

Indonesia: AHRC criticises ongoing impunity in annual report

Tuesday 14 December 2010, by [AHRC](#) (Date first published: 9 December 2010).

FOR IMMEDIATE RELEASE
AHRC-STM-248-2010
December 9, 2010

A Statement by the Asian Human Rights Commission on the occasion of the Human Rights Day

INDONESIA: Human Rights Day
AHRC criticises ongoing impunity in annual report

The Asian Human Rights Commission continued to monitor the human rights situation in Indonesia in 2010 and summarised its findings in an annual report released on the International Human Rights Day. In the report, the AHRC points out the lack of accountability for serious human rights violations in 2010 despite some reform efforts.

The ongoing impunity that perpetrators of human rights violations such as torture, extrajudicial killings or arbitrary arrests enjoy in Indonesia has been not faced with any effective reforms or political action in 2010. As a result, current cases of serious human rights violations by the security forces are being repeated and victims of past cases continue to wait for justice.

The set up of a judicial mafia taskforce and the challenges to corruption and immunity enjoyed by the National Police represent positive developments that may yet bear fruit. On the international front, Indonesia signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2010. However, none of these steps have as yet resulted in more accountability for perpetrators of serious human rights violations.

The selection of a new Attorney General (AG) in November 2010 presents opportunities to address the problem of gross violations of human rights. The attempted nomination in 2010 of former dictator Suharto as a national hero portrays the prevalence of Indonesia's past in its present-day life. Addressing the impunity that still accompanies violations that occurred under Suharto's rule will be the test case of the new AG's ability and the strength of the prosecution system. Discussions concerning human rights issues remained largely a political exercise rather than a technical effort designed to ensure the effective reform of the criminal justice system, which the AHRC considers to be the best means of improving the protection of human rights in Indonesia at present.

Several violent attacks on religious minorities were ignored by the police, which represent a clear setback concerning the freedom of religion. While Indonesia showed a strategic commitment to human rights reforms in the country by adopting a National Action Plan for human rights for the period 2004-2009, it has failed to come up with a follow-up plan since 2009. The earlier National Action Plan was not implemented until one year after its expiration.

Most of the cases that the Asian Human Rights Commission (AHRC) Indonesia Desk received in 2010 concerned the use of violence and torture by the police. Case evidence shows that the use of torture

by the police or military is not a rare or by any means an extreme occurrence. Torture, is used endemically and even systematically, as a routine way to conduct investigations and intimidate persons. Victims are often arbitrarily arrested and held under false charges, enabling the use of torture.

Also of great concern is the rise in the number of reported cases of attacks and reprisals against human rights defenders, notably journalists and anti-corruption activists working to uphold human rights. The AHRC itself became the subject of a cyber-attack on its website in October 2010. It is believed that the attack was made to make the website and its content inaccessible, after a video showing the Indonesian military torturing indigenous Papuans was posted there.

An increase in violent attacks against religious minorities was also witnessed in 2010. The police typically do not intervene to protect victims, often claiming that they do not have the capacity to protect persons from such violence.

Serious military atrocities such as arrests of civilians by the military, torture and intimidating violence during operations by security forces remain an ongoing concern in the Papuan provinces.

Recommendations:

The AHRC urges legal reforms to criminalise torture and to provide for accountability of the military and to empower the judicial commission with oversight functions. Impartial and swift action by the police and local authorities are required to protect the freedom of religion. The AHRC strongly recommends that the government of Indonesia adopts a new National Plan of Action starting with the completion of the last expired Plan from 2009.

International journalists, human rights monitors and development organisations should be given access to the Papuan provinces. A special task force should be set up to address the endemic corruption in the public institution in the Papuan provinces. Peaceful demonstrations and thus the right to freedom of expression and assembly must be protected by the Indonesian authorities in Papua. The widespread abuses by security forces should be investigated as a gross violation of human rights according to the Human Rights Court Law.

** A pre-print release of the full country report titled INDONESIA - The state of human rights in 2010 can be downloaded at:*

<http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-005-2010.pdf>