

AMNESTY INTERNATIONAL OPEN LETTER

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HE Ir. H. Joko Widodo
The President of the Republic of Indonesia
Ministry of State Secretariat
Jl. Veteran No. 17-18
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19 October 2019

JOINT OPEN LETTER ON THE NEED FOR FACT FINDING TEAM TO INVESTIGATE ACID ATTACK AGAINST ANTI-CORRUPTION OFFICIAL NOVEL BASWEDAN

Your Excellency:

We would like to congratulate you on your upcoming second inauguration as the President of the Republic of Indonesia. We note that 19 October 2019, the day before your inauguration, marks exactly three months since you ordered the Chief of the National Police (Kapolri) Police General Tito Karnavian to take action regarding the failure of an internally mandated police joint investigation team on Novel Baswedan's assault case. We are deeply concerned that the police have not made any progress of the investigation, nor have they arrested those suspected to be responsible for it.

As you may recall, on 11 April 2017 the investigator for the anti-corruption commission (Corruption Eradication Commission, or KPK), had a vial of hydrochloric acid thrown into his face by two men on a motorcycle. Due to severe damage to his corneas, Novel lost one of his eyes. At the time of the attack, Novel was the head of the KPK's workers union and a critic of attempts to employ more police officers as KPK investigators. It is important to note that he has a record of conducting extremely challenging and sensitive investigations such as major corruption cases that resulted in members of parliament, police generals, and senior ministers going to trial. Throughout his career, he has received numerous threats of physical attacks as well as criminal defamation claims, part of an apparent effort to disrupt his investigations.

The investigation of the acid attack against Novel Baswedan has been sluggish and marred with irregularities that potentially constitute police misconducts. The victim also publicly stated that he suspected that it had been orchestrated by a senior police officer. His case is also not unique; over the last few years, there have been numerous incidents of attacks, intimidation, and threats against KPK investigators and other staff that have gone unaddressed by the police.

For example, on 13 September at the KPK's office building in Jakarta, around a hundred people tried to storm the building, during which they threw rocks, beat KPK's security personnel — so badly that some had to be admitted to the hospital — and destroyed a journalist's equipment. In January 2019, two KPK commissioners — Agus Rahardjo and Laode Syarief — were violently attacked. Someone placed a mock pipe bomb in a plastic bag and hung it on Agus' front fence, and someone threw a Molotov cocktail at Laode's house. To date, no suspects have been arrested for any of the attacks, even though the police claimed to have set up different teams to investigate them. Additionally, several KPK staff have told our organizations that other KPK staff have also faced intimidation and threats, in some instances by police officers, while investigating corruption cases implicating high-ranking police officers.

Komnas HAM (the National Human Rights Commission) has referred to potential police abuse in its findings about the investigation of Novel case's late last year, which prompted the Chief of National Police to establish the joint

investigation team¹ on 8 January 2019 to solve the case. Although the Team had access to all of the police's investigative tools, and was comprised of 65 police officers, members of KPK, and other experts, it did not identify any suspects when its mandate lapsed on 7 July 2019. You responded to the team's findings by instructing the Chief of Police to investigate and resolve the case within three months, the end of which is fast approaching.² As with the Team before, we doubt that the National Police will be able to secure accountability in the case, especially because of the investigation's lack of independence and transparency, despite allegations of police complicity in the crime and the concealment.

We note that in the visions and missions document you and KH Ma'aruf Amin presented as Presidential-Vice Presidential candidates late last year, you stated that in your second term you would pursue the establishment of a legal system that is "corruption free, dignified, and trustworthy".³ You also stated as part of this vision, you would like to ensure the respect, protection and fulfilment of human rights.⁴ Unfortunately, the government's continued failure to address the harassment and attacks on anti-corruption officials is contributing to human rights violations and abuses, including by prolonging the trend of impunity and hampering the fight against corruption cases that potentially deprive the state of the resources needed to respect, protect, promote and fulfil a range of human rights.

The protracted pattern of impunity represents a dark stain in your government's effort to ensure full respect for the human rights of everyone. Thus, prior to your inauguration, we call upon you to ensure that your government:

- Set up an independent fact-finding team to ensure a prompt and effective investigation into the acid attack against Novel Baswedan and bring suspected perpetrators to justice according to international fair trial standards. The independence and transparency of the investigation is very important, especially bearing in mind the alleged police complicity in the case; The fact-finding team should have the power to submit its findings directly to the Public Prosecutor or to the police internal disciplinary body;
- Initiate the passage of specific legislation aimed at providing better legal protection for human rights defenders and anti-corruption officials and activists, complemented with effective and transparent police accountability and oversight mechanisms and an effective and efficient criminal justice system that is consistent with rule of law and fair trial principles. In conjunction to that, existing bodies with police oversight functions such as the National Police Commission and the National Human Rights Commission should be evaluated and reformed as they have not been able to effectively deal with public complaints about ongoing police abuses and bring justice and reparation to the victims.

Anti-corruption officials and activists, along with human rights defenders are integral elements to the fulfilment of your promises, which include, and should all be aimed for the respect, promotion, protection, and fulfilment of human rights in Indonesia. We hope in your second term your government can finally take decisive and effective actions to end the current culture of impunity and ensure activists are able to peacefully carry out their work without fear, including with the resolution of Novel Baswedan's case.

¹ Through the issuance of Letter of Assignment Number Sgas/3/I/HUK.6.6/2019.

² The Chief of the Public Relation Division of the Indonesian National Police (INP), Irjen Pol M Iqbal, insisted that the three-month period should not be counted from the day the President issued the order. He held that their mandate would end on 31 October 2019 as stipulated in the warrant establishing the INP Special Task Force for the case of Novel Baswedan, See Kumparan, *Alasan Polri Tak Ungkap Perkembangan Kasus Novel: Nanti Pelaku Kabur* (The reason INP Do Not Reveal the Development of Novel's Case: The Perpetrator Would Run Away", 16 October 2019, available at https://kumparan.com/@kumparannews/alasan-polri-tak-ungkap-perkembangan-kasus-novel-nanti-pelaku-kabur-1s4BivADIZO?utm_medium=post&utm_source=Twitter&utm_campaign=int.

³ The Vision and Mission of Ir. H. Joko Widodo and Prof. Dr. K.H. Ma'aruf Amin, *Meneruskan Jalan Perubahan Untuk Indonesia Maju: Berdaulat, Mandiri, dan Berkepribadian Berlandaskan Gotong Royong (Continuing the Road to Change for Developed Indonesia: Sovereign, Independent, and with Cooperative Characteristics)*, Amnesty International Archive, p. 23

⁴ Footnote No. 4, p. 24-26.

We would be happy to provide further information or to discuss any of these issues in more detail with you. Thanking you in advance of your urgent attention to the issues.

Sincerely yours,

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