

Indonesia

Despite its growing reputation as an emerging Muslim-majority democracy, Indonesia saw little human rights progress in 2009. In July President Susilo Bambang Yudhoyono was reelected by a wide margin, providing him the opportunity to take more decisive action against impunity, religious intolerance, and other continuing threats to human rights. At this writing, there is little indication the government has the political will to do so.

Indonesia has a diverse and vibrant media sector, but freedom of expression continues to be undermined by powerful officials and business figures using criminal and civil defamation laws to silence criticism, and by repressive measures on expression in Papua.

Impunity

Impunity remains the rule for members of the security forces responsible for abuses. Indonesian military officers and militia leaders have yet to be brought to justice for past atrocities committed in Timor-Leste, Papua, Aceh, the Moluccas, Kalimantan, and elsewhere.

The elite Kopassus military special forces continue to engage in abuses. In Merauke, Papua, Kopassus soldiers arrested Papuans without legal authority and subjected them to beatings and mistreatment at the Kopassus barracks. Commanders made no serious effort to uphold military discipline or to hold soldiers accountable for abuses.

In December 2008 a Jakarta court acquitted Maj. Gen. Muchdi Purwopranjono, former Kopassus commander and deputy in the State Intelligence Agency, of the murder of human rights advocate Munir bin Thalib, in a trial marred by witness coercion and intimidation. In June 2009 the Supreme Court rejected the prosecutor's appeal. In 2005 President Yudhoyono had said that Indonesia's response to the killing would be a "test case" of how much the country has changed.

In March the Ministry of Foreign Affairs ordered the International Committee of the Red Cross (ICRC) to close its field offices in Jayapura (Papua) and Banda Aceh (Aceh).

Papua and West Papua

Indonesian authorities have responded to a longstanding, low-level armed separatist insurgency in the provinces of Papua and West Papua with a strong troop presence and often harsh and disproportionate responses to non-violent dissent or criticism. Human Rights Watch has long expressed concerns over anti-separatist sweeps by the police, which often result in individuals who peacefully express support for independence being arrested and detained on charges of treason or rebellion (*maka*).

The government continues to restrict access by foreign human rights monitors and journalists to Papua, exacerbating the existing climate of impunity and making investigations extremely difficult. Prior to being ordered to close its Jayapura office, the ICRC had been visiting detainees in Papua's Abepura prison, where prison guards continued to torture inmates, including political prisoners Buchtar Tabuni and Yusak Pakage.

In July a series of shootings at the Freeport goldmine in Timika left three people dead, including one Australian. Police, declaring that the Free Papua Movement (OPM) was involved in the attacks, arrested at least 20 Papuans in relation to the killings and declared seven as suspects. The OPM denied any involvement, and those targeted by the police insisted that they were neither affiliated with the OPM nor participants in the attacks. In November police released the final seven Papuans detained in connection with the incident.

In November a Manokwari district court convicted three men of *makar* (rebellion), for raising a pro-independence flag.

Aceh

Aceh continued to face violence, particularly during the months preceding April legislative elections, Aceh's first since a 2005 agreement between the government and the Free Aceh Movement brought an end to three decades of armed conflict. Between January and April 2009, unidentified attackers killed five politicians from the Aceh Party, the political party of the Free Aceh Movement, including the party head in Langsa, in a string of shootings and grenade attacks that killed at least 16 people. Indonesian police detained several individuals but no one was charged.

In September the outgoing Provincial House of Representatives approved a local bylaw that calls for married adulterers to be stoned to death and prescribes flogging as a punishment for a range of sexual offenses including consensual homosexual conduct. Despite resistance from the provincial governor, the bylaw automatically entered into force in October.

The central government has made no serious efforts to establish a truth and reconciliation tribunal to investigate crimes committed before the signing of the 2005 peace agreement, despite the fact that under the 2006 Law on the Governing of Aceh, such a tribunal was to be operational by August 2007.

Military Reform

Just prior to the expiry of a five-year deadline in October 2009, President Yudhoyono issued a decree transferring control of certain business interests of the Indonesian armed forces (TNI). The decree fails to end the TNI's involvement in all business activity, as mandated by a 2004 law, and gives control of the businesses that are transferred to the Ministry of Defense—led by a civilian, but largely staffed by military officers. The disappointing result was emblematic of extremely slow and modest progress on military reform in recent years.

Corruption

While the government of President Yudhoyono has taken steps to combat corruption, serious obstacles remain. Increasing tensions between the Anti-Corruption Commission (KPK) and police and prosecutors in 2009 seem to have played a role in the suspension and arrest of three KPK officials, one in May and two in October. In November the Constitutional Court aired five hours of telephone conversations, wiretapped by the KPK, that appeared to show efforts on the part of certain prosecutors and police to undermine the KPK following its investigation of a police bribery case. Subsequently, a fact-finding team appointed by Yudhoyono announced that it had found insufficient evidence for the arrest of two of the commissioners and urged that the police and prosecutors implicated in wrongdoing be disciplined.

In September 2009 President Yudhoyono issued a decree renewing the KPK's authority. However, under the decree, trial panels are no longer required to be staffed by a majority of ad hoc judges, a change that threatens to erode the commission's effectiveness and independence.

Anti-corruption measures have been underutilized to address the rampant theft and corruption in the country's forestry sector. Those responsible for losses due to illegal logging, corruption, and mismanagement are rarely held accountable.

Freedom of Expression and the Media

Powerful government and business figures continue to use criminal and civil defamation laws to intimidate journalists, human rights defenders, and other critics. Following his acquittal of the murder of Munir, Muchdi filed a criminal defamation complaint with the police against prominent human rights activist Usman Hamid for statements Hamid made on the courthouse steps. In September 2009 police called Hamid in for questioning on defamation charges.

In October police summoned two employees of Indonesia Corruption Watch for questioning on possible criminal defamation charges filed by the Attorney General's Office, after they suggested in a newspaper article that it had mismanaged 7 trillion rupiah (approximately US\$738 million) in funds recovered from corruption investigations.

In a positive development for media freedom, in April the Supreme Court overturned a US\$110 million civil defamation award against *Time* magazine stemming from a 1999 story on the wealth amassed by the late Indonesian president Suharto and his children.

In January 2009 the Jayapura State Court in Papua acquitted human rights lawyer Sabar Olif Iwanggin of charges of inciting violence against public authorities; Iwanggin had forwarded a text message to friends critical of President Yudhoyono. At the time of his acquittal, Iwanggin had been detained by the authorities for over 15 months.

Freedom of Religion

Despite Indonesia's constitutional guarantees of freedom of religion, the government continues to impose legal restrictions on religious activities considered to deviate from the tenets of the six religions officially recognized under Indonesian law. For example, in June 2008 a joint ministerial decree ordered Ahmadiyah members to cease public religious activities or face up to five years' imprisonment. Over 100 Ahmadiyah members who were evicted from their homes by a violent mob in February 2006 still reside in an internally displaced persons shelter in Lombok.

Muslim clerics and Islamist militants continued to invoke a 2006 decree requiring anyone building a "house of worship" to obtain "community approval" as a justification for forcibly blocking the building and operation of Christian churches.

More than 200 local laws based on Sharia (Islamic law) are on the books throughout regencies in Indonesia. Some mandate dress restrictions for women or permit civil servants

to refuse government services to women not wearing headscarves. Others mandate the ability to recite the Quran as a prerequisite for promotion in the civil service.

Migrant Domestic Workers

Approximately 4.5 million Indonesians, mostly women, work abroad. Many migrate as domestic workers and are subject to exploitative labor conditions, abuse, and poor legal protections. In 2009 Indonesia suspended women's migration for domestic work to Malaysia and Kuwait due to concerns about continuing abuses (see chapters on Malaysia and Kuwait). Indonesia and Malaysia began renegotiating a 2006 Memorandum of Understanding to address issues like a minimum wage and the right to keep one's passport.

Indonesia failed to make significant progress in preventing local labor recruiters deceiving prospective migrants about their jobs abroad or imposing excessive fees.

Child Domestic Workers

Hundreds of thousands of girls in Indonesia, some as young as 11, are employed as domestic workers. Many work long hours, with no days off, and are forbidden to leave the house where they work. In the worst cases, girls are physically, psychologically, and sexually abused. Indonesia's labor law excludes all domestic workers from the basic labor rights afforded most workers.

Health and Human Rights

Tens of thousands of cancer patients and people living with HIV/AIDS suffer from severe pain without access to adequate treatment. The government has not taken effective action to ensure that opioid pain medications are adequately available outside of specialist centers and that medical staff are trained in their use. Unreasonably limiting access can lead to violations of the right to the highest attainable standard of health and amount to cruel, inhuman, or degrading treatment.

In September the House of Representatives passed an anti-narcotics bill classifying any "personal use" of a controlled substance as a criminal offense, and prescribing fines and up to six months' imprisonment for parents who fail to report a child's drug addiction to the authorities. The bill authorizes the death penalty for a wide range of offenses including buying, selling, and delivering controlled substances.

Key International Actors

Indonesia's relations with several strategic partners grew closer during 2009, particularly in the area of security cooperation. Indonesia continued to play a positive role within the Association of Southeast Asian Nations (ASEAN) in pressing Burma on its lack of progress on democratic reform. Indonesia also urged ASEAN member states to strengthen their recently inaugurated human rights body.

In February United States Secretary of State Hillary Clinton visited Indonesia and announced discussions on developing a comprehensive partnership. A week earlier, over 100 TNI personnel joined US, Thai, Japanese, and Singapore forces in multilateral military exercises.

The US maintains a ban on assistance to Kopassus special forces, and in October the US declined to issue visas to Defense Ministry secretary-general Syafrie Syamsuddin and Kopassus commander Promono Edhie Wibowo. Also in October the United Kingdom's Joint Counter Terrorist Training and Advisory Team conducted training for members of Kopassus, despite its extensive record of abuses.

In January the chief of the Australian Defence Force signed a Joint Statement on Defense Cooperation with TNI Commander in Chief Gen. Djoko Santoso. In September the Australian federal police reopened a war crimes investigation into the 1975 killing of five Australia-based journalists by Indonesian forces in Timor-Leste. The Indonesian Ministry of Foreign Affairs responded that it considered the case closed and that the investigation could have implications for bilateral relations.