

Weekly Update Human Rights in Indonesia – 07-03-2017

General

End of February Amnesty International published its Annual Report 2016/2017. The entry on Indonesia can be found here: <https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/> .

Impunity

Investigation into the period 1945-1950

In The Netherlands an investigation will be carried out into the possible abuses in Indonesia in the period 1945-1950, in the context of decolonization, violence and war. See: <http://www.ind45-50.org/en/home> . The investigation will be carried out by NIOD, KITLV and NIMH and will supposedly take several years.

Declassification of Indonesia Files in Progress

Posted on Mar.06, 2017 in Declassification by Steven Aftergood

The National Declassification Center has completed declassification review of more than half of the classified files from the U.S. Embassy in Djakarta, Indonesia from the turbulent years of 1963-1966. The remainder of the task is expected to be completed by this summer.

So far, 21 of 37 boxes of classified Djakarta Embassy files have undergone declassification review, said Sheryl Shenberger, director of the National Declassification Center. Remarkably, the declassification of the Indonesia records was prioritized in response to public comments.

What new light will they shed on the past?

“As to the discovery of anything new, I leave that to you and the researcher community,” said Alex Daverede of the National Declassification Center, who is performing the declassification review.

“I think you will gain some insight about US perspectives on the 30 September Movement [military personnel who assassinated six Indonesian generals, triggering a campaign of mass killings]. You will also get some close observations about Sukarno and the cast of characters around him. You will also see the Embassy’s perspective on the awkward transition from Sukarno to Suharto. There is a lot of information on Indonesia’s economic woes in 1965-1966 and of the efforts to get food to what was a bankrupt country,” Mr. Daverede said.

In a 2014 draft resolution, Sen. Tom Udall (D-NM) pressed for declassification of U.S. records from this period.

Read the whole article: <https://fas.org/blogs/secretcy/2017/03/indonesia-declass/>

Labour rights

Amnesty International: Government must investigate Wilmar labour practices as company attempts to cover up abuse claims

07-03-2017

Agri giant Wilmar’s campaign to cover up labour abuses exposed in a damning Amnesty International report is being aided by the Indonesian government’s failure to investigate claims against the palm oil company.

Despite reports that the authorities would create a special task force to probe human rights abuses detailed in the report, ‘The Great Palm Oil Scandal: Labour Abuses Behind Big Brand Names’, no progress has been made. Meanwhile, Wilmar has tried to intimidate staff into denying the claims.

“Workers on plantations live in fear of reprisals for speaking out about their poor working conditions. Such reprisals could include being moved away from their families to a different plantation, or even losing their job entirely,” said Seema Joshi, Head of Amnesty International’s Business and Human Rights team.

“Their predicament is not being helped by the government’s complete failure to act on the gross human rights abuses detailed in our report.”

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At a meeting with trade union representatives in January, Wilmar asked workers to sign a document which stated that the abuses outlined in the Amnesty International report were not taking place on their plantations. "Any signed statements that Wilmar obtains from its staff under such duress, including the threat of being fired, are not legally valid." Seema Joshi said. "Wilmar's approach to addressing the abuses flagged in our report is deeply worrying. The company is patently seeking to publicly discredit Amnesty International's evidence."

Wilmar resorted to such tactics following a media report that the Indonesian government would carry out a thorough investigation into the issues highlighted in Amnesty International's report. "We are encouraged by the commitment the Indonesian government has shown towards holding corporates to account for human rights. But in the three months since the report's release we have seen no action. An urgent investigation is needed," said Seema Joshi. "In light of Wilmar's attempts at discrediting our report and their ongoing failure to address any of the concerns it raised, the Indonesian authorities must now make good on the pledge to establish a task force to investigate Wilmar's labour practices."

Wilmar's Singapore office has stated that the issues raised by Amnesty International are being actively discussed by Wilmar Plantation Operations Management and that their investigation continues.

The company said it will continue with this process until it is able to address all the issues highlighted, and will publish its full findings. It also says that trade union signatures were provided voluntarily. Wilmar's public response, however, seems to be at odds with their approach behind the scenes.

BACKGROUND:

* The report 'The Great Palm Oil Scandal: Labour Abuses Behind Big Brand Names', revealed that labour practices used at Wilmar plantations include child labour, forced labour, exposure to dangerous conditions and endemic discrimination against women. These practices are in contravention of Indonesian law, some of which are criminal.

* Three months on from the publication of the report, none of the companies named have taken active steps to stop the labour abuses on their plantations, nor have they provided any remedy for those who have suffered abuses.

* Despite making a commitment to investigate the findings of the report and announcing that would it hire a consultancy for this purpose, Amnesty International has found no convincing evidence that Wilmar has addressed key issues including the use of high targets and piece rate which contributes to child labour, exploitation of female workers, nor non-payment of the minimum wage.

Freedom of Religion

Ahok's Accuser Buni Yani Seeks Assistance From Human Rights Commission

The Jakarta Globe, 28-02-2017

Police say Buni Yani, the man accused of uploading a heavily edited video of a speech by Jakarta Governor Basuki "Ahok" Tjahaja Purnama that resulted in blasphemy allegations against him, has every right to report his case to the National Commission on Human Rights, or Komnas HAM, and the country's Ombudsman.

"He can do so. We've already sent the case file to the prosecutors last week," Jakarta Police spokesman Chief Comr. Raden Prabowo Argo Yuwono said in Jakarta on Monday (27/02).

Buni and his defense team have met with officials from Komnas HAM and the Ombudsman to ask them to supervise the case, which they claimed has been beset with irregularities.

The former lecturer has also sent a letter to President Joko "Jokowi" Widodo to seek justice on a case he deemed as "discriminative and unfair."

Buni was charged in November last year with editing and sharing a video of a speech Ahok made on Pramuka Island in Jakarta's Thousand Islands district, in which the governor said nobody should manipulate verses from the Koran for political gain.

Buni is facing a six-year sentence or a Rp 1 billion (\$75,000) fine according to the Electronic Transaction and Information Law.

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Arabic conversation between King Salman and a Catholic priest in Bali

The Jakarta Post, 05-03-2017



Warm welcome: Fifty dancers perform the Pendet dance, a traditional Balinese dance, to welcome the arrival of King Salman bin Abdulaziz Al Saud on Bali on Saturday afternoon. (Courtesy of Angkasa Pura I/File)¹

The King, who is in Bali for a six-day vacation, was welcomed by Bali's local authorities and local religious figures at the Ngurah Rai International Airport in Denpasar after landing on Saturday. An interesting conversation took place amid the grand welcome for King Salman bin Abdulaziz Al Saud of Saudi Arabia on Bali on Saturday afternoon as he greeted several local religious figures. He was greeting the figures one by one including Catholic Priest Eventius Dewantoro. Eventius greeted King Salman in Arabic as the later was shaking his hand. The King was impressed that there was a Catholic Priest in Bali who could speak

Arabic, Kompas.com reported. He greeted King Salman with ahlan wa sahlan (welcome). Then the king replied in Arabic asking him if he was a Catholic. Afterward, Eventius also said that King Salman approached him again before leaving the airport.

Eventius, 47, was born in Flores, East Nusa Tenggara. After becoming a priest, he studied Islamology at Dar Comboni Institute for Arabic Studies in Cairo in 2002 to 2003. He then continued his Islamic studies at Pontificio Instituto di Studi Arabi E D'Islamistica (PISAI) in Rome for two years until 2005. He said that he learned about the classic and contemporary Islam.

He was fluent in Arabic as he used the language when pursuing his studies. "I used Arabic everyday especially when studying and also when praying," he said as reported by kompas.com.

King Salman praised Indonesia's religious life as he met with 28 leaders of Indonesia's major religions — Islam, Buddhism, Hinduism, Confucianism, Protestantism and Catholicism -- in a dialogue event on Friday.

The blasphemy trial against Basuki Tjahaja Purnama

The Jakarta Post, 05-03-2017

Jakarta Governor Basuki "Ahok" Tjahaja Purnama is expected to present more than 15 witnesses and experts before the court to support his defense in his blasphemy case. Ahok's lawyer Humprey Djemat said Saturday between 15 and 20 witnesses and experts are going to testify for his client. "The experts and witnesses will provide testimony in our favor, but we will make sure that they are objective in this case," Humprey said, as quoted by kompas.com.

After months of hearing prosecution witnesses and experts testify against him, on Tuesday, Ahok will have his first chance to present his witnesses. Humprey said he would present three witnesses, including Golkar politician Bambang Waluyo Djojohadikoesoemo, who was present when Ahok delivered his controversial speech, and Ahok's adoptive brother, Andi Analta Amier.

The latest hearing saw testimony from expert witness Islam Defenders Front (FPI) founder Rizieq Shihab, who urged the panel of judges to detain the defendant. He warned that the

¹ A very cross-cultural welcome dance....[MM]

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governor could repeat his blasphemous speech or flee legal proceedings if the judges failed to detain him. "I suggest the judges detain the suspect so he won't repeat his conduct and insult clerics. [I] am also concerned that he might escape," Rizieq told the judges.

Women's Rights

Women March in Jakarta to Demand Equality

The Jakarta Globe, 05-03-2017

More than a thousand people participated in the Women's March Jakarta on Saturday (04/03) to demand equality for women and minority groups.

Dressed in pink and purple attire, the marchers gathered in front of the Sarinah department store in Central Jakarta at 9 a.m. before making their way to the State Palace. Speakers and performers included women's rights activists Siti Musdah Mulia and Mariana Amiruddin, while Bengkel Tari Ayubulan, Helga Worotitjan, Sisters in Danger, Melanie Subono and Mutiara Malika gave dance, poetry and live music performances.

In her speech, Musdah reminded everyone about Indonesia's founding principles of Pancasila, such as unity in diversity and respect for people with different beliefs. "We are asking the government to eradicate violence by using religion. There is no place for discrimination for any reason, including religion," she said.

Even though the march is inspired by the US-based feminist movement in its response to the inauguration of President Donald Trump, Musdah said Indonesian women are joining the Jakarta march to fight for national issues that affect their lives. She expressed concern about the growing number of incidents of religious intolerance and radicalism, which will eventually affect families and their domestic affairs. "Indonesian women must unite to resist any form of violence, including that which is done in the name of any religion. We shall not let this country be taken over by a group of a certain religion," she said.

Aryani Arsyad from the Indonesian Women With Disabilities (HWDI) was critical of the fact that most Indonesian laws have yet to take gender equality into account, particularly for disabled women. She said the marriage law does not protect impaired women from

polygamy. "We should resist any form of sexual violence against women and disabled people at home, in school, at the workplace and in public spaces. And we should also stop the law that discriminates against disabled women," she said.

The march is part of a series of political acts held to celebrate International Women's Day.

A group of female activists gathered in front of the Saudi Arabian Embassy on Thursday to condemn the visit of Salman bin Abdulaziz Al Saud and demand justice for Indonesian female workers in his country.

Another march by female workers and the local organizing committee of International Women's Day will take place on Wednesday.

Each Year Thousands of Indonesian Women Are Subject to Sexual Violence: Komnas Perempuan

The Jakarta Globe, 05-03-2017

As concerns over persisting violence against women are reemerging, hundreds marched through the streets of Jakarta on Saturday (04/03) to demand an end to gender-based violence and the abolishment of gender-biased regulations.

According to the National Commission on Violence Against Women (Komnas Perempuan), each year thousands of women in Indonesia are subject to sexual violence. Of the 6,500 cases reported to the commission in 2015, 70 percent involved rape.

"These cases were reported. We don't know how many were not out of shame, fear and worry that complaints will be disregarded," Komnas Perempuan educational division chief Masruchah said during the march.

Every two hours, three women are sexually assaulted in Indonesia. The incidents can take place anywhere, including home and workplace. Masruchah said that often teenage girls fell pray to sexual abuse.

"Lots of these girls are culturally conditioned to see their bodies as gifts to their boyfriends, regardless of possible pregnancy, which could get them expelled from schools," she said.

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In Papua, many schoolgirls are coerced into becoming child brides and are sacrificed for economic benefit, said Helena Kogobau of the Women's Liberation Committee of Papua.

"Women and girls in Papua are exchanged like a commodity, they are forcibly married off to wealthier men," she said. Helena added that sexual violence affects thousands of women in Papua, and discrimination is still prevalent under the society's strong sense of patriarchy.

More on women's rights: <http://jakartaglobe.id/news/trafficked-abused-indonesias-middle-east-maid-ban-backfires/>

Death penalty

The draft Criminal Code: A window of opportunity

By Paulina Tandiono, Legal intern at the office of the International Commission of Jurists (ICJ)

The Jakarta Post, 06-03-2017

Indonesia has been in the process of amending its Criminal Code (KUHP) over the past 53 years. To this day, the House of Representatives is still vigorously debating its various provisions. The current Criminal Code is a vestige of Dutch colonialism. It has been in force since 1918 with only minor changes made over the century. The Indonesian government wants a new penal code that will be relevant to a modern society.

One recent interesting development in this decades-old process is the amended provisions in the Criminal Code on the death penalty. Under the existing Criminal Code, the death penalty is one of the principal punishments for certain crimes, such as crimes against state security, murder, theft resulting in deaths and crimes relating to navigation and aviation.

Right now, the House is considering amending the provisions relating to the death penalty in the Criminal Code so that it becomes a "special form of punishment" that may only be imposed alternatively as a "last resort."

This means, therefore, that if the present amendments are adopted, judges will be constrained to impose "less severe" sentences for the above mentioned crimes, such as

life imprisonment, instead of the death penalty. It is only when a judge deems these "less severe" sentences to be insufficient for achieving the objectives of the penal system (i.e. protecting society, rehabilitating the convict, etc.) that the judge would potentially be allowed to resort to a sentence involving the death penalty, whether on a "conditional" or unconditional basis.

First, the judge could impose a "conditional" death penalty. This means that the convicted person would not be executed for 10 years, a period starting from the denial of clemency by the President. For the judge to impose a "conditional" death penalty, he would decide whether the accused fulfills certain conditions, which are quite subjective. For instance, the judge would need to ascertain how the public regards the accused, whether the accused has shown remorse or whether there is a chance for him to be reformed.

If within this 10-year "waiting period" the inmate displays good behavior or proves himself to have been "reformed," the law and human rights minister would have discretion to commute his sentence to life imprisonment or 20-year maximum imprisonment. Otherwise, the attorney general may order his execution.

Second, the judge could impose outright the death penalty on an unconditional basis. In this case, if the inmate has not been executed within a period of 10 years, then the President may commute his sentence to life imprisonment. It is unclear, however, when the 10-year period starts, whether after the final judgment or upon denial of an appeal for clemency.

There are some who view these amendments positively, claiming that this may be a way for Indonesia to move toward the abolition of the death penalty. However, considering the length of time it took for Indonesia to consider amendments to the existing Criminal Code, if the revised Criminal Code still retains the death penalty, it may take several more decades to remove it.

Indonesia should really use the current process of amending the Criminal Code to get rid of the death penalty. It is widely acknowledged that abolition of the death penalty contributes to respect for human dignity and progressive development of human rights, which is why the world is abandoning this practice. More than two-thirds of countries around the world have abolished the death penalty, either in law or practice.

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Until very recently, Indonesia was on the cusp of moving away from the death penalty. From 2007 to 2010, it had always voted against the resolution to impose a moratorium on the use of the death penalty at the UN General Assembly.

In the year 2012, however, for the first time, Indonesia moved from opposition to abstention and has consistently remained so in the following resolutions on the issue. This attests to a progressive shift in Indonesia's attitude toward the death penalty.

Unfortunately, in 2015, Indonesia regressed when it executed 14 persons in a single year. This was followed by executions of four more persons in 2016.

As the International Commission of Jurists (ICJ) has said before, the death penalty constitutes a denial of the right to life and freedom from cruel, inhuman, or degrading treatment. In 2012, during the second cycle of Indonesia's Universal Periodic Review at the UN Human Rights Council in Geneva, several countries recommended that Indonesia consider abolishing the death penalty.

Even the alleged deterrent effect of the death penalty has been repeatedly called into question. Overwhelming studies from around the world conclude that the death penalty is not effective at deterring crime at a greater rate than alternative forms of punishment.

In Indonesia, data released by the National Narcotics Agency revealed an increase of drug-related offences following the executions in 2015, further debunking the deterrent myth.

After almost 100 years since 1918, a real opportunity finally presents itself for the country to amend its criminal laws in accordance with international human rights law and standards. This is the perfect window of opportunity for Indonesia to abolish the death penalty once and for all.

As the former United Nations Secretary General Ban Ki-moon said, "the death penalty has no place in the 21st century." Indeed, the death penalty has no place in modern Indonesia. If Indonesia wants a modern Criminal Code for a modern society, then it should do away with such a barbaric practice.

Political developments

Most corruption involves civil servants: ICW

The Jakarta Post, 05-03-2017

Civil servants dominate corruption cases in Indonesia, research conducted by an anti-graft NGO revealed on Saturday. In the research by Indonesia Corruption Watch (ICW) into corruption cases from 2013 to 2016, civil servants ranked first in involvement in graft cases followed by private-sector parties.

The ranking indicated serious issues in the country's administration, ICW researcher Aradila Caesar said on Saturday. "There is a high possibility that the procurement of goods and services remains the favorite sector to garner profits," he said as reported by tribunews.com. Moreover, he said, the 2014 Law on regional administration had not diminished corruption in the regions.

"Most civil servants involved in corruption are from provincial, regency and municipal administrations. Regional bureaucrats are still the biggest actors in corruption," he said adding that local officials' strategic position in holding key roles in local development had opened room for graft.

VP Meets With King Salman, Discusses Partnership Commitments

The Jakarta Globe, 04-03-2017

Vice President Jusuf Kalla discussed the new Indonesia-Saudi Arabia partnerships with King Salman bin Abdul Aziz al-Saud in a meeting on the sidelines of a dinner hosted by the king at the Raffles Hotel in South Jakarta on Friday evening (03/03).

"King Salman has committed himself to implement all partnership initiatives that have been agreed upon with the Indonesian government. They [the king and vice president] have also expressed their commitment to reinforce bilateral cooperation in various sectors," Kalla's spokesman Husain Abdullah said.

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Husain said that Kalla has also expressed his appreciation of Saudi hospitality toward Indonesian hajj pilgrims. "Aside from discussing the partnerships established during King Salman's visit to Indonesia, [the vice president] also thanked [the Saudi government] for welcoming 1.2 million Indonesian pilgrims in Mecca and Medina every year," he said.

Kalla was accompanied by Religious Affairs Minister Lukman Hakim Saifuddin, Foreign Minister Retno Marsudi and vice presidential secretary M. Oemar.

Kalla and King Salman had previously met when the vice president attended a state ceremony on the passing of King Abdullah bin Abdul Aziz in 2015.

During the Indonesian tour, King Salman witnessed the signing of 11 agreements in various sectors, including security, health, culture, education, trade, investment, agriculture, fishery, small-medium enterprises, civil aviation operations and religious cooperation. These agreements have been estimated to reach the total value of \$7 billion.

After Jakarta, the delegation is set to enjoy their holiday in Bali, where five hotels and 300 luxury cars have been booked for more than a week. The Saudi king is travelling with an entourage of 1,500 people and nearly 500 tons of luggage, including two gold-coloured escalators.