



Komisi untuk Orang Hilang dan Korban
Tindak Kekerasan
*The Commission for the Disappearances and
Victims of Violence*

**FIDH – International Federation for Human Rights
and its member organization in Indonesia
KontraS - Commission for the Disappeared and Victims of Violence**

Briefing note on selected human rights issues in Indonesia

25 May 2021

During the Covid-19 pandemic, human rights violations have continued to occur in Indonesia, resulting in a further shrinking of space for civil society. Military presence has increased in Papua. Authorities have used excessive and unnecessary force to disperse public assemblies. The government created a cyber police unit to monitor social media. In addition, the government has failed to prioritize vulnerable groups in handling the pandemic.

Closing civic space in Papua

The situation of civic space in the Papua region is worsening. From January to April 2021, KontraS recorded at least 12 cases of serious human rights violations committed by police and military in Papua, including: torture; arbitrary arrests; and five extra-judicial killings.

The situation risks further deterioration following the killing of the Head of the Regional National Intelligence Agency (Kabinda) in Papua, Brigadier General I Gusti Putu Danny Karya Nugraha, on 25 April 2021, during a clash between Indonesian security forces and members of an armed separatist group in Beoga District. In response to the killing, the Speaker of the People's Consultative Assembly Bambang Soesatyo instructed the security forces to “wipe” and “crush” all armed separatist groups. “We will discuss human rights matters later,” he was quoted as saying.¹ In addition, on 29 April 2021, the Coordinating Ministry for Political, Legal, and Security Affairs declared that all Papuan armed groups were considered “terrorists.”²

Subsequently, the Army deployed 400 more soldiers from the 315/Garuda Battalion to Papua. The deployment of additional military forces in Papua took place without the issuance of a Presidential Decree – a necessary legal requirement for such operations. The troop deployment, followed by internet disruptions, led to further displacement of villagers

¹ Kompas, *Head of the Regional National Intelligence Agency Shot, People’s Consultative Assembly’s Speaker Asks the Government Not to Hesitate to Wipe Criminal Armed Group*, 26 April 2021, available [in Bahasa] at: <https://nasional.kompas.com/read/2021/04/26/12392341/kabinda-papua-ditembak-ketua-mpr-minta-pemerintah-tak-ragu-tumpas-kkb?page=all>.

² VOI, *Government Called The Armed Criminal Group In Papua As Terrorist!*, 29 April 2021; available at: <https://voi.id/en/news/47839/government-called-kkb-papua-as-terrorist>

in West Papua. Prior to the latest wave of displacement, there were already at least 40,000 internally displaced persons (IDPs) in Papua due to the ongoing conflict.

Unnecessary use of force in the policing of public assemblies

Police used unnecessary force in handling recent public assemblies on 1 May and 3 May 2021. On 1 May 2021, during the Labor Day rally in Jakarta, three labor union members and approximately 200 students, including 16 from Papua, were arrested for alleged violation of the Covid-19 health protocol. Some students were beaten, arrested, and forcedly crammed into police and pickup trucks, in disregard of the Covid-19 health protocol. The students were released on the same day after police interrogated them and inspected their phones.

A similar incident occurred at the rally commemorating National Education Day on 3 May 2021 in Jakarta. Police arrested nine people during the violent dispersal of a peaceful protest in front of the Ministry of Education and Culture for alleged violation of the Covid-19 health protocol. Protesters were beaten and forced to delete any rally videos from their phones. Those arrested were brought to the Jakarta Metro Police Station, where they were interrogated, forced to sign a letter of notification of investigation commencement, and fingerprinted – all without having been given access to legal counsel. All of them were eventually released on the same day, after being charged for not complying with the Covid-19 health protocol.

Freedom of expression online threatened

Concerns have been raised by the government's decision to reactivate a police unit, the Pam Swakarsa [civilian security force] in August 2020. Pam Swakarsa was a government-backed civilian armed militia created several decades ago. It played a crucial role in the repression of student demonstrations in 1998 with total impunity. National Police Regulation 4/2020, which outlines the objectives and functions of the Pam Swakarsa, is silent concerning oversight and accountability mechanism in case of the commission of human rights violations by Pam Swakarsa members.

Additional concerns have stemmed from the establishment of a new cyber police unit. On 19 February 2021, the National Police Chief signed a circular letter establishing such unit, with the aim to prevent cybercrime. Operations of the cyber police have the potential to suppress the right to freedom of opinion and expression in the digital space. The cyber police have already targeted those who criticize the government online, by issuing warnings to owners of social media accounts to take down certain posts within 24 hours and being summoned by the police if they failed to do so. For example, in March a warning was issued against *Surabaya Melawan* Instagram account after it criticized President Jokowi for allegedly breaching the Covid-19 health protocol during his visit to East Nusa Tenggara Province on 23 February 2021. As of mid-April 2021, the cyber police had issued warnings against 329 social media accounts.

No progress towards the abolition of the death penalty

The government has made no progress towards the abolition of capital punishment. Indonesia carried out its most recent execution in 2016. However, death sentences have continued to be imposed. According to official figures, as of January 2021, there were 364 death row prisoners in Indonesia. At the beginning of the pandemic, criminal trials were held via video conference. Remote proceedings raised concerns over possible violations of the right to fair trial due to lack of legal counsel, denial of the defendants' right to directly examine the evidence presented by the public prosecutor, and lack of translation for foreign nationals.

Infrastructure and investment projects lead to human rights violations

In many cases, infrastructure and investment projects have continued to be implemented with detrimental impacts for affected communities, including the loss of livelihood, work opportunities, and housing. One example is the Mandalika Super Premium Tourism development project in the Mandalika Special Economic Zone (KEK Mandalika), Central Lombok, West Nusa Tenggara Province. This project has led to many evictions and deprivation of the rights of individuals belonging to affected communities. Farmers have been evicted from their land and endured the destruction of their houses, land, and cultural and religious sites. Evictions were often carried out following threats and other acts of intimidation and without adequate compensation.³

In addition, In May 2020, the government concluded the process of review and amendment of the Mineral and Coal Law, which has resulted in numerous provisions that are beneficial for mining companies and detrimental to affected communities and the environment. These include: fiscal and non-fiscal incentives for the implementation of coal gasification schemes; restrictions on community participation in decision-making processes related to the issuance of mining permits; and the provision of criminal charges to be levied against individuals who protest against mining operations.

Inadequate Covid-19 handling

The government's response to Covid-19 has been inadequate, particularly with regard to the vaccination phase. Amid an extreme shortage of vaccine supply,⁴ the government adopted a "Vaksin Mandiri" [Independent vaccination] policy, which is implemented through Bio Farma, a state-owned enterprise that is the sole vaccine buyer, manufacturer, and distributor in Indonesia. This policy has led to controversy, as Bio Farma charges fees to register for inoculation – a practice that could lead to unequal distribution of vaccines, and the exclusion of vulnerable groups. Concerns have also been raised that the implementation of this policy could lead to corruption and even the sale of ineffective or fake vaccines, due to inadequate oversight.

³ OHCHR, Indonesia: *UN experts flag rights concerns over \$3bn tourism project*, 31 March 2021; available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26962&LangID=E>

⁴ Indonesia only received 1.1 million of the 11.7 million doses of the AstraZeneca vaccine allocated by COVAX to Indonesia.

Despite the recommendations of the World Health Organization (WHO) to prioritize vulnerable groups, in many cases celebrities, influencers, and artists who are not among the vulnerable groups have been given preferential access to vaccinations.

Failure to address and resolve past human rights violations

The government has made no progress in addressing and resolving past gross human rights violations. In March 2021, the government drafted a presidential regulation to address past gross human rights violations through a non-judicial mechanism, namely the *Unit Kerja Presiden untuk Penanganan Peristiwa Pelanggaran Hak Asasi Manusia yang Berat* (UKP-PPHB) [Presidential Work Unit for Handling Gross Human Rights Violations]. The draft regulation overrides existing law enforcement and judicial mechanisms that could be used to reveal the truth about past violations. The draft regulation also fails to address the issue of adequate reparations for the victims.

Recommendations

We recommend the government of Indonesia:

- Stop the deployment of army soldiers in the Papua region and ensure the respect, protection, and fulfillment of human rights in Papua.
- Disband the Pam Swakarsa and ensure that the cyber police do not infringe on the legitimate exercise of the right to freedom of opinion and expression.
- Ensure that law enforcement agencies comply with relevant international standards in the policing of public assemblies.
- Carry out thorough investigations into all human rights violations committed in connection with the implementation of infrastructure and investment projects and provide appropriate redress for affected individuals and communities.
- Prioritize the distribution of Covid-19 vaccines to vulnerable groups, and provide accessible and inclusive healthcare to all.
- Address and resolve past human rights violations through the adoption of both judicial and non-judicial measures.
- Establish an official moratorium on the use of the death penalty as a first step to its complete abolition for all crimes.

We recommend the European Union:

- Encourage the government of Indonesia to implement the above-referenced recommendations during the upcoming human rights dialogue.
- Actively engage with civil society organizations in Indonesia to ensure a participatory, inclusive, and meaningful dialogue concerning the country's human rights situation.