

Weekly Update Human Rights in Indonesia – 12-09-2016

Impunity

Several commemorations with the murder of Munir, 8 September 2004:

Tentang Munir, tentang Indonesia

<http://nasional.kompas.com/read/2016/09/08/20162571/tentang.munir.tentang.indonesia>
a Kompas, 08-09-2016

A multi-faceted In Memoriam by Kompas with a great deal of attention to the Report of the Special fact-finding Team, TPF. President Jokowi had promised to publicize this report for investigation or prosecution purposes.

http://www.bbc.com/indonesia/berita_indonesia/2016/09/160907_indonesia_budi_gunawan_bin_munir BBC, 07-09-2016

The recently appointed Head of the Intelligence Agency BIN, Budi Gunawan, proposes just to look forward, not backward.¹ The article contains many links.

Munir proposed to become a national hero by a local radio station:

<http://halomalang.com/serba-serbi/-tokoh-munir-seorang-pahlawan-ham-indonesia>

More films on the 1965 Tragedy

The Jakarta Post, 11-09-2016

An Indonesian short film titled *On the Origin of Fear*, produced by KawanKawan Film and LimaEnamFilms, will compete against six other films at the 2016 Venice International Film Festival in Sala Giardino, Venice, Italy. Director Bayu Prihantoro Filemon said in a statement, "I am really happy to see an Indonesian film compete in this prestigious festival. I dedicate *On the Origin of Fear* to Indonesia's younger generation. It's about me

¹ This is the more ironic as his pre-pre-predecessor, Hendropriyono was allegedly involved in the murder of Munir (MM).

and my generation, about how we are witnesses to the government's version of the 1965 tragedy, which was built up through a cinematic reproduction of terror and fear."

"I think we all have to be big-hearted enough to accept that there are alternative narratives about the 1965 tragedy, including narratives from the younger generation," he added.

(Read also: Indonesian short film selected for Venice festival)

On the Origin of Fear tells the story of a film dubber who plays the voice of both victim and torturer at the same time. The short film was inspired by the director's trauma from watching *G30SPKI Treachery*, directed by Arifin C Noer, which was compulsory viewing for students in the New Order era.

On the Origin of Fear, supported by the heritage and cultural diplomacy directorate at the Culture and Education Ministry, will also screen at the Toronto International Film Festival and the Busan International Film Festival. Amerta Kusuma and Yulia Evina Bhara, both producers, stated that the film was a form of diplomacy with the outside world, one that describes the current situation in Indonesia.

(Read also: Two Indonesian films to be screened at 69th Locarno Film Festival)

Amerta Kusuma added, "We encourage everyone to watch the film, with the hope that it opens up a discussion where we can speak about our dark history in a light manner. Knowing our own history will help the next generation move forward. This film is dedicated to the victims who relentlessly fight for justice. We hope they are happy with the film."

Social-economic Rights

New IPAC report: Palm oil plantations

IPAC, 31-08-2016

More extensive consultation, better maps and a better grievance mechanism could have helped prevent a conflict at a palm oil plantation in Kubu Raya, West Kalimantan that has

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now dragged on for seven years. The longer it has gone on, the messier it has become, with new parties that were never part of the original dispute and a dangerous ethnic dimension that has just emerged.

In its latest report, Anatomy of an Indonesian Oil Palm Conflict, IPAC examines a conflict that began in 2009 with a concession awarded to private company without full consultation with the affected farmers across seven villages and without clear mapping or markers to determine the boundaries. A second company secured a permit shortly thereafter and began planting oil palm on land that encroached on the first concession. Both companies made deals with village heads for acquiring land, some of which was individually owned by both long-term Melayu and Bugis villagers as well as by Javanese transmigrants. Both also made vague promises about including farmers as smallholders on the plantation, raising expectations that were never fulfilled. As discontent grew, a farmers union backed by the second company began organising farmers who had lost their land to the first. Local politicians and police got involved, and a dispute that could have been relatively easy to resolve at the outset became infinitely more complicated.

“The conflict in Kubu Raya underscores the value to companies of abiding by the principle of free, prior and informed consent of those affected,” says Bram Basuki, a researcher with IPAC. “In this case, one company might have avoided years of vandalism, litigation and bad publicity had it invested a little more at the outset in consultation and mapping.”

The Kubu Raya case is unusual in that it also involves a string of legal victories for one group of farmers, culminating in a 2014 ruling by the Supreme Court that ordered the first company to remove their land from the concession area. But, says IPAC, instead of being an uplifting tale of the weak triumphing over the strong, it turns instead into a more familiar story of divided communities, dubious claims, contradictory regulations and competing political interests.

As the first company moved very, very slowly toward responding to the court ruling, it also took a harder line toward union members who mobilised to harvest tonnes of palm fruit from the concession. The company called the action organised theft and filed a criminal complaint with police. The union called it “criminalisation” of farmers who were only taking what was rightfully theirs. As the temperature escalated in late June 2016, a militant Dayak group with close links to the provincial government suddenly joined the

fray on the side of the farmers to claim the concession area as customary land, though very few of the claimants are Dayak.

Neither of the two companies involved in this dispute are members of the Roundtable on Sustainable Palm Oil (RSPO). Had they been, they might have been more prepared to uphold RSPO principles, including on engaging with local communities, and farmers might have turned early on to the grievance mechanism available, avoiding years of costly conflict.

Read the full report:

http://file.understandingconflict.org/file/2016/08/IPAC_Report_31_Oil_Palm.pdf

Death penalty

Absence of interpreters causes problems for foreign defendants: Activist

The Jakarta Post, 08-09-2016

The Indonesian justice system often fails to protect the rights of foreign defendants, particularly the right to be accompanied by an interpreter during legal processes, an activist has said.

The absence of interpreters is a serious matter, particularly for defendants accused of committing serious crimes who could face heavy sentences, including the death penalty, Indonesian Judicial Watch Society researcher Anugerah Rizki Akbari said on Thursday.

He gave an example of Filipino suspect Mary Jane Fiesta Veloso, who was on death row in 2015. “Mary was given an English interpreter during trials when she actually needed a Tagalog interpreter,” Rizki said at the Celebrating Life event held at Plaza Indonesia shopping mall on Thursday.

Indonesia halted the execution of Veloso after the Attorney General’s Office last year received information suggesting she was a victim of human trafficking. Her execution was postponed, pending legal processes in the Philippines.

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A similar situation occurred in 2002 when Nonthanam M. Saicon, a Thai national, was sentenced to death for smuggling narcotics, Rizki said. In a court hearing for a judicial review this year, the Supreme Court decided to reduce Nonthanam's sentence from the death penalty to life in prison because the Tangerang District Court had failed to provide a Thai interpreter during the trial. The Supreme Court believed she could not fully understand the indictment against her, so justices reduced her sentence.

Duterte Gave Green Light for Mary Jane Veloso's Execution: Jokowi

The Jakarta Globe, 12-09-2016

President Joko "Jokowi" Widodo said Philippine President Rodrigo Duterte does not oppose the execution of Philippine drug convict Mary Jane Veloso, who was set to face the firing squad in April last year before a last-minute reprieve.

"President Duterte said he allows [the Indonesian authorities] to execute [Veloso]," Jokowi told reporters in Serang, Banten, on Monday (12/09), as reported by Antara news agency.

The president said he explained to Duterte the case involving 31-year-old Veloso, who was caught with 2.6 kilograms of heroin at Adisucipto International Airport in Yogyakarta. Attorney General H.M. Prasetyo will soon take further steps towards her execution, he added. It was earlier reported that Duterte would discuss amnesty for Veloso with Jokowi. Veloso's lawyer Agus Salim also offered to provide the Philippine president with the legal files for the discussion.

Veloso's execution was put on hold last year because her testimony against alleged human trafficker Maria Christina Sergio was needed by the Philippine authorities. During her trial, Veloso claimed that Sergio duped her into taking a suitcase to Indonesia after she lost her job in Malaysia. The suitcase was later found to have had drugs sewn into the lining.

Philippines denies Duterte gave go-ahead for Veloso execution

The Jakarta Post, 12-09-2016

Philippine President Rodrigo Duterte has denied that he okayed the execution of Philippine death-row drug inmate Mary Jane Veloso during his meeting with Indonesian President Joko "Jokowi" Widodo last week.

"President Duterte has not given a so-called 'green light' to the execution of Mary Jane Veloso," Philippine Foreign Affairs secretary Perfecto R. Yasay Jr said in a clarification statement on Monday. Yasay stressed that Veloso's execution had been indefinitely postponed. Yasay clarified further that Duterte had told Jokowi that the Philippines respected the Indonesian judicial process and would accept whatever the Indonesian authorities' final decision was regarding Veloso's case.

Jokowi was quoted as saying by Antara news agency in Serang, Banten, that Duterte had given the go-ahead to proceed with the execution during the meeting of the two leaders. According to Jokowi, the legal process will be followed up by Attorney General M. Prasetyo

Political developments

House officially approves Budi Gunawan as new spy chief

The Jakarta Post, 08-09-2016

The House of Representatives officially approved Comr. Gen. Budi Gunawan as the new National Intelligence Agency (BIN) chief during a plenary meeting on Thursday.

Lawmakers attending the meeting, chaired by House deputy speaker Taufik Kurniawan, unanimously agreed with the decision of House Commission I, which oversees defense and foreign affairs, to endorse Budi as the successor of outgoing BIN chief Sutiyoso.

"We hope he [Budi] can be soon inaugurated and this afternoon we will try our best to send an endorsement letter to the President [Joko 'Jokowi' Widodo]. Tomorrow is a good time for the inauguration [of the new chief]," House deputy speaker Fahri Hamzah said after the plenary meeting.

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The decision came following a screening, conducted by Commission I, which finished on Wednesday. All political party factions at the commission approved Budi as the sole candidate for the new spy chief.

Currently serving as National Police deputy chief, Budi was nominated by President Jokowi through an official letter sent to the House by State Secretary Pratikno last Friday.

Promotion for Budi Gunawan politically driven: expert

The Jakarta post, 11-09-2016

The promotion of newly appointed National Intelligence Agency (BIN) chief Budi Gunawan as a four-star police general is politically driven, an analyst said on Sunday.

President Joko "Jokowi" Widodo inaugurated Gen. Budi Gunawan as the nation's new spy chief on Friday, replacing Sutiyoso. Budi, who previously served as National Police deputy chief and held the rank of Comr. Gen., was also promoted to the rank of four-star general by a presidential decree. Usually, only the National Police chief has the rank of four-star general.

"Perhaps [the promotion] was granted as compensation because he failed to become National Police chief. The new rank could also have been given to respect Budi's ability. If so, then it is more politically driven than a professional assessment," Bambang Widodo Umar, an expert in the police from University of Indonesia, said on Sunday as reported by kompas.com.

Budi was on his way to lead the police in 2015 after receiving approval from the House of Representatives. However, Jokowi canceled his nomination after the Corruption Eradication Commission named him a suspect in an alleged corruption case.

Bambang stressed that Budi's main duty as BIN chief was to protect state interests, not to support political parties.

National Police chief Gen. Tito Karnavian has taken the promotion lightly, claiming that despite the fact that there are now two active police generals, he and Budi worked for different institutions.



Former president Megawati Soekarnoputri (right) congratulates newly appointed National Intelligence Agency (BIN) chief Gen. Budi Gunawan (left) after an inauguration ceremony at the State Palace on Sept. 9. (Antara Photo/Widodo S. Jusuf)²

² It is well known that several of the BIN-chiefs over the years have shown a special relationship with Megawati. Interesting also that Jokowi accidentally turns his back to their warm handshake.