

SILENCING VOICES, SUPPRESSING CRITICISM

THE DECLINE IN INDONESIA'S CIVIL LIBERTIES

AMNESTY INTERNATIONAL

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Cover photo: *A figure of woman is blindfolded, her mouth is wrapped in red adhesive tape, and her hand is chained against a double exposure background of a protest in Indonesia and excessive police force.© Sorapop Udomsri via Shutterstock*

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1. EXECUTIVE SUMMARY

Indonesia's civil liberties have come increasingly under threat over the past few years. In carrying out their legitimate activities to promote human rights, human rights activists and human rights organizations face threats and attacks, either directly or in the digital sphere. Between January 2019 and May 2022, Amnesty International recorded at least 328 physical and/or digital attacks directed against civil society, resulting in a total of at least 834 victims. The victims include human rights defenders (HRDs), activists, journalists, environmental defenders, students, and protestors, while the alleged perpetrators of the attacks and intimidation include both state and non-state actors.

This report highlights recent repressive tendencies in Indonesia with reference to some of the cases recorded by Amnesty International between January 2019 and May 2022. The report is based on 52 interviews carried out with HRDs, activists, students, lawyers and journalists, as well as media reports and case files. The report exposes how the space for civil society in Indonesia has shrunk during this period as a result of an ongoing assault on the rights to freedom of expression, peaceful assembly, association, personal security and freedom from arbitrary detention.

LEGISLATIVE CONTEXT

Indonesia's legal framework recognizes the rights to freedom of expression, peaceful assembly and association. Indonesia has ratified numerous international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), and established a domestic legal framework that enhances the promotion and protection of these rights, including articles on the protection of civil rights within the 1945 State Constitution and Law No. 39/1999 on Human Rights. However, a number of statutory provisions within other legislation have been misused to suppress the exercise of freedom of expression, most notably Law No. 11/2008, as amended by Law No. 19/2016, on Electronic Information and Transaction (EIT Law) as well as provisions within the Indonesian Criminal Code (KUHP).

REPRESSIVE MEASURES

Several provisions contained in the EIT Law, especially the articles that criminalize "defamation" and the "dissemination of information that incites hatred" via electronic media have been excessively and arbitrarily used as basis for making police reports and arresting members of civil society for simply exercising their rights to freedom of expression and peaceful assembly. Between January 2019 and May 2022, Amnesty International recorded at least 332 individuals who were charged with alleged violations of the Article 27(1) and (3) and Article 28(2) of the EIT Law.

Several provisions under the KUHP, including Article 310, that criminalize defamation in other contexts (non-electronic) have also been used to silence political activities, particularly those that are critical of the newly revised Law No. 2/2021 on Papuan Special Autonomy (Special Autonomy Law). Ever since the pandemic took hold in Indonesia in March 2019, vaguely drafted articles under the EIT Law and the KUHP have been used to arrest dozens of people for allegedly spreading "misinformation" regarding Covid-19. Alongside these laws, Law No. 6/2018 on Health Quarantine has also been used to arbitrarily detain and arrest protesters, particularly labour and student activists voicing their criticism of Covid-19 related policies.

SHRINKING CIVIC SPACE

The rights of students to freedom of expression and freedom of peaceful assembly and association are also under threat. For example, members of a student organization were subjected to death threats and digital attacks following the announcement of an academic discussion on presidential impeachment within the framework of constitutional law.

The Special Autonomy Law was revised by the Indonesian House of Representatives (DPR RI), introducing changes that strengthen central government's authority, potentially reducing the autonomy of Papuan institutions as well as removing the right of Papuans to form local political parties. The regulation has triggered a number of protests in Papua and other regions, which Indonesian security and law enforcement agencies have responded to with excessive use of force. Protestors have been beaten, racially abused, detained and arrested. Public discussion on the Special Autonomy Law has also been met with repression. When the Papuan People's Council (MPR), an official state institution established through the Special Autonomy Law, planned to hold a public meeting on the implementation of the Special Autonomy Law, two of the MPR's members and their staff were arrested for treason.

Over the past three years, the government has imposed a number of internet shutdowns and throttled bandwidth restricting internet access in regions across Papua and West Papua provinces. One of the shutdowns occurred between August-September 2019, following mass demonstrations against racism. The authorities argued that the shutdown was necessary to prevent the spread of fake news. The internet shutdown significantly restricted the human rights of the people of Papua and West Papua, undermining their rights to freedom of expression, information, peaceful assembly, as well as social and economic rights.

CONCLUSION AND RECOMMENDATIONS

The rights to freedom of expression and peaceful assembly are fundamental rights that underpin other human rights. The failure to guarantee these rights will significantly affect human rights as a whole. The Indonesian government is failing in its obligation to respect, protect, promote, and fulfil the right to defend human rights, including by failing to implement effective protection mechanisms for civil society activists and organizations at risk, and failing to punish the perpetrators of suspected violations.

Amnesty International calls on the government of the Republic of Indonesia to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, and civil society organizations are protected, so that they can freely and effectively carry out their duties to defend and promote human rights without fear of reprisal. The organization also calls on the government to promptly, thoroughly, impartially, independently, transparently, and effectively investigate all reports of attacks, threats, intimidation and harassment against HRDs, activists, journalists and other members of civil society and bring to justice those suspected of being responsible by means of a fair trial. The government must provide access to justice and effective remedy for victims.

SHRINKING CIVIC SPACE IN NUMBERS

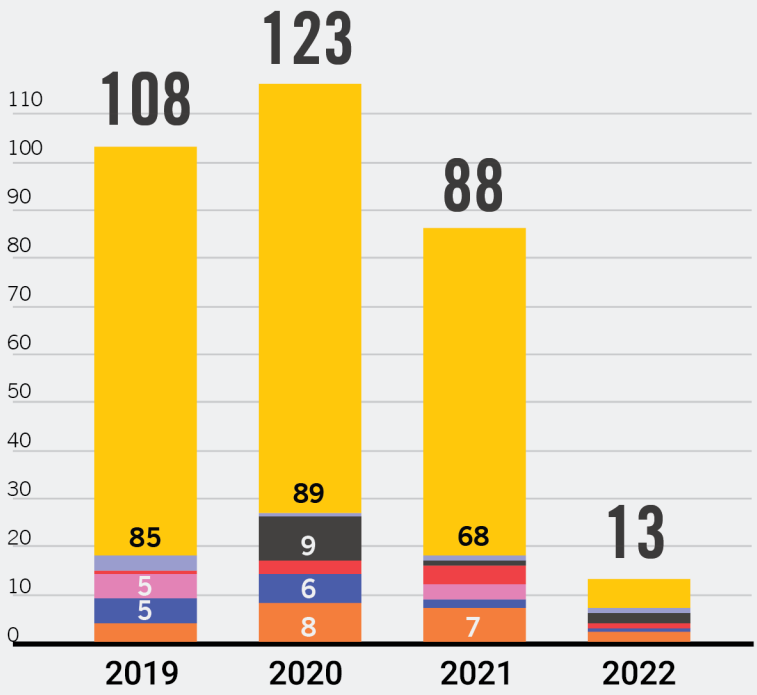
THROUGHOUT 2019-2022,

332 PEOPLE WERE CRIMINALIZED

USING EIT LAW IN 316 CASES



VICTIM **BY OCCUPATION** PER YEAR

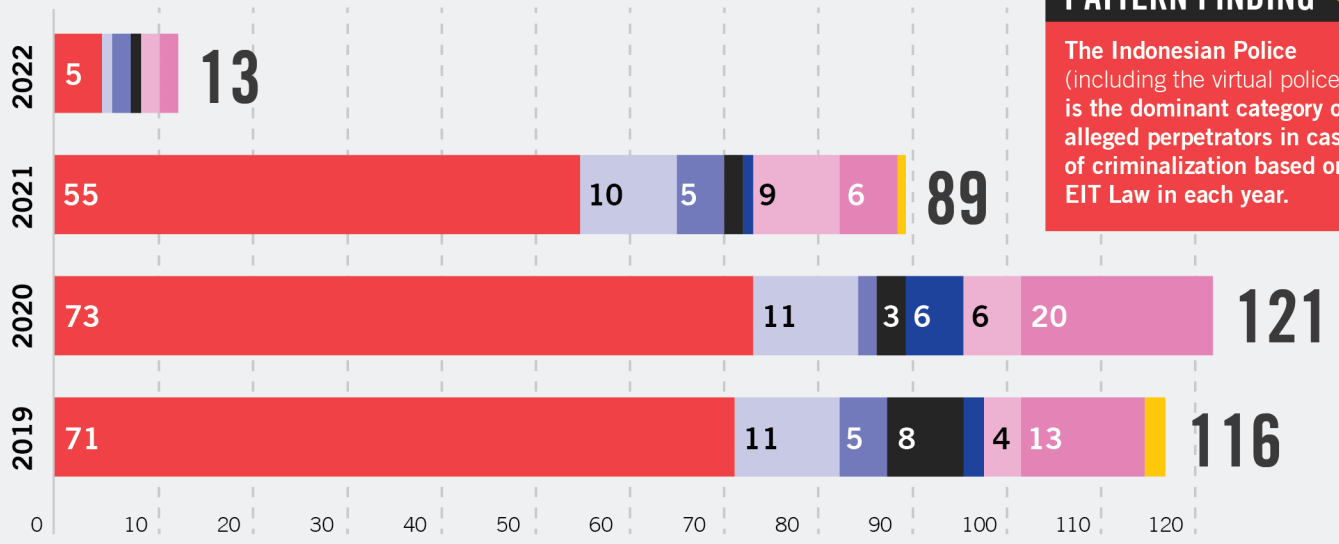


PATTERN FINDING

The **highest number of victim in every year is from the general public,** not activist, indicating that **#SEMUABISAKENA** (everyone can be victim) is real.

- General public
- Journalists
- Civil servants
- Religious leader
- Public figure
- Activists
- Academics

ALLEGED PERPETRATORS OF THE ATTACKS PER YEAR



PATTERN FINDING

The Indonesian Police (including the virtual police) **is the dominant category of alleged perpetrators in cases of criminalization based on EIT Law in each year.**

- Indonesian National Police
- Indonesian National Armed Forces
- Business actors
- Head of local governments and/or relatives
- State apparatus and/or relatives
- Politicians
- General public
- Religious leader and mass organizations

Data recorded from January 2019 to May 2022

FROM 2019-2022, AMNESTY INTERNATIONAL RECORDED

AT LEAST 328 PHYSICAL AND/OR DIGITAL ATTACKS DIRECTED AGAINST CIVIL SOCIETY, RESULTING IN A TOTAL OF AT LEAST 834 VICTIMS*.

INTIMIDATION AND/OR PHYSICAL ATTACKS



112 CASES | 259 VICTIMS

POLICE ARRESTS



43 CASES | 239 VICTIMS

ATTEMPTED UNLAWFUL KILLING AND/OR DEATH THREATS



13 CASES | 17 VICTIMS

CRIMINALIZATIONS



65 CASES | 166 VICTIMS

DIGITAL ATTACKS



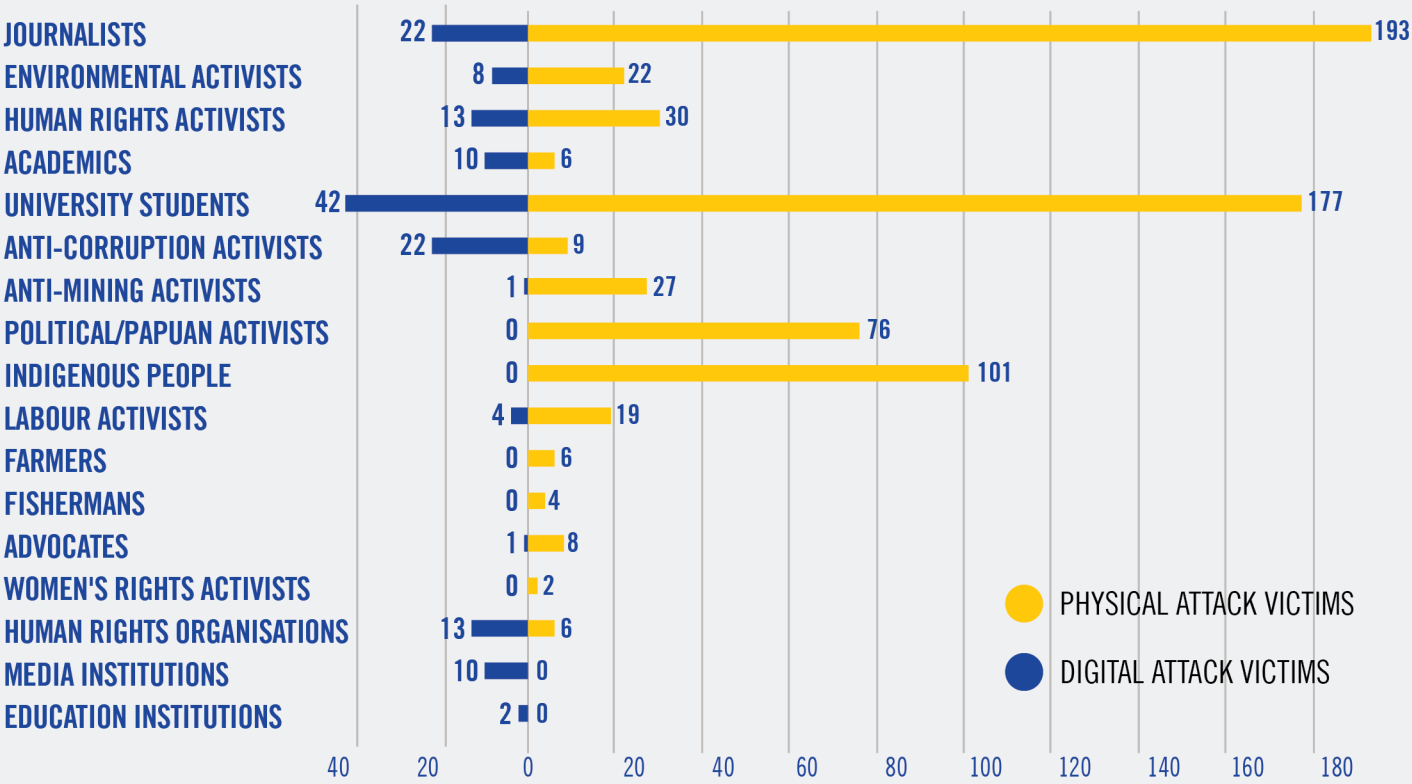
90 CASES | 148 VICTIMS

ATTACKS ON HUMAN RIGHTS ORGANIZATIONS



5 CASES | 5 VICTIMS

VICTIMS BY **OCCUPATION**



VICTIMS BY **GENDER**



41 Institution/ organisations

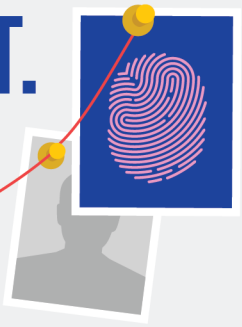
HRDS ARE ALSO ATTACKED IN DIGITAL SPHERE. ATTACKS ARE TARGETED THROUGH FOLLOWING APPLICATIONS AND/OR SOCIAL MEDIA

65 accounts	22 accounts	20 accounts	11 accounts	5 accounts	8 official sites	16** accounts

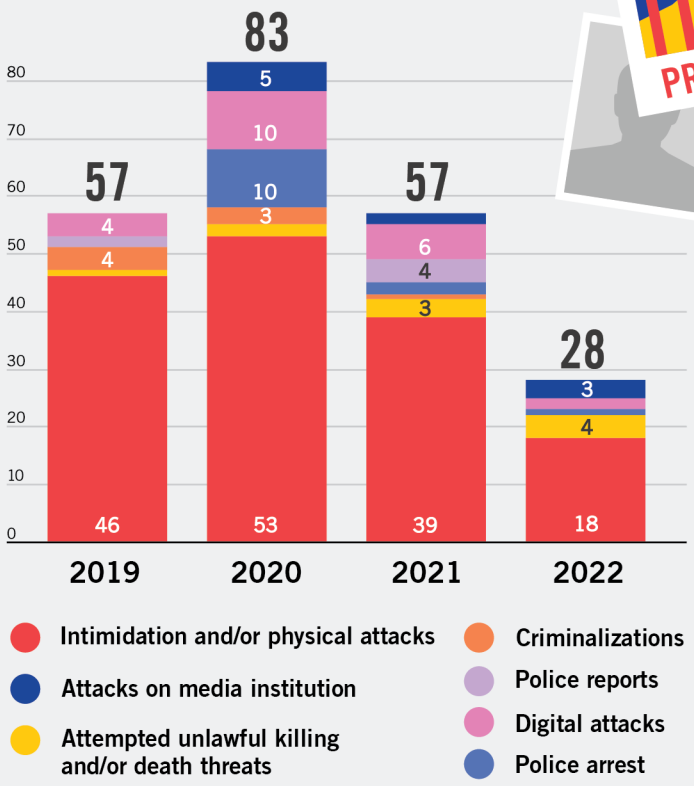
*) Data recorded from January 2019 to May 2022. The number includes attacks on organisations/institutions.
**) Other applications and/or social media (e.g. E-mail, Zoom, Gojek app, cellular number, YouTube)

PRESS FREEDOM UNDER THREAT.

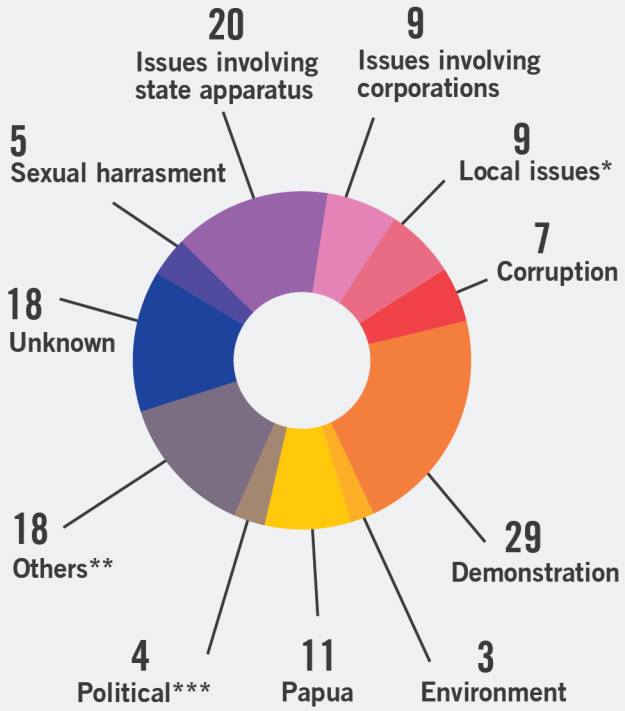
AMNESTY INTERNATIONAL RECORDED AT LEAST 133 CASES TARGETING AT LEAST 225 JOURNALISTS AND MEDIA INSTITUTIONS BECAUSE OF THEIR WORK.



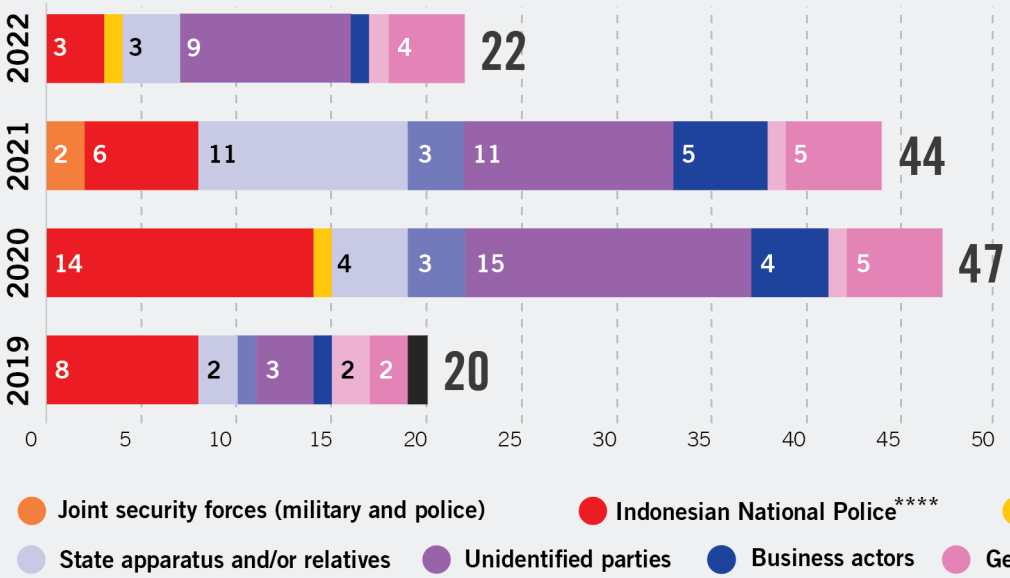
NUMBER OF VICTIMS BASED ON THE TYPE OF ATTACK PER YEAR



THE ISSUES/COVERAGE THAT ALLEGEDLY PROMPTED THE ATTACKS



ALLEGED PERPETRATORS OF THE ATTACKS PER YEAR





PATTERN FINDING

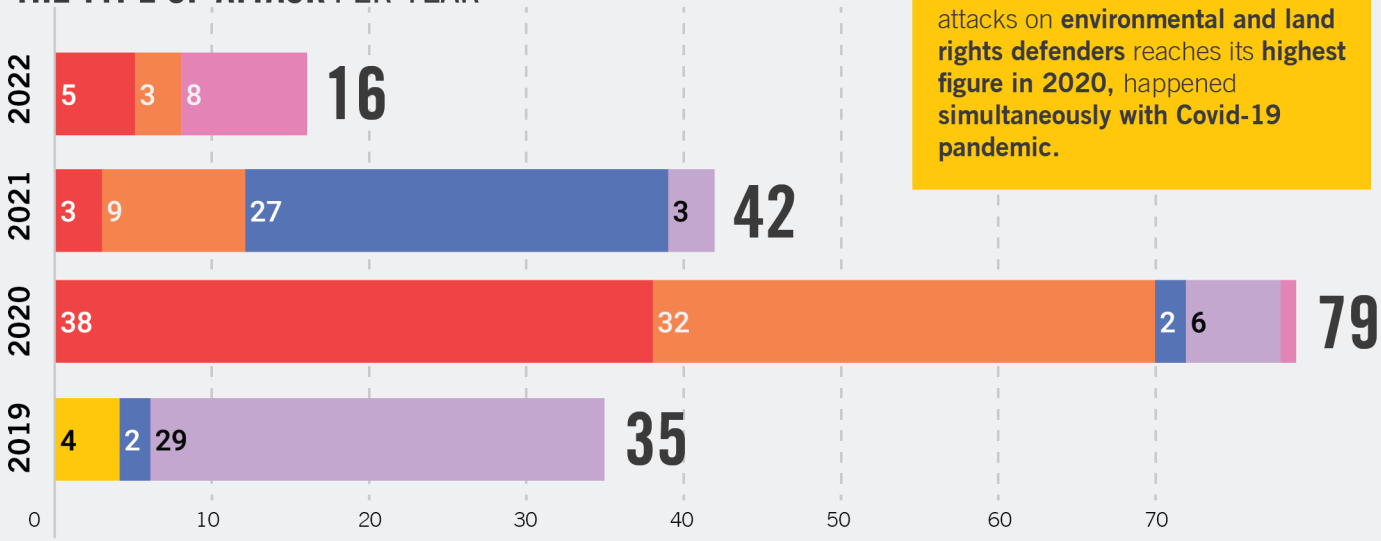
Cases which involved **police as alleged perpetrators increased in 2020 during the COVID-19 pandemic.** It can also be seen that the **number of police is higher than other** identified alleged perpetrators.

Data recorded from January 2019 to May 2022 *)local issues related to events within a territory of a city or regency (e.g., cases related to land ownership)
**) others include, but not limited to, cases of gambling, illegal charges (pungli), cases related to mass organizations, and drugs
) All attacks related to political issues occurred in a digital sphere *) Majority for digital attacks

ATTACKS ON ENVIRONMENTAL AND LAND RIGHTS DEFENDERS.

AMNESTY INTERNATIONAL RECORDED AT LEAST **37 CASES OF ATTACKS** ON ENVIRONMENTAL AND LAND RIGHTS DEFENDERS RESULTING IN **172 VICTIMS.**

NUMBER OF VICTIMS BASED ON **THE TYPE OF ATTACK** PER YEAR



PATTERN FINDING

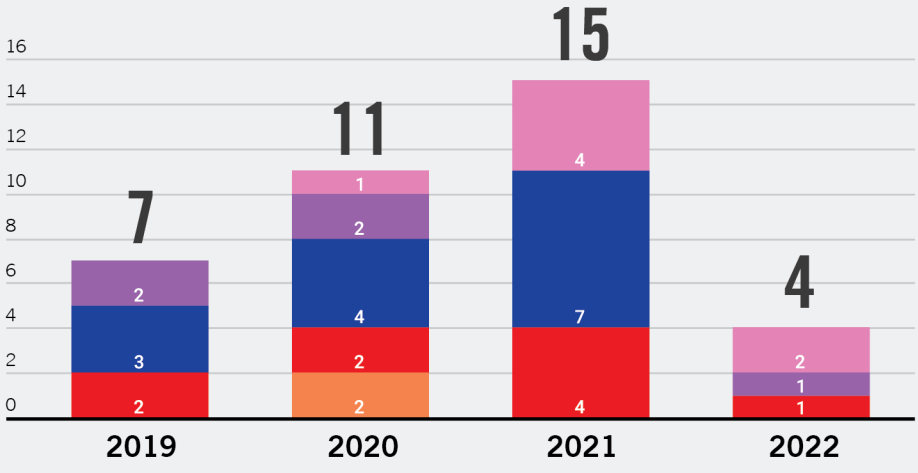
The **total number of victims** in the attacks on **environmental and land rights defenders** reaches its **highest figure in 2020,** happened **simultaneously with Covid-19 pandemic.**

- **Intimidation and/or physical attacks**
- **Attempted unlawful killing and/or death threats**
- **Criminalizations**
- **Digital attacks**
- **Police reports**
- **Police arrest**

VICTIMS BY **OCCUPATION**

- **55** Environmental activist
- **101** **Indigenous People**
- **7** Farmers
- **4** Fishermans
- **5** organisations/ communities

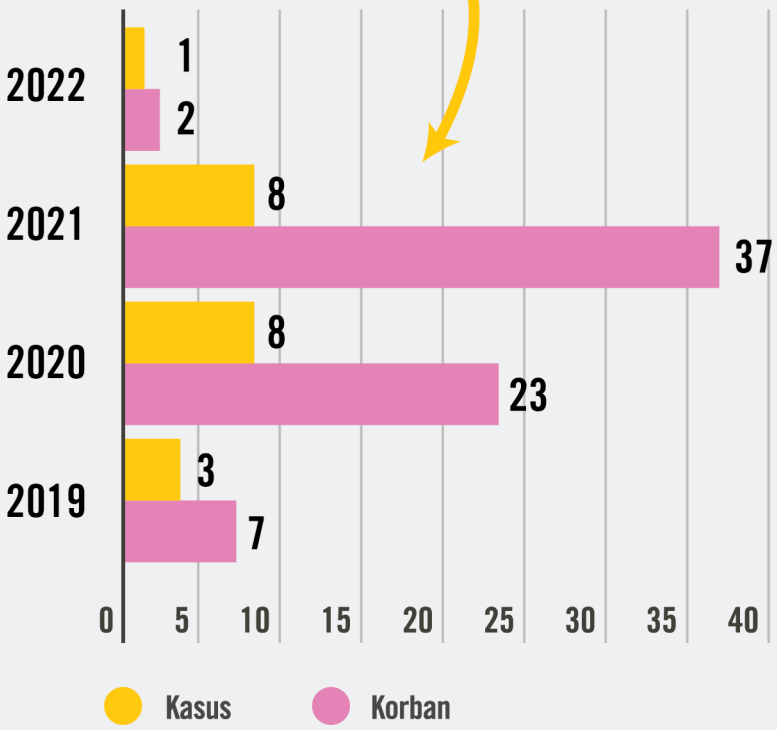
ALLEGED PERPETRATORS OF THE ATTACKS PER YEAR



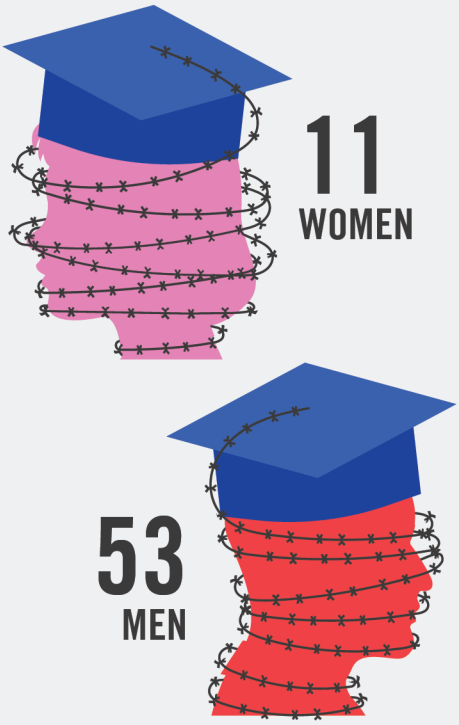
- **Joint security forces (military and police)**
- **Indonesian National Police**
- **Unidentified parties**
- **Business actors**
- **General public**

Data recorded from January 2019 to May 2022

THROUGHOUT 2019-2022, 64 PEOPLE AND 5 INSTITUTIONS BECAME VICTIMS OF THE CURBS ON ACADEMIC FREEDOM, IN 20 CASES.



VICTIMS BY **GENDER**



NUMBER OF CASES BASED ON **THE TYPE OF ATTACK**

USE OF FORCE/VIOLENCE



1 CASES

ARREST/DETENTION



2 CASES

ACADEMIC SANCTION FROM UNIVERSITY



4 CASES

CRIMINALIZATION



5 CASES

INTIMIDATION /THREAT



5 CASES

DIGITAL ATTACK



8 CASES

*) Data recorded from January 2019 to May 2022, includes cases of attacks on the freedom of expression and assembly within an academic setting. There may be more than one type of attack in one case.



AMNESTY INTERNATIONAL RECORDED AT LEAST 94 PAPUAN &MOLLUCAN ACTIVISTS FACING PROSECUTION TO BE PRISONERS OF CONSCIENCE (POC) IMPRISONED SOLELY FOR PEACEFULLY EXPRESSING THEIR OPINIONS.

Amnesty International defines a POC as a person who has been deprived of their liberty solely because of their conscientiously held beliefs, or for discriminatory reasons relating to their ethnicity, sexuality, gender, or other identity, who has not used violence or advocated violence or hatred.

NUMBER OF POC BASED ON THE COURTS LOCATION



Data recorded from January 2019 to May 2022

2. METHODOLOGY

This report focuses on the shrinking space for civil society in Indonesia. The primary purpose of the report is to highlight attacks, intimidation and harassment against HRDs, activists, and civil society, relating in particular to the exercise of the rights to freedom of expression, association, and peaceful assembly. We include cases where the state acts as the alleged main perpetrator, as well as cases where the state fails to fulfil its duty under international human rights law to protect people from attacks by third parties. We review relevant laws and government policies and consider reports from other civil society organizations (CSOs), non-governmental organizations (NGOs), and other relevant documents.

Amnesty International conducted interviews with 52 interlocutors (18 women and 34 men), consisting of 22 HRDs, nine students, eight lawyers, seven journalists, two academics, and four government officials, between April 2021 to August 2022. Amnesty International took into account the geographical distribution of our interviewees to ensure a broadly representative sample. Out of the 52 interviewees, 36 are based in Western Indonesia, one in Central Indonesia, 14 in Eastern Indonesia, and one is in exile in Australia. To protect the confidentiality and safety of our interviewees, some names and other identifying information have been withheld. To that end, Amnesty International has used pseudonyms for some of the interviewees in this report. Due to Covid-19 restrictions, most of the interviews were conducted via secure online communications.

To provide objective information, Amnesty International wrote to Indonesia's Coordinating Minister for Political, Legal, and Security Affairs (Annex 1), the Chief of the Indonesian National Police (Annex 2), and the Commander of the Indonesian National Armed Forces (Annex 3). We invited relevant stakeholders to comment on any allegations made, to ensure that any public reporting we undertook accurately reflects their views. At the time of writing this report, Amnesty International had not received a response from any of those contacted.

3. BACKGROUND

> ***"What else do we want? [The Indonesian] democracy is already very, very liberal... We hear people make derogatory remarks against the president. People insult the president on a daily basis. We hear everyday people chant 'stupid president'."***
>
> - President Joko Widodo

Although President Joko Widodo's administration claims that human rights protection is one of the government's priorities, there is a sharp deficit in human rights enforcement and law reform. The implementation of repressive legislation has exacerbated the decline in civil liberties and there is a growing climate of fear of expressing opinions on digital platforms. When members of civil society voice criticisms and take their grievances to the streets, they often face heavy-handed responses by the security forces. Activists, media workers and educators, as well as the civic space in which they work, are being targeted and attacked instead of supported and protected by the authorities.

Amnesty International is deeply concerned about the decline of civil liberties. Between January 2019 and May 2022, Amnesty International recorded at least 328 physical and/or digital attacks and acts of intimidation directed against civil society, resulting in a total of at least 834 victims.

Freedom House, a non-profit organization that measures the degree of civil liberties in the world, reported that, among other variables, the civil liberties score in Indonesia has declined from 32 (2019) to 29 (2021). Freedom House ranks countries on a number of variables. Indonesia's civil liberties score in 2021 is the lowest scoring variable for Indonesia.[1] The report found that enjoyment of the freedom of religion and trust in the legal system continues to be hampered by many problems and requires comprehensive solutions.[2]

Furthermore, a survey conducted by the Survey Institute of Indonesia (Lembaga Survey Indonesia, LSI), in 2019 shows that indicators of civil liberties in Indonesia experienced a downturn in comparison to the previous survey conducted in 2014. Forty-three per cent of respondents said that they are reluctant to express dissenting opinion on political matters, compared to 17% in 2014. Additionally, 38% of respondents stated that they were in fear of extrajudicial arrest by the security forces, compared to 24% in 2014.[3]

According to a survey conducted by Indikator Politik in February 2022, 63% of Indonesian citizens say that they are afraid of expressing their opinion.[4] The data on civil liberties sits in stark contrast with the statement made by President Joko Widodo in August 2022, in which he claimed that "democracy in Indonesia is very liberal" as everyone is free to have opinions, including to speak ill of the president.[5]

This report focuses on violations perpetrated against individuals and organizations on the frontline of human rights work between January 2019 and May 2022. These groups include human rights organizations and their members; journalists investigating and exposing human rights violations and their perpetrators; students peacefully expressing their opinions on human rights issues; indigenous peoples fighting for their rights; and lawyers advocating for human rights and representing the rights of others in court.

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[1] For scoring methodology, see Freedom House, "***Indonesia: Freedom in the world,***" https://freedomhouse.org/country/indonesia/freedom-world/2022 (accessed on 13 April 2022).
[2] ***Ibid.***
[3] Lembaga Survei Indonesia, "***Tantangan Intoleransi dan Kebebasan Sipil Serta Modal Kerja pada Periode Kedua Pemerintahan Joko Widodo***", ***http://www.lsi.or.id/riset/447/rilis-survei-lsi-03-november-2019*** (accessed on 13 April 2021).
[4] Moh. Khory Alfarizi, ***"Survei Indikator Politik Indonesia: 62,9 Persen Rakyat Semakin Takut Berpendapat",*** Tempo, 9 April 2022, https://nasional.tempo.co/read/1580168/survei-indikator-politik-indonesia-629-persen-rakyat-semakin-takut-berpendapat (accessed on 29 August 2022).
[5] Kompas, "***Jokowi: Kebebasan Apa yang Masih Kurang? Demokrasi Kita Sudah Liberal Sekali***", 23 August 2022, https://nasional.kompas.com/read/2022/08/23/11520961/jokowi-kebebasan-apa-yang-masih-kurang-demokrasi-kita-sudah-liberal-sekali (accessed on 29 August 2022).

4. HUMAN RIGHTS LAW

4.1 FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND ASSOCIATION, AND THE SPACE FOR CIVIL SOCIETY

The rights to freedom of expression, peaceful assembly and association are guaranteed by the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia has been a state party since 2006. However, note Indonesia is not a state party to both the First Optional Protocol of the ICCPR, which sets out a complaints system for individuals who allege that their human rights have been violated and the Second Optional Protocol of the ICCPR aiming at the abolition of the death penalty.

ARTICLE 19 OF THE ICCPR SETS OUT THE RIGHT TO FREEDOM OF EXPRESSION:
Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

ARTICLE 21 OF THE ICCPR SETS OUT THE RIGHT TO FREEDOM OF ASSEMBLY:
The right of peaceful assembly shall be recognized.

ARTICLE 22 OF THE ICCPR SETS OUT THE RIGHT TO FREEDOM OF ASSOCIATION:
Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

The ICCPR holds that none of these rights are absolute, and that all three rights may be subject to restriction. However, restrictions may only be justified when provided by law, and are necessary and proportionate to a legitimate and specific pressing need, which is in turn limited to the respect of the rights of others or for the protection of national security, public safety, public order or of public health or morals.[6]

The Human Rights Committee, a body tasked with monitoring state compliance with the ICCPR, states under General Comment No. 34 on the right to freedom of expression that, "If a state imposes any such restrictions, it must demonstrate the precise nature of the threat, and the necessity and the proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat. Moreover, any such restrictions must also not put in jeopardy the right itself."[7] This means that it is not permissible under international human rights law to impose restrictions preventing the expression of opinions or the provision of information simply because they are deemed critical of government policies or portray the government in a negative light.

[6] Further guidance on these restrictions can be found in UN Human Rights Committee General Comments 34 and 37.
[7] UN Human Rights Committee, General Comment No. 34, paras 21-36.

INDONESIAN REGULATORY CONTEXT

As well as being legally bound to the ICCPR, the right to freedom of expression and opinion is safeguarded under Indonesian national law by the 1945 Constitution, Articles 28, 28E (3) and 28F, and Law No. 39/1999 on Human Rights and Law No. 9/1998 on the Freedom of Expression in Public.

4.2 RIGHT TO DEFEND HUMAN RIGHTS AND PROTECTION OF HUMAN RIGHTS DEFENDERS

The UN Declaration on Human Rights Defenders (HRDs Declaration) recognizes this right and reflects provisions contained in other international human rights instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the ICCPR. While the HRDs Declaration does not create new rights and obligations, it articulates those that already exist, and applies them to the particular role of HRDs. It recognizes the crucial role played by HRDs in the defence and promotion of human rights, which often exposes them to additional and specific risks, thus requiring explicit measures for their protection.

The HRDs Declaration also provides that states bear the ultimate responsibility to protect HRDs, to prevent and effectively address allegations of human rights violations and abuses committed against them in relation to their human rights work, and to ensure that they are able to carry out their work in a safe and enabling environment.

RESPONSIBILITY FOR THE PROTECTION OF HRDS: (*ARTICLE 2, HRDS DECLARATION*)

Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Furthermore, by adopting resolution 68/181 on Women Human Rights Defenders (WHRDs) in 2014, the UN General Assembly acknowledges that, "… Women of all ages who engage in the promotion and protection of all human rights and fundamental freedoms and all people who engage in the defence of the rights of women and gender equality, individually and in association with others, play an important role, at the local, national, regional and international levels, in the promotion and protection of human rights, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms."[8]

INDONESIAN REGULATORY CONTEXT

Indonesia's National Commission for Human Rights (Komnas HAM) Regulation No. 5/2015 stipulates procedures for the protection of HRDs. However, this regulation is insufficient to ensure the protection of HRDs from attacks and intimidation. Additionally, Article 66 of Law No. 32/2009 on Environmental Management and Protection stipulates that "anyone who fights for the right to a good and healthy environment cannot be prosecuted with a criminal charge or civil suit."

4.3 PERSONAL SECURITY AND FREEDOM FROM ARBITRARY DETENTION

ARTICLE 9 OF THE ICCPR protects the right to liberty and security of the person, including freedom from arbitrary detention.

[8] United Nations General Assembly, Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders, UN Doc. A/RES/68/181.

Detention in the context of Article 9 of the ICCPR refers to all forms of deprivation of liberty, including police custody, house arrest, involuntary detention in a psychiatric facility or confinement to closed premises where the person is not allowed to leave[9] and applies to all situations, including pre-trial or post-trial.[10] The arbitrary deprivation of liberty is a preemptory norm under international law and is prohibited in all circumstances, including during armed conflict and other emergencies.[11]

Article 9 also guarantees the right to security of a person and is applicable to persons in and out of detention. The right to personal security invokes the state obligation to respect and protect a person against attacks from either government officials or private persons.[12] Moreover, the Human Rights Committee has affirmed that states have a duty to protect individuals in situations where their lives have been placed at particular risk because of specific threats or pre-existing patterns of violence, including HRDs.[13] In particular, the Human Rights Committee has stated that failing to protect HRDs from reprisals, including death threats, for promoting and striving to protect and realize human rights, would also constitute a violation of the right to life.[14]

INDONESIAN REGULATORY CONTEXT

Under the national framework, the right to freedom from arbitrary detention is safeguarded by Article 34 of Law No. 39/1999 on Human Rights, which provides that, "all persons shall not be arrested, detained, forced, excluded, exiled, or disposed of in an arbitrary manner." Article 11(1) of the Regulation of the Chief of Indonesian National Police No. 8/2009 on the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police also prohibits police officers from conducting arbitrary and unlawful arrests and detention.

4.4 FREEDOM FROM TORTURE AND OTHER ILL-TREATMENT

The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), ratified by Indonesia in 1998, and the ICCPR explicitly require states to prevent acts of torture and other ill-treatment by state agents; to ensure that there is a prompt and impartial investigation into such acts; and specifically, to ensure that acts of torture or complicity or participation in torture are punishable by criminal penalties that take into account their grave nature. Torture and other ill-treatment are also absolutely prohibited under customary international law.

ARTICLE 7 ICCPR:
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

INDONESIAN REGULATORY CONTEXT

Article 28G (2) of the Indonesian Constitution stipulates that, "each person has the right to be free from torture or inhuman and degrading treatment". Article 33(1) of Law No. 39/1999 on Human Rights also provides that everyone shall be free from torture and other cruel, inhuman and degrading treatment or punishment.

[9] WGAD Deliberation No. 1 on house arrest (Report of the Working Group on Arbitrary Detention, UN Doc. E/CN.4/1993/24, 12 January 1993).
[10] WGAD Deliberation No. 7, para. 57.
[11] UN Human Rights Committee, General Comment No. 29, para. 11.
[12] UN Human Rights Committee, General Comment No. 35; Human Rights Committee, Tshishimbi v. Zaire (Com. No. 542/1993), 25 March 1996, UN Doc. CCPR/C/53/D/542/1993; Human Rights Committee, Chongwe v. Zambia (Com. No. 821/1998), 25 October 2000, UN Doc. CCPR/C/70/D/821/1998.
[13] UN Human Rights Committee, General Comment No. 36, para. 23.
[14] ***Ibid***, para. 53.

4.5 CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

Amnesty International notes the duty of law enforcement officers to protect the safety of the public, and the state's obligation to ensure full respect for the right to life, liberty and security of all persons, including those suspected of crimes. The use of force is subject to strict human rights safeguards as set out in international standards such as the UN Code of Conduct for Law Enforcement Officials (1979)[15] and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).[16] These two international instruments apply to any law enforcement personnel, including military personnel, who exercise police powers, especially the power of arrest and detention.[17] They are key references and guides for the human rights compliant use of force and firearms by law enforcement officials,[18] including off-duty police officers in many instances.

Under the Basic Principles and the Code of Conduct, security forces may use force only when strictly necessary and to the extent required to discharge their duties. The Basic Principles, which reflect the international law obligation to respect and protect the right to life, expressly stipulate that law enforcement personnel must not use lethal force unless it is strictly necessary to defend themselves or others against the imminent threat of death or serious injury or to prevent grave threat to life. Intentional lethal force must not be used except when strictly unavoidable to protect life. Firearms must never be used to disperse an assembly and indiscriminate firing into a crowd is always unlawful. The primary aim of any use of firearms must be to save lives.[19]

Law enforcement officials face a variety of situations requiring different responses based on the circumstances including threat assessment, specific skills, and available equipment among others. There is an inherent necessity for personal discretion in deciding on an appropriate response.[20] However, such discretion must be exercised within a clear legal framework, particularly when it comes to the use of force.[21] Force must only be used with the utmost respect for the law and with due consideration for the serious impact it can have on a range of human rights. The use of force must generally be governed by a set of four principles:[22] legality,[23] necessity,[24] proportionality,[25] and accountability.[26]

INDONESIAN REGULATORY CONTEXT

The principles of legality, necessity, proportionality and accountability are substantially adopted by the Indonesian National Police, including under Chief of National Police Regulation No. 8/2009 on the Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police, and Chief of National Police Regulation No. 16/2006 on Guidelines for Crowd Control.

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[15] This instrument was prepared by experts from the area of law enforcement, including police officials, and finally adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba (27 August to 7 September 1990). The UN General Assembly welcomed the Basic Principles in its resolution 45/121 of 14 December 1990.

[16] Adopted by UN General Assembly resolution 34/169 (1979), available at http://ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx

[17] See the commentary to article 1 of the UN Code of Conduct for Law Enforcements Officials.

[18] Report of the UN Special Rapporteur on extrajudicial executions, UN Doc. A/HRC/26/36 (2014), para. 44, available at http://ap.ohchr.org/documents/mainec.aspx

[19] Amnesty International has developed guidelines on principles of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These guidelines – Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials – provide a comprehensive overview of the considerations national authorities should take into account when developing a framework on the use of force and firearms. The guidelines are available at www.amnesty.org.uk/files/use_of_force.pdf

[20] The personal discretion of individual officers when carrying out law enforcement duties does not exempt the command leadership from ensuring and exercising proper command and control.

[21] Amnesty International, Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, see footnote No.19.

[22] Report of the UN Special Rapporteur on extrajudicial executions, see footnote No. 18, para. 44.

[23] Basic Principle 1 of the UN Basic Principles. An important aspect of this principle is a state's duty not to discriminate on the ground of race, ethnicity, religion, gender identity or political affiliation.

[24] Basic Principle 4 of the UN Basic Principles.

[25] Force is prohibited where the harm inflicted outweighs the benefits of the use of force, that is, the achievement of a legitimate objective. Law enforcement officials may only put life at risk for the purpose of saving or protecting another life. See Report of the Special Rapporteur on extrajudicial arbitrary executions, UN Doc. A/61/311, 5 September 2006, paras. 42 and 44.

[26] Amnesty International, Use of Force; Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, see footnote No. 19, pp. 19-20.

5. CIVIL LIBERTIES AMIDST REPRESSION AND SUPPRESSION

Civil liberties are guaranteed by international human rights law, the national constitution and other national laws. However, in reality, these rights have not been fully respected, protected, promoted or fulfilled by the state authorities.

Amnesty International has identified a number of cases of repression of civil liberties by the state, in which the government has made use of a number of repressive laws with the aim of limiting the rights to freedom of expression, association and peaceful assembly, and targeting civil society actors that the authorities regard as a threat.

5.1 REPRESSIVE CYBER SECURITY MEASURES

One of the laws used by the Indonesian government to limit the rights to freedom of expression, association and peaceful assembly and to target civil society actors is Law No. 11/2008 on Electronic Information and Transaction (EIT Law), as amended by Law No. 19/2016. Between January 2019 and May 2022, Amnesty International recorded at least 332 individuals who were charged with alleged violations of the EIT Law.

THE DRACONIAN EIT LAW

The original purpose of the EIT law was to secure the flow of digital information and financial transactions. However, the overly broad provisions of the law have been misused and deployed as a means to silence criticism of the government and dissenting political opinion by arresting and threatening to arrest those who express unwelcome opinions on social media. [27]

The EIT Law has been used prominently in recent years to prosecute and intimidate HRDs, activists, journalists, academics, and other members of civil society that have challenged attempts to curb freedom of expression. For example, the law has been used by law enforcement officials to arbitrarily arrest those who speak up and/or make allegations about violations perpetrated by the authorities.[28] It is also used by individuals to file police reports against someone posting critical comments on social media.

A number of ambiguous provisions under the EIT Law have been used as a basis for filing police reports and making arrests on a wide range of issues. These problematic provisions include criminalizing "sexual immorality" *(kesusilaan)*, defamation, and hate speech under Articles 27 and 28.

[27] CNN Indonesia, "***Kapolri Akui UU ITE Berpotensi Dipakai untuk Kriminalisasi",*** "https://www.cnnindonesia.com/nasional/20210215193334-12-606574/kapolri-akui-uu-ite-berpotensi-dipakai-untuk-kriminalisasi (accessed on 13 April 2021).
[28] Amnesty International monitoring data on attacks on HRDs.

IMMORALITY

Sexual immorality is punishable under Article 27(1), which prohibits "intentionally and without the right to distribute, transmit or make accessible electronic information or documents that contain material in violation of morality". Yet, there is no definition of morality in the law, leaving this article open to misinterpretation and misuse. Additionally, the explanation to the article states that "transmitting" involves "the sending of electronic information or documents to another party", meaning that even private consensual sharing of "immoral" pictures with another person could potentially be considered a crime.

DEFAMATION

Article 27(3) makes it an offense to "intentionally and without the right to distribute, transmit, or make accessible electronic information or documents that contain denigrating or defamatory material". One of the key issues with this offence is that it does not specify that the act of defamation must occur "in public". This means that even private conversations can be considered violations, as only one person needs to receive a message for the element to "distribute, transmit or make accessible" to be fulfilled.

HATE SPEECH

Hate speech is punishable under Article 28(2) of the EIT Law, which contains overly broad provisions prohibiting "intentionally and without the right to distribute information intended to result in hatred of or enmity towards individuals or groups in society based on their ethnicity, religion, race or group". As is the case with Article 27(3), there is nothing in the law which states that this information must be spread publicly; thus, private conversations can also potentially be considered *offences*.

Reflecting the widespread misuse of the EIT Law, the Association of the Victims of the EIT Law (*Paguyuban Korban UU ITE*, PAKU ITE) was established in 2018.

The problems arising from the implementation of the EIT Law have been exacerbated by the establishment of the "Virtual Police" (Polisi Virtual). In February 2021, a dedicated division within the Indonesian National Police tasked with reducing the number of prosecutions under the EIT Law by supervising content on social media platforms.[29] The stated aim is to monitor social media posts and prevent the number of prosecutions by "educating and informing" the individual or organization responsible for the offending post—such as false or misleading information, and advising them to remove it forthwith. [30] According to National Police spokesperson Argo Yuwono, the EIT Law is only used as a last resort.[31] Nevertheless, the Virtual Police are viewed as a form of cyber surveillance, making people afraid of voicing their opinions, leading in turn to self-censorship.[32]

Shortly after the formation of the Virtual Police, a number of individuals alleged to have made false and/or misleading statements were arrested. In March 2021, a resident of Slawi, Central Java, was arrested after posting comments on Instagram about the Mayor of Solo, Gibran Rakabuming Raka's request to hold the finals of the Minister of Youth and Sport Football Cup in Solo (Gibran, as he is known, is the son of President Joko Widodo). The comment reads, "*What does he know about football, all he knows is how to be granted a position*." The police claimed that the arrest was based on the charge of spreading false and misleading information, as a preventive measure and for "educating the public," even though no police report was ever filed by the alleged victim, a requirement under the EIT Law. The police eventually released the individual, but only after he took down the alleged offending comment and issued a public apology.[33]

NGOs and other members of civil society have strongly criticized the arbitrary and ongoing use of the EIT Law to criminalize individuals. By way of response, in February 2021 President Joko Widodo expressed his

[29] Tirto, "***Apa Itu Virtual Police? Aturan, Cara Kerja dan Kaitan dengan UU ITE***", https://tirto.id/apa-itu-virtual-police-aturan-cara-kerja-dan-kaitan-dengan-uu-ite-gaBQ (accessed on 28 February 2021).
[30] CNN Indonesia, "***Warga +62 di Bayang-bayang Pengawasan Polisi Virtual***", https://www.cnnindonesia.com/nasional/20210317112117-12-618528/warga--62-di-bayang-bayang-pengawasan-polisi-virtual (accessed on 20 March 2021).
[31] Kompas.com, "***Mengenal Virtual Police: Definisi, Dasar Hukum hingga Polemiknya***" https://nasional.kompas.com/read/2021/03/17/14414171/mengenal-virtual-police-definisi-dasar-hukum-hingga-polemiknya?page=all (accessed on 4 September 2022).
[32] Tempo, "***State Uses Virtual Police for Mass Surveillance, SAFEnet Says",*** https://en.tempo.co/read/1439061/state-uses-virtual-police-for-mass-surveillance-safenet-says (accessed on 29 August 2022).
[33] Kompas, "***Sebut Gibran "Hanya Dikasih Jabatan", Warga Ditangkap Polisi, Kapolresta Solo: Sudah Minta Maaf***", https://regional.kompas.com/read/2021/03/16/052000178/sebut-gibran-hanya-dikasih-jabatan-warga-ditangkap-polisi-kapolresta-solo?page=all (accessed on 20 March 2021); KumparanNews, ***"Alasan Kapolres Surakarta Tangkap-Lepas Arkham Meski Gibran Tak Lapor: Edukasi."*** https://kumparan.com/kumparannews/alasan-kapolres-surakarta-tangkap-lepas-arkham-meski-gibran-tak-lapor-edukasi-1vNBkgLEp0l/full (accessed on 21 June 2022).

willingness to revise the problematic provisions contained in the law.[34] The government established two working groups to oversee this process: one to conduct research and prepare a study on the implementing guidelines of the EIT Law, and another to conduct research and prepare a study on the revisions to the EIT Law.

Despite the president's statement, the government's actions lack the political will to solve the problem of criminalization of freedom of expression through the EIT Law. Even during the public consultation process, the investigation and prosecution of cases based on the EIT Law continued. Moreover, in May 2021, the government announced a plan to add an additional vague clause to the EIT Law on the distribution of electronic information, which has the potential to further restrict the right to freedom of expression as it also contains criminal sanctions,[35] causing further public consternation.[36]

In June 2021, the government issued the Joint Decree on the Guidelines for the Implementation of the EIT Law drafted by the offices of the Minister of Communication and Information, the Indonesian National Chief of Police, and the Attorney General.[37] The guidelines were meant to ensure consistent and uniform interpretation of the EIT Law by the law enforcement agencies.[38] However, many people, including academics, believe that the guidelines will not solve the problem of ambiguity which is used to restrict freedom of expression, as the fundamental issue is the substance of the problematic provisions.[39]

At the end of 2021, the government announced that the EIT Law would finally be included in the priority list of the 2022 National Legislation Program (*prolegnas*).[40] Subsequently, in January 2022, several civil society organizations, including Amnesty International, submitted an issue inventory list *(Daftar Inventaris Masalah)* to the House of Representatives.[41] However, at the time of writing this report, the discussion on the revision of the EIT Law is still pending because the House of Representatives is currently focusing on the formulation of the Personal Data Protection (PDP) Law.[42]

Amnesty International is deeply concerned by the arbitrary use of the EIT Law to criminalize those who peacefully express their opinions on social media. In particular, the authority of the Virtual Police to issue a direct warning is of concern, as it is bound to have a chilling effect on the exercise of human rights online. The right to comment on, and indeed criticize, the performance of public officials and government policy is an important aspect of freedom of expression and must be fully and effectively respected, protected, promoted, and fulfilled.[43]

5.2 INTERNET SHUTDOWN

Deliberate shutdown of the internet adversely affects the enjoyment of the rights to freedom of expression, information, peaceful assembly and association. During the Covid-19 pandemic, internet shutdowns also impacted on the right to education.

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[34] Tirto, "***Revisi UU ITE Sebelumnya Usulan Jokowi dan Pasal Karet Dipertahankan***", https://tirto.id/revisi-uu-ite-sebelumnya-usulan-jokowi-pasal-karet-dipertahankan-gakJ (accessed on 24 June 2021).
[35] Kompas, "***Pasal 45C pada Draf Revisi UU ITE Dinilai Multitafsir***", 16 June 2021, https://nasional.kompas.com/read/2021/06/16/12584291/pasal-45c-pada-draf-revisi-uu-ite-dinilai-multitafsir (accessed on 23 June 2022).
[36] Tempo, "***Pemerintah Siapkan Pasal Baru di Revisi UU ITE, Begini Isinya,***" https://nasional.tempo.co/read/1464755/pemerintah-siapkan-pasal-baru-di-revisi-uu-ite-begini-isinya (accessed on 20 June 2021).
[37] CNN Indonesia, "***Aturan Lengkap SKB Pedoman Implementasi UU ITE***", https://www.cnnindonesia.com/nasional/20210624092047-12-658717/aturan-lengkap-skb-pedoman-implementasi-uu-ite (accessed on 2 July 2021).
[38] Tirto, "***Kasus Saiful Mahdi Membuktikan SKB UU ITE Tak Berguna & Tetap Karet***", https://tirto.id/kasus-saiful-mahdi-membuktikan-skb-uu-ite-tak-berguna-tetap-karet-gjb3 (accessed on 10 September 2021).
[39] CNN Indonesia, ***"SKB Pedoman Bukan Obat Atasi Permasalahan UU ITE",*** https://www.cnnindonesia.com/nasional/20210625133307-12-659367/skb-pedoman-bukan-obat-atasi-permasalahan-uu-ite (accessed on 28 June 2021).
[40] The Indonesian House of Representatives Decision, No. 8/DPR RI/II/2021-2022, https://www.dpr.go.id/dokakd/dokumen/BALEG-SK-PROLEGNAS-RUU-PRIORITAS-TAHUN-2022-1642658467.pdf
[41] Amnesty International, ***"Rilis Pers Bersama Penyerahan DIM Revisi UU ITE",*** https://www.amnesty.id/rilis-pers-bersama-penyerahan-dim-revisi-uu-ite/ (accessed on 20 June 2022).
[42] Suara, "***Revisi UU ITE Akan Dibahas Setelah RUU PDP Rampung",*** https://www.suara.com/tekno/2022/03/24/190356/revisi-uu-ite-akan-dibahas-setelah-ruu-pdp-rampung (accessed on 17 June 2022).
[43] General prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non-objective information", are incompatible with international standards for restrictions on freedom of expression and should be abolished. Furthermore, criminal defamation laws are unduly restrictive and should also be abolished. Civil law rules on liability for false and defamatory statements are legitimate only if defendants are given a full opportunity and fail to prove the truth of those statements and also benefit from other defences, such as fair comment. See "***Joint Declaration on Freedom of Expression and "Fake News", Disinformation and Propaganda***", para. 2(a) and (b), https://www.osce.org/files/f/documents/6/8/302796.pdf (accessed on 23 September 2022).

Often, countries utilize internet shutdowns under the pretext of ensuring public safety, national security, or preventing the spread of misinformation. In most cases, the act is political and is usually intended to control information, cover up or hide human rights violations and cut off lines of communications.

Over the past two years, the government has disrupted internet access in response to public demonstrations. From 21 to 23 May 2019, a protest took place in Jakarta, which followed the announcement of the general election results. The protest ended with a clash with security forces resulting in the unlawful killing of 10 people (one of whom received his fatal injury in Pontianak), arbitrary arrests and detentions, and the excessive or unnecessary use of force against protesters and bystanders.[44] In response to this unrest, the government throttled the internet for three days. According to the then-Minister of Communication and Information, Rudiantara, from 22 to 25 May, the government limited access to social media by slowing down the download and upload speed of the internet with a claim to "slow down the spread of misinformation and provocation" of the protest.[45]

The government also took a similar approach to respond to protests across Papua and West Papua provinces. In August and September 2019, the government throttled internet bandwidth and slowed down internet access, blocked data services, and/or terminated internet access,[46] claiming such measures were necessary to "prevent the spread of false information or news"[47] and to "restore order"[48] in Papua. The measures were taken following widespread demonstrations against racism in response to racist and discriminatory acts by Indonesian militias against Papuan students in the cities of Malang and Surabaya in East Java.[49] The throttling and shutdown of internet access was announced by a Ministry of Communication and Information's press release on 21 August 2019.

Amnesty International considers internet shutdowns an excessive and disproportionate restriction on the right to freedom of expression. In an interview with Amnesty International, Jimiyo, a Papuan journalist, said that internet shutdowns had a considerable impact on the activities of Papuans. According to Jimiyo, access to the internet plays a significant role in helping journalists and members of the public find diverse sources of credible information. Internet access and social media empower witnesses and residents to disseminate first-hand information to the wider public, and in turn to learn about events happening elsewhere. During the internet shutdowns, it was not easy to source reports and verify information about the protests.

> ***"The media was unable to publish anything for two days during the August 2019 shutdown.[50] As a result, false information became more widespread, contrary to the government."[51]***
>
> -Jimiyo, a Papuan Journalist

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[44] Amnesty International, "***Indonesia: Open letter on torture or other ill-treatment by the police in the mass protest following the election result announcement of 21-23 May 2019***", https://www.amnesty.org/en/documents/asa21/0577/2019/en/ (accessed on 16 September 2022).
[45] CNBC Indonesia, "***Ricuh Tolak Hasil Pemilu, Akses ke WhatsApp & Medsos Dibatasi***", https://www.cnbcindonesia.com/tech/20200101070554-37-126827/ricuh-tolak-hasil-pemilu-akses-ke-whatsapp-medsos-dibatasi (accessed on 16 September 2022).
[46] SAFEnet, "***[Press Release] Jakarta PTUN Declares Termination of Internet Access in Papua and West Papua Violates the Law***," 4 May 2020, https://safenet.or.id/2020/06/jakarta-ptun-declares-termination-of-internet-access-in-papua-and-west-papua-violates-the-law/ (accessed on 10 May 2020).
[47] ANTARA News, "***Papuans should avoid being hoaxed by internet ban news: Telkom***," 23 September 2019, https://en.antaranews.com/news/133348/papuans-should-avoid-being-hoaxed-by-internet-ban-news-telkom (accessed on 28 September 2019).
[48] Ministry of Communication and Information, ***"[Siaran Pers] Pemblokiran Layanan Data di Papua dan Papua Barat",*** 21 August 2019, https://kominfo.go.id/content/detail/20860/siaran-pers-no-159hmkominfo082019-tentang-pemblokiran-layanan-data-di-papua-dan-papua-barat-masih-berlanjut/0/siaran_pers?TSPD_101_R0=088305a049ab20001bc18c219fd8c9c3af9ed551fc139bed7022584497d0687f057fad9e86eed69e0842690c8b143000bface5c0a3b7343f9dcecd4a9d5fbdf8db92426bfa002c91c605301577f5529f5a80f85c5052b5c6d0e1b52cc59338e9
[49] Andreas Harsono, "***Indonesian Officers' Racist Slurs Trigger Riots in Papua***," Human Rights Watch, 23 August 2019, https://www.hrw.org/news/2019/08/23/indonesian-officers-racist-slurs-trigger-riots-papua (accessed on 27 August 2019).
[50] Amnesty International checked the published news from the media where Jimiyo works and found that there was no publication on 30 and 31 August 2019. The two dates are within the time range of the internet shutdown in Papua (i.e., between 21 August and, at least, 4 September 2019) according to the Jakarta Administrative Court Decision No. 230/G/TF/2019/PTUN.JK (p. 278-279).
[51] Interview with Jimiyo, 26 April 2022.



Jakarta State Administrative Court trial of the internet shutdown in Papua lawsuit on June 3rd 2020. © LBH Pers

In November 2019, a coalition of HRDs known as the Press Freedom Defender Team challenged the government in a lawsuit heard by the Jakarta State Administrative Court.[52] In June 2020, the Court declared that the act of bandwidth throttling and termination of access in Papua was unlawful.[53] However, reports suggest that the government is still employing these unlawful measures. In 2020, SAFEnet, an NGO monitoring digital rights in Southeast Asia, received four reports of alleged bandwidth throttling in Papua during an anti-racism demonstration. The allegations include the physical termination of internet access in the office of the Institute of Human Rights Studies and Advocacy (ELSHAM), a human rights NGO based in Jayapura, Papua by unidentified parties.[54]

There is a general pattern regarding internet shutdowns in Papua in that they often occur whenever security forces carry out military operations. These shutdowns can last for months.[55] Under international human rights law, the restriction of freedom of expression must be in accordance with Article 19 (3) and Article 21 of the ICCPR, which stipulate that restrictions may only be applied as provided by law, and are necessary and proportionate.[56]

Shutting down the internet is, as a general rule, an excessive and disproportionate restriction on the right to freedom of expression. UN Human Rights Committee General Comment 34 Paragraph 43 stipulates that, "Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3 [*i.e.*, for the realization of the principles of transparency and accountability that are essential for the promotion and protection of human rights]. Permissible restrictions should be content-specific; while generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the social political system espoused by the government."

The United Nations Human Rights Council Resolution 32/13 of 2016 "condemned unequivocally measures to intentionally prevent or disrupt information online that are in violation of international human rights law." In addition, in its General Comment 37 on the right to peaceful assembly, the UN Human Rights Committee unequivocally prohibits internet shutdowns that hinder peaceful assemblies.

In a joint report to the Human Rights Council in 2016, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stressed that the practice of blocking communications can have the effect of impeding the organization or publicizing of an assembly online. They stressed that internet shutdowns rarely satisfy the requirements of necessity and proportionality, rendering them unlawful restrictions of the right to freedom of peaceful assembly.

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[52] The Press Freedom Defender Team is a coalition consisting of the Alliance of Independent Journalists (AJI) and SAFEnet as plaintiffs and LBH Pers, YLBHI, Kontras, Elsam and ICJR as legal representation, see https://safenet.or.id/the-press-freedom-defender-team-sues-internet-shutdown-in-papua/ (accessed 5 September 2022).
[53] Jakarta Administrative Court Decision, No. 230/G/TF/2019/PTUN.JKT (https://putusan3.mahkamahagung.go.id/direktori/putusan/5a526ec9f653a865d177295d5763366c.html)
[54] SAFEnet, ***"Laporan Situasi Hak-Hak Digital 2020: Represi Digital di Tengah Pandemi",*** https://id.safenet.or.id/wp-content/uploads/2021/04/Laporan-Situasi-Hak-hak-Digital-2021-Daring-02.pdf (accessed on 25 April 2021).
[55] Interview with SAFEnet, 26 April 2022.
[56] Human Rights Committee, "***General Comment No 34: Article 19: Freedom of opinion and expression***," 12 September 2011, CCPR/C/GC/34, paras. 21-36.

The exercise of the rights to freedom of opinions and information, including press freedom, through any medium considered appropriate for reaching as many people as possible is essential for the enjoyment of other human rights. The government's action in throttling bandwidth and terminating internet access in Papua is an inherently overbroad and, therefore, a disproportionate tool that, by its nature, targets the rights of all internet users. In addition to the impact on media workers, there was also disruption of governance activities and the economic rights of the people who depend on the internet for their livelihood. According to SAFEnet, in Papua, the internet shutdown has impacted access to humanitarian assistance for internally displaced person (IDPs). The flow of information critical to the delivery of goods and services for IDPs can be disturbed.[57] Thus, the act of throttling bandwidth and terminating internet access is neither necessary nor proportional.

In Indonesia, the authority of the government to shut down or cut off internet access is provided under Article 40 paragraph (2b) of the EIT Law. Internet shutdown is permitted when "preventing the spread of content that is against the law". Paragraph 9 of General Elucidation to the EIT Law states that the government is only authorized to terminate access to specific unlawful content, and not shutting down the whole network. The EIT Law limits the use of restrictions only on those who use the internet unlawfully, and consequently does not allow the termination of internet access in a way that might impact on the rights of people more generally.

By shutting down internet access, the government has disregarded peoples' right to freedom of expression and the right of everyone to receive updated information on the actual condition on the ground.

5.3 COVID-19 AS A COVER FOR REPRESSION

5.3.1 CRIMINALIZATION ON THE GROUNDS OF 'MISINFORMATION'

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has expressed concerns over an increase in the use of "false news" laws to suppress criticism of Covid-19 policies in Asia.[58] The Office records that in Indonesia, from the beginning of the pandemic until June 2020, at least 51 people have been investigated under criminal defamation legislation for allegedly spreading "false news" about the pandemic.[59] Between February and April 2020, Amnesty International documented at least 53 people who have been arrested on the grounds of spreading Covid-19-related misinformation.[60] Articles 27 and 28 of the EIT Law[61] and Article 207 of the Indonesian Criminal Code (KUHP) on insulting state authorities, have been used to arrest human rights defenders, activists and journalists.

Freedom of expression, protected under Article 19 of the ICCPR, applies to all kinds of information and ideas, including those that may shock, offend or disturb,[62] and irrespective of the truth or falsehood of the content.[63] Restrictions to freedom of expression must be provided by law, must be necessary, and proportionate.[64] Using overly broad laws to criminalize freedom of expression online is inconsistent and incompatible with international human rights law.[65] In order to fight misinformation, the government is obliged to provide Covid-19 data that is accurate, transparent, and easily accessible. This has been lacking throughout the pandemic.[66]

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[57] Based on information from SAFEnet. Similar findings are also reiterated in the UNCHR report on internet shutdowns. See further: Human Rights Council, ***"Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights",*** 13 May 2022, A/HRC/50/55, paras. 35-39.

[58] OHCHR, "***Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19***," 3 June 2020, https://www.ohchr.org/en/press-releases/2020/06/asia-bachelet-alarmed-clampdown-freedom-expression-during-covid-19?LangID=E&NewsID=25920 (accessed on 6 June 2020).

[59] OHCHR, "***Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19***"

[60] Amnesty International, ***"Covid-19 and Its Human Rights Impact in Indonesia (annex 3)"***, https://www.amnesty.id/wp-content/uploads/2020/05/Amnesty-International-Indonesia-COVID-19-Brief-ENG..pdf (accessed on 30 September 2022).

[61] See explanation on the Draconian EIT Law on page 18.

[62] Human Rights Committee, General Comment No. 34 (2011), para. 11.

[63] ***Ibid.,*** paras. 47 and 49.

[64] A/HRC/47/25, para. 42.

[65] ***Ibid.,*** para. 85.

[66] In 2020, Amnesty published a brief regarding the analysis of human rights impacts during the COVID-19 pandemic in Indonesia, see Amnesty International, "***COVID-19 and Its Human Rights Impacts in Indonesia***," https://www.amnesty.id/wp-content/uploads/2020/05/Amnesty-International-Indonesia-COVID-19-Brief-ENG..pdf

5.3.2 PUBLIC HEALTH EMERGENCY AS A PRETEXT FOR THE INFRINGEMENT OF HUMAN RIGHTS

During the Covid-19 pandemic, several activists and human rights defenders have been criminalized for exercising their right to freedom of peaceful assembly on the pretext of violating Law No. 6/2018 on Health Quarantine (Health Quarantine Law). In February 2021, two students from Bandar Lampung University, Sultan Ali Sabana and Reyno Fahlepi, were reported to the police by the Vice Rector and were questioned by the police regarding their role in protests demanding a cut in college tuition fee in the midst of the pandemic. They were alleged to be in violation of Article 160 of the KUHP regarding incitement to crime, and Article 93 of the Health Quarantine Law.[67] A lawyer from Bandar Lampung Legal Aid Institute told Amnesty International that the students were questioned by the police and forced to write a letter of apology to the Vice Rector in order to secure their release.[68]

The Health Quarantine Law was also used to intimidate activists exercising their right to freedom of expression and opinion. Nining Elitos, Chairperson of the Indonesian Trade Union Confederation (KASBI), was called for questioning by the police after participating as a field coordinator in a joint march involving several labour organizations to mark International Women's Day in March 2021.[69] During the march, Law No. 11/2020 on Job Creation, also known as the "Omnibus Law," was criticized, along with calls for better protection and workplace conditions for workers, particularly women, during the pandemic. Elitos was accused for breaching the Health Quarantine Law, and for inciting violence under the KUHP. However the call was not made in accordance with the Indonesian Criminal Procedure Code (KUHAP).[70] Although police dropped the case, the arrest was an attempt to criminalize protest by using pandemic restriction laws. As Elitos told Amnesty International: "We just wanted to criticize the injustices under this new law (referring to the Omnibus Law). I was accused of violating the Health Quarantine Law. But what about public officials holding public gatherings? Why are they not charged with violating the law?"[71]

In May 2021, during a peaceful rally to commemorate National Education Day, nine labour and education rights activists from the Workers and People Together Movement (Gerakan Buruh Bersama Rakyat) were reportedly unlawfully detained and charged by the police for allegedly violating health protocols.[72] The HRDs, who were not granted access to their lawyers, were released the following day with the case still under police investigation.[73] According to a lawyer from Jakarta Legal Aid Institute the case has now been dropped.[74]

Covid-19 measures should not threaten human rights, including the right to freedom of assembly and association. States must ensure that civil society actors, including journalists, trade union members, HRDs, and organizations providing humanitarian assistance and social services, may continue to operate during the pandemic, consistent with OHCHR guidelines on health protocols and guidelines on freedom of assembly and association.[75]

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[67] CNN Indonesia, "***Mahasiswa UBL Dipolisikan usai Demo Minta Pangkas Uang Kuliah***," 24 February 2021, https://www.cnnindonesia.com/nasional/20210224110654-20-610244/mahasiswa-ubl-dipolisikan-usai-demo-minta-pangkas-uang-kuliah (accessed on 12 March 2021); Wakos Reza Gautama, ***"Gelar Demo di Masa Pandemi Covid-19, Mahasiswa UBL Dipolisikan Wakil Rektor,"*** suaralampung.id, 23 February 2021, https://lampung.suara.com/read/2021/02/23/173049/gelar-demo-di-masa-pandemi-covid-19-mahasiswa-ubl-dipolisikan-wakil-rektor?page=all (accessed on 30 March 2021).

[68] Interview with a lawyer of Bandar Lampung Legal Aid Institute, 21 June 2022.

[69] CNN Indonesia, "***Ketua KASBI Nining Elitos Dipanggil Polisi Usai Gelar Aksi***," 12 March 2021, https://www.cnnindonesia.com/nasional/20210312093515-12-616572/ketua-kasbi-nining-elitos-dipanggil-polisi-usai-gelar-aksi (accessed on 16 March 2021); Riyan Setiawan & Adi Briantika, ***"Pemanggilan Aktivis Buruh karena Demo Dinilai Diskriminatif,"*** Tirto, 14 March 2021, https://tirto.id/pemanggilan-aktivis-buruh-karena-demo-dinilai-diskriminatif-ga7C (accessed on 16 March 2021); M. Julnis Firmansyah, "***Nining Elitos KASBI Dipanggil Polisi, Yusri: Izinnya ke DPR, Demo ke Istana***," Tempo.co. 12 March 2021, https://metro.tempo.co/read/1441558/nining-elitos-kasbi-dipanggil-polisi-yusri-izinnya-ke-dpr-demo-ke-istana (accessed on 16 March 2021).

[70] SPN News, "***Nining Elitos Menolak Dipanggil Polisi***," 16 March 2021, https://spn.or.id/nining-elitos-menolak-dipanggil-polisi/ (accessed on 18 March 2021)//; Yogi Ernes, "***Nining Elitos Penuhi Panggilan Polisi soal Dugaan Langgar Prokes di Demo***," detiknews, 17 March 2021, https://news.detik.com/berita/d-5497493/nining-elitos-penuhi-panggilan-polisi-soal-dugaan-langgar-prokes-di-demo (accessed on 19 March 2021).

[71] Interview with Nining Elitos, 30 May 2022.

[72] Francisca Christy Rosana, "***Peserta Aksi Hardiknas Ditangkap Polisi, LBH Duga Ada Pelanggaran***," Tempo.co., 4 May 2021, https://metro.tempo.co/read/1459040/peserta-aksi-hardiknas-ditangkap-polisi-lbh-duga-ada-pelanggaran (accessed on 6 May 2021).

[73] Business and Human Rights Resource Centre, "***Yohanes Gesri Ardo Ndahur - Gerakan Buruh Bersama Rakyat (Labour Movement together with People)***," 3 May 2021, https://www.business-humanrights.org/en/latest-news/yohanes-gesri-ardo-ndahur-gerakan-buruh-bersama-rakyat-labour-movement-together-with-people/ (accessed on 15 May 2021).

[74] Interview with a lawyer of Jakarta Legal Aid Institute, 22 June 2022.

[75] OHCHR, "***States responses to Covid 19 threat should not halt freedoms of assembly and association***" – UN expert on the rights to freedoms of peaceful assembly and of association, Mr. Clément Voule," 9 April 2020, https://www.ohchr.org/en/statements/2020/04/states-responses-covid-19-threat-should-not-halt-freedoms-assembly-and?LangID=E&NewsID=25788 (accessed on 11 April 2020).

5.4 SUPPRESSION OF PEACEFUL POLITICAL EXPRESSION

The last decade has seen an increase in pro-independence political activities in both Papua and Maluku, particularly those led by students and youth. Security forces often use repressive measures against the activists, including the blanket prohibition of peaceful protest, the threat of arrest and prosecution under the treason (*makar*) articles of the KUHP, mainly under Articles 106 and 110 which govern crimes against the security of the state.

Article 106 of the KUHP authorizes the courts to sentence a person to: "Life imprisonment or a maximum of twenty years imprisonment for perpetrating *makar* with the intent to bring the territory of the state in whole or in part under foreign domination or to separate the part thereof." In addition, Article 110 stipulates that conspiracy to commit *makar* is punishable as a violation of Article 106. Indonesian authorities have used these provisions to prosecute dozens of peaceful pro-independence political activists.

From January 2019 to May 2022, Amnesty International recorded at least 94 Papuan and Mollucan activists facing prosecution to be prisoners of consience (PoC) imprisoned solely for peacefully expressing their opinions. They are being charged and detained under Articles 106 and 110 of KUHP, which cover crimes against the security of the state and impose life imprisonment as a maximum punishment. Amnesty International defines a PoC as a person who has been deprived of their liberty solely because of their conscientiously held beliefs, or for discriminatory reasons relating to their ethnicity, sexuality, gender, or other identity, who has not used violence or advocated violence or hatred.

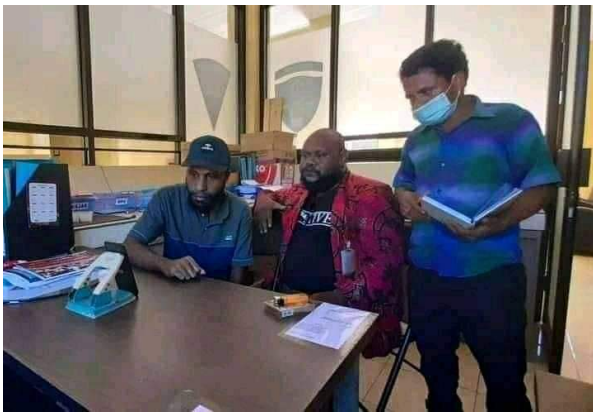
In August and September 2019 there were nationwide protests condemning racial abuse against Papuan students.[76] The anti-racism protests were sparked by the actions of a mob from local religious organizations that attacked a dormitory of Papuan students in Malang and Surabaya, East Java, accusing them of destroying the Indonesian national flag and throwing it in the sewer. During the incident, the mob verbally attacked the students, using racist slurs such as "monkey," "dog," "animal," and "pig." Some of the racist verbal harassment was recorded on video and shared widely on social media, leading Papuans to stage larger protests in Papua. While some of these protests turned violent, the majority were peaceful. In several demonstrations, Papuan political activists unfurled the Morning Star Flag. Based on monitoring conducted by Amnesty International, at least 96 people were arrested for exercising their rights to peaceful assembly, association and freedom of expression in connection with the anti-racism protests in Malang and Surabaya.

Papuan Students often face unique challenges in exercising their right to peaceful expression. Benyamin, a Papuan student activist, told Amnesty International that during the 2019 anti-racism protests, security forces targeted Papuan students. In one incident, members of the security forces pushed their way into Benyamin's dormitory, and tried to force him to make a video declaring his loyalty to the Indonesian Government. According to Benyamin, "whenever a protest occurs, they ask, 'did Papuan students join the protest or not?'".

Yohanis, another Papuan student activist, said that along with other Papuan students he was pressured by the security forces to swear an oath of loyalty and that "The Republic of Indonesia is worth the price of death".[77]

In Maluku, similar treatment is also evident. On 7 April 2021, at least twenty armed soldiers raided Alexander Workala's house. Upon finding a book on the status of the Republic of South Maluku (RMS) under international law and the "Benang Raja," the RMS flag, Alexander was taken to West Seram police station. At the police station, Alexander was beaten on the head. That same night he was questioned, and confessed to being an RMS activist, adding that he got the flag from a friend, Pieter Likumahua. The police accused Alexander of treason. Alexander denied the accusation and stated that he had only ever campaigned for independence by peaceful means. The next day, 8 April 2021, the police went to Pieter's house to question him in connection with Alexander's statement. After a night of questioning at the police station, Pieter was charged with treason and detained, as was Benjamin Naene, a friend who had accompanied Pieter, after confessing to the police that he was also an RMS activist.[78]

[76] This anti-racism protest also prompted the internet throttling by the government. See subchapter "internet shutdown", p. 20.
[77] Interview with Benyamin and Yohanis, 20 May 2022.
[78] Amnesty International, "***Indonesia: End travesty of justice and release Moluccan prisoners of conscience***," 19 November 2021, https://www.amnesty.id/indonesia-end-travesty-of-justice-and-release-moluccan-prisoners-of-conscience/ (accessed on 5 March 2021).



↑ *Victor Yeimo (far-left) ©Helmi*

On 9 May 2021, a special police unit, Satgas Nemangkawi, arrested Victor Yeimo, a spokesperson for the West Papua National Committee *(Komite Nasional Papua Barat, KNPB)* in Jayapura. The police charged him with treason for a statement he made in 2019 during the anti-racism protests, calling for a referendum on independence. Yeimo was arrested without a warrant at 7:15 pm Eastern Indonesian Time. Yeimo's lawyers received a warrant for his arrest the following day at 6:00 pm, in breach of Indonesian criminal procedure which requires an arrest warrant to be presented at the time of arrest. Yeimo was accused of treason under Articles 106 and 110 of the KUHP.[79]

The widespread and continued use of unlawful detention in Papua and Maluku, seemingly as a deterrent to political activism and to suppress the exercise of the rights to freedom of expression and of peaceful assembly, highlights the Indonesian government's intolerance of dissenting views.

Furthermore, on 1 December 2021, a date considered by many Papuans as Papuan Independence Day, at least eight people were detained in Jayapura for raising the Morning Star flag, an outlawed symbol of Papuan independence. They remain in police custody and have been charged for treason under Articles 106 and 110 of the KUHP. Meanwhile, at least 17 people were detained in Merauke district on 30 November 2021 in relation to a video of spiritual and indigenous community leader, "Mama" Paulina Imbumar, in which she declared her intention to raise the Morning Star flag in Merauke on 1 December. Paulina and her 16 followers were later released without charge on 1 December 2021.[80]

Every individual without exception has the right to freedom of expression and opinion. The ICCPR explicitly guarantees freedom of opinion and expression, as stated under Article 19, which is further elaborated in General Comment No. 34 to Article 19. Political expression is also included in the right to freedom of expression and opinion.

In the national context, the right to freedom of expression and opinion is guaranteed by the Indonesian Constitution, specifically Article 28E (3), as well as Article 24 (1) of Law No. 39/1999 on Human Rights. However, the authorities continue to use criminal law provisions to suppress peaceful activities. Amnesty International does not take any position regarding political status within Indonesia, including calls for independence. However, the organization believes that the right to freedom of expression, including the right to voice peaceful political opinions, should be exercised by everyone, consistent with international human rights law.

[79] Amnesty International, "***Bebaskan Victor Yeimo dan mahasiswa yang menuntut pembebasannya***," 10 August 2021, https://www.amnesty.id/bebaskan-victor-yeimo-dan-mahasiswa-yang-menuntut-pembebasannya/ (accessed on 5 September 2021).
[80] Amnesty International, "***Indonesia: Immediately release Papuan students charged with treason***," 3 December 2021, https://www.amnesty.id/indonesia-immediately-release-papuan-students-charged-with-treason/ (accessed on 5 December 2021).

6. SHRINKING SPACE FOR CIVIL SOCIETY

6.1 ASSAULT ON HUMAN RIGHTS DEFENDERS AND HUMAN RIGHTS ORGANIZATIONS

6.1.1 ATTACKS ON HUMAN RIGHTS DEFENDERS

In the course of their work to promote human rights, human rights defenders (HRDs) in Indonesia often face criminalization, attempted unlawful killing, smear campaigns, and credential theft.

Women human rights defenders (WHRDs) often suffer from various forms of gender-based violence such as sexual violence, threats, and harassment.

Between January 2019 and May 2022, Amnesty International recorded at least 328 physical and/or digital attacks directed against civil society, resulting in a total of at least 834 victims.

In line with the 1998 HRDs Declaration and other international standards, Amnesty International considers HRDs to be people who, individually or in association with others, act to defend and/or promote human rights at local, national, regional or international levels, without resorting to or advocating hatred, discrimination or violence. HRDs come from every walk of life; they may be journalists, lawyers, health professionals, teachers, trade unionists, whistle-blowers, farmers and victims or relatives of victims of human rights violations and abuses. Their human rights defence work may be conducted as part of their professional role or be undertaken voluntarily and on an unpaid basis.

ATTEMPTED UNLAWFUL KILLING AND INTIMIDATION

HRDs are subject to threats, intimidation and attacks because of their work defending human rights. In Indonesia, Amnesty International documented at least 13 cases resulting in 17 victims of attempted killing and/or death threats against HRDs committed between January 2019 and May 2022.[81] However, the authorities often fail to investigate these threats and bring the suspected perpetrators to justice. This inaction provides perpetrators with impunity and encourages further threats and attacks.

In January 2019, the home of Murdani, Executive Director of the West Nusa Tenggara (NTT) branch of Wahana Lingkungan Hidup Indonesia (WALHI, a member of the Friends of the Earth International network), was attacked and set on fire by unidentified parties. On 30 January 2019, Amnesty International visited the location and interviewed Murdani, his family, witnesses, and local police. Amnesty International found that fires were started in four different locations on Murdani's property. The largest fire was started in Murdani's

[81] Amnesty International monitoring data on Attacks on HRDs. Additionally, according to Front Line Defenders, an NGO founded to protect HRDs at risk, and HRD Memorial, a collective initiative of human rights organizations working to collect and verify data on the killings of human rights defenders, at least 358 HRDs were killed in 35 countries in 2021, for more information see Front Line Defenders, "***Global Analysis 2021***," 23 February 2022, https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2021-0 (accessed on 26 February 2022).

minivan which was parked alongside the house. The attackers set fire to the vehicle by placing a petrol-soaked pillow underneath the van and setting it alight. At the time of the incident, CCTV located near Murdani's house was covered with a hat.



Murdani, Executive Director of the West Nusa Tenggara (NTT) branch of Wahana Lingkungan Hidup Indonesia (WALHI). © Private Collection of Murdani.

Amnesty International also found that the assailants started fires in front of two entrances to Murdani's house, intended to prevent people inside the house from getting out.[82] Neighbours who helped put out the fire said that the waste water ditch located in Murdani's backyard was empty. They told the organization that this was very unusual, as water flows through the ditch daily, and that upon further investigation they discovered that it had been deliberately blocked, about 400 meters away from Murdani's house.

Murdani has advocated for many environmental and humanitarian issues in the tourism and natural resources-rich province, including waste management, illegal logging, sand mining, and natural disaster relief. He has been vocal in helping farmers reject attempts by local businesses to secure 200 hectares of land for sand mining purposes. In 2016, Murdani received death threats sent by text message by an unidentified sender, saying that was an "agitator" for challenging illegal sand mining activity.

"If you still want to live, you must stop interfering with the sand mining business."

- a death threat to Murdani sent by an unidentified sender.

Following the death threats, Murdani's house was regularly stoned by unidentified people, including days before the arson attack.

On 30 January 2019, the head of the Central Lombok police investigation unit told to the *Lombok Post* that the police were investigating whether Murdani had burned his own house down. On 13 February 2019, the Central Lombok police held a meeting with Murdani and his team of lawyers. The police said that they had questioned around 30 witnesses and identified three possible motives for the attacks: 1. Murdani's campaign against sand mining, 2. Alleged debts, and 3. Rivalry with another candidate during the most recent village head elections.[83] Up to the writing of this report, Murdani's case remains unresolved and there is no further update from the police regarding suspected perpetrators.[84]

VERONICA KOMAN



Veronica Koman © ACFID

Layered Intimidation Against a Woman Human Rights Defender

Veronica Koman, a lawyer and human rights activist whose work focuses on human rights violations in Papua, was subject to severe intimidation after writing a post on Twitter about an attack on a Papuan student dormitory on 17 August 2019.

In Koman's case, intimidation came in the form of violent attacks and harassment of family members. The acts of intimidation peaked between October and November 2021 when Koman's parents' house was attacked twice. The first incident was an arson attack on her parents' property, and the second was the use of paint bombs with explosives hurled into Koman's parents' garage by two men on a motorbike. A threatening letter alluding to the lawyer's role in the defence of Papuan activists was found in the garage. A similar note was delivered to another relative in a parcel containing a dead chicken. The note read: "If the police and security forces in the country or outside the country are unable to catch Veronica Koman, a loser and a coward, we will be compelled to scorch the earth wherever she is hiding

[82] Walhi, "***Hasil Dari Temuan Investigasi, Diduga Ada Upaya Pembunuhan Secara Terencana Terhadap Direktur WALHI NTB dan Keluarga***," https://www.walhi.or.id/hasil-dari-temuan-investigasi-diduga-ada-upaya-pembunuhan-secara-terencana-terhadap-direktur-walhi-ntb-dan-keluarga (accessed on 20 February 2022).
[83] Amnesty International, ***"Indonesia: Arson attack against environmental activist must be thoroughly investigated,"*** https://www.amnesty.id/indonesia-arson-attack-against-environmental-activist-must-be-thoroughly-investigated (accessed on 26 July 2021).
[84] Interview with Murdani, 21 June 2022.

along with her group of protectors." Both notes were signed by a group calling itself the Homeland Defenders Militant Troops.

Koman's family has long been concerned about the risks she faces, and her parents had urged her to stop advocating for Papua even before the attacks and intimidation began. The incidents also impacted on their neighbours, bringing back traumatic memories of the 1998 arson attacks on the Indonesian Chinese community.

Koman continues to experience layered intimidation as a WHRD of Chinese descent working on "sensitive" human rights issues in Papua. She is subject to racist abuse and both sexual and non-sexual verbal harassment on social media, doxing, threats of rape and unlawful killing. Koman is currently living in exile in Australia though still hopes to return to Indonesia.

"Whenever I advocate for Papuans, I receive gender-specific attacks. For instance, I have seen many posters [with my photo] with sexually explicit and misogynistic messages. They also make racist comments, such as "just go back to China!" I assume state actors carry out these acts of intimidation to dehumanize me and damage my credibility as a WHRD because they cannot refute my data. It is character assassination, so the public will not believe what I have to say."

CRIMINALIZATION

The authorities are increasingly misusing laws in order to criminalize HRDs, to delegitimize them and their causes and to deter, limit or even prevent their human rights work. HRDs are frequently subjected to criminal proceedings on baseless grounds. Arbitrary detention and multiple other violations of the right to a fair trial are being employed to interfere with their ability to defend and promote human rights.

Criminal charges can potentially delegitimize the work of HRDs, regardless of whether they are convicted. The situation is made worse as lengthy judicial proceedings exhaust HRDs' energy and resources. Amnesty International documented at least 65 cases of criminalization and/or attempted criminalization of 166 HRDs between January 2019 and May 2022.



↑ *Saiful Mahdi © Private Collection*

The defamation provisions under the EIT Law are commonly used by the authorities to criminalize and silence HRDs. The case of Saiful Mahdi, a professor at a university in Banda Aceh, provides an illustration. In 2019, Mahdi criticized university policy in an internal social media group chat. He was accused of defamation against one of the university deans under the EIT Law, found guilty by the courts and sentenced to three-months' imprisonment in September 2021.[85] Mahdi was released from prison after receiving a presidential amnesty in October 2021, following an outcry from both national and international communities.[86]

In September 2021, the Presidential Chief of Staff, Moeldoko, filed a report against two Indonesia Corruption Watch (ICW) researchers, Egi Primayogha and Miftachul Choir, using defamation provisions under both the EIT Law and the KUHP. The accusation was related to a study[87] published by

[85] Amnesty International, "***Saiful Mahdi bebas, jangan ada lagi kasus serupa***", https://www.amnesty.id/saiful-mahdi-bebas-jangan-ada-lagi-kasus-serupa/ (accessed on 14 October 2021).
[86] Amnesty International, "***Release lecturer jailed for three months over a WhatsApp message***", https://www.amnesty.id/release-lecturer-jailed-for-three-months-over-a-whatsapp-message/ (accessed on 5 September 2021); see also Tempo English, "***Saiful Mahdi Imprisonment Garners International Attention***", https://en.tempo.co/read/1507212/saiful-mahdi-imprisonment-garners-international-attention (accessed on 19 September 2021).
[87] Indonesian Corruption Watch, ***"Polemik Ivermectin: Berburu Rente di Tengah Krisis",*** 22 July 2021, https://www.antikorupsi.org/id/article/polemik-ivermectin-berburu-rente-di-tengah-krisis (accessed on 30 May 2022).

ICW in July 2021 alleging the involvement of various public officials, including Moeldoko and his daughter, in promoting the circulation of the drug Ivermectin during the Covid-19 pandemic.[88] At the time of writing, the status of the case remains unclear as the police have yet to call Primayogha and Choir in for questioning.

"It is not easy to recover from the trauma. We are not criminals. We just shared our opinions, but we are portrayed as villains."

– A member of the Association of EIT Law Victims (*Paguyuban Korban UU ITE* or PAKU ITE)[89]

In November 2021, the Head of a group of individuals referring to themselves as "Cyber Indonesia," Husin Shihab, reported two Greenpeace activists to the police over their criticism of deforestation. The activists were accused of spreading fake news and violating the EIT Law by criticising President Joko Widodo's claim made at the 2021 COP26 summit in Glasgow, that deforestation in Indonesia has been declining in recent years. Greenpeace Indonesia challenged the president's claim, calling it "nonsense," citing Forestry Ministry data showing that deforestation had risen from 2.45 million hectares between 2003-2011 to 4.8 million hectares between 2011-2019. Later the same month, Shihab withdrew the complaint against Greenpeace saying he did not wish the issue to be politicized.[90]

FATIA MAULIDIYANTI AND HARIS AZHAR



Haris Azhar and Fatia Maulidiyanti visited the Metro Police Headquarters to mediate with the Coordinating Minister for Maritime Affairs and Investment Luhut Binsar Pandjaitan. Thursday (21/10/2021). © Aldo Marchiano Kaligis

The Criminalization of HRDs Costs Time and Energy

In August 2021, the Coordinating Minister for Maritime and Investment Affairs, General (Retd) Luhut Binsar Pandjaitan, reported Fatia Maulidiyanti and Haris Azhar to the police accusing them of defamation. Maulidiyanti is the Coordinator of KontraS, an organization known for exposing human rights violations, while Azhar is the Executive Director of Lokataru, an organization focusing on human rights and the rule of law.

The allegation was based on a video on Azhar's YouTube channel, in which Azhar and Maulidiyanti discussed a report alleging that a number of companies were involved in exploring the Wabu Block gold mine in Intan Jaya, Papua. The report was written by researchers from nine organizations, including KontraS. The report suggests there is a relationship between concessions granted by the Indonesian government to certain companies and the deployment of the military in Papua.

Following the release of the video, the Minister sent two legal notices to Maulidiyanti and Azhar on 26 August and 2 September 2021, asking for clarification regarding the allegations of his involvement in the Wabu Block gold mine, demanding an apology. According to his spokesperson, the Minister felt that the video included untrue opinions, fake news and character assassination.[91] On 21 October 2021, Maulidiyanti and Azhar were summoned by the Jakarta police to take part in a mediation process. Although both Maulidiyanti and Azhar attended, the Minister did not. The mediation was postponed indefinitely.[92]

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[88] Tempo, "***Kronologi Pelaporan Moeldoko terhadap ICW: dari Somasi Berujung di Polisi***", 11 September 2021, https://nasional.tempo.co/read/1504917/kronologi-pelaporan-moeldoko-terhadap-icw-dari-somasi-berujung-di-polisi/full&view=ok (accessed on 30 May 2021).

[89] Interview with Jodi, victim of EIT Law, 20 May 2021. A number of people who have been criminalized under this law decided to group together and established an association of the victims of the EIT Law (***Paguyuban Korban UU ITE*** or PAKU ITE).

[90] VOI, "***It's True That Greenpeace's Criticism Report To Jokowi Is Retracted: Stop Politics, Look For Faces That Damage Democracy***," 15 November 2021, https://voi.id/en/bernas/104514/its-true-that-greenpeaces-criticism-report-to-jokowi-is-retracted-stop-politics-look-for-faces-that-damage-democracy (accessed on 19 November 2021).

[91] Tempo, ***"5 Fakta Seputar Somasi Luhut ke Haris Azhar dan Koordinator KontraS",*** https://nasional.tempo.co/read/1503606/5-fakta-seputar-somasi-luhut-ke-haris-azhar-dan-koordinator-kontras (accessed on 10 September 2021).

[92] Amnesty International, "***Indonesia: Human rights defenders accused of defamation: Haris Azhar and Fatia Maulidiyanti***," 1 November 2021, https://www.amnesty.org/en/documents/asa21/4932/2021/en/ (accessed on 15 November 2021).

On 17 March 2022, Maulidiyanti and Azhar were charged with defamation under Article 27 of the EIT Law. On 21 March, both were summoned by the Jakarta police for questioning. The investigation is ongoing and there is no clarity regarding the trial schedule.

"What happened to me and Haris is just the tip of the iceberg—two amongst hundreds of EIT Law victims. Since [maybe] we are from big organizations, they did not dare to "mess" with us because we understand the law. However, what about those others that have fallen victim to the EIT Law but are not aware of their right to protection, or do not have access to legal assistance? They have to face far more severe threats than I am experiencing. This is often the case in rural areas or with minority groups. These cases show that besides the shrinking civic space, authoritarian culture continues to exist in Indonesia," said Fatia.

"Cases like this are very tiring for us; we should be able to focus on advocating for those who need it more, but our focus has been split, and our energy depleted because of this case," she added.

SMEAR CAMPAIGNS AND STIGMATIZATION

Smear campaigns and stigmatization are commonly used to delegitimize and undermine the work of HRDs. Representatives of state authorities and people in power make statements undermining or destroying their reputations. For example, HRDs may be publicly (and falsely) accused of being, among other things, defenders of criminals, unpatriotic, foreign agents, spies, enemies of the state, separatists, provocateurs, or troublemakers.

In August 2019, Bulan, a WHRD providing legal support to a farmers' union in Sumatra involved in a court case, was the target of both online and offline attacks on her reputation. She was investigating alleged excessive use of force and arbitrary arrests by the police and military during a clash with the farmers' union in July 2019. Initially, she was the subject of a misleading online news report, falsely accusing her of having an affair with a government official. As the farmers' union's court case progressed, the intensity of the attacks increased. Despite the threat, Bulan and her team continued to work on the case.

"If you still want to handle this case, you will disappear."

– A death threat to Bulan sent by unidentified party.[93]

During a court hearing, one of the witnesses called by Bulan and her team was arbitrarily arrested by the police and taken away just as the witness was set to testify before the court. Bulan and her team were informed by the witness' family of the incident and asked to see the court's CCTV, but was informed that the CCTV was not functioning that day. Bulan and her team filed an abduction report to the police as the arrest was made without a warrant, but the report was rejected. The next day, Bulan and her team prepared to file a pre-trial motion in respect of the rejected abduction report; and the intimidation continued.[94]

During another court hearing, Bulan was harassed by two different groups, one a group of lawyers and the other an unidentified group. Both groups accused Bulan of making a false statement on *Kompasiana*, a blogging platform. Bulan, who had not written the article in question, refused to provide any clarification. In an interview with Amnesty International, Bulan stated that in response to the threats by made by the two groups, the police told her, "*If you refuse to respond to the protesters' request, we cannot guarantee your safety.*"[95] Bulan's case illustrates the nature of reputational attacks made against WHRD in particular, to destroy their reputation and credibility because of their gender identity.

In another case, Marcus, an HRD from Maluku, criticized a statement made in 2019 by the then Coordinating Minister for Politics, Law, and Security Affairs, General (Retd) Wiranto, in which he said that refugees were a burden on the state. Disagreeing with Wiranto's statement, Marcus wrote an open letter pointing out that the state is obliged to protect refugees, adding that they are not a burden. The open letter received a lot of public attention, and Marcus was interviewed on TV. Shortly after the interview, Marcus discovered that a local news outlet had edited a photograph of him to include the "Benang Raja" flag, a prohibited symbol of the Republic of South Maluku (RMS) pro-independence movement. "That destroyed my character as a neutral human rights activist. I am not part of the RMS, I am simply protecting their civil and political rights. Because of that photo, I have been stigmatized as a member of RMS. This is character assassination," said Marcus.[96]

[93] Interview with Bulan, 4 May 2021.
[94] ***Ibid***.
[95] ***Ibid***.
[96] Interview with Marcus, 25 May 2021.

Amnesty International is concerned that smear campaigns and stigmatization can have the effect of inciting government sympathizers against HRDs, putting HRDs at further risk, even of physical attacks and killings. For women in particular, smear campaigns are intended to destroy their reputation as credible HRDs.

GENDERED THREATS AND INTIMIDATION

> ***"Working in a predominantly male professional environment, female lawyers have their credibility questioned more often than male lawyers, while their work is given less recognition."***
>
> *- A staff member of LBH Apik*

In a patriarchal society, WHRDs are often viewed as crossing traditional gender norms, rendering them vulnerable to discrimination. Amnesty International's interview with a member of the Indonesian Women's Association for Justice (Asosiasi Perempuan Indonesia untuk Keadilan, LBH APIK) provides an illustration.

The LBH APIK representative added that female lawyers are frequently subjected to verbal abuse and intimidation, mainly by suspected perpetrators and their supporters, on the receiving end of statements such as, "if you weren't a woman, I would have slapped you."

She also said that WHRDs at LBH APIK are vulnerable to violent attacks, intimidation and harassment, as women are seen as weak and that, for example, WHRDs are exposed to sexual harassment while carrying out their work. Furthermore, she emphasized that most threats, intimidation, harassment, and discrimination are made by the suspected perpetrators in the cases they handle, as well as their families and other supporters including thugs, police officer, and soldiers. Also, she added, if the perpetrator is a member of the security forces, the Indonesian military in particular, the risk to both the victims and LBH APIK will be extremely high.[97]

In addition, intimidation impacts on the lives of WHRDs outside of their work, including the lives and activities of their children. Lucia, a priest from Papua, explained how the attacks on her work as a WHRD has instinctively made her more protective of her child's safety. As a WHRD in Papua, Lucia is aware that she is not only risking her own security, but also that of her family. When her child started school, she began to take preventive measures. For example, Lucia limits her child's activities outside school, only allowing them to participate in extracurricular activities, and forbidding them from playing outside. In order to keep her child safe, Lucia works closely with the school to prevent strangers from approaching her child or engaging in other unwanted behaviour. In 2020, Lucia's neighbours helped to fend off strangers attempting to intimidate her in her home. When the strangers first approached, the neighbours stepped in to try and establish who they were and whether they had an appointment to meet Lucia. Lucia, being a respected member of the community, receives the protection a local neighbourhood organization at night when carrying out her religious duties.[98]

Additionally, the impact of assaults on WHRDs are multiplied, particularly regarding gender roles in the family. This may threaten their children's freedom to grow and develop in the same way as other children due to their parents' work as HRDs.

DIGITAL ATTACKS

Today, more than ever, HRDs depend on the internet and mobile phones to carry out their work. Since the shift to digital communication, attacks, harassment, and intimidation are no longer only physical; the dangers also lie in the digital sphere. Amnesty International documented at least 148 victims of digital attacks intended to silence criticism targeting HRDs, including students, activists and journalists, and human rights organizations between January 2019 and May 2022.

Based on the pattern of the attacks on those criticizing the government, Amnesty International is concerned that this may lead to a growing climate of fear in expressing opinions.

[97] Interview with LBH APIK, 18 May 2022.
[98] Interview with Lucia, 25 April 2022.

On 22 April 2020, Ravio Patra, a public policy researcher and activist, discovered that his WhatsApp account had been taken over by unidentified parties after criticizing one of the president's Special Advisors, Billy Mambrasar, on Twitter, alleging that Mambrasar was in conflict of interest over government projects in Papua. Using Ravio's WhatsApp account, the suspected perpetrator sent messages to several WhatsApp accounts that were not in Patra's contact list, calling for civil disobedience. The following day, Ravio was forcibly taken to Jakarta Police Headquarters at midnight, without a warrant, by a number of unidentified men.[99] Despite explaining that his account had been taken over, Ravio was forced to sign two statements during his interrogation, including a statement that he was a "suspect". While in police custody, Ravio was unable to contact anyone, even his lawyers, for over 12 hours. Despite arbitrarily arresting and detaining Ravio, no action was taken to investigate the taking over of his WhatsApp account. To date, no investigation has been carried out.[100]

On 23 February 2022, unidentified parties took over the WhatsApp and social media accounts of Sasmito Madrim, Chairperson of the Alliance of Independent Journalists (AJI). Madrim received a notification that his number had been registered to another device. An hour later, he discovered that all his Instagram posts had been deleted, and that his personal contact information had been uploaded. Also, Madrim's profile picture on Facebook was changed to a pornographic image and his mobile number was no longer able to receive calls and text messages.[101]

Madrim did not report the incident to the police given the previous experience of journalists, whose reports of digital attacks had lead nowhere due to lack of evidence. Madrim stated that it was hard to prove the attack due to the absence of any malware or any suspicious applications on his phone. Madrim's mobile phone operator also said that there was no evidence of a digital attack on his phone account.[102] Madrim was able to recover his Facebook account on the same day, while the recovery of his Instagram and WhatsApp accounts took at over a month.[103]

Amnesty International is concerned about the lack of protection for HRDs in the digital sphere in which investigations of attacks are difficult to prove, leaving HRDs highly vulnerable to false accusations, imprisonment, reputational damage and financial losses. The omission and/or failure of Indonesian police and government to act and investigate reports of digital attacks against HRDs can also be seen as a violation of the right to freedom of expression.

6.1.2 ATTACKS ON HUMAN RIGHTS ORGANIZATIONS

In carrying out their duties advocating or providing legal aid in the context of human rights activism, human rights organizations are increasingly the targets of both physical and digital attacks.

In societies with strict notions of sexuality, gender roles, and a woman's "place" in the community, WHRDs working on the rights of women and girls are particularly vulnerable. In February 2020, more than ten individuals identifying themselves as members of the Maluku Muslim Community, and four members of the Matraman sectoral police in East Jakarta raided and carried out a forced search the LBH APIK offices. The incident, in which LBH APIK was accused of abduction, was connected to a domestic violence case that LBH APIK was handling.

On 30 January 2020, LBH APIK met with a client, the victim of parental abuse, who was referred to them by the National Commission on Violence Against Women (Komnas Perempuan). On 1 February 2020, the victim informed LBH APIK that a police officer had contacted her, requesting a meeting to clarify the issue. The victim consented to the meeting on 3 February 2020 at the LBH APIK office, on condition that her parents did not attend. After the meeting, both the client and the police officer left the premises. Later the same day, the police officer returned with another officer, demanding to search the premises to look for the client, but LBH APIK refused. Soon after, a group identifying themselves as members of the Maluku Islamic Community, including the victim's father, went to LBH APIK and threatened to destroy the office and carried out a forced search of the premises. LBH APIK reported this incident to the East Jakarta Resort Police (Polres) and the Profession and Security Division of the Indonesian National Police (Propam) Matraman

[99] Ghina Ghaliya, "***'I was kidnapped': Govt critic Ravio Patra files pretrial motion against police***," Jakarta Post, 4 June 2020, https://www.thejakartapost.com/news/2020/06/04/i-was-kidnapped-govt-critic-ravio-patra-files-pretrial-motion-against-police.html (accessed on 15 June 2020).
[100] Interview with Ravio Patra, 27 May 2021; 24 May 2022.
[101] Febrina, "***Hacking and Disinformation Attacks Against AJI's Chairperson are a Threat to Press Freedom and Freedom of Expression***," 25 February 2022, https://aji.or.id/read/press-release/1344/hacking-and-disinformation-attacks-against-ajis-chairperson-are-a-threat-to-press-freedom-and-freedom-of-expression.html (accessed on 28 February 2022).
[102] Interview with Sasmito Madrim, 27 May 2022.
[103] ***Ibid.***

Police, on 7 February 2020.[104] However, LBH APIK told Amnesty International that, to the date of writing this report, they had yet to receive any response or clarification from the police.[105]

In June 2020, public prosecutors in the Balikpapan District Court, East Kalimantan sought up to 17 years' imprisonment for Papuan anti-racism protesters accused of treason. At the same time, the global protest against racism triggered by the killing of George Floyd sparked online discussion in Indonesia about systemic racism against Papuans. On 3 June 2020, an online hearing hosted by the Jakarta Administrative Court on the internet shutdowns in Papua was disrupted by several unidentified individuals using the online platform to project pornographic content to the court, switching between different user accounts. Amnesty International also held a public discussion on the issue of Papua. During the discussion, the speakers received several robocalls from unidentified numbers.[106] The University of Indonesia (UI) student executive body also faced harassment and intimidation when it held an online discussion on racism against Papuans on 8 June 2020. The contact person for the virtual discussion was unable to access his WhatsApp account two hours before the event, as his number had been registered on another device.[107]

Digital attacks on human rights organizations spiked significantly in October 2020, following widespread criticism by a number of human rights organization of newly enacted Law No. 11/2020 on Job Creation, or "Omnibus Law" as it is more commonly known. WALHI, an environmental NGO, was one of the targets of these attacks. On 14 October 2020, the public donations page on WALHI's website was attacked and WALHI's bank account details were replaced with an unidentified bank account. The person(s) or motive behind the attacks is not known, however, WALHI had been holding discussions with civil society delegations on the impact of the Omnibus Law and other environmental issues in the four days preceding the attack.[108]

On 18 October 2020, the Twitter accounts of a coalition of CSOs working on environmental and clean energy policies, Koalisi Bersihkan Indonesia (@bersihkan_indo) and an initiative commenting on injustices, Fraksi Rakyat Indonesia (@FraksiRakyatID), were silenced during the live tweet discussion of a report by Koalisi Bersihkan Indonesia concerning a network of mining business actors closely related to the enactment of the Omnibus Law. Both of the accounts were reportedly inaccessible between 18 and 19 October 2020 with just a message reading, "this account is temporarily restricted".[109]

In July 2021, the Corruption Eradication Commission (KPK) reported Greenpeace to the police over a laser painting action on the KPK's offices. On 28 June 2021, Greenpeace used laser beams to write various slogans on the KPK's office building, including "Dare to Be Honest, Fired" and "Save the KPK," as a form of criticism against the weakening of the KPK and the firing of 51 KPK employees—including some of the commission's most experienced and decorated staff members—after failing the civics or nationalism test.[110] The "test" includes sensitive and personal questions relating to the employee's religious beliefs and political views, ranging from questions on about their prayer rituals, to their views on the use of the hijab. Female staff revealed that they were asked questions that violate their right to privacy and amounted to verbal sexual harassment, including, "what do you usually do with your boyfriend?", "why are you not married?", "do you still experience sexual desire or not? and "what is your view on the sexual orientation of LGBTI people?"[111]

In an interview, Senior Forest Campaigner, Asep Komarudin, stated that Greenpeace and its staff have experienced physical and digital threats. Asep said that the Greenpeace office is often attacked by large groups of people throwing stones whenever they campaign against big corporations. Now, digital attacks and intimidation via social media are intensifying. They have also received death threats from unidentified parties, including threats to family members, and threats to abduct their children.[112]

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[104] Komnas Perempuan, "***Siaran Pers Komnas Perempuan: Penyerangan, Ancaman Perusakan, dan Pembakaran Kantor LBH APIK Jakarta,***" https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-penyerangan-ancaman-perusakan-dan-pembakaran-kantor-lbh-apik-jakarta-jakarta-24-februari-2020 (accessed on 20 June 2022).
[105] Interview with LBH APIK, 20 June 2022.
[106] Egi Adyatama, "***3 Pembicara Diskusi Soal Papua Diganggu Telepon Misterius***," Tempo.co., 5 June 2020, https://nasional.tempo.co/read/1350060/3-pembicara-diskusi-soal-papua-diganggu-telepon-misterius/full&view=ok (accessed on 10 June 2020).
[107] Amnesty International, "***End Wave of Digital Attacks on Students, Journalists, Activists***," 17 June 2020, https://www.amnesty.id/end-wave-of-digital-attacks-on-students-journalists-activists/ (accessed on 21 June 2020).
[108]Alfian Putra Abdi, "***Situs WALHI Diretas, Tampilan dan Nomor Rekening Donasi Berubah***," Tirto.id, 14 October 2020, https://tirto.id/situs-walhi-diretas-tampilan-dan-nomor-rekening-donasi-berubah-f5W8 (accessed on 18 October 2020).
[109] SAFEnet, "***[Rilis Pers] SAFEnet mengecam pembungkaman akun-akun twitter pengkritik UU Cipta Kerja***," 20 October 2020, https://id.safenet.or.id/2020/10/siaran-pers-safenet-mengecam-pembungkaman-akun-akun-twitter-pengkritik-uu-cipta-kerja/(accessed on 25 October 2020).
[110] Dewi E. Muthiariny, "***KPK Files Police Report Against Greenpeace Over Laser Shooting***," Tempo.co. 19 July 2021, https://en.tempo.co/read/1485043/kpk-files-police-report-against-greenpeace-over-laser-shooting (accessed on 28 July 2021).
[111] Amnesty International, "***President Jokowi must use his authority to reverse unjust firing of anti-corruption agency employees***," 17 September 2021, https://www.amnesty.id/president-jokowi-must-use-his-authority-to-reverse-unjust-firing-of-anti-corruption-agency-employees/ (accessed on 21 September 2021).
[112] Interview with Asep Komarudin, 25 April 2021.

In the same year, a number of legal aid foundations were the targets of intimidation and attacks by unidentified parties. In September 2021, a Molotov cocktail was thrown at the office of the Yogyakarta Legal Aid Institute (LBH Yogyakarta). The attack is thought to be related to the LBH Yogyakarta's advocacy work on cases concerning economic inequality and poverty.[113] Also in September, a similar attack also took place on the office of a legal aid institute in Bali, the *Himpunan Penerus Pejuang Pembela Tanah Air* (LBH HPP PETA), in which two unidentified men threw a Molotov cocktail at LBH HPP PETA's office.[114] The attack is thought to be related to a case involving a police officer that was being handled by LBH HPP PETA.[115] Although the police have investigated the case, at the time of writing this report there has been no update regarding the progress of the investigation.



Laskar Merah Putih protest in front of Amnesty International Indonesia's office
© Amnesty International Indonesia

In March 2022, Laskar Merah Putih, a paramilitary organization, staged a protest in front of both Amnesty International Indonesia's office and the Ministry of Foreign Affairs, accusing Amnesty International Indonesia of acting as a proxy for foreign interest. With reference to Amnesty International Indonesia's advocacy on Papua, the protesters specifically accused the organization of taking side with the Free Papua Movement (OPM).[116] Since early 2022, Amnesty International has been carrying out research and providing advocacy on the human rights situation in Intan Jaya, including the escalation of armed conflict, human rights violation, and the government's plan to develop the Wabu Blok mining area.[117]

States are responsible for protecting, preventing, and effectively addressing allegations of human rights violations and abuses committed against human rights organizations to ensure that HRDs can carry out their work in a safe and enabling environment. Amnesty International is concerned that HRDs and human rights organizations face an increasing number attacks, harassment, and intimidation, including physical attacks, criminalization, smear campaigns, and credential theft, simply for defending human rights.

6.2 PRESS FREEDOM UNDER THREAT

Journalists and the media are targets of violence, criminalization, and digital attacks because of their work, especially when covering news concerning human rights and public interest issues, including corruption and Covid-19. Amnesty International recorded at least 133 cases targeting at least 225 journalists and media institutions because of their work, including threat and/or attempted murder, arbitrary arrest, digital attacks and criminalization.[118]

In an interview, the Executive Director of the Legal Aid Center for the Press (LBH Pers), Ade Wahyudin, noted a significant increase in the number of these attacks during mass protests, including the protests against draft Criminal Code (RKUHP) and the Omnibus Law.[119]

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[113] The Finery Report, "***LBH Yogyakarta terrorised by Molotov cocktail attack***," 21 September 2021, https://www.thefineryreport.com/news/2021/9/21/lbh-yogyakarta-terrorised-by-molotov-cocktail-attack (accessed on 26 September 2021).
[114] Bali Tribune, "***Kantor Pengacara LBH HPP PETA Dibom Molotov***," 16 September 2021, https://balitribune.co.id/content/kantor-pengacara-lbh-hpp-peta-dibom-molotov (accessed on 21 September 2021).
[115] Media Indonesia, ***"Kantor Pengacara di Bali Dilempari Bom Molotov,"*** 16 September 2021, https://mediaindonesia.com/nusantara/433081/kantor-pengacara-di-bali-dilempari-bom-molotov (accessed on 21 September 2021).
[116] Based on a written demand of the Laskar Merah Putih sent to Amnesty International Indonesia.
[117] Amnesty International, "***Gold Rush: Indonesia's Mining Plans Risks Fueling Abuses in Papua***", https://www.amnesty.org/en/documents/asa21/5257/2022/id/.
[118] Alliance of Independent Journalists (AJI) recorded a higher number in which there were at least 201 cases of attacks and intimidation against journalists between January 2019 and May 2022. See further: Alliance of Independent Journalist (AJI), "***Data Kekerasan***," https://advokasi.aji.or.id/index/data-kekerasan/1/10.html?y=2019&m=1&ye=2022&me=5&jenis=Ancaman&jenis=Ancaman%20Kekerasan%20atau%20Teror (accessed 25 May 2022).
[119] Interview with Ade Wahyudin, 6 May 2021.

Journalists who cover corruption are also vulnerable to these attacks. In January 2020, journalist Muhammad Asrul was detained after being charged under the defamation clause of the EIT Law for writing articles on a corruption case allegedly involving the son of the mayor of Palopo, South Sulawesi, which were published online in 2019.[120] In March 2020, the Press Council declared through an official statement that the news covered by Asrul constituted a journalistic product, thus protecting it from criminal prosecution. Nevertheless, the criminal defamation case continued. In November 2021, Asrul was found guilty and sentenced to three months' imprisonment.[121] Asrul appealed against the court decision.[122] However, his appeal was rejected by the High Court on 24 February 2022.[123] Asrul then filed for cassation (appeal) to the Supreme Court on 18 April 2022.[124] At the time of writing this report, the cassation remains ongoing.

NURHADI

Vulnerability of Investigative Journalists to Attacks and Intimidation



Nurhadi © Private Collection

Nurhadi is a journalist at *Tempo*, a prominent news magazine in Indonesia. On 29 May 2021, he attempted to interview Angin Prayitno Aji, a former tax official who was under investigation for bribery by the KPK. Nurhadi attended Angin's daughter's wedding in an attempt to interview him. However, when Angin's staff found out that Nurhadi was a journalist from *Tempo*, plain-clothes and off-duty police officers, under instructions from Angin, detained Nurhadi in the venue dressing room.

They took his phone and interrogated him by beating him, slapping him and choking him with a plastic bag. The interrogators threatened Nurhadi, asking him to "pick between the ICU or the grave," stating that if he did not comply with their instructions to delete the wedding photos, they would make sure that he "would never see the sun again" and that they would "throw him to the sea, tying stones to his feet."[125]

Two of the perpetrators were convicted over their attack on Nurhadi, and sentenced to 10 months' imprisonment. However, the sentence is currently awaiting appeal and the case is still ongoing. Nurhadi's case is remarkable as it is the only case of an attack against a journalist involving police officers as the suspected perpetrators to have ever been brought to justice.[126] Other similar cases involving journalists and state officials have never been investigated.

In 2019, Nurhadi investigated hazardous waste disposal at a military base in East Java. It was reported that there were alleged secret deals between military personnel, waste brokers, waste transport companies, and local government officials behind the hazardous waste disposal site.[127] As a consequence of his reporting, Nurhadi had to relocate to another city for three months following information that military intelligence officers were monitoring his activities.

"Generally, three variables exacerbate journalists' vulnerability to intimidation. First, journalists covering issues in cities outside Jakarta are more prone to severe attacks and intimidation because they are not so much in the "spotlight" as those in Jakarta. Second, covering issues such as corruption, environment and mining. Third, if state actors and corporations are involved."

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[120] Nur Janti, "***Ruling against journalist sparks concern over press freedom: Activists,***" The Jakarta Post, 1 December 2021, https://www.thejakartapost.com/indonesia/2021/11/30/ruling-against-journalist-sparks-concern-over-press-freedom-activists.html (accessed on 5 December 2021).
[121] Erick Tanjung & Yosea A. Pramudita, "***Jurnalis Asrul Divonis 3 Bulan Penjara, SAFEnet: Proses Pemidanaan Yang Keliru***," Suara.com, 23 November 2021, https://www.suara.com/news/2021/11/23/214345/jurnalis-asrul-divonis-3-bulan-penjara-safenet-proses-pemidanaan-yang-keliru?page=all (accessed on 29 November 2021).
[122] ***Ibid***
[123] LBH Makassar, "***Melawan Kriminalisasi Pers, Jurnalis Asrul Ajukan Kasasi***," https://lbhmakassar.org/press-release/melawan-kriminalisasi-pers-jurnalis-asrul-ajukan-kasasi/ (accessed on 20 May 2022).
[124] ***Ibid***
[125] Interview with Nurhadi, 20 May 2022.
[126] Aliansi Jurnalis Indonesia, ***"Year-End Note 2021: Violence, Criminalization, & The Impact of The Job Creation Law (Still) Overshadows Indonesian Journalists",*** https://aji.or.id/read/buku/92/year-end-note-2021.html (accessed on 20 June 2022).
[127] Tempo, ***"Hazardous Waste at Military Bases",*** 19 February 2019, https://magz.tempo.co/read/investigation/35265/hazardous-waste-at-military-bases (accessed on 6 June 2022).

Journalists reporting on sensitive issues such as criticizing local government policies and government neutrality are also prone to intimidation. In March 2020, Mawar, a journalist from Lampung, was subjected to verbal abuse and intimidation by the governor of Lampung. Mawar was accused of writing a news article criticizing the governor's attendance of a political party meeting wearing his official uniform. However, Mawar was not the author of this particular article. In an attempt to silence criticism, the governor referred to Mawar's hijab and said that as a female Muslim journalist wearing a hijab she should just listen, obey, and only report good news.[128] The governor invited Mawar to his office, and started questioning her about the validity of reporting whilst going through a number of articles that she had written. "Following this incident, I asked my editor-in-chief to move me to a different location, I no longer had the courage to meet with the governor," said Mawar. She also told Amnesty International that, in carrying out her duties as a journalist, this was not the first time she had been subjected to verbal harassment from one of her sources.[129]

The pandemic also contributed to the increase in attacks against journalists. Journalists reporting on Covid-19, particularly those covering issues around government policies and medical treatment, have come under attack.[130] In May 2020, the Head of Bisui Village, North Maluku, Sudirman Hi Muhammad, physically abused Sahril Helmi, a media reporter from the South Halmahera bureau of *Kabardaerah.com*. Helmi was summoned by Sudirman Muhammad to clarify news he had reported regarding allegations of misappropriation of the Covid-19 budget. Instead of giving a statement of clarification, Sudirman grabbed Helmi by the neck, choking him, resulting in bruising.[131]

In August 2020, the official websites of *Tempo.co* and *Tirto.id*, two well-known Indonesian news sites, were victims of digital hacking. The *Tempo.co* website was hacked and defaced, including a false claim that *Tempo.co* creates fake news and does not comply with the journalistic code of ethics.[132] It is thought that the hacking was done in response to the news published by *Tempo.co* regarding social media influencers paid to support the Omnibus Law. At the same time, seven articles published by *Tirto.id* were deleted. One of the articles criticized a claim about the "discovery" of Covid-19 medication by Airlangga University, in collaboration with Indonesia's Intelligence Agency (BIN) and the Indonesian Army (TNI AD) suggesting that the team had side-stepped the due diligence process required for medicinal testing and approval.[133]

In October 2021, Project Multatuli, an independent journalist collective, suffered a digital attack after publishing a report titled "*Tiga Anak Saya Diperkosa*" (My Three Children were Raped). The report detailed a mother's desperate attempts to obtain justice for the alleged rape of her three children, all under the age of ten. The rape was allegedly perpetrated by her former husband, the children's biological father, who is also a prominent civil servant in East Luwu, South Sulawesi. The report does not reveal the mother and children's personal information, including their gender, or the name of the suspected perpetrator.[134]

Hours after publishing the report, Project Multatuli's website became inaccessible. It was later confirmed that the website had come under a DDoS (Distributed Denial of Service) attack, a form of digital attack in which the perpetrators aim to disrupt internet network services. On the same day, the East Luwu Police, who were responsible for handling the case, accused Project Multatuli of spreading false news. "The story reported does not have sufficient evidence, and we took care of this case on 9 October 2019," stated the East Luwu Police public relations department (@HumasReslutim) on Instagram Stories. The *Jakarta Post* reported that project that Multatuli's site was back up the day after the DDoS attack, and that the report in question was still available.[135] In May 2022, South Sulawesi police dropped the investigation into the rape case citing lack of evidence.[136]

Journalists play important roles in fulfilling the public right to information as part of their freedom of expression. All of these attacks pose a considerable threat to media and journalists' ability to perform their critical work and help serve the people's right to information, as protected under Article 19(2) of the ICCPR.

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[128] Mursalin Yasland, "***Gubernur Lampung Sebut Jurnalis Innalillahi....***" Republika.co.id, 4 March 2020, https://www.republika.co.id/berita/q6nzzu396/gubernur-lampung-sebut-jurnalis-innalillah%20i (accessed on 29 March 2020).
[129] Interview with Mawar, 13 May 2022.
[130] Interview with Ade Wahyudin, 6 May 2021.
[131] Pos Kota Malut, "***Aniaya Wartawan, KJH dan PWI Halsel Desak Polisi Adili Kades Bisui***," 1 May 2020, https://poskomalut.com/aniaya-wartawan-kjh-dan-pwi-halsel-desak-polisi-adili-kades-bisui/ (Accessed on 3 May 2020); Kabar Malut, "***Tak Terima Diberitakan, Kades Bisui Cekik Wartawan***," 1 May 2020, https://www.kabarmalut.co.id/2020/05/01/tak-terima-diberitakan-kades-bisui-cekik-wartawan/ (accessed on 6 May 2020).
[132] Vincent F. Thomas, "***Kronologi Peretasan Tempo.co & Pembungkaman Pekerjaan Jurnalistik***," Tirto, 21 August 2020, https://tirto.id/kronologi-peretasan-tempoco-pembungkaman-pekerjaan-jurnalistik-fZml(accessed on 28 August 2020).
[133] Fahri Salam, "***Kronologi Peretasan Berita Tirto.id, Dua Artikel soal 'Obat Corona'***" Tirto, 24 August 2020, https://tirto.id/fZ2d (accessed on 28 August 2020).
[134] Interview with a staff of Project Multatuli, 18 May 2022.
[135] Radhiyya Indra, "***Project Multatuli digitally attacked after reporting on police inaction in rape case***," Jakarta Post, 7 October 2021, https://www.thejakartapost.com/life/2021/10/07/project-multatuli-digitally-attacked-after-reporting-on-police-inaction-in-rape-case.html (accessed on 12 October 2021).
[136] BBC Indonesia, ***"Kasus dugaan kekerasan seksual tiga anak di Luwu Timur dihentikan, kesaksian korban 'diabaikan' dan 'seperti menegaskan percuma lapor polisi'",*** BBC Indonesia, 23 May 2022, https://www.bbc.com/indonesia/indonesia-61539916

In addition to an increasingly unsafe working environment, journalists have been stigmatized and denigrated in public speech, sometimes by political figures. As noted by the UN Human Rights Council, this "increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism."[137]

Under the national legal framework, journalists are protected under Law No. 40/1999 on the Press. Article 18(1) of the Press Law imposes criminal sanctions on anyone that hinders journalists from exercising their duties. However, there are numerous cases indicating that the state has yet to fulfil its obligation to ensure adequate protection for journalists.

6.3 ATTACKS ON ENVIRONMENTAL AND LAND RIGHTS DEFENDERS

Amnesty International has documented cases of intimidation in non-Indigenous communities that have tried to protect their land from private companies. For example, in July 2020, PT Pertamina Training and Consulting (PT PTC) began the forced evictions of residents in Pancoran, South Jakarta, who have been involved in a land dispute with the company since the 1970s. Throughout this time, Pancoran residents have faced various kinds of intimidation, while some have been accused of land-grabbing and reported to the police. In March 2021, a clash broke out between the Pancoran community and a paramilitary organization alleged to be in the pay of PT PTC. At least 28 residents sustained injuries as a result of the clash.[138]



↑ Efendi Buhing © Private Collection

Furthermore, leaders of indigenous communities are often subjected to arrest, detention, and taken to court. Although some are released without trial; many are charged, convicted and sentenced on the basis of reports made by business interests. Attacks against indigenous leaders have been used to further intimidate the wider indigenous community and weaken resistance against companies and members of the security forces.

The arbitrary arrest of **Effendi Buhing,** an indigenous leader of the Laman Kinipan indigenous people in Central Kalimantan, in August 2020, illustrates this well. A video recorded by his wife shows that that during his arrest, Buhing was dragged out of his house by the police, despite his request to be accompanied by a lawyer.[139] This arrest was made in relation to the land conflict between the Laman Kinipan indigenous community and PT Sawit Mandiri Lestari (PT SML), a palm oil plantation company, that has been ongoing since 2018. PT SML filed a police report accusing Buhing of ordering four Laman Kinipan members to steal a chainsaw that belongs to PT SML.[140] Buhing was later released, following public pressure.

A similar incident occurred to the Besipae-Pubabu indigenous people on Timor Island, East Nusa Tenggara. In August 2020, members of joint security forces evicted dozens of Besipae-Pubabu people from Timor Island using excessive force and demolishing their houses, as a result of tenurial conflict between the provincial government and the indigenous community.[141] Diana, an activist from a women's human rights organization, told Amnesty International that an indigenous woman from Pubabu Village reported that

[137] UNESCO, Threats that silence: trends in the safety of journalists; insights discussion paper; World trends in freedom of expression and media development: global report 2021/2022, p. 15, available at https://unesdoc.unesco.org/ark:/48223/pf0000379589
[138] Riyan Setiawan, "***19 Warga Pancoran Tolak Penggusuran Pertamina Akui Diserang Ormas***," Tirto, 18 March 2021, https://tirto.id/19-warga-pancoran-tolak-penggusuran-pertamina-akui-diserang-ormas-gbgZ (accessed on 28 March 2021).
[139] See the video of the arrest on Effendi Buhing: detikcom, "***Viral Penangkapan Tokoh Adat Kinipan di Kalteng!***" Youtube video, 27 August 2020, https://www.youtube.com/watch?v=Oy9_HQzT7Fw.
[140] Hidayatullah.com, "Amnesty Internasional: Penangkapan Masyarakat Kinipan Bentuk Pembungkaman pada Masyarakat Adat," 27 August 2020, https://hidayatullah.com/berita/nasional/read/2020/08/27/191126/amnesty-internasional-penangkapan-masyarakat-kinipan-bentuk-pembungkaman-pada-masyarakat-adat.html (accessed on 29 August 2020); Yuda Almerio, "***Buntut Konflik dengan Perusahaan, 6 Warga Adat Kinipan Diciduk Polisi***," IDN Times Kaltim, 27 August 2020, https://kaltim.idntimes.com/news/kaltim/yuda-almerio-pratama-lebang/buntut-konflik-dengan-perusahaan-6-warga-adat-kinipan-diciduk-polisi (accessed on 30 August 2020).
[141] Raden A. Wicaksono, "***Konflik Panjang Masyarakat Adat Pubabu-Besipae dan Pemerintah NTT***," Betahita, 26 August 2020, https://betahita.id/news/detail/5563/konflik-panjang-masyarakat-adat-pubabu-besipae-dan-pemerintah-ntt.html.html(accessed on 28 August 2020).

children defending their homes were physically assaulted and intimidated by police officers and military personnel[142] and forced into a police vehicle.[143] In response to the excessive use of force, the women carried out the spontaneous action of undressing (*aksi buka baju*) in an attempt to block and prevent the security forces from pushing their way onto their land. By baring their breasts, the women wanted to remind the security officials that they had also been nurtured by women's breasts.[144] However, the narrative was misrepresented as a pornographic act (*porno aksi*). One of the women participating in the action, a pre-school principal, received a warning from the local education department (*Dinas Pendidikan*).[145] She was reprimanded because the action was considered immoral, and she was forced to apologize for the action, otherwise, the education department would refuse to issue graduation certificate (*Surat Tanda Tamat Belajar*) to her students.

The conflict in Besipae-Pubabu demonstrates the inability of the authorities to examine the root causes that lead the women to carry out their action. The act of undressing is a traditional form of protest and opposition, particularly among women.[146] According to Komnas Perempuan Commissioner, Rainy Hutabarat, as reported by *Konde.co,* there are other examples across Indonesia where indigenous women have taken off their upper garments in protest. According to Rainy, undressing is the "loudest voice" the women could use to resist and comment on the acts of physical violence by the security services.[147]

According to an interview with the Indigenous Peoples Alliance of the Archipelago (AMAN), the threat to indigenous peoples' freedom of expression is at a critical and threatening level. AMAN has seen an uptick in violence against indigenous peoples due to companies' attempts to take over and control their customary land, which is frequently undertaken under the guise of public or national strategic interests. Attacks on indigenous peoples may also have intersectional consequences, as company activities that operate in indigenous areas often disrupt community livelihoods. Indigenous women often have to forsake their duties tending their gardens and rice fields, because they must work extra hours to source food.

> ***"When customary lands are seized, indigenous women lose their power. Women experience layers of pressure, specifically culturally motivated violence. For instance, what can women who lack professional experience do? Many have left and work as housemaids or factory workers. For women in particular, the effects are profound."***
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> - A staff member of AMAN.[148]

[142] Ghina Galiya,***"Authorities Clash with NTT Indigenous Community Over Disputed Land",*** 15 October 2020, https://www.thejakartapost.com/news/2020/10/15/authorities-clash-with-ntt-indigenous-community-over-disputed-land.html, (accessed on 21 June 2022).
[143] Solidaritas Perempuan, "***Hentikan Represifitas Negara terhadap Perempuan Adat yang Mempertahankan Tanah Kehidupannya***," 13 August 2020, https://www.solidaritasperempuan.org/hentikan-represifitas-negara-terhadap-perempuan-adat-yang-mempertahankan-tanah-kehidupannya/(accessed on 17 August 2020).
[144] Interview with Diana, an activist from a women's human rights organization, 9 November 2021.
[145] Solidaritas Perempuan, "***Hentikan Represifitas Negara terhadap Perempuan Adat yang Mempertahankan Tanah Kehidupannya***," 13 August 2020, https://www.solidaritasperempuan.org/hentikan-represifitas-negara-terhadap-perempuan-adat-yang-mempertahankan-tanah-kehidupannya/(accessed on 17 August 2020).
[146] For example, in certain African cultures, the exposure of the naked mother's body carries a powerful symbolism as it invokes a "power to take life that has been given". An example of this naked protest can be seen in a protest by indigenous mothers against global corporate oil companies in the Niger Delta in 2003. See further: Imogen Tyler (2013), "Naked Protest: The Maternal Politics of Citizenship and Revolt", ***Citizenship Studies,*** 17(2): p. 211-226.
[147] Konde.co, ***"Buka Baju Memprotes Penggusuran: Perlawanan Perempuan terhadap Kekerasan",*** 6 October 2020, https://www.konde.co/2020/10/perempuan-jambi-protes-penggusuran.html/ (accessed on 21 June 2022).
[148] Interview with the Indigenous Peoples Alliance of the Archipelago (AMAN), 26 April 2022.



Wadas Village © Gempa Dewa

In Wadas village, Purworejo, Central Java, residents' efforts to protect their land from mining operations were met with excessive use of force by law enforcement and security personnel. In April 2021, during the company's action to measure and fence-off land for an andesite mine, a clash broke out between the Wadas residents and security personnel. Hundreds of government security forces, including the military, descended on the village in riot gear. The security forces dispersed the protestors using teargas, resulting in several injuries. The police detained 11 residents, accusing them of initiating violence against the police, though they were released the next day without charge.[149]

The situation in Wadas further escalated in February 2022, after hundreds of security personnel entered the village to safeguard the land measurement process. Reports were received of the use of excessive force by security personnel, while villagers opposing the mine were harassed and intimidated.[150] According to an investigation by Komnas HAM, 67 people were arbitrarily detained by the police on 8 February 2022. Although all 67 people were released without charge the following day, three were named as witnesses into an alleged violation of the EIT Law involving the Twitter account @Wadas_Melawan, which posts information and updates about the protests and the situation on the ground.[151] Eventually, all three were cleared of all allegations, but their personal mobile phones were confiscated during questioning and have yet to be returned.

> ***"It was a traumatic experience for the children in Wadas. Following the clash, they stopped going to school. They were forced to witness their parents being arbitrarily arrested by the police."***
>
> - A Wadas activist.

The impact of the clash in Wadas is significant. After witnessing the violence, many residents were too scared to return to their homes, especially women and children. Consequently, they became too scared to leave the house, and some have had to be relocated to their relatives in other villages.[152]

Activists, advocates, and even students supporting and working on behalf of communities involved in land rights disputes are also vulnerable to attack and intimidation. For instance, two advocates from a legal aid institute that provides assistance to land rights defenders in Central Java were the target of physical violence and arbitrary arrest. During a clash between local residents and security officers, one of the advocates, Raditya, was subjected to a physical attack. Raditya's attempt to negotiate peacefully with the police and

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[149] CNN Indonesia, "***LBH: 11 Warga Ditangkap, 9 Luka Bentrok Proyek Tambang Wadas***," 23 April 2021, available in Indonesian at: https://www.cnnindonesia.com/nasional/20210423170853-20-634024/lbh-11-warga-ditangkap-9-luka-bentrok-proyek-tambang-wadas; DetikNews, "***9 Orang Luka Ricuh Tambang Purworejo, Polisi Dinilai Represif***," 24 April 2021, available in Indonesian at: https://news.detik.com/berita-jawa-tengah/d-5544931/9-orang-luka-ricuh-tambang-purworejo-polisi-dinilai-represif; CNN Indonesia, "***Sempat Ditangkap Buntut Demo Tambang Wadas, 11 Orang Dilepas***," 24 April 2021, available in Indonesian at: https://www.cnnindonesia.com/nasional/20210424132421-12-634228/sempat-ditangkap-buntut-demo-tambang-wadas-11-warga-dilepas, (accessed on 21 June 2022).

[150] BBC News, "***Kekerasan di Wadas dilakukan aparat 'berbaju sipill, kata Komnas HAM, 'aparat ribuan bukan ratusan***'" 25 February 2022, available in Indonesian at: https://www.bbc.com/indonesia/indonesia-60509211. (accessed on 21 June 2022).

[151] Amnesty International, "***Indonesia: End harassment of residents opposed to 'national strategic project'***" 10 February 2022, available in English at: https://www.amnesty.id/indonesia-end-harassment-of-residents-opposed-to-national-strategic-project/; Tempo, "***LBH Yogya Ungkap Nasib 3 Warga Wadas yang Perkaranya Naik ke Penyidikan,***" 14 February 2022, available in Indonesian at: https://nasional.tempo.co/read/1560724/lbh-yogya-ungkap-nasib-3-warga-wadas-yang-perkaranya-naik-ke-penyidikan/full&view=ok. (accessed on 21 May 2022).

[152] Interview with Joko, a Wadas activist, 22 April 2022.

military officers on the ground was met with violence. The police first kicked him in the shinbone and buttocks, and then later choked him. They took Raditya to the police station stating that he could not prove he was an advocate because he was wearing a sarong instead of an "advocate's uniform".[153]

The prevalence of attacks against environmental and land rights defenders, whether committed by the security forces, state-owned enterprises or private-owned business entities, shows that the state has failed to fulfil its obligations. In accordance with international human rights standards, residents have the right to be fully consulted and involved in the decision-making process of any proposed development activity that may affect them or their land. The deployment of security forces to prevent them voicing their opposition may be considered a form of intimidation and is a violation of their right to full and effective consultation. Human rights violation should never be justified in the name of development. Article 25 of the ICCPR, which Indonesia ratified through Law No. 12/2005, guarantees the people's right to take part in the conduct of public affairs, including in the formulation and implementation of policy at local levels.

Moreover, the Declaration on the Right to Development emphasizes that people should be fully consulted and involved in any development initiative that affects them, based on their active, free, and meaningful participation. The fundamental principle of full consultation and informed participation of individuals associated in the decision-making processes is further asserted under Article 2(3) of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas. Additionally, the broad impact of the conflict in Wadas on the children shows that the authorities have failed to fulfil their obligation to ensure children's right to life, survival, and development. Paragraph 42 of the General Comment No. 14 (2013) on the Convention of the Rights of the Children Article 6 sets out the state's obligation to create an environment that respect human dignity and ensure the holistic development of every child.[154]

Under UN Guiding Principle No. 4, the state has the duty to investigate, punish, and redress cases of human rights abuses against human rights defenders within their territory and/or jurisdiction by third parties, including business enterprises.[155] The state also has the duty to ensure protection of the people from abuses committed by state-owned enterprises.[156]

Furthermore, Articles 16 and 19 of Law No. 2/2012, as amended by Law No. 11/2020, which regulate land acquisition procedures for public purposes, require public consultation with the landowners to achieve mutual understanding and agreement on the land acquisition plan,[157] affirming the people's right to defend ownership of their land and property.

6.4 CURBS ON ACADEMIC FREEDOM

There are growing restrictions and threats to academic freedom in Indonesia—an integral aspect of the right to freedom of expression—from unidentified parties and, in many cases, from the campus authorities themselves.[158]

According to David Kaye, the former Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, (2014-2020), academic freedom should be understood to include the freedom of individuals as members of academic communities (including faculty, students, staff, scholars, administrators, and community participants) or in their pursuit of activities involving the discovery and transmission of information and ideas, and to do so with the complete protection of human rights law.[159]

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[153] Interview with Raditya, a human rights lawyer, 18 June 2021.
[154] United Nations, Convention on the Rights of the Child, "***General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1),*** Adopted by the Committee at its sixty-second session (14 January – 1 February 2013), https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf
[155] United Nations, ***Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework***, 2011, https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
[156] United Nations, ***Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework***, 2011.
[157] Article 1 para. 8 and article 19 Law Number 2/2012 as amended by Law Number 11/2020.
[158] The condition of academic freedom in Indonesia improved significantly following the fall of the New Order regime in 1998, with expert-rated scores of respects for academic freedom rising from 0.23 in 1997 to 0.75 in 2000, according to the Academic Freedom Index (AFI). Unfortunately, in 2021 the score fell to 0.65 amidst concerns from academics, activists, and media on the worsening conditions of academic freedom. University administrations have been cracking down on students for peacefully criticizing racial justice and corruption. Scholars have suffered prosecution, criminal investigations, lawsuits, and violent threats for their opinions and work. (Joint Submission to the Universal Periodic Review of Indonesia by Scholars at Risk and the Indonesian Caucus for Academic Freedom, Fourth Review Cycle, 41st Session of the United Nations Human Rights Council, para. 14, https://www.scholarsatrisk.org/wp-content/uploads/2022/05/SAR-KIKA-Indonesia-4th-Cycle-UPR-Final.pdf
[159] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, A/75/261, July 28, 2020, para. 8.

Amnesty International documented at least 20 cases of threats against academic freedom resulting in 69 victims between January 2019 and May 2022. In this section of the report, Amnesty describes cases of threats against academic freedom that occurred in the context of the academic environment specifically, including the intimidation of committees and speakers in academic discussion and the imposition of academic sanctions on students critical of campus policies/authorities.

In May 2020, the Constitutional Law Society (CLS) of the Faculty of Law, Gadjah Mada University, planned to hold a discussion entitled "The Issue of Presidential Impeachment in the Middle of a Pandemic as Viewed from the State Administrative System." The title of the discussion was later changed to "Setting Straight the Issue of the Dismissal of the President with Reference to the State Administrative System." This was an academic discussion, inspired by the trending hashtag (#ImpeachmentJokowi) calling for the impeachment of the president due to public discontent with the government's management of the Covid-19 pandemic. Unidentified parties sent death threats to those involved in the discussion, including the speakers, contact persons, students and their parents from the evening of 28 May to 29 May 2020, saying that the discussion was a treasonable offence.

Aditya Halimawan, the President of the CLS, received a call from an unidentified party using a local phone number, threatening Aditya and CLS with treason if they refused to report to Sleman police station. Others received death threats, as well as with fictitious online orders of food and transportation services, and were also unable to access their WhatsApp accounts.[160] "Fisco's (contact person of the event) family received threats stating that their son would be killed if the discussion wasn't cancelled. His WhatsApp was taken over, and a number of people gathered outside his home, banging on the door," said Aditya to illustrate the severity of the threats surrounding the event.[161]

Professor Ni'matul Huda, one of the speakers, also received death threats sent to her WhatsApp account, as well as in-person intimidation when unidentified individuals went to her home at night, demanding to see her. Despites filing a report to the police, to the date of writing this report, there has been no progress made in pursuit of the case.[162]



↑ *George Tirta © Amnesty International Indonesia*

In February 2021, three students from Lancang Kuning University in Riau: George Tirta Prasetyo, Cep Permana Galih, and Cornelius Laia, were reported to the police and expelled from the university after holding a protest against the campus authorities for selling students' thesis and carrying out illegal logging.[163] The students were expelled without any due process. "There is no justifiable reason for the expulsions given in the letters. There were attempts at intimidation by the police when we were arrested, and we were choked too," said George.[164] Though the expulsion notices were repealed, this incident has traumatized the students involved and is likely to have an intimidatory impact on other students.[165]

In March 2021, nine students from Teknokrat University in Lampung were deprived of their right to education following the building of their own secretariat to organize student activities. The students, active committee members of a student organization in the Faculty of Civil Engineering, did not have access to a secretariat office, despite being the only active student faculty organization at Teknokrat University.[166]

Following failed demands and negotiations with the campus authorities, the students were assisted by a local landowner who also runs a stall in the university canteen, who provided them with a piece of land on which to build their secretariat. Following the completion of the secretariat and as activities began to take place, campus authorities issues complaints, claiming that the students were being too loud and carrying out

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[160] Alya Nurbaiti, "***UGM students receive death threats over discussion on removing presidents from office,***" The Jakarta Post, 31 May 2020, https://www.thejakartapost.com/news/2020/05/31/ugm-students-receive-death-threats-over-discussion-on-removing-presidents-from-office.html. (accessed on 4 June 2020).
[161] Interview with Aditya Halimawan, 10 May 2021.
[162] Interview with Ni'matul Huda, 5 August 2022.
[163] Andita Rahma, "***Kritik Rektor, 3 Mahasiswa Universitas Lancang Kuning Dikeluarkan***," Tempo.co., 23 February 2021, https://nasional.tempo.co/read/1435391/kritik-rektor-3-mahasiswa-universitas-lancang-kuning-dikeluarkan (accessed on 27 February 2021).
[164] Interview with George Tirtra Prasetyo, 10 June 2021.
[165] ***Ibid.***
[166] Interview with Handri Kusuma, 23 June 2021.

activities with unclear motives and without permission. The campus authorities then filed notices of expulsion to three students, and notices of suspension to six others.

The campus authorities gave three reasons for expelling/suspending the students in a letter sent to each of the students. First, the students were declared to in violation of the code of ethics. However, the letters did state which section of the code of ethics had been violated. Second, the students were said to be causing a disturbance to residents living in the surrounding area. In response to this accusation, the students carried out an investigation, interviewing ten households in the surrounding the area, none of which stated that they had been disturbed by the students' activities. Third, the students were accused of promoting radicalism and extremism, once again without providing any evidence to support the allegation.[167]

"There are concerns by the rectorate that our activities in the secretariat will promote radicalism and extremism. Yet our activities just revolve around academic discussion and organizational matters. We were expelled from the campus right after we paid our tuition fees for the upcoming semester," said Handri Kusuma.[168] Following the incident, the organization's activities have ceased, the secretariat is vacant, and there are fears among the student body that they could be expelled for taking part in any student activities.[169]

In January 2022, Lintas, a student publication at the State Islamic Institute of Ambon (IAIN Ambon), published allegations of sexual harassment at IAIN Ambon which are allegedly perpetrated by, among others, lecturers and staff.[170] IAIN Ambon viewed the publication as an attack on its reputation and reported the chief editor of Lintas to the police. In addition, the rector of IAIN Ambon issued a decree ordering the suspension of Lintas' operations. Lintas has filed a lawsuit to the Administrative Court challenging the decree, and the case is currently underway.[171]

Paragraph 39 of General Comment No. 13 on the right to education states that academic freedom entails the freedom to: "Pursue, develop, and transmit knowledge and ideas through research, teaching, discussion, study, documentation, production, creation or writing." The General Comment also asserts that all academics and students are entitled to the liberty to: "Express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction." Thus, any attacks, intimidation and threats made against any platform that facilitates discussion among academics and students, conducted by state or non-state actors, undermines the enjoyment of academic freedom.

6.5 ATTACKS ON PROTESTERS

The authorities are obligated to respect, protect, promote and fulfil the right to protest, and to promptly, thoroughly, independently, impartially, transparently and effectively investigate and prevent cases of excessive use of force to disperse peaceful protests. If there is violence in the context of an assembly and if the use of force is unavoidable, law enforcement officials must only use the minimum level of force necessary to contain the situation and must comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles). In particular, there should be clear and precise rules and rigorous training for the use of anti-riot equipment including hand-held batons and "less lethal" projectiles.

However, Amnesty International finds that the Indonesian security forces have used excessive force against protesters on several occasions.

[167] ***Ibid.***
[168] ***Ibid.***
[169] ***Ibid.***
[170] Konde, "***Pers Mahasiswa 'Lintas' Dibekukan Karena Pemberitaan Kekerasan Seksual, Rektor IAIN Ambon Dilaporkan ke Ombudsman***," 9 August 2022, https://www.konde.co/2022/08/dugaan-maladministrasi-penanganan-kekerasan-seksual-rektor-iain-ambon-dilaporkan-ke-ombudsman-ri.html/ (accessed on 19 August 2022).
[171] Interview with Ahmad, attorney at Legal Aid for the Press (LBH Pers), 5 August 2022.

6.5.1 EXCESSIVE USE OF FORCE AGAINST STUDENT PROTESTERS



'Reformasi Dikorupsi" (Reform Corrupted) Protest in September 24th, 2019 © Amnesty International Indonesia

Between 2019-2021, there have been several huge demonstrations held by civil society groups, consisting in the main of university students. In September 2019, thousands of students, labour unions, activists, and other civilian elements across Indonesia took to the streets in a series of mass protests against what they perceived to be an attempt by the government and the legislature to roll-back democracy. The protest, known as the "*Reformasi Dikorupsi*" (Reform Corrupted) movement, was a nationwide rally against problematic articles in the draft of the new criminal code (RKUHP), and other draft laws including the Manpower Law, Land Law, Natural Resources Law, and the Correctional Procedures Law.

Several, if not most, of the provisions under these laws have the potential to threaten human rights. Whilst prioritizing problematic provisions under the RKUHP that have been heavily criticized by the public, the government has delayed work on laws that are considered urgent, such as the draft Protection of Personal Data Law, and the draft Indigenous Community Law.[172] The police are reported to have used excessive force against protesters including beatings, throwing stones and other projectiles as well as the use of teargas, rubber bullets and live rounds.[173] According to the media, the police detained and/or arrested around 1,489 protesters, with around 380 being charged with various alleged crimes.[174] During the nationwide protests, Amnesty International confirmed that police officers arrested and/or used excessive force against at least 403 protesters. Nevertheless, the organization believes the true figure to be higher.

Besides physical attacks and intimidation, there were also reports of digital attacks against student activists, academics, and anti-corruption activists in 2019 who were involved in the revision of the Corruption Eradication Commission (KPK) Law and the *Reformasi Dikorupsi* protests. The attacks came in the form of robocalls and hacking of WhatsApp accounts.[175] In an interview with Amnesty International, a student activist, Abi, said that his WhatsApp account was cloned during the 2019 *Reformasi Dikorupsi* protests. While inactive on his phone, his account sent out messages to other student activists changing the agreed evacuation point to a location where there were many police officers.[176] Abi only heard about this after the protest had ended. According to Abi, this type of attack often occurs during student protests as in April 2022, following a coordination meeting in advance of a protest, Abi also received a notification that his WhatsApp account had been logged in to from multiple cities even though he was not in any of those locations.[177]

In October 2020, despite the Covid-19 pandemic, thousands of people across Indonesia took the streets, this time to protest against the enactment of the Job Creation or Omnibus Law.[178] The protests were followed by arbitrary arrests and use of excessive force by the police in the form of physical and verbal abuse, beatings, and the use of teargas against the protesters. Amnesty International verified and published 51 videos of excessive use of force by the police against the Omnibus Law protesters.[179] Amnesty International has verified at least 19 cases resulting in 164 victims of arrests and/or excessive use of force, but the organization believes that the numbers are higher. After the protest ended, attacks still continued in the form

[172] Detiknews, "***Daftar RUU Disahkan, Ditangguhkan dan yang Masih Jadi Tuntutan Mahasiswa***," 25 September 2019, https://news.detik.com/berita/d-4720722/daftar-ruu-disahkan-ditangguhkan-dan-yang-masih-jadi-tuntutan-mahasiswa (accessed on 27 September 2019).
[173] Mohammad Bernie, "***Ada 390 Aduan kekerasan oleh Aparat dalam Aksi Reformasi Dikorupsi***," Tirto, 4 October 2019, https://tirto.id/ada-390-aduan-kekerasan-oleh-aparat-dalam-aksi-reformasi-dikorupsi-ejeu(accessed on 21 October 2019).
[174] Adi Briantika, "***Aksi Reformasi Dikorupsi: 1.489 Orang Ditangkap, 380 Jadi Tersangka***," Tirto, 3 October 2019, https://tirto.id/aksi-reformasi-dikorupsi-1489-orang-ditangkap-380-jadi-tersangka-ejaY (accessed on 21 October 2019).
[175] SAFEnet also received similar report on the digital attacks against the protesters. See further: SAFEnet, "***Indonesia Digital Rights Situation Report 2019: The Rise Of Digital Authoritarian,***" Denpasar, Bali: SAFEnet, 2019, https://safenet.or.id/wp-content/uploads/2020/10/Indonesia-Digital-Right-Situation-2019.pdf.
[176] Interview with Abi, 17 May 2022.
[177] ***Ibid.***
[178] For more information on the Job Creation Law, see Indonesia: Commentary on the labour cluster of the Omnibus Bill on Job Creation (Ruu Cipta Kerja), available at https://www.amnesty.org/en/documents/asa21/2879/2020/en/
[179] Amnesty International, "***Indonesia: Investigate verified evidence of police violence during Omnibus Law protests***," https://www.amnesty.id/indonesia-investigate-verified-evidence-of-police-violence-during-omnibus-law-protests/.

of digital hacking and doxing against activists and NGOs that actively criticize the Omnibus Law,[180] along with attempts to abduct student activists.[181]

State agencies have also been involved in systematic attempts at intimidation. In 2019, then Minister of Education, Muhadjir Effendy, reportedly issued an instruction to students not to join protests.[182] In response, around 37 universities threatened to sanction their students if they took part in the protests.[183] During the 2020 Omnibus Law protests, the police delayed or obstructed issuing certificates of good conduct, (*Surat Keterangan Catatan Kepolisian*, SKCK), to students, which are often required by prospective employers.[184]

The right to education is guaranteed under the Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 31 of Indonesia's 1945 Constitution. Yet, the experience of many students suggests that they face the risk of their right to continue their studies or find employment limited or obstructed for exercising their rights to freedom of expression, and peaceful assembly and association.

6.5.2 PHYSICAL VIOLENCE AND RACIAL ABUSE OF PAPUAN PROTESTERS

In July 2021, the Indonesian House of Representatives passed revised Law No. 2/2021 on Papuan Special Autonomy. The Papuan Special Autonomy Law was first adopted in 2001 in response to growing calls for Papuan self-determination following the fall of former President Soeharto's New Order regime. The law was meant to give the Papuan people more autonomy to govern themselves while still remaining part of Indonesia. One of the main focuses of the 2001 legislation was the protection of indigenous peoples.

In practice, the protections referred to in the Special Autonomy Law, particularly those regarding natural resources, have often been ignored or undermined by conflicting legislation. This is evidenced by ongoing deforestation in the region. According to data from Forest Watch Indonesia, as cited in *Mongabay,* the deforestation rate in Papua between 2002-2021 stood at around 60,300 hectares per year, while between 2013-2017, the rate had more than tripled to 189,300 hectares per year.[185]

Additionally, the revised Special Autonomy Law also introduces changes that strengthen central government authority and reduce the autonomy of Papuan institutions. The renewed law creates a special agency responsible for coordinating and evaluating the implementation of Special Autonomy, chaired by the Indonesian Vice President and with a designated office located in Papua. The new law also removes the right of Papuans to form local political parties, previously established under article 28(1) of the Special Autonomy Law.

These changes have resulted in widespread dissatisfaction with Special Autonomy, leading to an eruption of protests in Papua and other regions over the past year. These protests are often met with excessive use of force by Indonesian security personnel. Although Amnesty International has verified that law enforcement officers arrested and/or used excessive force against no less than 74 protesters, we believe the numbers are even higher.

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[180] Fraksi Rakyat Indonesia (@FraksiRakyat_ID), https://twitter.com/FraksiRakyat_ID; Fitang B. Adhitia, "***WhatsApp Aktivis Mirah Sumirat Diretas, Akibat Menolak UU Cipta Kerja?***" IDN Times, 8 October 2020, https://www.idntimes.com/news/indonesia/fitang-adhitia/whatsapp-aktivis-mirah-sumirat-diretas-akibat-menolak-uu-cipta-kerja (accessed on 11 October 2020); Walhi (@walhinasional), "[Info Penting] Website Donasi publik WALHI sedang di HACK Untuk sementara bagi sahabat yg ingin melakukan donasi publik bisa ke rekening Resmi a/n WALHI" 14 October 2020, https://twitter.com/walhinasional/status/1316263219095171072; SAFEnet, "***[Rilis Pers] SAFEnet mengecam pembungkaman akun-akun twitter pengkritik UU Cipta Kerja***," 20 October 2020, https://id.safenet.or.id/2020/10/siaran-pers-safenet-mengecam-pembungkaman-akun-akun-twitter-pengkritik-uu-cipta-kerja/ (accessed on 25 October 2020);
Bhekti Suryani, "***Mahasiswa Penolak Omnibus Law Jadi Korban Doxing, KAGAMA Filsafat UGM Sebut Pembunuhan Karakter***," Harian Jogja, 21 October 2020, https://jogjapolitan.harianjogja.com/read/2020/10/21/510/1053187/mahasiswa-penolak-omnibus-law-jadi-korban-doxing-kagama-filsafat-ugm-sebut-pembunuhan-karakter; "***Penolak Omnibus Law Jadi Korban Serangan Doxing***," Tempo, 27 October 2020, https://koran.tempo.co/read/nasional/459216/aktivis-penolak-omnibus-law-jadi-korban-serangan-doxing? (accessed on 29 October 2020).

[181] Citrust.id, "***Teror Pascademo UU Omnibus Law, Aktivis Mahasiswa di Cirebon Hampir Diculik***," 13 October 2020, https://www.citrust.id/teror-pascademo-uu-omnibus-law-aktivis-mahasiswa-di-cirebon-hampir-diculik.html (accessed on 20 October 2020).

[182] Tirto, "***Mendikbud Terbitkan Surat Edaran Larang Siswa Ikut Demo***," 28 September 2019, https://tirto.id/mendikbud-terbitkan-surat-edaran-larang-siswa-ikut-demo-eiUx (accessed 5 October 2019).

[183] CNN Indonesia, "***37 Kampus Ancam Sanksi Mahasiswa yang Ikut Demonstrasi***," 28 October 2019, https://www.cnnindonesia.com/nasional/20191014201129-20-439459/37-kampus-ancam-sanksi-mahasiswa-yang-ikut-demonstrasi (accessed on 20 May 2022).

[184] Ayomi Amindoni, "***Omnibus Law dan kontroversi isu SKCK: Polisi berdalih beri 'efek jera' bagi pelajar yang memprotes UU Cipta Kerja, pemerintah dan KPAI sebut 'mengancam masa depan,'***" BBC News Indonesia, 15 October 2020, https://www.bbc.com/indonesia/indonesia-54505759/ (accessed on 18 October 2020).

[185] Asrida Elisabeth, ***"Revisi UU Otonomi Khusus, Bagaimana Posisi Masyarakat Adat dan Alam Papua?",*** Mongabay, ***https://www.mongabay.co.id/2020/05/07/revisi-uu-otonomi-khusus-bagaimana-posisi-masyarakat-adat-dan-alam-papua/*** (accessed on 26 September 2022)

In a demonstration that took place on 14 July 2021 at Cendrawasih University, Jayapura, at least four students were injured during clashes with the security forces. Twenty-three other students were arrested and eventually released. Two protesters told Amnesty International that police beat protesters with their fists, guns, and rubber batons. One woman student activist also reported being kicked in the shin by a member of the security forces.[186] Video recordings of the protest verified by Amnesty International show two security officials beating protesters with batons.

On the morning of 15 July 2021, authorities used excessive force to disperse protestors in front of the Indonesian House of Representatives. The authorities arrested at least 50 protesters and took them to Jakarta Police Headquarters. A student who took part in the protest told Amnesty International that members of the security forces had beaten and racially abused him before his arrest.

> ***"I was dragged and taken far away from the protest, and then I was punched about seven times. When I tried to escape, the police pulled me back and stamped on me, on my shoulders and thighs, all the while calling me 'monkey'. I had to cover my face with my hands to protect myself from the beating. I was arrested and thrown in a truck."***
>
> - A student protester.

This incident was corroborated by another protestor who reported having witnessed police officers kicking a man and beating him.

A protester who participated in a demonstration in Sorong on 19 July 2021 told Amnesty International that police officers beat him during his arrest. He said, "I was kicked in the stomach and in the head. I was only arrested because I was calling on the National Chief of Police to release the protesters that had been arrested and detained by the police." The arrest and beating were corroborated by other protesters and video footage. Another protester in Sorong criticized the excessive use of force by security forces. He said, "They just don't want us Papuans to speak out about our rights. That's why every time we take action, we're always forced to disband using violence."[187]

On 16 August 2021, during a protest in Yahukimo, in the newly created province of Highland Papua, a protestor told Amnesty International he had heard multiple gunshots allegedly fired by security personnel, and that several empty cartridges were found close to where the protest took place.[188] During a protest in Jayapura on the same day, protesters confirmed that members of the security forces used water cannons, as well as beating protestors with rubber batons and guns. Amnesty International has verified video recordings of the event showing the use of water cannons as well as the use of rubber batons by the security forces.[189]

Even public discussions about Special Autonomy are met with repression. When the Papuan People's Assembly (MRP), an official state institution established through the Special Autonomy Law as a cultural representation of the indigenous people in Papua, sought to hold a public meeting about the implementation of Special Autonomy in Merauke in November 2020, two MRP members and their staff were arrested on allegations of treason. They were later released without charge.[190]

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[186] Interview with Vanessa, 18 May 2022.
[187] Amnesty International, ***"Indonesia: Papuan protesters shot, beaten and racially abused by security forces – new research,"*** 20 August 2021, https://www.amnesty.org/en/latest/news/2021/08/indonesia-papuan-protesters-shot-beaten-and-racially-abused-by-security-forces-new-research/ (accessed on 28 August 2021).
[188] ***Ibid.***
[189] ***Ibid.***
[190] Amnesty International, "***Papuan special autonomy law must ensure protection of indigenous rights and meaningful involvement of Papuan people***," 16 July 2021, https://www.amnesty.id/papuan-special-autonomy-law-must-ensure-protection-of-indigenous-rights-and-meaningful-involvement-of-papuan-people/ (accessed on 19 July 2021).

WENSISLAUS FATUBUN

Attack on a Staff Member of a Legitimate State Body



↑ *Wensislaus Fatubun © Private Collection*

Since 2019, Wensislaus (Wensi) has worked as an advisor on human rights issues to the Papuan People's Council (*Majelis Rakyat Papua*, MRP), a consultative body established by the Indonesian government under the Special Autonomy Law. Wensi's duties include making visits to indigenous communities and participating in consultations with local, national, and international organizations in an effort to protect the rights of indigenous Papuans.

While carrying out his duties, Wensi often receives threats and other forms of intimidation from other state actors. In November 2020, Wensi was the victim of state repression during a public hearing on the implementation of Special Autonomy. Wensi was handcuffed and herded out of his office along with six MRP staff, and taken to the police station where they were ordered to squat down and interrogated like criminals. In order to secure his release, Wensi was forced to make a statement declaring that he was not involved in treason. In a conversation with Amnesty International, Wensi said that intimidation had begun before the arrest. Several unidentified persons had gone to the MRP's office to undertake "monitoring" a day before the hearing.

"In Papua, when security forces see us, they think: 'These black people with curly hair are not one of us.' We are seen as different, and even though we talk about positive things, they assume we always have bad intent (to separate from the government), and whatever we say, they never listen. The MRP is an official body—it must be so much worse for our brothers and sisters protesting on the streets."[191]

The excessive use of force also occurred during the recent protest against the government's plan to establish new administrative areas in Papua. Protests broke out in multiple locations in Jayapura, including Abepura, Waena and Perumnas Tiga. When hundreds of students and activists took to the streets in Abepura on 5 May 2022, they were met with overwhelming unlawful force, and subjected to beatings and other ill-treatment in a flagrant disregard of the right to freedom of peaceful assembly.

One of the student activists, Lucas, told Amnesty International that when the protesters gathered at a dormitory in Waena and began to walk to the House of Representatives, their path was blocked by security personnel. The officers called Lucas for negotiation and asked him to disperse the crowd immediately. As he walked back from the negotiation, the officers had already started counting down from 10. The protesters immediately dispersed in panic, leaving Lucas alone. Two officers approached Lucas, grabbing his head and hands from behind.[192]

"I was kicked in the chest by the police. They held a gun up against my head, and then fired the gun just to the side of my head, hitting an electricity pole. I was very shocked. After that, another man who wasn't wearing a uniform hit me with wooden club, hitting me again in the chest. I passed out. My friends found me and brought me back to the student dormitory," said Lucas.[193] At least 37 students were injured during the protest due to the excessive use of force by the police officers, including beatings with rubber batons and wooden clubs to the head and chest, causing severe injuries.[194]

The UN Human Rights Committee, the body established to oversee the implementation of ICCPR by state parties, has made it clear in General Comment 37 that, "Only in exceptional cases may an assembly be dispersed. Dispersal may be resorted to if the assembly as such is no longer peaceful or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more

[191] Interview with Wensislaus, 17 May 2022.
[192] Hengky Yeimo, "***Demonstran Petisi Rakyat Papua: Kami dibubarkan, ditendang, dan dipukul***," Jubi, 12 May 2022, https://jubi.id/tanah-papua/2022/demonstran-petisi-rakyat-papua-kami-dibubarkan-ditendang-dan-dipukul/ (accessed on 18 May 2022).
[193] Interview with Lucas, 19 May 2022.
[194] Hengky Yeimo, "***Demonstran Petisi Rakyat Papua: Kami dibubarkan, ditendang, dan dipukul***, see footnote No. 192.

proportionate measures such as targeted arrests, but in all cases, the law enforcement rules on use of force must be strictly followed."

While policing demonstrations is a difficult and complex task, and it may sometimes be necessary for law enforcement officials to use force in order to carry out the state's obligation to maintain public order and prevent crime, in carrying out their duties they must also comply with the state's obligation under international law to ensure that everyone can enjoy the right to peaceful assembly, and that the rights to life and to physical and mental integrity are respected at all times.

International law enforcement standards are clear that any use of force by the police should be exceptional and must comply with the state's international human rights obligations, particularly the obligation to respect and protect the right to life and physical integrity and security of the person. This is set out in Article 3 of the UN Code of Conduct for Law Enforcement Officials, which states that, "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".

Police must, as far as possible, apply non-violent means before resorting to the use of force, and whenever the lawful use of force is unavoidable, they must use it with restraint and in proportion to the seriousness of the law enforcement objective, and must ensure that assistance and medical aid are rendered at the earliest possible moment to anyone injured or affected. The UN Basic Principles underline the right to participate in peaceful assemblies, in accordance with the principles in the ICCPR, and stipulate that in dispersing assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force or, if that is not practicable, must restrict it to the minimum necessary.

7. CONCLUSION AND RECOMMENDATIONS

The authorities are increasingly repressing, oppressing and suppressing peaceful dissenters around the country. They are targeting human rights defenders (HRDs), activists, journalists, academics, as well as the civic space in which they operate, rather than protecting it. Indonesian civil society has become increasingly concerned about and become vulnerable to the wave of attacks, harassment, labelling, and intimidation against civil rights activists.

There are several legal instruments that stand out as pivotal factors contributing to the current trend of declining human rights in Indonesia including, among others, Law No. 11/2008 as amended by Law No. 19/2016 on Electronic Information and Transactions (EIT Law) and the Indonesian Criminal Code (KUHP), specifically Article 310 that criminalize defamation as well as Articles 106 and 110, which cover crimes against the security of the state. These legal instruments have raised fears of the re-emergence of the exercise of political power through the misuse of legal mechanisms, a common practice under the New Order.

The government is failing in its obligation to respect, protect, promote and fulfil the right to defend human rights, including by failing to implement effective protection mechanisms for civil society at risk, or punishing those responsible for attacks, while attacks and acts of intimidation against members of civil society have reached unprecedented levels.

Amnesty International makes the following recommendations to the Government of Indonesia, the House of Representatives and the Minister of Law and Human Rights, the Chief of the Indonesian National Police, the Commander of the Indonesia National Armed Forces, regional and international human rights bodies, and relevant corporate actors as a starting point to ensure a safe and enabling environment. These measures must be implemented without further delay to ensure that individuals speaking out against injustices are able to do so without being attacked, threatened or otherwise harassed and intimidated.

AMNESTY INTERNATIONAL RECOMMENDS THE GOVERNMENT OF INDONESIA TO:

- Publicly condemn the attacks, threats, harassment and intimidation against civil society, including HRDs, activists, journalists, media outlets, lawyers, environmental activists, and academics, and acknowledge that the attacks are serious human rights violations;
- Respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, civil society organizations and HRDs are protected, can work effectively to defend and promote human rights without fear of reprisal;
- Immediately drop all politically motivated charges and stop investigations into cases against HRDs, activists, journalists and other members of civil society who are facing charges simply because of their human rights work;
- Ensure that all attacks, threats, and acts of intimidation against members of civil society are investigated promptly, thoroughly, independently, impartially, transparently and effectively. Suspected perpetrators should be brought to justice in fair trials, and victims and their families should be provided with access to justice and effective remedies. The investigation, and any prosecutions, should not be limited to direct perpetrators, but also look into any involvement of

commanders and other superiors, irrespective of rank, and where sufficient admissible evidence is found, suspects are prosecuted before civilian courts in proceedings that meet international fair trial standards and does not impose the death penalty;

- Refrain from imposing blanket bans on the dissemination of information, including those based on vague and ambiguous concepts such as "false news" or "spreading misinformation", and repeal or amend directives, regulations and legislation that impose criminal penalties simply for sharing or distributing information;
- Refrain from targeting peaceful expression of opinions, including critics of the government, with measures that unduly limit the rights to freedom of expression and peaceful assembly;
- Ensure that women, indigenous and other HRDs receive the specific protection they need to protect them against threats and violence, recognizing the particular challenges and risks they face;
- Issue prompt instructions to all branches of law enforcement to end intimidation, harassment, and attacks against HRDs, civil society organizations, media outlets, journalists, and lawyers around the country, including unlawful surveillance and other acts of reprisal;
- Conduct a thorough review of police, military and other security forces' tactics in the use of force and firearms, including during public assemblies and arrests, to ensure they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure companies implement adequate human rights due diligence processes, as set out in the UN Guiding Principles on Business and Human Rights, to ensure that the human rights of individuals and communities, including HRDs, indigenous communities and environmental activists, affected by activities of companies or those of subsidiaries, subcontractors or suppliers are protected;
- Ensure companies adopt a policy of zero-tolerance towards acts of violence, threats or intimidation committed against human rights defenders, indigenous communities and environmental activists opposing or expressing their views about the company's projects; and
- Promote collaboration between companies and the state authorities in the investigation of any attack, threat or intimidation perpetrated against human rights defenders, indigenous communities, and environmental activists because of their work in opposing or expressing their views on a company's projects.

AMNESTY INTERNATIONAL RECOMMENDS THE HOUSE OF REPRESENTATIVES AND THE MINISTER OF LAW AND HUMAN RIGHTS TO:

- Repeal or make substantial revision of laws and regulations that impose restrictions on the right to freedom of expression and peaceful assembly beyond those allowed under international human rights law, including:
  - The EIT Law, particularly the problematic provisions criminalizing "immorality," defamation, and hate speech, under Articles 27 and 28; and
  - Articles 106 and 110 of the KUHP that are often used to criminalize peaceful exercise of human rights, and to make the KUHP consistent with international human rights law;
- Acknowledge publicly the serious problem of shrinking civic space in Indonesia and send a clear message to all police and government officials in Indonesia that any unlawful restrictions to freedom of expression and peaceful assembly are unacceptable and strictly prohibited at all times;
- Enact a new law covering legal protection for HRDs against the threat and violence of any kind; and
- Ensure that all regulations to be enacted in the future will not undermine freedom of expression and peaceful assembly in Indonesia and are in accordance with international human rights standards.

AMNESTY INTERNATIONAL RECOMMENDS THE CHIEF OF THE INDONESIAN NATIONAL POLICE TO:

- Ensure that all cases of physical and/or digital attacks, threats, and acts of intimidation against members of civil society are investigated promptly, thoroughly, independently, impartially, transparently and effectively, including to promptly publish the reports and findings related to the attacks;

- Incorporate the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials into internal regulations in their entirety through operational instructions and training;
- Ensure that the Police Regulations on Policing Public Assembly (No. 16/2006), the Use of Force (No. 1/2009), and the Handling of Cases relating to Expressing Opinion in Public (No. 7/2012) are disseminated to all police forces, with appropriate training;
- Ensure that all police internal disciplinary procedures and mechanisms are clearly set out in publicly available documents and that information on internal investigation procedures, including how to make a complaint about police misconduct, is readily available to the public (including at police stations and on relevant government websites); and
- Promptly publish the reports and findings of police internal investigation into allegations of police abuses in detail.

AMNESTY INTERNATIONAL RECOMMENDS THE COMMANDER OF THE INDONESIA NATIONAL ARMED FORCES TO:

- As a general rule, do not deploy military forces to police assemblies. Where troops do play such a role, ensure that they:
  - comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other International standards;
  - carry out their tasks with full respect for the rights to freedom of peaceful assembly and expression, the rights to life, liberty and security of person, and other human rights; and
  - are trained and equipped to discharge their duties in accordance with international human rights standards and that they follow instructions by police.
- Ensure that all human rights violations that have been committed by the military are investigated promptly, thoroughly, independently, impartially, transparently and effectively. The investigation, and any prosecutions, should not be limited to the direct perpetrators but also include those with command responsibility, irrespective of rank;
- Ensure, where there is sufficient admissible evidence, that such crimes are prosecuted before civilian courts in proceedings that meet international fair trial standards and does not impose the death penalty; and
- Promptly publish all reports and findings of internal investigations into allegations of military abuses in detail.

AMNESTY INTERNATIONAL RECOMMENDS THE ATTORNEY GENERAL TO:

- Ensure prosecutors use strict standards under international human rights instruments in filtering cases from the police that will be brought to the prosecution stage, especially cases involving freedom of expression, opinion, and peaceful assembly. Prosecution of these cases may increase the climate of fear in civil society and is contrary to human rights principles; and
- Ensure prosecutors implement and support legal protection against public participation, known as the Anti-SLAPP (Strategic Litigation/Lawsuit against Public Participation) principle. Prosecutors must ensure that prosecutions for cases that threaten public participation are dropped immediately.

AMNESTY INTERNATIONAL RECOMMENDS THE INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES TO:

- Monitor the implementation of Indonesia's obligations on the protection of civil society, including by paying particular attention to WHRDs;
- Continue to make repeated public statements about the decline of human rights in Indonesia and the crucial role of civil society and human rights defenders in promoting human rights and legitimacy; and
- Formulate policies and strengthen mechanisms to prevent and address acts of intimidation or reprisals against members of civil society in general and human rights defenders who communicate and interact with international and regional mechanisms and ensure that the crucial information received from them does not place them at risk.

IN REGARD TO THE INTERNET SHUTDOWN AND OTHER RESTRICTIONS ON ONLINE COMMUNICATION, AMNESTY INTERNATIONAL RECOMMENDS RELEVANT CORPORATE ACTORS, PARTICULARLY INTERNET SERVICE PROVIDERS, TO:

- Ensure that all operations are conducted in a manner that respects all the human rights of their users, including the right to freedom of expression, association, and peaceful assembly, when responding to orders from state authorities on internet shutdowns;
- Conduct human rights due diligence, including detailing the risks of complying with network disruption requests. Process of and results from assessments should be made public;
- Exercise their leverage with the Indonesian authorities to demand information on the legal basis of internet shutdown requests, including asking for explanations on how the shutdowns would comply with international human rights laws; and
- Publish public transparency reports on network shutdown requests from authorities in Indonesia and notify customers when a network disruption is imminent.

8. ANNEX

ANNEX 1 – LETTER TO COORDINATING MINISTER FOR POLITICAL, LEGAL, AND SECURITY AFFAIRS

Ref: 144/AII – Kemenkopolhukan/VIII/2022

Jakarta, 5 August 2022

Prof. Dr. H. Mohammad Mahfud Mahmodin, S.H., S.U., M.I.P.
Coordinating Minister for Political, Legal, and Security Affairs
Jl. Medan Merdeka Barat No. 15, Central Jakarta 10110
Indonesia

AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

RESEARCH INTO THE CURRENT SITUATION OF CIVIL LIBERTIES IN INDONESIA

Dear Mr. Mohammad Mahfud Mahmodin,

I am writing on behalf of Amnesty International to inform you of the preliminary findings of our research on the current situation of civil liberties in Indonesia where we received multiple reports of attacks on Human Rights Defenders (HRDs) and Human Rights Organizations (HROs), and violations of other human rights.

Amnesty International is a global movement of more than ten million people working to ensure the protection and realisation of human rights worldwide. We are independent of any political ideology, economic interest, or religion, and are funded mainly by our membership and public donations. We campaign and advocate to improve human rights through impartial and thorough research on human rights issues all over the world.

In 2021, Amnesty International initiated research into the current situation of civil liberties in Indonesia, particularly on the shrinking of civic space in the past years. With this letter, we are interested in communicating our concerns related to a number of incidents involving attacks, harassment, and intimidation against HRDs, journalists, environmental defenders, students, and protesters with state agents and non-state actors as the perpetrators.

Indonesia has the legal obligations to respect, protect, promote, and fulfil the rights of the freedom of expression, peaceful assembly and association. Indonesia has ratified various international human rights, including International Covenant on Civil and Political Rights (ICCPR), and established national legal frameworks that enhance the protection of such rights, including articles on protection of civil rights within the 1945 State Constitution of the Republic of Indonesia, as well as Law No. 39/1999 on Human Rights. However, a number of statutory provisions in the law have been misused and abused to suppress people's exercise of the rights to freedom of expression, peaceful assembly and association most notably Law No. 11/2008 as amended by Law No. 19/2016 on Electronic Information and Transaction (EIT Law) as well as in the Indonesian Criminal Code (KUHP).

Several provisions of the EIT Law, especially through articles which criminalise 'defamation' and the 'dissemination of information that incites hatred', have been used as a pretext to file criminal reports and arrest civil society leaders and human rights defenders in a wide range of cases. Several provisions under the KUHP have also been used to silence political activities, particularly against those criticizing the newly revised Papuan Special Autonomy Law.

The government is failing in their obligations to respect, protect, promote, and fulfil the right to defend human rights, including by failing to implement effective protection mechanisms for civil society activists and organisations at risk, or punishing those suspected to be responsible for attacking them. Amnesty International calls on the government of the Republic of Indonesia to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, and civil society organisations are protected so that they can freely and effectively carry out their work to defend and promote human rights without fear of reprisal. The organization also calls on the government to promptly, thoroughly, impartially, independently, transparently, and effectively investigate all reports of attacks, threats, intimidation and harassment against HRDs, activists, journalists and other members of the civil society and to bring to justice those suspected to be responsible in fair trials. The government must provide access to justice and effective remedies for victims.

As part of its research, Amnesty International has documented incidents and instances of repression of dissent and attacks against HRDs, activists and civil society organizations between January 2019 to May 2022. The report will focus on incidents of repression against individuals who are on the frontline of human rights work. These groups include human rights organizations and their members; journalists who investigate and expose human rights violations and their perpetrators; students who peacefully express their opinions on human rights issues; indigenous peoples who fight for their rights, including their land and environmental rights; and also, lawyers who advocate for human rights as counsel for parties aggrieved by human rights violations and as human rights champions in their own right.

We conducted interviews with 48 interlocutors (17 women and 31 men), consisting of 21 HRDs, nine students, seven lawyers, six journalists, one academic, and four government representatives. In conducting interviews, Amnesty International took into account the geographical distribution of our interlocutors to ensure a broadly representative sample. Out of the 48 interviewees, 31 are based in Western Indonesia, one is based in Central Indonesia, 15 are in Eastern Indonesia, and one is in Australia. To protect the confidentiality and safety of our informants, some names and other identifying information have been withheld. Due to Covid-19 travel restrictions at the time of the research process and for health security reasons, all interviews were conducted via secure online communications.

PRELIMINARY FINDINGS

1) Repressive Cyber Security Measures

Amnesty International found several cases demonstrating repression of civil liberties by the government. In these cases, the government made use of various repressive laws to limit the rights to freedom of expression, association, and peaceful assembly, and target civil society actors who are regarded as threats to the authorities. One such law is Law No. 11/2008 as amended by Law No. 19/2016 on Electronic Information and Transaction (EIT Law). The overly broad provisions of Articles 27 and 28 of the EIT Law have been misused to arrest those who express their opinions on social media. It has also been used to silence criticisms against the government and other dissenting political opinions. The EIT Law has been used prominently in recent years to prosecute human rights defenders, activists, journalists, academics, and other members of civil society who have raised their voices against attempts to curb freedom of expression. From January 2019 to May 2022, Amnesty International recorded at least 333 individuals who were named suspects by the police for allegedly violating Articles 27 and 28 of the EIT Law.

The case of Fatia Maulidiyanti and Haris Azhar provides an illustration of the misuse of EIT Law. In August 2021, the Coordinating Minister for Maritime and Investment Affairs reported two HRDs, Fatia Maulidiyanti and Haris Azhar, to the police on the allegation of defamation. Azhar and Maulidiyanti discussed a report that mentioned that some companies were allegedly involved in exploring the Wabu Block gold mine in Intan Jaya, Papua. The research argues the existence of a relationship between concessions granted by the Indonesian government to some companies and the deployment of the military in Papua. Following the video's release, the Coordinating Minister sent two legal notices on 26 August and 2 September 2021 to Maulidiyanti and Azhar, asking for clarification regarding his involvement in the Wabu Block gold mine in Intan Jaya and apologies from them. On 17 March 2022, Maulidiyanti and Azhar were accused of defamation

and charged under Article 27 of EIT Law. On 21 March, both were summoned by Jakarta's Police for the investigation process. When this report is written, the case remains in the stage of examining witnesses and experts, and there is no clarity regarding the trial schedule.

In June 2021, the government released a Joint Decree on the Guidelines for the Implementation of the EIT Law. However, many people, including scholars, believe that the Guidelines would not be able to solve the problem concerning the ambiguity which restricts freedom of expression, as the fundamental issue is the substance of the problematic provisions. At the end of 2021, the government announced that the EIT Law was finally listed on the priority list of the 2022 National Legislation Program. At the time of this report, the discussion on the revision of the EIT Law is still pending because the House of Representatives is currently working on revising the Personal Data Protection (PDP) Law.

Amnesty International has a deep concern on the arbitrary use of the EIT Law to criminalise those who peacefully express their opinions on social media. The right to comment on, and indeed criticise, the performance of public officials and government policy is an important aspect of freedom of expression and must be fully and effectively respected, protected, promoted, and fulfilled. The right to freedom of expression and opinion is enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and elaborated further in the General Comment No. 34.

2) Attacks on Human Rights Defenders

Amnesty International found that human rights defenders (HRDs) face physical and digital violations against their own rights. Human rights defenders are facing criminalisation, unlawful killing attempts, smear campaigns, and credential theft. In addition to those types of attacks, women human rights defenders (WHRDs) often suffer from forms of gender-based violence such as sexual violence, threats, and harassment motivated by their sex.

When an HRD and/or WHRD is attacked or killed, it is rarely an isolated occurrence and is often related to their work. Amnesty International documented at least 14 cases of unlawful killing attempts and death threats to HRDs between January 2019 and May 2022. One of the attempted unlawful killing cases happened to Murdani, Executive Director of Wahana Lingkungan Hidup Indonesia (WALHI), when his family home was set on fire by unidentified parties in January 2019. Based on the evidence collected on the location, Amnesty International found that fires were started in four different spots in the compound and the largest fire started from Murdani's minivan, parked adjacent to the house. The assailants set fire to the vehicle by burning a pillow and a t-shirt underneath it with gasoline. At the time of the incident, a CCTV located near Murdani's house was covered with a hat belonging to Murdani's son. Amnesty also found that the assailants started fires in two doors in Murdani's house to prevent people inside the house from getting out. Neighbours who intervened to put out the fire said that they found that the water sewage dyke located in Murdani's backyard was dried out. They told the organization that this was very unusual, as water flows through the dyke daily, and that they found a deliberate blockage about 400 meters down from Murdani's house. Although the Central Lombok police had investigated the case and mapped possible motives for the attacks, until this report was written, Murdani told Amnesty International that his case remains unclear and there is still no clarity regarding suspected perpetrators from the police.

Besides physical attacks, HRDs are also vulnerable to digital attacks. Amnesty International documented at least 113 credential theft cases targeting HRDs, including students, activists, and journalists. Although Amnesty International has not been able to identify the perpetrators of the digital attacks, based on the existing pattern of the attacks on those criticising the government, the organization is concerned that this situation may lead to a growing climate of fear for expressing opinions. One of the notable cases happened in April 2020. Ravio Patra, a public policy researcher and activist, found that his WhatsApp had been taken over by unidentified parties. While his account was taken over, the suspected perpetrator sent messages to several numbers that were not in Patra's phone contacts calling for loot and civil disobedience. The day after the WhatsApp hacking, Patra was forcibly taken to the police station by unidentified men at midnight. The arbitrary arrest was conducted on Patra without any measure pursued by the police to investigate the hacking of his WhatsApp that he reported, even until this report is written. Patra has also filed a pre-trial motion at

the South Jakarta District Court to challenge the arbitrary arrest; however, his pretrial motion against the Jakarta police in 2020 was rejected by the court.

3) Attacks on Human Rights Organizations

Amnesty International found that in doing their work of advocating or providing legal aid in the context of human rights activism, human rights organisations have also become targets of attacks, either directly or in the digital sphere. For instance, in 2021, legal aid institutes became targets of terror attacks by unidentified parties. In September 2021, a Molotov cocktail was thrown at the office of the Yogyakarta Legal Aid Institute. Burn marks were found spreading from the floor, walls, windowpanes and ventilation to the roof of the office. The attack was suspected to be related to Yogyakarta Legal Aid Institute's intensive advocacy work in structural cases and cases concerning inequality experienced by the poor.

Additionally, Amnesty International also found that WHRDs working on the rights of women and girls are also particularly targeted. In February 2020, more than ten individuals who identified themselves as members of the Maluku Muslim Community and four members of the Matraman sector police raided and forced search APIK Legal Aid Institute (LBH APIK), an institute focused on providing legal aid for women facing gender-based violence and discrimination.[1] The incident was apparently connected to the domestic violence case that LBH APIK handled in which LBH APIK was accused by suspected perpetrators of abducting and holding the victim. Although LBH APIK has reported this incident to the police, at the time of this writing, there had been no response and clarity of their report.

4) Attacks on Journalists and Media

Journalists and media became targets of terror, violence, criminalisation, and digital attacks because of their work, especially those who cover news concerning human rights issues and public interest. From January 2019 until May 2022, Amnesty International documented at least 120 cases of attacks and intimidation toward journalists with at least 213 victims. Based on several interviews, Amnesty International found that journalists who cover the issue of corruption and Papua are more prone to become victims of these attacks. One of the victims is journalist Nurhadi. In May 2020, when attempting to interview a former tax official under investigation for bribery by the Indonesian Corruption Eradication Commission, Nurhadi was detained by the guards who were also off duty police officers. They stole his phone, and attempted to interrogate Nurhadi by beating, slapping and even strangling him with a plastic bag. Two of the perpetrators were convicted for their treatment of Nurhadi, being sentenced to 10 months in prison. However, the sentence is currently awaiting appeal and the case is still ongoing. Nurhadi's case is the only case of attacks against journalists, with police officers as the suspected perpetrators, that have been brought to justice.[2] Other similar cases involving journalists and state officials have never been investigated.

5) Attacks on Environmental and Land Rights Defenders

Land and environmental human rights defenders, including indigenous groups, often became targets of violence and forced eviction because they are considered to be getting in the way of business operations that want to make use of their lands. From 2019 until May 2022, Amnesty International recorded at least 36 cases of attacks on environmental and land rights defenders with 117 victims.

One of the renowned cases happened in Wadas village, Purworejo, Central Java. The residents' efforts to protect their lands from business operations were met with excessive use of force by the security officers. In February 2022, hundreds of security personnel entered the village to safeguard the land measurement process for the mine. There were reports of the use of excessive force by security personnel,

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[1] LBH APIK Jakarta, "*Siaran Pers Mengecam Penggeledahan Paksa oleh Anggota Polisi Sektor Matraman Jakarta Timur dan Pembiaran Persekusi yang Dilakukan Oleh Segerombolan Orang Terhadap Kantor LBH APIK Jakarta*," 24 February 2020, https://www.lbhapik.org/2020/02/siaran-pers-mengecam-penggeledahan.html (accessed on 28 February 2020).

[2] Aliansi Jurnalis Indonesia, *"Year-End Note 2021: Violence, Criminalization, & The Impact of The Job Creation Law (Still) Overshadows Indonesian Journalists"*, https://aji.or.id/read/buku/92/year-end-note-2021.html (accessed on 20 June 2022)

and villagers who opposed the quarry were harassed and intimidated. Members of NGOs, advocates, and even students who support and protect these groups also become targets of attacks. Several advocates that assisted the residents also became targets of physical violence and arbitrary arrest by the state apparatus. The impact of the clash in Wadas is evident from the physical and traumatic injuries experienced by the community.

6) Attacks on Academic Freedom

There are growing restrictions and threats to academic freedom in Indonesia, which is an integral part of the right to freedom of expression, from unidentified parties and, in many cases, from the campus authorities themselves. There are at least 17 cases of threat against academic freedom which Amnesty International has documented between January 2019 and May 2022.

One notable case happened in May 2020, when the Constitutional Law Society (CLS) of the Faculty of Law, Gadjah Mada University planned to hold a discussion entitled "Straightening the Issue of Dismissal of the President in terms of the State Administration System." Aditya Halimawan, as the President of CLS, received threats from local numbers. Other parties like contact persons and the speaker even received death threats, fictitious orders of food and transportation service, and had their messaging application taken over. Even the family of the contact person of the event received a death threat if their son did not cancel the discussion. His WhatsApp was hacked, and at that time, there were also people banging on his house.

7) Attacks on Protesters

Authorities have the obligations to respect, protect, promote and fulfil the right to protest. If there is violence in the context of an assembly and if the use of force is unavoidable, law enforcement officials must use only the minimum level of force necessary to contain the situation. However, Amnesty found that Indonesian security forces used excessive force and repressive measures against protesters in several demonstrations. One of the instances is when thousands of people across Indonesia took the streets protesting the enactment of the Job Creation or Omnibus Law on 6-15 October 2020, Amnesty International recorded at least 411 victims of excessive use of force by the police throughout 15 provinces in Indonesia.

During the '*Reformasi Dikorupsi*' movement in 2019, police are reported to have used excessive force against protesters through beatings, throwing stones as well as through the use of teargas, sharp bullets, and rubber bullets. On 14 July 2021, during the protest against the new Papuan Special Autonomy Law, at Cendrawasih University, Jayapura, there were students who were injured after clashes with security forces. Many others were arrested and eventually released. Two protesters told how police beat protesters using their fists, guns, and rubber batons. Video verified by Amnesty International shows two security forces officials beating protesters with batons.

KEY RECOMMENDATIONS

Our report contains recommendations to the Government of Indonesia to take the following steps as a matter of priority:

- Respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, civil society organizations and human rights defenders are protected, can work effectively to defend and promote human rights without fear of reprisal;
- Immediately drop all politically motivated charges and close investigations into the cases against human rights defenders, activists, journalists and other members of the civil society who are facing charges simply because of their human rights work;
- Ensure that all attacks, threats, and acts of intimidation against members of civil society are investigated promptly, thoroughly, independently, impartially, transparently and effectively. Suspected perpetrators should be brought to justice in fair trials and victims and their families should be provided with access to justice and effective remedies. The investigation, and any prosecutions, should not be limited to direct perpetrators, but also look into any involvement of commanders and

other superiors, irrespective of rank, and where sufficient admissible evidence is found, suspects are prosecuted before civilian courts in proceedings that meet international fair trial standards and does not impose the death penalty;

- Conduct a thorough review of police, military and other security forces' tactics in the use of force and firearms, including during public assemblies and arrests, to ensure they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and
- Ensure companies implement adequate human rights due diligence processes, as set out in the UN Guiding Principles on Business and Human Rights, to ensure that the human rights of individuals and communities, including human rights defenders, indigenous communities and environmental activists, affected by activities of companies or those of subsidiaries, subcontractors or suppliers are protected.

Amnesty International is committed to providing information that is well-informed and objective. We invite you to comment on any part of the text of this letter to ensure that any public reporting we undertake accurately reflects the views of the Ministry of Politics, Legal, and Security Affairs.
We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make. We may include part or all of your response in any public reporting we undertake. To enable us to consider incorporating this into our report, please respond by email by the close of business of 26 August 2022.

Thank you in advance for your time in addressing these urgent matters.

Yours sincerely,

(Signed)

Usman Hamid
Executive Director, Indonesia
Amnesty International

ANNEX 2 – LETTER TO CHIEF OF INDONESIAN NATIONAL POLICE

Ref: 143/AII – Polri/VIII/2022

Jakarta, 5 Agustus 2022

General (Pol). Drs. Listyo Sigit Prabowo, M.Si.
Chief of Indonesian National Police
Jl. Trunojoyo No. 3, South Jakarta 12110
Indonesia

AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

RE: RESEARCH ON CURRENT SITUATION OF CIVIL LIBERTIES IN INDONESIA

Dear Mr. Listyo Sigit Prabowo,

I am writing on behalf of Amnesty International to share with you the preliminary findings of our research on the current situation of civil liberties in Indonesia where our organization received multiple reports of attacks on Human Rights Defenders (HRDs) and Human Rights Organizations (HROs), and violations of other human rights.

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Indonesia has the legal obligations to respect, protect, promote, and fulfil the rights to freedom of expression, peaceful assembly and association. Indonesia has ratified various international human rights treaties, including International Covenant on Civil and Political Rights (ICCPR), and established national legal frameworks that enhance the protection of such rights, including articles on protection of civil rights within the 1945 State Constitution of the Republic of Indonesia, as well as Law No. 39/1999 on Human Rights. However, a number of statutory provisions in the law have been misused and abused to suppress people's exercise of their rights to freedom of expression, peaceful assembly and association, most notably Law No. 11/2008 as amended by Law No. 19/2016 on Electronic Information and Transaction (EIT Law) as well as in the Indonesian Criminal Code (KUHP).

Several provisions of the EIT Law, especially through articles which criminalise 'defamation' and the 'dissemination of information that incites hatred', have been used as a pretext to file criminal reports and arrest civil society leaders and human rights defenders in a wide range of cases. Several provisions in the KUHP have also been used to silence political activities, particularly against those criticizing the newly revised Papuan Special Autonomy Law.

The government is failing in their obligations to respect, protect, promote, and fulfil the right to defend human rights, including by failing to implement effective protection mechanisms for civil society activists and organisations at risk, or punishing those suspected to be responsible for attacking them. Amnesty International calls on the government of the Republic of Indonesia to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, and civil society organisations are protected so that they can freely and effectively carry out their work to defend and promote human rights without fear of reprisal. The organization also calls on the government to promptly, thoroughly, impartially, independently, transparently, and effectively investigate all reports of attacks, threats, intimidation and harassment against HRDs, activists, journalists and other members of the civil society and to bring to justice those suspected to be responsible in fair trials. The government must provide access to justice and effective remedies for victims.

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PRELIMINARY FINDINGS

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Besides physical attacks, HRDs are also vulnerable to digital attacks. Amnesty International documented at least 113 credential theft cases targeting HRDs, including students, activists, and journalists. Although Amnesty International has not been able to identify the perpetrators of the digital attacks, based on the existing pattern of the attacks on those criticising the government, the organization is concerned that this situation may lead to a growing climate of fear for expressing opinions. One of the notable cases happened in April 2020. Ravio Patra, a public policy researcher and activist, found that his WhatsApp had been taken over by unidentified parties. While his account was taken over, the suspected perpetrator sent messages to several numbers that were not in Patra's phone contacts calling for loot and civil disobedience. The day after the WhatsApp hacking, Patra was forcibly taken to the police station by unidentified men at midnight. The arbitrary arrest was conducted on Patra without any measure pursued by the police to investigate the hacking of his WhatsApp that he reported, even until this report is written. Patra has also filed a pre-trial motion at

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Additionally, Amnesty International also found that WHRDs working on the rights of women and girls are also particularly targeted. In February 2020, more than ten individuals who identified themselves as members of the Maluku Muslim Community and four members of the Matraman sector police raided and forced search APIK Legal Aid Institute (LBH APIK), an institute focused on providing legal aid for women facing gender-based violence and discrimination.[1] The incident was apparently connected to the domestic violence case that LBH APIK handled in which LBH APIK was accused by suspected perpetrators of abducting and holding the victim. Although LBH APIK has reported this incident to the police, at the time of this writing, there had been no response and clarity of their report.

4) Attacks on Journalists and Media

Journalists and media became targets of terror, violence, criminalisation, and digital attacks because of their work, especially those who cover news concerning human rights issues and public interest. From January 2019 until May 2022, Amnesty International documented at least 120 cases of attacks and intimidation toward journalists with at least 213 victims. Based on several interviews, Amnesty International found that journalists who cover the issue of corruption and Papua are more prone to become victims of these attacks. One of the victims is journalist Nurhadi. In May 2020, when attempting to interview a former tax official under investigation for bribery by the Indonesian Corruption Eradication Commission, Nurhadi was detained by the guards who were also off duty police officers. They stole his phone, and attempted to interrogate Nurhadi by beating, slapping and even strangling him with a plastic bag. Two of the perpetrators were convicted for their treatment of Nurhadi, being sentenced to 10 months in prison. However, the sentence is currently awaiting appeal and the case is still ongoing. Nurhadi's case is the only case of attacks against journalists, with police officers as the suspected perpetrators, that have been brought to justice.[2] Other similar cases involving journalists and state officials have never been investigated.

5) Attacks on Environmental and Land Rights Defenders

Land and environmental human rights defenders, including indigenous groups, often became targets of violence and forced eviction because they are considered to be getting in the way of business operations that want to make use of their lands. From 2019 until May 2022, Amnesty International recorded at least 36 cases of attacks on environmental and land rights defenders with 117 victims.

One of the renowned cases happened in Wadas village, Purworejo, Central Java. The residents' efforts to protect their lands from business operations were met with excessive use of force by the security officers. In February 2022, hundreds of security personnel entered the village to safeguard the land measurement process for the mine. There were reports of the use of excessive force by security personnel,

[1] LBH APIK Jakarta, "*Siaran Pers Mengecam Penggeledahan Paksa oleh Anggota Polisi Sektor Matraman Jakarta Timur dan Pembiaran Persekusi yang Dilakukan Oleh Segerombolan Orang Terhadap Kantor LBH APIK Jakarta*," 24 February 2020, https://www.lbhapik.org/2020/02/siaran-pers-mengecam-penggeledahan.html (accessed on 28 February 2020).

[2] Aliansi Jurnalis Indonesia, *"Year-End Note 2021: Violence, Criminalization, & The Impact of The Job Creation Law (Still) Overshadows Indonesian Journalists"*, https://aji.or.id/read/buku/92/year-end-note-2021.html (accessed on 20 June 2022)

and villagers who opposed the quarry were harassed and intimidated. Members of NGOs, advocates, and even students who support and protect these groups also become targets of attacks. Several advocates that assisted the residents also became targets of physical violence and arbitrary arrest by the state apparatus. The impact of the clash in Wadas is evident from the physical and traumatic injuries experienced by the community.

6) Attacks on Academic Freedom

There are growing restrictions and threats to academic freedom in Indonesia, which is an integral part of the right to freedom of expression, from unidentified parties and, in many cases, from the campus authorities themselves. There are at least 17 cases of threat against academic freedom which Amnesty International has documented between January 2019 and May 2022.

One notable case happened in May 2020, when the Constitutional Law Society (CLS) of the Faculty of Law, Gadjah Mada University planned to hold a discussion entitled "Straightening the Issue of Dismissal of the President in terms of the State Administration System." Aditya Halimawan, as the President of CLS, received threats from local numbers. Other parties like contact persons and the speaker even received death threats, fictitious orders of food and transportation service, and had their messaging application taken over. Even the family of the contact person of the event received a death threat if their son did not cancel the discussion. His WhatsApp was hacked, and at that time, there were also people banging on his house.

7) Attacks on Protesters

Authorities have the obligations to respect, protect, promote and fulfil the right to protest. If there is violence in the context of an assembly and if the use of force is unavoidable, law enforcement officials must use only the minimum level of force necessary to contain the situation. However, Amnesty found that Indonesian security forces used excessive force and repressive measures against protesters in several demonstrations. One of the instances is when thousands of people across Indonesia took the streets protesting the enactment of the Job Creation or Omnibus Law on 6-15 October 2020, Amnesty International recorded at least 411 victims of excessive use of force by the police throughout 15 provinces in Indonesia.

During the '*Reformasi Dikorupsi*' movement in 2019, police are reported to have used excessive force against protesters through beatings, throwing stones as well as through the use of teargas, sharp bullets, and rubber bullets. On 14 July 2021, during the protest against the new Papuan Special Autonomy Law, at Cendrawasih University, Jayapura, there were students who were injured after clashes with security forces. Many others were arrested and eventually released. Two protesters told how police beat protesters using their fists, guns, and rubber batons. Video verified by Amnesty International shows two security forces officials beating protesters with batons.

KEY RECOMMENDATIONS

Our report contains recommendations to the Chief of the Indonesian National Police to take the following steps as a matter of priority

- Ensure that all attacks, threats, and acts of intimidation against members of civil society are investigated promptly, independently, impartially and effectively. The investigation, and any prosecutions, should not be limited to direct perpetrators, but also look into any involvement of commanders and other superiors, irrespective of rank, and where sufficient admissible evidence is found, suspects are prosecuted before civilian courts in proceedings that meet international fair trial standards and does not impose the death penalty;
- Conduct a thorough review of police's tactics in the use of force and firearms, including during public assemblies and arrests, to ensure they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Incorporate the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials into internal regulations in their entirety

ANNEX 3 – LETTER TO COMMANDER OF INDONESIAN NATIONAL ARMED FORCES

Ref: 145/AII – TNI/VIII/2022

Jakarta, 5 August 2022

General Muhammad Andika Perkasa, S.E., M.A. M.Sc., M.Phil., Ph.D,
Commander of the Indonesian National Armed Forces
Cilangkap, East Jakarta
Indonesia

AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

RESEARCH INTO CURRENT SITUATION OF CIVIL LIBERTIES IN INDONESIA

Dear Mr. Muhammad Andika Perkasa,

I am writing on behalf of Amnesty International to inform you of the preliminary findings of our research on the current situation of civil liberties in Indonesia where we received multiple reports of attacks on the civil societies, including Human Rights Defenders (HRDs) and Human Rights Organizations (HROs), and other cases of human rights violations.

Amnesty International is a global movement of more than ten million people working to ensure the protection and realisation of human rights worldwide. We are independent of any political ideology, economic interest, or religion, and are funded mainly by our membership and public donations. We campaign and advocate to improve human rights through impartial and thorough research on human rights issues all over the world.

In 2021, Amnesty International initiated research into the current situation of civil liberties in Indonesia, particularly on the shrinking of civic space in the past years. With this letter, we are interested in communicating our concerns related to a number of incidents involving attacks, harassment, and intimidation against HRDs, journalists, environmental defenders, students, and protesters with state agents and non-state actors as the perpetrators.

Indonesia has the legal obligations to respect, protect, promote, and fulfil the rights to the freedom of expression, peaceful assembly and association. Indonesia has ratified various international human rights treaties, including International Covenant on Civil and Political Rights (ICCPR), and established national legal frameworks that enhance the protection of such rights, including articles on protection of civil rights within the 1945 State Constitution of the Republic of Indonesia, as well as Law No. 39/1999 on Human Rights.

Amnesty International has recorded a number of incidents involving attacks, harassment, and intimidation against human rights defenders, activists, journalists, environmental defenders, students, and protesters, perpetrated by state agents and non-state actors. Human rights defenders have become targets of unlawful killing attempts, criminalisation, smear campaigns, and credential theft while investigating, documenting, litigating, reporting on human rights violations and abuses, and advocating on behalf of the victims. Human rights organisations have also become targets of attacks, either in-person or in the digital sphere in doing their work of advocating for human rights or providing legal aid to human rights activists.

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Students' freedom of expression, as well as freedom of peaceful assembly and association, are also under threat, as they often face attacks and threats following attempts to hold activities for educational and organizational purposes. In one incident, students who joined a student community in a university were subjected to death threats and digital attacks after the community announced an academic discussion on the issue of presidential impeachment within the constitutional law framework. In another university, students who joined a student organization were given notices of expulsion and suspension for building their own secretariat to hold student organizational activities.

In July 2021, the Special Autonomy Law for Papua and West Papua was renewed by the Indonesian House of Representatives. The new Special Autonomy Law introduced changes that strengthened the authority of the central government and potentially reduced the autonomy of Papuan institutions, as well as removing the right of Papuans to form local political parties. The regulation triggered a number of protests in Papua and other regions in Indonesia over the past year, which were often handled with excessive force by Indonesian security personnel. A number of protesters were injured, beaten, racially abused, and arrested. Besides the protests, public discussions on the Special Autonomy Law have also been met with repression. When the Papuan People's Assembly, an official state institution established by the Special Autonomy Law and designated to be cultural representative for indigenous Papuans, sought to hold a public meeting about the implementation of special autonomy, two of its members and their staff were arrested on allegations of treason.

The government is failing in their obligations to respect, protect, promote, and fulfil the right to defend human rights, including by failing to implement effective protection mechanisms for civil society activists and organisations at risk, or punishing those suspected to be responsible for attacking them. Amnesty International calls on the government of the Republic of Indonesia to respect, protect, promote and fulfil the rights to freedom of expression, peaceful assembly and association, including by ensuring a safe and enabling environment in which media outlets, journalists, and civil society organisations are protected so that they can freely and effectively carry out their work to defend and promote human rights without fear of reprisal. The organization also calls on the government to promptly, thoroughly, impartially, independently, transparently, and effectively investigate all reports of attacks, threats, intimidation and harassment against HRDs, activists, journalists and other members of the civil society and to bring to justice those suspected to be responsible in fair trial. The government must provide access to justice and effective remedies for victims.

As part of its research, Amnesty International has documented incidents and instances of repression of dissent and attacks against HRDs, activists and civil society organizations between January 2019 to May 2022. The report will focus on incidents of repression against individuals who are on the frontline of human rights work. These groups include human rights organizations and their members; journalists who investigate and expose human rights violations and their perpetrators; students who peacefully express their opinions on human rights issues; indigenous peoples who fight for their rights, including their land and environmental rights; and also, lawyers who advocate for human rights as counsel for parties aggrieved by human rights violations and as human rights champions in their own right.

We conducted interviews with 48 interlocutors (17 women and 31 men), consisting of 21 HRDs, nine students, seven lawyers, six journalists, one academic, and four government representatives. In conducting interviews, Amnesty International took into account the geographical distribution of our interlocutors to ensure a broadly representative sample. Out of the 48 interviewees, 31 are based in Western Indonesia, one is based in Central Indonesia, 15 are in Eastern Indonesia, and one is in Australia. To protect the confidentiality and safety of our informants, some names and other identifying information have been withheld. Due to Covid-19 travel restrictions at the time of the research process and for health security reasons, all interviews were conducted via secure online communications.

PRELIMINARY FINDINGS

1) *Attacks on Environmental and Land Rights Defenders*

Land and environmental human rights defenders, including indigenous groups, often became targets of violence and forced eviction because they are considered to be getting in the way of business operations that want to make use of their lands. From 2019 until May 2022, Amnesty International recorded at least 36 cases of attacks on environmental and land rights defenders with 117 victims. Their work to protect the land where they live and seek livelihood are met with intimidation, criminalisation, and excessive use of force by security forces, and business entities, either with or without help from the security forces. In addition, advocates providing legal aid for the attacked groups and individuals also became targets of these attacks.

One of the renowned cases happened in Wadas village, Purworejo, Central Java. The residents' efforts to protect their lands from business operation were met with excessive use of force by state security officers. In April 2021, during the plan on socialization and stake installation of andesite mining in their village, a clash broke out between Wadas residents and security personnel. Hundreds of security forces, including the military, came to the village with riot gear after the protest began. The security forces also dispersed the protests with teargas, resulting in a number of injuries. The situation in Wadas further escalated in February 2022 when hundreds of security personnel entered the village to safeguard the land measurement process for the mine. There were reports of the use of excessive force by security personnel, and villagers who opposed the quarry were harassed and intimidated.

Indigenous leaders who become frontliners in fighting indigenous groups' rights to a healthy environment are also often intimidated, harassed and arrested. In August 2020, members of joint security officers evicted dozens of Besipae-Pubabu indigenous community members at Timor Island in East Nusa Tenggara with excessive use of force and demolished their houses because of a tenurial conflict between the provincial government and the indigenous community. Diana, an activist from a women's human rights organization, told Amnesty International that an indigenous woman of Pubabu Village reported that children who tried to defend their houses became targets of violence. The children were stepped on by military officers[1] and put in a police car.[2]

2) *Attacks on Protesters*

Under the Indonesian constitution, maintaining law and order and protecting public safety are mainly police responsibilities. Deploying the military to police assemblies increases the risk of the use of excessive force. Amnesty International found that military officers were deployed to police assemblies in several demonstrations, such as in the protests against the special autonomy law in Papua.

The new Special Autonomy Law introduces changes that strengthen the authority of the central government and reduce the autonomy of Papuan institutions. This condition has resulted in widespread dissatisfaction with special autonomy, leading to a number of protests in Papua and other regions in Indonesia over the past year. These protests were often met by excessive force by Indonesian security personnel (i.e., joint military and police forces).

On 16 August 2021, during a protest in Yahukimo, Papua, one protestor told Amnesty International he heard multiple gunshots allegedly fired by security officers, and that several empty bullet cartridges were found close to where the protest took place. In a protest in Jayapura on the same day, protesters confirmed that

[1] Interview with Diana, activist from a women's human rights organization, 9 November 2021

[2] Solidaritas Perempuan, "*Hentikan Represifitas Negara terhadap Perempuan Adat yang Mempertahankan Tanah Kehidupannya*," 13 August 2020, https://www.solidaritasperempuan.org/hentikan-represifitas-negara-terhadap-perempuan-adat-yang-mempertahankan-tanah-kehidupannya/ (accessed on 17 August 2020).

security forces used water cannons against protesters, as well as beating protestors with rubber batons and guns. Amnesty International has verified video recordings of the event showing the use of water cannons against peaceful protesters and security forces beating those protestors with rubber batons.

In a demonstration that took place on 14 July 2021 at Cendrawasih University, Jayapura, there were at least four students who were injured after clashes with security forces. Twenty-three other students were arrested and eventually released. Two protesters told how police beat protesters using their fists, guns, and rubber batons. Video verified by Amnesty International shows two security forces officials beating protesters with batons.

KEY RECOMMENDATIONS

Our report contains recommendations to the Commander of the Indonesian National Armed Forces to take the following steps as a matter of priority:

- As a general rule, avoid deploying military forces to police assemblies. Where troops do play such a role, ensure that they:
    - comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other international standards;
    - carry out their tasks with full respect for the rights to freedom of peaceful assembly and expression, the rights to life, liberty and security of person, and other human rights; and
    - are trained and equipped to carry them out in accordance with international human rights law and standards and that they follow instructions by police.
- Ensure that all human rights violations that have been committed by military forces are investigated promptly, independently, impartially and effectively. The investigation, and any prosecutions, should not be limited to the direct perpetrators but also look into those with command responsibility, irrespective of rank;
- Ensure, where there is sufficient admissible evidence, such crimes are prosecuted before civilian courts in proceedings that meet international fair trial standards and does not impose the death penalty; and
- Publish all reports and findings of internal investigations into allegations of military abuses in detail.

Amnesty International is committed to providing information that is well-informed and objective. We invite you to comment on any part of the text of this letter to ensure that any public reporting we undertake accurately reflects the views of the Indonesian National Armed Forces.

We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make. We may include part or all of your response in any public reporting we undertake. To enable us to consider incorporating this into our report, please respond by email by the close of business of 26 August 2022.

Thank you in advance for your time in addressing these urgent matters.

Yours sincerely,

(Signed)

Usman Hamid
Executive Director, Indonesia
Amnesty International

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CONTACT US


info@amnesty.org


+44 (0)20 7413 5500

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THE DECLINE IN INDONESIA'S CIVIL LIBERTIES

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