

Impunity

Amnesty International: Stop intimidating participants in events concerning 1965 human rights violations

Amnesty International Public Statement, 10-08-2017

Amnesty International is deeply concerned about attempts by the Indonesian security forces to disband internal closed-door discussions and public events relating to serious human rights violations that occurred 50 years ago, most recently a workshop organised by the 1965 survivors and human rights defenders in Jakarta on 1 August 2017. These actions are a clear violation of the rights to freedom of expression and peaceful assembly. President Joko Widodo must immediately end all forms of restrictions against public discussions in relation to the events of 1965 and ensure that the government starts listening to victims and others, instead of suppressing their voices.

On 1 August 2017 members of the local police and military from East Jakarta disbanded a workshop in Jakarta intended to share the findings of the International Peoples Tribunal (IPT) 1965, a civil society initiative to raise international awareness on the 1965 mass human rights violations. According to local human rights organizations, there have been at least 39 cases since 2015 where authorities had disbanded events and intimidated those involved in events related to 1965.

In Ambon (Maluku), the organizers were forced to move the discussion to a church after being subjected to intimidation by the police on 18 March 2017. Intimidation by the security forces also occurred in Bandung and Cirebon (West Java), Semarang (Central Java), Surabaya (East Java) and Yogyakarta. All events were related to the IPT and occurred between March and July 2017. In many cases vigilante groups taking the law into their own hands were also involved in disbanding events, with police doing nothing to intervene and prevent their actions

These restrictions to freedom of expression and peaceful assembly in relation to the events of 1965 is at odds with initiatives by President Widodo who has pledged to address all past human rights violations and abuses in the country, including those of 1965. In April

2016 the government organized a symposium 'Examining the 1965 Tragedy: A Historical Approach' (*Membedah Tragedi 1965: Pendekatan Sejarah*), which brought together survivors, scholars, human-rights activists, artists, former members of the Indonesian military and government officials to discuss the events of 1965. One of the key recommendations from the symposium was for the authorities to end all forms of restrictions to freedom of expression and assembly in relation to any public discussions related to the 1965 mass human rights violations.

Amnesty International believes that the victims of the 1965 violations and the families have the right to peacefully assemble to discuss and exchange information and ideas about the past. Instead of blocking this event, the authorities should seek ways to support these initiatives to ensure truth, justice and adequate and effective reparations, in accordance with Indonesia's international obligations.

Background

An estimated 500,000 to one million people were unlawfully killed and hundreds of thousands were held without trial for periods ranging from a few days to more than 14 years when the Indonesian military launched a systematic attack against members of the Indonesian Communist Party (PKI) and suspected sympathizers. Investigations by the Indonesian National Human Rights Commission (Komnas HAM) and other human rights organizations have documented a range of human rights violations during this period including unlawful killings, torture, enforced disappearances, rape, sexual slavery and other crimes of sexual violence, slavery, arbitrary arrest and detention, forced displacement and forced labour. Many victims and their families also faced violations of their social, economic and cultural rights, and continue to this day to experience discrimination both in law and in practice.

A three-year investigation into the human rights violations committed in 1965 was carried out by Komnas HAM and was completed in July 2012, concluded that the findings meet the criteria of gross human rights violations, and include crimes against humanity, as defined by the Indonesian Law No. 26/2000 on Human Rights Courts. To date, however, there has been no indication that the government will even launch a criminal investigation. Meanwhile, attempts to establish a truth commission on the national level have stalled due to a lack of political will.

Weekly Update Human Rights in Indonesia – 14-08-2017

Although Indonesia has seen a marked increase in the space for freedom of expression following the fall of Suharto in 1998, a culture of silence has prevailed in regard to discussing the 1965 mass human rights violations.

Police accountability

Police chief dismissed following deadly shooting in Deiyai

The Jakarta Post, 07-08-2017

Papua Police chief Insp. Gen. Pol Boy Rafli Amar has stripped First. Insp. HM. Raini of his position as Tigi Police chief following a fatal shooting incident implicating police personnel in Deiyai regency, Papua, on Aug. 1.

Yulianus Pigai, 28, was found dead with several gunshot wounds to his body while at least nine others sustained injuries when police personnel tried to disperse an angry crowd that had destroyed a construction camp of a contractor firm near the Oneibo River.

Boy has also retracted the Mobile Brigade (Brimob) personnel from Tigi. "They will arrive in [provincial capital of] Jayapura today for further investigation at the Papua Police headquarters. A new Tigi Police chief will be installed in the next few days," the former National Police spokesman said in Jayapura on Monday.

An investigation team led by Papua Police's internal affairs division head has been scheduled to hold a case screening with the National Commission for Human Rights (Komnas HAM) to examine facts and evidence, Boy added.

On Sunday night, civil societies and activists held a candle light vigil at the Perumnas II Waena residential complex in Jayapura as an expression of concern over the incident.

"The shooting has tarnished Indonesia's independence day that will be celebrated this month," rally coordinator Abner Waine said.

Timika Bishop John Saklil also condemned the shooting, calling it an abuse of state apparatus to attack civilians and a cruel crime against humanity. "All perpetrators must be held to account and tried in the human rights court," he said.

Kontras records rampant abuse by police officers

The Jakarta Post, 09-08-2017

The Commission for Missing Persons and Victims of Violence (Kontras) recorded 115 cases of physical abuse allegedly committed by police personnel against civilians over a period of 11 months. "The highest number of cases of abuse committed by police officers is at the level of police precincts," Kontras researcher Ananto Setiawan said as quoted by kompas.com in a press conference on Wednesday.

Kontras reported that at least 88 cases of abuse took place in police precincts across Indonesia from the period of June 2016 to May 2017. At least 20 cases occurred at sub-precinct police offices and eight at the provincial police level, he added.

Ananto went on to say that most cases of physical abuse occurred during the interrogation of suspected criminals. He said police officers often argued they needed to use physical force to extract information or make suspects admit their crimes. "In fact it's possible that in many cases they [the suspects] did not commit crimes but were forced to admit to them," Ananto said.

The researcher said it often happened that police officers bribed the victims or their families after committing the abuse. In some cases, the responsible officers simply ignored the victims, Ananto said, adding that many officers were still able to evade sanctions despite committing abuse.

Investigate police's use of lethal force against Papuans in Deiyai

Amnesty International Public Statement, 11-08-2017

Amnesty International calls on the Indonesian authorities to immediately order an impartial and effective investigation into allegations that police used lethal force arbitrarily leading to the death of one man and injuries to at least ten other Papuans, including children in Papua province. The investigation should be carried out by a body independent of the police. The findings must be made public and those suspected of criminal responsibility, including those with command responsibility, must be brought to justice in

Weekly Update Human Rights in Indonesia – 14-08-2017

fair proceedings and victims granted adequate reparations. The government must also put an end to the climate of impunity for perpetrators of such abuses.

On 1 August at around 1.30pm local time, unrest broke out in the compound of a construction company in Oneibo village, Deiyai, Papua province. It was apparently triggered after workers of the company refused to lend a car to take a victim of drowning to the nearby hospital. The young Papuan man died subsequently. In protest, dozens of villagers entered the company compound and destroyed a tent owned by the company. When police personnel arrived, including the police Mobile Brigade (Brimob) the protesters threw stones at them.

In response, police personnel arbitrarily opened fire into the crowd without any warning, hitting Yulianus Pigai, aged 27, on his thighs and stomach. At least ten other people also suffered gunshot wounds. They were immediately taken to Waghete Hospital but Yulianus Pigai died on the way.

The Spokesperson of Regional Police for Papua issued a statement later on the same day stating the police had complied with existing regulations and that police used rubber bullets and had fired warning shots. To date, no autopsy has been performed to establish the cause of the death. However, based on the internal investigation on 11 August the Chief of Regional Police for Papua stated that the police personnel allegedly violated the standard procedure for dealing with the mass unrest.

Under international law and standards, Indonesia is legally obliged to respect and protect everyone's right to life at all times. Law enforcement officials may use force only when strictly necessary and to the extent required to carry out a legitimate law enforcement objective; they must not use firearms except in self-defence or defence of others against the imminent threat of death or serious injury or to prevent a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and only when less extreme means are insufficient to achieve these objectives. Intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

While Amnesty International acknowledges the complex environment law enforcement officials often find themselves in when carrying out their duty they must ensure full respect for the right to life, liberty and security of all persons, including those suspected of crime.

The use of force and firearms directly impacts on the right to life, which is protected under Article 6 of the International Covenant on Civil and Political Rights, which Indonesia is obliged to comply with a state party. The use of force is therefore subject to strict human rights safeguards as set out in the UN Code of Conduct for Law Enforcement Officials (1979) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). The use of force by law enforcement officials in Indonesia is further regulated by the Indonesian Chief of Police Regulation on the Use of Force in Police Action (No. 1/2009).

Allegations of arbitrary or abusive use of force by police or other security forces carrying out law enforcement duties must be efficiently investigated by an independent and impartial mechanism. The authorities must also ensure that victims of such violations and their families receive full and effective reparations, including compensation.

Amnesty International is also concerned that police accountability in Indonesia has been hampered by the lack of an independent, effective, and impartial oversight mechanism to investigate human rights violations committed by the security forces and where appropriate to take forward its findings for prosecution. Criminal investigations into human rights violations by the police are rare in Indonesia and attempts to hold those responsible to account, mostly through internal disciplinary mechanisms, leave many victims without access to justice and reparation.

Amnesty International believes that the Deiyai case is not an isolated incident but speaks to a culture of impunity that continues to exist in the Papua region. Many previous investigations into human rights violations committed by the security forces in Papua and West Papua provinces, including unlawful killings, the use of unnecessary and excessive force, and torture and other ill-treatment, have been unduly delayed, dropped, or their findings buried, resulting in impunity for perpetrators and leaving victims and their families without access to truth, justice and reparations.

In almost all cases that have been taken forward, members of the police forces in Papua and West Papua provinces do not face any type of proceedings or are just face disciplinary sanctions when found to have committed human rights violations. There is still a lack of accountability for numerous cases that have occurred in the Papua region over the last few years.

Weekly Update Human Rights in Indonesia – 14-08-2017

Political developments

Supreme Court gives reclamation project green light

The Jakarta Post, 15-08-2017

Publicly listed property giant PT Agung Podomoro Land (APL) may breathe a sigh of relief after the Supreme Court allowed the company to continue with construction work on Islet G, one of 17 islets to be created in the Jakarta Bay.

With its decision on Saturday the Supreme Court rejected an appeal by the Indonesian Forum for the Environment (WALHI) and the People's Coalition for Fisheries Justice Indonesia (Kiara). The decision reaffirmed a decision by the Jakarta Administrative Court that had rejected the two plaintiffs' appeal against the Jakarta Government, which had issued a permit for the island construction, as the defendant in the dispute.

APL subsidiary PT Muara Wisesa is in charge of building the 161-hectare islet. According to APL's financial statement released in June, the company's asset in the islet are worth Rp 2.54 trillion.

The statement also explains that the company had talked to legal consultants and considered that it had suffered no material losses apart from the delay on the islet's construction.

Nevertheless, APL refrained from commenting on the verdict. "You may ask the policymakers [the Jakarta administration]. We as developers only follow them," said APL head of investor relations Wibisono, as quoted by kontan.co.id.

Meanwhile, Investa Saran Mandiri director Hans Kwee said certainty on the islet's development would help improve the company's prospects as well as its stock price.

'Indonesia 1998': A satirical illustration of the country's past

The Jakarta Post, 14-08-2017

Cartoonist Muhammad "Mice" Misrad still vividly remembers what he was doing on May 14, 1998, at the time of the bloody tragedy that has been indelibly etched as one of the country's darkest moments. "I was at my office Kompas in Palmerah [Central Jakarta] that day. Trapped inside until the night faded with a suspenseful atmosphere. I heard that Palmerah market had been burned to ashes," he said during the launch of the English translation of his comic book, Indonesia 1998, at the ASEAN Literary Festival recently. "I am a smoker and at that time I was really desperate to buy cigarettes. I mustered my courage and walked out to buy cigarettes. Strange, the atmosphere outside my office was really calm. I didn't feel any tension at all. It was as if nothing was happening," he continued. He only grasped the essence of the horror that haunted the capital city after he went home by car at 6 a.m. the following morning. "When the car drove past Salemba, I cried. Jakarta was in chaos. The sight hurt me deeply. I hope there is something we can learn from this dark history," he said.

