



## INDONESIA

### REPUBLIC OF INDONESIA

Head of state and government: Susilo Bambang Yudhoyono

**Security forces faced persistent allegations of human rights violations, including torture and other ill-treatment and excessive use of force and firearms. At least 76 prisoners of conscience remained behind bars. Intimidation and attacks against religious minorities were rife. Discriminatory laws, policies and practices prevented women and girls from exercising their rights, in particular, sexual and reproductive rights. No progress was made in bringing perpetrators of past human rights violations to justice. No executions were reported.**

#### Background

In May, Indonesia's human rights record was assessed under the UN Universal Periodic Review. The government rejected key recommendations to review specific laws and decrees which restrict the rights to freedom of expression and thought, conscience and religion. In July, Indonesia reported to the CEDAW Committee. In November, Indonesia adopted the ASEAN Human Rights Declaration, despite serious concerns that it fell short of international standards.

Indonesia's legislative framework remained inadequate to deal with allegations of torture and other ill-treatment. Caning continued to be used as a form of judicial punishment in Aceh province for Shari'a offences. At least 45 people were caned during the year for gambling, and being alone with someone of the opposite sex who was not a marriage partner or relative (*khalwat*).

#### Police and security forces

Police were repeatedly accused of human rights violations, including excessive use of force and firearms, and torture and other ill-treatment. Internal and external police accountability mechanisms failed to adequately deal with cases of abuses committed by police, and investigations into human rights violations were rare.

- In March, 17 men from East Nusa Tenggara province were arbitrarily arrested for the murder of a policeman. They were allegedly stripped, handcuffed and beaten in detention for 12 days by the West Sabu sub-district police. Some suffered stab wounds and broken bones. Some were reportedly forced by police to drink their own urine. They were released without charge at the end of June due to lack of evidence.

Indonesian security forces, including police and military personnel, were accused of human rights violations in Papua. Torture and other ill-treatment, excessive use of force and firearms and possible unlawful killings were reported. In most cases, the perpetrators were not brought to justice and victims did not receive reparations.

- In June, Mako Tabuni, a Papuan political activist and deputy chair of the pro-independence National Committee for West Papua, was shot dead by police officers in Waena, near Jayapura, Papua province. Police alleged he was resisting arrest. There was no impartial or independent investigation into the killing.
- Also in June, soldiers attacked a village in Wamena, Papua province, in retaliation for the death and injury of two of their personnel. They reportedly opened fire arbitrarily, stabbed dozens of people with bayonets – resulting in one death – and burned a number of houses, buildings and vehicles.
- In August, police and military personnel in Yapen island, Papua province, forcibly dispersed a peaceful demonstration commemorating the International Day of the World's Indigenous Peoples. Security forces fired

their guns into the air and arbitrarily arrested at least six protesters. Some were reportedly beaten during their arrest.

- Also in August, police personnel from the Jayawijaya District in Papua province arbitrarily arrested and allegedly slapped, punched and kicked five men in an attempt to force them to confess to a murder. No investigation into the abuse was carried out.

### **Freedom of expression**

The authorities continued to use repressive legislation to criminalize peaceful political activists. At least 70 people from the regions of Papua and Maluku were in prison for peacefully expressing their views.

- In March, five Papuan political activists charged with “rebellion” under Article 106 of the Indonesian Criminal Code were imprisoned for three years for their involvement in the Third Papuan Peoples’ Congress, a peaceful gathering in Abepura in October 2011.

- In July, Maluku prisoner of conscience Johan Teterissa, who is serving a 15-year prison sentence, was kicked and beaten with electric cables following his transfer from Madiun prison to Batu prison on Nusakambangan island, Central Java. He did not receive medical attention following the beating.

Human rights defenders and journalists repeatedly faced intimidation and attacks because of their work. International observers, including NGOs and journalists, continued to be denied free and unimpeded access to the Papua region.

- In May, Tantowi Anwari, an activist from the Association of Journalists for Diversity, was beaten and kicked by members of the hardline Islamic Defenders Front in Bekasi, West Java. Tantowi filed a police report, but there was no progress on his case by the end of the year.

- In September, Papuan human rights lawyer Olga Hamadi was threatened after investigating allegations of police torture and other ill-treatment in a murder case in Wamena, Papua province. There was no investigation into the threats, and fears for her safety remained.

### **Freedom of religion and belief**

The authorities used incitement and blasphemy provisions to criminalize freedom of religion, as well as freedoms of expression, thought and conscience. At least six prisoners of conscience remained behind bars on incitement and blasphemy charges.

- In June, Alexander Aan, an atheist, was sentenced to two and a half years’ imprisonment and fined 100 million rupiah (US\$10,600) for incitement after he posted statements and pictures which some people construed as insulting to Islam and the Prophet Mohamed.

- In July, Tajul Muluk, a Shi’a Muslim religious leader from East Java, was sentenced to two years’ imprisonment for blasphemy under Article 156(a) of the Indonesian Criminal Code by the Sampang District Court. Local human rights groups and legal experts raised fair trial concerns. In September, his sentence was increased to four years on appeal.

Religious minorities – including Ahmadis, Shi’as and Christians – faced ongoing discrimination, intimidation and attacks. In many cases the authorities failed to adequately protect them or bring the perpetrators to justice.

- In August, one person was killed and dozens were injured when a mob attacked a Shi’a community in Sampang, East Java. According to the National Human Rights Commission (Komnas HAM) the police did not take adequate steps to prevent the attack or protect the community.

- At least 34 families from an Ahmadiyya community in West Nusa Tenggara province, who were attacked by a mob and displaced in 2006 because of their beliefs, continued to live in temporary shelter in Mataram, Lombok city. No one had been prosecuted for the attack.

- The authorities refused to enforce decisions by the Indonesian Supreme Court in 2010 and 2011 to reopen the Taman Yasmin Indonesian Christian Church in Bogor and the Filadelfia Batak Christian Protestant Church in Bekasi city. The churches had been sealed off by local authorities in 2010. Both congregations remained at risk of harassment and intimidation by hardline groups for continuing to worship just outside their buildings.

## **Women's rights**

Women and girls faced ongoing barriers to exercising their sexual and reproductive rights. In July, the CEDAW Committee recommended that the government promote understanding of sexual and reproductive health and rights, including among unmarried women and women domestic workers. The Committee also recommended that women be given access to contraception without having to obtain their husband's consent.

A 2010 government regulation permitting "female circumcision" remained in effect, in violation of Indonesia's obligations under international human rights law. The CEDAW Committee called on the government to withdraw the regulation and adopt legislation to criminalize the practice.

For a third successive year, Parliament failed to debate and enact a domestic workers law, leaving domestic workers, the vast majority of whom are women and girls, vulnerable to economic exploitation and the denial of their rights to fair conditions of work, health and education. Although Indonesia ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in May, a lack of adequate legal protection in the country exposed migrant domestic workers, mostly women and girls, to trafficking, forced labour practices and other human rights abuses in Indonesia and overseas.

## **Impunity**

There was little progress in delivering justice, truth and reparation for past human rights violations, including in Aceh, Papua and Timor-Leste (formerly East Timor). Survivors of sexual violence had yet to receive adequate medical, psychological, sexual and reproductive, and mental health services or treatment. In September, the Indonesian government announced at the UN Human Rights Council that they were finalizing a new law on a Truth and Reconciliation Commission; however, no progress was reported. A multi-agency team set up by the President in 2011 to devise a plan to resolve past human rights violations had yet to announce any concrete plans.

- In July, Komnas HAM submitted its report to the Attorney General on possible crimes against humanity committed against members of the Indonesian Communist Party (PKI) and suspected communist sympathizers in the context of the 1965 failed coup. The Commission called on the Attorney General to initiate an official investigation, to bring the perpetrators to justice in a Human Rights Court and to establish a truth and reconciliation commission. No progress was reported.
- In September, the Aceh provincial parliament announced a delay to setting up an Aceh truth and reconciliation commission. This left victims and their families without an official mechanism to establish the truth about the violations they suffered during the conflict or to establish the fate or whereabouts of their loved ones who were killed or had disappeared.
- The President failed to act on Parliament's recommendations in 2009 to bring to justice those involved in the enforced disappearance of 13 pro-democracy activists in 1997 and 1998, to conduct an immediate search for activists who had disappeared, and provide rehabilitation and compensation to their families.
- The government failed to implement recommendations made by the bilateral Indonesia-Timor-Leste Commission of Truth and Friendship, in particular to establish a commission for disappeared persons tasked with identifying the whereabouts of all Timor-Leste children who were separated from their parents and notifying their families.

## **Death penalty**

For a fourth successive year no executions were reported. However, at least 12 death sentences were handed down during the year and at least 130 people remained under sentence of death. In a positive move in October, it was reported that the Supreme Court had commuted the death sentence of a drug trafficker in August 2011, citing the death penalty as a violation of human rights and the Constitution. Also in October, it was announced that the President had commuted 19 death sentences between 2004 and 2011.

## **Amnesty International visits/reports**

- Amnesty International delegates visited Indonesia in April, May and October.
- Stalled reforms: Impunity, discrimination and security force violations in Indonesia – Amnesty International Submission to the UN Universal Periodic Review, May-June 2012 (ASA 21/003/2012)

- Excessive force: Impunity for police violence in Indonesia (ASA 21/010/2012)
- Indonesia: Briefing to the UN Committee on the Elimination of Discrimination against Women (ASA 21/022/2012)