



JANUARY 2009

COUNTRY SUMMARY

## Indonesia

Indonesia saw little human rights progress in 2008. Basic freedoms in the country expanded dramatically following the resignation of President Suharto in 1998, transforming Indonesia from an authoritarian state to a vibrant if chaotic democracy. Today, there is a loss of momentum, with reforms in key areas bogged down and backtracking in some areas.

Apart from halting progress in prosecutions for the murder of prominent activist Munir Said Thalib, efforts to pursue accountability for past human rights crimes remain at a complete standstill. Current abuses, including endemic police torture, also routinely go unpunished.

In a major setback for religious freedom, the government in 2008 bowed to pressure from hard-line Islamic groups and banned the Ahmadiyah sect from publicly practicing their faith.

Indonesia has a diverse and lively media sector, but freedom of expression has been undermined by powerful officials and businessmen using criminal and civil defamation laws to silence criticism.

In Indonesian Papua, deeply rooted distrust of Jakarta is still a time bomb; failure to address human rights—including security force abuses—is one important reason the distrust has not been dispelled.

### Impunity

Former president Suharto died in January 2008 having escaped prosecution for abuses committed during his 32-year rule. The list of abuses is extensive, and includes anticommunist pogroms that killed half a million or more people in 1965-1966, security force atrocities in East Timor, Aceh, southern Sumatra, and Papua,

and the Trisakti and Semanggi killings in Jakarta in 1998-1999. Many collaborators in Suharto-era abuses still hold positions of power. Several are candidates for the forthcoming 2009 elections, including General Wiranto and Suharto's son-in-law Prabowo Subianto, implicated in abuses in East Timor and other crimes.

In March 2008 the Indonesian Supreme Court overturned the conviction of former militia leader Eurico Guterres for instigating violence following the 1999 UN-sponsored referendum on independence for East Timor. Indonesian-army-backed militias killed hundreds of Timorese and destroyed much of East Timor's physical infrastructure. With the reversal of the conviction, all 18 people indicted by the Indonesian Ad Hoc Human Rights Court on East Timor have been acquitted.

The Indonesian and Timorese joint Commission on Truth and Friendship released its final report in July 2008 assigning institutional responsibility for the 1999 atrocities to the Indonesian military, police, and government. UN Secretary-General Ban Ki-moon urged accountability, but President Susilo Bambang Yudhoyono insisted that no such action would be taken.

In August a military court convicted 13 marines for killing four civilians and wounding eight in a 2007 incident involving a land dispute in Pasuruan, East Java. The marines received light sentences of 18 months to three-and-a-half years.

Also in August, a US court ruled that a lawsuit against Exxon Mobil for alleged complicity in military abuses in Aceh could proceed to trial.

### **Military Business**

Efforts to end Indonesian military business activity, a barrier to full civilian control of the armed forces, showed few results in 2008. An April presidential decree created a new advisory team on military business reform but it remained unclear whether the government would fully dismantle the military's economic interests before October 2009 as mandated by law.

While the government has focused on legal businesses, military involvement in illegal businesses, including in the logging and oil palm sector, also continues to feed corruption and generate conflicts of interest.

## **Freedom of Religion**

In June 2008 the government ordered members of the Ahmadiyah sect to cease public religious activities or face up to five years' imprisonment. In the weeks following the decree, Muslim hardliners attacked Ahmadiyah mosques in Cianjur, West Java, and Islamic Defenders Front members closed the local Ahmadiyah headquarters in Makassar, South Sulawesi. In September the South Sumatra provincial government issued a total ban on Ahmadiyah, claiming the ministerial decree did not go far enough.

In January 2008 a mob burnt down the Sangkareang Hindu temple in West Lombok and in July, Muslim hardliners attacked students at a Christian theology school in East Jakarta, injuring 18 and forcing the school to shut its 20-year-old campus.

In April, Abdul Salam, the self-proclaimed prophet and founder of the Islamic sect Al-Qiyadah Al-Islamiah, was sentenced to four years' imprisonment for "blasphemy." Indonesian laws prohibiting blasphemy are primarily applied to practices perceived to deviate from mainstream Islam.

## **Migrant Domestic Workers**

Approximately two million Indonesians, mostly women, work abroad. Many migrate as domestic workers and are subject to a range of human rights violations (see Saudi Arabia and Malaysia chapters). Prior to departure, poorly monitored labor recruiters often deceive workers about their jobs abroad and impose excessive fees, placing the migrants at risk of trafficking and forced labor.

Many Indonesian foreign missions in the Persian Gulf and Asia operate temporary shelters for the thousands of domestic workers facing abuses each year. Despite recent improvements, foreign missions often fall short of meeting minimum requirements including in the areas of shelter, case management, and legal representation.

## **Child Domestic Workers**

More than 700,000 children, mainly girls, work as domestic workers in Indonesia. Typically recruited between the ages of 12 and 15, often on false promises of decent wages and working conditions, they may work 14 to 18 hours a day, seven days a week, earning far less than the prevailing minimum wage. In the worst cases, child domestic workers are paid no salary at all and are physically, sexually, and psychologically abused.

Domestic workers are excluded from existing national labor laws, which afford protections such as minimum wage, an eight-hour work day, weekly day of rest, and vacation time. At this writing, draft national legislation that would mandate an eight-hour work day, a weekly day of rest, and an annual holiday for domestic workers remained stalled in the Ministry of Manpower.

## **Aceh**

Six political parties in Aceh will take part in general elections in 2009. All party candidates must take a Quran reading test administered by Aceh's election commission, which discriminates against qualified secular or non-Muslim Acehnese.

There remains no accountability for past human rights violations committed during or after the Aceh conflict and there has been no movement toward establishing a truth and reconciliation commission.

## **Papua and West Papua**

Despite dozens of Indonesian government statements pledging a new approach in Papua and positive developments on some fronts, justice has noticeably lagged. Security forces, including special Mobile Brigade (Brimob) police units, continue to engage in abuses in remote highland regions with virtual impunity.

Freedom of expression also continues to be corralled. In March police jailed nine Papuan activists for displaying the Papuan "Morning Star" flag. They remain in detention charged with rebellion (*maka*), a crime punishable by life imprisonment. In July police assaulted 46 protesters and charged six with rebellion for raising the Morning Star flag in Fakfak, West Papua. In August police fired live ammunition into

a crowd, killing a peaceful demonstrator after protesters raised the Morning Star flag in Wamena.

## **Death Penalty**

After a 14-month hiatus, Indonesia resumed executions in June 2008, killing two Nigerians convicted of drug trafficking. In July and August four Indonesians convicted of multiple murders were executed. In November, authorities executed Amrozi, Mukhlas, and Imam Samudra, convicted for the 2002 Bali bombings that killed 202 people. Over 100 people remain on death row in Indonesia.

## **Freedom of Expression and Press**

In April 2008, the House of Representatives passed a freedom of information law after seven years of debate. Critics are concerned with a vaguely worded provision criminalizing “deliberate misuse” of public information.

Criminal and civil defamation laws continue to be used to silence press criticism. In February 2008, *Time Magazine* submitted a petition to reverse the \$US110 million libel ruling against it in favor of the Suharto family. In September a Jakarta court found Indonesia’s *Tempo* magazine guilty of defaming agribusiness giant Asian Agri for an investigative report on alleged tax evasion. In June 2008 a court convicted and jailed Risang Bima Wijaya, a Yogyakarta-based reporter, for an article on sexual harassment ruled to have insulted the manager of a local newspaper.

## **Human Rights Defenders**

In January 2008 the Supreme Court reconvicted Garuda Airways pilot Pollycarpus Budihari Priyanto, and sentenced him to 20 years in prison for the 2004 murder of human rights defender Munir Said Thalib. An Indonesian court sentenced Indra Setiawan, a former airline official, to one year in prison for being an accessory. Reinigorated police investigations uncovered key evidence linking Muchdi Purwopranjono—a former general, special forces commander, and deputy national intelligence chief—with Pollycarpus and the murder of Munir.

In a January 2008 report on Indonesia, Hina Jilani, UN expert on human rights defenders, concluded that defenders in Papua are particularly vulnerable to threats,

harassment, arbitrary detention, and torture. She also noted that while conditions for defenders in Aceh have improved since the 2005 peace agreement, no perpetrators have been brought to justice for abuses committed against defenders there between 2001 and 2005.

### **Key International Actors**

United States Defense Secretary Robert Gates visited Indonesia in February 2008 offering increased military assistance to the Indonesian military. The US military has not resumed cooperation with Kopassus (special forces) and Brimob (antiriot police), units notorious for rights abuses.

Forty members of the US House of Representatives sent a letter to Yudhoyono in July 2008, requesting the release of Papuan political prisoners Filep Karma and Yusak Pakage.

Relations between Indonesia and Australia were strengthened through the June 2008 visit of Australian Prime Minister Kevin Rudd. Rudd and Indonesian President Yudhoyono discussed security cooperation and signed a joint Forest Carbon Partnership agreement, but Indonesia's commitment to curbing deforestation remained in doubt with corruption rampant in the forestry section and inadequate timber and financial tracking systems.

In April 2008 the UN Human Rights Council examined Indonesia's human rights record as part of the new Universal Periodic Review (UPR) process. Concerns put to Indonesia during the UPR dialogue included continuing impunity, torture, arrests, detention of peaceful political activists, and human rights violations in Papua. Indonesia made no clear commitments to address ongoing violations in Papua, but it agreed to criminalize torture and ratify the Optional Protocol of the Convention against Torture.

In May 2008 the UN Committee against Torture issued findings that both police and military routinely use torture; it expressed concern that no Indonesian official has been convicted of the offense.

As a key ASEAN member, Indonesia continues to press Burma to release Aung San Suu Kyi. Indonesia played a pivotal role in ASEAN efforts to convince Burma to lift a ban on foreign assistance following the devastating Cyclone Nargis in May. In October Indonesia's Parliament ratified the ASEAN Charter, but lawmakers and officials said they would press for future changes to strengthen its compliance with international standards and establish penalties for non-compliant members.

In September 2008 the Norwegian government abandoned its US\$1 billion investment in Rio Tinto over concerns with unethical conduct and environmental devastation at the Grasberg gold and copper mine in Papua.