

Freedom of Expression

Intolerance stains Yogya's melting pot image

The Jakarta Post, 19-08-2016

Yogyakarta has been famous as the Javanese cultural capital and a center of excellence. It has been a peaceful melting pot where people from around the world enjoy living thanks to its friendliness and affordable costs, but an increasing number of violent incidents has threatened its status as a "city of tolerance".

by Bambang Muryanto

When Papua Governor Lukas Enembe visited Yogyakarta recently, he spared time to meet Papuan students recovering from the trauma they suffered after police and violent vigilantes stopped them from staging a peaceful pro-independence rally.

Demianus Dabi, one of the dozens of Papuan students detained in the wake of the incident on July 15, recalled how police arrested him near his dormitory on his way from the market. He was forced to throw away the tubers he had purchased, a staple food in his ancestral land.

"The pain from taking punches has gone, but the pain from seeing how they [police officers] treated my tubers remains," he said fighting back tears. "For us Papuans, tubers symbolize motherly love."

Police resorted to heavy-handed tactics and the presence of groups notorious for their intolerance, such as the Pancasila Youth, the Communication Forum of Indonesian Veterans' Children (FKPPI) and the Jogja Militia, was conspicuous. They hurled racist insults at the Papuans and the police did nothing to stop them.

Read the whole article, including an interview with the sultan:

<http://www.thejakartapost.com/longform/2016/08/19/intolerance-stains-yogyas-melting-pot-image.html>

Security forces' accountability

Activist Urges President Decree on Integration of Drug Probes

The Jakarta Globe, 19-08-2016

Leading human rights activist Haris Azhar, who recently alleged the involvement of authorities in drug crimes, has urged the president to issue a decree on integrating investigations into the claim.

Independent teams established by the National Police, National Narcotics Agency (BNN) and Indonesian Military (TNI) are separately probing the allegations made by Haris.

Despite ongoing investigations, activists are concerned about the thoroughness and potential for different outcomes. Calls have been mounting for the establishment of an independent team coordinated directly by President Joko "Jokowi" Widodo.

"The middle ground is the president should prepare establishing an integrated team to consolidate the results," Haris, coordinator of the Commission for Missing Persons and Victims of Violence (KontraS), said on Thursday (18/08).

The team should be aimed at integrating the results of investigations, Haris said. "The president should issue a presidential decree to establish this independent team."

Members of the National Police, BNN and TNI allegedly helped executed convict Freddy Budiman operate his drug business. The allegations are based on Freddy's confessions to Haris during a meeting on Nusakambangan prison island in Cilacap, Central Java, two years ago.

Komnas HAM to Investigate Violent Medan Protest Involving Air Force

The Jakarta Globe, 20-08-2016

The National Commission on Human Rights, or Komnas HAM, has launched a probe into protests which turned violent between Air Force personnel, local residents and the media in Medan, North Sumatra, earlier this week.

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Nine local residents of Karang Sari Rejo, Medan Polonia, were injured in the incident — which was caught on CCTV camera — and two journalists were taken to hospital.

“We have gathered all victims of the violence conducted by Indonesian Air Force. We want President Joko [“Jokwi”] Widodo to hear our cries. We, the people, were beaten by authorities,” Rani, a 30-year-old resident of Karang Sari Rejo, told Suara Pembaruan on Friday (19/08).

She said many residents have been victims of the Air Force’s violent act. They were all gathered so the commission would not have a hard time in their investigation, including to revealing the facts behind the protest, which was triggered by a land dispute.

“There were many locals beaten by bats and wooden blocks. Aside from that, a charity box in a mosque was broken and the money was taken. Then, there was an imam, who had just finished praying, that was beaten and stomped. They were very brutal in the attack,” she said.

Komnas HAM commissioner Natalius Pigai promised to investigate the allegations of misconduct by the Air Force. A team established by the commission will then deliberate the results with the public from Jakarta

The air force commander has apologized to the victims:

<http://jakartaglobe.beritasatu.com/multimedia/soewondo-airbase-issues-apology-personnel-misconduct/>

Human trafficking

14 suspects arrested

The police have arrested 14 suspects of a network of human trafficking from East Nusatenggara (NTT) to Malaysia and Singapore. The arrests were carried out in five different provinces around the country. In several locations the police found 17 victims, all young women between 16 and 23 years of age. Head of police Tito Karnavian said the arrests were a direct result of the request by the president to look into these crimes after a woman from NTT had hung herself in Malaysia on July 9.

The network was discovered soon after her death was being investigated. It is thought that this is only a tip of the iceberg.

The director of the National Protection Agency for Recruitment brigadier-general Nurwindianto said that there are 4 million women working abroad, of whom 1.5 million are illegal. Half a million others are in a grey zone, or have no permit. Every month about 10,000 people migrate for work abroad in illegal ways.

In Kupang, the capital of the province NTT, the chairperson of the 5th Commission of the provincial parliament, Winston Rondo, asked the police to make clear whether there are officials of law-enforcement institutions involved in this network of human trafficking.

“Brigadier Rudy Soik, a former member of the police in NTT said in his testimony in 2015 before the Tipikor¹ Court of Kupang that a number of officers of the regional police were involved in human trafficking. Rudy Soik was sentenced to 6 months in prison for ill-treating a perpetrator of trafficking, whose case was being handled at the time by the police,” said Rondo.

In West Java, in a session before the court of Cibinong, near Bogor, where a suspect by name of Sunata was being tried, it was said that a(nother) suspect was not being prosecuted.

Political developments

Independence day: which prisoner gets remission?

On the occasion of the 71st Independence Day a number of prisoners have received a remission of their sentence with 1 to 6 months, including prisoners who had been convicted of terrorism or corruption. Criteria are whether the prisoner is cooperative with the justice process (Peraturan Pemerintah Nomor 99 Tahun 2012) .

Those convicted of corruption were several well-known big shots: Muhammad Nazaruddin (5 months former parliamentarian, Partai Demokrat), tax official Gayus Tambunan (6

¹ Pengadilan Tipikor is a special corruption Court parallel to ordinary regional Courts (pengadilan Negeri).

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months), Neneng Sri Wahyuni, the wife of Nazaruddin (6 months), and former prosecutor Urip Tri Gunawan (6 months). Even the terrorist convict Abu Bakar Baasyir got 3 months remission.

In the regional office of the Ministry of Law and Human Rights of West Java it was made clear that 39 corruption convicts and 9 terrorism convicts received remission. But not some big names such as Sutan Bhatoegana Siregar (former parliamentarian Partai Demokrat), Anas Urbaningrum (chair of Partai Demokrat), Andi Alifian Mallarangeng (former presidential advisor), and Suryadharma Ali (former Minister for Religious Affairs), Reasons were difficult to get. Gayus for instance received remission although only recently he was sanctioned with isolation because he had been out for dinner with prison staff. He was able to get out of prison temporarily to attend a divorce meeting. He also got remission of 2 months on the occasion of Idul Fitri.

In total this Independence day 78,487 convicts were granted remission, of whom 3,528 were instantly released.

The Anti-Corruption Commission KPK has requested that president Jokowi gives special attention to a review of the Presidential Decision PP No 99/2012 on the supervision of convicts in prison. Apart from the remission for proven corruptors, the KPK also rejects the idea of “reparation” of the political rights of corruption convicts. “We feel that the review should not muffle the effort to fight corruption said KPK spokesperson Yuyuk Andriati.

Earlier there has been a vivid public debate about the remission for corruption convicts and the review of the Presidential Decision. [Ironic that the corrupt former chair of the KPK, Antasari Azhar received a remission of 6 months...]

No mercy for corruption, terrorism convicts

The Jakarta Post, 22-08-2016

Given that corruption is still perceived as an ongoing threat to the country, the government’s controversial plan to relax the remission requirements for extraordinary crime convicts has been met with criticism.

As a result of the overcapacity problem faced by many prisons in the country, Law and Human Rights Minister Yasonna Laoly has said that the government will revise

Government Regulation (PP) No. 99/2012 on procedures and requirements to make it easier for those convicted of extraordinary crimes — including corruption, terrorism and drug trafficking — to acquire remission. Under the draft revision, the minister wants to scrap the requirement that convicts must cooperate with law enforcers and become justice collaborators, arguing that such an obligation contravenes a convict’s right to remission.

Law expert Bivitri Susanti, vice chairman of the Indonesian Jentera School of Law (IJSL), said overcapacity should not be a reason to relax the regulation since corruption was still rampant in the country. She said that prison overcapacity should be minimized through giving more lenient punishments to people convicted of misdemeanors or petty theft. “To reduce prison overcapacity, the government can also improve the shambolic data used by prison authorities. Many inmates are overstaying in prison,” she added.

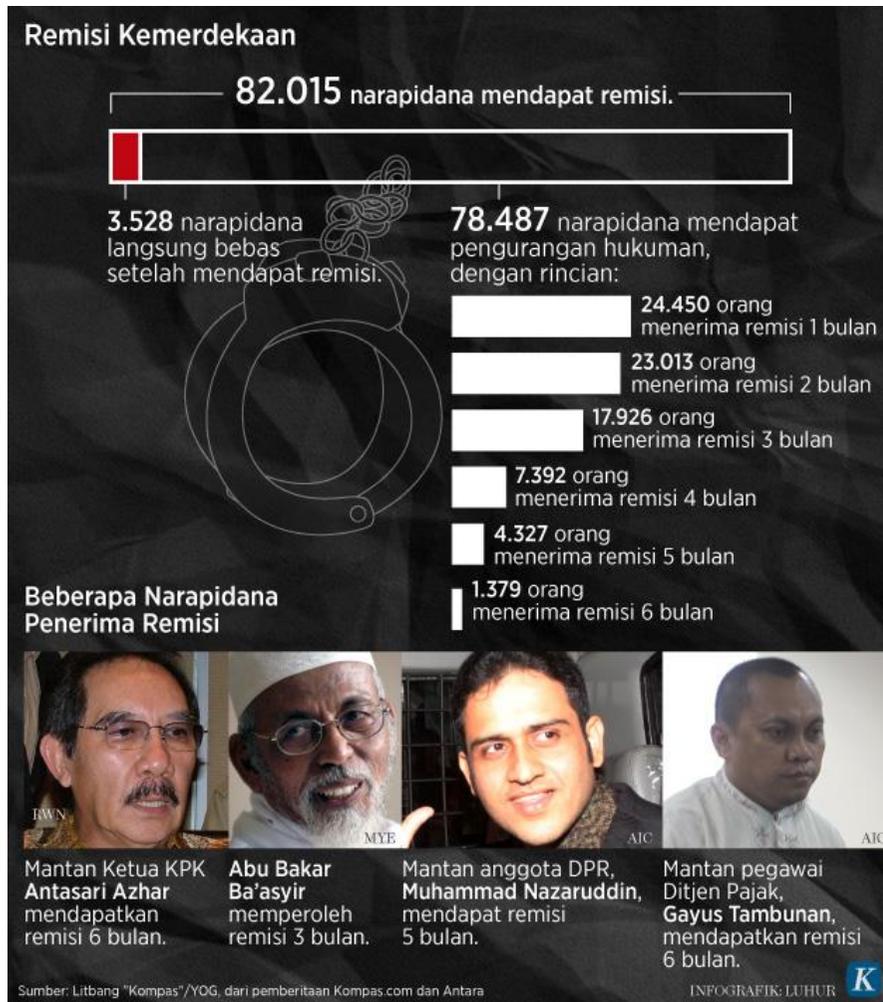
Under the current regulations, the government has continuously granted remissions to corruption convicts every year. Recently, on the 71st anniversary of Indonesian independence, disgraced tax official Gayus Halomoan Tambunan and former Democratic Party treasurer Muhammad Nazaruddin were among 128 graft convicts that received sentence cuts.

The minister’s plan to revise PP No. 99/2012 has also been criticized by supporters of the Corruption Eradication Commission (KPK), who claim it would give special treatment to embezzlers of state funds.

Emerson Yuntho, an Indonesian Corruption Watch (ICW) researcher, said that if the obligation to become a justice collaborator was omitted, then nobody would want to help the KPK to discover other key players in graft schemes. “Why would they help the KPK if they won’t get any benefit from it?” he said.

A staff member at the Presidential Office and former chairman of the National Commission on Human Rights (Komnas HAM), Ihdhal Kasim, said the ministry should increase transparency in assessing remission for convicts. He suggested the ministry include people other than their own officials in an assessment team to grant remission. “The committee dedicated to assessing and granting remission should not only involve the internal team from the ministry but also those from other elements in society.”

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Decisions by Constitutional Court considered conservative

Kompas, 18-08-2016

Decisions by the Constitutional Court (CC, Mahkamah Konstitusi, MK) are considered on the conservative side and not in line with other state institutions' decisions. The quality of MK decisions is going down especially in corruption cases. Some of these have a clearly political connotation.

This picture is the result of an investigation by the Setara Institute, carried out over the decisions of the MK in the period mid August 2015 till mid August 2016. The 124 decisions of that period have been valued against their positive or negative impact on human rights and strengthening of democracy.

The Director for Research of the Setara Institute, Ismail Hasani, said that a number of decisions have a negative aspect. Some of these open up opportunities to weaken the effort to fight corruption or to weaken the state's implementation of the rule of law. However, there are also decisions with a positive impact

"Concerning the decision that the prosecution is limited in submitting a review of the case (peninjauan kembali, for instance, this is made more difficult also when there is new evidence in corruption cases," he said. There now seems to be a conflict of interest between the Attorney General and the Constitutional Court. A number of decisions by the CC are not being implemented for instance because they do not further the cause of human rights or the rule of law, and some have unwanted impact on the position of other state institutions, such as the Judicial Commission (Komisi Yudisial, KY, which oversees the Judiciary).

The Constitutional Court decided that the Judicial Commission had no jurisdiction over judges in the Constitutional Court, although the submission was about the judges of the Supreme Court, not the Constitutional Court.

The researcher of the Setara Institute found a number of decisions in which the considerations did not tally with the conclusions, e.g. the decision about the public nature of the case review sessions of the Supreme Court. "The case was about the sessions being accessible, but the conclusion was about the timeframe of such sessions. So now these sessions are still not open to the public."

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Apart from the contents, one researcher said that the Constitutional Court should improve its procedures especially have a limited time between the deliberations and the publication of the decision.

A spokesperson of the Constitutional Court, Fajar Lasono, said that – in a separate meeting – all MK decisions are based on sound and strong arguments. “Anyone who does not agree, well, it is a free country: ya, boleh-boleh saja,”.

He also said that it is not true that the Constitutional Court tends to protect its own status. “On the case of the Judicial Commission the Constitutional Court just used the analysis that has been used when the Judicial Commission was established. Of course the Judicial Commission does not have the power to oversee the judges of the Constitutional Court.”²

Dual Citizenship

The Jakarta Post, 20-08-2016

The government must consider the benefits of embracing the Indonesian diaspora, but at the same time must also remain careful in handling dual citizenship issues following recent debate over the Citizenship Law, experts have said.

Indonesian Diaspora Network advocacy team Mey Hasibuan urged the government to look to neighboring ASEAN countries, such as the Philippines and Vietnam, that have acknowledged the economic potential from their diaspora network.

There needs to be openness in thinking about the essence of citizenship and nationalism, she said. Allowing dual citizenship could help increase contributions and investment from Indonesians spread across the globe.

However, international law expert with the University of Indonesia Hikmahanto Juwana cautioned the government over becoming too lenient and giving into public pressure to accommodate dual citizenship. The government must consider potential compromises to national security and tax runaways, he said. He pointed out that intelligence and success

² Which indeed leaves the judges of the Constitutional Court without any controlling mechanism. (MM)

abroad may not necessarily translate in the country. "Even if the government agrees to dual citizenship, they must be very selective," he said.

Two recent incidents catapulted debate on the Citizenship Law, the revelation that former energy and mineral resources minister Arcandra Tahar and 17-year-old national flag-hoisting (Paskibraka) member Gloria Natapradja Hamel held US and France passports, respectively.

Indonesia only acknowledges single citizenship. An Indonesian loses his or her citizenship after pledging loyalty to another country, according to the 2006 Law on citizenship.

Timor Leste

Timor Leste to become a member of ASEAN?

The Jakarta Globe, 22-08-2016

Cambodian Prime Minister Hun Sen has reaffirmed the country's support for Timor-Leste joining the Asean regional bloc during a visit to Dili on Saturday (20/08). Hun Sen also committed Cambodian support for Timor-Leste's bid in becoming a member of the World Trade Organization and the United Nations Conference on Trade and Development, according to the Khmer Times. Hun Sen and his Timor-Leste counterpart Prime Minister Rui Maria de Araújo signed agreements on trade, visa exemptions and labor cooperations.

Cambodia has been a vocal supporter of Timor-Leste becoming the 11th member of Asean, after Hun Sen signalled his support following a meeting between the two leaders on the sidelines of the 25th World Economic Forum on Asean in June.

"On behalf of the Cambodian government, I support Timor-Leste's bid to be the 11th member of Asean, in order to enhance cooperation and increase the number of members to improve stability in the region," he said at the time.

Timor-Leste formally applied to the bloc in 2011 with many members, including Indonesia, supporting the former Indonesian province in the bid. Others, including Singapore and Laos, have argued the new country is not yet developed enough.