



# General Assembly

Distr.: General  
6 September 2016

English only

---

## Human Rights Council

Thirty-third session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15419(E)



\* 1 6 1 5 4 1 9 \*

Please recycle



## **INDONESIA: President Widodo has made no effort to find disappeared victims**

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) about the stagnation of cases of enforced disappearance that have occurred under the New Order era of former President Suharto, as well as similar cases that occurred later. Indonesia has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. The law enforcement and justice system is largely ineffective in resolving cases of disappearance. Most importantly, Indonesia has no national law that punishes the crime of disappearances.

In the previous written submission, the ALRC provided detailed information regarding enforced disappearances in Indonesia. One case that has received considerable public attention is that of Mr. Aristoteles Masoka, the driver of Mr. Theys Hiyo Eluay, a prominent indigenous Papuan activist who was killed by the special armed forces (Kopassus) in 2001. Mr. Aristoteles remains missing, and, until today, the government has undertaken no proper investigation into his case. Despite the establishment of the Commission on Human Rights branch office of Papua, no investigation was carried out by the commission. In the meantime, Mr. Masoka, father of Aristoteles, remains uncertain about his son's fate, and receives no assistance from the government.

Past cases of disappearance, such as the 1997-1998 disappearance of 13 student activists, remain stagnant. Although the House of Representatives issued four recommendations to the President, to establish an ad hoc human rights court for the 1997-1998 disappearances, to establish a Commission on Disappeared Persons, to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and to provide compensation and rehabilitation to the families of the victims of enforced disappearances, none of these have been followed up.

In the first year of President Widodo's administration, his presidential staff requested civil society to provide input and a draft a bill for presidential decree regarding establishment of an ad hoc human rights court for the case of enforced disappearance of student activists in 1997-1998. Although the bill and input have been provided, President Widodo has yet to take any action or establish any policy on the matter.

Similarly, the Indonesian government has done nothing to implement the recommendation to establish a national commission for dealing with enforced disappearances. Under President Widodo's administration, the government is more oriented to economic development. President Widodo even made a public statement to the effect that the government is only willing to deal with human rights for people who are still alive.

Legal uncertainty and the darkness of enforced disappearances against student activists in 1997-1998 has resulted in depression and serious health problems for the parents who are still waiting to know about the whereabouts of their beloved. In the past two years, the mother of Mr. Yani Afri (one of the missing persons) passed away due to serious health issues, as did Mrs. Nurhasanah, mother of Yadin Muhidin (another missing person).

In addition, Mr. Dedek Khairuddin, who was forcibly taken by Navy personnel from his house on 28 November 2013, remains missing. Six Navy personnel have so far been prosecuted and convicted with light punishment by the Military Court of Medan City, North Sumatra Province: Mr. Muliadi Wintoro, Sergeant 1st Class of Marine: 1 year, 3 months; Mr. Hari Subandi, Lance Corporal: 1 year, 2 months; Mr. Didik Utomo, Private in charge of Marine: 1 year, 3 months; Mr. Wahyu Cahyono, Private in charge of Marine: 1 year, 4 months; Mr. Karso, Private in charge of Marine: 1 year, 2 months; Mr. Bambang Trinugroho, Marine Captain: 1 year, 5 months. The Military Court has failed to further investigate whether high-ranking Navy personnel are behind the case. The light punishment does not reflect the severity of the crime, and will not protect persons from similar future crimes.

In view of the above, the ALRC respectfully requests the Human Rights Council to:

- a. Urge the government to immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- b. Urge the President to issue Presidential Decree on the establishment of Ad Hoc Human Rights Court for the enforced disappearance of thirteen students activist in 1997-1998;
- c. Urge the government to set up a national commission whose special taskforce can search for victims of enforced disappearances;

- d. Urge the government to officially invite and cooperate with the UN Working Group on Enforced or Involuntary Disappearances;
  - e. Urge the law enforcement agency and the judicial system to prosecute all cases of enforced disappearances, maintaining high standards and in line with fair trial principles;
  - f. Urge the Parliament to ensure that the new bill on the Indonesian Penal Code strengthens protection of all citizens from enforced disappearance and punishes the actions that led to the crime, in accordance with international legal principles.
-