



January 2011

country summary

## Indonesia

Over the past 12 years Indonesia has made great strides in becoming a stable, democratic country with a strong civil society and independent media. However, serious human rights concerns remain. While senior officials pay lip service to protecting human rights, they seem unwilling to take the steps necessary to ensure compliance by the security forces with international human rights and punishment for those responsible for abuses.

New allegations of security force involvement in torture emerged in 2010. But the military consistently shields its officers from investigations and the government makes little effort to hold them accountable. The government has also done too little to curb discrimination against and attacks on religious, sexual, and ethnic minorities.

In July the US government lifted its ban on military assistance to Kopassus, Indonesia's elite special forces, despite continuing concerns about its human rights record.

### Freedom of Expression

While Indonesia today has a vibrant media, authorities continue to invoke harsh laws criminalizing those who raise controversial issues, chilling peaceful expression. Indonesia has imprisoned more than 100 activists from the Moluccas and Papua for "rebellion" for peacefully voicing political views, holding demonstrations, and raising separatist flags.

In August Indonesian police arrested 21 individuals for planning to float pro-independence flags attached to balloons during a visit to the Moluccas by President Susilo Bambang Yudhoyono. Police subjected them to severe beatings that lasted for days including with wooden sticks and bars and forced them to hold painful stress positions. In September Papuan activist Yusuf Sapakoly, convicted of "rebellion" in 2007 for assisting activists who displayed a pro-independence flag, died of kidney failure after prison authorities denied him medical treatment. In July, after 10 months of delay, prison authorities in Papua permitted political prisoner Filep Karma to travel to Jakarta for necessary surgery.

Indonesia's criminal libel, slander, and "insult" laws prohibit deliberately "insulting" a public official and intentionally publicizing statements that harm another person's reputation, often

even if those statements are true. In early 2010 Tukijo, a farmer from Yogyakarta, was sentenced to six months' probation and a three-month suspended prison sentence for criminal defamation after he asked a local official to disclose the results of a land assessment.

## **Military Reform and Impunity**

Indonesia still does not credibly investigate most allegations of serious human rights abuse by security forces. Despite parliament's recommendation in September 2009, President Yudhoyono failed in 2010 to authorize an ad hoc court to investigate the 1997-98 enforced disappearances of student activists. Nor was there any progress on a bill before parliament that would give civilian courts jurisdiction to try soldiers accused of committing abuses against civilians. In November a military court in Papua convicted four soldiers for beating unarmed civilians in Papua to sentences of between five and seven months in prison, the incident was captured on film. Other videos of security forces torturing or killing civilians emerged this year but few perpetrators have faced justice.

Ignoring recommendations from a National Human Rights Commission team, police and prosecutors took no steps to reopen the case against former deputy state intelligence chief and one-time Kopassus commander Maj. Gen. Muchdi Purwopranjono, implicated in the 2004 murder of prominent human rights activist Munir Said Thalib.

In January President Yudhoyono appointed Maj. Gen. Sjafrie Sjamsoeddin, implicated in the 1997-98 student disappearances and in serious human rights abuses in East Timor, to the position of deputy defense minister.

Of 18 Kopassus personnel convicted of human rights abuse since 1999, at least 11 continue to serve in the military. On March 22 Defense Minister Purnomo Yusgiantoro publicly pledged to suspend from active duty military officials credibly accused of gross human rights abuses in the future, discharge those convicted of abuse, and cooperate with their prosecution. Six days later soldiers in Depok were accused of severely assaulting four boys who had allegedly stolen a bicycle. Military police said they investigated the soldiers but released no information suggesting that they were prosecuted or disciplined.

The armed forces retain extensive business holdings despite a law requiring the government to shut down these businesses or take them over by October 2009. The government merely ordered a partial restructuring of the entities—cooperatives and foundations—through which the military holds many of its investments. The team overseeing the restructuring failed to meet an August deadline to complete its work, which remains incomplete at this writing.

## **Freedom of Religion**

Senior government officials justify restrictions on religious freedom in the name of public order. In April Indonesia's Constitutional Court upheld a law prohibiting "blasphemy," which criminalizes the practice of beliefs deviating from the central tenets of one of six officially recognized religions, on the grounds that it protects public order.

On several occasions militant Islamist groups mobilized large groups of private citizens and attacked places of worship of minority religious communities. Police frequently failed to arrest the perpetrators of the violence. In July the local authorities tried to seal a mosque where members of the Ahmadiyah religious community worship in Kuningan, West Java. When Ahmadiyah members blocked them, hundreds of anti-Ahmadiyah protesters then attempted to forcibly close the mosque, resulting in minor injuries. Police made no arrests, and in August Indonesia's religious affairs minister called for a ban on Ahmadiyah religious practice, claiming that the violence resulted from the Ahmadiyah's failure to adhere to a 2008 decree requiring them to refrain from spreading their faith.

Several minority congregations alleged that local government officials arbitrarily refused to issue them permits required by law to build a "house of worship." Those who attempted to worship without a permit faced harassment and violence.

In August protesters assaulted a Protestant congregation that had begun holding services in a vacant lot after officials in Bekasi, a Jakarta suburb, denied their permit request and sealed two sites they used for services. Approximately 20 congregants were injured, but police made no arrests. In September assailants attacked two leaders of the congregation, injuring one critically. Police arrested 10 suspects, including the leader of the local chapter of the militant Islamic Defenders Front.

## **Sexual Orientation and Gender Identity**

In a sign of rising social intolerance, threats by the Islamic Defenders Front forced cancellation of a regional meeting of the International Lesbian, Gay Bisexual, Trans and Intersex Association (ILGA) in Surabaya in March and a National Human Rights Commission workshop on transgender issues in April.

## **Papua/West Papua**

In 2010 Indonesia maintained restrictions on access to Papua by foreign human rights monitors and journalists, facilitating a climate of impunity. Indonesia expelled the

International Committee of the Red Cross (ICRC) from Papua in 2009; its office there remained closed in 2010.

In May government officials transferred Anthonius Ayorbaba, the warden at Papua's Abepura prison, after the Papua office of the National Commission on Human Rights found him responsible for frequent beatings of prisoners by guards. However, authorities did not investigate Ayorbaba further and took no other steps to address allegations of prisoner abuse at Abepura.

In July Papuan journalist Ardiansyah Matra's body was found in a river. Matra's had reported on plans for a large agri-business development in Papua and illegal logging involving police officers. Police claimed he had committed suicide, but an autopsy revealed he had died before entering the river.

Despite the wide circulation of a video showing police paramilitary (Brimob) officers taunting Yawan Wayeni after they had cut open his stomach, police officials made no effort to investigate or prosecute those responsible for his killing.

In October a 10-minute cell phone video showed Indonesian soldiers brutally torturing two Papuan farmers, Tunaliwor Kiwo and Telangga Gire, as they asked them about weapons. Kiwo screams as a piece of burning wood is repeatedly jabbed at his genitals. The Indonesian government promised to prosecute the soldiers.

## Aceh

Aceh's provincial government continued to implement a repressive Sharia-inspired dress code and law on "seclusion"—banning association between unmarried men and women in "isolated" places—primarily through a Sharia police force that harasses, intimidates, and arbitrarily arrests and detains women and men. Local community groups also forcibly enter homes and assault and publicly humiliate couples they suspect to be committing "seclusion." Police make little effort to deter such behavior.

In January 2010, three Sharia police officers raped a young woman they had detained overnight on suspicion of "seclusion." Officials replaced the head of the local Sharia police and two of the perpetrators were tried and sentenced to imprisonment for eight years, but authorities declined to implement broader remedial measures.

In July the West Aceh district government forbade women from wearing tight pants and authorized the local Sharia police to require women wearing pants to immediately change into a government-issued skirt.

In a positive development, Aceh's governor refused to implement an October 2009 draft law that would have added new Sharia offenses that raise human rights concerns, including criminalizing adultery by a married person and imposing penalties including death by stoning.

## **Migrant Domestic Workers**

Migrant domestic workers continue to confront a range of abuses both during the recruitment process in Indonesia and while employed abroad. The government has failed to stop local recruiters from charging prospective migrants exorbitant fees that leave them highly indebted, which contributes to situations of forced labor abroad. Citing concerns about abuse, the government has maintained bans of new migration to Malaysia and Kuwait, and in 2010 imposed and lifted a ban on migration to Jordan. Negotiations to revise a 2006 memorandum of understanding with Malaysia on domestic workers, initially expected to be concluded in 2009, have repeatedly stalled on establishing a minimum wage and a recruitment fee structure.

## **Child Domestic Workers**

Hundreds of thousands of girls in Indonesia are employed as domestic workers. Many work long hours, with no day off, and are forbidden from leaving the house where they work. In the worst cases, girls are physically, psychologically, and sexually abused by their employers. Presently, Indonesia's labor law excludes all domestic workers from the basic labor rights afforded to formal workers.

The parliament failed to enact a draft Domestic Worker's Law. The committee considering the bill ceased its deliberations in July 2010 following internal disagreements, particularly over a provision that would require domestic workers to be paid the minimum wage.

## **Migration and Refugees**

Indonesia does not offer asylum for refugees and has not ratified the 1951 Refugee Convention. Increasingly, Indonesia has detained asylum seekers, largely as a result of foreign pressure. Indonesia detained nearly 1,300 migrants between January and June 2010, many of whom were attempting to reach Australia. Some organizations have reported mistreatment and substandard care in detention.

## Key International Actors

Indonesia continued its leadership role in ASEAN and appointed an independent expert supported by civil society groups as its representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR), which held its first formal session in Jakarta in April. Yet Indonesia failed to press for strengthening the AICHR's weak mandate or for substantial participation by civil society organizations in its work.

The United States broadened bilateral relations with Indonesia by implementing the US-Indonesia Comprehensive Partnership. In July the US lifted an 11-year ban on military aid to Kopassus, despite continuing concerns about impunity and the unit's human rights record. The US requested that Indonesia shift soldiers previously convicted of human rights abuse out of the force but not that they be discharged from the military entirely. In November President Barack Obama visited Jakarta to discuss the US-Indonesia Comprehensive Partnership, signaling closer cooperation between the two nations. He did not raise specific human rights concerns.

The US also continued to provide significant support to Detachment 88, Indonesia's counterterrorism police, but revealed that it cut off aid for the unit in the Moluccas in 2008 as a result of human rights concerns.

In September the US House of Representatives Committee on Foreign Affairs held a hearing to discuss abuses by security forces in Papua and shortcomings in the implementation of special autonomy.

The Australian government continued to cooperate with Kopassus and Detachment 88. In September Australia noted concern about torture allegations in the Moluccas but did not announce a suspension of aid in response.

In June the European Union held the first EU-Indonesia Human Rights Dialogue in Jakarta. The EU reported that it raised areas of concern but did not indicate whether it had called for any specific human rights improvements.