

Impunity

Towards 50 years of the 1965 Mass Killings: Efforts to Destroy the Anti-Communist Sentiment Again

By Wijaya Herlambang, December 2014



Many conservatives, particularly those in rural areas, still view the idea of reconciliation and exposing the communist purge of 1965 as something that needs to be obstructed. Next year, in September 2015, it will be 50 years since the Indonesian people went through the nightmare of mass killings committed by General Soeharto and his henchmen in 1965-66. Activists, academics, victims' families and community leaders who care about this bloodbath cannot just sit still. This matter has to be exposed all the way to its roots.

For this purpose, the International People's Tribunal on Crime Against Humanity in Indonesia 1965 will be launched as a social movement to demand justice, and inform the public – particularly the Indonesian people – about the largest human rights violation the country has ever seen.

In order to commemorate half a century of this tragedy, IPT plans to organise a number of campaign programmes. It will also produce a number of publications which support this social movement. So far, many have shown willingness to support IPT. Activists, writers, artists and academics from Indonesia and abroad have endorsed IPT's plans. Community and religious leaders, and key institutions such as Komnas HAM (Indonesian Commission for Human Rights), have also voiced their support.



YPKP Mass Grave and Burial crew

Even recently elected President Joko Widodo, during his election campaign earlier this year, has promised to resolve past human rights abuses. He has put

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this forward as one of his campaign platforms. This is certainly a positive development to accelerate the paradigm shift of the 1965 killings, and the anti-communist discourse inherited from the New Order regime.

However, IPT's efforts are anything but easy. Similar to past endeavours done in connection to the rights violations of 1965, IPT's activities also carry risks: from difficulties in consolidating to the danger of intimidation from many sides. This all has to be carefully kept in mind, as the anti-communist sentiment amidst the Indonesian society is still very strong.

Read the whole article: <http://1965tribunal.org/towards-50-years-of-the-1965-mass-killings-2/>

Freedom of Religion

Report of the Wahid Institute

Kompas, 30-12-2014

The resoluteness by the government is very decisive in the realisation of the freedom of religion and conviction for the Indonesian people. If the government just let things go by, violations in this field will continue to occur. This is the statement by the director of the Wahid Institute, Zannuba Arifah Chafsoh Wahid, usually called Yenny Wahid, when she presented the end-of-year report: "The Freedom of Religion, Conviction and Intolerance 2014". "The resoluteness of the government has a direct impact on the situation of these freedoms," she said.

According to Yenny Wahid, in 2014 the number of violations of the freedom of religion, and subsequent intolerance was 154 incidents, a decrease of 40%

compared to 2013, when it reached a number of 245 incidents. The cases were spread over 18 provinces, among them West Java (55 cases), Daerah Istimewa Yogyakarta (21), North Sumatra (18), DKI Jakarta (14), Central Java (10), and South Sulawesi (10).

Death Penalty

Executions of death penalties

Kompas, 30-12-2014

JAKARTA, KOMPAS — The execution of the death penalties that was expected in December 2014, is possibly delayed. Still, the date had been pinned down in 2014 for two murderers on death row in Nusakambangan, Cilacap, Central Java.

"Initially we would carry out the death penalty of a number of them, but there were some obstacles to do that. For sure we will not delay anymore when all legal aspects have been fulfilled," said the Attorney General HM Prasetyo.

Earlier the Attorney General's Office had announced it would carry out five executions before the end of the year. These five were all Indonesian nationals, three convicted of drug related crimes and two for murder. Mid December a sixth person was added and the division to nationality changed into four Indonesians and two foreigners.

The change of plans is caused by the requests that have been submitted for review (peninjauan kembali or PK) of their cases. Prasetyo appreciates the judgment of the Supreme Court that stressed that a request for PK can only be submitted twice. "This is a step forward, but it is not sufficient. The time limits for

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a submission of a request for PK must be regulated. Otherwise it may cause obstacles for the execution of the death penalty,” said Prasetyo.

He gave the example of clemency for which the submission of a request is now limited in time. In accordance with Law 5/2010 a request for clemency can only be submitted once, and is limited to one year after the sentence in last instance has been passed. “So when a year has passed, it may (sic) mean that the person involved cannot anymore use this right. With the review there is no time limit, it depends on whether there is new evidence. Therefore, it is necessary to include a regulation in the law regarding the time,” he said.

The human rights organization Imparsial has made an urgent appeal to President Joko Widodo to reconsider and commute the 64 death sentences that have been pronounced. The president is hoped to be so courageous as to stop the practice of death penalties and change them in a life sentence.

The programme director of Imparsial, Al Araf, said that he estimates a hurried decision by the president to refuse clemency, is not wise and not careful. The president should also not consider all inmates on deathrow as similar cases, especially those sentenced for drug related crimes. The president should consider the cases of their specific aspects and weigh the values of justice and humanity.

A similar suggestion came from the Supreme Court Judge Gayus Lumbuun. According to him, the general clarification of the law 3/2010 on clemency aims at clemency by the president on grounds of humanity and the most appropriate and wise sentence. Each request for clemency must be studied in depth and not be refused routinely. “There should be no at random decision to say yes or no to such a request. This state has the rule of law, there is a legally founded

administration. All decisions should be thoroughly considered and be clarified with argumentations,” said Gayus.

Jokowi’s Harsh Stance on Drugs Neglects Some Inconvenient Truths

The Jakarta Globe, 31-12-2014, by Johannes Nugroho

In a widely-publicized speech, President Joko Widodo said he would refuse to grant clemency to any of the 64 prisoners currently on the death row for drug trafficking. As if to make the strength of his position known, he even visited leading members of the country’s largest Muslim organization, Nahdlatul Ulama, for support on the issue.

While the president’s tough stance has mostly been greeted with public approval, it reeks more of rhetoric than actual substance. As often with public policies in Indonesia, the recent trumpet of war against drug abuse sounds very patriotic but diverts our attention from the fundamentals of an issue.

The death sentence for major drug traffickers has been around for more than a decade in Indonesia, along with other harsh-sounding measures, yet the number of drug users in the country is consistently on the increase. The trend supports the idea that harsh punishments for drug trafficking fail to deter drug abuse per se.

The Bureau for International Narcotics and Law Enforcement Affairs of the United States Department of State reported in 2012 that the estimate for the number of drug users in Indonesia stood at 4.1 million, or 1.6 percent of the population, a sizeable jump from the 2009 figure of 500,000.

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It is highly doubtful whether any harsher punitive action against both drug dealers and users could generate a meaningful decrease in the number of drug offenders in the country, unless the government is prepared to acknowledge and act upon a few salient points.

First, to send more drug offenders to the firing squads will do very little to help the fight against drug trafficking. In a country where the police force is less than clean and is susceptible to bribery, harsh sentences could only give more leverage to the authorities to extort more money from offenders.

The corrupt nature of our law enforcers should not be underestimated. In a report by the Jakarta Globe on April, 4, 2011, it was revealed officers at a high-security prison were caught using methamphetamine while on duty. Further, leaked US diplomatic cables by Wikileaks allude to the involvement of Indonesian military commanders stationed in West Papua in drug smuggling from Indonesia to Papua New Guinea.

So if the government is serious about tackling the country's drug problem, it should purge the police and the armed forces of any drug cabal first. Dispensing draconian sentences to drug dealers and users, while going soft on the illegal involvement of officials, is nothing short of being misguided.

Second, severe legal consequences for drug traffickers will also push up drug prices in Indonesia as it becomes more risky to peddle drugs in the country.

The policy is inept because it fails to take into account that drug users are victims rather than criminals. Ultimately, harsher drug policies will enable drug lords and peddlers to make more money from their illegal trade, while at the same time making the Indonesian drug market more lucrative than ever.

Third, illicit drug use is an unavoidable by-product of any nation on the economic rise. Indonesia's own economic progress has produced a bigger middle class but with it comes also the widening gap between the rich and the poor. The country's Gini coefficient rose from 0.37 in 2012 to 0.41 the following year, indicating increased concentration of wealth at the top with very little trickling down.

So, broadly speaking, any policy to combat drugs must incorporate initiatives that aim to reduce displacement effects on the microeconomic level that usually accompany macroeconomic growth. The creation of a more humane society will no doubt reduce the stress level of many Indonesians, a major trigger factor in the recreational use of drugs.

Fourth, the government should maintain a campaign through the media and other means to instill the idea that drug users are victims rather than criminals and hence deserve compassion. The stigma that is attached to drug users is still so strong in the country that they are often ostracized by their own families following the discovery of their drug taking.

A compassionate attitude towards drug users is particularly important in the health industry. The social stigma of drug users alone is enough to discourage most from seeking medical treatment. A prejudiced health industry against them can only aggravate matters.

The president's affirmation of the death penalty for drug traffickers as a form of deterrent cannot be further from what the facts and figures tell us. His enlisting the support of NU is perhaps indicative of his personal aversion to drug abuse. By turning to religious figures, he may just be able to repel opposition against harsh measures against drug offenders. It is true that a healthy society should be able to keep drug taking at bay. But drug abuse is essentially a medical condition, not

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a religious issue. In asking for a religious fatwa on the matter, Jokowi may even end up diminishing the hopes for a more humane approach to Indonesia's drug problem.

Political developments

Jokowi responds to the Air Asia plane crash

The Jakarta Globe, 31-12-2014, by William Pesek, Bloomberg¹

In his run for presidency this year, Joko Widodo pledged to bring greater openness and accountability to Indonesia. As his administration faces its first international crisis, the mysterious crash of an AirAsia jet, he's proving to be a man of his word.

You can tell a lot about a nation from its response to great tragedy, whether it's Japan's 2011 Fukushima crisis, Malaysia's lost Boeing 777 in March or South Korea's deadly ferry accident in April. So far, Joko has performed admirably.

Since news broke on Sunday that an Airbus A320 flying from Surabaya, Indonesia, to Singapore vanished with 162 people on board, Joko has coordinated search-and-rescue efforts, demanded a review of air safety regulations and called on weather agencies to provide timelier information. His government is giving steady updates, and Joko has sought help from Singapore, Malaysia, South Korea, Australia and, remarkably, China and the US in finding Flight QZ8501.

¹ William Pesek is a Bloomberg View columnist based in Tokyo and writes on economics, markets and politics throughout the Asia-Pacific region.

In contrast, last spring, Malaysia was widely criticized for the secrecy and paranoia that surrounded its search for a Malaysia Airlines flight that disappeared with 239 people aboard. Welcoming US and Chinese military ships into Indonesia's orbit speaks to Joko's confidence as a leader.

Let's hope this is a harbinger of future competence. Joko is the fifth president since dictator Suharto was ousted in 1998 but the first true political outsider to run Southeast Asia's biggest economy. Because he's not a member of a dynastic family or the military, he isn't beholden to vested interests looking to siphon the benefits of Indonesia's 5 percent growth. That gives him latitude to dismantle the kleptocracy that Suharto built during his 32-year reign and raise Indonesia's competitiveness.

As governor of Jakarta, starting in 2012, Joko brought a surprising level of transparency. He moved budget procurement and tax collection processes online. He's now working to make national government services electronic to reduce opportunities for graft and improve efficiency. Opening up the process of granting licenses for developing infrastructure, mines and plantations alone would do much to clean up the nation's political and business climate.

Indonesia's aviation industry also has long cried out for greater oversight. Its carriers, air traffic controllers and the skies around the archipelago of 250 million people are notorious for their regulatory laxity. As recently as 2009, state carrier Garuda was banned from European Union airspace. That laxity is a product of decades of cronyism and institutional neglect.

Papua

Joko Widodo visits Papua

Kompas, 30-12-2014

The Papuan society leaders have asked President Joko Widodo to give special attention to the implementation of the Special Autonomy Legislation in Papua. They hope that the budgets that are devoted annually to the development of Papua, will really be used for the sake of Papuan people. Until now it is not clear whether the money comes where it is intended for.



Presiden Joko Widodo visiting the city of Sorong, Papua Barat, last monday (29/12), and meeting with fishermen in Kelurahan Malawei, Distrik Sorong Manoi. In response to the fishermen's requests, he offered a contribution in the form of motors for their fishing boats.

"On behalf of all our people we ask the President to guarantee that those budgets (decided upon 12 years ago) will be used for the schools of our children and the health of our families" said Rudolf Yusuf Paringsi, member of the Forum Komunikasi Antarkepala Suku Papua (Inter-ethnic Papua Leaders Communication Forum, in his dialogue with President Jokowi, last Monday in Sorong, West Papua.

The president concluded his three-day tour in the two provinces of Papua and West Papua with a statement that the mountainous area needs special attention: "Within two weeks I will invite all district heads to discuss how to overcome the arrears of development here. I will ask them what priorities have to be identified like education and healthcare, and how the funding will come where it is intended to meet the needs."

Investigating the Paniai killings

The Jakarta Globe, 30-12-2014

A total of 53 people are being questioned over the fatal shootings of at least five young civilians by security forces in Papua earlier this month, police say, but there are doubts about the credibility and impartiality of the investigation. Papua Police spokesman Adj. Sen. Cmr. Patridge Renwarin said the witnesses included civilians, members of the Indonesian Armed Forces (TNI) and police. He told Antara news agency that the National Police were questioning their officers and the TNI was conducting its own investigation into possible involvement of its soldiers.

The announcement comes just days after President Joko Widodo told a crowd in Papua that the civilian killings were deplorable and he wanted the case solved immediately.

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Security forces opened fire on about 800 peaceful demonstrators, including women and children in Enarotali in Paniai district on Dec. 8. Five protesters were killed and at least 17 others — including elementary school students — were injured, according to a report from Human Rights Watch. Local media reported another died of gunshot wounds on Dec. 10.

Patridge said no suspects had been named and police had not figured out who was behind the shootings. A key part of the investigation seems to revolve around a bullet fragment found at the scene.

“We have to wait for the bullet fragment to be examined,” he said “the whole investigation depends on the result.”

Victims and activists have said the incident was prompted with the beating of a 12-year-old boy from Ipakiye village, five kilometers from Enarotali, when the boy confronted a group of men in an SUV for driving at night with their headlights off. The beating resulted in villagers marching to the capital to demand an explanation the next day. At around 10 a.m. the crowd spotted the same SUV and began attacking it. Police then opened fire on the unarmed crowd, witnesses said.

But the National Police chief, Gen. Sutarman, gave a different account of what happened, claiming the victims were planning an attack against the local military base, where locals suspected the SUV driver was hiding. Police stopped the crowd from advancing by setting up a barricade.

Sutarman has previously suggested the shootings could be the work of gunmen affiliated with the Free Papua Movement (OPM).

Human Rights Watch Indonesia has called on Joko to form a joint fact-finding team to ensure a credible, impartial investigation into the deadly shootings.

The National Commission on Human Rights (Komnas HAM), police and military should all be involved, it said. Komnas Ham is conducting its own enquiry into the incident, but the military has refused to cooperate and the Indonesia’s 1997 Law on Military Courts prevents civilian investigators from speaking with military personnel at the scene of crimes, Human Rights Watch said.

“The Papua inquiry has been stymied because civilian investigators can’t interview the soldiers who were at the scene,” said Phelim Kine, deputy Asia director at the organization said. “A joint probe with police, military, and human rights investigators is crucial to ensure that all information is collected and that the findings will be taken seriously.” Human Rights Watch has also said numerous witnesses are afraid to speak out about the incident for fear or reprisals.

The Paniai shootings were one the worst acts of state violence in years. Hostilities between Papuan civilians and the security forces have frequently turned deadly since Indonesia annexed the region in 1969.

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