

Impunity

A new website on impunity in Indonesia

Since last week a new website is on air on impunity in Indonesia. It aims at making available information on human rights violations from the past, possible legal instruments and key suspects – this last page is still under construction. See: www.stopimpunity.org

Feedback is welcome at info@stopimpunity.org.

Freedom of Religion

BIN Chief: Threat of Islamic State Attack in Indonesia Very Real

The Jakarta Globe, 07-12-2015

Indonesians, and in particular residents of Jakarta, need to take seriously the threat posed by the radical Sunni militant group Islamic State, the country's intelligence chief has warned.

"The key is to be aware of every threat," Sutowo said in Jakarta on Sunday at an event to launch his autobiography, "Sang Pemimpin" ("The Leader").

"It's useless to work hard if the people don't want to be aware [of possible threat]," he added.

Sutowo, a former governor of Jakarta and now the head of the State Intelligence Agency, or BIN, said acts of terrorism could occur in any country, including Indonesia, which is home to the world's biggest population of Muslims.

"The key point is terrorists can act and launch attacks anywhere without consideration for time, place or target. They can launch an attack in any country," he said.

Even so, he said people should not be unduly worried, as long as they cooperated with authorities in response to any suspicious activity in their community.

"It's simple. People must care about the things going on around them. If they see anything strange, suspicious and not normal, please report it so that we can take preventive measures," Sutowo said.

His remarks came a day after Saad Usman Nasution, the head of the National Counterterrorism Agency, or BNPT, called on Indonesians not to be lured by calls to join the radical cause. He warned that there was an increase in radicals using social media to recruit followers.

The BNPT says it is keeping tabs on 149 Indonesians known to have joined Islamic State in the Middle East and who are now back home. The authorities here are powerless to take action against them unless they infringe local laws.

1,500 Police Officers Guard Medan Churches During Holidays

The Jakarta Globe, 12-12-2015

Police in Medan, the capital of North Sumatra, are dispatching 1,500 officers to guard churches in the province during Christmas and New Year celebrations.

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"The security operation has already started at every church," Comr. Hamam Wahyudi of the Medan Police said on Friday. "We're also coordinating with the Mobile Brigade [riot police unit]."

The measure is necessary because of a heightened risk of terror attacks in Indonesia, Hamam said.

"Church leaders and their congregations have to immediately report any suspicious items or people they see," he said.

In 2000, a coordinated series of bombings hit churches across the country on Christmas eve, killing 18 people. The bombings were allegedly carried out by Jemaah Islamiyah.

Officials have said there is a heightened risk of attack in Indonesia, linked to the Islamic State movement, which is believed to have attracted several hundred Indonesians thus far.

North Sumatra has a majority-Muslim population but has a large Christian minority of around 30 percent. Data from the Religious Affairs Ministry shows the province had the largest number of Christian houses of worship in the country in 2008, with almost 5,400 Protestant and nearly 1,700 Catholic churches for a total number of 2.6 million and 450,000 worshipers, respectively.

Neighboring Aceh province was the scene of several church attacks earlier this year.

Death Penalty

Jokowi Requested to abolish Death Penalty

Kompas, 11-12-2015

JAKARTA, KOMPAS — The Coalition for abolishment of the death penalty has requested President Joko Widodo to abolish the death penalty. The Coalition is of the opinion the new death verdicts during his presidency will be a sign of low commitment of his administration to the fulfilment of human rights. Whereas he has promised to uphold human rights.

"The form of the death penalty reflects a penal system that is rooted in revenge against the perpetrator," said founder of the Progressive Study Group (Lingkar Studi Pendidikan Progresif), Lucia Ratih Kusumadewi, who is also an activist for the Coalition.

The Coalition notes that from the years 1998-2015 some 104 people sentenced to death, are waiting for execution on death row.

Elections

KPU, Candidates Blamed for Disappointing Election

Turnout

The Jakarta Globe, 12-12-2015

Respublica Political Institute says the country's political parties and the General Elections Commission, or KPU, are to blame for low voter turnout at Indonesia's first nationwide simultaneous regional elections, which were held on Wednesday.

Benny Sabdo, Respublica's executive director, said the KPU had targeted reaching at least 77.5 percent of voters throughout the country but only achieved 65 percent. "Surabaya [in East Java] only reached 44 percent, Depok [West Java] 57 percent and Denpasar [Bali] only 50 percent," he said. Benny said he believed the low turnout was caused by a lack of information about the candidates, and

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blamed the KPU for not doing more to promote candidates as well as political parties for their failure to design good campaign strategies.

He also slammed money politics, intimidation and discrepancies between the temporary voter lists (DPS) and the final voter lists (DPT).

Candidates unwillingness to innovate campaigning — such as moving campaigns online — and sticking to the standard posters and banners meant many candidates were not able to reach the maximum number of voters, he said.

“They could even launch direct face-to-face campaigns, since that is much cheaper than making television ads,” Benny suggested.

However, he applauded the fact that the elections were held safely and successfully, saying that this proved Indonesia is "mature enough" for democracy.

Wednesday's simultaneous regional elections saw 250 districts, cities and provinces across the country head to the polls to elect local leaders.

Human Rights Day

Discrimination still rampant; human rights day coloured by peaceful demonstrations

Kompas, 11-12-2015

JAKARTA, KOMPAS — The commemoration of the International Human Rights Day 2015 is expected to be a moment for improving the current situation in Indonesia. For till today victims of human rights violations are being discriminated against and there suffering is not heard. For some of them that is already the case for decades. "Will we continue like this on and on? When will we start to treat them fairly, the victims from leftist groups as well as those from the

right?" said member of the Advisory Presidential Council (Wantimpres), Sidarto Danusubroto, after the Council met with President Joko Widodo last Thursday [human rights day] at the Presidential Palace in Jakarta. Sidarto has been the Chairman of the Special Council for Drafting a Law on a Truth and Reconciliation Committee.

On the occasion of the International Human Rights Day 2015 a number of activists from NGOs and students for instance in Bandar Lampung (South Sumatra) and Banda Aceh launched peaceful activities. They urged the government to solve the cases of human rights violations of the past in the whole country.

Whereas Suciwati, the wife of deceased human rights activist, Munir Said Thalib, said that she still hopes that the murder case of her husband will be solved. “We have to be optimist, perhaps at some point the President will have a revelation, and he will ask the people involved to submit themselves to the rule of law,” said Suciwati at the Museum Omah Munir in Batu, East Java.

The Museum Omah Munir commemorated the International Human Rights Day by a multi-religious prayer, a public debate and the screening of the film Bunga Dibakar [Burnt Flowers].

West Java scores lowest in human rights: Kontras

The Jakarta Post, 11-12-2015

West Java is the province with the highest number of human rights violations this year, according to the Commission for Missing Persons and Victims of Violence (Kontras). Kontras' deputy coordinator for strategy and mobilization, Puri Kencana Putri, said 41 cases of human rights violations had been recorded in the province in connection with the freedom of religion, freedom of worship and

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freedom of belief. "The concept of a human rights-friendly province is far off in practice," Puri said in Jakarta as quoted by tempo.co.

The second-worst scorer in Kontras' assessment of provinces is East Java, with 35 recorded violations, followed by North Sumatra with 28 cases, Papua with 24 cases and Jakarta with 23 cases.

Regarding Papua, Puri said the administration of President Joko "Jokowi" Widodo had shown no significant efforts to prevent human rights violations in the province. "It is true that five [prisoners of conscience] have been freed; more were arrested," Puri claimed. Although Jakarta ranked only fifth, reported cases there involved the largest number of people, namely 314, Puri said, adding that human rights violations in the capital included evictions and the government's policy to restrict demonstrations.

Indonesianist Benedict Anderson dies at 79 in Malang

The Jakarta Post, 13-12-2015

Benedict Richard O'Gorman Anderson, an Indonesianist with Cornell University, US, died at the age of 79 on Saturday night during a nostalgic visit to Indonesia, his adopted son said on Sunday. "Ben Anderson passed away last night at 11:30 pm. He told me last week that he was planning to visit several nostalgic places in East Java," Wahyu Yudistira, an adopted son of Anderson told thejakartapost.com. Wahyu said Anderson died at a hotel in Batu, Malang, East Java. His remains will be cremated on Tuesday in Surabaya and his ashes will be spread over the Java Sea. Wahyu said that Anderson made annual visits to Southeast Asian countries, including Indonesia, during winter in the US, to lecture and travel. "He delivered a lecture at the University of Indonesia on Thursday [human rights day] and launched his new book titled Nationalism and Anarchism," Wahyu said. In the lecture, Anderson said contrary to what many believed, anarchists often yearned for justice and freedom.

Anderson was born on Aug. 26, 1936, in Kuming, China, to James O'Gorman Anderson and Veronica Beatrice Bigham. The family moved to California in 1941. In 1957, Anderson received a Bachelor of Arts in Classics from Cambridge University, UK, and later earned a PhD from Cornell's department of government, where he studied modern Indonesia under the guidance of George Kahin. He is the brother of historian Perry Anderson. During his life, Anderson's works became references for scholars and students in Indonesia, such as Java in a Time of Revolution, Debating World Literature, Language and Power: Exploring Political Cultures in Indonesia, and Imagined Communities.

He was banned from entering Indonesia for his analysis and critical views of the government of president Soeharto. Only after Soeharto fell from power was Anderson able to return to Indonesia.

Papua

Open letter to Luhut Panjaitan, Coordinating Minister for Politics, Law and Security Affairs by Amnesty International and Kontras, 07 December 2015

Dear Minister,

INVESTIGATION OF PANIAI SHOOTINGS, ONE YEAR ON

Amnesty International and KontraS (the Commission for the Disappeared and Victims of Violence) are writing to you with regards to the use of force by the Indonesian security forces that led to the death of four individuals and injuries to 17 others in Paniai, Papua province, almost a year ago. Our organisations urge your office to take the lead to ensure that the perpetrators are brought to justice and victims and their families provided with full reparation.

8 December 2015 will mark the one year anniversary of the incident, when four young men, all students, were killed and many others injured when police and

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military personnel opened fire on a crowd of peaceful protestors at the Karel Gobai field, located in Enarotali, Paniai District, Papua province. The four people who were found dead from gunshot wounds include Apius Gobay, aged 16, who was shot in the stomach; Alpius Youw, aged 18, in the buttocks; Simon Degei, aged 17, in his left rib; while Yulianus Yeimo, aged 17, had bullet wounds in his stomach and back. At least 17 others were also injured after being hit by bullets or bayoneted by the security forces.

The crowd had gathered to protest against the beating of a child from Ipakije village, Enarotali, the night before allegedly by soldiers from the Special Team Battalion 753. The child had later been hospitalised.

In 27 December 2014, President Joko Widodo publicly committed to resolve the case. In January 2015 the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia, Komnas HAM) established a team to undertake an initial investigation into the case. After four months of work, the Commission reported that it found evidence of gross human rights violations as defined in Law No. 26/2000 on Human Rights Courts, and recommended a pro-justicia inquiry team to undertake a more detailed investigation.

Despite the fact that Komnas HAM has formed a pro-justicia inquiry team, the investigation has stalled due to an apparent lack of funds and an unwillingness from victims' families to allow the team to conduct exhumations. These families do not believe that the investigation will lead to conclusive convictions and so the exhumations are seen as an unwelcome disturbance of the memory of the victims.'

The police and military authorities have also reportedly each set up their own internal fact-finding investigations into the incident. These reports have yet to be made public and have not lead to criminal investigations.

INDONESIA'S OBLIGATIONS TO FULLY INVESTIGATE ALLEGED VIOLATIONS OF THE RIGHT TO LIFE AND OTHER ABUSE OF THE USE OF FORCE BY SECURITY FORCES

Amnesty International and KontraS acknowledge the right of police officers or other law enforcement officials to defend themselves and their duty to protect the safety of the public. This role should, however, be carried out in a way that ensures full respect for the right to life, liberty and security of all persons, including those suspected of crime. Use of force is 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 actions of the police may also contravene the Indonesian Chief of Police Regulation on the Use of Force in Police Action (No. 1/2009).

Under international law and standards, 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 defence against an imminent threat of death or serious injury. Allegations of arbitrary or abusive use of force by police or other security forces carrying out law enforcement duties must be fully investigated. States must conduct effective, impartial and independent investigations into allegations of human rights violations committed by law enforcement officials, including alleged violations of the right to life and crimes under international law, such as extrajudicial execution. The authorities must also ensure that victims of such violations and their families receive full and effective reparations, including compensation.

If sufficient admissible evidence exists, those suspected of criminal responsibility - including persons with command responsibility who gave unlawful orders or who knew or should have known that those under their command were resorting to unlawful use of force and who did not take measures to prevent it - should be prosecuted in civilian courts in proceedings which meet international fair trial without recourse to the death penalty.

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CULTURE OF IMPUNITY

Amnesty International and KontraS believe that the Paniai case is not an isolated incident but speaks to a culture of impunity that continues to exist in the Papua region. Previous administrations have also turned a blind eye to human rights violations carried out by security forces, including unlawful killings, excessive use of force, and torture and other ill-treatment, which is evident from investigations that have been delayed, dropped, or their findings buried, leaving victims and their families without access to truth, justice and reparations.

In almost all cases that have been taken forward, members of the security forces in Papua do not face prosecution or are just given disciplinary sanctions when found to have committed human rights violations. There is still a lack of accountability for numerous cases that have been raised by our organisations over the last few years.

Our organisations note that President Joko Widodo's administration has started to take some initial steps to improve the human rights situation in Papua and West Papua provinces. In May, the president granted clemency to five political activists in Papua province imprisoned for "rebellion" (makar) and made a pledge to grant clemency or an amnesty to other political activists detained throughout the country. In November, the Indonesian authorities released prisoner of conscience Filep Karma who had spent more than a decade in prison for his peaceful political expression. President Joko Widodo also announced that restrictions on foreign journalists applying to visit Papua were to be lifted.

However, Amnesty International and KontraS believe that in order to bring about concrete human rights change in the Papuan region, the Indonesian authorities must also address the culture of impunity in Papua and deal with current and past cases of alleged human rights violations by security forces. Fully investigating the Paniai case will be a strong signal of President Joko Widodo's commitment to end to the climate of impunity in the region.

RECOMMENDATIONS

Amnesty International and KontraS calls on your office to undertake the following steps as a matter of priority:

- Take steps to ensure that Komnas HAM's are provided with the necessary funds to complete its investigations and ensure that the findings of all investigations are made public;
- Ensure that, if sufficient admissible evidence exists that members of the security are responsible for arbitrary or abusive use of force, including persons with command responsibility, they are prosecuted in civilian courts in proceedings which meet international fair trial standards, without recourse to the death penalty;
- If violations are found to have been committed, ensure that victims, including families of those killed in such circumstances, are provided with full and effective reparation and steps must be taken to provide victims and witnesses adequate protection;
- Conduct a thorough review of police or other law enforcement officials' tactics and the use of force and firearms during arrest, with a view to ensuring that they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Please do not hesitate to contact us if you have any questions. We would be pleased to discuss this matter with you.

Yours sincerely,

Amnesty International KontraS (the Commission for the Disappeared and Victims of Violence)