

Indonesia

Over the past 13 years Indonesia has made great strides in becoming a stable, democratic country with a strong civil society and independent media. However, serious human rights concerns remain. While senior officials pay lip service to protecting human rights, they seem unwilling to take the steps necessary to ensure compliance by the security forces with international human rights and punishment for those responsible for abuses.

In 2011 religious violence surged, particularly against Christians and Ahmadiyah, a group that considers itself Muslim but that some Muslims consider heretical. Violence continued to rack Papua and West Papua provinces, with few effective police investigations to hold perpetrators accountable.

Freedom of Expression

While Indonesia today has a vibrant media, authorities continue to invoke harsh laws criminalizing those who raise controversial issues, chilling peaceful expression. Indonesia has imprisoned more than 100 activists from the Moluccas and Papua for peacefully voicing political views, holding demonstrations, and raising separatist flags.

The new Law on State Intelligence passed in October, contains vague and overbroad language that could facilitate abuse. For instance, anyone who even negligently leaks confidential information about intelligence activities is subject to imprisonment, raising fears the law could be used to prosecute journalists, political opposition members, or human rights activists who publish information in the public interest about government abuses.

Indonesia's criminal libel, slander, and "insult" laws prohibit deliberately "insulting" public officials and intentionally publicizing statements that harm another person's reputation. In July the Supreme Court overturned an acquittal of Prita Mulyasari, who complained of poor medical treatment over emails to friends, and convicted her on internet defamation charges. Despite acquitting Mulyasari in a related civil case, the Supreme Court sentenced her to a six-month suspended sentence.

Military Reform and Impunity

Impunity for members of Indonesia's security forces remains a serious concern, with no civilian jurisdiction over soldiers who commit serious human rights abuses. Military tribunals are held rarely, lack transparency, and the charges frequently fail to reflect the seriousness of the abuses committed.

In January a military tribunal in Jayapura, Papua, convicted three soldiers from Battalion 753 and sentenced them to between eight to twelve months imprisonment. Despite video evidence of six soldiers involved in brutally torturing two Papuans, the tribunal tried only three of the six soldiers, and on lesser military discipline charges rather than for torture. The soldiers have not been discharged.

In August the Jayapura military tribunal convicted three soldiers from the same battalion regarding an incident in which soldiers shot and killed Reverend Kinderman Gire on the suspicion he was a separatist. Again, the tribunal only convicted them of "disobeying orders," and sentenced them to six, seven, and fifteen months in prison respectively.

In June President Susilo Bambang Yudhoyono appointed his brother-in-law Lt.-Gen. Pramono Edhie Wibowo as the new army chief. Pramono commanded a Kopassus team that was deployed to East Timor in 1999. During that time, in the run up to a referendum on independence, pro-Indonesia militias or security forces killed more than 1,000 civilians.

The armed forces retain extensive business holdings despite a law requiring the government to shut down these businesses or take them over by October 2009.

Freedom of Religion

In 2011 incidents of religious violence got more deadly and more frequent, as Islamist militants mobilized mobs to attack religious minorities with impunity; short prison terms for a handful of offenders did nothing to dissuade mob violence. The government failed to overturn several decrees that discriminate between religions and foster intolerance. According to the Setara Institute, which monitors religious freedom, there were 216 cases of religious attacks in 2010 and 184 cases in the first nine months of 2011.

In February more than 1,500 Islamist militants attacked a house in Cikeusik, western Java, killing three and seriously wounding five Ahmadiyah men. The incident was caught on film. Public outrage generated around the case prompted the authorities to act quickly in investigating the attack. In July the Serang district court sentenced 12 men to between

three and six months imprisonment for disturbing public order, incitement, and assault, but not for manslaughter. Police and prosecutors failed to present a fully compelling case against the 12 defendants. Police did not conduct thorough investigations, and prosecutors did not call key eyewitnesses to the attack. The prosecutors also sought reduced sentences, contending that the Ahmadiyah provoked the attack.

In August the Serang court convicted one of the Ahmadiyah members seriously injured in the attack, Deden Sudjana, for assault and disobeying police orders, sentencing him to six months imprisonment.

In 2011 Islamist mobs attacked Ahmadiyah communities and mosques in various places, including West Java, Banten, and South Sulawesi. In August in Makassar, South Sulawesi, a lawyer who represented the Ahmadiyah was assaulted.

In April an Islamist suicide bomber attacked a police mosque in Cirebon, West Java, killing himself and injuring at least 28 people. The bomber had previously been involved in violent protests over a blasphemy trial and an anti-Ahmadiyah attack in Cirebon in 2010. In September another Islamist suicide bomber attacked a church in Solo, Central Java, killing himself and wounding 14 churchgoers.

In February Islamists also attacked three churches in Temanggung, Central Java, after the district court convicted controversial preacher Antonius Bawareng of blasphemy. The court sentenced him to five years in jail, the maximum penalty for blasphemy, but Islamists called for him to be executed. The Semarang district court later convicted eight of the Islamists involved in the attack, sentencing them to between five months and one year imprisonment.

Minority congregations reported that local government officials arbitrarily refused to issue them permits required, under a 2006 decree, for building houses of worship. Those who attempted to worship without a permit faced harassment and violence.

In January the Supreme Court ordered the reopening of a Presbyterian church known locally as GKI Yasmin, overturning the Bogor administration's ruling which had revoked the church's building permit. However, Bogor Mayor Diani Budiarto refused to comply. Government ministers offered the church "relocation." In October an Islamist organization began to harass churchgoers who were holding Sunday services on a sidewalk outside the sealed church.

Senior government officials—including Minister of Religious Affairs Suryadharma Ali, Home Affairs Minister Gamawan Fauzi, and Minister of Human Rights and Law Patrialis Akbar—continued to justify restrictions on religious freedom in the name of public order.

Papua/West Papua

In August internal military documents—mainly from Kopassus, Indonesia’s special forces—were made public, exposing how the Indonesian military monitors peaceful activists, politicians, and religious clergy in Papua. The documents show the deep military paranoia in Papua that conflates peaceful political expression with criminal activity. Several of those named in the documents as targets have faced arrest, imprisonment, harassment, or other forms of violence.

Access to Papua in 2011 remained tightly controlled. Few foreign journalists and human rights researchers can visit independently without close monitoring of their activities. Since October the vice president’s office has set up the Unit to Accelerate Development in Papua and West Papua, which is focused on economic development. Its board members include some veterans of peace talks over Aceh.

In July over 500 representatives of Papuan civil society met at a peace conference in Jayapura, organized by a government-funded peace-initiative network.

Violence in Papua worsened in July and August with several unrelated attacks in which more than two dozen people were killed or seriously injured. Seventeen people were killed in Puncak Jaya in July when two rival political camps clashed in an election dispute.

In Puncak Jaya there has been a long insurgency between the Free Papua Organization (OPM) and the Indonesian military. The OPM commander in Puncak Jaya claimed responsibility for several attacks against the Indonesian military in July, including one in which an Indonesian military chopper was shot down, injuring seven soldiers and killing one.

In October security forces used excessive violence when arresting more than 300 Papuans involved in a three-day Papuan Congress. At least three men were killed and more than 90 were injured. Six Papuan leaders were charged with treason.

Aceh

Aceh's provincial government continued to implement a repressive Sharia-inspired dress code with disregard for women's agency and a law on "seclusion," banning association between unmarried men and women in "isolated" places. The provisions are enforced primarily through a Sharia police force that harasses, intimidates, and arbitrarily arrests and detains children, women, and men. Local community groups also forcibly enter homes and assault and publicly humiliate couples they suspect are committing "seclusion." Police make little effort to deter and prosecute such assaults. In April two couples were publicly caned under the "seclusion" law.

At this writing it was unclear what effect a decision by Partai Aceh, the main party of the former rebels, to boycott December 2011 local elections would have. The party claimed that Jakarta-sponsored election regulations were not in line with the 2005 Helsinki peace agreement that ended the decades-long conflict in Aceh.

Migrant Domestic Workers

Migrant domestic workers continue to face abuses both during the recruitment process in Indonesia and while employed abroad. The government has failed to stop local recruiters from charging prospective migrants exorbitant fees that leave them highly indebted, which contributes to situations of forced labor abroad.

In May Indonesia and Malaysia signed a new Memorandum of Understanding on Indonesian domestic workers traveling to Malaysia. The revised agreement includes some improved benefits for migrant domestic workers, allowing them to keep their passports instead of having to surrender them to their employers, and guarantees them a weekly day off. But the agreement does not set a minimum wage, as Indonesia had wanted, and perpetuates recruitment fee structures that leave workers indebted.

In June the Saudi government executed Ruyati binti Sapubi, a 54-year-old domestic worker from western Java. She was convicted of murdering her Saudi employer, who she claimed was abusing her.

Child Domestic Workers

Hundreds of thousands of girls in Indonesia are employed as domestic workers. Many work long hours, with no day off, and are forbidden from leaving the house where they work. In the worst cases, girls are physically, psychologically, and sexually abused by their

employers. Despite supporting the landmark International Labour Organization convention in June that extended key labor protections to domestic workers, Indonesia's domestic laws exclude all domestic workers from the basic labor rights afforded to formal workers. A domestic workers law that was introduced in 2010 has since stalled in parliament.

Key International Actors

Indonesia assumed the chairmanship of the Association of Southeast Asia Nations (ASEAN) in 2011, holding an ASEAN summit in Jakarta in May and Bali in November. In May Indonesia committed to “uphold the highest standards in the promotion and protection of human rights” when it was elected by the General Assembly to become a member of the United Nations Human Rights Council, but left unaddressed which concrete steps would be taken to fulfill pledges on key issues like freedom of religion and expression, and accountability of abuses by military forces.

The United States continued to provide extensive military assistance to Indonesia. In July US Secretary of State Hillary Clinton and Indonesia Foreign Minister Marty Natalegawa co-chaired the second annual Joint Commission of the US-Indonesia Comprehensive Partnership. In November President Barack Obama visited Indonesia as part of the ASEAN Summit in Bali.

The US also continued to reengage with Kopassus, and provide significant support to Detachment 88, Indonesia's counterterrorism police. Similarly, the Australian government continued cooperation with both units.

In July the European Parliament issued a resolution on human rights in Indonesia, condemning recent attacks on Christians and Ahmadiyah properties.