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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by the International NGO Forum on Indonesian  
Development (INFID), a non-governmental organization in special consultative status**

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

[28 February 2007]

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

## Human Rights Defenders in Indonesia

In 2006, State institutions responsible to enforce human rights have failed to show positive performance to fulfil rights of individuals, including HRD. Numerous cases have shown that State institutions are in fact impeded, violate and disregard human rights. It is clear that national ratification on sets of rights do not automatically develop the Government's sense of rights.

This is obvious in a number of State institutions. Part of law enforcement, police forces is in reality involved in brutality toward individuals and a dominant actor of violence. Attorney General impedes and fails to accommodate cases of human rights violations. Not only slow, National Commission of Human Rights is also failed to show sensitivity and initiatives to advocate against human rights violations.

State also engages in the use of excessive force toward its own people. Violence against HRD are common in many parts of this country. Just like the previous year, dominant actors of violence are Police and Military forces, *pamong praja* police unit<sup>1</sup> to petty criminals and unknown people. Targets of this wave of violence, intimidation, harassment and aggravation are HRD in numerous places especially conflict areas such as Papua.

### The Munir Case: Permanent Stagnant

In December 2005, investigation on the case of Munir murder again slowed down due to career rotation of the head of this investigation team, Brigadier General Masudi Hanafi. Numerous evidences and anomalies are gathered, however the police force does not continue investigating until the Supreme Court decided to release Pollycarpus Budihari Priyanto, the sole suspect on Munir case, was not guilty of the conspiracy of murder, on October 03, 2006. It seems no progress has been made on this case up until now.

Lack of further development of this case is apparent in numerous aspects. *First*, as the court on has failed to widen its investigation on evidences, the police forces had been also ineffective in conducting their investigation. As a result, the court had to set the defendant free due to lack of evidence. Oddly, Police Chief General Sutanto preferred to wait for Pollycarpus to open up the case of Munir murder.

*Secondly*, investigation team led by Brigadier General Surya Dharma launched on October 5 2006 was a recycle from the existing team which have operated since December 2005 which had failed to shed any light to this case. This raised a further question: if he had failed, why he was reelected?

*Thirdly*, the Supreme Court decision to clear Pollycarpus from any involvement to the murder of Munir and released him on a parole from Cipinang jail last December 25 had freed him and other people linked to the very same murder from any connection to the case.

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<sup>1</sup> Police Brutality in Indonesia's Transitional Era, Imparsial Altenative Report, Satuan Polisi Pamong Praja or Satpol PP (abbreviation) is a police institution under the command of Governor/Regent. It was establishing by Dutch Indies Supreme Court (*Hoogerrechtshof*) during the Dutch colonial period and still exist now. During that time, the police organization was expanded into three departments. *First*, municipal police (*Bestuur Politie*) as part of local government supported by village chief, night watchers and police agents assigned by municipal police officials. *Second*, general police officers (*Algemeene Politie*), a special task force who was responsible for undertaking police works. *Third*, armed police officers (*Gewapende Politie*). Satpol PP is part of Municipal Police under the Governor/the Regent.

As a result, not only the Court had turned a blind eye on anomalies of this case, this institution also involved in making them lost their significance.

These aspects have shown how the State ignored facts found from the investigation done by the previous Fact Finding Team (with members also from civil society). This team had successfully established a number of evidences showing that intelligent officers were involved in this murder. However, the Government showed no political will needed to develop that finding. As a result, it is concluded that there is no main perpetrator involved in this case of murder.

Failure to reveal what happened in the murder case of Munir has shown how weak Indonesian law enforcements and courts are. This case does not only show how feeble the government's commitment to protect human right is, but also how it becomes a human rights violator as well.

### **Violence against Human Rights Defenders:**

In 2006, attacks targeted to HRD continue to escalate with patterns and intensity of attacks to remain the same. As conflict areas, in 2006 Papua and Poso showed increasing intensity. In the same year, police forces continues to be the main actor to threat HRD in Indonesia.

This is apparent in a police raid in Abepura after March 16 2006 riot - the biggest incident of the year in Papua, was a clash between students and police officers in front of Cendrawasih University on March 16, 2006. It started as a student demonstration demanding Freeport to be closed down and military to be pulled out from Papua. This demonstration led to violent fighting in which 4 Mobile Brigade officers and 1 intelligence officer from the air force were killed. After this incident, police force conducted sweeping operation brutally and arrested people and students from mountainous areas who lived in Abepura and surrounding areas. Student dormitory and university classrooms were damaged. Glasses, doors and computers were broken. As a result, 4 TV journalists, dozens of students were injured. Hundreds of other students were traumatized by the attack and hid themselves in the forest. A number of civilians were injured in this operation resulting to the death of Jeni Hisage. Student dormitory and campus were destructed. In this incident police force arrested 77 people, 24 of them were declared as suspects.

Police also engaged in repressive acts toward HRD campaigning for Human Rights Day on December 10. Max Binur was a victim of such action as this environmental activist from Sorong was arrested by Sorong Local Police officers.

Jayapura State Attorney reported 8 human rights lawyers from PBHI, SKP Jayapura, Elsham, and LP3AP who defending 7 plaintiffs of March 16 2006 Abepura riot, to Regional Police Office (POLDA) in Papua. The reason for this was arguments from the lawyers in the court room were considered as insult and defamation directed toward the government and violations of article 311 and 355 of Indonesian Criminal Code.

Other groups such as *pamong praja* police unit, people from dubious loose mass organizations, and fundamentalists are also involved in the attacks toward HRD. Instructed by Jembrana Head of District, *pamong praja* police unit arrested and tortured Bali Pos journalist Arie Lestari. Herliyanto (40) a journalist from Delta Pos Sidoarjo was murdered by a group of men ordered by local government officials due to articles on corruption.

### **Violent Religious Fundamentalism as a threat for Human Rights Defenders**

The Government also fails to seriously take into account threats of sectarian religious fundamentalism toward human rights and democracy. This kind of Fundamentalism pursues single social and life systems. It tries to do so by denying important human rights and democracy principles as agreed upon in the constitution. Such fundamentalism takes form in several places through actions taken by religious-based group. In promoting their causes, these groups tend to use violence to other groups of different faiths and beliefs.

Throughout 2006, the rise of violent fundamentalism is evident from a number of violence and threats by religion or ethnic-based groups. In many cases they use intimidation and coercion toward different groups to enforce their beliefs. Moreover, they insist on making their belief system as regulation to standardize a diverse society.

An example that fundamentalist group threat HRD, especially women HRD, is the case of Forum Betawi Rempug (FBR), a fundamentalist group who attack a human rights defender Shinta Nuriyah since she opposed the adoption of anti-pornography bill.

Oddly, the Government seems to be oblivious of the groups' actions which violate law and democracy guaranteeing individual rights.

### **Stigmatization as a communist, separatist or radical groups against the State**

Freedom of expression is still in peril. Seen as a threat to the State, freedom of expression is curbed. Police force in Bandung, raided a discussion forum on the victims of 1965 massacre. The Unity of Anti-Communist Society (Permak), a primordial group in Bandung, and Pemuda Panca Marga, a so called militia group, raided a discussion forum at Ultimus Book Store accompanied by the police to arrests participants of the discussion on December 14, 2006.

Head of State Intelligent Agency Major General Safnil Armen stated in a seminar in Department of Defense that Imparsial, Kontras and Elsham are radical groups. He argues that these groups are threats to Pancasila, are unsatisfied with current government, enjoy foreign aids and assist separatist movements. These cases clearly show how radicalism is used blatantly to control critical elements of the society.

Terror to the general public was launched by the police, especially after March 16 riot. Human Rights NGOs in Jayapura also attacked by the police by labeling activists who criticized the police as "OPM supporters", "Selling human rights" and "Recipients of Foreign Aid."

### **Pattern of violence**

Pattern of violence toward HRD in 2006 are: hunting down, arbitrary arrests, terror and intimidation, murder, attack and property damage, raid and event closedown, unlawful lay offs, criminalization, stigmatization and ignorance.

Based on the facts presented above, we request the UN Human Rights Council to conduct following actions:

1. Urge the Government of Indonesia implement invitation to UN Special Representatives of Secretary General to visit Indonesia and monitor HRD situation, especially in conflict areas such as Papua and Poso;
2. Urge the Government of Indonesia to take serious actions to bring the perpetrators of Munir murder to justice;
3. Urge the Government of Indonesia to harmonize the Declaration of HRD into Indonesian legal system;
4. Urge the Government of Indonesia to end impunity against HRD.

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