

Weekly Update Human Rights in Indonesia – 02-05-2016

Impunity

Joint Open Letter on the 1965 Symposium

Amnesty International, ETAN (East Timor and Indonesia Action Network), TAPOL and Watch Indonesia! 29-04-2016

To Mr Luhut Panjaitan, Coordinating Minister of Politics, Law and Security Affairs

Dear Minister,

TRUTH-SEEKING AND FORMAL PUBLIC APOLOGY IS ESSENTIAL FOR 1965/1966 RESOLUTION

Amnesty International, ETAN (East Timor and Indonesia Action Network), TAPOL and Watch Indonesia! are writing to urge you to take the important steps necessary to ensure that the national symposium on the 1965 tragedy, held in Jakarta on 18 and 19 April, leads to justice, truth and reparation for victims.

This initiative must be followed with a full investigation into human rights violations committed between 1965 and 1966. This is to not only establish the truth of what happened but also, where sufficient admissible evidence exists, ensure that those suspected of committing crimes are prosecuted. Further, the authorities must also ensure that victims and their relatives are provided with full and effective reparation. A formal public apology, including acknowledgement of the facts and acceptance of state responsibility, must not be ruled out.

The symposium, 'Examining the 1965 Tragedy: A Historical Approach' (Membedah Tragedi 1965: Pendekatan Kesejarahan), brought together survivors, scholars, human-rights activists, artists, members of the Indonesian military and government officials to give testimony about the events that happened across Indonesia following an abortive coup in September 1965. These crimes, which have been documented by human rights organisations, include: unlawful killings, torture, enforced disappearances, rape sexual slavery and other crimes of sexual violence, slavery, arbitrary arrest and detention, forced displacement and forced labour. Many victims and their families faced violations of their

social, economic and cultural rights, and continue to experience discrimination in both the law and in practice. There have been many instances where internal meetings or public events about the 1965-1966 violations held by victims or human rights NGOs, especially around the 50th anniversary in 2015, were disbanded or harassed by vigilante groups while police failed to intervene.

A three-year investigation into the violations was carried out by the National Human Rights Commission (Komnas HAM) and completed in July 2012. The Commission found evidence of widespread human rights violations committed across the country between 1965 and 1966, and that violations continued at a lower level well into the late 1970s. According to the Commission, these findings meet the criteria of gross human rights violations, and include crimes against humanity, as defined by the Indonesian Law No. 26/2000 on Human Rights Courts. To date, however, there has been no indication that the Attorney General will even launch an investigation. Meanwhile attempts to establish a truth commission on the national level have stalled due to a lack of political will.

A number of key recommendations were highlighted in the concluding comments delivered directly at the symposium to move the process forward. Some of these calls echo those made over decades by many human rights groups calling for an end to impunity for the appalling human rights violations committed across Indonesia between 1965 and 1966 including: the need to recognise state involvement and its role in the events; the need to provide right to truth, justice and reparation victims and their families; an end to the stigmatisation of survivors and the discriminatory laws and practices that prevent them enjoying full citizenship; and a call to authorities to end all forms of restrictions against the right to freedom of expression and assembly for any public discussion of the events.

The symposium will serve as a useful step towards ending impunity for human rights violations committed by the Indonesian security forces against suspected members and sympathisers of the Indonesian Communist Party (PKI) between 1965 and 1966.

Our organizations reiterate that the government's commitment to establish a non-judicial mechanism to resolve past human rights cases, does not change Indonesia's obligations under international law to investigate and, if sufficient admissible evidence exists, prosecute those suspected of human rights violations and crimes under international law in fair trials without recourse to the death penalty. Furthermore, this mechanism does not

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replace the government's obligations to provide rights with an effective remedy including the truth and full and effective reparation to address the harm they have suffered.

RECOMMENDATIONS:

Amnesty International, ETAN, TAPOL and Watch Indonesia! call on the Indonesian government to undertake the following steps as a matter of priority:

- Take steps to ensure that the Indonesian authorities fulfil their obligations to provide the victims of 1965 rights with access to truth, justice and reparations and include a full investigation into human rights violations committed between 1965 and 1966 to establish the truth and, where sufficient admissible evidence exists, ensure that those suspected of committing crimes including those with command responsibility, are prosecuted in civilian courts in proceedings which meet international fair trial standards, without recourse to the death penalty;
- Issue formal public apology, including acknowledgement of the facts and acceptance of responsibility;
- Ensure that all forms of restrictions against public discussions on 1965 are lifted and ensure that the government starts listening to victims and others, instead of suppressing their voices.

Please do not hesitate to contact us if you have any questions. We would be pleased to discuss this matter with you.

Yours sincerely,

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John Miller (National Coordinator of ETAN)

TAPOL

Alex Flor (Watch Indonesia!)

CC:

Sidarto Danusubroto, The Presidential Advisory Council

Agus Widjojo, Governor of the National Resilience Institute (Lemhanas)

M. Imdadun Rahmat, Chairperson of the National Commission of Human Rights (Komnas HAM)

Hiding the Indonesia Massacre Files

By Jonathan Marshall, <https://consortiumnews.com/2016/04/29/hiding-the-indonesia-massacre-files/> 29-04-2016

Now that the Indonesian government has officially opened a probe into what the CIA called "one of the worst mass murders of the 20th century," it's time for the U.S. government to come clean about its own involvement in the orchestrated killing of hundreds of thousands of Communists, ethnic Chinese, intellectuals, union activists and other victims during the mid-1960s.

President Joko Widodo this week instructed one of his senior ministers to begin investigating mass graves that could shed light on the slaughter of more than half a million innocents by soldiers, paramilitary forces and anti-Communist gangs.

That orgy of violence followed the killing of six generals on Sept. 30, 1965, which the Indonesian military blamed on an attempted coup by the Indonesian Communist Party (PKI). It marked the beginning of several decades of military dictatorship and further mass murders in East Timor and West Papua.

The PKI, which had some three million members, and millions more sympathizers, was by the early 1960s the strongest political force in the country aside from the military and the revered father of Indonesia's independence, President Sukarno.

As one CIA adviser warned in 1963, "If the PKI is able to maintain its legal existence . . . Indonesia may be the first Southeast Asia country to be taken over by a popularly based, legally elected communist government." Two years later, the military-led bloodbath put an end to that threat.

Indonesia's government, whose leaders include military veterans of that era, still refuses to open criminal investigations into the mass murder, as called for in 2012 by Indonesia's National Commission on Human Rights.

But some survivors nonetheless welcome the chance to expose truths that have been vigorously suppressed over the years by mass political arrests, press censorship, and pervasive indoctrination programs in the country's schools.

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Hiding Secrets

To help tell the whole story, Indonesia's human rights commission and major international human rights organizations have called on the Obama administration to declassify U.S. government documents related to the massacres, as it did recently with respect to Argentina's "dirty war" from 1976-83.

But President Obama, like his predecessors, has so far been reluctant to shed light on tragic events in Indonesia more than half a century ago.

"The extent of America's role remains hidden behind a wall of secrecy," complained Joshua Oppenheimer, maker of two acclaimed documentaries about the massacres: "The Act of Killing" and "The Look of Silence."

Read the whole article: <https://consortiumnews.com/2016/04/29/hiding-the-indonesia-massacre-files/>

Read also:

<http://nasional.kompas.com/read/2016/04/26/11401911/Ini.Lokasi.Pembunuhan.Massal.Tragedi.1965.di.Sumatera>

<http://nasional.kompas.com/read/2016/04/26/18433271/Kontras.Temukan.16.Lokasi.Kuburan.Massal.Korban.1965>

http://www.nytimes.com/2016/04/27/world/asia/indonesia-1965-massacre-graves.html?_r=1

<http://indonesiaatmelbourne.unimelb.edu.au/indonesia-takes-a-small-but-critical-step-toward-reconciliation/>

<https://foreignpolicy.com/2016/04/29/after-50-years-of-denial-indonesia-takes-shaky-steps-toward-historical-reckoning/>

<http://www.thejakartapost.com/news/2016/04/29/on-forgiveness-a-response-gm-and-a-call-action-indonesia-s-youth.html>

<http://www.thejakartapost.com/news/2016/04/23/1965-symposium-youth-and-reconciliation.html>

Dutch Government appeals against verdict on rape in 1949

Nu.nl, 30-04-2016

The Netherlands appeals against the verdict by a Dutch court that the State is accountable for the rape of Mrs Tremini, then 18 years old, in East Java by five Dutch soldiers in 1949. The victim's legal counsel, Prof. Mr. Liesbeth Zegveld had claimed a compensation of € 50,000. In January 2016 the court decided that Mrs Tremini was entitled to a compensation of € 7500.

The Dutch Ministry of Defense argues that the appeal is not focused on the moral aspects of the case, or the amount of money, but that the Dutch State does not accept the argument by the court that this case cannot be considered superannuated. "This verdict may have consequences for similar cases, so that the government has decided to submit the case to a higher court."

See in Dutch: <http://www.nu.nl/algemeen/4254689/nederlandse-staat-in-hoger-beroep-verjaring-verkrachting-indie.html>

Jokowi's visit to Europe

State drama, Jokowi and exiled compatriots

The Jakarta Post, 27-04-2016, by Aboeprijadi Santoso

President Joko "Jokowi" Widodo is not a king nor does he behave like one. But like royal visits, visits by Indonesian heads of state to the Netherlands have all been marked by dramatic moments — albeit in various forms. The first such visit, in the 1970s, came amid a climate of growing concerns and protests in Europe against military dictatorships in Asia, Latin America and Africa.

President Soeharto's arrival on Sept. 2, 1970, turned the city of The Hague and the Huis ten Bosch Palace into a dramatic scene of war against protestors. Assigned to drive the car carrying minister Widjojo Nitisastro, I was able to see how the security, much to the annoyance of the guests, had been prepared to the maximum. The planned three-day visit was eventually cut to just one.

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The second visit was by president Abdurrahman “Gus Dur” Wahid on Feb. 3, 2000 — only two years after the fall of General Soeharto. It was the time of the introduction of a new era — the era of openness and democracy. Gus Dur arrived just days after his unexpected dismissal of military chief Gen. Wiranto — the first of its kind in Indonesian history.

Gus Dur was particularly warmly welcomed, becoming the first Indonesian president to address the Dutch parliament.

At a ceremony, he told Queen Beatrix “Your Majesty, here I am, a blind president with a wife in a wheelchair.” The Queen responded with a smile expressing respect and sympathy. Addressing his many friends in Holland, Gus said, “I told you, didn’t I, that I’d be president of Indonesia.”

Gus Dur created his own dramatic moments as he proudly introduced the new Indonesia. Soeharto’s drama, by contrast, was caused by his dictatorial regime. The third drama ironically happened because of a serious misunderstanding of a democracy based on the principles of Trias Politica.

On Oct. 5, 2010, president Susilo Bambang Yudhoyono was about to board a flight when he abruptly cancelled his visit, worried the Dutch would respond to the demands made by the Republic of the South Moluccas (RMS) separatist group to arrest the Indonesian president.

For Yudhoyono, it was apparently a timely decision to demonstrate his leadership and patriotic image. Heroism seems never redundant whenever it involves a former colonial power — as if we were still at war with them.

Likewise, on the Dutch side, war veterans opposed Queen Beatrix’s plan to attend the 50th anniversary celebration of Indonesian independence on Aug. 17, 1995, as this would suggest that they, in the 1940s, had acted as an aggressor equivalent to the German Nazis. The Queen had thus to wait in Singapore before arriving in Jakarta two days later.

Now there are no more recalcitrant war veterans and no more RMS actions demanding independence. Instead, President Jokowi is confronted with a much greater drama at home and what is left of it abroad: the fate of Indonesian exiles since 1965.

In 2000 Gus Dur met with exiles, calling them “wandering heroes”, but he was not able to restore their civil rights. Yudhoyono, who enjoyed being among the world’s top Who’s-Who, never really showed much concern for them.

Jokowi, a simple man who’s not shy about his simplicity, likes to listen to people’s concerns. Taking a break from his business agenda, he approached his compatriots in the streets, talked at a hotel and visited Indonesian students in Leiden.

Unfortunately, there was no chance given to this first president with no link to the New Order regime to meet exiled compatriots at exactly the same time his government at home was sponsoring a historic symposium to publicly discuss, for the first time, the tragic impact of the 1965 genocide.

The Indonesian Embassy in The Hague apparently failed to see the significance of the opportunity for President Jokowi, who has promised to resolve the 1965 tragedy, to meet with exiles and compatriots concerned with the continuing impunity.

Fortunately, and surprisingly, though, Francisca C. Pattipilohy, accompanied by fellow exile Soengkono, bravely found her way to shake the hand of the President and deliver a letter from the International People’s Tribunal of Crimes against Humanity 1965 (IPT).

“Yes, I’m aware, I’m aware,” said the President as he received the letter, which urged the Indonesian state to proceed with the findings of Indonesia’s national commissions on human rights and violence against women.

Had there been a dialogue, the President would have acquired greater understanding of the depth of the problem — how stigmatizing and humiliating it was for hundreds of exiles to be denied civil rights to live safely in their own homeland.

For Tante Cisca, as Francisca is affectionately called, it was a precious moment. Once outside the hotel she cried and proudly said “I did it! Oh, after 48 years I’m meeting and talking to an Indonesian president.” She then rejoined the IPT rally, which rejected any “reconciliation without uncovering the truth”.

Francisca, 90, a translator exiled since 1968, and her husband Zain Nasution, a journalist who died in prison in 1975, could have been among the nation’s heroes. In the 1940s Francisca joined the Zain-led Indonesian student bond in Holland, the RUPI. Both were

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members of the famous Perhimpunan Indonesia (PI), the nation's independence movement, which first used the term "Indonesia" and the members of which included founding vice president Mohammad Hatta.

Zain and Cisca were passionate fighters. They protested against Dutch aggression by returning their Malino scholarships in 1948 and returned home only to be persecuted and left in detention in December 1965.

It's not clear what recommendation the government commission in July will present to the President and what approach he will take to resolving the festering wound of 1965. That will presumably be the thorniest question for President Jokowi.

He will have to decide whether to follow the lead indicated by his politics and security minister Luhut Pandjaitan, who vehemently rejected any apology to the millions of innocent victims affected by the 1965 tragedy, or whether to issue an apology on behalf of the state and bravely seek a way — his own way — to resolve the issues by listening carefully to the suffering survivors.

Freedom of Religion

THE ANTI-SHI'A MOVEMENT IN INDONESIA

IPAC, 27-04-2016

The convergence of a non-violent hardline campaign against Shi'ism with a new determination of pro-ISIS groups to wage war at home is increasing the possibility of violent attacks on Indonesia's Shi'a minority.

The Anti-Shi'a Movement in Indonesia, the latest report from the Institute for Policy Analysis of Conflict (IPAC), examines the history of anti-Shi'a movement in Indonesia and the reasons for its newfound intensity. Three distinct groups are involved: Saudi-oriented Salafis who see Shi'ism as a deviant sect; a conservative fringe of the large Muslim social organisation Nahdlatul Ulama (NU) that is worried about competition from Shi'a schools, especially in East Java; and those influenced by ISIS propaganda that Shi'a are enemies who must be killed. The last is by far the smallest but several anti-Shi'a plots have already been foiled by police.

"As the risk of violence grows, it's increasingly important for the government to reject hate speech against members of the Shi'a community, affirm the principle of equality under the law for all citizens, regardless of belief, and ensure that Shi'a leaders and institutions are protected against vigilantism and terrorism," says Navhat Nuraniyah, IPAC analyst.

The Shi'a community in Indonesia is small, at most some 2.5 million people or 1 per cent of the population, though no one knows for sure since national census data does not distinguish between Sunni and Shi'a. It is divided into three organisations that differ in terms of doctrine, political stance and closeness to Iran. The smallest of the three has become more militant in the wake of anti-Shi'a advocacy, straining relations with the other two that have been careful in the past not to antagonise the Sunni majority.

The anti-Shi'a movement began as a reaction to the 1979 Iranian revolution, mostly in the form of Saudi-funded publications, and continued at a low level throughout the Soeharto years. The return of democracy in 1998 created political space for Islamist civil society to press the government to assume a greater role in defining Islamic orthodoxy. In 2014, Islamist groups, including both Salafis and conservatives from mainstream organisations, created the National Anti-Shi'a Alliance (ANNAS) that aims for a formal ban of Shi'ism as deviant (sesat). The emergence of ISIS and the increasing shrillness of its anti-Shi'a propaganda adds a new, potentially lethal factor – especially because ISIS supporters have been told that if they cannot find a way to Syria, they should undertake attacks at home.

"Even though there is little overt cooperation, the anti-Shi'a rhetoric of the hardline advocates creates an atmosphere that makes extremist violence more likely," says Nuraniyah. "Now it's up to the government at all levels to prosecute anti-Shi'a incitement."

See the IPAC report:

http://file.understandingconflict.org/file/2016/04/IPAC_Report_27.pdf

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Death penalty

One year on, next round of executions looms

The Jakarta Post, 29-04-2016

A year since the last round of executions by the government inspired international outrage, talks are growing regarding the next batch of condemned drug criminals set to face the firing squad.

"Implementation of the law in Indonesia, including the death penalty, does not violate any international laws. There are no restrictions on the death penalty," Foreign Ministry spokesman Arrmanatha Nasir told reporters on Thursday when questioned about capital punishment.

Indonesian law, he continued, must be respected by both national citizens and the international community, adding that the government on principle did not meddle in the application of the law in other nations, and as such did not expect other nations to interfere in the application of the law in Indonesia.

The Foreign Ministry has not received any information on the date of the next executions or those to be executed, the spokesman confirmed.

Earlier this month, Cilacap Police chief Adj. Sr. Comr. Ulung Sampurna Jaya said the third batch of executions to be carried out under President Joko "Jokowi" Widodo's administration would be conducted "in a matter of weeks".

Two British people are thought to be among the group earmarked for death.

Security measures around Nusakambangan prison island in Cilacap, Central Java, have been prepared in anticipation, Ulung said.

The police chief said a number of locations were under tight guard by police Mobile Brigade personnel, especially maximum security prison Pasir Putih.

The international community condemned Indonesia after eight men were executed on Nusakambangan last year.

Those executed were Australians Andrew Chan and Myuran Sukumaran, Brazilian Rodrigo Gularte, Nigerians Martin Anderson, Sylvester Nwolise, Okwudili Oyatanze and Raheem Salami and Indonesian Zainal Badarudin.

The country's relations with Australia and Brazil, especially, turned sour after the government repeatedly rejected pleas to spare their citizens.

According to the Attorney General's Office (AGO), there were 64 drug convicts on death row as of 2015. To date, 14 drug convicts have been executed in separate rounds on January 18 and April 29 last year, with six and eight people in each batch, respectively. The AGO recently confirmed that the government would continue with further executions this year, but the exact time and location have not yet been confirmed.

Preparations for Third Round of Executions Underway

The Jakarta Globe, 29-04-2016

Preparations for a third round of executions of death-row prisoners are underway, Attorney General M. Prasetyo said on Friday (29/04). His office has begun coordinating with the appropriate institutions for the executions, which could take place as early as next week.

The date is yet to be determined but Prasetyo said the Nusakambangan prison island off the coast of Cilacap, Central Java, would be "the ideal place." "We will see later, when [the executions] will take place," Prasetyo was quoted as saying by Tempo.co. Reports of the planned executions have been widely circulated in recent weeks and it may be scheduled for May 7.

Up to 13 inmates could be executed, with between seven and 10 of them being foreign nationals. Their names have yet to be released.

The government executed six prisoners in January 2015, three months before it authorized another six, including two Australian nationals, to die in front of a firing squad. The two Australians, who were part of the so-called Bali Nine drug ring, were executed one year ago, on April 29.

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Mary Jane excluded from execution list

The Jakarta Post, 30-04-2016

Philippines national Mary Jane Fiesta Veloso has been excluded from the list of the third round of executions prepared by the Attorney General's Office (AGO), as legal procedures continue in a separate but related case in her country, says Attorney General Prasetyo. "We respect the legal process that is taking place in the Philippines," said Prasetyo in Jakarta on Friday as reported by kompas.com.

He stressed that a third round of executions would take place, but declined to announce the list and date of executions. He also denied that executions would be carried out next month. "No not in May. Just wait. You will be informed. The government has decided to carry out the executions. It is only a matter of time," he added.

Amid outrage from human rights activists worldwide and governments, Indonesia executed 14 drugs convicts last year.

Veloso was on the execution list last year but was granted a stay of execution because her alleged boss had been arrested in the Philippines, and the authorities there requested Indonesian assistance in pursuing the case.

We respect the rights of people facing execution, said Prasetyo, adding that the execution would be implemented when legal procedures were completed. "If people are saddened by the execution, we are saddened too," he added.

Another drugs convict not on the list is Freddy Budiman, who was found guilty of smuggling 1.4 million ecstasy pills from China to Indonesia in 2012. The attorney general said that his case was undergoing review. "We will wait for a decision. If his case review is accepted after he is executed, we won't be able to bring him back from death," he added.

The Central Java Police reportedly have prepared doctors and religious figures to accompany the convicts when the executions were implemented.

Tightened security for next executions

The Jakarta Post, 01-05-2016

Indonesian police and troops are tightening security on Nusakambangan prison island in Cilacap, Central Java ahead of the next round of drug convict executions. An exact time and date have yet to be announced, but Central Java Police chief Insp. Gen. Condro Kirono said on Saturday that police were ready to carry out the executions. "It's just a matter of time; the executors are ready. What I am doing is making sure that everything is well prepared," Condro said after inspecting the venue and readiness of police executors on the prison island. The Central Java Police headquarters has also provided doctors and spiritualists to check the physical and mental health conditions of the convicts, Condro said.

The law and human rights minister has confirmed the next batch of executions will be carried out, adding that all technical preparations, including the venue of the executions had been prepared. "We are waiting for the order to do so," Mulyanto, the custodial division head of the Central Java office of the Law and Human Rights Ministry, told The Jakarta Post. Attorney General HM Prasetyo said earlier that a list of the convicts to be executed had been made, but has not released the list.

The President's commitment for upholding human rights questioned

Kompas, 02-05-2016

The commitment of President Joko Widodo for upholding human rights is questioned after the preparation of a third round of executions for 2016 has been announced. Apart from a violation of the right to life, the use of the death penalty is a problem, as not being consistent with the Nawacita, the President's program. This statement was expressed by the director of Imparsial, Al Araf, in a press conference in Jakarta on Sunday (1/5). The plan for more executions can be concluded from this year's budget for 14 executions in the Attorney General's budget. Deputy Director of Imparsial, Gufron Mabruri, considers the third wave of executions as proof that the President has not learned from earlier faults.