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HRW.org

October 23, 2017

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Re: Promoting Respect for Human Rights in Jakarta

Dear Governor Baswedan,

Congratulations on your recent election. Human Rights Watch would like to wish you selamat bekerja in carrying out your duties as governor. We encourage you to use your role to protect and promote human rights in the Indonesian capital.

Since the late 1980s, Human Rights Watch has done research and advocacy on human rights issues in Indonesia. As Indonesia is a party to the major human rights treaties, we urge you to ensure that the Jakarta government abides by Indonesia's international legal obligations.

We write to you with specific recommendations, namely the rights of Jakartans who are members of vulnerable communities – economic, sexual, and religious.

First, we support your assertions that forced evictions in urban areas should never render individuals homeless or vulnerable to further human rights violations. Where evictees are unable to provide for themselves, the Jakarta government should take all measures to ensure that adequate housing, health care, education, jobs and

other assistance are available. We urge you to enact a short-term moratorium on all forced evictions carried out on “public order” grounds. It should remain in place until officials develop a mechanism – in consultation with civil society groups and the urban poor – to assess the impact of evictions on affected residents and determine whether the specific public order interest served by evictions outweighs the impact on the lives of evictees.

We also ask you to direct the Jakarta police to stop raiding venues that allegedly host private social gatherings of lesbian, gay, bisexual, and transgender people, which violate the rights to non-discrimination, privacy and equal justice under law. These police actions, including the May 21 raid in Kelapa Gading and the October 6 raid in Harmoni, resulted in the detention of more than 190 people and the prosecution of 15 charged under the overbroad and discriminatory Pornography Law. The United Nations Human Rights Committee, the independent body of experts that interprets the International Covenant on Civil and Political Rights, to which Indonesia is party, has stated: “It is undisputed that adult consensual sexual activity in private is covered by the concept of ‘privacy.’” We note that in 2013 Indonesia co-sponsored a UN Human Rights Council resolution on the right to privacy, and urge you to support that resolution by defending the privacy rights of Jakartans.

Human Rights Watch also has noted with alarm comments in recent months by senior central government and Indonesian police officials expressing support for extrajudicial execution of suspected illegal drug users and dealers. Jakarta police chief Inspector General Idham Azis on August 8, 2017 stated, “If the drug dealers want to apologize, it is their business with God. Sending them to God, on the other hand, is my business.” We ask you to direct Inspector General Azis to ensure due process for drug suspects and to publicly denounce any expressions of support for extrajudicial killings by Jakarta police personnel.

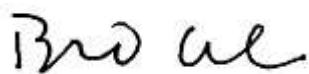
We also ask you to use the powers at your disposal to defend the rights of Jakarta religious minorities, including its Shia, Ahmadiyah, and Christian communities from hate crimes and discrimination. These groups are highly vulnerable to harassment, intimidation, and violence by militant Islamists. They are also deprived of essential government services, such as the issuance of government and restrictions on permits for construction of houses of worship.

We urge you to promptly implement the Supreme Court decision on October 9, 2017 to restore Jakarta's public water services to residents after finding that two private companies, PT PAM Lyonnaise Jaya and PT Aetra Air Jakarta, have "failed to protect" the right to water and sanitation. It reiterated that privatization of Jakarta's water supply had forced residents of low-income areas to buy expensive drinking water from street vendors and bathe in polluted wells. The court ordered the Indonesian government, including the Jakarta administration, to revoke the 1997 contracts with the private water utilities and hand responsibility for water supply back to PAM Jaya public water utility.

Lastly, we are concerned by your use of the term "pribumi" ("native sons") in your inaugural address, and your implication that unnamed others were benefitting in Indonesia at the expense of "pribumi." You stated: "In the past we pribumi were oppressed and defeated. Now that we're free, it's time that we become masters in our own land. Don't let Jakarta end up in a situation like that reflected in the Madurese idiom: 'The ducks lay the eggs, but the hens incubate them [reap the benefit].'" The term pribumi is dangerous because it explicitly excludes certain Indonesians – it contrasts with "peranakan" (mixed race Indonesian or Chinese-Indonesian) – and in particular has long been used to imply that Chinese-Indonesians, many of whose families have lived in Indonesia for generations, are second-class citizens. Many of Indonesia's most successful business leaders are from such families but most Chinese-Indonesians are middle class families. We note that President B.J. Habibie issued a directive in 1998 that specifically prohibited the use of the word "pribumi" for precisely these reasons. We urge you to be the governor of all Jakartans and to build bridges between its diverse communities, rather than to encourage divisions. Refraining in the future from using such language is an important step toward creating a more tolerant Jakarta.

Thank you for your consideration. We would appreciate the opportunity to discuss these and other human rights issues with you and members of your administration.

Sincerely,

A handwritten signature in black ink that reads "Brad Adams". The signature is written in a cursive, slightly slanted style.

Brad Adams