

# Weekly Update Human Rights in Indonesia – 31-10-2016

## Impunity

### **Govt urged to resume pro-justitia process after Munir file submission**

The Jakarta Post, 28-10-2016

Former members of a 2004 fact-finding team (TPF) have urged state officials to immediately resume a pro-justitia process to unravel the case of slain rights defender Munir Said Thalib, as the State Palace received on Wednesday a copy of the TPF's investigative findings.

The copy of the TPF report was submitted by former State Secretary Sudi Silalahi, following the recent fiasco of the report being "lost" at the State Secretariat. TPF chairman Marsudi Hanafi authenticated the copy, saying it was same as the original.

Attorney General HM Prasetyo earlier insisted the original document had to be found before determining further measures. While the AGO should continue to look for the original, it should not be a reason for prosecutors to delay a new legal process into the case, former TPF member Hendaradi of the Setara Institute said.

"[The copy] can be used to assist a pro-justitia process. Originality of a document is not a requirement in continuing a legal process since [proceeding to a new investigation] only depends on political willingness," Hendaradi told journalists on Thursday.

The government should immediately disclose the TPF's findings, including publicly announcing the names of the two individuals alleged by the TPF to have been involved in Munir's murder, but were exempted from the legal process. Hendaradi, however, refused to hint at the names.

Similarly, Amirudin al-Rahab, also a former TPF member, urged the government to make a concrete breakthrough in resolving Munir's murder after a decade of darkness. He further said President Joko "Jokowi" Widodo should form a new fact-finding team to evaluate the TPF's 2005 findings.

The fact-finding team, formed by former president Susilo Bambang Yudhoyono in 2004, identified the alleged role of National Intelligence Agency (BIN) officials in the Munir's murder, including then BIN chief Abdullah Mahmud Hendropriyono.

Purportedly, the report revealed that Hendropriyono was found to have exchanged telephone calls with Pollycarpus Budihari Priyanto, a former Garuda Indonesia pilot who was found guilty of murdering Munir, around the time of the incident. Hendropriyono has repeatedly denied any role in Munir's death, who was poisoned with arsenic on a Garuda flight to the Netherlands.

## Freedom of Religion

### **Ahmadiyah leaders demand government protection**

The Jakarta Post, 31-10-2016



Vandalism: Books are seen scattered through the ruins in a corner of Ahmadiyah congregation's Al Kautsar Mosque following mass rioting on Sunday in Purworejo village, Kendal, Central Java. (Courtesy of Ahmadiyah congregation/File)

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Leaders of Ahmadiyah Muslim communities from Indonesia and Malaysia are complaining about the absence of state protection for their followers in the two countries. Speaking at the 2016 International Peace Symposium organized by the School of Social Sciences and Humanities of the State Islamic University (UIN) Sunan Kalijaga in Yogyakarta on Saturday, the leaders revealed how their followers were being oppressed in the two neighboring countries.

Jamaah Ahmadiyah Indonesia's (JAI) ulema Mirajuddin Sahid asked the government to obey the Constitution and protect the rights of the Ahmadis in the country to worship according to their faith. "Up to the present time the government has not been serious about protecting Ahmadis," Mirajuddin told The Jakarta Post after speaking in the seminar, which ran smoothly despite recent bans and disruptions by groups intolerant of seminars discussing sensitive political and religious issues.

He said intolerant acts against the Ahmadis, who are considered heretics, were still being committed in 12 different locations across Indonesia, mostly in West Java. He added the practices ranged from the closing of the mosques to subdistrict officers who refused to issue ID cards for Ahmadis. The worst, he said, was what happened to 119 Ahmadi families in West Nusa Tenggara who years ago had been evicted from their homes and are still forced to take shelter in the Wisma Transito building in Mataram.

"They have been staying there for the last 10 years and the government still does nothing about it," he said. Another speaker at the symposium, the Malaysian Ahmadiyah Muslim community's leader, Maulana Ainul Yaqeen, said oppression also prevailed against Ahmadis in Malaysia.

He said the Malaysian Ahmadis, also known as the Qadiani community, have been labelled infidels. "In 1953 there was an edict from the king saying that Ahmadiyah was outside of Islam," said Maulana who was once sent to prison for preaching his faith.

Wahid Institute senior researcher Ahmad Suaedy said that historically oppression in Indonesia against minority groups like Ahmadiyah had not been as serious as what has been happening in the last 15 years. He blamed the situation on how the leadership within Islam in the country changed from being tolerant to intolerant. He suggested the government implement a cultural citizenship approach by recognizing, respecting and protecting minority groups.

Meanwhile, Siti Ruhaini Dzuhayatin, a member of the human rights commission of the Organization of Islamic Cooperation (OIC), said that intolerance had become a complicated problem in countries where people practiced Islam, like Indonesia. She said that from a human rights perspective the right to adhere to a religion was an absolute right that no one, including the state, could take away. "The state has no right to decide whether a religion is right or wrong. Its duty is to respect and protect it," said Siti, who is also a lecturer at the UIN Sunan Kalijaga.

Unfortunately, she said, Law No. 1/1965 on religious blasphemy was still effective in Indonesia. Within such a framework, a difference of opinion over religion could be considered blasphemy and that was a crime. "Differences in religions have to be settled in civilized ways and no intervention from the state is allowed," she said.

### LHBT Rights

#### **Yogya Artists Celebrate Diversity in Bantul**

TEMPO.CO, Jakarta, 31-10-2016

Survive Garage artist community celebrates an art expo with residents of Nitiprayan, Bantul, Yogyakarta. The village's young dancers performed sintren dance and bird dance while residents of all age enjoyed the event held on Saturday, October 29.

The event titled "Survive Day" was held to celebrate Survive Garage's seventh birthday. Survive Garage was founded on October 18, 2009 and initiated by artist Bayu Widodo at Jalan Bugis Selatan No 11, Tegalkenongo, Yogyakarta. It later moved to a new place after dozens of members of mass organizations with the help of cops disbanded Lady Fast event on April 2, 2016, for promoting lesbian, gay, bisexual and transgender.

Survive Garage currently lives in its new home in Nitiprayan. "We want to build a good relationship and ask for permission from villagers [to stay there]," said Bayu Widodo. Survive Garage's artists are renowned for their artworks criticizing social and political issues. They often sneer at politicians for making promises during elections, criticize destructive practices of mining companies and encourage people to be more aware of

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environmental issues. Survive Garage hosts an art exhibition on October 29 to November 27, 2016.

## Political developments

### **PRO-ISIS GROUPS IN MINDANAO AND THEIR LINKS TO INDONESIA AND MALAYSIA**

IPAC, 25 October 2016

Support for ISIS has deepened cooperation among extremists in maritime Southeast Asia, making it more important than ever for law enforcement agencies to have expertise on groups outside their own borders. A better understanding of developments in Mindanao is particularly urgent.

Pro-ISIS Groups in Mindanao and Their Links to Indonesia and Malaysia, the latest report from the Institute for Policy Analysis of Conflict (IPAC), examines four pro-ISIS groups in Mindanao and how each has links to operatives from other countries in the region: the Basilan-based faction of the Abu Sayyaf Group (ASG); Ansarul Khilafa Philippines (AKP); the Maute group in Lanao del Sur; and Bangsamoro Islamic Freedom Fighters (BIFF). Each has had fighters, instructors or funding at different times from Indonesia or Malaysia and in turn has provided refuge, training sites, combat experience or arms.

“Over the last two years, ISIS has provided a new basis for cooperation among extremists in the region,” says Sidney Jones, IPAC director. “That cooperation could take on a new importance as ISIS losses in the Middle East increase and the incentive to undertake violence elsewhere rises.”

The report explores the history of Indonesia-Malaysia links to each of the four Philippine organizations, showing how ties going back more than a decade to a shared prison experience or fighting in the communal conflicts that erupted in Indonesia in 1999-2000 have come back into play in support of ISIS.

There is some evidence that the Maute group and the AKP have been able to use the appeal of the ISIS brand to attract university students. The more extremists in Mindanao

can attract educated and computer-savvy cadres, the greater the likelihood of cross-regional contact.

More fighters could also be attracted to the Philippines as the jihad of choice as ISIS gets pushed back in Syria and Iraq. “As getting to Syria becomes increasingly difficult for Southeast Asian fighters, Mindanao may be the next best option,” says Jones. “The difference is that it’s easier to get home.”

Read the full report:

[http://file.understandingconflict.org/file/2016/10/IPAC\\_Report\\_33.pdf](http://file.understandingconflict.org/file/2016/10/IPAC_Report_33.pdf)

### **Jokowi to meet Prabowo on Monday**

The Jakarta Post, 31-10-2016

Amid increasing political tensions prior to the Jakarta gubernatorial election, President Joko “Jokowi” Widodo is expected to meet Gerindra Party chairman Prabowo Subianto in Hambalang, Bogor, West Java, on Monday.

The President confirmed his plan to meet with his former political rival after attending an event at the Jakarta Convention Center on Monday.

Meanwhile, the head of the Presidential Secretariat’s information and press bureau, Bey Machmuddin, said the meeting had been initiated by the Presidential Palace.

“We will welcome the President’s plan to visit the Garuda Yaksa camp in Bojong Koneng, Hambalang, Bogor, on Monday at 12 a.m.,” Prabowo said in a press statement, as reported by the Antara news agency.

No details have emerged yet about issues to be discussed between Jokowi and Prabowo, who support rival candidate pairs in the Jakarta gubernatorial election to be held in February.

Jokowi reportedly supports incumbent Jakarta Governor Basuki “Ahok” Tjahaja Purnama and his running mate Djarot Saiful Hidayat, while Prabowo has expressed support for Anies Baswedan and his running mate Sandiaga Uno.

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Political tensions are high in the capital following reports about a massive demonstration against Ahok to take place on Nov. 4. The protesters have demanded that police investigate the Governor over a statement he made in a speech in Thousand Islands regency about a verse of the Quran.

### Papua

#### **Freeport Asks Gov't to Respect Contract of Work**

TEMPO.CO, Jakarta, 31-10-2016

US-based mining company PT Freeport Indonesia has asked the government to evaluate the plans to ban the concentrate exports which will come into effect in January 2017. The contract of work holds that the company shall be entitled to export processed mineral, PT Freeport claimed. "We have asked the government to review the regulation which will restrict the concentrate exports," Freeport spokesperson Riza Pratama told Tempo last weekend.

The Energy and Mineral Resources Regulation No. 1/2014 stipulates that processed mineral exports will be banned starting January 11, 2017. The government has recently proposed amendment to Government Regulation No. 23/2010 on Mineral and Coal Mining Business Activities. In draft revision of article 112 C (1), holders of contract of work will be required to build smelters in Indonesia.

The draft revision also holds that in order to continue exports, holders of contract of work shall change their mining permit to special mining business permit (IUPK). The IUPK holders will be given a maximum of five years time to export processed minerals following the execution of the revised Government Regulation No. 23/2010.

Export permit will also be restricted only for IUPK holders who have built onshore smelting facilities. Export duty is charged according to smelter development.



Director General of Mineral and Coal, the Energy and Mineral Ministry, Bambang Gatot Ariyono said the government continue to deliberate on the whole draft revision of the regulation. The draft revision also touched on IUPK concession, which is smaller than that of contract of work, and contractors obligation to pay bigger royalties and taxes.