

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

Impunity

Indonesia has to break with its brutal past

Today, July 9, 2016

On September 21, 1999, Sander Thoenes, a Financial Times correspondent, was shot and killed by soldiers from the Indonesian army on the outskirts of Dili, the capital of East Timor, then under occupation.

Aged just 30 at the time of his murder, Thoenes is the most recent FT correspondent to die in the line of duty and he remains a strong presence, even for the majority of current reporters who never had a chance to meet him.

Recently, while going through old files in the FT's Jakarta office, I came across his bulletproof vest — the one that would not have saved him from his execution-style killing even if he had been wearing it.

I also stumbled across his clippings book, containing hundreds of stories he wrote on the fall of president Suharto and the period of hope in the late 1990s as Indonesia groped its way towards democracy. Flipping through the dusty book I saw a page that made me catch my breath. On the left was Thoenes' last story, published on the day of his death, while on the opposite page someone had pasted in his obituary. On the next page was a local media report with a picture of his lifeless, mutilated body.

In 2002, the government in East Timor indicted two serving officers from the Indonesian Army's Battalion 745 for Thoenes' murder, supported by evidence from investigations carried out by the UN and the Dutch authorities. To this day, neither of those officers nor anyone else has faced justice for his brutal and senseless death.

The same applies for most of the estimated 1,500 other people who were killed in the Indonesian army's scorched-earth retreat from its decades-long occupation of East Timor.

This is just one example of Indonesia's refusal to face its past. In 1965, at least 500,000 suspected Communists and sympathisers were massacred across the country after a failed

coup that ushered in Suharto's 31 years in power. Ethnic Chinese were particular targets because of their perceived sympathy for the Communist motherland.

Two astonishing recent films — *The Act Of Killing* and *The Look Of Silence* — by American film-maker Joshua Oppenheimer provide disturbing glimpses into the horrors of that time. But in the immediate aftermath of Suharto's downfall in 1998, the political dealmaking deemed necessary to ensure a peaceful transition to democracy made it impossible to revisit the troubled past.

Of the five Indonesian presidents since then, one was Suharto's vice-president; one was the daughter of former "president for life" Sukarno; one was leader of a religious organisation that played a large part in the 1965 massacres, and another was son-in-law of the commander of Suharto's special forces, which were also allegedly deeply involved in those massacres.

In the presidential election of 2014, Mr Joko Widodo narrowly beat Prabowo Subianto, Suharto's son-in-law, who is accused of numerous human rights atrocities from his time as a commander in East Timor and during the 1998 uprising that brought democracy to Indonesia. He denies the allegations. Jokowi, as Mr Widodo is widely known, is the first Indonesian president to assume the office untainted by the stain of the anti-Communist and anti-Chinese pogroms of the 1960s, and he has thrown his support behind an official investigation into those events.

The still-powerful army has responded by setting up a "defend the nation" programme of military-style training for ordinary Indonesians and "gangsters" to prepare them to guard against "foreign influences" such as communism, drugs and homosexuality.

Many in the government are understandably uneasy about the prospect of the military providing weapons training to self-declared gangsters in a country where Islamist radicalisation and extremism are a constant threat.

As the world's third-largest democracy and the largest Muslim-majority nation, Indonesia is a country that seems perpetually on the brink of fulfilling its potential or toppling back into the chaos of its past. With an enormous and relatively young population, and a gross domestic product growth rate of about 5 per cent, the economy is already bigger than that of the United Kingdom or France in purchasing power terms. It should become the world's fourth-largest economy by 2050, according to estimates from the Asian Development

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Bank. But success will depend on how fully the country faces up to the atrocities of its past and how resolutely Mr Widodo faces down the recalcitrant military. He would send a very powerful signal on both fronts by finally bringing the murderers of Thoenes to justice. (The Financial Times Alexandra Dawn Westcott)

Freedom of Religion

Indonesia turns down Turkish request

Kompas, 30-07-2016

"Indonesia will not intervene in other countries' internal affairs and thus will not comply with a Turkish request to close down a number of educational institutions in Indonesia, as requested by the Turkish government," Foreign Affairs Minister Retno LP Marsudi said. Nine schools in Indonesia may have relations with the Fethullah Gulen movement, now seen as the force behind the failed coup attempt in Turkey on 15 July. The nine schools are: Pribadi Bilingual Boarding School in Depok and Bandung, Kharisma Bangsa Bilingual Boarding School in Tangerang Selatan, Semesta Bilingual Boarding School in Semarang, Kesatuan Bangsa Bilingual Boarding School in Yogyakarta, the Sragen Bilingual Boarding School, Fatih Boy's School and Fatih Girl's School in Aceh, and the Banua Bilingual Boarding School in Kalimantan Selatan. The Minister of Education stated that these are private schools that use the official Indonesian curriculum. As the government we have the obligation to protect them, he said.

Social-economic Rights

Indonesian farmers file class-action suit against Montara over 2009 oil spill

The Jakarta Post, 03-08-2016

More than 13,000 Indonesian seaweed farmers whose livelihoods were devastated by an oil spill in the Montara oil field seven years ago officially launched a class action suit in Sydney's federal court on Wednesday.

They have appointed Indonesian advocate Ferdi Tanoni to represent them in the case. Meanwhile, Australia's leading class action specialists Maurice Blackburn Lawyers will take on the case.

The oil spill occurred on Aug. 21, 2009, following a horrific explosion. The Montara oil rig began spewing out oil and for more than 70 days, gas and oil from the rig gushed into the Timor Sea, in Australian waters, some 690 kilometers west of Darwin and 250 kilometers southeast of Rote Island, East Nusa Tenggara (NTT), Indonesia.

"It is estimated that in excess of 300,000 liters of oil per day contaminated the sea, equivalent to pouring 10 Olympic swimming pools of toxic sludge into the ocean over the months the spill continued. The leak was finally plugged on Nov. 3, 2009," said Cameron Scott, a spokesperson for Maurice Blackburn Lawyers in a press statement.

A 2010 government inquiry into the Montara oil spill was damning in its assessment of the operation of the oil rig.

The massive oil spill has also led to depleted fish reserves in the Timor Sea as it affected the habitat of many fish species and changed their migration patterns in the area, according to Ferdi Tanoni who leads the West Timor Care Foundation (YPTB). (ags)

Death penalty

Indonesia will not abolish death penalty, Wiranto says

The Jakarta Post, 03-08-2016

Coordinating Political, Legal, and Security Affairs Minister Wiranto has stressed that the government would not consider abolishing the death penalty, and therefore there was no need to evaluate prevailing laws.

"This is our law. Despite some pressures on us, we have our national legal jurisdiction," Wiranto said on Tuesday. The death penalty is a harsh punishment, he said, but it is needed to protect many people from the dangers of narcotics and related crimes.

(Read also : [US notes Wiranto's appointment with human rights concerns](#))

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Wiranto's statement ran directly against that of Cabinet Secretary Pramono Anung, who said that the government and House of Representatives planned to evaluate the death penalty.

Human rights groups and the international community have long urged the government to abolish or adopt a moratorium on the death penalty, saying that it is a cruel and inhumane punishment, which has also failed to create a deterrent effect. Indonesia executed four drug convicts in the early hours of last Friday, with further legal processes sparing the lives of 10 other death-row convicts who were slated to be killed.

Providing Evidence Not My Duty, Rights Activist Says in Face of Police Backlash

The Jakarta Globe, 05-08-2016

The human rights activist who alleged last week that state officials are involved in drug crimes, said his revelation was only meant to serve as an initial lead, which should be investigated by police. However, the same institution now accuses him of defamation over what it deems a lack of evidence.

The National Police, National Narcotics Agency (BNN) and Indonesian Military (TNI), whose members were mentioned in the revelation, filed police reports earlier this week against Haris Azhar, coordinator of the Jakarta-based Commission for Missing Persons and Victims of Violence (Kontras).

All three institutions said Haris, who has been charged under the Law on Electronic Information and Transactions, failed to provide direct evidence to back up his revelation and challenged him to do so. "I'm not the one who has the authority, obligation, or means to prove it," Haris told reporters on Thursday (05/08). "As a citizen, my duty is to take part in preventing crime. I've given all I have to the authorities."

The National Police, BNN and TNI have all said that without direct evidence, Haris's revelation damaged their credibility and tainted their public image. "Things that undermine the integrity of the institutions are a problem for the nation, for all of us," he said.

Haris revealed last week that members of the National Police, BNN and TNI allegedly helped executed convict Freddy Budiman run his drug business. In his testimony, Freddy also said that he had given more than Rp 450 billion (\$34 million) to BNN officers, while some high-ranking officers in the National Police received up to Rp 90 billion in alleged kickbacks. The revelation was made on social media and via messaging apps a day before Freddy's execution. The drug convict gave his testimony to Haris when they met in the prison on Nusakambangan Island in Cilacap, Central Java, two years ago. "I'm worried that there would still be no response to my revelation from the authorities. This could lead to disappointment among the public," Haris said.

Anti-Narcotics Agency to Question Former Nusakambangan Prison Warden After Drug-Trafficker's Testimony

The Jakarta Globe, 07-08-2016

The National Anti-Narcotics Agency, or BNN, will summon a former chief warden of the Nusakambangan Prison, Liberty Sitinjak, as part of its investigation into a testimony from executed drug trafficker Freddy Budiman made public by human rights activist Haris Azhar, an official said on Sunday (07/08).

Haris, coordinator of the Jakarta-based Commission for Missing Persons and Victims of Violence (Kontras), had revealed the explosive testimony which contained allegations of complicity by state officials in a drug trafficking syndicate.

Officers belonging to the National Police, the anti-narcotics agency and the Indonesian Military (TNI) allegedly helped Freddy to operate his drug business from inside the prison. Haris published Freddy's testimony a day before the drug lord faced the firing squad alongside three African drug convicts.

"We plan to question [Liberty Sitinjak] at 9 a.m. on Monday," BNN spokesman Slamet Pribadi told Kompas.com on Sunday.

Liberty will be asked to explain several details in Freddy's testimony, which when published carried the title "The Story of a Bandit: testimony from a meeting with Freddy Budiman in Nusakambangan Prison (2014)."

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In the testimony, Haris said that Liberty had worked very hard to improve security at the notorious prison and protect the integrity of its wardens. According to the article, Liberty once installed two CCTV cameras inside Freddy's cell but high-ranking officers from the BNN had ordered him to remove the surveillance cameras.

"I thought that was strange, why would the agency object to the surveillance cameras? Isn't Freddy a high-profile criminal who must be monitored strictly?" Haris wrote in the article. In the article, Freddy claimed that Indonesian law enforcers – especially officers from the National Police and BNN – had helped him run his drug trafficking business whose profit ran into billions of rupiah. Freddy had reportedly given more than Rp 450 billion (\$34 million) to BNN officers and Rp 90 billion to high-ranking officials in the National Police as kickback payment, the article said.

Police force investigates itself over alleged complicity in drug trade

The Jakarta Post, 07-08-2016

National Police chief Tito Karnavian has formed a team to investigate information conveyed by Commission for Missing Persons and Victims of Violence (Kontras) coordinator Haris Azhar on the alleged involvement of police officials the network of executed drug lord Freddy Budiman.

"I do not want to comment on [Haris Azhar]. The most important thing is that we are going to investigate the information. The police's Internal Affairs Division [Propam] and General Supervision Inspectorate [Irwasum] will conduct the investigation [...]," Tito said on the sidelines of a charity event in a fishing village in Tambaklorok, Semarang, Central Java, on Friday.

In his testimony to Haris in 2014, Freddy claimed that officials from the National Police, the National Narcotics Agency (BNN) and the Indonesian Military (TNI) were involved in his international drug network. Haris release the testimony via social media one day before the drug lord was executed on the Nusakambangan prison island in Cilacap, Central Java, on July 29. Freddy claimed in his testimony that he had managed to operate his drug network thanks to support from top officials of the three institutions. He did not reveal any names, however.

Tito said the police would examine the information. "This information cannot be used as evidence. Besides, it does not provide names. According to Article 184 of the Criminal Code, evidence comprises transactions, information from witnesses and letters containing information from defendants," said the police chief.

"The testimony also cannot be categorized as guidance, because guidance must have conformity between one piece of evidence and another. So what we've seen now is just information, and information can be used only as a source for an investigation," he added.

Tito said he expected the Indonesian public to understand that information could be either true or false. Therefore, he said, the police would carry out internal supervision and investigation measures in response to information from the Kontras leader.

"The Irwasum will involve external figures, so the investigation will be credible. This is because the National Police's commitment not to tolerate drug perpetrators is firm and clear," said Tito, adding that throughout 2016, more than 300 police personnel had been legally processed for being involved in drug crime. (ebf)

130 lawyers to support Haris Azhar

Tempo, 08-08-2016

The chairperson of the Perhimpunan Advokat Indonesia (Peradi), Luhut Pangaribuan has said that 120 to 130 lawyers are ready to support the coordinator of KontraS, Haris Azhar in the criminal procedure that was lodged against him after he posted the testimony by Freddy Budiman.

"Some 130 lawyers have spontaneously offered legal aid when it should come to a trial in court. We will monitor the developments to see whether there is something that is not correct," he said in a press conference in the Menteng Office of Peradin in Jakarta. Many lawyers were present to show their commitment.

Read the interview with Haris Azhar in Indonesian

<https://nasional.tempo.co/read/news/2016/08/06/063793811/haris-azhar-saya-siap-dikriminalkan>