

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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(New York) - The Indonesian government should ensure that soldiers responsible for abuses are appropriately prosecuted and punished, Human Rights Watch said today in its *World Report 2011*. The January 24, 2011 verdict in a Papua military tribunal of eight to ten months' imprisonment for soldiers who engaged in torture was woefully inadequate, Human Rights Watch said.

The 649-page report, Human Rights Watch's 21st annual review of human rights practices around the globe, summarizes major human rights trends in more than 90 countries and territories worldwide. Over the past 12 years, Indonesia, the report says, has made great strides in becoming a stable, democratic country with a strong civil society and independent media, but serious human rights concerns remain.

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"Senior officials must both talk the talk and walk the walk on human rights," said Elaine Pearson, deputy Asia director at Human Rights Watch. "The military should stop shielding its officers from prosecution, and the government needs to hold abusers accountable."

In July 2010, the US government lifted its ban on military assistance to Kopassus, Indonesia's elite special forces, despite continuing concerns about its human rights record. Strong evidence of security force involvement in torture emerged in 2010. Defense Minister Purnomo Yusgiantoro pledged to suspend soldiers credibly accused of serious human rights abuses, to discharge those convicted of abuse, and to cooperate with their prosecution. But only a handful of cases made it to military tribunals, and the charges did not reflect the gravity of the abuses committed.

In October, a 10-minute cell phone video came to light that showed Indonesian soldiers interrogating and brutally torturing two Papuan men, Tunaliwor Kiwo and Telangga Gire. In the video, Kiwo screams as a piece of burning wood is repeatedly jabbed at his genitals. After pressure from foreign governments, the military finally held a tribunal in Jayapura, Papua, in January. But it is only tried three of six soldiers in the video - Second Sgt. Irwan Rizkiyanto, First Pvt. Jackson Agu, and First Pvt. Thamrin Mahamiri of the Army's Strategic and Reserve Command (Kostrad) 753rd battalion - on military discipline charges, rather than for torture. The three were sentenced to ten months, nine months, and eight months respectively. Military prosecutors only sought sentences of up to 12 months rather than the maximum 30 months as allowed under the military criminal code.

Another torture case captured on video in 2010 involved several soldiers kicking and beating villagers in Papua. Four soldiers from the same Kostrad 753rd battalion were tried on military disciplinary grounds and were sentenced only to five to seven months in prison. The convictions are on appeal before the Surabaya high military tribunal.

These two cases were unusual in that the ill-treatment was captured on video, but for years Human Rights Watch has documented serious human rights violations in Papua for which soldiers have never been held to account. Human Rights Watch called on the US to publicly clarify its relationship with the Kostrad 753rd battalion and the individuals involved in this incident, in order to ensure compliance with the Leahy law.

"Rather than cooperating with civilian authorities and suspending the soldiers involved as soon as the video appeared, the Indonesian government has dragged its feet and reluctantly done the bare minimum to try and make this go away," said Pearson. "This is not the new and improved army that the defense minister promised, but the same old military impunity we've seen for decades in Indonesia."

The government did little to curb attacks and discrimination against religious, sexual, and ethnic minorities during 2010. On several occasions, militant Islamic groups mobilized large groups of private citizens and attacked places of worship of religious minorities.

Police frequently failed to arrest the perpetrators of the violence.

While Indonesia has vibrant media, throughout 2010 Indonesian authorities invoked harsh laws to prosecute individuals who raised controversial issues, chilling peaceful expression. Indonesia's criminal libel, slander, and "insult" laws prohibit deliberately "insulting" a public official and intentionally publicizing statements that harm another person's reputation, even if those statements are true. For instance, in early 2010, Tukijo, a farmer from Yogyakarta, was sentenced to six months' probation and a three-month suspended prison sentence for criminal defamation after he argued with a local official regarding a land assessment.

The government has imprisoned more than 100 activists from the Moluccas and Papua for rebellion for peacefully voicing political views, holding demonstrations, and raising separatist flags. In August, the authorities arrested 21 Southern Moluccas activists in Ambon and Saparua and charged them with treason for planning to fly balloons and Southern Moluccas Republic flags during a visit by President Susilo Bambang Yudhoyono.

The country's political prisoners include Filep Karma, 51, a Papuan civil servant imprisoned for organizing a Papuan independence rally on December 1, 2004, and Buchtar Tabuni, 31, a leader of the West Papua National Committee, a Papuan independence organization that has grown more radical since his imprisonment.

Government restrictions on access to Papua by foreign human rights monitors and journalists imposed when Indonesia took over Papua in 1969 remained in place in 2010.

"By keeping the foreign media and rights organizations out of Papua, the Indonesian government is all but admitting that serious abuses persist," Pearson said. "Ending those restrictions would be a first step in reversing Papua's downward spiral."

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