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Amnesty International Report 2015/16 - The State of the World's Human Rights - Indonesia

Security forces faced allegations of human rights violations, including the use of unnecessary or excessive force. Arbitrary arrests of peaceful protesters, especially in Papua, occurred throughout the year. The government restricted activities marking the 50th anniversary of the serious human rights violations of 1965-1966. Harassment, intimidation and attacks against religious minorities occurred throughout the country. A new Acehese Islamic Criminal Code came into force in October, expanding the use of corporal punishment to include consensual sexual relations. There were 14 executions.

Background

Despite commitments made during his election campaign in 2014, President Joko Widodo failed to address past human rights violations. Freedom of expression was further restricted and the use of the death penalty for drug-related offences increased.

Police and security forces

Reports continued of human rights violations by police and military, including unlawful killings, unnecessary and excessive use of force, torture and other cruel, inhuman or degrading treatment or punishment.

In March, members of the Police Mobile Brigade (Brimob) attacked residents in Morekau village, Seram Bagian Barat District, Maluku province, after they had complained to Brimob officers who had entered the village that they were disturbing a religious ceremony. Thirteen people were seriously injured. Despite promises of an investigation by the head of the regional police, no charges were brought.

In August, off-duty military personnel shot dead two people after opening fire in front of a church in Timika, Papua province. Also in Timika, police shot two unarmed high school students during a “security operation” in September, killing one.

In Jakarta, the provincial police force used unnecessary force against protesters at a peaceful labour rally in October. Police arrested and beat 23 protesters, as well as two legal aid activists who reported injuries to the head, face and stomach. Police blamed the protesters for the violence. All were released after being charged with threatening public officials and refusal to disperse.

Impunity

More than 10 years after the murder of prominent human rights defender Munir Said Thalib, the authorities had failed to bring all the perpetrators to justice.

September marked the 50th anniversary of the serious human rights violations of 1965-66. Human rights organizations have documented a range of human rights violations in the context of the abortive 1965 coup, including unlawful killings, torture including rape, enforced disappearances, sexual slavery and other crimes of sexual violence, slavery, arbitrary arrest and detention, forced displacement and forced labour. An estimated 500,000 to one million people were killed during that time and hundreds of thousands were held without charge or trial for periods ranging from a few days to more than 14 years. Although no legal impediments to full citizenship remained for victims of these crimes, a culture of impunity continued to exist for perpetrators.

In May, the Attorney General announced that the government would establish a non-judicial mechanism to resolve past human rights violations through a “reconciliation committee”. It was seen by human rights groups as a small but positive step following decades of impunity for past human rights violations and abuses that occurred during the rule of former President Suharto (1965-1998). However, victims and NGOs remained concerned that this process would prioritize reconciliation and undermine efforts at truth and justice.

In 2015, the people of Aceh commemorated the 10th anniversary of the 2005 Helsinki Peace Agreement between the government and the armed pro-independence Free Aceh Movement. The agreement ended a 29-year conflict during which between 10,000 and 30,000 people were killed, many of them civilians. In November, the Aceh House of People’s Representatives appointed a team charged with appointing commissioners for the Aceh Truth and Reconciliation Commission, a body set up to examine abuses that occurred during the conflict. Some provisions in the by-law under which the Commission was created fell short of international law and standards. Its mandate

was limited to genocide, crimes against humanity and war crimes and did not include other crimes under international law including torture, extrajudicial executions and enforced disappearances.¹

Investigations into shootings, torture and other ill-treatment by police and the military continued to stagnate. Despite promises from President Widodo for a thorough investigation into the December 2014 incident in which security forces shot dead four students in Paniai, no one had been brought to justice by the end of the year.²

Freedom of expression

Prisoner of conscience Filep Karma was released on 19 November after spending more than a decade in prison for his peaceful political expression. This was the latest in a positive but limited step by the authorities to increase freedom in Papua and West Papua provinces. In May, the President granted clemency to five political activists in Papua province imprisoned for breaking into a military compound, and pledged to grant clemency or an amnesty to other political activists.

Prisoners of conscience, including Johan Teterissa in Maluku, remained imprisoned for peaceful demonstrations under articles of the Indonesian Criminal Code relating to *makar* (rebellion).³ At least 27 prisoners in Papua also remained imprisoned under these articles, and 29 prisoners of conscience from Maluku remained imprisoned.

The arrest and detention of peaceful activists also continued in Papua and West Papua provinces. In May, authorities arrested 264 peaceful activists who had planned peaceful protests marking the 52nd anniversary of the handover of Papua to the Indonesian government by the UN.⁴ A further 216 members of the West Papua National Committee (KNPB) were arbitrarily detained for participating in peaceful demonstrations in support of Papua's application to join the Melanesian Spearhead Group – a sub-Pacific intergovernmental organization. While most were later released, 12 were charged for participating in the protest, including under the “rebellion” laws.⁵

President Widodo announced in May that restrictions on foreign journalists applying to visit Papua were to be lifted; this had not been implemented fully by the end of the year. In early October, three Papuan male activists who had accompanied a French journalist to Pegunungan Bintang District in Papua to cover the activities of the KNPB were arrested and interrogated by the local immigration officer about the activities of the journalist. They were held for 10 hours before being released without charge.

Convictions continued to be documented throughout the year of people peacefully expressing their views under laws concerning criminal defamation, blasphemy and “hate speech”.

In March, the Bandung District Court sentenced a woman to five months' imprisonment after she had written a “private” message to a friend on Facebook accusing her husband of abusing her. He reported her to the police after finding the accusation when he accessed her account and she was charged under Article 27(1) of the Electronic Information and Transaction Law (Law No.11/2008) with “transmitting electronic content that violated decency”.⁶ A further three people were convicted of criminal defamation under the law in Yogyakarta, South Sulawesi and Central Java during the year.

The government continued to restrict activities relating to the serious human rights violations of 1965-1966. In October, police in Salatiga, Central Java, confiscated and burned hundreds of copies of *Lentera* magazine, run by the Satya Wacana University's Faculty of Social and Communication Studies in Salatiga, because it featured an in-depth report and front cover commemorating the 50th anniversary of the violations. That same month, the Ubud Writers and Readers Festival removed three panel sessions related to these human rights violations after authorities threatened to revoke their permit.⁷

At least six people remain detained or imprisoned under blasphemy laws. In January, six members of Gafatar, a national cultural movement that was criticized by Islamic organizations who believed it promoted "deviant" beliefs, were arrested in Banda Aceh in Aceh Province and charged under Article 156 of the Criminal Code for insulting religion. In June the head of the group was sentenced to four years' imprisonment.

In October, police passed a new national regulation (Surat Edaran No. SE/6/X/2015) on hate speech. Although the regulation refers to expression "aimed to inflict hatred or hostility [against] individuals", civil society activists were concerned that they may be used to charge individuals accused of criminal and religious defamation.

Freedom of religion and belief

Harassment, intimidation and attacks against religious minorities persisted, fuelled by discriminatory laws and regulations at both national and local levels.

In July, members of the Christian Evangelical Church (Gereja Injil di Indonesia, GIDI) burned down a Muslim place of worship in Karubaga, Tolikara District, Papua province, where Muslims were celebrating Eid al-Fitr. Members of GIDI originally had gathered to complain that the noise from the place of worship was interrupting a church event. Security officials from both the military and police shot into the crowd, killing one man. GIDI youths then destroyed the Muslim place of worship and several shops in the vicinity. Two men were arrested for inciting violence.

In October, Christian churches were attacked by a group of at least 200 people in Aceh Singkil District after the local government ordered the destruction of 10 churches in the district, citing provincial and district level by-laws limiting houses of worship. The attackers burned down one church and attempted to attack another but were stopped by local security forces. One assailant was killed during the violence and approximately 4,000 Christians fled to neighbouring North Sumatra Province immediately afterwards. Ten people were arrested. The Aceh Singkil government went ahead with its plans to destroy the remaining churches.⁸

In November, a place of worship of a local Indigenous beliefs community in Rembang, Central Java, was burned down by a mob during the process of renovation. Before the attack, the community leader had received a threat by a local Islamic organization and was also asked by the Rembang District head of government to stop the renovation. At the end of 2015 no one had been held accountable for the attack.

The situation of a number of religious minority communities who had been subject to harassment, violence and forced eviction remained uncertain. Three years after local authorities evicted a

community of Shi'a Muslims in Sampang, East Java, after an anti-Shi'a mob threatened violence, 300 members remained displaced from their homes.⁹

Members of the Presbyterian Yasmin Church and the Filadelfia Church continued to hold congregations outside the presidential palace in Jakarta in response to their churches remaining sealed off in Bogor and Bekasi respectively. Although the Supreme Court overturned the Bogor administration's revocation of the Yasmin Church's building permit in 2011, the Bogor city government continued to refuse to allow the church to reopen.

Cruel, inhuman or degrading punishment

At least 108 people were caned in Aceh under Shari'a law for gambling, drinking alcohol or "adultery" during the year. In October, the Acehnesse Islamic Criminal Code came into force, expanding the use of corporal punishment for same-sex sexual relations and intimacy between unmarried individuals, with punishment of up to 100 and 30 lashes respectively. The by-law makes it difficult for victims of rape to seek justice, as the victims themselves now need to provide evidence of rape. False accusations of rape or adultery were also punishable by caning.¹⁰

Death penalty

Fourteen prisoners were executed in January and April, 12 of whom were foreign nationals. All of these related to drug-trafficking offences, for which President Widodo had previously stated he would refuse to consider any clemency applications.¹¹ The government allocated funding to conduct further executions in 2016. At least 131 people remained under sentence of death.

1. Indonesia: Appointment of Aceh Truth Commission selection team a step closer to truth and reparation for victims ([ASA 21/2976/2015](#))
2. Indonesia: Paniai shootings – make investigation findings public and bring perpetrators to justice ([ASA 21/0001/2015](#))
3. Indonesia: Release Johan Teterissa and other prisoners of conscience ([ASA 21/1972/2015](#))
4. Indonesia: End attacks on freedom of expression in Papua ([ASA 21/1606/2015](#))
5. Indonesia: End mass arbitrary arrests of peaceful protesters in Papua ([ASA 21/1851/2015](#))
6. Indonesia: Two women convicted under internet law for social media posts ([ASA 21/1381/2015](#))
7. Indonesia: Stop silencing public discussions on 1965 violations ([ASA 21/2785/2015](#))
8. Indonesia: Christian minority in Aceh under threat ([ASA 21/2756/2015](#))
9. Indonesia: Three years later, forcibly evicted Sampang Shi'a community still wanting to go home ([ASA 21/2335/2015](#))
10. Indonesia: Repeal or revise all provisions in the new Aceh Islamic Criminal Code that violate human rights ([ASA 21/2726/2015](#))
11. Flawed justice: Unfair trials and the death penalty in Indonesia ([ASA 21/2434/2015](#))

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