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**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 (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.

[14 February 2011]

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

Situation of human rights defenders in Indonesia 2010**

Target of violence in 2010 majority were journalist, peasant, pluralist, LGBT, anti-corruption and human rights defenders in Papua. Perpetrators vary from the police, military, bureaucrats, gangsters to fundamentalist groups. Majority cases will be ended to impunity of the perpetrators.

After the murder of Anak Agung Prabangsa of Radar Bali Daily Newspaper¹ in 2009, in 2010 the trends of violence against journalist were increased. Ironically the perpetrators of violence against journalists in 2010 dominated by civilian groups such as fundamentalist, gangsters who were supported by companies and the media companies which applying union busting. Journalists who were killed in 2010 also increased compared to 2009, they were Ardiansyah Matrais of Tabloid JUBI Papua², Ridwan Salamun of Sun TV in Maluku³, and Alfrets Mirulewan of Pelangi Weekly Maluku⁴, while the death of journalist Mohammad Syaifullah of Kompas Daily Newspaper Kalimantan Bureau⁵ still mysterious

** IMPARSIAL – the Indonesian Human Rights Monitor, Indonesia, an NGO without consultative status, also shares the views expressed in this statement, prepared and delivered by IMPARSIAL the Indonesian Human Rights Monitor and INFID (International NGO Forum on Indonesian Development).

¹ Anak Agung Prabangsa is reporter of Radar Bali Newspaper. He was reported missing on 12 February 2009 on the provincial island of Bali. His body was found four days later, floating in waters west of the Padangbai harbor. Prabangsa had received threatening calls and text messages on his cell phone for two weeks before he disappeared. The Police arrested a local politician and several accomplices in the killing, which they said was motivated by the reporter's coverage of a local government project. The Police alleged that I Nyoman Susrama, a legislative council member for the district of Bangli, a large city in eastern Bali, and accomplices had seized Prabangsa from his home on February 11. The verdict of the District Court was life sentence for I Nyoman Susrama. The verdict is upheld by the Court of Appeal and Supreme Court.

² Ardiansyah Matrais is a journalist who regularly reported on corruption and illegal logging practices in Papua. His articles were published in Jubi magazine and also his videos were published in <http://tabloidjubi.com> until early this year. On 30 July 2010, Ardiansyah Matrais' body was found naked and handcuffed floating in the Maro River of Merauke in Papua, Indonesia. He had been reported missing since 28 July 2010 when his motorbike and helmet were found at the Wali-Wali bridge of Merauke in Papua. After a post-mortem examination of the body, Indonesian police revealed on 20 August 2010 that Ardiansyah Matrais was murdered and drowned in the river. Signs of torture were also found on Ardiansyah Matrais' body. It is believed that his murder may be linked to his work covering controversial issues such as corruption and illegal logging in Papua. It may also be linked to his coverage of the regional election that took place on 2 August 2010. The statement of Indonesia Police Headquarter concerning the death of Ardiansyah Matrais is different with the local police, because according to the Indonesia Police Headquarter based on the autopsy result it is proven that Ardiansyah Matrais was killed. However, the Merauke Local Police made a statement that Ardiansyah Matrais was committed suicide.

³ Ridwan Salamun was murdered while covering news on a communal clash between villagers from Banda Ely and Fiditan in Tual, Maluku. Mr. Ridwan Salamun suffered fatal injuries from a spear wound and a gash on his head. The communal clash was triggered by a minor disagreement that quickly escalated into violence between the villagers. The case dismissed in the police level.

⁴ Alfrets Mirulewan, a chief of Pelangi Maluku weekly tabloid, was found dead on Dec. 17, 2010 at midnight at Nama Beach, Southwest Maluku. He was killed at a time when he was investigating fuel smuggling in the area. The police confirmed that Alfrets Mirulewan was murdered due to his journalism activity.

⁵ Mohammad Syaifullah, the head of Kompas Daily Newspaper in Kalimantan was found death in his home on Monday 26 June 2010. Some journalists believe Syaifullah could have been killed because of his reports on sensitive environmental issues in Kalimantan, including massive illegal logging.

whether his death due to his illness or was killed due to his report on illegal logging and corruption in Kalimantan. Other journalists also got serious injury⁶, including Nanang Octo Brian Purwo Hartanto of Lampu Hijau Daily Newspaper Jakarta⁷, Juhry Samanery of SCTV in Maluku⁸, Triyono of Solo Pos Daily Newspaper⁹, and Ahmadi of Aceh Daily Newspaper¹⁰. Several journalists were criminalized, including Iwan Heriyanto of Surabaya Post¹¹ and six foreign journalists from the Netherlands and France were deported from Papua¹². At least two media office also became target of violence: AJI's office in Palu-Central Sulawesi was attacked by youth group¹³ in December 2010 and Tempo Magazine Office was thrown with cocktail molotov in June 2010¹⁴.

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- ⁶ Journalists were received threat, among others, including Lala (Bintang Papua daily reporter), Agapitus Batbual (Suara Perempuan Papua reporter), Raymond (Papua Selatan Pos chief editor), Idri Qurani Jamillah (JUBI tabloid reporter) and Julius Sulo (Cendrawasih Pos reporter). All of them are from Merauke – Papua. They have received text threats and letters written in blood, prior to the local election in Merauke that was held on 2 August 2010. In Jayapura Lucky Ireeuw, chief editor of Cenderawasih Pos was interrogated by the police after publishing Rev. Socrates Sofyan Yoman's statement that the Indonesian Military held responsible over series of violence in Puncak Jaya area; in Biak Opin Tanati, a woman journalist of KBR 68H was intimidated by the adjutant of the Regent of Biak; in Wasior, Musa Kondorura, a reporter RRI, KBR 68H & reporter of Radio Sasar Wondama Wasior was harshly beaten by 2 personnel of the State Intelligence Agency (BIN) called Luki & Hendra.
- ⁷ Nanang Octo Brian Purwo Hartanto, a journalist from Lampu Hijau Daily Jakarta, was persecuted by members of the Islamic Defender Front on 26 May 2010 when he reported the sweeping actions by the masses from this organization led by Habib Rizieq, in the area of Funeral and Landscaping Service of DKI Jakarta, in Aipda KS Tubun street, Petamburan, Tanah Abang, Central Jakarta. The fundamentalist group swarmed over Nanang and stoned him with drinking bottles. Besides head injuries, he also lost his camera.
- ⁸ Juhry Samanery is SCTV correspondent in Maluku, was allegedly beaten up by Ambon District Court officials, but has been named a suspect by Maluku Local Police following indictment by officials of the Ambon District Court that Juhry triggered the fracas by slapping their colleague.
- ⁹ Triyono is a journalist of Solo Pos, who was beaten and kidnapped by Karanganyar military chief Lt. Col. Lilik Sutikna. An internal investigation found evidence that Lilik had beaten Solopos daily journalist Triyono at the Karanganyar military command on 1 September 2010 out of anger with the newspaper's report of a graft trial. Quoting the court hearing, Triyono wrote in his report that Rp 21.9 billion of ill-gotten money raised from the alleged corruption went to a number of institutions, including the Karanganyar military. Triyono had filed a report with the military police in connection with the assault and the panel of the judge at the Military Court sentenced Lilik four months in prison.
- ¹⁰ The Military Court of Banda Aceh ruled that First Lt. Faizal Amin, an intelligence officer, was guilty of grievous assault against Ahmadi, a reporter from the Harian Aceh daily newspaper, and of damaging his cellphone and laptop computer on May 2010, and sentenced him 10 months in prison.
- ¹¹ Journalist whom criminalized was Iwan Heriyanto, photojournalist of Surabaya Post Daily Newspaper. The security officer of the US Consulate General in Surabaya securing him when he was making coverage Wisnilak photos in the building adjacent to the Consulate's office in Jalan Dr Soetomo, Surabaya. Although Iwan did not capture the consulate building, but security officials remain secure him and brought him to the police office. This incident occurred on Thursday, May 27th, 2010 at 17:25 pm, when Iwan perform the duties of his office to take pictures Wisnilak Office Jalan Raya Darmo, as one of the Surabaya cultural heritage buildings that still exist.
- ¹² Gabriela Babette, Peter Mariaw Smith, Ronald Wigman dan Elske Schouten of NRC TV the Netherlands and Carol Helen Lorthios and Bou Douwin Koenig from France were deported on 25 May 2010 after covering demonstration in Jayapura – Papua.
- ¹³ The Alliance of Independent Journalists reported in December 2010 that around 20 members of an ethnic youth group in Central Sulawesi injured reporters, among others are Muhammad Sharfin, Riski Maruto (ANTARA), and Jafar G. Bua (Trans TV) at the association's Palu office on Thursday 27 December 2010. AJI believed the attack was prompted by an "unfavourable report" against a Kaili Youth Front (FPK) leader. The attackers said they were unhappy about the reporter's story on the

Clashes of the peasants and the police to take over the ownership of the land between the peasants and companies also ended in violence. Two environment and land activists Firmansyah and Dwi Nanto of Wahana Lingkungan Hidup (WALHI – Friend of the Earth) Bengkulu were tried in Bengkulu District Court and the prosecutor prosecutes them to six months in prison¹⁵.

Violence attacks led by religious and ethnic fundamentalist groups are getting stronger in Indonesia. Even where they used violence, police seemed reluctant to prosecute the perpetrators. Authorities ‘tolerated’ many criminal acts allegedly committed by these groups, including the destruction of churches and property in 2010. Further, the new Chief of Indonesian Police General Timur Pradopo announced that he will work together with the Front Pembela Islam (Islam Defenders Front), one of the most notorious groups which using religious term as justification of their violent actions. Target of attack by anti pluralist groups are mostly non-Moslem groups, LGBT groups, Ahmadiyah group and the group that was labelled as communist.

Conservatism also dominating the judicial, for example the Constitutional Court in 2010 ruled to uphold the controversial Blasphemy Law and Pornography Law. However, the Constitutional Court in favour of civil society when the Court decision on 13 October 2010 has declared that Law no. 4/PNPS/1963 on the Security of the Printed Matter and all contents that can disturb Public Order is contravene with Indonesian Constitution, therefore the law must be revoked.

People’s demand after the stepped down of President Soeharto in 1998 is combating corruption. However, it is difficult to do it since the state apparatuses also part of the corruptors. In 2010, Tempo magazine receives two serious threats after publishing corruption case involving Indonesia Police: warnings from the Police headquarter to be sued and a cocktail bomb thrown to Tempo’s office.

Tama Satria Langkun of the Indonesian Corruption Watch (ICW) was attacked by unknown persons after he submitted report to the Commission on Eradication Corruption on corruption cases allegedly done by Indonesia Police’s high rank officials.¹⁶

previous day’s National Committee of Indonesian Youth (KNPI) election, in which Erwin S.L., the FPK’s nominee and chairman, failed to win the post of provincial chapter leader.

¹⁴ Two men on a motorcycle stopped in front of the building and threw three Molotov Cocktails – homemade bombs - at about 02.40 am on 6 July 2010. The bombs hit a window and two of them exploded. Security guards were able to extinguish the fire but failed to identify or apprehend the culprits. No one sustained any injuries and no other damage was done. The attack comes a week after Tempo published its controversial article detailing the "fat" bank accounts of six police generals. The police were investigating but ruled out any link to the controversial article and the cover illustration, which police have threatened to sue over because it depicts a police officer being led by three piggy banks. President Susilo Bambang Yudhoyono immediately ordered the National Police chief to investigate the magazine’s report.

¹⁵ Walhi activists Firmansyah and Dwi Nanto, who accompanied the protesters during the rally on 28 July 2010, were arrested along with 18 peasants and named as suspects for obstructing PTPN VII. The villagers were protesting against state plantation firm PT Perkebunan Nusantara (PTPN) VII in a land dispute.

¹⁶ Tama S Langkun, a researcher at the Indonesia Corruption Watch (ICW), was rushed to a hospital due to severe injuries he suffered following an attack by unknown people early on Thursday, 8 July 2010. He was heading home after watching a World Cup match in Kemang. Suddenly, a black Toyota Avanza bumped his motorcycle from behind. Tama and his friend fell off the motorcycle and two men came out and tortured him. A witness saw they used metal to hit Tama’s head. Tama is one of ICW members who have been voicing concerns over the enormous wealth of a number of high-ranking police officers. His case is still unclear.

In Papua, on the 15th of January 2010, the Government announced that the book “Suara Gereja bagi Umat Tertindas (the Voice of the Church for the Oppressed People)” written by Rev. Socrates Sofyan Yoman is among 5 books that banned by the government.¹⁷

In December 2010, Filep Karma and Buchtar Tabuni, two prominent activists of Papua were transferred to Papua Police detention after riot in Abepura Prison on 3 December 2010. Karma and Tabuni were suspected of provocation.

On 14 December 2010, a member of the institute's human rights defenders team, Simon Risyad Banundi, was arrested while monitoring the event, as part of the LP3BH's human rights activities. Banundi is also a member of the Indonesian organisation of lawyers, PERADIN which is the oldest lawyer organisation in Indonesia. Banundi was released the day after.

Regulations which attack HRDs

In 2010 the government and the parliament still deliberate bills which endangering HRD, e.g. the State Secrecy Bill¹⁸ and the Bill on Intelligence¹⁹. Although the bill on Strategic Reserve Component²⁰ and the bill on Mass Organization²¹ were pending to be deliberated in 2010, however, the two bills still registered in the 2010-2014 National Legislative Programs. Ironically, the bill on Human Rights Defender Protection²² still not registered yet as priority to be deliberated in 2010 and 2011.

¹⁷ Antara, 15 January 2010, Rev. Sofyan Yoman does not know that his book already banned. In 2007, the Government also banned Sendius Wonda's book and Rev. Socrates Sofyan Yoman's book in 2008. The Attorney General banned their books because he suspicious that the books were spreading hatred against the Government of Indonesia. The other four books that banned by the Attorney General were Dalih Pembunuhan Massal Gerakan 30 September Dan Kudeta Suharto by John Roosa, Lekra Tak Membakar Buku Suara Senyap Lembar Kebudayaan Harian Rakyat 1950-1965 by Rhoma Dwi Aria Yuliantri, Muhidin M. Dahlan, Enam Jalan Menuju Tuhan by Darmawan, MM, and Mengungkap Misteri Keberadaan Agama by Drs. H Syahrudin Ahmad .

¹⁸ The bill on State Secrecy will create difficulties for the victims and human rights groups to open human rights abuses. The bill on the State Secrecy applies death penalty as maximum penalty. During the last period of the first term of Susilo Bambang Yudhoyono presidency, he requested his ministers to withdraw the bill. However, now he orders his minister to open the bill's deliberation with the Parliament during his second term in 2010-2014.

¹⁹ The bill on Intelligence has been deliberated in parliament since 2010. The State Intelligence Body as well as other state institutions agencies request the authority to arrest and interrogate the suspect of terrorist, despite intelligence institutions in Indonesia is not reform yet. The killing of human rights defender Munir that involving top level of intelligence officers in 2004 and his unresolved case makes civil society worried about the role of intelligence. The authority to arrest and interrogate terrorist suspect also contravene with the Indonesia's Criminal Procedural Code and The Law on Terrorist that giving authority to the police as judicial officers to arrest and interrogate.

²⁰ The bill on Strategic Reserve Component is mandatory for man and woman. It will give a chance to militia members to join reserve component. It will open conflict between HRDs and militia. Reserve Component will also take over individual property in the name of State Defense.

²¹ Instead of reforming the law on Mass Organization that recommended by the Special Representative of the UN Secretary General on the situation of HRD, the Government drafted a bill that even worse comparing to the Law on Mass Organization. This draft law will monitor NGO fund and will establish a Commission to monitor activities of NGOs. The Commission can advise the Government to freeze NGO's license and fund.

²² The Bill on Human Rights Defender Protection was listed on the National Legislative Program 2010-2014, however, it is not likely that the Government and the Parliament will deliberate the bill soon.

The laws that endangering HRD such as article 106 of the Indonesia Penal Code (treason), article 160 (incitement), article 310-311 (defamation) as well as Law on the Information and Electronic Transaction that limited people's freedom of expression still applied by the Government.

In October 2010 The Chief of the Indonesia Police signed regulation number 1/X/2010 that allows police officers to use live bullets on anarchic demonstrators²³.

Security apparatuses forbid demonstrators who bring animals during demonstration since they used animals as symbol to insult the Indonesian President. In 2010, the police arrested several persons who bring cow²⁴ and pig²⁵ during demonstration.

Conclusion:

1. Situation of human rights defenders in Indonesia in 2010 is worse compared to 2009;
2. All perpetrators of the violence against human rights defenders were not punished yet; therefore they can repeat the violence everywhere;
3. Instead of protecting human rights defenders, the laws and regulations applied as well as the bill deliberated were attacking human rights defenders;
4. Human Rights Defenders in Indonesia need legal protection by the Government, therefore the deliberation of the bill on Human Rights Defender Protection is urgently needed;
5. Past human rights abuses against human rights defenders must be solved, the perpetrators must be brought to justice and the victims must be protected and compensated.

²³ The Chief Police Regulation no. 1/X/2010 defines anarchic situations as those where public order was under threat and which were characterized by attacks on security officers or members of the public with any weapon, including blunt or sharp objects or firearms. This regulation was used to disperse student demonstrations in Central Jakarta that criticized President Susilo Bambang Yudhoyono on his second term presidency anniversary, injured teens of students and one student Restu Farel was shot in his leg. Sixteen officers have already been questioned, nine of whom were carrying firearms at the time of the incident.

²⁴ Indonesia Police warned civil society who will stage demonstration to mark the Labour Day on 1 May 2010 not to bring animals during demonstration. The Police refer to Jakarta Bylaw No. 8/2007 on Public Order which forbids people brings animals during demonstration. In 2 February 2010 to mark the 100 days of President Susilo Bambang Yudhoyono's second term presidency, groups of demonstrator brought cow and made up it as if Indonesian President Susilo Bambang Yudhoyono before the Cipanas Presidential Palace, in which inside the palace, President Yudhoyono held meeting with ministers and governors.

²⁵ Sultomi of the Congress of the Indonesian Trade Union Alliance (KASBI) and Brian of Maritime Labour Union (SEBUMI) were arrested after bringing pig during their demonstration before the Presidential palace to mark the Universal Declaration of Human Rights Day on 10 December 2010.

Recommendation:

Based on the facts mentioned above, we urge the UN Human Rights Council to consider the following things:

1. To urge the Government of Indonesia to harmonize the Declaration of Human Rights Defender Protection into the national law of Indonesia and to revoke all the laws, bills, bylaws and other regulations that are contradictory to the Declaration;
 2. To urge the Government of Indonesia to deliberate bill on Human Rights Defender Protection soon;
 3. To urge the Government of Indonesia to end the impunity toward the actors of violence against HRD by legal processing all crimes committed and punishing the actors without any exceptions;
 4. To urge the Government of Indonesia to seriously take follow-up actions on the investigation of Munir case and other Indonesia HRDs cases.
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