
Indonesia

Indonesia held national elections in April, July, and September 2004 resulting in a new parliament and new president. While Indonesia's first ever direct presidential election marked another step toward full democratization, significant barriers to rule of law and human rights remain in place.

Pressing human rights concerns include the resurgent power of the military in social and political affairs, ongoing impunity of security forces responsible for atrocities, abuses associated with armed conflict in Aceh province, repression in Papua, and disturbing signs of a return to intimidation of the press and criminalization of dissent.

Indonesia also faces a domestic terrorist threat, with more than two hundred civilians killed in bomb attacks since 2002 targeting western institutions: the Australian embassy (September 9, 2004), the Marriott hotel in Jakarta (August 5, 2003), and a nightclub frequented by Australians in Bali (October 12, 2002). Under immense international pressure, in particular from Australia and the United States, Indonesia has begun addressing this threat through criminal prosecutions and a slowly improving police force, although the perpetrators of some of the attacks remain at large.

Elections

Indonesia held parliamentary elections in April 2004, and two rounds of presidential elections in July and September (previously, members of parliament had selected the president). Despite voter intimidation in Aceh province, and widespread reports of "money politics" in all three elections, domestic and international observers deemed the elections notably peaceful and generally free and fair.

The April legislative election brought in a new parliament with the majority of seats won by the Golkar party of former President (and autocrat) Soeharto. This result was widely interpreted as motivated in part by the electorate's desire for a return to the security and stability of the Soeharto era after several years of turbulence and instability.

Indonesia's presidential election in July 2004 went to a second round run-off in September between incumbent Megawati Sukarnoputri and Susilo Bambang Yudhoyono, a former general and member of President Megawati's cabinet. Yudhoyono won convincingly on a platform of reform and anti-corruption.

Impunity and the TNI

The Indonesian armed forces (Tentara Nasional Indonesia, TNI) continues to violate international human rights and humanitarian law with almost complete impunity. Military operations in Papua and Aceh provinces continue to be characterized by undisciplined and unaccountable troops committing widespread abuses against civilians. Abuses include extra-judicial executions, forced disappearances, beatings, arbitrary arrests and detentions, and drastic limits on freedom of movement.

Torture of detainees in police and military custody is also widespread across the archipelago.

Indonesia's executive and judicial branches regularly fail to address such abuses. Indonesia's judiciary in particular is corrupt and subject to political interference.

To date there has been no legal accounting for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his fall from power in 1998 or for the majority of atrocities committed during his more than three decades in office. Trials for the 1984 killing of civilians by Indonesian security forces at Tanjung Priok in Jakarta finished with weak verdicts amid ongoing reports of political interference and witness intimidation.

Despite significant international pressure and interest, trials of senior Indonesian officers in Jakarta failed to give a credible judicial accounting for atrocities committed in East Timor in 1999. Twelve of the eighteen defendants were acquitted. Four defendants who were found guilty received nominal sentences, which were all overturned on appeal. The appeals court initially upheld guilty verdicts for the two East Timorese defendants on trial but one of these verdicts was overturned by Indonesia's Supreme Court in November 2004.

Aceh

In May 2003 the Indonesian government withdrew from peace negotiations and launched full-scale military operations in Aceh. An estimated forty thousand new troops were sent to the province to crush an estimated five thousand members of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in Indonesia's largest military operation since the invasion of East Timor.

Three consecutive post-Soeharto presidents have failed to address the economic, social, governance, and justice-related grievances underpinning the fighting. The new war has led to widespread abuses against civilians with little prospect for a military solution.

Human Rights Watch has documented serious abuses by both sides in the context of the conflict. Dozens of interviews with Acehnese refugees in Malaysia make clear that Indonesian security forces continue to engage in widespread extra-judicial execution, torture, disappearances, and restrictions on movement, assembly, and association.

At this writing, Aceh remains closed to most diplomats, international aid workers, international press, and independent human rights monitors. Indonesian journalists working in the province have faced threats and reprisals from both Indonesia security forces and GAM. Indonesian lawyers and NGOs documenting abuses against the Acehnese have been accused by Indonesian security forces of being GAM sympathizers.

Despite these restrictions, Human Rights Watch interviewed three dozen Acehnese prisoners in 2004, all of whom had faced serious mistreatment while in detention; many had been tortured. All had been detained and convicted without basic due process rights and often on the basis of trumped up evidence or coerced confessions.

Papua

The Indonesian military regularly responds to low level attacks by the Free Papua Movement (Organisasi Papua Merdeka, OPM) with disproportionate force; unarmed civilians continue to be among those injured or killed in military reprisals. Arbitrary detention, torture, disappearances, and arson are widespread in this vast and isolated region of Indonesia.

Jakarta's decision in 2003 to divide Papua into three provinces, viewed by many as an effort to dilute Papuan political aspirations, was met by widespread local resistance. The province subsequently was divided into two provinces, with legislated "special autonomy" provisions largely put on hold.

Papua has seen a swelling of its population in recent years due to a large influx of economic migrants and civilians fleeing conflict in other parts of Indonesia. Tension between these groups is likely to rise unless addressed. Among other things, indigenous Papuans are predominantly rural and Christian while major immigrant groups are predominantly town-based and Muslim, creating a volatile mix susceptible to manipulation by unscrupulous political leaders.

Papua has the highest HIV prevalence in Indonesia and discrimination against people living with HIV/AIDS is widespread.

Political Prisoners

Although political space for dissent increased enormously after the fall of President Soeharto, broadly worded laws limiting freedom of expression remain on the books and are being increasingly used by authorities to target outspoken critics. Soeharto's first two successors, President B.J. Habibie and President Abdurrahman Wahid, issued a series of amnesties to release most political prisoners convicted during the Soeharto era, but by 2003 at least forty-six new prisoners of conscience had been imprisoned—thirty-nine of them during President Megawati Sukarnoputri's tenure between July 2001 and October 2004.

Indonesian Migrant Workers

Hundreds of thousands of Indonesians migrate for work each year, and the money they send back to Indonesia is critical to the country's economy. These workers continue to endure abuses by labor agents and to confront corruption at every stage of the migration cycle. Women comprise over 75 percent of these migrant workers. Women migrants typically seek employment as domestic workers in Saudi Arabia, Malaysia, and other countries in the Middle East and Asia.

In addition to problems these workers encounter while abroad (See Malaysia), women domestic workers confront a wide range of human rights abuses during recruitment, pre-departure training, and return to Indonesia. Labor recruiters often fail to provide complete information about job responsibilities, work conditions, or where the women can turn for help. Some girls and women seeking employment become victims of human trafficking, as they are deceived about the type of work they will perform, fall into debt bondage, or are otherwise coerced into exploitative situations. Women expecting to spend one month in pre-departure training facilities in Indonesia are often trapped in heavily-guarded centers for three to six months without any income. Most have complained of overcrowded conditions and some reported inadequate food and water, as well as verbal and physical abuse. Indonesia has taken some positive steps to address this issue, but new migrant workers legislation is deeply flawed and officials have not vigorously implemented necessary protections.

Press Freedom

After the fall of Soeharto, Indonesia for a time was considered a center of media freedom in Southeast Asia. Critical reporting and commentary emerged on a scale unimaginable in the Soeharto era. However, the trend more recently has been toward a more restrictive environment, symbolized in 2004 by continuing far-reaching restrictions on and intimidation of journalists in Aceh and by the one-year prison sentence imposed on Bambang Harymurti, editor of the prominent independent weekly newsmagazine *Tempo*, for an article alleged to have defamed well-connected businessman Tomy Winata. In addition, private business interests and military officers increasingly file lawsuits and rely on a corrupt judiciary to influence coverage and in some cases impose potentially crippling monetary judgments on independent news providers.

Human Rights Defenders

Since the fall of Soeharto the climate for human rights defenders in Indonesia has improved. However, in Aceh human rights defenders still suffer threats and intimidation from security forces and GAM when monitoring and investigating human rights abuses.

On September 7, 2004 one of Indonesia's most outspoken and respected human rights defenders, Munir, died under suspicious circumstances on a plane to the Netherlands. The autopsy report, released in November, concluded that Munir had died due to arsenic poisoning. At this writing a police investigation was underway.

Key International Actors

Japan is Indonesia's largest aid donor, and in 2003 the Koizumi government played an increasingly important role in helping Indonesia address pressing problems, most noticeably the conflict in Aceh.

Indonesia's relationship with the United States continues to focus on joint efforts to fight terrorism. Although U.S. military assistance to Indonesia remains conditioned on accountability for human rights

abuses, the U.S. has made it clear that co-operation in the war on terrorism is more critical than human rights to normalization of the relationship. At this writing, Indonesian failure to bring to justice those responsible for the shooting death of one Papuan and two U.S. citizens in Papua in 2002 continues to limit formal military cooperation. Initial police and nongovernmental organization investigations had indicated military involvement in the murders.

The United Nations has a strong presence in Indonesia concentrating on humanitarian and health programs in conflict areas. U.N. access to Aceh, however, remains severely restricted.

Indonesia's failure to successfully prosecute officers and officials responsible for atrocities committed in East Timor following the U.N.-supervised independence referendum there in 1999 has put the onus on U.N. Secretary-General Kofi Annan to act: Annan has said that he would "closely monitor progress" of the Indonesian response to the crimes in East Timor to see that it is a "credible response in accordance with international human rights principles." At this writing, it was expected that in December 2004 or early 2005 Annan would announce the establishment of a Commission of Experts to assess the success and failings of both the Jakarta trials, described above, and the parallel process at Dili's Special Panels for Serious Crimes.

A number of U.N. special rapporteurs have requested to visit Indonesia to no avail, including the special representative of the secretary-general on the situation of human rights defenders, the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the special rapporteur on freedom of religion or belief, and the special rapporteur on torture. Indonesia withdrew from formal International Monetary Fund supervision of monetary and fiscal policy at the end of 2003, but continues to require considerable external financial assistance. The Consultative Group on Indonesia (CGI) meeting, an annual conference of Indonesia's largest donors convened by the World Bank, continues to pledge significant sums, although donors increasingly are conditioning assistance on good governance and legal reform.