

Weekly Update Human Rights in Indonesia – 25-07-2016

Impunity

The IPT 1965 final Verdict

On 20 July 2016 the final judgment of the International Peoples Tribunal (IPT) has been presented in Jakarta, Amsterdam, Berlin, Phnom Penh and Melbourne. In Amsterdam some one hundred people had gathered to view the presentation of the verdict on screen by the Presiding Judge Prof. Zak Yacoob.

The judges of the International People's Tribunal have finalized this report after the four days hearing in November 2015 with testimonies by victims and expert analyses. The verdict concludes that it considers the human rights violations committed in 1965/66 and the years after amount to crimes against humanity, and that the State of Indonesia can be held responsible.

The crimes that have been enumerated as being crimes against humanity by their widespread and the systematic nature include: killings, imprisonment, enslavement, torture, enforced disappearances, sexual violence, enforce exile, propaganda and complicity by foreign countries (USA, UK and Australia). That all these serious human rights violations are considered crimes against humanity is a very important milestone in the battle against impunity.



IPT coordinator Mrs Nursyahbani Katjasungkana

You can view the film presenting the verdict on youTube:

https://www.youtube.com/watch?v=G5CE9qNZxw0&feature=em-share_video_user. And read it: <http://www.tribunal1965.org/final-report-of-the-ipt-1965/>

Also recommended background reading: Inside Indonesia Magazine:

<http://www.insideindonesia.org/marching> and <http://www.insideindonesia.org/justice-denied>

Negative response from Minister Luhut

The Jakarta Post, 20-07-2016

<http://www.thejakartapost.com/news/2016/07/20/indonesia-rejects-ipt-1965-recommendations.html>

The government has reaffirmed its stance of no apology to the victims and survivors of the 1965 communist purge or their families as recommended by the International People's Tribunal for the 1965 crimes against humanity (IPT 1965).

Coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan said on Wednesday that Indonesia had its own legal system and no external party could dictate the way this nation solved its problems. "Our country is a great nation. We acknowledge and we will resolve this problem [the 1965 tragedy] in our way and through universal values," Luhut told reporters at the Presidential Palace on Wednesday.

Therefore, he said, the government would not bow to the IPT 1965's recommendations.



(Koran Tempo, 22-07-2016)

"Reconciliation on the 1965 tragedy stalled"

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International and domestic coverage

The Verdict of the IPT 1965 was covered by Indonesian and international press:

http://nasional.kompas.com/read/2016/07/20/17405151/ipt.kasus.1965.indonesia.bertanggung.jawab.atas.beberapa.kejahatan.kemanusiaan?utm_source=RD&utm_medium=inart&utm_campaign=khiprd

http://nasional.kompas.com/read/2016/07/22/17001911/taufik.basari.putusan.ipt.kasus.1965.tidak.bisa.diabaikan.begitu.saja?utm_campaign=related&utm_medium=bp-kompas&utm_source=news&

<http://koran.tempo.co/konten/2016/07/23/402339/Vonis-Tragedi-1965>

<http://nasional.kompas.com/read/2016/07/20/20354241/luhut.tak.ada.keterlibatan.militier.asing.pada.kasus.1965>

http://www.bbc.com/indonesia/berita_indonesia/2016/07/160720_indonesia_putusan_ip_t1965

<http://time.com/4414438/indonesia-crimes-against-humanity-1965/>

and in Dutch:

<http://weblogs.amnesty.nl/mensenrechtenvandaag/2016/07/21/%EF%BB%BFIndonesia-schuldig-aan-misdaden-tegen-de-menselijkheid-1965/>

<https://www.vn.nl/vreselijk-blij-vonnissen-hier-vijftig-jaar-op-gewacht/>

<https://www.nd.nl/nieuws/buitenland/volkstribunaal-1965-genocide-in-indonesie.1914425.lynkx>

http://www.telegraaf.nl/buitenland/26259864/Indonesie_schuldig_aan_genocide.html

Death penalty

Death-Row Convict Merry Utami Brought to Nusakambangan

TEMPO.CO, Jakarta, 24-07-2016

Death row convict in drug case Merry Utami now occupies an isolation cell at Besi Prison in Nusakambangan, Cilacap, Central Java, after she was transferred from a women prison in Tangerang, Banten.

"Based on reports that we receive, she has now been placed in an isolation cell in Besi Prison to orientation period as she is still new," said Coordinator of Prisons in Cilacap and Nusakambangan Aris Abdul Cilacap in Cilacap on Sunday.

He added that Merry occupies an isolated cell by herself, separated from other inmates at the prison because she is a woman.

Merry was brought from Tangerang to Nusakambangan by bus on Saturday. She was arrested at Soekarno Hatta Airport for carrying 1.1 kilograms of heroin. Tangerang District Court imposed a death sentence to her in 2003.

Philippines' Mary Jane Veloso Will Not Be in the Next Round of Executions

The Jakarta Globe, 22-07-2016

A woman from the Philippines convicted in Indonesia for drug smuggling and sentenced to death will not be among the first round of executions carried out when capital punishment is resumed after a lull, the attorney general said on Friday (22/7).

Indonesia imposed a moratorium on executions for five years before resuming them in 2013. It provoked international outrage in April last year with the execution of eight drug traffickers, seven of them foreigners.

After the outcry, authorities said they were postponing executions while the government focussed on reviving the economy. But President Joko Widodo's administration has this year pledged to resume executions by firing squad.

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A Philippine maid, Mary Jane Veloso, got a last-minute reprieve last year, following a request from Manila after an employment recruiter, whom Veloso had accused of planting drugs in her luggage, gave herself up to police in the Philippines.

“Not yet,” Attorney General H.M. Prasetyo told reporters when asked about Veloso.

“We are still waiting on the legal process in the Philippines, which we have to respect.”

Prasetyo has said 16 prisoners will be executed this year, including nationals from Nigeria and Zimbabwe, but has declined to give a specific time frame. That number will be more than doubled next year, he said.

Indonesia has declared a “drug emergency” and vowed no mercy for drug traffickers. Authorities have not given a breakdown of the numbers of foreigners on death row but citizens of France, Britain and the Philippines are known to be among them.

On July 10 Filipino boxing icon Manny Pacquiao met with convicted drug trafficker Mary Jane Veloso of the Philippines during a visit at Wirogunan prison on July 10, 2015 in Yogyakarta, Indonesia. Veloso was sentenced to death after being arrested in Adisucipto International Airport in Yogyakarta with 2.6kg of heroin. Pacquiao will meet with Indonesian President Joko Widodo in support of Veloso, who maintains her innocence.

Police accountability

National Human Rights Commission warns for torture by law enforcement institutions

Kompas, 25-07-2016

JAKARTA, KOMPAS — The National Human Rights Commission has warned that torture and violent practices are still occurring within the domestic law enforcement institution. This points to the fact that procedures for the protection of civilians are not abided by and that the professionals in these institutions have not yet internalized a culture of high quality of justice, honesty and non-discrimination. Because of this the Komnas HAM has established a special Team for monitoring law enforcement institutions. This team will

identify the weak spots in the criminal law enforcement, give input for improvement to all institutions from police and prosecution up to the Supreme Court.

Natalius Pigai, member of the Komnas HAM said that the law enforcement should be based on values of justice, honesty, objectivity and non-discrimination. These values are not yet sufficiently adopted in the daily work, he said.

“We receive many reports about the occurrence of torture in the process of information gathering by the police”, he said.

The practices of violence mostly occur in areas that are not under scrutiny. The victims often have no access to legal support or even do not understand what their rights are. Pigai mentioned the example of Yusman, a youngster from Nias (North Sumatra) who has been sentenced to death in a premeditated murder case. He has been treated like an adult, though his real age was only 15 years at the time. He should have been tried in a juvenile court, where the maximum sentence is 10 years.

It is not only physical violence that is used, but also verbal intimidation and abuse of power. “During the arrest of Bambang Widjojanto, for instance, who at the time was the vice-chairman of the (anti-corruption commission) KPK, the police took an exaggerated attitude of abuse of power with lots of uniformed officers taking part. This can also be considered as excessive and non-proportional law enforcement”, said Pigai.

In 2015, Indonesia received a strong warning from the United Nations because of the many reports of violence and torture by the law enforcement institutions. This violence often occurred in police detention and prisons.

The Head Spokesperson of the Police, Inspector-General Boy Rafli Amar said that the police is continuously being reformed and improved. One of the aims is to show that the police is acting more humanely and less arrogant. Therefore, he hopes, violations by some elements of the police force will be reported on and will be punished via internal procedures. “We have our internal procedures in place to follow up on reports on those elements in the police force. We are committed to diminishing those violations and to have a more humane police force, as ordered by our Head of Police”, Boy said.

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Political developments

Two Alleged Terrorists Killed in Poso Shootout

The Jakarta Globe, 16-07-2016

Two alleged members of the East Indonesia Mujahidin, or MIT, terror group led by fugitive Santoso were killed in a shootout with the police and military in Poso district, Central Sulawesi, on Sunday (15/05).

The shootout occurred at around 2.25 p.m. in the Uwe Mayea hills, a remote area near Patango Lemba village in South Poso Pesisir subdistrict. The bodies of the deceased were only removed on Monday morning due to the difficult terrain and taken to the police's Bhayangkara Hospital in Palu for identification.

"It is true that yesterday, police and military personnel participating in Operation Tinombala Operation were involved in shootouts with two members of Santoso's group. We are still trying to confirm their identities because they did not have ID cards in their possession," National Police chief Comr. Gen. Badrodin Haiti said in Jakarta on Monday.

There are believed to be only 22 or 23 members left in Santoso's group after the shootouts, the police chief said. This number includes at least one Chinese Uighur.

Badrodin also confirmed that immigration officers detained another member of China's Uighur ethnic minority in Jakarta over the weekend after he allegedly tried to enter the country on an Indonesian passport. Police are investigating whether this person has any links with the Poso terror group.

The MIT reportedly possess military weapons such as M16 and SS1 assault rifles, which it captured during previous conflicts in the region. Some of it allegedly also originates from the Southern Philippines.

The group's current hideout is estimated to be within a 60 square-kilometer area, where more than 2,000 members of the police and military have been concentrated as part of Operation Tinombala since the beginning of the year.

Santoso Death: Waiting for Confirmation

The Jakarta Globe, 19-07-2016

National Police spokesman, Insp. Gen. Boy Rafli Amar answered questions from the media about operation Tinombala which led to the purported death of suspected terrorist Santoso, at a press conference Police Headquarters, Jakarta, on Tuesday (19/07). Police say that they will need to positively identify Santoso's body in order to confirm whether he was one of the two militants killed in a gunbattle with security forces in a shootout on Monday at Tambarana, Poso.

Police Arrest Santoso's Wife, 18 Terror Suspects Still at Large

The Jakarta Globe, 23-07-2016

Members of the joint military and police team participating in Operation Tinombala have detained the wife of former East Indonesia Mujahidin leader Santoso in the Tambarana area in Poso, Central Sulawesi, on Saturday (23/07). "We have received reports that Jumiatus Muslimayatun, the wife of Santoso, has been detained by a patrolling taskforce. Evidence is still being examined. The suspect is currently in Poso," said Brig. Gen. Eddy Hartono, chief of the National Police's antiterrorism unit Densus 88. He said there are now only 18 members of Santoso's group who are still on the run. This includes Basri and Ali Kalora, who was named as Santoso's replacement. "Santoso's wife is from Bima, West Nusa Tenggara," Eddy said.

Santoso and one of his men, Muchtar, were killed in a shootout between the armed forces and five members of the East Indonesia Mujahidin (MIT) in Tambarana on Monday afternoon. Three others escaped, one man and two women. Police have suspected that the those who escaped were Basri and his wife, and Santoso's wife Jumiatusun.

Dari Indonesia Merdeka sampai Santoso di Poso

Kompas (24-07-2016) carries an interesting background piece on the history of terror in Indonesia, starting with the Bersiap and Raymond ("Turk") Westerling.

<http://nasional.kompas.com/read/2016/07/24/15020031/Dari.Indonesia.Merdeka.sampai.Santoso.di.Poso>