

Impunity

New verdicts on Dutch 1945-1949 responsibility

On 27 January 2016 the (local) court of justice in The Hague has issued three verdicts related to (so-called) "misbehaviour" by Dutch soldiers during the independence war (1945-1949). The state is held accountable for a case of the rape of an 18-year old girl who was raped by five Dutch soldiers in Peniwen (East Java) in 1949, and was ordered to offer a compensation of € 7500 to the woman.

Another verdict is related to extrajudicial executions in South Sulawesi in 1946 and 1947, whereby Robert Cribb was appointed as an external expert to investigate these executions. The court also orders the state to open the national archive for this investigation and to bring forward its own investigations.

A third verdict relates to torture of a man who was taken prisoner in 1947. The state of The Netherlands is ordered to clarify why it can denounce the facts and to come forward with its own investigation results on the case.

In all three cases the Dutch government claimed that the events had become superannuated, but in all cases the court rejected this claim. The cases were supported in court by the lawyers Liesbeth Zegveld and Brechtje Vossenbergh.

See for Dutch language information: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Den-Haag/Nieuws/Paginas/Drie-vonnissen-over-misdragingen-van-Nederlandse-militairen-in-Nederlands-Indie-in-1946-1949.aspx>

Freedom of Religion

Rights Group Urges Govt to Protect Ahmadis in Bangka

The Jakarta Globe, 06-02-2016

A rights group has urged the Indonesian government to take firm action against local authorities in the Bangka district of Bangka-Belitung Islands province to stop the expulsion of the Ahmadiyah religious minority, and to protect its members.

The local government on Bangka Island is currently expelling members of the community, after it issued a Jan. 5 letter demanding that they either convert to Sunni Islam or face expulsion.

The central government, which has the authority to prevent this action, has done nothing, and it is "deplorable," Rafendi Djamin, executive director of Human Rights Working Group Indonesia (HRWG), said in a statement released on Friday (05/02). "If the central government doesn't intervene, we will always be trapped in this kind of situation."

The Bangka government's act is "a pure violation" of freedom of religion and belief, Rafendi added, citing the 1999 Human Rights Law and the Constitution.

M. Choirul Anam, deputy director of HRWG, said the Bangka government's expulsion of the Ahmadiyah community, consisting of only 14 families, is a form of "disobedience" to the central government.

"Regional autonomy cannot be the reason for the local government to discriminate," he said. "Besides, authority over religious affairs is excluded from this autonomy."

The persecution of Ahmadis increased in 2001, when some local residents of East Lombok subdistrict in West Nusa Tenggara declared the Ahmadiyah belief as a

Weekly Update Human Rights in Indonesia – 08-02-2016

heresy. The members of the religious minority were banned from obtaining an education, and some have become internally displaced since they have been expelled from their homes. Around 30 Ahmadiyah families are still living in a government sanctuary in West Nusa Tenggara.

In 2011, West Java Governor Ahmad Heryawan banned the Ahmadiyah in Tasikmalaya from praying in their own mosque. Similar rules were subsequently imposed in other provinces, including East Java.

The threats and violence against the Ahmadiyah community were legalized in June 2008, when the government of former President Susilo Bambang Yudhoyono signed a decree ordering the community to "stop spreading interpretations and activities that deviate from the principal teachings of Islam."

Anyone guilty of violating the decree can be jailed for up to five years.

Women's Rights

UN: At least 200 million females estimated to be circumcised

The Jakarta Post, 05-02-2016

At least 200 million girls and women in 30 countries are estimated to have undergone female circumcision — half of them in Egypt, Ethiopia and Indonesia, the U.N. children's agency said in a report released Thursday night. The UNICEF statistical report said the global figure includes nearly 70 million more girls and women than it estimated in 2014. It said this is due to population growth in some countries and new data from Indonesia.

The U.N. General Assembly unanimously approved a resolution in December 2012 calling for a global ban on female genital mutilation, a centuries-old practice

stemming from the belief that circumcising girls controls women's sexuality and enhances fertility. One of the targets in the new U.N. goals adopted last September calls for the practice to be eliminated by 2030. UNICEF Deputy Executive Director Geeta Rao Gupta said in a statement coinciding with the new report that "determining the magnitude of female genital mutilation is essential to eliminating the practice.

"While there has been an overall decline in the prevalence of female genital mutilation over the last three decades, UNICEF said it isn't enough to keep up with increasing population growth. If current trends continue, it warned that the number of girls and women undergoing FGM "will rise significantly over the next 15 years.

Further reading: <http://www.thejakartapost.com/news/2016/02/05/un-at-least-200-million-females-estimated-be-circumcised.html#sthash.ihUc7Aml.dpuf>

Social and Economic Rights

Government tries to overcome the unbalance

Kompas, 06-02-2016

The government tries to overcome the widening gap, especially in the urban areas. The access to basic services, especially for poor families in the cities will be improved. There will be special attention for the areas where this is necessary.

The growing unbalance in income is shown in the rise of the Gini Ratio¹ in the urban areas from 0.43 in September 2014 to 0.47 in September 2015. This is

¹ The Gini Ratio is an internationally developed measurement of unbalance between rich and poor in a country.

Weekly Update Human Rights in Indonesia – 08-02-2016

worse than the national level of 0.41. In the rural areas there was even a positive change from 0.34 in September 2014 to 0.27 in September 2015.



A row of sheds has been built under the toll-road to Pluit, (North Jakarta). Many poor newcomers try to find a better life in Jakarta and they intensify the social and economic unbalance.

Up till now the problems mainly occur in access to basic services, such as education and healthcare, as well as access to drinkable water, sanitation and electricity.

The Head Economics of the World Bank in Indonesia, Vivi Alatas, suggests that the Indonesian Government should focus on three areas: the first one is to offer equal opportunities to all Indonesians. These opportunities go hand in hand with servicing basic needs, health and education. These determine the future of any individual.

Second is the creation of more and more proper labour opportunities. The government should focus on the 10 million youngsters that are jobless. These are

young people who have no work, who are not looking for a job, not studying or following a training.

Third is the necessity to raise the participation of women on the labourmarket – it is now only 50%. In similar countries like Viet Nam and South Korea these figures are above 70%.

Then there should be attention for the medium and small enterprises (in bahasa UMKM). 99% of all Indonesian enterprises are small and medium enterprises. If 1% of them could add one person to its labour force, the impact would be 570,000 new jobs. (...)

The Head of the Study Centre for Population Policies of the Gadjah Mada University, Agus Heruanto Hadna said that the migration of poor people from the village to the city is one of the main causes of the widening of the gap between rich and poor in the cities. That migration is inevitable as the village does not offer them sufficient opportunities to improve their living conditions.

Political developments

Former Antigrift Commissioner Calls on Public to Oppose KPK Law Revision

The Jakarta Globe, 06-02-2016

Bambang Widjojanto, a former antigrift commissioner, has called on the Indonesian public to join hands in opposition of plans by lawmakers to revise the law on the Corruption Eradication Commission (KPK).

The revisions, which many fear could weaken the antigrift body, are currently being deliberated by the House of Representatives.

Weekly Update Human Rights in Indonesia – 08-02-2016

The revisions have been proposed by 45 lawmakers from President Joko Widodo's ruling coalition. They are from the Indonesian Democratic Party of Struggle (PDI-P), the National Democratic Party (NasDem), Golkar Party, the United Development Party (PPP), the People's Conscience Party (Hanura) and the National Awakening Party (PKB).

The lawmakers proposed four revisions: altering methods of conducting investigations, wiretapping, recruitment protocols, and the establishment of a supervisory body to monitor the KPK.

An online petition titled "Don't Kill the KPK, End KPK Law Revisions" has since been launched by Suryo Bagus, an alumnus of the Anticorruption School, which is co-initiated by the Indonesia Corruption Watch (ICW).

As of Friday (05/02), the petition on the website change.org has been signed by more than 53,000 people, including Bambang.

The former KPK commissioner said in a statement on Friday that the "revisions will not only weaken the KPK, but will also delegitimize the broader effort to eradicate graft."

"But the people cannot be fooled and they are aware that they are mostly affected by corrupt practices," Bambang said. "Thus I call on all to join the fight against the KPK law revisions."

"By signing this petition and spreading it, we will show the people's resistance."

This year's plans for the legal revisions came after House lawmakers proposed changes to the KPK law last year, which included stripping the antigraft body of the authority to conduct wiretapping without a warrant, and of prosecuting its own cases. The proposal was scrapped after massive public outcry.

Corruption Watch report

The Jakarta Globe, 07-02-2016

Indonesian courts have been very lenient toward corruption defendants last year, sentencing them to an average of just 26 months in prison, the country's most prominent antigraft watchdog said.

The Indonesia Corruption Watch released a study on Sunday (07/02) examining all 564 corruption cases heard by anti-corruption courts across the country last year. The report found that 68 defendants have been acquitted by the courts with a whopping 401 defendants only receiving light sentences of less than four years. Last year, only three defendants were sentenced to more than 10 years, while the remaining were handed down sentences of between four and 10 years.

The group also found that 309 of the defendants convicted last year were only ordered to pay the minimum fine of Rp 50 million (\$3,650). Conversely just 33 defendants were ordered to pay more than Rp 200 million. The maximum fine for corruption offenses is Rp 1 billion.

It is a worrying trend, ICW said in a statement, considering that the defendants are still up for sentence cuts and parole. It added that the light sentences would do little to deter others from committing acts of corruption.

The courts only acquitted 16 defendants in 2013 and handed down prison sentences with an average of 35 months' imprisonment. The figure rose to 28 acquitted in 2014, while the average prison term handed down dwindled to 32 months.

The ICW also noted that the Supreme Court has not set a standard of how much prison time a defendant should receive for cases where the state has suffered material losses, leading to huge disparities in the length of prison terms handed down.

Weekly Update Human Rights in Indonesia – 08-02-2016

The Palembang District Court last year sentenced a man accused of embezzling Rp 10 million to one year in prison, while the Bengkulu District Court handed a prison term of the same length for a case where the state had suffered losses of Rp 6.3 billion, the report pointed out.

“Disparities of sentences will hurt people's sense of justice. [Disparities] occur because judges enjoy great independence to make a ruling as they please without accountability for their judgments,” the ICW said.

“The judiciary must enact reforms to strengthen its supervisory function to establish a more accountable court system to support the drive to eradicate corruption. The government should also enact stronger regulations in the fight against corruption like a law on asset seizures to address issues found in retrieving stolen assets.”

See for the full report (in Bahasa): <http://www.antikorupsi.org/id/content/tren-vonis-korupsi-2015-vonis-koruptor-semakin-ringan>

RI strongly protests France's palm oil tax plan,

The Jakarta Post, 03-02-2016

Indonesia has strongly protested France's plan to issue a biodiversity law that will triple import taxes on palm oil products, one of the country's main export commodities. The Office of the Coordinating Maritime Affairs Minister said that the proposed law was rife with protectionism, although the French senate has claimed that environmental protection was the reason for the law. “This doesn't have anything to do with the ecosystem as it will be imposed on both crude and processed palm oil products, including Indonesian Sustainable Palm Oil [ISPO] products,” assistant coordinating maritime affairs minister Arif Havas Oegroseno said in Jakarta on Monday.

If approved this March 15, the draft will oblige exporters to pay as much as 300 euro (US\$327) for each metric ton in 2017, 500 euro in 2018, 700 euro in 2019 and 900 euro in 2020. At present, Indonesia is required to pay an import duty of only 103 euro per metric ton.

“The proceeds from this tax will go into [their] social security fund. In other words, Indonesian farmers will finance French social security,” he said.

Indonesia is the biggest palm oil producer in the world, exporting 4.6 million tons of crude and processed palm oil last year to Europe, including France. With skyrocketing taxes, farmers will suffer the most as they have to push down the selling prices, making them unable to practice costly sustainable practices.

According to France's senate, the bill has been proposed to address several environmental concerns: to help tackle deforestation caused by palm oil plantations, to stop the use of unhealthy pesticide paraquat and to diminish health risks, such as heart attack and Alzheimer's, stemming from palm oil consumption.

Havas said that the reasons were not based on facts, given the current practices and policies. According to him, the Indonesian government has made serious efforts to deal with environmental problems. Last year, the Indonesian government released the ninth edition of its forest-clearance moratorium map, adding another 71,099 hectares. The extra land brings the total area covered by the current moratorium to 65.08 million ha, after the ministry added concessions for permits that had been revoked following the recent forest fires. According to a Global Forest Watch study that he cited, only 10 percent of the 2015 fires came from palm oil areas. The moratorium was implemented to stem the rapid land-use transformation in Indonesia. Currently, the country has 8 million hectares of oil palm plantations. Europe, meanwhile, has at least 11 million hectares of land cleared for sunflower and rapeseed plantations, he said. The bill also violated the World Trade Organization's General Agreement on Tariff and Tax principles that

Weekly Update Human Rights in Indonesia – 08-02-2016

obliges countries to impose similar taxes for similar products, such as sunflower and rapeseed oils, he said. The ministry has been in contact with the French Embassy to receive clarification from the French government.

The Indonesian Palm Oil Producers Association (GAPKI) voiced similar concerns with the ministry and said “We’ll continue lobbying the French government,” secretary general Togar Sitanggang said. In 2012, a similar bill called the “Nutella tax” was proposed in France that would have imposed high taxes on palm oil imports. However, the bill was rejected in 2013.

Revision of the anti-terrorist law is no solution

Kompas, 06-02-2016, by James Luhulima

Revision of the anti-terrorist-law (UU15/2003) in the sense of widening the possibility of arresting, detaining and interrogating people on vague suspicions, by other institutions than the police, is no solution. The proposal by (ret.) general Sutiyoso (now Head of the Intelligence Agency BIN) will bring back the times of the Suharto era.

If the BIN would be allowed to arrest, detain and interrogate terror suspects, like formerly the Kopkamtib was allowed to arrest, detain and interrogate G30S/PKI suspects, it would still not be sufficient to absolutely prevent such events to happen. The author quotes an off-the-record statement by former armed forces commander L.B. Moerdani who said that these competencies had not been sufficient to prevent the bombing of the BCA bank in Jakarta in 1984.

On the other hand it would give space to arbitrary arrest and false accusations. The way the political prisoners have been treated under the heading of G30S/PKI (the 1965/66 massacre) until 1998 is telling for what we should not want to return to. As another example of the arbitrary measures the author refers back to

the people who resisted the building of the dam in Gedung Ombo in 1989, who in the end were also “stamped” as ex-political prisoners.

His suggestion is that the state-bodies like police and army win the trust of the people and all together keep their eyes and ears open to fight terrorism. The BIN should only gather information that the judicial institutions can support in their work.

See:

<http://nasional.kompas.com/read/2016/02/06/15160681/Revisi.UU.Bukan.Jalan.Keluar>