

Impunity in Indonesia

The mechanisms of impunity are partly universal, occurring in several countries, and partly contextual, different in different countries. This page deals with specific aspects of impunity in Indonesia and, as a consequence of its 25 years of occupation, also in Timor Leste (East Timor). In March 2011, an in-depth report on impunity in Indonesia has been published by ICTJ and KontraS. You can read the report in English and in Indonesian.

There are a number of important societal mechanisms that facilitate impunity in Indonesia. This is a summary of the unpublished paper "The Scope of Impunity" by Martha Meijer (2005). In translation: "Jangkauan Impunitas di Indonesia" (2007) ed. Jaringan Mitra Impunitas, Jakarta.

The first mechanism is corruption. Where judges and prosecutors can be bribed, justice is for sale. Those in power have more opportunities to offer services in exchange for impunity. Those services can be cash money, but also status in the public arena, or a job that gives even more power. Corruption is like an infectious illness. The two parties involved, the person who gives the bribe and the person who accepts the bribe are forever under each other's spell, because they can each tell on the other and bring him down. Pramoedya Ananta Toer already described this in his novel more than half a century ago ("Korupsi" - 1954). Businesslike corruption is one thing, but judicial mafia, like it currently exists in Indonesia is devastating for society. Any trust in the justice system is destroyed; there is no more "rechtsstaat", rule of law. There only is the rule of power.

A second mechanism is the position of the army in society. The dual function (dwi-fungsi) in Indonesia may officially have been discarded after the fall of Soeharto, but the role of the military, as institution and as individuals, is still very important. The involvement of the army in economic affairs, which has been revealed a few years ago as funding 70% of the army's expenses, still has not been forced back.

Related to the military are the intelligence services, of which the BIN is coordinating internal as well as foreign spying. The Indonesian Audit Agency has noted that half of the money of BIN in 2009 has been spent on domestic, secret intelligence operations. We don't know where and how.

Also part of the military are the special forces or Kopassus, that are known to have carried out human rights violations. The former leading general (and now leading politician) Prabowo Subianto of Kopassus said: the fine thing with the special forces is that there are no rules.

A third mechanism is the lack of democratic control. In Suharto's time this was realized by muzzling the press by a special ministry. After 1998 the pressure upon independent journalists was shifted towards quasi-legitimate actions like suing journalists with allegations of slander, and towards sheer use of violence.

In 2010, the Asian Human Rights Commission noted the death of two journalists, one in Maluku and one in Papua; trials were according to the journalists union AJI not fair and satisfactory. Imparsial, the Indonesian human rights organisation noted 18 cases of violence against journalists. Often these attacks occur when journalists are investigating corruption allegations.

Democratic control by the Parliament is also lacking. Members of the DPR are said to be corrupt and do not have any moral authority. Only recently 20 members were indicted by the Anti-Corruption Commission KPK for accepting bribes to vote in favour of a certain person in a very senior position of the Bank Indonesia, the national bank. Now they are busy debating on necessary adaptations to their Code of Ethics.

Finally, there is the lack of international responsibility for handling crimes that fall under the impunity definition. There are no international conventions that make it possible for one country to pressurize another country because of impunity. And as the diplomatic relations mostly are between those in power, no diplomat has an interest in making another accountable. In the United Nations the Orentlicher report only presents best practices and principles without any comment or commitment. States can take not of those best practices and leave it at that. That often is the problem with the United Nations: the states, the forces that should prevent human rights abuses by making new international rules, are at the same time the perpetrators. The "police" is at the same time the "criminal".