

INDONESIA: The Decay of Pancasila and Constitutional Protections

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Summary

In 2011, the Asian Human Rights Commission (AHRC) has witnessed a deterioration of the human rights situation in Indonesia in terms of religious freedom, the role of the judiciary and accountability for violence by security forces. This report, which is based on the organisation's documentation and monitoring work, shows that Indonesia remains heavily affected by serious human rights violations and shortcomings in the rule of law. The lack of effective prevention and legal measures taken by the legal apparatus against fundamentalist groups, shows the inability of the State to ensure fundamental rights, such as the right to life and the right to freedom of thought, conscience and religion.

Constitutional foundations such as "unity in diversity" (Pancasila) and fundamental rights are being undermined, as is being seen in the lack of appropriate responses by the State to the decay of religious pluralism and diversity. Constitutional fundamental rights are not being enforced for Aceh's citizens, who live under discriminating Sharia laws, or for religious minorities in Java and elsewhere in the country, who face persecution, or for indigenous Papuans who lack equal access to justice, protection and social welfare and as a result increasingly reject Indonesian citizenship. Indonesia's international recognition as a role-model for secular democracy in the region, and as the country with the world's largest Muslim population, is losing credibility.

Numerous cases of violations of the freedom of religion were reported in 2011. This situation cannot be separated from Indonesia's recent history. The relationship between State and religion in Indonesia is swinging from one extreme to the other. Under the authoritarian Suharto regime, which was in power until 1998, religious movements were violently suppressed, as shown in the Tanjung Priok (1984) and Talangsari (1989) incidents, during which hundreds of Muslims were killed. Alleged perpetrators in that case remain unpunished. The use of violence against religious groups was a strategy at that time to prevent Islamists from gaining political power. Conversely, the trend that has developed in recent years shows that religious organisations are now undermining State institutions and justice processes. The increased religious violence is exemplified by the killing of three Ahmadiyah followers in February 2011. The perpetrators in the case have received no or only lenient punishments, while victims among religious minorities suffer persecution.

Violence by security forces, including the police and military, remains the other major concern in Indonesia in 2011. The AHRC continued to receive numerous cases of torture by the police, and, from crises regions under heavy military control like Papua,¹ it received cases of torture by the military. The AHRC is deeply concerned by the violent dispersal and killings during the Third Papuan Congress in October 2011.

¹ The term Papua in this report refers to the Easter-most region of Indonesia, comprising the administrative provinces Papua and West Papua.



The prevailing climate of impunity permits such violence to go unchecked. It is caused by the lack of effective reforms to provide impartial and professional accountability mechanisms, including for human rights violations. Efforts to develop and reform the bodies mandated to oversee the police, prosecution and judiciary, such as the extension of the mandate of the National Police Commission (KOMPOLNAS) and the mandate of the Prosecutorial Commission, are important steps taken by the GoI. However, in practice, police officers cannot be criminally prosecuted for the widespread use of torture to obtain information or punish detainees, and members of the military cannot be held accountable by independent investigations and civilian courts. They continue to be tried exclusively by the Indonesian National Army's (TNI) legal system, which has serious flaws and typically perpetuates impunity. While Indonesia had announced the inclusion of the crime of torture in its new draft criminal code, this draft has been pending for adoption for many years. Sharia law in Aceh institutionalises corporal punishment and therefore inhuman and degrading treatment, and violates rights concerning fair trials.

The freedom of expression of activists in Papua is frequently violated through arrests of protesters and imprisonment for the peaceful expression of political opinions. More than 60 cases of violence against journalists in 2011 and several defamation law suits were reported. A new law concerning the State's intelligence system passed in 2011, and allows for arbitrary measures that violate human rights and can be used to silence activists. Civil society faces many serious challenges to their ability to perform work in favour of human rights and reforms.

As a survey by the Kompas newspaper in 12 major Indonesian cities in October revealed, 83% of the respondents are dissatisfied with the work of the police, judiciary and the attorney general's office in upholding the law. Almost 100% of the respondents felt that political conflicts within the police and corruption within State institutions is, in general, in a serious condition.²

Politicisation of criminal justice institutions such as the Attorney General's Office (AGO), corruption in the judiciary and the immunity of military commanders present an ongoing problem. The lack of accountability for gross violations of human rights and ongoing impunity for the instigators of the 2004 assassination of Indonesia's leading human rights defender, Munir Said Thalib, due to the refusal of the Attorney General to conduct new investigations, are key indicators concerning the inability of State institutions to address human rights violations effectively, and thus to fulfil their mandate to ensure a just and fair society. As a result, religious extremism grows and violations by security forces continue.

²Jajak Pendapat Kompas: Tersandera Sikap Politikus-Birokrat - Kompas. Monday, 10 October 2011 <http://cetak.kompas.com/read/2011/10/10/0203284/tersandera.sikap.politikus-birokrat>

Religion and Fundamentalism

Religious Violence

Freedom of religion and belief and the protection of religious minorities are among the most serious emerging human rights issues in Indonesia over recent years, notably in 2011. Law no. 01/pnps/1965 recognises only six main religions in Indonesia: Islam, Christianity, Catholicism, Buddhism, Hinduism and Confucianism. Other religions and beliefs are deprived of legal protection.



Members of the Ahmadiyah community demonstrate for freedom of religion. The banner calls for article 29 of the constitution (freedom of religion and belief) to be respected in the face of attacks against religious minorities, source: KontraS

Youth unemployment and poverty have allowed Islamist leaders to gain increased support and to spread fundamentalist views that violate Indonesia's constitutional values of diversity and religious freedom. Under Article 29, paragraph 2 of the constitution, "The state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief."

Violations of the freedom of religion, the right to life, and the right to remedy of members of religious minorities, have increased in recent years in Muslim-dominated areas of Indonesia, such as West Java, Banten and DKI Jakarta, as statistics from the Setara institute in Indonesia show.³ Fundamentalists have created conflicts between religious groups that had peacefully coexisted over the last decades, including between different Islamic groups, as attacks on Ahmadiyah communities by hard-line Islamic groups show. The problem of attacks and threats on Ahmadiyah families had already

³ <http://setara-institute.org/en/content/grafik-laporan-pelanggaran-kebebasan-beragamberkeyakinan-2007-2010>



been raised during Indonesia's first UPR review in 2008,⁴ but the government has still not taken adequate steps to ensure their protection. Violence against minority groups and terror bombings in places of worship illustrate the state of religious tolerance and freedom in Indonesia at present.

Historical context of the repression of religious movements and their radicalisation

After the end of New Order era, Indonesia began the process of transformation into a democratic country. However, this nascent democracy was being built without strong institutional foundations.

Under Suharto's autocratic rule, Law no. 8/1985 on Mass Organizations was used to effectively prohibit religious organisations and to make communist groups illegal. Religious groups were violently oppressed, allegedly in the name of constitutional protection and the Indonesian State's principle of *Pancasila*.⁵ Hundreds of Muslims were killed in the Tanjung Priok case in 1984 and the Talangsari case in 1989.⁶

After the fall of Suharto in 1998 and the following democratisation processes, various community organizations, including religious organizations, were established. Over the following years, several religious organizations such as the Islamic Defenders Front (Front Pembela Islam - FPI), the Islamic Community Front (Front Umat Islam - FUI), and the *Party of Liberation/Hizbut Tahrir Indonesia* (HTI), developed extremist and Islamist tendencies and activities that remained largely unchallenged by State institutions. The agenda and activities of such groups have now reached a state that seriously threatens constitutional protections and Indonesia's secular constitutional framework.

Alongside these social developments, resistance against Ahmadiyah followers grew. The Indonesian Ulama Assembly (Majelis Ulama Indonesia - MUI) issued a fatwa in 1980 declaring that Ahmadiyah followers were part of an errant sect. 28 years later, pressure on political actors had grown leading to members of the government issuing the 2008 joint ministerial decree,⁷ which prohibits the Ahmadiyah community from promulgating their religion. Both the fatwa and the decree remain in force, and have since encouraged persecution and violence.

⁴ <http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/ID/QUESTIONSINDONESIA-ADD1.pdf>

⁵ Pancasila is comprised of five points: 1. Belief in the one and only God. 2. Just and civilized humanity. 3. The unity of Indonesia. 4. Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives. 5. Social justice for the all of the people of Indonesia.

⁶ See section on Impunity for more details on these cases.

⁷ <http://www.humanrights.asia/countries/indonesia/laws/ministerial-decree-against-jai-2008>

Examples of human rights violations resulting from religious intolerance in 2011

Cases of mob violence by Islamists against Ahmadiyah communities have resulted in deaths and property being destroyed. Ahmadiyah mosques were attacked, including the mosque in Samarinda in February 2011, and the Ahmadiyah mosque and secretariat in Makassar in August 2011.

Cikeusik case

On February 6, 2011, three Ahmadiyah followers were killed and five injured after an angry mob attacked them in Cikeusik, Pandeglang – Banten, West Java. At that time, the Ahmadiyah followers were trying to protect themselves and the assets of the Ahmadiyah from the mob that was forcing them to leave the village. The mob attacked the victims with machetes and stones. The members of the police and military who were present, were unable to do much to prevent the mob violence as they were considerably outnumbered. As a result, Roni Pasaroni, Tubagus Candra Mubarak Syafai and Warsono, three Ahmadiyah followers, were killed.

On April 28, 2011, the Serang District Court in West Java convicted 12 perpetrators for maltreatment, joint assault and incitement to violence, with light prison sentences of 3-6 months. In the meantime, another Ahmadiyah victim, Deden Sudjana, who was also injured by the mob attack, was taken to court and sentenced to six months in prison for refusing to leave the house when asked to by the police officers, and for wounding one of the attackers (under articles 212 & 351 of the Criminal Code). Courts are producing judgements that lack impartiality and undermine minority rights. The AHRC published a statement concerning this case which can be found here:

<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-106-2011>



Police is standing between the angry mob who killed three Ahmadiyah followers without having protected the victims

Christian churches have been bombed and burned, while local administrations have banned religious communities from worshipping on their land in many cities and towns, allegedly to avoid conflict with mainstream Muslim groups. Such attacks have not been prevented by the Indonesian authorities, despite the planned attacks having been

announced publicly. Furthermore, Mayor Diani Budiarto from Bogor prohibited the Yasmin congregation of the Indonesian Christian Church (Gereja Kristen Indonesia, GKI) in Bogor, West Java from worshipping in their premises, effectively displacing the congregation from the area. The Sleman church in Yogyakarta was sealed by the authorities on February 18, 2011.

Administrative reasons such as the lack of building permits are often used to justify the shutting down of churches, thus preventing worship to take place. These actions are allegedly carried out in response to the fear of “christianisation” experienced by mainstream religious communities.

The Yasmin Church prohibition case

In early 2000, the Yasmin congregation of the Indonesian Christian Church (Gereja Kristen Indonesia - GKI) applied for a permit to build a church in Taman Yasmin area, Bogor, West Java. As all requirements set out by law were fulfilled, the mayor of Bogor issued the building permit (IMB) in 2006.

While the construction was in progress, the head of the Bogor city planning and landscape department (Kepala Dinas Tata Kota dan Pertamanan Bogor) issued a letter on February 14, 2008, requiring the halting of all construction work. The congregation won an appeal at the Supreme Court on December 9, 2010, allowing construction work to resume.



People's protest against the closure of the Yasmin church in Bogor, source: KontraS

Since 2010, the Bogor authorities continued to ban the church and the Bogor city district police (Polresta Bogor) as well as the Civil Service Police Unit (Satpol PP) have stopped the congregation from worshipping by blocking the road to the church. On March 13, 2011, fully-armed mobile brigades (BRIMOB) of the Bogor city district police forcibly dispersed the congregation. Local opponents of the church group have repeatedly intimidated and harassed its members, notably by organising mass protests to intimidate and disrupt the congregation while they were conducting religious activities in front of the church.

Subsequently, allegedly due to pressure from hard-line groups, the Mayor of Bogor revoked the building permit and sealed off the church, demanding that all religious activities be halted in the GKI Taman Yasmin church area by April 10, 2010.



Separately, on April 15, 2011, a bomb exploded in the Adz-Zikra Mosque, in the Cirebon Police Resort Office complex (Mapolres Cirebon), while people had gathered for the Friday prayers (shalat). The suicide bomber died and another 31 people were injured, including Mr. Herukoco, the head of Cirebon resort police (Kapolresta Cirebon). Members of the Jamaah Ansarut Tauhid are thought to be responsible for the bombing.

On September 25, 2011, a bomb also exploded in the Bethel Injil Sepenuh Church (Gereja Bethel Injil Sepenuh/BGIS) Kepunten, Solo, Central Java. The suicide bomber⁸ died and another 20 people were injured. The incident occurred just after the congregation had finished worshipping.

The lack of an effective institutional response to attacks and discrimination against religious minorities

Attacks on religious minorities in Java and other parts of Indonesia in recent years have also shown that the police and courts are unwilling to protect individuals or groups from attacks and other abuses by the religious majority. In several cases the police has failed to conduct investigations and perpetrators are not being brought to justice. Attempts by hard-line religious groups to obstruct religious minorities from worshipping have taken place with the acquiescence of the police. In the few cases that were brought to court, the perpetrators received only lenient punishments. The police tend to acquiesce to the requests of hard-line members of the religious majority rather than to provide protection to members of religious minorities.

In a series of cases in recent years, the authorities, including the justice system, have been shown to be ineffective at sufficiently protecting the human rights of the Ahmadiyah and Christian communities in Indonesia. The justice system has granted impunity to perpetrators of attacks and other abuses, and the courts lack independence and integrity. The resulting lack of an institutional response has encouraged further attacks and abuses. While attempts to provide increased police protection in some cases are welcomed, they often do not suffice.

More steps are required by the GoI and local authorities to halt the growth of religious conflicts and to ensure every person's freedom of religion. The legal apparatus, for example, continues to show bias. The lack of punishments and the absence of prevention efforts undertaken by the legal apparatus against fundamentalist groups such as the Islamic Defender Front (FPI), have been shown to have resulted in the deterioration of the situation. Law no.12/2005, which brings domestic law in line with international standards concerning freedom of religion or belief contained in the International Covenant on Civil and Political Rights (ICCPR), is not being effectively implemented by the GoI. Law no.1/PNPS/1965 concerning *The Prevention of Religious Abuse and/or Defamation*, remains in effect to date, and create obstacles to the freedom of religion by

⁸ According to Anton Bachrul Alam (National Police Spokesman), the suicide bomber in Solo, named Ahmad Yosefa Hayat, is one of the fugitives in the Cirebon bombing case



recognising only six main religions. Meanwhile, there are numerous other religions and beliefs practiced in Indonesia such as Kejawen (traditional Javanese beliefs), Sunda Wiwitan (traditional Sundanese beliefs).

Direct or indirect support by Islamic political parties⁹ and the minister of religion allow hard-line organizations to continue committing violations against minorities, especially efforts to block Ahmadiyah activities. The formal attendance of the Jakarta Governor and the Chief of the Indonesian National Police at an FPI annual event is seen by many as an indicator of their support for and bias in favour of this group. The Governor of Jakarta also invited the FPI to be involved with the local administration in maintaining security during fasting month of Ramadan, which has led to abuses by this group. The FPI's involvement concerned the implementation of the following local regulations: (PERDA) No.10/2004 concerning Jakarta Tourism and Governor's Decision (KEPUTUSAN GUBERNUR) No. 98/2004 concerning Time Implementation of the Tourism Industry in Jakarta. This collaboration has effectively legalized the illegal raids that the FPI regularly carries out during the fasting month. During Ramadan in 2011, the FPI carried out a number of such illegal raids against several restaurants and food stalls that were open during the day (during fasting time). On August 12, 2011, for example, members of the FPI raided and destroyed restaurants and food stalls' furnishings, including chairs, tables and plates, and also threatened the owners into signing a letter pledging to not open their restaurants and food stalls during the day. Police officers from Makassar Police Resort and Panakkukang Sub-district Police who accompanied the FPI did nothing to prevent or halt the FPI's illegal actions.

After the Cikeusik attack incident that killed three Ahmadiyah members in February 2011, several local governments and administrations issued regulations to ban Ahmadiyah activities, and explained these measures were necessary as a security strategy to avoid such attacks from re-occurring. These local regulations base themselves on the Joint ministerial decree (SKB) of the Minister of Religion, the Minister of Internal Affairs and Attorney General, against the Ahmadiyah that was issued in June 2008,¹⁰ which prohibited the promulgation of non-mainstream Muslim beliefs. Eight areas in Indonesia have banned Ahmadiyah activities since February 2011. While the first such regulations were issued as early as 1983, the majority of them were all issued immediately following the Ahmadiyah killing as the following table shows.

The table shows a list of local regulations that prohibit Ahmadiyah activities, issued in 2011, since the Cikeusik Incident.

⁹ Such as the *Prosperous Justice Party* (Partai Keadilan Sejahtera), the *United Development Party* (Partai Persatuan Pembangunan), and the *Crescent Star Party* (Partai Bulan Bintang)

¹⁰ See the text of the decree at: <http://www.humanrights.asia/countries/indonesia/laws/ministerial-decree-against-jai-2008>

SKB 3 Menteri, No. 03/2008, Number: 033/A/JAI/6/2008, Number 199 Year 2008.



No	Regulation no.	Date of issue	Area/district	affected population ¹¹
1.	Governor's Circulation Letter No.223.2/803/kesbang (Surat Edaran Gubernur)	10 February 2011	South Sulawesi	8.034.776
2.	District Regulation No.450/PUM/2011/68 (Peraturan Bupati)	16 February 2011	Kampar, Riau	750.000
3.	District Regulation No.5 Year 2011	21 February 2011	Pandeglang, Banten	1.149.610
4.	Mayor's Decree No. 200/160/BKPPM.I/II/2011 (Surat Keputusan Walikota)	25 February 2011	Samarinda, East Kalimantan	3.553.143
5.	Governor Regulation No.188/94/KPTS/013/2011 (Peraturan Gubernur)	28 February 2011	East Java	37.476.757
6.	Governor Regulation No.12 Tahun 2011 (Peraturan Gubernur)	3 March 2011	West Java	43.053.732
7.	Mayor's Decree No.300.45-122/2011 (Surat Keputusan Walikota)	3 March 2011	Kota Bogor, West Java	950.334
8.	Mayor's Regulation no.9/2011 (Peraturan Walikota)	9 March 2011	Depok, West Java	1.738.570

Sources: Indonesian central statistics agency (Badan Pusat Statistik) & KontraS report on the attack incident of Ahmadiyah followers in Cikeusik, February 2011

11 Indonesian Population Census 2010 <http://www.bps.go.id/aboutus.php?sp=0>

**Recommendations:**

1. The government and the criminal justice institutions should ensure impartiality by the police, prosecution and courts, through training, independent and effective oversight mechanisms, the assessment of decision making processes and the punishment of violators, through the application of effective administrative and criminal sanctions that are in line with international law and standards.
2. The government must end the encouragement of religious discrimination by the State, notably by repealing joint ministerial decree no. 3/2008.
3. The House of Representatives should review law no. 1/PNPS/1965 concerning the prevention of religious abuse and/or defamation to ensure the equal treatment and recognition of all religions before the law.
4. Criminal justice institutions should ensure that police officers that fail to protect the rights of any and all persons according to the law are held accountable for their actions or lack thereof.
5. More efforts are required to provide an effective justice system, uphold constitutional integrity and anti-corruption measures are made, in order to ensure a more just social order that upholds human rights, and therefore addresses the root causes of increased radicalisation and the religious violence that it entails.
6. The Judicial Commission should investigate the judgement in the Cikeusik case, concerning the mob attack and killing of members of the Ahmadiyah faith, and all other cases where allegations of religious discrimination are made concerning verdicts, in order to ensure that such verdicts are in line with domestic law, constitutional rights and Indonesia's obligations under international law. Investigations must be launched systematically when such allegations are made and appropriate sanctions must be applied to any judges found to have acted contrary to the above.

Sharia Law in Aceh

The granting of special status and autonomy to the Indonesian province of Aceh in accordance with law no. 44/1999 on the *Implementation of the Special Status of Aceh* and law no. 18/2001 on the *Special Autonomy of Aceh*, has given Aceh's autonomy house of representatives the authority to implement Sharia Law through provincial religious laws, also known as Qanun. Several articles of the provincial Sharia Law, including those relating to corporal punishment and restrictions on women's rights contradict Indonesia's constitutional rights and national laws, as well as international law such as the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia in 2006.



The judiciary, including the Supreme Court, has not played an active role to review this situation. The provincial law and local regulations cannot be brought to the constitutional court for review under the current system.

Although religious provincial law no. 14/2003 concerning adultery limits the role of members of the public to reporting crimes under Sharia, and to bring alleged perpetrators to Sharia or regular police officers, the law in fact encourages vigilantism. Punishments are being carried out by members of the public based on their interpretation of the law. In several cases of degrading treatment of women and girls in public, in response to their alleged involvement in violations of Sharia law, the punishments were arbitrarily meted out and conducted by members of the public, and in public, without the involvement of any State authority. Punishments include caning and having sewage water poured on victims. According to the National Commission on Violence against Women, there were 207 local regulations in effect in 2010 that discriminated against women. The procedural rights of alleged offenders are being ignored and the perpetrators of illegal Sharia punishments are not being held accountable by the police.

Cases of violence in the name of Sharia, often conducted by the public without any trial, marked the situation in Aceh in 2011. According to KontraS Aceh, in April 2011, 2 children from Glumpang Tujung, Matang Kuli, North Aceh were forced to marry after they were caught kissing. On 5 August, in Ladong, Aceh Besar, members of the public caught an unmarried couple hugging, and punished them by covering them with sewage water. In Lhokseumawe, a 17 year-old student was caught while with her boyfriend, and they were subjected to beating for ten minutes and being thrown into a water reservoir.

Another 12 cases that occurred between May and September 2011 were documented by KontraS Aceh, mostly concerning cases of young unmarried couples engaging in activities that are seen as being immoral under Sharia Law, such as hugging and cases of adultery. Typical punishments for adultery include forced marriages, caning and degrading treatment such as being covered with sewage. NGOs are not able to criticise Sharia practices such as corporal punishment, without being stigmatised as anti-Islamic by the public and facing social exclusion.

In Aceh, public caning is practiced as a form of corporal punishment under Sharia law. The AHRC considers that such punishments in many cases amount to torture and therefore represent a violation of Indonesia's obligations under international law. Furthermore, the provisions on corporal punishment in Aceh's Sharia law, which is imposed through provincial law and district regulations, violate Indonesia's constitution, notably article 28G (2)¹² and article 28I (1).¹³ By allowing these unconstitutional

¹² Article 28G (2) Indonesian Constitution (UUD 1945) states that "Every person shall have the right to be free from torture or inhumane and degrading treatment, and shall have the right to obtain political asylum from another country"



provisions to remain effective in practice, the Indonesian government is acquiescing to the acts of torture and other human rights abuses being carried out under Sharia law in Aceh.

The Indonesian State and the authorities in the province of Aceh have failed to intervene to protect victims from these unconstitutional forms of punishment and human rights violations. A coalition of local civil society groups formed in 2009 has successfully campaigned for the removal of the qanun jinayah that provided for stoning. The original Sharia-based penal code provided stoning as punishment for adultery. Adultery continues to be punishable by flogging.

Provincial laws and local regulations which violate the Indonesian constitution, including those concerning Sharia, cannot be challenged by the Constitutional Court, but only in the Supreme Court. The AHRC is of the opinion that such laws and regulations should be challenged in the Constitutional Court, as this court holds public hearings and allows for greater transparency than the Supreme Court.

In order to begin to address the problem of the provisions in Aceh's Sharia Law that violate human rights and Indonesia's constitution, more awareness raising concerning human rights norms must be conducted in order to inform the Acehnese public and legislators in particular. Articles in the provincial law that violate human rights norms must be reviewed to ensure that they are in line with domestic and international laws protecting human rights, notably concerning the freedom from torture, ill-treatment and other degrading forms of punishment, as well as the internationally accepted standards of fair trial.

Recommendations

1. The mandate of the Constitutional Court should be extended to allow for a review of local regulations (Peraturan Daerah / PerDa) regarding their constitutionality.
2. The application of any Sharia Law articles that violate human rights norms, including the right to a fair trial and the freedom from torture and degrading treatment, have to be halted until the law and district regulations have been reviewed to ensure that they are in line with national and international laws and standards.

¹³ Article 28I (1) Indonesian Constitution (UUD 1945) states that "the rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstance"



Human Rights in Papua

In the provinces Papua and West Papua, indigenous Papuans are being discriminated against and subjected to grave human rights abuses by Indonesia's security forces and public services. While the Papuan provinces are the richest in terms of natural resources in Indonesia, and the 2001 Special Autonomy Law for Papua had been expected to provide a high level of self-determination and a framework that would permit more effective poverty alleviation, the Papuan people have not seen a noticeable improvement to their living conditions. Rampant corruption in public institutions, a high level of military deployment, a repressive climate for activists, and discrimination against ethnic Papuans all contribute to creating a situation marked by insecurity and widespread human rights abuses.

Human rights violations encountered include: arbitrary arrests of civilians who are then often arbitrarily sentenced with rebellion, leading to prolonged prison terms; torture; and extra-judicial killings. The GoI has also created bureaucratic obstructions and is blocking access of journalists, human rights and humanitarian organisations from outside Papua to the region, which greatly hampers transparency and the improvement of the situation of human rights there.

In 2011, killing incidents increased, for example: on July 12, four innocent civilians were shot in an armed clash between the 753/AVT infantry battalion and an armed group in Puncak Jaya; on July 30, in Timika, one person was seriously injured during a clash between riot control forces from Timika district police and the community, and later died. At least 3 persons were killed on October 19, 2011 during the Third Papuan Congress. The indigenous event was violently dispersed on its last day after independence aspirations were declared and an indigenous Papuan political leadership was appointed.

As the GoI is in the process of setting up a special body (the Unit for the Acceleration of Development in Papua and West Papua - UP4B) at the national level to ensure effective development in Papua, the AHRC urges the government to ensure that this body prioritises corruption in public institutions and the administration as well as the recognition of and justice for past gross violations of human rights that occurred during the last 50 years and remain a key issue for indigenous Papuans.

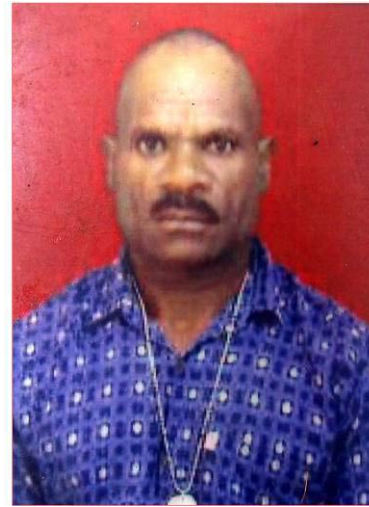
Freeport and security forces

Following a strike on September 15, in the Freeport area, as of November 25, there had been at least 11 shooting incidents in the Freeport area, resulting in the death of at least 9 civilians and 18 persons injured. At least two of these 9 victims were protesters from the Freeport workers union who were shot at during a rally.

Police in Timika kill two union protester and injure others at Freeport

On 10 October 2011, the police in Timika District Police (POLRES) shot Peter M. Ayamiseba, an employee of PT Freeport Indonesia with live ammunition and injured 9 other employees, when around 1.000 employees conducted a demonstration at the entrance gate of the Gorong-gorong Bus Terminal to protest against Freeport Management's policy of hiring new employees to replace them. This demonstration is a continuation of the strike that began on September 15, 2011, demanding higher wages. Leo Wandagau, one of the injured employees died five days after this incident. Further case details are available here:

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-204-2011>



*Leo Wandagau, union protester, died from the shots by police 5 days after the incident,
source: Freeport Workers Union*

One of the main reasons for violence and rights abuses in Papua is the ownership of the region's significant natural resources. PT Freeport Indonesia (PTFI), a member of the major international US based Freeport McMoRan group, is heavily involved in extracting copper and gold in Papua, and has been categorized as a "national vital object,"¹⁴ a status that requires it to be protected by the police and/or TNI to ensure its security. The company provides an important source for state revenue. The chief of Indonesian police, Timor Pradopo, admitted in October 2011 that members of the police in Papua receive money from PTFI.¹⁵ In a letter to the NGO KontraS in 2010 the Papua regional police stated that the management of PTFI provides Rp. 1.250.000, (almost USD 137) per person per month to 635 police officers. An investigation conducted by Indonesian Corruption Watch (ICW) found that PTFI provided USD 79,1 million to the Indonesian police and TNI over the last 10 years.¹⁶ The large sums of money accepted by police and military contradict their supposed independence and encouraged the human rights violations in Papua and a continuation and exaggeration of the security threats in favour of PTFI's economic interests.

¹⁴ Based on presidential decree No. 63 of 2004 regarding security of national vital object

¹⁵ The statement on 28 October 2011, *National Police admit receiving 'meal money' from Freeport*, <http://www.thejakartapost.com/news/2011/10/29/national-police-admit-receiving-meal-money-freeport.html>

¹⁶ *Police Accepted Money from Freeport Since 2001*, <http://www.thejakartapost.com/news/2011/11/01/police-accepted-money-freeport-2001-icw-reports.html>



Omnipresent security forces in Papua surround the Third Papuan Congress

Violence by military and police

The increased military deployments in Papua has violated many laws, such as law No. 34/2004 regarding Indonesian National Military (TNI), under which such deployments must receive approval by the civilian political authorities, either from the president or house of representatives, in the form of Presidential Decree. In some cases in Papua, this has not been the case. The heavy deployment of troops in Papua goes beyond the purpose of border control and defense against external threats. While the ministry of politics law and security explained the need for the army to maintain security, the AHRC is of the view that the low level of armed violence requires police work and peace building measures. Troops beyond those dealing with border control and defense against external threats should be removed according to a clear time schedule.

Kurulu case

On November 2, 2011, between 11pm-3am, seven members of the Kurulu military sub-district command (*Danramil Kurulu*) arrested and ill-treated three local activists and nine Umpagalo villagers without any command letter of authorization, at Umpagalo village, 176/Kurulu military headquarters of Wim Anesili's branch, Kurulu sub-district, Jayawijaya, Papua. The arrest followed a false report filed by a reportedly drunk Kurulu villager, that these persons were holding a separatist meeting. While taking the victims to military headquarters, the officers beat them, cut them with bayonets for two hours, forced them to crawl and doused them with water for one hour. The officers also humiliated the victims, beat them with big wooden sticks, kicked and stepped on them with boots, pointed guns at them, threatened to cut their heads, stabbed them with bayonets and shot them four times. After that, the military brought the victims to Kurulu military headquarters and allegedly detained them for two hours.

In response to this, Ibnu Tri Widodo, the head of district command (*Korem*) 172/PWY acknowledged the violence. He stated that the seven soldiers who mistreated the civilians are now held in the custody of the Wamena Military Police. Following the mistreatment, all soldiers on duty in the Kurulu sub-district had been posted elsewhere. He also promised that the military would no longer act “arrogantly” towards civilians. No effective accountability measures were taken beyond this.

Torture is used in a widespread way by the police and military against indigenous Papuans, notably on persons suspected of supporting independence movements. Such suspicions are often levelled arbitrarily against members of the indigenous community and result in stigmatisation. The Human Rights Court Law (Law no. 26/2000) includes torture as a gross violation of human rights under article 9.6., which requires an investigation and trial in a Human Rights Court if it is *part of a broad or systematic direct attack on civilians*. The AHRC believes that torture is being used in such a systematic manner and therefore calls on the National Human Rights Commission (Komnas HAM) to ensure that inquiries are launched into the use of torture in Papua, without delay.

Civil Society and Freedom of Expression in Papua

Indigenous civil society groups are subjected to tight controls and surveillance by the intelligence authorities, the military and police in Papua, including raids on their offices, staff members being intimidated or even arrested, notably after public protests. In particular, peacefully expressed indigenous political demands for greater self-determination or the display of Papuan identity symbols such as flags frequently result in arrest and detention that can range up to life imprisonment, based on charges of sedition



Police and un-uniformed thugs arrest participants of the Third Papuan Congress in October 2011



“makar” under the criminal code. The UN working group on arbitrary detention issued opinion 48/2011 to the GoI in May 2011, stating that detention for the peaceful raising of the Papuan flag, as recognised in the Special Autonomy Law, violates ICCPR provisions.

At least one person killed, hundreds arrested and five persons charged with rebellion at Third Papuan People’s Congress

During the third Papuan People’s Congress on 16-19 October 2011 which was held in the Taboria oval (Zaccheus Field) in Abepura, Papua, around 2200 members of the Indonesian army (TNI) and mobile brigades (BRIMOB) were deployed and intimidated the participants. After the event concluded at around 2 pm on October 19, with political declaration regarding the self-determination of the indigenous Papuan population being read out, the security personnel from the army and police forces opened fire on the participants. They have claimed that these were warning shots, but at least three persons were shot and killed and many others were reportedly injured. They dispersed the crowd, beating numerous participants in the process. Some 300 persons were arrested and taken into custody in trucks. Five persons - Forkorus Yaboisembut, Edison Gladius Waromi, August Makbrawen Sananay Kraar, Dominikus Sorabut, and Gat Wenda - were charged under articles 110 p.(1), 106 and 160 of the Indonesian Criminal Code, relating to rebellion/secession (makar) by the Regional Police of Papua province (POLDA). Further case details are available here:

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-213-2011>

Political prisoners in Papua

After the fall of Suharto in 1998, human rights violations against political prisoners and the sentencing of new persons for their peaceful expression of political opinions continued. The prisoners’ rights to health care are frequently ignored. Most are sentenced between 2 and 20 years imprisonment. In December 2010 after an initial arrest in 2008, political prisoner Sebulon Sambom was paroled by the Ministry of Law and Human Rights. Fellow activist, Buchtar Tabuni, who had been imprisoned since December 3, 2008, and was allegedly subjected to beatings while in detention, was released on August 17, 2011. While the AHRC welcomes the release of some them, it notes with concern that more than 40 Papuan political prisoners are remain in prison, according to estimates.

Mr. Kimanus Wenda who has been serving a 20-year sentence since 2010 for rebellion in Nabire prison, has needed medical treatment for a tumour in his stomach, but the prison health division did not provide an adequate response. On February 2, 2011, the Nabire



hospital issued a recommendation letter to Mr. Wenda in order for him to be operated upon in a Jayapura hospital immediately. The prison authorities have refused to pay for his transport and medical costs as required by law.

Recommendations:

1. The Government of Indonesia (GoI) should ensure equality, prosperity, non-discrimination and the enjoyment of all fundamental human rights for all members of the indigenous Papuan community.
2. Komnas HAM should ensure that inquiries are launched into all allegations of the use of torture in Papua, notably against alleged separatists, and where required, bring the situation to a Human Rights Court.
3. The President is urged to take extra measures against corruption in public institutions including police and judiciary, such as through a special task force of the KPK (Indonesian Anti Corruption Commission) to Papua.
4. The GoI should guarantee unrestricted access to Papua for international humanitarian and human rights organisations, international journalists, and parliamentarians and to ensure that they are able to carry out their job without restriction and harassment.
5. All military deployments whose function goes beyond border control and protection from external threats should be removed according to a clear time frame. The GoI must ensure that cases of violence in Papua are instead addressed by a professional and accountable police force.
6. The GoI must ensure an end to all cases of intimidation, harassment, and physical violence perpetrated against human rights defenders and journalists in Papua, and ensure that the perpetrators are brought to justice.



Key human rights issues and violations

Torture

Human rights documentation carried out by the AHRC shows that torture remains widespread in Indonesia. While only a few officers have been held accountable for what Indonesia's domestic law calls maltreatment, a consistent and systematic response to the problem of widespread torture is lacking. The crime of maltreatment allows for imprisonment sentences of up to five years. In cases of torture, in practice, perpetrators have only typically received sentences of a few months imprisonment when charged with maltreatment. Hundreds of cases are reported every year, mostly concerning torture by the police in order to obtain information or confessions. Forms of torture encountered include severe beatings, electrocution, the burning of parts of the body, detainees being forced to have sex with each other or urinate on each other. These are typically accompanied by a range of inhuman and degrading treatments, such as being stripped naked. The use of torture is widespread during interrogation. While police regulations prohibit torture, they are not being enforced effectively. The lack of criminalisation and effective punishment results in impunity for most perpetrators. The lenient punishments applied in some cases do not correspond to the severity of the act of torture and have little deterrent effect on its use in policing.

The use of corporal punishment under Aceh's provincial Sharia Law, which the AHRC considers amounts to torture in many cases, has been detailed in the section above. In conflict regions such as Papua or the Maluku, which are characterised by large scale military deployments, military torture, notably of alleged separatists, is an additional problem. Video evidence of a case of torture by the military in the Papuan highlands surfaced in the international media in October 2010. In the video, alleged separatist supporters who were being held at a military post, were seen being interrogated and tortured, including the burning of their genitals and the use of suffocation. Despite clear evidence being available and considerable international attention concerning this case, the perpetrators were not held accountable for torture. They were tried by an opaque military tribunal and received sentences of only a few months, not concerning the use of torture, but for disobeying release orders made by their superiors. This clearly shows both the problem of the use of military tribunals for offences committed against civilians, which should be tried by a civilian court, and the problems arising out of the lack of a specific crime outlawing torture in Indonesia's domestic legal system. The victims concerned in this case had still not received any reparation as of November 2011.¹⁷ On March 5, 2011 Charles Mali was tortured to death by members of the Indonesian Military Forces (TNI) Infantry Battalion 744/SYB, in Atambua in the border area of East Nusa Tenggara. The 23 members of the military found responsible are being held under special detention conditions that reportedly allow them to leave prison as they see fit.

¹⁷ See Tuanliwor Kiwo case in the subsection on human rights in Papua

**Case: Torture of Charles Mali in East Nusa Tenggara**

On March 5, 2011, there was an incident between six drunk Futubena young men and an officer of the TNI Infantry Battalion 744/SYB. In the afternoon, several TNI officers came to Raimundus Mali's home (father of Charles and Heri Mali), asking for the whereabouts of Charles and his friends, but failed to find Charles. On March 8 at around 9am two members of the military forcibly took Charles Mali's parents, Raymundus Mali and Modesta Dau to report at the Tobir Post, where the Provost requested them to bring their sons for coaching.

Following this request, Charles and Heri were handed over to the Provost by their parents on March 13. Rather than any coaching, Charles and Heri Mali were tortured then, together with their four friends, all of whom were involved in the March 5 incident. The six youth were beaten, kicked with boots and physically pitted against each other by some members of the TNI Battalion 744 in Tobir Post. The torture lasted about four hours. At around 10pm, Heri Mali found his brother Charles had died, with bruises on his back, face and chest, allegedly caused by being kicked with boots. Heri underwent intensive treatment at the Sitohusada Hospital, Atambua, due to back, chest and head injuries from punches and kicks, as well as vomiting supposedly caused by a hard blow to the head. In relation to this incident, the Sub-military police detachment (*Sub Denpom*) Atambua has examined 23 members of Battalion 744/SYB who were allegedly directly involved in the torture and murder of Charles Mali and his friends. Although some 23 suspects were detained, there has been no significant progress in the case; instead, reports indicate that the detainees are in fact able to leave detention freely to meet their families. For more information on this case please visit: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-096-2011>.

Criminalisation of Torture and Penal Reform

While Indonesia had announced the inclusion of torture as a crime in its draft criminal code (KUHP), this draft has been pending for adoption for many years. Discussions first began on a new criminal code in the 1980s and continue within the Ministry of Law and Human Rights, delaying its adoption, which is unlikely to occur in the near future, as it is reportedly not being treated as a high priority.

Given delays concerning the criminal code, the Indonesian authorities should also consider passing a stand-alone criminal law that punishes torture in line with the provisions of the CAT.¹⁸ Passing such a law could circumvent the delays to the

¹⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



criminalisation of torture arising from the process of adoption of the criminal code. It could also encompass comprehensive provisions such as for reparations and non-refoulement.

Recommendation

Given that cases of torture allegedly committed by the police and military continue to be perpetrated, the Indonesian authorities must take all necessary steps to ensure the criminalisation of torture, including provisions for punishment of perpetrators and reparations for victims that are in line with international standards, in the shortest possible time-frame, through updated provisions in the criminal code and a stand-alone law criminalising torture.

Terrorism and Human Rights

The Special Detachment 88 Anti-terror Indonesian Police (Densus 88) was created in 2003 as a special unit within Indonesian police to handle counter-terrorism. However, it has been exceeding its mandate and been involved in dealing with other crimes, such as robbery, as was seen in CIMB Niaga Bank Medan in 2010. There is no internal or external mechanism to monitor Densus 88 and its performance concerning the respect for human rights, leading to abuses being carried out with impunity. Densus 88 stands accused of using extra-legal measures, such as arbitrary arrests, torture and extra-judicial killings. Arrested alleged perpetrators are denied rights as suspects such as the rights to access legal representation and family members. As a result of anti-terrorism operations aimed at finding suspects or weapons in 2011 in Java, Sumatera, Kalimantan and other regions, 8 persons were killed, 1 person shot and injured, and at least 6 persons were arbitrarily arrested.¹⁹

Recommendation

Independent monitoring of Densus 88 is required to ensure that it operates in accordance with human rights, with the police's standard operational procedures (SOP) internal regulations, such as law no. 2 of 2002, notably its Article 15 regarding the use of firearms, as well as the Chief of the Indonesian Police's regulation (Peraturan Kapolri) No. 1 of 2009, which concerns the use of force as part of police action.

¹⁹ Documentation by KontraS 2011



Land disputes between military and farmers

In recent years, several cases of land disputes or even violent clashes between the military and villagers were recorded.²⁰ In 2011, clashes took place in Kebumen, Central Java, which are detailed below. Most cases are based on conflicting claims over ownership of land and buildings, often without legal basis from the military’s side. The protests by villagers are then met with military force.

In recently documented cases, land disputes also include retired military personnel, since Minister of Defence Purnomo Yusgiantoro and Vice of Minister of Defence Major General Sjafrie Sjamsoeddin announced the control all State housing under the military institution. The issue of Army Telegram Letter (Surat Telegram) Number 1409, October 2011, and Telegram Letter Number 1555, by the Army Chief of Staff underscores the TNI’s efforts to control State housing. As a result, the TNI has forcibly evicted residents who are former military personnel from State housing by breaking down doors, removing all the furniture and intimidate them.

In 2009, the First Commission of the House of Representatives (DPR) launched a mediation effort between victims of land disputes and the Minister of Defence and Commander of the Armed Forces. The mediation resulted in a moratorium on forced evictions by the TNI in theory, although in practice, the TNI is still threatening to evict retired members of the military or their families who live in State housing, and have carried out some evictions as detailed above.

Number of houses used by the TNI for their current or retired staff as of 2011²¹

	active soldiers	retired personnel & family	illegally occupied	total
Land Forces	126 138	19 318	6 345	151 801
Naval Forces	13 701	3 792	100	17 493
Air Forces	16 186	626	213	17 290
total	156 025	23 736	6 658	186 584

Source: Alliance of State House Residents (APRN)

²⁰ During 2006-2011, the land disputed between military and villagers occurred in Alas Tlogo in East Java, and Bojong Kemang and Rumpin in West Java

²¹ source: Alliance of State House Residents (APRN)



Military open fire on protesting villagers in Central Java

On April 16 2011, the military opened fire in Kebumen, Central Java against protesting farmers. The military planned to build a combat training centre (PUSLATPUR) on the farmers' land near the Setrojenar village, Bulu Pesantren in Central Java. 13 civilians were seriously injured, with six of them suffering gunshot wounds, and had to be treated in the Kebumen Regional General Hospital (RSUD). The police charged several protesters with criminal offences related to violence or attacks on property.²² The First Commission of House of Representative has called Military Armed Commander (Panglima TNI) to explain this incident. The National Commission for Human Rights has also formed a team to conduct the investigations. But there has been no follow-up of the results of the investigation from the Military Police (Polisi Militer/POM) about alleged abuses by the military forces in the incident. None of the perpetrators from the military have been held accountable. Please see further details at:

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-079-2011>

Recommendations

1. The government of Indonesia must ensure that effective investigations are launched into all cases of violence resulting from conflict over land ownership, in particular those in which allegations concerning human rights violations by the military are made.
2. The military must ensure that it upholds the moratorium on forced evictions and halt the use of threats of evictions against all persons, including retired military personnel living in State housing.

²² On land dispute case in Kebumen, six villagers six villagers; Solekhan, Mulyono, Adi Wiluyo, Sobirin, Asmarun alias Lubar bin Jaswadi and Sutriono alias Godreg bin Lamija were processed by the trial. Asmarun and Sutriono were charged with maltreatment and violence against individuals under articles 170.1 jo. (*in conjunction with*) 351.1 jo. (*in conjunction with*) 55.1 of the criminal code, for allegedly maltreating a food carrier at the army research and development service (*dislitbangad*)'s office. The four others were charged with violence against property under articles 170.1 and 406.1 jo. (*in conjunction with*) 55.1 for allegedly destroying the military's entrance gate.



Human Rights Defenders and Freedom of Expression

The climate for human rights defenders remains hostile, in particular in remote regions such as Papua or the Maluku, where they are arbitrarily branded as separatists, and then face arrest and torture. The continuing detention of around 40 such persons in the West Papua region, which the AHRC considers to be political prisoners, remains a key concern. Journalists, in particular those working on corruption issues faced deadly violence and arrest.

Salamun case

The Tual District Court acquitted the accused of the murder of Journalist Ridwan Salamun on March 11, 2011. Salamun died on August 21, 2010 when he was covering the communal clashes in Tual, Southeast Maluku as a camera man for SUN TV. A group of villagers had not welcomed his attempt to cover the event and attacked him. Police officers witnessed the assault against Mr. Salamun but did nothing to prevent it, effectively consenting to the violence. In the subsequent examination, the prosecution refused to recognize Mr. Salamun's capacity as a journalist during the clash. The case is currently being appealed at the Supreme Court. The AHRC published an urgent appeal on this case at:

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-142-2011>

Ambarita case

On March 3, 2011, Banjir Ambarita, a *Jakarta Globe* and *Vivanews.com* journalist, was attacked and stabbed in front of the office of Mayor Entrop at 00:55 am in Jayapura, Papua. The attack is thought to relate to several of his articles denouncing sexual abuses committed by three Jayapura city district police officers against a female prisoner at Jayapura city district headquarters.

Mr. Ambarita was riding his motorcycle in front of the Jayapura Mayor's office, when two motorcycles reportedly approached him, stabbed him at least twice in the chest and stomach. He was taken to Marthen Indey Hospital in Aryoko, Jayapura, where he underwent surgery and has reportedly recovered since then. However, the perpetrators have still not been identified.

According to Press Legal Aid Institute (LBH Pers), between January and July 2011, there were at least 61 cases of violence and at least 16 defamation lawsuits against journalists.

Surabaya police beat journalists – regional police cover up the case

On May 7, 2011, the Surabaya District Police officers disbanded a Falun Gong parade activities covered by a number of journalists at Sedap Malam Street, Surabaya, East Java. Oscar Eko Nugroho, a journalist from the New Tang Dynasty newspaper, complained to the police about the unnecessary force used in disbanding the crowd, resulting in the police officers beat him. Journalists captured the event of Mr. Nugroho's beating and the officers present demanded that the journalists who were recording the incident by video stop their cameras. The Police then started beating journalists who did not obey this request. The journalists later reported the case to the Surabaya resort police. The East Java Regional Police who had later taken over the case gave a false announcement of a suspect being arrested and refused to apply law no. 40/1999 regarding the press in this case. The regional police instead filed the case as ordinary violence, trying to cover up the serious nature of this attack against freedom of the press. AHRC published an urgent appeal regarding this:



Mr. Lukman is questioned by police regarding the beating of a journalist in Surabaya, source: Surabaya Press Legal Aid Institute

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-120-2011>

In 2011, two freedom of religion events, entitled Focus Group Discussions, held by Setara Institute were prevented by the Islamic defenders front (FPI), a hard-line Islamic group: on January 6, 2011, in Bandung, and on January 13, 2011 in Surabaya. In Surabaya the district police (Polrestabes Surabaya) also participated in preventing the discussion, stating the Setara Institute did not have permit to hold the meeting, even though the Setara Institute insists that no permit was needed. However, the next day, the chief of Surabaya police district denied that they prevented the discussion.



Human rights activist Usman Hamid during the commemoration of the 7th anniversary of the assassination of human rights defender Munir Said Thalib on 7 September attacked restrained by the presidential guard (Paspampres), source: KontraS

Furthermore, on September 19, 2011, in the Karang Gayam village in Omben district, Sampang, East Java, the Sampang district police arrested two members of Human Rights Watch, namely Indonesian Mr. Andreas Harsono, and Australian Ms. Tirana Hassan, who were conducting research on discrimination against the minority Shia community in Indonesia. Both of the victims endured nine hours questioning in the Sampang district police headquarters. Since no evidence of criminal activities were found, both of them were released.

Paspampres violence against human rights activists

During 2011, there were two cases of violence committed by the Presidential Guard (Paspampres) against human rights activists. On September 7, 2011, human rights activists were demonstrating in front of the Presidential Palace to commemorate 7 year anniversary of leading human rights activist Munir's death. The demonstration was forcibly disbanded when the protesters tried to approach the palace. Dozens of people, including the victim's mother were pushed, beaten and kicked by police. Even Usman Hamid, Chairman of KontraS Board, was strangled by members of the Paspampres. Furthermore, another ten activists were attacked by the police and Paspampres.

On October 28, 2011, Ikbal Sabarudin, a student activist from Islamic Unity (Persatuan Islam/PERSIS) was beaten by members of Paspampres after he showed a poster listing demands for the government to eradicate corruption in front of the Vice President of Indonesia, Mr. Budiono, during a commemoration of youth pledge's day in Siliwangi Stadion, Bandung West Java. Ikbal was injured to the head and body. He was also interrogated in Bandung Large City Police Office (Polwiltabes Bandung) before the police released him the following day. No judicial process has been conducted to punished the perpetrators.

In another case, Tama S. Langkun, an Indonesian Corruption Watch (ICW) activist, was ambushed, beaten and stabbed on Thursday morning, 8 July 2010, at around 3:45am. It is thought the attack is linked to Mr. Langkun's work for ICW concerning 95 billion rupiah (USD 10.4 million) found in the police force's account. The assault happened less than a month after he submitted a report concerning this case to the Corruption Eradication Commission (KPK). The same day, the Indonesian President, Susilo Bambang Yudhoyono (SBY) promised to resolve the case. SBY also instructed the Indonesian Chief of Police, Bambang Hendarso Danuri, to investigate the assault against Mr. Langkun. However, until the end of 2011, the perpetrators have still not been identified and no investigation has been conducted by the South Jakarta district police.



Tama S. Langkun at the hospital, source: KontraS

Ongoing impunity for the murder of human rights defender Munir

Human rights defender Munir Said Thalib was killed on September 7, 2004, aboard a Garuda flight to Amsterdam. An autopsy by the Dutch authorities found a lethal dose of arsenic in his system. After extensive judicial proceedings, which included a conviction in the first trial, an acquittal by the Supreme Court and a reversal of this decision through a 'case review,' the person who committed the murder, Polycarpus Priyanto, has been serving a 20-year sentence since January 2008. Among those thought to be involved, however, only civilian actors such as those from the Garuda airlines management have been brought to trial. Muchdi Purwoprandjono (known as Muchdi PR), the former deputy of state intelligence (BIN), who is considered to be responsible for soliciting and assisting in the killing of Munir, was acquitted by the South Jakarta Court on December 31, 2008. The trial failed to bring some witnesses to appear in court, and others who had provided incriminating statements to the police withdrew them. The Supreme Court later rejected the prosecutor's appeal. The examination trial which was established in April 2009, after the decision of South Jakarta Court concerning the Muchdi PR case, stated in its conclusions that there were discrepancies in the judge's decision. For example, the judge failed to take into account important evidence when issuing the verdict and failed

to ensure that key witnesses appeared in the trial. However, no effective action has since been taken concerning these irregularities, which the AHRC believes resulted from political influence that has perverted the course of justice in this landmark case.

In 2011, Polycarpus, submitted a request for reconsideration (*peninjauan kembali*). Despite a lack of new evidence, the Ministry of Law and Human Rights reduced the sentence length by 9 months and 5 days without giving clear reasons for its decision.

Attorney General Mr. Basrief Arief on 7 September 2011²³ stated that the investigation into Munir's case is finished. The AHRC is very concerned about this statement given the list of persons that were allegedly involved into Munir's assassination, but who remain free from prosecution. Terminating an investigation without having investigated all suspects and without any of the instigators having been convicted is tantamount to an obstruction of justice.



Court reconsiders the case against Polycarpus at the Jakarta Central District Court, source: KontraS

In February 2011, the Supreme Court decided in favour of Suciwati (Munir's widow) in a civil lawsuit against PT. Garuda Indonesia, for abuses on Garuda flight GA-974 in September 2004, which caused the death of Munir. PT. Garuda is required to pay compensation amounting to 3, 38 billions rupiahs (around USD 375,000). This compensation is calculated based on the loss of Munir's income as the head of family, since he died on September 2004 until the retirement age of 65, Munir's postgraduate education costs that had already been paid and the education costs for Munir's children until graduation.

The justice system's failure to hold responsible all the perpetrators in this high-profile murder case, notably its instigators, shows the extent of politicisation of the judicial, prosecution and policing systems, as well as the immunity that high ranking military and intelligence officials continue to enjoy.

²³ Statement of The Attorney General, Mr. Basrief Arief when answered the journalist question regarding commemorate the 7 years of Munir death, 7 September 2011



Recommendations

1. The Government of Indonesia must put a halt to all harassment, threats, raids and attacks on civil society groups and their offices, notably those formed by minority and indigenous groups. All allegations of violations against human rights defenders, including journalist working on human rights issues, must be fully and independently investigated and prosecuted;
2. In order to ensure transparency and effective protection of human rights, all restrictions must be lifted and full access must be granted to journalists, human rights and humanitarian organisations, notably concerning the Papuan provinces.

Death Penalty

11 national laws and regulations, including the penal code, and subversion and corruption laws, provide for the death penalty. These are: 1. the Criminal code; 2. the Emergency law (UU darurat) No. 12 of 1951 regarding the use of firearms; 3. President resolution (penetapan presiden) No. 5 of 1959, regarding criminal acts that endanger the supply of food and clothing; 4. government regulations as a substitute to laws (Perpu) No. 21 of 1959 regarding economic crimes; 5. Law No. 11/PNPS/1963 regarding subversion; 6. Law No. 4 of 1976 regarding Amendment and Insertion of Provisions on Aviation Crimes and Crimes against Aviation Facilities and Infrastructure 7. Law No. 5 of 1997 regarding psychotropic substances; 8. Law No. 22 of 1997 regarding drugs/narcotics, 9. Law No. 31 of 1999 regarding corruption; 10. Law No. 26 of 2000 regarding the human rights court; and 11. Law No. 15 of 2003 regarding terrorism.

The AHRC is firmly of the opinion that the death penalty is ineffective as a crime deterrent, and that death row and the application of the death penalty are inhumane practices and constitute human rights violations. According to the coalition against death penalty (HATT), in 2011, eight people were sentenced in death in the country. This number is bigger than 2010, in which six executions were carried out. Moreover, the total amount of prisoners on death row is 116 people.

The government's effort to protect its citizens abroad has been ineffective. Ruyati, an Indonesian migrant worker in Saudi Arabia was decapitated on July 18, 2011, without the knowledge of Indonesian embassy in the country. Although since the execution of Ruyati, the Indonesian government has established a task force of Indonesian migrant workers to defend Indonesian migrant workers facing death penalty, this institution has still not shown any significant results, as cases such as that of Tuti Tursilawati, an Indonesian migrant worker who is to be executed in Saudi Arabia, have shown. Since it was formed in July 2011, the task force has not made its work public.



Recommendations

1. The GoI should immediately issue a moratorium on the application of the death penalty, and abolish the death penalty without further delay.
2. The GoI should prioritise country visits by the UN Special Procedures covering the following themes: human rights defenders, indigenous peoples, freedom of expression and torture.

Other human rights issues

Alongside the types of human rights issues and abuses highlighted in the sections above, the AHRC received a range of other abuses that speak to a system in which numerous violations are being perpetrated in Indonesia and are typically accompanied by impunity. For example, the AHRC notes with concern that in addition to the other 8 cases of extrajudicial killings by the *Densus 88* special anti-terrorism unit, it also documented the killing of Mr. Syafrudin by the police in June 2011.

Case: Police shoot man in the head, then claim he was trying to escape

Syafrudin, a citizen from the Rokan Hilir district, Riau province, was shot after his arrest by members of the Persiapan Rantau Kopar Sub-district Police (POLSEK) in Riau on June 2, 2011. According to the head of the the Persiapan Rantau Kopar Sub-district Police, Mr Sahdin Damanik, the police arrested Syafrudin because he was involved in a drugs case. Sahdin told Asnawi, the victim's brother, that Syafrudin had died from gunshot wounds when trying to escape. Syafrudin's family then went to the Duri regional general hospital (RSUD) to see Syafrudin's corpse, which according to a hospital officer, was delivered by an unidentified person on June 3, at 7.50 am using a green hardtop Toyota car. The family found swelling on his body and bruises in the face and his chest was wounded, suggesting that he had been subjected to ill-treatment or torture. There were two bullet wounds to the back of his head, suggesting a possible extrajudicial execution. Further case details are available here:

<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-192-2011>

A protester demanding her labour rights suffered a miscarriage due to police violence

Iis Suparti, an employee of PT Micro Garment, together with other 148 employees, was conducting peaceful protests on May 6, 2011, in the front of the factory in which they worked, concerning alleged violations of their labour rights. The protest was the latest of several protests and negotiations attempted by the factory employees to secure their rights. Despite the legal and peaceful nature of the protest, the chief of Solokan Jeruk sector police, Umar Said, grabbed the megaphone from Tri Rubiati Sanik, the Executive Chairman of Joint Center Solidarity of Workers Struggle (*Pusat Gabungan Solidaritas Perjuangan Buruh- GSPB*, the labour union), and threatened to arrest Ms. Sanik. In response, some of the protesting employees attempted to prevent such an act. Mr. Said then elbowed Mrs. Suparti, while one community guidance police (*bimaspol*) officer named Ayi, pushed her, causing her to fall. Mrs. Suparti, who was pregnant, was taken to the nearest hospital, where she suffered a miscarriage. Further case details are available here: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-216-2011>

Violence against women in the public transport system

In 2011, violence against women in Indonesia became increasingly a public concern. This includes cases of rape and sexual harassment on public transport. In Jakarta, for example, a number of cases have been reported to the police about sexual harassment and rape in the Transjakarta Bus system.

The GoI has so far not effectively prevented cases of violence against women in Indonesia. Jakarta Governor, Fauzi Bowo even stated that the rape and sexual harassment were the fault of women and that women shouldn't wear miniskirts or hot-pants in public if they don't want to be raped or sexually harassed.



Women protesters at the "Miniskirt Demonstration" in September 2011, source: Lia Marpaung

The lack of protection for women migrant workers

The lack of State protection systems for women migrant workers affects hundreds of thousands of Indonesian women working overseas, mostly as domestic workers. According to data from the foreign affairs ministry received by the National Commission on Violence Against Women (Komnas Perempuan), 15 of the 23 Indonesian migrant



workers who face death penalties overseas are women.²⁴ The lack of monitoring and control during the recruitment process of migrant workers results in serious living conditions in migrant worker shelters while waiting for their placement abroad.

President Yudhoyono, made a commitment to the International Labor Organization's (ILO) 100th conference on June 15, 2011, concerning the ratification of the Migrant Workers Convention²⁵ and the revision of Law No. 39/2004 concerning the protection of Indonesian workers overseas. Such a review should ensure legal aid for migrant workers who face legal problems overseas including criminal cases and deportation.

Impunity for gross violations of human rights

Impunity remains a serious problem concerning a wide range of past and current human rights violations in Indonesia. Impunity accompanies ongoing problems including torture, violence and discrimination against women and religious or ethnic minorities, as well as attacks on human rights defenders. Past violations continue to leave victims without remedies and perpetrators continue their work in politics and State institutions. While the President of Indonesia in March 2008 expressed his commitment to support victims' struggles for justice and ensure the punishment of all perpetrators²⁶ of serious human rights violations under the Suharto regime, no judicial progress is being made in providing effective remedies to victims or bringing those responsible to justice.

Despite numerous promises to take effective action concerning impunity, only two cases of gross violations of human rights have been brought before an Ad Hoc Human Rights Court: the Tanjung Priok case (1984) and Timor Timur case. The trial only punished lower ranking officers but failed to punish the main perpetrators. Until now, there are several past human rights violation cases that are still pending with the Attorney General Office (AGO).



Victims of the 1998 May Riots submitting letters to call for accountability and recognition of the violations they suffered, August 15, 2011, source: KontraS

²⁴ "Four crucial issues to fulfill women rights and eliminate discrimination and violence against women in Indonesia", press release by National Commission on Violence Against Women on 22 September 2011, <http://www.komnasperempuan.or.id/2011/09/empat-isu-krusial-pemenuhan-hak-asasi-perempuan-dan-penghapusan-diskriminasi-dan-kekerasan-terhadap-perempuan-indonesia/>

²⁵ Indonesia signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on September 22, 2004 but has not ratified it until now.

²⁶ The President made this statement in a meeting on March 26, 2008 with NGO KontraS and victims of human rights violations.



List of gross violations of human rights that are pending with the Attorney General

Before 2000

1965: After Suharto's coup, millions of persons considered to be supporters of the Indonesia Communist Party (PKI) were killed or detained for decades without a legal process. Their stigmatization is ongoing to date.

Extra-judicial killings occurred between 1981 and 1984 as part of military operations in some provinces of Indonesia. Komnas HAM estimated 5000 persons were killed.

Talangsari case (February 7, 1989): Members of the Army in the Lampung province attacked the Talangsari village due to the alleged threat of Islamism there. 246 people were killed. The AGO has refused to start a judicial investigation.

Trisakti and Semanggi I+II incidents: On 12 May 1998, the armed forces shot dead four students at the University of Trisakti in Jakarta during a demonstration to urge political reform. In November, 14 students were shot dead and 109 people were injured by the army. In September 1999, the army killed 11 student activists.

May Riots (13 - 15 May 1998): The May 1998 riots and widespread looting occurred in several places in the country. The security forces failed to take action to halt the large-scale rapes and attacks against the Indonesian-Chinese population.

Since the enactment of the Human Rights Court Law in 2000:

Abepura case (December 7, 2000): The police conducted an operation against local residents and university students in Abepura, Papua province, to find the perpetrators of an earlier attack on the Abepura police station. This reportedly led to torture, police violence, extra-judicial killings, forced evictions, arbitrary arrests and detentions, and unfair trials. Despite Komnas HAM's findings, only two suspects were indicted and later acquitted.

Wasior case (June 13, 2001): Following an attack on the police, a police operation by Manokwari district police in Papua led to grave human rights violations.

Wamena case (April 4, 2003): Following a break-in at a local army base and theft of weapons, the Kodim (military command) responded with an operation during which torture, shootings, summary executions, and the burning of a school and clinic took place.



Recent cases of violence in the West Papuan highlands gave more evidence of the systematic nature of human rights violations committed by security forces against indigenous Papuans. The AHRC is of the view that the situation in Papua, consisting of intimidation, destruction of property, arbitrary arrests and detention, torture and extra-judicial killings, amounts to a gross violation of human rights. The AHRC therefore urges Komnas HAM to conduct inquiries regarding these violations with a view to bringing the situation into the human rights court process.

The GoI has not prioritised past cases of gross violations such as the Talangsari incident (1989), the May Tragedy of 1998, Semanggi I and II (1998-1999) or the abduction and disappearance of pro-democracy activists in 1997/1998.

Developments in 2011

The initiative to establish a special team to address impunity for past gross violations of human rights (tim penyelesaian kasus pelanggaran HAM Berat) in 2011 by the President is appreciated. However, the performance of the team, which is lead by the Coordinating Minister for Politics, Law and Security Affairs (Menkopolkam), Djoko Suyanto, should be monitored in order to ensure that it is working effectively and in accordance with the demands of victims of human rights violations and their families.

A victims group's initiative grew considerably after Mrs Ruminah, the mother of Gunawan (a victim of May Tragedy in 1998), wrote to the President to express her disappointment about the lack of progress in her child's case. Other families of victims followed this, and by August 2011, around 1257 letters by victims and their families from all over Indonesia were sent to the President. However, the President did not appear for a formal reception of the letters.

Komnas HAM, after having formed a team in 2008 and having conducted investigations for more than 3 years, finally announced the conclusion of its work regarding the 1965/1966 case in 2011. A total of 357 victims from several areas in Indonesia have had their cases investigated by the team. The investigation report was not released in July as announced, but has been delayed since then. No time-frame for the release of the report has been provided, and the victims fear further delays will occur preventing their cases from being brought to the human rights court in the near future.



Victim from the 1965 massacre during the submission of a mass letter collection to the president in August 2011 for the occasion of the Indonesian Independence Day, source: KontraS



The UN Human Rights Council established the mandate of a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on September 26, 2011. The AHRC welcomes this important step and calls on the GoI to support this mandate in its work and to ensure that recommendations by the mandate on measures of judicial and non-judicial assistance to victims relating to transitional justice mechanisms that deal with gross human rights violations are fully implemented at the national level, based on international human rights and humanitarian law.

On November 3, 2011, Komnas HAM started to grant certificates of status as a victim of abduction and enforced disappearances in Indonesia. This important step is welcomed, but remains unmatched by accountability measures in the cases of the 1997-1998 abductions and enforced disappearances. The certificate is expected not only to address issues of civil administration, civil and other related legal matters, but is also part of the State's recognition of the violation and the ongoing disappearance of 13 persons. The certificate also obliges the government to immediately conduct a search for those who remain missing and to ensure legal certainty and rehabilitation for victims and their families.

The signing by Indonesia of the International Convention for the Protection of All Persons from Enforced Disappearance in 2010 was not followed by its widely demanded ratification in 2011. This is despite the inclusion of the ratification of this convention in Indonesia's 2011-2014 National Plan of Action (RANHAM).

Legal framework and challenges

Under the Human Rights Court Law (No. 26/2000), bringing past human rights abuses that occurred before 2000 to such a court involves the following actors: Komnas HAM (conducts inquiry), the Attorney General's Office (investigates), the house of representatives (makes recommendations based on judicial investigations), and the President (passes a decree to set up an ad-hoc court based on recommendations made by the house of representatives). A major impediment to the implementation of this law is the AGO's refusal to take action to investigate cases until specifically mandated to do so by the House of Representatives or the President. The AGO is using an erroneous interpretation of Article 43 of Law No. 26/2000 (Human Rights Court Law) to justify its inaction, calling for prior action by the house of representatives and President before the AGO takes



Maria Katarina Sumarsib in front of the presidential palace calling for justice of her son who was killed by the military during the Semanggi I incident of 1998, source: KontraS



action.²⁷ This is despite the fact that the law does not put any such requirements on the AGO and that a related Constitutional Court judgement (18/PUU-V/2007) clearly stated that a judicial investigation by the AGO has to be conducted before the House of Representatives can take other steps.

The AHRC is of the opinion that the house of representatives and President do not have competence as judicial bodies and that the process should be one based in the first instance on inquiry by Komnas HAM and investigation by the AGO, before the house of representatives and President are called upon to play a role. The AGO is ignoring the Constitutional Court judgement and is therefore obstructing the process due to an erroneous interpretation of the law and process, and is therefore directly responsible for the continuing problem of impunity in Indonesia.

Recommendations

1. The President must take appropriate action to uphold the Constitutional Court's judgement and the Attorney General's Office must abandon politically motivated and erroneous interpretations of the Human Right Court Law that are stalling its implementation and ensuring continuing impunity. They must ensure the investigation and prosecution of all admissible cases, according to the law, and give full support to all efforts being made to bring cases of gross human rights violations before a human rights court.
2. The special team to solve all past human rights violation cases should work effectively and timely in accordance with the demands of victims and family victims to solve all human rights violation cases.
3. Komnas HAM should announce the results of the team investigation for the 1965/1966 case by publishing the report without delay and forward it to the AGO for a judicial investigation.
4. The GoI should ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance

²⁷ Article 43 (2) Law No.26/2000 regarding Human Rights Court stated that "An ad hoc human rights court as referred to in clause (1) shall be formed on the recommendation of the House of Representatives of the Republic of Indonesia for particular incidents upon the issue of a presidential decree".

Legal & Institutional Reforms

Police Reform

Despite the enactment of new police internal regulations²⁸ in 2009, human rights abuses by members of the police, including torture, continued unabated. A lack of professionalism, command responsibility and enforcement of human rights principles, allows for various violations by the police to continue with impunity. While the new internal regulations prohibit the use of torture very expressly, members of the police have not been sufficiently educated and trained concerning the regulations, and these are not being effectively enforced.

The police enjoys impunity in many cases of human rights violations and prosecutors often refrain from initiating criminal procedures against police personnel in cases where the police' internal disciplinary mechanism - the division for profession and security (PROPAM) - has started to look into complaints. However, PROPAM does not enable a judicial remedy and is failing to implement its mandate.



Photo: Indonesian Police, source: KontraS

²⁸ Regulation of the Chief of the Indonesian National Police no.8/2009 regarding Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police



PROPAM is an internal police mechanism, and the only one mandated to hold members of the police accountable for violating police regulations. The mechanism lacks transparency and adequate disciplinary responses, and victims have no rights beyond making a complaint. PROPAM should be reformed to ensure a transparent process, adequate punishments and access by victims and their representatives to PROPAM trials. To ensure human rights compliant police operations and to end torture, it requires better budgeted capacity building programmes for investigation techniques and interview procedures.

An external body such as the National Police Commission (KOMPOLNAS) should be mandated to investigate, monitor and supervise the PROPAM mechanism and be given other necessary powers to ensure its effectiveness. The police should introduce a vetting mechanism which ensures that violations of police regulations such as the use of torture are being formally taking into consideration when deciding on the promotion or mutation of staff.

While the national police commission (KOMPOLNAS) has since 2005 only been mandated to collect data and analyse it, provide advice regarding the police to the President, and to receive suggestions and complaints from the public,²⁹ KOMPOLNAS was mandated with three additional functions in 2011.

On March 4, 2011, Presidential Regulation (Peraturan Presiden) No. 17/2011 authorised it to request data and information from members of the Indonesian police, government institutions and the public, in order to inform the president on police matters. While the commission was earlier only allowed to forward complaints from the public to the police, it is now also mandated to examine and monitor the follow-up to these complaints. Moreover, the body is now also authorised to demand a re-examination or additional examinations of police personnel who are considered as having violated police regulations or discipline.

While the extension of the police commission's functions is welcomed, the AHRC also noted that their implementation is weak. According to KOMPOLNAS, up to the middle of 2011, the body had failed to follow-up on 481 public complaints it had received and forwarded. They also stated that the Indonesian police had only responded to 38 complaints. The police has only responded to KOMPOLNAS to inform them that the number of complaints received had decreased compared to the previous year and did not give substantive responses concerning specific cases.

The Chief of the Indonesian National Police Regulations No.16/2010 regarding Procedures for Public Information Services in the Indonesian National Police (Peraturan Kapolri tentang Tata Cara Pelayanan Informasi Publik di Lingkungan Polri) which implements Law No.14/2008 concerning the Disclosure of Public Information (UU

²⁹ These three functions are based on presidential regulation no. 17/2005



Keterbukaan Informasi Publik), could be an effective tool to monitor the status of criminal proceedings and police investigations and could assist in addressing impunity. The effective implementation of the regulation that corresponds to victims rights should be ensured at all levels of the police. An Information and Documentation Manager (PPID) should be assigned to every police station for example to allow for inquiries into the status of criminal proceedings.

The police should allocate more resources and devise programmes that can effectively and measurably increase the capacity in investigation techniques and interview procedures to further reduce the resort to torture as a means of investigation.

The new standard operating procedures regarding crowd control allows for the use of firearms by police against unarmed civilians. The frequently reported cases of excessive violence against protesters raise concerns about the impact of such provisions on protesters' rights.

Finally, to ensure gender equality and reduce cases of gender-based victimisation of women by the police, the ratio of female staff in the force must be increased.

Recommendations:

1. An effective dissemination strategy has to be budgeted and implemented, including for the new police regulation, which must be included in a compulsory education system for police personnel to familiarise and train police officers in its provisions.
2. The internal police mechanism PROPAM should be reformed to ensure its transparency, effectiveness of disciplinary measures given, and respect for victims' right to an effective remedy.
3. An external body, such as the National Police Commission (KOMPOLNAS) should be mandated to investigate, monitor and supervise PROPAM.
4. Effective criminal investigation technology and training must be budgeted for and provided to allow for the modernisation of the police's practices, including as an essential component of efforts to eliminate the widespread use of torture.
5. The police should introduce a vetting mechanism which ensures that violations of police regulations such as the use of torture are being formally taken into consideration when deciding on the promotion or transferal of personnel.
6. The new standard operating procedures regarding crowd control should be reviewed to ensure the prevention of human rights abuses.
7. The full implementation of the police regulations regarding Freedom of Access to Public Information needs to be implemented by assigning officers responsible



for its implementation to all police stations, enabling public inquiries as foreseen in the regulations.

8. The proportion of women in the police in Indonesia should be noticeably increased and gender mainstreaming conducted.

Prosecutorial Commission

The Prosecutorial Commission that was formed in 2011, based on presidential regulation No.18/2011, consists of nine commissioners. It is mandated to receive and follow up on complaints, to monitor and investigate the work of prosecutors, to reports to an internal prosecution supervisor (Pengawas Internal Kejaksaan) and to make recommendations regarding promotions and punishments to be handed out to Indonesian prosecutors.

Civil society groups and the public have been disappointed by the commission's passive approach towards the implementation of its mandate. The commission has typically only taken action concerning cases it has received, but has not been pro-active in monitoring and investigating prosecutors or seeking to improve the performance of the Indonesian prosecution system.

An example is the bribery case involving Sistoyo, the prosecutor in the Cibinong Public Prosecutor's Office (Kejaksaan Negeri Cibinong), who was arrested by the Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) on November 21, 2011 for allegedly accepting a bribe from fraud suspects.

Recommendation:

The Prosecutorial Commission must be strengthened and be more pro-active in monitoring and investigating the work of prosecutors. It should actively seek to improve the performance of the Indonesian prosecution system.

Judicial Reform and the Fight Against Corruption

Corruption in the judiciary is a major cause for impunity for perpetrators of religious violence, arbitrary detention, torture, or land and mining disputes. Despite the work of the Anti-Corruption Commission (KPK) for several years, judicial corruption remains rampant in Indonesia.

The Judicial Mafia Task Force that the President set up by decree in 2009³⁰ has acted in several cases of bribery, but continues to face resistance from the police, prosecution and judiciary, which it has been set up to oversee. The Judicial Mafia Task Force is mandated to ensure the coordination, corrective evaluation, and monitoring of legal mafia eradication efforts to ensure their effectiveness. To perform its functions, the Task Force

³⁰ Presidential Decree No. 37/2009 (Keppres) on the Eradication of Judicial Mafia



is expected to cooperate with the corruption eradication commission (KPK), the Attorney General, the police, and the Judicial Commission, whose role is the supervision of judges' performance and corruption in the judiciary. Finally the Task Force is also expected to cooperate closely with the Prosecutorial Commission, which is mandated to supervise prosecutors' performance and corruption in the prosecution system.

So far, the Task Force has monitored and evaluated judges in the Bandung Corruption Court, who granted controversial acquittals in cases of corruption. In another case, Mr. Aan Susandi from the Papua regional police, was accused by prosecutors and judges of involvement in crimes related to drugs. The Task Force faces heavy criticism and resistance. On June 22, 2011, several supporters of "Petition 28" challenged the Presidential Decree on the Eradication of Judicial Mafia at the Supreme Court, alleging that setting up such a Task Force would have a destructive effect on the judicial system in Indonesia. The Task Force was also criticised for carrying out functions that have been the domain of the police and the Attorney General's office, such as carrying out investigations. The Supreme Court rejected the petition, explaining that presidential decrees cannot be subjected to review.

Since the Judicial Commission (Komisi Yudisial/KY) started to work in 2005³¹, it faced repeated conflicts with the Supreme Court (Mahkamah Agung/MA), who saw the commission's mandate as interfering with its authority and mandate. The recommendations the Judicial Commission made to the Supreme Court concerning code of conduct violations committed by judges have been rejected by court, which argued that it considers this work as an overlap with its own authority and a judicial technical area, which it sees as its own jurisdiction. These conflicts between the MA and the KY are caused by the unclear position of KY the Indonesian framework of separation of powers, as the commission is seen to stand between the executive and judiciary. It is supposed to partner up with the Supreme Court on the one side but has to supervise it on the other.

Law no. 18/2011 tried to resolve this problem by replacing the original Judicial Commission Law no. 22/2004, but failed to satisfy its critics. The new law does not authorise the commission to sanction any judge but can only make a binding recommendation to the Supreme Court to do so. It is feared that the court in turn will reject such recommendations based on its earlier argument rejecting the KY's authority.

Recommendation

The GoI should ensure that all anti-corruption measures, including the work performed by the KPK and the Judicial Mafia Task Force, are given full support and sufficient resources to allow for tangible results in efforts to reduce widespread corruption in the justice sector.

³¹ The presidential decree No. 1/P/2005 regarding the appointment of members of judicial commission for 2005-2010.

Witness Protection

The Witnesses and Victims Agency (Lembaga Perlindungan Saksi dan Korban/LPSK) was established by Law No.13/2006, but, due to a lack of resources, has been unable to provide protection to victims, witnesses and whistle blowers during court cases. Furthermore, there is no specific article in the Criminal Procedure Code (KUHAP) that provides for the protection of victims and witnesses. As the KUHAP is the core code that underpins the criminal justice system, this absence means that the LPSK and the protection it provides, is not considered as “essential” by the authorities, even though evidence suggests that the lack of effective witness protection is a key factor in allowing for the continuing system of impunity in Indonesia.

Recommendations

1. The Criminal Procedure Code must be revised to include provisions for the protection of victims and witnesses
2. The Victims and Witness Protection Agency must have sufficient resources to fulfil its mandate effectively

Intelligence Law

Indonesia’s State intelligence agency (Badan Intelijen Negara/BIN) has frequently been involved in human rights violations. According to civil society findings, key perpetrators of the 2004 murder of human rights defender Munir were part of this institution. The body is criticised for its politicisation, lack of civilian oversight and the impunity that its members enjoy for human rights abuses and criminal acts.

On October 11, 2011, all political factions in Commission I of House of Representative (DPR) ratified the draft Intelligence Bill. The Bill was adopted despite strong public criticism, including by human rights groups. This new intelligence law contravenes earlier efforts to establish internal accountability measures within the State intelligence agency.



The Indonesian house of representatives discusses the Intelligence Bill, source: KontraS

The law allows the intelligence agency to intervene in cases where State secrets have been published, without providing any definition of the terms of the process used to classify information as such. This provides the agency with wide powers of discretion and is expected to result in arbitrary arrests and violations of the



freedom of expression. The law furthermore places the responsibility for leaks of State secrets on the civilian actors, such as the press, instead of the State institutions themselves. Without providing limitations or restrictions to this power, the law generally allows for surveillance measures in very broad terms and is expected to result in abuse. As the head of the intelligence agency is to be appointed by the House of Representatives instead of by an independent commission, ongoing heavy politicisation of the agency is expected. The law does not provide for effective supervision of the body, which has been one of its key shortcomings to date.

A coalition of domestic NGOs and victims of violence and human rights abuses had planned to launch a judicial review of the Bill in late December 2011. The articles that will be included in the judicial review are those that threaten civil liberties and human rights.

Recommendation

The state intelligence law must be reviewed and the house of representatives should ensure that an amended law that ensures the respect for human rights and provides for effective civilian oversight and depoliticisation of the body is passed.

National Security Bill

On June 18, 2011, the GoI submitted a bill concerning a National Security Law to the House of Representatives (DPR). Since June 27, 2011 the house of representatives has discussed the bill and had planned to pass it by the end of 2011. The bill aims at providing a national security policy in cases of threats to the nation and aims at clarifying the role of State institutions such as the military, police, intelligence agency and other institutions during periods of national threat. A “state of national threat” can be declared concerning the country or individual provinces by the National Security Council, which consists of members of the government and the heads of the army and police.

The bill includes vague language as well as a long list of issues that can justify the declaration of a national security threat, including unarmed threat that endanger the individual and public safety or state, such as social movements, protests, strikes, injustice, or poverty. According to the bill such situations are then to be responded to by the security forces, such as military and police. The bill does not include provisions for intelligence officers to: respect law and human rights; be apolitical; work impartially and indiscriminately; or refrain from engaging in commercial businesses. The bill also overlaps with other laws, such as the law on intelligence, which also grant special powers to the security forces when investigating, carrying out surveillance or arresting persons suspected of being a threat to national security. Moreover, no complain or compensation mechanism in this bill is provided.

The AHRC fears that the bill may allow the authorities to arbitrarily declare a state of national security threats in crisis provinces such as Papua, and will provide the security



forces with greater scope of action and impunity, and therefore result in more human rights violations. It is expected to allow for abuses of power by the government and provide it with powers as seen during Suharto's authoritarian *New Order* regime.

Recommendation

The bill concerning a National Security Law must be reviewed in consultation with civil society groups and be equipped with clear, precise language and effective safeguards concerning human rights and legal protections.

Land Acquisition for Development Bill

Currently, the house of representatives is discussing a bill concerning Land Acquisition for Development (Pengadaan Tanah), which includes provisions for land acquisition for development for public and private business interests. The substance of the bill is largely based on Presidential Regulation No. 36 of 2005 and Presidential Regulation No. 65 of 2006 on Land Acquisition for Development for the Public Interest. These earlier regulations are seen by human rights groups as being instruments that enable forced evictions, and that lack protection concerning human rights.

Problems remain in this bill, however, notably the lack of safeguards, which require the bill to be reviewed further in order to ensure that the planned land allocation process does not result in further human rights violations. For example, community rights to land are not formally recognised or fully implemented. Land allocation processes are not yet participatory or consistently implemented. Public access to information from public institutions is not sufficiently provided. The lack of mechanisms to object against land appropriation makes challenging business and State interests difficult, and the country lacks an independent judiciary that is free from corruption that could resolve land disputes impartially.

The AHRC is concerned that the endorsement of this bill will further perpetuate the practices of human rights violations that occur as part of land acquisition processes, such as intimidation, beatings, shootings, and fabrication of criminal charges by State institutions against protesters and traditional land holders. Based on the current text, this bill will not allow for fair, participatory and democratic development.

Recommendations

1. The bill on Land Acquisition for Development should be reviewed to include recognition of community ownership, provide participatory and transparent processes for land acquisition, and a clear mechanism to allow persons to object against land appropriation.



2. Corruption in the judiciary must be addressed more effectively to ensure that conflicting land interests between businesses and farmers are resolved impartially, based on law and human rights.

Public Information Disclosure Law

Law No. 14/2008 concerning public information disclosure sets up an information commission that would respond to requests from the public for access to information by communicating these to the relevant institutions. Requests for access to information have steadily increased since 2008, reaching 120 requests in 2010 and a similar amount in only the first three months of 2011. This law and its process can make an important contribution to participation and transparent governance that respects citizens' rights, including in security institutions like the police.

The access to information process has been criticised since it often fails to deliver the sought access. The commission faces difficulties in obtaining information from the institutions that are meant to respond to its requests under the law.

The law also requires all public agencies to prepare for such requests until 2010 by, *inter alia* building a system of documentation, issuing internal regulations, appointing internal Information and Documentation Managers (PPID), and by classifying information as public and confidential. By October 2011, only 12 percent of the about 700 public agencies, including most ministries and the national police, have appointed a PPID. Other required measures are typically lacking.

Recommendation

The GoI should ensure that all public institutions immediately implement the requirements set out by the law on access to public information and ensure that any requests received by the information commission are responded to in a timely manner with the correct information. Any lack of compliance with the commission by institutions should lead to sanctions against those responsible.

Military reform

According to the Law on Military Courts, members of the military that commit crimes against civilians, such as extrajudicial killings or torture, can only be held accountable by the military's justice systems. Military courts are not open to the public, are notorious for only giving lenient punishments, and show a clear lack of impartiality. The military criminal code does not include torture as defined in the Convention against Torture. The case of torture by the military of Mr Tuanliwor Kiwo in 2010, an indigenous Papuan suspected of supporting rebel activities, was recorded on video and subsequently published. The case caused wide condemnation of the military. However, as of the end of 2011, the perpetrators in this widely known case were not held accountable for their

use of torture - they only received sentences resulting from a military trial ranging from 5 to 7 months for violating their superiors' orders.

The Military Court Law should be reviewed to ensure that members of the military are brought exclusively before a competent, objective and impartial civilian court that is compliant with the internationally-accepted standards of fair trial, including public access to the process, in cases of human rights abuses by members of the military against civilians. A review of the law should include specific articles on the separation of competencies of military internal mechanisms and external judicial processes. Law no 34/2004 regarding the Indonesian National Army already requires such a review through legislation to ensure that military personnel can be brought before a civilian court where relevant. Such a legislative review has been pending since 2004.

The a lack of a vetting mechanism has allowed the promotion of key perpetrators of human rights, who remained in high ranking positions in 2011. The presidential appointment of Lieutenant General Sjafrie Sjamsoeddin - who is an alleged perpetrator of gross violations of human rights in relation to the the 1998 May Riots - as Deputy Defense Minister³² in 2010, through Presidential Decree (Keppres) No. 3/P 2010, was heavily criticised. Although victims of past human rights violations and their family members, together with several human rights NGOs in Jakarta, filed a lawsuit to repeal the Presidential Decree at the State administrative court on April 5, 2010, it was rejected on September 6.



Photo: Appointment of Syafrie Sjamsoeddin by the president as deputy defence minister despite his responsibility for serious cases of gross violations of human rights in the past, source: KontraS

In another case Pramono Edhie Wibowo (Army Strategic and Reserve Command C-in C/Pangkostrad) was appointed as the new Army Chief of Staff (KSAD), allegedly due to his family connections.³³ Wibowo is alleged to share key responsibilities in the military operations in East Timor in 1999 that caused gross violations of human rights and humanitarian law. At that time, he served as the commander of anti-terror unit Kopassus Group 5 (Special Armed Forces). The introduction of a vetting mechanism would thus

³² Presidential Decree (Keppres) No. 3/P 2010

³³ Wibowo is the brother in law of the president



allow the formal consideration of the track record concerning human rights of members of the military in decisions regarding promotion.

Recommendations:

1. The Military Court Law must be reviewed to ensure that members of the military that commit human rights violations against civilians, including grave violations such as torture and extra-judicial killings, are exclusively brought before civilian courts that can guarantee impartial and fair trials. The law must also be reviewed to remove any provisions that grant immunity and impunity to military personnel.
2. A vetting mechanism should be introduced to monitor and promote human rights compliance by military personnel, which should be taken into consideration when deciding on promotions within the military.

International Instruments

The signing of the International Convention on the Protection of All Persons from Enforced Disappearance in September 2010 is welcomed, however, none of the other instruments that were recommended for ratification by States during Indonesia's UPR review in 2008 have been signed or ratified as had been promised by the government at that time. The GoI has deferred the ratification of these treaties to the 2011-2014 NPA. Concerning Indonesia's 2005 - 2009 National Plan of Action (NPA), key components such as the ratification of international instruments, the review of the Penal Code and other pressing legislative measures were not implemented by late-2011. No credible successor plan or implementation strategy has been devised since the end of 2009 to ensure that such reforms are carried out. Given the previous NPA's failure to deliver in many key areas, serious doubts remain concerning the credibility of the current NPA and the likelihood of it delivering expected outcomes. As will be seen below, many human rights violations related to these instruments continue to be perpetrated in Indonesia.

Recommendation: *The GoI should ratify without delay the remaining international human rights instruments included in accepted recommendations from the first UPR cycle.*



Conclusion

The report above details a range of violations and the problem of continuing impunity. The AHRC urges the government to tackle reforms and halt violations. The steps taken towards greater oversight of the judiciary, the prosecution and the police by reforming the respective monitoring commissions are important developments. However, to address the ongoing serious violations by security forces, further reforms that ensure accountability are required. Finally, the GoI should make more efforts to ensure that the Indonesian Constitution and its fundamental safeguards form the basis of all laws, decrees, regulations and actions by State institutions in order to end the spiral of fundamentalist violence against minorities. In this regard, the AHRC urges the Government of Indonesia to fully implement the recommendations included in this report.

Glossary and Acronyms

Laws

Name of the Law (english)	status	Number	Name of the Law (indonesian)
National Security	Review by House of Representative	-	Keamanan Nasional
Intelligence Bill	Ratified by House of Representative on Oct 2011	No. 17 Year 2011	Undang-Undang Intelijen
Criminal Procedure Code	in force	No.8 Year 1981	Kitab Undang-undang Hukum Acara Pidana
Criminal Code	in force	-	Kitab Undang-undang Hukum Pidana
Land Acquisition for Development	Drafting in House of Representative	-	Pengadaan Tanah bagi Pelaksanaan Pembangunan untuk Kepentingan Umum
Public Information Disclosure	in force	No. 14 Year 2008	Keterbukaan Informasi Publik
Governance of Aceh	in force	No. 11 Year 2006	Pemerintahan Aceh
Military Court	in force	No. 31 Year 1997	Peradilan Militer
Military Criminal Code	in force	No. 39 Year 1947	Kitab Undang-undang Pidana Militer
Judicial Commission	in force	No. 18 Year 2011	Komisi Yudisial
Human Rights Court	in force	No. 26 Year 2000	Pengadilan Hak Asasi Manusia
Indonesian Police	in force	No. 2 Year 2002	Kepolisian Negara Republik Indonesia
Mass Organization	in force	No. 8 Year 1985	Organisasi Kemasyarakatan
The Witnesses and Victims Agency	in force	No. 13 Year 2006	Lembaga Perlindungan Saksi dan Korban
The Prevention of Religious Abuse	in force	No. 1/PNPS/1965	Pencegahan Penyalahgunaan

and/or Defamation			dan/atau Penodaan Agama
The Implementation of the Special Status of Aceh	in force	No. 44 Year 1999	Penyelenggaraan Keistimewaan Propinsi Daerah Istimewa Aceh
The Special Autonomy of Aceh	in force	No. 18 Year 2001	Otonomi Khusus bagi Provinsi Daerah Istimewa Aceh
Indonesian National Military	in force	No. 34 Year 2004	Tentara Nasional Indonesia
The use of firearms	in force	No. 12/DRT/1951	Penggunaan Senjata Api
Subversion	repealed	No. 11/PNPS/1963	Subversi
Amendment and Insertion of Provisions on Aviation Crimes and Crimes against Aviation Facilities and Infrastructure	in force	No. 4 Year 1976	Perubahan dan Penambahan Beberapa Pasal dalam KUHP bertalian dengan perluasan Berlakunya Ketentuan Perundang-undangan Pidana, Kejahatan Penerbangan, dan Kejahatan terhadap Sarana/Prasarana Penerbangan
Psychotropics	in force	No. 5 Year 1997	Psikotropika
Drugs/narcotics	Amendment with Law No. 35 Year 2009 concerning Narcotics	No. 22 Year 1997	Narkotika
Eradication of the Criminal Act of Corruption	in force	No. 31 Year 1999	Pemberantasan Tindak Pidana Korupsi
Terrorism	in force	No. 15 Year 2003	Terorisme
The Protection of Indonesian Workers Overseas	in force	No. 39 Year 2004	Penempatan dan Perlindungan TKI di Luar Negeri
Ratification of the International Covenant on Civil	in force	No. 12 Year 2005	Pengesahan ICCPR (Kovenan Internasional tentang



and Political Rights			Hak-hak Sipil dan Politik)
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Presidential Regulation

Name of the Presidential Regulation (english)	status	Number	Name of the Presidential Regulation (indonesian)
President resolution regarding criminal acts that endanger the supply of food and clothing	in force	No. 5 of 1959	Penetapan Presiden tentang Wewenang Jaksa Agung/Jaksa Tentara Agung dan tentang Memperberat Ancaman Hukuman terhadap Tindak Pidana yang Membahayakan Pelaksanaan Perlengkapan Sandang-Pangan
Presidential Regulation concerning National Police Commission	in force	No. 17 Year 2011	Peraturan Presiden tentang Komisi Kepolisian Nasional
Presidential Regulation concerning Prosecutorial Commission	in force	No.18 Year 2011	Peraturan Presiden tentang Komisi Kejaksaan
Presidential Regulation on Land Acquisition for Development for the Public Interest	in force	No. 65 Year 2006	Peraturan Presiden tentang Pengadaan Tanah bagi Pelaksanaan Pembangunan untuk Kepentingan Umum
Presidential Decree concerning the Eradication of Judicial Mafia Task Force	in force	No. 37 Year 2009	Keputusan Presiden tentang Satuan Tugas Pemberantasan Mafia Hukum
Presidential Decree concerning the Appointment of Members of Judicial Commission for 2005-	in force	No. 1/P/2005	Keputusan Presiden tentang Pengangkatan Anggota Komisi Yudisial periode 2005 - 2010

2010			
Presidential Decree concerning the Appointment of Lieutenant General Sjafrie Sjamsoeddin as Deputy Defence Minister	in force	No. 3/P/2010	Keputusan Presiden tentang Pengangkatan Letnan Jenderal Sjafrie Sjamsoeddin

Local Regulations

Name of the Local Regulation (english)	status	Number	Name of the Local Regulation (indonesian)
Local Regulation concerning Jakarta Tourism	in force	No.10 Year 2004	Kepariwisataan DKI Jakarta
DKI Jakarta Governor's Decision (KEPUTUSAN GUBERNUR) concerning Time Implementation of the Tourism Industry in Jakarta	in force	No. 98 Year 2004	Waktu Penyelenggaraan Industri Pariwisata di Propinsi Daerah Khusus Ibukota Jakarta
South Sulawesi Governor's Circulation Letter (Surat Edaran Gubernur)	in force	No.223.2/803/kesbang	Penanganan Masalah Ahmadiyah
Kampar, Riau District Regulation (Peraturan Bupati)	in force	No.450/PUM/2011/68	Menghentikan Kegiatan Jemaah Ahmadiyah
Pandeglang, Banten District Regulation	in force	No.5 Year 2011	Larangan Aktivitas Ahmadiyah di Kabupaten Pandeglang
Samarinda, East Kalimantan Mayor's Decree (Surat Keputusan Walikota)	in force	No. 200/160/BKPPM.I/II/2011	Perintah Penghentian dan Penutupan Aktivitas JAI di Samarinda



East Java Governor Regulation (Peraturan Gubernur)	in force	No.188/94/KPTS/013/2011	Larangan Aktivitas JAI di Jawa Timur
West Java Governor Regulation (Peraturan Gubernur)	in force	No.12 Tahun 2011	Larangan Kegiatan JAI di Jawa Barat
Bogor, West Java Mayor's Decree (Surat Keputusan Walikota)	in force	No.300.45-122/2011	Larangan Aktivitas JAI di Bogor
Depok, West Java Mayor's Regulation (Peraturan Walikota)	in force	No. 9 Year 2011	Larangan Kegiatan JAI di Kota Depok
Aceh Provincial law concerning adultery	in force	No. 14 Year 2003	Khalwat (Mesum)
Government regulations as a substitute to laws (Perpu) regarding economic crimes	in force	No. 21 Year 1959	Memperberat Ancaman Hukuman Terhadap Tindak Pidana Ekonomi
Joint Minister Decree of the Minister of Religious Affairs, the Attorney General, and the Minister of the Interior of the Republic of Indonesia to Warn and Order the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and the General Public	in force	No. 3 Year 2008	Peringatan dan Perintah kepada Penganut , Anggota dan/atau Anggota Pengurus Jemaat Ahmadiyah Indonesia (JAI) dan Warga Masyarakat



Police Regulations

Name of the Police Regulation (english)	status	Number	Name of the Police Regulation (indonesian)
the Chief of the Indonesian Police's regulation concerning the use of force in police action	in force	No. 1 Year 2009	Peraturan Internal Kapolri tentang Penggunaan Kekuatan dalam Tindakan Kepolisian
the Chief of the Indonesian National Police Regulations regarding Procedures for Public Information Services in the Indonesian National Police	in force	No.16/2010	Peraturan Internal Kapolri tentang Tata Cara Pelayanan Informasi Publik di Lingkungan Polri)

Military Regulation

Name of the Military Regulation (english)	Status	Number	Name of the Military Regulation (indonesian)
Army Telegram Letter of Army Chief of Staff regarding state house regulation	In force	Number 1409	Surat Telegram Kepala Staff TNI Angkatan Darat tentang Penertiban Rumah Negara
Telegram Letter of the Army Chief of Staff regarding state house regulation	In force	Number 1555	Surat Telegram Kepala Staff TNI Angkatan Darat tentang Penertiban Rumah Negara

Acronyms

AG - Attorney General

AGO - Attorney General's Office

AHRC- The Asian Human Rights Commission

APRN - Alliance of State House Residents

BGIS - The Bethel Injil Sepenuh Church

BIMASPOL - The Community Guidance Police

BIN - State Intelligence Agency

BRIMOB - Mobile Brigades of the Police

CAT - Convention Against Torture

DANRAMIL - Commander of a Military Sub-District Command

DENSUS 88 - The Special Detachment 88 Anti-terror Indonesian Police

DPR - House of Representatives

FPI - Islamic Defender Front

FUI - Islamic Community Front

GKI - Indonesian Cristian Church

GoI - Government of Indonesia

HATI - he Coalition Against Death Penalty

HTI - Party of Liberation/Hizbut Tahrir Indonesia

ICCPR - International Covenant on Civil and Political Rights

ICW - Indonesian Corruption Watch

ILO - International Labour Organization

IMB - The Building Permit

KODIM - The Military Command



KOMNAS HAM - National Commission on Human Rights

KOMNAS PEREMPUAN - National Commission on Violence Against Women

KOMPOLNAS - the National Police Commission

KONTRAS - The Commission for Involuntary Disappearance and Victims of Violence

KOPASSUS - Special Armed Forces

KOREM - Military Region Command (2nd level of the territorial army structure)

KPK- Corruption Eradication Commission

KSAD - Army Chief of Staff

KUHP - Criminal Code

KY - Judicial Commission

LBH - Legal Aid Institute

LPSK - The Witnesses and Victims Agency

MA - Supreme Court

MENKOPOLHUKAM - The Coordinating Minister for Politics, Law and Security Affairs

MUI - Indonesian Ulama Assembly

NGO - Non Governmental Organization

NPA - National Plan of Action

PANGKOSTRAD - Army Strategic and Reserve Command C-in C

PASPAMPRES - Indonesian Presidential security Forces

PERDA - Local Regulation

PERSIS - Islamic Unity

PKI - Indonesia Communist Party

POLDA - Regional Police

POLRES - District police



POLRESTA - City District police

POLSEK - Sector Police

POLWILTABES - Large City Police Office

POM - Military Police

PPID - The Information and Documentation Manager

PROPAM - The division for Profession and Security

PTFI - Freeport Indonesia Limited Liability Company/Perseroan Terbatas Freeport Indonesia

PUSLATPUR - The Combat Training Centre

RANHAM - National Plan of Action

RSUD - The Regional General Hospital

SATPOL PP - The Civil Service Police Unit

SBY - Susilo Bambang Yudhoyono

SKB - The Joint Ministerial Decree

SOP - Standard Operating Procedure

SUB DENPOM - The Sub-Military Police Detachment

TNI - National Army of Indonesia

UPR - Universal Periodic Review

UN - United Nations