

Freedom of Expression

ACTIVISTS RELEASED BUT STILL CHARGED WITH REBELLION

Amnesty International Urgent Action, 13-01-2017

Hosea Yeimo and Ismael Alua, detained on 19 December for peaceful political demonstrations, have been released by the police. They are still being charged with rebellion (makar) and could face up to life imprisonment.

Hosea Yeimo and Ismael Alua, members of a pro-Papuan independence organization, KNPB (the West Papuan National Committee), were released on 11 January by the Papuan Provincial Police Force (Polda Papua) according to their lawyer. They are unable to travel and have been ordered by police to remain in Jayapura city, capital of Papua Province. Both are still being charged with “rebellion” (makar) and could face up to life imprisonment.

Hosea Yeimo and Ismael Alua were among at least 528 people, including children, arrested on 19 December following simultaneous peaceful political activities in many cities across Indonesia. Most people were released the following day without charge.

Legislation in Indonesia continues to be used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression and opinion, peaceful assembly conscience and religion. Many of those arrested are charged with “rebellion” (makar) under Articles 106 and 110 (crimes against the security of the state) of Indonesia’s Criminal Code.

Indonesia enshrines guarantees to freedom of expression and peaceful assembly in its Constitution and national legislation. Dozens of peaceful political activists are currently imprisoned in the Papuan region (provinces of Papua and West Papua), some sentenced to as long as 20 years’ imprisonment, for attending, organizing or participating in peaceful political activities or protests, or possessing, raising or waving the prohibited pro-independence ‘Morning Star’ flag of Papua.

Amnesty International has also documented the use of excessive force and firearms as well as torture and other ill-treatment against political activists and others accused of links to pro-independence groups. Accountability for such acts is rare, and at most security personnel receive disciplinary sanctions. See other Amnesty International’s document for these issues: <https://www.amnesty.org/en/documents/asa21/3010/2015/en/> , <https://www.amnesty.org/en/documents/asa21/1932/2015/en/> and <https://www.amnesty.org/en/documents/asa21/3797/2016/en/>.

Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However, the organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions.

To take action: <https://www.amnesty.org/en/documents/asa21/5409/2016/en/>

Police to screen FPI leader's Pancasila defamation case

The Jakarta Post, 15-01-2017

West Java Police spokesperson Sr. Comr. Yusri Yunus said the police would screen a case implicating Rizieq Shihab, the founder of the Islam Defenders Front (FPI), for alleged defamation of the Pancasila (state ideology) on Friday.

"We will hold a case screening to see whether there is a criminal element. If we find there is, we will proceed with an investigation into the case," Yusri told The Jakarta Post via telephone on Friday. A case screening is a phase of a criminal investigation in which investigators decide whether evidence collected is solid enough for police to name someone a suspect in a case.

Yusri added that on Thursday the police had quizzed Rizieq as a witness who had been reported by politician Sukmawati Soekarnoputri for allegedly insulting the Pancasila.

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Protesters stage a rally in front of the West Java Police headquarters in Bandung, West Java, in relation to a defamation case implicating Islam Defenders Front head Rizieq Shihab. The protesters urged the police to arrest Riqieq for defaming the state ideology Pancasila and Sundanese culture in previous sermons. (Antara/Fahrul Jayadiputra)

Sukmawati reported Rizieq to the police for a two-minute video of him talking about the difference between Sukarno's version of Pancasila and the one written in the Jakarta Charter.

"In Sukarno's Pancasila, faith in God is placed at the bottom, but in the Jakarta Charter's Pancasila, faith in God is placed on the head. Which one is better? Sukarno's or the Jakarta Charter's?" Rizieq said in the video.

Yusri added that the police's forensic laboratory center (Puslabfor) found that the footage of Rizieq commenting on the Pancasila was original, however, Rizieq claimed that his video had been edited.

The police had questioned 10 people, including criminal law, language and information technology experts before interrogating Rizieq, Yusri said.

FPI to Stage Mass Protest in Jakarta to Demand Sacking of W. Java Police Chief

The Jakarta Globe, 15-01-2017

Members of the Islamic Defenders Front, or FPI, are planning to stage a mass protest rally at the National Police headquarters in South Jakarta on Monday (16/01) to demand the dismissal of West Java Police chief Insp. Gen. Anton Charliyan after violence broke out during questioning of the hardline organization's leader last week.

The clash between members of the FPI and the Indonesian Lower-Class Movement (GMBI), occurred while Rizieq Shihab was being questioned by police in Bandung, West Java, on Thursday.

In retaliation, FPI sympathizers attacked the GMBI offices in Ciampea near Bogor, West Java, early on Friday morning. At least 20 people were initially detained for questioning after the incident, with 12 of them being named as suspects. FPI commander Maman Suryadi said thousands of the organization's members will rally in front of the National Police headquarters on Monday morning. "We will request the National Police chief [Gen. Tito Karnavian] to sack the West Java Police chief," Maman said on Sunday, as reported by Detik.

The protesters plan to start the rally at around 8 a.m. with a dhuha prayer the Al Azhar Mosque in Kebayoran Baru, South Jakarta, before marching to the National Police headquarters. Jakarta Police chief Insp. Gen. M. Iriawan said they are expecting around 5,000 FPI members to participate in the protest.

Around 2,000 police officers and 800 soldiers will be deployed to maintain order during the rally, Iriawan said, as reported by news portal Okezone.

See also the web-discussion: <http://jakartaglobe.id/news/fpi-to-stage-mass-protest-in-jakarta-to-demand-sacking-of-w-java-police-chief/>

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Mass Groups Report FPI's Munarman For Alleged Defamation

The Jakarta Globe, 16-01-2017

A number of mass groups have reported Munarman, spokesman for Islamic Defenders Front, or FPI, over alleged defamation of Bali's traditional security guards, known locally as pecalang. The report was filed by dozens of local mass groups, including Sandi Murti Foundation, Ansor Youth Group, Bali Nahdlatul Utama and Patriot Garuda Nusantara, to Bali Police in Denpasar on Monday (16/01)

I Gusti Agung Ngurah Harta, founder and chairman of Sandi Murti Foundation, said Munarman had lied when he told a meeting with representatives from news broadcaster Kompas TV that pecalang had been used in Bali to attack homes of Muslims and prohibit them to do Friday prayers.

During the meeting, Munarman protested Kompas TV for what he called a biased angle in reporting a raid on food stalls in Serang, Banten, during the Ramadan fasting month last year. The report captured public attention and sympathy for food stall owner Saeni who shed tears during the raid by the Public Order Agency personnel.

Harta said the relationship between Bali's Hindu and Muslims has been respectful and well for decades. "We want to report this defamation since there were no such things [attacks to Muslims and prohibition of Islamic Friday prayer] here. We live peacefully. No pecalang officers have ever prohibited Muslims from praying. Otherwise, they safeguarded the prayer," Harta told reporters at Bali Police.

The report will be handled by Bali Police cyber crime unit.

The plaintiffs also submitted YouTube video "FPI Meets and Reprimands Kompas TV over Anti-Shariah News Framing" to police.

Social and Economic Rights

How Will Jakarta's Next Governor Tackle Inequality, Flooding Without Relocating Residents From Riverbanks?

The Jakarta Globe, 14-01-2017

The capital's incumbent governor highlighted his administration's program and said he has already improved Jakarta's economy, while his two contenders vowed to bolster economic growth and tackle inequality, during the long-awaited gubernatorial debate at the Bidakara Hotel in South Jakarta on Friday evening (13/01). How to create job opportunities to eradicate poverty and narrow the economic gap was the core question raised during the second session of Friday's debate, in which three candidate pairs presented their visions and missions. Jakarta, with more than 10 million residents, is one of the provinces with the biggest income disparity, said the debate moderator, former news anchor Ira Koesno.

Agus Harimurti Yudhoyono, backed by a coalition led by the Democratic Party, promised to boost "economic growth with equity," which he said would reduce Jakarta's unemployment rate in the next five years. "Better economic growth will create job opportunities and decrease unemployment," said Agus, a son of former President Susilo Bambang Yudhoyono¹. "We plan to revolve aid funds and interest-free venture capital. This is expected to help reduce the unemployment rate."

Agus and his running mate senior bureaucrat Sylviana Murni plan to distribute Rp 1 billion (\$75,075) to each ward head, or rukun warga (RW), and Rp 50 million to small and medium enterprises in the capital city. According to the Central Statistics Agency (BPS) data, there are 930,620 small and medium enterprises and 2,709 RWs in Jakarta. Agus also promised to support 120,000 poor families with Rp 5 million to reduce the economic gap. After a quick calculation, Agus-Sylviana's program will cost Jakarta's Rp 67.160 trillion budget at least Rp 49.840 trillion, not yet including health care, education, infrastructure development and salaries of the city's officials.

¹ See below for the Kompas article on dynastic politics (MM).

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Incumbent Governor Basuki "Ahok" Tjahaja Purnama claimed that Jakarta's economic gap and unemployment rate have improved since he assumed the office in November 2014. The economic gap has been narrowed to 0.41 from 0.43, while the unemployment rate has declined to 6 percent from 8.3 percent. "This is because we have run six programs [to provide] health insurance, education, housing, transportation, food, stable price of rice and venture capital," Ahok said.

Anies Baswedan, endorsed by the Great Indonesia Movement (Gerindra) Party and the Prosperous Justice Party (PKS), and his running mate businessman Sandiaga Uno said they "would bolster economic growth by mobilizing the private sector."

Questions about forced evictions were at the center of the third session of the televised debate. The candidates were also asked how they would handle urban planning to prevent flooding — a recurring problem faced by Jakarta. Forced evictions have been rampant under Ahok's administration. The governor has staunchly defended his policy despite widespread public protests. This was strongly criticized by his two contenders, who have vowed during their campaign that they will not follow suit.

Anies, former education minister, said during he would focus on "urban renewal" rather than evictions, which he deemed "unfair." "We will not eradicate the poor but poverty. We will not conduct evictions. We will negotiate," he said.

"There are many other ways," Agus, Indonesian Military (TNI) major, said adding that evictions only increase poverty and unemployment.

Ahok's camp, supported by a coalition led by the pro-government Indonesian Democratic Party of Struggle (PDI-P), insisted that evictions are necessary. "Jakarta is the capital, its residents should not live on riverbanks or under bridges. We have provided low-cost apartments," Ahok's running mate Djarot Saiful Hidayat said.

Ahok added, it is inhumane to have people live on riverbanks and become flood victims who lose everything each year during rainy season. "Even though they have been living there for years, it is wrong. We don't seek to punish them, but relocate them to safer areas," Ahok said. "I think it is cruel to justify and defend [anti-relocation policies] to win the gubernatorial race," he added.

In 2015, as the current administration has been pushing its river normalization projects, the city saw more than 100 evictions, which affected nearly 30,000 residents, according to data from the Jakarta Legal Aid Institute.

Political developments

Govt Denies Preparing New Regulation to Make KPK Sole Institution to Fight Corruption

The Jakarta Globe, 05-01-2017

Justice Ministry spokesman Effendy Peranginangin has denied reports that the government wants to issue a regulation in lieu of law, or Perppu, to make antirgraft agency KPK the sole institution to fight corruption and money laundering in Indonesia.

"There has been no initiative from the government to publish a regulation in lieu of law on the KPK [Corruption Eradication Commission]. The initiative might have come from the House of Representatives, but don't believe everything you hear," Effendy said in Jakarta on Thursday (05/01).

Earlier, a digital document was distributed to the media containing a draft regulation on the KPK apparently sent by a junior attorney general for special crimes.

The document also contained a request for further studies and advice on the draft regulation which is meant to amend government Law No. 30/2002 on KPK.

The document says the KPK has been prevented from doing its work effectively by the overlapping authorities between the police, the attorney general and the KPK.

The draft regulation recommends KPK as the sole government institution to fight corruption, which could be achieved by amending article 11 in the above law — giving full authority to the antirgraft agency to investigate corruption and money laundering cases — and by deleting article 9 of the law to prevent other law enforcers from taking over investigation and prosecution of corruption and money laundering cases from the KPK.

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Effendy did not comment when asked if the draft regulation contravenes KPK's main mission to "trigger" the police and prosecutors to fight corruption.

The spokesman also refused to speculate on who had leaked the digital document containing the alleged draft regulation. "We know there has been a lot of fake news lately. This could be one of them," Effendy said.

KPK Questions House Speaker Setya Novanto as Witness in e-KTP Graft Case

The Jakarta Globe, 11-01-2017

The national antigraft agency on Tuesday (10/01) questioned House of Representatives Speaker Setya Novanto in the e-KTP corruption case.

Setya arrived at the Corruption Eradication Commission (KPK) office around 9.30 a.m. The questioning finished at 1.30 p.m. He said the investigators needed a clarification regarding his role in a meeting related to the e-KTP project. "It was only a clarification regarding a meeting with House Commission II chairman," Setya told the press.

The e-KTP case emerged after the House of Representatives Commission II, which oversees home affairs and elections, approved the Home Affairs Ministry's budget proposal for procurement of the electronic ID card, or e-KTP, program which cost the state Rp 6.7 trillion (\$500 million).

Setya's name had been mentioned by graft convict and former treasurer of the Democrat Party Nazaruddin, who said the e-KTP project had been controlled by Setya and former Democrat Party chairman Anas Urbaningrum.

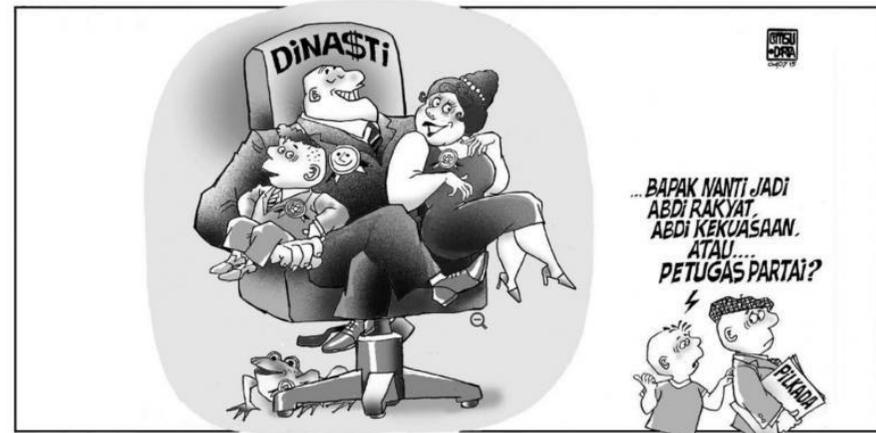
The KPK has named two suspects in the case that had resulted in Rp 2.3 trillion in state losses.

Clean local elections

Kompas, 14-01-2017

Local leaders who have reached their position on the basis of dynastic relations, tend to be susceptible to structural, systematic and massive corruption crimes. In an effort to prevent this, the Coalition for Clean Local Elections (Koalisi Pilkada Bersih) is going to screen the constitutional character of the Law on Local Elections and the Law on Political Parties.

In a public debate under the heading "Political Dynasties, Corruption and Local Elections" this challenge came forward. Present in the meeting were representatives from Indonesia Corruption Watch, The Constitutional Study (PUSaKO) of the Law faculty of Andalas University and others from University Gadjah Mada and election watchdog Perludem². They formed a coalition and now consider a submission to the Constitutional Court in order to see where the limits are of criteria for dynastic political relationships that are allowed or not, and give space to corruption.



Oom Pasikom's son says: "Will he be serving the people, the power of the party-politicians? (Kompas, 07-01-2017)

² <http://perludem.org/>

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"Be it the law on local elections and the law on political parties, we want to examine the possibilities of a decision by the Constitutional Court to limit or prevent corruption in this respect," said Feri Amsari from Andalas University (Padang), last Friday.

According to ICW data over the period 2010-2015, there were 183 local leaders or their deputies at the provincial, district and city levels who were involved in corruption cases. In 2016 KPK rounded up eight local leaders. From these, six were appointed in a political dynastic context: Ratu Atut (Banten), Atty Suharti (Cimahi), Yan Anton Ferdian (Banyuasin), Syaukani Hasan Rais (Kutai Kartanegara), and Fuad Amin (Bangkalan). [...]

The UGM Researcher Oce Adril stated that the corruption cases in connection with political dynastic family ties differ widely from other corruption cases. Those involved with family ties tend to be more structural, more systematic and more massive. He mentioned as examples the cases in Bangkalan and Banten, that show how corruption is growing in all levels of administration up till the appointments of functionaries. "That is because of the family ties and cronies' dependencies involved," he said.

The Coalition for Clean Local Elections has noted that from the total of 101 regions that will have a local election procedure in 2017, 12 pairs of candidates in 11 regions have a political dynastic background.

According to Almas Sjafrina, researcher from ICW, the trend to organize politics with a dynastic character is caused, among other reasons, by the increase of local leaders who are at the same time managing political parties appointments at the local level. That makes the dynasties ever more powerful. "In addition to the political party power networks they are mingled with the administration networks, so that they take over the democratic function of political parties and ruin the administration's executive power", said Almas.

The Head of the Communications Office of the Corruption Eradication Commission KPK, Febri Diansyah added that the corruption by local leaders based on political dynastic relations, already has a priority within the KPK.

Speaking of dynasties: Kompas (16-01-2017) notes the passing of former TNI colonel and former chairman of the Partai Demokrat, Hadi Utomo. It turns out that former TNI general and former President Bambang Susilo Yudhoyono (leader of the Partai Demokrat), and

Hadi Utomo were both sons-in-law of former army chief-of-staff general Sarwo Edhie, who made himself known during the massacres in 1965-66. Present at the funeral was also Hadi's brother in law, Pramono Edhie Wibowo, son of Sarwo Edhie and former TNI chief-of-staff.

See also in Bahasa Indonesia:

<http://nasional.kompas.com/read/2017/01/07/11274501/tiga.jenis.dinasti.politik.mana.yang.terkuat>.

Prabowo under pressure

Kompas, 10-01-2017

In the next presidential elections (2019) President Joko Widodo will possibly find himself again confronted with the chairman of the Gerindra Party, Prabowo Subianto as his opponent. There is increasing pressure from the Gerindra membership upon Prabowo to be candidate again for the Presidency. There is a possibility that the candidacy will be announced already in February 2017. According to his Deputy Chairman, Fadli Zon, the planning is that such announcement will increase his chances to be successful. The Gerindra Party also has an important stake in the February election of the new Jakarta Governor, by the candidacy of Sandiaga Salahuddin Uno (as partner in the PKS-Gerindra pair with Anies Baswedan).

Fadli said that within the Gerindra Party there is consensus about a renewed candidacy of Prabowo for the Presidential election in 2019. He suggested that Prabowo had already discussed this with the president. [...]