

General human rights

Amnesty slams RI's rights record

The Jakarta Post, 25-02-2016

President Joko "Jokowi" Widodo has turned expectation into disappointment as he still fails to address human rights violations as promised during his campaign, Amnesty International has said.

The local chapter of the London-based human rights group said in a press briefing held Wednesday that despite the strong commitment made by Jokowi to resolve past abuses, cases remained unaddressed.

Moreover, rights violations further escalated in Jokowi's first full-year leading the country, Amnesty International said in its 2015 annual report.

"The headline for our report on Indonesia is that the President who came to power with a promise to address the serious human rights violations that occurred over the last couple of decades [...] has yet to fulfill his promise. A year after the election, his promises have not been fulfilled," Josef Roy Benedict, deputy director of campaigns for Amnesty International's Southeast Asia and Pacific Office, said during the briefing in Jakarta on Wednesday.

In his presidential campaign against former army general and alleged human rights violator Prabowo Subianto, Jokowi pledged — among other things — to investigate the disappearance of 13 pro-democracy activists in the dying days of Soeharto dictatorship in 1998 and to establish an ad-hoc court to resolve past human rights violations. "We have not seen a fundamental shift," Benedict said.

In the report, impunity remains under the spotlight with the human rights group highlighting, among other cases, how authorities had failed to bring the perpetrators behind the death of activist Munir Said Thalib in 2004 to justice and to address the wide variety of violations committed during 1965/1966 communist purge that resulted in the deaths of approximately one million people.

Four of the nation's presidents have also failed to address past abuses. "But at this rate, Jokowi will make his predecessors — who also failed to end impunity — seem much better than him at tackling human rights issues," Haris Azhar of the Commission For Missing Persons and Victims of Violence (Kontras), said.

With at least 131 people currently on death row, Jokowi's controversial death penalty has been regarded as a serious human rights concern in the Amnesty International report. Amnesty highlighted its concern over the death penalty in 2015 when 14 prisoners were executed, 12 of them were foreign nationals and all had been convicted for drug-trafficking offences. Jokowi had said that no clemency would be considered.

Funding has already been allocated for this year's execution rounds.

The human rights organization have also reported concerns over the protection of freedom of expression and religion, the excessive use of force shown by military personnel and police, which remained rampant throughout 2015, particularly in Papua, where Jokowi won by a landslide during the 2014 presidential election.

Wahyudi Djafar from the Institute for Policy Research and Advocacy (ELSAM) said that Indonesia was facing a crisis in freedom of expression, both online and offline, that Jokowi needed to resolve by amending related regulations to prevent criminalization. "There were 40 cases of criminalization on the freedom of speech in online digital platforms in 2014 and the figure rose to 45 last year," he said during the briefing.

Data from ELSAM also showed that there had been 35 cases of repression in off-line platforms, 20 of which related to 1965/1966 issues. There were also 45 instances of repression shown toward press freedom, with four media executives reported last year.

Impunity

In Indonesia, an Oscar-nominated film reopens old wounds

Reuters, 26-02-2016

Indonesia's first film production to be nominated for an Oscar is at once a source of national pride and of shame for the world's third-largest democracy.

Weekly Update Human Rights in Indonesia – 29-02-2016

"The Look of Silence" centers on one of the worst massacres since World War Two, when at least 500,000 people died in violence that raged after then-general Suharto and the military took power following an abortive coup in 1965. A million or more people were jailed, suspected of being communists.

Up for best documentary at Sunday's Academy Awards ceremony, the film has forced many to confront one of the darkest periods in Indonesia's history and remains banned from commercial cinemas.

"Successive governments have failed to address the events of 1965 as a lesson that needs to be learned by the nation," said Muhammad Nurkhoiron of the national commission on human rights.

"There needs to at least be official recognition but that hasn't happened. But we feel happy this film has been nominated so the world can see those events are finally being questioned."

Government officials did not respond to repeated requests for comment on the film.

Despite the ban, "The Look of Silence", which has an Indonesian co-producer, is available online and had hundreds of private screenings across Indonesia.

This year's nomination will be the second for director Joshua Oppenheimer, whose similarly-themed "The Act of Killing" lost out in the best documentary category in 2013.

While the first film unveiled some of 1965's unrepentant killers who still remain free, "The Look of Silence" tells the same tale through the eyes of a victim's family.

In the film Adi Rukun comes face to face with the alleged torturers and killers of his three siblings.

"It was the hardest thing I've done in my life," Rukun said in a telephone interview. "What I wanted was to hear a confession, but I saw them feel no remorse."

The films go beyond tracking the cathartic journeys of those involved to show how many continue to turn a blind eye to past crimes.

"I hope the films will energize the movement in Indonesia against impunity and against a system based on fear and intimidation," Oppenheimer told Reuters by telephone.

Indonesia began a transition to democracy in 1998 after more than three decades of authoritarian rule.

The 2014 election of Joko Widodo as president, the first leader to come from outside the country's political and military establishment, offered hope to human rights activists that past violations would finally be addressed.

That has not happened, and last year Indonesia censored several events to mark the 50th anniversary of the 1965 killings.

"The hope is small," said Nurkhoiron. "But these films are a step to reconciliation with the past."

LGBT Rights

Authorities shut down Yogyakarta transgender Islamic school

The Jakarta Post, 26-02-2016

Local authorities of Kotagede district in Yogyakarta have decided to shut down the Islamic Al Fatah School for transgender students and ban any religious activities from taking place on the premises, citing "public order" issues following pressure from local hard-liners.

The decision was made after a meeting between representatives of Al Fatah, security officers, local officials, the Yogyakarta Islamic Jihad Front (FJI) and local people on Wednesday night. "We decided to close down the transgender Islamic school considering security, order and public comfort issues," Banguntapan subdistrict chief Jati Bayu Broto told journalists at his office on Thursday. Each party was given an opportunity to express opinions in the meeting where Al Fatah's leader, Shinta Ratri, and two of her colleagues met with dozens of FJI followers represented by Umar Said. The meeting then continued as a dialogue between local officials and local people. Afterwards, the participants of the meeting took the decision to close down the Islamic school with the justification that the

Weekly Update Human Rights in Indonesia – 29-02-2016

school was located in a cramped residential area. "Whenever there are activities, motorcycles are parked on the street and disturb the public," Jati said.

Members of the FJI had visited the school on Feb. 19, claiming they wanted to find out for themselves what activities were taking place inside the school for transgender students. Shinta refused to meet journalists following the decision to close the school down. "I'm sorry. I am psychologically tired. I want to let myself calm down first," she told thejakartapost.com through a text message. Public attorney Aditia Arief Firmanto from the Yogyakarta Legal Aid Foundation, who represented Shinta, said the meeting was not a dialogue but instead was a judgment forum against the transgender Islamic school.

The organizers suffered psychological abuse, he said. "There was no clarification in the meeting. Our clients could not defend against the accusations of alcohol, karaoke and other activities at the Islamic School," Adit said, adding that another lawyer from Legal Aid discreetly attended the meeting and saw Shinta raising her hands to make clarifications, but the moderator of the meeting never gave her the chance. The administration of the Al Fatah Islamic School decided to halt operations following advice from Shinta's family, but not because of the push from the FJI. "The FJI's pressure is not a legal regulation that must be followed," Adit said.

Former Jagalan village chief Sholehudin said Al Fatah had never reported its activities to officials following its establishment in the village in early 2014 after moving from Notoyudan village in Yogyakarta city. "But I have never heard any negative reports on the transgender Islamic school. We would know if there were because village officials hold regular meetings," Sholehudin said, adding that he lives near the school and retired in April last year.

FJI troop commander Darohman expressed gratitude that FJI's objection against Al Fatah was supported by the locals. "The Islamic school may re-open but the transgenders must show repentance," he said.

Homosexuality a mental disorder?

The Jakarta Post, 24-02-2016

The leading Indonesian psychiatric body has classified homosexuality, bisexuality and transgenderism as mental disorders, which it says can be cured through proper treatment.

Indonesian Psychiatrists Association (PDSKJI) member Suzy Yusna Dewi said that most of the time, the aforementioned sexual tendencies were triggered by external factors, such as the influence of a person's social environment, and therefore they could be healed through psychiatric treatment. "We really do care about them. What we are worried about is, if left untreated, such sexual tendencies could become a commonly accepted condition in society," Suzy told thejakartapost.com on Tuesday.

She made comments about the association's recent statement to address rising concerns about the growing prominence of the lesbian, gay, bisexual and transgender (LGBT) community, which has drawn sharp criticism from government and religious leaders.

Referring to Law No.18/2014 on Mental Health and the association's Mental Health and Mental Disorder Diagnostic Guidelines, the PDSKJI categorizes homosexuals and bisexuals as "people with psychiatric problems", while transgender people have "mental disorders". According to this classification, a psychiatric problem is condition in which a person is at risk of developing a mental disorder.

A person with mental disorder will develop physical symptoms and behavior that may affect their welfare and social functioning.

The PDSKJI said that psychiatric problems of homosexuals and bisexuals and mental disorders of transgender people had nothing to do with schizophrenia or other conditions such as intersex, or an anomaly in a person's genetic or chromosomal makeup. Commenting on the issue of homosexuality and bisexuality, Suzy said there was not enough data to support the idea that the conditions were caused by biological factors, adding that limiting inappropriate social interaction could be effective in curbing such abnormal sexual tendencies.

The psychiatrist further said proper interventions were crucial in curing psychiatric problems and mental disorders. She said that a person's sexual appetite was a mental issue similar in nature to drug addiction. "Without constant intervention, a person can easily return to their previous sexual tendency once he or she experiences withdrawal," Suzy said.

She stressed the importance of upholding national values and norms. "We must respect Indonesian traditions, which culturally do not accept same-sex marriage, and we should not bow to the influence of foreign values that may not fit in with our values," said Suzy.

Weekly Update Human Rights in Indonesia – 29-02-2016

On May 17, 1990, the World Health Organization (WHO) removed homosexuality from its list of psychiatric disorders.

In support of WHO's stance, Chatarina Wahyurini of the Indonesia Planned Parenthood Association (PKBI) said her organization recognized the existence of people with different orientations and did not view them as having disorders.

Referring to its stance on issues of sexual orientation and gender identity and expression, Wahyurini said the PKBI called for an end to discrimination of minority groups. She urged the government to take a more serious approach to providing protection and security to every citizen regardless of their sexual orientation or gender identity.

Repeating what was stated in a press statement released by the PKBI on Monday, Wahyurini referred to Indonesia's national ideology, Pancasila, which she said guaranteed and protected diversity. The 1945 Constitution also protects the right of every Indonesian citizen to be protected from any form of discrimination.

Wahyurini said the LGBT community should have equal access to public services and space needed to freely express their identity, participate in dialogue and to contribute to the nation in a positive manner.

Forced evictions

Military involvement in Jakarta red-light-district eviction 'deplorable': Komnas HAM

The Jakarta Post, 29-02-2016

National Commission of Human Rights (Komnas HAM) member Hafidz Abbas has decried the involvement of Indonesian Military (TNI) personnel in the demolition of buildings in the Kalijodo red-light-district in North Jakarta starting on Monday.

He said that he suspected that military personnel had been involved as a show of force against Kalijodo residents who were still resisting the eviction.

"It was previously said that this removal was aimed at maintaining public order in the area. If so, they [city officials] should initiate a dialogue in implementing their plan. But what we can see right now does not give the impression that the Kalijodo eviction has involved a dialogue with residents at all. There's only arrogance," said Hafidz as quoted by kompas.com on Monday.

The commissioner further said that if the city administration was acting in the spirit of reform, it should not involve TNI personnel in any building demolition activities, such as those currently taking place in Kalijodo.

"Eighteen years ago, we agreed that the TNI should not be involved in such activities anymore," he said.

Hafidz went on to say that the Jakarta administration should initiate dialogue with Kalijodo residents who were still holding out in their homes.

Hafidz plans to visit Kalijodo on Monday to help residents who have decided to hold out in the area. "I believe that if they are approached carefully, they will agree to move from their homes," he said.

Separately, Jakarta Legislative Council Deputy Speaker Mohamad Taufik has called on city administration officials to be transparent about the number of families who were still holding out at their homes in Kalijodo on Monday.

"This shows that they [city officials] are not transparent about the data. It's dangerous if they manipulate data in their building demolition plan. Mayors of the impacted areas earlier said there were only one or two families who were still holding out in their homes but according to media reports, there are still 65 families in the location," said Taufik as reported by kompas.com on Monday.

The lawmaker said the Jakarta administration should communicate with all Kalijodo residents who were still the area. "Please talk to them. If they are approached carefully, I'm sure that they will respond in a positive way," said Taufik.

The Jakarta administration said earlier on Monday that it would begin to demolish buildings in the Kalijodo area to transform it into what it was originally zoned as; open green space. A joint team of around 6,000 personnel is reportedly involved in the

Weekly Update Human Rights in Indonesia – 29-02-2016

demolition. The group consists of TNI and National Police personnel and security officers from the Jakarta administration, including the Public Order Agency (Satpol PP).

Land Rights

Negotiating adat

Inside Indonesia, February 2016 by Dean Yulindra Affandi¹

Throughout much of the second half of the twentieth century, the Indonesian government laid claim to exclusive authority over a vast forest estate comprising nearly three-quarters of the nation's terrestrial area. It also claimed control over the ways people could interact with the natural environment. The classification known as kawasan hutan negara (state forest area) was conceived by the colonial government, but was expanded dramatically during the Suharto era. It shifted the locus of authority over forest territories and resources firmly to the central government. Consequently, the state ignored masyarakat adat (customary communities), and the access and management rights that are mediated by their customary laws and traditions.

Adat is the term used in Indonesia to describe this myriad of customary systems. It refers to, among other things, rules, perceptions, moral concepts, forms of agreement, conventions, principles, modes of behaviour, ceremony, the practice of magic, sorcery, and ritual.

The reformasi period brought a groundswell of support for masyarakat adat, enabling them to organise themselves to advocate for recognition of their customary rights and regulatory practices – particularly for the restoration of their hak ulayat (sovereignty over specific areas of land and resources).

On 16 May 2013, Indonesia's Constitutional Court handed down its decision in case number 35/PUU-X/2012 (hereafter referred to as MK 35). It decreed that forest lands occupied by masyarakat adat should not be classified as state forest. The judgment invalidated the government's ownership claim to all the country's forests and their

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resources, a claim based on the 1999 Forestry Law. The decision potentially opens the way for a major reallocation of forests back to the communities who have long occupied and looked after them.

Read the whole article: http://www.insideindonesia.org/negotiating-adat?utm_source=All+Subscribers&utm_campaign=f20fd5f66f-23Feb16_Negotiating+adat%26Review%3A+Jakarta%2CMon+Amour&utm_medium=email&utm_term=0_32cd77f926-f20fd5f66f-295518369

Political developments

Three KPK investigators mistakenly arrested

The Jakarta Globe, 22-02-2016

Three antigraft agency investigators have been released following their mistaken arrest near a Mangga Dua, North Jakarta, shopping mall on Monday.

The Corruption Eradication Commission (KPK) investigators were mistakenly arrested by police on Monday afternoon (22/02), but were released a few hours later after KPK identity cards were found on them.

The investigators have been identified as 48-year-old D and 35-year-olds B.S. and W.G. The trio were arrested in the Harco Mangga Dua shopping center where they had been spying on targets.

KPK Commissioner Laode M. Syarif said the arrests had been made after police spotted a suspicious vehicle, with the three investigators inside, in the area since Friday.

Concerns over terrorism and drugs prompted police to nab the officials, before releasing them after talks with the antigraft agency.

"The urine tests have confirmed to be negative [for drugs], but we are looking to test with other hospital to strengthen the evidence," Laode said during a visit to Berita Satu Media Holdings, Jakarta, on Tuesday.

Laode said the sting operation is unlikely to be successful following the incidence.

Weekly Update Human Rights in Indonesia – 29-02-2016

He reiterated the arrests were made in good faith. Earlier, North Jakarta Police Chief Sr. Comr. Daniel Bolly H. Tifaona confirmed officers had arrested the investigators after suspicions were raised due to their movements. "We did not find any evidence of a criminal act and we released them immediately," he said, adding that it is normal for police to investigate suspicious incidents.

Papua

Pacific solidarity on the rise?

www.humanrightspapua.org, by Dr Budi Hernawan², 25-02-2016

Recently during a public forum on the issue of Papua organised by the Indonesian government think-tank (LIPI) in January 2016, we were drawn to the attention of the Pacific countries towards Papua. While the representatives from the Indonesian government and intelligence treated the issue as marginal, a Golkar parliamentarian, Tantowi Yahya, took the Pacific issue very seriously. He argued that the Papuan movement managed to mobilise support from the Pacific diplomatic fora, particularly the Melanesian Spearhead Group (MSG), the Pacific Island Forum (PIF) and the Pacific Island Development Forum (PIDF), by exposing human rights abuses committed by the Indonesian security forces.

Yahya also outlined the power struggle between the Pacific countries where Fiji and Papua New Guinea play a double standard towards Indonesia. On the one hand, they continue to secure their own national interests but maintaining their alliance with Indonesia but on the other hand, they give a leeway for the Papuan representatives, the ULMWP, to operate freely in the region. Therefore, Yahya urged the government to act more decisively in combating the growing support for Papua in the Pacific. Yahya is not wrong.

In comparison to the active Pacific diplomacy on the issue of decolonisation of New Caledonia or French Polynesia, we heard very little of the engagement of the Pacific diplomacy with Papua for many years. It was only Vanuatu which consistently supported the Papuan political aspiration for self-determination and brought Papuan freedom

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fighters together. For instance, in July 1977 Vanuatu facilitated the reconciliation process between two leaders of Papuan freedom fighters: Jacob Prai and Seth Rumkorem under the so-called "Villa Declaration". In 2008, Vanuatu played an instrumental role in supporting the establishment of the West Papua National Coalition for Liberation (WPNC), an umbrella for the Papuan armed groups.

In the last three years, the role of Vanuatu in unifying Papuan political factions remains central. During the 19th MSG Summit in Port Vila, Vanuatu was the only member state, which fully supported the Papuans' bid for the MSG membership. Despite Papua's failure to secure the bid of the MSG membership, Vanuatu remained committed to unify Papuans. As a result in December 2014, it made a breakthrough when the three major Papuans signed an agreement in Salarana, Vanuatu, to establish a new umbrella organisation, namely the United Liberation Movement for West Papua (ULMWP). The three major organisations, including WPNC, Federal Republic of West Papua (NFRPB), and the National Parliament of Papuan People, were committed to the Saralana Agreement to work together under Secretary General Octo Mote.

The persistence of Vanuatu permeates the Melanesian countries which then explicitly expressed their support to Papua's self-determination. In the 19th MSG communiqué we will find phrases like 'the inalienable rights of the people of West Papua towards self-determination' and 'human rights violations and other forms of atrocities relating to the West Papuan people'. These wordings were unprecedented given the long silence of the MSG over the case of Papua. During the 20th MSG summit the support for Papua was translated into the approval of the MSG leaders to grant observer status to ULMWP. The decision not only has given Papuans a formal status within the MSG, which was unthinkable before, but more importantly, has created a space for dialogue between Papuans and the Indonesian government. The latter constituted another breakthrough that the Pacific diplomacy achieved.

The Pacific diplomacy did not stop there. Through the PIF, the Pacific countries decided to send a fact-finding mission to Jakarta and Papua whereas the Chair of MSG extended its invitation to the government of Indonesia and ULWP to be a mediator of their dialogue early this year. The Indonesia's response, however, is rather predictable. Just as France strongly opposed any international hand intervening French Polynesia, so too does Indonesia resist any international gesture towards Papua since it has been perceived as undermining Indonesia's sovereignty. Instead, the Indonesian government continues its

Weekly Update Human Rights in Indonesia – 29-02-2016

program to mobilise Indonesian Melanesian as an antithesis to ULMWP. The Indonesian government argues that there are five provinces in Indonesia that anthropologically belong to the Melanesian. So Papuans are not the only ones.

Perhaps Yahya is right in identifying the rise of the Pacific diplomacy on Papua. But he might miss the fact that the concerns of the Pacific countries over the issues of self-determination and decolonisation were already cemented by the establishment of the South Pacific Forum in 1971. Since then the Pacific countries have actively promoted self-determination and decolonisation as their core values. Although they maintain their diplomatic silence when it comes to the US territories, they have actively engaged with New Caledonia, Bougainville, and French Polynesia, long before Papua.

Papua roadmap revitalized

Update Papua Roadmap - New LIPI Press Release, 09-02-2016

In 2009, the assessment team for Papua of the Indonesian Institute of Sciences (LIPI Papua Team) has published the book Papua Road Map as the result of the team's studies since 2004. Subsequently, at the beginning of 2010, the LIPI Papua Team in cooperation with the Papua Peace Network (JDP) started carrying out public consultations in 26 districts and organized 6 exploratory meetings with the goal to facilitate the peace building process and reconciliation through dialogue. The exploratory meetings, which were attended by parliament members, government representatives and civil society figures, took place in Jimbaran (Bali), Manado, Lombok, Yogyakarta, Semarang and Jakarta.

During the first meeting in Bali, the participants examined various issues and problems, which have so far become the source for the tensions, suspicion and the 'communication impasse' between Jakarta and Papua, and agreed that a similar follow up meeting should be carried out. At the follow-up meeting in Manado participants discussed three aspects of the Papua conflict: (1) politics, security, and human rights, (2) socioeconomic aspects, and (3) sociocultural aspects. These three topics were explored in detail during the meeting in Lombok, and compiled as indicators for Papua as a Land of Peace. The next meetings were held in Yogyakarta and Semarang with the aim to discuss an action plan and identify the actors/ institutions, having the authority for its implementation. The 6th exploratory meeting in Jakarta came to the conclusion that there should be a sectoral dialogue for an implementation of the follow-up action plan by related Ministries/ Agencies.

Based on the results of the exploratory meetings one to five, the team compiled eleven recommendations, which have also been shared with President Jokowi. Two of these recommendations have been adopted as government policies in 2015, namely the granting of amnesty for political prisoners and free access for international journalists to Papua. These policies show the president's political commitment to seek a solution for the Papua conflict, even though the interpretation of these policies in Papua and amongst government agencies is still divers.

The governments commitment to seek a peaceful solution is obstructed by the increase of violence in Papua, particularly after the Tolikara incident in July 2015. National and local media has reported 12 cases of violence during the past 3 months. The cases of violence range from abductions, shootings, arrests, killings by state security forces as well as civil society actors in various regions in Papua and Papua Barat. The escalation of violence in Papua seemed to have increased with the regionalisation of the Papua conflict, the situation prior to the direct regional elections in December 2015, and the establishment of the new military base in Manokwari (KODAM). Facing the current potential for the increase of violence in Papua, immediate measures should be taken to stop and prevent the violence. These steps should not only consider short term interests, but also support the peace process towards a peaceful reconciliation in Papua.

The resolution of the Papua conflict undoubtedly won't be achieved if the escalation of violence in Papua continues. The Indonesian government should therefore begin with the dialogue process in order to build a peaceful Papua. Broadly speaking, the dialogue approach towards a peaceful Papua should be implemented in several stages, like a sectoral dialogue (related to the acceleration of development in various fields in Papua), an internal dialogue (between Papuan civil society and the regional government), a political dialogue (between the government and Papuan civil society to seek a solution for political, security-, law- and human rights-related problems, and build trust between Jakarta and Papua). The dialogue approach's goal is the support and strengthening of the unity and integrity of Indonesia.