUHP).

President Joko “Jokowi” Widodo’s administration executed two groups of death row convicts, totaling 14 people, in January and April. Two of the convicts were Australian drug smugglers Andrew Chan and Myuran Sukumaran, who were executed in April, causing tension between the two countries and leading to Australia recalling its ambassador from Indonesia. Jakarta-based human rights group the Institute for Criminal Justice Reform (ICJR) said it appreciated the move and urged the government to grant clemency for people on death row so their fate would be clear. “Clemency for convicts on death row would prevent them having the death row phenomenon that often happens during a postponement of [carrying out] death sentences, which is usually evident in a mentally disturbed

state,” ICJR senior researcher Anggara said on Thursday. He also said a moratorium on the death penalty must be followed by real action, such as the Attorney General’s Office refraining from demanding the death penalty for defendants.

Papua

Prisoner of conscience Filep Karma finally released

Amnesty International press release, 19-11-2015

Papuan pro-independence activist Filep Karma tasted freedom today after being unjustly jailed for more than a decade for simply raising an independence flag at a political ceremony in 2004, Amnesty International said.

“Filep Karma spent more than a decade of his life in jail when he shouldn’t even have been jailed for a day. It was an outrageous travesty of justice and he should never have been brought to court,” said Josef Benedict, Amnesty International’s South East Asia Campaigns Director.

“Every Indonesian should have the right to freely express themselves and to the right to freely assemble but these rights were cruelly denied to Filep Karma.”

Amnesty International has long regarded Filep Karma as a prisoner of conscience and campaigned for his release. In 2011 the organization’s supporters in more than 80 countries sent more than 65,000 messages of support to him as part of its “Writes for Rights” campaign and called for his unconditional release.

Filep Karma consistently refused to accept a lesser sentence offered by the government, saying he would only accept an unconditional release and should never have been jailed in the first place.

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The organization believes he was arbitrarily arrested for peacefully exercising his right to freedom of expression and assembly by raising a flag and attending a political event.

“We hope that this will be the first step towards the release of all prisoners of conscience detained for their peaceful political expression in Papua and elsewhere in Indonesia,” said Josef Benedict.

Amnesty International hopes that Filep Karma’s release signals a move away from the repressive tactics frequently used by the authorities to silence peaceful dissent in the Papuan region. Besides releasing all prisoners of conscience, the Indonesian authorities must set up a mechanism to address the culture of impunity in Papua and deal with current and past cases of human rights violations by security forces.

Filep Karma was among approximately 200 people who took part in a peaceful ceremony in Abepura, Papua Province on 1 December 2004. In commemoration of the declaration of Papuan independence in 1962, the Morning Star Flag - a banned symbol of Papuan independence - was raised. Police then advanced on the crowd, beating people with batons. Filep Karma was subsequently arrested and charged with “rebellion” under Articles 106 and 110 of the Indonesian Criminal Code. He was convicted on 26 May 2005 and sentenced to 15 years imprisonment.

During his visit to the provinces of Papua and West Papua in May, President Joko Widodo took steps which seemed to signal a move away from the repressive policies of past administrations. These included the release of five political activists, who were imprisoned following unfair trials based on forced confessions made as a result of torture or other ill-treatment, and a pledge to grant clemency or an amnesty to other political activists detained throughout the country.

He also announced that the authorities were lifting restrictions on foreign journalists, allowing them to access Papua, travel freely and report on the region.

ICP Releases New Human Rights Report 2015

In its latest report, the ICP brings together the research of 25 organisations and experts from in- and outside West Papua on the situation of human rights, indigenous peoples' rights and the conflict situation there. It details in particular the demographic development and its causes as well as the ongoing violence by security forces that targets indigenous Papuans.

The development of the human rights situation in West Papua during 2013 and 2014 shows a deterioration compared to the period covered by the ICP’s previous report. West Papua on the Guinea island bordering Asia and the Pacific and comprising the two east Indonesian provinces of Papua and Papua Barat continues to be one of the regions of Asia most seriously affected by human rights violations and an unresolved long standing political conflict. The living conditions of the indigenous Papuan peoples are in stark contrast to those of the trans-migrants from other parts of Indonesia.

Get The Report from the ICP Website: <http://humanrightspapua.us5.list-manage.com/track/click?u=e9aacf53193e3e7e43248d15e&id=9d21420d78&e=833574007b>

The number of arrests during demonstrations has risen to several hundred per year peaking at 470 arrests in May 2014 alone. The annual number of cases of threats, intimidations and obstruction of work of local journalists have almost doubled compared to previous years.

At the same time, the number of demonstrations has gone down as a result of more repressive policies and actions by security forces against political civil society movements. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has still not been allowed to visit West Papua, despite Indonesia’s earlier positive announcement. In August 2014, two French journalists were arrested and sentenced to two and half months imprisonment for having violated immigration laws.

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This report details cases of violations between April 2013 and December 2014 documented by human rights organisations and churches in West Papua, in Jakarta and by international human rights organisations. Local organisations recorded 47 demonstrations in that period.

All but five of them ended with arrests. Torture and ill-treatment were frequently practiced during crack downs of demonstrations. Eighteen further cases of torture were selected for this report. The cases of documented extra-judicial killings of civilians by security forces during the given period amounts to 22 deaths. All of those victims were indigenous Papuans. On 8 December 2014 security forces opened fire on a large group of indigenous Papuans who protested against excessive violence by security forces. At least four school students were killed and 17 others were injured. The perpetrators of this incident have, as in most other cases not been brought to justice.

Local churches and human rights organisations note an increase of horizontal violence between indigenous and trans-migrant communities. Police often consent to or support the victimization of Papuans instead of adopting an impartial law enforcement practice. The case that took place at the Yotefa Market in Abepura on 2 July 2014 details how police cooperated with a mob of trans-migrants in torturing an indigenous Papuan.

Political developments

KPK, AGO in fight over top prosecutor's reassignment

The Jakarta Post, 21-11-2015

The Attorney General's Office (AGO) has said that it would allow Yudi Kristiana, a prosecutor seconded to the Corruption Eradication Commission (KPK), to wrap up his work on two graft cases involving two former NasDem Party executives before he would be transferred back to his home organization.

Attorney General M. Prasetyo said on Friday that Yudi would not get his promotion until the conclusion of the two trials he is currently working on; one involving the NasDem Party former secretary-general, Rio Capella and, the other, the NasDem Party senior politician and prominent lawyer, OC Kaligis. "He still has a task to complete as he is handling some cases [at the KPK]," said Prasetyo, a former NasDem politician, at the AGO headquarters in South Jakarta.

Prasetyo was keen to assure the public that there was no political pressure behind the decision to withdraw Yudi and maintained that it had only been a matter of time as the prosecutor was due for a promotion. "There is no other objective and, in fact, this is not even a withdrawal, this is a rotation. He will get a higher position because he will be promoted," Prasetyo said.

On Tuesday, AGO spokesman Amir Yanto claimed that Yudi would be promoted to an echelon III job at the AGO's training center. However, Amir denied that Yudi's promotion had been due to his move to prosecute two NasDem politicians, submitting them to their respective trials at the Jakarta Corruption Court.

On Monday, Rio's trial had revealed a scheme to bribe Prasetyo to halt a graft case implicating suspended North Sumatra governor Gatot Pujo Nugoho currently handled by the AGO. During Monday's hearing, a witness claimed that Gatot's wife, Evi Susanti, had set aside US\$20,000 for Prasetyo. Rio stands accused of receiving a Rp 200 million bribe from Gatot for his service as an intermediary between the governor and Prasetyo. However, Prasetyo has maintained his innocence and the KPK have yet to summon Prasetyo to testify in the case.

Yudi, who is one of the KPK's best prosecutors, was seconded to the antigraft body and has handled several high profile graft cases, including the Bank Century and the Bank Central Asia (BCA) scandals. As a KPK prosecutor, Yudi managed to build a strong case against former Bank Indonesia (BI) deputy governor Budi Mulya, who was sentenced to 10 years for offences connected to the Bank Century scandal in 2014. Yudi had renewed his contract with the antigraft body for another four year term in September, due to expire in 2019.

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On Thursday, KPK acting chairman Taufiequrrachman Ruki said that the KPK had sent an informal request to the AGO to retain Yudi at the anti-graft body until he finished handling several high-profile graft cases. Ruki said that although the KPK had assigned a substitute prosecutor to replace Yudi, the antigraft body would suffer from the loss of one of its top prosecutors. “He is a prosecutor, has a PhD in law and is also a lecturer. We really need his contribution,” he said following a meeting with the House of Representatives’s Commission III overseeing legal affairs.

Freeport threatened legal action against RI: Setya

The Jakarta Post, 19-11-2015

House of Representatives speaker Setya Novanto says that gold and copper miner PT Freeport Indonesia has threatened to bring legal action against the Indonesian government if does not immediately extend its mining contract (KK) until 2041. The lawmaker said the threat emerged during his conversations with a Freeport executive with whom he had three separate meetings. Outside his house on Wednesday evening, Setya detailed the chronology of the three meetings.

He said his first meeting with Freeport president director Maroef Sjamsoeddin took place in his office on the third floor of the House complex in Senayan, Central Jakarta, at around 2 p.m. on April 27. Maroef met him, he said, and asked him to help extend Freeport’s mining contract until 2041. According to the Golkar Party politician, Freeport had agreed to build a smelter in return for the contract being extended. The smelter, Freeport reportedly said, would not be built in Papua but in Gresik, East Java, and preparations for it were nearly complete. If the contract was not extended, claimed Setya, Maroef threatened international arbitration against Indonesia in July 2016.

Soon after the meeting, Setya reported the discussion, including Freeport’s extension demand, to President Joko “Jokowi” Widodo. However, Setya said, the

President firmly said that the government would not discuss Freeport’s contract extension before 2019, two years before the miner’s current contract expired, in 2021. “The President firmly said that any Freeport-related measures the government took had to be in line with the law and in the interests of the Indonesian people, especially the Papuans,” said Setya as quoted by kompas.com on Thursday.

After receiving the President’s explanation, Setya and Maroef met for the second time in a hotel in Jakarta at 5 p.m. on May 13. Setya said that as he was concerned about the pressure Maroef was applying, especially his threat of legal action, so he decided to invite a businessman along, namely Riza Chalid. In the meeting, Setya said he conveyed the President’s position of not extending the contract before 2019. Acting on Jokowi’s explanation, Setya also told Maroef that Freeport’s mining contract would have to be revised to deliver greater benefits to the Indonesian people, especially Papuans. “I have never misused the names of the President and the Vice President. They are both state symbols that we must protect and pay respect to,” he said. Setya said Maroef could not accept the explanation and instead reasserted his threat of legal action.

Unsatisfied, Maroef requested a third meeting with Setya. At 4 p.m. on June 8, they met again at the same hotel with Riza again in attendance. Setya claimed that in that meeting Maroef tried persistently to get him to help expedite the renegotiation of the Freeport’s contract extension. “We were still discussing the international arbitration matter. We thought this was something we needed to resolve [and] that’s why I agreed to meet with him again,” said Setya.

Setya said it was in the pair’s third and final meeting that his conversation with the Freeport executive was secretly recorded. Energy and Mineral Resources Minister Sudirman Said then used the audio file as evidence when reporting him to the House ethics council. In Sudirman’s report, Setya and Riza were accused of asking for Freeport shares and falsely suggesting that Jokowi and Kalla were aware of the move. Setya has rejected Sudirman’s accusations but admitted that there was talk about shares in the third meeting. However, Setya said, the shares

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spoken of related only to Freeport's share divestment being managed by the Finance Ministry. He also said the audio files and their transcripts, which went viral on social media, were incomplete.

Separately, Freeport spokesperson Riza Pratama said as quoted by kompas.com that as the Indonesian government's contractor, Freeport had adhered to existing rules and regulations. As the subsidiary of US-based Freeport McMoran, he continued, Freeport had also adhered to the US Foreign Corrupt Practice Act. Based on that evidence, Riza claimed it was unlikely that Freeport would act illegal by distributing share allotments to Indonesian officials to expedite the company's contract extension process.

See more at: <http://www.thejakartapost.com/news/2015/11/21/setya-novanto-s-alleged-misconduct-revives-political-split.html>

Terror alert

Kompas, 21-11-2015

Indonesia has strengthened the counter terror alertness in the wake of the Paris attacks. The spokesperson of the BNPT (Badan Nasional Penanggulangan Terorisme, National Counter Terrorism Body), general Saud Usman Nasution referred to earlier attacks in Bali, Jakarta and the Moluccas. According to Saud, it is difficult to assess the number of sympathizers of the radical movements like Negara Islam di Irak dan Syriah (NIIS). Based on police information 256 Indonesian nationals have been identified as being in Syria. From these some have returned to Indonesia. "Many more have not yet been identified. It is difficult as they move around under cover, but our intelligence is active," he said.

Mapping

On a separate occasion the Head of the National Police, General (Pol) Badrodin Haiti said that the police are mapping out the locations that will be prioritized with regard to security. The Police are especially taking into account the higher

risks towards the end of the year and the New Year festivities. The government has upgraded the level of coordination to prevent terrorist activities. The Coordinating Ministry for Politics, Law and Security is leading the coordination. Present in the meeting was the Minister, Luhut Binsar Pandjaitan, the Head of Police, the Minister for Home Affairs Tjahjo Kumolo, The Commander of the Strategic Reserve of the Army, lieutenant-general Edy Rahmayadi, and the Commander of the Komando Daerah Militer Jaya (responsible for Jakarta, Bekasi, Depok and Tangerang), major-general Teddy Lhaksana.