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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International NGO Forum on Indonesian Development (INFID), a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation of human rights defenders in Indonesia, 2012*

Major targets of violation of human rights against HRDs in Indonesia is still the Journalist; activist of pluralism; natural resources; corruption; labour; and LGBT; and in some particular area such as Papua, Sumatera and Aceh; also to the activist of past human rights violation. The perpetrators are varied from police, military to judiciaries. While violation by omissions of state actors were perpetrated by the intolerance radical mass group.

Until now, impunity still serious challenge of human rights defender in Indonesia. The murder of Munir Said Thalib is one of the cases where the perpetrator is not yet revealed.¹ Also, there are intimidations for the HRD advocating justice to the past gross violation of human rights. Last 15 December 2012, after the commemoration of Hari Juang Kartika in Pardede Makodam IV/Diponegoro field, Pangdam Siliwangi said 'I will kill anybody who tries to bring back the issue of PKI (Indonesian Communist Party)' when he responding the questions of there were forums held by HRDs past gross violation of human rights.²

As part of the government's plan to increase economic growth and development through the MP3EI (Master Plan to Accelerate Economic Development Indonesia) and other development plan scheme in 2011-2012, many various violations took place against the peasants, fisherman and indigenous people. I Wayan Gendo Suardhana, a WALHI³ activist in Bali have been beaten by 2 unidentified persons in his law office on 5 November 2012.

The journalist were subjected to physical attack when they try to capture the moment by camera and write it on the newspaper of the incident that could harm the government institution's name. In 16 October there was happened the violence took place against journalist of TvOne, Riau Pos and Antara Newswire perpetrated by the Air Force. The incident takes place in Pasir Putih, Pandau Pekanbaru Riau when they were in covering the crashed of Indonesian Jet Fighter Hawk 200, they were beaten up and their cameras were taken away.⁴

AJI Indonesia has recorded that there were 62 cases during the December 2011 until December 2012 and the perpetrator from are the Government Officials (13 cases), Police officers (11 cases), Military officers (9 cases).⁵ And in the end of 2012, one journalist in Manado (North Sulawesi), Aryono Linggotu (26) was killed with 14 stabs in his body on 25 November 2012 allegedly related to his works in publishing various forms of Police brutality.

For the anti-corruption activist, intimidation is not only for them but also affected to their family. Mr. Dr. Okky Sofyan is one of the student parents who try to criticised and expose corruption of their kids' school in Jakarta. He submitted complain about the allegation of the corruption in the school to the General Attorney, Financial Ministry, The Audit Board of Indonesia Republic, and to the National Education Ministry. The intimidation is in the

* HRWG (Indonesia's human Rights Working Group), KKKP (Koalisi Keadilan dan Pengungkapan Kebenaran), LBH Jakarta (Jakarta Legal Aid Institute), NGOs without consultative status, also share the views expressed in this statement.

¹ Remarks from UN Office of High Commissioner of Human Rights Ms. Navi Pillay in her visit to Indonesia on November 2012. Navi Pillay requested a new investigation into the killing, and review of the trial of Muchdi Purwopranjono, in order to establish clear responsibilities for the murder.

² <http://m.sindonews.com/read/2012/12/15/22/697885/pki-mulai-muncul-di-jateng-diy>.

³ WALHI; Friends of the Earth Indonesia (www.walhi.or.id).

⁴ <http://ajiindonesia.or.id/read/article/press-release/153/aji-condemns-acts-of-violence-by-indonesian-air-fo.html>.

⁵ <http://ajiindonesia.or.id/read/article/press-release/168/catatan-akhir-tahun-2012-aji-indonesia.html>.

form of bribery, not allowed their kids to take the examination, an effort to expel their kids from the school, until the school asking the governor of Jakarta to repeal the parent's ID Card.⁶

The former chair of Labour Union in Kahatex Ltd., Cartiwan, was terminated from his position as a labor in the company because he was doing the hearing meeting with the Regional Parliament of Sumedang Regency and talks to the media that the Kahatex Ltd. allegedly has terminated one of its labor because she is pregnant and followed with the protest of limited travel expenses budget.⁷ While Sartono, a technique labour in Panarub Industry Ltd. was arbitrary detained by the District Attorney office of Tangerang City, from 26 June 2012 until 11 July 2012. He was arrested because simply he was asking his boss to be polite and kind to her staffs if she wants to address the staff's mistakes. He was charged with the Article 335 of the Penal Code on unpleasant action or humiliation.⁸

Legal and regulation framework

To protection of Indonesian human rights defenders is stipulated in the Constitution of 1945 under Article 28 from point (a) to (j) and under the Law Nr. 39 of 1999 on Human Rights.

Currently, the Indonesia government and the parliament still deliberating draft bills that will endanger Indonesian HRD; the draft bill on Mass Organization⁹ and National Security¹⁰ while last 10 May 2012 Indonesian Parliament has already adopted the Law No. 7 of 2012 on Handling Social Conflict.¹¹

The civil society was filed a Judicial Review on the Law No. 17 of 2011 on State Intelligence but the Constitutional Court has rejected the submission. On the State's Secrecy Draft Bill, the Commission I of the House of Representative will start to discuss it again in the second session of 2012-2013.¹² While the bill on Human Rights Defender Protection was registered in the 2010-2014 National Legislative Programs but no definitive plan on its deliberation.

We urge further UN Human Rights Council to consider the following measures:

- To urge the Indonesian House of Representative to prioritize the bill on the Protection of Human Rights Defender and mainstreaming the UN Declaration on the Protection of Human Rights Defender in any related legislation;

⁶ http://antikorupsi.org/new/index.php?option=com_content&view=article&id=46&Itemid=108&lang=en.

⁷ Many labor union cases are end up with the unilateral termination of the work contract of its chief or the most vocal member in the union.

⁸ The number of union busting act is still counting, but the trend is continuing increasing.

⁹ Please refer to A/HRC/16/NGO/80. Currently, the House of Representative has planned to pass the bill on 19 February 2013. This bill is harmful to the human rights defender, promoting limitation than protection, and the distrust act to the civil society organization because of the excessive limitation.

¹⁰ In this bill, the TNI could be a part of civil body, could give a direction or valuation and decision making to deploy army to handling one incident which according to their interpretation it's threatening national security. This bill is still to be discussed in 2013 by the House of Representative.

¹¹ Law No. 7 of 2012 on Handling Social Conflict is the law that could harm the human rights defender's work because this law delimit the access to client/victim, authorized local chief of province to deploy armed force, and could forbid the lawyer/human rights defender to assist client/victim.

¹² Please refer to A/HRC/16/NGO/80.

- To urge Law Enforcement Official to ensure investigation and the fair trial against human rights defenders violation;
 - Implement the UPR recommendation regarding to the protection of Human Rights Defender.
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