

Document #2023869

AI – Amnesty International

Human Rights in Asia-Pacific; Review of 2019 - Indonesia

The government failed to protect human rights defenders, and restricted the rights to freedom of expression, peaceful assembly and association. The abuse of criminal law provisions to curtail legitimate expression persisted. Security forces committed human rights violations largely with impunity, using excessive force during policing and security operations. Violence flared in Papua, involving both peaceful and violent reactions to racist verbal attacks and violence against Papuans.

Background

Presidential, parliamentary, and local legislative elections were held simultaneously on 17 April. Amnesty International published a nine-point Human Rights Agenda for the elections, highlighting threats to freedom of expression, thought, conscience, religion and belief; accountability for past human rights violations by security forces; women and girls’ rights; the human rights situation in Papua; human rights abuses by oil palm companies; the death penalty, and LGBTI rights. [1]

Freedom of expression and protection of human rights defenders

Amnesty International tracked data from the media and local partners, finding 203 criminal investigations initiated between October 2014 and March 2019 against those who expressed criticism of public officials, their spouses, or government institutions through electronic media, social media platforms, or during protests. Investigations were based on charges of defamation, “hoax dissemination,” and “incitement of enmity,” all of which were provisions in the Electronic Information and Transactions (ITE) Law. Authorities also used the Criminal Code and its *makar* (“rebellion”) provisions, which criminalized acts — whether violent or not — committed with the intent to make part or all of Indonesia fall into the hands of the enemy or to secede; harm the president or vice president; or overthrow the government.

Makar charges were used to arrest, prosecute and imprison peaceful pro-independence activists in Papua and Maluku. On 31 October, 27 people were charged with *makar*, including five from Maluku who were arrested in June for flying the Benang Raja flag, a symbol of the South Maluku Republic (RMS) separatist movement. They were all prisoners of conscience.

Amnesty International documented nine convictions based on blasphemy provisions in the Blasphemy Law, Criminal Code and ITE Law, eight of them for social media posts on religious issues.

Police and security forces

Several nationwide protests took place, including on 21-23 May against the presidential election result and on 23-30 September against the enactment by parliament of several laws, including the amended Criminal Code which contains provisions threatening civil liberties. Evidence indicated that the police used unnecessary or excessive force against protesters and bystanders.

The police used excessive force amounting to torture or other ill-treatment during the 21-23 May protests, some of it recorded on videos that were verified as authentic.[2] Videos showed the police kicking and beating men who were clearly not resisting, actions confirmed by witnesses, victims, and victims’ families. The police also arrested protesters and held them in arbitrary and incommunicado detention for at least several days without proper warrants. In response to a public outcry about these abuses, the police claimed that 16 police officers were held responsible for human rights violations committed during the May protests. To the extent they were held to account, however, it was through non-transparent internal disciplinary mechanisms rather than criminal prosecutions.

Nine people were killed in Jakarta and one in Pontianak during the 21-23 May protests, many of them from gunshot wounds. The police claimed that none of its officers used live ammunition. No police were arrested nor were any suspects identified.

During the 23-30 September protests, the police used excessive force to disperse the crowd by indiscriminately using pepper spray and tear gas. On 26 September in Kendari, Southeast Sulawesi, two students participating in the protest were killed due to gunshot, one to his chest and another to his head. The police investigating the deaths announced that contrary to their previous claims, six officers carried firearms during the Kendari protest, but no suspects were identified as being responsible for the deaths. Three protesters were also killed during the Jakarta protests, but the police did not announce any investigations into the deaths.

Several journalists reported that they were intimidated and attacked by the police when documenting police conduct in both protests. Due to the lack of prompt, independent, effective, and transparent investigations it is difficult to verify the facts of such claims, including self-defense claims made by the police.

Human rights violations and abuses in Papua

Violence in the Papua region (Papua and Papua Barat provinces) was triggered by two incidents: a violent attack in early December 2018 against 16 construction company workers in Nduga, responsibility for which was claimed by an armed pro-Papua independence group; and racist verbal abuse in Surabaya, East Java, on 16 August. In the latter case, military personnel and members of anti-Papua independence organizations surrounded Papuan students in their dormitory and used racist slurs, including calling them “monkeys.” This abuse was recorded on video and shared widely on social media, prompting Papuans to stage protests, some of which turned violent, in Jayapura, Deiyai, Fakfak, and Wamena, major cities in Papua.

The attack against the workers in Nduga led to large-scale military and police deployment. Local residents fled to the surrounding forest or nearby cities. Local civil society groups, including churches, reported at least 182 deaths from December 2018 to July 2019, 18 from gunshot wounds during military

and police operations. Most died from diseases, malnutrition and the overall poor conditions in shelters. They also reported that there were approximately 5,000 internally displaced persons in Wamena, Jayawijaya and other districts living in unsanitary conditions and lacking access to food, education, health, and other public services.

Media and local civil society organizations reported that there were at least nine deaths in Deiyai during a 28 August protest, which became violent, as well as four in Jayapura on 29-30 August, and 34 in Wamena on 23 September.

Police responded to the violence in Papua by initiating criminal charges against human rights defenders and political activists. The police charged two human rights defenders, Veronica Koman and Dandhy Dwi Laksono, with “incitement” provisions in the ITE Law for their tweets about reports of serious human rights violations in Papua. By October, at least 22 people in Jakarta and Papua were arrested, detained and charged with the crime of *makar*. They were prisoners of conscience, detained solely for their peaceful activities in various anti-racism protests.^[3]

Women’s rights

On 5 July, the Supreme Court acquitted a 15-year-old girl who had been convicted by the lower courts of aborting her pregnancy resulting from rape by her brother.

On 29 July, the president signed a decree that pardoned Baiq Nuril, after the Supreme Court upheld previous court decisions convicting her of defamation for a recording she made of her superior sexually harassing her in a phone call, which went viral. While both developments are victories for women’s rights, they also indicate the need for legal and systemic protection for victims of sexual violence. Parliament deliberated on the Sexual Violence Eradication bill over the course of the year, but did not pass it into law.

[1] Rights Now: 9-Point Human Rights Agenda for Indonesia's Election Candidates (ASA 21/0153/2019, 15 April).

[2] Open Letter on Torture or Other Ill-Treatment by The Police in The Mass Protest Following the Election Result Announcement of 21-23 May 2019 (ASA 21/0577/2019, 25 June).

[3] Open Letter on the Increasing Use of Makar Charges against Papuan Activists to Stifle Freedom of Expression (ASA 21/1108/2019, 2 October).

© Amnesty International

ecoi.net summary:

Report on the human rights situation covering 2019



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:

30 January 2020

Document ID:

2023869

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.

