

# Weekly Update Human Rights in Indonesia – 04-07-2016

## Impunity

### **Obstacles in finding evidence**

Kompas, 02-07-2016

The Attorney General, H.M. Prasetyo has made clear in a public statement that the judicial solution for several of the seven main human rights violations of the past is being hampered by lack of evidence. He mentioned specifically the cases of Wasior (Papua, 2001) and Wamena (Papua, 2003) that should be solved by a judicial procedure. The cause for the difficulty to find evidence is mostly due to the response by the local communities who do not want to cooperate in the investigation, refuse to have autopsies being carried out, but also to the fact that evidence has gone lost as the incidents took place too long ago. According to Prasetyo, the Attorney General's Office is very busy in coordinating between a number of organizations and institutions that are involved in the solution of these cases.

### **Buru: enchanting island**

Kompas (01-07-2016) carries an enthusiast article on the tourist magic of South Buru, its remoteness, white beaches and palm trees, wonderful snorkel facilities and its role in the "Wonderful Sail Indonesia" event since 2015. No mention of the slave labour camps.

## Death Penalty

### **Online petition by Amnesty International: take action**

Up to 15 people are believed to be at risk of imminent executions in Indonesia. Join us in calling on Indonesian authorities to halt executions now. At least four death row prisoners were moved to Indonesia's Nusakambangan prison island in recent weeks, where 13 of the 14 executions carried out in 2015 took place. The death row prisoners have been convicted of drug-related offences and some did not receive a fair trial. In some cases examined by Amnesty International, the police tortured or otherwise ill-treated some of

the detainees, including to extract 'confessions'. Many weren't given access to a lawyer at the time of their arrest and at other stages of the process.

The exact date of the executions hasn't been confirmed but the Attorney General stated that another round of executions will be carried out "in the near future". The authorities will only give 72-hours' notice before the executions are carried out. Prison officials have prepared the execution grounds and the firing squads have also been organized.

<https://www.amnesty.org/en/get-involved/take-action/stop-imminent-executions-indonesia/>



Central Java Police chief Insp. Gen. Condro Kirono and a group of officers aboard a naval patrol ship heading to Nusakambangan prison island from Cilacap, Central Java, on April 28 to review the condition of the Limus Buntu firing range and inspect personnel in preparation for the third round of executions of death-row inmates, which will likely happen in May. (Antara Photo/Idhad Zakaria) (Postponed till after Idul Fitri).

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### **Beware, death penalty is an addictive policy**

The Jakarta Post, 29-06-2016 by Asmin Fransiska<sup>1</sup>

The World Health Organization defines addiction or dependency as a complex health condition that often requires long-term treatment and care. Sadly, that is the case with Indonesia's policy on drug crimes.

To address the global problem of drugs, world leaders and activists gathered on April 19-21 at the UN General Assembly Special Session on Drugs in New York. Most countries represented moved from criminalization to decriminalization for personal possession or use. Some opted to regulate drug markets for certain types of drugs, mostly marijuana. Almost all delegates from the EU, Latin America, UN organizations and the special rapporteurs against torture and the right to health agreed to abolish the death penalty for drug offenders.

However, Indonesia was steadfast in preserving the death penalty as an effective measure to deal with drug problems. This stance marks not only a setback in Indonesia's commitment to human rights, but also a flawed reasoning to protect the country from drug trafficking.

Indonesian academics are among those appealing for evidence-based policymaking and the priority for public health in addressing drug problems, as they wrote in the Lancet medical journal last year. However, the current government has decided to start a new wave of executions of death row convicts, mostly drug traffickers.

The state indeed needs strong efforts in law enforcement and public health to reduce the negative consequences of drug trafficking. However, claiming that waging a war on drugs through executions is a powerful strategy to eliminate drug trafficking is even more dangerous. The excessive use of executions only demonstrates the country's failure to control drug problems. National Narcotics Agency (BNN) chief Comr. Gen. Budi Waseso admitted the failure, saying that despite the executions, the number of drug use cases increased from 4.2 million in June 2015 to 5.9 million in November 2015.

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<sup>1</sup> The writer is a senior lecturer in human rights at Atma Jaya Catholic University's School of Law in Jakarta and a PhD researcher at Justus Liebig University, Giessen, Germany.

The UN has called for the abolition of the death penalty for drug offenses due to the lack of a threshold to fulfil the "serious crime" category, based on the International Covenant on Civil and Political Rights.

From 1979 to 2008 Indonesia executed at least 60 convicts, mostly convicted murderers and terrorists. Since 2014, executions were performed on drug convicts based on the drug emergency narrative. Death sentences have been on the rise without a guarantee of when and how this policy will be evaluated objectively and stopped if the policy goes wrong.

The war on drugs is an abstract reason for a state to deal with real problems in society where corruption, poverty, racism and marginalization of its own people are rampant. Drug trafficking may not disappear, but the crimes should be governed in an orderly way.

The disproportionate use of the death penalty requires scrutiny. In previous death sentences such as for Mary Jane Veloso of the Philippines, Rodrigo Gularte of Brazil and Indonesian Zainal Abidin, there was substantive evidence to show that capital punishment undermines the rule of law. Drug mules are at the highest risk under Indonesia's death penalty policy, rather than the drug kingpins.

Human rights outline principles, standards and guidelines to create a clear measure for a state to be able to fulfill its objectives. However, human rights are absent in Indonesia's drug policy framework. We have lost the capability to assess the real situation concerning drug abuse and thus have reacted irresponsibly.

Having assessed the characteristics of dependency, we could assume that Indonesia has faced the serious problem of failing to tackle drug offenses. The death penalty is seen as a quick fix and we have become addicted to it.

A better way to address addiction is proper and appropriate treatment. We can begin the treatment by setting sufficient guidelines and patiently educating ourselves to become aware of our own problems. We need to reform our drug policies and laws and transform them into scientific-based and proper evidence-based ones. In so doing we can capture the real underlying problems of drug offenses.

The treatment needs to be tested, assessed and renewed regularly in order to adequately represent reality. Above all, respecting human rights is the key to achieving good results.

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Whatever drug policy approach we choose, human rights should be the mirror for us to set standards and principles.

Hopefully, we can stop the addiction to the death penalty in the long run.

## Freedom of religion

### **Komnas HAM reports on poor performance**

The Jakarta Post, 03-07-2016

Denpasar, Bali and Sumedang, West Java, are among regions where its administrations have been criticized by the national rights body for their poor performance in resolving religious freedom violation cases.

“The Denpasar and Sumedang administrations have been uncooperative in resolving religious freedom violation cases,” the National Commission on Human Rights (Komnas HAM) religion and faith freedom desk coordinator Jayadi Damanik said in Jakarta on Thursday.

Komnas HAM is monitoring the settlement of several religious freedom violation cases nationwide. The cases include the rejection of intolerant groups toward the development of a Mushola Assyafiyah in Denpasar, Bali, a prayer room, and the prohibition of the congregation of the Pentecostal Church in Indonesia (GPDI) in Sumedang, West Java, from worshipping.

“The GPDI case in Sumedang occurred in 2012 and has not yet been resolved due to difficulties in obtaining the church permit,” said Jayadi. He further said that, earlier in June, the Sumedang administration had for umpteenth time rejected processing the permit.

Meanwhile, Komnas HAM has been handling the Denpasar case since February 2015. However, after a number of meetings attended by the Bali Religious Harmony Forum (FKUB), Bali-based Religious Affairs Ministry officials and Mushola Assyafiyah management members, a settlement has yet to be reached.

### **Komnas HAM to approach new police head for protection of religious freedom**

The Jakarta Post, 04-07-2016

The National Commission on Human Rights (Komnas HAM) plans to meet the new National Police chief, Comr. Gen. Tito Karnavian, to demand his commitment to safeguarding the freedom of religion in Indonesia.

“I’m happy to know that the next police chief has stated his commitment to make human rights principles an important part of his agenda. Later, we will invite him to our office, maybe after Idul Fitri [ observed on July 6 ], to discuss matters pertaining to religion and the freedom of faith,” Komnas HAM chairman M. Imdadun Rahmat said in Jakarta recently.

In an earlier statement, Tito said if he was appointed as the new police chief, he would uphold human rights principles, especially in handling terrorism.

The House of Representatives officially appointed Tito as the new National Police chief during a plenary meeting on June 27. The decision followed a series of screenings held by the House’s Commission III, which oversees legal affairs, human rights and security.

Imdadun said he expected Tito to influence all police officers to have a deep understanding on human rights principles. “A clear understanding could pave the way for the police to be a supporter of human rights,” he said.

## Political developments

### **KPK Probes Judges' Alleged Involvement in Central Jakarta Court Bribery Case**

The Jakarta Globe, 01-07-2016

The Corruption Eradication Commission (KPK) is currently investigating the alleged involvement of judges in a recently uncovered bribery case at the Central Jakarta District Court.

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Court registrar Muhammad Santoso is accused of receiving S\$ 28,000 (\$21,000) in bribes from Raoul Adhitya Wiranatakusumah, a lawyer for coal mining company Kapuas Tunggal Persada, which was involved in a civil case heard at the court. "It is possible that the bribes were intended for the judges," KPK deputy chairwoman Basaria Panjaitan said on Friday (01/07), as quoted by Kompas.com. "We are still investigating that possibility."

The KPK is alleging that the bribes — paid through Ahmad Yani, a staffer at law firm Wiranatakusumah Legal and Consultant — were made to have the court rule in favor of Kapuas Tunggal.

Santoso, Raoul and Ahmad were all named suspects on Friday, a day after the court rejected a civil lawsuit by another coal mining company, Mitra Maju Sukses, against Kapuas Tunggal. The KPK arrested Santoso and Ahmad on Thursday in sting operations in separate locations in Jakarta. Raoul is currently still at large.

### Supreme Court to Tighten Supervision on Judges, Court Officials

The Jakarta Globe, 02-07-2016

Supreme Court Chief Justice Hatta Ali said the Indonesian justice system already has an excellent system in place to prevent practices of corruption and bribery, despite the arrests of two registrars at the Central Jakarta District Court within the past two months for alleged bribery.

"We've built a good system to prevent such practices, but then again, this happens. Let [the arrested registrars] take responsibility for their own actions," Hatta said at a fastbreaking event at the National Police Headquarters in Jakarta on Friday (01/07).

The top judge also said he will tighten supervision on judges and court officials, and open a hotline for public complaints which can be accessed using text message and mobile apps.

In another sting operation, the Corruption Eradication Commission (KPK) arrested Central Jakarta District Court registrar Santoso, allegedly for receiving bribes, on Thursday (30/06).

The anti-graft agency also seized S\$30,000 (\$22,000) during the raid, according to an unnamed source.

### Democratic Party urges KPK to clarify lawmaker arrest

The Jakarta Post, 30-06-2016

The Democratic Party's ethics council head, Amir Syamsuddin, has asked the Corruption Eradication Commission (KPK) to clarify a statement in which it said it had allegedly caught red-handed one of its lawmakers, I Putu Sudiartana, in a sting.

The politician said the explanation given by KPK commissioners during a press conference on Wednesday evening did not confirm whether the House lawmaker had been allegedly caught red-handed accepting a bribe. "It was not stated that an actual transaction took place in his [Putu's] presence when the sting was carried out," he said.

Amir said the KPK's move to announce that I Putu Sudiartana had allegedly been caught red-handed could taint the image of the party.

The KPK named Putu a suspect in a bribery case related to an infrastructure construction project in West Sumatra on Wednesday. KPK investigators arrested the lawmaker Tuesday evening. "After 24-hour questioning, followed by a case briefing, we decided to name I Putu Sudiartana, Noviyanti, Suhemi, Yogas Askan, and Suprpto suspects in the case," said KPK deputy chairman Basaria Pandjaitan in the press conference.

Along with his staff member, Noviyanti, and her husband Suhemi, Putu is alleged to have accepted Rp 500 million ( US\$37,893.15 ) in relation to the construction of 12 toll roads in West Sumatra.

The KPK said West Sumatra Spatial Planning and Housing Agency head Suprpto initiated the three-year project worth Rp 300 billion. Suprpto and businessman Yogas Askan are accused of paying Putu and his staff members the bribes to ensure the inclusion of the project in the revised 2016 state budget.

### Lebaran bonus

Kompas (02-07-2016, five days before the end of the fasting month, "lebaran") includes an advertisement by the Anti-Corruption Committee (KPK) in which the KPK, clarifying its aim for a cleaner society, and wishing all readers a happy lebaran, states that a "lebaran-bonus" is forbidden for civil servants.