
INDONESIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In a climate of impunity, human rights defenders documenting human rights violations by the police as well as incidents of corruption or environmental rights were subjected to attacks, including assassination and attempted assassination. Non-State actors, in particular extremist religious groups, were responsible for an increasing number of threats, harassments and intimidations to human rights defenders throughout the year, often accompanied with complicity of police officials. In particular, lawyers who take up cases related to blasphemy and religious minorities also faced acts of harassment and intimidation by non-State actors. As intolerance towards sexual minorities increased, freedom of assembly of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) activists was curtailed on several occasions.

Political context

No significant improvement was seen in the field of human rights. Accountability for past-Reformasi era¹ crimes remained low and public security and confidence in the police continued to erode during the course of 2010². Members of the police and military continued to enjoy an almost complete immunity from serious investigations and prosecutions. In addition, in the few cases that were prosecuted they resulted in disproportionately lenient sentences³.

Impunity for human rights violations committed during the Suharto era also remained the rule, with no high-level military figures having been convicted. The culture of impunity was accompanied with ambiguous political messages by the Government. On March 22, 2010, Defence Minister Purnomo Yusgiantoro pledged to suspend soldiers credibly accused of serious human rights violations, to cooperate with their prosecution, and to discharge those convicted. Despite such pledges, only relatively low-level officials were brought before military tribunals, and no cases were brought to civilian courts. Moreover, President Yudhoyono appointed Lieutenant General Sjafrie Sjamsuddin to the post of Deputy Defence Minister in

1/ The post-Suharto era in Indonesia began with the fall of Suharto in 1998. Since then, Indonesia has been in a period of transition. This era - from 1998 to 2008 - has been called the period of "Reformasi" (Reform).

2/ See The Commission for Disappeared and Victims of Violence (KontraS) Report, *Void protection against citizens human rights*, December 28, 2010.

3/ See IMPARSIAL - the Indonesian Human Rights Monitor, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

January 2010, a military commander of Jakarta during the end of the Suharto era alleged to be responsible for the enforced disappearance of 23 student activists as well as for other human rights violations.

On April 19, 2010, the Constitutional Court upheld blasphemy restrictions included in Article 156(a) of the Criminal Code in a widely contested decision. This signalled a significant setback for religious freedom and freedom of expression, and serious concerns raised that the provisions may be used to discriminate against religious minorities⁴. Moreover, a Bill on State Secrecy and a Bill on Mass Organisation, which risk placing serious limitations on human rights activities, remained on the agenda of the National Legislative Programme 2010-2014⁵.

Ongoing impunity for the assassination of Mr. Munir Said Thalib

In the case of the 2004 murder of Mr. **Munir Said Thalib**, a prominent human rights defender and co-founder of the Commission for the Disappeared and Victims of Violence (KontraS), the suspected mastermind, the former Deputy Chief of Indonesia's National Intelligence Agency (*Badan Intelijen Nasional - BIN*), Mr. Muchdi Purwopranjono, continued to remain unpunished. Mr. Muchdi was prosecuted in 2008 on charges of ordering the murder, and the trial was seen as an important step in the fight against impunity, as it was the first time State authorities were held accountable for State-sponsored or tolerated violence. However, he was acquitted for lack of evidence on December 31, 2008 by the South Jakarta District Court. An appeal was filed by the Prosecutor against the verdict, which was rejected on June 15, 2009 by the Indonesian Supreme Court. The decision to launch a new investigation and subsequently to ask a review of the trial, lies now with the State Attorney General, but no substantive actions were taken towards that end.

Assassination of and attacks on journalists denouncing illegal logging, environmental degradation and police abuses

Journalists documenting illegal logging, environmental degradation or exactions committed by the police were subjected to attacks and fell victims of assassination. On July 30, 2010, the body of environmental journalist

4/ The article in question provides criminal penalties of up to five years of imprisonment for those who express religious beliefs that deviate from the cultural tenets of the six officially recognised religions. See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

5/ The Bill on State Secrecy could indeed create difficulties for the victims and human rights groups to document human rights abuses, while the Bill on Mass Organisation plans to monitor NGOs' funding and to establish a commission to monitor the activities of NGOs, which could advise the Government to freeze NGOs' license and funds.

Mr. **Ardiansyah Matra'is** was found in the Maro river in Merauke, Papua. He had been reported missing since July 28, 2010. It is believed that his death may be linked to his work covering corruption and illegal logging involving police officers in Papua, as well as local elections that took place on August 2, in Merauke. He had received death threats in the days before his disappearance. In 2009, he had allegedly been kidnapped by soldiers who threatened to kill his family after he wrote a series of articles for *Jubi* magazine about illegal logging by local military officers. Although Indonesian police headquarters revealed on August 20, after a post-mortem examination of the body, that Mr. Matra'is was murdered and drowned in the river, the police chief of Merauke concluded the case to be a suicide. As of April 2011, the police was about to close the investigation⁶. On July 26, 2010, environmental journalist Mr. **Muhammad Syaifullah** was found dead in his home in Balikpapan, East Kalimantan. Mr. Syaifullah was the Borneo Bureau Chief of *Kompas*, Indonesia's biggest daily newspaper, and reported extensively on illegal logging and environmental degradation relating to coal mining. The forensic examination concluded that Mr. Syaifullah died of hypertension. However, the police failed to publicly present the cause for Mr. Syaifullah's death and closed the investigation⁷. Mr. **Alfreds Mirulewan**, Chief Editor of the *Pelangi Weekly*, was found dead at Nama Beach, Southwest Maluku, on December 17, 2010. Prior to his murder, Mr. Mirulewan had been looking into illegal fuel sales and smuggling involving local police officials. In January 2011, the local police arrested five men in connection with the murder, including a local policeman. Yet, the police subsequently closed the case⁸. On May 21, 2010, Mr. **Ahmadi**, an Aceh-based journalist working for *Harian Aceh*, was beaten and threatened with death by First Lieutenant Faizal Amin for investigating possible links between illegal logging in the province and the military. First Lieutenant Faizal Amin elbowed Mr. Ahmadi in the face and threatened to kill his family if he did not change or retract the content of the article published in *Harian Aceh* on the same day. Mr. Ahmadi, who suffered bruising and swelling to the face from the attack, lodged complaints with the police and the military. Subsequently, on January 20, 2011, the Military Court of Banda Aceh ruled that First Lieutenant Faizal Amin was guilty of grievous assault against Mr. Ahmadi and of damaging his cell

6/ See KontraS as well as International NGO Forum on Indonesian Development (INFID) and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

7/ *Idem*.

8/ See KontraS Report, *Void protection against citizens human rights*, December 28, 2010 as well as INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN

phone and laptop computer, and sentenced him to ten months in prison⁹. On March 3, 2011, Mr. **Banjir Ambarita**, a journalist with *Bintang Papua*, a local newspaper based in Jayapura, Papua province, was riding his motorcycle in front of the Jayapura Mayor's office when two unknown men on a motorcycle approached him, stabbed him twice in the chest and stomach and fled. Mr. Ambarita underwent surgery in Marthen Indey hospital in Aryoko, Jayapura, and subsequently recovered. The Papua regional police and the Jayapura police have set up a joint force to investigate the case but, as of April 2011, perpetrators remained unknown. Shortly prior to the attack, Mr. Banjir Ambarita had written articles in the *Bintang Papua* and in the *Jakarta Globe* about two alleged rape cases involving the police¹⁰.

Repressive legal framework and attacks against anti-corruption activists

Anti-corruption activists were also subjected to reprisals. Criminal libel, slander and "insult" laws prohibit intentionally publicising statements that may directly harm another person's reputation, even if the statements or allegations in question are true. Acts under these provisions of the Criminal Code are punishable with up to sixteen months of imprisonment. Another law, enacted in 2008, punishes defamation committed through Internet with imprisonment of up to six years and heavy fines. These provisions make anti-corruption activists and journalists uncovering grafting cases extremely vulnerable to criminal proceedings and had a chilling effect on investigative work, resulting in self-censorship in a number of cases. Moreover, a researcher for Indonesia Corruption Watch (ICW), Mr. **Tama Satya Langkun**, was severely beaten by four unidentified individuals on July 8, 2010 in Duren Tiga, South Jakarta. Prior to the attack, he had worked on a report to the Corruption Eradication Commission (KPK) on suspicious bank accounts of high-ranking police officers. In a related incident, the offices of the leading news magazine *Tempo*, which ran a story on the report two days before the assault, were attacked on July 6, 2010, when two unidentified men threw Molotov cocktails at the building housing the offices. As of the end of April 2011, the incidents were still

9/ See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

10/ The three officers implicated in the cases were reportedly only given disciplinary punishments of 21 days of detention and a delay of their promotions. The media coverage of the second incident led to the resignation of Jayapura police Chief Adjunct Senior Commissioner Imam Setiawan on March 1, 2011, and a report on the incident filed by the woman's husband to the Papua branch of the National Human Rights Commission (Komnas HAM). See KontraS and IMPARSIAL.

being investigated by the Jakarta regional police¹¹. On a positive note, on February 16, 2010, the Denpasar District Court sentenced Mr. I Nyoman Susrama, a legislative council member for the district of Bangli, to life imprisonment for the murder of *Radar Bali* journalist, Mr. **Anak Agung Gede Bagus Narendra Prabangsa**. Before he was murdered in February 2009, Mr. Prabangsa had reported on alleged corruption in the Local Education Office in Bangli district, Bali. The verdict was subsequently upheld by the Court of Appeal on April 29, 2010 and by the Supreme Court on September 25, 2010¹².

Human rights lawyers working on religious freedom increasingly targeted

Lawyers who take up cases related to blasphemy and religious minorities often find themselves targets of harassment and intimidation, mostly by non-State actors, such as Islamist extremist groups. The situation is further aggravated by the fact that the police and other law enforcement agencies either fail to respond in the face of such incidents or, in some cases, even appear to openly side with extremist groups. Physical protection following such incidents is often not provided, and related complaints are not properly investigated, further adding to a climate of impunity and fear among minority groups and those defending their rights. For instance, Messrs. **Uli Parulian Sihombing, Nurkholis Hidayat** and **Choirul Anam**, lawyers of the Legal Aid Foundation (LBH) representing various human rights organisations¹³, who initiated the judicial review of the blasphemy related provisions of the Criminal Code at the Constitutional Court, were attacked by members of the Islamic Defenders Front (*Front Pembela Islam* - FPI) on March 24, 2010, during a recess in front of the Constitutional Court. The lawyers were harassed and verbally abused, and some of them were beaten. The camera of Mr. Nurkholis Hidayat was taken away as he was beaten on his arm. As of April 2011, the police had opened no investigation into the events¹⁴.

11/ See Legal Aid Institute (LBH), KontraS and ICW Jakarta Joint Statement, July 21, 2010 as well as INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

12/ See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

13/ Including IMPARSIAL, the Institute for Policy Research and Advocacy (ELSAM), the Indonesian Legal Aid and Human Rights Foundation (PBHI), the Centre for Democracy and Human Rights Studies (DEMOS), Setara People's Union, Desantara Foundation and the Indonesian Legal Aid Foundation (YLBHI).

14/ See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

Freedom of assembly of LGBTI activists curtailed

In recent years, there has been a marked increase in intolerance towards sexual minorities, blocking any progress in favour of the rights of LGBTI people. The latter faced violent attacks and harassment by radical, extremist groups, such as the FPI or the Hisbut Tahrir Indonesia (HTI). Besides, the police remained passive when confronted with such acts. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) had scheduled to hold the Fourth Asian Regional ILGA conference¹⁵ in Surabaya, East Java, from March 26 to 29, 2010. More than 150 human rights defenders, representing over one hundred organisations from sixteen Asian countries, had planned to participate in the event. However, despite the fact that the organisers obtained all necessary permissions from the South Surabaya district police, they were later advised by the police to cancel the conference in light of information received that religious extremist groups were planning an attack at the venue. On the second day of the conference, the hotel venue was eventually attacked and taken over by mobs claiming to be affiliated to the FPI. They also sealed off the Surabaya office of Gaya Nusantara, the conference's host organisation, which remained closed and guarded by vigilantes until April 21, 2010. Although members of the police mobile brigade came to the hotel after a crowd had significantly grown there, it did not take adequate steps to disperse it and was eventually perceived by the LGBTI activists as overtly siding with the Islamic radical groups. Participants of the conference were subsequently forced to relocate to another hotel. A similar attack by FPI occurred during a meeting organised by the National Human Rights Commission (Komnas HAM) on transgender issues in Depok, West Java, on April 30, 2010. According to witness testimonies, city officials and police officers colluded with the attackers. Threats were also made by Lasykar Pembela Islam (LPI), the "military" wing of the FPI, against an HIV/AIDS seminar organised by the Indonesian Gay, Waria and Men Who Have Sex With Men (GWL) network in Bandung, West Java, on May 11, 2010, causing it to be relocated¹⁶.

Acts of harassment against environmental and land rights activists

In 2010–2011, acts of harassment continued against environmental and land rights activists. For instance, on July 5, 2010, a contingent of anti-riot police and immigration officials arrested twelve foreign anti-coal mine activists in Cirebon, West Java, as they were participating in a press conference held by Greenpeace and local groups in order to launch a regional

15/ See ILGA Press Release, April 27, 2010.

16/ See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

manifesto against the expansion of coal power plants in Asia and to lodge complaints about the negative effects of a coal-fired power plant being set up in Cirebon¹⁷. The activists were charged under Article 42.1 of Indonesian Immigration Law¹⁸, and released on July 7, 2010 after being interrogated continuously by police and immigration officers. They were taken directly to the airport, following a seven-hour drive, and escorted by immigration officers to the departure gate. Immigration authorities confirmed that none of the activists would have any restriction on re-entering Indonesia, however they all received a “must leave Indonesia within three days” stamp with their standard exit stamp¹⁹. On July 28, 2010, Messrs. **Firman Syah** and **Dwi Nanto**, two environmental and land rights activists of Friend of the Earth (*Wahana Lingkungan Hidup* - WALHI) Bengkulu, who accompanied villagers during a rally protesting against State plantation firm PT Perkebunan Nusantara (PTPN) VII in a land dispute, were arrested along with eighteen peasants from New Pering village, Alas Maras district, Seluma²⁰, and named as suspects for obstructing PTPN VII. On February 18, 2011, the Bengkulu District Court sentenced all of them to three months and twenty days in prison, a fine of 250,000 rupiah (about 21 euros) and a fifteen-day detention period in breach of Act No. 18 of 2004 on Plantation²¹.

On a positive note, in August 2010, Mr. **Muhammad Rusdi**, a farmer and the village chief of Karang Mendapo, who was arrested in January 2009 for his leading role in campaigning against land-grabbing by PT Kresna Duta Agroindo (KDA), an oil palm plantation, won legal action

17/ Among the twelve activists were Ms. **Amalie Obusan**, Climate and Energy Campaigner for Greenpeace Southeast Asia, Mr. **Albert Lozada**, Solar Generation-Pilipinas Coordinator of Greenpeace Southeast Asia, and Ms. **Jean-Marie Ferraris**, team leader of the LRC-KsK Davao Regional Office (the Philippines); Ms. **Iris Cheng**, Climate and Energy Campaigner for Greenpeace International, Ms. **Alisa Meng** and Mr. **Fusheng Yan** (China); Ms. **Chariya Senpong**, Climate and Energy Campaigner for Greenpeace Southeast Asia, Ms. **Weerakarn Kengkaj**, Mr. **Sutti Atchasai**, Coordinator of the Eastern People Network of Thailand, and Ms. **Uaeng-Fa Chumket** (Thailand); Ms. **Preethi Herman**, Greenpeace India Climate Campaigner, and Mr. **Sudheer Kumar Puthiya Valappil** (India). Greenpeace staff and community leaders from China, India, Thailand and the Philippines were in Cirebon to take part in workshops to share experiences of living in the shadow of coal plants or coal mines, and to learn lessons from each other about how to campaign for clean and renewable energy solutions.

18/ “Immigration actions shall be taken against foreign nationals in the Territory of Indonesia who foster dangerous activities, or who are deemed to be probable cause of danger to public order or security, or who break or neglect existing laws or regulations”.

19/ See Greenpeace and The Legal Rights and Natural Resources Centre-Kasama sa Kalikasan/Friends of the Earth Philippines (LRC-KsK) Joint Press Release, July 7, 2010.

20/ WALHI helps the peasants to reclaim their land, which has been annexed by force by PTPN VII since 1986.

21/ See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*,

against the company and was rehabilitated. Mr. Rusdi had been charged with “attempting to embezzle money” entrusted upon him by the citizens that elected him village chief.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Munir Said Thalib	Ongoing impunity	Joint Open Letter to the authorities	October 14, 2010
Mr. Banjir Ambarita	Attack	Urgent Appeal IDN 001/0311/OBS 049	March 25, 2011