
Indonesia

The December 2004 earthquake and tsunami overshadowed all other issues in Indonesia in 2005. While the disaster helped propel an August 2005 peace agreement for Indonesia's northwest Aceh province, Indonesia struggled to cope with the massive rehabilitation and reconstruction needs posed by the crisis. The Indonesian military continued to commit human rights violations in Papua, and impunity reigned in other parts of Indonesia. There were disturbing signs of a return to intimidation of the press and criminalization of dissent. In September Indonesia's parliament finally ratified the two main international human rights covenants, on civil and political rights, and economic, social and cultural rights. Three bombs killed at least twenty-three people in Bali in October, in an attack similar to that of October 2002.

Aceh: Tsunami and Subsequent Peace Agreement

The tsunami devastated Aceh, which lies only ninety miles from the epicenter of one the worst natural disasters in recent history. Over 127,000 people were killed there in the span of minutes; an additional thirty-seven thousand are still missing and presumed dead. More than half a million displaced continue to rely on outside help for basic necessities. Aftershocks, including the March 28, 2005 Nias Island quake, which killed at least 905 people and displaced almost 107,000, continue to traumatize the populations in Aceh and North Sumatra. It will take years for Aceh to recover from the physical, emotional, and human toll of the earthquake and tsunami.

In August 2005, the government of Indonesia and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) signed a comprehensive peace agreement after thirty years of devastating armed conflict. In August and September, approximately 200 monitors from the European Union and the Association of Southeast Asian Nations (ASEAN) arrived in the province to observe the initial implementation of the agreement, which includes the release of all GAM prisoners convicted of treason, a disarmament program, and a significant reduction of government troops in the province. The agreement also covers the planned establishment of an ad hoc court in Aceh to hear cases of human rights violations. As of November, the ceasefire and implementation of the peace agreement appeared to be holding, with prospects for a sustainable peace in the region stronger than ever.

Papua

There was a significant build-up of troops in Papua, the easternmost part of the country, with reports of widespread displacement of civilians, arson, and arbitrary detention in the central

highlands region. In August a reported 10,000 Papuan protestors held the largest ever demonstration in the province over the failure of the government to implement special autonomy as mandated in a 2001 agreement. In October the government finally set up the Papuan Peoples Council (MRP) in accordance with provisions in the 2001 Act on Papuan Special Autonomy and a subsequent government regulation.

To date there has been no judicial accounting for atrocities committed in Papua in 2000. In September 2005 two police officers standing trial for the December 2000 killing in Papua of three students and the torture of up to 100 civilians were acquitted by a human rights court in Sulawesi.

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

Terrorism

Indonesia faces a domestic terrorist threat, with more than 200 civilians killed since 2002 in bomb attacks targeting Western interests. Indonesia is addressing this threat through criminal prosecutions and a slowly improving police force, although the perpetrators of some of the attacks remain at large.

Abu Bakar Bashir, believed by many to be the spiritual head of the terrorist organization Jemaah Islamiyah, was convicted in March 2005 of criminal conspiracy behind the 2002 Bali bombings. Due to poor conduct of the prosecution, he was acquitted of the more serious charge of planning a terrorist attack. He received a sentence of only thirty months, which was further shortened to twenty-five-and-a-half months in an August 2005 Independence Day sentence reduction.

Impunity and the TNI

The Indonesian armed forces (Tentara Nasional Indonesia, TNI) continue to violate international human rights and humanitarian law with impunity. Military operations in Papua and Aceh are characterized by undisciplined and unaccountable troops committing widespread abuses against civilians, including extrajudicial executions, torture, 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 country; some of the detainees tortured are children. Indonesia's executive and judicial branches regularly fail to address such abuses.

September 30, 2005, marked the fortieth anniversary of the alleged coup attempt that precipitated former Indonesian President Soeharto's rise to power. The Indonesian Communist Party remains banned for allegedly plotting the coup attempt, and former members or supporters continue to suffer discrimination. At least half a million people were killed in anti-communist purges after the

coups attempt, and hundreds of thousands more were imprisoned without charge or trial. To date there has been no accountability for atrocities committed in 1965 and 1966. There has also been no legal accounting for the majority of atrocities committed during Soeharto's more than three decades in power, or for the violence instigated by pro-Soeharto forces in a failed attempt to stave off his 1998 fall from power.

Trials for the 1984 killing of civilians by Indonesian security forces at Tanjung Priok, Jakarta, finished in July 2005 with the appeals court overturning the convictions of twelve of the fourteen defendants. The other defendants had been acquitted the previous year amid 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 (see East Timor chapter).

Freedom of Expression

Although political space for dissent increased enormously after the fall of President Soeharto, the June 2005 conviction and six-month sentence for a student in Bali for burning a portrait of President Susilo Bambang Yudhoyono illustrates how broadly-worded laws limiting freedom of expression are still used by authorities to target outspoken critics.

After the fall of Soeharto, Indonesia for a time was considered a center of media freedom in Southeast Asia. However, the trend more recently has been toward a more restrictive environment characterized by extensive restrictions on, and intimidation of, journalists in Aceh, and ongoing use of criminal defamation laws to target journalists and editors who criticize public figures.

In May 2005 two newspaper editors, Darwin Ruslinur and Budiono Syahputro, were each sentenced to nine months in jail after a judge found them guilty of defaming a local Golkar Party leader in Lampung, Sumatra. In April an appeals court upheld a one-year prison sentence for Bambang Harymurti, the editor of the prominent independent Jakarta news magazine *Tempo*, for an allegedly defamatory article about a well-connected businessman.

Freedom of Religion

In July 2005 Indonesia's Council of Ulemas issued a *fatwa* against the Ahmadiyah, prompting a series of attacks against their places of worship. Founded in 1889 by Mirza Ghulam Ahmad, the Ahmadiyah identify themselves as Muslims but differ with other Muslims as to whether Mohammad was the "final" monotheist prophet; consequently, some other Muslims perceive the Ahmadiyah as heretics. The police regularly failed to respond to the attacks, and at the time of writing no charges had been brought against any perpetrator. By November 2005 at least two local regencies in Java

had banned all Ahmadiyah religious activity in those areas, in direct violation of Indonesian constitutional religious freedom guarantees.

Indonesian Migrant Workers

Over a million Indonesians work abroad, sending home remittances critical to the country's economy. Women comprise over 75 percent of these migrant workers.

In addition to problems these workers encounter while abroad (see the Malaysia and Saudi Arabia chapters), many women domestic workers confront a wide range of human rights abuses during recruitment, pre-departure training, and return to Indonesia. These abuses include being confined in locked, overcrowded training centers for months on end, and many fall deeply into debt to pay exorbitant agency fees. Some girls and women seeking employment become victims of human trafficking.

Indonesia has taken some positive steps to address this issue, but 2004 migrant workers legislation is deeply flawed. Indonesian officials have not vigorously implemented necessary protections, such as effectively monitoring and prosecuting labor agencies or fighting corruption.

Child Domestic Workers in Indonesia

At least 688,000 children, mainly girls, are estimated to work as domestics in Indonesia. Typically recruited between the ages of twelve and fifteen, often on false promises of decent wages and working conditions, girls may work fourteen to eighteen hours a day, seven days a week, and earn far less than the prevailing minimum wage. In the worst cases, child domestics are paid no salary at all and are physically and sexually abused. Domestic workers in Indonesia are not recognized as workers by the government, and are excluded from the nation's labor code, which affords basic labor rights to workers in the "formal" sector such as a minimum wage, overtime pay, an eight-hour work day and forty-hour work week, weekly day of rest, vacation, and social security. The Ministry of Manpower does not monitor the "informal" sector, and no effective mechanisms exist for domestics to report cases of abuse. The exclusion of all domestic workers from these rights denies them equal protection of the law and has a discriminatory impact on women and girls, who constitute the vast majority of domestic workers.

Human Rights Defenders

On September 7, 2004, one of Indonesia's most outspoken and respected human rights defenders, Munir Said Thalib, died under suspicious circumstances on a plane to the Netherlands. The autopsy report, released in November 2004, concluded that Munir had died from arsenic poisoning.

In December 2004 President Yudhoyono established, by presidential decree, an independent fact-finding team to investigate Munir's killing. The team's unpublished report identified Garuda airlines pilot Pollycarpus Priyanto as a leading suspect in the case, and linked him to senior employees of the Garuda airline and high-ranking intelligence officials. On August 9, 2005, the trial of Pollycarpus began at the Central Jakarta District Court. Pollycarpus was charged with committing or

participating in the planned murder of Munir, either alone or in collaboration with two other named suspects. However, the indictment against Polycarpus made no mention of the fact-finding team's report or findings. The trial is ongoing at this writing.

The fact-finding team also issued a summons to retired army Lt. Gen. Hendropriyono, the head of Indonesia's State Intelligence Body at the time of the murder. He refused to comply with the summons, and subsequently filed criminal defamation charges against two respected human rights defenders, Usman Hamid (the head of KontraS) and Rachland Nashidik (the head of Imparsial), who were members of the fact-finding team.

In Aceh, human rights defenders still suffer threats and intimidation from security forces and GAM when monitoring and investigating human rights abuses.

Key International Actors

In February 2005 the United States lifted long-running restrictions and resumed full International Military Education and Training (IMET) for Indonesia. First imposed following the massacre of civilians at Santa Cruz cemetery in East Timor in 1991, the restrictions had remained in place pending Indonesia's cooperation with the FBI in an ongoing investigation into the killing of two Americans and one Papuan in Papua in August 2002. In November the U.S Congress voted to maintain some restrictions on U.S military assistance to Indonesia in foreign military financing, pending progress in accountability for human rights violations, and increased civilian control over the military.

Indonesia's relationship with the United States continues to focus on joint efforts to fight terrorism. The United States has made it clear that cooperation in the "war on terror" is more critical than human rights to normalization of the U.S.-Indonesia relationship.

In February 2005 U.N. Secretary-General Kofi Annan announced the establishment of a commission of experts to review the prosecution of serious human rights violations committed in East Timor in 1999, given Indonesia's failure to do so effectively. After initially being refused visas to enter the country, the commission traveled to Jakarta in May 2005. The commission's report to the secretary-general, published in July, found that the trials in Jakarta for crimes committed in East Timor in 1999 were "manifestly inadequate," showing "scant respect for or conformity to relevant international standards," primarily due to a lack of commitment on the part of the prosecution, and a lack of expertise, experience and training. The commission recommended that Indonesia accept international support to strengthen its prosecutorial capacity, advising that the Indonesian government be given a clear six-month timetable to show progress on the commission's

recommendations. At the time of writing neither the U.N. Security Council nor the secretary-general had acted on any of the commission's recommendations.

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 are increasingly conditioning assistance on good governance and legal reform.