

Written Statement submitted by the International NGO Forum on Indonesia Development (INFID), a non-Governmental organization on special consultative status

Item: 11 c

**“HR Violation on the Freedom of Expression
From Omission to Commission”**

If we reported in 2004 that the State has allowed cases of violence against the press, in 2005, the State actually made systematic efforts to silence the press. This fact is indicated by the issuance of 4 Government Regulations on Broadcasting that in essence revives the authoritarian role of the State, in this case the Department of Communication and Information (Depkominfo), acting like the Department of Information during the New Order era. With these 4 Government Regulations, the role of the Indonesian Broadcasting Commission (KPI) that is noted to be an Independent State Institution that guarantees Press Freedom will become impotent. All the problems pertaining to the press will be taken over by the Department of Communication and Information, starting from licensing until the appointment of the Editorial Staff of a media. Some political communication experts even think that Depkominfo will become an executioner for press institutions that are considered as not supporting government policies. Prior to the issuance of these 4 Government regulations, Depkominfo also issued a policy that limits the broadcasting/show time of television and radio stations. What is unfortunate is that not even one of the biggest media has the courage to defy this policy.

In terms of press freedom, the violence experienced by the press, both as an institution and as an individual is rampant. Recently, the Office of Harian Indopos was destroyed and several journalists were tortured by a group of people headed by the thugs from Tanah Abang, Hercules, who is also a former militia of East Timor. The destruction was triggered by a report on Hercules who has repented. Although Hercules was arrested by the police, this attack produced a trauma to the workers in Harian Indopos, not even one of them is willing to be interviewed when a journalist wants to conduct a report on this case. If one of them agrees to be interviewed, he or she would request that his or her identity should be kept a secret.

The attack on the Office of Harian Indopos is just one of the many other stories about the vulnerability of this profession towards violent actions. In North Sumatra alone, throughout 2005, 29 cases of violence against journalists were recorded. 12 of these cases were perpetrated by groups of thugs while the remaining cases were perpetrated by law enforcers or officials of the local government. Another case is the beating of a journalist of Radio Suara Surabaya on 27 May 2005 by the police and a similar case of violence also happened to 2 journalists of Pos Metro Padang that was committed by Sertu Usman, a member of Korem 032, Wirabraja. The most distressing case happened in the South of Nias, North Sumatra. A journalist of Harian Berita Sore, Elyudin Telaumbanua, was abducted and believed to be murdered because he wrote a report on the legal case of Nasam Manao, younger brother of the Head of DPRD South Nias, Hadirat Manao. Although this case happened for almost a year now and it was already reported to Komnas HAM, the case is still unsolved and the body of Elyudin is not yet found up to now.

On the other hand, threats against freedom of expression, particularly the freedom to assemble and organize are also frightening. In September 2005, hundreds of farmers in Tanak Awu – Lombok were also repressed by the police when they commemorated the National Farmers Day on 24 September 2005. Several farmers were wounded as a consequence of the shooting, beating, and kicking of the police. A woman who is pregnant even suffered a miscarriage because she was kicked and dragged. A similar incident also occurred in Kimaam Papua. In the middle of 2005, the citizens who are assembled in the Maskura Field demanding for the settlement of the case of the management of protected forests and rivers were shot by the police and TNI. Many people were wounded because they were hit by bullets. In North Sumatra, the security apparatus and the government also dispersed the Workshop on Trauma Counselling organized by KontraS North Sumatra held on 13-16 April 2005 in Sumatera Village and the reason that was given is that the foreign participants (from India, Sri Lanka, and Hong Kong) misuse their visit visa to Indonesia. In Jakarta and Pekanbaru, the beauty contest of gays was also dispersed by the masses of FPI and MUI. In this dispersal that was accompanied by screams and mockery, the security apparatus and local government actually allowed this to happen. There was even an impression that they were behind the masses that conducted the dispersal. Meanwhile, the mass actions of students and other civil organizations in 2005 that are demanding the Government to protect and fulfil the rights of the people also obtained strong oppositions from the security apparatus. The actions of the apparatus is based on Law No. 9/1999 concerning the regulation in expressing an opinion in public and the hatesoming articles in the Criminal Code concerning humiliation against the head of State.

In terms of legislations, the Draft Revision of the Criminal Code that will be ratified soon will clearly threaten the freedom of expression. If there are 36 articles in the present Criminal Code threatens the freedom of the press, in the Draft Revision of the Criminal Code, the total number of articles that are anti-democracy is 47. Aside from the threat of the Draft Criminal Code, the freedom of expression in Indonesia will also be threatened by the Draft Law on Intelligence and the Draft Law on State Secret that is being discussed by DPR.

Based on these conditions, we request the UN Commission on Human Rights :

1. Urge the Government of Indonesia to realize the invite of the Special Rapporteur on freedom of expression.
2. Urge the Government of Indonesia to consistently implement the stipulation of the Covenant of Civil and Political Rights that was already ratified, especially the stipulations on the freedom of expression.
3. Urge Government of Indonesia to repeal the 4 Government Regulations on Broadcasting and Law No. 9/99 concerning the regulation in expressing an opinion in public that is anti-democracy.
4. Urge the Government of Indonesia to eliminate the articles in the Criminal Code, Draft Law on State Secret, and Draft Law on Intelligence that are anti-democracy.

Written by VHR and HRWG