

## Universal Periodic Review

### **Indonesia Rejects UN Recommendation to Abolish Death Penalty**

Jakarta Globe, 25-09-2017

Indonesia on Thursday (21/09) accepted 167 of the 225 recommendations it received from international delegations during the 27th session of the United Nations Universal Periodic Review, or UPR, earlier in May, but crucially rejected the recommendation to abolish the death penalty.

Indonesia said the remaining 58 recommendations, including ones on abolishing the death penalty, addressing past human rights violations and ending prosecutions under blasphemy laws, "were noted" but considered "not in line with the priorities in Indonesia's human rights agenda."

Indonesia went through its third UPR cycle in May, and had straight away accepted 150 recommendations put forward by 101 delegations during the review while placing the remaining 75 under further examination.

Indonesia stated its final position on the pending recommendations during the 36th session of the Human Rights Council last week.

During the session, Indonesia reaffirmed its position that "the death penalty is still a prevailing positive law in Indonesia."

"However, the revision of the penal code had provided a more robust safeguard in due process of law on the death penalty," Indonesia's deputy permanent representative to the UN office in Geneva, Michael Tene, said.

The United Kingdom said it "regretted that the recommendations on the moratorium on the use of the death penalty had not been supported" and repeated its call that no

evidence suggests death penalty is a more effective deterrent than alternative forms of punishment.

Other delegations in the session also expressed concerns that the Indonesian government had not addressed discrimination against minority groups in the country, which include lesbian, gay, bisexual and transgender persons and followers of religious minorities.

"Indonesia took note of the remaining 58 recommendations with the consideration that they are not in line with the priorities in Indonesia's human rights agenda. Some of the recommendations were also inaccurate and not based on facts," Michael said, according to a statement released by the Foreign Affairs Ministry.

The National Commission on Human Rights (Komnas HAM) urged the Indonesian government nevertheless to take some measures to deal with the recommendations it did not accept, including "measures to eradicate impunity, prioritize the settlement of gross human rights violations, guarantee freedom of religion and belief, ensure freedom of expression and abolish the death penalty."

Komnas HAM and Amnesty International also noted that Indonesia has yet to ratify several international human rights accords, including the Optional Protocol on the Convention Against Torture and Convention for the Protection of All Persons From Enforced Disappearance.

See for Amnesty's comment, including all references:

<https://www.amnesty.org/en/documents/asa21/7170/2017/en/>

## Impunity

### **Don't give communism a foothold: Jokowi**

The Jakarta Post, 01-10-2017

After attending a public screening of the movie Pengkhianatan G30S/PKI (The Treachery of G30S/PKI) in Bogor, West Java, on Friday, President Joko "Jokowi" Widodo addressed the

## Weekly Update Human Rights in Indonesia – 02-10-2017

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nation on Sunday, stating that his administration would never allow communism to flourish in the country.

Jokowi, who has been repeatedly accused of being a communist sympathizer by his opponents, said the 1966 Temporary People's Consultative Assembly Decree (TAP MPRS) on the disbandment of the Indonesian Communist Party (PKI) clearly stated that communism was banned in the country.

"Our commitment, my commitment, the government's commitment is clear [...] the PKI is banned," he told reporters after leading the ceremony commemorating Pancasila Sanctity Day in Lubang Buaya, East Jakarta, on Sunday.

Jokowi called on the people to hold on to Pancasila to maintain unity. "Don't let the PKI cruelty happen again. Don't give room to ideologies that contravene Pancasila. Don't give room to the PKI," he said.

An anticommunist frenzy has swept the country ahead of the annual commemoration of a failed coup attempt on Sept. 30 in 1965, which was blamed on the PKI and was then used as a pretext for the killings of about 500,000 people accused of being linked to the communist party.

Analysts have said certain parties might have deliberately stoked the anti-PKI sentiment to attack Jokowi and gain political support ahead of the 2019 presidential election.

### **Survey finds overwhelming majority don't believe in 'communist revival' propaganda**

Kompas.com - September 29, 2017

Estu Suryowati, Jakarta -- A national public survey by Saiful Mujani Research and Consulting (SMRC) shows that the majority of people do not believe that there is a revival of banned Indonesian Communist Party (PKI) in Indonesia.

SMRC researcher Sirojudin Abbas said that this view is held by 86.8 of respondents in the survey. "We asked people's opinion on whether there is currently a revival of the PKI in the motherland. Do you agree or not with this view? 86.9 percent said they did not agree",

said Sirojudin during an explanation of the survey findings at the SMRC offices in Jakarta on Friday September 29.

Meanwhile only 12.6 percent stated that they agree that there is a PKI revival and 0.6 percent of respondents stated they did not know or did not answer. "Meaning that the overwhelming majority of Indonesian citizens don't agree with this view. They do not believe that there is a revival of the PKI at the moment", said Sirojudin.

Out of those that stated that they agree that there is a revival of the PKI, some 39.9 percent believe that the revival of the PKI is a threat to the country. "39.9 [percent] of this 12.6 percent represents 5 percent of the total population. If taken from the adult population only this is around 10 million [people]", he said.

Sirojudin said that if this is compared with the number of respondents that stated they did not agree, the figure of 5 percent of the total population is very small.

"But in terms of political movements (there are 10 million people), perhaps this has to be interpreted more carefully", said Sirojudin.

The survey represents corporate social responsibility (CSR) on the party of the SMRC. The survey involved 1,057 respondents out of a sample of 1,220 people, with a 3.1 percent margin of error and a confidence level of 95 percent. The demographic profile of the sample reflects Indonesia's national population and is proportional based on demographic characteristics and regional spread.

The proportion of categories based on sex, place of residence, religion, ethnicity and province reflects the national population. Respondents were interviewed directly by trained interviewers on September 3-10, 2017.

Quality control of interview results was done by means of a 20 percent random sample out of the total sample by supervisors who revisited the selected respondents. No meaningful errors were found in the quality control.

[Translated by James Balowski for the Indoleft News Service. The original title of the article was "Survei SMRC: Mayoritas Warga Tidak Percaya Sedang Terjadi Kebangkitan PKI".]

## Weekly Update Human Rights in Indonesia – 02-10-2017

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### **Prabowo denies his party is whipping up red scare**

The Jakarta Post, 02-10-2017

Gerindra Party chief patron Prabowo Subianto has claimed he had nothing to do with the renewed anti-communist hysteria in the country.

The former presidential candidate played down a suggestion made by Saiful Mujani Research and Consulting (SMRC) that fears of an imminent revival of the now-defunct Indonesian Communist Party (PKI) was “mobilized” by his supporters.

"I don't know. There is no such thing," Prabowo said in Mataram, West Nusa Tenggara, (NTB) on Sunday as quoted by Antaranews.com. "I never gave instruction [to spread the PKI issue]," he said.

The SMRC survey, released Friday, shows that only 13 percent of 1,220 respondents believed Indonesia was facing a communist revival. Most of them (about 76 percent) voted for the Prabowo-Hatta Rajasa pair in the 2014 presidential election, and are supporters of the Prosperous Justice Party (PKS), Gerindra and the National Mandate Party (PAN).

The Indonesian Democratic Party of Struggle (PDI-P), of which Jokowi is a member, previously accused the opposition of using anti-PKI sentiments to hurt its electability ahead of the 2019 legislative elections.

The Centre for Strategic and International Studies (CSIS) predicted that the PDI-P would win the election if it were held today.

### **Social-economic Rights**

#### **Do not bow down to Freeport, Kadin tells government**

The Jakarta Post, 02-10-2017

The Indonesian Chamber of Commerce and Industry (Kadin) has advised the government not to bow down to the wishes of the United States' Freeport McMoRan, the parent

company of PT Freeport Indonesia, which had rejected the government's proposal on its divestment scheme.

Kadin deputy chairman for eastern Indonesia H. Andi Rukman Karumpa said in Jakarta on Monday that the government needed to defend its position on the divestment of 51 percent shares of PT Freeport Indonesia as required by Indonesian law. "I hope the government will not feel pressured. It needs to defend the scheme," he said as reported by tribunews.com.

Andi's statement was made in response to a letter sent by Freeport McMoRan Inc. CEO Richard C. Adkerson to the Finance Ministry's secretary general, a copy of which was also sent to Finance Minister Sri Mulyani.

In his letter dated Sept. 28, Adkerson said his company, which agreed in late August to divest 51 percent of its shares, could not accept a number of issues related to the valuation, timing and structure of the divestment.

With regards to valuation, for example, the government's position is to buy the shares based on the market price, while Freeport wants to take into consideration the reserve of its gold and copper mining site in Papua in calculating the share price. He said the government was in a strong position. "The mineral reserve is owned by the state. The company only rents. It is unlikely that we have to buy our own [mining reserves]," said Andi, citing Article 33, paragraph 3 of the Constitution.

#### **Only about 30% investment pledges realized: Official**

The Jakarta Post, 02-10-2017

While the government is trying to attract more investors to Indonesia, it has not been able to convince investors to make good on their pledges, an official at the Coordinating Economic Minister's Office has said.

The office's deputy for commerce and industry affairs, Edy Putra Irawady, said only 31 percent of investment pledges from domestic investors and 27 percent of foreign investment pledges had been realized in the last 10 years. "We found that this happened in a number of regions. The [investors] could not materialize their investment plans

## Weekly Update Human Rights in Indonesia – 02-10-2017

---

because of various problems,” said Edy in Bandung, as reported by kontan.co.id on Monday.

He said the value of unfulfilled investment pledges was about US\$50 billion and involved 190 projects. Edy said records showed the variety of problems investors had faced, including complicated licensing procedures, bureaucratic red tape and uncertainties, and property issues such as land acquisitions.

Some existing investors stopped investing because they were disappointed by the difficulties obtaining facilities that were promised by the government. He said the government was currently dealing with the problems by improving the one-stop integrated services for investors and introducing standardized licensing services through a single application scheme. “The pilot for the scheme will start on Jan. 1 and it will be fully implemented on March 1,” Edy said. He added that another facility that would be provided was allowing investors who were developing factories in industrial estates to delay arranging their business permits until construction was complete.

### Political developments

#### **The power struggle between DPR and KPK**

Kompas, 27-09-2017

The decision by the Peoples Representative Council, DPR, to extend the mandate of the DPR Commission of Inquiry into the Anti-Corruption Commission KPK, without a clear limit in time can be considered as an effort to keep the KPK as a hostage. However, this effort may be difficult to have results and may even come back as a boomerang to the DPR.

The Chairman of the Commission has reported on the work of the Commission before the plenary DPR last Tuesday, 26-09-2017. The working period for the Commission has been extended. The Commission said it was not able to round up its recommendations by the failure of the KPK to respond to questions. The KPK said that this delay was due to the Constitutional Court that was asked to reconsider the Las No. 17/2014 on the capacities of MPR, DPR and DPRD to carry out such an inquiry. The DPR plenary session was led by the deputy-chair of the DPR, the chair himself being named as a suspect of corruption. Four of

ten political parties in DPR were not in favour of this extension. The law itself is unclear about the precise periods of time, mentioning a maximum of 60 days after its establishment, DPR Deputy Chair Fadli Zon said.

The draft recommendations were considered by the DPR, although they may be changed later, and they contain the recommendations that the KPK loses its capacity to research, investigate, and prosecute corruption cases. This capacity should, so is recommended, be the sole responsibility of the police and the Prosecutor-General. To implement this recommendation the DPR should use its right to give its opinion to the President to amend and revise the Law 30/2002 within one month. .

From the four fractions that opposed the extension of the working period of the Commission there were three that had no members in the Commission of Inquiry, and were in general not included in the governmental coalition. They are Partai Gerindra, Partai Keadilan Sejahtera (PKS), and Partai Demokrat. The fourth one, Partai Amanat Nasional (PAN), had a member in the Commission. The Gerindra saw in the wish to extend the working period the wish of the Commission of Inquiry to weaken the KPK. The Gerindra is also opposed to the draft recommendations. “From the report it is clear that the Commission wants to weaken, to freeze and even to dissolve the KPK. We are strongly opposed. So, what is the use of an extension,” said Gerindra politician Nizar Zahro.

#### **EDITORIAL: Travesty of justice**

The Jakarta Post, 02-10-2017

Cynics have long indulged in the thinking that corruption will continue to plague this country simply because the benefit of doing it outweighs its cost. After swindling billions from government projects, jailed corrupt officials can expect to walk out of prison and live the rest of their lives spending the ill-gotten riches.

Now, there are even more incentives for politicians and government officials to engage in corruption; they can get off the hook while being investigated by the Corruption Eradication Commission (KPK).

The KPK may have uncontested prosecutorial prowess with an unblemished reputation of being able to score a nearly 100 percent conviction rate, but it is up against not only

## Weekly Update Human Rights in Indonesia – 02-10-2017

corrupt politicians, but also the country's judiciary, known for its reputation as one of the most corrupt branches of government — and corrupt politicians have exploited the condition for their benefit. Speaker of the House of Representatives and Golkar Party chairman Setya Novanto is the latest politician who managed to exploit the loopholes in the country's judiciary to repel the KPK's inquiry.



A member of the Kupang branch of the Indonesian Catholic Students Association (PMKRI) wears a mask depicting the face of House of Representatives and corruption suspect Setya Novanto during a rally in front of the East Nusa Tenggara (NTT) Police headquarters in Kupang, NTT, on Wednesday, Sept. 27, 2017. The protesters demand the Corruption Eradication Commission (KPK) to detain Setya, who has been charged with his alleged roles in the high-profile e-ID graft case. (The Jakarta Post/Djemi Amnifu)

Following in the footsteps of former deputy National Police chief Comr. Gen. Budi Gunawan and former chief of the Supreme Audit Body (BPK) Hadi Purnomo, whose suspect statuses were annulled by a lower court on technicalities, Setya scored a victory in

a pretrial motion filed against the KPK's move to name him suspect in the e-ID graft case. This time, a judge at the South Jakarta District Court argued that evidence used to charge Setya was inadmissible because it had been taken from cases that implicated individuals who have not yet been convicted by the court.

It was the South Jakarta District Court that first opened this can of worms. Responding to a pretrial motion filed by Budi in February 2015 against the KPK, the court ordered the antigraft body to halt its probe into the police general. It then served as a catalyst for a rash of pretrial hearing petitions. The court initially rejected these pretrial petitions, arguing that it had no authority to examine a person's status as a suspect. Originally, a pretrial hearing — which takes one week to complete — only looks into the administrative procedures of ongoing investigations.

Later that year, the Constitutional Court issued a ruling that was a godsend to graft suspects. Responding to a judicial review filed by PT Chevron Pacific Indonesia, the court revised the Criminal Law Procedures Code (KUHP) by inserting an article authorizing lower courts across the country to proceed with pretrial petitions to challenge suspect statuses handed down by law enforcement agencies.

Against the decision to water down the KUHP, there's little that the government could do as a proposal for an amendment through the House could take years to complete. The last time the KUHP went through a revision was in 1981. The onus is on the KPK now to build solid cases against graft suspects, so that the court would not be able to mess with it.

### Regeneration among corruptors

Kompas, 27-09-2017

The struggle against corruption becomes more difficult every day. At the moment that KPK is politically confronted with the Commission of Inquiry of the DPR, the corruptors themselves experience a regeneration that shows the dynasties in local politics. Some examples:

- The district head of Kutai Kartanegara, declared on 26-09-2017 as suspect by KPK, is the daughter of the former district head of Kutai Kartanegara, who was convicted and sentenced to 6 years in prison in 2007.

## Weekly Update Human Rights in Indonesia – 02-10-2017

---

- The mayor of Cilegon, being investigated by the KPK since 22-09-2017, is the son of the former mayor of Cilegon who was sentenced to 3.5 years in prison in 2013.
- The former governor of Banten, sentenced to 5.5 years in prison for corruption, is the elder sister of a man who was sentenced by the Supreme Court to 7 years for bribing in the conflict in local elections in Lebak.
- The district head of Klaten, sentenced to 11 years in prison for bribery, is the wife of the former district head of Klaten who was prosecuted for corruption. That case ended by his death.

Corruption is in essence based on the use of relations between people. Sometimes these are even parent – son or daughter relations. Such networks are difficult to assess and difficult to break as the acts of corruption seem to fit into the ordinary pattern of protecting the high authority (of the parent).

The Coordinator of Indonesia Corruption Watch, ICW, Adnan Topan Husodo said that corruption among local government officials is working towards the establishment of dynasties, and as such difficult to analyse. “Because the power is so centred on the networks that they have built with those near and intimate to them. For example, Atut (Banten) had her son (or daughter) also in the local government,” said Adnan.

According to Adnan the political parties have to improve the recruitment of candidates at all levels. “Make room for good candidates and have a honest rivalry among them,” he said.

### Papua

#### **Human Rights in West Papua 2017**

International Coalition for Papua, 26-09-2017

More than 40 organisations in West Papua, Jakarta and worldwide have brought their analysis on the human rights and conflict situation in West Papua together. The executive summary of the 218-pages report explains how several human rights standards have deteriorated over the last two years. The report is compiled by the International Coalition

for Papua (ICP) and the German Westpapua-Netzwerk (WPN). You can now download the report on this page.

The years 2015 and 2016 were characterized by a significant aggravation of the human rights situation in West Papua compared to previous years. Reports by local human rights defenders describe an alarming shrinking of democratic space. Although Indonesian President Joko Widodo pushed economic development and granted clemency to five long-term political prisoners, the police strictly limited even the most peaceful dissident political activities.

An Indonesian translation of the report is being prepared by Franciscans International and will be available soon.

Read more and download the full report [here](#).