



United Nations

Office of the Resident/Humanitarian Coordinator in Indonesia

# PRESS RELEASE

**Press Statement of  
the Special Representative of the Secretary General on the Situation of  
Human Rights Defenders, Ms Hina Jilani,  
concluding her visit to Indonesia (5-12 June 2007)**

The Special Representative of the Secretary General on the situation of human rights defenders conducted an official mission to Indonesia from 5-12 June 2007 at the invitation of the government of Indonesia. The Special Representative thanks the government for extending her the invitation and for its cooperation during her mission.

The purpose of the visit was to assess the situation of human rights defenders in the light of the principles set forth in the Declaration on Human Rights Defenders adopted by the United Nations General Assembly in 1998. An examination of the legal framework in the country, the institutional policies and the mechanisms for promotion and protection of human rights were of particular importance to this assessment. The Special Representative also sought further information on cases brought to her attention of human rights defenders who were, reportedly, targeted for carrying out activities in the defence of human rights.

During the mission, the Special Representative visited Jakarta, Jayapura in West Papua and Banda Aceh. She met with government officials, members of the judiciary and the parliament, and with representatives of institutions concerned with the protection of human rights in the capital and in the two Provinces. She regrets that she did not get the opportunity of a meeting with His Excellency President Susilo Bambang Yudhoyono. She hopes that the ministers of his cabinet and other officials whom she has met will convey to the President her concerns so that these issues receive attention at the highest level of government.

The Special Representative also met with a broad section of the civil society and human rights defenders engaged with a wide range of human rights issues. These included members of non-governmental organizations, lawyers, farmers' organizations, labour leaders, women human rights defenders, LGBTI rights activists and leaders of indigenous communities.

The situation she has observed indicates that the prospects for the promotion of human rights had been considerably improved in the recent past. She notes that several positive steps have already been taken to strengthen the legal and institutional framework for the promotion of human rights. She particularly mentions the Constitutional changes in 2002 that guarantee human rights and fundamental freedoms, the enactment of the Human Rights Act of 1999 and the Witness Protection Act of 2006. The establishment of the Ad hoc Human Rights Courts, the National Human Rights Commission (Komnas HAM), the National Commission on Violence Against Women

(Komnas Perempuan) and the adoption of the National Plan of Action are important developments.

She has, however, observed that there are serious constraints on the functioning of many of these organizations and their ability to fulfil their mandates effectively. These shortcomings have resulted from lack of interagency cooperation and coordination that has limited the impact on the situation of human rights in general. She also notes that there is a resistance to changing attitudes and institutional culture which has made it difficult for these institutions to make a full commitment to eliminate impunity for human rights violations. In the light of her discussions with concerned authorities in Jakarta and the Provinces, she observes that there is even less commitment to removing impunity

for past abuses. In this context, she is mindful of the several cases she has communicated to the government in the past six years on which there is still no progress.

Nevertheless, the Special Representative is encouraged by the willingness of many within the government to acknowledge the gaps and to continue the efforts to remove the obstacles in implementing human rights as well as the systemic problems that have prevented a faster pace of progress in achieving the objectives of the reforms.

It is, however, to be noted that many of these measures that relate to human rights in general may create awareness on the role of human rights defenders and facilitate their work, but they do not address the serious issue of their protection. No concrete initiatives have yet been taken to enact laws, to create institutions and to institute procedures that deal directly with the protection of human rights defenders or with accountability for any harm or arbitrary action against them. The only initiative that she knows of which is of relevance to the protection of human rights defenders is the programme on Women Human Rights Defenders initiated by the Komnas Perempuan.

The Special Representative strongly recommends the setting up of mechanisms to investigate complaints of violations committed against human rights defenders when they are conducting activities for advocacy and monitoring, or are reporting on human rights violations. She also urges the government to review administrative procedures in order to remove restrictive regulations that impede the right of defenders to freedom of assembly and of association. She further recommends that procedures be instituted to prevent the prosecution of human rights defenders aimed at their harassment for conducting activities that are legitimately a part of their function for the defence of human rights. For this purpose, it is important also to sensitize the judicial and prosecutorial officials as well as the police so that human rights activities are not criminalized.

In the light of the policy of decentralization, there is a need for sensitizing local authorities, creating awareness on the rights of defenders and building the capacity of local government to maintain systems, and make laws for the protection of defenders. The Special Representative particularly recommends that better system of coordination and support be created within the Komnas HAM in order to ensure that the regional representatives are able to perform effectively. They must receive full and timely support of the Commission if there is interference in their functioning or they are at risk in their regions.

The Special Representative is particularly concerned about the lack of protection for defenders who are engaged with issues that are socially sensitive such as the rights of LGBTI persons or public awareness on HIV/AIDS. She also urges the government to address the issue of their stigmatization and to take measures to discourage this trend.

The Special Representative has taken particular interest in the progress regarding the killing of Munir, the prominent human rights defender. While she notes that there are recent developments indicating efforts of the government to bring perpetrators to justice, she is deeply concerned at apprehensions expressed by defenders that the course of justice may be influenced to protect the perpetrators of this crime. The Special Representative finds this extremely worrying and advises the government to ensure that justice is done to the satisfaction of all concerned. She reminds the government that this case represents the situation of the human rights community in general and is a test of the government's will to protect defenders in the country. She fears that any lapses in the conclusion of this case would make all human rights defenders throughout the country insecure.

The Special Representative is deeply concerned by the testimonies that she has heard indicating the continuing activities of the police, the military and other security and intelligence agencies that are aimed at harassment and intimidation of defenders or to restrict their access to victims and to sites of human rights violations.

She found this trend more pronounced in the Province of West Papua. She has heard credible reports of incidents that involve arbitrary detention, torture, harassment through surveillance, interference with the freedom of movement and in defenders' efforts to monitor and investigate human rights violations. She was also informed of cases where human rights defenders were threatened with prosecution by members of the police and the military. It was alleged that when defenders have attempted to register their complaints, this has been denied and the defenders threatened. She is also concerned about complaints that defenders working for the preservation of the environment and the right over land and natural resources frequently receive threats from private actors with powerful economic interest, but are granted no protection by the police. She is particularly disturbed by allegations that when defenders expose abuse of authority or other forms of human rights violations committed by the security apparatus, they are labelled as separatists in order to undermine their credibility. The Special Representative believes that this trend places human rights defenders at greater risk and must be discouraged by the concerned authorities.

The concerns of the Special Representative regarding the situation of human rights defenders in West Papua persist despite the assurance to her by the Military Commander and the Chief of police in Papua that there was no institutional policy to target defenders. She has recommended improvement in the mechanisms in order to ensure more credible oversight and accountability of police, the military and the intelligence apparatus. She has also recommended the creation of special complaint cells for registering and redressing incidents of harm or threats to human rights defenders.

The Special Representative was greatly encouraged by the improvement in the situation of human rights defenders in Aceh. She was informed that generally there is more scope now for the defenders to carry out their activities and that defenders' participation in peace building initiatives was sought, even though it is still as a formality. She was, nevertheless, informed of cases where human rights defenders and their activities were

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subjected to surveillance by intelligence agencies and to unauthorized interference by the police. Concerns were also raised with her regarding the situation of women human rights defenders. According to these defenders, their activities and safety have been adversely affected by laws, policies and a social environment that place restraints on their freedom of movement and expression. She, therefore, believes that legal and institutional arrangements for protection of defenders must be a priority so that they are able to play their vital role for sustainable peace and development.

The Special Representative will present her report on this mission to the United Nations Human Rights Council, and will make detailed recommendations for the consideration of the government. She looks forward to a sustained dialogue with the government, and hopes that there will be a more uniform progress on the protection of /human rights defenders in **all** parts of the country.

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