

Document #1425403

AI – Amnesty International

Amnesty International Report 2017/18 - The State of the World's Human Rights - Indonesia

Indonesia failed to address past human rights violations. The rights to freedom of expression, of peaceful assembly and of association continued to be arbitrarily restricted. Blasphemy provisions were used to imprison those who peacefully exercised their rights to freedom of religion and belief. At least 30 prisoners of conscience remained in detention for peacefully exercising their rights to freedom of expression or of religion and belief. The security forces carried out unlawful killings and used excessive force during protests and security operations. Two men were caned in public in Aceh after being convicted by a local Shari’a court of same-sex consensual sexual relations.

Background

Indonesia’s human rights record was examined in May under the UN UPR process. Although Indonesia accepted 167 out of 225 recommendations, it rejected, among other things, calls to investigate past human rights violations and to repeal blasphemy provisions in laws and regulations. These included several provisions of the Criminal Code and Law No. 1/PNPS/1965, which imposed restrictions on freedoms of expression and of religion and belief.¹ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-1>)

Impunity

Despite commitments made by the President, Indonesia failed to address past human rights violations. In February, the Administrative Court in the capital, Jakarta, overturned a decision by the Public Information Commission ordering the government to publish a report on the 2004 murder of human rights defender Munir Said Thalib, which reportedly implicated senior intelligence officers. The Court made the decision on the grounds that the current government had not received the report from the previous government. In August, the Supreme Court upheld the Administrative Court’s decision.

During the UPR, Indonesia promised that the Attorney General would finalize a criminal investigation into alleged gross human rights violations in Wasior in 2001 and Wamena in 2003, both in Papua region, and forward the case to the Human Rights Court established under Law No. 26/2000. However, this had not happened by the end of the year.

Freedoms of assembly, association and expression

The authorities continued to prosecute those participating in peaceful political activities, particularly in areas with a history of pro-independence movements such as Papua. Prisoner of conscience Oktovianus Warnares remained in detention because he refused to sign a document declaring his allegiance to the state of Indonesia, despite having served two thirds of his prison sentence and being eligible for release on parole. He had been convicted of “rebellion” (*makar*) in 2013 after taking part in activities peacefully marking the 50th anniversary of the handover of Papua to the Indonesian government by the UN Temporary Executive Authority.

In August Novel Baswedan, an investigator for the Corruption Eradication Commission, was reported to the police by the Commission’s director of investigation under Article 27(3) of the Electronic Information and Transactions (ITE) Law, which concerns online defamation. The defamation report related to an email he had sent in his capacity as representative of the Commission’s workers’ union, criticizing the director’s leadership. Novel Baswedan suffered an acid attack in Jakarta on 11 April that severely damaged his corneas. At the time of the attack he was leading an ongoing investigation into misappropriation by high-ranking government officials of funds for an electronic ID cards project.

On 10 July President Widodo signed Government Regulation in Lieu of Law (Perppu) No. 2/2017, amending the 2013 Law on Mass Organizations to remove judicial safeguards over the process of banning NGOs and other organizations. The new legislation, enacted by Parliament in October, would impose restrictions on the rights to freedom of association, expression, religion and belief, which were even more extensive than those currently set out in the Law on Mass Organizations. The Law already stifled the work of human rights defenders and reflected discriminatory attitudes towards certain groups.² (<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-2>)

Security forces and vigilante groups broke up closed-door discussions and public events relating to serious human rights violations committed in 1965. On 1 August, the local police and military from East Jakarta disrupted a workshop in Jakarta concerning the findings of the International Peoples Tribunal 1965, a civil society initiative to raise international awareness about the mass human rights violations that occurred that year.

On 16 September the police banned a closed-door seminar at the office of the Indonesian and Jakarta Legal Aid Institute featuring a discussion by survivors of the 1965 violations. On the night of 17 September, a crowd of around 1,000 claiming to be “anti-communists” surrounded the office, trapping scores of artists and activists attending an event concerning the recent crackdown on the rights to freedom of expression and peaceful assembly. Early the following morning, the crowd threw rocks at the office and destroyed the fence surrounding the building. Hundreds of police officers used tear gas to disperse the crowd.³ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-3>)

Freedom of religion and belief

Blasphemy provisions in Articles 156 and 156(a) of the Criminal Code and Article 28(2) of the ITE Law were used to imprison those who peacefully exercised their rights to freedom of religion and belief. At least 11 people were convicted under blasphemy laws. Individuals belonging to minority religions or faiths or holding minority beliefs were often targeted for prosecution. On 9 May, Jakarta Governor Basuki Tjahaja Purnama, an ethnic Chinese Christian known as Ahok, was sentenced to two years' imprisonment for “insulting Islam” in a video posted on the internet. Ahok was the first high-ranking government official to be convicted of blasphemy.⁴

(<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-4>)

On 7 March, Ahmad Mushaddeq, Mahful Muis Tumanurung and Andry Cahya, leaders of the disbanded Fajar Nusantara religious movement known as Gafatar, were convicted of blasphemy by the East Jakarta District Court. The conviction was upheld by the Jakarta High Court on 3 July.

At the end of the year, at least 30 prisoners of conscience remained in detention for peacefully exercising their right to freedom of expression or of religion and belief.

On 4 June, the local government in Depok, West Java, sealed a mosque belonging to the Ahmadiyya religious minority, considered by many Islamic groups to be “deviant and outside of Islam”. Authorities prevented the Ahmadis from using the mosque during Ramadan. The Depok Mayor argued that the legal basis for the closure of the mosque was a ministerial decree and a provincial regulation, both forbidding Ahmadiyya community members from promoting their activities and spreading their religious teachings. The Mayor also said that it was necessary to protect the Ahmadiyya community in Depok from violent attacks by other groups in the area.

Police and security forces

Human rights groups reported unlawful killings and other serious human rights violations by security forces, primarily in the context of excessive use of force during mass protests or during security operations. No perpetrators were known to have been held to account, particularly for numerous incidents in Papua.

Excessive use of force

Between September 2016 and January 2017, joint police and military forces carried out security operations in Dogiyai, Papua province, during the run-up to the 2017 local elections. On 10 January police officers arbitrarily arrested Otis Pekei when he refused to hand over a knife at a police checkpoint, and detained him at the Moanemani sub-district police station. Later that day, police delivered Otis Pekei's body to the home of his family; the family accused the police of torturing him during detention. No investigation was known to have been conducted.

On 1 August in Deiyai, Papua province, police officers arbitrarily opened fire into a crowd of protesters without warning, wounding at least 10 people, including children. Nine police officers were subjected to disciplinary action; no criminal proceedings were known to have been opened.

Unlawful killings

The number of killings by police of suspected drug dealers increased sharply, from 18 in 2016 to at least 98 in 2017. Some of the officers involved in the incidents were seconded to the National Narcotics Agency. Police claimed that all the killings were in self-defence or because suspects tried to flee the scene. No independent investigations were known to have been conducted into these killings. The number of deaths escalated after several high-ranking Indonesian officials, including the President, advocated during the year for tougher measures to address drug-related crime, including calling for the application of unrestrained lethal force against suspected traffickers.

Deaths in custody

Deaths in custody and torture by police personnel were reported by human rights organizations.

On 27 August Rifzal Riandi Siregar was arrested in Batang Toru precinct in North Sumatra province after he was involved in a fight with a police officer. When his relatives visited him at the Batang Toru police station, he told them that he had been badly beaten at the station by four police officers, including the one with whom he had had the altercation. On 3 September, Rifzal Riandi Siregar was found dead in the police station. At the request of his family, the police transferred his body to a police hospital in Medan, where an autopsy was conducted. The police promised to give the autopsy report to the family within a week. They had not received it by the end of the year.

Cruel, inhuman or degrading punishment

At least 317 people were caned in Aceh during the year for offences such as adultery, gambling and drinking alcohol, as well as same-sex consensual sexual relations.

In May, two men were each caned 83 times in public after being convicted by the Banda Aceh Shari’a Court of consensual same-sex sexual relations (liwath) under the Aceh Islamic Criminal Code. Although Shari’a by-laws have been in force in Aceh since the enactment of the province’s Special Autonomy Law in 2001, and are enforced by Islamic courts, this was the first time that gay men had been caned under Shari’a law in the province.⁵ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-5>)

Rights of lesbian, gay, bisexual, transgender and intersex people

On 25 May, 141 men were arrested in North Jakarta by local police after attending what police described as a “gay sex party”. The next day the police released 126 men, but charged 10 of them with providing “pornography service” under Law No. 44/2008 on Pornography. On 6 October, 51 people, including seven foreign nationals, were arrested in a Central Jakarta sauna. Most of the customers were released the following day; five employees remained in detention at the end of the year. The police charged six people with providing pornography and prostitution services.⁶ (<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/#endnote-6>)

With the exception of Aceh, consensual same-sex relations were not treated as crimes under the Indonesian Criminal Code.

Economic, social and cultural rights – right to water

On 10 October, the Supreme Court ordered the government to terminate a water privatization scheme in Jakarta. The Court approved an appeal filed by the Coalition of Jakarta Residents Opposing Water Privatization that the private provider had “failed to protect the right to water” of the residents. The Court ordered the government to immediately revoke its contracts with two private water utilities.

© Amnesty International

ecoi.net summary:

Annual report 2017/18 (covering 2017)



Country:

Indonesia

Source:

AI – Amnesty International (</en/source/10960.html>)

Original link:

<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/>
(<https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/report-indonesia/>)

Document type:

Periodical Report

Language:

English

Published:

22 February 2018

Document ID:

1425403 (former ID [353842](/en/document/353842) (</en/document/353842>))

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

