

URGENT ACTION

VICTIM OF ACID ATTACK FACES DEFAMATION CHARGE

Novel Baswedan, a human rights defender and prominent investigator for the independent Corruption Eradication Commission, is facing criminal defamation proceedings for an email he wrote as a union representative. These charges come five months after he suffered an acid attack in Jakarta of which there has been no progress.

Novel Baswedan, a prominent investigator for the independent state anti-corruption commission (Corruption Eradication Commission, or KPK) has had charges filed against him for criminal defamation proceedings under Article 27(3) of Law No. 19/2016 on the Electronic and Information Transaction (ITE). The allegations are with regard to an email that Novel Baswedan, in his capacity as KPK's workers' union representative, criticised the leadership of the current KPK's director of investigation unit and questioned the appointment of a KPK police investigator, claiming that it did not comply with the KPK's internal procedures.

Walking home from Morning Prayer on 11 April 2017, Novel Baswedan had a vial of hydrochloric acid thrown into his face by two men on a motorcycle. At the time of the attack he was leading the ongoing investigation into a misappropriation of funds for an electronic ID cards project, in which members of parliament and high-ranking government officials are implicated. Due to severe damage to his corneas, Novel Baswedan is currently undergoing intensive treatment in Singapore, and is expected to remain there for another three to four months.

There have been no developments in the case of the acid attack since President Joko Widodo summoned the Chief of the National Police in late July for a press conference and a sketch of the suspects was made public. The lack of progress by the police in investigating the acid attack is in direct contrast to their swift response to the claims of defamation, demonstrating that the current approach taken by the police in their investigation into this case, and other attacks on other human rights defenders in the country, is insufficient.

Anti-corruption activists and human rights defenders in Indonesia have long been the victims of threats and attacks, with many incidents being left unresolved. Decisive action from authorities is necessary to end the current culture of impunity and ensure activists are able to peacefully carry out their work without fear.

Please write immediately in English, Bahasa Indonesia or your own language urging the authorities to:

- Immediately conduct a prompt, thorough and impartial investigation into the acid attack against Novel Baswedan and bring suspected perpetrators to justice according to international fair trial standards;
- Immediately stop the harassment of anti-corruption activists and human rights defenders in Indonesia and ensure that they are able to peacefully carry out their work without fear;
- Repeal or amend all provisions in the Electronic and Information Transaction Law which impose unjustified restrictions on the right to freedom of expression, and ensure that none of its provisions allow criminal sanctions for defamation.

PLEASE SEND APPEALS BEFORE 5 NOVEMBER 2017 TO:

Head of National Police

General Pol. H.M. Tito Karnavian
National Police Headquarters
Jl. Trunojoyo No.3, Kebayoran Baru
Jakarta Selatan 12110 Indonesia
Twitter: @DivHumasPolri
Fax: +62 (0)21 7200 669/ 721 8741
Email: mabes@polri.go.id
Salutation: Dear General

Chief of the Presidential Staff Office

Mr. Teten Masduki
Gedung Bina Graha
Jl. Veteran No. 16, Jakarta Pusat 10110
Indonesia
Twitter: @KSPgoid
Fax: +62 (0)21 345 0009
Email: webmaster@ksp.go.id
Salutation: Dear Mr.

And copies to:

Chairperson of the Corruption Eradication Commission (KPK RI)
Mr. Agus Rahardjo
Jln. Kuningan Persada Kav-4,
Jakarta Pusat 12950
Indonesia
Fax: +62 (0)21 5290 5592
Email: informasi@kpk.go.id

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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ADDITIONAL INFORMATION

Novel Baswedan has previously investigated major corruption cases that have 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 allegations in an attempt to disrupt his investigations.

The acid attack against Novel Baswedan cannot be viewed in isolation. The lack of accountability in other cases of threats and actual violence contributes to an ongoing climate of fear among anti-corruption activists and human rights defenders.

Tama Satya Langkun, a researcher for Indonesia Corruption Watch in Jakarta, was severely beaten on 8 July 2010 by two unidentified persons. More than five years later, no one has yet been arrested or brought to justice. At the time of the attack, Tama Satya Langkun, had been investigating suspicious bank accounts linked to several high-ranking police officers.

Haris Azhar, the Executive Coordinator of the Commission for the Disappeared and Victims of Violence (KontraS), made a Facebook post on 28 July 2016 outlining the links of security and law enforcement officials to drug-smuggling and corruption in Indonesia. The statement was based on conversations with a convicted drug-trafficker on death row in 2014 and was posted 24 hours before the prisoner was executed on 29 July 2016, along with three others charged with drug-related offences, on Nusakambangan Island in Central Java. Since publishing "*The dark story of a bandit: testimony from a meeting with Freddy Budiman in Nusakambangan Prison (2014)*", Haris Azhar has received anonymous threats and KontraS staff believe they are under increased surveillance by intelligence officials.

On 15 August 2016, I Wayan "Gendo" Suardana, a human rights defender from WALHI (Friends of the Earth Indonesia), was reported by activists from a mass organization with political affiliations, Pospera (Posko Perjuangan Rakyat or Peoples' Struggle Post), to the police. The activists claim that Gendo had made defamatory comments against their organization and the Chairperson of its Board of Trustees, who is also a member of parliament from the ruling party. Gendo referred in a tweet to Pospera as "Pos Pemeran Rakyat" (the Peoples' Extortion Post) and named one of its leaders "Napitufulus" (fulus means money), a play on his surname Napitupulu.

The 2008 Electronic Information and Transaction Law (ITE) contains vague language and has been used to criminally charge dissidents and human right defenders by adopting broad interpretations of defamation and blasphemy. Article 27(3) of the ITE, which states that "Any person who deliberately and without right distributes and/or transmits and/or makes electronic information and/or documents accessible that contains insulting and/or defaming content" of information "aimed to inflict hatred or hostility [against] individuals", criminalises certain forms of expression. This is in contradiction to Article 19 of the International Covenant on Civil and Political Rights (ICCPR), of which Indonesia is a state party, which states that everyone shall have the right to freedom of expression.

Under international human rights standards, the right to freedom of expression extends to "all forms of audio-visual as well as electronic and internet-based modes of expression". Amnesty International opposes laws criminalizing defamation, whether of public figures or private individuals, which should be treated as a matter for civil litigation.

Name: Novel Baswedan
Gender m/f: m

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