



human rights *first*

THE NEW NAME OF

LAWYERS COMMITTEE FOR HUMAN RIGHTS

President Susilo Bambang Yudhoyono
Office of the President
Istana Merdeka
Jakarta 10110
Indonesia

Dear President Yudhoyono:

We would like to take this opportunity to offer our congratulations on the first day of your administration. We hope that the mandate you have from Indonesia's first direct presidential elections will allow your administration to advance the process of *reformasi* begun under Indonesia's post-New Order presidents.

We urge you to put human rights at the top of your agenda. We appreciate the importance you have attached to this area, including your pledge to appoint a civilian defense minister who understands democracy and human rights. In particular, we urge you to support and protect human rights defenders as one of the most effective ways to ensure sustained improvement in human rights conditions throughout the country. The 1998 U.N. Declaration on Human Rights Defenders reaffirmed that everyone has the right "freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms."

However, despite Indonesia's advances in electoral democracy and respect for freedom of expression, defenders in Indonesia are at heightened risk of persecution and attack as a result of several factors:

- indiscriminate measures by state agents ostensibly designed to confront terrorism
- military operations in Aceh and Papua
- a variety of efforts to intimidate activists through libel suits and physical attacks
- continued impunity for past attacks

We urge your administration to address each of these critical areas in your first 100 days and throughout your administration.

Counterterrorism and attacks on defenders: Many Indonesian human rights NGOs report a link between counterterrorism measures and increasing restrictions on defenders. Those speaking out for the rights of detainees have been accused of supporting terrorists, while the intelligence chief irresponsibly referred to 20 domestic and international NGOs as threats to national security for their nonviolent activities in support of human rights and democracy. We note with some concern your recent comment that it "is not the hope of the Indonesian people to put human rights as absolute. There must be a balance between

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liberty and security, between freedom and order, between rights and responsibility." Without discounting in any way the importance of addressing terrorism, we feel strongly that, whether in Indonesia or the United States, sacrificing liberty for security all too often results in the loss of both. As U.N. Secretary-General Kofi Annan noted at the time of the adoption of the U.N. Declaration on Human Rights Defenders: "...when the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe." In particular, we urge you to denounce statements labeling human rights advocates as security threats and to avoid counterterrorism measures that may infringe on the rights of defenders and all Indonesians. In addition to the existing antiterrorism law (which is still awaiting promised amendments), these measures may include the draft intelligence bill and the proposed National Security Council, whose powers are as yet undefined.

Defenders in Aceh: While martial law has been downgraded to civil emergency status, there continue to be reports of arrests, killings, torture, and unfair trials. Many human rights defenders have fled the area, and others have been arrested for violating restrictive martial law provisions. We are encouraged by indications that you will seek a political rather than military solution to the conflict in Aceh and urge you to involve members of civil society, including human rights defenders, in the search for peace. Respect for human rights, and protection for those who defend rights, is a necessary component of a resolution to the conflict in Aceh.

Defenders in Papua: Volunteers and staff of the NGO ELSHAM have faced repeated threats and other forms of intimidation in connection with their work representing victims and investigating human rights abuses. Military operations and police investigations recently began in the Timika area to capture Antonius Wamang, a suspect in the 2002 killings near the Freeport mining area. These operations should not be used to intimidate NGO activists or other civilians. They should also not take the place of an independent inquiry based on initial police findings that the army may have had a role in the killings.

Attacks on Jakarta NGOs: Over the last few years there have been a series of mob attacks on the offices of Jakarta-based NGOs. In late May 2003, mysterious protesters gathered outside PBHI's office and assaulted a staff member who went to listen to their grievances. KontraS has been attacked several times in recent years by suspicious groups including a paramilitary group linked to the Indonesian armed forces. Prosecutors have yet to take action despite extensive eyewitness testimony and other evidence. Open attacks on prominent human rights organizations in the capital raise fears that grassroots activists in the regions may be even more vulnerable to intimidation.

Intimidation by litigation: Intelligence chief A.M. Hendropriyono filed a pair of million dollar libel suits against two well-known activists for claiming that the State Intelligence Agency has a pattern of harassing NGOs instead of working to prevent terrorist attacks. Organizations in Papua have also been sued by military officers in connection with comments on the Freeport killings. Taken together with the recent *Tempo* criminal defamation suit and other local suits, these cases could signal a worrying trend towards the harassment of human rights defenders and government critics through the courts. This trend is especially disappointing given the advances in freedom of association and the press during the *reformasi* era. We urge the new administration to clarify to officials that criticism of government policies or performance is a protected and important part of promoting good governance and to help ensure that the judiciary is sufficiently independent and well-trained to avoid being used as a tool for personal vendettas.

Continued impunity for prior killings: We urge you in the strongest terms not to let past human rights abuses go unpunished. The terrible precedent of the failure to prosecute anyone for the killings of activists has only encouraged repeated acts of violence. Past victims include Jafar Siddiq Hamzah in August 2000, three RATA staff members on December 6, 2000, and PB HAM staff in May 2003, all in Aceh. Their deaths demonstrate the need for such crucial reforms as independent investigations of police and military suspects, a far more independent judiciary, and adequate witness protection. Full accountability for serious violations of human rights in the past serves to deter further such violations.

We hope you will consider these recommendations, and we wish you every success in leading Indonesia towards consolidation of democracy and the rule of law and enhanced respect for the human rights of all.

Sincerely,



Neil Hicks
Director of International Programs