

Impunity

Truth and reconciliation in Aceh

KontraS press release, 02-12-2013

KontraS has published a comprehensive list of input in the process of establishing a Truth and Reconciliation Commission (KKR) in Aceh.

Some of the issues they refer to:

- The victims have not had enough opportunity to influence the law on a KKR;
- There is insufficient space for relatives of the victims of enforced disappearances to realize their right to the truth;
- The period to be covered by the KKR should be from 1976 till 2005;
- The members of the KKR should be trustworthy, independent and experienced; at a minimum of 9 persons, considering the workload, with sufficient female members;
- There is a need to establish a watchdog commission monitoring the effectiveness and timeliness of the realization of the KKR's recommendations, especially when advising to establish a human rights court;
- The cooperation with a body regarding the right to compensation should be clear and accountable;
- The KKR should have the authority to enforce the presence of perpetrators in the reconciliation process;

In total 20 points have been submitted in the press release that was co-signed by 17 organisations of victims.

Further reading:

http://www.kontras.org/index.php?hal=siaran_per_s&id=1823

The death of a journalist, 1996: Acquitted defendant to sue Yogya Police

The Jakarta Post, November 28 2013

Dwi Sumadji, alias Iwik, who was acquitted of any involvement in the murder of Bernas daily journalist Fuad Muhammad Syafruddin, known as Udin, which took place 17 years ago, has threatened to sue the Yogyakarta Police for continuing to consider him a suspect in the case.

"I am mad because the police still believe that I murdered Udin," Iwik told a pre-trial hearing on Wednesday at the Sleman District Court, which had been convened at the request of the Yogyakarta branch of the Indonesian Journalists Association (PWI).

The PWI requested the hearing because the Yogyakarta Police were perceived to have secretly and unilaterally terminated the investigation into the case. Six witnesses were presented by the PWI's team of lawyers at Wednesday's hearing. They comprised Iwik's lawyer, Triyandi Mulkan; Udin's widow, Marsiyem; PWI Yogyakarta member Hudono; former PWI Yogyakarta chairman Octo Lampito, and a former member of the PWI's fact-finding team into Udin's murder, Asril Sutan Marajo.

An official letter sent by the Yogyakarta Police to the Indonesian Ombudsman (ORI) in February 2013 showed that the police still believed Iwik was the prime suspect in Udin's killing.

Udin was beaten by a person or persons unknown on Aug. 13, 1996, at his home in Bantul. He did not regain consciousness and died three days later at the Yogyakarta Bethesda Hospital.

The police named Iwik a suspect in the case, alleging that he had murdered Udin over an extramarital affair between Udin and Iwik's wife,

Sunarti. Iwik was later tried at the Bantul District Court but acquitted on Nov. 27, 1997, due to a lack of evidence.

Presiding judge Asep Koswara said the hearing would be adjourned until Thursday to hear from the PWI Yogyakarta branch and the Yogyakarta Police.

Culture of impunity thrives in 'democratic' Indonesia

Endy Bayuni, The Jakarta Post, November 23 2013

Today [23-11-2013] is International Day to End Impunity, an issue relevant to Indonesia but sadly one the nation appears to be ignoring, at its peril. If Indonesia is struggling in its march toward democracy, perhaps the question of impunity should be explored.

This is not one of those international days launched by the United Nations, but rather the initiative of a handful of advocacy groups for freedom of expression under the Canadian-based IFEX. Maybe that's why the message failed to register in Indonesia.

There are several reasons why everyone concerned with freedom of expression should join with the rest of the world in marking Nov. 23 as International Day to End Impunity.

The relevance of the message is much closer to home than many of us assume.

For one it marks the 2009 massacre of 58 people, including 32 journalists and media workers in Maguindanao in the Philippines, for which not a single person to date has been brought to justice.

Since 2011, IFEX and all its network organizations have used Nov. 23 to call for an end to impunity, including the culture of impunity, all over the world.

IFEX says more than 500 journalists have been killed in the last 10 years, and that in nine out of 10 cases, the murderers have gone free. "Murder is the ultimate form of censorship, and media are undoubtedly on the frontline of free expression," states the IFEX campaign website daytoendimpunity.org.

The day is not dedicated solely to journalists who lost their lives but everyone — ordinary citizens, artists, bloggers and musicians — who died fighting for their basic human rights to express themselves and those who were harassed, threatened, tortured, intimidated and jailed.

Indonesia is no stranger to the culture of impunity, even today, one is almost tempted to call it its middle name, the Republic of Impunity Indonesia.

Journalism in Indonesia has had its share of martyrs who died fighting, and yes, the majority of the murderers got away.

Further reading:

<http://www.thejakartapost.com/news/2013/11/23/commentary-culture-impunity-thrives-democratic-indonesia.html>

Freedom of Religion

Religious intolerance in Indonesia officially goes up a notch

Endy Bayuni, The Jakarta Post, December 02 2013

Brace yourself to see more discrimination and persecution of religious minorities in Indonesia, after the House of Representatives formally re-endorsed a law limiting the number of religions recognized by the state to only six.

While this policy has been in place since the 1950s, last week's amendment of the 2004 Civil

Weekly Update Human Rights in Indonesia – 02-12-2013

Administration Law takes place at a time when religious intolerance is on the rise.

Article 64 of the law retains the requirement that religious affiliation be declared on your ID card. The choice is between Islam, Christianity, Roman Catholicism, Hinduism, Buddhism or Confucianism. Otherwise, you can state “other”.

This policy has been the source of institutionalized discrimination against people whose faiths fall outside the six recognized religions. In recent years, these discriminatory practices have moved up a notch to outright persecution against many religious minorities.

The deliberation of the civil administration bill provided Indonesia with a golden opportunity to amend one of the biggest anomalies in the nation’s life since its founding: The lack of freedom of religion fully guaranteed by Article 28 of the 1945 Constitution.

This has also been a dark spot in Indonesia’s march toward democracy. Removing Article 64 would have done the trick.

Sadly, no faction in the House took the opportunity to eliminate this institutionalized discrimination, even when it was clearly in contravention to the spirit of the Constitution, democracy and the nation’s long held motto *Bhinneka Tunggal Ika* (Unity in Diversity).

Further reading:

<http://www.thejakartapost.com/news/2013/12/02/commentary-religious-intolerance-indonesia-officially-goes-a-notch.html>

Police accountability

Jihadists responsible for police shootings

The Jakarta Post, November 30 2013

National Police chief Gen. Sutarman said on Friday that members of the West Indonesia Mujahideen were responsible for the fatal attacks on police officers earlier this year.

The police chief said that YY, the terror suspect arrested by officers from the force’s Densus 88 counterterrorism squad and the Jakarta Police on Monday, was a known member of the group. “He is linked to a number of shootings in Cirendeu, Ciputat and Pondok Aren,” he told reporters as quoted by Antara news agency.

Sutarman was referring to the shooting incidents in three districts in South Jakarta and South Tangerang that killed four police officers in July and August.

The West Indonesia Mujahideen was also responsible for armed robberies across Sumatra, Java and Bali as well as terror acts led by Santoso, a fugitive and leader of the East Indonesia Mujahideen.

Sutarman, who replaced Gen. Timur Pradopo last month, had pledged to solve the shooting incidents following his installment as the new police chief.

He previously said that the police had made a number of arrests during their investigation into the shootings, but stopped short of confirming if those arrested were suspected terrorists.

Some of them were charged with making and supplying the firearms believed to have been used in the attacks. According to the investigating officers, the men clandestinely operated an illegal weapons factory in Cipacing, Sumedang, West Java.

YY is believed to have launched an attack on two police officers in Bekasi, West Java, last year.

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Weekly Update Human Rights in Indonesia – 02-12-2013

National Police spokesman Insp. Gen. Ronny F. Sompie, said YY had been arrested at a house in Cipinang, East Jakarta, on Nov. 21. It is believed that YY and five accomplices were involved in the attack on two patrol officers, Brig. Ery Sasongko and Brig. Jaka, in a commercial area of Bekasi at dawn on May 25, 2012.

Ery initially approached the group, suspecting they were criminals, when one of the men opened fire on the officers.

After missing their targets, the gang then chased and assaulted Jaka with machetes. As Jaka tried to flee he was run down by two of the gang members on motorbikes. Both officers survived the attack.

This year's shooting incidents came amid growing criticism that Densus 88 officers had committed extra-judicial killings and tortured terror suspects. Such an approach, critics said, only fueled extremism and hatred against the force.

On July 27, an officer identified as First. Insp. Patah Saktiyono was shot dead while riding a motorcycle on Jl. Cirende Raya. A week later, another policeman, First. Insp. Dwiyatna, was shot dead in the early hours of the morning near the Sari Asih Hospital in Ciputat.

On Aug. 16, two Pondok Aren police officers, Second Brig. Maulana and Adj. Second Insp. Kus Hendratma, were shot dead by two unidentified assailants riding a motorbike on Jl. Graha Raya in Pondok Aren, South Tangerang, Banten.

The latest fatal shooting incident took place on Sept. 10, when four unidentified gunmen shot dead Chief Brig. Sukardi, an internal affairs officer with the National Police's Water and Air Police (Polairud), in front of the Corruption Eradication Commission (KPK) in South Jakarta.

At the time, Sukardi was escorting a convoy of trucks carrying elevator parts from Tanjung Priok

Port in North Jakarta to a construction site in Central Jakarta.

Initially, the police treated the shootings as cases of premeditated murder as they could not find hard evidence to suggest that they were perpetrated by a terror group.

Indonesia Police Watch (IPW) chair Neta S. Pane said that commercial rivalry could perhaps lie behind the murder of Sukardi, as it took place in the heart of the city.

He said the police needed to look into the possibility that the killing may have been related to the "security and escorting business involving competition between some police officers and criminal gangs".

Death Penalty

ADPAN condemns the secret execution of Muhammad Abdul Hafeez, the 5th execution this year

Press release ADPAN, 25-11-2013

ADPAN [Anti-Death Penalty Asia Network] condemns the execution of Muhammad Abdul Hafeez, a 44-year-old Pakistani national on 17 November. The execution was carried out in secret bringing the number of executions carried out this year to five. Reports indicate that neither family members nor legal representatives were informed in advance of these executions.

Muhammas Abdul Hafeez was arrested at the Soekarno-Hatta International Airport on 26 June 2001 for allegedly smuggling 900 grams of heroin into Indonesia and sentenced to death on 28 November 2001.

After four years, executions resumed in Indonesia in 2012. This resumption is a regressive step at a

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Weekly Update Human Rights in Indonesia – 02-12-2013

time when the world is turning away from executions. There are fears that another five may be at imminent risk of execution.

At least 130 people are under sentence of death in Indonesia.

ADPAN has on-going concerns around unfair trials in capital cases in Indonesia. The execution of drug offenders breaches international law which restricts the use of the death penalty to only the “most serious crimes”. Any execution of a foreign national also goes against the Indonesian government’s effort to seek clemency for its own nationals sentenced to death in other countries.

ADPAN works to end death penalty across Asia-Pacific and has members in 28 countries mainly from Asia including Indonesia.

ADPAN calls the Indonesia government to stop all further executions, to introduce a moratorium and pending abolition, to ensure full compliance with international legal standards restricting the use of the death penalty to the “most serious crimes”.

ADPAN Member organizations in Indonesia:

- Imparsial
- Commission for “the Disappeared” and Victims of Violence (KontraS)
- Lembaga Bantuan Hukum Masyarakat (LBH Masyarakat)

State Institutions

Ombudsman deputy chief faces dismissal

The Jakarta Post, November 30 2013

The Ombudsman ethics council recommended in Jakarta on Friday the permanent dismissal of Ombudsman Commission deputy chief Azlaini Agus for assaulting an airport worker last October.

“The ethics council recommends the heaviest sanction of permanent dismissal for Azlaini Agus along with other possible sanctions,” Masdar Farid Mas’udi, head of the council, said as quoted by tribunnews.com.

According to Masdar, after a one-month evaluation of Azlaini’s actions, the ethics council concluded that Azlaini had violated the basic rules of Ombudsman ethics and was no longer fit to meet the requirements of being a member of the Ombudsman in line with Article 13 of Ombudsman Regulation No. 7/2011.

“Azlaini’s actions have become an integral part of her character. The ethics council believes similar physical and verbal violence could appear at any time from her,” he said.

The Ombudsman had previously suspended Azlaini over the allegation she assaulted a member of ground staff at an airport in Pekanbaru, Riau.

Azlaini was accused of slapping the worker when she was about to board an aircraft to Medan, North Sumatra, from Sultan Syarif Kasim II Airport in Pekanbaru.

Regional News

Weak, therefore violent: the Mujahedin of Western Indonesia

(IPAC, Jakarta, 2 December 2013)

The weakness of Indonesian extremists today may be propelling them toward violence as the lack of training, experience or religious credentials leaves attacks as the only way to gain legitimacy.

IPAC’s latest report, *Weak, Therefore Violent: The Mujahedin of Western Indonesia*, is a case study of how a single network kept splintering as its members looked for action even as their capacity declined.

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Weekly Update Human Rights in Indonesia – 02-12-2013

“Weak groups need to prove themselves,” says Sidney Jones, IPAC director. “This may explain why we have more terrorist plots today than in the past, even if most of them fail.”

IPAC notes that while the general incompetence of would-be terrorists is good news for Indonesia and the region, there is still cause for concern. Many groups decimated by arrests come back in new forms. Their resilience and a seemingly inexhaustible supply of recruits mean that they may provide the seeds of a more dangerous movement if domestic or international circumstances change – for example, with Indonesian jihadis returning from Syria.

While most extremists operating in Indonesia today are focused on local targets and resemble petty criminals more than serious terrorists, the death of an Indonesian fighter in Syria last week and the attention his “martyrdom” has received on radical websites underscore how easily this could change.

Further reading:

<http://www.understandingconflict.org/conflict/read/21/Weak-Therefore-Violent-The-Mujahidin-of-Western-Indonesia>

Papua

Separatist Killed in Lead-Up to OPM Anniversary

The Jakarta Globe, 30-11-2013

A day before the 48th anniversary of the Free Papua Movement (OPM), an outlawed militant separatist organization, a member of the group was killed in an exchange of gunfire between fighters and police in Papua’s Jayapura district.

Brig. Gen. Paulus Waterpauw, Papua’s deputy police chief, told state-run Antara news agency

that officers were “still at the site” and that the identity of the slain militant remained unknown.

A policeman was shot in the hand during the incident and was in stable condition, Paulus said.

The officers, members of the Police Mobile Brigade (Brimob), were on patrol when the separatists opened fire.

The Indonesian military (TNI) has increased its presence in the province in the past decade.

Earlier this week, TNI soldier First Sgt. Wandu Ahmad was shot and injured severely while walking in Illu market, in Papua’s Puncak Jaya district.

Col. Lismar Lumban Siantar, a TNI spokesman, said that Wandu was shot in the face by an unidentified assailant who fled into the forest.

On Friday, the National Police said that they had temporarily increased their forces in Papua by 100 officers to anticipate the OPM’s anniversary, but said that there was no urgent threat.

Gen. Sutarman, the National Police chief, told the Jakarta Globe on Thursday that he would pay special attention to restive Papua.

“We should solve violence in Papua with a humane approach,” he said.

Despite these soft words, he said police would have zero tolerance for displays of the Morning Star flag — a symbol of Papuan separatism.

Investigate ill-treatment of protesters and intimidation of journalists in Papua

Amnesty International, 28-11-2013

Amnesty International is concerned about allegations that police ill-treated protesters

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Weekly Update Human Rights in Indonesia – 02-12-2013

involved in a pro-independence protest in Papua as well as intimidated journalists who were covering it.

On 26 November, police arrested at least 28 political activists including three women who participated in a pro-independence protest in Waena, Jayapura organized by the West Papua National Committee (Komite Nasional Papua Barat, KNPB). According to a human rights lawyer who saw them in detention at the Jayapura City police station, there were indications that they had been beaten after they were arrested. Some of the detainees had bruises or swelling on their mouth, eyes, forehead and body. At least 12 people are still in police custody.

The authorities must ensure that all those who are detained have access to lawyers of their choosing and that those who are suffering injuries have immediate access to medical treatment. The authorities must also ensure a prompt, thorough, and effective investigation into the allegations of ill-treatment by the police and ensure that those suspected of involvement, including persons with command responsibility, are prosecuted in proceedings which meet international standards of fairness. Victims should also be provided with reparations.

Amnesty International continues to receive credible reports of human rights violations committed by the security forces in the provinces of Papua and West Papua, including torture and other ill-treatment, unnecessary and excessive use of force and firearms and possible unlawful killings. Investigations into such reports are rare and only few perpetrators have been brought to justice. The lack of accountability and the failure to criminalize acts of torture in the Criminal Code contributes to this culture of impunity.

Our organization is also concerned that the Jayapura City police personnel reportedly intimidated at least three journalists while they

were covering the KNPB protest in Jayapura. Police personnel approached them and hit one of the journalists in the head. Police also attempted to grab their cameras and told them to leave the area. One of the journalists was intimidated by the police to delete photos he had taken of the protest.

Journalists play a crucial role in exposing human rights violations and abuses, especially in Papua where authorities restrict access to international observers, including human rights organizations and journalists. Harassment, intimidation and attacks against journalists and human rights defenders can have a chilling effect, and can contribute to a climate of impunity.

Amnesty International calls on the authorities to investigate all allegations of attacks, intimidation and harassment of journalists in Papua and ensure they – and others – are not obstructed from conducting their legitimate work.

Amnesty International does not take a position on the political status of Papua, or any other province of Indonesia. However, people in Papua and elsewhere in Indonesia should be able to peacefully express their views free from harassment, threats and the fear of criminalization. Our organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or any other political solutions that do not involve incitement to discrimination, hostility or violence.

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