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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: FREEDOM
OF EXPRESSION**

**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.

[10 February 2005]

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

After six years of the fall of Soeharto regime in Indonesia, freedoms of press and to express opinion formally have been accommodated. But in the reality, threat against freedom of expression not only come from government/country, but also illustrate more complex tendency with the involvement of non governmental actors. In the same time, government has no intention to protect and guarantee the freedom of expression, even though it is mandated in the constitution.

In 2004, condition of press freedom in Indonesia has not change significantly than the previous years, same situation happen on the freedom to have opinions. Violence cases still happen onto media workers, activists, and public society that speak for their aspirations.

Until July 2004, Independent Journalist Alliance take note that at least 27 violence cases upon press workers outside Aceh that still being implemented the civil emergency status. Ferocity actions conclude attacking (10 cases), threatening (6 cases), law suit/ crime accused (6 cases), banishment (4 cases) and harassment (1 case).

The conflict between Tempo magazine and businessman Tommy Winata last year was colored by attacking action against the media office, followed by the repeatedly defeated trial on Tempo side. District Court of South Jakarta punished Tempo to pay 1 million dollar compensation, and apologize in 8 newspapers, 6 magazines, and 12 TV stations (domestic and foreign Medias) for reporting conjecture of Tommy Winata involve in gambling business in South-east Sulawesi. The Director of Tempo, Bambang Harymurti, was also punished 1 year in prison by District Court of Central Jakarta, for reporting conjecture of Tommy Winata involve in Tanah Abang market fire disaster (biggest textile center in South-East Asia).

The Tempo case has triggered tendency where troubled businesspersons perform lawsuit to medias who blow-up their cases. As carried out by one of the suspect of Rp.1.7 trillion of BNI (government own bank) break in, to Trust Magazine that published the documents. Board of judges in the end won the suspect and punished Trust magazine to pay Rp. 1 billion compensation.

Not only crime accusation and Press Law purge in adjudicate press cases in courts, a number of mass media offices were suffered attack action, such as Sinar Indonesia Baru daily in Medan, North Sumatera and Metro Bogor daily in West Java. A group of people, assumed to be gambling business bodyguards on Jl. Siliwangi, paid a visit to the marketing and commercial office of Metro Bogor, threatened and hit the media employees. The perpetrators also destroyed office property following Metro Bogor's coverage on gambling activities in the city. The report on that attack did not get proportional response from the police.

Three months later, afterward was Sinar Indonesia Baru daily office attacked and damaged by a group of people. They were assumed part of gambling syndicate in Medan. They also did maliciousness after SIB coverage on gambling activities that flourished in town. The attack involved guns and tear gas.

The potential of freedom of expression in Indonesia is also in the nadir point under civil emergency status in Nanggroe Aceh Darussalam province. Local and national mass media cannot report utterly of situation and condition in Aceh, especially violence crime against humanity cases that involving governmental apparatus on behalf of fighting the separatism. In December 2004, Authority of Civil Emergency Area or Penguasa Darurat Sipil Daerah (PDSD) declared a resolution /Maklumat No.11/XII/2004 that forbid any kind of publication connected with GAM anniversary. Orally, the PSDS also threatened to take action to media

and reporters who gave publication space for GAM representations, and restricted journalists to implement cover both sides' principles.

Alongside with that, the domestic and foreign workers and humanity organization are still inhibited to enter Aceh. It also intricate the documentation of human rights violation cases there. The forbidding is legalized through President Instruction as central authority of civil emergency area. Especially in Aceh, the freedom of expression was also in poor condition, for example, the refugees in Bireuen were not allowed to speak to the press. Some reporters covering refugees' location in Meunasah Jeuneb, Kecamatan Jeunib, Kabupaten Bireuen did not get information from the community after a restriction from TNI apparatus to refugees not to talk to reporters. FPI (Front Pembela Islam/semi military religious organization) forbade foreign reporters to enter Baiturrahman Mosque made coverage or took pictures, Friday (14/1). Unlike the situation before tsunami and the arrival of FPI in Aceh, foreign reporters could enter mosque area for just taking pictures with using Muslim dress (especially for female). Moreover, the deportation case of William Nessen, a freelance reporters for San Francisco Chronicles and Sidney Morning Herald, United States origin. William Nessen was deported by Indonesia immigration by 18.30 WIB, Monday (24/1), with excuse that William Nessen was still restricted by Government of Indonesia after his coverage in GAM base area in 2003 and immigration violation. Previously, in work meeting between First Commission of DPR and TNI commanding officer, the chief of State Intelligent Body, Mayjen (purn) Syamsir Siregar stated that William Nessen in Aceh was illegal.

Generally, a series of violation actions against media occurred in 2004 still involving police (3 cases), mass (3 cases), businesspersons (3 cases), political parties (3 cases), gangster (2 cases) and parliament member (2 cases). However, the tendency of violation against journalists ignored by government have 'inspire' groups in society to perform similar actions, like violation cases did by doctor, athlete and college students.

The freedom of expression in general is not in better condition than the press freedom as well. Some violation cases also happened to groups of society that tried to express their aspiration. Not so different with previous year, the perpetrators that threatened the freedom of expression in Indonesia is government, in this case: military, police, and intelligent, furthermore many violence also involving Mass Organization and Political Party.

In middle 2004, activists of National Students League for Democracy demonstrated anti militarism were blocked and beaten by hundreds of people called themselves Anti Communist Alliance. Similar actions happened in Semarang, Yogyakarta, Bali and other cities. In those blocking and hitting, police on locations did not do anything.

Early in last December, the event of Anti Globalization Week held by Forum Social Indonesia (FSI) in Jl. Sumenep, Menteng, Jakarta, was forced to disperse by Province Government of Jakarta with the help from hundreds of gangster. In the incident, all action properties like the stage, sound system, statue, posters of Munir, etc, were destroyed by them, even some activists were chased and beaten.

More tragic incident suffered by Bojong people, in 22 November 2004. Six village people were shot by police and many other were wounded when they held a protest action against the Final Junkyard (Tempat Pengolahan Sampah Terpadu/TPST) in their neighborhood. Brutality also occurs when the police fight people not only in the TPST location but continue to their houses. Many people were taken forcefully from their homes. This condition makes people of Bojong afraid to go out. Data documented by Kontras state

that more than 130 persons have not come back to their house, while the police only admit that they only imprisoned 20 persons.

Previously in May 2004, hundreds of police of Makassar intervened into Universitas Muslim Indonesia (UMI) buildings in Makassar. The incident caused two students were shot, many of them were wounded, and 70 students were imprisoned. The background of the incident was students' demonstration against political military roles and the release of Ustadz Abu Bakar Baasyir.

On those conditions, we:

- Urge United Nations to send Special Repporteurs for Freedom of Expression. It also connected with the invitation from Government of Indonesia 2 years ago toward Special Repporteurs Fredem of Ekspeson.
- Urge United Nations to press on Government of Indonesia to ratify Covenant of Civil and Political Rights immediately.
- Urge United Nations to declare the removal of Emergency Status in Aceh.
- Urge United Nations to press on Government of Indonesia to open access to coverage for national and international media and humanity workers in Aceh.
- Urge United Nations to declare a resolution cursing the use of subversive verses that all this time often being used to block the freedom of expression.
- Urge United Nations to declare a resolution cursing the use of 'elastic' verses that all this time often being used to block/imprison people from expressing their aspiration.

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