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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Indonesia: Human rights defenders remain unprotected

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) that the Government of Indonesia has yet to demonstrate any serious intention to protect human rights defenders (HRD's). So far there is no specific law or regulation that undertakes the protection of human rights defenders. In the past two years there were some cases of assassinations and persecution of HRD's. The government has yet to change its policies to protect them.

In 2015 and 2016, the ALRC's sister organization the Asian Human Rights Commission (AHRC), documented and reported cases of human rights violations, occurring in various patterns, against HRD's. Mostly, the motive behind the cases is to stop their advocacy efforts. An example is the premeditated murder of Mr. Indra Pelani (2015), a lands rights activist. He advocated that traditional lands belonged to the local indigenous people in Pelayang Tebat Village, Jambi province. Despite the fact that the judges convicted the perpetrators--personnel of the Quick Response Unit (URC) and security division of the Wira Karya Sakti Company, for 8 to 14 years, the verdict did not go far enough according to the information submitted by the public prosecutor. The Indonesian Penal Code (KUHP) article 340, article 70, paragraph 1, article 338 and article 170, fixes a punishment of life imprisonment.

In addition to the murder of Indra Pelani, the AHRC also documented and reported other cases of murder and persecution against HRDs which gained media and public attention. One instance is the murder of Mr. Jopi Teguh Lesmana Perangin-angin, an activist for the Indigenous Peoples Alliance of the Archipelago (AMAN). The sadistic murder and inhuman acts committed against local environmental activists, Mr. Salim Kancil and Mr. Tosan in Selok Awar-Awar Village, Pasirian, East Java province are another two cases.

Besides murder, HRD's are being criminalized due to their campaigning against environmental damage, mining encroachment, land confiscation and other problems. Law No. 32 of 2009 on Protection and Management of Environment article 66 states, "Everyone who fights for the right to a good and healthy environment shall not be prosecuted based on criminal and civil lawsuits." Yet criminalization against HRD's is still going on. In 2016, Mr. I Wayan Suardana (alias Gendo), a prominent environmental activist from Bali, was made known to the Criminal Investigation Department (Bareskrim) of Police headquarters (Mabes Polri) by Pospera (Posko Perjuangan Rakyat/ People's Struggle Post) - an organization affiliated with the government. He was reported for his advocacy campaign against the reclamation of Benoa Bay in Bali province.

In the last decade, there were initiatives from civil society organizations promoting the bill for the protection of HRDs. However, the government and the parliament did not accept the bill, excluding it from the National Legislative Program (PROLEGNAS). The National Commission on Human Rights (Komnas HAM) proposed a bill of protection for HRD's which could be integrated under the revision of Law No. 39 of 1999 on Human Rights.

And the HRD's desk, established by Komnas HAM, does not function; it failed to tackle any human rights violations against HRD's.

Human rights defenders in Indonesia faced potential threats caused by the existence of controversial regulations. Law No. 19 of 2016 on Information and Electronic Transactions (ITE), is a revision of the previous Law No. 11 of 2008 on ITE. The AHRC documented and reported a case of criminal defamation against Mr. Dodi Sutanto, local HRD from North Sumatera province. He had been sentenced by Medan district court judges to one year and two months imprisonment with a penalty of five million rupiah. Dodi was arrested and tried before the court due to being tagged on Facebook. He made reference to a businessman in North Sumatera, allegedly involved in a corruption case and detained by the Corruption Eradication Commission (KPK). A similar case was faced by Mr. Erwin Natosmal Oemar, an anti-corruption activist, who was summoned by the police after he criticized them on a television talk show. This resulted, in 2016, in the Criminal Investigation Agency of the Police Headquarters (Bareskrim Mabes Polri) naming him as a suspect without any proper investigation process. Up until now, the case is still under police investigation. Haris Azhar, a human right activists and coordinator of the Commission for the Disappeared and Victims of Violence (KontraS), was interviewed by police after he received and shared information from a death row inmate, Mr. Freddy Budiman. It was

regarding the alleged involvement of high ranking police, military personnel and officers of National Narcotic Board (BNN), in the illegal drug trade.

In view of the above information, the ALRC requests the Human Rights Council to urge the Indonesian government to update its policies and regulations to protect human rights defenders. In particular, the government could:

- a. Issue a special law or regulation that guarantees the protection of human rights defenders.
 - b. Ensure prosecution and punishment of perpetrators who commit violations against human rights defenders under fair trial principles.
 - c. Fully support the National Commission on Human Rights (Komnas HAM) and the Agency of Victims and Witness Protection (LPSK) to tackle and protect human rights defenders at serious risk.
 - d. Initiate discussions in the Parliament about the new bill on protection of human rights defenders in its National Legislation Program (Prolegnas)
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