



JANUARY 2007

COUNTRY SUMMARY

## Indonesia

In February 2006 Indonesia acceded to the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR). But those new commitments were not accompanied by any immediate improvement in human rights practices.

Continuing areas of concern in Indonesia include impunity for past human rights violations, the slow pace of military reform, conditions in Papua, imposition of the death penalty, and infringements on freedom of expression and religious freedom.

### Impunity

Indonesia has made little progress in addressing the human rights crimes of the Soeharto era. No charges have been brought against the former president for human rights violations committed during his more than three decades of power, or for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his 1998 fall from power. Although corruption charges were brought against Soeharto, the Jakarta High Court in August 2006 approved a decision by the Attorney General's Office to drop the case due to Soeharto's poor health.

Despite significant international pressure and interest, trials of senior Indonesian officers at an ad hoc human rights court in Jakarta have failed to give a credible judicial accounting for atrocities committed in East Timor in 1999. In March 2006 the Supreme Court rejected the appeal of Eurico Guterres, the only person convicted at the ad hoc court in Jakarta. He started serving his 10-year prison sentence in May.

In July 2006 the UN secretary-general reported on justice and reconciliation for Timor Leste, calling the Jakarta ad hoc court "manifestly deficient" in delivering justice for the victims of human rights violations in East Timor in 1999. The secretary-general recommended a series of measures aimed at apprehending and trying alleged perpetrators.

## **Military Reform**

Military reform efforts have largely stalled. At this writing, there was no government plan to review the country's defense structure, which is currently based on a territorial defense model that independent experts have declared outmoded and ill-suited for a maritime state and that civil society groups have challenged on human rights grounds. Some government officials also continue to actively resist measures to bring soldiers before civilian courts to answer for non-military crimes.

The Indonesian military continues to raise money outside the government budget through a sprawling network of legal and illegal businesses, by providing paid services, and through acts of corruption such as mark-ups in military purchases. This self-financing undermines civilian control, contributes to abuses of power by the armed forces, and impedes reform. Authorities have made little progress in implementing a 2004 law (Law 34/2004) that addresses several of these issues.

## **Aceh**

Human rights violations in Indonesia's northwest Aceh province have decreased significantly since an August 2005 ceasefire and peace agreement between the government and rebels of the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM). On July 11, 2006, Indonesia's national parliament passed the Law on Aceh Governance, which implemented the peace agreement. Although the law establishes a human rights court for the province, the court has only prospective jurisdiction and cannot address any of the myriad past human rights crimes that accompanied three decades of armed conflict in the province. The law establishes a truth and reconciliation commission to examine events of the past.

## **Papua and West Irian Jaya**

Five members of Indonesia's security forces were attacked and, when defenseless, killed in clashes between student activists and police in Papua, Indonesia's easternmost province, in March 2006. Dozens of people were arrested in police sweeps after the riots, some of whom were subsequently convicted in trials that failed to meet international standards for fairness.

In January 2006 twelve men were arrested in Papua for the 2002 killing of two Americans and one Indonesian in Tembagapura, Papua. In November seven defendants were found guilty, and Antonius Wamang was sentenced to life imprisonment for premeditated murder. The other six defendants were charged with involvement in the ambush and sentenced to between 18 months and seven years in prison.

## **Death Penalty**

In September 2006 the government executed three men in Central Sulawesi for inciting violence and premeditated murders in the province in 2000. These were the first executions since May 2005. At least 90 other people remain under sentence of death in Indonesia.

## **Freedom of Expression and Press**

Broadly-worded laws limiting freedom of expression are still used by authorities to target outspoken critics. In October 2006 an Indonesian student was convicted of insulting President Susilo Bambang Yudhoyono during a protest and sentenced to three months and 23 days in prison by the South Jakarta district court.

Journalists and editors who publish controversial material face intimidation. A prominent case in 2006 concerned *Playboy Indonesia*, the first edition of which went on sale in early April without any nude photos. The new magazine was greeted by protests and violent attacks on its Jakarta editorial offices. In a welcome decision in September 2006 judges at the South Jakarta Court dismissed blasphemy charges against an editor of the online edition of *Rakyat Merdeka* for re-publishing the offensive Danish cartoons of the Prophet Muhammad.

## **Freedom of Religion**

Instances of religious intolerance appeared to be on the rise in 2006 with attacks on Ahmadiyah places of worship and Christian churches.

Joint Decree No. 1/2006 on the establishment of places of worship, issued by the Religious Affairs Ministry and the Home Ministry in March 2006, requires a 90-member minimum congregation prior to the issuance of permits for a place of

worship. The decree provoked a string of protests from minority religious groups, and prompted the forcible and sometimes violent closure of several Christian churches across Indonesia by vigilante groups.

In June 2006 the Central Jakarta District Court convicted Lia Aminuddin, the leader of a minority religious sect, the Kingdom of Eden, for blasphemy against Islam and sentenced her to two years imprisonment.

## **Forced Evictions**

Disputes over land and forced evictions continue to be a frequent source of conflict. Security forces often demolish homes and destroy personal property without notice, due process, or compensation, and residents often are ill-treated. Women, children, and rural migrants typically suffer particularly severe long-term consequences, including impairment of their ability to earn a livelihood or to attend school.

## **Indonesian Migrant Workers**

More than one million Indonesians work abroad, sending home remittances critical to the country's economy. Women comprise over 75 percent of legal migrant workers, mostly migrating as domestic workers to the Middle East and other parts of Asia.

Migrant domestic workers commonly become heavily indebted to pay unregulated, exorbitant recruitment agency fees. Many are confined in locked, overcrowded training centers for months prior to migration, and receive inadequate or incorrect information about the terms of their employment. In the worst cases, such conditions contribute to making the migrants vulnerable to even more egregious abuses abroad, including forced labor, debt bondage, and human trafficking.

In May 2006 Indonesia signed an agreement with Malaysia on migrant domestic workers. The long-delayed agreement does not protect the right of migrants to keep their passports, guarantee standard labor protections, or include bilateral measures to prevent and respond to cases of abuse.

## **Child Domestic Workers in Indonesia**

More than 688,000 children, mainly girls, are estimated to work as domestic workers in Indonesia. Typically recruited between the ages of 12 and 15, and often on false promises of decent wages and working conditions, girls may work 14 to 18 hours a day, seven days a week, and earn far less than the prevailing minimum wage. In the worst cases, child domestics are paid no salary at all and are physically and sexually abused.

At this writing, draft legislation was pending that would mandate an eight hour work day, a weekly day of rest, an annual holiday, and a minimum wage for domestic workers. The draft contained no provisions for sanctions against employers or recruiting agencies for violations.

## **Human Rights Defenders**

The September 2004 murder of Munir Said Thalib, one of Indonesia's most outspoken and respected human rights defenders, remains unsolved. President Yudhoyono established an independent fact-finding team to investigate Munir's killing and the team identified Pollycarpus Budihari Priyanto, a Garuda Airlines pilot linked to high-ranking intelligence officials, as a leading suspect in the case. Although Pollycarpus was convicted of premeditated murder and sentenced to 14 years in prison in 2005, the Supreme Court threw out the murder verdict in October 2006, deeming the evidence insufficient. Pollycarpus continues to be imprisoned on subsidiary charges. At this writing, it was unclear whether new charges would be filed against Pollycarpus, and there was little evidence that police or prosecutors were seriously pursuing higher ranking intelligence officials widely believed to have played a role in the killing.

Lt. Gen. (ret.) Hendropriyono, the head of Indonesia's State Intelligence Body at the time of the murder, who had refused to comply with a summons from the fact-finding team, subsequently filed criminal defamation charges against two members of the team, respected human rights defenders Usman Hamid (the head of KontraS) and Rachland Nashidik (the head of Imparsial). The charges were still pending at this writing.

In Papua, human rights defenders still suffer threats and intimidation from security forces when monitoring and investigating human rights abuses. Defense lawyers in the March 2006 Abepura case received anonymous death threats.

## **Key International Actors**

In November 2005 the US Congress voted to maintain some restrictions on US military assistance to Indonesia pending progress in accountability for human rights violations and increased civilian control over the military. These restrictions were lifted several weeks later when US Secretary of State Rice exercised her power to waive them in the name of pressing US national security interests. The US has made it clear that cooperation in counterterrorism operations is more critical than human rights to normalization of the relationship.

In March 2006 Prime Minister Tony Blair became the first UK leader visit to Indonesia since 1985. During the visit Blair announced that Britain would normalize defense ties and renew military cooperation with Indonesia.

Indonesia cemented its relationship with Australia in November 2006 with the signing of a new security treaty between the two countries. This came after a difficult year. Diplomatic tensions had mounted in March 2006 after Australia granted temporary asylum to 42 asylum seekers from Indonesia's Papua province, who had arrived in January claiming political persecution. Tensions then mounted again after Australia sounded strong disapproval over the June 14, 2006, early release of Abu Bakar Bashir, believed by many to be the spiritual head of the terrorist organization Jemaah Islamiyah and the mastermind of the 2002 Bali bombs in which 88 Australians were killed.

In April 2006 World Bank President Paul Wolfowitz visited Indonesia and pledged support for the Aceh peace process but urged more measures to combat corruption.

In May 2006 Indonesia was elected to be a member of the new UN Human Rights Council.