

Weekly Update Human Rights in Indonesia – 25-04-2016

Impunity

Symposium on 1965 Tragedy is an entry point

Kompas, 19-04-2016

This year solving the human rights violations of the past is the important issue for the government. The Symposium 1965 is a starting point. Participants were, apart from the Ministry of Justice and Human Rights, also the National Human Rights Commission Komnas HAM, the Presidential Advisory Committee, the Press Council, and societal organisations. The opening was carried out by Coordinating Minister Luhut Panjaitan of Political and Security Affairs, present were also the Head of the Police, General (Pol) Badrodin Haiti, Minister of Interior, Tjahjo Kumolo, the Attorney General HM Prasetyo, and the Governor of the National Defence Council Agus Widjojo.

Luhut said that the symposium was meant as a first step in a dialogue between the government and the victims of the human rights violations of the past aiming for reconciliation. The 1965 Tragedy, he said, is an entry point for solving other human rights violations. According to Luhut there is deep regret over the human rights violations of the past, although the government does not consider to offer apologies. He hoped the violations would not be repeated.

The Symposium will result in recommendations to the government modelled for reconciliation. “Not looking for those who are guilty but for what went wrong, so that it will not happen again”, said Agus Widjojo. According to him the historical approach is the most objective way to solve the violations.

Sidarto Danusubroto, chairperson of the Presidential Advisory Council, said that what was most important now is for the government to be present as protection for all civilians. He hopes that the symposium will be a good start for the people not be ashamed to speak about the gruesome past.

One of the speakers at the first session was human rights defender Todung Mulya Lubis said that whatever the way chosen, judicial steps or non-judicial steps, the most important thing is to speak out on what has really happened. Only after that we can think about rehabilitation and compensation.

Q&A: 1965 and national reconciliation

The Jakarta Post, by Devina Heriyanto, 22-04-2016

G30S and PKI used to be a pair of infamous abbreviations in the Indonesian public sphere. The army-backed government created the acronyms to name the September 30 movement of the now-defunct Indonesian Communist Party (PKI) in 1965. The events of 1965 involved the murder of six high-ranking army generals followed by the mass killing of hundreds of thousands of PKI sympathizers.

Indonesia’s National Commission on Human Rights (Komnas HAM) held a two-day symposium called “Dissecting the Tragedy of 1965, the Historical Approach” on April 18-19. The conference examined the mass killings that took place from 1965-1966 under the pretext of a communist purge through testimony given by experts, survivors of the atrocities and members of the military.

Read the whole story: <http://www.thejakartapost.com/academia/2016/04/22/qa-1965-and-national-reconciliation.html>

Recommendations on 1965 massacre to be submitted in July

The Jakarta Post, 23-04-2016

The recommendations from the national symposium on the 1965 tragedy will be given to the government in July, the National Commission on Human Rights (Komnas HAM) says. “The recommendations will cover several points, such as the scope, stages and deadline [for resolution of the case], as well as which body should handle it,” Komnas HAM chairman Imdadun Rahmat said in Jakarta on Friday.

The national symposium, organized by Komnas HAM, the Presidential Advisory Board (Wantimpres), the Press Council and several other institutions, was held on Monday and Tuesday to discuss and make further recommendations to the government on the 1965-1966 mass killings.

The event, which was supported by Coordinating Political, Legal and Security Affairs Minister Luhut Binsar Pandjaitan, involved academics, human rights activists, victims of the incident, politicians and the representatives of several government bodies. “We will be taking input from the Indonesian Military, Islamic groups and other groups as well as former Indonesia Communist Party members [and their relatives] to be considered in the recommendations,” said Imdadun.

Weekly Update Human Rights in Indonesia – 25-04-2016

The kidnapping and murder of six Army generals on Sept. 30, 1965, led to a purge of communists and alleged communist sympathizers by the military under the leadership of Soeharto. It is estimated that between 500,000 to 1 million people were killed during the cleansing of people with any leftist connections, regardless of their age or level of involvement in left-wing movements.

Komnas HAM has launched its own investigation into the case, but its recommendations have never been followed up by the Attorney General's Office (AGO). Imdadun further said Komnas HAM only had the authority to encourage judicial processes, so it did not have rights to facilitate the reconciliation. The 2000 Human Rights Trials Law only mandated the Truth and Reconciliation Commission (KKR) to manage the reconciliation process. However, the Constitutional Court has annulled the law. "The process could be managed by a committee directly under the President," Imdadun said. (vps/bbn)

A symposium on the 1965 massacre in Indonesia is not enough to address impunity

Asian Human Rights Commission, 21-04-2016, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-053-2016>

[...] The symposium remains controversial: the government has claimed that this exercise is part of the government's commitment to solve past human rights abuses. Whereas, the human rights groups have stated that mere discussions in the symposium have only been ceremonial.

In the symposium, many victims and former high-ranking officials made statements and testimonies. However, the government and former ranking officials have reiterated their commitment to refuse to issue a public apology to the victims and families of victims of the 1965 massacre. Further, the government pushed the argument that, as a big nation, Indonesia should forget what happened in the past.

Regardless of the many weaknesses in the symposium, the AHRC welcomes the government effort because this initiative can become the first step to solving past abuses and ending impunity. The symposium is the first meeting that brought together victims and perpetrators of the 1965 massacre. The government's effort should be continued, not only in Jakarta, but also in various provinces of Indonesia. Victims and family members of victims should talk freely without any intimidation.

Furthermore, the government must follow-up the investigation report concerning the 1965 massacre, submitted by the National Commission on Human Rights. The Law No. 26 of 2000 on Human Rights, cannot simply be ignored; the law mandated that past abuses should be solved through an ad hoc human rights court. Whereas, the Bill on the Truth and Reconciliation Commission, which is already with the Parliament Drafting Committee must consider human rights and avoid blanket amnesty for perpetrators when being finalized.

After half a century, Indonesia opens a debate about its darkest year

The Economist, 23-04-2016

(...) It counts as progress that the symposium drew together so many people on both sides of the killings—or at least their children. One of the organisers was Agus Widjojo, an intellectual former general and a son of one of the six assassinated in 1965. One delegate was the daughter of D.N. Aidit, leader of the PKI at the time—when only the Soviet Union and China had larger communist parties. Another was Sukmawati Sukarnoputri, one of the daughters of Sukarno, Indonesia's founding president, who was squeezed out of power by Suharto in 1966.

Yet the former army men and the government seemed to cast doubt on whether there was anything to discuss at all, dismissing the notion that hundreds of thousands had died. A retired general, Sintong Panjaitan, said the figure was closer to 80,000. Another former general, Luhut Panjaitan (no relation), now the government's security minister, went further: "I don't believe the number was more than 1,000; probably fewer."

Some activists claimed that the symposium, a worthy idea of academics and NGOs, had been "hijacked" by the government. Mr Haris of Kontras boycotted it, arguing it was designed to portray the tragedy as the result of a "social conflict" between rival groups—ie, ignoring the "dirty hand" of the government and army. Others, however, such as Andreas Harsono, of Human Rights Watch, a New York-based lobby group, welcomed the symposium as a "tiny" but important first step. Optimists hope it will be followed by other meetings round the country and so, at long last, by a national reckoning. The generals' estimates of the death toll may be ludicrously understated, but at least they open the way for a discussion about the real numbers.

Many hoped that the administration of Joko Widodo, the president elected in 2014, might be happy to open such a debate. The first president from outside the old elite, with no military links, he seemed to have much to gain. But maybe the Islamic groups, the army and others opposed to open discussion have more political clout, even today, than survivors and victims' descendants. Mr Luhut

Weekly Update Human Rights in Indonesia – 25-04-2016

ruled out any government apology, and appeared to see calls for openness as a foreign plot, thundering: "I'll be damned if this country is controlled by other countries."

Read the whole article: <http://www.economist.com/news/asia/21697252-after-half-century-indonesia-opens-debate-about-its-darkest-year-open-wounds>

Police accountability

House concerned about human rights in terrorism bill

The Jakarta post, 22-04-2016

The House of Representatives' special committee on the revision of the 2003 Terrorism Law has called for a supervisory mechanism to oversee the extended detention period for terrorism suspects to prevent potential human rights violations.

In a discussion of the bill, the government proposed that police could detain alleged terrorists for up to 510 days after the arrest and before trial, nearly three times as long as the 180 days stipulated in the current law. Such a long period required strict monitoring, said committee member Asrul Sani, a member of House Commission III overseeing legal affairs. "If we want a longer detention period, this should be balanced with a mechanism to supervise the [police]," Asrul told thejakartapost.com recently.

The terrorism act applied in the UK allowed police to detain a person suspected of being a terrorist for up to 48 hours without charges, he said. The police could extend the period to a maximum of 28 days; however, that needed to be reviewed by an independent team beforehand.

Indonesia should have a similar mechanism of independent reviewers to supervise the police's use of authority and ensure transparency and accountability, Asrul said.

Separately, committee chairman Muhammad Syafii said the committee would conduct a careful and comprehensive study regarding the detention period, especially from a human rights perspective. "If the broader authority contributes to more human rights abuse, we will not approve the request," Syafii said as quoted by tribunews.com on Thursday.

The government has demanded stronger and wider law enforcement powers for counterterrorism measures, and saw its position strengthened by a terrorists attack in the heart of the capital city in

January that killed eight people, including four suspected terrorists. However, the recent death of an alleged terrorist named Siyono has raised questions about the authority given to the National Police.

Siyono died in March in the custody of the National Police's antiterrorism squad Densus 88. Suspicions of him being tortured by Densus personnel rose after his family found his body covered in bruises and after an independent autopsy found he had died from fractured ribs.

Riot in Bandung prison

The Jakarta Globe, 24-04-2016

Authorities are performing an autopsy on the body of the inmate whose death triggered a riot and a massive fire inside the Banceuy Narcotics Prison in Bandung, West Java, on Saturday morning (23/04). His family and fellow inmates have dismissed the prison management's conclusion that he committed suicide.

The riot broke out at 6.30 a.m. on Saturday morning after inmates learned that Undang Kosim, 54, had been found dead in his cell at 1.30 a.m. Hundreds of prisoners started throwing rocks at the guards before they set fire to prison officials' offices.

An inmate told Tempo.co that they suspect Undang was tortured in an effort to get him to confess that he had tried to smuggle drugs into the prison. "We know that [prison officials] had no proof against Undang. Besides, he was scheduled to be released in a few months, so he wouldn't do anything that stupid," the inmate, identified as Richard, told the news portal on Sunday.

Richard said inmates were enraged when prison authorities tried to pass Undang's death off as a suicide. "When prisoners got out of their cells, they spontaneously started to riot," he said.

Banceuy prison chief Agus Irianto however insisted that Undang hanged himself while he was in solitary confinement.

Undang's family told another news portal, Detik.com, that they found "bruises and stab wounds" on his body. "This led the family to believe that he was abused," Undang's brother, Dedi, said on Sunday.

Justice and Human Rights Minister Yasonna Laoly, whose office oversees prisons across the country, confirmed that authorities were conducting an autopsy on Undang's body but added that "there are

Weekly Update Human Rights in Indonesia – 25-04-2016

new developments" in the case. "If [the suicide claim] is not true, I will be the first to punish [prison officials]," Yasonna said, as quoted by Tempo.

Torture

Indonesia: End caning as a form of punishment in Aceh

Amnesty International Public Statement, 19-04-2016

The Indonesian government must end the use of caning as a form of punishment and repeal or amend the provisions of the Aceh Islamic Criminal Code (Qanun Jinayat) that provide for these violations of international law.

Caning has been used as punishment in relation to a range of criminal 'offences', including selling alcoholic beverages (khamar), consensual sexual relations (zina) and being alone with someone of the opposite sex who is not a marriage partner or relative (khalwat).

On 12 April, five people were caned in front of large crowds in Takengon, Central Aceh district, Aceh province. They include one couple convicted of committing "adultery" – that is, sexual intimacy outside marriage, one couple convicted of "being alone with someone of the opposite sex who is not a marriage partner or relative" and a Christian woman convicted of selling alcohol. The Christian woman who was caned 28 times for selling alcohol, is the first non-Muslim punished by caning under Shari'a law, which prior to October 2015 applied only to Muslims in Aceh province. The couple convicted of "adultery" were caned 100 times each and the couple convicted of khalwat were each caned three times.

Caning and other forms of corporal punishment violate the international law prohibition of torture and other cruel, inhuman or degrading treatment set out in the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), to which Indonesia is a state party. In 2013, the UN Human Rights Committee, which monitors states' compliance with their obligations under the ICCPR, called on Indonesia to repeal provisions that authorise the use of corporal punishment in Acehnese law. In 2008 the UN Committee against Torture called on Indonesia to review all national and local legislation that authorizes the use of corporal punishment as a criminal sanction, with a view to the immediate abolition of such punishments.

Read the whole statement: <https://www.amnesty.org/en/documents/asa21/3853/2016/en/>

Political developments

Jokowi's visit to Europe

Newsweek by Papang Hidayat¹, 19-04-2016

She was the only woman on the stage. On either side stood uniformed men, their stern gaze bearing down on her. The 60-year-old woman from Indonesia's Aceh province had been dragged out in front of a crowd to be punished for allegedly selling alcohol. Wearing a white robe and loose-fitting headscarf that obscured her face, she remained as anonymous as the hooded figure looming over her, brandishing a cane. In all, she received 30 strikes, becoming the first non-Muslim to be caned in Aceh since Indonesian authorities there introduced a controversial brand of Sharia law.

She wasn't, however, the first woman to be punished in this cruel and inhumane way. A widely circulated video from December 2015 shows a younger Muslim woman being caned for supposedly drifting into "close proximity" of a man she wasn't married to. In the video, the woman is shown emitting a cry of anguish each time the cane snapped against her back. Before the cane could be raised for a fifth time, she fell forward, head first, on to the stage, unable to bear the pain any longer.

When Indonesia's President Joko Widodo, also known as 'Jokowi,' tours Europe this week, it will be as the leader of over 250 million people and a nearly \$900 billion economy, expected to continue growing over the next five years at a steady clip of over 5 percent. After meetings in Germany, he will be received by officials in Brussels, and then be feted by U.K. Chancellor of the Exchequer George Osborne for two days. His final stop will be at The Hague, in the Netherlands, the seat of international justice.

It would be a travesty if, in their conversations with President Widodo this week, European leaders did not match their interest in Indonesia's resilient economy with questions about the country's enduring human rights issues.

When he was elected in 2014, President Widodo made a series of commitments to human rights, encouraging hopes of change—provoking comparisons with U.S. President Barack Obama's rhetoric, and not just the two men's slight physical resemblance. He promised to address historic human rights abuses, protect freedom of religion, combat intolerance, implement police reforms, defend

¹ Papang Hidayat is Amnesty International's Indonesia Researcher.

Weekly Update Human Rights in Indonesia – 25-04-2016

women's rights, and protect Indonesia's indigenous people. On most of these fronts, and others, Amnesty International has recorded a worrying trend in the wrong direction.

As detailed in our annual death penalty report, in 2015, a year when the number of countries in the world who have abolished the death penalty became a majority, Indonesia executed 14 people. Within weeks of coming to power, President Widodo balked at suggestions that they should be granted clemency. Earlier this month, the Indonesian Attorney General announced plans for 10 more people to be executed. To this end, he has even managed to secure a budget for the planned executions.

President Widodo is not entirely oblivious to the injustice of the death penalty. In cases involving Indonesians sentenced to death abroad, especially in Saudi Arabia and Malaysia, his government has offered them support. At home, sadly, President Widodo has insisted that the death penalty should serve as a deterrent, a notion that lacks credible evidence. In some cases, the death sentences handed down by Indonesian courts were the product of manifestly flawed legal proceedings. By our estimates, there are currently over 180 people on death row in Indonesia.

Indonesia's jails have also worryingly come to house new prisoners of conscience, dimming hopes that the release in 2015 of Filep Karma, a peaceful protester jailed for over a decade, would prompt further releases. Earlier this month, political activist Steven Itlay was charged with having committed "rebellion" and faces life imprisonment. Johan Teterissa, a former schoolteacher and political activist from Maluku province, remains behind bars eight years after his arrest. His crime was to have led a peaceful demonstration, performed a traditional war dance, and unfurled a banned Malukan flag.

In Maluku, Amnesty knows of 29 prisoners of conscience, and a further 27 in the restive easternmost region of Papua, where just this month peaceful protests were met by police arrests in seven different cities. Far from breaking with Indonesia's past, it appears to be business as usual. Indeed, as the bruises administered to the 60-year-old woman last week will attest, the scope of human rights abuses in Indonesia is widening.

The European leaders who meet President Widodo this week might consider asking what her name is, and whether he recalls the hopeful pledges he made to her and millions of other Indonesians two years ago.

Jokowi meets with German President, discusses death penalty

The Jakarta Post, 19-04-2016

President Joko "Jokowi" Widodo says his government's insistence on applying the death penalty is due to growing drug crimes in Indonesia, which have reached alarming levels.

The President says Indonesia wants Germany to understand that the country's stance on the death penalty is related to the emergency status of drug abuse in the country.

Jokowi discussed the issue of the death penalty during his meeting with German President Joachim Gauck at the President's office in Berlin on Monday, local time.

"About 40 to 50 Indonesian citizens die every day from drug abuse," Jokowi said as quoted in a statement released by the President's communications team. This is why the death penalty remains a part of Indonesian law, he added.

Although the government maintained the existence of the death penalty, Jokowi said his administration ensured that its implementation was done carefully and legal rights were afforded to death-row convicts.

During the meeting, Jokowi and Gauck also discussed peace and security in both countries. Jokowi claimed that Indonesia was an example of how Islam, democracy and tolerance could go hand in hand. He said that despite being the most populous Muslim country in the world, Indonesia had managed to develop democracy and tolerance.

Commenting on the ongoing territorial dispute over the South China Sea, Jokowi emphasized the importance of peace and stability in the region. He said no country could benefit from an unstable region.

In his statement, President Gauck said Jokowi was a progressive President who had moved Indonesia's politics and economy forward. He also appreciated Indonesia's role in contributing to peace and stability in the Middle-East.

After his meeting with President Gauck, Jokowi visited a vocational education training center in Siemestadt, a city built by Siemens AG, the largest engineering company in Europe. Jokowi is visiting Germany to boost economic cooperation in trade and investment and to strengthen cooperation in vocational education between the two countries.

Weekly Update Human Rights in Indonesia – 25-04-2016

Plea from London to end communist stigma

The Jakarta Post, 21-04-2016

Soe Tjen Marching, 45, sat quietly among around 1,200 Indonesian nationals at the official residence of Indonesian Ambassador to the UK Rizal Sukma in London listening to President Joko "Jokowi" Widodo's speech during a presidential meet-and-greet on Tuesday.

Unlike other Indonesians, who came to the event to listen to Jokowi's speech, Soe only waited for the question-and-answer session to convey her disappointment to Jokowi over a recent statement made by one of his coordinating ministers that the government would not apologize for the tragic events of 1965.

Soe is the daughter of a former member of the outlawed Indonesian Communist Party (PKI) from Surabaya, East Java, who was imprisoned by then president Soeharto, the longest-serving ruler in the nation's history, during the government's anti-PKI campaign in 1965, which targeted party members and affiliates.

"On behalf of the International People's Tribunal [IPT], I am very disappointed with Coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan's recent remarks that the country would not apologize to the victims of 1965," said Soe, whose statement seemed to shock the event organizers.

"The government must correct the history and apologize to the victims. My father was one of them," said the British coordinator of IPT 1965, a people's tribunal held in the Hague, the Netherlands.

The IPT is a non-formal process held by civilian groups to bring attention to unresolved human rights abuses. The hearing on 1965 was held from Nov. 10 to 14, and it found the Indonesian government guilty of crimes against humanity during the 1965 atrocities.

The Jokowi administration has promised to resolve past human rights abuse cases, including the 1965 tragedy, and the government held a two-day conference earlier this week to review the events of that time.

Luhut, a retired Army general, said that fewer than 1,000 people were killed during the purge of communists, and reiterated the government's refusal to apologize.

Soe's father was detained in Kalisosok prison in Surabaya in 1965 and she was born after his release in 1971. Her family hid the truth about her father to avoid social stigma.

"My father died in 1998, the year Soeharto stepped down. My mom lied to me until 2014 because she was afraid. The fact that I discovered my family had lied to me hurt me very badly. My father was arrested because he was found to be a PKI member in Surabaya. I hated my family very much because of the lies. The lies had a negative impact on me," said Soe, who has been living in the UK for 11 years. Responding to Soe, Jokowi said the government had not reached any conclusion about the 1965 case and what Luhut said did not represent a final resolution.

"I have yet to hear statements from the Attorney General's Office, the Office of the Coordinating Political, Legal and Security Affairs Minister or the National Commission on Human Rights [Komnas HAM]. So, if one person made such a statement, please understand that it is still an ongoing process and no decision has been made by the government," Jokowi said.

"After the government makes a decision on the case then let's talk about it. For sure, the case must be resolved in order for it no longer to be a burden," Jokowi added.

Komnas HAM, one of the organizers of the conference, said the government should revoke Provisional People's Consultative Assembly Decree No. XXV of 1966 on the prohibition of communism or Marxist-Leninist ideology.

"That provision is the legal source of discrimination against members or ex-members, and even families of members, of the Indonesian Communist Party," Muhammad Nurkhoiron, a Komnas HAM commissioner said.

He added that if the provision continued to apply, there would always be discrimination against anything associated with communism.

Three Moluccans arrested in The Hague

Nu.nl <http://www.nu.nl/algemeen/4251235/molukse-betogers-aangehouden-bij-bezoek-indonesische-president.html> 22-04-2016

On Friday 22 April the police of The Hague arrested a few people demonstrating in the hotel where President Joko Widodo was planned to be present at a meeting with business leaders. Three Moluccan persons had been able to enter the hotel and raised the Moluccan flag within the hotel. They were arrested because of "disturbance of domestic peace", a minor offence in The

Weekly Update Human Rights in Indonesia – 25-04-2016

Netherlands. Outside the hotel some dozens of demonstrators had gathered to ask for a better implementation of human rights. There were many police officers to maintain law and order during the demonstration.



Supporters of Jokowi demonstrated together with human rights defenders who demanded upholding human rights in Papua and Maluku, and resolving the 1965 Tragedy.

How are things on Buru Island?

NRC, 23-04-2016. While Jokowi visited Europe's capitals, the Dutch NRC correspondent in Jakarta traveled to the former prison island of Buru. Read his article in Dutch: <http://www.nrc.nl/next/2016/04/22/voor-altijd-het-stigma-van-de-communist-1610358>

Jokowi visits Leiden University

The Jakarta Globe, 22-04-2016

Before completing his European tour, President Joko Widodo took time to visit Leiden University near The Hague on Friday (22/04), where he was welcomed by a small group of Indonesian students currently studying there. Joko took a guided tour around the university, including a statue-filled room. One of the statues pictured Hussein Djajadiningrat, the first Indonesian to achieve a doctoral degree there in 1913. The president also viewed some of the university's historic documents before

being taken to the Zweetkamertje (sweat chamber), a room where graduates used to wait before taking exams for their doctoral degrees.

Joko, accompanied by Foreign Minister Retno Marsudi, continued to the Noordeinde Palace in The Hague to meet with Dutch King Willem-Alexander and Queen Máxima before departing to Indonesia from Amsterdam Airport Schiphol.

Earlier, Joko had also met with a forum of Dutch businessmen, resulting in four agreements with a total value of \$606 million. The agreements include the construction of solar panel factory in Surabaya, East Java; construction of the Pancasila Palmerah Bridge, which will include turbines to generate electricity from tidal waves, in Lantuka, East Nusa Tenggara; and human resources development in Indonesia's maritime sector.

In between his business agenda, Jokowi meets with 1965 victim.

BeritaBelanda.com By Bari Muchtar on April 22, 2016

[...] Besides his visit to Rotterdam, the program of the President was very strict. In the morning he met with prime minister Rutte, and Thursday evening he met Indonesians living in The Netherlands. On Friday a historical meeting took place. A victim of the 1965 Tragedy, Francisca Pattypelohi, directly handed over the open letter of the IPT 1965 to Jokowi. "48 Years I have been waiting for a moment to meet the President, to convey to him my sorrow and my concerns over these crimes, of which I myself and my family are victims," she said while she left the lobby of the Kurhaus Hotel. (...) (See FaceBook page of Friends of People's Tribunal 1965)

Don't drag military, police into politics again: Rights watchdogs

The Jakarta Post, 21-04-2016

Lawmakers have been warned not to drag the military nor the police into politics by allowing their respective personnel to take part in the upcoming regional elections. "This idea would open the door for the military and police to engage in politics once again, like during the New Order [1966-1998]," Al Araf, the executive director of human rights watchdog Imparsial, said in Jakarta on Thursday. Al Araf referred to current deliberations of an amendment to the Regional Election Law by the House of Representatives, of which some factions have proposed to allow soldiers and police officers to seek candidacy in the regional elections without resigning from their military or police posts.

Weekly Update Human Rights in Indonesia – 25-04-2016

The amendment is being discussed by House Commission II overseeing home affairs. Prevailing law requires soldiers, police officers and civil servants to submit resignation letters if they want to contest an election.

However, several fractions, including the Golkar Party and Gerindra Party have expressed their objections to the requirement. "Soldiers, police officers and civil servants are public posts, while a lawmaker or regional head is a political post. Hence those posts can't be treated the same," Al Araf stressed. The Indonesian Military (TNI) was known for its dual role concept during the New Order, with members actively involved in politics and business. The military ran newspapers and radio stations and issued recommendation letters for job applications, arrested criminals and settled both large-scale conflicts in Jakarta and disputes in villages.

An amendment to the Constitution during the Reform Era removed the military's dual role.

Bahrain, the advocacy director of the Foundation of the Indonesian Legal Aid Institute (YLBHI) said that the participation of military and police officers in the regional elections would contravene the 2004 TNI Law and the 2002 National Police Law, both of which prohibit them from being involved in politics. "The elimination of the resignation requirement will harm the mandate of our democracy," he said.

Prosecutors' Credibility at Stake

TEMPO.CO, 22-04-2016

Jakarta - The recurring scandals of bribes paid by regional chiefs to prosecutors should cause Attorney-General H.M. Prasetyo to hang his head in shame. It is a sign that he has failed to put matters right and to reform the system and the people who run it. His promise to rid his department of prosecutors who take advantage of cases they work on is still far from a reality.

Before the Brantas Abipraya case, which seems to have led to the bribery of Jakarta Attorney-General's Office (AGO) chief Sudung Situmorang, has even been resolved, Deviyanti Rochaeni, prosecutor for special crimes at the West Java AGO was caught red-handed herself. She was handling the case of Healthcare Social Security Agency (BPJS Kesehatan) funds abuse by two Subang Health Service officials, Budi Santoso and Jajang Abdul Kholik. She is now alleged to have accepted Rp528 million from Subang Regent Ojang Sohandi, possibly to keep his name out of the case.

What is surprising are the statements from the attorney-general and other senior officials. Instead of apologizing to the public and admitting that something is amiss within the AGO, they have been

lining up to defend their subordinates. In the Brantas case, Attorney-General H.M. Prasetyo said it was not certain that Sudung Situmorang had known he was to be offered a bribe. But the fact is that two senior Brantas staff who were to hand over the money and who were caught red-handed by the Corruption Eradication Commission (KPK) said they had met Sudung many times.

In the Deviyanti Rochaeni case, West Java AGO chief Feri Wibisono said that the money taken by Deviyanti was actually an installment of compensation for losses paid to the state by the two suspects, Budi and Jajang. They had been ordered to return Rp4.7 trillion of embezzled funds to the AGO, some of which had already been paid back. According to Feri, the money given to Deviyanti was the final installment. But this makes no sense. According to the KPK, only Rp168 million remained to be paid, yet Deviyanti was given Rp528 million. This was clearly much more than an installment.

Even if it really was an installment, paying it to prosecutor Deviyanti was a breach of the code of ethics and of procedure. Why did the two men have to hand over state compensation to the prosecutor handling the case? And where did they obtain the funds to return such a large amount? It is right to suspect that the money came from Regent Ojang Sohandi, especially since Budi said in court that some of the BJPS funds went into the regent's pocket.

These two cases show how prosecutors are never deterred from taking bribes, even if they are subsequently arrested. The attorney-general's promise to undertake internal reforms was an empty one. There are still many prosecutors who are dirty and corrupt, who buy and sell cases, and who are prepared to reduce the seriousness of charges as long as the price is right. And under H.M. Prasetyo, there are increasing signs that more and more senior AGO officials are ready to defend their subordinates if there are indications of bribery.

The attorney-general has now been in office for over a year, and there have been no achievements of any merit. The AGO is simply reinforcing its image as a dilapidated bastion of justice in decline. These two bribery cases have led to a further decline in the dignity and integrity of the AGO. In a future cabinet reshuffle, President Joko Widodo should replace Prasetyo with an individual able to realize an AGO who is clean and who has integrity.

VP Kalla Questions Sanctity of Supreme Court

The Jakarta Globe, 23-04-2016

Vice President Jusuf Kalla has questioned the sanctity of the Supreme Court following news that the national antigraft agency is investigating Supreme Court secretary general Nurhadi for his alleged

Weekly Update Human Rights in Indonesia – 25-04-2016

links to Central Jakarta District Court clerk Edy Nasution, who was arrested in a sting operation on Wednesday afternoon (20/04). "The Supreme Court is our court of last resort. It has to be clean – which is why it's called 'supreme,' right? So, if it's not clean, it's not supreme. We must be certain that members of the Supreme Court judiciary are clean and act fairly," Kalla said in Jakarta on Friday.

The vice president went on to call for stiffer penalties for officers of the law who are found guilty of corruption.

"The punishment imposed on a court judge [who is found guilty of corruption] must be higher than for other individuals. Life imprisonment exists for crimes such as that. The same should apply to members of the Supreme Court judiciary; the punishment must be heavier as they are the ultimate guardians of the law," Kalla added.

The Corruption Eradication Commission (KPK) previously investigated Nurhadi's alleged involvement in bribery related to a review of a case that was handled by the Central Jakarta District Court. Travel bans have since been imposed on both Nurhadi and Edy over their alleged involvement. (...)

Luhut Panjaitan's Name Listed in the Controversial Panama Papers

TEMPO.CO, 24-04-2016

Jakarta - Among the surprising revelations found by Tempo Magazine's investigative team was the discovery of Indonesia's Coordinating Minister for Politics, Law, and Security Affairs, Luhut Binsar Panjaitan, in the Panama Papers - which was leaked from Panama-based law firm Mossack Fonseca. Mossack Fonseca is known to specialise in the creation of discreet, off-shore shell companies, where large corporations and ultra-rich individuals could hide their assets in tax havens nations, such as the British Virgin Islands.

The Panama Papers was first leaked at the beginning of 2015, by the German newspaper *Süddeutsche Zeitung* - which then decided to cooperate with the Washington D.C.-based International Consortium of Investigative Journalists (ICIJ) to collaborate with 400 investigative journalists from more than 100 media from across the globe, including Tempo Magazine in Indonesia.

Luhut Binsar Panjaitan is listed as the Director of Mayfair International Ltd - an offshore company that was first created on June 29, 2006. In the papers, the company is owned by two companies - PT Persada Inti Energi, and PT Buana Inti Energi.

In its' Deed of Establishment, Mayfair is known to be registered on the First Floor, Suite 103, in Oliaji Trade Centre on Francis Rachel Street in Victoria, Mahe, Seychelles - a former British colony located some 1,600 kilometres east of mainland Africa.

On the same day, Luhut was appointed as the sole director of the company - and in the deed, his address is listed as Jl. Mega Kuningan Barat II No. 11, Jakarta. Luhut's details and appointment as the sole director, was further reaffirmed by a certified copy of Luhut's passport.

Persada and Buana - which is listed as Mayfair's owner - are linked to Luhut. For example, in 2011, in the financial audit of one of Luhut's companies, PT Toba Bara Sejahtera, Buana Energi was listed as a partner company of the former that was being audited.

Meanwhile, Persada Energi is owned by PT Pelita Buana Karya, and Elizabeth Prasetyo Utomo - who happens to also hold the position as PT Toba Bara Sejahtera's Director of Finance between 2008-2009.

PT Buana is actively involved in the forestry sector, while PT Persada was once listed as a member of a consortium that was building a steam-generated power plant in Bengkayang, West Kalimantan.

Mayfair's existence - however - was never listed by Luhut in his State Official Wealth Report (LHKPN), which had to be submitted to the Corruption Eradication Commission (KPK) immediately after he was appointed to a government post. When contacted by Tempo, Luhut claims to have never heard about a company named Mayfair. "I have no idea what Mayfair is," said Luhut curtly on Thursday, April 21, 2016.