

Review of Human Rights Situation in 2006
HUMAN RIGHTS HAS NOT BEEN AN ETHIC NOR POLITICAL CIVILIZATION

The Commission for Disappeared and Victims of Violence wants to say Merry Christmas 2006, Happy Idul Adha 2006 and wish you a Happy New Year 2007. We hope those great days as well as the upcoming days would bring peace to us, encouraging us for working harder in close cooperation to fight for justice with His patience. Amen.

This year is a dark year for the victims. We feel sorry, as we have lost our beloved brother, Mr. Enus Yunus, father of Hafidhin Royan, a student killed during peaceful stage at Trisakti University, 12 May 1998. This year we also feel sorry with law condition and justice situation in Indonesia, who could not bring the people behind the murder of Munir. It is sad but it is true.

This year is witnessing some achievements in human rights realm. Indonesia, after becoming a member of Human Rights Council, is now a temporary member of Security Council of the United Nations. This has been followed by welcoming the Convention of Disappearances Person and Declaration of Indigenous People. In ASEAN, Indonesia is actively promoting democracy in Burma and establishing regional human rights mechanism. All has reflected the work of Ministry of Foreign Affairs.

In national level, peace process in Aceh continues to work. The region has successfully conducted peaceful and safety regional election. During 2006, violence activities and human rights violation has dropped significantly compared to 2005, thanks to the MOU in Helsinki between the Government of Indonesia (GOI) and Free Aceh Movement (FAM) as well as monitoring activity of Aceh Monitoring Mission (AMM). It has established trust between the GOI and FAM. However, the two have not handled well many cases of violence and human rights violations occurred in 2006.

The National Police started handling firearms possession in society. The draft of Law on Antipornography and pornoaction has been delayed to take place in June 2006. President took his position very clearly on violence activities in the society by introducing intrinsic value of state ideology, Pancasila. Despite some violence activities, the inter-religion relationship has been in good condition, thanks to inter-religion dialogue organized by religious institutions as well as woman organizations who promote unity in diversity of Indonesia. The Constitutional Court has removed articles dealing with insulting the President (*hatzaai artikeleen*) from the Penal Code Law.

Despite these achievements, we still find that some things remain unchanged and some has back warded. The final year reflection of KontraS then comes into conclusion that this year, the human rights condition is entering crucial time. Human right has been attacked from many directions, including its value, norms, rules as well as supporting institutions. Human rights should be playing as a main factor in politics, economy and law. However, this year, law has been marginalized by narrow framework and way of thinking of some elite in the government. The highest institution in law, the Supreme Court, still does not want to open access for the victims. The Parliament could only provide promises with no real implementation.

The political framework of president is not a real politic. Peace process in Aceh has tendency to reject participation of conflict victims to obtain justice. Problems in Papua remain

unsolved. The government has missed its attention on problems made by PT Freeport that includes payment for illegal security service, environment degradation and the case where civilian has gunned down. The government's plan to revise Special Autonomy has brought opinion that the government wants to remove crucial articles in the Law of Special Autonomy starting from establishing local party, which never established to date, human rights court and Commission for Truth and Reconciliation.

State institution performance such as the National police has not yet changed. The Armed Forces and the State Intelligence Agency still terrorizing the society with past political experience, pro and cons of communism. Members of Armed Forces fight with their colleagues from the National Police, even when they are on duty in the same place. Violence breaks out everywhere. Violence does not only hurt personal integrity of a person, but also damage the very fundamental aspect of a nation.

2006: Year of Impunity and Lost of Law Dignity.

This year is the year when President SBY fails to prosecute former President Soeharto on corruption case in his foundations as well as other criminal activities. The decision made by the Attorney General to issue SKP3 (a letter to stop prosecution process) along with supporting opinion from the politicians based on humanity reason, has disregarded all the moral and political values of student reform. The state has successfully made all the past criminal activities meaningless, vanish and unidentified. One agenda of reform process, i.e. prosecuting Soeharto, already died.

Stopping the prosecution of Soeharto has perfectly brought lawless situation for many human right violations cases, including the case in 1965-1968, Tanjung Priok in 1984, Talangsari in 1984, activists kidnapping 1997/1998, shooting tragedy at Trisakti, May ritots in 1998 etc. The Attorney General is very conservative and is not on the side of the victims. The Supreme Court has brought hopeless condition to the victims and very resistance in face of law reform. The Armed Forces is also resistance when they promote officers with dark record. Here, we can see the unwillingness to end military impunity has brought negative impact to the government who protects it. For example, in political environment, the emergence of former military officers during the New Order regime, Try Sutrisno and Wiranto along with other retired military officers.

In the end of the year, President SBY granted Pollycarpus reduction of his days in jail. As a result, he is free to walk out of the jail on December 25, 2006. The Supreme Court rejected the verdict made by the State Court on Pollycarpus in Munir's case, sentenced him two years due to falsifying a letter. In 2006, all the big cases ended up in tragedy. They admitted the criminal activities but they did not find the perpetrators. No one has been prosecuted on human rights violations during the New Order. No one has been prosecuted in case of Munir's death. President has failed reforming the State Intelligence Agency alongside his failure in law supremacy.

2006: An assault to human rights supporting institutions

Also in 2006, we saw all institutions established as part of reform agenda were marginalized. All independent commissions were attacked on their dignity and legitimacy. The Commission of Human Rights has been marginalized and started being ineffective. The last example was

coming from the Attorney General as he refused to investigate the case of activists kidnapping during 1997-1998. The Commission of Truth and Reconciliation also marginalized. The Independent Commission for Broadcasting is under strict supervision of Ministry of Communication and Information. The Eradication Corruption Commission does not have its Special Court for Corruption Activities anymore. On the Judicial Commission, some its authorities have been taken out. The Ombudsman Commission is no longer playing active role. This is also happen with other commissions, such as National Police Commission and Attorney Commission. The General Election Commission is being targeted. Lastly, the establishment of UKP3KR (a new unit for implementing reform agenda) remains unclear.

The Parliament failed to discuss the Law of Freedom to Access of Public Information. The President has not shown strong commitment in revising the Law on Military Court. All the legislations made are weak from the victims’ point of view. The Constitutional Court is supporting the old 1945 Constitution. This is very clear if we see their decision on Law of Corruption Activities and the Commission of Truth and Reconciliation.

2006: Anti Communism as a way to attack human rights issue

Compared to 2005, lawless activities with SARA characteristic (SARA stands for *Suku, Agama, Ras, Antargolongan* or Ethnic group, Religion, Race and Intergroup). However, in 2006, we had a number activity which would trigger social prejudice using communism issue. Should nothing done for this, it would curb freedom condition and trigger social prejudice or even horizontal conflict. For example, political statement on communism from high-rank military officer (Regional Commander in Jakarta, Sumatera and Sulawesi, military as well as civilian intelligent officer) and using forum in socializing anti terrorism for anti communism propaganda. Another example is pointing finger to activities organized by the victims, workers, and poor people as a sign of the emergence of the old Communist Party. This has been done by any means such as declaration, demonstration as well as independent act to dismiss the meeting of victims of human rights violation during the New Order, again with the emergence of Communist Party as justification.

**Table
Statement and Violence Activities using communism as a threat**

No	Time	Statement and anti-communism activities	Remarks
	7 March	Chief Commander for Greater Jakarta, Major General Agustadi Sasongko Purnomo said that communist act has intensified its activities in Jakarta. The communist is planning to join political environment in Indonesia heading for General Election 2009.	Agustadi made this statement to media before he opened a meeting in Ahmad Yani Hall at Jakarta Military Commander Headquarter, Tuesday, (7 March).
	1 May	Head of Centre for Indonesia Komunism Study (CICS) Drs Arukat Djaswadi says: “All components of the nation, including workers, should stay alert in the emergence of communism that has infiltrated	"It is important for workers, as part of the nation, not to be infiltrated by communism”

		labour union.”	
	20 May	Laskar Siliwangi and Pemuda Panca Marga in Bandung stopped the meeting of the lady of the victims in 1965 tragedy, Syarikat and National Commission on Woman.	
	23 May	Around 200 people from many organizations have stopped a seminar titled “Touching the heart, reaching reconciliation for a stronger Indonesia”. Surprisingly, official institution such as National Commission on Woman, INCReS (Institute for Culture and Religion Studies) and Syarikat Indonesia organizes the seminar.	Sixty old women also attend the seminar. All of them allegedly mentioned as member of communist party. Some of the perpetrators are Pagar (Persatuan Anti Gangguan Regional/Anti Regional Threat Community) and Patriot Panca Marga. ¹ Surprisingly, the Police investigated the organizing committee, not the perpetrators.
	23 May	FPI, MMI and HTI, known as supporter of Antipornography Law, sealed the office of Fahmina Institute in Cirebon.	
	13 June	Syamsir Siregar, Head of State Intelligence Agency (SIA), said that SIA already monitored several meeting of communist people. The meeting already took place in Blitar, Cipanas Bogor and Bandung. ²	The termination of discussion of the victims of 1965 event is believed due to order from the SIA.
	19 June	It is said that the Parliament also has been infiltrated by communist people. Such allegation is made by Chief Commander for Greater Jakarta Major General Agustadi Sasongko Purnomo. ³	Several members of parliaments asked for clarification but it is not clear the end of the story.
	21 June	Chief Comander of Bukit Barisan Major General Liliek AS Sumaryo said that all should stay alert on communist threat.	The Chief Commander further statement was, “It is true that we have no further investigation. Despite that, we have seen indications on communist threat. It is very clear since we have class differences among the society and it is often echoed by some people. We also have horizontal and vertical conflict. We do not want some people take advantage of

¹ Suara Pembaruan (a daily newspaper), 23-May-06, The Chief of National Police need to clarify the termination of activities organized by ex political prisoner from Communist Party.

² Media Indonesia (a daily newspaper), 13-06-06, Communist Activities increasing

³ Suara Pembaruan (a daily newspaper), 19-06-06, The Armed Forces requested to clarify on the communist infiltration in the Parliament.

			this”.
1 July	The Police actively monitored the activities of communist party in East Java. The Chief of National Police for East Java, Inspector General Herman Suryadi Sumawiredja made the statement on Friday, (30/June) in Surabaya. Furthermore, he said those meetings held in Blitar, Kediri or Magetan was still social gathering of communism supporter. However, the police paid attention very closely.	At the same time, there was a declaration saying all people to be very careful to communism issue. Regional Council of Ulemas, Anti Communism Front, Victims of Communism, Anto Communism Solidarity, Red and White Forum as well as Centre Indonesian Communication/CICS signed the declaration.	
15 August	Taufik Ismail, an Indonesian poet, said that one person was killed, out of 20 people, due to violence activities made by communist for 74 years in 76 countries.	Taufik mentioned this at National Seminar for celebrating 25 years LPM Manuggal Diponegoro University at Postgraduate Building in Hayam Wuruk Street, Semarang, Monday (14 August)	
20 August	District Military Command 0607 Sukabumi arrested one fourth year law student from one private university in Bandung, YP, aged 20. He was arrested on Thursday (17 August) because he was selling a t-shirt with communist party symbol.	Meanwhile, Chief of Criminal Taskforce of National Police in Sukabumi, Commisioner Odang, said YP was taken to the place where the symbol of the t-shirt was produced. To date, the whereabouts of the owner of the place remains unclear.	
5 September	Chief Police of Bogor, Commissioner Sukrawardi Dahlan said, civil servants and public figures need to stay alert on the return of communism in Sukabumi, Cianjur and Bogor.	Around 200 sub-district, district and villages leaders in Sukabumi and Cianjur joined socialization event on communism and anti-terrorism policy at School for Police Officers in Sukabumi on 4 September.	
6 September	The National Police in Bogor and Military District Command Suryakencana conducted socialization event for communism threat and anti terrorism policy.	This statement was delivered in similar event held one day before.	
18 September	Declaration of United Party for National Freedom Deklarasi in East Java on Sunday (17 September) almost ended in riots. Around 50 people from Anti Communism Movement and Anti Communism Forum came to Indonesian National building where the declaration held.	300 people covering poor people, farmers and fishermens, young people and students, attended the declaration.	
1 October	Twenty people from Anti	The political speech continued in	

		Communism Forum staged demonstration during Pancasila Sakti Day at Grahadi on Monday (1 October). They alleged the emergence of communism through political party. They referred to the new United Party for National Freedom	Bungkul Park. The ceremonial event of Pancasila Sakti Day led by Major M Saiful Azis, Commander of Infantry Battalion 500 Raider. Governor for East Java, Imam Utomo, read the Pancasila without delivering speech.
	5 October	Chief of National Strategic Intelligence Major General Syafnil Armen said that the understanding or Pancasila in the society faced degradation since other party wanted to replace Pancasila with other ideology. This can be seen due to the emergence of radical groups since reform process. The radical groups are Imparsial, Kontras and Elsam Papua.	The statement appeared in Syafnil's paper titled "Perception on Internal and Transnational Threat" during a seminar held in Ministry of Defence.
	14 October	Anti communism group submitted judicial review to Constitutional Court on the Law Number 27/2004 on Commission for Truth and Reconciliation.	The anti communism group are Head of Centre for Review of Indonesian Society, Arukat Djaswadi, member of Kanigoro Foundation in Kediri KH Ibrahim, leader Islamic boarding school in Tebuireng KH Muhammad Yusuf Hasyim, member Indonesian Patriot Movement Murwanto S, a teacher in Banyuwangi Abdul Mun'im and Head of Community of the victims of communism in Madiun, Mohammad Said.
	12 December	The celebration of Human Rights day, screening of a movie on Munir, Shadow Play and kidnapping activities was stopped.	The Chief of National Police in East Java send a letter to the Chief of National Police and to Kontras explaining the movie shooting by the Anti communism Front.
	22 December	Discussion on a book on Marxisme at bookshop Ultimus in Bandung was stopped. The police arrested and interrogated the organizing committee and the speakers for 24 hours.	Kontras has submitted this case to the National Commission for Human Rights when they accompanied several activists arrested. The report was submitted on December 21, 2006 through Enny Soeprapto.

Apart from that, we had several assaults on civic freedom. For example, the house of prayer for Ahmadiyah people in Loe Ujung, Bulukumba was attacked on February 17 2006, after the Indonesian Ulemas Council issued a religious edict saying Ahmadiyah was a heresy to Islam. Criminal activities also took place in Polman, Makassar in January 2006. Another example,

criminal activities to the media, such as Utan Kayu/Radio 68 H on Antipornography Law issue. We also had the case involving Editor in Chief of Rakyat Merdeka On Line, violence activities to the office of Indopos/Jawapos, Playboy Magazine office etc. Not to mention violence activities to seminars, discussions, movies play on human rights such as in Ultimus bookshop in Bandung or activity of Centre of Human Rights Studies of University of Airlangga at Youth Hall in Surabaya.

These perpetrators, in the name of society institutions, para military or anti communism front, are doing violence acts. Unfortunately, the state is not only allowing them but also actively involving. The victims are usually journalists, human rights activists or victims of human rights violations expressing their rights in peaceful way. It is a tragedy since freedom of expression or having opinion is the very fundamental capital in reform process.

All the activities mentioned above are backward process in a democratic country. The police has never strongly upheld the law by prosecuting the perpetrators despite the facts that all seminars, discussions are legal and therefore do not require permission letter. Legal aspect on this is already there in Article 28 of the 1945 Constitution on freedom of expression, gathering and establishing union. Also in Law No. 39/1999 on Human Rights, it is clearly mentioned: "Every one has the right to gather, provide opinions and establish union for peaceful intention". It looks like a response to this issue; the government then established newly regional intelligence body by Ministerial Regulations No. 11/2006 of Ministry Internal Affairs on Establishment of Regional Intelligence Community.⁴

2006: The Year of Backwardness in Intelligence

In 2006, intelligence body was having backward process. It failed to prevent and detect terrorism acts in advance. In the middle of this, intelligence body was trying to use terrorism and communism issue to acquire excessive power and to curtail freedom. The intelligence is only accusing without real evidence, doing propaganda to divert attention. They failed to act professionally using human rights framework in their activities.

For example, with regard to the riot in Abepura, the Chief of SIA, Syamsir Siregar strongly accused the involvement of NGO and politicians such as Amien Rais who, according to Syamsir Siregar, provided provocations.⁵ In case of terrorism, the SIA finds difficulties in uncovering the network of top terrorist, Noor Din M Top.⁶ The SIA spent around US\$ 30 thousands a month. The money was used to lobby the Congress in the United States, but without specific objectives.⁷ Moreover, lobbying is not SIA's business. Shortly before Regional Election in Aceh, Syamsir Siregar dramatized the situation. He said, the SIA detected potential conflict during the upcoming regional election in Aceh since one member of Free Aceh Movement joined the election to be the leader.⁸ In fact, the regional election goes smoothly and peacefully.

All those things are propaganda made by the intelligence. They are practicing the old formula to divert the attention with ideology and doctrine of nation dignity as the shield. It is obvious

⁴ Jawa Pos (daily newspaper), 02-December-06,

⁵ Media Indonesia (daily newspaper), 21-March-06, Politicians allegedly involved

⁶ Tempo (weekly magazine), 08-March-06, The SIA admits the difficulty in catching Noor Din

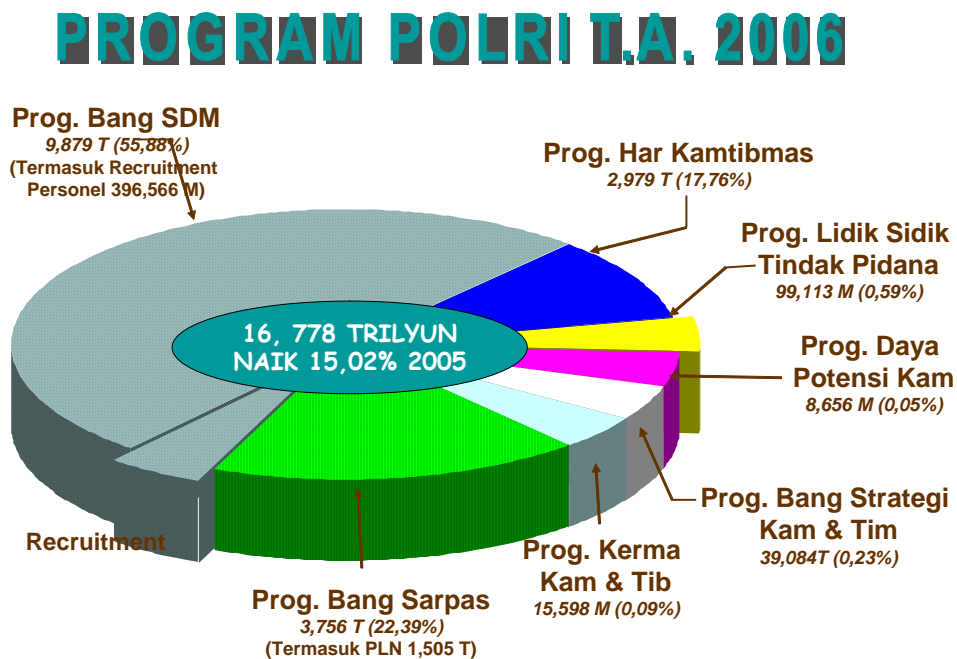
⁷ 11-September-06, Intelligence used Gus Dur Foundation to lobby the USA

⁸ Media Indonesia, 29-September-06, The SIA detects potential conflict for the regional election in Aceh

that they want to return the New Order attitude so they could protect a particular authority or political interest. Communism is their weapon to achieve what they want, including establishing Regional Intelligence Community. Moreover, under current situation, mass organizations are easily provoked by communism threat. This is useful in covering the SIA's performance in handling terrorism acts.

2006: The year when the Police fails to build trust

The National Police's performance remains unchanged. Their involvement in investigating criminal case is poor. The reasons for this are many. Among others, unclear investigation process in higher level, external factor as well as lack of fund for investigation process. (See the following chart: Bambang Widodo Umar). Obviously, the budgets for regular criminal cases are different from terrorism cases. An example of poor performance of the police is clear in Munir's case. They are slow and trying to find any reasons to prevent the investigation process. The most terrible fact is their performance ends up with the decision of the Supreme Court and remission granted to Polycarpus, the defendant the police strongly believes committing the murder.



Note :

- Har = maintenance, Tin = routine, sarpas = infrastructure, kerma = harmony in the society.

During 2006, Kontras recorded 92 cases involving police officers. The involvement varies from single action to group action. The most notable is ill treatment (36 cases) and shooting (18 cases). There are 26 cases where the police shot the crook. Another case is battle between the Police and the Armed Forces. In 2006, there were 12 cases like this. The reason behind this case is some feel their institution higher than other, personal problem involving institution or over confidence to the institution.

Militarism is also still there. Kontras recorded violence activities such as beating people, shooting, misuse of firearms, illegal arrest or confiscation as well as torture activity committed by police officers. This behaviour exists when they are dealing with criminals,

civilians, their police colleagues or armed forces. The fight between the police and armed forces was still exist in 2006.

This situation clearly shows that the police has not yet built his standpoint, let alone built trust. The police, who in charge in internal security, have not fully optimized their potential aspects for security such as Special Police etc.,. They are working for their own institution. Their accountability is unclear. Centralization still exists. Coordination between National police Headquarters and Regional Police Office in routine operation also unclear. Should this situation continues, is it possible for them to build confidence before the society? The police should change their face from military institution to public servant in upholding law. They have to leave military characteristics, methods and curriculums behind.

2006: Human rights of the people under attack of economic interest of the elite

Economic resources control takes form in violence activities by the government officers in order and security affairs, the Pamog Praja police, the police or even military institutions. These activities made in case of removing traditional market, informal entrepreneur, marginal housing or taking the land of the people with force. The government fails to impose standard procedure in peaceful way and still use repressive method. It shows that the government has lost common sense in identifying the root of the problem, which is poverty. The solution is not by increasing the wage of the workers, providing place for street vendors or providing affordable house for the poor but by using violence, which makes these people fall into the valley of poverty.

Violence is not only cruel, but also insufficient to overcome poverty problem. Therefore, Kontras demands the government to stop repressive acts made by regional authorities to poor people, street vendors, street children and other unfortunate people. This is truly urgent as people in grass root level are facing difficulties to buy basic foods in daily life.

*Violence made by Satpol PP (Special Police of Regional Authorities)
January - December 2006*

No	Type of activities	Quantity	Victims			
			House	Kiosk	Wounded	Died
1	Comdemnation	9	620	0	2	0
2	Beating	4	0	0	8	0
3	Removing Street Vendors	11	0	62	11	1
4	Arrest	1	0	0	0	0
5	Torture	7	0	0	11	0
6	Blackmail	1	0	0	0	0
7	Conflict with the people	2	0	0	0	0

2006: The Armed Forces is still untouchable of political control and the law

In 2006, professionalism in the Armed Forces (AF) does not show significant improvement. The AF is still intouchable, from human rights accountability, due to their involvement in human rights violation cases. In addition, member of the AF, they frequently involve in cases as follow: gun down, torture, arrest or illegal confiscation. In many criminal cases, there is a

number of AF's member involved, in case of drugs or firearms scandals. This poor record has made reform in the AF still difficult.

Military institution is still powerful in political environment in Indonesia. This is obvious since they always want to protect their members involved in human rights violations case as well as criminal acts. For example, the investigation made by the Committee for Human Rights Violations Investigation on human rights violations in Talangsari, kidnapping activists in 1998, Trisakti and Semanggi case. Their resistance is also clear as Ministry of Defense does not want to approve the new draft of Military Court Law. The new law says that member of the army should go to public court if they commit civilian criminal acts. It is obvious then that they disobey the civilian authority. It also shows that civilian authority could not make correction on military violence and military hegemony. The two has led military institution to be independent institution. Lately, political standpoint of former Vice-President Try Sutrisno, i.e asking a new president, has reflected such situation.

Kontras has recorded 27 events with 45 violence acts involving member of the army. The events are everywhere across Indonesia. The most frequently criminals are torturing and shooting, some of them led to death, including woman and children.

There is interesting case. For example, the wife of the perpetrator is becoming victims of violence inside the house. In addition, we have other cases such as prohibiting coverage made by the journalists including violence acts to the journalists and destroying journalists' equipment. In many cases, violence is a supporting mean for members of the army when they commit criminal acts such as kidnapping for blackmail. We also had cruel treatment case made by the members of the army to children when they performed side job as security guards in a house complex. In some cases, economic interest is the reason behind violence acts. In conflict regions such as in Aceh and Papua, sweeping activity by the army is still exist. It shows that the army does not fully understand the peace process in Aceh.

Military officers also involve in 36 criminal acts in many places. The most frequently cases are drugs, stealing, and robbery. In case of drugs, the involvement ranges from user, member of syndicate or becoming a dealer.

In addition, the involvement of military members can be seen in headline cases such as fire arms usage for robbery and stealing with violence. Military members also associated in car stealing, illegal logging and drugs as well as alcohol drinks consumption, which led to violence acts. There is also a member of the army doing provocation using ethnic group, religion and race issues. In other case, member of the army plays a role in bank robbery. Surprisingly, the army member is working as security guard in the bank. It proves that employing army member does not guarantee security.

Apart from their conflict with civilians, member of the armed forces frequently engages in fighting or battle with their colleagues from the National Police. Based on the data, we had 12 cases in this category with 4 people died and 13 wounded. The most important lessons from this are as follows. First, conflict between the army and the police often takes place without operational security reason or national defence. It happens due to simple things such as misunderstanding in responding greetings from the other side. Second, the conflict usually associated with lower rank officers from both sides. They are usually officers in duty and have access on weapons and firearms. Lastly, the conflict usually takes place in insecure

places, where the army and the police should provide security, such as in Mamuju, West Sulawesi, in Poso, Central Sulawesi, in Ambon, Maluku, and in Atambua, East Nusa Tenggara.

This year also shows excessive weapons possession, higher than normal level (as in the case of Brigadier General Koesmayadi). The case is only a tip of the iceberg of similar cases in Indonesia. Based on Kontras' record, in 2006, there were many guns possession cases. It covers illegal possession, illegal trading or found with unidentified owner.

Some notes from above mentioned events. First, in addition to Koesmayadi, a higher-level officer in the army, firearms possession is also exist in member of the family of the previous government officials. For example, Ari Sigit, grandson of former President Soeharto, is found keeping some bullets given by his grandfather. Second, in case of illegal trading, the perpetrators are lower level armed forces officer. Those weapons were sold to conflict region such as Papua and Aceh and even to rebel groups in Sri Lanka. Third, regular people find weapons with unidentified owner frequently by coincidence. Some of these weapons are found in public places such railway station or landing strip. Fourth, based on those findings, we can conclude that someone is hiding those weapons in purpose.

Among those violence acts, criminal acts, firearms scandal involving member of the army, only few cases are solved. Many of the cases remain unclear. There is no sufficient information on the case. Sometimes, the media is not allowed to cover criminal case involving member of the army. It shows that solution offered by military court does not guarantee accountability and transparency.

2006: A year full of terror for civilian in Poso

The year of 2006 is the most difficult year for people in Poso. Terror takes place in many forms. Many violence acts such as shooting, explosion, threat, propaganda, arrest, confiscation and torture have increased compared to 2005. In addition to this, there is provocative act of the government official disregarding protection to the people. Tense is increasing and they keep being that way by showing religious symbols, provocation or threat in the name of religion while it is clear there is no religious conflict. The state has allowed the involvement of government officer is deeper and deeper.

The increasing trend of violence acts this year is seen through the quantity and category of the violence. There are 68 cases, mainly terror activity to the people. There are 19 bomb explosions and 6 bombs are found, all are unexploded. Threat, propaganda, arson, act of damaging is also in increasing trend. As a result, seven people died due to bomb explosion and shooting. One of the victims is a priest from Christian Church of Central Sulawesi. Unidentified person in public place gunned her down. Despite there are many violence acts, law supremacy remains unclear. Comprehensive law uphold from the law servants is not there. Accountability is poor and security officers are not accommodative in viewing the situation. As a result, there is conflict between the people and the police/the army. We had 6 cases in this category with two people died and one people wounded. In Poso, conflict also takes place among security officers due to simple issues. There are 2 cases with this category.

Meanwhile, the government is still using partial method in solving the conflict started in 1998. After pro and cons, the government executed Fabianus Tibo, Dominggus da Silva and Marinus Riwu. The three considered as the main actor of the 1998 conflict. In fact, apart from its human right violations, death penalty to Tibo, da Silva and Riwu has closed the possibility

to investigate the real actors involved in the beginning of the conflict in 1998. It is obvious, as the investigation of 11 names mentioned by Tibo in the court is no longer in progress. Moreover, the death penalty has not stopped terror and violence acts in Poso.

The unwillingness of the security officers to end the conflict and to prosecute the actors is seen through the act of damaging of the evidences. It is recorded, at least two times, the authorities has destroyed firearms. However, out of five firearms finding cases, handmade or military standard weapons, there are 206 handmade guns, 13 military standard weapons, 1353 ammunitions, 65 handmade bombs and 5 grenades. The findings do not necessary mean violence discontinuation in Poso. The findings should be the initial information to the current violence activities. The police do not want to find the supplier and user of those weapons.

The security officers has digged up cemeteries and conducted reconstruction on several past events independently, without involving the National Commission on Human Rights and independent experts and without following standard procedure. It is worried that such activity would bury the truth of the real situation.

Terrorism is becoming political commodity. Inappropriate idea in solving problem in Poso has led to poor arrest and confiscation to the alleged people using the Law on Antiterrorism. It is recorded that there are at least three illegal arrest which caused 7 people wounded. However, the perpetrator is free since he is proven not guilty. Meanwhile, the Central Jakarta District Court has conducted trial to three defendants namely Ipong Yusuf, Andi Makasaw and Reyfendi. However, based on the testimony made by the defendants, it is obvious that they had been tortured before they made confession. The court has also conducted trial on murder case to high school students last year. The Law on Antiterrorism also charges the defendants. Terrorism issue will always be there as the police recently announced 29 names as “Most Wanted Persons”. The problem in Poso is being simplified as terrorism activities. It is becoming a model in Indonesia. This is also because the United States continuously provides assistances to the Indonesian police including Anti Terror Special Squad (Detasemen Khusus 88) in global anti terrorism project.

DATA on VIOLENCE in Poso, 2006

No	Events	Number of cases	Victims		Remarks
			Died	Wounded	
1	Illegal arrest/confiscation	3	0	7	Usually, the victims were arrested with charge as violence actor in Poso. However, after legal process, they could not prove the charge.
2	Bombing	19	2	1	There is increasing trend as there were only 9 cases in 2005
3	Bomb finding	6	0	0	
4	Threat/ Propaganda	18	0	0	Bomb terror, short message service to provoke anger and conflict, gunshot.
5	Shooting	4	2	1	Committed by unidentified person
6	Torture	1	0	3	
7	Conflict between the people versus	6	1	3	Usually happens since the security officers are not transparent and not

	security officers (the army/the police)				accommodative in viewing the situation in the field and the society.
8	Arson/ Act of damaging	8	0	0	Usually committed by unidentified person
9	Conflict among security officers	2	0	0	Due to simple things
10	Murder	1	2	0	Murder case to one person in Masamba
	TOTAL	68	7	15	

Source: KontraS database, processed from various sources

Concluding remarks

In the year 2006, human rights issues develop in limited public spaces. In the daily life of formal institutions, human rights issue is only in the level of discourse or rhetoric speech of formal political state institutions. Human right is not becoming political agenda of the state. As a result, the politics of the state is under the power of capital and economic interest and has been damaged by some people who want to establish an authority based on sectarian ideology. Meanwhile, people from the past have successfully built impunity condition, de facto and de jure. As a result, KontraS demands high state institutions to discontinue political practices that could prevent human rights supremacy.

We hereby submit this final year reflection. Thank you.

Jakarta, 26 December 2006