

Weekly Update Human Rights in Indonesia – 22-05-2017

Universal Periodic Review

Human Rights Council must ensure strong recommendations at human rights review

Amnesty International Public Statement, 02-05-2017

States must ensure that strong recommendations are made when Indonesia's human rights record is examined under the Universal Periodic Review (UPR) for the third time on 3 May 2017. Since Indonesia's last review in 2012, the human rights situation on the ground has stagnated. The Indonesian authorities have either ignored, or only partially implemented the numerous recommendations made by other states. States participating in the review must call on Indonesia to take the UPR process seriously and implement all the recommendations it committed to in its previous two reviews.

Amnesty International made a submission of information for the review of Indonesia highlighting a series of concerns and recommendations action to address these. Amnesty International's concerns include the failure by Indonesia to ensure truth, justice and reparations for the victims of past human rights violations and their relatives, and the weakness of the justice system in the country. Rather than listening to victims and their families, the authorities have attempted to silence public discussions in many areas of Indonesia and have disbanded public events related to the mass human rights violations that occurred in 1965-66.

The organisation also raised concerns about the use of unnecessary and excessive force, particularly in Papua. Further legislation has been used to criminalize peaceful political activities and violations of the right to freedom of expression are particularly severe in areas with a history of pro-independence movements, such as Maluku and Papua. Religious minorities also continue to face harassment, intimidation and attacks.

Since the last review Indonesia has executed 23 prisoners, both Indonesian and foreign nationals. Almost all the executions were related to drug trafficking offences, which are crimes that do not meet the threshold of "most serious crimes" under international law and standards.

The UPR review is taking place in the UPR Working Group on Wednesday on 3 May 2017 between 09.00 and 12.30 local time in Geneva, Switzerland. Amnesty International has made a written submission to the UN UPR Working Group can be accessed here : Indonesia: It's not good enough; Amnesty International Submission for the UN Universal Periodic Review – 27th Session of the UPR Working Group, May 2017.

The UPR review on Indonesia can be accessed through live webcast at: <http://webtv.un.org/meetings-events/>

To refer to other documents: Links were compiled by the International West Papua Network.

UPR of Indonesia

National report of Indonesia: [A/HRC/WG.6/27/IDN/1](#)

Compilation prepared by the OHCHR in accordance with paragraph 15 (b) of the annex to HRC resolution 5/1 and paragraph 5 of the annex to HRC resolution 16/21:

[A/HRC/WG.6/27/IDN/2](#)

Summary prepared by the OHCHR in accordance with paragraph 15 (c) of the annex to HRC resolution 5/1 and paragraph 5 of the annex to HRC resolution 16/21:

[A/HRC/WG.6/27/IDN/3](#),

[A/HRC/WG.6/27/IDN/3/Corr.1](#)

NGO Submissions for the 3rd UPR cycle 2017:

[UPR Submission ICP](#)

[UPR Submission WI, WPN, OMCT](#)

[UPR Submission by Papuan NGO Coalition on CIPOL Rights](#)

[UPR Submission by Papuan NGO Coalition on ECOSOC Rights](#)

[UPR Submission by PASIFIKA, DAP, TAPOLNAPOL on the Right to Self-Determination](#)

[UPR Submission by Papuan NGO Coalition on Situation of Women](#)

[UPR Submission by PIANGO](#) (Attachments: [A](#), [B](#), [C](#), [D](#), [E](#), [F](#))

Not complete list

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Freedom of Religion

Ahok conviction for blasphemy is an injustice

Amnesty International Newsflash, 09-05-2017

The conviction and imprisonment of Jakarta Governor Basuki Tjahaja Purnama, better known as “Ahok”, will tarnish Indonesia’s reputation for tolerance, Amnesty International said today.

"This verdict demonstrates the inherent injustice of Indonesia's blasphemy law, which should be repealed immediately," said Champa Patel, Amnesty International's Director for Southeast Asia and the Pacific.

"Despite protests of his innocence and evidence that his words were manipulated for political purposes, he has been sentenced to two years in jail. The verdict will tarnish Indonesia's reputation as a tolerant nation."

Amnesty International calls the Indonesian authorities to repeal blasphemy laws, including Articles 156 and 156(a) of the Criminal Code that have been used to prosecute and imprison people may be imprisoned for “defamation” of religion for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedom of thought, conscience or religion, which are protected under international human rights law.

The prosecutor demanded the judges sentence Ahok for one year’s imprisonment during two years of probation and charged him for “insulting or making hostility” towards a certain group in public under Article 156 of the Criminal Code and dropped the blasphemy charges. However, the North Jakarta District Court convicted Ahok of blasphemy under Article 156(a) of the Criminal Code and sentenced him to two years imprisonment. Ahok is now being imprisoned at the Cipinang Detention Facility.

Although the blasphemy law (Presidential Decree No. 1/PNPS/1965) and Article 156(a) of the Criminal Code were enacted in 1965, they were used to prosecute only around 10 individuals between 1965 and 1998, when former President Suharto was in power during which time the right to freedom of expression was severely curtailed. Between 2005 and

2014 Amnesty International has recorded at least 106 individuals who have been prosecuted and convicted under blasphemy laws.

BLASPHEMY CONVICTION demonstrates INTOLERANCE

Amnesty International Urgent Action, 11-05-2017

Christian Jakarta Governor, ‘Ahok’, was sentenced to two years imprisonment on 9 May 2017. Convicted of blasphemy against Islam, Amnesty International considers him to be a prisoner of conscience, who must be immediately and unconditionally released.

Jakarta Governor Basuki Tjahaja Purnama, better known as “Ahok”, was convicted and immediately sentenced to two years’ imprisonment on 9 May 2017 for blasphemy under Articles 156 and 156(a) of Indonesia’s Criminal Code. He has declared that he will appeal the conviction to the High Court of Jakarta. Ahok, who is a Christian, was accused of ‘insulting Islam’ in a video posted on the internet after he announced publicly that he would re-run as the Governor of Jakarta candidate in the 2017 election. The video was harshly criticized by many hard-line religious groups and generated nationwide mass demonstrations between November 2016 and May 2017, calling for him to be charged with defamation of Islam.

The blasphemy provisions in Articles 156 and 156(a) of the Criminal Code criminalize “any person who in public deliberately expresses his/her feelings or engages in actions that in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia”. The law has been used to prosecute and imprison people for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedom of thought, conscience or religion, which are protected under international human rights treaties to which Indonesia is a state party.

Ahok is the fourth person in Indonesia to be convicted of blasphemy in 2017, following the conviction of three members of a now disbanded religious minority group, known as ‘Gafatar’ (the Fajar Nusantara Movement). Ahmad Mushaddeq, Mahful Muis Tumanurung, and Andry Cahya were convicted for blasphemy by the East Jakarta District Court on 7 March 2017.

To take action: www.amnesty.org/en/documents/asa21/6213/2017/en/

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LGBTI Rightts

AMNESTY INTERNATIONAL PUBLIC STATEMENT, 17 May 2017

Revoke conviction and caning sentence for gay men in Aceh

Amnesty International urges the authorities in Aceh to immediately revoke the conviction and sentence of 85 lashes to two gay men convicted of consensual same-sex sexual relations (liwath) by the Shari'a court. This is the first case of conviction for consensual same-sex sexual relations, criminalised under the Aceh Criminal Code (Qanun Jinayat), which came into effect in October 2015.

The two men were subjects of an ambush by their neighbors who stormed into their home, filmed them and handed them over to the Shari'a police. Subsequently, the Aceh Shari'a police who immediately arrested and detained the pair. Amnesty International call for the police to investigate the vigilante acts committed by the mob against the two men.

On 17 May 2017 the Banda Aceh Shari'a Court sentenced the two men to 85 lashes each for committing "same-sex sexual relations (liwath)". The prosecutor announced that the pair would be caned before the Islamic fasting month, Ramadan, which will begin on 26 May, although the pair can still appeal the decision to the Banda Aceh High Court.

Under international human rights law, the use of caning as a punishment constitutes cruel, inhuman and degrading punishment and may amount to torture. Victims of caning experience pain, fear and humiliation, and caning can cause long-term or permanent injuries. The right to be free from torture and other cruel, inhuman or degrading or treatment punishment is guaranteed in the Indonesian Constitution (Article 28G) as well the Law No.39/1999 on Human Rights (Article 33). All forms of corporal punishment violate the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified in 1998 and 2006, respectively.

In 2008, the UN Committee against Torture, the expert body which monitors states' compliance with the UNCAT, called on Indonesia to review all national and local legislation that authorizes the use of corporal punishment as criminal sanctions, with a view to the immediate abolition of such punishments. In 2013, the Human Rights Committee, which

has the same function for the ICCPR, called on Indonesia to take practical steps to put an end to corporal punishment and to repeal the provisions of the Acehese law permitting its use.

Further, laws criminalizing consensual sexual activity contravene international human rights law and standards. The UN Human Rights Committee and other expert human rights bodies have raised concerns about laws criminalizing "adultery" or other consensual sexual relations outside marriage, because they violate the human rights to privacy, non-discrimination and others rights, and should be repealed.

These provisions under Aceh Islamic Code also contravene the 2005 MOU Helsinki agreement which ended the conflict in Aceh, and which provides that the legal code for Aceh will be based on "universal principles of human rights as provided for in the UN ICCPR" (Article 1.4.2).

The Aceh Islamic Criminal Code was passed by the Aceh parliament (DPRA) in 2014 and came into effect throughout Aceh Province on 23 October 2015. Shari'a bylaws have been in force in Aceh since the enactment of the province's Special Autonomy Law in 2001, and are enforced by Islamic courts. These laws expanded the range of offences where caning could be imposed, in some cases providing for up to 200 lashes as punishment. Punishable offences include consensual intimacy or sexual activity for unmarried couples, consensual sex outside marriage, same-sex sexual relations, the consumption and sale of alcohol, and gambling. The Aceh Criminal Code applies to both Muslims and non-Muslims; it includes offences, which are not treated as crimes under the Indonesian Criminal Code (KUHP).

Under international human rights law, all forms of corporal punishment are prohibited – they constitute cruel, inhuman or degrading punishment and often torture. Canings are regularly carried out in public spaces drawing large crowds where people take photographs and video which can add to the humiliation and long-term suffering of those who are subjected to this cruel, painful, and degrading punishment.

In 2015, at least 108 people were caned in Aceh while in 2016 at least 100 people were caned. The law was applied to non-Muslims for the first time in April 2016 when a Christian woman received 28 strokes of the cane for selling alcohol.

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Social and Economic Rights

Palm oil workers must get justice

AMNESTY INTERNATIONAL PRESS RELEASE, 1 May 2017

As the world marks International Workers' Day, Amnesty International calls on the Indonesian government to fulfil its commitment to establish a Task Force to investigate abuses against workers in the country's vast palm-oil industry.

An Amnesty International report revealed labour exploitation on Indonesian plantations owned by suppliers and subsidiaries of Wilmar International, the world's largest palm oil trader.

The abuses documented included women forced to work long hours under threat of having their already meagre pay cut, children as young as eight doing hazardous and hard physical work, workers suffering injuries from toxic chemicals used in plantations, and workers enduring long days to try to meet extremely high targets.

"Four months have passed, but no action has been taken. The Indonesian government should immediately establish a task force to look into the abuses suffered by workers on palm oil plantations," said Josef Benedict, Amnesty International's Deputy Director for Southeast Asia and the Pacific.

"Palm oil is important to Indonesia's economy and the workers who depend on the industry for their survival. When businesses fail to comply with international human rights standards, they pose a threat to the country's image and its economic ambitions."

Amnesty International has received alarming reports that Wilmar has used intimidation tactics against workers and trade union members in an attempt to get them to deny the organization's findings.

"Speaking out against labour exploitation is every worker's right. The government should take all necessary steps to ensure that no workers or trade union members face reprisals from their employers," said Josef Benedict.

While the Indonesian government has announced that it will set up a task force, it has failed to say who will head it, how it will function, and what will come of it.

"The Ministry of Manpower should make details of the taskforce public. No effective investigation into these abuses can emerge from an opaque process," said Josef Benedict.

"Transparency is needed across the board, including greater numbers of inspectors to monitor breaches of labour laws and ensuring that information about inspections, investigations, prosecutions, convictions and other penalties imposed is publicly available."

Amnesty International is also calling on the EU-based countries to make sure that domiciled companies – including many of Wilmar International's European buyers - are meeting international standards when it comes to their purchasing practices.

Ahead of the meeting between the Council of Palm Oil Producing Countries and their EU counterparts this month the human rights organization is calling on the EU to ensure that imported palm oil is not linked to labour exploitation.

"Responsibility for ending labour abuses lies with everyone involved in the palm oil trade, whether it is Wilmar International or the companies that buy from it. Human rights abuses cannot be ignored just because there is an intermediary involved," said Josef Benedict.

Wilmar's Singapore office has stated that the issues raised by Amnesty International are being actively discussed by Wilmar Plantation Operations Management and that their investigation continues. The company said it will continue with this process until it is able to address all the issues highlighted, and will publish its full findings. It also says that trade union signatures were provided voluntarily. Wilmar's public response, however, seems to be at odds with their approach behind the scenes.

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Papua

Support for West Papua in ACP States

Press release International Lawyers for West Papua, 5 May 5th 2017

Full support of joined Pacific States for the issue of human rights violations and self-determination in West Papua during the 79-member Africa, Caribbean, Pacific Group of States (ACP).

The Pacific Island nations of Vanuatu, the Solomon Islands, Tonga, Tuvalu, Nauru, Palau and the Marshall Islands delivered a hard-hitting joint statement condemning Indonesia's human rights violations, including crimes against humanity, at the Council of Ministers of the 79-member Africa Caribbean Pacific Group of States (ACP) on the 3th of May 2017 and called for an eventual resolution that includes support of the right of West Papuan political self-determination.

The statement, made by Johnny Koanapo, a high-ranking member of the Republic of Vanuatu parliament and Parliamentary Secretary for the Office of the Prime Minister, transfixed the packed council room as he graphically described Indonesia's violations and West Papuans' "Slow-motion genocide".

West Papua, the western half of New Guinea, the world's second largest island, has been under Indonesian rule since the 1960s. Estimates of indigenous West Papuans killed during Indonesia's rule range from 10 and 25 percent of the population. Indonesia's own National Commission on Human Rights has described its country's actions as crimes against humanity.

Under a policy of state-supported population movement, more than two million Indonesians have also settled in the territory. They now outnumber the indigenous Papuans and dominate the economy and almost every arena of life in the cities, towns, coastal areas and growing zones of mining, logging, gas and oil production and plantation agriculture.

During the past several years, the coalition of Pacific Island nations, echoing the West Papuans, has argued in regional and international venues that Indonesian violations will

not be ended by focusing just on human rights. There needs to be a proper act of self-determination or the conflict, which damages Indonesia, as well as West Papua, will continue indefinitely. The ACP appears to be coming to the same conclusion.

Ambassador Alfredo Lopez Cabral from Guinea-Bissau compared the plight of West Papua to East Timor, which Indonesia violently invaded and occupied for 24 years. More than one quarter of East Timor's population reportedly died as a direct result of Indonesian rule. Guinea-Bissau and other former Portuguese African colonies were leaders in the long campaign on behalf of East Timor, which had earlier been a colony of Portugal, and is now the independent country of Timor Leste. Ambassador Cabral said that there was "no reason why the ACP shouldn't take up the issue and help" West Papua gain a similar referendum on independence to what East Timor finally received after the fall of Indonesia's Suharto dictatorship in 1998 and mounting international pressure.

Hon. Johnny Koanapo Rasou (Parliamentary Secretary for the Office of the Prime Minister), Octo Mote (Secretary ULMWP) Hon. Ralph Regenvanu (Minister for Justice and Affairs Republic of Vanuatu).

International legal professionals and academics have decided to join forces within ILWP in order to maximize awareness of the situation in West Papua within the international community and to explore the prospect of a solution to the complex legal issues at hand. For more information please visit www.ilwp.nl.