

UK - Indonesia:

Rights violations over- shadow Presidential visit

Briefing by

NGO Forum for Indonesia and Timor-Leste

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Rights violations over-shadow Presidential visit

Civil society groups question UK-Indonesia ties

Fourteen years ago, the downfall of President Suharto in 1998 set Indonesia on a course of reform and democratic transition that has impressively transformed the country from a harshly repressive dictatorship to a chaotic yet functional democracy.

But many problems remain. The country's overall record on human rights, the rule of law and religious freedoms, still falls far short of accepted international standards.

Although the Indonesian military, TNI, has been deprived of its former role as a major political force, it retains an influential role in social and political affairs and continues to be implicated in serious human rights violations. Egregious past violations, including those committed in Timor-Leste, Aceh, West Papua, and during Suharto's rise to power in 1965/66, are still unaccounted for. Some alleged perpetrators continue to play prominent roles in public life at the highest level.

As ties between the UK and Indonesia are about to be further strengthened by President Susilo Bambang Yudhoyono's state visit to London, from 31 October to 2 November 2012, serious questions remain about the human rights, social and environmental impacts of UK business, trade and investment links with Indonesia.

Members of the UK-based NGO Forum on Indonesia and Timor-Leste are highlighting key issues during the visit, including **UK training of Indonesia's counter-terrorism unit; Arms Sales; Human Rights in Papua; The Need for Dialogue in Papua; Rights, Livelihoods and Climate Justice; Religious Intolerance;** and **Timor-Leste and Impunity**. Information about these issues and recommendations from members of the NGO Forum are set out in this briefing.

The Forum believes that British understanding of these issues would be greatly enhanced by a visit to Indonesia, including Papua, by a delegation of UK parliamentarians and is calling for the Indonesian government to facilitate such a visit.

UK NGO Forum for Indonesia and Timor-Leste

The NGO Forum is an informal network of UK-based organisations and individuals that work on issues ranging from human rights and development to the environment and humanitarian relief in Indonesia and Timor-Leste. Those contributing to this briefing are TAPOL, Survival International, Christian Solidarity Worldwide, Down to Earth and Progressio.

The positions taken and views expressed in the briefing are those of the individual organisations to whom they are attributed and do not necessarily reflect those of other contributors.

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UK trained counter-terror unit targets Papuan activists

An Indonesian counter-terrorism unit, Special Detachment 88, trained by the UK, is now believed to be operating in Papua to crackdown on the Papuan independence movement, including the assassination of its leaders.

Special Detachment 88 (*Detasemen Khusus 88* or 'Densus 88'), is an elite Indonesian police unit, formed after the Bali bombings, to combat terrorism. It has been trained in forensics, intelligence gathering, surveillance and law enforcement by the UK, Australia and the US. However, there are serious concerns about reports that Densus 88 is being deployed to tackle other issues, such as alleged separatism in Papua.

Witnesses in Papua believe that Densus 88 murdered Papuan leader Mako Tabuni on 14 June this year. He was shot by plain clothed security officers in Jayapura. Tabuni was a respected Papuan leader from the KNPB a non-violent organisation calling for a referendum on Papua's political future. In 2009 Densus 88 was involved in the killing of Kelly Kwalik, a leader of Papua's resistance movement who had denounced violence.

In August 2011, Densus 88 took part in investigations into murders in Nafri, Jayapura. The investigations involved arbitrary detention, maltreatment and the torture of 15 people. In March 2012, National Police spokesman Insp. Gen. Saud Usman Nasution confirmed that Densus 88 officers were in Papua to help the local police fight armed militias. He justified their presence; 'Terrorism is not only limited to radicals waging jihad. By the definition set under the 2003 Terrorism Law, terrorism refers to any act that can cause unrest.'

In July 2012, leading Indonesian human rights NGO, KontraS, published research on the conduct of Densus 88, based on monitoring of operations in Aceh, Maluku, Java and Central Sulawesi from 2006–2012. The report states that during this period, Densus 88 operations commonly involved arbitrary arrest and detention, torture and other degrading treatment, physical abuse, and injury causing death.

The UK has funded the training of Densus 88 through the Jakarta Centre for Law Enforcement Cooperation (JCLEC) since 2005. The trainings cover counter terrorism investigation management; interviewing and prison debriefing; informant handling and interviewing techniques; and advance informant handling. In the same month that Mako Tabuni was killed, the UK was funding a course that, according to JCLEC's website, 'follows techniques and principles for the recruitment and handling of informants and the interviewing of witnesses, victims and suspects' that are 'human rights compliant'. Unfortunately for Mako Tabuni, Kelly Kwalik, and others, these are lessons which Densus 88 has yet to learn.

Recommendations:

Survival International and TAPOL urge the British Government to:

- Review the training of Densus 88 in the light of the research by KontraS and allegations concerning Densus 88's operations in Papua.
- Impose conditions on the training of Densus 88 to ensure that it is not deployed to Papua to target peaceful activists and commit human rights violations
- Call on the Indonesian Government to investigate the allegations of human rights violations by Densus 88 officers, bring those responsible to justice, and put in place mechanisms to ensure that Densus 88 is fully accountable for its actions.

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Arms sales on the increase

Indonesia has been identified as a priority market by the UK Trade & Investment Defence & Security Organisation (UKTI DSO). In April 2012, Prime Minister David Cameron joined the effort to boost arms sales when he visited Jakarta with an entourage of arms company executives and representatives of other leading UK businesses. He asserted that “Britain makes some of the best defence equipment in the world and it is right that it is available to Indonesia...” Following the trip greater cooperation was agreed across several sectors, including defence.

The use of British equipment for internal repression in Indonesia has been widely documented and was acknowledged by the British government during the 1990s. The current coalition government has reverted to a position of denial, with the FCO stating in June that ‘We believe that there is no evidence of UK equipment being misused in Indonesia,’ but it is thought that no procedures are in place to enable the end-use monitoring of equipment.

From the 1960s onwards, the British government entered into numerous deals for the sale of Hawk jets, armoured personnel carriers, water cannons and other equipment used against civilians in East Timor, Aceh, Papua Sulawesi, Maluku and Java. British Tactical water cannons have been used against protesters in Jakarta as recently as March of this year.

Following the UK government’s marketing campaign to boost arms sales to Indonesia, the value of export licences approved has risen dramatically under the coalition government. If licences continue to be approved at the same rate as the first quarter of 2012, this year will have seen a huge increase in licences. Licences for military equipment were also given to a number of intermediary countries for onward export to Indonesia, including Brazil, South Korea, Spain and the US.



Source: UK Government Strategic Export Control Reports.

Recommendation

TAPOL urges UK parliamentarians to press for an immediate ban on the sale to Indonesia of military equipment capable of being used for internal repression, or of facilitating internal repression, including all associated equipment and spare parts.

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Human rights in Papua

Papua (by which we mean the two Indonesian provinces of Papua and West Papua combined) became part of Indonesia following a discredited process known as the 'Act of Free Choice' in 1969. Since then, the Indonesian Government has maintained a heavy military presence in Papua and adopted a harsh security/military approach to Papuan opposition to rule from Jakarta. This has resulted in widespread violations of human rights with impunity. The assertion of Papuan rights is regularly associated by the security forces with a separatist agenda and met with a hard-line response. The exploitation of Papua's land and abundant natural resources has been a major cause of resentment and conflict.

Local, national and international human rights organisations continue to document serious human rights issues in Papua, including extrajudicial executions, torture, arbitrary detention, attacks on human rights defenders, suppression of free expression and peaceful assembly, and disregard for land and indigenous rights. International concerns about Papua rose sharply when Indonesia's record was reviewed at the UN Human Rights Council in May 2012.

Shortly before becoming Prime Minister in 2010, David Cameron described Papua as 'a 'terrible situation', but that did not deter him from strenuously promoting arms sales to Indonesia during a visit to Jakarta in April 2012 (see separate briefing).

Increased levels of violence in Papua have been reported in 2012 with fatal shootings and attacks by 'unknown persons' creating a climate of fear throughout the local population. In June, Papuan political leader, Mako Tabuni, was murdered, allegedly by members of Indonesia's counter-terrorism unit, Special Detachment 88 ('Densus 88'), which receives training support from the UK Government (see separate briefing).

Civil society responses, through demonstrations and other actions, are being met by repression and the closing down of democratic space. Indonesia's treason laws are frequently used to criminalise peaceful political activities, such as raising the Papuan flag. Those convicted face jail sentences of up to 20 years. Severe restrictions on observers, journalists and humanitarian organisations are leaving Papua increasingly isolated.

The policy responses by the Indonesian Government have spectacularly failed to address Papuan political aspirations and their needs for protection of their rights, land, resources and culture, focusing instead on economic and infrastructure development policies, which have chronically failed to improve the lives of the Papuan people.

Recommendations

TAPOL, Survival International, and Down to Earth urge the UK Government and Parliamentarians to call upon the Indonesian President and Government to:

- Reduce its military presence and focus on the political rather than security approach to resolving the Papua conflict;
- Order the unconditional release of all those detained for peaceful political activities, as part of a comprehensive policy to end the punishment of free expression and peaceful assembly;
- Strengthen the rule of law in Papua by ending impunity and ensuring violations committed by the security forces are properly investigated and fairly prosecuted.
- Ensure that human rights defenders are properly protected and can carry out their work without fear of intimidation and violence;
- Allow free and unfettered access to Papua by international human rights, humanitarian and development organisations and foreign journalists.

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Papua – the need for dialogue

CSW is deeply concerned about the deteriorating human rights, humanitarian and political situation in Papua, and escalating tensions.

In particular, CSW notes the emerging religious dimension to the conflict caused by changing demographics resulting from mass migration of people from other parts of Indonesia. The religious dimension should not be over-emphasised, as the conflict is primarily political and ethnic, but neither should it be ignored. The majority of indigenous Papuans are Christians, and the majority of migrants from other parts of Indonesia are Muslims, and the significant change in the demographics is having an impact on the cultural identity of West Papua. The best jobs, businesses and educational opportunities are taken by Indonesian migrants, and indigenous Papuans feel marginalised “second-class citizens” in their own land. There is concern that Islamist organisations may be developing a presence in Papua.

CSW is concerned about heavy-handed military crackdowns on peaceful demonstrations in Papua, particularly towards the end of 2011. On 19 October 2011, six people were killed by the military and police who brutally suppressed a meeting of the Papuan People’s Congress. A further crackdown on 1 December left four people hospitalised after being shot by the Indonesian police.

The continued imprisonment of prisoners of conscience such as Filep Karma remains a serious concern.

CSW has visited West Papua twice, in 2010 and 2011, and our findings are detailed in our reports, but in summary, the political situation is increasingly tense, and the militarisation of Papua and associated human rights violations exacerbates the tension.

CSW believes that a dialogue process between the Indonesian Government and representatives of the Papuan people, with international facilitation, is essential if an escalation in the conflict is to be prevented and peace achieved.

Recommendations

CSW urges the UK Government and Parliamentarians to call upon the President of Indonesia to:

1. Release Filep Karma and all prisoners of conscience in Papua;
2. Reduce the military presence in Papua;
3. Allow unhindered access to Papua by international humanitarian and human rights organisations and foreign journalists;
4. Enter into a genuine dialogue process with representatives of West Papua, to seek a political solution and genuine peace, with international facilitation.

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Failure to respect rights, protect livelihoods and promote climate justice

Policies aimed at promoting economic growth in Indonesia are leading to more and more of the country's land and resources being taken over by large businesses. The process is further marginalizing Indonesia's indigenous peoples and local communities.

Jakarta's MP3EI economic masterplan launched last year is promoting large-scale private and public sector projects with scant regard for human rights, environment or climate impacts. It involves developing large energy, infrastructure, industrial, and agribusiness projects across Indonesia. For communities on the ground, MP3EI means more of the same kind of human rights abuses and environmental destruction experienced under the Suharto regime. This is because there has been very little progress on protecting indigenous peoples' rights or on reforming laws relating to land and natural resources since then.

As a result, conflicts over land abound, as communities attempt to defend lands and livelihoods from oil palm plantation developers, mining and logging companies and agribusiness developers, some of whom enjoy financial backing from UK investors. For example, Archipelago Resources is a UK company involved in conflict with communities over its gold mining operations in North Sulawesi.

Meanwhile destructive development in Indonesia is being supported by UK and EU policies creating demand for agrofuels, including Indonesian oil palm.

UK-listed companies involved in unsustainable resource extraction in Indonesia include BHP Billiton, and Bumi plc which are both involved in large-scale coal extraction projects in Indonesian Borneo. Bumi and its Indonesian shareholders have been associated with numerous human rights and environmental abuses, including a brutal attack against striking workers at the KPC mine in March this year. Jardine Matheson, which controls major palm oil companies operating in Indonesia, has been accused of causing deforestation and biodiversity loss.

In Papua, the large military presence, the climate of impunity for human rights abuses by the security forces and restrictions on civil and political freedoms means that the impacts of land and resources appropriation are even more severe for the local population. Human rights abuses, including killings, are commonly associated with logging, mining and oil palm plantation ventures, while additional problems associated with in-migration from other parts of Indonesia are increasing the pressure on indigenous Papuans and their resources. Two UK-listed companies, BP and Rio Tinto, are heavily involved in resource extraction in Papua in their Tangguh and Grasberg operations respectively.

Meanwhile policies promoting more fossil fuel use, the conversion of forests to agribusiness and plantations and the destruction of sustainable community-based resource use, spells disaster for the climate and undermine the President's international commitments to reduce greenhouse gas emissions by at least 20% on business as usual levels by 2020.

Recommendations

Down to Earth is asking the UK government to:

1. reform the regulation of UK listed companies to include accountability for ethical, environmental, and human rights concerns;
2. ensure that human and biodiversity rights are included as key criteria in UK and EU agrofuels sustainability legislation;
3. ensure that UK Government policies, programmes and support for British investment in Indonesia answers the call of civil society in Indonesia for climate justice and respects the rights to resources and livelihoods of Indigenous peoples and local communities.

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Religious intolerance in Indonesia

Indonesia, the world's largest Muslim-majority nation, is founded on a long tradition of pluralism and religious freedom, enshrined in the official state philosophy known as 'Pancasila'. Indonesia has also made a remarkable transition to democracy from authoritarian rule, and is celebrated internationally as an example of a successful Muslim-majority democracy. Both these successes are, however, increasingly under threat from rising extremism and religious intolerance.

Increasing violations of religious freedom have drawn attention from some in the international community. On 26 April 2011 the UN High Commissioner for Human Rights, Navanethem Pillay, wrote to the Indonesian Minister of Foreign Affairs to express her concerns about violations of religious freedom, saying that recent incidents of violence and repression against religious minorities "put at risk the human rights guaranteed in Indonesia's Constitution, including the prohibition of discrimination and the right to freedom of religion and expression". She called for a review of all laws, particularly those restricting religious expression and practice, "to ensure they comply" with standards set out in the Constitution and in the International Covenant on Civil and Political Rights (ICCPR). She urged Indonesia to accept a request from the UN Special Rapporteur on freedom of religion or belief to visit the country later this year. In July 2011 the European Parliament adopted a resolution which expresses "grave concern at the incidents of violence against religious minorities" and the abuses under "blasphemy, heresy and religious defamation by-laws".

The Ahmadiyya Muslim community have experienced perhaps the most violent persecution. On 6 February 2011, a community of 21 Ahmadi Muslims in Cikeusik, Banten province, West Java was attacked by a mob of 1,500, resulting in the deaths of three people. Many more were seriously injured. CSW met four survivors of the attack in Jakarta three months later. One man told CSW, "When the attackers caught me, they stripped me naked on the road, dragged me through a river, beat me with sticks and machetes and tried to cut off my penis. They bashed stones on my head, and dragged me around the village. One man used a bamboo spear to hit my eye. They shouted that I was an 'infidel' and should be killed. I lost consciousness."

In July 2011 three of the perpetrators of the Cikeusik attack were sentenced to between three and six months in jail. Such an astonishingly lenient sentence calls into question the integrity of Indonesia's justice system, and sends a worrying signal to extremists that will only embolden them. Furthermore, one Ahmadi Muslim who tried to defend himself and his community during the attack was jailed for six months. These sentences were soon followed by another attack on the Ahmadiyya Muslim community, in Makassar, South Sulawesi, in August 2011.

In September 2010, the Minister for Religious Affairs, Suryadharma Ali, caused outrage among human rights groups when he proposed an outright ban on the Ahmadiyya Muslims, who already suffered severe restrictions and discrimination under a joint ministerial decree issued by the Indonesian Government in 2008 which prohibits the propagation of their teachings.

Christians are also facing increasing pressure. At the end of 2011 the Setara Institute documented a rise in violations of religious rights to 244 cases, from 200 in 2010, a large number of which involved Christians. Increasingly churches, particularly in West Java, are coming under pressure from local authorities and extremist groups to close. Many churches have been forcibly closed and sealed, their congregations forced to worship in the street outside. Even churches whose permits are completely legitimate are affected, and in some cases where the Supreme Court has ruled in the church's favour, local authorities have ignored the Supreme Court and refused to allow the church to re-open. The most prominent examples are that of the Gereja Kristen Indonesia (GKI) Yasmin Church in Bogor, West Java and the HKBP Filadelfia church in Bekasi, West Java. A full list of incidents affecting churches is available from CSW.

In addition to violence and persecution of religious minorities, extremists are continuing their efforts to Islamise the country in other ways as well, through measures including:

- the introduction of Shari'a-inspired regulations on a localised level in some parts of the country;
- the use of the blasphemy law;
- the religion column on the identity card;
- restrictions on permission for church building and registration.

The Constitutional Court's rejection of a case for the repeal of the blasphemy law early in April 2010 was a serious setback for religious freedom in Indonesia and a cause for concern. The case was submitted by seven Indonesian human rights organisations and four prominent individuals, including Muslim scholars, supported by the former President Abdurrahman Wahid until his death on 30 December 2009. The blasphemy law, introduced in 1965 and set out in Article 156A of the country's Criminal Code, imposes a maximum five-year prison sentence for blasphemy against any of the six officially-recognised religions: Islam, Buddhism, Hinduism, Confucianism, Catholicism and Protestantism.

Recommendations

CSW believes that it is in the interests of the international community to support voices of moderation in Indonesia, to strengthen inter-faith dialogue and harmony, and to help Indonesia protect its tradition of pluralism and religious freedom as enshrined in the 'Pancasila'. CSW therefore urges the United Kingdom to raise all the key issues outlined in this briefing with the President of Indonesia during his State visit, and to urge him to take steps to address the rising religious intolerance in the country, curb the influence of Islamists and extremists, and establish a dialogue process with representatives of the Papuan people and end the violation of human rights in West Papua.

In particular, the United Kingdom should urge the President and Government of Indonesia:

- To take action to protect religious minorities and places of worship, prevent acts of religiously-motivated violence and bring the perpetrators of such violence to justice;
- To take steps to uphold the rule of law and ensure that the rulings of the courts, especially the Supreme Court, are upheld and respected by local authorities, particularly in regard to cases relating to the construction and opening of places of worship;
- To revise or repeal the blasphemy law;
- To repeal the 2008 joint ministerial decree prohibiting the propagation of Ahmadiyya Muslim teachings;

Furthermore, the United Kingdom should work together with the President of Indonesia to:

- Closely monitor the implementation of Shari'a-inspired regulations in various parts of Indonesia, particularly Aceh, West Java and South Sulawesi, raise concern with the Government of Indonesia and local authorities where infringements on religious freedom occur, and where appropriate and necessary, to encourage repeal of such regulations;
- Provide support, including financial, to initiatives and projects aimed at promoting inter-religious dialogue and harmony, between Muslims, minority groups such as the Ahmadiyya Muslims, Christians and others.

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Timor-Leste & Impunity

The former Portuguese colonial territory of Timor-Leste (formerly East Timor) was occupied illegally by Indonesia from 1975 to 1999. About thirty per cent of the population died as a consequence of the occupation (references for all relevant material can be found at http://hass.unsw.adfa.edu.au/timor_companion/human_rights_and_justice/justice.php). That may be the largest loss of life, relative to total population, since the Holocaust. Indonesian troops also killed two British journalists at Balibo, Timor-Leste, in October 1975. Despite these facts, the United Kingdom did not support any of the UN General Assembly's eight resolutions calling for Indonesia to stop human rights violations and withdraw from Timor-Leste. During the occupation, Britain sold Hawk aircraft, the Rapier air defence system, tanks and frigates to Indonesia.

Indonesia's National Commission on Human Rights concluded that Indonesian troops committed crimes of universal jurisdiction including systematic and mass murder, extensive destruction, enslavement, forced deportations and displacement and other inhumane acts against the civilian population. East Timor's Truth Commission (CAVR) recommended the creation of an International Tribunal, as did the Indonesian Human Rights Commission and the 2005 UN Commission of Experts. However, neither the Indonesian Government nor the international community acted on the Truth Commission's recommendations.

Now that Timor-Leste is independent and Indonesia has a democratically-elected parliament and president, the time has come to acknowledge and right the wrongs of the past.

Recommendations

Progressio and TAPOL call upon the British Government and UK Parliamentarians to urge His Excellency President Susilo Bambang Yudhoyono to:

- ensure that perpetrators of serious crimes do not enjoy unhindered impunity. In particular, more than 300 Indonesian military personnel, officials and militia who are accused of war crimes and crimes against humanity should not be permitted sanctuary in Indonesia. Most notable among these is the former Indonesian Minister of Defence and Commander of the Indonesian National Military (TNI), General Wiranto. General Wiranto is today the People's Conscience Party (Hanura) presidential candidate. Another individual alleged to have committed war crimes and crimes against humanity is Lieutenant-General (retired) Prabowo Subianto. Today he is the Great Indonesia Movement Party (Gerindra) candidate.
- make available to the international community records of military operations in Timor-Leste that resulted in mass civilian deaths and injuries and damage to property;
- co-operate fully with an international investigation into the killings of British and other foreign journalists by Indonesian troops.

The British Government should honour Interpol warrants, and look at the CAVR recommendations to the international community, and the specific ones for UNSC members and countries which provided weapons and other support for the occupation. It should refuse visas to Indonesian personnel named in the CAVR report for suspected war crimes and crimes against humanity until those individuals have been acquitted by an independent and credible judicial process.

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