



General Assembly

Distr.: General
28 May 2010

English only

Human Rights Council

Fourteenth 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 the International NGO Forum on Indonesian Development, 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.

[18 May 2010]

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

Terrorism in Indonesia

Background

Terrorism issue in Indonesia is not something new and not involuntarily materialized on account of tragedy of 9/11 has taken place in New York, USA instead it had been existed before. The first recorded incident was “Woyla Incident”; which was a hijacking of Garuda Indonesia flight on 28 March 1981 from Palembang to Medan by DC-9 Woyla airplane. The perpetrator was Jihad Commander who demanded US\$ 1.5 and had his 14 colleagues released post Cicendo incident that had killed 4 police officers at Police Station 65 in Cicendo, Bandung few days earlier.¹ The hijacking was perpetrated by 5 terrorists. The case was handled directly by Kopassandha of TNI (Indonesian Military) and caused casualties of 1 soldier, 1 crew and 3 terrorists.

Henceforward the Government established Regulation in Lieu of Law (Perppu) No. 1 of 2002 on Eradication of Criminal Offense of Terrorism that has been established as Law No. 15 of 2003 on Eradication of Criminal Offense of Terrorism. This legal umbrella is the tool applied by Indonesia to process cases of terrorism actions in Indonesia. As recorded in the middle of 2000-2009, there were 28 moments of bombing tragedy in various areas that took fatalities of at least 322 persons and hundreds of injured.

The Table of Bombing Terror History in Indonesia (2000-2009)

<i>Year</i>	<i>Terrorists Attack</i>	<i>Details</i>
2000	Bomb explosion from a car parked in front of residence of Philippines Ambassador, Menteng Central Jakarta (1 August 2000)	2 casualties and 21 injured
	Bomb explosion shocked parking floor P2 of Jakarta Stock Exchange Building (13 September 2000)	10 casualties, 90 injured, 104 cars heavily wrecked, 57 cars damaged
	A series of bomb exploded on Christmas Eve in several cities in Indonesia, i.e.: Jakarta, Bekasi, Sukabumi, Mataram, Pematangsiantar, Medan, Batam, and Pekanbaru (24 December 2000).	16 casualties and 96 injured and caused 37 cars damaged
2001	Jakarta, Santa Anna Church and Huria Kristen Batak Protestan (HKBP) Church at Kalimalang district, East Jakarta (22 July 2001)	5 casualties
	Bomb explosion at Plaza Atrium surrounding area, Senen, Central Jakarta.	6 injured
2002	Paddy’s Pub and Sari Club (SC) at Legian Street, Kuta, Bali exploded by bomb (Bali Bomb I). Two bombs detonated nearly at the same time, which was 23.05 local time (12 October 2002)	202 casualties and 300 injured
	Assembled bomb covered by steel plate container exploded at McDonald’s restaurant in Makassar (5	3 casualties and 11

¹ “Execution in Tangkuban Perahu Mountain”, *Tempo Magazine*, 27 Sept 1986.

<i>Year</i>	<i>Terrorists Attack</i>	<i>Details</i>
	December 2002)	injured
2003	Assembled bomb exploded at lobby of Wisma Bhayangkari, Indonesia Police Headquarter, Jakarta (3 February 2003)	No casualty
	A bomb detonated at public area in Terminal 2F, Soekarno-Hatta International Airport, Cengkareng, Jakarta (27 April 2003)	10 injured
	Bomb destroyed some parts of JW Marriott Hotel, Kuningan, Jakarta (5 August 2003)	11 casualties and 152 injured
2004	A bomb exploded at a café in Palopo, Sulawesi (10 January 2004)	4 casualties
	A big blast came from a car happened in front of Australia Embassy (9 September 2004)	6 casualties and hundreds injured
2005	Two bombs exploded in Ambon (21 March 2005)	No casualty
	A bomb blasted in Tentena, Poso, Central Sulawesi (28 May 2005)	22 casualties
	A bomb went off at courtyard of an Expert of Policy Maker Board of Majelis Mujahidin Indonesia, Abu Jibril also known as M. Iqbal at West Pamulang (8 June 2005)	No casualty
	A bomb blasted again at RAJA's Bar and Restaurant (Bali Bomb II), in Kuta Square, Kuta Beach area and at Nyoman's Café in Jimbaran (8 June 2005)	22 casualties and 102 injured
	A bomb detonated in a market in Palu, Central Sulawesi (31 December 2005)	8 casualties and 45 injured
2009	Around 07.45 A.M. local time, two suicide bombs exploded at JW Marriott Hotel and Ritz-Carlton, Mega Kuningan, Jakarta (17 July 2009)	12 casualties and many injured

Source: IDSPS, "Terror and Accountability of Security Actor", Newsletter V Edition /July/2009, page 6.

Latest Situation

There are 7 security actors function in the handling of anti terror, which is Bomb Squad of Police Mobile Brigade (Gegana Brimob Polri), Detachment of Counter Terrorism (Detasemen Penanggulangan Teror or Dengultor) of Indonesian Military, Detachment 81 of Elite Force (Kopassus) of National Army, Detachment Jalamangkara (Denjaka) of Marine Corps of National Navy-force, Detachment Bravo (Denbravo) of National Air-force, Anti-terror unit of National Intelligent Body, and Densus 88 of National Police. With the big number of actors handling terrorism in Indonesia, it causes acute coordination issue in the fields, because until now there is not any National Security Law that regulates job description and coordination between those security actors. In particular, the legal umbrella utilized for terrorism issue is Law No. 15 of 2003. Although it does not explain about

security actor that handles terrorism cases and its coordination.² Since Densus 88 largely applies ambush on terrorism, therefore the operational of this unit will be discussed further.

Densus 88 was build based on Decree of Chief of National Police No.30/VI/2003 and it consists of investigation, bomb squad and sniper personals. Densus 88 in its operation receives assistance from foreign governments; one of them is from USA that also trained personals of the Detachment with CIA, FBI and secret agency.³ So far the actions conducted by Densus 88 that revealed for public are:

- 8 August 2009 – The incursion of a house in Jati Asih, Bekasi. Killed 2 terror suspects.
- 8 August 2009 – Siege in Temanggung, Central Java. Killed 1 terror suspect.
- 17 September 2009 – Siege on terrorists in Solo. Killed 4 terror suspects; one of them was Noordin M. Top.
- 9 October 2009 – Raid of terrorist in Ciputat. Killed 2 terror suspects and Arrested 3 persons.
- 3 March 2009 – Incursion of terrorists in Aceh. Killed 3 Police officers and 1 terror suspects; 14 persons were arrested.
- 9 March 2010 – Raid of terrorists in Pamulang. Killed 1 terror suspects: Dulmatin also known as Djoko Pitono
- 12 May 2010 – Incursion of terrorists in Cawang and Cikampek. Killed 5 terror suspects and 6 were arrested.

Besides raiding operations conducted by Densus 88, recently emerges an attempt to revise Law No. 15 of 2003. Undeniably, the law needs improvement - particularly about the involvement of security actors in tackling terrorism issue and their coordination, procedure of action on the fields, and regulation to track funding sources of terrorism - therefore the legal parameter can be stronger. Alas, the Government also focuses on extending detention period. As written in Article 26, it explains that maximum time of detention is of 7 x 24 (seven times twenty four) hours, which according to Chief of National Police Gen. (Pol) Bambang Hendarso Danuri is extremely insufficient and cause difficulties in investigation. From Human Rights point of view, an arrest based on assumption with minimum initial evidence and not accompanied by legal counselor is unacceptable. Although Indonesia is considered as softer compared to Singapore and Malaysia that with their Internal Security Act can detain a person for 2 years without legal process, however the attempt to revised Intelligent Law needs to be guarded by CSO community that work in Human Rights issues.

Observing the long list of incursions conducted in recent year, the achievement of National Police prone to create suspicions. There are suspicions among the public that the action of attacking terrorism lately - that almost like action movie and broadcasted live on television – is an issue distortion from corruption matter that tangle National Police body; owing to cases of Century Bank and the arrest of former Head of Police Detective Unit Comr. Gen.

² Regulation in Lieu of Law (Perppu) No.1 of 2002 that converted into Law No. 15/2003 in Chapter V on Investigation, Prosecution and Examination in Court, Article 25(1) "Investigation, prosecution and examination in court in case of criminal offense of terrorism, are conducted based on the applied penal code, except determined to be different in this Regulation in Lieu of Law." and Article 26 "(1) To achieve sufficient initial evidence, investigator can use every intelligent reports." Which the institutions that generate the intelligent reports are various and unspecified; in reality a Law on intelligent itself has not present in Indonesia up until this report is written.

³ Kompas Online, "Elite Forces of National Police is trained by CIA", 12 Nov 2003, accessed from <http://www.dephank.go.id/modules.php?name=News&file=print&sid=5044>

Susno Duadji. This feat is run once again, because the raiding terrorist Noordin M. Top was also conducted in the period of imprisonment of Chiefs of Corruption Eradication Commission (KPK) Bibit Samad Rianto and Chandra Hamzah in the middle of September 2009. While in fact Noordin Top had been a fugitive for 7 years. The thing that needs to be criticized is that the raid did not respect principles of human rights.

Terrorism becomes reason to nullify human rights. Particularly in their action, Densus 88, in tackling of terrorism tends to exploit weapons instead of legal paraphernalia. In television live broadcast, we can see that the Police was actually still able to hold fire, in order to have the person assumed as terrorist not to be life-endangered. If the firing was forced to be released, it should have been targeted to un-lethal area first (besides heart and head, for instance to arm and leg). As a result, it can be said that the terrorism ambush lately had a tendency to be an extra judicial killing. If it continues, the measures become contra-productive in preventing terrorism, instead it will radicalize terrorism.

In ideal, even though terrorism is a specific crime case, the security actor that handling it should be based on existing law in Indonesia, which is Penal Code (KUHP), and should put forward principles of Human Rights. With that, the persons assumed as terrorist have the right to prove whether they are really a terrorist or not and they have the right to receive legal advice. Therefore, we need international pressure to help human rights communities and civil societies in Indonesia to supervise and force security actors and Government of Indonesia to put forward principles of human rights in handling terrorism.
