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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 Asian Legal Resource Centre, non-governmental organization in general consultative status

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

[30 May 2016]

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

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INDONESIA: Freedom of opinion and expression under serious threat

1. The Asian Legal Resource Centre (ALRC) and the Independent Journalist Alliance of Indonesia (AJI Indonesia) wish to draw the UN Human Rights Council's attention to the rampant human rights violations against the right to freedom of opinion and expression in Indonesia. Under current President Joko Widodo's administration, the security forces and vigilante groups are the actors to committing these violations most frequently.
2. In particular, the circumstances have worsened with the government's application of Law No. 11 of 2008 on Information and Electronic Transaction (ITE), and Law No. 44 of 2008 on Pornography, which severely restrict freedom of opinion and expression. Under the law on pornography, journalists and others can be sentenced for more than 10 years for publications that contain pornography. In the last one year, the Press Legal Aid (LBH Press) notes that 134 journalists were charged with the ITE Law, the revision process of which has yet to show progress.
3. Furthermore, the government remains reluctant to review other controversial laws that can restrict rights, such as the Blasphemy Law, the Indonesian Penal Code (KUHP)'s provisions on criminal defamation, the Law on Intelligence Agency, the Bill on National Security, the Law on Conflict and Resolution (UU PKS), and the National Chief Police Regulations on Hate Speech (Perkap), which regulates hate speech in public, including on social media.
4. In 2014, the AJI Indonesia reported and documented 40 cases of violence against journalists, whereas in 2015 there were 43 such cases. In 2014, the police committed six cases of violence against journalists, while, in 2015, the police committed violations in 14 cases. Such violence frequently occurs against journalists trying to access information in the field. In December 2015, for instance, the police brutally attacked Mr. Zuhdy Febryanto, a journalist of RiauOnline.co.id, while he was doing his job, even though he had shown them his press identity card. On 13 November 2014, the police brutally attacked seven journalists in Makassar, South Sulawesi Province, who were documenting and reporting on the forced dispersal of university protesters. One of the journalists had to be taken to the hospital.
5. Moreover, the AJI Indonesia notes that the police, as a law enforcement agency, on one hand becomes a perpetrator of violence against journalists, while on the other, fails to investigate cases of mysterious killings against journalists. There are eight cases of murder against journalists constituting "dark cases": *First*, the murder of Mr. Fuad Muhammad Syafruddin (Udin), a journalist of *Bernas* newspaper in 1996; *Second*, the murder of Mr. Naimullah, a journalist of *Sinar Pagi* newspaper in 1997; *Third*, Mr. Agus Mulyawan, a journalist of *Asia Press*, killed in 1999; *Fourth*, the murder of Mr. Muhammad Jamaludin, a journalist of *TVRI* in 2003; *Fifth*, the murder of Mr. Ersia Siregar in 2003; *Sixth*, the murder of Mr. Herliyanto, a journalist of *Delta Pos* Sidoarjo magazine in 2006; *Seventh*, the 2010 murder of Mr. Adriansyah Matra Wibisono, a journalist working in local TV in Merauke, Papua Province; and *Eighth*, Mr. Alfred Mirulewan, a journalist of *Pelangi* tabloid in 2010. The investigations of these cases remain unclear until present.
6. In the past year, the pattern of threats against freedom of press has changed. Earlier, media or journalists who published the news were subjected to prosecution. Recently however, resource persons who speak in the media are targeted with criminalization and prosecution. For instance, the criminalization against activists of the Indonesian Corruption Watch (ICW), Mr. Emerson Yuntho and Mr. Adnan Topan Husodo, both of whom were summoned by the police after criticising the selection process of the new Commissioner of the Corruption Eradication Commission (KPK).
7. A similar case also occurred against Mr. Erwin Natosmal Oemar, an anti-corruption activist at the Indonesian Legal Roundtable (ILR). The ALRC's sister organization, the Asian Human Rights Commission (AHRC), documented and reported that Erwin was summoned by the Police after he spoke on a TV talk show (AHRC-UAC-008-2016) on 25 August 2015 about the "Impact of Sarpin case: Supreme Court (MA) Vs Judicial Commission (KY)." Other resource persons present on the show included Professor Mahfud M.D., former Chairperson of the Constitutional Court and Police Inspector General Anton Charliyan.
8. Police criminalization against activists have been reported to the Press Council (Dewan Pers), and the council has officially stated that such cases constitute a journalistic endeavor, however, the police insist on proceeding with their

investigation until the prosecution stage. According to the law on Press as well as the statement of the Press Council, the media that publishes their statements must protect resources persons who make statements in the media.

9. Meanwhile, the Commission for the Disappeared and Victims of Violence (KontraS), a prominent national human rights organization, documented in its annual report that in 2015 alone, 238 cases of violations against the right to freedom of expression occurred. The police are the most frequent violators, in 85 cases. The violations consist of forced dissolution of peaceful public events and protests, illegal arrest, and violence against civilians. Beside the police, other State officials committed violations against such rights in 49 cases, the Military officers in 17 cases, and members of vigilante groups in 31 cases.

10. Most recently, the AHRC, along with its local partners has been monitoring sweeping operations, involving the seizure of various books allegedly containing ideas of Communism and Marxism. The Police, the Army, and other State departments, as well as vigilante groups, have conducted these sweeping operations. Anyone wearing clothing with the hammer and sickle symbol has been arrested on the principle that wearing such clothing constitutes spreading communist ideology. Although the security forces finally released such persons, the mass arrests and book sweeping have caused considerable public fear. These operations have been grave violations of the Indonesian Constitution, which acknowledges and guarantees the right to freedom of expression and opinion without any discrimination.

11. Considering the lack of protection of the right to freedom of opinion and expression, and the repeated persecution against journalists and activists in Indonesia, the ALRC and AJI Indonesia respectfully request the Human Rights Council to:

- a. Urge the government to stop any form of extreme restriction and criminalization of the right to freedom of opinion and expression;
- b. Urge the government to seriously protect and guarantee such rights without any discrimination;
- c. Urge the government and police to investigate and prosecute those responsible of violating such rights;
- d. Convince the government to officially invite the United Nations Special Rapporteur on Freedom of Opinion and Expression to visit Indonesia.

Independent Journalist Alliance of Indonesia (AJI Indonesia), an NGO without consultative status, also shares the views expressed in this statement.
