

## Freedom of Association, Religion and Expression

### **Gov't Officially Disbands Hizbut Tahrir Indonesia**

Jakarta Globe, 19-07-2017

The government officially disbanded the hardline Islamic group Hizbut Tahrir Indonesia for threatening national unity and the Pancasila state ideology, a senior level official at the Ministry of Justice and Human Rights said on Wednesday (19/07).

The announcement came a week after President Joko "Jokowi" Widodo signed a government regulation in lieu of law, or Perppu, that expands the powers of the Justice Ministry to dismantle mass organizations deemed threats to national security and unity.

"With the revocation of its legal status, in accordance with Article 80A of the Perppu, we declare HTI disbanded," Freddy Harris, director general of law administration at the ministry, said during a press conference in Jakarta.

Freddy said HTI, the local chapter of Hizbut Tahrir, an international organization aimed at establishing a pan-Islamic theocracy in the Muslim world, is considered to have engaged in activities that promote ideologies not in line with Pancasila.

President Jokowi said the government decided to disband the hardline group after conducting a long-term observation and receiving suggestions from the ulema, or Muslim scholars, and community leaders.

"It has been said that the government conducted a long-term investigation and observation of the organization, and it has also received suggestions from many circles, including the ulema and the public. And the decision was made today," Jokowi told reporters at the Jakarta Convention Center on Wednesday.

HTI was involved in organizing several mass demonstrations against jailed former Jakarta governor Basuki "Ahok" Tjahaja Purnama, whom many believe was unfairly targeted.

However, HTI, unlike other Islamist groups such as the Guardians of the Indonesian Ulema Council's Fatwas (GNPF-MUI) and the Islamic Defenders Front (FPI), has had a presence in Indonesia since the 1980s. It has largely been a campus-based movement with well-attended meetings and rallies. HTI is known as non-violent mass organization.

HTI's Response

HTI responded immediately to the announcement of its disbandment by saying that it plans to take the case to the State Administrative Court (PTUN). Last week, it also sought to challenge the Perppu, which has sparked protests from human rights groups that said the measure could threaten Indonesia's hard-won democracy, because it could be misused to also take down other mass organizations. "The revocation of HTI's legal status is a clear proof of arbitrary action by the government," HTI spokesman Ismail Yusanto said.

He added that in accordance with Perppu No 2/2017, the revocation of the legal status of a mass organization must first receive an administrative sanction that states the violations committed by the mass organization and before that, the government must also issue a warning letter. "Until this day, HTI does not know what mistake it has made, because there has been no warning whatsoever, as required by the Perppu," Ismail said.

He accused the government of violating its self-made rules, saying that this is evidence of arbitrariness or tyranny, because the government abolished the judicial process in its move to disband the organization. "HTI will not remain silent. HTI will take legal action," Ismail said. (...)

### **Hizbut Tahrir to challenge disbandment by government**

The Jakarta Post, 19-07-2017

Muslim group Hizbut Tahrir Indonesia (HTI) is set to file a lawsuit with the Jakarta State Administrative Court (PTUN) to challenge the revocation of its legal entity status and instruction to disband by the government, the group's lawyer Yusril Ihza Mahendra has said.

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Hizbut Tahrir Indonesia members and sympathizers of Islamic organizations from Greater Jakarta stage a rally to protest the 2017 Regulation in Lieu of Law (Perppu) on Mass Organizations in Jakarta on July 17. (JP/Ibrahim Irsyad)

“We know that our position is weak in facing the government, which has used the Perppu. We shouldn’t give up on upholding justice, however. We shouldn’t let a dictatorship exist in this country,” said Yusril, referring to the Regulation in a Lieu of Law (Perppu) No.2/2017 on Mass Organizations, in a written statement on Wednesday, a couple hours after the government announced the official banning of the HTI.

The government believes HTI contravenes the Pancasila state ideology as it promotes the Islamic caliphate (Islamic state). By issuing Perppu No.2 on July 10, the government gave the authority to the Law and Human Rights Ministry to disband all mass organizations regarded as contravening Pancasila without due process of law.

The HTI filed a judicial review with the Constitutional Court to challenge the Perppu on Tuesday. However, Yusril said the group should take other legal steps because with the disbandment, it no longer had legal standing to file a judicial review.

“We’re preparing the best step for the next action,” said the former law and human rights minister.

The Perppu has become a controversial issue and triggered condemnation from the public and rights groups as they are worried it could threaten the freedom of association and expression. (ebf)

The Kompas print edition of 20-07-2017 contains a half-page advertisement from an Institute for Peace and Security Studies in cooperation with the Direktorat Pengelolaan Media Publik, part of the Ministry of Communication and Informatica that extensively defends the government’s decision. It notes that the decree (Perppu) shows that the government takes the legal way to restrict anti-Pancasila organisations. The text is not to be copy-pasted being an advertisement. The Institute seems to have no website, except for a similarly named institute in Ethiopia. The director of the Indonesia Institute, dr. Sri Yunanto seems to be a lecturer at Universitas Indonesia.

### Police accountability

#### **Community policing**

On 22-07-2017 the Dutch government published the report of a mid-term evaluation of its Community Policing Project in Papua and Maluku, dated June 2016. The mid-term evaluation was carried out by a monitoring consultant, Ms Celia Finch, working for the International Organisation for Migration, the implementing agency of the project.

Frim the Executive Summary: “Despite notable challenges, the IOM has implemented community policing in Tanah Papua and Maluku with a strategic plan that considers community empowerment and local contextual realities. Change has begun to appear in the community police relationship as a direct result of the projects activities, demonstrating clear signs of success and program relevance. The analysis concludes with the recommendation that the program should be extended for a significant period of time

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to ensure a comprehensive exit strategy is developed in conjunction with sustainability initiatives. Further engagement with religious leaders should be a priority as they exercise considerable influence over communities in the target areas.”

From Chapter 1, page 9: “A Word on Research Limitations

The consultant would like to note that there were several limitations to this study that could affect some of the results and conclusions:

- The consultant could only analyse qualitative data for the period of the consultancy. This is a research limitation as there is no objective analysis on change over a period of time.
- The consultant was in Papua and Maluku for a total of three weeks. A comprehensive analysis of relationship change would ideally have more field work and relationship building. Respondents have the potential to portray the positive impacts of the program as superficial answers replace complaints that are not culturally appropriate on a first meeting with an outsider.
- The consultant was not able to attend all areas, or speak to a sufficient amount of people with a variety of perspectives in each location. Most notably, the consultant did not go to Sorong Kota and Sorong Kabupaten in Papua, and was unable to speak to people in District Ambon or Pulau Buru in Maluku
- The consultant was able to conduct a portion of the interviews in Bahasa Indonesian, however she is not fluent. The SPAs that assisted in translation are not professional translators and are also heavily involved in the program. Therefore, it is possible not all information was conveyed from the respondents with objective rigour. Alternatively, the respondents may not have responded well to a foreigner asking questions on trust building, and therefore not given all the information they have.
- The consultant was only able to meet with respondents that IOM staff had organised, therefore limiting the potential variety of perspectives.”

See for the report: <https://www.government.nl/ministries/ministry-of-foreign-affairs/documents/reports/2016/06/01/mid-term-evaluation-for-supporting-community-policing-efforts-in-tanah-papua-and-maluku>

### Terror and Counter-terror

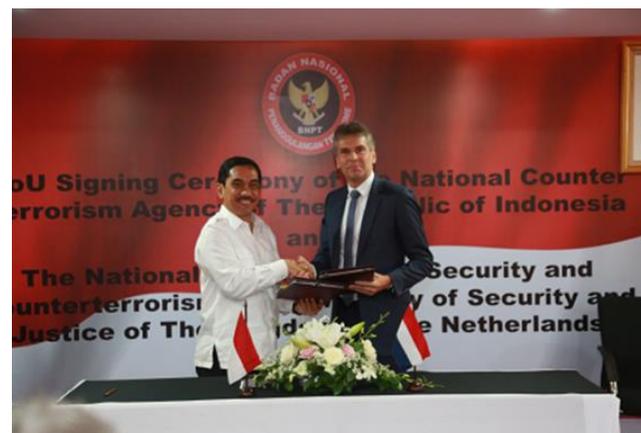
#### **Counter-terror Cooperation Indonesia – The Netherlands**

<https://damailahindonesiaku.com/indonesia-belanda-sepakat-perangi-radikalisme-dan-terorisme.html>

posted 20-07-2017

Efforts in the struggle against terrorism and radicalization are not limited to Indonesia. These issues are of a global nature and can be managed internationally also. In that context the National Agency against Terrorism (Badan Nasional Penanggulangan Terorisme, BNPT) has agreed on a Memorandum of Understanding with the National Coordinator for Security and Counterterrorism (NCTV) of the Netherlands. The agreement was signed by the Head of the BNPT, police general Drs. Suhardi Alius with the Head of the NCTV, H.W.M. Schoof in the presence of the Dutch Ambassador in Indonesia, Rob Swartbol.

See the full article: <https://damailahindonesiaku.com/indonesia-belanda-sepakat-perangi-radikalisme-dan-terorisme.html>



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### Political developments

#### **Indonesia to Implement Duterte's Drug War Approach?**

Jakarta Globe, 23-07-2017



President Joko "Jokowi" Widodo has ordered law enforcers to shoot drug traffickers to deal with what he called a narcotics emergency facing the country.

"No mercy for them [foreign drug traffickers]. We are currently in an emergency in terms of drug abuse," Jokowi said in Jakarta on Friday (21/07), as quoted by state-run news agency Antara.

The president spoke after police seized a ton of crystal methamphetamine worth Rp 1.5 trillion (\$112 million) in Serang, Banten, on July 13. The narcotic, locally known as shabu-shabu, was smuggled from China and constitutes the Indonesia's largest seizure to date.

Police arrested four Taiwanese men who allegedly attempted to distribute the drugs in the greater Jakarta area. One of them was shot dead while resisting arrest.

Jokowi said the police and the Indonesian Military (TNI) are working together to act decisively against drug traffickers. "Now, the police and the TNI are really firm, particularly against international drug dealers who enter Indonesia. Just shoot them if they even show a little resistance," he added.

National Police chief Gen. Tito Karnavian was quoted by Antara on Thursday as saying that drug smugglers are targeting Indonesia because they deem the country's law enforcement efforts weak, unlike Singapore, Malaysia and the Philippines.

"They [drug traffickers] have noticed that, apart from the potential market, we [law enforcement officers] may be weak to act. Our laws are considered weak; that causes them to become rampant in Indonesia," Tito said in Jakarta.

He said international drug traffickers have been given a stern warning not to consider Indonesia as one of their main destinations for the illegal drug trade.

"I have ordered the police to crack down and act tough, especially against foreign drug dealers. I have also told [officers] to act in accordance with their standard operational procedure, which also means shooting them if they resist arrest," Tito said.

Indonesia is not the only Southeast Asian country under threat from the widespread distribution of illicit drugs. The Philippine government under President Rodrigo Duterte declared war on drug pushers last year.

Extrajudicial killings in the Philippines have drawn condemnation from the international community and human rights groups.

Usman Hamid, country director for the United Kingdom-based rights group Amnesty International in Indonesia, said the statements by Jokowi and Tito may result in law enforcement officials on the ground committing unlawful actions, such as extrajudicial killings or summary executions, which constitute gross human rights violations.

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"Duterte's war on drugs is the wrong kind of approach for a democratic country. Indonesia must look for a better approach or best practices from other countries," Usman told the Jakarta Globe. He added that Duterte declared war on drugs after the state imposed martial law with the parliament's approval. The implementation of Duterte's shoot-on-sight policy violates the country's constitutional law and other regulations.

Usman said Jokowi and Tito's remarks could be regarded as a move to implement martial law in Indonesia. He added that their statements show a lack of understanding of basic norms of human rights and the rule of law.

See for a comparison of the drug-policies of Indonesia and Philippines: <https://www.hrw.org/news/2017/07/21/indonesias-police-chief-touts-killing-drug-dealers-crime-solution> ; and for the long-term and human rights effects of this policy in the Philippines: <https://www.hrw.org/news/2017/07/20/human-rights-consequences-war-drugs-philippines>

### **MK rejects immunity for lawyers from KPK investigation**

The Jakarta Post, 19-07-2017

The Constitutional Court (MK) rejected on Wednesday a judicial review request filed by a lawyer seeking immunity for lawyers from investigation by the Corruption Eradication Commission (KPK).

In a hearing presided over by chief justice Arief Hidayat on Wednesday, the MK dismissed the challenge made by plaintiff Tonin Tachta Singarimbun to an article in the 2002 KPK Law, which allows the antigraft body to probe law enforcement officers.

"The challenge made by the plaintiff is not justified in law," said Arief as he read out the verdict.

Tonin filed a judicial review request in August last year to exclude lawyers from the categorization of law enforcement officers. He claimed a lawyer could not be counted as a state body. Tonin further argued that lawyers could not be categorized as law enforcers because they did not have any power to investigate or to prosecute.

Last year, watchdog Indonesia Corruption Watch (ICW) released a report saying 11 lawyers had allegedly been involved in corruption cases. One of most outstanding cases was when the KPK named senior lawyer O.C. Kaligis as a graft suspect in July 2015. He was accused of having bribed judges at Medan State Administrative Court to secure the case of his client, former North Sumatra governor Gatot Pudjo Nugroho. The court sentenced Kaligis to five-and-a-half-years' imprisonment. The Supreme Court increased Kaligis' punishment to 10 years in prison after it rejected his appeal in August last year. (kuk/ebf)

### **House Approves Election Bill That Will Test Indonesia's Democracy**

Jakarta Globe, 21-07-2017

After a long plenary meeting, the House of Representatives on Thursday evening (20/07) finally approved an overdue election bill, which will serve as a legal basis for the 2019 presidential vote.

The bill, now ready to be signed into law by President Joko "Jokowi" Widodo, requires presidential candidates to either obtain support from a political party or a coalition of political parties with 20 percent of the seats in the legislature as of the 2014 poll, or to be supported by a political party or a coalition of political parties that won 25 percent of the vote in the election.

The meeting was colored by walkouts, as lawmakers of the Prosperous Justice Party (PKS), the National Mandate Party (PAN), the Democratic Party (PD) and the the Great Indonesia Movement (Gerindra) Party opposed the thresholds that block the chances of candidates who are not endorsed by major parties.

The House's decision to keep the status quo is seen as a victory for the ruling coalition – the Indonesian Democratic Party of Struggle (PDI-P), the Golkar Party, the National Democratic Party (NasDem), the National Development Party (PPP) and the People's Conscience Party (Hanura) – as small parties will have no chance to nominate their candidates in the next presidential election.

Deputy Speaker Fadli Zon of Gerindra, who led the first part of the plenary also left the room and the meeting was continued by Speaker Setya Novanto.

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In the next general election, scheduled for April 17, 2019, Indonesians will for the first time choose the legislature and the executive on the same day.

"Golkar wants the improvement of the democratic system," Golkar lawmaker Robert Joppy Kardinal, who sits in House Commission IV, which oversees forestry, fisheries and agricultural affairs, told reporters in Jakarta on Friday.

He said the threshold is not aimed at limiting the right to stand for election.

"When we elect mayors, there are thresholds too, how come should not have them for [electing] the president?" he said.

The thresholds, he argued are needed to limit the number of candidates so that members of the public will not be confused with regard to their preferences. This, he said, will also prevent the possibility of particular interest groups being represented by candidates.

Vice President Jusuf Kalla approved the decision to keep the thresholds, saying consistency should be kept in regulations.

While it is a happy moment for the ruling coalition, the opposition is not amused.

Didi Irawadi Syamsuddin of the Democratic Party said on its official website that using the results from the 2014 vote is "irrational" and not relevant to the 2019 presidential vote.

"The requirement to obtain the support from political parties with 20 percent of the seats, based on the 2014 election results is irrelevant ... The political landscape has surely changed since the past five years," he said. Didi also questioned the ruling coalition's determination to keep the threshold system. "Unfortunately, President Jokowi supported this threshold [requirement]," he said, adding "so don't blame others if many become suspicious. Perhaps it's a way to block presidential candidates from small parties ... or the incumbent president fears to fight prospective candidates?" he said.

According to Didi, as the Constitutional Court ruled in 2013 that the 2009 elections should be simultaneous, automatically the threshold for presidential candidate pairs should be removed. "If this [the current bill] is implemented, then it may violate the Constitutional Court's ruling," he said.

Yusril Ihza Mahendra, the founder of the Crescent Star Party (PBB), which failed to win seats in the 2014 election, said his party will request judicial review of the new law, as the threshold system is unfair for small parties like PBB.

Meanwhile, the General Elections Commission (KPU) said when the bill is passed, the KPK will be bound to hold the election in accordance with the law.

"This will be the basis for us to hold the 2019 simultaneous election. Most importantly, the bill has been approved, the outcome is part of the political process," KPU commissioner Viryan said.