

### Freedom of Religion

#### Pluralist lecturer told to apologize

The Jakarta Post, 10-01-2015

Amid calls for the government to protect a lecturer at Ar-Raniry State Islamic University (UIN) who is under threat for efforts toward peace and tolerance, the university is asking her to apologize to the public.

UIN authorities, in a recommendation, have asked lecturer Rosnida Sari to apologize publicly through the media and admit she was mistaken to take students to a Protestant church in Banda Aceh — not a Catholic church as previously reported — to visit and hold a dialogue with church ministers as part of a study tour. The visit was part of a subject on Islamic gender studies taught by Rosnida. UIN Propagation and Communication School dean, A. Rani Usman, said the recommendation was the result of a senate meeting and a hearing with lecturers on the issue. “This is a form of sanction we have recommended to the [university] leadership through a senate meeting,” said Rani.

Rosnida, a Muslim lecturer, is required to apologize publicly to the school’s leadership and academics, UIN rector, parents, community leaders and the entire Aceh community through the media. The university authorities have also suspended Rosnida from teaching to appease her critics.

According to Rani, the apology was aimed at saving Rosnida and calming the situation as there was pressure from various circles less familiar with the situation trying to take advantage of the situation.

The UIN management will also provide religious guidance and counseling to Rosnida during her suspension from academic duties. “However, it’s still a recommendation. The rector decides the sanctions,” said Rani.

Rosnida has been intimidated by Acehese clerics and fellow university lecturers and bullied on social media after she invited a number of her students to visit and hold a dialogue in a church last week. Rosnida said she and her family had been intimidated and she had been accused of “Christianizing” her students. She said the voluntary visit to the church was part of a creative teaching method for Muslim students to understand faiths and build mutual understanding and religious tolerance. “Rosnida’s mistake was probably her ignorance of the social and cultural conditions in Aceh and the implementation of sharia,” said Rani.

UIN Rector H. Farid Wajdi Ibrahim said Rosnida’s action was not an academic violation. “It is commonplace for academics to conduct a comparative study to houses of worship because we also have courses related to Christology,” Farid said, adding the university did not restrict students or lecturers from anything for the sake of education and knowledge. “Freedom in the academic field must be upheld,” said Farid. However, Farid said the university had received pressure from various parties to impose sanctions on Rosnida. Farid said he would not immediately impose any sanction before holding an executive meeting.

Personally, the rector said, he did not think Rosnida had made a mistake. “Let’s cool down first. There are two different perspectives in the case, academic and social,” said Farid. The rector said that the Aceh community could not yet accept such matters socially and wisdom from academics was essential in carrying out educational activities. - See more at:

<http://www.thejakartapost.com/news/2015/01/10/pluralist-lecturer-told-apologize.html#sthash.YMyblcEj.dpuf>

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### NU offers help in Bogor's Yasmin church saga

The Jakarta Post, 12-01-2015

The country's largest Muslim organization Nahdlatul Ulama (NU) has revved up efforts to reach a resolution to the prolonged Indonesian Christian Church (GKI) Yasmin saga in Bogor, West Java, by volunteering to mediate between the disputed parties.

NU executive council Bogor chapter head Ifan Haryanto said on Sunday that he had started communications with disputed parties to pave the way for a conclusion.

The newly installed leader said the organization opted to get involved in the dispute because it was bothered by the impact the prolonged saga had created.

"The issue has attracted international attention so this is not only about Bogor but about Indonesia. Whenever we meet with ambassadors, they often ask us about GKI Yasmin updates. So this case clearly has a political impact," Ifan told The Jakarta Post.

"We don't want Indonesia to be perceived as a radical and intolerant country. We also don't want the international community to think Indonesian Muslims are barbaric. As a Bogor resident and as a Muslim, I am committed to upholding Islam that follows the value of rahmatan lil alamin [grace for all people]," he added.

- See more at: <http://www.thejakartapost.com/news/2015/01/12/nu-offers-help-bogor-s-yasmin-church-saga.html#sthash.Vcr9ipFx.dpuf>

### Freedom of Expression

#### LSF moves to silence 'Senyap'

The Jakarta Post, 10-01-2015 by Jess Melvin, Melbourne

On Dec. 29, the Film Censorship Institute (LSF) banned public screenings of Joshua Oppenheimer's second groundbreaking documentary on the 1965 Indonesian genocide, *Senyap* (The Look of Silence). So far, the ban appears to be effective only in East Java. It nonetheless sets a disturbing precedent.

The LSF's seven reasons for the ban betray its New Order past and threaten Indonesia's democratic space. Unless challenged, attempts could be made to generalize the ban nationally.

The first reason cited for the ban is that *Senyap* contradicts "the principles, aims and function" of the film industry, which includes a requirement for all films to promote "belief in God, to demonstrate benefit, to foster unity and wholesomeness [kebijakan]", and support the "unity and integrity of the nation".

Beyond the probable shock of an outsider in noting that it is illegal to release a film that depicts an atheistic view of the world, Indonesia's censorship laws are quite liberal. As the many thousands of debauched and materialistic Hollywood-type films available in Indonesia suggest, concepts such as wholesomeness are usually applied in only the broadest sense.

Cases of censorship appear to be largely politically motivated, such as the 2009 banning of *Balibo*, for its unfavorable depiction of Indonesia's invasion of East Timor, and the 2014 banning of *Noah*, which LSF head Mukhlis Paeni explained was due to its controversial interpretation of the creation story shared by the

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Judaic, Christian and Muslim faiths. As with the banning of *Senyap*, these films were banned following political pressure regarding their message, rather than questions on the explicitness of their material.

This has not stopped the LSF playing the role of film critic. The second reason for the ban is that the interviews with perpetrators in *Senyap* have “debatable authenticity and lack objectivity” because they are conducted by the “child of a PKI [the defunct Indonesian Communist Party] member”, and because the film “does not provide background information and social context” to the “bloody events of 1965/1966”.

Authenticity and objectivity are crucial in film quality. They do not, however, usually determine whether a film is banned from public screening. Many biopics and historical dramas could be wrenched from the public realm for precisely this reason.

Yet *Senyap* is, after all, a film in which each character speaks from personal experiences of historically verifiable events and where perpetrators of serious human rights abuses incriminate themselves knowingly on film.

Read the full article at: <http://www.thejakartapost.com/news/2015/01/10/lsf-moves-silence-senyap.html#sthash.rPDpCMGa.KU5FsH4Z.dpuf>

### Death penalty

#### Activists Condemn Upcoming Executions in Indonesia

The Jakarta Globe, 06-01-2015

Human rights groups in Indonesia have condemned on Monday the issuance of a Supreme Court letter instructing all judiciaries to reject case reviews filed by inmates on death row, calling the letter “unconstitutional.”

The letter, issued by the court last Wednesday, came at the time when the Attorney General’s Office plans to execute five inmates, identities of whom remained unknown. The five were originally scheduled to be executed by firing squad before the end of 2014 but it was postponed, after some reportedly petitioned to have their cases reviewed.

According to media reports, the letter was also issued after Supreme Court Chief Justice Hatta Ali, met with Attorney General H.M. Prasetyo and Coordinating Minister for Politics, Legal and Security Affairs Tedjo Edhy Purdijanto last week.

The Indonesian Human Rights Monitor (Imparsial) said the letter had violated a 2013 Constitutional Court ruling. The ruling allows all inmates to file an infinite number of case reviews, provided that they have new evidence, which can overturn their conviction or make their sentences more lenient. “We call on the Supreme Court to repeal the instruction letter. If followed, then all judges will make unconstitutional rulings,” Imparsial executive director Poengky Indarti said.

Hendardi, chairman of rights group the Setara Institute, called the letter “a tragedy in our legal system,” saying that it comes at a time when other countries have moved away from using capital punishment. “Show me evidence that the

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death penalty has been effective in reducing crimes. Most countries have stopped using [capital punishment] because it has been ineffective in reducing crimes,” he said.

The death penalty is the maximum sentence for several crimes like terrorism, drug trafficking, murder and treason.

“A second case review can save a person’s life. [The government] is taking this away,” he said.

Meanwhile Anggara, chairman of the Institute for Criminal Justice Reform, called the letter “an intervention to the judges’ independence, which is barred by the 1945 Constitution.” “If the Supreme Court does not revoke this letter, the ICJR will take legal steps to have it revoked,” he said.

However, Supreme Court Judge Gayus Lumbuun said the letter contained mere “recommendations” and that it was not a binding regulation or instruction.

President Joko Widodo has stated that he will not issue clemency to prisoners on death row, particularly those convicted for drug-related offenses.

Indonesia resumed the execution of death row inmates in 2013, under President Susilo Bambang Yudhoyono. Joko’s decision to follow the legacy has been met with massive outcry from human rights groups.

Meanwhile, the Corruption Eradication Commission (KPK) agreed that there should be a limit to how many case reviews an inmate can lodge. “A case review should be made just once, so there is a certainty of law and [convicts] will not file for one unless they’re absolutely sure they can overturn their convictions,” KPK deputy chairman Bambang Widjojanto said. Bambang said providing convicts

with unlimited opportunities for case reviews violates the rights of victims who want to see those found guilty punished accordingly.

Constitutional law expert Margarito Kamis said the Attorney’s General Office could go forward with executing those on death row after they failed on their second case review. Such moves, he said, will not violate the 2013 Constitutional Court ruling, which only states that “case reviews can be lodged more than once.” “Two case reviews are enough. If the [court] rejects the review, the prosecutors’ office can execute them,” he said. “There is no excuse for the government to delay a ruling from being implemented.”

But several criminal law experts have said case reviews allow those falsely convicted by the court to utilize advancements in forensic science previously not available by the time of their conviction.

### Two requests for clemency rejected

The Jakarta Post, 09-01-2015

An Australian drug smuggler, Myuran Sukumaran, has lost his bid for clemency with the signing of a presidential decree by President Joko “Jokowi” Widodo rejecting the appeal. Sukumaran, a Bali Nine member, who attempted to smuggle 8.3 kilograms of heroin from Bali to Australia in 2005, submitted his bid for clemency during Susilo Bambang Yudhoyono’s administration.

“There is insufficient reason to give clemency to those convicted,” was stated in Presidential Decree No. 32/G 2014 signed by the President on Dec. 30, 2014.

In addition to Sukumaran, the decree also rejected a bid for clemency from Ang Kiem Soei, a Dutch citizen sentenced to death by the Tangerang District Court in 2003 for drug trafficking. Denpasar District Court spokesperson Hasoloan Sianturi

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said that the court had received the presidential decree on Wednesday. “The state secretariat staff came to the court with the letter,” Hasoloan said.

### Police accountability

#### Terror Suspect Shot Dead, Five Arrested in Sulawesi

The Jakarta Globe, 11-01-2015

The National Police’s anti-terror unit Densus 88 on Saturday shot dead one terrorism suspect and arrested five others in separate operations targeting the East Indonesia Mujahideen (MIT) in Sulawesi.

“Densus 88 was helped by the Central Sulawesi Police during the five separate arrests of terrorism suspects,” National Police spokesman Sr. Comr. Agus Rianto said in Jakarta on Saturday night. The first suspect was identified as Ilham Syafii who was arrested at 10:15 a.m. local time in Bungadidi village, North Luwu district, South Sulawesi. According to Agus, Ilham had seen the squad’s car as he was passing by a street in the village and then decided to flee into a plantation field. The anti-terror team then chased after him. “At the plantation field, [during the attempted arrest] the target fought back — there was shooting. He got shot dead during the situation,” Agus said.

Ilham was suspected of being a courier for the MIT and allegedly knew the whereabouts of the other fighters included in the police’s wanted list. Officers found a pistol, five 9-mm caliber bullets, a mobile phone and a penknife on Ilham’s body. On the same day, the Densus also arrested Saiful Jambi, who also goes by the name Ipul, at about 11:30 a.m. local time in Wotu village, Poso, Central Sulawesi. In 2010, Saiful partook in a paramilitary training in Topoyo, West Sulawesi, and was allegedly a member of a team that made explosives.

“[Saiful] was also a courier for the MIT. He received funds from supporters outside Central Sulawesi, he was included in the finance division at the MIT and he helped hide Santoso and Daeng Koro,” Agus said.

Terror fugitive Santoso is the former leader of the Poso wing of Jamaah Ansharut Tauhid (JAT) while Daeng Koro — a police deserter who goes by the aliases Abdul Salam and Sabawas — was Santoso’s right-hand man. The third suspect arrested by Densus 88 on Saturday was Rustam, also known as Ape, who was arrested at 12:15 p.m. local time in Poso’s Kayamanya district.

In 2007, Rustam joined in a paramilitary training organized in the Morowali district of Central Sulawesi, where he helped with MIT’s logistics and finance division. He also funded the so-called Tukuraga Operation in Morowali and helped hide Daeng Koro and Santoso. On Saturday at 14:15 p.m. local time, the antiterror unit arrested a married couple, Hasan and Ros, who had Rp 23 million (\$1,800) in cash with them. “The couple received and transferred funds to Santoso to help with logistics,” said Agus.

#### ICJR report on torture 2014

Kompas, 12-01-2015

The year 2014 closed with a sad example of police maltreatment in Kudus (Central Java). Kuswanto (29), was arrested on the suspicion of an attack on an icecream stall. One among dozens of police officers forced him to confess. By pouring gasoline over him and setting him on fire. He was heavily burned. This is one of the examples published in the report of the Institute for Criminal Justice Reform (ICJR). The police should protect the people instead of using criminal methods for their investigation. The ICJR documented 36 cases, of which 6 victims even were tortured to death. Of these 36, 33 were carried out by police at

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different levels, other perpetrators were prison guards or military. ICJR estimates that most torture is occurring in police stations.

### Justice affairs

#### Judicial Commission (KY) and judge Suhartoyo

Kompas, 08-01-2014

Although Suhartoyo has already been appointed as a judge in the Constitutional Court, the Judicial Commission (Komisi Yudisial) will continue to investigate the case of violation of the ethical code that has possibly been carried out by Suhartoyo. He is suspected of being involved in the effort to realize a Review of the Case (peninjauan kembali, PK) of Sudjiono Timan, a criminal who was on the run suspected of being involved in the Support of the liquidity of funds (Bantuan Likuiditas Bank Indonesia) of the National bank Indonesia. The KY will not stop the investigation in this case before there is a conclusive decision about violations of the ethical codes. That was the statement of the President of the Judicial Commission (Ketua KY) Suparman Marzuki, last wednesday (7/1), in Jakarta.

Just now, Suhartoyo has been appointed, together with I Dewa Gede Palguna as a Judge in the Constitutional Court for the period of 2015-2020. Suhartoyo has his roots in the Supreme Court (Mahkamah Agung) and replaces Ahmad Fadlil Sumadi. Palguna has become a constitutional court judge from the governments' origin, replacing Hamdan Zoelva<sup>1</sup>.

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<sup>1</sup> The Constitutional Court has judges from three different backgrounds: 3 nominated by DPR, 3 by the President, 3 by the Supreme Court, and all have to be reaffirmed by Presidential appointment. ([http://en.wikipedia.org/wiki/Constitutional\\_Court\\_of\\_Indonesia](http://en.wikipedia.org/wiki/Constitutional_Court_of_Indonesia)).

Suparman as President of the Judicial Commission<sup>2</sup> stated that the appointment of Suhartoyo fell under the mandate of the President. "That he has been appointed will be respected by us. But the process (related to the violation of the ethical code) cannot be the ultimate obstacle," he said.

Suhartoyo has been investigated by the KY as he had been travelling to Singapore several times between June and August 2013 around and just after the decision on the Review of the Case (peninjauan kembali, PK) of Sudjiono Timan. At the time, Suhartoyo was President of the Court of South Jakarta, and the Review resulted in the release of Timan.

According to Suparman, when there is no proof of violations of the ethical code, the KY will publicize the absence of violations and clean the name of Suhartoyo. However, if there have been violations it will have legal consequences that have to be borne.

In the meantime, after taking the vow as Constitutional Court Judge, Suhartoyo denied that he had travelled to Singapore in relation to the case of Timan. He also said that he had not had any tasks in sessions concerning the case of Timan, since the case started in the first instance in 2002 up till the Review of the case in the Court of South Jakarta (Pengadilan Negeri Jakarta Selatan). "Since early 2012 I was the president of the Court of South Jakarta and I appointed the judges for the session of this Review. Of course the judges' names look like mine, but it was not me," he said.

Palguna (the other appointed judge in the Constitutional Court) stated that the Constitutional Court will be confronted with a difficult challenge when deciding on the electoral conflicts that will be the task of the CC until 2019 providing that

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<sup>2</sup> The Judicial Commission (KY) has been established to oversee and control judges' performance and alleged corruption practices.

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the regulation about the resolution of those conflicts is not changed. As it is now, conflicts with regard to presidential elections have to be solved within 14 days, while those on the election of members of DPR (parliament), DPD (regional representation) and DPRD (provincial parliaments) have to be solved in 30 days.

### Political developments

#### Indonesian responses to the Paris attack

The Jakarta Post, 09-01-2015

Indonesia has joined the ranks of the world's nations in condemning the brutal shootings at the office of a satirical magazine in Paris that killed 12 people including two policemen, three cartoonists and the weekly's chief editor.

Witness accounts and other indications have led to the presumption that the attackers were Islamist militants, prompting concerns from religious leaders that the incident could lead to growing anti-Muslim sentiment.

"Indonesia strongly condemns the attack. Our deepest condolences go to the families of the victims," Indonesian Foreign Minister Retno LP Marsudi told the press at her office on Thursday. "No form of violence can be accepted. Indonesia supports the efforts by France's authorities to bring the perpetrators to justice," she added.

Read the many and diverse readers' comments at:

<http://www.thejakartapost.com/news/2015/01/09/je-suis-charlie.html#sthash.o5Bb0Rem.dpuf>

### Papua

#### Paniai shootings -make investigation findings public and bring perpetrators to justice

Amnesty International Public Statement, 09-01-2015

The Indonesian authorities must ensure that the new investigation team formed on 7 January by the National Human Rights Commission (Komnas HAM) into the security forces' use of lethal force against protesters in Paniai, Papua, a month ago, as well as all other investigations, are conducted thoroughly and impartially, and the findings made public.

In many previous instances in Papua, investigations into human rights violations by security forces including unlawful killings, unnecessary and excessive use of force, and torture and other ill-treatment, have been delayed, dropped, or their findings buried, leaving victims and their families without access to truth, justice and reparations.

On the morning of 8 December 2014, at least four protesters were killed and over a dozen injured when security forces, both police and military, allegedly opened fire on a crowd that was protesting at the Karel Gobai field located near the Paniai District Military Command (Koramil) in Papua province. The crowd had gathered to protest against soldiers from the Special Team Battalion 753, who had allegedly beaten a child from Ipakije village the night before, who had to be hospitalised. The police and military authorities have reportedly each set up their own internal investigations into the incident. In addition, in the latter part of December, while on a visit to Jayapura, Papua, for Christmas celebrations, President Joko Widodo promised to set up a fact finding team.

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